

As Reported by the Committee of Conference

136th General Assembly

Regular Session

2025-2026

Am. Sub. H. B. No. 96

Representative Stewart

**Cosponsors: Representatives Bird, John, Click, Creech, Daniels, Demetriou,
Dovilla, Ghanbari, Hall, T., McClain, Miller, K., Miller, M., Plummer, Santucci,
Thomas, D., Williams, Willis, Young
Senators Brenner, Cirino, Gavarone, Johnson, Lang, Roegner, Romanchuk**

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5705.132, 5705.14, 5705.194, 5705.199, 5705.21, 5705.212,	610
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5705.2114, 5705.221, 5705.222, 5705.233, 5705.25, 5705.251,	612
5705.261, 5705.27, 5705.28, 5705.29, 5705.30, 5705.31, 5705.314,	613
5705.32, 5705.321, 5705.35, 5705.36, 5705.37, 5705.38, 5705.391,	614
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5726.03, 5726.20, 5726.61, 5726.98, 5727.111, 5727.26, 5727.38,	617
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5739.07, 5739.09, 5739.092, 5739.101, 5739.12, 5739.13,	620
5739.132, 5739.31, 5743.021, 5743.024, 5743.081, 5743.323,	621
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5743.62, 5743.63, 5743.64, 5745.03, 5745.04, 5745.09, 5745.12,	623
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5747.063, 5747.064, 5747.07, 5747.071, 5747.08, 5747.09,	625

5747.10, 5747.13, 5747.38, 5747.39, 5747.40, 5747.43, 5747.502, 626
5747.51, 5747.72, 5747.85, 5747.86, 5747.98, 5748.01, 5748.02, 627
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5907.11, 5907.17, 5923.30, 6101.53, 6101.54, 6101.55, 6111.01, 630
and 6111.04 be amended; sections 103.412 (103.411), 103.414 631
(103.412), 103.73 (109.39), 122.66 (5101.311), 122.67 632
(5101.312), 122.68 (5101.313), 122.681 (5101.314), 122.69 633
(5101.315), 122.70 (5101.316), 122.701 (5101.317), 122.702 634
(5101.318), 3517.152 (3517.14), 3517.153 (3517.15), 3517.154 635
(3517.16), 3517.155 (3517.17), 3517.157 (3517.18), 3517.992 636
(3517.99), 3517.993 (3517.171), 3701.65 (5180.72), 3738.01 637
(5180.27), 3738.02 (5180.271), 3738.03 (5180.272), 3738.04 638
(5180.273), 3738.05 (5180.274), 3738.06 (5180.275), 3738.07 639
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(5180.704), 5101.85 (5180.50), 5101.851 (5180.51), 5101.853 655
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(5180.514), 5101.88 (5180.53), 5101.881 (5180.531), 5101.884 657

(5180.532), 5101.885 (5180.533), 5101.886 (5180.534), 5101.887 658
(5180.535), 5101.889 (5180.57), 5101.8811 (5180.536), 5101.8812 659
(5180.56), 5104.50 (5180.04), and 5180.40 (5180.73) be amended 660
for the purpose of adopting new section numbers as indicated in 661
parentheses; and new sections 103.41, 107.034, 3313.902, 662
3313.905, 3314.38, 3321.191, 3333.0415, 3345.86, 3517.991, and 663
3780.22 and sections 5.62, 9.05, 9.561, 9.64, 9.691, 106.025, 664
106.026, 106.033, 111.29, 118.29, 121.16, 122.1712, 122.1713, 665
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3310.413, 3310.523, 3311.242, 3313.536, 3313.6031, 3313.6032, 673
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5180.99, 5303.34, 5703.83, 5705.17, 5705.316, 5705.60, 5709.89, 689

5726.62, 5743.511, 5743.521, 5743.621, 5743.631, 5747.073, 690
5747.124, and 5747.87 of the Revised Code be enacted to read as 691
follows: 692

Sec. 3.15. (A) Except as otherwise provided in division 693
(B) of this section, at all times during one's term of office: 694

(1) Each member of the general assembly ~~and each elected~~ 695
~~voting member of the state board of education~~ shall be a 696
resident of the district the member represents. 697

(2) Each judge and each elected officer of a court shall 698
be a resident of the territory of that court. 699

(3) Each person holding an elective office of a political 700
subdivision shall be a resident of that political subdivision. 701

(4) Each member of a municipal legislative authority who 702
represents a ward shall be a resident of the ward the member 703
represents, and each member of a board of education of a city 704
school district who represents a subdistrict shall be a resident 705
of the subdistrict the member represents. 706

(B) Any person who fails to meet any of the requirements 707
of division (A) of this section that apply to the person shall 708
forfeit the office. Division (A) of this section applies to 709
persons who have been either elected or appointed to an elective 710
office. Division (A) of this section does not apply to a member 711
of the general assembly ~~or the state board of education~~, to a 712
member of a municipal legislative authority who represents a 713
ward, or to a member of a board of education of a city school 714
district who represents a subdistrict, during the remainder of 715
the member's existing term of office after there is a change in 716
the member's district's, ward's, or subdistrict's boundaries 717
that leaves the member's permanent residence outside the 718

district, ward, or subdistrict. 719

Sec. 5.62. (A) The month of June is designated as 720
"Responsible Fatherhood Month" to recognize the importance of 721
fathers in their children's lives, how fathers contribute to 722
their children's safety and stability, and the direct link 723
between positive father involvement and child well-being. 724

(B) The department of children and youth, local 725
governments, and other agencies are encouraged to sponsor events 726
to promote awareness of responsible fatherhood engagement and 727
the contributions fathers make in the lives of their children. 728

Sec. 9.03. (A) As used in this section: 729

(1) "Political subdivision" means any body corporate and 730
~~politic, except a municipal corporation that has adopted a~~ 731
~~charter under Section 7 of Article XVIII, Ohio Constitution, and~~ 732
~~except a county that has adopted a charter under Sections 3 and~~ 733
~~4 of Article X, Ohio Constitution,~~ to which both of the 734
following apply: 735

(a) It is responsible for governmental activities only in 736
a geographic area smaller than the state. 737

(b) It is subject to the sovereign immunity of the state. 738

(2) "Cigarettes" and "tobacco product" have the same 739
meanings as in section 5743.01 of the Revised Code. 740

(3) "Transaction" has the same meaning as in section 741
1315.51 of the Revised Code. 742

(4) "Campaign committee," "campaign fund," "candidate," 743
"legislative campaign fund," "political action committee," 744
"political committee," "political party," and "separate 745
segregated fund" have the same meanings as in section 3517.01 of 746

the Revised Code. 747

(B) Except as otherwise provided in division (C) of this 748
section, the governing body of a political subdivision may use 749
public funds to publish and distribute newsletters, or to use 750
any other means, to communicate information about the plans, 751
policies, and operations of the political subdivision to members 752
of the public within the political subdivision and to other 753
persons who may be affected by the political subdivision. 754

(C) Except as otherwise provided in division (A) (7) of 755
section 340.03 of the Revised Code, no governing body of a 756
political subdivision shall use public funds to do any of the 757
following: 758

(1) Publish, distribute, or otherwise communicate 759
information that does any of the following: 760

(a) Contains defamatory, libelous, or obscene matter; 761

(b) Promotes alcoholic beverages, cigarettes or other 762
tobacco products, or any illegal product, service, or activity; 763

(c) Promotes illegal discrimination on the basis of race, 764
color, religion, national origin, disability, age, or ancestry; 765

(d) Supports or opposes any labor organization or any 766
action by, on behalf of, or against any labor organization; 767

(e) Supports or opposes the nomination or election of a 768
candidate for public office, the investigation, prosecution, or 769
recall of a public official, or the passage of a levy or bond 770
issue. 771

(2) Compensate any employee of the political subdivision 772
for time spent on any activity to influence the outcome of an 773
election for any of the purposes described in division (C) (1) (e) 774

of this section. Division (C) (2) of this section does not 775
prohibit the use of public funds to compensate an employee of a 776
political subdivision for attending a public meeting to present 777
information about the political subdivision's finances, 778
activities, and governmental actions in a manner that is not 779
designed to influence the outcome of an election or the passage 780
of a levy or bond issue, even though the election, levy, or bond 781
issue is discussed or debated at the meeting. 782

(D) Except as otherwise provided in division (A) (7) of 783
section 340.03 of the Revised Code or in division (E) of this 784
section, no person shall knowingly conduct a direct or indirect 785
transaction of public funds to the benefit of any of the 786
following: 787

- (1) A campaign committee; 788
- (2) A political action committee; 789
- (3) A legislative campaign fund; 790
- (4) A political party; 791
- (5) A campaign fund; 792
- (6) A political committee; 793
- (7) A separate segregated fund; 794
- (8) A candidate. 795

(E) Division (D) of this section does not prohibit the 796
utilization of any person's own time to speak in support of or 797
in opposition to any candidate, recall, referendum, levy, or 798
bond issue unless prohibited by any other section of the Revised 799
Code. 800

(F) Nothing in this section prohibits or restricts any 801

political subdivision from sponsoring, participating in, or 802
doing any of the following: 803

(1) Charitable or public service advertising that is not 804
commercial in nature; 805

(2) Advertising of exhibitions, performances, programs, 806
products, or services that are provided by employees of a 807
political subdivision or are provided at or through premises 808
owned or operated by a political subdivision; 809

(3) Licensing an interest in a name or mark that is owned 810
or controlled by the political subdivision. 811

(G) Whoever violates division (D) of this section shall be 812
punished as provided in section 3599.40 of the Revised Code. 813

Sec. 9.05. (A) As used in the Revised Code: 814

(1) "Boy" means a juvenile human male. 815

(2) "Female" means a person belonging, at conception, to 816
the sex that produces the large reproductive cell. 817

(3) "Gender identity" means an individual's internal and 818
subjective sense of self, disconnected from biological reality 819
and sex and existing on an infinite continuum, that does not 820
provide a meaningful basis for identification and cannot be 821
recognized as a replacement for sex. 822

(4) "Girl" means a juvenile human female. 823

(5) "Male" means an individual belonging, at conception, 824
to the sex that produces the small reproductive cell. 825

(6) "Man" means an adult human male. 826

(7) "Sex" means the biological indication of male and 827
female, including sex chromosomes, naturally occurring sex 828

hormones, gonads, and nonambiguous internal and external 829
genitalia present at birth, without regard to an individual's 830
psychological, chosen, or subjective experience of gender. 831

(8) "Woman" means an adult human female. 832

(B) It is the policy of the state of Ohio to recognize two 833
sexes, male and female. These sexes are not changeable and are 834
grounded in fundamental and incontrovertible reality. 835

Sec. 9.07. (A) As used in this section: 836

(1) "Deadly weapon" has the same meaning as in section 837
2923.11 of the Revised Code. 838

(2) "Governing authority of a local public entity" means 839
whichever of the following is applicable: 840

(a) For a county, the board of county commissioners of the 841
county; 842

(b) For a municipal corporation, the legislative authority 843
of the municipal corporation; 844

(c) For a combination of counties, a combination of 845
municipal corporations, or a combination of one or more counties 846
and one or more municipal corporations, all boards of county 847
commissioners and legislative authorities of all of the counties 848
and municipal corporations that combined to form a local public 849
entity for purposes of this section. 850

(3) "Local public entity" means a county, a municipal 851
corporation, a combination of counties, a combination of 852
municipal corporations, or a combination of one or more counties 853
and one or more municipal corporations. 854

(4) "Non-contracting political subdivision" means any 855

political subdivision to which all of the following apply: 856

(a) A correctional facility for the housing of out-of- 857
state prisoners in this state is or will be located in the 858
political subdivision. 859

(b) The correctional facility described in division (A) (4) 860
(a) of this section is being operated and managed, or will be 861
operated and managed, by a local public entity or a private 862
contractor pursuant to a contract entered into prior to March 863
17, 1998, or a contract entered into on or after March 17, 1998, 864
under this section. 865

(c) The political subdivision is not a party to the 866
contract described in division (A) (4) (b) of this section for the 867
management and operation of the correctional facility. 868

(5) "Out-of-state jurisdiction" means the United States, 869
any state other than this state, and any political subdivision 870
or other jurisdiction located in a state other than this state. 871

(6) "Out-of-state prisoner" means a person who is 872
convicted of a crime in another state or under the laws of the 873
United States or who is found under the laws of another state or 874
of the United States to be a delinquent child or the 875
substantially equivalent designation. 876

(7) "Private contractor" means either of the following: 877

(a) A person who, on or after March 17, 1998, enters into 878
a contract under this section with a local public entity to 879
operate and manage a correctional facility in this state for 880
out-of-state prisoners. 881

(b) A person who, pursuant to a contract with a local 882
public entity entered into prior to March 17, 1998, operates and 883

manages on March 17, 1998, a correctional facility in this state 884
for housing out-of-state prisoners. 885

(B) Subject to division (I) of this section, the only 886
entities other than this state that are authorized to operate a 887
correctional facility to house out-of-state prisoners in this 888
state are a local public entity that operates a correctional 889
facility pursuant to this section or a private contractor that 890
operates a correctional facility pursuant to this section under 891
a contract with a local public entity. 892

Subject to division (I) of this section, a private entity 893
may operate a correctional facility in this state for the 894
housing of out-of-state prisoners only if the private entity is 895
a private contractor that enters into a contract that comports 896
with division (D) of this section with a local public entity for 897
the management and operation of the correctional facility. 898

(C) (1) Except as provided in this division, on and after 899
March 17, 1998, a local public entity shall not enter into a 900
contract with an out-of-state jurisdiction to house out-of-state 901
prisoners in a correctional facility in this state. On and after 902
March 17, 1998, a local public entity may enter into a contract 903
with an out-of-state jurisdiction to house out-of-state 904
prisoners in a correctional facility in this state only if the 905
local public entity and the out-of-state jurisdiction with which 906
the local public entity intends to contract jointly submit to 907
the department of rehabilitation and correction a statement that 908
certifies the correctional facility's intended use, intended 909
prisoner population, and custody level, and the department 910
reviews and comments upon the plans for the design or renovation 911
of the correctional facility regarding their suitability for the 912
intended prisoner population specified in the submitted 913

statement. 914

(2) If a local public entity and an out-of-state 915
jurisdiction enter into a contract to house out-of-state 916
prisoners in a correctional facility in this state as authorized 917
under division (C)(1) of this section, in addition to any other 918
provisions it contains, the contract shall include whichever of 919
the following provisions is applicable: 920

(a) If a private contractor will operate the facility in 921
question pursuant to a contract entered into in accordance with 922
division (D) of this section, a requirement that, if the 923
facility is closed or ceases to operate for any reason and if 924
the conversion plan described in division (D)(16) of this 925
section is not complied with, the out-of-state jurisdiction will 926
be responsible for housing and transporting the prisoners who 927
are in the facility at the time it is closed or ceases to 928
operate and for the cost of so housing and transporting those 929
prisoners; 930

(b) If a private contractor will not operate the facility 931
in question pursuant to a contract entered into in accordance 932
with division (D) of this section, a conversion plan that will 933
be followed if, for any reason, the facility is closed or ceases 934
to operate. The conversion plan shall include, but is not 935
limited to, provisions that specify whether the local public 936
entity or the out-of-state jurisdiction will be responsible for 937
housing and transporting the prisoners who are in the facility 938
at the time it is closed or ceases to operate and for the cost 939
of so housing and transporting those prisoners. 940

(3) If a local public entity and an out-of-state 941
jurisdiction intend to enter into a contract to house out-of- 942
state prisoners in a correctional facility in this state as 943

authorized under division (C) (1) of this section, or if a local 944
public entity and a private contractor intend to enter into a 945
contract pursuant to division (D) of this section for the 946
private contractor's management and operation of a correctional 947
facility in this state to house out-of-state prisoners, prior to 948
entering into the contract the local public entity and the out- 949
of-state jurisdiction, or the local public entity and the 950
private contractor, whichever is applicable, shall conduct a 951
public hearing in accordance with this division, and, prior to 952
entering into the contract, the governing authority of the local 953
public entity in which the facility is or will be located shall 954
authorize the location and operation of the facility. The 955
hearing shall be conducted at a location within the municipal 956
corporation or township in which the facility is or will be 957
located. At least one week prior to conducting the hearing, the 958
local public entity and the out-of-state jurisdiction or private 959
contractor with the duty to conduct the hearing shall cause 960
notice of the date, time, and place of the hearing to be made by 961
publication in the newspaper with the largest general 962
circulation in the county in which the municipal corporation or 963
township is located. The notice shall be of a sufficient size 964
that it covers at least one-quarter of a page of the newspaper 965
in which it is published. This division applies to a private 966
contractor that, pursuant to the requirement set forth in 967
division (I) of this section, is required to enter into a 968
contract under division (D) of this section. 969

(D) Subject to division (I) of this section, on and after 970
March 17, 1998, if a local public entity enters into a contract 971
with a private contractor for the management and operation of a 972
correctional facility in this state to house out-of-state 973
prisoners, the contract, at a minimum, shall include all of the 974

following provisions: 975

(1) A requirement that the private contractor seek and 976
obtain accreditation from the American correctional association 977
for the correctional facility within two years after accepting 978
the first out-of-state prisoner at the correctional facility 979
under the contract and that it maintain that accreditation for 980
the term of the contract; 981

(2) A requirement that the private contractor comply with 982
all applicable laws, rules, or regulations of the government of 983
this state, political subdivisions of this state, and the United 984
States, including, but not limited to, all sanitation, food 985
service, safety, and health regulations; 986

(3) A requirement that the private contractor send copies 987
of reports of inspections completed by appropriate authorities 988
regarding compliance with laws, rules, and regulations of the 989
type described in division (D) (2) of this section to the 990
director of rehabilitation and correction or the director's 991
designee and to the governing authority of the local public 992
entity in which the correctional facility is located; 993

(4) A requirement that the private contractor report to 994
the local law enforcement agencies with jurisdiction over the 995
place at which the correctional facility is located, for 996
investigation, all criminal offenses or delinquent acts that are 997
committed in or on the grounds of, or otherwise in connection 998
with, the correctional facility and report to the department of 999
rehabilitation and correction all disturbances at the facility; 1000

(5) A requirement that the private contractor immediately 1001
report all escapes from the facility, and the apprehension of 1002
all escapees, by telephone and in writing to the department of 1003

rehabilitation and correction, to all local law enforcement 1004
agencies with jurisdiction over the place at which the facility 1005
is located, to the state highway patrol, to the prosecuting 1006
attorney of the county in which the facility is located, and to 1007
a daily newspaper having general circulation in the county in 1008
which the facility is located. The written notice may be by 1009
either facsimile transmission or mail. A failure to comply with 1010
this requirement is a violation of section 2921.22 of the 1011
Revised Code. 1012

(6) A requirement that the private contractor provide a 1013
written report to the director of rehabilitation and correction 1014
or the director's designee and to the governing authority of the 1015
local public entity in which the correctional facility is 1016
located of all unusual incidents occurring at the correctional 1017
facility. The private contractor shall report the incidents in 1018
accordance with the incident reporting rules that, at the time 1019
of the incident, are applicable to state correctional facilities 1020
for similar incidents occurring at state correctional 1021
facilities. 1022

(7) A requirement that the private contractor provide 1023
internal and perimeter security to protect the public, staff 1024
members of the correctional facility, and prisoners in the 1025
correctional facility; 1026

(8) A requirement that the correctional facility be 1027
staffed at all times with a staffing pattern that is adequate to 1028
ensure supervision of inmates and maintenance of security within 1029
the correctional facility and to provide for appropriate 1030
programs, transportation, security, and other operational needs. 1031
In determining security needs for the correctional facility, the 1032
private contractor and the contract requirements shall fully 1033

take into account all relevant factors, including, but not 1034
limited to, the proximity of the facility to neighborhoods and 1035
schools. 1036

(9) A requirement that the private contractor provide an 1037
adequate policy of insurance that satisfies the requirements set 1038
forth in division (D) of section 9.06 of the Revised Code 1039
regarding contractors who operate and manage a facility under 1040
that section, and that the private contractor indemnify and hold 1041
harmless the state, its officers, agents, and employees, and any 1042
local public entity in the state with jurisdiction over the 1043
place at which the correctional facility is located or that owns 1044
the correctional facility, reimburse the state for its costs in 1045
defending the state or any of its officers, agents, or 1046
employees, and reimburse any local government entity of that 1047
nature for its costs in defending the local government entity, 1048
in the manner described in division (D) of that section 1049
regarding contractors who operate and manage a facility under 1050
that section; 1051

(10) A requirement that the private contractor adopt for 1052
prisoners housed in the correctional facility the security 1053
classification system and schedule adopted by the department of 1054
rehabilitation and correction under section 5145.03 of the 1055
Revised Code, classify in accordance with the system and 1056
schedule each prisoner housed in the facility, and house all 1057
prisoners in the facility in accordance with their 1058
classification under this division; 1059

(11) A requirement that the private contractor will not 1060
accept for housing, and will not house, in the correctional 1061
facility any out-of-state prisoner in relation to whom any of 1062
the following applies: 1063

(a) The private entity has not obtained from the out-of- 1064
state jurisdiction that imposed the sentence or sanction under 1065
which the prisoner will be confined in this state a copy of the 1066
institutional record of the prisoner while previously confined 1067
in that out-of-state jurisdiction or a statement that the 1068
prisoner previously has not been confined in that out-of-state 1069
jurisdiction and a copy of all medical records pertaining to 1070
that prisoner that are in the possession of the out-of-state 1071
jurisdiction. 1072

(b) The prisoner, while confined in any out-of-state 1073
jurisdiction, has a record of institutional violence involving 1074
the use of a deadly weapon or a pattern of committing acts of an 1075
assaultive nature against employees of, or visitors to, the 1076
place of confinement or has a record of escape or attempted 1077
escape from secure custody. 1078

(c) Under the security classification system and schedule 1079
adopted by the department of rehabilitation and correction under 1080
section 5145.03 of the Revised Code and adopted by the private 1081
contractor under division (B)(10) of this section, the out-of- 1082
state prisoner would be classified as being at a security level 1083
higher than medium security. 1084

(12) A requirement that the private contractor, prior to 1085
housing any out-of-state prisoner in the correctional facility 1086
under the contract, enter into a written agreement with the 1087
department of rehabilitation and correction that sets forth a 1088
plan and procedure that will be used to coordinate law 1089
enforcement activities of state law enforcement agencies and of 1090
local law enforcement agencies with jurisdiction over the place 1091
at which the facility is located in response to any riot, 1092
rebellion, escape, insurrection, or other emergency occurring 1093

inside or outside the facility; 1094

(13) A requirement that the private contractor cooperate 1095
with the ~~correctional institution inspection committee attorney~~ 1096
~~general~~ in the ~~committee's~~ performance of ~~its~~ the attorney 1097
~~general's~~ duties under section ~~103.73-109.39~~ of the Revised Code 1098
and provide the ~~committee, its subcommittees, and its the~~ 1099
~~attorney general, including staff members,~~ in performing those 1100
duties, with access to the correctional facility ~~as described~~ 1101
~~in~~ for purposes of -that section; 1102

(14) A requirement that the private contractor permit any 1103
peace officer who serves a law enforcement agency with 1104
jurisdiction over the place at which the correctional facility 1105
is located to enter into the facility to investigate any 1106
criminal offense or delinquent act that allegedly has been 1107
committed in or on the grounds of, or otherwise in connection 1108
with, the facility; 1109

(15) A requirement that the private contractor will not 1110
employ any person at the correctional facility until after the 1111
private contractor has submitted to the bureau of criminal 1112
identification and investigation, on a form prescribed by the 1113
superintendent of the bureau, a request that the bureau conduct 1114
a criminal records check of the person and a requirement that 1115
the private contractor will not employ any person at the 1116
facility if the records check or other information possessed by 1117
the contractor indicates that the person previously has engaged 1118
in malfeasance; 1119

(16) A requirement that the private contractor will not 1120
accept for housing, and will not house, in the correctional 1121
facility any out-of-state prisoner unless the private contractor 1122
and the out-of-state jurisdiction that imposed the sentence for 1123

which the prisoner is to be confined agree that, if the out-of- 1124
state prisoner is confined in the facility in this state, 1125
commits a criminal offense while confined in the facility, is 1126
convicted of or pleads guilty to that offense, and is sentenced 1127
to a term of confinement for that offense but is not sentenced 1128
to death for that offense, the private contractor and the out- 1129
of-state jurisdiction will do all of the following: 1130

(a) Unless section 5120.50 of the Revised Code does not 1131
apply in relation to the offense the prisoner committed while 1132
confined in this state and the term of confinement imposed for 1133
that offense, the out-of-state jurisdiction will accept the 1134
prisoner pursuant to that section for service of that term of 1135
confinement and for any period of time remaining under the 1136
sentence for which the prisoner was confined in the facility in 1137
this state, the out-of-state jurisdiction will confine the 1138
prisoner pursuant to that section for that term and that 1139
remaining period of time, and the private contractor will 1140
transport the prisoner to the out-of-state jurisdiction for 1141
service of that term and that remaining period of time. 1142

(b) If section 5120.50 of the Revised Code does not apply 1143
in relation to the offense the prisoner committed while confined 1144
in this state and the term of confinement imposed for that 1145
offense, the prisoner shall be returned to the out-of-state 1146
jurisdiction or its private contractor for completion of the 1147
period of time remaining under the out-of-state sentence for 1148
which the prisoner was confined in the facility in this state 1149
before starting service of the term of confinement imposed for 1150
the offense committed while confined in this state, the out-of- 1151
state jurisdiction or its private contractor will confine the 1152
prisoner for that remaining period of time and will transport 1153
the prisoner outside of this state for service of that remaining 1154

period of time, and, if the prisoner is confined in this state 1155
in a facility operated by the department of rehabilitation and 1156
correction, the private contractor will be financially 1157
responsible for reimbursing the department at the per diem cost 1158
of confinement for the duration of that incarceration, with the 1159
amount of the reimbursement so paid to be deposited in the 1160
department's prisoner programs fund. 1161

(17) A requirement that the private contractor, prior to 1162
housing any out-of-state prisoner in the correctional facility 1163
under the contract, enter into an agreement with the local 1164
public entity that sets forth a conversion plan that will be 1165
followed if, for any reason, the facility is closed or ceases to 1166
operate. The conversion plan shall include, but is not limited 1167
to, provisions that specify whether the private contractor, the 1168
local public entity, or the out-of-state jurisdictions that 1169
imposed the sentences for which the out-of-state prisoners are 1170
confined in the facility will be responsible for housing and 1171
transporting the prisoners who are in the facility at the time 1172
it is closed or ceases to operate and for the cost of so housing 1173
and transporting those prisoners. 1174

(18) A schedule of fines that the local public entity 1175
shall impose upon the private contractor if the private 1176
contractor fails to perform its contractual duties, and a 1177
requirement that, if the private contractor fails to perform its 1178
contractual duties, the local public entity shall impose a fine 1179
on the private contractor from the schedule of fines and, in 1180
addition to the fine, may exercise any other rights it has under 1181
the contract. Division (F) (2) of this section applies regarding 1182
a fine described in this division. 1183

(19) A requirement that the private contractor adopt and 1184

use in the correctional facility the drug testing and treatment 1185
program that the department of rehabilitation and correction 1186
uses for inmates in state correctional institutions; 1187

(20) A requirement that the private contractor provide 1188
clothing for all out-of-state prisoners housed in the 1189
correctional facility that is conspicuous in its color, style, 1190
or color and style, that conspicuously identifies its wearer as 1191
a prisoner, and that is readily distinguishable from clothing of 1192
a nature that normally is worn outside the facility by non- 1193
prisoners, that the private contractor require all out-of-state 1194
prisoners housed in the facility to wear the clothing so 1195
provided, and that the private contractor not permit any out-of- 1196
state prisoner, while inside or on the premises of the facility 1197
or while being transported to or from the facility, to wear any 1198
clothing of a nature that does not conspicuously identify its 1199
wearer as a prisoner and that normally is worn outside the 1200
facility by non-prisoners; 1201

(21) A requirement that, at the time the contract is made, 1202
the private contractor provide to all parties to the contract 1203
adequate proof that it has complied with the requirement 1204
described in division (D)(9) of this section, and a requirement 1205
that, at any time during the term of the contract, the private 1206
contractor upon request provide to any party to the contract 1207
adequate proof that it continues to be in compliance with the 1208
requirement described in division (D)(9) of this section. 1209

(E) A private correctional officer or other designated 1210
employee of a private contractor that operates a correctional 1211
facility that houses out-of-state prisoners in this state under 1212
a contract entered into prior to, on, or after March 17, 1998, 1213
may carry and use firearms in the course of the officer's or 1214

employee's employment only if the officer or employee is 1215
certified as having satisfactorily completed an approved 1216
training program designed to qualify persons for positions as 1217
special police officers, security guards, or persons otherwise 1218
privately employed in a police capacity, as described in 1219
division (A) of section 109.78 of the Revised Code. 1220

(F) (1) Upon notification by the private contractor of an 1221
escape from, or of a disturbance at, a correctional facility 1222
that is operated by a private contractor under a contract 1223
entered into prior to, on, or after March 17, 1998, and that 1224
houses out-of-state prisoners in this state, the department of 1225
rehabilitation and correction and state and local law 1226
enforcement agencies shall use all reasonable means to recapture 1227
persons who escaped from the facility or quell any disturbance 1228
at the facility, in accordance with the plan and procedure 1229
included in the written agreement entered into under division 1230
(D) (12) of this section in relation to contracts entered into on 1231
or after March 17, 1998, and in accordance with their normal 1232
procedures in relation to contracts entered into prior to March 1233
17, 1998. Any cost incurred by this state or a political 1234
subdivision of this state relating to the apprehension of a 1235
person who escaped from the facility, to the quelling of a 1236
disturbance at the facility, or to the investigation or 1237
prosecution as described in division (G) (2) of this section of 1238
any offense relating to the escape or disturbance shall be 1239
chargeable to and borne by the private contractor. The 1240
contractor also shall reimburse the state or its political 1241
subdivisions for all reasonable costs incurred relating to the 1242
temporary detention of a person who escaped from the facility, 1243
following the person's recapture. 1244

(2) If a private contractor that, on or after March 17, 1245

1998, enters into a contract under this section with a local 1246
public entity for the operation of a correctional facility that 1247
houses out-of-state prisoners fails to perform its contractual 1248
duties, the local public entity shall impose upon the private 1249
contractor a fine from the schedule of fines included in the 1250
contract and may exercise any other rights it has under the 1251
contract. A fine imposed under this division shall be paid to 1252
the local public entity that enters into the contract, and the 1253
local public entity shall deposit the money so paid into its 1254
treasury to the credit of the fund used to pay for community 1255
policing. If a fine is imposed under this division, the local 1256
public entity may reduce the payment owed to the private 1257
contractor pursuant to any invoice in the amount of the fine. 1258

(3) If a private contractor, on or after March 17, 1998, 1259
enters into a contract under this section with a local public 1260
entity for the operation of a correctional facility that houses 1261
out-of-state prisoners in this state, the private contractor 1262
shall comply with the insurance, indemnification, hold harmless, 1263
and cost reimbursement provisions described in division (D) (9) 1264
of this section. 1265

(G) (1) Any act or omission that would be a criminal 1266
offense or a delinquent act if committed at a state correctional 1267
institution or at a jail, workhouse, prison, or other 1268
correctional facility operated by this state or by any political 1269
subdivision or group of political subdivisions of this state 1270
shall be a criminal offense or delinquent act if committed by or 1271
with regard to any out-of-state prisoner who is housed at any 1272
correctional facility operated by a private contractor in this 1273
state pursuant to a contract entered into prior to, on, or after 1274
March 17, 1998. 1275

(2) If any political subdivision of this state experiences 1276
any cost in the investigation or prosecution of an offense 1277
committed by an out-of-state prisoner housed in a correctional 1278
facility operated by a private contractor in this state pursuant 1279
to a contract entered into prior to, on, or after March 17, 1280
1998, the private contractor shall reimburse the political 1281
subdivision for the costs so experienced. 1282

(3) (a) Except as otherwise provided in this division, the 1283
state, and any officer or employee, as defined in section 109.36 1284
of the Revised Code, of the state is not liable in damages in a 1285
civil action for any injury, death, or loss to person or 1286
property that allegedly arises from, or is related to, the 1287
establishment, management, or operation of a correctional 1288
facility to house out-of-state prisoners in this state pursuant 1289
to a contract between a local public entity and an out-of-state 1290
jurisdiction, a local public entity and a private contractor, or 1291
a private contractor and an out-of-state jurisdiction that was 1292
entered into prior to March 17, 1998, or that is entered into on 1293
or after March 17, 1998, in accordance with its provisions. The 1294
immunity provided in this division does not apply regarding an 1295
act or omission of an officer or employee, as defined in section 1296
109.36 of the Revised Code, of the state that is manifestly 1297
outside the scope of the officer's or employee's official 1298
responsibilities or regarding an act or omission of the state, 1299
or of an officer or employee, as so defined, of the state that 1300
is undertaken with malicious purpose, in bad faith, or in a 1301
wanton or reckless manner. 1302

(b) Except as otherwise provided in this division, a non- 1303
contracting political subdivision, and any employee, as defined 1304
in section 2744.01 of the Revised Code, of a non-contracting 1305
political subdivision is not liable in damages in a civil action 1306

for any injury, death, or loss to person or property that 1307
allegedly arises from, or is related to, the establishment, 1308
management, or operation of a correctional facility to house 1309
out-of-state prisoners in this state pursuant to a contract 1310
between a local public entity other than the non-contracting 1311
political subdivision and an out-of-state jurisdiction, a local 1312
public entity other than the non-contracting political 1313
subdivision and a private contractor, or a private contractor 1314
and an out-of-state jurisdiction that was entered into prior to 1315
March 17, 1998, or that is entered into on or after March 17, 1316
1998, in accordance with its provisions. The immunity provided 1317
in this division does not apply regarding an act or omission of 1318
an employee, as defined in section 2744.01 of the Revised Code, 1319
of a non-contracting political subdivision that is manifestly 1320
outside the scope of the employee's employment or official 1321
responsibilities or regarding an act or omission of a non- 1322
contracting political subdivision or an employee, as so defined, 1323
of a non-contracting political subdivision that is undertaken 1324
with malicious purpose, in bad faith, or in a wanton or reckless 1325
manner. 1326

(c) Divisions (G) (3) (a) and (b) of this section do not 1327
affect any immunity or defense that the state and its officers 1328
and employees or a non-contracting political subdivision and its 1329
employees may be entitled to under another section of the 1330
Revised Code or the common law of this state, including, but not 1331
limited to, section 9.86 or Chapter 2744. of the Revised Code. 1332

(H) (1) Upon the completion of an out-of-state prisoner's 1333
term of detention at a correctional facility operated by a 1334
private contractor in this state pursuant to a contract entered 1335
into prior to, on, or after March 17, 1998, the operator of the 1336
correctional facility shall transport the prisoner to the out- 1337

of-state jurisdiction that imposed the sentence for which the 1338
prisoner was confined before it releases the prisoner from its 1339
custody. 1340

(2) No private contractor that operates and manages a 1341
correctional facility housing out-of-state prisoners in this 1342
state pursuant to a contract entered into prior to, on, or after 1343
March 17, 1998, shall fail to comply with division (H) (1) of 1344
this section. 1345

(3) Whoever violates division (H) (2) of this section is 1346
guilty of a misdemeanor of the first degree. 1347

(I) Except as otherwise provided in this division, the 1348
provisions of divisions (A) to (H) of this section apply in 1349
relation to any correctional facility operated by a private 1350
contractor in this state to house out-of-state prisoners, 1351
regardless of whether the facility is operated pursuant to a 1352
contract entered into prior to, on, or after March 17, 1998. 1353
Division (C) (1) of this section shall not apply in relation to 1354
any correctional facility for housing out-of-state prisoners in 1355
this state that is operated by a private contractor under a 1356
contract entered into with a local public entity prior to March 1357
17, 1998. If a private contractor operates a correctional 1358
facility in this state for the housing of out-of-state prisoners 1359
under a contract entered into with a local public entity prior 1360
to March 17, 1998, no later than thirty days after the effective 1361
date of this amendment, the private contractor shall enter into 1362
a contract with the local public entity that comports to the 1363
requirements and criteria of division (D) of this section. 1364

Sec. 9.239. (A) As used in this section: 1365

(1) "Public building" means a building owned by a public 1366

entity. 1367

(2) "Public entity" means a subdivision, the general 1368
assembly, a court, any department, division, institution, board, 1369
commission, authority, bureau or other agency ~~of or~~ 1370
instrumentality of the state, the five state retirement systems, 1371
or any other governmental entity. 1372

(3) "Subdivision" has the same meaning as in section 1373
2744.01 of the Revised Code. 1374

(B) A person that is primarily responsible for designing 1375
energy efficient commercial building property installed in a 1376
public building may seek allocation of any deduction allowed 1377
under section 179D of the Internal Revenue Code in connection 1378
with that installation by submitting a written request to the 1379
public entity that owns the building ~~and the tax commissioner.~~ 1380
Within fifteen days of receiving such a request, the public 1381
entity shall respond and, if merited, formally allocate the 1382
deduction as required under that section and any associated 1383
rules or guidance of the internal revenue service or the United 1384
States department of the treasury. ~~The public entity shall send~~ 1385
~~to the commissioner a copy of the response and, if applicable,~~ 1386
~~the document or documents formally allocating the deduction.~~ 1387

(C) If a public entity does not respond within fifteen 1388
days of receiving a request under division (B) of this section, 1389
the entity shall be considered to have approved the request. ~~The~~ 1390
~~commissioner shall provide the person that submitted the request~~ 1391
~~with any documentation necessary to formally allocate the~~ 1392
~~deduction.~~ 1393

(D) No public entity and no employee or agent of a public 1394
entity acting in the employee's or agent's official capacity 1395

shall seek, solicit, charge, or accept a fee, payment, or other 1396
consideration in exchange for allocating a deduction allowed 1397
under section 179D of the Internal Revenue Code or providing 1398
documentation of such an allocation as required under that 1399
section and any associated rules or guidance of the internal 1400
revenue service or the United States department of the treasury. 1401

Sec. 9.24. (A) Except as may be allowed under division (F) 1402
of this section, no state agency and no political subdivision 1403
shall award a contract as described in division (G)(1) of this 1404
section for goods, services, or construction, paid for in whole 1405
or in part with state funds, to a person against whom a finding 1406
for recovery has been issued by the auditor of state on and 1407
after January 1, 2001, if the finding for recovery is 1408
unresolved. 1409

A contract is considered to be awarded when it is entered 1410
into or executed, irrespective of whether the parties to the 1411
contract have exchanged any money. 1412

(B) For purposes of this section, a finding for recovery 1413
is unresolved unless one of the following criteria applies: 1414

(1) The money identified in the finding for recovery is 1415
paid in full to the state agency or political subdivision to 1416
whom the money was owed; 1417

(2) The debtor has entered into a repayment plan that is 1418
approved by the attorney general and the state agency or 1419
political subdivision to whom the money identified in the 1420
finding for recovery is owed. A repayment plan may include a 1421
provision permitting a state agency or political subdivision to 1422
withhold payment to a debtor for goods, services, or 1423
construction provided to or for the state agency or political 1424

subdivision pursuant to a contract that is entered into with the 1425
debtor after the date the finding for recovery was issued. 1426

(3) The attorney general waives a repayment plan described 1427
in division (B) (2) of this section for good cause; 1428

(4) The debtor and state agency or political subdivision 1429
to whom the money identified in the finding for recovery is owed 1430
have agreed to a payment plan established through an enforceable 1431
settlement agreement. 1432

(5) The state agency or political subdivision desiring to 1433
enter into a contract with a debtor certifies, and the attorney 1434
general concurs, that all of the following are true: 1435

(a) Essential services the state agency or political 1436
subdivision is seeking to obtain from the debtor cannot be 1437
provided by any other person besides the debtor; 1438

(b) Awarding a contract to the debtor for the essential 1439
services described in division (B) (5) (a) of this section is in 1440
the best interest of the state; 1441

(c) Good faith efforts have been made to collect the money 1442
identified in the finding of recovery. 1443

(6) The debtor has commenced an action to contest the 1444
finding for recovery and a final determination on the action has 1445
not yet been reached; 1446

(7) The debt has been discharged in bankruptcy or is no 1447
longer owed based on a final nonappealable court order. 1448

(C) The attorney general shall submit an initial report to 1449
the auditor of state, not later than December 1, 2003, 1450
indicating the status of collection for all findings for 1451
recovery issued by the auditor of state for calendar years 2001, 1452

2002, and 2003. Beginning on January 1, 2004, the attorney 1453
general shall submit to the auditor of state, on the first day 1454
of every January, April, July, and October, a list of all 1455
findings for recovery that have been resolved in accordance with 1456
division (B) of this section during the calendar quarter 1457
preceding the submission of the list and a description of the 1458
means of resolution. The attorney general shall notify the 1459
auditor of state when a judgment is issued against an entity 1460
described in division (F)(1) of this section. 1461

(D) The auditor of state shall maintain a database, 1462
accessible to the public, listing persons against whom an 1463
unresolved finding for recovery has been issued, and the amount 1464
of the money identified in the unresolved finding for recovery. 1465
The auditor of state shall have this database operational on or 1466
before January 1, 2004. The initial database shall contain the 1467
information required under this division for calendar years 1468
2001, 2002, and 2003. 1469

Beginning January 15, 2004, the auditor of state shall 1470
update the database by the fifteenth day of every January, 1471
April, July, and October to reflect resolved findings for 1472
recovery that are reported to the auditor of state by the 1473
attorney general on the first day of the same month pursuant to 1474
division (C) of this section. 1475

(E) Before awarding a contract as described in division 1476
(G)(1) of this section for goods, services, or construction, 1477
paid for in whole or in part with state funds, a state agency or 1478
political subdivision shall verify that the person to whom the 1479
state agency or political subdivision plans to award the 1480
contract has no unresolved finding for recovery issued against 1481
the person. A state agency or political subdivision shall verify 1482

that the person does not appear in the database described in 1483
division (D) of this section or shall obtain other proof that 1484
the person has no unresolved finding for recovery issued against 1485
the person. 1486

(F) The prohibition of division (A) of this section and 1487
the requirement of division (E) of this section do not apply 1488
with respect to the companies, payments, or agreements described 1489
in divisions (F)(1) and (2) of this section, or in the 1490
circumstance described in division (F)(3) of this section. 1491

(1) A bonding company or a company authorized to transact 1492
the business of insurance in this state, a self-insurance pool, 1493
joint self-insurance pool, risk management program, or joint 1494
risk management program, unless a court has entered a final 1495
judgment against the company and the company has not yet 1496
satisfied the final judgment. 1497

(2) To medicaid provider agreements under the medicaid 1498
program. 1499

(3) When federal law dictates that a specified entity 1500
provide the goods, services, or construction for which a 1501
contract is being awarded, regardless of whether that entity 1502
would otherwise be prohibited from entering into the contract 1503
pursuant to this section. 1504

(G)(1) This section applies only to contracts for goods, 1505
services, or construction that satisfy the criteria in either 1506
division (G)(1)(a) or (b) of this section. This section may 1507
apply to contracts for goods, services, or construction that 1508
satisfy the criteria in division (G)(1)(c) of this section, 1509
provided that the contracts also satisfy the criteria in either 1510
division (G)(1)(a) or (b) of this section. 1511

(a) The cost for the goods, services, or construction 1512
provided under the contract is estimated to exceed twenty-five 1513
thousand dollars. 1514

(b) The aggregate cost for the goods, services, or 1515
construction provided under multiple contracts entered into by 1516
the particular state agency and a single person or the 1517
particular political subdivision and a single person within the 1518
fiscal year preceding the fiscal year within which a contract is 1519
being entered into by that same state agency and the same single 1520
person or the same political subdivision and the same single 1521
person, exceeded fifty thousand dollars. 1522

(c) The contract is a renewal of a contract previously 1523
entered into and renewed pursuant to that preceding contract. 1524

(2) This section does not apply to employment contracts. 1525

(H) As used in this section: 1526

(1) "State agency" has the same meaning as in section 9.66 1527
of the Revised Code. 1528

(2) "Political subdivision" means a political subdivision 1529
as defined in section 9.82 of the Revised Code that has received 1530
more than fifty thousand dollars of state money in the current 1531
fiscal year or the preceding fiscal year. 1532

(3) "Finding for recovery" means a determination issued by 1533
the auditor of state, contained in a report the auditor of state 1534
gives to the attorney general pursuant to section 117.28 of the 1535
Revised Code, that public money has been illegally expended, 1536
public money has been collected but not been accounted for, 1537
public money is due but has not been collected, or public 1538
property has been converted or misappropriated. 1539

(4) "Debtor" means a person against whom a finding for 1540
recovery has been issued. 1541

(5) "Person" means the person named in the finding for 1542
recovery. 1543

(6) "State money" does not include funds the state 1544
receives from another source and passes through to a political 1545
subdivision. 1546

Sec. 9.27. (A) As used in this section, "state" and "state 1547
agency" mean the state of Ohio, including the governor, 1548
lieutenant governor, secretary of state, auditor of state, 1549
attorney general, and treasurer of state, and all departments, 1550
boards, offices, commissions, agencies, institutions, and other 1551
instrumentalities of the state of Ohio, but not including the 1552
general assembly or any legislative agency, or any court or 1553
judicial agency. 1554

(B) Except as otherwise required or permitted by state or 1555
federal law, a contract entered into by the state for the 1556
procurement of goods or services shall not include any of the 1557
following: 1558

(1) A provision that requires the state to indemnify or 1559
hold harmless another person. 1560

(2) A provision by which the state agrees to binding 1561
arbitration or any other binding extra-judicial dispute 1562
resolution process. 1563

(3) A provision that names a venue for any action or 1564
dispute against the state other than a court of proper 1565
jurisdiction in Franklin county, Ohio. 1566

(4) A provision that requires the state to agree to limit 1567

the liability for any direct loss to the state for bodily 1568
injury, death, or damage to property of the state caused by the 1569
negligence, intentional or willful misconduct, fraudulent act, 1570
recklessness, or other tortious conduct of a person or a 1571
person's employees or agents, or a provision that would 1572
otherwise impose an indemnification obligation on the state. 1573

(5) A provision that requires the state to be bound by a 1574
term or condition that is unknown to the state at the time of 1575
signing a contract, that is not specifically negotiated with the 1576
state, that may be unilaterally changed by the other party, or 1577
that is electronically accepted by a state employee. 1578

(6) A provision that provides for a person other than the 1579
attorney general to serve as legal counsel for the state or for 1580
any state agency, unless allowed for under the process set forth 1581
in section 109.07 of the Revised Code. 1582

(7) A provision that is inconsistent with the state's 1583
obligations under section 149.43 of the Revised Code. 1584

(8) A provision for automatic renewal such that state 1585
funds are or would be obligated in subsequent fiscal years. 1586

(9) A provision that limits the state's ability to recover 1587
the cost of cover for a replacement contractor. 1588

(10) With respect to a purchase in which a state agency 1589
receives a license to use a software application designed to run 1590
on generally available desktop or server hardware or cloud 1591
platforms, a requirement that the state agency install or run 1592
the software on hardware or in a cloud platform dedicated solely 1593
to the state agency, or a provision that otherwise restricts the 1594
state agency from installing or running the software on hardware 1595
or in a cloud platform of the state agency's choosing. 1596

(C) If a contract contains a term or condition described 1597
in division (B) of this section, the term or condition is void 1598
ab initio, and the contract containing that term or condition 1599
otherwise shall be enforceable as if it did not contain such 1600
term or condition. 1601

(D) A contract that contains a term or condition described 1602
in division (B) of this section shall be governed by and 1603
construed in accordance with Ohio law notwithstanding any term 1604
or condition to the contrary in the contract. 1605

(E) This section does not apply to a contract in effect 1606
~~before the effective date of this section~~ September 30, 2021, or 1607
to the renewal or extension of a contract in effect before ~~the~~ 1608
~~effective date of this section~~ that date. 1609

Sec. 9.28. (A) As used in this section: 1610

(1) "Competitive ~~solicitation~~selection" means ~~a request~~ 1611
~~for proposal or any other solicitation or announcement by a~~ 1612
~~public office requiring bids or proposals for the provision of~~ 1613
~~goods or services to that office~~ the procedures for making 1614
purchases as defined in section 125.01 of the Revised Code. 1615

(2) "Public office" includes any state agency, public 1616
institution, political subdivision, or other organized body, 1617
office, agency, institution, or entity established by the laws 1618
of this state for the exercise of any function of government. 1619
"Public office" does not include the nonprofit corporation 1620
formed under section 187.01 of the Revised Code. 1621

(3) "State agency" includes every department, bureau, 1622
board, commission, office, or other organized body established 1623
by the constitution and laws of this state for the exercise of 1624
any function of state government, including any state-supported 1625

institution of higher education, the general assembly, any 1626
legislative agency, any court or judicial agency, or any 1627
political subdivision or agency of a political subdivision. 1628
"State agency" does not include the nonprofit corporation formed 1629
under section 187.01 of the Revised Code. 1630

(B) Except as provided in division (C) of this section, 1631
materials ~~submitted to a public office in response relating to a~~ 1632
~~competitive solicitation through competitive selection~~ shall not 1633
be considered public records ~~for purposes of under~~ section 1634
149.43 of the Revised Code until ~~the date the public office~~ 1635
~~announces after~~ the award of a ~~the~~ contract based on the 1636
competitive ~~solicitation or the cancellation of the competitive~~ 1637
~~solicitation~~selection. 1638

(C) If a public office rejects all bids or proposals 1639
received in response to a ~~competitive solicitation through~~ 1640
competitive selection and, concurrently with the announcement of 1641
the rejection gives notice of its intent to reissue the 1642
solicitation through competitive selection, the materials 1643
submitted in response to the original ~~competitive solicitation~~ 1644
and the materials submitted in response to the reissued 1645
~~competitive solicitation~~ shall not be considered public records 1646
~~for purposes of under~~ section 149.43 of the Revised Code until 1647
~~the date the public office announces after~~ the award of a ~~the~~ 1648
contract based on the reissued ~~competitive solicitation through~~ 1649
~~or the cancellation of the reissued competitive~~ 1650
~~solicitation~~selection. 1651

Sec. 9.312. (A) If a state agency or political subdivision 1652
is required by law or by an ordinance or resolution adopted 1653
under division (C) of this section to award a contract to the 1654
lowest responsive and responsible bidder, a bidder on the 1655

contract shall be considered responsive if the bidder's proposal
responds to bid specifications in all material respects and
contains no irregularities or deviations from the specifications
which would affect the amount of the bid or otherwise give the
bidder a competitive advantage. The factors that the state
agency or political subdivision shall consider in determining
whether a bidder on the contract is responsible include the
experience of the bidder, the bidder's financial condition,
conduct and performance on previous contracts, facilities,
management skills, and ability to execute the contract properly.

For purposes of this division, the provision of a bid
guaranty in accordance with divisions (A)(1) and (B) of section
153.54 of the Revised Code issued by a surety licensed to do
business in this state is evidence of financial responsibility,
but a state agency or political subdivision may request
additional financial information for review from an apparent low
bidder after it opens all submitted bids. A state agency or
political subdivision shall keep additional financial
information it receives pursuant to a request under this
division confidential, except under proper order of a court. The
additional financial information is not a public record under
section 149.43 of the Revised Code.

An apparent low bidder found not to be responsive and
responsible shall be notified by the state agency or political
subdivision of that finding and the reasons for it. Except for
contracts awarded by the department of administrative services
pursuant to section 125.11 of the Revised Code, the notification
shall be given in writing ~~and either by certified mail or, if~~
~~the state agency or political subdivision has record of an~~
internet identifier of record associated with the bidder, or by
~~ordinary certified mail and by that if no~~ internet identifier of

record is available. When awarding contracts pursuant to section 1687
125.11 of the Revised Code, the department may send such notice 1688
in writing by first class mail or by electronic means. 1689

(B) Where a state agency or a political subdivision that 1690
has adopted an ordinance or resolution under division (C) of 1691
this section determines to award a contract to a bidder other 1692
than the apparent low bidder or bidders for the construction, 1693
reconstruction, improvement, enlargement, alteration, repair, 1694
painting, or decoration of a public improvement, it shall meet 1695
with the apparent low bidder or bidders upon a filing of a 1696
timely written protest. The protest must be received within five 1697
days of the notification required in division (A) of this 1698
section. No final award shall be made until the state agency or 1699
political subdivision either affirms or reverses its earlier 1700
determination. Notwithstanding any other provisions of the 1701
Revised Code, the procedure described in this division is not 1702
subject to Chapter 119. of the Revised Code. 1703

(C) A municipal corporation, township, school district, 1704
board of county commissioners, any other county board or 1705
commission, or any other political subdivision required by law 1706
to award contracts by competitive bidding may by ordinance or 1707
resolution adopt a policy of requiring each competitively bid 1708
contract it awards to be awarded to the lowest responsive and 1709
responsible bidder in accordance with this section. 1710

(D) As used in this section, "internet identifier of 1711
record" means an electronic mail address, or any other 1712
designation used for self-identification or routing in internet 1713
communication or posting, provided for the purpose of receiving 1714
communication. 1715

Sec. 9.331. (A) Before entering into a contract to employ 1716

a construction manager or construction manager at risk, a public
authority ~~shall~~ may advertise, in a ~~newspaper of general~~
~~circulation news media available~~ in the county where the
contract is to be performed, and ~~may~~ shall advertise by
electronic means ~~pursuant to rules adopted by the director of~~
~~administrative services~~, notice of its intent to employ a
construction manager or construction manager at risk. The notice
shall invite interested parties to submit proposals for
consideration and shall be published at least ~~thirty-fourteen~~
calendar days prior to the date for accepting the proposals. The
public authority also may advertise the information contained in
the notice in appropriate trade journals and otherwise notify
persons believed to be interested in employment as a
construction manager or construction manager at risk.

(B) The advertisement shall include a general description
of the project, a statement of the specific management services
required, and a description of the qualifications required for
the project.

Sec. 9.334. ~~(A)~~ (A) (1) Every public authority planning to
contract for construction management services with a
construction manager at risk shall evaluate the proposals
submitted and select not fewer than three construction managers
at risk the public authority considers to be the most qualified
to provide the required construction management services, except
that the public authority shall select and rank fewer than three
when the public authority determines in writing that fewer than
three qualified construction managers at risk are available.

(2) For projects valued at less than four million dollars,
the public authority may require the construction manager at
risk to submit a proposal described in division (A) (1) of this

section along with a pricing proposal described in division (C) 1747
of this section. The public authority shall provide each 1748
construction manager at risk who desires to submit a proposal 1749
under this division a pre-proposal meeting to explore the 1750
proposals further, in which the public authority shall provide 1751
the construction manager at risk with a description of the 1752
project, including the scope and nature of the proposed services 1753
and potential technical approaches. The public authority shall 1754
proceed with selection and ranking as described in division (A) 1755
(1) of this section, based only on the proposal submitted under 1756
that division. Once the construction managers at risk have been 1757
selected, the public authority shall proceed to evaluate the 1758
pricing proposals of each selected construction manager at risk 1759
as described in division (D) of this section, continuing the 1760
selection process from there. 1761

(B) The public authority shall provide each construction 1762
manager at risk selected under division (A) of this section with 1763
a description of the project, including a statement of available 1764
design detail, a description of how the guaranteed maximum price 1765
for the project shall be determined, including the estimated 1766
level of design detail upon which the guaranteed maximum price 1767
shall be based, the form of the construction management 1768
contract, and a request for a pricing proposal. 1769

(C) The pricing proposal of each construction manager at 1770
risk shall include at least the following regarding the 1771
construction manager at risk: 1772

(1) A list of key personnel for the project; 1773

(2) A statement of the general conditions and contingency 1774
requirements; 1775

(3) A fee proposal divided into a preconstruction fee, a 1776
construction fee, and the portion of the construction fee to be 1777
at risk in a guaranteed maximum price. 1778

(D) The public authority shall evaluate the submitted 1779
pricing proposals and may hold discussions with individual 1780
construction managers at risk to explore their proposals 1781
further, including the scope and nature of the proposed services 1782
and potential technical approaches. 1783

(E) After evaluating the pricing proposals, the public 1784
authority shall rank the selected construction managers at risk 1785
based on its evaluation of the value of each pricing proposal, 1786
with such evaluation considering the proposed cost and 1787
qualifications. 1788

(F) The public authority shall enter into negotiations for 1789
a construction management contract with the construction manager 1790
at risk whose pricing proposal the public authority determines 1791
to be the best value under division (E) of this section. 1792
Contract negotiations shall be directed toward: 1793

(1) Ensuring that the construction manager at risk and the 1794
public authority mutually understand the essential requirements 1795
involved in providing the required construction management 1796
services, including the provisions for the use of contingency 1797
funds and the possible distribution of savings in the final 1798
costs of the project; 1799

(2) Ensuring that the construction manager at risk will be 1800
able to provide the necessary personnel, equipment, and 1801
facilities to perform the construction management services 1802
within the time required by the construction management 1803
contract; 1804

(3) Agreeing upon a procedure and schedule for determining 1805
a guaranteed maximum price using an open book pricing method 1806
that shall represent the total maximum amount to be paid by the 1807
public authority to the construction manager at risk for the 1808
project and that shall include the costs of all the work, the 1809
cost of its general conditions, the contingency, and the fee 1810
payable to the construction manager at risk. 1811

(G) (1) If the public authority fails to negotiate a 1812
construction management contract with the construction manager 1813
at risk whose pricing proposal the public authority determines 1814
to be the best value under division (E) of this section, the 1815
public authority shall inform the construction manager at risk, 1816
in writing, of the termination of negotiations. 1817

(2) Upon terminating negotiations, the public authority 1818
may enter into negotiations as provided in this section with the 1819
construction manager at risk that the public authority ranked 1820
next highest under division (E) of this section. If negotiations 1821
fail, the public authority may enter into negotiations as 1822
provided in this section with the construction manager at risk 1823
the public authority ranked next highest under division (E) of 1824
this section. 1825

(3) If a public authority fails to negotiate a 1826
construction management contract with a construction manager at 1827
risk whose pricing proposal the public authority determines to 1828
be the best value under division (E) of this section, the public 1829
authority may select additional construction managers at risk to 1830
provide pricing proposals to the public authority pursuant to 1831
this section or may select an alternative delivery method for 1832
the project. 1833

(H) If the public authority and construction manager at 1834

risk fail to agree on a guaranteed maximum price, nothing in 1835
this section shall prohibit the public authority from allowing 1836
the construction manager at risk to provide the management 1837
services that a construction manager is authorized to provide. 1838

(I) Nothing in this section affects a public authority's 1839
right to accept or reject any or all proposals in whole or in 1840
part. 1841

Sec. 9.35. (A) As used in this section, "public official" 1842
means an elected or appointed officer, employee, or agent of any 1843
political subdivision, board, commission, bureau, or other 1844
public body established by law who is permitted or required in 1845
the performance of ~~his~~official duties to issue checks, keep 1846
books and records, prepare and preserve payroll and other 1847
employee records, and make reports or perform other similar 1848
duties. 1849

(B) Any public official may contract for and engage the 1850
services of a financial institution, or other person engaged in 1851
the business or capable of rendering electronic data processing 1852
or computer services, to perform the mechanical, clerical, or 1853
record-keeping services necessary in the performance of 1854
~~his~~official duties. Such services may include, but are not 1855
limited to, the preparation of payroll and other records, the 1856
preparation, signing, and issuance of checks, the preparation of 1857
reports and accounts, and the performance of all similar duties. 1858

(C) A contract authorized by division (B) of this section 1859
may be entered into only: 1860

(1) If the surety bond required of such public official 1861
includes within its coverage any loss which might occur as the 1862
result of such contract; 1863

(2) Pursuant to a resolution duly adopted by the governing board, commission, bureau, or other public body having jurisdiction over such public official authorizing a contract for the performance of such services;

(3) If the contract does not conflict with the accounting requirements prescribed by the auditor of state under section 117.43 of the Revised Code or with accounting procedures prescribed by the director of budget and management under section 126.21 of the Revised Code;

~~(4) If assurances satisfactory to the auditor of state are furnished by both the financial institution, or other person engaged in the business or capable of rendering electronic data processing or computer services, and the public official that the books and records of the public official in the possession of the person performing such.~~

(D) Such services shall be are subject to audit by the auditor of state to the same extent as if such services were being performed by the public official ~~himself~~.

~~(D)~~ (E) A public official, at the request of a person to whom the political subdivision, board, commission, bureau, or other public body is indebted and to whom payment is to be made, may send a check to a bank representing the amount due such person for credit to ~~his~~ the person's account in the bank subject to the following conditions:

(1) The person to whom payment is to be made provides the public official with a written request ~~on a form approved by the auditor of state which~~ that designates the bank and contains the endorsement of such bank thereon stating its willingness to act in this respect as agent of such person;

(2) In the event that there are two or more persons who
designate the same bank and payments are due to such persons on
the same regularly recurring dates, the public official may draw
a single check for the total amount due all such persons in
favor of the bank for credit to the accounts of the several
persons;

(3) Payment of a check drawn in favor of and properly
endorsed by the bank designated by a person to whom payment is
to be made constitutes a full acquittance to the public official
for the amount of such payment.

~~(E)~~ (F) Nothing contained in this section relieves such
public official from the primary responsibility for the
maintenance of the records and performance of the duties of ~~his~~
office.

Sec. 9.561. (A) As used in this section:

(1) "Government entity" means a state agency, public
institution, political subdivision, or any other organized body,
office, agency, institution, or entity established by the laws
of this state for the exercise of any function of government.

(2) "Public building" means any building owned or occupied
by a government entity.

(B) No government entity shall place menstrual products in
the men's restroom of a public building.

Sec. 9.64. (A) As used in this section:

(1) "Cybersecurity incident" means any of the following:

(a) A substantial loss of confidentiality, integrity, or
availability of a covered entity's information system or
network;

<u>(b) A serious impact on the safety and resiliency of a</u>	1921
<u>covered entity's operational systems and processes;</u>	1922
<u>(c) A disruption of a covered entity's ability to engage</u>	1923
<u>in business or industrial operations, or deliver goods or</u>	1924
<u>services;</u>	1925
<u>(d) Unauthorized access to an entity's information system</u>	1926
<u>or network, or nonpublic information contained therein, that is</u>	1927
<u>facilitated through or is caused by:</u>	1928
<u>(i) A compromise of a cloud service provider, managed</u>	1929
<u>service provider, or other third-party data hosting provider; or</u>	1930
<u>(ii) A supply chain compromise.</u>	1931
<u>"Cybersecurity incident" does not include mere threats of</u>	1932
<u>disruption as extortion; events perpetrated in good faith in</u>	1933
<u>response to a request by the system owner or operator; or</u>	1934
<u>lawfully authorized activity of a United States, state, local,</u>	1935
<u>tribal, or territorial government entity.</u>	1936
<u>(2) "Political subdivision" means a county, township,</u>	1937
<u>municipal corporation, or other body corporate and politic</u>	1938
<u>responsible for governmental activities in a geographic area</u>	1939
<u>smaller than that of the state.</u>	1940
<u>(3) "Ransomware incident" means a malicious cybersecurity</u>	1941
<u>incident in which a person or entity introduces software that</u>	1942
<u>gains unauthorized access to or encrypts, modifies, or otherwise</u>	1943
<u>renders unavailable a political subdivision's information</u>	1944
<u>technology systems or data and thereafter the person or entity</u>	1945
<u>demands a ransom to prevent the publication of the data, restore</u>	1946
<u>access to the data, or otherwise remediate the impact of the</u>	1947
<u>software.</u>	1948

(B) A political subdivision experiencing a ransomware 1949
incident shall not pay or otherwise comply with a ransom demand 1950
unless the political subdivision's legislative authority 1951
formally approves the payment or compliance with the ransom 1952
demand in a resolution or ordinance that specifically states why 1953
the payment or compliance with the ransom demand is in the best 1954
interest of the political subdivision. 1955

(C) The legislative authority of a political subdivision 1956
shall adopt a cybersecurity program that safeguards the 1957
political subdivision's data, information technology, and 1958
information technology resources to ensure availability, 1959
confidentiality, and integrity. The program shall be consistent 1960
with generally accepted best practices for cybersecurity, such 1961
as the national institute of standards and technology 1962
cybersecurity framework, and the center for internet security 1963
cybersecurity best practices, and may include, but are not 1964
limited to, the following: 1965

(1) Identify and address the critical functions and 1966
cybersecurity risks of the political subdivision. 1967

(2) Identify the potential impacts of a cybersecurity 1968
breach. 1969

(3) Specify mechanisms to detect potential threats and 1970
cybersecurity events. 1971

(4) Specify procedures for the political subdivision to 1972
establish communication channels, analyze incidents, and take 1973
actions to contain cybersecurity incidents. 1974

(5) Establish procedures for the repair of infrastructure 1975
impacted by a cybersecurity incident, and the maintenance of 1976
security after the incident. 1977

(6) Establish cybersecurity training requirements for all 1978
employees of the political subdivision; the frequency, duration, 1979
and detail of which shall correspond to the duties of each 1980
employee. Annual cybersecurity training provided by the state, 1981
and training provided for local governments by the Ohio 1982
persistent cyber initiative program of the Ohio cyber range 1983
institute, satisfy the requirements of this division. 1984

(D) The legislative authority of a political subdivision, 1985
following each cybersecurity incident or ransomware incident, 1986
shall notify both of the following: 1987

(1) The executive director of the division of homeland 1988
security within the department of public safety, in a manner 1989
prescribed by the executive director, as soon as possible but 1990
not later than seven days after the political subdivision 1991
discovers the incident; 1992

(2) The auditor of state, in a manner prescribed by the 1993
auditor of state, as soon as possible but not later than thirty 1994
days after the political subdivision discovers the incident. 1995

(E) Any records, documents, or reports related to the 1996
cybersecurity program and framework in division (C) of this 1997
section, and the reports of a cybersecurity incident or 1998
ransomware incident under division (D) of this section, are not 1999
public records under section 149.43 of the Revised Code. 2000

(F) A record identifying cybersecurity-related software, 2001
hardware, goods, and services, that are being considered for 2002
procurement, have been procured, or are being used by a 2003
political subdivision, including the vendor name, product name, 2004
project name, or project description, is a security record under 2005
section 149.433 of the Revised Code. 2006

Sec. 9.67. ~~No~~ (A) Subject to division (B) of this section, 2007
no owner of a professional sports team that uses a tax-supported 2008
facility for most of its home games and receives financial 2009
assistance from the state or a political subdivision thereof 2010
shall cease playing most of its home games at the tax-supported 2011
facility and begin playing most of its home games elsewhere at a 2012
facility located outside of the state unless the owner 2013
either does one of the following: 2014

~~(A)~~ (1) Enters into an agreement with the political 2015
subdivision permitting the team to play most of its home games 2016
elsewhere at a facility located outside of the state; 2017

~~(B)~~ (2) Gives the political subdivision in which the tax- 2018
supported facility is located not less than six months' advance 2019
written notice of the owner's intention to cease playing most of 2020
its home games at the tax-supported facility and, during the six 2021
months after such notice, gives the political subdivision or any 2022
individual or group of individuals who reside in the area the 2023
opportunity to purchase the team. 2024

(B) (1) Any lease, operating agreement, management 2025
agreement, non-relocation agreement, or other similar agreement 2026
entered into with the political subdivision before, on, or after 2027
the effective date of this amendment that expressly obligates 2028
the professional sports team to play all or most of the 2029
professional sports team's regular season home games at the tax- 2030
supported facility for the term of the lease or agreement, or 2031
for a shorter period of time as set forth in the lease or 2032
agreement, is, upon the expiration of the term of the lease or 2033
agreement, or shorter period of time as set forth in the lease 2034
or agreement, as applicable, deemed an agreement with the 2035
political subdivision permitting the team to play most of its 2036

home games at a different facility in satisfaction of division 2037
(A) (1) of this section. 2038

(2) Notwithstanding the expiration of the term of the 2039
lease or agreement, or a shorter period of time as set forth in 2040
the lease or agreement, as applicable, any lease or agreement 2041
described under division (B) (1) of this section is not deemed an 2042
agreement with the political subdivision permitting the team to 2043
play most of its home games at a different facility, in 2044
satisfaction of division (A) (1) of this section, if the 2045
different facility is located outside of the state. 2046

Sec. 9.681. (A) As used in this section, "tobacco product" 2047
and "alternative nicotine product" have the same meanings as in 2048
section 2927.02 of the Revised Code. 2049

(B) The regulation of tobacco products and alternative 2050
nicotine products is a matter of general statewide concern that 2051
requires statewide regulation. The state has adopted a 2052
comprehensive plan with respect to all aspects of the giveaway, 2053
sale, purchase, distribution, manufacture, use, possession, 2054
licensing, taxation, inspection, and marketing of tobacco 2055
products and alternative nicotine products. No political 2056
subdivision may enact, adopt, renew, maintain, enforce, or 2057
continue in existence any charter provision, ordinance, 2058
resolution, rule, or other measure that conflicts with or 2059
preempts any policy of the state regarding the regulation of 2060
tobacco products or alternative nicotine products, including, 2061
without limitation, by: 2062

(1) Setting or imposing standards, requirements, taxes, 2063
fees, assessments, or charges of any kind regarding tobacco 2064
products or alternative nicotine products that are the same as 2065
or similar to, that conflict with, that are different from, or 2066

that are in addition to, any standard, requirement, tax, fee, 2067
assessment, or other charge established or authorized by state 2068
law; 2069

(2) Lowering or raising an age requirement provided for in 2070
state law in connection with the giveaway, sale, purchase, 2071
distribution, manufacture, use, possession, licensing, taxation, 2072
inspection, and marketing of tobacco products or alternative 2073
nicotine products; 2074

(3) Prohibiting an employee eighteen years of age or older 2075
of a manufacturer, producer, distributor, wholesaler, or 2076
retailer of tobacco products or alternative nicotine products 2077
from selling tobacco products or alternative nicotine products; 2078

(4) Prohibiting an employee eighteen years of age or older 2079
of a manufacturer, producer, distributor, wholesaler, or 2080
retailer of tobacco products or alternative nicotine products 2081
from handling tobacco products or alternative nicotine products 2082
in sealed containers in connection with manufacturing, storage, 2083
warehousing, placement, stocking, bagging, loading, or 2084
unloading. 2085

(C) In addition to any other relief provided, the court 2086
shall award costs and reasonable ~~attorney~~attorney's fees to any 2087
person, group, or entity that prevails in a challenge to an 2088
ordinance, resolution, regulation, local law, or other action as 2089
being in conflict with this section. 2090

(D) The general assembly finds and declares that this 2091
section is part of a statewide and comprehensive legislative 2092
enactment regulating all aspects of the giveaway, sale, 2093
purchase, distribution, manufacture, use, possession, licensing, 2094
taxation, inspection, and marketing of tobacco products and 2095

alternative nicotine products. The general assembly further 2096
finds and declares that the imposition of tobacco product and 2097
alternative nicotine product regulation by any political 2098
subdivision is a matter of statewide concern and would be 2099
inconsistent with that statewide, comprehensive enactment. 2100
Therefore, regulation of the giveaway, sale, purchase, 2101
distribution, manufacture, use, possession, licensing, taxation, 2102
inspection, and marketing of tobacco products and alternative 2103
nicotine products is a matter of general statewide concern that 2104
requires uniform statewide regulation. By the enactment of this 2105
section, it is the intent of the general assembly to preempt 2106
political subdivisions from the regulation of tobacco products 2107
and alternative nicotine products. 2108

(E) This section does not prohibit a political subdivision 2109
from levying a tax expressly authorized by state law, including 2110
the taxes authorized under Chapters 5739. and 5741. or sections 2111
5743.021, 5743.024, 5743.026, 5743.321, 5743.323, ~~and 5743.324,~~ 2112
5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code. 2113

Sec. 9.691. (A) The general assembly and executive 2114
department officers elected under Ohio Constitution, Article III 2115
may establish, implement, and fund through public resources, 2116
security provisions for the protection of the members of the 2117
general assembly and executive department officers covered under 2118
this section. 2119

(B) (1) The authority to determine and administer 2120
appropriate security provisions for the general assembly is 2121
vested in the presiding officer of each house. 2122

(2) The authority to determine and administer security 2123
provisions for executive department officers covered by this 2124
section is vested in each respective officer. 2125

(3) The supreme court has the authority to adopt rules 2126
under its general superintending power that governs security 2127
provisions, including establishing, implementing, and funding 2128
through public resources, those provisions, for justices, 2129
judges, and the judiciary as established by Ohio Constitution, 2130
Article IV and the laws of this state. 2131

(C) (1) In addition to the sergeant at arms and any 2132
assistant sergeants at arms, each house of the general assembly 2133
may appoint, employ, contract with, and fix the compensation of 2134
law enforcement officers, as defined in section 9.69 of the 2135
Revised Code, or other persons to provide or coordinate security 2136
for the members of the general assembly. 2137

(2) Each executive department officer covered by this 2138
section may appoint, employ, contract with, and fix the 2139
compensation of law enforcement officers, as defined in section 2140
9.69 of the Revised Code, or other persons to provide or 2141
coordinate security for the officer. 2142

(3) Any law enforcement officer, as defined in section 2143
9.69 of the Revised Code, who is authorized to provide or 2144
coordinate security for the general assembly or the executive 2145
department officers covered by this section has the same arrest 2146
powers as other peace officers and law enforcement officers to 2147
apprehend offenders against the criminal laws who endanger or 2148
threaten the security of any person being protected, no matter 2149
where the offense occurs. This jurisdiction is concurrent with 2150
that of peace officers and law enforcement officers of the 2151
county, township, or municipal corporation in which the 2152
violation occurs and with the state highway patrol. 2153

(D) This section is in addition to, independent of, and 2154
operates concurrently with, any security provided by the state 2155

highway patrol under section 5503.02 of the Revised Code. 2156

Sec. 9.821. (A) The department of administrative services 2157
shall direct and manage for state agencies all risk management 2158
and insurance programs authorized under section 9.822 of the 2159
Revised Code. 2160

(B) The office of risk management is hereby established 2161
within the department of administrative services. The director 2162
of administrative services, or a deputy director appointed by 2163
the director, shall control and supervise the office. 2164

(C) The office may take any of the following actions that 2165
it determines to be in the best interests of the state: 2166

(1) Provide all insurance coverages for the state, 2167
including, but not limited to, vehicle liability, casualty, 2168
property, public liability, and fidelity bonding. The cost of 2169
insurance coverage shall be paid from appropriations made to the 2170
state agencies that the office has designated to receive the 2171
coverage. 2172

(2) Provide coverage of legal expenses that are necessary 2173
and related to the legal defense of claims against the state; 2174

(3) Purchase insurance policies consistent with sections 2175
125.01 to 125.111 of the Revised Code, develop and administer 2176
self-insurance programs, or do both; 2177

(4) Consolidate and combine state insurance coverages; 2178

(5) Provide technical services in risk management and 2179
insurance to state agencies; 2180

(6) Adopt and publish, in accordance with section 111.15 2181
of the Revised Code, necessary rules and procedures governing 2182
the administration of the state's insurance and risk management 2183

activities. 2184

(D) No state agency, except a state agency exempted under 2185
section 125.02 or 125.04 of the Revised Code from the 2186
department's purchasing authority, shall purchase any insurance 2187
described in this section except as authorized by the 2188
department, when the office of risk management determines that 2189
the purchase is in the best interest of the state pursuant to 2190
division (C)(1) of this section, and in accordance with terms, 2191
conditions, and procurement methods established by the 2192
department. 2193

(E) With respect to any civil action, demand, or claim 2194
against the state that could be filed in the court of claims, 2195
nothing in sections 9.82 to 9.823 of the Revised Code shall be 2196
interpreted to permit the settlement or compromise of those 2197
civil actions, demands, or claims, except in the manner provided 2198
in Chapter 2743. of the Revised Code. 2199

(F) The department of administrative services and the 2200
office of risk management, while acting pursuant to the 2201
responsibilities prescribed in sections 9.82 to 9.83 of the 2202
Revised Code, are performing a public duty, as defined in 2203
section 2743.01 of the Revised Code. 2204

(G) The office of the attorney general or counsel 2205
appointed by the office of the attorney general, including any 2206
legal representatives thereof, shall provide and share 2207
communications and documents that are made for the purpose of 2208
seeking or providing legal advice or counsel in connection with 2209
actual or potential litigation, liability claims, contract 2210
disputes, risk management issues, and other matters involving 2211
the programs of the office of risk management with the office. 2212
All such communications and documents shared between the office, 2213

a state agency, and the office of the attorney general or 2214
counsel appointed by the office of the attorney general, 2215
including any legal representatives thereof, are privileged and 2216
confidential. 2217

Sec. 101.30. (A) As used in this section: 2218

(1) "Legislative document" includes, but is not limited 2219
to, all of the following: 2220

(a) A working paper, work product, correspondence, 2221
preliminary draft, note, proposed bill or resolution, proposed 2222
amendment to a bill or resolution, analysis, opinion, 2223
memorandum, or other document in whatever form or format 2224
prepared by legislative staff, general assembly staff, or a 2225
member of the general assembly for a member of the general 2226
assembly or for general assembly staff; 2227

(b) Any document or material in whatever form or format 2228
provided by a member of the general assembly or general assembly 2229
staff to legislative staff, general assembly staff, or a member 2230
of the general assembly that requests, or that provides 2231
information or materials to assist in, the preparation of any of 2232
the items described in division (A) (1) (a) of this section; 2233

(c) Any summary of a bill or resolution or of an amendment 2234
to a bill or resolution in whatever form or format that is 2235
prepared by ~~or in the possession of~~ legislative staff for a 2236
member of the general assembly or general assembly staff, if the 2237
summary is prepared before the bill, resolution, or amendment is 2238
filed for introduction or presented at a committee hearing or 2239
floor session, as applicable. 2240

(2) "Legislative staff" means the staff of the legislative 2241
service commission, ~~legislative budget office of the legislative~~ 2242

~~service commission~~, or any other legislative agency included in 2243
the legislative service commission budget group. 2244

(3) "General assembly staff" means an officer or employee 2245
of either house of the general assembly who acts on behalf of a 2246
member of the general assembly or on behalf of a committee or 2247
either house of the general assembly. 2248

~~(B)~~ (B) (1) Legislative staff shall maintain a confidential 2249
relationship with each member of the general assembly, and with 2250
each member of the general assembly staff, with respect to 2251
communications between the member of the general assembly or 2252
general assembly staff and legislative staff. Except as 2253
otherwise provided in this division and division (C) of this 2254
section, a legislative document arising out of this confidential 2255
relationship is not a public record for purposes of section 2256
149.43 of the Revised Code. When it is in the public interest 2257
and with the consent of the commission, the director of the 2258
commission may release to the public any legislative document in 2259
the possession of the commission staff arising out of a 2260
confidential relationship with a former member of the general 2261
assembly or former member of the general assembly staff who is 2262
not available to make the legislative document a public record 2263
as provided in division (C) of this section because of death or 2264
disability, whom the director is unable to contact for that 2265
purpose, or who fails to respond to the director after the 2266
director has made a reasonable number of attempts to make such 2267
contact. 2268

(2) A legislative document that is not otherwise exempt 2269
from disclosure as a public record under division (B) (1) of this 2270
section is not a public record for purposes of section 149.43 of 2271
the Revised Code during the general assembly in which the 2272

legislative document was created. After the general assembly in 2273
which the legislative document was created has adjourned sine 2274
die, the legislative document is a public record for purposes of 2275
section 149.43 of the Revised Code unless the legislative 2276
document would be privileged under Ohio Constitution, Article 2277
II, Section 12. 2278

(C) (1) A legislative document is a public record for 2279
purposes of section 149.43 of the Revised Code if it is an 2280
analysis, synopsis, fiscal note, or local impact statement 2281
prepared by legislative staff that is required to be prepared by 2282
law, or by a rule of either house of the general assembly, for 2283
the benefit of the members of either or both of those houses or 2284
any legislative committee and if it has been presented to those 2285
members. 2286

(2) A legislative document is a public record for purposes 2287
of section 149.43 of the Revised Code if a member of the general 2288
assembly for whom legislative staff prepared the legislative 2289
document does any of the following: 2290

(a) Files it for introduction with the clerk of the senate 2291
or the clerk of the house of representatives, if it is a bill or 2292
resolution; 2293

(b) Presents it at a committee hearing or floor session, 2294
if it is an amendment to a bill or resolution or is a substitute 2295
bill or resolution; 2296

(c) Releases it, or authorizes general assembly staff or 2297
legislative staff to release it, to the public. 2298

(D) Nothing in this section or section 149.43 of the 2299
Revised Code diminishes, extinguishes, or otherwise limits or 2300
restricts the privileges set forth in, or that emanate from, 2301

Ohio Constitution, Article II, Section 12. 2302

Sec. 101.352. If the joint committee on agency rule review 2303
becomes aware that an agency subject to its jurisdiction is 2304
relying upon a principle of law or policy that, under section 2305
121.93 of the Revised Code, should have been supplanted by its 2306
restatement in a rule, the chairperson of the joint committee 2307
responsible for calling and conducting meetings under section 2308
101.35 of the Revised Code, in that chairperson's sole 2309
discretion, may request the agency to appear before the joint 2310
committee to address why, notwithstanding section 121.93 of the 2311
Revised Code, it is so relying. The request shall specify the 2312
time and place at which a designee of the agency is to appear 2313
before the joint committee to address, and to answer the joint 2314
committee's questions concerning, the agency's reliance. The 2315
date set for the appearance shall be not earlier than thirty 2316
days after the joint committee transmits the request to the 2317
agency. The joint committee shall transmit the request to the 2318
agency electronically. The joint committee also shall publish 2319
the request on its web site, as part of the relevant meeting 2320
agenda, and shall indicate in conjunction with the published 2321
request that any person is invited to appear before the joint 2322
committee when the agency appears to offer and make comments to 2323
the joint committee concerning the agency's reliance. 2324

Upon receiving the request, the agency shall designate a 2325
suitable agency officer or employee to appear on behalf of the 2326
agency before the joint committee as directed in the request. 2327
The agency electronically shall notify the joint committee of 2328
the name, title, telephone number, and electronic mail address 2329
of the officer or employee who has been designated to appear 2330
before the joint committee in response to the request. 2331

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

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

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

The agency may continue to rely upon the principle of law
or policy, but only while it is complying with the preceding
paragraph. The agency may not rely upon the principle of law or
policy in advising with regard to or in determining the rights

or liabilities of a person if ~~the~~ any of the following apply: 2362

(A) The agency fails to commence the rule-making process 2363
by the deadline specified in the preceding paragraph, ~~or if,~~ 2364
~~after.~~ 2365

(B) After commencing the rule-making process, the agency 2366
neglects or abandons the rule-making process before it is 2367
completed. 2368

(C) The agency fails to file a rule recommended under this 2369
section in final form within one year of receiving a written 2370
recommendation from the joint committee in accordance with this 2371
section. 2372

(D) After filing a proposed rule and rule summary and 2373
fiscal analysis with the joint committee, the agency notifies 2374
the joint committee of the agency's intention to file a revised 2375
proposed rule as described in division (B) of section 106.02 of 2376
the Revised Code. 2377

Sec. 101.53. (A) A legislative action to amend or enact a 2378
codified or uncodified statutory section shall be indicated in 2379
bills and enrolled acts according to the following principles: 2380

(1) New matter that is to be inserted into an existing 2381
codified or uncodified section shall be indicated by inserting 2382
the new matter, underlined, into the section at the appropriate 2383
place, in the same form as it is to appear in the resulting law. 2384

(2) Old matter that is to be omitted from an existing 2385
codified or uncodified section shall be indicated by retaining 2386
the matter as it appears in the section and striking it through 2387
with a horizontal line. 2388

(3) A new codified section that is to be added to the law 2389

shall be indicated by presenting the section, underlined, in the 2390
same form as it is to appear in the resulting law. 2391

(4) A new uncodified section that is to be added to the 2392
law shall be indicated by presenting the section, without 2393
underlining, in the same form as it is to appear in the 2394
resulting law. 2395

(B) (1) A legislative proposal to amend or enact a section 2396
of the Ohio Constitution shall be indicated in a joint 2397
resolution the same as an amendment to or an enactment of a 2398
codified statutory section in a bill. 2399

(2) A legislative proposal of a schedule or of an 2400
amending, enacting, repeal, effective date, or other special 2401
clause applying to a proposed amendment of the Ohio Constitution 2402
shall be indicated in a joint resolution the same as an 2403
enactment of a new uncodified statutory section in a bill. 2404

(C) Bills shall be printed in the exact language in which 2405
they were passed, under the supervision of the clerk of the 2406
house in which they originated. ~~The legislative service-~~ 2407
~~commission, by rule adopted under section 111.15 of the Revised~~ 2408
~~Code, shall direct how new matter shall be indicated and old~~ 2409
~~matter omitted.~~ 2410

Sec. 101.63. (A) (1) Not later than the first day of March 2411
in the odd-numbered year during which an occupational licensing 2412
board is scheduled to be triggered to expire the following even- 2413
numbered year under section 101.62 of the Revised Code, the 2414
speaker of the house of representatives shall direct a standing 2415
committee of the house of representatives to hold hearings to 2416
receive the testimony of the public and of the chief executive 2417
officer of the board, and otherwise to review, consider, and 2418

evaluate the usefulness, performance, and effectiveness of the 2419
board. Not later than the fifteenth day of November of that same 2420
odd-numbered year, the standing committee shall prepare and 2421
publish a report of its findings and recommendations in 2422
accordance with section 101.65 of the Revised Code. If the 2423
standing committee's report includes a bill, the house of 2424
representatives shall consider that bill for passage by the 2425
thirty-first day of December of that same odd-numbered year. 2426

(2) Not later than the first day of March in the even- 2427
numbered year during which an occupational licensing board is 2428
scheduled to be triggered to expire under section 101.62 of the 2429
Revised Code, the president of the senate shall direct a 2430
standing committee of the senate to hold hearings to receive 2431
testimony of the public and of the chief executive officer of 2432
the board, and otherwise to review, consider, and evaluate the 2433
usefulness, performance, and effectiveness of the board and any 2434
bill considered by the house of representatives related to the 2435
expiration of that board. Not later than the fifteenth day of 2436
November of that same even-numbered year, the standing committee 2437
shall prepare and publish a report of its findings and 2438
recommendations in accordance with section 101.65 of the Revised 2439
Code. If the standing committee's report includes a bill, the 2440
senate shall consider that bill for passage by the thirty-first 2441
day of December of that same even-numbered year. 2442

(3) The president of the senate and the speaker of the 2443
house of representatives may, in the same manner as described in 2444
divisions (A) (1) and (2) of this section, direct a standing 2445
committee to review an occupational licensing board for which 2446
the director of the legislative service commission, under 2447
section 103.27 of the Revised Code, has performed a review. 2448

(4) The president of the senate and the speaker of the 2449
house of representatives shall direct standing committees to 2450
review approximately thirty-three per cent of the occupational 2451
licensing boards each biennium. All occupational licensing 2452
boards shall be reviewed over a six-year_period including 2453
calendar years 2019 through 2024, and also during each 2454
subsequent six-year_period. 2455

(B) Each occupational licensing board that is scheduled to 2456
be reviewed by a standing committee shall submit to the standing 2457
committee a report that contains all of the following 2458
information: 2459

(1) The board's primary purpose and its various goals and 2460
objectives; 2461

(2) The board's past and anticipated workload, the number 2462
of staff required to complete that workload, and the board's 2463
total number of staff; 2464

(3) The board's past and anticipated budgets and its 2465
sources of funding; 2466

(4) The number of members of its governing board or other 2467
governing entity and their compensation, if any. 2468

(C) Each board shall have the burden of demonstrating to 2469
the standing committee a public need for its continued 2470
existence. In determining whether a board has demonstrated that 2471
need, the standing committee shall consider, as relevant, all of 2472
the following: 2473

(1) Whether or not continuation of the board is necessary 2474
to protect the health, safety, or welfare of the public, and if 2475
so, whether or not the board's authority is narrowly tailored to 2476
protect against present, recognizable, and significant harms to 2477

the health, safety, or welfare of the public; 2478

(2) Whether or not the public could be protected or served 2479
in an alternate or less restrictive manner; 2480

(3) Whether or not the board serves a specific private 2481
interest; 2482

(4) Whether or not rules adopted by the board are 2483
consistent with the legislative mandate of the board as 2484
expressed in the statutes that created and empowered the board; 2485

(5) The extent to which the board's jurisdiction and 2486
programs overlap or duplicate those of other boards, the extent 2487
to which the board coordinates with those other boards, and the 2488
extent to which the board's programs could be consolidated with 2489
the programs of other state departments or boards; 2490

(6) How many other states regulate the occupation, whether 2491
a license is required to engage in the occupation in other 2492
states, whether the initial licensing and license renewal 2493
requirements for the occupation are substantially equivalent in 2494
every state, and the amount of regulation exercised by the board 2495
compared to the regulation, if any, in other states; 2496

(7) The extent to which significant changes in the board's 2497
rules could prevent an individual licensed in this state from 2498
practicing, or allow an individual licensed in this state to 2499
practice, the same occupation in another jurisdiction without 2500
obtaining an occupational license for that occupation in that 2501
other jurisdiction; 2502

(8) Whether the board recognizes national uniform 2503
licensure requirements for the occupation; 2504

(9) Whether or not private contractors could be used, in 2505

an effective and efficient manner, either to assist the board in 2506
the performance of its duties or to perform these duties instead 2507
of the board; 2508

(10) Whether or not the operation of the board has 2509
inhibited economic growth, reduced efficiency, or increased the 2510
cost of government; 2511

(11) An assessment of the authority of the board regarding 2512
fees, inspections, enforcement, and penalties; 2513

(12) The extent to which the board has permitted qualified 2514
applicants to serve the public; 2515

(13) The extent to which the board has permitted 2516
individuals to practice elements of the occupation without a 2517
license; 2518

(14) The cost-effectiveness of the board in terms of 2519
number of employees, services rendered, and administrative costs 2520
incurred, both past and present; 2521

(15) Whether or not the board's operation has been impeded 2522
or enhanced by existing statutes and procedures and by 2523
budgetary, resource, and personnel practices; 2524

(16) Whether the board has recommended statutory changes 2525
to the general assembly that would benefit the public as opposed 2526
to the persons regulated by the board, if any, and whether its 2527
recommendations and other policies have been adopted and 2528
implemented; 2529

(17) Whether the board has required any persons it 2530
regulates to report to it the impact of board rules and 2531
decisions on the public as they affect service costs and service 2532
delivery; 2533

(18) Whether persons regulated by the board, if any, have	2534
been required to assess problems in their business operations	2535
that affect the public;	2536
(19) Whether the board has encouraged public participation	2537
in its rule-making and decision-making;	2538
(20) The efficiency with which formal public complaints	2539
filed with the board have been processed to completion;	2540
(21) Whether the purpose for which the board was created	2541
has been fulfilled, has changed, or no longer exists;	2542
(22) Whether federal law requires that the board be	2543
renewed in some form;	2544
(23) An assessment of the administrative hearing process	2545
of a board if the board has an administrative hearing process,	2546
and whether or not the hearing process is consistent with due	2547
process rights;	2548
(24) Whether the requirement for the occupational license	2549
is consistent with the policies expressed in section 4798.02 of	2550
the Revised Code, serves a meaningful, defined public interest,	2551
and provides the least restrictive form of regulation that	2552
adequately protects the public interest;	2553
(25) The extent to which licensing ensures that	2554
practitioners have occupational skill sets or competencies that	2555
are substantially related to protecting consumers from present,	2556
significant, and substantiated harms that threaten public	2557
health, safety, or welfare, and the impact that those criteria	2558
have on applicants for a license, particularly those with	2559
moderate or low incomes, seeking to enter the occupation or	2560
profession;	2561

(26) The extent to which the requirement for the 2562
occupational license stimulates or restricts competition, 2563
affects consumer choice, and affects the cost of services; 2564

(27) An assessment of whether or not changes are needed in 2565
the enabling laws of the board in order for it to comply with 2566
the criteria suggested by the considerations listed in division 2567
(C) of this section; 2568

(28) Beginning with reviews commencing on or after January 2569
1, 2027, whether the number of board members is appropriate 2570
based on the board's workload and the number of occupational 2571
licenses issued by the board. 2572

For division (C) of this section, a government regulatory 2573
requirement protects or serves the public interest if it 2574
provides protection from present, significant, and substantiated 2575
harms to the health, safety, or welfare of the public. 2576

(D) The legislative service commission shall provide staff 2577
services to a standing committee performing its duties under 2578
this section and section 101.65 of the Revised Code. 2579

Sec. 101.65. (A) After the completion of the review of a 2580
board under section 101.63 of the Revised Code, the standing 2581
committee that conducted the review shall prepare and publish a 2582
report of its findings and recommendations. A standing committee 2583
may include in a single report its findings and recommendations 2584
regarding more than one board. The committee shall furnish a 2585
copy of the report to the president of the senate, the speaker 2586
of the house of representatives, the governor, and each affected 2587
board. Any published report shall be made available to the 2588
public on the standing committee's internet web site, and in the 2589
offices of the house of representatives and senate clerks during 2590

reasonable hours. As part of a report, the standing committee 2591
may present its recommendations to the general assembly in bill 2592
form. 2593

(B) Recommendations made by the standing committee shall 2594
indicate how or whether their implementation will do each of the 2595
following: 2596

(1) Improve efficiency in the management of state 2597
government; 2598

(2) Improve services rendered to citizens of the state; 2599

(3) Simplify and improve preparation of the state budget; 2600

(4) Conserve the natural resources of the state; 2601

(5) Promote the orderly growth of the state and its 2602
government; 2603

(6) Promote that occupational regulations shall be 2604
construed and applied to increase economic opportunities, 2605
promote competition, and encourage innovation; 2606

(7) Provide for the least restrictive regulation by 2607
repealing the current regulation and replacing it with a less 2608
restrictive regulation that is consistent with the policies 2609
expressed in section 4798.02 of the Revised Code; 2610

(8) Improve the effectiveness of the services performed by 2611
the service departments of the state; 2612

(9) Avoid duplication of effort by state agencies or 2613
boards; 2614

(10) Improve the organization and coordination of the 2615
state government in one or more of the ways listed in divisions 2616
(B) (1) to (9) of this section. 2617

(C) Beginning with reviews commencing on or after January 2618
1, 2027, the standing committee's recommendations shall attempt 2619
to ensure that each board consists of not fewer than five 2620
members and not more than nine members. 2621

Sec. 101.82. As used in sections 101.82 to 101.87 of the 2622
Revised Code: 2623

(A) "Agency" means any board, commission, committee, or 2624
council, or any other similar state public body required to be 2625
established pursuant to state statutes for the exercise of any 2626
function of state government and to which members are appointed 2627
or elected. "Agency" does not include the following: 2628

(1) The general assembly, or any commission, committee, or 2629
other body composed entirely of members of the general assembly; 2630

(2) Any court; 2631

(3) Any public body created by or directly pursuant to the 2632
constitution of this state; 2633

(4) The board of trustees of any institution of higher 2634
education financially supported in whole or in part by the 2635
state; 2636

(5) Any public body that has the authority to issue bonds 2637
or notes or that has issued bonds or notes that have not been 2638
fully repaid; 2639

(6) The public utilities commission of Ohio; 2640

(7) The consumers' counsel governing board; 2641

(8) ~~The Ohio board of regents;~~ 2642

~~(9)~~ Any state board or commission that has the authority 2643
to issue any final adjudicatory order that may be appealed to 2644

the court of common pleas under Chapter 119. of the Revised	2645
Code;	2646
~~(10)~~ <u>(9)</u> Any board of elections;	2647
~~(11)~~ <u>(10)</u> The board of directors of the Ohio insurance	2648
guaranty association and the board of governors of the Ohio fair	2649
plan underwriting association;	2650
~~(12)~~ ~~The Ohio public employees deferred compensation~~	2651
~~board;~~	2652
~~(13)~~ <u>(11)</u> The Ohio retirement study council;	2653
~~(14)~~ <u>(12)</u> The board of trustees of the Ohio police and fire	2654
pension fund, public employees retirement board, school	2655
employees retirement board, state highway patrol retirement	2656
board, and state teachers retirement board;	2657
~~(15)~~ <u>(13)</u> The industrial commission;	2658
~~(16)~~ <u>(14)</u> The parole board;	2659
~~(17)~~ <u>(15)</u> The board of tax appeals;	2660
~~(18)~~ <u>(16)</u> The controlling board;	2661
~~(19)~~ <u>(17)</u> The release authority of department of youth	2662
services;	2663
~~(20)~~ <u>(18)</u> The environmental review appeals commission;	2664
~~(21)~~ <u>(19)</u> The Ohio ethics commission;	2665
~~(22)~~ <u>(20)</u> The Ohio public works commission;	2666
~~(23)~~ <u>(21)</u> The self-insuring employers evaluation board;	2667
~~(24)~~ <u>(22)</u> The state board of deposit;	2668
~~(25)~~ <u>(23)</u> The state employment relations board;	2669

~~(26)~~ (24) An agency that is exempted from the requirements 2670
of sections 101.82 to 101.87 of the Revised Code by the agency's 2671
enabling statutes; and 2672

~~(27)~~ (25) The following agencies, deemed to have a purpose 2673
related to federal law: 2674

(a) The ~~early childhood~~ children and youth advisory 2675
council, under section ~~5104.50~~ 5180.04 of the Revised Code; 2676

(b) The emergency response commission under section 2677
3750.02 of the Revised Code; 2678

(c) The public defender commission under section 120.01 of 2679
the Revised Code; 2680

(d) The homeland security advisory council under division 2681
(E) of section 5502.011 of the Revised Code; 2682

(e) The unemployment compensation review commission under 2683
section 4141.06 of the Revised Code. 2684

(B) "Abolish" means to repeal the statutes creating and 2685
empowering an agency, remove its personnel, and transfer its 2686
records to the department of administrative services pursuant to 2687
division (E) of section 149.331 of the Revised Code. 2688

(C) "Terminate" means to amend or repeal the statutes 2689
creating and empowering an agency, remove its personnel, and 2690
reassign its functions and records to another agency or officer 2691
designated by the general assembly. 2692

(D) "Transfer" means to amend the statutes creating and 2693
empowering an agency so that its functions, records, and 2694
personnel are conveyed to another agency or officer. 2695

(E) "Renew" means to continue an agency, and may include 2696

amendment of the statutes creating and empowering the agency, or 2697
recommendations for changes in agency operation or personnel. 2698

Sec. 101.83. (A) It is the intent of the general assembly 2699
that an agency shall expire by operation of sunset review law, 2700
sections 101.82 to 101.87 of the Revised Code, four years more 2701
or less after the effective date of the act that established the 2702
agency. Unless renewed in accordance with division (E) of this 2703
section: 2704

(1) An agency created during an even-numbered general 2705
assembly expires at the end of the thirty-first day of December 2706
in the second year of the next odd-numbered general assembly; 2707

(2) An agency created during an odd-numbered general 2708
assembly expires at the end of the thirty-first day of December 2709
in the second year of the next even-numbered general assembly; 2710
and 2711

(3) An agency renewed by a prior sunset review committee 2712
expires on the expiration date specified in the act that renewed 2713
the agency. 2714

(B) Any act renewing an agency shall contain a distinct 2715
section providing a specific expiration date for the agency in 2716
accordance with this section. With respect to an agency 2717
scheduled to expire through operation of sunset review law, 2718
sections 101.82 to 101.87 of the Revised Code, the specific 2719
expiration date shall be the thirty-first day of December in the 2720
second year of a general assembly. 2721

(C) If the general assembly does not renew or transfer an 2722
agency on or before its expiration date, it expires on that 2723
date. 2724

The director of budget and management shall not authorize 2725

the expenditure of any moneys for any agency on or after the 2726
date of its expiration. 2727

(D) The general assembly may provide by law for the 2728
orderly, efficient, and expeditious conclusion of an agency's 2729
business and operation. The rules, orders, licenses, contracts, 2730
and other actions made, taken, granted, or performed by the 2731
agency continue in effect according to their terms 2732
notwithstanding the agency's abolition, unless the general 2733
assembly provides otherwise by law. The general assembly may 2734
provide by law for the temporary or permanent transfer of some 2735
or all of a terminated or transferred agency's functions and 2736
personnel to a successor agency or officer. 2737

The abolition, termination, or transfer of an agency does 2738
not cause the termination or dismissal of any claim pending 2739
against the agency by any person, or any claim pending against 2740
any person by the agency. Unless the general assembly provides 2741
otherwise by law for the substitution of parties, the attorney 2742
general shall succeed the agency with reference to any pending 2743
claim. 2744

(E) An agency may be renewed by passage of a bill that 2745
continues the statutes creating and empowering the agency, that 2746
amends or repeals those statutes, or that enacts new statutes, 2747
to improve agency usefulness, performance, or effectiveness. 2748

(F) The chairperson of an agency listed in division ~~(A)~~ 2749
~~(27)~~ (A) (25) of section 101.82 of the Revised Code shall notify 2750
the speaker of the house of representatives and the president of 2751
the senate, in the manner specified in section 101.68 of the 2752
Revised Code, and shall notify the governor, if federal law is 2753
modified to eliminate the purpose or necessity for the agency's 2754
existence. The notification shall be in writing and include the 2755

following disclosure: 2756

"The agency known as the _____ was exempted from sunset 2757
review law because it had a purpose related to federal law. The 2758
federal law specifying that purpose has been amended or repealed 2759
eliminating the purpose or necessity for the agency. The sunset 2760
review committee, next convened under section 101.82 to 101.87 2761
of the Revised Code, shall schedule the agency for review and 2762
shall make a recommendation with respect to the agency in 2763
accordance with section 101.87 of the Revised Code." 2764

Sec. 101.84. (A) A sunset review committee shall be 2765
convened during each general assembly. The committee shall be 2766
composed of nine members. The president of the senate shall 2767
appoint three members of the senate to the committee, not more 2768
than two of whom shall be members of the same political party. 2769
The speaker of the house of representatives shall appoint three 2770
members of the house of representatives to the committee, not 2771
more than two of whom shall be members of the same political 2772
party. The governor, with the advice and consent of the senate, 2773
shall appoint three members to the committee, not more than two 2774
of whom shall be members of the same political party. Members 2775
shall be appointed within forty-five days after the commencement 2776
of the first regular session of each general assembly. 2777

(B) Each member of the committee who is a member of the 2778
general assembly shall serve for the duration of the committee, 2779
or until that committee member no longer is a member of the 2780
senate or the house of representatives. Each member of the 2781
committee who is appointed by the governor shall serve for the 2782
duration of the committee, but not later than the thirty-first 2783
day of December in the second year of the general assembly. A 2784
vacancy on the committee shall be filled in the same manner as 2785

the original appointment. 2786

In the first year of the general assembly, the chairperson 2787
of the committee shall be a member of the house of 2788
representatives, and the vice-chairperson of the committee shall 2789
be a member of the senate. In the second year of the general 2790
assembly, the chairperson of the committee shall be a member of 2791
the senate, and the vice-chairperson of the committee shall be a 2792
member of the house of representatives. 2793

Members of the committee shall receive no compensation, 2794
but shall be reimbursed for their necessary expenses incurred in 2795
the performance of their official duties. 2796

(C) The committee shall meet not later than ~~thirty~~ninety 2797
days after the first day of the first year of the general 2798
assembly to choose a chairperson and to commence establishment 2799
of the schedule for agency review provided for in section 101.85 2800
of the Revised Code or perform other committee duties under 2801
sections 101.82 to 101.87 of the Revised Code. Five members of 2802
the committee constitute a quorum for the conduct of committee 2803
business. 2804

(D) The sunset review committee, after having prepared and 2805
published a report of its findings and recommendations, and 2806
furnished the report, as required under section 101.87 of the 2807
Revised Code, ceases to exist for the remainder of the biennial 2808
general assembly. 2809

Sec. 102.02. (A) (1) Except as otherwise provided in 2810
division (H) of this section, all of the following shall file 2811
with the appropriate ethics commission the disclosure statement 2812
described in this division on a form prescribed by the 2813
appropriate commission: every person who is elected to or is a 2814

candidate for a state, county, or city office and every person 2815
who is appointed to fill a vacancy for an unexpired term in such 2816
an elective office; all members of the state board of education; 2817
the director, assistant directors, deputy directors, division 2818
chiefs, or persons of equivalent rank of any administrative 2819
department of the state; the president or other chief 2820
administrative officer of every state institution of higher 2821
education as defined in section 3345.011 of the Revised Code; 2822
the executive director and the members of the capitol square 2823
review and advisory board appointed or employed pursuant to 2824
section 105.41 of the Revised Code; all members of the Ohio 2825
casino control commission, the executive director of the 2826
commission, all professional employees of the commission, and 2827
all technical employees of the commission who perform an 2828
internal audit function; the individuals set forth in division 2829
(B) (2) of section 187.03 of the Revised Code; the chief 2830
executive officer and the members of the board of each state 2831
retirement system; each employee of a state retirement board who 2832
is a state retirement system investment officer licensed 2833
pursuant to section 1707.163 of the Revised Code; the members of 2834
the Ohio retirement study council appointed pursuant to division 2835
(C) of section 171.01 of the Revised Code; employees of the Ohio 2836
retirement study council, other than employees who perform 2837
purely administrative or clerical functions; the administrator 2838
of workers' compensation and each member of the bureau of 2839
workers' compensation board of directors; the bureau of workers' 2840
compensation director of investments; the chief investment 2841
officer of the bureau of workers' compensation; all members of 2842
the board of commissioners on grievances and discipline of the 2843
supreme court and the ethics commission created under section 2844
102.05 of the Revised Code; every business manager, treasurer, 2845
or superintendent of a city, local, exempted village, joint 2846

vocational, or cooperative education school district or an 2847
educational service center; every person who is elected to or is 2848
a candidate for the office of member of a board of education of 2849
a city, local, exempted village, joint vocational, or 2850
cooperative education school district or of a governing board of 2851
an educational service center that has a total student count of 2852
twelve thousand or more as most recently determined by the 2853
department of education and workforce pursuant to section 2854
3317.03 of the Revised Code; every person who is appointed to 2855
the board of education of a municipal school district pursuant 2856
to division (B) or (F) of section 3311.71 of the Revised Code; 2857
all members of the board of directors of a sanitary district 2858
that is established under Chapter 6115. of the Revised Code and 2859
organized wholly for the purpose of providing a water supply for 2860
domestic, municipal, and public use, and that includes two 2861
municipal corporations in two counties; every public official or 2862
employee who is paid a salary or wage in accordance with 2863
schedule C of section 124.15 or schedule E-2 of section 124.152 2864
of the Revised Code; all members appointed to the Ohio livestock 2865
care standards board under section 904.02 of the Revised Code; 2866
~~all entrepreneurs in residence assigned by the LeanOhio office~~ 2867
~~in the department of administrative services under section~~ 2868
~~125.65 of the Revised Code~~ and every other public official or 2869
employee who is designated by the appropriate ethics commission 2870
pursuant to division (B) of this section. 2871

(2) The disclosure statement shall include all of the 2872
following: 2873

(a) The name of the person filing the statement and each 2874
member of the person's immediate family and all names under 2875
which the person or members of the person's immediate family do 2876
business; 2877

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 2878
this section and except as otherwise provided in section 102.022 2879
of the Revised Code, identification of every source of income, 2880
other than income from a legislative agent identified in 2881
division (A) (2) (b) (ii) of this section, received during the 2882
preceding calendar year, in the person's own name or by any 2883
other person for the person's use or benefit, by the person 2884
filing the statement, and a brief description of the nature of 2885
the services for which the income was received. If the person 2886
filing the statement is a member of the general assembly, the 2887
statement shall identify the amount of every source of income 2888
received in accordance with the following ranges of amounts: 2889
zero or more, but less than one thousand dollars; one thousand 2890
dollars or more, but less than ten thousand dollars; ten 2891
thousand dollars or more, but less than twenty-five thousand 2892
dollars; twenty-five thousand dollars or more, but less than 2893
fifty thousand dollars; fifty thousand dollars or more, but less 2894
than one hundred thousand dollars; and one hundred thousand 2895
dollars or more. Division (A) (2) (b) (i) of this section shall not 2896
be construed to require a person filing the statement who 2897
derives income from a business or profession to disclose the 2898
individual items of income that constitute the gross income of 2899
that business or profession, except for those individual items 2900
of income that are attributable to the person's or, if the 2901
income is shared with the person, the partner's, solicitation of 2902
services or goods or performance, arrangement, or facilitation 2903
of services or provision of goods on behalf of the business or 2904
profession of clients, including corporate clients, who are 2905
legislative agents. A person who files the statement under this 2906
section shall disclose the identity of and the amount of income 2907
received from a person who the public official or employee knows 2908
or has reason to know is doing or seeking to do business of any 2909

kind with the public official's or employee's agency. 2910

(ii) If the person filing the statement is a member of the 2911
general assembly, the statement shall identify every source of 2912
income and the amount of that income that was received from a 2913
legislative agent during the preceding calendar year, in the 2914
person's own name or by any other person for the person's use or 2915
benefit, by the person filing the statement, and a brief 2916
description of the nature of the services for which the income 2917
was received. Division (A) (2) (b) (ii) of this section requires 2918
the disclosure of clients of attorneys or persons licensed under 2919
section 4732.12 of the Revised Code, or patients of persons 2920
licensed under section 4731.14 of the Revised Code, if those 2921
clients or patients are legislative agents. Division (A) (2) (b) 2922
(ii) of this section requires a person filing the statement who 2923
derives income from a business or profession to disclose those 2924
individual items of income that constitute the gross income of 2925
that business or profession that are received from legislative 2926
agents. 2927

(iii) Except as otherwise provided in division (A) (2) (b) 2928
(iii) of this section, division (A) (2) (b) (i) of this section 2929
applies to attorneys, physicians, and other persons who engage 2930
in the practice of a profession and who, pursuant to a section 2931
of the Revised Code, the common law of this state, a code of 2932
ethics applicable to the profession, or otherwise, generally are 2933
required not to reveal, disclose, or use confidences of clients, 2934
patients, or other recipients of professional services except 2935
under specified circumstances or generally are required to 2936
maintain those types of confidences as privileged communications 2937
except under specified circumstances. Division (A) (2) (b) (i) of 2938
this section does not require an attorney, physician, or other 2939
professional subject to a confidentiality requirement as 2940

described in division (A) (2) (b) (iii) of this section to disclose 2941
the name, other identity, or address of a client, patient, or 2942
other recipient of professional services if the disclosure would 2943
threaten the client, patient, or other recipient of professional 2944
services, would reveal details of the subject matter for which 2945
legal, medical, or professional advice or other services were 2946
sought, or would reveal an otherwise privileged communication 2947
involving the client, patient, or other recipient of 2948
professional services. Division (A) (2) (b) (i) of this section 2949
does not require an attorney, physician, or other professional 2950
subject to a confidentiality requirement as described in 2951
division (A) (2) (b) (iii) of this section to disclose in the brief 2952
description of the nature of services required by division (A) 2953
(2) (b) (i) of this section any information pertaining to specific 2954
professional services rendered for a client, patient, or other 2955
recipient of professional services that would reveal details of 2956
the subject matter for which legal, medical, or professional 2957
advice was sought or would reveal an otherwise privileged 2958
communication involving the client, patient, or other recipient 2959
of professional services. 2960

(c) The name of every corporation on file with the 2961
secretary of state that is incorporated in this state or holds a 2962
certificate of compliance authorizing it to do business in this 2963
state, trust, business trust, partnership, or association that 2964
transacts business in this state in which the person filing the 2965
statement or any other person for the person's use and benefit 2966
had during the preceding calendar year an investment of over one 2967
thousand dollars at fair market value as of the thirty-first day 2968
of December of the preceding calendar year, or the date of 2969
disposition, whichever is earlier, or in which the person holds 2970
any office or has a fiduciary relationship, and a description of 2971

the nature of the investment, office, or relationship. Division 2972
(A) (2) (c) of this section does not require disclosure of the 2973
name of any bank, savings and loan association, credit union, or 2974
building and loan association with which the person filing the 2975
statement has a deposit or a withdrawable share account. 2976

(d) All fee simple and leasehold interests to which the 2977
person filing the statement holds legal title to or a beneficial 2978
interest in real property located within the state, excluding 2979
the person's residence and property used primarily for personal 2980
recreation; 2981

(e) The names of all persons residing or transacting 2982
business in the state to whom the person filing the statement 2983
owes, in the person's own name or in the name of any other 2984
person, more than one thousand dollars. Division (A) (2) (e) of 2985
this section shall not be construed to require the disclosure of 2986
debts owed by the person resulting from the ordinary conduct of 2987
a business or profession or debts on the person's residence or 2988
real property used primarily for personal recreation, except 2989
that the superintendent of financial institutions and any deputy 2990
superintendent of banks shall disclose the names of all state- 2991
chartered banks and all bank subsidiary corporations subject to 2992
regulation under section 1109.44 of the Revised Code to whom the 2993
superintendent or deputy superintendent owes any money. 2994

(f) The names of all persons residing or transacting 2995
business in the state, other than a depository excluded under 2996
division (A) (2) (c) of this section, who owe more than one 2997
thousand dollars to the person filing the statement, either in 2998
the person's own name or to any person for the person's use or 2999
benefit. Division (A) (2) (f) of this section shall not be 3000
construed to require the disclosure of clients of attorneys or 3001

persons licensed under section 4732.12 of the Revised Code, or 3002
patients of persons licensed under section 4731.14 of the 3003
Revised Code, nor the disclosure of debts owed to the person 3004
resulting from the ordinary conduct of a business or profession. 3005

(g) Except as otherwise provided in section 102.022 of the 3006
Revised Code, the source of each gift of over seventy-five 3007
dollars, or of each gift of over twenty-five dollars received by 3008
a member of the general assembly from a legislative agent, 3009
received by the person in the person's own name or by any other 3010
person for the person's use or benefit during the preceding 3011
calendar year, except gifts received by will or by virtue of 3012
section 2105.06 of the Revised Code, or received from spouses, 3013
parents, grandparents, children, grandchildren, siblings, 3014
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 3015
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 3016
or any person to whom the person filing the statement stands in 3017
loco parentis, or received by way of distribution from any inter 3018
vivos or testamentary trust established by a spouse or by an 3019
ancestor; 3020

(h) Except as otherwise provided in section 102.022 of the 3021
Revised Code, identification of the source and amount of every 3022
payment of expenses incurred for travel to destinations inside 3023
or outside this state that is received by the person in the 3024
person's own name or by any other person for the person's use or 3025
benefit and that is incurred in connection with the person's 3026
official duties, except for expenses for travel to meetings or 3027
conventions of a national or state organization to which any 3028
state agency, including, but not limited to, any legislative 3029
agency or state institution of higher education as defined in 3030
section 3345.011 of the Revised Code, pays membership dues, or 3031
any political subdivision or any office or agency of a political 3032

subdivision pays membership dues; 3033

(i) Except as otherwise provided in section 102.022 of the 3034
Revised Code, identification of the source of payment of 3035
expenses for meals and other food and beverages, other than for 3036
meals and other food and beverages provided at a meeting at 3037
which the person participated in a panel, seminar, or speaking 3038
engagement or at a meeting or convention of a national or state 3039
organization to which any state agency, including, but not 3040
limited to, any legislative agency or state institution of 3041
higher education as defined in section 3345.011 of the Revised 3042
Code, pays membership dues, or any political subdivision or any 3043
office or agency of a political subdivision pays membership 3044
dues, that are incurred in connection with the person's official 3045
duties and that exceed one hundred dollars aggregated per 3046
calendar year; 3047

(j) If the disclosure statement is filed by a public 3048
official or employee described in division (B)(2) of section 3049
101.73 of the Revised Code or division (B)(2) of section 121.63 3050
of the Revised Code who receives a statement from a legislative 3051
agent, executive agency lobbyist, or employer that contains the 3052
information described in division (F)(2) of section 101.73 of 3053
the Revised Code or division (G)(2) of section 121.63 of the 3054
Revised Code, all of the nondisputed information contained in 3055
the statement delivered to that public official or employee by 3056
the legislative agent, executive agency lobbyist, or employer 3057
under division (F)(2) of section 101.73 or (G)(2) of section 3058
121.63 of the Revised Code. 3059

(3) A person may file a statement required by this section 3060
in person, by mail, or by electronic means. 3061

(4) A person who is required to file a statement under 3062

this section shall file that statement according to the 3063
following deadlines, as applicable: 3064

(a) Except as otherwise provided in divisions (A) (4) (b), 3065
(c), and (d) of this section, the person shall file the 3066
statement not later than the fifteenth day of May of each year. 3067

(b) A person who is a candidate for elective office shall 3068
file the statement no later than the thirtieth day before the 3069
primary, special, or general election at which the candidacy is 3070
to be voted on, whichever election occurs soonest, except that a 3071
person who is a write-in candidate shall file the statement no 3072
later than the twentieth day before the earliest election at 3073
which the person's candidacy is to be voted on. 3074

(c) A person who is appointed to fill a vacancy for an 3075
unexpired term in an elective office shall file the statement 3076
within fifteen days after the person qualifies for office. 3077

(d) A person who is appointed or employed after the 3078
fifteenth day of May, other than a person described in division 3079
(A) (4) (c) of this section, shall file an annual statement within 3080
ninety days after appointment or employment. 3081

(5) No person shall be required to file with the 3082
appropriate ethics commission more than one statement or pay 3083
more than one filing fee for any one calendar year. 3084

(6) The appropriate ethics commission, for good cause, may 3085
extend for a reasonable time the deadline for filing a statement 3086
under this section. 3087

(7) A statement filed under this section is subject to 3088
public inspection at locations designated by the appropriate 3089
ethics commission except as otherwise provided in this section. 3090

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

Disclosure statements filed under this division with the
Ohio ethics commission by members of boards, commissions, or
bureaus of the state for which no compensation is received other
than reasonable and necessary expenses shall be kept
confidential. Disclosure statements filed with the Ohio ethics
commission under division (A) of this section by business
managers, treasurers, and superintendents of city, local,
exempted village, joint vocational, or cooperative education
school districts or educational service centers shall be kept
confidential, except that any person conducting an audit of any
such school district or educational service center pursuant to
Chapter 117. of the Revised Code may examine the disclosure
statement of any business manager, treasurer, or superintendent

of that school district or educational service center. 3122
Disclosure statements filed with the Ohio ethics commission 3123
under division (A) of this section by the individuals set forth 3124
in division (B) (2) of section 187.03 of the Revised Code shall 3125
be kept confidential. The Ohio ethics commission shall examine 3126
each disclosure statement required to be kept confidential to 3127
determine whether a potential conflict of interest exists for 3128
the person who filed the disclosure statement. A potential 3129
conflict of interest exists if the private interests of the 3130
person, as indicated by the person's disclosure statement, might 3131
interfere with the public interests the person is required to 3132
serve in the exercise of the person's authority and duties in 3133
the person's office or position of employment. If the commission 3134
determines that a potential conflict of interest exists, it 3135
shall notify the person who filed the disclosure statement and 3136
shall make the portions of the disclosure statement that 3137
indicate a potential conflict of interest subject to public 3138
inspection in the same manner as is provided for other 3139
disclosure statements. Any portion of the disclosure statement 3140
that the commission determines does not indicate a potential 3141
conflict of interest shall be kept confidential by the 3142
commission and shall not be made subject to public inspection, 3143
except as is necessary for the enforcement of Chapters 102. and 3144
2921. of the Revised Code and except as otherwise provided in 3145
this division. 3146

(C) No person shall knowingly fail to file, on or before 3147
the applicable filing deadline established under this section, a 3148
statement that is required by this section. 3149

(D) No person shall knowingly file a false statement that 3150
is required to be filed under this section. 3151

(E) (1) Except as provided in divisions (E) (2) and (3) of 3152
this section, the statement required by division (A) or (B) of 3153
this section shall be accompanied by a filing fee of sixty 3154
dollars. 3155

(2) The statement required by division (A) of this section 3156
shall be accompanied by the following filing fee to be paid by 3157
the person who is elected or appointed to, or is a candidate 3158
for, any of the following offices: 3159
3160

1

2

A	For state office, ~~except member of the state board of~~ ~~education~~	\$95
B	For office of member of general assembly	\$40
C	For county office	\$60
D	For city office	\$35
E	For office of member of the state board of education	\$35
F	For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30
G	For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$30

(3) No judge of a court of record or candidate for judge 3161
of a court of record, and no referee or magistrate serving a 3162

court of record, shall be required to pay the fee required under 3163
division (E) (1) or (2) or (F) of this section. 3164

(4) For any public official who is appointed to a 3165
nonelective office of the state and for any employee who holds a 3166
nonelective position in a public agency of the state, the state 3167
agency that is the primary employer of the state official or 3168
employee shall pay the fee required under division (E) (1) or (F) 3169
of this section. 3170

(F) If a statement required to be filed under this section 3171
is not filed by the date on which it is required to be filed, 3172
the appropriate ethics commission shall assess the person 3173
required to file the statement a late filing fee of ten dollars 3174
for each day the statement is not filed, except that the total 3175
amount of the late filing fee shall not exceed two hundred fifty 3176
dollars. 3177

(G) (1) The appropriate ethics commission other than the 3178
Ohio ethics commission and the joint legislative ethics 3179
committee shall deposit all fees it receives under divisions (E) 3180
and (F) of this section into the general revenue fund of the 3181
state. 3182

(2) The Ohio ethics commission shall deposit all receipts, 3183
including, but not limited to, fees it receives under divisions 3184
(E) and (F) of this section, investigative or other fees, costs, 3185
or other funds it receives as a result of court orders, and all 3186
moneys it receives from settlements under division (G) of 3187
section 102.06 of the Revised Code, into the Ohio ethics 3188
commission fund, which is hereby created in the state treasury. 3189
All moneys credited to the fund shall be used solely for 3190
expenses related to the operation and statutory functions of the 3191
commission. 3192

(3) The joint legislative ethics committee shall deposit 3193
all receipts it receives from the payment of financial 3194
disclosure statement filing fees under divisions (E) and (F) of 3195
this section into the joint legislative ethics committee 3196
investigative and financial disclosure fund. 3197

(H) Division (A) of this section does not apply to a 3198
person elected or appointed to the office of precinct, ward, or 3199
district committee member under Chapter 3517. of the Revised 3200
Code; a presidential elector; a delegate to a national 3201
convention; village or township officials and employees; any 3202
physician or psychiatrist who is paid a salary or wage in 3203
accordance with schedule C of section 124.15 or schedule E-2 of 3204
section 124.152 of the Revised Code and whose primary duties do 3205
not require the exercise of administrative discretion; or any 3206
member of a board, commission, or bureau of any county or city 3207
who receives less than one thousand dollars per year for serving 3208
in that position. 3209

Sec. 103.05. (A) The director of the legislative service 3210
commission shall be the codifier of the rules of the 3211
administrative agencies of the state. When in accordance with 3212
sections 149.21 to 149.27 of the Revised Code, the commission is 3213
the official publisher of the Ohio administrative code. 3214

(B) The director, considering the objectives of uniform 3215
codification and the principles of legal drafting, shall publish 3216
a rule drafting manual that states standards and procedures to 3217
be followed by an agency in drafting a rule that is to be 3218
codified into the administrative code. The director shall 3219
periodically revise and publish a new edition of the manual to 3220
maintain the uniformity of the administrative code. In preparing 3221
and updating the rule drafting manual, the director shall 3222

consider sections 1.31 and 1.41 to 1.59 of the Revised Code and 3223
apply the principles of statutory construction to rule drafting. 3224
The rule drafting manual shall prescribe and explain any matters 3225
the director determines are pertinent to the uniformity of the 3226
administrative code, including: 3227

(1) The rule numbering system an agency shall follow to 3228
codify a rule into the administrative code; 3229

(2) The structure of a rule, including: 3230

(a) The rule number; 3231

(b) The subject matter heading, the principal text, any 3232
appendices, and the supplemental information, including 3233
information with respect to the history of the rule; 3234

(c) A certification that the rule has been lawfully 3235
adopted; 3236

(d) The effective date, expiration date, and periodic 3237
five-year review date of the rule. 3238

(3) The standard format for drafting an amendment to an 3239
existing rule or an appendix if there is one, an enactment of a 3240
new rule or appendix, and a rescission of an existing rule or 3241
appendix. 3242

(C) When a rule is filed under section 111.15 ~~or~~, 119.03, 3243
or 119.04 of the Revised Code, the director ~~or the director's~~ 3244
~~designee shall examine the rule. If the rule is not numbered or~~ 3245
~~if the numbering of the rule is not in conformity with the~~ 3246
~~system established by the director, the director shall give the~~ 3247
~~rule its proper number by designating the proper number on the~~ 3248
~~left hand margin of the rule. The number shall be the official~~ 3249
~~administrative code number of the rule. Any number so assigned~~ 3250

~~shall be published in any publication of the administrative-~~ 3251
~~code. Rules of the administrative code shall be cited and~~ 3252
~~referred to by such official numbers.~~ 3253

~~The legislative service commission shall, under section~~ 3254
~~111.15 of the Revised Code, adopt, amend, and rescind any rules~~ 3255
~~that are necessary to provide a uniform administrative code; to~~ 3256
~~provide standards for use by the director in determining whether~~ 3257
~~to include in the administrative code the full text of, or a~~ 3258
~~reference to, any rule filed with the commission; to permit the~~ 3259
~~director to discharge the director's duties and exercise the~~ 3260
~~director's powers as described in this section; and to permit~~ 3261
~~the director to discharge the director's duties and exercise the~~ 3262
~~director's powers with respect to establishing and maintaining,~~ 3263
~~and enhancing and improving, the electronic rule-filing system~~ 3264
~~under section 103.0511 of the Revised Code.~~ 3265

~~When the commission adopts rules to provide standards for~~ 3266
~~use by the director in determining whether to include the full~~ 3267
~~text of, or a reference to, a rule in the administrative code,~~ 3268
~~it shall require the director to consider all of the following:~~ 3269

~~(1) Whether the rule applies uniformly to all citizens of~~ 3270
~~the state;~~ 3271

~~(2) Whether the rule applies uniformly to all political~~ 3272
~~subdivisions of the state;~~ 3273

~~(3) Whether the rule affects the health, welfare, and~~ 3274
~~safety of the citizens of the state;~~ 3275

~~(4) Whether the rule applies only to the internal affairs~~ 3276
~~of the agency adopting the rule;~~ 3277

~~(5) The number of persons affected by the rule;~~ 3278

~~(6) Whether the rule affects the statutory or~~ 3279
~~constitutional rights of any person.~~ 3280

~~The director or the director's designee shall accept any~~ 3281
~~rule that is filed under section 111.15 or 119.04 of the Revised~~ 3282
~~Code. If the director or the director's designee accepts a rule~~ 3283
~~that is does not in compliance comply with the rules of the~~ 3284
~~commission~~this section or the rule drafting manual, the director 3285
shall give notice of the noncompliance in electronic form to the 3286
agency that filed the rule within thirty days after the date on 3287
which the rule is filed. The notice shall indicate why the rule 3288
does not comply with ~~the rules of the commission~~this section or 3289
the rule drafting manual and how the rule can be brought into 3290
compliance. The failure of the director to give an agency notice 3291
within the thirty-day period presumptively establishes that the 3292
rule complies with ~~the rules of the commission~~this section and 3293
the rule drafting manual. 3294

~~(B)~~ (D) Any person may publish an acceptable administrative 3295
code. The director shall approve as acceptable any person's 3296
publication of the code conforming to the requirements of this 3297
division. 3298

An Ohio administrative code approved as acceptable by the 3299
director shall: 3300

(1) Contain a compilation of the full text of, or a 3301
reference to, each rule filed under section 111.15 or 119.04 of 3302
the Revised Code; 3303

(2) Presumptively establish the rules of all agencies 3304
adopting rules under section 111.15 or Chapter 119. of the 3305
Revised Code that are in effect on the day of its initial 3306
publication; 3307

(3) Contain the full text of, or a reference to, each rule 3308
adopted after its initial publication and be updated at least 3309
quarterly; 3310

(4) Contain an index of the rules and references to rules 3311
that are included in the code and each supplement using terms 3312
easily understood by the general public; 3313

(5) Be published in electronic or print format following, 3314
to the extent possible, the subject matter arrangement of the 3315
Revised Code; 3316

(6) Be numbered according to the numbering system devised 3317
by the director. 3318

~~(C) The director may prepare and publish the code, or 3319
contract with any person under this division to prepare and 3320
publish the code. Any code published under this division shall 3321
include all of the requirements of division (B) of this section. 3322
In addition, the director shall furnish any code or supplement 3323
published under this division to any person who requests the 3324
code or supplement upon payment of a charge established by the 3325
director, not to exceed the cost of preparation and publication. 3326~~

~~Upon the request of the director of the legislative 3327
service commission under this division, the director of 3328
administrative services, in accordance with the competitive 3329
selection procedure of Chapter 125. of the Revised Code, shall 3330
let a contract for the compilation, preparation, and printing or 3331
publication of the administrative code and supplements. 3332~~

Sec. 103.051. The "Register of Ohio" is an electronic 3333
publication that functions as a gazette to which members of the 3334
public may readily resort for notice of and information about 3335
rule-making processes. The director of the legislative service 3336

commission shall publish the register. The register is to 3337
include all rule-making documents that are required by statute 3338
to be published in the register. The director shall display the 3339
register free of charge on the internet, and shall ensure that 3340
printed copies of all or part of a document published in the 3341
register can be easily produced by users of the internet. 3342

The director, taking into consideration the public notice 3343
and information functions performed by the register, shall 3344
update the register at reasonable intervals, but not less often 3345
than weekly. The director shall establish a reasonable deadline 3346
before each updating. A document received by the director on or 3347
before a deadline is to be published in the register upon the 3348
register's next updating. The director shall purge a document 3349
from the register when its display no longer serves the public 3350
notice and information functions performed by the register. 3351

The director upon request of any person shall provide the 3352
person with a printed copy of all or part of a document 3353
published in the register. The director may charge and collect a 3354
fee for this service. Any such fee is not to exceed the actual 3355
cost of printing and delivering the printed copy to the person 3356
requesting it. ~~The director shall deposit the fees into the~~ 3357
~~state treasury to the credit of the register of Ohio fund.~~ 3358

Sec. 103.13. The Ohio legislative service commission 3359
shall: 3360

(A) Conduct research, make investigations, and secure 3361
information or data on any subject and make reports thereon to 3362
the general assembly; 3363

(B) Ascertain facts and make reports concerning the state 3364
budget, the revenues and expenditures of the state, and of the 3365

organization and functions of the state, its departments, 3366
subdivisions, and agencies; 3367

(C) Make surveys, investigations, and studies, and compile 3368
data, information, and records on any question which may be 3369
referred to it by either house of the general assembly or any 3370
standing committee of the general assembly; 3371

(D) Assist and cooperate with any interim legislative 3372
committee or other agency created by the general assembly; 3373

(E) Prepare or advise in the preparation of any bill or 3374
resolution, when requested by any member of the general 3375
assembly; 3376

(F) Collect, classify, and index the documents of the 3377
state which shall include executive and legislative documents 3378
and departmental reports and keep on file all bills, 3379
resolutions, and official journals printed by order of either 3380
house of the general assembly; 3381

(G) Provide members of the general assembly with impartial 3382
and accurate information and reports concerning legislative 3383
problems in accordance with rules prescribed by the commission; 3384

(H) Annually collect the reports required by section 3385
4743.01 of the Revised Code and prepare a report evaluating the 3386
extent to which state boards and commissions which regulate 3387
occupations are financially self-supporting. The report shall be 3388
presented to the speaker and the minority leader of the house of 3389
representatives, the president and the minority leader of the 3390
senate, and the chairperson and ranking minority member of the 3391
finance committees of both houses, on or before the thirty-first 3392
day of December each year. 3393

(I) Codify the rules of administrative agencies of the 3394

state in accordance with the provisions of section 103.05 of the Revised Code;

(J) Publish the register of Ohio under section 103.051 of the Revised Code;

(K) Operate the electronic rule-filing system under section 103.0511 of the Revised Code;

(L) Assist the standing committees of the house of representatives and the senate that primarily consider legislation governing the medicaid program, to carry out continuing oversight and other duties regarding the state's medicaid program enumerated under sections 103.41 to 103.412 of the Revised Code.

Sec. 103.41. The standing committees of the house of representatives and the senate that primarily consider legislation governing the medicaid program shall meet jointly during each session of the general assembly to oversee the medicaid program on a continuing basis.

In odd numbered years, the standing committees shall meet jointly at the call of the chairperson of the senate committee that considers the medicaid program. In even numbered years, the standing committees shall meet jointly at the call of the chairperson of the house of representatives committee that considers the medicaid program.

Sec. ~~103.412~~ 103.411. ~~(A) JMOC shall oversee the medicaid program on a continuing basis. As part of its oversight, JMOC To~~ assist the standing committees overseeing the medicaid program as provided in section 103.41 of the Revised Code, the legislative service commission shall ~~do all of the research,~~ review, and summarize the following to the joint standing

committees on request of the chairperson who calls the meeting: 3424

~~(1) Review how~~ (A) How the medicaid program relates to the 3425
public and private provision of health care coverage in this 3426
state and the United States; 3427

~~(2) Review the reforms implemented under section 5162.70~~ 3428
~~of the Revised Code and evaluate the reforms' successes in~~ 3429
~~achieving their objectives~~ (B) Reports issued by all agencies 3430
that participate in the medicaid program that are submitted to 3431
the commission; 3432

~~(3) Recommend policies~~ (C) Policies and strategies related 3433
to ~~encourage~~ both of the following: 3434

~~(a) (1)~~ (1) Medicaid recipients being physically and mentally 3435
able to join and stay in the workforce and ultimately becoming 3436
self-sufficient; 3437

~~(b) (2)~~ (2) Less use of the medicaid program. 3438

~~(4) Recommend, to the extent JMOC determines appropriate,~~ 3439
~~improvements in statutes and~~ (D) Newly-adopted rules concerning 3440
the medicaid program; 3441

~~(5) Develop a plan of action for the future of the~~ 3442
~~medicaid program~~ (E) Pending Ohio medicaid legislation; 3443

~~(6) Receive and consider reports submitted by local~~ (F) 3444
Medicaid legislation and innovations in other states; 3445

(G) Local healthier buckeye councils reports submitted 3446
under section 355.04 of the Revised Code. 3447

~~(B) JMOC may do all of the following:~~ 3448

~~(1) Plan, advertise, organize, and conduct forums,~~ 3449
~~conferences, and other meetings at which representatives of~~ 3450

~~state agencies and other individuals having expertise in the~~ 3451
~~medicaid program may participate to increase knowledge and~~ 3452
~~understanding of, and to develop and propose improvements in,~~ 3453
~~the medicaid program;~~ 3454

~~(2) Prepare and issue reports on the medicaid program;~~ 3455

~~(3) Solicit written comments on, and conduct public~~ 3456
~~hearings at which persons may offer verbal comments on, drafts~~ 3457
~~of its reports.~~ 3458

Sec. ~~103.414~~ 103.412. (A) Before the beginning of each 3459
fiscal biennium, ~~JMOC~~ the legislative service commission shall 3460
contract with an actuary to determine the projected medical 3461
inflation rate for the upcoming fiscal biennium. The contract 3462
shall require the actuary to make the determination using the 3463
same types of classifications and sub-classifications of medical 3464
care that the United States bureau of labor statistics uses in 3465
determining the inflation rate for medical care in the consumer 3466
price index. The contract also shall require the actuary to 3467
provide ~~JMOC~~ the commission a report with its determination at 3468
least one hundred twenty days before the governor is required to 3469
submit a state budget for the fiscal biennium to the general 3470
assembly under section 107.03 of the Revised Code. 3471

(B) On receipt of the actuary's report, ~~JMOC~~ the 3472
commission shall share the report with the standing committees 3473
overseeing the medicaid program under section 103.41 of the 3474
Revised Code. The standing committees, acting jointly, shall 3475
determine whether it agrees they agree with the actuary's 3476
projected medical inflation rate. If ~~JMOC disagrees~~ they 3477
disagree with the actuary's projected medical inflation rate, 3478
~~JMOC shall~~ the standing committees shall work with the 3479
commission to determine a different projected medical inflation 3480

rate for the upcoming fiscal biennium. 3481

~~The actuary, the commission, and, if JMOC determines a~~ 3482
~~different projected medical inflation rate, JMOC standing~~ 3483
~~committees~~ shall determine the projected medical inflation rate 3484
for the state unless that is not practicable in which case the 3485
determination shall be made for the midwest region. 3486

~~Regardless of whether it agrees with the actuary's~~ 3487
~~projected medical inflation rate or determines a different~~ 3488
~~projected medical inflation rate, JMOC shall complete a report~~ 3489
~~regarding the projected medical inflation rate. JMOC shall~~ 3490
~~include a copy of the actuary's report in JMOC's report. JMOC's~~ 3491
~~report shall state whether JMOC agrees with the actuary's~~ 3492
~~projected medical inflation rate and, if JMOC disagrees, the~~ 3493
~~reason why JMOC disagrees and the different medical inflation~~ 3494
~~rate JMOC determined. At least ninety days before the governor~~ 3495
~~is required to submit a state budget for the upcoming fiscal~~ 3496
~~biennium to the general assembly under section 107.03 of the~~ 3497
~~Revised Code, JMOC shall submit a copy of the report to the~~ 3498
~~general assembly in accordance with section 101.68 of the~~ 3499
~~Revised Code and to the governor and medicaid director.~~ 3500

(C) At least ninety days before the governor is required 3501
to submit a state budget for the upcoming fiscal biennium to the 3502
general assembly under section 107.03 of the Revised Code, the 3503
commission shall submit a report to the governor, medicaid 3504
director, and the standing committees that includes the 3505
following information: 3506

(1) The projected medical inflation rate, whether the 3507
standing committees recommend the actuary's rate or the 3508
alternate rate recommended by the standing committees; 3509

(2) If the standing committees recommend an alternate 3510
rate, an explanation for rejecting the actuary's rate; 3511

(3) A copy of the actuary's report. 3512

Sec. 103.65. (A) There is hereby created the Ohio health 3513
oversight and advisory committee. The committee shall consist of 3514
the following members: 3515

(1) Three members of the senate appointed by the president 3516
of the senate, two of whom are members of the majority party and 3517
one of whom is a member of the minority party; 3518

(2) Three members of the house of representatives 3519
appointed by the speaker of the house of representatives, two of 3520
whom are members of the majority party and one of whom is a 3521
member of the minority party. 3522

(B) The president and speaker shall make the initial 3523
appointments to the committee not later than fifteen calendar 3524
days after June 23, 2021. The president and speaker shall make 3525
subsequent appointments not later than forty-five calendar days 3526
after the commencement of the first regular session of each 3527
general assembly. Members of the committee shall serve on the 3528
committee until appointments are made in the first regular 3529
session of the following general assembly, until a member no 3530
longer serves as a member of the chamber from which the member 3531
was initially appointed, or until a member is removed by the 3532
speaker or president. No committee member shall be removed 3533
during the member's term during a state of emergency as defined 3534
in section 107.42 of the Revised Code, unless an extraordinary 3535
circumstance exists that prevents a member from serving on the 3536
committee. A vacancy on the committee shall be filled in the 3537
same manner as the original appointment. 3538

(C) In odd-numbered years, the president shall designate 3539
one committee member from the senate who is a member of the 3540
majority party as the committee chairperson, and the speaker 3541
shall designate one committee member from the house who is a 3542
member of the majority party as the committee vice-chairperson 3543
and one committee member from the house who is a member of the 3544
minority party as the committee ranking minority member. In 3545
even-numbered years, the speaker shall designate one committee 3546
member from the house who is a member of the majority party as 3547
the committee chairperson, and the president shall designate one 3548
committee member from the senate who is a member of the majority 3549
party as the committee vice-chairperson and one committee member 3550
from the senate who is a member of the minority party as the 3551
committee ranking minority member. 3552

(D) In appointing members from the minority party, and in 3553
designating ranking minority members, the president and speaker 3554
shall consult with the minority leader of their respective 3555
houses. 3556

(E) The Ohio health oversight and advisory committee shall 3557
meet at the call of the chairperson. 3558

(F) The ~~executive director and other employees of the~~ 3559
~~joint medicaid oversight committee~~ legislative service 3560
commission shall ~~serve~~ provide staff services to the Ohio health 3561
oversight and advisory committee to enable the committee to 3562
successfully and efficiently perform its duties. 3563

Sec. 106.02. Except as provided in section 106.026 of the 3564
Revised Code, all of the following apply to a proposed rule: 3565

(A) Subject to division (B) of this section, when an 3566
agency files a proposed rule and rule summary and fiscal 3567

analysis with the joint committee on agency rule review, the 3568
joint committee shall review the proposed rule and rule summary 3569
and fiscal analysis, and an invalidating concurrent resolution 3570
may be adopted, not later than the sixty-fifth day after the day 3571
on which the proposed rule was filed with the joint committee. 3572
If, after filing the original version of a proposed rule, the 3573
agency makes a revision in the proposed rule, the agency shall 3574
file the revised proposed rule and a revised rule summary and 3575
fiscal analysis with the joint committee. If the revised 3576
proposed rule is filed thirty-five or fewer days after the 3577
original version of the proposed rule was filed, the joint 3578
committee shall review the revised proposed rule and revised 3579
rule summary and fiscal analysis, and an invalidating concurrent 3580
resolution may be adopted, not later than the sixty-fifth day 3581
after the original version of the proposed rule was filed. If, 3582
however, the revised proposed rule is filed more than thirty- 3583
five days after the original version of the proposed rule was 3584
filed, the joint committee shall review the revised proposed 3585
rule and revised rule summary and fiscal analysis, and an 3586
invalidating concurrent resolution may be adopted, not later 3587
than the thirtieth day after the revised proposed rule was filed 3588
with the joint committee. 3589

(B) If, after filing a proposed rule and rule summary and 3590
fiscal analysis with the joint committee, an agency determines 3591
that it needs additional time to consider the proposed rule and 3592
possibly file a revised proposed rule, the agency may notify the 3593
joint committee of the agency's intention to file a revised 3594
proposed rule. When the agency notifies the joint committee of 3595
its intention to file a revised proposed rule, the running of 3596
the time within which an invalidating concurrent resolution may 3597
be adopted is tolled. 3598

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

(C) When an original or revised version of a proposed rule and rule summary and fiscal analysis is filed with the joint committee in December or in the following January before the first day of the legislative session, the joint committee shall review the proposed rule and rule summary and fiscal analysis, and an invalidating concurrent resolution may be adopted, as if the original version of the proposed rule and rule summary and fiscal analysis had been filed with the joint committee on the first day of the legislative session in the following January. If, however, the original version of a proposed rule and rule summary and fiscal analysis have been pending before the joint committee for more than thirty-five days, and the proposed rule and rule summary and fiscal analysis are revised in December or

in the following January before the first day of the legislative 3630
session, the joint committee shall review the revised proposed 3631
rule and revised rule summary and fiscal analysis, and an 3632
invalidating concurrent resolution may be adopted, not later 3633
than the thirtieth day after the first day of the legislative 3634
session in the following January. 3635

(D) A revised proposed rule supersedes each earlier 3636
version of the same proposed rule. 3637

(E) The joint committee shall endeavor not to hold its 3638
public hearing on a proposed rule earlier than the forty-first 3639
day after the proposed rule was filed with the joint committee. 3640
The chairperson of the joint committee responsible for calling 3641
and conducting meetings under section 101.35 of the Revised Code 3642
may select a date for the committee's public hearing on a 3643
proposed rule that is earlier than the forty-first day after the 3644
proposed rule was filed. 3645

Sec. 106.021. If, upon reviewing a proposed rule or 3646
revised proposed rule, the joint committee on agency rule review 3647
makes any of the following findings with regard to the proposed 3648
rule or revised proposed rule, the joint committee may recommend 3649
to the senate and house of representatives the adoption of a 3650
concurrent resolution to invalidate the proposed rule or revised 3651
proposed rule or a part thereof: 3652

(A) The proposed rule or revised proposed rule exceeds the 3653
scope of its statutory authority. 3654

(B) The proposed rule or revised proposed rule conflicts 3655
with the legislative intent of the statute under which it was 3656
proposed. 3657

(C) The proposed rule or revised proposed rule conflicts 3658

with another proposed or existing rule. 3659

(D) The proposed rule or revised proposed rule 3660
incorporates a text or other material by reference and: 3661

(1) The accompanying citation is not such as reasonably 3662
would enable a reasonable person to whom the proposed rule or 3663
revised proposed rule applies readily and without charge to find 3664
and inspect the incorporated text or other material; 3665

(2) The accompanying citation is not such as reasonably 3666
would enable the joint committee readily and without charge to 3667
find and inspect the incorporated text or other material, and 3668
the agency did not file or otherwise make the incorporated text 3669
or other material available without charge to the joint 3670
committee; or 3671

(3) The agency has treated the proposed rule or revised 3672
proposed rule in whole or in part as exempt from sections 121.71 3673
to 121.74 of the Revised Code on grounds the incorporated text 3674
or other material has one or more of the characteristics 3675
described in division (B) of section 121.75 of the Revised Code, 3676
but the incorporated text or other material actually does not 3677
have any of those characteristics. 3678

(E) The agency has failed to prepare a complete and 3679
accurate rule summary and fiscal analysis of the proposed rule 3680
or revised proposed rule as required by section 106.024 of the 3681
Revised Code. 3682

(F) The agency has failed to demonstrate through the 3683
business impact analysis, recommendations from the common sense 3684
initiative office, and the memorandum of response that the 3685
regulatory intent of the proposed rule or revised proposed rule 3686
justifies its adverse impact on businesses in this state. 3687

(G) If the state agency is subject to sections 121.95, 3688
121.951, 121.952, and 121.953 of the Revised Code, the agency 3689
has failed to justify the proposed adoption, amendment, or 3690
rescission of a rule containing a regulatory restriction. 3691

(H) The proposed rule or revised proposed rule implements 3692
a federal law or rule in a manner that is more stringent or 3693
burdensome than the federal law or rule requires. 3694

(I) If the state agency is subject to sections 121.95, 3695
121.951, 121.952, and 121.953 of the Revised Code, for purposes 3696
of those sections, the proposed rule or revised proposed rule 3697
removes or replaces "shall," "must," "require," "shall not," 3698
"may not," "prohibit," or similar words in a portion of a rule 3699
but does not remove a regulatory restriction as defined in 3700
section 121.95 of the Revised Code. 3701

(J) The proposed rule or revised proposed rule is subject 3702
to section 106.025 of the Revised Code, and the joint committee 3703
has complied with division (B) of that section. 3704

Sec. 106.023. (A) An agency may not adopt a proposed rule 3705
or revised proposed rule or file it in final form unless the 3706
proposed rule has been filed with the joint committee on agency 3707
rule review under division (D) of section 111.15 or division (C) 3708
of section 119.03 of the Revised Code and ~~the one of the~~ 3709
following applies: 3710

(1) The time for the joint committee to review the 3711
proposed rule and for the adoption of an invalidating concurrent 3712
resolution has expired without adoption of a concurrent 3713
resolution to invalidate the proposed rule; 3714

(2) The rule or revised proposed rule is subject to 3715
section 106.026 of the Revised Code, and a law authorizing its 3716

adoption has been enacted in accordance with Ohio Constitution, 3717
Article II, Sections 15 and 16. 3718

(B) If, before the time for its review of a proposed rule 3719
or revised proposed rule expires, the joint committee recommends 3720
adoption of a concurrent resolution invalidating the proposed 3721
rule or revised proposed rule, and the senate and house of 3722
representatives does not, within the time remaining for adoption 3723
of the concurrent resolution, hold five sessions at which its 3724
journal records a roll call vote disclosing a sufficient number 3725
of members in attendance to pass a bill, the time within which 3726
that house may adopt the concurrent resolution is extended until 3727
it has held five such sessions. 3728

Sec. 106.024. (A) As used in this section: 3729

(1) "Agency" has the meaning defined in section 106.01 of 3730
the Revised Code. 3731

(2) "Rule" includes the adoption, amendment, or rescission 3732
of a rule. 3733

(3) "Proposed rule" means the original version of a 3734
proposed rule, and each revised version of the same proposed 3735
rule, that is filed with the joint committee on agency rule 3736
review under division (D) of section 111.15 or division (C) of 3737
section 119.03 of the Revised Code. 3738

(B) An agency shall prepare, on the form designed by the 3739
joint committee on agency rule review, a complete and accurate 3740
rule summary and fiscal analysis of each proposed rule that it 3741
files under division (D) of section 111.15 or division (C) of 3742
section 119.03 of the Revised Code. 3743

The joint committee on agency rule review shall design a 3744
form for the rule summary and fiscal analysis. In the form, the 3745

joint committee shall include a space where an agency shall 3746
explain the reasoning for any proposed rescission of a rule, 3747
including a statement as to whether the agency intends to 3748
continue relying on a principle of law or policy stated in the 3749
rule when conducting adjudications or other determinations of 3750
rights and liabilities or in issuing writings and other 3751
materials. 3752

The form also may solicit information such as the 3753
following information: 3754

(1) The name, address, and telephone number of the agency, 3755
and the name, telephone number, and electronic mail address of 3756
an individual or office within the agency designated by that 3757
agency to be responsible for coordinating and making available 3758
information in the possession of the agency regarding the 3759
proposed rule; 3760

(2) The Ohio Administrative Code rule number of the 3761
proposed rule; 3762

(3) A brief summary of, and the legal basis for, the 3763
proposed rule, including citations identifying the statute that 3764
prescribes the procedure in accordance with which the agency is 3765
required to adopt the proposed rule, the statute that authorizes 3766
the agency to adopt the proposed rule, and the statute that the 3767
agency intends to amplify or implement by adopting the proposed 3768
rule; 3769

(4) An estimate, in dollars, of the amount by which the 3770
proposed rule would increase or decrease revenues or 3771
expenditures during the current biennium; 3772

(5) A citation identifying the appropriation that 3773
authorizes each expenditure that would be necessitated by the 3774

proposed rule; 3775

(6) A summary of the estimated cost of compliance with the 3776
rule to all directly affected persons; 3777

(7) The reasons why the rule is being proposed; 3778

(8) If the rule has a fiscal effect on school districts, 3779
counties, townships, or municipal corporations, an estimate in 3780
dollars of the cost of compliance with the rule, or, if dollar 3781
amounts cannot be determined, a written explanation of why it 3782
was not possible to ascertain dollar amounts; 3783

(9) If the rule has a fiscal effect on school districts, 3784
counties, townships, or municipal corporations and is the result 3785
of a federal requirement, a clear explanation that the proposed 3786
state rule does not exceed the scope and intent of the 3787
requirement, or, if the state rule does exceed the minimum 3788
necessary federal requirement, a justification of the excess 3789
cost, and an estimate of the costs, including those costs for 3790
local governments, exceeding the federal requirement; 3791

(10) If the rule has a fiscal effect on school districts, 3792
counties, townships, or municipal corporations, a comprehensive 3793
cost estimate that includes the procedure and method of 3794
calculating the costs of compliance and identifies major cost 3795
categories including personnel costs, new equipment or other 3796
capital costs, operating costs, and indirect central service 3797
costs related to the rule. The fiscal analysis shall also 3798
include a written explanation of the agency's and the affected 3799
local government's ability to pay for the new requirements and a 3800
statement of any impact the rule will have on economic 3801
development. 3802

(11) If the rule incorporates a text or other material by 3803

reference, and the agency claims the incorporation by reference 3804
is exempt from compliance with sections 121.71 to 121.74 of the 3805
Revised Code on grounds the incorporated text or other material 3806
has one or more of the characteristics described in division (B) 3807
of section 121.75 of the Revised Code, an explanation of how the 3808
incorporated text or other material is exempted under that 3809
division; 3810

(12) If the rule imposes a fee, an explanation of how the 3811
fee directly relates to the cost actually incurred by the agency 3812
in performing the function for which the fee is charged. 3813

The rule summary and fiscal analysis form, instead of or 3814
in addition to the foregoing, may solicit any other information 3815
the joint committee on agency rule review considers necessary to 3816
make the proposed rule or the fiscal effect of the proposed rule 3817
fully understandable. 3818

(C) The agency shall file the rule summary and fiscal 3819
analysis in electronic form along with the proposed rule that it 3820
files under division (D) of section 111.15 or divisions (B) and 3821
(C) of section 119.03 of the Revised Code. The joint committee 3822
on agency rule review shall not accept any proposed rule for 3823
filing unless a copy of the rule summary and fiscal analysis of 3824
the proposed rule, completely and accurately prepared, is filed 3825
along with the proposed rule. 3826

(D) The joint committee on agency rule review shall review 3827
the fiscal effect of each proposed rule that is filed under 3828
division (D) of section 111.15 or division (C) of section 119.03 3829
of the Revised Code. 3830

Sec. 106.025. (A) Except as provided in division (C) of 3831
this section, on reviewing a proposed rule or revised proposed 3832

rule, the joint committee on agency rule review may proceed in 3833
accordance with division (B) of this section if it makes any of 3834
the following findings with respect to the rule's summary and 3835
fiscal analysis: 3836

(1) The proposed rule or revised proposed rule will 3837
increase the agency's expenditures during the current biennium 3838
by one hundred thousand dollars or more. 3839

(2) The cost to comply with the proposed rule or revised 3840
proposed rule for a directly affected person will be one hundred 3841
thousand dollars or more. 3842

(3) The proposed rule or revised proposed rule will impose 3843
an annual effect on this state's economy of one million dollars 3844
or more. 3845

(B) If the joint committee makes one or more of the 3846
findings listed in division (A) of this section, the chairperson 3847
of the joint committee responsible for calling and conducting 3848
meetings under section 101.35 of the Revised Code may request a 3849
designee of the filing agency to appear before the joint 3850
committee to answer questions about the fiscal effect of the 3851
proposed rule or revised proposed rule. The request shall be 3852
transmitted to the agency electronically and specify the time 3853
and place at which a designee is to appear before the joint 3854
committee to answer the joint committee's questions. 3855

On receiving the request, the agency shall designate a 3856
suitable agency officer or employee to appear on behalf of the 3857
agency before the joint committee as directed in the request. 3858
The agency electronically shall notify the joint committee of 3859
the name, title, telephone number, and electronic mail address 3860
of the officer or employee who has been designated to appear 3861

before the joint committee in response to the request. 3862

After the appearance has concluded, or if the agency 3863
designee fails to appear, the joint committee may do any of the 3864
following: 3865

(1) Allow the time for legislative review to expire; 3866

(2) Recommend the adoption of a concurrent resolution to 3867
invalidate the proposed rule under section 106.021 of the 3868
Revised Code; 3869

(3) By vote of a majority of its members, refer the rule 3870
for consideration by the full general assembly in accordance 3871
with section 106.026 of the Revised Code. 3872

(C) This section does not apply to a proposed rule or 3873
revised proposed rule if the rule is based on specific statutory 3874
language authorizing or requiring an agency to adopt the rule as 3875
opposed to a general grant of authority to adopt rules 3876
implementing a law. 3877

Sec. 106.026. (A) This section applies to a proposed rule 3878
or revised proposed rule that the joint committee on agency rule 3879
review has, in accordance with section 106.025 of the Revised 3880
Code, referred for consideration by the full general assembly. 3881

(B) If a proposed rule or revised proposed rule is subject 3882
to this section, the chairperson of the joint committee on 3883
agency rule review responsible for calling and conducting 3884
meetings under section 101.35 of the Revised Code shall 3885
immediately transmit the proposed rule or revised proposed rule 3886
and rule summary and fiscal analysis to the clerk of the senate 3887
and the clerk of the house of representatives. After the 3888
chairperson of the joint committee transmits the rule and rule 3889
summary and fiscal analysis under this division, all of the 3890

following apply: 3891

(1) The joint committee shall take no further action with 3892
respect to the proposed rule until after it is adopted or 3893
refiled in accordance with division (D) of this section. 3894

(2) The agency shall not file a revised proposed version 3895
of the rule. 3896

(3) The agency shall not adopt the proposed rule unless 3897
adoption is authorized by a law enacted in accordance with Ohio 3898
Constitution, Article II, Sections 15 and 16 after the 3899
chairperson transmits the rule and rule summary and fiscal 3900
analysis under this division. 3901

(C) As soon as practicable after receiving a proposed rule 3902
or revised proposed rule transmitted under division (B) of this 3903
section: 3904

(1) The clerk of the senate shall make the proposed rule 3905
or revised proposed rule and rule summary and fiscal analysis 3906
available to all members of the senate; and 3907

(2) The clerk of the house of representatives shall make 3908
the proposed rule or revised proposed rule and rule summary and 3909
fiscal analysis available to all members of the house of 3910
representatives. 3911

Any member of the general assembly may introduce 3912
legislation authorizing the agency to adopt the proposed rule or 3913
revised proposed rule. 3914

(D) If a law authorizing the proposed rule or revised 3915
proposed rule is enacted before the general assembly adjourns 3916
sine die, legislative review under this chapter ends and the 3917
agency may, on or after the law's effective date, file the rule 3918

in compliance with section 111.15 or 119.04 of the Revised Code, 3919
as applicable. If a law authorizing the rule is not enacted 3920
before the general assembly adjourns sine die, the proposed rule 3921
or revised proposed rule is invalidated. The agency may refile 3922
the rule and rule summary and fiscal analysis with the joint 3923
committee. 3924

(E) This section does not apply to any rule that is exempt 3925
from legislative review under division (D) of section 111.15 of 3926
the Revised Code or division (C) of section 119.03 of the 3927
Revised Code. 3928

(F) The enactment of a law in accordance with Ohio 3929
Constitution, Article II, Sections 15 and 16, authorizing an 3930
agency to adopt a proposed rule or revised proposed rule to 3931
which this section applies, does not do either of the following: 3932

(1) Grant an agency additional rulemaking authority or 3933
modify the agency's existing rulemaking authority; 3934

(2) Extinguish or modify any claim against an agency 3935
arising from the rule. 3936

(G) The enactment of a law in accordance with Ohio 3937
Constitution, Article II, Sections 15 and 16, authorizing an 3938
agency to adopt a proposed rule or revised proposed rule to 3939
which this section applies, shall not be used as evidence in any 3940
proceeding concerning the rule except for the purpose of 3941
determining whether the rule is in effect. 3942

Sec. 106.031. If an agency, on the basis of its review of 3943
a rule under section 106.03 of the Revised Code, determines that 3944
the rule does not need to be amended or rescinded, proceedings 3945
shall be had as follows: 3946

(A) (1) If, considering only the standard of review 3947

specified in division (A) (7) of section 106.03 of the Revised 3948
Code, the rule has an adverse impact on businesses, the agency 3949
shall prepare a business impact analysis that describes its 3950
review of the rule under that division and that explains why the 3951
regulatory intent of the rule justifies its adverse impact on 3952
businesses. If the rule does not have an adverse impact on 3953
businesses, the agency may proceed under division (B) of this 3954
section. 3955

(2) The agency shall transmit a copy of the full text of 3956
the rule and the business impact analysis electronically to the 3957
common sense initiative office. The office shall make the rule 3958
and analysis available to the public on its web site under 3959
section 107.62 of the Revised Code. 3960

(3) The agency shall consider any recommendations made by 3961
the office. 3962

(4) Not earlier than the sixteenth business day after 3963
transmitting the rule and analysis to the office, the agency 3964
shall either (a) proceed under divisions (A) (5) and (B) of this 3965
section or (b) commence, under division (B) (1) of section 106.03 3966
of the Revised Code, the process of rescinding the rule or of 3967
amending the rule to incorporate into the rule features the 3968
recommendations suggest will eliminate or reduce the adverse 3969
impact the rule has on businesses. If the agency determines to 3970
amend or rescind the rule, the agency is not subject to the time 3971
limit specified in division (B) (1) of section 106.03 of the 3972
Revised Code. 3973

(5) If the agency receives recommendations from the 3974
office, and determines not to amend or rescind the rule, the 3975
agency shall prepare a memorandum of response that explains why 3976
the rule is not being rescinded or why the recommendations are 3977

not being incorporated into the rule. 3978

(B) The agency shall assign a new review date to the rule. 3979
The review date assigned shall be not later than five years 3980
after the immediately preceding review date pertaining to the 3981
rule. If the agency assigns a review date that exceeds the five- 3982
year maximum, the review date is five years after the 3983
immediately preceding review date. The immediately preceding 3984
review date includes the date of the review of a rule under 3985
section 106.032 of the Revised Code. 3986

(C) The agency shall file all the following, in electronic 3987
form, with the joint committee on agency rule review, the 3988
secretary of state, and the director of the legislative service 3989
commission: a copy of the rule specifying its new review date, a 3990
complete and accurate rule summary and fiscal analysis, and, if 3991
relevant, a business impact analysis of the rule, any 3992
recommendations received from the common sense initiative 3993
office, and any memorandum of response. 3994

(D) The joint committee shall publish notice of the 3995
agency's determination not to amend or rescind the rule in the 3996
register of Ohio for four consecutive weeks after the rule is 3997
filed under division (C) of this section. 3998

(E) During the ninety-day period after a rule is filed 3999
under division (C) of this section, but after the four-week 4000
notice period required by division (D) of this section has 4001
ended, the joint committee may recommend to the senate and house 4002
of representatives the adoption of a concurrent resolution 4003
invalidating the rule if the joint committee finds any of the 4004
following: 4005

(1) The agency improperly applied the standards in 4006

division (A) of section 106.03 of the Revised Code in reviewing 4007
the rule and in determining that the rule did not need amendment 4008
or rescission. 4009

(2) The rule has an adverse impact on businesses, and the 4010
agency has failed to demonstrate through a business impact 4011
analysis, recommendations from the common sense initiative 4012
office, and a memorandum of response that the regulatory intent 4013
of the rule justifies its adverse impact on businesses. 4014

(3) If the rule incorporates a text or other material by 4015
reference, any of the following applies: 4016

(a) The citation accompanying the incorporation by 4017
reference is not such as reasonably would enable a reasonable 4018
person to whom the rule applies readily and without charge to 4019
find and inspect the incorporated text or other material; 4020

(b) The citation accompanying the incorporation by 4021
reference is not such as reasonably would enable the joint 4022
committee readily and without charge to find and inspect the 4023
incorporated text or other material; or 4024

(c) The rule has been exempted in whole or in part from 4025
sections 121.71 to 121.74 of the Revised Code on grounds the 4026
incorporated text or other material has one or more of the 4027
characteristics described in division (B) of section 121.75 of 4028
the Revised Code, but the incorporated text or other material 4029
actually does not have any of those characteristics. 4030

(4) If the agency is subject to sections 121.95, 121.951, 4031
121.952, and 121.953 of the Revised Code, the agency has failed 4032
to justify the retention of a rule containing a regulatory 4033
restriction. 4034

(5) The rule implements a federal law or rule in a manner 4035

that is more stringent or burdensome than the federal law or 4036
rule requires. 4037

(F) If the agency fails to comply with section 106.03 or 4038
106.031 of the Revised Code, the joint committee shall afford 4039
the agency an opportunity to appear before the joint committee 4040
to show cause why the agency has not complied with either or 4041
both of those sections. If the agency appears before the joint 4042
committee at the time scheduled for the agency to show cause, 4043
and fails to do so, the joint committee, by vote of a majority 4044
of its members present, may recommend the adoption of a 4045
concurrent resolution invalidating the rule for the agency's 4046
failure to show cause. Or if the agency fails to appear before 4047
the joint committee at the time scheduled for the agency to show 4048
cause, the joint committee, by vote of a majority of its members 4049
present, may recommend adoption of a concurrent resolution 4050
invalidating the rule for the agency's default. 4051

(G) (1) When the joint committee recommends that a rule be 4052
invalidated for the agency's failure to show cause at an 4053
appearance before the joint committee, the recommendation does 4054
not suspend operation of the rule, and the rule remains 4055
operational pending action by the senate and house of 4056
representatives on the concurrent resolution embodying the 4057
recommendation. If the senate and house of representatives adopt 4058
the concurrent resolution, the rule is invalid. If, however, the 4059
senate and house of representatives do not adopt the resolution, 4060
the rule continues in effect, and shall next be reviewed 4061
according to the new review date assigned to the rule. 4062

(2) When the joint committee recommends that a rule be 4063
invalidated for the agency's failure to appear before the joint 4064
committee, the recommendation does not suspend operation of the 4065

rule, and the rule remains operational pending action by the 4066
senate and house of representatives on the concurrent resolution 4067
embodying the recommendation. If the senate and house of 4068
representatives adopt the concurrent resolution, the rule is 4069
invalid. If, however, the senate and house of representatives do 4070
not adopt the resolution, the rule expires in accordance with 4071
section 106.033 of the Revised Code. 4072

Sec. 106.033. Notwithstanding any provision of section 4073
106.031 of the Revised Code to the contrary, if an agency fails 4074
to perform a review of an existing rule in accordance with 4075
section 106.03 of the Revised Code for one year after the rule's 4076
review date, the rule is invalid. The agency shall cease 4077
enforcing the rule and shall not rely on a principle of law or 4078
policy stated in the rule when conducting adjudications or other 4079
determinations of rights and liabilities or in issuing writings 4080
and other materials. The agency may institute rulemaking 4081
proceedings with regard to a rule that is invalid under this 4082
section. 4083

Sec. 107.03. (A) As used in this section, "transportation 4084
budget" means the biennial budget that primarily includes the 4085
following: 4086

(1) Motor fuel excise tax-related appropriations for the 4087
department of transportation, public works commission, and 4088
department of development; 4089

(2) Other appropriations that pertain to transportation 4090
and infrastructure related to transportation. 4091

(B) The governor shall submit a transportation budget to 4092
the general assembly not later than four weeks after the general 4093
assembly's organization. 4094

(C) The governor shall submit to the general assembly, not 4095
later than four weeks after its organization, a state budget 4096
containing a complete financial plan for the ensuing fiscal 4097
biennium, excluding items of revenue and expenditure described 4098
in section 126.022 of the Revised Code. However, in years of a 4099
new governor's inauguration, this budget shall be submitted not 4100
later than the fifteenth day of March. 4101

(D) In years of a new governor's inauguration, only the 4102
new governor shall submit a budget to the general assembly. In 4103
addition to other things required by law, each of the governor's 4104
budgets shall contain: 4105

(1) A general budget summary by function and agency 4106
setting forth the proposed total expenses from each and all 4107
funds and the anticipated resources for meeting such expenses; 4108
such resources to include any available balances in the several 4109
funds at the beginning of the biennium and a classification by 4110
totals of all revenue receipts estimated to accrue during the 4111
biennium under existing law and proposed legislation. 4112

(2) A detailed statement showing the amounts recommended 4113
to be appropriated from each fund for each fiscal year of the 4114
biennium for current expenses, including, but not limited to, 4115
personal services, supplies and materials, equipment, subsidies 4116
and revenue distribution, merchandise for resale, transfers, and 4117
nonexpense disbursements, obligations, interest on debt, and 4118
retirement of debt, and for the biennium for capital outlay, to 4119
the respective departments, offices, institutions, as defined in 4120
section 121.01 of the Revised Code, and all other public 4121
purposes; and, in comparative form, the actual expenses by 4122
source of funds during each fiscal year of the previous two 4123
bienniums for each such purpose. No alterations shall be made in 4124

the requests for the legislative and judicial branches of the 4125
state filed with the director of budget and management under 4126
section 126.02 of the Revised Code. If any amount of federal 4127
money is recommended to be appropriated or has been expended for 4128
a purpose for which state money also is recommended to be 4129
appropriated or has been expended, the amounts of federal money 4130
and state money involved shall be separately identified. 4131

(3) A detailed estimate of the revenue receipts in each 4132
fund from each source under existing laws during each year of 4133
the biennium; and, in comparative form, actual revenue receipts 4134
in each fund from each source for each year of the two previous 4135
bienniums; 4136

(4) The estimated cash balance in each fund at the 4137
beginning of the biennium covered by the budget; the estimated 4138
liabilities outstanding against each such balance; and the 4139
estimated net balance remaining and available for new 4140
appropriations; 4141

(5) A detailed estimate of the additional revenue receipts 4142
in each fund from each source under proposed legislation, if 4143
enacted, during each year of the biennium; 4144

(6) The most recent report prepared by the department of 4145
taxation under section 5703.48 of the Revised Code, which shall 4146
be submitted to the general assembly as an appendix to the 4147
governor's budget; 4148

(7) The most recent TANF spending plan prepared by the 4149
department of job and family services under section 5101.806 of 4150
the Revised Code, which shall be submitted to the general 4151
assembly as an appendix to the governor's budget; 4152

(8) The medicaid caseload and expenditure forecast report 4153

prepared by the office of budget and management, in consultation 4154
with the department of medicaid, under section 126.021 of the 4155
Revised Code. The report shall be submitted to the general 4156
assembly as a supplemental budget document to provide an in- 4157
depth analysis of the governor's budget recommendations for the 4158
medicaid budget as a whole and for each of the major medicaid 4159
appropriation items. The report shall clearly distinguish a 4160
proposed policy change from continuing law or administrative 4161
policy and indicate whether the data used throughout the report 4162
is proposed, estimated, or actual data for the current or 4163
proposed budget biennium. At a minimum, the report shall 4164
delineate a part-to-whole mapping of the state and federal 4165
shares of the general revenue fund appropriation item 651525, 4166
medicaid health care services, or any other equivalent general 4167
revenue fund appropriation item, by eligibility group and 4168
subgroup, service delivery system, delivery system, medicaid 4169
provider, and program. 4170

(E) The governor shall not submit to the general assembly 4171
a state budget that suspends the operation of section 131.44 of 4172
the Revised Code for the fiscal year immediately prior to the 4173
biennium covered by the budget resulting in a beginning cash 4174
balance for the general revenue fund for the biennium covered by 4175
the budget that is greater than the ending fund balance required 4176
by section 131.44 of the Revised Code, excluding any encumbered 4177
funds that are to be disbursed in the biennium covered by the 4178
budget. 4179

Sec. 107.032. As used in sections 107.033 to 107.035 of 4180
the Revised Code: 4181

(A) "Aggregate general revenue fund appropriations" means 4182
all appropriations made by the general assembly either directly 4183

from the general revenue fund ~~appropriations made by the general~~ 4184
~~assembly or indirectly from any nongeneral revenue fund~~ 4185
supported by cash transfers from the general revenue fund except 4186
for the following: 4187

(1) Appropriations of money received from the federal 4188
government; 4189

(2) Appropriations made for tax relief or refunds of taxes 4190
and other overpayments; 4191

(3) Appropriations of money received as gifts. 4192

~~(B) "Rate of inflation" means the percentage increase or~~ 4193
~~decrease in the consumer price index over a one-year period,~~ 4194
~~based on the most recent consumer price index for all urban~~ 4195
~~consumers, midwest region, all items, as determined by the~~ 4196
~~bureau of labor statistics of the United States department of~~ 4197
~~labor or, if that index is no longer published, a generally~~ 4198
~~available comparable index.~~ 4199

~~(C) "Rate of population change" means the percentage~~ 4200
~~increase or decrease in the population of this state over a one-~~ 4201
~~year period, based on the most recent population data available~~ 4202
~~for the state published by the bureau of the census of the~~ 4203
~~United States department of commerce, or its successor in~~ 4204
~~responsibility, in the population estimates program, or its~~ 4205
~~successive equivalent.~~ 4206

~~(D) "Recast fiscal year" means fiscal years 2012, 2016,~~ 4207
2020, and each fourth fiscal year thereafter. 4208

Sec. 107.033. As part of the state budget the governor 4209
submits to the general assembly under section 107.03 of the 4210
Revised Code, the governor shall include the state appropriation 4211
limitations the general assembly shall not exceed when making 4212

aggregate general revenue fund appropriations for each 4213
respective fiscal year of the biennium covered by that budget. 4214
The aggregate general revenue fund appropriations the governor 4215
proposes in the state budget also shall not exceed those 4216
limitations for each respective fiscal year of the biennium 4217
covered by that budget. As part of this submission, the governor 4218
shall identify all nongeneral revenue fund appropriation line 4219
items that are subject to the state appropriation limitation for 4220
the current fiscal year. If the governor decides to continue 4221
funding any of those nongeneral revenue fund line items, the 4222
governor shall, to the greatest extent possible, propose funding 4223
for those nongeneral revenue fund line items from the general 4224
revenue fund for each respective fiscal year of the biennium 4225
covered by that budget. Also as part of this submission, the 4226
governor shall include a table listing any remaining nongeneral 4227
revenue fund appropriation line items that are subject to the 4228
state appropriation limitation for the current fiscal year and 4229
for each respective fiscal year of the biennium covered by that 4230
budget. 4231

~~(A) For fiscal year 2008, the state appropriation-~~ 4232
~~limitation is the sum of the following:~~ 4233

~~(1) The aggregate general revenue fund appropriations for-~~ 4234
~~fiscal year 2007; plus~~ 4235

~~(2) The aggregate general revenue fund appropriations for-~~ 4236
~~fiscal year 2007 multiplied by either three and one-half per-~~ 4237
~~cent, or the sum of the rate of inflation plus the rate of-~~ 4238
~~population change, whichever is greater.~~ 4239

~~(B) For each fiscal year thereafter that is not a recast~~ 4240
fiscal year, the state appropriation limitation is the sum of 4241
the following: 4242

(1) The state appropriation limitation for the previous 4243
fiscal year; plus 4244

(2) The state appropriation limitation for the previous 4245
fiscal year multiplied by ~~either three and one-half per cent, or~~ 4246
~~the sum of the rate of inflation plus the rate of population~~ 4247
~~change, whichever is greater.~~ 4248

~~(C)~~ (B) For each recast fiscal year, the state 4249
appropriation limitation is the sum of the following: 4250

(1) The aggregate general revenue fund appropriations for 4251
the previous fiscal year; plus 4252

(2) The aggregate general revenue fund appropriations for 4253
the previous fiscal year multiplied by ~~either three and one-half~~ 4254
~~per cent, or the sum of the rate of inflation plus the rate of~~ 4255
~~population change, whichever is greater.~~ 4256

~~(D)~~ (C) The state appropriation limitation for a fiscal 4257
year shall be increased by the amount of a nongeneral revenue 4258
fund appropriation made in the immediately preceding fiscal 4259
year, if all of the following apply to the nongeneral revenue 4260
fund appropriation: 4261

(1) It was made on or after July 1, 2013. 4262

(2) It is included in the aggregate general revenue fund 4263
appropriations proposed for that fiscal year. 4264

(3) It is being made for the first time from the general 4265
revenue fund. 4266

(D) The main operating appropriations act shall contain a 4267
list of all nongeneral revenue fund appropriation line items 4268
subject to the state appropriation limitations under this 4269
section. 4270

Sec. 107.034. For the purpose of calculations made on and 4271
after the effective date of this section, any tax revenue 4272
credited to the general revenue fund under section 113.09 of the 4273
Revised Code any time during fiscal years 2026 and 2027 shall be 4274
considered a general revenue fund tax source to fund general 4275
revenue fund appropriations for each succeeding fiscal year with 4276
respect to the determination of the state appropriation 4277
limitations under section 107.033 of the Revised Code, even if 4278
that tax revenue is subsequently credited to a nongeneral 4279
revenue fund account. An appropriation made from that nongeneral 4280
revenue fund account shall be considered as if it were made from 4281
the general revenue fund. 4282

Sec. 107.12. (A) As used in this section, "organization" 4283
means a faith-based or other organization that is exempt from 4284
federal income taxation under section 501(c)(3) of the "Internal 4285
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 4286
and provides charitable services to needy residents of this 4287
state. 4288

(B) There is hereby established within the office of the 4289
governor the governor's office of faith-based and community 4290
initiatives. The office shall: 4291

(1) Serve as a clearinghouse of information on federal, 4292
state, and local funding for charitable services performed by 4293
organizations; 4294

(2) Encourage organizations to seek public funding for 4295
their charitable services; 4296

(3) Assist local, state, and federal agencies in 4297
coordinating their activities to secure maximum use of funds and 4298
efforts that benefit people receiving charitable services from 4299

organizations; 4300

(4) Advise the governor, general assembly, and the 4301
advisory board of the governor's office of faith-based and 4302
community initiatives on the barriers that exist to 4303
collaboration between organizations and governmental entities 4304
and on ways to remove the barriers. 4305

(C) The governor shall appoint an executive director and 4306
such other staff as may be necessary to manage the office and 4307
perform or oversee the performance of the duties of the office. 4308
Within sixty days after being appointed, and every twelve months 4309
thereafter, the executive director shall distribute to the 4310
advisory board and review with the board a strategic plan. The 4311
executive director shall report to the board at least quarterly 4312
on proposed initiatives and policies. A report shall include the 4313
condition of the budget and the finances of the office. 4314

(D) (1) There is hereby created the advisory board of the 4315
governor's office of faith-based and community initiatives. The 4316
board shall consist of the following members: 4317

(a) Four individuals appointed by the governor; 4318

(b) One member of the house of representatives appointed 4319
by the speaker of the house of representatives; 4320

(c) One member of the senate appointed by the president of 4321
the senate; 4322

(d) Two individuals to represent the faith-based and other 4323
nonprofit community, one appointed by the speaker of the house 4324
of representatives, and one appointed by the president of the 4325
senate. 4326

(2) Members of the house of representatives and of the 4327

senate who are appointed to serve on the advisory board shall 4328
serve on the board for the duration of the general assembly 4329
during which they were appointed. Terms of the office for all 4330
other members of the advisory board shall be one year. Any 4331
vacancy that occurs on the board shall be filled in the same 4332
manner as the original appointment. 4333

(3) Members of the board are not entitled to compensation, 4334
but public members appointed by the governor, the speaker of the 4335
house of representatives, and the president of the senate shall 4336
be reimbursed for their actual and necessary expenses that are 4337
incurred in relation to board meetings. 4338

(4) The board shall be presided over by a chairperson and 4339
a vice-chairperson, who shall be the members of the board who 4340
are also members of the house of representatives or the senate. 4341
Annually on the first day of January, the chairpersonship and 4342
vice-chairpersonship shall alternate between the members of the 4343
house of representatives and the senate. The member of the 4344
senate shall be the chairperson during the first regular session 4345
of a general assembly and the member of the house of 4346
representatives shall be the chairperson during the second 4347
regular session of the general assembly. 4348

(E) The board shall have the following duties: 4349

(1) Provide direction, guidance, and oversight to the 4350
office; 4351

(2) Assist in the dissemination of information about, and 4352
in the stimulation of public awareness of, the service programs 4353
supported by the office; 4354

(3) Review the budget and finances of the office, proposed 4355
initiatives and policies, and the executive director's annual 4356

strategic plan at board meetings; 4357

(4) Provide feedback for and proposed modifications of the 4358
executive director's strategic plan. Within forty-five days 4359
after submitting a strategic plan, the executive director shall 4360
contact each advisory board member to obtain feedback. With the 4361
approval of the advisory board chairperson, the executive 4362
director shall lead a strategic plan discussion at the first 4363
board meeting following the distribution of the strategic plan. 4364

(5) Publish a report of its activities and accomplishments 4365
on or before the first day of August of each year, and deliver 4366
copies of the report to the governor, the speaker and minority 4367
leader of the house of representatives, and the president and 4368
minority leader of the senate. 4369

(F) No member of the board or organization that the member 4370
is affiliated or involved with is eligible to receive any grant 4371
that the office administers or assists in administering. 4372

Sec. 109.02. The attorney general is the chief law officer 4373
for the state and all its departments and shall be provided with 4374
adequate office space in Columbus. Except as provided in 4375
division (E) of section 120.06 and in sections 101.55, 107.13, 4376
and ~~3517.152 to 3517.157~~ 3517.14 to 3517.18 of the Revised Code, 4377
no state officer or board, or head of a department or 4378
institution of the state shall employ, or be represented by, 4379
other counsel or attorneys at law. The attorney general shall 4380
appear for the state in the trial and argument of all civil and 4381
criminal causes in the supreme court in which the state is 4382
directly or indirectly interested. When required by the governor 4383
or the general assembly, the attorney general shall appear for 4384
the state in any court or tribunal in a cause in which the state 4385
is a party, or in which the state is directly interested. Upon 4386

the written request of the governor, the attorney general shall
prosecute any person indicted for a crime.

~~Sec. 103.73~~ 109.39. (A) ~~The correctional institution~~
~~inspection committee shall do all of the following:~~

~~(1) Subject to division (C) of this section, establish~~
There is, as a section within the office of the attorney
general, an office of correctional facility inspection services.
The office shall establish and maintain a continuing program of
inspection of each state correctional institution used for the
custody, control, training, and rehabilitation of persons
convicted of crime and of each private correctional facility.
~~Subject to division (C) of this section, the committee may~~
inspect; any local correctional institution used for the same
purposes; and any youth services facility.
~~Subject to division~~
~~(C) of this section, the committee, and each member of the~~
~~committee, for the purpose of making an inspection pursuant to~~
~~this section, shall have access to any state or local~~
~~correctional institution, to any private correctional facility,~~
~~or to any part of the institution or facility and shall not be~~
~~required to give advance notice of, or to make prior~~
~~arrangements before conducting, an inspection.~~
Each inspection
shall include an evaluation of the inmate grievance procedure,
compliance with meal requirements, at least one review of
rehabilitative or educational programs, and any other compliance
area the office determines is appropriate. Not later than the
last day of January of each year, the office shall submit a
report on its findings from the previous calendar year to the
general assembly in accordance with section 101.68 of the
Revised Code.

~~(2) Evaluate and~~ (B) The correctional facility inspection

services office may assist the attorney general and correctional 4417
facility leadership in the development and evaluation of 4418
programs to improve the condition or operation of ~~correctional~~ 4419
the facilities or institutions listed in division (A) of this 4420
section. 4421

~~(3) Prepare a report for submission to the succeeding~~ 4422
~~general assembly of the findings the committee makes in its~~ 4423
~~inspections and of any programs that have been proposed or~~ 4424
~~developed to improve the condition or operation of the~~ 4425
~~correctional institutions in the state. The report shall contain~~ 4426
~~a separate evaluation of the inmate grievance procedure at each~~ 4427
~~state correctional institution. The committee shall submit the~~ 4428
~~report to the succeeding general assembly within fifteen days~~ 4429
~~after commencement of that general assembly's first regular~~ 4430
~~session.~~ 4431

~~(B) Subject to division (C) of this section, the committee~~ 4432
~~shall make an inspection of each state correctional institution~~ 4433
~~each biennium and of each private correctional facility each~~ 4434
~~biennium. The inspection shall include attendance at one general~~ 4435
~~meal period and one rehabilitative or educational program~~ 4436

(C) The office of correctional facility inspection 4437
services shall not be required to give advance notice of, or to 4438
make prior arrangements before conducting, an inspection under 4439
division (A) of this section. 4440

~~(C) An inspection of a state correctional institution, a~~ 4441
~~private correctional facility, or a local correctional~~ 4442
~~institution under division (A) or (B) of this section or under~~ 4443
~~section 103.74 of the Revised Code, or an inspection under~~ 4444
~~section 103.76 of the Revised Code, is subject to and shall be~~ 4445
~~conducted in accordance with all of the following:~~ 4446

~~(1) The inspection shall not be conducted unless the~~ 4447
~~chairperson of the committee grants prior approval for the~~ 4448
~~inspection.~~ 4449

~~(2) The inspection shall be conducted by at least one~~ 4450
~~staff member of the committee and may include one or more of the~~ 4451
~~members appointed to the committee.~~ 4452

~~(3) Unless the chairperson of the committee determines~~ 4453
~~that the inspection must be conducted outside of normal business~~ 4454
~~hours for any reason, including emergency circumstances or a~~ 4455
~~justifiable cause that perpetuates the mission of the committee,~~ 4456
~~and the chairperson specifies in the grant of prior approval for~~ 4457
~~the inspection that the chairperson has so determined, the~~ 4458
~~inspection shall be conducted only during normal business hours.~~ 4459
~~If the chairperson determines that the inspection must be~~ 4460
~~conducted outside of normal business hours and the chairperson~~ 4461
~~specifies in the grant of prior approval for the inspection that~~ 4462
~~the chairperson has so determined, the inspection may be~~ 4463
~~conducted outside of normal business hours.~~ 4464

(D) The attorney general shall provide adequate office 4465
space, staff, equipment, and materials to the correctional 4466
facility inspection services office. 4467

(E) The total costs of each inspection conducted under 4468
this section shall be recovered by the attorney general from the 4469
department of corrections and rehabilitation or the department 4470
of youth services. 4471

(F) As used in this section: 4472

~~(1)~~ "Local public entity," "out-of-state prisoner," and 4473
"private contractor" have the same meanings as in section 9.07 4474
of the Revised Code. 4475

~~(2)~~—"Private correctional facility" means a correctional 4476
facility in this state that houses out-of-state prisoners and 4477
that is operated by a private contractor under a contract with a 4478
local public entity pursuant to section 9.07 of the Revised 4479
Code. 4480

"Youth services facility" means a facility operated, or 4481
contracted for, by the department of youth services that is used 4482
for the care, protection, treatment, or secure confinement of 4483
any child committed to the department's custody. 4484

Sec. 109.71. There is hereby created in the office of the 4485
attorney general the Ohio peace officer training commission. The 4486
commission shall consist of ten members appointed by the 4487
governor with the advice and consent of the senate and selected 4488
as follows: one member representing the public; one member who 4489
represents a fraternal organization representing law enforcement 4490
officers; two members who are incumbent sheriffs; two members 4491
who are incumbent chiefs of police; one member from the bureau 4492
of criminal identification and investigation; one member from 4493
the state highway patrol; one member who is the special agent in 4494
charge of a field office of the federal bureau of investigation 4495
in this state; and one member from the department of education 4496
and workforce, trade and industrial education services, law 4497
enforcement training. 4498

This section does not confer any arrest authority or any 4499
ability or authority to detain a person, write or issue any 4500
citation, or provide any disposition alternative, as granted 4501
under Chapter 2935. of the Revised Code. 4502

~~Pursuant to division (A) (9) of section 101.82 of the 4503~~
~~Revised Code, the~~ The commission is exempt from the requirements 4504
of sections 101.82 to 101.87 of the Revised Code. 4505

As used in sections 109.71 to 109.801 of the Revised Code: 4506

(A) "Peace officer" means: 4507

(1) A deputy sheriff, marshal, deputy marshal, member of 4508
the organized police department of a township or municipal 4509
corporation, member of a township police district or joint 4510
police district police force, member of a police force employed 4511
by a metropolitan housing authority under division (D) of 4512
section 3735.31 of the Revised Code, or township constable, who 4513
is commissioned and employed as a peace officer by a political 4514
subdivision of this state or by a metropolitan housing 4515
authority, and whose primary duties are to preserve the peace, 4516
to protect life and property, and to enforce the laws of this 4517
state, ordinances of a municipal corporation, resolutions of a 4518
township, or regulations of a board of county commissioners or 4519
board of township trustees, or any of those laws, ordinances, 4520
resolutions, or regulations; 4521

(2) A police officer who is employed by a railroad company 4522
and appointed and commissioned by the secretary of state 4523
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 4524

(3) Employees of the department of taxation engaged in the 4525
enforcement of Chapter 5743. of the Revised Code and designated 4526
by the tax commissioner for peace officer training for purposes 4527
of the delegation of investigation powers under section 5743.45 4528
of the Revised Code; 4529

(4) An undercover drug agent; 4530

(5) Enforcement agents of the department of public safety 4531
whom the director of public safety designates under section 4532
5502.14 of the Revised Code; 4533

(6) An employee of the department of natural resources who 4534

is a natural resources law enforcement staff officer designated 4535
pursuant to section 1501.013, a natural resources officer 4536
appointed pursuant to section 1501.24, a forest-fire 4537
investigator appointed pursuant to section 1503.09, or a 4538
wildlife officer designated pursuant to section 1531.13 of the 4539
Revised Code; 4540

(7) An employee of a park district who is designated 4541
pursuant to section 511.232 or 1545.13 of the Revised Code; 4542

(8) An employee of a conservancy district who is 4543
designated pursuant to section 6101.75 of the Revised Code; 4544

(9) A police officer who is employed by a hospital that 4545
employs and maintains its own proprietary police department or 4546
security department, and who is appointed and commissioned by 4547
the secretary of state pursuant to sections 4973.17 to 4973.22 4548
of the Revised Code; 4549

(10) Veterans' homes police officers designated under 4550
section 5907.02 of the Revised Code; 4551

(11) A police officer who is employed by a qualified 4552
nonprofit corporation police department pursuant to section 4553
1702.80 of the Revised Code; 4554

(12) A state university law enforcement officer appointed 4555
under section 3345.04 of the Revised Code or a person serving as 4556
a state university law enforcement officer on a permanent basis 4557
on June 19, 1978, who has been awarded a certificate by the 4558
executive director of the Ohio peace officer training commission 4559
attesting to the person's satisfactory completion of an approved 4560
state, county, municipal, or department of natural resources 4561
peace officer basic training program; 4562

(13) A special police officer employed by the department 4563

of mental health and addiction services pursuant to section 4564
5119.08 of the Revised Code or the department of developmental 4565
disabilities pursuant to section 5123.13 of the Revised Code; 4566

(14) A member of a campus police department appointed 4567
under section 1713.50 of the Revised Code; 4568

(15) A member of a police force employed by a regional 4569
transit authority under division (Y) of section 306.35 of the 4570
Revised Code; 4571

(16) Investigators appointed by the auditor of state 4572
pursuant to section 117.091 of the Revised Code and engaged in 4573
the enforcement of Chapter 117. of the Revised Code; 4574

(17) A special police officer designated by the 4575
superintendent of the state highway patrol pursuant to section 4576
5503.09 of the Revised Code or a person who was serving as a 4577
special police officer pursuant to that section on a permanent 4578
basis on October 21, 1997, and who has been awarded a 4579
certificate by the executive director of the Ohio peace officer 4580
training commission attesting to the person's satisfactory 4581
completion of an approved state, county, municipal, or 4582
department of natural resources peace officer basic training 4583
program; 4584

(18) A special police officer employed by a port authority 4585
under section 4582.04 or 4582.28 of the Revised Code or a person 4586
serving as a special police officer employed by a port authority 4587
on a permanent basis on May 17, 2000, who has been awarded a 4588
certificate by the executive director of the Ohio peace officer 4589
training commission attesting to the person's satisfactory 4590
completion of an approved state, county, municipal, or 4591
department of natural resources peace officer basic training 4592

program; 4593

(19) A special police officer employed by a municipal 4594
corporation who has been awarded a certificate by the executive 4595
director of the Ohio peace officer training commission for 4596
satisfactory completion of an approved peace officer basic 4597
training program and who is employed on a permanent basis on or 4598
after March 19, 2003, at a municipal airport, or other municipal 4599
air navigation facility, that has scheduled operations, as 4600
defined in section 119.3 of Title 14 of the Code of Federal 4601
Regulations, 14 C.F.R. 119.3, as amended, and that is required 4602
to be under a security program and is governed by aviation 4603
security rules of the transportation security administration of 4604
the United States department of transportation as provided in 4605
Parts 1542. and 1544. of Title 49 of the Code of Federal 4606
Regulations, as amended; 4607

(20) A police officer who is employed by an owner or 4608
operator of an amusement park that has an average yearly 4609
attendance in excess of six hundred thousand guests and that 4610
employs and maintains its own proprietary police department or 4611
security department, and who is appointed and commissioned by a 4612
judge of the appropriate municipal court or county court 4613
pursuant to section 4973.17 of the Revised Code; 4614

(21) A police officer who is employed by a bank, savings 4615
and loan association, savings bank, credit union, or association 4616
of banks, savings and loan associations, savings banks, or 4617
credit unions, who has been appointed and commissioned by the 4618
secretary of state pursuant to sections 4973.17 to 4973.22 of 4619
the Revised Code, and who has been awarded a certificate by the 4620
executive director of the Ohio peace officer training commission 4621
attesting to the person's satisfactory completion of a state, 4622

county, municipal, or department of natural resources peace 4623
officer basic training program; 4624

(22) An investigator, as defined in section 109.541 of the 4625
Revised Code, of the bureau of criminal identification and 4626
investigation who is commissioned by the superintendent of the 4627
bureau as a special agent for the purpose of assisting law 4628
enforcement officers or providing emergency assistance to peace 4629
officers pursuant to authority granted under that section; 4630

(23) A state fire marshal law enforcement officer 4631
appointed under section 3737.22 of the Revised Code or a person 4632
serving as a state fire marshal law enforcement officer on a 4633
permanent basis on or after July 1, 1982, who has been awarded a 4634
certificate by the executive director of the Ohio peace officer 4635
training commission attesting to the person's satisfactory 4636
completion of an approved state, county, municipal, or 4637
department of natural resources peace officer basic training 4638
program; 4639

(24) A gaming agent employed under section 3772.03 of the 4640
Revised Code; 4641

(25) An employee of the state board of pharmacy designated 4642
by the executive director of the board pursuant to section 4643
4729.04 of the Revised Code to investigate violations of 4644
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 4645
Revised Code and rules adopted thereunder. 4646

(B) "Undercover drug agent" has the same meaning as in 4647
division (B) (2) of section 109.79 of the Revised Code. 4648

(C) "Crisis intervention training" means training in the 4649
use of interpersonal and communication skills to most 4650
effectively and sensitively interview victims of rape. 4651

(D) "Missing children" has the same meaning as in section 4652
2901.30 of the Revised Code. 4653

(E) "Tactical medical professional" means an EMT, EMT- 4654
basic, AEMT, EMT-I, paramedic, nurse, or physician who is 4655
trained and certified in a nationally recognized tactical 4656
medical training program that is equivalent to "tactical combat 4657
casualty care" (TCCC) and "tactical emergency medical support" 4658
(TEMS) and who functions in the tactical or austere environment 4659
while attached to a law enforcement agency of either this state 4660
or a political subdivision of this state. 4661

(F) "EMT-basic," "EMT-I," and "paramedic" have the same 4662
meanings as in section 4765.01 of the Revised Code and "EMT" and 4663
"AEMT" have the same meanings as in section 4765.011 of the 4664
Revised Code. 4665

(G) "Nurse" means any of the following: 4666

(1) Any person who is licensed to practice nursing as a 4667
registered nurse by the board of nursing; 4668

(2) Any certified nurse practitioner, clinical nurse 4669
specialist, certified registered nurse anesthetist, or certified 4670
nurse-midwife who holds a certificate of authority issued by the 4671
board of nursing under Chapter 4723. of the Revised Code; 4672

(3) Any person who is licensed to practice nursing as a 4673
licensed practical nurse by the board of nursing pursuant to 4674
Chapter 4723. of the Revised Code. 4675

(H) "Physician" means a person who is licensed pursuant to 4676
Chapter 4731. of the Revised Code to practice medicine and 4677
surgery or osteopathic medicine and surgery. 4678

(I) "County correctional officer" has the same meaning as 4679

in section 341.41 of the Revised Code. 4680

(J) (1) "Fire investigator" means an employee of a fire 4681
department charged with investigating fires and explosions who 4682
has been authorized, in accordance with sections 737.27 and 4683
3737.24 of the Revised Code, to perform the duties of 4684
investigating the origin and cause of fires and explosions using 4685
the scientific method to investigate elements of the event 4686
including the circumstances, actions, persons, means, and 4687
motives that resulted in the fire or explosion or the report of 4688
a fire or explosion within this state. 4689

(2) "Fire investigator" does not include a person who is 4690
acting as a fire investigator on behalf of an insurance company 4691
or any other privately owned or operated enterprise. 4692

(K) "Fire department" means a fire department of the state 4693
or an instrumentality of the state or of a municipal 4694
corporation, township, joint fire district, or other political 4695
subdivision. 4696

(L) "At-risk youth" means an individual who is all of the 4697
following: 4698

(1) Under twenty-one years of age; 4699

(2) One of the following: 4700

(a) At risk of becoming an abused, neglected, or dependent 4701
child, delinquent or unruly child, or juvenile traffic offender; 4702

(b) An abused, neglected, or dependent child, delinquent 4703
or unruly child, or juvenile traffic offender. 4704

(3) Residing in a state correctional institution, a 4705
department of youth services institution, or a residential 4706
facility. 4707

(M) "Residential facility" has the same meaning as in 4708
section 2151.46 of the Revised Code. 4709

Sec. 109.73. (A) The Ohio peace officer training 4710
commission shall recommend rules to the attorney general with 4711
respect to all of the following: 4712

(1) The approval, or revocation of approval, of peace 4713
officer training schools administered by the state, counties, 4714
municipal corporations, public school districts, technical 4715
college districts, and the department of natural resources; 4716

(2) Minimum courses of study, attendance requirements, and 4717
equipment and facilities to be required at approved state, 4718
county, municipal, and department of natural resources peace 4719
officer training schools; 4720

(3) Minimum qualifications for instructors at approved 4721
state, county, municipal, and department of natural resources 4722
peace officer training schools; 4723

(4) The requirements of minimum basic training that peace 4724
officers appointed to probationary terms shall complete before 4725
being eligible for permanent appointment, which requirements 4726
shall include training in the handling of the offense of 4727
domestic violence, other types of domestic violence-related 4728
offenses and incidents, and protection orders and consent 4729
agreements issued or approved under section 2919.26 or 3113.31 4730
of the Revised Code; crisis intervention training; and training 4731
in the handling of missing children and child abuse and neglect 4732
cases; and training in handling violations of section 2905.32 of 4733
the Revised Code; and the time within which such basic training 4734
shall be completed following appointment to a probationary term; 4735

(5) The requirements of minimum basic training that peace 4736

officers not appointed for probationary terms but appointed on 4737
other than a permanent basis shall complete in order to be 4738
eligible for continued employment or permanent appointment, 4739
which requirements shall include training in the handling of the 4740
offense of domestic violence, other types of domestic violence- 4741
related offenses and incidents, and protection orders and 4742
consent agreements issued or approved under section 2919.26 or 4743
3113.31 of the Revised Code, crisis intervention training, and 4744
training in the handling of missing children and child abuse and 4745
neglect cases, and training in handling violations of section 4746
2905.32 of the Revised Code, and the time within which such 4747
basic training shall be completed following appointment on other 4748
than a permanent basis; 4749

(6) Categories or classifications of advanced in-service 4750
training programs for peace officers, including programs in the 4751
handling of the offense of domestic violence, other types of 4752
domestic violence-related offenses and incidents, and protection 4753
orders and consent agreements issued or approved under section 4754
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 4755
and in the handling of missing children and child abuse and 4756
neglect cases, and in handling violations of section 2905.32 of 4757
the Revised Code, and minimum courses of study and attendance 4758
requirements with respect to such categories or classifications; 4759

(7) Permitting persons, who are employed as members of a 4760
campus police department appointed under section 1713.50 of the 4761
Revised Code; who are employed as police officers by a qualified 4762
nonprofit corporation police department pursuant to section 4763
1702.80 of the Revised Code; who are appointed and commissioned 4764
as bank, savings and loan association, savings bank, credit 4765
union, or association of banks, savings and loan associations, 4766
savings banks, or credit unions police officers, as railroad 4767

police officers, or as hospital police officers pursuant to 4768
sections 4973.17 to 4973.22 of the Revised Code; or who are 4769
appointed and commissioned as amusement park police officers 4770
pursuant to section 4973.17 of the Revised Code, to attend 4771
approved peace officer training schools, including the Ohio 4772
peace officer training academy, and to receive certificates of 4773
satisfactory completion of basic training programs, if the 4774
private college or university that established the campus police 4775
department; qualified nonprofit corporation police department; 4776
bank, savings and loan association, savings bank, credit union, 4777
or association of banks, savings and loan associations, savings 4778
banks, or credit unions; railroad company; hospital; or 4779
amusement park sponsoring the police officers pays the entire 4780
cost of the training and certification and if trainee vacancies 4781
are available; 4782

(8) Permitting undercover drug agents to attend approved 4783
peace officer training schools, other than the Ohio peace 4784
officer training academy, and to receive certificates of 4785
satisfactory completion of basic training programs, if, for each 4786
undercover drug agent, the county, township, or municipal 4787
corporation that employs that undercover drug agent pays the 4788
entire cost of the training and certification; 4789

(9) (a) The requirements for basic training programs for 4790
bailiffs and deputy bailiffs of courts of record of this state 4791
and for criminal investigators employed by the state public 4792
defender that those persons shall complete before they may carry 4793
a firearm while on duty; 4794

(b) The requirements for any training received by a 4795
bailiff or deputy bailiff of a court of record of this state or 4796
by a criminal investigator employed by the state public defender 4797

prior to June 6, 1986, that is to be considered equivalent to 4798
the training described in division (A) (9) (a) of this section. 4799

(10) Establishing minimum qualifications and requirements 4800
for certification for dogs utilized by law enforcement agencies; 4801

(11) Establishing minimum requirements for certification 4802
of persons who are employed as correction officers in a full- 4803
service jail, five-day facility, or eight-hour holding facility 4804
or who provide correction services in such a jail or facility; 4805

(12) Establishing requirements for the training of humane 4806
society agents under section 1717.061 of the Revised Code, 4807
including, without limitation, a requirement that the agents 4808
receive instruction on traditional animal husbandry methods and 4809
training techniques, including customary owner-performed 4810
practices; 4811

(13) Permitting tactical medical professionals to attend 4812
approved peace officer training schools, including the Ohio 4813
peace officer training academy, to receive training of the type 4814
described in division (A) (14) of this section and to receive 4815
certificates of satisfactory completion of training programs 4816
described in that division; 4817

(14) The requirements for training programs that tactical 4818
medical professionals shall complete to qualify them to carry 4819
firearms while on duty under section 109.771 of the Revised 4820
Code, which requirements shall include at least the firearms 4821
training specified in division (A) of section 109.748 of the 4822
Revised Code; 4823

(15) Procedures and requirements for a portion of basic 4824
training that peace officers complete in proper interactions 4825
with civilians during traffic stops and other in-person 4826

encounters as specified in division (B) (4) of section 109.803 of 4827
the Revised Code and including the topics of instruction listed 4828
for active duty peace officers under divisions (B) (4) (a) to (d) 4829
of that section; 4830

(16) Permitting county correctional officers to attend 4831
approved peace officer training schools, including the Ohio 4832
peace officer training academy, to receive training of the type 4833
described in division (A) (17) of this section, and to receive 4834
certificates of satisfactory completion of basic training 4835
programs described in that division; 4836

(17) The requirements for basic training programs that 4837
county correctional officers shall complete to qualify them to 4838
carry firearms while on duty under section 109.772 of the 4839
Revised Code, which requirements shall include the firearms 4840
training specified in section 109.773 of the Revised Code; 4841

(18) Permitting fire investigators to attend approved 4842
peace officer training schools, including the Ohio peace officer 4843
training academy, to receive training of the type described in 4844
division (A) (19) of this section, and to receive certificates of 4845
satisfactory completion of training programs described in that 4846
division; 4847

(19) The requirements for training programs that fire 4848
investigators shall complete to qualify them to carry firearms 4849
while on duty under section 109.774 of the Revised Code, which 4850
requirements shall include at least the firearms training 4851
specified in division (A) of section 109.7481 of the Revised 4852
Code; 4853

(20) The requirements for refresher training under 4854
division (M) of section 109.77 of the Revised Code. 4855

(B) The commission shall appoint an executive director, 4856
with the approval of the attorney general, who shall hold office 4857
during the pleasure of the commission. The executive director 4858
shall perform such duties assigned by the commission. The 4859
executive director shall receive a salary fixed pursuant to 4860
Chapter 124. of the Revised Code and reimbursement for expenses 4861
within the amounts available by appropriation. The executive 4862
director may appoint officers, employees, agents, and 4863
consultants as the executive director considers necessary, 4864
prescribe their duties, and provide for reimbursement of their 4865
expenses within the amounts available for reimbursement by 4866
appropriation and with the approval of the commission. 4867

(C) The commission may do all of the following: 4868

(1) Recommend studies, surveys, and reports to be made by 4869
the executive director regarding the carrying out of the 4870
objectives and purposes of sections 109.71 to 109.77 of the 4871
Revised Code; 4872

(2) Visit and inspect any peace officer training school 4873
that has been approved by the executive director or for which 4874
application for approval has been made; 4875

(3) Make recommendations, from time to time, to the 4876
executive director, the attorney general, and the general 4877
assembly regarding the carrying out of the purposes of sections 4878
109.71 to 109.77 of the Revised Code; 4879

(4) Report to the attorney general from time to time, and 4880
to the governor and the general assembly at least annually, 4881
concerning the activities of the commission; 4882

(5) Establish fees for the services the commission offers 4883
under sections 109.71 to 109.79 of the Revised Code, including, 4884

but not limited to, fees for training, certification, and 4885
testing; 4886

(6) Perform such other acts as are necessary or 4887
appropriate to carry out the powers and duties of the commission 4888
as set forth in sections 109.71 to 109.77 of the Revised Code. 4889

(D) In establishing the requirements, under division (A) 4890
(12) of this section, the commission may consider any portions 4891
of the curriculum for instruction on the topic of animal 4892
husbandry practices, if any, of the Ohio state university 4893
college of veterinary medicine. No person or entity that fails 4894
to provide instruction on traditional animal husbandry methods 4895
and training techniques, including customary owner-performed 4896
practices, shall qualify to train a humane society agent for 4897
appointment under section 1717.06 of the Revised Code. 4898

(E) (1) As used in this division, "license" has the same 4899
meaning as in section 4796.01 of the Revised Code, except that 4900
it includes a certificate of completion of a training program 4901
required under sections 109.71 to 109.804 of the Revised Code. 4902
"License" does not include a certificate of completion of a 4903
firearm basic training program under division (B) (1) of section 4904
109.78 of the Revised Code or a certificate of completion of any 4905
firearm requalification training program. 4906

(2) Notwithstanding any requirement for a license issued 4907
by the commission, the commission shall issue a license in 4908
accordance with Chapter 4796. of the Revised Code to an 4909
individual if either of the following applies: 4910

(a) The individual holds a license in another state. 4911

(b) The individual has satisfactory work experience, a 4912
government certification, or a private certification as 4913

described in that chapter in the same profession, occupation, or 4914
occupational activity as the profession, occupation, or 4915
occupational activity for which the license is required in this 4916
state in a state that does not require such a license. 4917

Sec. 109.77. (A) As used in this section: 4918

(1) "Felony" has the same meaning as in section 109.511 of 4919
the Revised Code. 4920

(2) "Companion animal" has the same meaning as in section 4921
959.131 of the Revised Code. 4922

(B) (1) Notwithstanding any general, special, or local law 4923
or charter to the contrary, and except as otherwise provided in 4924
this section, no person shall receive an original appointment on 4925
a permanent basis as any of the following unless the person 4926
previously has been awarded a certificate by the executive 4927
director of the Ohio peace officer training commission attesting 4928
to the person's satisfactory completion of an approved state, 4929
county, municipal, or department of natural resources peace 4930
officer basic training program: 4931

(a) A peace officer of any county, township, municipal 4932
corporation, regional transit authority, or metropolitan housing 4933
authority; 4934

(b) A natural resources law enforcement staff officer, 4935
forest-fire investigator, wildlife officer, or natural resources 4936
officer of the department of natural resources; 4937

(c) An employee of a park district under section 511.232 4938
or 1545.13 of the Revised Code; 4939

(d) An employee of a conservancy district who is 4940
designated pursuant to section 6101.75 of the Revised Code; 4941

- (e) A state university law enforcement officer; 4942
- (f) A special police officer employed by the department of 4943
mental health and addiction services pursuant to section 5119.08 4944
of the Revised Code or the department of developmental 4945
disabilities pursuant to section 5123.13 of the Revised Code; 4946
- (g) An enforcement agent of the department of public 4947
safety whom the director of public safety designates under 4948
section 5502.14 of the Revised Code; 4949
- (h) A special police officer employed by a port authority 4950
under section 4582.04 or 4582.28 of the Revised Code; 4951
- (i) A special police officer employed by a municipal 4952
corporation at a municipal airport, or other municipal air 4953
navigation facility, that has scheduled operations, as defined 4954
in section 119.3 of Title 14 of the Code of Federal Regulations, 4955
14 C.F.R. 119.3, as amended, and that is required to be under a 4956
security program and is governed by aviation security rules of 4957
the transportation security administration of the United States 4958
department of transportation as provided in Parts 1542. and 4959
1544. of Title 49 of the Code of Federal Regulations, as 4960
amended; 4961
- (j) A gaming agent employed under section 3772.03 of the 4962
Revised Code. 4963
- (2) Every person who is appointed on a temporary basis or 4964
for a probationary term or on other than a permanent basis as 4965
any of the following shall forfeit the appointed position unless 4966
the person previously has completed satisfactorily or, within 4967
the time prescribed by rules adopted by the attorney general 4968
pursuant to section 109.74 of the Revised Code, satisfactorily 4969
completes a state, county, municipal, or department of natural 4970

resources peace officer basic training program for temporary or 4971
probationary officers and is awarded a certificate by the 4972
director attesting to the satisfactory completion of the 4973
program: 4974

(a) A peace officer of any county, township, municipal 4975
corporation, regional transit authority, or metropolitan housing 4976
authority; 4977

(b) A natural resources law enforcement staff officer, 4978
park officer, forest officer, preserve officer, wildlife 4979
officer, or state watercraft officer of the department of 4980
natural resources; 4981

(c) An employee of a park district under section 511.232 4982
or 1545.13 of the Revised Code; 4983

(d) An employee of a conservancy district who is 4984
designated pursuant to section 6101.75 of the Revised Code; 4985

(e) A special police officer employed by the department of 4986
mental health and addiction services pursuant to section 5119.08 4987
of the Revised Code or the department of developmental 4988
disabilities pursuant to section 5123.13 of the Revised Code; 4989

(f) An enforcement agent of the department of public 4990
safety whom the director of public safety designates under 4991
section 5502.14 of the Revised Code; 4992

(g) A special police officer employed by a port authority 4993
under section 4582.04 or 4582.28 of the Revised Code; 4994

(h) A special police officer employed by a municipal 4995
corporation at a municipal airport, or other municipal air 4996
navigation facility, that has scheduled operations, as defined 4997
in section 119.3 of Title 14 of the Code of Federal Regulations, 4998

14 C.F.R. 119.3, as amended, and that is required to be under a 4999
security program and is governed by aviation security rules of 5000
the transportation security administration of the United States 5001
department of transportation as provided in Parts 1542. and 5002
1544. of Title 49 of the Code of Federal Regulations, as 5003
amended. 5004

(3) For purposes of division (B) of this section, a state, 5005
county, municipal, or department of natural resources peace 5006
officer basic training program, regardless of whether the 5007
program is to be completed by peace officers appointed on a 5008
permanent or temporary, probationary, or other nonpermanent 5009
basis, shall include training in the handling of the offense of 5010
domestic violence, other types of domestic violence-related 5011
offenses and incidents, protection orders and consent agreements 5012
issued or approved under section 2919.26 or 3113.31 of the 5013
Revised Code, crisis intervention training, and training on 5014
companion animal encounters and companion animal behavior. The 5015
requirement to complete training in the handling of the offense 5016
of domestic violence, other types of domestic violence-related 5017
offenses and incidents, and protection orders and consent 5018
agreements issued or approved under section 2919.26 or 3113.31 5019
of the Revised Code does not apply to any person serving as a 5020
peace officer on March 27, 1979, and the requirement to complete 5021
training in crisis intervention does not apply to any person 5022
serving as a peace officer on April 4, 1985. Any person who is 5023
serving as a peace officer on April 4, 1985, who terminates that 5024
employment after that date, and who subsequently is hired as a 5025
peace officer by the same or another law enforcement agency 5026
shall complete training in crisis intervention as prescribed by 5027
rules adopted by the attorney general pursuant to section 5028
109.742 of the Revised Code. No peace officer shall have 5029

employment as a peace officer terminated and then be reinstated 5030
with intent to circumvent this section. 5031

(4) Division (B) of this section does not apply to any 5032
person serving on a permanent basis on March 28, 1985, as a park 5033
officer, forest officer, preserve officer, wildlife officer, or 5034
state watercraft officer of the department of natural resources 5035
or as an employee of a park district under section 511.232 or 5036
1545.13 of the Revised Code, to any person serving on a 5037
permanent basis on March 6, 1986, as an employee of a 5038
conservancy district designated pursuant to section 6101.75 of 5039
the Revised Code, to any person serving on a permanent basis on 5040
January 10, 1991, as a preserve officer of the department of 5041
natural resources, to any person employed on a permanent basis 5042
on July 2, 1992, as a special police officer by the department 5043
of mental health and addiction services pursuant to section 5044
5119.08 of the Revised Code or by the department of 5045
developmental disabilities pursuant to section 5123.13 of the 5046
Revised Code, to any person serving on a permanent basis on May 5047
17, 2000, as a special police officer employed by a port 5048
authority under section 4582.04 or 4582.28 of the Revised Code, 5049
to any person serving on a permanent basis on March 19, 2003, as 5050
a special police officer employed by a municipal corporation at 5051
a municipal airport or other municipal air navigation facility 5052
described in division (A) (19) of section 109.71 of the Revised 5053
Code, to any person serving on a permanent basis on June 19, 5054
1978, as a state university law enforcement officer pursuant to 5055
section 3345.04 of the Revised Code and who, immediately prior 5056
to June 19, 1978, was serving as a special police officer 5057
designated under authority of that section, or to any person 5058
serving on a permanent basis on September 20, 1984, as a liquor 5059
control investigator, known after June 30, 1999, as an 5060

enforcement agent of the department of public safety, engaged in 5061
the enforcement of Chapters 4301. and 4303. of the Revised Code. 5062

(5) Division (B) of this section does not apply to any 5063
person who is appointed as a regional transit authority police 5064
officer pursuant to division (Y) of section 306.35 of the 5065
Revised Code if, on or before July 1, 1996, the person has 5066
completed satisfactorily an approved state, county, municipal, 5067
or department of natural resources peace officer basic training 5068
program and has been awarded a certificate by the executive 5069
director of the Ohio peace officer training commission attesting 5070
to the person's satisfactory completion of such an approved 5071
program and if, on July 1, 1996, the person is performing peace 5072
officer functions for a regional transit authority. 5073

(C) No person, after September 20, 1984, shall receive an 5074
original appointment on a permanent basis as a veterans' home 5075
police officer designated under section 5907.02 of the Revised 5076
Code unless the person previously has been awarded a certificate 5077
by the executive director of the Ohio peace officer training 5078
commission attesting to the person's satisfactory completion of 5079
an approved police officer basic training program. Every person 5080
who is appointed on a temporary basis or for a probationary term 5081
or on other than a permanent basis as a veterans' home police 5082
officer designated under section 5907.02 of the Revised Code 5083
shall forfeit that position unless the person previously has 5084
completed satisfactorily or, within one year from the time of 5085
appointment, satisfactorily completes an approved police officer 5086
basic training program. 5087

(D) No bailiff or deputy bailiff of a court of record of 5088
this state and no criminal investigator who is employed by the 5089
state public defender shall carry a firearm, as defined in 5090

section 2923.11 of the Revised Code, while on duty unless the 5091
bailiff, deputy bailiff, or criminal investigator has done or 5092
received one of the following: 5093

(1) Has been awarded a certificate by the executive 5094
director of the Ohio peace officer training commission, which 5095
certificate attests to satisfactory completion of an approved 5096
state, county, or municipal basic training program for bailiffs 5097
and deputy bailiffs of courts of record and for criminal 5098
investigators employed by the state public defender that has 5099
been recommended by the Ohio peace officer training commission; 5100

(2) Has successfully completed a firearms training program 5101
approved by the Ohio peace officer training commission prior to 5102
employment as a bailiff, deputy bailiff, or criminal 5103
investigator; 5104

(3) Prior to June 6, 1986, was authorized to carry a 5105
firearm by the court that employed the bailiff or deputy bailiff 5106
or, in the case of a criminal investigator, by the state public 5107
defender and has received training in the use of firearms that 5108
the Ohio peace officer training commission determines is 5109
equivalent to the training that otherwise is required by 5110
division (D) of this section. 5111

(E) (1) Before a person seeking a certificate completes an 5112
approved peace officer basic training program, the executive 5113
director of the Ohio peace officer training commission shall 5114
request the person to disclose, and the person shall disclose, 5115
any previous criminal conviction of or plea of guilty of that 5116
person to a felony. 5117

(2) Before a person seeking a certificate completes an 5118
approved peace officer basic training program, the executive 5119

director shall request a criminal history records check on the 5120
person. The executive director shall submit the person's 5121
fingerprints to the bureau of criminal identification and 5122
investigation, which shall submit the fingerprints to the 5123
federal bureau of investigation for a national criminal history 5124
records check. 5125

Upon receipt of the executive director's request, the 5126
bureau of criminal identification and investigation and the 5127
federal bureau of investigation shall conduct a criminal history 5128
records check on the person and, upon completion of the check, 5129
shall provide a copy of the criminal history records check to 5130
the executive director. The executive director shall not award 5131
any certificate prescribed in this section unless the executive 5132
director has received a copy of the criminal history records 5133
check on the person to whom the certificate is to be awarded. 5134

(3) The executive director of the commission shall not 5135
award a certificate prescribed in this section to a person who 5136
has been convicted of or has pleaded guilty to a felony or who 5137
fails to disclose any previous criminal conviction of or plea of 5138
guilty to a felony as required under division (E) (1) of this 5139
section. 5140

(4) The executive director of the commission shall revoke 5141
the certificate awarded to a person as prescribed in this 5142
section, and that person shall forfeit all of the benefits 5143
derived from being certified as a peace officer under this 5144
section, if the person, before completion of an approved peace 5145
officer basic training program, failed to disclose any previous 5146
criminal conviction of or plea of guilty to a felony as required 5147
under division (E) (1) of this section. 5148

(F) (1) Regardless of whether the person has been awarded 5149

the certificate or has been classified as a peace officer prior 5150
to, on, or after October 16, 1996, the executive director of the 5151
Ohio peace officer training commission shall revoke any 5152
certificate that has been awarded to a person as prescribed in 5153
this section if the person does either of the following: 5154

(a) Pleads guilty to a felony committed on or after 5155
January 1, 1997; 5156

(b) Pleads guilty to a misdemeanor committed on or after 5157
January 1, 1997, pursuant to a negotiated plea agreement as 5158
provided in division (D) of section 2929.43 of the Revised Code 5159
in which the person agrees to surrender the certificate awarded 5160
to the person under this section. 5161

(2) The executive director of the commission shall suspend 5162
any certificate that has been awarded to a person as prescribed 5163
in this section if the person is convicted, after trial, of a 5164
felony committed on or after January 1, 1997. The executive 5165
director shall suspend the certificate pursuant to division (F) 5166
(2) of this section pending the outcome of an appeal by the 5167
person from that conviction to the highest court to which the 5168
appeal is taken or until the expiration of the period in which 5169
an appeal is required to be filed. If the person files an appeal 5170
that results in that person's acquittal of the felony or 5171
conviction of a misdemeanor, or in the dismissal of the felony 5172
charge against that person, the executive director shall 5173
reinstate the certificate awarded to the person under this 5174
section. If the person files an appeal from that person's 5175
conviction of the felony and the conviction is upheld by the 5176
highest court to which the appeal is taken or if the person does 5177
not file a timely appeal, the executive director shall revoke 5178
the certificate awarded to the person under this section. 5179

(G) (1) If a person is awarded a certificate under this 5180
section and the certificate is revoked pursuant to division (E) 5181
(4) or (F) of this section, the person shall not be eligible to 5182
receive, at any time, a certificate attesting to the person's 5183
satisfactory completion of a peace officer basic training 5184
program. 5185

(2) The revocation or suspension of a certificate under 5186
division (E) (4) or (F) of this section shall be in accordance 5187
with Chapter 119. of the Revised Code. 5188

(H) (1) A person who was employed as a peace officer of a 5189
county, township, or municipal corporation of the state on 5190
January 1, 1966, and who has completed at least sixteen years of 5191
full-time active service as such a peace officer, or equivalent 5192
service as determined by the executive director of the Ohio 5193
peace officer training commission, may receive an original 5194
appointment on a permanent basis and serve as a peace officer of 5195
a county, township, or municipal corporation, or as a state 5196
university law enforcement officer, without complying with the 5197
requirements of division (B) of this section. 5198

(2) Any person who held an appointment as a state highway 5199
trooper on January 1, 1966, may receive an original appointment 5200
on a permanent basis and serve as a peace officer of a county, 5201
township, or municipal corporation, or as a state university law 5202
enforcement officer, without complying with the requirements of 5203
division (B) of this section. 5204

(I) No person who is appointed as a peace officer of a 5205
county, township, or municipal corporation on or after April 9, 5206
1985, shall serve as a peace officer of that county, township, 5207
or municipal corporation unless the person has received training 5208
in the handling of missing children and child abuse and neglect 5209

cases from an approved state, county, township, or municipal 5210
police officer basic training program or receives the training 5211
within the time prescribed by rules adopted by the attorney 5212
general pursuant to section 109.741 of the Revised Code. 5213

(J) No part of any approved state, county, or municipal 5214
basic training program for bailiffs and deputy bailiffs of 5215
courts of record and no part of any approved state, county, or 5216
municipal basic training program for criminal investigators 5217
employed by the state public defender shall be used as credit 5218
toward the completion by a peace officer of any part of the 5219
approved state, county, or municipal peace officer basic 5220
training program that the peace officer is required by this 5221
section to complete satisfactorily. 5222

(K) This section does not apply to any member of the 5223
police department of a municipal corporation in an adjoining 5224
state serving in this state under a contract pursuant to section 5225
737.04 of the Revised Code. 5226

(L) The executive director of the commission shall issue a 5227
certificate of completion of a training program required under 5228
this section in accordance with Chapter 4796. of the Revised 5229
Code to an individual if either of the following applies: 5230

(1) The individual holds a certificate of completion of 5231
such a program in another state. 5232

(2) The individual has satisfactory work experience, a 5233
government certification, or a private certification as 5234
described in that chapter in the same profession, occupation, or 5235
occupational activity as the profession, occupation, or 5236
occupational activity for which the certificate is required in 5237
this state in a state that does not require completion of such a 5238

training program. 5239

(M) (1) Except as provided in division (M) (2) of this 5240
section, no certificate awarded by the executive director of the 5241
Ohio peace officer training commission attesting to a person's 5242
satisfactory completion of an approved state, county, municipal, 5243
or department of natural resources peace officer basic training 5244
program shall be deemed insufficient for an appointment to a 5245
position listed in division (B) (1) of this section because of a 5246
lapse in the person's service as a peace officer. 5247

(2) The Ohio peace officer training commission shall 5248
require a re-appointed peace officer to complete refresher 5249
training of the following duration prior to performing the 5250
functions of a peace officer, if the peace officer, having 5251
previously been awarded a certificate by the executive director 5252
of the commission attesting to the person's satisfactory 5253
completion of an approved state, county, municipal, or 5254
department of natural resources peace officer basic training 5255
program or pursuant to Chapter 4796. of the Revised Code, for at 5256
least one year prior to an appointment, was not employed as a 5257
peace officer: 5258

(a) If the period of lapse was at least one year, but less 5259
than four years, up to forty hours; 5260

(b) If the period of lapse was four years or longer, 5261
eighty hours. 5262

Sec. 109.803. (A) (1) Subject to divisions (A) (2) and (B) 5263
of this section, every appointing authority shall require each 5264
of its appointed peace officers and troopers to complete twenty- 5265
four hours of continuing professional training each calendar 5266
year. Twenty-four hours is intended to be a minimum requirement, 5267

and appointing authorities are encouraged to exceed the twenty- 5268
four hour minimum. A minimum of twenty-four hours of continuing 5269
professional training shall be reimbursed each calendar year and 5270
a maximum of forty hours of continuing professional training may 5271
be reimbursed each calendar year. No reimbursement shall be 5272
available under this section for continuing professional 5273
training provided for a peace officer or trooper appointed by a 5274
state agency. 5275

(2) An appointing authority may submit a written request 5276
to the peace officer training commission that requests for a 5277
calendar year because of emergency circumstances an extension of 5278
the time within which one or more of its appointed peace 5279
officers or troopers must complete the required minimum number 5280
of hours of continuing professional training set by the 5281
commission, as described in division (A)(1) of this section. A 5282
request made under this division shall set forth the name of 5283
each of the appointing authority's peace officers or troopers 5284
for whom an extension is requested, identify the emergency 5285
circumstances related to that peace officer or trooper, include 5286
documentation of those emergency circumstances, and set forth 5287
the date on which the request is submitted to the commission. A 5288
request shall be made under this division not later than the 5289
fifteenth day of December in the calendar year for which the 5290
extension is requested. 5291

Upon receipt of a written request made under this 5292
division, the executive director of the commission shall review 5293
the request and the submitted documentation. If the executive 5294
director of the commission is satisfied that emergency 5295
circumstances exist for any peace officer or trooper for whom a 5296
request was made under this division, the executive director may 5297
approve the request for that peace officer or trooper and grant 5298

an extension of the time within which that peace officer or 5299
trooper must complete the required minimum number of hours of 5300
continuing professional training set by the commission. An 5301
extension granted under this division may be for any period of 5302
time the executive director believes to be appropriate, and the 5303
executive director shall specify in the notice granting the 5304
extension the date on which the extension ends. Not later than 5305
thirty days after the date on which a request is submitted to 5306
the commission, for each peace officer and trooper for whom an 5307
extension is requested, the executive director either shall 5308
approve the request and grant an extension or deny the request 5309
and deny an extension and shall send to the appointing authority 5310
that submitted the request written notice of the executive 5311
director's decision. 5312

If the executive director grants an extension of the time 5313
within which a particular appointed peace officer or trooper of 5314
an appointing authority must complete the required minimum 5315
number of hours of continuing professional training set by the 5316
commission, the appointing authority shall require that peace 5317
officer or trooper to complete the required minimum number of 5318
hours of training not later than the date on which the extension 5319
ends. 5320

(B) With the advice of the Ohio peace officer training 5321
commission, the attorney general shall adopt in accordance with 5322
Chapter 119. of the Revised Code rules setting forth minimum 5323
standards for continuing professional training for peace 5324
officers and troopers and governing the administration of 5325
continuing professional training programs for peace officers and 5326
troopers. The rules adopted by the attorney general under 5327
division (B) of this section shall do all of the following: 5328

(1) Allow peace officers and troopers to earn credit for 5329
up to four hours of continuing professional training for time 5330
spent while on duty providing drug use prevention education 5331
training that utilizes evidence-based curricula to students in 5332
school districts, community schools established under Chapter 5333
3314., STEM schools established under Chapter 3326., and 5334
college-preparatory boarding schools established under Chapter 5335
3328. of the Revised Code. 5336

(2) Allow a peace officer or trooper appointed by a law 5337
enforcement agency to earn hours of continuing professional 5338
training for other peace officers or troopers appointed by the 5339
law enforcement agency by providing drug use prevention 5340
education training under division (B)(1) of this section so that 5341
hours earned by the peace officer or trooper providing the 5342
training in excess of four hours may be applied to offset the 5343
number of continuing professional training hours required of 5344
another peace officer or trooper appointed by that law 5345
enforcement agency. 5346

(3) Prohibit the use of continuing professional training 5347
hours earned under division (B)(1) or (2) of this section from 5348
being used to offset any mandatory hands-on training 5349
requirement. 5350

(4) Require a peace officer to complete training on proper 5351
interactions with civilians during traffic stops and other in- 5352
person encounters, which training shall have an online offering 5353
and shall include all of the following topics: 5354

(a) A person's rights during an interaction with a peace 5355
officer, including all of the following: 5356

(i) When a peace officer may require a person to exit a 5357

vehicle; 5358

(ii) Constitutional protections from illegal search and 5359
seizure; 5360

(iii) The rights of a passenger in a vehicle who has been 5361
pulled over for a traffic stop; 5362

(iv) The right for a citizen to record an encounter with a 5363
peace officer. 5364

(b) Proper actions for interacting with a civilian and 5365
methods for diffusing a stressful encounter with a civilian; 5366

(c) Laws regarding questioning and detention by peace 5367
officers, including any law requiring a person to present proof 5368
of identity to a peace officer, and the consequences for a 5369
person's or officer's failure to comply with those laws; 5370

(d) Any other requirements and procedures necessary for 5371
the proper implementation of this section. 5372

(C) The attorney general shall transmit a certified copy 5373
of any rule adopted under this section to the secretary of 5374
state. 5375

(D) As used in this section: 5376

(1) "Peace officer" has the same meaning as in section 5377
109.71 of the Revised Code. 5378

(2) "Trooper" means an individual appointed as a state 5379
highway patrol trooper under section 5503.01 of the Revised 5380
Code. 5381

(3) "Appointing authority" means any agency or entity that 5382
appoints a peace officer or trooper. 5383

Sec. 111.15. (A) As used in this section: 5384

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

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

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

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

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

(b) The rule shall be filed in electronic form with the 5414
joint committee on agency rule review. Division (B) (1) (b) of 5415
this section does not apply to any rule to which division (D) of 5416
this section does not apply. 5417

An agency that adopts or amends a rule that is subject to 5418
division (D) of this section shall assign a review date to the 5419
rule that is not later than five years after its effective date. 5420
If a review date assigned to a rule exceeds the five-year 5421
maximum, the review date for the rule is five years after its 5422
effective date. A rule with a review date is subject to review 5423
under section 106.03 of the Revised Code and expiration under 5424
section 106.033 of the Revised Code. This paragraph does not 5425
apply to a rule of a state college or university, community 5426
college district, technical college district, or state community 5427
college. 5428

If an agency in adopting a rule designates an effective 5429
date that is later than the effective date provided for by 5430
division (B) (1) of this section, the rule if filed as required 5431
by such division shall become effective on the later date 5432
designated by the agency. 5433

Any rule that is required to be filed under division (B) 5434
(1) of this section is also subject to division (D) of this 5435
section if not exempted by that division. 5436

If a rule incorporates a text or other material by 5437
reference, the agency shall comply with sections 121.71 to 5438
121.75 of the Revised Code. 5439

(2) A rule of an emergency nature necessary for the 5440
immediate preservation of the public peace, health, or safety 5441
shall state the reasons for the necessity. The emergency rule, 5442

in final form and in compliance with division (B) (3) of this 5443
section, shall be filed in electronic form with the secretary of 5444
state, the director of the legislative service commission, and 5445
the joint committee on agency rule review. The emergency rule is 5446
effective immediately upon completion of the latest filing, 5447
except that if the agency in adopting the emergency rule 5448
designates an effective date, or date and time of day, that is 5449
later than the effective date and time provided for by division 5450
(B) (2) of this section, the emergency rule if filed as required 5451
by such division shall become effective at the later date, or 5452
later date and time of day, designated by the agency. 5453

Except as provided in section 107.43 of the Revised Code, 5454
an emergency rule becomes invalid at the end of the one hundred 5455
twentieth day it is in effect. Prior to that date, the agency 5456
may file the emergency rule as a nonemergency rule in compliance 5457
with division (B) (1) of this section. The agency may not refile 5458
the emergency rule in compliance with division (B) (2) of this 5459
section so that, upon the emergency rule becoming invalid under 5460
such division, the emergency rule will continue in effect 5461
without interruption for another one hundred twenty-day period. 5462

The adoption of an emergency rule under division (B) (2) of 5463
this section in response to a state of emergency, as defined 5464
under section 107.42 of the Revised Code, may be invalidated by 5465
the general assembly, in whole or in part, by adopting a 5466
concurrent resolution in accordance with section 107.43 of the 5467
Revised Code. 5468

(3) An agency shall file a rule under division (B) (1) or 5469
(2) of this section in compliance with the following standards 5470
and procedures: 5471

(a) The rule shall be numbered in accordance with the 5472

numbering system devised by the director for the Ohio 5473
administrative code. 5474

(b) The rule shall be prepared and submitted in compliance 5475
with ~~the rules~~ section 103.05 of the Revised Code and the rule 5476
drafting manual of the legislative service commission. 5477

(c) The rule shall clearly state the date on which it is 5478
to be effective and the date on which it will expire, if known. 5479

(d) Each rule that amends or rescinds another rule shall 5480
clearly refer to the rule that is amended or rescinded. Each 5481
amendment shall fully restate the rule as amended. 5482

If the director of the legislative service commission or 5483
the director's designee gives an agency notice pursuant to 5484
section 103.05 of the Revised Code that a rule filed by the 5485
agency is not in compliance with ~~the rules~~ section 103.05 of the 5486
Revised Code and the rule drafting manual of the legislative 5487
service commission, the agency shall within thirty days after 5488
receipt of the notice conform the rule to the rules of the 5489
commission as directed in the notice. 5490

(C) All rules filed pursuant to divisions (B) (1) (a) and 5491
(2) of this section shall be recorded by the secretary of state 5492
and the director under the title of the agency adopting the rule 5493
and shall be numbered according to the numbering system devised 5494
by the director. The secretary of state and the director shall 5495
preserve the rules in an accessible manner. Each such rule shall 5496
be a public record open to public inspection and may be 5497
transmitted to any law publishing company that wishes to 5498
reproduce it. 5499

~~(D)~~ (D) (1) At least sixty-five days before a board, 5500
commission, department, division, or bureau of the government of 5501

the state files a rule under division (B)(1) of this section, it 5502
shall file the full text of the proposed rule in electronic form 5503
with the joint committee on agency rule review, and the proposed 5504
rule is subject to legislative review and invalidation under 5505
~~section~~sections 106.021, 106.025, and 106.026 of the Revised 5506
Code. If a state board, commission, department, division, or 5507
bureau makes a revision in a proposed rule after it is filed 5508
with the joint committee, the state board, commission, 5509
department, division, or bureau shall promptly file the full 5510
text of the proposed rule in its revised form in electronic form 5511
with the joint committee. A state board, commission, department, 5512
division, or bureau shall also file the rule summary and fiscal 5513
analysis prepared under section 106.024 of the Revised Code in 5514
electronic form along with a proposed rule, and along with a 5515
proposed rule in revised form, that is filed under this 5516
division. If a proposed rule has an adverse impact on 5517
businesses, the state board, commission, department, division, 5518
or bureau also shall file the business impact analysis, any 5519
recommendations received from the common sense initiative 5520
office, and the associated memorandum of response, if any, in 5521
electronic form along with the proposed rule, or the proposed 5522
rule in revised form, that is filed under this division. If the 5523
rule summary and fiscal analysis indicates the rule may have any 5524
of the effects listed in division (A) of section 106.025 of the 5525
Revised Code, the executive director of the joint committee 5526
shall notify the members of the general assembly and include all 5527
documentation submitted to the joint committee in the agency's 5528
original rule filing with the notice. 5529

(2) A proposed rule that is subject to legislative review 5530
under this division may not be adopted and filed in final form 5531
under division (B)(1) of this section unless ~~the~~one of the 5532

following applies: 5533

(a) The proposed rule has been filed with the joint 5534
committee on agency rule review under this division and the time 5535
for the joint committee to review the proposed rule has expired 5536
without recommendation of a concurrent resolution to invalidate 5537
the proposed rule. 5538

(b) The proposed rule is subject to section 106.026 of the 5539
Revised Code, and a law authorizing its adoption enacted in 5540
accordance with Ohio Constitution, Article II, Sections 15 and 5541
16 is in effect. 5542

(3) If a proposed rule that is subject to legislative 5543
review under this division implements a federal law or rule, the 5544
agency shall provide to the joint committee a citation to the 5545
federal law or rule the proposed rule implements and a statement 5546
as to whether the proposed rule implements the federal law or 5547
rule in a manner that is more or less stringent or burdensome 5548
than the federal law or rule requires. 5549

(4) As used in this division, "commission" includes the 5550
public utilities commission when adopting rules under a federal 5551
or state statute. 5552

~~This division~~ (5) Division (D) of this section does not 5553
apply to any of the following: 5554

~~(1)~~ (a) A proposed rule of an emergency nature; 5555

~~(2)~~ (b) A rule proposed under section 1121.05, 1121.06, 5556
1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 5557
4123.342, 4123.345, 4123.40, 4123.411, 4123.44, or 4123.442 of 5558
the Revised Code; 5559

~~(3)~~ (c) A rule proposed by an agency other than a board, 5560

commission, department, division, or bureau of the government of 5561
the state; 5562

~~(4)~~ (d) A proposed internal management rule of a board, 5563
commission, department, division, or bureau of the government of 5564
the state; 5565

~~(5)~~ (e) Any proposed rule that must be adopted verbatim by 5566
an agency pursuant to federal law or rule, to become effective 5567
within sixty days of adoption, in order to continue the 5568
operation of a federally reimbursed program in this state, so 5569
long as the proposed rule contains both of the following: 5570

~~(a)~~ (i) A statement that it is proposed for the purpose of 5571
complying with a federal law or rule; 5572

~~(b)~~ (ii) A citation to the federal law or rule that 5573
requires verbatim compliance. 5574

~~(6)~~ (f) An initial rule proposed by the director of health 5575
to impose quality standards on a health care facility as defined 5576
in section 3702.30 of the Revised Code; 5577

~~(7)~~ (g) A rule of the state lottery commission pertaining 5578
to instant game rules. 5579

If a rule is exempt from legislative review under division 5580
~~(D)~~ ~~(5)~~ (D) (5) (e) of this section, and if the federal law or rule 5581
pursuant to which the rule was adopted expires, is repealed or 5582
rescinded, or otherwise terminates, the rule is thereafter 5583
subject to legislative review under division (D) of this 5584
section. 5585

Whenever a state board, commission, department, division, 5586
or bureau files a proposed rule or a proposed rule in revised 5587
form under division (D) of this section, it shall also file the 5588

full text of the same proposed rule or proposed rule in revised 5589
form in electronic form with the secretary of state and the 5590
director of the legislative service commission. A state board, 5591
commission, department, division, or bureau shall file the rule 5592
summary and fiscal analysis prepared under section 106.024 of 5593
the Revised Code in electronic form along with a proposed rule 5594
or proposed rule in revised form that is filed with the 5595
secretary of state or the director of the legislative service 5596
commission. 5597

Sec. 111.27. There is hereby established in the state 5598
treasury the board of elections ~~reimbursement and education~~ 5599
fund. The fund shall be used by the secretary of state to_ 5600
provide advancements, subject to recoupment, or to reimburse 5601
boards of elections pursuant to sections 3513.301, 3513.312, 5602
3515.071, and 3521.03 of the Revised Code, and to provide 5603
training and educational programs for members and employees of 5604
boards of elections. The fund shall receive transfers of cash 5605
pursuant to controlling board action. 5606

Sec. 111.29. The Ohio election integrity commission fund 5607
is created in the state treasury. The secretary of state shall 5608
use the money in the fund for the sole purpose of paying 5609
expenses related to the operation of the Ohio election integrity 5610
commission established under section 3517.14 of the Revised 5611
Code. 5612

Sec. 113.05. (A) As used in sections 113.05 to 113.40 of 5613
the Revised Code: 5614

(1) "Account," "appropriation," "disbursement," 5615
"electronic funds transfer," "fund," and "warrant" have the same 5616
meanings as in section 131.01 of the Revised Code. 5617

(2) "Assets" has the same meaning as in section 131.01 of 5618
the Revised Code, but does not include items held in safekeeping 5619
by the treasurer of state including, but not limited to, 5620
collateral pledged to a state agency. 5621

(3) "Custodial funds" do not include items held in 5622
safekeeping by the treasurer of state including, but not limited 5623
to, collateral pledged to a state agency. 5624

(B) The state treasury consists of the moneys, claims, 5625
bonds, notes, other obligations, stocks, and other securities, 5626
receipts or other evidences of ownership, and other intangible 5627
assets of the state that are required by law to be deposited in 5628
the state treasury or are otherwise a part of the state 5629
treasury. All assets of the state treasury shall be kept in the 5630
rooms assigned the treasurer of state, with the vaults, safes, 5631
and other appliances therein; provided, that: 5632

(1) Securities required by law to be deposited or kept in 5633
the state treasury may be deposited for safekeeping with the 5634
federal reserve bank of Cleveland, Ohio or secured and insured 5635
depositories in or out of this state as designated by the 5636
treasurer of state. 5637

(2) Public moneys may be kept in constituted state 5638
depositories. 5639

(C) The custodial funds of the treasurer of state consist 5640
of the moneys, claims, bonds, notes, other obligations, stocks, 5641
and other securities, receipts or other evidences of ownership, 5642
and other intangible assets that are required by law to be kept 5643
in the custody of the treasurer of state but are not part of the 5644
state treasury. All assets of the custodial funds of the 5645
treasurer of state shall be kept in either or both of the 5646

following: 5647

(1) The rooms assigned the treasurer of state, with the 5648
vaults, safes, and other appliances therein; 5649

(2) The federal reserve bank of Cleveland, Ohio or secured 5650
and insured depositories in or out of this state as designated 5651
by the treasurer of state. 5652

(D) Assets of the state treasury shall not be commingled 5653
with assets of the custodial funds of the treasurer of state. 5654

~~The repositing and deposit of payments pursuant to section 5655
113.06 of the Revised Code is in compliance with this section. 5656~~

Sec. 113.13. The treasurer of state shall have available 5657
and, as requested, transmit to the director of budget and 5658
management and to the governor information concerning the amount 5659
in the ~~inactive account, the amount in the active account,~~ and 5660
the amount of cash on hand. 5661

Sec. 113.40. (A) As used in this section: 5662

(1) "Administrative agent of the board of deposit" means 5663
the treasurer of state. 5664

(2) "Financial transaction device" includes a credit card, 5665
debit card, ~~charge banking card,~~ prepaid or stored value card, 5666
~~or automated clearinghouse network credit, debit, or e-check-~~ 5667
~~entry that includes, but is not limited to, accounts receivable-~~ 5668
~~and internet-initiated, point of purchase, and telephone-~~ 5669
~~initiated applications,~~ or any other device or method for making 5670
an electronic payment or transfer of funds denominated in United 5671
States dollars. 5672

~~(2)~~ (3) "Processor" means an entity conducting the 5673
settlement of an electronic payment or transfer of funds, which 5674

shall be denominated in United States dollars. 5675

(4) "State ~~expenses~~ Revenue" includes fees, charges, tolls, 5676
costs, taxes, expenses, assessments, fines, penalties, payments, 5677
judgments, restitution ordered by a court, or any other ~~expense-~~ 5678
amount a person owes to a state office under the authority of a 5679
state elected official or to a state entity. 5680

~~(3)~~ (5) "State elected official" means the governor, 5681
lieutenant governor, attorney general, secretary of state, 5682
treasurer of state, and auditor of state. 5683

~~(4)~~ (6) "State entity" includes any state department, 5684
agency, board, ~~or~~ commission, or office under the authority of a 5685
state elected official that deposits funds into the state 5686
treasury or into an account in the custody of the treasurer of 5687
state. 5688

(B) Notwithstanding any other section of the Revised Code 5689
and subject to division (D) of this section, the board of 5690
deposit ~~may~~ shall adopt a resolution authorizing the ~~acceptance-~~ 5691
~~of payments by financial transaction device to pay for state~~ 5692
~~expenses~~ collection, receipt, and acceptance by the state of 5693
revenue, gifts, donations, or bequests made by a financial 5694
transaction device. The resolution shall include all of the 5695
following:- 5696

~~(1) A designation of those state elected officials and~~ 5697
~~state entities authorized to accept payments by financial~~ 5698
~~transaction device;-~~ 5699

~~(2) A list of state expenses that may be paid by the use-~~ 5700
~~of a financial transaction device;-~~ 5701

~~(3) Specific identification of financial transaction~~ 5702
~~devices that a state elected official or state entity may~~ 5703

~~authorize as acceptable means of payment for state expenses.~~ 5704
~~Division (B) (3) of this section does not require that the same~~ 5705
~~financial transaction devices be accepted for the payment of~~ 5706
~~different types of state expenses.~~ 5707

~~(4) The amount, if any, authorized as a surcharge or~~ 5708
~~convenience fee under division (E) of this section for persons~~ 5709
~~using a financial transaction device. Division (B) (4) of this~~ 5710
~~section does not require that the same surcharges or convenience~~ 5711
~~fees be applied to the payment of different types of state~~ 5712
~~expenses.~~ 5713

~~(5) A specific requirement, as provided in division (C) of~~ 5714
~~this section, for the payment of a penalty if a payment made by~~ 5715
~~means of a financial transaction device is returned or~~ 5716
~~dishonored for any reason.~~ 5717

The board of deposit's resolution also shall ~~designate the~~ 5718
~~treasurer of state as the~~ direct the administrative agent of the 5719
board of deposit to solicit proposals, within guidelines 5720
established by the board of deposit in the resolution and in 5721
compliance with the procedures provided in division (C) of this 5722
section, ~~from financial institutions, issuers of financial~~ 5723
~~transaction devices, and processors of financial transaction~~ 5724
~~devices; to make recommendations about those proposals to the~~ 5725
~~state elected officials; and to assist state offices entities~~ 5726
and state elected officials in implementing ~~the state's any~~ 5727
financial transaction device collection, acceptance and, 5728
processing, receipt, and settlement program authorized pursuant 5729
to this section. The board of deposit's resolution applies to 5730
financial transaction device services related to any and all 5731
bank accounts comprising the state treasury as well as those in 5732
the custody of the treasurer of state but not part of the state 5733

treasury.

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(C) The administrative agent shall follow the procedures
provided in this division whenever it plans to contract with
~~financial institutions, issuers of financial transaction~~
~~devices, one or more processors of financial transaction devices~~
for the purposes of this section. The administrative agent shall
request proposals ~~from at least three financial institutions,~~
~~issuers of financial transaction devices, or processors of~~
~~financial transaction devices~~ for acceptance, processing, and
settlement services, as appropriate in accordance with the
resolution adopted under division (B) of this section. Prior to
~~sending any financial institution, issuer, or processor a copy~~
~~of any such request~~ making the request for proposals available,
the administrative agent shall advertise its intent to request
proposals for two consecutive weeks by electronic publication on
~~a state agency~~ the administrative agent's web site made
available to the general public. The notice shall state that the
administrative agent intends to request proposals; specify the
purpose of the request; indicate the date, which shall be at
least ~~ten~~ fifteen calendar days after the initial publication,
on which the request for proposals will be ~~electronically mailed~~
~~to financial institutions, issuers, or processors; and require~~
~~that any financial institution, issuer, or processor, whichever~~
~~is appropriate, interested in receiving the request for~~
~~proposals submit written notice of this interest to the~~
~~administrative agent not later than the day on which the~~
available and shall detail the service or services subject to
the request for proposals will be electronically mailed.

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Upon receiving the proposals, the administrative agent
shall review them and make a recommendation to the board of
deposit regarding which proposal or proposals to accept. The

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board of deposit shall consider the agent's recommendation and 5765
~~review all proposals submitted, and then~~ may choose to authorize 5766
the administrative agent, on the board's behalf, to contract 5767
~~with any or all of the entities~~ one or more of the processors 5768
submitting proposals, as appropriate. The ~~board of deposit shall~~ 5769
~~provide any financial institution, issuer, or processor~~ 5770
administrative agent may enter into one or more contracts for 5771
the provision of payment, collection, acceptance, processing, 5772
receipt, and settlement services to the state entities and state 5773
elected officials. Through its administrative agent, the board 5774
of deposit shall provide any processor that submitted a 5775
proposal, but with which the board of deposit's administrative 5776
agent does not enter into a contract, notice that its proposal 5777
is rejected. 5778

(D) ~~The board of deposit shall send a copy of the~~ 5779
~~resolution adopted under division (B) of this section to each~~ 5780
~~state elected official and state entity authorized to accept~~ 5781
~~payments for state expenses by financial transaction device.~~ 5782
~~After receiving the resolution and before accepting such~~ 5783
~~payments by financial transaction device, such a state elected~~ 5784
~~official or state entity shall provide written notification to~~ 5785
~~the administrative agent of the official's or entity's intent to~~ 5786
~~implement the resolution within the official's or entity's~~ 5787
~~office.~~ Each state ~~office~~ elected official or state entity 5788
subject to the ~~board's resolution adopted under division (B) of~~ 5789
this section shall use only the ~~financial institutions, issuers~~ 5790
~~of financial transaction devices, and~~ processors of financial 5791
transaction devices with which the board of ~~deposit~~ deposit's 5792
administrative agent contracts, and each such ~~office~~ state 5793
elected official or state entity is subject to the terms of 5794
those contracts. 5795

~~If a state entity under the authority of a state elected official is directly responsible for collecting one or more state expenses and the state elected official determines not to accept payments by financial transaction device for one or more of those expenses, the office is not required to accept payments by financial transaction device for those expenses, notwithstanding the adoption of a resolution by the board of deposit under division (B) of this section.~~ 5796
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~~(E) The board of deposit~~ state elected official or state entity may establish a surcharge or convenience fee that may be imposed upon a person making payment by a financial transaction device. ~~The surcharge or convenience fee shall not be imposed unless authorized or otherwise permitted by the rules prescribed under a contract, between the financial institution, issuer, or processor and the administrative agent, governing the use and acceptance of the financial transaction device.~~ 5804
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~~The establishment of a~~ Any surcharge or convenience fee shall follow the guidelines of the ~~financial institution, issuer of financial transaction devices, or processor or processors of~~ financial transaction devices with which the board of ~~deposit of~~ deposit's administrative agent contracts. 5812
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If a surcharge or convenience fee is imposed, every state elected official and state entity accepting payment by a financial transaction device, ~~regardless of whether that entity is subject to a resolution adopted by the board of deposit, shall clearly post a notice in the entity's office, and shall~~ notify each person making a payment by such a device, about the surcharge or fee. Notice to each person making a payment shall be provided regardless of the medium used to make the payment and in a manner appropriate to that medium. Each notice shall 5817
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include ~~all~~ both of the following: 5826

(1) A statement that there is a surcharge or convenience 5827
fee for using a financial transaction device; 5828

(2) The total amount of the charge or fee expressed in 5829
dollars and cents for each transaction, or the rate of the 5830
charge or fee expressed as a percentage of the total amount of 5831
the transaction, whichever is applicable; 5832

~~(3) A clear statement that the surcharge or convenience~~ 5833
~~fee is nonrefundable.~~ 5834

~~(F) If a person elects to make a payment by a financial~~ 5835
~~transaction device and a surcharge or convenience fee is~~ 5836
~~imposed, the payment of the surcharge or convenience fee is not~~ 5837
~~refundable.~~ 5838

~~(G) If a person makes payment~~ remits revenue to the state 5839
by a financial transaction device and the payment of the revenue 5840
is ~~returned or dishonored~~ reversed for any reason, or if the 5841
value of the remitted payment in United States dollars at the 5842
time of receipt by the state elected official or state entity is 5843
less than the amount owed, the person is liable to the state 5844
elected official or state entity for the ~~state expense total~~ 5845
amount of the state revenue and any reimbursable costs for 5846
collection, including banking charges, legal fees, or other 5847
expenses incurred by the state elected official or state entity 5848
in collecting the ~~returned or dishonored~~ reversed payment. The 5849
remedies and procedures provided in this section are in addition 5850
to any other available civil or criminal remedies provided by 5851
law. 5852

~~(H)~~ (G) No person making any payment remitting any revenue 5853
by a financial transaction device to a state ~~office~~ elected 5854

official or state entity shall be relieved from liability for 5855
the underlying obligation, except to the extent that the state 5856
elected official or state entity realizes ~~final payment of the~~ 5857
~~underlying obligation~~ the revenue to the state elected official 5858
or state entity in cash or its equivalent. If ~~final payment~~ 5859
revenue is not ~~made~~ remitted by the financial transaction device 5860
issuer, or by other means of payment, or by other guarantor of 5861
payment in the transaction, the underlying obligation survives 5862
and the state elected official or state entity shall retain all 5863
remedies for enforcement that would have applied if the 5864
transaction had not occurred. 5865

~~(I)~~ (H) A state entity elected official or employee of a 5866
state entity or state elected official who accepts a financial 5867
transaction device payment in accordance with this section and 5868
any applicable state or local statutes, laws, policies, or rules 5869
is immune from personal liability for the final collection of 5870
such payments as specified in section 9.87 of the Revised Code. 5871

~~(J)~~ (I) If the board of deposit determines that it is 5872
necessary and in the state's best interest to contract with an 5873
additional ~~entity processor~~ subsequent to the contract award 5874
made under division (C) of this section, the board may meet and 5875
choose to contract with one or more additional ~~entities~~ 5876
processors for the remainder of the period previously 5877
established by a contract award made under division (C) of this 5878
section. 5879

~~(K)~~ (J) The administrative agent, in cooperation with the 5880
office of budget and management, may adopt, amend, and rescind 5881
rules in accordance with section 111.15 of the Revised Code to 5882
implement and administer this section. 5883

(K) The treasurer of state shall have the authority to 5884

enter into such contracts necessary to fulfill its obligations 5885
as administrative agent for the board of deposit. 5886

Sec. 113.51. (A) The treasurer of state shall implement 5887
and administer a program under the terms and conditions 5888
established under sections 113.50 to 113.56 of the Revised Code. 5889
For that purpose, the treasurer shall do all of the following: 5890

(1) Develop and implement the program in a manner 5891
consistent with the provisions of sections 113.50 to 113.56 of 5892
the Revised Code; 5893

(2) Engage the services of consultants on a contract basis 5894
for rendering professional and technical assistance and advice; 5895

(3) Seek rulings and other guidance from the secretary and 5896
the internal revenue service relating to the program; 5897

(4) Make modifications to the program as necessary for 5898
participants in the program to qualify for the federal income 5899
tax benefits or treatment provided under section 529A of the 5900
Internal Revenue Code or rules adopted thereunder; 5901

(5) Impose and collect administrative fees and service 5902
charges in connection with any agreement or transaction relating 5903
to the program; 5904

(6) Develop marketing plans and promotional materials to 5905
publicize the program; 5906

(7) Establish the procedures by which funds held in 5907
program accounts shall be disbursed; 5908

(8) Administer the issuance of interests by the Ohio ABLE 5909
savings program trust fund to designated beneficiaries; 5910

(9) Establish the procedures by which funds held in 5911

program accounts shall be allocated to pay for administrative 5912
costs; 5913

(10) Take any other action necessary to implement and 5914
administer the program; 5915

(11) Adopt rules in accordance with Chapter 119. of the 5916
Revised Code necessary to implement and administer the program; 5917

(12) Notify the secretary when a program account has been 5918
opened for a designated beneficiary and submit other reports 5919
concerning the program as required by the secretary or under 5920
section 529A of the Internal Revenue Code. 5921

(B) The treasurer of state may enter into agreements with 5922
other states or agencies of, subdivisions of, or residents of 5923
those states related to the program or a similar ABLE account 5924
program established by another state in accordance with section 5925
529A of the Internal Revenue Code. 5926

(C) Any record of the treasurer of state indicating the 5927
identity of account beneficiaries and the balances and activity 5928
in ABLE accounts is not a public record under section 149.43 of 5929
the Revised Code. 5930

(D) The treasurer of state shall pay account fees 5931
associated with an ABLE account on behalf of an Ohio account 5932
owner or beneficiary. 5933

Sec. 113.53. (A) A designated beneficiary, or a trustee or 5934
guardian of a designated beneficiary who lacks capacity to enter 5935
into an agreement, may apply, on forms prescribed by the 5936
treasurer of state, to open a program account. A beneficiary may 5937
have only one ABLE account. The treasurer of state may impose a 5938
nonrefundable application fee. The application shall require the 5939
applicant to provide the following information: 5940

(1) The name, address, social security number, and birth 5941
date of the designated beneficiary; 5942

(2) The name, address, and social security number of the 5943
designated beneficiary's trustee or guardian, if applicable; 5944

(3) Certification by the applicant that the applicant 5945
understands the maximum account value and the consequences under 5946
division (C) of this section for excess contributions and 5947
understands how program account values exceeding the amount 5948
designated under section 103 of the "Stephen Beck, Jr., ABLE Act 5949
of 2014," 26 U.S.C. 529A note, may affect the applicant's 5950
resources for determining the applicant's eligibility for the 5951
supplemental security income program; 5952

(4) Any additional information required by the treasurer 5953
of state. 5954

(B) (1) To qualify for a program account, a designated 5955
beneficiary must be an eligible individual at the time the 5956
program account is opened. Before opening a program account, the 5957
treasurer of state or program manager shall enter into an 5958
agreement with the account owner that discloses the requirements 5959
and restrictions on contributions and withdrawals from the 5960
program account. 5961

(2) Any person may make contributions to a program account 5962
after the account is opened, subject to the limitations imposed 5963
by section 529A of the Internal Revenue Code and any rules 5964
adopted by the secretary. 5965

(C) Contributions to a program account shall be made in 5966
cash. The treasurer of state or program manager shall reject or 5967
promptly withdraw a contribution to a program account if that 5968
contribution would exceed the annual limits prescribed in 5969

subsection (b) (2) (B) of section 529A of the Internal Revenue 5970
Code. The treasurer or program manager shall reject or promptly 5971
withdraw a contribution if the value of the program account 5972
equals or exceeds the maximum account value or the designated 5973
beneficiary is not an eligible individual in the current 5974
calendar year. 5975

(D) (1) To the extent authorized by federal law, and in 5976
accordance with rules adopted by the treasurer of state, an 5977
account owner may change the designated beneficiary of a program 5978
account to another individual. 5979

(2) No account owner may use an interest in an ABLE 5980
account as security for a loan. Any pledge of an interest in an 5981
account shall be void and of no force and effect. 5982

(E) (1) A distribution from a program account to any 5983
individual or for the benefit of any individual during a 5984
calendar year shall be reported to the internal revenue service 5985
and the designated beneficiary or the distributee to the extent 5986
required under state or federal law. 5987

(2) Statements shall be provided to each account owner of 5988
a program account at least four times each year within thirty 5989
days after the end of the quarterly period to which a statement 5990
relates. The statement shall identify the contributions made 5991
during the preceding quarter, the total contributions made to 5992
the account through the last day of that quarter, the value of 5993
the account on the last day of that quarter, distributions made 5994
during that quarter, and any other information that the 5995
treasurer of state requires to be reported to the account owner. 5996

(3) Statements and information relating to program 5997
accounts shall be prepared and filed to the extent required 5998

under sections 113.50 to 113.56 of the Revised Code and any 5999
other state or federal law. 6000

(F) The program shall provide separate accounting for each 6001
designated beneficiary. An annual fee may be imposed upon the 6002
account owner for the maintenance of a program account. 6003

~~(G)~~ (G) (1) Money in an ABLE account shall be exempt from 6004
attachment, execution, or garnishment as provided in section 6005
2329.66 of the Revised Code, ~~and is~~. 6006

(2) Unless required by federal law, money in an ABLE 6007
account is not subject to claims made under the medicaid estate 6008
recovery program instituted pursuant to section 5162.21 of the 6009
Revised Code, ~~in accordance with subsection (f) of section 529A-~~ 6010
~~of the Internal Revenue Code and subject to any limitations~~ 6011
~~imposed by the secretary.~~ 6012

(H) (1) Notwithstanding any other provision of state law, 6013
all of the following shall be disregarded for the purposes of 6014
determining an individual's eligibility for a means-tested 6015
public assistance program funded only with state, local, or 6016
state and local funds and the amount of assistance or benefits 6017
the individual is eligible to receive under the program: 6018

(a) Any amount in an ABLE account, including earnings on 6019
the account; 6020

(b) Any contributions to an ABLE account; 6021

(c) Any distribution from an ABLE account for qualified 6022
disability expenses. 6023

(2) Division (H) (1) of this section applies only to an 6024
individual who is either of the following: 6025

(a) The designated beneficiary of the ABLE account; 6026

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

Sec. 113.78. The medical quality assurance fund is
created, which shall be in the custody of the treasurer of state
but shall not be part of the state treasury. The fund shall
consist of all money transferred to it as a result of the repeal
of section 3701.89 of the Revised Code on January 1, 2026, by
H.B. 238 of the 135th ~~General Assembly~~ general assembly and its
requirements related to the repeal of that section. All
investment earnings of the fund shall be credited to the fund.

All money in the fund shall be used as directed by the
general assembly, ~~which may include funding any of the following~~
~~programs that the former Ohio medical quality foundation was~~
~~authorized to fund in a similar manner under division (F) of~~
~~section 3701.89 of the Revised Code before the repeal of that~~
~~section by this act:~~

~~(A) Programs approved under criteria established under~~
~~section 4731.251 of the Revised Code;~~

~~(B) Programs designed to improve the quality of graduate~~
~~medical education;~~

~~(C) Programs designed to improve risk management and~~
~~quality assurance in hospitals, as defined in section 3722.01 of~~
~~the Revised Code, and in outpatient settings, including~~
~~physician offices;~~

~~(D) Other programs, meetings, and educational seminars~~
~~that are designed to improve the quality of medical care in this~~

state.

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Sec. 117.11. (A) Except as otherwise provided in this
division and in ~~sections~~ section 117.112 and ~~117.113~~ of the
Revised Code, the auditor of state shall audit each public
office at least once every two fiscal years. The auditor of
state shall audit a public office each fiscal year if that
public office is required to be audited on an annual basis
pursuant to "The Single Audit Act of 1984," 98 Stat. 2327, 31
U.S.C.A. 7501 et seq., as amended. In the annual or biennial
audit, inquiry shall be made into the methods, accuracy, and
legality of the accounts, financial reports, records, files, and
reports of the office, whether the laws, rules, ordinances, and
orders pertaining to the office have been observed, and whether
the requirements and rules of the auditor of state have been
complied with. Except as otherwise provided in this division or
where auditing standards or procedures dictate otherwise, each
audit shall cover at least one fiscal year. If a public office
is audited only once every two fiscal years, the audit shall
cover both fiscal years.

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(B) In addition to the annual or biennial audit provided
for in division (A) of this section, the auditor of state may
conduct an audit of a public office at any time when so
requested by the public office or upon the auditor of state's
own initiative if the auditor of state has reasonable cause to
believe that an additional audit is in the public interest.

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(C) (1) The auditor of state shall identify any public
office in which the auditor of state will be unable to conduct
an audit at least once every two fiscal years as required by
division (A) of this section and shall provide immediate written
notice to the clerk of the legislative authority or governing

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board of the public office so identified. Within six months of 6086
the receipt of such notice, the legislative authority or 6087
governing board may engage an independent certified public 6088
accountant to conduct an audit pursuant to section 117.12 of the 6089
Revised Code. 6090

(2) When the chief fiscal officer of a public office 6091
notifies the auditor of state that an audit is required at a 6092
time prior to the next regularly scheduled audit by the auditor 6093
of state, the auditor of state shall either cause an earlier 6094
audit to be made by the auditor of state or authorize the 6095
legislative authority or governing board of the public office to 6096
engage an independent certified public accountant to conduct the 6097
required audit. The scope of the audit shall be as authorized by 6098
the auditor of state. 6099

(3) The auditor of state shall approve the scope of an 6100
audit under division (C) (1) or (2) of this section as set forth 6101
in the contract for the proposed audit before the contract is 6102
executed on behalf of the public office that is to be audited. 6103
The independent accountant conducting an audit under division 6104
(C) (1) or (2) of this section shall be paid by the public 6105
office. 6106

(4) The contract for attest services with an independent 6107
accountant employed pursuant to this section or section 117.115 6108
of the Revised Code may include binding arbitration provisions, 6109
provisions of Chapter 2711. of the Revised Code, or any other 6110
alternative dispute resolution procedures to be followed in the 6111
event a dispute remains between the state or public office and 6112
the independent accountant concerning the terms of or services 6113
under the contract, or a breach of the contract, after the 6114
administrative provisions of the contract have been exhausted. 6115

(D) If a uniform accounting network is established under 6116
section 117.101 of the Revised Code, the auditor of state or a 6117
certified public accountant employed pursuant to this section or 6118
section 117.112 or 117.115 of the Revised Code shall, to the 6119
extent practicable, utilize services offered by the network in 6120
order to conduct efficient and economical audits of public 6121
offices. 6122

(E) The auditor of state, in accordance with division (A) 6123
(3) of section 9.65 of the Revised Code and this section, may 6124
audit an annuity program for volunteer fire fighters established 6125
by a political subdivision under section 9.65 of the Revised 6126
Code. As used in this section, "volunteer fire fighters" and 6127
"political subdivision" have the same meanings as in division 6128
(C) of section 9.65 of the Revised Code. 6129

(F) The auditor of state may establish by rule an agreed- 6130
upon procedure by which political subdivisions may be audited. 6131
The rules shall set forth the standards, procedures, guidelines, 6132
and reporting requirements for an agreed-upon procedure audit. 6133

Sec. 117.38. (A) Each public office, other than a state 6134
agency, shall file a financial report for each fiscal year. The 6135
auditor of state may prescribe forms by rule or may issue 6136
guidelines, or both, for such reports. If the auditor of state 6137
has not prescribed a rule regarding the form for the report, the 6138
public office shall submit its report on the form utilized by 6139
the public office. 6140

(B) The report shall be certified by the proper officer or 6141
board and filed with the auditor of state within sixty days 6142
after the close of the fiscal year, except that public offices 6143
reporting pursuant to generally accepted accounting principles 6144
shall file their reports within one hundred fifty days after the 6145

close of the fiscal year. The auditor of state may extend the 6146
deadline for filing a financial report and establish terms and 6147
conditions for any such extension. At the time the report is 6148
filed with the auditor of state, the chief fiscal officer, 6149
except as otherwise provided in section 319.11 of the Revised 6150
Code, shall publish notice in a newspaper published in the 6151
political subdivision or taxing district, and if there is no 6152
such newspaper, then in a newspaper of general circulation in 6153
the political subdivision or taxing district. The notice shall 6154
state that the financial report has been completed by the public 6155
office and is available for public inspection at the office of 6156
the chief fiscal officer. 6157

(C) The report shall contain the following: 6158

(1) Amount of collections and receipts, and accounts due 6159
from each source; 6160

(2) Amount of expenditures for each purpose; 6161

(3) Income of each public service industry owned or 6162
operated by a municipal corporation, and the cost of such 6163
ownership or operation; 6164

(4) Amount of public debt of each taxing district, the 6165
purpose for which each item of such debt was created, and the 6166
provision made for the payment thereof; 6167

(5) Budgetary comparison information as required by the 6168
applicable reporting framework or as prescribed by the auditor 6169
of state. 6170

(D) Any public office, other than a state agency, that 6171
does not file its financial report at the time required by this 6172
section shall pay to the auditor of state twenty-five dollars 6173
for each day the report remains unfiled after the filing date; 6174

provided, that the penalty payments shall not exceed the sum of 6175
seven hundred fifty dollars. The auditor of state may waive all 6176
or any part of the penalty assessed under this section upon the 6177
filing of the past due financial report. All sums collected from 6178
such penalties shall be placed in the public audit expense 6179
fund--local government. If the auditor of state fails to receive 6180
payment for penalties not paid within one year from the required 6181
filing date, the auditor may recover the penalties through the 6182
process in division (D) of section 117.13 of the Revised Code. 6183

(E) Every county agency, board, or commission shall 6184
provide to the county auditor, not later than the first day of 6185
March each year unless a later date is authorized by the county 6186
auditor, all information determined by the county auditor to be 6187
necessary for the preparation of the report required by this 6188
section. 6189

(F) The auditor of state shall publish the substance of 6190
the report submitted under this section in an electronic format 6191
that is available to the public. 6192

Sec. 117.44. To enhance local officials' background and 6193
working knowledge of government accounting, budgeting and 6194
financing, financial report preparation, and the rules adopted 6195
by the auditor of state, the auditor of state shall hold 6196
training programs for persons elected for the first time as 6197
township fiscal officers, city auditors, and village clerks, 6198
between the first day of December and the first day of April 6199
immediately following a general election for any of these 6200
offices. Similar training may also be provided to any township 6201
fiscal officer, city auditor, or village clerk who is appointed 6202
to fill a vacancy or who is elected in a special election. 6203

The auditor of state also shall develop and provide an 6204

annual training program of continuing education for village 6205
clerks. 6206

The auditor of state shall determine the manner, content, 6207
and length of the training programs after consultation with 6208
appropriate statewide organizations of local governmental 6209
officials. The auditor of state shall charge the political 6210
subdivisions that the trainees represent a registration fee that 6211
will meet actual and necessary expenses of the training, 6212
including instructor fees, site acquisition costs, and the cost 6213
of course materials. The necessary personal expenses incurred by 6214
the officials as a result of attending the training program 6215
shall be borne by the political subdivisions they represent. 6216

The auditor of state shall allow any other interested 6217
person to attend any of the training programs that the auditor 6218
of state holds pursuant to this section; provided, that before 6219
attending any such training program, the interested person shall 6220
pay to the auditor of state the full registration fee that the 6221
auditor of state has set for the training program. 6222

The auditor of state may provide any other appropriate 6223
training or educational programs that may be developed and 6224
offered by the auditor of state or in collaboration with one or 6225
more other state agencies, political subdivisions, or other 6226
public or private entities. 6227

There is hereby established in the state treasury the 6228
auditor of state training program fund, to be used by the 6229
auditor of state for the actual and necessary expenses of any 6230
training programs held pursuant to this section, ~~section~~ 6231
~~117.441,~~ or section 321.46 of the Revised Code. All registration 6232
fees collected under this section shall be paid into the fund. 6233

Sec. 117.56. (A) During the course of an audit, including 6234
a performance audit, of ~~the department of transportation~~any 6235
state agency or institution of higher education as defined in 6236
section 3345.011 of the Revised Code, the auditor of state, an 6237
employee of the auditor of state, and any independent 6238
accountants or consultants contracted by the auditor of state as 6239
necessary to carry out the statutory responsibilities of the 6240
auditor of state, may request access to any system the 6241
~~department agency or institution uses or maintains. The director~~ 6242
~~of transportation and employees of the department~~ If the auditor 6243
of state requests access, the agency or institution shall 6244
provide access subject to the following: 6245

(1) The access is read only and is downloadable for 6246
analysis; 6247

(2) The access is requested after the notice of engagement 6248
letter is sent to the agency or institution; 6249

(3) Any employee of the auditor of state, or independent 6250
accountant or consultant contracted by the auditor of state, who 6251
will have access as set forth above, is a national of the United 6252
States or lawful permanent resident of the United States; 6253

(4) The data accessed is kept on servers located in the 6254
United States. 6255

(5) Employees of the agency or institution shall assist 6256
the auditor of state, employees of the auditor of state, and 6257
independent accountants or consultants contracted by the auditor 6258
of state with accessing the department's systems including but 6259
not limited to providing a comprehensive list of all the data 6260
available and data definitions necessary to understand the 6261
systems and data provided to the auditor of state. 6262

(B) The auditor of state, employees of the auditor of 6263
state, and independent accountants and consultants ~~retained~~ 6264
contracted by the auditor of state, shall comply with all state 6265
and federal ~~privacy and confidentiality~~ laws, rules, and 6266
regulations that apply to the content of the systems the auditor 6267
of state accesses. 6268

(C) Any system breach, unauthorized access, or 6269
unauthorized release of information that results from access 6270
under this section shall be reported immediately to the state 6271
highway patrol and any other relevant law enforcement agency for 6272
criminal investigation. 6273

Sec. 118.29. (A) The financial supervisor, or the 6274
legislative authority of a municipal corporation, board of 6275
county commissioners, or board of township trustees of a 6276
municipal corporation, county, or township in fiscal emergency, 6277
may make a referral to the attorney general for the creation of 6278
a receivership over the municipal corporation, county, or 6279
township in fiscal emergency if both the following conditions 6280
are met: 6281

(1) The municipal corporation, county, or township 6282
satisfies either of the following: 6283

(a) It has been in a state of fiscal emergency for a 6284
continuous period of ten years. 6285

(b) It has been in a state of fiscal emergency at least 6286
twice in a period of ten years, and the combined period of 6287
fiscal emergency is at least five years. 6288

(2) The municipal corporation, county, or township has 6289
demonstrated one or more of the following, as determined by the 6290
financial supervisor: 6291

- (a) Failure to comply with the applicable budgetary and 6292
spending processes in Chapter 5705. of the Revised Code; 6293
- (b) Failure to ensure that appropriations comply with the 6294
financial plan in accordance with section 118.13 of the Revised 6295
Code; 6296
- (c) Assuming debt without the approval of the financial 6297
planning and supervision commission in violation of section 6298
118.15 of the Revised Code; 6299
- (d) Undertaking administrative or legislative action that 6300
is not in accordance with the terms of the financial plan or, 6301
when applicable, without permission of the commission. 6302
- (B) Upon receipt of a referral, the attorney general shall 6303
promptly file a petition for a receivership with the court of 6304
claims. The judge that has served the longest on the court as of 6305
the date the petition is filed promptly shall appoint a 6306
receiver. The appointed receiver shall satisfy the requirements 6307
of section 2735.02 of the Revised Code and shall comply with 6308
section 2735.03 of the Revised Code. With the approval of the 6309
court, the receiver may request reasonable fees for work 6310
performed including, but not limited to, costs associated with 6311
retaining legal counsel, accountants, or other similar advisors 6312
that the receiver considers necessary in the performance of the 6313
receiver's duties. The fees shall be paid from funds 6314
appropriated to the office of budget and management during the 6315
period of fiscal emergency. 6316
- (C) A receiver appointed under this section has all of the 6317
following powers and duties in addition to the powers stated in 6318
section 2735.04 of the Revised Code: 6319
- (1) Consult with the legislative authority of the 6320

municipal corporation, board of county commissioners, or board 6321
of township trustees to make recommendations or, if necessary, 6322
to assume responsibility for implementing cost reductions and 6323
revenue increases to achieve a balanced budget and carry out the 6324
financial plan, and to make reductions in force or spending to 6325
resolve the fiscal emergency conditions; 6326

(2) Ensure the municipal corporation, county, or township 6327
in fiscal emergency complies with all aspects of the financial 6328
plan approved by the commission in accordance with section 6329
118.06 of the Revised Code, or as amended in accordance with 6330
this chapter. If no financial plan has been approved by the 6331
commission in accordance with section 118.06 of the Revised 6332
Code, the receiver, after consulting with the legislative 6333
authority of the municipal corporation, board of county 6334
commissioners, or board of township trustees, shall make 6335
recommendations, or assume, if necessary, the responsibility for 6336
crafting and submitting the financial plan to the financial 6337
planning and supervision commission. 6338

(3) Ensure the municipal corporation, county, or township 6339
in fiscal emergency complies with any other relevant aspects of 6340
this chapter; 6341

(4) Provide monthly, written reports about the progress 6342
toward resolving the conditions of fiscal emergency to the 6343
financial planning and supervision commission, to the 6344
legislative authority of the municipal corporation, board of 6345
county commissioners, or board of township trustees, and to the 6346
mayor or city manager in the case of a municipal corporation; 6347

(5) Appear at least quarterly to present information about 6348
progress toward resolving the conditions of fiscal emergency at 6349
an open meeting and, if allowable under section 121.22 of the 6350

Revised Code, in executive session, of the legislative authority 6351
of municipal corporation, board of county commissioners, or 6352
board of township trustees; 6353

(6) Appear at least quarterly to present information about 6354
progress toward resolving the conditions of fiscal emergency at 6355
an open meeting and, if allowable under section 121.22 of the 6356
Revised Code, in executive session, of the financial planning 6357
and supervision commission of the municipal corporation, county, 6358
or township in fiscal emergency; 6359

(7) At the receiver's initiative or upon invitation, 6360
attend executive sessions of the legislative authority of the 6361
municipal corporation, board of county commissioners, or board 6362
of township trustees; 6363

(8) Exercise any other powers granted to the receiver by 6364
the court necessary to perform the duties stated in this 6365
section. 6366

(D) (1) If, in the judgment of the receiver, the criteria 6367
required to file for bankruptcy under the "Federal Bankruptcy 6368
Act," 11 U.S.C. 101, et seq., are satisfied and no reasonable 6369
alternative exists to eliminate the fiscal emergency condition 6370
within three years, the receiver may present findings and submit 6371
a written recommendation on filing for bankruptcy to the 6372
financial planning and supervision commission and the 6373
legislative authority of the municipal corporation, board of 6374
county commissioners, or board of township trustees. Beginning 6375
sixty days after submitting the recommendation, the receiver may 6376
initiate bankruptcy proceedings unless both of the following 6377
occur: 6378

(a) The legislative authority or board adopts an ordinance 6379

or resolution, effective within sixty days of receipt of the 6380
recommendation, opposing the recommendation. The ordinance or 6381
resolution shall specify the legislative authority's or board's 6382
plan to satisfy and discharge the debts and liabilities included 6383
in the receiver's recommendation for bankruptcy within seven 6384
years of the adoption of the ordinance or resolution and 6385
promptly alleviate the fiscal emergency conditions using 6386
expenditure reductions or available and future tax revenue, 6387
including necessary tax rate increases, of the municipal 6388
corporation, county, or township. 6389

(b) After reviewing the ordinance or resolution under 6390
division (D) (1) (a) of this section, the financial planning and 6391
supervision commission determines the plan is sufficient to 6392
satisfy and discharge the debts and liabilities included in the 6393
receiver's recommendation for bankruptcy within seven years of 6394
the adoption of the resolution and promptly alleviate the fiscal 6395
emergency conditions. 6396

If the financial planning and supervision commission 6397
determines that the plan is not sufficient, the receiver may 6398
initiate bankruptcy proceedings notwithstanding the ordinance or 6399
resolution opposing the recommendation. 6400

(2) If the financial planning and supervision commission 6401
determines under division (D) (1) of this section that the plan 6402
is sufficient and the plan requires voted taxes authorized under 6403
another Revised Code section, the legislative authority of the 6404
municipal corporation, board of county commissioners, or board 6405
of trustees shall direct the board of elections to submit the 6406
tax question to the electors at the next general election or at 6407
a special election conducted on the day of the next primary 6408
election in the municipal corporation, township, or county 6409

occurring not less than ninety days after the resolution is 6410
certified to the board, as applicable under the provision 6411
authorizing the tax question. If the taxes are not approved by 6412
the electors, the receiver may initiate bankruptcy proceedings, 6413
notwithstanding the resolution or ordinance opposing bankruptcy. 6414
If the taxes are approved by the electors, the legislative 6415
authority of the municipal corporation, board of county 6416
commissioners, or board of trustees shall implement the plan to 6417
satisfy and discharge the debts and liabilities included in the 6418
receiver's recommendation for bankruptcy within seven years of 6419
the adoption of the ordinance or resolution and promptly 6420
alleviate the fiscal emergency conditions. 6421

(E) The court shall terminate the receivership when the 6422
municipal corporation, county, or township has corrected and 6423
eliminated all of the fiscal emergency conditions determined 6424
pursuant to section 118.04 of the Revised Code, and no new 6425
fiscal emergency conditions have occurred. 6426

(F) Conditions in division (A) of this section may be 6427
applied retroactively in a remedial nature. 6428

Sec. 119.03. In the adoption, amendment, or rescission of 6429
any rule, an agency shall comply with the following procedure: 6430

(A) Reasonable public notice shall be given in the 6431
register of Ohio at least thirty days prior to the date set for 6432
a hearing, in the form the agency determines. The agency shall 6433
file copies of the public notice under division (B) of this 6434
section. (The agency gives public notice in the register of Ohio 6435
when the public notice is published in the register under that 6436
division.) 6437

The public notice shall include: 6438

(1) A statement of the agency's intention to consider 6439
adopting, amending, or rescinding a rule; 6440

(2) A synopsis of the proposed rule, amendment, or rule to 6441
be rescinded or a general statement of the subject matter to 6442
which the proposed rule, amendment, or rescission relates; 6443

(3) A statement of the reason or purpose for adopting, 6444
amending, or rescinding the rule; 6445

(4) The date, time, and place of a hearing on the proposed 6446
action, which shall be not earlier than the thirty-first nor 6447
later than the fortieth day after the proposed rule, amendment, 6448
or rescission is filed under division (B) of this section. 6449

In addition to public notice given in the register of 6450
Ohio, the agency may give whatever other notice it reasonably 6451
considers necessary to ensure notice constructively is given to 6452
all persons who are subject to or affected by the proposed rule, 6453
amendment, or rescission. 6454

The agency shall provide a copy of the public notice 6455
required under division (A) of this section to any person who 6456
requests it and pays a reasonable fee, not to exceed the cost of 6457
copying and mailing. 6458

(B) The full text of the proposed rule, amendment, or rule 6459
to be rescinded, accompanied by the public notice required under 6460
division (A) of this section, shall be filed in electronic form 6461
with the secretary of state and with the director of the 6462
legislative service commission. (If in compliance with this 6463
division an agency files more than one proposed rule, amendment, 6464
or rescission at the same time, and has prepared a public notice 6465
under division (A) of this section that applies to more than one 6466
of the proposed rules, amendments, or rescissions, the agency 6467

shall file only one notice with the secretary of state and with 6468
the director for all of the proposed rules, amendments, or 6469
rescissions to which the notice applies.) The proposed rule, 6470
amendment, or rescission and public notice shall be filed as 6471
required by this division at least sixty-five days prior to the 6472
date on which the agency, in accordance with division (E) of 6473
this section, issues an order adopting the proposed rule, 6474
amendment, or rescission. 6475

If the proposed rule, amendment, or rescission 6476
incorporates a text or other material by reference, the agency 6477
shall comply with sections 121.71 to 121.75 of the Revised Code. 6478

The proposed rule, amendment, or rescission shall be 6479
available for at least thirty days prior to the date of the 6480
hearing at the office of the agency in printed or other legible 6481
form without charge to any person affected by the proposal. 6482
Failure to furnish such text to any person requesting it shall 6483
not invalidate any action of the agency in connection therewith. 6484

If the agency files a revision in the text of the proposed 6485
rule, amendment, or rescission, it shall also promptly file the 6486
full text of the proposed rule, amendment, or rescission in its 6487
revised form in electronic form with the secretary of state and 6488
with the director of the legislative service commission. 6489

The agency shall file the rule summary and fiscal analysis 6490
prepared under section 106.024 of the Revised Code in electronic 6491
form along with a proposed rule, amendment, or rescission or 6492
proposed rule, amendment, or rescission in revised form that is 6493
filed with the secretary of state or the director of the 6494
legislative service commission. 6495

The agency shall file the hearing report relating to a 6496

proposed rule, amendment, or rescission in electronic form with 6497
the secretary of state and the director of the legislative 6498
service commission at the same time the agency files the hearing 6499
report with the joint committee on agency rule review. 6500

The director of the legislative service commission shall 6501
publish in the register of Ohio the full text of the original 6502
and each revised version of a proposed rule, amendment, or 6503
rescission; the full text of a public notice; the full text of a 6504
rule summary and fiscal analysis; and the full text of a hearing 6505
report that is filed with the director under this division. 6506

~~(C)~~ (C) (1) When an agency files a proposed rule, amendment, 6507
or rescission under division (B) of this section, it also shall 6508
file in electronic form with the joint committee on agency rule 6509
review the full text of the proposed rule, amendment, or rule to 6510
be rescinded in the same form and the public notice required 6511
under division (A) of this section. (If in compliance with this 6512
division an agency files more than one proposed rule, amendment, 6513
or rescission at the same time, and has given a public notice 6514
under division (A) of this section that applies to more than one 6515
of the proposed rules, amendments, or rescissions, the agency 6516
shall file only one notice with the joint committee for all of 6517
the proposed rules, amendments, or rescissions to which the 6518
notice applies.) The proposed rule, amendment, or rescission is 6519
subject to legislative review and invalidation under sections 6520
106.02, 106.021, ~~and~~ 106.022, 106.025, and 106.026 of the 6521
Revised Code. If the agency makes a revision in a proposed rule, 6522
amendment, or rescission after it is filed with the joint 6523
committee, the agency promptly shall file the full text of the 6524
proposed rule, amendment, or rescission in its revised form in 6525
electronic form with the joint committee. 6526

An agency shall file the rule summary and fiscal analysis 6527
prepared under section 106.024 of the Revised Code in electronic 6528
form along with a proposed rule, amendment, or rescission, and 6529
along with a proposed rule, amendment, or rescission in revised 6530
form, that is filed under this division. If the rule summary and 6531
fiscal analysis indicates the rule may have any of the effects 6532
listed in division (A) of section 106.025 of the Revised Code, 6533
the executive director of the joint committee shall notify the 6534
members of the general assembly and include all documentation 6535
submitted to the joint committee in the agency's original rule 6536
filing with the notice. 6537

(2) If a proposed rule, amendment, or rescission has an 6538
adverse impact on businesses, the agency also shall file the 6539
business impact analysis, any recommendations received from the 6540
common sense initiative office, and the agency's memorandum of 6541
response, if any, in electronic form along with the proposed 6542
rule, amendment, or rescission, or along with the proposed rule, 6543
amendment, or rescission in revised form, that is filed under 6544
this division. 6545

(3) The agency shall file the hearing report in electronic 6546
form with the joint committee before the joint committee holds 6547
its public hearing on the proposed rule, amendment, or 6548
rescission. The filing of a hearing report does not constitute a 6549
revision of the proposed rule, amendment, or rescission to which 6550
the hearing report relates. 6551

(4) If the proposed rule, amendment, or rescission 6552
requires liability insurance, a bond, or any other financial 6553
responsibility instrument as a condition of licensure, the 6554
agency shall conduct a diligent search to determine if the 6555
liability insurance, bond, or other financial responsibility 6556

instrument is readily available in the amounts required as a 6557
condition of licensure, and shall certify to the joint committee 6558
that the search was conducted. 6559

(5) If the proposed rule, amendment, or rescission 6560
implements a federal law or rule, the agency shall provide to 6561
the joint committee a citation to the federal law or rule the 6562
proposed rule, amendment, or rescission implements and a 6563
statement as to whether the proposed rule implements the federal 6564
law or rule in a manner that is more or less stringent or 6565
burdensome than the federal law or rule requires. 6566

(6) A proposed rule, amendment, or rescission that is 6567
subject to legislative review under this division may not be 6568
adopted under division (E) of this section or filed in final 6569
form under section 119.04 of the Revised Code unless ~~the one of~~ 6570
the following applies: 6571

(a) The proposed rule, amendment, or rescission has been 6572
filed with the joint committee on agency rule review under this 6573
division and the time for legislative review of the proposed 6574
rule, amendment, or rescission has expired without adoption of a 6575
concurrent resolution to invalidate the proposed rule, 6576
amendment, or rescission. 6577

(b) The proposed rule, amendment, or rescission is subject 6578
to section 106.026 of the Revised Code, and a law authorizing 6579
its adoption enacted in accordance with Ohio Constitution, 6580
Article II, Sections 15 and 16 is in effect. 6581

~~This division~~ (7) Division (C) of this section does not 6582
apply to: 6583

~~(1)~~ (a) An emergency rule, amendment, or rescission; 6584

~~(2)~~ (b) A proposed rule, amendment, or rescission that must 6585

be adopted verbatim by an agency pursuant to federal law or 6586
rule, to become effective within sixty days of adoption, in 6587
order to continue the operation of a federally reimbursed 6588
program in this state, so long as the proposed rule contains 6589
both of the following: 6590

~~(a)~~ (i) A statement that it is proposed for the purpose of 6591
complying with a federal law or rule; 6592

~~(b)~~ (ii) A citation to the federal law or rule that 6593
requires verbatim compliance. 6594

~~(3)~~ (c) A proposed rule, amendment, or rescission that, as 6595
set forth in section 3719.41 of the Revised Code, must be 6596
adopted by the state board of pharmacy pursuant to federal law 6597
or rule, to become effective within sixty days of adoption, so 6598
long as the proposed rule contains a statement that it is 6599
proposed for the purpose of complying with federal law or rule. 6600

(8) If a rule or amendment is exempt from legislative 6601
review under division ~~(C) (2)~~ (C) (7) (b) of this section, and if 6602
the federal law or rule pursuant to which the rule or amendment 6603
was adopted expires, is repealed or rescinded, or otherwise 6604
terminates, the rule or amendment, or its rescission, is 6605
thereafter subject to legislative review under division (C) of 6606
this section. 6607

(D) On the date and at the time and place designated in 6608
the notice, the agency shall conduct a public hearing at which 6609
any person affected by the proposed action of the agency may 6610
appear and be heard in person, by the person's attorney, or 6611
both, may present the person's position, arguments, or 6612
contentions, orally or in writing, offer and examine witnesses, 6613
and present evidence tending to show that the proposed rule, 6614

amendment, or rescission, if adopted or effectuated, will be 6615
unreasonable or unlawful. An agency may permit persons affected 6616
by the proposed rule, amendment, or rescission to present their 6617
positions, arguments, or contentions in writing, not only at the 6618
hearing, but also for a reasonable period before, after, or both 6619
before and after the hearing. A person who presents a position 6620
or arguments or contentions in writing before or after the 6621
hearing is not required to appear at the hearing. 6622

At the hearing, the testimony shall be recorded. Such 6623
record shall be made at the expense of the agency. The agency is 6624
required to transcribe a record that is not sight readable only 6625
if a person requests transcription of all or part of the record 6626
and agrees to reimburse the agency for the costs of the 6627
transcription. An agency may require the person to pay in 6628
advance all or part of the cost of the transcription. 6629

In any hearing under this section the agency may 6630
administer oaths or affirmations. 6631

The agency shall consider the positions, arguments, or 6632
contentions presented at, or before or after, the hearing. The 6633
agency shall prepare a hearing summary of the positions, 6634
arguments, or contentions, and of the issues raised by the 6635
positions, arguments, or contentions. The agency then shall 6636
prepare a hearing report explaining, with regard to each issue, 6637
how it is reflected in the rule, amendment, or rescission. If an 6638
issue is not reflected in the rule, amendment, or rescission, 6639
the hearing report shall explain why the issue is not reflected. 6640
The agency shall include the hearing summary in the hearing 6641
report as an appendix thereto. And, in the hearing report, the 6642
agency shall identify the proposed rule, amendment, or 6643
rescission to which the hearing report relates. 6644

~~(E) After~~ (E) (1) Subject to division (E) (2) of this 6645
section, after divisions (A), (B), (C), and (D) of this section 6646
have been complied with, and when the time for legislative 6647
review under sections 106.02, 106.022, ~~and~~ 106.023, and 106.025 6648
of the Revised Code has expired without adoption of a concurrent 6649
resolution to invalidate the proposed rule, amendment, or 6650
rescission, the agency may issue an order adopting the proposed 6651
rule or the proposed amendment or rescission of the rule, 6652
consistent with the synopsis or general statement included in 6653
the public notice. At that time the agency shall designate the 6654
effective date of the rule, amendment, or rescission, which 6655
shall not be earlier than the tenth day after the rule, 6656
amendment, or rescission has been filed in its final form as 6657
provided in section 119.04 of the Revised Code. 6658

(2) If a proposed rule, amendment, or rescission is 6659
subject to section 106.026 of the Revised Code, the agency may 6660
issue an order adopting the proposed rule or the proposed 6661
amendment or rescission of the rule on or after the effective 6662
date of the law authorizing adoption enacted in accordance with 6663
Ohio Constitution, Article II, Sections 15 and 16. At that time 6664
the agency shall designate the effective date of the rule, 6665
amendment, or rescission, which shall not be earlier than the 6666
tenth day after the rule, amendment, or rescission has been 6667
filed in its final form as provided in section 119.04 of the 6668
Revised Code. 6669

(F) Prior to the effective date of a rule, amendment, or 6670
rescission, the agency shall make a reasonable effort to inform 6671
those affected by the rule, amendment, or rescission and to have 6672
available for distribution to those requesting it the full text 6673
of the rule as adopted or as amended. 6674

(G) (1) If the governor, upon the request of an agency, determines that an emergency requires the immediate adoption, amendment, or rescission of a rule, the governor shall issue an order, the text of which shall be filed in electronic form with the agency, the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review, that the procedure prescribed by this section with respect to the adoption, amendment, or rescission of a specified rule is suspended. The agency may then adopt immediately the emergency rule, amendment, or rescission and it becomes effective on the date the rule, amendment, or rescission, in final form and in compliance with division (A) (2) of section 119.04 of the Revised Code, is filed in electronic form with the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review. The director shall publish the full text of the emergency rule, amendment, or rescission in the register of Ohio.

Except as provided in division (G) (2) of this section, or section 107.43 of the Revised Code, the emergency rule, amendment, or rescission shall become invalid at the end of the one hundred twentieth day it is in effect. Prior to that date the agency may adopt the emergency rule, amendment, or rescission as a nonemergency rule, amendment, or rescission by complying with the procedure prescribed by this section for the adoption, amendment, and rescission of nonemergency rules. The agency shall not use the procedure of division (G) (1) of this section to readopt the emergency rule, amendment, or rescission so that, upon the emergency rule, amendment, or rescission becoming invalid under division (G) (1) of this section, the emergency rule, amendment, or rescission will continue in effect

without interruption for another one-hundred-twenty-day period, 6706
except when section 106.02 of the Revised Code prevents the 6707
agency from adopting the emergency rule, amendment, or 6708
rescission as a nonemergency rule, amendment, or rescission 6709
within the one-hundred-twenty-day period. 6710

Division (G) (1) of this section does not apply to the 6711
adoption of any emergency rule, amendment, or rescission by the 6712
tax commissioner under division (C) (2) of section 5117.02 of the 6713
Revised Code. 6714

(2) An emergency rule or amendment adding a substance to a 6715
controlled substance schedule shall become invalid at the end of 6716
the one hundred eightieth day it is in effect. Prior to that 6717
date, the state board of pharmacy may adopt the emergency rule 6718
or amendment as a nonemergency rule or amendment by complying 6719
with the procedure prescribed by this section for adoption and 6720
amendment of nonemergency rules. The board shall not use the 6721
procedure of division (G) (1) of this section to readopt the 6722
emergency rule or amendment so that, upon the emergency rule or 6723
amendment becoming invalid under division (G) (2) of this 6724
section, the emergency rule or amendment will continue in effect 6725
beyond the one-hundred-eighty-day period. 6726

(3) The general assembly, by adopting a concurrent 6727
resolution, and in accordance with section 107.43 of the Revised 6728
Code, may do either of the following: 6729

(a) Invalidate, in whole or in part, an emergency rule 6730
adopted or amended by an agency in response to a state of 6731
emergency, as defined under section 107.42 of the Revised Code, 6732
under division (G) (1) of this section; 6733

(b) Authorize an agency to readopt, in whole or in part, a 6734

rule that was rescinded in response to a state of emergency 6735
under division (G) (1) of this section. 6736

(H) Rules adopted by an authority within the department of 6737
job and family services for the administration or enforcement of 6738
Chapter 4141. of the Revised Code or of the department of 6739
taxation shall be effective without a hearing as provided by 6740
this section if the statutes pertaining to such agency 6741
specifically give a right of appeal to the board of tax appeals 6742
or to a higher authority within the agency or to a court, and 6743
also give the appellant a right to a hearing on such appeal. 6744
This division does not apply to the adoption of any rule, 6745
amendment, or rescission by the tax commissioner under division 6746
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 6747
the right to file an action for declaratory judgment as provided 6748
in Chapter 2721. of the Revised Code from the decision of the 6749
board of tax appeals or of the higher authority within such 6750
agency. 6751

Sec. 119.04. (A) (1) Any rule adopted by any agency shall 6752
be effective on the tenth day after the day on which the rule in 6753
final form and in compliance with division (A) (2) of this 6754
section is filed as follows: 6755

(a) The rule shall be filed in electronic form with both 6756
the secretary of state and the director of the legislative 6757
service commission; 6758

(b) The rule shall be filed in electronic form with the 6759
joint committee on agency rule review. Division (A) (1) (b) of 6760
this section does not apply to any rule to which division (C) of 6761
section 119.03 of the Revised Code does not apply. 6762

If an agency in adopting a rule designates an effective 6763

date that is later than the effective date provided for by this 6764
division, the rule if filed as required by this division shall 6765
become effective on the later date designated by the agency. 6766

An agency that adopts or amends a rule that is subject to 6767
section 106.03 of the Revised Code shall assign a review date to 6768
the rule that is not later than five years after its effective 6769
date. If a review date assigned to a rule exceeds the five-year 6770
maximum, the review date for the rule is five years after its 6771
effective date. A rule with a review date is subject to review 6772
under section 106.03 of the Revised Code. 6773

(2) The agency shall file the rule in compliance with the 6774
following standards and procedures: 6775

(a) The rule shall be numbered in accordance with the 6776
numbering system devised by the director for the Ohio 6777
administrative code. 6778

(b) The rule shall be prepared and submitted in compliance 6779
with ~~the rules~~ section 103.05 of the Revised Code and the rule
drafting manual of the legislative service commission. 6780
6781

(c) The rule shall clearly state the date on which it is 6782
to be effective and the date on which it will expire, if known. 6783

(d) Each rule that amends or rescinds another rule shall 6784
clearly refer to the rule that is amended or rescinded. Each 6785
amendment shall fully restate the rule as amended. 6786

If the director of the legislative service commission or 6787
the director's designee gives an agency notice pursuant to 6788
section 103.05 of the Revised Code that a rule filed by the 6789
agency is not in compliance with ~~the rules~~ section 103.05 of the
Revised Code and the rule drafting manual of the commission, the 6790
agency shall within thirty days after receipt of the notice 6791
6792

conform the rule ~~to the rules of the commission~~ as directed in 6793
the notice. 6794

(3) As used in this section, "rule" includes an amendment 6795
or rescission of a rule. 6796

(B) The secretary of state and the director shall preserve 6797
the rules filed under division (A) (1) (a) of this section in an 6798
accessible manner. Each such rule shall be a public record open 6799
to public inspection and may be transmitted to any law 6800
publishing company that wishes to reproduce it. 6801

Sec. 120.06. (A) (1) The state public defender, when 6802
designated by the court or requested by a county public defender 6803
or joint county public defender, may provide legal 6804
representation in all courts throughout the state to indigent 6805
adults and juveniles who are charged with the commission of an 6806
offense or act for which the penalty or any possible 6807
adjudication includes the potential loss of liberty. 6808

(2) The state public defender may provide legal 6809
representation to any indigent person who, while incarcerated in 6810
any state correctional institution, is charged with a felony 6811
offense, for which the penalty or any possible adjudication that 6812
may be imposed by a court upon conviction includes the potential 6813
loss of liberty. 6814

(3) The state public defender may provide legal 6815
representation to any person incarcerated in any correctional 6816
institution of the state, in any matter in which the person 6817
asserts the person is unlawfully imprisoned or detained. 6818

(4) The state public defender, in any case in which the 6819
state public defender has provided legal representation or is 6820
requested to do so by a county public defender or joint county 6821

public defender, may provide legal representation on appeal. 6822

~~(5) The~~ (5) (a) Except as provided in division (A) (5) (b) of 6823
this section, the state public defender, when designated by the 6824
court or requested by a county public defender, joint county 6825
public defender, or the director of rehabilitation and 6826
correction, shall provide legal representation in parole and 6827
probation revocation matters or matters relating to the 6828
revocation of community control or post-release control under a 6829
community control sanction or post-release control sanction, 6830
unless the state public defender finds that the alleged parole 6831
or probation violator or alleged violator of a community control 6832
sanction or post-release control sanction has the financial 6833
capacity to retain the alleged violator's own counsel. 6834

(b) If the state public defender determines that the state 6835
public defender does not have the capacity to provide the legal 6836
representation described in division (A) (5) (a) of this section, 6837
the state public defender may contract with private legal 6838
counsel to provide the legal representation described in that 6839
division. 6840

(6) If the state public defender contracts with a county 6841
public defender commission, a joint county public defender 6842
commission, or a board of county commissioners for the provision 6843
of services, under authority of division (C) (7) of section 6844
120.04 of the Revised Code, the state public defender shall 6845
provide legal representation in accordance with the contract. 6846

(B) The state public defender shall not be required to 6847
prosecute any appeal, postconviction remedy, or other proceeding 6848
pursuant to division (A) (3), (4), or (5) of this section, unless 6849
the state public defender first is satisfied that there is 6850
arguable merit to the proceeding. 6851

(C) A court may appoint counsel or allow an indigent 6852
person to select the indigent's own personal counsel to assist 6853
the state public defender as co-counsel when the interests of 6854
justice so require. When co-counsel is appointed to assist the 6855
state public defender, the co-counsel shall receive any 6856
compensation that the court may approve, not to exceed the 6857
amounts provided for in section 2941.51 of the Revised Code. 6858

(D) (1) When the state public defender is designated by the 6859
court or requested by a county public defender or joint county 6860
public defender to provide legal representation for an indigent 6861
person in any case, other than pursuant to a contract entered 6862
into under authority of division (C) (7) of section 120.04 of the 6863
Revised Code, the state public defender shall send to the county 6864
in which the case is filed a bill detailing the actual cost of 6865
the representation that separately itemizes legal fees and 6866
expenses. The county, upon receipt of an itemized bill from the 6867
state public defender pursuant to this division, shall pay the 6868
state public defender one hundred per cent of the amount 6869
identified as legal fees and expenses in the itemized bill. 6870

(2) Upon payment of the itemized bill under division (D) 6871
(1) of this section, the county may submit the cost of the legal 6872
fees and expenses to the state public defender for reimbursement 6873
pursuant to section 120.33 of the Revised Code. 6874

(3) When the state public defender provides investigation 6875
or mitigation services to private appointed counsel or to a 6876
county or joint county public defender as approved by the 6877
appointing court, other than pursuant to a contract entered into 6878
under authority of division (C) (7) of section 120.04 of the 6879
Revised Code, the state public defender shall send to the county 6880
in which the case is filed a bill itemizing the actual cost of 6881

the services provided. The county, upon receipt of an itemized 6882
bill from the state public defender pursuant to this division, 6883
shall pay one hundred per cent of the amount as set forth in the 6884
itemized bill. Upon payment of the itemized bill received 6885
pursuant to this division, the county may submit the cost of the 6886
investigation and mitigation services to the state public 6887
defender for reimbursement pursuant to section 120.33 of the 6888
Revised Code. 6889

(4) There is hereby created in the state treasury the 6890
county representation fund for the deposit of moneys received 6891
from counties under this division. All moneys credited to the 6892
fund shall be used by the state public defender to provide legal 6893
representation for indigent persons when designated by the court 6894
or requested by a county or joint county public defender or to 6895
provide investigation or mitigation services, including 6896
investigation or mitigation services to private appointed 6897
counsel or a county or joint county public defender, as approved 6898
by the court. 6899

(5) If the state public defender determines that the state 6900
public defender does not have the capacity to provide the legal 6901
representation described in division (A) (5) (a) of this section 6902
and the state public defender contracts with private legal 6903
counsel to provide the legal representation, the state public 6904
defender shall directly pay private legal counsel's fees and 6905
expenses from the indigent defense support fund pursuant to 6906
section 120.08 of the Revised Code. 6907

(E) (1) Notwithstanding any contrary provision of sections 6908
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised 6909
Code that pertains to representation by the attorney general, an 6910
assistant attorney general, or special counsel of an officer or 6911

employee, as defined in section 109.36 of the Revised Code, or 6912
of an entity of state government, the state public defender may 6913
elect to contract with, and to have the state pay pursuant to 6914
division (E) (2) of this section for the services of, private 6915
legal counsel to represent the Ohio public defender commission, 6916
the state public defender, assistant state public defenders, 6917
other employees of the commission or the state public defender, 6918
and attorneys described in division (C) of section 120.41 of the 6919
Revised Code in a malpractice or other civil action or 6920
proceeding that arises from alleged actions or omissions related 6921
to responsibilities derived pursuant to this chapter, or in a 6922
civil action that is based upon alleged violations of the 6923
constitution or statutes of the United States, including section 6924
1983 of Title 42 of the United States Code, 93 Stat. 1284 6925
(1979), 42 U.S.C.A. 1983, as amended, and that arises from 6926
alleged actions or omissions related to responsibilities derived 6927
pursuant to this chapter, if the state public defender 6928
determines, in good faith, that the defendant in the civil 6929
action or proceeding did not act manifestly outside the scope of 6930
the defendant's employment or official responsibilities, with 6931
malicious purpose, in bad faith, or in a wanton or reckless 6932
manner. If the state public defender elects not to contract 6933
pursuant to this division for private legal counsel in a civil 6934
action or proceeding, then, in accordance with sections 109.02, 6935
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 6936
attorney general shall represent or provide for the 6937
representation of the Ohio public defender commission, the state 6938
public defender, assistant state public defenders, other 6939
employees of the commission or the state public defender, or 6940
attorneys described in division (C) of section 120.41 of the 6941
Revised Code in the civil action or proceeding. 6942

(2) (a) Subject to division (E) (2) (b) of this section, 6943
payment from the state treasury for the services of private 6944
legal counsel with whom the state public defender has contracted 6945
pursuant to division (E) (1) of this section shall be 6946
accomplished only through the following procedure: 6947

(i) The private legal counsel shall file with the attorney 6948
general a copy of the contract; a request for an award of legal 6949
fees, court costs, and expenses earned or incurred in connection 6950
with the defense of the Ohio public defender commission, the 6951
state public defender, an assistant state public defender, an 6952
employee, or an attorney in a specified civil action or 6953
proceeding; a written itemization of those fees, costs, and 6954
expenses, including the signature of the state public defender 6955
and the state public defender's attestation that the fees, 6956
costs, and expenses were earned or incurred pursuant to division 6957
(E) (1) of this section to the best of the state public 6958
defender's knowledge and information; a written statement 6959
whether the fees, costs, and expenses are for all legal services 6960
to be rendered in connection with that defense, are only for 6961
legal services rendered to the date of the request and 6962
additional legal services likely will have to be provided in 6963
connection with that defense, or are for the final legal 6964
services rendered in connection with that defense; a written 6965
statement indicating whether the private legal counsel 6966
previously submitted a request for an award under division (E) 6967
(2) of this section in connection with that defense and, if so, 6968
the date and the amount of each award granted; and, if the fees, 6969
costs, and expenses are for all legal services to be rendered in 6970
connection with that defense or are for the final legal services 6971
rendered in connection with that defense, a certified copy of 6972
any judgment entry in the civil action or proceeding or a signed 6973

copy of any settlement agreement entered into between the 6974
parties to the civil action or proceeding. 6975

(ii) Upon receipt of a request for an award of legal fees, 6976
court costs, and expenses and the requisite supportive 6977
documentation described in division (E)(2)(a)(i) of this 6978
section, the attorney general shall review the request and 6979
documentation; determine whether any of the limitations 6980
specified in division (E)(2)(b) of this section apply to the 6981
request; and, if an award of legal fees, court costs, or 6982
expenses is permissible after applying the limitations, prepare 6983
a document awarding legal fees, court costs, or expenses to the 6984
private legal counsel. The document shall name the private legal 6985
counsel as the recipient of the award; specify the total amount 6986
of the award as determined by the attorney general; itemize the 6987
portions of the award that represent legal fees, court costs, 6988
and expenses; specify any limitation applied pursuant to 6989
division (E)(2)(b) of this section to reduce the amount of the 6990
award sought by the private legal counsel; state that the award 6991
is payable from the state treasury pursuant to division (E)(2) 6992
(a)(iii) of this section; and be approved by the inclusion of 6993
the signatures of the attorney general, the state public 6994
defender, and the private legal counsel. 6995

(iii) The attorney general shall forward a copy of the 6996
document prepared pursuant to division (E)(2)(a)(ii) of this 6997
section to the director of budget and management. The award of 6998
legal fees, court costs, or expenses shall be paid out of the 6999
state public defender's appropriations, to the extent there is a 7000
sufficient available balance in those appropriations. If the 7001
state public defender does not have a sufficient available 7002
balance in the state public defender's appropriations to pay the 7003
entire award of legal fees, court costs, or expenses, the 7004

director shall make application for a transfer of appropriations 7005
out of the emergency purposes account or any other appropriation 7006
for emergencies or contingencies in an amount equal to the 7007
portion of the award that exceeds the sufficient available 7008
balance in the state public defender's appropriations. A 7009
transfer of appropriations out of the emergency purposes account 7010
or any other appropriation for emergencies or contingencies 7011
shall be authorized if there are sufficient moneys greater than 7012
the sum total of then pending emergency purposes account 7013
requests, or requests for releases from the other appropriation. 7014
If a transfer of appropriations out of the emergency purposes 7015
account or other appropriation for emergencies or contingencies 7016
is made to pay an amount equal to the portion of the award that 7017
exceeds the sufficient available balance in the state public 7018
defender's appropriations, the director shall cause the payment 7019
to be made to the private legal counsel. If sufficient moneys do 7020
not exist in the emergency purposes account or other 7021
appropriation for emergencies or contingencies to pay an amount 7022
equal to the portion of the award that exceeds the sufficient 7023
available balance in the state public defender's appropriations, 7024
the private legal counsel shall request the general assembly to 7025
make an appropriation sufficient to pay an amount equal to the 7026
portion of the award that exceeds the sufficient available 7027
balance in the state public defender's appropriations, and no 7028
payment in that amount shall be made until the appropriation has 7029
been made. The private legal counsel shall make the request 7030
during the current biennium and during each succeeding biennium 7031
until a sufficient appropriation is made. 7032

(b) An award of legal fees, court costs, and expenses 7033
pursuant to division (E) of this section is subject to the 7034
following limitations: 7035

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

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

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

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

(d) If, pursuant to division (E) (2) (c) of this section, a
private legal counsel receives a denial of an award notification
or if a private legal counsel refuses to approve a document
under division (E) (2) (a) (ii) of this section because of the
proposed application of a limitation specified in division (E)

(2) (b) of this section, the private legal counsel may commence a 7066
civil action against the attorney general in the court of claims 7067
to prove the private legal counsel's entitlement to the award 7068
sought, to prove that division (E) (2) (b) of this section does 7069
not prohibit or otherwise limit the award sought, and to recover 7070
a judgment for the amount of the award sought. A civil action 7071
under division (E) (2) (d) of this section shall be commenced no 7072
later than two years after receipt of a denial of award 7073
notification or, if the private legal counsel refused to approve 7074
a document under division (E) (2) (a) (ii) of this section because 7075
of the proposed application of a limitation specified in 7076
division (E) (2) (b) of this section, no later than two years 7077
after the refusal. Any judgment of the court of claims in favor 7078
of the private legal counsel shall be paid from the state 7079
treasury in accordance with division (E) (2) (a) of this section. 7080

(F) If a court appoints the office of the state public 7081
defender to represent a petitioner in a postconviction relief 7082
proceeding under section 2953.21 of the Revised Code, the 7083
petitioner has received a sentence of death, and the proceeding 7084
relates to that sentence, all of the attorneys who represent the 7085
petitioner in the proceeding pursuant to the appointment, 7086
whether an assistant state public defender, the state public 7087
defender, or another attorney, shall be certified under Rule 20 7088
of the Rules of Superintendence for the Courts of Ohio to 7089
represent indigent defendants charged with or convicted of an 7090
offense for which the death penalty can be or has been imposed. 7091

(G) (1) The state public defender may conduct a legal 7092
assistance referral service for children committed to the 7093
department of youth services relative to conditions of 7094
confinement claims. If the legal assistance referral service 7095
receives a request for assistance from a child confined in a 7096

facility operated, or contracted for, by the department of youth 7097
services and the state public defender determines that the child 7098
has a conditions of confinement claim that has merit, the state 7099
public defender may refer the child to a private attorney. If no 7100
private attorney who the child has been referred to by the state 7101
public defender accepts the case within a reasonable time, the 7102
state public defender may prepare, as appropriate, pro se 7103
pleadings in the form of a complaint regarding the conditions of 7104
confinement at the facility where the child is confined with a 7105
motion for appointment of counsel and other applicable pleadings 7106
necessary for sufficient pro se representation. 7107

(2) Division (G) (1) of this section does not authorize the 7108
state public defender to represent a child committed to the 7109
department of youth services in general civil matters arising 7110
solely out of state law. 7111

(3) The state public defender shall not undertake the 7112
representation of a child in court based on a conditions of 7113
confinement claim arising under this division. 7114

(H) A child's right to representation or services under 7115
this section is not affected by the child, or another person on 7116
behalf of the child, previously having paid for similar 7117
representation or services or having waived legal 7118
representation. 7119

(I) The state public defender shall have reasonable access 7120
to any child committed to the department of youth services, 7121
department of youth services institution, and department of 7122
youth services record as needed to implement this section. 7123

(J) As used in this section: 7124

(1) "Community control sanction" has the same meaning as 7125

in section 2929.01 of the Revised Code. 7126

(2) "Conditions of confinement" means any issue involving 7127
a constitutional right or other civil right related to a child's 7128
incarceration, including, but not limited to, actions cognizable 7129
under 42 U.S.C. 1983. 7130

(3) "Post-release control sanction" has the same meaning 7131
as in section 2967.01 of the Revised Code. 7132

Sec. 120.08. There is hereby created in the state treasury 7133
the indigent defense support fund, consisting of money paid into 7134
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 7135
4511.19 of the Revised Code and pursuant to sections 2937.22, 7136
2949.091, and 2949.094 of the Revised Code out of the additional 7137
court costs imposed under those sections. The state public 7138
defender shall use at least eighty-three per cent of the money 7139
in the fund for the purposes of reimbursing county governments 7140
for expenses incurred pursuant to sections 120.18, 120.28, and 7141
120.33 of the Revised Code ~~and,~~ operating its system pursuant 7142
to division (C) (7) of section 120.04 of the Revised Code and 7143
division (B) of section 120.33 of the Revised Code, and directly 7144
paying private legal counsel's fees and expenses incurred 7145
pursuant to division (D) (5) of section 120.06 of the Revised 7146
Code. Disbursements from the fund to county governments shall be 7147
made at least once per year and shall be allocated 7148
proportionately so that each county receives an equal percentage 7149
of its cost for operating its county public defender system, its 7150
joint county public defender system, its county appointed 7151
counsel system, or its system operated under division (C) (7) of 7152
section 120.04 of the Revised Code and division (B) of section 7153
120.33 of the Revised Code. The state public defender may use 7154
not more than seventeen per cent of the money in the fund for 7155

the purposes of appointing assistant state public defenders, 7156
providing other personnel, equipment, and facilities necessary 7157
for the operation of the state public defender office, and 7158
providing training, developing and implementing electronic 7159
forms, or establishing and maintaining an information technology 7160
system used for the uniform operation of this chapter. 7161

Sec. 121.02. The following administrative departments and 7162
their respective directors are hereby created: 7163

(A) The office of budget and management, which shall be 7164
administered by the director of budget and management; 7165

(B) The department of commerce, which shall be 7166
administered by the director of commerce; 7167

(C) The department of administrative services, which shall 7168
be administered by the director of administrative services; 7169

(D) The department of transportation, which shall be 7170
administered by the director of transportation; 7171

(E) The department of agriculture, which shall be 7172
administered by the director of agriculture; 7173

(F) The department of natural resources, which shall be 7174
administered by the director of natural resources; 7175

(G) The department of health, which shall be administered 7176
by the director of health; 7177

(H) The department of job and family services, which shall 7178
be administered by the director of job and family services; 7179

(I) The department of children and youth, which shall be 7180
administered by the director of children and youth; 7181

(J) The department of public safety, which shall be 7182

administered by the director of public safety; 7183

(K) The department of ~~mental behavioral health and~~ 7184
~~addiction services~~, which shall be administered by the director 7185
of ~~mental behavioral health and addiction services~~; 7186

(L) The department of developmental disabilities, which 7187
shall be administered by the director of developmental 7188
disabilities; 7189

(M) The department of insurance, which shall be 7190
administered by the superintendent of insurance as director 7191
thereof; 7192

(N) The department of development, which shall be 7193
administered by the director of development; 7194

(O) The department of youth services, which shall be 7195
administered by the director of youth services; 7196

(P) The department of rehabilitation and correction, which 7197
shall be administered by the director of rehabilitation and 7198
correction; 7199

(Q) The environmental protection agency, which shall be 7200
administered by the director of environmental protection; 7201

(R) The department of aging, which shall be administered 7202
by the director of aging; 7203

(S) The department of veterans services, which shall be 7204
administered by the director of veterans services; 7205

(T) The department of medicaid, which shall be 7206
administered by the medicaid director; 7207

(U) The department of education and workforce, which shall 7208
be administered by the director of education and workforce. 7209

The director of each department shall exercise the powers 7210
and perform the duties vested by law in such department. 7211

Sec. 121.03. The following administrative department heads 7212
shall be appointed by the governor, with the advice and consent 7213
of the senate, and shall hold their offices during the term of 7214
the appointing governor, and are subject to removal at the 7215
pleasure of the governor. 7216

- (A) The director of budget and management; 7217
- (B) The director of commerce; 7218
- (C) The director of transportation; 7219
- (D) The director of agriculture; 7220
- (E) The director of job and family services; 7221
- (F) The director of children and youth; 7222
- (G) The director of public safety; 7223
- (H) The superintendent of insurance; 7224
- (I) The director of development; 7225
- (J) The tax commissioner; 7226
- (K) The director of administrative services; 7227
- (L) The director of natural resources; 7228
- (M) The director of ~~mental behavioral health and addiction~~ 7229
~~services;~~ 7230
- (N) The director of developmental disabilities; 7231
- (O) The director of health; 7232
- (P) The director of youth services; 7233

(Q) The director of rehabilitation and correction; 7234

(R) The director of environmental protection; 7235

(S) The director of aging; 7236

(T) The administrator of workers' compensation who meets 7237
the qualifications required under division (A) of section 7238
4121.121 of the Revised Code; 7239

(U) The director of veterans services who meets the 7240
qualifications required under section 5902.01 of the Revised 7241
Code; 7242

(V) The chancellor of higher education; 7243

(W) The medicaid director; 7244

(X) The director of education and workforce. 7245

Sec. 121.085. The financial literacy education fund is 7246
hereby created in the state treasury. The fund shall consist of 7247
funds transferred to it from the consumer finance fund pursuant 7248
to section 1321.21 of the Revised Code. The fund shall be used 7249
to support various ~~adult~~ financial literacy education programs 7250
developed or implemented by the director of commerce. The fund 7251
shall be administered by the director of commerce who shall 7252
adopt rules for the distribution of fund moneys. ~~The director of~~ 7253
~~commerce shall adopt a rule to require that at least one-half of~~ 7254
~~the financial literacy education programs developed or~~ 7255
~~implemented pursuant to this section, and offered to the public,~~ 7256
~~be presented by or available at public community colleges or~~ 7257
~~state institutions throughout the state.~~ The director of 7258
commerce shall deliver to the president of the senate, the 7259
speaker of the house of representatives, the minority leader of 7260
the senate, the minority leader of the house of representatives, 7261

and the governor an annual report that includes an outline of 7262
each adult financial literacy education program developed or 7263
implemented, the number of individuals who were educated by each 7264
program, and an accounting for all funds distributed. 7265

Sec. 121.16. Not later than ten days after receiving 7266
notice from the federal government about a reduction or other 7267
modification to federal funding a state agency receives, the 7268
state agency that received the notice shall submit a copy to the 7269
president of the senate, or the president's designee, and to the 7270
speaker of the house of representatives, or the speaker's 7271
designee. 7272

Not later than ten days after receiving notice from the 7273
federal government that a state program is or may be out of 7274
compliance with federal requirements, the state agency that 7275
received the notice shall submit a copy to the president of the 7276
senate, or the president's designee, and to the speaker of the 7277
house of representatives, or the speaker's designee. 7278

Sec. 121.22. (A) This section shall be liberally construed 7279
to require public officials to take official action and to 7280
conduct all deliberations upon official business only in open 7281
meetings unless the subject matter is specifically excepted by 7282
law. 7283

(B) As used in this section: 7284

(1) "Public body" means any of the following: 7285

(a) Any board, commission, committee, council, or similar 7286
decision-making body of a state agency, institution, or 7287
authority, and any legislative authority or board, commission, 7288
committee, council, agency, authority, or similar decision- 7289
making body of any county, township, municipal corporation, 7290

school district, or other political subdivision or local public 7291
institution; 7292

(b) Any committee or subcommittee of a body described in 7293
division (B) (1) (a) of this section; 7294

(c) A court of jurisdiction of a sanitary district 7295
organized wholly for the purpose of providing a water supply for 7296
domestic, municipal, and public use when meeting for the purpose 7297
of the appointment, removal, or reappointment of a member of the 7298
board of directors of such a district pursuant to section 7299
6115.10 of the Revised Code, if applicable, or for any other 7300
matter related to such a district other than litigation 7301
involving the district. As used in division (B) (1) (c) of this 7302
section, "court of jurisdiction" has the same meaning as "court" 7303
in section 6115.01 of the Revised Code. 7304

(2) "Meeting" means any prearranged discussion of the 7305
public business of the public body by a majority of its members. 7306

(3) "Regulated individual" means either of the following: 7307

(a) A student in a state or local public educational 7308
institution; 7309

(b) A person who is, voluntarily or involuntarily, an 7310
inmate, patient, or resident of a state or local institution 7311
because of criminal behavior, mental illness, an intellectual 7312
disability, disease, disability, age, or other condition 7313
requiring custodial care. 7314

(4) "Public office" has the same meaning as in section 7315
149.011 of the Revised Code. 7316

(C) All meetings of any public body are declared to be 7317
public meetings open to the public at all times. A member of a 7318

public body shall be present in person at a meeting open to the 7319
public to be considered present or to vote at the meeting and 7320
for purposes of determining whether a quorum is present at the 7321
meeting. 7322

The minutes of a regular or special meeting of any public 7323
body shall be promptly prepared, filed, and maintained and shall 7324
be open to public inspection. The minutes need only reflect the 7325
general subject matter of discussions in executive sessions 7326
authorized under division (G) or (J) of this section. 7327

(D) This section does not apply to any of the following: 7328

(1) A grand jury; 7329

(2) An audit conference conducted by the auditor of state 7330
or independent certified public accountants with officials of 7331
the public office that is the subject of the audit; 7332

(3) The adult parole authority when its hearings are 7333
conducted at a correctional institution for the sole purpose of 7334
interviewing inmates to determine parole or pardon and the 7335
department of rehabilitation and correction when its hearings 7336
are conducted at a correctional institution for the sole purpose 7337
of making determinations under section 2967.271 of the Revised 7338
Code regarding the release or maintained incarceration of an 7339
offender to whom that section applies; 7340

(4) The organized crime investigations commission 7341
established under section 177.01 of the Revised Code; 7342

(5) Meetings of a child fatality review board established 7343
under section 307.621 of the Revised Code, meetings related to a 7344
review conducted pursuant to guidelines established by the 7345
director of health under section 3701.70 of the Revised Code, 7346
and meetings conducted pursuant to sections 5153.171 to 5153.173 7347

of the Revised Code; 7348

(6) The state medical board when determining whether to 7349
suspend a license or certificate without a prior hearing 7350
pursuant to division (G) of either section 4730.25 or 4731.22 of 7351
the Revised Code; 7352

(7) The board of nursing when determining whether to 7353
suspend a license or certificate without a prior hearing 7354
pursuant to division (B) of section 4723.281 of the Revised 7355
Code; 7356

(8) The state board of pharmacy when determining whether 7357
to do either of the following: 7358

(a) Suspend a license, certification, or registration 7359
without a prior hearing, including during meetings conducted by 7360
telephone conference, pursuant to Chapters 3719., 3796., 4729., 7361
and 4752. of the Revised Code and rules adopted thereunder; or 7362

(b) Restrict a person from obtaining further information 7363
from the drug database established in section 4729.75 of the 7364
Revised Code without a prior hearing pursuant to division (C) of 7365
section 4729.86 of the Revised Code. 7366

(9) The state chiropractic board when determining whether 7367
to suspend a license without a hearing pursuant to section 7368
4734.37 of the Revised Code; 7369

(10) The executive committee of the emergency response 7370
commission when determining whether to issue an enforcement 7371
order or request that a civil action, civil penalty action, or 7372
criminal action be brought to enforce Chapter 3750. of the 7373
Revised Code; 7374

(11) The board of directors of the nonprofit corporation 7375

formed under section 187.01 of the Revised Code or any committee 7376
thereof, and the board of directors of any subsidiary of that 7377
corporation or a committee thereof; 7378

(12) An audit conference conducted by the audit staff of 7379
the department of job and family services with officials of the 7380
public office that is the subject of that audit under section 7381
5101.37 of the Revised Code; 7382

(13) The occupational therapy section of the occupational 7383
therapy, physical therapy, and athletic trainers board when 7384
determining whether to suspend a license without a hearing 7385
pursuant to division (E) of section 4755.11 of the Revised Code; 7386

(14) The physical therapy section of the occupational 7387
therapy, physical therapy, and athletic trainers board when 7388
determining whether to suspend a license without a hearing 7389
pursuant to division (F) of section 4755.47 of the Revised Code; 7390

(15) The athletic trainers section of the occupational 7391
therapy, physical therapy, and athletic trainers board when 7392
determining whether to suspend a license without a hearing 7393
pursuant to division (E) of section 4755.64 of the Revised Code; 7394

(16) Meetings of the pregnancy-associated mortality review 7395
board established under section ~~3738.01~~5180.27 of the Revised 7396
Code; 7397

(17) Meetings of a fetal-infant mortality review board 7398
established under section 3707.71 of the Revised Code; 7399

(18) Meetings of a drug overdose fatality review committee 7400
described in section 307.631 of the Revised Code; 7401

(19) Meetings of a suicide fatality review committee 7402
described in section 307.641 of the Revised Code; 7403

(20) Meetings of the officers, members, or directors of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code, at which the public business of the corporation pertaining to a purpose for which the district is created is not discussed;

(21) Meetings of a domestic violence fatality review board established under section 307.651 of the Revised Code;

(22) Any nonprofit agency that has received an endorsement under section ~~122.69~~5101.315 of the Revised Code.

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

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;

(4) Financial projections;

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

The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or

board not subject to this division, shall be open to the public 7432
and governed by this section. 7433

(F) Every public body, by rule, shall establish a 7434
reasonable method whereby any person may determine the time and 7435
place of all regularly scheduled meetings and the time, place, 7436
and purpose of all special meetings. A public body shall not 7437
hold a special meeting unless it gives at least twenty-four 7438
hours' advance notice to the news media that have requested 7439
notification, except in the event of an emergency requiring 7440
immediate official action. In the event of an emergency, the 7441
member or members calling the meeting shall notify the news 7442
media that have requested notification immediately of the time, 7443
place, and purpose of the meeting. 7444

The rule shall provide that any person, upon request and 7445
payment of a reasonable fee, may obtain reasonable advance 7446
notification of all meetings at which any specific type of 7447
public business is to be discussed. Provisions for advance 7448
notification may include, but are not limited to, mailing the 7449
agenda of meetings to all subscribers on a mailing list or 7450
mailing notices in self-addressed, stamped envelopes provided by 7451
the person. 7452

(G) Except as provided in divisions (G)(8) and (J) of this 7453
section, the members of a public body may hold an executive 7454
session only after a majority of a quorum of the public body 7455
determines, by a roll call vote, to hold an executive session 7456
and only at a regular or special meeting for the sole purpose of 7457
the consideration of any of the following matters: 7458

(1) To consider the appointment, employment, dismissal, 7459
discipline, promotion, demotion, or compensation of a public 7460
employee or official, or the investigation of charges or 7461

complaints against a public employee, official, licensee, or 7462
regulated individual, unless the public employee, official, 7463
licensee, or regulated individual requests a public hearing. 7464
Except as otherwise provided by law, no public body shall hold 7465
an executive session for the discipline of an elected official 7466
for conduct related to the performance of the elected official's 7467
official duties or for the elected official's removal from 7468
office. If a public body holds an executive session pursuant to 7469
division (G) (1) of this section, the motion and vote to hold 7470
that executive session shall state which one or more of the 7471
approved purposes listed in division (G) (1) of this section are 7472
the purposes for which the executive session is to be held, but 7473
need not include the name of any person to be considered at the 7474
meeting. 7475

(2) To consider the purchase of property for public 7476
purposes, the sale of property at competitive bidding, or the 7477
sale or other disposition of unneeded, obsolete, or unfit-for- 7478
use property in accordance with section 505.10 of the Revised 7479
Code, if premature disclosure of information would give an 7480
unfair competitive or bargaining advantage to a person whose 7481
personal, private interest is adverse to the general public 7482
interest. No member of a public body shall use division (G) (2) 7483
of this section as a subterfuge for providing covert information 7484
to prospective buyers or sellers. A purchase or sale of public 7485
property is void if the seller or buyer of the public property 7486
has received covert information from a member of a public body 7487
that has not been disclosed to the general public in sufficient 7488
time for other prospective buyers and sellers to prepare and 7489
submit offers. 7490

If the minutes of the public body show that all meetings 7491
and deliberations of the public body have been conducted in 7492

compliance with this section, any instrument executed by the 7493
public body purporting to convey, lease, or otherwise dispose of 7494
any right, title, or interest in any public property shall be 7495
conclusively presumed to have been executed in compliance with 7496
this section insofar as title or other interest of any bona fide 7497
purchasers, lessees, or transferees of the property is 7498
concerned. 7499

(3) Conferences with an attorney for the public body 7500
concerning disputes involving the public body that are the 7501
subject of pending or imminent court action; 7502

(4) Preparing for, conducting, or reviewing negotiations 7503
or bargaining sessions with public employees concerning their 7504
compensation or other terms and conditions of their employment; 7505

(5) Matters required to be kept confidential by federal 7506
law or regulations or state statutes; 7507

(6) Details relative to the security arrangements and 7508
emergency response protocols for a public body or a public 7509
office, if disclosure of the matters discussed could reasonably 7510
be expected to jeopardize the security of the public body or 7511
public office; 7512

(7) In the case of a county hospital operated pursuant to 7513
Chapter 339. of the Revised Code, a joint township hospital 7514
operated pursuant to Chapter 513. of the Revised Code, or a 7515
municipal hospital operated pursuant to Chapter 749. of the 7516
Revised Code, to consider trade secrets, as defined in section 7517
1333.61 of the Revised Code; 7518

(8) To consider confidential information related to the 7519
marketing plans, specific business strategy, production 7520
techniques, trade secrets, or personal financial statements of 7521

an applicant for economic development assistance, or to 7522
negotiations with other political subdivisions respecting 7523
requests for economic development assistance, provided that both 7524
of the following conditions apply: 7525

(a) The information is directly related to a request for 7526
economic development assistance that is to be provided or 7527
administered under any provision of Chapter 715., 725., 1724., 7528
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 7529
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 7530
5709.81 of the Revised Code, or that involves public 7531
infrastructure improvements or the extension of utility services 7532
that are directly related to an economic development project. 7533

(b) A unanimous quorum of the public body determines, by a 7534
roll call vote, that the executive session is necessary to 7535
protect the interests of the applicant or the possible 7536
investment or expenditure of public funds to be made in 7537
connection with the economic development project. 7538

If a public body holds an executive session to consider 7539
any of the matters listed in divisions (G)(2) to (8) of this 7540
section, the motion and vote to hold that executive session 7541
shall state which one or more of the approved matters listed in 7542
those divisions are to be considered at the executive session. 7543

A public body specified in division (B)(1)(c) of this 7544
section shall not hold an executive session when meeting for the 7545
purposes specified in that division. 7546

(H) A resolution, rule, or formal action of any kind is 7547
invalid unless adopted in an open meeting of the public body. A 7548
resolution, rule, or formal action adopted in an open meeting 7549
that results from deliberations in a meeting not open to the 7550

public is invalid unless the deliberations were for a purpose 7551
specifically authorized in division (G) or (J) of this section 7552
and conducted at an executive session held in compliance with 7553
this section. A resolution, rule, or formal action adopted in an 7554
open meeting is invalid if the public body that adopted the 7555
resolution, rule, or formal action violated division (F) of this 7556
section. 7557

(I) (1) Any person may bring an action to enforce this 7558
section. An action under division (I) (1) of this section shall 7559
be brought within two years after the date of the alleged 7560
violation or threatened violation. Upon proof of a violation or 7561
threatened violation of this section in an action brought by any 7562
person, the court of common pleas shall issue an injunction to 7563
compel the members of the public body to comply with its 7564
provisions. 7565

(2) (a) If the court of common pleas issues an injunction 7566
pursuant to division (I) (1) of this section, the court shall 7567
order the public body that it enjoins to pay a civil forfeiture 7568
of five hundred dollars to the party that sought the injunction 7569
and shall award to that party all court costs and, subject to 7570
reduction as described in division (I) (2) of this section, 7571
reasonable attorney's fees. The court, in its discretion, may 7572
reduce an award of attorney's fees to the party that sought the 7573
injunction or not award attorney's fees to that party if the 7574
court determines both of the following: 7575

(i) That, based on the ordinary application of statutory 7576
law and case law as it existed at the time of violation or 7577
threatened violation that was the basis of the injunction, a 7578
well-informed public body reasonably would believe that the 7579
public body was not violating or threatening to violate this 7580

section; 7581

(ii) That a well-informed public body reasonably would 7582
believe that the conduct or threatened conduct that was the 7583
basis of the injunction would serve the public policy that 7584
underlies the authority that is asserted as permitting that 7585
conduct or threatened conduct. 7586

(b) If the court of common pleas does not issue an 7587
injunction pursuant to division (I)(1) of this section and the 7588
court determines at that time that the bringing of the action 7589
was frivolous conduct, as defined in division (A) of section 7590
2323.51 of the Revised Code, the court shall award to the public 7591
body all court costs and reasonable attorney's fees, as 7592
determined by the court. 7593

(3) Irreparable harm and prejudice to the party that 7594
sought the injunction shall be conclusively and irrebuttably 7595
presumed upon proof of a violation or threatened violation of 7596
this section. 7597

(4) A member of a public body who knowingly violates an 7598
injunction issued pursuant to division (I)(1) of this section 7599
may be removed from office by an action brought in the court of 7600
common pleas for that purpose by the prosecuting attorney or the 7601
attorney general. 7602

(J)(1) Pursuant to division (C) of section 5901.09 of the 7603
Revised Code, a veterans service commission shall hold an 7604
executive session for one or more of the following purposes 7605
unless an applicant requests a public hearing: 7606

(a) Interviewing an applicant for financial assistance 7607
under sections 5901.01 to 5901.15 of the Revised Code; 7608

(b) Discussing applications, statements, and other 7609

documents described in division (B) of section 5901.09 of the 7610
Revised Code; 7611

(c) Reviewing matters relating to an applicant's request 7612
for financial assistance under sections 5901.01 to 5901.15 of 7613
the Revised Code. 7614

(2) A veterans service commission shall not exclude an 7615
applicant for, recipient of, or former recipient of financial 7616
assistance under sections 5901.01 to 5901.15 of the Revised 7617
Code, and shall not exclude representatives selected by the 7618
applicant, recipient, or former recipient, from a meeting that 7619
the commission conducts as an executive session that pertains to 7620
the applicant's, recipient's, or former recipient's application 7621
for financial assistance. 7622

(3) A veterans service commission shall vote on the grant 7623
or denial of financial assistance under sections 5901.01 to 7624
5901.15 of the Revised Code only in an open meeting of the 7625
commission. The minutes of the meeting shall indicate the name, 7626
address, and occupation of the applicant, whether the assistance 7627
was granted or denied, the amount of the assistance if 7628
assistance is granted, and the votes for and against the 7629
granting of assistance. 7630

Sec. 121.35. (A) Subject to division (B) of this section, 7631
the following state agencies shall collaborate to revise and 7632
make more uniform the eligibility standards and eligibility 7633
determination procedures of programs the state agencies 7634
administer: 7635

(1) The department of aging; 7636

(2) The department of development; 7637

(3) The department of developmental disabilities; 7638

- (4) The department of education and workforce; 7639
- (5) The department of health; 7640
- (6) The department of job and family services; 7641
- (7) The department of medicaid; 7642
- (8) The department of ~~mental behavioral health and~~ 7643
~~addiction services;~~ 7644
- (9) The opportunities for Ohioans with disabilities 7645
agency; 7646
- (10) The department of children and youth. 7647
- (B) In revising eligibility standards and eligibility 7648
determination procedures, a state agency shall not make any 7649
program's eligibility standards or eligibility determination 7650
procedures inconsistent with state or federal law. To the extent 7651
authorized by state and federal law, the revisions may provide 7652
for the state agencies to share administrative operations. 7653
- Sec. 121.36.** (A) As used in this section, "home care 7654
dependent adult" means an individual who resides in a private 7655
home or other noninstitutional and unlicensed living 7656
arrangement, without the presence of a parent or guardian, but 7657
has health and safety needs that require the provision of 7658
regularly scheduled home care services to remain in the home or 7659
other living arrangement because one of the following is the 7660
case: 7661
- (1) The individual is at least twenty-one years of age but 7662
less than sixty years of age and has a physical disability or 7663
mental impairment. 7664
- (2) The individual is sixty years of age or older, 7665

regardless of whether the individual has a physical disability 7666
or mental impairment. 7667

(B) Except as provided in division (D) of this section, 7668
the departments of developmental disabilities, aging, job and 7669
family services, and health shall each implement this section 7670
with respect to all contracts entered into by the department for 7671
the provision of home care services to home care dependent 7672
adults that are paid for in whole or in part with federal, 7673
state, or local funds. Except as provided in division (D) of 7674
this section, each department shall also require all public and 7675
private entities that receive money from or through the 7676
department to comply with this section when entering into 7677
contracts for the provision of home care services to home care 7678
dependent adults that are paid for in whole or in part with 7679
federal, state, or local funds. Such entities may include county 7680
boards of developmental disabilities, area agencies on aging, 7681
county departments of job and family services, and boards of 7682
health of city and general health districts. 7683

(C) ~~Beginning one year after September 26, 2003, each~~ Each 7684
contract subject to this section shall include terms requiring 7685
that the provider of home care services to home care dependent 7686
adults have a system in place that effectively monitors the 7687
delivery of the services by its employees. To be considered an 7688
effective monitoring system for purposes of the contract, the 7689
system established by a provider must include at least the 7690
following components: 7691

(1) When providing home care services to home care 7692
dependent adults who have a mental impairment or life- 7693
threatening health condition, a mechanism to verify whether the 7694
provider's employees are present at the location where the 7695

services are to be provided and at the time the services are to 7696
be provided; 7697

(2) When providing home care services to all other home 7698
care dependent adults, a system to verify at the end of each 7699
working day whether the provider's employees have provided the 7700
services at the proper location and time; 7701

(3) A protocol to be followed in scheduling a substitute 7702
employee when the monitoring system identifies that an employee 7703
has failed to provide home care services at the proper location 7704
and time, including standards for determining the length of time 7705
that may elapse without jeopardizing the health and safety of 7706
the home care dependent adult; 7707

(4) Procedures for maintaining records of the information 7708
obtained through the monitoring system; 7709

(5) Procedures for compiling annual reports of the 7710
information obtained through the monitoring system, including 7711
statistics on the rate at which home care services were provided 7712
at the proper location and time; 7713

(6) Procedures for conducting random checks of the 7714
accuracy of the monitoring system. For purposes of conducting 7715
these checks, a random check is considered to be a check of not 7716
more than five per cent of the home care visits the provider's 7717
employees make to different home care dependent adults within a 7718
particular work shift. 7719

(D) In implementing this section, the departments shall 7720
exempt ~~providers~~ the following from the section's requirements: 7721

(1) Providers of home care services who are self-employed 7722
providers with no other employees or are otherwise considered by 7723
the departments not to be agency providers. ~~The departments~~ 7724

~~shall conduct a study on how the exempted providers may be made~~ 7725
~~subject to the requirement of effectively monitoring whether~~ 7726
~~home care services are being provided and have been provided at~~ 7727
~~the proper location and time. Not later than two years after~~ 7728
~~September 26, 2003, the departments shall prepare a report of~~ 7729
~~their findings and recommendations. The report shall be~~ 7730
~~submitted to the president of the senate and the speaker of the~~ 7731
~~house of representatives;~~ 7732

(2) Providers who utilize an electronic visit verification 7733
system as described in section 12006 of the "21st Century Cures 7734
Act of 2016," 42 U.S.C. 1903(1). 7735

(E) The departments of developmental disabilities, aging, 7736
job and family services, and health shall each adopt rules as 7737
necessary to implement this section. The rules shall be adopted 7738
in accordance with Chapter 119. of the Revised Code. 7739

Sec. 121.37. (A) (1) There is hereby created the Ohio 7740
family and children first cabinet council. The council shall be 7741
composed of the director of education and workforce, the 7742
executive director of the opportunities for Ohioans with 7743
disabilities agency, the medicaid director, and the directors of 7744
youth services, job and family services, mental-behavioral 7745
~~health and addiction services,~~ health, developmental 7746
disabilities, aging, rehabilitation and correction, children and 7747
youth, and budget and management. The chairperson of the council 7748
shall be the governor or the governor's designee and shall 7749
establish procedures for the council's internal control and 7750
management. 7751

The purpose of the cabinet council is to help families 7752
seeking government services. This section shall not be 7753
interpreted or applied to usurp the role of parents, but solely 7754

to streamline and coordinate existing government services for 7755
families seeking assistance for their children. 7756

(2) In seeking to fulfill its purpose, the council may do 7757
any of the following: 7758

(a) Advise and make recommendations to the governor and 7759
general assembly regarding the provision of services to 7760
children; 7761

(b) Advise and assess local governments on the 7762
coordination of service delivery to children; 7763

(c) Hold meetings at such times and places as may be 7764
prescribed by the council's procedures and maintain records of 7765
the meetings, except that records identifying individual 7766
children are confidential and shall be disclosed only as 7767
provided by law; 7768

(d) Develop programs and projects, including pilot 7769
projects, to encourage coordinated efforts at the state and 7770
local level to improve the state's social service delivery 7771
system; 7772

(e) Enter into contracts with and administer grants to 7773
county family and children first councils, as well as other 7774
county or multicounty organizations to plan and coordinate 7775
service delivery between state agencies and local service 7776
providers for families and children; 7777

(f) Enter into contracts with and apply for grants from 7778
federal agencies or private organizations; 7779

(g) Enter into interagency agreements to encourage 7780
coordinated efforts at the state and local level to improve the 7781
state's social service delivery system. The agreements may 7782

include provisions regarding the receipt, transfer, and 7783
expenditure of funds; 7784

(h) Identify public and private funding sources for 7785
services provided to alleged or adjudicated unruly children and 7786
children who are at risk of being alleged or adjudicated unruly 7787
children, including regulations governing access to and use of 7788
the services; 7789

(i) Collect information provided by local communities 7790
regarding successful programs for prevention, intervention, and 7791
treatment of unruly behavior, including evaluations of the 7792
programs; 7793

(j) Identify and disseminate publications regarding 7794
alleged or adjudicated unruly children and children who are at 7795
risk of being alleged or adjudicated unruly children and 7796
regarding programs serving those types of children; 7797

(k) Maintain an inventory of strategic planning 7798
facilitators for use by government or nonprofit entities that 7799
serve alleged or adjudicated unruly children or children who are 7800
at risk of being alleged or adjudicated unruly children. 7801

(3) The cabinet council shall provide for the following: 7802

(a) Reviews of service and treatment plans for children 7803
for which such reviews are requested; 7804

(b) Assistance as the council determines to be necessary 7805
to meet the needs of children referred by county family and 7806
children first councils; 7807

(c) Monitoring and supervision of a statewide, 7808
comprehensive, coordinated, multi-disciplinary, interagency 7809
system for infants and toddlers with developmental disabilities 7810

or delays and their families, as established pursuant to federal 7811
grants received and administered by the department of children 7812
and youth for early intervention services under the "Individuals 7813
with Disabilities Education Act of 2004," 118 Stat. 2744, 20 7814
U.S.C.A. 1400, as amended; 7815

(d) Establishing and maintaining the Ohio automated 7816
service coordination system pursuant to section 121.376 of the 7817
Revised Code. 7818

(4) The cabinet council shall develop and implement the 7819
following: 7820

(a) An interagency process to select the indicators that 7821
will be used to measure progress toward increasing child well- 7822
being in the state and to update the indicators on an annual 7823
basis. 7824

(b) An interagency system to offer guidance and monitor 7825
progress toward increasing child well-being in the state and in 7826
each county; 7827

(c) An annual plan that identifies state-level agency 7828
efforts taken to ensure progress towards increasing child well- 7829
being in the state; 7830

(d) A state appeals process to resolve disputes among the 7831
members of a county council, established under division (B) of 7832
this section, concerning whether reasonable responsibilities are 7833
being shared. The appeals process may be accessed only by a 7834
majority vote of the council members who are required to serve 7835
on the council. Upon appeal, the cabinet council may order that 7836
state funds for services to children and families be redirected 7837
to a county's board of county commissioners. 7838

(5) On an annual basis, the cabinet council shall submit 7839

to the governor and the general assembly a report on the status 7840
of efforts to increase child well-being in the state. This 7841
report shall be made available to any other person on request. 7842

(6) The cabinet council state office may adopt rules 7843
governing the responsibilities of county family and children 7844
first councils established in division ~~(B) (3)~~ (B) (5) of this 7845
section. 7846

(B) (1) ~~Each~~ Except as provided in division (B) (2) of this 7847
section, each board of county commissioners shall establish a 7848
county family and children first council. The board may invite 7849
any local public or private agency or group that funds, 7850
advocates, or provides services to children and families to have 7851
a representative become a permanent or temporary member of its 7852
county council. Each county council must include the following 7853
individuals: 7854

(a) At least three individuals ~~who are not employed by an~~ 7855
~~agency represented on the council and whose families are~~ 7856
receiving or have received services from an agency represented 7857
on the council or another county's council. If such an 7858
individual is employed by an agency represented on the council, 7859
the individual shall complete a conflict of interest disclosure 7860
form and abstain from any vote that involves the agency that 7861
employs the individual. Where possible, the number of members 7862
representing families ~~shall~~ may be equal to twenty per cent of 7863
the council's membership. 7864

(b) The director of the board of alcohol, drug addiction, 7865
and mental health services that serves the county, or, in the 7866
case of a county that has a board of alcohol and drug addiction 7867
services and a community mental health board, the directors of 7868
both boards. If a board of alcohol, drug addiction, and mental 7869

health services covers more than one county, the director may 7870
designate a person to participate on the county's council. 7871

(c) The health commissioner, or the commissioner's 7872
designee, of the board of health of each city and general health 7873
district in the county. If the county has two or more health 7874
districts, the health commissioner membership may be limited to 7875
the commissioners of the two districts with the largest 7876
populations. 7877

(d) The director of the county department of job and 7878
family services; 7879

(e) The executive director of the public children services 7880
agency; 7881

(f) The superintendent of the county board of 7882
developmental disabilities or, if the superintendent serves as 7883
superintendent of more than one county board of developmental 7884
disabilities, the superintendent's designee; 7885

(g) The superintendent of the city, exempted village, or 7886
local school district with the largest number of pupils residing 7887
in the county, or a district-level administrative designee with 7888
decision-making authority, as determined by the department of 7889
education and workforce, which shall notify each board of county 7890
commissioners of its determination at least biennially; 7891

(h) A school superintendent representing all other school 7892
districts with territory in the county, or a district-level 7893
administrative designee with decision-making authority, as 7894
designated at a biennial meeting of the superintendents of those 7895
districts; 7896

(i) A representative of the municipal corporation with the 7897
largest population in the county; 7898

(j) The president of the board of county commissioners or 7899
an individual designated by the board; 7900

(k) A representative of the department of youth services 7901
or an individual designated by the department; 7902

(l) A representative of the county's head start agencies, 7903
as defined in section 3301.32 of the Revised Code; 7904

(m) A representative of the county's early intervention 7905
collaborative established pursuant to the federal early 7906
intervention program operated under the "Individuals with 7907
Disabilities Education Act of 2004"; 7908

(n) A representative of a local nonprofit entity that 7909
funds, advocates, or provides services to children and families. 7910

Notwithstanding any other provision of law, the public 7911
members of a county council are not prohibited from serving on 7912
the council and making decisions regarding the duties of the 7913
council, including those involving the funding of joint projects 7914
and those outlined in the county's service coordination 7915
mechanism implemented pursuant to division (C) of this section. 7916

The county's juvenile court judge senior in service or 7917
another judge of the juvenile court designated by the 7918
administrative judge or, where there is no administrative judge, 7919
by the judge senior in service shall serve as the judicial 7920
advisor to the county family and children first council. The 7921
judge may advise the county council on the court's utilization 7922
of resources, services, or programs provided by the entities 7923
represented by the members of the county council and how those 7924
resources, services, or programs assist the court in its 7925
administration of justice. Service of a judge as a judicial 7926
advisor pursuant to this section is a judicial function. 7927

(2) By passing a resolution, a board of county 7928
commissioners may decide not to establish or maintain a county 7929
family and children first council for the county if the board 7930
determines that all of the following conditions exist: 7931

(a) Alternative programs and services exist in the county 7932
to meet the needs of those served by a family and children first 7933
council. 7934

(b) A family and children first council for the county is 7935
not or would not be sufficiently funded to make the council 7936
financially sustainable. 7937

(c) The director of the county department of job and 7938
family services, executive director of the public children 7939
services agency, and county board of developmental disabilities 7940
each recommend to the board of county commissioners not to 7941
establish or maintain a county family and children first 7942
council. 7943

(3) A county's board of county commissioners that has 7944
decided to not establish or maintain a county family and 7945
children first council may reconsider the decision at any time 7946
but shall do so not later than five years after the date the 7947
resolution passed. In reconsidering the decision, the board of 7948
county commissioners shall determine whether all the conditions 7949
described in division (B) (2) of this section exist. 7950

(4) The purpose of the county council is to streamline and 7951
coordinate existing government services for families seeking 7952
services for their children. In seeking to fulfill its purpose, 7953
a county council shall provide for the following: 7954

(a) Referrals to the cabinet council of those children for 7955
whom the county council cannot provide adequate services; 7956

(b) Development and implementation of a process that 7957
annually evaluates and prioritizes services, fills service gaps 7958
where possible, and invents new approaches to achieve better 7959
results for families and children; 7960

(c) Participation in the development of a countywide, 7961
comprehensive, coordinated, multi-disciplinary, interagency 7962
system for infants and toddlers with developmental disabilities 7963
or delays and their families, as established pursuant to federal 7964
grants received and administered by the department of children 7965
and youth for early intervention services under the "Individuals 7966
with Disabilities Education Act of 2004"; 7967

(d) Maintenance of an accountability system to monitor the 7968
county council's progress in achieving results for families and 7969
children; 7970

(e) Establishment of a mechanism to ensure ongoing input 7971
from a broad representation of families who are receiving 7972
services within the county system. 7973

~~(3)~~ (5) A county council shall develop and implement the 7974
following: 7975

(a) An interagency process to establish local indicators 7976
and monitor the county's progress toward increasing child well- 7977
being in the county; 7978

(b) An interagency process to identify local priorities to 7979
increase child well-being. 7980

(c) An annual plan that identifies the county's 7981
interagency efforts to increase child well-being in the county. 7982

On an annual basis, the county council shall submit a 7983
report on the status of efforts by the county to increase child 7984

well-being in the county to the county's board of county 7985
commissioners and the cabinet council. This report shall be made 7986
available to any other person on request. 7987

~~(4)(a)~~ (6)(a) Except as provided in division ~~(B)(4)(b)~~ (B) 7988
(6)(b) of this section, a county council shall comply with the 7989
policies, procedures, and activities prescribed by the rules or 7990
interagency agreements of a state department participating on 7991
the cabinet council whenever the county council performs a 7992
function subject to those rules or agreements. 7993

(b) On application of a county council, the cabinet 7994
council may grant an exemption from any rules or interagency 7995
agreements of a state department participating on the council if 7996
an exemption is necessary for the council to implement an 7997
alternative program or approach for service delivery to families 7998
and children. The application shall describe the proposed 7999
program or approach and specify the rules or interagency 8000
agreements from which an exemption is necessary. The cabinet 8001
council shall approve or disapprove the application in 8002
accordance with standards and procedures it shall adopt. If an 8003
application is approved, the exemption is effective only while 8004
the program or approach is being implemented, including a 8005
reasonable period during which the program or approach is being 8006
evaluated for effectiveness. 8007

~~(5)(a)~~ (7)(a) Each county council shall designate an 8008
administrative agent for the council from among the following 8009
public entities: the board of alcohol, drug addiction, and 8010
mental health services, including a board of alcohol and drug 8011
addiction or a community mental health board if the county is 8012
served by separate boards; the board of county commissioners; 8013
any board of health of the county's city and general health 8014

districts; the county department of job and family services; the 8015
county agency responsible for the administration of children 8016
services pursuant to section 5153.15 of the Revised Code; the 8017
county board of developmental disabilities; any of the county's 8018
boards of education or governing boards of educational service 8019
centers; or the county's juvenile court. Any of the foregoing 8020
public entities, other than the board of county commissioners, 8021
may decline to serve as the council's administrative agent. 8022

A county council's administrative agent shall serve as the 8023
council's appointing authority for any employees of the council. 8024
The council shall file an annual budget with its administrative 8025
agent, with copies filed with the county auditor and with the 8026
board of county commissioners, unless the board is serving as 8027
the council's administrative agent. The council's administrative 8028
agent shall ensure that all expenditures are handled in 8029
accordance with policies, procedures, and activities prescribed 8030
by state departments in rules, grant agreements, or interagency 8031
agreements that are applicable to the council's functions. 8032

The administrative agent of a county council ~~shall~~may 8033
send notice of a member's absence if a member listed in division 8034
(B) (1) of this section has been absent from either three 8035
consecutive meetings of the county council or a county council 8036
subcommittee, or from one-quarter of such meetings in a calendar 8037
year, whichever is less. The notice shall be sent to the board 8038
of county commissioners that establishes the county council and, 8039
for the members listed in divisions (B) (1) (b), (c), (e), and (1) 8040
of this section, to the governing board overseeing the 8041
respective entity; for the member listed in division (B) (1) (f) 8042
of this section, to the county board of developmental 8043
disabilities that employs the superintendent; for a member 8044
listed in division (B) (1) (g) or (h) of this section, to the 8045

school board that employs the superintendent; for the member 8046
listed in division (B) (1) (i) of this section, to the mayor of 8047
the municipal corporation; for the member listed in division (B) 8048
(1) (k) of this section, to the director of youth services; and 8049
for the member listed in division (B) (1) (n) of this section, to 8050
that member's board of trustees. 8051

The administrative agent for a county council may do any 8052
of the following on behalf of the council: 8053

(i) Enter into agreements or administer contracts with 8054
public or private entities to fulfill specific council business. 8055
Such agreements and contracts are exempt from the competitive 8056
bidding requirements of section 307.86 of the Revised Code if 8057
they have been approved by the county council and they are for 8058
the purchase of services for families and children. The approval 8059
of the county council is not required to exempt agreements or 8060
contracts entered into under section 5139.34, 5139.41, or 8061
5139.43 of the Revised Code from the competitive bidding 8062
requirements of section 307.86 of the Revised Code. 8063

(ii) As determined by the council, provide financial 8064
stipends, reimbursements, or both, to family representatives for 8065
expenses related to council activity; 8066

(iii) Receive by gift, grant, devise, or bequest any 8067
moneys, lands, or other property for the purposes for which the 8068
council is established. The agent shall hold, apply, and dispose 8069
of the moneys, lands, or other property according to the terms 8070
of the gift, grant, devise, or bequest. Any interest or earnings 8071
shall be treated in the same manner and are subject to the same 8072
terms as the gift, grant, devise, or bequest from which it 8073
accrues. 8074

(b) (i) If the county council designates the board of 8075
county commissioners as its administrative agent, the board may, 8076
by resolution, delegate any of its powers and duties as 8077
administrative agent to an executive committee the board 8078
establishes from the membership of the county council. The board 8079
shall name to the executive committee at least the individuals 8080
described in divisions (B) (1) (b) to (h) of this section and may 8081
appoint the president of the board or another individual as the 8082
chair of the executive committee. The executive committee must 8083
include at least one family county council representative who 8084
does not have a family member employed by an agency represented 8085
on the council. 8086

(ii) The executive committee may, with the approval of the 8087
board, hire an executive director to assist the county council 8088
in administering its powers and duties. The executive director 8089
shall serve in the unclassified civil service at the pleasure of 8090
the executive committee. The executive director may, with the 8091
approval of the executive committee, hire other employees as 8092
necessary to properly conduct the county council's business. 8093

(iii) The board may require the executive committee to 8094
submit an annual budget to the board for approval and may amend 8095
or repeal the resolution that delegated to the executive 8096
committee its authority as the county council's administrative 8097
agent. 8098

~~(6)~~ (8) Two or more county councils may enter into an 8099
agreement to administer their county councils jointly by 8100
creating a regional family and children first council. A 8101
regional council possesses the same duties and authority 8102
possessed by a county council, except that the duties and 8103
authority apply regionally rather than to individual counties. 8104

Prior to entering into an agreement to create a regional 8105
council, the members of each county council to be part of the 8106
regional council shall meet to determine whether all or part of 8107
the members of each county council will serve as members of the 8108
regional council. 8109

~~(7)~~ (9) A board of county commissioners may approve a 8110
resolution by a majority vote of the board's members that 8111
requires the county council to submit a statement to the board 8112
each time the council proposes to enter into an agreement, adopt 8113
a plan, or make a decision, other than a decision pursuant to 8114
section 121.38 of the Revised Code, that requires the 8115
expenditure of funds for two or more families. The statement 8116
shall describe the proposed agreement, plan, or decision. 8117

Not later than fifteen days after the board receives the 8118
statement, it shall, by resolution approved by a majority of its 8119
members, approve or disapprove the agreement, plan, or decision. 8120
Failure of the board to pass a resolution during that time 8121
period shall be considered approval of the agreement, plan, or 8122
decision. 8123

An agreement, plan, or decision for which a statement is 8124
required to be submitted to the board shall be implemented only 8125
if it is approved by the board. 8126

(C) Each county shall develop a county service 8127
coordination mechanism. The county service coordination 8128
mechanism shall serve as the guiding document for coordination 8129
of services in the county. For children who also receive 8130
services under the early intervention program, the main provider 8131
of service coordination shall be an early intervention service 8132
coordinator to ensure compliance with section ~~5123.02~~ 5180.30 of 8133
the Revised Code. All family service coordination plans shall be 8134

developed in accordance with the county service coordination 8135
mechanism. The mechanism shall be developed and approved with 8136
the participation of the county entities representing child 8137
welfare; developmental disabilities; alcohol, drug addiction, 8138
and mental health services; health; juvenile judges; education; 8139
the county family and children first council; and the county 8140
early intervention collaborative established pursuant to the 8141
federal early intervention program operated under the 8142
"Individuals with Disabilities Education Act of 2004." The 8143
county shall establish an implementation schedule for the 8144
mechanism. The cabinet council may monitor the implementation 8145
and administration of each county's service coordination 8146
mechanism. 8147

Each mechanism shall include all of the following: 8148

(1) A procedure for an agency, including a juvenile court, 8149
or a family voluntarily seeking service coordination, to refer 8150
the child and family to the county council for service 8151
coordination in accordance with the mechanism; 8152

(2) A procedure ensuring that a family and all appropriate 8153
staff from involved agencies, including a representative from 8154
the appropriate school district, are notified of and invited to 8155
participate in all family service coordination plan meetings; 8156

(3) A procedure that permits a family to initiate a 8157
meeting to develop or review the family's service coordination 8158
plan and allows the family to invite a family advocate, mentor, 8159
or support person of the family's choice to participate in any 8160
such meeting; 8161

(4) A procedure for ensuring that a family service 8162
coordination plan meeting is conducted for each child who 8163

receives service coordination under the mechanism and for whom 8164
an emergency out-of-home placement has been made or for whom a 8165
nonemergency out-of-home placement is being considered. The 8166
meeting shall be conducted within ten days of an emergency out- 8167
of-home placement. The meeting shall be conducted before a 8168
nonemergency out-of-home placement. The family service 8169
coordination plan shall outline how the county council members 8170
will jointly pay for services, where applicable, and provide 8171
services in the least restrictive environment. 8172

(5) A procedure for monitoring the progress and tracking 8173
the outcomes of each service coordination plan requested in the 8174
county including monitoring and tracking children in out-of-home 8175
placements to assure continued progress, appropriateness of 8176
placement, and continuity of care after discharge from placement 8177
with appropriate arrangements for housing, treatment, and 8178
education; 8179

(6) A procedure for protecting the confidentiality of all 8180
personal family information disclosed during service 8181
coordination meetings or contained in the comprehensive family 8182
service coordination plan; 8183

(7) A procedure for assessing the needs and strengths of 8184
any child or family that has been referred to the council for 8185
service coordination, including a child whose parent or 8186
custodian is voluntarily seeking services, and for ensuring that 8187
parents and custodians are afforded the opportunity to 8188
participate; 8189

(8) A procedure for development of a family service 8190
coordination plan described in division (D) of this section; 8191

(9) A local dispute resolution process to serve as the 8192

process that must be used first to resolve disputes among the 8193
agencies represented on the county council concerning the 8194
provision of services to children, including children who are 8195
abused, neglected, dependent, unruly, alleged unruly, or 8196
delinquent children and under the jurisdiction of the juvenile 8197
court and children whose parents or custodians are voluntarily 8198
seeking services. The local dispute resolution process shall 8199
comply with sections 121.38, 121.381, and 121.382 of the Revised 8200
Code. The local dispute resolution process shall be used to 8201
resolve disputes between a child's parents or custodians and the 8202
county council regarding service coordination. The county 8203
council shall inform the parents or custodians of their right to 8204
use the dispute resolution process. Parents or custodians shall 8205
use existing local agency grievance procedures to address 8206
disputes not involving service coordination. The dispute 8207
resolution process is in addition to and does not replace other 8208
rights or procedures that parents or custodians may have under 8209
other sections of the Revised Code. 8210

The cabinet council shall adopt rules in accordance with 8211
Chapter 119. of the Revised Code establishing an administrative 8212
review process to address problems that arise concerning the 8213
operation of a local dispute resolution process. 8214

Nothing in division (C) (4) of this section shall be 8215
interpreted as overriding or affecting decisions of a juvenile 8216
court or public children services agency regarding an out-of- 8217
home placement, long-term placement, or emergency out-of-home 8218
placement. 8219

(D) Each county shall develop a family service 8220
coordination plan that does all of the following: 8221

(1) Designates service responsibilities among the various 8222

state and local agencies that provide services to children and 8223
their families, including children who are abused, neglected, 8224
dependent, unruly, or delinquent children and under the 8225
jurisdiction of the juvenile court and children whose parents or 8226
custodians are voluntarily seeking services; 8227

(2) Designates an individual, approved by the family, to 8228
track the progress of the family service coordination plan, 8229
schedule reviews as necessary, and facilitate the family service 8230
coordination plan meeting process; 8231

(3) Ensures that assistance and services to be provided 8232
are responsive to the strengths and needs of the family, as well 8233
as the family's culture, race, and ethnic group, by allowing the 8234
family to offer information and suggestions and participate in 8235
decisions. Identified assistance and services shall be provided 8236
in the least restrictive environment possible. 8237

(4) Includes a process for dealing with a child who is 8238
alleged to be an unruly child. The process shall include methods 8239
to divert the child from the juvenile court system; 8240

(5) Includes timelines for completion of goals specified 8241
in the plan with regular reviews scheduled to monitor progress 8242
toward those goals; 8243

(6) Includes a plan for dealing with short-term crisis 8244
situations and safety concerns. 8245

(E) (1) The process provided for under division (D) (4) of 8246
this section may include, but is not limited to, the following: 8247

(a) Designation of the person or agency to conduct the 8248
assessment of the child and the child's family as described in 8249
division (C) (7) of this section and designation of the 8250
instrument or instruments to be used to conduct the assessment; 8251

(b) An emphasis on the personal responsibilities of the 8252
child and the parental responsibilities of the parents, 8253
guardian, or custodian of the child; 8254

(c) Involvement of local law enforcement agencies and 8255
officials. 8256

(2) The method to divert a child from the juvenile court 8257
system that must be included in the service coordination process 8258
may include, but is not limited to, the following: 8259

(a) The preparation of a complaint under section 2151.27 8260
of the Revised Code alleging that the child is an unruly child 8261
and notifying the child and the parents, guardian, or custodian 8262
that the complaint has been prepared to encourage the child and 8263
the parents, guardian, or custodian to comply with other methods 8264
to divert the child from the juvenile court system; 8265

(b) Conducting a meeting with the child, the parents, 8266
guardian, or custodian, and other interested parties to 8267
determine the appropriate methods to divert the child from the 8268
juvenile court system; 8269

(c) A method to provide to the child and the child's 8270
family a short-term respite from a short-term crisis situation 8271
involving a confrontation between the child and the parents, 8272
guardian, or custodian; 8273

(d) A program to provide a mentor to the child or the 8274
parents, guardian, or custodian; 8275

(e) A program to provide parenting education to the 8276
parents, guardian, or custodian; 8277

(f) An alternative school program for children who are 8278
truant from school, repeatedly disruptive in school, or 8279

suspended or expelled from school; 8280

(g) Other appropriate measures, including, but not limited 8281
to, any alternative methods to divert a child from the juvenile 8282
court system that are identified by the Ohio family and children 8283
first cabinet council. 8284

(F) Each county may review and revise the service 8285
coordination process described in division (D) of this section 8286
based on the availability of funds under Title IV-A of the 8287
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 8288
as amended, or to the extent resources are available from any 8289
other federal, state, or local funds. 8290

(G) As used in this section, "early intervention service 8291
coordinator" means a person who holds an early intervention 8292
service coordinator credential or an early intervention service 8293
coordination supervisor credential issued by the department of 8294
~~developmental disabilities~~ children and youth and who assists 8295
and enables an infant or toddler with a developmental delay or 8296
disability and the child's family to receive the services and 8297
rights, including procedural safeguards, required under part C 8298
of the "Individuals with Disabilities Education Act of 2004," 20 8299
U.S.C. 1400, as amended. 8300

Sec. 121.93. (A) Except as provided in division (E) of 8301
this section, an agency shall review its operations to identify 8302
principles of law or policy that have not been stated in a rule 8303
and that the agency is relying upon in conducting adjudications 8304
or other determinations of rights and liabilities or in issuing 8305
writings and other materials, such as instructions, directives, 8306
policy statements, guidelines, handbooks, manuals, advisories, 8307
notices, circulars, advertisements, forms, letters, and 8308
opinions. An agency is not required to identify principles of 8309

law or policy relied upon in issuing internal management rules 8310
as defined in section 111.15 of the Revised Code. The agency 8311
shall complete at least one of the reviews during a governor's 8312
term. 8313

Within six months after the expiration of a governor's 8314
term, the agency electronically shall transmit a report to the 8315
joint committee on agency rule review containing the following: 8316

(1) A statement that the agency has completed one or more 8317
of the reviews, specifying the exact number of reviews completed 8318
during the governor's expired term; 8319

(2) The principles of law or policies identified under 8320
this division; 8321

(3) The agency's considerations regarding the identified 8322
principles of law or policies under division (B) of this 8323
section; 8324

(4) Any principles of law or policies for which the agency 8325
determines rulemaking is indicated or for which the agency has 8326
commenced the rule-making process under division (C) of this 8327
section. 8328

The joint committee on agency rule review shall make the 8329
reports available on its web site. 8330

(B) The agency shall determine whether a principle of law 8331
or policy thus identified has a general and uniform operation 8332
and establishes a legal regulation or standard that would not 8333
exist in its absence. If the principle of law or policy has 8334
these characteristics, the agency shall determine whether the 8335
principle of law or policy should be supplanted by its 8336
restatement in a rule to achieve one or more of the following as 8337
they are relevant to the principle of law or policy: 8338

- (1) Assert the general and uniform operation of the principle of law or policy; 8339
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- (2) Make the principle of law or policy more readily available to the public; 8341
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- (3) Make the principle of law or policy more readily available to persons who specifically are affected by the principle of law or policy; 8343
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- (4) Enable the principle of law or policy to be better known in advance of its application; 8346
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- (5) Enable greater public participation in improvement and further development of the principle of law or policy; 8348
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- (6) Enable greater participation by persons specifically affected by the principle of law or policy in the improvement and further development of the principle of law or policy; 8350
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- (7) Make the principle of law or policy more easily understandable; or 8353
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- (8) Make the principle of law or policy more readily available to those legally charged with monitoring or reviewing the agency's operations. 8355
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- If a principle of law or policy aids in the interpretation of an existing rule or statute, the agency shall consider whether the aiding effect clarifies or otherwise resolves an uncertainty in the existing rule or statute. If the principle of law or policy can be so characterized, the agency shall consider whether the principle of law or policy should be supplanted by its restatement in an interpretive rule. The agency may not presume that a principle of law or policy that aids in the interpretation of an existing rule or statute is simply a 8358
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reiteration of the existing rule or statute.

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

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The agency may continue to rely upon the principle of law or policy, but only while it is complying with the preceding paragraph. The agency may not rely upon the principle of law or policy in advising with regard to or in determining the rights or liabilities of a person if ~~the~~any of the following apply:

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(1) The agency fails to commence the rule-making process by the deadline specified in the preceding paragraph,~~or if,~~
~~after.~~

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(2) After commencing the rule-making process, the agency neglects or abandons the rule-making process before it is completed.

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(3) The agency fails to file a rule for which rulemaking is indicated under this section in final form within one year of the agency making a determination under this section.

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(4) After filing a proposed rule and rule summary and fiscal analysis with the joint committee, the agency notifies the joint committee of the agency's intention to file a revised proposed rule as described in division (B) of section 106.02 of the Revised Code.

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(D) A principle of law or policy that is relied upon 8396
directly or by clear implication from a statute applying to the 8397
agency does not need to be supplanted by rule. 8398

(E) This section does not apply to an agency, commission, 8399
or committee created in the legislative branch of government or 8400
to serve the general assembly including, but not limited to, all 8401
of the following: 8402

(1) The joint legislative ethics committee; 8403

~~(2) The joint medicaid oversight committee;~~ 8404

~~(3) The correctional institution inspection committee;~~ 8405

~~(4)~~ (2) The legislative service commission; 8406

~~(5)~~ (3) The legislative information services; 8407

~~(6)~~ (4) The capitol square review and advisory board. 8408

Sec. 121.931. (A) A person may petition an agency in 8409
writing to restate a principle of law or policy in a rule if (1) 8410
the person was a party to an adjudication or other determination 8411
before an agency that has resulted in an order or other 8412
disposition or was a party to a civil action in which judgment 8413
has been entered, and (2) the adjudication or other 8414
determination, or the civil action, involved a principle of law 8415
or policy relied upon by the agency that, under section 121.93 8416
of the Revised Code, should have been supplanted by its 8417
restatement in a rule but has not been so supplanted. The 8418
petition shall briefly explain why the principle of law or 8419
policy should, under section 121.93 of the Revised Code, be 8420
supplanted by its restatement in a rule. The person shall send 8421
the petition to the agency not later than the ninetieth day 8422
after the order or other disposition was issued or the judgment 8423

was entered. The person also shall send a copy of the petition 8424
to the joint committee on agency rule review. 8425

(B) The agency, not later than the thirtieth day after 8426
receiving a timely petition, shall consider the petition in 8427
light of section 121.93 of the Revised Code, and shall notify 8428
the petitioner in writing, by certified mail, return receipt 8429
requested, whether it grants or intends to deny the petition. 8430

(1) If the agency grants the petition, it shall commence 8431
the rule-making process as soon as it is reasonably feasible to 8432
do so, but not later than the date that is ~~six~~three months 8433
after the petition was granted. The principle of law or policy 8434
as it is restated in a rule does not need to be wholly congruent 8435
with the supplanted principle of law or policy. The agency 8436
lawfully may improve or develop further the supplanted principle 8437
of law or policy. 8438

The agency may continue to rely upon the principle of law 8439
or policy, but only while it is complying with the preceding 8440
paragraph. The agency may not rely upon the principle of law or 8441
policy in advising with regard to or in determining the rights 8442
or liabilities of a person if ~~the~~any of the following apply: 8443

(a) The agency fails to commence the rule-making process 8444
by the deadline specified in the preceding paragraph,~~or if,~~ 8445
~~after.~~ 8446

(b) After commencing the rule-making process, the agency 8447
neglects or abandons the rule-making process before it is 8448
completed. 8449

(c) The agency fails to file a rule for which rulemaking 8450
is required under this section in final form within one year of 8451
the agency granting a petition under this division. 8452

(d) After filing a proposed rule and rule summary and 8453
fiscal analysis with the joint committee, the agency notifies 8454
the joint committee of the agency's intention to file a revised 8455
proposed rule as described in division (B) of section 106.02 of 8456
the Revised Code. 8457

(2) If the agency intends to deny the petition, it shall 8458
send the petitioner a notice affording the petitioner an 8459
opportunity for a hearing on the petition and briefly explaining 8460
why the agency intends to deny the petition. If the petitioner 8461
does not in writing request a hearing within fifteen days after 8462
receiving the notice, the agency shall deny the petition and 8463
notify the petitioner in writing. If the petitioner responds in 8464
writing within the fifteen-day period requesting a hearing, the 8465
agency, by certified mail, return receipt requested, promptly 8466
shall notify the petitioner of the time and place for the 8467
hearing, which shall be not earlier than the thirtieth day after 8468
the notice was sent to the petitioner. 8469

(C) At the hearing, the agency shall explain why, 8470
notwithstanding section 121.93 of the Revised Code, it intends 8471
to deny the petition, and the petitioner shall explain why under 8472
that section the petitioner believes the agency's intention to 8473
be erroneous. The hearing shall be informal. The petitioner may 8474
be assisted by counsel at the hearing. 8475

(D) Not later than the thirtieth day after the hearing 8476
concludes, the agency shall grant or deny the petition. 8477

(1) If the agency grants the petition, it shall commence 8478
the rule-making process as soon as it is reasonably feasible to 8479
do so, but not later than the date that is ~~six~~three months 8480
after the determination was made. The principle of law or policy 8481
as it is restated in a rule does not need to be wholly congruent 8482

with the supplanted principle of law or policy. The agency 8483
lawfully may improve or develop further the supplanted principle 8484
of law or policy as it is restated in a rule. 8485

The agency may continue to rely upon the principle of law 8486
or policy, but only while it is complying with the preceding 8487
paragraph. The agency may not rely upon the principle of law or 8488
policy in advising with regard to or in determining the rights 8489
or liabilities of a person if ~~the~~ any of the following apply: 8490

(a) The agency fails to commence the rule-making process 8491
by the deadline specified in the preceding paragraph,~~or if,~~ 8492
~~after.~~ 8493

(b) After commencing the rule-making process, the agency 8494
neglects or abandons the rule-making process before it is 8495
completed. 8496

(c) The agency fails to file a rule for which rulemaking 8497
is required under this section in final form within one year of 8498
the agency granting a petition under this division. 8499

(d) After filing a proposed rule and rule summary and 8500
fiscal analysis with the joint committee, the agency notifies 8501
the joint committee of the agency's intention to file a revised 8502
proposed rule as described in division (B) of section 106.02 of 8503
the Revised Code. 8504

(2) If the petitioner failed to appear at the hearing, or 8505
if the petitioner failed to persuade the agency that its 8506
intention to deny the petition is erroneous, the agency shall 8507
deny the petition. 8508

The agency shall send notice in writing to the petitioner 8509
of the outcome. If the outcome is denial of the petition, the 8510
notice shall explain briefly why the agency is denying the 8511

petition. The petitioner is not entitled to appeal the outcome.

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Sec. 121.95. (A) As used in sections 121.95, 121.951,
121.952, 121.953, and 121.954 of the Revised Code, ~~"state-;~~

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(1) "State agency" means an administrative department
created under section 121.02 of the Revised Code, an
administrative department head appointed under section 121.03 of
the Revised Code, and a state agency organized under an
administrative department or administrative department head.
"State agency" also includes the department of education and
workforce, the state lottery commission, the Ohio casino control
commission, the state racing commission, and the public
utilities commission of Ohio. Rules adopted by an otherwise
independent official or entity organized under a state agency
shall be attributed to the agency under which the official or
entity is organized for the purposes of sections 121.95,
121.951, 121.952, 121.953, and 121.954 of the Revised Code.

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(2) "Regulatory restriction" means any part of a rule that
requires or prohibits an action.

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

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

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(1) A description of the regulatory restriction;

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(2) The rule number of the rule in which the regulatory

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restriction appears; 8541

(3) The statute under which the regulatory restriction was 8542
adopted; 8543

(4) Whether state or federal law expressly and 8544
specifically requires the agency to adopt the regulatory 8545
restriction or the agency adopted the regulatory restriction 8546
under the agency's general authority; 8547

(5) Whether removing the regulatory restriction would 8548
require a change to state or federal law, provided that removing 8549
a regulatory restriction adopted under a law granting the agency 8550
general authority shall be presumed not to require a change to 8551
state or federal law; 8552

(6) Any other information the joint committee on agency 8553
rule review considers necessary. 8554

(D) The state agency shall compute and state the total 8555
number of regulatory restrictions indicated in the base 8556
inventory, shall post the base inventory on its web site, and 8557
shall electronically transmit a copy of the inventory to the 8558
joint committee. The joint committee shall review the base 8559
inventory, then transmit it electronically to the speaker of the 8560
house of representatives and the president of the senate. 8561

(E) The following types of rules or regulatory 8562
restrictions are not required to be included in a state agency's 8563
inventory of regulatory restrictions: 8564

(1) An internal management rule; 8565

(2) An emergency rule; 8566

(3) A rule that state or federal law requires the state 8567
agency to adopt verbatim; 8568

(4) A regulatory restriction contained in materials or 8569
documents incorporated by reference into a rule pursuant to 8570
sections 121.71 to 121.75 of the Revised Code; 8571

(5) A rule adopted pursuant to section 1347.15 of the 8572
Revised Code; 8573

(6) A rule concerning instant lottery games; 8574

(7) A rule adopted by the Ohio casino control commission 8575
or the state lottery commission concerning sports gaming; 8576

(8) Any other rule that is not subject to review under 8577
Chapter 106. of the Revised Code; 8578

(9) Any rule that is adopted as a requirement for the 8579
state agency to obtain or maintain accreditation or 8580
certification from a multistate organization consisting of at 8581
least forty-five participating states. 8582

(F) Beginning on October 17, 2019, and ending on June 30, 8583
2025, a state agency may not adopt a new regulatory restriction 8584
unless it simultaneously removes two or more other existing 8585
regulatory restrictions. The state agency may not satisfy this 8586
section by merging two or more existing regulatory restrictions 8587
into a single surviving regulatory restriction. 8588

Sec. 121.951. (A) (1) Using the criteria listed in division 8589
(A) of section 106.03 of the Revised Code, a state agency shall 8590
amend or rescind rules identified in its base inventory of 8591
regulatory restrictions prepared under section 121.95 of the 8592
Revised Code as necessary to reduce the total number of 8593
regulatory restrictions by thirty per cent, according to the 8594
following schedule: 8595

(a) A ten per cent reduction not later than June 30, 2023; 8596

(b) A twenty per cent reduction not later than June 30, 8597
2024; and 8598

(c) The thirty per cent reduction not later than June 30, 8599
2025. 8600

When a state agency has achieved a reduction of any 8601
percentage in regulatory restrictions, whether or not as 8602
specified in this section, the state agency may not adopt or 8603
maintain regulatory restrictions that would negate the 8604
reduction. 8605

(2) Beginning July 1, 2025, a state agency that has not 8606
achieved the specified thirty per cent reduction may not adopt a 8607
new regulatory restriction unless it simultaneously removes two 8608
or more other existing regulatory restrictions, until the 8609
specified thirty per cent reduction has been achieved. The state 8610
agency may not fulfill this requirement by merging two or more 8611
existing regulatory restrictions into a single surviving 8612
regulatory restriction. Removing or replacing "shall," "must," 8613
"require," "shall not," "may not," "prohibit," or similar words 8614
in a portion of a rule does not remove a regulatory restriction 8615
from a rule unless the removal eliminates a requirement or 8616
prohibition from the rule. 8617

(3) A state agency that has achieved the specified thirty 8618
per cent reduction may not adopt a new regulatory restriction 8619
unless it simultaneously removes one or more other existing 8620
regulatory restrictions. The state agency may not fulfill this 8621
requirement by merging two or more existing regulatory 8622
restrictions into a single surviving regulatory restriction. 8623

(4) A state agency is encouraged to continue to reduce 8624
regulatory restrictions after it has achieved the specified 8625

thirty per cent reduction. 8626

(B) (1) Not later than September 15, 2022, a state agency 8627
shall prepare an historical report of its progress in reducing 8628
regulatory restrictions over the period of time beginning when 8629
the agency prepared its base inventory under section 121.95 of 8630
the Revised Code and ending on June 30, 2022. Annually 8631
thereafter, a state agency shall prepare an historical report of 8632
its progress in reducing regulatory restrictions over the 8633
preceding fiscal year. The state agency shall explain in the 8634
report how it applied the criteria described in division (A) of 8635
section 106.03 of the Revised Code to its determinations as to 8636
which regulatory restrictions to amend or rescind. The state 8637
agency shall include a revised inventory of regulatory 8638
restrictions with the report. 8639

(2) In the revised inventory, in addition to the 8640
information required by section 121.95 of the Revised Code, the 8641
state agency shall compute the percentage net reduction in 8642
regulatory restrictions by subtracting the current number of 8643
regulatory restrictions from the number of regulatory 8644
restrictions identified in the base inventory and then dividing 8645
the resulting number by the number of regulatory restrictions in 8646
the base inventory. 8647

(3) The state agency shall transmit the report 8648
electronically to the joint committee on agency rule review. The 8649
joint committee shall review the report and shall transmit it 8650
electronically to the speaker of the house of representatives 8651
and the president of the senate. The state agency shall continue 8652
preparing and transmitting annual reports until it has reported 8653
that it has achieved the required reduction in regulatory 8654
restrictions. 8655

Sec. 121.953. (A) ~~Effective~~ Except as provided in division 8656
(C) of this section, effective July 1, 2025, the number of 8657
regulatory restrictions in this state shall not exceed a number 8658
of regulatory restrictions determined by the joint committee on 8659
agency rule review in accordance with this section. The joint 8660
committee shall determine that number by calculating, for each 8661
agency, the number of regulatory restrictions identified by the 8662
agency in the base inventory prepared under section 121.95 of 8663
the Revised Code, minus the number of regulatory restrictions 8664
that represents the percentage reduction the state agency is 8665
required to achieve, and then totaling the resulting numbers for 8666
all state agencies. The joint committee shall consider any 8667
lessened required reductions under section 121.952 of the 8668
Revised Code. 8669

(B) ~~A state agency shall contact the joint committee~~ 8670
~~before submitting a proposed rule containing a regulatory~~ 8671
~~restriction, and the joint committee shall determine whether~~ 8672
~~adopting the regulatory restriction would cause the state to~~ 8673
~~exceed the number of regulatory restrictions permitted under~~ 8674
~~this section. A~~ Except as provided in division (C) of this 8675
section, a state agency may not adopt a rule if by adopting the 8676
rule the state agency would cause the number of regulatory 8677
restrictions to exceed the state limit as determined by the 8678
joint committee. 8679

(C) Beginning on the effective date of this amendment, a 8680
state agency may appear before the joint committee to show cause 8681
why the agency should be permitted to adopt a rule that would 8682
cause the number of regulatory restrictions to exceed the state 8683
limit as determined by the joint committee. If the joint 8684
committee determines that the state agency has shown cause, the 8685
joint committee may, by a vote of a majority of its members, 8686

permit the state agency to adopt the rule notwithstanding the 8687
state limit on regulatory restrictions determined by the joint 8688
committee. The joint committee shall prepare a report 8689
summarizing all the rules it has authorized a state agency to 8690
adopt notwithstanding the state limit on regulatory 8691
restrictions. The joint committee shall transmit the report 8692
electronically to the speaker of the house of representatives 8693
and the president of the senate not later than the thirty-first 8694
day of December of each year. 8695

Sec. 122.09. (A) As used in this section: 8696

(1) "Development costs" means all expenditures paid or 8697
incurred by the property owner in completing a certified 8698
transformational mixed use development project including 8699
acquisition costs and all costs incurred before the project is 8700
certified by the director of development. 8701

(2) "Eligible expenditures" means certain expenditures 8702
paid or incurred by the property owner in completing a certified 8703
transformational mixed use development project after the project 8704
is certified by the director of development, including 8705
architectural or engineering fees, due diligence costs, hard and 8706
soft construction costs, paid or incurred in connection with the 8707
project and expenses incurred and architectural and engineering 8708
fees and due diligence costs incurred before the date the 8709
project is certified by the tax credit authority director of 8710
development under division (C) of this section. In the case of a 8711
certified transformational mixed use development project that is 8712
part of a larger contiguous project that is planned to be 8713
completed in phases, "development costs" include only 8714
expenditures associated with the portion of the project that is 8715
certified by the tax credit authority and do not include 8716

~~expenditures incurred for other phases of the project.~~ 8717

~~(2)~~ (3) "Owner" "Property owner" means a person or persons 8718
holding a fee simple or leasehold interest in real property, 8719
including interests in real property acquired through a capital 8720
lease arrangement, and a person or persons in contract to 8721
acquire real property with the only remaining contractual 8722
contingency being receipt of an award under this section. 8723

"Owner" does not include the state or a state agency, or any 8724
political subdivision as defined in section 9.23 of the Revised 8725
Code. For the purpose of this division, "fee simple interest," 8726
"leasehold interest," and "capital lease" shall be construed in 8727
accordance with generally accepted accounting principles. 8728

~~(3)~~ (4) "Transformational mixed use development" means a 8729
project that consists of eligible expenditures for new 8730
construction or the redevelopment, rehabilitation, expansion, or 8731
other improvement of vacant buildings or structures, or a 8732
combination of the foregoing, and that, inclusively: 8733

(a) Will have a transformational economic impact on the 8734
~~development project site and the surrounding area;~~ 8735

(b) Integrates ~~some combination of retail, office,~~ 8736
~~residential, recreation, structured parking, and other similar~~ 8737
~~uses into one mixed use development; and at least two of the~~ 8738
following uses into one mixed use development: 8739

(i) Office; 8740

(ii) Residential; 8741

(iii) Retail, which may include restaurant space; 8742

(iv) Hotel and hospitality; 8743

(v) Recreation. 8744

(c) Satisfies one of the following criteria: 8745

(i) If the ~~development-project~~ site is located within ten 8746
miles of a major city, the project includes at least one new or 8747
previously vacant building that is fifteen or more stories in 8748
height or has a floor area of at least three hundred fifty 8749
thousand square feet, or after completion will be the site of 8750
employment accounting for at least ~~four~~-five million dollars in 8751
annual payroll, or includes two or more buildings that are 8752
connected to each other, are located on the same parcel or on 8753
contiguous parcels, and that collectively have a floor area of 8754
at least three hundred fifty thousand square feet; 8755

(ii) If the ~~development-project~~ site is not located within 8756
ten miles of a major city, the project includes at least one new 8757
or previously vacant building that is two or more stories in 8758
height or has a floor area of at least seventy-five thousand 8759
square feet or two or more new buildings that are located on the 8760
same parcel or on contiguous parcels and that collectively have 8761
a floor area of at least seventy-five thousand square feet. 8762

A "transformational mixed use development" does not 8763
include a project located wholly or partially in a 8764
transformational major sports facility mixed-use project 8765
district as defined in section 123.28 of the Revised Code. 8766

~~"Transformational mixed use development" may include a~~ 8767
~~portion of a larger contiguous project that is planned to be~~ 8768
~~completed in phases as long as the phases collectively meet the~~ 8769
~~criteria described in division (A) (3) of this section.~~ 8770

~~(4)~~(5) "Increase in tax collections" means the difference, 8771
if positive, of the amount of state and local taxes estimated to 8772
be derived from economic activity occurring within the 8773

~~development project site and the surrounding area, but excluding~~ 8774
~~any other phases of the development project for developments~~ 8775
~~completed in phases, during a the completion period of time~~ 8776
minus the amount of such taxes that are estimated to be derived 8777
from such economic activity in that site ~~and surrounding area~~ 8778
during the same period if the transformational mixed use 8779
~~development project were not certified by the director of~~ 8780
~~development and completed.~~ 8781

~~(5)~~ (6) "Completion period" means the time period beginning 8782
on the day after a transformational mixed use development 8783
~~project~~ is certified by the ~~tax credit authority~~ director of 8784
~~development~~ and ending on the fifth anniversary of the day the 8785
project is completed. 8786

~~(6) "Insurance company" means a person subject to the tax~~ 8787
~~imposed under section 5725.18 or 5729.03 of the Revised Code.~~ 8788

(7) "Contribute capital" means to invest, loan, or donate 8789
cash in exchange for an equity interest in an asset, or a debt 8790
instrument, ~~or no consideration.~~ 8791

(8) "Major city" means a municipal corporation that has a 8792
population greater than one hundred thousand. 8793

~~(9) "Tax credit authority" means the tax credit authority~~ 8794
~~created under section 122.17 of the Revised Code.~~ 8795

~~(10) "Adjusted development costs" means the development~~ 8796
~~costs attributed to a complete transformational mixed use~~ 8797
~~development project minus the sum of the capital contributions~~ 8798
~~of any insurance companies that are preliminarily approved for a~~ 8799
~~tax credit in connection with the same project.~~ 8800

~~(11) A "property owner's share" of the increase in tax~~ 8801
~~collections equals the product obtained by multiplying the total~~ 8802

~~increase in tax collections since the date the transformational- 8803
mixed use development project was certified by a fraction, the 8804
numerator of which is the adjusted development costs and the 8805
denominator of which is the actual development costs attributed 8806
to the project. 8807~~

~~(12) An "insurance company's share" of the increase in tax 8808
collections equals the product obtained by multiplying the total 8809
increase in tax collections since the date the transformational- 8810
mixed use development project was certified by a fraction, the 8811
numerator of which is the insurance company's capital- 8812
contribution to the project and the denominator of which is the 8813
actual development costs attributed to the project "Project site" 8814
means the land, and improvements thereon, upon which a 8815
transformational mixed use development will be constructed, 8816
which consists of a single parcel or multiple parcels that are 8817
contiguous with one another, including parcels separated only by 8818
a publicly dedicated road. 8819~~

(B) The property owner of one or more parcels of land in 8820
this state within which a transformational mixed use development 8821
project is planned ~~or an insurance company that contributes- 8822
capital to be used in the planning or construction of such a- 8823
development may apply to the tax credit authority director of 8824
development for certification of the development project and 8825
preliminary approval of a tax credit in an amount up to ten per 8826
cent of the estimated eligible expenditures. Each application 8827
shall be filed in the form and manner prescribed by the director 8828
of development and shall, at minimum, include a development plan 8829
comprised of all of the following information: 8830~~

(1) The location of the ~~development~~ project site and an 8831
indication of whether it is located within ten miles of a major 8832

city; 8833

(2) A detailed description of the proposed 8834
transformational mixed use development project including site 8835
plans, elevations, construction drawings, architectural 8836
renderings, or other means sufficient to convey the appearance, 8837
size, purposes, capacity, and scope of the project ~~and, if~~ 8838
~~applicable, previously completed and future phases of the~~ 8839
~~project;~~ 8840

(3) A viable ~~financial plan~~ project budget supported by 8841
construction hard cost estimates, organized by line item, that 8842
estimates the ~~development costs~~ development costs and eligible 8843
expenditures that have been or will be incurred in the 8844
completion of the project ~~and that designates a source of~~ 8845
~~financing or a strategy for obtaining financing;~~ 8846

(4) A viable financial plan showing both (a) at least 8847
fifty-one per cent of the needed funding secured, as evidenced 8848
by commitment letters, letters of intent, or terms sheets and 8849
third party equity verification, and (b) a strategy for 8850
obtaining any needed but not yet secured funding; 8851

(5) An estimated schedule for the progression and 8852
completion of the project ~~including, if applicable, previously~~ 8853
~~completed and future phases of the project;~~ 8854

~~(5)~~ (6) An assessment of the projected newly created 8855
economic impact of and from the project ~~on~~ based upon the 8856
projected increase in tax collections during the completion 8857
period at the ~~development project~~ site and the surrounding area, 8858
excluding economic activity existing at the time of or before 8859
certification of the development project and preliminary 8860
approval of a tax credit, prepared by an economic impact 8861

consultant with experience performing economic impact studies in 8862
Ohio and reviewed by an independent third party reviewer 8863
retained by the director of development to ensure accuracy, 8864
uniformity, consistency, and fairness; 8865

~~(6)~~ (7) Evidence that the increase in tax collections 8866
during the completion period will exceed ten per cent of the 8867
estimated ~~development costs~~ eligible expenditures reported under 8868
division (B) (3) of this section; 8869

~~(7)~~ (8) The portion of any tax credit issued that 8870
the applicant is ~~would like~~ issued to the property owner or to 8871
an insurance company that is not the property owner, the amount 8872
of the insurance company's, financial institution, or other 8873
person based upon capital ~~contribution~~ contributions that have 8874
been made or will be made to the development and the date on 8875
which it was or will be made project; 8876

~~(8)~~ (9) Evidence that ~~the project will not be completed~~ 8877
~~unless the applicant receives the credit, but for the~~ 8878
applicant's receipt of the credit, the project will not be 8879
completed. If any portion of the project the applicant seeks 8880
certification and preliminary approval for has commenced 8881
construction, excluding brownfield remediation and demolition, 8882
or the project has closed on construction financing, this 8883
division's standard is not met and the project is not eligible 8884
for certification and preliminary approval. 8885

(C) (1) In determining whether to certify a project that is 8886
the subject of an application submitted under division (B) of 8887
this section, the ~~tax credit authority~~ director of development 8888
shall consider the potential impact of the transformational 8889
mixed use development on the ~~development project site and the~~ 8890
~~surrounding area~~ in terms of architecture, accessibility to 8891

pedestrians, retail entertainment and dining sales, job 8892
creation, ~~property values, connectivity,~~ and revenue from sales, 8893
income, lodging, and property taxes. The ~~tax credit authority~~ 8894
director shall not certify a project unless it satisfies the 8895
following conditions: 8896

(a) The project qualifies as a transformational mixed use 8897
development project and satisfies all other criteria prescribed 8898
by this section or by rule of the ~~director of development~~; 8899

(b) The estimated increase in tax collections from the 8900
project site during the completion period exceeds ten per cent 8901
of the ~~estimated development costs~~ eligible expenditures for the 8902
project reported under division (B) (3) of this section; 8903

(c) The applicant will not be able to (i) close on 8904
construction financing, (ii) commence construction, excluding 8905
any brownfield remediation or demolition that may have already 8906
been performed, and (iii) complete the project will not be 8907
~~completed~~ unless the applicant receives the credit; 8908

(d) If the ~~development project~~ site is located within ten 8909
miles of a major city, the estimated ~~development costs~~ eligible 8910
expenditures to complete the project ~~plus, if applicable, the~~ 8911
~~estimated expenditures that have been or will be incurred to~~ 8912
~~complete all other contiguous phases of the project,~~ exceed 8913
fifty million dollars. 8914

In making ~~its a~~ a determination of whether or not to approve 8915
an application, the ~~tax credit authority~~ director may conduct an 8916
interview of the applicant. 8917

(2) If the ~~tax credit authority~~ director of development 8918
approves an application, the ~~authority~~ director shall issue a 8919
statement certifying the associated transformational mixed use 8920

development project and preliminarily approving a tax credit. 8921
The statement shall stipulate that ~~receipt-issuance~~ of a tax 8922
credit certificate is contingent upon completion of the 8923
transformational mixed use development project as described in 8924
the development plan for the project. The statement shall 8925
specify the estimated amount of the tax credit preliminarily 8926
approved and the amount of credit preliminarily approved for 8927
each person identified in the application pursuant to division 8928
(B) (8) of this section, but state that the amount of the credit 8929
is dependent upon determination of the actual ~~development-~~ 8930
~~costs~~eligible expenditures attributed to the project ~~and, unless~~ 8931
~~the tax credit authority grants a request by the property owner-~~ 8932
~~under division (F) of this section, of the increase in tax-~~ 8933
~~collections during the completion period.~~ 8934

The amount of the credit shall not exceed the amount 8935
applied for in the application approved by the director. 8936

(3) ~~Except as otherwise provided in this division, if the~~ 8937
~~applicant is an insurance company that is not the property-~~ 8938
~~owner, the estimated amount of the tax credit shall equal ten-~~ 8939
~~per cent of the insurance company's capital contribution to the-~~ 8940
~~project as reported in the development plan pursuant to division~~ 8941
~~(B) (7) of this section. Except as otherwise provided in this-~~ 8942
~~division, if the applicant is the property owner, the~~ The total 8943
estimated amount of the tax credit shall equal up to ten per 8944
cent of the estimated ~~development costs~~ eligible expenditures 8945
for the project as reported in the project development plan 8946
pursuant to division ~~(B) (3) (B)~~ of this section ~~minus any~~ 8947
~~estimated credit amounts that have been preliminarily approved-~~ 8948
~~for insurance companies contributing capital to the project. The~~ 8949
estimated credit amounts may be reduced by the ~~tax credit-~~ 8950
~~authority~~ director of development as a condition of certifying 8951

the project if such a reduction is necessary to comply with the 8952
limitations on the amount of credits that may be preliminarily 8953
approved as prescribed by division (C) (5) of this section. The 8954
estimated credit amounts shall not be adjusted after the 8955
statement described in division (C) (2) of this section has been 8956
issued, except as provided by division (G) of this section. 8957

(4) If the ~~tax credit authority~~ director of development 8958
denies an application, the ~~authority~~ director shall notify the 8959
applicant of the reason or reasons for such determination. The 8960
~~authority's~~ director's determination is final, but an applicant 8961
may revise and resubmit a previously denied application in a 8962
future year. 8963

(5) (a) ~~The tax credit authority shall not certify any~~ 8964
~~transformational mixed use development projects after June 30,~~ 8965
~~2025.~~ 8966

~~(b) The tax credit authority~~ director of development may 8967
not preliminarily approve more than one hundred twenty-five 8968
million dollars of new estimated tax credits in each of fiscal 8969
years ~~2022, 2023, 2024, and 2025~~ 2026 and 2027. The director 8970
shall not preliminarily approve any dollar amount of new 8971
estimated tax credits under this section in any fiscal year 8972
after fiscal year 2027 unless specifically authorized by an act 8973
of the general assembly. 8974

Tax credits preliminarily approved under this section in 8975
preceding fiscal years and for which preliminary approval was 8976
rescinded in the fiscal year immediately preceding the current 8977
fiscal year shall be available for preliminary approval under 8978
this section in the current fiscal year. Credit amounts 8979
available due to such rescission do not apply towards the one 8980
hundred twenty-five million dollar limit prescribed in this 8981

division. 8982

~~(e) Not~~ (b) Except as provided in division (C) (6) of this 8983
section, not more than eighty-eighty-five million dollars of 8984
estimated new tax credits in each such, plus an amount equal to 8985
two-thirds of any credits for which preliminary approval was 8986
rescinded in the preceding fiscal year, may be preliminarily 8987
approved in connection with projects that are located within ten 8988
miles of a major city in the current fiscal year. 8989

~~(d)~~ (c) Not more than ~~forty~~ twenty million dollars of 8990
estimated tax credits may be preliminarily approved in 8991
connection with the same transformational mixed use development 8992
project. 8993

(6) If, for the current fiscal year, the dollar amount of 8994
tax credits applied for under division (B) of this section in 8995
connection with projects that are not located within ten miles 8996
of a major city exceeds ~~eighty~~ forty million dollars ~~for a~~ 8997
~~fiscal year,~~ plus an amount equal to one-third of any credits 8998
for which preliminary approval was rescinded in the preceding 8999
fiscal year, the tax credit authority director of development 9000
shall rank those applications and certify and preliminarily 9001
approve tax credits for the associated projects in order, 9002
~~starting with the project that presents the best combination of~~ 9003
~~economic value and transformational impact~~ pursuant to division 9004
(C) (7) of this section. If the dollar amount of tax credits 9005
applied for under division (B) of this section in connection 9006
with such projects is less than that amount, the difference 9007
shall be available for projects within ten miles of a major 9008
city. 9009

If, for the current fiscal year, the dollar amount of tax 9010
credits applied for in connection with projects ~~not~~ located 9011

within ten miles of a major city exceeds ~~twenty million dollars~~ 9012
~~for a fiscal year~~eighty-five million dollars, plus an amount 9013
equal to two-thirds of any credits for which preliminary 9014
approval was rescinded in the previous fiscal year and the 9015
amount of funds initially reserved for projects more than ten 9016
miles from a major city but unawarded to such projects, the tax- 9017
credit authority director shall rank those applications and 9018
certify the associated projects in order, ~~starting with the~~ 9019
~~project that presents the best combination of economic value and~~ 9020
~~transformational impact~~pursuant to division (C) (7) of this 9021
section. In either case, the authority shall consider the 9022
following factors in ranking the applications:- 9023

~~(a) The projected increase in tax collections during the~~ 9024
~~completion period as a percentage of the total amount of~~ 9025
~~estimated tax credits that would be preliminarily approved in~~ 9026
~~connection with the project;-~~ 9027

~~(b) The economic impact of the project on the development~~ 9028
~~site and the surrounding area and the impact of the project in~~ 9029
~~terms of architecture, accessibility to pedestrians, retail-~~ 9030
~~entertainment and dining sales, job creation, property values,~~ 9031
~~and connectivity;-~~ 9032

~~(c) The expeditiousness of the schedule for completing the~~ 9033
~~project, realizing the increase in tax collections, and~~ 9034
~~attaining the economic and other impacts on the development site~~ 9035
~~and the surrounding area.~~ 9036

(7) When ranking is required under division (C) (6) of this 9037
section, the director of development shall compare applicant 9038
projects that are within ten miles of a major city to other 9039
applicant projects that are within ten miles of a major city, 9040
and the director shall compare applicant projects that are more 9041

than ten miles outside of a major city with other applicant 9042
projects that are more than ten miles outside of a major city. 9043
The director shall apply a point value to applications according 9044
to the following criteria: 9045

(a) Up to ten points based on comparative measurement of 9046
physical scope of the projects as measured by gross square 9047
footage of vertical improvements including new construction and 9048
renovated space. The largest project in terms of physical scope 9049
shall receive ten points and the remaining projects shall 9050
receive points based on a percentage basis in proportion to each 9051
project's relative size as compared to the largest project in 9052
that location category, by gross square footage; 9053

(b) Up to five points based on a comparative measurement 9054
of the density of the new project as measured by a building to 9055
land ratio using the gross square footage of new construction 9056
and renovated space and the gross land square footage of the 9057
project parcels excluding submerged land. The highest ratio in 9058
terms of building to land ratio shall receive five points and 9059
the remaining projects shall receive points based on a 9060
percentage basis in proportion to each project's relative ratio 9061
as compared to the highest project ratio; 9062

(c) Up to ten points based on an evaluation of the 9063
distribution of project end uses, with preference given to 9064
projects with greater variety and distribution of uses; 9065

(d) Up to fourteen points based on the project's receipt 9066
of necessary government approvals and local support, available 9067
as follows: 9068

(i) Two points for zoning approval or evidence, in the 9069
form of a letter from the governmental body with jurisdiction 9070

over the zoning of the project site, that the project site 9071
already has the necessary zoning for the project; 9072

(ii) Two points for planning commission approval or 9073
evidence that planning commission approval is not required; 9074

(iii) Two points available for existing utility 9075
connections or commitments to establish utility connections 9076
including water, sewer, sanitary storm, and electric documented 9077
by utility service letters; 9078

(iv) Two points for an approved and executed development 9079
agreement with each municipal corporation or township in which 9080
the development project is proposed; 9081

(v) Two points for approved construction drawings and 9082
issuance of construction permits for the entirety of the scope 9083
of work set forth in the application; 9084

(vi) Up to two points available for letters in support of 9085
the project and the application. One point is available for a 9086
letter in support of the project and the application from the 9087
mayor, city manager, or other chief executive of each municipal 9088
corporation or township, and one point is available for a letter 9089
in support of the project and the application from the chief 9090
executive of each county, where the development project is to be 9091
located; 9092

(vii) Two points available for documented financial 9093
support for the project from each municipal corporation or 9094
township in which the project is located, which may include tax 9095
increment financing or creation of a community reinvestment area 9096
under section 3735.66 of the Revised Code. 9097

(e) Up to ten points based on the committed funding 9098
sources as a percentage of total development costs. A project 9099

that has funding commitments for all projected development costs 9100
shall receive ten points, and projects with funding commitments 9101
for less than all projected development costs shall receive a 9102
number of points based on the relative amount of committed 9103
funding compared to total development costs of the given 9104
project. 9105

The funding commitments may take into account the 9106
monetized value of the certificate applied for under this 9107
section so long as the applicant provides a letter of intent or 9108
commitment to purchase that certificate if issued. Letters of 9109
intent or loan commitments are required to earn points for any 9110
financing that is a funding source in this category and any such 9111
letter of intent or loan commitment may be subject to the 9112
receipt of an award under this section. 9113

(f) Up to five points based on purchase or lease 9114
commitments from end users for the space created by the project. 9115
Projects that have received commitments for all space shall 9116
receive five points, and projects with less than all end users 9117
committed shall be allocated points based on the relative square 9118
footage of committed space compared to total project square 9119
footage. 9120

(g) Up to ten points for projects in areas of higher 9121
relative walkability as measured by the United States 9122
environmental protection agency's walkability index for the 9123
project's census tract with projects in areas designated as the 9124
highest level of walkability receiving ten points and projects 9125
in areas with lower levels of walkability receiving proportional 9126
points; 9127

(h) Up to five points based on a comparative measurement 9128
of total retail, entertainment, and dining sales to be generated 9129

by the project. Projects generating the largest return on 9130
investment shall receive five points, and the remaining projects 9131
shall be allocated points based on relative return on investment 9132
in comparison to the highest scoring project in this category. 9133

(i) Up to five points based on a comparative measurement 9134
of the total new payroll to be generated by the project. 9135
Projects generating the largest return on investment shall 9136
receive five points, and remaining projects shall be allocated 9137
points based on relative return on investment in comparison to 9138
the highest scoring project in this category. 9139

(j) Up to twenty points based on a comparative measurement 9140
of the total sales, income, lodging, and property taxes to be 9141
generated by the project. Projects generating the largest return 9142
on investment shall receive twenty points, and remaining 9143
projects shall be allocated points based on relative return on 9144
investment in comparison to the highest scoring project in this 9145
category. 9146

(k) Up to six points for community impacts, available as 9147
follows: 9148

(i) Two points for evidence that the project supports the 9149
vision and goals stated in the local master plan or other 9150
economic development strategy adopted by the local jurisdiction. 9151

(ii) Two points for the projects that provide community 9152
gathering, event, park, or other similar space open to the 9153
public. Projects that incorporate public space that accounts for 9154
ten per cent or more public space relative to the total square 9155
footage of all project end uses will receive two points. 9156
Projects that incorporate public space that accounts for less 9157
than ten per cent but greater than zero per cent public space 9158

relative to the total square footage of all project end uses 9159
will receive one point. 9160

(iii) Two points for projects that include remediation of 9161
a brownfield or the rehabilitation of a building or structure 9162
that is one hundred per cent vacant for the twelve months 9163
immediately preceding the date of application. As used in this 9164
division "brownfield" has the same meaning as in section 9165
122.6511 of the Revised Code. 9166

(8) When calculating the economic impact of a project 9167
previously completed and future phases of a phased development 9168
are not permitted to be included in the economic impact analysis 9169
or scoring. 9170

(D) Within twelve months of the date a project is 9171
certified, the property owner shall provide the ~~tax credit~~ 9172
~~authority director of development~~ with an updated schedule for 9173
the progression and completion of the project and documentation 9174
sufficient to demonstrate that construction of the project has 9175
begun. If the property owner does not provide the schedule and 9176
documentation or if construction of the project has not begun 9177
within the time prescribed by this division, the ~~tax credit~~ 9178
~~authority director~~ shall rescind certification of the project 9179
and send notice of the rescission to the property owner ~~and each~~ 9180
~~insurance company that is preliminarily approved for a tax~~ 9181
~~credit in connection with the project.~~ A property owner that 9182
receives notice of rescission may submit a new application 9183
concerning the same project under division (B) of this section. 9184

(E) An applicant that ~~is the property owner and is~~ 9185
preliminarily approved for a tax credit under this section may 9186
sell or transfer the rights to all or a portion of that credit 9187
to one or more persons ~~for the purpose of raising capital for~~ 9188

~~the certified project. The applicant shall notify the tax credit~~ 9189
~~authority upon selling or transferring the rights to the credit.~~ 9190
~~The notice shall identify the person or persons to which the~~ 9191
~~credit was sold or transferred and the credit amount sold or~~ 9192
~~transferred to each such person. Only an applicant that owns the~~ 9193
~~property may sell or transfer a credit under this division. A~~ 9194
~~credit may be divided among multiple purchasers through more~~ 9195
~~than one transaction but once a particular credit amount is~~ 9196
~~acquired by a person other than the applicant it may not be sold~~ 9197
~~or transferred again~~and any person to whom the right to claim 9198
all or a portion of a credit was transferred may transfer that 9199
right, in whole or in part, to another person. 9200

~~(F) After a transformational mixed use development project~~ 9201
~~is certified and before it is completed, the property owner may~~ 9202
~~request that the value of the tax credit certificates awarded in~~ 9203
~~connection with the project be computed using the alternative~~ 9204
~~method described in division (I) of this section. The tax credit~~ 9205
~~authority shall grant the request if the authority determines,~~ 9206
~~and a third party engaged by the authority at the expense of the~~ 9207
~~property owner affirms, that it is reasonably certain that the~~ 9208
~~increase in tax collections will exceed ten per cent of the~~ 9209
~~estimated development costs within one year after the project is~~ 9210
~~completed. Otherwise, the authority shall deny the request and~~ 9211
~~the amount of each credit awarded in connection with the project~~ 9212
~~shall be computed under division (H) of this section. The~~ 9213
~~authority's determination under this division shall be delivered~~ 9214
~~in writing and is final and not appealable.~~ 9215

~~(G) (1) (F) (1)~~ The property owner shall notify the tax 9216
credit authority director of development upon completion of a 9217
certified transformational mixed use development project. The 9218
notification shall include a report prepared by a third-party 9219

certified public accountant that contains a detailed accounting 9220
of the actual development costs and eligible expenditures 9221
attributed to the project. 9222

(2) Upon receiving such a notice, ~~unless the tax credit~~ 9223
~~authority has previously granted a request by the property owner~~ 9224
~~under division (F) of this section, the authority shall~~ 9225
~~determine the increase in tax collections since the date the~~ 9226
~~project was certified by consulting with the tax commissioner~~ 9227
~~and with the tax administrator of any municipal corporation that~~ 9228
~~levies an income tax within the project site and the surrounding~~ 9229
~~area. The tax commissioner and the tax administrators that are~~ 9230
~~consulted pursuant to this division shall provide the tax credit~~ 9231
~~authority with any information that is necessary to determine~~ 9232
~~the increase in tax collections.~~ 9233

~~(3) After determining the increase in tax collections~~ 9234
~~under division (G) (2) of this section, if required, and~~ 9235
~~computing the value of the tax credit under division (H) or (I)~~ 9236
~~of this section, as applicable, the tax credit authority~~ 9237
~~director of development shall issue a tax credit certificate to~~ 9238
~~each applicant, or other person identified in the application~~ 9239
~~pursuant to division (B) (8) of this section, that is~~ 9240
~~preliminarily approved for a credit associated with the project~~ 9241
~~or to the person or persons to which such an applicant sold or~~ 9242
~~transferred the rights to the credit under division (E) of this~~ 9243
~~section. If the amount of the tax credit awarded to the property~~ 9244
~~owner is less than the credit amount estimated under division~~ 9245
~~(C) of this section and the property owner sold or transferred~~ 9246
~~the rights to the credit, the tax credit authority shall reduce~~ 9247
~~the amount of each tax credit certificate issued to each~~ 9248
~~purchaser or recipient on a pro rata basis unless the property~~ 9249
~~owner requests an alternative allocation of the credit.~~ 9250

~~(H) (1) Unless the tax credit authority granted a request~~ 9251
~~by the property owner under division (F) of this section, the~~ 9252
~~aggregate value of the tax credit certificates issued under~~ 9253
~~division (C) of this section to the property owner and to any~~ 9254
~~persons to whom the property owner sold or transferred the~~ 9255
~~rights to the credit shall equal the lesser of the following:—~~ 9256

~~(a) Ten per cent of the adjusted development costs;—~~ 9257

~~(b) Five per cent of the adjusted development costs plus~~ 9258
~~any amount by which the property owner's share of the increase~~ 9259
~~in tax collections since the date the project was certified~~ 9260
~~exceeds five per cent of the adjusted development costs;—~~ 9261

~~(c) The estimated credit amount specified in the tax~~ 9262
~~credit authority's statement certifying the project and~~ 9263
~~preliminarily approving the tax credit under division (C) of~~ 9264
~~this section.—~~ 9265

~~(2) The value of a tax credit certificate issued under~~ 9266
~~division (C) of this section to an insurance company that~~ 9267
~~contributed capital to the project shall equal the lesser of the~~ 9268
~~following:—~~ 9269

~~(a) Ten per cent of the insurance company's actual capital~~ 9270
~~contribution;—~~ 9271

~~(b) Five per cent of such capital contribution plus any~~ 9272
~~amount by which the insurance company's share of the increase in~~ 9273
~~tax collections since the date the project was certified exceeds~~ 9274
~~five per cent of the insurance company's capital contribution;—~~ 9275

~~(c) The estimated credit amount specified in the tax~~ 9276
~~credit authority's statement certifying the project and~~ 9277
~~preliminarily approving the tax credit under division (C) of~~ 9278
~~this section.—~~ 9279

~~(I) If the tax credit authority granted a request by the~~ 9280
~~property owner under division (F) of this section, the~~ 9281
~~(G) The~~ 9282
value of the tax credit certificates issued in connection with 9283
the transformational mixed use development project shall be 9284
computed as follows:—

~~(1) For the property owner or any person to which the~~ 9285
~~property owner sold or transferred the rights to the credit, the~~ 9286
~~lesser of the amount preliminarily approved for the tax credit~~ 9287
~~or ten per cent of the actual development costs eligible~~ 9288
~~expenditures attributed to the project. If the amount of the~~ 9289
~~credit is less than the credit amount estimated under division~~ 9290
~~(C) of this section and the property owner sold or transferred~~ 9291
~~the rights to the credit to more than one person, the authority~~ 9292
~~shall reduce the amount of each tax credit certificate on a pro~~ 9293
~~rata basis unless the property owner requests an alternative~~ 9294
~~allocation of the credit.~~ 9295

~~(2) For an insurance company that contributed capital to~~ 9296
~~the project, ten per cent of the insurance company's actual~~ 9297
~~capital contribution.~~ 9298

~~(J) If the value of a tax credit certificate was computed~~ 9299
~~under division (H) of this section for a project, the property~~ 9300
~~owner, on or before the thirtieth day following the first,~~ 9301
~~second, third, fourth, and fifth anniversaries of the date the~~ 9302
~~certified transformational mixed use development project is~~ 9303
~~completed, may request in writing that the tax credit authority~~ 9304
~~update the increase in tax collections during the completion~~ 9305
~~period. Upon receiving such a request, the tax credit authority~~ 9306
~~shall update the increase in tax collections in the same manner~~ 9307
~~described by division (G) of this section. If the tax credit~~ 9308
~~authority determines that the value of the tax credit~~ 9309

~~certificates computed under division (H) of this section would~~ 9310
~~be greater if computed based on the updated increase in tax~~ 9311
~~collections, the authority shall issue an additional tax credit~~ 9312
~~certificate to each person that previously received a~~ 9313
~~certificate for the project under those divisions. The value of~~ 9314
~~each additional tax credit certificate shall equal the amount by~~ 9315
~~which the tax credit certificate computed under division (H) of~~ 9316
~~this section upon completion of the project would have been~~ 9317
~~greater had the value of such certificate been computed based on~~ 9318
~~the updated increase in tax collections, less the value of any~~ 9319
~~additional tax credit certificates previously issued under this~~ 9320
~~division to the same person respecting the same project.~~ 9321

~~(K)~~ (H) The aggregate value of all tax credit certificates 9322
issued under this section for the same transformational mixed 9323
use development project shall not exceed (1) ten per cent of the 9324
actual ~~development costs~~ eligible expenditures of that project 9325
or (2) the ~~sum of all estimated credit amounts~~ amount 9326
preliminarily approved by the ~~tax credit authority~~ director of 9327
development in connection with the project. 9328

~~(I)~~ (I) Issuance of a tax credit certificate under this 9329
section does not represent a verification or certification by 9330
the ~~tax credit authority~~ director of development of the actual 9331
~~development costs~~ eligible expenditures of the project ~~or the~~ 9332
~~capital contributions to the project by an insurance company.~~ 9333
Such amounts are subject to inspection and examination by ~~the~~ 9334
~~superintendent of insurance~~ other state agencies. 9335

~~(M)~~ (J) Upon the issuance of a tax credit certificate under 9336
~~division (G) or (J) of this section, the tax credit authority~~ 9337
director of development shall certify to the superintendent of 9338
insurance and the tax commissioner (1) the name of each person 9339

that was issued a tax credit certificate, (2) ~~whether the person~~ 9340
~~is the property owner, an insurance company that contributed~~ 9341
~~capital to the development, or a person that acquired the rights~~ 9342
~~to the tax credit certificate from the property owner,~~ (3) the 9343
credit amount shown on each tax credit certificate, and ~~(4)~~ (3) 9344
any other information required by the rules adopted under this 9345
section. A person that holds the rights to a tax credit 9346
certificate issued under this section ~~and that is an insurance~~ 9347
~~company~~ may claim a tax credit under section 5725.35 ~~or,~~ 9348
5726.62, 5729.18, or 5747.87 of the Revised Code, subject to any 9349
limitations in those sections. 9350

~~(N)~~ (K) The tax credit authority director of development 9351
shall publish information about each transformational mixed use 9352
development on the web site of the department of development not 9353
later than the first day of August following certification of 9354
the project. The tax credit authority director shall update the 9355
published information annually until the project is complete and 9356
the credit or credits are fully claimed. The published 9357
information shall include all of the following: 9358

(1) The location of the transformational mixed use 9359
development and the name by which it is known; 9360

(2) The estimated schedule for progression and completion 9361
of the project included in the development plan pursuant to 9362
division (B) (4) of this section; 9363

(3) The assessment of the projected economic impact of the 9364
project included in the development plan pursuant to division 9365
(B) (5) of this section; 9366

(4) The evidence supporting the estimated increase in tax 9367
collections included in the development plan pursuant to 9368

division (B) (6) of this section, except that the ~~tax credit~~ 9369
~~authority director~~ may omit any proprietary or sensitive 9370
information included in such evidence; 9371

(5) The estimated ~~development costs~~ eligible expenditures 9372
that have been or will be incurred in completion of the project- 9373
and, if applicable, the amount of the insurance company's 9374
capital contribution to the development and the date on which it 9375
was made, as reported in the development plan pursuant to 9376
divisions (B) (3) and (7) of this section; 9377

(6) A copy of each report submitted to the ~~tax credit~~ 9378
~~authority director of development~~ by the applicant under 9379
division (D) of this section. 9380

~~(O)~~ (L) The director of development, in accordance with 9381
Chapter 119. of the Revised Code, shall adopt rules that 9382
establish all of the following: 9383

(1) Forms and procedures by which applicants may apply for 9384
a transformational ~~investment~~ mixed use development tax credit, 9385
and any deadlines for applying; 9386

(2) Criteria and procedures for reviewing, evaluating, 9387
ranking, and approving applications within the limitations 9388
prescribed by this section, including rules prescribing the 9389
timing and frequency by which the ~~tax credit authority director~~ 9390
of development must rank applications and preliminarily approve 9391
tax credits under division (C) of this section; 9392

(3) Eligibility requirements for obtaining a tax credit 9393
certificate under this section; 9394

(4) The form of the tax credit certificate; 9395

(5) Reporting requirements and monitoring procedures; 9396

(6) Procedures for computing the increase in tax 9397
collections within the project site ~~and the surrounding area;~~ 9398

(7) ~~Forms and procedures by which property owners may~~ 9399
~~request the alternative method of computing the value of tax~~ 9400
~~credit certificates under division (I) of this section that are~~ 9401
~~awarded in connection with a project and criteria for evaluating~~ 9402
~~and making a determination on such requests;~~ 9403

~~(8) Any other rules necessary to implement and administer~~ 9404
this section. 9405

Sec. 122.14. (A) As used in this section, "professional 9406
sports facility" has the same meaning as in section 5516.01 of 9407
the Revised Code. 9408

(B) There is hereby created in the state treasury the 9409
roadwork development fund. The fund shall consist of the 9410
investment earnings of the security deposit fund created by 9411
section 4509.27 of the Revised Code and revenue transferred to 9412
it by the director of budget and management from the highway 9413
operating fund created in section 5735.051 of the Revised Code. 9414
The fund shall be used by the department of development services 9415
~~agency~~ in accordance with Section 5a of Article XII, Ohio 9416
Constitution, to make road improvements associated with 9417
retaining or attracting business for this state, including both 9418
of the following: 9419

(1) Construction, reconstruction, maintenance, or repair 9420
of public roads that provide access to a public airport or are 9421
located within a public airport; 9422

(2) Construction, reconstruction, maintenance, or repair 9423
of public roads and the associated improvements that provide or 9424
improve access to tourism attractions or professional sports 9425

facilities. 9426

~~(B)~~ (C) Tourism attractions or professional sports 9427
facilities may use funds received from the department of 9428
development, in accordance with this section, to make 9429
improvements associated with the retail and residential 9430
components of the total development of which they are a part. 9431

(D) All investment earnings of the fund shall be credited 9432
to the fund. 9433

Sec. 122.175. (A) As used in this section: 9434

(1) "Capital investment project" means a plan of 9435
investment at a project site for the acquisition, construction, 9436
renovation, expansion, replacement, or repair of a computer data 9437
center or of computer data center equipment, but does not 9438
include any of the following: 9439

(a) Project costs paid before a date determined by the tax 9440
credit authority for each capital investment project; 9441

(b) Payments made to a related member as defined in 9442
section 5733.042 of the Revised Code or to a consolidated 9443
elected taxpayer or a combined taxpayer as defined in section 9444
5751.01 of the Revised Code. 9445

(2) "Computer data center" means a facility used or to be 9446
used primarily to house computer data center equipment used or 9447
to be used in conducting one or more computer data center 9448
businesses, as determined by the tax credit authority. 9449

(3) "Computer data center business" means, as may be 9450
further determined by the tax credit authority, a business that 9451
provides electronic information services as defined in division 9452
(Y) (1) (c) of section 5739.01 of the Revised Code, or that leases 9453

a facility to one or more such businesses. "Computer data center
business" does not include providing electronic publishing as
defined in that section.

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

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

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

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

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

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

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

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

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

(b) One or more taxpayers operating a computer data center 9482
business at the project site will, in the aggregate, pay annual 9483
compensation that is subject to the withholding obligation 9484
imposed under section 5747.06 of the Revised Code of at least 9485
one million five hundred thousand dollars to employees employed 9486
at the project site for each year of the agreement beginning on 9487
or after the first day of the twenty-fifth month after the 9488
agreement was entered into under this section. 9489

(6) "Person" has the same meaning as in section 5701.01 of 9490
the Revised Code. 9491

(7) "Project site," "related member," and "tax credit 9492
authority" have the same meanings as in sections 122.17 and 9493
122.171 of the Revised Code. 9494

(8) "Taxpayer" means any person subject to the taxes 9495
imposed under Chapters 5739. and 5741. of the Revised Code. 9496

(B) The tax credit authority may completely or partially 9497
exempt from the taxes levied under Chapters 5739. and 5741. of 9498
the Revised Code the sale, storage, use, or other consumption of 9499
computer data center equipment used or to be used at an eligible 9500
computer data center. Any such exemption shall extend to charges 9501
for the delivery, installation, or repair of the computer data 9502
center equipment subject to the exemption under this section. 9503

(C) A taxpayer that proposes a capital improvement project 9504
for an eligible computer data center in this state may apply to 9505
the tax credit authority to enter into an agreement under this 9506
section authorizing a complete or partial exemption from the 9507
taxes imposed under Chapters 5739. and 5741. of the Revised Code 9508
on computer data center equipment purchased by the applicant or 9509
any other taxpayer that operates a computer data center business 9510

at the project site and used or to be used at the eligible 9511
computer data center. The director of development ~~services~~ shall 9512
prescribe the form of the application. After receipt of an 9513
application, the authority shall forward copies of the 9514
application to ~~the director of budget and management and the tax~~ 9515
~~commissioner, each of whom~~ who shall review the application to 9516
determine the economic impact that the proposed eligible 9517
computer data center would have on the state and any affected 9518
political subdivisions and submit to the authority a summary of 9519
their determinations. The authority shall also forward a copy of 9520
the application to the director of development ~~services~~ who 9521
shall review the application to determine the economic impact 9522
that the proposed eligible computer data center would have on 9523
the state and the affected political subdivisions and shall 9524
submit a summary of their determinations and recommendations to 9525
the authority. 9526

(D) Upon review and consideration of such determinations 9527
and recommendations, the tax credit authority , before October 9528
1, 2025, may enter into an agreement with the applicant and any 9529
other taxpayer that operates a computer data center business at 9530
the project site for a complete or partial exemption from the 9531
taxes imposed under Chapters 5739. and 5741. of the Revised Code 9532
on computer data center equipment used or to be used at an 9533
eligible computer data center if the authority determines all of 9534
the following: 9535

(1) The capital investment project for the eligible 9536
computer data center will increase payroll and the amount of 9537
income taxes to be withheld from employee compensation pursuant 9538
to section 5747.06 of the Revised Code. 9539

(2) The applicant is economically sound and has the 9540

ability to complete or effect the completion of the proposed 9541
capital investment project. 9542

(3) The applicant intends to and has the ability to 9543
maintain operations at the project site for the term of the 9544
agreement. 9545

(4) Receiving the exemption is a major factor in the 9546
applicant's decision to begin, continue with, or complete the 9547
capital investment project. 9548

(E) An agreement entered into under this section shall 9549
include all of the following: 9550

(1) A detailed description of the capital investment 9551
project that is the subject of the agreement, including the 9552
amount of the investment, the period over which the investment 9553
has been or is being made, the annual compensation to be paid by 9554
each taxpayer subject to the agreement to its employees at the 9555
project site, and the anticipated amount of income taxes to be 9556
withheld from employee compensation pursuant to section 5747.06 9557
of the Revised Code. 9558

(2) The percentage of the exemption from the taxes imposed 9559
under Chapters 5739. and 5741. of the Revised Code for the 9560
computer data center equipment used or to be used at the 9561
eligible computer data center, the length of time the computer 9562
data center equipment will be exempted, and the first date on 9563
which the exemption applies. 9564

(3) A requirement that the computer data center remain an 9565
eligible computer data center during the term of the agreement 9566
and that the applicant maintain operations at the eligible 9567
computer data center during that term. An applicant does not 9568
violate the requirement described in division (E) (3) of this 9569

section if the applicant ceases operations at the eligible 9570
computer data center during the term of the agreement but 9571
resumes those operations within eighteen months after the date 9572
of cessation. The agreement shall provide that, in such a case, 9573
the applicant and any other taxpayer that operates a computer 9574
data center business at the project site shall not claim the tax 9575
exemption authorized in the agreement for any purchase of 9576
computer data center equipment made during the period in which 9577
the applicant did not maintain operations at the eligible 9578
computer data center. 9579

(4) A requirement that, for each year of the term of the 9580
agreement beginning on or after the first day of the twenty- 9581
fifth month after the date the agreement was entered into, one 9582
or more taxpayers operating a computer data center business at 9583
the project site will, in the aggregate, pay annual compensation 9584
that is subject to the withholding obligation imposed under 9585
section 5747.06 of the Revised Code of at least one million five 9586
hundred thousand dollars to employees at the eligible computer 9587
data center. 9588

(5) A requirement that each taxpayer subject to the 9589
agreement annually report to the director of development 9590
~~services~~—employment, tax withholding, capital investment, and 9591
other information required by the director to perform the 9592
director's duties under this section. 9593

(6) A requirement that the director of development 9594
~~services~~—annually review the annual reports of each taxpayer 9595
subject to the agreement to verify the information reported 9596
under division (E)(5) of this section and compliance with the 9597
agreement. Upon verification, the director shall issue a 9598
certificate to each such taxpayer stating that the information 9599

has been verified and that the taxpayer remains eligible for the 9600
exemption specified in the agreement. 9601

(7) A provision providing that the taxpayers subject to 9602
the agreement may not relocate a substantial number of 9603
employment positions from elsewhere in this state to the project 9604
site unless the director of development ~~services~~ determines that 9605
the appropriate taxpayer notified the legislative authority of 9606
the county, township, or municipal corporation from which the 9607
employment positions would be relocated. For purposes of this 9608
paragraph, the movement of an employment position from one 9609
political subdivision to another political subdivision shall be 9610
considered a relocation of an employment position unless the 9611
movement is confined to the project site. The transfer of an 9612
employment position from one political subdivision to another 9613
political subdivision shall not be considered a relocation of an 9614
employment position if the employment position in the first 9615
political subdivision is replaced by another employment 9616
position. 9617

(8) A waiver by each taxpayer subject to the agreement of 9618
any limitations periods relating to assessments or adjustments 9619
resulting from the taxpayer's failure to comply with the 9620
agreement. 9621

(F) The term of an agreement under this section shall be 9622
determined by the tax credit authority, and the amount of the 9623
exemption shall not exceed one hundred per cent of such taxes 9624
that would otherwise be owed in respect to the exempted computer 9625
data center equipment. 9626

(G) If any taxpayer subject to an agreement under this 9627
section fails to meet or comply with any condition or 9628
requirement set forth in the agreement, the tax credit authority 9629

may amend the agreement to reduce the percentage of the 9630
exemption or term during which the exemption applies to the 9631
computer data center equipment used or to be used by the 9632
noncompliant taxpayer at an eligible computer data center. The 9633
reduction of the percentage or term may take effect in the 9634
current calendar year. 9635

(H) Financial statements and other information submitted 9636
to the department of development ~~services~~ or the tax credit 9637
authority by an applicant for or recipient of an exemption under 9638
this section, and any information taken for any purpose from 9639
such statements or information, are not public records subject 9640
to section 149.43 of the Revised Code. However, the chairperson 9641
of the authority may make use of the statements and other 9642
information for purposes of issuing public reports or in 9643
connection with court proceedings concerning tax exemption 9644
agreements under this section. Upon the request of the tax 9645
commissioner, the chairperson of the authority shall provide to 9646
the tax commissioner any statement or other information 9647
submitted by an applicant for or recipient of an exemption under 9648
this section. The tax commissioner shall preserve the 9649
confidentiality of the statement or other information. 9650

(I) The tax commissioner shall issue a direct payment 9651
permit under section 5739.031 of the Revised Code to each 9652
taxpayer subject to an agreement under this section. Such direct 9653
payment permit shall authorize the taxpayer to pay any sales and 9654
use taxes due on purchases of computer data center equipment 9655
used or to be used in an eligible computer data center and to 9656
pay any sales and use taxes due on purchases of tangible 9657
personal property or taxable services other than computer data 9658
center equipment used or to be used in an eligible computer data 9659
center directly to the tax commissioner. Each such taxpayer 9660

shall pay pursuant to such direct payment permit all sales tax 9661
levied on such purchases under sections 5739.02, 5739.021, 9662
5739.023, and 5739.026 of the Revised Code and all use tax 9663
levied on such purchases under sections 5741.02, 5741.021, 9664
5741.022, and 5741.023 of the Revised Code, consistent with the 9665
terms of the agreement entered into under this section. 9666

During the term of an agreement under this section each 9667
taxpayer subject to the agreement shall submit to the tax 9668
commissioner a return that shows the amount of computer data 9669
center equipment purchased for use at the eligible computer data 9670
center, the amount of tangible personal property and taxable 9671
services other than computer data center equipment purchased for 9672
use at the eligible computer data center, the amount of tax 9673
under Chapter 5739. or 5741. of the Revised Code that would be 9674
due in the absence of the agreement under this section, the 9675
exemption percentage for computer data center equipment 9676
specified in the agreement, and the amount of tax due under 9677
Chapter 5739. or 5741. of the Revised Code as a result of the 9678
agreement under this section. Each such taxpayer shall pay the 9679
tax shown on the return to be due in the manner and at the times 9680
as may be further prescribed by the tax commissioner. Each such 9681
taxpayer shall include a copy of the director of ~~development-~~ 9682
~~services'~~development's certificate of verification issued under 9683
division (E)(6) of this section. Failure to submit a copy of the 9684
certificate with the return does not invalidate the claim for 9685
exemption if the taxpayer submits a copy of the certificate to 9686
the tax commissioner within the time prescribed by section 9687
5703.0510 of the Revised Code. 9688

(J) If the director of development ~~services~~-determines 9689
that one or more taxpayers received an exemption from taxes due 9690
on the purchase of computer data center equipment purchased for 9691

use at a computer data center that no longer complies with the 9692
requirement under division (E) (3) of this section, the director 9693
shall notify the tax credit authority and, if applicable, the 9694
taxpayer that applied to enter the agreement for the exemption 9695
under division (C) of this section of the noncompliance. After 9696
receiving such a notice, and after giving each taxpayer subject 9697
to the agreement an opportunity to explain the noncompliance, 9698
the authority may terminate the agreement and require each such 9699
taxpayer to pay to the state all or a portion of the taxes that 9700
would have been owed in regards to the exempt equipment in 9701
previous years, all as determined under rules adopted pursuant 9702
to division (K) of this section. In determining the portion of 9703
the taxes that would have been owed on the previously exempted 9704
equipment to be paid to this state by a taxpayer, the authority 9705
shall consider the effect of market conditions on the eligible 9706
computer data center, whether the taxpayer continues to maintain 9707
other operations in this state, and, with respect to agreements 9708
involving multiple taxpayers, the taxpayer's level of 9709
responsibility for the noncompliance. After making the 9710
determination, the authority shall certify to the tax 9711
commissioner the amount to be paid by each taxpayer subject to 9712
the agreement. The tax commissioner shall make an assessment for 9713
that amount against each such taxpayer under Chapter 5739. or 9714
5741. of the Revised Code. The time limitations on assessments 9715
under those chapters do not apply to an assessment under this 9716
division, but the tax commissioner shall make the assessment 9717
within one year after the date the authority certifies to the 9718
tax commissioner the amount to be paid by the taxpayer. 9719

(K) The director of development~~services~~, after 9720
consultation with the tax commissioner and in accordance with 9721
Chapter 119. of the Revised Code, shall adopt rules necessary to 9722

implement this section. The rules may provide for recipients of 9723
tax exemptions under this section to be charged fees to cover 9724
administrative costs incurred in the administration of this 9725
section. The fees collected shall be credited to the tax 9726
incentives operating fund created in section 122.174 of the 9727
Revised Code. At the time the director gives public notice under 9728
division (A) of section 119.03 of the Revised Code of the 9729
adoption of the rules, the director shall submit copies of the 9730
proposed rules to the chairpersons of the standing committees on 9731
economic development in the senate and the house of 9732
representatives. 9733

(L) On or before the first day of August of each year, the 9734
director of development ~~services~~ shall submit a report to the 9735
governor, the president of the senate, and the speaker of the 9736
house of representatives on the tax exemption authorized under 9737
this section. The report shall include information on the number 9738
of agreements that were entered into under this section during 9739
the preceding calendar year, a description of the eligible 9740
computer data center that is the subject of each such agreement, 9741
and an update on the status of eligible computer data centers 9742
under agreements entered into before the preceding calendar 9743
year. 9744

(M) A taxpayer may be made a party to an existing 9745
agreement entered into under this section by the tax credit 9746
authority and another taxpayer or group of taxpayers. In such a 9747
case, the taxpayer shall be entitled to all benefits and bound 9748
by all obligations contained in the agreement and all 9749
requirements described in this section. When an agreement 9750
includes multiple taxpayers, each taxpayer shall be entitled to 9751
a direct payment permit as authorized in division (I) of this 9752
section. 9753

Sec. 122.1710. (A) As used in this section: 9754

(1) "Low-income individual" has the same meaning as "low- 9755
income person" in section ~~122.66~~ 5101.311 of the Revised Code. 9756

(2) "Microcredential" has the same meaning as in section 9757
122.178 of the Revised Code. 9758

(3) "OhioMeansJobs web site" has the same meaning as in 9759
section 6301.01 of the Revised Code. 9760

(4) "Partially unemployed" and "totally unemployed" have 9761
the same meanings as in section 4141.01 of the Revised Code. 9762

(5) "Training provider" means all of the following: 9763

(a) A state institution of higher education as defined in 9764
section 3345.011 of the Revised Code; 9765

(b) An Ohio technical center as defined in section 3333.94 9766
of the Revised Code; 9767

(c) A private business or institution that offers training 9768
to allow an individual to earn one or more microcredentials. 9769

(6) "Fiscal year" means the fiscal year of this state as 9770
specified in section 9.34 of the Revised Code. 9771

(B) There is hereby created the individual microcredential 9772
assistance program to reimburse training providers for training 9773
costs for individuals to earn a microcredential. The department 9774
of development, in consultation with the governor's office of 9775
workforce transformation, shall administer the program. The 9776
director shall administer the program so that the total 9777
reimbursement to each training provider approved to participate 9778
in the program occurs at least once per fiscal year. 9779

(C) A training provider seeking to participate in the 9780

program shall submit an application to the director of 9781
development at the beginning or before the beginning of a fiscal 9782
year, but not later than the date established by the director. 9783
The training provider shall include in the application all of 9784
the following information: 9785

(1) The number of microcredentials the training provider 9786
will seek a reimbursement for and the names of the 9787
microcredentials; 9788

(2) The cost of the training for each microcredential; 9789

(3) The total amount of the reimbursement the training 9790
provider will seek; 9791

(4) The training provider's plan to provide opportunities 9792
for individuals who are low income, partially unemployed, or 9793
totally unemployed to participate in a training program and 9794
receive a microcredential; 9795

(5) Any other information the director requires. 9796

(D) (1) The director shall consider the following factors 9797
in determining whether to approve an application submitted under 9798
division (C) of this section: 9799

(a) The duration of the training program; 9800

(b) The cost of the training; 9801

(c) Whether approving an application will promote regional 9802
diversity in apportioning reimbursements uniformly across the 9803
state; 9804

(d) The training provider's commitment to providing 9805
opportunities for individuals who are low income, partially 9806
unemployed, or totally unemployed to participate in a training 9807

program and receive a microcredential. 9808

(2) In determining regional diversity under division (D) 9809
(1)(c) of this section, the director shall use the regions 9810
established under division (G) of section 122.178 of the Revised 9811
Code. 9812

(3) The director shall not approve an application 9813
submitted under this section if either of the following apply: 9814

(a) The microcredentials identified in the application are 9815
not included in the list the chancellor of higher education 9816
establishes under section 122.178 of the Revised Code. 9817

(b) The training provider has violated Chapter 4111. of 9818
the Revised Code within the four fiscal years immediately 9819
preceding the date of application. 9820

(4) The director shall notify a training provider in 9821
writing of the director's decision to approve or deny the 9822
training provider's application to participate in the program. 9823

(E) A participating training provider shall not charge an 9824
individual participating in a training program to earn a 9825
microcredential for which the training provider is seeking a 9826
reimbursement for either of the following: 9827

(1) Any costs associated with the individual's 9828
participation in the training program; 9829

(2) Any costs to the training provider resulting from an 9830
individual not completing the training program. 9831

(F)(1) Each participating training provider seeking 9832
reimbursement for training costs for one or more 9833
microcredentials earned by one or more individuals in a training 9834
program shall submit an application to the director after the 9835

individual or individuals have earned a microcredential. The 9836
training provider shall submit the reimbursement application 9837
during the fiscal year in which the training provider applied 9838
under division (C) of this section, but not later than the date 9839
established by the director. The training provider shall include 9840
in the reimbursement application all of the following 9841
information: 9842

(a) The actual cost for the training provider to provide 9843
each individual with the training; 9844

(b) Evidence that each individual earned a 9845
microcredential; 9846

(c) Any demographic information of each individual that 9847
the individual provides to the training provider, including race 9848
and gender. 9849

(2) The amount of the reimbursement shall be not more than 9850
three thousand dollars for each microcredential an individual 9851
receives. A participating training provider may not receive a 9852
reimbursement for any additional individual who earns a 9853
microcredential beyond the number of microcredentials included 9854
in the application under division (C) of this section. A 9855
participating training provider may receive a total 9856
reimbursement of five hundred thousand dollars in a fiscal year. 9857
However, each participating training provider that is a state 9858
institution of higher education may receive a total 9859
reimbursement or advance payment amount under section 122.1713 9860
of the Revised Code of one million dollars in a fiscal year. 9861

(3) A training provider may request that an individual 9862
participating in the training provider's program provide 9863
demographic information to the training provider, including race 9864

and gender. An individual is not required to provide that 9865
information. 9866

(G) The director shall do ~~both~~ all of the following 9867
regarding the operation of the program: 9868

(1) Create an application to participate in the program 9869
and an application for reimbursement; 9870

(2) Create applications to participate in and seek advance 9871
payments under the platinum provider programs established under 9872
sections 122.1712 and 122.1713 of the Revised Code; 9873

(3) Create and distribute a survey to each individual who 9874
successfully earned a microcredential because of a reimbursement 9875
to a training provider under this section inquiring as to the 9876
individual's occupation and wages at the time of completing the 9877
survey. 9878

(H) The director shall include on the internet web site 9879
maintained by the department, and the governor's office of 9880
workforce transformation shall include on the office's internet 9881
web site and the OhioMeansJobs web site, all of the content 9882
created under division (G) of this section. 9883

(I) The director may adopt rules in accordance with 9884
Chapter 119. of the Revised Code as the director considers 9885
necessary to implement this section and sections 122.1712 and 9886
122.1713 of the Revised Code, including establishing priority 9887
guidelines for approving applications under division (D) of this 9888
section. 9889

(J) Any personal information of an individual the director 9890
receives in connection with the individual microcredential 9891
assistance program created under this section is not a public 9892
record for purposes of section 149.43 of the Revised Code. 9893

However, the director may use the information as necessary to 9894
complete the reports required under section 122.1711 of the 9895
Revised Code. 9896

Sec. 122.1712. (A) As used in this section: 9897

(1) "Fiscal year" means the fiscal year of this state as 9898
specified in section 9.34 of the Revised Code. 9899

(2) "Individual microcredential assistance program" means 9900
the individual microcredential assistance program created under 9901
section 122.1710 of the Revised Code. 9902

(3) "Microcredential" has the same meaning as in section 9903
122.178 of the Revised Code. 9904

(4) "Training provider" means all of the following: 9905

(a) An Ohio technical center as defined in section 3333.94 9906
of the Revised Code; 9907

(b) A private business or institution that offers training 9908
to allow an individual to earn one or more microcredentials; 9909

(c) A state institution of higher education as defined in 9910
section 3345.011 of the Revised Code. 9911

(B) The director of development, in consultation with the 9912
governor's office of workforce transformation, shall establish a 9913
platinum provider program. A training provider that is approved 9914
to participate in the individual microcredential assistance 9915
program and that meets the requirements specified under this 9916
section is eligible to participate in the platinum provider 9917
program. A training provider approved to participate in the 9918
platinum provider program may receive one or more advance 9919
payments to cover the training costs for individuals to earn a 9920
microcredential under the individual microcredential assistance 9921

program. 9922

(C) A training provider seeking to participate in the 9923
platinum provider program shall apply to the director on a form 9924
prescribed by the director after the training provider is 9925
approved to participate in the individual microcredential 9926
assistance program. The training provider shall include in the 9927
application all of the following information: 9928

(1) The advance payment amount the training provider is 9929
seeking, not to exceed twenty per cent of the total 9930
reimbursement amount the training provider seeks under division 9931
(C) of section 122.1710 of the Revised Code; 9932

(2) Evidence that at least eighty per cent of individuals 9933
who participated in training programs offered by the training 9934
provider in the previous fiscal year earned a microcredential 9935
under the individual microcredential assistance program; 9936

(3) The number of microcredentials for which the training 9937
provider is seeking an advance payment and the names of the 9938
microcredentials; 9939

(4) The cost of the training for each microcredential for 9940
which the training provider is seeking an advance payment; 9941

(5) Proof that the training provider has obtained a surety 9942
bond that meets the requirements of division (J) of this 9943
section. 9944

(D) The director shall notify a training provider in 9945
writing of the director's decision to approve or deny an 9946
application the training provider submits under division (C) of 9947
this section. If the director approves the application, the 9948
director shall do both of the following: 9949

(1) Designate the training provider as a platinum 9950
provider; 9951

(2) Provide an initial advance payment to the platinum 9952
provider in the amount specified in the application but not 9953
exceeding any of the amounts described under division (F) of 9954
this section. 9955

(E) After each training program that a platinum provider 9956
administers during a fiscal year that results in at least one 9957
individual earning a microcredential, the provider may apply for 9958
a subsequent advance payment of not more than the least of the 9959
amounts described under division (F) of this section. The 9960
provider shall include in the application the same information 9961
as described under division (C) of this section. If a provider 9962
applies for a subsequent advance payment under this division, 9963
one of the following applies depending on the training program's 9964
completion rate: 9965

(1) If at least eighty per cent of the individuals who 9966
participated in the training program earned a microcredential, 9967
the director shall provide a subsequent advance payment to the 9968
provider in the amount specified in the application. 9969

(2) If less than eighty per cent of the individuals who 9970
participated in the training program earned a microcredential, 9971
to be eligible for a subsequent advance payment, the provider 9972
shall refund to the director a certain per cent of the advance 9973
payment amount that was last provided to the provider during the 9974
fiscal year as determined under division (E) (2) (a) of this 9975
section. 9976

(a) The per cent a provider must refund to be eligible for 9977
a subsequent advance payment under division (E) (2) of this 9978

section is the difference between eighty per cent and the per 9979
cent of individuals who earned a microcredential. 9980

(b) For a provider to whom division (E) (2) of this section 9981
applies, if the provider complies with that division, the 9982
director shall provide a subsequent advance payment to the 9983
provider in the amount specified in the provider's application. 9984
If the provider does not comply with that division, the director 9985
shall not provide a subsequent advance payment. 9986

(F) In no case shall the director provide an advance 9987
payment under this section that exceeds the least of the 9988
following amounts: 9989

(1) Twenty per cent of the total amount of reimbursement 9990
the platinum provider seeks under division (C) of section 9991
122.1710 of the Revised Code; 9992

(2) The amount of the provider's surety bond required by 9993
division (J) of this section, less any previous advance payment 9994
the provider is required to refund to the director under 9995
division (G) of this section, if the provider has not yet 9996
completed the refund; 9997

(3) One hundred thousand dollars. 9998

(G) (1) If the director approves a reimbursement 9999
application that a platinum provider submits under division (F) 10000
of section 122.1710 of the Revised Code, the director shall 10001
reimburse the platinum provider for the total actual cost for 10002
the platinum provider to provide training to individuals who 10003
earned a microcredential in accordance with that division less 10004
the total advance payment amount provided to the platinum 10005
provider under this section. The director shall not reimburse 10006
the platinum provider for any amounts the platinum provider 10007

refunded to the director under division (E) (2) of this section. 10008

If the platinum provider specifies in the reimbursement 10009

application that the total actual cost for the platinum provider 10010

to provide the training is less than the total advance payment 10011

amount provided to the platinum provider under this section, the 10012

platinum provider shall refund to the director the difference 10013

between the advance payment amount and the actual training cost. 10014

(2) If a platinum provider fails to apply for 10015

reimbursement under division (F) of section 122.1710 of the 10016

Revised Code, the director shall require the platinum provider 10017

to refund the total advance payment amount provided to the 10018

platinum provider under this section. 10019

(H) If, at the time a platinum provider seeks 10020

reimbursement under division (F) of section 122.1710 of the 10021

Revised Code, the director determines that less than eighty per 10022

cent of individuals who participated in training programs 10023

provided by the platinum provider in the fiscal year earned a 10024

microcredential or that the platinum provider has failed to 10025

maintain the bond required under division (J) of this section, 10026

both of the following apply: 10027

(1) The director shall revoke the provider's status as a 10028

platinum provider; 10029

(2) The provider is ineligible to participate in the 10030

platinum provider program for the following fiscal year. 10031

(I) A training provider whose platinum status is revoked 10032

under division (H) of this section may reapply to participate in 10033

the platinum provider program in the fiscal year that follows 10034

the fiscal year in which the training provider is ineligible to 10035

participate in the program under that division. 10036

(J) A training provider that is certified as a platinum provider or that seeks to participate in the platinum provider program shall maintain a surety bond issued by a bonding company or an insurance company licensed to do business in this state. The bond shall be in favor of the director in an amount not less than the sum of the total advance payments received by the provider for the fiscal year plus any advance payments for previous fiscal years that the provider is required to refund under division (G) of this section, if the provider has not yet completed the refund. The provider shall maintain the bond for so long as it participates in the program and shall not allow it to expire or terminate until all of the provider's obligations under division (G) of this section are fulfilled.

Sec. 122.1713. (A) As used in this section:

(1) "Fiscal year" means the fiscal year of this state as specified in section 9.34 of the Revised Code.

(2) "Individual microcredential assistance program" means the individual microcredential assistance program created under section 122.1710 of the Revised Code.

(3) "Microcredential" has the same meaning as in section 122.178 of the Revised Code.

(4) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The director of development, in consultation with the governor's office of workforce transformation, shall establish an institutional platinum provider program for state institutions of higher education approved to participate in the individual microcredential assistance program.

(C) Each state institution of higher education shall do

both of the following: 10066

(1) Provide at least two in-person training programs and 10067
at least one online training program for individuals to earn a 10068
microcredential; 10069

(2) Not later than the thirty-first day of December 10070
immediately after the effective date of this section, and not 10071
later than the thirty-first day of December of each year 10072
thereafter, apply to participate in the individual 10073
microcredential assistance program. 10074

(D) If the director approves a state institution of higher 10075
education's application to participate in the individual 10076
microcredential assistance program, all of the following apply: 10077

(1) The director shall designate the institution as an 10078
institutional platinum provider. 10079

(2) The institution may participate in the institutional 10080
platinum provider program established under this section. 10081

(3) The institution is eligible to apply for one or more 10082
advance payments under this section to cover training costs for 10083
individuals to earn a microcredential. 10084

(E) An institutional platinum provider may apply for an 10085
initial advance payment of not more than twenty per cent of the 10086
total reimbursement amount the institution seeks under division 10087
(C) of section 122.1710 of the Revised Code. If an institution 10088
submits an application under this division, the director shall 10089
provide an advance payment to the institution in the amount 10090
specified in the application. 10091

(F) After each training program that an institutional 10092
platinum provider administers during a fiscal year that results 10093

in at least one individual earning a microcredential, the 10094
institution may apply for a subsequent advance payment of not 10095
more than twenty per cent of the total reimbursement amount the 10096
institution seeks under division (C) of section 122.1710 of the 10097
Revised Code. If an institution applies for a subsequent advance 10098
payment under this division, one of the following applies 10099
depending on the training program's completion rate: 10100

(1) If at least fifty per cent of the individuals who 10101
participated in the training program earned a microcredential, 10102
the director shall provide a subsequent advance payment to the 10103
institution in the amount specified in the application. 10104

(2) If less than fifty per cent of the individuals who 10105
participated in the training program earned a microcredential, 10106
to be eligible for a subsequent advance payment, the institution 10107
shall refund to the director a certain per cent of the advance 10108
payment amount that was last provided to the institution during 10109
the fiscal year as determined under division (F) (2) (a) of this 10110
section. 10111

(a) The per cent an institution must refund to be eligible 10112
for a subsequent advance payment under division (F) (2) of this 10113
section is the difference between fifty per cent and the per 10114
cent of individuals who earned a microcredential. 10115

(b) For an institution to whom division (F) (2) of this 10116
section applies, if the institution complies with that division, 10117
the director shall provide a subsequent advance payment to the 10118
institution in the amount specified in the institution's 10119
application. If the institution does not comply with that 10120
division, the director shall not provide a subsequent advance 10121
payment. 10122

(G) In no case shall the total amount of the advance 10123
payments an institutional platinum provider receives under this 10124
section during any fiscal year exceed the total reimbursement 10125
amount the institution seeks under division (C) of section 10126
122.1710 of the Revised Code. 10127

(H) If the director approves a reimbursement application 10128
that an institutional platinum provider submits under division 10129
(F) of section 122.1710 of the Revised Code, the director shall 10130
reimburse the institution in accordance with that division for 10131
the total actual cost for the institution to provide training to 10132
individuals who earned a microcredential less the total advance 10133
payment amount provided to the institution under this section. 10134
The director shall not reimburse the institution for any amounts 10135
the institution refunded to the director under division (F) (2) 10136
of this section. If the institution specifies in the 10137
reimbursement application that the total actual cost for the 10138
institution to provide the training is less than the total 10139
advance payment amount provided to the institution under this 10140
section, the institution shall refund to the director the 10141
difference between the advance payment amount and the actual 10142
training cost. 10143

Sec. 122.41. The director of development ~~services is~~ 10144
invested with the powers and duties provided in Chapter 122. of 10145
the Revised Code, in order to promote the welfare of the people 10146
of the state, to stabilize the economy, to provide employment, 10147
to assist in the development within the state of industrial, 10148
commercial, distribution, and research activities required for 10149
the people of the state, and for their gainful employment, or 10150
otherwise to create or preserve jobs and employment 10151
opportunities, or improve the economic welfare of the people of 10152
the state, ~~and also to assist in the financing of air, water, or~~ 10153

~~thermal pollution control facilities and solid waste disposal~~ 10154
~~facilities by mortgage insurance as provided in section 122.451~~ 10155
~~of the Revised Code.~~ It is hereby determined that the 10156
accomplishment of such purposes is essential so that the people 10157
of the state may maintain their present high standards in 10158
comparison with the people of other states and so that 10159
opportunities for employment and for favorable markets for the 10160
products of the state's natural resources, agriculture, and 10161
manufacturing shall be improved and that it is necessary for the 10162
state to establish the programs authorized pursuant to Chapter 10163
122. of the Revised Code and invest the director of development 10164
~~services~~ with the powers and duties provided in Chapter 122. of 10165
the Revised Code. The powers granted to the director by Chapter 10166
165. of the Revised Code are independent of and in addition and 10167
alternate to, and are not limited or restricted by, Chapter 122. 10168
of the Revised Code. 10169

Sec. 122.42. (A) The director of development shall do all 10170
of the following: 10171

(1) Receive applications for assistance under sections 10172
122.39 and 122.41 to 122.62 of the Revised Code; 10173

(2) Make a final determination whether to approve the 10174
application for assistance; 10175

(3) Transmit determinations to approve assistance to the 10176
controlling board together with any information the controlling 10177
board requires for the board's review and decision as to whether 10178
to approve the assistance; 10179

(4) Issue revenue bonds of the state through the treasurer 10180
of state, as necessary, payable solely from revenues and other 10181
sources as provided in sections 122.39 and 122.41 to 122.62 of 10182

the Revised Code. 10183

(B) The director may do all of the following: 10184

(1) Fix the rate of interest and charges to be made upon 10185
or with respect to moneys loaned by the director and the terms 10186
upon which mortgages and lease rentals may be guaranteed and the 10187
rates of charges to be made for the loans and guarantees and to 10188
make provisions for the operation of the funds established by 10189
the director in accordance with this section and ~~sections~~ 10190
section 122.54, 122.55, 122.56, and 122.57 of the Revised Code; 10191

(2) Loan moneys from the fund established in accordance 10192
with section 122.54 of the Revised Code pursuant to and in 10193
compliance with sections 122.39 and 122.41 to 122.62 of the 10194
Revised Code; 10195

(3) Acquire in the name of the director any property of 10196
any kind or character in accordance with sections 122.39 and 10197
122.41 to 122.62 of the Revised Code, by purchase, purchase at 10198
foreclosure, or exchange on such terms and in such manner as the 10199
director considers proper; 10200

(4) Make and enter into all contracts and agreements 10201
necessary or incidental to the performance of the director's 10202
duties and the exercise of the director's powers under sections 10203
122.39 and 122.41 to 122.62 of the Revised Code; 10204

(5) Maintain, protect, repair, improve, and insure any 10205
property which the director has acquired and dispose of the same 10206
by sale, exchange, or lease for the consideration and on the 10207
terms and in the manner as the director considers proper, but is 10208
not authorized to operate any such property as a business except 10209
as the lessor of the property; 10210

(6) (a) When the cost of any contract for the maintenance, 10211

protection, repair, or improvement of any property held by the 10212
director other than compensation for personal services involves 10213
an expenditure of more than one thousand dollars, the director 10214
shall make a written contract with the lowest responsive and 10215
responsible bidder in accordance with section 9.312 of the 10216
Revised Code after advertisement for not less than two 10217
consecutive weeks in a newspaper of general circulation in the 10218
county where such contract, or some substantial part of it, is 10219
to be performed, and in such other publications as the director 10220
determines, which notice shall state the general character of 10221
the work and the general character of the materials to be 10222
furnished, the place where plans and specifications may be 10223
examined, and the time and place of receiving bids. 10224

(b) Each bid for a contract for the construction, 10225
demolition, alteration, repair, or reconstruction of an 10226
improvement shall contain the full name of every person 10227
interested in it and meet the requirements of section 153.54 of 10228
the Revised Code. 10229

(c) Each bid for a contract, except as provided in 10230
division (B) (6) (b) of this section, shall contain the full name 10231
of every person interested in it and shall be accompanied by 10232
bond or certified check on a solvent bank, in such amount as the 10233
director considers sufficient, that if the bid is accepted a 10234
contract will be entered into and the performance of the 10235
proposal secured. 10236

(d) The director may reject any and all bids. 10237

(e) A bond with good and sufficient surety, approved by 10238
the director, shall be required of every contractor awarded a 10239
contract except as provided in division (B) (6) (b) of this 10240
section, in an amount equal to at least fifty per cent of the 10241

contract price, conditioned upon faithful performance of the 10242
contract. 10243

(7) Employ financial consultants, appraisers, consulting 10244
engineers, superintendents, managers, construction and 10245
accounting experts, attorneys, and other employees and agents as 10246
are necessary in the director's judgment and fix their 10247
compensation; 10248

(8) Assist qualified persons in the coordination and 10249
formation of a small business development company, having a 10250
statewide area of operation, conditional upon the company's 10251
agreeing to seek to obtain certification from the federal small 10252
business administration as a certified statewide development 10253
company and participation in the guaranteed loan program 10254
administered by the small business administration pursuant to 10255
the Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During 10256
the initial period of formation of the statewide small business 10257
development company, the director shall provide technical and 10258
financial expertise, legal and managerial assistance, and other 10259
services as are necessary and proper to enable the company to 10260
obtain and maintain federal certification and participation in 10261
the federal guaranteed loan program. The director may charge a 10262
fee, in such amount and on such terms and conditions as the 10263
director determines necessary and proper, for assistance and 10264
services provided pursuant to division (B) (8) of this section. 10265

Persons chosen by the director to receive assistance in 10266
the formation of a statewide small business development company 10267
pursuant to division (B) (8) of this section shall make a special 10268
effort to use their participation in the federal guaranteed loan 10269
program to assist small businesses which are minority business 10270
enterprises as defined in division (E) of section 122.71 of the 10271

Revised Code. The director, with the assistance of the minority
business development division of the department of development,
shall provide technical and financial expertise, legal and
managerial assistance, and other services in such a manner to
enable the development company to provide assistance to small
businesses which are minority business enterprises, and shall
make available to the development company information pertaining
to assistance available to minority business enterprises under
programs established pursuant to sections 122.71 to 122.83,
122.87 to 122.89, 122.92 to 122.94, 122.921, and 125.081 of the
Revised Code.

(9) Receive and accept grants, gifts, and contributions of
money, property, labor, and other things of value to be held,
used, and applied only for the purpose for which such grants,
gifts, and contributions are made, from individuals, private and
public corporations, from the United States or any agency of the
United States, from the state or any agency of the state, and
from any political subdivision of the state, and may agree to
repay any contribution of money or to return any property
contributed or the value of the property at such times, in such
amounts, and on such terms and conditions, excluding the payment
of interest, as the director determines at the time such
contribution is made, and may evidence such obligations by
notes, bonds, or other written instruments;

(10) Establish with the treasurer of state the ~~funds~~ fund
provided in ~~sections~~ section 122.54, ~~122.55, 122.56, and 122.57~~
of the Revised Code, in addition to such funds as the director
determines are necessary or proper;

(11) Do all acts and things necessary or proper to carry
out the powers expressly granted and the duties imposed in

sections 122.39 and 122.41 to 122.62 and Chapter 163. of the 10302
Revised Code. 10303

(C) All expenses and obligations incurred by the director 10304
in carrying out the director's powers and in exercising the 10305
director's duties under sections 122.39 and 122.41 to 122.62 of 10306
the Revised Code, shall be payable solely from the proceeds of 10307
revenue bonds issued pursuant to those sections, from revenues 10308
or other receipts or income of the director, from grants, gifts, 10309
and contributions, or funds established in accordance with those 10310
sections. Those sections do not authorize the director to incur 10311
indebtedness or to impose liability on the state or any 10312
political subdivision of the state. 10313

(D) Financial statements and financial data submitted to 10314
the director by any corporation, partnership, or person in 10315
connection with a loan application, or any information taken 10316
from such statements or data for any purpose, shall not be open 10317
to public inspection. 10318

Sec. 122.47. At the request of the director of 10319
development, the treasurer of state shall issue revenue bonds of 10320
the state for the purpose of acquiring moneys for the purposes 10321
of this chapter, which moneys shall be credited by the treasurer 10322
of state as the director of development shall determine to and 10323
among the funds established in accordance with or pursuant to 10324
sections 122.35, 122.42, and 122.54, ~~122.55, 122.56, 122.561,~~ 10325
~~and 122.57~~ of the Revised Code. ~~The principal of and interest on~~ 10326
~~such~~ Such revenue bonds ~~shall be payable solely from the sinking~~ 10327
~~funds established in accordance with section 122.57 of the~~ 10328
~~Revised Code at the times and in the order and manner provided~~ 10329
~~in the bond issuing proceedings or in any trust agreements~~ 10330
~~securing such bonds, and~~ shall be secured by the revenue bond 10331

guaranty fund established in accordance with section 122.571 of 10332
the Revised Code and shall also be secured by moneys in the 10333
other funds established by the director to the extent and on the 10334
terms ~~he~~ the director specifies and by covenants of the director 10335
~~that he will~~ to so manage the loans and leases and fix interest 10336
rates, charges, and rentals so as to assure receipt of net 10337
income and revenue sufficient to provide for the payment of the 10338
principal of and the interest on the revenue bonds. 10339

Sec. 122.49. The proceeds of each issue of revenue bonds 10340
issued pursuant to sections 122.39 and 122.41 to 122.62 of the 10341
Revised Code shall be used for the making of loans authorized in 10342
sections 122.43 and 122.45 of the Revised Code, for the purchase 10343
and improvement of property authorized in section 122.46 of the 10344
Revised Code, ~~for insuring mortgage payments authorized in~~ 10345
~~section 122.451 of the Revised Code,~~ and for the crediting into 10346
and among the funds established in accordance with sections 10347
122.35, and 122.54, ~~122.55, 122.56, 122.561, and 122.57~~ of the 10348
Revised Code, but subject to such conditions, limitations, and 10349
covenants with the purchasers and holders of the bonds as shall 10350
be provided for in the bond authorization proceedings and in the 10351
trust agreement securing the same. 10352

Provision shall be made by the director of development 10353
~~services~~ for the payment of the expenses of the director in 10354
operating the assistance programs authorized under this chapter 10355
in such manner and to such extent as shall be determined by the 10356
director. 10357

Sec. 122.53. In the discretion of the treasurer of state, 10358
any bonds issued under sections 122.39 and 122.41 to 122.62 of 10359
the Revised Code, may be secured by a trust agreement between 10360
the treasurer of state and a corporate trustee, which trustee 10361

may be any trust company or bank having the powers of a trust 10362
company within or without the state. 10363

Any such trust agreement may pledge or assign payments of 10364
principal of and interest on loans, charges, fees, and other 10365
revenue to be received by the director of development ~~services,~~ 10366
all rentals received under leases made by the director, and all 10367
proceeds of the sale or other disposition of property held by 10368
the director, ~~and may provide for the holding in trust by the~~ 10369
~~trustee to the extent provided for in the proceedings~~ 10370
~~authorizing such bonds, of all such moneys and moneys otherwise~~ 10371
~~payable into the mortgage guarantee fund created by section~~ 10372
~~122.56 of the Revised Code, and all moneys otherwise payable~~ 10373
~~into the mortgage insurance fund created by section 122.561 of~~ 10374
~~the Revised Code, and of moneys payable into the sinking fund or~~ 10375
~~funds referred to in section 122.57 of the Revised Code, but~~ 10376
shall not convey or mortgage any of the real or personal 10377
property held by the director or any part thereof. Any such 10378
trust agreement, or any proceedings providing for the issuance 10379
of such bonds, may contain such provisions for protecting and 10380
enforcing the rights and remedies of the bondholders as are 10381
reasonable and proper and not in violation of law, including 10382
covenants setting forth the duties of the director in relation 10383
to the acquisition of property, and the construction, 10384
improvement, maintenance, repair, operation, and insurance of 10385
facilities, the making of loans and leases and the terms and 10386
provisions thereof, and the custody, safeguarding, investment, 10387
and application of all moneys, and provisions for the employment 10388
of consulting engineers or other consultants in connection with 10389
the making of loans and leases and the construction or operation 10390
of any facility. Any bank or trust company incorporated under 10391
the laws of this state which may act as trustee or as depository 10392

of the proceeds of bonds or of revenue may furnish such 10393
indemnifying bonds or may pledge such securities as are required 10394
by the treasurer of state. Any such trust agreement may set 10395
forth the rights and remedies of the bondholders and of the 10396
trustee, and may restrict the individual right of action by 10397
bondholders as is customary in trust agreements or trust 10398
indentures securing bonds or debentures of corporations. Such 10399
trust agreement may contain such other provisions as the 10400
treasurer of state deems reasonable and proper for the security 10401
of the bondholders. All expenses incurred by the treasurer of 10402
state in carrying out the provisions of any such trust agreement 10403
shall be treated as a part of the cost of the operation of the 10404
assistance programs authorized pursuant to Chapter 122. of the 10405
Revised Code. Any such trust agreement may provide the method 10406
whereby general administrative overhead expense of the director 10407
with respect to those assistance programs shall be allocated 10408
among the funds established pursuant to Chapter 122. of the 10409
Revised Code with respect to the operating expenses of the 10410
director payable out of the income of the assistance programs. 10411

Sec. 122.571. ~~In addition to the separate sinking funds~~ 10412
~~created under section 122.57 of the Revised Code, there~~ There is 10413
hereby created the revenue bond guaranty fund to consist of all 10414
money allocated by the director of development to guarantee 10415
payment of interest on, principal of and redemption premium on, 10416
the revenue bonds issued by the director under Chapter 122. of 10417
the Revised Code, all grants, gifts, and contributions made to 10418
the director for such purpose, and all money and property 10419
provided by law for such purpose. 10420

Sec. 122.59. In the event of a default with respect to any 10421
loan or lease, the director of development shall take such 10422
action as ~~he~~ the director deems proper in the circumstances to 10423

enforce and protect the rights of the director, and such action 10424
as may be required by the provisions of any proceedings 10425
authorizing the revenue bonds or of any trust agreement securing 10426
such bonds, which may include any appropriate action at law or 10427
in equity, enforcement or waiver of any provision of any 10428
mortgage or security agreement or lease, or reinstatement of any 10429
forfeited or cancelled right, title, or privilege. 10430
~~Notwithstanding any such action, the director shall transfer~~ 10431
~~from the mortgage guarantee fund created by section 122.56 of~~ 10432
~~the Revised Code to the sinking fund or funds referred to in~~ 10433
~~section 122.57 of the Revised Code amounts not greater than the~~ 10434
~~amounts which would have been paid upon such loan or under such~~ 10435
~~lease but for such default, at the time or times when such~~ 10436
~~amounts would have been paid but for such defaults, to the~~ 10437
~~extent provided in the proceedings authorizing and the trust~~ 10438
~~agreements securing such bonds, to be held and applied as other~~ 10439
~~moneys in the sinking fund, and shall make such other transfers~~ 10440
~~and take such other action as shall be required of the director~~ 10441
~~by any such bond issuance proceedings or trust agreement.~~ 10442

Sec. 122.631. (A) As used in sections 122.631 to 122.633 10443
of the Revised Code: 10444

(1) "Qualified nonprofit developer" means a nonprofit 10445
corporation, as defined in section 1702.01 of the Revised Code, 10446
that is all of the following: 10447

(a) Incorporated in this state; 10448

(b) Engaged in community development activities primarily 10449
within an identified geographic area of operation in this state; 10450

(c) Has as its primary purpose the improvement of the 10451
physical, economic, or social environment by addressing critical 10452

problems in that geographic area of operation including housing. 10453

(2) "Electing subdivision," "county land reutilization 10454
corporation," and "land reutilization program" have the same 10455
meanings as in section 5722.01 of the Revised Code. 10456

~~(2)~~ (3) "Manufactured home" has the same meaning as in 10457
section 3781.06 of the Revised Code, and "mobile home" has the 10458
same meaning as in section 4501.01 of the Revised Code. 10459

~~(3)~~ (4) "Qualifying residential property" means single- 10460
~~family residential property, including a a single unit of~~ 10461
single-family residential property that has at least eight 10462
hundred square feet of habitable space and is either a stand- 10463
alone unit or in a multi-unit property containing not more than 10464
ten single-family residential units. "Qualifying residential 10465
property" excludes mobile homes but includes both of the 10466
following: 10467

(a) A manufactured home; 10468

(b) A single unit in a multi-unit property containing not 10469
~~more than ten units but excluding manufactured homes, that has~~ 10470
~~at least one thousand square feet of habitable space per~~ 10471
~~unit that has other nonresidential units or uses. Such~~ 10472
nonresidential units or uses are not qualifying residential 10473
property. 10474

~~(4)~~ (5) "Qualifying median income" means eighty one hundred 10475
twenty per cent of median income for the county where qualifying 10476
residential property is located, as determined by the director 10477
of development pursuant to section 174.04 of the Revised Code. 10478

(6) "Qualifying financial literacy counseling" means a 10479
homeownership course with a curriculum that includes basic home 10480
maintenance training and financial literacy. 10481

(7) "Qualifying counseling provider" means an individual, 10482
business, nonprofit organization, or political subdivision, 10483
including an agency or instrumentality thereof, that is 10484
licensed, certified, or authorized to provide homeownership 10485
counseling and financial literacy as one of its primary 10486
functions, including housing counselors certified by the United 10487
States department of housing and urban development or the Ohio 10488
housing financing agency. 10489

(B) There is created in the department of development the 10490
welcome home Ohio (WHO) program to administer the grants 10491
authorized by this section and section ~~163.632~~ 122.632 of the 10492
Revised Code and the tax credits authorized by section 122.633 10493
of the Revised Code. The department shall create and maintain a 10494
list of qualifying residential property to which the deed 10495
restriction described in division (D)(4) of this section, 10496
division (B)(4) of section 122.632, or division (C)(4) of 10497
section 122.633 of the Revised Code applies. That list is not a 10498
public record for purposes of section 149.43 of the Revised 10499
Code. 10500

(C) An electing subdivision~~or~~, a county land 10501
reutilization corporation, or a qualified nonprofit developer 10502
may apply to the director of development for a grant from the 10503
welcome home Ohio fund, which is created in the state treasury, 10504
to pay or defer the cost of purchasing qualifying residential 10505
property for incorporation into the electing subdivision's or 10506
county land reutilization corporation's land reutilization 10507
program or the qualified nonprofit developer's housing program. 10508
Up to two thousand dollars of each grant may be used to fund the 10509
qualifying financial literacy counseling required under division 10510
(D)(6) of this section. To the extent that funding is available 10511
in that fund, the director may award grants to electing 10512

subdivisions~~and~~, county land reutilization corporations, and 10513
qualified nonprofit developers that make such an application and 10514
agree to comply with division (D) of this section, with a 10515
maximum grant of one hundred thousand dollars per qualifying 10516
residential property. 10517

(D) The director of development shall require all 10518
applicants for a grant authorized by division (C) of this 10519
section to agree, as part of the application, to all of the 10520
following: 10521

(1) That grant funds shall only be used to pay the cost of 10522
purchasing qualifying residential property; 10523

(2) That qualifying residential property on which grant 10524
funds are spent shall be held until sold to an individual or 10525
individuals who, inclusively: 10526

(a) Have annual income that is not more than the 10527
qualifying median income; 10528

(b) Demonstrate the financial means to purchase the 10529
qualifying residential property; 10530

(c) Agree to maintain ownership of the qualifying 10531
residential property, occupy it as a primary residence, and not 10532
to rent any portion of the property to another individual for 10533
use as a dwelling, for at least ~~five~~three years following the 10534
date of purchase; 10535

(d) Agree not to sell the qualifying residential property, 10536
within ~~twenty~~fifteen years after the date of the sale, to any 10537
purchaser ~~except~~other than the electing subdivision, county 10538
land reutilization corporation, or qualified nonprofit developer 10539
or an individual or individuals who have annual income that is 10540
not more than the qualifying median income; 10541

(e) Agree to pay a penalty to the director of development 10542
for violation of the agreement required by division (D) (2) (c) of 10543
this section that, ~~subject to divisions (F) (2) and (3) of this~~ 10544
~~section,~~ equals ~~ninety thousand dollars~~ the amount of the grant 10545
attributable to the property, less ~~eighteen thousand dollars~~ 10546
one-third of that amount multiplied by the number of full years 10547
the individual or individuals owned the property; 10548

(f) Agree that the director of development is a third- 10549
party beneficiary of the purchase agreement; 10550

(g) Agree to participate in the applicant's qualifying 10551
financial literacy program; 10552

(h) Agree to annually certify to the director of 10553
~~development or the director's designee,~~ during the period 10554
described by division (D) (2) (c) of this section, that the 10555
individual or individuals own and occupy the qualifying 10556
residential property, and that no part of the property is being 10557
rented to another individual for use as a dwelling. 10558

(3) That qualifying residential property on which grant 10559
funds are spent shall be sold for not more than ~~one~~ two hundred 10560
~~eighty twenty~~ thousand dollars per property. 10561

(4) That qualifying residential property on which grant 10562
funds are spent shall not be sold without a deed restriction 10563
prohibiting the sale of the property to a person that is not the 10564
electing subdivision, county land reutilization corporation, or 10565
qualified nonprofit developer or an individual or individuals 10566
who have annual income that is not more than the qualifying 10567
median income for ~~twenty~~ fifteen years after the date of the 10568
property's first transfer from the applicant following the use 10569
of grant funds. The deed restriction is a covenant running with 10570

the land and is fully binding on subsequent purchasers of the 10571
property until it expires on the fifteenth anniversary of the 10572
property's first transfer from the applicant following the use 10573
of grant funds. The electing subdivision, county land 10574
reutilization corporation, or qualified nonprofit developer may 10575
include in the deed restriction a right of first refusal to 10576
repurchase the property for the purpose of ensuring that the 10577
property is ultimately sold to an individual or individuals who 10578
have annual income that is not more than the qualifying median 10579
income. 10580

(5) That the applicant shall repay all grant funds not 10581
expended to purchase qualifying residential property or to fund 10582
the qualifying financial literacy counseling required by 10583
division (D) (6) of this section and all grant funds expended to 10584
purchase qualifying residential property that is not sold to an 10585
individual or individuals who meet the requirements described in 10586
division (D) (2) of this section or that is sold without the deed 10587
restriction described in division (D) (4) of this section. 10588

(6) That the applicant shall provide qualifying financial 10589
literacy counseling, over a minimum of ~~one year~~six months, 10590
delivered by a qualifying counseling provider, to each purchaser 10591
of qualifying residential property on which grant funds are 10592
spent. An applicant may provide information regarding its 10593
qualifying financial literacy program to the director of 10594
development for review as part of the application or prior to 10595
application. ~~Financial~~ Qualifying financial literacy counseling 10596
provided by the applicant to the same purchaser, in accordance 10597
with division (B) (6) of section 122.632 of the Revised Code or 10598
division (C) (5) of section 122.633 of the Revised Code, 10599
satisfies the requirements of division (D) (6) of this section. 10600

(7) That the applicant shall report to the department of 10601
development the date when the qualifying residential property 10602
that is the subject of the application is sold by the applicant. 10603

(E) The director of development has authority and standing 10604
to sue for the enforcement of a deed restriction described in 10605
division (D) (4) of this section. 10606

~~(F) (1)~~ (F) An electing subdivision ~~or, a county land~~ 10607
reutilization corporation, or a qualified nonprofit developer 10608
may apply for, and the director of development may award both a 10609
grant under this section for the purchase of qualifying 10610
residential property, and either a grant under section 122.632 10611
of the Revised Code, or a tax credit under section 122.633 of 10612
the Revised Code, to rehabilitate or construct the same 10613
qualifying residential property. 10614

~~(2) If an electing subdivision or county land~~ 10615
~~reutilization is awarded a grant under this section and a grant~~ 10616
~~under section 122.632 of the Revised Code for the same~~ 10617
~~qualifying residential property, and the individual or~~ 10618
~~individuals who purchase the property violate both of the~~ 10619
~~agreements required by division (D) (2) (c) of this section and~~ 10620
~~division (B) (2) (c) of section 122.632 of the Revised Code, only~~ 10621
~~the penalty described by division (B) (2) (c) of section 122.632~~ 10622
~~of the Revised Code applies.~~ 10623

~~(3) If an electing subdivision or county land~~ 10624
~~reutilization is awarded a grant under this section and a tax~~ 10625
~~credit under section 122.633 of the Revised Code for the same~~ 10626
~~qualifying residential property, and the individual or~~ 10627
~~individuals who purchase the property violate both of the~~ 10628
~~agreements required by division (D) (2) (c) of this section and~~ 10629
~~division (C) (2) (a) of section 122.633 of the Revised Code, only~~ 10630

~~the greater of the penalties described in divisions (D) (2) (c) of~~ 10631
~~this section and division (C) (2) (c) of section 122.633 of the~~ 10632
~~Revised Code applies.~~ 10633

(G) (1) The director may adopt rules in accordance with 10634
Chapter 119. Of the Revised Code as necessary to administer the 10635
grant program. Such rules may include the following: 10636

(a) Application forms, deadlines, and procedures; 10637

(b) Criteria for evaluating and prioritizing applications; 10638

(c) Guidelines for promoting an even geographic 10639
distribution of grants throughout the state; 10640

(d) Guidelines to determine the value of qualifying 10641
residential property located in a building with other uses and 10642
the total value of that building. 10643

(2) Any grants repaid under this section shall be credited 10644
to the welcome home Ohio fund. 10645

(3) An electing subdivision, a county land reutilization 10646
corporation, or a qualified nonprofit developer shall use all 10647
profits derived from the sale of qualifying residential property 10648
on which grant funds are spent, including profits derived from 10649
the resale of such property to a subsequent purchaser, for the 10650
electing subdivision's or county land reutilization 10651
corporation's land reutilization program or the qualified 10652
nonprofit developer's housing program. 10653

Sec. 122.632. (A) An electing subdivision~~or~~, a county 10654
land reutilization corporation, or a qualified nonprofit 10655
developer may apply to the director of development for a grant 10656
from the welcome home Ohio fund created in section 122.631 of 10657
the Revised Code to pay or defer the cost to rehabilitate or 10658

construct qualifying residential property held by the electing 10659
subdivision's or county land reutilization corporation's land 10660
reutilization program or the qualified nonprofit developer's 10661
housing program. To the extent that funding is available, in 10662
that fund the director may award grants to electing subdivisions 10663
~~and~~, county land reutilization corporations, and qualified 10664
nonprofit developers that make such an application and agree to 10665
comply with division (B) of this section, with a maximum grant 10666
of ~~thirty-one~~ thirty-one hundred thousand dollars per qualifying 10667
residential property. 10668

(B) The director of development shall require all 10669
applicants for a grant authorized by division (A) of this 10670
section to agree, as part of the application, to all of the 10671
following: 10672

(1) That grant funds shall ~~only~~ be used to pay the cost of 10673
rehabilitation or construction of qualifying residential 10674
property and all work will be completed according to all 10675
applicable construction and design standards~~;~~. Up to two 10676
thousand dollars of each grant may be used to fund the 10677
qualifying financial literacy counseling required under division 10678
(B) (6) of this section. If grant funds are spent to construct or 10679
rehabilitate a qualifying residential property described in 10680
division (A) (4) (b) of section 122.631 of the Revised Code, then 10681
no portion of the funds shall be spent to construct or 10682
rehabilitate portions of the building that are for 10683
nonresidential uses, except for common areas used by the 10684
occupants of the residential units and improvements that serve 10685
both the residential units and the other portions of the 10686
building. 10687

(2) That qualifying residential property on which grant 10688

funds are spent shall be held until sold to an individual or 10689
individuals who, inclusively: 10690

(a) Have annual income that is not more than the 10691
qualifying median income; 10692

(b) Demonstrate the financial means to purchase the 10693
qualifying residential property; 10694

(c) Agree to maintain ownership of the qualifying 10695
residential property, occupy it as a primary residence, and not 10696
to rent any portion of the property to another individual for 10697
use as a dwelling, for at least ~~five~~three years following the 10698
date of purchase; 10699

(d) Agree not to sell the qualifying residential property, 10700
within ~~twenty~~fifteen years after the date of the sale, to any 10701
purchaser ~~except~~other than the electing subdivision, county 10702
land reutilization corporation, or qualified nonprofit developer 10703
or an individual or individuals who have annual income that is 10704
not more than the qualifying median income; 10705

(e) Agree to pay a penalty to the director of development 10706
for violation of the agreement required by division (B) (2) (c) of 10707
this section that, ~~subject to division (F) (2) of section 122.631~~ 10708
~~of the Revised Code,~~ equals ~~ninety thousand dollars~~the amount of 10709
the grant attributable to the property, less eighteen thousand 10710
~~dollars~~one-third of that amount multiplied by the number of 10711
full years the individual or individuals owned the property. 10712

(f) Agree that the director of development is a third- 10713
party beneficiary of the purchase agreement; 10714

(g) Agree to participate in the applicant's qualifying 10715
financial literacy program; 10716

(h) Agree to annually certify to the director of 10717
~~development or the director's designee~~, during the period 10718
described by division (B) (2) (c) of this section, that the 10719
individual or individuals own and occupy the qualifying 10720
residential property, and that no part of the property is being 10721
rented to another individual for use as a dwelling. 10722

(3) That qualifying residential property on which grant 10723
funds are spent shall be sold for not more than ~~one~~ two hundred 10724
~~eighty~~ twenty thousand dollars per property. 10725

(4) That qualifying residential property on which grant 10726
funds are spent shall not be sold without a deed restriction 10727
prohibiting the sale of the property to a person that is not the 10728
electing subdivision, county land reutilization corporation, or 10729
qualified nonprofit developer or an individual or individuals 10730
who have annual income that is not more than the median income 10731
for ~~twenty~~ fifteen years after the date of the property's first 10732
transfer from the applicant following the use of grant funds~~7~~. 10733
The deed restriction is a covenant running with the land and is 10734
fully binding on subsequent purchasers of the property until it 10735
expires on the fifteenth anniversary of the property's first 10736
transfer from the applicant following the use of grant funds. 10737
The electing subdivision, county land reutilization corporation, 10738
or qualified nonprofit developer may include in the deed 10739
restriction a right of first refusal to repurchase the property 10740
for the purpose of ensuring that the property is ultimately sold 10741
to an individual or individuals who have annual income that is 10742
not more than the qualifying median income. 10743

(5) That the applicant shall repay all grant funds 10744
expended on any expenses other than the construction or 10745
rehabilitation of qualifying residential property or financial 10746

literacy counseling required under division (B) (6) of this 10747
section, or on qualifying residential property that is not sold 10748
to an individual or individuals who meet the requirements 10749
described in division (B) (2) of this section or that is sold 10750
without the deed restriction described in division (B) (4) of 10751
this section; 10752

(6) That the applicant shall provide financial qualifying 10753
literacy counseling, over a minimum of ~~one year~~six months, 10754
delivered by the qualifying counseling provider, to each 10755
purchaser of qualifying residential property on which grant 10756
funds are spent. An applicant may provide information regarding 10757
its qualifying financial literacy program to the director of 10758
development for review as part of the application or prior to 10759
application; 10760

(7) That the applicant shall report to the department of 10761
development the date when the qualifying residential property 10762
that is the subject of the application is sold by the applicant. 10763

(8) That, if grant funds are received, the qualifying 10764
residential property that is the subject of the application 10765
shall not be the subject of an application for a tax credit 10766
under section 122.633 of the Revised Code. 10767

(C) The director of development is granted authority and 10768
standing to sue for the enforcement of a deed restriction 10769
described in division (B) (4) of this section. 10770

(D) (1) The director may adopt rules in accordance with 10771
Chapter 119. of the Revised Code as necessary to administer the 10772
grant program. Such rules may include the following: 10773

(a) Application forms, deadlines, and procedures; 10774

(b) Criteria for evaluating and prioritizing applications; 10775

(c) Guidelines for promoting an even geographic
distribution of grants throughout the state; 10776
10777

(d) Guidelines to determine the value of qualifying 10778
residential property located in a building with other uses and 10779
the total value of that building. 10780

(2) Any grants repaid under this section shall be credited 10781
to the welcome home Ohio fund. 10782

(3) An electing subdivision, a county land reutilization 10783
corporation, or a qualified nonprofit developer shall use all 10784
profits derived from the sale of qualifying residential property 10785
on which grant funds are spent, including profits derived from 10786
the resale of such property to a subsequent purchaser, for the 10787
electing subdivision's or county land reutilization 10788
corporation's land reutilization program or the qualified 10789
nonprofit developer's housing program. 10790

Sec. 122.633. (A) As used in this section, "eligible 10791
developer" means any of the following: 10792

(1) A nonprofit corporation, as defined in section 1702.01 10793
of the Revised Code, based in this state with a primary activity 10794
of the development and preservation of affordable housing; 10795

(2) A limited partnership or domestic limited partnership, 10796
as defined in section 1782.01 of the Revised Code, in which a 10797
general partner is a nonprofit corporation based in this state, 10798
a primary activity of which is the development and preservation 10799
of affordable housing; 10800

(3) A limited liability company, as defined in section 10801
1706.01 of the Revised Code, in which the manager is a nonprofit 10802
corporation based in this state, a primary activity of which is 10803
the development and preservation of affordable housing; 10804

(4) A community improvement corporation, as defined in 10805
section 1724.01 of the Revised Code, or a community urban 10806
redevelopment corporation, as defined in section 1728.01 of the 10807
Revised Code. 10808

(B) An electing subdivision or eligible developer that 10809
rehabilitates or constructs a unit of qualifying residential 10810
property and sells the property to an individual or individuals 10811
for the individual's or individuals' occupancy may apply to the 10812
director of development for a nonrefundable credit against the 10813
tax levied under section 5726.02 or 5747.02 of the Revised Code, 10814
provided the rehabilitation or construction and the sale comply 10815
with division (C) of this section. The credit application shall 10816
be made on forms prescribed by the director. The credit shall 10817
equal ninety thousand dollars or one-third-ninety per cent of 10818
the cost to rehabilitate or construct the property, whichever is 10819
less. 10820

(C) An application for a credit authorized by division ~~(C)~~ 10821
(B) of this section shall certify all of the following: 10822

(1) That the rehabilitation or construction of qualifying 10823
residential property that is the subject of the application was 10824
completed according to all applicable construction and design 10825
standards; 10826

(2) That each qualifying residential property that is the 10827
subject of the application was sold to an individual or 10828
individuals who have annual income that is not more than the 10829
qualifying median income, demonstrated the financial means to 10830
purchase the qualifying residential property, and agreed to all 10831
of the following in the purchase agreement: 10832

(a) To maintain ownership of the qualifying residential 10833

property, occupy it as a primary residence, and not to rent any 10834
portion of the property to another individual for use as a 10835
dwelling, for at least ~~five~~ three years following the date of 10836
purchase; 10837

(b) Not to sell the qualifying residential property to a 10838
purchaser other than the electing subdivision, the eligible 10839
developer, or an individual or individuals who have annual 10840
income that is no more than the qualifying median income for at 10841
least ~~twenty~~ fifteen years after the date of purchase; 10842

(c) To pay a penalty to the director of development for 10843
violation of the agreement required by division (C) (2) (a) of 10844
this section that, ~~subject to division (F) (3) of section 122.631~~ 10845
~~of the Revised Code,~~ equals the total amount of the tax credit 10846
authorized by this section and attributable to the qualifying 10847
residential property purchased by the individual, reduced by 10848
~~twenty per cent~~ one-third of that amount for each full year the 10849
individual or individuals owned the property; 10850

(d) That the director of development is a third-party 10851
beneficiary of the purchase agreement; 10852

(e) To participate in the applicant's qualifying financial 10853
literacy program; 10854

(f) Agree to annually certify to the director of 10855
~~development or the director's designee,~~ during the period 10856
described by division (C) (2) (a) of this section, that the 10857
individual or individuals own and occupy the qualifying 10858
residential property, and that no part of the property is being 10859
rented to another individual for use as a dwelling. 10860

(3) That the qualifying residential property that is the 10861
subject of the application was sold for not more than ~~one~~ two 10862

hundred ~~eighty~~twenty thousand dollars; 10863

(4) That the purchaser of the qualifying residential 10864
property that is the subject of the application was transferred 10865
with a deed restriction prohibiting the sale of the property to 10866
a person other than the electing subdivision, the eligible 10867
developer, or an individual or individuals who have annual 10868
income that is not more than the qualifying median income for at 10869
least ~~twenty~~fifteen years after the date of transfer. The deed 10870
restriction is a covenant running with the land and is fully 10871
binding on subsequent purchasers of the property until it 10872
expires on the fifteenth anniversary of the property's first 10873
transfer from the applicant under this section. The electing 10874
subdivision or eligible developer may include in the deed 10875
restriction a right of first refusal to repurchase the property 10876
for the purposes of ensuring that the property is ultimately 10877
sold to an individual or individuals who have annual income that 10878
is not more than the qualifying median income. 10879

(5) That the applicant provides a minimum of ~~one year~~six 10880
months of qualifying financial literacy counseling, delivered by 10881
a qualifying counseling provider, to each purchaser of 10882
qualifying residential property that is the subject of the 10883
application. An applicant may provide information regarding its 10884
qualifying financial literacy program to the director of 10885
development for review as part of the application or prior to 10886
application~~;~~. 10887

(6) That the applicant shall report to the department of 10888
development the date when the qualifying residential property 10889
that is the subject of the application is sold by the applicant. 10890

(7) That the qualifying residential property that is the 10891
subject of the application was not rehabilitated or constructed 10892

using grant funds received under section 122.632 of the Revised Code. 10893
10894

(D) The director of development is granted authority and 10895
standing to sue for the enforcement of a deed restriction 10896
described in division (C) (4) of this section. 10897

(E) (1) Subject to division (E) (2) of this section, if the 10898
director determines that the applicant qualifies for a credit 10899
under this section, the director shall issue a tax credit 10900
certificate to the applicant identified with a unique number and 10901
listing the amount of the credit that is eligible to be 10902
transferred or claimed pursuant to division (E) (3) or (F) of 10903
this section. 10904

(2) The total amount of tax credits issued by the director 10905
under this section after the effective date of this amendment 10906
shall not exceed ~~twenty-five~~ twenty million dollars ~~in any~~
~~fiscal year~~, and no tax credits shall be issued after June 30, 10907
~~2025~~ 2027. 10908
10909

(3) A person granted a certificate pursuant to division 10910
(E) (1) of this section may claim the credit against the tax 10911
levied under section 5726.02 of the Revised Code or against the 10912
person's aggregate tax liability under section 5747.02 of the 10913
Revised Code for the taxable year in which the certificate is 10914
issued. The taxpayer shall claim the credit in the order 10915
prescribed by section 5726.98 or 5747.98 of the Revised Code, as 10916
applicable. Any unused amount may be carried forward for the 10917
following five taxable years. If the person is a pass-through 10918
entity, any taxpayer that is a direct or indirect investor in 10919
the pass-through entity on the last day of the entity's taxable 10920
year may claim the taxpayer's proportionate or distributive 10921
share of the credit against the taxpayer's aggregate amount of 10922

tax levied under section 5747.02 of the Revised Code. 10923

A taxpayer claiming a credit under this section shall 10924
submit a copy of the certificate with the taxpayer's return or 10925
report. 10926

(F) A person granted a certificate pursuant to division 10927
(E) (1) of this section may transfer the right to claim all or 10928
part of the credit reflected on the certificate to another 10929
person. 10930

To effectuate the transfer, the transferor shall notify 10931
the tax commissioner, in writing, that the transferor is 10932
transferring the right to claim all or part of the remaining 10933
credit stated on the certificate. The transferor shall identify 10934
in that notification the certificate's number, the name and the 10935
tax identification number of the transferee, the amount of the 10936
remaining credit transferred to the transferee, and, if 10937
applicable, the amount of remaining credit retained by the 10938
transferor. 10939

The transferee may claim the amount of the credit received 10940
under this division against the tax levied under section 5726.02 10941
of the Revised Code or against the person's aggregate tax 10942
liability under section 5747.02 of the Revised Code for the 10943
taxable year in the same manner and for the same taxable years 10944
as it may be claimed by a person under division (E) (3) of this 10945
section. 10946

Any person to which a credit has been transferred under 10947
this division may transfer the right to claim all or part of the 10948
transferred credit amount to any other person, in the same 10949
manner prescribed by this division for the initial transfer, 10950
including that any such transfer be reported by the transferor 10951

to the tax commissioner as described in this division. 10952

Transferring a credit under this division does not extend 10953
the taxable years for which the credit may be claimed or number 10954
of years for which the unclaimed credit amount may be carried 10955
forward. 10956

(G) The director may adopt rules in accordance with 10957
Chapter 119. of the Revised Code as necessary to administer the 10958
tax credits authorized by this section. Such rules may include 10959
the following: 10960

- (1) Application forms, deadlines, and procedures; 10961
- (2) Criteria for evaluating and prioritizing applications; 10962
- (3) Guidelines for promoting an even geographic 10963
distribution of credits throughout the state. 10964

Sec. 122.636. (A) As used in this section: 10965

(1) "Major economic development project" means a project 10966
in this state that is reasonably expected to create, retain, and 10967
attract jobs or otherwise improve the economic well-being of the 10968
area surrounding the project site and that meets either of the 10969
following: 10970

(a) The project is reasonably expected to create at least 10971
seven hundred new permanent jobs. 10972

(b) At least seven hundred million dollars in private 10973
investments are committed to establish, expand, renovate, or 10974
occupy a facility as part of a single project at a designated 10975
project site, including investment in new buildings, additions 10976
or improvements to existing buildings, machinery, equipment, 10977
furniture, fixtures, and inventory. 10978

(2) "Major workforce housing project" means a project that 10979
reserves at least one hundred units, designed for residential 10980
occupancy by at least one hundred individuals or families living 10981
independently from each other. 10982

(3) "Pro-housing development policy" may include any of 10983
the following: 10984

(a) Having a process in place to increase the rate at 10985
which permits for housing developments are reviewed; 10986

(b) Having a pre-approval process in place for an 10987
expedited review of permits for a diverse range of housing 10988
developers; 10989

(c) Subsidizing or decreasing costs related to water or 10990
sewer connections and extensions for major workforce housing 10991
projects; 10992

(d) Acquiring and readying sites that are ready to be 10993
financed and built upon by developers; 10994

(e) Reducing or eliminating impact, inspection, and plan 10995
review fees for housing developers; 10996

(f) Adopting a zoning plan that includes promoting higher 10997
density, small lot size, and minimum setback requirements; 10998

(g) Developing a comprehensive plan that promotes diverse 10999
residential development options; 11000

(h) Having no or minimal parking requirements for 11001
developments that include residential units; 11002

(i) Conducting a traffic study, improving water or sewer 11003
infrastructure, improving roads, or permitting both rigid and 11004
flexible pavement types; 11005

- (j) Developing partnerships to expand the provision of 11006
sewer and water services to new areas; 11007
- (k) Promoting the use of non-traditional building 11008
structures such as modular or manufactured homes. 11009
- (4) "Residential economic development district" means all 11010
parcels of land within a twenty-mile radius of a major economic 11011
development project. 11012
- (B) A county, township, or municipal corporation that is 11013
fully or partially located within a residential economic 11014
development district may apply for a grant under this section in 11015
the form and manner prescribed by the department of development. 11016
The county, township, or municipal corporation may submit the 11017
application independently or in collaboration with a housing 11018
developer, port authority, council of government, regional 11019
planning commission, or one or more other counties, townships, 11020
or municipal corporations. The application shall, at minimum, 11021
include documentation or other evidence that proves, to the 11022
satisfaction of the department, that the applicant has done or 11023
has imminent plans to do both of the following within the 11024
district: 11025
- (1) Adopt and implement pro-housing development policies; 11026
- (2) Approve a major workforce housing project. 11027
- (C) (1) The department shall review applications and award 11028
grants under this section on a rolling basis, to the extent that 11029
funds are available. 11030
- (2) The department shall evaluate applications and 11031
determine the amount of each grant awarded in accordance with 11032
scoring metrics that include all of the following: 11033

<u>(a) Density, with more points awarded to projects that</u>	11034
<u>have more units per acre, starting at two units per acre;</u>	11035
<u>(b) Lot size, with more points awarded to projects that</u>	11036
<u>have smaller lot sizes, starting with an average of seven</u>	11037
<u>thousand five hundred square feet;</u>	11038
<u>(c) Side yard setbacks, with more points awarded to</u>	11039
<u>projects that have smaller setback requirements, starting with</u>	11040
<u>six feet;</u>	11041
<u>(d) Open space requirements, with more points awarded to</u>	11042
<u>projects that have lesser open space requirements, starting with</u>	11043
<u>twenty-five per cent of gross acreage;</u>	11044
<u>(e) Inspection, plan, impact, or water and sewer tap fee</u>	11045
<u>reductions, with more points awarded for lower or no fees;</u>	11046
<u>(f) Use of water pipe type, with more points awarded for</u>	11047
<u>allowing polyvinyl chloride as opposed to ductile iron;</u>	11048
<u>(g) Use of rigid and flexible pavement types, with more</u>	11049
<u>points awarded for allowing both;</u>	11050
<u>(h) Traffic studies and thoroughfare plans, with more</u>	11051
<u>points awarded for applicants that seek to use funds for those</u>	11052
<u>purposes and have demonstrated success in completing such</u>	11053
<u>studies or plans for a major workforce housing project;</u>	11054
<u>(i) Sanitary sewer or water extensions, with more points</u>	11055
<u>awarded for applicants that seek to use funds for those purposes</u>	11056
<u>as related to the major workforce housing project.</u>	11057
<u>(3) The department shall give preference to applicants</u>	11058
<u>that adopt more pro-housing development policies in terms of</u>	11059
<u>both quantity and impact.</u>	11060

(D) If a county, township, or municipal corporation is 11061
approved for a grant under this section based on imminent plans 11062
to adopt and implement pro-housing development policies and 11063
approve a major workforce housing project, the department shall 11064
confirm that the county, township, or municipal corporation 11065
follows through with those plans, as described in the grant 11066
application, before disbursing grant funds. A grant recipient 11067
shall use the funds only for the following purposes: 11068

(1) Providing capital for housing development through 11069
grants or loans; 11070

(2) Readyng sites for development; 11071

(3) Providing financial assistance for housing-related 11072
infrastructure projects including road improvements and water or 11073
sewer connections; 11074

(4) Addressing additional service or public safety needs 11075
due to increases in population. 11076

(E) The director of development shall adopt rules in 11077
accordance with Chapter 119. of the Revised Code to implement 11078
and administer this section. The rules shall address application 11079
procedures, scoring metrics, grant distribution, and state model 11080
zoning plans that include density, lot size, and setback 11081
preferences. The director shall finalize and publish the initial 11082
application procedures and scoring metrics to the department's 11083
web site no later than December 31, 2025. 11084

(F) All applications for grants under this section and the 11085
scoring metrics used by the department of development in 11086
awarding such grants are public records for the purposes of 11087
section 149.43 of the Revised Code. 11088

(G) The general assembly, in enacting this section, hereby 11089

declares its intent to encourage major workforce housing 11090
projects in areas of the state that otherwise would not attract 11091
such developments and to increase home ownership among Ohioans. 11092

Sec. 122.6510. (A) As used in this section, "federal act" 11093
means the "Small Business Liability Relief and Brownfields 11094
Revitalization Act," 115 Stat. 2356 (2002), 42 U.S.C. 9601 and 11095
9604. 11096

(B) There is hereby created in the state treasury the 11097
Brownfields Revolving Loan Fund. The Fund shall consist of all 11098
moneys received by the state from repayments of loans made under 11099
the terms of the federal act, and any other money transferred to 11100
the Fund. The Fund may be used to make grants and loans by the 11101
Director of Development ~~Services. All investment earnings of the~~ 11102
~~Fund shall be credited to the Fund.~~ 11103

(C) The Director shall administer moneys received into the 11104
Fund and comply with all requirements imposed by the federal act 11105
in administering the funds. 11106

(D) The Director may establish a schedule of fees and 11107
charges payable by loan recipients to the Director for the 11108
administration of this section. 11109

Sec. 122.6511. (A) As used in this section and section 11110
122.6512 of the Revised Code: 11111

(1) "Brownfield" means an abandoned, idled, or under-used 11112
industrial, commercial, or institutional property where 11113
expansion or redevelopment is complicated by known or potential 11114
releases of hazardous substances or petroleum. 11115

(2) "Lead entity" means a county, township, municipal 11116
corporation, port authority, conservancy district, park district 11117
or other similar park authority, county land reutilization 11118

corporation, or organization for profit. 11119

(3) "Remediation" means any action to contain, remove, or 11120
dispose of hazardous substances or petroleum at a brownfield. 11121

"Remediation" includes the acquisition of a brownfield, 11122

demolition performed at a brownfield, and the installation or 11123

upgrade of the minimum amount of infrastructure that is 11124

necessary to make a brownfield operational for economic 11125

development activity. "Remediation" also includes demolition and 11126

infrastructure development costs. 11127

(4) "County land reutilization corporation" has the same 11128

meaning as in section 1724.01 of the Revised Code. 11129

(5) "Demolition and infrastructure development costs" 11130

means demolition costs and costs associated with constructing, 11131

upgrading, or extending infrastructure necessary to make a 11132

brownfield operational. 11133

~~(5)~~ (6) "Priority investment area eligible project" means 11134

some or all of the following activities necessary or conducive 11135

for generating, transporting, storing, or transmitting 11136

electricity at the site of a brownfield or former coal mine 11137

located in a priority investment area designated under section 11138

122.161 of the Revised Code: 11139

(a) Environmental or cultural resource site assessments; 11140

(b) The monitoring, remediation, cleanup, or containment 11141

of land to remove any condition or substance regulated by state 11142

or federal environmental laws or regulations, including 11143

hazardous substances, hazardous wastes, solid wastes, or 11144

petroleum; 11145

(c) The demolition and removal of existing structures, 11146

grading, or other site work necessary to make a site or certain 11147

real property that includes a brownfield or former coal mine 11148
usable for economic development; 11149

(d) The development of a remediation and reuse plan; 11150

(e) The development or operation of a site for energy 11151
generation or battery storage. 11152

(B) (1) There is hereby created the brownfield remediation 11153
program to award grants for priority investment area eligible 11154
projects and the remediation of brownfield sites throughout 11155
Ohio. The program shall be administered by the director of 11156
development pursuant to this section and rules adopted pursuant 11157
to division (B) (2) of this section. 11158

(2) The director shall adopt rules, under Chapter 119. of 11159
the Revised Code, for the administration of the program. The 11160
rules shall include provisions for determining project and 11161
project sponsor eligibility, program administration, and any 11162
other provisions the director finds necessary. 11163

(3) The director shall not award a grant exceeding ten 11164
million dollars to a priority investment area eligible project. 11165
Grants for such projects may not be used for the construction or 11166
operation of electric generating infrastructure. 11167

(C) (1) There is hereby created in the state treasury the 11168
brownfield remediation fund. The fund shall consist of moneys 11169
appropriated to it by the general assembly, ~~and investment~~ 11170
~~earnings on moneys in the fund shall be credited to the fund.~~ 11171

The director shall reserve funds from each appropriation 11172
to the fund to each county in the state. The amount reserved 11173
shall be one million dollars per county, or, if an appropriation 11174
is less than eighty-eight million dollars, a proportionate 11175
amount to each county. Amounts reserved pursuant to this section 11176

are reserved for one calendar year from the date of the 11177
appropriation. After one calendar year, the funds shall be 11178
available pursuant to division (D) of this section. 11179

(2) A lead entity may submit ~~an initial a~~ grant 11180
application for the use of funds reserved under division (C) (1) 11181
of this section to the director. ~~The lead entity may later~~ 11182
~~submit an amended application to the director, and the director~~ 11183
~~may accept and approve that application for use of funds up to~~ 11184
~~the amount reserved for that county.~~ 11185

(D) Funds from an appropriation not reserved under 11186
division (C) (1) of this section shall be available for grants to 11187
projects located anywhere in the state, and grants from those 11188
funds shall be awarded ~~to qualifying projects on a first-come,~~ 11189
~~first-served basis~~ on a case by case basis. In making the award 11190
determination, the director shall evaluate the economic merit of 11191
the project to the county, surrounding counties, and state. The 11192
director also shall ensure that projects awarded are in 11193
different regions of the state. 11194

(E) The amendments to this section by ~~H.B. 315 of the~~ 11195
~~135th general assembly~~ this act apply to new projects that are 11196
applied for and awarded funding by the director of development 11197
on and after ~~July 1, 2025~~ the effective date of this amendment. 11198
Projects that are applied for or were applied for under this 11199
section prior to July 1, 2025, shall be governed by this section 11200
as it existed prior to July 1, 2025. 11201

Sec. 122.6512. (A) (1) There is hereby created the building 11202
demolition and site revitalization program to award grants for 11203
the demolition of commercial and residential buildings and 11204
revitalization of surrounding properties on sites that are not 11205
brownfields. The program shall be administered by the director 11206

of development pursuant to this section and rules adopted 11207
pursuant to division (A) (2) of this section. 11208

(2) The director shall adopt rules, under Chapter 119. of 11209
the Revised Code, for the administration of the program. The 11210
rules shall include provisions for determining project and 11211
project sponsor eligibility, program administration, and any 11212
other provisions the director finds necessary. 11213

(3) The director shall ensure that the program is 11214
operational and accepting proposals for grants not later than 11215
ninety days after September 30, 2021. 11216

(4) To streamline funding through the program, each county 11217
shall have one lead entity designated in accordance with the 11218
following: 11219

(a) If the county has a population of less than one 11220
hundred thousand according to the most recent federal decennial 11221
census, the director shall select the lead entity from a list of 11222
recommendations made by the board of county commissioners of the 11223
county. The board shall submit a lead entity letter of intent 11224
and any other documentation required by the director in order 11225
for the director to select a lead entity for that county. 11226

(b) If the county has a population of one hundred thousand 11227
or more according to the most recent federal decennial census 11228
and the county does not have a county land reutilization 11229
corporation, the director shall select the lead entity from a 11230
list of recommendations made by the board of county 11231
commissioners of the county. The board shall submit a lead 11232
entity letter of intent and any other documentation required by 11233
the director in order for the director to select a lead entity 11234
for that county. 11235

(c) If the county has a population of one hundred thousand 11236
or more according to the most recent federal decennial census 11237
and the county has a county land reutilization corporation, the 11238
county land reutilization corporation is the lead entity for 11239
that county. 11240

(5) The lead entity of each county shall submit all grant 11241
applications for that county. The lead entity shall submit with 11242
a grant application any agreements executed between the lead 11243
entity with other recipients that will receive grant money 11244
through the lead entity, if applicable. Such recipients may 11245
include local governments, nonprofit organizations, community 11246
development corporations, regional planning commissions, county 11247
land reutilization corporations, and community action agencies. 11248

(B) (1) There is hereby created in the state treasury the 11249
building demolition and site revitalization fund. The fund shall 11250
consist of moneys appropriated to it by the general assembly, 11251
~~and investment earnings on moneys in the fund shall be credited~~ 11252
~~to the fund.~~ 11253

(2) The director shall reserve funds from each 11254
appropriation to the fund to each county in the state. The 11255
amount reserved shall be five hundred thousand dollars per 11256
county, or, if an appropriation is less than forty-four million 11257
dollars, a proportionate amount to each county. Amounts reserved 11258
pursuant to this section are reserved for one calendar year from 11259
the date of the appropriation. After one calendar year, the 11260
funds shall be available pursuant to division (B) (3) of this 11261
section. 11262

(3) Funds from an appropriation not reserved under 11263
division (B) (2) of this section shall be available for grants to 11264
projects located anywhere in the state, ~~and grants from those~~ 11265

~~funds shall be awarded to qualifying projects on a first-come,~~ 11266
~~first-served basis.~~ Grants awarded pursuant to this division 11267
shall be limited to seventy-five per cent of a project's total 11268
cost. 11269

Sec. 122.84. (A) As used in this section: 11270

(1) "Ohio qualified opportunity fund" means a qualified 11271
opportunity fund that holds one hundred per cent of its invested 11272
assets in qualified opportunity zone property situated in an 11273
Ohio opportunity zone. 11274

In the case of qualified opportunity zone property that is 11275
qualified opportunity zone stock or qualified opportunity zone 11276
partnership interest, the stock or interest is situated in an 11277
Ohio opportunity zone only if, during all of the qualified 11278
opportunity fund's holding period for such stock or interest, 11279
all of the use of the corporation's or partnership's tangible 11280
property was in an Ohio opportunity zone. In the case of 11281
qualified opportunity zone property that is qualified 11282
opportunity zone business property, the property is situated in 11283
an Ohio opportunity zone only if, during all of the fund's 11284
holding period for such property, all of the use of the property 11285
was in an Ohio opportunity zone. 11286

All terms used in division (A) of this section have the 11287
same meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be 11288
substituted for "substantially all" wherever "substantially all" 11289
appears in the definition of those terms or in the definition of 11290
terms used in those terms. 11291

(2) "Ohio opportunity zone" means a qualified opportunity 11292
zone designated in this state under 26 U.S.C. 1400Z-1 before, 11293
on, or after, October 17, 2019, the effective date of the 11294

enactment of this section by H.B. 166 of the 133rd general 11295
assembly. 11296

(3) "Business day" means a day of the week excluding 11297
Saturday, Sunday, and a legal holiday as defined under section 11298
1.14 of the Revised Code. 11299

(4) "Investment period" means the six-month period from 11300
the first day of January to the thirtieth day of June, or from 11301
the first day of July to the thirty-first day of December. 11302

(5) "Investment" means money from any source other than 11303
grant funds that is invested to improve property located in an 11304
Ohio opportunity zone with the expectation of receiving a 11305
profit. 11306

(B) A person that invests in one or more Ohio qualified 11307
opportunity funds may apply to the director of development for a 11308
nonrefundable credit against the tax levied under section 11309
5725.18, 5726.02, 5729.03, or 5747.02 of the Revised Code. The 11310
application shall be made on forms prescribed by the director. 11311
The director shall accept and review applications submitted 11312
under this section during two annual periods, the first of which 11313
begins on the tenth day of January and ends ~~after the first day~~ 11314
~~of February~~ on the seventeenth day of January, and the second of 11315
which begins on the tenth day of July and ends ~~after the first~~ 11316
~~day of August~~ on the seventeenth day of July. If any of those 11317
dates fall on a day that is not a business day, then the 11318
application period begins on or ends after the next business 11319
day, as applicable. The credit shall equal ten per cent of the 11320
amount of the person's investment in the fund that the fund 11321
invested during the immediately preceding investment period in 11322
projects located in Ohio opportunity zones. 11323

The person shall include the following information with 11324
the person's application: 11325

(1) The amount of the person's investment in Ohio 11326
qualified opportunity funds, arranged according to the amount 11327
invested in each such fund if the person invested in more than 11328
one such fund; 11329

(2) A statement from an employee or officer of each Ohio 11330
qualified opportunity fund identified by the person under 11331
division (B)(1) of this section certifying the amount of the 11332
person's investment in the fund and the amount of that 11333
investment the fund invested in projects located in Ohio 11334
opportunity zones during the immediately preceding investment 11335
period. The statement shall describe each project funded by the 11336
investment and state each project's location and the portion of 11337
the person's investment invested in each such project. Unless 11338
the fund demonstrates otherwise to the director's satisfaction, 11339
the amount of a person's investment that the fund invested in a 11340
project located in an Ohio opportunity zone equals the same 11341
proportion of the amount of the fund's investment in the project 11342
as the person's investment in the fund bears to the total 11343
investment by all investors in that fund on the date the fund 11344
makes the investment in the project. 11345

The director shall review and process applications in the 11346
order in which applications are received. 11347

(C)(1) Subject to division (C)(2) of this section, if the 11348
director determines that the applicant qualifies for a credit 11349
under this section, the director shall issue, within sixty days 11350
after the last day on which an application may be submitted for 11351
that application period, a tax credit certificate to the person 11352
identified with a unique number and listing the amount of credit 11353

the director determines is eligible to be claimed or 11354
transferred.-- 11355

(2) The total amount of tax credits issued by the director 11356
shall not exceed: 11357

~~(a) Seventy-five million dollars for the fiscal biennium~~ 11358
~~beginning July 1, 2021, and ending June 30, 2023;~~ 11359

~~(b) Fifty fifty million dollars for each of fiscal year~~ 11360
~~2024;~~ 11361

~~(c) Twenty-five million dollars for each fiscal year~~ 11362
~~thereafter~~years 2026 and 2027. The director shall not issue any 11363
dollar amount of new tax credits under this section in any 11364
fiscal year after fiscal year 2027 unless specifically 11365
authorized by an act of the general assembly. 11366

If the tax credits issued in the first year of the fiscal 11367
biennium are less than the maximum allowed, the excess shall be 11368
carried forward to the second year of the fiscal biennium. 11369

The director shall not issue certificates to a single 11370
applicant in any fiscal biennium in an amount that exceeds two 11371
million dollars. 11372

The director shall not issue certificates that exceed five 11373
million dollars on the basis of the same project located in an 11374
Ohio opportunity zone. 11375

The director may not issue a certificate under this 11376
section on the basis of any investment for which a small 11377
business investment certificate has been issued under section 11378
122.86 of the Revised Code. 11379

(3) The credit may be claimed by a person under section 11380
5725.38, 5726.61, 5729.21, or 5747.86 of the Revised Code, as 11381

applicable. A person that is not subject to taxation under 11382
section 5725.18, 5726.02, 5729.03, or 5747.02 of the Revised 11383
Code shall not claim the credit but if the person is the 11384
applicant to which the certificate was initially issued, the 11385
person may transfer the right to claim the credit under division 11386
(D) of this section. 11387

(D) A taxpayer claiming a credit under this section shall 11388
submit a copy of the certificate with the taxpayer's return or 11389
report. 11390

(E) A person that holds a wholly or partially unclaimed 11391
certificate issued under this section may transfer the right to 11392
claim all or part of the remaining credit to any other person. 11393
To effectuate the transfer, the transferor must notify the tax 11394
commissioner, in writing, that the transferor is transferring 11395
the right to claim all or part of the remaining credit stated on 11396
the certificate. The transferor shall identify in that 11397
notification the certificate's number, the name and the tax 11398
identification number of the transferee, the amount of remaining 11399
credit transferred to the transferee, and, if applicable, the 11400
amount of remaining credit retained by the transferor. The 11401
transferee may claim the amount of credit received under this 11402
division pursuant to and in the manner required under divisions 11403
(C) (3) and (D) of this section. Transferring a credit under this 11404
division does not extend the taxable year or calendar year for 11405
which the credit may be claimed or number of years for which the 11406
unclaimed credit amount may be carried forward under section 11407
5725.38, 5726.61, 5729.21, or 5747.86 of the Revised Code, as 11408
applicable. 11409

Any person to which a credit has been transferred under 11410
this division may transfer the right to claim all or part of the 11411

transferred credit amount to any other person, in the same 11412
manner prescribed by this division for the initial transfer, 11413
including that any such transfer be reported by the transferor 11414
to the tax commissioner as described in this division. 11415

(F) On or before the first day of August each year, the 11416
director of development shall submit a report to the governor, 11417
the president and minority leader of the senate, and the speaker 11418
and minority leader of the house of representatives on the tax 11419
credit program authorized under this section. The report shall 11420
include the following information: 11421

(1) The number of projects funded by investments for which 11422
a tax credit application was submitted under this section during 11423
the preceding year, the Ohio opportunity zone in which each such 11424
project is located, the number of projects funded by investments 11425
for which certificates were allocated during the preceding year, 11426
a description of each such project, and the composition of an 11427
Ohio qualified opportunity fund's investments in each project 11428
funded by investments for which a tax credit application was 11429
submitted under this section; 11430

(2) The number of persons that invested in an Ohio 11431
qualified opportunity fund and applied for a tax credit based on 11432
the fund's investment in a project during the preceding year, 11433
the name of the fund in which each such investment was made, the 11434
number of persons allocated a credit for such investments under 11435
this section, and the dollar amount of those credits; 11436

(3) A map that shows the location of each Ohio opportunity 11437
zone and that indicates which zones include existing or pending 11438
projects that are, or will be, funded by tax credit-eligible 11439
investments. 11440

Sec. 122.85. (A) As used in this section and in sections 11441
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 11442

(1) "Tax credit-eligible production" means a motion 11443
picture or Broadway theatrical production certified by the 11444
director of development under division (B) of this section as 11445
qualifying ~~the production a~~ company for a tax credit under 11446
section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised 11447
Code. 11448

(2) "Certificate owner" means a production-qualifying 11449
company to which a tax credit certificate is issued. 11450

(3) "~~Production-Qualifying~~ company" means an individual, 11451
corporation, partnership, limited liability company, or other 11452
form of business association that is registered with the 11453
secretary of state and that is producing a motion picture or 11454
producing or presenting Broadway theatrical production. 11455

(4) "Eligible expenditures" means expenditures made after 11456
June 30, 2009, for goods or services purchased and consumed in 11457
this state by a production-qualifying company directly for the 11458
production of a tax credit-eligible production, for 11459
postproduction activities, or for advertising and promotion of 11460
the production. 11461

~~"Eligible expenditures" do not include qualified-~~ 11462
~~expenditures for which a production company receives a tax-~~ 11463
~~credit under section 122.852 of the Revised Code.~~ 11464

"Eligible expenditures" include expenditures for cast and 11465
crew wages, accommodations, costs of set construction and 11466
operations, editing and related services, photography, sound 11467
synchronization, lighting, wardrobe, makeup and accessories, 11468
film processing, transfer, sound mixing, special and visual 11469

effects, music, location fees, and the purchase or rental of 11470
facilities and equipment. 11471

(5) "Motion picture" means entertainment content created 11472
in whole or in part within this state for distribution or 11473
exhibition to the general public, including, but not limited to, 11474
feature-length films; documentaries; long-form, specials, 11475
miniseries, series, and interstitial television programming; 11476
interactive web sites; sound recordings; videos; music videos; 11477
interactive television; interactive games; video games; 11478
commercials; any format of digital media; and any trailer, 11479
pilot, video teaser, or demo created primarily to stimulate the 11480
sale, marketing, promotion, or exploitation of future investment 11481
in either a product or a motion picture by any means and media 11482
in any digital media format, film, or videotape, provided the 11483
motion picture qualifies as a motion picture. "Motion picture" 11484
does not include any television program created primarily as 11485
news, weather, or financial market reports, a production 11486
featuring current events or sporting events, an awards show or 11487
other gala event, a production whose sole purpose is 11488
fundraising, a long-form production that primarily markets a 11489
product or service or in-house corporate advertising or other 11490
similar productions, a production for purposes of political 11491
advocacy, or any production for which records are required to be 11492
maintained under 18 U.S.C. 2257 with respect to sexually 11493
explicit content. 11494

(6) "Broadway theatrical production" means a prebroadway 11495
production, long run production, or tour launch that is 11496
directed, managed, and performed by a professional cast and crew 11497
and that is directly associated with New York city's Broadway 11498
theater district. 11499

(7) "Prebroadway production" means a live stage production 11500
that is scheduled for presentation in New York city's broadway 11501
theater district after the original or adaptive version is 11502
performed in a qualified production facility. 11503

(8) "Long run production" means a live stage production 11504
that is scheduled to be performed at a qualified production 11505
facility for more than five weeks, with an average of at least 11506
six performances per week. 11507

(9) "Tour launch" means a live stage production for which 11508
the activities comprising the technical period are conducted at 11509
a qualified production facility before a tour of the original or 11510
adaptive version of the production begins. 11511

(10) "Qualified production facility" means a facility 11512
located in this state that is used in the development or 11513
presentation to the public of theater productions. 11514

(11) "Investment intent letter" means a letter that 11515
satisfies all of the following: 11516

(a) Is executed on official letterhead of the qualifying 11517
company, investor, or investment entity; 11518

(b) Clearly states the amount of investment being 11519
committed; 11520

(c) Specifies the date on which the investment is to be 11521
made available; 11522

(d) Identifies the motion picture or broadway theatrical 11523
production to which the funds are allocated. 11524

(B) For the purpose of encouraging and developing strong 11525
film and theater industries in this state, the director of 11526
development may certify a motion picture or broadway theatrical 11527

production produced by a ~~production-qualifying~~ company as a tax 11528
credit-eligible production. In the case of a television series, 11529
the director may certify the production of each episode of the 11530
series as a separate tax credit-eligible production. A 11531
~~production-qualifying~~ company shall apply for certification of a 11532
motion picture or Broadway theatrical production as a tax 11533
credit-eligible production on a form and in the manner 11534
prescribed by the director. Each application shall include the 11535
following information: 11536

(1) The name and telephone number of the ~~production-~~ 11537
qualifying company; 11538

(2) The name and telephone number of the company's contact 11539
person; 11540

(3) A list of the first preproduction date through the 11541
last production and postproduction dates in Ohio and, in the 11542
case of a Broadway theatrical production, a list of each 11543
scheduled performance in a qualified production facility; 11544

(4) The Ohio production office or qualified production 11545
facility address and telephone number; 11546

(5) The total production budget; 11547

(6) The total budgeted eligible expenditures and the 11548
percentage that amount is of the total production budget of the 11549
motion picture or Broadway theatrical production; 11550

(7) In the case of a motion picture, the total percentage 11551
of the production being shot in Ohio; 11552

(8) The level of employment of cast and crew who reside in 11553
Ohio; 11554

(9) A synopsis of the script; 11555

- (10) In the case of a motion picture, the shooting script; 11556
- (11) A creative elements list that includes the names of 11557
the principal cast and crew and the producer and director; 11558
- (12) Documentation of financial ability to undertake and 11559
complete the motion picture or Broadway theatrical production, 11560
including documentation that shows that the company has secured 11561
funding equal to at least fifty per cent of the total production 11562
budget, which may be in the form of an investment intent letter; 11563
- (13) Estimated value of the tax credit based upon total 11564
budgeted eligible expenditures; 11565
- (14) Estimated amount of state and local taxes to be 11566
generated in this state from the production; 11567
- (15) Estimated economic impact of the production in this 11568
state; 11569
- (16) Any other information considered necessary by the 11570
director. 11571
- Within ninety days after certification of a motion picture 11572
or Broadway theatrical production as a tax credit-eligible 11573
production, and any time thereafter upon the request of the 11574
director, the ~~production-qualifying~~ company shall present to the 11575
director sufficient evidence of reviewable progress. If the 11576
~~production-~~company fails to present sufficient evidence, the 11577
director may rescind the certification. If the production of a 11578
motion picture or Broadway theatrical production does not begin 11579
within ninety days after the date it is certified as a tax 11580
credit-eligible production, the director shall rescind the 11581
certification unless the director finds that the ~~production-~~ 11582
company shows good cause for the delay, meaning that the 11583
production was delayed due to unforeseeable circumstances beyond 11584

the ~~production~~-company's control or due to action or inaction by 11585
a government agency. Upon rescission, the director shall notify 11586
the applicant that the certification has been rescinded. Nothing 11587
in this section prohibits an applicant whose tax credit-eligible 11588
production certification has been rescinded from submitting a 11589
subsequent application for certification. 11590

(C) (1) A ~~production~~-qualifying company whose motion 11591
picture or Broadway theatrical production has been certified as 11592
a tax credit-eligible production may apply to the director of 11593
development on or after July 1, 2009, for a refundable credit 11594
against the tax imposed by section 5726.02, 5733.06, 5747.02, or 11595
5751.02 of the Revised Code. The director in consultation with 11596
the tax commissioner shall prescribe the form and manner of the 11597
application and the information or documentation required to be 11598
submitted with the application. 11599

The credit is determined as follows: 11600

(a) If the total budgeted eligible expenditures stated in 11601
the application submitted under division (B) of this section or 11602
the actual eligible expenditures as finally determined under 11603
division (D) of this section, whichever is least, is less than 11604
or equal to three hundred thousand dollars, no credit is 11605
allowed; 11606

(b) If the total budgeted eligible expenditures stated in 11607
the application submitted under division (B) of this section or 11608
the actual eligible expenditures as finally determined under 11609
division (D) of this section, whichever is least, is greater 11610
than three hundred thousand dollars, the credit equals thirty 11611
per cent of the least of such budgeted or actual eligible 11612
expenditure amounts. 11613

(2) Except as provided in division (C) (4) of this section, 11614
if the director of development approves a ~~production~~-qualifying 11615
company's application for a credit, the director shall issue a 11616
tax credit certificate to the company. The director in 11617
consultation with the tax commissioner shall prescribe the form 11618
and manner of issuing certificates. The director shall assign a 11619
unique identifying number to each tax credit certificate and 11620
shall record the certificate in a register devised and 11621
maintained by the director for that purpose. The certificate 11622
shall state the amount of the eligible expenditures on which the 11623
credit is based and the amount of the credit. Upon the issuance 11624
of a certificate, the director shall certify to the tax 11625
commissioner the name of the ~~production~~-qualifying company to 11626
which the certificate was issued, the amount of eligible 11627
expenditures shown on the certificate, the amount of the credit, 11628
and any other information required by the rules adopted to 11629
administer this section. 11630

(3) The amount of eligible expenditures for which a tax 11631
credit may be claimed is subject to inspection and examination 11632
by the tax commissioner or employees of the commissioner under 11633
section 5703.19 of the Revised Code and any other applicable 11634
law. Once the eligible expenditures are finally determined under 11635
section 5703.19 of the Revised Code and division (D) of this 11636
section, the credit amount is not subject to adjustment unless 11637
the director determines an error was committed in the 11638
computation of the credit amount. 11639

(4) No tax credit certificate may be issued before the 11640
completion of the tax credit-eligible production. The amount of 11641
tax credit allowed per fiscal year, through fiscal year 2027, 11642
shall not exceed the sum of ~~(a)~~ fifty million dollars, ~~(b) the~~ 11643
~~difference between the maximum credit amount for that fiscal~~ 11644

~~year under section 122.852 of the Revised Code and the amount~~ 11645
~~the director of development elects to allow under this section~~ 11646
~~pursuant to division (D)(1) of section 122.852 of the Revised~~ 11647
~~Code, and (e) the difference between the maximum amount of~~ 11648
credits that could have been awarded in the previous fiscal year 11649
under this section and the amount actually awarded. Out of that 11650
sum, five million dollars shall be reserved for Broadway 11651
theatrical productions, and the balance may be allowed for any 11652
tax credit-eligible production. For any fiscal year in which 11653
less than five million dollars of tax credits are allowed for 11654
Broadway theatrical productions, the amount of the five million 11655
dollars not allowed and added to the maximum annual amount for 11656
the following fiscal year shall be reserved for Broadway 11657
theatrical productions in the following fiscal year. No amount 11658
of tax credit shall be allowed under this section after fiscal 11659
year 2027 unless specifically authorized by an act of the 11660
general assembly. 11661

(5) The director shall review and approve applications for 11662
tax credits ~~in two rounds each fiscal year. The first round of~~ 11663
~~credits shall be awarded not later than the last day of July of~~ 11664
~~the fiscal year, and the second round of credits shall be~~ 11665
~~awarded not later than the last day of the ensuing January. The~~ 11666
~~amount of credits awarded in the first round of applications~~ 11667
~~each fiscal year shall not exceed one-half of the maximum~~ 11668
~~allowance for the fiscal year calculated under division (C)(4)~~ 11669
~~of this section, two million five hundred thousand dollars of~~ 11670
~~which shall be reserved for Broadway theatrical productions. For~~ 11671
each round, the director shall rank applications on the basis of 11672
the extent of positive economic impact each tax credit-eligible 11673
production is likely to have in this state and the effect on 11674
developing a permanent workforce in motion picture or theatrical 11675

~~production industries in the state. For the purpose of such~~ 11676
~~ranking, the~~ on a rolling basis. The director shall give 11677
priority to tax-credit eligible productions that are television 11678
series or miniseries due to the long-term commitment typically 11679
associated with such productions.~~The economic impact ranking~~ 11680
~~shall be based on the production company's total expenditures in~~ 11681
~~this state directly associated with the tax credit-eligible~~ 11682
~~production. The effect on developing a permanent workforce in~~ 11683
~~the motion picture or theatrical production industries shall be~~ 11684
~~evaluated first by the number of new jobs created and second by~~ 11685
~~amount of payroll added with respect to employees in this state.~~ 11686

~~The director shall approve productions in the order of~~ 11687
~~their ranking, from those with the greatest positive economic~~ 11688
~~impact and workforce development effect to those with the least~~ 11689
~~positive economic impact and workforce development effect.~~ 11690

(D) A ~~production~~ qualifying company whose motion picture 11691
or Broadway theatrical production has been certified as a tax 11692
credit-eligible production shall engage, at the company's 11693
expense, an independent certified public accountant to examine 11694
the company's production, postproduction, and advertising and 11695
promotion expenditures to identify the expenditures that qualify 11696
as eligible expenditures. The certified public accountant shall 11697
issue a report to the company and to the director of development 11698
certifying the company's eligible expenditures and any other 11699
information required by the director. Upon receiving and 11700
examining the report, the director may disallow any expenditure 11701
the director determines is not an eligible expenditure. If the 11702
director disallows an expenditure, the director shall issue a 11703
written notice to the ~~production~~ company stating that the 11704
expenditure is disallowed and the reason for the disallowance. 11705
Upon examination of the report and disallowance of any 11706

expenditures, the director shall determine finally the lesser of 11707
the total budgeted eligible expenditures stated in the 11708
application submitted under division (B) of this section or the 11709
actual eligible expenditures for the purpose of computing the 11710
amount of the credit. 11711

(E) No credit shall be allowed under section 5726.55, 11712
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 11713
director has reviewed the report and made the determination 11714
prescribed by division (D) of this section. 11715

(F) This state reserves the right to refuse the use of 11716
this state's name in the credits of any tax credit-eligible 11717
motion picture production or program of any Broadway theatrical 11718
production. 11719

(G) (1) The director of development in consultation with 11720
the tax commissioner shall adopt rules for the administration of 11721
this section, including rules setting forth and governing the 11722
criteria for determining whether a motion picture or Broadway 11723
theatrical production is a tax credit-eligible production; 11724
activities that constitute the production or postproduction of a 11725
motion picture or Broadway theatrical production; reporting 11726
sufficient evidence of reviewable progress; expenditures that 11727
qualify as eligible expenditures; a schedule and deadlines for 11728
applications to be submitted and reviewed; a competitive process 11729
for approving credits based on likely economic impact in this 11730
state and development of a permanent workforce in motion picture 11731
or theatrical production industries in this state; consideration 11732
of geographic distribution of credits; and implementation of the 11733
program described in division (H) of this section. The rules 11734
shall be adopted under Chapter 119. of the Revised Code. 11735

(2) To cover the administrative costs of the program, the 11736

director shall require each applicant to pay an application fee 11737
equal to the lesser of ten thousand dollars or one per cent of 11738
the estimated value of the tax credit as stated in the 11739
application. The fees collected shall be credited to the tax 11740
incentives operating fund created in section 122.174 of the 11741
Revised Code. All grants, gifts, fees, and contributions made to 11742
the director for marketing and promotion of the motion picture 11743
industry within this state shall also be credited to the fund. 11744

(H) The director of development shall establish a program 11745
for the training of Ohio residents who are or wish to be 11746
employed in the film or multimedia industry. Under the program, 11747
the director shall: 11748

(1) Certify individuals as film and multimedia trainees. 11749
In order to receive such a certification, an individual must be 11750
an Ohio resident, have participated in relevant on-the-job 11751
training or have completed a relevant training course approved 11752
by the director, and have met any other requirements established 11753
by the director. 11754

(2) Accept applications from ~~production-qualifying~~ 11755
companies that intend to hire and provide on-the-job training to 11756
one or more certified film and multimedia trainees who will be 11757
employed in the company's tax credit-eligible production; 11758

(3) Upon completion of a tax-credit eligible production, 11759
and upon the receipt of any salary information and other 11760
documentation required by the director, authorize a 11761
reimbursement payment to each ~~production-qualifying~~ company 11762
whose application was approved under division (H) (2) of this 11763
section. The payment shall equal fifty per cent of the salaries 11764
paid to film and multimedia trainees employed in the production. 11765

Sec. 122.86. (A) As used in this section and section 11766
5747.81 of the Revised Code: 11767

(1) "Small business enterprise" means a corporation, pass- 11768
through entity, or other person satisfying all of the following: 11769

(a) At the time of a qualifying investment, the enterprise 11770
meets all of the following requirements: 11771

(i) Has no outstanding tax or other liabilities owed to 11772
the state; 11773

(ii) Is in good standing with the secretary of state, if 11774
the enterprise is required to be registered with the secretary; 11775

(iii) Is current with any court-ordered payments; 11776

(iv) Is not engaged in any illegal activity. 11777

(b) At the time of a qualifying investment, the 11778
enterprise's assets according to generally accepted accounting 11779
principles do not exceed fifty million dollars, or its annual 11780
sales do not exceed ten million dollars. When making this 11781
determination, the assets and annual sales of all of the 11782
enterprise's related or affiliated entities shall be included in 11783
the calculation. 11784

(c) At the time of a qualifying investment and for the 11785
two-year period immediately preceding the qualifying investment, 11786
the enterprise employs at least fifty full-time equivalent 11787
employees in this state for whom the enterprise is required to 11788
withhold income tax under section 5747.06 of the Revised Code, 11789
or more than one-half the enterprise's total number of full-time 11790
equivalent employees employed anywhere in the United States are 11791
employed in this state and are subject to that withholding 11792
requirement. 11793

(d) The enterprise, within six months after an eligible 11794
investor's qualifying investment is made, incurs cost for one or 11795
more of the following: 11796

(i) Tangible personal property, other than motor vehicles 11797
operated on public roads and highways, used in business and 11798
physically located in this state from the time of its 11799
acquisition by the enterprise until the end of the investor's 11800
holding period, including the installation of such tangible 11801
personal property; 11802

(ii) Motor vehicles operated on public roads and highways 11803
if, from the time of acquisition by the enterprise until the end 11804
of the investor's holding period, the motor vehicles are 11805
purchased in this state, registered in this state under Chapter 11806
4503. of the Revised Code, are used primarily for business 11807
purposes, and are necessary for the operation of the 11808
enterprise's business; 11809

(iii) Real property located in this state that is used in 11810
the business from the time of its acquisition by the enterprise 11811
until the end of the holding period; 11812

(iv) Leasehold improvements and construction costs for 11813
property located in this state that is used in the business from 11814
the time its improvement or construction was completed until the 11815
end of the holding period; 11816

(v) Compensation for new employees of the enterprise hired 11817
after the date the qualifying investment is made for whom the 11818
enterprise is required to withhold income tax under section 11819
5747.06 of the Revised Code. 11820

(2) "Qualifying investment" means an investment of money 11821
made ~~on or after July 1, 2019,~~ to acquire capital stock or other 11822

equity interest in a small business enterprise. "Qualifying
investment" does not include either of the following:

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

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

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

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

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

(B) An eligible investor that makes a qualifying
investment in a small business enterprise on or after July 1,
2019, but on or before November 3, 2025, may apply to the
director of development ~~services~~ to obtain an allocation for a
small business investment certificate from the director.
Alternatively, a small business enterprise may apply on behalf
of eligible investors to obtain the allocation for those
investors. The application must be submitted to the director

within sixty days after the date of the qualifying investment, 11852
but within the same biennium as the qualifying investment. The 11853
director, in consultation with the tax commissioner, shall 11854
prescribe the form or manner in which an applicant shall apply 11855
for the certificate, devise the form of the certificate, and 11856
prescribe any records or other information an applicant shall 11857
furnish with the application to evidence the qualifying 11858
investment. The applicant shall pay an application fee equal to 11859
the greater of one-tenth of one per cent of the amount of the 11860
intended investment or one hundred dollars. 11861

The director ~~of development services~~ may reserve small 11862
business investment allocations to qualifying applicants in the 11863
order in which the director receives applications. An 11864
application is completed when the director has validated that an 11865
eligible investor has made a qualified investment and receives 11866
all required documentation needed to demonstrate the small 11867
business enterprise satisfies the requirements of division (A) 11868
(1) of this section. To qualify for an allocation, an eligible 11869
investor must satisfy both of the following, subject to the 11870
limitation on the amount of qualifying investments for which 11871
allocations may be issued under division (C) of this section: 11872

(1) The eligible investor makes a qualifying investment on 11873
or after July 1, 2019, but on or before November 3, 2025. 11874

(2) The eligible investor pledges not to sell or otherwise 11875
dispose of the qualifying investment before the conclusion of 11876
the applicable holding period. 11877

(C) (1) The amount of any eligible investor's qualifying 11878
investments for which small business investment allocations may 11879
be issued for a fiscal biennium shall not exceed ten million 11880
dollars. 11881

(2) The director ~~of development services~~ shall not issue a 11882
small business investment allocation to an eligible investor 11883
representing an amount of qualifying investment in excess of the 11884
amount of the investment indicated on the investor's 11885
application. 11886

(3) For any fiscal biennium beginning before July 1, 2019, 11887
the director ~~of development services~~ shall not issue small 11888
business investment allocations in a total amount that would 11889
cause the tax credits claimed in that biennium to exceed one 11890
hundred million dollars. For any fiscal biennium beginning on or 11891
after July 1, 2019, the director shall not issue small business 11892
investment allocations in a total amount that would cause the 11893
tax credits claimed in that biennium to exceed fifty million 11894
dollars. 11895

(4) The director ~~of development services~~ may issue a small 11896
business investment allocation only if both of the following 11897
apply at the time of issuance: 11898

(a) The small business enterprise meets all the 11899
requirements listed in divisions (A) (1) (a) (i) to (iv) of this 11900
section; 11901

(b) The eligible investor does not owe any outstanding tax 11902
or other liability to the state. 11903

(5) The director shall not issue a small business 11904
investment allocation on the basis of any investment for which 11905
an Ohio opportunity zone investment certificate has been issued 11906
under section 122.84 of the Revised Code. 11907

(D) Before the end of the applicable holding period of a 11908
qualifying investment, each enterprise in which a qualifying 11909
investment was made for which a small business investment 11910

allocation has been issued, upon the request of the director ~~of~~ 11911
~~development services~~, shall provide to the director records or 11912
other evidence satisfactory to the director that the enterprise 11913
is a small business enterprise for the purposes of this section. 11914
Each enterprise shall also provide annually to the director 11915
records or evidence regarding the number of jobs created or 11916
retained in the state. The director shall compile and maintain a 11917
register of small business enterprises qualifying under this 11918
section and shall certify the register to the tax commissioner. 11919
The director shall also compile and maintain a record of the 11920
number of jobs created or retained as a result of qualifying 11921
investments made pursuant to this section. 11922

(E) After the conclusion of the applicable holding period 11923
for a qualifying investment, a person to whom a small business 11924
investment allocation has been issued under this section shall 11925
receive a small business investment certification, which 11926
entitles the person to claim a credit as provided under section 11927
5747.81 of the Revised Code. However, no certificate may be 11928
issued if the director finds that any requirement under this 11929
section is not met. 11930

(F) ~~The director of development services~~, in consultation 11931
with the tax commissioner, may adopt rules for the 11932
administration of this section, including rules governing the 11933
following: 11934

(1) Documents, records, or other information eligible 11935
investors shall provide to the director; 11936

(2) Any information a small business enterprise shall 11937
provide for the purposes of this section and section 5747.81 of 11938
the Revised Code; 11939

(3) Determination of the number of full-time equivalent 11940
employees of a small business enterprise; 11941

(4) Verification of a small business enterprise's 11942
investment; 11943

(5) Circumstances under which small business enterprises 11944
or eligible investors may be subverting the purposes of this 11945
section and section 5747.81 of the Revised Code. 11946

(G) Application fees paid under division (B) of this 11947
section shall be credited to the tax incentives operating fund 11948
created in section 122.174 of the Revised Code. 11949

Sec. 122.97. (A) The director of development may allocate 11950
the state ceiling on the aggregate amount of private activity 11951
bonds issued in this state as provided in 26 U.S.C. 146. The 11952
allocation shall be made pursuant to rules the director adopts 11953
in accordance with Chapter 119. of the Revised Code that do all 11954
of the following: 11955

(1) Provide a formula for allocating the state ceiling, as 11956
authorized under 26 U.S.C. 146(e); 11957

(2) Authorize procedures to administer those allocations; 11958

(3) Impose fees on persons to which such allocations are 11959
issued; 11960

(4) Establish any other requirements, processes, or 11961
procedures to administer the state ceiling. 11962

(B) The development volume cap fund is created in the 11963
custody of the treasurer of state, but is not part of the state 11964
treasury. The fund shall consist of all fees paid by issuers 11965
receiving state ceiling allocations. Funds may be used to pay 11966
the department of development's costs in administering ceiling 11967

allocations. The treasurer of state shall disburse money from 11968
the fund on order of the director of development. All interest 11969
and investment income earned by the fund shall be deposited into 11970
the fund. 11971

Sec. 122.98. (A) The general assembly finds that access to 11972
affordable housing in rural areas is an important part of 11973
fostering a robust and lasting population. Accordingly, it is 11974
declared to be the public policy of the state to increase the 11975
availability of single-family homes in the rural areas through 11976
the residential development revolving loan program, administered 11977
by the department of development. 11978

(B) An eligible borrower for a residential development 11979
loan is a county, or a township or municipal corporation that is 11980
fully or partially located in a county, that meets both of the 11981
following: 11982

(1) Has a population of not more than seventy-five 11983
thousand according to the most recent federal decennial census 11984
published by the United States census bureau; 11985

(2) The number of privately owned housing units authorized 11986
by building permit in the preceding calendar year, according to 11987
the most recent data provided by the United States census 11988
bureau, is less than the average number of private housing units 11989
authorized by building permit for counties in this state over 11990
the same period. 11991

(C) An eligible borrower shall use the proceeds of a 11992
residential development loan exclusively to develop, repair, or 11993
upgrade water, sewer, transportation, electric, or gas 11994
infrastructure needed for the construction of single-family, 11995
residential dwellings that are part of a residential development 11996

project. An eligible borrower shall not use any portion of the 11997
proceeds for routine infrastructure maintenance or for 11998
developments, repairs, or upgrades that exceed the projected 11999
requirements of the residential development project. 12000

(D) The department shall not approve an application for a 12001
residential development loan unless the eligible borrower 12002
demonstrates, to the satisfaction of the department, that the 12003
residential development project served by the infrastructure 12004
developments, repairs, or upgrades meets all of the following: 12005

(1) Is fully located in a county that meets the criteria 12006
prescribed by divisions (B) (1) and (2) of this section; 12007

(2) Has a net density of at least four single-family, 12008
residential dwellings per acre; 12009

(3) Is zoned exclusively for single-family, residential 12010
use; 12011

(4) Does not currently, and will not upon its completion, 12012
include a qualified low-income building that receives a tax 12013
credit under 26 U.S.C. 42. 12014

(E) An eligible borrower shall, at minimum, include all of 12015
the following in the loan application: 12016

(1) A description of the infrastructure developments, 12017
repairs, or upgrades to be funded by the loan and an estimate of 12018
the total cost to complete those developments, repairs, or 12019
upgrades; 12020

(2) The loan amount requested by the eligible borrower, 12021
which shall not exceed either of the following amounts: 12022

(a) Fifty per cent of the total cost of the infrastructure 12023
developments, repairs, or upgrades; 12024

(b) Thirty thousand dollars per single-family, residential dwelling included in the residential development project served by the developments, repairs or upgrades. 12025
12026
12027

(3) Documentation sufficient to prove, to the satisfaction of the department, all of the following: 12028
12029

(a) That the applicant is an eligible borrower under division (B) of this section; 12030
12031

(b) That the infrastructure developments, repairs, or upgrades meet the requirements under division (C) of this section; 12032
12033
12034

(c) That the residential development project served by those developments, repairs, or upgrades meets the requirements under division (D) of this section. 12035
12036
12037

(4) The proposed or recorded plot of the subdivision that is the basis of the development project. 12038
12039

(5) Certification that the eligible borrower agrees to comply with all provisions of this section. 12040
12041

(F) The department shall accept applications and make low-interest loans under this section on a rolling basis whenever funding is available. The department shall begin accepting applications for the first round of loans not later than January 1, 2026. 12042
12043
12044
12045
12046

(G) The department shall not establish or levy any fees on loan applicants or recipients. 12047
12048

(H) An eligible borrower that receives a loan under this section shall do all of the following: 12049
12050

(1) Exempt the residential development project served by 12051

the infrastructure developments, repairs, or upgrades, from both 12052
of the following: 12053

(a) Any building or road standards of the eligible 12054
borrower that are more stringent than those prescribed by state 12055
law; 12056

(b) Ordinances, resolutions, rules, or restrictions of the 12057
eligible borrower concerning any of the following: 12058

(i) Minimum square footage for residential dwellings; 12059

(ii) Off-street parking; 12060

(iii) The existence, size, or placement of a garage. 12061

(2) Complete any required traffic reviews or studies for 12062
the residential development project within forty-five days after 12063
receiving the loan; 12064

(3) Provide a quarterly report to the director on the 12065
status of the work funded by the loan; 12066

(4) Repay the principal and interest of the loan in 12067
accordance with terms specified by the department. 12068

(I) The director shall develop and utilize scoring metrics 12069
in prioritizing applications, determining whether to approve 12070
low-interest loans, and determining the amount of such loans. 12071
The metrics must meet all of the following requirements: 12072

(1) Give higher priority to projects in locations with 12073
greater housing need and lack of private housing investment; 12074

(2) Consider the potential economic impact of the project 12075
and the regional distributive balance of the loans; 12076

(3) Not consider whether the project is located in an 12077
economically distressed area, including by weighting preference 12078

based on the poverty rate in the jurisdiction or census tract in 12079
which the project is located. 12080

(J) The interest rate for loans made under the program 12081
shall be the effective federal funds rate in effect at the time 12082
of the loan agreement. The department shall credit all 12083
principal, interest, and fees paid under this section by an 12084
eligible borrower to the residential development revolving loan 12085
fund created under section 122.981 of the Revised Code. 12086

Sec. 122.981. There is hereby created in the state 12087
treasury the residential development revolving loan fund. The 12088
fund shall consist of appropriations by the general assembly, 12089
money received as repayment for loans under section 122.98 of 12090
the Revised Code, fees collected in accordance with that 12091
section, and any other money transferred to the fund. All 12092
investment earnings of the fund shall be credited to the fund. 12093
The department of development shall use money in the fund 12094
exclusively to make low-interest loans under section 122.98 of 12095
the Revised Code and to offset the expenditures incurred by the 12096
department in administering that section. The aggregate amount 12097
of money used to offset the department's expenditures in any 12098
fiscal year shall not exceed five hundred thousand dollars. 12099

Sec. 123.10. (A) As used in this section and section 12100
123.11 of the Revised Code, "public exigency" means an injury or 12101
obstruction that occurs in any public works of the state and 12102
that materially impairs its immediate use or places in jeopardy 12103
property adjacent to it; an immediate danger of such an injury 12104
or obstruction; or an injury or obstruction, or an immediate 12105
danger of an injury or obstruction, that occurs in any public 12106
works of the state and that materially impairs its immediate use 12107
or places in jeopardy property adjacent to it. 12108

(B) When a declaration of public exigency is issued 12109
pursuant to division (C) of this section, the Ohio facilities 12110
construction commission, or the requesting director of the state 12111
agency, state institution of higher education as defined in 12112
division (A) (1) of section 3345.12 of the Revised Code, or other 12113
state instrumentality, as determined by the executive director 12114
of the commission, shall enter into contracts with proper 12115
persons for the performance of labor, the furnishing of 12116
materials, or the construction of any structures and buildings 12117
necessary to the maintenance, control, and management of the 12118
public works of the state or any part of those public works. Any 12119
contracts awarded for the work performed pursuant to the 12120
declaration of a public exigency may be awarded without 12121
competitive bidding or selection as set forth in Chapter 153. of 12122
the Revised Code. 12123

(C) The executive director of the Ohio facilities 12124
construction commission may issue a declaration of a public 12125
exigency on the executive director's own initiative or upon the 12126
request of the director of any state agency, a state institution 12127
of higher education as defined in division (A) (1) of section 12128
3345.12 of the Revised Code, or any other state instrumentality. 12129
The executive director's declaration shall identify the specific 12130
injury, obstruction, or danger that is the subject of the 12131
declaration and shall set forth a dollar limitation for the 12132
repair, removal, or prevention of that exigency under the 12133
declaration. 12134

Before any project to repair, remove, or prevent a public 12135
exigency under the executive director's declaration may begin, 12136
the executive director shall send notice of the project, in 12137
writing, to the director of budget and management and to the 12138
members of the controlling board. That notice shall detail the 12139

project to be undertaken to address the public exigency and 12140
shall include a copy of the executive director's declaration 12141
that establishes the monetary limitations on that project. 12142

Sec. 123.14. (A) Every two years, the department of 12143
administrative services shall conduct a comprehensive study and 12144
issue a report on all real property owned or leased by the state 12145
or a state agency. The director of administrative services shall 12146
deliver the report to the speaker of the house of 12147
representatives, the president of the senate, and the governor 12148
not later than the thirty-first day of January of every odd- 12149
numbered year. The study shall include all of the following: 12150

(1) A complete list of all the real property owned by the 12151
state or a state agency. The list shall be organized by who owns 12152
the real property, which shall include information regarding the 12153
nature of the real property, such as whether the real property 12154
includes structures, whether any structure is office space, the 12155
value of the real property, the cost of maintaining the real 12156
property, and what percentage of the real property is used or 12157
unused by the state or state agency. 12158

(2) A complete list of all the real property that the 12159
state or a state agency rents or leases, but does not own, and 12160
the cost of renting or leasing; 12161

(3) Which state agencies use the real property, whether 12162
owned or leased, and the square footage that is used, versus not 12163
used, organized by state agency; 12164

(4) How much of the real property identified in division 12165
(A) (3) of this section would be used if all employees of that 12166
agency worked in person, rather than remote. 12167

(B) As used in this section, "state agency" means every 12168

organized body, office, or agency established by the laws of the 12169
state for the exercise of any function of state government, 12170
including the nonprofit corporation formed under section 187.01 12171
of the Revised Code, but not including the courts or any 12172
judicial agency, any state-assisted institution of higher 12173
education, or any local agency. 12174

Sec. 123.28. As used in this section and in ~~section~~ 12175
sections 123.281 to 123.283, except as otherwise provided in 12176
those sections, of the Revised Code: 12177

(A) "Culture" means any of the following: 12178

(1) Visual, musical, dramatic, graphic, design, and other 12179
arts, including, but not limited to, architecture, dance, 12180
literature, motion pictures, music, painting, photography, 12181
sculpture, and theater, and the provision of training or 12182
education in these arts; 12183

(2) The presentation or making available, in museums or 12184
other indoor or outdoor facilities, of principles of science and 12185
their development, use, or application in business, industry, or 12186
commerce or of the history, heritage, development, presentation, 12187
and uses of the arts described in division (A) (1) of this 12188
section and of transportation; 12189

(3) The preservation, presentation, or making available of 12190
features of archaeological, architectural, environmental, or 12191
historical interest or significance in a state historical 12192
facility or a local historical facility. 12193

(B) "Cultural organization" means either of the following: 12194

(1) A governmental agency or Ohio nonprofit corporation, 12195
including the Ohio history connection, that provides programs or 12196
activities in areas directly concerned with culture; 12197

(2) A regional arts and cultural district as defined in 12198
section 3381.01 of the Revised Code. 12199

(C) "Cultural project" means all or any portion of an Ohio 12200
cultural facility for which the general assembly has made an 12201
appropriation or has specifically authorized the spending of 12202
money or the making of rental payments relating to the financing 12203
of construction. 12204

(D) "Cooperative use agreement" means a contract between 12205
the Ohio facilities construction commission and a cultural 12206
organization providing the terms and conditions of the 12207
cooperative use of an Ohio cultural facility. 12208

(E) "Costs of operation" means amounts required to manage 12209
an Ohio cultural facility that are incurred following the 12210
completion of construction of its cultural project, provided 12211
that both of the following apply: 12212

(1) Those amounts either: 12213

(a) Have been committed to a fund dedicated to that 12214
purpose; 12215

(b) Equal the principal of any endowment fund, the income 12216
from which is dedicated to that purpose. 12217

(2) The commission and the cultural organization have 12218
executed an agreement with respect to either of those funds. 12219

(F) "Governmental agency" means a state agency, a state 12220
institution of higher education as defined in section 3345.12 of 12221
the Revised Code, a municipal corporation, county, township, or 12222
school district, a port authority created under Chapter 4582. of 12223
the Revised Code, any other political subdivision or special 12224
district in this state established by or pursuant to law, or any 12225

combination of these entities; except where otherwise indicated, 12226
the United States or any department, division, or agency of the 12227
United States, or any agency, commission, or authority 12228
established pursuant to an interstate compact or agreement. 12229

(G) "Local contributions" means the value of an asset 12230
provided by or on behalf of a cultural organization from sources 12231
other than the state, the value and nature of which shall be 12232
approved by the Ohio facilities construction commission, in its 12233
sole discretion. "Local contributions" may include the value of 12234
the site where a cultural project is to be constructed. All 12235
"local contributions," except a contribution attributable to 12236
such a site, shall be for the costs of construction of a 12237
cultural project or the creation or expansion of an endowment 12238
for the costs of operation of a cultural facility. 12239

(H) "Local historical facility" means a site or facility, 12240
other than a state historical facility, of archaeological, 12241
architectural, environmental, or historical interest or 12242
significance, or a facility, including a storage facility, 12243
appurtenant to the operations of such a site or facility, that 12244
is owned by a cultural organization and is used for or in 12245
connection with cultural activities, including the presentation 12246
or making available of culture to the public. 12247

(I) "Manage," "operate," or "management" means the 12248
provision of, or the exercise of control over the provision of, 12249
activities: 12250

(1) Relating to culture for an Ohio cultural facility, 12251
including as applicable, but not limited to, providing for 12252
displays, exhibitions, specimens, and models; booking of 12253
artists, performances, or presentations; scheduling; and hiring 12254
or contracting for directors, curators, technical and scientific 12255

staff, ushers, stage managers, and others directly related to 12256
the cultural activities in the facility; but not including 12257
general building services; 12258

(2) Relating to sports and athletic events for an Ohio 12259
sports facility, including as applicable, but not limited to, 12260
providing for booking of athletes, teams, and events; 12261
scheduling; and hiring or contracting for staff, ushers, 12262
managers, and others directly related to the sports and athletic 12263
events in the facility; but not including general building 12264
services. 12265

(J) "Ohio cultural facility" means any of the following: 12266

(1) The theaters located in the state office tower at 77 12267
South High street in Columbus; 12268

(2) Any cultural facility in this state that is managed 12269
directly by, or is subject to a cooperative use or management 12270
agreement with, the Ohio facilities construction commission. 12271

(3) A state historical facility or a local historical 12272
facility. 12273

(K) "Construction" includes acquisition, including 12274
acquisition by lease-purchase, demolition, reconstruction, 12275
alteration, renovation, remodeling, enlargement, improvement, 12276
site improvements, and related equipping and furnishing. 12277

(L) "State historical facility" means a site or facility 12278
that has all of the following characteristics: 12279

(1) It is created, supervised, operated, protected, 12280
maintained, and promoted by the Ohio history connection pursuant 12281
to the Ohio history connection's performance of public functions 12282
under sections 149.30 and 149.302 of the Revised Code. 12283

(2) Its title must reside wholly or in part with the 12284
state, the Ohio history connection, or both the state and the 12285
Ohio history connection. 12286

(3) It is managed directly by or is subject to a 12287
cooperative use or management agreement with the Ohio facilities 12288
construction commission and is used for or in connection with 12289
cultural activities, including the presentation or making 12290
available of culture to the public. 12291

(M) "Ohio sports facility" means all or a portion of a 12292
stadium, arena, tennis facility, motorsports complex, or other 12293
capital facility in this state. A primary purpose of the 12294
facility shall be to provide a site or venue for the 12295
presentation to the public of motorsports events, professional 12296
tennis tournaments, or events of one or more major or minor 12297
league professional athletic or sports teams that are associated 12298
with the state or with a city or region of the state. The 12299
facility shall be, in the case of a motorsports complex, owned 12300
by the state or governmental agency, or in all other instances, 12301
owned by or located on real property owned by the state or a 12302
governmental agency, and includes all parking facilities, 12303
walkways, and other auxiliary facilities, equipment, 12304
furnishings, and real and personal property and interests and 12305
rights therein, that may be appropriate for or used for or in 12306
connection with the facility or its operation, for capital costs 12307
of which state funds are spent pursuant to this section and 12308
section 123.281 of the Revised Code. A facility constructed as 12309
an Ohio sports facility may be both an Ohio cultural facility 12310
and an Ohio sports facility. 12311

(N) "Motorsports" means sporting events in which motor 12312
vehicles are driven on a clearly demarcated tracked surface. 12313

(O) "Professional sports franchise" means a member of the 12314
following professional sports leagues: the national football 12315
league, women's national football conference, women's football 12316
alliance, women's football league association, national hockey 12317
league, professional women's hockey league, major league 12318
baseball, women's professional baseball league, major league 12319
soccer, national women's soccer league, national basketball 12320
association, or the women's national basketball association, or 12321
a successor of such an entity. 12322

(P) "Major sports facility" means a stadium, arena, 12323
complex, or other facility that a governmental agency owns, will 12324
own, or has or will have a sufficient ownership interest in, the 12325
primary purpose of which is to provide a site or venue for the 12326
presentation of home games of a professional sports franchise 12327
for a period of at least thirty years after completion of the 12328
construction of the stadium, arena, complex, or other facility. 12329

(Q) "Transformational major sports facility mixed-use 12330
project" means the following, as applicable: 12331

(1) A mixed-use project that meets all of the following 12332
criteria: 12333

(a) Includes the construction of a major sports facility; 12334

(b) Integrates some combination of retail, office, hotel, 12335
residential, recreation, structured parking, or other similar 12336
uses into one or more mixed-use developments; 12337

(c) Is expected to generate incremental state tax revenues 12338
pursuant to state taxes levied under Chapters 5739., 5741., 12339
5747., and 5751. of the Revised Code; 12340

(d) Has an initial total estimated construction cost, 12341
excluding any site acquisition cost, that is greater than one 12342

billion dollars. 12343

(2) In addition to the criteria under division (Q) (1) of 12344
this section, a transformational major sports facility mixed-use 12345
project may include any of the following: 12346

(a) Other projects supporting or relating to the major 12347
sports facility or the professional sports franchise 12348
constructing or using the major sports facility; 12349

(b) Any mixed-use project adjacent or otherwise relating 12350
to practice facilities for the professional sports franchise; 12351

(c) Conference centers, concert, or other entertainment 12352
venues and facilities; 12353

(d) Retail, food, restaurant, and beverage facilities, 12354
whether fixed or mobile; 12355

(e) Parks and other public open spaces or facilities; 12356

(f) Related on-site infrastructure necessary or desirable 12357
for all such elements for the transformational major sports 12358
facility mixed-use project. 12359

(R) "Transformational major sports facility mixed-use 12360
project district" means the geographic area encompassing, and 12361
including all of the area within the territorial boundaries of, 12362
the land upon which the transformational major sports facility 12363
mixed-use project is located, as determined by the office of 12364
budget and management, in consultation with the department of 12365
taxation, the Ohio facilities construction commission, and any 12366
applicable county or municipal offices in accordance with 12367
division (H) (5) (e) of section 123.281 of the Revised Code. 12368

(S) "Base professional sports franchise state tax 12369
revenues" means an amount or calculation either established by 12370

the general assembly or equal to all state tax revenues 12371
generated pursuant to state taxes levied under Chapters 5739., 12372
5741., 5747., and 5751. of the Revised Code that are 12373
attributable to the professional sports franchise and its 12374
operations at the professional sports franchise's existing 12375
facility, and collected by the department of taxation in the 12376
calendar year occurring immediately before the calendar year in 12377
which the professional sports franchise plays its initial 12378
regular season home game in the major sports facility, which 12379
shall be increased by three and one-half per cent per year each 12380
calendar year for up to sixteen years thereafter. 12381

(T) "Total major sports facility mixed-use project 12382
district state tax revenues" means the total aggregate state tax 12383
revenue generated in the territory of a transformational major 12384
sports facility mixed-use project district pursuant to state 12385
taxes levied under Chapters 5739., 5741., 5747., and 5751. of 12386
the Revised Code beginning in the calendar year in which a 12387
performance grant is eligible for disbursement under an 12388
appropriation and for sixteen years thereafter. Total major 12389
sports facility mixed-use project district state tax revenues 12390
also includes the following: 12391

(1) State tax revenues attributable to the construction 12392
of, and the purchasing of or leasing of materials and items used 12393
in the construction of, a transformational major sports facility 12394
mixed-use project district beginning in the calendar year in 12395
which the performance grant is eligible for disbursement under 12396
an appropriation; 12397

(2) The professional sports franchise and its operations 12398
at the major sports facility. 12399

(U) "Incremental major sports facility mixed-use project 12400

district state tax revenues" means the amount of state tax 12401
revenues received by the state determined by subtracting base 12402
professional sports franchise state tax revenues, as calculated 12403
for a given calendar year including any required three and one- 12404
half per cent annual increase, from total major sports facility 12405
mixed-use project district state tax revenues for such year. 12406

(V) "Total incremental major sports facility mixed-use 12407
project district state tax revenues" means the aggregate amount 12408
of incremental major sports facility mixed-use district state 12409
tax revenues beginning in the calendar year in which a 12410
performance grant is eligible for disbursement under an 12411
appropriation and for sixteen years thereafter. 12412

(W) "Affiliate" means a person that directly, or 12413
indirectly through one or more intermediaries, controls, is 12414
controlled by, is under common control with, or acts in concert 12415
with, or is a participant in a joint venture, partnership, 12416
consortium, or similar business arrangement with, a professional 12417
sports franchise or owner. 12418

(X) "Owner" means a person that has a controlling 12419
ownership interest in a professional sports franchise. 12420

(Y) "Person" means one or more individuals, receivers, 12421
assignees, trustees in bankruptcy, estates, firms, limited 12422
liability companies, partnerships, associations, joint-stock 12423
companies, joint ventures, clubs, societies, corporations, and 12424
combinations of individuals in any form. 12425

Sec. 123.281. (A) The Ohio facilities construction 12426
commission shall provide for the construction of a cultural 12427
project in conformity with Chapter 153. of the Revised Code, 12428
except for construction services provided on behalf of the state 12429

by a governmental agency or a cultural organization in 12430
accordance with divisions (B) and (C) of this section. 12431

(B) In order for a governmental agency or a cultural 12432
organization to provide construction services on behalf of the 12433
state for a cultural project, other than a state historical 12434
facility, for which the general assembly has made an 12435
appropriation or specifically authorized the spending of money 12436
or the making of rental payments relating to the financing of 12437
the construction, the governmental agency or cultural 12438
organization shall submit to the Ohio facilities construction 12439
commission a cooperative use agreement that includes, but is not 12440
limited to, provisions that: 12441

(1) Specify how the proposed project will support culture; 12442

(2) Specify that the governmental agency or cultural 12443
organization has local contributions amounting to not less than 12444
fifty per cent of the total state funding for the cultural 12445
project; 12446

(3) Specify that the funds shall be used only for 12447
construction; 12448

(4) Identify the facility to be constructed, renovated, 12449
remodeled, or improved; 12450

(5) Specify that the project scope meets the intent and 12451
purpose of the project appropriation and that the project can be 12452
completed and ready to support culture without exceeding 12453
appropriated funds; 12454

(6) Specify that the governmental agency or cultural 12455
organization shall hold the Ohio facilities construction 12456
commission harmless from all liability for the operation and 12457
maintenance costs of the facility; 12458

(7) Specify that the agreement or any actions taken under 12459
it are not subject to Chapter 123. or 153. of the Revised Code, 12460
except for sections 123.20, 123.201, 123.21, 123.28, 123.281, 12461
and 153.011 of the Revised Code, and are subject to Chapter 12462
4115. of the Revised Code; and 12463

(8) Provide that amendments to the agreement shall require 12464
the approval of the Ohio facilities construction commission. 12465

(C) In order for a cultural organization to provide 12466
construction services on behalf of the state for a state 12467
historical facility for which the general assembly has made an 12468
appropriation or specifically authorized the spending of money 12469
or the making of rental payments relating to the financing of 12470
the construction, the cultural organization shall submit to the 12471
Ohio facilities construction commission a cooperative use 12472
agreement that includes, but is not limited to, provisions that: 12473

(1) Specify how the proposed project will support culture; 12474

(2) Specify that the funds shall be used only for 12475
construction; 12476

(3) Specify that not more than three per cent of the funds 12477
may be used by the cultural organization to administer the 12478
project; 12479

(4) Identify the facility to be constructed, renovated, 12480
remodeled, or improved; 12481

(5) Specify that the project scope meets the intent and 12482
purpose of the project appropriation and that the project can be 12483
completed and ready to support culture without exceeding 12484
appropriated funds; 12485

(6) Specify that the cultural organization shall hold the 12486

Ohio facilities construction commission harmless from all 12487
liability for the operation and maintenance costs of the 12488
facility; 12489

(7) Specify that the agreement or any actions taken under 12490
it are not subject to Chapter 123., 153., or 4115. of the 12491
Revised Code, except for sections 123.20, 123.201, 123.21, 12492
123.28, and 123.281 of the Revised Code; and 12493

(8) Provide that amendments to the agreement shall require 12494
the approval of the Ohio facilities construction commission. 12495

(D) For an Ohio sports facility that is financed in part 12496
by obligations issued under Chapter 154. of the Revised Code, 12497
construction services shall be provided on behalf of the state 12498
by or at the direction of the governmental agency or nonprofit 12499
corporation that will own or be responsible for the management 12500
of the facility. Any construction services to be provided by a 12501
governmental agency or nonprofit corporation shall be specified 12502
in a cooperative use agreement between the Ohio facilities 12503
construction commission and the governmental agency or nonprofit 12504
corporation. The agreement and any actions taken under it are 12505
not subject to Chapter 123. or 153. of the Revised Code, except 12506
for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 12507
153.011 of the Revised Code, and are subject to Chapter 4115. of 12508
the Revised Code. 12509

(E) ~~State~~ Except as provided in division (H) of this 12510
section and section 123.283 of the Revised Code, state funds 12511
shall not be used to pay or reimburse more than fifteen per cent 12512
of the initial estimated construction cost of an Ohio sports 12513
facility, excluding any site acquisition cost, and no state 12514
funds, including any state bond proceeds, shall be spent on any 12515
Ohio sports facility under this chapter unless, with respect to 12516

that facility, all of the following apply: 12517

(1) The Ohio facilities construction commission has 12518
received a financial and development plan satisfactory to it, 12519
and provision has been made, by agreement or otherwise, 12520
satisfactory to the commission, for a contribution amounting to 12521
not less than eighty-five per cent of the total estimated 12522
construction cost of the facility, excluding any site 12523
acquisition cost, from sources other than the state. 12524

(2) The general assembly has specifically authorized the 12525
spending of money on, or made an appropriation for, the 12526
construction of the facility, or for rental payments relating to 12527
state financing of all or a portion of the costs of constructing 12528
the facility. Authorization to spend money, or an appropriation, 12529
for planning or determining the feasibility of or need for the 12530
facility does not constitute authorization to spend money on, or 12531
an appropriation for, costs of constructing the facility. 12532

(3) If state bond proceeds are being used for the Ohio 12533
sports facility, the state or a governmental agency owns or has 12534
sufficient property interests in the facility or in the site of 12535
the facility or in the portion or portions of the facility 12536
financed from proceeds of state bonds, which may include, but is 12537
not limited to, the right to use or to require the use of the 12538
facility for the presentation of sport and athletic events to 12539
the public at the facility. 12540

(F) In addition to the requirements of division (E) of 12541
this section, no state funds, including any state bond proceeds, 12542
shall be spent on any Ohio sports facility that is a motorsports 12543
complex, unless, with respect to that facility, both of the 12544
following apply: 12545

(1) Motorsports events shall be presented at the facility 12546
pursuant to a lease entered into with the owner of the facility. 12547
The term of the lease shall be for a period of not less than the 12548
greater of the useful life of the portion of the facility 12549
financed from proceeds of state bonds as determined using the 12550
guidelines for maximum maturities as provided under divisions 12551
(B) and (C) of section 133.20 of the Revised Code, or the period 12552
of time remaining to the date of payment or provision for 12553
payment of outstanding state bonds allocable to costs of the 12554
facility, all as determined by the director of budget and 12555
management and certified by the executive director of the Ohio 12556
facilities construction commission and to the treasurer of 12557
state. 12558

(2) Any motorsports organization that commits to using the 12559
facility for an established period of time shall give the 12560
political subdivision in which the facility is located not less 12561
than six months' advance notice if the organization intends to 12562
cease utilizing the facility prior to the expiration of that 12563
established period. Such a motorsports organization shall be 12564
liable to the state for any state funds used on the construction 12565
costs of the facility. 12566

(G) In addition to the requirements of division (E) of 12567
this section, no state bond proceeds shall be spent on any Ohio 12568
sports facility that is a tennis facility, unless the owner or 12569
manager of the facility provides contractual commitments from a 12570
national or international professional tennis organization in a 12571
form acceptable to the Ohio facilities construction commission 12572
that assures that one or more sanctioned professional tennis 12573
events will be presented at the facility during each year that 12574
the bonds remain outstanding. 12575

(H) State funds may be used as a performance grant to pay 12576
or reimburse up to twenty-five per cent of the initial estimated 12577
construction cost for a major sports facility if all of the 12578
following criteria are met: 12579

(1) The major sports facility upon completion will be a 12580
part of a transformational major sports facility mixed-use 12581
project. 12582

(2) The office of budget and management in consultation 12583
with the Ohio facilities construction commission has received a 12584
financial and development plan that satisfies the requirements 12585
of this section, and includes a contribution amounting to not 12586
less than seventy-five per cent of the total initial estimated 12587
construction cost of the major sports facility, excluding any 12588
site acquisition cost, from sources other than the state's 12589
performance grant, including a contribution from the 12590
professional sports franchise that plans to use the facility, or 12591
the owner or an authorized affiliate, of at least fifty per cent 12592
of the total estimated construction cost of the major sports 12593
facility. 12594

(3) The general assembly has specifically authorized, or 12595
made an appropriation for, the performance grant to aid in the 12596
construction of the major sports facility, provided that the 12597
grant's authorization or appropriation does not include planning 12598
or determining the feasibility of or need for the major sports 12599
facility as a cost of constructing the major sports facility. 12600
The performance grant is not subject to the review or 12601
authorization of the controlling board, and upon the office of 12602
budget and management's receipt of the escrow amount and of a 12603
certification of funds or other requisite proof the supplemental 12604
reserve amount has been established in accordance with division 12605

(H) (4) of this section, is eligible for disbursement in full or 12606
in part, for the payment or reimbursement of construction costs 12607
for the major sports facility, without regard to the other 12608
sources of contribution for the costs of construction of the 12609
major sports facility as described in division (H) (2) of this 12610
section and not on a pro rata basis. The state shall not incur 12611
debt to fund or assist a major sports facility receiving a 12612
performance grant under this section. 12613

(4) (a) The professional sports franchise planning to use 12614
the facility, or the owner or an authorized affiliate, has 12615
executed and filed with the office of budget and management an 12616
escrow amount equal to eight and one-third per cent of the total 12617
amount of the performance grant appropriated for the project, 12618
which shall be deposited in an interest-bearing account 12619
maintained within the state treasury, nonrefundable 12620
disbursements from which shall be as described in division (H) 12621
(5) of this section. Whatever remains of the amount in escrow 12622
after the sixteen-year period, including any interest earnings 12623
thereon, shall be returned to the professional sports franchise, 12624
owner, or affiliate upon certification by the office of budget 12625
and management, in consultation with the department of taxation, 12626
that the total incremental major sports facility mixed-use 12627
project district state tax revenues have achieved all required 12628
target amounts as described in division (H) (5) of this section. 12629

(b) The professional sports franchise planning to use the 12630
facility, or the owner or an authorized affiliate, shall 12631
establish a supplemental reserve, which may take the form of a 12632
line of credit or other commercially reasonable type of 12633
certifiable and available liquidity, in an amount equal to the 12634
initial escrow account deposit required by division (H) (4) (a) of 12635
this section. The supplemental reserve shall be available to be 12636

drawn upon in accordance with division (H) (5) (c) of this 12637
section. The supplemental reserve shall not be required to be 12638
replenished if drawn upon in accordance with division (H) (5) of 12639
this section. 12640

(5) The professional sports franchise planning to use the 12641
facility, or the owner or an authorized affiliate, has entered 12642
into an agreement with the office of budget and management that 12643
complies with this section and specifies all of the following: 12644

(a) The incremental major sports facility mixed-use 12645
project district state tax revenues meet target amounts, as 12646
determined by the office of budget and management, in 12647
consultation with the Ohio facilities construction commission 12648
and the department of taxation, the total amount of which 12649
collected over a sixteen-year period equals or exceeds the 12650
amount of the performance grant appropriated to the project. The 12651
target amounts shall be as follows: 12652

(i) For the first four full calendar years beginning in 12653
the year in which the performance grant is eligible for 12654
disbursement under an appropriation, ten per cent of the total 12655
appropriated amount; 12656

(ii) For the second four-year period, twenty-six per cent 12657
of the total appropriated amount; 12658

(iii) For the third four-year period, thirty-two per cent 12659
of the total appropriated amount; 12660

(iv) For the fourth four-year period, thirty-two per cent 12661
of the total appropriated amount. 12662

(b) Incremental major sports facility mixed-use project 12663
district state tax revenues in excess of the target amount shall 12664
be credited towards target amounts in future periods. 12665

(c) If the incremental major sports facility mixed-use 12666
project district state tax revenues do not achieve target 12667
amounts at the end of each four-year period as determined by the 12668
office of budget and management, in consultation with the 12669
department of taxation, the deficit shall be offset by any 12670
excess tax revenue credit from previous years under division (H) 12671
(5) (b) of this section. If a deficit remains, the office of 12672
budget and management shall take a nonrefundable amount of money 12673
equal to the remaining deficit amount from the escrow account 12674
described under division (H) (4) of this section and deposit it 12675
into the general revenue fund. If a deficit still remains, the 12676
office of budget and management shall take a nonrefundable 12677
amount of money equal to the remaining deficit amount for that 12678
period from the supplemental reserve established pursuant to 12679
division (H) (4) (b) of this section, to the extent available, and 12680
deposit the money into the general revenue fund. Beginning in 12681
the ninth calendar year after the performance grant is eligible 12682
for disbursement, and once annually thereafter until completion 12683
of the sixteenth year, the professional sports franchise, or the 12684
owner or an authorized affiliate, may request a determination by 12685
the office of budget and management, in consultation with the 12686
department of taxation, that the total incremental major sports 12687
facility mixed-use project district state tax revenues equals or 12688
exceeds the amount of the performance grant appropriated to the 12689
project. Once the total incremental major sports facility mixed- 12690
use project district state tax revenues equals or exceeds the 12691
amount of the performance grant appropriated to the project, 12692
whether at the conclusion of a designated four-year period under 12693
division (H) (5) (a) of this section or upon an annual request 12694
under this division, the professional sports franchise, or the 12695
owner or authorized affiliate, shall receive the remainder of 12696
the amount in escrow, principal and interest, as provided for 12697

under division (H) (4) (a) of this section. 12698

(d) If, prior to the expiration of the fourth four-year 12699
period described in division (H) (5) (a) of this section, the 12700
owner's share of the ownership interest in the professional 12701
sports franchise becomes less than a controlling ownership 12702
interest, all rights, privileges, responsibilities, and 12703
obligations of the owner provided under this section and the 12704
agreement with the office of budget and management shall be 12705
assigned to, and assumed by, any new owner with a controlling 12706
ownership interest. 12707

(e) Establishes the metes and bounds of, including all 12708
areas within, the proposed transformational major sports 12709
facility mixed-use project district, which shall meet all of the 12710
following requirements: 12711

(i) All territory in the district is contiguous. 12712

(ii) The office of budget and management receives a 12713
petition, accompanied by a description of the proposed 12714
transformational major sports facility mixed-use project 12715
district, signed by every record owner of a parcel of real 12716
property located in the district and the owner of every business 12717
that operates in the district. 12718

(iii) A transformational major sports facility mixed-use 12719
project will be located on territory of the proposed 12720
transformational major sports facility mixed-use project 12721
district. 12722

(iv) Not more than one major sports facility mixed-use 12723
project may be located within a transformational major sports 12724
facility mixed-use project district. 12725

(v) For purposes of determining total incremental major 12726

sports facility mixed-use project district state tax revenues, 12727
the district's territorial boundary may not be enlarged after it 12728
is established with the office of budget and management, which 12729
may consult with the department of taxation, the Ohio facilities 12730
construction commission, and any applicable county or municipal 12731
offices to ensure each requirement in this division is met. 12732

(f) Every record owner of a parcel of real property 12733
located in the proposed transformational major sports facility 12734
mixed-use project district shall be required to comply with, and 12735
will cause every person that enters into a lease, license, use, 12736
or operating agreement for all or a portion of the building or 12737
facilities located in, a transformational major sports facility 12738
mixed-use project district to be subject to, reporting 12739
requirements as may be required by the department of taxation, 12740
in consultation with the office of budget and management and the 12741
Ohio facilities construction commission as described in division 12742
(J) of this section. Such requirement may be evidenced by an 12743
instrument that has been duly recorded in the land records of 12744
the county. 12745

(6) (a) The professional sports franchise planning to use 12746
the major sports facility shall not cease playing most of its 12747
home games at the major sports facility and begin playing most 12748
of its home games at a different facility located anywhere 12749
outside of the transformational major sports facility mixed-use 12750
project district until the earlier of one of the following 12751
dates: 12752

(i) The total incremental major sports facility mixed-use 12753
project district state tax revenues equals or exceeds the amount 12754
of the performance grant appropriated to the transformational 12755
major sports facility mixed-use project, inclusive of any 12756

amounts drawn from the escrow account or supplemental reserve 12757
under division (H) (4) of this section; 12758

(ii) Thirty years after the professional sports franchise 12759
plays its initial regular season home game at the major sports 12760
facility. 12761

(b) This division is in addition to, independent of, and 12762
operates concurrently with section 9.67 of the Revised Code. 12763

(I) Every person who owns real property located in, enters 12764
into a lease, license, use, or operating agreement for all or a 12765
portion of the building and facilities located in, or purchases 12766
or leases materials and items used in construction in the 12767
territory of a transformational major sports facility mixed-use 12768
project district is subject to reporting requirements as may be 12769
required by the department of taxation, in consultation with the 12770
office of budget and management and the Ohio facilities 12771
construction commission. Compliance with these requirements may 12772
be evidenced by an instrument that is duly recorded with the 12773
county recorder. 12774

(J) Every person doing business in a transformational 12775
major sports facility mixed-use project district shall file tax 12776
returns and make tax payments pursuant to Chapters 5739., 5741., 12777
5747., and 5751. of the Revised Code using an electronic medium 12778
in a format prescribed by the department of taxation. Persons 12779
that pay salaries and wages to employees in the territory of a 12780
transformational major sports facility mixed-use project 12781
district shall register for a separate withholding account and 12782
shall remit the wages and salaries withheld from employees for 12783
activities performed in the territory of a transformational 12784
major sports facility mixed-use project district separately from 12785
all income taxes withheld by such employer. In addition, every 12786

person doing business in the territory of a transformational 12787
major sports facility mixed-use project district shall provide 12788
all of the following information to the department of taxation: 12789

(1) For persons that collect transformational major sports 12790
facility mixed-use project district tax revenues pursuant to 12791
Chapter 5739. of the Revised Code, tax collections generated 12792
from construction or transactions in the territory of a 12793
transformational major sports facility mixed-use project 12794
district on the returns filed pursuant to Chapter 5739. of the 12795
Revised Code as prescribed by the department of taxation; 12796

(2) For persons that generate transformational major 12797
sports facility mixed-use project district tax revenues under 12798
Chapters 5741., 5747., and 5751. of the Revised Code, estimated 12799
payments for corporate income taxes generated from the 12800
transformational major sports facility mixed-use project 12801
district and information regarding gross revenues generated from 12802
activities in the transformational major sports facility mixed- 12803
use project district and gross revenues from all activities in 12804
this state; 12805

(3) For persons that make payments to an independent 12806
contractor attributable to construction or transactions in the 12807
territory of a transformational major sports facility mixed-use 12808
project district, information regarding such payments by the 12809
thirty-first day of January of each year in a format prescribed 12810
by the department of taxation. 12811

(4) The department of taxation may disclose taxpayer 12812
information regarding transactions, real or personal property, 12813
income, or business of any person to the governmental agency 12814
that owns, or holds a sufficient ownership interest in, a major 12815
sports facility as may be necessary for the administration of 12816

the provisions authorized by this section. 12817

(K) The department of taxation shall develop forms 12818
necessary to implement and administer this section. 12819

Sec. 123.282. The Ohio cultural and sports facility 12820
performance grant fund is created in the state treasury. The 12821
fund shall consist of all money remitted by the director of 12822
commerce under division (I) of section 169.08 of the Revised 12823
Code and amounts appropriated by the general assembly. The money 12824
in the fund shall be used as performance grants for Ohio 12825
cultural facility, Ohio sports facility, and major sports 12826
facility projects in accordance with sections 123.281 and 12827
123.283 of the Revised Code. All investment earnings of the fund 12828
shall be credited to the fund. 12829

Sec. 123.283. (A) As used in this section: 12830

"Ohio sports facility" means all or a portion of a 12831
stadium, arena, tennis facility, motorsports complex, or other 12832
capital facility in this state. A primary purpose of the 12833
facility shall be to provide a site or venue for the 12834
presentation to the public of motorsports events, professional 12835
tennis tournaments, or events of one or more major or minor 12836
league professional athletic or sports teams that are associated 12837
with the state or with a city or region of the state. The 12838
facility shall be owned by or located on real property owned by 12839
the state or a governmental agency, a nonprofit corporation, or 12840
a new community authority as defined in section 349.01 of the 12841
Revised Code. 12842

"Initial estimated construction or renovation cost" means 12843
the initial estimated cost to construct a new Ohio sports 12844
facility or Ohio cultural facility, or the initial estimated 12845

cost to renovate an existing Ohio sports facility or Ohio 12846
cultural facility, not including any site acquisition cost, and 12847
not including any other state funds awarded to, or to be spent 12848
on, the project, other than state funds awarded under this 12849
section. 12850

(B) Funds from the Ohio cultural and sports facility 12851
performance grant fund created in section 123.282 of the Revised 12852
Code may be used to pay or reimburse up to fifteen per cent of 12853
the initial estimated construction or renovation cost, if the 12854
initial estimated construction or renovation cost is less than 12855
five hundred million dollars. State funds may be used to pay or 12856
reimburse up to twenty-five per cent of the initial estimated 12857
construction or renovation cost if the initial estimated 12858
construction or renovation cost is five hundred million dollars 12859
or greater. No grant may be of an amount greater than two 12860
hundred fifty million dollars. No state funds may be awarded 12861
under this section until all of the following conditions are 12862
met: 12863

(1) In the case of an Ohio sports facility, the initial 12864
estimated construction or renovation cost is at least fifty 12865
million dollars, or in the case of an Ohio cultural facility, 12866
five million dollars. Any performance grants awarded under this 12867
section shall only be used for construction or renovation and on 12868
such projects that effectuate permanent improvements at the 12869
facility. 12870

(2) The professional sports franchise, governmental 12871
agency, nonprofit corporation, new community authority, or other 12872
organization that would operate the facility has applied to the 12873
office of budget and management, on a form and in a manner 12874
prescribed by the office of budget and management, to receive 12875

the funds. The application shall include a financial and 12876
development plan, which shall be evaluated by the office of 12877
budget and management, in consultation with the Ohio facilities 12878
construction commission and the department of taxation, as 12879
applicable. The financial and development plan shall identify 12880
the facility to be constructed or renovated, and include or 12881
demonstrate, with sufficient detail and clarity, all of the 12882
following: 12883

(a) An executed lease agreement, operating agreement, 12884
management agreement, non-relocation agreement, cooperative use 12885
agreement, or other similar agreement, or an executed and 12886
binding term sheet if no other agreement is available; 12887

(b) The length of time remaining on any existing 12888
agreement, including any options to extend, or agreed to in any 12889
new agreement or binding term sheet, as described in division 12890
(B) (2) (a) of this section; 12891

(c) Any state tax credit program that has been awarded, 12892
applied for, or is anticipated or otherwise expected to be 12893
awarded or applied for, and any associated fiscal impact that it 12894
will have on the project; 12895

(d) Project phases and associated timelines; 12896

(e) How the facility will benefit the state, through at 12897
least one of the following mechanisms: 12898

(i) That the facility will generate increased state tax 12899
revenues under Chapters 5739., 5741., 5747., and 5751. of the 12900
Revised Code, which over a period of time will equal or exceed 12901
the amount of the performance grant; 12902

(ii) That the facility will bring a positive economic 12903
impact to the state, as demonstrated by an objectively 12904

verifiable economic impact study provided by an independent 12905
third party; 12906

(iii) Any other objectively verifiable metric or 12907
measurement established by the office of budget and management, 12908
and approved by the controlling board, that demonstrates that 12909
the facility will positively impact the local community, region, 12910
or state; 12911

(iv) In case of a cultural facility, that the facility 12912
will benefit the public in a meaningful way and support culture 12913
in the state, and that the facility can be completed and ready 12914
to support culture without exceeding the grant amount, as 12915
determined by the office of budget and management and approved 12916
by controlling board. 12917

(3) If the office of budget and management, in 12918
consultation with the Ohio facilities construction commission 12919
and the department of taxation, as applicable, is satisfied that 12920
the financial and development plan meets the requirements of 12921
divisions (B) (1) and (2) of this section, the office of budget 12922
and management may, subject to the availability of appropriated 12923
funds and at its discretion, enter into a tentative agreement 12924
with the applicant organization, which shall identify the 12925
facility to be constructed or renovated, and specify all of the 12926
following: 12927

(a) In the case of a facility under division (B) (2) (e) (i) 12928
of this section, the target amounts of increased state tax 12929
revenues the facility shall generate, and the period over which 12930
the facility shall generate the increased state tax revenues, 12931
which in no case shall exceed thirty years; 12932

(b) In the case of a facility under division (B) (2) (e) (ii) 12933

or (B) (2) (e) (iii) of this section, any economic impact targets 12934
or indicators, or other objectively verifiable metric or 12935
measurement targets or indicators; 12936

(c) At the discretion of the office of budget and 12937
management, the applicant organization may combine one or more 12938
of the target or indicator amounts described under divisions (B) 12939
(3) (e) (i) and (B) (3) (e) (ii) of this section to measure the 12940
organization's performance under the grant; 12941

(d) If the increased state tax revenues, economic 12942
activity, or other objectively verifiable metric or measurement 12943
do not achieve target amounts or indicators, as determined by 12944
the office of budget and management in consultation with the 12945
department of taxation, as applicable, the the office of budget 12946
and management shall take a nonrefundable amount of money equal 12947
to the deficit from the escrow account described under division 12948
(B) (4) of this section and deposit it into the general revenue 12949
fund; 12950

(e) In the case of an Ohio sports facility, if a 12951
professional sports franchise intends to use the facility, the 12952
professional sports franchise shall not cease playing most of 12953
its home games at the Ohio sports facility and begin playing 12954
most of its home games at a different facility until the earlier 12955
of one of the following dates: 12956

(i) The total increased state tax revenues or economic 12957
activity have achieved target amounts or indicators, including 12958
with funds from the escrow amount under division (B) (4) of this 12959
section; 12960

(ii) Thirty years after the professional sports franchise 12961
plays its initial regular season home game at the newly 12962

constructed or renovated Ohio sports facility. 12963

Division (B) (3) (e) of this section is in addition to, 12964
independent of, and operates concurrently with section 9.67 of 12965
the Revised Code. 12966

(f) In the case of an Ohio cultural facility, that the 12967
project scope meets the intent and purpose of this section, and 12968
of the development plan as approved by the office of budget and 12969
management and the controlling board; 12970

(g) In the case of a motorsports complex, that motorsports 12971
events shall be presented at the facility for the period 12972
described in the agreement entered into under division (B) (3) of 12973
this section, and that any motorsports organization that commits 12974
to using the facility for an established period of time shall 12975
give the office of budget and management not less than six 12976
months' advance notice if the organization intends to cease 12977
utilizing the facility prior to the expiration of that 12978
established period, and that if the motorsports organization 12979
does so, the motorsports organization shall be liable to the 12980
state for any performance grant funds used on the construction 12981
or renovation costs of the facility, which shall include drawing 12982
down the remainder of any escrow account established under 12983
division (B) (4) of this section; 12984

(h) In the case of a tennis facility, that the owner or 12985
manager of the facility shall provide contractual commitments 12986
from a national or international professional tennis 12987
organization in a form acceptable to the office of budget and 12988
management and the controlling board, in consultation with the 12989
Ohio facilities construction commission, that assures that one 12990
or more sanctioned professional tennis events will be presented 12991
at the facility during each year of the period described in the 12992

agreement entered into under division (B) (3) of this section. 12993
Any national or international professional tennis organization 12994
that commits to using the facility for an established period of 12995
time shall give the owner or manager of the facility and the 12996
office of budget and management not less than six months' 12997
advance notice if the organization intends to cease utilizing 12998
the facility prior to the expiration of that established period, 12999
and that if the organization does so, the organization and owner 13000
or manager of the facility shall be jointly and severally liable 13001
to the state for any performance grant funds used on the 13002
construction or renovation costs of the facility, which shall 13003
include drawing down the remainder of any escrow account 13004
established under division (B) (4) of this section. 13005

(i) The applicant organization shall hold the state of 13006
Ohio, including the office of budget and management, the Ohio 13007
facilities construction commission, the department of taxation, 13008
and the controlling board harmless from all liability for the 13009
operation and maintenance costs of the facility, and any costs 13010
incurred related to the grant application, agreement entered 13011
into under division (B) (3) of this section, the escrow deposited 13012
under division (B) (4) of this section, or the submission to 13013
controlling board for approval. 13014

(4) In the case of a facility under division (B) (2) (e) (i), 13015
(B) (2) (e) (ii), or (B) (2) (e) (iii) of this section, the 13016
professional sports franchise, governmental agency, nonprofit 13017
corporation, new community authority, or other organization that 13018
would operate the facility, upon reaching the agreement with the 13019
office of budget and management under division (B) (3) of this 13020
section, has executed and filed with the office of budget and 13021
management an escrow amount equal to five per cent of the total 13022
amount of the performance grant applied for, which shall be 13023

deposited in an interest-bearing account maintained within the 13024
state treasury, nonrefundable disbursements from which shall be 13025
as described in division (B) (3) (d) of this section. Whatever 13026
remains of the amount in escrow after the period described in 13027
division (B) (3) (a) of this section, or after a period agreed 13028
upon under division (B) (3) (b) or (B) (3) (c) of this section, 13029
including any interest earnings thereon, shall be returned to 13030
the applicant organization, upon certification by the office of 13031
budget and management, in consultation with the department of 13032
taxation, as applicable, that all conditions of the agreement 13033
are satisfied. The agreement under division (B) (3) of this 13034
section may provide for a process and timeline by which the 13035
applicant organization may seek a determination that all target 13036
amounts and indicators have been achieved or exceeded, then 13037
apply for the return of any remaining escrow balance. 13038

(5) The agreement under division (B) (3) of this section is 13039
submitted to, and approved by, the controlling board. Approval 13040
of any such agreement is wholly within the controlling board's 13041
discretion, and no such agreement is in any way final or 13042
enforceable unless and until the controlling board approves it. 13043
As part of its consideration, the controlling board may evaluate 13044
all grant application and agreement requirements and materials, 13045
as provided for under this section, as well as any other factor, 13046
criteria, data, metric, measurement, or information or documents 13047
the controlling board determines necessary. 13048

(C) Every person who owns real property located in, enters 13049
into a lease, license, use, or operating agreement for all or a 13050
portion of the building and facilities located in, or purchases 13051
or leases materials and items used in construction or renovation 13052
in the facility is subject to reporting requirements as may be 13053
required by the department of taxation, in consultation with the 13054

office of budget and management and the Ohio facilities 13055
construction commission, for the purposes of this section. 13056
Compliance with these requirements may be evidenced by an 13057
instrument that is duly recorded with the county recorder. 13058

(D) The office of budget and management, Ohio facilities 13059
construction commission, and department of taxation, as 13060
applicable, may develop forms necessary to implement and 13061
administer this section. 13062

Sec. 123.30. (A) As used in this section, "authorized 13063
flag" means any of the following: 13064

(1) The official state flag as described in section 5.01 13065
of the Revised Code; 13066

(2) The United States flag; 13067

(3) The POW/MIA flag as described in section 9.50 of the 13068
Revised Code; 13069

(4) A flag containing the official logo of a state agency, 13070
so long as the flag has been approved by the governor or the 13071
governor's designee. 13072

(B) Except as provided in division (C) of this section, no 13073
state agency or any entity that manages the grounds or buildings 13074
under the control of a state agency shall display on the grounds 13075
or building any flag except for an authorized flag. 13076

(C) Division (B) of this section does not apply to the 13077
Ohio statehouse or the grounds of the Ohio statehouse. 13078

Sec. 124.02. The director of administrative services and 13079
the state personnel board of review shall exercise all 13080
functions, powers, and duties that ~~formerly~~, on or before 13081
January 1, 1959, were by law actually devolved upon, vested in, 13082

and imposed upon the state civil service commission and the 13083
offices of commissioners and members and upon their employees, 13084
agents, and representatives. 13085

~~Whenever in any law or rule of this state or any political 13086
subdivision, "state civil service commission," "commission," 13087
"commissioner" or "member," meaning the state civil service 13088
commission or the offices of commissioners or members of said 13089
commission, is used, such terms shall be construed as referring 13090
to the department of administrative services, the director of 13091
administrative services, the state personnel board of review, or 13092
the members of the state personnel board of review, as this 13093
chapter may require. 13094~~

Sec. 124.07. (A) The director of administrative services 13095
shall appoint examiners, inspectors, clerks, and other 13096
assistants as necessary to carry out sections 124.01 to 124.64 13097
of the Revised Code. ~~The director may designate persons in or 13098
out of the service of the state to serve as examiners or 13099
assistants under the director's direction. An examiner or 13100
assistant shall receive the compensation for each day actually 13101
and necessarily spent in the discharge of duties as an examiner 13102
or assistant that the director determines; provided that, if the 13103
examiner or assistant is in the service of the state or any 13104
political subdivision of the state, it shall be a part of the 13105
examiner's or assistant's official duties to render those 13106
services in connection with an examination without extra 13107
compensation. 13108~~

(B) Each state agency shall pay the cost of the services 13109
and facilities furnished to it by the department of 13110
administrative services that are necessary to provide and 13111
maintain payroll services as prescribed in section 125.21 of the 13112

Revised Code and state merit standards as prescribed in sections 13113
124.01 to 124.64 of the Revised Code for the agency. ~~If a state-~~ 13114
~~supported college or university or a municipal corporation~~ 13115
~~chooses to use the services and facilities furnished by the~~ 13116
~~department that are necessary to provide and maintain the~~ 13117
~~services and standards so prescribed, the state-supported~~ 13118
~~college or university or municipal corporation shall pay the~~ 13119
~~cost of the services and facilities that the department~~ 13120
~~furnishes to it. The charges against a state agency, a state-~~ 13121
~~supported college or university, or a municipal corporation~~ 13122
shall be computed on a reasonable cost basis in accordance with 13123
procedures prescribed by the director of budget and management. 13124
Any moneys the department receives from a state agency, ~~a state-~~ 13125
~~supported college or university, or a municipal corporation~~ 13126
under this division that are in excess of the amount necessary 13127
to pay the cost of furnishing the department's services and 13128
facilities during any fiscal year shall be either refunded to or 13129
credited for the ensuing fiscal year to the state agency, ~~the~~ 13130
~~state-supported college or university, or the municipal~~ 13131
~~corporation.~~ 13132

(C) ~~The director of administrative services may enter into~~ 13133
~~an agreement with any county, municipal corporation, or other~~ 13134
~~political subdivision to furnish services and facilities of the~~ 13135
~~department in the administration of a merit program or other~~ 13136
~~functions related to human resources that include, but are not~~ 13137
~~limited to, providing competitive examinations for positions in~~ 13138
~~the classified service. The agreement shall provide that the~~ 13139
~~department shall be reimbursed for the reasonable costs of those~~ 13140
~~services and facilities as determined by the director.~~ 13141

~~(D)~~ All moneys received by the department as reimbursement 13142
for a merit program or other human resources services performed 13143

and facilities furnished under this section, such as competitive 13144
examinations administered, shall be paid into the state treasury 13145
to the credit of the human resources services fund, which is 13146
hereby created. 13147

~~(E) In counties of the state in which are located cities 13148
having municipal civil service commissions, the director of 13149
administrative services may designate the municipal civil 13150
service commission of the largest city within the county as the 13151
director's agent for the purpose of carrying out the provisions 13152
of sections 124.01 to 124.64 of the Revised Code, within the 13153
county, that the director designates. Each municipal civil 13154
service commission designated as an agent of the director shall 13155
render to the director, at the end of each month, an itemized 13156
statement of the cost incurred by the commission for work done 13157
as the agent of the director, and the director, after approving 13158
that statement, shall pay the total amount of it to the 13159
treasurer of the municipal corporation in the same manner as 13160
other expenses of the department of administrative services. 13161~~

~~(F) The director of administrative services and the 13162
examiners, inspectors, clerks, and assistants referred to in 13163
this section shall receive, in addition to their salaries, 13164
reimbursement for necessary traveling and other expenses 13165
incurred in the actual discharge of their official duties. The 13166
director may also incur the necessary expenses for stationery, 13167
printing, and other supplies incident to the business of the 13168
department. 13169~~

Sec. 124.135. (A) State employees are entitled to paid 13170
leave when summoned for jury duty by a court of competent 13171
jurisdiction. 13172

(B) State employees are entitled to paid leave when 13173

subpoenaed to appear before any court, commission, board, or 13174
other legally constituted body authorized by law to compel the 13175
attendance of witnesses. This division does not apply if the 13176
state employee is a party to the action or proceeding involved 13177
or is subpoenaed as a result of secondary employment outside the 13178
service of the state. 13179

(C) A state employee shall not be required, as a condition 13180
of receiving paid leave under divisions (A) or (B) of this 13181
section, to remit to the employee's appointing authority or 13182
another officer, commission, board, or body any portion of the 13183
compensation or reimbursement paid to the employee for serving 13184
on a jury or for appearing in court pursuant to a subpoena. 13185

(D) Each full-time permanent state employee paid in 13186
accordance with section 124.152 of the Revised Code and those 13187
employees described in divisions (B) (2) and (4) of section 13188
124.14 of the Revised Code also may be entitled, in their 13189
appointing authority's discretion, to paid leave when appointed 13190
to serve on advisory boards or commissions or when soliciting 13191
for charities for which payroll deductions are made. 13192

Sec. 124.1310. (A) As used in this section: 13193

(1) "Emergency medical service," "EMT-basic," "EMT-I," 13194
"first responder," and "paramedic" have the same meanings as in 13195
section 4765.01 of the Revised Code. 13196

(2) "Volunteer firefighter" has the same meaning as in 13197
section 146.01 of the Revised Code. 13198

(B) A state employee who is an EMT-basic, EMT-I, first 13199
responder, paramedic, or volunteer firefighter shall receive 13200
~~forty-one~~ one hundred twenty hours of leave with pay each calendar 13201
year to use during those hours when the employee is absent from 13202

work in order to ~~provide~~ do either of the following: 13203

(1) Provide emergency medical service or fire-fighting 13204
service; 13205

(2) Attend a training or continuing education program that 13206
relates to providing emergency medical service or fire-fighting 13207
service. 13208

(C) An appointing authority shall compensate an employee 13209
who uses leave granted under this section at the employee's 13210
regular rate of pay for those regular work hours during which 13211
the employee is absent from work. 13212

Sec. 124.1312. (A) As used in this section: 13213

 (1) "Foster caregiver" has the same meaning as in section 13214
5103.02 of the Revised Code. 13215

 (2) "Kinship caregiver" has the same meaning as in section 13216
~~5101.85~~ 5180.50 of the Revised Code. 13217

 (B) Each permanent full-time and permanent part-time 13218
employee paid in accordance with section 124.152 of the Revised 13219
Code and each employee listed in division (B) (2), (3), or (4) of 13220
section 124.14 of the Revised Code who works thirty or more 13221
hours per week, and who is a foster caregiver or kinship 13222
caregiver is eligible, on placement of a child in the employee's 13223
home, to a maximum of five days of caregiver leave with full pay 13224
in a calendar year. Caregiver leave eligibility begins on the 13225
day on which the child is placed with the prospective foster 13226
caregiver or kinship caregiver. 13227

 (C) The average number of regular hours worked, which 13228
shall include all hours of holiday pay and other types of paid 13229
leave, during the three-month period immediately preceding the 13230

day caregiver leave begins shall be used to determine 13231
eligibility for leave under this section for part-time 13232
employees. If an employee has not worked for a three-month 13233
period, the number of hours for which the employee has been 13234
scheduled to work per week during the employee's period of 13235
employment shall be used to determine eligibility for leave 13236
under this section. 13237

(D) Use of caregiver leave does not affect an employee's 13238
eligibility for other forms of paid leave granted under this 13239
chapter and does not prohibit an employee from taking leave 13240
under the "Family and Medical Leave Act of 1993," 29 U.S.C. 13241
2601, except that caregiver leave shall be included in any leave 13242
time provided under that act. 13243

(E) The director of administrative services may adopt 13244
rules in accordance with Chapter 119. of the Revised Code 13245
governing caregiver leave established under this section. 13246

Sec. 124.152. (A) (1) Except as provided in division (A) (2) 13247
of this section, each exempt employee shall be paid a salary or 13248
wage in accordance with schedule E-1 or schedule E-2 of division 13249
(B) of this section. 13250

(2) Each exempt employee who holds a position in the 13251
unclassified civil service pursuant to division (A) (26) or (30) 13252
of section 124.11 of the Revised Code may be paid a salary or 13253
wage in accordance with schedule E-1 or schedule E-2 of division 13254
(B) of this section, as applicable. 13255

(B) (1) Each exempt employee who must be paid in accordance 13256
with schedule E-1 or schedule E-2 of this section shall be paid 13257
a salary or wage in accordance with the following schedule of 13258
rates as of the pay period that includes July 1, ~~2021~~2024: 13259

Schedule E-1 13260
13261

	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									
B										
C		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	
D	Range									
	1	2	3	4	5	6	7	8	9	10
A	1	Hourly	~~12.14~~	~~12.69~~	~~13.21~~	~~13.80~~				
			<u>13.52</u>	<u>14.13</u>	<u>14.72</u>	<u>15.37</u>				
B		Annually	~~25251~~	~~26395~~	~~27476~~	~~28704~~				
			<u>28122</u>	<u>29390</u>	<u>30618</u>	<u>31970</u>				
C	2	Hourly	~~14.73~~	~~15.36~~	~~16.01~~	~~16.72~~				
			<u>16.41</u>	<u>17.10</u>	<u>17.83</u>	<u>18.63</u>				
D		Annually	~~30638~~	~~31948~~	~~33300~~	~~34777~~				
			<u>34133</u>	<u>35568</u>	<u>37086</u>	<u>38750</u>				
E	3	Hourly	~~15.44~~	~~16.13~~	~~16.84~~	~~17.56~~				
			<u>17.20</u>	<u>17.97</u>	<u>18.76</u>	<u>19.56</u>				
F		Annually	~~32115~~	~~33550~~	~~35027~~	~~36524~~				
			<u>35776</u>	<u>37378</u>	<u>39021</u>	<u>40685</u>				

13262

G	4	Hourly	~~16.20~~	~~16.93~~	~~17.75~~	~~18.51~~	
			<u>18.05</u>	<u>18.86</u>	<u>19.77</u>	<u>20.62</u>	
H		Annually	~~33696~~	~~35214~~	~~36920~~	~~38500~~	
			<u>37544</u>	<u>39229</u>	<u>41122</u>	<u>42890</u>	
I	5	Hourly	~~17.00~~	~~17.78~~	~~18.51~~	~~19.33~~	
			<u>18.94</u>	<u>19.80</u>	<u>20.62</u>	<u>21.54</u>	
J		Annually	~~35360~~	~~36982~~	~~38500~~	~~40206~~	
			<u>39395</u>	<u>41184</u>	<u>42890</u>	<u>44803</u>	
K	6	Hourly	~~17.91~~	~~18.66~~	~~19.47~~	~~20.27~~	
			<u>19.95</u>	<u>20.79</u>	<u>21.68</u>	<u>22.59</u>	
L		Annually	~~37252~~	~~38812~~	~~40497~~	~~42161~~	
			<u>41496</u>	<u>43243</u>	<u>45094</u>	<u>46987</u>	
M	7	Hourly	~~19.01~~	~~19.72~~	~~20.54~~	~~21.25~~	~~22.07~~
			<u>21.18</u>	<u>21.97</u>	<u>22.88</u>	<u>23.68</u>	<u>24.58</u>
N		Annually	~~39540~~	~~41017~~	~~42723~~	~~44200~~	~~45905~~
			<u>44054</u>	<u>45698</u>	<u>47590</u>	<u>49254</u>	<u>51126</u>
O	8	Hourly	~~20.11~~	~~21.00~~	~~21.90~~	~~22.89~~	~~23.97~~
			<u>22.40</u>	<u>23.39</u>	<u>24.40</u>	<u>25.50</u>	<u>26.70</u>
P		Annually	~~41828~~	~~43680~~	~~45552~~	~~47611~~	~~49857~~
			<u>46592</u>	<u>48651</u>	<u>50752</u>	<u>53040</u>	<u>55536</u>

Q	9	Hourly	~~21.45~~	~~22.56~~	~~23.67~~	~~24.85~~	~~26.11~~			
			<u>23.89</u>	<u>25.14</u>	<u>26.37</u>	<u>27.69</u>	<u>29.09</u>			
R		Annually	~~44616~~	~~46924~~	~~49233~~	~~51688~~	~~54308~~			
			<u>49691</u>	<u>52291</u>	<u>54850</u>	<u>57595</u>	<u>60507</u>			
S	10	Hourly	~~23.13~~	~~24.41~~	~~25.72~~	~~27.20~~	~~28.64~~			
			<u>25.76</u>	<u>27.18</u>	<u>28.64</u>	<u>30.30</u>	<u>31.91</u>			
T		Annually	~~48110~~	~~50772~~	~~53497~~	~~56576~~	~~59571~~			
			<u>53581</u>	<u>56534</u>	<u>59571</u>	<u>63024</u>	<u>66373</u>			
U	11	Hourly	~~25.20~~	~~26.66~~	~~28.20~~	~~29.80~~	~~31.49~~			
			<u>28.08</u>	<u>29.69</u>	<u>31.42</u>	<u>33.19</u>	<u>35.07</u>			
V		Annually	~~52416~~	~~55452~~	~~58656~~	~~61984~~	~~65499~~			
			<u>58406</u>	<u>61755</u>	<u>65354</u>	<u>69035</u>	<u>72946</u>			
W	12	Hourly	~~27.80~~	~~29.36~~	~~30.93~~	~~32.64~~	~~34.46~~	~~36.34~~	~~37.82~~	~~39.60~~
			<u>30.96</u>	<u>32.71</u>	<u>34.46</u>	<u>36.36</u>	<u>38.38</u>	<u>40.48</u>	<u>42.13</u>	<u>44.11</u>
X		Annually	~~57824~~	~~61068~~	~~64334~~	~~67891~~	~~71676~~	~~75587~~	~~78665~~	~~82368~~
			<u>64397</u>	<u>68037</u>	<u>71677</u>	<u>75629</u>	<u>79830</u>	<u>84198</u>	<u>87630</u>	<u>91749</u>
Y	13	Hourly	~~30.64~~	~~32.32~~	~~34.09~~	~~35.92~~	~~37.95~~	~~39.99~~	~~41.63~~	~~43.59~~
			<u>34.14</u>	<u>36.00</u>	<u>37.97</u>	<u>40.02</u>	<u>42.27</u>	<u>44.55</u>	<u>46.38</u>	<u>48.56</u>
Z		Annually	~~63731~~	~~67225~~	~~70907~~	~~74713~~	~~78936~~	~~83179~~	~~86590~~	~~90667~~
			71011	74880	78978	83242	87922	92664	96470	101005

AA	14	Hourly	~~33.69~~	~~35.61~~	~~37.52~~	~~39.56~~	~~41.80~~	~~44.13~~	~~45.95~~	~~48.10~~
			<u>37.53</u>	<u>39.67</u>	<u>41.80</u>	<u>44.07</u>	<u>46.56</u>	<u>49.15</u>	<u>51.19</u>	<u>53.58</u>
AB		Annually	~~70075~~	~~74068~~	~~78041~~	~~82284~~	~~86944~~	~~91790~~	~~95576~~	~~100048~~
			<u>78062</u>	<u>82514</u>	<u>86944</u>	<u>91666</u>	<u>96845</u>	<u>102232</u>	<u>106475</u>	<u>111446</u>
AC	15	Hourly	~~37.02~~	~~39.10~~	~~41.30~~	~~43.57~~	~~45.99~~	~~48.51~~	~~50.50~~	~~52.88~~
			<u>41.23</u>	<u>43.55</u>	<u>46.01</u>	<u>48.54</u>	<u>51.23</u>	<u>54.04</u>	<u>56.26</u>	<u>58.91</u>
AD		Annually	~~77001~~	~~81328~~	~~85904~~	~~90625~~	~~95659~~	~~100900~~	~~105040~~	~~109990~~
			<u>85758</u>	<u>90584</u>	<u>95701</u>	<u>100963</u>	<u>106558</u>	<u>112403</u>	<u>117021</u>	<u>122533</u>
AE	16	Hourly	~~40.81~~	~~43.08~~	~~45.45~~	~~48.00~~	~~50.63~~	~~53.53~~	~~55.73~~	~~58.34~~
			<u>45.45</u>	<u>47.99</u>	<u>50.62</u>	<u>53.47</u>	<u>56.40</u>	<u>59.63</u>	<u>62.08</u>	<u>64.98</u>
AF		Annually	~~84884~~	~~89606~~	~~94536~~	~~99840~~	~~105310~~	~~111342~~	~~115918~~	~~121347~~
			<u>94536</u>	<u>99819</u>	<u>105290</u>	<u>111218</u>	<u>117312</u>	<u>124030</u>	<u>129126</u>	<u>135158</u>
AG	17	Hourly	~~44.96~~	~~47.44~~	~~50.10~~	~~52.86~~	~~55.83~~	~~58.94~~	<u>69.27</u>	
			<u>50.09</u>	<u>52.85</u>	<u>55.81</u>	<u>58.88</u>	<u>62.19</u>	<u>65.66</u>		
AH		Annually	~~93516~~	~~98675~~	~~104208~~	~~109948~~	~~116126~~	~~122595~~	<u>144082</u>	
			<u>104187</u>	<u>109928</u>	<u>116085</u>	<u>122470</u>	<u>129355</u>	<u>136573</u>		
AI	18	Hourly	~~49.55~~	~~52.29~~	~~55.24~~	~~58.28~~	~~61.50~~	~~64.94~~		
			<u>55.20</u>	<u>58.25</u>	<u>61.54</u>	<u>64.92</u>	<u>68.51</u>	<u>72.35</u>		
AJ		Annually	~~103064~~	~~108763~~	~~114899~~	~~121222~~	~~127920~~	~~135075~~		
			<u>114816</u>	<u>121160</u>	<u>128003</u>	<u>135034</u>	<u>142501</u>	<u>150488</u>		

AK 19 Hourly 60.72 64.37 67.69 71.41 75.37 79.58

AL Annually 126298 133890 140795 148533 156770 165526

Schedule E-2

13263

13264

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	~~48.99~~ <u>54.57</u>
C		Annually	33758	~~101899~~ <u>113506</u>
D	42	Hourly	17.89	~~54.09~~ <u>60.25</u>
E		Annually	37211	~~112507~~ <u>125320</u>
F	43	Hourly	19.70	~~59.56~~ <u>66.35</u>
G		Annually	40976	~~123884~~ <u>138008</u>
H	44	Hourly	21.73	~~65.08~~ <u>72.49</u>
I		Annually	45198	~~135366~~ <u>150779</u>
J	45	Hourly	24.01	~~71.05~~ <u>79.15</u>
K		Annually	49941	~~147784~~ <u>164632</u>
L	46	Hourly	26.43	~~77.65~~ <u>86.50</u>
M		Annually	54974	~~161512~~ <u>179920</u>
N	47	Hourly	29.14	~~84.75~~ <u>94.41</u>

O		Annually	60611	~~176280~~ <u>196373</u>
P	48	Hourly	32.14	~~92.45~~ <u>102.98</u>
Q		Annually	66851	~~192296~~ <u>214198</u>
R	49	Hourly	35.44	~~99.83~~ <u>111.20</u>
S		Annually	73715	~~207646~~ <u>231296</u>

(2) Each exempt employee who must be paid in accordance 13265
with schedule E-1 or schedule E-2 of this section shall be paid 13266
a salary or wage in accordance with the following schedule of 13267
rates as of the pay period that includes July 1, ~~2022~~2025: 13268

Schedule E-1 13269
13270

1 2 3 4 5 6 7 8 9 10

A Pay Ranges and Step Values

B Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8

C Range

13271

1 2 3 4 5 6 7 8 9 10

A 1 Hourly ~~12.50~~ ~~13.07~~ ~~13.61~~ ~~14.21~~

14.13 14.77 15.38 16.06

B Annually ~~26000~~ ~~27185~~ ~~28308~~ ~~29556~~

29390 30722 31990 33405

C	2	Hourly	~~15.17~~	~~15.82~~	~~16.49~~	~~17.22~~
			<u>17.15</u>	<u>17.87</u>	<u>18.63</u>	<u>19.47</u>
D		Annually	~~31553~~	~~32905~~	~~34299~~	~~35817~~
			<u>35672</u>	<u>37170</u>	<u>38750</u>	<u>40498</u>
E	3	Hourly	~~15.90~~	~~16.61~~	~~17.35~~	~~18.09~~
			<u>17.97</u>	<u>18.78</u>	<u>19.60</u>	<u>20.44</u>
F		Annually	~~33072~~	~~34548~~	~~36088~~	~~37627~~
			<u>37378</u>	<u>39062</u>	<u>40768</u>	<u>42515</u>
G	4	Hourly	~~16.69~~	~~17.44~~	~~18.28~~	~~19.07~~
			<u>18.86</u>	<u>19.71</u>	<u>20.66</u>	<u>21.55</u>
H		Annually	~~34715~~	~~36275~~	~~38022~~	~~39665~~
			<u>39229</u>	<u>40997</u>	<u>42973</u>	<u>44824</u>
I	5	Hourly	~~17.51~~	~~18.31~~	~~19.07~~	~~19.91~~
			<u>19.79</u>	<u>20.69</u>	<u>21.55</u>	<u>22.51</u>
J		Annually	~~36420~~	~~38084~~	~~39665~~	~~41412~~
			<u>41163</u>	<u>43035</u>	<u>44824</u>	<u>46821</u>
K	6	Hourly	~~18.45~~	~~19.22~~	~~20.05~~	~~20.88~~
			<u>20.85</u>	<u>21.73</u>	<u>22.66</u>	<u>23.61</u>
L		Annually	~~38376~~	~~39977~~	~~41704~~	~~43430~~
			<u>43368</u>	<u>45198</u>	<u>47133</u>	<u>49109</u>

M	7	Hourly	~~19.58~~	~~20.31~~	~~21.16~~	~~21.89~~	~~22.73~~
			<u>22.13</u>	<u>22.96</u>	<u>23.91</u>	<u>24.75</u>	<u>25.69</u>
N		Annually	~~40726~~	~~42244~~	~~44012~~	~~45531~~	~~47278~~
			<u>46030</u>	<u>47757</u>	<u>49733</u>	<u>51480</u>	<u>53435</u>
O	8	Hourly	~~20.71~~	~~21.63~~	~~22.56~~	~~23.58~~	~~24.69~~
			<u>23.41</u>	<u>24.44</u>	<u>25.50</u>	<u>26.65</u>	<u>27.90</u>
P		Annually	~~43076~~	~~44990~~	~~46924~~	~~49046~~	~~51355~~
			<u>48693</u>	<u>50835</u>	<u>53040</u>	<u>55432</u>	<u>58032</u>
Q	9	Hourly	~~22.09~~	~~23.24~~	~~24.38~~	~~25.60~~	~~26.89~~
			<u>24.97</u>	<u>26.27</u>	<u>27.56</u>	<u>28.94</u>	<u>30.40</u>
R		Annually	~~45947~~	~~48339~~	~~50710~~	~~53248~~	~~55931~~
			<u>51938</u>	<u>54642</u>	<u>57325</u>	<u>60195</u>	<u>63232</u>
S	10	Hourly	~~23.82~~	~~25.14~~	~~26.49~~	~~28.02~~	~~29.50~~
			<u>26.92</u>	<u>28.40</u>	<u>29.93</u>	<u>31.66</u>	<u>33.35</u>
T		Annually	~~49545~~	~~52291~~	~~55099~~	~~58281~~	~~61360~~
			<u>55994</u>	<u>59072</u>	<u>62254</u>	<u>65853</u>	<u>69368</u>
U	11	Hourly	~~25.96~~	~~27.46~~	~~29.05~~	~~30.69~~	~~32.43~~
			<u>29.34</u>	<u>31.03</u>	<u>32.83</u>	<u>34.68</u>	<u>36.65</u>
V		Annually	~~53996~~	~~57116~~	~~60424~~	~~63835~~	~~67454~~
			<u>61027</u>	<u>64542</u>	<u>68286</u>	<u>72134</u>	<u>76232</u>

W	12 Hourly	~~28.63~~	~~30.24~~	~~31.86~~	~~33.62~~	~~35.49~~	~~37.43~~	~~38.95~~	~~40.79~~
		<u>32.35</u>	<u>34.18</u>	<u>36.01</u>	<u>38.00</u>	<u>40.11</u>	<u>42.30</u>	<u>44.03</u>	<u>46.09</u>
X	Annually	~~59550~~	~~62889~~	~~66268~~	~~69929~~	~~73819~~	~~77854~~	~~81016~~	~~84843~~
		<u>67288</u>	<u>71094</u>	<u>74901</u>	<u>79040</u>	<u>83429</u>	<u>87984</u>	<u>91582</u>	<u>95867</u>
Y	13 Hourly	~~31.56~~	~~33.29~~	~~35.11~~	~~37.00~~	~~39.09~~	~~41.19~~	~~42.88~~	~~44.90~~
		<u>35.68</u>	<u>37.62</u>	<u>39.68</u>	<u>41.82</u>	<u>44.17</u>	<u>46.55</u>	<u>48.47</u>	<u>50.75</u>
Z	Annually	~~65644~~	~~69243~~	~~73028~~	~~76960~~	~~81307~~	~~85675~~	~~89190~~	~~93392~~
		<u>74214</u>	<u>78250</u>	<u>82534</u>	<u>86986</u>	<u>91874</u>	<u>96824</u>	<u>100818</u>	<u>105560</u>
AA	14 Hourly	~~34.70~~	~~36.68~~	~~38.65~~	~~40.75~~	~~43.05~~	~~45.45~~	~~47.33~~	~~49.54~~
		<u>39.22</u>	<u>41.46</u>	<u>43.68</u>	<u>46.05</u>	<u>48.66</u>	<u>51.36</u>	<u>53.49</u>	<u>55.99</u>
AB	Annually	~~72176~~	~~76294~~	~~80392~~	~~84760~~	~~89544~~	~~94536~~	~~98446~~	~~103043~~
		<u>81578</u>	<u>86237</u>	<u>90854</u>	<u>95784</u>	<u>101213</u>	<u>106829</u>	<u>111259</u>	<u>116459</u>
AC	15 Hourly	~~38.13~~	~~40.27~~	~~42.54~~	~~44.88~~	~~47.37~~	~~49.97~~	~~52.02~~	~~54.47~~
		<u>43.09</u>	<u>45.51</u>	<u>48.08</u>	<u>50.72</u>	<u>53.54</u>	<u>56.47</u>	<u>58.79</u>	<u>61.56</u>
AD	Annually	~~79310~~	~~83761~~	~~88483~~	~~93350~~	~~98529~~	~~103937~~	~~108201~~	~~113297~~
		<u>89627</u>	<u>94661</u>	<u>100006</u>	<u>105498</u>	<u>111363</u>	<u>117458</u>	<u>122283</u>	<u>128045</u>
AE	16 Hourly	~~42.03~~	~~44.37~~	~~46.81~~	~~49.44~~	~~52.15~~	~~55.14~~	~~57.40~~	~~60.09~~
		<u>47.50</u>	<u>50.15</u>	<u>52.90</u>	<u>55.88</u>	<u>58.94</u>	<u>62.31</u>	<u>64.87</u>	<u>67.90</u>
AF	Annually	~~87422~~	~~92289~~	~~97364~~	~~102835~~	~~108472~~	~~114691~~	~~119392~~	~~124987~~
		<u>98800</u>	<u>104312</u>	<u>110032</u>	<u>116230</u>	<u>122595</u>	<u>129605</u>	<u>134930</u>	<u>141232</u>

AG 17 Hourly	~~46.31~~	~~48.86~~	~~51.60~~	~~54.45~~	~~57.50~~	~~60.71~~	<u>72.39</u>
	<u>52.34</u>	<u>55.23</u>	<u>58.32</u>	<u>61.53</u>	<u>64.99</u>	<u>68.61</u>	
AH Annually	~~96324~~	~~101628~~	~~107328~~	~~113256~~	~~119600~~	~~126276~~	<u>150571</u>
	<u>108867</u>	<u>114878</u>	<u>121306</u>	<u>127982</u>	<u>135179</u>	<u>142709</u>	
AI 18 Hourly	~~51.04~~	~~53.86~~	~~56.90~~	~~60.03~~	~~63.35~~	~~66.89~~	
	<u>57.68</u>	<u>60.87</u>	<u>64.31</u>	<u>67.84</u>	<u>71.59</u>	<u>75.61</u>	
AJ Annually	~~106163~~	~~112028~~	~~118352~~	~~124862~~	~~131768~~	~~139131~~	
	<u>119974</u>	<u>126610</u>	<u>133765</u>	<u>141107</u>	<u>148907</u>	<u>157269</u>	
AK 19 Hourly	<u>63.45</u>	<u>67.27</u>	<u>70.74</u>	<u>74.62</u>	<u>78.76</u>	<u>83.16</u>	
AL Annually	<u>131976</u>	<u>139922</u>	<u>147139</u>	<u>155210</u>	<u>163821</u>	<u>172973</u>	

Schedule E-2

13272

13273

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	~~50.46~~ <u>57.03</u>
C		Annually	33758	~~104956~~ <u>118622</u>
D	42	Hourly	17.89	~~55.71~~ <u>62.96</u>
E		Annually	37211	~~115876~~ <u>130957</u>
F	43	Hourly	19.70	~~61.35~~ <u>69.34</u>
G		Annually	40976	~~127608~~ <u>144227</u>

(3) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, ~~2023~~2026:

Schedule E-1

	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									

B			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
C	Range									
D	1	Hourly	~~12.88~~	~~13.46~~	~~14.02~~	~~14.64~~				
			<u>14.55</u>	<u>15.21</u>	<u>15.84</u>	<u>16.54</u>				
E		Annually	~~26790~~	~~27996~~	~~29161~~	~~30451~~				
			<u>30264</u>	<u>31637</u>	<u>32947</u>	<u>34403</u>				
F	2	Hourly	~~15.63~~	~~16.29~~	~~16.98~~	~~17.74~~				
			<u>17.66</u>	<u>18.41</u>	<u>19.19</u>	<u>20.05</u>				
G		Annually	~~32510~~	~~33883~~	~~35318~~	~~36899~~				
			<u>36733</u>	<u>38293</u>	<u>39915</u>	<u>41704</u>				
H	3	Hourly	~~16.38~~	~~17.11~~	~~17.87~~	~~18.63~~				
			<u>18.51</u>	<u>19.34</u>	<u>20.19</u>	<u>21.05</u>				
I		Annually	~~34070~~	~~35588~~	~~37169~~	~~38750~~				
			<u>38501</u>	<u>40227</u>	<u>41995</u>	<u>43784</u>				
J	4	Hourly	~~17.19~~	~~17.96~~	~~18.83~~	~~19.64~~				
			<u>19.43</u>	<u>20.30</u>	<u>21.28</u>	<u>22.20</u>				
K		Annually	~~35755~~	~~37356~~	~~39166~~	~~40851~~				
			<u>40414</u>	<u>42224</u>	<u>44262</u>	<u>46176</u>				
L	5	Hourly	~~18.04~~	~~18.86~~	~~19.64~~	~~20.51~~				
			<u>20.38</u>	<u>21.31</u>	<u>22.20</u>	<u>23.19</u>				

M		Annually	~~37523~~	~~39228~~	~~40851~~	~~42660~~	
			<u>42390</u>	<u>44325</u>	<u>46176</u>	<u>48235</u>	
N	6	Hourly	~~19.00~~	~~19.80~~	~~20.65~~	~~21.51~~	
			<u>21.48</u>	<u>22.38</u>	<u>23.34</u>	<u>24.32</u>	
O		Annually	~~39520~~	~~41184~~	~~42952~~	~~44740~~	
			<u>44678</u>	<u>46550</u>	<u>48547</u>	<u>50586</u>	
P	7	Hourly	~~20.17~~	~~20.92~~	~~21.79~~	~~22.55~~	~~23.41~~
			<u>22.79</u>	<u>23.65</u>	<u>24.63</u>	<u>25.49</u>	<u>26.46</u>
Q		Annually	~~41953~~	~~43513~~	~~45323~~	~~46904~~	~~48692~~
			<u>47403</u>	<u>49192</u>	<u>51230</u>	<u>53019</u>	<u>55037</u>
R	8	Hourly	~~21.33~~	~~22.28~~	~~23.24~~	~~24.29~~	~~25.43~~
			<u>24.11</u>	<u>25.17</u>	<u>26.27</u>	<u>27.45</u>	<u>28.74</u>
S		Annually	~~44366~~	~~46342~~	~~48339~~	~~50523~~	~~52894~~
			<u>50149</u>	<u>52354</u>	<u>54642</u>	<u>57096</u>	<u>59779</u>
T	9	Hourly	~~22.75~~	~~23.94~~	~~25.11~~	~~26.37~~	~~27.70~~
			<u>25.72</u>	<u>27.06</u>	<u>28.39</u>	<u>29.81</u>	<u>31.31</u>
U		Annually	~~47320~~	~~49795~~	~~52228~~	~~54849~~	~~57616~~
			<u>53498</u>	<u>56285</u>	<u>59051</u>	<u>62005</u>	<u>65125</u>
V	10	Hourly	~~24.53~~	~~25.89~~	~~27.28~~	~~28.86~~	~~30.39~~
			<u>27.73</u>	<u>29.25</u>	<u>30.83</u>	<u>32.61</u>	<u>34.35</u>

W		Annually	~~51022~~	~~53851~~	~~56742~~	~~60028~~	~~63211~~		
			<u>57678</u>	<u>60840</u>	<u>64126</u>	<u>67829</u>	<u>71448</u>		
X	11	Hourly	~~26.74~~	~~28.28~~	~~29.92~~	~~31.61~~	~~33.40~~		
			<u>30.22</u>	<u>31.96</u>	<u>33.81</u>	<u>35.72</u>	<u>37.75</u>		
Y		Annually	~~55619~~	~~58822~~	~~62233~~	~~65748~~	~~69472~~		
			<u>62858</u>	<u>66477</u>	<u>70325</u>	<u>74298</u>	<u>78520</u>		
Z	12	Hourly	~~29.49~~	~~31.15~~	~~32.82~~	~~34.63~~	~~36.55~~	~~38.55~~	~~40.12~~
			<u>33.32</u>	<u>35.21</u>	<u>37.09</u>	<u>39.14</u>	<u>41.31</u>	<u>43.57</u>	<u>45.35</u>
AA		Annually	~~61339~~	~~64792~~	~~68265~~	~~72030~~	~~76024~~	~~80184~~	~~83449~~
			<u>69306</u>	<u>73237</u>	<u>77147</u>	<u>81411</u>	<u>85925</u>	<u>90626</u>	<u>94328</u>
AB	13	Hourly	~~32.51~~	~~34.29~~	~~36.16~~	~~38.11~~	~~40.26~~	~~42.43~~	~~44.17~~
			<u>36.75</u>	<u>38.75</u>	<u>40.87</u>	<u>43.07</u>	<u>45.50</u>	<u>47.95</u>	<u>49.92</u>
AC		Annually	~~67620~~	~~71323~~	~~75212~~	~~79268~~	~~83740~~	~~88254~~	~~91873~~
			<u>76440</u>	<u>80600</u>	<u>85010</u>	<u>89586</u>	<u>94640</u>	<u>99736</u>	<u>103834</u>
AD	14	Hourly	~~35.74~~	~~37.78~~	~~39.81~~	~~41.97~~	~~44.34~~	~~46.81~~	~~48.75~~
			<u>40.40</u>	<u>42.70</u>	<u>44.99</u>	<u>47.43</u>	<u>50.12</u>	<u>52.90</u>	<u>55.09</u>
AE		Annually	~~74339~~	~~78582~~	~~82804~~	~~87297~~	~~92227~~	~~97364~~	~~101400~~
			<u>84032</u>	<u>88816</u>	<u>93579</u>	<u>98654</u>	<u>104250</u>	<u>110032</u>	<u>114587</u>
AF	15	Hourly	~~39.27~~	~~41.48~~	~~43.82~~	~~46.23~~	~~48.79~~	~~51.47~~	~~53.58~~
			<u>44.38</u>	<u>46.88</u>	<u>49.52</u>	<u>52.24</u>	<u>55.15</u>	<u>58.16</u>	<u>60.55</u>

AG	Annually	~~81681~~	~~86278~~	~~91145~~	~~96158~~	~~101483~~	~~107057~~	~~111446~~	~~116688~~
		<u>92310</u>	<u>97510</u>	<u>103002</u>	<u>108659</u>	<u>114712</u>	<u>120973</u>	<u>125944</u>	<u>131893</u>
AH	16 Hourly	~~43.29~~	~~45.70~~	~~48.21~~	~~50.92~~	~~53.71~~	~~56.79~~	~~59.12~~	~~61.89~~
		<u>48.93</u>	<u>51.65</u>	<u>54.49</u>	<u>57.56</u>	<u>60.71</u>	<u>64.18</u>	<u>66.82</u>	<u>69.94</u>
AI	Annually	~~90043~~	~~95056~~	~~100276~~	~~105913~~	~~111716~~	~~118123~~	~~122969~~	~~128731~~
		<u>101774</u>	<u>107432</u>	<u>113339</u>	<u>119725</u>	<u>126277</u>	<u>133494</u>	<u>138986</u>	<u>145475</u>
AJ	17 Hourly	~~47.70~~	~~50.33~~	~~53.15~~	~~56.08~~	~~59.23~~	~~62.53~~	~~65.97~~	
		<u>53.91</u>	<u>56.89</u>	<u>60.07</u>	<u>63.38</u>	<u>66.94</u>	<u>70.67</u>	<u>74.56</u>	
AK	Annually	~~99216~~	~~104686~~	~~110552~~	~~116646~~	~~123198~~	~~130062~~	~~137217~~	
		<u>112133</u>	<u>118331</u>	<u>124946</u>	<u>131830</u>	<u>139235</u>	<u>146994</u>	<u>155085</u>	
AL	18 Hourly	~~52.57~~	~~55.48~~	~~58.61~~	~~61.83~~	~~65.25~~	~~68.90~~		
		<u>59.41</u>	<u>62.70</u>	<u>66.24</u>	<u>69.88</u>	<u>73.74</u>	<u>77.88</u>		
AM	Annually	~~109345~~	~~115398~~	~~121908~~	~~128606~~	~~135720~~	~~143312~~		
		<u>123573</u>	<u>130416</u>	<u>137779</u>	<u>145350</u>	<u>153379</u>	<u>161990</u>		
AN	19 Hourly	~~57.83~~	~~61.03~~	~~64.47~~	~~68.01~~	~~71.78~~	~~75.79~~		
		<u>65.35</u>	<u>69.29</u>	<u>72.86</u>	<u>76.86</u>	<u>81.12</u>	<u>85.65</u>		
AO	Annually	~~120286~~	~~126942~~	~~134097~~	~~141460~~	~~149302~~	~~157643~~		
		<u>135928</u>	<u>144123</u>	<u>151549</u>	<u>159869</u>	<u>168730</u>	<u>178152</u>		

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	~~51.97~~ <u>58.74</u>
C		Annually	33758	~~108097~~ <u>122179</u>
D	42	Hourly	17.89	~~57.38~~ <u>64.85</u>
E		Annually	37211	~~119350~~ <u>134888</u>
F	43	Hourly	19.70	~~63.19~~ <u>71.42</u>
G		Annually	40976	~~131435~~ <u>148554</u>
H	44	Hourly	21.73	~~69.04~~ <u>78.02</u>
I		Annually	45198	~~143603~~ <u>162282</u>
J	45	Hourly	24.01	~~75.38~~ <u>85.19</u>
K		Annually	49941	~~156790~~ <u>177195</u>
L	46	Hourly	26.43	~~82.38~~ <u>93.10</u>
M		Annually	54974	~~171350~~ <u>193648</u>
N	47	Hourly	29.14	~~89.91~~ <u>101.62</u>
O		Annually	60611	~~187012~~ <u>2211370</u>
P	48	Hourly	32.14	~~98.08~~ <u>110.84</u>
Q		Annually	66851	~~204006~~ <u>230547</u>

R	49	Hourly	35.44	~~105.90~~ <u>119.69</u>
S		Annually	73715	~~220272~~ <u>248955</u>

(C) As used in this section: 13282

(1) "Exempt employee" means a permanent full-time or 13283
permanent part-time employee paid directly by warrant of the 13284
director of budget and management whose position is included in 13285
the job classification plan established under division (A) of 13286
section 124.14 of the Revised Code but who is not considered a 13287
public employee for the purposes of Chapter 4117. of the Revised 13288
Code. "Exempt employee" also includes a permanent full-time or 13289
permanent part-time employee of the secretary of state, auditor 13290
of state, treasurer of state, or attorney general who has not 13291
been placed in an appropriate bargaining unit by the state 13292
employment relations board. 13293

(2) "Base rate of pay" means the rate of pay established 13294
under schedule E-1 of this section, plus the supplement provided 13295
under division (E) of section 124.181 of the Revised Code, plus 13296
any supplements enacted into law that are added to schedule E-1 13297
of this section. 13298

(D) Notwithstanding any division of this section to the 13299
contrary, or division (E) or (G) of section 124.15 of the 13300
Revised Code with respect to requirements for step placement and 13301
advancement, no exempt employee other than a captain or 13302
equivalent officer in the state highway patrol shall be placed 13303
in step value 7 in range 17 of schedule E-1 of division ~~(B)(3)~~ 13304
(B) of this section. 13305

Sec. 124.184. (A) As used in this section: 13306

(1) "State agency" means every organized body, office, or 13307

agency established by the laws of the state for the exercise of 13308
any function of state government. "State agency" does not 13309
include any of the following: 13310

(a) The public employees retirement system, Ohio police 13311
and fire pension fund, state teachers retirement system, school 13312
employees retirement system, and state highway patrol retirement 13313
system; 13314

(b) A state institution of higher education as defined in 13315
section 3345.011 of the Revised Code; 13316

(c) The nonprofit corporation formed under section 187.01 13317
of the Revised Code. 13318

(2) Notwithstanding the definition of "employee" in 13319
section 124.01 of the Revised Code, "state employee" means an 13320
individual holding a position subject to appointment, removal, 13321
promotion, or reduction by a state agency. 13322

(B) (1) Not later than October 15, 2025, each state agency 13323
shall develop a plan for the agency's state employees to report 13324
to the agency's worksite or another location designated by the 13325
agency during the time the employees are performing their duties 13326
for the agency. 13327

(2) Beginning January 1, 2026, a state agency shall 13328
require the agency's state employees to report to the agency's 13329
worksite or another location in accordance with the plan 13330
developed by the agency under division (B) (1) of this section. 13331
Except as provided in divisions (C) and (D) of this section, no 13332
state employee shall work from the employee's place of 13333
residence. 13334

(C) Nothing in this section precludes a state agency from 13335
permitting a state employee employed by the agency to work from 13336

the employee's place of residence as a reasonable accommodation 13337
under Title I of the "Americans with Disabilities Act of 1990," 13338
42 U.S.C. 12111, et seq. or Chapter 4112. of the Revised Code. 13339

(D) A state agency may adopt a policy allowing an 13340
appointing authority or the appointing authority's designee to 13341
approve a state employee to work from the employee's place of 13342
residence or other off-site location under any of the following 13343
circumstances: 13344

(1) During an occasional or emergent situation as required 13345
to complete a necessary or time-sensitive business function of 13346
the agency; 13347

(2) Rare occasions where a health order or weather 13348
emergency requires an individual to remain at the individual's 13349
place of residence or to shelter in place; 13350

(3) Occasions where the agency's worksite is or may be 13351
closed on a temporary or ongoing basis, including remodeling an 13352
existing building, natural disaster, utility outage, security 13353
threat, or other occurrence that has or will result in such a 13354
closure; 13355

(4) Except as provided in division (D) (5) of this section, 13356
the appointing authority or the appointing authority's designee 13357
determines that an employee, due to the employee's job 13358
classification or position, primarily performs the employee's 13359
duties for the agency in the field or another location 13360
designated by the agency that is not the employee's place of 13361
residence; 13362

(5) Where the appointing authority or the appointing 13363
authority's designee determines that an employee is in a 13364
computer-related occupation as provided in sections 13(a) (1) and 13365

(17) of the "Fair Labor Standards Act of 1938," 29 U.S.C. 213, 13366
as defined in 29 C.F.R. 541.400; 13367

(6) Where the appointing authority or the appointing 13368
authority's designee grants an employee an accommodation for a 13369
temporary medical condition not covered under division (C) of 13370
this section; 13371

(7) Where the appointing authority or the appointing 13372
authority's designee determines that an employee's place of 13373
residence is forty or more miles from the agency's worksite; 13374

(8) Where the appointing authority or the appointing 13375
authority's designee determines that the agency does not have 13376
adequate space or equipment for an employee at the agency's 13377
worksite. 13378

(E) Nothing in this section shall interfere with an 13379
administrative policy regarding employee work location adopted 13380
by the supreme court, which is a separate branch of government 13381
established and vested with judicial power under Ohio 13382
Constitution, Article IV. 13383

Sec. 124.385. (A) An employee is eligible for disability 13384
leave benefits under this section if the employee has completed 13385
one year of continuous state service immediately prior to the 13386
date of the disability and if any of the following applies: 13387

(1) The employee is a full-time permanent employee and is 13388
eligible for sick leave credit pursuant to division (B) of 13389
section 124.382 of the Revised Code or is entitled to disability 13390
benefits under a collective bargaining agreement. 13391

(2) The employee is a part-time permanent employee who has 13392
worked at least fifteen hundred hours within the twelve-month 13393
period immediately preceding the date of disability and is 13394

eligible for sick leave credit under division (B) of section 13395
124.382 of the Revised Code. 13396

(3) The employee is a full-time permanent or part-time 13397
permanent employee, is on disability leave or leave of absence 13398
for medical reasons, and would be eligible for sick leave credit 13399
pursuant to division (B) of section 124.382 of the Revised Code 13400
except that the employee is in no pay status due to the 13401
employee's medical condition. 13402

(B) The director of administrative services, ~~by rule~~ 13403
~~adopted in accordance with Chapter 119. of the Revised Code,~~ 13404
shall adopt a rule to establish a disability leave program. The 13405
rule shall include, but shall not be limited to, the following: 13406

(1) Procedures to be followed for determining disability; 13407

(2) Provisions for the allowance of disability leave due 13408
to illness or injury; 13409

(3) Provisions for the continuation of service credit for 13410
employees granted disability leave, including service credit 13411
towards retirement, as provided by the applicable statute; 13412

(4) The establishment of a minimum level of benefit and of 13413
a waiting period before benefits begin; 13414

(5) Provisions setting a maximum length of benefit and 13415
requiring that employees eligible to apply for disability 13416
retirement shall do so prior to completing the first six months 13417
of their period of disability. The director's rules shall 13418
indicate those employees required to apply for disability 13419
retirement. If an employee is approved to receive disability 13420
retirement, the employee shall receive the retirement benefit 13421
and a supplement payment that equals a percentage of the 13422
employee's base rate of pay and that, when added to the 13423

retirement benefit, equals no more than the percentage of pay 13424
received by employees after the first six months of disability. 13425
This supplemental payment shall not be considered earnable 13426
salary, compensation, or salary, and is not subject to 13427
contributions, under Chapter 145., 742., 3307., 3309., or 5505. 13428
of the Revised Code. 13429

(6) Provisions that allow employees to utilize available 13430
sick leave, personal leave, compensatory time, or vacation leave 13431
balances to supplement the benefits payable under this section. 13432
The balances used to supplement the benefits, plus any amount 13433
contributed by the state ~~as provided in division (D) of this~~ 13434
~~section,~~ shall be paid at the employee's base rate of pay in an 13435
amount sufficient to give employees up to one hundred per cent 13436
of pay for time on disability. 13437

(7) Procedures for appealing denial of payment of a claim, 13438
~~including the following:~~ 13439

~~(a) A maximum of thirty days to file an appeal by the~~ 13440
~~employee;~~ 13441

~~(b) A maximum of fifteen days for the parties to select a~~ 13442
~~third-party opinion pursuant to division (F) of this section,~~ 13443
~~unless an extension is agreed to by the parties;~~ 13444

~~(c) A maximum of thirty days for the third party to render~~ 13445
~~an opinion.~~ 13446

~~(8) Provisions for approving leave of absence for medical~~ 13447
~~reasons where an employee is in no pay status because the~~ 13448
~~employee has used all the employee's sick leave, personal leave,~~ 13449
~~vacation leave, and compensatory time;~~ 13450

~~(9)~~ (8) Provisions for precluding the payment of benefits 13451
if the injury for which the benefits are sought is covered by a 13452

workers' compensation plan† 13453

~~(10) Provisions for precluding the payment of benefits in~~ 13454
~~order to ensure that benefits are provided in a consistent~~ 13455
~~manner.~~ 13456

~~(C) Except as provided in division (B) (6) of this section,~~ 13457
~~time off for an employee granted disability leave is not~~ 13458
~~chargeable to any other leave granted by other sections. The~~ 13459
~~adjudication hearing requirements prescribed in Chapter 119. of~~ 13460
~~the Revised Code do not apply to the procedures for appealing~~ 13461
~~denial of payment of a claim that the director adopts by rule~~ 13462
~~under division (B) (7) of this section.~~ 13463

(D) While an employee is on an approved disability leave, 13464
the employee shall be responsible for paying the employee's 13465
share of retirement contributions and the employer's share shall 13466
be paid by the state. 13467

~~(E) The approval for disability leave shall be made by the~~ 13468
~~director, upon recommendation by the appointing authority. The~~ 13469
~~director may delegate to any appointing authority the authority~~ 13470
~~to approve disability benefits for a standard recovery period.~~ 13471

~~(F)~~ If a request for disability leave is denied based on a 13472
medical determination, the director shall obtain a medical 13473
opinion from a third party. The decision of the third party is 13474
binding. 13475

~~(G)~~ (F) The rule adopted by the director under division (B) 13476
of this section shall not deny disability leave benefits for an 13477
illness or injury to an employee who is a veteran of the United 13478
States armed forces because the employee contracted the illness 13479
or received the injury in the course of or as a result of 13480
military service and the illness or injury is or may be covered 13481

by a compensation plan administered by the United States 13482
department of veterans affairs. 13483

Sec. 125.01. As used in this chapter: 13484

(A) "Order" means a copy of a contract or a statement of 13485
the nature of a contemplated expenditure, a description of the 13486
property or supplies to be purchased or service to be performed, 13487
other than a service performed by officers and regular employees 13488
of the state, and per diem of the national guard, and the total 13489
sum of the expenditure to be made therefor, if the sum is fixed 13490
and ascertained, otherwise the estimated sum thereof, and an 13491
authorization to pay for the contemplated expenditure, signed by 13492
the person instructed and authorized to pay upon receipt of a 13493
proper invoice. 13494

(B) "Invoice" means an itemized listing showing delivery 13495
of the supplies or performance of the service described in the 13496
order including all of the following: 13497

(1) The date of the purchase or rendering of the service; 13498

(2) An itemization of the things done, material supplied, 13499
or labor furnished; 13500

(3) The sum due pursuant to the contract or obligation. 13501

(C) "Products" means materials, supplies, merchandise, 13502
goods, wares, and foodstuffs. 13503

(D) "Produced" means the manufacturing, processing, 13504
mining, developing, and making of a thing into a new article 13505
with a distinct character in use through the application of 13506
input, within the state or a state bordering Ohio, of Buy Ohio 13507
products, labor, skill, or other services. "Produced" does not 13508
include the mere assembling or putting together of products or 13509

materials from outside of Ohio or a state bordering Ohio. 13510

(E) "Buy Ohio products" means products that are mined, 13511
excavated, produced, manufactured, raised, or grown in the state 13512
or a state bordering Ohio where the input of Buy Ohio products, 13513
labor, skill, or other services constitutes no less than twenty- 13514
five per cent of the manufactured cost. With respect to mined 13515
products, such products shall be mined or excavated in this 13516
state or a state bordering Ohio. "Buy Ohio products" includes 13517
any product that includes semiconductors produced by a company 13518
with a significant Ohio economic presence. 13519

(F) "Purchase" means to buy, rent, lease, lease purchase, 13520
or otherwise acquire supplies or services. "Purchase" also 13521
includes all functions that pertain to the obtaining of supplies 13522
or services, including description of requirements, selection 13523
and solicitation of sources, preparation and award of contracts, 13524
all phases of contract administration, and receipt and 13525
acceptance of the supplies and services and payment for them. 13526

(G) "Services" means the furnishing of labor, time, or 13527
effort by a person, not involving the delivery of a specific end 13528
product other than a report which, if provided, is merely 13529
incidental to the required performance. "Services" does not 13530
include services furnished pursuant to employment agreements or 13531
collective bargaining agreements. 13532

(H) "Supplies" means all property, including, but not 13533
limited to, equipment, materials, and other tangible assets, but 13534
excluding real property or an interest in real property. 13535

(I) "Competitive selection" means any of the following 13536
procedures for making purchases: 13537

(1) Competitive sealed bidding under section 125.07 of the 13538

Revised Code; 13539

(2) Competitive sealed proposals under section 125.071 of 13540
the Revised Code; 13541

(3) Reverse auctions under section 125.072 of the Revised 13542
Code; 13543

(4) Electronic procurement under section 125.073 of the 13544
Revised Code. 13545

(J) "Direct purchasing authority" means the authority of a 13546
state agency to make a purchase without competitive selection 13547
pursuant to sections 125.05 and 127.16 of the Revised Code. 13548

Sec. 125.041. (A) Nothing in sections 125.02, 125.04 to 13549
125.08, 125.12 to 125.16, 125.18, 125.31 to ~~125.76~~125.71, or 13550
125.831 of the Revised Code shall be construed as limiting the 13551
attorney general, auditor of state, secretary of state, or 13552
treasurer of state in any of the following: 13553

(1) Purchases for less than the dollar amounts for the 13554
purchase of supplies or services determined under section 125.05 13555
of the Revised Code; 13556

(2) Purchases that equal or exceed the dollar amounts for 13557
the purchase of supplies or services determined under section 13558
125.05 of the Revised Code with the approval of the controlling 13559
board, if that approval is required by section 127.16 of the 13560
Revised Code; 13561

(3) The final determination of the nature or quantity of 13562
any purchase of supplies or services under division (B) of 13563
section 125.02 or under division (G) of section 125.035 of the 13564
Revised Code; 13565

(4) The final determination and disposal of excess and 13566

surplus supplies; 13567

(5) The inventory of state property; 13568

(6) The purchase of printing; 13569

(7) Activities related to information technology 13570
development and use; 13571

(8) The fleet management program. 13572

(B) Nothing in this section shall be construed as 13573
preventing the attorney general, auditor of state, secretary of 13574
state, or treasurer of state from complying with or 13575
participating in any aspect of Chapter 125. of the Revised Code 13576
through the department of administrative services. 13577

Sec. 125.052. (A) As used in this section: 13578

(1) "Online subscription" means an offering through an 13579
internet online service or platform to access digital content or 13580
services on a recurring basis in exchange for a subscription 13581
fee. 13582

(2) "State agency" has the same meaning as in section 1.60 13583
of the Revised Code, except that it does not include the general 13584
assembly, any legislative agency, or the governor. 13585

(B) Any online subscription purchased by a state agency 13586
for a news periodical or news web site that is not headquartered 13587
in this state, and which in the aggregate exceeds five hundred 13588
dollars during the fiscal year, is subject to controlling board 13589
approval. 13590

Sec. 125.071. (A) In accordance with rules the director of 13591
administrative services shall adopt, the director may make 13592
purchases by competitive sealed proposal whenever the director 13593

determines that the use of competitive sealed bidding is not 13594
possible or not advantageous to the state. 13595

(B) Proposals shall be solicited through a request for 13596
proposals. The request for proposals shall state the relative 13597
importance of price and other evaluation factors. Notice of the 13598
request for proposals shall be given in accordance with rules 13599
the director shall adopt. 13600

(C) Proposals shall be opened so as to avoid disclosure of 13601
contents to competing offerors. 13602

~~In order to ensure fair and impartial evaluation, 13603~~
~~proposals and related documents submitted in response to a 13604~~
~~request for proposals are not available for public inspection 13605~~
~~and copying under section 149.43 of the Revised Code until after 13606~~
~~the award of the contract. 13607~~

(D) As provided in the request for proposals, and under 13608
rules the director shall adopt, discussions may be conducted 13609
with responsible offerors who submit proposals determined to be 13610
reasonably susceptible of being selected for award for the 13611
purpose of ensuring full understanding of, and responsiveness 13612
to, solicitation requirements. Offerors shall be accorded fair 13613
and equal treatment with respect to any opportunity for 13614
discussion regarding any clarification, correction, or revision 13615
of proposals. No disclosure of any information derived from 13616
proposals submitted by competing offerors shall occur when 13617
discussions are conducted. 13618

(E) Award may be made to the offerors whose proposals are 13619
determined to be the most advantageous to this state, taking 13620
into consideration factors such as price and the evaluation 13621
criteria set forth in the request for proposals. The contract 13622

file shall contain the basis on which the award is made. 13623

Sec. 125.11. (A) Subject to division (B) of this section, 13624
contracts awarded pursuant to a reverse auction under section 13625
125.072 of the Revised Code or pursuant to competitive sealed 13626
bidding, including contracts awarded under section 125.081 of 13627
the Revised Code, shall be awarded to the lowest responsive and 13628
responsible bidder in accordance with section 9.312 of the 13629
Revised Code, and contracts awarded pursuant to a competitive 13630
sealed proposal shall be awarded to the offeror determined to be 13631
the most advantageous to this state. 13632

(B) Prior to awarding a contract under division (A) of 13633
this section, the department of administrative services or the 13634
state agency responsible for evaluating a contract for the 13635
purchase of products or services shall evaluate the bids and 13636
offers received according to the criteria and procedures 13637
established pursuant to division (B) of section 125.09 of the 13638
Revised Code for determining if a product is mined, excavated, 13639
produced, manufactured, raised, or grown in the United States, 13640
in this state, or in a state bordering Ohio, whether the bid or 13641
offer was received from a Buy Ohio supplier, and whether the bid 13642
or offer was received from a certified veteran-friendly business 13643
enterprise. These requirements shall be applied where sufficient 13644
competition can be generated to ensure that compliance with 13645
these requirements will be in the best interest of the state 13646
unless otherwise prohibited. 13647

(C) In order to ensure fair and impartial evaluation, 13648
materials relating to a solicitation through competitive 13649
selection shall not be considered public records under section 13650
149.43 of the Revised Code until after the award of the contract 13651
based on the competitive selection. If all bids or proposals 13652

received in response to a solicitation through competitive 13653
selection are rejected, and notice is provided of an intent to 13654
reissue the solicitation through competitive selection, the 13655
materials relating to the original solicitation and the 13656
materials relating to the reissued solicitation shall not be 13657
considered public records under section 149.43 of the Revised 13658
Code until after the award of the contract based on the reissued 13659
solicitation through competitive selection. 13660

(D) Division (B) of this section applies to contracts for 13661
which competitive selection is waived by the controlling board. 13662

~~(D)~~ (E) Division (B) of this section does not apply to the 13663
purchase by the division of liquor control of spirituous liquor. 13664

Sec. 125.111. ~~(A)~~ Every contract for or on behalf of the 13665
state or any of its political subdivisions for any purchase 13666
shall contain provisions similar to those required by section 13667
153.59 of the Revised Code in the case of construction contracts 13668
by which the contractor agrees to both of the following: 13669

~~(1)~~ (A) That, in the hiring of employees for the 13670
performance of work under the contract or any subcontract, no 13671
contractor or subcontractor, by reason of race, color, religion, 13672
sex, age, disability or military status as defined in section 13673
4112.01 of the Revised Code, national origin, or ancestry, shall 13674
discriminate against any citizen of this state in the employment 13675
of a person qualified and available to perform the work to which 13676
the contract relates; 13677

~~(2)~~ (B) That no contractor, subcontractor, or person acting 13678
on behalf of any contractor or subcontractor, in any manner, 13679
shall discriminate against, intimidate, or retaliate against any 13680
employee hired for the performance of work under the contract on 13681

account of race, color, religion, sex, age, disability or 13682
military status as defined in section 4112.01 of the Revised 13683
Code, national origin, or ancestry. 13684

~~(B) All contractors from whom the state or any of its 13685
political subdivisions make purchases shall have a written 13686
affirmative action program for the employment and effective 13687
utilization of economically disadvantaged persons, as referred 13688
to in division (E) (1) of section 122.71 of the Revised Code. 13689
Annually, each such contractor shall file a description of the 13690
affirmative action program and a progress report on its 13691
implementation with the department of development. 13692~~

Sec. 125.13. (A) As used in this section: 13693

(1) "Emergency medical service organization" has the same 13694
meaning as in section 4765.01 of the Revised Code. 13695

(2) "Private fire company" has the same meaning as in 13696
section 9.60 of the Revised Code. 13697

(B) Whenever a state agency has excess or surplus 13698
supplies, it shall notify the director of administrative 13699
services. On forms provided by the director, the state agency 13700
shall furnish to the director a list of its excess and surplus 13701
supplies, including the location of the supplies and whether the 13702
supplies are currently in the agency's control. 13703

(C) Upon receipt of notification and at no cost to the 13704
state agency, the director of administrative services shall make 13705
arrangements for their disposition and shall take immediate 13706
control of a state agency's excess and surplus supplies, except 13707
for the following excess and surplus supplies: 13708

(1) Excess or surplus supplies that have a value below the 13709
minimum value that the director establishes for excess and 13710

surplus supplies under division (F) of this section; 13711

(2) Excess or surplus supplies that the director has 13712
authorized an agency to donate to a governmental agency, 13713
including, but not limited to, public schools and surplus 13714
computers and computer equipment transferred to a public school 13715
under division (G) of this section; 13716

(3) Excess or surplus supplies that an agency trades in as 13717
full or partial payment when purchasing a replacement item; 13718

(4) Hazardous property; 13719

(5) Excess or surplus supplies that the director has 13720
authorized to be part of an interagency transfer; 13721

(6) Excess or surplus supplies that are donated under 13722
division (H) of this section. 13723

(D) The director shall inventory excess and surplus 13724
supplies in the director's control and post on a public web site 13725
a list of the supplies available for acquisition. The director 13726
may have the supplies repaired. The director shall not charge a 13727
fee for the collection or transportation of excess and surplus 13728
supplies. 13729

(E) The director may do any of the following: 13730

(1) Dispose of declared surplus or excess supplies in the 13731
director's control by sale, lease, donation, or transfer. If the 13732
director does so, the director shall dispose of those supplies 13733
in any of the following manners: 13734

(a) To state agencies or by interagency trade; 13735

(b) To state-supported or state-assisted institutions of 13736
higher education; 13737

(c) To tax-supported agencies, municipal corporations, or 13738
other political subdivisions of this state, private fire 13739
companies, or private, nonprofit emergency medical service 13740
organizations; 13741

(d) To nonpublic elementary and secondary schools 13742
chartered by the department of education and workforce under 13743
section 3301.16 of the Revised Code; 13744

(e) To a nonprofit organization that is both exempt from 13745
federal income taxation under 26 U.S.C. 501(a) and (c) (3) and 13746
that ~~receives funds from the state or has a contract is~~ 13747
registered and in good standing with the secretary of state as a 13748
domestic nonprofit or not-for-profit corporation; 13749

(f) To the general public by auction, sealed bid, sale, or 13750
negotiation. 13751

(2) If the director has attempted to dispose of any 13752
declared surplus or excess motor vehicle that does not exceed 13753
four thousand five hundred dollars in value pursuant to 13754
divisions (E) (1) (a) to (c) of this section, donate the motor 13755
vehicle to a nonprofit organization exempt from federal income 13756
taxation pursuant to 26 U.S.C. 501(a) and (c) (3) for the purpose 13757
of meeting the transportation needs of participants in the Ohio 13758
works first program established under Chapter 5107. of the 13759
Revised Code and participants in the prevention, retention, and 13760
contingency program established under Chapter 5108. of the 13761
Revised Code. The director may not donate a motor vehicle 13762
furnished to the state highway patrol to a nonprofit 13763
organization pursuant to this division. 13764

(F) The director may adopt rules governing the sale, 13765
lease, or transfer of surplus and excess supplies in the 13766

director's control by public auction, sealed bid, sale, or 13767
negotiation, except that no employee of the disposing agency 13768
shall be allowed to purchase, lease, or receive any such 13769
supplies. The director may dispose of declared surplus or excess 13770
supplies, including motor vehicles, in the director's control as 13771
the director determines proper if such supplies cannot be 13772
disposed of pursuant to division (E) of this section. The 13773
director shall by rule establish a minimum value for excess and 13774
surplus supplies and prescribe procedures for a state agency to 13775
follow in disposing of excess and surplus supplies in its 13776
control that have a value below the minimum value established by 13777
the director. 13778

(G) The director of administrative services may authorize 13779
any state agency to transfer surplus computers and computer 13780
equipment that are not needed by other state agencies directly 13781
to an accredited public school within the state. The computers 13782
and computer equipment may be repaired or refurbished prior to 13783
transfer. The state agency may charge a service fee to the 13784
public schools for the property not to exceed the direct cost of 13785
repairing or refurbishing it. The state agency shall deposit 13786
such funds into the account used for repair or refurbishment. 13787

(H) Excess and surplus supplies of food shall be exempt 13788
from this section and may be donated directly to nonprofit food 13789
pantries and institutions without notification to the director 13790
of administrative services. 13791

Sec. 125.183. (A) As used in this section: 13792

(1) "Covered application" means ~~all of the following:~~ 13793

~~(a) The TikTok application and service or any successor~~ 13794
~~application or service developed or provided by ByteDance~~ 13795

~~limited or an entity owned by ByteDance limited;~~ 13796

~~(b) The WeChat application and service or any successor~~ 13797
~~application or service developed or provided by Tencent holdings~~ 13798
~~limited or an entity owned by Tencent holdings limited;~~ 13799

~~(c) Any application or service owned by an entity located~~ 13800
~~in China, including QQ International (QQi), Qzone, Weibo, Xiao~~ 13801
~~HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian~~ 13802
~~Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little~~ 13803
~~Red Book, and Zhihu~~any application owned or controlled, directly 13804
or indirectly, by an entity identified as a foreign adversary as 13805
defined in 15 C.F.R. 791.2. 13806

(2) "State agency" means every organized body, office, or 13807
agency established by the laws of this state for the exercise of 13808
any function of state government, other than any state-supported 13809
institution of higher education, the courts, or any judicial 13810
agency. "State agency" includes the general assembly, any 13811
legislative agency, and the capitol square review and advisory 13812
board. 13813

(B) Subject to division (C) of this section, the state 13814
chief information officer shall do all of the following: 13815

(1) Require state agencies immediately to remove any 13816
covered application from all equipment they own or lease; 13817

(2) Prohibit all of the following on equipment owned or 13818
leased by a state agency: 13819

(a) The downloading, installation, or use of a covered 13820
application; 13821

(b) The downloading, installation, or use of a covered 13822
application using an internet connection provided by a state 13823

agency; 13824

(c) The downloading, installation, or use of a covered 13825
application by any officer, employee, or contractor of a state 13826
agency. 13827

(3) Require state agencies to take measures to prevent the 13828
downloading, installation, or use of a covered application as 13829
described in division (B) (2) of this section. 13830

(C) Division (B) of this section shall include exceptions 13831
to allow a qualified person to download, install, or use a 13832
covered application for law enforcement or security purposes, so 13833
long as the person takes appropriate measures to mitigate the 13834
security risks involved in doing so. 13835

Sec. 125.31. (A) The department of administrative services 13836
shall have supervision of all public printing except as follows: 13837

(1) Printing for the general assembly shall be the sole 13838
responsibility of the clerk of the senate and the clerk of the 13839
house of representatives unless the clerk of the senate or the 13840
clerk of the house of representatives chooses either of the 13841
options specified in section 101.523 or 101.524 of the Revised 13842
Code. 13843

(2) Printing for the Ohio arts council shall be under the 13844
supervision of the council. 13845

(3) Printing for the capitol square review and advisory 13846
board shall be under the supervision of the board. 13847

(4) Printing for state-supported institutions of higher 13848
education shall be under the supervision of the department of 13849
purchasing of each such institution or the department or officer 13850
within each institution that performs the functions of a 13851

department of purchasing. 13852

(B) The department of administrative services shall 13853
determine, except as otherwise specifically provided by law, the 13854
number of copies to be printed of each publication or document, 13855
the source of reproduction, the manner of binding, quality of 13856
paper, the general kind, size, and spacing of type to be used in 13857
all reports, publications, bulletins, documents, or pamphlets 13858
printed at public expense. 13859

The department shall not use its authority to curtail the 13860
release of public information by any elected state official. 13861

~~(C) For the purposes of sections 125.31 to 125.76 of the~~ 13862
~~Revised Code, all functions, powers, and duties assigned to the~~ 13863
~~department of administrative services are considered to be~~ 13864
~~assigned to the division of state printing within the department~~ 13865
~~of administrative services~~Division (B) of this section does not 13866
apply to printing contracts requiring special security paper, of 13867
a unique nature, if compliance will result in acquiring a 13868
disproportionately inferior product or a price that exceeds by 13869
more than five per cent the lowest price submitted on a non-Ohio 13870
bid. 13871

Sec. 125.42. (A) No agency, officer, board, or commission, 13872
except the clerk of the senate and the clerk of the house of 13873
representatives, shall print or cause to be printed at the 13874
public expense, any report, bulletin, document, or pamphlet, 13875
unless such report, bulletin, document, or pamphlet is first 13876
submitted to, and the printing thereof approved by, the 13877
department of administrative services. If the department 13878
approves the printing, it shall determine the form of such 13879
printing and the number of copies. 13880

If such approval is given, the department shall cause the
same to be printed and bound ~~as provided by sections 125.49,~~
~~125.51, and 125.56 of the Revised Code, except as otherwise~~
~~provided by section 125.45 of the Revised Code;~~ and when
printed, such publications or forms shall be delivered to the
ordering officer, board, commission, or department, or sold at a
price not to exceed the total cost.

(B) The department of administrative services annually
shall set a maximum cost per page and a maximum total cost for
the printing by any board, commission, council, or other public
body of the state of any annual report or any other report that
it is required by law to produce. No board, commission, council,
or other public body of the state shall expend or incur the
expenditure of any amount in excess of these maximum amounts
without the prior approval of the department. This division does
not apply to the general assembly or any court.

Sec. 125.58. ~~The department of administrative services~~
~~shall promptly notify each successful offeror of the acceptance~~
~~of the offeror's bid or proposal for state printing. If such~~
~~offeror fails to execute the contract because of death or other~~
~~cause, or if the offeror fails to execute the work required by~~
~~the contract in a proper manner and with reasonable promptness,~~
~~or the contract is abandoned, or its execution is temporarily~~
~~suspended, the department may enter into a contract with another~~
~~person for the prompt execution of the work for the lowest price~~
~~which may be obtained. Before any work is relet in consequence~~
~~of the misconduct or default of the contractor, the department~~
~~shall give the contractor written notice thereof. The department~~
of administrative services may set a daily penalty charge for
late orders, provided the penalty schedule and amount are stated
in the invitation to bid or request for proposals for the

printing. 13912

Sec. 125.95. (A) There is hereby created within the 13913
department of administrative services the prescription drug 13914
transparency and affordability advisory council. The department 13915
shall provide administrative support to the advisory council as 13916
necessary for the advisory council to carry out its duties under 13917
this section. 13918

(1) Members of the advisory council shall include the 13919
following: 13920

- (a) The director of administrative services; 13921
- (b) The director of health; 13922
- (c) The medicaid director; 13923
- (d) The director of ~~mental behavioral health and addiction~~ 13924
~~services;~~ 13925
- (e) The administrator of workers' compensation. 13926

(2) Members of the advisory council shall also include 13927
individuals who are working to address prescription drug 13928
availability and affordability in any of the following areas: 13929

- (a) Insurance; 13930
- (b) Local, state, and federal government service; 13931
- (c) Private industry; 13932
- (d) Organizations of faith; 13933
- (e) Health care providers; 13934
- (f) Consumer organizations; 13935
- (g) Prescription drug manufacturers; 13936

(h) Prescription drug wholesale distributors;	13937
(i) Pharmacists;	13938
(j) Business organizations;	13939
(k) Individuals concerned about mental health or substance abuse matters;	13940 13941
(l) Advocates for individuals struggling to afford prescription drugs.	13942 13943
The governor, the senate president, and the speaker of the house of representatives shall each appoint three members, each of whom represents at least one of the categories listed in divisions (A) (2) (a) to (l) of this section.	13944 13945 13946 13947
(B) Members shall serve without compensation. Initial appointments shall be made not later than sixty days after ~~the effective date of this section~~ <u>October 17, 2019</u> . Vacancies shall be filled in the manner provided for original appointments.	13948 13949 13950 13951
(C) Not later than six months after the date of initial appointments under division (B) of this section, the advisory council shall submit a report to the governor, <u>and the general assembly,</u> ~~and the chairperson of the joint medicaid oversight committee~~ in accordance with section 101.68 of the Revised Code. The report shall include recommendations on all of the following:	13952 13953 13954 13955 13956 13957 13958
(1) How this state can best achieve prescription drug price transparency;	13959 13960
(2) New payment models or other avenues to create the most affordable environment for purchasing prescription drugs;	13961 13962
(3) Leveraging this state's purchasing power across all	13963

state agencies, boards, commissions, and similar entities; 13964

(4) Creating efficiencies across different health care 13965
systems, such as hospitals, the criminal justice system, 13966
treatment and recovery support programs, and employer-sponsored 13967
health insurance, to reduce duplicative service delivery across 13968
these systems, ensure that patients receive high quality and 13969
affordable prescription drugs, and support quality care and 13970
outcomes; 13971

(5) Which critical outcomes can be measured and used to 13972
improve this state's system of purchasing affordable prescribed 13973
drugs; 13974

(6) How federal, state, and local resources are being used 13975
to optimize these outcomes and identify where the resources can 13976
be better coordinated or redirected to meet the needs of 13977
consumers in this state. 13978

(D) State agencies, boards, commissions, and similar 13979
entities shall cooperate with and provide assistance to the 13980
advisory council as necessary for the advisory council to carry 13981
out its duties under this section. 13982

(E) ~~On the effective date of this amendment~~ September 30, 13983
2021, the advisory council shall cease to exist. Thereafter, the 13984
~~joint medicaid oversight committee legislative service~~ 13985
~~commission~~ may examine any of the topics described in the report 13986
prepared by the former advisory council under division (C) of 13987
this section upon the request of a member of the ~~committee~~ the 13988
~~standing committees with oversight of the medicaid program as~~ 13989
~~provided in section 103.41 of the Revised Code.~~ 13990

Sec. 126.024. Beginning with the state budget that is 13991
introduced following the effective date of this section, and 13992

subsequent state budgets thereafter, the director of budget and 13993
management, in consultation with the medicaid director, shall 13994
request and propose multiple medicaid health care services 13995
general revenue fund appropriation items. At a minimum, the 13996
directors shall propose a separate general revenue fund 13997
appropriation item for the different health care services 13998
included in the medicaid program, including all of the 13999
following: 14000

- (A) Services provided under the care management system; 14001
- (B) Nursing facility services; 14002
- (C) Hospital services; 14003
- (D) Behavioral health services; 14004
- (E) Services provided under medicaid waiver components 14005
administered by the department of aging; 14006
- (F) Prescription drug services; 14007
- (G) Physician services; 14008
- (H) Services provided under the Ohio home care waiver 14009
program; 14010
- (I) Services provided under medicaid waiver components 14011
administered by the department of developmental disabilities; 14012
- (J) Services provided under the medicaid waiver component 14013
known as the Ohio resilience through integrated systems and 14014
excellence (OhioRISE) waiver; 14015
- (K) Any other medicaid health care services that the 14016
directors determine should have a separate general revenue fund 14017
appropriation item. 14018

Sec. 126.10. (A) For the purposes of this section: 14019

(1) "Agency" has the same meaning as in section 111.15 of 14020
the Revised Code. 14021

(2) "State program" means any program, initiative, or 14022
service administered or overseen by an agency. 14023

(B) Notwithstanding any provision of law to the contrary 14024
or any rules adopted under it, if the federal government 14025
reduces, discontinues, pauses, or otherwise suspends any federal 14026
program that provides federal funds for any corresponding state 14027
program, such program may be reduced, discontinued, paused, or 14028
suspended. This shall include any contract, agreement, 14029
memorandum of understanding, or any other covenant entered into 14030
by the state that is dependent on federal funding. 14031

Sec. 126.17. (A) As used in this section: 14032

"Direct cost" means a cost that can be identified 14033
specifically with a particular final cost objective or that can 14034
be directly assigned to such activities relatively easily with a 14035
high degree of accuracy. 14036

"Indirect cost" means a cost that is not readily 14037
identified with a particular project, function or activity, but 14038
is necessary for the general operation of the organization, and 14039
a cost not directly identified with a single, final cost 14040
objective, but identified with two or more final cost objectives 14041
or an intermediate cost objective. 14042

"State grant" means funding provided by a state agency to 14043
a state grant recipient for which the agency does not require 14044
repayment. 14045

"State grant recipient" means an entity that receives a 14046
state grant, whether for profit or nonprofit, a corporation, 14047
association, partnership, limited liability company, sole 14048

proprietorship, or other business entity. "State grant 14049
recipient" does not include an individual who receives state 14050
assistance that is not related to the individual's business. 14051

(B) The director of budget and management shall establish 14052
and administer a centralized reporting system to receive 14053
financial status reports submitted by state grant recipients. 14054
The system shall be operational not later than one year after 14055
the effective date of this section. The director shall adopt 14056
rules, under Chapter 119. of the Revised Code, to set forth the 14057
information to be included in the financial status reports, the 14058
frequency at which reports shall be submitted, and guidelines 14059
for determining direct and indirect costs. The information 14060
required shall be intended to assist the state in oversight of 14061
public funds, and in evaluation of the effectiveness of grant 14062
programs. It shall include all of the following: 14063

(1) An accounting of the expenditure of grant funds by a 14064
state grant recipient, which shall separately identify any 14065
amount expended by vendor and items purchased to directly 14066
benefit the public, and the amount of indirect costs; 14067

(2) A project progress report; 14068

(3) Confirmation that the state grant recipient is in 14069
compliance with any applicable laws or regulations. 14070

The centralized reporting system shall enable a state 14071
agency to report, to the director, information regarding a state 14072
grant. 14073

(C) A state agency shall inform a state grant recipient of 14074
the requirements of this section, and shall provide the name and 14075
contact information of each recipient, the amount of the grant, 14076
and other project-identifying information to the director of 14077

budget and management. 14078

(D) A state grant recipient shall comply with the 14079
reporting requirements established under this section, with 14080
respect to each state grant that is awarded on or after the date 14081
that is one year after the effective date of this section. 14082

Sec. 126.24. The OAKS support organization fund is hereby 14083
created in the state treasury for the purpose of paying the 14084
operating, development, and upgrade expenses of the state's 14085
enterprise resource planning system. The fund shall consist of 14086
transfers received pursuant to division (A) (2) of section 126.12 14087
of the Revised Code and agency payroll charge revenues that are 14088
designated to support the operating, development, and upgrade 14089
costs of the Ohio administrative knowledge system. ~~All~~ 14090
~~investment earnings of the fund shall be credited to the fund.~~ 14091

Sec. 126.42. (A) Notwithstanding any provision of law to 14092
the contrary, the office of budget and management shall perform 14093
routine support for the following boards and commissions: 14094

- (1) Architects board; 14095
- (2) State chiropractic board; 14096
- (3) State cosmetology and barber board; 14097
- (4) Accountancy board; 14098
- (5) State dental board; 14099
- (6) Ohio occupational therapy, physical therapy, and 14100
athletic trainers board; 14101
- (7) State board of registration for professional engineers 14102
and surveyors; 14103
- (8) Board of embalmers and funeral directors; 14104

(9) State board of psychology;	14105
(10) Counselor, social worker, and marriage and family therapist board;	14106 14107
(11) State veterinary medical licensing board;	14108
(12) Commission on Hispanic-Latino affairs;	14109
(13) Commission on African-Americans;	14110
(14) Chemical dependency professionals board;	14111
(15) State vision professionals board;	14112
(16) State speech and hearing professionals board;	14113
<u>(17) New African immigrants commission.</u>	14114
(B) (1) For purposes of this section, the office of budget and management shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the office of budget and management:	14115 14116 14117 14118 14119 14120
(a) Preparing and processing payroll and other personnel documents;	14121 14122
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	14123 14124
(c) Maintaining ledgers of accounts and balances;	14125
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	14126 14127
(e) Routine human resources and personnel services;	14128
(f) Other routine support services that the director of	14129

budget and management considers appropriate to achieve 14130
efficiency. 14131

(2) In addition to the routine support services listed in 14132
division (B)(1) of this section, the office of budget and 14133
management may perform other services which a board or 14134
commission named in division (A) of this section delegates to 14135
the office and the office accepts. 14136

(3) The office of budget and management may perform 14137
routine support services for any ~~professional or occupational~~ 14138
~~licensing~~ board or commission not named in division (A) of this 14139
section at the request of the board or commission. 14140

(C) The office of budget and management shall determine 14141
the fees to be charged to the boards and commissions, which 14142
shall be in proportion to the services performed for each board 14143
or commission. 14144

Sec. 126.60. (A) As used in this section: 14145

(1) "Agricultural water project" means a project that will 14146
improve water quality by reducing or aiding in the reduction of 14147
levels of phosphorus, nitrogen, or sediment, that result from 14148
agricultural practices, in the waters of the state. 14149
"Agricultural water project" includes a project involving 14150
research, technology, design, construction, best management 14151
practices, conservation, testing, or education. 14152

(2) "Community water project" means a project involving a 14153
public water system operated by a political subdivision that 14154
will improve water quality by reducing or aiding in the 14155
reduction of levels of phosphorus, nitrogen, or sediment in the 14156
waters of the state. "Community water project" includes a 14157
project involving research, technology, design, construction, 14158

best management practices, conservation, testing, or 14159
maintenance. 14160

(3) "Nature water project" means a project involving a 14161
natural water system that will improve water quality by reducing 14162
or aiding in the reduction of levels of phosphorus, nitrogen, or 14163
sediment in the waters of the state. "Nature water project" 14164
includes a project involving research, technology, design, 14165
construction, best management practices, conservation, or 14166
maintenance. "Nature water project" also includes the creation, 14167
maintenance, or restoration of wetlands, flood plains, flood 14168
control systems, and buffers throughout the state, including the 14169
western basin of Lake Erie. 14170

(B) (1) There is hereby created in the state treasury the 14171
H2Ohio fund consisting of money credited to it and any 14172
donations, gifts, bequests, and other money received for deposit 14173
in the fund. ~~All investment earnings of the fund shall be~~ 14174
~~credited to the fund.~~ All money credited or deposited in the 14175
fund shall be used for any of the following purposes: 14176

~~(1)~~ (a) Agriculture water projects; 14177

~~(2)~~ (b) Community water projects; 14178

~~(3)~~ (c) Nature water projects; 14179

~~(4)~~ (d) Awarding or allocating grants or money, issuing 14180
loans, or making purchases for the development and 14181
implementation of projects and programs, including remediation 14182
projects, that are designed to address water quality priorities; 14183

~~(5)~~ (e) Funding cooperative research, data gathering and 14184
monitoring, and demonstration projects related to water quality 14185
priorities; 14186

~~+(6)~~ (f) Encouraging cooperation with and among leaders from 14187
state legislatures, state agencies, political subdivisions, 14188
business and industry, labor, agriculture, environmental 14189
organizations, institutions of higher education, and water 14190
conservation districts; 14191

~~+(7)~~ (g) Other purposes, policies, programs, and priorities 14192
identified by the Ohio Lake Erie commission in coordination with 14193
state agencies or boards responsible for water protection and 14194
water management, provided that the purposes, policies, 14195
programs, and priorities align with a statewide strategic vision 14196
and comprehensive periodic water protection and restoration 14197
strategy. 14198

(2) Money credited to or deposited in the fund shall not 14199
be used for the purchase of land or for the purchase of a 14200
conservation easement. 14201

(C) Not later than August 31, 2020, and annually 14202
thereafter, the Ohio Lake Erie commission, in coordination with 14203
state agencies or boards responsible for water protection and 14204
water management, shall do both of the following: 14205

(1) Prepare a report of the activities that were 14206
undertaken with respect to the fund during the immediately 14207
preceding fiscal year, including the revenues and expenses of 14208
the fund for the preceding fiscal year; 14209

(2) Submit the report to the general assembly and to the 14210
governor. 14211

(D) Within forty-five days after the report is submitted 14212
under division (C) of this section, the directors of the state 14213
agencies that contributed to the report and the executive 14214
director of the Lake Erie commission shall appear before both 14215

the house of representatives and senate committees that oversee 14216
state finance to testify on the report. 14217

Sec. 126.62. (A) The all Ohio future fund is hereby 14218
created in the state treasury. The fund shall consist of money 14219
credited to it and any donations, gifts, bequests, or other 14220
money received for deposit in the fund. ~~All investment earnings~~ 14221
~~of the fund shall be credited to the fund.~~ Money in the fund 14222
shall be used to promote economic development throughout the 14223
state, including infrastructure projects and other 14224
infrastructure improvements. 14225

(B) The director shall adopt rules in accordance with 14226
Chapter 119. of the Revised Code that establish requirements and 14227
procedures to provide financial assistance from the all Ohio 14228
future fund. The director shall consult with JobsOhio in 14229
adopting the rules. 14230

(C) No money shall be expended from the all Ohio future 14231
fund, pursuant to appropriation, until it has been released by 14232
the controlling board. 14233

Sec. 126.67. The targeted addiction assistance fund is 14234
created in the state treasury. The fund shall consist of money 14235
awarded to the state by court order that is intended to address 14236
the effects of the opioid crisis. 14237

Beginning January 15, 2027, any money received under the 14238
settlement agreement in State of Ohio v. McKesson Corp., Case 14239
No. CVH20180055 (C.P. Madison Co., settlement agreement of 14240
October 7, 2021) shall be certified by the attorney general and 14241
remitted to the office of budget and management for deposit in 14242
the fund. The director of budget and management shall notify the 14243
speaker of the house of representatives, the president of the 14244

senate, and the chairpersons of the finance committees of the 14245
house of representatives and senate when money is deposited into 14246
the fund. 14247

Sec. 127.12. There is hereby created a controlling board 14248
consisting of all of the following: 14249

(A) The director of budget and management or an employee 14250
of the office of budget and management designated by the 14251
director; 14252

(B) The chairperson or vice-chairperson of the finance- 14253
appropriations committee of the house of representatives, as 14254
designated by the speaker; 14255

(C) The chairperson or vice-chairperson of the finance 14256
committee of the senate, as designated by the president; 14257

(D) Two members of the house of representatives appointed 14258
by the speaker, one from the majority party and one from the 14259
minority party; 14260

(E) Two members of the senate appointed by the president, 14261
one from the majority party and one from the minority party. 14262

Notwithstanding section 101.26 of the Revised Code, the 14263
legislative members, when engaged in their duties as members of 14264
the controlling board, shall be paid at the per diem rate of one 14265
hundred fifty dollars, and their necessary traveling expenses, 14266
which shall be paid from the funds appropriated for the payment 14267
of expenses of legislative committees. 14268

(F) In the event of the absence, illness, disability, 14269
death, or resignation of a legislative member, the following 14270
persons may serve in the member's absence: for the chairperson 14271
or vice-chairperson of the finance-appropriations committee of 14272

the house of representatives, the speaker or a member of the 14273
house of representatives designated by the speaker; for the 14274
chairperson or vice-chairperson of the senate finance committee, 14275
the president or a member of the senate designated by the 14276
president; for a member of the board appointed by the speaker of 14277
the house of representatives, or the president of the senate, 14278
the speaker or the president, as the case may be, or a member of 14279
the house of representatives or of the senate of the same party 14280
as such controlling board member, designated by such speaker or 14281
president. 14282

As used in any statute, "controlling board," unless the 14283
context otherwise requires, means the controlling board created 14284
by this section. 14285

Sec. 127.13. The director of budget and management or ~~his~~ 14286
the director's designee shall be president of the controlling 14287
board. The president shall prepare the proposed agenda for the 14288
meetings of the board and shall provide, at least ~~seven~~-ten days 14289
prior to the meeting, copies of the proposed agenda and 14290
supporting documentation to the members of the board and to ~~the~~ 14291
~~legislative budget office of the legislative service commission.~~ 14292

The director shall designate an employee of the office of 14293
budget and management to serve as secretary of the controlling 14294
board. The secretary shall assist the president of the board and 14295
shall make and keep a record of each request received by the 14296
board and of its action thereon. The secretary shall certify a 14297
copy of the record of each action to each member of the board 14298
and to the director. 14299

The controlling board may adopt procedural rules for the 14300
conduct of the business of the board, may approve, disapprove, 14301
modify as to specific dollar amounts, or defer requests, and may 14302

require that a request from the senate, the house of 14303
representatives, the supreme court, or an elected member of the 14304
executive department as defined in Section 1 of Article III, 14305
Ohio Constitution, not currently before the controlling board be 14306
added to the agenda for a specified future meeting of the board, 14307
provided that such request has been previously submitted to the 14308
president for inclusion in the agenda for a board meeting. The 14309
controlling board also may adopt rules authorizing the president 14310
to act on its behalf in exigent circumstances affecting the 14311
public health, safety, or welfare. 14312

The affirmative vote of no fewer than four members of the 14313
controlling board shall be required for any action of the board. 14314
The board shall meet at least once a month. 14315

Sec. 127.16. (A) Upon the request of either a state agency 14316
or the director of budget and management and after the 14317
controlling board determines that an emergency or a sufficient 14318
economic reason exists, the controlling board may approve the 14319
making of a purchase without competitive selection as provided 14320
in division (B) of this section. 14321

(B) Except as otherwise provided in this section, no state 14322
agency, using money that has been appropriated to it directly, 14323
shall: 14324

(1) Make any purchase from a particular supplier, that 14325
would amount to fifty thousand dollars or more when combined 14326
with both the amount of all disbursements to the supplier during 14327
the fiscal year for purchases made by the agency and the amount 14328
of all outstanding encumbrances for purchases made by the agency 14329
from the supplier, unless the purchase is made by competitive 14330
selection or with the approval of the controlling board; 14331

(2) Lease real estate from a particular supplier, if the 14332
lease would amount to seventy-five thousand dollars or more when 14333
combined with both the amount of all disbursements to the 14334
supplier during the fiscal year for real estate leases made by 14335
the agency and the amount of all outstanding encumbrances for 14336
real estate leases made by the agency from the supplier, unless 14337
the lease is made by competitive selection or with the approval 14338
of the controlling board. 14339

(C) Any person who authorizes a purchase in violation of 14340
division (B) of this section shall be liable to the state for 14341
any state funds spent on the purchase, and the attorney general 14342
shall collect the amount from the person. 14343

(D) Nothing in division (B) of this section shall be 14344
construed as: 14345

(1) A limitation upon the authority of the director of 14346
transportation as granted in sections 5501.17, 5517.02, and 14347
5525.14 of the Revised Code; 14348

(2) Applying to medicaid provider agreements under the 14349
medicaid program; 14350

(3) Applying to the purchase of examinations from a sole 14351
supplier by a state licensing board under Title XLVII of the 14352
Revised Code; 14353

(4) Applying to entertainment contracts for the Ohio state 14354
fair entered into by the Ohio expositions commission, provided 14355
that the controlling board has given its approval to the 14356
commission to enter into such contracts and has approved a total 14357
budget amount for such contracts as agreed upon by commission 14358
action, and that the commission causes to be kept itemized 14359
records of the amounts of money spent under each contract and 14360

annually files those records with the clerk of the house of 14361
representatives and the clerk of the senate following the close 14362
of the fair; 14363

(5) Limiting the authority of the chief of the division of 14364
mineral resources management to contract for reclamation work 14365
with an operator mining adjacent land as provided in section 14366
1513.27 of the Revised Code; 14367

(6) Applying to investment transactions and procedures of 14368
any state agency, except that the agency shall file with the 14369
board the name of any person with whom the agency contracts to 14370
make, broker, service, or otherwise manage its investments, as 14371
well as the commission, rate, or schedule of charges of such 14372
person with respect to any investment transactions to be 14373
undertaken on behalf of the agency. The filing shall be in a 14374
form and at such times as the board considers appropriate. 14375

~~(7) Applying to purchases made with money for the per cent 14376~~
~~for arts program established by section 3379.10 of the Revised 14377~~
~~Code;— 14378~~

~~(8)~~ Applying to purchases made by the opportunities for 14379
Ohioans with disabilities agency of services, or supplies, that 14380
are provided to persons with disabilities, or to purchases made 14381
by the agency in connection with the eligibility determinations 14382
it makes for applicants of programs administered by the social 14383
security administration; 14384

~~(9)~~ (8) Applying to payments by the department of medicaid 14385
under section 5164.85 of the Revised Code for group health plan 14386
premiums, deductibles, coinsurance, and other cost-sharing 14387
expenses; 14388

~~(10)~~ (9) Applying to any agency of the legislative branch 14389

of the state government;	14390
~~(11)~~ <u>(10)</u> Applying to agreements or contracts entered into	14391
under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214	14392
of the Revised Code;	14393
~~(12)~~ <u>(11)</u> Applying to purchases of services by the adult	14394
parole authority under section 2967.14 of the Revised Code or by	14395
the department of youth services under section 5139.08 of the	14396
Revised Code;	14397
~~(13)~~ <u>(12)</u> Applying to dues or fees paid for membership in	14398
an organization or association;	14399
~~(14)~~ <u>(13)</u> Applying to purchases of utility services	14400
pursuant to section 9.30 of the Revised Code;	14401
~~(15)~~ <u>(14)</u> Applying to purchases made in accordance with	14402
rules adopted by the department of administrative services of	14403
motor vehicle, aviation, or watercraft fuel, or emergency	14404
repairs of such vehicles;	14405
~~(16)~~ <u>(15)</u> Applying to purchases of tickets for passenger	14406
air transportation;	14407
~~(17)~~ <u>(16)</u> Applying to purchases necessary to provide public	14408
notifications required by law or to provide notifications of job	14409
openings;	14410
~~(18)~~ <u>(17)</u> Applying to the judicial branch of state	14411
government;	14412
~~(19)~~ <u>(18)</u> Applying to purchases of liquor for resale by the	14413
division of liquor control;	14414
~~(20)~~ <u>(19)</u> Applying to purchases of motor courier and	14415
freight services made in accordance with department of	14416

administrative services rules;	14417
~~(21)~~ <u>(20)</u> Applying to purchases from the United States	14418
postal service and purchases of stamps and postal meter	14419
replenishment from vendors at rates established by the United	14420
States postal service;	14421
~~(22)~~ <u>(21)</u> Applying to purchases of books, periodicals,	14422
pamphlets, newspapers, maintenance subscriptions, and other	14423
published materials;	14424
~~(23)~~ <u>(22)</u> Applying to purchases from other state agencies,	14425
including state-assisted institutions of higher education or the	14426
Ohio history connection;	14427
~~(24)~~ <u>(23)</u> Applying to purchases from a qualified nonprofit	14428
agency pursuant to sections 125.60 to 125.6012 ~~or 4115.31 to~~	14429
~~4115.35~~ of the Revised Code;	14430
~~(25)~~ <u>(24)</u> Applying to payments by the department of job and	14431
family services to the United States department of health and	14432
human services for printing and mailing notices pertaining to	14433
the tax refund offset program of the internal revenue service of	14434
the United States department of the treasury;	14435
~~(26)~~ <u>(25)</u> Applying to contracts entered into by the	14436
department of developmental disabilities under section 5123.18	14437
of the Revised Code;	14438
~~(27)~~ <u>(26)</u> Applying to payments made by the department of	14439
mental health and addiction services under a physician	14440
recruitment program authorized by section 5119.185 of the	14441
Revised Code;	14442
~~(28)~~ <u>(27)</u> Applying to contracts entered into with persons	14443
by the director of commerce for unclaimed funds collection and	14444

remittance efforts as provided in division (G) of section 169.03 14445
of the Revised Code. The director shall keep an itemized 14446
accounting of unclaimed funds collected by those persons and 14447
amounts paid to them for their services. 14448

~~(29)~~(28) Applying to purchases made by a state institution 14449
of higher education in accordance with the terms of a contract 14450
between the vendor and an inter-university purchasing group 14451
comprised of purchasing officers of state institutions of higher 14452
education; 14453

~~(30)~~(29) Applying to the department of medicaid's 14454
purchases of health assistance services under the children's 14455
health insurance program; 14456

~~(31)~~(30) Applying to payments by the attorney general from 14457
the reparations fund to hospitals and other emergency medical 14458
facilities for performing medical examinations to collect 14459
physical evidence pursuant to section 2907.28 of the Revised 14460
Code; 14461

~~(32)~~(31) Applying to contracts with a contracting 14462
authority or administrative receiver under division (B) of 14463
section 5126.056 of the Revised Code; 14464

~~(33)~~(32) Applying to purchases of goods and services by 14465
the department of veterans services in accordance with the terms 14466
of contracts entered into by the United States department of 14467
veterans affairs; 14468

~~(34)~~(33) Applying to payments by the superintendent of the 14469
bureau of criminal identification and investigation to the 14470
federal bureau of investigation for criminal records checks 14471
pursuant to section 109.572 of the Revised Code; 14472

~~(35)~~(34) Applying to contracts entered into by the 14473

department of medicaid under section 5164.47 of the Revised Code; 14474
14475

~~(36)~~ (35) Applying to contracts entered into under section 14476
5160.12 of the Revised Code; 14477

~~(37)~~ (36) Applying to payments to the Ohio history 14478
connection from other state agencies. 14479

(E) When determining whether a state agency has reached 14480
the cumulative purchase thresholds established in divisions (B) 14481
(1) and (2) of this section, the following purchases by such 14482
agency shall not be considered: 14483

(1) Purchases made through competitive selection or with 14484
controlling board approval; 14485

(2) Purchases listed in division (D) of this section; 14486

(3) For the purposes of the threshold of division (B) (1) 14487
of this section only, leases of real estate. 14488

(F) A state agency, when exercising direct purchasing 14489
authority under this section, shall utilize a selection process 14490
that complies with all applicable laws, rules, or regulations of 14491
the department of administrative services. 14492

(G) As used in this section, "competitive selection," 14493
"direct purchasing authority," "purchase," "supplies," and 14494
"services" have the same meanings as in section 125.01 of the 14495
Revised Code. 14496

Sec. 128.021. (A) Not later than January 1, 2014, and in 14497
accordance with Chapter 119. of the Revised Code, the steering 14498
committee shall adopt rules that establish technical and 14499
operational standards for public safety answering points 14500
eligible to receive disbursements under section 128.55 of the 14501

Revised Code. The rules shall incorporate industry standards and 14502
best practices for 9-1-1 services. Public safety answering 14503
points shall comply with the standards not later than two years 14504
after the effective date of the rules adopting the standards. A 14505
public safety answering point may be deemed compliant with rules 14506
for minimum staffing standards, if it can demonstrate compliance 14507
with all other rules for operational standards. 14508

(B) Not later than one year after September 29, 2015, and 14509
in accordance with Chapter 119. of the Revised Code, the 14510
steering committee shall conduct an assessment of the 14511
operational standards for public safety answering points 14512
developed under division (A) of this section and revise the 14513
standards as necessary to ensure that the operational standards 14514
contain the following: 14515

(1) Policies to ensure that public safety answering point 14516
personnel prioritize life-saving questions in responding to each 14517
call to a 9-1-1 system established under this chapter; 14518

(2) A requirement that all public safety answering point 14519
personnel complete proper training or provide proof of prior 14520
training to give instructions regarding emergency situations. 14521

(C) Upon the effective date of the amendments to this 14522
section by ~~this act~~ H.B. 33 of the 135th general assembly, 14523
October 3, 2023, all public safety answering points that answer 14524
9-1-1 calls for service ~~from wireless services~~ shall be subject 14525
to the public safety answering point operations rules. Public 14526
safety answering points not originally required to be compliant 14527
shall comply with the standards not later than two years after 14528
the effective date of the amendments to this section by ~~this act~~ 14529
H.B. 33 of the 135th general assembly, October 3, 2023. 14530

Sec. 128.41. (A) As used in this section, "communications 14531
service" means any wireless service, multiline telephone system, 14532
and voice over internet protocol system to which both of the 14533
following apply: 14534

(1) The service or system is registered to the 14535
subscriber's address within this state or the subscriber's 14536
primary place of using the service or system is in this state. 14537

(2) The service or system is capable of initiating a 14538
direct connection to 9-1-1. 14539

(B) After the expiration of the charge described in 14540
division (A) (1) of section 128.40 of the Revised Code and except 14541
as provided in sections 128.413 and 128.42 of the Revised Code, 14542
there is imposed a next generation 9-1-1 access fee of ~~forty-~~ 14543
sixty cents per month on each communications service, which 14544
shall be imposed as follows: 14545

(1) In the case of wireless telephone service, a 14546
subscriber shall pay a separate next generation 9-1-1 access fee 14547
for each wireless telephone number assigned to the subscriber. 14548

(2) In the case of a voice over internet protocol system, 14549
a subscriber shall pay a separate fee for each voice channel 14550
provided to the subscriber through the system. The number of 14551
voice channels shall be equal to the number of outbound calls 14552
the subscriber can maintain at the same time using the system, 14553
but excludes a direct inward dialing number that merely routes 14554
an inbound call. The maximum number of separate fees imposed on 14555
a subscriber's system shall not exceed one hundred voice 14556
channels per network. 14557

(3) In the case of a multiline telephone system, the 14558
subscriber shall pay a separate fee for each line. The maximum 14559

number of separate fees imposed on a single subscriber with a 14560
multiline telephone system shall not exceed one hundred per 14561
building with a unique street address or physically identifiable 14562
location. 14563

(C) If more than one communications service shares the 14564
same telephone number, then the next generation 9-1-1 access fee 14565
imposed shall not exceed ~~forty~~sixty cents per month. 14566

Sec. 128.46. (A) (1) An entity required to collect a 14567
wireless 9-1-1 charge under section 128.40 of the Revised Code 14568
or the next generation 9-1-1 access fee under section 128.414 or 14569
128.421 of the Revised Code shall, on or before the twenty-third 14570
day of each month, except as provided in divisions (A) (2) and 14571
(3) of this section, do both of the following: 14572

(a) Make and file a return for the preceding month, in the 14573
form prescribed by the tax commissioner, showing the amount of 14574
the charges or fees due for that month; 14575

(b) Remit the full amount due, as shown on the return, 14576
with the exception of charges or fees equivalent to the amount 14577
authorized as a collection fee under division (B) of this 14578
section. 14579

(2) The commissioner may grant one or more thirty-day 14580
extensions for making and filing returns and remitting amounts 14581
due. 14582

(3) If a seller is required to collect prepaid wireless 9- 14583
1-1 charges under section 128.40 of the Revised Code or next 14584
generation 9-1-1 access fees under section 128.421 of the 14585
Revised Code in amounts that do not merit monthly returns, the 14586
commissioner may authorize the seller to make and file returns 14587
less frequently. The commissioner shall ascertain whether this 14588

authorization is warranted upon the basis of administrative 14589
costs to the state. 14590

(B) A wireless service provider, reseller, and seller may 14591
each retain as a collection fee three per cent of the total 14592
wireless 9-1-1 charges required to be collected under sections 14593
128.40, 128.41, and 128.42 of the Revised Code, and shall 14594
account to the tax commissioner for the amount retained. 14595

(C) The return required under division (A)(1)(a) of this 14596
section shall be filed electronically using the Ohio business 14597
gateway, as defined in section 718.01 of the Revised Code, or 14598
any other electronic means prescribed by the tax commissioner. 14599
Remittance of the amount due shall be made electronically in a 14600
manner approved by the commissioner. An entity required to file 14601
the return may apply to the commissioner on a form prescribed by 14602
the commissioner to be excused from either electronic 14603
requirement of this division. For good cause shown, the 14604
commissioner may excuse the entity from either or both of the 14605
requirements and may permit the entity to file returns or make 14606
remittances by nonelectronic means. 14607

(D) (1) Each subscriber or consumer on which a wireless 9- 14608
1-1 charge is imposed under section 128.40 of the Revised Code 14609
or on which a next generation 9-1-1 access fee is imposed under 14610
section 128.41 or 128.42 of the Revised Code is liable to the 14611
state for the amount of the charge. 14612

(2) An entity required to collect the wireless 9-1-1 14613
charge under section 128.40 of the Revised Code or the next 14614
generation 9-1-1 access fee under section 128.414 or 128.421 of 14615
the Revised Code is liable to the state for any amount that was 14616
required to be collected but that was not remitted, regardless 14617
of whether the amount was collected. 14618

(3) No provider of a prepaid wireless calling service 14619
shall be liable to the state for any wireless 9-1-1 charge 14620
imposed under section 128.40 of the Revised Code or any next 14621
generation 9-1-1 access fee imposed under section 128.42 of the 14622
Revised Code that was not collected or remitted. 14623

(E) (1) If the tax commissioner has reason to believe that 14624
an entity required to collect a wireless 9-1-1 charge under 14625
section 128.40 of the Revised Code or the next generation 9-1-1 14626
access fee under section 128.414 or 128.421 of the Revised Code 14627
has failed to bill, collect, or remit the charge or fee as 14628
required by this section and sections 128.40 to 128.422 of the 14629
Revised Code or has retained more than the amount authorized 14630
under division (B) of this section, and after written notice to 14631
the entity, the tax commissioner may audit the entity for the 14632
sole purpose of making such a determination. The audit may 14633
include, but is not limited to, a sample of the entity's 14634
billings, collections, remittances, or retentions for a 14635
representative period, and the tax commissioner shall make a 14636
good faith effort to reach agreement with the entity in 14637
selecting that sample. 14638

(2) Upon written notice to the entity, the tax 14639
commissioner, after completion of the audit, may make an 14640
assessment against the entity if, pursuant to the audit, the tax 14641
commissioner determines that the entity has failed to bill, 14642
collect, or remit the charge or fee as required by sections 14643
128.40 to 128.422 of the Revised Code or has retained more than 14644
the amount authorized under division (B) of this section. The 14645
assessment shall be in the amount of any remittance that was due 14646
and unpaid on the date notice of the audit was sent by the tax 14647
commissioner to the entity or, as applicable, in the amount of 14648
the excess amount under division (B) of this section retained by 14649

the entity as of that date. 14650

(3) The portion of any assessment consisting of charges or 14651
fees due and not paid within sixty days after the date that the 14652
assessment was made under division (E) (2) of this section shall 14653
bear interest from that date until paid at the rate per annum 14654
prescribed by section 5703.47 of the Revised Code. That interest 14655
may be collected by making an assessment under division (E) (2) 14656
of this section. 14657

(4) Unless the entity assessed files with the tax 14658
commissioner within sixty days after service of the notice of 14659
assessment, ~~either personally or by certified mail,~~ a written 14660
petition for reassessment, signed by the entity assessed or that 14661
entity's authorized agent having knowledge of the facts, the 14662
assessment shall become final and the amount of the assessment 14663
shall be due and payable from the entity assessed to the 14664
treasurer of state, for deposit to the next generation 9-1-1 14665
fund, which is created under section 128.54 of the Revised Code. 14666
The petition shall indicate the objections of the entity 14667
assessed, but additional objections may be raised in writing if 14668
received by the commissioner prior to the date shown on the 14669
final determination. If the petition has been properly filed, 14670
the commissioner shall proceed under section 5703.60 of the 14671
Revised Code. 14672

(5) After an assessment becomes final, if any portion of 14673
the assessment remains unpaid, including accrued interest, a 14674
certified copy of the final assessment may be filed in the 14675
office of the clerk of the court of common pleas in the county 14676
in which the business of the assessed entity is conducted. If 14677
the entity assessed maintains no place of business in this 14678
state, the certified copy of the final assessment may be filed 14679

in the office of the clerk of the court of common pleas of 14680
Franklin county. Immediately upon the filing, the clerk shall 14681
enter a judgment for the state against the assessed entity in 14682
the amount shown on the final assessment. The judgment may be 14683
filed by the clerk in a loose-leaf book entitled "special 14684
judgments for 9-1-1 charges and fees" and shall have the same 14685
effect as other judgments. The judgment shall be executed upon 14686
the request of the tax commissioner. 14687

(6) If the commissioner determines that the commissioner 14688
erroneously has refunded a 9-1-1 charge or fee to any person, 14689
the commissioner may make an assessment against that person for 14690
recovery of the erroneously refunded charge. 14691

(7) An assessment under division (E) of this section does 14692
not discharge a subscriber's or consumer's liability to 14693
reimburse the entity for a 9-1-1 charge or fee. If, after the 14694
date of service of the audit notice under division (E)(1) of 14695
this section, a subscriber or consumer pays a 9-1-1 charge or 14696
fee for the period covered by the assessment, the payment shall 14697
be credited against the assessment. 14698

Sec. 128.54. (A)(1) For the purpose of receiving, 14699
distributing, and accounting for amounts received from the 14700
wireless 9-1-1 charges imposed under section 128.40 of the 14701
Revised Code and the next generation 9-1-1 access fees imposed 14702
under sections 128.41 and 128.42 of the Revised Code, the 14703
following funds are created in the state treasury: 14704

(a) The 9-1-1 government assistance fund; 14705

(b) The 9-1-1 administrative fund; 14706

(c) The 9-1-1 program fund; 14707

(d) The next generation 9-1-1 fund. 14708

(2) Amounts remitted under section 128.46 of the Revised Code shall be paid to the treasurer of state for deposit as follows:

(a) ~~Seventy-two~~ Eighty-one and one-third per cent to the 9-1-1 government assistance fund. All interest earned on the 9-1-1 government assistance fund shall be credited to the fund.

(b) ~~One~~ Two-thirds of one per cent to the 9-1-1 administrative fund;

(c) ~~Two~~ One and one-third per cent to the 9-1-1 program fund;

(d) ~~Twenty-five~~ Sixteen and two-thirds per cent to the next generation 9-1-1 fund.

(3) The tax commissioner shall use the 9-1-1 administrative fund to defray the costs incurred in carrying out this chapter.

(4) The steering committee shall use the 9-1-1 program fund to defray the costs incurred by the steering committee in carrying out this chapter.

(5) Annually, the tax commissioner, after paying administrative costs under division (A) (3) of this section, shall transfer any excess remaining in the 9-1-1 administrative fund to the next generation 9-1-1 fund, created under this section.

(B) At the direction of the steering committee, the tax commissioner shall transfer the funds remaining in the 9-1-1 government assistance fund to the credit of the next generation 9-1-1 fund. All interest earned on the next generation 9-1-1 fund shall be credited to the fund.

(C) From the funds created in division (A) (1) of this section, the director of budget and management shall, as funds are available, transfer to the tax refund fund, created under section 5703.052 of the Revised Code, amounts equal to the refunds certified by the tax commissioner under division (D) of section 128.47 of the Revised Code, in the same percentage as the certified refund amounts were deposited in those funds as specified in division (A) (2) of this section.

(D) The department of administrative services may move funds between the next generation 9-1-1 fund and the 9-1-1 government assistance fund to ensure funding remains sustainable for both funds.

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 125., 126., 127., and 131. of the Revised Code, and any statute that uses the terms in connection with state accounting or budgeting:

(A) "Account" means any record, element, or summary in which financial transactions are identified and recorded as debit or credit transactions in order to summarize items of a similar nature or classification.

(B) "Accounting procedure" means the arrangement of all processes which discover, record, and summarize financial information to produce financial statements and reports and to provide internal control.

(C) "Accounting system" means the total structure of records and procedures which discover, record, classify, and report information on the financial position and operations of a governmental unit or any of its funds and organizational components.

(D) "Allocation" means a portion of an appropriation which 14766
is designated for expenditure by specific organizational units 14767
or for special purposes, activities, or objects that do not 14768
relate to a period of time. 14769

(E) "Allotment" means all or part of an appropriation 14770
which may be encumbered or expended within a specific period of 14771
time. 14772

(F) "Appropriation" means an authorization granted by the 14773
general assembly to make expenditures and to incur obligations 14774
for specific purposes. 14775

(G) "Assets" means resources owned, controlled, or 14776
otherwise used or held by the state which have monetary value. 14777

(H) "Budget" means the plan of financial operation 14778
embodying an estimate of proposed expenditures and obligations 14779
for a given period and the proposed means of financing them. 14780

(I) "Check" means a negotiable financial instrument, 14781
payable upon demand, directing a financial institution to 14782
transfer money from the payer's account to the payee. 14783

(J) "Direct deposit" is a form of electronic funds 14784
transfer in which money is electronically deposited into the 14785
account of a person or entity at a financial institution. 14786

~~(J)~~ (K) "Disbursement" means a payment made for any 14787
purpose. 14788

~~(K)~~ (L) "Electronic benefit transfer" means the electronic 14789
delivery of benefits through automated teller machines, point of 14790
sale terminals, or other electronic media pursuant to section 14791
5101.33 of the Revised Code. 14792

~~(L)~~ (M) "Electronic funds transfer" means the electronic 14793

movement of funds via automated clearing house or wire transfer. 14794

~~(M)~~ (N) "Encumbrancing document" means a document reserving 14795
all or part of an appropriation. 14796

~~(N)~~ (O) "Expenditure" means a reduction of the balance of 14797
an appropriation after legal requirements have been met. 14798

~~(O)~~ (P) "Fund" means an independent fiscal and accounting 14799
entity with a self-balancing set of accounts recording cash or 14800
other resources, together with all related liabilities, 14801
obligations, reserves, and fund balances which are segregated 14802
for the purpose of carrying on specific activities or attaining 14803
certain objectives in accordance with special rules, 14804
restrictions, or limitations. 14805

~~(P)~~ (Q) "Lapse" means the automatic termination of an 14806
appropriation at the end of the fiscal period for which it was 14807
appropriated. 14808

~~(Q)~~ (R) "Reappropriation" means an appropriation of a 14809
previous appropriation that is continued in force in a 14810
succeeding appropriation period. "Reappropriation" shall be 14811
equated with and incorporated in the term "appropriation." 14812

~~(R)~~ (S) "Stored value card" means a payment card that may 14813
have money loaded and stored on the card and accessed through 14814
automated teller machines, point of sale terminals, or other 14815
electronic media. "Stored value card" does not include any 14816
payment card linked to, and that can access money in, an 14817
external account maintained by a financial institution. 14818

~~(S)~~ (T) "Voucher" means the document used to transmit a 14819
claim for payment and evidentiary matter related to the claim. 14820

~~(T)~~ (U) "Warrant" means an order drawn upon the treasurer 14821

of state by the director of budget and management, or an 14822
authorized person at a state entity that has a custodial account 14823
in the custody of the treasurer of state, directing the 14824
treasurer of state to pay a specified amount to one or more 14825
specified payees. A variety of payment instruments may be used, 14826
including but not limited to paper warrants or checks, stored 14827
value cards, direct deposit to the payee's bank account, or the 14828
drawdown of funds by electronic benefit transfer, and the 14829
resulting electronic transfer to or by the ultimate payees. 14830

The terms defined in this section shall be used, on all 14831
accounting forms, reports, formal rules, and budget requests 14832
produced by a state agency, only as defined in this section. 14833

Sec. 131.02. (A) Except as otherwise provided in section 14834
4123.37, section 5703.061, and division (K) of section 4123.511 14835
of the Revised Code, whenever any amount is payable to the 14836
state, the officer, employee, or agent responsible for 14837
administering the law under which the amount is payable shall 14838
immediately proceed to collect the amount or cause the amount to 14839
be collected and shall pay the amount into the state treasury or 14840
into the appropriate custodial fund in the manner set forth 14841
pursuant to section 113.08 of the Revised Code. 14842

Except as otherwise provided in this division, if the 14843
amount is not paid within forty-five days after payment is due, 14844
the officer, employee, or agent shall certify the amount due to 14845
the attorney general, in accordance with section 131.026 of the 14846
Revised Code and in the form and manner prescribed by the 14847
attorney general. In the case of an amount payable by a student 14848
enrolled in a state institution of higher education, the amount 14849
shall be certified, in accordance with section 131.026 of the 14850
Revised Code, within the later of forty-five days after the 14851

amount is due or the tenth day after the beginning of the next 14852
academic semester, quarter, or other session following the 14853
session for which the payment is payable. The attorney general 14854
may assess the collection cost to the amount certified in such 14855
manner and amount as prescribed by the attorney general. If an 14856
amount payable to a political subdivision is past due, the 14857
political subdivision may, with the approval of the attorney 14858
general, certify the amount to the attorney general pursuant to 14859
this section in accordance with section 131.026 of the Revised 14860
Code. 14861

For the purposes of this section, the attorney general and 14862
the officer, employee, or agent responsible for administering 14863
the law under which the amount is payable shall agree on the 14864
time a payment is due, and that agreed upon time shall be one of 14865
the following times: 14866

(1) If a law, including an administrative rule, of this 14867
state prescribes the time a payment is required to be made or 14868
reported, when the payment is required by that law to be paid or 14869
reported. 14870

(2) If the payment is for services rendered, when the 14871
rendering of the services is completed. 14872

(3) If the payment is reimbursement for a loss, when the 14873
loss is incurred. 14874

(4) In the case of a fine or penalty for which a law or 14875
administrative rule does not prescribe a time for payment, when 14876
the fine or penalty is first assessed. 14877

(5) If the payment arises from a legal finding, judgment, 14878
or adjudication order, when the finding, judgment, or order is 14879
rendered or issued. 14880

- (6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered. 14881
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- (7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined. 14883
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- (8) Upon proof of claim being filed in a bankruptcy case. 14887
- (9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the agency, institution, or political subdivision to which the payment is owed. 14888
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- (B) (1) The Upon certification of an amount due in accordance with division (A) of this section and section 131.026 of the Revised Code, the attorney general shall give immediate notice ~~by mail or otherwise~~ in the manner described in section 131.026 of the Revised Code to the party indebted of the nature and amount of the indebtedness. 14894
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- (2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following: 14900
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- (a) The assessment or case number; 14904
- (b) The tax pursuant to which the assessment is made; 14905
- (c) The reason for the liability, including, if applicable, that a penalty or interest is due; 14906
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- (d) An explanation of how and when interest will be added 14908

to the amount assessed; 14909

(e) That the attorney general and tax commissioner, acting 14910
together, have the authority, but are not required, to 14911
compromise the claim and accept payment over a reasonable time, 14912
if such actions are in the best interest of the state. 14913

(C) The attorney general shall collect the claim or secure 14914
a judgment and issue an execution for its collection. 14915

(D) Each claim shall bear interest, from the day on which 14916
the claim became due, at the rate per annum required by section 14917
5703.47 of the Revised Code. 14918

(E) The attorney general and the chief officer of the 14919
agency reporting a claim, acting together, may do any of the 14920
following if such action is in the best interests of the state: 14921

(1) Compromise the claim; 14922

(2) Extend for a reasonable period the time for payment of 14923
the claim by agreeing to accept monthly or other periodic 14924
payments. The agreement may require security for payment of the 14925
claim. 14926

(3) Add fees to recover the cost of processing checks or 14927
other draft instruments returned for insufficient funds and the 14928
cost of providing electronic payment options. 14929

(F) (1) Except as provided in division (F) (2) of this 14930
section, if the attorney general finds, after investigation, 14931
that any claim due and owing to the state is uncollectible, the 14932
attorney general, with the consent of the chief officer of the 14933
agency reporting the claim, may do the following: 14934

(a) Sell, convey, or otherwise transfer the claim to one 14935
or more private entities for collection; 14936

(b) Cancel the claim or cause it to be canceled. 14937

(2) The attorney general shall cancel or cause to be 14938
canceled an unsatisfied claim on the date that is forty years 14939
after the date the claim is certified, unless the attorney 14940
general has adopted a rule under division (F) (5) of this section 14941
shortening this time frame with respect to a subset of claims. 14942

(3) No initial action shall be commenced to collect any 14943
tax payable to the state that is administered by the tax 14944
commissioner, whether or not such tax is subject to division (B) 14945
of this section, or any penalty, interest, or additional charge 14946
on such tax, after the expiration of the period ending on the 14947
later of the dates specified in divisions (F) (3) (a) and (b) of 14948
this section, provided that such period shall be extended by the 14949
period of any stay to such collection or by any other period to 14950
which the parties mutually agree. If the initial action in aid 14951
of execution is commenced before the later of the dates 14952
specified in divisions (F) (3) (a) and (b) of this section, any 14953
and all subsequent actions may be pursued in aid of execution of 14954
judgment for as long as the debt exists. 14955

(a) Seven years after the assessment of the tax, penalty, 14956
interest, or additional charge is issued. 14957

(b) Four years after the assessment of the tax, penalty, 14958
interest, or additional charge becomes final. For the purposes 14959
of division (F) (3) (b) of this section, the assessment becomes 14960
final at the latest of the following: upon expiration of the 14961
period to petition for reassessment, or if applicable, to appeal 14962
a final determination of the commissioner or decision of the 14963
board of tax appeals or a court, or, if applicable, upon 14964
decision of the United States supreme court. 14965

For the purposes of division (F) (3) of this section, an
initial action to collect a tax debt is commenced at the time
when a certified copy of the tax commissioner's entry making an
assessment final has been filed in the office of the clerk of
court of common pleas in the county in which the taxpayer
resides or has its principal place of business in this state, or
in the office of the clerk of court of common pleas of Franklin
county, as provided in section 5739.13, 5741.14, 5747.13, or
5751.09 of the Revised Code or in any other applicable law
requiring such a filing. If an assessment has not been issued
and there is no time limitation on the issuance of an assessment
under applicable law, an action to collect a tax debt commences
when the action is filed in the courts of this state to collect
the liability.

(4) If information contained in a claim that is sold,
conveyed, or transferred to a private entity pursuant to this
section is confidential pursuant to federal law or a section of
the Revised Code that implements a federal law governing
confidentiality, such information remains subject to that law
during and following the sale, conveyance, or transfer.

(5) The attorney general may adopt rules to aid in the
implementation of this section.

Sec. 131.026. (A) For purposes of this section:

(1) "Last known address" means the mailing address or the
electronic mail address appearing in the official records of the
officer, employee, or agent responsible for administering the
law under which an amount is payable or of the attorney general.

(2) "Traceable delivery service" means a delivery service
provided by the United States postal service or a domestic

commercial delivery service allowing the sender to track a sent 14995
item's progress and providing notice of a completed delivery to 14996
the sender. 14997

(B) Before an officer, employee, or agent responsible for 14998
administering the law under which an amount is due certifies the 14999
amount due to the attorney general under section 131.02 of the 15000
Revised Code, the officer, employee, or agent shall serve a 15001
notice to the debtor or the debtor's statutory agent in the 15002
manner described in this section. The officer, employee, or 15003
agent shall serve a notice not sooner than forty-five days, nor 15004
later than sixty days, after payment is due. 15005

(C) The notice shall include all of the following 15006
information: 15007

(1) The name of the debtor or statutory agent; 15008

(2) The nature and amount of the indebtedness; 15009

(3) The information required under division (B) (2) of 15010
section 131.02 of the Revised Code if the debt arises from a tax 15011
levied. 15012

(D) (1) An officer, employee, or agent responsible for 15013
administering the law under which an amount is payable or the 15014
attorney general may serve a notice required by this section or 15015
section 131.02 of the Revised Code through any of the following 15016
methods: 15017

(a) Electronic mail at the debtor's or debtor's statutory 15018
agent's last known address; 15019

(b) Facsimile transmission at the debtor's or debtor's 15020
statutory agent's facsimile number appearing in the official 15021
records of the officer, employee, or agent responsible for 15022

administering the law under which an amount is payable or of the 15023
attorney general; 15024

(c) Traceable delivery service at the debtor's or debtor's 15025
statutory agent's last known address; 15026

(d) Personal service at the debtor's or debtor's statutory 15027
agent's last known address. 15028

(2) Service of a notice required under this section or 15029
section 131.02 of the Revised Code is complete on the following 15030
dates: 15031

(a) For electronic mail, the date the receipt of the 15032
document is relayed electronically by a direct reply from the 15033
debtor or debtor's statutory agent to the officer, employee, or 15034
agent responsible for administering the law under which an 15035
amount is payable or to the attorney general or through 15036
electronic tracking software demonstrating that the recipient 15037
accessed the document. 15038

(b) For facsimile transmission, the date indicated on the 15039
facsimile transmission confirmation page. 15040

(c) For traceable delivery service, the date of delivery 15041
indicated on the notice of completed delivery provided by the 15042
United States postal service or domestic commercial delivery 15043
service. 15044

(d) For personal service, the date indicated on a document 15045
confirming physical delivery signed by the debtor, the debtor's 15046
statutory agent, an adult located at the debtor's or debtor's 15047
statutory agent's last known address, or the delivery person. 15048

(E) (1) Upon receipt of the notice, the debtor or statutory 15049
agent may satisfy the debt within thirty days of receiving the 15050

notice. If the debt is satisfied within those thirty days, the 15051
officer, employee, or agent shall not certify an amount due to 15052
the attorney general. 15053

(2) If the debtor or statutory agent does not satisfy the 15054
debt within thirty days after receiving the notice, the officer, 15055
employee, or agent shall certify the amount due to the attorney 15056
general. The attorney general shall collect the amount due in 15057
accordance with section 131.02 of the Revised Code. If the 15058
attorney general files a lien to collect the amount due, the 15059
attorney general shall not file the lien unless both of the 15060
following are included with the lien when filing: 15061

(1) A copy of the notice required under division (B) of 15062
this section; 15063

(2) Proof of service of the notice as described under 15064
division (D) of this section. 15065

(F) (1) Nothing in this section prevents or limits the 15066
attorney general or the appropriate authority from taking any 15067
action set forth under divisions (E) or (F) of section 131.02 of 15068
the Revised Code. 15069

(2) No amount that is payable under section 131.02 of the 15070
Revised Code is deemed uncollectible, discharged, relieved, or 15071
otherwise satisfied or non-payable because of any failure to 15072
comply with a specific time requirement provided for under this 15073
section. 15074

Sec. 131.35. (A) With respect to federal revenue received 15075
into any fund of the state, except for those funds listed in 15076
division (D) of section 127.14 of the Revised Code: 15077

(1) No state agency may make expenditures of any federal 15078
revenue, whether the revenue is advanced prior to expenditure or 15079

as reimbursement, unless such expenditures are made pursuant to 15080
specific appropriations of the general assembly, are authorized 15081
by the controlling board pursuant to division (A) (5) of this 15082
section, or are authorized by an executive order issued in 15083
accordance with section 107.17 of the Revised Code, and until an 15084
allotment has been approved by the director of budget and 15085
management. All federal revenue received by a state agency shall 15086
be reported to the director within fifteen days of the receipt 15087
of the revenue or the notification of award, whichever occurs 15088
first. The director shall prescribe the forms and procedures to 15089
be used when reporting the receipt of federal revenue. 15090

(2) If the federal revenue received is greater than the 15091
amount of the revenue appropriated by the general assembly for a 15092
specific purpose, the total appropriation of federal and state 15093
funds for such purpose shall remain at the amount designated by 15094
the general assembly, except that the expenditure of federal 15095
revenue received in excess of such specific appropriation may be 15096
authorized by the controlling board, subject to division (D) of 15097
this section. 15098

(3) To the extent that the expenditure of excess federal 15099
revenue is authorized, the controlling board may transfer a like 15100
amount of general revenue fund appropriation authority from the 15101
affected agency to the emergency purposes appropriation of the 15102
controlling board, if such action is permitted under federal 15103
regulations. 15104

(4) Additional funds may be created by the controlling 15105
board to receive revenues not anticipated in an appropriations 15106
act for the biennium in which such new revenues are received. 15107
Subject to division (D) of this section, expenditures from such 15108
additional funds may be authorized by the controlling board, but 15109

such authorization shall not extend beyond the end of the 15110
biennium in which such funds are created. 15111

(5) Controlling board authorization for a state agency to 15112
make an expenditure of federal revenue constitutes authority for 15113
the agency to participate in the federal program providing the 15114
revenue, and the agency is not required to obtain an executive 15115
order under section 107.17 of the Revised Code to participate in 15116
the federal program. 15117

(B) With respect to nonfederal revenue received into any 15118
fund of the state, except for any other fund listed in division 15119
(D) of section 127.14 of the Revised Code: 15120

(1) No state agency may make expenditures of any of the 15121
revenue unless the expenditures are made pursuant to specific 15122
appropriations of the general assembly. 15123

(2) If the revenue received into any fund is greater than 15124
the amount appropriated, the appropriation for that fund shall 15125
remain at the amount designated by the general assembly or, 15126
subject to division ~~(D)~~ (E) of this section, as increased and 15127
approved by the controlling board. 15128

(3) Additional funds may be created by the controlling 15129
board to receive revenues not anticipated in an appropriations 15130
act for the biennium in which such new revenues are received. 15131
Subject to division (D) of this section, expenditures from such 15132
additional funds may be authorized by the controlling board, but 15133
such authorization shall not extend beyond the end of the 15134
biennium in which such funds are created. 15135

(C) The controlling board shall not authorize more than 15136
ten per cent of additional spending from the occupational 15137
licensing and regulatory fund, created in section 4743.05 of the 15138

Revised Code, in excess of any appropriation made by the general assembly to a licensing agency except an appropriation for costs related to the examination or reexamination of applicants for a license. As used in this division, "licensing agency" and "license" have the same meanings as in section 4745.01 of the Revised Code.

(D) If federal revenue is received in the waterways safety fund or wildlife fund, the controlling board, at the request of the director of natural resources, may approve the expenditure of the federal revenue for purposes for which the federal revenue was granted.

(E) The amount of any expenditure authorized under division (A) (2) or (4) or (B) (2) or (3) of this section for a specific or related purpose or item in any fiscal year shall not exceed an amount greater than ~~one-half of one per cent of the general revenue fund appropriations~~ one hundred million dollars for that fiscal year.

Sec. 131.43. There is hereby created in the state treasury the budget stabilization fund. ~~All investment earnings of the fund shall be credited to the fund.~~ It is the intent of the general assembly to maintain an amount of money in the budget stabilization fund that amounts to approximately ten per cent of the general revenue fund revenues for the preceding fiscal year. The governor shall include in the state budget the governor submits to the general assembly under section 107.03 of the Revised Code proposals for transfers between the general revenue fund and the budget stabilization fund for the ensuing fiscal biennium. The balance in the fund may be combined with the balance in the general revenue fund for purposes of cash management.

Sec. 131.50. (A) As used in this section, "state agency" 15169
has the same meaning as in section 155.30 of the Revised Code. 15170

(B) There is hereby created in the state treasury the 15171
state land royalty fund consisting of money credited to it under 15172
section 155.33 of the Revised Code. Any investment proceeds 15173
earned on money in the fund shall be credited to the fund. 15174

~~(B) (1)~~ (C) (1) A state agency is entitled to receive from 15175
the fund the amount that the state agency contributed and a 15176
share of the investment earnings of the fund in an amount that 15177
is equivalent to the proportionate share of contributions made 15178
by the state agency to the fund. Regarding the department of 15179
natural resources, each division within the department is 15180
entitled to receive from the department's proportionate share 15181
all amounts received by the department that are attributable to 15182
the state-owned land controlled by that division. 15183

(2) ~~The treasurer of state, in consultation with~~ Upon 15184
request from a state agency entitled to receive revenue in 15185
accordance with this section, the director of budget and 15186
management, ~~shall disburse money~~ transfer cash from the state 15187
land royalty fund to the natural resources land royalty fund, 15188
the wildlife land royalty fund, the transportation land royalty 15189
fund, or the appropriate fund designated by the any other state 15190
agency, as applicable, not later than thirty days after the 15191
deposit of any money into the state land royalty fund. ~~If the~~ 15192
~~state agency is the department of natural resources, the~~ 15193
~~treasurer of state, in consultation with the director of budget~~ 15194
~~and management and the director of natural resources, shall~~ 15195
~~disburse the money to the appropriate fund designated by the~~ 15196
~~applicable division within the department.~~ 15197

(3) A state agency or, as applicable, a division of the 15198

department of natural resources, may use the money for any costs 15199
and expenses the agency determines are necessary. 15200

~~(C) As used in this section, "state agency" has the same~~ 15201
~~meaning as in section 155.30 of the Revised Code.~~ (D) (1) The 15202
natural resources land royalty fund is created in the state 15203
treasury. The fund shall consist of money credited to it under 15204
division (C) of this section for leased mineral rights on land 15205
owned or controlled by the department of natural resources, 15206
other than the division of wildlife. All investment earnings of 15207
the fund shall be credited to the fund. 15208

(2) The wildlife land royalty fund is created in the state 15209
treasury. The fund shall consist of money credited to it under 15210
division (C) of this section for leased mineral rights on land 15211
owned or controlled by the division of wildlife in the 15212
department of natural resources. All investment earnings of the 15213
fund shall be credited to the fund. 15214

(3) The transportation land royalty fund is created in the 15215
state treasury. The fund shall consist of money credited to it 15216
under division (C) of this section for leased mineral rights on 15217
land owned or controlled by the department of transportation. 15218
All Investment earnings of the fund shall be credited to the 15219
fund. 15220

Sec. 131.51. (A) On or before the seventh day of each 15221
month, the director of budget and management shall credit to the 15222
local government fund one and ~~seven-tenths~~ seventy-five one- 15223
hundredths per cent of the total tax revenue credited to the 15224
general revenue fund during the preceding month. In determining 15225
the total tax revenue credited to the general revenue fund 15226
during the preceding month, the director shall include amounts 15227
transferred from the fund during the preceding month under this 15228

division ~~and division (B) of this section.~~ Money shall be 15229
distributed from the local government fund as required under 15230
sections 5747.50 and 5747.503 of the Revised Code during the 15231
same month in which it is credited to the fund. 15232

(B) On or before the seventh day of each month, the 15233
director of budget and management shall credit to the public 15234
library fund ~~one and seven-tenths per cent of the total tax-~~ 15235
~~revenue credited to the general revenue fund during the~~ 15236
~~preceding month. In determining the total tax revenue credited-~~ 15237
~~to the general revenue fund during the preceding month, the~~ 15238
~~director shall include amounts transferred from the fund during~~ 15239
~~the preceding month under this division and division (A) of this~~ 15240
~~section, from the general revenue fund, one-twelfth of the~~ 15241
amount appropriated by the general assembly for the public 15242
library fund for the fiscal year. Money shall be distributed 15243
from the public library fund as required under section 5747.47 15244
of the Revised Code during the same month in which it is 15245
credited to the fund. 15246

(C) The director of budget and management shall develop a 15247
schedule identifying the specific tax revenue sources to be used 15248
to make the monthly transfers required under ~~divisions~~division 15249
(A) ~~and (B)~~ of this section. The director may, from time to 15250
time, revise the schedule as the director considers necessary. 15251

Sec. 133.18. (A) The taxing authority of a subdivision may 15252
by legislation submit to the electors of the subdivision the 15253
question of issuing any general obligation bonds, for one 15254
purpose, that the subdivision has power or authority to issue. 15255

(B) When the taxing authority of a subdivision desires or 15256
is required by law to submit the question of a bond issue to the 15257
electors, it shall pass legislation that does all of the 15258

following: 15259

(1) Declares the necessity and purpose of the bond issue; 15260

(2) States the date of the authorized election at which 15261
the question shall be submitted to the electors; 15262

(3) States the amount, approximate date, estimated net 15263
average rate of interest, and maximum number of years over which 15264
the principal of the bonds may be paid; 15265

(4) Declares the necessity of levying a tax outside the 15266
tax limitation to pay the debt charges on the bonds and any 15267
anticipatory securities. 15268

The estimated net average interest rate shall be 15269
determined by the taxing authority based on, among other 15270
factors, then existing market conditions, and may reflect 15271
adjustments for any anticipated direct payments expected to be 15272
received by the taxing authority from the government of the 15273
United States relating to the bonds and the effect of any 15274
federal tax credits anticipated to be available to owners of all 15275
or a portion of the bonds. The estimated net average rate of 15276
interest, and any statutory or charter limit on interest rates 15277
that may then be in effect and that is subsequently amended, 15278
shall not be a limitation on the actual interest rate or rates 15279
on the securities when issued. 15280

(C) The taxing authority shall certify a copy of the 15281
legislation passed under division (B) of this section to the 15282
county auditor. The county auditor shall promptly calculate and 15283
advise and, not later than ninety days before the election, 15284
confirm that advice by certification to the taxing authority the 15285
estimated average annual property tax levy, expressed in dollars 15286
for each one hundred thousand dollars of the county auditor's 15287

~~appraised-market~~ value and in mills for each one dollar of 15288
taxable value, that the county auditor estimates to be required 15289
throughout the stated maturity of the bonds to pay the debt 15290
charges on the bonds. In calculating the estimated average 15291
annual property tax levy for this purpose, the county auditor 15292
shall assume that the bonds are issued in one series bearing 15293
interest and maturing in substantially equal principal amounts 15294
in each year over the maximum number of years over which the 15295
principal of the bonds may be paid as stated in that 15296
legislation, and that the amount of the tax valuation of the 15297
subdivision most recently certified by the county auditor under 15298
division (A) of section 319.28 of the Revised Code remains the 15299
same throughout the maturity of the bonds. If the subdivision is 15300
located in more than one county, the county auditor shall obtain 15301
the assistance of the county auditors of the other counties, and 15302
those county auditors shall provide assistance, in establishing 15303
the tax valuation of the subdivision for purposes of certifying 15304
the estimated average annual property tax levy. 15305

(D) After receiving the county auditor's advice under 15306
division (C) of this section, the taxing authority by 15307
legislation may determine to proceed with submitting the 15308
question of the issue of securities, and shall, not later than 15309
the ninetieth day before the day of the election, file the 15310
following with the board of elections: 15311

(1) Copies of the legislation provided for in divisions 15312
(B) and (D) of this section; 15313

(2) The amount of the estimated average annual property 15314
tax levy, expressed in dollars for each one hundred thousand 15315
dollars of the county auditor's ~~appraised-market~~ value and in 15316
mills for each one dollar of taxable value, as estimated and 15317

certified to the taxing authority by the county auditor. 15318

(E) (1) The board of elections shall prepare the ballots 15319
and make other necessary arrangements for the submission of the 15320
question to the electors of the subdivision. If the subdivision 15321
is located in more than one county, the board shall inform the 15322
boards of elections of the other counties of the filings with 15323
it, and those other boards shall if appropriate make the other 15324
necessary arrangements for the election in their counties. The 15325
election shall be conducted, canvassed, and certified in the 15326
manner provided in Title XXXV of the Revised Code. 15327

(2) The election shall be held at the regular places for 15328
voting in the subdivision. If the electors of only a part of a 15329
precinct are qualified to vote at the election the board of 15330
elections may assign the electors in that part to an adjoining 15331
precinct, including an adjoining precinct in another county if 15332
the board of elections of the other county consents to and 15333
approves the assignment. Each elector so assigned shall be 15334
notified of that fact prior to the election by notice mailed by 15335
the board of elections, in such manner as it determines, prior 15336
to the election. 15337

(3) The board of elections shall publish a notice of the 15338
election once in a newspaper of general circulation in the 15339
subdivision, no later than ten days prior to the election. The 15340
notice shall state all of the following: 15341

(a) The principal amount of the proposed bond issue; 15342

(b) The stated purpose for which the bonds are to be 15343
issued; 15344

(c) The maximum number of years over which the principal 15345
of the bonds may be paid; 15346

(d) The estimated additional average annual property tax 15347
levy, expressed in dollars for each one hundred thousand dollars 15348
of the county auditor's ~~appraised~~market value and in mills for 15349
each one dollar of taxable value, to be levied outside the tax 15350
limitation, as estimated and certified to the taxing authority 15351
by the county auditor; 15352

(e) The first calendar year in which the tax is expected 15353
to be due. 15354

(F) The form of the ballot to be used at the election 15355
shall be substantially either of the following, as applicable: 15356

(1) "Shall bonds be issued by the _____ (name of 15357
subdivision) for the purpose of _____ (purpose of the bond 15358
issue) in the principal amount of \$_____ (principal amount 15359
of the bond issue), to be repaid annually over a maximum period 15360
of _____ (the maximum number of years over which the 15361
principal of the bonds may be paid) years, and an annual levy of 15362
property taxes be made outside the _____ (as applicable, 15363
"ten-mill" or "___charter tax") limitation, estimated by the 15364
county auditor to average over the repayment period of the bond 15365
issue _____ mills for each \$1 of taxable value, which 15366
amounts to \$_____ for each \$100,000 of the county auditor's 15367
~~appraised~~market value, commencing in _____ (first year the 15368
tax will be levied), first due in calendar year _____ 15369
(first calendar year in which the tax shall be due), to pay the 15370
annual debt charges on the bonds, and to pay debt charges on any 15371
notes issued in anticipation of those bonds? 15372

15373

	For the bond issue
	Against the bond issue

"

(2) In the case of an election held pursuant to 15374
legislation adopted under section 3375.43 or 3375.431 of the 15375
Revised Code: 15376

"Shall bonds be issued for _____ (name of library) 15377
for the purpose of _____ (purpose of the bond issue), in 15378
the principal amount of \$_____ (amount of the bond issue) 15379
by _____ (the name of the subdivision that is to issue the 15380
bonds and levy the tax) as the issuer of the bonds, to be repaid 15381
annually over a maximum period of _____ (the maximum number 15382
of years over which the principal of the bonds may be paid) 15383
years, and an annual levy of property taxes be made outside the 15384
ten-mill limitation, estimated by the county auditor to average 15385
over the repayment period of the bond issue _____ mills for 15386
each \$1 of taxable value, which amounts to \$_____ for each 15387
\$100,000 of the county auditor's ~~appraised~~ market value, 15388
commencing in _____ (first year the tax will be levied), 15389
first due in calendar year _____ (first calendar year in 15390
which the tax shall be due), to pay the annual debt charges on 15391
the bonds, and to pay debt charges on any notes issued in 15392
anticipation of those bonds? 15393
15394

	For the bond issue
	Against the bond issue

"

(G) The board of elections shall promptly certify the 15395
results of the election to the tax commissioner, the county 15396
auditor of each county in which any part of the subdivision is 15397
located, and the fiscal officer of the subdivision. The 15398
election, including the proceedings for and result of the 15399
election, is incontestable other than in a contest filed under 15400

section 3515.09 of the Revised Code in which the plaintiff 15401
prevails. 15402

(H) If a majority of the electors voting upon the question 15403
vote for it, the taxing authority of the subdivision may proceed 15404
under sections 133.21 to 133.33 of the Revised Code with the 15405
issuance of the securities and with the levy and collection of a 15406
property tax outside the tax limitation during the period the 15407
securities are outstanding sufficient in amount to pay the debt 15408
charges on the securities, including debt charges on any 15409
anticipatory securities required to be paid from that tax. If 15410
legislation passed under section 133.22 or 133.23 of the Revised 15411
Code authorizing those securities is filed with the county 15412
auditor on or before the last day of November, the amount of the 15413
voted property tax levy required to pay debt charges or 15414
estimated debt charges on the securities payable in the 15415
following year shall if requested by the taxing authority be 15416
included in the taxes levied for collection in the following 15417
year under section 319.30 of the Revised Code. 15418

(I) (1) If, before any securities authorized at an election 15419
under this section are issued, the net indebtedness of the 15420
subdivision exceeds that applicable to that subdivision or those 15421
securities, then and so long as that is the case none of the 15422
securities may be issued. 15423

(2) No securities authorized at an election under this 15424
section may be initially issued after the first day of the sixth 15425
January following the election, but this period of limitation 15426
shall not run for any time during which any part of the 15427
permanent improvement for which the securities have been 15428
authorized, or the issuing or validity of any part of the 15429
securities issued or to be issued, or the related proceedings, 15430

is involved or questioned before a court or a commission or 15431
other tribunal, administrative agency, or board. 15432

(3) Securities representing a portion of the amount 15433
authorized at an election that are issued within the applicable 15434
limitation on net indebtedness are valid and in no manner 15435
affected by the fact that the balance of the securities 15436
authorized cannot be issued by reason of the net indebtedness 15437
limitation or lapse of time. 15438

(4) Nothing in this division (I) shall be interpreted or 15439
applied to prevent the issuance of securities in an amount to 15440
fund or refund anticipatory securities lawfully issued. 15441

(5) The limitations of divisions (I)(1) and (2) of this 15442
section do not apply to any securities authorized at an election 15443
under this section if at least ten per cent of the principal 15444
amount of the securities, including anticipatory securities, 15445
authorized has theretofore been issued, or if the securities are 15446
to be issued for the purpose of participating in any federally 15447
or state-assisted program. 15448

(6) The certificate of the fiscal officer of the 15449
subdivision is conclusive proof of the facts referred to in this 15450
division. 15451

(J) As used in this section, "the county auditor's 15452
~~appraised~~ market value" has the same meaning as in section 15453
5705.01 of the Revised Code. 15454

Sec. 135.01. Except as otherwise provided in sections 15455
135.14, 135.143, 135.181, and 135.182 of the Revised Code, as 15456
used in sections 135.01 to 135.21 of the Revised Code: 15457

(A) "Active deposit" means a public deposit necessary to 15458
meet current demands on the treasury, and that is deposited in 15459

any of the following: 15460

(1) A commercial account that is payable or withdrawable, 15461
in whole or in part, on demand; 15462

(2) A negotiable order of withdrawal account as authorized 15463
in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 15464
146, 12 U.S.C.A. 1832(a); 15465

(3) A money market deposit account as authorized in the 15466
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 15467
1501, 12 U.S.C. 3503. 15468

(B) "Auditor" includes the auditor of state and the 15469
auditor, or officer exercising the functions of an auditor, of 15470
any subdivision. 15471

(C) "Capital funds" means the sum of the following: the 15472
par value of the outstanding common capital stock, the par value 15473
of the outstanding preferred capital stock, the aggregate par 15474
value of all outstanding capital notes and debentures, and the 15475
surplus. In the case of an institution having offices in more 15476
than one county, the capital funds of such institution, for the 15477
purposes of sections 135.01 to 135.21 of the Revised Code, 15478
relative to the deposit of the public moneys of the subdivisions 15479
in one such county, shall be considered to be that proportion of 15480
the capital funds of the institution that is represented by the 15481
ratio that the deposit liabilities of such institution 15482
originating at the office located in the county bears to the 15483
total deposit liabilities of the institution. 15484

(D) "Governing board" means, in the case of the state, the 15485
state board of deposit; in the case of all school districts and 15486
educational service centers except as otherwise provided in this 15487
section, the board of education or governing board of a service 15488

center, and when the case so requires, the board of 15489
commissioners of the sinking fund; in the case of a municipal 15490
corporation, the legislative authority, and when the case so 15491
requires, the board of trustees of the sinking fund; in the case 15492
of a township, the board of township trustees; in the case of a 15493
union or joint institution or enterprise of two or more 15494
subdivisions not having a treasurer, the board of directors or 15495
trustees thereof; and in the case of any other subdivision 15496
electing or appointing a treasurer, the directors, trustees, or 15497
other similar officers of such subdivision. The governing board 15498
of a subdivision electing or appointing a treasurer shall be the 15499
governing board of all other subdivisions for which such 15500
treasurer is authorized by law to act. In the case of a county 15501
school financing district that levies a tax pursuant to section 15502
5705.215 of the Revised Code, the county board of education that 15503
serves as its taxing authority shall operate as a governing 15504
board. Any other county board of education shall operate as a 15505
governing board unless it adopts a resolution designating the 15506
board of county commissioners as the governing board for the 15507
county school district. 15508

(E) "Inactive deposit" means a public deposit other than 15509
an interim deposit or an active deposit. 15510

(F) "Interim deposit" means a deposit of interim moneys. 15511
"Interim moneys" means public moneys in the treasury of any 15512
subdivision after the award of inactive deposits has been made 15513
in accordance with section 135.07 of the Revised Code, which 15514
moneys are in excess of the aggregate amount of the inactive 15515
deposits as estimated by the governing board prior to the period 15516
of designation and which the governing board finds should not be 15517
deposited as active or inactive deposits for the reason that 15518
such moneys will not be needed for immediate use but will be 15519

needed before the end of the period of designation. In the case 15520
of the state treasury, "interim moneys" means public moneys that 15521
are not active deposits and may be invested in accordance with 15522
section 135.143 of the Revised Code. 15523

(G) "Permissible rate of interest" means a rate of 15524
interest that all eligible institutions mentioned in section 15525
135.03 of the Revised Code are permitted to pay by law or valid 15526
regulations. 15527

(H) "Warrant clearance account" means an account 15528
established by the treasurer of state for either of the 15529
following purposes: 15530

~~(a)~~ (1) The deposit of active state moneys for the purposes 15531
of clearing state paper warrants or checks through the banking 15532
system, funding electronic benefit transfer cards, issuing 15533
stored value cards, or otherwise facilitating the settlement of 15534
state obligations; 15535

~~(b)~~ (2) The deposit of custodial moneys from an account 15536
held in the custody of the treasurer of state to facilitate 15537
settlement of obligations of the custodial fund. 15538

(I) "Public deposit" means public moneys deposited in a 15539
public depository pursuant to sections 135.01 to 135.21 of the 15540
Revised Code. 15541

(J) "Public depository" means an institution which 15542
receives or holds any public deposits. 15543

(K) "Public moneys" means all moneys in the treasury of 15544
the state or any subdivision of the state, or moneys coming 15545
lawfully into the possession or custody of the treasurer of 15546
state or of the treasurer of any subdivision. "Public moneys of 15547
the state" includes all such moneys coming lawfully into the 15548

possession of the treasurer of state; and "public moneys of a 15549
subdivision" includes all such moneys coming lawfully into the 15550
possession of the treasurer of the subdivision. 15551

(L) "Subdivision" means any municipal corporation, except 15552
one which has adopted a charter under Article XVIII, Ohio 15553
Constitution, and the charter or ordinances of the chartered 15554
municipal corporation set forth special provisions respecting 15555
the deposit or investment of its public moneys, or any school 15556
district or educational service center, a county school 15557
financing district, township, municipal or school district 15558
sinking fund, special taxing or assessment district, or other 15559
district or local authority electing or appointing a treasurer, 15560
except a county. In the case of a school district or educational 15561
service center, special taxing or assessment district, or other 15562
local authority for which a treasurer, elected or appointed 15563
primarily as the treasurer of a subdivision, is authorized or 15564
required by law to act as ex officio treasurer, the subdivision 15565
for which such a treasurer has been primarily elected or 15566
appointed shall be considered to be the "subdivision." The term 15567
also includes a union or joint institution or enterprise of two 15568
or more subdivisions, that is not authorized to elect or appoint 15569
a treasurer, and for which no ex officio treasurer is provided 15570
by law. 15571

(M) "Treasurer" means, in the case of the state, the 15572
treasurer of state and in the case of any subdivision, the 15573
treasurer, or officer exercising the functions of a treasurer, 15574
of such subdivision. In the case of a board of trustees of the 15575
sinking fund of a municipal corporation, the board of 15576
commissioners of the sinking fund of a school district, or a 15577
board of directors or trustees of any union or joint institution 15578
or enterprise of two or more subdivisions not having a 15579

treasurer, such term means such board of trustees of the sinking 15580
fund, board of commissioners of the sinking fund, or board of 15581
directors or trustees. 15582

(N) "Treasury investment board" of a municipal corporation 15583
means the mayor or other chief executive officer, the village 15584
solicitor or city director of law, and the auditor or other 15585
chief fiscal officer. 15586

(O) "No-load money market mutual fund" means a no-load 15587
money market mutual fund to which all of the following apply: 15588

(1) The fund is registered as an investment company under 15589
the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 15590
80a-1 to 80a-64; 15591

(2) The fund has the highest letter or numerical rating 15592
provided by at least one nationally recognized statistical 15593
rating organization; 15594

(3) The fund does not include any investment in a 15595
derivative. As used in division (O) (3) of this section, 15596
"derivative" means a financial instrument or contract or 15597
obligation whose value or return is based upon or linked to 15598
another asset or index, or both, separate from the financial 15599
instrument, contract, or obligation itself. Any security, 15600
obligation, trust account, or other instrument that is created 15601
from an issue of the United States treasury or is created from 15602
an obligation of a federal agency or instrumentality or is 15603
created from both is considered a derivative instrument. An 15604
eligible investment described in section 135.14 or 135.35 of the 15605
Revised Code with a variable interest rate payment, based upon a 15606
single interest payment or single index comprised of other 15607
investments provided for in division (B) (1) or (2) of section 15608

135.14 of the Revised Code, is not a derivative, provided that 15609
such variable rate investment has a maximum maturity of two 15610
years. 15611

(P) "Public depositor" means the state or a subdivision, 15612
as applicable, that deposits public moneys in a public 15613
depository pursuant to sections 135.01 to 135.21 of the Revised 15614
Code. 15615

(Q) "Uninsured public deposit" means the portion of a 15616
public deposit that is not insured by the federal deposit 15617
insurance corporation or by any other agency or instrumentality 15618
of the federal government. 15619

Sec. 135.03. (A) As used in this section, "banking office" 15620
has the same meaning as in section 1101.01 of the Revised Code. 15621

(B) Any national bank, any bank doing business under 15622
authority granted by the superintendent of financial 15623
institutions, or any bank doing business under authority granted 15624
by the regulatory authority of another state of the United 15625
States, and which has a banking office located in this state, is 15626
eligible to become a public depository, subject to sections 15627
135.01 to 135.21 of the Revised Code. No bank shall receive or 15628
have on deposit at any one time public moneys, including public 15629
moneys as defined in section 135.31 of the Revised Code, in an 15630
aggregate amount in excess of thirty per cent of its total 15631
assets, as shown in its latest report to the comptroller of the 15632
currency, the superintendent of financial institutions, the 15633
federal deposit insurance corporation, or the board of governors 15634
of the federal reserve system. 15635

(C) Any federal savings association or any savings and 15636
loan association or savings bank doing business under authority 15637

granted by the regulatory authority of another state of the 15638
United States, and which has a banking office located in this 15639
state, and authorized to accept deposits is eligible to become a 15640
public depository, subject to sections 135.01 to 135.21 of the 15641
Revised Code. No savings association, savings and loan 15642
association, or savings bank shall receive or have on deposit at 15643
any one time public moneys, including public moneys as defined 15644
in section 135.31 of the Revised Code, in an aggregate amount in 15645
excess of thirty per cent of its total assets, as shown in its 15646
latest report to the former office of thrift supervision, the 15647
comptroller of the currency, the superintendent of financial 15648
institutions, the federal deposit insurance corporation, or the 15649
board of governors of the federal reserve system. 15650

Sec. 135.143. (A) The treasurer of state may invest or 15651
execute transactions for any part or all of the interim funds of 15652
the state in the following classifications of obligations: 15653

(1) United States treasury bills, notes, bonds, or any 15654
other obligations or securities issued by the United States 15655
treasury or any other obligation guaranteed as to principal and 15656
interest by the United States; 15657

(2) Bonds, notes, debentures, or any other obligations or 15658
securities issued by any federal government agency or 15659
instrumentality; 15660

(3) (a) Bonds, notes, and other obligations of the state of 15661
Ohio, including, but not limited to, any obligations issued by 15662
the treasurer of state, the Ohio public facilities commission, 15663
the Ohio housing finance agency, the Ohio water development 15664
authority, the Ohio turnpike infrastructure commission, the Ohio 15665
higher educational facility commission, and state institutions 15666
of higher education as defined in section 3345.011 of the 15667

Revised Code; 15668

(b) Bonds, notes, and other obligations of any state or 15669
political subdivision thereof rated in the three highest 15670
categories by at least one nationally recognized statistical 15671
rating organization and purchased through a registered 15672
securities broker or dealer, provided the treasurer of state is 15673
not the sole purchaser of the bonds, notes, or other obligations 15674
at original issuance. 15675

(4) (a) Written repurchase agreements with any eligible 15676
Ohio financial institution that is a member of the federal 15677
reserve system or federal home loan bank, any registered United 15678
States government securities dealer, or any counterparty rated 15679
in one of the three highest categories by at least one 15680
nationally recognized statistical rating organization or 15681
otherwise determined by the treasurer of state to have adequate 15682
capital and liquidity, under the terms of which agreement the 15683
treasurer of state purchases and the eligible financial 15684
institution, dealer, or counterparty agrees unconditionally to 15685
repurchase any of the securities that are listed in division (A) 15686
(1), (2), (3), (6), or (11) of this section. The market value of 15687
securities subject to these transactions must exceed the 15688
principal value of the repurchase agreement by an amount 15689
specified by the treasurer of state, and the securities must be 15690
delivered into the custody of the treasurer of state or the 15691
qualified trustee or agent designated by the treasurer of state. 15692
The agreement shall contain the requirement that for each 15693
transaction pursuant to the agreement, the participating 15694
institution, dealer, or counterparty shall provide all of the 15695
following information: 15696

(i) The par value of the securities; 15697

(ii) The type, rate, and maturity date of the securities; 15698

(iii) A numerical identifier generally accepted in the 15699
securities industry that designates the securities. 15700

(b) The treasurer of state also may sell any securities, 15701
listed in division (A) (1), (2), (6), or (11) of this section, 15702
regardless of maturity or time of redemption of the securities, 15703
under the same terms and conditions for repurchase, provided 15704
that the securities have been fully paid for and are owned by 15705
the treasurer of state at the time of the sale. 15706

(c) For purposes of division (A) (4) of this section, the 15707
treasurer of state shall only buy or sell securities listed in 15708
division (A) (11) of this section issued by entities that are 15709
organized under the laws of this state, any other state, or the 15710
United States. 15711

(5) Securities lending agreements with any eligible 15712
financial institution that is a member of the federal reserve 15713
system or federal home loan bank or any recognized United States 15714
government securities dealer, under the terms of which 15715
agreements the treasurer of state lends securities and the 15716
eligible financial institution or dealer agrees to 15717
simultaneously exchange similar securities or cash, equal value 15718
for equal value. 15719

Securities and cash received as collateral for a 15720
securities lending agreement are not interim funds of the state. 15721
The investment of cash collateral received pursuant to a 15722
securities lending agreement may be invested only in such 15723
instruments specified by the treasurer of state in accordance 15724
with a written investment policy. 15725

(6) Various forms of commercial paper issued by any entity 15726

that is organized under the laws of the United States or a 15727
state, which notes are rated in the two highest categories by 15728
two nationally recognized statistical rating organizations, 15729
provided that the total amount invested under this section in 15730
any commercial paper at any time shall not exceed forty per cent 15731
of the state's total average portfolio, as determined and 15732
calculated by the treasurer of state; 15733

(7) Bankers acceptances, maturing in two hundred seventy 15734
days or less, provided that the total amount invested in bankers 15735
acceptances at any time shall not exceed ten per cent of the 15736
state's total average portfolio, as determined and calculated by 15737
the treasurer of state; 15738

(8) Certificates of deposit, savings accounts, or deposit 15739
accounts in eligible institutions applying for interim moneys as 15740
provided in section 135.08 of the Revised Code, including linked 15741
deposits as authorized under section 135.61 of the Revised Code, 15742
. For interim funds invested in accordance with division (A) (8) 15743
of this section, the pledging requirements described in section 15744
135.18, 135.181, or 135.182 of the Revised Code may be reduced 15745
by up to ten per cent in accordance with rules adopted by the 15746
treasurer of state. 15747

(9) Negotiable certificates of deposit denominated in 15748
United States dollars issued by a nationally or state-chartered 15749
bank, a savings association or a federal savings association, a 15750
state or federal credit union, or a federally licensed or state- 15751
licensed branch of a foreign bank, which are rated in the two 15752
highest categories by two nationally recognized statistical 15753
rating organizations, provided that the total amount invested 15754
under this section in negotiable certificates of deposit at any 15755
time shall not exceed twenty-five per cent of the state's total 15756

average portfolio, as determined and calculated by the treasurer 15757
of state. Interim funds invested in accordance with division (A) 15758
(9) of this section are not limited to institutions applying for 15759
interim moneys under section 135.08 of the Revised Code, nor are 15760
they subject to any pledging requirements described in sections 15761
135.18, 135.181, or 135.182 of the Revised Code. 15762

(10) The state treasurer's investment pool authorized 15763
under section 135.45 of the Revised Code; 15764

(11) Debt interests, other than commercial paper described 15765
in division (A) (6) of this section, rated in the ~~three-four~~ 15766
highest categories by two nationally recognized statistical 15767
rating organizations and issued by entities that are organized 15768
under the laws of the United States or a state, or issued by 15769
foreign nations diplomatically recognized by the United States 15770
government, or any instrument based on, derived from, or related 15771
to such interests, provided that: 15772

(a) The investments in debt interests other than 15773
commercial paper, when added to the investment in written 15774
repurchase agreements for securities listed in division (A) (3) 15775
or (11) of this section, shall not exceed in the aggregate 15776
twenty-five per cent of the state's portfolio. 15777

(b) The investments in debt interests rated in the fourth 15778
highest category shall not exceed in the aggregate ten per cent 15779
of the state's portfolio. 15780

(c) The investments in debt interests issued by foreign 15781
nations shall not exceed in the aggregate two per cent of the 15782
state's portfolio. 15783

The treasurer of state shall invest under division (A) (11) 15784
of this section in a debt interest issued by a foreign nation 15785

only if the debt interest is backed by the full faith and credit 15786
of that foreign nation, and provided that all interest and 15787
principal shall be denominated and payable in United States 15788
funds. 15789

~~(e)~~(d) When added to the investment in commercial paper 15790
and negotiable certificates of deposit, the investments in the 15791
debt interests of a single issuer shall not exceed in the 15792
aggregate five per cent of the state's portfolio. 15793

~~(d)~~(e) For purposes of division (A) (11) of this section, a 15794
debt interest is rated in the ~~three-four~~ highest categories by 15795
two nationally recognized statistical rating organizations if 15796
either the debt interest itself or the issuer of the debt 15797
interest is rated, or is implicitly rated, in the ~~three-four~~ 15798
highest categories by two nationally recognized statistical 15799
rating organizations. 15800

~~(e)~~(f) For purposes of division (A) (11) of this section, 15801
the "state's portfolio" means the state's total average 15802
portfolio, as determined and calculated by the treasurer of 15803
state. 15804

(12) No-load money market mutual funds rated in the 15805
highest category by one nationally recognized statistical rating 15806
organization or consisting exclusively of obligations described 15807
in division (A) (1), (2), or (6) of this section and repurchase 15808
agreements secured by such obligations; 15809

(13) Obligations issued by, or on behalf of, an Ohio 15810
political subdivision under Chapter 133. of the Revised Code or 15811
Section 12 of Article XVIII, Ohio Constitution, and identified 15812
in an agreement described in division (G) of this section; 15813

(14) Obligations issued by the state of Ohio, any 15814

political subdivision thereof, or by or on behalf of any 15815
nonprofit corporation or association doing business in this 15816
state rated in the four highest categories by at least one 15817
nationally recognized statistical rating organization and 15818
identified in an agreement described in division (K) of this 15819
section. 15820

~~(B)~~ (B) (1) On or before the tenth day of each month, the 15821
treasurer of state shall notify the state board of deposit that 15822
the following reports pertaining to the immediately preceding 15823
month have been posted to the web site maintained by the 15824
treasurer of state: 15825

~~(1)~~ (a) The daily ledger report of state funds prepared in 15826
accordance with section 113.13 of the Revised Code; 15827

~~(2)~~ (b) The monthly portfolio report detailing the current 15828
inventory of all investments and deposits held within the 15829
classification of interim moneys; 15830

~~(3)~~ (c) The monthly activity report within the 15831
classification of interim moneys summarized by type of 15832
investment or deposit. 15833

(2) In the event the state board of deposit does not 15834
concur in such classification or in the investments or deposits 15835
made under this section, subject to division (B) (3) of this 15836
section, the board may order the treasurer of state to sell or 15837
liquidate any of the investments or deposits, and any such order 15838
shall specifically describe the investments or deposits and fix 15839
the date upon which they are to be sold or liquidated. 15840
Investments or deposits so ordered to be sold or liquidated 15841
shall be sold or liquidated for cash by the treasurer of state 15842
on the date fixed in such order at the then current market 15843

price. Neither the treasurer of state nor the members of the 15844
state board of deposit shall be held accountable for any loss 15845
occasioned by sales or liquidations of investments or deposits 15846
at prices lower than their cost. Any loss or expense incurred in 15847
making these sales or liquidations is payable as other expenses 15848
of the treasurer's office. 15849

(3) Unless expressly authorized by the laws of this state, 15850
the state board of deposit shall not order the treasurer of 15851
state to sell or liquidate investments or deposits with the 15852
primary purpose of influencing any environmental, social, 15853
personal, or ideological policy. 15854

(C) If any securities or obligations invested in by the 15855
treasurer of state pursuant to this section are registrable 15856
either as to principal or interest, or both, such securities or 15857
obligations shall be registered in the name of the treasurer of 15858
state. 15859

(D) The treasurer of state is responsible for the 15860
safekeeping of all securities or obligations under this section. 15861
Any such securities or obligations may be deposited for 15862
safekeeping as provided in section 113.05 of the Revised Code. 15863

(E) Interest earned on any investments or deposits 15864
authorized by this section shall be collected by the treasurer 15865
of state and credited by the treasurer of state to the proper 15866
fund of the state. 15867

(F) Whenever investments or deposits acquired under this 15868
section mature and become due and payable, the treasurer of 15869
state shall present them for payment according to their tenor, 15870
and shall collect the moneys payable thereon. The moneys so 15871
collected shall be treated as public moneys subject to sections 15872

135.01 to 135.21 of the Revised Code. 15873

(G) The treasurer of state and any entity issuing 15874
obligations referred to in division (A)(13) of this section, 15875
which obligations mature within one year from the original date 15876
of issuance, may enter into an agreement providing for: 15877

(1) The purchase of those obligations by the treasurer of 15878
state on terms and subject to conditions set forth in the 15879
agreement; 15880

(2) The payment to the treasurer of state of a reasonable 15881
fee as consideration for the agreement of the treasurer of state 15882
to purchase those obligations; provided, however, that the 15883
treasurer of state shall not be authorized to enter into any 15884
such agreement with a board of education of a school district 15885
that has an outstanding obligation with respect to a loan 15886
received under authority of section 3313.483 of the Revised 15887
Code. 15888

(H) For purposes of division (G) of this section, a fee 15889
shall not be considered reasonable unless it is set to recover 15890
only the direct costs, a reasonable estimate of the indirect 15891
costs associated with the purchasing of obligations under 15892
division (G) of this section and any reselling of the 15893
obligations or any interest in the obligations, including 15894
interests in a fund comprised of the obligations, and the 15895
administration thereof. No money from the general revenue fund 15896
shall be used to subsidize the purchase or resale of these 15897
obligations. 15898

(I) All money collected by the treasurer of state from the 15899
fee imposed by division (G) of this section shall be deposited 15900
to the credit of the state political subdivision obligations 15901

fund, which is hereby created in the state treasury. Money 15902
credited to the fund shall be used solely to pay the treasurer 15903
of state's direct and indirect costs associated with purchasing 15904
and reselling obligations under division (G) of this section. 15905

(J) As used in this section, "political subdivision" means 15906
a county, township, municipal corporation, school district, or 15907
other body corporate and politic responsible for governmental 15908
activities in a geographic area smaller than that of the state. 15909

(K) (1) The treasurer of state and any entity issuing 15910
obligations referred to in division (A) (14) of this section, 15911
which obligations require a conditional liquidity requirement, 15912
may enter into an agreement providing for the following: 15913

(a) The purchase of the obligations by the treasurer of 15914
state on terms and subject to conditions set forth in the 15915
agreement; 15916

(b) Payment to the treasurer of state of a fee as 15917
consideration for the agreement of the treasurer of state to 15918
purchase the obligations. 15919

(2) The treasurer of state shall not enter into agreements 15920
under division (K) (1) of this section for obligations that, in 15921
the aggregate, exceed ten per cent of the state's total average 15922
portfolio, as determined and calculated by the treasurer of 15923
state. 15924

(3) For purposes of division (A) (14) of this section, an 15925
obligation is rated in the four highest categories by at least 15926
one nationally recognized statistical rating organization if 15927
either the debt interest itself or the obligor of the debt 15928
interest is rated in the four highest categories by at least one 15929
nationally recognized statistical rating organization. 15930

(4) All money collected by the treasurer of state from the fee imposed by division (K) of this section shall be deposited to the credit of the state securities tender program fund, which is hereby created in the state treasury. The amount of income from the state securities tender program credited to the state securities tender program fund shall not exceed one per cent of the average par value of obligations subject to agreements under division (K) (1) of this section. All other such income shall be credited to the general revenue fund. The treasurer of state may use the state securities tender program fund solely for operations of the office of the treasurer of state.

(L) (1) The treasurer of state and a state university or college issuing obligations under section 3345.12 of the Revised Code may enter into an agreement providing for the following:

(a) The purchase of those obligations by the treasurer of state pursuant to division (A) (3) (a) of this section on terms and subject to conditions set forth in the agreement;

(b) The department of higher education to withhold, in the event the state university or college does not pay bond service charges on the obligations when due, appropriated funds allocated to the state university or college in an amount sufficient to pay bond service charges on the obligations, less any amounts deposited for that purpose under the bond proceedings. Upon the request of the treasurer of state, the department of higher education shall promptly pay to the treasurer of state the amounts withheld.

(2) For purposes of division (L) (1) of this section, "obligations," "state university or college," "bond service charges," and "bond proceedings" have the same meanings as in section 3345.12 of the Revised Code.

(M) Unless expressly authorized by the laws of this state, 15961
the treasurer of state shall not do either of the following: 15962

(1) Make an investment decision with the primary purpose 15963
of influencing any environmental, social, personal, or 15964
ideological policy; 15965

(2) Permit any person or entity to which the treasurer of 15966
state delegates the management of the investment of state money 15967
to make investment decisions with state money with the primary 15968
purpose of influencing any environmental, social, personal, or 15969
ideological policy. 15970

Sec. 135.1411. Unless expressly authorized by the laws of 15971
this state, the treasurer or the governing board of a municipal 15972
corporation shall not do either of the following: 15973

(A) Make an investment decision with the primary purpose 15974
of influencing any environmental, social, personal, or 15975
ideological policy; 15976

(B) Permit any person or entity to which the treasurer or 15977
governing board delegates the management of the investment of 15978
public money to make investment decisions with public money with 15979
the primary purpose of influencing any environmental, social, 15980
personal, or ideological policy. 15981

Sec. 135.18. (A) Each institution designated as a public 15982
depository and awarded public deposits under sections 135.01 to 15983
135.21 of the Revised Code, except as provided in section 15984
~~135.144~~ or 135.145 of the Revised Code, shall provide security 15985
for the repayment of all public deposits by selecting one of the 15986
following methods: 15987

(1) Securing all uninsured public deposits of each public 15988
depositor separately as set forth in divisions (B) to (J) of 15989

this section; 15990

(2) Securing all uninsured public deposits of every public 15991
depositor pursuant to section 135.181 or 135.182 of the Revised 15992
Code, as applicable, by establishing and pledging to the 15993
treasurer of state a single pool of collateral for the benefit 15994
of every public depositor at the public depository. 15995

(B) If a public depository elects to provide security 15996
pursuant to division (A)(1) of this section, the public 15997
depository shall pledge to the public depositor, as security for 15998
the repayment of all public moneys deposited in the public 15999
depository during the period of designation pursuant to an award 16000
made under sections 135.01 to 135.21 of the Revised Code, 16001
eligible securities of aggregate market value at all times equal 16002
to at least one hundred five per cent of the total amount of the 16003
public depositor's uninsured public deposits. 16004

(C) In order for a public depository to receive public 16005
moneys under this section, the public depository and the public 16006
depositor shall first execute an agreement that sets forth the 16007
entire arrangement among the parties and that meets the 16008
requirements described in 12 U.S.C. 1823(e). In addition, the 16009
agreement shall authorize the public depositor to obtain control 16010
of the collateral pursuant to division (D) of section 1308.24 of 16011
the Revised Code. 16012

(D) The following securities or other obligations shall be 16013
eligible for the purposes of this section: 16014

(1) Bonds, notes, or other obligations of the United 16015
States; or bonds, notes, or other obligations guaranteed as to 16016
principal and interest by the United States or those for which 16017
the faith of the United States is pledged for the payment of 16018

principal and interest thereon, by language appearing in the 16019
instrument specifically providing such guarantee or pledge and 16020
not merely by interpretation or otherwise; 16021

(2) Bonds, notes, debentures, letters of credit, or other 16022
obligations or securities issued by any federal government 16023
agency or instrumentality, or the export-import bank of 16024
Washington; bonds, notes, or other obligations guaranteed as to 16025
principal and interest by the United States or those for which 16026
the faith of the United States is pledged for the payment of 16027
principal and interest thereon, by interpretation or otherwise 16028
and not by language appearing in the instrument specifically 16029
providing such guarantee or pledge; 16030

(3) Obligations of or fully insured or fully guaranteed by 16031
the United States or any federal government agency or 16032
instrumentality; 16033

(4) Obligations partially insured or partially guaranteed 16034
by any federal agency or instrumentality; 16035

(5) Obligations of or fully guaranteed by the federal 16036
national mortgage association, federal home loan mortgage 16037
corporation, federal farm credit bank, or student loan marketing 16038
association; 16039

(6) Bonds and other obligations of this state; 16040

(7) Bonds and other obligations of any county, township, 16041
school district, municipal corporation, or other legally 16042
constituted taxing subdivision of this state, which is not at 16043
the time of such deposit, in default in the payment of principal 16044
or interest on any of its bonds or other obligations, for which 16045
the full faith and credit of the issuing subdivision is pledged; 16046

(8) Bonds of other states of the United States which have 16047

not during the ten years immediately preceding the time of such 16048
deposit defaulted in payments of either interest or principal on 16049
any of their bonds; 16050

(9) Shares of no-load money market mutual funds consisting 16051
exclusively of obligations described in division (D) (1) or (2) 16052
of this section and repurchase agreements secured by such 16053
obligations; 16054

(10) A surety bond issued by a corporate surety licensed 16055
by the state and authorized to issue surety bonds in this state 16056
pursuant to Chapter 3929. of the Revised Code, and qualified to 16057
provide surety bonds to the federal government pursuant to 96 16058
Stat. 1047 (1982), 31 U.S.C.A. 9304; 16059

(11) Bonds or other obligations of any county, municipal 16060
corporation, or other legally constituted taxing subdivision of 16061
another state of the United States, or of any instrumentality of 16062
such county, municipal corporation, or other taxing subdivision, 16063
for which the full faith and credit of the issuer is pledged 16064
and, at the time of purchase of the bonds or other obligations, 16065
rated in one of the two highest categories by at least one 16066
nationally recognized statistical rating organization. 16067

(E) An institution designated as a public depository shall 16068
designate a qualified trustee and place the eligible securities 16069
required by division (D) of this section with the trustee for 16070
safekeeping. The trustee shall hold the eligible securities in 16071
an account indicating the public depositor's security interest 16072
in the securities. The trustee shall report to the public 16073
depositor information relating to the securities pledged to 16074
secure the public deposits in the manner and frequency required 16075
by the public depositor. 16076

(F) The qualified trustee shall enter into a custodial 16077
agreement with the public depositor and public depository in 16078
which the trustee agrees to comply with entitlement orders 16079
originated by the public depositor without further consent by 16080
the public depository or, in the case of collateral held by the 16081
public depository in an account at a federal reserve bank, the 16082
public depositor shall have the public depositor's security 16083
interest marked on the books of the federal reserve bank where 16084
the account for the collateral is maintained. If the public 16085
depository fails to pay over any part of the public deposits 16086
made by the public depositor therein as provided by law, the 16087
public depositor shall give written notice of this failure to 16088
the qualified trustee holding the securities pledged against its 16089
public deposits and, at the same time, shall send a copy of this 16090
notice to the public depository. Upon receipt of this notice, 16091
the trustee shall transfer to the public depositor for sale, the 16092
securities that are necessary to produce an amount equal to the 16093
public deposits made by the public depositor and not paid over, 16094
less the portion of the deposits covered by any federal deposit 16095
insurance, plus any accrued interest due on the deposits. The 16096
public depositor shall sell any of the bonds or other securities 16097
so transferred. When a sale of bonds or other securities has 16098
been so made and upon payment to the public depositor of the 16099
purchase money, the public depositor shall transfer such bonds 16100
or securities whereupon the absolute ownership of such bonds or 16101
securities shall pass to the purchasers. Any surplus after 16102
deducting the amount due the public depositor and expenses of 16103
sale shall be paid to the public depository. 16104

(G) When the public depository has placed eligible 16105
securities described in division (D)(1) of this section with a 16106
trustee for safekeeping, the public depository may at any time 16107

substitute or exchange eligible securities described in division 16108
(D) (1) of this section having a current market value equal to or 16109
greater than the current market value of the securities then on 16110
deposit and for which they are to be substituted or exchanged, 16111
without specific authorization from any public depositor's 16112
governing board, boards, or treasurer of any such substitution 16113
or exchange. 16114

(H) When the public depository has placed eligible 16115
securities described in divisions (D) (2) to (9) of this section 16116
with a trustee for safekeeping, the public depository may at any 16117
time substitute or exchange eligible securities having a current 16118
market value equal to or greater than the current market value 16119
of the securities then on deposit and for which they are to be 16120
substituted or exchanged without specific authorization of any 16121
public depositor's governing board, boards, or treasurer of any 16122
such substitution or exchange only if one of the following 16123
applies: 16124

(1) The public depositor has authorized the public 16125
depository to make such substitution or exchange on a continuing 16126
basis during a specified period without prior approval of each 16127
substitution or exchange. The authorization may be effected by 16128
the public depositor sending to the trustee a written notice 16129
stating that substitution may be effected on a continuing basis 16130
during a specified period which shall not extend beyond the end 16131
of the period of designation during which the notice is given. 16132
The trustee may rely upon this notice and upon the period of 16133
authorization stated therein and upon the period of designation 16134
stated therein. 16135

(2) The public depository notifies the public depositor 16136
and the trustee of an intended substitution or exchange, and the 16137

public depositor does not object to the trustee as to the 16138
eligibility or market value of the securities being substituted 16139
within three business days after the date appearing on the 16140
notice of proposed substitution. The notice to the public 16141
depositor and to the trustee shall be given in writing and 16142
delivered electronically. The trustee may assume in any case 16143
that the notice has been delivered to the public depositor. In 16144
order for objections of the public depositor to be effective, 16145
receipt of the objections must be acknowledged in writing by the 16146
trustee. 16147

(3) The public depositor gives written authorization for a 16148
substitution or exchange of specific securities. 16149

(I) The public depository shall notify any public 16150
depositor of any substitution or exchange under division (H) (1) 16151
or (2) of this section. 16152

(J) Any federal reserve bank or branch thereof located in 16153
this state or federal home loan bank, without compliance with 16154
Chapter 1111. of the Revised Code and without becoming subject 16155
to any other law of this state relative to the exercise by 16156
corporations of trust powers generally, is qualified to act as 16157
trustee for the safekeeping of securities, under this section. 16158
Any institution mentioned in section 135.03 or 135.32 of the 16159
Revised Code that holds a certificate of qualification issued by 16160
the superintendent of financial institutions or any institution 16161
complying with sections 1111.04, 1111.05, and 1111.06 of the 16162
Revised Code, is qualified to act as trustee for the safekeeping 16163
of securities under this section, other than those belonging to 16164
itself or to an affiliate as defined in section 1101.01 of the 16165
Revised Code. 16166

Notwithstanding the fact that a public depository is 16167

required to pledge eligible securities in certain amounts to 16168
secure deposits of public moneys, a trustee has no duty or 16169
obligation to determine the eligibility, market value, or face 16170
value of any securities deposited with the trustee by a public 16171
depository. This applies in all situations including, without 16172
limitation, a substitution or exchange of securities. 16173

Any charges or compensation of a designated trustee for 16174
acting as such under this section shall be paid by the public 16175
depository and in no event shall be chargeable to the state or 16176
the subdivision or to any officer of the state or subdivision. 16177
The charges or compensation shall not be a lien or charge upon 16178
the securities deposited for safekeeping prior or superior to 16179
the rights to and interests in the securities of the public 16180
depositor. The treasurer and the treasurer's bonders or surety 16181
shall be relieved from any liability to the public depositor or 16182
to the public depository for the loss or destruction of any 16183
securities deposited with a qualified trustee pursuant to this 16184
section. 16185

Sec. 135.35. (A) The investing authority shall deposit or 16186
invest any part or all of the county's inactive moneys and shall 16187
invest all of the money in the county public library fund when 16188
required by section 135.352 of the Revised Code. The following 16189
classifications of securities and obligations are eligible for 16190
such deposit or investment: 16191

(1) United States treasury bills, notes, bonds, or any 16192
other obligation or security issued by the United States 16193
treasury, any other obligation guaranteed as to principal or 16194
interest by the United States, or any book entry, zero-coupon 16195
United States treasury security that is a direct obligation of 16196
the United States. 16197

Nothing in the classification of eligible securities and 16198
obligations set forth in divisions (A) (2) to (10) of this 16199
section shall be construed to authorize any investment in 16200
stripped principal or interest obligations of such eligible 16201
securities and obligations. 16202

(2) Bonds, notes, debentures, or any other obligations or 16203
securities issued by any federal government agency or 16204
instrumentality, including, but not limited to, the federal 16205
national mortgage association, federal home loan bank, federal 16206
farm credit bank, federal home loan mortgage corporation, and 16207
government national mortgage association. All federal agency 16208
securities shall be direct issuances of federal government 16209
agencies or instrumentalities. 16210

(3) Time certificates of deposit or savings or deposit 16211
accounts, including, but not limited to, passbook accounts, in 16212
any eligible institution mentioned in section 135.32 of the 16213
Revised Code; 16214

(4) Bonds and other obligations of this state or the 16215
political subdivisions of this state, provided the bonds or 16216
other obligations of political subdivisions mature within ten 16217
years from the date of settlement; 16218

(5) No-load money market mutual funds rated in the highest 16219
category at the time of purchase by at least one nationally 16220
recognized statistical rating organization or consisting 16221
exclusively of obligations described in division (A) (1), (2), or 16222
(6) of section 135.143 of the Revised Code and repurchase 16223
agreements secured by such obligations, provided that 16224
investments in securities described in this division are made 16225
only through eligible institutions mentioned in section 135.32 16226
of the Revised Code; 16227

(6) The Ohio subdivision's fund as provided in section 16228
135.45 of the Revised Code; 16229

(7) Securities lending agreements with any eligible 16230
institution mentioned in section 135.32 of the Revised Code that 16231
is a member of the federal reserve system or federal home loan 16232
bank or with any recognized United States government securities 16233
dealer meeting the description in division (J) (1) of this 16234
section, under the terms of which agreements the investing 16235
authority lends securities and the eligible institution or 16236
dealer agrees to simultaneously exchange similar securities or 16237
cash, equal value for equal value. 16238

Securities and cash received as collateral for a 16239
securities lending agreement are not inactive moneys of the 16240
county or moneys of a county public library fund. The investment 16241
of cash collateral received pursuant to a securities lending 16242
agreement may be invested only in instruments specified by the 16243
investing authority in the written investment policy described 16244
in division (K) of this section. 16245

(8) Up to forty per cent of the county's total average 16246
portfolio in either of the following investments: 16247

(a) Commercial paper notes issued by an entity that is 16248
defined in ~~division (D) of section 1705.01 or division (E) (K)~~ 16249
of section 1706.01 of the Revised Code and that has assets 16250
exceeding five hundred million dollars, to which notes all of 16251
the following apply: 16252

(i) The notes are rated at the time of purchase in the 16253
highest classification established by at least two nationally 16254
recognized statistical rating organizations. 16255

(ii) The aggregate value of the notes does not exceed ten 16256

per cent of the aggregate value of the outstanding commercial 16257
paper of the issuing corporation. 16258

(iii) The notes mature not later than two hundred seventy 16259
days after purchase. 16260

(iv) The investment in commercial paper notes of a single 16261
issuer shall not exceed in the aggregate five per cent of 16262
interim moneys available for investment at the time of purchase. 16263

(b) Bankers acceptances of banks that are insured by the 16264
federal deposit insurance corporation and that mature not later 16265
than one hundred eighty days after purchase. 16266

No investment shall be made pursuant to division (A) (8) of 16267
this section unless the investing authority has completed 16268
additional training for making the investments authorized by 16269
division (A) (8) of this section. The type and amount of 16270
additional training shall be approved by the treasurer of state 16271
and may be conducted by or provided under the supervision of the 16272
treasurer of state. 16273

(9) Up to fifteen per cent of the county's total average 16274
portfolio in notes issued by corporations that are incorporated 16275
under the laws of the United States and that are operating 16276
within the United States, or by depository institutions that are 16277
doing business under authority granted by the United States or 16278
any state and that are operating within the United States, 16279
provided both of the following apply: 16280

(a) The notes are rated in the three highest categories by 16281
at least two nationally recognized statistical rating 16282
organizations at the time of purchase. 16283

(b) The notes mature not later than three years after 16284
purchase. 16285

(10) Debt interests rated at the time of purchase in the 16286
three highest categories by two nationally recognized 16287
statistical rating organizations and issued by foreign nations 16288
diplomatically recognized by the United States government. All 16289
interest and principal shall be denominated and payable in 16290
United States funds. The investments made under division (A) (10) 16291
of this section shall not exceed in the aggregate two per cent 16292
of a county's total average portfolio. 16293

The investing authority shall invest under division (A) 16294
(10) of this section in a debt interest issued by a foreign 16295
nation only if the debt interest is backed by the full faith and 16296
credit of that foreign nation, there is no prior history of 16297
default, and the debt interest matures not later than five years 16298
after purchase. For purposes of division (A) (10) of this 16299
section, a debt interest is rated in the three highest 16300
categories by two nationally recognized statistical rating 16301
organizations if either the debt interest itself or the issuer 16302
of the debt interest is rated, or is implicitly rated, at the 16303
time of purchase in the three highest categories by two 16304
nationally recognized statistical rating organizations. 16305

(11) A current unpaid or delinquent tax line of credit 16306
authorized under division (G) of section 135.341 of the Revised 16307
Code, provided that all of the conditions for entering into such 16308
a line of credit under that division are satisfied, or bonds and 16309
other obligations of a county land reutilization corporation 16310
organized under Chapter 1724. of the Revised Code, if the county 16311
land reutilization corporation is located wholly or partly 16312
within the same county as the investing authority. 16313

(B) Nothing in the classifications of eligible obligations 16314
and securities set forth in divisions (A) (1) to (10) of this 16315

section shall be construed to authorize investment in a 16316
derivative, and no investing authority shall invest any county 16317
inactive moneys or any moneys in a county public library fund in 16318
a derivative. For purposes of this division, "derivative" means 16319
a financial instrument or contract or obligation whose value or 16320
return is based upon or linked to another asset or index, or 16321
both, separate from the financial instrument, contract, or 16322
obligation itself. Any security, obligation, trust account, or 16323
other instrument that is created from an issue of the United 16324
States treasury or is created from an obligation of a federal 16325
agency or instrumentality or is created from both is considered 16326
a derivative instrument. An eligible investment described in 16327
this section with a variable interest rate payment, based upon a 16328
single interest payment or single index comprised of other 16329
eligible investments provided for in division (A)(1) or (2) of 16330
this section, is not a derivative, provided that such variable 16331
rate investment has a maximum maturity of two years. A treasury 16332
inflation-protected security shall not be considered a 16333
derivative, provided the security matures not later than five 16334
years after purchase. 16335

(C) Except as provided in division (A)(4) or (D) of this 16336
section, any investment made pursuant to this section must 16337
mature within five years from the date of settlement, unless the 16338
investment is matched to a specific obligation or debt of the 16339
county or to a specific obligation or debt of a political 16340
subdivision of this state, and the investment is specifically 16341
approved by the investment advisory committee. 16342

(D) The investing authority may also enter into a written 16343
repurchase agreement with any eligible institution mentioned in 16344
section 135.32 of the Revised Code or any eligible securities 16345
dealer pursuant to division (J) of this section, under the terms 16346

of which agreement the investing authority purchases and the 16347
eligible institution or dealer agrees unconditionally to 16348
repurchase any of the securities listed in divisions (D) (1) to 16349
(5), except letters of credit described in division (D) (2), of 16350
section 135.18 of the Revised Code. The market value of 16351
securities subject to an overnight written repurchase agreement 16352
must exceed the principal value of the overnight written 16353
repurchase agreement by at least two per cent. A written 16354
repurchase agreement must exceed the principal value of the 16355
overnight written repurchase agreement, by at least two per 16356
cent. A written repurchase agreement shall not exceed thirty 16357
days, and the market value of securities subject to a written 16358
repurchase agreement must exceed the principal value of the 16359
written repurchase agreement by at least two per cent and be 16360
marked to market daily. All securities purchased pursuant to 16361
this division shall be delivered into the custody of the 16362
investing authority or the qualified custodian of the investing 16363
authority or an agent designated by the investing authority. A 16364
written repurchase agreement with an eligible securities dealer 16365
shall be transacted on a delivery versus payment basis. The 16366
agreement shall contain the requirement that for each 16367
transaction pursuant to the agreement the participating 16368
institution shall provide all of the following information: 16369

(1) The par value of the securities; 16370

(2) The type, rate, and maturity date of the securities; 16371

(3) A numerical identifier generally accepted in the 16372
securities industry that designates the securities. 16373

No investing authority shall enter into a written 16374
repurchase agreement under the terms of which the investing 16375
authority agrees to sell securities owned by the county to a 16376

purchaser and agrees with that purchaser to unconditionally 16377
repurchase those securities. 16378

(E) No investing authority shall make an investment under 16379
this section, unless the investing authority, at the time of 16380
making the investment, reasonably expects that the investment 16381
can be held until its maturity. The investing authority's 16382
written investment policy shall specify the conditions under 16383
which an investment may be redeemed or sold prior to maturity. 16384

(F) No investing authority shall pay a county's inactive 16385
moneys or moneys of a county public library fund into a fund 16386
established by another subdivision, treasurer, governing board, 16387
or investing authority, if that fund was established by the 16388
subdivision, treasurer, governing board, or investing authority 16389
for the purpose of investing or depositing the public moneys of 16390
other subdivisions. This division does not apply to the payment 16391
of public moneys into either of the following: 16392

(1) The Ohio subdivision's fund pursuant to division (A) 16393
(6) of this section; 16394

(2) A fund created solely for the purpose of acquiring, 16395
constructing, owning, leasing, or operating municipal utilities 16396
pursuant to the authority provided under section 715.02 of the 16397
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 16398

For purposes of division (F) of this section, 16399
"subdivision" includes a county. 16400

(G) The use of leverage, in which the county uses its 16401
current investment assets as collateral for the purpose of 16402
purchasing other assets, is prohibited. The issuance of taxable 16403
notes for the purpose of arbitrage is prohibited. Contracting to 16404
sell securities not owned by the county, for the purpose of 16405

purchasing such securities on the speculation that bond prices 16406
will decline, is prohibited. 16407

(H) Any securities, certificates of deposit, deposit 16408
accounts, or any other documents evidencing deposits or 16409
investments made under authority of this section shall be issued 16410
in the name of the county with the county treasurer or investing 16411
authority as the designated payee. If any such deposits or 16412
investments are registrable either as to principal or interest, 16413
or both, they shall be registered in the name of the treasurer. 16414

(I) The investing authority shall be responsible for the 16415
safekeeping of all documents evidencing a deposit or investment 16416
acquired under this section, including, but not limited to, 16417
safekeeping receipts evidencing securities deposited with a 16418
qualified trustee, as provided in section 135.37 of the Revised 16419
Code, and documents confirming the purchase of securities under 16420
any repurchase agreement under this section shall be deposited 16421
with a qualified trustee, provided, however, that the qualified 16422
trustee shall be required to report to the investing authority, 16423
auditor of state, or an authorized outside auditor at any time 16424
upon request as to the identity, market value, and location of 16425
the document evidencing each security, and that if the 16426
participating institution is a designated depository of the 16427
county for the current period of designation, the securities 16428
that are the subject of the repurchase agreement may be 16429
delivered to the treasurer or held in trust by the participating 16430
institution on behalf of the investing authority. 16431

Upon the expiration of the term of office of an investing 16432
authority or in the event of a vacancy in the office for any 16433
reason, the officer or the officer's legal representative shall 16434
transfer and deliver to the officer's successor all documents 16435

mentioned in this division for which the officer has been 16436
responsible for safekeeping. For all such documents transferred 16437
and delivered, the officer shall be credited with, and the 16438
officer's successor shall be charged with, the amount of moneys 16439
evidenced by such documents. 16440

(J) (1) All investments, except for investments in 16441
securities described in divisions (A) (5), (6), and (11) of this 16442
section, shall be made only through a member of the financial 16443
industry regulatory authority (FINRA), through a bank, savings 16444
bank, or savings and loan association regulated by the 16445
superintendent of financial institutions, or through an 16446
institution regulated by the comptroller of the currency, 16447
federal deposit insurance corporation, or board of governors of 16448
the federal reserve system. 16449

(2) Payment for investments shall be made only upon the 16450
delivery of securities representing such investments to the 16451
treasurer, investing authority, or qualified trustee. If the 16452
securities transferred are not represented by a certificate, 16453
payment shall be made only upon receipt of confirmation of 16454
transfer from the custodian by the treasurer, governing board, 16455
or qualified trustee. 16456

(K) (1) Except as otherwise provided in division (K) (2) of 16457
this section, no investing authority shall make an investment or 16458
deposit under this section, unless there is on file with the 16459
auditor of state a written investment policy approved by the 16460
investing authority. The policy shall require that all entities 16461
conducting investment business with the investing authority 16462
shall sign the investment policy of that investing authority. 16463
All brokers, dealers, and financial institutions, described in 16464
division (J) (1) of this section, initiating transactions with 16465

the investing authority by giving advice or making investment 16466
recommendations shall sign the investing authority's investment 16467
policy thereby acknowledging their agreement to abide by the 16468
policy's contents. All brokers, dealers, and financial 16469
institutions, described in division (J) (1) of this section, 16470
executing transactions initiated by the investing authority, 16471
having read the policy's contents, shall sign the investment 16472
policy thereby acknowledging their comprehension and receipt. 16473

(2) If a written investment policy described in division 16474
(K) (1) of this section is not filed on behalf of the county with 16475
the auditor of state, the investing authority of that county 16476
shall invest the county's inactive moneys and moneys of the 16477
county public library fund only in time certificates of deposits 16478
or savings or deposit accounts pursuant to division (A) (3) of 16479
this section, no-load money market mutual funds pursuant to 16480
division (A) (5) of this section, or the Ohio subdivision's fund 16481
pursuant to division (A) (6) of this section. 16482

(L) (1) The investing authority shall establish and 16483
maintain an inventory of all obligations and securities acquired 16484
by the investing authority pursuant to this section. The 16485
inventory shall include a description of each obligation or 16486
security, including type, cost, par value, maturity date, 16487
settlement date, and any coupon rate. 16488

(2) The investing authority shall also keep a complete 16489
record of all purchases and sales of the obligations and 16490
securities made pursuant to this section. 16491

(3) The investing authority shall maintain a monthly 16492
portfolio report and issue a copy of the monthly portfolio 16493
report describing such investments to the county investment 16494
advisory committee, detailing the current inventory of all 16495

obligations and securities, all transactions during the month 16496
that affected the inventory, any income received from the 16497
obligations and securities, and any investment expenses paid, 16498
and stating the names of any persons effecting transactions on 16499
behalf of the investing authority. 16500

(4) The monthly portfolio report shall be a public record 16501
and available for inspection under section 149.43 of the Revised 16502
Code. 16503

(5) The inventory and the monthly portfolio report shall 16504
be filed with the board of county commissioners. The monthly 16505
portfolio report also shall be filed with the treasurer of 16506
state. 16507

(M) An investing authority may enter into a written 16508
investment or deposit agreement that includes a provision under 16509
which the parties agree to submit to nonbinding arbitration to 16510
settle any controversy that may arise out of the agreement, 16511
including any controversy pertaining to losses of public moneys 16512
resulting from investment or deposit. The arbitration provision 16513
shall be set forth entirely in the agreement, and the agreement 16514
shall include a conspicuous notice to the parties that any party 16515
to the arbitration may apply to the court of common pleas of the 16516
county in which the arbitration was held for an order to vacate, 16517
modify, or correct the award. Any such party may also apply to 16518
the court for an order to change venue to a court of common 16519
pleas located more than one hundred miles from the county in 16520
which the investing authority is located. 16521

For purposes of this division, "investment or deposit 16522
agreement" means any agreement between an investing authority 16523
and a person, under which agreement the person agrees to invest, 16524
deposit, or otherwise manage, on behalf of the investing 16525

authority, a county's inactive moneys or moneys in a county 16526
public library fund, or agrees to provide investment advice to 16527
the investing authority. 16528

(N) (1) An investment held in the county portfolio on 16529
September 27, 1996, that was a legal investment under the law as 16530
it existed before September 27, 1996, may be held until 16531
maturity. 16532

(2) An investment held in the county portfolio on 16533
September 10, 2012, that was a legal investment under the law as 16534
it existed before September 10, 2012, may be held until 16535
maturity. 16536

(O) Unless expressly authorized by the laws of this state, 16537
an investing authority shall not do either of the following: 16538

(1) Make an investment decision with the primary purpose 16539
of influencing any environmental, social, personal, or 16540
ideological policy; 16541

(2) Permit any person or entity to which the investing 16542
authority delegates the management of the investment of public 16543
money to make investment decisions with public money with the 16544
primary purpose of influencing any environmental, social, 16545
personal, or ideological policy. 16546

Sec. 135.70. As used in sections 135.70 to 135.71 of the 16547
Revised Code: 16548

(A) "Closing costs" means a disbursement listed on a 16549
closing disclosure for the purchase of a home by an eligible 16550
participant. 16551

(B) "Closing disclosure" means the statement of receipts 16552
and disbursements for a transaction related to real estate, 16553

including a statement prescribed under the Real Estate 16554
Settlement Procedures Act of 1974, 12 U.S.C. 2601 et seq., as 16555
amended, and the regulations thereunder. 16556

(C) "Discount interest rate" means an interest rate below 16557
the prevailing interest rate that the treasurer of state 16558
determines eligible savings institutions are willing to pay to 16559
hold linked deposits. 16560

(D) "Eligible credit union" has the same meaning as in 16561
section 135.62 of the Revised Code. 16562

(E) "Eligible expenses" has the same meaning as in section 16563
5747.85 of the Revised Code. 16564

(F) "Eligible home costs" means the down payment, eligible 16565
expenses, and closing costs for the purchase of a home by an 16566
eligible participant, ~~or~~ the transfer of funds from one 16567
homeownership savings account to another homeownership savings 16568
account belonging to the eligible participant at a different 16569
eligible savings institution, or the withdrawal of funds from a 16570
homeownership savings account that are redeposited into the same 16571
or another homeownership savings account belonging to the 16572
eligible participant within ninety days of the initial 16573
withdrawal. 16574

(G) "Eligible participant" means an individual who has met 16575
all of the requirements necessary to participate in the specific 16576
linked deposit program for which they have applied. 16577

(H) "Eligible program costs" means costs corresponding to 16578
the purpose of the eligible linked deposit program. 16579

(I) "Eligible savings institution" means a financial 16580
institution that: 16581

(1) Offers accounts to residents of this state to save for 16582
the purposes related to the applicable linked deposit program; 16583

(2) Agrees to participate in the applicable linked deposit 16584
program; 16585

(3) Is a public depository of state funds, or an eligible 16586
credit union designated under division (A) of section 135.12 of 16587
the Revised Code. 16588

(J) "Home" means "primary residence" as defined by section 16589
5747.85 of the Revised Code. 16590

(K) "Homeownership savings account" means a linked deposit 16591
savings account opened exclusively for the purpose of paying 16592
eligible home costs and in compliance with the requirements of 16593
section 135.71 of the Revised Code. 16594

(L) "Linked deposit" means a certificate of deposit, share 16595
certificate, other financial institution instrument, or portion 16596
of an existing deposit of interim funds made in accordance with 16597
section 135.09 of the Revised Code that is placed, purchased, or 16598
designated by the treasurer of state with an eligible savings 16599
institution; provided the institution agrees to pay the premium 16600
savings rate to approved eligible participants, in accordance 16601
with the deposit agreement required by section 135.703 of the 16602
Revised Code. 16603

(M) "Linked deposit program" means a program authorized 16604
under section 135.61 and sections 135.70 to 135.71 of the 16605
Revised Code and established by the treasurer of state pursuant 16606
to those sections. 16607

(N) "Linked deposit savings account" means an interest- 16608
bearing account that is opened by an eligible participant at an 16609
eligible savings institution exclusively for the purpose of the 16610

applicable linked deposit program. 16611

(O) "Other financial institution instrument" means a 16612
product that otherwise would pay the prevailing interest rate 16613
approved by the treasurer of state, for the purpose of providing 16614
eligible participants with the benefits of the applicable linked 16615
deposit program, and in accordance with the deposit agreement 16616
under section 135.703 of the Revised Code. 16617

(P) "Premium savings rate" means a rate, established under 16618
section 135.704 of the Revised Code, that reflects the 16619
percentage rate increase above the present savings rate, as 16620
determined by the eligible savings institution, applicable to 16621
each eligible participant. 16622

(Q) "Prevailing interest rate" means a current market 16623
interest rate selected by the treasurer of state that eligible 16624
savings institutions are willing to pay to hold deposits of the 16625
treasurer of state. 16626

(R) "Program period" means five years from the date the 16627
eligible participant opens a linked deposit savings account with 16628
the eligible savings institution. 16629

(S) "Treasurer of state's assessment rate" has the same 16630
meaning as in section 135.62 of the Revised Code. 16631

Sec. 135.71. (A) The general assembly finds that making 16632
homeownership more attainable is an important part of fostering 16633
a robust and lasting population across the state. However, 16634
individuals often struggle to accumulate the financial resources 16635
needed to purchase a home. Accordingly, it is declared to be the 16636
public policy of the state through the homeownership savings 16637
linked deposit program to make available premium rate savings 16638
accounts for the down payment and closing costs associated with 16639

the purchase of a home. 16640

(B) An eligible participant for the homeownership savings 16641
linked deposit program is an individual who is a resident of 16642
this state, or a member of the uniformed services, on active 16643
duty assignment, who is a resident of this state via a residency 16644
or domicile election in accordance with 50 U.S.C. 4001, and has 16645
applied for a homeownership savings account at an eligible 16646
savings institution. A member of the uniformed services, who is 16647
an eligible participant, may apply for a homeownership savings 16648
account at an eligible savings institution on or after the date 16649
affixed to the permanent change of station orders. As used in 16650
this division, "active duty" and "uniformed services" have the 16651
meanings defined in 10 U.S.C. 101. 16652

(C) An eligible participant shall certify on the 16653
application that the funds in the homeownership savings account 16654
shall be used exclusively for eligible home costs. 16655

(D) A homeownership savings account shall be owned by not 16656
more than one eligible participant and an eligible participant 16657
shall hold not more than one homeownership savings account per 16658
program period at any eligible savings institution. 16659

(E) The treasurer of state shall report to the tax 16660
commissioner any information in the treasurer of state's 16661
possession deemed necessary by the tax commissioner to properly 16662
administer section 5747.85 of the Revised Code. 16663

(F) Not later than January 31, 2027, the treasurer of 16664
state and the tax commissioner shall issue a report regarding 16665
the efficacy of the homeownership savings linked deposit 16666
program. The report shall include all of the following: 16667

(1) The number of homeownership savings accounts created; 16668

(2) The number of participating eligible savings 16669
institutions; 16670

(3) The total amount contributed into the accounts; 16671

(4) The average ~~yield~~ premium savings rate paid on the 16672
accounts; 16673

(5) Any other information the treasurer of state or tax 16674
commissioner deems relevant. 16675

The report shall be delivered to the governor, the speaker 16676
of the house of representatives, and the president of the 16677
senate. 16678

Sec. 141.04. (A) The annual salaries of the chief justice 16679
of the supreme court and of the justices and judges named in 16680
this section payable from the state treasury are as follows: 16681

(1) For the chief justice of the supreme court, the 16682
following amounts effective in the following years: 16683

(a) Beginning January 1, 2018, one hundred seventy-four 16684
thousand seven hundred dollars; 16685

(b) Beginning January 1, 2019, one hundred eighty-three 16686
thousand four hundred fifty dollars; 16687

(c) Beginning January 1, 2020, and in each calendar year 16688
thereafter through calendar year ~~2028~~ 2025 beginning on the 16689
first day of January, the annual compensation amount shall be 16690
increased by one and three-quarters per cent; 16691

(d) Beginning January 1, 2026, and in each calendar year 16692
thereafter through calendar year 2029 beginning on the first day 16693
of January, the annual compensation amount shall be increased by 16694
five per cent. 16695

(2) For the justices of the supreme court, the following 16696
amounts effective in the following years: 16697

(a) Beginning January 1, 2018, one hundred sixty-four 16698
thousand dollars; 16699

(b) Beginning January 1, 2019, one hundred seventy-two 16700
thousand two hundred dollars; 16701

(c) Beginning January 1, 2020, and in each calendar year 16702
thereafter through calendar year ~~2028~~2025 beginning on the 16703
first day of January, the annual compensation amount shall be 16704
increased by one and three-quarters per cent; 16705

(d) Beginning January 1, 2026, and in each calendar year 16706
thereafter through calendar year 2029 beginning on the first day 16707
of January, the annual compensation amount shall be increased by 16708
five per cent. 16709

(3) For the judges of the courts of appeals, the following 16710
amounts effective in the following years: 16711

(a) Beginning January 1, 2018, one hundred fifty-two 16712
thousand eight hundred fifty dollars; 16713

(b) Beginning January 1, 2019, one hundred sixty thousand 16714
five hundred dollars; 16715

(c) Beginning January 1, 2020, and in each calendar year 16716
thereafter through calendar year ~~2028~~2025 beginning on the 16717
first day of January, the annual compensation amount shall be 16718
increased by one and three-quarters per cent; 16719

(d) Beginning January 1, 2026, and in each calendar year 16720
thereafter through calendar year 2029 beginning on the first day 16721
of January, the annual compensation amount shall be increased by 16722
five per cent. 16723

(4) For the judges of the courts of common pleas, the following amounts effective in the following years, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code:

(a) Beginning January 1, 2018, one hundred forty thousand five hundred fifty dollars;

(b) Beginning January 1, 2019, one hundred forty-seven thousand six hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year ~~2028~~2025 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent;

(d) Beginning January 1, 2026, and in each calendar year thereafter through calendar year 2029 beginning on the first day of January, the annual compensation amount shall be increased by five per cent.

(5) For the full-time judges of a municipal court or the part-time judges of a municipal court of a territory having a population of more than fifty thousand, the following amounts effective in the following years, reduced by an amount equal to the annual compensation paid to that judge pursuant to division (B) (1) (a) of section 1901.11 of the Revised Code from municipal corporations and counties:

(a) Beginning January 1, 2018, one hundred thirty-two thousand one hundred fifty dollars;

(b) Beginning January 1, 2019, one hundred thirty-eight thousand eight hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year 16752
thereafter through calendar year ~~2028~~2025 beginning on the 16753
first day of January, the annual compensation amount shall be 16754
increased by one and three-quarters per cent; 16755

(d) Beginning January 1, 2026, and in each calendar year 16756
thereafter through calendar year 2029 beginning on the first day 16757
of January, the annual compensation amount shall be increased by 16758
five per cent. 16759

(6) For judges of a municipal court designated as part- 16760
time judges by section 1901.08 of the Revised Code, other than 16761
part-time judges to whom division (A) (5) of this section 16762
applies, and for judges of a county court, the following amounts 16763
effective in the following years, reduced by an amount equal to 16764
the annual compensation paid to that judge pursuant to division 16765
(A) of section 1901.11 of the Revised Code from municipal 16766
corporations and counties or pursuant to division (A) of section 16767
1907.16 of the Revised Code from counties: 16768

(a) Beginning January 1, 2018, seventy-six thousand fifty 16769
dollars; 16770

(b) Beginning January 1, 2019, seventy-nine thousand nine 16771
hundred dollars; 16772

(c) Beginning January 1, 2020, and in each calendar year 16773
thereafter through calendar year ~~2028~~2025 beginning on the 16774
first day of January, the annual compensation amount shall be 16775
increased by one and three-quarters per cent; 16776

(d) Beginning January 1, 2026, and in each calendar year 16777
thereafter through calendar year 2029 beginning on the first day 16778
of January, the annual compensation amount shall be increased by 16779
five per cent. 16780

(B) Except as provided in sections 1901.122 and 1901.123 16781
of the Revised Code, except as otherwise provided in this 16782
division, and except for the compensation to which the judges 16783
described in division (A) (5) of this section are entitled 16784
pursuant to divisions (B) (1) (a) and (2) of section 1901.11 of 16785
the Revised Code, the annual salary of the chief justice of the 16786
supreme court and of each justice or judge listed in division 16787
(A) of this section shall be paid in equal monthly installments 16788
from the state treasury. If the chief justice of the supreme 16789
court or any justice or judge listed in division (A) (2), (3), or 16790
(4) of this section delivers a written request to be paid 16791
biweekly to the administrative director of the supreme court 16792
prior to the first day of January of any year, the annual salary 16793
of the chief justice or the justice or judge that is listed in 16794
division (A) (2), (3), or (4) of this section shall be paid, 16795
during the year immediately following the year in which the 16796
request is delivered to the administrative director of the 16797
supreme court, biweekly from the state treasury. 16798

(C) Upon the death of the chief justice or a justice of 16799
the supreme court during that person's term of office, an amount 16800
shall be paid in accordance with section 2113.04 of the Revised 16801
Code, or to that person's estate. The amount shall equal the 16802
amount of the salary that the chief justice or justice would 16803
have received during the remainder of the unexpired term or an 16804
amount equal to the salary of office for two years, whichever is 16805
less. 16806

(D) Neither the chief justice of the supreme court nor any 16807
justice or judge of the supreme court, the court of appeals, the 16808
court of common pleas, or the probate court shall hold any other 16809
office of trust or profit under the authority of this state or 16810
the United States. 16811

(E) In addition to the salaries payable pursuant to this 16812
section, the chief justice of the supreme court and the justices 16813
of the supreme court shall be entitled to a vehicle allowance of 16814
five hundred dollars per month, payable from the state treasury. 16815
The allowance shall be increased on the first day of January of 16816
each odd-numbered year by an amount equal to the percentage 16817
increase, if any, in the consumer price index for the 16818
immediately preceding twenty-four month period for which 16819
information is available. 16820

(F) As used in this section: 16821

(1) "Consumer price index" ~~has the same meaning as in~~ 16822
~~section 101.27 of the Revised Code~~ means the consumer price index 16823
prepared by the United States bureau of labor statistics (U.S. 16824
city average for urban wage earners and clerical workers: all 16825
items, 1982-1984=100), or, if that index is no longer published, 16826
a generally available comparable index. 16827

(2) "Salary" does not include any portion of the cost, 16828
premium, or charge for health, medical, hospital, dental, or 16829
surgical benefits, or any combination of those benefits, 16830
covering the chief justice of the supreme court or a justice or 16831
judge named in this section and paid on the chief justice's or 16832
the justice's or judge's behalf by a governmental entity. 16833

Sec. 145.012. (A) "Public employee," as defined in 16834
division (A) of section 145.01 of the Revised Code, does not 16835
include any person: 16836

(1) Who is employed by a private, temporary-help service 16837
and performs services under the direction of a public employer 16838
or is employed on a contractual basis as an independent 16839
contractor under a personal service contract with a public 16840

employer; 16841

(2) Who is an emergency employee serving on a temporary 16842
basis in case of fire, snow, earthquake, flood, or other similar 16843
emergency; 16844

(3) Who is employed in a program established pursuant to 16845
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 16846
U.S.C.A. 1501; 16847

(4) Who is an appointed member of either the motor vehicle 16848
salvage dealers board or the motor vehicle dealer's board whose 16849
rate and method of payment are determined pursuant to division 16850
(J) of section 124.15 of the Revised Code; 16851

(5) Who is ~~employed~~ appointed to serve as an ~~a precinct~~ 16852
~~election worker~~ official under section 3501.22 of the Revised 16853
Code and paid less than six hundred dollars per calendar year 16854
received compensation for that service, except for a under 16855
section 3501.28 of the Revised Code during a calendar year ~~in~~ 16856
~~which more than one primary election and one general election~~ 16857
~~are held, the person is paid six hundred dollars plus an amount~~ 16858
~~not to exceed four hundred dollars for that service;~~ 16859

(6) Who is employed as a firefighter in a position 16860
requiring satisfactory completion of a firefighter training 16861
course approved under former section 3303.07 or section 4765.55 16862
of the Revised Code or conducted under section 3737.33 of the 16863
Revised Code except for the following: 16864

(a) Any firefighter who has elected under section 145.013 16865
of the Revised Code to remain a contributing member of the 16866
public employees retirement system; 16867

(b) Any firefighter who was eligible to transfer from the 16868
public employees retirement system to the Ohio police and fire 16869

pension fund under section 742.51 or 742.515 of the Revised Code 16870
and did not elect to transfer; 16871

(c) Any firefighter who has elected under section 742.516 16872
of the Revised Code to transfer from the Ohio police and fire 16873
pension fund to the public employees retirement system. 16874

(7) Who is a member of the board of health of a city or 16875
general health district, which pursuant to sections 3709.051 and 16876
3709.07 of the Revised Code includes a combined health district, 16877
and whose compensation for attendance at meetings of the board 16878
is set forth in division (B) of section 3709.02 or division (B) 16879
of section 3709.05 of the Revised Code, as appropriate; 16880

(8) Who participates in an alternative retirement plan 16881
established under Chapter 3305. of the Revised Code; 16882

(9) Who is a member of the board of directors of a 16883
sanitary district established under Chapter 6115. of the Revised 16884
Code; 16885

(10) Who is an employee, officer, or governor-appointed 16886
member of the board of directors of the nonprofit corporation 16887
formed under section 187.01 of the Revised Code; 16888

(11) Who is employed by the nonprofit entity established 16889
to provide advocacy services and a client assistance program for 16890
people with disabilities under Section 319.20 of Am. Sub. H.B. 16891
153 of the 129th general assembly and whose employment begins on 16892
or after October 1, 2012. 16893

(B) No inmate of a correctional institution operated by 16894
the department of rehabilitation and correction, no patient in a 16895
hospital for persons with mental illnesses operated by the 16896
department of mental health and addiction services, no resident 16897
in an institution for persons with intellectual disabilities 16898

operated by the department of developmental disabilities, no 16899
resident admitted as a patient of a veterans' home operated 16900
under Chapter 5907. of the Revised Code, and no resident of a 16901
county home shall be considered as a public employee for the 16902
purpose of establishing membership or calculating service credit 16903
or benefits under this chapter. Nothing in this division shall 16904
be construed to affect any service credit attained by any person 16905
who was a public employee before becoming an inmate, patient, or 16906
resident at any institution listed in this division, or the 16907
payment of any benefit for which such a person or such a 16908
person's beneficiaries otherwise would be eligible. 16909

Sec. 145.054. (A) No person shall knowingly fail to file a 16910
complete and accurate campaign finance statement or independent 16911
expenditure statement in accordance with section 145.053 of the 16912
Revised Code. 16913

(B) No person, during the course of a person seeking 16914
nomination for, or during any campaign for, election to the 16915
public employees retirement board, shall knowingly and with 16916
intent to affect the nomination or the outcome of the campaign 16917
do any of the following by means of campaign materials, an 16918
advertisement on radio or television or in a newspaper or 16919
periodical, a public speech, press release, or otherwise: 16920

(1) With regard to a candidate, identify the candidate in 16921
a manner that implies that the candidate is a member of the 16922
board or use the term "re-elect" when the candidate is not 16923
currently a member of the board; 16924

(2) Make a false statement concerning the formal schooling 16925
or training completed or attempted by a candidate; a degree, 16926
diploma, certificate, scholarship, grant, award, prize, or honor 16927
received, earned, or held by a candidate; or the period of time 16928

during which a candidate attended any school, college, community 16929
technical school, or institution; 16930

(3) Make a false statement concerning the professional, 16931
occupational, or vocational licenses held by a candidate, or 16932
concerning any position the candidate held for which the 16933
candidate received a salary or wages; 16934

(4) Make a false statement that a candidate or board 16935
member has been indicted or convicted of a theft offense, 16936
extortion, or other crime involving financial corruption or 16937
moral turpitude; 16938

(5) Make a statement that a candidate has been indicted 16939
for any crime or has been the subject of a finding by the Ohio 16940
elections commission, the secretary of state, or the Ohio 16941
election integrity commission without disclosing the outcome of 16942
any legal proceedings resulting from the indictment or finding; 16943

(6) Make a false statement that a candidate or board 16944
member has a record of treatment or confinement for mental 16945
disorder; 16946

(7) Make a false statement that a candidate or board 16947
member has been subjected to military discipline for criminal 16948
misconduct or dishonorably discharged from the armed services; 16949

(8) Falsely identify the source of a statement, issue 16950
statements under the name of another person without 16951
authorization, or falsely state the endorsement of or opposition 16952
to a candidate by a person or publication; 16953

(9) Make a false statement concerning the voting record of 16954
a candidate or board member; 16955

(10) Post, publish, circulate, distribute, or otherwise 16956

disseminate a false statement concerning a candidate, either 16957
knowing the same to be false or with reckless disregard of 16958
whether it was false or not, if the statement is designed to 16959
promote the election, nomination, or defeat of the candidate. 16960

Sec. 145.055. ~~The secretary of state, or any person acting~~ 16961
~~on personal knowledge and subject to the penalties of perjury,~~ 16962
~~may file a~~ A ~~complaint with the Ohio elections commission~~ 16963
alleging a violation of section 145.054 of the Revised Code may 16964
be filed in accordance with section 3517.16 of the Revised Code. 16965
~~The complaint shall be made on a form prescribed and provided by~~ 16966
~~the commission.~~ 16967

~~On receipt of a complaint under this section, the~~ 16968
~~commission shall hold a hearing open to the public to determine~~ 16969
~~whether the violation alleged in the complaint has occurred. The~~ 16970
~~commission may administer oaths and issue subpoenas to any~~ 16971
~~person in the state compelling the attendance of witnesses and~~ 16972
~~the production of relevant papers, books, accounts, and reports.~~ 16973
~~On the refusal of any person to obey a subpoena or to be sworn~~ 16974
~~or to answer as a witness, the commission may apply to the court~~ 16975
~~of common pleas of Franklin county under section 2705.03 of the~~ 16976
~~Revised Code. The court shall hold contempt proceedings in~~ 16977
~~accordance with Chapter 2705. of the Revised Code.~~ 16978

~~The commission shall provide the person accused of the~~ 16979
~~violation at least seven days prior notice of the time, date,~~ 16980
~~and place of the hearing. The accused may be represented by an~~ 16981
~~attorney and shall have an opportunity to present evidence, call~~ 16982
~~witnesses, and cross-examine witnesses.~~ 16983

~~At the hearing, the commission shall determine whether the~~ 16984
~~violation alleged in the complaint has occurred. If the~~ 16985
~~commission determines that a violation of division (A) of~~ 16986

~~section 145.054 of the Revised Code has occurred, the commission 16987~~
~~shall either impose a fine under section 145.99 of the Revised 16988~~
~~Code or enter a finding that good cause has been shown not to 16989~~
~~impose the fine. If the commission determines that a violation 16990~~
~~of division (B) of section 145.054 of the Revised Code has 16991~~
~~occurred, the commission shall impose the fine described in 16992~~
~~section 145.99 of the Revised Code, refer the matter to the 16993~~
~~appropriate prosecutor, or enter a finding that good cause has 16994~~
~~been shown not to impose a fine or refer the matter to a 16995~~
~~prosecutor. 16996~~

Sec. 145.09. The public employees retirement board shall 16997
elect from its membership a chairperson. The board shall appoint 16998
an executive director who shall serve as secretary to the board, 16999
an actuary, and other employees as necessary for the transaction 17000
of the business of the public employees retirement system. The 17001
compensation of all persons so appointed shall be fixed by the 17002
board. Such persons appointed by the board are not employees of 17003
the state and are not subject to Chapter 124. of the Revised 17004
Code. 17005

~~If the board provides health care coverage to employees of 17006~~
~~the retirement system, it may permit employees of the Ohio 17007~~
~~public employees deferred compensation board to participate. 17008~~

Effective ninety days after September 15, 2004, the board 17009
may not employ a state retirement system investment officer, as 17010
defined in section 1707.01 of the Revised Code, who does not 17011
hold a valid state retirement system investment officer license 17012
issued by the division of securities in the department of 17013
commerce. 17014

Every expense voucher of an employee, officer, or board 17015
member of the public employees retirement system shall itemize 17016

all purchases and expenditures. 17017

The board shall perform other functions as required for 17018
the proper execution of this chapter, and may adopt rules in 17019
accordance with section 111.15 of the Revised Code for the 17020
proper administration and management of this chapter. 17021

The board may take all appropriate action to avoid payment 17022
by the system or its members of federal or state income taxes on 17023
contributions to the system or amounts earned on such 17024
contributions. 17025

Notice of proposed rules shall be given to interested 17026
parties and rules adopted by the board shall be published and 17027
otherwise made available. When it files a rule with the joint 17028
committee on agency rule review pursuant to section 111.15 of 17029
the Revised Code, the board shall submit to the Ohio retirement 17030
study council a copy of the full text of the rule, and if 17031
applicable, a copy of the rule summary and fiscal analysis 17032
required by division (B) of section 106.024 of the Revised Code. 17033

The board may sue and be sued, plead and be impleaded, 17034
contract and be contracted with. All of its business shall be 17035
transacted, all of its funds invested, all warrants for money 17036
drawn and payments made, and all of its cash and securities and 17037
other property shall be held in the name of the board, or in the 17038
name of its nominee, provided that nominees are authorized by 17039
retirement board resolution for the purpose of facilitating the 17040
ownership and transfer of investments. 17041

If the Ohio retirement study council establishes a uniform 17042
format for any report the board is required to submit to the 17043
council, the board shall submit the report in that format. 17044

Sec. 145.091. The public employees retirement system shall 17045

administer the PERS defined benefit plan~~and~~, the PERS defined 17046
contribution plans, and the Ohio public employees deferred 17047
compensation program established under Chapter 148. of the 17048
Revised Code. 17049

Sec. 145.99. (A) Whoever violates division (A) of section 17050
145.054 of the Revised Code shall be fined not more than one 17051
hundred dollars for each day of the violation. 17052

(B) Whoever violates division (B) of section 145.054 of 17053
the Revised Code shall be imprisoned for not more than six 17054
months or fined not more than five thousand dollars, or both. 17055

~~(C) Fines imposed by the Ohio elections commission under~~ 17056
~~this section shall be paid into the Ohio elections commission~~ 17057
~~fund created under section 3513.10 of the Revised Code.~~ 17058

Sec. 148.01. (A) As used in this chapter: 17059

(1) "Eligible employee" means any public employee, as 17060
defined in division (A) of section 145.01 of the Revised Code; 17061
any person eligible to become a member of the public employees 17062
retirement system under section 145.20 of the Revised Code; any 17063
employee, as defined in division (C) of section 742.01, division 17064
(B) of section 3309.01, or division (A) of section 5505.01 of 17065
the Revised Code; any electing employee, as defined in section 17066
3305.01 of the Revised Code; and any member of the state 17067
teachers retirement system. 17068

(2) "Participant account" means any of the following 17069
accounts: 17070

(a) An account that is maintained by the ~~Ohio public~~ 17071
~~employees deferred compensation retirement~~ board and that 17072
evidences moneys that have been deferred by, or on behalf of, a 17073
continuing member or participating employee and transmitted to 17074

the board by the retirement system of the continuing member or 17075
participating employee; 17076

(b) An account that is maintained by the governing board, 17077
administrator, depository, or trustee of a deferred compensation 17078
program of a municipal corporation and that evidences moneys 17079
that have been deferred by an officer or employee of that 17080
municipal corporation and transmitted to the governing board, 17081
administrator, depository, or trustee by the retirement system 17082
of the officer or employee or in another manner; 17083

(c) An account that is maintained by a governing board, as 17084
defined in section 148.06 of the Revised Code, and that 17085
evidences moneys that have been deferred by an officer or 17086
employee of a government unit, as defined in that section, and 17087
transmitted to the governing board by the retirement system of 17088
the officer or employee or in another manner. 17089

(3) "Participating employee" means any eligible employee 17090
who is having compensation deferred pursuant to either of the 17091
following: 17092

(a) An agreement that is entered into before the 17093
compensation is earned and that is with the eligible employee's 17094
employer and the ~~Ohio public employees deferred compensation~~
retirement board; 17095
17096

(b) Automatic enrollment in the Ohio public employees 17097
deferred compensation program under section 148.042 of the 17098
Revised Code. 17099

(4) "Continuing member" means any former participating 17100
employee who is not currently having compensation deferred, or 17101
the former participating employee's beneficiary, to whom payment 17102
has not been made of all deferred compensation distributions. 17103

(B) Notwithstanding section 145.01 of the Revised Code, 171104
the definitions of that section are applicable to this chapter 171105
only to any extent necessary to fully understand the provisions 171106
of this chapter. Reference may also be had to Chapters 742., 171107
3305., 3307., 3309., and 5505. of the Revised Code for that 171108
purpose. 171109

Sec. 148.02. The Ohio public employees deferred 171110
compensation ~~board shall be comprised of a member of the house~~ 171111
~~of representatives and a member of the senate, who shall not be~~ 171112
~~of the same political party, each to be appointed to serve at~~ 171113
~~the pleasure of the member's respective leadership, and the~~ 171114
~~members of the public employees retirement board as constituted~~ 171115
~~by section 145.04 of the Revised Code, who are~~ program is hereby 171116
~~created as a separate legal entity for the purpose of~~ 171117
~~administering a deferred compensation system~~ for all eligible 171118
employees. The public employees retirement board created in 171119
section 145.04 of the Revised Code shall administer the program. 171120
The board may utilize its employees and property in the 171121
administration of the ~~system on behalf of the Ohio public~~ 171122
~~employees deferred compensation board,~~ program in consideration 171123
of a reasonable service charge to be applied in a 171124
nondiscriminatory manner to all amounts of compensation deferred 171125
under ~~this system~~ the program. 171126

The ~~Ohio public employees deferred compensation board~~ may 171127
exercise the same powers granted by section 145.09 of the 171128
Revised Code necessary to perform its functions under this 171129
chapter. The attorney general shall be the legal adviser of the 171130
board. The Ohio public employees deferred compensation receiving 171131
account, which is hereby created, shall be in the custody of the 171132
treasurer of state, but shall not be part of the state treasury. 171133
The Ohio public employees deferred compensation receiving 171134

account is a legal entity that is separate from the various 17135
funds created under Chapter 145. of the Revised Code. 17136

Sec. 148.021. Whenever the Ohio public employees deferred 17137
compensation board or the executive director of that board or a 17138
variation thereof is used, referred to, or designated in any 17139
statute, rule, contract, grant, or other document, the use, 17140
reference, or designation shall be deemed to refer to the public 17141
employees retirement board or the executive director of the 17142
public employees retirement system, as the case may be. 17143

Sec. 148.04. (A) The Ohio public employees deferred 17144
compensation retirement board shall initiate, plan, expedite, 17145
and, subject to an appropriate assurance of the approval of the 17146
internal revenue service, promulgate and offer to all eligible 17147
employees, and thereafter administer on behalf of all 17148
participating employees and continuing members, and alter as 17149
required, a program for deferral of compensation, including a 17150
reasonable number of options to the employee for the investment 17151
of deferred funds, always in such form as will assure the 17152
desired tax treatment of such funds. The members of the board 17153
are the trustees of any deferred funds and shall discharge their 17154
duties with respect to the funds solely in the interest of and 17155
for the exclusive benefit of participating employees, continuing 17156
members, and their beneficiaries. With respect to such deferred 17157
funds, section 148.09 of the Revised Code shall apply to claims 17158
against participating employees or continuing members and their 17159
employers. 17160

(B) Every employer of an eligible employee shall enroll 17161
the employee in a deferred compensation program offered by the 17162
board on the employee's application to participate, on the 17163
employee's election under section 148.041 of the Revised Code, 17164

or by automatic enrollment under section 148.042 of the Revised 17165
Code. 17166

(C) The board shall take all actions necessary to ensure 17167
that the program qualifies as an eligible deferred compensation 17168
plan under section 457(b) of the Internal Revenue Code of 1986, 17169
26 U.S.C. 457. The board shall, subject to any applicable 17170
provisions of the Ohio public employees deferred compensation 17171
program plan, undertake to obtain as favorable conditions of tax 17172
treatment as possible, both in the initial programs and any 17173
permitted alterations of them or additions to them, as to such 17174
matters as terms of distribution, designation of beneficiaries, 17175
withdrawal upon disability, financial hardship, or termination 17176
of public employment, and other optional provisions. 17177

The board may establish a designated Roth account feature 17178
or any other feature in which an employee may make tax-deferred 17179
or nontax-deferred contributions to an eligible government plan 17180
in accordance with 26 U.S.C. 457, as amended. 17181

(D) In no event shall the total of the amount of deferred 17182
compensation to be set aside under a deferred compensation 17183
program and the employee's nondeferred income for any year 17184
exceed the total annual salary or compensation under the 17185
existing salary schedule or classification plan applicable to 17186
the employee in that year. 17187

Such a deferred compensation program shall be in addition 17188
to any retirement or any other benefit program provided by law 17189
for employees of this state. The board shall adopt rules 17190
pursuant to Chapter 119. of the Revised Code to provide any 17191
necessary standards or conditions for the administration of its 17192
programs, including any limits on the portion of a participating 17193
employee's compensation that may be deferred in order to avoid 17194

adverse treatment of the program by the internal revenue service 17195
or the occurrence of deferral, withholding, or other deductions 17196
in excess of the compensation available for any pay period. 17197

Both of the following apply to a deferred compensation 17198
program established under this section: 17199

(1) Any income deferred under the program shall continue 17200
to be included as regular compensation for the purpose of 17201
computing the contributions to and benefits from the retirement 17202
system of an employee; 17203

(2) Any sums deferred shall not be included in the 17204
computation of any federal and state income taxes withheld on 17205
behalf of an employee. Sums contributed to a Roth account 17206
feature or other feature to which nontax-deferred contributions 17207
are made shall be included in the computation of any federal and 17208
state income taxes withheld on behalf of an employee. 17209

(E) This section does not limit the authority of any 17210
municipal corporation, county, township, park district, 17211
conservancy district, sanitary district, health district, public 17212
library, county law library, public institution of higher 17213
education, or school district to provide separate authorized 17214
plans or programs for deferring compensation of their officers 17215
and employees in addition to the program for the deferral of 17216
compensation offered by the board. Any municipal corporation, 17217
township, public institution of higher education, or school 17218
district that offers such plans or programs shall include a 17219
reasonable number of options to its officers or employees for 17220
the investment of the deferred funds, including annuities, 17221
variable annuities, regulated investment trusts, or other forms 17222
of investment approved by the municipal corporation, township, 17223
public institution of higher education, or school district, that 17224

will assure the desired tax treatment of the funds. 17225

Sec. 148.041. (A) Unless the employee will be 17226
automatically enrolled in the Ohio public employees deferred 17227
compensation program under section 148.042 of the Revised Code, 17228
whenever an eligible employee becomes employed in a position 17229
paid by warrant of the director of budget and management, the 17230
employee's employer shall do both of the following at the time 17231
the employee completes the employee's initial employment 17232
paperwork: 17233

(1) Provide to the employee materials provided by the ~~Ohio~~ 17234
public employees ~~deferred compensation~~ retirement board under 17235
division (D) of this section regarding the benefits of long-term 17236
savings through deferred compensation; 17237

(2) Except as otherwise provided in division (E) of this 17238
section, secure, in writing or by electronic means, the 17239
employee's election to participate or not participate in a 17240
deferred compensation program offered by the board. 17241

(B) An election regarding participation under this section 17242
shall be made in the manner prescribed by the board. 17243

(C) The employer shall forward each election completed 17244
under this section to the program not later than forty-five days 17245
after the date the employee's employment begins. 17246

(D) The board shall provide informational materials and 17247
participation forms to employers required to comply with this 17248
section. 17249

(E) If an eligible employee transfers employment from one 17250
position paid by warrant of the director of budget and 17251
management to another position paid by warrant of the director 17252
of budget and management and, at the time of transfer, is a 17253

participating employee, the employee's new employer shall not be 17254
required to secure the employee's election to participate or not 17255
participate under division (A) (2) of this section. 17256

Sec. 148.042. (A) As used in this section, "employing 17257
authority" means both of the following: 17258

(1) The supreme court, house of representatives, senate, 17259
legislative service commission, secretary of state, auditor of 17260
state, treasurer of state, or attorney general with respect to 17261
employees of those entities; 17262

(2) The director of administrative services, with respect 17263
to eligible employees employed in a position paid by warrant of 17264
the director of budget and management who are not employed by a 17265
person or entity listed in division (A) (1) of this section. 17266

(B) (1) An employing authority may elect to automatically 17267
enroll employees described in division (C) (1) of this section in 17268
the Ohio public employees deferred compensation program. An 17269
employing authority that elects automatic enrollment shall 17270
notify the ~~Ohio public employees deferred compensation~~ 17271
retirement board of that election. Automatic enrollment shall 17272
commence as soon as administratively practical for the board and 17273
the employing authority. 17274

(2) An employing authority that elects automatic 17275
enrollment may cease automatic enrollment by notifying the 17276
board. The employing authority shall specify in the notice the 17277
date on which automatic enrollment will cease, and that date 17278
must be at least ninety days after the date the employing 17279
authority sends the notice. An employee who commences employment 17280
after automatic enrollment ceases may elect to participate in 17281
the program in accordance with section 148.04 or 148.041 of the 17282

Revised Code. Cessation of automatic enrollment does not affect 17283
the enrollment of employees enrolled during an automatic 17284
enrollment period. 17285

An employing authority that ceases automatic enrollment 17286
may subsequently elect automatic enrollment by complying with 17287
division (B) (1) of this section. 17288

(C) (1) An eligible employee employed by an employing 17289
authority that has elected automatic enrollment shall be 17290
automatically enrolled in the program if one of the following 17291
applies to the employee: 17292

(a) The employee initially commences employment with the 17293
employing authority on or after the date automatic enrollment 17294
begins under division (B) of this section. 17295

(b) The employee separates from employment with an 17296
employing authority, becomes a continuing member, and, on or 17297
after the date automatic enrollment begins, commences employment 17298
with that employing authority or a different employing 17299
authority. 17300

(c) The employee is employed in a position paid by warrant 17301
of the director of budget and management and the employee 17302
transfers employment from an employing authority that has not 17303
elected to automatically enroll employees under this section to 17304
another position paid by warrant of the director of budget and 17305
management under an employing authority that has elected to 17306
automatically enroll employees, if the transfer occurs on or 17307
after the date automatic enrollment begins. 17308

(2) An employee who, at the time of transferring from one 17309
employing authority to another as described in division (C) (1) 17310
(c) of this section, is a participating employee shall not be 17311

automatically enrolled in the program by the employing authority 17312
to which the employee transfers. 17313

(D) The board shall establish the automatic deferral 17314
amounts and specify the investment options into which those 17315
deferred amounts will be invested for participating employees 17316
who are enrolled under this section. Deferral amounts shall not 17317
exceed the lesser of either ten per cent of an eligible 17318
employee's compensation or the maximum contribution that the 17319
employee is eligible to contribute under federal law. 17320

(E) An employing authority that elects to automatically 17321
enroll employees under this section shall provide those 17322
employees with notice of the employee's rights and obligations 17323
in the manner prescribed by the board. 17324

(F) An employing authority shall not elect to 17325
automatically enroll an eligible employee under this section, or 17326
elect to cease automatic enrollment, if that election conflicts 17327
with any collective bargaining agreement entered into between 17328
the employing authority and an exclusive representative as 17329
defined in section 4117.01 of the Revised Code. 17330

Sec. 148.05. (A)(1) As used in this division, "personal 17331
history record" means information maintained by the ~~Ohio~~-public 17332
employees ~~deferred compensation~~-retirement board on an 17333
individual who is a participating employee or continuing member 17334
that includes the address, telephone number, social security 17335
number, record of contributions, records of benefits, 17336
correspondence with the Ohio public employees deferred 17337
compensation program, or other information the board determines 17338
to be confidential. 17339

(2) The records of the board shall be open to public 17340

inspection, except that the following shall be excluded, except 17341
with the written authorization of the individual concerned: 17342

(a) Information pertaining to an individual's participant 17343
account; 17344

(b) The individual's personal history record. 17345

(B) (1) All medical reports, records, and recommendations 17346
of a participating employee or a continuing member that are in 17347
the possession of the board are privileged. 17348

(2) All tax information of a participating employee, 17349
continuing member, or former participant or member that is in 17350
the possession of the board shall be confidential to the extent 17351
the information is confidential under Title LVII or any other 17352
provision of the Revised Code. 17353

(C) Notwithstanding the exceptions to public inspection in 17354
division (A) (2) of this section, the board may furnish the 17355
following information: 17356

(1) If a participating employee, continuing member, or 17357
former participant or member is subject to an order issued under 17358
section 2907.15 of the Revised Code or is convicted of or pleads 17359
guilty to a violation of section 2921.41 of the Revised Code, on 17360
written request of a prosecutor as defined in section 2935.01 of 17361
the Revised Code, the board shall furnish to the prosecutor the 17362
information requested from the individual's personal history 17363
record or participant account. 17364

(2) Pursuant to a court or administrative order issued 17365
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 17366
Code, the board shall furnish to a court or child support 17367
enforcement agency the information required under that section. 17368

(3) Pursuant to an administrative subpoena issued by a 17369
state agency, the board shall furnish the information required 17370
by the subpoena. 17371

(4) The board shall comply with orders issued under 17372
section 3105.87 of the Revised Code. 17373

(D) A statement that contains information obtained from 17374
the program's records that is signed by the executive director 17375
or the director's designee and to which the board's official 17376
seal is affixed, or copies of the program's records to which the 17377
signature and seal are attached, shall be received as true 17378
copies of the board's records in any court or before any officer 17379
of this state. 17380

Sec. 148.10. (A) Notwithstanding any other provision of 17381
this chapter, any payment, other than a survivorship benefit, 17382
that is to be made to a person by a deferred compensation 17383
program pursuant to those sections or a deferred compensation 17384
program offered by a government unit, as defined in section 17385
148.06 of the Revised Code, or by a municipal corporation is 17386
subject to any withholding order issued pursuant to section 17387
2907.15 or division (C) (2) (b) of section 2921.41 of the Revised 17388
Code. ~~The Ohio public employees deferred compensation retirement~~ 17389
board, the governing board, as defined in section 148.06 of the 17390
Revised Code, that is associated with a government unit, and the 17391
governing board, administrator, depository, or trustee of a 17392
deferred compensation program of a municipal corporation shall 17393
comply with that withholding order in making payment. 17394

(B) Notwithstanding any other provision of this chapter, 17395
if a deferred compensation program receives a notice pursuant to 17396
section 2907.15 or division (D) of section 2921.41 of the 17397
Revised Code that a person who has a participant account has 17398

been charged with a violation of section 2907.02, 2907.03, 17399
2907.04, 2907.05, or 2921.41 of the Revised Code, no payment 17400
from that account shall be made prior to whichever of the 17401
following is applicable: 17402

(1) If the person is convicted of or pleads guilty to the 17403
violation and a motion for a withholding order for purposes of 17404
restitution has not been filed under section 2907.15 or division 17405
(C) (2) (b) (i) of section 2921.41 of the Revised Code, thirty days 17406
after the day on which the person is sentenced for the 17407
violation; 17408

(2) If the person is convicted of or pleads guilty to the 17409
violation and a motion for a withholding order for purposes of 17410
restitution has been filed under section 2907.15 or division (C) 17411
(2) (b) (i) of section 2921.41 of the Revised Code, the day on 17412
which the court decides the motion; 17413

(3) If the charge is dismissed or the person is found not 17414
guilty or not guilty by reason of insanity of the violation, the 17415
day on which the dismissal of the charge or the verdict is 17416
entered in the journal of the court. 17417

Sec. 149.011. As used in this chapter, except as otherwise 17418
provided: 17419

(A) "Public office" includes any state agency, public 17420
institution, political subdivision, or other organized body, 17421
office, agency, institution, or entity established by the laws 17422
of this state for the exercise of any function of government. 17423
"Public office" does not include the nonprofit corporation 17424
formed under section 187.01 of the Revised Code. 17425

(B) "State agency" includes every department, bureau, 17426
board, commission, office, or other organized body established 17427

by the constitution and laws of this state for the exercise of 17428
any function of state government, including any state-supported 17429
institution of higher education, the general assembly, any 17430
legislative agency, any court or judicial agency, or any 17431
political subdivision or agency of a political subdivision. 17432
"State agency" does not include the nonprofit corporation formed 17433
under section 187.01 of the Revised Code. 17434

(C) "Public money" includes all money received or 17435
collected by or due a public official, whether in accordance 17436
with or under authority of any law, ordinance, resolution, or 17437
order, under color of office, or otherwise. It also includes any 17438
money collected by any individual on behalf of a public office 17439
or as a purported representative or agent of the public office. 17440

(D) "Public official" includes all officers, employees, or 17441
duly authorized representatives or agents of a public office. 17442

(E) "Color of office" includes any act purported or 17443
alleged to be done under any law, ordinance, resolution, order, 17444
or other pretension to official right, power, or authority. 17445

(F) "Archive" includes any public record that is 17446
transferred to the state archives or other designated archival 17447
institutions because of the historical information contained on 17448
it. 17449

(G) "Records" includes any document, device, or item, 17450
regardless of physical form or characteristic, including an 17451
electronic record as defined in section 1306.01 of the Revised 17452
Code, created or received by or coming under the jurisdiction of 17453
any public office of the state or its political subdivisions, 17454
which serves to document the organization, functions, policies, 17455
decisions, procedures, operations, or other activities of the 17456

office. "Records" does not include personal notes or any 17457
document, device, or item, regardless of physical form or 17458
whether an assistive device or application was used, of a public 17459
official, or of the official's attorney, employee, or agent, 17460
that is used, maintained, and accessed solely by the individual 17461
who creates it or causes its creation. 17462

Sec. 149.10. All boards, commissions, agencies, 17463
institutions, and departments in the executive branch of state 17464
government shall submit to the auditor of state a copy of each 17465
formal internally or independently produced audit report, as 17466
well as any management study or report ~~which~~that recommends 17467
changes ~~which~~that would affect the auditing system. Pursuant to 17468
section 117.43 of the Revised Code, no such report shall be 17469
produced without the approval of the auditor of state. 17470

Sec. 149.30. The Ohio history connection, chartered by 17471
this state as a corporation not for profit to promote a 17472
knowledge of history and archaeology, especially of Ohio, and 17473
operated continuously in the public interest since 1885, may 17474
perform public functions as prescribed by law. 17475

The general assembly may appropriate money to the Ohio 17476
history connection each biennium to carry out the public 17477
functions of the Ohio history connection as enumerated in this 17478
section. An appropriation by the general assembly to the Ohio 17479
history connection constitutes an offer to contract with the 17480
Ohio history connection to carry out those public functions for 17481
which appropriations are made. An acceptance by the Ohio history 17482
connection of the appropriated funds constitutes an acceptance 17483
by the Ohio history connection of the offer and is considered an 17484
agreement by the Ohio history connection to perform those 17485
functions in accordance with the terms of the appropriation and 17486

the law and to expend the funds only for the purposes for which 17487
appropriated. The governor may request on behalf of the Ohio 17488
history connection, and the controlling board may release, 17489
additional funds to the Ohio history connection for survey, 17490
salvage, repair, or rehabilitation of an emergency nature for 17491
which funds have not been appropriated, and acceptance by the 17492
Ohio history connection of those funds constitutes an agreement 17493
on the part of the Ohio history connection to expend those funds 17494
only for the purpose for which released by the controlling 17495
board. 17496

The Ohio history connection shall faithfully expend and 17497
apply all moneys received from the state to the uses and 17498
purposes directed by law and for necessary administrative 17499
expenses. If the general assembly appropriates money to the Ohio 17500
history connection for grants or subsidies to other entities for 17501
their site-related programs, the Ohio history connection, except 17502
for good cause, shall distribute the money within ninety days of 17503
accepting a grant or subsidy application for the money. 17504

The Ohio history connection shall perform the public 17505
function of sending notice by ordinary or certified mail to the 17506
owner of any property at the time it is listed on the national 17507
register of historic places. The Ohio history connection shall 17508
accurately record all expenditures of such funds in conformity 17509
with generally accepted accounting principles. 17510

The auditor of state shall audit all funds and fiscal 17511
records of the Ohio history connection. 17512

The public functions to be performed by the Ohio history 17513
connection shall include all of the following: 17514

(A) Creating, supervising, operating, protecting, 17515

maintaining, and promoting for public use a system of state 17516
memorials, titles to which may reside wholly or in part with 17517
this state or wholly or in part with the Ohio history connection 17518
as provided in and in conformity to appropriate acts and 17519
resolves of the general assembly, and leasing for renewable 17520
periods of two years or less, with the advice and consent of the 17521
attorney general and the director of administrative services, 17522
lands and buildings owned by the state which are in the care, 17523
custody, and control of the Ohio history connection, all of 17524
which shall be maintained and kept for public use at reasonable 17525
hours; 17526

(B) Making alterations and improvements, marking, and 17527
constructing, reconstructing, protecting, or restoring 17528
structures, earthworks, and monuments in its care, and equipping 17529
such facilities with appropriate educational maintenance 17530
facilities; 17531

(C) Serving as the archives administration for the state 17532
and its political subdivisions as provided in sections 149.31 to 17533
149.42 of the Revised Code; 17534

(D) Administering a state historical museum, to be the 17535
headquarters of the society and its principal museum and 17536
library, which shall be maintained and kept for public use at 17537
reasonable hours; 17538

(E) Establishing a marking system to identify all 17539
designated historic and archaeological sites within the state 17540
and marking or causing to be marked historic sites and 17541
communities considered by the society to be historically or 17542
archaeologically significant; 17543

(F) Publishing books, pamphlets, periodicals, and other 17544

publications about history, archaeology, and natural science and 17545
offering one copy of each regular periodical issue to all public 17546
libraries in this state at a reasonable price, which shall not 17547
exceed one hundred ten per cent more than the total cost of 17548
publication; 17549

(G) Engaging in research in history, archaeology, and 17550
natural science and providing historical information upon 17551
request to all state agencies; 17552

(H) Collecting, preserving, and making available by all 17553
appropriate means and under approved safeguards all manuscript, 17554
print, or near-print library collections and all historical 17555
objects, specimens, and artifacts which pertain to the history 17556
of Ohio and its people, including the following original 17557
documents: Ohio Constitution of 1802; Ohio Constitution of 1851; 17558
proposed Ohio Constitution of 1875; design and the letters of 17559
patent and assignment of patent for the state flag; S.J.R. 13 17560
(1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); 17561
H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 17562
(1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); 17563
H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 17564
(1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 17565
(1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); 17566
S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); 17567
petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 17568
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 17569
(1947); and H.J.R. 48 (1947); 17570

(I) Encouraging and promoting the organization and 17571
development of county and local historical societies; 17572

(J) Providing to Ohio schools such materials as the Ohio 17573
history connection may prepare to facilitate the instruction of 17574

Ohio history at a reasonable price, which shall not exceed one 17575
hundred ten per cent more than the total cost of preparation and 17576
delivery; 17577

(K) Providing advisory and technical assistance to local 17578
societies for the preservation and restoration of historic and 17579
archaeological sites; 17580

(L) Devising uniform criteria for the designation of 17581
historic and archaeological sites throughout the state and 17582
advising local historical societies of the criteria and their 17583
application; 17584

(M) Taking inventory, in cooperation with the Ohio arts 17585
council, the Ohio archaeological council, and the archaeological 17586
society of Ohio, of significant designated and undesignated 17587
state and local sites and keeping an active registry of all 17588
designated sites within the state; 17589

(N) Contracting with the owners or persons having an 17590
interest in designated historic or archaeological sites or 17591
property adjacent or contiguous to those sites, or acquiring, by 17592
purchase, gift, or devise, easements in those sites or in 17593
property adjacent or contiguous to those sites, in order to 17594
control or restrict the use of those historic or archaeological 17595
sites or adjacent or contiguous property for the purpose of 17596
restoring or preserving the historical or archaeological 17597
significance or educational value of those sites; 17598

(O) Constructing a monument honoring Governor James A. 17599
Rhodes, which shall stand on the northeast quadrant of the 17600
grounds surrounding the capitol building. The monument shall be 17601
constructed with private funds donated to the Ohio history 17602
connection and designated for this purpose. No public funds 17603

shall be expended to construct this monument. The department of 17604
administrative services shall cooperate with the Ohio history 17605
connection in carrying out this function and shall maintain the 17606
monument in a manner compatible with the grounds of the capitol 17607
building. 17608

(P) Commissioning a portrait of each departing governor, 17609
which shall be displayed in the capitol building. The Ohio 17610
history connection may accept private contributions designated 17611
for this purpose and, at the discretion of its board of 17612
trustees, also may apply for the same purpose funds appropriated 17613
by the general assembly to the Ohio history connection pursuant 17614
to this section. 17615

(Q) Being the custodian of the field notes, maps, records, 17616
documents, papers, and implements relating to or used in the 17617
survey of the public lands within the state, which were 17618
delivered to the executive of this state by the surveyor of the 17619
United States at Detroit, by order of the government of the 17620
United States, the records of field notes and other records of 17621
papers that have been added thereto, the records of deeds and 17622
other records or papers relating to the public lands originally 17623
deposited with the governor or secretary of state, and the 17624
records, maps, plats, papers, documents, and implements relating 17625
to the public lands in the Virginia military district in this 17626
state, from the United States land office at Chillicothe. These 17627
records and files shall be subject to inspection, and the Ohio 17628
history connection, on demand and tender of the proper fees, 17629
shall furnish certified copies of any of them. 17630

(R) Furnishing to the board of education of each school 17631
district copies of deeds, leases, field notes, records, and 17632
other papers and documents that are in the Ohio history 17633

connection's possession, relating to the lands appropriated by 17634
congress for the support of schools and ministerial purposes 17635
that have been allocated for the benefit of that district, and 17636
such copies, when certified by the Ohio history connection, 17637
shall be received as competent evidence and shall have the same 17638
force and effect as the originals. The Ohio history connection 17639
shall charge fees sufficient to defray the cost of preparing 17640
copies. 17641

(S) Submitting an annual report of its activities, 17642
programs, and operations to the governor within two months after 17643
the close of each fiscal year of the state. 17644

The Ohio history connection, with the help of local 17645
historical societies, may compile and maintain a registry of war 17646
relics, as defined in section 155.28 of the Revised Code, that 17647
are located on public property or on the property of a cemetery 17648
association. 17649

The Ohio history connection shall not sell, mortgage, 17650
transfer, or dispose of historical or archaeological sites to 17651
which it has title and in which the state has monetary interest 17652
except by action of the general assembly. 17653

Money or fines paid to the Ohio history connection under 17654
section 155.99 of the Revised Code shall be expended by the Ohio 17655
history connection only for the preservation of war relics. 17656

In consideration of the public functions performed by the 17657
Ohio history connection for the state, employees of the Ohio 17658
history connection shall be considered public employees within 17659
the meaning of section 145.01 of the Revised Code. 17660

Sec. 149.3010. The Ohio history connection, in addition to 17661
its other functions, may use any land owned by the Ohio history 17662

connection, any land owned by the state and in the Ohio history 17663
connection's custody and control, any land leased by the Ohio 17664
history connection, or any land that the Ohio history connection 17665
has agreed to lease to another entity or organization, for the 17666
purpose of repatriation of American Indian human remains. 17667

The Ohio history connection shall work with and cooperate 17668
with federally recognized Indian tribal governments in the 17669
selection, management, and use of burial sites under this 17670
section. The Ohio history connection shall implement reasonable 17671
standards for the use and maintenance of the burial sites. In 17672
the event the Ohio history connection shall deaccession, 17673
otherwise dispose of, or no longer have custody and control of a 17674
burial site, the Ohio history connection shall retain access and 17675
authority to maintain the site or the Ohio history connection 17676
shall assign its right of access and maintenance to the person 17677
acquiring the site. For each burial site established on or after 17678
the effective date of this section, and for each burial site 17679
established before the effective date of this section and for 17680
which it is legally feasible, the Ohio history connection shall 17681
establish a perpetual easement, enforceable by the Ohio history 17682
connection or a person assigned by the Ohio history connection, 17683
to preserve the burial sites. 17684

Chapters 517., 759., 1721., and 4767. of the Revised Code 17685
do not apply to burial sites under this section. 17686

Sec. 149.311. (A) As used in this section: 17687

(1) "Historic building" means a building, including its 17688
structural components, that is located in this state and that is 17689
either individually listed on the national register of historic 17690
places under 16 U.S.C. 470a, located in a registered historic 17691
district, and certified by the state historic preservation 17692

officer as being of historic significance to the district, or is 17693
individually listed as an historic landmark designated by a 17694
local government certified under 16 U.S.C. 470a(c). 17695

(2) "Qualified rehabilitation expenditures" means 17696
expenditures paid or incurred during the rehabilitation period, 17697
and before and after that period as determined under 26 U.S.C. 17698
47, by an owner or qualified lessee of an historic building to 17699
rehabilitate the building. "Qualified rehabilitation 17700
expenditures" includes architectural or engineering fees paid or 17701
incurred in connection with the rehabilitation, and expenses 17702
incurred in the preparation of nomination forms for listing on 17703
the national register of historic places. "Qualified 17704
rehabilitation expenditures" does not include any of the 17705
following: 17706

(a) The cost of acquiring, expanding, or enlarging an 17707
historic building; 17708

(b) Expenditures attributable to work done to facilities 17709
related to the building, such as parking lots, sidewalks, and 17710
landscaping; 17711

(c) New building construction costs. 17712

(3) "Owner" of an historic building means a person holding 17713
the fee simple interest in the building. "Owner" does not 17714
include the state or a state agency, or any political 17715
subdivision as defined in section 9.23 of the Revised Code. 17716

(4) "Qualified lessee" means a person subject to a lease 17717
agreement for an historic building and eligible for the federal 17718
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 17719
does not include the state or a state agency or political 17720
subdivision as defined in section 9.23 of the Revised Code. 17721

(5) "Certificate owner" means the owner or qualified
lessee of an historic building to which a rehabilitation tax
credit certificate was issued under this section.

(6) "Registered historic district" means an historic
district listed in the national register of historic places
under 16 U.S.C. 470a, an historic district designated by a local
government certified under 16 U.S.C. 470a(c), or a local
historic district certified under 36 C.F.R. 67.8 and 67.9.

(7) "Rehabilitation" means the process of repairing or
altering an historic building or buildings, making possible an
efficient use while preserving those portions and features of
the building and its site and environment that are significant
to its historic, architectural, and cultural values.

(8) "Rehabilitation period" means one of the following:

(a) If the rehabilitation initially was not planned to be
completed in stages, a period chosen by the owner or qualified
lessee not to exceed twenty-four months during which
rehabilitation occurs;

(b) If the rehabilitation initially was planned to be
completed in stages, a period chosen by the owner or qualified
lessee not to exceed sixty months during which rehabilitation
occurs. Each stage shall be reviewed as a phase of a
rehabilitation as determined under 26 C.F.R. 1.48-12 or a
successor to that section.

(9) "State historic preservation officer" or "officer"
means the state historic preservation officer appointed by the
governor under 16 U.S.C. 470a.

(10) "Catalytic project" means the rehabilitation of an
historic building, the rehabilitation of which will foster

economic development within two thousand five hundred feet of 17751
the historic building. 17752

(B) The owner or qualified lessee of an historic building 17753
may apply to the director of development for a rehabilitation 17754
tax credit certificate for qualified rehabilitation expenditures 17755
paid or incurred by such owner or qualified lessee after April 17756
4, 2007, for rehabilitation of an historic building. If the 17757
owner of an historic building enters a pass-through agreement 17758
with a qualified lessee for the purposes of the federal 17759
rehabilitation tax credit under 26 U.S.C. 47, the qualified 17760
rehabilitation expenditures paid or incurred by the owner after 17761
April 4, 2007, may be attributed to the qualified lessee. 17762

The form and manner of filing such applications shall be 17763
prescribed by rule of the director. Each application shall state 17764
the amount of qualified rehabilitation expenditures the 17765
applicant estimates will be paid or incurred and shall indicate 17766
whether the historic building was used as a theater before, and 17767
is intended to be used as a theater after, the rehabilitation. 17768
The director may require applicants to furnish documentation of 17769
such estimates. 17770

The director, after consultation with the tax commissioner 17771
and in accordance with Chapter 119. of the Revised Code, shall 17772
adopt rules that establish all of the following: 17773

(1) Forms and procedures by which applicants may apply for 17774
rehabilitation tax credit certificates; 17775

(2) Criteria for reviewing, evaluating, and approving 17776
applications for certificates within the limitations under 17777
division (D) of this section, criteria for assuring that the 17778
certificates issued encompass a mixture of high and low 17779

qualified rehabilitation expenditures, and criteria for issuing
certificates under division (C) (3) (b) of this section;

(3) Eligibility requirements for obtaining a certificate
under this section;

(4) The form of rehabilitation tax credit certificates;

(5) Reporting requirements and monitoring procedures;

(6) Procedures and criteria for conducting cost-benefit
analyses of historic buildings that are the subjects of
applications filed under this section. The purpose of a cost-
benefit analysis shall be to determine whether rehabilitation of
the historic building will result in a net revenue gain in state
and local taxes once the building is used.

(7) Any other rules necessary to implement and administer
this section.

(C) The director shall review the applications with the
assistance of the state historic preservation officer and
determine whether all of the following criteria are met:

(1) That the building that is the subject of the
application is an historic building and the applicant is the
owner or qualified lessee of the building;

(2) That the rehabilitation will satisfy standards
prescribed by the United States secretary of the interior under
16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a
successor to that section;

(3) That receiving a rehabilitation tax credit certificate
under this section is a major factor in:

(a) The applicant's decision to rehabilitate the historic

building; or 17807

(b) To increase the level of investment in such 17808
rehabilitation. 17809

(4) The historic building that is the subject of the 17810
application is not, and will not upon completion of the 17811
rehabilitation project be, part of a qualified low-income 17812
housing project allocated a tax credit pursuant to section 42 of 17813
the Internal Revenue Code. 17814

An applicant shall demonstrate to the satisfaction of the 17815
state historic preservation officer and director that the 17816
rehabilitation will satisfy the standards described in division 17817
(C) (2) of this section before the applicant begins the physical 17818
rehabilitation of the historic building. 17819

(D) (1) If the director determines that an application 17820
meets the criteria in division (C) of this section, the director 17821
shall conduct a cost-benefit analysis for the historic building 17822
that is the subject of the application to determine whether 17823
rehabilitation of the historic building will result in a net 17824
revenue gain in state and local taxes once the building is used. 17825
The director shall consider the results of the cost-benefit 17826
analysis in determining whether to approve the application. The 17827
director shall also consider the potential economic impact and 17828
the regional distributive balance of the credits throughout the 17829
state. The director shall not consider whether the historic 17830
building is located in or will benefit an economically 17831
distressed area, including by weighting preference based on the 17832
poverty rate in the jurisdiction or census tract in which the 17833
building is located, nor shall the director consider or give 17834
weighted preference based on vacancy or underutilization of the 17835
building. The director may approve an application only after 17836

completion of the cost-benefit analysis. 17837

(2) A rehabilitation tax credit certificate shall not be 17838
issued for an amount greater than the estimated amount furnished 17839
by the applicant on the application for such certificate and 17840
approved by the director. The director shall not approve more 17841
than a total of ~~one hundred twenty seven~~ seventy-five million dollars 17842
of rehabilitation tax credits for each of fiscal years ~~2023 and~~ 17843
~~2024, and sixty million dollars of rehabilitation tax credits~~ 17844
~~for each fiscal year thereafter~~ 2026 and 2027, but the director 17845
may reallocate unused tax credits from a prior fiscal year for 17846
new applicants and such reallocated credits shall not apply 17847
toward the dollar limit of this division. The director shall not 17848
approve any amount of rehabilitation tax credits after fiscal 17849
year 2027 unless specifically approved by an act of the general 17850
assembly. 17851

(3) For rehabilitations with a rehabilitation period not 17852
exceeding twenty-four months as provided in division (A) (8) (a) 17853
of this section, a rehabilitation tax credit certificate shall 17854
not be issued before the rehabilitation of the historic building 17855
is completed. 17856

(4) For rehabilitations with a rehabilitation period not 17857
exceeding sixty months as provided in division (A) (8) (b) of this 17858
section, a rehabilitation tax credit certificate shall not be 17859
issued before a stage of rehabilitation is completed. After all 17860
stages of rehabilitation are completed, if the director cannot 17861
determine that the criteria in division (C) of this section are 17862
satisfied for all stages of rehabilitations, the director shall 17863
certify this finding to the tax commissioner, and any 17864
rehabilitation tax credits received by the applicant shall be 17865
repaid by the applicant and may be collected by assessment as 17866

unpaid tax by the commissioner. 17867

(5) The director shall require the applicant to provide a 17868
third-party cost certification by a certified public accountant 17869
of the actual costs attributed to the rehabilitation of the 17870
historic building when qualified rehabilitation expenditures 17871
exceed two hundred thousand dollars. 17872

If an applicant whose application is approved for receipt 17873
of a rehabilitation tax credit certificate fails to provide to 17874
the director sufficient evidence of reviewable progress, 17875
including a viable financial plan, copies of final construction 17876
drawings, and evidence that the applicant has obtained all 17877
historic approvals within twelve months after the date the 17878
applicant received notification of approval, and if the 17879
applicant fails to provide evidence to the director that the 17880
applicant has secured and closed on financing for the 17881
rehabilitation within eighteen months after receiving 17882
notification of approval, the director may rescind the approval 17883
of the application. The director shall notify the applicant if 17884
the approval has been rescinded. Credits that would have been 17885
available to an applicant whose approval was rescinded shall be 17886
available for other qualified applicants. Nothing in this 17887
division prohibits an applicant whose approval has been 17888
rescinded from submitting a new application for a rehabilitation 17889
tax credit certificate. 17890

(6) The director may approve the application of, and issue 17891
a rehabilitation tax credit certificate to, the owner of a 17892
catalytic project, provided the application otherwise meets the 17893
criteria described in divisions (C) and (D) of this section. The 17894
director may not approve more than one application for a 17895
rehabilitation tax credit certificate under division (D) (6) of 17896

this section during each state fiscal biennium. The director 17897
shall not approve an application for a rehabilitation tax credit 17898
certificate under division (D) (6) of this section during the 17899
state fiscal biennium beginning July 1, 2017, or during any 17900
state fiscal biennium thereafter. The director shall consider 17901
the following criteria in determining whether to approve an 17902
application for a certificate under division (D) (6) of this 17903
section: 17904

(a) Whether the historic building is a catalytic project; 17905

(b) The effect issuance of the certificate would have on 17906
the availability of credits for other applicants that qualify 17907
for a credit certificate within the credit dollar limit 17908
described in division (D) (2) of this section; 17909

(c) The number of jobs, if any, the catalytic project will 17910
create. 17911

(7) (a) The owner or qualified lessee of a historic 17912
building may apply for a rehabilitation tax credit certificate 17913
under both divisions (B) and (D) (6) of this section. In such a 17914
case, the director shall consider each application at the time 17915
the application is submitted. 17916

(b) The director shall not issue more than one certificate 17917
under this section with respect to the same qualified 17918
rehabilitation expenditures. 17919

(8) The director shall give consideration for tax credits 17920
awarded under this section to rehabilitations of historic 17921
buildings used as a theater before, and intended to be used as a 17922
theater after, the rehabilitation. In determining whether to 17923
approve an application for such a rehabilitation, the director 17924
shall consider the extent to which the rehabilitation will 17925

increase attendance at the theater and increase the theater's gross revenue. 17926
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(9) The director shall rescind the approval of any application if the building that is the subject of the application is part of a qualified low-income housing project allocated a tax credit pursuant to section 42 of the Internal Revenue Code at any time before the building's rehabilitation is complete. 17928
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(E) Issuance of a certificate represents a finding by the director of the matters described in divisions (C) (1), (2), and (3) of this section only; issuance of a certificate does not represent a verification or certification by the director of the amount of qualified rehabilitation expenditures for which a tax credit may be claimed under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of qualified rehabilitation expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Upon the issuance of a certificate, the director shall certify to the tax commissioner, in the form and manner requested by the tax commissioner, the name of the applicant, the amount of qualified rehabilitation expenditures shown on the certificate, and any other information required by the rules adopted under this section. 17934
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(F) (1) On or before the first day of August each year, the director and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a report on the tax credit program established under this section and sections 5725.151, 5725.34, 5726.52, 17951
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5729.17, 5733.47, and 5747.76 of the Revised Code. The report 17956
shall present an overview of the program and shall include 17957
information on the number of rehabilitation tax credit 17958
certificates issued under this section during the preceding 17959
fiscal year, an update on the status of each historic building 17960
for which an application was approved under this section, the 17961
dollar amount of the tax credits granted under sections 17962
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 17963
Revised Code, and any other information the director and 17964
commissioner consider relevant to the topics addressed in the 17965
report. 17966

(2) On or before December 1, 2015, the director and tax 17967
commissioner jointly shall submit to the president of the senate 17968
and the speaker of the house of representatives a comprehensive 17969
report that includes the information required by division (F) (1) 17970
of this section and a detailed analysis of the effectiveness of 17971
issuing tax credits for rehabilitating historic buildings. The 17972
report shall be prepared with the assistance of an economic 17973
research organization jointly chosen by the director and 17974
commissioner. 17975

(G) There is hereby created in the state treasury the 17976
historic rehabilitation tax credit operating fund. The director 17977
is authorized to charge reasonable application and other fees in 17978
connection with the administration of tax credits authorized by 17979
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 17980
5733.47, and 5747.76 of the Revised Code. Any such fees 17981
collected shall be credited to the fund and used to pay 17982
reasonable costs incurred by the department of development in 17983
administering this section and sections 5725.151, 5725.34, 17984
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. 17985

The Ohio historic preservation office is authorized to 17986
charge reasonable fees in connection with its review and 17987
approval of applications under this section. Any such fees 17988
collected shall be credited to the fund and used to pay 17989
administrative costs incurred by the Ohio historic preservation 17990
office pursuant to this section. 17991

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 17992
5729.17, 5733.47, and 5747.76 of the Revised Code, the 17993
certificate owner of a tax credit certificate issued under 17994
division (D) (6) of this section may claim a tax credit equal to 17995
twenty-five per cent of the dollar amount indicated on the 17996
certificate for a total credit of not more than twenty-five 17997
million dollars. The credit claimed by such a certificate owner 17998
for any calendar year, tax year, or taxable year under section 17999
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 18000
Revised Code shall not exceed five million dollars. If the 18001
certificate owner is eligible for more than five million dollars 18002
in total credits, the certificate owner may carry forward the 18003
balance of the credit in excess of the amount claimed for that 18004
year for not more than five ensuing calendar years, tax years, 18005
or taxable years. If the credit claimed in any calendar year, 18006
tax year, or taxable year exceeds the tax otherwise due, the 18007
excess shall be refunded to the taxpayer. 18008

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 18009
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 18010
apply to a tax credit approved under this section after 18011
September 13, 2022, and before July 1, 2024: 18012

(1) The certificate holder may claim a tax credit equal to 18013
thirty-five per cent of the dollar amount indicated on the tax 18014
credit certificate if any county, township, or municipal 18015

corporation within which the project is located has a population 18016
of less than three hundred thousand according to the 2020 18017
decennial census. The tax credit equals twenty-five per cent of 18018
the dollar amount indicated on the certificate if the project is 18019
not located within such a county, township, or municipal 18020
corporation. 18021

(2) The total tax credit claimed under section 5725.151, 18022
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised 18023
Code for any one project shall not exceed ten million dollars 18024
for any calendar year, tax year, or taxable year. 18025

(3) If the credit claimed in any calendar year, tax year, 18026
or taxable year exceeds the tax otherwise due, the excess shall 18027
be refunded to the taxpayer, subject to division (I)(2) of this 18028
section. 18029

(J) Notwithstanding sections 5725.151, 5725.34, 5726.52, 18030
5729.17, 5733.47, and 5747.76 of the Revised Code, the 18031
certificate owner of a tax credit certificate may claim a tax 18032
credit equal to thirty-five per cent of the dollar amount of 18033
qualified rehabilitation expenditures indicated on the 18034
certificate if the project for which the certificate was issued 18035
is located in a municipal corporation with a population of less 18036
than three hundred thousand or in the unincorporated area of a 18037
township. 18038

(K) The director of development, in consultation with the 18039
director of budget and management, shall develop and adopt a 18040
system of tracking any information necessary to anticipate the 18041
impact of credits issued under this section on tax revenues for 18042
current and future fiscal years. Such information may include 18043
the number of applications approved, the estimated 18044
rehabilitation expenditures and rehabilitation period associated 18045

with such applications, the number and amount of tax credit 18046
certificates issued, and any other information the director of 18047
budget and management requires for the purposes of this 18048
division. 18049

~~(K)~~(L) For purposes of this section and Chapter 122:19-1 18050
of the Ohio Administrative Code, a tax credit certificate issued 18051
under this section is effective on the date that all historic 18052
buildings rehabilitated by the project are "placed in service," 18053
as that term is used in section 47 of the Internal Revenue Code. 18054

Sec. 149.38. (A) Except as otherwise provided in section 18055
307.847 of the Revised Code, there is hereby created in each 18056
county a county records commission, composed of a member of the 18057
board of county commissioners as chairperson, the prosecuting 18058
attorney, the auditor, the recorder, and the clerk of the court 18059
of common pleas. The commission shall appoint a secretary, who 18060
may or may not be a member of the commission and who shall serve 18061
at the pleasure of the commission. The commission may employ an 18062
archivist or records manager to serve under its direction. The 18063
commission shall meet upon the call of the chairperson. 18064

(B) (1) The functions of the county records commission 18065
shall be to provide rules for retention and disposal of records 18066
of the county, and to review applications for one-time disposal 18067
of obsolete records and schedules of records retention and 18068
disposition submitted by county offices. The commission may 18069
dispose of records pursuant to the procedure outlined in this 18070
section. The commission, at any time, may review any schedule it 18071
has previously approved and, for good cause shown, may revise 18072
that schedule, subject to division (D) of this section. 18073

(2) (a) As used in division (B) (2) of this section, "paper 18074
case records" means written reports of child abuse or neglect, 18075

written records of investigations, or other written records 18076
required to be prepared under section 2151.421, ~~5101.13,~~ 18077
5153.166, ~~or 5153.17,~~ or 5180.40 of the Revised Code. 18078

(b) A county public children services agency may submit to 18079
the county records commission applications for one-time 18080
disposal, or schedules of records retention and disposition, of 18081
paper case records that have been entered into permanently 18082
maintained and retrievable fields in the state automated child 18083
welfare information system established under section ~~5101.13-~~ 18084
5180.40 of the Revised Code or entered into other permanently 18085
maintained and retrievable electronic files. The county records 18086
commission may dispose of the paper case records pursuant to the 18087
procedure outlined in this section. 18088

(C) (1) When the county records commission has approved any 18089
county application for one-time disposal of obsolete records or 18090
any schedule of records retention and disposition, the 18091
commission shall send that application or schedule to the Ohio 18092
history connection for its review. The Ohio history connection 18093
shall review the application or schedule within a period of not 18094
more than sixty days after its receipt of it. During the sixty- 18095
day review period, the Ohio history connection may select for 18096
its custody from the application for one-time disposal of 18097
obsolete records any records it considers to be of continuing 18098
historical value, and shall denote upon any schedule of records 18099
retention and disposition any records for which the Ohio history 18100
connection will require a certificate of records disposal prior 18101
to their disposal. 18102

(2) Upon completion of its review, the Ohio history 18103
connection shall forward the application for one-time disposal 18104
of obsolete records or the schedule of records retention and 18105

disposition to the auditor of state for the auditor's approval 18106
or disapproval. The auditor of state shall approve or disapprove 18107
the application or schedule within a period of not more than 18108
sixty days after receipt of it. 18109

(3) Before public records are to be disposed of pursuant 18110
to an approved schedule of records retention and disposition, 18111
the county records commission shall inform the Ohio history 18112
connection of the disposal through the submission of a 18113
certificate of records disposal for only the records required by 18114
the schedule to be disposed of and shall give the Ohio history 18115
connection the opportunity for a period of fifteen business days 18116
to select for its custody those records, from the certificate 18117
submitted, that it considers to be of continuing historical 18118
value. Upon the expiration of the fifteen-business-day period, 18119
the county records commission also shall notify the public 18120
libraries, county historical society, state universities, and 18121
other public or quasi-public institutions, agencies, or 18122
corporations in the county that have provided the commission 18123
with their name and address for these notification purposes, 18124
that the commission has informed the Ohio history connection of 18125
the records disposal and that the notified entities, upon 18126
written agreement with the Ohio history connection pursuant to 18127
section 149.31 of the Revised Code, may select records of 18128
continuing historical value, including records that may be 18129
distributed to any of the notified entities under section 149.31 18130
of the Revised Code. Any notified entity that notifies the 18131
county records commission of its intent to review and select 18132
records of continuing historical value from certificates of 18133
records disposal is responsible for the cost of any notice given 18134
and for the transportation of those records. 18135

(D) The rules of the county records commission shall 18136

include a rule that requires any receipts, checks, vouchers, or 18137
other similar records pertaining to expenditures from the 18138
delinquent tax and assessment collection fund created in section 18139
321.261 of the Revised Code, from the real estate assessment 18140
fund created in section 325.31 of the Revised Code, or from 18141
amounts allocated for the furtherance of justice to the county 18142
sheriff under section 325.071 of the Revised Code or to the 18143
prosecuting attorney under section 325.12 of the Revised Code to 18144
be retained for at least four years. 18145

(E) No person shall knowingly violate the rule adopted 18146
under division (D) of this section. Whoever violates that rule 18147
is guilty of a misdemeanor of the first degree. 18148

Sec. 149.43. (A) As used in this section: 18149

(1) "Public record" means records kept by any public 18150
office, including, but not limited to, state, county, city, 18151
village, township, and school district units, and records 18152
pertaining to the delivery of educational services by an 18153
alternative school in this state kept by the nonprofit or for- 18154
profit entity operating the alternative school pursuant to 18155
section 3313.533 of the Revised Code. "Public record" does not 18156
mean any of the following: 18157

(a) Medical records; 18158

(b) Records pertaining to probation and parole 18159
proceedings, to proceedings related to the imposition of 18160
community control sanctions and post-release control sanctions, 18161
or to proceedings related to determinations under section 18162
2967.271 of the Revised Code regarding the release or maintained 18163
incarceration of an offender to whom that section applies; 18164

(c) Records pertaining to actions under section 2151.85 18165

and division (C) of section 2919.121 of the Revised Code and to 18166
appeals of actions arising under those sections; 18167

(d) Records pertaining to adoption proceedings, including 18168
the contents of an adoption file maintained by the department of 18169
health under sections 3705.12 to 3705.124 of the Revised Code; 18170

(e) Information in a record contained in the putative 18171
father registry established by section 3107.062 of the Revised 18172
Code, regardless of whether the information is held by the 18173
department of ~~job and family services~~ children and youth or, 18174
pursuant to section 3111.69 of the Revised Code, the office of 18175
child support in the department of job and family services or a 18176
child support enforcement agency; 18177

(f) Records specified in division (A) of section 3107.52 18178
of the Revised Code; 18179

(g) Trial preparation records, prior to the conclusion of 18180
all direct appeals or, if no appeal is filed, prior to the 18181
expiration of the time during which an appeal may be filed, or, 18182
if no trial has occurred, until the civil or criminal action or 18183
proceeding has ended without the possibility of direct appeal or 18184
each agency, office, or official responsible for the matter has 18185
made a decision not to proceed with the matter; 18186

(h) Confidential law enforcement investigatory records; 18187

(i) Records containing information that is confidential 18188
under section 2710.03 or 4112.05 of the Revised Code; 18189

(j) DNA records stored in the DNA database pursuant to 18190
section 109.573 of the Revised Code; 18191

(k) Inmate records ~~released by the department of~~ 18192
~~rehabilitation and correction to the department of youth~~ 18193

~~services or a court of record pursuant to division (E) of under~~ 18194
~~section 5120.21 of the Revised Code, except for permitted~~ 18195
~~disclosure of the information listed in division (E) (1) of that~~ 18196
~~section;~~ 18197

(l) Records maintained by the department of youth services 18198
pertaining to children in its custody released by the department 18199
of youth services to the department of rehabilitation and 18200
correction pursuant to section 5139.05 of the Revised Code; 18201

(m) Intellectual property records; 18202

(n) Donor profile records; 18203

(o) Records maintained by the department of job and family 18204
services pursuant to section 3121.894 of the Revised Code; 18205

(p) Designated public service worker residential and 18206
familial information; 18207

(q) In the case of a county hospital operated pursuant to 18208
Chapter 339. of the Revised Code or a municipal hospital 18209
operated pursuant to Chapter 749. of the Revised Code, 18210
information that constitutes a trade secret, as defined in 18211
section 1333.61 of the Revised Code; 18212

(r) Information pertaining to the recreational activities 18213
of a person under the age of eighteen; 18214

(s) In the case of a child fatality review board acting 18215
under sections 307.621 to 307.629 of the Revised Code or a 18216
review conducted pursuant to guidelines established by the 18217
director of health under section 3701.70 of the Revised Code, 18218
records provided to the board or director, statements made by 18219
board members during meetings of the board or by persons 18220
participating in the director's review, and all work products of 18221

the board or director, and in the case of a child fatality 18222
review board, child fatality review data submitted by the board 18223
to the department of health or a national child death review 18224
database, other than the report prepared pursuant to division 18225
(A) of section 307.626 of the Revised Code; 18226

(t) Records provided to and statements made by the 18227
executive director of a public children services agency or a 18228
prosecuting attorney acting pursuant to section 5153.171 of the 18229
Revised Code other than the information released under that 18230
section; 18231

(u) Test materials, examinations, or evaluation tools used 18232
in an examination for licensure as a nursing home administrator 18233
that the board of executives of long-term services and supports 18234
administers under section 4751.15 of the Revised Code or 18235
contracts under that section with a private or government entity 18236
to administer; 18237

(v) Records the release of which is prohibited by state or 18238
federal law; 18239

(w) Proprietary information of or relating to any person 18240
that is submitted to or compiled by the Ohio venture capital 18241
authority created under section 150.01 of the Revised Code; 18242

(x) Financial statements and data any person submits for 18243
any purpose to the Ohio housing finance agency or the 18244
controlling board in connection with applying for, receiving, or 18245
accounting for financial assistance from the agency, and 18246
information that identifies any individual who benefits directly 18247
or indirectly from financial assistance from the agency; 18248

(y) Records listed in section 5101.29 of the Revised Code; 18249

(z) Discharges recorded with a county recorder under 18250

section 317.24 of the Revised Code, as specified in division (B) 18251
(2) of that section; 18252

(aa) Usage information including names and addresses of 18253
specific residential and commercial customers of a municipally 18254
owned or operated public utility; 18255

(bb) Records described in division (C) of section 187.04 18256
of the Revised Code that are not designated to be made available 18257
to the public as provided in that division; 18258

(cc) Information and records that are made confidential, 18259
privileged, and not subject to disclosure under divisions (B) 18260
and (C) of section 2949.221 of the Revised Code; 18261

(dd) Personal information, as defined in section 149.45 of 18262
the Revised Code; 18263

(ee) The confidential name, address, and other personally 18264
identifiable information of a program participant in the address 18265
confidentiality program established under sections 111.41 to 18266
111.47 of the Revised Code, including the contents of any 18267
application for absent voter's ballots, absent voter's ballot 18268
identification envelope statement of voter, or provisional 18269
ballot affirmation completed by a program participant who has a 18270
confidential voter registration record; records or portions of 18271
records pertaining to that program that identify the number of 18272
program participants that reside within a precinct, ward, 18273
township, municipal corporation, county, or any other geographic 18274
area smaller than the state; and any real property 18275
confidentiality notice filed under section 111.431 of the 18276
Revised Code and the information described in division (C) of 18277
that section. As used in this division, "confidential address" 18278
and "program participant" have the meaning defined in section 18279

111.41 of the Revised Code. 18280

(ff) Orders for active military service of an individual 18281
serving or with previous service in the armed forces of the 18282
United States, including a reserve component, or the Ohio 18283
organized militia, except that, such order becomes a public 18284
record on the day that is fifteen years after the published date 18285
or effective date of the call to order; 18286

(gg) The name, address, contact information, or other 18287
personal information of an individual who is less than eighteen 18288
years of age that is included in any record related to a traffic 18289
accident involving a school vehicle in which the individual was 18290
an occupant at the time of the accident; 18291

(hh) Protected health information, as defined in 45 C.F.R. 18292
160.103, that is in a claim for payment for a health care 18293
product, service, or procedure, as well as any other health 18294
claims data in another document that reveals the identity of an 18295
individual who is the subject of the data or could be used to 18296
reveal that individual's identity; 18297

(ii) Any depiction by photograph, film, videotape, or 18298
printed or digital image under either of the following 18299
circumstances: 18300

(i) The depiction is that of a victim of an offense the 18301
release of which would be, to a reasonable person of ordinary 18302
sensibilities, an offensive and objectionable intrusion into the 18303
victim's expectation of bodily privacy and integrity. 18304

(ii) The depiction captures or depicts the victim of a 18305
sexually oriented offense, as defined in section 2950.01 of the 18306
Revised Code, at the actual occurrence of that offense. 18307

(jj) Restricted portions of a body-worn camera or 18308

dashboard camera recording; 18309

(kk) In the case of a fetal-infant mortality review board 18310
acting under sections 3707.70 to 3707.77 of the Revised Code, 18311
records, documents, reports, or other information presented to 18312
the board or a person abstracting such materials on the board's 18313
behalf, statements made by review board members during board 18314
meetings, all work products of the board, and data submitted by 18315
the board to the department of health or a national infant death 18316
review database, other than the report prepared pursuant to 18317
section 3707.77 of the Revised Code. 18318

(ll) Records, documents, reports, or other information 18319
presented to the pregnancy-associated mortality review board 18320
established under section ~~3738.01~~5180.27 of the Revised Code, 18321
statements made by board members during board meetings, all work 18322
products of the board, and data submitted by the board to the 18323
department of health, other than the biennial reports prepared 18324
under section ~~3738.08~~5180.277 of the Revised Code; 18325

(mm) Except as otherwise provided in division (A) (1) (oo) 18326
of this section, telephone numbers for a victim, as defined in 18327
section 2930.01 of the Revised Code or a witness to a crime that 18328
are listed on any law enforcement record or report. 18329

(nn) A preneed funeral contract, as defined in section 18330
4717.01 of the Revised Code, and contract terms and personally 18331
identifying information of a preneed funeral contract, that is 18332
contained in a report submitted by or for a funeral home to the 18333
board of embalmers and funeral directors under division (C) of 18334
section 4717.13, division (J) of section 4717.31, or section 18335
4717.41 of the Revised Code. 18336

(oo) Telephone numbers for a party to a motor vehicle 18337

accident subject to the requirements of section 5502.11 of the 18338
Revised Code that are listed on any law enforcement record or 18339
report, except that the telephone numbers described in this 18340
division are not excluded from the definition of "public record" 18341
under this division on and after the thirtieth day after the 18342
occurrence of the motor vehicle accident. 18343

(pp) Records pertaining to individuals who complete 18344
training under section 5502.703 of the Revised Code to be 18345
permitted by a school district board of education or governing 18346
body of a community school established under Chapter 3314. of 18347
the Revised Code, a STEM school established under Chapter 3326. 18348
of the Revised Code, or a chartered nonpublic school to convey 18349
deadly weapons or dangerous ordnance into a school safety zone; 18350

(qq) Records, documents, reports, or other information 18351
presented to a domestic violence fatality review board 18352
established under section 307.651 of the Revised Code, 18353
statements made by board members during board meetings, all work 18354
products of the board, and data submitted by the board to the 18355
department of health, other than a report prepared pursuant to 18356
section 307.656 of the Revised Code; 18357

(rr) Records, documents, and information the release of 18358
which is prohibited under sections 2930.04 and 2930.07 of the 18359
Revised Code; 18360

(ss) Records of an existing qualified nonprofit 18361
corporation that creates a special improvement district under 18362
Chapter 1710. of the Revised Code that do not pertain to a 18363
purpose for which the district is created; 18364

(tt) Educational support services data, as defined in 18365
section 3319.325 of the Revised Code; 18366

(uu) Records of the past, current, and future work
schedule of a designated public service worker. As used in
division (A) (1) (uu) of this section, "work schedule" does not
include the docket of cases of a court, judge, or magistrate;

(vv) A request form or confirmation letter submitted to a
public office under section 149.45 of the Revised Code;

(ww) An affidavit or confirmation letter submitted under
section 319.28 of the Revised Code;

(xx) License or certificate application or renewal
responses and supporting documentation submitted to the state
medical board regarding an applicant's, or a license or
certificate holder's, inability to practice according to
acceptable and prevailing standards of care by reason of a
medical condition;

(yy) Images and data captured by an automated license
plate recognition system that are maintained in a law
enforcement database;

(zz) Attorney work product record;

(aaa) Any entry on the public calendar of an elected
official that is for any date that is after the date the record
is requested;

(bbb) Records pertaining to burial sites under section
149.3010 of the Revised Code.

A record that is not a public record under division (A) (1)
of this section and that, under law, is permanently retained
becomes a public record on the day that is seventy-five years
after the day on which the record was created, or in the case of
a record that is not a public record under division (A) (1) (uu)

of this section that is retained, three years after the day on 18395
which the record was created, except for any record protected by 18396
the attorney-client privilege, a trial preparation record as 18397
defined in this section, a statement prohibiting the release of 18398
identifying information signed under section 3107.083 of the 18399
Revised Code, a denial of release form filed pursuant to section 18400
3107.46 of the Revised Code, records pertaining to burial sites 18401
under section 149.3010 of the Revised Code, or any record that 18402
is exempt from release or disclosure under section 149.433 of 18403
the Revised Code. If the record is a birth certificate and a 18404
biological parent's name redaction request form has been 18405
accepted under section 3107.391 of the Revised Code, the name of 18406
that parent shall be redacted from the birth certificate before 18407
it is released under this paragraph. If any other section of the 18408
Revised Code establishes a time period for disclosure of a 18409
record that conflicts with the time period specified in this 18410
section, the time period in the other section prevails. 18411

~~(2)~~ (2) (a) "Confidential law enforcement investigatory 18412
record" means any record that pertains to a law enforcement 18413
matter of a criminal, quasi-criminal, civil, or administrative 18414
nature, but only to the extent that the release of the record 18415
would create a high probability of disclosure of any of the 18416
following: 18417

~~(a)~~ (i) The identity of a suspect who has not been charged 18418
with the offense to which the record pertains, or of an 18419
information source or witness to whom confidentiality has been 18420
reasonably promised; 18421

~~(b)~~ (ii) Information provided by an information source or 18422
witness to whom confidentiality has been reasonably promised, 18423
which information would reasonably tend to disclose the source's 18424

or witness's identity; 18425

~~(e)~~ (iii) Specific confidential investigatory techniques or 18426
procedures or specific investigatory work product; 18427

~~(d)~~ (iv) Information that would endanger the life or 18428
physical safety of law enforcement personnel, a crime victim, a 18429
witness, or a confidential information source. 18430

(b) As used in divisions (A) (2) and (18) of this section, 18431
"specific investigatory work product" means information 18432
assembled by law enforcement officials in connection with a 18433
probable or pending criminal or civil proceeding, with the 18434
exception of routine incident reports. "Specific investigatory 18435
work product" is not a public record prior to the conclusion of 18436
all direct appeals, or, if no appeal is filed, prior to the 18437
expiration of the time during which an appeal may be filed, or, 18438
if no trial has occurred, until the criminal or civil proceeding 18439
has ended without possibility of direct appeal or each agency, 18440
office, or official responsible for the matter has made a 18441
decision not to proceed with the matter. 18442

(3) "Medical record" means any document or combination of 18443
documents, except births, deaths, and the fact of admission to 18444
or discharge from a hospital, that pertains to the medical 18445
history, diagnosis, prognosis, or medical condition of a patient 18446
and that is generated and maintained in the process of medical 18447
treatment. 18448

(4) "Trial preparation record" means any record created by 18449
or for another party or by or for that party's representative, 18450
in reasonable anticipation of, or in defense of, a civil or 18451
criminal action or proceeding, that is not a confidential law 18452
enforcement investigatory record or attorney work product record 18453

and that contains factual information that is specifically 18454
compiled ~~in reasonable anticipation of, or in defense of, a for~~ 18455
~~that~~ civil or criminal action or proceeding, ~~including the~~ 18456
~~independent thought processes and personal trial preparation of~~ 18457
~~an attorney.~~ 18458

(5) "Intellectual property record" means a record, other 18459
than a financial or administrative record, that is produced or 18460
collected by or for faculty or staff of a state institution of 18461
higher learning in the conduct of or as a result of study or 18462
research on an educational, commercial, scientific, artistic, 18463
technical, or scholarly issue, regardless of whether the study 18464
or research was sponsored by the institution alone or in 18465
conjunction with a governmental body or private concern, and 18466
that has not been publicly released, published, or patented. 18467

(6) "Donor profile record" means all records about donors 18468
or potential donors to a public institution of higher education 18469
except the names and reported addresses of the actual donors and 18470
the date, amount, and conditions of the actual donation. 18471

(7) "Designated public service worker" means a peace 18472
officer, parole officer, probation officer, bailiff, prosecuting 18473
attorney, assistant prosecuting attorney, correctional employee, 18474
county or multicounty corrections officer, community-based 18475
correctional facility employee, designated Ohio national guard 18476
member, protective services worker, youth services employee, 18477
firefighter, EMT, medical director or member of a cooperating 18478
physician advisory board of an emergency medical service 18479
organization, state board of pharmacy employee, investigator of 18480
the bureau of criminal identification and investigation, 18481
emergency service telecommunicator, forensic mental health 18482
provider, mental health evaluation provider, regional 18483

psychiatric hospital employee, judge, magistrate, or federal law 18484
enforcement officer. 18485

(8) "Designated public service worker residential and 18486
familial information" means any information that discloses any 18487
of the following about a designated public service worker: 18488

(a) The address of the actual personal residence of a 18489
designated public service worker, except for the following 18490
information: 18491

(i) The address of the actual personal residence of a 18492
prosecuting attorney or judge; and 18493

(ii) The state or political subdivision in which a 18494
designated public service worker resides. 18495

(b) Information compiled from referral to or participation 18496
in an employee assistance program; 18497

(c) The social security number, the residential telephone 18498
number, any bank account, debit card, charge card, or credit 18499
card number, or the emergency telephone number of, or any 18500
medical information pertaining to, a designated public service 18501
worker; 18502

(d) The name of any beneficiary of employment benefits, 18503
including, but not limited to, life insurance benefits, provided 18504
to a designated public service worker by the designated public 18505
service worker's employer; 18506

(e) The identity and amount of any charitable or 18507
employment benefit deduction made by the designated public 18508
service worker's employer from the designated public service 18509
worker's compensation, unless the amount of the deduction is 18510
required by state or federal law; 18511

(f) The name, the residential address, the name of the 18512
employer, the address of the employer, the social security 18513
number, the residential telephone number, any bank account, 18514
debit card, charge card, or credit card number, or the emergency 18515
telephone number of the spouse, a former spouse, or any child of 18516
a designated public service worker; 18517

(g) A photograph of a peace officer who holds a position 18518
or has an assignment that may include undercover or plain 18519
clothes positions or assignments as determined by the peace 18520
officer's appointing authority. 18521

(9) As used in divisions (A) (7) and (15) to (17) of this 18522
section: 18523

"Peace officer" has the meaning defined in section 109.71 18524
of the Revised Code and also includes the superintendent and 18525
troopers of the state highway patrol; it does not include the 18526
sheriff of a county or a supervisory employee who, in the 18527
absence of the sheriff, is authorized to stand in for, exercise 18528
the authority of, and perform the duties of the sheriff. 18529

"Correctional employee" means any employee of the 18530
department of rehabilitation and correction who in the course of 18531
performing the employee's job duties has or has had contact with 18532
inmates and persons under supervision. 18533

"County or multicounty corrections officer" means any 18534
corrections officer employed by any county or multicounty 18535
correctional facility. 18536

"Designated Ohio national guard member" means a member of 18537
the Ohio national guard who is participating in duties related 18538
to remotely piloted aircraft, including, but not limited to, 18539
pilots, sensor operators, and mission intelligence personnel, 18540

duties related to special forces operations, or duties related 18541
to cybersecurity, and is designated by the adjutant general as a 18542
designated public service worker for those purposes. 18543

"Protective services worker" means any employee of a 18544
county agency who is responsible for child protective services, 18545
child support services, or adult protective services. 18546

"Youth services employee" means any employee of the 18547
department of youth services who in the course of performing the 18548
employee's job duties has or has had contact with children 18549
committed to the custody of the department of youth services. 18550

"Firefighter" means any regular, paid or volunteer, member 18551
of a lawfully constituted fire department of a municipal 18552
corporation, township, fire district, or village. 18553

"EMT" means EMTs-basic, EMTs-I, and paramedics that 18554
provide emergency medical services for a public emergency 18555
medical service organization. "Emergency medical service 18556
organization," "EMT-basic," "EMT-I," and "paramedic" have the 18557
meanings defined in section 4765.01 of the Revised Code. 18558

"Investigator of the bureau of criminal identification and 18559
investigation" has the meaning defined in section 2903.11 of the 18560
Revised Code. 18561

"Emergency service telecommunicator" means an individual 18562
employed by an emergency service provider as defined under 18563
section 128.01 of the Revised Code, whose primary responsibility 18564
is to be an operator for the receipt or processing of calls for 18565
emergency services made by telephone, radio, or other electronic 18566
means. 18567

"Forensic mental health provider" means any employee of a 18568
community mental health service provider or local alcohol, drug 18569

addiction, and mental health services board who, in the course 18570
of the employee's duties, has contact with persons committed to 18571
a local alcohol, drug addiction, and mental health services 18572
board by a court order pursuant to section 2945.38, 2945.39, 18573
2945.40, or 2945.402 of the Revised Code. 18574

"Mental health evaluation provider" means an individual 18575
who, under Chapter 5122. of the Revised Code, examines a 18576
respondent who is alleged to be a mentally ill person subject to 18577
court order, as defined in section 5122.01 of the Revised Code, 18578
and reports to the probate court the respondent's mental 18579
condition. 18580

"Regional psychiatric hospital employee" means any 18581
employee of the department of mental health and addiction 18582
services who, in the course of performing the employee's duties, 18583
has contact with patients committed to the department of mental 18584
health and addiction services by a court order pursuant to 18585
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 18586
Code. 18587

"Federal law enforcement officer" has the meaning defined 18588
in section 9.88 of the Revised Code. 18589

(10) "Information pertaining to the recreational 18590
activities of a person under the age of eighteen" means 18591
information that is kept in the ordinary course of business by a 18592
public office, that pertains to the recreational activities of a 18593
person under the age of eighteen years, and that discloses any 18594
of the following: 18595

(a) The address or telephone number of a person under the 18596
age of eighteen or the address or telephone number of that 18597
person's parent, guardian, custodian, or emergency contact 18598

person; 18599

(b) The social security number, birth date, or 18600
photographic image of a person under the age of eighteen; 18601

(c) Any medical record, history, or information pertaining 18602
to a person under the age of eighteen; 18603

(d) Any additional information sought or required about a 18604
person under the age of eighteen for the purpose of allowing 18605
that person to participate in any recreational activity 18606
conducted or sponsored by a public office or to use or obtain 18607
admission privileges to any recreational facility owned or 18608
operated by a public office. 18609

(11) "Community control sanction" has the meaning defined 18610
in section 2929.01 of the Revised Code. 18611

(12) "Post-release control sanction" has the meaning 18612
defined in section 2967.01 of the Revised Code. 18613

(13) "Redaction" means obscuring or deleting any 18614
information that is exempt from the duty to permit public 18615
inspection or copying from an item that otherwise meets the 18616
definition of a "record" in section 149.011 of the Revised Code. 18617

(14) "Designee," "elected official," and "future official" 18618
have the meanings defined in section 109.43 of the Revised Code. 18619

(15) "Body-worn camera" means a visual and audio recording 18620
device worn on the person of a correctional employee, youth 18621
services employee, or peace officer while the correctional 18622
employee, youth services employee, or peace officer is engaged 18623
in the performance of official duties. 18624

(16) "Dashboard camera" means a visual and audio recording 18625
device mounted on a peace officer's vehicle or vessel that is 18626

used while the peace officer is engaged in the performance of 18627
the peace officer's duties. 18628

(17) "Restricted portions of a body-worn camera or 18629
dashboard camera recording" means any visual or audio portion of 18630
a body-worn camera or dashboard camera recording that shows, 18631
communicates, or discloses any of the following: 18632

(a) The image or identity of a child or information that 18633
could lead to the identification of a child who is a primary 18634
subject of the recording when the department of rehabilitation 18635
and correction, department of youth services, or the law 18636
enforcement agency knows or has reason to know the person is a 18637
child based on the department's or law enforcement agency's 18638
records or the content of the recording; 18639

(b) The death of a person or a deceased person's body, 18640
unless the death was caused by a correctional employee, youth 18641
services employee, or peace officer or, subject to division (H) 18642
(1) of this section, the consent of the decedent's executor or 18643
administrator has been obtained; 18644

(c) The death of a correctional employee, youth services 18645
employee, peace officer, firefighter, paramedic, or other first 18646
responder, occurring while the decedent was engaged in the 18647
performance of official duties, unless, subject to division (H) 18648
(1) of this section, the consent of the decedent's executor or 18649
administrator has been obtained; 18650

(d) Grievous bodily harm, unless the injury was effected 18651
by a correctional employee, youth services employee, or peace 18652
officer or, subject to division (H) (1) of this section, the 18653
consent of the injured person or the injured person's guardian 18654
has been obtained; 18655

(e) An act of severe violence against a person that 18656
results in serious physical harm to the person, unless the act 18657
and injury was effected by a correctional employee, youth 18658
services employee, or peace officer or, subject to division (H) 18659
(1) of this section, the consent of the injured person or the 18660
injured person's guardian has been obtained; 18661

(f) Grievous bodily harm to a correctional employee, youth 18662
services employee, peace officer, firefighter, paramedic, or 18663
other first responder, occurring while the injured person was 18664
engaged in the performance of official duties, unless, subject 18665
to division (H) (1) of this section, the consent of the injured 18666
person or the injured person's guardian has been obtained; 18667

(g) An act of severe violence resulting in serious 18668
physical harm against a correctional employee, youth services 18669
employee, peace officer, firefighter, paramedic, or other first 18670
responder, occurring while the injured person was engaged in the 18671
performance of official duties, unless, subject to division (H) 18672
(1) of this section, the consent of the injured person or the 18673
injured person's guardian has been obtained; 18674

(h) A person's nude body, unless, subject to division (H) 18675
(1) of this section, the person's consent has been obtained; 18676

(i) Protected health information, the identity of a person 18677
in a health care facility who is not the subject of a 18678
correctional, youth services, or law enforcement encounter, or 18679
any other information in a health care facility that could 18680
identify a person who is not the subject of a correctional, 18681
youth services, or law enforcement encounter; 18682

(j) Information that could identify the alleged victim of 18683
a sex offense, menacing by stalking, or domestic violence; 18684

(k) Information, that does not constitute a confidential 18685
law enforcement investigatory record, that could identify a 18686
person who provides sensitive or confidential information to the 18687
department of rehabilitation and correction, the department of 18688
youth services, or a law enforcement agency when the disclosure 18689
of the person's identity or the information provided could 18690
reasonably be expected to threaten or endanger the safety or 18691
property of the person or another person; 18692

(l) Personal information of a person who is not arrested, 18693
cited, charged, or issued a written warning by a peace officer; 18694

(m) Proprietary correctional, youth services, or police 18695
contingency plans or tactics that are intended to prevent crime 18696
and maintain public order and safety; 18697

(n) A personal conversation unrelated to work between 18698
correctional employees, youth services employees, or peace 18699
officers or between a correctional employee, youth services 18700
employee, or peace officer and an employee of a law enforcement 18701
agency; 18702

(o) A conversation between a correctional employee, youth 18703
services employee, or peace officer and a member of the public 18704
that does not concern correctional, youth services, or law 18705
enforcement activities; 18706

(p) The interior of a residence, unless the interior of a 18707
residence is the location of an adversarial encounter with, or a 18708
use of force by, a correctional employee, youth services 18709
employee, or peace officer; 18710

(q) Any portion of the interior of a private business that 18711
is not open to the public, unless an adversarial encounter with, 18712
or a use of force by, a correctional employee, youth services 18713

employee, or peace officer occurs in that location. 18714

As used in division (A) (17) of this section: 18715

"Grievous bodily harm" has the same meaning as in section 18716
5924.120 of the Revised Code. 18717

"Health care facility" has the same meaning as in section 18718
1337.11 of the Revised Code. 18719

"Protected health information" has the same meaning as in 18720
45 C.F.R. 160.103. 18721

"Law enforcement agency" means a government entity that 18722
employs peace officers to perform law enforcement duties. 18723

"Personal information" means any government-issued 18724
identification number, date of birth, address, financial 18725
information, or criminal justice information from the law 18726
enforcement automated data system or similar databases. 18727

"Sex offense" has the same meaning as in section 2907.10 18728
of the Revised Code. 18729

"Firefighter," "paramedic," and "first responder" have the 18730
same meanings as in section 4765.01 of the Revised Code. 18731

(18) "Attorney work product record" means a record that is 18732
not specific investigatory work product or a trial preparation 18733
record and that is created by an attorney, or by the agent of an 18734
attorney, in reasonable anticipation of or for litigation, 18735
trial, or administrative proceedings, when acting in an official 18736
capacity on behalf of the state, a political subdivision of the 18737
state, a state agency, a public official, or a public employee, 18738
that documents the independent thought processes, mental 18739
impressions, legal theories, strategies, analysis, or reasoning 18740
of an attorney or the agent of an attorney. 18741

(19) "Elected official" means a person who is elected or 18742
appointed to an elective office of the state or a political 18743
subdivision. 18744

(20) "Public calendar" means a calendar or appointment 18745
book maintained by an elected official to schedule the elected 18746
official's activities in relation to the elected official's 18747
position as an elected official. "Public calendar" does not 18748
include a personal calendar or appointment book maintained 18749
solely for an elected official's personal convenience that does 18750
not serve to document the elected official's official activities 18751
or functions or the official activities or functions of the 18752
elected official's public office. 18753

(B) (1) Upon request by any person and subject to division 18754
(B) (8) of this section, all public records responsive to the 18755
request shall be promptly prepared and made available for 18756
inspection to the requester at all reasonable times during 18757
regular business hours. Subject to division (B) (8) of this 18758
section, upon request by any person, a public office or person 18759
responsible for public records shall make copies of the 18760
requested public record available to the requester at cost and 18761
within a reasonable period of time. 18762

When considering whether a state or local law enforcement 18763
agency or a prosecuting attorney's office promptly prepared a 18764
video record for inspection or provided produced a copy of a 18765
video record ~~for production~~ within a reasonable period of time, 18766
in addition to any other factors, a court shall consider the 18767
time required for a state or local law enforcement agency or a 18768
prosecuting attorney's office to retrieve, download, review, 18769
redact, seek legal advice regarding, and produce the video 18770
record. ~~Notwithstanding~~ Except as specified in division (B) (11) 18771

of this section, notwithstanding any other requirement set forth 18772
in Chapter 149. of the Revised Code, a state or local law 18773
enforcement agency or a prosecuting attorney's office may charge 18774
a requester the actual cost associated with preparing a video 18775
record for inspection or production, not to exceed seventy-five 18776
dollars per hour of video produced, nor seven hundred fifty 18777
dollars total. As used in this division, "actual cost," with 18778
respect to video records only, means all costs incurred by the 18779
state or local law enforcement agency or a prosecuting 18780
attorney's office in reviewing, blurring or otherwise obscuring, 18781
redacting, uploading, or producing the video records, including 18782
but not limited to the storage medium on which the record is 18783
produced, staff time, and any other relevant overhead necessary 18784
to comply with the request. A state or local law enforcement 18785
agency or a prosecuting attorney's office may include in its 18786
public records policy the requirement that a requester pay the 18787
estimated actual cost before beginning the process of preparing 18788
a video record for inspection or production. Where a state or 18789
local law enforcement agency or a prosecuting attorney's office 18790
imposes such a requirement, its obligation to produce a video or 18791
make it available for inspection begins once the estimated 18792
actual cost is paid in full by the requester. A state or local 18793
law enforcement agency or a prosecuting attorney's office shall 18794
provide the requester with the estimated actual cost within five 18795
business days of receipt of the public records request. If the 18796
actual cost exceeds the estimated actual cost, a state or local 18797
law enforcement agency or a prosecuting attorney's office may 18798
charge a requester for the difference upon fulfilling a request 18799
for video records if the requester is notified in advance that 18800
the actual cost may be up to twenty per cent higher than the 18801
estimated actual cost. A state or local law enforcement agency 18802
or a prosecuting attorney's office shall not charge a requester 18803

a difference that exceeds twenty per cent of the estimated 18804
actual cost. 18805

If a public record contains information that is exempt 18806
from the duty to permit public inspection or to copy the public 18807
record, the public office or the person responsible for the 18808
public record shall make available all of the information within 18809
the public record that is not exempt. When making that public 18810
record available for public inspection or copying that public 18811
record, the public office or the person responsible for the 18812
public record shall notify the requester of any redaction or 18813
make the redaction plainly visible. A redaction shall be deemed 18814
a denial of a request to inspect or copy the redacted 18815
information, except if federal or state law authorizes or 18816
requires a public office to make the redaction. When the auditor 18817
of state receives a request to inspect or to make a copy of a 18818
record that was provided to the auditor of state for purposes of 18819
an audit, but the original public office has asserted to the 18820
auditor of state that the record is not a public record, the 18821
auditor of state may handle the requests by directing the 18822
requestor to the original public office that provided the record 18823
to the auditor of state. 18824

(2) To facilitate broader access to public records, a 18825
public office or the person responsible for public records shall 18826
organize and maintain public records in a manner that they can 18827
be made available for inspection or copying in accordance with 18828
division (B) of this section. A public office also shall have 18829
available a copy of its current records retention schedule at a 18830
location readily available to the public. If a requester makes 18831
an ambiguous or overly broad request or has difficulty in making 18832
a request for copies or inspection of public records under this 18833
section such that the public office or the person responsible 18834

for the requested public record cannot reasonably identify what 18835
public records are being requested, the public office or the 18836
person responsible for the requested public record may deny the 18837
request but shall provide the requester with an opportunity to 18838
revise the request by informing the requester of the manner in 18839
which records are maintained by the public office and accessed 18840
in the ordinary course of the public office's or person's 18841
duties. 18842

(3) If a request is ultimately denied, in part or in 18843
whole, the public office or the person responsible for the 18844
requested public record shall provide the requester with an 18845
explanation, including legal authority, setting forth why the 18846
request was denied. If the initial request was provided in 18847
writing, the explanation also shall be provided to the requester 18848
in writing. The explanation shall not preclude the public office 18849
or the person responsible for the requested public record from 18850
relying upon additional reasons or legal authority in defending 18851
an action commenced under division (C) of this section. 18852

(4) Unless specifically required or authorized by state or 18853
federal law or in accordance with division (B) of this section, 18854
no public office or person responsible for public records may 18855
limit or condition the availability of public records by 18856
requiring disclosure of the requester's identity or the intended 18857
use of the requested public record. Any requirement that the 18858
requester disclose the requester's identity or the intended use 18859
of the requested public record constitutes a denial of the 18860
request. 18861

(5) A public office or person responsible for public 18862
records may ask a requester to make the request in writing, may 18863
ask for the requester's identity, and may inquire about the 18864

intended use of the information requested, but may do so only 18865
after disclosing to the requester that a written request is not 18866
mandatory, that the requester may decline to reveal the 18867
requester's identity or the intended use, and when a written 18868
request or disclosure of the identity or intended use would 18869
benefit the requester by enhancing the ability of the public 18870
office or person responsible for public records to identify, 18871
locate, or deliver the public records sought by the requester. 18872

(6) If any person requests a copy of a public record in 18873
accordance with division (B) of this section, the public office 18874
or person responsible for the public record may require the 18875
requester to pay in advance the cost involved in providing the 18876
copy of the public record in accordance with the choice made by 18877
the requester under this division. The public office or the 18878
person responsible for the public record shall permit the 18879
requester to choose to have the public record duplicated upon 18880
paper, upon the same medium upon which the public office or 18881
person responsible for the public record keeps it, or upon any 18882
other medium upon which the public office or person responsible 18883
for the public record determines that it reasonably can be 18884
duplicated as an integral part of the normal operations of the 18885
public office or person responsible for the public record. When 18886
the requester makes a choice under this division, the public 18887
office or person responsible for the public record shall provide 18888
a copy of it in accordance with the choice made by the 18889
requester. Nothing in this section requires a public office or 18890
person responsible for the public record to allow the requester 18891
of a copy of the public record to make the copies of the public 18892
record. 18893

(7) (a) Upon a request made in accordance with division (B) 18894
of this section and subject to division (B) (6) of this section, 18895

a public office or person responsible for public records shall 18896
transmit a copy of a public record to any person by United 18897
States mail or by any other means of delivery or transmission 18898
within a reasonable period of time after receiving the request 18899
for the copy. The public office or person responsible for the 18900
public record may require the person making the request to pay 18901
in advance the cost of postage if the copy is transmitted by 18902
United States mail or the cost of delivery if the copy is 18903
transmitted other than by United States mail, and to pay in 18904
advance the costs incurred for other supplies used in the 18905
mailing, delivery, or transmission. 18906

(b) Any public office may adopt a policy and procedures 18907
that it will follow in transmitting, within a reasonable period 18908
of time after receiving a request, copies of public records by 18909
United States mail or by any other means of delivery or 18910
transmission pursuant to division (B) (7) of this section. A 18911
public office that adopts a policy and procedures under division 18912
(B) (7) of this section shall comply with them in performing its 18913
duties under that division. 18914

(c) In any policy and procedures adopted under division 18915
(B) (7) of this section: 18916

(i) A public office may limit the number of records 18917
requested by a person that the office will physically deliver by 18918
United States mail or by another delivery service to ten per 18919
month, unless the person certifies to the office in writing that 18920
the person does not intend to use or forward the requested 18921
records, or the information contained in them, for commercial 18922
purposes; 18923

(ii) A public office that chooses to provide some or all 18924
of its public records on a web site that is fully accessible to 18925

and searchable by members of the public at all times, other than 18926
during acts of God outside the public office's control or 18927
maintenance, and that charges no fee to search, access, 18928
download, or otherwise receive records provided on the web site, 18929
may limit to ten per month the number of records requested by a 18930
person that the office will deliver in a digital format, unless 18931
the requested records are not provided on the web site and 18932
unless the person certifies to the office in writing that the 18933
person does not intend to use or forward the requested records, 18934
or the information contained in them, for commercial purposes. 18935

(iii) For purposes of division (B) (7) of this section, 18936
"commercial" shall be narrowly construed and does not include 18937
reporting or gathering news, reporting or gathering information 18938
to assist citizen oversight or understanding of the operation or 18939
activities of government, or nonprofit educational research. 18940

(8) A public office or person responsible for public 18941
records is not required to permit a person who is incarcerated 18942
pursuant to a criminal conviction or a juvenile adjudication to 18943
inspect or to obtain a copy of any public record concerning a 18944
criminal investigation or prosecution or concerning what would 18945
be a criminal investigation or prosecution if the subject of the 18946
investigation or prosecution were an adult, unless the request 18947
to inspect or to obtain a copy of the record is for the purpose 18948
of acquiring information that is subject to release as a public 18949
record under this section and the judge who imposed the sentence 18950
or made the adjudication with respect to the person, or the 18951
judge's successor in office, finds that the information sought 18952
in the public record is necessary to support what appears to be 18953
a justiciable claim of the person. As used in this division, 18954
"public record concerning a criminal investigation or 18955
prosecution or concerning what would be a criminal investigation 18956

or prosecution if the subject of the investigation were an adult" includes, but is not limited to, personnel files and payroll and attendance records of designated public service workers.

(9) (a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child, and any past, current, and future work schedules of the designated public service worker. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B) (9) (a) of this section also applies to journalist requests for:

(i) Customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information;

(ii) Information about minors involved in a school vehicle accident as provided in division (A) (1) (gg) of this section, other than personal information as defined in section 149.45 of the Revised Code;

(iii) A request form submitted to a public office under 18986
section 149.45 of the Revised Code; 18987

(iv) An affidavit submitted under section 319.28 of the 18988
Revised Code. 18989

(c) As used in division (B)(9) of this section, 18990
"journalist" means a person engaged in, connected with, or 18991
employed by any news medium, including a newspaper, magazine, 18992
press association, news agency, or wire service, a radio or 18993
television station, or a similar medium, for the purpose of 18994
gathering, processing, transmitting, compiling, editing, or 18995
disseminating information for the general public. 18996

(10) Upon a request made by a victim, victim's attorney, 18997
or victim's representative, as that term is used in section 18998
2930.02 of the Revised Code, a public office or person 18999
responsible for public records shall transmit a copy of a 19000
depiction of the victim as described in division (A)(1)(ii) of 19001
this section to the victim, victim's attorney, or victim's 19002
representative. 19003

(11) A state or local law enforcement agency or a 19004
prosecuting attorney's office shall not charge a fee for 19005
preparing a video record for inspection, or producing a copy of 19006
a video record, when the requester of the video record is a 19007
victim, as defined in Ohio Constitution, Article I, Section 10a, 19008
or who is a victim who suffered loss and could seek remedy 19009
through a tort action as defined by section 2307.011 of the 19010
Revised Code, who reasonably asserts that the video recording 19011
relates to the act or omission that caused the victim's harm or 19012
loss, or who is the legal counsel or insurer of the victim. A 19013
fee under this section may only be waived upon the receipt of an 19014
affidavit by the victim or the victim's legal counsel 19015

identifying that the use of the video is to investigate harm or 19016
damages that may have been captured on the video. 19017

As used in this division, "legal counsel of the victim" 19018
means an attorney who, at the time of making the request, 19019
produces to the state or local law enforcement agency or a 19020
prosecuting attorney's office a signed retention agreement or 19021
letter of representation that establishes that the attorney is 19022
representing the victim. 19023

(C) (1) If a person allegedly is aggrieved by the failure 19024
of a public office or the person responsible for public records 19025
to promptly prepare a public record and to make it available to 19026
the person for inspection in accordance with division (B) of 19027
this section or by any other failure of a public office or the 19028
person responsible for public records to comply with an 19029
obligation in accordance with division (B) of this section, the 19030
person allegedly aggrieved may serve pursuant to Rule 4 of the 19031
Ohio Rules of Civil Procedure a complaint, on a form prescribed 19032
by the clerk of the court of claims, to the public office or 19033
person responsible for public records allegedly responsible for 19034
the alleged failure. Upon receipt of the complaint of the person 19035
allegedly aggrieved, the public office or person responsible for 19036
public records has three business days to cure or otherwise 19037
address the failure alleged in the complaint. The person 19038
allegedly aggrieved shall not file a complaint with a court or 19039
commence a mandamus action under this section within the three- 19040
day period. Upon the expiration of the three-day period, the 19041
person allegedly aggrieved may, subject to the requirements of 19042
division (C) (2) of this section, do only one of the following, 19043
and not both: 19044

(a) File a complaint with the clerk of the court of claims 19045

or the clerk of the court of common pleas under section 2743.75 19046
of the Revised Code; 19047

(b) Commence a mandamus action to obtain a judgment that 19048
orders the public office or the person responsible for the 19049
public record to comply with division (B) of this section, that 19050
awards court costs and reasonable attorney's fees to the person 19051
that instituted the mandamus action, and, if applicable, that 19052
includes an order fixing statutory damages under division (C) (3) 19053
of this section. The mandamus action may be commenced in the 19054
court of common pleas of the county in which division (B) of 19055
this section allegedly was not complied with, in the supreme 19056
court pursuant to its original jurisdiction under Section 2 of 19057
Article IV, Ohio Constitution, or in the court of appeals for 19058
the appellate district in which division (B) of this section 19059
allegedly was not complied with pursuant to its original 19060
jurisdiction under Section 3 of Article IV, Ohio Constitution. 19061

(2) Upon filing a complaint or mandamus action with a 19062
court under divisions (C) (1) (a) or (b) of this section, a person 19063
allegedly aggrieved shall file with the court, in conjunction 19064
with the person's complaint or petition, a written affirmation 19065
stating that the person properly transmitted a complaint to the 19066
public office or person responsible for public records, the 19067
failure alleged in the complaint has not been cured or otherwise 19068
resolved to the person's satisfaction, and that the complaint 19069
was transmitted to the public office or person responsible for 19070
public records at least three business days before the filing of 19071
the suit. If the person fails to file an affirmation pursuant to 19072
this division, the suit shall be dismissed. 19073

(3) If a requester transmits a written request by hand 19074
delivery, electronic submission, or certified mail to inspect or 19075

receive copies of any public record in a manner that fairly 19076
describes the public record or class of public records to the 19077
public office or person responsible for the requested public 19078
records, except as otherwise provided in this section, the 19079
requester shall be entitled to recover the amount of statutory 19080
damages set forth in this division if a court determines that 19081
the public office or the person responsible for public records 19082
failed to comply with an obligation in accordance with division 19083
(B) of this section. Statutory damages are not available 19084
pursuant to this section to a person committed to the custody of 19085
the department of rehabilitation and correction or the United 19086
States bureau of prisons, or a child committed to the department 19087
of youth services as permitted in Chapter 2152. of the Revised 19088
Code. 19089

The amount of statutory damages shall be fixed at one 19090
hundred dollars for each business day during which the public 19091
office or person responsible for the requested public records 19092
failed to comply with an obligation in accordance with division 19093
(B) of this section, beginning with the day on which the 19094
requester files a mandamus action to recover statutory damages, 19095
up to a maximum of one thousand dollars. The award of statutory 19096
damages shall not be construed as a penalty, but as compensation 19097
for injury arising from lost use of the requested information. 19098
The existence of this injury shall be conclusively presumed. The 19099
award of statutory damages shall be in addition to all other 19100
remedies authorized by this section. 19101

The court may reduce an award of statutory damages or not 19102
award statutory damages if the court determines both of the 19103
following: 19104

(a) That, based on the ordinary application of statutory 19105

law and case law as it existed at the time of the conduct or 19106
threatened conduct of the public office or person responsible 19107
for the requested public records that allegedly constitutes a 19108
failure to comply with an obligation in accordance with division 19109
(B) of this section and that was the basis of the mandamus 19110
action, a well-informed public office or person responsible for 19111
the requested public records reasonably would believe that the 19112
conduct or threatened conduct of the public office or person 19113
responsible for the requested public records did not constitute 19114
a failure to comply with an obligation in accordance with 19115
division (B) of this section; 19116

(b) That a well-informed public office or person 19117
responsible for the requested public records reasonably would 19118
believe that the conduct or threatened conduct of the public 19119
office or person responsible for the requested public records 19120
would serve the public policy that underlies the authority that 19121
is asserted as permitting that conduct or threatened conduct. 19122

(4) In a mandamus action filed under division (C) (1) of 19123
this section, the following apply: 19124

(a) (i) If the court orders the public office or the person 19125
responsible for the public record to comply with division (B) of 19126
this section, the court shall determine and award to the relator 19127
all court costs, which shall be construed as remedial and not 19128
punitive. 19129

(ii) If the court makes a determination described in 19130
division (C) (4) (b) (iii) of this section, the court shall 19131
determine and award to the relator all court costs, which shall 19132
be construed as remedial and not punitive. 19133

(b) If the court renders a judgment that orders the public 19134

office or the person responsible for the public record to comply 19135
with division (B) of this section or if the court determines any 19136
of the following, the court may award reasonable attorney's fees 19137
to the relator, subject to division (C) (5) of this section: 19138

(i) The public office or the person responsible for the 19139
public records failed to respond affirmatively or negatively to 19140
the public records request in accordance with the time allowed 19141
under division (B) of this section. 19142

(ii) The public office or the person responsible for the 19143
public records promised to permit the relator to inspect or 19144
receive copies of the public records requested within a 19145
specified period of time but failed to fulfill that promise 19146
within that specified period of time. 19147

(iii) The public office or the person responsible for the 19148
public records acted in bad faith when the office or person 19149
voluntarily made the public records available to the relator for 19150
the first time after the relator commenced the mandamus action, 19151
but before the court issued any order concluding whether or not 19152
the public office or person was required to comply with division 19153
(B) of this section. No discovery may be conducted on the issue 19154
of the alleged bad faith of the public office or person 19155
responsible for the public records. This division shall not be 19156
construed as creating a presumption that the public office or 19157
the person responsible for the public records acted in bad faith 19158
when the office or person voluntarily made the public records 19159
available to the relator for the first time after the relator 19160
commenced the mandamus action, but before the court issued any 19161
order described in this division. 19162

(c) The court shall not award attorney's fees to the 19163
relator if the court determines both of the following: 19164

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(5) All of the following apply to any award of reasonable attorney's fees awarded under division (C) (4) (b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (5) (c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount

of the fees and to otherwise litigate entitlement to the fees. 19194

(d) The court may reduce the amount of fees awarded if the 19195
court determines that, given the factual circumstances involved 19196
with the specific public records request, an alternative means 19197
should have been pursued to more effectively and efficiently 19198
resolve the dispute that was subject to the mandamus action 19199
filed under division (C) (1) of this section. 19200

(6) If the court does not issue a writ of mandamus under 19201
division (C) of this section and the court determines at that 19202
time that the bringing of the mandamus action was frivolous 19203
conduct as defined in division (A) of section 2323.51 of the 19204
Revised Code, the court may award to the public office all court 19205
costs, expenses, and reasonable attorney's fees, as determined 19206
by the court. 19207

(D) Chapter 1347. of the Revised Code does not limit the 19208
provisions of this section. 19209

(E) (1) To ensure that all employees of public offices are 19210
appropriately educated about a public office's obligations under 19211
division (B) of this section, all elected officials or their 19212
appropriate designees shall attend training approved by the 19213
attorney general as provided in section 109.43 of the Revised 19214
Code. A future official may satisfy the requirements of this 19215
division by attending the training before taking office, 19216
provided that the future official may not send a designee in the 19217
future official's place. 19218

(2) All public offices shall adopt a public records policy 19219
in compliance with this section for responding to public records 19220
requests. In adopting a public records policy under this 19221
division, a public office may obtain guidance from the model 19222

public records policy developed and provided to the public 19223
office by the attorney general under section 109.43 of the 19224
Revised Code. Except as otherwise provided in this section, the 19225
policy may not limit the number of public records that the 19226
public office will make available to a single person, may not 19227
limit the number of public records that it will make available 19228
during a fixed period of time, and may not establish a fixed 19229
period of time before it will respond to a request for 19230
inspection or copying of public records, unless that period is 19231
less than eight hours. 19232

The public office shall distribute the public records 19233
policy adopted by the public office under this division to the 19234
employee of the public office who is the records custodian or 19235
records manager or otherwise has custody of the records of that 19236
office. The public office shall require that employee to 19237
acknowledge receipt of the copy of the public records policy. 19238
The public office shall create a poster that describes its 19239
public records policy and shall post the poster in a conspicuous 19240
place in the public office and in all locations where the public 19241
office has branch offices. The public office may post its public 19242
records policy on the internet web site of the public office if 19243
the public office maintains an internet web site. A public 19244
office that has established a manual or handbook of its general 19245
policies and procedures for all employees of the public office 19246
shall include the public records policy of the public office in 19247
the manual or handbook. 19248

(F) (1) The bureau of motor vehicles may adopt rules 19249
pursuant to Chapter 119. of the Revised Code to reasonably limit 19250
the number of bulk commercial special extraction requests made 19251
by a person for the same records or for updated records during a 19252
calendar year. The rules may include provisions for charges to 19253

be made for bulk commercial special extraction requests for the 19254
actual cost of the bureau, plus special extraction costs, plus 19255
ten per cent. The bureau may charge for expenses for redacting 19256
information, the release of which is prohibited by law. 19257

(2) As used in division (F)(1) of this section: 19258

(a) "Actual cost" means the cost of depleted supplies, 19259
records storage media costs, actual mailing and alternative 19260
delivery costs, or other transmitting costs, and any direct 19261
equipment operating and maintenance costs, including actual 19262
costs paid to private contractors for copying services. 19263

(b) "Bulk commercial special extraction request" means a 19264
request for copies of a record for information in a format other 19265
than the format already available, or information that cannot be 19266
extracted without examination of all items in a records series, 19267
class of records, or database by a person who intends to use or 19268
forward the copies for surveys, marketing, solicitation, or 19269
resale for commercial purposes. "Bulk commercial special 19270
extraction request" does not include a request by a person who 19271
gives assurance to the bureau that the person making the request 19272
does not intend to use or forward the requested copies for 19273
surveys, marketing, solicitation, or resale for commercial 19274
purposes. 19275

(c) "Commercial" means profit-seeking production, buying, 19276
or selling of any good, service, or other product. 19277

(d) "Special extraction costs" means the cost of the time 19278
spent by the lowest paid employee competent to perform the task, 19279
the actual amount paid to outside private contractors employed 19280
by the bureau, or the actual cost incurred to create computer 19281
programs to make the special extraction. "Special extraction 19282

costs" include any charges paid to a public agency for computer 19283
or records services. 19284

(3) For purposes of divisions (F) (1) and (2) of this 19285
section, "surveys, marketing, solicitation, or resale for 19286
commercial purposes" shall be narrowly construed and does not 19287
include reporting or gathering news, reporting or gathering 19288
information to assist citizen oversight or understanding of the 19289
operation or activities of government, or nonprofit educational 19290
research. 19291

(G) A request by a defendant, counsel of a defendant, or 19292
any agent of a defendant in a criminal action that public 19293
records related to that action be made available under this 19294
section shall be considered a demand for discovery pursuant to 19295
the Criminal Rules, except to the extent that the Criminal Rules 19296
plainly indicate a contrary intent. The defendant, counsel of 19297
the defendant, or agent of the defendant making a request under 19298
this division shall serve a copy of the request on the 19299
prosecuting attorney, director of law, or other chief legal 19300
officer responsible for prosecuting the action. 19301

(H) (1) Any portion of a body-worn camera or dashboard 19302
camera recording described in divisions (A) (17) (b) to (h) of 19303
this section may be released by consent of the subject of the 19304
recording or a representative of that person, as specified in 19305
those divisions, only if either of the following applies: 19306

(a) The recording will not be used in connection with any 19307
probable or pending criminal proceedings; 19308

(b) The recording has been used in connection with a 19309
criminal proceeding that was dismissed or for which a judgment 19310
has been entered pursuant to Rule 32 of the Rules of Criminal 19311

Procedure, and will not be used again in connection with any 19312
probable or pending criminal proceedings. 19313

(2) If a public office denies a request to release a 19314
restricted portion of a body-worn camera or dashboard camera 19315
recording, as defined in division (A)(17) of this section, any 19316
person may file a mandamus action pursuant to this section or a 19317
complaint with the clerk of the court of claims pursuant to 19318
section 2743.75 of the Revised Code, requesting the court to 19319
order the release of all or portions of the recording. If the 19320
court considering the request determines that the filing 19321
articulates by clear and convincing evidence that the public 19322
interest in the recording substantially outweighs privacy 19323
interests and other interests asserted to deny release, the 19324
court shall order the public office to release the recording. 19325

Sec. 153.01. (A) Whenever any building or structure for 19326
the use of the state or any institution supported in whole or in 19327
part by the state or in or upon the public works of the state 19328
that is administered by the Ohio facilities construction 19329
commission or by any other state officer or state agency 19330
authorized by law to administer a project, including an 19331
educational institution listed in section 3345.50 of the Revised 19332
Code, is to be erected or constructed, whenever additions, 19333
alterations, or structural or other improvements are to be made, 19334
or whenever heating, cooling, or ventilating plants or other 19335
equipment is to be installed or material supplied therefor, the 19336
estimated cost of which amounts to two hundred thousand dollars 19337
or more, or the amount determined pursuant to section 153.53 of 19338
the Revised Code or more, each officer, board, or other 19339
authority upon which devolves the duty of constructing, 19340
erecting, altering, or installing the same, referred to in 19341
sections 153.01 to 153.60 of the Revised Code as the public 19342

authority, shall cause to be made, by an architect or engineer 19343
whose contract of employment shall be prepared and approved by 19344
the attorney general, the following: 19345

(1) Full and accurate plans, suitable for the use of 19346
mechanics and other builders in the construction, improvement, 19347
addition, alteration, or installation; 19348

(2) Details to scale and full-sized, so drawn and 19349
represented as to be easily understood; 19350

(3) Definite and complete specifications of the work to be 19351
performed, together with directions that will enable a competent 19352
mechanic or other builder to carry them out and afford bidders 19353
all needful information; 19354

(4) A full and accurate estimate of each item of expense 19355
and the aggregate cost of those items of expense; 19356

(5) A life-cycle cost analysis; 19357

(6) Further data as may be required by the Ohio facilities 19358
construction commission. 19359

In preparing these plans, details, specifications, 19360
estimates, analyses, or other data, the public authority may 19361
require the architect or engineer to use a building information 19362
model system, as long as the system is based on a nationally 19363
recognized standard for building information models. As used in 19364
this division, "building information model" means a digital 19365
representation of physical and functional characteristics of a 19366
facility, and electronic files used to design and coordinate the 19367
project, whether it is a single model or multiple models used in 19368
the aggregate. 19369

(B) (1) Division (A) of this section shall not be required 19370

with respect to a construction management contract entered into 19371
with a construction manager at risk as described in section 19372
9.334 of the Revised Code or a design-build contract entered 19373
into with a design-build firm as described in section 153.693 of 19374
the Revised Code. 19375

(2) Nothing in this chapter shall interfere with the power 19376
of the director of transportation to prepare plans for, acquire 19377
rights-of-way for, construct, or maintain roads, highways, or 19378
bridges, or to let contracts for those purposes. 19379

Sec. 153.07. The notice provided for in section 153.06 of 19380
the Revised Code shall be published by electronic means~~ence each~~ 19381
~~week for three consecutive weeks in a newspaper of general~~ 19382
~~circulation, or as provided in section 7.16 of the Revised Code,~~ 19383
and may be published in other news media in the county where the 19384
activity for which bids are submitted is to occur ~~and in such~~ 19385
~~other newspapers as ordered by the Ohio facilities construction~~ 19386
~~commission, the last publication to .~~ The notice shall invite 19387
interested parties to submit proposals for consideration and 19388
shall be published at least eightfourteen days preceding the 19389
day for opening the bids, ~~and in such form and with such~~ 19390
~~phraseology a manner as prescribed by the commission orders.~~ 19391
Copies of the plans, details, estimates of cost, and 19392
specifications shall be available electronically and open to 19393
public inspection at all business hours between the day of the 19394
first publication and the day for opening the bids, at the 19395
office of the commission where the bids are received, and such 19396
other place as may be designated in such notice. 19397

Sec. 153.08. On the day and at the place named in the 19398
notice provided for in section 153.06 of the Revised Code, the 19399
owner referred to in section 153.01 of the Revised Code shall 19400

open the bids and shall publicly, with the assistance of the architect or engineer, immediately proceed to tabulate the bids. For a bid filed electronically, the public bid opening may be broadcast by electronic means pursuant to rules established by the Ohio facilities construction commission. A bid shall be invalid and not considered unless a bid guaranty meeting the requirements of section 153.54 of the Revised Code and in the form approved by the commission is filed with such bid. For a bid that is not filed electronically, the bid and bid guaranty shall be filed in one sealed envelope. If the bid and bid guaranty are filed electronically, they must be received electronically before the deadline published pursuant to section 153.06 of the Revised Code. For all bids filed electronically, the original, unaltered bid guaranty shall be made available to the public authority after the public bid opening, which may be achieved by means of an electronic verification and security system established under rules adopted by the Ohio facilities construction commission under Chapter 119. of the Revised Code. After investigation, which shall be completed within thirty days, the contract shall be awarded by such owner to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code.

No contract shall be entered into until the industrial commission has certified that the person so awarded the contract has complied with sections 4123.01 to 4123.94 of the Revised Code, until, if the bidder so awarded the contract is a foreign corporation, the secretary of state has certified that such corporation is authorized to do business in this state, until, if the bidder so awarded the contract is a person nonresident of this state, such person has filed with the secretary of state a power of attorney designating the secretary of state as its

agent for the purpose of accepting service of summons in any 19432
action brought under section 153.05 of the Revised Code or under 19433
sections 4123.01 to 4123.94 of the Revised Code, and until the 19434
contract and bond, if any, are submitted to the attorney general 19435
and the attorney general's approval certified thereon. 19436

~~No contract shall be entered into unless the bidder 19437
possesses a valid certificate of compliance with affirmative 19438
action programs issued pursuant to section 9.47 of the Revised 19439
Code and dated no earlier than one hundred eighty days prior to 19440
the date fixed for the opening of bids for a particular project. 19441~~

Sec. 153.09. If in the opinion of the owner referred to in 19442
section 153.01 of the Revised Code, the award of a contract to 19443
the lowest responsive and responsible bidder is not in the best 19444
interests of the state, the owner may accept another bid so 19445
opened or reject all bids, and advertise for other bids. Such 19446
advertisement shall be for such time, in such form, and ~~in by~~ 19447
such ~~newspaper~~ electronic media as the Ohio facilities 19448
construction commission directs. All contracts shall provide 19449
that such owner may make any change in work or materials on the 19450
conditions and in the manner provided in sections 153.10 and 19451
153.11 of the Revised Code. 19452

Sec. 153.12. (A) With respect to award of any contract for 19453
the construction, reconstruction, improvement, enlargement, 19454
alteration, repair, painting, or decoration of a public 19455
improvement made by the state, or any county, township, 19456
municipal corporation, school district, or other political 19457
subdivision, or any public board, commission, authority, 19458
instrumentality, or special purpose district of or in the state 19459
or a political subdivision or that is authorized by state law, 19460
the award, and execution of the contract, shall be made within 19461

sixty days after the date on which the bids are opened. The 19462
failure to award and execute the contract within sixty days 19463
invalidates the entire bid proceedings and all bids submitted, 19464
unless the time for awarding and executing the contract is 19465
extended by mutual consent of the owner or its representatives 19466
and the bidder whose bid the owner accepts and with respect to 19467
whom the owner subsequently awards and executes a contract. The 19468
public owners referred to in this section shall include, in the 19469
plans and specifications for the project for which bids are 19470
solicited, the estimate of cost. The bid for which the award is 19471
to be made shall be opened at the time and place named in the 19472
advertisement for bids, unless extended by the owner or its 19473
representative or unless, within seventy-two hours prior to the 19474
published time for the opening of bids, excluding Saturdays, 19475
Sundays, and legal holidays, any modification of the plans or 19476
specifications and estimates of cost for the project for which 19477
bids are solicited is issued and mailed or otherwise furnished 19478
to persons who have obtained plans or specifications for the 19479
project, for which the time for opening of bids shall be 19480
extended one week, with no further advertising of bids required. 19481
The contractor, upon request, is entitled to a notice to proceed 19482
with the work by the owner or its representative upon execution 19483
of the contract. No contract to which this section applies shall 19484
be entered into if the price of the contract, or, if the project 19485
involves multiple contracts where the total price of all 19486
contracts for the project, is in excess of ten per cent, in the 19487
case of a contract made by the state or a public board, 19488
commission, authority, or instrumentality of the state, or 19489
twenty per cent, in the case of a contract made by a county, 19490
township, municipal corporation, school district, special 19491
purpose district, or other political subdivision or a public 19492
board, commission, authority, or instrumentality of the 19493

political subdivision, above the entire estimate thereof, nor 19494
shall the entire cost of the construction, reconstruction, 19495
repair, painting, decorating, improvement, alteration, addition, 19496
or installation, including changes and estimates of expenses for 19497
architects or engineers, exceed in the aggregate the amount 19498
authorized by law. 19499

The unit or lump sum price stated in the contract shall be 19500
used in determining the amount to be paid and shall constitute 19501
full and final compensation for all the work. 19502

Partial payment to the contractor for work performed under 19503
the lump sum price shall be based on a schedule prepared by the 19504
contractor and approved by the architect or engineer who shall 19505
apportion the lump sum price to the major components entering 19506
into or forming a part of the work under the lump sum price. 19507

Partial payments to the contractor for labor performed 19508
under either a unit or lump sum price contract shall be made at 19509
~~the a rate of ninety-two not less than ninety-six per cent of~~ 19510
the estimates prepared by the contractor and approved by the 19511
architect or engineer. ~~All labor performed after the job is~~ 19512
~~fifty per cent completed shall be paid for at the rate of one~~ 19513
~~hundred per cent of the estimates submitted by the contractor~~ 19514
~~and approved by the architect or engineer. No subcontract shall~~ 19515
be paid at a rate lower than the rate being paid to the 19516
contractor by the public authority. 19517

The amounts and time of payments of any public 19518
improvements contract made by the state or any county, township, 19519
municipal corporation, school district, or other political 19520
subdivision, or any public board, commission, authority, 19521
instrumentality, or special purpose district of or in the state 19522
or a political subdivision or that is authorized by state law, 19523

except as provided in section 5525.19 of the Revised Code, shall 19524
be governed by this section and sections 153.13 and 153.14 of 19525
the Revised Code. If the time for awarding the contract is 19526
extended by mutual consent, or if the owner or its 19527
representative fails to issue a timely notice to proceed as 19528
required by this section, the owner or its representative shall 19529
issue a change order authorizing delay costs to the contractor, 19530
which does not invalidate the contract. The amount of such a 19531
change order to the owner shall be determined in accordance with 19532
the provisions of the contract for change orders or force 19533
accounts or, if no such provision is set forth in the contract, 19534
the cost to the owner shall be the contractor's actual costs 19535
including wages, labor costs other than wages, wage taxes, 19536
materials, equipment costs and rentals, insurance, and 19537
subcontracts attributable to the delay, plus a reasonable sum 19538
for overhead. In the event of a dispute between the owner and 19539
the contractor concerning such change order, procedures shall be 19540
commenced under the applicable terms of the contract, or, if the 19541
contract contains no provision for resolving the dispute, it 19542
shall be resolved pursuant to the procedures for arbitration in 19543
Chapter 2711. of the Revised Code, except as provided in 19544
division (B) of this section. Nothing in this division shall be 19545
construed as a limitation upon the authority of the director of 19546
transportation granted in Chapter 5525. of the Revised Code. 19547

(B) If a dispute arises between the state and a contractor 19548
concerning the terms of a public improvement contract let by the 19549
state or concerning a breach of the contract, and after 19550
administrative remedies provided for in such contract and any 19551
alternative dispute resolution procedures provided in accordance 19552
with guidelines established by the executive director of the 19553
Ohio facilities construction commission are exhausted, the 19554

contractor may bring an action to the court of claims in 19555
accordance with Chapter 2743. of the Revised Code. The state or 19556
the contractor may request the chief justice of the supreme 19557
court to appoint a referee or panel of referees in accordance 19558
with division (C) (3) of section 2743.03 of the Revised Code. As 19559
used in this division, "dispute" means a disagreement between 19560
the state and the contractor concerning a public improvement 19561
contract let by the state. 19562

Sec. 153.13. At the time named in the contract for payment 19563
to the person with whom it is made, the owner referred to in 19564
section 153.01 or 153.12 of the Revised Code shall approve a 19565
full, accurate, and detailed estimate of the various kinds of 19566
labor performed and material furnished under the contract, with 19567
the amount due for each kind of labor and material and the 19568
materials and amount due in the aggregate, which estimate shall 19569
be based upon actual measurement of such labor and materials, 19570
and shall give the amounts of the preceding estimate, and the 19571
amount of labor performed and materials furnished since the last 19572
estimate. ~~From the date the contract is fifty per cent complete,~~ 19573
~~as evidenced by payments in the amount of at least fifty per~~ 19574
~~cent of the contract to the person with whom the owner has~~ 19575
~~contracted, except in the case of contracts the total cost of~~ 19576
~~which is less than fifteen thousand dollars, all funds retained~~ 19577
~~pursuant to sections 153.12 and 153.14 of the Revised Code for~~ 19578
~~the faithful performance of work shall be deposited in the~~ 19579
~~escrow account designated in section 153.63 of the Revised Code.~~ 19580
~~After the contract is fifty per cent complete, no further funds~~ 19581
~~shall be retained.~~ When the major portion of the project is 19582
substantially completed and occupied, or in use, or otherwise 19583
accepted, and there exists no other reason to withhold 19584
retainage, the retained percentages held in connection with such 19585

portion and interest thereon accrued shall, within thirty days 19586
of substantial completion of, occupation of, use of, or 19587
acceptance of the project, ~~be released from escrow and paid to~~ 19588
the primary contractor, withholding only that amount reasonably 19589
necessary to assure final completion of the project. ~~Funds in~~ 19590
~~the escrow account not heretofore paid, with accumulated~~ 19591
~~interest, shall be paid to the person with whom the owner has~~ 19592
~~contracted thirty days from the date of completion or either~~ 19593
~~acceptance or occupancy by the owner. Such payments shall be in~~ 19594
~~accordance with division (A) (2) of section 153.63 of the Revised~~ 19595
~~Code.~~ Any retained funds withheld after substantial completion 19596
of, occupation of, use of, or acceptance of the project, and 19597
pending final completion of the project, and interest thereon 19598
accrued shall be paid to the primary contractor not later than 19599
thirty days after the date of final completion of the project. 19600
Nothing in this section shall be construed as a limitation upon 19601
the authority of the director of transportation granted in 19602
Chapter 5525. of the Revised Code. 19603

Sec. 153.14. For the construction of those projects, 19604
improvements, and public buildings over which the Ohio 19605
facilities construction commission has general supervision 19606
pursuant to section 123.21 of the Revised Code, the estimates 19607
referred to in section 153.13 of the Revised Code shall be filed 19608
with the executive director by the owner referred to in section 19609
153.01 or 153.12 of the Revised Code. Upon completion of a 19610
project referred to in section 153.13 of the Revised Code or any 19611
divisible part thereof, the maintenance and repair of such 19612
project or divisible part shall be assumed by the owner referred 19613
to in section 153.01 or 153.12 of the Revised Code. 19614

In addition to all other payments on account of work 19615
performed, there shall be allowed by the owner referred to in 19616

section 153.01 or 153.12 of the Revised Code and paid to the 19617
contractor a sum at the rate of ninety-two per cent of the 19618
invoice costs, not to exceed the bid price in a unit price 19619
contract, of material delivered on the site of the work, or a 19620
railroad station, siding, or other point in the vicinity of the 19621
work, or other approved storage site, provided such materials 19622
have been inspected and found to meet the specifications. The 19623
balance of such invoiced value shall be paid when such material 19624
is incorporated into and becomes a part of such building, 19625
construction, addition, improvement, alteration, or 19626
installation. When an estimate is allowed on account of material 19627
delivered on the site of the work or in the vicinity thereof or 19628
under the possession and control of the contractor but not yet 19629
incorporated therein, such material shall become the property of 19630
the owner under the contract, but if such material is stolen, 19631
destroyed, or damaged by casualty before being used, the 19632
contractor shall be required to replace it at the contractor's 19633
own expense. 19634

When the rate of work and amounts involved are so large 19635
that it is considered advisable by the owner or contractor, 19636
estimates and payments shall be made twice each month. 19637

Payment on approved estimates filed with the owner or its 19638
representative shall be made within thirty days. Upon the 19639
failure of the owner or its representative to make such payments 19640
within thirty days, or upon an unauthorized withholding of 19641
retainage, there shall be allowed to the contractor, in addition 19642
to any other remedies allowed by law, interest on such moneys 19643
not paid within thirty days. Interest on the unauthorized 19644
withholding of retainage shall be in addition to any interest 19645
earned ~~in the escrow account set forth as described in~~ section 19646
153.13 of the Revised Code. The rate of such interest shall be 19647

the average of the prime rate established at the commercial 19648
banks in the city of over one hundred thousand population that 19649
is nearest the construction project. Nothing in this section 19650
shall be construed as a limitation upon the authority of the 19651
director of transportation granted in Chapter 5525. of the 19652
Revised Code. 19653

Sec. 153.501. (A) A public authority may accept a 19654
subcontract awarded by a construction manager at risk, a design- 19655
build firm, or a general contracting firm, or may reject any 19656
such subcontract if the public authority determines that the 19657
bidder is not responsible. 19658

(B) A public authority may authorize a construction 19659
manager at risk or design-build firm to utilize a design-assist 19660
firm on any public improvement project without transferring any 19661
design liability to the design-assist firm. 19662

(C) If the construction manager at risk or design-build 19663
firm intends and is permitted by the public authority to self- 19664
perform a portion of the work to be performed, the construction 19665
manager at risk or design-build firm shall submit a sealed bid 19666
to the public authority for the portion of the work prior to 19667
accepting and opening any bids for the same work, except when 19668
the public authority requests a guaranteed maximum price 19669
proposal due at the time of selection. 19670

Sec. 153.502. (A) Each construction manager at risk and 19671
design-build firm shall establish criteria by which it will 19672
prequalify prospective bidders on subcontracts awarded for work 19673
to be performed under the construction management or design- 19674
build contract. The criteria established by a construction 19675
manager at risk or design-build firm shall be subject to the 19676
approval of the public authority involved in the project and 19677

shall be consistent with the rules adopted by the Ohio 19678
facilities construction commission pursuant to section 153.503 19679
of the Revised Code. 19680

(B) For each subcontract to be awarded, the construction 19681
manager at risk or design-build firm shall identify at least 19682
three prospective bidders that are prequalified to bid on that 19683
subcontract, except that the construction manager at risk or 19684
design-build firm shall identify fewer than three if the 19685
construction manager at risk or design-build firm establishes to 19686
the satisfaction of the public authority that fewer than three 19687
prequalified bidders are available. The public authority shall 19688
verify that each prospective bidder meets the prequalification 19689
criteria and, subject to division (E) of this section, may 19690
eliminate any bidder it determines is not qualified. 19691

(C) Once the prospective bidders are prequalified and 19692
found acceptable by the public authority, the construction 19693
manager at risk or design-build firm shall solicit proposals 19694
from each of those bidders. The solicitation and selection of a 19695
subcontractor shall be conducted under an open book pricing 19696
method. As used in this division, "open book pricing method" has 19697
the same meaning as in section 9.33 of the Revised Code, in the 19698
case of a construction manager at risk, and the same meaning as 19699
in section 153.65 of the Revised Code, in the case of a design- 19700
build firm. 19701

(D) A construction manager at risk or design-build firm 19702
shall not be required to award a subcontract to a low bidder. 19703

(E) Except as provided in section 307.921 of the Revised 19704
Code, no public authority shall eliminate a bidder as 19705
unqualified on the basis that the bidder has not complied with 19706
an affirmative action program or a diversity, equity, and 19707

inclusion program. This division shall not be construed to 19708
affect any set-aside programs for minority business enterprises 19709
or EDGE business enterprises, as defined in sections 122.921 and 19710
122.922 of the Revised Code, respectively. 19711

Sec. 153.54. (A) Except with respect to a contract 19712
described in section 9.334 or 153.693 of the Revised Code, each 19713
person bidding for a contract with the state or any political 19714
subdivision, district, institution, or other agency thereof, 19715
excluding therefrom the department of transportation, for any 19716
public improvement shall file with the bid, a bid guaranty in 19717
the form of ~~either~~ any of the following: 19718

(1) A bond in accordance with division (B) of this section 19719
for the full amount of the bid; 19720

(2) A certified check, cashier's check, or letter of 19721
credit pursuant to Chapter 1305. of the Revised Code, in 19722
accordance with division (C) of this section. Any such letter of 19723
credit is revocable only at the option of the beneficiary state, 19724
political subdivision, district, institution, or agency. The 19725
amount of the certified check, cashier's check, or letter of 19726
credit shall be equal to ten per cent of the bid; 19727

(3) An electronic verification through an electronic 19728
verification and security system described in section 153.08 of 19729
the Revised Code, if the state or any political subdivision, 19730
district, institution, or other agency thereof accepts bids 19731
electronically pursuant to section 153.08 of the Revised Code. 19732

(B) A bid guaranty filed pursuant to division (A) (1) of 19733
this section shall be conditioned to: 19734

(1) Provide that, if the bid is accepted, the bidder, 19735
after the awarding or the recommendation for the award of the 19736

contract, whichever the contracting authority designates, will 19737
enter into a proper contract in accordance with the bid, plans, 19738
details, and specifications. If for any reason, other than as 19739
authorized by section 9.31 of the Revised Code or division (G) 19740
of this section, the bidder fails to enter into the contract, 19741
and the contracting authority awards the contract to the next 19742
lowest bidder, the bidder and the surety on the bidder's bond 19743
are liable to the state, political subdivision, district, 19744
institution, or agency for the difference between the bid and 19745
that of the next lowest bidder, or for a penal sum not to exceed 19746
ten per cent of the amount of the bond, whichever is less. If 19747
the state, political subdivision, district, institution, or 19748
agency does not award the contract to the next lowest bidder but 19749
resubmits the project for bidding, the bidder failing to enter 19750
into the contract and the surety on the bidder's bond, except as 19751
provided in division (G) of this section, are liable to the 19752
state, political subdivision, district, institution, or agency 19753
for a penal sum not to exceed ten per cent of the amount of the 19754
bid or the costs in connection with the resubmission of printing 19755
new contract documents, required advertising, and printing and 19756
mailing notices to prospective bidders, whichever is less. 19757

(2) Indemnify the state, political subdivision, district, 19758
institution, or agency against all damage suffered by failure to 19759
perform the contract according to its provisions and in 19760
accordance with the plans, details, and specifications therefor 19761
and to pay all lawful claims of subcontractors, material 19762
suppliers, and laborers for labor performed or material 19763
furnished in carrying forward, performing, or completing the 19764
contract; and agree and assent that this undertaking is for the 19765
benefit of any subcontractor, material supplier, or laborer 19766
having a just claim, as well as for the state, political 19767

subdivision, district, institution, or agency. 19768

(C) (1) A bid guaranty filed pursuant to division (A) (2) of 19769
this section shall be conditioned to provide that if the bid is 19770
accepted, the bidder, after the awarding or the recommendation 19771
for the award of the contract, whichever the contracting 19772
authority designates, will enter into a proper contract in 19773
accordance with the bid, plans, details, specifications, and 19774
bills of material. If for any reason, other than as authorized 19775
by section 9.31 of the Revised Code or division (G) of this 19776
section, the bidder fails to enter into the contract, and the 19777
contracting authority awards the contract to the next lowest 19778
bidder, the bidder is liable to the state, political 19779
subdivision, district, institution, or agency for the difference 19780
between the bidder's bid and that of the next lowest bidder, or 19781
for a penal sum not to exceed ten per cent of the amount of the 19782
bid, whichever is less. If the state, political subdivision, 19783
district, institution, or agency does not award the contract to 19784
the next lowest bidder but resubmits the project for bidding, 19785
the bidder failing to enter into the contract, except as 19786
provided in division (G) of this section, is liable to the 19787
state, political subdivision, district, institution, or agency 19788
for a penal sum not to exceed ten per cent of the amount of the 19789
bid or the costs in connection with the resubmission, of 19790
printing new contract documents, required advertising, and 19791
printing and mailing notices to prospective bidders, whichever 19792
is less. 19793

If the bidder enters into the contract, the bidder, at the 19794
time the contract is entered to, shall file a bond for the 19795
amount of the contract to indemnify the state, political 19796
subdivision, district, institution, or agency against all damage 19797
suffered by failure to perform the contract according to its 19798

provisions and in accordance with the plans, details, and 19799
specifications and to pay all lawful claims of subcontractors, 19800
material suppliers, and laborers for labor performed or material 19801
furnished in carrying forward, performing, or completing the 19802
contract; and agree and assent that this undertaking is for the 19803
benefit of any subcontractor, material supplier, or laborer 19804
having a just claim, as well as for the state, political 19805
subdivision, district, institution, or agency. 19806

(2) A construction manager who enters into a contract 19807
pursuant to sections 9.33 to 9.333 of the Revised Code, if 19808
required by the public authority at the time the construction 19809
manager enters into the contract, shall file a letter of credit 19810
pursuant to Chapter 1305. of the Revised Code, bond, certified 19811
check, or cashier's check, for the value of the construction 19812
management contract to indemnify the state, political 19813
subdivision, district, institution, or agency against all damage 19814
suffered by the construction manager's failure to perform the 19815
contract according to its provisions, and shall agree and assent 19816
that this undertaking is for the benefit of the state, political 19817
subdivision, district, institution, or agency. A letter of 19818
credit provided by the construction manager is revocable only at 19819
the option of the beneficiary state, political subdivision, 19820
district, institution, or agency. 19821

(D) Where the state, political subdivision, district, 19822
institution, or agency accepts a bid but the bidder fails or 19823
refuses to enter into a proper contract in accordance with the 19824
bid, plans, details, and specifications within ten days after 19825
the awarding of the contract, the bidder and the surety on any 19826
bond, except as provided in division (G) of this section, are 19827
liable for the amount of the difference between the bidder's bid 19828
and that of the next lowest bidder, but not in excess of the 19829

liability specified in division (B) (1) or (C) of this section. 19830
Where the state, political subdivision, district, institution, 19831
or agency then awards the bid to such next lowest bidder and 19832
such next lowest bidder also fails or refuses to enter into a 19833
proper contract in accordance with the bid, plans, details, and 19834
specifications within ten days after the awarding of the 19835
contract, the liability of such next lowest bidder, except as 19836
provided in division (G) of this section, is the amount of the 19837
difference between the bids of such next lowest bidder and the 19838
third lowest bidder, but not in excess of the liability 19839
specified in division (B) (1) or (C) of this section. Liability 19840
on account of an award to any lowest bidder beyond the third 19841
lowest bidder shall be determined in like manner. 19842

(E) Notwithstanding division (C) of this section, where 19843
the state, political subdivision, district, institution, or 19844
agency resubmits the project for bidding, each bidder whose bid 19845
was accepted but who failed or refused to enter into a proper 19846
contract, except as provided in division (G) of this section, is 19847
liable for an equal share of a penal sum in connection with the 19848
resubmission, of printing new contract documents, required 19849
advertising, and printing and mailing notices to prospective 19850
bidders, but no bidder's liability shall exceed the amount of 19851
the bidder's bid guaranty. 19852

(F) All bid guaranties filed pursuant to this section 19853
shall be payable to the state, political subdivision, district, 19854
institution, or agency, be for the benefit of the state, 19855
political subdivision, district, institution, or agency or any 19856
person having a right of action thereon, and be deposited with, 19857
and held by, the board, officer, or agent contracting on behalf 19858
of the state, political subdivision, district, institution, or 19859
agency. All bonds filed pursuant to this section shall be issued 19860

by a surety company authorized to do business in this state as 19861
surety approved by the board, officer, or agent awarding the 19862
contract on behalf of the state, political subdivision, 19863
district, institution, or agency. 19864

(G) A bidder for a contract with the state or any 19865
political subdivision, district, institution, or other agency 19866
thereof, excluding therefrom the Ohio department of 19867
transportation, for a public improvement costing less than one- 19868
half million dollars may withdraw the bid from consideration if 19869
the bidder's bid for some other contract with the state or any 19870
political subdivision, district, institution, or other agency 19871
thereof, excluding therefrom the department of transportation, 19872
for the public improvement costing less than one-half million 19873
dollars has already been accepted, if the bidder certifies in 19874
good faith that the total amount of all the bidder's current 19875
contracts is less than one-half million dollars, and if the 19876
surety certifies in good faith that the bidder is unable to 19877
perform the subsequent contract because to do so would exceed 19878
the bidder's bonding capacity. If a bid is withdrawn under 19879
authority of this division, the contracting authority may award 19880
the contract to the next lowest bidder or reject all bids and 19881
resubmit the project for bidding, and neither the bidder nor the 19882
surety on the bidder's bond are liable for the difference 19883
between the bidder's bid and that of the next lowest bidder, for 19884
a penal sum, or for the costs of printing new contract 19885
documents, required advertising, and printing and mailing 19886
notices to prospective bidders. 19887

(H) Bid guaranties filed pursuant to division (A) of this 19888
section shall be returned to all unsuccessful bidders 19889
immediately after the contract is executed. The bid guaranty 19890
filed pursuant to division (A) (2) of this section shall be 19891

returned to the successful bidder upon filing of the bond 19892
required in division (C) of this section. 19893

(I) For the purposes of this section and sections 153.56, 19894
153.57, and 153.571 of the Revised Code, "public improvement," 19895
"subcontractor," "material supplier," "laborer," and "materials" 19896
have the same meanings as in section 1311.25 of the Revised 19897
Code. 19898

Sec. 153.59. Every contract for or on behalf of the state, 19899
or any township, county, or municipal corporation of the state, 19900
for the construction, alteration, or repair of any public 19901
building or public work in the state shall contain provisions by 19902
which the contractor agrees to both of the following: 19903

(A) That, in the hiring of employees for the performance 19904
of work under the contract or any subcontract, no contractor, 19905
subcontractor, or any person acting on a contractor's or 19906
subcontractor's behalf, by reason of race, creed, sex, 19907
disability or military status as defined in section 4112.01 of 19908
the Revised Code, or color, shall discriminate against any 19909
citizen of the state in the employment of labor or workers who 19910
is qualified and available to perform the work to which the 19911
employment relates; 19912

(B) That no contractor, subcontractor, or any person on a 19913
contractor's or subcontractor's behalf, in any manner, shall 19914
discriminate against or intimidate any employee hired for the 19915
performance of work under the contract on account of race, 19916
creed, sex, disability or military status as defined in section 19917
4112.01 of the Revised Code, or color. 19918

~~The department of development shall ensure that no capital 19919~~
~~moneys appropriated by the general assembly for any purpose 19920~~

~~shall be expended unless the project for which those moneys are~~ 19921
~~appropriated provides for an affirmative action program for the~~ 19922
~~employment and effective utilization of disadvantaged persons~~ 19923
~~whose disadvantage may arise from cultural, racial, or ethnic~~ 19924
~~background, or other similar cause, including, but not limited~~ 19925
~~to, race, religion, sex, disability or military status as~~ 19926
~~defined in section 4112.01 of the Revised Code, national origin,~~ 19927
~~or ancestry.~~ 19928

In awarding contracts for capital improvement projects, 19929
the department of development shall ensure that equal 19930
consideration be given to contractors, subcontractors, or joint 19931
venturers who qualify as a minority business enterprise. As used 19932
in this section, "minority business enterprise" means a business 19933
enterprise that is owned or controlled by one or more socially 19934
or economically disadvantaged persons who are residents of this 19935
state. "Socially or economically disadvantaged persons" means 19936
persons, regardless of marital status, who are members of groups 19937
whose disadvantage may arise from discrimination on the basis of 19938
race, religion, sex, disability or military status as defined in 19939
section 4112.01 of the Revised Code, national origin, ancestry, 19940
or other similar cause. 19941

Sec. 153.63. (A) Any money which is due from the public 19942
owner referred to in section ~~153.12~~ 1311.28 of the Revised Code 19943
under a contract entered into under this chapter or entered into 19944
under other applicable sections of the Revised Code for the 19945
construction, reconstruction, improvement, enlargement, 19946
alteration, repair, painting, or decoration of a public 19947
improvement shall, on the day it is due, be paid to the 19948
contractor or deposited in an escrow account, whichever is 19949
applicable, with one or more banks or building and loan 19950
associations in the state selected by mutual agreement between 19951

the contractor and the public owner. The agreement shall contain 19952
the following provisions: 19953

(1) The money shall be deposited in a savings account or 19954
the escrow agent shall promptly invest all of the escrowed 19955
principal in obligations selected by the escrow agent, as 19956
stipulated in the agreement. 19957

(2) The escrow agent shall hold the escrowed principal and 19958
income until receipt of notice from the public owner and the 19959
contractor, or until receipt of an arbitration order or an order 19960
of the court of claims specifying the amount of the escrowed 19961
principal to be released and the person to whom it is to be 19962
released. Upon receipt of the notice or order, the agent shall 19963
promptly pay such amount of principal and a proportionate amount 19964
of the escrowed income to the person indicated. 19965

(3) The escrow agent shall be compensated for its services 19966
as agreed to by the public owner and the contractor from the 19967
income from the escrow account. 19968

The agreement may include other provisions not 19969
inconsistent with this section, including, but not limited to 19970
granting authority for the escrow agent to commingle the 19971
escrowed funds with funds held pursuant to other escrow 19972
agreements and limiting the liability of the escrow agent. 19973

(B) When the public owner, as defined in division (B) of 19974
section 2743.01 of the Revised Code, and the contractor disagree 19975
as to the conditions under which money is to be paid under this 19976
section, the parties shall apply for a decision by arbitration 19977
under the procedures of Chapter 2711. of the Revised Code. When 19978
an application is made, neither party shall initiate, and no 19979
court shall permit the maintenance of, an action in court for 19980

decision of the same issues sought to be determined in the 19981
arbitration application. The award made by the arbitrator may 19982
include the costs of arbitration. The arbitration shall be 19983
binding on all parties. 19984

(C) When the public owner, as defined in division (A) of 19985
section 2743.01 of the Revised Code, and the contractor disagree 19986
as to the conditions under which money is to be paid under this 19987
section the contractor shall file an action in the court of 19988
claims. 19989

(D) If the money required to be paid or deposited under 19990
division (A) of this section is not paid or deposited, the 19991
governmental entity shall pay to the contractor an amount equal 19992
to eight per cent annual interest compounded daily. 19993

Sec. 153.693. ~~(A)~~ (A) (1) For every design-build contract, 19994
the public authority planning to contract for design-build 19995
services, in consultation with the criteria architect or 19996
engineer, shall evaluate the statements of qualifications 19997
submitted by design-build firms specifically regarding the 19998
project, including the design-build firm's proposed architect or 19999
engineer of record. 20000

(2) For projects valued at less than four million dollars, 20001
the public authority may require the design-build firm to submit 20002
a statement along with a pricing proposal described in division 20003
(B) (2) (h) of this section. The public authority shall provide 20004
each design-build firm who desires to submit both a statement 20005
and a proposal a pre-proposal meeting to explore the proposals 20006
further, in which the public authority shall provide the design- 20007
build firm with a description of the project, including the 20008
scope and nature of the proposed services and potential 20009
technical approaches. After and only after the public authority 20010

ranks and selects firms under division (B) (1) of this section, 20011
the public authority shall review the pricing proposals 20012
submitted by selected firms under this division, and proceed 20013
under division (B) (3) of this section, continuing the selection 20014
process from there. 20015

(B) Following this evaluation, the public authority shall: 20016

(1) Select and rank not fewer than three firms which it 20017
considers to be the most qualified to provide the required 20018
design-build services, except that the public authority shall 20019
select and rank fewer than three firms when the public authority 20020
determines in writing that fewer than three qualified firms are 20021
available; 20022

(2) Provide each selected design-build firm with all of 20023
the following: 20024

(a) A description of the project and project delivery; 20025

(b) The design criteria produced by the criteria architect 20026
or engineer under section 153.692 of the Revised Code; 20027

(c) A preliminary project schedule; 20028

(d) A description of any preconstruction services; 20029

(e) A description of the proposed design services; 20030

(f) A description of a guaranteed maximum price, including 20031
the estimated level of design on which such guaranteed maximum 20032
price is based; 20033

(g) The form of the design-build services contract; 20034

(h) A-Except for projects under division (A) (2) of this 20035
section, a request for a pricing proposal that shall be divided 20036
into a design services fee and a preconstruction and design- 20037

build services fee. The pricing proposal of each design-build 20038
firm shall include at least all of the following: 20039

(i) A list of key personnel and consultants for the 20040
project; 20041

(ii) Design concepts adhering to the design criteria 20042
produced by the criteria architect or engineer under section 20043
153.692 of the Revised Code; 20044

(iii) The design-build firm's statement of general 20045
conditions and estimated contingency requirements; 20046

(iv) A preliminary project schedule. 20047

(3) Evaluate the pricing proposal submitted by each 20048
selected firm and, at its discretion, hold discussions with each 20049
firm to further investigate its pricing proposal, including the 20050
scope and nature of the firm's proposed services and potential 20051
technical approaches; 20052

(4) Rank the selected firms based on the public 20053
authority's evaluation of the value of each firm's pricing 20054
proposal, with such evaluation considering each firm's proposed 20055
costs and qualifications; 20056

(5) Enter into contract negotiations for design-build 20057
services with the design-build firm whose pricing proposal the 20058
public authority determines to be the best value under this 20059
section. 20060

~~(B)~~ (C) In complying with division ~~(A) (5)~~ (B) (5) of this 20061
section, contract negotiations shall be directed toward: 20062

(1) Ensuring that the design-build firm and the public 20063
authority mutually understand the essential requirements 20064
involved in providing the required design-build services, the 20065

provisions for the use of contingency funds, and the terms of 20066
the contract, including terms related to the possible 20067
distribution of savings in the final costs of the project; 20068

(2) Ensuring that the design-build firm shall be able to 20069
provide the necessary personnel, equipment, and facilities to 20070
perform the design-build services within the time required by 20071
the design-build construction contract; 20072

(3) Agreeing upon a procedure and schedule for determining 20073
a guaranteed maximum price using an open book pricing method 20074
that shall represent the total maximum amount to be paid by the 20075
public authority to the design-build firm for the project and 20076
that shall include the costs of all work, the cost of its 20077
general conditions, the contingency, and the fee payable to the 20078
design-build firm. 20079

~~(C)~~ (D) If the public authority fails to negotiate a 20080
contract with the design-build firm whose pricing proposal the 20081
public authority determines to be the best value as determined 20082
under this section, the public authority shall inform the 20083
design-build firm in writing of the termination of negotiations. 20084
The public authority may then do the following: 20085

(1) Negotiate a contract with a design-build firm ranked 20086
next highest under this section following the negotiation 20087
procedure described in this section; 20088

(2) If negotiations fail with the design-build firm under 20089
division ~~(C)~~ ~~(1)~~ (D) (1) of this section, negotiate a contract with 20090
the design-build firm ranked next highest under this section 20091
following the negotiation procedure described in this section 20092
and continue negotiating with the design-build firms selected 20093
under this section in the order of their ranking until a 20094

contract is negotiated. 20095

~~(D)~~(E) If the public authority fails to negotiate a 20096
contract with a design-build firm whose pricing proposal the 20097
public authority determines to be the best value as determined 20098
under this section, it may select additional design-build firms 20099
to provide pricing proposals to the public authority pursuant to 20100
this section or may select an alternative delivery method for 20101
the project. 20102

~~(E)~~(F) The public authority may provide a stipend for 20103
pricing proposals received from design-build firms. 20104

~~(F)~~(G) Nothing in this section affects a public 20105
authority's right to accept or reject any or all proposals in 20106
whole or in part. 20107

Sec. 155.33. (A) (1) Beginning on ~~the effective date of~~ 20108
~~this amendment~~ April 7, 2023, and ending on the effective date 20109
of the rules adopted under section 155.34 of the Revised Code, a 20110
state agency shall lease, in good faith, a formation within a 20111
parcel of land that is owned or controlled by the state agency 20112
for the exploration for and development and production of oil or 20113
natural gas. The lease shall be on terms that are just and 20114
reasonable, as determined by custom and practice in the oil and 20115
gas industry, and shall include at least the terms required 20116
under ~~divisions (A) (1) (a) to (d)~~ division (A) of section 155.34 20117
of the Revised Code as that division existed prior to the 20118
effective date of this amendment. The person seeking to lease 20119
the formation shall submit to the state agency the proof 20120
described in divisions (D) (5) (a) and (b) of this section before 20121
entering into the lease. On and after the effective date of the 20122
rules adopted under section 155.34 of the Revised Code, a 20123
formation within a parcel of land that is owned or controlled by 20124

a state agency may be leased for the exploration for and 20125
development and production of oil or natural gas only in 20126
accordance with divisions (A) (2) to (H) of this section and 20127
those rules. 20128

(2) On and after the effective date of rules adopted under 20129
section 155.34 of the Revised Code, any person or state agency 20130
that is interested in leasing a formation within a parcel of 20131
land that is owned or controlled by a state agency for the 20132
exploration for and the development and production of oil or 20133
natural gas may submit to the oil and gas land management 20134
commission a nomination that shall include all of the following: 20135

(a) The name of the person making the nomination and the 20136
person's address, telephone number, and email address; 20137

(b) An identification of the formation and parcel of land 20138
proposed to be leased that specifies all of the following: 20139

(i) The percentage of the interest owned or controlled by 20140
the state agency, and whether that interest is divided, 20141
undivided, or partial; 20142

(ii) The source deed by book and page numbers, including 20143
the description and acreage of the parcel and an identification 20144
of the county, section, township, and range in which the parcel 20145
is located; 20146

(iii) A plat map depicting the area in which the parcel is 20147
located. 20148

(c) If the person making the nomination is not a state 20149
agency, a nomination fee of one hundred fifty dollars; 20150

(d) The proposed lease bonus that applies to the 20151
nomination and any additional proposed gross landowner royalty 20152

that applies to the nomination that is in addition to the amount 20153
required under division (A) (1) (b) of section 155.34 of the 20154
Revised Code; 20155

(e) If the person making the nomination is not a state 20156
agency, proof of both of the following: 20157

(i) That the person has obtained the insurance and 20158
financial assurance required under section 1509.07 of the 20159
Revised Code; 20160

(ii) That the person has registered with and obtained an 20161
identification number from the division of oil and gas resources 20162
management under section 1509.31 of the Revised Code. 20163

(3) In order to encourage the submission of nominations 20164
and the responsible and reasonable development of the state's 20165
natural resources, only the information submitted under division 20166
(A) (2) (b) of this section may be disclosed to the public until a 20167
person is selected under division (F) of this section. Until a 20168
person is selected under division (F) of this section, all other 20169
information submitted under division (A) (2) of this section is 20170
confidential, shall not be disclosed by the commission, and is 20171
not a public record subject to inspection or copying under 20172
section 149.43 of the Revised Code. 20173

(4) When a nomination is not submitted by a state agency, 20174
the nomination is the opening bid for purposes of division (D) 20175
of this section. However, the person submitting the nomination 20176
may supplement or amend that bid by providing additional 20177
information in accordance with that division. 20178

(B) (1) Not less than thirty days, but not more than one 20179
hundred twenty days following the receipt of a nomination, the 20180
commission shall conduct a meeting for the purpose of 20181

determining whether to approve or disapprove the nomination for 20182
the purpose of leasing a formation within the parcel of land 20183
that is identified in the nomination. 20184

In making its decision to approve or disapprove the 20185
nomination, the commission shall consider all of the following: 20186

(a) The economic benefits, including the potential income 20187
from an oil or natural gas operation, that would result if the 20188
lease of a formation that is the subject of the nomination were 20189
approved; 20190

(b) Whether the proposed oil or gas operation is 20191
compatible with the current uses of the parcel of land that is 20192
the subject of the nomination; 20193

(c) The environmental impact that would result if the 20194
lease of a formation that is the subject of the nomination were 20195
approved; 20196

(d) Any potential adverse geological impact that would 20197
result if the lease of a formation that is the subject of the 20198
nomination were approved; 20199

(e) Any potential impact to visitors or users of a parcel 20200
of land that is the subject of the nomination; 20201

(f) Any potential impact to the operations or equipment of 20202
a state agency that is a state university or college if the 20203
lease of a formation within a parcel of land owned or controlled 20204
by the university or college that is the subject of the 20205
nomination were executed; 20206

(g) Any comments or objections to the nomination submitted 20207
to the commission by the state agency that owns or controls the 20208
parcel of land on which the proposed oil or natural gas 20209

operation would take place; 20210

(h) Any comments or objections to the nomination submitted 20211
to the commission by residents of this state or other users of 20212
the parcel of land that is the subject of the nomination; 20213

(i) Any special terms and conditions the state agency 20214
included in its comments or objections that the state agency 20215
believes are appropriate for the lease of the parcel of land 20216
because of specific conditions related to that parcel of land. 20217

(2) The commission shall approve or disapprove a 20218
nomination not later than two calendar quarters following the 20219
receipt of the nomination. The commission shall post notice of 20220
the commission's decision on the commission's web site and send 20221
notice of the decision by email and by certified mail to the 20222
person that submitted the nomination and to the state agency 20223
that owns or controls the formation within the parcel of land 20224
that is the subject of the nomination. 20225

(C) Each calendar quarter, the commission shall proceed to 20226
advertise for bids for a lease for a formation within a parcel 20227
of land that was the subject of a nomination approved during the 20228
previous calendar quarter. The commission shall publish the 20229
advertisement on its web site for a period of time established 20230
by the commission. The advertisement shall include all of the 20231
following: 20232

(1) An identification of each formation and parcel of land 20233
proposed to be leased that includes all of the information 20234
specified in division (A) (2) (b) of this section; 20235

(2) The deadline for the submission of bids; 20236

(3) A statement that each bid must contain all of the 20237
items required under division (D) of this section; 20238

(4) A statement that a standard lease form that is 20239
consistent with the practices of the oil and natural gas 20240
industries and adopted by rule by the commission will be used 20241
for the lease of a formation within the parcel of land; 20242

(5) Any special terms and conditions that may apply to the 20243
lease because of specific conditions related to the parcel of 20244
land; 20245

(6) The amount of the bid fee that is required to be 20246
submitted with a bid; 20247

(7) Any other information that the commission considers 20248
pertinent to the advertisement for bids. 20249

(D) A person interested in leasing a formation within a 20250
parcel of land owned or controlled by a state agency for the 20251
exploration for and development and production of oil or natural 20252
gas may submit a bid to the commission on a parcel by parcel 20253
basis that contains all of the following: 20254

(1) A bid fee of twenty-five dollars; 20255

(2) The name of the person making the bid and the person's 20256
address, telephone number, and email address; 20257

(3) An identification of the formation and parcel of land 20258
for which the bid is being submitted, including all of the 20259
information specified in division (A) (2) (b) of this section; 20260

(4) The proposed lease bonus that applies to the bid and 20261
any additional proposed gross landowner royalty that applies to 20262
the bid that is in addition to the amount required under 20263
division (A) (1) (b) of section 155.34 of the Revised Code; 20264

(5) Proof of both of the following: 20265

(a) That the person has obtained the insurance and 20266
financial assurance required under section 1509.07 of the 20267
Revised Code; 20268

(b) That the person has registered with and obtained an 20269
identification number from the division of oil and gas resources 20270
management under section 1509.31 of the Revised Code. 20271

(6) Any other information that the person believes is 20272
relevant to the bid. 20273

(E) In order to encourage the submission of bids and the 20274
responsible and reasonable development of the state's natural 20275
resources, the information that is contained in a bid submitted 20276
to the commission under this section is confidential, shall not 20277
be disclosed by the commission, and is not a public record 20278
subject to inspection and copying under section 149.43 of the 20279
Revised Code until a person is selected under division (F) of 20280
this section. 20281

The commission shall select the person who submits the 20282
highest and best bid, taking into account the financial 20283
responsibility of the prospective lessee and the ability of the 20284
prospective lessee to perform its obligations under the lease. 20285
After the commission selects a person, the commission shall 20286
notify the applicable state agency and send the person's bid to 20287
the agency. The state agency shall enter into a lease with the 20288
person selected by the commission. The state agency shall fully 20289
execute the lease not later than thirty days after the 20290
commission selects the person with the highest and best bid. 20291

(G) (1) Except as otherwise provided in section 155.37 of 20292
the Revised Code, all money received by a state agency from 20293
signing fees, rentals, and royalty payments for leases entered 20294

into under this section shall be paid by the state agency into 20295
the state treasury to the credit of the state land royalty fund 20296
created in section 131.50 of the Revised Code. 20297

(2) All money received from nomination fees and bid fees 20298
shall be paid into the state treasury to the credit of the oil 20299
and gas land management commission administration fund created 20300
in section 155.35 of the Revised Code. 20301

(H) Notwithstanding any other provision of this section to 20302
the contrary, a nature preserve as defined in section 1517.01 of 20303
the Revised Code that is owned or controlled by a state agency 20304
shall not be nominated or leased under this section for the 20305
purpose of exploring for and developing and producing oil and 20306
natural gas resources. 20307

(I) Except as otherwise provided in this chapter, the 20308
commission and any state agency shall not require as part of a 20309
bid or lease either of the following: 20310

(1) Any royalty payment in excess of the amount specified 20311
in division (A) (1) (b) of section 155.34 of the Revised Code; 20312

(2) Any additional payment that the commission or agency 20313
is not specifically authorized or required to charge under this 20314
section. 20315

Sec. 155.34. (A) ~~Not later than one hundred twenty days~~ 20316
~~after September 30, 2021, the~~ The oil and gas land management 20317
commission shall adopt rules in accordance with Chapter 119. of 20318
the Revised Code establishing both of the following: 20319

(1) A standard lease form that shall be used by a state 20320
agency for leases entered into under this chapter, is consistent 20321
with the practices of the oil and natural gas industries, and 20322
contains all of the following: 20323

(a) A prohibition against the use of the surface of the 20324
parcel of land for oil and gas development unless the state 20325
agency, in its sole discretion, chooses to negotiate and execute 20326
a written surface use agreement established under this section; 20327

(b) A one-eighth gross landowner royalty; 20328

(c) A shut-in royalty provision; 20329

(d) A primary term of five years; 20330

~~(d)~~ (e) An option for the lessee to extend the primary term 20331
of the lease for an additional ~~three~~ five years by tendering to 20332
the state agency the same bonus paid when first entering into 20333
the lease. ~~;~~ 20334

(f) A provision that states: "Notwithstanding any other 20335
provision of this Lease to the contrary, Lessee is entitled to 20336
pay any advanced delay rentals/bonus amounts owed under this 20337
Lease within sixty (60) calendar days after Lessee receives a 20338
copy of this Lease executed by Lessor." 20339

(g) A provision that states: "Notwithstanding any other 20340
provision of this Lease to the contrary, in the event that a 20341
parcel subject to this Lease was acquired or improved through, 20342
or is otherwise encumbered by, a federal grant program, the 20343
Primary Term of the Lease shall be tolled until the requirements 20344
of the program, and any related grant documents, have been fully 20345
satisfied by Lessor and Lessor notifies Lessee in writing of 20346
same." 20347

(h) A provision that states: "Notwithstanding any other 20348
provision of this Lease to the contrary, in the event that a 20349
parcel subject to this Lease was acquired or improved through, 20350
or is otherwise encumbered by, a federal grant program, Lessee 20351
may defer payment of all sums otherwise due and owing under this 20352

Lease until the requirements of the program, and any related 20353
grant documents, have been fully satisfied by Lessor and Lessor 20354
notifies Lessee in writing of same." 20355

(i) A provision that states: "Notwithstanding any other 20356
provision of this Lease to the contrary, in the event that 20357
litigation of any kind or character is filed by a third party 20358
that may adversely impact Lessee's ability to conduct operations 20359
under the Lease, including an appeal before a court or the oil 20360
and gas commission, the Primary Term of the Lease shall be 20361
tolled until such time as there is a final, nonappealable order 20362
entered in such litigation." 20363

(j) A provision that states: "Notwithstanding any other 20364
provision of this Lease to the contrary, in the event that 20365
litigation of any kind or character is filed by a third party 20366
that may adversely impact Lessee's ability to conduct operations 20367
under the Lease, including an appeal before a court or the oil 20368
and gas commission, Lessee may defer payment of all sums 20369
otherwise due and owing under this Lease until a final, 20370
nonappealable order is entered in such litigation." 20371

(2) Any other procedures necessary to implement sections 20372
155.30 to 155.36 of the Revised Code, subject to division (I) of 20373
section 155.33 of the Revised Code. 20374

~~(B) Not later than one hundred twenty days after September~~ 20375
~~30, 2021, the~~ The commission shall establish a standard surface 20376
use agreement that a state agency shall use to authorize the use 20377
of the surface of a leased parcel of land. 20378

(C) Section 121.95 of the Revised Code does not apply to 20379
rules adopted under this section and the commission is not 20380
subject to any requirements of that section. 20381

Sec. 163.01. As used in sections 163.01 to 163.22 of the Revised Code:

(A) "Public agency" means any governmental corporation, unit, organization, instrumentality, or officer authorized by law to appropriate property in the courts of this state.

(B) "Private agency" means any corporation, firm, partnership, voluntary association, joint-stock association, or company that is not a public agency and that is authorized by law to appropriate property in the courts of this state.

(C) "Agency" means any public agency or private agency.

(D) "Court" means the court of common pleas or the probate court of any county in which the property sought to be appropriated is located in whole or in part.

(E) "Owner" means any individual, partnership, association, or corporation having any estate, title, or interest in any real property sought to be appropriated.

(F) "Real property," "land," or "property" includes any estate, title, or interest in any real property that is authorized to be appropriated by the agency in question, unless the context otherwise requires.

(G) "Public utility" has the same meaning as in section 4905.02 of the Revised Code and also includes a public utility owned or operated by one or more municipal corporations, an electric cooperative, and an agency holding a certificate of public convenience and necessity granted by the federal energy regulatory commission.

(H) (1) "Public use" does not include any taking that is for conveyance to a private commercial enterprise, economic

development, or solely for the purpose of increasing public 20410
revenue, unless the property is conveyed or leased to one of the 20411
following: 20412

(a) A public utility, municipal power agency, or common 20413
carrier; 20414

(b) A private entity that occupies a port authority 20415
transportation facility or an incidental area within a publicly 20416
owned and occupied project; 20417

(c) A private entity when the agency that takes the 20418
property establishes by a preponderance of the evidence that the 20419
property is a blighted parcel or is included in a blighted area. 20420

(2) "Public use" does not include any taking of property 20421
for use as a trail for hiking, bicycling, horseback riding, ski 20422
touring, canoeing, or other nonmotorized forms of recreational 20423
travel. This division does not apply to either of the following: 20424

(a) A regional transit authority acting pursuant to 20425
section 306.36 of the Revised Code to acquire right-of-way, 20426
within one hundred fifty feet of and parallel to a public road, 20427
for a transit facility; 20428

(b) A public or private agency taking property for the 20429
construction of a sidewalk within one hundred fifty feet of, and 20430
parallel to, a public road. 20431

(3) All of the following are presumed to be public uses: 20432
utility facilities, roads, sewers, water lines, public schools, 20433
public institutions of higher education, private institutions of 20434
higher education that are authorized to appropriate property 20435
under section 3333.08 of the Revised Code, public parks, 20436
government buildings, port authority transportation facilities, 20437
projects by an agency that is a public utility, and similar 20438

facilities and uses of land. 20439

(I) "Electric cooperative" has the same meaning as in 20440
section 4928.01 of the Revised Code. 20441

(J) "Good faith offer" means the written offer that an 20442
agency that is appropriating property must make to the owner of 20443
the property pursuant to division (B) of section 163.04 of the 20444
Revised Code before commencing an appropriation proceeding. 20445

(K) "Goodwill" means the calculable benefits that accrue 20446
to a business as a result of its location, reputation for 20447
dependability, skill or quality, and any other circumstances 20448
that result in probable retention of old, or acquisition of new, 20449
patronage. 20450

(L) "Municipal power agency" has the same meaning as in 20451
section 3734.058 of the Revised Code. 20452

(M) "Port authority transportation facility" means any 20453
facility developed, controlled, or operated by a port authority 20454
for the purpose of providing passenger, cargo, or freight 20455
transportation services, such as airports, maritime ports, rail 20456
facilities, transit facilities, and support facilities directly 20457
related to any airport, maritime port, rail facility, or transit 20458
facility. 20459

Sec. 164.01. As used in this chapter: 20460

(A) "Capital improvement" or "capital improvement project" 20461
or "project" means the acquisition, construction, 20462
reconstruction, improvement, planning, and equipping of roads 20463
and bridges, appurtenances to roads and bridges to enhance the 20464
safety of animal-drawn vehicles, pedestrians, and bicycles, 20465
waste water treatment systems, water supply systems, solid waste 20466
disposal facilities, and storm water and sanitary collection, 20467

storage, and treatment facilities, including real property, 20468
interests in real property, facilities, and equipment related or 20469
incidental to those facilities. 20470

(B) "Local subdivision" means any county, municipal 20471
corporation, township, sanitary district, or regional water and 20472
sewer district. 20473

(C) "Bond proceedings" means the resolutions, orders, 20474
trust agreements, indentures, and other agreements, credit 20475
facilities and credit enhancement facilities, and amendments and 20476
supplements to the foregoing, or any one or more or combination 20477
thereof, authorizing, awarding, or providing for the terms and 20478
conditions applicable to or providing for the security or 20479
liquidity of obligations, and the provisions contained in those 20480
obligations. 20481

(D) "Bond service charges" means principal, including any 20482
mandatory sinking fund or redemption requirements for retirement 20483
of obligations, interest and other accreted amounts, and any 20484
redemption premium payable on obligations. If not prohibited by 20485
the applicable bond proceedings, bond service charges include 20486
costs of credit enhancement facilities that are related to, and 20487
represent or are intended to provide a source of payment of or 20488
limitation on, other bond service charges. 20489

(E) "Bond service fund" means the fund, and any accounts 20490
in that fund, created by section 164.10 of the Revised Code, 20491
including all moneys and investments, and earnings from 20492
investments, credited and to be credited to that fund and 20493
accounts as provided in the bond proceedings. 20494

(F) "Cost of capital improvement projects" means the costs 20495
of acquiring, constructing, reconstructing, expanding, 20496

improving, and engineering capital improvement projects, and 20497
related financing costs. 20498

(G) "Credit enhancement facilities" means letters of 20499
credit, lines of credit, stand-by, contingent, or firm 20500
securities purchase agreements, interest rate hedges including, 20501
without limitation, interest rate swaps, insurance or surety 20502
arrangements, reserve or guarantee funds, and guarantees, and 20503
other arrangements that provide for contingent or direct payment 20504
of bond service charges, for security or additional security in 20505
the event of nonpayment or default in respect of obligations, or 20506
for making or providing funds for making payment of bond service 20507
charges to, and at the option and on demand of, holders of 20508
obligations or at the option of the issuer under put or similar 20509
arrangements, or for otherwise supporting the credit or 20510
liquidity of obligations, and includes credit, reimbursement, 20511
marketing, remarketing, indexing, carrying, purchase, and 20512
subrogation agreements, and other agreements and arrangements 20513
for reimbursement of the person providing the credit enhancement 20514
facility and the security for that reimbursement. As used in 20515
this division, obligations include debt obligations of local 20516
subdivisions. 20517

(H) "Financing costs" means all costs and expenses 20518
relating to the authorization, issuance, sale, delivery, 20519
authentication, deposit, custody, clearing, registration, 20520
transfer, exchange, fractionalization, replacement, and 20521
servicing of obligations, including, without limitation, costs 20522
and expenses for or relating to, or payment obligations under, 20523
publication and printing, postage and express delivery, official 20524
statements, offering circulars, and informational statements, 20525
travel and transportation, paying agents, bond registrars, 20526
authenticating agents, remarketing agents, custodians, clearing 20527

agencies or corporations, securities depositories, financial 20528
advisory services, certifications, audits, federal or state 20529
regulatory agencies, accounting services, legal services and 20530
obtaining approving legal opinions and other legal opinions, 20531
credit ratings, original issue discount, credit facilities, and 20532
credit enhancement facilities. Financing costs may be paid from 20533
any moneys lawfully available for the purpose, including, unless 20534
otherwise provided in the bond proceedings, from the proceeds of 20535
the obligations to which they relate and from the same sources 20536
from which bond service charges on the obligations are paid and 20537
as though bond service charges. 20538

(I) "Issuer" means the treasurer of state, or the officer 20539
who by law performs the functions of that officer. 20540

(J) "Obligations" means bonds, notes, or other evidences 20541
of obligation of the state, including any interest coupons 20542
pertaining thereto, issued pursuant to sections 164.09 to 164.12 20543
of the Revised Code. 20544

(K) "Special funds" or "funds" means, except where the 20545
context does not permit, the bond service fund, and any other 20546
funds, including reserve funds, created under the bond 20547
proceedings and stated to be special funds in those proceedings, 20548
including all moneys and investments, and earnings from 20549
investments, credited and to be credited to the ~~particular~~ fund. 20550
Special funds do not include the state capital improvements fund 20551
created by section 164.08 of the Revised Code or, if so provided 20552
in the bond proceedings, a rebate fund or account established 20553
for purposes of federal tax laws. 20554

(L) "Net proceeds" means amounts received from the sale of 20555
obligations pursuant to this chapter, excluding amounts used to 20556
refund or retire outstanding obligations, and does not include 20557

amounts required to be deposited in special funds pursuant to 20558
the applicable bond proceedings, or financing costs paid from 20559
such amounts received. 20560

(M) "Local debt support" means ~~a full or partial pledge of~~ 20561
~~support for any local bond issue, the payment of all or a part~~ 20562
~~of the premium for bond insurance obtained from a private~~ 20563
~~insurer,~~ the subsidization of the interest rate on a loan 20564
obtained by ~~the a~~ subdivision, ~~or a source of revenue pledged in~~ 20565
~~support of revenue bonds issued by a subdivision.~~ 20566

(N) "Principal amount" refers to the aggregate of the 20567
amount as stated or provided for in the bond proceedings 20568
authorizing the obligations as the amount on which interest or 20569
interest equivalent is initially calculated. 20570

Sec. 164.05. (A) The director of the Ohio public works 20571
commission shall do all of the following: 20572

(1) Approve requests for financial assistance from 20573
district public works integrating committees and enter into 20574
agreements with one or more local subdivisions to provide loans, 20575
grants, and local debt support for a capital improvement project 20576
if the director determines that: 20577

(a) The project is an eligible project pursuant to this 20578
chapter; 20579

(b) The financial assistance for the project has been 20580
properly approved and requested by the district committee of the 20581
district which includes the recipient of the loan or grant; 20582

(c) The amount of the financial assistance, when added to 20583
all other financial assistance provided during the fiscal year 20584
for projects within the district, does not exceed that 20585
district's allocation of money from the state capital 20586

improvements fund for that fiscal year; 20587

(d) The district committee has provided such documentation 20588
and other evidence as the director may require that the district 20589
committee has satisfied the requirements of section 164.06 or 20590
164.14 of the Revised Code; 20591

(e) The portion of a district's annual allocation which 20592
the director approves in the form of loans and local debt 20593
support for eligible projects is consistent with divisions (E) 20594
and (F) of this section. 20595

(2) Authorize payments to local subdivisions or their 20596
contractors for costs incurred for capital improvement projects 20597
which have been approved pursuant to this chapter. All requests 20598
for payments shall be submitted to the director on forms and in 20599
accordance with procedures specified in rules adopted by the 20600
director pursuant to division (A) (4) of this section. 20601

(3) Retain the services of or employ financial 20602
consultants, engineers, accountants, attorneys, and such other 20603
employees as the director determines are necessary to carry out 20604
the director's duties under this chapter and fix the 20605
compensation for their services. From among these employees, the 20606
director shall appoint a deputy with the necessary 20607
qualifications to act as the director when the director is 20608
absent or temporarily unable to carry out the duties of office. 20609

(4) Adopt rules establishing the procedures for making 20610
applications, reviewing, approving, and rejecting projects for 20611
which assistance is authorized under this chapter, and any other 20612
rules needed to implement the provisions of this chapter. Such 20613
rules shall be adopted under Chapter 119. of the Revised Code. 20614

(5) Provide information and other assistance to local 20615

subdivisions and district public works integrating committees in 20616
developing their requests for financial assistance for capital 20617
improvements under this chapter and encourage cooperation and 20618
coordination of requests and the development of multisubdivision 20619
projects in order to maximize the benefits that may be derived 20620
by districts from each year's allocation; 20621

(6) Require local subdivisions, to the extent practicable, 20622
to use Ohio products, materials, services, and labor in 20623
connection with any capital improvement project financed in 20624
whole or in part under this chapter; 20625

(7) Notify the director of budget and management of all 20626
approved projects, and supply all information necessary to track 20627
approved projects through the state accounting system; 20628

(8) Appoint the administrator of the Ohio small government 20629
capital improvements commission; 20630

(9) Do all other acts, enter into contracts, and execute 20631
all instruments necessary or appropriate to carry out this 20632
chapter; 20633

(10) Develop a standardized methodology for evaluating 20634
local subdivision capital improvement needs that a district 20635
public works integrating committee shall consider when 20636
addressing a subdivision's project application; 20637

(11) Establish a program to provide local subdivisions 20638
with technical assistance in preparing project applications. The 20639
program shall be designed to assist local subdivisions that lack 20640
the financial or technical resources to prepare project 20641
applications on their own. 20642

(B) When the director of the Ohio public works commission 20643
decides to conditionally approve or disapprove projects, the 20644

director's decisions and the reasons for which they are made 20645
shall be made in writing. These written decisions shall be 20646
conclusive for the purposes of the validity and enforceability 20647
of such determinations. 20648

(C) Fees, charges, rates of interest, times of payment of 20649
interest and principal, and other terms, conditions, and 20650
provisions of and security for financial assistance provided 20651
pursuant to the provisions of this chapter shall be such as the 20652
director determines to be appropriate. If any payments required 20653
by a loan agreement entered into pursuant to this chapter are 20654
not paid, the funds which would otherwise be apportioned to the 20655
local subdivision from the county undivided local government 20656
fund, pursuant to sections 5747.51 to 5747.53 of the Revised 20657
Code, may, at the direction of the director of the Ohio public 20658
works commission, be reduced by the amount payable. The county 20659
treasurer shall, at the direction of the director, pay the 20660
amount of such reductions to the state capital improvements 20661
revolving loan fund. The director may renegotiate a loan 20662
repayment schedule with a local subdivision whose payments from 20663
the county undivided local government fund could be reduced 20664
pursuant to this division, but such a renegotiation may occur 20665
only one time with respect to any particular loan agreement. 20666

(D) Grants approved for the repair and replacement of 20667
existing infrastructure pursuant to this chapter shall not 20668
exceed ninety per cent of the estimated total cost of the 20669
capital improvement project. Grants approved for new or expanded 20670
infrastructure shall not exceed fifty per cent of the estimated 20671
cost of the new or expansion elements of the capital improvement 20672
project. A local subdivision share of the estimated cost of a 20673
capital improvement may consist of any of the following: 20674

(1) The reasonable value, as determined by the director or the administrator, of labor, materials, and equipment that will be contributed by the local subdivision in performing the capital improvement project;

(2) Moneys received by the local subdivision in any form from an authority, commission, or agency of the United States for use in performing the capital improvement project;

(3) Loans made to the local subdivision under this chapter;

(4) Engineering costs incurred by the local subdivision in performing engineering activities related to the project.

A local subdivision share of the cost of a capital improvement shall not include any amounts awarded to it from the local transportation improvement program fund created in section 164.14 of the Revised Code.

~~(E) Not more than ten per cent of a~~ A district public works integrating committee's committee may determine how much of its annual allocation share pursuant to section 164.08 of the Revised Code may be is awarded to subdivisions only in the form of interest-free, low-interest, market rate of interest, or blended-rate loans and in the form of local debt support.

~~(F) Not more than ten per cent of a district public works integrating committee's annual allocation pursuant to section 164.08 of the Revised Code may be awarded to subdivisions in the form of local debt support.~~

~~(G)~~ For the period commencing July 1, 1993, and ending June 30, 1999, and for each five-year period thereafter, the total amount of financial assistance awarded under sections 164.01 to 164.08 of the Revised Code for capital improvement

projects located wholly or partially within a county shall be 20704
equal to at least thirty per cent of the amount of what the 20705
county would have been allocated from the obligations authorized 20706
to be sold under this chapter during each period, if such 20707
amounts had been allocable to each county on a per capita basis. 20708

~~(H)~~ (G) The amount of the annual allocations made pursuant 20709
to divisions (B) (1) and (4) of section 164.08 of the Revised 20710
Code which can be used for new or expanded infrastructure is 20711
limited to twenty per cent. 20712

~~(I)~~ (H) No project shall be approved under this section 20713
unless the project is designed to have a useful life of at least 20714
seven years. In addition, the average useful life of all 20715
projects for which grants or loans are awarded in each district 20716
during a program year shall not be less than twenty years. 20717

Sec. 164.06. (A) Each district public works integrating 20718
committee shall evaluate materials submitted to it by the local 20719
subdivisions located in the district concerning capital 20720
improvements for which assistance is sought from the state 20721
capital improvements fund and shall, pursuant to division (B) of 20722
this section, select the requests for financial assistance that 20723
will be formally submitted by the district to the director of 20724
the Ohio public works commission. In order to provide for the 20725
efficient use of the district's state capital improvements fund 20726
allocation each year, a district committee shall assist its 20727
subdivisions in the preparation and coordination of project 20728
plans. 20729

(B) In selecting the requests for assistance for capital 20730
improvement projects which will be submitted to the director, 20731
and in determining the nature, amount, and terms of the 20732
assistance that will be requested, a district public works 20733

integrating committee shall give priority to capital improvement 20734
projects for the repair or replacement of existing 20735
infrastructure and which would be unlikely to be undertaken 20736
without assistance under this chapter, and shall specifically 20737
consider all of the following factors: 20738

(1) The infrastructure repair and replacement needs of the 20739
district; 20740

(2) The age and condition of the system to be repaired or 20741
replaced; 20742

(3) Whether the project would generate revenue in the form 20743
of user fees or assessments; 20744

(4) The importance of the project to the health and safety 20745
of the citizens of the district; 20746

(5) The cost of the project and whether it is consistent 20747
with division ~~(G)~~(F) of section 164.05 of the Revised Code and 20748
the district's allocation for grants, loans, and local debt 20749
support for that year; 20750

(6) The effort and ability of the benefited local 20751
subdivisions to assist in financing the project; 20752

(7) The availability of federal or other funds for the 20753
project; 20754

(8) The overall economic health of the particular local 20755
subdivision; 20756

(9) The adequacy of the planning for the project and the 20757
readiness of the applicant to proceed should the project be 20758
approved; 20759

(10) Any other factors relevant to a particular project. 20760

(C) When applying the methodology under division (A) (10) 20761
of section 164.05 of the Revised Code, a district public works 20762
integrating committee may require a subdivision to submit 20763
information on its capital infrastructure as part of an 20764
application for assistance in financing a capital improvement 20765
project under this section. 20766

(D) In addition to reviewing and selecting the projects 20767
for which approval will be sought from the director of the Ohio 20768
public works commission for financial assistance from the state 20769
capital improvements fund, each district public works 20770
integrating committee shall appoint a subcommittee of its 20771
members that will represent the interests of villages and 20772
townships and that will review and select the capital 20773
improvement projects which will be submitted by the subcommittee 20774
to the administrator of the Ohio small government capital 20775
improvements commission for consideration of assistance from the 20776
portion of the net proceeds of obligations issued and sold by 20777
the treasurer of state which is allocated pursuant to division 20778
(B) (1) of section 164.08 of the Revised Code. In reviewing and 20779
approving the projects selected by its subcommittee, the 20780
administrator, and the Ohio small government capital 20781
improvements commission shall be guided by the provisions of 20782
division (B) of this section, and shall also take into account 20783
the fact that villages and townships may have different public 20784
infrastructure needs than larger subdivisions. 20785

Sec. 164.08. (A) Except as provided in sections 151.01 and 20786
151.08 or section 164.09 of the Revised Code, the net proceeds 20787
of obligations issued and sold by the treasurer of state 20788
pursuant to section 164.09 of the Revised Code before September 20789
30, 2000, or pursuant to sections 151.01 and 151.08 of the 20790
Revised Code, for the purpose of financing or assisting in the 20791

financing of the cost of public infrastructure capital 20792
improvement projects of local subdivisions, as provided for in 20793
Section 2k, 2m, 2p, or 2s of Article VIII, Ohio Constitution, 20794
and this chapter, shall be paid into the state capital 20795
improvements fund, which is hereby created in the state 20796
treasury. Investment earnings on moneys in the fund shall be 20797
credited to the fund. 20798

(B) Beginning July 1, 2016, each program year the amount 20799
of obligations authorized by the general assembly in accordance 20800
with sections 151.01 and 151.08 or section 164.09 of the Revised 20801
Code, excluding the proceeds of refunding or renewal 20802
obligations, shall be allocated by the director of the Ohio 20803
public works commission as follows: 20804

(1) First, ~~ten~~twelve per cent of the amount of 20805
obligations authorized shall be allocated to provide financial 20806
assistance to villages and to townships with populations in the 20807
unincorporated areas of the township of less than five thousand 20808
persons, for capital improvements in accordance with section 20809
164.051 and division (D) of section 164.06 of the Revised Code. 20810
As used in division (B)(1) of this section, "capital 20811
improvements" includes resurfacing and improving roads. 20812

(2) Following the allocation required by division (B)(1) 20813
of this section, the director may allocate two per cent of the 20814
authorized obligations to provide financial assistance to local 20815
subdivisions for capital improvement projects which in the 20816
judgment of the director of the Ohio public works commission are 20817
necessary for the immediate preservation of the health, safety, 20818
and welfare of the citizens of the local subdivision requesting 20819
assistance. Starting July 1, 2021, the director may allocate up 20820
to six per cent of authorized obligations as provided in this 20821

division. 20822

(3) The director shall determine the amount of the 20823
remaining obligations authorized to be issued and sold that each 20824
county would receive if such amounts were allocated on a per 20825
capita basis each year. If a county's per capita share for the 20826
year would be less than three hundred thousand dollars, the 20827
director shall allocate to the district in which that county is 20828
located an amount equal to the difference between three hundred 20829
thousand dollars and the county's per capita share. 20830

(4) After making the allocation required by division (B) 20831
(3) of this section, the director shall allocate the remaining 20832
amount to each district on a per capita basis. 20833

(C) (1) There is hereby created in the state treasury the 20834
state capital improvements revolving loan fund, into which shall 20835
be deposited all repayments of loans made to local subdivisions 20836
for capital improvements pursuant to this chapter. Investment 20837
earnings on moneys in the fund shall be credited to the fund. 20838

(2) There may also be deposited in the state capital 20839
improvements revolving loan fund moneys obtained from federal or 20840
private grants, or from other sources, which are to be used for 20841
any of the purposes authorized by this chapter. Such moneys 20842
shall be allocated each year in accordance with division (B) (4) 20843
of this section. 20844

(3) Moneys deposited into the state capital improvements 20845
revolving loan fund shall be used to make loans for the purpose 20846
of financing or assisting in the financing of the cost of 20847
capital improvement projects of local subdivisions. 20848

(4) Investment earnings credited to the state capital 20849
improvements revolving loan fund that exceed the amounts 20850

required to meet estimated federal arbitrage rebate requirements 20851
shall be used to pay costs incurred by the public works 20852
commission in administering this section. Investment earnings 20853
credited to the state capital improvements revolving loan fund 20854
that exceed the amounts required to pay for the administrative 20855
costs and estimated rebate requirements shall be allocated to 20856
each district on a per capita basis. 20857

(5) Each program year, loan repayments received and on 20858
deposit in the state capital improvements revolving loan fund 20859
shall be allocated as follows: 20860

(a) Each district public works integrating committee shall 20861
be allocated an amount equal to the sum of all loan repayments 20862
made to the state capital improvements revolving loan fund by 20863
local subdivisions that are part of the district. Moneys not 20864
used in a program year may be used in the next program year in 20865
the same manner and for the same purpose as originally 20866
allocated. 20867

(b) Loan repayments made pursuant to projects approved 20868
under division (B) (1) of this section shall be used to make 20869
loans in accordance with section 164.051 and division (D) of 20870
section 164.06 of the Revised Code. Allocations for this purpose 20871
made pursuant to division (C) (5) of this section shall be in 20872
addition to the allocation provided in division (B) (1) of this 20873
section. 20874

(c) Loan repayments made pursuant to projects approved 20875
under division (B) (2) of this section shall be used to make 20876
loans in accordance with division (B) (2) of this section. 20877
Allocations for this purpose made pursuant to division (C) (5) of 20878
this section shall be in addition to the allocation provided in 20879
division (B) (2) of this section. 20880

(d) Loans made from the state capital improvements 20881
revolving loan fund shall not be limited in their usage by 20882
divisions (E), (F), and (G), ~~and (H)~~ of section 164.05 of the 20883
Revised Code. 20884

(D) Investment earnings credited to the state capital 20885
improvements fund that exceed the amounts required to meet 20886
estimated federal arbitrage rebate requirements shall be used to 20887
pay costs incurred by the public works commission in 20888
administering sections 164.01 to 164.12 of the Revised Code. 20889

(E) The director of the Ohio public works commission shall 20890
notify the director of budget and management of the amounts 20891
allocated pursuant to this section and such information shall be 20892
entered into the state accounting system. The director of budget 20893
and management shall establish appropriation line items as 20894
needed to track these allocations. 20895

(F) If the amount of a district's allocation in a program 20896
year exceeds the amount of financial assistance approved for the 20897
district by the commission for that year, the remaining portion 20898
of the district's allocation shall be added to the district's 20899
allocation pursuant to division (B) of this section for the next 20900
succeeding year for use in the same manner and for the same 20901
purposes as it was originally allocated, except that any portion 20902
of a district's allocation which was available for use on new or 20903
expanded infrastructure pursuant to division ~~(H)~~ (G) of section 20904
164.05 of the Revised Code shall be available in succeeding 20905
years only for the repair and replacement of existing 20906
infrastructure. 20907

(G) When an allocation based on population is made by the 20908
director pursuant to division (B) of this section, the director 20909
shall use the most recent decennial census statistics, and shall 20910

not make any reallocations based upon a change in a district's 20911
population. 20912

Sec. 164.14. (A) The local transportation improvement 20913
program fund is hereby created in the state treasury. The fund 20914
shall consist of moneys credited to it pursuant to sections 20915
117.16 and 5735.051 of the Revised Code, and, subject to the 20916
limitations of section 5735.05 of the Revised Code, shall be 20917
used to make grants to local subdivisions for projects that have 20918
been approved by district public works integrating committees 20919
and the Ohio public works commission in accordance with this 20920
section. The fund shall be administered by the Ohio public works 20921
commission, and shall be allocated each fiscal year on a per 20922
capita basis to district public works integrating committees in 20923
accordance with the most recent decennial census statistics. 20924
Money in the fund may be used to pay reasonable costs incurred 20925
by the commission in administering this section. Investment 20926
earnings on moneys credited to the fund shall be retained by the 20927
fund. 20928

(B) Grants awarded under this section may provide up to 20929
one hundred per cent of the estimated total cost of the project. 20930

(C) No grant shall be awarded for a project under this 20931
section unless the project is designed to have a useful life of 20932
at least seven years, except that the average useful life of all 20933
such projects for which grants are awarded in each district 20934
during a fiscal year shall be not less than twenty years. 20935

(D) For the period beginning on July 1, 1989, and ending 20936
on June 30, 1994, and for each succeeding five-year period, at 20937
least one-third of the total amount of money allocated to each 20938
district from the local transportation improvement program fund 20939
shall be awarded as follows: 20940

(1) Forty-two and eight-tenths per cent for projects of	20941
municipal corporations;	20942
(2) Thirty-seven and two-tenths per cent for projects of	20943
counties;	20944
(3) Twenty per cent for projects of townships, except that	20945
the requirement of division (D) (3) of this section shall not	20946
apply in districts where the combined population of the	20947
townships in the district is less than five per cent of the	20948
population of the district.	20949
(E) Each district public works integrating committee shall	20950
review, and approve or disapprove requests submitted to it by	20951
local subdivisions for assistance from the local transportation	20952
improvement program fund. In reviewing projects submitted to it,	20953
a district public works integrating committee shall consider the	20954
following factors:	20955
(1) Whether the project is of critical importance to the	20956
safety of the residents of the local subdivision;	20957
(2) Whether the project would alleviate serious traffic	20958
problems or hazards or would respond to needs caused by rapid	20959
growth and development;	20960
(3) Whether the project would assist the local subdivision	20961
in attaining the transportation infrastructure needed to pursue	20962
significant and specific economic development opportunities;	20963
(4) The availability of other sources of funding for the	20964
project;	20965
(5) The adequacy of the planning for the project and the	20966
readiness of the local subdivision to proceed should the project	20967
be approved;	20968

(6) The local subdivision's ability to pay for and history of investing in bridge and highway improvements; 20969
20970

(7) The impact of the project on the multijurisdictional highway and bridge needs of the district; 20971
20972

(8) The requirements of divisions (A), (B), (C), and (D) of this section; 20973
20974

(9) The condition of the infrastructure system proposed for improvement; 20975
20976

(10) Any other factors related to the safety, orderly growth, or economic development of the district or local subdivision that the district public works integrating committee considers relevant. 20977
20978
20979
20980

A district public works integrating committee or its executive committee may appoint a subcommittee to assist it in carrying out its responsibilities under this section. 20981
20982
20983

(F) Every project approved by a district public works integrating committee shall be submitted to the Ohio public works commission for its review and approval or disapproval. The commission shall not approve any project that fails to meet the requirements of this section. 20984
20985
20986
20987
20988

(G) Grants awarded from the local transportation improvement program fund shall not be limited in their usage by divisions (D), (E), (F), and (G), ~~and (H)~~ of section 164.05 of the Revised Code. 20989
20990
20991
20992

(H) As used in this section, "local subdivision" means a county, municipal corporation, or township. 20993
20994

(I) The director of the Ohio public works commission shall notify the director of budget and management of the amounts 20995
20996

allocated pursuant to this section, and the allocation 20997
information shall be entered into the state accounting system. 20998
The director of budget and management shall establish 20999
appropriation line items as needed to track these allocations. 21000

Sec. 165.04. The bond proceedings may contain provisions 21001
which shall be part of the contract with the bondholders as to: 21002

(A) Pledging the rentals, revenues, and other income, 21003
charges, and moneys therein designated for the payment of the 21004
principal of and interest on the bonds and all other payments 21005
required to be made by the bond proceedings; 21006

(B) Acquisition by gift or purchase, construction, 21007
reconstruction, enlargement, improvement, furnishing, equipment, 21008
operation, alteration, maintenance, insurance, and repair of the 21009
pledged facilities and the duties of the issuing authority with 21010
respect thereto; 21011

(C) Provisions regarding the purposes to which the 21012
proceeds of the bonds may be applied; 21013

(D) Terms of the bonds; 21014

(E) Maintenance, collection, use and disposition of 21015
rentals, revenues, and other income, charges, and moneys 21016
received from the lease, sale, or other disposition of the 21017
pledged facilities; 21018

(F) Terms and conditions under which additional bonds may 21019
be issued secured by a pledge of rentals, revenues, and other 21020
income, charges, and moneys received from or a mortgage on the 21021
same pledged facilities; 21022

(G) Terms of any trust agreement or indenture of mortgage 21023
securing the bonds including authorization to enter into such 21024

agreement or indenture; 21025

(H) The deposit, application, safeguarding, and investment 21026
of funds of the issuer received or held under the bond 21027
proceedings, to which Chapters 131. and 135. and sections 21028
~~122.57,~~ 122.571, 122.58, and 321.44 of the Revised Code are not 21029
applicable. 21030

(I) Any other appropriate agreements with the bondholders 21031
with respect to the pledged facilities and the rentals, 21032
revenues, and other income, charges, and moneys received 21033
therefrom~~+~~. 21034

Sec. 166.01. As used in this chapter: 21035

(A) "Allowable costs" means all or part of the costs of 21036
project facilities, eligible projects, eligible innovation 21037
projects, eligible research and development projects, eligible 21038
advanced energy projects, or eligible logistics and distribution 21039
projects, including costs of acquiring, constructing, 21040
reconstructing, rehabilitating, renovating, enlarging, 21041
improving, equipping, or furnishing project facilities, eligible 21042
projects, eligible innovation projects, eligible research and 21043
development projects, eligible advanced energy projects, or 21044
eligible logistics and distribution projects, site clearance and 21045
preparation, supplementing and relocating public capital 21046
improvements or utility facilities, designs, plans, 21047
specifications, surveys, studies, and estimates of costs, 21048
expenses necessary or incident to determining the feasibility or 21049
practicability of assisting an eligible project, an eligible 21050
innovation project, an eligible research and development 21051
project, an eligible advanced energy project, or an eligible 21052
logistics and distribution project, or providing project 21053
facilities or facilities related to an eligible project, an 21054

eligible innovation project, an eligible research and 21055
development project, an eligible advanced energy project, or an 21056
eligible logistics and distribution project, architectural, 21057
engineering, and legal services fees and expenses, the costs of 21058
conducting any other activities as part of a voluntary action, 21059
and such other expenses as may be necessary or incidental to the 21060
establishment or development of an eligible project, an eligible 21061
innovation project, an eligible research and development 21062
project, an eligible advanced energy project, or an eligible 21063
logistics and distribution project, and reimbursement of moneys 21064
advanced or applied by any governmental agency or other person 21065
for allowable costs. 21066

(B) "Allowable innovation costs" includes allowable costs 21067
of eligible innovation projects and, in addition, includes the 21068
costs of research and development of eligible innovation 21069
projects; obtaining or creating any requisite software or 21070
computer hardware related to an eligible innovation project or 21071
the products or services associated therewith; testing 21072
(including, without limitation, quality control activities 21073
necessary for initial production), perfecting, and marketing of 21074
such products and services; creating and protecting intellectual 21075
property related to an eligible innovation project or any 21076
products or services related thereto, including costs of 21077
securing appropriate patent, trademark, trade secret, trade 21078
dress, copyright, or other form of intellectual property 21079
protection for an eligible innovation project or related 21080
products and services; all to the extent that such expenditures 21081
could be capitalized under then-applicable generally accepted 21082
accounting principles; and the reimbursement of moneys advanced 21083
or applied by any governmental agency or other person for 21084
allowable innovation costs. 21085

(C) "Eligible innovation project" includes an eligible 21086
project, including any project facilities associated with an 21087
eligible innovation project and, in addition, includes all 21088
tangible and intangible property related to a new product or 21089
process based on new technology or the creative application of 21090
existing technology, including research and development, product 21091
or process testing, quality control, market research, and 21092
related activities, that is to be acquired, established, 21093
expanded, remodeled, rehabilitated, or modernized for industry, 21094
commerce, distribution, development of tourism attractions or 21095
professional sports facilities, or research, or any combination 21096
thereof, the operation of which, alone or in conjunction with 21097
other eligible projects, eligible innovation projects, or 21098
innovation property, will create new jobs or preserve existing 21099
jobs and employment opportunities and improve the economic 21100
welfare of the people of the state. 21101

(D) "Eligible project" means project facilities to be 21102
acquired, established, expanded, remodeled, rehabilitated, or 21103
modernized for industry, commerce, distribution, development of 21104
tourism attractions or professional sports facilities, or 21105
research, or any combination thereof, the operation of which, 21106
alone or in conjunction with other facilities, will create new 21107
jobs or preserve existing jobs and employment opportunities and 21108
improve the economic welfare of the people of the state. 21109
"Eligible project" includes, without limitation, a voluntary 21110
action. For purposes of this division, "new jobs" does not 21111
include existing jobs transferred from another facility within 21112
the state, and "existing jobs" includes only those existing jobs 21113
with work places within the municipal corporation or 21114
unincorporated area of the county in which the eligible project 21115
is located. 21116

"Eligible project" does not include project facilities to
be acquired, established, expanded, remodeled, rehabilitated, or
modernized for industry, commerce, distribution, development of
tourism attractions or professional sports facilities, or
research, or any combination of industry, commerce,
distribution, development of tourism attractions or professional
sports facilities, or research, if the project facilities
consist solely of point-of-final-purchase retail facilities. If
the project facilities consist of both point-of-final-purchase
retail facilities and nonretail facilities, only the portion of
the project facilities consisting of nonretail facilities is an
eligible project. If a warehouse facility is part of a point-of-
final-purchase retail facility and supplies only that facility,
the warehouse facility is not an eligible project. Catalog
distribution facilities are not considered point-of-final-
purchase retail facilities for purposes of this paragraph, and
are eligible projects.

(E) "Eligible research and development project" means an
eligible project, including project facilities, comprising,
within, or related to, a facility or portion of a facility at
which research is undertaken for the purpose of discovering
information that is technological in nature and the application
of which is intended to be useful in the development of a new or
improved product, process, technique, formula, or invention, a
new product or process based on new technology, or the creative
application of existing technology.

(F) "Financial assistance" means inducements under
division (B) of section 166.02 of the Revised Code, loan
guarantees under section 166.06 of the Revised Code, and direct
loans under section 166.07 of the Revised Code.

(G) "Governmental action" means any action by a 21147
governmental agency relating to the establishment, development, 21148
or operation of an eligible project, eligible innovation 21149
project, eligible research and development project, eligible 21150
advanced energy project, or eligible logistics and distribution 21151
project, and project facilities that the governmental agency 21152
acting has authority to take or provide for the purpose under 21153
law, including, but not limited to, actions relating to 21154
contracts and agreements, zoning, building, permits, acquisition 21155
and disposition of property, public capital improvements, 21156
utility and transportation service, taxation, employee 21157
recruitment and training, and liaison and coordination with and 21158
among governmental agencies. 21159

(H) "Governmental agency" means the state and any state 21160
department, division, commission, institution or authority; a 21161
municipal corporation, county, or township, and any agency 21162
thereof, and any other political subdivision or public 21163
corporation or the United States or any agency thereof; any 21164
agency, commission, or authority established pursuant to an 21165
interstate compact or agreement; and any combination of the 21166
above. 21167

(I) "Innovation financial assistance" means inducements 21168
under division (B) of section 166.12 of the Revised Code, 21169
innovation Ohio loan guarantees under section 166.15 of the 21170
Revised Code, and innovation Ohio loans under section 166.16 of 21171
the Revised Code. 21172

(J) "Innovation Ohio loan guarantee reserve requirement" 21173
means, at any time, with respect to innovation loan guarantees 21174
made under section 166.15 of the Revised Code, a balance in the 21175
innovation Ohio loan guarantee fund equal to the greater of 21176

twenty per cent of the then-outstanding principal amount of all 21177
outstanding innovation loan guarantees made pursuant to section 21178
166.15 of the Revised Code or fifty per cent of the principal 21179
amount of the largest outstanding guarantee made pursuant to 21180
section 166.15 of the Revised Code. 21181

(K) "Innovation property" includes property and also 21182
includes software, inventory, licenses, contract rights, 21183
goodwill, intellectual property, including without limitation, 21184
patents, patent applications, trademarks and service marks, and 21185
trade secrets, and other tangible and intangible property, and 21186
any rights and interests in or connected to the foregoing. 21187

(L) "Loan guarantee reserve requirement" means, at any 21188
time, with respect to loan guarantees made under section 166.06 21189
of the Revised Code, a balance in the loan guarantee fund equal 21190
to the greater of twenty per cent of the then-outstanding 21191
principal amount of all outstanding guarantees made pursuant to 21192
section 166.06 of the Revised Code or fifty per cent of the 21193
principal amount of the largest outstanding guarantee made 21194
pursuant to section 166.06 of the Revised Code. 21195

(M) "Person" means any individual, firm, partnership, 21196
association, corporation, or governmental agency, and any 21197
combination thereof. 21198

(N) "Project facilities" means buildings, structures, and 21199
other improvements, and equipment and other property, excluding 21200
small tools, supplies, and inventory, and any one, part of, or 21201
combination of the above, comprising all or part of, or serving 21202
or being incidental to, an eligible project, an eligible 21203
innovation project, an eligible research and development 21204
project, an eligible advanced energy project, or an eligible 21205
logistics and distribution project, including, but not limited 21206

to, public capital improvements. 21207

(O) "Property" means real and personal property and 21208
interests therein. 21209

(P) "Public capital improvements" means capital 21210
improvements or facilities that any governmental agency has 21211
authority to acquire, pay the costs of, own, maintain, or 21212
operate, or to contract with other persons to have the same 21213
done, including, but not limited to, highways, roads, streets, 21214
water and sewer facilities, railroad and other transportation 21215
facilities, and air and water pollution control and solid waste 21216
disposal facilities. For purposes of this division, "air 21217
pollution control facilities" includes, without limitation, 21218
solar, geothermal, biofuel, biomass, wind, hydro, wave, and 21219
other advanced energy projects as defined in section 3706.25 of 21220
the Revised Code. 21221

(Q) "Research and development financial assistance" means 21222
inducements under section 166.17 of the Revised Code, research 21223
and development loans under section 166.21 of the Revised Code, 21224
and research and development tax credits under sections 5733.352 21225
and 5747.331 of the Revised Code. 21226

(R) "Targeted innovation industry sectors" means industry 21227
sectors involving the production or use of advanced materials, 21228
instruments, controls and electronics, power and propulsion, 21229
biosciences, and information technology, or such other sectors 21230
as may be designated by the director of development. 21231

(S) "Voluntary action" means a voluntary action, as 21232
defined in section 3746.01 of the Revised Code, that is 21233
conducted under the voluntary action program established in 21234
Chapter 3746. of the Revised Code. 21235

(T) "Project financing obligations" means obligations 21236
issued pursuant to section 166.08 of the Revised Code other than 21237
obligations for which the bond proceedings provide that bond 21238
service charges shall be paid from receipts of the state 21239
representing gross profit on the sale of spirituous liquor as 21240
referred to in division (B)(4) of section ~~4310.10~~4301.10 of the 21241
Revised Code. 21242

(U) "Regional economic development entity" means an entity 21243
that is under contract with the director to administer a loan 21244
program under this chapter in a particular area of this state. 21245

(V) "Eligible advanced energy project" means an eligible 21246
project that is an "advanced energy project" as defined in 21247
section 3706.25 of the Revised Code. 21248

(W) "Eligible logistics and distribution project" means an 21249
eligible project, including project facilities, to be acquired, 21250
established, expanded, remodeled, rehabilitated, or modernized 21251
for transportation logistics and distribution infrastructure 21252
purposes. As used in this division, "transportation logistics 21253
and distribution infrastructure purposes" means promoting, 21254
providing for, and enabling improvements to the ground, air, and 21255
water transportation infrastructure comprising the 21256
transportation system in this state, including, without 21257
limitation, highways, streets, roads, bridges, railroads 21258
carrying freight, and air and water ports and port facilities, 21259
and all related supporting facilities. 21260

(X) "Professional sports facility" has the same meaning as 21261
in section 5516.01 of the Revised Code. 21262

Sec. 166.02. (A) The general assembly finds that many 21263
local areas throughout the state are experiencing economic 21264

stagnation or decline, and that the economic development 21265
programs provided for in this chapter will constitute deserved, 21266
necessary reinvestment by the state in those areas, materially 21267
contribute to their economic revitalization, and result in 21268
improving the economic welfare of all the people of the state. 21269
Accordingly, it is declared to be the public policy of the 21270
state, through the operations of this chapter and other 21271
applicable laws adopted pursuant to Section 2p or 13 of Article 21272
VIII, Ohio Constitution, and other authority vested in the 21273
general assembly, to assist in and facilitate the establishment 21274
or development of eligible projects or assist and cooperate with 21275
any governmental agency in achieving such purpose. 21276

(B) In furtherance of such public policy and to implement 21277
such purpose, the director of development may: 21278

(1) After consultation with appropriate governmental 21279
agencies, enter into agreements with persons engaged in 21280
industry, commerce, distribution, development of tourism 21281
attractions or professional sports facilities, or research and 21282
with governmental agencies to induce such persons to acquire, 21283
construct, reconstruct, rehabilitate, renovate, enlarge, 21284
improve, equip, or furnish, or otherwise develop, eligible 21285
projects and make provision therein for project facilities and 21286
governmental actions, as authorized by this chapter and other 21287
applicable laws, subject to any required actions by the general 21288
assembly or the controlling board and subject to applicable 21289
local government laws and regulations; 21290

(2) Provide for the guarantees and loans as provided for 21291
in sections 166.06 and 166.07 of the Revised Code; 21292

(3) Subject to release of such moneys by the controlling 21293
board, contract for labor and materials needed for, or contract 21294

with others, including governmental agencies, to provide, 21295
project facilities the allowable costs of which are to be paid 21296
for or reimbursed from moneys in the facilities establishment 21297
fund, and contract for the operation of such project facilities; 21298

(4) Subject to release thereof by the controlling board, 21299
from moneys in the facilities establishment fund acquire or 21300
contract to acquire by gift, exchange, or purchase, including 21301
the obtaining and exercise of purchase options, property, and 21302
convey or otherwise dispose of, or provide for the conveyance or 21303
disposition of, property so acquired or contracted to be 21304
acquired by sale, exchange, lease, lease purchase, conditional 21305
or installment sale, transfer, or other disposition, including 21306
the grant of an option to purchase, to any governmental agency 21307
or to any other person without necessity for competitive bidding 21308
and upon such terms and conditions and manner of consideration 21309
pursuant to and as the director determines to be appropriate to 21310
satisfy the objectives of sections 166.01 to 166.11 of the 21311
Revised Code; 21312

(5) Retain the services of or employ financial 21313
consultants, appraisers, consulting engineers, superintendents, 21314
managers, construction and accounting experts, attorneys, and 21315
employees, agents, and independent contractors as are necessary 21316
in the director's judgment and fix the compensation for their 21317
services; 21318

(6) Receive and accept from any person grants, gifts, and 21319
contributions of money, property, labor, and other things of 21320
value, to be held, used and applied only for the purpose for 21321
which such grants, gifts, and contributions are made; 21322

(7) Enter into appropriate arrangements and agreements 21323
with any governmental agency for the taking or provision by that 21324

governmental agency of any governmental action; 21325

(8) Do all other acts and enter into contracts and execute 21326
all instruments necessary or appropriate to carry out the 21327
provisions of this chapter; 21328

(9) Adopt rules to implement any of the provisions of this 21329
chapter applicable to the director. 21330

(C) The determinations by the director that facilities 21331
constitute eligible projects, that facilities are project 21332
facilities, that costs of such facilities are allowable costs, 21333
and all other determinations relevant thereto or to an action 21334
taken or agreement entered into shall be conclusive for purposes 21335
of the validity and enforceability of rights of parties arising 21336
from actions taken and agreements entered into under this 21337
chapter. 21338

(D) Except as otherwise prescribed in this chapter, all 21339
expenses and obligations incurred by the director in carrying 21340
out the director's powers and in exercising the director's 21341
duties under this chapter, shall be payable solely from, as 21342
appropriate, moneys in the facilities establishment fund, the 21343
loan guarantee fund, the innovation Ohio loan guarantee fund, 21344
the innovation Ohio loan fund, the research and development loan 21345
fund, the logistics and distribution infrastructure fund, or 21346
moneys appropriated for such purpose by the general assembly. 21347
This chapter does not authorize the director or the issuing 21348
authority under section 166.08 of the Revised Code to incur 21349
bonded indebtedness of the state or any political subdivision 21350
thereof, or to obligate or pledge moneys raised by taxation for 21351
the payment of any bonds or notes issued or guarantees made 21352
pursuant to this chapter. 21353

(E) Any governmental agency may enter into an agreement 21354
with the director, any other governmental agency, or a person to 21355
be assisted under this chapter, to take or provide for the 21356
purposes of this chapter any governmental action it is 21357
authorized to take or provide, and to undertake on behalf and at 21358
the request of the director any action which the director is 21359
authorized to undertake pursuant to divisions (B)(3), (4), and 21360
(5) of this section or divisions (B)(3), (4), and (5) of section 21361
166.12 of the Revised Code. Governmental agencies of the state 21362
shall cooperate with and provide assistance to the director of 21363
development and the controlling board in the exercise of their 21364
respective functions under this chapter. 21365

Sec. 166.03. (A) There is hereby created the facilities 21366
establishment fund within the state treasury, consisting of 21367
proceeds from the issuance of obligations as specified under 21368
section 166.08 of the Revised Code; the moneys received by the 21369
state from the sources specified in section 166.09 of the 21370
Revised Code; service charges imposed under sections 166.06 and 21371
166.07 of the Revised Code; any grants, gifts, or contributions 21372
of moneys received by the director of development to be used for 21373
loans made under section 166.07 of the Revised Code or for the 21374
payment of the allowable costs of project facilities; and all 21375
other moneys appropriated or transferred to the fund. Moneys in 21376
the loan guarantee fund in excess of the loan guarantee reserve 21377
requirement, but subject to the provisions and requirements of 21378
any guarantee contracts, may be transferred to the facilities 21379
establishment fund by the treasurer of state upon the order of 21380
the director of development. Moneys received by the state under 21381
Chapter 122. of the Revised Code, to the extent allocable to the 21382
utilization of moneys derived from proceeds of the sale of 21383
obligations pursuant to section 166.08 of the Revised Code, 21384

shall be credited to the facilities establishment fund. ~~All~~ 21385
~~investment earnings on the cash balance in the fund shall be~~ 21386
~~credited to the fund.~~ 21387

(B) All moneys appropriated or transferred to the 21388
facilities establishment fund may be released at the request of 21389
the director of development for payment of allowable costs or 21390
the making of loans under section 166.07 of the Revised Code, 21391
for transfer to the loan guarantee fund established in section 21392
166.06 of the Revised Code, or for use for the purpose of or 21393
transfer to the funds established by sections 122.35, 122.42, 21394
122.54, ~~122.55, 122.56, 122.561, 122.57, 122.601~~, and 122.80 of 21395
the Revised Code and, until July 1, 2003, the fund established 21396
by section 166.031 of the Revised Code, and, until July 1, 2007, 21397
the fund established by section 122.26 of the Revised Code, but 21398
only for such of those purposes as are within the authorization 21399
of Section 13 of Article VIII, Ohio Constitution, in all cases 21400
subject to the approval of the controlling board. 21401

(C) The department of development, in the administration 21402
of the facilities establishment fund, is encouraged to utilize 21403
and promote the utilization of, to the maximum practicable 21404
extent, the other existing programs, business incentives, and 21405
tax incentives that department is required or authorized to 21406
administer or supervise. 21407

Sec. 166.08. (A) As used in this chapter: 21408

(1) "Bond proceedings" means the resolution, order, trust 21409
agreement, indenture, lease, and other agreements, amendments 21410
and supplements to the foregoing, or any one or more or 21411
combination thereof, authorizing or providing for the terms and 21412
conditions applicable to, or providing for the security or 21413
liquidity of, obligations issued pursuant to this section, and 21414

the provisions contained in such obligations. 21415

(2) "Bond service charges" means principal, including 21416
mandatory sinking fund requirements for retirement of 21417
obligations, and interest, and redemption premium, if any, 21418
required to be paid by the state on obligations. 21419

(3) "Bond service fund" means the applicable fund and 21420
accounts therein created for and pledged to the payment of bond 21421
service charges, which may be, or may be part of, the economic 21422
development bond service fund created by division (S) of this 21423
section including all moneys and investments, and earnings from 21424
investments, credited and to be credited thereto. 21425

(4) "Issuing authority" means the treasurer of state, or 21426
the officer who by law performs the functions of such officer. 21427

(5) "Obligations" means bonds, notes, or other evidence of 21428
obligation including interest coupons pertaining thereto, issued 21429
pursuant to this section. 21430

(6) "Pledged receipts" means all receipts of the state 21431
representing the gross profit on the sale of spirituous liquor, 21432
as referred to in division (B) (4) of section 4301.10 of the 21433
Revised Code, after paying all costs and expenses of the 21434
division of liquor control and providing an adequate working 21435
capital reserve for the division of liquor control as provided 21436
in that division, but excluding the sum required by the second 21437
paragraph of section 4301.12 of the Revised Code, as in effect 21438
on May 2, 1980, to be paid into the state treasury; moneys 21439
accruing to the state from the lease, sale, or other 21440
disposition, or use, of project facilities, and from the 21441
repayment, including interest, of loans made from proceeds 21442
received from the sale of obligations; accrued interest received 21443

from the sale of obligations; income from the investment of the 21444
special funds; and any gifts, grants, donations, and pledges, 21445
and receipts therefrom, available for the payment of bond 21446
service charges. 21447

(7) "Special funds" or "funds" means, except where the 21448
context does not permit, the bond service fund, and any other 21449
funds, including reserve funds, created under the bond 21450
proceedings, and the economic development bond service fund 21451
created by division (S) of this section to the extent provided 21452
in the bond proceedings, including all moneys and investments, 21453
and earnings from investment, credited and to be credited 21454
thereto. 21455

(B) Subject to the limitations provided in section 166.11 21456
of the Revised Code, the issuing authority, upon the 21457
certification by the director of development or, prior to ~~the~~ 21458
~~effective date of this amendment~~ September 29, 2017, upon 21459
certification by the Ohio air quality development authority 21460
regarding eligible advanced energy projects, to the issuing 21461
authority of the amount of moneys or additional moneys needed in 21462
the facilities establishment fund, the loan guarantee fund, the 21463
innovation Ohio loan fund, the innovation Ohio loan guarantee 21464
fund, the research and development loan fund, the logistics and 21465
distribution infrastructure fund, the advanced energy research 21466
and development fund, or the advanced energy research and 21467
development taxable fund, as applicable, for the purpose of 21468
paying, or making loans for, allowable costs from the facilities 21469
establishment fund, allowable innovation costs from the 21470
innovation Ohio loan fund, allowable costs from the research and 21471
development loan fund, allowable costs from the logistics and 21472
distribution infrastructure fund, allowable costs from the 21473
advanced energy research and development fund, or allowable 21474

costs from the advanced energy research and development taxable 21475
fund, as applicable, or needed for capitalized interest, for 21476
funding reserves, and for paying costs and expenses incurred in 21477
connection with the issuance, carrying, securing, paying, 21478
redeeming, or retirement of the obligations or any obligations 21479
refunded thereby, including payment of costs and expenses 21480
relating to letters of credit, lines of credit, insurance, put 21481
agreements, standby purchase agreements, indexing, marketing, 21482
remarketing and administrative arrangements, interest swap or 21483
hedging agreements, and any other credit enhancement, liquidity, 21484
remarketing, renewal, or refunding arrangements, all of which 21485
are authorized by this section, or providing moneys for the loan 21486
guarantee fund or the innovation Ohio loan guarantee fund, as 21487
provided in this chapter or needed for the purposes of funds 21488
established in accordance with or pursuant to sections 122.35, 21489
122.42, 122.54, ~~122.55, 122.56, 122.561, 122.57,~~ and 122.80 of 21490
the Revised Code which are within the authorization of Section 21491
13 of Article VIII, Ohio Constitution, or, prior to ~~the~~ 21492
~~effective date of this amendment~~ September 29, 2017, with 21493
respect to certain eligible advanced energy projects, Section 2p 21494
of Article VIII, Ohio Constitution, shall issue obligations of 21495
the state under this section in the required amount; provided 21496
that such obligations may be issued to satisfy the covenants in 21497
contracts of guarantee made under section 166.06 or 166.15 of 21498
the Revised Code, notwithstanding limitations otherwise 21499
applicable to the issuance of obligations under this section. 21500
The proceeds of such obligations, except for the portion to be 21501
deposited in special funds, including reserve funds, as may be 21502
provided in the bond proceedings, shall as provided in the bond 21503
proceedings be deposited by the director of development to the 21504
facilities establishment fund, the loan guarantee fund, the 21505
innovation Ohio loan guarantee fund, the innovation Ohio loan 21506

fund, the research and development loan fund, or the logistics 21507
and distribution infrastructure fund, or be deposited by the 21508
Ohio air quality development authority prior to ~~the effective~~ 21509
~~date of this amendment~~ September 29, 2017, to the advanced 21510
energy research and development fund or the advanced energy 21511
research and development taxable fund. Bond proceedings for 21512
project financing obligations may provide that the proceeds 21513
derived from the issuance of such obligations shall be deposited 21514
into such fund or funds provided for in the bond proceedings 21515
and, to the extent provided for in the bond proceedings, such 21516
proceeds shall be deemed to have been deposited into the 21517
facilities establishment fund and transferred to such fund or 21518
funds. The issuing authority may appoint trustees, paying 21519
agents, and transfer agents and may retain the services of 21520
financial advisors, accounting experts, and attorneys, and 21521
retain or contract for the services of marketing, remarketing, 21522
indexing, and administrative agents, other consultants, and 21523
independent contractors, including printing services, as are 21524
necessary in the issuing authority's judgment to carry out this 21525
section. The costs of such services are allowable costs payable 21526
from the facilities establishment fund or the research and 21527
development loan fund, allowable innovation costs payable from 21528
the innovation Ohio loan fund, allowable costs payable from the 21529
logistics and distribution infrastructure fund, or allowable 21530
costs payable prior to ~~the effective date of this amendment~~ 21531
September 29, 2017, from the advanced energy research and 21532
development fund or the advanced energy research and development 21533
taxable fund, as applicable. 21534

(C) The holders or owners of such obligations shall have 21535
no right to have moneys raised by taxation obligated or pledged, 21536
and moneys raised by taxation shall not be obligated or pledged, 21537

for the payment of bond service charges. Such holders or owners 21538
shall have no rights to payment of bond service charges from any 21539
moneys accruing to the state from the lease, sale, or other 21540
disposition, or use, of project facilities, or from payment of 21541
the principal of or interest on loans made, or fees charged for 21542
guarantees made, or from any money or property received by the 21543
director, treasurer of state, or the state under Chapter 122. of 21544
the Revised Code, or from any other use of the proceeds of the 21545
sale of the obligations, and no such moneys may be used for the 21546
payment of bond service charges, except for accrued interest, 21547
capitalized interest, and reserves funded from proceeds received 21548
upon the sale of the obligations and except as otherwise 21549
expressly provided in the applicable bond proceedings pursuant 21550
to written directions by the director. The right of such holders 21551
and owners to payment of bond service charges is limited to all 21552
or that portion of the pledged receipts and those special funds 21553
pledged thereto pursuant to the bond proceedings in accordance 21554
with this section, and each such obligation shall bear on its 21555
face a statement to that effect. 21556

(D) Obligations shall be authorized by resolution or order 21557
of the issuing authority and the bond proceedings shall provide 21558
for the purpose thereof and the principal amount or amounts, and 21559
shall provide for or authorize the manner or agency for 21560
determining the principal maturity or maturities, not exceeding 21561
twenty-five years from the date of issuance, the interest rate 21562
or rates or the maximum interest rate, the date of the 21563
obligations and the dates of payment of interest thereon, their 21564
denomination, and the establishment within or without the state 21565
of a place or places of payment of bond service charges. 21566
Sections 9.98 to 9.983 of the Revised Code are applicable to 21567
obligations issued under this section, subject to any applicable 21568

limitation under section 166.11 of the Revised Code. The purpose 21569
of such obligations may be stated in the bond proceedings in 21570
terms describing the general purpose or purposes to be served. 21571
The bond proceedings also shall provide, subject to the 21572
provisions of any other applicable bond proceedings, for the 21573
pledge of all, or such part as the issuing authority may 21574
determine, of the pledged receipts and the applicable special 21575
fund or funds to the payment of bond service charges, which 21576
pledges may be made either prior or subordinate to other 21577
expenses, claims, or payments, and may be made to secure the 21578
obligations on a parity with obligations theretofore or 21579
thereafter issued, if and to the extent provided in the bond 21580
proceedings. The pledged receipts and special funds so pledged 21581
and thereafter received by the state are immediately subject to 21582
the lien of such pledge without any physical delivery thereof or 21583
further act, and the lien of any such pledges is valid and 21584
binding against all parties having claims of any kind against 21585
the state or any governmental agency of the state, irrespective 21586
of whether such parties have notice thereof, and shall create a 21587
perfected security interest for all purposes of Chapter 1309. of 21588
the Revised Code, without the necessity for separation or 21589
delivery of funds or for the filing or recording of the bond 21590
proceedings by which such pledge is created or any certificate, 21591
statement or other document with respect thereto; and the pledge 21592
of such pledged receipts and special funds is effective and the 21593
money therefrom and thereof may be applied to the purposes for 21594
which pledged without necessity for any act of appropriation. 21595
Every pledge, and every covenant and agreement made with respect 21596
thereto, made in the bond proceedings may therein be extended to 21597
the benefit of the owners and holders of obligations authorized 21598
by this section, and to any trustee therefor, for the further 21599
security of the payment of the bond service charges. 21600

(E) The bond proceedings may contain additional provisions	21601
as to:	21602
(1) The redemption of obligations prior to maturity at the	21603
option of the issuing authority at such price or prices and	21604
under such terms and conditions as are provided in the bond	21605
proceedings;	21606
(2) Other terms of the obligations;	21607
(3) Limitations on the issuance of additional obligations;	21608
(4) The terms of any trust agreement or indenture securing	21609
the obligations or under which the same may be issued;	21610
(5) The deposit, investment and application of special	21611
funds, and the safeguarding of moneys on hand or on deposit,	21612
without regard to Chapter 131. or 135. of the Revised Code, but	21613
subject to any special provisions of this chapter, with respect	21614
to particular funds or moneys, provided that any bank or trust	21615
company which acts as depository of any moneys in the special	21616
funds may furnish such indemnifying bonds or may pledge such	21617
securities as required by the issuing authority;	21618
(6) Any or every provision of the bond proceedings being	21619
binding upon such officer, board, commission, authority, agency,	21620
department, or other person or body as may from time to time	21621
have the authority under law to take such actions as may be	21622
necessary to perform all or any part of the duty required by	21623
such provision;	21624
(7) Any provision that may be made in a trust agreement or	21625
indenture;	21626
(8) Any other or additional agreements with the holders of	21627
the obligations, or the trustee therefor, relating to the	21628

obligations or the security therefor, including the assignment 21629
of mortgages or other security obtained or to be obtained for 21630
loans under section 122.43, 166.07, or 166.16 of the Revised 21631
Code. 21632

(F) The obligations may have the great seal of the state 21633
or a facsimile thereof affixed thereto or printed thereon. The 21634
obligations and any coupons pertaining to obligations shall be 21635
signed or bear the facsimile signature of the issuing authority. 21636
Any obligations or coupons may be executed by the person who, on 21637
the date of execution, is the proper issuing authority although 21638
on the date of such bonds or coupons such person was not the 21639
issuing authority. If the issuing authority whose signature or a 21640
facsimile of whose signature appears on any such obligation or 21641
coupon ceases to be the issuing authority before delivery 21642
thereof, such signature or facsimile is nevertheless valid and 21643
sufficient for all purposes as if the former issuing authority 21644
had remained the issuing authority until such delivery; and if 21645
the seal to be affixed to obligations has been changed after a 21646
facsimile of the seal has been imprinted on such obligations, 21647
such facsimile seal shall continue to be sufficient as to such 21648
obligations and obligations issued in substitution or exchange 21649
therefor. 21650

(G) All obligations are negotiable instruments and 21651
securities under Chapter 1308. of the Revised Code, subject to 21652
the provisions of the bond proceedings as to registration. The 21653
obligations may be issued in coupon or in registered form, or 21654
both, as the issuing authority determines. Provision may be made 21655
for the registration of any obligations with coupons attached 21656
thereto as to principal alone or as to both principal and 21657
interest, their exchange for obligations so registered, and for 21658
the conversion or reconversion into obligations with coupons 21659

attached thereto of any obligations registered as to both 21660
principal and interest, and for reasonable charges for such 21661
registration, exchange, conversion, and reconversion. 21662

(H) Obligations may be sold at public sale or at private 21663
sale, as determined in the bond proceedings. 21664

Obligations issued to provide moneys for the loan 21665
guarantee fund or the innovation Ohio loan guarantee fund may, 21666
as determined by the issuing authority, be sold at private sale, 21667
and without publication of a notice of sale. 21668

(I) Pending preparation of definitive obligations, the 21669
issuing authority may issue interim receipts or certificates 21670
which shall be exchanged for such definitive obligations. 21671

(J) In the discretion of the issuing authority, 21672
obligations may be secured additionally by a trust agreement or 21673
indenture between the issuing authority and a corporate trustee 21674
which may be any trust company or bank having a place of 21675
business within the state. Any such agreement or indenture may 21676
contain the resolution or order authorizing the issuance of the 21677
obligations, any provisions that may be contained in any bond 21678
proceedings, and other provisions which are customary or 21679
appropriate in an agreement or indenture of such type, 21680
including, but not limited to: 21681

(1) Maintenance of each pledge, trust agreement, 21682
indenture, or other instrument comprising part of the bond 21683
proceedings until the state has fully paid the bond service 21684
charges on the obligations secured thereby, or provision 21685
therefor has been made; 21686

(2) In the event of default in any payments required to be 21687
made by the bond proceedings, or any other agreement of the 21688

issuing authority made as a part of the contract under which the 21689
obligations were issued, enforcement of such payments or 21690
agreement by mandamus, the appointment of a receiver, suit in 21691
equity, action at law, or any combination of the foregoing; 21692

(3) The rights and remedies of the holders of obligations 21693
and of the trustee, and provisions for protecting and enforcing 21694
them, including limitations on rights of individual holders of 21695
obligations; 21696

(4) The replacement of any obligations that become 21697
mutilated or are destroyed, lost, or stolen; 21698

(5) Such other provisions as the trustee and the issuing 21699
authority agree upon, including limitations, conditions, or 21700
qualifications relating to any of the foregoing. 21701

(K) Any holders of obligations or trustees under the bond 21702
proceedings, except to the extent that their rights are 21703
restricted by the bond proceedings, may by any suitable form of 21704
legal proceedings, protect and enforce any rights under the laws 21705
of this state or granted by such bond proceedings. Such rights 21706
include the right to compel the performance of all duties of the 21707
issuing authority, the director of development, the Ohio air 21708
quality development authority, or the division of liquor control 21709
required by this chapter or the bond proceedings; to enjoin 21710
unlawful activities; and in the event of default with respect to 21711
the payment of any bond service charges on any obligations or in 21712
the performance of any covenant or agreement on the part of the 21713
issuing authority, the director of development, the Ohio air 21714
quality development authority, or the division of liquor control 21715
in the bond proceedings, to apply to a court having jurisdiction 21716
of the cause to appoint a receiver to receive and administer the 21717
pledged receipts and special funds, other than those in the 21718

custody of the treasurer of state, which are pledged to the 21719
payment of the bond service charges on such obligations or which 21720
are the subject of the covenant or agreement, with full power to 21721
pay, and to provide for payment of bond service charges on, such 21722
obligations, and with such powers, subject to the direction of 21723
the court, as are accorded receivers in general equity cases, 21724
excluding any power to pledge additional revenues or receipts or 21725
other income or moneys of the issuing authority or the state or 21726
governmental agencies of the state to the payment of such 21727
principal and interest and excluding the power to take 21728
possession of, mortgage, or cause the sale or otherwise dispose 21729
of any project facilities. 21730

Each duty of the issuing authority and the issuing 21731
authority's officers and employees, and of each governmental 21732
agency and its officers, members, or employees, undertaken 21733
pursuant to the bond proceedings or any agreement or lease, 21734
lease-purchase agreement, or loan made under authority of this 21735
chapter, and in every agreement by or with the issuing 21736
authority, is hereby established as a duty of the issuing 21737
authority, and of each such officer, member, or employee having 21738
authority to perform such duty, specifically enjoined by the law 21739
resulting from an office, trust, or station within the meaning 21740
of section 2731.01 of the Revised Code. 21741

The person who is at the time the issuing authority, or 21742
the issuing authority's officers or employees, are not liable in 21743
their personal capacities on any obligations issued by the 21744
issuing authority or any agreements of or with the issuing 21745
authority. 21746

(L) The issuing authority may authorize and issue 21747
obligations for the refunding, including funding and retirement, 21748

and advance refunding with or without payment or redemption 21749
prior to maturity, of any obligations previously issued by the 21750
issuing authority. Such obligations may be issued in amounts 21751
sufficient for payment of the principal amount of the prior 21752
obligations, any redemption premiums thereon, principal 21753
maturities of any such obligations maturing prior to the 21754
redemption of the remaining obligations on a parity therewith, 21755
interest accrued or to accrue to the maturity dates or dates of 21756
redemption of such obligations, and any allowable costs 21757
including expenses incurred or to be incurred in connection with 21758
such issuance and such refunding, funding, and retirement. 21759
Subject to the bond proceedings therefor, the portion of 21760
proceeds of the sale of obligations issued under this division 21761
to be applied to bond service charges on the prior obligations 21762
shall be credited to an appropriate account held by the trustee 21763
for such prior or new obligations or to the appropriate account 21764
in the bond service fund for such obligations. Obligations 21765
authorized under this division shall be deemed to be issued for 21766
those purposes for which such prior obligations were issued and 21767
are subject to the provisions of this section pertaining to 21768
other obligations, except as otherwise provided in this section; 21769
provided that, unless otherwise authorized by the general 21770
assembly, any limitations imposed by the general assembly 21771
pursuant to this section with respect to bond service charges 21772
applicable to the prior obligations shall be applicable to the 21773
obligations issued under this division to refund, fund, advance 21774
refund or retire such prior obligations. 21775

(M) The authority to issue obligations under this section 21776
includes authority to issue obligations in the form of bond 21777
anticipation notes and to renew the same from time to time by 21778
the issuance of new notes. The holders of such notes or interest 21779

coupons pertaining thereto shall have a right to be paid solely 21780
from the pledged receipts and special funds that may be pledged 21781
to the payment of the bonds anticipated, or from the proceeds of 21782
such bonds or renewal notes, or both, as the issuing authority 21783
provides in the resolution or order authorizing such notes. Such 21784
notes may be additionally secured by covenants of the issuing 21785
authority to the effect that the issuing authority and the state 21786
will do such or all things necessary for the issuance of such 21787
bonds or renewal notes in appropriate amount, and apply the 21788
proceeds thereof to the extent necessary, to make full payment 21789
of the principal of and interest on such notes at the time or 21790
times contemplated, as provided in such resolution or order. For 21791
such purpose, the issuing authority may issue bonds or renewal 21792
notes in such principal amount and upon such terms as may be 21793
necessary to provide funds to pay when required the principal of 21794
and interest on such notes, notwithstanding any limitations 21795
prescribed by or for purposes of this section. Subject to this 21796
division, all provisions for and references to obligations in 21797
this section are applicable to notes authorized under this 21798
division. 21799

The issuing authority in the bond proceedings authorizing 21800
the issuance of bond anticipation notes shall set forth for such 21801
bonds an estimated interest rate and a schedule of principal 21802
payments for such bonds and the annual maturity dates thereof, 21803
and for purposes of any limitation on bond service charges 21804
prescribed under division (A) of section 166.11 of the Revised 21805
Code, the amount of bond service charges on such bond 21806
anticipation notes is deemed to be the bond service charges for 21807
the bonds anticipated thereby as set forth in the bond 21808
proceedings applicable to such notes, but this provision does 21809
not modify any authority in this section to pledge receipts and 21810

special funds to, and covenant to issue bonds to fund, the 21811
payment of principal of and interest and any premium on such 21812
notes. 21813

(N) Obligations issued under this section are lawful 21814
investments for banks, societies for savings, savings and loan 21815
associations, deposit guarantee associations, trust companies, 21816
trustees, fiduciaries, insurance companies, including domestic 21817
for life and domestic not for life, trustees or other officers 21818
having charge of sinking and bond retirement or other special 21819
funds of political subdivisions and taxing districts of this 21820
state, the commissioners of the sinking fund of the state, the 21821
administrator of workers' compensation, the state teachers 21822
retirement system, the public employees retirement system, the 21823
school employees retirement system, and the Ohio police and fire 21824
pension fund, notwithstanding any other provisions of the 21825
Revised Code or rules adopted pursuant thereto by any 21826
governmental agency of the state with respect to investments by 21827
them, and are also acceptable as security for the deposit of 21828
public moneys. 21829

(O) Unless otherwise provided in any applicable bond 21830
proceedings, moneys to the credit of or in the special funds 21831
established by or pursuant to this section may be invested by or 21832
on behalf of the issuing authority only in notes, bonds, or 21833
other obligations of the United States, or of any agency or 21834
instrumentality of the United States, obligations guaranteed as 21835
to principal and interest by the United States, obligations of 21836
this state or any political subdivision of this state, and 21837
certificates of deposit of any national bank located in this 21838
state and any bank, as defined in section 1101.01 of the Revised 21839
Code, subject to inspection by the superintendent of banks. If 21840
the law or the instrument creating a trust pursuant to division 21841

(J) of this section expressly permits investment in direct 21842
obligations of the United States or an agency of the United 21843
States, unless expressly prohibited by the instrument, such 21844
moneys also may be invested in no-front-end-load money market 21845
mutual funds consisting exclusively of obligations of the United 21846
States or an agency of the United States and in repurchase 21847
agreements, including those issued by the fiduciary itself, 21848
secured by obligations of the United States or an agency of the 21849
United States; and in common trust funds established in 21850
accordance with section 1111.20 of the Revised Code and 21851
consisting exclusively of any such securities, notwithstanding 21852
division (A)(4) of that section. The income from such 21853
investments shall be credited to such funds as the issuing 21854
authority determines, and such investments may be sold at such 21855
times as the issuing authority determines or authorizes. 21856

(P) Provision may be made in the applicable bond 21857
proceedings for the establishment of separate accounts in the 21858
bond service fund and for the application of such accounts only 21859
to the specified bond service charges on obligations pertinent 21860
to such accounts and bond service fund and for other accounts 21861
therein within the general purposes of such fund. Unless 21862
otherwise provided in any applicable bond proceedings, moneys to 21863
the credit of or in the several special funds established 21864
pursuant to this section shall be disbursed on the order of the 21865
treasurer of state, provided that no such order is required for 21866
the payment from the bond service fund when due of bond service 21867
charges on obligations. 21868

(Q) The issuing authority may pledge all, or such portion 21869
as the issuing authority determines, of the pledged receipts to 21870
the payment of bond service charges on obligations issued under 21871
this section, and for the establishment and maintenance of any 21872

reserves, as provided in the bond proceedings, and make other 21873
provisions therein with respect to pledged receipts as 21874
authorized by this chapter, which provisions are controlling 21875
notwithstanding any other provisions of law pertaining thereto. 21876

(R) The issuing authority may covenant in the bond 21877
proceedings, and any such covenants are controlling 21878
notwithstanding any other provision of law, that the state and 21879
applicable officers and governmental agencies of the state, 21880
including the general assembly, so long as any obligations are 21881
outstanding, shall: 21882

(1) Maintain statutory authority for and cause to be 21883
charged and collected wholesale and retail prices for spirituous 21884
liquor sold by the state or its agents so that the pledged 21885
receipts are sufficient in amount to meet bond service charges, 21886
and the establishment and maintenance of any reserves and other 21887
requirements provided for in the bond proceedings, and, as 21888
necessary, to meet covenants contained in contracts of guarantee 21889
made under section 166.06 of the Revised Code; 21890

(2) Take or permit no action, by statute or otherwise, 21891
that would impair the exemption from federal income taxation of 21892
the interest on the obligations. 21893

(S) There is hereby created the economic development bond 21894
service fund, which shall be in the custody of the treasurer of 21895
state but shall be separate and apart from and not a part of the 21896
state treasury. All moneys received by or on account of the 21897
issuing authority or state agencies and required by the 21898
applicable bond proceedings, consistent with this section, to be 21899
deposited, transferred, or credited to a bond service fund or 21900
the economic development bond service fund, and all other moneys 21901
transferred or allocated to or received for the purposes of the 21902

fund, shall be deposited and credited to such fund and to any 21903
separate accounts therein, subject to applicable provisions of 21904
the bond proceedings, but without necessity for any act of 21905
appropriation. During the period beginning with the date of the 21906
first issuance of obligations and continuing during such time as 21907
any such obligations are outstanding, and so long as moneys in 21908
the pertinent bond service funds are insufficient to pay all 21909
bond services charges on such obligations becoming due in each 21910
year, a sufficient amount of the gross profit on the sale of 21911
spirituous liquor included in pledged receipts are committed and 21912
shall be paid to the bond service fund or economic development 21913
bond service fund in each year for the purpose of paying the 21914
bond service charges becoming due in that year without necessity 21915
for further act of appropriation for such purpose and 21916
notwithstanding anything to the contrary in Chapter 4301. of the 21917
Revised Code. The economic development bond service fund is a 21918
trust fund and is hereby pledged to the payment of bond service 21919
charges to the extent provided in the applicable bond 21920
proceedings, and payment thereof from such fund shall be made or 21921
provided for by the treasurer of state in accordance with such 21922
bond proceedings without necessity for any act of appropriation. 21923

(T) The obligations, the transfer thereof, and the income 21924
therefrom, including any profit made on the sale thereof, shall 21925
at all times be free from taxation within the state. 21926

Sec. 166.12. (A) The general assembly finds that in order 21927
to maintain and enhance the competitiveness of the Ohio economy 21928
and to improve the economic welfare of all of the people of the 21929
state, it is necessary to ensure that high-value jobs based on 21930
research, technology, and innovation will be available to the 21931
people of this state. Further, the general assembly finds that 21932
the attraction of such jobs and their presence in this state 21933

will materially contribute to the economic welfare of all of the people of the state. Accordingly, it is declared to be the public policy of this state, through the operations under sections 166.01 and 166.12 to 166.16 of the Revised Code, and the loan and loan guarantee provisions contained in those sections, applicable laws adopted pursuant to Section 13 of Article VIII, Ohio Constitution, and other authority vested in the general assembly, to assist in and facilitate the establishment or development of eligible innovation projects or assist and cooperate with any governmental agency in achieving that purpose.

(B) In furtherance of that public policy and to implement that purpose, the director of development may:

(1) After consultation with appropriate governmental agencies, enter into agreements with persons engaged in industry, commerce, distribution, development of tourism attractions or professional sports facilities, or research and with governmental agencies to induce such persons to acquire, construct, reconstruct, rehabilitate, renovate, enlarge, improve, equip, or furnish, or otherwise develop, eligible innovation projects and make provision therein for project facilities and governmental actions, as authorized by sections 166.01 and 166.12 to 166.16 of the Revised Code and other applicable laws;

(2) Provide for innovation Ohio loan guarantees and loans under sections 166.15 and 166.16 of the Revised Code;

(3) Subject to the release of such moneys by the controlling board, contract for labor and materials needed for, or contract with others, including governmental agencies, to provide, eligible innovation projects the allowable innovation

costs of which are to be paid for or reimbursed from moneys in 21964
the innovation Ohio loan fund, and contract for the operation of 21965
such eligible innovation projects; 21966

(4) Subject to release thereof by the controlling board, 21967
from moneys in the innovation Ohio loan fund, acquire or 21968
contract to acquire by gift, exchange, or purchase, including 21969
the obtaining and exercise of purchase options, innovation 21970
property, and convey or otherwise dispose of, or provide for the 21971
conveyance or disposition of, innovation property so acquired or 21972
contracted to be acquired by sale, exchange, lease, lease 21973
purchase, conditional or installment sale, transfer, or other 21974
disposition, including the grant of an option to purchase, to 21975
any governmental agency or to any other person without necessity 21976
for competitive bidding and upon such terms and conditions and 21977
manner of consideration pursuant to, and as the director 21978
determines to be appropriate to satisfy the objectives of, 21979
Chapter 166. of the Revised Code; 21980

(5) Retain the services of or employ financial 21981
consultants, appraisers, consulting engineers, superintendents, 21982
managers, construction and accounting experts, attorneys, and 21983
employees, agents, and independent contractors as are necessary 21984
in the director's judgment and fix the compensation for their 21985
services; 21986

(6) Receive and accept from any person grants, gifts, and 21987
contributions of money, property, labor, and other things of 21988
value, to be held, used, and applied only for the purpose for 21989
which such grants, gifts, and contributions are made; 21990

(7) Enter into appropriate arrangements and agreements 21991
with any governmental agency for the taking or provision by that 21992
governmental agency of any governmental action with respect to 21993

innovation projects; 21994

(8) Do all other acts and enter into contracts and execute 21995
all instruments necessary or appropriate to carry out the 21996
provisions of sections 166.01 and 166.12 to 166.16 of the 21997
Revised Code; 21998

(9) With respect to property, including but not limited to 21999
innovation property, take such interests, including but not 22000
limited to mortgages, security interests, assignments, and 22001
exclusive or non-exclusive licenses, as may be necessary or 22002
appropriate under the circumstances, to ensure that innovation 22003
property is used within this state and that products or services 22004
associated with that innovation property are produced or, in the 22005
case of services, delivered, by persons employed within this 22006
state; 22007

(10) Adopt rules necessary to implement any of the 22008
provisions of sections 166.01 and 166.12 to 166.16 of the 22009
Revised Code applicable to the director. 22010

(C) The determinations by the director that facilities or 22011
property constitute eligible innovation projects and that costs 22012
of such facilities or property are allowable innovation costs, 22013
and all other determinations relevant thereto or to an action 22014
taken or agreement entered into, shall be conclusive for 22015
purposes of the validity and enforceability of rights of parties 22016
arising from actions taken and agreements entered into under 22017
sections 166.01 and 166.12 to 166.16 of the Revised Code. 22018

Sec. 166.17. (A) The general assembly finds that in order 22019
to enhance the economic opportunities available to and improve 22020
the economic welfare of all the people of the state, and to 22021
maintain and enhance the competitiveness of the Ohio economy, it 22022

is necessary to ensure that the people of the state will 22023
continue to have access to high-value jobs in technology, and 22024
that, to facilitate such continued access, it is necessary to 22025
provide incentives to retain and attract businesses that will 22026
develop new or improved technologies, processes, and products, 22027
or apply existing technologies in new ways. Further, the general 22028
assembly finds that the attraction of such jobs and their 22029
presence in this state will materially contribute to the 22030
economic welfare of all the people of the state. Accordingly, it 22031
is declared to be the public policy of this state, through 22032
operations under sections 166.17 to 166.21, 5733.352, and 22033
5747.331 of the Revised Code and the provisions for financial 22034
assistance contained in those sections, other applicable laws 22035
adopted pursuant to Section 13 of Article VIII, Ohio 22036
Constitution, and other authority vested in the general 22037
assembly, to assist in and facilitate the establishment or 22038
development of eligible research and development projects or 22039
assist and cooperate with any governmental agency in achieving 22040
that purpose. 22041

(B) In furtherance of that public policy and to implement 22042
that purpose, the director of development may do any of the 22043
following: 22044

(1) After consultation with appropriate governmental 22045
agencies, enter into agreements with persons engaged in 22046
industry, commerce, distribution, development of tourism 22047
attractions or professional sports facilities, or research and 22048
with governmental agencies, to induce such persons to acquire, 22049
construct, reconstruct, rehabilitate, renovate, enlarge, 22050
improve, equip, furnish, or develop eligible research and 22051
development projects, or to enable governmental agencies to 22052
acquire, construct, reconstruct, rehabilitate, renovate, 22053

enlarge, improve, equip, furnish, or develop eligible research 22054
and development projects for lease to persons engaged in 22055
industry, commerce, distribution, development of tourism 22056
attractions or professional sports facilities, or research; 22057

(2) Provide for loans under section 166.21 of the Revised 22058
Code to finance eligible research and development projects; 22059

(3) Subject to the release of moneys in the research and 22060
development loan fund by the controlling board, contract for 22061
labor and materials needed for, or contract with others, 22062
including governmental agencies, to provide, eligible research 22063
and development projects, the allowable costs of which are to be 22064
paid for or reimbursed from such moneys, and contract for the 22065
operation of those projects; 22066

(4) From moneys in the research and development loan fund, 22067
subject to release thereof by the controlling board, acquire or 22068
contract to acquire property by gift, exchange, or purchase, 22069
including by obtaining and exercising purchase options, and 22070
convey or otherwise dispose of, or provide for the conveyance or 22071
disposition of, that property by sale, exchange, lease, lease 22072
purchase, conditional or installment sale, transfer, or other 22073
disposition, including the grant of an option to purchase, to 22074
any governmental agency or to any other person without necessity 22075
for competitive bidding and upon such terms and conditions and 22076
manner of consideration pursuant to, and as the director 22077
determines to be appropriate to satisfy the objectives of, 22078
Chapter 166. of the Revised Code; 22079

(5) Retain the services of or employ financial 22080
consultants, appraisers, consulting engineers, superintendents, 22081
managers, construction and accounting experts, attorneys, 22082
employees, agents, and independent contractors as are necessary 22083

in the director's judgment, and fix the compensation for their 22084
services; 22085

(6) Receive and accept from any person, grants, gifts, and 22086
contributions of money, property, labor, and other things of 22087
value, to be held, used, and applied only for the purpose for 22088
which such grants, gifts, and contributions are made; 22089

(7) Enter into arrangements and agreements with any 22090
governmental agency for the agency to take or provide any 22091
governmental action with respect to eligible research and 22092
development projects; 22093

(8) Do all other acts, enter into contracts, execute all 22094
instruments, and make all certifications necessary or 22095
appropriate to carry out sections 166.01, 166.17 to 166.21, 22096
5733.352, and 5747.331 of the Revised Code; 22097

(9) With respect to property that is the subject of or 22098
related to research and development financial assistance, take 22099
such interests, including, but not limited to, mortgages, 22100
security interests, leasehold interests, assignments, and 22101
exclusive or nonexclusive licenses, as may be necessary or 22102
appropriate under the circumstances, to ensure that the property 22103
is used within this state and that products or services 22104
associated with that property are produced or, in the case of 22105
services, delivered, by persons employed within this state; 22106

(10) Adopt rules necessary to implement any of the 22107
provisions of sections 166.17 to 166.21, 5733.352, and 5747.331 22108
of the Revised Code that are applicable to the director. 22109

(C) The determination by the director that facilities or 22110
property constitute an eligible research and development project 22111
and that the costs of such facilities or property are allowable 22112

costs related to the project, and all other determinations 22113
relevant thereto, or to an action taken or agreement entered 22114
into, shall be conclusive for purposes of the validity and 22115
enforceability of rights of parties arising from actions taken 22116
and agreements entered into under sections 166.17 to 166.21, 22117
5733.352, and 5747.331 of the Revised Code. 22118

Sec. 169.01. As used in this chapter, unless the context 22119
otherwise requires: 22120

(A) "Financial organization" means any bank, trust 22121
company, savings bank, safe deposit company, mutual savings bank 22122
without mutual stock, savings and loan association, credit 22123
union, or investment company. 22124

(B) (1) "Unclaimed funds" means any moneys, rights to 22125
moneys, or intangible property, described in section 169.02 of 22126
the Revised Code, when, as shown by the records of the holder, 22127
the owner has not, within the times provided in section 169.02 22128
of the Revised Code, done any of the following: 22129

(a) Increased, decreased, or adjusted the amount of such 22130
funds; 22131

(b) Assigned, paid premiums, or encumbered such funds; 22132

(c) Presented an appropriate record for the crediting of 22133
such funds or received payment of such funds by check, draft, or 22134
otherwise; 22135

(d) Corresponded with the holder concerning such funds; 22136

(e) Otherwise indicated an interest in or knowledge of 22137
such funds; 22138

(f) Transacted business with the holder. 22139

(2) "Unclaimed funds" does not include any of the	22140
following:	22141
(a) Money received or collected under section 9.39 of the	22142
Revised Code;	22143
(b) Any payment or credit due to a business association	22144
from a business association representing sums payable to	22145
suppliers, or payment for services rendered, in the course of	22146
business, including, but not limited to, checks or memoranda,	22147
overpayments, unidentified remittances, nonrefunded overcharges,	22148
discounts, refunds, and rebates;	22149
(c) Any payment or credit received by a business	22150
association from a business association for tangible goods sold,	22151
or services performed, in the course of business, including, but	22152
not limited to, checks or memoranda, overpayments, unidentified	22153
remittances, nonrefunded overcharges, discounts, refunds, and	22154
rebates;	22155
(d) Either of the following:	22156
(i) Any credit or obligation due a retail customer that is	22157
represented by a gift certificate, gift card, merchandise	22158
credit, or merchandise credit card, redeemable only for goods or	22159
services, including gift cards issued by financial organizations	22160
or business associations;	22161
(ii) Any electronic payment device that is issued by a	22162
financial organization or a business association that has no	22163
expiration date and meets all of the following conditions:	22164
(I) It is purchased or loaded on a prepaid basis for the	22165
future purchase or delivery of goods or services.	22166
(II) It is redeemable upon presentation to a single	22167

merchant or service provider or an affiliated group of merchants 22168
or service providers. 22169

(III) It is not redeemable for cash in whole or in part. 22170

(e) Any open-loop prepaid card that is issued by a 22171
financial organization or a business association for which the 22172
underlying funds do not expire. For purposes of division (B) (2) 22173
(e) of this section, "open-loop prepaid card" means an 22174
electronic payment device that meets all of the following 22175
conditions: 22176

(i) It is purchased or loaded on a prepaid basis for the 22177
future purchase or delivery of any goods or services. 22178

(ii) It can be used to purchase goods and services at 22179
multiple unaffiliated merchants or service providers. 22180

(iii) It is not redeemable for cash in whole or in part. 22181

(f) Any rewards card. For purposes of division (B) (2) (f) 22182
of this section, "rewards card" includes any loyalty, incentive, 22183
or promotional type program that is issued by a financial 22184
organization or a business association whether represented by a 22185
card or electronic record, which program is established for the 22186
purposes of providing cardholder awards, rewards, rebates, or 22187
other amounts to reward the cardholder for the cardholder's 22188
relationship with the entity sponsoring the rewards card, 22189
provided that no direct money was paid by the cardholder for the 22190
rewards card. "Rewards card" includes both of the following: 22191

(i) Cards or electronic records consisting of points, 22192
cash, or other tokens of value given to a cardholder as a reward 22193
or incentive for engaging in a transaction or a series of 22194
transactions; 22195

(ii) The unpaid portion of a rewards card when the rewards
card is partially loaded by the cardholder with the remaining
portion funded as a reward or incentive.

A minimal annual fee charged to the cardholder for joining
any such loyalty, incentive, or promotional type program shall
not be considered direct money paid by the cardholder for the
rewards card. For purposes of division (B) (2) (f) of this
section, "cardholder" means the holder of a rewards card,
regardless of whether the rewards card is represented by a card
or by an electronic record.

For purposes of division (B) (2) of this section, "business
association" means any corporation, joint venture, business
trust, limited liability company, partnership, association, or
other business entity composed of one or more individuals,
whether or not the entity is for profit.

(C) "Owner" means any person, or the person's legal
representative, entitled to receive or having a legal or
equitable interest in or claim against moneys, rights to moneys,
or other intangible property, subject to this chapter.

(D) (1) "Holder" means any person that has possession,
custody, or control of moneys, rights to moneys, or other
intangible property, or that is indebted to another, if any of
the following applies:

(a) Such person resides in this state;

(b) Such person is formed under the laws of this state;

(c) Such person is formed under the laws of the United
States and has an office or principal place of business in this
state;

(d) The records of such person indicate that the last 22224
known address of the owner of such moneys, rights to moneys, or 22225
other intangible property is in this state; 22226

(e) The records of such person do not indicate the last 22227
known address of the owner of the moneys, rights to moneys, or 22228
other intangible property and the entity originating or issuing 22229
the moneys, rights to moneys, or other intangible property in 22230
this state or any political subdivision of this state, or is 22231
incorporated, organized, created, or otherwise located in this 22232
state. Division (D) (1) (e) of this section applies to all moneys, 22233
rights to moneys, or other intangible property that is in the 22234
possession, custody, or control of such person on or after July 22235
22, 1994, whether the moneys, rights to moneys, or other 22236
intangible property becomes unclaimed funds prior to or on or 22237
after that date. 22238

(2) "Holder" does not mean any hospital granted tax-exempt 22239
status under section 501(c) (3) of the Internal Revenue Code or 22240
any hospital owned or operated by the state or by any political 22241
subdivision. Any entity in order to be exempt from the 22242
definition of "holder" pursuant to this division shall make a 22243
reasonable, good-faith effort to contact the owner of the 22244
unclaimed funds. 22245

(E) "Person" includes a natural person; corporation, 22246
whether for profit or not for profit; copartnership; 22247
unincorporated nonprofit association; public authority; estate; 22248
trust; two or more persons having a joint or common interest; 22249
eleemosynary organization; fraternal or cooperative association; 22250
other legal or community entity; the United States government, 22251
including any district, territory, possession, officer, agency, 22252
department, authority, instrumentality, board, bureau, or court; 22253

or any state or political subdivision thereof, including any 22254
officer, agency, board, bureau, commission, division, 22255
department, authority, court, or instrumentality. 22256

(F) "Mortgage funds" means ~~the mortgage insurance fund~~ 22257
~~created by section 122.561 of the Revised Code, and the housing~~ 22258
guarantee fund created by division (D) of section 128.11 of the 22259
Revised Code. 22260

(G) "Lawful claims" means any vested right a holder of 22261
unclaimed funds has against the owner of such unclaimed funds. 22262

(H) "Public utility" means any entity defined as such by 22263
division (A) of section 745.01 or by section 4905.02 of the 22264
Revised Code. 22265

(I) "Deposit" means to place money in the custody of a 22266
financial organization for the purpose of establishing an 22267
income-bearing account by purchase or otherwise. 22268

(J) "Income-bearing account" means a time or savings 22269
account, whether or not evidenced by a certificate of deposit, 22270
or an investment account through which investments are made 22271
solely in obligations of the United States or its agencies or 22272
instrumentalities or guaranteed as to principal and interest by 22273
the United States or its agencies or instrumentalities, debt 22274
securities rated as investment grade by at least two nationally 22275
recognized rating services, debt securities which the director 22276
of commerce has determined to have been issued for the safety 22277
and welfare of the residents of this state, and equity interests 22278
in mutual funds that invest solely in some or all of the above- 22279
listed securities and involve no general liability, without 22280
regard to whether income earned on such accounts, securities, or 22281
interests is paid periodically or at the end of a term. 22282

(K) "Director of commerce" may be read as the "division of
unclaimed funds" or the "superintendent of unclaimed funds." 22283
22284

(L) "Attorney unclaimed funds" means any unclaimed funds, 22285
as defined in division (B)(1) of this section, that are any of 22286
the following: 22287

(1) Funds held in interest on lawyer trust accounts 22288
pursuant to section 4705.09 of the Revised Code; 22289

(2) Funds held in an interest on trust accounts pursuant 22290
to section 3953.231 of the Revised Code; 22291

(3) Residual settlement funds whether for named or unnamed 22292
plaintiffs, received by the division of unclaimed funds, and 22293
held, paid out, or allocated by the division pursuant to or 22294
consistent with the terms and conditions of the court order 22295
authorizing the settlement fund. 22296

Sec. 169.05. (A) Every holder required to file a report 22297
under section 169.03 of the Revised Code shall, at the time of 22298
filing, pay to the director of commerce ten per cent of the 22299
aggregate amount of unclaimed funds as shown on the report, 22300
except for aggregate amounts of fifty dollars or less in which 22301
case one hundred per cent shall be paid. The funds may be 22302
deposited by the director in the state treasury to the credit of 22303
the unclaimed funds trust fund, which is hereby created, or 22304
placed with a financial organization. Any interest earned on 22305
money in the trust fund shall be credited to the trust fund. The 22306
remainder of the aggregate amount of unclaimed funds as shown on 22307
the report, plus earnings accrued to date of payment to the 22308
director, shall, at the option of the director, be retained by 22309
the holder or paid to the director for deposit as agent for the 22310
mortgage funds with a financial organization as defined in 22311

section 169.01 of the Revised Code, with the funds to be in 22312
income-bearing accounts to the credit of the mortgage funds, or 22313
the holder may enter into an agreement with the director 22314
specifying the obligations of the United States in which funds 22315
are to be invested, and agree to pay the interest on the 22316
obligations to the state. Holders retaining any funds not in 22317
obligations of the United States shall enter into an agreement 22318
with the director specifying the classification of income- 22319
bearing account in which the funds will be held and pay the 22320
state interest on the funds at a rate equal to the prevailing 22321
market rate for similar funds. Moneys that the holder is 22322
required to pay to the director rather than to retain may be 22323
deposited with the treasurer of state, or placed with a 22324
financial organization. 22325

Securities and other intangible property transferred to 22326
the director shall, within a reasonable time, be converted to 22327
cash and the proceeds deposited as provided for other funds. 22328

~~One-half of the~~ The funds evidenced by agreements, in 22329
income-bearing accounts, or on deposit with the treasurer of 22330
state shall be allocated on the records of the director ~~to the~~ 22331
~~mortgage insurance fund created by section 122.561 of the~~ 22332
~~Revised Code. Out of the remaining half,~~ after allocation of 22333
sufficient moneys to the minority business bonding fund to meet 22334
the provisions of division (B) of this section, ~~the remainder~~ 22335
~~shall be allocated on the records of the director to the housing~~ 22336
development fund created by division (A) of section 175.11 of 22337
the Revised Code. 22338

(B) The director shall serve as agent for the director of 22339
development and as agent for the Ohio housing finance agency in 22340
making deposits and withdrawals and maintaining records 22341

pertaining to the minority business bonding fund created by 22342
section 122.88 of the Revised Code, ~~the mortgage insurance fund,~~ 22343
and the housing development fund created by section 175.11 of 22344
the Revised Code. ~~Funds from the mortgage insurance fund are~~ 22345
~~available to the director of development when those funds are to~~ 22346
~~be disbursed to prevent or cure, or upon the occurrence of, a~~ 22347
~~default of a mortgage insured pursuant to section 122.451 of the~~ 22348
~~Revised Code.~~ Funds from the housing development fund are 22349
available upon request to the Ohio housing finance agency, in an 22350
amount not to exceed the funds allocated on the records of the 22351
director, for the purposes of section 175.05 of the Revised 22352
Code. Funds from the minority business bonding fund are 22353
available to the director of development upon request to pay 22354
obligations on bonds the director writes pursuant to section 22355
122.88 of the Revised Code; except that, unless the general 22356
assembly authorizes additional amounts, the total maximum amount 22357
of moneys that may be allocated to the minority business bonding 22358
fund under this division is ten million dollars. 22359

When funds are to be disbursed, the appropriate agency 22360
shall call upon the director to transfer the necessary funds to 22361
it. The director shall first withdraw the funds paid by the 22362
holders and deposited with the treasurer of state or in a 22363
financial institution as agent for the funds. Whenever these 22364
funds are inadequate to meet the request, the director shall 22365
provide for a withdrawal of funds, within a reasonable time and 22366
in the amount necessary to meet the request, from financial 22367
institutions in which the funds were retained or placed by a 22368
holder and from other holders who have retained funds, in an 22369
equitable manner as the director prescribes. In the event that 22370
the amount to be withdrawn from any one holder is less than five 22371
hundred dollars, the amount to be withdrawn is at the director's 22372

discretion. The director shall then transfer to the agency the 22373
amount of funds requested. 22374

Funds deposited in the unclaimed funds trust fund are 22375
subject to call by the director when necessary to pay claims the 22376
director allows under section 169.08 of the Revised Code, in 22377
accordance with the director's rules, to defray the necessary 22378
costs of making publications this chapter requires and to pay 22379
other operating and administrative expenses the department of 22380
commerce incurs in the administration and enforcement of this 22381
chapter. 22382

The unclaimed funds trust fund shall be assessed a 22383
proportionate share of the administrative costs of the 22384
department of commerce in accordance with procedures the 22385
director of commerce prescribes. The assessment shall be paid 22386
from the unclaimed funds trust fund to the division of 22387
administration fund. 22388

(C) Earnings on the accounts in financial organizations to 22389
the credit of the mortgage funds shall, at the option of the 22390
financial organization, be credited to the accounts at times and 22391
at rates as earnings are paid on other accounts of the same 22392
classification held in the financial organization or paid to the 22393
director. The director shall be notified annually, and at other 22394
times as the director may request, of the amount of the earnings 22395
credited to the accounts. Interest on unclaimed funds a holder 22396
retains shall be paid to the director or credited as specified 22397
in the agreement under which the organization retains the funds. 22398
Interest payable to the director under an agreement to invest 22399
unclaimed funds in income-bearing accounts or obligations of the 22400
United States shall be paid annually by the holder to the 22401
director. Any earnings or interest the director receives under 22402

this division shall be deposited in and credited to the mortgage funds. 22403
22404

Sec. 169.08. (A) ~~The~~ Except as otherwise provided in 22405
division (I) of this section, the director of commerce shall pay 22406
to the owner or other person who has established the right to 22407
payment under this section, funds from the unclaimed funds trust 22408
fund in an amount equal to the amount of property delivered or 22409
reported to the director, or equal to the net proceeds if the 22410
securities or other property have been sold, together with 22411
interest earned by the state if required to be paid under 22412
division (D) of this section. Any person claiming a property 22413
interest in unclaimed funds delivered or reported to the state 22414
under Chapter 169. of the Revised Code, including the office of 22415
child support in the department of job and family services, 22416
pursuant to section 3123.88 of the Revised Code, may file a 22417
claim thereto on the form prescribed by the director ~~of~~ 22418
~~commerce.~~ 22419

(B) The director shall consider matters relevant to any 22420
claim filed under division (A) of this section and shall hold a 22421
formal hearing if requested or considered necessary and receive 22422
evidence concerning such claim. A finding and decision in 22423
writing on each claim filed shall be prepared, stating the 22424
substance of any evidence received or heard and the reasons for 22425
allowance or disallowance of the claim. The evidence and 22426
decision shall be a public record. ~~No~~ Except as otherwise 22427
provided in division (I) of this section, no statute of 22428
limitations shall bar the allowance of a claim. 22429

(C) For the purpose of conducting any hearing, the 22430
director may require the attendance of such witnesses and the 22431
production of such books, records, and papers as the director 22432

desires, and the director may take the depositions of witnesses 22433
residing within or without this state in the same manner as is 22434
prescribed by law for the taking of depositions in civil actions 22435
in the court of common pleas, and for that purpose the director 22436
may issue a subpoena for any witness or a subpoena duces tecum 22437
to compel the production of any books, records, or papers, 22438
directed to the sheriff of the county where such witness resides 22439
or is found, which shall be served and returned. The fees of the 22440
sheriff shall be the same as that allowed in the court of common 22441
pleas in criminal cases. Witnesses shall be paid the fees and 22442
mileage provided for under section 119.094 of the Revised Code. 22443
Fees and mileage shall be paid from the unclaimed funds trust 22444
fund. 22445

(D) ~~Interest~~ Except as otherwise provided in division (I) 22446
of this section, interest earned by the state shall be payable 22447
to claimants of unclaimed funds held by the state in accordance 22448
with final court orders derived from the *Sogg v. Zurz*, 121 Ohio 22449
St.3d 449 (2009), line of cases and final settlement agreement 22450
determining payment of interest on unclaimed funds. For 22451
properties received by the state on or before July 26, 1991, 22452
interest shall be paid at a rate of six per cent per annum from 22453
the date the state received the property up to and including 22454
July 26, 1991. No interest shall be payable on any properties 22455
for the period from July 27, 1991, up to and including August 2, 22456
2000. For properties held by the state on August 3, 2000, or 22457
after, interest shall be paid at the applicable required rate 22458
per annum for the period held from August 3, 2000, or the date 22459
of receipt, whichever is later, up to and including the date the 22460
claim is paid. 22461

(E) Claims shall be paid from the trust fund. If the 22462
amount available in the trust fund is not sufficient to pay 22463

pending claims, or other amounts disbursable from the trust 22464
fund, the treasurer of state shall certify such fact to the 22465
director, who shall then withdraw such amount of funds from the 22466
mortgage accounts as the director determines necessary to 22467
reestablish the trust fund to a level required to pay 22468
anticipated claims but not more than ten per cent of the net 22469
unclaimed funds reported to date. 22470

The director may withdraw the funds paid to the director 22471
by the holders and deposited by the director with the treasurer 22472
of state or in a financial institution as agent for such funds. 22473
Whenever these funds are inadequate to meet the requirements for 22474
the trust fund, the director shall provide for a withdrawal of 22475
funds, within a reasonable time, in such amount as is necessary 22476
to meet the requirements, from financial institutions in which 22477
such funds were retained or placed by a holder and from other 22478
holders who have retained funds, in an equitable manner as 22479
prescribed by the director. In the event that the amount to be 22480
withdrawn from any one such holder is less than five hundred 22481
dollars, the amount to be withdrawn shall be at the discretion 22482
of the director. Such funds may be reimbursed in the amounts 22483
withdrawn when the trust fund has a surplus over the amount 22484
required to pay anticipated claims. Whenever the trust fund has 22485
a surplus over the amount required to pay anticipated claims, 22486
the director may transfer such surplus to the mortgage accounts. 22487

(F) (1) If a claim which is allowed under this section 22488
relates to funds which have been retained by the reporting 22489
holder, and if the funds, on deposit with the treasurer of state 22490
pursuant to this chapter, are insufficient to pay claims, the 22491
director may notify such holder in writing of the payment of the 22492
claim and such holder shall immediately reimburse the state in 22493
the amount of such claim. The reimbursement shall be credited to 22494

the unclaimed funds trust fund. 22495

(2) If a claim that is allowed under this section relates 22496
to attorney unclaimed funds that have been recovered by the Ohio 22497
access to justice foundation, pursuant to division (A) of 22498
section 169.052 of the Revised Code and division (A) of this 22499
section, the director shall notify the Ohio access to justice 22500
foundation in writing of the payment of the claim and the Ohio 22501
access to justice foundation shall immediately reimburse the 22502
unclaimed funds trust fund in the amount of such claim inclusive 22503
of interest as required by division (D) of this section. The 22504
reimbursement shall be credited to the unclaimed funds trust 22505
fund. 22506

(G) Any person, including the office of child support, 22507
adversely affected by a decision of the director may appeal such 22508
decision in the manner provided in Chapter 119. of the Revised 22509
Code. 22510

In the event the claimant prevails, the claimant shall be 22511
reimbursed for reasonable attorney's fees and costs. 22512

(H) Notwithstanding anything to the contrary in this 22513
chapter, any holder who has paid moneys to or entered into an 22514
agreement with the director pursuant to section 169.05 of the 22515
Revised Code on certified checks, cashiers' checks, bills of 22516
exchange, letters of credit, drafts, money orders, or travelers' 22517
checks, may make payment to any person entitled thereto, 22518
including the office of child support, and upon surrender of the 22519
document, except in the case of travelers' checks, and proof of 22520
such payment, the director shall reimburse the holder for such 22521
payment without interest. 22522

(I) (1) Unclaimed funds and interest earned thereon that 22523

are first reported to the director under section 169.03 of the 22524
Revised Code on or before January 1, 2016, are deemed abandoned 22525
and escheat to the state on January 1, 2026, if no valid claim 22526
is filed by the owner or another person claiming a right to 22527
payment on or before that date. 22528

(2) Unclaimed funds and interest first reported to the 22529
director after January 1, 2016, are deemed abandoned and escheat 22530
to the state on the tenth anniversary of that reporting date if 22531
no valid claim is filed by the owner or another person claiming 22532
a right to payment on or before the tenth anniversary of that 22533
reporting date. 22534

(3) (a) All property rights, legal title to, and ownership 22535
of unclaimed funds and interest vest solely in the state on the 22536
date the unclaimed funds and interest are deemed abandoned and 22537
escheat to the state. 22538

(b) Notwithstanding division (I) (3) (a) of this section, 22539
the former owner or other person claiming a property interest in 22540
unclaimed funds that are deemed abandoned and escheat to the 22541
state may file a claim for payment of an equivalent amount, 22542
together with interest earned by the state if required under 22543
division (D) of this section, at any time on or before January 22544
1, 2036. Upon providing sufficient proof of the validity of the 22545
owner's or other person's claim, the director shall pay the 22546
claim less any expenses and costs incurred by the state in 22547
securing full title and ownership of the unclaimed funds. 22548

(c) If payment is made on a claim under division (I) (3) (b) 22549
of this section, no action thereafter shall be maintained by any 22550
other claimant against the state for or on account of the 22551
payment of the claim. 22552

(d) The director shall pay claims under division (I) (3) (b) 22553
of this section from the unclaimed funds trust fund and shall 22554
not seek reimbursement for such claims from the Ohio cultural 22555
and sports facility performance grant fund created under section 22556
123.282 of the Revised Code or deduct the amount of such claims 22557
from future remissions to that fund required by division (I) (4) 22558
of this section. 22559

(e) Any claim filed after the date the unclaimed funds and 22560
interest are deemed abandoned and escheat to the state and after 22561
January 1, 2036, is void. 22562

(4) On the first days of January and July each year, 22563
beginning in 2026, the director shall remit or cause to be 22564
remitted all unclaimed funds and interest that are deemed 22565
abandoned and escheat to the state to the state treasury to the 22566
credit of the Ohio cultural and sports facility performance 22567
grant fund created under section 123.282 of the Revised Code. 22568
The director shall notify the director of budget and management 22569
of all funds and interest remitted under this division. 22570

(5) If unclaimed funds and interest that are deemed 22571
abandoned and escheat to the state are retained or invested by a 22572
holder pursuant to an agreement under division (A) of section 22573
169.05 of the Revised Code, the director shall notify the holder 22574
and the holder shall pay the funds and interest to the director 22575
in a form and manner determined by the director. 22576

(6) The director of commerce shall develop guidelines and 22577
procedures to implement division (I) of this section including 22578
procedures addressing both of the following: 22579

(a) Repayment of unclaimed funds and interest that are 22580
invested in non-liquid assets; 22581

(b) Ensuring that the balance of the unclaimed funds trust 22582
fund is sufficient to meet the state's financial obligations 22583
under this chapter. 22584

Sec. 169.13. (A) (1) All agreements to pay a fee, 22585
compensation, commission, or other remuneration to locate, 22586
deliver, recover, or assist in the recovery of unclaimed funds 22587
reported under section 169.03 of the Revised Code, entered into 22588
within two years immediately after the date a report is filed 22589
under division (D) of section 169.03 of the Revised Code, are 22590
invalid. 22591

(2) A person interested in entering into an agreement to 22592
locate, deliver, recover, or assist in the recovery of unclaimed 22593
funds for remuneration shall not initiate any contact with an 22594
owner during the two-year period immediately after the date a 22595
report is filed under division (D) of section 169.03 of the 22596
Revised Code. Failure to comply with this requirement is grounds 22597
for the invalidation of any such agreement between the person 22598
and the owner. 22599

(B) An agreement entered into any time after such two-year 22600
period is valid only if all of the following conditions are met: 22601

(1) The aggregate fee, compensation, commission, or other 22602
remuneration agreed upon is not in excess of ten per cent of the 22603
amount recovered and paid to the owner by the director of budget 22604
and management; 22605

(2) The agreement is in writing, signed by the owner, and 22606
notarized and discloses all of the following items: 22607

(a) The name, address, and telephone number of the owner, 22608
as shown by the records of the person or entity in possession of 22609
the unclaimed funds or contents of a safe deposit box; 22610

(b) The name, address, and telephone number of the owner	22611
if the owner's name, address, or telephone number are different	22612
from the name, address, or telephone number of the owner as	22613
shown by the records of the person or entity in possession of	22614
the unclaimed funds or contents of a safe deposit box;	22615
 (c) The nature and value of the unclaimed funds or	22616
contents of a safe deposit box;	22617
 (d) The amount the owner will receive after the fee or	22618
compensation has been subtracted;	22619
 (e) The name and address of the person or entity in	22620
possession of the unclaimed funds or contents of a safe deposit	22621
box;	22622
 (f) That the director of budget and management will pay	22623
the unclaimed funds directly to the owner or the director of	22624
commerce shall deliver the contents of a safe deposit box	22625
directly to the owner;	22626
 (g) That the person agreeing to locate, deliver, recover,	22627
or assist in the recovery of the unclaimed funds or contents of	22628
a safe deposit box is not an employee or agent of the director	22629
of commerce;	22630
 (h) That the director of commerce is not a party to the	22631
agreement;	22632
 (i) That the person agreeing to locate, deliver, recover,	22633
or assist in the recovery of the unclaimed funds or contents of	22634
a safe deposit box holds a valid certificate of registration	22635
issued by the director under section 169.16 of the Revised Code;	22636
 (j) The number designated on that certificate of	22637
registration and the date the certificate of registration	22638

expires. 22639

(3) No agreement described in division (B)(2) of this 22640
section shall include a power of attorney for the payment of the 22641
unclaimed funds or delivery of the contents of a safe deposit 22642
box to any person other than the owner of the unclaimed funds or 22643
contents of a safe deposit box. 22644

(4) If the agreement involves recovery of the contents of 22645
a safe deposit box, the agreement stipulates that the person 22646
receiving any fee, compensation, commission, or other 22647
remuneration for engaging in any activity for the purpose of 22648
locating, delivering, recovering, or assisting in the recovery 22649
of unclaimed funds or other items stored in a safe deposit box 22650
on behalf of any other person shall do all of the following: 22651

(a) Make arrangements to have an appraiser and the 22652
director of commerce view the contents of the safe deposit box 22653
together, at a time mutually agreeable to the appraiser and 22654
director; 22655

(b) State that the value of the property in the safe 22656
deposit box is the amount established by the appraiser who 22657
viewed the safe deposit box contents; 22658

(c) Base the fee, compensation, commission, or other 22659
remuneration for locating, delivering, recovering, or assisting 22660
in the recovery of unclaimed funds or other items stored in a 22661
safe deposit box on the appraised value established by the 22662
appraiser who viewed the safe deposit box contents. 22663

(C) No person shall receive a fee, compensation, 22664
commission, or other remuneration, or engage in any activity for 22665
the purpose of locating, delivering, recovering, or assisting in 22666
the recovery of unclaimed funds or contents of a safe deposit 22667

box, under an agreement that is invalid under this section. 22668

(D) A person who receives any fee, compensation, 22669
commission, or other remuneration for engaging in any activity 22670
for the purpose of locating, delivering, recovering, or 22671
assisting in the recovery of unclaimed funds or other items 22672
stored in a safe deposit box on behalf of any other person 22673
cannot function as an appraiser of the contents of the safe 22674
deposit box for purposes of division (B)(4) of this section. 22675

(E) The director shall not recognize or make any delivery 22676
and the ~~auditor of state~~ office of budget and management shall 22677
not make any payment pursuant to any power of attorney between 22678
an owner of the unclaimed funds or contents of a safe deposit 22679
box and the person with whom the owner entered into an agreement 22680
pursuant to division (B)(2) of this section to locate, deliver, 22681
recover, or assist in the recovery of the unclaimed funds or 22682
contents of a safe deposit box if that power of attorney is 22683
entered into on or after March 23, 2007, and that power of 22684
attorney specifically provides for the payment of unclaimed 22685
funds or delivery of the contents of a safe deposit box to any 22686
person other than the owner of the unclaimed funds or contents 22687
of a safe deposit box. Nothing in this section shall be 22688
construed as prohibiting the payment of unclaimed funds or 22689
delivery of the contents of a safe deposit box to the legal 22690
representative of the owner of the unclaimed funds or contents 22691
of the safe deposit box. Notwithstanding the definition of 22692
"owner" specified in division (C) of section 169.01 of the 22693
Revised Code, for purposes of the payment of unclaimed funds or 22694
delivery of the contents of the safe deposit box, a person with 22695
whom an owner entered into an agreement under division (B)(2) of 22696
this section is not a legal representative. 22697

Sec. 173.38. (A) As used in this section: 22698

(1) "Applicant" means a person who is under final 22699
consideration for employment with a responsible party in a full- 22700
time, part-time, or temporary direct-care position or is 22701
referred to a responsible party by an employment service for 22702
such a position. "Applicant" does not include a person being 22703
considered for a direct-care position as a volunteer. 22704

(2) "Area agency on aging" has the same meaning as in 22705
section 173.14 of the Revised Code. 22706

~~(3) "Chief administrator of a responsible party" includes~~ 22707
~~a consumer when the consumer is a responsible party.~~ 22708

~~(4)~~ "Community-based long-term care services" means 22709
community-based long-term care services, as defined in section 22710
173.14 of the Revised Code, that are provided under a program 22711
the department of aging administers. 22712

~~(5)~~ (4) "Consumer" means an individual who receives 22713
community-based long-term care services. 22714

~~(6)~~ (5) "Criminal records check" has the same meaning as in 22715
section 109.572 of the Revised Code. 22716

~~(7)~~ (a) (6) (a) "Direct-care position" means an employment 22717
position in which an employee has either or both of the 22718
following: 22719

(i) In-person contact with one or more consumers; 22720

(ii) Access to one or more consumers' personal property or 22721
records. 22722

(b) "Direct-care position" does not include ~~a~~ any of the 22723
following: 22724

<u>(i) A person whose sole duties are transporting</u>	22725
individuals under Chapter 306. of the Revised Code;	22726
<u>(ii) An attorney licensed to practice law in this state;</u>	22727
<u>(iii) A person who is not licensed to practice law in this</u>	22728
<u>state, but, at the direction of an attorney licensed to practice</u>	22729
<u>law in this state, assists the attorney in the attorney's</u>	22730
<u>provision of legal services.</u>	22731
~~(8)~~ <u>(7)</u> "Disqualifying offense" means any of the offenses	22732
listed or described in divisions (A) (3) (a) to (e) of section	22733
109.572 of the Revised Code.	22734
~~(9)~~ <u>(8)</u> "Employee" means a person employed by a responsible	22735
party in a full-time, part-time, or temporary direct-care	22736
position and a person who works in such a position due to being	22737
referred to a responsible party by an employment service.	22738
"Employee" does not include a person who works in a direct-care	22739
position as a volunteer.	22740
~~(10)~~ <u>(9)</u> "PASSPORT administrative agency" has the same	22741
meaning as in section 173.42 of the Revised Code.	22742
~~(11)~~ <u>(10)</u> "Provider" has the same meaning as in section	22743
173.39 of the Revised Code.	22744
~~(12)~~ <u>(11)</u> "Responsible party" means the following:	22745
(a) An area agency on aging in the case of either of the	22746
following:	22747
(i) A person who is an applicant because the person is	22748
under final consideration for employment with the agency in a	22749
full-time, part-time, or temporary direct-care position or is	22750
referred to the agency by an employment service for such a	22751
position;	22752

(ii) A person who is an employee because the person is 22753
employed by the agency in a full-time, part-time, or temporary 22754
direct-care position or works in such a position due to being 22755
referred to the agency by an employment service. 22756

(b) A PASSPORT administrative agency in the case of either 22757
of the following: 22758

(i) A person who is an applicant because the person is 22759
under final consideration for employment with the agency in a 22760
full-time, part-time, or temporary direct-care position or is 22761
referred to the agency by an employment service for such a 22762
position; 22763

(ii) A person who is an employee because the person is 22764
employed by the agency in a full-time, part-time, or temporary 22765
direct-care position or works in such a position due to being 22766
referred to the agency by an employment service. 22767

(c) A provider in the case of either of the following: 22768

(i) A person who is an applicant because the person is 22769
under final consideration for employment with the provider in a 22770
full-time, part-time, or temporary direct-care position or is 22771
referred to the provider by an employment service for such a 22772
position; 22773

(ii) A person who is an employee because the person is 22774
employed by the provider in a full-time, part-time, or temporary 22775
direct-care position or works in such a position due to being 22776
referred to the provider by an employment service. 22777

(d) A subcontractor in the case of either of the 22778
following: 22779

(i) A person who is an applicant because the person is 22780

under final consideration for employment with the subcontractor 22781
in a full-time, part-time, or temporary direct-care position or 22782
is referred to the subcontractor by an employment service for 22783
such a position; 22784

(ii) A person who is an employee because the person is 22785
employed by the subcontractor in a full-time, part-time, or 22786
temporary direct-care position or works in such a position due 22787
to being referred to the subcontractor by an employment service. 22788

~~(e) A consumer in the case of either of the following: 22789~~

~~(i) A person who is an applicant because the person is 22790
under final consideration for employment with the consumer in a 22791
full-time, part-time, or temporary direct-care position for 22792
which the consumer, as the employer of record, is to direct the 22793
person in the provision of community-based long-term care 22794
services the person is to provide the consumer or is referred to 22795
the consumer by an employment service for such a position; 22796~~

~~(ii) A person who is an employee because the person is 22797
employed by the consumer in a full-time, part-time, or temporary 22798
direct-care position for which the consumer, as the employer of 22799
record, directs the person in the provision of community-based 22800
long-term care services the person provides to the consumer or 22801
who works in such a position due to being referred to the 22802
consumer by an employment service. 22803~~

~~(13)~~ (12) "Subcontractor" has the meaning specified in 22804
rules adopted under this section. 22805

~~(14)~~ (13) "Volunteer" means a person who serves in a 22806
direct-care position without receiving or expecting to receive 22807
any form of remuneration other than reimbursement for actual 22808
expenses. 22809

~~(15)~~ (14) "Waiver agency" has the same meaning as in 22810
section 5164.342 of the Revised Code. 22811

(B) This section does not apply to any ~~individual~~ of the 22812
following: 22813

(1) A person who is subject to a database review or 22814
criminal records check under section 173.381 or 3740.11 of the 22815
Revised Code ~~or to any individual;~~ 22816

(2) A person who is subject to a criminal records check 22817
under section 3721.121 of the Revised Code; 22818

(3) A participant-directed provider, but only if the 22819
director of aging has conducted a database review of the 22820
provider in the same manner that other database reviews are 22821
conducted under this section; 22822

(4) An ambulette driver employed by an organization 22823
licensed under Chapter 4766. of the Revised Code. 22824

(C) No responsible party shall employ an applicant or 22825
continue to employ an employee in a direct-care position if any 22826
of the following apply: 22827

(1) A review of the databases listed in division (E) of 22828
this section reveals any of the following: 22829

(a) That the applicant or employee is included in one or 22830
more of the databases listed in divisions (E) (1) to (5) of this 22831
section; 22832

(b) That there is in the state nurse aide registry 22833
established under section 3721.32 of the Revised Code a 22834
statement detailing findings by the director of health that the 22835
applicant or employee abused, neglected, or exploited a long- 22836
term care facility or residential care facility resident or 22837

misappropriated property of such a resident; 22838

(c) That the applicant or employee is included in one or 22839
more of the databases, if any, specified in rules adopted under 22840
this section and the rules prohibit the responsible party from 22841
employing an applicant or continuing to employ an employee 22842
included in such a database in a direct-care position. 22843

(2) After the applicant or employee is provided, pursuant 22844
to division (F) (2) (a) of this section, a copy of the form 22845
prescribed pursuant to division (C) (1) of section 109.572 of the 22846
Revised Code and the standard impression sheet prescribed 22847
pursuant to division (C) (2) of that section, the applicant or 22848
employee fails to complete the form or provide the applicant's 22849
or employee's fingerprint impressions on the standard impression 22850
sheet. 22851

(3) Unless the applicant or employee meets standards 22852
specified in rules adopted under this section, the applicant or 22853
employee is found by a criminal records check required by this 22854
section to have been convicted of, pleaded guilty to, or been 22855
found eligible for intervention in lieu of conviction for a 22856
disqualifying offense. 22857

(D) Except as provided by division (G) of this section, 22858
the chief administrator of a responsible party shall inform each 22859
applicant of both of the following at the time of the 22860
applicant's initial application for employment or referral to 22861
the responsible party by an employment service for a direct-care 22862
position: 22863

(1) That a review of the databases listed in division (E) 22864
of this section will be conducted to determine whether the 22865
responsible party is prohibited by division (C) (1) of this 22866

section from employing the applicant in the direct-care 22867
position; 22868

(2) That, unless the database review reveals that the 22869
applicant may not be employed in the direct-care position, a 22870
criminal records check of the applicant will be conducted and 22871
the applicant is required to provide a set of the applicant's 22872
fingerprint impressions as part of the criminal records check. 22873

(E) As a condition of employing any applicant in a direct- 22874
care position, the chief administrator of a responsible party 22875
shall conduct a database review of the applicant in accordance 22876
with rules adopted under this section. If rules adopted under 22877
this section so require, the chief administrator of a 22878
responsible party shall conduct a database review of an employee 22879
in accordance with the rules as a condition of continuing to 22880
employ the employee in a direct-care position. However, a chief 22881
administrator is not required to conduct a database review of an 22882
applicant or employee if division (G) of this section applies. A 22883
database review shall determine whether the applicant or 22884
employee is included in any of the following: 22885

(1) The excluded parties list system that is maintained by 22886
the United States general services administration pursuant to 22887
subpart 9.4 of the federal acquisition regulation and available 22888
at the federal web site known as the system for award 22889
management; 22890

(2) The list of excluded individuals and entities 22891
maintained by the office of inspector general in the United 22892
States department of health and human services pursuant to the 22893
"Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 22894
and 1320c-5; 22895

(3) The registry of developmental disabilities employees	22896
established under section 5123.52 of the Revised Code;	22897
(4) The internet-based sex offender and child-victim	22898
offender database established under division (A) (11) of section	22899
2950.13 of the Revised Code;	22900
(5) The internet-based database of inmates established	22901
under section 5120.66 of the Revised Code;	22902
(6) The state nurse aide registry established under	22903
section 3721.32 of the Revised Code;	22904
(7) Any other database, if any, specified in rules adopted	22905
under this section.	22906
(F) (1) As a condition of employing any applicant in a	22907
direct-care position, the chief administrator of a responsible	22908
party shall request that the superintendent of the bureau of	22909
criminal identification and investigation conduct a criminal	22910
records check of the applicant. If rules adopted under this	22911
section so require, the chief administrator of a responsible	22912
party shall request that the superintendent conduct a criminal	22913
records check of an employee at times specified in the rules as	22914
a condition of continuing to employ the employee in a direct-	22915
care position. However, the chief administrator is not required	22916
to request the criminal records check of the applicant or	22917
employee if division (G) of this section applies or the	22918
responsible party is prohibited by division (C) (1) of this	22919
section from employing the applicant or continuing to employ the	22920
employee in a direct-care position. If an applicant or employee	22921
for whom a criminal records check request is required by this	22922
section does not present proof of having been a resident of this	22923
state for the five-year period immediately prior to the date the	22924

criminal records check is requested or provide evidence that 22925
within that five-year period the superintendent has requested 22926
information about the applicant or employee from the federal 22927
bureau of investigation in a criminal records check, the chief 22928
administrator shall request that the superintendent obtain 22929
information from the federal bureau of investigation as part of 22930
the criminal records check. Even if an applicant or employee for 22931
whom a criminal records check request is required by this 22932
section presents proof of having been a resident of this state 22933
for the five-year period, the chief administrator may request 22934
that the superintendent include information from the federal 22935
bureau of investigation in the criminal records check. 22936

(2) The chief administrator shall do all of the following: 22937

(a) Provide to each applicant and employee for whom a 22938
criminal records check request is required by this section a 22939
copy of the form prescribed pursuant to division (C) (1) of 22940
section 109.572 of the Revised Code and a standard impression 22941
sheet prescribed pursuant to division (C) (2) of that section; 22942

(b) Obtain the completed form and standard impression 22943
sheet from the applicant or employee; 22944

(c) Forward the completed form and standard impression 22945
sheet to the superintendent. 22946

(3) A responsible party shall pay to the bureau of 22947
criminal identification and investigation the fee prescribed 22948
pursuant to division (C) (3) of section 109.572 of the Revised 22949
Code for each criminal records check the responsible party 22950
requests under this section. A responsible party may charge an 22951
applicant a fee not exceeding the amount the responsible party 22952
pays to the bureau under this section if both of the following 22953

apply: 22954

(a) The responsible party notifies the applicant at the 22955
time of initial application for employment of the amount of the 22956
fee and that, unless the fee is paid, the applicant will not be 22957
considered for employment. 22958

(b) The medicaid program does not pay the responsible 22959
party for the fee it pays to the bureau under this section. 22960

(G) Divisions (D) to (F) of this section do not apply with 22961
regard to an applicant or employee if the applicant or employee 22962
is referred to a responsible party by an employment service that 22963
supplies full-time, part-time, or temporary staff for direct- 22964
care positions and both of the following apply: 22965

(1) The chief administrator of the responsible party 22966
receives from the employment service confirmation that a review 22967
of the databases listed in division (E) of this section was 22968
conducted of the applicant or employee. 22969

(2) The chief administrator of the responsible party 22970
receives from the employment service, applicant, or employee a 22971
report of the results of a criminal records check of the 22972
applicant or employee that has been conducted by the 22973
superintendent within the one-year period immediately preceding 22974
the following: 22975

(a) In the case of an applicant, the date of the 22976
applicant's referral by the employment service to the 22977
responsible party; 22978

(b) In the case of an employee, the date by which the 22979
responsible party would otherwise have to request a criminal 22980
records check of the employee under division (F) of this 22981
section. 22982

(H) (1) A responsible party may employ conditionally an applicant for whom a criminal records check request is required by this section prior to obtaining the results of the criminal records check if the responsible party is not prohibited by division (C) (1) of this section from employing the applicant in a direct-care position and either of the following applies:

(a) The chief administrator of the responsible party requests the criminal records check in accordance with division (F) of this section before conditionally employing the applicant.

(b) The applicant is referred to the responsible party by an employment service, the employment service or the applicant provides the chief administrator of the responsible party a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief

administrator of the responsible party when the employment 23012
service receives the results. 23013

(2) If a responsible party employs an applicant 23014
conditionally pursuant to division (H) (1) (b) of this section, 23015
the employment service, on its receipt of the results of the 23016
criminal records check, promptly shall send a copy of the 23017
results to the chief administrator of the responsible party. 23018

(3) A responsible party that employs an applicant 23019
conditionally pursuant to division (H) (1) (a) or (b) of this 23020
section shall terminate the applicant's employment if the 23021
results of the criminal records check, other than the results of 23022
any request for information from the federal bureau of 23023
investigation, are not obtained within the period ending sixty 23024
days after the date the request for the criminal records check 23025
is made. Regardless of when the results of the criminal records 23026
check are obtained, if the results indicate that the applicant 23027
has been convicted of, pleaded guilty to, or been found eligible 23028
for intervention in lieu of conviction for a disqualifying 23029
offense, the responsible party shall terminate the applicant's 23030
employment unless the applicant meets standards specified in 23031
rules adopted under this section that permit the responsible 23032
party to employ the applicant and the responsible party chooses 23033
to employ the applicant. Termination of employment under this 23034
division shall be considered just cause for discharge for 23035
purposes of division (D) (2) of section 4141.29 of the Revised 23036
Code if the applicant makes any attempt to deceive the 23037
responsible party about the applicant's criminal record. 23038

(I) The report of any criminal records check conducted 23039
pursuant to a request made under this section is not a public 23040
record for the purposes of section 149.43 of the Revised Code 23041

and shall not be made available to any person other than the 23042
following: 23043

(1) The applicant or employee who is the subject of the 23044
criminal records check or the applicant's or employee's 23045
representative; 23046

(2) The chief administrator of the responsible party 23047
requesting the criminal records check or the administrator's 23048
representative; 23049

(3) The administrator of any other facility, agency, or 23050
program that provides community-based long-term care services 23051
that is owned or operated by the same entity that owns or 23052
operates the responsible party that requested the criminal 23053
records check; 23054

(4) The employment service that requested the criminal 23055
records check; 23056

(5) The director of aging or a person authorized by the 23057
director to monitor a responsible party's compliance with this 23058
section; 23059

(6) The medicaid director and the staff of the department 23060
of medicaid who are involved in the administration of the 23061
medicaid program if any of the following apply: 23062

(a) In the case of a criminal records check requested by a 23063
provider or subcontractor, the provider or subcontractor also is 23064
a waiver agency; 23065

(b) In the case of a criminal records check requested by 23066
an employment service, the employment service makes the request 23067
for an applicant or employee the employment service refers to a 23068
provider or subcontractor that also is a waiver agency; 23069

~~(e) The criminal records check is requested by a consumer~~ 23070
~~who is acting as a responsible party.~~ 23071

(7) A court or hearing officer involved in a case dealing 23072
with any of the following: 23073

(a) A denial of employment of the applicant or employee; 23074

(b) Employment or unemployment benefits of the applicant 23075
or employee; 23076

(c) A civil or criminal action regarding the medicaid 23077
program or a program the department of aging administers. 23078

(8) Pursuant to a lawful subpoena or valid court order, 23079
any necessary individual not identified in division (I) (7) of 23080
this section who is involved in a case dealing with any issue, 23081
matter, or action described in division (I) (7) (a), (b), or (c) 23082
of this section. 23083

(J) In a tort or other civil action for damages that is 23084
brought as the result of an injury, death, or loss to person or 23085
property caused by an applicant or employee who a responsible 23086
party employs in a direct-care position, all of the following 23087
shall apply: 23088

(1) If the responsible party employed the applicant or 23089
employee in good faith and reasonable reliance on the report of 23090
a criminal records check requested under this section, the 23091
responsible party shall not be found negligent solely because of 23092
its reliance on the report, even if the information in the 23093
report is determined later to have been incomplete or 23094
inaccurate. 23095

(2) If the responsible party employed the applicant in 23096
good faith on a conditional basis pursuant to division (H) of 23097

this section, the responsible party shall not be found negligent 23098
solely because it employed the applicant prior to receiving the 23099
report of a criminal records check requested under this section. 23100

(3) If the responsible party in good faith employed the 23101
applicant or employee because the applicant or employee meets 23102
standards specified in rules adopted under this section, the 23103
responsible party shall not be found negligent solely because 23104
the applicant or employee has been convicted of, pleaded guilty 23105
to, or been found eligible for intervention in lieu of 23106
conviction for a disqualifying offense. 23107

(K) The director of aging shall adopt rules in accordance 23108
with Chapter 119. of the Revised Code to implement this section. 23109

(1) The rules may do the following: 23110

(a) Require employees to undergo database reviews and 23111
criminal records checks under this section; 23112

(b) If the rules require employees to undergo database 23113
reviews and criminal records checks under this section, exempt 23114
one or more classes of employees from the requirements; 23115

(c) For the purpose of division (E)(7) of this section, 23116
specify other databases that are to be checked as part of a 23117
database review conducted under this section. 23118

(2) The rules shall specify all of the following: 23119

(a) The meaning of the term "subcontractor"; 23120

(b) The procedures for conducting database reviews under 23121
this section; 23122

(c) If the rules require employees to undergo database 23123
reviews and criminal records checks under this section, the 23124

times at which the database reviews and criminal records checks 23125
are to be conducted; 23126

(d) If the rules specify other databases to be checked as 23127
part of the database reviews, the circumstances under which a 23128
responsible party is prohibited from employing an applicant or 23129
continuing to employ an employee who is found by a database 23130
review to be included in one or more of those databases; 23131

(e) Standards that an applicant or employee must meet for 23132
a responsible party to be permitted to employ the applicant or 23133
continue to employ the employee in a direct-care position if the 23134
applicant or employee is found by a criminal records check 23135
required by this section to have been convicted of, pleaded 23136
guilty to, or been found eligible for intervention in lieu of 23137
conviction for a disqualifying offense. 23138

Sec. 173.381. (A) As used in this section: 23139

(1) "Community-based long-term care services" means 23140
community-based long-term care services, as defined in section 23141
173.14 of the Revised Code, that are provided under a program 23142
the department of aging administers. 23143

(2) "Community-based long-term care services certificate" 23144
means a certificate issued under section 173.391 of the Revised 23145
Code. 23146

(3) "Community-based long-term care services contract or 23147
grant" means a contract or grant awarded under section 173.392 23148
of the Revised Code. 23149

(4) "Criminal records check" has the same meaning as in 23150
section 109.572 of the Revised Code. 23151

(5) "Disqualifying offense" means any of the offenses 23152

listed or described in divisions (A) (3) (a) to (e) of section 23153
109.572 of the Revised Code. 23154

(6) "Provider" has the same meaning as in section 173.39 23155
of the Revised Code. 23156

(7) "Self-employed provider" means a provider who works 23157
for the provider's self and has no employees. 23158

(B) This section does not apply to any ~~individual who is~~ 23159
~~subject to a database review or criminal records check under of~~ 23160
the following: 23161

(1) An applicant as defined in section 3740.11 of the 23162
Revised Code or an employee as defined in section 3740.01 of the 23163
Revised Code; 23164

(2) An ambulette driver employed by an organization 23165
licensed under Chapter 4766. of the Revised Code; 23166

(3) An attorney licensed to practice law in this state; 23167

(4) A person who is not licensed to practice law in this 23168
state, but who, at the direction of an attorney licensed to 23169
practice law in this state, assists the attorney in the 23170
attorney's provision of legal services. 23171

(C) (1) The department of aging or its designee shall take 23172
the following actions when the circumstances specified in 23173
division (C) (2) of this section apply: 23174

(a) Refuse to issue a community-based long-term care 23175
services certificate to a self-employed provider; 23176

(b) Revoke a self-employed provider's community-based 23177
long-term care services certificate; 23178

(c) Refuse to award a community-based long-term care 23179

services contract or grant to a self-employed provider; 23180

(d) Terminate a self-employed provider's community-based 23181
long-term care services contract or grant awarded on or after 23182
September 15, 2014. 23183

(2) The following are the circumstances that require the 23184
department of aging or its designee to take action under 23185
division (C) (1) of this section: 23186

(a) A review of the databases listed in division (E) of 23187
this section reveals any of the following: 23188

(i) That the self-employed provider is included in one or 23189
more of the databases listed in divisions (E) (1) to (5) of this 23190
section; 23191

(ii) That there is in the state nurse aide registry 23192
established under section 3721.32 of the Revised Code a 23193
statement detailing findings by the director of health that the 23194
self-employed provider abused, neglected, or exploited a long- 23195
term care facility or residential care facility resident or 23196
misappropriated property of such a resident; 23197

(iii) That the self-employed provider is included in one 23198
or more of the databases, if any, specified in rules adopted 23199
under this section and the rules require the department or its 23200
designee to take action under division (C) (1) of this section if 23201
a self-employed provider is included in such a database. 23202

(b) After the self-employed provider is provided, pursuant 23203
to division (F) (2) (a) of this section, a copy of the form 23204
prescribed pursuant to division (C) (1) of section 109.572 of the 23205
Revised Code and the standard impression sheet prescribed 23206
pursuant to division (C) (2) of that section, the self-employed 23207
provider fails to complete the form or provide the self-employed 23208

provider's fingerprint impressions on the standard impression 23209
sheet. 23210

(c) Unless the self-employed provider meets standards 23211
specified in rules adopted under this section, the self-employed 23212
provider is found by a criminal records check required by this 23213
section to have been convicted of, pleaded guilty to, or been 23214
found eligible for intervention in lieu of conviction for a 23215
disqualifying offense. 23216

(D) The department of aging or its designee shall inform 23217
each self-employed provider of both of the following at the time 23218
of the self-employed provider's initial application for a 23219
community-based long-term care services certificate or initial 23220
bid for a community-based long-term care services contract or 23221
grant: 23222

(1) That a review of the databases listed in division (E) 23223
of this section will be conducted to determine whether the 23224
department or its designee is required by division (C) of this 23225
section to refuse to issue or award a community-based long-term 23226
care services certificate or community-based long-term care 23227
services contract or grant to the self-employed provider; 23228

(2) That, unless the database review reveals that the 23229
department or its designee is required to refuse to issue or 23230
award a community-based long-term care services certificate or 23231
community-based long-term care services contract or grant to the 23232
self-employed provider, a criminal records check of the self- 23233
employed provider will be conducted and the self-employed 23234
provider is required to provide a set of the self-employed 23235
provider's fingerprint impressions as part of the criminal 23236
records check. 23237

(E) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall conduct a database review of the self-employed provider in accordance with rules adopted under this section. If rules adopted under this section so require, the department or its designee shall conduct a database review of a self-employed provider in accordance with the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. A database review shall determine whether the self-employed provider is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established

under section 5120.66 of the Revised Code; 23267

(6) The state nurse aide registry established under 23268
section 3721.32 of the Revised Code; 23269

(7) Any other database, if any, specified in rules adopted 23270
under this section. 23271

(F) (1) As a condition of issuing or awarding a community- 23272
based long-term care services certificate or community-based 23273
long-term care services contract or grant to a self-employed 23274
provider, the department of aging or its designee shall request 23275
that the superintendent of the bureau of criminal identification 23276
and investigation conduct a criminal records check of the self- 23277
employed provider. If rules adopted under this section so 23278
require, the department or its designee shall request that the 23279
superintendent conduct a criminal records check of a self- 23280
employed provider at times specified in the rules as a condition 23281
of not revoking or terminating the self-employed provider's 23282
community-based long-term care services certificate or 23283
community-based long-term care services contract or grant. 23284
However, the department or its designee is not required to 23285
request the criminal records check of the self-employed provider 23286
if the department or its designee, because of circumstances 23287
specified in division (C) (2) (a) of this section, is required to 23288
refuse to issue or award a community-based long-term care 23289
services certificate or community-based long-term care services 23290
contract or grant to the self-employed provider or to revoke or 23291
terminate the self-employed provider's certificate or contract 23292
or grant. 23293

If a self-employed provider for whom a criminal records 23294
check request is required by this section does not present proof 23295
of having been a resident of this state for the five-year period 23296

immediately prior to the date the criminal records check is 23297
requested or provide evidence that within that five-year period 23298
the superintendent has requested information about the self- 23299
employed provider from the federal bureau of investigation in a 23300
criminal records check, the department or its designee shall 23301
request that the superintendent obtain information from the 23302
federal bureau of investigation as part of the criminal records 23303
check. Even if a self-employed provider for whom a criminal 23304
records check request is required by this section presents proof 23305
of having been a resident of this state for the five-year 23306
period, the department or its designee may request that the 23307
superintendent include information from the federal bureau of 23308
investigation in the criminal records check. 23309

(2) The department or its designee shall do all of the 23310
following: 23311

(a) Provide to each self-employed provider for whom a 23312
criminal records check request is required by this section a 23313
copy of the form prescribed pursuant to division (C)(1) of 23314
section 109.572 of the Revised Code and a standard impression 23315
sheet prescribed pursuant to division (C)(2) of that section; 23316

(b) Obtain the completed form and standard impression 23317
sheet from the self-employed provider; 23318

(c) Forward the completed form and standard impression 23319
sheet to the superintendent. 23320

(3) The department or its designee shall pay to the bureau 23321
of criminal identification and investigation the fee prescribed 23322
pursuant to division (C)(3) of section 109.572 of the Revised 23323
Code for each criminal records check of a self-employed provider 23324
the department or its designee requests under this section. The 23325

department or its designee may charge the self-employed provider 23326
a fee that does not exceed the amount the department or its 23327
designee pays to the bureau. 23328

(G) The report of any criminal records check of a self- 23329
employed provider conducted pursuant to a request made under 23330
this section is not a public record for the purposes of section 23331
149.43 of the Revised Code and shall not be made available to 23332
any person other than the following: 23333

(1) The self-employed provider or the self-employed 23334
provider's representative; 23335

(2) The department of aging, the department's designee, or 23336
a representative of the department or its designee; 23337

(3) The medicaid director and the staff of the department 23338
of medicaid who are involved in the administration of the 23339
medicaid program if the self-employed provider is to provide, or 23340
provides, community-based long-term care services under a 23341
component of the medicaid program that the department of aging 23342
administers; 23343

(4) A court or hearing officer involved in a case dealing 23344
with any of the following: 23345

(a) A refusal to issue or award a community-based long- 23346
term services certificate or community-based long-term care 23347
services contract or grant to the self-employed provider; 23348

(b) A revocation or termination of the self-employed 23349
provider's community-based long-term care services certificate 23350
or community-based long-term care services contract or grant; 23351

(c) A civil or criminal action regarding a program the 23352
department of aging administers. 23353

(5) Pursuant to a lawful subpoena or valid court order, 23354
any necessary individual not identified in division (G) (4) of 23355
this section who is involved in a case dealing with any issue, 23356
matter, or action described in division (G) (4) (a), (b), or (c) 23357
of this section. 23358

(H) In a tort or other civil action for damages that is 23359
brought as the result of an injury, death, or loss to person or 23360
property caused by a self-employed provider, both of the 23361
following shall apply: 23362

(1) If the department of aging or its designee, in good 23363
faith and reasonable reliance on the report of a criminal 23364
records check requested under this section, issued or awarded a 23365
community-based long-term care services certificate or 23366
community-based long-term care services contract or grant to the 23367
self-employed provider or did not revoke or terminate the self- 23368
employed provider's certificate or contract or grant, the 23369
department and its designee shall not be found negligent solely 23370
because of its reliance on the report, even if the information 23371
in the report is determined later to have been incomplete or 23372
inaccurate. 23373

(2) If the department or its designee in good faith issued 23374
or awarded a community-based long-term care services certificate 23375
or community-based long-term care services contract or grant to 23376
the self-employed provider or did not revoke or terminate the 23377
self-employed provider's certificate or contract or grant 23378
because the self-employed provider meets standards specified in 23379
rules adopted under this section, the department and its 23380
designee shall not be found negligent solely because the self- 23381
employed provider has been convicted of, pleaded guilty to, or 23382
been found eligible for intervention in lieu of conviction for a 23383

disqualifying offense. 23384

(I) The director of aging shall adopt rules in accordance 23385
with Chapter 119. of the Revised Code to implement this section. 23386

(1) The rules may do the following: 23387

(a) Require self-employed providers who have been issued 23388
or awarded community-based long-term care services certificates 23389
or community-based long-term care services contracts or grants 23390
to undergo database reviews and criminal records checks under 23391
this section; 23392

(b) If the rules require self-employed providers who have 23393
been issued or awarded community-based long-term care services 23394
certificates or community-based long-term care services 23395
contracts or grants to undergo database reviews and criminal 23396
records checks under this section, exempt one or more classes of 23397
such self-employed providers from the requirements; 23398

(c) For the purpose of division (E) (7) of this section, 23399
specify other databases that are to be checked as part of a 23400
database review conducted under this section. 23401

(2) The rules shall specify all of the following: 23402

(a) The procedures for conducting database reviews under 23403
this section; 23404

(b) If the rules require self-employed providers who have 23405
been issued or awarded community-based long-term care services 23406
certificates or community-based long-term care services 23407
contracts or grants to undergo database reviews and criminal 23408
records checks under this section, the times at which the 23409
database reviews and criminal records checks are to be 23410
conducted; 23411

(c) If the rules specify other databases to be checked as 23412
part of the database reviews, the circumstances under which the 23413
department of aging or its designee is required to refuse to 23414
issue or award a community-based long-term care services 23415
certificate or community-based long-term care services contract 23416
or grant to a self-employed provider or to revoke or terminate a 23417
self-employed provider's certificate or contract or grant when 23418
the self-employed provider is found by a database review to be 23419
included in one or more of those databases; 23420

(d) Standards that a self-employed provider must meet for 23421
the department or its designee to be permitted to issue or award 23422
a community-based long-term care services certificate or 23423
community-based long-term care services contract or grant to the 23424
self-employed provider or not to revoke or terminate the self- 23425
employed provider's certificate or contract or grant if the 23426
self-employed provider is found by a criminal records check 23427
required by this section to have been convicted of, pleaded 23428
guilty to, or been found eligible for intervention in lieu of 23429
conviction for a disqualifying offense. 23430

Sec. 173.391. (A) Subject to section 173.381 of the 23431
Revised Code and except as provided in division (I) of this 23432
section, the department of aging or its designee shall do all of 23433
the following in accordance with Chapter 119. of the Revised 23434
Code: 23435

(1) Certify a provider to provide services, including 23436
community-based long-term care services, under a program the 23437
department administers if the provider satisfies the 23438
requirements for certification established by rules adopted 23439
under division (B) of this section and pays the fee, if any, 23440
established by rules adopted under division (G) of this section; 23441

(2) When required to do so by rules adopted under division 23442
(B) of this section, take one or more of the following 23443
disciplinary actions against a provider certified under division 23444
(A) (1) of this section: 23445

(a) Issue a written warning; 23446

(b) Require the submission of both of the following: a 23447
plan of correction ~~or~~ and evidence of compliance with 23448
requirements identified by the department; 23449

(c) Suspend referrals; 23450

(d) Remove clients; 23451

(e) Impose a fiscal sanction such as a civil monetary 23452
penalty or an order that unearned funds be repaid; 23453

(f) Suspend the certification; 23454

(g) Revoke the certification; 23455

(h) Impose another sanction. 23456

(3) Except as provided in division (E) of this section, 23457
hold hearings when there is a dispute between the department or 23458
its designee and a provider concerning actions the department or 23459
its designee takes regarding a decision not to certify the 23460
provider under division (A) (1) of this section or a disciplinary 23461
action under divisions (A) (2) (e) to (h) of this section. 23462

(B) The director of aging shall adopt rules in accordance 23463
with Chapter 119. of the Revised Code establishing certification 23464
requirements and standards for determining which type of 23465
disciplinary action to take under division (A) (2) of this 23466
section in individual situations. The rules shall establish 23467
procedures for all of the following: 23468

(1) Ensuring that providers comply with sections 173.38	23469
and 173.381 of the Revised Code;	23470
(2) Evaluating the services provided by the providers to	23471
ensure that the services are provided in a quality manner	23472
advantageous to the individual receiving the services;	23473
(3) In a manner consistent with section 173.381 of the	23474
Revised Code, determining when to take disciplinary action under	23475
division (A) (2) of this section and which disciplinary action to	23476
take;	23477
(4) Determining what constitutes another sanction for	23478
purposes of division (A) (2) (h) of this section.	23479
(C) The procedures established in rules adopted under	23480
division (B) (2) of this section shall require that all of the	23481
following be considered as part of an evaluation described in	23482
division (B) (2) of this section:	23483
(1) The provider's experience and financial	23484
responsibility;	23485
(2) The provider's ability to comply with standards for	23486
the services, including community-based long-term care services,	23487
that the provider provides under a program the department	23488
administers;	23489
(3) The provider's ability to meet the needs of the	23490
individuals served;	23491
(4) Any other factor the director considers relevant.	23492
(D) The rules adopted under division (B) (3) of this	23493
section shall specify that the reasons disciplinary action may	23494
be taken under division (A) (2) of this section include good	23495
cause, including misfeasance, malfeasance, nonfeasance,	23496

confirmed abuse or neglect, financial irresponsibility, or other 23497
conduct the director determines is injurious, or poses a threat, 23498
to the health or safety of individuals being served. 23499

(E) Subject to division (F) of this section, the 23500
department is not required to hold hearings under division (A) 23501
(3) of this section if any of the following conditions apply: 23502

(1) Rules adopted by the director of aging pursuant to 23503
this chapter require the provider to be a party to a provider 23504
agreement; hold a license, certificate, or permit; or maintain a 23505
certification, any of which is required or issued by a state or 23506
federal government entity other than the department of aging, 23507
and either of the following is the case: 23508

(a) The provider agreement has not been entered into or 23509
the license, certificate, permit, or certification has not been 23510
obtained or maintained. 23511

(b) The provider agreement, license, certificate, permit, 23512
or certification has been denied, revoked, not renewed, or 23513
suspended or has been otherwise restricted. 23514

(2) The provider's certification under this section has 23515
been denied, suspended, or revoked for any of the following 23516
reasons: 23517

(a) A government entity of this state, other than the 23518
department of aging, has terminated or refused to renew any of 23519
the following held by, or has denied any of the following sought 23520
by, a provider: a provider agreement, license, certificate, 23521
permit, or certification. Division (E)(2)(a) of this section 23522
applies regardless of whether the provider has entered into a 23523
provider agreement in, or holds a license, certificate, permit, 23524
or certification issued by, another state. 23525

(b) The provider or a principal owner or manager of the 23526
provider who provides direct care has entered a guilty plea for, 23527
or has been convicted of, an offense materially related to the 23528
medicaid program. 23529

(c) ~~A~~ The provider or a principal owner or manager of the 23530
provider who provides direct care has entered a guilty plea for, 23531
been convicted of, or been found eligible for intervention in 23532
lieu of conviction for an offense listed or described in 23533
divisions (A) (3) (a) to (e) of section 109.572 of the Revised 23534
Code, but only if the provider, principal owner, or manager does 23535
not meet standards specified by the director in rules adopted 23536
under section 173.38 of the Revised Code. 23537

(d) The department or its designee is required by section 23538
173.381 of the Revised Code to deny or revoke the provider's 23539
certification. 23540

(e) The United States department of health and human 23541
services has taken adverse action against the provider and that 23542
action impacts the provider's participation in the medicaid 23543
program. 23544

(f) The provider has failed to enter into or renew a 23545
provider agreement with either of the following: the department 23546
or the PASSPORT administrative agency, as that term is defined 23547
in section 173.42 of the Revised Code, that administers programs 23548
on behalf of the department of aging in the region of the state 23549
in which the provider is certified to provide services. 23550

(g) The provider has not billed or otherwise submitted a 23551
claim to the department for payment under the medicaid program 23552
in at least two years. 23553

(h) The provider denied or failed to provide the 23554

department or its designee access to the provider's facilities 23555
during the provider's normal business hours for purposes of 23556
conducting an audit or structural compliance review. 23557

(i) The provider has ceased doing business. 23558

(j) The provider has voluntarily relinquished its 23559
certification for any reason. 23560

(3) The provider's provider agreement with the department 23561
of medicaid has been suspended under section 5164.36 of the 23562
Revised Code. 23563

(4) The provider's provider agreement with the department 23564
of medicaid is denied or revoked because the provider or its 23565
owner, officer, authorized agent, associate, manager, or 23566
employee has been convicted of an offense that caused the 23567
provider agreement to be suspended under section 5164.36 of the 23568
Revised Code. 23569

(F) If the department does not hold hearings when any 23570
condition described in division (E) of this section applies, the 23571
department shall send a notice to the provider describing a 23572
decision not to certify the provider under division (A) (1) of 23573
this section or the disciplinary action the department is taking 23574
under divisions (A) (2) (e) to (h) of this section. The notice 23575
shall be sent to the provider's address that is on record with 23576
the department and may be sent by regular or electronic mail. 23577

(G) The director of aging may adopt rules in accordance 23578
with Chapter 119. of the Revised Code establishing a fee to be 23579
charged by the department of aging or its designee for 23580
certification issued under division (A) of this section. 23581

(H) Any amounts collected by the department or its 23582
designee under this section shall be deposited in the state 23583

treasury to the credit of the provider certification fund, which 23584
is hereby created. Money credited to the fund shall be used to 23585
pay for services, including community-based long-term care 23586
services, to pay for administrative costs associated with 23587
provider certification under this section, and to pay for 23588
administrative costs related to the publication of the Ohio 23589
long-term care consumer guide. 23590

(I) The director shall certify a provider in accordance 23591
with Chapter 4796. of the Revised Code if either of the 23592
following applies: 23593

(1) The provider is licensed or certified in another 23594
state. 23595

(2) The provider has satisfactory work experience, a 23596
government certification, or a private certification as 23597
described in that chapter as a provider of community-based long- 23598
term care services under a state program in a state that does 23599
not issue that license or certificate. 23600

Sec. 173.50. (A) Pursuant to a contract entered into with 23601
the department of medicaid as an interagency agreement under 23602
section 5162.35 of the Revised Code, the department of aging 23603
shall carry out the day-to-day administration of the component 23604
of the medicaid program known as the program of all-inclusive 23605
care for the elderly or PACE. The department of aging shall 23606
carry out its PACE administrative duties in accordance with the 23607
provisions of the interagency agreement and all applicable 23608
federal laws, including the "Social Security Act," section 1934, 23609
42 U.S.C. 1396u-4. 23610

(B) To the extent authorized by rules authorized by 23611
section 5162.021 of the Revised Code, the director of aging may 23612

adopt rules in accordance with Chapter 119. of the Revised Code 23613
regarding the PACE program, including rules establishing 23614
priorities for enrolling in the program pursuant to ~~section~~ 23615
sections 173.501 and 173.503 of the Revised Code. The rules 23616
shall address only those issues that are not addressed in rules 23617
adopted by the medicaid director for the PACE program. 23618

Sec. 173.503. The department of aging shall seek to 23619
implement a presumptive eligibility component to the PACE 23620
program, under which applicants for PACE may receive services 23621
under the program during a temporary period, to begin 23622
immediately upon application and a finding of presumptive 23623
eligibility, while a PACE organization conducts a full 23624
eligibility determination on behalf of the individual. If the 23625
individual is determined to be ineligible for PACE, the PACE 23626
organization that found the individual presumptively eligible 23627
shall be responsible for the costs of PACE services provided to 23628
the individual during the presumptive eligibility period. 23629

Sec. 173.525. (A) (1) In addition to any other eligibility 23630
requirement of this chapter, to be eligible to serve as a 23631
personal care aide under the PASSPORT program, an individual 23632
must successfully complete thirty hours of pre-service training 23633
acceptable to the department of aging. 23634

To maintain eligibility, each personal care aide must 23635
successfully complete six hours of in-service training 23636
acceptable to the department. Such training must be completed 23637
every twelve months. 23638

(2) In administering the PASSPORT program, the department 23639
shall not require a personal care aide to do ~~either~~ any of the 23640
following: 23641

- (a) Complete more than thirty hours of pre-service training; 23642
23643
- (b) Complete more than six hours of in-service training in a twelve-month period.— 23644
23645
- ~~(B) The department shall not require an individual serving as a home health aide under the PASSPORT program to complete;~~ 23646
23647
- (c) Complete more hours of pre-service training or annual in-service training than required by federal law. 23648
23649
- ~~(C)~~ (B) Only the following may supervise a ~~home health aide~~ or personal care aide under the PASSPORT program: 23650
23651
- (1) A registered nurse; 23652
- (2) A licensed practical nurse under the direction of a chiropractor, dentist, optometrist, physician, physician assistant, podiatrist, or registered nurse. 23653
23654
23655
- Sec. 175.16.** (A) As used in this section: 23656
- (1) "Federal credit" means the tax credit authorized under section 42 of the Internal Revenue Code. 23657
23658
- (2) "Credit period," "qualified low-income building," and "qualified basis" have the same meanings as in section 42 of the Internal Revenue Code. 23659
23660
23661
- (3) "Qualified project" means a qualified low-income building that is located in Ohio, is placed in service on or after July 1, 2023, and for which the director reserves a tax credit under division (B) of this section before July 1, 2027. 23662
23663
23664
23665
- (4) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 23666
23667
- (5) "Project owner" means a person holding a fee simple 23668

interest or a leasehold interest pursuant to a ground lease in 23669
the land on which a qualified project sits. 23670

(6) "Reserved credit amount" means the amount determined 23671
by the director and stipulated in the notice sent to each owner 23672
of a qualified project under division (B) of this section. 23673

(7) "Annual credit amount" means the amount computed by 23674
the director under division (D) of this section prior to issuing 23675
an eligibility certificate. 23676

(8) "Equity owner" means a direct or indirect owner of a 23677
project owner, provided the project owner is a pass-through 23678
entity, as determined under applicable state law governing such 23679
an entity. 23680

(9) "Person" has the same meaning as in section 5701.01 of 23681
the Revised Code. 23682

(10) "Eligibility certificate" means a certificate issued 23683
by the director to each owner of a qualified project under 23684
division (D) of this section stating the amount of credit that 23685
may be claimed for each year of the credit period. 23686

(11) "Qualified allocation plan" means the plan developed 23687
by the Ohio housing finance agency, as required under section 23688
175.06 of the Revised Code, for evaluating and selecting 23689
projects for the federal credit pursuant to the mandates and 23690
requirements within section 42 of the Internal Revenue Code. 23691

(12) "Internal Revenue Code" has the same meaning as in 23692
section 5747.01 of the Revised Code. 23693

(13) "Designated reporter" means the project owner or one 23694
of the project owner's equity owners designated pursuant to 23695
division (I)(1) of this section. 23696

(14) "Director" means the executive director of the Ohio
housing finance agency.

(B) Except as otherwise provided by this division, the
director, upon allocating a federal credit and issuing a binding
reservation or letter of eligibility, pursuant to the Ohio
housing finance agency's qualified allocation plan, for a
qualified low-income building that is located in this state and
placed in service on or after July 1, 2023, may reserve a tax
credit under this section for the project owners so long as
doing so will not result in exceeding the annual credit cap
prescribed by division (C) of this section. The director shall
not reserve a tax credit under this section after June 30, 2027.

The director shall send written notice of the reservation
to each project owner. The notice shall state the aggregate
credit amount reserved for all years of the qualified project's
credit period and stipulate that receipt of the credit is
contingent upon issuance of an eligibility certificate and
filing the information described in division (I) of this
section. Upon receipt of that notice, the owner shall provide
the identity of the owner's designated reporter to the director.

The director shall determine the credit amount reserved
for each qualified project. The reserved credit amount shall not
exceed the amount necessary, when combined with the federal
credit, to ensure the financial feasibility of the qualified
project.

The director shall reserve credits in a manner that
ensures that a qualified project is creating additional housing
units that would not have otherwise been created with other
state, federal, or private financing. The director may assess
application, processing, and reporting fees to cover the cost of

administering the tax credit authorized under this section. 23727

(C) The aggregate amount of credits reserved by the 23728
director under division (B) of this section in a fiscal year 23729
shall not exceed the sum of (1) one hundred million dollars, (2) 23730
the amount, if any, by which the credit cap prescribed by this 23731
division for the preceding fiscal year exceeds the credits 23732
reserved by the director in that year, and (3) the amount of tax 23733
credits recaptured or otherwise disallowed under division (G) of 23734
this section in the preceding fiscal year. 23735

For the purpose of computing and determining compliance 23736
with the credit cap prescribed by this division, the credit 23737
amount reserved for the project owners of a qualified project is 23738
the full amount for all years of the qualified project's credit 23739
period. 23740

(D) Immediately after approving the final cost 23741
certification for a qualified project for which a tax credit 23742
under this section is reserved, or upon otherwise determining 23743
the qualified basis of the qualified project and the date it was 23744
placed into service as required by section 42(m) of the Internal 23745
Revenue Code, the director shall compute the annual credit 23746
amount and issue an eligibility certificate to each project 23747
owner. The director shall send copies of all eligibility 23748
certificates issued each calendar year to the tax commissioner 23749
and the superintendent of insurance. 23750

The annual credit amount shall equal the lesser of the 23751
following: 23752

(1) The amount of the federal credit that would be awarded 23753
to the project owners for the first year of the credit period if 23754
not for the adjustment required under section 42(f)(2) of the 23755

Internal Revenue Code; 23756

(2) One-tenth of the reserved credit amount stated in the 23757
notice issued under division (B) of this section. 23758

(E) Each eligibility certificate shall state the annual 23759
credit amount, the years that comprise the credit period, the 23760
name, address, and taxpayer identification number of each 23761
project owner, each owner's designated reporter, the date the 23762
certificate is issued, a unique identifying number, and any 23763
additional information prescribed by a rule adopted under 23764
division (H) of this section. A project owner, if the project 23765
owner is a pass-through entity, shall provide a copy of the 23766
eligibility certificate and any information described in 23767
division (I) of this section to each equity owner that has been 23768
allocated a credit under division (F) (2) of this section, if 23769
requested. 23770

(F) (1) For each year of a qualified project's credit 23771
period, the project owner or an equity owner may claim a 23772
nonrefundable credit against the tax imposed by section 5725.18, 23773
5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal 23774
to all or a portion of the annual credit amount stated on the 23775
eligibility certificate. The credit shall be claimed in the 23776
manner prescribed by section 5725.36, 5726.58, 5729.19, or 23777
5747.83 of the Revised Code, as applicable. 23778

(2) If a project owner is a pass-through entity, the 23779
annual credit amount for any year of a qualified project's 23780
credit period may be allocated by the project owner among one or 23781
more equity owners and may be applied by those equity owners 23782
against more than one tax, but the total credits claimed in 23783
connection with that year of the qualified project's credit 23784
period by all project owners and equity owners against all taxes 23785

shall not exceed the annual credit amount stated on the 23786
eligibility certificate. 23787

(3) A project owner or equity owner may claim the credit 23788
authorized by this section after the date the qualified project 23789
is placed into service but not before the director issues the 23790
project owner an eligibility certificate under division (D) of 23791
this section and the applicable report required by division (I) 23792
of this section is filed by the designated reporter. 23793

(4) A project owner or equity owner that claims a tax 23794
credit under division (F)(1) of this section shall submit a copy 23795
of the eligibility certificate with the project owner's or 23796
equity owner's tax return or report. Upon request of the tax 23797
commissioner or the superintendent of insurance, any project 23798
owner or equity owner claiming a tax credit under this section 23799
shall provide the commissioner or superintendent other 23800
documentation that may be necessary to verify that the project 23801
owner or equity owner is entitled to claim the credit. 23802

(5) A project owner that is a pass-through entity may 23803
allocate the credit authorized by this section to its equity 23804
owners under division (F)(2) of this section in any manner 23805
agreed to by such persons regardless of whether such equity 23806
owners are eligible for an allocation of the federal credit, 23807
whether the allocation of the credit under the terms of the 23808
agreement has substantial economic effect within the meaning of 23809
section 704(b) of the Internal Revenue Code, and whether any 23810
such person is deemed a partner of the project owner or equity 23811
owner for federal income tax purposes as long as the equity 23812
owner acquired its ownership interest prior to claiming the 23813
credit. The allocation shall be allowed without regard to any 23814
provision of the Internal Revenue Code, or regulation 23815

promulgated pursuant to it, that may be interpreted as contrary 23816
to the allocation, including, without limitation, the treatment 23817
of the allocation as a disguised sale. 23818

An equity owner may assign all or any part of its interest 23819
in a qualified project, including its interest in the tax 23820
credits authorized by this section, to one or more other equity 23821
owners, and each assignee shall be able to claim the credit so 23822
long as its interest is acquired prior to the filing of its tax 23823
return or report or amended tax return or report claiming the 23824
credit and the assignee's ownership interest is identified in 23825
the report required by division (I) of this section. 23826

(6) Nothing in this section or section 5725.36, 5726.58, 23827
5729.19, or 5747.83 of the Revised Code allows the assignment or 23828
transfer of any carryforward of the credit authorized under this 23829
section once the annual credit amount is claimed. 23830

(G) If any portion of the federal credit allocated to a 23831
qualified project is recaptured under section 42(j) of the 23832
Internal Revenue Code or is otherwise disallowed, the director 23833
shall recapture a proportionate amount of the tax credit claimed 23834
pursuant to this section in connection with the same qualified 23835
project. 23836

If the director determines to recapture such a tax credit, 23837
the director shall certify the name of each project owner and 23838
the amount to be recaptured to the tax commissioner and to the 23839
superintendent of insurance. The commissioner or superintendent 23840
shall determine the taxpayer or taxpayers that claimed the 23841
credit, the tax against which the credit was claimed, and the 23842
amount to be recaptured and make an assessment against the 23843
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 23844
5747. of the Revised Code, as applicable, for the amount of the 23845

tax credit to be recaptured. The time limitations on assessments 23846
under those chapters do not bar an assessment made under this 23847
division. 23848

(H) The director, in consultation with the tax 23849
commissioner and superintendent of insurance, shall adopt any 23850
rules necessary to implement this section in accordance with 23851
Chapter 119. of the Revised Code. 23852

(I) (1) For each calendar year, a designated reporter shall 23853
provide the tax commissioner ~~and the superintendent of~~ 23854
~~insurance~~, in the form prescribed by the tax commissioner in 23855
consultation with the superintendent of insurance, all of the 23856
following: 23857

(a) The name, address, and taxpayer identification number 23858
of each project owner and equity owner that has been allocated a 23859
portion of the annual credit awarded on the eligibility 23860
certificate for that year; 23861

(b) The amount of the annual credit allocated to each such 23862
project owner and equity owner for such year and the tax against 23863
which the credit will be claimed; 23864

(c) The total of the amounts listed for each project owner 23865
and equity owner under division (I) (1) (b) of this section, 23866
demonstrating that the total does not exceed the amount listed 23867
on the eligibility certificate for that year. 23868

(2) A designated reporter shall notify the tax 23869
commissioner ~~and the superintendent of insurance~~ of any changes 23870
to the information reported in division (I) (1) of this section 23871
in the time and manner prescribed by the commissioner ~~and~~ 23872
~~superintendent~~. 23873

(3) No credit allocated under this section may be claimed 23874

by a project owner or equity owner for a year unless that owner 23875
and the amount of the credit allocated to that owner appear on 23876
the report required by division (I) (1) of this section for that 23877
year. 23878

The tax commissioner shall provide a copy of the report, 23879
and any subsequent changes to the report, submitted by the 23880
designated reporter under division (I) of this section to the 23881
superintendent of insurance in the time and manner agreed to by 23882
the commissioner and superintendent. 23883

Sec. 175.17. (A) As used in this section: 23884

(1) "Qualified project" means a project to develop single- 23885
family dwellings in this state that satisfies any qualifications 23886
established by the director under division (I) of this section. 23887

(2) "Pass-through entity" has the same meaning as in 23888
section 5733.04 of the Revised Code. 23889

(3) "Reserved credit amount" means the amount determined 23890
by the director and stipulated in the notice sent under division 23891
(B) of this section. 23892

(4) "Annual credit amount" means the amount computed by 23893
the director under division (D) of this section before issuing 23894
an eligibility certificate. 23895

(5) "Equity owner" means any person who directly or 23896
indirectly, through one or more pass-through entities, is a 23897
member, partner, or shareholder of a pass-through entity. 23898

(6) "Person" has the same meaning as in section 5701.01 of 23899
the Revised Code. 23900

(7) "Eligibility certificate" means a certificate issued 23901
by the director to a project development owner under division 23902

(D) of this section. 23903

(8) "Project development owner" means a unit of government 23904
that owns a qualified project. 23905

(9) "Affordability period" means the period that commences 23906
on the date of sale of a single-family dwelling constructed as 23907
part of a qualified project to the initial qualified buyer and 23908
continues through subsequent qualified buyers for ten years. 23909

(10) "Designated reporter" means the project development 23910
owner or one of the owner's direct or indirect partners, 23911
members, or shareholders, as selected by the owner under 23912
division (B) of this section. 23913

(11) "Project development investor" means any person that 23914
contributes capital to a qualified project in exchange for an 23915
allocation of a tax credit under this section. 23916

(12) "Credit period" means the ten-year period that begins 23917
in the year the eligibility certificate is issued. 23918

(13) "Director" means the executive director of the Ohio 23919
housing finance agency. 23920

(14) "Unit of government" means a county, township, 23921
municipal corporation, regional planning commission, community 23922
improvement corporation, economic development corporation, or 23923
county land reutilization corporation organized under Chapter 23924
1724. of the Revised Code, or port authority. 23925

(15) "Project development team" means the group of 23926
entities that develops, constructs, reports, appraises, 23927
finances, and services the associated properties of a qualified 23928
project in partnership with the project development owner. 23929

(B) (1) A project development owner may submit an 23930

application to the director for a credit reservation under this 23931
section on a form and in a manner that the director shall 23932
prescribe. On the application, the project development owner 23933
shall provide all of the following: 23934

(a) The name and address of the project development 23935
owner's designated reporter; 23936

(b) The names and addresses of all members of the project 23937
development team; 23938

(c) An estimate of the qualified project's development 23939
costs; 23940

(d) Any other information as the director may require 23941
pursuant to division (I) of this section. 23942

The director shall competitively evaluate and approve 23943
applications and award tax credit reservations under this 23944
section for a qualified project in accordance with the plan 23945
adopted under division (I) (1) of this section. The director 23946
shall determine the credit amount reserved for each qualified 23947
project, which shall not exceed the difference between the total 23948
estimated development costs included with the application and 23949
the appraised market value of all homes in the finished project, 23950
as estimated by the director. The director shall not reserve a 23951
credit under this section if doing so would exceed the annual 23952
limit prescribed by division (B) (3) of this section. 23953

(2) The director shall send written notice of the tax 23954
credit reservation to the project development owner of an 23955
approved qualified project. The notice shall state the aggregate 23956
credit amount reserved for all years of the qualified project's 23957
credit period and stipulate that receipt of the credit is 23958
contingent upon issuance of an eligibility certificate and 23959

filing the information required by division (H) of this section. 23960

(3) The amount of credits reserved by the director under 23961
division (B) of this section in a fiscal year shall not exceed 23962
the sum of (a) fifty million dollars, (b) the amount, if any, by 23963
which the credit allocation prescribed by this division for the 23964
preceding fiscal year exceeds the credits reserved by the 23965
director in that year, and (c) the amount of tax credits 23966
recaptured, assessed, and collected by the tax commissioner or 23967
superintendent of insurance, and disallowed or subject to 23968
reduction under this section in the preceding fiscal year. For 23969
the purpose of computing and determining compliance with the 23970
credit allocation prescribed by division (B)(3) of this section, 23971
the credit amount reserved for the project development owner is 23972
the full amount for all years of the qualified project's credit 23973
period. 23974

(4) The director shall not reserve a tax credit under this 23975
section after June 30, 2027. 23976

(C) The project development owner shall maintain ownership 23977
of a qualified project and associated single-family dwellings 23978
until the dwellings are sold to qualified buyers. The project 23979
development team shall service the associated properties of a 23980
qualified project for the duration of the applicable 23981
affordability period. 23982

The qualified buyer of a single-family home constructed as 23983
part of a qualified project for which a tax credit was reserved 23984
under this section shall occupy the home as the buyer's primary 23985
residence during the affordability period. 23986

(D) Upon completion of a qualified project for which a tax 23987
credit was reserved under this section, the project development 23988

owner shall notify the director and provide a final development 23989
cost certification for approval. After receipt of this notice, 23990
the director shall appraise the project's dwellings. Immediately 23991
after approving the final cost certification, the director shall 23992
compute the amount of the tax credit that may be claimed in each 23993
year and issue an eligibility certificate to the project 23994
development owner. That annual amount, which shall be stated on 23995
the certificate, shall equal one-tenth of the reserved credit 23996
amount stated in the notice issued under division (B) of this 23997
section, subject to any reduction or increase as the result of 23998
the approval of the final cost certification and the appraisal 23999
conducted under this division. 24000

(E) Each eligibility certificate shall state the annual 24001
credit amount, the years that comprise the credit period, the 24002
name, address, and the taxpayer identification number of the 24003
project development owner, the project development owner's 24004
designated reporter, and all members of the project development 24005
team along with the date the certificate is issued, a unique 24006
identifying number, and any additional information the director 24007
may require by rule. The director shall certify a copy of each 24008
eligibility certificate to the tax commissioner and the 24009
superintendent of insurance. 24010

(F) (1) For each year of a qualified project's credit 24011
period, a project development owner may claim a nonrefundable 24012
credit against the tax imposed by section 5725.18, 5726.02, 24013
5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or 24014
a portion of the annual credit amount listed on the eligibility 24015
certificate. The credit shall be claimed in the manner 24016
prescribed by section 5725.37, 5726.60, 5729.20, or 5747.84 of 24017
the Revised Code. 24018

(2) A project development owner may or, if the owner is 24019
not subject to any tax against which the credit authorized under 24020
this section may be claimed, shall allocate all or a portion of 24021
the annual credit amount for any year of a qualified project's 24022
credit period among one or more project development investors. 24023
Such allocated credits may be applied by those project 24024
development investors or the equity owners of such an investor 24025
that is a pass-through entity against more than one tax, as 24026
applicable, but the total credits claimed for that year of the 24027
qualified project's credit period by all project development 24028
investors and equity owners shall not exceed the annual credit 24029
amount stated on the eligibility certificate. 24030

(3) A project development investor or the equity owner of 24031
such an investor that is a pass-through entity may claim the 24032
credit authorized by this section after the date the director 24033
issues an eligibility certificate under division (D) of this 24034
section and the applicable annual report required by division 24035
(H) of this section is filed by the designated reporter. 24036

(4) A project development investor or equity owner that 24037
claims a tax credit under division (F)(2) of this section shall 24038
submit a copy of the eligibility certificate with the investor's 24039
or equity owner's tax return. Upon request of the tax 24040
commissioner or the superintendent of insurance, any project 24041
development investor or equity owner claiming a tax credit under 24042
that division shall provide the tax commissioner or 24043
superintendent other documentation that may be necessary to 24044
verify that the project development investor or equity owner is 24045
entitled to claim the credit. 24046

(G) The director may disallow or recapture any portion of 24047
a credit if the project development owner or the project 24048

development owner's qualified project does not or ceases to 24049
qualify for the credit. If the director determines to recapture 24050
such a tax credit, the director shall certify the name of the 24051
project development owner, and the amount to be recaptured to 24052
the tax commissioner and to the superintendent of insurance. The 24053
tax commissioner or superintendent shall determine the taxpayer 24054
or taxpayers that claimed the credit, the tax against which the 24055
credit was claimed, and the amount to be recaptured and make an 24056
assessment against the taxpayer or taxpayers under Chapter 24057
5725., 5726., 5729., or 5747. of the Revised Code, as 24058
applicable, for the amount to be recaptured. The time 24059
limitations on assessments under those chapters do not bar an 24060
assessment made under this division. 24061

(H) For each calendar year, a designated reporter shall 24062
provide the following information to the ~~director tax~~ 24063
commissioner on a form prescribed by the ~~director commissioner~~ 24064
in consultation with ~~the tax commissioner and the~~ superintendent 24065
of insurance: 24066

(1) A list of each project development investor or equity 24067
owner that has been allocated a portion of the annual credit 24068
awarded in an eligibility certificate for that year, including 24069
the investor or owner's name, address, taxpayer identification 24070
number, and the tax against which the credit will be claimed by 24071
each. 24072

(2) For each project development investor or equity owner, 24073
the amount of annual credit that has been allocated for that 24074
year. 24075

(3) An aggregate list of the credit amount allocated for a 24076
qualified project demonstrating that the aggregate annual amount 24077
of the credits allocated does not exceed the aggregate annual 24078

credit awarded in the eligibility certificate. 24079

A designated reporter shall notify the ~~director~~ tax 24080
commissioner of any changes to the information reported under 24081
division (H) of this section in the time and manner prescribed 24082
by the ~~director~~ commissioner. The ~~director~~ commissioner shall 24083
provide a copy of the report, and any subsequent changes to the 24084
report, submitted by the designated reporter under division (H) 24085
of this section to ~~the tax commissioner and the~~ superintendent 24086
of insurance in the time and manner ~~prescribed~~ agreed to by the 24087
commissioner and superintendent. 24088

No credits allocated under this section may be claimed 24089
unless the credits are listed on the report required by division 24090
(H) of this section. 24091

(I) (1) The director shall adopt a plan for competitively 24092
awarding tax credits under this section. The plan shall 24093
establish the criteria and metrics under which projects will be 24094
assessed for qualification and may allocate tax credits in a 24095
pooled manner. 24096

(2) The director may assess application, processing, and 24097
reporting fees to cover the cost of administering this section. 24098

(3) The director, in consultation with the tax 24099
commissioner and the superintendent of insurance, shall adopt 24100
any rules necessary to implement this section in accordance with 24101
Chapter 119. of the Revised Code. Such rules may include all of 24102
the following: 24103

(a) Supplementary definitions as may be necessary to 24104
administer this section. 24105

(b) Underwriting criteria to assess the risk associated 24106
with any application and determine appropriate criteria to deny 24107

an application based upon risk. 24108

(c) Criteria by which a project development owner shall be 24109
responsible for any or all risk associated with a qualified 24110
project such as homeowner abandonment, default, foreclosure, or 24111
other such risks. 24112

(d) Criteria to maintain the affordability of each of a 24113
qualified project's single-family dwellings during the 24114
affordability period, which may include a deed restriction held 24115
by the project development owner for some or all of the amount 24116
of the tax credit or any appreciated value of the property. 24117

(e) Requirements that the project development owner 24118
provide certain capital assets or other investments that 24119
contribute to the affordability of the project. 24120

(f) Criteria to be used in determining whether an 24121
individual is a qualified buyer. 24122

(g) Criteria regarding the purchase, ownership, and sale 24123
of completed qualified project single-family dwellings. 24124

(h) The manner of determining the project's development 24125
costs and the appraised market value of qualified project 24126
single-family dwellings. 24127

(i) Any other qualifications a project must meet to 24128
qualify as a qualified project. 24129

Sec. 303.12. (A) (1) Amendments to the zoning resolution 24130
may be initiated by motion of the county rural zoning 24131
commission, by the passage of a resolution by the board of 24132
county commissioners, or by the filing of an application by one 24133
or more of the owners or lessees of property within the area 24134
proposed to be changed or affected by the proposed amendment 24135

with the county rural zoning commission. The board of county 24136
commissioners may require that the owner or lessee of property 24137
filing an application to amend the zoning resolution pay a fee 24138
to defray the cost of advertising, mailing, filing with the 24139
county recorder, and other expenses. If the board of county 24140
commissioners requires such a fee, it shall be required 24141
generally, for each application. The board of county 24142
commissioners, upon the passage of such a resolution, shall 24143
certify it to the county rural zoning commission. 24144

(2) Upon the adoption of a motion by the county rural 24145
zoning commission, the certification of a resolution by the 24146
board of county commissioners to the commission, or the filing 24147
of an application by property owners or lessees as described in 24148
division (A)(1) of this section with the commission, the 24149
commission shall set a date for a public hearing, which date 24150
shall not be less than twenty nor more than forty days from the 24151
date of adoption of such a motion, the date of the certification 24152
of such a resolution, or the date of the filing of such an 24153
application. Notice of the hearing shall be given by the 24154
commission by one publication at least ten days before the date 24155
of the hearing, using at least one of the following methods: 24156

(a) In the print or digital edition of one or more 24157
newspapers of general circulation in each township affected by 24158
the proposed amendment; 24159

(b) On the official public notice web site established 24160
under section 125.182 of the Revised Code; 24161

(c) On the web site and social media account of the 24162
county. 24163

(B) If the proposed amendment intends to rezone or 24164

redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the county rural zoning commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

(C) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the county rural zoning commission that will be conducting the hearing;

(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;

(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;

(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;

(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;

(6) The name of the person responsible for giving notice 24194
of the public hearing by publication, by mail, or by both 24195
publication and mail; 24196

(7) A statement that, after the conclusion of the hearing, 24197
the matter will be submitted to the board of county 24198
commissioners for its action; 24199

(8) Any other information requested by the commission. 24200

(D) If the proposed amendment alters the text of the 24201
zoning resolution, or rezones or redistricts more than ten 24202
parcels of land as listed on the county auditor's current tax 24203
list, the published notice shall set forth the time, date, and 24204
place of the public hearing and include all of the following: 24205

(1) The name of the county rural zoning commission that 24206
will be conducting the hearing on the proposed amendment; 24207

(2) A statement indicating that the motion, application, 24208
or resolution is an amendment to the zoning resolution; 24209

(3) The time and place where the text and maps of the 24210
proposed amendment will be available for examination for a 24211
period of at least ten days prior to the hearing; 24212

(4) The name of the person responsible for giving notice 24213
of the hearing by publication; 24214

(5) A statement that, after the conclusion of the hearing, 24215
the matter will be submitted to the board of county 24216
commissioners for its action; 24217

(6) Any other information requested by the commission. 24218

Hearings shall be held in the county court house or in a 24219
public place designated by the commission. 24220

(E) Within five days after the adoption of the motion 24221
described in division (A) of this section, the certification of 24222
the resolution described in division (A) of this section, or the 24223
filing of the application described in division (A) of this 24224
section, the county rural zoning commission shall transmit a 24225
copy of it together with text and map pertaining to it to the 24226
county or regional planning commission, if there is such a 24227
commission. 24228

The county or regional planning commission shall recommend 24229
the approval or denial of the proposed amendment or the approval 24230
of some modification of it and shall submit its recommendation 24231
to the county rural zoning commission. The recommendation shall 24232
be considered at the public hearing held by the county rural 24233
zoning commission on the proposed amendment. 24234

The county rural zoning commission, within thirty days 24235
after the hearing, shall recommend the approval or denial of the 24236
proposed amendment, or the approval of some modification of it, 24237
and shall submit that recommendation together with the motion, 24238
application, or resolution involved, the text and map pertaining 24239
to the proposed amendment, and the recommendation of the county 24240
or regional planning commission on it to the board of county 24241
commissioners. 24242

The board of county commissioners, upon receipt of that 24243
recommendation, shall set a time for a public hearing on the 24244
proposed amendment, which date shall be not more than thirty 24245
days from the date of the receipt of that recommendation. Notice 24246
of the hearing shall be given by the board by one publication at 24247
least ten days before the date of the hearing, using at least 24248
one of the following methods: 24249

(1) In the print or digital edition of one or more 24250

newspapers of general circulation in the county; 24251

(2) On the official public notice web site established 24252
under section 125.182 of the Revised Code; 24253

(3) On the web site and social media account of the 24254
county. 24255

(F) If the proposed amendment intends to rezone or 24256
redistrict ten or fewer parcels of land as listed on the county 24257
auditor's current tax list, the published notice shall set forth 24258
the time, date, and place of the public hearing and include all 24259
of the following: 24260

(1) The name of the board of county commissioners that 24261
will be conducting the hearing; 24262

(2) A statement indicating that the motion, application, 24263
or resolution is an amendment to the zoning resolution; 24264

(3) A list of the addresses of all properties to be 24265
rezoned or redistricted by the proposed amendment and of the 24266
names of owners of those properties, as they appear on the 24267
county auditor's current tax list; 24268

(4) The present zoning classification of property named in 24269
the proposed amendment and the proposed zoning classification of 24270
that property; 24271

(5) The time and place where the motion, application, or 24272
resolution proposing to amend the zoning resolution will be 24273
available for examination for a period of at least ten days 24274
prior to the hearing; 24275

(6) The name of the person responsible for giving notice 24276
of the hearing by publication, by mail, or by both publication 24277
and mail; 24278

(7) Any other information requested by the board. 24279

(G) If the proposed amendment alters the text of the 24280
zoning resolution, or rezones or redistricts more than ten 24281
parcels of land as listed on the county auditor's current tax 24282
list, the published notice shall set forth the time, date, and 24283
place of the public hearing and include all of the following: 24284

(1) The name of the board of county commissioners that 24285
will be conducting the hearing on the proposed amendment; 24286

(2) A statement indicating that the motion, application, 24287
or resolution is an amendment to the zoning resolution; 24288

(3) The time and place where the text and maps of the 24289
proposed amendment will be available for examination for a 24290
period of at least ten days prior to the hearing; 24291

(4) The name of the person responsible for giving notice 24292
of the hearing by publication; 24293

(5) Any other information requested by the board. 24294

(H) Within twenty days after its public hearing, the board 24295
of county commissioners shall either adopt or deny the 24296
recommendation of the county rural zoning commission or adopt 24297
some modification of it. If the board denies or modifies the 24298
commission's recommendation, a majority vote of the board shall 24299
be required. 24300

~~The~~ Except as provided in division (I) of this section, 24301
the proposed amendment, if adopted by the board, shall become 24302
effective in thirty days after the date of its adoption, unless, 24303
within thirty days after the adoption, there is presented to the 24304
board of county commissioners a petition, signed by a number of 24305
qualified voters residing in the unincorporated area of the 24306

township or part of that unincorporated area included in the 24307
zoning plan equal to not less than eight per cent of the total 24308
vote cast for all candidates for governor in that area at the 24309
most recent general election at which a governor was elected, 24310
requesting the board to submit the amendment to the electors of 24311
that area for approval or rejection at a special election to be 24312
held on the day of the next primary or general election 24313
occurring at least ninety days after the petition is submitted. 24314
Each part of this petition shall contain the number and the full 24315
and correct title, if any, of the zoning amendment resolution, 24316
motion, or application, furnishing the name by which the 24317
amendment is known and a brief summary of its contents. In 24318
addition to meeting the requirements of this section, each 24319
petition shall be governed by the rules specified in section 24320
3501.38 of the Revised Code. 24321

The form of a petition calling for a zoning referendum and 24322
the statement of the circulator shall be substantially as 24323
follows: 24324

"PETITION FOR ZONING REFERENDUM 24325

(if the proposal is identified by a particular name or number, 24326
or both, these should be inserted here) _____ 24327

A proposal to amend the zoning map of the unincorporated 24328
area of _____ Township, _____ County, 24329
Ohio, adopted _____ (date) _____ (followed by brief 24330
summary of the proposal). 24331

To the Board of County Commissioners of _____ 24332
County, Ohio: 24333

We, the undersigned, being electors residing in the 24334
unincorporated area of _____ Township, included within 24335

the _____ County Zoning Plan, equal to not less than 24336
eight per cent of the total vote cast for all candidates for 24337
governor in the area at the preceding general election at which 24338
a governor was elected, request the Board of County 24339
Commissioners to submit this amendment of the zoning resolution 24340
to the electors of _____ Township residing within the 24341
unincorporated area of the township included in the 24342
_____ County Zoning Resolution, for approval or 24343
rejection at a special election to be held on the day of the 24344
next primary or general election to be held on 24345
_____ (date) _____, pursuant to section 303.12 of the Revised 24346
Code. 24347

Street Address	Date of	
Signature or R.F.D.	Township Precinct County Signing	24348
_____		24349
_____		24350
_____		24351

STATEMENT OF CIRCULATOR 24352

I, _____ (name of circulator) _____, 24353
declare under penalty of election falsification that I am an 24354
elector of the state of Ohio and reside at the address appearing 24355
below my signature; that I am the circulator of the foregoing 24356
part petition containing _____ (number) _____ signatures; that I 24357
have witnessed the affixing of every signature; that all signers 24358
were to the best of my knowledge and belief qualified to sign; 24359
and that every signature is to the best of my knowledge and 24360
belief the signature of the person whose signature it purports 24361
to be or of an attorney in fact acting pursuant to section 24362
3501.382 of the Revised Code. 24363

_____ 24364

(Signature of circulator)	24365
_____	24366
(Address of circulator's	24367
permanent residence in this	24368
state)	24369
_____	24370
(City, village, or township,	24371
and zip code)	24372
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A	24373
FELONY OF THE FIFTH DEGREE."	24374
No amendment for which such a referendum vote has been	24375
requested shall be put into effect unless a majority of the vote	24376
cast on the issue is in favor of the amendment. Upon	24377
certification by the board of elections that the amendment has	24378
been approved by the voters, it shall take immediate effect.	24379
Within five working days after an amendment's effective	24380
date, the board of county commissioners shall file the text and	24381
maps of the amendment in the office of the county recorder and	24382
with the regional or county planning commission, if one exists.	24383
The failure to file any amendment, or any text and maps,	24384
or duplicates of any of these documents, with the office of the	24385
county recorder or the county or regional planning commission as	24386
required by this section does not invalidate the amendment and	24387
is not grounds for an appeal of any decision of the board of	24388
zoning appeals.	24389
<u>(I) If a proposed amendment establishes or modifies</u>	24390
<u>planned-unit development regulations, the following apply in</u>	24391
<u>lieu of the contrary provisions of division (H) of this section:</u>	24392

(1) The petition shall be signed by a number of registered 24393
electors residing in the territory where the planned-unit 24394
development regulations apply or will apply equal to not less 24395
than thirty-five per cent of the total vote cast for all 24396
candidates for governor in that territory at the most recent 24397
general election at which a governor was elected. 24398

(2) The board of elections shall determine the sufficiency 24399
and validity of the petition not later than thirty days after 24400
the petition is certified to the board of elections by the board 24401
of county commissioners. 24402

(3) If the board of elections determines there is an 24403
insufficient number of valid signatures, the board immediately 24404
shall notify the person who presented the petition. The person 24405
may submit additional signatures not later than ten days after 24406
the notification. 24407

Sec. 305.021. (A) When there is a vacancy in the county 24408
engineer's office as a result of death or resignation and the 24409
vacancy cannot be filled by election or appointment as provided 24410
in section 305.02 of the Revised Code, or if no one runs for the 24411
office of county engineer and, for that reason, the office is 24412
vacant, the board of county commissioners may contract with 24413
another county's county engineer to exercise the powers and 24414
perform the acts, duties, or functions of the county engineer. 24415
Notwithstanding any contrary provision of the Revised Code or 24416
the common law, the same person may serve as the county engineer 24417
of more than one county, including adjacent counties, under this 24418
section. 24419

(B) A county engineer with whom the board contracts shall 24420
receive supplemental compensation for services rendered under 24421
the contract in an amount ~~equal to~~ that is not less than eighty 24422

per cent nor more than one hundred per cent of the compensation 24423
specified in sections 325.14 and 325.18 of the Revised Code for 24424
the population range of the county in which the engineer is 24425
contracted to perform services, prorated for the duration of the 24426
contract. The supplemental compensation shall have no effect on 24427
the compensation a county engineer receives for serving as 24428
county engineer in the county in which the engineer holds 24429
office. The duration of the contract shall not extend beyond the 24430
last day of the term for which there was a vacancy. 24431

Sec. 305.03. ~~(A)(1)~~ (A) Whenever any county officer, ~~except~~ 24432
~~the county auditor or county treasurer,~~ fails to perform the 24433
duties of office for ~~ninety~~ thirty consecutive days, except in 24434
case of sickness or injury as provided in divisions (B) and (C) 24435
of this section, the office shall be deemed vacant. Performing 24436
the duties of office includes a county officer appearing in 24437
person at the officer's principal office location on at least 24438
one out of thirty consecutive days. 24439

~~(2) Whenever any county auditor or county treasurer fails~~ 24440
~~to perform the duties of office for thirty consecutive days,~~ 24441
~~except in case of sickness or injury as provided in divisions~~ 24442
~~(B) and (C) of this section, the office shall be deemed vacant.~~ 24443

(B) Whenever any county officer is absent because of 24444
sickness or injury, the officer shall cause to be filed with the 24445
board of county commissioners a certificate from a physician, 24446
certified nurse-midwife, clinical nurse specialist, or certified 24447
nurse practitioner of the officer's sickness or injury. If the 24448
certificate is not filed with the board within ten days after 24449
the expiration of thirty consecutive days, ~~in the case of a~~ 24450
~~county auditor or county treasurer, or within ten days after the~~ 24451
~~expiration of ninety consecutive days of absence, in the case of~~ 24452

~~all other county officers,~~ the office shall be deemed vacant. 24453

(C) Whenever a county officer files a certificate under 24454
division (B) of this section, but continues to be absent for an 24455
additional thirty days commencing immediately after the last day 24456
on which this certificate may be filed under division (B) of 24457
this section, the office shall be deemed vacant. 24458

(D) If at any time two county commissioners in a county 24459
are absent and have filed a certificate under division (B) of 24460
this section, the county coroner, in addition to performing the 24461
duties of coroner, shall serve as county commissioner until at 24462
least one of the absent commissioners returns to office or until 24463
the office of at least one of the absent commissioners is deemed 24464
vacant under this section and the vacancy is filled. If the 24465
coroner so requests, the coroner shall be paid a per diem rate 24466
for the coroner's service as a commissioner. That per diem rate 24467
shall be the annual salary specified by law for a county 24468
commissioner of that county whose term of office began in the 24469
same year as the coroner's term of office began, divided by the 24470
number of days in the year. 24471

While the coroner is serving as a county commissioner, the 24472
coroner shall be considered an acting county commissioner and 24473
shall perform the duties of the office of county commissioner 24474
until at least one of the absent commissioners returns to office 24475
or until the office of at least one of the absent commissioners 24476
is deemed vacant. Before assuming the office of acting county 24477
commissioner, the coroner shall take an oath of office as 24478
provided in sections 3.22 and 3.23 of the Revised Code. The 24479
coroner's service as an acting county commissioner does not 24480
constitute the holding of an incompatible public office or 24481
employment in violation of any statutory or common law 24482

prohibition against the simultaneous holding of more than one 24483
public office or employment. 24484

The coroner shall give a new bond in the same amount and 24485
signed and approved as provided in section 305.04 of the Revised 24486
Code. The bond shall be conditioned for the faithful discharge 24487
of the coroner's duties as acting county commissioner and for 24488
the payment of any loss or damage that the county may sustain by 24489
reason of the coroner's failure in those duties. The bond, along 24490
with the oath of office and approval of the probate judge 24491
indorsed on it, shall be deposited and paid for as provided for 24492
the bonds in section 305.04 of the Revised Code. 24493

(E) Any vacancy declared under this section shall be 24494
filled in the manner provided by section 305.02 of the Revised 24495
Code. 24496

(F) This section shall not apply to a county officer while 24497
in the active military service of the United States. 24498

Sec. 306.32. Any county, or any two or more counties, 24499
municipal corporations, or townships, or any combination of 24500
these, may create a regional transit authority by the adoption 24501
of a resolution or ordinance by the board of county 24502
commissioners of each county, the legislative authority of each 24503
municipal corporation, and the board of township trustees of 24504
each township which is to create or to join in the creation of 24505
the regional transit authority. The resolution or ordinance 24506
shall state: 24507

(A) The necessity for the creation of a regional transit 24508
authority; 24509

(B) The counties, municipal corporations, or townships 24510
which are to create or to join in the creation of the regional 24511

transit authority; 24512

(C) The official name by which the regional transit 24513
authority shall be known; 24514

(D) The place in which the principal office of the 24515
regional transit authority will be located or the manner in 24516
which it may be selected; 24517

(E) The number, term, and compensation, or method for 24518
establishing compensation, of the members of the board of 24519
trustees of the regional transit authority. Compensation shall 24520
not exceed fifty dollars for each board and committee meeting 24521
attended by a member, except that if compensation is provided 24522
annually it shall not exceed six thousand dollars for the 24523
president of the board or four thousand eight hundred dollars 24524
for each other board member. 24525

(F) The manner in which vacancies on the board of trustees 24526
of the regional transit authority shall be filled; 24527

(G) The manner and to what extent the expenses of the 24528
regional transit authority shall be apportioned among the 24529
counties, municipal corporations, and townships creating it; 24530

(H) The purposes, including the kinds of transit 24531
facilities, for which the regional transit authority is 24532
organized. 24533

The regional transit authority provided for in the 24534
resolution or ordinance shall be deemed to be created upon the 24535
adoption of the resolution or ordinance by the board of county 24536
commissioners of each county, the legislative authority of each 24537
municipal corporation, and the board of township trustees of 24538
each township enumerated in the resolution or ordinance. 24539

The resolution or ordinance creating a regional transit authority may be amended to include additional counties, municipal corporations, or townships or for any other purpose, by the adoption of the amendment by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township which has created or joined or proposes to join the regional transit authority.

After each county, municipal corporation, and township which has created or joined or proposes to join the regional transit authority has adopted its resolution or ordinance approving inclusion of additional counties, municipal corporations, or townships in the regional transit authority, a copy of each resolution or ordinance shall be filed with the clerk of the board of the county commissioners of each county, the clerk of the legislative authority of each municipal corporation, and the fiscal officer of the board of trustees of each township proposed to be included in the regional transit authority. The inclusion is effective when all such filing has been completed, unless the regional transit authority to which territory is to be added has authority to levy an ad valorem tax on property, or a sales tax, within its territorial boundaries, in which event the inclusion shall become effective on the sixtieth day after the last such filing is accomplished, unless, prior to the expiration of the sixty-day period, qualified electors residing in the area proposed to be added to the regional transit authority, equal in number to at least ten per cent of the qualified electors from the area who voted for governor at the last gubernatorial election, file a petition of referendum against the inclusion. Any petition of referendum filed under this section shall be filed at the office of the

secretary of the board of trustees of the regional transit 24571
authority. The person presenting the petition shall be given a 24572
receipt containing on it the time of the day, the date, and the 24573
purpose of the petition. The secretary of the board of trustees 24574
of the regional transit authority shall cause the appropriate 24575
board or boards of elections to check the sufficiency of 24576
signatures on any petition of referendum filed under this 24577
section and, if found to be sufficient, shall present the 24578
petition to the board of trustees at a meeting of said board 24579
which occurs not later than thirty days following the filing of 24580
said petition. Upon presentation to the board of trustees of a 24581
petition of referendum against the proposed inclusion, the board 24582
of trustees shall promptly certify the proposal to the board or 24583
boards of elections for the purpose of having the proposal 24584
placed on the ballot at the next general or primary election 24585
which occurs not less than ninety days after the date of the 24586
meeting of said board, or at a special election, the date of 24587
which shall be specified in the certification, which date shall 24588
be not less than ninety days after the date of such meeting of 24589
the board. Signatures on a petition of referendum may be 24590
withdrawn up to and including the meeting of the board of 24591
trustees certifying the proposal to the appropriate board or 24592
boards of elections. If territory of more than one county, 24593
municipal corporation, or township is to be added to the 24594
regional transit authority, the electors of the territories of 24595
the counties, municipal corporations, or townships which are to 24596
be added shall vote as a district, and the majority affirmative 24597
vote shall be determined by the vote cast in the district as a 24598
whole. 24599

If the proposal would extend the levy of an existing 24600
property tax to the territory to be added to the regional 24601

transit authority, the board of trustees of the regional transit 24602
authority and the county auditor shall proceed in the same 24603
manner as required for a tax levy under section 5705.03 of the 24604
Revised Code, except that the levy's annual collections shall be 24605
estimated assuming that the additional territory has been added 24606
to the regional transit authority. 24607

Upon certification of a proposal to the appropriate board 24608
or boards of elections pursuant to this section, the board or 24609
boards of election shall make the necessary arrangements for the 24610
submission of the question to the electors of the territory to 24611
be added to the regional transit authority qualified to vote on 24612
the question, and the election shall be held, canvassed, and 24613
certified in the manner provided for the submission of tax 24614
levies under section 5705.191 of the Revised Code, except that 24615
the question appearing on the ballot shall read: 24616

"Shall the territory within the _____ 24617
(Name or names of political subdivisions to be joined) be added 24618
to _____ (Name) regional transit 24619
authority?" and shall a(n) _____ (here insert type of tax 24620
or taxes) at a rate not to exceed _____ (here insert maximum tax 24621
rate or rates) be levied for all transit purposes?" 24622

If the tax is a tax on property, the ballot shall express 24623
the levy's estimated annual collections, and the rate shall be 24624
expressed numerically in mills for each one dollar of taxable 24625
value and the effective rate shall be expressed numerically in 24626
dollars for each one hundred thousand dollars of the county 24627
auditor's ~~appraised~~ market value. 24628

If the question is approved by at least a majority of the 24629
electors voting on the question, the joinder is immediately 24630
effective, and the regional transit authority may extend the 24631

levy of the tax against all the taxable property within the 24632
territory which has been added. If the question is approved at a 24633
general election or at a special election occurring prior to the 24634
general election but after the fifteenth day of July, the 24635
regional transit authority may amend its budget and resolution 24636
adopted pursuant to section 5705.34 of the Revised Code, and the 24637
levy shall be placed on the current tax list and duplicate and 24638
collected as other taxes are collected from all taxable property 24639
within the territorial boundaries of the regional transit 24640
authority, including the territory within each political 24641
subdivision added as a result of the election. 24642

The territorial boundaries of a regional transit authority 24643
shall be coextensive with the territorial boundaries of the 24644
counties, municipal corporations, and townships included within 24645
the regional transit authority, provided that the same area may 24646
be included in more than one regional transit authority so long 24647
as the regional transit authorities are not organized for 24648
purposes as provided for in the resolutions or ordinances 24649
creating the same, and any amendments to them, relating to the 24650
same kinds of transit facilities; and provided further, that if 24651
a regional transit authority includes only a portion of an 24652
entire county, a regional transit authority for the same 24653
purposes may be created in the remaining portion of the same 24654
county by resolution of the board of county commissioners acting 24655
alone or in conjunction with municipal corporations and 24656
townships as provided in this section. 24657

No regional transit authority shall be organized after 24658
January 1, 1975, to include any area already included in a 24659
regional transit authority, except that any regional transit 24660
authority organized after June 29, 1974, and having territorial 24661
boundaries entirely within a single county shall, upon adoption 24662

by the board of county commissioners of the county of a 24663
resolution creating a regional transit authority including 24664
within its territorial jurisdiction the existing regional 24665
transit authority and for purposes including the purposes for 24666
which the existing regional transit authority was created, be 24667
dissolved and its territory included in such new regional 24668
transit authority. Any resolution creating such a new regional 24669
transit authority shall make adequate provision for satisfaction 24670
of the obligations of the dissolved regional transit authority. 24671

As used in this section, "the county auditor's ~~appraised-~~ 24672
market value" and "effective rate" have the same meanings as in 24673
section 5705.01 of the Revised Code. 24674

Sec. 306.322. (A) As used in this section: 24675

(1) "Political subdivision" means a county, a municipal 24676
corporation, or a township. 24677

(2) "Governing body" means a board of county commissioners 24678
of a county, a legislative authority of a municipal corporation, 24679
or a board of trustees of a township. 24680

(B) For any regional transit authority that levies a 24681
property tax and that includes in its membership political 24682
subdivisions that are located in a county having a population of 24683
at least four hundred thousand according to the most recent 24684
federal census, the procedures of this section apply until 24685
December 31, 2022, and are in addition to and an alternative to 24686
those established in sections 306.32, 306.321, and 306.54 of the 24687
Revised Code for joining to the regional transit authority 24688
additional political subdivisions. 24689

(C) Any political subdivision may adopt a resolution or 24690
ordinance proposing to join a regional transit authority 24691

described in division (B) of this section. In its resolution or
ordinance, the political subdivision may propose joining the
regional transit authority for a limited period of three years
or without a time limit.

(D) The political subdivision proposing to join the
regional transit authority shall submit a copy of its resolution
or ordinance to the governing body of each political subdivision
comprising the regional transit authority. Within thirty days of
receiving the resolution or ordinance for inclusion in the
regional transit authority, the governing body of each political
subdivision shall consider the question of whether to include
the additional political subdivision in the regional transit
authority, shall adopt a resolution or ordinance approving or
rejecting the inclusion of the additional political subdivision,
and shall present its resolution or ordinance to the board of
trustees of the regional transit authority.

If the board of trustees of the regional transit authority
proposes to extend the levy of an existing property tax to the
territory to be added to the regional transit authority, the
board and the county auditor shall proceed in the same manner as
required for a tax levy under section 5705.03 of the Revised
Code, except that the levy's annual collections shall be
estimated assuming that the additional territory has been added
to the regional transit authority.

(E) If a majority of the political subdivisions comprising
the regional transit authority approve the inclusion of the
additional political subdivision under division (D) of this
section, the board of trustees of the regional transit authority
may proceed as provided in division (K) of this section or as
provided in divisions (F) to (J) of this section, as applicable.

(F) Not later than the tenth day following the day on 24722
which the last ordinance or resolution is presented under 24723
division (D) of this section, the board of trustees of the 24724
regional transit authority shall notify the political 24725
subdivision proposing to join the regional transit authority 24726
that it may certify the proposal to the board of elections for 24727
the purpose of having the proposal placed on the ballot at the 24728
next general election or at a special election conducted on the 24729
day of the next primary election that occurs not less than 24730
ninety days after the resolution or ordinance is certified to 24731
the board of elections. 24732

(G) Upon certification of a proposal to the board of 24733
elections pursuant to division (F) of this section, the board of 24734
elections shall make the necessary arrangements for the 24735
submission of the question to the electors of the territory to 24736
be included in the regional transit authority qualified to vote 24737
on the question, and the election shall be held, canvassed, and 24738
certified in the same manner as regular elections for the 24739
election of officers of the political subdivision proposing to 24740
join the regional transit authority, except that, if the 24741
resolution proposed the inclusion without a time limitation the 24742
question appearing on the ballot shall read: 24743

"Shall the territory within the _____ 24744
(Name or names of political subdivisions to be joined) be added 24745
to _____ (Name) regional transit 24746
authority and shall a(n) _____ (here insert type of tax or 24747
taxes) at a rate of taxation not to exceed _____ (here insert 24748
maximum tax rate or rates) be levied for all transit purposes?" 24749

If the resolution proposed the inclusion with a three-year 24750
time limitation, the question appearing on the ballot shall 24751

read: 24752

"Shall the territory within the _____ 24753
(Name or names of political subdivisions to be joined) be added 24754
to _____ (Name) regional transit 24755
authority for three years and shall a(n) _____ (here insert 24756
type of tax or taxes) at a rate of taxation not to exceed _____ 24757
(here insert maximum tax rate or rates) be levied for all 24758
transit purposes for three years?" 24759

In either case, if the tax is a tax on property, the 24760
ballot shall express the levy's estimated annual collections, 24761
and the rate shall be expressed numerically in mills for each 24762
one dollar of taxable value and the effective rate shall be 24763
expressed numerically in dollars for each one hundred thousand 24764
dollars of the county auditor's ~~appraised~~ market value. 24765

(H) If the question is approved by at least a majority of 24766
the electors voting on the question, the addition of the new 24767
territory is effective six months from the date of the 24768
certification of its passage, and the regional transit authority 24769
may extend the levy of the tax against all the taxable property 24770
within the territory that was added. If the question is approved 24771
at a general election or at a special election occurring prior 24772
to the general election but after the fifteenth day of July, the 24773
regional transit authority may amend its budget and resolution 24774
adopted pursuant to section 5705.34 of the Revised Code, and the 24775
levy shall be placed on the current tax list and duplicate and 24776
collected as other taxes are collected from all taxable property 24777
within the territorial boundaries of the regional transit 24778
authority, including the territory within the political 24779
subdivision added as a result of the election. If the budget of 24780
the regional transit authority is amended pursuant to this 24781

paragraph, the county auditor shall prepare and deliver an 24782
amended certificate of estimated resources to reflect the change 24783
in anticipated revenues of the regional transit authority. 24784

(I) If the question is approved by at least a majority of 24785
the electors voting on the question, the board of trustees of 24786
the regional transit authority immediately shall amend the 24787
resolution or ordinance creating the regional transit authority 24788
to include the additional political subdivision. 24789

(J) If the question approved by a majority of the electors 24790
voting on the question added the political subdivision for three 24791
years, the territory of the additional political subdivision in 24792
the regional transit authority shall be removed from the 24793
territory of the regional transit authority three years after 24794
the date the territory was added, as determined in the effective 24795
date of the election, and shall no longer be a part of that 24796
authority without any further action by either the political 24797
subdivisions that were included in the authority prior to 24798
submitting the question to the electors or of the political 24799
subdivision added to the authority as a result of the election. 24800
The regional transit authority reduced to its territory as it 24801
existed prior to the inclusion of the additional political 24802
subdivision shall be entitled to levy and collect any property 24803
taxes that it was authorized to levy and collect prior to the 24804
enlargement of its territory and for which authorization has not 24805
expired, as if the enlargement had not occurred. 24806

(K) (1) If a majority of the political subdivisions 24807
comprising the regional transit authority approve the inclusion 24808
of the additional political subdivision without a time limit 24809
under division (D) of this section, the board of trustees of the 24810
regional transit authority may adopt a resolution to submit to 24811

the electors of the regional transit authority, as it would be 24812
enlarged by the inclusion, the question of including the 24813
political subdivision in the regional transit authority, of 24814
levying a tax under sections 5739.023 and 5741.022 of the 24815
Revised Code throughout the territorial boundaries of the 24816
regional transit authority as so enlarged, and of repealing the 24817
property tax levied by the regional transit authority under 24818
section 306.49 of the Revised Code. 24819

The resolution shall state all of the following: 24820

(a) The date on which the political subdivision is to be 24821
included in the regional transit authority; 24822

(b) The rate of the tax to be levied under sections 24823
5739.023 and 5741.022 of the Revised Code, the number of years 24824
it is to be levied or that it is to be levied for a continuing 24825
period of time, and the date on which it shall first be levied, 24826
all as provided under section 5739.023 of the Revised Code; 24827

(c) The last tax year that the property tax is to be 24828
levied under section 306.49 of the Revised Code. 24829

(2) Except as otherwise provided in division (K) (5) of 24830
this section, the political subdivision shall not be joined to 24831
the regional transit authority before the first day sales and 24832
use tax is levied by the regional transit authority under 24833
sections 5739.023 and 5741.022 of the Revised Code. Sales and 24834
use tax shall not be levied under those sections on or before 24835
the last day of the last tax year the regional transit authority 24836
levies property tax under section 306.49 of the Revised Code. 24837

(3) The board of trustees of the regional transit 24838
authority shall certify the resolution to the board of elections 24839
for the purpose of having the proposal placed on the ballot at 24840

the next general election or at a special election conducted on 24841
the day of the next primary election that occurs not less than 24842
ninety days after the resolution is certified to the board of 24843
elections. The election shall be held, canvassed, and certified, 24844
as provided in section 306.70 of the Revised Code, except that 24845
the question appearing on the ballot shall read: 24846

"Shall the territory within the _____ (Name or 24847
names of political subdivisions to be joined) be added to 24848
_____ (Name) regional transit authority, shall sales 24849
and use tax at a rate not exceeding _____ (Insert tax rate) 24850
be levied for all transit purposes throughout the territory of 24851
the regional transit authority, and shall the existing property 24852
tax levied for transit purposes be repealed?" 24853

(4) If the question is approved, the sales and use tax may 24854
be levied and collected as is otherwise provided under sections 24855
5739.023 and 5741.022 of the Revised Code on and after the date 24856
stated in the resolution. 24857

(5) The board of trustees shall appropriate from the first 24858
moneys received from the sales and use tax in each year the full 24859
amount required in order to pay the principal of and interest on 24860
any notes of the regional transit authority issued pursuant to 24861
section 306.49 of the Revised Code in anticipation of the 24862
collection of the property tax. The board of trustees shall not 24863
thereafter levy and collect the property tax unless and to the 24864
extent that the levy and collection is necessary to pay the 24865
principal of and interest on notes issued in anticipation of the 24866
property tax in order to avoid impairing the obligation of the 24867
contract between the regional transit authority and the note 24868
holders. Such property tax shall be levied only in the territory 24869
of the authority as it existed before the political subdivision 24870

was joined to the authority. 24871

(6) If the question is approved after the fifteenth day of 24872
July in any calendar year, the regional transit authority may 24873
amend its budget for the current and next fiscal year, and any 24874
resolution adopted pursuant to section 5705.34 of the Revised 24875
Code, to reflect the imposition of the sales and use tax, and 24876
shall amend its budget for the next fiscal year, and any 24877
resolution adopted pursuant to section 5705.34 of the Revised 24878
Code, to comply with division (K) (5) of this section. If the 24879
budget of the regional transit authority is amended pursuant to 24880
this division, the county auditor shall prepare and deliver an 24881
amended certificate of estimated resources to reflect the change 24882
in anticipated revenues of the regional transit authority. 24883

(7) If the question is approved, the board of trustees of 24884
the regional transit authority immediately shall amend the 24885
resolution or ordinance creating the regional transit authority 24886
to include the additional political subdivision. 24887

(L) As used in this section, "the county auditor's 24888
~~appraised~~ market value" and "effective rate" have the same 24889
meanings as in section 5705.01 of the Revised Code. 24890

Sec. 306.43. (A) The board of trustees of a regional 24891
transit authority or any officer or employee designated by such 24892
board may make any contract for the purchase of goods or 24893
services, the cost of which does not exceed one hundred thousand 24894
dollars. When an expenditure, other than for the acquisition of 24895
real estate, the discharge of claims, or the acquisition of 24896
goods or services under the circumstances described in division 24897
(H) of this section, is expected to exceed one hundred thousand 24898
dollars, such expenditure shall be made through full and open 24899
competition by the use of competitive procedures. The regional 24900

transit authority shall use the competitive procedure, as set 24901
forth in divisions (B), (C), (D), and (E) of this section, that 24902
is most appropriate under the circumstances of the procurement. 24903

(B) Competitive sealed bidding is the preferred method of 24904
procurement and a regional transit authority shall use that 24905
method if all of the following conditions exist: 24906

(1) A clear, complete, and adequate description of the 24907
goods, services, or work is available; 24908

(2) Time permits the solicitation, submission, and 24909
evaluation of sealed bids; 24910

(3) The award will be made on the basis of price and other 24911
price-related factors; 24912

(4) It is not necessary to conduct discussions with 24913
responding offerors about their bids; 24914

(5) There is a reasonable expectation of receiving more 24915
than one sealed bid. 24916

A regional transit authority shall publish a notice 24917
calling for bids once a week for no less than two consecutive 24918
weeks in a newspaper of general circulation within the 24919
territorial boundaries of the regional transit authority, or as 24920
provided in section 7.16 of the Revised Code. A regional transit 24921
authority may require that a bidder for any contract other than 24922
a construction contract provide a bid guaranty in the form, 24923
quality, and amount considered appropriate by the regional 24924
transit authority. The board may let the contract to the lowest 24925
responsive and responsible bidder. Where fewer than two 24926
responsive bids are received, a regional transit authority may 24927
negotiate price with the sole responsive bidder or may rescind 24928
the solicitation and procure under division (H) (2) of this 24929

section. 24930

(C) A regional transit authority may use two-step 24931
competitive bidding, consisting of a technical proposal and a 24932
separate, subsequent sealed price bid from those submitting 24933
acceptable technical proposals, if both of the following 24934
conditions exist: 24935

(1) A clear, complete, and adequate description of the 24936
goods, services, or work is not available, but definite criteria 24937
exist for the evaluation of technical proposals; 24938

(2) It is necessary to conduct discussions with responding 24939
offerors. 24940

A regional transit authority shall publish a notice 24941
calling for technical proposals once a week for no less than two 24942
consecutive weeks in a newspaper of general circulation within 24943
the territorial boundaries of the regional transit authority, or 24944
as provided in section 7.16 of the Revised Code. A regional 24945
transit authority may require a bid guaranty in the form, 24946
quality, and amount the regional transit authority considers 24947
appropriate. The board may let the contract to the lowest 24948
responsive and responsible bidder. Where fewer than two 24949
responsive and responsible bids are received, a regional transit 24950
authority may negotiate price with the sole responsive and 24951
responsible bidder or may rescind the solicitation and procure 24952
under division (H) (2) of this section. 24953

(D) A regional transit authority shall make a procurement 24954
by competitive proposals if competitive sealed bidding or two- 24955
step competitive bidding is not appropriate. 24956

A regional transit authority shall publish a notice 24957
calling for proposals once a week for no less than two 24958

consecutive weeks in a newspaper of general circulation within 24959
the territorial boundaries of the regional transit authority, or 24960
as provided in section 7.16 of the Revised Code. A regional 24961
transit authority may require a proposal guaranty in the form, 24962
quality, and amount considered appropriate by the regional 24963
transit authority. The board may let the contract to the 24964
proposer making the offer considered most advantageous to the 24965
authority. Where fewer than two competent proposals are 24966
received, a regional transit authority may negotiate price and 24967
terms with the sole proposer or may rescind the solicitation and 24968
procure under division (H) (2) of this section. 24969

(E) (1) A regional transit authority shall procure the 24970
services of an architect or engineer in the manner prescribed by 24971
the "Federal Mass Transportation Act of 1987," Public Law No. 24972
100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 24973
1608 and the services of a construction manager in the manner 24974
prescribed by sections 9.33 to 9.332 of the Revised Code. 24975

(2) A regional transit authority may procure revenue 24976
rolling stock in the manner prescribed by division (B), (C), or 24977
(D) of this section. 24978

(3) All contracts for construction in excess of one 24979
hundred thousand dollars shall be made only after the regional 24980
transit authority has published a notice calling for bids once a 24981
week for two consecutive weeks in a newspaper of general 24982
circulation within the territorial boundaries of the regional 24983
transit authority, or as provided in section 7.16 of the Revised 24984
Code. The board may award a contract to the lowest responsive 24985
and responsible bidder. Where only one responsive and 24986
responsible bid is received, the regional transit authority may 24987
negotiate price with the sole responsive bidder or may rescind 24988

the solicitation. The regional transit authority shall award 24989
construction contracts in accordance with sections 153.12 to 24990
153.14 and 153.54 of the Revised Code. Divisions (B) and (C) of 24991
this section shall not apply to the award of contracts for 24992
construction. 24993

(F) (1) As used in division (F) (2) of this section, 24994
"simplified acquisition threshold" means the amount set forth in 24995
41 U.S.C. 134. 24996

(2) The board may adopt a policy on whether board approval 24997
is required to enter into a contract involving expenditures 24998
below the simplified acquisition threshold. The board shall 24999
approve all contracts involving expenditures at or above the 25000
simplified acquisition threshold. 25001

(3) All contracts involving expenditures in excess of the 25002
amount for which board approval is required shall be in writing 25003
and shall be accompanied by or shall refer to plans and 25004
specifications for the work to be done. The plans and 25005
specifications shall at all times be made and considered part of 25006
the contract. For all contracts other than construction 25007
contracts, a regional transit authority may require performance, 25008
payment, or maintenance guaranties or any combination of such 25009
guaranties in the form, quality, and amount it considers 25010
appropriate. The contract shall be approved by the board and 25011
signed on behalf of the regional transit authority and by the 25012
contractor. 25013

(G) In making a contract, a regional transit authority may 25014
give preference to goods produced in the United States in 25015
accordance with the Buy America requirements in the "Surface 25016
Transportation Assistance Act of 1982," Public Law No. 97-424, 25017
section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, 25018

and the rules adopted thereunder. The regional transit authority 25019
also may give preference to providers of goods produced in and 25020
services provided in labor surplus areas as defined by the 25021
United States department of labor in 41 U.S.C.A. 401 note, 25022
Executive Order No. 12073, August 16, 1978, 43 Fed. Reg. 36873, 25023
as amended. 25024

(H) Competitive procedures under this section are not 25025
required in any of the following circumstances: 25026

(1) The board of trustees of a regional transit authority, 25027
by a two-thirds affirmative vote of its members, determines that 25028
a real and present emergency exists under any of the following 25029
conditions, and the board enters its determination and the 25030
reasons for it in its proceedings: 25031

(a) Affecting safety, welfare, or the ability to deliver 25032
transportation services; 25033

(b) Arising out of an interruption of contracts essential 25034
to the provision of daily transit services; 25035

(c) Involving actual physical damage to structures, 25036
supplies, equipment, or property. 25037

(2) The purchase consists of goods or services, or any 25038
combination thereof, and after reasonable inquiry the board or 25039
any officer or employee the board designates finds that only one 25040
source of supply is reasonably available. 25041

(3) The expenditure is for a renewal or renegotiation of a 25042
lease or license for telecommunications or electronic data 25043
processing equipment, services, or systems, or for the upgrade 25044
of such equipment, services, or systems, or for the maintenance 25045
thereof as supplied by the original source or its successors or 25046
assigns. 25047

(4) The purchase of goods or services is made from another 25048
political subdivision, public agency, public transit system, 25049
regional transit authority, the state, or the federal 25050
government, or as a third-party beneficiary under a state or 25051
federal procurement contract, or as a participant in a 25052
department of administrative services contract under division 25053
(B) of section 125.04 of the Revised Code. 25054

(5) The sale and leaseback or lease and leaseback of 25055
transit facilities is made as provided in division (AA) of 25056
section 306.35 of the Revised Code. 25057

(6) The purchase substantially involves services of a 25058
personal, professional, highly technical, or scientific nature, 25059
including but not limited to the services of an attorney, 25060
physician, surveyor, appraiser, investigator, court reporter, 25061
adjuster, advertising consultant, or licensed broker, or 25062
involves the special skills or proprietary knowledge required 25063
for the servicing of specialized equipment owned by the regional 25064
transit authority. 25065

(7) Services or supplies are available from a qualified 25066
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 25067
125.601 of the Revised Code. 25068

(8) The purchase consists of the product or services of a 25069
public utility. 25070

(9) The purchase is for the services of individuals with 25071
disabilities to work in the authority's commissaries or 25072
cafeterias, and those individuals are supplied by a nonprofit 25073
corporation or association whose purpose is to assist 25074
individuals with disabilities, whether or not that corporation 25075
or association is funded entirely or in part by the federal 25076

government, or the purchase is for services provided by a 25077
nonprofit corporation or association whose purpose is to assist 25078
individuals with disabilities, whether or not that corporation 25079
or association is funded entirely or in part by the federal 25080
government. For purposes of division (H)(9) of this section, 25081
"disability" has the same meaning as in section 4112.01 of the 25082
Revised Code. 25083

(I) A regional transit authority may enter into blanket 25084
purchase agreements for purchases of maintenance, operating, or 25085
repair goods or services where the item cost does not exceed 25086
five hundred dollars and the annual expenditure does not exceed 25087
one hundred thousand dollars. 25088

(J) Nothing contained in this section prohibits a regional 25089
transit authority from participating in intergovernmental 25090
cooperative purchasing arrangements. 25091

(K) Except as otherwise provided in this chapter, a 25092
regional transit authority shall make a sale or other 25093
disposition of property through full and open competition. 25094
Except as provided in division (L) of this section, all 25095
dispositions of personal property and all grants of real 25096
property for terms exceeding five years shall be made by public 25097
auction or competitive procedure. 25098

(L) The competitive procedures required by division (K) of 25099
this section are not required in any of the following 25100
circumstances: 25101

(1) The grant is a component of a joint development 25102
between public and private entities and is intended to enhance 25103
or benefit public transit. 25104

(2) The grant of a limited use or of a license affecting 25105

land is made to an owner of abutting real property. 25106

(3) The grant of a limited use is made to a public 25107
utility. 25108

(4) The grant or disposition is to a department of the 25109
federal or state government, to a political subdivision of the 25110
state, or to any other governmental entity. 25111

(5) Used equipment is traded on the purchase of equipment 25112
and the value of the used equipment is a price-related factor in 25113
the basis for award for the purchase. 25114

(6) The value of the personal property is such that 25115
competitive procedures are not appropriate and the property 25116
either is sold at its fair market value or is disposed of by 25117
gift to a nonprofit entity having the general welfare or 25118
education of the public as one of its principal objects. 25119

(M) The board of trustees of a regional transit authority, 25120
when making a contract funded exclusively by state or local 25121
moneys or any combination thereof, shall make a good faith 25122
effort to use disadvantaged business enterprise participation to 25123
the same extent required under Section 105(f) of the "Surface 25124
Transportation Assistance Act of 1982," Public Law No. 97-424, 25125
96 Stat. 2100, and Section 106(c) of the "Surface Transportation 25126
and Uniform Relocation Assistance Act of 1987," Public Law No. 25127
100-17, 101 Stat. 145, and the rules adopted thereunder. 25128

(N) As used in this section: 25129

(1) "Goods" means all things, including specially 25130
manufactured goods, that are movable at the time of 25131
identification to the contract for sale other than the money in 25132
which the price is to be paid, investment securities, and things 25133
in action. "Goods" also includes other identified things 25134

attached to realty as described in section 1302.03 of the Revised Code.

(2) "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of goods or reports other than goods or reports that are merely incidental to the required performance, including but not limited to insurance, bonding, or routine operation, routine repair, or routine maintenance of existing structures, buildings, real property, or equipment, but does not include employment agreements, collective bargaining agreements, or personal services.

(3) "Construction" means the process of building, altering, repairing, improving, painting, decorating, or demolishing any structure or building, or other improvements of any kind to any real property owned or leased by a regional transit authority.

(4) "Full and open competition" has the same meaning as in the "Office of Federal Procurement Policy Act," Public Law No. 98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403.

(5) A bidder is "responsive" if, applying the criteria of division (A) of section 9.312 of the Revised Code, the bidder is "responsive" as described in that section.

(6) A bidder is "responsible" if, applying the criteria of division (B) of section 9.312 of the Revised Code and of the "Office of Federal Procurement Policy Act," Public Law No. 98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the bidder is "responsible" as described in those sections.

Sec. 307.05. As used in this section, "emergency medical service organization" has the same meaning as in section 4765.01

of the Revised Code. 25164

A board of county commissioners may operate an ambulance 25165
service organization or emergency medical service organization, 25166
or, in counties with a population of ~~forty-sixty~~ thousand or 25167
less, may operate a nonemergency patient transport service 25168
organization, or may enter into a contract with one or more 25169
counties, townships, municipal corporations, nonprofit 25170
corporations, joint emergency medical services districts, fire 25171
and ambulance districts, or private ambulance owners, regardless 25172
of whether such counties, townships, municipal corporations, 25173
nonprofit corporations, joint emergency medical services 25174
districts, fire and ambulance districts, or private ambulance 25175
owners are located within or without the state, in order to 25176
furnish or obtain the services of ambulance service 25177
organizations, to furnish or obtain additional services from 25178
ambulance service organizations in times of emergency, to 25179
furnish or obtain the services of emergency medical service 25180
organizations, or, in counties with a population of ~~forty-sixty~~ 25181
thousand or less, to furnish or obtain services of nonemergency 25182
patient transport service organizations, or may enter into a 25183
contract with any such entity to furnish or obtain the 25184
interchange of services from ambulance or emergency medical 25185
service organizations, or, within counties with a population of 25186
~~forty-sixty~~ thousand or less, to furnish or obtain the 25187
interchange of services from nonemergency patient transport 25188
service organizations, within the territories of the contracting 25189
subdivisions. Except in the case of a contract with a joint 25190
emergency medical services district to obtain the services of 25191
emergency medical service organizations, such contracts shall 25192
not be entered into with a public agency or nonprofit 25193
corporation that receives more than half of its operating funds 25194

from governmental entities with the intention of directly 25195
competing with the operation of other ambulance service 25196
organizations, nonemergency patient transport service 25197
organizations, or emergency medical service organizations in the 25198
county unless the public agency or nonprofit corporation is 25199
awarded the contract after submitting the lowest and best bid to 25200
the board of county commissioners. Any county wishing to 25201
commence operation of a nonemergency patient transport service 25202
organization or wishing to enter into a contract for the first 25203
time to furnish or obtain services from a nonemergency patient 25204
transport service organization on or after March 1, 1993, 25205
including a county in which a private provider has been 25206
providing the service, shall demonstrate the need for public 25207
funding for the service to, and obtain approval from, the state 25208
board of emergency medical, fire, and transportation services or 25209
its immediate successor board prior to operating or funding the 25210
organization. 25211

When such an organization is operated by the board, the 25212
organization may be administered by the board, by the county 25213
sheriff, or by another county officer or employee designated by 25214
the board. All rules, including the determining of reasonable 25215
rates, necessary for the establishment, operation, and 25216
maintenance of such an organization shall be adopted by the 25217
board. 25218

A contract for services of an ambulance service, 25219
nonemergency patient transport service, or emergency medical 25220
service organization shall include the terms, conditions, and 25221
stipulations as agreed to by the parties to the contract. It may 25222
provide for a fixed annual charge to be paid at the times agreed 25223
upon and stipulated in the contract, or for compensation based 25224
upon a stipulated price for each run, call, or emergency or the 25225

number of persons or pieces of apparatus employed, or the 25226
elapsed time of service required in such run, call, or 25227
emergency, or any combination thereof. 25228

Sec. 307.673. This section applies only in a county in 25229
which a tax is levied under section 307.697, 4301.421, 5743.024, 25230
or 5743.323 of the Revised Code on July 19, 1995. 25231

(A) As used in this section: 25232

(1) "County taxes" means taxes levied by a board of county 25233
commissioners under ~~division~~divisions (D) and (E) of section 25234
307.697, ~~division~~divisions (B) and (C) of section 4301.421, 25235
~~division~~divisions (C) and (D) of section 5743.024, and ~~section~~sections 25236
5743.323, 5743.511, 5743.521, 5743.621, and 5743.631 of 25237
the Revised Code. 25238

(2) "Corporation" means a nonprofit corporation organized 25239
under the laws of this state and that includes among the 25240
purposes for which it is incorporated the authority to acquire, 25241
construct, renovate, repair, equip, lease, manage, or operate a 25242
sports facility. 25243

(3) "Cooperative agreement" means an agreement entered 25244
into pursuant to this section. 25245

(4) "Cost of a sports facility" means the cost of 25246
acquiring, constructing, renovating, repairing, equipping, or 25247
improving one or more sports facilities, including 25248
reconstructing, rehabilitating, remodeling, and enlarging; the 25249
cost of equipping and furnishing such a facility; and all 25250
financing costs pertaining thereto, including the cost of 25251
engineering, architectural, and other professional services, 25252
designs, plans, specifications and surveys, and estimates of 25253
costs; the costs of refinancing obligations issued by, or 25254

reimbursement of money advanced by, the parties to the 25255
cooperative agreement or other persons, the proceeds of which 25256
obligations were used to pay the costs of the sports facility; 25257
the cost of tests and inspections; the cost of any indemnity or 25258
surety bonds and premiums on insurance, all related direct and 25259
administrative costs pertaining thereto, fees and expenses of 25260
trustees, depositories, and paying agents for the obligations, 25261
capitalized interest on the obligations, amounts necessary to 25262
establish reserves as required by the obligation proceedings, 25263
the reimbursement of money advanced or applied by the parties to 25264
the cooperative agreement or other persons for the payment of 25265
any item of costs of the sports facility, and all other expenses 25266
necessary or incident to planning or determining the feasibility 25267
or practicability with respect to the sports facility; and any 25268
other such expenses as may be necessary or incident to the 25269
acquisition, construction, reconstruction, rehabilitation, 25270
remodeling, renovation, repair, enlargement, improvement, 25271
equipping, and furnishing of the sports facility, the financing 25272
of the sports facility, placing the sports facility in use and 25273
operation, including any one, part of, or combination of such 25274
classes of costs and expenses. 25275

(5) "Financing costs" has the same meaning as in section 25276
133.01 of the Revised Code. 25277

(6) "Obligations" means obligations issued or incurred to 25278
pay the cost of a sports facility, including bonds, notes, 25279
certificates of indebtedness, commercial paper, and other 25280
instruments in writing, anticipatory securities as defined in 25281
section 133.01 of the Revised Code, issued or incurred by an 25282
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 25283
this section, or otherwise, to evidence the issuer's obligation 25284
to repay borrowed money, or to pay interest, by, or to pay at 25285

any future time other money obligations of, the issuer of the 25286
obligations, including obligations of an issuer or lessee to 25287
make payments under an installment sale, lease, lease-purchase, 25288
or similar agreement. 25289

(7) "Owner" means any person that owns or operates a 25290
professional athletic or sports team, that is party to a 25291
cooperative agreement, or that has a lease or other agreement 25292
with a party to a cooperative agreement, and that commits to use 25293
the sports facility that is the subject of the cooperative 25294
agreement for all of the team's home games for the period 25295
specified in that agreement. 25296

(8) "Payments," when used with reference to obligations, 25297
means payments of the principal, including any mandatory sinking 25298
fund deposits and mandatory redemption payments, interest and 25299
any redemption premium, and lease rentals, lease-purchase 25300
payments and other amounts payable under obligations in the form 25301
of installment sale, lease, lease-purchase, or similar 25302
agreements. 25303

(9) "Person" has the same meaning as defined in section 25304
133.01 of the Revised Code. 25305

(10) "Port authority" means a port authority created under 25306
Chapter 4582. of the Revised Code. 25307

(11) "Sports facility" means a facility, including a 25308
stadium, that is intended to house or provide a site for one or 25309
more major league professional athletic or sports teams or 25310
activities, together with all spectator facilities, parking 25311
facilities, walkways, and auxiliary facilities, real and 25312
personal property, property rights, easements, leasehold 25313
estates, and interests that may be appropriate for, or used in 25314

connection with, the operation of the sports facility. 25315

(B) The board of county commissioners of a county, the 25316
legislative authority of a municipal corporation, a port 25317
authority, a corporation, and an owner, or any combination 25318
thereof, may enter into one or more cooperative agreements under 25319
which the parties enter into one or more of the agreements 25320
described in divisions (B) (1) to (5) of this section. 25321

(1) The board of county commissioners agrees to do one or 25322
more of the following: 25323

(a) Levy a tax under division (D) or (E) of section 25324
307.697, division (B) or (C) of section 4301.421, division (C) 25325
or (D) of section 5743.024, ~~and or~~ section 5743.323, 5743.511, 25326
5743.521, 5743.621, and 5743.631 of the Revised Code and make 25327
available all or a portion of the revenue from those taxes for 25328
the payment of the cost of the sports facility or to make 25329
payments on obligations; 25330

(b) Issue or incur obligations of the county pursuant to 25331
Chapter 133. of the Revised Code or this section; 25332

(c) Make available all or a portion of the revenue from 25333
those taxes or of the proceeds from the issuance of those 25334
obligations to the municipal corporation, port authority, 25335
corporation, or otherwise for the payment of the cost of a 25336
sports facility or the payment of obligations; 25337

(d) Acquire, construct, renovate, repair, equip, lease to 25338
or from another person, and operate, directly or by a lease or 25339
management contract with another person, one or more sports 25340
facilities; 25341

(e) To the extent provided in the cooperative agreement or 25342
a lease with respect to a sports facility, authorize the 25343

municipal corporation, port authority, corporation, or owner to 25344
administer contracts for designing, planning, acquiring, 25345
constructing, renovating, repairing, or equipping a sports 25346
facility. 25347

(2) The port authority agrees to do one or more of the 25348
following: 25349

(a) Issue or incur obligations of the port authority 25350
pursuant to Chapter 133. or 4582. of the Revised Code or this 25351
section; 25352

(b) Make available all or a portion of the proceeds from 25353
the issuance of those obligations to the municipal corporation, 25354
county, or corporation for the payment of the cost of a sports 25355
facility or the payment of obligations; 25356

(c) Acquire, construct, renovate, repair, equip, lease to 25357
or from another person, and operate, directly or by a lease or 25358
management contract with another person, one or more sports 25359
facilities; 25360

(d) To the extent provided in the cooperative agreement or 25361
a lease with respect to a sports facility, authorize the 25362
municipal corporation, county, corporation, or owner to 25363
administer contracts for designing, planning, acquiring, 25364
constructing, renovating, repairing, or equipping a sports 25365
facility. 25366

(3) The legislative authority of the municipal corporation 25367
agrees to do one or more of the following: 25368

(a) Make available the revenue from taxes levied by the 25369
legislative authority for the payment of the cost of a sports 25370
facility or to make payments on obligations; 25371

(b) Issue or incur obligations of the municipal 25372
corporation pursuant to Chapter 133. of the Revised Code or 25373
otherwise; 25374

(c) Make available all or a portion of the proceeds from 25375
the issuance of those obligations to the county, port authority, 25376
corporation, or otherwise for the payment of the cost of a 25377
sports facility or the payment of obligations; 25378

(d) Acquire, construct, renovate, repair, equip, lease to 25379
or from another person, and operate, directly or by a lease or 25380
management contract with another person, one or more sports 25381
facilities; 25382

(e) To the extent provided in the cooperative agreement or 25383
a lease with respect to a sports facility, authorize the county, 25384
port authority, corporation, or owner to administer contracts 25385
for designing, planning, acquiring, constructing, renovating, 25386
repairing, or equipping a sports facility. 25387

(4) The corporation agrees to do one or more of the 25388
following: 25389

(a) Issue or incur obligations; 25390

(b) Make available all or a portion of the proceeds from 25391
the issuance of those obligations to the county, port authority, 25392
municipal corporation, or otherwise for the payment of the cost 25393
of a sports facility or the payment of obligations; 25394

(c) Acquire, construct, renovate, repair, equip, lease to 25395
or from another person, and operate, directly or by a lease or 25396
management contract with another person, one or more sports 25397
facilities; 25398

(d) To the extent provided in the cooperative agreement or 25399

a lease with respect to a sports facility, agree that the 25400
corporation will administer contracts for designing, planning, 25401
acquiring, constructing, renovating, repairing, or equipping a 25402
sports facility. 25403

(5) The owner agrees to do one or more of the following: 25404

(a) Use the sports facility that is the subject of the 25405
cooperative agreement for all of the home games of the owner's 25406
professional athletic or sports team for a specified period; 25407

(b) Administer contracts for designing, planning, 25408
acquiring, constructing, renovating, repairing, or equipping a 25409
sports facility. 25410

(C) Any obligations may be secured by a trust agreement 25411
between the issuer of obligations and a corporate trustee that 25412
is a trust company or bank having the powers of a trust company 25413
in or outside this state and authorized to exercise corporate 25414
trust powers in this state. Proceeds from the issuance of any 25415
obligations or the taxes levied and collected by any party to 25416
the cooperative agreement may be deposited with and administered 25417
by a trustee pursuant to the trust agreement. 25418

(D) Any contract for the acquisition, construction, 25419
renovation, repair, or equipping of a sports facility entered 25420
into, assigned, or assumed under this section shall provide that 25421
all laborers and mechanics employed in the acquisition, 25422
construction, renovation, repair, or equipping of the sports 25423
facility shall be paid at the prevailing rates of wages of 25424
laborers and mechanics for the class of work called for, as 25425
those wages are determined in accordance with Chapter 4115. of 25426
the Revised Code. 25427

Sec. 307.696. (A) As used in this section: 25428

(1) "County taxes" means taxes levied by the county 25429
pursuant to sections 307.697, 4301.421, 5743.024, ~~and 5743.323,~~ 25430
5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code. 25431

(2) "Corporation" means ~~a~~ either of the following: 25432

(a) A nonprofit corporation that is organized under the 25433
laws of this state for the purposes of operating or constructing 25434
and operating a sports facility in the county and that may also 25435
be organized under the laws of this state for the additional 25436
purposes of conducting redevelopment and economic development 25437
activities within the host municipal corporation; 25438

(b) A new community authority as defined in section 349.01 25439
of the Revised Code. 25440

(3) "Sports facility" means a sports facility that is 25441
intended to house major league professional athletic teams, 25442
including a stadium, together with all parking facilities, 25443
walkways, and other auxiliary facilities, real and personal 25444
property, property rights, easements, and interests that may be 25445
appropriate for, or used in connection with, the operation of 25446
the facility. 25447

(4) "Construction" includes, but is not limited to, 25448
providing fixtures, furnishings, and equipment and providing for 25449
capital repairs and improvements. 25450

(5) "Debt service charges" means the interest, principal, 25451
premium, if any, carrying and redemption charges, and expenses 25452
on bonds issued by either the county or the corporation to: 25453

(a) Construct a sports facility or provide for related 25454
redevelopment or economic development as provided in this 25455
section; 25456

(b) Acquire real and personal property, property rights, 25457
easements, or interests that may be appropriate for, or used in 25458
connection with, the operation of the facility; and 25459

(c) Make site improvements to real property, including, 25460
but not limited to, demolition, excavation, and installation of 25461
footers, pilings, and foundations. 25462

(6) "Host municipal corporation" means the municipal 25463
corporation within the boundaries of which the sports facility 25464
is located, ~~and with which a national football league, major-~~ 25465
~~league baseball, or national basketball association sports-~~ 25466
~~franchise is associated on March 20, 1990.~~ 25467

(B) A board of county commissioners of a county that 25468
levies a tax under section 307.697, 4301.421, or 5743.024 of the 25469
Revised Code may enter into an agreement with a corporation 25470
operating in the county, and, if there is a host municipal 25471
corporation all or a part of which is located in the county, 25472
shall enter into an agreement with a corporation operating in 25473
the county and the host municipal corporation, under which: 25474

(1) (a) The corporation agrees to construct and operate a 25475
sports facility in the county and to pledge and contribute all 25476
or any part of the revenues derived from its operation, as 25477
specified in the agreement, for the purposes described in 25478
division (C) (1) of this section; and 25479

(b) The board agrees to levy county taxes and pledge and 25480
contribute any part or all of the revenues therefrom, as 25481
specified in the agreement, for the purposes described in 25482
division (C) (1) of this section; or 25483

(2) (a) The corporation agrees to operate a sports facility 25484
constructed by the county and to pledge and contribute all or 25485

any part of the revenues derived from its operation, as 25486
specified in the agreement, for the purposes described in 25487
division (C) (2) of this section; and 25488

(b) The board agrees to issue revenue bonds of the county, 25489
use the proceeds from the sale of the bonds to construct a 25490
sports facility in the county, and to levy county taxes and 25491
pledge and contribute all or any part of the revenues therefrom, 25492
as specified in the agreement, for the purposes described in 25493
division (C) (2) of this section; and, if applicable 25494

(3) The host municipal corporation agrees to expend the 25495
unused pledges and contributions and surplus revenues as 25496
described in divisions (C) (1) and (2) of this section for 25497
redevelopment and economic development purposes related to the 25498
sports facility. 25499

(C) (1) The primary purpose of the pledges and 25500
contributions described in division (B) (1) of this section is 25501
payment of debt service charges. To the extent the pledges and 25502
contributions are not used by the county or corporation for 25503
payment of debt service charges, the county or corporation, 25504
pursuant to the agreement provided for in division (B) of this 25505
section, shall provide the unused pledges and contributions, 25506
together with surplus revenues of the sports facility not needed 25507
for debt service charges or the operation and maintenance of the 25508
sports facility, to the host municipal corporation, or a 25509
nonprofit corporation, which may be the corporation acting on 25510
behalf of the host municipal corporation, for redevelopment and 25511
economic development purposes related to the sports facility. If 25512
the county taxes are also levied for the purpose of making 25513
permanent improvements, the agreement shall include a schedule 25514
of annual pledges and contributions by the county for the 25515

payment of debt service charges. The county's pledge and 25516
contribution provided for in the agreement shall be for the 25517
period stated in the agreement but not to exceed twenty years. 25518
The agreement shall provide that any such bonds and notes shall 25519
be secured by a trust agreement between the corporation or other 25520
bond issuer and a corporate trustee that is a trust company or 25521
bank having the powers of a trust company within or without the 25522
state, and the trust agreement shall pledge or assign to the 25523
retirement of the bonds or notes, all moneys paid by the county 25524
for that purpose under this section. A county tax, all or any 25525
part of the revenues from which are pledged under an agreement 25526
entered into by a board of county commissioners under this 25527
section shall not be subject to diminution by initiative or 25528
referendum, or diminution by statute, unless provision is made 25529
therein for an adequate substitute therefor reasonably 25530
satisfactory to the trustee under the trust agreement that 25531
secures the bonds and notes. 25532

(2) The primary purpose of the pledges and contributions 25533
described in division (B) (2) of this section is payment of debt 25534
service charges. To the extent the pledges and contributions are 25535
not used by the county for payment of debt service charges, the 25536
county or corporation, pursuant to the agreement provided for in 25537
division (B) of this section, shall provide the unused pledges 25538
and contributions, together with surplus revenues of the sports 25539
facility not needed for debt service charges or the operation 25540
and maintenance of the sports facility, to the host municipal 25541
corporation, or a nonprofit corporation, which may be the 25542
corporation, acting on behalf of the host municipal corporation, 25543
for redevelopment and economic development purposes related to 25544
the sports facility. The corporation's pledge and contribution 25545
provided for in the agreement shall be until all of the bonds 25546

issued for the construction of the facility have been retired. 25547

(D) A pledge of money by a county under this section shall 25548
not be indebtedness of the county for purposes of Chapter 133. 25549
of the Revised Code. 25550

(E) If the terms of the agreement so provide, the board of 25551
county commissioners may acquire, make site improvements to, 25552
including, but not limited to, demolition, excavation, and 25553
installation of footers, pilings, and foundations, and lease 25554
real property for the sports facility to a corporation that 25555
constructs a sports facility under division (B)(1) of this 25556
section. The agreement shall specify the term, which shall not 25557
exceed thirty years and shall be on such terms as are set forth 25558
in the agreement. The purchase, improvement, and lease may be 25559
the subject of an agreement between the county and a municipal 25560
corporation located within the county pursuant to section 153.61 25561
or 307.15 of the Revised Code, and are not subject to the 25562
limitations of sections 307.02 and 307.09 of the Revised Code. 25563

(F) The corporation shall not enter into any construction 25564
contract or contract for the purchase of services for use in 25565
connection with the construction of a sports facility prior to 25566
the corporation's adoption and implementation of a policy on the 25567
set aside of contracts for bidding by or award to minority 25568
business enterprises, as defined in division (E)(1) of section 25569
122.71 of the Revised Code. Sections 4115.03 to 4115.16 of the 25570
Revised Code apply to a sports facility constructed under this 25571
section. 25572

(G) Not more than one-half of the total costs, including 25573
debt service charges and cost of operation, of a project 25574
undertaken pursuant to an agreement entered into under division 25575
(B) of this section shall be paid from county taxes. Nothing in 25576

this section authorizes the use of revenues from county taxes or 25577
proceeds from the sale of bonds issued by the board of county 25578
commissioners for payment of costs of operation of a sports 25579
facility. 25580

(H) Division (G) of this section and the twenty-year 25581
limitation prescribed in division (C)(1) of this section do not 25582
apply in the case of taxes levied pursuant to division (E) of 25583
section 307.697 of the Revised Code, division (C) of section 25584
4301.421 of the Revised Code, division (D) of section 5743.024 25585
of the Revised Code, division (C) of section 5743.323 of the 25586
Revised Code, and sections 5743.511, 5743.521, 5743.621, and 25587
5743.631 of the Revised Code. Notwithstanding anything to the 25588
contrary in this section or any other section of the Revised 25589
Code, revenue from the taxes levied pursuant to those provisions 25590
shall be equally divided by the county among the sports 25591
facilities that exist within the boundaries of the county during 25592
the period that the taxes are levied. Unless documented by an 25593
agreement with the applicable owner of a sports facility, such 25594
division of revenue shall be made directly by the county 25595
treasurer by payment to the respective owners of the sports 25596
facilities. 25597

Sec. 307.697. (A) For the purpose of section 307.696 of 25598
the Revised Code and to pay any or all of the charge the board 25599
of elections makes against the county to hold the election on 25600
the question of levying the tax, or for those purposes and to 25601
provide revenues to the county for permanent improvements, the 25602
board of county commissioners of a county may levy a tax not to 25603
exceed three dollars on each gallon of spirituous liquor sold to 25604
or purchased by liquor permit holders for resale, and sold at 25605
retail by the state or pursuant to a transfer agreement entered 25606
into under Chapter 4313. of the Revised Code, in the county. The 25607

tax shall be levied on the number of gallons so sold. The tax 25608
may be levied for any number of years not exceeding twenty. 25609

The tax shall be levied pursuant to a resolution of the 25610
board of county commissioners approved by a majority of the 25611
electors in the county voting on the question of levying the 25612
tax, which resolution shall specify the rate of the tax, the 25613
number of years the tax will be levied, and the purposes for 25614
which the tax is levied. The election may be held on the date of 25615
a general or special election held not sooner than ninety days 25616
after the date the board certifies its resolution to the board 25617
of elections. If approved by the electors, the tax takes effect 25618
on the first day of the month specified in the resolution but 25619
not sooner than the first day of the month that is at least 25620
sixty days after the certification of the election results by 25621
the board of elections. A copy of the resolution levying the tax 25622
shall be certified to the division of liquor control at least 25623
sixty days prior to the date on which the tax is to become 25624
effective. 25625

(B) A resolution under this section may be joined on the 25626
ballot as a single question with a resolution adopted under 25627
section 4301.421 or 5743.024 of the Revised Code to levy a tax 25628
for the same purposes, and for the purpose of paying the 25629
expenses of administering that tax. 25630

(C) The form of the ballot in an election held pursuant to 25631
this section or section 4301.421 or 5743.024 of the Revised Code 25632
shall be as follows or in any other form acceptable to the 25633
secretary of state: 25634

"For the purpose of paying not more than one-half of the 25635
costs of providing a public sports facility together with 25636
related redevelopment and economic development projects, shall 25637

(an) excise tax(es) be levied by _____ county at the rate 25638
of _____ (dollars on each gallon of spirituous liquor sold in 25639
the county, cents per gallon on the sale of beer at wholesale in 25640
the county, cents per gallon on the sale of wine and mixed 25641
beverages at wholesale in the county, cents per gallon on the 25642
sale of cider at wholesale in the county, or mills per cigarette 25643
on the sale of cigarettes at wholesale in the county), for 25644
_____ years? 25645
25646

	Yes
	No

"

For an election in which questions under this section or 25647
section 4301.421 or 5743.024 of the Revised Code are joined as a 25648
single question, the form of the ballot shall be as above, 25649
except each of the proposed taxes shall be listed. 25650

(D) The board of county commissioners of a county in which 25651
a tax is imposed under this section on September 29, 2013, the 25652
effective date of the amendment of this section by H.B. 59 of 25653
the 130th general assembly, may levy a tax for the purpose of 25654
section 307.673 of the Revised Code regardless of whether or not 25655
the cooperative agreement authorized under that section has been 25656
entered into prior to the day the resolution adopted under 25657
division (D)(1) or (2) of this section is adopted, for the 25658
purpose of reimbursing a county for costs incurred in the 25659
construction of a sports facility pursuant to an agreement 25660
entered into by the county under section 307.696 of the Revised 25661
Code, or for the purpose of paying the costs of capital repairs 25662
of and improvements to a sports facility, or both. The tax shall 25663
be levied and approved in one of the manners prescribed by 25664

division (D) (1) or (2) of this section. 25665

(1) The tax may be levied pursuant to a resolution adopted 25666
by a majority of the members of the board of county 25667
commissioners not later than forty-five days after July 19, 25668
1995. A board of county commissioners approving a tax under 25669
division (D) (1) of this section may approve a tax under division 25670
(B) (1) of section 4301.421 or division (C) (1) of section 25671
5743.024 of the Revised Code at the same time. Subject to the 25672
resolution being submitted to a referendum under sections 305.31 25673
to 305.41 of the Revised Code, the resolution shall take effect 25674
immediately, but the tax levied pursuant to the resolution shall 25675
not be levied prior to the day following the last day that any 25676
tax previously levied pursuant to this division may be levied. 25677

(2) The tax may be levied pursuant to a resolution adopted 25678
by a majority of the members of the board of county 25679
commissioners not later than September 1, 2015, and approved by 25680
a majority of the electors of the county voting on the question 25681
of levying the tax. The board of county commissioners shall 25682
certify a copy of the resolution to the board of elections 25683
immediately upon adopting a resolution under division (D) (2) of 25684
this section. The election may be held on the date of a general 25685
or special election held not sooner than ninety days after the 25686
date the board certifies its resolution to the board of 25687
elections. The form of the ballot shall be as prescribed by 25688
division (C) of this section, except that the phrase "paying not 25689
more than one-half of the costs of providing a sports facility 25690
together with related redevelopment and economic development 25691
projects" shall be replaced by the phrase "paying the costs of 25692
constructing, renovating, improving, or repairing a sports 25693
facility and reimbursing a county for costs incurred by the 25694
county in the construction of a sports facility," and the phrase 25695

", beginning _____ (here insert the earliest date the tax
would take effect)" shall be appended after "years." A board of
county commissioners submitting the question of a tax under
division (D) (2) of this section may submit the question of a tax
under division (B) (2) of section 4301.421 or division (C) (2) of
section 5743.024 of the Revised Code as a single question, and
the form of the ballot shall include each of the proposed taxes.

If approved by a majority of electors voting on the
question, the tax shall take effect on the day specified on the
ballot, which shall not be earlier than the day following the
last day that any tax previously levied pursuant to this
division may be levied.

The rate of a tax levied pursuant to division (D) (1) or
(2) of this section shall not exceed the rate specified in
division (A) of this section. A tax levied pursuant to division
(D) (1) or (2) of this section may be levied for any number of
years not exceeding twenty.

A board of county commissioners adopting a resolution
under division (D) (1) or (2) of this section shall certify a
copy of the resolution to the division of liquor control
immediately upon adoption of the resolution.

(E) The board of county commissioners of a county whose
population is greater than one million one hundred thousand but
less than one million three hundred thousand may levy a tax
under this division for the purpose of section 307.673 of the
Revised Code regardless of whether or not the cooperative
agreement authorized under that section has been entered into
prior to the day the resolution adopted under division (E) of
this section is adopted, for the purpose of reimbursing a county
for costs incurred in the construction of a sports facility

pursuant to an agreement entered into by the county under 25726
section 307.696 of the Revised Code, or for the purpose of 25727
paying the costs of constructing, equipping, furnishing, 25728
maintaining, renovating, improving, or repairing a sports 25729
facility. The tax may be levied for any number of years or for a 25730
continuing period of time. 25731

The tax may be levied pursuant to a resolution adopted by 25732
the board of county commissioners and approved by a majority of 25733
the electors of the county voting on the question of levying the 25734
tax. The board of county commissioners shall certify a copy of 25735
the resolution to the board of elections immediately after its 25736
adoption. The election may be held on the date of a general or 25737
special election held not sooner than ninety days after the date 25738
the board certifies its resolution to the board of elections. 25739
The form of the ballot shall be as follows: 25740

"For the purpose of _____ (state the purpose or 25741
purposes), shall an excise tax be levied by _____ county at 25742
the rate of _____ dollars on each gallon of spirituous liquor 25743
sold in the county for _____ (number of years or a continuing 25744
period of time), the tax beginning on _____ (the earliest 25745
date the tax would take effect)? 25746

	<u>Yes</u>
	<u>No</u>

"

A board of county commissioners submitting the question of 25748
a tax under division (E) of this section, may submit the 25749
question of a tax under section 5743.511, division (C) of 25750
section 4301.421, or division (D) of section 5743.024 of the 25751
Revised Code, or all, as a single question, provided that each 25752

tax is for the same purpose and period of time and the form of 25753
the ballot states the rate of each of the proposed taxes. 25754

If approved by a majority of electors voting on the 25755
question, the tax shall take effect on the date specified in the 25756
resolution but not sooner than the first day of the month that 25757
is at least sixty days after the certification of the election 25758
results by the board of elections. The tax levied under division 25759
(E) of this section may be approved and take effect before the 25760
expiration of the tax levied under division (D) of this section. 25761
The tax levied under division (E) of this section shall 25762
supersede and replace any tax levied under division (D) of this 25763
section, and the tax levied under division (D) of this section 25764
shall no longer be levied once the tax levied under division (E) 25765
of this section takes effect. 25766

The rate of a tax levied pursuant to division (E) of this 25767
section shall not exceed six dollars on each gallon of 25768
spirituous liquor sold to or purchased by liquor permit holders 25769
for resale, and sold at retail by the state or pursuant to a 25770
transfer agreement entered into under Chapter 4313. of the 25771
Revised Code, in the county. The tax shall be levied on the 25772
number of gallons so sold. 25773

A board of county commissioners adopting a resolution 25774
under division (E) of this section shall certify a copy of the 25775
resolution to the division of liquor control and to the tax 25776
commissioner immediately upon adoption of the resolution. 25777

(F) No tax shall be levied under division (A) of this 25778
section on or after September 23, 2008. This division does not 25779
apply to a tax levied under division (D) or (E) of this section, 25780
and does not prevent the collection of any tax levied under this 25781
section before September 23, 2008, so long as that tax remains 25782

effective. 25783

Sec. 307.86. Anything to be purchased, leased, leased with 25784
an option or agreement to purchase, or constructed, including, 25785
but not limited to, any product, structure, construction, 25786
reconstruction, improvement, maintenance, repair, or service, 25787
except the services of an accountant, architect, attorney at 25788
law, physician, professional engineer, construction project 25789
manager, consultant, surveyor, or appraiser, by or on behalf of 25790
the county or contracting authority, as defined in section 25791
307.92 of the Revised Code, at a cost in excess of the amount 25792
specified in section 9.17 of the Revised Code, except as 25793
otherwise provided in division (D) of section 713.23 and in 25794
sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 25795
307.861, 339.05, 340.036, ~~4115.31 to 4115.35~~, 5119.44, 5513.01, 25796
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 25797
obtained through competitive bidding. No purchase, lease, 25798
project, or other transaction subject to this section shall be 25799
divided into component parts, separate projects, or separate 25800
items of work in order to avoid the requirements of this 25801
section. However, competitive bidding is not required when any 25802
of the following applies: 25803

(A) The board of county commissioners, by a unanimous vote 25804
of its members, makes a determination that a real and present 25805
emergency exists, and that determination and the reasons for it 25806
are entered in the minutes of the proceedings of the board, when 25807
any of the following applies: 25808

(1) The estimated cost is less than one hundred twenty- 25809
five thousand dollars. 25810

(2) There is actual physical disaster to structures, radio 25811
communications equipment, or computers. 25812

(3) The product to be purchased is personal protective 25813
equipment and the purchase is completed during the period of the 25814
emergency declared by Executive Order 2020-01D, issued on March 25815
9, 2020. 25816

For purposes of this division: 25817

"Personal protective equipment" means equipment worn to 25818
minimize exposure to hazards that cause workplace injuries and 25819
illnesses. 25820

"Unanimous vote" means all three members of a board of 25821
county commissioners when all three members are present, or two 25822
members of the board if only two members, constituting a quorum, 25823
are present. 25824

Whenever a contract of purchase, lease, or construction is 25825
exempted from competitive bidding under division (A)(1) of this 25826
section because the estimated cost is less than one hundred 25827
twenty-five thousand dollars, but the estimated cost is the 25828
amount specified in section 9.17 of the Revised Code or more, 25829
the county or contracting authority shall solicit informal 25830
estimates from no fewer than three persons who could perform the 25831
contract, before awarding the contract. With regard to each such 25832
contract, the county or contracting authority shall maintain a 25833
record of such estimates, including the name of each person from 25834
whom an estimate is solicited. The county or contracting 25835
authority shall maintain the record for the longer of at least 25836
one year after the contract is awarded or the amount of time the 25837
federal government requires. 25838

(B)(1) The purchase consists of supplies or a replacement 25839
or supplemental part or parts for a product or equipment owned 25840
or leased by the county, and the only source of supply for the 25841

supplies, part, or parts is limited to a single supplier. 25842

(2) The purchase consists of services related to 25843
information technology, such as programming services, that are 25844
proprietary or limited to a single source. 25845

(C) The purchase is from the federal government, the 25846
state, another county or contracting authority of another 25847
county, or a board of education, educational service center, 25848
township, or municipal corporation. 25849

(D) The purchase is made by a county department of job and 25850
family services under section 329.04 of the Revised Code and 25851
consists of family services duties or workforce development 25852
activities or is made by a county board of developmental 25853
disabilities under section 5126.05 of the Revised Code and 25854
consists of program services, such as direct and ancillary 25855
client services, child care, case management services, 25856
residential services, and family resource services. 25857

(E) The purchase consists of criminal justice services, 25858
social services programs, family services, or workforce 25859
development activities by the board of county commissioners from 25860
nonprofit corporations or associations under programs funded by 25861
the federal government or by state grants. 25862

(F) The purchase consists of any form of an insurance 25863
policy or contract authorized to be issued under Title XXXIX of 25864
the Revised Code or any form of health care plan authorized to 25865
be issued under Chapter 1751. of the Revised Code, or any 25866
combination of such policies, contracts, plans, or services that 25867
the contracting authority is authorized to purchase, and the 25868
contracting authority does all of the following: 25869

(1) Determines that compliance with the requirements of 25870

this section would increase, rather than decrease, the cost of 25871
the purchase; 25872

(2) Requests issuers of the policies, contracts, plans, or 25873
services to submit proposals to the contracting authority, in a 25874
form prescribed by the contracting authority, setting forth the 25875
coverage and cost of the policies, contracts, plans, or services 25876
as the contracting authority desires to purchase; 25877

(3) Negotiates with the issuers for the purpose of 25878
purchasing the policies, contracts, plans, or services at the 25879
best and lowest price reasonably possible. 25880

(G) The purchase consists of computer hardware, software, 25881
or consulting services that are necessary to implement a 25882
computerized case management automation project administered by 25883
the Ohio prosecuting attorneys association and funded by a grant 25884
from the federal government. 25885

(H) Child care services are purchased for provision to 25886
county employees. 25887

(I) (1) Property, including land, buildings, and other real 25888
property, is leased for offices, storage, parking, or other 25889
purposes, and all of the following apply: 25890

(a) The contracting authority is authorized by the Revised 25891
Code to lease the property. 25892

(b) The contracting authority develops requests for 25893
proposals for leasing the property, specifying the criteria that 25894
will be considered prior to leasing the property, including the 25895
desired size and geographic location of the property. 25896

(c) The contracting authority receives responses from 25897
prospective lessors with property meeting the criteria specified 25898

in the requests for proposals by giving notice in a manner 25899
substantially similar to the procedures established for giving 25900
notice under section 307.87 of the Revised Code. 25901

(d) The contracting authority negotiates with the 25902
prospective lessors to obtain a lease at the best and lowest 25903
price reasonably possible considering the fair market value of 25904
the property and any relocation and operational costs that may 25905
be incurred during the period the lease is in effect. 25906

(2) The contracting authority may use the services of a 25907
real estate appraiser to obtain advice, consultations, or other 25908
recommendations regarding the lease of property under this 25909
division. 25910

(J) The purchase is made pursuant to section 5139.34 or 25911
sections 5139.41 to 5139.46 of the Revised Code and is of 25912
programs or services that provide case management, treatment, or 25913
prevention services to any felony or misdemeanor delinquent, 25914
unruly youth, or status offender under the supervision of the 25915
juvenile court, including, but not limited to, community 25916
residential care, day treatment, services to children in their 25917
home, or electronic monitoring. 25918

(K) The purchase is made by a public children services 25919
agency pursuant to section 307.92 or 5153.16 of the Revised Code 25920
and consists of family services, programs, or ancillary services 25921
that provide case management, prevention, or treatment services 25922
for children at risk of being or alleged to be abused, 25923
neglected, or dependent children. 25924

(L) The purchase is to obtain the services of emergency 25925
medical service organizations under a contract made by the board 25926
of county commissioners pursuant to section 307.05 of the 25927

Revised Code with a joint emergency medical services district. 25928

(M) The county contracting authority determines that the 25929
use of competitive sealed proposals would be advantageous to the 25930
county and the contracting authority complies with section 25931
307.862 of the Revised Code. 25932

(N) The purchase consists of used supplies and is made at 25933
a public auction. 25934

Any issuer of policies, contracts, plans, or services 25935
listed in division (F) of this section and any prospective 25936
lessor under division (I) of this section may have the issuer's 25937
or prospective lessor's name and address, or the name and 25938
address of an agent, placed on a special notification list to be 25939
kept by the contracting authority, by sending the contracting 25940
authority that name and address. The contracting authority shall 25941
send notice to all persons listed on the special notification 25942
list. Notices shall state the deadline and place for submitting 25943
proposals. The contracting authority shall mail the notices at 25944
least six weeks prior to the deadline set by the contracting 25945
authority for submitting proposals. Every five years the 25946
contracting authority may review this list and remove any person 25947
from the list after mailing the person notification of that 25948
action. 25949

Any contracting authority that negotiates a contract under 25950
division (F) of this section shall request proposals and 25951
negotiate with issuers in accordance with that division at least 25952
every three years from the date of the signing of such a 25953
contract, unless the parties agree upon terms for extensions or 25954
renewals of the contract. Such extension or renewal periods 25955
shall not exceed six years from the date the initial contract is 25956
signed. 25957

Any real estate appraiser employed pursuant to division 25958
(I) of this section shall disclose any fees or compensation 25959
received from any source in connection with that employment. 25960

As used in division (N) of this section, "supplies" means 25961
any personal property including equipment, materials, and other 25962
tangible assets. 25963

Sec. 307.985. Each board of county commissioners shall 25964
develop a written transportation work plan that establishes 25965
policies regarding the transportation needs of low income 25966
residents of the county seeking or striving to retain 25967
employment. In developing the transportation work plan, the 25968
board shall consult with all of the following: 25969

(A) The county department of job and family services; 25970

(B) If a regional transit authority created under section 25971
306.32 of the Revised Code serves the county, the regional 25972
transit authority; 25973

(C) If a community action agency, as defined in section 25974
~~122.66~~ 5101.311 of the Revised Code, serves the county, the 25975
community action agency; 25976

(D) As designated by the board of county commissioners, 25977
representatives of private ~~non-profit~~ nonprofit and government 25978
entities that work with issues related to economic development, 25979
employment, and persons with physical disabilities; 25980

(E) Other individuals designated by the board of county 25981
commissioners. 25982

Sec. 308.13. (A) The board of trustees of a regional 25983
airport authority or any officer or employee designated by such 25984
board may make without competitive bidding any contract for any 25985

purchase, lease, lease with option or agreement to purchase any 25986
property, or any construction contract for any work, the cost of 25987
which shall not exceed the amount specified in section 9.17 of 25988
the Revised Code. Any purchase, lease, lease with option or 25989
agreement to purchase, or construction contract in excess of the 25990
amount specified in section 9.17 of the Revised Code shall 25991
require that a notice calling for bids be published once a week 25992
for not less than two consecutive weeks preceding the day of the 25993
opening of the bids in a newspaper of general circulation within 25994
the territorial boundaries of the regional airport authority. 25995
The regional airport authority also may cause notice to be 25996
inserted in trade papers or other publications designated by it 25997
or to be distributed by electronic means, including posting the 25998
notice on the internet site on the world wide web of the 25999
regional airport authority. If the contracting authority posts 26000
the notice on that internet web site, the requirement that a 26001
second notice be published in a newspaper of general circulation 26002
within the territorial boundaries of the regional airport 26003
authority does not apply provided the first notice published in 26004
that newspaper meets all of the following requirements: 26005

(1) It is published at least two weeks prior to the day of 26006
the opening of the bids. 26007

(2) It includes a statement that the notice is posted on 26008
the internet site on the world wide web of the regional airport 26009
authority. 26010

(3) It includes the internet address of the internet site 26011
on the world wide web of the regional airport authority. 26012

(4) It includes instructions describing how the notice may 26013
be accessed on the internet site on the world wide web of the 26014
regional airport authority. 26015

No purchase, lease, project, or other transaction subject 26016
to this section shall be divided into component parts, separate 26017
projects, or separate items of work in order to avoid the 26018
requirements of this section. 26019

If the bid is for a contract for the construction, 26020
demolition, alteration, repair, or reconstruction of an 26021
improvement, it shall meet the requirements of section 153.54 of 26022
the Revised Code. If the bid is for any other contract 26023
authorized by this section, it shall be accompanied by a good 26024
and approved bond with ample security conditioned on the 26025
carrying out of the contract as determined by the board. The 26026
board may let the contract to the lowest and best bidder. Such 26027
contract shall be in writing and shall be accompanied by or 26028
shall refer to plans and specifications for the work to be done, 26029
as approved by the board. The plans and specifications at all 26030
times shall be made and considered part of the contract. The 26031
contract shall be approved by the board and signed by its chief 26032
executive officer and by the contractor, and shall be executed 26033
in duplicate. 26034

(B) The competitive bidding procedures described in 26035
division (A) of this section do not apply in any of the 26036
following circumstances: 26037

(1) The board of trustees of a regional airport authority, 26038
by a majority vote of its members present at any meeting, 26039
determines that a real and present emergency exists under any of 26040
the following conditions, and the board enters its determination 26041
and the reasons for it in its proceedings: 26042

(a) Affecting safety, welfare, or the ability to deliver 26043
services; 26044

(b) Arising out of an interruption of contracts essential 26045
to the provision of daily air services and other services 26046
related to the airport; 26047

(c) Involving actual physical damage to structures, 26048
supplies, equipment, or property requiring immediate repair or 26049
replacement. 26050

(2) The purchase consists of goods or services, or any 26051
combination thereof, and after reasonable inquiry the board or 26052
any officer or designee of the board finds that only one source 26053
of supply is reasonably available. 26054

(3) The expenditure is for a renewal or renegotiation of a 26055
lease or license for telecommunications or informational 26056
technology equipment, services, or systems, or for the upgrade 26057
of such equipment, services, or systems, or for the maintenance 26058
thereof as supplied by the original source or its successors or 26059
assigns. 26060

(4) The purchase of goods or services is made from another 26061
political subdivision, public agency, public transit system, 26062
regional transit authority, the state, or the federal 26063
government, or as a third-party beneficiary under a state or 26064
federal procurement contract, or as a participant in a 26065
department of administrative services contract under division 26066
(B) of section 125.04 of the Revised Code or under an approved 26067
purchasing plan of this state. 26068

(5) The purchase substantially involves services of a 26069
personal, professional, highly technical, or scientific nature, 26070
including the services of an attorney, physician, engineer, 26071
architect, surveyor, appraiser, investigator, adjuster, 26072
advertising consultant, or licensed broker, or involves the 26073

special skills or proprietary knowledge required for the 26074
operation of the airport owned by the regional transit 26075
authority. 26076

(6) Services or supplies are available from a qualified 26077
nonprofit agency pursuant to sections ~~4115.31-125.60~~ to ~~4115.35-~~ 26078
125.6012 of the Revised Code. 26079

(7) The purchase consists of the product or services of a 26080
public utility. 26081

Sec. 311.14. Upon retiring from office, the sheriff shall 26082
pay over to ~~his~~ the sheriff's successor in office all moneys 26083
received by such sheriff and remaining in ~~his~~ the sheriff's 26084
hands. ~~He~~ The sheriff shall deliver to ~~his~~ the sheriff's 26085
successor all evidences of indebtedness and all books, blanks, 26086
and stationery belonging to ~~his~~ the sheriff's office. Each 26087
sheriff shall demand and receive such books and papers from ~~his~~ 26088
the sheriff's predecessor. Before leaving office, the sheriff 26089
shall prepare a certificate of transition for the successor 26090
sheriff in the form and substance prescribed by the auditor of 26091
state. The certificate shall contain an inventory of items 26092
delivered in accordance with this section, sections 311.13 and 26093
311.15 of the Revised Code, and other information prescribed by 26094
the auditor of state. Before prescribing the inventory of items, 26095
accounts, and other information to be contained in the 26096
certificate of transition, the auditor of state shall solicit 26097
input from county sheriffs. 26098

Sec. 317.20. (A) When, in the opinion of the board of 26099
county commissioners, sectional indexes are needed and it so 26100
directs, in addition to the indexes provided for in section 26101
317.18 of the Revised Code, the board may provide for making, in 26102
books prepared for that purpose, sectional indexes to the 26103

records of all real estate in the county beginning with some 26104
designated year and continuing through the period of years that 26105
the board specifies. The sectional indexes shall place under the 26106
heads of the original surveyed sections or surveys, parts of a 26107
section or survey, squares, subdivisions, permanent parcel 26108
numbers provided for under section 319.28 of the Revised Code, 26109
or lots, on the left-hand page or on the upper portion of that 26110
page of the index book, the name of the grantor, then the name 26111
of the grantee, then the number and page of the record in which 26112
the instrument is found recorded, then the character of the 26113
instrument, and then a pertinent description of the interest in 26114
property conveyed by the deed, lease, or assignment of lease, 26115
and shall place under similar headings on the right-hand page or 26116
on the lower portion of that page of the index book, beginning 26117
at the bottom, all the mortgages, liens, notices provided for in 26118
sections 5301.51, 5301.52, and 5301.56 of the Revised Code, or 26119
other encumbrances affecting the real estate. 26120

(B) The compensation for the services rendered under this 26121
section shall be paid from the general revenue fund of the 26122
county, and no additional levy shall be made in consequence of 26123
the services. 26124

(C) If the board of county commissioners decides to have 26125
sectional indexes made, it shall advertise for three consecutive 26126
weeks for sealed proposals to do the work provided for in this 26127
section, using at least one of the following methods: 26128

(1) In the print or digital edition of a newspaper of 26129
general circulation within the county; 26130

(2) On the official public notice web site established 26131
under section 125.182 of the Revised Code; 26132

(3) On the web site and social media account of the 26133
county. 26134

The board shall contract with the lowest and best bidder, 26135
and shall require the successful bidder to give a bond for the 26136
faithful performance of the contract in the sum that the board 26137
fixes. ~~The work shall be done to the acceptance of the auditor~~ 26138
~~of state upon allowance by the board.~~ The board may reject any 26139
and all bids for the work, provided that no more than five cents 26140
shall be paid for each entry of each tract or lot of land. 26141

(D) When the sectional indexes are brought up and 26142
completed, the county recorder shall maintain the indexes and 26143
comply with division (E) of this section in connection with 26144
registered land. 26145

(E) (1) As used in division (E) of this section, "housing 26146
accommodations" and "restrictive covenant" have the same 26147
meanings as in section 4112.01 of the Revised Code. 26148

(2) In connection with any transfer of registered land 26149
that occurs on and after March 30, 1999, in accordance with 26150
Chapters 5309. and 5310. of the Revised Code, the county 26151
recorder shall delete from the sectional indexes maintained 26152
under this section all references to any restrictive covenant 26153
that appears to apply to the transferred registered land, if any 26154
inclusion of the restrictive covenant in a transfer, rental, or 26155
lease of housing accommodations, any honoring or exercising of 26156
the restrictive covenant, or any attempt to honor or exercise 26157
the restrictive covenant constitutes an unlawful discriminatory 26158
practice under division (H) (9) of section 4112.02 of the Revised 26159
Code. 26160

Sec. 319.04. (A) Each county auditor who is elected to a 26161

full term of office shall attend and successfully complete at 26162
least sixteen hours of continuing education courses during the 26163
first year of the auditor's term of office, and complete at 26164
least another eight hours of such courses by the end of that 26165
term. Each such county auditor shall include at least two hours 26166
of ethics and substance-abuse training in the total twenty-four 26167
hours of required courses. To be counted toward the twenty-four 26168
hours required by this section, a course must be approved by the 26169
county auditors association of Ohio. Any county auditor who 26170
teaches an approved course shall be entitled to credit for the 26171
course in the same manner as if the county auditor had attended 26172
the course. 26173

That association shall record and, upon request, verify 26174
the completion of required course work for each county auditor, 26175
and issue a statement to each county auditor of the number of 26176
hours of continuing education the county auditor has 26177
successfully completed. Each year the association shall send a 26178
list of the continuing education courses, and the number of 26179
hours each county auditor has successfully completed, to the 26180
auditor of state and the tax commissioner, and shall provide a 26181
copy of this list to any other individual who requests it. 26182

~~The auditor of state shall issue a certificate of~~ 26183
~~completion to each county auditor who completes the continuing~~ 26184
~~education courses required by this section. The auditor of state~~ 26185
association shall issue a "notice of "failure to complete" to 26186
any county auditor required to complete continuing education 26187
courses under this section who fails to successfully complete at 26188
least sixteen hours of continuing education courses during the 26189
first year of the county auditor's term of office or to complete 26190
a total of at least twenty-four hours of such courses by the end 26191
of that term. This notice is for informational purposes only and 26192

does not affect any individual's ability to hold the office of 26193
county auditor. 26194

The county auditor shall retain the documentation of any 26195
initial or continuing education courses completed. The auditor 26196
of state shall audit for compliance with this section. 26197

(B) Each board of county commissioners shall approve, from 26198
money appropriated to the county auditor, a reasonable amount 26199
requested by the county auditor of its county to cover the costs 26200
the county auditor must incur to meet the requirements of 26201
division (A) of this section, including registration fees, 26202
lodging and meal expenses, and travel expenses. 26203

Sec. 319.202. Before the county auditor indorses any real 26204
property conveyance or manufactured or mobile home conveyance 26205
presented to the auditor pursuant to section 319.20 of the 26206
Revised Code or registers any manufactured or mobile home 26207
conveyance pursuant to section 4503.061 of the Revised Code, the 26208
grantee or the grantee's representative shall submit, either 26209
electronically or three written copies of, a statement, in the 26210
form prescribed by the tax commissioner, and other information 26211
as the county auditor may require, declaring the value of real 26212
property or manufactured or mobile home conveyed, except that 26213
when the transfer is exempt under division (G) (3) of section 26214
319.54 of the Revised Code only a statement of the reason for 26215
the exemption shall be required. Each statement submitted under 26216
this section shall contain the information required under 26217
divisions (A) ~~and~~, (B), and (C) of this section. 26218

(A) Each statement submitted under this section shall 26219
include or otherwise be accompanied by a statement advising the 26220
grantee of the eligibility requirements for the reduction in 26221
taxes authorized under division (B) of section 323.152 of the 26222

Revised Code and of the duty imposed by division (C) (1) of 26223
section 323.153 of the Revised Code on the grantee to notify the 26224
county auditor if the grantee no longer qualifies for the 26225
reduction. 26226

(B) Each statement submitted under this section shall 26227
either: 26228

(1) Contain an affirmation by the grantee that the grantor 26229
has been asked by the grantee or the grantee's representative 26230
whether to the best of the grantor's knowledge either the 26231
preceding or the current year's taxes on the real property or 26232
the current or following year's taxes on the manufactured or 26233
mobile home conveyed will be reduced under division (A) of 26234
section 323.152 or under section 4503.065 of the Revised Code 26235
and that the grantor indicated that to the best of the grantor's 26236
knowledge the taxes will not be so reduced; or 26237

(2) Be accompanied by a sworn or affirmed instrument 26238
stating: 26239

(a) To the best of the grantor's knowledge the real 26240
property or the manufactured or mobile home that is the subject 26241
of the conveyance is eligible for and will receive a reduction 26242
in taxes for or payable in the current year under division (A) 26243
of section 323.152 or under section 4503.065 of the Revised Code 26244
and that the reduction or reductions will be reflected in the 26245
grantee's taxes; 26246

(b) The estimated amount of such reductions that will be 26247
reflected in the grantee's taxes; 26248

(c) That the grantor and the grantee have considered and 26249
accounted for the total estimated amount of such reductions to 26250
the satisfaction of both the grantee and the grantor. The 26251

auditor shall indorse the instrument, return it to the grantee 26252
or the grantee's representative, and provide a copy of the 26253
indorsed instrument to the grantor or the grantor's 26254
representative. 26255

~~(B)~~ (C) Each statement submitted under this section shall 26256
either: 26257

(1) Contain an affirmation by the grantee that the grantor 26258
has been asked by the grantee or the grantee's representative 26259
whether to the best of the grantor's knowledge the real property 26260
conveyed qualified for the current agricultural use valuation 26261
under section 5713.30 of the Revised Code either for the 26262
preceding or the current year and that the grantor indicated 26263
that to the best of the grantor's knowledge the property 26264
conveyed was not so qualified; or 26265

(2) Be accompanied by a sworn or affirmed instrument 26266
stating: 26267

(a) To the best of the grantor's knowledge the real 26268
property conveyed was qualified for the current agricultural use 26269
valuation under section 5713.30 of the Revised Code either for 26270
the preceding or the current year; 26271

(b) To the extent that the property will not continue to 26272
qualify for the current agricultural use valuation either for 26273
the current or the succeeding year, that the property will be 26274
subject to a recoupment charge equal to the tax savings in 26275
accordance with section 5713.34 of the Revised Code; 26276

(c) That the grantor and the grantee have considered and 26277
accounted for the total estimated amount of such recoupment, if 26278
any, to the satisfaction of both the grantee and the grantor. 26279
The auditor shall indorse the instrument, forward it to the 26280

grantee or the grantee's representative, and provide a copy of 26281
the indorsed instrument to the grantor or the grantor's 26282
representative. 26283

~~(G)~~(D) The grantor shall pay the fee required by division 26284
(G) (3) of section 319.54 of the Revised Code; and, in the event 26285
the board of county commissioners of the county has levied a 26286
real property or a manufactured home transfer tax pursuant to 26287
Chapter 322. of the Revised Code, the amount required by the 26288
real property or manufactured home transfer tax so levied. If 26289
the conveyance is exempt from the fee provided for in division 26290
(G) (3) of section 319.54 of the Revised Code and the tax, if 26291
any, levied pursuant to Chapter 322. of the Revised Code, the 26292
reason for such exemption shall be shown on the statement. 26293
"Value" means, in the case of any deed or certificate of title 26294
not a gift in whole or part, the amount of the full 26295
consideration therefor, paid or to be paid for the real estate 26296
or manufactured or mobile home described in the deed or title, 26297
including the amount of any mortgage or vendor's lien thereon. 26298
If property sold under a land installment contract is conveyed 26299
by the seller under such contract to a third party and the 26300
contract has been of record at least twelve months prior to the 26301
date of conveyance, "value" means the unpaid balance owed to the 26302
seller under the contract at the time of the conveyance, but the 26303
statement shall set forth the amount paid under such contract 26304
prior to the date of conveyance. In the case of a gift in whole 26305
or part, "value" means the estimated price the real estate or 26306
manufactured or mobile home described in the deed or certificate 26307
of title would bring in the open market and under the then 26308
existing and prevailing market conditions in a sale between a 26309
willing seller and a willing buyer, both conversant with the 26310
property and with prevailing general price levels. No person 26311

shall willfully falsify the value of property conveyed. 26312

~~(D)~~ (E) The auditor shall indorse each conveyance on its 26313
face to indicate the amount of the conveyance fee and compliance 26314
with this section and if the property is residential rental 26315
property include a statement that the grantee shall file with 26316
the county auditor the information required under division (A) 26317
or (C) of section 5323.02 of the Revised Code. The auditor shall 26318
retain the original copy of the statement of value, forward to 26319
the tax commissioner one copy on which shall be noted the most 26320
recent assessed value of the property, and furnish one copy to 26321
the grantee or the grantee's representative. 26322

~~(E)~~ (F) In order to achieve uniform administration and 26323
collection of the transfer fee required by division (G) (3) of 26324
section 319.54 of the Revised Code, the tax commissioner shall 26325
adopt and promulgate rules for the administration and 26326
enforcement of the levy and collection of such fee. 26327

~~(F)~~ (G) As used in this section, "residential rental 26328
property" has the same meaning as in section 5323.01 of the 26329
Revised Code. 26330

Sec. 319.301. (A) The reductions required by division (D) 26331
of this section do not apply to any of the following: 26332

(1) Taxes levied at whatever rate is required to produce a 26333
specified amount of tax money, including a tax levied under 26334
section 5705.199 or 5748.09 of the Revised Code, or an amount to 26335
pay debt charges; 26336

(2) Taxes levied within the one per cent limitation 26337
imposed by Section 2 of Article XII, Ohio Constitution; 26338

(3) Taxes provided for by the charter of a municipal 26339
corporation. 26340

(B) As used in this section:	26341
(1) "Real property" includes real property owned by a railroad.	26342 26343
(2) "Carryover property" means all real property on the current year's tax list except:	26344 26345
(a) Land and improvements that were not taxed by the district in both the preceding year and the current year;	26346 26347
(b) Land and improvements that were not in the same class in both the preceding year and the current year.	26348 26349
(3) "Effective tax rate" means with respect to each class of property:	26350 26351
(a) The sum of the total taxes that would have been charged and payable for current expenses against real property in that class if each of the district's taxes were reduced for the current year under division (D) (1) of this section without regard to the application of division (E) (3) of this section divided by	26352 26353 26354 26355 26356 26357
(b) The taxable value of all real property in that class.	26358
(4) "Taxes charged and payable" means the taxes charged and payable prior to any reduction required by section 319.302 of the Revised Code.	26359 26360 26361
(C) The tax commissioner shall make the determinations required by this section each year, without regard to whether a taxing district has territory in a county to which section 5715.24 of the Revised Code applies for that year. Separate determinations shall be made for each of the two classes established pursuant to section 5713.041 of the Revised Code.	26362 26363 26364 26365 26366 26367

(D) With respect to each tax authorized to be levied by 26368
each taxing district, the tax commissioner, annually, shall do 26369
both of the following: 26370

(1) Determine by what percentage, if any, the sums levied 26371
by such tax against the carryover property in each class would 26372
have to be reduced for the tax to levy the same number of 26373
dollars against such property in that class in the current year 26374
as were charged against such property by such tax in the 26375
preceding year subsequent to the reduction made under this 26376
section but before the reduction made under section 319.302 of 26377
the Revised Code. In the case of a tax levied for the first time 26378
that is not a renewal of an existing tax, the commissioner shall 26379
determine by what percentage the sums that would otherwise be 26380
levied by such tax against carryover property in each class 26381
would have to be reduced to equal the amount that would have 26382
been levied if the full rate thereof had been imposed against 26383
the total taxable value of such property in the preceding tax 26384
year. ~~A tax or portion of a tax that is designated a replacement~~ 26385
~~levy under section 5705.192 of the Revised Code is not a renewal~~ 26386
~~of an existing tax for purposes of this division.~~ 26387

(2) Certify each percentage determined in division (D) (1) 26388
of this section, as adjusted under division (E) of this section, 26389
and the class of property to which that percentage applies to 26390
the auditor of each county in which the district has territory. 26391
The auditor, after complying with section 319.30 of the Revised 26392
Code, shall reduce the sum to be levied by such tax against each 26393
parcel of real property in the district by the percentage so 26394
certified for its class. Certification shall be made by the 26395
first day of September except in the case of a tax levied for 26396
the first time, in which case certification shall be made within 26397
fifteen days of the date the county auditor submits the 26398

information necessary to make the required determination. 26399

(E) (1) As used in division (E) (2) of this section, "pre- 26400
1982 joint vocational taxes" means, with respect to a class of 26401
property, the difference between the following amounts: 26402

(a) The taxes charged and payable in tax year 1981 against 26403
the property in that class for the current expenses of the joint 26404
vocational school district of which the school district is a 26405
part after making all reductions under this section; 26406

(b) Two-tenths of one per cent of the taxable value of all 26407
real property in that class. 26408

If the amount in division (E) (1) (b) of this section 26409
exceeds the amount in division (E) (1) (a) of this section, the 26410
pre-1982 joint vocational taxes shall be zero. 26411

~~As used in divisions (E) (2) and (3) of this section, 26412
"taxes charged and payable" has the same meaning as in division 26413
(E) (4) of this section and excludes any tax charged and payable 26414
in 1985 or thereafter under sections 5705.194 to 5705.197 or 26415
section 5705.199, 5705.213, 5705.219, or 5748.09 of the Revised 26416
Code. 26417~~

(2) If in the case of a school district other than a joint 26418
vocational or cooperative education school district any 26419
percentage required to be used in division (D) (2) of this 26420
section for either class of property could cause the total taxes 26421
charged and payable for current expenses to be less than two per 26422
cent of the taxable value of all real property in that class 26423
that is subject to taxation by the district, the commissioner 26424
shall determine what percentages would cause the district's 26425
total taxes charged and payable for current expenses against 26426
that class, after all reductions that would otherwise be made 26427

under this section, to equal, when combined with the pre-1982
joint vocational taxes against that class, the lesser of the
following:

(a) The sum of the rates at which those taxes are
authorized to be levied;

(b) Two per cent of the taxable value of the property in
that class. The auditor shall use such percentages in making the
reduction required by this section for that class.

(3) If in the case of a joint vocational school district
any percentage required to be used in division (D) (2) of this
section for either class of property could cause the total taxes
charged and payable for current expenses for that class to be
less than two-tenths of one per cent of the taxable value of
that class, the commissioner shall determine what percentages
would cause the district's total taxes charged and payable for
current expenses for that class, after all reductions that would
otherwise be made under this section, to equal that amount. The
auditor shall use such percentages in making the reductions
required by this section for that class.

(4) If a school district is affected by division (E) (2) or
(3) of this section for either class of property, and additional
current expense taxes are levied or are included in the
definition of taxes charged and payable, then, for the first tax
year those taxes are levied or included, the reduction computed
under division (D) of this section for that district shall be
computed as though the sums of current expenses taxes levied for
the district and charged against that class in the preceding tax
year were equivalent to two per cent or two-tenths of one per
cent, respectively, of the taxable value of all real property in
that class.

(F) No reduction shall be made under this section in the 26458
rate at which any tax is levied. 26459

(G) The commissioner may order a county auditor to furnish 26460
any information the commissioner needs to make the 26461
determinations required under division (D) or (E) of this 26462
section, and the auditor shall supply the information in the 26463
form and by the date specified in the order. If the auditor 26464
fails to comply with an order issued under this division, except 26465
for good cause as determined by the commissioner, the 26466
commissioner shall withhold from such county or taxing district 26467
therein fifty per cent of state revenues to local governments 26468
pursuant to section 5747.50 of the Revised Code or shall direct 26469
the department of education and workforce to withhold therefrom 26470
fifty per cent of state revenues to school districts pursuant to 26471
Chapter 3317. of the Revised Code. The commissioner shall 26472
withhold the distribution of such revenues until the county 26473
auditor has complied with this division, and the department 26474
shall withhold the distribution of such revenues until the 26475
commissioner has notified the department that the county auditor 26476
has complied with this division. 26477

(H) If the commissioner is unable to certify a tax 26478
reduction factor for either class of property in a taxing 26479
district located in more than one county by the last day of 26480
November because information required under division (G) of this 26481
section is unavailable, the commissioner may compute and certify 26482
an estimated tax reduction factor for that district for that 26483
class. The estimated factor shall be based upon an estimate of 26484
the unavailable information. Upon receipt of the actual 26485
information for a taxing district that received an estimated tax 26486
reduction factor, the commissioner shall compute the actual tax 26487
reduction factor and use that factor to compute the taxes that 26488

should have been charged and payable against each parcel of 26489
property for the year for which the estimated reduction factor 26490
was used. The amount by which the estimated factor resulted in 26491
an overpayment or underpayment in taxes on any parcel shall be 26492
added to or subtracted from the amount due on that parcel in the 26493
ensuing tax year. 26494

A percentage or a tax reduction factor determined or 26495
computed by the commissioner under this section shall be used 26496
solely for the purpose of reducing the sums to be levied by the 26497
tax to which it applies for the year for which it was determined 26498
or computed. It shall not be used in making any tax computations 26499
for any ensuing tax year. 26500

(I) In making the determinations under division (D) (1) of 26501
this section, the tax commissioner shall take account of changes 26502
in the taxable value of carryover property resulting from 26503
complaints filed under section 5715.19 of the Revised Code for 26504
determinations made for the tax year in which such changes are 26505
reported to the commissioner. Such changes shall be reported to 26506
the commissioner on the first abstract of real property filed 26507
with the commissioner under section 5715.23 of the Revised Code 26508
following the date on which the complaint is finally determined 26509
by the board of revision or by a court or other authority with 26510
jurisdiction on appeal. The tax commissioner shall account for 26511
such changes in making the determinations only for the tax year 26512
in which the change in valuation is reported. Such a valuation 26513
change shall not be used to recompute the percentages determined 26514
under division (D) (1) of this section for any prior tax year. 26515

Sec. 319.302. (A) (1) Real property that is not intended 26516
primarily for use in a business activity shall qualify for a 26517
partial exemption from real property taxation. For purposes of 26518

this partial exemption, "business activity" includes all uses of 26519
real property, except farming; leasing property for farming; 26520
occupying or holding property improved with single-family, two- 26521
family, or three-family dwellings; leasing property improved 26522
with single-family, two-family, or three-family dwellings; or 26523
holding vacant land that the county auditor determines will be 26524
used for farming or to develop single-family, two-family, or 26525
three-family dwellings. For purposes of this partial exemption, 26526
"farming" does not include land used for the commercial 26527
production of timber that is receiving the tax benefit under 26528
section 5713.23 or 5713.31 of the Revised Code and all 26529
improvements connected with such commercial production of 26530
timber. 26531

(2) Each year, the county auditor shall review each parcel 26532
of real property to determine whether it qualifies for the 26533
partial exemption provided for by this section as of the first 26534
day of January of the current tax year. 26535

(B) After complying with section 319.301 of the Revised 26536
Code, the county auditor shall reduce the remaining sums to be 26537
levied by qualifying levies against each parcel of real property 26538
that is listed on the general tax list and duplicate of real and 26539
public utility property for the current tax year and that 26540
qualifies for partial exemption under division (A) of this 26541
section, and against each manufactured and mobile home that is 26542
taxed pursuant to division (D) (2) of section 4503.06 of the 26543
Revised Code and that is on the manufactured home tax list for 26544
the current tax year, by ten per cent, to provide a partial 26545
exemption for that parcel or home. For the purposes of this 26546
division: 26547

(1) "Qualifying levy" means a levy approved at an election 26548

held before September 29, 2013; a levy within the ten-mill 26549
limitation; a levy provided for by the charter of a municipal 26550
corporation that was levied on the tax list for tax year 2013; a 26551
subsequent renewal of any such levy; or a subsequent substitute 26552
for such a levy under section 5705.199 of the Revised Code. 26553

(2) "Qualifying levy" does not include any replacement 26554
imposed under section 5705.192 of the Revised Code, as it 26555
existed before the effective date of this amendment, of any levy 26556
described in division (B) (1) of this section. 26557

(C) Except as otherwise provided in sections 323.152, 26558
323.158, 323.16, 505.06, and 715.263 of the Revised Code, the 26559
amount of the taxes remaining after any such reduction shall be 26560
the real and public utility property taxes charged and payable 26561
on each parcel of real property, including property that does 26562
not qualify for partial exemption under division (A) of this 26563
section, and the manufactured home tax charged and payable on 26564
each manufactured or mobile home, and shall be the amounts 26565
certified to the county treasurer for collection. Upon receipt 26566
of the real and public utility property tax duplicate, the 26567
treasurer shall certify to the tax commissioner the total amount 26568
by which the real property taxes were reduced under this 26569
section, as shown on the duplicate. Such reduction shall not 26570
directly or indirectly affect the determination of the principal 26571
amount of notes that may be issued in anticipation of any tax 26572
levies or the amount of bonds or notes for any planned 26573
improvements. If after application of sections 5705.31 and 26574
5705.32 of the Revised Code and other applicable provisions of 26575
law, including divisions (F) and (I) of section 321.24 of the 26576
Revised Code, there would be insufficient funds for payment of 26577
debt charges on bonds or notes payable from taxes reduced by 26578
this section, the reduction of taxes provided for in this 26579

section shall be adjusted to the extent necessary to provide 26580
funds from such taxes. 26581

(D) The tax commissioner may adopt rules governing the 26582
administration of the partial exemption provided for by this 26583
section. 26584

(E) The determination of whether property qualifies for 26585
partial exemption under division (A) of this section is solely 26586
for the purpose of allowing the partial exemption under division 26587
(B) of this section. 26588

Sec. 319.304. (A) As used in this section: 26589

(1) "Homestead" has the same meaning as in section 323.151 26590
of the Revised Code and also includes a manufactured or mobile 26591
home that is owned and occupied as a home by an individual whose 26592
domicile is in this state. 26593

(2) "Homestead exemption" means a reduction authorized 26594
under section 4503.065 or division (A) (1), (2), or (3) of 26595
section 323.152 of the Revised Code. 26596

(3) "Income threshold" means the total income threshold 26597
applicable for the tax year under division (A) (1) (b) (iii) of 26598
section 323.152 or division (A) (2) (a) (iii) or (A) (2) (c) (iii) of 26599
section 4503.065 of the Revised Code. 26600

(B) A board of county commissioners, by resolution, may 26601
authorize a reduction in the real property taxes or manufactured 26602
home taxes charged and payable against every homestead in the 26603
county subject to a homestead exemption for the tax year. The 26604
board shall certify a copy of the resolution, or a copy of any 26605
resolution repealing the reduction's authorization, to the 26606
county auditor and tax commissioner within thirty days after its 26607
adoption. If the resolution is adopted on or before the first 26608

day of July of a tax year, the reduction shall first apply or 26609
cease to apply, in the case of real property taxes, to that tax 26610
year or, in the case of manufactured home taxes, the following 26611
tax year. If the resolution is adopted after the first day of 26612
July of a tax year, the reduction shall first apply or cease to 26613
apply, in the case of real property taxes, to the following tax 26614
year or, in the case of manufactured home taxes, the second 26615
succeeding tax year. 26616

(C) The reduction shall equal the same amount as the 26617
homestead's applicable homestead exemption for the tax year and 26618
shall be applied concurrently with the homestead exemption. 26619
Except as otherwise provided in division (D) of this section, no 26620
application shall be required under section 323.153 or 4503.066 26621
of the Revised Code for a homestead to obtain a reduction 26622
authorized by this section, but the reduction is otherwise 26623
subject to the same provisions as provided in sections 323.151 26624
to 323.159 or sections 4503.064 to 4503.069 of the Revised Code 26625
as are applicable to a homestead exemption. The amount of any 26626
reduction authorized under this section shall not be reimbursed 26627
as provided in section 323.156 or 4503.068 of the Revised Code. 26628

(D) A homestead that is subject to the homestead exemption 26629
authorized under division (A) (1) of section 323.152 or division 26630
(A) of section 4503.065 of the Revised Code shall not qualify 26631
for a reduction under this section unless the person owning and 26632
occupying the homestead or occupying the homestead, in the case 26633
of a housing cooperative, has a total income that does not 26634
exceed the income threshold applicable to that tax year. 26635

If the person has not already reported the person's total 26636
income under section 323.153 or 4503.066 of the Revised Code for 26637
the purpose of the homestead exemption, the person shall not be 26638

eligible to receive a reduction under this section unless the 26639
person files an application verifying the person's total income 26640
in accordance with that applicable section. The county auditor 26641
shall furnish such person a continuing application under that 26642
section, which the person shall use to report changes in total 26643
income in accordance with the applicable section. 26644

Sec. 321.03. (A) At the request of the county treasurer, a 26645
board of county commissioners may enter into a contract with any 26646
financial institution under which the financial institution, in 26647
accordance with the terms of the contract, receives at a post 26648
office box any type of payment or fee owed or payable to the 26649
county, opens the mail delivered to that box, processes the 26650
checks and other payments received in such mail and deposits 26651
them into the treasurer's account, and provides the county 26652
treasurer daily receipt information with respect to such 26653
payments. The contract may provide for the financial institution 26654
to receive at the post office box those payments and fees 26655
specifically named in the contract or all payments and fees 26656
payable to the county, including, but not limited to, utility, 26657
sewer, water, refuse collection, waste disposal, and airport 26658
fees, but in any case excluding taxes. The contract shall not be 26659
entered into unless: 26660

~~(A) There is attached to the contract a certification by~~ 26661
~~the auditor of state that the financial institution and the~~ 26662
~~treasurer have given assurances satisfactory to the auditor of~~ 26663
~~state that the records of the financial institution, to the~~ 26664
~~extent that they relate to payments covered by the contract,~~ 26665
~~shall be subject to examination by the auditor of state to the~~ 26666
~~same extent as if the services that the financial institution~~ 26667
~~has agreed to perform were being performed by the treasurer.~~ 26668

~~(B)~~ (1) The contract is awarded in accordance with sections 26669
307.86 to 307.92 of the Revised Code. 26670

~~(C)~~ (2) The treasurer's surety bond includes within its 26671
coverage any loss that might occur as the result of the 26672
contract. 26673

~~(D)~~ (3) The provisions of the contract do not conflict with 26674
accounting and reporting requirements prescribed by the auditor 26675
of state. 26676

(B) The records of the financial institution are subject 26677
to examination by the auditor of state to the same extent as if 26678
the services that the financial institution has agreed to 26679
perform were being performed by the treasurer. 26680

Sec. 323.131. (A) Each tax bill prepared and mailed or 26681
delivered under section 323.13 of the Revised Code shall be in 26682
the form and contain the information required by the tax 26683
commissioner. The commissioner may prescribe different forms for 26684
each county and may authorize the county auditor to make up tax 26685
bills and tax receipts to be used by the county treasurer. For 26686
any county in which the board of county commissioners has 26687
granted a partial property tax exemption on homesteads under 26688
section 323.158 of the Revised Code, the commissioner shall 26689
require that the tax bills for those homesteads include a notice 26690
of the amount of the tax reduction that results from the partial 26691
exemption. In addition to the information required by the 26692
commissioner, each tax bill shall contain the following 26693
information: 26694

(1) The taxes levied and the taxes charged and payable 26695
against the property; 26696

(2) The effective tax rate. The words "effective tax rate" 26697

shall appear in boldface type. 26698

(3) The following notices: 26699

(a) "Notice: If the taxes are not paid within sixty days 26700
from the date they are certified delinquent, the property is 26701
subject to foreclosure for tax delinquency." Failure to provide 26702
such notice has no effect upon the validity of any tax 26703
foreclosure to which a property is subjected. 26704

(b) "Notice: If the taxes charged against this parcel have 26705
been reduced by the 2-1/2 per cent tax reduction for residences 26706
occupied by the owner but the property is not a residence 26707
occupied by the owner, the owner must notify the county 26708
auditor's office not later than March 31 of the year following 26709
the year for which the taxes are due. Failure to do so may 26710
result in the owner being convicted of a fourth degree 26711
misdemeanor, which is punishable by imprisonment up to 30 days, 26712
a fine up to \$250, or both, and in the owner having to repay the 26713
amount by which the taxes were erroneously or illegally reduced, 26714
plus any interest that may apply. 26715

If the taxes charged against this parcel have not been 26716
reduced by the 2-1/2 per cent tax reduction and the parcel 26717
includes a residence occupied by the owner, the parcel may 26718
qualify for the tax reduction. To obtain an application for the 26719
tax reduction or further information, the owner may contact the 26720
county auditor's office at _____ (insert the address and 26721
telephone number of the county auditor's office). 26722

(4) For a tract or lot on the real property tax suspension 26723
list under section 319.48 of the Revised Code, the following 26724
notice: "Notice: The taxes shown due on this bill are for the 26725
current year only. Delinquent taxes, penalties, and interest 26726

also are due on this property. Contact the county treasurer to 26727
learn the total amount due." 26728

(5) For a property, the tax liability of which has been 26729
reduced under section 5705.316 of the Revised Code for the 26730
current tax year, the following notice: "Notice: The school 26731
district taxes shown due on this bill are reduced only for the 26732
current year due to the school district's excess carry-over 26733
balance." 26734

The tax bill shall not contain or be mailed or delivered 26735
with any information or material that is not required by this 26736
section or that is not authorized by section 321.45 of the 26737
Revised Code or by the tax commissioner. 26738

(B) If the property is residential rental property, the 26739
tax bill shall contain a statement that the owner of the 26740
residential rental property shall file with the county auditor 26741
the information required under division (A) or (C) of section 26742
5323.02 of the Revised Code. 26743

(C) Each county auditor and treasurer shall post on their 26744
respective web sites, or on the county's web site, the 26745
percentage of property taxes charged by each taxing unit and, in 26746
the case of the county as a taxing unit, the percentage of taxes 26747
charged by the county for each of the county purposes for which 26748
taxes are charged. 26749

(D) As used in this section, "residential rental property" 26750
has the same meaning as in section 5323.01 of the Revised Code. 26751

Sec. 323.152. In addition to the reduction in taxes 26752
required under ~~section~~ sections 319.302 and 319.304 of the 26753
Revised Code, taxes shall be reduced as provided in divisions 26754
(A) and (B) of this section. 26755

(A) (1) (a) Division (A) (1) of this section applies to any 26756
of the following persons: 26757

(i) A person who is permanently and totally disabled; 26758

(ii) A person who is sixty-five years of age or older; 26759

(iii) A person who is the surviving spouse of a deceased 26760
person who was permanently and totally disabled or sixty-five 26761
years of age or older and who applied and qualified for a 26762
reduction in taxes under this division in the year of death, 26763
provided the surviving spouse is at least fifty-nine but not 26764
sixty-five or more years of age on the date the deceased spouse 26765
dies. 26766

(b) Real property taxes on a homestead owned and occupied, 26767
or a homestead in a housing cooperative occupied, by a person to 26768
whom division (A) (1) of this section applies shall be reduced 26769
for each year for which an application for the reduction has 26770
been approved. The reduction shall equal one of the following 26771
amounts, as applicable to the person: 26772

(i) If the person received a reduction under division (A) 26773
(1) of this section for tax year 2006, the greater of the 26774
reduction for that tax year or the amount computed under 26775
division (A) (1) (c) of this section; 26776

(ii) If the person received, for any homestead, a 26777
reduction under division (A) (1) of this section for tax year 26778
2013 or under division (A) of section 4503.065 of the Revised 26779
Code for tax year 2014 or the person is the surviving spouse of 26780
such a person and the surviving spouse is at least fifty-nine 26781
years of age on the date the deceased spouse dies, the amount 26782
computed under division (A) (1) (c) of this section. 26783

(iii) If the person is not described in division (A) (1) (b) 26784

(i) or (ii) of this section and the person's total income does 26785
not exceed thirty thousand dollars, as adjusted under division 26786
(A) (1) (d) of this section, the amount computed under division 26787
(A) (1) (c) of this section. 26788

(c) The amount of the reduction under division (A) (1) (c) 26789
of this section equals the product of the following: 26790

(i) Twenty-five thousand dollars of the true value of the 26791
property in money, as adjusted under division (A) (1) (d) of this 26792
section; 26793

(ii) The assessment percentage established by the tax 26794
commissioner under division (B) of section 5715.01 of the 26795
Revised Code, not to exceed thirty-five per cent; 26796

(iii) The effective tax rate used to calculate the taxes 26797
charged against the property for the current year, where 26798
"effective tax rate" is defined as in section 323.08 of the 26799
Revised Code; 26800

(iv) The quantity equal to one minus the sum of the 26801
percentage reductions in taxes received by the property for the 26802
current tax year under section 319.302 of the Revised Code and 26803
division (B) of section 323.152 of the Revised Code. 26804

(d) The tax commissioner shall adjust the total income 26805
threshold described in division (A) (1) (b) (iii) and the reduction 26806
amounts described in divisions (A) (1) (c) (i), (A) (2), and (A) (3) 26807
of this section by completing the following calculations in 26808
September of each year: 26809

(i) Determine the percentage increase in the gross 26810
domestic product deflator determined by the bureau of economic 26811
analysis of the United States department of commerce from the 26812
first day of January of the preceding calendar year to the last 26813

day of December of the preceding calendar year; 26814

(ii) Multiply that percentage increase by the total income 26815
threshold or reduction amount for the current tax year, as 26816
applicable; 26817

(iii) Add the resulting product to the total income 26818
threshold or the reduction amount, as applicable, for the 26819
current tax year; 26820

(iv) Round the resulting sum to the nearest multiple of 26821
one hundred dollars. 26822

The commissioner shall certify the amount resulting from 26823
each adjustment to each county auditor not later than the first 26824
day of December each year. The certified total income threshold 26825
amount applies to the following tax year for persons described 26826
in division (A) (1) (b) (iii) of this section. The certified 26827
reduction amount applies to the following tax year. The 26828
commissioner shall not make the applicable adjustment in any 26829
calendar year in which the amount resulting from the adjustment 26830
would be less than the total income threshold or the reduction 26831
amount for the current tax year. 26832

(2) (a) Real property taxes on a homestead owned and 26833
occupied, or a homestead in a housing cooperative occupied, by a 26834
disabled veteran shall be reduced for each year for which an 26835
application for the reduction has been approved. The reduction 26836
shall equal the product obtained by multiplying fifty thousand 26837
dollars of the true value of the property in money, as adjusted 26838
under division (A) (1) (d) of this section, by the amounts 26839
described in divisions (A) (1) (c) (ii) to (iv) of this section. 26840
The reduction is in lieu of any reduction under section 323.158 26841
of the Revised Code or division (A) (1), (2) (b), or (3) of this 26842

section. The reduction applies to only one homestead owned and 26843
occupied by a disabled veteran. 26844

(b) Real property taxes on a homestead owned and occupied, 26845
or a homestead in a housing cooperative occupied, by the 26846
surviving spouse of a disabled veteran shall be reduced for each 26847
year an application for exemption is approved. The reduction 26848
shall equal to the amount of the reduction authorized under 26849
division (A) (2) (a) of this section. 26850

The reduction is in lieu of any reduction under section 26851
323.158 of the Revised Code or division (A) (1), (2) (a), or (3) 26852
of this section. The reduction applies to only one homestead 26853
owned and occupied by the surviving spouse of a disabled 26854
veteran. A homestead qualifies for a reduction in taxes under 26855
division (A) (2) (b) of this section beginning in one of the 26856
following tax years: 26857

(i) For a surviving spouse described in division (L) (1) of 26858
section 323.151 of the Revised Code, the year the disabled 26859
veteran dies; 26860

(ii) For a surviving spouse described in division (L) (2) 26861
of section 323.151 of the Revised Code, the first year on the 26862
first day of January of which the total disability rating 26863
described in division (F) of that section has been received for 26864
the deceased spouse. 26865

In either case, the reduction shall continue through the 26866
tax year in which the surviving spouse dies or remarries. 26867

(3) Real property taxes on a homestead owned and occupied, 26868
or a homestead in a housing cooperative occupied, by the 26869
surviving spouse of a public service officer killed in the line 26870
of duty shall be reduced for each year for which an application 26871

for the reduction has been approved. The reduction shall equal 26872
the product obtained by multiplying fifty thousand dollars of 26873
the true value of the property in money, as adjusted under 26874
division (A) (1) (d) of this section, by the amounts described in 26875
divisions (A) (1) (c) (ii) to (iv) of this section. The reduction 26876
is in lieu of any reduction under section 323.158 of the Revised 26877
Code or division (A) (1) or (2) of this section. The reduction 26878
applies to only one homestead owned and occupied by such a 26879
surviving spouse. A homestead qualifies for a reduction in taxes 26880
under division (A) (3) of this section for the tax year in which 26881
the public service officer dies through the tax year in which 26882
the surviving spouse dies or remarries. 26883

(B) (1) As used in division (B) of this section, 26884
"qualifying levy" has the same meaning as in section 319.302 of 26885
the Revised Code. 26886

(2) To provide a partial exemption, real property taxes on 26887
any homestead, and manufactured home taxes on any manufactured 26888
or mobile home on which a manufactured home tax is assessed 26889
pursuant to division (D) (2) of section 4503.06 of the Revised 26890
Code, shall be reduced for each year for which an application 26891
for the reduction has been approved. The amount of the reduction 26892
shall equal two and one-half per cent of the amount of taxes to 26893
be levied by qualifying levies on the homestead or the 26894
manufactured or mobile home after applying section 319.301 of 26895
the Revised Code. ~~For the purposes of this division, "qualifying~~ 26896
~~levy" has the same meaning as in section 319.302 of the Revised~~ 26897
~~Code.~~ 26898

(3) A board of county commissioners, by resolution, may 26899
authorize a partial exemption from the real property taxes or 26900
manufactured home taxes on any property or manufactured or 26901

mobile home that receives the partial exemption under division 26902
(B) (2) of this section. The resolution shall specify the amount 26903
of the partial exemption, which may equal up to two and one-half 26904
per cent of the amount of taxes to be levied by qualifying 26905
levies on the property or home after applying section 319.301 of 26906
the Revised Code. The partial exemption shall be applied 26907
concurrently with the partial exemption under division (B) (2) of 26908
this section, and no application shall be required under section 26909
323.153 of the Revised Code to obtain the partial exemption 26910
authorized pursuant to this section. 26911

The board shall certify a copy of the resolution, or a 26912
copy of any resolution repealing the partial exemption's 26913
authorization, to the county auditor and tax commissioner within 26914
thirty days after its adoption. If the resolution is adopted on 26915
or before the first day of July of a tax year, the partial 26916
exemption shall first apply or cease to apply, in the case of 26917
real property taxes, to that tax year or, in the case of 26918
manufactured home taxes, the following tax year. If the 26919
resolution is adopted after the first day of July of a tax year, 26920
the partial exemption shall first apply or cease to apply, in 26921
the case of real property taxes, to the following tax year or, 26922
in the case of manufactured home taxes, the second succeeding 26923
tax year. 26924

(C) The reductions granted by this section do not apply to 26925
special assessments or respread of assessments levied against 26926
the homestead, and if there is a transfer of ownership 26927
subsequent to the filing of an application for a reduction in 26928
taxes, such reductions are not forfeited for such year by virtue 26929
of such transfer. 26930

(D) The reductions in taxable value referred to in this 26931

section shall be applied solely as a factor for the purpose of 26932
computing the reduction of taxes under this section and shall 26933
not affect the total value of property in any subdivision or 26934
taxing district as listed and assessed for taxation on the tax 26935
lists and duplicates, or any direct or indirect limitations on 26936
indebtedness of a subdivision or taxing district. If after 26937
application of sections 5705.31 and 5705.32 of the Revised Code, 26938
including the allocation of all levies within the ten-mill 26939
limitation to debt charges to the extent therein provided, there 26940
would be insufficient funds for payment of debt charges not 26941
provided for by levies in excess of the ten-mill limitation, the 26942
reduction of taxes provided for in sections 323.151 to 323.159 26943
of the Revised Code shall be proportionately adjusted to the 26944
extent necessary to provide such funds from levies within the 26945
ten-mill limitation. 26946

(E) No reduction shall be made on the taxes due on the 26947
homestead of any person convicted of violating division (D) or 26948
(E) of section 323.153 of the Revised Code for a period of three 26949
years following the conviction. 26950

Sec. 323.153. (A) To obtain a reduction in real property 26951
taxes under division (A) or ~~(B)~~ (B) (2) of section 323.152 of the 26952
Revised Code or in manufactured home taxes under division ~~(B)~~ (B) 26953
(2) of section 323.152 of the Revised Code, the owner shall file 26954
an application with the county auditor of the county in which 26955
the owner's homestead is located. 26956

To obtain a reduction in real property taxes under 26957
division (A) of section 323.152 of the Revised Code, the 26958
occupant of a homestead in a housing cooperative shall file an 26959
application with the nonprofit corporation that owns and 26960
operates the housing cooperative, in accordance with this 26961

paragraph. Not later than the first day of March each year, the 26962
corporation shall obtain applications from the county auditor's 26963
office and provide one to each new occupant. Not later than the 26964
first day of May, any occupant who may be eligible for a 26965
reduction in taxes under division (A) of section 323.152 of the 26966
Revised Code shall submit the completed application to the 26967
corporation. Not later than the fifteenth day of May, the 26968
corporation shall file all completed applications, and the 26969
information required by division (B) of section 323.159 of the 26970
Revised Code, with the county auditor of the county in which the 26971
occupants' homesteads are located. Continuing applications shall 26972
be furnished to an occupant in the manner provided in division 26973
(C) (4) of this section. 26974

(1) An application for reduction based upon a physical 26975
disability shall be accompanied by a certificate signed by a 26976
physician, and an application for reduction based upon a mental 26977
disability shall be accompanied by a certificate signed by a 26978
physician or psychologist licensed to practice in this state, 26979
attesting to the fact that the applicant is permanently and 26980
totally disabled. The certificate shall be in a form that the 26981
tax commissioner requires and shall include the definition of 26982
permanently and totally disabled as set forth in section 323.151 26983
of the Revised Code. An application for reduction based upon a 26984
disability certified as permanent and total by a state or 26985
federal agency having the function of so classifying persons 26986
shall be accompanied by a certificate from that agency. 26987

An application by a disabled veteran or the surviving 26988
spouse of a disabled veteran for the reduction under division 26989
(A) (2) (a) or (b) of section 323.152 of the Revised Code shall be 26990
accompanied by a letter or other written confirmation from the 26991
United States department of veterans affairs, or its predecessor 26992

or successor agency, showing that the veteran qualifies as a disabled veteran.

An application by the surviving spouse of a public service officer killed in the line of duty for the reduction under division (A) (3) of section 323.152 of the Revised Code shall be accompanied by a letter or other written confirmation from an employee or officer of the board of trustees of a retirement or pension fund in this state or another state or from the chief or other chief executive of the department, agency, or other employer for which the public service officer served when killed in the line of duty affirming that the public service officer was killed in the line of duty.

An application for a reduction under division (A) of section 323.152 of the Revised Code constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead.

(2) An application for a reduction in taxes under division ~~(B)~~ (B) (2) of section 323.152 of the Revised Code shall be filed only if the homestead or manufactured or mobile home was transferred in the preceding year or did not qualify for and receive the reduction in taxes under that division for the preceding tax year. The application for homesteads transferred in the preceding year shall be incorporated into any form used by the county auditor to administer the tax law in respect to the conveyance of real property pursuant to section 319.20 of the Revised Code or of used manufactured homes or used mobile homes as defined in section 5739.0210 of the Revised Code. The owner of a manufactured or mobile home who has elected under division (D) (4) of section 4503.06 of the Revised Code to be taxed under division (D) (2) of that section for the ensuing year

may file the application at the time of making that election. 27023
The application shall contain a statement that failure by the 27024
applicant to affirm on the application that the dwelling on the 27025
property conveyed is the applicant's homestead prohibits the 27026
owner from receiving the reduction in taxes until a proper 27027
application is filed within the period prescribed by division 27028
(A) (3) of this section. Such an application constitutes a 27029
continuing application for a reduction in taxes for each year in 27030
which the dwelling is the applicant's homestead. 27031

(3) Failure to receive a new application filed under 27032
division (A) (1) or (2) or notification under division (C) of 27033
this section after an application for reduction has been 27034
approved is prima-facie evidence that the original applicant is 27035
entitled to the reduction in taxes calculated on the basis of 27036
the information contained in the original application. The 27037
original application and any subsequent application, including 27038
any late application, shall be in the form of a signed statement 27039
and shall be filed on or before the thirty-first day of December 27040
of the year for which the reduction is sought. The original 27041
application and any subsequent application for a reduction in 27042
manufactured home taxes shall be filed in the year preceding the 27043
year for which the reduction is sought. The statement shall be 27044
on a form, devised and supplied by the tax commissioner, which 27045
shall require no more information than is necessary to establish 27046
the applicant's eligibility for the reduction in taxes and the 27047
amount of the reduction, and, except for homesteads that are 27048
units in a housing cooperative, shall include an affirmation by 27049
the applicant that ownership of the homestead was not acquired 27050
from a person, other than the applicant's spouse, related to the 27051
owner by consanguinity or affinity for the purpose of qualifying 27052
for the real property or manufactured home tax reduction 27053

provided for in division (A) or ~~(B)~~ (B) (2) of section 323.152 of 27054
the Revised Code. The form shall contain a statement that 27055
conviction of willfully falsifying information to obtain a 27056
reduction in taxes or failing to comply with division (C) of 27057
this section results in the revocation of the right to the 27058
reduction for a period of three years. In the case of an 27059
application for a reduction in taxes for persons described in 27060
division (A) (1) (b) (iii) of section 323.152 of the Revised Code, 27061
the form shall contain a statement that signing the application 27062
constitutes a delegation of authority by the applicant to the 27063
tax commissioner or the county auditor, individually or in 27064
consultation with each other, to examine any tax or financial 27065
records relating to the income of the applicant as stated on the 27066
application for the purpose of determining eligibility for the 27067
exemption or a possible violation of division (D) or (E) of this 27068
section. 27069

(B) A late application for a tax reduction for the year 27070
preceding the year in which an original application is filed, or 27071
for a reduction in manufactured home taxes for the year in which 27072
an original application is filed, may be filed with the original 27073
application. If the county auditor determines the information 27074
contained in the late application is correct, the auditor shall 27075
determine the amount of the reduction in taxes to which the 27076
applicant would have been entitled for the preceding tax year 27077
had the applicant's application been timely filed and approved 27078
in that year. 27079

The amount of such reduction shall be treated by the 27080
auditor as an overpayment of taxes by the applicant and shall be 27081
refunded in the manner prescribed in section 5715.22 of the 27082
Revised Code for making refunds of overpayments. The county 27083
auditor shall certify the total amount of the reductions in 27084

taxes made in the current year under this division to the tax 27085
commissioner, who shall treat the full amount thereof as a 27086
reduction in taxes for the preceding tax year and shall make 27087
reimbursement to the county therefor in the manner prescribed by 27088
section 323.156 of the Revised Code, from money appropriated for 27089
that purpose. 27090

(C) (1) If, in any year after an application has been filed 27091
under division (A) (1) or (2) of this section, the owner does not 27092
qualify for a reduction in taxes on the homestead or on the 27093
manufactured or mobile home set forth on such application, the 27094
owner shall notify the county auditor that the owner is not 27095
qualified for a reduction in taxes. 27096

(2) If, in any year after an application has been filed 27097
under division (A) (1) of this section, the occupant of a 27098
homestead in a housing cooperative does not qualify for a 27099
reduction in taxes on the homestead, the occupant shall notify 27100
the county auditor that the occupant is not qualified for a 27101
reduction in taxes or file a new application under division (A) 27102
(1) of this section. 27103

(3) If the county auditor or county treasurer discovers 27104
that an owner of property or occupant of a homestead in a 27105
housing cooperative not entitled to the reduction in taxes under 27106
division (A) or ~~(B)~~ (B) (2) of section 323.152 of the Revised Code 27107
failed to notify the county auditor as required by division (C) 27108
(1) or (2) of this section, a charge shall be imposed against 27109
the property in the amount by which taxes were reduced under 27110
that division for each tax year the county auditor ascertains 27111
that the property was not entitled to the reduction and was 27112
owned by the current owner or, in the case of a homestead in a 27113
housing cooperative, occupied by the current occupant. Interest 27114

shall accrue in the manner prescribed by division (B) of section 27115
323.121 or division (G) (2) of section 4503.06 of the Revised 27116
Code on the amount by which taxes were reduced for each such tax 27117
year as if the reduction became delinquent taxes at the close of 27118
the last day the second installment of taxes for that tax year 27119
could be paid without penalty. The county auditor shall notify 27120
the owner or occupant, by ordinary mail, of the charge, of the 27121
owner's or occupant's right to appeal the charge, and of the 27122
manner in which the owner or occupant may appeal. The owner or 27123
occupant may appeal the imposition of the charge and interest by 27124
filing an appeal with the county board of revision not later 27125
than the last day prescribed for payment of real and public 27126
utility property taxes under section 323.12 of the Revised Code 27127
following receipt of the notice and occurring at least ninety 27128
days after receipt of the notice. The appeal shall be treated in 27129
the same manner as a complaint relating to the valuation or 27130
assessment of real property under Chapter 5715. of the Revised 27131
Code. The charge and any interest shall be collected as other 27132
delinquent taxes. 27133

(4) Each year during January, the county auditor shall 27134
furnish by ordinary mail a continuing application to each person 27135
receiving a reduction under division (A) of section 323.152 of 27136
the Revised Code. The continuing application shall be used to 27137
report changes in total income, ownership, occupancy, 27138
disability, and other information earlier furnished the auditor 27139
relative to the reduction in taxes on the property. The 27140
continuing application shall be returned to the auditor not 27141
later than the thirty-first day of December; provided, that if 27142
such changes do not affect the status of the homestead exemption 27143
or the amount of the reduction to which the owner is entitled 27144
under division (A) of section 323.152 of the Revised Code or to 27145

which the occupant is entitled under section 323.159 of the Revised Code, the application does not need to be returned.

(5) Each year during February, the county auditor, except as otherwise provided in this paragraph, shall furnish by ordinary mail an original application to the owner, as of the first day of January of that year, of a homestead or a manufactured or mobile home that transferred during the preceding calendar year and that qualified for and received a reduction in taxes under division ~~(D)~~ (B) (2) of section 323.152 of the Revised Code for the preceding tax year. In order to receive the reduction under that division, the owner shall file the application with the county auditor not later than the thirty-first day of December. If the application is not timely filed, the auditor shall not grant a reduction in taxes for the homestead for the current year, and shall notify the owner that the reduction in taxes has not been granted, in the same manner prescribed under section 323.154 of the Revised Code for notification of denial of an application. Failure of an owner to receive an application does not excuse the failure of the owner to file an original application. The county auditor is not required to furnish an application under this paragraph for any homestead for which application has previously been made on a form incorporated into any form used by the county auditor to administer the tax law in respect to the conveyance of real property or of used manufactured homes or used mobile homes, and an owner who previously has applied on such a form is not required to return an application furnished under this paragraph.

(D) No person shall knowingly make a false statement for the purpose of obtaining a reduction in the person's real property or manufactured home taxes under section 323.152 of the

Revised Code. 27177

(E) No person shall knowingly fail to notify the county auditor of changes required by division (C) of this section that have the effect of maintaining or securing a reduction in taxes under section 323.152 of the Revised Code. 27178
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(F) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 323.151 to 323.159 of the Revised Code. 27182
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Sec. 323.155. The tax bill prescribed under section 323.131 of the Revised Code shall indicate the net amount of taxes due following the reductions in taxes under sections 319.301, 319.302, 319.304, 323.152, and 323.16 of the Revised Code. 27186
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Any reduction in taxes under section 323.152 of the Revised Code shall be disregarded as income or resources in determining eligibility for any program or calculating any payment under Title LI of the Revised Code. 27191
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Sec. 323.156. (A) Within thirty days after a settlement of taxes under divisions (A) and (C) of section 321.24 of the Revised Code, the county treasurer shall certify to the tax commissioner one-half of the total amount of taxes on real property that were reduced pursuant to divisions (A) and (B) (2) of section 323.152 of the Revised Code for the preceding tax year. The commissioner, within thirty days of the receipt of such certifications, shall provide for payment to the county treasurer, from the general revenue fund, of the amount certified, which shall be credited upon receipt to the county's undivided income tax fund, and an amount equal to two per cent 27195
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of the amount by which taxes were reduced, which shall be 27206
credited upon receipt to the county general fund as a payment to 27207
the county auditor and treasurer for the costs of administering 27208
the exemption provided under sections 323.151 to 323.159 of the 27209
Revised Code. 27210

(B) On or before the second Monday in September of each 27211
year, the county treasurer shall certify to the tax commissioner 27212
the total amount by which the manufactured home taxes levied in 27213
that year were reduced pursuant to division ~~(B)~~ (B) (2) of section 27214
323.152 of the Revised Code, as evidenced by the certificates of 27215
reduction and the tax duplicate certified to the county 27216
treasurer by the county auditor. The commissioner, within ninety 27217
days after the receipt of such certifications, shall provide for 27218
payment to the county treasurer, from the general revenue fund, 27219
of the amount certified, which shall be credited upon receipt to 27220
the county's undivided income tax fund, and an amount equal to 27221
two per cent of the amount by which taxes were reduced, which 27222
shall be credited upon receipt to the county general fund as a 27223
payment to the county auditor and treasurer for the costs of 27224
administering the exemption provided under sections 323.151 to 27225
323.159 of the Revised Code. 27226

(C) Immediately upon receipt of funds into the county 27227
undivided income tax fund under this section, the auditor shall 27228
distribute the full amount thereof among the taxing districts in 27229
the county as though the total had been paid as taxes by each 27230
person for whom taxes were reduced under sections 323.151 to 27231
323.159 of the Revised Code. 27232

Sec. 323.158. (A) As used in this section, "qualifying 27233
county" means a county to which both of the following apply: 27234

(1) At least one major league professional athletic team 27235

plays its home schedule in the county for the season beginning 27236
in 1996; 27237

(2) The majority of the electors of the county, voting at 27238
an election held in 1996, approved a referendum on a resolution 27239
of the board of county commissioners levying a sales and use tax 27240
under sections 5739.026 and 5741.023 of the Revised Code. 27241

(B) On or before December 31, 1996, the board of county 27242
commissioners of a qualifying county may adopt a resolution 27243
under this section. The resolution shall grant a partial real 27244
property tax exemption to each homestead in the county that also 27245
receives the tax reduction under division ~~(B)~~ (B) (2) of section 27246
323.152 of the Revised Code. The partial exemption shall take 27247
the form of the reduction by a specified percentage each year of 27248
the real property taxes on the homestead. The resolution shall 27249
specify the percentage, which may be any amount. The board may 27250
include in the resolution a condition that the partial exemption 27251
will apply only upon the receipt by the county of additional 27252
revenue from a source specified in the resolution. The 27253
resolution shall specify the tax year in which the partial 27254
exemption first applies, which may be the tax year in which the 27255
resolution takes effect as long as the resolution takes effect 27256
before the county auditor certifies the tax duplicate of real 27257
and public utility property for that tax year to the county 27258
treasurer. Upon adopting the resolution, the board shall certify 27259
copies of it to the county auditor and the tax commissioner. 27260

(C) After complying with sections 319.301, 319.302, 27261
319.304, and 323.152 of the Revised Code, the county auditor 27262
shall reduce the remaining sum to be levied against a homestead 27263
by the percentage called for in the resolution adopted under 27264
division (B) of this section. The auditor shall certify the 27265

amount of taxes remaining after the reduction to the county 27266
treasurer for collection as the real property taxes charged and 27267
payable on the homestead. 27268

(D) For each tax year, the county auditor shall certify to 27269
the board of county commissioners the total amount by which real 27270
property taxes were reduced under this section. At the time of 27271
each semi-annual settlement of real property taxes between the 27272
county auditor and county treasurer, the board of county 27273
commissioners shall pay to the auditor one-half of that total 27274
amount. Upon receipt of the payment, the county auditor shall 27275
distribute it among the various taxing districts in the county 27276
as if it had been levied, collected, and settled as real 27277
property taxes. The board of county commissioners shall make the 27278
payment from the county general fund or from any other county 27279
revenue that may be used for that purpose. In making the 27280
payment, the board may use revenue from taxes levied by the 27281
county to provide additional general revenue under sections 27282
5739.021 and 5741.021 of the Revised Code or to provide 27283
additional revenue for the county general fund under sections 27284
5739.026 and 5741.023 of the Revised Code. 27285

(E) The partial exemption under this section shall not 27286
directly or indirectly affect the determination of the principal 27287
amount of notes that may be issued in anticipation of a tax levy 27288
or the amount of securities that may be issued for any permanent 27289
improvements authorized in conjunction with a tax levy. 27290

(F) At any time, the board of county commissioners may 27291
adopt a resolution amending or repealing the partial exemption 27292
granted under this section. Upon adopting a resolution amending 27293
or repealing the partial exemption, the board shall certify 27294
copies of it to the county auditor and the tax commissioner. The 27295

resolution shall specify the tax year in which the amendment or 27296
repeal first applies, which may be the tax year in which the 27297
resolution takes effect as long as the resolution takes effect 27298
before the county auditor certifies the tax duplicate of real 27299
and public utility property for that tax year to the county 27300
treasurer. 27301

(G) If a person files a late application for a tax 27302
reduction under division ~~(B)~~ (B) (2) of section 323.152 of the 27303
Revised Code for the preceding year, and is granted the 27304
reduction, the person also shall receive the reduction under 27305
this section for the preceding year. The county auditor shall 27306
credit the amount of the reduction against the person's current 27307
year taxes, and shall include the amount of the reduction in the 27308
amount certified to the board of county commissioners under 27309
division (D) of this section. 27310

Sec. 323.611. (A) At the request of the county treasurer, 27311
a board of county commissioners may enter into a contract with 27312
any financial institution under which the financial institution, 27313
in accordance with the terms of the contract, receives real 27314
property and manufactured home tax payments at a post office 27315
box, opens the mail delivered to that box, processes the checks 27316
and other payments received in such mail and deposits them into 27317
the treasurer's account, and provides the county treasurer daily 27318
receipt information with respect to such payments. The contract 27319
shall not be entered into unless: 27320

~~(A) There is attached to the contract a certification by 27321
the auditor of state that the financial institution and the 27322
treasurer have given assurances satisfactory to the auditor of 27323
state that the records of the financial institution, to the 27324
extent that they relate to tax payments covered by the contract, 27325~~

~~shall be subject to audit by the auditor of state to the same~~ 27326
~~extent as if the services for which the financial institution~~ 27327
~~has agreed to perform were being performed by the treasurer;~~ 27328

~~(B)~~ (1) The contract is awarded in accordance with sections 27329
307.86 to 307.92 of the Revised Code; 27330

~~(C)~~ (2) The treasurer's surety bond includes within its 27331
coverage any loss that might occur as the result of the 27332
contract; 27333

~~(D)~~ (3) The provisions of the contract do not conflict with 27334
accounting and reporting requirements prescribed by the auditor 27335
of state. 27336

(B) The records of the financial institution are subject 27337
to examination by the auditor of state to the same extent as if 27338
the services that the financial institution has agreed to 27339
perform were being performed by the treasurer of state. 27340

Sec. 325.18. (A) The salary amounts under sections 325.06 27341
and 325.11 of the Revised Code shall be increased as follows: 27342

(1) Beginning in calendar year 2020 and in each calendar 27343
year thereafter through calendar year 2028~~2025, the salary~~ 27344
~~amounts under sections 325.06 and 325.11 of the Revised Code~~ 27345
~~shall be increased by one and three-quarters per cent;~~ 27346

(2) Beginning in calendar year 2026 and in each calendar 27347
year thereafter through calendar year 2029, by five per cent. 27348

(B) The salary amounts under sections 325.03, 325.04, 27349
325.08, 325.09, 325.10, 325.14, and 325.15 of the Revised Code 27350
shall be increased as follows: 27351

(1) Beginning in calendar year 2021 and in each calendar 27352
year thereafter through calendar year 2028~~2025, the salary~~ 27353

~~amounts under sections 325.03, 325.04, 325.08, 325.09, 325.10, 27354~~
~~325.14, and 325.15 of the Revised Code shall be increased by one 27355~~
~~and three-quarters per cent; 27356~~

(2) Beginning in calendar year 2026 and in each calendar 27357
year thereafter through calendar year 2029, by five per cent. 27358

(C) Notwithstanding this section and sections 325.06, 27359
325.11, 325.14, and 325.15 of the Revised Code, when computing a 27360
salary for any elected county officer under any of those 27361
sections, if the population range for the class under which the 27362
officer is to be compensated is not the same as the population 27363
range for that class for any other such elected county office, 27364
the class at which the officer's salary is determined shall be 27365
the highest class at which any officer from that same county is 27366
compensated under the population range applicable to that 27367
officer. 27368

Sec. 325.25. ~~Upon~~ (A) Subject to division (B) of this 27369
section, upon notifying the board of county commissioners, any 27370
appointing authority of a county office, department, commission, 27371
board, or body, or of a common pleas court, county court, or 27372
county-operated municipal court as defined in section 1901.03 of 27373
the Revised Code, may establish a program to recognize 27374
outstanding employee performance. The program may include, but 27375
is not limited to, cash awards, additional paid leave, or other 27376
additional benefits as the appointing authority considers 27377
appropriate, so long as the . 27378

(B) (1) The costs of the program ~~do~~ shall not exceed the 27379
total amount of compensation fixed by the board of county 27380
commissioners for the office, department, commission, board, or 27381
body or for the common pleas court, county court, or county- 27382
operated municipal court. 27383

(2) Unless authorized in writing by the board of county 27384
commissioners, the total amount of cash awards shall not exceed, 27385
per employee in any calendar year, ten per cent of the 27386
compensation the employee receives that calendar year. 27387

Sec. 340.01. (A) As used in this chapter: 27388

(1) "Addiction," "addiction services," "alcohol and drug 27389
addiction services," "alcohol use disorder," "certifiable 27390
services and supports," "community addiction services provider," 27391
"community mental health services provider," "drug addiction," 27392
"gambling addiction services," "included opioid and co-occurring 27393
drug addiction services and recovery supports," "mental health 27394
services," "mental illness," "recovery housing residence," and 27395
"recovery supports" have the same meanings as in section 5119.01 27396
of the Revised Code. 27397

(2) "Medication-assisted treatment" means alcohol and drug 27398
addiction services that are accompanied by medication approved 27399
by the United States food and drug administration for the 27400
treatment of alcohol use disorder or drug addiction, prevention 27401
of relapse, or both. 27402

(B) An alcohol, drug addiction, and mental health service 27403
district shall be established in any county or combination of 27404
counties having a population of at least fifty thousand. With 27405
the approval of the director of ~~mental-behavioral health-and-~~ 27406
~~addiction services~~, any county or combination of counties having 27407
a population of less than fifty thousand may establish such a 27408
district. Districts comprising more than one county shall be 27409
known as joint-county districts. 27410

The board of county commissioners of any county 27411
participating in a joint-county district may submit a resolution 27412

requesting withdrawal from the district together with a 27413
comprehensive plan or plans that are in compliance with rules 27414
adopted by the director of ~~mental-behavioral health and~~ 27415
~~addiction services~~ under section 5119.22 of the Revised Code to 27416
the board of alcohol, drug addiction, and mental health 27417
services, to the boards of county commissioners of each county 27418
in the district, and to the director. The plan or plans shall 27419
include all of the following: proposed bylaws for the operation 27420
of the newly established district; a list of potential board 27421
members; a list of the behavioral health services available in 27422
the newly established district, including inpatient, outpatient, 27423
prevention, and housing services; equitable adjustment and 27424
division of all services, assets, property, debts, and 27425
obligations of the former joint-county district; a plan ensuring 27426
no disruption in behavioral health services in the newly 27427
established district; and provision for the employment of an 27428
executive director of the newly established district. 27429

The director shall approve the plan not later than one 27430
year after the date the resolution was adopted by the board of 27431
county commissioners. No county participating in a joint-county 27432
district may withdraw from the district without the consent of 27433
the director of ~~mental-behavioral health and addiction services~~ 27434
nor earlier than one year after the submission of such 27435
resolution unless all of the participating counties agree to an 27436
earlier withdrawal. 27437

Any county withdrawing from a joint-county district shall 27438
continue to have levied against its tax list and duplicate any 27439
tax levied by the district during the period in which the county 27440
was a member of the district until such time as the levy expires 27441
or is renewed or replaced. 27442

(C) For any tax levied under section 5705.19 of the Revised Code by a board of a joint-county district formed on or after April 3, 2023, revenue from the tax shall only be expended for the benefit of the residents of the county from which the revenue is derived. For the purpose of this division, a joint-county district is not formed by virtue of a county joining or withdrawing from a district or if a joint-county service district merges with another joint-county district.

Sec. 340.011. (A) This chapter shall be interpreted to accomplish all of the following:

(1) Establish a unified system of treatment for persons with mental illnesses and persons with addictions;

(2) Establish a community support system available for every alcohol, drug addiction, and mental health service district;

(3) Protect the personal liberty of persons with mental illnesses so that they may be treated in the least restrictive environment;

(4) Encourage the development of high quality, cost effective, and comprehensive services, including culturally sensitive services;

(5) Foster the development of comprehensive community mental health services, based on recognized local needs, especially for persons with severe mental disabilities;

(6) Ensure that services provided meet minimum standards established by the director of ~~mental-behavioral health-and-addiction services~~ mental-behavioral health and ~~addiction services~~;

(7) Promote the delivery of high quality and cost-

effective addiction and mental health services; 27471

(8) Promote the participation of persons receiving mental 27472
health services and addiction services in the planning, 27473
delivery, and evaluation of these services. 27474

(B) Nothing in Chapter 340., 5119., or 5122. of the 27475
Revised Code shall be construed as requiring a board of county 27476
commissioners to provide resources beyond the total amount set 27477
forth in a budget and list of addiction services, mental health 27478
services, and recovery supports required by section 340.08 of 27479
the Revised Code and approved by the department of ~~mental~~ 27480
behavioral health ~~and addiction services~~ under section 5119.22 27481
of the Revised Code. 27482

Sec. 340.02. (A) For each alcohol, drug addiction, and 27483
mental health service district, there shall be appointed a board 27484
of alcohol, drug addiction, and mental health services. As 27485
provided in this section, the board shall consist of eighteen 27486
members, fifteen members, fourteen members, twelve members, or 27487
nine members. 27488

In a single-county district, the size of the board shall 27489
be determined by the board of county commissioners representing 27490
the county that constitutes the district. In a joint-county 27491
district, the size of the board shall be determined jointly by 27492
all of the boards of county commissioners representing the 27493
counties that constitute the district. 27494

The determination of board size shall be made by selecting 27495
one of the options described in division (B) of this section. 27496
After an option is selected and implemented, a subsequent 27497
determination of board size may be made, except that subsequent 27498
determinations shall not occur more frequently than once every 27499

four calendar years. 27500

If a selected option would result in a change in board 27501
size, before the option may be implemented the board of county 27502
commissioners or boards of county commissioners, as the case may 27503
be, shall send a representative to a meeting of the board of 27504
alcohol, drug addiction, and mental health services to solicit 27505
feedback about the matter. After considering any feedback 27506
received, the board or boards of county commissioners may 27507
proceed with implementing the change in board size. If the 27508
change results in a reduction of board members, the reduction 27509
shall be implemented by not filling vacancies as they occur. 27510

To implement a selected option that would result in the 27511
establishment of a new board of alcohol, drug addiction, and 27512
mental health services or in a change in size of an existing 27513
board, the board or boards of county commissioners, as the case 27514
may be, shall adopt a resolution specifying the board size that 27515
has been selected. The board or boards of county commissioners 27516
also shall notify the department of mental-behavioral health and 27517
~~addiction services~~ of the board size that has been selected. 27518

(B) (1) In the case of a board of alcohol, drug addiction, 27519
and mental health services that is established on or after ~~the~~ 27520
~~effective date of this amendment~~ October 3, 2023, any of the 27521
following options may be selected for purposes of division (A) 27522
of this section: 27523

(a) To establish the board as an eighteen-member board; 27524

(b) To establish the board as a fifteen-member board; 27525

(c) To establish the board as a fourteen-member board; 27526

(d) To establish the board as a twelve-member board; 27527

(e) To establish the board as a nine-member board; 27528

(f) To change the board's size after it has been 27529
established by selecting a number of members that is eighteen, 27530
fifteen, fourteen, twelve, or nine, as the case may be. 27531

(2) In the case of a board of alcohol, drug addiction, and 27532
mental health services that existed immediately prior to ~~the~~ 27533
~~effective date of this amendment~~ October 3, 2023, either of the 27534
following options may be selected for purposes of division (A) 27535
of this section: 27536

(a) To continue the board's operation as an eighteen- 27537
member or fourteen-member board, as a board of that size was 27538
authorized prior to ~~the effective date of this amendment~~ October 27539
3, 2023, in which case no further action is required; 27540

(b) To change the board's size by selecting a number of 27541
members that is eighteen, fifteen, fourteen, twelve, or nine as 27542
the case may be. 27543

(C) All members shall be residents of the service 27544
district. The membership shall, as nearly as possible, reflect 27545
the composition of the population of the service district as to 27546
race and sex. 27547

The director of ~~mental-behavioral health and addiction-~~ 27548
~~services~~ shall appoint one-third of the members of the board and 27549
the board of county commissioners shall appoint two-thirds of 27550
the members. In a joint-county district, the board of county 27551
commissioners of each participating county shall appoint members 27552
in as nearly as possible the same proportion as that county's 27553
population bears to the total population of the district, except 27554
that at least one member shall be appointed from each 27555
participating county. 27556

The director of ~~mental-behavioral health and addiction-~~ 27557
~~services~~ shall ensure that at least one member of the board is a 27558
clinician with experience in the delivery of mental health 27559
services, at least one member of the board is a person who has 27560
received or is receiving mental health services, at least one 27561
member of the board is a parent or other relative of such a 27562
person, at least one member of the board is a clinician with 27563
experience in the delivery of addiction services, at least one 27564
member of the board is a person who has received or is receiving 27565
addiction services, and at least one member of the board is a 27566
parent or other relative of such a person. A single member who 27567
meets both qualifications may fulfill the requirement for a 27568
clinician with experience in the delivery of mental health 27569
services and a clinician with experience in the delivery of 27570
addiction services. 27571

No member or employee of a board of alcohol, drug 27572
addiction, and mental health services shall serve as a member of 27573
the board of any provider with which the board of alcohol, drug 27574
addiction, and mental health services has entered into a 27575
contract for the provision of services or facilities. No member 27576
of a board of alcohol, drug addiction, and mental health 27577
services shall be an employee of any provider with which the 27578
board has entered into a contract for the provision of services 27579
or facilities. No person shall be an employee of a board and 27580
such a provider unless the board and provider both agree in 27581
writing. 27582

No person shall serve as a member of the board of alcohol, 27583
drug addiction, and mental health services whose spouse, child, 27584
parent, brother, sister, grandchild, stepparent, stepchild, 27585
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 27586
law, daughter-in-law, brother-in-law, or sister-in-law serves as 27587

a member of the board of any provider with which the board of 27588
alcohol, drug addiction, and mental health services has entered 27589
into a contract for the provision of services or facilities. No 27590
person shall serve as a member or employee of the board whose 27591
spouse, child, parent, brother, sister, stepparent, stepchild, 27592
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 27593
law, daughter-in-law, brother-in-law, or sister-in-law serves as 27594
a county commissioner of a county or counties in the alcohol, 27595
drug addiction, and mental health service district. 27596

Each year each board member shall attend at least one 27597
inservice training session provided or approved by the 27598
department of ~~mental behavioral health and addiction services.~~ 27599

Each member shall be appointed for a term of four years, 27600
commencing the first day of July, except that when a board is 27601
established on or after ~~the effective date of this amendment~~ 27602
October 3, 2023, the initial appointments shall be staggered 27603
among the members as equally as possible with terms of two 27604
years, three years, and four years. 27605

No member shall serve more than two consecutive four-year 27606
terms under the same appointing authority. A member may serve 27607
for three consecutive terms under the same appointing authority 27608
only if one of the terms is for less than two years. A member 27609
who has served two consecutive four-year terms or three 27610
consecutive terms totaling less than ten years is eligible for 27611
reappointment by the same appointing authority one year 27612
following the end of the second or third term, respectively. 27613

When a vacancy occurs, appointment for the expired or 27614
unexpired term shall be made in the same manner as an original 27615
appointment. The board shall notify the appointing authority 27616
either by certified mail or, if the board has record of an 27617

internet identifier of record associated with the authority, by 27618
ordinary mail and by that internet identifier of record of any 27619
vacancy and shall fill the vacancy within sixty days following 27620
that notice. As used in this paragraph, "internet identifier of 27621
record" has the same meaning as in section 9.312 of the Revised 27622
Code. 27623

Any member of the board may be removed from office by the 27624
appointing authority at will. Before a member may be removed at 27625
will, the member shall be informed in writing of the proposed 27626
removal and afforded an opportunity for a public hearing. Upon 27627
the absence of a member within one year from either four board 27628
meetings or from two board meetings without prior notice, the 27629
board shall notify the appointing authority, which may vacate 27630
the appointment and appoint another person to complete the 27631
member's term. 27632

Members of the board shall serve without compensation, but 27633
shall be reimbursed for actual and necessary expenses incurred 27634
in the performance of their official duties, as defined by rules 27635
of the department of ~~mental behavioral health and addiction~~ 27636
~~services~~. 27637

Sec. 340.021. (A) In an alcohol, drug addiction, and 27638
mental health service district where the board of county 27639
commissioners has established an alcohol and drug addiction 27640
services board, the community mental health board established 27641
under former section 340.02 of the Revised Code shall serve as 27642
the entity responsible for providing mental health services in 27643
the county. A community mental health board has all the powers, 27644
duties, and obligations of a board of alcohol, drug addiction, 27645
and mental health services with regard to mental health 27646
services. An alcohol and drug addiction services board has all 27647

the powers, duties, and obligations of a board of alcohol, drug 27648
addiction, and mental health services with regard to addiction 27649
services. Any provision of the Revised Code that refers to a 27650
board of alcohol, drug addiction, and mental health services 27651
with regard to mental health services also refers to a community 27652
mental health board and any provision that refers to a board of 27653
alcohol, drug addiction, and mental health services with regard 27654
to alcohol and drug addiction services also refers to an alcohol 27655
and drug addiction services board. 27656

An alcohol and drug addiction services board shall consist 27657
of eighteen members or fourteen members, at the election of the 27658
board. Not later than January 1, 2014, each alcohol and drug 27659
addiction services board shall notify the department of ~~mental-~~ 27660
behavioral health and addiction services of its election to 27661
operate as an eighteen-member board or to operate as a fourteen- 27662
member board. The election shall be final. Failure to provide 27663
notice of its election to the department on or before January 1, 27664
2014, shall constitute an election to continue to operate as an 27665
eighteen-member board. If an existing board provides timely 27666
notice of its election to operate as a fourteen-member board, 27667
the number of board members may decline from eighteen to 27668
fourteen by attrition as current members' terms expire. However, 27669
the composition of the board must reflect the requirements set 27670
forth in this section and in applicable provisions of section 27671
340.02 of the Revised Code for fourteen-member boards. For 27672
boards operating as eighteen-member boards, six members shall be 27673
appointed by the director of ~~mental-~~behavioral health and 27674
~~addiction services~~ and twelve members shall be appointed by the 27675
board of county commissioners. The director of ~~mental-~~behavioral 27676
~~health and addiction services~~ shall ensure that at least one 27677
member of the board is a person who has received or is receiving 27678

services for alcohol, drug, or gambling addiction, at least one 27679
member is a parent or relative of such a person, and at least 27680
one member is a clinician with experience in the delivery of 27681
addiction services. The membership of the board shall, as nearly 27682
as possible, reflect the composition of the population of the 27683
service district as to race and sex. Members shall be residents 27684
of the service district and shall be interested in alcohol, 27685
drug, or gambling addiction services. Requirements for 27686
membership, including prohibitions against certain family and 27687
business relationships, and terms of office shall be the same as 27688
those for members of boards of alcohol, drug addiction, and 27689
mental health services. 27690

A community mental health board shall consist of eighteen 27691
members or fourteen members, at the election of the board. Not 27692
later than January 1, 2014, each community mental health board 27693
shall notify the department of ~~mental-behavioral health and~~ 27694
~~addiction services~~ of its election to operate as an eighteen- 27695
member board or to operate as a fourteen-member board. The 27696
election shall be final. Failure to provide notice of its 27697
election to the department on or before January 1, 2014, shall 27698
constitute an election to continue to operate as an eighteen- 27699
member board. If an existing board provides timely notice of its 27700
election to operate as a fourteen-member board, the number of 27701
board members may decline from eighteen to fourteen by attrition 27702
as current members' terms expire. However, the composition of 27703
the board must reflect the requirements set forth in this 27704
section and in applicable provisions of section 340.02 of the 27705
Revised Code for fourteen-member boards. For boards operating as 27706
eighteen-member boards, six members shall be appointed by the 27707
director of ~~mental-behavioral health and addiction services~~ and 27708
twelve members shall be appointed by the board of county 27709

commissioners. The director of ~~mental~~-behavioral health and- 27710
~~addiction services~~ shall ensure that at least one member of the 27711
board is a person who has received or is receiving mental health 27712
services, at least one member is a parent or relative of such a 27713
person, and at least one member is a clinician with experience 27714
in the delivery of mental health services. The membership of the 27715
board as nearly as possible shall reflect the composition of the 27716
population of the service district as to race and sex. Members 27717
shall be residents of the service district and shall be 27718
interested in mental health services. Requirements for 27719
membership, including prohibitions against certain family and 27720
business relationships, and terms of office shall be the same as 27721
those for members of boards of alcohol, drug addiction, and 27722
mental health services. 27723

(B) (1) If a board of county commissioners subject to 27724
division (A) of this section did not adopt a final resolution 27725
providing for a board of alcohol, drug addiction, and mental 27726
health services on or before July 1, 2007, the board of county 27727
commissioners may establish a board of alcohol, drug addiction, 27728
and mental health services on or after September 23, 2008. To 27729
establish the board, the board of county commissioners shall 27730
adopt a resolution providing for the board's establishment. The 27731
composition of the board, the procedures for appointing members, 27732
and all other matters related to the board and its members are 27733
subject to section 340.02 of the Revised Code, with the 27734
following exceptions: 27735

(a) For initial appointments to the board, the county's 27736
community mental health board and alcohol and drug addiction 27737
services board shall jointly recommend members of those boards 27738
for reappointment and shall submit the recommendations to the 27739
board of county commissioners and the director of ~~mental~~- 27740

behavioral health and addiction services. 27741

(b) The appointing authorities shall appoint the initial 27742
members from among the members jointly recommended under 27743
division (B) (1) (a) of this section unless the appointment is 27744
otherwise prohibited by law. 27745

(2) If a board of alcohol, drug addiction, and mental 27746
health services is established pursuant to division (B) (1) of 27747
this section, the board has the same rights, privileges, 27748
immunities, powers, and duties that were possessed by the 27749
county's community mental health board and alcohol and drug 27750
addiction services board. When the board is established, all 27751
property and obligations of the community mental health board 27752
and alcohol and drug addiction services board shall be 27753
transferred to the board of alcohol, drug addiction, and mental 27754
health services. 27755

Sec. 340.022. Notwithstanding the procedures established 27756
by section 340.02 of the Revised Code for determining the size 27757
of a board of alcohol, drug addiction, and mental health 27758
services, the size of a board shall be determined in accordance 27759
with this section in both of the following circumstances: 27760

(A) (1) If the director of ~~mental behavioral health and~~ 27761
~~addiction services~~ during the period beginning January 1, 2021, 27762
and ending December 31, 2022, grants approval to a board of 27763
county commissioners of a county with a population of at least 27764
seventy thousand but not more than eighty thousand, according to 27765
data from the 2010 federal census, to withdraw from a joint- 27766
county alcohol, drug addiction, and mental health service 27767
district pursuant to section 340.01 of the Revised Code, the 27768
size of the board shall be determined by the board of county 27769
commissioners representing the county that constitutes the 27770

single-county alcohol, drug addiction, and mental health service 27771
district created as a result of the withdrawal. The 27772
determination shall be made from among the options that may be 27773
selected under division (A)(2) of this section. Once an option 27774
is selected, the board of county commissioners shall adopt a 27775
resolution specifying the selection that has been made and shall 27776
notify the department of ~~mental-behavioral health-and-addiction-~~ 27777
~~services~~. After the resolution is adopted and the department is 27778
notified, the determination of size is final. 27779

(2) In the case of a board of alcohol, drug addiction, and 27780
mental health services that is established on or after the date 27781
the director grants the approval to withdraw described in 27782
division (A)(1) of this section, either of the following options 27783
may be selected by the board of county commissioners when making 27784
the determination required under that division: 27785

(a) To establish the board as an eighteen-member board; 27786

(b) To establish the board as a fourteen-member board. 27787

(3) When a board is established on or after September 30, 27788
2021, the initial appointments shall be staggered among the 27789
members as equally as possible with terms of two years, three 27790
years, and four years. 27791

(B)(1) If a county with a population of at least thirty- 27792
five thousand but not more than forty-five thousand, according 27793
to data from the 2010 federal census, joins an existing alcohol, 27794
drug addiction, and mental health service district during the 27795
period beginning on June 30, 2021, and ending June 30, 2023, the 27796
existing board of alcohol, drug addiction, and mental health 27797
services serving that district may elect to expand its 27798
membership to eighteen members if the existing board has 27799

fourteen members. 27800

(2) The option to expand the board, as provided in 27801
division (B)(1) of this section, is available only during the 27802
twelve-month period beginning on the date the county with a 27803
population of at least thirty-five thousand but not more than 27804
forty-five thousand joins the alcohol, drug addiction, and 27805
mental health service district served by the board. The 27806
additional members shall be appointed in the manner specified in 27807
section 340.02 of the Revised Code. 27808

Sec. 340.03. (A) Subject to rules issued by the director 27809
of ~~mental behavioral health and addiction services~~ after 27810
consultation with relevant constituencies as required by 27811
division (A)(10) of section 5119.21 of the Revised Code, each 27812
board of alcohol, drug addiction, and mental health services 27813
shall: 27814

(1) Serve as the community addiction and mental health 27815
planning agency for the county or counties under its 27816
jurisdiction, and in so doing it shall: 27817

(a) Evaluate the need for facility services, addiction 27818
services, mental health services, and recovery supports; 27819

(b) In cooperation with other local and regional planning 27820
and funding bodies and with relevant ethnic organizations, 27821
evaluate strengths and challenges and set priorities for 27822
addiction services, mental health services, and recovery 27823
supports. A board shall include treatment and prevention 27824
services when setting priorities for addiction services and 27825
mental health services. When a board sets priorities for 27826
addiction services, the board shall consult with the county 27827
commissioners of the counties in the board's service district 27828

regarding the services described in section 340.15 of the 27829
Revised Code and shall give priority to those services, except 27830
that those services shall not have a priority over services 27831
provided to pregnant women under programs developed in relation 27832
to the mandate established in section 5119.17 of the Revised 27833
Code. 27834

(c) In accordance with guidelines issued by the director 27835
of ~~mental behavioral health and addiction services~~ under 27836
division (F) of section 5119.22 of the Revised Code, annually 27837
develop and submit to the department of ~~mental behavioral health~~ 27838
~~and addiction services~~ a community addiction and mental health 27839
plan that addresses both of the following: 27840

(i) The needs of all residents of the service district 27841
currently receiving inpatient services in state-operated 27842
hospitals, the needs of other populations as required by state 27843
or federal law or programs, and the needs of all children 27844
subject to a determination made pursuant to section 121.38 of 27845
the Revised Code; 27846

(ii) The department's priorities for facility services, 27847
addiction services, mental health services, and recovery 27848
supports during the period for which the plan will be in effect. 27849
The department shall inform all of the boards of the 27850
department's priorities in a timely manner that enables the 27851
boards to know the department's priorities before the boards 27852
develop and submit the plans. 27853

In alcohol, drug addiction, and mental health service 27854
districts that have separate alcohol and drug addiction services 27855
and community mental health boards, the alcohol and drug 27856
addiction services board shall submit a community addiction plan 27857
and the community mental health board shall submit a community 27858

mental health plan. Each board shall consult with its 27859
counterpart in developing its plan and address the interaction 27860
between the local addiction and mental health systems and 27861
populations with regard to needs and priorities in developing 27862
its plan. 27863

The department shall approve or disapprove the plan, in 27864
whole or in part, in accordance with division (G) of section 27865
5119.22 of the Revised Code. Eligibility for state and federal 27866
funding shall be contingent upon an approved plan or relevant 27867
part of a plan. 27868

If a board determines that it is necessary to amend an 27869
approved plan, the board shall submit a proposed amendment to 27870
the director. The director shall approve or disapprove all or 27871
part of the amendment in accordance with division (H) of section 27872
5119.22 of the Revised Code. 27873

The board shall operate in accordance with the plan 27874
approved by the department. 27875

(d) Promote, arrange, and implement working agreements 27876
with social service agencies, both public and private, and with 27877
judicial agencies. 27878

(2) Investigate, or request another agency to investigate, 27879
any complaint alleging abuse or neglect of any person receiving 27880
addiction services, mental health services, or recovery supports 27881
from a community addiction services provider or community mental 27882
health services provider or alleging abuse or neglect of a 27883
resident receiving addiction services or with mental illness or 27884
severe mental disability residing in a residential facility 27885
licensed under section 5119.34 of the Revised Code. If the 27886
investigation substantiates the charge of abuse or neglect, the 27887

board shall take whatever action it determines is necessary to 27888
correct the situation, including notification of the appropriate 27889
authorities. Upon request, the board shall provide information 27890
about such investigations to the department. 27891

(3) For the purpose of section 5119.36 of the Revised 27892
Code, cooperate with the director of ~~mental-behavioral~~ health 27893
~~and addiction services~~ in visiting and evaluating whether the 27894
certifiable services and supports of a community addiction 27895
services provider or community mental health services provider 27896
satisfy the certification standards established by rules adopted 27897
under that section. In addition, a board may provide input and 27898
recommendations to the department when an application for 27899
certification or the renewal of a certification has been 27900
submitted by a provider or when a provider is being investigated 27901
by the department, if the board, in either of those 27902
circumstances, is aware of information that would be beneficial 27903
to the department's consideration of the matter. 27904

(4) In accordance with criteria established under division 27905
(D) of section 5119.22 of the Revised Code, conduct program 27906
audits that review and evaluate the quality, effectiveness, and 27907
efficiency of addiction services, mental health services, and 27908
recovery supports provided by community addiction services 27909
providers and community mental health services providers under 27910
contract with the board and submit the board's findings and 27911
recommendations to the department of ~~mental-behavioral~~ health- 27912
~~and addiction services~~; 27913

(5) In accordance with section 5119.34 of the Revised 27914
Code, review an application for a residential facility license 27915
and provide to the department of ~~mental-behavioral~~ health and 27916
~~addiction services~~ any information about the applicant or 27917

facility that the board would like the department to consider in 27918
reviewing the application; 27919

(6) Audit, in accordance with rules adopted by the auditor 27920
of state pursuant to section 117.20 of the Revised Code, at 27921
least annually all programs, addiction services, mental health 27922
services, and recovery supports provided under contract with the 27923
board. In so doing, the board may contract for or employ the 27924
services of private auditors. A copy of the fiscal audit report 27925
shall be provided to the director of ~~mental-behavioral health-~~ 27926
~~and addiction services~~, the auditor of state, and the county 27927
auditor of each county in the board's district. 27928

(7) Recruit and promote local financial support for 27929
addiction services, mental health services, and recovery 27930
supports from private and public sources; 27931

(8) In accordance with guidelines issued by the department 27932
as necessary to comply with state and federal laws pertaining to 27933
financial assistance, approve fee schedules and related charges 27934
or adopt a unit cost schedule or other methods of payment for 27935
addiction services, mental health services, and recovery 27936
supports provided by community addiction services providers and 27937
community mental health services providers that have contracted 27938
with the board under section 340.036 of the Revised Code; 27939

(9) Submit to the director and the county commissioners of 27940
the county or counties served by the board, and make available 27941
to the public, an annual report of the addiction services, 27942
mental health services, and recovery supports under the 27943
jurisdiction of the board, including a fiscal accounting; 27944

(10) Establish a method for evaluating referrals for 27945
court-ordered treatment and affidavits filed pursuant to section 27946

5122.11 of the Revised Code in order to assist the probate 27947
division of the court of common pleas in determining whether 27948
there is probable cause that a respondent is subject to court- 27949
ordered treatment and whether alternatives to hospitalization 27950
are available and appropriate; 27951

(11) Designate the treatment services, provider, facility, 27952
or other placement for each person involuntarily committed to 27953
the board pursuant to Chapter 5122. of the Revised Code. The 27954
board shall provide the least restrictive and most appropriate 27955
alternative that is available for any person involuntarily 27956
committed to it and shall assure that the list of addiction 27957
services, mental health services, and recovery supports 27958
submitted and approved in accordance with division (B) of 27959
section 340.08 of the Revised Code are available to persons with 27960
severe mental disabilities residing within its service district. 27961
The board shall establish the procedure for authorizing payment 27962
for the services and supports, which may include prior 27963
authorization in appropriate circumstances. In accordance with 27964
section 340.037 of the Revised Code, the board may provide 27965
addiction services and mental health services directly to a 27966
person with a severe mental disability when life or safety is 27967
endangered and when no community addiction services provider or 27968
community mental health services provider is available to 27969
provide the service. 27970

(12) Ensure that housing built, subsidized, renovated, 27971
rented, owned, or leased by the board or a community addiction 27972
services provider or community mental health services provider 27973
has been approved as meeting minimum fire safety standards and 27974
that persons residing in the housing have access to appropriate 27975
and necessary services, including culturally relevant services, 27976
from a community addiction services provider or community mental 27977

health services provider. This division does not apply to 27978
residential facilities licensed pursuant to section 5119.34 of 27979
the Revised Code. 27980

(13) Establish a mechanism for obtaining advice and 27981
involvement of persons receiving addiction services, mental 27982
health services, or recovery supports on matters pertaining to 27983
services and supports in the alcohol, drug addiction, and mental 27984
health service district; 27985

(14) Perform the duties required by rules adopted under 27986
section 5119.22 of the Revised Code regarding referrals by the 27987
board or community mental health services providers under 27988
contract with the board of individuals with mental illness or 27989
severe mental disability to class two residential facilities 27990
licensed under section 5119.34 of the Revised Code and effective 27991
arrangements for ongoing mental health services for the 27992
individuals. The board is accountable in the manner specified in 27993
the rules for ensuring that the ongoing mental health services 27994
are effectively arranged for the individuals. 27995

(B) Each board of alcohol, drug addiction, and mental 27996
health services shall establish such rules, operating 27997
procedures, standards, and bylaws, and perform such other duties 27998
as may be necessary or proper to carry out the purposes of this 27999
chapter. 28000

(C) A board of alcohol, drug addiction, and mental health 28001
services may receive by gift, grant, devise, or bequest any 28002
moneys, lands, or property for the benefit of the purposes for 28003
which the board is established, and may hold and apply it 28004
according to the terms of the gift, grant, or bequest. All money 28005
received, including accrued interest, by gift, grant, or bequest 28006
shall be deposited in the treasury of the county, the treasurer 28007

of which is custodian of the alcohol, drug addiction, and mental 28008
health services funds to the credit of the board and shall be 28009
available for use by the board for purposes stated by the donor 28010
or grantor. 28011

(D) No member or employee of a board of alcohol, drug 28012
addiction, and mental health services shall be liable for injury 28013
or damages caused by any action or inaction taken within the 28014
scope of the member's official duties or the employee's 28015
employment, whether or not such action or inaction is expressly 28016
authorized by this section or any other section of the Revised 28017
Code, unless such action or inaction constitutes willful or 28018
wanton misconduct. Chapter 2744. of the Revised Code applies to 28019
any action or inaction by a member or employee of a board taken 28020
within the scope of the member's official duties or employee's 28021
employment. For the purposes of this division, the conduct of a 28022
member or employee shall not be considered willful or wanton 28023
misconduct if the member or employee acted in good faith and in 28024
a manner that the member or employee reasonably believed was in 28025
or was not opposed to the best interests of the board and, with 28026
respect to any criminal action or proceeding, had no reasonable 28027
cause to believe the conduct was unlawful. 28028

(E) The meetings held by any committee established by a 28029
board of alcohol, drug addiction, and mental health services 28030
shall be considered to be meetings of a public body subject to 28031
section 121.22 of the Revised Code. 28032

(F) (1) A board of alcohol, drug addiction, and mental 28033
health services may establish a rule, operating procedure, 28034
standard, or bylaw to allow the executive director of the board 28035
to execute both of the following types of contracts valued at 28036
twenty-five thousand dollars or less, as determined by the 28037

board, on behalf of the board without the board's prior 28038
approval: 28039

(a) Emergency contracts for clinical services or recovery 28040
support services; 28041

(b) Standard service contracts pertaining to the board's 28042
operations. 28043

(2) If a board establishes a rule, operating procedure, 28044
standard, or bylaw under division (F)(1) of this section, both 28045
of the following shall be the case: 28046

(a) The board shall define the scope of contracts 28047
described in divisions (F)(1)(a) and (b) of this section in that 28048
rule, operating procedure, standard, or bylaw. 28049

(b) The board shall disclose the existence of a contract 28050
executed pursuant to the rule, operating procedure, standard, or 28051
bylaw at the first board meeting that occurs after the contract 28052
was executed and ensure that a record of that disclosure is 28053
included in the written minutes of that meeting. 28054

Sec. 340.032. Subject to rules adopted by the director of 28055
~~mental-behavioral health and addiction services~~ after 28056
consultation with relevant constituencies as required by 28057
division (A)(10) of section 5119.21 of the Revised Code, each 28058
board of alcohol, drug addiction, and mental health services 28059
shall do all of the following: 28060

(A) Establish, to the extent resources are available, a 28061
community-based continuum of care that includes all of the 28062
following as essential elements: 28063

(1) Prevention and wellness management services; 28064

(2) At least both of the following outreach and engagement 28065

activities:	28066
(a) Locating persons in need of addiction services and	28067
persons in need of mental health services to inform them of	28068
available addiction services, mental health services, and	28069
recovery supports;	28070
(b) Helping persons who receive addiction services and	28071
persons who receive mental health services obtain services	28072
necessary to meet basic human needs for food, clothing, shelter,	28073
medical care, personal safety, and income.	28074
(3) Assessment services;	28075
(4) Care coordination;	28076
(5) Residential services;	28077
(6) At least the following outpatient services:	28078
(a) Nonintensive;	28079
(b) Intensive, such as partial hospitalization and	28080
assertive community treatment;	28081
(c) Withdrawal management;	28082
(d) Emergency and crisis.	28083
(7) Where appropriate, at least the following inpatient	28084
services:	28085
(a) Psychiatric care;	28086
(b) Medically managed alcohol or drug treatment.	28087
(8) At least all of the following recovery supports:	28088
(a) Peer support;	28089
(b) A wide range of housing and support services,	28090

including recovery housing residences; 28091

(c) Employment, vocational, and educational opportunities; 28092

(d) Assistance with social, personal, and living skills; 28093

(e) Multiple paths to recovery such as twelve-step 28094
approaches and parent advocacy connection; 28095

(f) Support, assistance, consultation, and education for 28096
families, friends, and persons receiving addiction services, 28097
mental health services, and recovery supports. 28098

(9) In accordance with section 340.033 of the Revised 28099
Code, an array of addiction services and recovery supports for 28100
all levels of opioid and co-occurring drug addiction; 28101

(10) Any additional elements the department of ~~mental-~~ 28102
behavioral health and addiction services, pursuant to section 28103
5119.21 of the Revised Code, determines are necessary to 28104
establish the community-based continuum of care. 28105

(B) Ensure that the rights of persons receiving any 28106
elements of the community-based continuum of care are protected; 28107

(C) Ensure that persons receiving any elements of the 28108
community-based continuum of care are able to utilize grievance 28109
procedures applicable to the elements. 28110

Sec. 340.034. All of the following apply to recovery 28111
housing residences required by section 340.033 of the Revised 28112
Code to be part of included opioid and co-occurring drug 28113
addiction services and recovery supports: 28114

(A) A recovery housing residence shall comply with the 28115
requirements of being monitored by the department of ~~mental-~~ 28116
behavioral health and addiction services under sections 5119.39 28117

to 5119.396 of the Revised Code and any rules adopted under 28118
section 5119.397 of the Revised Code, but the residence is not 28119
subject to residential facility licensure by the department 28120
under section 5119.34 of the Revised Code. 28121

(B) A recovery housing residence shall not be operated by 28122
a board of alcohol, drug addiction, and mental health services 28123
unless any of the following applies: 28124

(1) The board operated the recovery housing residence on 28125
July 1, 2017. 28126

(2) The board utilizes local funds in the development or 28127
operation of the recovery housing residence. 28128

(3) The board determines that there is a need for the 28129
board to assume operation of the recovery housing residence, 28130
such as when an existing operator of the residence goes out of 28131
business and the board considers the assumption of operation of 28132
the residence to be in the best interest of the community. 28133

(C) A recovery housing residence shall have protocols for 28134
all of the following: 28135

(1) Administrative oversight; 28136

(2) Quality standards; 28137

(3) Policies and procedures, including house rules, for 28138
its residents to which the residents must agree to adhere. 28139

(D) Family members of a resident of a recovery housing 28140
residence may reside in the residence to the extent permitted by 28141
protocols of the residence. 28142

(E) A recovery housing residence shall not limit a 28143
resident's duration of stay to an arbitrary or fixed amount of 28144

time. Instead, each resident's duration of stay shall be 28145
determined by the resident's needs, progress, and willingness to 28146
abide by the residence's protocols, in collaboration with the 28147
residence's operator, and, if appropriate, in consultation and 28148
integration with a community addiction services provider. 28149

(F) A recovery housing residence may permit its residents 28150
to receive medication-assisted treatment. 28151

(G) A resident of a recovery housing residence may receive 28152
addiction services that are certified by the department under 28153
section 5119.36 of the Revised Code. 28154

Sec. 340.036. (A) Subject to division (B) of this section 28155
and rules adopted by the director of ~~mental~~-behavioral health 28156
~~and addiction services~~ after consultation with relevant 28157
constituencies as required by division (A)(10) of section 28158
5119.21 of the Revised Code, each board of alcohol, drug 28159
addiction, and mental health services shall enter into contracts 28160
with all of the following: 28161

(1) Public and private facilities for the operation of 28162
facility services; 28163

(2) Community addiction services providers for addiction 28164
services and recovery supports; 28165

(3) Community mental health services providers for mental 28166
health services and recovery supports. 28167

(B) No board shall do any of the following: 28168

(1) Contract with a residential facility required to be 28169
licensed under section 5119.34 of the Revised Code unless the 28170
facility is so licensed; 28171

(2) Contract with a community addiction services provider 28172

or community mental health services provider for certifiable 28173
services and supports unless the certifiable services and 28174
supports are certified under section 5119.36 of the Revised 28175
Code; 28176

(3) Contract with a community addiction services provider 28177
or community mental health services provider for recovery 28178
supports that are required by the director to meet quality 28179
criteria or core competencies unless the recovery supports meet 28180
the criteria or competencies. 28181

(C) When a board contracts with a community addiction 28182
services provider or community mental health services provider 28183
for addiction services, mental health services, or recovery 28184
supports, all of the following apply: 28185

(1) The board shall consider both of the following: 28186

(a) The cost effectiveness and quality of the provider's 28187
services and supports; 28188

(b) Continuity of care. 28189

(2) The board may review cost elements, including salary 28190
costs, of the services and supports. 28191

(3) The board may establish, in a way that is most 28192
effective and efficient in meeting local needs, a utilization 28193
review process as part of the contract. 28194

(4) The board may contract with a government entity, for- 28195
profit entity, or nonprofit entity. Any such entity may be 28196
faith-based. 28197

(D) If a party to a contract entered into under this 28198
section proposes not to renew the contract or proposes 28199
substantial changes in contract terms, the other party shall be 28200

given written notice at least one hundred twenty days before the
expiration date of the contract. During the first sixty days of
this one-hundred-twenty-day period, both parties shall attempt
to resolve any dispute through good faith collaboration and
negotiation in order to continue to provide services and
supports to persons in need. If the dispute has not been
resolved sixty days before the expiration date of the contract,
either party may notify the director of the unresolved dispute.
The director may require both parties to submit the dispute to
another entity with the cost to be shared by the parties. Not
later than twenty days before the expiration date of the
contract or a later date to which both parties agree, the other
entity shall issue to the parties and director recommendations
on how the dispute may be resolved. The director shall adopt
rules establishing the procedures of this dispute resolution
process.

(E) Section 307.86 of the Revised Code does not apply to
contracts entered into under this section.

Sec. 340.037. (A) Subject to division (B) of this section
and rules adopted by the director of ~~mental-behavioral~~ health
~~and addiction services~~ after consultation with relevant
constituencies as required by division (A)(10) of section
5119.21 of the Revised Code, a board of alcohol, drug addiction,
and mental health services may operate a facility or provide an
addiction service or mental health service if both of the
following apply:

- (1) The director gives the board prior approval;
- (2) There is no other qualified private or public
facility, community addiction services provider, or community
mental health services provider that is immediately available

and willing to operate such a facility or provide the service. 28231

(B) (1) In an emergency situation, a board may operate a 28232
facility or provide an addiction service or mental health 28233
service in order to provide essential services for the duration 28234
of the emergency. 28235

(2) In a service district with a population of at least 28236
one hundred thousand but less than five hundred thousand, a 28237
board may operate a facility or provide an addiction service or 28238
mental health service for not longer than one year. 28239

(3) In a service district with a population of less than 28240
one hundred thousand, a board may operate a facility or provide 28241
an addiction service or mental health service for not longer 28242
than one year, except that the board may operate a facility or 28243
provide an addiction service or mental health service for more 28244
than one year with the prior approval of both of the following: 28245

(a) The director; 28246

(b) The board of county commissioners with jurisdiction 28247
over the service district or, if the service district is a 28248
joint-county district, a majority of the boards of county 28249
commissioners with jurisdiction over the district. 28250

(C) The director shall not do any of the following: 28251

(1) Except in an emergency situation, give a board 28252
approval to operate a facility or provide an addiction service 28253
or mental health service unless the director determines that it 28254
is not feasible to have the department operate the facility or 28255
provide the service; 28256

(2) Give a board that serves a service district with a 28257
population of less than one hundred thousand approval to operate 28258

a facility or provide an addiction service or mental health 28259
service unless the director determines that the board will 28260
provide greater administrative efficiency and more or better 28261
services than would be available if the board contracted with a 28262
private or public facility, community addiction services 28263
provider, or community mental health services provider; 28264

(3) Give a board approval to operate a facility previously 28265
operated by a person or other government entity unless the board 28266
has established to the director's satisfaction that the person 28267
or other government entity cannot effectively operate the 28268
facility or that the person or other government entity has 28269
requested the board to take over operation of the facility; 28270

(4) Give a board approval to provide an addiction service 28271
or mental health service previously provided by a community 28272
addiction services provider or community mental health services 28273
provider unless the board has established to the director's 28274
satisfaction that the provider cannot effectively provide the 28275
service or that the provider has requested the board to take 28276
over providing the service. 28277

(D) The director shall review and evaluate a board's 28278
operation of a facility and provision of addiction services or 28279
mental health services under this section. 28280

(E) Nothing in this section authorizes a board to 28281
administer or direct the daily operation of any facility, 28282
community addiction services provider, or community mental 28283
health services provider. However, a facility or provider may 28284
contract with a board to receive administrative services or 28285
staff direction from the board under the direction of the 28286
governing body of the facility or provider. 28287

Sec. 340.04. Each board of alcohol, drug addiction, and 28288
mental health services shall employ a qualified mental health or 28289
addiction services professional with experience in 28290
administration or a professional administrator with experience 28291
in mental health services or addiction services to serve as 28292
executive director of the board and shall prescribe the 28293
director's duties. 28294

The board shall fix the compensation of the executive 28295
director. In addition to such compensation, the director shall 28296
be reimbursed for actual and necessary expenses incurred in the 28297
performance of the director's official duties. The board, by 28298
majority vote of the full membership, may remove the director 28299
for cause at any time, contingent upon any written contract 28300
between the board and the executive director, upon written 28301
charges, after an opportunity has been afforded the director for 28302
a hearing before the board on request. 28303

The board may delegate to its executive director the 28304
authority to act in its behalf in the performance of its 28305
administrative duties. 28306

As used in this section, "mental health professional" and 28307
"addiction services professional" mean an individual who is 28308
qualified to work with persons with mental illnesses or persons 28309
receiving addiction services, pursuant to standards established 28310
by the director of ~~mental-behavioral health and addiction-~~ 28311
~~services~~ under Chapter 5119. of the Revised Code. 28312

Sec. 340.041. In addition to such other duties as may be 28313
lawfully imposed, the executive director of a board of alcohol, 28314
drug addiction, and mental health services shall: 28315

(A) Serve as executive officer of the board and, subject 28316

to the prior approval of the board for each contract, except 28317
contracts, if any, to which division (F) of section 340.03 of 28318
the Revised Code applies, execute contracts on its behalf; 28319

(B) Supervise addiction services, mental health services, 28320
recovery supports, and facilities provided, operated, 28321
contracted, or supported by the board to the extent of 28322
determining that services, supports, and facilities are being 28323
administered in conformity with this chapter and rules of the 28324
director of mental-behavioral health ~~and addiction services~~; 28325

(C) Provide consultation to community addiction services 28326
providers and community mental health services providers; 28327

(D) Recommend to the board the changes necessary to 28328
increase the effectiveness of addiction services, mental health 28329
services, and recovery supports and other matters necessary or 28330
desirable to carry out this chapter; 28331

(E) Employ and remove from office such employees and 28332
consultants in the classified civil service and, subject to the 28333
approval of the board, employ and remove from office such other 28334
employees and consultants as may be necessary for the work of 28335
the board, and fix their compensation and reimbursement within 28336
the limits set by the salary schedule and the budget approved by 28337
the board; 28338

(F) Encourage the development and expansion of preventive, 28339
treatment, and consultative services, as well as recovery 28340
supports, in the fields of addiction services and mental health 28341
services with emphasis on continuity of care; 28342

(G) Prepare for board approval an annual report of the 28343
addiction services, mental health services, recovery supports, 28344
and facilities under the jurisdiction of the board, including a 28345

fiscal accounting of all services and supports; 28346

(H) Conduct such studies as may be necessary and 28347
practicable for the promotion of mental health, promotion of 28348
addiction services, and the prevention of mental illness, 28349
emotional disorders, and addiction; 28350

(I) Authorize the county auditor, or in a joint-county 28351
district the county auditor designated as the auditor for the 28352
district, to issue warrants for the payment of board obligations 28353
approved by the board, provided that all payments from funds 28354
distributed to the board by the department of ~~mental-behavioral~~ 28355
health and ~~addiction services~~ are in accordance with the budget 28356
submitted pursuant to section 340.08 of the Revised Code, as 28357
approved by the department of ~~mental-behavioral health-and-~~ 28358
~~addiction services~~. 28359

Sec. 340.05. If a community addiction services provider or 28360
community mental health services provider receives a complaint 28361
alleging abuse or neglect of an individual with mental illness 28362
or severe mental disability, or an individual receiving 28363
addiction services, who resides in a residential facility 28364
licensed under section 5119.34 of the Revised Code, the provider 28365
shall report the complaint to the board of alcohol, drug 28366
addiction, and mental health services serving the alcohol, drug 28367
addiction, and mental health service district in which the 28368
residential facility is located. A board of alcohol, drug 28369
addiction, and mental health services that receives such a 28370
report from a community addiction services provider or community 28371
mental health services provider of such a complaint shall report 28372
the complaint to the director of ~~mental-behavioral health and-~~ 28373
~~addiction services~~ for the purpose of the director conducting an 28374
investigation under section 5119.34 of the Revised Code. The 28375

board may enter the facility with or without the director and, 28376
if the health and safety of a resident is in immediate danger, 28377
take any necessary action to protect the resident. The board's 28378
action shall not violate any resident's rights specified in 28379
rules adopted by the department of ~~mental-behavioral health and~~ 28380
~~addiction services~~ under section 5119.34 of the Revised Code. 28381
The board shall immediately report to the director regarding the 28382
board's actions under this section. 28383

Sec. 340.07. The board of county commissioners of any 28384
county participating in an alcohol, drug addiction, and mental 28385
health service district or joint-county district, upon receipt 28386
from the board of alcohol, drug addiction, and mental health 28387
services of a resolution so requesting, may appropriate money to 28388
such board for the operation, lease, acquisition, construction, 28389
renovation, and maintenance of community addiction services 28390
providers, community mental health services providers, and 28391
facilities in accordance with the budget required by section 28392
340.08 of the Revised Code and approved by the department of 28393
~~mental-behavioral health and addiction services~~ pursuant to 28394
section 5119.22 of the Revised Code. 28395

Sec. 340.08. In accordance with rules or guidelines issued 28396
by the director of ~~mental-behavioral health and addiction~~ 28397
~~services~~, each board of alcohol, drug addiction, and mental 28398
health services shall do all of the following: 28399

(A) Submit to the department of ~~mental-behavioral health~~ 28400
~~and addiction services~~ a proposed budget of receipts and 28401
expenditures for all federal, state, and local moneys the board 28402
expects to receive. 28403

(1) The proposed budget shall identify funds the board has 28404
available for included opioid and co-occurring drug addiction 28405

services and recovery supports. 28406

(2) The proposed budget shall identify funds the board and 28407
public children services agencies in the board's service 28408
district have available to fund jointly the services described 28409
in section 340.15 of the Revised Code. 28410

(3) The board's proposed budget for expenditures of state 28411
and federal funds distributed to the board by the department 28412
shall be deemed an application for funds, and the department 28413
shall approve or disapprove the budget for these expenditures in 28414
whole or in part in accordance with division (G) of section 28415
5119.22 of the Revised Code. 28416

If a board determines that it is necessary to amend an 28417
approved budget, the board shall submit a proposed amendment to 28418
the director. The director shall approve or disapprove all or 28419
part of the amendment in accordance with division (H) of section 28420
5119.22 of the Revised Code. 28421

(B) Submit to the department a proposed list of addiction 28422
services, mental health services, and recovery supports the 28423
board intends to make available. The board shall include the 28424
services and supports required by section 340.032 of the Revised 28425
Code to be included in the community-based continuum of care and 28426
the services required by section 340.15 of the Revised Code. The 28427
board shall explain the manner in which the board intends to 28428
make such services and supports available. The list shall be 28429
compatible with the budget submitted pursuant to division (A) of 28430
this section. The department shall approve or disapprove the 28431
list in whole or in part in accordance with division (G) of 28432
section 5119.22 of the Revised Code. 28433

If a board determines that it is necessary to amend an 28434

approved list, the board shall submit a proposed amendment to 28435
the director. The director shall approve or disapprove all or 28436
part of the amendment in accordance with division (H) of section 28437
5119.22 of the Revised Code. 28438

(C) Enter into a continuity of care agreement with the 28439
state institution operated by the department of ~~mental~~ 28440
behavioral health and addiction services and designated as the 28441
institution serving the district encompassing the board's 28442
service district. The continuity of care agreement shall outline 28443
the department's and the board's responsibilities to plan for 28444
and coordinate with each other to address the needs of board 28445
residents who are patients in the institution, with an emphasis 28446
on managing appropriate hospital bed day use and discharge 28447
planning. The continuity of care agreement shall not require the 28448
board to provide addiction services, mental health services, or 28449
recovery supports other than those on the list of services and 28450
supports submitted by the board pursuant to division (B) of this 28451
section and approved by the department in accordance with 28452
division (G) of section 5119.22 of the Revised Code. 28453

(D) In conjunction with the department, operate a 28454
coordinated system for tracking and monitoring persons found not 28455
guilty by reason of insanity and committed pursuant to section 28456
2945.40 of the Revised Code who have been granted a conditional 28457
release and persons found incompetent to stand trial and 28458
committed pursuant to section 2945.39 of the Revised Code who 28459
have been granted a conditional release. The system shall do all 28460
of the following: 28461

(1) Centralize responsibility for the tracking of those 28462
persons; 28463

(2) Provide for uniformity in monitoring those persons; 28464

(3) Provide a mechanism to allow prompt rehospitalization, 28465
reinstitutionalization, or detention when a violation of the 28466
conditional release or decompensation occurs. 28467

(E) Submit to the department a report summarizing all of 28468
the following: 28469

(1) Complaints and grievances received by the board 28470
concerning the rights of persons seeking or receiving addiction 28471
services, mental health services, or recovery supports; 28472

(2) Investigations of the complaints and grievances; 28473

(3) Outcomes of the investigations. 28474

(F) Provide to the department information to be submitted 28475
to the community behavioral health information system or systems 28476
established by the department under Chapter 5119. of the Revised 28477
Code. 28478

(G) Annually, and upon any change in membership, submit to 28479
the department a list of all current members of the board of 28480
alcohol, drug addiction, and mental health services, including 28481
the appointing authority for each member, and the member's 28482
specific qualification for appointment pursuant to section 28483
340.02 or 340.021 of the Revised Code, if applicable. 28484

(H) Submit to the department other information as is 28485
reasonably required for purposes of the department's operations, 28486
service evaluation, reporting activities, research, system 28487
administration, and oversight. 28488

(I) Annually update and publish on the board's web site a 28489
list of all opioid treatment programs licensed under section 28490
5119.37 of the Revised Code that are operating within the 28491
board's district, based on information obtained from any of the 28492

following: 28493

(1) The federal substance abuse and mental health services 28494
administration's opioid treatment program directory; 28495

(2) A resource directory created by the department of 28496
~~mental behavioral health and addiction services~~; 28497

(3) The list maintained by the department of ~~mental~~ 28498
~~behavioral health and addiction services~~ pursuant to division 28499
(P) of section 5119.37 of the Revised Code. 28500

Sec. 340.09. (A) Using funds the general assembly 28501
appropriates for these purposes, the department of ~~mental~~ 28502
~~behavioral health and addiction services~~ shall provide any 28503
county assistance for one or more of the following: 28504

(1) The operation of the board of alcohol, drug addiction, 28505
and mental health services serving the county; 28506

(2) The provision of addiction services, mental health 28507
services, and recovery supports included in the board's list of 28508
services and supports required by section 340.08 of the Revised 28509
Code and approved by the department under section 5119.22 of the 28510
Revised Code; 28511

(3) The provision of approved support functions; 28512

(4) The partnership in, or support for, approved 28513
community-based continuum of care-related activities. 28514

(B) Support functions may include the following: 28515

(1) Consultation; 28516

(2) Research; 28517

(3) Administrative; 28518

(4) Referral and information; 28519

(5) Training; 28520

(6) Service and program evaluation. 28521

Sec. 340.12. As used in this section, "disability" has the 28522
same meaning as in section 4112.01 of the Revised Code. 28523

No board of alcohol, drug addiction, and mental health 28524
services or any community addiction services provider or 28525
community mental health services provider under contract with 28526
such a board shall discriminate in the provision of addiction 28527
services, mental health services, or recovery supports under its 28528
authority, in employment, or under a contract on the basis of 28529
race, color, religion, ancestry, military status, sex, age, 28530
national origin, or disability. 28531

Each board, community addiction services provider, and 28532
community mental health services provider shall have a written 28533
affirmative action program. The affirmative action program shall 28534
include goals for the employment and effective utilization of, 28535
including contracts with, members of economically disadvantaged 28536
groups as defined in division (E)(1) of section 122.71 of the 28537
Revised Code in percentages reflecting as nearly as possible the 28538
composition of the alcohol, drug addiction, and mental health 28539
service district served by the board. Each board and provider 28540
shall file a description of the affirmative action program and a 28541
progress report on its implementation with the department of 28542
~~mental behavioral health and addiction services.~~ 28543

Sec. 340.13. (A) As used in this section: 28544

(1) "Minority business enterprise" has the same meaning as 28545
in section 122.71 of the Revised Code. 28546

(2) "EDGE business enterprise" has the same meaning as in 28547
section 122.922 of the Revised Code. 28548

(B) Any minority business enterprise that desires to bid 28549
on a contract under division (C) of this section shall first 28550
apply to the department of development for certification as a 28551
minority business enterprise. Any EDGE business enterprise that 28552
desires to bid on a contract under division (D) of this section 28553
shall first apply to the department of development for 28554
certification as an EDGE business enterprise. The director of 28555
development shall approve the application of any minority 28556
business enterprise or EDGE business enterprise that complies 28557
with the rules adopted under section 122.71 or 122.922 of the 28558
Revised Code, respectively. The director shall prepare and 28559
maintain a list of minority business enterprises and EDGE 28560
business enterprises certified under those sections. 28561

(C) From the contracts to be awarded for the purchases of 28562
equipment, materials, supplies, or services, other than 28563
contracts entered into under section 340.036 of the Revised 28564
Code, each board of alcohol, drug addiction, and mental health 28565
services shall select a number of contracts with an aggregate 28566
value of approximately fifteen per cent of the total estimated 28567
value of contracts to be awarded in the current fiscal year. The 28568
board shall set aside the contracts so selected for bidding by 28569
minority business enterprises only. The bidding procedures for 28570
such contracts shall be the same as for all other contracts 28571
awarded under section 307.86 of the Revised Code, except that 28572
only minority business enterprises certified and listed pursuant 28573
to division (B) of this section shall be qualified to submit 28574
bids. 28575

(D) To the extent that a board is authorized to enter into 28576

contracts for construction, the board shall strive to attain a 28577
yearly contract dollar procurement goal the aggregate value of 28578
which equals approximately five per cent of the aggregate value 28579
of construction contracts for the current fiscal year for EDGE 28580
business enterprises only. 28581

(E) (1) In the case of contracts set aside under division 28582
(C) of this section, if no bid is submitted by a minority 28583
business enterprise, the contract shall be awarded according to 28584
normal bidding procedures. The board shall from time to time set 28585
aside such additional contracts as are necessary to replace 28586
those contracts previously set aside on which no minority 28587
business enterprise bid. 28588

(2) If a board, after having made a good faith effort, is 28589
unable to comply with the goal of procurement for contracting 28590
with EDGE business enterprises pursuant to division (D) of this 28591
section, the board may apply in writing, on a form prescribed by 28592
the department of administrative services, to the director of 28593
~~mental-behavioral health and addiction services~~ for a waiver or 28594
modification of the goal. 28595

(F) This section does not preclude any minority business 28596
enterprise or EDGE business enterprise from bidding on any other 28597
contract not specifically set aside for minority business 28598
enterprises or subject to procurement goals for EDGE business 28599
enterprises. 28600

(G) Within ninety days after the beginning of each fiscal 28601
year, each board shall file a report with the department of 28602
~~mental-behavioral health and addiction services~~ that shows for 28603
that fiscal year the name of each minority business enterprise 28604
and EDGE business enterprise with which the board entered into a 28605
contract, the value and type of each such contract, the total 28606

value of contracts awarded under divisions (C) and (D) of this 28607
section, the total value of contracts awarded for the purchases 28608
of equipment, materials, supplies, or services, other than 28609
contracts entered into under section 340.036 of the Revised 28610
Code, and the total value of contracts entered into for 28611
construction. 28612

(H) Any person who intentionally misrepresents self as 28613
owning, controlling, operating, or participating in a minority 28614
business enterprise or an EDGE business enterprise for the 28615
purpose of obtaining contracts or any other benefits under this 28616
section shall be guilty of theft by deception as provided for in 28617
section 2913.02 of the Revised Code. 28618

Sec. 340.16. The department of ~~mental-behavioral~~ health 28619
~~and addiction services~~ and the department of medicaid shall 28620
adopt rules that establish requirements and procedures for prior 28621
notification and service coordination between public children 28622
services agencies and boards of alcohol, drug addiction, and 28623
mental health services when a public children services agency 28624
refers a child in its custody to a board for services funded by 28625
the board. The rules shall be adopted in accordance with Chapter 28626
119. of the Revised Code. 28627

Sec. 345.01. (A) As used in this chapter, "the county 28628
auditor's ~~appraised~~ market value" has the same meaning as in 28629
section 5705.01 of the Revised Code. 28630

(B) The taxing authority of any municipal corporation, 28631
township, or county, at any time not less than one hundred days 28632
prior to a general election in any year, by a vote of two-thirds 28633
of all members of the taxing authority, may, and upon 28634
presentation to the clerk or fiscal officer, as the case may be, 28635
of the taxing authority of a petition signed by not less than 28636

two per cent of the electors of the political subdivision, as 28637
shown at the preceding general election held in the subdivision, 28638
shall, declare by resolution that the amount of taxes which may 28639
be raised within the ten-mill limitation will be insufficient to 28640
provide an adequate amount for the necessary requirements of the 28641
subdivision, and that it is necessary to levy taxes in excess of 28642
the limitation for either or both of the following purposes: 28643

(1) For purchasing a site, and for erecting, equipping, 28644
and furnishing, or for establishing a memorial to commemorate 28645
the services of all members and veterans of the armed forces of 28646
the United States; 28647

(2) For the operation and maintenance of a memorial, and 28648
for the functions related to it. 28649

The resolution shall be confined to the purposes set forth 28650
in this section, and shall specify the amount of increase in 28651
rate which it is necessary to levy, expressed both in mills for 28652
each one dollar of taxable value and in dollars for each one 28653
hundred thousand dollars of the county auditor's ~~appraised-~~ 28654
market value, the purpose of the rate increase, and the number 28655
of years during which the increase shall be in effect. The 28656
increase may include a levy upon the tax duplicate of the 28657
current year. The number of years shall be any number not 28658
exceeding ten. The question of an increase in tax rate under 28659
divisions (B) (1) and (2) of this section may be submitted to the 28660
electors on one ballot. 28661

The total tax for the purposes included in this section 28662
shall not, in any year, exceed one mill of each dollar of 28663
taxable value. 28664

The resolution shall go into immediate effect upon its 28665

passage, and no publication of the resolution, other than that 28666
provided for in the notice of election, shall be necessary. 28667

Sec. 345.03. A copy of any resolution adopted under 28668
section 345.01 of the Revised Code shall be certified within 28669
five days by the taxing authority and not later than four p.m. 28670
of the ninetieth day before the day of the election, to the 28671
county board of elections, and such board shall submit the 28672
proposal to the electors of the subdivision at the succeeding 28673
general election. The board shall make the necessary 28674
arrangements for the submission of such question to the electors 28675
of the subdivision, and the election shall be conducted, 28676
canvassed, and certified in like manner as regular elections in 28677
such subdivision. 28678

Notice of the election shall be published once not less 28679
than two weeks prior to such election using at least one of the 28680
following methods: 28681

(A) In the print or digital edition of a newspaper of 28682
general circulation within the county; 28683

(B) On the official public notice web site established 28684
under section 125.182 of the Revised Code; 28685

(C) On the web site and social media account of the 28686
county. 28687

The notice shall set out the purpose of the proposed 28688
increase in rate, the levy's estimated annual collections, the 28689
amount of the increase expressed in dollars for each one hundred 28690
thousand dollars of the county auditor's ~~appraised~~ market value 28691
as well as in mills for each one dollar of taxable value, the 28692
number of years during which such increase will be in effect, 28693
and the time and place of holding such election. 28694

Sec. 345.04. The form of the ballot cast at a general election, as provided by sections 345.01 to 345.03 of the Revised Code, shall be: "An additional tax for the benefit of (name of subdivision) for the purpose of (state purpose stated in the resolution), that the county auditor estimates will collect \$_____ annually, at a rate not exceeding _____ mills for each \$1 of taxable value, which amounts to \$_____ for each \$100,000 of the county auditor's ~~appraised~~ market value, for (the number of years the levy is to run).

	For the Tax Levy
	Against the Tax Levy

"

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase ", commencing in _____ (first year the tax is to be levied), first due in calendar year _____ (first calendar year in which the tax shall be due)."

The question covered by the resolution shall be submitted to the electors as a separate proposition, but it may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers. More than one such question may be submitted at the same election.

Sec. 349.01. As used in this chapter:

(A) "New community" means a community or development of property in relation to an existing community planned so that the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and

recreational activities, and designed in accordance with 28721
planning concepts for the placement of utility, open space, and 28722
other supportive facilities. 28723

(B) "New community development program" means a program 28724
for the development of a new community characterized by well- 28725
balanced and diversified land use patterns and which includes 28726
land acquisition and land development, the acquisition, 28727
construction, operation, and maintenance of community 28728
facilities, and the provision of services authorized in this 28729
chapter. 28730

A new community development program may take into account 28731
any existing community in relation to which a new community is 28732
developed for purposes of being characterized by well-balanced 28733
and diversified land use patterns. 28734

(C) "New community district" means the area of land 28735
described by the developer in the petition as set forth in 28736
division (A) of section 349.03 of the Revised Code for 28737
development as a new community and any lands added to the 28738
district by amendment of the resolution establishing the 28739
community authority. 28740

(D) "New community authority" means a body corporate and 28741
politic in this state, established pursuant to section 349.03 of 28742
the Revised Code and governed by a board of trustees as provided 28743
in section 349.04 of the Revised Code. 28744

(E) "Developer" means any person, organized for carrying 28745
out a new community development program who owns or controls, 28746
through leases of at least seventy-five years' duration, 28747
options, or contracts to purchase, the land within a new 28748
community district, or any municipal corporation, township, 28749

county, or port authority that owns the land within a new 28750
community district, or has the ability to acquire such land, 28751
either by voluntary acquisition or condemnation in order to 28752
eliminate slum, blighted, and deteriorated or deteriorating 28753
areas and to prevent the recurrence thereof. "Developer" may 28754
also mean a person, municipal corporation, township, county, or 28755
port authority that controls land within a new community 28756
district through leases of at least seventy-five years' 28757
duration. "Developer" includes a lessor that continues to own 28758
and control land for purposes of this chapter pursuant to leases 28759
with a ninety-nine-year renewable term, so long as ~~all~~ both of 28760
the following apply: 28761

(1) The developer's new community district consists of at 28762
least five leases described in this section. 28763

(2) The leases are subject to forfeiture for all of the 28764
following: 28765

(a) Failing to pay taxes and assessments; 28766

(b) Failing to pay an annual fee of up to one per cent of 28767
rent for sanitary purposes and improvements made to streets; 28768

(c) Failing to keep the premises as required by sanitary 28769
and police regulations of the developer. 28770

~~(3) The new community authority is established on or 28771
before December 31, 2024. 28772~~

(F) "Organizational board of commissioners" means any of 28773
the following: 28774

(1) For a new community district that is located in only 28775
one county, the board of county commissioners of that county; 28776

(2) For a new community district that is located in more 28777

than one county, a board consisting of the members of the board 28778
of county commissioners of each of the counties in which the 28779
district is located, provided that action of the board shall 28780
require a majority vote of the members of each separate board of 28781
county commissioners; 28782

(3) For a new community district that is located entirely 28783
within the boundaries of a municipal corporation or for a new 28784
community district where more than half of the new community 28785
district is located within the boundaries of the most populous 28786
municipal corporation of a county, the legislative authority of 28787
the municipal corporation; 28788

(4) For a new community district that is comprised 28789
entirely of unincorporated territory within the boundaries of a_ 28790
township with a population of at least five thousand, and which 28791
is located in a county with a population of at least two hundred 28792
thousand and not more than four hundred thousand, or located 28793
within the boundaries of a limited home rule township that 28794
adopted a resolution under section 5709.73 of the Revised Code 28795
before January 1, 1995, and which is located in a county with a 28796
population of more than four hundred thousand, the board of 28797
township trustees of the township; 28798

(5) In the event that more than one body meets the 28799
definitions set forth in divisions (F)(1) to (4) of this 28800
section, "organizational board of commissioners" means the 28801
organizational board of commissioners with which the original 28802
petition was filed or another body meeting the definitions set 28803
forth in divisions (F)(1) to (4) of this section appointed in a 28804
resolution adopted by the organizational board of commissioners 28805
with which the original petition was filed. 28806

(G) "Land acquisition" means the acquisition of real 28807

property and interests in real property as part of a new 28808
community development program. 28809

(H) "Land development" means the process of clearing and 28810
grading land, making, installing, or constructing water 28811
distribution systems, sewers, sewage collection systems, steam, 28812
gas, and electric lines, roads, streets, curbs, gutters, 28813
sidewalks, storm drainage facilities, and other installations or 28814
work, whether within or without the new community district, and 28815
the construction of community facilities. 28816

(I) "Community facilities" means all real property, 28817
buildings, structures, or other facilities, including related 28818
fixtures, equipment, and furnishings, to be owned, operated, 28819
financed, constructed, and maintained under this chapter or in 28820
furtherance of community activities, whether within or without 28821
the new community district, including public, community, 28822
village, neighborhood, or town buildings, centers and plazas, 28823
auditoriums, child care centers, recreation halls, educational 28824
facilities, health care facilities including hospital facilities 28825
as defined in section 140.01 of the Revised Code, 28826
telecommunications facilities, including all facilities 28827
necessary to provide telecommunications service as defined in 28828
section 4927.01 of the Revised Code, recreational facilities, 28829
natural resource facilities, including parks and other open 28830
space land, lakes and streams, cultural facilities, community 28831
streets and off-street parking facilities, pathway and bikeway 28832
systems, pedestrian underpasses and overpasses, lighting 28833
facilities, design amenities, or other community facilities, and 28834
buildings needed in connection with water supply or sewage 28835
disposal installations, or energy facilities including those for 28836
renewable or sustainable energy sources, and steam, gas, or 28837
electric lines or installation. 28838

(J) "Cost" as applied to a new community development 28839
program means all costs related to land acquisition and land 28840
development, the acquisition, construction, maintenance, and 28841
operation of community facilities and offices of the community 28842
authority, and of providing furnishings and equipment therefor, 28843
financing charges including interest prior to and during 28844
construction and for the duration of the new community 28845
development program, planning expenses, engineering expenses, 28846
administrative expenses including working capital, and all other 28847
expenses necessary and incident to the carrying forward of the 28848
new community development program. 28849

(K) "Income source" means any and all sources of income to 28850
the community authority, including community development charges 28851
of which the new community authority is the beneficiary as 28852
provided in section 349.07 of the Revised Code, rentals, user 28853
fees and other charges received by the new community authority, 28854
any gift or grant received, any moneys received from any funds 28855
invested by or on behalf of the new community authority, and 28856
proceeds from the sale or lease of land and community 28857
facilities. 28858

(L) "Community development charge" means: 28859

(1) A dollar amount which shall be determined on the basis 28860
of the assessed valuation of real property or interests in real 28861
property in a new community district, the income of the 28862
residents of such property subject to such charge under section 28863
349.07 of the Revised Code, if such property is devoted to 28864
residential uses or to the profits, gross receipts, or other 28865
revenues of any business including, but not limited to, rentals 28866
received from leases of real property located in the district, a 28867
uniform or other fee on each parcel of such real property in a 28868

new community district, or any combination of the foregoing 28869
bases. 28870

(2) If a new community authority imposes a community 28871
development charge determined on the basis of rentals received 28872
from leases of real property, improvements of any real property 28873
located in the new community district and subject to that charge 28874
may not be exempted from taxation under section 5709.40, 28875
5709.41, 5709.45, 5709.48, 5709.73, or 5709.78 of the Revised 28876
Code. 28877

(M) "Proximate community" means the following: 28878

(1) For a new community district other than a new 28879
community district described in division (M) (2), (3), or (4) of 28880
this section, any city that, as of the date of filing of the 28881
petition under section 349.03 of the Revised Code, is the city 28882
with the greatest population located in the county in which the 28883
proposed new community district is located, is the city with the 28884
greatest population located in an adjoining county if any 28885
portion of such city is within five miles of any part of the 28886
boundaries of such district, or exercises extraterritorial 28887
subdivision authority under section 711.09 of the Revised Code 28888
with respect to any part of such district. 28889

(2) A municipal corporation in which, at the time of 28890
filing the petition under section 349.03 of the Revised Code, 28891
any portion of the proposed new community district is located. 28892

(3) For a new community district other than a new 28893
community district described in division (M) (2) or (4) of this 28894
section, if at the time of filing the petition under section 28895
349.03 of the Revised Code, more than one-half of the proposed 28896
district is contained within a joint economic development 28897

district created under sections 715.70 to 715.83 of the Revised 28898
Code, the township containing the greatest portion of the 28899
territory of the joint economic development district. 28900

(4) For a new community district other than a new 28901
community district described in division (M) (2) or (3) of this 28902
section, if at the time of filing the petition under section 28903
~~343.03~~ 349.03 of the Revised Code the proposed new community 28904
district is comprised entirely of unincorporated territory 28905
within the boundaries of a township with a population of at 28906
least five thousand, and which is located in a county with a 28907
population of at least two hundred thousand and not more than 28908
four hundred thousand, or located within the boundaries of a 28909
limited home rule township that adopted a resolution under 28910
section 5709.73 of the Revised Code before January 1, 1995, and 28911
which is located in a county with a population of more than four 28912
hundred thousand, the township in which the proposed new 28913
community district is located. 28914

(N) "Community activities" means cultural, educational, 28915
governmental, recreational, residential, industrial, commercial, 28916
distribution and research activities, or any combination 28917
thereof. 28918

Sec. 355.04. A local healthier buckeye council shall 28919
report the following information to the ~~joint medicaid oversight~~ 28920
~~committee created in section 103.41 of the Revised~~ 28921
~~Code~~ legislative service commission: 28922

(A) Notification that the local council has been 28923
established and information regarding the council's 28924
organization, plan, and activities; 28925

(B) Information regarding enrollment or outcome data 28926

collected under division (E) of section 355.03 of the Revised 28927
Code; 28928

(C) Recommendations regarding the best practices for the 28929
administration and delivery of publicly funded assistance 28930
programs or other services or programs provided by council 28931
members or the entities the members represent; 28932

(D) Recommendations regarding the best practices in care 28933
coordination. 28934

Sec. 501.09. The lessee of land appropriated for 28935
ministerial purposes which land is leased for ninety-nine years, 28936
renewable forever, or the lessee of such land the lease of which 28937
has been renewed for a like term may purchase the fee simple 28938
title to the land for an amount equal to the rent for one year. 28939
The receipt of all rents due and an amount equal to the rent for 28940
one year from a lessee is deemed an offer to purchase the land, 28941
which offer the board of education of the school district for 28942
whose benefit the land has been allocated shall accept. The 28943
school board shall cancel the lease and prepare a deed in fee 28944
simple to the land, which the governor shall execute and the 28945
secretary of state shall countersign. 28946

The lessee of land appropriated for school purposes which 28947
land is leased for ninety-nine years, renewable forever, or the 28948
lessee of land the lease of which has been renewed for a like 28949
term may purchase the fee simple title to the land for an amount 28950
equal to the quotient of the annual rent divided by five one- 28951
hundredths. Upon receipt of that amount, if all unpaid rent due 28952
from the lessee for past years has been paid, the school board 28953
shall cancel the lease, and the auditor of state department of 28954
administrative services shall prepare a deed in fee simple to 28955
the land, which the governor shall execute and the secretary of 28956

state shall countersign. 28957

Moneys received from the sale of any land shall be paid to 28958
the school district for whose benefit the land has been 28959
allocated. 28960

Sec. 501.11. When the successful bidder at the sale 28961
provided in this chapter makes payment to the school district 28962
selling the land, the school district shall certify receipt of 28963
such payment to the ~~auditor of state~~department of administrative 28964
services. Following the payment to the school district, the 28965
~~auditor of state~~department of administrative services shall 28966
prepare a deed, conveying such lands in fee simple to the 28967
successful bidder, and deliver it to the governor, together with 28968
~~his certificate, under the seal of the auditor of state, a~~ 28969
certification signed by the director of administrative services 28970
that all papers required by law have been properly filed, that 28971
the proceedings are according to law, and that the purchase 28972
money is fully paid. When signed by the governor, countersigned 28973
by the secretary of state, and sealed with the great seal of the 28974
state, such deed shall be returned to the ~~auditor of state who~~ 28975
department of administrative services, which shall deliver it to 28976
the grantee. 28977

Sec. 504.14. In a township that adopts a limited home rule 28978
government, resolutions may be proposed by initiative petition 28979
by the electors in the unincorporated area of the township and 28980
adopted by election by these electors, and resolutions adopted 28981
by the board of township trustees may be submitted to these 28982
electors for their approval or rejection by referendum, under 28983
the same circumstances and in the same manner as provided by 28984
sections 731.28 to 731.40 of the Revised Code for municipal 28985
corporations, except that both of the following apply: 28986

(A) Initiative and referendum petitions shall be filed 28987
with the township fiscal officer, who shall perform the duties 28988
imposed under those sections upon the city auditor or village 28989
clerk. 28990

(B) Initiative and referendum petitions shall contain the 28991
signatures of not less than ~~ten~~thirty-five per cent of the 28992
total number of electors in the unincorporated area of the 28993
township who voted for the office of governor at the most recent 28994
general election for that office in that area of the township. 28995

Sec. 505.24. (A) In calendar year 2018, each township 28996
trustee is entitled to compensation in an amount for each day of 28997
service in the business of the township, to be paid from the 28998
township treasury as follows: 28999

(1) In townships having a budget of two hundred fifty 29000
thousand dollars or less, forty dollars and forty-one cents per 29001
day for not more than two hundred days; 29002

(2) In townships having a budget of more than two hundred 29003
fifty thousand but not more than five hundred thousand dollars, 29004
forty-six dollars and eighty cents per day for not more than two 29005
hundred days; 29006

(3) In townships having a budget of more than five hundred 29007
thousand but not more than seven hundred fifty thousand dollars, 29008
forty-nine dollars and sixty-three cents per day for not more 29009
than two hundred days; 29010

(4) In townships having a budget of more than seven 29011
hundred fifty thousand but not more than one million five 29012
hundred thousand dollars, fifty-six dollars and seventy-one 29013
cents per day for not more than two hundred days; 29014

(5) In townships having a budget of more than one million 29015

five hundred thousand but not more than three million five 29016
hundred thousand dollars, sixty-two dollars and thirty-nine 29017
cents per day for not more than two hundred days; 29018

(6) In townships having a budget of more than three 29019
million five hundred thousand but not more than six million 29020
dollars, sixty-eight dollars and six cents per day for not more 29021
than two hundred days; 29022

(7) In townships having a budget of more than six million 29023
but not more than ten million dollars, eighty-eight dollars and 29024
nineteen cents per day for not more than two hundred days; 29025

(8) In townships having a budget of more than ten million 29026
dollars, one hundred thirteen dollars and thirty-eight cents per 29027
day for not more than two hundred days. 29028

(B) The amounts paid as specified in division (A) of this 29029
section shall be increased as follows: 29030

(1) In calendar year 2019 and in each calendar year 29031
thereafter through calendar year 2028~~2025, the amounts paid as~~ 29032
~~specified in division (A) of this section shall be increased by~~ 29033
one and three-quarters per cent; 29034

(2) In calendar year 2026 and in each calendar year 29035
thereafter through calendar year 2029, by five per cent. 29036

(C) Whenever members of a board of township trustees are 29037
compensated per diem and not by annual salary, the board shall 29038
establish, by resolution, a method by which each member of the 29039
board shall periodically notify the township fiscal officer of 29040
the number of days spent in the service of the township and the 29041
kinds of services rendered on those days. The per diem 29042
compensation shall be paid from the township general fund or 29043
from other township funds in such proportions as the kinds of 29044

services performed may require. The notice shall be filed with 29045
the township fiscal officer and preserved for inspection by any 29046
persons interested. 29047

By unanimous vote, a board of township trustees may adopt 29048
a method of compensation consisting of an annual salary to be 29049
paid in equal monthly payments. If the office of trustee is held 29050
by more than one person during any calendar year, each person 29051
holding the office shall receive payments for only those months, 29052
and any fractions of those months, during which the person holds 29053
the office. The amount of the annual salary approved by the 29054
board shall be no more than the maximum amount that could be 29055
received annually by a trustee if the trustee were paid on a per 29056
diem basis as specified in this division, and shall be paid from 29057
the township general fund or from other township funds in such 29058
proportions as the board may specify by resolution. Each trustee 29059
shall certify the percentage of time spent working on matters to 29060
be paid from the township general fund and from other township 29061
funds in such proportions as the kinds of services performed. A 29062
board of township trustees that has adopted a salary method of 29063
compensation may return to a method of compensation on a per 29064
diem basis as specified in this division by a majority vote. Any 29065
change in the method of compensation shall be effective on the 29066
first day of January of the year following the year during which 29067
the board has voted to change the method of compensation. 29068

Sec. 505.37. (A) The board of township trustees may 29069
establish all necessary rules to guard against the occurrence of 29070
fires and to protect the property and lives of the citizens 29071
against damage and accidents, and may purchase, lease, lease 29072
with an option to purchase, or otherwise provide any fire 29073
apparatus, mechanical resuscitators, underwater rescue and 29074
recovery equipment, or other fire equipment, appliances, 29075

materials, fire hydrants, and water supply for fire-fighting and 29076
fire and rescue purposes that seems advisable to the board. The 29077
board shall provide for the care and maintenance of such fire 29078
equipment, and, for these purposes, may purchase, lease, lease 29079
with an option to purchase, or construct and maintain necessary 29080
buildings, and it may establish and maintain lines of fire-alarm 29081
communications within the limits of the township. The board may 29082
employ one or more persons to maintain and operate such fire 29083
equipment, or it may enter into an agreement with a volunteer 29084
fire company for the use and operation of the equipment. The 29085
board may compensate the members of a volunteer fire company on 29086
any basis and in any amount that it considers equitable. 29087

When the estimated cost to purchase fire apparatus, 29088
mechanical resuscitators, underwater rescue and recovery 29089
equipment, or other fire equipment, appliances, materials, fire 29090
hydrants, buildings, or fire-alarm communications equipment or 29091
services exceeds the amount specified in section 9.17 of the 29092
Revised Code, the contract shall be let by competitive bidding. 29093
No purchase or other transaction subject to this section shall 29094
be divided into component parts in order to avoid the 29095
requirements of this section. When competitive bidding is 29096
required, the board shall advertise once a week for not less 29097
than two consecutive weeks using at least one of the following 29098
methods: 29099

(1) In the print or digital edition of a newspaper of 29100
general circulation within the township; 29101

(2) On the official public notice web site established 29102
under section 125.182 of the Revised Code; 29103

(3) On the web site and social media account of the 29104
township. 29105

The board may also cause notice to be inserted in trade 29106
papers or other publications designated by it or to be 29107
distributed by electronic means, including posting the notice on 29108
the board's internet web site. 29109

The advertisement shall include the time, date, and place 29110
where the clerk of the township, or the clerk's designee, will 29111
read bids publicly. The time, date, and place of bid openings 29112
may be extended to a later date by the board of township 29113
trustees, provided that written or oral notice of the change 29114
shall be given to all persons who have received or requested 29115
specifications not later than ninety-six hours prior to the 29116
original time and date fixed for the opening. The board may 29117
reject all the bids or accept the lowest and best bid, provided 29118
that the successful bidder meets the requirements of section 29119
153.54 of the Revised Code when the contract is for the 29120
construction, demolition, alteration, repair, or reconstruction 29121
of an improvement. 29122

(B) The boards of township trustees of any two or more 29123
townships, or the legislative authorities of any two or more 29124
political subdivisions, or any combination of these, may, 29125
through joint action, unite in the joint purchase, lease, lease 29126
with an option to purchase, maintenance, use, and operation of 29127
fire equipment described in division (A) of this section, or for 29128
any other purpose designated in sections 505.37 to 505.42 of the 29129
Revised Code, and may prorate the expense of the joint action on 29130
any terms that are mutually agreed upon. 29131

(C) The board of township trustees of any township may, by 29132
resolution, whenever it is expedient and necessary to guard 29133
against the occurrence of fires or to protect the property and 29134
lives of the citizens against damages resulting from their 29135

occurrence, create a fire district of any portions of the 29136
township that it considers necessary. The board may purchase, 29137
lease, lease with an option to purchase, or otherwise provide 29138
any fire apparatus, mechanical resuscitators, underwater rescue 29139
and recovery equipment, or other fire equipment, appliances, 29140
materials, fire hydrants, and water supply for fire-fighting and 29141
fire and rescue purposes, or may contract for the fire 29142
protection for the fire district as provided in section 9.60 of 29143
the Revised Code. The fire district so created shall be given a 29144
separate name by which it shall be known. 29145

Additional unincorporated territory of the township may be 29146
added to a fire district upon the board's adoption of a 29147
resolution authorizing the addition. A municipal corporation, or 29148
a portion of a municipal corporation, that is within or 29149
adjoining the township may be added to a fire district upon the 29150
board's adoption of a resolution authorizing the addition and 29151
the municipal legislative authority's adoption of a resolution 29152
or ordinance requesting the addition of the municipal 29153
corporation or a portion of the municipal corporation to the 29154
fire district. 29155

If the township fire district imposes a tax, additional 29156
unincorporated territory of the township or a municipal 29157
corporation or a portion of a municipal corporation that is 29158
within or adjoining the township shall become part of the fire 29159
district only after all of the following have occurred: 29160

(1) Adoption by the board of township trustees of a 29161
resolution approving the expansion of the territorial limits of 29162
the district and, if the resolution proposes to add a municipal 29163
corporation or a portion of a municipal corporation, adoption by 29164
the municipal legislative authority of a resolution or ordinance 29165

requesting the addition of the municipal corporation or a 29166
portion of the municipal corporation to the district; 29167

(2) Adoption by the board of township trustees of a 29168
resolution recommending the extension of the tax to the 29169
additional territory; 29170

(3) The board requests and obtains from the county auditor 29171
the information required for a tax levy under section 5705.03 of 29172
the Revised Code, in the manner prescribed in that section, 29173
except that the levy's annual collections shall be estimated 29174
assuming that the additional territory has been added to the 29175
fire district. 29176

(4) Approval of the tax by the electors of the territory 29177
proposed for addition to the district. 29178

Each resolution of the board adopted under division (C) (2) 29179
of this section shall state the name of the fire district, a 29180
description of the territory to be added, the rate, expressed in 29181
mills for each one dollar of taxable value, the effective rate, 29182
expressed in dollars for each one hundred thousand dollars of 29183
the county auditor's ~~appraised~~ market value, and termination 29184
date of the tax, which shall be the rate, effective rate, and 29185
termination date of the tax currently in effect in the fire 29186
district. 29187

The board of trustees shall certify each resolution 29188
adopted under division (C) (2) of this section and the county 29189
auditor's certification under division (C) (3) of this section to 29190
the board of elections in accordance with section 5705.19 of the 29191
Revised Code. The election required under division (C) (4) of 29192
this section shall be held, canvassed, and certified in the 29193
manner provided for the submission of tax levies under section 29194

5705.25 of the Revised Code, except that the question appearing 29195
on the ballot shall read: 29196

"Shall the territory within _____ 29197
(description of the proposed territory to be added) be added to 29198
_____ (name) fire district, and a property 29199
tax, that the county auditor estimates will collect \$_____ 29200
annually, at a rate not exceeding _____ mills for each \$1 of 29201
taxable value, which amounts to \$_____ (here insert 29202
effective rate) for each \$100,000 of the county auditor's 29203
~~appraised~~ market value, be in effect for _____ (here insert 29204
the number of years the tax is to be in effect or "a continuing 29205
period of time," as applicable)?" 29206

If the question is approved by at least a majority of the 29207
electors voting on it, the joinder shall be effective as of the 29208
first day of July of the year following approval, and on that 29209
date, the township fire district tax shall be extended to the 29210
taxable property within the territory that has been added. If 29211
the territory that has been added is a municipal corporation or 29212
portion thereof and if it had adopted a tax levy for fire 29213
purposes, the levy is terminated on the effective date of the 29214
joinder in the area of the municipal corporation added to the 29215
district. 29216

Any municipal corporation may withdraw from a township 29217
fire district created under division (C) of this section by the 29218
adoption by the municipal legislative authority of a resolution 29219
or ordinance ordering withdrawal. On the first day of July of 29220
the year following the adoption of the resolution or ordinance 29221
of withdrawal, the withdrawing municipal corporation or the 29222
portion thereof ceases to be a part of the district, and the 29223
power of the fire district to levy a tax upon taxable property 29224

in the withdrawing municipal corporation or the portion thereof 29225
terminates, except that the fire district shall continue to levy 29226
and collect taxes for the payment of indebtedness within the 29227
territory of the fire district as it was composed at the time 29228
the indebtedness was incurred. 29229

Upon the withdrawal of any municipal corporation from a 29230
township fire district created under division (C) of this 29231
section, the county auditor shall ascertain, apportion, and 29232
order a division of the funds on hand, moneys and taxes in the 29233
process of collection except for taxes levied for the payment of 29234
indebtedness, credits, and real and personal property, either in 29235
money or in kind, on the basis of the valuation of the 29236
respective tax duplicates of the withdrawing municipal 29237
corporation and the remaining territory of the fire district. 29238

A board of township trustees may remove unincorporated 29239
territory of the township from the fire district upon the 29240
adoption of a resolution authorizing the removal. On the first 29241
day of July of the year following the adoption of the 29242
resolution, the unincorporated township territory described in 29243
the resolution ceases to be a part of the district, and the 29244
power of the fire district to levy a tax upon taxable property 29245
in that territory terminates, except that the fire district 29246
shall continue to levy and collect taxes for the payment of 29247
indebtedness within the territory of the fire district as it was 29248
composed at the time the indebtedness was incurred. 29249

As used in this section, "the county auditor's ~~appraised~~ 29250
market value" and "effective rate" have the same meanings as in 29251
section 5705.01 of the Revised Code. 29252

(D) The board of township trustees of any township, the 29253
board of fire district trustees of a fire district created under 29254

section 505.371 of the Revised Code, or the legislative 29255
authority of any municipal corporation may purchase, lease, or 29256
lease with an option to purchase the necessary fire equipment 29257
described in division (A) of this section, buildings, and sites 29258
for the township, fire district, or municipal corporation and 29259
issue securities for that purpose with maximum maturities as 29260
provided in section 133.20 of the Revised Code. The board of 29261
township trustees, board of fire district trustees, or 29262
legislative authority may also construct any buildings necessary 29263
to house fire equipment and issue securities for that purpose 29264
with maximum maturities as provided in section 133.20 of the 29265
Revised Code. 29266

The board of township trustees, board of fire district 29267
trustees, or legislative authority may issue the securities of 29268
the township, fire district, or municipal corporation, signed by 29269
the board or designated officer of the municipal corporation and 29270
attested by the signature of the township fiscal officer, fire 29271
district clerk, or municipal clerk, covering any deferred 29272
payments and payable at the times provided, which securities 29273
shall bear interest not to exceed the rate determined as 29274
provided in section 9.95 of the Revised Code, and shall not be 29275
subject to Chapter 133. of the Revised Code. The legislation 29276
authorizing the issuance of the securities shall provide for 29277
levying and collecting annually by taxation, amounts sufficient 29278
to pay the interest on and principal of the securities. The 29279
securities shall be offered for sale on the open market or given 29280
to the vendor or contractor if no sale is made. 29281

Section 505.40 of the Revised Code does not apply to any 29282
securities issued, or any lease with an option to purchase 29283
entered into, in accordance with this division. 29284

(E) A board of township trustees of any township or a board of fire district trustees of a fire district created under section 505.371 of the Revised Code may purchase a policy or policies of liability insurance for the officers, employees, and appointees of the fire department, fire district, or joint fire district governed by the board that includes personal injury liability coverage as to the civil liability of those officers, employees, and appointees for false arrest, detention, or imprisonment, malicious prosecution, libel, slander, defamation or other violation of the right of privacy, wrongful entry or eviction, or other invasion of the right of private occupancy, arising out of the performance of their duties.

When a board of township trustees cannot, by deed of gift or by purchase and upon terms it considers reasonable, procure land for a township fire station that is needed in order to respond in reasonable time to a fire or medical emergency, the board may appropriate land for that purpose under sections 163.01 to 163.22 of the Revised Code. If it is necessary to acquire additional adjacent land for enlarging or improving the fire station, the board may purchase, appropriate, or accept a deed of gift for the land for these purposes.

(F) As used in this division, "emergency medical service organization" has the same meaning as in section 4766.01 of the Revised Code.

A board of township trustees, by adoption of an appropriate resolution, may choose to have the state board of emergency medical, fire, and transportation services license any emergency medical service organization it operates. If the board adopts such a resolution, Chapter 4766. of the Revised Code, except for sections 4766.06 and 4766.99 of the Revised Code,

applies to the organization. All rules adopted under the 29315
applicable sections of that chapter also apply to the 29316
organization. A board of township trustees, by adoption of an 29317
appropriate resolution, may remove its emergency medical service 29318
organization from the jurisdiction of the state board of 29319
emergency medical, fire, and transportation services. 29320

Sec. 505.48. (A) The board of township trustees of any 29321
township may, by resolution adopted by two-thirds of the members 29322
of the board, create a township police district comprised of all 29323
or a portion of the unincorporated territory of the township as 29324
the resolution may specify. If the township police district does 29325
not include all of the unincorporated territory of the township, 29326
the resolution creating the district shall contain a complete 29327
and accurate description of the territory of the district and a 29328
separate and distinct name for the district. 29329

At any time not less than one hundred twenty days after a 29330
township police district is created and operative, the 29331
territorial limits of the district may be altered in the manner 29332
provided in division (B) of this section or, if applicable, as 29333
provided in section 505.482 of the Revised Code. 29334

(B) Except as otherwise provided in section 505.481 of the 29335
Revised Code, the territorial limits of a township police 29336
district may be altered by a resolution adopted by a two-thirds 29337
vote of the board of township trustees. If the township police 29338
district imposes a tax, any territory proposed for addition to 29339
the district shall become part of the district only after all of 29340
the following have occurred: 29341

(1) Adoption by two-thirds vote of the board of township 29342
trustees of a resolution approving the expansion of the 29343
territorial limits of the district; 29344

(2) Adoption by a two-thirds vote of the board of township trustees of a resolution recommending the extension of the tax to the additional territory;

(3) The board requests and obtains from the county auditor the information required for a tax levy under section 5705.03 of the Revised Code, in the same manner required under that section, except that the levy's annual collections shall be estimated assuming that the additional territory has been added to the township police district.

(4) Approval of the tax by the electors of the territory proposed for addition to the district.

Each resolution of the board adopted under division (B) (2) of this section shall state the name of the township police district, a description of the territory to be added, the rate, expressed in mills for each one dollar of taxable value, the effective rate, expressed in dollars for each one hundred thousand dollars of the county auditor's ~~appraised~~ market value, and termination date of the tax, which shall be the rate, effective rate, and termination date of the tax currently in effect in the district.

The board of trustees shall certify each resolution adopted under division (B) (2) of this section and the county auditor's certification under division (B) (3) of this section to the board of elections in accordance with section 5705.19 of the Revised Code. The election required under division (B) (4) of this section shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within _____ 29374
(description of the proposed territory to be added) be added to 29375
_____ (name) township police district, and a property 29376
tax, that the county auditor estimates will collect \$_____ 29377
annually, at a rate not exceeding _____ mills for each \$1 29378
of taxable value, which amounts to \$_____ (here insert 29379
effective rate) for each \$100,000 of the county auditor's 29380
~~appraised~~ market value, be in effect for _____ (here insert 29381
the number of years the tax is to be in effect or "a continuing 29382
period of time," as applicable)?" 29383

If the question is approved by at least a majority of the 29384
electors voting on it, the joinder shall be effective as of the 29385
first day of January of the year following approval, and, on 29386
that date, the township police district tax shall be extended to 29387
the taxable property within the territory that has been added. 29388

As used in this section, "the county auditor's ~~appraised~~ 29389
market value" and "effective rate" have the same meanings as in 29390
section 5705.01 of the Revised Code. 29391

Sec. 505.481. (A) If a township police district does not 29392
include all the unincorporated territory of the township, the 29393
remaining unincorporated territory of the township may be added 29394
to the district by a resolution adopted by a unanimous vote of 29395
the board of township trustees to place the issue of expansion 29396
of the district on the ballot for the electors of the entire 29397
unincorporated territory of the township. The resolution shall 29398
state whether the proposed township police district initially 29399
will hire personnel as provided in section 505.49 of the Revised 29400
Code or contract for the provision of police protection services 29401
or additional police protection services as provided in section 29402
505.43 or 505.50 of the Revised Code. If the board proposes to 29403

levy a tax throughout all of the unincorporated territory of the township, the board shall request and obtain from the county auditor the information required for a tax levy under section 5705.03 of the Revised Code, except that the levy's annual collections shall be estimated assuming that the unincorporated territory has been added to the township police district.

The ballot measure shall provide for the addition into a new district of all the unincorporated territory of the township not already included in the township police district and for the levy of any tax then imposed by the district throughout the unincorporated territory of the township. If the measure includes a tax, the measure shall state the rate of the tax, which need not be the same rate of any tax imposed by the existing district, to be imposed in the district resulting from approval of the measure, expressed in mills for each one dollar of taxable value, the effective rate, expressed in dollars for each one hundred thousand dollars of the county auditor's ~~appraised~~ market value, the last year in which the tax will be levied or that it will be levied for a continuous period of time, and the county auditor's estimate of the levy's annual collections.

(B) The election on the measure shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read substantially as follows:

"Shall the unincorporated territory within _____ (name of the township) not already included within the _____ (name of township police district) be added to the township police district to create the _____ (name of new

township police district) township police district?" 29434

The name of the proposed township police district shall be 29435
separate and distinct from the name of the existing township 29436
police district. 29437

If a tax is imposed in the existing township police 29438
district, the question shall be modified by adding, at the end 29439
of the question, the following: ", and shall a property tax be 29440
levied in the new township police district, replacing the tax in 29441
the existing township police district, that the county auditor 29442
estimates will collect \$_____ annually, at a rate not exceeding 29443
_____ mills for each \$1 of taxable value, which amounts to 29444
\$_____ (effective rate) for each \$100,000 of the county 29445
auditor's ~~appraised~~ market value, for _____ (number of years 29446
the tax will be levied, or "a continuing period of time")." 29447

If the measure is not approved by a majority of the 29448
electors voting on it, the township police district shall 29449
continue to occupy its existing territory until altered as 29450
provided in this section or section 505.48 of the Revised Code, 29451
and any existing tax imposed under section 505.51 of the Revised 29452
Code shall remain in effect in the existing district at the 29453
existing rate and for as long as provided in the resolution 29454
under the authority of which the tax is levied. 29455

As used in this section, "the county auditor's ~~appraised~~ 29456
market value" and "effective rate" have the same meanings as in 29457
section 5705.01 of the Revised Code. 29458

Sec. 507.09. (A) In calendar year 2018, the township 29459
fiscal officer shall be entitled to compensation as follows: 29460

(1) In townships having a budget of two hundred fifty 29461
thousand dollars or less, ten thousand nine hundred eighteen 29462

dollars; 29463

(2) In townships having a budget of more than two hundred 29464
fifty thousand but not more than five hundred thousand dollars, 29465
fourteen thousand thirty-nine dollars; 29466

(3) In townships having a budget of more than five hundred 29467
thousand but not more than seven hundred fifty thousand dollars, 29468
fifteen thousand five hundred ninety-seven dollars; 29469

(4) In townships having a budget of more than seven 29470
hundred fifty thousand but not more than one million five 29471
hundred thousand dollars, eighteen thousand seven hundred 29472
seventeen dollars; 29473

(5) In townships having a budget of more than one million 29474
five hundred thousand but not more than three million five 29475
hundred thousand dollars, twenty-one thousand eight hundred 29476
thirty-six dollars; 29477

(6) In townships having a budget of more than three 29478
million five hundred thousand but not more than six million 29479
dollars, twenty-three thousand three hundred ninety-six dollars; 29480

(7) In townships having a budget of more than six million 29481
but not more than ten million dollars, twenty-six thousand eight 29482
hundred fifty-two dollars; 29483

(8) In townships having a budget of more than ten million 29484
dollars, thirty-one thousand sixty-four dollars. 29485

(B) The compensation determined under division (A) of this 29486
section shall be increased as follows: 29487

(1) In calendar year 2019 and in each calendar year 29488
thereafter through calendar year ~~2028~~2025, ~~the compensation~~ 29489
~~determined under division (A) of this section shall be increased~~ 29490

by one and three-quarters per cent; 29491

(2) In calendar year 2026 and in each calendar year 29492
thereafter through calendar year 2029, by five per cent. 29493

(C) Any township fiscal officer may elect to receive less 29494
than the compensation the fiscal officer is entitled to under 29495
this section. Any township fiscal officer electing to do this 29496
shall so notify the board of township trustees in writing, and 29497
the board shall include this notice in the minutes of its next 29498
board meeting. 29499

(D) The compensation of the township fiscal officer shall 29500
be paid in equal monthly payments. If the office of township 29501
fiscal officer is held by more than one person during any 29502
calendar year, each person holding the office shall receive 29503
payments for only those months, and any fractions of those 29504
months, during which the person holds the office. 29505

A township fiscal officer may be compensated from the 29506
township general fund or from other township funds based on the 29507
proportion of time the township fiscal officer spends providing 29508
services related to each fund. A township fiscal officer must 29509
document the amount of time the township fiscal officer spends 29510
providing services related to each fund by certification 29511
specifying the percentage of time spent working on matters to be 29512
paid from the township general fund or from other township funds 29513
in such proportions as the kinds of services performed. 29514

Sec. 507.12. (A) To enhance the background and working 29515
knowledge of township fiscal officers in government accounting, 29516
budgeting and financing, financial report preparation, 29517
cybersecurity, ~~and~~ the rules adopted by the auditor of state, 29518
bulletins or other information published by the auditor of 29519

state, and any other subject deemed appropriate by the auditor 29520
of state, the auditor of state shall conduct education programs 29521
and continuing education courses for individuals elected or 29522
appointed for the first time to the office of township fiscal 29523
officer, and shall conduct continuing education courses for 29524
individuals who continue to hold the office in a subsequent 29525
term. The Ohio township association also may conduct such 29526
initial education programs and continuing education courses if 29527
approved by the auditor of state. The auditor of state, in 29528
conjunction with the Ohio township association, shall determine 29529
the manner and content of the initial education programs and 29530
continuing education courses. 29531

(B) A newly elected or appointed township fiscal officer 29532
shall complete at least six hours of initial education programs 29533
before commencing, or during the first year of, office. A 29534
township fiscal officer who participates in a training program 29535
held under section 117.44 of the Revised Code may apply those 29536
hours taken before commencing office to the six hours of initial 29537
education programs required under this division. 29538

(C) (1) In addition to the six hours of initial education 29539
required under division (B) of this section, a newly elected 29540
township fiscal officer shall complete at least a total of 29541
eighteen continuing education hours during the township fiscal 29542
officer's first term of office. 29543

(2) A township fiscal officer who is elected to a 29544
subsequent term of office shall complete twelve hours of 29545
continuing education courses in each subsequent term of office. 29546

(3) The auditor of state shall adopt rules specifying the 29547
initial education programs and continuing education courses that 29548
are required for a township fiscal officer who has been 29549

appointed to fill a vacancy. The requirements shall be 29550
proportionally equivalent, based on the time remaining in the 29551
vacated office, to the requirements for a newly elected township 29552
fiscal officer. 29553

(4) At least two hours of ethics instruction shall be 29554
included in the continuing education hours required by divisions 29555
(C) (1) and (2) of this section. 29556

(5) A township fiscal officer who participates in a 29557
training program or seminar established under section 109.43 of 29558
the Revised Code may apply the three hours of training to the 29559
continuing education hours required by divisions (C) (1) and (2) 29560
of this section. 29561

(D) (1) A certified public accountant who serves as a 29562
township fiscal officer may apply to the continuing education 29563
hours required by division (C) of this section any hours of 29564
continuing education completed under section 4701.11 of the 29565
Revised Code after being elected or appointed as a township 29566
fiscal officer. 29567

(2) A township fiscal officer may apply to the continuing 29568
education hours required by division (C) of this section any 29569
hours of continuing education completed under section 135.22 of 29570
the Revised Code after being elected or appointed as a township 29571
fiscal officer. 29572

(3) A township fiscal officer who teaches an approved 29573
continuing education course under division (C) of this section 29574
is entitled to credit for the course in the same manner as if 29575
the township fiscal officer had attended the course. 29576

~~(E) The auditor of state shall adopt rules for verifying~~ 29577
~~the completion of initial education programs and continuing~~ 29578

~~education courses required under this section. The auditor of~~ 29579
~~state shall issue a certificate of completion to each township~~ 29580
~~fiscal officer who completes the initial education programs and~~ 29581
~~continuing education courses. The auditor of state shall issue a~~ 29582
~~"failure to complete" notice to any township fiscal officer who~~ 29583
~~is required to complete initial education programs and~~ 29584
~~continuing education courses under this section, but who fails~~ 29585
~~to do so. The notice is for informational purposes only and does~~ 29586
~~not affect any individual's ability to hold the office of~~ 29587
~~township fiscal officer.~~ 29588

The township fiscal officer shall retain the documentation 29589
of any initial or continuing education courses completed. The 29590
auditor of state shall audit for compliance with this section. 29591

(F) Each board of township trustees shall approve a 29592
reasonable amount requested by the township fiscal officer to 29593
cover the costs the township fiscal officer is required to incur 29594
to meet the requirements of this section, including registration 29595
fees, lodging and meal expenses, and travel expenses. 29596

Sec. 511.28. A copy of any resolution for a tax levy 29597
adopted by the township board of park commissioners as provided 29598
in section 511.27 of the Revised Code shall be certified by the 29599
clerk of the board of park commissioners to the board of 29600
elections of the proper county, together with a certified copy 29601
of the resolution approving the levy, passed by the board of 29602
township trustees if such a resolution is required by division 29603
(C) of section 511.27 of the Revised Code, and the county 29604
auditor's certification, not less than ninety days before a 29605
general or primary election in any year. The board of elections 29606
shall submit the proposal to the electors as provided in section 29607
511.27 of the Revised Code at the succeeding general or primary 29608

election. A resolution to renew an existing levy may not be 29609
placed on the ballot unless the question is submitted at the 29610
general election held during the last year the tax to be renewed 29611
may be extended on the real and public utility property tax list 29612
and duplicate, or at any election held in the ensuing year. The 29613
board of park commissioners shall cause notice that the vote 29614
will be taken to be published once a week for two consecutive 29615
weeks prior to the election in a newspaper of general 29616
circulation, or as provided in section 7.16 of the Revised Code, 29617
in the county within which the park district is located. 29618
Additionally, if the board of elections operates and maintains a 29619
web site, the board of elections shall post that notice on its 29620
web site for thirty days prior to the election. The notice shall 29621
state the purpose of the proposed levy, the levy's estimated 29622
annual collections, the levy's annual rate or, if applicable, 29623
the levy's effective rate, expressed in dollars for each one 29624
hundred thousand dollars of the county auditor's ~~appraised~~ 29625
market value as well as the annual rate expressed in mills for 29626
each one dollar of taxable value, the number of consecutive 29627
years during which the levy shall be in effect, and the time and 29628
place of the election. 29629

The form of the ballots cast at the election shall be: "An 29630
additional tax for the benefit of (name of township park 29631
district) _____ for the purpose of (purpose stated in the 29632
order of the board) _____, that the county auditor 29633
estimates will collect \$_____ annually, at a rate not exceeding 29634
_____ mills for each \$1 of taxable value, which amounts to 29635
\$_____ for each \$100,000 of the county auditor's ~~appraised~~ 29636
market value, for (number of years the levy is to run) 29637
_____ 29638
_____ 29639

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in this section shall be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in the case of a proposal to renew an existing levy in the same amount; the words "A renewal of _____ mills and an increase of _____ mills for each \$1 of taxable value to constitute a" in the case of an increase; or the words "A renewal of part of an existing levy, being a reduction of _____ mills for each \$1 of taxable value, to constitute a" in the case of a decrease in the rate of the existing levy. Additionally, the effective rate, in lieu of the rate, shall be expressed for each one hundred thousand dollars of the county auditor's ~~appraised~~ market value.

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase ", commencing in _____ (first year the tax is to be levied), first due in calendar year _____ (first calendar year in which the tax shall be due)."

The question covered by the order shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election.

As used in this section, "the county auditor's ~~appraised~~

market value" and "effective rate" have the same meanings as in 29666
section 5705.01 of the Revised Code. 29667

Sec. 511.34. In townships composed of islands, and on one 29668
of which islands lands have been conveyed in trust for the 29669
benefit of the inhabitants of the island for use as a park, and 29670
a board of park trustees has been provided for the control of 29671
the park, the board of township trustees may create a tax 29672
district of the island to raise funds by taxation as provided 29673
under divisions (A) and (B) of this section. 29674

(A) For the care and maintenance of parks on the island, 29675
the board of township trustees annually may levy a tax, not to 29676
exceed one mill for each one dollar of taxable value, upon all 29677
the taxable property in the district. The tax shall be in 29678
addition to all other levies authorized by law, and subject to 29679
no limitation on tax rates except as provided in this division. 29680

The proceeds of the tax levy shall be expended by the 29681
board of township trustees for the purpose of the care and 29682
maintenance of the parks, and shall be paid out of the township 29683
treasury upon the orders of the board of park trustees. 29684

(B) For the purpose of acquiring additional land for use 29685
as a park, the board of township trustees may levy a tax in 29686
excess of the ten-mill limitation on all taxable property in the 29687
district. The tax shall be proposed by resolution adopted by 29688
two-thirds of the members of the board of township trustees. The 29689
resolution shall specify the purpose and rate of the tax and the 29690
number of years the tax will be levied, which shall not exceed 29691
five years, and which may include a levy on the current tax list 29692
and duplicate. The resolution shall go into immediate effect 29693
upon its passage, and no publication of the resolution is 29694
necessary other than that provided for in the notice of 29695

election. The board of township trustees shall certify a copy of 29696
the resolution to the proper board of elections not later than 29697
ninety days before the primary or general election in the 29698
township, and the board of elections shall submit the question 29699
of the tax to the voters of the district at the succeeding 29700
primary or general election. The board of elections shall make 29701
the necessary arrangements for the submission of the question to 29702
the electors of the district, and the election shall be 29703
conducted, canvassed, and certified in the same manner as 29704
regular elections in the township for the election of officers. 29705
Notice of the election shall be published in a newspaper of 29706
general circulation in the township once a week for two 29707
consecutive weeks, or as provided in section 7.16 of the Revised 29708
Code prior to the election. If the board of elections operates 29709
and maintains a web site, notice of the election also shall be 29710
posted on that web site for thirty days prior to the election. 29711
The notice shall state the purpose of the tax, the levy's 29712
estimated annual collections, the proposed rate of the tax 29713
expressed in dollars for each one hundred thousand dollars of 29714
the county auditor's ~~appraised~~-market value and mills for each 29715
one dollar of taxable value, the number of years the tax will be 29716
in effect, the first year the tax will be levied, and the time 29717
and place of the election. 29718

The form of the ballots cast at an election held under 29719
this division shall be as follows: 29720

"An additional tax for the benefit of _____ (name of 29721
the township) for the purpose of acquiring additional park land, 29722
that the county auditor estimates will collect \$____ annually, 29723
at a rate of _____ mills for each \$1 of taxable value, which 29724
amounts to \$_____ for each \$100,000 of the county auditor's 29725
~~appraised~~-market value, for _____ (number of years the levy 29726

is to run) beginning in _____ (first year the tax will be
levied).

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	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

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The question shall be submitted as a separate proposition
but may be printed on the same ballot with any other proposition
submitted at the same election other than the election of
officers. More than one such question may be submitted at the
same election.

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If the levy is approved by a majority of electors voting
on the question, the board of elections shall certify the result
of the election to the tax commissioner. In the first year of
the levy, the tax shall be extended on the tax lists after the
February settlement following the election. If the tax is to be
placed on the tax lists of the current year as specified in the
resolution, the board of elections shall certify the result of
the election immediately after the canvass to the board of
township trustees, which shall forthwith make the necessary levy
and certify the levy to the county auditor, who shall extend the
levy on the tax lists for collection. After the first year of
the levy, the levy shall be included in the annual tax budget
that is certified to the county budget commission.

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As used in this section, "the county auditor's ~~appraised-~~
market value" has the same meaning as in section 5705.01 of the
Revised Code.

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Sec. 513.18. In the event any township, contiguous to a
joint township hospital district, desires to become a part of

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such district in existence under sections 513.07 to 513.18 of 29753
the Revised Code, its board of township trustees, by a two- 29754
thirds favorable vote of the members of such board, after the 29755
existing joint township hospital board has, by a majority 29756
favorable vote of the members thereof, approved the terms under 29757
which such township proposes to join the district, shall become 29758
a part of the joint township district hospital board under such 29759
terms and with all the rights, privileges, and responsibilities 29760
enjoyed by and extended to the existing members of the hospital 29761
board under such sections, including representation on the board 29762
of hospital governors by the appointment of an elector of such 29763
township as a member thereof. 29764

If the terms under which such township proposes to join 29765
the hospital district involve a tax levy for the purpose of 29766
sharing the existing obligations, including bonded indebtedness, 29767
of the district or the necessary operating expenses of such 29768
hospital, such township shall not become a part of the district 29769
until its electors have approved such levy as provided in this 29770
section. In such a case, the board of township trustees and the 29771
county auditor shall proceed in the same manner as required for 29772
a tax levy under section 5705.03 of the Revised Code, except 29773
that the levy's annual collections shall be estimated assuming 29774
that the township has been added to the hospital district. 29775

Upon request of the board of township trustees of the 29776
township proposing to join such district, by resolution approved 29777
by a two-thirds vote of its members, the board of elections of 29778
the county in which the township lies shall place upon the 29779
ballot for submission to the electorate of such township at the 29780
next primary or general election occurring not less than ninety 29781
nor more than one hundred thirty-five days after such request is 29782
received from the board of township trustees the question of 29783

levying a tax, not to exceed one mill outside the ten-mill 29784
limitation, for a period of not to exceed five years, to provide 29785
funds for the payment of the township's share of the necessary 29786
expenses incurred in the operation of such hospital, or the 29787
question of levying a tax to pay the township's share of the 29788
existing obligations, including bonded indebtedness, of the 29789
district, or both questions may be submitted at the same primary 29790
or general election. The question appearing on the ballot shall 29791
read: 29792

"Shall _____ (name of township) be added to the _____ 29793
(name of joint township hospital district), and property tax be 29794
levied for the purpose of _____ (purpose of tax), that the 29795
county auditor estimates will collect \$_____ annually, at a 29796
rate not exceeding _____ mills for each \$1 of taxable value, 29797
which amounts to \$_____ (rate or effective rate, as applicable) 29798
for each \$100,000 of the county auditor's ~~appraised-market~~ 29799
value, to be in effect for _____ (number of years the tax is to 29800
be in effect)?" 29801

If a majority of the electors voting on the propositions 29802
vote in favor thereof, the county auditor shall place such 29803
levies on the tax duplicate against the property in the 29804
township, which township shall thereby become a part of said 29805
joint township hospital district. 29806

As used in this section, "the county auditor's ~~appraised-~~ 29807
market value" and "effective rate" have the same meanings as in 29808
section 5705.01 of the Revised Code. 29809

Sec. 519.12. (A) (1) Amendments to the zoning resolution 29810
may be initiated by motion of the township zoning commission, by 29811
the passage of a resolution by the board of township trustees, 29812
or by the filing of an application by one or more of the owners 29813

or lessees of property within the area proposed to be changed or 29814
affected by the proposed amendment with the township zoning 29815
commission. The board of township trustees may require that the 29816
owner or lessee of property filing an application to amend the 29817
zoning resolution pay a fee to defray the cost of advertising, 29818
mailing, filing with the county recorder, and other expenses. If 29819
the board of township trustees requires such a fee, it shall be 29820
required generally, for each application. The board of township 29821
trustees, upon the passage of such a resolution, shall certify 29822
it to the township zoning commission. 29823

(2) Upon the adoption of a motion by the township zoning 29824
commission, the certification of a resolution by the board of 29825
township trustees to the commission, or the filing of an 29826
application by property owners or lessees as described in 29827
division (A)(1) of this section with the commission, the 29828
commission shall set a date for a public hearing, which date 29829
shall not be less than twenty nor more than forty days from the 29830
date of the certification of such a resolution, the date of 29831
adoption of such a motion, or the date of the filing of such an 29832
application. Notice of the hearing shall be given by the 29833
commission by one publication at least ten days before the date 29834
of the hearing using at least one of the following methods: 29835

(a) In the print or digital edition of one or more 29836
newspapers of general circulation in the township; 29837

(b) On the official public notice web site established 29838
under section 125.182 of the Revised Code; 29839

(c) On the web site and social media account of the 29840
township. 29841

(B) If the proposed amendment intends to rezone or 29842

redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the township zoning commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

(C) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the township zoning commission that will be conducting the hearing;

(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;

(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;

(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;

(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;

(6) The name of the person responsible for giving notice 29872
of the hearing by publication, by mail, or by both publication 29873
and mail; 29874

(7) A statement that, after the conclusion of the hearing, 29875
the matter will be submitted to the board of township trustees 29876
for its action; 29877

(8) Any other information requested by the commission. 29878

(D) If the proposed amendment alters the text of the 29879
zoning resolution, or rezones or redistricts more than ten 29880
parcels of land as listed on the county auditor's current tax 29881
list, the published notice shall set forth the time, date, and 29882
place of the public hearing and include all of the following: 29883

(1) The name of the township zoning commission that will 29884
be conducting the hearing on the proposed amendment; 29885

(2) A statement indicating that the motion, application, 29886
or resolution is an amendment to the zoning resolution; 29887

(3) The time and place where the text and maps of the 29888
proposed amendment will be available for examination for a 29889
period of at least ten days prior to the hearing; 29890

(4) The name of the person responsible for giving notice 29891
of the hearing by publication; 29892

(5) A statement that, after the conclusion of the hearing, 29893
the matter will be submitted to the board of township trustees 29894
for its action; 29895

(6) Any other information requested by the commission. 29896

(E) (1) (a) Except as provided in division (E) (1) (b) of this 29897
section, within five days after the adoption of the motion 29898

described in division (A) of this section, the certification of 29899
the resolution described in division (A) of this section, or the 29900
filing of the application described in division (A) of this 29901
section, the township zoning commission shall transmit a copy of 29902
it together with text and map pertaining to it to the county or 29903
regional planning commission, if there is such a commission, for 29904
approval, disapproval, or suggestions. 29905

The county or regional planning commission shall recommend 29906
the approval or denial of the proposed amendment or the approval 29907
of some modification of it and shall submit its recommendation 29908
to the township zoning commission. The recommendation shall be 29909
considered at the public hearing held by the township zoning 29910
commission on the proposed amendment. 29911

(b) The township zoning commission of a township that has 29912
adopted a limited home rule government under Chapter 504. of the 29913
Revised Code is not subject to division (E)(1)(a) of this 29914
section but may choose to comply with division (E)(1)(a) of this 29915
section. 29916

(2) The township zoning commission, within thirty days 29917
after the hearing, shall recommend the approval or denial of the 29918
proposed amendment, or the approval of some modification of it, 29919
and submit that recommendation together with the motion, 29920
application, or resolution involved, the text and map pertaining 29921
to the proposed amendment, and the recommendation of the county 29922
or regional planning commission on it to the board of township 29923
trustees. 29924

(3) The board of township trustees, upon receipt of that 29925
recommendation, shall set a time for a public hearing on the 29926
proposed amendment, which date shall not be more than thirty 29927
days from the date of the receipt of that recommendation. Notice 29928

of the hearing shall be given by the board by one publication at 29929
least ten days before the date of the hearing using at least one 29930
of the following methods: 29931

(a) In the print or digital edition of one or more 29932
newspapers of general circulation in the township; 29933

(b) On the official public notice web site established 29934
under section 125.182 of the Revised Code; 29935

(c) On the web site and social media account of the 29936
township. 29937

(F) If the proposed amendment intends to rezone or 29938
redistrict ten or fewer parcels of land as listed on the county 29939
auditor's current tax list, the published notice shall set forth 29940
the time, date, and place of the public hearing and include all 29941
of the following: 29942

(1) The name of the board of township trustees that will 29943
be conducting the hearing; 29944

(2) A statement indicating that the motion, application, 29945
or resolution is an amendment to the zoning resolution; 29946

(3) A list of the addresses of all properties to be 29947
rezoned or redistricted by the proposed amendment and of the 29948
names of owners of those properties, as they appear on the 29949
county auditor's current tax list; 29950

(4) The present zoning classification of property named in 29951
the proposed amendment and the proposed zoning classification of 29952
that property; 29953

(5) The time and place where the motion, application, or 29954
resolution proposing to amend the zoning resolution will be 29955
available for examination for a period of at least ten days 29956

prior to the hearing; 29957

(6) The name of the person responsible for giving notice 29958
of the hearing by publication, by mail, or by both publication 29959
and mail; 29960

(7) Any other information requested by the board. 29961

(G) If the proposed amendment alters the text of the 29962
zoning resolution, or rezones or redistricts more than ten 29963
parcels of land as listed on the county auditor's current tax 29964
list, the published notice shall set forth the time, date, and 29965
place of the public hearing and include all of the following: 29966

(1) The name of the board of township trustees that will 29967
be conducting the hearing on the proposed amendment; 29968

(2) A statement indicating that the motion, application, 29969
or resolution is an amendment to the zoning resolution; 29970

(3) The time and place where the text and maps of the 29971
proposed amendment will be available for examination for a 29972
period of at least ten days prior to the hearing; 29973

(4) The name of the person responsible for giving notice 29974
of the hearing by publication; 29975

(5) Any other information requested by the board. 29976

(H) Within twenty days after its public hearing, the board 29977
of township trustees shall either adopt or deny the 29978
recommendations of the township zoning commission or adopt some 29979
modification of them. If the board denies or modifies the 29980
commission's recommendations, a majority vote of the board shall 29981
be required. 29982

~~The~~ Except as provided in division (J) of this section, 29983

the proposed amendment, if adopted by the board, shall become 29984
effective in thirty days after the date of its adoption, unless, 29985
within thirty days after the adoption, there is presented to the 29986
board of township trustees a petition, signed by a number of 29987
registered electors residing in the unincorporated area of the 29988
township or part of that unincorporated area included in the 29989
zoning plan equal to not less than ~~fifteen~~thirty-five per cent 29990
of the total vote cast for all candidates for governor in that 29991
area at the most recent general election at which a governor was 29992
elected, requesting the board of township trustees to submit the 29993
amendment to the electors of that area for approval or rejection 29994
at a special election to be held on the day of the next primary 29995
or general election that occurs at least ninety days after the 29996
petition is filed. Each part of this petition shall contain the 29997
number and the full and correct title, if any, of the zoning 29998
amendment resolution, motion, or application, furnishing the 29999
name by which the amendment is known and a brief summary of its 30000
contents. In addition to meeting the requirements of this 30001
section, each petition shall be governed by the rules specified 30002
in section 3501.38 of the Revised Code. 30003

The form of a petition calling for a zoning referendum and 30004
the statement of the circulator shall be substantially as 30005
follows: 30006

"PETITION FOR ZONING REFERENDUM 30007

(if the proposal is identified by a particular name or 30008
number, or both, these should be inserted here) 30009
_____ 30010

A proposal to amend the zoning map of the unincorporated 30011
area of _____ Township, _____ County, Ohio, 30012
adopted _____ (date) _____ (followed by brief summary of the 30013

proposal). 30014

To the Board of Township Trustees of _____ 30015

Township, _____ County, Ohio: 30016

We, the undersigned, being electors residing in the 30017

unincorporated area of _____ Township, 30018

included within the _____ Township Zoning Plan, equal to 30019

not less than fifteen per cent of the total vote cast for all 30020

candidates for governor in the area at the preceding general 30021

election at which a governor was elected, request the Board of 30022

Township Trustees to submit this amendment of the zoning 30023

resolution to the electors of _____ Township 30024

residing within the unincorporated area of the township included 30025

in the _____ Township Zoning Resolution, for 30026

approval or rejection at a special election to be held on the 30027

day of the primary or general election to be held on 30028

____ (date) _____, pursuant to section 519.12 of the Revised 30029

Code. 30030

Street Address Date of 30031

Signature or R.F.D. Township Precinct County Signing 30032

_____ 30033

_____ 30034

STATEMENT OF CIRCULATOR 30035

I, _____ (name of circulator) _____, declare 30036

under penalty of election falsification that I am an elector of 30037

the state of Ohio and reside at the address appearing below my 30038

signature; that I am the circulator of the foregoing part 30039

petition containing _____ (number) _____ signatures; that I 30040

have witnessed the affixing of every signature; that all signers 30041

were to the best of my knowledge and belief qualified to sign; 30042

and that every signature is to the best of my knowledge and 30043
belief the signature of the person whose signature it purports 30044
to be or of an attorney in fact acting pursuant to section 30045
3501.382 of the Revised Code. 30046

30047

(Signature of circulator) 30048

30049

(Address of circulator's permanent 30050

residence in this state) 30051

30052

(City, village, or township, 30053

and zip code) 30054

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 30055

FELONY OF THE FIFTH DEGREE." 30056

The petition shall be filed with the board of township 30057

trustees and shall be accompanied by an appropriate map of the 30058

area affected by the zoning proposal. Within two weeks after 30059

receiving a petition filed under this section, the board of 30060

township trustees shall certify the petition to the board of 30061

elections. A petition filed under this section shall be 30062

certified to the board of elections not less than ninety days 30063

prior to the election at which the question is to be voted upon. 30064

The board of elections shall determine the sufficiency and 30065

validity of each petition certified to it by a board of township 30066

trustees under this section. If the board of elections 30067

determines that a petition is sufficient and valid, the question 30068

shall be voted upon at a special election to be held on the day 30069

of the next primary or general election that occurs at least 30070
ninety days after the date the petition is filed with the board 30071
of township trustees, regardless of whether any election will be 30072
held to nominate or elect candidates on that day. 30073

No amendment for which such a referendum vote has been 30074
requested shall be put into effect unless a majority of the vote 30075
cast on the issue is in favor of the amendment. Upon 30076
certification by the board of elections that the amendment has 30077
been approved by the voters, it shall take immediate effect. 30078

(I) Within five working days after an amendment's 30079
effective date, the board of township trustees shall file the 30080
text and maps of the amendment in the office of the county 30081
recorder and with the county or regional planning commission, if 30082
one exists. 30083

The failure to file any amendment, or any text and maps, 30084
or duplicates of any of these documents, with the office of the 30085
county recorder or the county or regional planning commission as 30086
required by this section does not invalidate the amendment and 30087
is not grounds for an appeal of any decision of the board of 30088
zoning appeals. 30089

(J) (1) Notwithstanding any contrary provision of the 30090
Revised Code, a decision of the board of township trustees to 30091
adopt a proposed amendment to the zoning text or map to rezone, 30092
redistrict, or otherwise make an amendment related to, any 30093
property involved in a megaproject as defined in section 122.17 30094
of the Revised Code shall take effect immediately upon adoption 30095
and is exempt from the referendum procedures in division (H) of 30096
this section. 30097

(2) If a proposed amendment establishes or modifies 30098

planned-unit development regulations, the following apply in 30099
lieu of the contrary provisions of division (H) of this section: 30100

(a) The board of elections shall determine the sufficiency 30101
and validity of the petition not later than thirty days after 30102
the petition is certified to the board of elections by the board 30103
of township trustees. 30104

(b) If the board of elections determines there is an 30105
insufficient number of valid signatures, the board immediately 30106
shall notify the person who presented the petition. The person 30107
may submit additional signatures not later than ten days after 30108
the notification. 30109

Sec. 523.06. If a merger agreement is entered into as 30110
required by section 523.04 of the Revised Code, this section 30111
does not apply. If a merger agreement is not entered into under 30112
section 523.04 of the Revised Code, the merger agreement shall 30113
contain all of the terms and conditions specified in this 30114
section. If a partial merger agreement is entered into under 30115
section 523.04 of the Revised Code, this section applies only to 30116
the extent any term or condition that is required by section 30117
523.04 of the Revised Code to be addressed in the merger 30118
agreement is not addressed therein. 30119

The terms and conditions of a merger agreement to which 30120
this section applies shall be as follows: 30121

(A) All members of each board of township trustees shall 30122
serve as board members of the new township. At the first general 30123
election for township officers occurring not less than ninety 30124
days after a merger is approved, the electors of the new 30125
township shall elect three township trustees with staggered 30126
terms of office. The first terms of office following the 30127

election shall be modified to an even number of years not to 30128
exceed four to allow subsequent elections for the office to be 30129
held in the same year as other township officers. 30130

(B) The township fiscal officer of the largest township, 30131
by population, shall be the township fiscal officer for the new 30132
township. At the first general election for township officers 30133
occurring not less than ninety days after the merger, the 30134
electors shall elect a township fiscal officer, whose first term 30135
of office shall be modified to an even number of years not to 30136
exceed four to allow subsequent elections for that office to be 30137
held in the same year as other township fiscal officers. 30138

(C) Voted property tax levies shall remain in effect for 30139
the parcels of real property to which they applied prior to the 30140
merger, and the merger shall not affect the proceeds of a tax 30141
levy pledged for the retirement of any debt obligation. Upon 30142
expiration of a property tax levy, the levy may only be ~~replaced~~ 30143
~~or~~ renewed by vote of the electors in the manner provided by 30144
law, to apply to real property within the boundaries of the new 30145
township. If the millage levied inside the ten-mill limitation 30146
of each township merged is different, the board of township 30147
trustees of the new township shall immediately equalize the 30148
millage for the entire new township. 30149

(D) For purposes of the retirement of all debt obligations 30150
of each township merged, the township fiscal officer shall 30151
continue to track parcels of real property and the tax revenue 30152
generated on those parcels by the tax districts that were in 30153
place prior to the merger, and shall provide that information on 30154
an annual basis to the board of township trustees of the new 30155
township. Debt obligations that existed at the time of the 30156
merger shall be retired from the revenue generated from the 30157

parcels of real property that made up the township that incurred 30158
the debt before the merger. 30159

(E) (1) With respect to any agreement entered into under 30160
Chapter 4117. of the Revised Code that covers any of the 30161
employees of the townships merged under this chapter, the state 30162
employment relations board, within one hundred twenty days after 30163
the date the merger is approved, shall designate the appropriate 30164
bargaining units for the employees of the new township in 30165
accordance with section 4117.06 of the Revised Code. 30166
Notwithstanding the recognition procedures prescribed in section 30167
4117.05 and division (A) of section 4117.07 of the Revised Code, 30168
the board shall conduct a representation election with respect 30169
to each bargaining unit designated under this division in 30170
accordance with divisions (B) and (C) of section 4117.07 of the 30171
Revised Code. If an exclusive representative is selected through 30172
this election, the exclusive representative shall negotiate and 30173
enter into an agreement with the new township in accordance with 30174
Chapter 4117. of the Revised Code. Until the parties reach an 30175
agreement, any agreement in effect on the date of the merger 30176
shall apply to the employees that were in the bargaining unit 30177
that is covered by the agreement. An agreement in existence on 30178
the date of the merger is terminated on the effective date of an 30179
agreement negotiated under this division. 30180

(2) If an exclusive representative is not selected, any 30181
agreement in effect on the date of the merger shall apply to the 30182
employees that were in the bargaining unit that is covered by 30183
the agreement and shall expire on its terms. 30184

(3) Each agreement entered into under Chapter 4117. of the 30185
Revised Code on or after ~~the effective date of this section~~ 30186
September 29, 2011, involving a new township shall contain a 30187

provision regarding the designation of an exclusive 30188
representative and bargaining units for the new township as 30189
described in division (E) of this section. 30190

(4) In addition to the laws listed in division (A) of 30191
section 4117.10 of the Revised Code that prevail over 30192
conflicting agreements between employee organizations and public 30193
employers, division (E) of this section prevails over any 30194
conflicting provisions of agreements between employee 30195
organizations and public employers that are entered into on or 30196
after ~~the effective date of this section~~ September 29, 2011, 30197
pursuant to Chapter 4117. of the Revised Code. 30198

(5) As used in division (E) of this section, "employee 30199
organization" and "exclusive representative" have the same 30200
meanings as in section 4117.01 of the Revised Code. 30201

(F) (1) If the boundaries of the new township are not 30202
coextensive with a special purpose district, the new township 30203
shall remain in the existing special purpose district as a 30204
successor to the original township, unless the special purpose 30205
district is dissolved. The board of township trustees of the new 30206
township may place a question on the ballot at the next general 30207
election held after the merger to conform the boundaries, 30208
dissolve the special purpose district, or absorb the special 30209
purpose district into the new township on the terms specified in 30210
the resolution that places the question on the ballot for 30211
approval of the electors of the new township. 30212

(2) As used in division (F) of this section, "special 30213
purpose district" means any geographic or political jurisdiction 30214
that is created under law by a township merged. 30215

(G) Zoning codes that existed at the time of the merger 30216

shall remain in effect after the merger, and the townships that 30217
existed before the merger shall be treated as administrative 30218
districts within the new township for the purposes of zoning. 30219

Sec. 703.331. (A) Not later than the last day of the year 30220
that is immediately after the year the results of a federal 30221
decennial census are released, the county auditor, county 30222
treasurer, and one member of the board of county commissioners 30223
selected by the board of county commissioners, jointly shall 30224
evaluate each village located within the county to determine if, 30225
over the approximate ten year period beginning the day the 30226
results of the preceding federal decennial census were released 30227
and ending the day the most recent federal decennial census 30228
results were released, both of the following are true: 30229

(1) The village itself provided, the village contracted 30230
with a private nongovernmental entity to provide, or the village 30231
contracted with a regional council of governments as defined in 30232
section 167.01 of the Revised Code that includes three or more 30233
political subdivisions at least two of which are municipal 30234
corporations to provide, at least five of the following 30235
services: 30236

- (a) Police protection; 30237
- (b) Fire-fighting services; 30238
- (c) Garbage collection; 30239
- (d) Water service; 30240
- (e) Sewer service; 30241
- (f) Emergency medical services; 30242
- (g) Road maintenance; 30243

(h) Park services or other recreation services; 30244

(i) Human services; 30245

(j) A public library established and operated solely by 30246
the village; 30247

(k) Electric service. 30248

(2) At each election at which an elected village position 30249
was voted upon, at least one candidate appeared on the ballot 30250
for each elected village position. 30251

If a village is located in more than one county, the 30252
village shall be evaluated only by the county officials of the 30253
county wherein the largest portion of the population of the 30254
village resides. 30255

(B) Before beginning the evaluation, the county officials 30256
shall request, in writing, information from each village to 30257
assist the officials in making their determination. The request 30258
shall indicate the applicable evaluation period. Each village 30259
shall submit the information, in the manner requested by the 30260
county officials, not later than thirty days after receiving the 30261
request. The village shall include information about the 30262
services provided over the evaluation period, the manner by 30263
which such services were provided, a copy of the final 30264
appropriation budget or budgets applicable to the evaluation 30265
period, information on candidates on the ballot for village 30266
elected offices during the evaluation period, any documentation 30267
regarding the matters in division (A) of this section during the 30268
evaluation period, and any other information specifically 30269
requested by the county officials. After receiving the 30270
information, if necessary, the county officials may request 30271
additional information, which the village shall provide not 30272

later than ten days after receiving the request. The county 30273
officials shall base their finding on the information provided 30274
from the village. 30275

(C) The county officials shall notify the legislative 30276
authority of the village of the county officials' finding not 30277
later than the last day of the year that is immediately after 30278
the year the results of a federal decennial census are released. 30279

(D) If the county officials find a village failed to 30280
provide services or field candidates as specified in division 30281
(A) of this section, the county officials shall file the finding 30282
with the board of elections of the county in which the largest 30283
portion of the population of the village resides. The board of 30284
elections shall submit the question "Shall the village of 30285
_____ surrender its corporate powers?" for the approval or 30286
rejection of the electors of the village at the next general 30287
election, in any year, occurring after the period ending ninety 30288
days after the filing of the finding with the board. If the 30289
result of the election is in favor of the surrender, the board 30290
of elections shall certify the results to the secretary of 30291
state, the auditor of state, and the county recorder, who shall 30292
record it in their respective offices. 30293

(E) The procedure in this section is in addition to the 30294
procedure under section 703.33 of the Revised Code for the 30295
dissolution of a village. 30296

Sec. 703.34. (A) As used in this section, "condition for 30297
the dissolution of a village" means any of the following: 30298

(1) The village has been declared to be in a fiscal 30299
emergency under Chapter 118. of the Revised Code and has been in 30300
fiscal emergency for at least three consecutive years with 30301

little or no improvement on the conditions that caused the 30302
fiscal emergency declaration. 30303

(2) The village has failed to properly follow applicable 30304
election laws for at least two consecutive election cycles for 30305
any one elected office in the village. 30306

(3) The village has been declared during an audit 30307
conducted under section 117.11 of the Revised Code to be 30308
unauditable under section 117.41 of the Revised Code in at least 30309
two consecutive audits. 30310

(4) The village does not provide at least two services 30311
typically provided by municipal government, such as police or 30312
fire protection, garbage collection, water or sewer service, 30313
emergency medical services, road maintenance, or similar 30314
services. "Services" does not include any administrative service 30315
or legislative action. 30316

(5) The village has failed for any fiscal year to adopt 30317
the tax budget required by section 5705.28 of the Revised Code. 30318

(6) A village elected official has been convicted of theft 30319
in office, either under section 2921.41 of the Revised Code or 30320
an equivalent criminal statute at the federal level, at least 30321
two times in a period of ten years. The convicted official with 30322
respect to those convictions may be the same person or different 30323
persons. 30324

(B) If the auditor of state finds, in an audit report 30325
issued under division (A) or (B) of section 117.11 of the 30326
Revised Code of a village that has a population of one-five 30327
hundred ~~fifty~~ persons or less ~~and consists of less than two~~ 30328
~~square miles~~, that the village meets at least two conditions for 30329
the dissolution of a village, the auditor of state shall send a 30330

certified copy of the report together with a letter to the 30331
attorney general requesting the attorney general to institute 30332
legal action to dissolve the village in accordance with division 30333
(C) of this section. The report and letter shall be sent to the 30334
attorney general within ten business days after the auditor of 30335
state's transmittal of the report to the village. The audit 30336
report transmitted to the village shall be accompanied by a 30337
notice to the village of the auditor's intent to refer the 30338
report to the attorney general for legal action in accordance 30339
with this section. 30340

(C) Within twenty days of receipt of the auditor of 30341
state's report and letter, the attorney general may file a legal 30342
action in the court of common pleas on behalf of the state to 30343
request the dissolution of the village that is the subject of 30344
the audit report. If a legal action is filed, the court shall 30345
hold a hearing within ninety days after the date the attorney 30346
general files the legal action with the court. Notice of the 30347
hearing shall be filed with the attorney general, the clerk of 30348
the village that is the subject of the action, and each fiscal 30349
officer of a township located wholly or partly within the 30350
village. 30351

At the hearing on dissolution, the court shall determine 30352
if the village has a population of ~~one-five~~ hundred ~~fifty-~~ 30353
persons or less, ~~consists of less than two square miles,~~ and 30354
meets at least two conditions for the dissolution of a village. 30355
If the court so finds, the court shall order the dissolution of 30356
the village, which shall proceed in accordance with sections 30357
703.31 to 703.39 of the Revised Code. The attorney general shall 30358
file a certified copy of the court's order of dissolution with 30359
the secretary of state and the county recorder of the county in 30360
which the village is situated, who shall record it in their 30361

respective offices. 30362

(D) For purposes of this section, the population of a 30363
village shall be the population determined either at the last 30364
preceding federal decennial census or according to population 30365
estimates certified by the department of development between 30366
decennial censuses. 30367

(E) The procedure in this section is in addition to the 30368
procedure of section 703.33 of the Revised Code for the 30369
dissolution of a village. 30370

Sec. 717.051. Any multi-level off-street parking structure 30371
that is not tax exempt under section 717.05 of the Revised Code 30372
and is acquired in fee or by lease or constructed by a municipal 30373
corporation ~~that qualifies as an impacted city, as defined in~~ 30374
~~division (C) of section 1728.01 of the Revised Code, at the time~~ 30375
~~of the initial application for exemption provided for in this~~ 30376
~~section or so acquired or constructed by,~~ a county ~~within the~~ 30377
~~corporate boundaries of such an impacted city, a new community~~ 30378
~~authority, or a port authority, and the land on which the~~ 30379
parking structure is situated, is hereby declared to be a public 30380
purpose and may, at the option of the ~~impacted city or municipal~~ 30381
corporation, the county, the new community authority, or the 30382
port authority, be made the subject of an application for 30383
exemption and shall be exempt from taxation for such period as 30384
the parking structure is owned or leased by such municipal 30385
corporation ~~or,~~ county and is available to members of the 30386
~~general public on a daily or monthly or other subscription~~ 30387
~~basis, provided such period of exemption shall not exceed twenty~~ 30388
~~years from September 30, 1974, or the date acquisition or~~ 30389
~~construction of such structure is completed, whichever shall~~ 30390
~~occur later,~~ new community authority, or port authority. Any 30391

such exemption shall be claimed and allowed in the same or 30392
similar manner as in the case of other real property exemptions. 30393
In the event that an exemption status changes during a tax year, 30394
the procedure for the apportionment of the taxes for said year 30395
shall be the same as in the case of other changes in the 30396
exemption status during the tax year. 30397

Sec. 718.01. Any term used in this chapter that is not 30398
otherwise defined in this chapter has the same meaning as when 30399
used in a comparable context in laws of the United States 30400
relating to federal income taxation or in Title LVII of the 30401
Revised Code, unless a different meaning is clearly required. 30402
Except as provided in section 718.81 of the Revised Code, if a 30403
term used in this chapter that is not otherwise defined in this 30404
chapter is used in a comparable context in both the laws of the 30405
United States relating to federal income tax and in Title LVII 30406
of the Revised Code and the use is not consistent, then the use 30407
of the term in the laws of the United States relating to federal 30408
income tax shall control over the use of the term in Title LVII 30409
of the Revised Code. 30410

Except as otherwise provided in section 718.81 of the 30411
Revised Code, as used in this chapter: 30412

(A) (1) "Municipal taxable income" means the following: 30413

(a) For a person other than an individual, income 30414
apportioned or situated to the municipal corporation under 30415
section 718.02 of the Revised Code, as applicable, reduced by 30416
any pre-2017 net operating loss carryforward available to the 30417
person for the municipal corporation. 30418

(b) (i) For an individual who is a resident of a municipal 30419
corporation other than a qualified municipal corporation, income 30420

reduced by exempt income to the extent otherwise included in 30421
income, then reduced as provided in division (A) (2) of this 30422
section, and further reduced by any pre-2017 net operating loss 30423
carryforward available to the individual for the municipal 30424
corporation. 30425

(ii) For an individual who is a resident of a qualified 30426
municipal corporation, Ohio adjusted gross income reduced by 30427
income exempted, and increased by deductions excluded, by the 30428
qualified municipal corporation from the qualified municipal 30429
corporation's tax. If a qualified municipal corporation, on or 30430
before December 31, 2013, exempts income earned by individuals 30431
who are not residents of the qualified municipal corporation and 30432
net profit of persons that are not wholly located within the 30433
qualified municipal corporation, such individual or person shall 30434
have no municipal taxable income for the purposes of the tax 30435
levied by the qualified municipal corporation and may be 30436
exempted by the qualified municipal corporation from the 30437
requirements of section 718.03 of the Revised Code. 30438

(c) For an individual who is a nonresident of a municipal 30439
corporation, income reduced by exempt income to the extent 30440
otherwise included in income and then, as applicable, 30441
apportioned or situated to the municipal corporation under 30442
section 718.02 of the Revised Code, then reduced as provided in 30443
division (A) (2) of this section, and further reduced by any pre- 30444
2017 net operating loss carryforward available to the individual 30445
for the municipal corporation. 30446

(2) In computing the municipal taxable income of a 30447
taxpayer who is an individual, the taxpayer may subtract, as 30448
provided in division (A) (1) (b) (i) or (c) of this section, the 30449
amount of the individual's employee business expenses reported 30450

on the individual's form 2106 that the individual deducted for 30451
federal income tax purposes for the taxable year, subject to the 30452
limitation imposed by section 67 of the Internal Revenue Code. 30453
For the municipal corporation in which the taxpayer is a 30454
resident, the taxpayer may deduct all such expenses allowed for 30455
federal income tax purposes. For a municipal corporation in 30456
which the taxpayer is not a resident, the taxpayer may deduct 30457
such expenses only to the extent the expenses are related to the 30458
taxpayer's performance of personal services in that nonresident 30459
municipal corporation. 30460

(B) "Income" means the following: 30461

(1) (a) For residents, all income, salaries, qualifying 30462
wages, commissions, and other compensation from whatever source 30463
earned or received by the resident, including the resident's 30464
distributive share of the net profit of pass-through entities 30465
owned directly or indirectly by the resident and any net profit 30466
of the resident, except as provided in division (D) (5) of this 30467
section. 30468

(b) For the purposes of division (B) (1) (a) of this 30469
section: 30470

(i) Any net operating loss of the resident incurred in the 30471
taxable year and the resident's distributive share of any net 30472
operating loss generated in the same taxable year and 30473
attributable to the resident's ownership interest in a pass- 30474
through entity shall be allowed as a deduction, for that taxable 30475
year and the following five taxable years, against any other net 30476
profit of the resident or the resident's distributive share of 30477
any net profit attributable to the resident's ownership interest 30478
in a pass-through entity until fully utilized, subject to 30479
division (B) (1) (d) of this section; 30480

(ii) The resident's distributive share of the net profit 30481
of each pass-through entity owned directly or indirectly by the 30482
resident shall be calculated without regard to any net operating 30483
loss that is carried forward by that entity from a prior taxable 30484
year and applied to reduce the entity's net profit for the 30485
current taxable year. 30486

(c) Division (B)(1)(b) of this section does not apply with 30487
respect to any net profit or net operating loss attributable to 30488
an ownership interest in an S corporation unless shareholders' 30489
distributive shares of net profits from S corporations are 30490
subject to tax in the municipal corporation as provided in 30491
division (C)(14)(b) or (c) of this section. 30492

(d) Any amount of a net operating loss used to reduce a 30493
taxpayer's net profit for a taxable year shall reduce the amount 30494
of net operating loss that may be carried forward to any 30495
subsequent year for use by that taxpayer. In no event shall the 30496
cumulative deductions for all taxable years with respect to a 30497
taxpayer's net operating loss exceed the original amount of that 30498
net operating loss available to that taxpayer. 30499

(2) In the case of nonresidents, all income, salaries, 30500
qualifying wages, commissions, and other compensation from 30501
whatever source earned or received by the nonresident for work 30502
done, services performed or rendered, or activities conducted in 30503
the municipal corporation, including any net profit of the 30504
nonresident, but excluding the nonresident's distributive share 30505
of the net profit or loss of only pass-through entities owned 30506
directly or indirectly by the nonresident. 30507

(3) For taxpayers that are not individuals, net profit of 30508
the taxpayer; 30509

(4) Lottery, sweepstakes, gambling and sports winnings, 30510
winnings from games of chance, and prizes and awards. If the 30511
taxpayer is a professional gambler for federal income tax 30512
purposes, the taxpayer may deduct related wagering losses and 30513
expenses to the extent authorized under the Internal Revenue 30514
Code and claimed against such winnings. 30515

(C) "Exempt income" means all of the following: 30516

(1) The military pay or allowances of members of the armed 30517
forces of the United States or members of their reserve 30518
components, including the national guard of any state~~+~~. As used 30519
in division (C) (1) of this section, "armed forces" has the same 30520
meaning as in 10 U.S.C. 101. 30521

(2) (a) Except as provided in division (C) (2) (b) of this 30522
section, intangible income; 30523

(b) A municipal corporation that taxed any type of 30524
intangible income on March 29, 1988, pursuant to Section 3 of 30525
S.B. 238 of the 116th general assembly, may continue to tax that 30526
type of income if a majority of the electors of the municipal 30527
corporation voting on the question of whether to permit the 30528
taxation of that type of intangible income after 1988 voted in 30529
favor thereof at an election held on November 8, 1988. 30530

(3) Social security benefits, railroad retirement 30531
benefits, unemployment compensation, pensions, retirement 30532
benefit payments, payments from annuities, and similar payments 30533
made to an employee or to the beneficiary of an employee under a 30534
retirement program or plan, disability payments received from 30535
private industry or local, state, or federal governments or from 30536
charitable, religious or educational organizations, and the 30537
proceeds of sickness, accident, or liability insurance policies. 30538

As used in division (C) (3) of this section, "unemployment
compensation" does not include supplemental unemployment
compensation described in section 3402(o) (2) of the Internal
Revenue Code.

(4) The income of religious, fraternal, charitable,
scientific, literary, or educational institutions to the extent
such income is derived from tax-exempt real estate, tax-exempt
tangible or intangible property, or tax-exempt activities.

(5) Compensation paid under section 3501.28 or 3501.36 of
the Revised Code to a person serving as a precinct election
official to the extent that such compensation does not exceed
one thousand dollars for the taxable year. Such compensation in
excess of one thousand dollars for the taxable year may be
subject to taxation by a municipal corporation. A municipal
corporation shall not require the payer of such compensation to
withhold any tax from that compensation.

(6) Dues, contributions, and similar payments received by
charitable, religious, educational, or literary organizations or
labor unions, lodges, and similar organizations;

(7) Alimony and child support received;

(8) Compensation for personal injuries or for damages to
property from insurance proceeds or otherwise, excluding
compensation paid for lost salaries or wages or compensation
from punitive damages;

(9) Income of a public utility when that public utility is
subject to the tax levied under section 5727.24 or 5727.30 of
the Revised Code. Division (C) (9) of this section does not apply
for purposes of Chapter 5745. of the Revised Code.

(10) Gains from involuntary conversions, interest on

federal obligations, items of income subject to a tax levied by 30568
the state and that a municipal corporation is specifically 30569
prohibited by law from taxing, and income of a decedent's estate 30570
during the period of administration except such income from the 30571
operation of a trade or business; 30572

(11) Compensation or allowances excluded from federal 30573
gross income under section 107 of the Internal Revenue Code; 30574

(12) Employee compensation that is not qualifying wages as 30575
defined in division (R) of this section; 30576

(13) Compensation paid to a person employed within the 30577
boundaries of a United States air force base under the 30578
jurisdiction of the United States air force that is used for the 30579
housing of members of the United States air force and is a 30580
center for air force operations, unless the person is subject to 30581
taxation because of residence or domicile. If the compensation 30582
is subject to taxation because of residence or domicile, tax on 30583
such income shall be payable only to the municipal corporation 30584
of residence or domicile. 30585

(14) (a) Except as provided in division (C) (14) (b) or (c) 30586
of this section, an S corporation shareholder's distributive 30587
share of net profits of the S corporation, other than any part 30588
of the distributive share of net profits that represents wages 30589
as defined in section 3121(a) of the Internal Revenue Code or 30590
net earnings from self-employment as defined in section 1402(a) 30591
of the Internal Revenue Code. 30592

(b) If, pursuant to division (H) of former section 718.01 30593
of the Revised Code as it existed before March 11, 2004, a 30594
majority of the electors of a municipal corporation voted in 30595
favor of the question at an election held on November 4, 2003, 30596

the municipal corporation may continue after 2002 to tax an S 30597
corporation shareholder's distributive share of net profits of 30598
an S corporation. 30599

(c) If, on December 6, 2002, a municipal corporation was 30600
imposing, assessing, and collecting a tax on an S corporation 30601
shareholder's distributive share of net profits of the S 30602
corporation to the extent the distributive share would be 30603
allocated or apportioned to this state under divisions (B) (1) 30604
and (2) of section 5733.05 of the Revised Code if the S 30605
corporation were a corporation subject to taxes imposed under 30606
Chapter 5733. of the Revised Code, the municipal corporation may 30607
continue to impose the tax on such distributive shares to the 30608
extent such shares would be so allocated or apportioned to this 30609
state only until December 31, 2004, unless a majority of the 30610
electors of the municipal corporation voting on the question of 30611
continuing to tax such shares after that date voted in favor of 30612
that question at an election held November 2, 2004. If a 30613
majority of those electors voted in favor of the question, the 30614
municipal corporation may continue after December 31, 2004, to 30615
impose the tax on such distributive shares only to the extent 30616
such shares would be so allocated or apportioned to this state. 30617

(d) A municipal corporation shall be deemed to have 30618
elected to tax S corporation shareholders' distributive shares 30619
of net profits of the S corporation in the hands of the 30620
shareholders if a majority of the electors of a municipal 30621
corporation voted in favor of a question at an election held 30622
under division (C) (14) (b) or (c) of this section. The municipal 30623
corporation shall specify by resolution or ordinance that the 30624
tax applies to the distributive share of a shareholder of an S 30625
corporation in the hands of the shareholder of the S 30626
corporation. 30627

(15) The income of individuals under eighteen years of age. 30628
30629

(16) (a) Except as provided in divisions (C) (16) (b), (c), 30630
and (d) of this section, qualifying wages described in division 30631
(B) (1) or (E) of section 718.011 of the Revised Code to the 30632
extent the qualifying wages are not subject to withholding for 30633
the municipal corporation under either of those divisions. 30634

(b) The exemption provided in division (C) (16) (a) of this 30635
section does not apply with respect to the municipal corporation 30636
in which the employee resided at the time the employee earned 30637
the qualifying wages. 30638

(c) The exemption provided in division (C) (16) (a) of this 30639
section does not apply to qualifying wages that an employer 30640
elects to withhold under division (D) (2) of section 718.011 of 30641
the Revised Code. 30642

(d) The exemption provided in division (C) (16) (a) of this 30643
section does not apply to qualifying wages if both of the 30644
following conditions apply: 30645

(i) For qualifying wages described in division (B) (1) of 30646
section 718.011 of the Revised Code, the employee's employer 30647
withholds and remits tax on the qualifying wages to the 30648
municipal corporation in which the employee's principal place of 30649
work is situated, or, for qualifying wages described in division 30650
(E) of section 718.011 of the Revised Code, the employee's 30651
employer withholds and remits tax on the qualifying wages to the 30652
municipal corporation in which the employer's fixed location is 30653
located; 30654

(ii) The employee receives a refund of the tax described 30655
in division (C) (16) (d) (i) of this section on the basis of the 30656

employee not performing services in that municipal corporation. 30657

(17) (a) Except as provided in division (C) (17) (b) or (c) 30658
of this section, compensation that is not qualifying wages paid 30659
to a nonresident individual for personal services performed in 30660
the municipal corporation on not more than twenty days in a 30661
taxable year. 30662

(b) The exemption provided in division (C) (17) (a) of this 30663
section does not apply under either of the following 30664
circumstances: 30665

(i) The individual's base of operation is located in the 30666
municipal corporation. 30667

(ii) The individual is a professional athlete, 30668
professional entertainer, or public figure, and the compensation 30669
is paid for the performance of services in the individual's 30670
capacity as a professional athlete, professional entertainer, or 30671
public figure. For purposes of division (C) (17) (b) (ii) of this 30672
section, "professional athlete," "professional entertainer," and 30673
"public figure" have the same meanings as in section 718.011 of 30674
the Revised Code. 30675

(c) Compensation to which division (C) (17) of this section 30676
applies shall be treated as earned or received at the 30677
individual's base of operation. If the individual does not have 30678
a base of operation, the compensation shall be treated as earned 30679
or received where the individual is domiciled. 30680

(d) For purposes of division (C) (17) of this section, 30681
"base of operation" means the location where an individual owns 30682
or rents an office, storefront, or similar facility to which the 30683
individual regularly reports and at which the individual 30684
regularly performs personal services for compensation. 30685

(18) Compensation paid to a person for personal services 30686
performed for a political subdivision on property owned by the 30687
political subdivision, regardless of whether the compensation is 30688
received by an employee of the subdivision or another person 30689
performing services for the subdivision under a contract with 30690
the subdivision, if the property on which services are performed 30691
is annexed to a municipal corporation pursuant to section 30692
709.023 of the Revised Code on or after March 27, 2013, unless 30693
the person is subject to such taxation because of residence. If 30694
the compensation is subject to taxation because of residence, 30695
municipal income tax shall be payable only to the municipal 30696
corporation of residence. 30697

(19) In the case of a tax administered, collected, and 30698
enforced by a municipal corporation pursuant to an agreement 30699
with the board of directors of a joint economic development 30700
district under section 715.72 of the Revised Code, the net 30701
profits of a business, and the income of the employees of that 30702
business, exempted from the tax under division (Q) of that 30703
section. 30704

(20) All of the following: 30705

(a) Income derived from disaster work conducted in this 30706
state by an out-of-state disaster business during a disaster 30707
response period pursuant to a qualifying solicitation received 30708
by the business; 30709

(b) Income of a qualifying employee described in division 30710
(A) (14) (a) of section 5703.94 of the Revised Code, to the extent 30711
such income is derived from disaster work conducted in this 30712
state by the employee during a disaster response period pursuant 30713
to a qualifying solicitation received by the employee's 30714
employer; 30715

(c) Income of a qualifying employee described in division 30716
(A) (14) (b) of section 5703.94 of the Revised Code, to the extent 30717
such income is derived from disaster work conducted in this 30718
state by the employee during a disaster response period on 30719
critical infrastructure owned or used by the employee's 30720
employer. 30721

(21) Income the taxation of which is prohibited by the 30722
constitution or laws of the United States. 30723

Any item of income that is exempt income of a pass-through 30724
entity under division (C) of this section is exempt income of 30725
each owner of the pass-through entity to the extent of that 30726
owner's distributive or proportionate share of that item of the 30727
entity's income. 30728

(D) (1) "Net profit" for a person who is an individual 30729
means the individual's net profit required to be reported on 30730
schedule C, schedule E, or schedule F reduced by any net 30731
operating loss carried forward. For the purposes of division (D) 30732
(1) of this section, the net operating loss carried forward 30733
shall be calculated and deducted in the same manner as provided 30734
in division (D) (3) of this section. 30735

(2) "Net profit" for a person other than an individual 30736
means adjusted federal taxable income reduced by any net 30737
operating loss incurred by the person in a taxable year 30738
beginning on or after January 1, 2017, subject to the 30739
limitations of division (D) (3) of this section. 30740

(3) (a) The amount of such net operating loss shall be 30741
deducted from net profit to the extent necessary to reduce 30742
municipal taxable income to zero, with any remaining unused 30743
portion of the net operating loss carried forward to not more 30744

than five consecutive taxable years following the taxable year 30745
in which the loss was incurred, but in no case for more years 30746
than necessary for the deduction to be fully utilized. 30747

(b) No person shall use the deduction allowed by division 30748
(D) (3) of this section to offset qualifying wages. 30749

(c) (i) For taxable years beginning in 2018, 2019, 2020, 30750
2021, or 2022, a person may not deduct, for purposes of an 30751
income tax levied by a municipal corporation that levies an 30752
income tax before January 1, 2016, more than fifty per cent of 30753
the amount of the deduction otherwise allowed by division (D) (3) 30754
of this section. 30755

(ii) For taxable years beginning in 2023 or thereafter, a 30756
person may deduct, for purposes of an income tax levied by a 30757
municipal corporation that levies an income tax before January 30758
1, 2016, the full amount allowed by division (D) (3) of this 30759
section without regard to the limitation of division (D) (3) (c) 30760
(i) of this section. 30761

(d) Any pre-2017 net operating loss carryforward deduction 30762
that is available may be utilized before a taxpayer may deduct 30763
any amount pursuant to division (D) (3) of this section. 30764

(e) Nothing in division (D) (3) (c) (i) of this section 30765
precludes a person from carrying forward, for use with respect 30766
to any return filed for a taxable year beginning after 2018, any 30767
amount of net operating loss that was not fully utilized by 30768
operation of division (D) (3) (c) (i) of this section. To the 30769
extent that an amount of net operating loss that was not fully 30770
utilized in one or more taxable years by operation of division 30771
(D) (3) (c) (i) of this section is carried forward for use with 30772
respect to a return filed for a taxable year beginning in 2019, 30773

2020, 2021, or 2022, the limitation described in division (D) (3) 30774
(c) (i) of this section shall apply to the amount carried 30775
forward. 30776

(4) For the purposes of this chapter, and notwithstanding 30777
division (D) (2) of this section, net profit of a disregarded 30778
entity shall not be taxable as against that disregarded entity, 30779
but shall instead be included in the net profit of the owner of 30780
the disregarded entity. 30781

(5) For the purposes of this chapter, and notwithstanding 30782
any other provision of this chapter, the net profit of a 30783
publicly traded partnership that makes the election described in 30784
division (D) (5) of this section shall be taxed as if the 30785
partnership were a C corporation, and shall not be treated as 30786
the net profit or income of any owner of the partnership. 30787

A publicly traded partnership that is treated as a 30788
partnership for federal income tax purposes and that is subject 30789
to tax on its net profits in one or more municipal corporations 30790
in this state may elect to be treated as a C corporation for 30791
municipal income tax purposes. The publicly traded partnership 30792
shall make the election in every municipal corporation in which 30793
the partnership is subject to taxation on its net profits. The 30794
election shall be made on the annual tax return filed in each 30795
such municipal corporation. The publicly traded partnership 30796
shall not be required to file the election with any municipal 30797
corporation in which the partnership is not subject to taxation 30798
on its net profits, but division (D) (5) of this section applies 30799
to all municipal corporations in which an individual owner of 30800
the partnership resides. 30801

(E) "Adjusted federal taxable income," for a person 30802
required to file as a C corporation, or for a person that has 30803

elected to be taxed as a C corporation under division (D) (5) of 30804
this section, means a C corporation's federal taxable income 30805
before net operating losses and special deductions as determined 30806
under the Internal Revenue Code, adjusted as follows: 30807

(1) Deduct intangible income to the extent included in 30808
federal taxable income. The deduction shall be allowed 30809
regardless of whether the intangible income relates to assets 30810
used in a trade or business or assets held for the production of 30811
income. 30812

(2) Add an amount equal to five per cent of intangible 30813
income deducted under division (E) (1) of this section, but 30814
excluding that portion of intangible income directly related to 30815
the sale, exchange, or other disposition of property described 30816
in section 1221 of the Internal Revenue Code; 30817

(3) Add any losses allowed as a deduction in the 30818
computation of federal taxable income if the losses directly 30819
relate to the sale, exchange, or other disposition of an asset 30820
described in section 1221 or 1231 of the Internal Revenue Code; 30821

(4) (a) Except as provided in division (E) (4) (b) of this 30822
section, deduct income and gain included in federal taxable 30823
income to the extent the income and gain directly relate to the 30824
sale, exchange, or other disposition of an asset described in 30825
section 1221 or 1231 of the Internal Revenue Code; 30826

(b) Division (E) (4) (a) of this section does not apply to 30827
the extent the income or gain is income or gain described in 30828
section 1245 or 1250 of the Internal Revenue Code. 30829

(5) Add taxes on or measured by net income allowed as a 30830
deduction in the computation of federal taxable income; 30831

(6) In the case of a real estate investment trust or 30832

regulated investment company, add all amounts with respect to 30833
dividends to, distributions to, or amounts set aside for or 30834
credited to the benefit of investors and allowed as a deduction 30835
in the computation of federal taxable income; 30836

(7) Deduct, to the extent not otherwise deducted or 30837
excluded in computing federal taxable income, any income derived 30838
from a transfer agreement or from the enterprise transferred 30839
under that agreement under section 4313.02 of the Revised Code; 30840

(8) Deduct exempt income to the extent not otherwise 30841
deducted or excluded in computing adjusted federal taxable 30842
income. 30843

(9) Deduct any net profit of a pass-through entity owned 30844
directly or indirectly by the taxpayer and included in the 30845
taxpayer's federal taxable income unless an affiliated group of 30846
corporations includes that net profit in the group's federal 30847
taxable income in accordance with division (E) (3) (b) of section 30848
718.06 of the Revised Code. 30849

(10) Add any loss incurred by a pass-through entity owned 30850
directly or indirectly by the taxpayer and included in the 30851
taxpayer's federal taxable income unless an affiliated group of 30852
corporations includes that loss in the group's federal taxable 30853
income in accordance with division (E) (3) (b) of section 718.06 30854
of the Revised Code. 30855

If the taxpayer is not a C corporation, is not a 30856
disregarded entity that has made the election described in 30857
division (L) (2) of this section, is not a publicly traded 30858
partnership that has made the election described in division (D) 30859
(5) of this section, and is not an individual, the taxpayer 30860
shall compute adjusted federal taxable income under this section 30861

as if the taxpayer were a C corporation, except guaranteed 30862
payments and other similar amounts paid or accrued to a partner, 30863
former partner, shareholder, former shareholder, member, or 30864
former member shall not be allowed as a deductible expense 30865
unless such payments are a pension or retirement benefit payment 30866
paid to a retired partner, retired shareholder, or retired 30867
member or are in consideration for the use of capital and 30868
treated as payment of interest under section 469 of the Internal 30869
Revenue Code or United States treasury regulations. Amounts paid 30870
or accrued to a qualified self-employed retirement plan with 30871
respect to a partner, former partner, shareholder, former 30872
shareholder, member, or former member of the taxpayer, amounts 30873
paid or accrued to or for health insurance for a partner, former 30874
partner, shareholder, former shareholder, member, or former 30875
member, and amounts paid or accrued to or for life insurance for 30876
a partner, former partner, shareholder, former shareholder, 30877
member, or former member shall not be allowed as a deduction. 30878

Nothing in division (E) of this section shall be construed 30879
as allowing the taxpayer to add or deduct any amount more than 30880
once or shall be construed as allowing any taxpayer to deduct 30881
any amount paid to or accrued for purposes of federal self- 30882
employment tax. 30883

(F) "Schedule C" means internal revenue service schedule C 30884
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 30885
Code. 30886

(G) "Schedule E" means internal revenue service schedule E 30887
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 30888
Code. 30889

(H) "Schedule F" means internal revenue service schedule F 30890
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 30891

Code. 30892

(I) "Internal Revenue Code" has the same meaning as in 30893
section 5747.01 of the Revised Code. 30894

(J) "Resident" means an individual who is domiciled in the 30895
municipal corporation as determined under section 718.012 of the 30896
Revised Code. 30897

(K) "Nonresident" means an individual that is not a 30898
resident. 30899

(L) (1) "Taxpayer" means a person subject to a tax levied 30900
on income by a municipal corporation in accordance with this 30901
chapter. "Taxpayer" does not include a grantor trust or, except 30902
as provided in division (L) (2) (a) of this section, a disregarded 30903
entity. 30904

(2) (a) A single member limited liability company that is a 30905
disregarded entity for federal tax purposes may be a separate 30906
taxpayer from its single member in all Ohio municipal 30907
corporations in which it either filed as a separate taxpayer or 30908
did not file for its taxable year ending in 2003, if all of the 30909
following conditions are met: 30910

(i) The limited liability company's single member is also 30911
a limited liability company. 30912

(ii) The limited liability company and its single member 30913
were formed and doing business in one or more Ohio municipal 30914
corporations for at least five years before January 1, 2004. 30915

(iii) Not later than December 31, 2004, the limited 30916
liability company and its single member each made an election to 30917
be treated as a separate taxpayer under division (L) of this 30918
section as this section existed on December 31, 2004. 30919

(iv) The limited liability company was not formed for the 30920
purpose of evading or reducing Ohio municipal corporation income 30921
tax liability of the limited liability company or its single 30922
member. 30923

(v) The Ohio municipal corporation that was the primary 30924
place of business of the sole member of the limited liability 30925
company consented to the election. 30926

(b) For purposes of division (L) (2) (a) (v) of this section, 30927
a municipal corporation was the primary place of business of a 30928
limited liability company if, for the limited liability 30929
company's taxable year ending in 2003, its income tax liability 30930
was greater in that municipal corporation than in any other 30931
municipal corporation in Ohio, and that tax liability to that 30932
municipal corporation for its taxable year ending in 2003 was at 30933
least four hundred thousand dollars. 30934

(M) "Person" includes individuals, firms, companies, joint 30935
stock companies, business trusts, estates, trusts, partnerships, 30936
limited liability partnerships, limited liability companies, 30937
associations, C corporations, S corporations, governmental 30938
entities, and any other entity. 30939

(N) "Pass-through entity" means a partnership not treated 30940
as an association taxable as a C corporation for federal income 30941
tax purposes, a limited liability company not treated as an 30942
association taxable as a C corporation for federal income tax 30943
purposes, an S corporation, or any other class of entity from 30944
which the income or profits of the entity are given pass-through 30945
treatment for federal income tax purposes. "Pass-through entity" 30946
does not include a trust, estate, grantor of a grantor trust, or 30947
disregarded entity. 30948

(O) "S corporation" means a person that has made an 30949
election under subchapter S of Chapter 1 of Subtitle A of the 30950
Internal Revenue Code for its taxable year. 30951

(P) "Single member limited liability company" means a 30952
limited liability company that has one direct member. 30953

(Q) "Limited liability company" means a limited liability 30954
company formed under former Chapter 1705. of the Revised Code as 30955
that chapter existed prior to February 11, 2022, Chapter 1706. 30956
of the Revised Code, or the laws of another state. 30957

(R) "Qualifying wages" means wages, as defined in section 30958
3121(a) of the Internal Revenue Code, without regard to any wage 30959
limitations, adjusted as follows: 30960

(1) Deduct the following amounts: 30961

(a) Any amount included in wages if the amount constitutes 30962
compensation attributable to a plan or program described in 30963
section 125 of the Internal Revenue Code. 30964

(b) Any amount included in wages if the amount constitutes 30965
payment on account of a disability related to sickness or an 30966
accident paid by a party unrelated to the employer, agent of an 30967
employer, or other payer. 30968

(c) Any amount attributable to a nonqualified deferred 30969
compensation plan or program described in section 3121(v) (2) (C) 30970
of the Internal Revenue Code if the compensation is included in 30971
wages and the municipal corporation has, by resolution or 30972
ordinance adopted before January 1, 2016, exempted the amount 30973
from withholding and tax. 30974

(d) Any amount included in wages if the amount arises from 30975
the sale, exchange, or other disposition of a stock option, the 30976

exercise of a stock option, or the sale, exchange, or other 30977
disposition of stock purchased under a stock option and the 30978
municipal corporation has, by resolution or ordinance adopted 30979
before January 1, 2016, exempted the amount from withholding and 30980
tax. 30981

(e) Any amount included in wages that is exempt income. 30982

(2) Add the following amounts: 30983

(a) Any amount not included in wages solely because the 30984
employee was employed by the employer before April 1, 1986. 30985

(b) Any amount not included in wages because the amount 30986
arises from the sale, exchange, or other disposition of a stock 30987
option, the exercise of a stock option, or the sale, exchange, 30988
or other disposition of stock purchased under a stock option and 30989
the municipal corporation has not, by resolution or ordinance, 30990
exempted the amount from withholding and tax adopted before 30991
January 1, 2016. Division (R) (2) (b) of this section applies only 30992
to those amounts constituting ordinary income. 30993

(c) Any amount not included in wages if the amount is an 30994
amount described in section 401(k), 403(b), or 457 of the 30995
Internal Revenue Code. Division (R) (2) (c) of this section 30996
applies only to employee contributions and employee deferrals. 30997

(d) Any amount that is supplemental unemployment 30998
compensation benefits described in section 3402(o) (2) of the 30999
Internal Revenue Code and not included in wages. 31000

(e) Any amount received that is treated as self-employment 31001
income for federal tax purposes in accordance with section 31002
1402(a) (8) of the Internal Revenue Code. 31003

(f) Any amount not included in wages if all of the 31004

following apply: 31005

(i) For the taxable year the amount is employee 31006
compensation that is earned outside of the United States and 31007
that either is included in the taxpayer's gross income for 31008
federal income tax purposes or would have been included in the 31009
taxpayer's gross income for such purposes if the taxpayer did 31010
not elect to exclude the income under section 911 of the 31011
Internal Revenue Code; 31012

(ii) For no preceding taxable year did the amount 31013
constitute wages as defined in section 3121(a) of the Internal 31014
Revenue Code; 31015

(iii) For no succeeding taxable year will the amount 31016
constitute wages; and 31017

(iv) For any taxable year the amount has not otherwise 31018
been added to wages pursuant to either division (R) (2) of this 31019
section or section 718.03 of the Revised Code, as that section 31020
existed before the effective date of H.B. 5 of the 130th general 31021
assembly, March 23, 2015. 31022

(S) "Intangible income" means income of any of the 31023
following types: income yield, interest, capital gains, 31024
dividends, or other income arising from the ownership, sale, 31025
exchange, or other disposition of intangible property including, 31026
but not limited to, investments, deposits, money, or credits as 31027
those terms are defined in Chapter 5701. of the Revised Code, 31028
and patents, copyrights, trademarks, tradenames, investments in 31029
real estate investment trusts, investments in regulated 31030
investment companies, and appreciation on deferred compensation. 31031
"Intangible income" does not include prizes, awards, or other 31032
income associated with any lottery winnings, gambling winnings, 31033

or other similar games of chance. 31034

(T) "Taxable year" means the corresponding tax reporting 31035
period as prescribed for the taxpayer under the Internal Revenue 31036
Code. 31037

(U) (1) "Tax administrator" means, subject to division (U) 31038
(2) of this section, the individual charged with direct 31039
responsibility for administration of an income tax levied by a 31040
municipal corporation in accordance with this chapter, and also 31041
includes the following: 31042

(a) A municipal corporation acting as the agent of another 31043
municipal corporation; 31044

(b) A person retained by a municipal corporation to 31045
administer a tax levied by the municipal corporation, but only 31046
if the municipal corporation does not compensate the person in 31047
whole or in part on a contingency basis; 31048

(c) The central collection agency or the regional income 31049
tax agency or their successors in interest, or another entity 31050
organized to perform functions similar to those performed by the 31051
central collection agency and the regional income tax agency. 31052

(2) "Tax administrator" does not include the tax 31053
commissioner. 31054

(3) A private individual or entity serving in any position 31055
described in division (U) (1) (b) or (c) of this section shall 31056
have no access to criminal history record information. 31057

(V) "Employer" means a person that is an employer for 31058
federal income tax purposes. 31059

(W) "Employee" means an individual who is an employee for 31060
federal income tax purposes. 31061

(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.

(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.

(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.

(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.

(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.

(EE) "Ohio business gateway" means the online computer network system created under section 125.30 of the Revised Code or any successor electronic filing and payment system.

(FF) "Local board of tax review" and "board of tax review"	31091
mean the entity created under section 718.11 of the Revised	31092
Code.	31093
(GG) "Net operating loss" means a loss incurred by a	31094
person in the operation of a trade or business. "Net operating	31095
loss" does not include unutilized losses resulting from basis	31096
limitations, at-risk limitations, or passive activity loss	31097
limitations.	31098
(HH) "Casino operator" and "casino facility" have the same	31099
meanings as in section 3772.01 of the Revised Code.	31100
(II) "Video lottery terminal" has the same meaning as in	31101
section 3770.21 of the Revised Code.	31102
(JJ) "Video lottery terminal sales agent" means a lottery	31103
sales agent licensed under Chapter 3770. of the Revised Code to	31104
conduct video lottery terminals on behalf of the state pursuant	31105
to section 3770.21 of the Revised Code.	31106
(KK) "Postal service" means the United States postal	31107
service.	31108
(LL) "Certified mail," "express mail," "United States	31109
mail," "postal service," and similar terms include any delivery	31110
service authorized pursuant to section 5703.056 of the Revised	31111
Code.	31112
(MM) "Postmark date," "date of postmark," and similar	31113
terms include the date recorded and marked in the manner	31114
described in division (B) (3) of section 5703.056 of the Revised	31115
Code.	31116
(NN) "Related member" means a person that, with respect to	31117
the taxpayer during all or any portion of the taxable year, is	31118

either a related entity, a component member as defined in 31119
section 1563(b) of the Internal Revenue Code, or a person to or 31120
from whom there is attribution of stock ownership in accordance 31121
with section 1563(e) of the Internal Revenue Code except, for 31122
purposes of determining whether a person is a related member 31123
under this division, "twenty per cent" shall be substituted for 31124
"5 percent" wherever "5 percent" appears in section 1563(e) of 31125
the Internal Revenue Code. 31126

(00) "Related entity" means any of the following: 31127

(1) An individual stockholder, or a member of the 31128
stockholder's family enumerated in section 318 of the Internal 31129
Revenue Code, if the stockholder and the members of the 31130
stockholder's family own directly, indirectly, beneficially, or 31131
constructively, in the aggregate, at least fifty per cent of the 31132
value of the taxpayer's outstanding stock; 31133

(2) A stockholder, or a stockholder's partnership, estate, 31134
trust, or corporation, if the stockholder and the stockholder's 31135
partnerships, estates, trusts, or corporations own directly, 31136
indirectly, beneficially, or constructively, in the aggregate, 31137
at least fifty per cent of the value of the taxpayer's 31138
outstanding stock; 31139

(3) A corporation, or a party related to the corporation 31140
in a manner that would require an attribution of stock from the 31141
corporation to the party or from the party to the corporation 31142
under division (00) (4) of this section, provided the taxpayer 31143
owns directly, indirectly, beneficially, or constructively, at 31144
least fifty per cent of the value of the corporation's 31145
outstanding stock; 31146

(4) The attribution rules described in section 318 of the 31147

Internal Revenue Code apply for the purpose of determining 31148
whether the ownership requirements in divisions (OO) (1) to (3) 31149
of this section have been met. 31150

(PP) (1) "Assessment" means a written finding by the tax 31151
administrator that a person has underpaid municipal income tax, 31152
or owes penalty and interest, or any combination of tax, 31153
penalty, or interest, to the municipal corporation that 31154
commences the person's time limitation for making an appeal to 31155
the local board of tax review pursuant to section 718.11 of the 31156
Revised Code, and has "ASSESSMENT" written in all capital 31157
letters at the top of such finding. 31158

(2) "Assessment" does not include an informal notice 31159
denying a request for refund issued under division (B) (3) of 31160
section 718.19 of the Revised Code, a billing statement 31161
notifying a taxpayer of current or past-due balances owed to the 31162
municipal corporation, a tax administrator's request for 31163
additional information, a notification to the taxpayer of 31164
mathematical errors, or a tax administrator's other written 31165
correspondence to a person or taxpayer that does not meet the 31166
criteria prescribed by division (PP) (1) of this section. 31167

(QQ) "Taxpayers' rights and responsibilities" means the 31168
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 31169
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 31170
Revised Code and the responsibilities of taxpayers to file, 31171
report, withhold, remit, and pay municipal income tax and 31172
otherwise comply with Chapter 718. of the Revised Code and 31173
resolutions, ordinances, and rules adopted by a municipal 31174
corporation for the imposition and administration of a municipal 31175
income tax. 31176

(RR) "Qualified municipal corporation" means a municipal 31177

corporation that, by resolution or ordinance adopted on or 31178
before December 31, 2011, adopted Ohio adjusted gross income, as 31179
defined by section 5747.01 of the Revised Code, as the income 31180
subject to tax for the purposes of imposing a municipal income 31181
tax. 31182

(SS) (1) "Pre-2017 net operating loss carryforward" means 31183
any net operating loss incurred in a taxable year beginning 31184
before January 1, 2017, to the extent such loss was permitted, 31185
by a resolution or ordinance of the municipal corporation that 31186
was adopted by the municipal corporation before January 1, 2016, 31187
to be carried forward and utilized to offset income or net 31188
profit generated in such municipal corporation in future taxable 31189
years. 31190

(2) For the purpose of calculating municipal taxable 31191
income, any pre-2017 net operating loss carryforward may be 31192
carried forward to any taxable year, including taxable years 31193
beginning in 2017 or thereafter, for the number of taxable years 31194
provided in the resolution or ordinance or until fully utilized, 31195
whichever is earlier. 31196

(TT) "Small employer" means any employer that had total 31197
revenue of less than five hundred thousand dollars during the 31198
preceding taxable year. For purposes of this division, "total 31199
revenue" means receipts of any type or kind, including, but not 31200
limited to, sales receipts; payments; rents; profits; gains, 31201
dividends, and other investment income; compensation; 31202
commissions; premiums; money; property; grants; contributions; 31203
donations; gifts; program service revenue; patient service 31204
revenue; premiums; fees, including premium fees and service 31205
fees; tuition payments; unrelated business revenue; 31206
reimbursements; any type of payment from a governmental unit, 31207

including grants and other allocations; and any other similar 31208
receipts reported for federal income tax purposes or under 31209
generally accepted accounting principles. "Small employer" does 31210
not include the federal government; any state government, 31211
including any state agency or instrumentality; any political 31212
subdivision; or any entity treated as a government for financial 31213
accounting and reporting purposes. 31214

(UU) "Audit" means the examination of a person or the 31215
inspection of the books, records, memoranda, or accounts of a 31216
person for the purpose of determining liability for a municipal 31217
income tax. 31218

(VV) "Publicly traded partnership" means any partnership, 31219
an interest in which is regularly traded on an established 31220
securities market. A "publicly traded partnership" may have any 31221
number of partners. 31222

(WW) "Tax commissioner" means the tax commissioner 31223
appointed under section 121.03 of the Revised Code. 31224

(XX) "Out-of-state disaster business," "qualifying 31225
solicitation," "qualifying employee," "disaster work," "critical 31226
infrastructure," and "disaster response period" have the same 31227
meanings as in section 5703.94 of the Revised Code. 31228

(YY) "Pension" means a retirement benefit plan, regardless 31229
of whether the plan satisfies the qualifications described under 31230
section 401(a) of the Internal Revenue Code, including amounts 31231
that are taxable under the "Federal Insurance Contributions 31232
Act," Chapter 21 of the Internal Revenue Code, excluding 31233
employee contributions and elective deferrals, and regardless of 31234
whether such amounts are paid in the same taxable year in which 31235
the amounts are included in the employee's wages, as defined by 31236

section 3121(a) of the Internal Revenue Code. 31237

(ZZ) "Retirement benefit plan" means an arrangement 31238
whereby an entity provides benefits to individuals either on or 31239
after their termination of service because of retirement or 31240
disability. "Retirement benefit plan" does not include wage 31241
continuation payments, severance payments, or payments made for 31242
accrued personal or vacation time. 31243

Sec. 718.031. As used in this section, "sports gaming 31244
facility" and "type B sports gaming proprietor" have the same 31245
meanings as in section 3775.01 of the Revised Code and ~~"lottery-~~ 31246
~~sports gaming"~~ has "video lottery terminal" and "video lottery 31247
sales agent" have the same ~~meaning~~ meanings as in section 31248
~~3770.23-3770.10~~ of the Revised Code. 31249

(A) A municipal corporation shall require the following 31250
persons to withhold and remit municipal income tax with respect 31251
to amounts other than qualifying wages as provided in this 31252
section: 31253

(1) A casino facility or a casino operator, as defined in 31254
Section 6(C)(9) of Article XV, Ohio Constitution, and section 31255
3772.01 of the Revised Code, respectively; 31256

(2) A video lottery sales agent conducting video lottery 31257
terminals on behalf of the state; 31258

(3) A type B sports gaming proprietor offering sports 31259
gaming at a sports gaming facility. 31260

(B) If a person's winnings at a casino facility or sports 31261
gaming facility are an amount for which reporting to the 31262
internal revenue service of the amount is required by section 31263
6041 of the Internal Revenue Code, as amended, a casino operator 31264
or sports gaming proprietor shall deduct and withhold municipal 31265

income tax from the person's winnings at the rate of the tax 31266
imposed by the municipal corporation in which the casino 31267
facility or sports gaming facility is located. 31268

(C) Amounts deducted and withheld by a casino operator or 31269
sports gaming proprietor are held in trust for the benefit of 31270
the municipal corporation to which the tax is owed. 31271

(1) On or before the tenth day of each month, the casino 31272
operator or sports gaming proprietor shall file a return 31273
electronically with the tax administrator of the municipal 31274
corporation, providing the name, address, and social security 31275
number of the person from whose winnings amounts were deducted 31276
and withheld, the amount of each such deduction and withholding 31277
during the preceding calendar month, the amount of the winnings 31278
from which each such amount was withheld, the type of casino 31279
gaming or sports gaming that resulted in such winnings, and any 31280
other information required by the tax administrator. With this 31281
return, the casino operator or sports gaming proprietor shall 31282
remit electronically to the municipal corporation all amounts 31283
deducted and withheld during the preceding month. 31284

(2) Annually, on or before the thirty-first day of 31285
January, a casino operator or sports gaming proprietor shall 31286
file an annual return electronically with the tax administrator 31287
of the municipal corporation in which the casino facility or 31288
sports gaming facility is located, indicating the total amount 31289
deducted and withheld during the preceding calendar year. The 31290
casino operator or sports gaming proprietor shall remit 31291
electronically with the annual return any amount that was 31292
deducted and withheld and that was not previously remitted. If 31293
the name, address, or social security number of a person or the 31294
amount deducted and withheld with respect to that person was 31295

omitted on a monthly return for that reporting period, that 31296
information shall be indicated on the annual return. 31297

(3) Annually, on or before the thirty-first day of 31298
January, a casino operator or sports gaming proprietor shall 31299
issue an information return to each person with respect to whom 31300
an amount has been deducted and withheld during the preceding 31301
calendar year. The information return shall show the total 31302
amount of municipal income tax deducted from the person's 31303
winnings during the preceding year. The casino operator or 31304
sports gaming proprietor shall provide to the tax administrator 31305
a copy of each information return issued under this division. 31306
The administrator may require that such copies be transmitted 31307
electronically. 31308

(4) A casino operator or sports gaming proprietor that 31309
fails to file a return and remit the amounts deducted and 31310
withheld shall be personally liable for the amount withheld and 31311
not remitted. Such personal liability extends to any penalty and 31312
interest imposed for the late filing of a return or the late 31313
payment of tax deducted and withheld. 31314

(5) If a casino operator or sports gaming proprietor sells 31315
the casino facility or sports gaming facility, or otherwise 31316
quits the casino or sports gaming business, the amounts deducted 31317
and withheld along with any penalties and interest thereon are 31318
immediately due and payable. The successor shall withhold an 31319
amount of the purchase money that is sufficient to cover the 31320
amounts deducted and withheld along with any penalties and 31321
interest thereon until the predecessor casino operator or sports 31322
gaming proprietor produces either of the following: 31323

(a) A receipt from the tax administrator showing that the 31324
amounts deducted and withheld and penalties and interest thereon 31325

have been paid; 31326

(b) A certificate from the tax administrator indicating 31327
that no amounts are due. 31328

If the successor fails to withhold purchase money, the 31329
successor is personally liable for the payment of the amounts 31330
deducted and withheld and penalties and interest thereon. 31331

(6) The failure of a casino operator or sports gaming 31332
proprietor to deduct and withhold the required amount from a 31333
person's winnings does not relieve that person from liability 31334
for the municipal income tax with respect to those winnings. 31335

(D) If a person's prize award from a video lottery 31336
~~terminal or from lottery sports gaming offered in a video~~ 31337
~~lottery terminal facility~~ is an amount for which reporting to 31338
the internal revenue service is required by section 6041 of the 31339
Internal Revenue Code, as amended, the video lottery sales agent 31340
shall deduct and withhold municipal income tax from the person's 31341
prize award at the rate of the tax imposed by the municipal 31342
corporation in which the video lottery terminal facility is 31343
located. 31344

(E) Amounts deducted and withheld by a video lottery sales 31345
agent are held in trust for the benefit of the municipal 31346
corporation to which the tax is owed. 31347

(1) The video lottery sales agent shall issue to a person 31348
from whose prize award an amount has been deducted and withheld 31349
a receipt for the amount deducted and withheld, and shall obtain 31350
from the person receiving a prize award the person's name, 31351
address, and social security number in order to facilitate the 31352
preparation of returns required by this section. 31353

(2) On or before the tenth day of each month, the video 31354

lottery sales agent shall file a return electronically with the 31355
tax administrator of the municipal corporation providing the 31356
names, addresses, and social security numbers of the persons 31357
from whose prize awards amounts were deducted and withheld, the 31358
amount of each such deduction and withholding during the 31359
preceding calendar month, the amount of the prize award from 31360
which each such amount was withheld, and any other information 31361
required by the tax administrator. With the return, the video 31362
lottery sales agent shall remit electronically to the tax 31363
administrator all amounts deducted and withheld during the 31364
preceding month. 31365

(3) A video lottery sales agent shall maintain a record of 31366
all receipts issued under division (E) of this section and shall 31367
make those records available to the tax administrator upon 31368
request. Such records shall be maintained in accordance with 31369
section 5747.17 of the Revised Code and any rules adopted 31370
pursuant thereto. 31371

(4) Annually, on or before the thirty-first day of 31372
January, each video lottery ~~terminal~~-sales agent shall file an 31373
annual return electronically with the tax administrator of the 31374
municipal corporation in which the facility is located 31375
indicating the total amount deducted and withheld during the 31376
preceding calendar year. The video lottery sales agent shall 31377
remit electronically with the annual return any amount that was 31378
deducted and withheld and that was not previously remitted. If 31379
the name, address, or social security number of a person or the 31380
amount deducted and withheld with respect to that person was 31381
omitted on a monthly return for that reporting period, that 31382
information shall be indicated on the annual return. 31383

(5) Annually, on or before the thirty-first day of 31384

January, a video lottery sales agent shall issue an information 31385
return to each person with respect to whom an amount has been 31386
deducted and withheld during the preceding calendar year. The 31387
information return shall show the total amount of municipal 31388
income tax deducted and withheld from the person's prize award 31389
by the video lottery sales agent during the preceding year. A 31390
video lottery sales agent shall provide to the tax administrator 31391
of the municipal corporation a copy of each information return 31392
issued under this division. The tax administrator may require 31393
that such copies be transmitted electronically. 31394

(6) A video lottery sales agent who fails to file a return 31395
and remit the amounts deducted and withheld is personally liable 31396
for the amount deducted and withheld and not remitted. Such 31397
personal liability extends to any penalty and interest imposed 31398
for the late filing of a return or the late payment of tax 31399
deducted and withheld. 31400

(F) If a video lottery sales agent ceases to operate video 31401
lottery terminals, the amounts deducted and withheld along with 31402
any penalties and interest thereon are immediately due and 31403
payable. The successor of the video lottery sales agent that 31404
purchases the video lottery terminals from the agent shall 31405
withhold an amount from the purchase money that is sufficient to 31406
cover the amounts deducted and withheld and any penalties and 31407
interest thereon until the predecessor video lottery sales agent 31408
operator produces either of the following: 31409

(1) A receipt from the tax administrator showing that the 31410
amounts deducted and withheld and penalties and interest thereon 31411
have been paid; 31412

(2) A certificate from the tax administrator indicating 31413
that no amounts are due. 31414

If the successor fails to withhold purchase money, the 31415
successor is personally liable for the payment of the amounts 31416
deducted and withheld and penalties and interest thereon. 31417

(G) The failure of a video lottery sales agent to deduct 31418
and withhold the required amount from a person's prize award 31419
does not relieve that person from liability for the municipal 31420
income tax with respect to that prize award. 31421

(H) If a casino operator, sports gaming proprietor, or 31422
video lottery sales agent files a return late, fails to file a 31423
return, remits amounts deducted and withheld late, or fails to 31424
remit amounts deducted and withheld as required under this 31425
section, the tax administrator of a municipal corporation may 31426
impose the following applicable penalty: 31427

(1) For the late remittance of, or failure to remit, tax 31428
deducted and withheld under this section, a penalty equal to 31429
fifty per cent of the tax deducted and withheld; 31430

(2) For the failure to file, or the late filing of, a 31431
monthly or annual return, a penalty of five hundred dollars for 31432
each return not filed or filed late. Interest shall accrue on 31433
past due amounts deducted and withheld at the rate prescribed in 31434
section 5703.47 of the Revised Code. 31435

(I) Amounts deducted and withheld on behalf of a municipal 31436
corporation shall be allowed as a credit against payment of the 31437
tax imposed by the municipal corporation and shall be treated as 31438
taxes paid for purposes of section 718.08 of the Revised Code. 31439
This division applies only to the person for whom the amount is 31440
deducted and withheld. 31441

(J) The tax administrator shall prescribe the forms of the 31442
receipts and returns required under this section. 31443

Sec. 718.05. (A) An annual return with respect to the 31444
income tax levied by a municipal corporation shall be completed 31445
and filed by every taxpayer for any taxable year for which the 31446
taxpayer is liable for the tax. If the total credit allowed 31447
against the tax as described in division (D) of section 718.04 31448
of the Revised Code for the year is equal to or exceeds the tax 31449
imposed by the municipal corporation, no return shall be 31450
required unless the municipal ordinance or resolution levying 31451
the tax requires the filing of a return in such circumstances. 31452

(B) If an individual is deceased, any return or notice 31453
required of that individual shall be completed and filed by that 31454
decedent's executor, administrator, or other person charged with 31455
the property of that decedent. 31456

(C) If an individual is unable to complete and file a 31457
return or notice required by a municipal corporation in 31458
accordance with this chapter, the return or notice required of 31459
that individual shall be completed and filed by the individual's 31460
duly authorized agent, guardian, conservator, fiduciary, or 31461
other person charged with the care of the person or property of 31462
that individual. 31463

(D) Returns or notices required of an estate or a trust 31464
shall be completed and filed by the fiduciary of the estate or 31465
trust. 31466

(E) No municipal corporation shall deny spouses the 31467
ability to file a joint return. 31468

(F) (1) Each return required to be filed under this section 31469
shall contain the signature of the taxpayer or the taxpayer's 31470
duly authorized agent and of the person who prepared the return 31471
for the taxpayer, and shall include the taxpayer's social 31472

security number or taxpayer identification number. Each return 31473
shall be verified by a declaration under penalty of perjury. 31474

(2) A tax administrator may require a taxpayer who is an 31475
individual to include, with each annual return, amended return, 31476
or request for refund required under this section, copies of 31477
only the following documents: all of the taxpayer's Internal 31478
Revenue Service form W-2, "Wage and Tax Statements," including 31479
all information reported on the taxpayer's federal W-2, as well 31480
as taxable wages reported or withheld for any municipal 31481
corporation; the taxpayer's Internal Revenue Service form 1040 31482
or, in the case of a return or request required by a qualified 31483
municipal corporation, Ohio form IT-1040; and, with respect to 31484
an amended tax return or refund request, any other documentation 31485
necessary to support the refund request or the adjustments made 31486
in the amended return. An individual taxpayer who files the 31487
annual return required by this section electronically is not 31488
required to provide paper copies of any of the foregoing to the 31489
tax administrator unless the tax administrator requests such 31490
copies after the return has been filed. 31491

(3) A tax administrator may require a taxpayer that is not 31492
an individual to include, with each annual net profit return, 31493
amended net profit return, or request for refund required under 31494
this section, copies of only the following documents: the 31495
taxpayer's Internal Revenue Service form 1041, form 1065, form 31496
1120, form 1120-REIT, form 1120F, or form 1120S, and, with 31497
respect to an amended tax return or refund request, any other 31498
documentation necessary to support the refund request or the 31499
adjustments made in the amended return. 31500

A taxpayer that is not an individual and that files an 31501
annual net profit return electronically through the Ohio 31502

business gateway or in some other manner shall either mail the 31503
documents required under this division to the tax administrator 31504
at the time of filing or, if electronic submission is available, 31505
submit the documents electronically through the Ohio business 31506
gateway. The department of taxation shall publish a method of 31507
electronically submitting the documents required under this 31508
division through the Ohio business gateway on or before January 31509
1, 2016. The department shall transmit all documents submitted 31510
electronically under this division to the appropriate tax 31511
administrator. 31512

(4) After a taxpayer files a tax return, the tax 31513
administrator may request, and the taxpayer shall provide, any 31514
information, statements, or documents required by the municipal 31515
corporation to determine and verify the taxpayer's municipal 31516
income tax liability. The requirements imposed under division 31517
(F) of this section apply regardless of whether the taxpayer 31518
files on a generic form or on a form prescribed by the tax 31519
administrator. 31520

(G) (1) (a) Except as otherwise provided in this chapter, 31521
each individual income tax return required to be filed under 31522
this section shall be completed and filed as required by the tax 31523
administrator on or before the date prescribed for the filing of 31524
state individual income tax returns under division (G) of 31525
section 5747.08 of the Revised Code. The taxpayer shall complete 31526
and file the return or notice on forms prescribed by the tax 31527
administrator or on generic forms, together with remittance made 31528
payable to the municipal corporation or tax administrator. No 31529
remittance is required if the amount shown to be due is ten 31530
dollars or less. A municipal corporation shall not require a 31531
qualifying employee whose income consists exclusively of exempt 31532
income described in division (C) (20) (b) or (c) of section 718.01 31533

of the Revised Code to file a return under this section. 31534

(b) Except as otherwise provided in this chapter, each 31535
annual net profit return required to be filed under this section 31536
by a taxpayer that is not an individual shall be completed and 31537
filed as required by the tax administrator on or before the 31538
fifteenth day of the fourth month following the end of the 31539
taxpayer's taxable year unless the taxpayer's unextended federal 31540
income tax return is due after that date, in which case the 31541
annual net profit return shall be completed and filed on or 31542
before the taxpayer's federal income tax return due date. The 31543
taxpayer shall complete and file the return or notice on forms 31544
prescribed by the tax administrator or on generic forms, 31545
together with remittance made payable to the municipal 31546
corporation or tax administrator. No remittance is required if 31547
the amount shown to be due is ten dollars or less. 31548

(2) (a) Any taxpayer that has duly requested an automatic 31549
six-month extension for filing the taxpayer's federal income tax 31550
return shall automatically receive an extension for the filing 31551
of a municipal income tax return. The extended due date of the 31552
municipal income tax return for a taxpayer that is an individual 31553
shall be the fifteenth day of the tenth month after the last day 31554
of the taxable year to which the return relates. The extended 31555
due date of the municipal income tax return for a taxpayer that 31556
is not an individual shall be the fifteenth day of the eleventh 31557
month after the last day of the taxable year to which the return 31558
relates. 31559

(b) A taxpayer that has not requested or received a six- 31560
month extension for filing the taxpayer's federal income tax 31561
return may request that the tax administrator grant the taxpayer 31562
a six-month extension of the date for filing the taxpayer's 31563

municipal income tax return. If the request is received by the 31564
tax administrator on or before the date the municipal income tax 31565
return is due, the tax administrator shall grant the taxpayer's 31566
requested extension. 31567

(c) An extension of time to file under division (G) (2) of 31568
this section is not an extension of the time to pay any tax due 31569
unless the tax administrator grants an extension of that date. 31570

(3) If the tax commissioner extends for all taxpayers the 31571
date for filing state income tax returns under division (G) of 31572
section 5747.08 of the Revised Code, a taxpayer shall 31573
automatically receive an extension for the filing of a municipal 31574
income tax return. The extended due date of the municipal income 31575
tax return shall be the same as the extended due date of the 31576
state income tax return. 31577

(4) If the tax administrator considers it necessary in 31578
order to ensure the payment of the tax imposed by the municipal 31579
corporation in accordance with this chapter, the tax 31580
administrator may require taxpayers to file returns and make 31581
payments otherwise than as provided in this section, including 31582
taxpayers not otherwise required to file annual returns. 31583

(5) If a taxpayer receives an extension for the filing of 31584
a municipal income tax return under division (G) (2), (3), or (4) 31585
of this section, the tax administrator shall not make any 31586
inquiry or send any notice to the taxpayer with regard to the 31587
return on or before the date the taxpayer files the return or on 31588
or before the extended due date to file the return, whichever 31589
occurs first. 31590

If a tax administrator violates division (G) (5) of this 31591
section, the municipal corporation shall reimburse the taxpayer 31592

for any reasonable costs incurred to respond to such inquiry or 31593
notice, up to one hundred fifty dollars. 31594

Division (G) (5) of this section does not apply to an 31595
extension received under division (G) (2) of this section if the 31596
tax administrator has actual knowledge that the taxpayer failed 31597
to file for a federal extension as required to receive the 31598
extension under division (G) (2) (a) of this section or failed to 31599
file for an extension under division (G) (2) (b) of this section. 31600

(6) To the extent that any provision in this division 31601
conflicts with any provision in section 718.052 of the Revised 31602
Code, the provision in that section prevails. 31603

(H) (1) For taxable years beginning after 2015, a municipal 31604
corporation shall not require a taxpayer to remit tax with 31605
respect to net profits if the amount due is less than ten 31606
dollars. 31607

(2) Except as provided in division (H) (3) of this section, 31608
any taxpayer not required to remit tax to a municipal 31609
corporation for a taxable year pursuant to division (H) (1) of 31610
this section shall file with the municipal corporation an annual 31611
net profit return under division (F) (3) of this section. 31612

(3) A municipal corporation shall not require a person to 31613
file a net profit return under this section if the person's 31614
income consists exclusively of exempt income described in 31615
division (C) (20) (a) of section 718.01 of the Revised Code. 31616

(I) (1) If any report, claim, statement, or other document 31617
required to be filed, or any payment required to be made, within 31618
a prescribed period or on or before a prescribed date under this 31619
chapter is delivered after that period or that date by United 31620
States mail to the tax administrator or other municipal official 31621

with which the report, claim, statement, or other document is 31622
required to be filed, or to which the payment is required to be 31623
made, the date of the postmark stamped on the cover in which the 31624
report, claim, statement, or other document, or payment is 31625
mailed shall be deemed to be the date of delivery or the date of 31626
payment. "The date of postmark" means, in the event there is 31627
more than one date on the cover, the earliest date imprinted on 31628
the cover by the postal service. 31629

(2) If a payment under this chapter is made by electronic 31630
funds transfer, the payment shall be considered to be made on 31631
the date of the timestamp assigned by the first electronic 31632
system receiving that payment. 31633

(J) The amounts withheld by an employer, the agent of an 31634
employer, or an other payer as described in section 718.03 of 31635
the Revised Code shall be allowed to the recipient of the 31636
compensation as credits against payment of the tax imposed on 31637
the recipient by the municipal corporation, unless the amounts 31638
withheld were not remitted to the municipal corporation and the 31639
recipient colluded with the employer, agent, or other payer in 31640
connection with the failure to remit the amounts withheld. 31641

(K) Each return required by a municipal corporation to be 31642
filed in accordance with this section shall include a box that 31643
the taxpayer may check to authorize another person, including a 31644
tax return preparer who prepared the return, to communicate with 31645
the tax administrator about matters pertaining to the return. 31646
The return or instructions accompanying the return shall 31647
indicate that by checking the box the taxpayer authorizes the 31648
tax administrator to contact the preparer or other person 31649
concerning questions that arise during the examination or other 31650
review of the return and authorizes the preparer or other person 31651

only to provide the tax administrator with information that is 31652
missing from the return, to contact the tax administrator for 31653
information about the examination or other review of the return 31654
or the status of the taxpayer's refund or payments, and to 31655
respond to notices about mathematical errors, offsets, or return 31656
preparation that the taxpayer has received from the tax 31657
administrator and has shown to the preparer or other person. 31658

(L) The tax administrator of a municipal corporation shall 31659
accept for filing a generic form of any income tax return, 31660
report, or document required by the municipal corporation in 31661
accordance with this chapter, provided that the generic form, 31662
once completed and filed, contains all of the information 31663
required by ordinance, resolution, or rules adopted by the 31664
municipal corporation or tax administrator, and provided that 31665
the taxpayer or tax return preparer filing the generic form 31666
otherwise complies with the provisions of this chapter and of 31667
the municipal corporation ordinance or resolution governing the 31668
filing of returns, reports, or documents. 31669

(M) When income tax returns, reports, or other documents 31670
require the signature of a tax return preparer, the tax 31671
administrator shall accept a facsimile of such a signature in 31672
lieu of a manual signature. 31673

(N) (1) As used in this division, "worksite location" has 31674
the same meaning as in section 718.011 of the Revised Code. 31675

(2) A person may notify a tax administrator that the 31676
person does not expect to be a taxpayer with respect to the 31677
municipal corporation for a taxable year if both of the 31678
following conditions apply: 31679

(a) The person was required to file a tax return with the 31680

municipal corporation for the immediately preceding taxable year 31681
because the person performed services at a worksite location 31682
within that municipal corporation. 31683

(b) The person no longer provides services in the 31684
municipal corporation and does not expect to be subject to the 31685
municipal corporation's income tax for the taxable year. 31686

The person shall provide the notice in a signed affidavit 31687
that briefly explains the person's circumstances, including the 31688
location of the previous worksite location and the last date on 31689
which the person performed services or made any sales within the 31690
municipal corporation. The affidavit also shall include the 31691
following statement: "The affiant has no plans to perform any 31692
services within the municipal corporation, make any sales in the 31693
municipal corporation, or otherwise become subject to the tax 31694
levied by the municipal corporation during the taxable year. If 31695
the affiant does become subject to the tax levied by the 31696
municipal corporation for the taxable year, the affiant agrees 31697
to be considered a taxpayer and to properly register as a 31698
taxpayer with the municipal corporation if such a registration 31699
is required by the municipal corporation's resolutions, 31700
ordinances, or rules." The person shall sign the affidavit under 31701
penalty of perjury. 31702

(c) If a person submits an affidavit described in division 31703
(N) (2) of this section, the tax administrator shall not require 31704
the person to file any tax return for the taxable year unless 31705
the tax administrator possesses information that conflicts with 31706
the affidavit or if the circumstances described in the affidavit 31707
change. Nothing in division (N) of this section prohibits the 31708
tax administrator from performing an audit of the person. 31709

Sec. 718.12. (A) (1) (a) Civil actions to recover municipal 31710

income taxes and penalties and interest on municipal income 31711
taxes shall be brought within the later of: 31712

(i) Three years after the tax return, including any valid 31713
extension, was due or ~~the return was~~ filed, whichever is later; 31714
or 31715

(ii) One year after the conclusion of the qualifying 31716
deferral period, if any. 31717

(b) The time limit described in division (A) (1) (a) of this 31718
section may be extended at any time if both the tax 31719
administrator and the employer, agent of the employer, other 31720
payer, or taxpayer consent in writing to the extension. Any 31721
extension shall also extend for the same period of time the time 31722
limit described in division (C) of this section. 31723

(2) As used in this section, "qualifying deferral period" 31724
means a period of time beginning and ending as follows: 31725

(a) Beginning on the date a person who is aggrieved by an 31726
assessment files with a local board of tax review the request 31727
described in section 718.11 of the Revised Code. That date shall 31728
not be affected by any subsequent decision, finding, or holding 31729
by any administrative body or court that the local board of tax 31730
review with which the aggrieved person filed the request did not 31731
have jurisdiction to affirm, reverse, or modify the assessment 31732
or any part of that assessment. 31733

(b) Ending the later of the sixtieth day after the date on 31734
which the final determination of the local board of tax review 31735
becomes final or, if any party appeals from the determination of 31736
the local board of tax review, the sixtieth day after the date 31737
on which the final determination of the local board of tax 31738
review is either ultimately affirmed in whole or in part or 31739

ultimately reversed and no further appeal of either that 31740
affirmation, in whole or in part, or that reversal is available 31741
or taken. 31742

(B) Prosecutions for an offense made punishable under a 31743
resolution or ordinance imposing an income tax shall be 31744
commenced within three years after the commission of the 31745
offense, provided that in the case of fraud, failure to file a 31746
return, or the omission of twenty-five per cent or more of 31747
income required to be reported, prosecutions may be commenced 31748
within six years after the commission of the offense. 31749

(C) A claim for a refund of municipal income taxes shall 31750
be brought within the time limitation provided in section 718.19 31751
of the Revised Code. 31752

(D) Interest shall be allowed and paid on any overpayment 31753
by a taxpayer of any municipal income tax obligation from the 31754
date of the overpayment until the date of the refund of the 31755
overpayment, except that if any overpayment is refunded within 31756
ninety days after the final filing date of the annual return or 31757
ninety days after the completed return is filed, whichever is 31758
later, no interest shall be allowed on the refund. For the 31759
purpose of computing the payment of interest on amounts 31760
overpaid, no amount of tax for any taxable year shall be 31761
considered to have been paid before the date on which the return 31762
on which the tax is reported is due, without regard to any 31763
extension of time for filing that return. Interest shall be paid 31764
at the interest rate described in division (A) (5) of section 31765
718.27 of the Revised Code. 31766

(E) Within sixty days after the final determination of any 31767
federal or state tax liability affecting the taxpayer's 31768
municipal tax liability, that taxpayer shall make and file an 31769

amended municipal return showing income subject to the municipal 31770
income tax based upon such final determination of federal or 31771
state tax liability, and pay any additional municipal income tax 31772
shown due thereon or make a claim for refund of any overpayment, 31773
unless the tax or overpayment is less than ten dollars. 31774

(F) (1) Notwithstanding the fact that an appeal is pending, 31775
the petitioner may pay all or a portion of the assessment that 31776
is the subject of the appeal. The acceptance of a payment by the 31777
municipal corporation does not prejudice any claim for refund 31778
upon final determination of the appeal. 31779

(2) If upon final determination of the appeal an error in 31780
the assessment is corrected by the tax administrator, upon an 31781
appeal so filed or pursuant to a final determination of the 31782
local board of tax review created under section 718.11 of the 31783
Revised Code, of the Ohio board of tax appeals, or any court to 31784
which the decision of the Ohio board of tax appeals has been 31785
appealed, so that the amount due from the party assessed under 31786
the corrected assessment is less than the amount paid, there 31787
shall be issued to the appellant or to the appellant's assigns 31788
or legal representative a refund in the amount of the 31789
overpayment as provided by section 718.19 of the Revised Code, 31790
with interest on that amount as provided by division (D) of this 31791
section. 31792

(G) No civil action to recover municipal income tax or 31793
related penalties or interest shall be brought during either of 31794
the following time periods: 31795

(1) The period during which a taxpayer has a right to 31796
appeal the imposition of that tax or interest or those 31797
penalties; 31798

(2) The period during which an appeal related to the 31799
imposition of that tax or interest or those penalties is 31800
pending. 31801

Sec. 718.13. (A) Any information gained as a result of 31802
returns, investigations, hearings, or verifications required or 31803
authorized by this chapter or by a charter or ordinance of a 31804
municipal corporation levying an income tax pursuant to this 31805
chapter is confidential, and no person shall access or disclose 31806
such information except in accordance with a proper judicial 31807
order or in connection with the performance of that person's 31808
official duties or the official business of the municipal 31809
corporation as authorized by this chapter or the charter or 31810
ordinance authorizing the levy. The tax administrator of the 31811
municipal corporation or a designee thereof may furnish copies 31812
of returns filed or otherwise received under this chapter and 31813
other related tax information to the internal revenue service, 31814
the tax commissioner, and tax administrators of other municipal 31815
corporations. 31816

(B) This section does not prohibit a municipal corporation 31817
from publishing or disclosing statistics in a form that does not 31818
disclose information with respect to particular taxpayers. 31819

(C) A municipal corporation may provide tax information 31820
related to municipal income tax revenues derived from a 31821
transformational major sports facility mixed-use project 31822
district, as authorized under section 123.281 of the Revised 31823
Code, to the department of taxation and the fiscal officer of a 31824
governmental agency, as defined in division (F) of section 31825
123.28 of the Revised Code, that owns, or holds a sufficient 31826
ownership in, a major sports facility located within the 31827
territorial boundaries of a transformational major sports 31828

facility mixed-use project district. 31829

Sec. 718.19. (A) Upon receipt of a request for a refund, 31830
the tax administrator of a municipal corporation, in accordance 31831
with this section, shall refund to employers, agents of 31832
employers, other payers, or taxpayers, with respect to any 31833
income or withholding tax levied by the municipal corporation: 31834

(1) Overpayments of more than ten dollars; 31835

(2) Amounts paid erroneously if the refund requested 31836
exceeds ten dollars. 31837

(B) (1) Except as otherwise provided in this chapter, 31838
requests for refund shall be filed with the tax administrator, 31839
on the form prescribed by the tax administrator within three 31840
years after the tax return, including any valid extension, was 31841
due or paid, whichever is later. The tax administrator may 31842
require the requestor to file with the request any documentation 31843
that substantiates the requestor's claim for a refund. 31844

(2) On filing of the refund request, the tax administrator 31845
shall determine the amount of refund due and certify such amount 31846
to the appropriate municipal corporation official for payment. 31847
Except as provided in division (B) (3) of this section, the 31848
administrator shall issue an assessment to any taxpayer whose 31849
request for refund is fully or partially denied. The assessment 31850
shall state the amount of the refund that was denied, the 31851
reasons for the denial, and instructions for appealing the 31852
assessment. 31853

(3) If a tax administrator denies in whole or in part a 31854
refund request included within the taxpayer's originally filed 31855
annual income tax return, the tax administrator shall notify the 31856
taxpayer, in writing, of the amount of the refund that was 31857

denied, the reasons for the denial, and instructions for 31858
requesting an assessment that may be appealed under section 31859
718.11 of the Revised Code. 31860

(C) A request for a refund that is received after the last 31861
day for filing specified in division (B) of this section shall 31862
be considered to have been filed in a timely manner if any of 31863
the following situations exist: 31864

(1) The request is delivered by the postal service, and 31865
the earliest postal service postmark on the cover in which the 31866
request is enclosed is not later than the last day for filing 31867
the request. 31868

(2) The request is delivered by the postal service, the 31869
only postmark on the cover in which the request is enclosed was 31870
affixed by a private postal meter, the date of that postmark is 31871
not later than the last day for filing the request, and the 31872
request is received within seven days of such last day. 31873

(3) The request is delivered by the postal service, no 31874
postmark date was affixed to the cover in which the request is 31875
enclosed or the date of the postmark so affixed is not legible, 31876
and the request is received within seven days of the last day 31877
for making the request. 31878

(D) As used in this section, "withholding tax" has the 31879
same meaning as in section 718.27 of the Revised Code. 31880

Sec. 718.85. (A) (1) For each taxable year, every taxpayer 31881
shall file an annual return. Such return, along with the amount 31882
of tax shown to be due on the return less the amount paid for 31883
the taxable year under section 718.88 of the Revised Code, shall 31884
be submitted to the tax commissioner, on a form and in the 31885
manner prescribed by the commissioner, on or before the 31886

fifteenth day of the fourth month following the end of the 31887
taxpayer's taxable year unless a taxpayer's unextended federal 31888
income tax return is due after that date, in which case the 31889
annual return shall be submitted on or before the taxpayer's 31890
federal income tax return due date. 31891

(2) The remittance shall be made payable to the treasurer 31892
of state and in the form prescribed by the tax commissioner. If 31893
the amount payable with the tax return is ten dollars or less, 31894
no remittance is required. 31895

(B) The tax commissioner shall immediately forward to the 31896
treasurer of state all amounts the commissioner receives 31897
pursuant to sections 718.80 to 718.95 of the Revised Code. The 31898
treasurer shall credit such amounts to the municipal net profit 31899
tax fund which is hereby created in the state treasury. 31900

(C) (1) Each return required to be filed under this section 31901
shall contain the signature of the taxpayer or the taxpayer's 31902
duly authorized agent and of the person who prepared the return 31903
for the taxpayer, and shall include the taxpayer's 31904
identification number. Each return shall be verified by a 31905
declaration under penalty of perjury. 31906

(2) (a) The tax commissioner may require a taxpayer to 31907
include, with each annual tax return, amended return, or request 31908
for refund filed with the commissioner under sections 718.80 to 31909
718.95 of the Revised Code, copies of any relevant documents or 31910
other information. 31911

(b) A taxpayer that files an annual tax return 31912
electronically through the Ohio business gateway or in another 31913
manner as prescribed by the tax commissioner shall either submit 31914
the documents required under this division electronically as 31915

prescribed at the time of filing or, if electronic submission is 31916
not available, mail the documents to the tax commissioner. The 31917
department of taxation shall publish a method of electronically 31918
submitting the documents required under this division on or 31919
before January 1, 2019. 31920

(3) After a taxpayer files a tax return, the tax 31921
commissioner may request, and the taxpayer shall provide, any 31922
information, statements, or documents required to determine and 31923
verify the taxpayer's municipal income tax. 31924

(D) (1) (a) Any taxpayer that has duly requested an 31925
automatic extension for filing the taxpayer's federal income tax 31926
return shall automatically receive an extension for the filing 31927
of a tax return with the commissioner under this section. The 31928
extended due date of the return shall be the fifteenth day of 31929
the eleventh month after the last day of the taxable year to 31930
which the return relates. 31931

(b) A taxpayer that has not requested or received a six- 31932
month extension for filing the taxpayer's federal income tax 31933
return may request that the commissioner grant the taxpayer a 31934
~~six-month~~ seven-month extension of the date for filing the 31935
taxpayer's tax return. If the commissioner receives the request 31936
on or before the date the tax return is due, the commissioner 31937
shall grant the taxpayer's extension request. 31938

(c) An extension of time to file under division (D) (1) of 31939
this section is not an extension of the time to pay any tax due 31940
unless the tax commissioner grants an extension of that date. 31941

(2) If the commissioner considers it necessary in order to 31942
ensure payment of a tax imposed in accordance with section 31943
718.04 of the Revised Code, the commissioner may require 31944

taxpayers to file returns and make payments otherwise than as 31945
provided in this section, including taxpayers not otherwise 31946
required to file annual returns. 31947

(3) If a taxpayer receives an extension for the filing of 31948
a tax return under division (D)(1) or (2) of this section, the 31949
commissioner shall not make any inquiry or send any notice to 31950
the taxpayer with regard to the return on or before the date the 31951
taxpayer files the return or on or before the extended due date 31952
to file the return, whichever occurs first. 31953

Division (D)(3) of this section does not apply to an 31954
extension received under division (D)(1) of this section if the 31955
commissioner has actual knowledge that the taxpayer failed to 31956
file for a federal extension as required to receive the 31957
extension under division (D)(1)(a) of this section or failed to 31958
file for an extension under division (D)(1)(b) of this section. 31959

(E) Each return required to be filed in accordance with 31960
this section shall include a box that the taxpayer may check to 31961
authorize another person, including a tax return preparer who 31962
prepared the return, to communicate with the tax commissioner 31963
about matters pertaining to the return. The return or 31964
instructions accompanying the return shall indicate that by 31965
checking the box the taxpayer authorizes the commissioner to 31966
contact the preparer or other person concerning questions that 31967
arise during the examination or other review of the return and 31968
authorizes the preparer or other person only to provide the 31969
commissioner with information that is missing from the return, 31970
to contact the commissioner for information about the 31971
examination or other review of the return or the status of the 31972
taxpayer's refund or payments, and to respond to notices about 31973
mathematical errors, offsets, or return preparation that the 31974

taxpayer has received from the commissioner and has shown to the 31975
preparer or other person. 31976

(F) When income tax returns or other documents require the 31977
signature of a tax return preparer, the tax commissioner shall 31978
accept a facsimile or electronic version of such a signature in 31979
lieu of a manual signature. 31980

Sec. 718.88. (A) As used in this section: 31981

(1) "Combined tax liability" means the total amount of a 31982
taxpayer's income tax liabilities to all municipal corporations 31983
in this state for a taxable year. 31984

(2) "Estimated taxes" means the amount that the taxpayer 31985
reasonably estimates to be the taxpayer's combined tax liability 31986
for the current taxable year. 31987

(B) (1) Except as provided in division (B) (4) of this 31988
section, every taxpayer shall make a declaration of estimated 31989
taxes for the current taxable year, on the form prescribed by 31990
the tax commissioner, if the amount payable as estimated taxes 31991
is at least two hundred dollars. 31992

(2) Except as provided in division (B) (4) of this section, 31993
a taxpayer having a taxable year of less than twelve months 31994
shall make a declaration under rules prescribed by the 31995
commissioner. 31996

(3) The declaration of estimated taxes shall be filed on 31997
or before the fifteenth day of the fourth month after the 31998
beginning of the taxable year or on or before the fifteenth day 31999
of the fourth month after the taxpayer becomes subject to tax 32000
for the first time. 32001

(4) The tax commissioner may waive the requirement for 32002

filing a declaration of estimated taxes for any class of 32003
taxpayers after finding that the waiver is reasonable and proper 32004
in view of administrative costs and other factors. 32005

(C) Each taxpayer shall file the declaration of estimated 32006
taxes with, and remit estimated taxes to, the tax commissioner 32007
at the times and in the amounts prescribed in division (C)(1) of 32008
this section. Remitted taxes shall be made payable to the 32009
treasurer of state. 32010

(1) The required portion of the combined tax liability for 32011
the taxable year that shall be paid through estimated taxes 32012
shall be as follows: 32013

(a) On or before the fifteenth day of the fourth month 32014
after the beginning of the taxable year, twenty-two and one-half 32015
per cent of the combined tax liability for the taxable year; 32016

(b) On or before the fifteenth day of the sixth month 32017
after the beginning of the taxable year, forty-five per cent of 32018
the combined tax liability for the taxable year; 32019

(c) On or before the fifteenth day of the ninth month 32020
after the beginning of the taxable year, sixty-seven and one- 32021
half per cent of the combined tax liability for the taxable 32022
year; 32023

(d) On or before the fifteenth day of the twelfth month of 32024
the taxable year, ninety per cent of the combined tax liability 32025
for the taxable year. 32026

(2) If the taxpayer determines that its declaration of 32027
estimated taxes will not accurately reflect the taxpayer's tax 32028
liability for the taxable year, the taxpayer shall increase or 32029
decrease, as appropriate, its subsequent payments in equal 32030
installments to result in a more accurate payment of estimated 32031

taxes. 32032

(3) (a) Each taxpayer shall report on the declaration of 32033
estimated taxes the portion of the remittance that the taxpayer 32034
estimates that it owes to each municipal corporation for the 32035
taxable year. 32036

(b) Upon receiving a payment of estimated taxes under this 32037
section, the commissioner shall immediately forward the payment 32038
to the treasurer of state. The treasurer shall credit the 32039
payment in the same manner as in division (B) of section 718.85 32040
of the Revised Code. 32041

(D) (1) In the case of any underpayment of estimated taxes, 32042
~~there shall be added~~ the tax commissioner may add to the taxes 32043
an amount determined at the rate per annum prescribed by section 32044
5703.47 of the Revised Code upon the amount of underpayment for 32045
the period of underpayment, unless the underpayment is due to 32046
reasonable cause as described in division (E) of this section. 32047
The amount of the underpayment shall be determined as follows: 32048

(a) For the first payment of estimated taxes each year, 32049
twenty-two and one-half per cent of the combined tax liability, 32050
less the amount of taxes paid by the date prescribed for that 32051
payment; 32052

(b) For the second payment of estimated taxes each year, 32053
forty-five per cent of the combined tax liability, less the 32054
amount of taxes paid by the date prescribed for that payment; 32055

(c) For the third payment of estimated taxes each year, 32056
sixty-seven and one-half per cent of the combined tax liability, 32057
less the amount of taxes paid by the date prescribed for that 32058
payment; 32059

(d) For the fourth payment of estimated taxes each year, 32060

ninety per cent of the combined tax liability, less the amount 32061
of taxes paid by the date prescribed for that payment. 32062

(2) The period of the underpayment shall run from the day 32063
the estimated payment was required to be made to the date on 32064
which the payment is made. For purposes of this section, a 32065
payment of estimated taxes on or before any payment date shall 32066
be considered a payment of any previous underpayment only to the 32067
extent the payment of estimated taxes exceeds the amount of the 32068
payment presently due. 32069

(3) All amounts collected under this section shall be 32070
considered as taxes collected under sections 718.80 to 718.95 of 32071
the Revised Code and shall be credited and distributed to 32072
municipal corporations in accordance with section 718.83 of the 32073
Revised Code. 32074

(E) An underpayment of any portion of a combined tax 32075
liability shall be due to reasonable cause and the penalty 32076
imposed by this section shall not be added to the taxes for the 32077
taxable year if any of the following apply: 32078

(1) The amount of estimated taxes that were paid equals at 32079
least ninety per cent of the combined tax liability for the 32080
current taxable year, determined by annualizing the income 32081
received during the year up to the end of the month immediately 32082
preceding the month in which the payment is due. 32083

(2) The amount of estimated taxes that were paid equals at 32084
least one hundred per cent of the tax liability shown on the 32085
return of the taxpayer for the preceding taxable year, provided 32086
that the immediately preceding taxable year reflected a period 32087
of twelve months and the taxpayer filed a municipal income tax 32088
return for that year. 32089

Sec. 718.90. (A) If any taxpayer required to file a return 32090
under section 718.80 to 718.95 of the Revised Code fails to file 32091
the return within the time prescribed, files an incorrect 32092
return, or fails to remit the full amount of the tax due for the 32093
period covered by the return, the tax commissioner may make an 32094
assessment against the taxpayer for any deficiency for the 32095
period for which the return or tax is due, based upon any 32096
information in the commissioner's possession. 32097

The tax commissioner shall not make or issue an assessment 32098
against a taxpayer more than three years after the later of the 32099
date the return subject to assessment was required to be filed 32100
or the date the return was filed. Such time limit may be 32101
extended if both the taxpayer and the commissioner consent in 32102
writing to the extension. Any such extension shall extend the 32103
three-year time limit in section 718.91 of the Revised Code for 32104
the same period of time. There shall be no bar or limit to an 32105
assessment against a taxpayer that fails to file a return 32106
subject to assessment as required by sections 718.80 to 718.95 32107
of the Revised Code, or that files a fraudulent return. The 32108
commissioner shall give the taxpayer assessed written notice of 32109
the assessment as provided in section 5703.37 of the Revised 32110
Code. With the notice, the commissioner shall provide 32111
instructions on how to petition for reassessment and request a 32112
hearing on the petition. 32113

(B) Unless the taxpayer assessed files with the tax 32114
commissioner within sixty days after service of the notice of 32115
assessment, ~~either personally or by certified mail,~~ a written 32116
petition for reassessment signed by the authorized agent of the 32117
taxpayer assessed having knowledge of the facts, the assessment 32118
becomes final, and the amount of the assessment is due and 32119
payable from the taxpayer to the treasurer of state. The 32120

petition shall indicate the taxpayer's objections, but 32121
additional objections may be raised in writing if received by 32122
the commissioner prior to the date shown on the final 32123
determination. If the petition has been properly filed, the 32124
commissioner shall proceed under section 5703.60 of the Revised 32125
Code. 32126

(C) After an assessment becomes final, if any portion of 32127
the assessment remains unpaid, including accrued interest, a 32128
certified copy of the tax commissioner's entry making the 32129
assessment final may be filed in the office of the clerk of the 32130
court of common pleas in the county in which the taxpayer has an 32131
office or place of business in this state, the county in which 32132
the taxpayer's statutory agent is located, or Franklin county. 32133

Immediately upon the filing of the entry, the clerk shall 32134
enter a judgment against the taxpayer assessed in the amount 32135
shown on the entry. The judgment may be filed by the clerk in a 32136
loose-leaf book entitled "special judgments for municipal income 32137
taxes," and shall have the same effect as other judgments. 32138
Execution shall issue upon the judgment upon the request of the 32139
tax commissioner, and all laws applicable to sales on execution 32140
shall apply to sales made under the judgment. 32141

If the assessment is not paid in its entirety within sixty 32142
days after the day the assessment was issued, the portion of the 32143
assessment consisting of tax due shall bear interest at the rate 32144
per annum prescribed by section 5703.47 of the Revised Code from 32145
the day the commissioner issues the assessment until the 32146
assessment is paid or until it is certified to the attorney 32147
general for collection under section 131.02 of the Revised Code, 32148
whichever comes first. If the unpaid portion of the assessment 32149
is certified to the attorney general for collection, the entire 32150

unpaid portion of the assessment shall bear interest at the rate 32151
per annum prescribed by section 5703.47 of the Revised Code from 32152
the date of certification until the date it is paid in its 32153
entirety. Interest shall be paid in the same manner as the tax 32154
and may be collected by issuing an assessment under this 32155
section. 32156

(D) (1) Except as provided in division (D) (2) of this 32157
section, all money collected under this section shall be 32158
credited to the municipal net profit tax fund and distributed to 32159
the municipal corporation to which the money is owed based on 32160
the assessment issued under this section. 32161

(2) The attorney general may assess collection costs as 32162
authorized under section 109.08, 109.081, or 131.02 of the 32163
Revised Code on amounts collected under this section, which 32164
shall be credited to the attorney general claims fund created 32165
under section 109.081 of the Revised Code. 32166

(E) If the tax commissioner believes that collection of 32167
the tax will be jeopardized unless proceedings to collect or 32168
secure collection of the tax are instituted without delay, the 32169
commissioner may issue a jeopardy assessment against the 32170
taxpayer liable for the tax. Immediately upon the issuance of 32171
the jeopardy assessment, the commissioner shall file an entry 32172
with the clerk of the court of common pleas in the manner 32173
prescribed by division (C) of this section. Notice of the 32174
jeopardy assessment shall be served on the taxpayer assessed or 32175
the taxpayer's legal representative in the manner provided in 32176
section 5703.37 of the Revised Code within five days of the 32177
filing of the entry with the clerk. The total amount assessed is 32178
immediately due and payable, unless the taxpayer assessed files 32179
a petition for reassessment in accordance with division (B) of 32180

this section and provides security in a form satisfactory to the 32181
commissioner and in an amount sufficient to satisfy the unpaid 32182
balance of the assessment. Full or partial payment of the 32183
assessment does not prejudice the commissioner's consideration 32184
of the petition for reassessment. 32185

(F) Notwithstanding the fact that a petition for 32186
reassessment is pending, the taxpayer may pay all or a portion 32187
of the assessment that is the subject of the petition. The 32188
acceptance of a payment by the treasurer of state does not 32189
prejudice any claim for refund upon final determination of the 32190
petition. 32191

If upon final determination of the petition an error in 32192
the assessment is corrected by the tax commissioner, upon 32193
petition so filed or pursuant to a decision of the board of tax 32194
appeals or any court to which the determination or decision has 32195
been appealed, so that the amount due from the taxpayer under 32196
the corrected assessment is less than the portion paid, there 32197
shall be issued to the taxpayer, its assigns, or legal 32198
representative a refund in the amount of the overpayment as 32199
provided by section 718.91 of the Revised Code, with interest on 32200
that amount as provided by that section. 32201

Sec. 718.91. (A) An application to refund to a taxpayer 32202
amounts that were overpaid, paid illegally or erroneously, or 32203
paid on an illegal or erroneous assessment pursuant to sections 32204
718.80 to 718.95 of the Revised Code shall be filed with the tax 32205
commissioner within three years after the date of the illegal, 32206
erroneous, or excessive payment, the date the return to which 32207
the payment relates was due including any valid extension, or 32208
within any additional period allowed by division (A) of section 32209
718.90 of the Revised Code, whichever is later. The application 32210

shall be filed in the form prescribed by the tax commissioner. 32211

(B) (1) On the filing of a refund application, the tax 32212
commissioner shall determine the amount of refund to which the 32213
applicant is entitled. The amount determined shall be based on 32214
the amount overpaid per return or assessment. If the amount is 32215
greater than ten dollars and not less than that claimed, the 32216
commissioner shall certify that amount to the director of budget 32217
and management and the treasurer of state for payment from the 32218
tax refund fund created in section 5703.052 of the Revised Code. 32219
If the amount is greater than ten dollars but less than that 32220
claimed, the commissioner shall proceed in accordance with 32221
section 5703.70 of the Revised Code. 32222

(2) Upon issuance of a refund under this section, the 32223
commissioner shall notify each municipal corporation of the 32224
amount refunded to the taxpayer attributable to that municipal 32225
corporation, which shall be deducted from the municipal 32226
corporation's next distribution under section 718.83 of the 32227
Revised Code. 32228

(C) Any portion of a refund determined under division (B) 32229
of this section that is not issued within ninety days after such 32230
determination shall bear interest at the rate per annum 32231
prescribed by section 5703.47 of the Revised Code from the 32232
ninety-first day after such determination until the day the 32233
refund is paid or credited. On an illegal or erroneous 32234
assessment, interest shall be paid at that rate from the date of 32235
payment on the illegal or erroneous assessment until the day the 32236
refund is paid or credited. 32237

Sec. 731.14. All contracts made by the legislative 32238
authority of a village shall be executed in the name of the 32239
village and signed on its behalf by the mayor and clerk. Except 32240

where the contract is for equipment, services, materials, or 32241
supplies to be purchased under division (D) of section 713.23 or 32242
section 125.04 or 5513.01 of the Revised Code, ~~available from a~~ 32243
~~qualified nonprofit agency pursuant to sections 4115.31 to~~ 32244
~~4115.35 of the Revised Code,~~ or required to be purchased from a 32245
qualified nonprofit agency under sections 125.60 to 125.6012 of 32246
the Revised Code, when any expenditure, other than the 32247
compensation of persons employed in the village, exceeds the 32248
amount specified in section 9.17 of the Revised Code, such 32249
contracts shall be in writing and made with the lowest and best 32250
bidder after advertising once a week for not less than two 32251
consecutive weeks in a newspaper of general circulation within 32252
the village. The legislative authority may also cause notice to 32253
be inserted in trade papers or other publications designated by 32254
it or to be distributed by electronic means, including posting 32255
the notice on the legislative authority's internet web site. If 32256
the legislative authority posts the notice on its web site, it 32257
may eliminate the second notice otherwise required to be 32258
published in a newspaper of general circulation within the 32259
village, provided that the first notice published in such 32260
newspaper meets all of the following requirements: 32261

(A) It is published at least two weeks before the opening 32262
of bids. 32263

(B) It includes a statement that the notice is posted on 32264
the legislative authority's internet web site. 32265

(C) It includes the internet address of the legislative 32266
authority's internet web site. 32267

(D) It includes instructions describing how the notice may 32268
be accessed on the legislative authority's internet web site. 32269

The bids shall be opened and shall be publicly read by the clerk of the village or a person designated by the clerk at the time, date, and place specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the legislative authority of the village, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. This section does not apply to those villages that have provided for the appointment of a village administrator under section 735.271 of the Revised Code.

As used in this section, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

Sec. 731.141. In those villages that have established the position of village administrator, as provided by section 735.271 of the Revised Code, the village administrator shall make contracts, purchase supplies and materials, and provide labor for any work under the administrator's supervision involving not more than the amount specified in section 9.17 of the Revised Code. When an expenditure, other than the compensation of persons employed by the village, exceeds the amount specified in section 9.17 of the Revised Code, the expenditure shall first be authorized and directed by ordinance of the legislative authority of the village. When so authorized and directed, except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section 713.23 or section 125.04 or 5513.01 of the Revised Code, ~~available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, or~~

required to be purchased from a qualified nonprofit agency under 32301
sections 125.60 to 125.6012 of the Revised Code, the village 32302
administrator shall make a written contract with the lowest and 32303
best bidder after advertisement for not less than two nor more 32304
than four consecutive weeks in a newspaper of general 32305
circulation within the village or as provided in section 7.16 of 32306
the Revised Code. The bids shall be opened and shall be publicly 32307
read by the village administrator or a person designated by the 32308
village administrator at the time, date, and place as specified 32309
in the advertisement to bidders or specifications. The time, 32310
date, and place of bid openings may be extended to a later date 32311
by the village administrator, provided that written or oral 32312
notice of the change shall be given to all persons who have 32313
received or requested specifications no later than ninety-six 32314
hours prior to the original time and date fixed for the opening. 32315
All contracts shall be executed in the name of the village and 32316
signed on its behalf by the village administrator and the clerk. 32317
No expenditure subject to this section shall be divided into 32318
component parts, separate projects, or separate items of work in 32319
order to avoid the requirements of this section. 32320

The legislative authority of a village may provide, by 32321
ordinance, for central purchasing for all offices, departments, 32322
divisions, boards, and commissions of the village, under the 32323
direction of the village administrator, who shall make 32324
contracts, purchase supplies or materials, and provide labor for 32325
any work of the village in the manner provided by this section. 32326

Sec. 731.29. Any ordinance or other measure passed by the 32327
legislative authority of a municipal corporation shall be 32328
subject to the referendum except as provided by section 731.30 32329
of the Revised Code. No ordinance or other measure shall go into 32330
effect until thirty days after it is filed with the mayor of a 32331

city or passed by the legislative authority in a village, except 32332
as provided by such section. 32333

~~When~~ Except as provided in section 731.291 of the Revised 32334
Code, when a petition, signed by ~~ten~~ thirty-five per cent of the 32335
number of electors who voted for governor at the most recent 32336
general election for the office of governor in the municipal 32337
corporation, is filed with the city auditor or village clerk 32338
within thirty days after any ordinance or other measure is filed 32339
with the mayor or passed by the legislative authority of a 32340
village, or in case the mayor has vetoed the ordinance or any 32341
measure and returned it to council, such petition may be filed 32342
within thirty days after the council has passed the ordinance or 32343
measure over the veto, ordering that such ordinance or measure 32344
be submitted to the electors of such municipal corporation for 32345
their approval or rejection, such auditor or clerk shall, after 32346
ten days, and not later than four p.m. of the ninetieth day 32347
before the day of election, transmit a certified copy of the 32348
text of the ordinance or measure to the board of elections. The 32349
auditor or clerk shall transmit the petition to the board 32350
together with the certified copy of the ordinance or measure. 32351
The board shall examine all signatures on the petition to 32352
determine the number of electors of the municipal corporation 32353
who signed the petition. The board shall return the petition to 32354
the auditor or clerk within ten days after receiving it, 32355
together with a statement attesting to the number of such 32356
electors who signed the petition. The board shall submit the 32357
ordinance or measure to the electors of the municipal 32358
corporation, for their approval or rejection, at the next 32359
general election occurring subsequent to ninety days after the 32360
auditor or clerk certifies the sufficiency and validity of the 32361
petition to the board of elections. 32362

No such ordinance or measure shall go into effect until 32363
approved by the majority of those voting upon it. Sections 32364
731.28 to 731.41 of the Revised Code do not prevent a municipal 32365
corporation, after the passage of any ordinance or other 32366
measure, from proceeding at once to give any notice or make any 32367
publication required by such ordinance or other measure. 32368

As used in this section, "certified copy" means a copy 32369
containing a written statement attesting that it is a true and 32370
exact reproduction of the original ordinance or other measure. 32371

Sec. 731.291. If a proposed ordinance establishes or 32372
modifies planned-unit development regulations, the following 32373
apply in lieu of the contrary provisions of section 731.29 of 32374
the Revised Code: 32375

(A) The board of elections shall determine the sufficiency 32376
and validity of the petition not later than thirty days after 32377
the petition is certified to the board of elections by the 32378
auditor or clerk. 32379

(B) If the board of elections determines there is an 32380
insufficient number of valid signatures, the board immediately 32381
shall notify the person who presented the petition. The person 32382
may submit additional signatures not later than ten days after 32383
the notification. 32384

Sec. 733.81. (A) As used in this section, "fiscal officer" 32385
means the city auditor, city treasurer, village fiscal officer, 32386
village clerk-treasurer, village clerk, and, in the case of a 32387
municipal corporation having a charter that designates an 32388
officer who, by virtue of the charter, has duties and functions 32389
similar to those of the city or village officers referred to in 32390
this section, the officer so designated by the charter. 32391

(B) To enhance the background and working knowledge of 32392
fiscal officers in government accounting, budgeting and 32393
financing, financial report preparation, cybersecurity, ~~and the~~ 32394
rules adopted by the auditor of state, bulletins or other 32395
information published by the auditor of state, and any other 32396
subject deemed appropriate by the auditor of state, the auditor 32397
of state shall conduct education programs and continuing 32398
education courses for individuals elected or appointed for the 32399
first time to the office of fiscal officer, and shall conduct 32400
continuing education courses for individuals who continue to 32401
hold the office in a subsequent term. The Ohio municipal league 32402
also may conduct such initial education programs and continuing 32403
education courses if approved by the auditor of state. The 32404
auditor of state, in conjunction with the Ohio municipal league, 32405
shall determine the manner and content of the initial education 32406
programs and continuing education courses. 32407

(C) A newly elected or appointed fiscal officer shall 32408
complete at least six hours of initial education programs before 32409
commencing, or during the first year of, office. A fiscal 32410
officer who participates in a training program held under 32411
section 117.44 of the Revised Code may apply those hours taken 32412
before commencing office to the six hours of initial education 32413
programs required under this division. 32414

(D) (1) In addition to the six hours of initial education 32415
required under division (B) of this section, a newly elected or 32416
appointed fiscal officer shall complete at least a total of 32417
eighteen continuing education hours during the fiscal officer's 32418
first term of office. 32419

(2) An elected or appointed fiscal officer who retains 32420
office for a subsequent term shall complete twelve hours of 32421

continuing education courses in each subsequent term of office. 32422

(3) The auditor of state shall adopt rules consistent with 32423
division (B) of this section specifying the initial education 32424
~~programs and continuing education courses that are required~~ 32425
requirements for a fiscal officer who has been appointed. The 32426
requirements shall be proportionally equivalent, based on the 32427
time remaining in the vacated office, to the requirements for a 32428
newly elected or appointed fiscal officer. 32429

(4) At least two hours of ethics instruction shall be 32430
included in the continuing education hours required by divisions 32431
(D) (1) and (2) of this section. 32432

(5) A fiscal officer who participates in a training 32433
program or seminar established under section 109.43 of the 32434
Revised Code may apply the three hours of training to the 32435
continuing education hours required by divisions (D) (1) and (2) 32436
of this section. 32437

(E) (1) A certified public accountant who serves as a 32438
fiscal officer may apply to the continuing education hours 32439
required by division (D) of this section any hours of continuing 32440
education completed under section 4701.11 of the Revised Code 32441
after being elected or appointed as a fiscal officer. 32442

(2) A fiscal officer may apply to the continuing education 32443
hours required by division (D) of this section any hours of 32444
continuing education completed under section 135.22 of the 32445
Revised Code after being elected or appointed as a fiscal 32446
officer. 32447

(3) A fiscal officer who teaches an approved continuing 32448
education course under division (D) of this section is entitled 32449
to credit for the course in the same manner as if the fiscal 32450

officer had attended the course. 32451

~~(F) The auditor of state shall adopt rules for verifying 32452
the completion of initial education programs and continuing 32453
education courses required under this section for each category 32454
of fiscal officer. The auditor of state shall issue a 32455
certificate of completion to each fiscal officer who completes 32456
the initial education programs and continuing education courses. 32457
The auditor of state shall issue a "failure to complete" notice 32458
to any fiscal officer who is required to complete initial 32459
education programs and continuing education courses under this 32460
section, but who fails to do so. The notice is for informational 32461
purposes only and does not affect any individual's ability to 32462
hold the office to which the individual was elected or 32463
appointed. 32464~~

The fiscal officer shall retain the documentation of any 32465
initial or continuing education courses completed. The auditor 32466
of state shall audit for compliance with this section. 32467

(G) The legislative authority of a municipal corporation 32468
shall approve a reasonable amount requested by the fiscal 32469
officer to cover the costs the fiscal officer is required to 32470
incur to meet the requirements of this section, including 32471
registration fees, lodging and meal expenses, and travel 32472
expenses. 32473

Sec. 735.05. The director of public service may make any 32474
contract, purchase supplies or material, or provide labor for 32475
any work under the supervision of the department of public 32476
service involving not more than the amount specified in section 32477
9.17 of the Revised Code. When an expenditure within the 32478
department, other than the compensation of persons employed in 32479
the department, exceeds the amount specified in section 9.17 of 32480

the Revised Code, the expenditure shall first be authorized and 32481
directed by ordinance of the city legislative authority. When so 32482
authorized and directed, except where the contract is for 32483
equipment, services, materials, or supplies to be purchased 32484
under division (D) of section 713.23 or section 125.04 or 32485
5513.01 of the Revised Code or available from a qualified 32486
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 32487
125.601 of the Revised Code, the director shall make a written 32488
contract with the lowest and best bidder after advertisement for 32489
not less than two nor more than four consecutive weeks in a 32490
newspaper of general circulation within the city or as provided 32491
in section 7.16 of the Revised Code. No expenditure subject to 32492
this section shall be divided into component parts, separate 32493
projects, or separate items of work in order to avoid the 32494
requirements of this section. 32495

Sec. 742.043. (A) No person shall knowingly fail to file a 32496
complete and accurate campaign finance statement or independent 32497
expenditure statement in accordance with section 742.042 of the 32498
Revised Code. 32499

(B) No person, during the course of a person seeking 32500
nomination for, and during any campaign for, election to the 32501
board of trustees of the police and fire pension fund, shall 32502
knowingly and with intent to affect the nomination or the 32503
outcome of the campaign do any of the following by means of 32504
campaign materials, an advertisement on radio or television or 32505
in a newspaper or periodical, a public speech, press release, or 32506
otherwise: 32507

(1) With regard to a candidate, identify the candidate in 32508
a manner that implies that the candidate is a member of the 32509
board or use the term "re-elect" when the candidate is not 32510

currently a member of the board; 32511

(2) Make a false statement concerning the formal schooling 32512
or training completed or attempted by a candidate; a degree, 32513
diploma, certificate, scholarship, grant, award, prize, or honor 32514
received, earned, or held by a candidate; or the period of time 32515
during which a candidate attended any school, college, community 32516
technical school, or institution; 32517

(3) Make a false statement concerning the professional, 32518
occupational, or vocational licenses held by a candidate, or 32519
concerning any position the candidate held for which the 32520
candidate received a salary or wages; 32521

(4) Make a false statement that a candidate or board 32522
member has been indicted or convicted of a theft offense, 32523
extortion, or other crime involving financial corruption or 32524
moral turpitude; 32525

(5) Make a statement that a candidate has been indicted 32526
for any crime or has been the subject of a finding by the Ohio 32527
elections commission, the secretary of state, or the Ohio 32528
election integrity commission without disclosing the outcome of 32529
any legal proceedings resulting from the indictment or finding; 32530

(6) Make a false statement that a candidate or board 32531
member has a record of treatment or confinement for mental 32532
disorder; 32533

(7) Make a false statement that a candidate or board 32534
member has been subjected to military discipline for criminal 32535
misconduct or dishonorably discharged from the armed services; 32536

(8) Falsely identify the source of a statement, issue 32537
statements under the name of another person without 32538
authorization, or falsely state the endorsement of or opposition 32539

to a candidate by a person or publication; 32540

(9) Make a false statement concerning the voting record of 32541
a candidate or board member; 32542

(10) Post, publish, circulate, distribute, or otherwise 32543
disseminate a false statement concerning a candidate, either 32544
knowing the same to be false or with reckless disregard of 32545
whether it was false or not, if the statement is designed to 32546
promote the election, nomination, or defeat of the candidate. 32547

Sec. 742.044. ~~The secretary of state, or any person acting~~ 32548
~~on personal knowledge and subject to the penalties of perjury,~~ 32549
~~may file a~~ A complaint with the Ohio elections commission 32550
~~alleging a violation of section 742.043 of the Revised Code~~ may 32551
be filed in accordance with section 3517.16 of the Revised Code. 32552
~~The complaint shall be made on a form prescribed and provided by~~ 32553
~~the commission.~~ 32554

~~On receipt of a complaint under this section, the~~ 32555
~~commission shall hold a hearing open to the public to determine~~ 32556
~~whether the violation alleged in the complaint has occurred. The~~ 32557
~~commission may administer oaths and issue subpoenas to any~~ 32558
~~person in the state compelling the attendance of witnesses and~~ 32559
~~the production of relevant papers, books, accounts, and reports.~~ 32560
~~On the refusal of any person to obey a subpoena or to be sworn~~ 32561
~~or to answer as a witness, the commission may apply to the court~~ 32562
~~of common pleas of Franklin county under section 2705.03 of the~~ 32563
~~Revised Code. The court shall hold contempt proceedings in~~ 32564
~~accordance with Chapter 2705. of the Revised Code.~~ 32565

~~The commission shall provide the person accused of the~~ 32566
~~violation at least seven days prior notice of the time, date,~~ 32567
~~and place of the hearing. The accused may be represented by an~~ 32568

~~attorney and shall have an opportunity to present evidence, call
witnesses, and cross-examine witnesses.~~ 32569
32570

~~At the hearing, the commission shall determine whether the
violation alleged in the complaint has occurred. If the
commission determines that a violation of division (A) of
section 742.043 of the Revised Code has occurred, the commission
shall either impose a fine under section 742.99 of the Revised
Code or enter a finding that good cause has been shown not to
impose the fine. If the commission determines that a violation
of division (B) of section 742.043 of the Revised Code has
occurred, the commission shall impose the fine described in
section 742.99 of the Revised Code, refer the matter to the
appropriate prosecutor, or enter a finding that good cause has
been shown not to impose a fine or refer the matter to a
prosecutor.~~ 32571
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Sec. 742.99. (A) Whoever violates section 742.043 of the 32584
Revised Code shall be fined not more than one hundred dollars 32585
for each day of the violation. 32586

(B) Whoever violates division (B) of section 742.043 of 32587
the Revised Code shall be imprisoned for not more than six 32588
months or fined not more than five thousand dollars, or both. 32589

~~(C) Fines imposed by the Ohio elections commission under
this section shall be paid into the Ohio elections commission
fund created under section 3513.10 of the Revised Code.~~ 32590
32591
32592

Sec. 749.31. Except where the contract is for equipment, 32593
services, materials, or supplies available from a qualified 32594
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 32595
125.601 of the Revised Code, the board of hospital trustees 32596
shall enter into a contract for work or supplies where the 32597

estimated cost exceeds fifty thousand dollars with the lowest 32598
and best bidder. Where the contract is for other than the 32599
construction, demolition, alteration, repair, or reconstruction 32600
of an improvement, the board shall enter into the contract when 32601
the bidder gives bond to the board, with such security as the 32602
board approves, that the bidder will perform the work and 32603
furnish materials or supplies in accordance with the contract. 32604
On the failure of such bidder within a reasonable time, to be 32605
fixed by the board, to enter into bond with such security, a 32606
contract may be made with the next lowest and best bidder, and 32607
so on until a contract is effected by a contractor giving such 32608
bond. The board may reject any bid. 32609

Sec. 755.181. The legislative authority of any municipal 32610
corporation, township, township park district, county, or school 32611
district desiring to join a joint recreation district created 32612
under section 755.14 of the Revised Code may, by resolution, 32613
petition the joint recreation district board of trustees for 32614
membership. If the joint recreation district does not impose a 32615
tax, the petitioning subdivision becomes a member upon approval 32616
by the joint recreation district's board of trustees. If the 32617
joint recreation district imposes a tax, the petitioning 32618
subdivision becomes a member after approval by the joint 32619
recreation district's board of trustees and after approval of 32620
the tax by the electors of the petitioning subdivision. In such 32621
a case, the joint recreation district's board of trustees and 32622
the county auditor shall proceed as required for a tax levy 32623
under section 5705.03 of the Revised Code, except that the 32624
levy's annual collections shall be estimated assuming that the 32625
subdivision's territory has been added to the joint recreation 32626
district. 32627

Upon certification by the board of trustees of the joint 32628

recreation district to the appropriate boards of election, the 32629
boards of election shall make the necessary arrangements for the 32630
submission of the question to the electors of the petitioning 32631
subdivision qualified to vote thereon. The election shall be 32632
held, canvassed, and certified in the manner provided for the 32633
submission of tax levies under section 5705.19 of the Revised 32634
Code, except that the question appearing on the ballot shall 32635
read: 32636

"Shall the territory within _____ (Name of the 32637
subdivision to be added) be added to _____ (Name) 32638
joint recreation district, and a property tax, that the county 32639
auditor estimates will collect \$_____ annually, at a rate not 32640
exceeding _____ mills for each \$1 of taxable value, 32641
which amounts to \$_____ (effective rate) for each 32642
\$100,000 of the county auditor's ~~appraised~~ market value, be in 32643
effect for _____ (here insert the number of years 32644
the tax is to be in effect)?" 32645

If the question is approved by at least a majority of the 32646
electors voting on it, the joinder shall be effective as of the 32647
first day of January of the year following approval, and on that 32648
date, the joint recreation district tax shall be extended to the 32649
taxable property within the territory that has been added. 32650

The legislative authority of any subdivision that is a 32651
member of a joint recreation district may withdraw from it upon 32652
certification of a resolution proclaiming a withdrawal to the 32653
joint recreation district's board of trustees. Any subdivision 32654
withdrawing from a joint recreation district shall continue to 32655
have levied against its tax duplicate any tax levied by the 32656
district on the effective date of the withdrawal until it 32657
expires or is renewed. Members of a joint recreation district's 32658

board of trustees who represent the withdrawing subdivision are 32659
deemed to have resigned their position upon certification of a 32660
withdrawal resolution. Upon the withdrawal of any subdivision 32661
from a joint recreation district, the county auditor shall 32662
ascertain, apportion, and order a division of the funds on hand, 32663
moneys and taxes in the process of collection, except for taxes 32664
levied for the payment of indebtedness, credits, and real and 32665
personal property, either in money or in kind, on the basis of 32666
the valuation of the respective tax duplicates of the 32667
withdrawing subdivision and the remaining territory of the joint 32668
recreation district. 32669

When the number of subdivisions comprising a joint 32670
recreation district is reduced to one, the joint recreation 32671
district ceases to exist, and the funds, credits, and property 32672
remaining after apportionments to withdrawing subdivisions shall 32673
be assumed by the one remaining subdivision. When a joint 32674
recreation district ceases to exist and indebtedness remains 32675
unpaid, the board of county commissioners shall continue to levy 32676
and collect taxes for the payment of that indebtedness within 32677
the territory of the joint recreation district as it was 32678
comprised at the time the indebtedness was incurred. 32679

As used in this section, "the county auditor's ~~appraised-~~ 32680
market value" and "effective rate" have the same meanings as in 32681
section 5705.01 of the Revised Code. 32682

Sec. 901.43. (A) As used in this section, "certificate of 32683
free sale" means a document issued by the director of 32684
agriculture that certifies to states and countries receiving the 32685
listed product that the product being exported is freely 32686
marketed without restriction in the United States. 32687

(B) The director ~~of agriculture~~ may authorize any 32688

department of agriculture laboratory to perform a laboratory 32689
service for any person, organization, political subdivision, 32690
state agency, federal agency, or other entity, whether public or 32691
private. The director shall adopt and enforce rules to provide 32692
for the rendering of a laboratory service. 32693

~~(B)~~ (C) The director may charge a reasonable fee for the 32694
performance of a laboratory service, except when the service is 32695
performed on an official sample taken by the director acting 32696
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 32697
Revised Code; by a board of health acting as the licensor of 32698
retail food establishments or food service operations under 32699
Chapter 3717. of the Revised Code; or by the director of health 32700
acting as the licensor of food service operations under Chapter 32701
3717. of the Revised Code. The director of agriculture shall 32702
adopt rules specifying what constitutes an official sample. 32703

The director shall publish a list of laboratory services 32704
offered, together with the fee for each service. 32705

~~(C)~~ (D) The director may enter into a contract with any 32706
person, organization, political subdivision, state agency, 32707
federal agency, or other entity for the provision of a 32708
laboratory service. 32709

~~(D)~~ ~~(1)~~ (E) (1) The director may adopt rules establishing 32710
standards for accreditation of laboratories and laboratory 32711
services and in doing so may adopt by reference existing or 32712
recognized standards or practices. 32713

(2) The director may inspect and accredit laboratories and 32714
laboratory services, and may charge a reasonable fee for the 32715
inspections and accreditation. 32716

~~(E)~~ ~~(1)~~ (F) (1) There is hereby created in the state treasury 32717

the animal and consumer protection laboratory fund. Moneys from 32718
the following sources shall be deposited into the state treasury 32719
to the credit of the fund: all moneys collected by the director 32720
under this section that are from fees generated by a laboratory 32721
service performed by the department and related to the diseases 32722
of animals, all moneys so collected that are from fees generated 32723
for the inspection and accreditation of laboratories and 32724
laboratory services related to the diseases of animals, all 32725
moneys collected by the director under this section that are 32726
from fees generated by a laboratory service performed by the 32727
consumer protection laboratory, all moneys so collected that are 32728
from fees generated for the inspection and accreditation of 32729
laboratories and laboratory services not related to weights and 32730
measures, money received by the director under sections 947.01 32731
to 947.06 of the Revised Code, and all moneys collected under 32732
~~Chapters 943. and Chapter~~ 953. of the Revised Code that are not 32733
credited to the animal and consumer protection fund created in 32734
section 943.26 of the Revised Code. The director may use the 32735
moneys held in the fund to pay the expenses necessary to operate 32736
the animal industry laboratory and the consumer protection 32737
laboratory, including the purchase of supplies and equipment. 32738

(2) All moneys collected by the director under this 32739
section that are from fees generated by a laboratory service 32740
performed by the weights and measures laboratory, and all moneys 32741
so collected that are from fees generated for the inspection and 32742
accreditation of laboratories and laboratory services related to 32743
weights and measures, shall be deposited in the state treasury 32744
to the credit of the weights and measures laboratory fund, which 32745
is hereby created in the state treasury. The moneys held in the 32746
fund may be used to pay the expenses necessary to operate the 32747
division of weights and measures, including the purchase of 32748

supplies and equipment. 32749

(G) (1) The director may authorize any department of 32750
agriculture division or program to issue a certificate of free 32751
sale to any person, organization, political subdivision, state 32752
agency, federal agency, or other entity, whether public or 32753
private. The director may charge a fee of fifty dollars for 32754
issuance of a certificate of free sale. The director shall adopt 32755
and enforce rules in accordance with Chapter 119. of the Revised 32756
Code to provide for the issuance of the certificates of free 32757
sale. 32758

(2) All money collected by the director under this section 32759
that is from fees related to the issuance of certificates of 32760
free sale shall be credited to the appropriate program fund 32761
administered by the department. 32762

(H) (1) Information, reports, and other records furnished, 32763
procured, or used in any department of agriculture laboratory to 32764
perform a laboratory service is not a public record. Any details 32765
that would identify a particular person, business, or premises 32766
that submitted a specimen to any such laboratory shall be 32767
treated as confidential and shall not be disclosed, unless the 32768
director elects to share such information with one of the 32769
following: 32770

(a) A local, state, or federal agency for use in the 32771
discharge of such agency's official public duties; 32772

(b) An institution of higher education. 32773

The director may enter into an agreement with a local, 32774
state, or federal agency or with an institution of higher 32775
education that requires information shared under division (H) (1) 32776
of this section to be kept confidential. 32777

(2) The director may prepare and publish statistical 32778
information without disclosing details that would identify a 32779
particular person or business client. 32780

Sec. 904.02. (A) There is hereby created the Ohio 32781
livestock care standards board consisting of the following 32782
members: 32783

(1) The director of agriculture, who shall be the 32784
chairperson of the board; 32785

(2) Ten members appointed by the governor with the advice 32786
and consent of the senate. The ten members shall be residents of 32787
this state and shall include the following: 32788

(a) One member representing family farms; 32789

(b) One member who is knowledgeable about food safety in 32790
this state; 32791

(c) Two members representing statewide organizations that 32792
represent farmers; 32793

(d) One member who is a veterinarian licensed under 32794
Chapter 4741. of the Revised Code; 32795

(e) The state veterinarian in the department of 32796
agriculture; 32797

(f) The dean of the agriculture department of a college or 32798
university located in this state; 32799

(g) Two members of the public representing consumers in 32800
this state; 32801

(h) One member representing a county humane society 32802
organized under Chapter 1717. of the Revised Code. 32803

(3) One member appointed by the speaker of the house of 32804

representatives who shall be a family farmer; 32805

(4) One member appointed by the president of the senate 32806
who shall be a family farmer. 32807

Not more than seven members appointed to the board at any 32808
given time shall be of the same political party. 32809

(B) (1) The governor, the speaker of the house of 32810
representatives, and the president of the senate shall make 32811
appointments to the board not later than forty-five days after 32812
~~the effective date of this section~~ March 31, 2010. 32813

(2) The following initial members of the board appointed 32814
by the governor shall be appointed for a term ending January 25, 32815
2011: 32816

(a) The member representing family farmers; 32817

(b) The dean of the agriculture department of a college or 32818
university located in this state; 32819

(c) The member who is a veterinarian licensed under 32820
Chapter 4741. of the Revised Code; 32821

(d) One of the members of the public representing 32822
consumers in this state. 32823

(3) The following initial members of the board shall be 32824
appointed for a term ending January 15, 2012: 32825

(a) The member appointed by the speaker of the house of 32826
representatives who is a family farmer; 32827

(b) One of the members representing a statewide 32828
organization that represents farmers; 32829

(c) The member representing a county humane society 32830
organized under Chapter 1717. of the Revised Code; 32831

(d) The member who is knowledgeable about food safety in 32832
this state. 32833

(4) The following initial members of the board shall be 32834
appointed for a term ending January 15, 2013: 32835

(a) The member appointed by the president of the senate 32836
who is a family farmer; 32837

(b) One of the members of the public representing 32838
consumers in this state; 32839

(c) One of the members representing a statewide 32840
organization that represents farmers. 32841

(C) After the initial terms served in accordance with 32842
division (B) of this section, terms of office shall be for three 32843
years with each term ending on the same day of the same month as 32844
did the term that it succeeds. However, the terms for the 32845
director of agriculture and the state veterinarian shall 32846
coincide with the length of time that the person holds the 32847
position of director or state veterinarian, as applicable. If 32848
the director or the state veterinarian resigns or that person's 32849
employment is terminated, the director or state veterinarian, as 32850
applicable, shall cease to serve on the board, and the successor 32851
of the director or state veterinarian shall then serve on the 32852
board in accordance with this section. Every other member shall 32853
hold office from the date of the member's appointment until the 32854
end of the term for which the member was appointed. 32855

Vacancies on the board shall be filled in the manner 32856
provided for original appointments. Any member appointed to fill 32857
a vacancy occurring prior to the expiration of the term for 32858
which the member's predecessor was appointed shall hold office 32859
for the remainder of that term. A member shall continue in 32860

office subsequent to the expiration date of the member's term 32861
until the member's successor takes office, or until a period of 32862
one hundred eighty days has elapsed, whichever occurs first. A 32863
member may be reappointed upon the expiration of the member's 32864
term. 32865

(D) The board shall hold at least three regular meetings 32866
each year and may hold additional meetings at times that the 32867
chairperson or a majority of the board members considers 32868
appropriate. At the three regular meetings held by the board 32869
each year, the board shall conduct a review of the rules 32870
governing the care and well-being of livestock that have been or 32871
are proposed to be adopted under section 904.03 of the Revised 32872
Code. 32873

At the first meeting of the board in each calendar year, 32874
the director shall designate one member of the board to serve as 32875
its vice-chairperson. A majority of the board constitutes a 32876
quorum. The board may act only if a quorum is present and only 32877
by majority vote of that quorum. A vacancy on the board does not 32878
impair the right of the other members to exercise all of the 32879
board's powers. 32880

(E) Serving as an appointed member of the board does not 32881
constitute holding a public office or position of employment 32882
under the laws of this state and does not constitute grounds for 32883
removal of public officers or employees from their offices or 32884
positions of employment. 32885

(F) Appointed members of the board shall receive no 32886
compensation for their services. Members shall be reimbursed for 32887
their actual and necessary expenses incurred in the performance 32888
of their duties as members. The expenses shall be paid from the 32889
~~Ohio livestock care standards~~ animal and consumer protection 32890

fund created in section ~~904.06~~ 943.26 of the Revised Code. The 32891
expenses shall be paid in accordance with the rules and 32892
requirements adopted by the department of administrative 32893
services that are applicable to state employees. 32894

(G) The board may create committees that it considers 32895
appropriate to make recommendations to the board. Committees may 32896
include non-board members. 32897

Sec. 904.04. (A) In order to assist the Ohio livestock 32898
care standards board in the administration and enforcement of 32899
this chapter, the director of agriculture shall do all of the 32900
following: 32901

(1) Hire all employees of the board, including an 32902
executive director. Employees of the board shall be in the 32903
unclassified civil service, serve at the pleasure of the 32904
director of agriculture, and be compensated with money from the 32905
~~Ohio livestock care standards~~ animal and consumer protection 32906
fund created in section ~~904.06~~ 943.26 of the Revised Code. 32907

(2) Enter into contracts on behalf of the board; 32908

(3) Do all of the following with regard to rules governing 32909
the care and well-being of livestock adopted by the board under 32910
section 904.03 of the Revised Code: 32911

(a) Process and submit the rules to the joint committee on 32912
agency rule review pursuant to Chapter 119. of the Revised Code; 32913

(b) Contract for surveys and analyses; 32914

(c) Perform any other activities that assist the board in 32915
adopting the rules. 32916

(4) Publish and distribute information related to 32917
livestock care, including educational materials, to livestock 32918

producers and members of the public; 32919

(5) Investigate complaints regarding violations of the 32920
rules adopted under section 904.03 of the Revised Code in 32921
accordance with the authority granted by this chapter, sections 32922
901.25 to 901.29 of the Revised Code, and rules adopted under 32923
this chapter and section 901.03 of the Revised Code; 32924

(6) Enforce the rules adopted under section 904.03 of the 32925
Revised Code and levy the civil penalties established by those 32926
rules. The director may apply to a court of competent 32927
jurisdiction for a temporary or permanent injunction or other 32928
appropriate relief for violations of this chapter and rules 32929
adopted under it. For purposes of this division, the court of 32930
competent jurisdiction shall be either the court of common pleas 32931
of Licking county or the court of common pleas of the county 32932
where the violation is occurring. Money collected from civil 32933
penalties levied under division (A) (6) of this section shall be 32934
deposited in the state treasury to the credit of the general 32935
revenue fund. 32936

(7) Perform any other duties necessary to assist the board 32937
in the administration and enforcement of this chapter. 32938

(B) With the consent of the premises owner and, if the 32939
premises owner is different from the livestock owner, the 32940
livestock owner, the director or the director's authorized 32941
representative may enter at all reasonable times on any premises 32942
for the purpose of determining compliance with the rules adopted 32943
under section 904.03 of the Revised Code. If the director or the 32944
director's authorized representative is denied access to the 32945
premises and the director or the director's authorized 32946
representative suspects that those rules are not being complied 32947
with, the director may apply for a search warrant authorizing 32948

access from a court of competent jurisdiction. The court shall 32949
issue the search warrant if there is probable cause. Probable 32950
cause may be based on hearsay, provided that there is 32951
substantial basis for believing the source is credible and there 32952
is factual basis for the information. 32953

Upon entry on premises in accordance with this division, 32954
the director or the director's authorized representative shall 32955
observe biosecurity measures in order to prevent spreading 32956
disease and infecting livestock. 32957

Sec. 905.32. (A) No person shall manufacture or distribute 32958
in this state any type of fertilizer until a license to 32959
manufacture or distribute has been obtained by the manufacturer 32960
or distributor from the department of agriculture upon payment 32961
of a ~~five-dollar~~ fifty-dollar fee: 32962

(1) For each fixed (permanent) location at which 32963
fertilizer is manufactured in this state; 32964

(2) For each mobile unit used to manufacture fertilizer in 32965
this state; 32966

(3) For each location out of the state from which 32967
fertilizer is distributed into this state; 32968

(4) For each location in this state from which fertilizer 32969
is distributed in this state. 32970

All licenses shall be valid for one year beginning on the 32971
first day of December of a calendar year through the thirtieth 32972
day of November of the following calendar year. A renewal 32973
application for a license shall be submitted no later than the 32974
thirtieth day of November each year. A person who submits a 32975
renewal application for a license after the thirtieth day of 32976
November shall include with the application a late filing fee of 32977

~~ten~~ twenty-five dollars. 32978

(B) An application for a license shall include: 32979

(1) The name and address of the licensee; 32980

(2) The name and address of each bulk distribution point 32981
in the state, not licensed for fertilizer manufacture and 32982
distribution. 32983

The name and address shown on the license shall be shown 32984
on all labels, pertinent invoices, and bulk storage for 32985
fertilizers distributed by the licensee in this state. 32986

(C) The licensee shall inform the director of agriculture 32987
in writing of additional distribution points established during 32988
the period of the license. 32989

(D) All money collected under this section shall be 32990
credited to the pesticide, fertilizer, and lime program fund 32991
created in section 921.22 of the Revised Code. 32992

Sec. 905.57. ~~(A) All information furnished to or procured~~ 32993
~~by the director of agriculture under section 905.56 of the~~ 32994
~~Revised Code is for the exclusive use and information of the~~ 32995
~~director in the discharge of his official duties and is not open~~ 32996
~~to the public nor to be used in any court in any action or~~ 32997
~~proceeding therein unless the director is a party to such action~~ 32998
~~or proceeding, but such information may be consolidated in~~ 32999
~~statistical tables and published by the director in statistical~~ 33000
~~form, without disclosing details of information furnished by any~~ 33001
~~particular person.~~ 33002

~~(B)~~ No person shall willfully divulge any information 33003
secured while in the employ of the department of agriculture, 33004
with respect to the transactions, property, files, records, or 33005

papers of the department, or with respect to the business of any 33006
manufacturer, seller, or distributor of agricultural liming 33007
material to any person other than the director or the superior 33008
of such employee, or when called upon to testify in an action or 33009
proceeding to which the director is a party. 33010

Sec. 907.13. No person shall label agricultural, 33011
vegetable, or flower seed that is intended for sale in this 33012
state unless the person holds a valid seed labeler permit that 33013
has been issued by the director of agriculture in accordance 33014
with this section. 33015

A person who wishes to obtain a seed labeler permit shall 33016
file an application with the director on a form that the 33017
director provides and shall submit a permit fee in the amount of 33018
~~ten~~fifty dollars. Such a person who labels seed under more than 33019
one name or at more than one address shall obtain a separate 33020
seed labeler permit and pay a separate permit fee for each name 33021
and address. 33022

The applicant shall include the applicant's full name and 33023
address on the application together with any additional 33024
information that the director requires by rules adopted under 33025
section 907.10 of the Revised Code. If the applicant's address 33026
is not within this state or it does not represent a location in 33027
this state where the director can collect samples of the 33028
applicant's seed for analysis, then the applicant shall include 33029
on the application an address within this state where samples of 33030
the applicant's seed may be collected for those purposes or 33031
shall agree to provide the director or the director's authorized 33032
representative with seeds for sampling upon request. 33033

Upon receipt of a complete application accompanied by the 33034
~~ten-dollar~~fifty-dollar permit fee, the director shall issue a 33035

seed labeler's permit to the applicant. All seed labeler permits 33036
that are issued under this section shall expire on the thirty- 33037
first day of ~~December~~ January of each year regardless of the 33038
date on which a permit was issued during ~~that year~~ the previous 33039
one-year period. 33040

Each person who obtains a seed labeler permit shall label 33041
the seed that the person intends for sale in this state in 33042
accordance with the requirements established in sections 907.01 33043
to 907.17 of the Revised Code. Each person who holds a valid 33044
seed labeler permit shall keep the permit posted in a 33045
conspicuous place in the principal seed room from which the 33046
person sells seed and shall comply with the reporting and fee 33047
requirements that are established in section 907.14 of the 33048
Revised Code. 33049

All money collected under this section shall be credited 33050
to the commercial feed and seed fund created in section 923.46 33051
of the Revised Code. 33052

Sec. 907.14. (A) A person who holds a valid seed labeler 33053
permit issued under section 907.13 of the Revised Code shall 33054
report to the director of agriculture concerning the amount of 33055
seed that the person sells in this state. The report shall be 33056
made ~~semiannually~~ annually on a form that the director 33057
prescribes and provides. ~~One semiannual~~ The report shall be 33058
filed with the director prior to the first day of February of 33059
each year with respect to all sales that the person made during 33060
the period from the first day of ~~July~~ January to the thirty- 33061
first day of December of the ~~preceding~~ previous year. ~~The second~~ 33062
~~semiannual report shall be filed prior to the first day of~~ 33063
~~August of each year with respect to all sales that the person~~ 33064
~~made during the period from the first day of January to the~~ 33065

~~thirtieth day of June of that year.~~ 33066

(B) A person who holds a valid seed labeler permit shall 33067
include with each ~~semiannual~~ annual report a seed fee based on 33068
the amount of the seed that the person sold during that 33069
reporting period as follows: 33070

(1) For soybeans and small grains, including barley, oats, 33071
rye, wheat, triticale, and spelt, four cents per one hundred 33072
pounds; 33073

(2) For corn and grain sorghum, five cents per one hundred 33074
pounds; 33075

(3) (a) For any of the following seed sold at wholesale or 33076
retail or on consignment or commission, two per cent of the 33077
wholesale value of the containers of seed or, if the seed is not 33078
sold wholesale, two per cent of the retail value of the 33079
containers of seed: 33080

(i) Vegetable and flower seed sold in containers, other 33081
than hermetically sealed containers, of eight ounces or less; 33082

(ii) Flower seed sold in hermetically sealed containers 33083
that contain fewer than three hundred seeds; 33084

(iii) Vegetable seed sold in hermetically sealed 33085
containers that contain fewer than one thousand seeds. 33086

(b) The fees established pursuant to divisions (B) (3) (a) 33087
(ii) and (iii) of this section apply to both of the following: 33088

(i) Seed sold in hermetically sealed containers that 33089
contain the amount of seeds specified in division (B) (3) (a) (ii) 33090
or (iii) of this section, as applicable; 33091

(ii) Seed sold in hermetically sealed containers that do 33092

not clearly state the number of seeds that they contain. 33093

(c) Except as otherwise provided in division (B) (3) (b) (ii) 33094
of this section, if the weight of seed in a container, or the 33095
quantity of seed in a container, exceeds the applicable weight 33096
or quantity specified in division (B) (3) (a) (i), (ii), or (iii) 33097
of this section, the fee established in division (B) (4) of this 33098
section applies. 33099

(4) For alfalfa, clover, grass, native grass, mixtures 33100
containing any of these, and all agricultural, vegetable, and 33101
flower seeds not specified in divisions (B) (1) to (3) of this 33102
section, ten cents per one hundred pounds. 33103

If the total amount of the seed fee that is due is less 33104
than ~~five-fifty~~ dollars, the person shall pay ~~the minimum seed~~ 33105
no fee, ~~which is five dollars~~. 33106

(C) For each failure to report in full the amount of seed 33107
sold or to submit the required seed fees in full by the due 33108
date, a person who holds a valid seed labeler permit shall pay a 33109
penalty of ten per cent of the amount due or fifty dollars, 33110
whichever is greater. Failure to pay either the fee or the 33111
penalty within thirty days after the due date is cause for 33112
suspension or revocation by the director of the seed labeler 33113
permit or refusal, without a hearing, to issue a subsequent seed 33114
labeler permit for which the person applies. 33115

(D) This section does not apply to governmental entities 33116
that donate seed for conservation purposes. 33117

(E) All money collected under this section shall be 33118
credited to the commercial feed and seed fund created in section 33119
923.46 of the Revised Code. 33120

Sec. 909.01. As used in sections 909.01 to 909.18 of the 33121

Revised Code: 33122

(A) "Person" includes corporations, companies, societies, 33123
associations, partnerships, any individual or combination of 33124
individuals, or any institution, park, or other public agency 33125
administered by the state or by any district, county, municipal 33126
corporation, or other governmental subdivision thereof. When 33127
construing or enforcing such sections, the act, omission, or 33128
failure of any officer, agent, servant, or other individual 33129
acting for or employed by any person as above defined within the 33130
scope of ~~his~~ the person's employment or office is deemed to be 33131
the act, omission, or failure of such person, as well as that of 33132
the officer, agent, servant, or other employee. 33133

(B) "Bees" means any stage of any species of the genus 33134
Apis. 33135

(C) "Bee diseases" means any infectious or contagious 33136
disease that is pathogenic or parasitic and affects the eggs, or 33137
the larval, pupal, or adult stages, of bees. 33138

(D) "Apiary" means any place where one or more colonies or 33139
nuclei of bees are kept. 33140

(E) "Queen rearing apiaries" means any apiary in which 33141
~~queen bees~~ queens are reared-raised or purchased for sale, trade, 33142
or gift; or otherwise distributed or used to create, for sale, 33143
trade or gift, nucs, packages, or colonies. 33144

(F) "Hive" means any modern frame hive, box hive, box, 33145
barrel, log gum, skep, or any other natural or artificial 33146
receptacle, or any part thereof, that may be used as a domicile 33147
for bees. 33148

(G) "Equipment" means any used hives or parts thereof, 33149
used frames, used honey houses, used tools, used machines, or 33150

used devices employed in the handling or manipulation of bees, 33151
honey, or beeswax, or any used container for honey or beeswax 33152
that may be used in any apiary. 33153

(H) "Serious bee diseases" means any bee disease the 33154
director of agriculture determines to be a threat to the 33155
beekeeping industry within the state. 33156

(I) "Africanized honey bees" means any bees identified by 33157
the United States department of agriculture by approved 33158
identification methods to be classified as *Apis mellifera* 33159
scutellata. 33160

(J) "Swarm" means a population of bees that is not 33161
permanently established. 33162

(K) "Colony" means the hive and its equipment, including 33163
bees, combs, and brood. 33164

(L) "Compliance agreement" means a written agreement 33165
between the department of agriculture and any person engaged in 33166
queen rearing in which the person agrees to comply with 33167
stipulated requirements. 33168

(M) "Nuc" means a small colony of bees in a hive box to 33169
which all of the following applies: 33170

(1) The hive box contains three to five frames. 33171

(2) The hive box contains a laying queen bee and the 33172
queen's progeny in egg, larval, pupa, and adult stages. 33173

(3) The small colony has honey and a viable population 33174
sufficient enough to develop into a full-sized colony. 33175

Sec. 909.02. Any person owning or possessing bees shall on 33176
or before the first day of June of each year, or thereafter 33177

within ~~ten~~ thirty days after coming into ownership or possession 33178
of bees, or upon moving bees into this state from outside the 33179
state, file with the director of agriculture an application for 33180
registration setting forth the exact location of ~~his~~ the 33181
person's apiaries and ~~the number of colonies of bees in each~~ 33182
~~apiary, together with~~ such other information as is required by 33183
the director, ~~and accompanied by a registration fee of five~~ 33184
~~dollars for each separate apiary owned or possessed by him at~~ 33185
~~time of registration. Any person who submits his application~~ 33186
~~after the dates specified by this section, or after the dates~~ 33187
~~specified in rules adopted by the director, shall be subject to~~ 33188
~~a ten-dollar late filing fee in addition to the five-dollar~~ 33189
~~registration fee. Upon acceptance of the application, the~~ 33190
~~director shall issue to such person a certificate of~~ 33191
~~registration. All certificates~~ registrations issued in 33192
accordance with this section expire on the following thirty- 33193
first day of May ~~next following date of issuance or renewal, and~~ 33194
shall be renewed according to the standard renewal procedure of 33195
sections 4745.01 to 4745.03 of the Revised Code. 33196

No person shall maintain an apiary ~~located on premises~~ 33197
~~other than that of his residence unless such~~ the apiary is 33198
registered under this section and identifiable by ~~an apiary name~~ 33199
or identification number assigned to such person by the 33200
director. Such identification number shall be posted in a 33201
conspicuous location in the apiary. The moving, raising, and 33202
production of bees, beeswax, honey, and honey products shall be 33203
deemed an agricultural pursuit. 33204

Sec. 909.07. The board of county commissioners may 33205
~~appropriate such funds as it deems sufficient for the inspection~~ 33206
~~of apiaries in its county. It may appoint~~ appoint, with the 33207
consent and concurrence of the director of agriculture, a deputy 33208

apiarist ~~with the consent and concurrence of the director of~~ 33209
~~agriculture, said deputy to serve during the pleasure of said~~ 33210
~~board except as specified in this section. Such~~ Except as 33211
otherwise specified in this section, a deputy serves at the 33212
pleasure of the applicable board of county commissioners. A 33213
deputy apiarist shall be paid ~~such a~~ salary as the board of 33214
~~county commissioners determine for each day, or for each half-~~ 33215
~~day of~~ determines for inspection work actually done, together 33216
~~with such and other expenses as are necessarily incurred in the~~ 33217
~~doing of the~~ directly related to inspection work. Before the 33218
board approves ~~said the~~ salary and expenses for payment, ~~such~~ 33219
the deputy apiarist shall submit the same to the director for 33220
~~his approval~~ review. Such 33221

A deputy apiarist shall work under the direction of the 33222
director and shall be responsible ~~to him for the enforcement of~~ 33223
~~sections 909.01 to 909.18, inclusive, of the Revised~~ 33224
~~Code~~ inspection of apiaries in assigned counties prescribed by 33225
the department of agriculture and for the administration and 33226
enforcement of this chapter. The 33227

The director may terminate the appointment of any deputy 33228
~~upon submitting to the board a statement that such deputy has~~ 33229
~~shown himself to be~~ apiarist if there is evidence that the 33230
deputy has been unethical, negligent, incompetent, inefficient, 33231
or untrustworthy in the discharge of ~~his~~ official duties. ~~Such A~~ 33232
deputy apiarist shall furnish to the director ~~such~~ reports as 33233
are required ~~and upon blanks furnished by him~~ the director. A 33234
~~duplicate of such reports shall be presented to the board each~~ 33235
~~time that a statement of salary and expense is presented for~~ 33236
~~payment.~~ 33237

Sec. 909.08. Each person within the state ~~engaged in the~~ 33238

~~rearing of that intends to sell, trade, gift, or otherwise~~ 33239
~~distribute queen bees for sale or gift, before the first day of~~ 33240
~~April of each year, packaged bees, nucs, or colonies~~ shall file 33241
with the ~~director~~ department of agriculture a request for the 33242
~~inspection of his~~ certification of all of the person's queen 33243
~~rearing~~ apiaries ~~where queen bees are reared~~ for which 33244
certification is requested. Each request shall be accompanied by 33245
a certification fee of fifty dollars or an amount specified in 33246
rules adopted by the director of agriculture. The director ~~shall~~ 33247
~~may~~ require all queen rearing apiaries to be inspected as 33248
specified in rules adopted by the director at least once each 33249
year. If the inspection results in the diagnosis of any serious 33250
bee disease or pest or indicates the presence of Africanized 33251
honey bees, the owner thereof shall not ~~ship, sell, or give away~~ 33252
~~any queen~~ sell, trade, gift, or otherwise distribute any bees 33253
until ~~he has~~ the diagnosed problem has been controlled or 33254
eradicated ~~the disease or bees~~ to the satisfaction of the 33255
director. 33256

When such serious bee diseases or ~~bees~~ pests have been 33257
controlled or eradicated in the queen rearing apiary, or if no 33258
serious bee disease or pest is diagnosed or Africanized honey 33259
bees are found, the director ~~shall~~ may issue ~~a~~ an official 33260
certificate, ~~signed by the state apiarist, a copy of which~~. A 33261
copy of the certificate shall be attached to each package or 33262
~~shipment of~~ included with each queen ~~bees mailed or shipped,~~ nuc, 33263
or colony provided by the producer. The certificate shall ~~be~~ 33264
~~valid for, but not to exceed, one year~~ expire on the thirty-first 33265
day of May of the following year and may be renewed annually. 33266
The use of tags or other devices bearing an invalid or altered 33267
certificate and the misuse of any valid certificate is 33268
prohibited. 33269

Sec. 909.09. No person shall sell, offer for sale, give, 33270
~~offer to give, barter, or offer to barter trade,~~ or otherwise 33271
distribute any bees, honeycombs, or used beekeeping equipment 33272
~~without a permit from the director of agriculture~~that contains a 33273
serious bee disease or pest. Upon request, the state or a deputy 33274
apiarist may issue a transfer permit if, upon inspection, the 33275
item is determined to be apparently free from serious bee 33276
diseases and pests. The permit, or a copy of it, shall may 33277
accompany any such transfer of ownership. The director may 33278
refuse to issue the permit until ~~he finds it~~ it is found by 33279
inspection that any ~~africanized honey bees are eradicated from~~ 33280
~~and any serious bee diseases and pests~~ are controlled or 33281
eradicated from the bees, honeycombs, or used beekeeping 33282
equipment. 33283

This section does not apply to the transfer of ownership 33284
of honeycomb for human consumption. 33285

Sec. 909.13. The director of agriculture, in accordance 33286
with sections 119.01 to 119.13, ~~inclusive,~~ of the Revised Code, 33287
may suspend or revoke any registration, certificate, or permit 33288
issued under ~~sections 909.01 to 909.18, inclusive, of the~~ 33289
~~Revised Code~~this chapter, or a compliance agreement entered into 33290
under this chapter, for cause, including any violation of such 33291
~~sections this chapter~~ or nonconformity with any rule or order 33292
promulgated under ~~such sections in accordance with sections~~ 33293
~~119.01 to 119.13, inclusive, of the Revised Code~~this chapter. 33294
There shall be no revocation of a compliance agreement, 33295
registration, certificate, or permit until the compliance 33296
agreement holder, registrant, or certificate or permit holder 33297
first is given an opportunity for a hearing by the director in 33298
regard thereto in accordance with sections 119.01 to 119.13, ~~inclusive,~~ 33299
~~inclusive,~~ of the Revised Code. An appeal may be taken from the 33300

action of the director in revocation of a compliance agreement, 33301
registration, certificate, or permit to the court of common 33302
pleas as provided in section 119.12 of the Revised Code. 33303

Sec. 911.02. Each person, firm, partnership, or 33304
corporation that owns or operates a bakery shall register each 33305
bakery that it owns or operates with the director of 33306
agriculture. For the registration, the owner or operator of each 33307
bakery shall pay an annual fee of ~~thirty dollars for a~~ 33308
~~production capacity of one thousand pounds of bakery product per~~ 33309
~~hour or less and an annual fee of thirty dollars for each one~~ 33310
~~thousand pounds of bakery product per hour capacity, or part~~ 33311
~~thereof, in excess of one thousand pounds of bakery product per~~ 33312
~~hour~~ two hundred dollars. 33313

Any person who owns or operates a home bakery with only 33314
one oven, in a stove of ordinary home kitchen design and located 33315
in a home, used for the baking of baked goods to be sold, shall 33316
pay a sum of ten dollars annually for registration regardless of 33317
the capacity of the home bakery oven. The registration shall be 33318
renewed annually by the thirtieth day of September and shall be 33319
renewed according to the standard renewal procedure of Chapter 33320
4745. of the Revised Code. The registration of the bakery shall 33321
show the location, including municipal corporation, street, and 33322
number, the name of the owner, and the name of the operator. The 33323
application for registration shall be made on a form prescribed 33324
and provided by the director. All moneys received from 33325
registration fees and fines collected under sections 911.01 to 33326
911.20 of the Revised Code shall be deposited with the treasurer 33327
of state to the credit of the food safety fund created in 33328
section 915.24 of the Revised Code. All annual renewal 33329
registration fees required by this section shall be paid by the 33330
applicant for the renewal to the treasurer of state for deposit 33331

into the food safety fund. 33332

No bakery product that is manufactured in an out-of-state 33333
bakery shall be sold or offered for sale within this state 33334
unless the bakery is in compliance with sections 911.01 to 33335
911.20 of the Revised Code, and is registered, having paid the 33336
annual registration fee. 33337

Registration of out-of-state bakeries is not required if a 33338
reciprocal agreement is in effect whereby a bakery located in 33339
this state is not subject to a license or registration fee by 33340
the receiving state or a political subdivision thereof. 33341

Sec. 913.23. (A) The director of agriculture may issue 33342
licenses as required by sections 913.22 to 913.28 of the Revised 33343
Code, may make the inspections and registrations required by 33344
those sections, and may prescribe the form of application to be 33345
filed under this section. 33346

(B) No person shall manufacture or bottle for sale within 33347
this state any soft drink in closed containers unless the person 33348
has a license issued by the director. Upon receipt of an 33349
application for such a license, the director shall examine the 33350
products and the place of manufacture where the business is to 33351
be conducted, to determine whether the products and place comply 33352
with sections 913.22 to 913.28 of the Revised Code. Upon finding 33353
there is compliance, and upon payment of a license fee of two 33354
hundred dollars, the director shall issue a license authorizing 33355
the applicant to manufacture or bottle for sale such soft 33356
drinks, subject to sections 913.22 to 913.28 of the Revised 33357
Code. The license shall expire on the last day of March of each 33358
year unless renewed. 33359

(C) No soft drink that is manufactured or bottled out of 33360

the state shall be sold or offered for sale within this state 33361
unless the soft drink and the plant in which the soft drink is 33362
manufactured or bottled are found by the director to comply with 33363
sections 913.22 to 913.28 of the Revised Code, and are 33364
registered by the director, which shall be upon a like 33365
application as provided in division (B) of this section. 33366

An annual registration fee of two hundred dollars shall be 33367
paid to the director by each applicant under this division. The 33368
registration shall be renewed annually, and the registration fee 33369
paid with the application for annual renewal. 33370

Registration of out-of-state soft drink manufacturers or 33371
bottlers or syrup and extract manufacturers is not required if a 33372
reciprocal agreement is in effect whereby a soft drink 33373
manufacturer or bottler or syrup and extract manufacturer 33374
located in this state is not subject to a license or 33375
registration fee by another state or a political subdivision 33376
thereof. 33377

~~(D) No person, other than a manufacturer or bottler~~ 33378
~~holding a soft drink plant license under this section, shall~~ 33379
~~sell, offer for sale, use, or have in the person's possession~~ 33380
~~with intent to sell, any soda water syrup or extract or soft~~ 33381
~~drink syrup, to be used in making, drawing, or dispensing soda~~ 33382
~~water or other soft drinks, without first registering the~~ 33383
~~person's name and address, the name and address of the~~ 33384
~~manufacturer of the syrup or extract, the number and variety of~~ 33385
~~such syrups or extracts intended to be sold, and the trade name~~ 33386
~~or brand of those products, with the director, together with~~ 33387
~~such samples of the syrups or extracts as the director requests~~ 33388
~~for analysis. The person also shall pay to the department of~~ 33389
~~agriculture at the time of making registration a license fee of~~ 33390

~~one hundred dollars. No license shall be granted by the director unless the director determines that the syrup or extract is free from all harmful drugs and other ingredients that, as used, may be injurious to health. The registration shall be renewed annually upon like terms. If any manufacturer, bottler, agent, or seller is licensed or has registered the manufacturer's, bottler's, agent's, or seller's name and product as required by this section and has paid the manufacturer's, bottler's, agent's, or seller's fee, the manufacturer's, bottler's, agent's, or seller's distributor, retail agent, or retail seller using the products shall not be required to pay that fee. This section does not apply to local sellers of soft drinks as to syrups and extracts made by themselves for their own use exclusively.~~

~~(E)~~ All moneys received under sections 913.22 to 913.28 of the Revised Code shall be deposited with the treasurer of state to the credit of the food safety fund created in section 915.24 of the Revised Code.

~~(F)~~ (E) The director may revoke any license or registration issued under sections 913.22 to 913.28 of the Revised Code, whenever the director determines that those sections have been violated. When a license has been revoked, the licensee shall discontinue the manufacture and sale of soft drinks or other products for which the license was issued. When a registration has been revoked, the registrant shall discontinue the sale within this state of the registrant's products until those sections have been complied with and a new license or registration has been issued. The director may suspend any such license or registration temporarily, pending compliance with such conditions required by those sections as the director prescribes.

Sec. 915.16. The license fee for an establishment is ~~fifty~~ 33422
two hundred dollars. Any operator operating in connection with a 33423
cold-storage warehouse holding a license under section 915.02 of 33424
the Revised Code is not required to secure an additional license 33425
under section 915.15 of the Revised Code so long as the operator 33426
continues to be licensed as a cold-storage warehouse; but the 33427
operator shall comply with sections 915.14 to 915.24 of the 33428
Revised Code, and all rules and regulations promulgated 33429
thereunder. The license issued shall be in such form as the 33430
department of agriculture prescribes. Licenses shall be valid 33431
until the last day of November following initial issuance or 33432
renewal and shall become invalid on that date unless renewed. 33433
The original license or a certified copy thereof shall be 33434
conspicuously displayed by the operator in the establishment. 33435

Sec. 915.24. (A) There is hereby created in the state 33436
treasury the food safety fund. All of the following moneys shall 33437
be credited to the fund: 33438

(1) Bakery registration fees and fines received under 33439
sections 911.02 to 911.20 of the Revised Code; 33440

(2) Cannery license fees and renewal fees received under 33441
sections 913.01 to 913.05 of the Revised Code; 33442

(3) Moneys received under sections 913.22 to 913.28 of the 33443
Revised Code; 33444

(4) License fees, fines, and penalties recovered for the 33445
violation of sections 915.01 to 915.12 of the Revised Code; 33446

(5) License fees collected under sections 915.14 to 915.23 33447
of the Revised Code; 33448

(6) License fees, other fees, and fines collected by or 33449
for the director of agriculture under Chapter 3717. of the 33450

Revised Code; 33451

(7) Fees collected under section 3715.04 of the Revised 33452
Code for the issuance of certificates of health and freesale; 33453

(8) Registration fees and other fees collected by the 33454
director of agriculture under section 3715.041 of the Revised 33455
Code; 33456

(9) Money received from contracts or cooperative 33457
agreements with any agency of the United States government, or 33458
any other public or private agency or organization, for either 33459
of the following: 33460

(a) The performance of the prescribed duties of the 33461
department of agriculture under this chapter and Chapters 911., 33462
913., 925., 3715., and 3717. of the Revised Code; 33463

(b) Accomplishing cooperative projects within the scope of 33464
such duties. 33465

(B) The director of agriculture shall use the moneys 33466
deposited into the food safety fund to administer and enforce 33467
the laws pursuant to which the moneys were collected. 33468

Sec. 921.01. As used in this chapter: 33469

(A) "Active ingredient" means any ingredient that will 33470
prevent, destroy, kill, repel, control, or mitigate any pest, or 33471
that will act as a plant regulator, defoliant, or desiccant. 33472

(B) "Adulterated" shall apply to any pesticide if its 33473
strength or purity is less than or greater than the professed 33474
standard or quality as expressed on its labeling or under which 33475
it is sold, if any substance has been substituted wholly or in 33476
part for the pesticide, or if any valuable constituent of the 33477
pesticide has been wholly or in part abstracted. 33478

(C) "Agricultural commodity" means any plant or part 33479
thereof or animal or animal product, produced for commercial use 33480
by a person, including farmers, ranchers, vineyardists, plant 33481
propagators, Christmas tree growers, aquaculturists, 33482
floriculturists, orchardists, foresters, or other comparable 33483
persons, primarily for the sale, consumption, propagation, or 33484
other use, by humans or animals. 33485

(D) "Aircraft" means any device used or designed for 33486
navigation or flight in the air, except a parachute or other 33487
device used primarily as safety equipment. 33488

(E) "Animal" means all vertebrate and invertebrate 33489
species, including, but not limited to, humans and other 33490
mammals, birds, fish, and shellfish. 33491

(F) "Authorized diagnostic inspection" means a diagnostic 33492
inspection conducted by a commercial applicator in the 33493
pesticide-use category in which the commercial applicator is 33494
licensed under this chapter. 33495

(G) "Beneficial insects" means those insects that, during 33496
their life cycle, are effective pollinators of plants, are 33497
parasites or predators of pests, or are otherwise beneficial. 33498

(H) "Brand" means any word, name, symbol, device, or 33499
combination thereof, that serves to distinguish the pesticide 33500
manufactured or distributed by one person from that manufactured 33501
or distributed by any other person. 33502

(I) "Pesticide applicator" means a commercial applicator 33503
or a private applicator. 33504

(J) "Private applicator" means an individual who is 33505
licensed under section 921.11 of the Revised Code. 33506

(K) "Commercial applicator" means an individual who is 33507
licensed under section 921.06 of the Revised Code to apply 33508
pesticides or to conduct authorized diagnostic inspections. 33509

(L) "Competent" means properly qualified as evidenced by 33510
passing the general examination and each applicable pesticide- 33511
use category examination for the pesticide-use categories in 33512
which a person applies pesticides and, in the case of a person 33513
who is a commercial applicator, conducts diagnostic inspections 33514
and by meeting any other criteria established by rule. 33515

(M) "Federal act" means the "Federal Insecticide, 33516
Fungicide and Rodenticide Act," 61 Stat. 163 (1947), 7 U.S.C.A. 33517
136, as amended. 33518

(N) "Defoliant" means any substance or mixture of 33519
substances intended for causing the leaves or foliage to drop 33520
from a plant, with or without causing abscission. 33521

(O) "Desiccant" means any substance or mixture of 33522
substances intended for artificially accelerating the drying of 33523
plant tissue. 33524

(P) "Device" means any instrument or contrivance, other 33525
than a firearm, that is intended for trapping, destroying, 33526
repelling, or mitigating any pest or any other form of plant or 33527
animal life, other than human beings and other than bacteria, 33528
virus, or other microorganism on or in living human beings or 33529
other living animals. "Device" does not include equipment used 33530
for the application of pesticides when sold separately 33531
therefrom. 33532

(Q) "Direct supervision" means ~~either of the following, as~~ 33533
~~applicable:~~ 33534

~~(1) Unless, unless~~ otherwise prescribed by its labeling, 33535

a general use pesticide is considered to be applied under the 33536
direct supervision of a commercial applicator, if it is applied 33537
by a trained serviceperson acting under the instructions and 33538
control of a commercial applicator. 33539

~~(2) Unless otherwise prescribed by its labeling, a 33540
restricted use pesticide is considered to be applied under the 33541
direct supervision of a private applicator, if it is applied by 33542
an immediate family member or a subordinate employee of that 33543
private applicator acting under the instructions and control of 33544
the private applicator, who is responsible for the actions of 33545
that immediate family member or subordinate employee and who is 33546
available when needed, even though the private applicator is not 33547
physically present at the time and place the restricted use 33548
pesticide application is occurring. 33549~~

(R) "Directly supervise" means providing direct 33550
supervision under division ~~(Q) (1) or (2) or both of those 33551
divisions (Q) of this section, as applicable. 33552~~

(S) "Distribute" means to offer or hold for sale, sell, 33553
barter, ship, deliver for shipment, or receive and, having so 33554
received, to deliver or offer to deliver, pesticides in this 33555
state. "Distribute" does not mean to hold for use, apply, or use 33556
pesticides or dilutions of pesticides, except when a pesticide 33557
dealer holds for use, applies, or uses pesticides or dilutions 33558
of pesticides in the course of business with a commercial 33559
applicator who is employed by that pesticide dealer. 33560

(T) "Environment" includes water, air, land, and all 33561
plants and human beings and other animals living therein, and 33562
the interrelationships that exist among them. 33563

(U) "Fungus" means any nonchlorophyll-bearing thallophyte, 33564

which is any nonchlorophyll-bearing plant of a lower order than 33565
mosses and liverworts, as for example, rust, smut, mildew, mold, 33566
yeast, and bacteria, except those on or in living human beings 33567
or other animals, or processed food, beverages, or 33568
pharmaceuticals. 33569

(V) "General use pesticide" means a pesticide that is 33570
classified for general use under the federal act. 33571

(W) "Ground equipment" means any device, other than 33572
aircraft, used on land or water to apply pesticides in any form. 33573

~~(X) "Immediate family" means a person's spouse residing in 33574
the person's household, brothers and sisters of the whole or of 33575
the half blood, children, including adopted children, parents, 33576
and grandparents. 33577~~

~~(Y)~~ "Incidental use" or "incidentally use" means the 33578
application of a general use pesticide on an occasional, 33579
isolated, site-specific basis in order to avoid immediate 33580
personal harm. "Incidental use" or "incidentally use" does not 33581
mean regular, routine, or maintenance application of a general 33582
use pesticide. 33583

~~(Z)~~ (Y) "Inert ingredient" means an ingredient that is not 33584
active. 33585

~~(AA)~~ (Z) "Ingredient statement" means a statement of the 33586
name and percentage of each active ingredient, together with the 33587
total percentage of inert ingredients. When the pesticide 33588
contains arsenic in any form, the ingredient statement shall 33589
include percentages of total and water soluble arsenic, each 33590
calculated as elemental arsenic. 33591

~~(BB)~~ (AA) "Insect" means any of the numerous small 33592
invertebrate animals generally having the body more or less 33593

obviously segmented, for the most part belonging to the class 33594
insecta, including, but not limited to, beetles, bugs, bees, and 33595
flies, and to other allied classes of arthropods, including, but 33596
not limited to, spiders, mites, ticks, centipedes, and wood 33597
lice. 33598

~~(CC)~~ (BB) "Integrated pest management" means a sustainable 33599
approach to managing pests by combining biological, cultural, 33600
physical, and chemical tools in a way that minimizes economic, 33601
health, and environmental risks. 33602

~~(DD)~~ (CC) "Label" means the written, printed, or graphic 33603
matter on, or attached to the pesticide or device, or any of its 33604
containers or wrappers. 33605

~~(EE)~~ (DD) "Labeling" means all labels and other written, 33606
printed, or graphic matter: 33607

(1) Accompanying the pesticide product or device at any 33608
time; 33609

(2) To which reference is made on the label or in 33610
literature accompanying the pesticide product or device, except 33611
when accurate, nonmisleading reference is made to current 33612
official publications of the United States environmental 33613
protection agency, the United States department of agriculture 33614
or interior, the United States department of health and human 33615
services, state experiment stations, state agricultural 33616
colleges, or other similar federal or state institutions or 33617
official agencies, authorized by law to conduct research in the 33618
field of pesticides; 33619

(3) Including all brochures, technical and sales 33620
bulletins, and all advertising material. 33621

~~(FF)~~ (EE) "Licensure" includes certification as used in the 33622

federal act. 33623

~~(GG)~~(FF) "Misbranded" applies, if the conditions of either 33624
division ~~(GG)~~(1)~~(FF)~~(1) or (2) of this section are satisfied as 33625
follows: 33626

(1) To any pesticide or device, if at least one of the 33627
following occurs: 33628

(a) Its labeling bears any statement, design, or graphic 33629
representation relative thereto or to its ingredients that is 33630
false or misleading in any particular. 33631

(b) It is an imitation of or is distributed under the name 33632
of another pesticide or device. 33633

(c) Any word, statement, or other information required to 33634
appear on the label or labeling is not prominently placed 33635
thereon with such conspicuousness, as compared with other words, 33636
statements, designs, or graphic matter in the labeling, and in 33637
such terms as to render it likely to be read and understood by 33638
the ordinary individual under customary conditions of purchase 33639
and use. 33640

(2) To any pesticide, if at least one of the following 33641
occurs: 33642

(a) The labeling of a restricted use pesticide does not 33643
contain a statement that it is a restricted use pesticide. 33644

(b) The labeling accompanying it does not contain 33645
directions for use that are necessary for effecting the purpose 33646
for which the pesticide is intended and, if complied with, 33647
together with any requirements imposed by the federal act, that 33648
are adequate to protect the environment. 33649

(c) The label does not bear all of the following: 33650

- (i) The name, brand, or trademark under which the pesticide is distributed; 33651
33652
- (ii) An ingredient statement on the part of the immediate container and on the outside container and wrapper of the retail package, if any, through which the ingredient statement on the immediate container cannot be clearly read, which is presented or displayed under customary conditions of purchase, provided that the ingredient statement may appear prominently on another part of the container as permitted by the amended federal act or by the director; 33653
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- (iii) A warning or caution statement that may be necessary and that, if complied with together with any requirement imposed under the federal act, would be adequate to protect the environment; 33661
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- (iv) The net weight or measure of the contents, subject to such reasonable variations as the administrator of the United States environmental protection agency or the director of agriculture may permit; 33665
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- (v) The name and address of the manufacturer, registrant, or person for whom manufactured; 33669
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- (vi) The United States environmental protection agency registration number assigned to each establishment in which the pesticide was produced and the agency registration number assigned to it, as required by regulations under the federal act. 33671
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- (d) The pesticide contains any substance or substances in quantities highly toxic to human beings unless the label bears, in addition to other label requirements, all of the following: 33676
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- (i) The skull and crossbones; 33679

(ii) The word "poison" in red prominently displayed on a background of distinctly contrasting color;

(iii) A statement of an antidote or a practical or emergency medical treatment, first aid or otherwise, in case of poisoning by the pesticide.

(e) It is contained in a package or other container or wrapping that does not conform to the standard established by the administrator of the United States environmental protection agency.

~~(HH)~~ (GG) "Nematodes" means invertebrate animals of the phylum nemathelminthes and class nematoda, which are unsegmented, round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and that inhabit soil, water, plants, or plant parts and also may be called nema or eel-worms.

~~(II)~~ (HH) "Pest" means a harmful, destructive, or nuisance insect, fungus, rodent, nematode, bacterium, bird, snail, weed, or parasitic plant or a harmful or destructive form of plant or animal life or virus, or any plant or animal species that the director declares to be a pest, except viruses, bacteria, or other microorganisms on or in living animals, including human beings.

~~(JJ)~~ (II) "Pesticide" means any substance or mixture of substances intended for either of the following:

(1) Preventing, destroying, repelling, or mitigating any pest;

(2) Use as a plant regulator, defoliant, or desiccant.

"Pesticide" includes a pest monitoring system designated by rule.

~~(KK)~~ (JJ) "Pesticide dealer" means any person who 33708
distributes restricted use pesticides or pesticides whose uses 33709
or distribution are further restricted by the director to the 33710
ultimate user or to a commercial applicator who is employed by 33711
that pesticide dealer. 33712

~~(LL)~~ (KK) "Pesticide business" means a person who performs 33713
pesticide business activities. 33714

~~(MM)~~ (LL) "Pesticide business activities" means any of the 33715
following: 33716

(1) The application of pesticides to the property of 33717
another for hire; 33718

(2) The solicitation to apply pesticides; 33719

(3) The conducting of authorized diagnostic inspections. 33720

~~(NN) "Pesticide business registered location" means a 33721
location at which pesticide business activities are conducted 33722
and that is registered through the issuance of a license to a 33723
pesticide business under section 921.09 of the Revised Code. 33724~~

~~(OO)~~ (MM) "Pesticide-use category" means a specialized 33725
field of pesticide application or of diagnostic inspection as 33726
defined by rule. 33727

~~(PP)~~ (NN) "Plant regulator" means any substance or mixture 33728
of substances, intended, through physiological action, for 33729
accelerating or retarding the growth or rate of maturation, or 33730
for otherwise altering the behavior of plants or the produce 33731
thereof, but does not include substances to the extent that they 33732
are intended as plant nutrients, trace elements, nutritional 33733
chemicals, plant inoculants, or soil amendments. 33734

~~(OO)~~ (OO) "Product name" means a coined or specific 33735

designation applied to an individual pesticide of a fixed 33736
combination and derivation. 33737

~~(RR)~~ (PP) "Registrant" means a person who has registered a 33738
pesticide under this chapter. 33739

~~(SS)~~ (QQ) "Restricted use pesticide" means any pesticide or 33740
pesticide use classified by the administrator of the United 33741
States environmental protection agency for use only by a 33742
pesticide applicator ~~or by an individual working under the~~ 33743
~~direct supervision of a pesticide applicator.~~ 33744

~~(TT)~~ (RR) "Rule" means a rule adopted under section 921.16 33745
of the Revised Code. 33746

~~(UU)~~ (SS) "Sell or sale" means exchange of ownership or 33747
transfer of custody. 33748

~~(VV)~~ (TT) "State restricted use pesticide" means any 33749
pesticide or pesticides classified by the director subsequent to 33750
a hearing held in accordance with Chapter 119. of the Revised 33751
Code for use only by pesticide applicators ~~or individuals~~ 33752
~~working under their direct supervision.~~ 33753

~~(WW)~~ (UU) "Unreasonable adverse effects on the environment" 33754
means any unreasonable risk to human beings or the environment 33755
taking into account the economic, social, and environmental 33756
benefits and costs of the use of any pesticide. 33757

~~(XX)~~ (VV) "Trained serviceperson" means an employee of a 33758
pesticide business, other business, agency of the United States 33759
government, state agency, or political subdivision who has been 33760
trained to apply general use pesticides while under the direct 33761
supervision of a commercial applicator. 33762

~~(YY)~~ (WW) "Weed" means any plant that grows where not 33763

wanted. 33764

~~(ZZ)~~(XX) "Wildlife" means all living things that are 33765
neither human, domesticated, or pests, including, but not 33766
limited to, mammals, birds, and aquatic life. 33767

~~(AAA)~~(YY) "Trade secret" and "confidential business 33768
information" mean any formula, plan, pattern, process, tool, 33769
mechanism, compound, procedure, production date, or compilation 33770
of information that is not patented, that is known only to 33771
certain individuals within a commercial concern, and that gives 33772
its user an opportunity to obtain a business advantage over 33773
competitors who do not know or use it. 33774

Sec. 921.02. (A) No person shall distribute a pesticide 33775
within this state unless the pesticide is registered with the 33776
director of agriculture under this chapter. Registrations shall 33777
be issued for a period of time established by rule and shall be 33778
renewed in accordance with deadlines established by rule. 33779
Registration is not required if a pesticide is shipped from one 33780
plant or warehouse to another plant or warehouse operated by the 33781
same person and used solely at that plant or warehouse as a 33782
constituent part to make a pesticide that is registered under 33783
this chapter, or if the pesticide is distributed under the 33784
provisions of an experimental use permit issued under section 33785
921.03 of the Revised Code or an experimental use permit issued 33786
by the United States environmental protection agency. 33787

(B) The applicant for registration of a pesticide shall 33788
file a statement with the director on a form provided by the 33789
director, which shall include all of the following: 33790

(1) The name and address of the applicant and the name and 33791
address of the person whose name will appear on the label, if 33792

other than the applicant's name; 33793

(2) The brand and product name of the pesticide; 33794

(3) Any necessary information required for completion of 33795
the department of agriculture's application for registration, 33796
including the agency registration number; 33797

(4) A complete copy of the labeling accompanying the 33798
pesticide and a statement of all claims to be made for it, 33799
including the directions for use and the use classification as 33800
provided for in the federal act. 33801

(C) The director, when the director considers it necessary 33802
in the administration of this chapter, may require the 33803
submission of the complete formula of any pesticide including 33804
the active and inert ingredients. 33805

(D) The director may require a full description of the 33806
tests made and the results thereof upon which the claims are 33807
based for any pesticide. The director shall not consider any 33808
data submitted in support of an application, without permission 33809
of the applicant, in support of any other application for 33810
registration unless the other applicant first has offered to pay 33811
reasonable compensation for producing the test data to be relied 33812
upon and the data are not protected from disclosure by section 33813
921.04 of the Revised Code. In the case of a renewal of 33814
registration, a statement shall be required only with respect to 33815
information that is different from that furnished when the 33816
pesticide was registered or last registered. 33817

(E) The director may require any other information to be 33818
submitted with an application. 33819

Any applicant may designate any portion of the required 33820
registration information as a trade secret or confidential 33821

business information. Upon receipt of any required registration 33822
information designated as a trade secret or confidential 33823
business information, the director shall consider the designated 33824
information as confidential and shall not reveal or cause to be 33825
revealed any such designated information without the consent of 33826
the applicants, except to persons directly involved in the 33827
registration process described in this section or as required by 33828
law. 33829

(F) ~~Beginning January 1, 2007, each~~ Each applicant shall 33830
pay a nonrefundable registration and inspection fee of ~~one~~ two 33831
hundred fifty dollars for each product name and brand registered 33832
for the company whose name appears on the label. If an applicant 33833
files for a renewal of registration after the deadline 33834
established by rule, the applicant shall pay a penalty fee of 33835
~~seventy-five~~ one hundred twenty-five dollars for each product 33836
name and brand registered for the applicant. The penalty fee 33837
shall be added to the original fee and paid before the renewal 33838
registration is issued. In addition to any other remedy 33839
available under this chapter, if a pesticide that is not 33840
registered pursuant to this section is distributed within this 33841
state, the person required to register the pesticide shall do so 33842
and shall pay a penalty fee of ~~seventy-five~~ one hundred twenty- 33843
five dollars for each product name and brand registered for the 33844
applicant. The penalty fee shall be added to the original fee of 33845
~~one~~ two hundred fifty dollars and paid before the registration 33846
is issued. 33847

(G) Provided that the state is authorized by the 33848
administrator of the United States environmental protection 33849
agency to register pesticides to meet special local needs, the 33850
director shall require the information set forth under divisions 33851
(B), (C), (D), and (E) of this section and shall register any 33852

such pesticide after determining that all of the following 33853
conditions are met: 33854

(1) Its composition is such as to warrant the proposed 33855
claims for it. 33856

(2) Its labeling and other material required to be 33857
submitted comply with the requirements of the federal act and of 33858
this chapter, and rules adopted thereunder. 33859

(3) It will perform its intended function without 33860
unreasonable adverse effects on the environment. 33861

(4) When used in accordance with widespread and commonly 33862
recognized practice, it will not generally cause unreasonable 33863
adverse effects on the environment. 33864

(5) The classification for general or restricted use is in 33865
conformity with the federal act. 33866

The director shall not make any lack of essentiality a 33867
criterion for denying the registration of any pesticide. When 33868
two pesticides meet the requirements of division (G) of this 33869
section, the director shall not register one in preference to 33870
the other. 33871

(H) (1) The director may refuse to register a pesticide if 33872
the application for registration fails to comply with this 33873
section. 33874

(2) The director may suspend or revoke a pesticide 33875
registration after a hearing in accordance with Chapter 119. of 33876
the Revised Code for a pesticide that fails to meet the claims 33877
made for it on its label. 33878

(3) The director may immediately suspend a pesticide 33879
registration, prior to a hearing, when the director believes 33880

that the pesticide poses an immediate hazard to human or animal 33881
health or a hazard to the environment. Not later than fifteen 33882
days after suspending the registration, the director shall 33883
determine whether the pesticide poses such a hazard. If the 33884
director determines that no hazard exists, the director shall 33885
lift the suspension of the registration. If the director 33886
determines that a hazard exists, the director shall revoke the 33887
registration in accordance with Chapter 119. of the Revised 33888
Code. 33889

(I) All money collected under this section shall be 33890
credited to the pesticide, fertilizer, and lime program fund 33891
created in section 921.22 of the Revised Code. 33892

Sec. 921.06. (A) (1) No individual shall do any of the 33893
following without having a commercial applicator license issued 33894
by the director of agriculture: 33895

(a) Apply pesticides for a pesticide business without 33896
direct supervision; 33897

(b) Apply pesticides as part of the individual's duties 33898
while acting as an employee of the United States government, a 33899
state, county, township, or municipal corporation, or a park 33900
district, port authority, or sanitary district created under 33901
Chapter 1545., 4582., or 6115. of the Revised Code, 33902
respectively; 33903

(c) Apply restricted use pesticides. Division (A) (1) (c) of 33904
this section does not apply to a private applicator ~~or an~~ 33905
~~immediate family member or a subordinate employee of a private~~ 33906
~~applicator who is acting under the direct supervision of that~~ 33907
~~private applicator.~~ 33908

(d) If the individual is the owner of a business other 33909

than a pesticide business or an employee of such an owner, apply	33910
pesticides at any of the following publicly accessible sites	33911
that are located on the property:	33912
(i) Food service operations that are licensed under	33913
Chapter 3717. of the Revised Code;	33914
(ii) Retail food establishments that are licensed under	33915
Chapter 3717. of the Revised Code;	33916
(iii) Golf courses;	33917
(iv) Rental properties of more than four apartment units	33918
at one location;	33919
(v) Hospitals or medical facilities as defined in section	33920
3701.01 of the Revised Code;	33921
(vi) Child care centers or licensed school child programs	33922
as defined in section 5104.01 of the Revised Code;	33923
(vii) Facilities owned or operated by a school district	33924
established under Chapter 3311. of the Revised Code, including	33925
an educational service center, a community school established	33926
under Chapter 3314. of the Revised Code, or a chartered or	33927
nonchartered nonpublic school that meets minimum standards	33928
established by the director of education and workforce;	33929
(viii) State institutions of higher education as defined	33930
in section 3345.011 of the Revised Code, nonprofit institutions	33931
holding a certificate of authorization pursuant to Chapter 1713.	33932
of the Revised Code, institutions holding a certificate of	33933
registration from the state board of career colleges and schools	33934
and program authorization for an associate or bachelor's degree	33935
program issued under section 3332.05 of the Revised Code, and	33936
private institutions exempt from regulation under Chapter 3332.	33937

of the Revised Code as prescribed in section 3333.046 of the 33938
Revised Code; 33939

(ix) Food processing establishments as defined in section 33940
3715.021 of the Revised Code; 33941

(x) Any other site designated by rule. 33942

(e) Conduct authorized diagnostic inspections. 33943

(2) Divisions (A) (1) (a) to (d) of this section do not 33944
apply to an individual who is acting as a trained serviceperson 33945
under the direct supervision of a commercial applicator. 33946

(3) Licenses shall be issued for a period of time 33947
established by rule and shall be renewed in accordance with 33948
deadlines established by rule. The fee for each such license 33949
shall be established by rule. If a license is not issued or 33950
renewed, the application fee shall be retained by the state as 33951
payment for the reasonable expense of processing the 33952
application. The director shall by rule classify by pesticide- 33953
use category licenses to be issued under this section. A single 33954
license may include more than one pesticide-use category. No 33955
individual shall be required to pay an additional license fee if 33956
the individual is licensed for more than one category. 33957

The fee for each license or renewal does not apply to an 33958
applicant who is an employee of the department of agriculture 33959
whose job duties require licensure as a commercial applicator as 33960
a condition of employment. 33961

(B) Application for a commercial applicator license shall 33962
be made on a form prescribed by the director. Each application 33963
for a license shall state the pesticide-use category or 33964
categories of license for which the applicant is applying and 33965
other information that the director determines essential to the 33966

administration of this chapter. 33967

(C) (1) Except as provided in division (C) (2) of this 33968
section, if the director finds that the applicant is competent 33969
to apply pesticides and conduct diagnostic inspections and that 33970
the applicant has passed both the general examination and each 33971
applicable pesticide-use category examination as required under 33972
division (A) of section 921.12 of the Revised Code, the director 33973
shall issue a commercial applicator license limited to the 33974
pesticide-use category or categories for which the applicant is 33975
found to be competent. If the director rejects an application, 33976
the director may explain why the application was rejected, 33977
describe the additional requirements necessary for the applicant 33978
to obtain a license, and return the application. The applicant 33979
may resubmit the application without payment of any additional 33980
fee. 33981

(2) The director shall issue a commercial applicator 33982
license in accordance with Chapter 4796. of the Revised Code to 33983
an individual if either of the following applies: 33984

(a) The individual holds a commercial applicator license 33985
in another state. 33986

(b) The individual has satisfactory work experience, a 33987
government certification, or a private certification as 33988
described in that chapter as a commercial applicator in a state 33989
that does not issue that license. 33990

A license issued under this division shall be limited to 33991
the pesticide-use category or categories for which the applicant 33992
is licensed in another state or has satisfactory work 33993
experience, a government certification, or a private 33994
certification in that state. 33995

(D) (1) A person who is a commercial applicator shall be 33996
deemed to hold a private applicator's license for purposes of 33997
applying pesticides on agricultural commodities that are 33998
produced by the commercial applicator. 33999

(2) A commercial applicator shall apply pesticides only in 34000
the pesticide-use category or categories in which the applicator 34001
is licensed under this chapter. 34002

(E) All money collected under this section shall be 34003
credited to the pesticide, fertilizer, and lime program fund 34004
created in section 921.22 of the Revised Code. 34005

Sec. 921.09. (A) (1) No person shall own or operate a 34006
pesticide business without obtaining a license from the director 34007
of agriculture. Licenses shall be issued for a period of time 34008
established by rule and shall be renewed in accordance with 34009
deadlines established by rule. 34010

(2) A person applying for a pesticide business license 34011
shall ~~register~~ obtain a license for each location that is owned 34012
by the person and used for the purpose of engaging in the 34013
pesticide business. 34014

(B) Any person who owns or operates a pesticide business 34015
outside of this state, but engages in the business of applying 34016
pesticides to properties of another for hire in this state, 34017
shall obtain a license for the person's principal out-of-state 34018
location from the director. In addition, the person shall 34019
~~register~~ obtain a license for each location that is owned by the 34020
person in this state and used for the purpose of engaging in the 34021
pesticide business. 34022

(C) (1) The person applying for a pesticide business 34023
license shall file a statement with the director, on a form 34024

provided by the director, that shall include all of the 34025
following: 34026

(a) The address of the principal place of business of the 34027
pesticide business; 34028

(b) The address of each location ~~that~~ concerning which the 34029
person intends to ~~register~~ obtain a license under division (A) 34030
(2) or (B) of this section; 34031

(c) Any other information that the director determines 34032
necessary and that the director requires by rule. 34033

(2) Each applicant shall pay a license fee established by 34034
rule for the ~~pesticide~~ principal place of business plus an 34035
additional fee established by rule for each pesticide business 34036
~~registered~~ location specified in the application. The license 34037
may be renewed upon payment of a renewal fee for the principal 34038
place of business established by rule plus an additional fee 34039
established by rule for each pesticide business ~~registered~~ 34040
location. A copy of the license shall be maintained and 34041
conspicuously displayed at each ~~such~~ pesticide business 34042
location. 34043

(3) The issuance of a pesticide business license 34044
constitutes ~~registration~~ licensure of any pesticide business 34045
location identified in the application under division (C) (1) of 34046
this section. 34047

(4) The owner or operator of a pesticide business shall 34048
notify the director not later than fifteen days after any change 34049
occurs in the information required under division (C) (1) (a) or 34050
(b) of this section. 34051

(D) The owner or operator of a pesticide business shall 34052
employ at least one commercial applicator for each pesticide 34053

business ~~registered~~-location the owner or operator owns or 34054
operates. 34055

(E) The owner or operator of a pesticide business is 34056
responsible for the acts of each employee in the handling, 34057
application, and use of pesticides and in the conducting of 34058
diagnostic inspections. The pesticide business license is 34059
subject to denial, modification, suspension, or revocation after 34060
a hearing for any violation of this chapter or any rule adopted 34061
or order issued under it. The director may levy against the 34062
owner or operator any civil penalties authorized by division (B) 34063
of section 921.16 of the Revised Code for any violation of this 34064
chapter or any rule adopted or order issued under it that is 34065
committed by the owner or operator or by the owner's or 34066
operator's officer, employee, or agent. 34067

(F) The director may modify a license issued under this 34068
section by one of the following methods: 34069

(1) Revoking a licensee's authority to operate out of a 34070
particular pesticide business ~~registered~~-location listed under 34071
division (C) (1) (b) of this section; 34072

(2) Preventing a licensee from operating within a specific 34073
pesticide-use category. 34074

(G) The director may deny a pesticide business license to 34075
any person whose pesticide business license has been revoked 34076
within the previous thirty-six months. 34077

(H) Each pesticide business ~~registered~~-location that is 34078
owned by a pesticide business is subject to inspection by the 34079
director. 34080

(I) All money collected under this section shall be 34081
credited to the pesticide, fertilizer, and lime program fund 34082

created in section 921.22 of the Revised Code. 34083

Sec. 921.11. ~~(A)(1)~~ (A) As used in this section, "use" 34084
means any of the following: 34085

(1) Performing pre-application activities involving mixing 34086
and loading the pesticide; 34087

(2) Applying the pesticide by a commercial applicator or 34088
private applicator; 34089

(3) Performing other pesticide-related activities, 34090
including transporting or storing pesticide containers that have 34091
been opened, cleaning equipment, and disposing of excess 34092
pesticides, spray mix, equipment wash waters, pesticide 34093
containers, and other pesticide-containing materials. 34094

(B) No individual shall ~~apply~~ use restricted use 34095
pesticides unless the individual is one of the following: 34096

~~(a)~~ (1) Licensed under section 921.06 of the Revised Code; 34097

~~(b)~~ (2) Licensed under division ~~(B)~~ (C) of this section; 34098

~~(c) A trained serviceperson who is acting under the direct~~ 34099
~~supervision of a commercial applicator;~~ 34100

~~(d) An immediate family member or a subordinate employee~~ 34101
~~of a private applicator who is acting under the direct~~ 34102
~~supervision of that private applicator.~~ 34103

~~(2) No individual shall directly supervise the application~~ 34104
~~of a restricted use pesticide unless the individual is one of~~ 34105
~~the following:~~ 34106

~~(a) Licensed under section 921.06 of the Revised Code;~~ 34107

~~(b) Licensed under division (B) of this section.~~ 34108

~~(B)(1)~~ (C)(1) Subject to division ~~(B)(2)~~ (C)(2) of this 34109
section, the director of agriculture shall adopt rules to 34110
establish standards and procedures for the licensure of private 34111
applicators. An individual shall apply for a private applicator 34112
license to the director, on forms prescribed by the director. 34113
The individual shall include in the application the pesticide- 34114
use category or categories of the license for which the 34115
individual is applying and any other information that the 34116
director determines is essential to the administration of this 34117
chapter. The fee for each license shall be established by rule. 34118
Licenses shall be issued for a period of time established by 34119
rule and shall be renewed in accordance with deadlines 34120
established by rule. If a license is not issued or renewed, the 34121
state shall retain any fee submitted as payment for reasonable 34122
expenses of processing the application. 34123

(2) The director shall issue a private applicator license 34124
in accordance with Chapter 4796. of the Revised Code to an 34125
individual if either of the following applies: 34126

(a) The individual holds a private applicator license in 34127
another state. 34128

(b) The individual has satisfactory work experience, a 34129
government certification, or a private certification as 34130
described in that chapter as a private applicator in a state 34131
that does not issue that license. 34132

A license issued under this division shall be limited to 34133
the pesticide-use category or categories for which the applicant 34134
is licensed in another state or has satisfactory work 34135
experience, a government certification, or a private 34136
certification in that state. 34137

~~(C)~~ (D) An individual who is licensed under this section 34138
shall use ~~or directly supervise the use of~~ a restricted use 34139
pesticide only for the purpose of producing agricultural 34140
commodities on property that is owned or rented by the 34141
individual or the individual's employer. 34142

~~(D)~~ (E) All money collected under this section shall be 34143
credited to the pesticide, fertilizer, and lime program fund 34144
created in section 921.22 of the Revised Code. 34145

Sec. 921.12. ~~(A)~~ (A) (1) The director of agriculture shall 34146
require each applicant for a license by examination under 34147
section 921.06 or 921.11 of the Revised Code to be examined on 34148
the applicant's knowledge and competency in each of the 34149
following: 34150

~~(1)~~ (a) This chapter and rules adopted under it; 34151

~~(2)~~ (b) The proper use, handling, and application of 34152
pesticides and, if the applicant is applying for a license under 34153
section 921.06 of the Revised Code, in the conducting of 34154
diagnostic inspections in the pesticide-use categories for which 34155
the applicant has applied. 34156

(2) An applicant shall pay an examination fee of thirty 34157
dollars. 34158

(B) Each application for renewal of a license provided for 34159
in section 921.06 of the Revised Code shall be filed prior to 34160
the deadline established by rule. If filed after the deadline, a 34161
penalty of fifty per cent shall be assessed and added to the 34162
original fee and shall be paid by the applicant before the 34163
renewal license is issued. However, if a license issued under 34164
section 921.06 or 921.11 of the Revised Code is not renewed 34165
within one hundred eighty days after the date of expiration, the 34166

licensee shall be required to take another examination on this 34167
chapter and rules adopted under it and on the proper use, 34168
handling, and application of pesticides and, if applicable, the 34169
proper conducting of diagnostic inspections in the pesticide-use 34170
categories for which the licensee has been licensed. 34171

(C) A person who fails to pass an examination under 34172
division (A) or (B) of this section is not entitled to an 34173
adjudication under Chapter 119. of the Revised Code for that 34174
failure. 34175

(D) The holder of a commercial applicator license may 34176
renew the license within one hundred eighty days after the date 34177
of expiration without re-examination unless the director 34178
determines that a new examination is necessary to insure that 34179
the holder continues to meet the requirements of changing 34180
technology and to assure a continuing level of competence and 34181
ability to use pesticides safely and properly. 34182

(E) The holder of a private applicator license may renew 34183
the license within one hundred eighty days after the date of 34184
expiration without re-examination unless the director determines 34185
that a new examination is necessary to insure that the holder 34186
continues to meet the requirements of changing technology and to 34187
assure a continuing level of competence and ability to use 34188
pesticides safely and properly. 34189

(F) Instead of requiring a commercial applicator or 34190
private applicator to complete re-examination successfully under 34191
division (D) or (E) of this section, the director may require, 34192
in accordance with criteria established by rule, the commercial 34193
applicator or private applicator to participate in training 34194
programs that are designed to foster knowledge of new technology 34195
and to ensure a continuing level of competence and ability to 34196

use pesticides safely and properly. The director or the 34197
director's representative may provide the training or may 34198
authorize a third party to do so. In order for such 34199
authorization to occur, the third party and its training program 34200
shall comply with standards and requirements established by 34201
rule. 34202

Sec. 921.13. (A) Any person who is acting in the capacity 34203
of a pesticide dealer or who advertises or assumes to act as a 34204
pesticide dealer at any time shall obtain a pesticide dealer 34205
license from the director of agriculture. Licenses shall be 34206
issued for a period of time established by rule and shall be 34207
renewed in accordance with deadlines established by rule. A 34208
license is required for each location or outlet within this 34209
state from which the person distributes pesticides. 34210

Any pesticide dealer who has no pesticide dealer outlets 34211
in this state and who distributes restricted use pesticides 34212
directly into this state shall obtain a pesticide dealer license 34213
from the director for the pesticide dealer's principal out-of- 34214
state location or outlet and for each sales person operating in 34215
the state. 34216

The applicant shall include a license fee established by 34217
rule with the application for a license. The application shall 34218
be made on a form prescribed by the director. 34219

Each pesticide dealer shall ~~submit~~ maintain records ~~to the~~ 34220
~~director~~ of all of the restricted use pesticides the pesticide 34221
dealer has distributed, as specified by the director, and 34222
~~duplicate the~~ records shall be retained by the pesticide dealer 34223
for a period of time established by rules. 34224

(B) This section does not apply to any federal, state, 34225

county, or municipal agency that provides pesticides for its own 34226
programs. 34227

(C) Each licensed pesticide dealer is responsible for the 34228
acts of each employee in the solicitation and sale of pesticides 34229
and all claims and recommendations for use of pesticides. The 34230
pesticide dealer's license is subject to denial, suspension, or 34231
revocation after a hearing for any violation of this chapter 34232
whether committed by the pesticide dealer or by the pesticide 34233
dealer's officer, agent, or employee. 34234

(D) All money collected under this section shall be 34235
credited to the pesticide, fertilizer, and lime program fund 34236
created in section 921.22 of the Revised Code. 34237

Sec. 921.14. (A) Each commercial applicator shall keep a 34238
record of both of the following: 34239

(1) All diagnostic inspections conducted to determine 34240
infestations of pests as required by rules adopted under 34241
division (C) of section 921.16 of the Revised Code; 34242

(2) All pesticide applications made by the applicator and 34243
by any trained serviceperson ~~acting under the applicator's~~ 34244
~~direct supervision~~ as required by rules adopted under division 34245
(C) of section 921.16 of the Revised Code. 34246

Each commercial applicator shall submit copies of the 34247
records required under division (A) of this section to the 34248
pesticide business, other business, state agency, or political 34249
subdivision that employs the commercial applicator. 34250

(B) Each pesticide business, other business, state agency, 34251
or political subdivision that receives copies of records under 34252
division (A) of this section shall retain them for a period of 34253
time established by rule. 34254

(C) Each private applicator shall keep a record of all 34255
restricted use pesticide applications made by the applicator or 34256
under the applicator's direct supervision as required by rules 34257
adopted under division (C) of section 921.16 of the Revised 34258
Code. In addition, each private applicator shall maintain the 34259
record for a period of three years from the date of the 34260
restricted use pesticide application to which that record refers 34261
or for any longer period that the director of agriculture 34262
determines necessary. 34263

Sec. 921.16. (A) The director of agriculture shall adopt 34264
rules the director determines necessary for the effective 34265
enforcement and administration of this chapter. The rules may 34266
relate to, but are not limited to, the time, place, manner, and 34267
methods of application, materials, and amounts and 34268
concentrations of application of pesticides, may restrict or 34269
prohibit the use of pesticides in designated areas during 34270
specified periods of time, and shall encompass all reasonable 34271
factors that the director determines necessary to minimize or 34272
prevent damage to the environment. In addition, the rules shall 34273
establish the deadlines and time periods for registration, 34274
registration renewal, late registration renewal, and failure to 34275
register under section 921.02 of the Revised Code; the fees for 34276
registration, registration renewal, late registration renewal, 34277
and failure to register under section 921.02 of the Revised Code 34278
that shall apply until the fees that are established under that 34279
section take effect on January 1, 2007; and the fees, deadlines, 34280
and time periods for licensure and license renewal under 34281
sections 921.06, 921.09, 921.11, and 921.13 of the Revised Code. 34282

(B) The director shall adopt rules that establish a 34283
schedule of civil penalties for violations of this chapter, or 34284
any rule or order adopted or issued under it, provided that the 34285

civil penalty for a first violation shall not exceed five 34286
thousand dollars and the civil penalty for each subsequent 34287
violation shall not exceed ten thousand dollars. In determining 34288
the amount of a civil penalty for a violation, the director 34289
shall consider factors relevant to the severity of the 34290
violation, including past violations and the amount of actual or 34291
potential damage to the environment or to human beings. All 34292
money collected under this division shall be credited to the 34293
pesticide, fertilizer, and lime program fund created in section 34294
921.22 of the Revised Code. 34295

(C) The director shall adopt rules that set forth the 34296
conditions under which the director: 34297

(1) Requires that notice or posting be given of a proposed 34298
application of a pesticide; 34299

(2) Requires inspection, condemnation, or repair of 34300
equipment used to apply a pesticide; 34301

(3) Will suspend, revoke, or refuse to issue any pesticide 34302
registration for a violation of this chapter; 34303

(4) Requires safe handling, transportation, storage, 34304
display, distribution, and disposal of pesticides and their 34305
containers; 34306

(5) Ensures the protection of the health and safety of 34307
agricultural workers storing, handling, or applying pesticides, 34308
and all residents of agricultural labor camps, as that term is 34309
defined in section 3733.41 of the Revised Code, who are living 34310
or working in the vicinity of pesticide-treated areas; 34311

(6) Requires a record to be kept of all pesticide 34312
applications made by each commercial applicator and of all 34313
general use applications made by any trained serviceperson 34314

acting under the commercial applicator's direct supervision and 34315
of all restricted use pesticide applications made by each 34316
private applicator ~~and by any immediate family member or~~ 34317
~~subordinate employee of that private applicator who is acting~~ 34318
~~under the private applicator's direct supervision as required~~ 34319
under section 921.14 of the Revised Code; 34320

(7) Determines the pesticide-use categories of diagnostic 34321
inspections that must be conducted by a commercial applicator; 34322

(8) Requires a record to be kept of all diagnostic 34323
inspections conducted by each commercial applicator and by any 34324
trained service person. 34325

(D) The director shall prescribe standards for the 34326
licensure of applicators of pesticides consistent with those 34327
prescribed by the federal act and the regulations adopted under 34328
it or prescribe standards that are more restrictive than those 34329
prescribed by the federal act and the regulations adopted under 34330
it. The standards may relate to the use of a pesticide or to an 34331
individual's pesticide-use category. 34332

The director shall take into consideration standards of 34333
the United States environmental protection agency. 34334

(E) The director may adopt rules setting forth the 34335
conditions under which the director will: 34336

(1) Collect and examine samples of pesticides or devices; 34337

(2) Specify classes of devices that shall be subject to 34338
this chapter; 34339

(3) Prescribe other necessary registration information. 34340

(F) The director may adopt rules that do either or both of 34341
the following: 34342

(1) Designate, in addition to those restricted uses so 34343
classified by the administrator of the United States 34344
environmental protection agency, restricted uses of pesticides 34345
for the state or for designated areas within the state and, if 34346
the director considers it necessary, to further restrict such 34347
use; 34348

(2) Define what constitutes "acting under the instructions 34349
and control of a commercial applicator" as used in the 34350
definition of "direct supervision" in division ~~(Q) (1)~~ (Q) of 34351
section 921.01 of the Revised Code. In adopting a rule under 34352
division (F) (2) of this section, the director shall consider the 34353
factors associated with the use of pesticide in the various 34354
pesticide-use categories. Based on consideration of the factors, 34355
the director may define "acting under the instructions and 34356
control of a commercial applicator" to include communications 34357
between a commercial applicator and a trained serviceperson that 34358
are conducted via landline telephone or a means of wireless 34359
communication. Any rules adopted under division (F) (2) of this 34360
section shall be drafted in consultation with representatives of 34361
the pesticide industry. 34362

(G) Except as provided in division (D) of this section, 34363
the director shall not adopt any rule under this chapter that is 34364
inconsistent with the requirements of the federal act and 34365
regulations adopted thereunder. 34366

(H) The director, after notice and opportunity for 34367
hearing, may declare as a pest any form of plant or animal life, 34368
other than human beings and other than bacteria, viruses, and 34369
other microorganisms on or in living human beings or other 34370
living animals, that is injurious to health or the environment. 34371

(I) The director may make reports to the United States 34372

environmental protection agency, in the form and containing the 34373
information the agency may require. 34374

(J) The director shall adopt rules for the application, 34375
use, storage, and disposal of pesticides if, in the director's 34376
judgment, existing programs of the United States environmental 34377
protection agency necessitate such rules or pesticide labels do 34378
not sufficiently address issues or situations identified by the 34379
department of agriculture or interested state agencies. 34380

(K) The director shall adopt rules establishing all of the 34381
following: 34382

(1) Standards, requirements, and procedures for the 34383
examination and re-examination of commercial applicators and 34384
private applicators; 34385

(2) With respect to training programs that the director 34386
may require commercial applicators and private applicators to 34387
complete: 34388

(a) Standards and requirements that a training program 34389
must satisfy in order to be offered by the director or the 34390
director's representative or in order to be approved by the 34391
director if a third party wishes to offer it; 34392

(b) Eligibility standards and requirements that must be 34393
satisfied by third parties who wish to provide the training 34394
programs; 34395

(c) Procedures that third parties must follow in order to 34396
submit a proposed training program to the director for approval; 34397

(d) Criteria that the director must consider when 34398
determining whether to authorize a commercial applicator or 34399
private applicator to participate in a training program instead 34400

of being required to pass a re-examination. 34401

(3) Training requirements for a trained serviceperson. 34402

(L) The director shall adopt all rules under this chapter 34403
in accordance with Chapter 119. of the Revised Code. 34404

Sec. 921.23. (A) Except as provided in division (B) of 34405
this section, the director of agriculture may suspend, prior to 34406
a hearing, for not longer than ~~ten~~thirty days, and after the 34407
opportunity for a hearing may deny, suspend, revoke, refuse to 34408
renew, or modify any provision of any license, permit, or 34409
registration issued pursuant to this chapter if the director 34410
finds that the applicant or the holder of a license, permit, or 34411
registration is no longer qualified, has violated any provision 34412
of this chapter or rules adopted under it, has entered into an 34413
administrative or judicial settlement under the federal act, has 34414
been found guilty of violating the federal act, or has been 34415
convicted of a misdemeanor involving moral turpitude or of a 34416
felony. 34417

(B) The director shall not deny a license, permit, or 34418
registration issued pursuant to this chapter because an 34419
applicant was convicted of or pleaded guilty to an offense 34420
unless the refusal is in accordance with section 9.79 of the 34421
Revised Code. 34422

Sec. 921.24. No person shall do any of the following: 34423

(A) Apply, use, directly supervise such application or 34424
use, or recommend a pesticide for use inconsistent with the 34425
pesticide's labeling, treatment standards, or other restrictions 34426
imposed by the director of agriculture; 34427

(B) Act as a commercial applicator without being licensed 34428
to do so; 34429

- (C) Use any restricted use pesticide, unless the person is 34430
licensed to do so, ~~is a trained serviceperson acting under the~~ 34431
~~direct supervision of a commercial applicator, or is an~~ 34432
~~immediate family member or a subordinate employee of a private~~ 34433
~~applicator under the direct supervision of that private~~ 34434
~~applicator~~ under this chapter; 34435
- (D) Refuse or fail to keep or maintain records required by 34436
the director in rules adopted under this chapter, or to make 34437
reports when and as required by the director in rules adopted 34438
under this chapter; 34439
- (E) Falsely or fraudulently represent the effect of 34440
pesticides or methods to be utilized; 34441
- (F) Apply known ineffective or improper materials; 34442
- (G) Operate in a negligent manner, which includes the 34443
operation of faulty or unsafe equipment; 34444
- (H) Impersonate any federal, state, county, or municipal 34445
official; 34446
- (I) Make false or fraudulent records, invoices, or 34447
reports; 34448
- (J) Fail to provide training to trained servicepersons in 34449
the application of general use pesticides; 34450
- (K) Fail to provide direct supervision as specified in 34451
rules adopted under division (C) of section 921.16 of the 34452
Revised Code; 34453
- (L) Distribute a misbranded or adulterated pesticide; 34454
- (M) Use fraud or misrepresentation in making application 34455
for a license or registration or renewal of a license or 34456

registration;	34457
(N) Refuse, fail, or neglect to comply with any limitation	34458
or restriction of a license or registration issued under this	34459
chapter or rules adopted thereunder;	34460
(O) Aid or abet a licensee or another person in violating	34461
this chapter or rules adopted thereunder;	34462
(P) Make a false or misleading statement in an inspection	34463
concerning any infestation of pests or the use of pesticides;	34464
(Q) Refuse or fail to comply with this chapter, the rules	34465
adopted thereunder, or any lawful order of the director;	34466
(R) Distribute restricted use pesticides to the ultimate	34467
user without a pesticide dealer's license;	34468
(S) Except as provided in division (F) of section 921.26	34469
of the Revised Code, distribute restricted use pesticides to an	34470
ultimate user who is not licensed under section 921.06 or 921.11	34471
of the Revised Code and rules adopted under this chapter;	34472
(T) Use any pesticide that is under an experimental use	34473
permit contrary to the provisions of the permit;	34474
(U) Engage in fraudulent business practices;	34475
(V) Dispose of any pesticide product or container in such	34476
a manner as to have unreasonable adverse effects on the	34477
environment;	34478
(W) Display any pesticide in any manner to produce	34479
unreasonable adverse effects on the environment, or to	34480
contaminate adjacent food, feed, or other products;	34481
(X) Apply any pesticide by aircraft without being licensed	34482
as a commercial applicator;	34483

(Y) Distribute a pesticide that is not registered with the 34484
director; 34485

(Z) Fail to properly supervise a trained serviceperson. 34486

Sec. 923.42. (A) No person who manufactures commercial 34487
feed or customer-formula feed, or whose name appears on the 34488
label of any commercial feed or customer-formula feed as a 34489
distributor shall distribute in this state any type of 34490
commercial feed unless hethe person is registered ~~with the~~ 34491
~~director of agriculture on a form provided by the director that~~ 34492
~~identifies the manufacturer's or distributor's name, place of~~ 34493
~~business, and location of each manufacturing facility in this~~ 34494
~~state~~ in accordance with this section. 34495

A manufacturer and distributor shall annually register, on 34496
a form prescribed by the director of agriculture, and pay a 34497
registration fee of fifty dollars. The person shall file the 34498
registration not later than February first of each year. A 34499
registration expires January thirty-first of the following year. 34500

~~(B) The director shall assign to each manufacturer or~~ 34501
~~distributor registered under division (A) of this section a~~ 34502
~~permanent registration number.~~ 34503

~~(C)~~ The director may revoke or suspend a registration or 34504
refuse to register a person upon a finding that the 34505
manufacturer, distributor, or person violated any provision of 34506
sections 923.41 to 923.55 of the Revised Code or any rule 34507
adopted under those sections. 34508

No registration shall be revoked, suspended, or refused 34509
until the manufacturer, distributor, or person has an 34510
opportunity to appear at an adjudication hearing conducted in 34511
accordance with Chapter 119. of the Revised Code. 34512

(C) For purposes of this section, "manufacturer" includes 34513
an exempt buyer. 34514

Sec. 923.44. (A) (1) Except as otherwise provided in 34515
divisions (A) (2), (3), and (4) of this section, the first 34516
distributor of a commercial feed shall pay the director of 34517
agriculture ~~a semiannual~~ an annual inspection fee at the rate of 34518
twenty-five cents per ton, ~~with a minimum payment of twenty-five~~ 34519
~~dollars,~~ on all commercial feeds distributed by the first 34520
distributor in this state. The department of agriculture shall 34521
not collect inspection fees on the first two hundred tons of 34522
commercial feed sold in a calendar year. 34523

(2) The ~~semiannual~~ annual inspection fee required under 34524
division (A) (1) of this section shall not be paid by the first 34525
distributor of a commercial feed if the distribution is made to 34526
an exempt buyer who shall be responsible for the fee. The 34527
director shall establish an exempt list consisting of those 34528
buyers who are responsible for the fee. 34529

(3) The ~~semiannual~~ annual inspection fee shall not be paid 34530
on a commercial feed if the fee has been paid by a previous 34531
distributor. 34532

(4) The ~~semiannual~~ annual inspection fee shall not be paid 34533
on customer-formula feed if the fee has been paid on the 34534
commercial feeds that are used as components in that customer- 34535
formula feed. 34536

(B) Each distributor or exempt buyer who is required to 34537
pay a fee under division (A) (1) or (2) of this section shall 34538
file ~~a semiannual~~ an annual statement with the director that 34539
includes the number of net tons of commercial feed distributed 34540
by the distributor or exempt buyer in this state, ~~within thirty~~ 34541

~~days after the thirtieth day of June and within thirty days~~ 34542
~~after the thirty-first day of December, respectively, of each~~ 34543
for the previous calendar year. The distributor or exempt buyer 34544
shall file the statement with the distributor's or exempt 34545
buyer's registration required under section 923.42 of the 34546
Revised Code. 34547

The inspection fee at the rate stated in division (A) (1) 34548
of this section shall accompany the statement. For a tonnage 34549
report that is not filed or payment of inspection fees that is 34550
not made ~~within fifteen days after by~~ the due date established 34551
in section 923.42 of the Revised Code, a penalty of ten per cent 34552
of the amount due, ~~with a minimum penalty of or~~ fifty dollars, 34553
whichever is greater, shall be assessed against the distributor 34554
or exempt buyer. The amount of fees due, plus penalty, shall 34555
constitute a debt and become the basis of a judgment against the 34556
distributor or exempt buyer. 34557

(C) No information furnished under this section shall be 34558
disclosed by an employee of the department of agriculture in 34559
such a way as to divulge the operation of any person required to 34560
make such a report. 34561

(D) All money collected under this section shall be 34562
credited to the commercial feed and seed fund created in section 34563
923.46 of the Revised Code. 34564

Sec. 923.51. No person shall commit any of the following 34565
acts or cause to be committed any of the following acts: 34566

(A) Adulterate commercial feed or distribute adulterated 34567
commercial feed; 34568

(B) Adulterate pet food or distribute adulterated pet 34569
food; 34570

(C) Misbrand commercial feed or distribute misbranded	34571
commercial feed;	34572
(D) Adulterate any agricultural commodity such as whole	34573
seed, hay, straw, stover, silage, cobs, husks, or hulls and feed	34574
it to animals or distribute any such commodity that is	34575
adulterated;	34576
(E) Remove or dispose of a commercial feed in violation of	34577
a withdrawal from distribution order or a condemnation and	34578
confiscation order issued under section 923.52 or 923.53 of the	34579
Revised Code or any rules adopted under those sections;	34580
(F) Use for the person's own advantage, or reveal except	34581
to the director of agriculture or the director's agent or to the	34582
courts when relevant in any judicial proceeding under sections	34583
923.41 to 923.55 of the Revised Code or any rules adopted under	34584
those sections, any information acquired under the authority of	34585
those sections of the Revised Code or rules adopted under those	34586
sections that as a trade secret is entitled to protection;	34587
(G) Fail or refuse to register as required under section	34588
923.42 of the Revised Code or any rule adopted under that	34589
section;	34590
(H) Fail to pay inspection fees or file ~~semi-annual~~ -annual	34591
reports as required under section 923.44 of the Revised Code or	34592
any rule adopted under that section.	34593
Sec. 924.01. As used in sections 924.01 to 924.16 and	34594
924.40 to 924.55 of the Revised Code:	34595
(A) "Agricultural commodity" means any food, fiber, feed,	34596
animal, or plant, or group of foods, fibers, feeds, animals, or	34597
plants that the director of agriculture determines to be of the	34598
same nature, in either a natural or a processed state.	34599

"Agricultural commodity" does not include any of the following: 34600

(1) Grain, as defined in section 924.20 of the Revised 34601
Code; 34602

(2) Soybeans; 34603

(3) Hemp, as defined in section 928.01 of the Revised 34604
Code; 34605

(4) Pork, as defined in section 924.212 of the Revised 34606
Code. 34607

(B) "Distributor" means any person who sells, offers for 34608
sale, markets, or distributes an agricultural commodity that the 34609
person has purchased or acquired directly from a producer, or 34610
that the person markets on behalf of a producer. 34611

(C) "Handler" means any person who is in the business of 34612
packing, grading, selling, offering for sale, or marketing any 34613
agricultural commodity in commercial quantities as defined in a 34614
marketing program. 34615

(D) "Marketing program" means a program that is 34616
established by order of the director pursuant to this chapter, 34617
to improve or expand the market for an agricultural commodity. 34618

(E) "Operating committee" means a committee established to 34619
administer a marketing program for an agricultural commodity. 34620

(F) "Person" means any natural person, partnership, sole 34621
proprietorship, limited liability company, corporation, society, 34622
agricultural cooperative as defined in section 1729.01 of the 34623
Revised Code, association, or fiduciary. 34624

(G) "Processor" means any person who is in the business of 34625
grading, packaging, packing, canning, freezing, dehydrating, 34626

fermenting, distilling, extracting, preserving, grinding, 34627
crushing, juicing, or in any other way preserving or changing 34628
the form of any agricultural commodity. 34629

(H) "Producer" means any person who is in the business of 34630
producing, or causing to be produced, any agricultural commodity 34631
for commercial sale, except that when used in reference to 34632
nursery stock, "producer" also means a distributor, processor, 34633
handler, or retailer of nursery stock. 34634

Sec. 924.212. (A) As used in this section: 34635

(1) "Pork" means the flesh of a porcine animal. 34636

(2) "Pork product" means a product produced or processed 34637
in whole or in part from pork. 34638

(3) "Producer" means a person who raises porcine animals 34639
in this state for sale in commerce. 34640

(B) The pork marketing program is established to promote 34641
the sale of pork and pork products. However, the pork marketing 34642
program shall not operate unless the national pork checkoff 34643
program created by the "Pork Promotion, Research, and Consumer 34644
Information Act of 1985," 7 U.S.C. 4801 et seq. is no longer in 34645
operation. Except as provided in this division and divisions (C) 34646
to (F) of this section, the procedures, requirements, and other 34647
provisions that are established under sections 924.20 to 924.30 34648
of the Revised Code and rules that apply to the grain marketing 34649
program apply to the pork marketing program. For purposes of 34650
that application, references in those sections to "grain" are 34651
deemed to be replaced with references to "pork." 34652

(C) Not later than one hundred twenty days after the 34653
national pork checkoff program is no longer in operation, the 34654
Ohio pork council, or its successor, shall do both of the 34655

following:

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(1) Accept the names of persons as nominees to serve on a
pork marketing program operating committee. In accepting
nominations and placing names on the ballot, the Ohio pork
council, or its successor, shall follow the procedures
established in rules.

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(2) Hold an election to determine the membership of the
operating committee. In the election, eligible producers may
cast votes in person or mail ballots to polling places
designated by the director of agriculture. The Ohio pork
council, or its successor, shall establish a three-day period
during which eligible producers may vote in person during normal
business hours at the designated polling places. The director or
another appropriate person shall send a ballot by ordinary
first-class mail to an eligible producer who requests a ballot.
An eligible producer shall make such a request by calling a
toll-free telephone number designated by the director, by
contacting one of the designated polling places, or by any
additional method that the director may provide. A ballot
returned by mail is not valid if it is postmarked later than the
third day of the election period established by the Ohio pork
council or its successor.

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For the purposes of an election of members of the pork
marketing program operating committee, the director shall cause
a ballot request form to be published at least thirty days
before the beginning of the election period in at least two
appropriate periodicals designated by the director and shall
make the form available for reproduction to any interested group
or association.

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(D) The pork marketing program operating committee

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consists of the following twelve members: 34686

(1) The director of agriculture, who shall be an ex- 34687
officio, non-voting member, or the director's designee; 34688

(2) The executive vice-president of the Ohio pork council 34689
or its successor; 34690

(3) Four members appointed by the director of agriculture 34691
who are pork producers. When making such appointments, the 34692
director shall give consideration to Ohio pork producers who are 34693
representatives on the national pork board; 34694

(4) Six members elected in accordance with section 924.22 34695
of the Revised Code, except that the elections shall occur by 34696
district, with one member elected from each district. The 34697
districts are as follows: 34698

(a) District one: Allen, Defiance, Fulton, Henry, 34699
Paulding, Putnam, Van Wert, and Williams counties; 34700

(b) District two: Crawford, Erie, Hancock, Huron, Lucas, 34701
Marion, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot 34702
counties; 34703

(c) District three: Auglaize, Mercer, Hardin, Logan, and 34704
Shelby counties; 34705

(d) District four: Ashland, Ashtabula, Carroll, 34706
Columbiana, Coshocton, Cuyahoga, Delaware, Geauga, Harrison, 34707
Holmes, Jefferson, Knox, Lake, Licking, Lorain, Mahoning, 34708
Medina, Morrow, Portage, Stark, Summit, Tuscarawas, Trumbull, 34709
Union, and Wayne counties; 34710

(e) District five: Butler, Darke, Hamilton, Miami, 34711
Montgomery, and Preble counties; 34712

(f) District six: Adams, Athens, Belmont, Brown, 34713
Champaign, Clark, Clermont, Clinton, Fairfield, Fayette, 34714
Franklin, Gallia, Greene, Guernsey, Highland, Hocking, Jackson, 34715
Lawrence, Madison, Meigs, Monroe, Morgan, Muskingum, Noble, 34716
Perry, Pickaway, Pike, Ross, Scioto, Vinton, Warren, and 34717
Washington counties. 34718

Except for the director, or the director's designee, all 34719
members of the pork marketing program operating committee are 34720
voting members. 34721

(E) Following the election of the initial members of the 34722
operating committee, all future elections for the pork marketing 34723
program shall occur in accordance with the pork marketing 34724
program's by-laws drafted and adopted by the pork marketing 34725
program operating committee. Such by-laws shall be adopted by 34726
the operating committee within one year after the creation of 34727
the pork marketing program. 34728

(F) (1) With regard to the levying of assessments under 34729
section 924.26 of the Revised Code, the assessment on pork shall 34730
be the lesser of the following: 34731

(a) Twenty-five one hundredths of one per cent of the 34732
market value of the porcine animal, pork, or pork product sold 34733
or imported; 34734

(b) An amount established by the operating committee at 34735
the initial meeting of the operating committee through an 34736
initial order. The operating committee may increase the rate of 34737
an assessment after the initial order by not more than one-tenth 34738
of one per cent per year. 34739

(3) If assessments are levied under the national pork 34740
checkoff program created by the "Pork Promotion, Research, and 34741

Consumer Information Act of 1985," 7 U.S.C. 4801 et seq., no 34742
assessments shall be levied for purposes of the pork marketing 34743
program established under this section. 34744

(4) The operating committee may determine if a refund of 34745
an assessment is permitted. 34746

Sec. 924.30. (A) No person shall knowingly fail or refuse 34747
to withhold or remit an assessment levied under section 924.212 34748
or 924.26 of the Revised Code. 34749

(B) Before instituting an enforcement action for a 34750
violation of this section, the director of agriculture shall 34751
give the alleged violator an opportunity to present the alleged 34752
violator's views to the director as to why the action should not 34753
be instituted. 34754

Sec. 924.51. (A) There is hereby created the Ohio grape 34755
industries committee consisting of ~~nine~~ten members. The members 34756
shall be the director of agriculture or the director's designee, 34757
who shall chair the committee, the superintendent of liquor 34758
control or the superintendent's designee, ~~the chief of the~~ 34759
~~division of markets of the department of agriculture,~~ the 34760
viticulture extension specialist of the Ohio agricultural 34761
research and development center, who shall be a nonvoting 34762
member, and ~~five~~seven members who shall be residents of this 34763
state and appointed by the director of agriculture in accordance 34764
with division (B) of this section. At no time shall the director 34765
appoint more than ~~five~~seven members to the committee. 34766

(B) Of the ~~five~~seven members of the committee appointed 34767
by the director of agriculture, not less than ~~two~~three, but not 34768
more than ~~three~~four shall be persons who receive income from 34769
the production of grapes or grape products. Not less than 34770

~~two~~three, but not more than ~~three~~four members shall be persons 34771
who receive income from the production of wine from raw grape or 34772
fruit products in either raw fruit or fresh juice form. The 34773
terms for each appointed member of the committee shall be for 34774
three years, commencing on the first day of January and ending 34775
on the thirty-first day of December. No appointed member shall 34776
serve more than two consecutive terms. The director may remove 34777
any appointed member for cause. 34778

(C) Members shall be appointed to fill vacancies caused by 34779
death, resignation, or removal in the same manner prescribed for 34780
regular appointment to the committee. Any member appointed to 34781
fill a vacancy occurring prior to the expiration of the term for 34782
which the member's predecessor was appointed shall hold office 34783
for the remainder of the term. Any member shall continue in 34784
office subsequent to the expiration date of that member's term 34785
until that member's successor takes office, or until a period of 34786
one hundred eighty days has elapsed, whichever occurs first. 34787

(D) All members of the committee are entitled to their 34788
actual and necessary expenses incurred in the performance of 34789
their duties as members, payable from moneys received from the 34790
Ohio grape industries fund created under section 924.54 of the 34791
Revised Code. 34792

(E) A majority of the committee constitutes a quorum. 34793

Sec. 927.53. (A) Each collector or dealer who sells, 34794
offers, or exposes for sale, or distributes nursery stock within 34795
this state, or ships nursery stock to other states, shall pay an 34796
annual license fee of one hundred twenty-five dollars to the 34797
director of agriculture for each place of business the collector 34798
or dealer operates. 34799

(B) (1) Each dealer shall furnish the director, annually, 34800
an affidavit that the dealer will buy and sell only nursery 34801
stock which has been inspected and certified by an official 34802
state or federal inspector. 34803

(2) Each dealer's license expires on the thirty-first day 34804
of December of each year. Each licensed dealer shall apply for 34805
renewal of the dealer's license prior to the first day of 34806
January of each year and in accordance with the standard renewal 34807
procedure of sections 4745.01 to 4745.03 of the Revised Code. 34808

(C) Each licensed nurseryperson shall post conspicuously 34809
in the nurseryperson's principal place of business, the 34810
certificate which is issued to the nurseryperson in accordance 34811
with section 927.61 of the Revised Code. 34812

(D) Each licensed nurseryperson, or dealer, shall post 34813
conspicuously in each place of business, each certificate or 34814
license which is issued to the nurseryperson or dealer in 34815
compliance with this section or section 927.61 of the Revised 34816
Code. 34817

(E) (1) Each nurseryperson who produces, sells, offers for 34818
sale, or distributes woody nursery stock within the state, or 34819
ships woody nursery stock to other states, shall pay to the 34820
director an annual inspection fee of ~~one~~two hundred dollars 34821
plus ~~eleven~~fifteen dollars per acre, or fraction thereof, of 34822
growing nursery stock in intensive production areas and ~~seven~~ 34823
ten dollars per acre, or fraction thereof, of growing nursery 34824
stock in nonintensive production areas, as applicable. 34825

(2) Each nurseryperson who limits production and sales of 34826
nursery stock to brambles, herbaceous, perennial, and other 34827
nonwoody plants, shall pay to the director an inspection fee of 34828

one hundred dollars, plus eleven dollars per acre, or fraction thereof, of growing nursery stock in intensive and nonintensive production areas. 34829
34830
34831

(F) The fees collected under this section shall be 34832
credited to the plant pest program fund created in section 34833
927.54 of the Revised Code. 34834

Sec. 928.02. (A) (1) The director of agriculture ~~shall~~ may 34835
establish a program to monitor and regulate hemp cultivation and 34836
shall establish a program to monitor and regulate hemp 34837
processing in this state. ~~Under the~~ 34838

(2) If the director establishes a program to monitor and 34839
regulate hemp cultivation in this state and subsequently intends 34840
to transfer authority to the United States department of 34841
agriculture to monitor and regulate hemp cultivation in this 34842
state, the director shall take whatever actions necessary to 34843
effectuate such transfer. 34844

(3) If the director implements a program to monitor and 34845
regulate hemp cultivation under division (A) (1) of this section, 34846
the director shall issue hemp cultivation licenses ~~and hemp~~ 34847
~~processing licenses~~ in accordance with rules adopted under 34848
section 928.03 of the Revised Code. 34849

~~(2) As~~ (4) If the director implements a program to monitor 34850
and regulate hemp cultivation under division (A) (1) of this 34851
section and as authorized by the director, the department of 34852
agriculture or a university may cultivate ~~or process~~ hemp 34853
without a hemp cultivation license ~~or hemp processing license~~ 34854
for research purposes. 34855

(5) As authorized by the director, the department of 34856
agriculture or a university may process hemp without a hemp 34857

processing license for research purposes. 34858

(B) ~~Except~~ If the director implements a program to monitor 34859
and regulate hemp cultivation under division (A) (1) of this 34860
section and except as authorized under division ~~(A) (2)~~ (A) (4) or 34861
(E) of this section, any person that wishes to cultivate hemp 34862
shall apply for and obtain a hemp cultivation license from the 34863
director in accordance with rules adopted under section 928.03 34864
of the Revised Code. ~~Except as authorized under division (A) (2)~~ 34865
(A) (5) or (E) of this section, any person that wishes to process 34866
hemp shall apply for and obtain a hemp processing license from 34867
the director in accordance with those rules. Such licenses are 34868
valid for three years unless earlier suspended or revoked by the 34869
director. 34870

(C) The department, a university, or any person may, 34871
without a hemp cultivation license or hemp processing license, 34872
possess, buy, or sell hemp or a hemp product. 34873

(D) Notwithstanding any other provision of the Revised 34874
Code to the contrary, the addition of hemp or a hemp product to 34875
any other product does not adulterate that other product. 34876

(E) ~~The~~ If the director implements a program to monitor 34877
and regulate hemp cultivation under division (A) (1) of this 34878
section, the director shall issue a hemp cultivation license ~~or~~ 34879
~~hemp processing license~~ in accordance with Chapter 4796. of the 34880
Revised Code to an individual if either of the following 34881
applies: 34882

(1) The individual holds the applicable license in another 34883
state. 34884

(2) The individual has satisfactory work experience, a 34885
government certification, or a private certification as 34886

described in that chapter as a hemp cultivator ~~or hemp processor~~ 34887
in a state that does not issue the applicable license. 34888

(F) The director shall issue a hemp processing license in 34889
accordance with Chapter 4796. of the Revised Code to an 34890
individual if either of the following applies: 34891

(1) The individual holds the applicable license in another 34892
state. 34893

(2) The individual has satisfactory work experience, a 34894
government certification, or a private certification as 34895
described in that chapter as a hemp processor in a state that 34896
does not issue the applicable license. 34897

Sec. 928.03. The director of agriculture, in consultation 34898
with the governor and attorney general, shall adopt rules in 34899
accordance with Chapter 119. of the Revised Code establishing 34900
standards and procedures for the regulation of hemp processing. 34901
The director also shall adopt such rules, in consultation with 34902
the governor and attorney general, regarding hemp cultivation 34903
and processing if the director implements a program to monitor 34904
and regulate hemp cultivation under division (A) (1) of section 34905
928.02 of the Revised Code. The rules shall include all of the 34906
following: 34907

(A) The form of an application for a hemp cultivation 34908
license and hemp processing license and the information required 34909
to be included in each license application; 34910

(B) The amount of an initial application fee that an 34911
applicant shall submit along with an application for a hemp 34912
cultivation license or a hemp processing license, and the amount 34913
of an annual license fee that a licensee shall submit for a hemp 34914
cultivation license or a hemp processing license. In adopting 34915

rules under division (B) of this section, the director shall 34916
ensure both of the following: 34917

(1) That the amount of the application fee and annual 34918
license fee does not exceed an amount sufficient to cover the 34919
costs incurred by the department of agriculture to administer 34920
and enforce this chapter; 34921

(2) That there is one uniform application fee and one 34922
uniform annual license fee that applies to all applicants for a 34923
hemp cultivation license. 34924

(C) Requirements and procedures concerning background 34925
investigations of each applicant for a hemp cultivation license 34926
and each applicant for a hemp processing license. The director 34927
shall include both of the following in the rules adopted under 34928
this division: 34929

(1) A requirement that each applicant comply with sections 34930
4776.01 to 4776.04 of the Revised Code; 34931

(2) Provisions that prohibit the director from issuing a 34932
hemp cultivation license or hemp processing license to an 34933
applicant that has not complied with those sections. 34934

(D) Requirements regarding the experience, equipment, 34935
facilities, or land necessary to obtain a hemp cultivation 34936
license; 34937

(E) Requirements and procedures regarding standards of 34938
financial responsibility for each applicant for a hemp 34939
processing license. 34940

(F) Procedures and requirements for the issuance, renewal, 34941
denial, suspension, and revocation of a hemp cultivation license 34942
and hemp processing license, including providing for a hearing 34943

under Chapter 119. of the Revised Code with regard to such a 34944
denial, suspension, or revocation; 34945

(G) Grounds for the denial, suspension, and revocation of 34946
a hemp cultivation license and of a hemp processing license, 34947
including a requirement that the director revoke a hemp 34948
cultivation license or hemp processing license, for a period of 34949
ten years, of any person who pleads guilty to or is convicted of 34950
a felony relating to a controlled substance; 34951

(H) A requirement that the director shall not issue a hemp 34952
cultivation license or hemp processing license to any person who 34953
has pleaded guilty to or been convicted of a felony relating to 34954
a controlled substance in the ten years immediately prior to the 34955
submission of the application for a license; 34956

(I) A requirement that any person that materially 34957
falsifies information in an application for a hemp cultivation 34958
license or hemp processing license is ineligible to receive 34959
either license; 34960

(J) A practice for maintaining relevant information 34961
regarding land on which hemp is cultivated by hemp cultivation 34962
licensees, including a legal description of the land, in 34963
accordance with applicable federal law; 34964

(K) Requirements prohibiting a hemp cultivation licensee 34965
and a hemp processing licensee from cultivating or processing 34966
marihuana; 34967

(L) A procedure for testing, using post-decarboxylation or 34968
other similarly reliable methods, delta-9 tetrahydrocannabinol 34969
concentration levels of plants and products for purposes of 34970
determining compliance with this chapter and rules adopted under 34971
it; 34972

(M) Requirements and procedures for the issuance, 34973
administration, and enforcement of corrective action plans 34974
issued under this chapter; 34975

(N) A procedure for conducting annual inspections of, at a 34976
minimum, a random sample of hemp cultivation license holders to 34977
verify that plants are not being cultivated in violation of this 34978
chapter or rules adopted under it; 34979

(O) A procedure for conducting annual inspections of, at a 34980
minimum, a random sample of hemp processing license holders to 34981
verify that such license holders are not operating in violation 34982
of this chapter or rules adopted under it; 34983

(P) A procedure for complying with enforcement procedures 34984
required under federal law; 34985

(Q) A procedure for the effective disposal of all of the 34986
following: 34987

(1) Plants, whether growing or not, cultivated in 34988
violation of this chapter or rules adopted under it; 34989

(2) Products derived from plants cultivated in violation 34990
of this chapter or rules adopted under it; 34991

(3) Products produced in violation of this chapter or 34992
rules adopted under it. 34993

(R) Requirements and procedures governing the production, 34994
storage, and disposal of hemp byproducts. 34995

For the purposes of this chapter and notwithstanding any 34996
provision of law to the contrary, "hemp product" includes a 34997
byproduct, produced as a result of processing hemp, that 34998
contains a delta-9 tetrahydrocannabinol concentration of more 34999
than three-tenths per cent, provided that the byproduct is 35000

produced, stored, and disposed of in accordance with rules	35001
adopted under division (R) of this section.	35002
(S) Procedures for sharing information regarding hemp	35003
cultivation license holders with the secretary of the USDA;	35004
(T) A setback distance requirement that specifies the	35005
distance that a hemp cultivation license holder shall locate	35006
hemp plants from a location where medical marijuana is being	35007
cultivated. The requirement does not apply to a hemp cultivation	35008
license holder with regard to a medical marijuana cultivator	35009
that locates medical marijuana within the established setback	35010
distance requirement after the hemp cultivation license holder	35011
begins operation.	35012
(U) Annual reporting requirements and procedures for hemp	35013
cultivation license holders and hemp processing license holders;	35014
(V) Recordkeeping and documentation maintenance	35015
requirements and procedures for hemp cultivation license holders	35016
and hemp processing license holders;	35017
(W) Fees for the laboratory testing of plants and	35018
products;	35019
(X) Standards for the testing and labeling of hemp and	35020
hemp products;	35021
(Y) Requirements prohibiting the processing of hemp in a	35022
building used as a personal residence or on land that is zoned	35023
for residential use;	35024
(Z) Production standards and manufacturing practices for	35025
processing hemp;	35026
(AA) Procedures and requirements for the transportation	35027
and storage of both hemp and hemp products;	35028

(BB) Any other requirements or procedures necessary to 35029
administer and enforce this chapter. 35030

Sec. 928.04. (A) Except as authorized under division ~~(A)~~ 35031
~~(2)~~ (A) (4) or (5) of section 928.02 of the Revised Code, no 35032
person shall cultivate hemp without a hemp cultivation license 35033
issued by the director of agriculture under this chapter, if the 35034
director implements a program to monitor and regulate hemp 35035
cultivation under division (A) (1) of section 928.02 of the 35036
Revised Code, or process hemp without a hemp processing license 35037
issued by the director of agriculture under this chapter. 35038

(B) No person who holds a hemp cultivation license or hemp 35039
processing license issued by the director under this chapter 35040
shall violate this chapter or rules adopted under it. 35041

(C) No person subject to a corrective action plan issued 35042
by the director of agriculture under section 928.05 of the 35043
Revised Code shall fail to comply with the plan. 35044

(D) No person shall transport hemp or a hemp product in 35045
violation of rules adopted under section 928.03 of the Revised 35046
Code. 35047

Sec. 935.06. (A) Not later than ninety days after receipt 35048
of an application under section 935.05 of the Revised Code, the 35049
director of agriculture shall issue or deny a wildlife shelter 35050
permit. The director shall issue a permit to an applicant only 35051
if all of the following apply: 35052

(1) The applicant is eighteen years of age or older. 35053

(2) The applicant has registered the dangerous wild animal 35054
or animals that are the subject of the application under section 35055
935.04 of the Revised Code. 35056

(3) The applicant is in compliance with the standards of 35057
care established in rules adopted under division (A) (2) of 35058
section 935.17 of the Revised Code. 35059

(4) The applicant has sterilized each male dangerous wild 35060
animal that is possessed by the applicant. However, a dangerous 35061
wild animal is not required to be sterilized if a veterinarian 35062
that is qualified to provide veterinary care to the dangerous 35063
wild animal determines that the sterilization is medically 35064
contraindicated and the applicant has submitted a copy of the 35065
veterinarian's written determination with the applicant's 35066
application. 35067

(5) The applicant has signed an affidavit attesting that 35068
the applicant will not allow members of the public to be in 35069
physical contact with a dangerous wild animal possessed by the 35070
applicant. Division (A) (5) of this section does not apply to an 35071
employee of the applicant or a volunteer who has entered into a 35072
written agreement with the applicant to work for or volunteer 35073
for the applicant and assists in the care of a dangerous wild 35074
animal or animals specified in division (C) (20) of section 35075
935.01 of the Revised Code possessed by the applicant if the 35076
care is provided under the direction of the applicant. 35077

(6) The applicant has not been convicted of or pleaded 35078
guilty to a a disqualifying offense as determined in accordance 35079
with section 9.79 of the Revised Code and a criminal records 35080
check performed in accordance with division (B) of this section. 35081

(7) The facility at which a dangerous wild animal or 35082
dangerous wild animals will be maintained under the permit 35083
consists of at least one acre. Division (A) (7) of this section 35084
does not apply to either of the following: 35085

(a) Dangerous wild animals specified in division (C) (20) 35086
of section 935.01 of the Revised Code; 35087

(b) An applicant to whom the director issues a written 35088
waiver stating that the acreage requirement does not apply to 35089
the applicant. 35090

(8) The applicant has signed an affidavit attesting that 35091
the facility at which a dangerous wild animal or dangerous wild 35092
animals will be maintained under the permit and the conditions 35093
in which each dangerous wild animal will be kept in that 35094
facility are in compliance with this chapter and rules. 35095

(9) The applicant has submitted a complete application 35096
that meets the requirements established in section 935.05 of the 35097
Revised Code. 35098

(10) The applicant has submitted the applicable fee under 35099
section 935.05 of the Revised Code. 35100

If a permit is issued, the director shall assign a unique 35101
identification number to the permit. 35102

(B) Prior to issuing or denying a wildlife shelter permit, 35103
the director shall submit a request to the bureau of criminal 35104
identification and investigation in the office of the attorney 35105
general for a criminal records check of the applicant for the 35106
permit. Upon receipt of a request, the superintendent of the 35107
bureau shall conduct a criminal records check in the manner 35108
described in division (B) of section 109.572 of the Revised Code 35109
to determine whether any information exists that indicates that 35110
the applicant previously has been convicted of or pleaded guilty 35111
to any of the following: 35112

(1) A felony drug abuse offense; 35113

(2) An offense of violence that is a felony; 35114

(3) A violation of section 959.13 or 959.131 of the 35115
Revised Code or of section 2927.21 of the Revised Code as that 35116
section existed prior to its repeal by S.B. 310 of the 129th 35117
general assembly. 35118

The applicant is responsible for paying all costs 35119
associated with the criminal records check. 35120

(C) If a permit application is denied, two hundred fifty 35121
dollars of the permit application fee shall be retained by the 35122
director as payment for the reasonable expense of processing the 35123
application, and the remainder of the fee shall be returned to 35124
the applicant. 35125

(D) Not later than the first day of December of each year, 35126
a permit holder shall apply to the director, on a form 35127
prescribed and provided by the director, for a renewal of the 35128
permit if the permit holder intends to retain possession of the 35129
dangerous wild animal or animals that are identified in the 35130
permit. Not later than thirty days after receipt of an 35131
application for renewal, the director shall renew or deny the 35132
renewal of the permit. The director shall renew the permit if 35133
the permit holder complies with this chapter and rules and pays 35134
a renewal fee in the same amount as the fee established for the 35135
initial permit in section 935.05 of the Revised Code. If a 35136
renewal permit is denied, two hundred fifty dollars of the 35137
renewal fee shall be retained by the director as payment for the 35138
reasonable expense of processing the application, and the 35139
remainder of the renewal fee shall be returned to the applicant. 35140

(E) If the director denies an application for a permit or 35141
a renewal of a permit, the director shall notify the person of 35142

the denial, the grounds for the denial, and the person's right 35143
to an adjudication under Chapter 119. of the Revised Code. 35144

(F) If a person does not appeal the determination of the 35145
director to deny an application for a permit or a renewal of a 35146
permit or if the determination of the director is affirmed under 35147
Chapter 119. of the Revised Code, not later than thirty days 35148
after the decision not to appeal or after the determination is 35149
affirmed, as applicable, the person shall transfer the dangerous 35150
wild animal or animals that the person possesses to a humane 35151
society, wildlife sanctuary, rescue facility, facility that is 35152
an accredited member of either the association of zoos and 35153
aquariums or the zoological association of America, or facility 35154
that is located in another state and that complies with that 35155
state's applicable laws. After the transfer has occurred, the 35156
person shall submit proof to the director that the dangerous 35157
wild animal or animals were transferred and shall specify the 35158
society, sanctuary, or facility to which the animal or animals 35159
were transferred. 35160

The person is responsible for all costs associated with 35161
the transfer of the dangerous wild animal or animals. 35162

(G) If a person that has been issued a wildlife shelter 35163
permit under this section or a wildlife propagation permit under 35164
section 935.07 of the Revised Code dies, the person's next of 35165
kin shall do one of the following: 35166

(1) If the next of kin wishes to possess the dangerous 35167
wild animal or animals, obtain a wildlife shelter permit under 35168
this section or a wildlife propagation permit under section 35169
935.07 of the Revised Code, as applicable. That next of kin 35170
shall comply with this chapter and rules, except that, with 35171
respect to the next of kin's initial permit, the person need not 35172

pay the applicable permit application fee. 35173

(2) If the deceased person has a last will and testament 35174
that specifies that the dangerous wild animal or animals 35175
possessed by the person are to be transferred to another person 35176
that has been issued a wildlife shelter permit, wildlife 35177
propagation permit, or rescue facility permit issued under this 35178
chapter, transfer the dangerous wild animal or animals to the 35179
applicable permit holder; 35180

(3) Transfer the dangerous wild animal or animals that 35181
were possessed by the deceased person in accordance with 35182
division (F) of this section. 35183

(H) All fees collected under this section shall be 35184
credited to the ~~dangerous and restricted animal~~ and consumer 35185
protection fund created in section ~~935.25~~ 943.26 of the Revised 35186
Code. 35187

Sec. 935.07. (A) A person that possesses a registered 35188
dangerous wild animal in this state on October 1, 2013, that 35189
wishes to continue to possess the dangerous wild animal on and 35190
after January 1, 2014, and that intends to propagate the animal 35191
solely for the purposes of a species survival program that 35192
complies with rules shall apply for a wildlife propagation 35193
permit under this section. An applicant need apply for only one 35194
permit regardless of the number of dangerous wild animals that 35195
the applicant possesses. 35196

(B) Except as otherwise provided in this section, an 35197
applicant for a wildlife propagation permit shall comply with 35198
the requirements and procedures established in sections 935.05 35199
and 935.06 of the Revised Code. The application fee for a 35200
wildlife propagation permit shall be one of the following, as 35201

applicable: 35202

(1) One thousand dollars if the applicant possesses not 35203
more than fifty dangerous wild animals; 35204

(2) Three thousand dollars if the applicant possesses more 35205
than fifty dangerous wild animals. 35206

(C) The facility at which a dangerous wild animal or 35207
dangerous wild animals will be maintained under a wildlife 35208
propagation permit shall consist of at least two acres. Division 35209
(C) of this section does not apply to either of the following: 35210

(1) Dangerous wild animals specified in division (C) (20) 35211
of section 935.01 of the Revised Code; 35212

(2) An applicant to whom the director of agriculture 35213
issues a written waiver stating that the acreage requirement 35214
does not apply to the applicant. 35215

(D) All fees collected under this section shall be 35216
credited to the ~~dangerous and restricted animal~~ and consumer 35217
protection fund created in section ~~935.25~~ 943.26 of the Revised 35218
Code. 35219

(E) Division (A) (4) of section 935.06 of the Revised Code 35220
does not apply to an applicant for a wildlife propagation 35221
permit. 35222

Sec. 935.09. (A) Not later than ninety days after receipt 35223
of an application under section 935.08 of the Revised Code, the 35224
director of agriculture shall issue or deny a restricted snake 35225
possession permit. The director shall issue a permit to an 35226
applicant only if all of the following apply: 35227

(1) The applicant is eighteen years of age or older. 35228

(2) The applicant has signed an affidavit attesting that 35229
the applicant will not allow members of the public to be in 35230
physical contact with a restricted snake possessed by the 35231
applicant. Division (A) (2) of this section does not apply to 35232
either of the following: 35233

(a) An applicant that displays a restricted snake or 35234
snakes specified in division (L) (1) of section 935.01 of the 35235
Revised Code to a primary or secondary school age student; 35236

(b) An employee of the applicant or a volunteer who has 35237
entered into a written agreement with the applicant to work for 35238
or volunteer for the applicant and assists in the care of a 35239
restricted snake or snakes possessed by the applicant if the 35240
care is provided under the direction of the applicant. 35241

(3) The applicant has not been convicted of or pleaded 35242
guilty to a felony drug abuse offense, an offense of violence 35243
that is a felony, or a violation of section 959.13 or 959.131 of 35244
the Revised Code or of section 2927.21 of the Revised Code as 35245
that section existed prior to its repeal by S.B. 310 of the 35246
129th general assembly, as determined by a criminal records 35247
check performed in accordance with division (B) of this section. 35248

(4) The applicant has signed an affidavit attesting that 35249
the facility at which a restricted snake or snakes will be 35250
maintained under the permit and the conditions in which each 35251
restricted snake will be kept in that facility are in compliance 35252
with this chapter and rules. 35253

(5) The applicant has submitted a complete application 35254
that meets the requirements established in section 935.08 of the 35255
Revised Code. 35256

(6) The applicant has submitted the application fee 35257

established in section 935.08 of the Revised Code. 35258

If a permit is issued, the director shall assign a unique 35259
identification number to the permit. 35260

(B) Prior to issuing or denying a restricted snake 35261
possession permit, the director shall submit a request to the 35262
bureau of criminal identification and investigation in the 35263
office of the attorney general for a criminal records check of 35264
the applicant for the permit. Upon receipt of a request, the 35265
superintendent of the bureau shall conduct a criminal records 35266
check in the manner described in division (B) of section 109.572 35267
of the Revised Code to determine whether any information exists 35268
that indicates that the applicant previously has been convicted 35269
of or pleaded guilty to any of the following: 35270

(1) A felony drug abuse offense; 35271

(2) An offense of violence that is a felony; 35272

(3) A violation of section 959.13 or 959.131 of the 35273
Revised Code or of section 2927.21 of the Revised Code as that 35274
section existed prior to its repeal by S.B. 310 of the 129th 35275
general assembly. 35276

The applicant is responsible for paying all costs 35277
associated with the criminal records check. 35278

(C) If a permit application is denied, seventy-five 35279
dollars of the permit application fee shall be retained by the 35280
director as payment for the reasonable expense of processing the 35281
application, and the remainder of the fee shall be returned to 35282
the applicant. 35283

(D) Not later than the first day of December of each year, 35284
a permit holder shall apply to the director, on a form 35285

prescribed and provided by the director, for a renewal of the 35286
permit if the permit holder intends to retain possession of the 35287
restricted snake or snakes that are identified in the permit. 35288
Not later than thirty days after receipt of an application for 35289
renewal, the director shall renew or deny the renewal of the 35290
permit. The director shall renew the permit if the permit holder 35291
complies with this chapter and rules and pays a renewal fee in 35292
the same amount as the fee established for the initial permit in 35293
section 935.08 of the Revised Code. If a renewal permit is 35294
denied, seventy-five dollars of the renewal fee shall be 35295
retained by the director as payment for the reasonable expense 35296
of processing the application, and the remainder of the renewal 35297
fee shall be returned to the applicant. 35298

(E) If the director denies an application for a permit or 35299
a renewal of a permit, the director shall notify the person of 35300
the denial, the grounds for the denial, and the person's right 35301
to an adjudication under Chapter 119. of the Revised Code. 35302

(F) If a person does not appeal the determination of the 35303
director to deny an application for a permit or a renewal of a 35304
permit or if the determination of the director is affirmed under 35305
Chapter 119. of the Revised Code, not later than thirty days 35306
after the decision not to appeal or after the determination is 35307
affirmed, as applicable, the person shall transfer the 35308
restricted snake or snakes that the person possesses to a humane 35309
society, wildlife sanctuary, facility that is an accredited 35310
member of either the association of zoos and aquariums or the 35311
zoological association of America, or facility that is located 35312
in another state and that complies with that state's applicable 35313
laws. After the transfer has occurred, the person shall submit 35314
proof to the director that the restricted snake or snakes were 35315
transferred and shall specify the society, sanctuary, or 35316

facility to which the snake or snakes were transferred. 35317

The person is responsible for all costs associated with 35318
the transfer of the restricted snake or snakes. 35319

(G) If a person that has been issued a restricted snake 35320
possession permit under this section or a restricted snake 35321
propagation permit under section 935.10 of the Revised Code 35322
dies, the person's next of kin shall do one of the following: 35323

(1) If the next of kin wishes to possess the restricted 35324
snake or snakes, obtain a restricted snake possession permit 35325
under this section or a restricted snake propagation permit 35326
under section 935.10 of the Revised Code, as applicable. That 35327
next of kin shall comply with this chapter and rules, except 35328
that, with respect to the next of kin's initial permit, the 35329
person need not pay the applicable permit application fee. 35330

(2) If the deceased person has a last will and testament 35331
that specifies that the restricted snake or snakes possessed by 35332
the person are to be transferred to another person that has been 35333
issued a restricted snake possession permit under this section 35334
or a restricted snake propagation permit issued under section 35335
935.10 of the Revised Code, transfer the restricted snake or 35336
snakes to the applicable permit holder; 35337

(3) Transfer the restricted snake or snakes that were 35338
possessed by the deceased person in accordance with division (F) 35339
of this section. 35340

(H) All fees collected under this section shall be 35341
credited to the ~~dangerous and restricted animal~~ and consumer 35342
protection fund created in section ~~935.25~~ 943.26 of the Revised 35343
Code. 35344

Sec. 935.10. (A) (1) A person that possesses a restricted 35345

snake in this state prior to January 1, 2014, that wishes to 35346
continue to possess the restricted snake on and after that date, 35347
and that intends to propagate, sell, trade, or otherwise 35348
transfer the snake shall obtain a restricted snake propagation 35349
permit under this section not later than January 1, 2014. 35350

(2) A person that acquires a restricted snake in this 35351
state on or after January 1, 2014, and that intends to 35352
propagate, sell, trade, or otherwise transfer the snake shall 35353
obtain a restricted snake propagation permit under this section 35354
not later than one hundred twenty days after acquiring the 35355
snake. 35356

(3) An applicant need apply for only one permit regardless 35357
of the number of restricted snakes that the applicant possesses. 35358

(B) Except as otherwise provided in this section, an 35359
applicant for a restricted snake propagation permit shall comply 35360
with the requirements and procedures established in sections 35361
935.08 and 935.09 of the Revised Code. The application fee for a 35362
restricted snake propagation permit shall be three hundred 35363
dollars. 35364

(C) If a permit application is denied, one hundred fifty 35365
dollars of the permit application fee shall be retained by the 35366
director of agriculture as payment for the reasonable expense of 35367
processing the application, and the remainder of the fee shall 35368
be returned to the applicant. 35369

(D) All fees collected under this section shall be 35370
credited to the ~~dangerous and restricted animal~~ and consumer 35371
protection fund created in section ~~935.25~~ 943.26 of the Revised 35372
Code. 35373

Sec. 935.16. (A) If a dangerous wild animal or restricted 35374

snake escapes, the person that possesses the animal or snake 35375
immediately shall notify both of the following: 35376

(1) The sheriff of the county and the chief law 35377
enforcement officer of the township or municipal corporation 35378
where the escape occurred; 35379

(2) The division of animal health in the department of 35380
agriculture by means of the twenty-four-hour telephone number 35381
that is maintained by the division. 35382

(B) (1) A law enforcement officer or natural resources law 35383
enforcement officer may destroy a dangerous wild animal or 35384
restricted snake that has escaped and that poses a threat to 35385
public safety. 35386

(2) A law enforcement officer or natural resources law 35387
enforcement officer that destroys an escaped dangerous wild 35388
animal or restricted snake pursuant to division (B) (1) of this 35389
section is not liable for damages in a civil action for any 35390
injury, death, or loss to person or property that allegedly 35391
arises from the destruction of the animal or snake. 35392

(C) The person that possesses a dangerous wild animal or 35393
restricted snake that escapes is responsible for all reasonable 35394
costs associated with the capture or destruction of the animal 35395
or snake. The person shall reimburse the political subdivision 35396
that employs the law enforcement officer who captured or 35397
destroyed the dangerous wild animal or restricted snake for the 35398
costs incurred in capturing or destroying the animal or snake. 35399
However, if the law enforcement officer is a state highway 35400
patrol trooper or if a natural resources law enforcement officer 35401
captured or destroyed the dangerous wild animal or restricted 35402
snake, the person shall reimburse the state highway patrol or 35403

department of natural resources, as applicable, for those costs. 35404

(D) (1) Except as provided in division (D) (2) of this 35405
section, money collected under division (C) of this section 35406
shall be credited to a special fund, which is hereby created in 35407
the applicable political subdivision. Money in the special fund 35408
shall be used exclusively for the administration and enforcement 35409
of this chapter and rules. 35410

(2) Money collected under division (C) of this section for 35411
costs incurred by a state highway patrol trooper or a natural 35412
resources law enforcement officer under this section shall be 35413
deposited in the state treasury to the credit of the ~~dangerous-~~ 35414
~~and restricted~~ animal and consumer protection fund created in 35415
section ~~935.25~~ 943.26 of the Revised Code. 35416

(3) If law enforcement officers from more than one 35417
jurisdiction assist in the capture or destruction of a dangerous 35418
wild animal or restricted snake, the money collected shall be 35419
proportionally distributed to each political subdivision's 35420
special fund and the dangerous and restricted animal fund, if 35421
applicable. 35422

Sec. 935.17. The director of agriculture shall adopt rules 35423
in accordance with Chapter 119. of the Revised Code that 35424
establish all of the following: 35425

(A) Both of the following concerning the registration of 35426
dangerous wild animals under section 935.04 of the Revised Code: 35427

(1) Any additional information that must be included with 35428
a registration; 35429

(2) Standards for the care and housing of registered 35430
dangerous wild animals, including standards for the proper care 35431
of each species of dangerous wild animal and caging and fencing 35432

of the animals. 35433

The director shall adopt rules under division (A) of this 35434
section not later than ninety days after ~~the effective date of~~ 35435
~~this section~~ September 5, 2012. 35436

(B) Standards for the care and well-being of dangerous 35437
wild animals specified in divisions (C) (1) to (19) of section 35438
935.01 of the Revised Code that are possessed by the holders of 35439
wildlife shelter permits and wildlife propagation permits issued 35440
under this chapter. The standards shall govern at least 35441
sanitation for, provision of health care for, and feeding, 35442
caging, housing, and fencing of dangerous wild animals. In 35443
adopting rules under this division, the director shall consider 35444
the following factors: 35445

(1) Best management practices for the care and well-being 35446
of dangerous wild animals; 35447

(2) Public health and safety; 35448

(3) Biosecurity; 35449

(4) The prevention of disease; 35450

(5) Animal morbidity and mortality data; 35451

(6) Generally accepted veterinary medical practices; 35452

(7) Standards adopted by the association of zoos and 35453
aquariums; 35454

(8) Standards adopted by the zoological association of 35455
America; 35456

(9) Standards established in the federal animal welfare 35457
act; 35458

(10) Ethical standards established by the American 35459

veterinary medical association; 35460

(11) Any other factors that the director considers 35461
necessary for the proper care and well-being of dangerous wild 35462
animals in this state. 35463

(C) Standards for the housing of dangerous wild animals 35464
specified in division (C) (20) of section 935.01 of the Revised 35465
Code that are possessed by the holders of wildlife shelter 35466
permits and wildlife propagation permits issued under this 35467
chapter; 35468

(D) All of the following concerning applications for 35469
permits issued under sections 935.06 and 935.07 of the Revised 35470
Code: 35471

(1) Any additional information that must be included with 35472
a permit application; 35473

(2) Criteria for determining what constitutes a species 35474
survival program for the purposes of division (A) of section 35475
935.07 of the Revised Code and requirements and procedures that 35476
are necessary to determine if a program meets those criteria; 35477

(3) The content of the examination specified in division 35478
(B) (6) of section 935.05 of the Revised Code. The rules shall 35479
require the examination to test an applicant's knowledge on 35480
topics that include proper diet, health care, exercise needs, 35481
and housing of the species of dangerous wild animal or animals 35482
that are the subject of the application. 35483

(4) Procedures and requirements concerning the 35484
administration of the examination specified in division (B) (6) 35485
of section 935.05 of the Revised Code. 35486

(E) All of the following concerning applications for 35487

permits issued under sections 935.09 and 935.10 of the Revised	35488
Code:	35489
(1) Any additional information that must be included with	35490
a permit application;	35491
(2) The content of the examination specified in division	35492
(B) (5) of section 935.08 of the Revised Code. The rules shall	35493
require the examination to test an applicant's knowledge on	35494
topics that include proper diet, health care, and housing of the	35495
species of restricted snake or snakes that are the subject of	35496
the application.	35497
(3) Procedures and requirements concerning the	35498
administration of the examination specified in division (B) (5)	35499
of section 935.08 of the Revised Code.	35500
(F) Both of the following concerning applications for	35501
permits issued under section 935.101 of the Revised Code:	35502
(1) Information that must be included in a permit	35503
application;	35504
(2) Criteria and procedures for the issuance or denial of	35505
a permit.	35506
(G) Standards for the care and well-being of dangerous	35507
wild animals that are possessed by the holders of permits issued	35508
under section 935.101 of the Revised Code. The standards shall	35509
govern at least sanitation for, provision of health care for,	35510
and feeding, caging, housing, and fencing of dangerous wild	35511
animals. In adopting the rules, the director may consider the	35512
standards of care and housing established in rules adopted under	35513
division (B) of this section and section 935.12 of the Revised	35514
Code.	35515

(H) Procedures and requirements governing the maintenance 35516
of records under section 935.15 of the Revised Code; 35517

(I) Standards for signs that are required to be posted and 35518
displayed in accordance with section 935.18 of the Revised Code; 35519

(J) The amount of civil penalties that may be assessed 35520
under section 935.24 of the Revised Code; 35521

~~(K) Procedures and requirements governing the distribution 35522
of money under division (B) (4) of section 935.25 of the Revised 35523
Code from the dangerous and restricted animal fund created in 35524
that section; 35525~~

~~(L) Any other provisions necessary to administer and 35526
enforce this chapter. 35527~~

Sec. 935.20. (A) On and after January 1, 2014, the 35528
director of agriculture immediately shall cause an investigation 35529
to be conducted if the director has reason to believe that one 35530
of the following may be occurring: 35531

(1) A dangerous wild animal is possessed by a person who 35532
has not been issued a wildlife shelter permit, wildlife 35533
propagation permit, or rescue facility permit under this 35534
chapter. 35535

(2) A restricted snake is possessed by a person that has 35536
not been issued a restricted snake possession permit or 35537
restricted snake propagation permit under this chapter. 35538

(3) A dangerous wild animal or restricted snake is being 35539
treated or kept in a manner that is in violation of this chapter 35540
or rules. 35541

For purposes of the investigation, the director or the 35542
director's designee may order the animal or snake that is the 35543

subject of the notification to be quarantined or may order the 35544
transfer of the animal or snake to a facility that is on the 35545
list maintained by the director under this section. If the 35546
director's designee orders the animal or snake to be quarantined 35547
or transferred, the designee shall provide a copy of the order 35548
to the director. 35549

(B) The director shall attempt to notify the person owning 35550
or possessing an animal or snake that has been ordered to be 35551
quarantined or transferred under division (A) of this section. 35552
The notice shall be delivered in person or by certified mail. 35553
The director also may post a copy of a quarantine order at two 35554
conspicuous locations on the premises where the animal or snake 35555
is quarantined. The director shall maintain a copy of an order 35556
issued under this section and evidence that the director 35557
attempted to notify the person owning or possessing the animal 35558
or snake. 35559

(C) A quarantine or transfer order issued under this 35560
section shall contain all of the following: 35561

(1) The name and address of the person owning or 35562
possessing the animal or snake, if known; 35563

(2) A description of the quarantined or transferred animal 35564
or snake; 35565

(3) A description of the premises affected by the 35566
quarantine or transfer; 35567

(4) The reason for the quarantine or transfer; 35568

(5) Any terms and conditions of the quarantine or 35569
transfer; 35570

(6) A notice that a person adversely affected by the order 35571

may request a hearing to review the order. 35572

(D) A person that is adversely affected by a quarantine or 35573
transfer order pertaining to a dangerous wild animal or 35574
restricted snake owned or possessed by the person, within thirty 35575
days after the order is issued, may request in writing an 35576
adjudication in accordance with Chapter 119. of the Revised 35577
Code. A request for an adjudication does not stay a quarantine 35578
or transfer order. 35579

(E) The owner of or person possessing a dangerous wild 35580
animal or restricted snake that was quarantined or transferred 35581
under division (A) of this section shall be responsible for all 35582
reasonable costs associated with the quarantine or transfer, 35583
including the costs of transportation, housing, food, and 35584
veterinary care for the animal or snake. If such an owner or 35585
person is unable to pay for the reasonable costs, the director 35586
shall certify the costs to the county auditor to be assessed 35587
against any property of the owner or person and thereby made a 35588
lien upon it and collected as other taxes. All money from the 35589
collection of liens under this division shall be credited in 35590
accordance with division (J) of this section. 35591

(F) If the state veterinarian determines that a dangerous 35592
wild animal or restricted snake that was quarantined or 35593
transferred under division (A) of this section is infected with 35594
or exposed to a dangerously contagious or infectious disease or 35595
is seriously injured, the state veterinarian shall so notify the 35596
director. The director may order the animal or snake to be 35597
humanely euthanized by a veterinarian if the state veterinarian 35598
has indicated that euthanization is medically necessary. 35599

(G) A quarantine or transfer order issued under this 35600
section shall remain in effect until one of the following 35601

occurs: 35602

(1) The director, after reviewing the results of the 35603
investigation conducted under division (A) of this section, 35604
issues a written notice of release. 35605

(2) A court of competent jurisdiction orders the 35606
quarantine or transfer order to be terminated in a proceeding 35607
conducted under division (H) of this section. 35608

(3) A court of competent jurisdiction orders the seizure 35609
of the dangerous wild animal or restricted snake in a proceeding 35610
conducted under division (H) of this section. 35611

(H) If, after reviewing the results of an investigation 35612
concerning a dangerous wild animal or restricted snake conducted 35613
under division (A) of this section and after resolution of any 35614
proceeding conducted under division (D) of this section, the 35615
director determines that a circumstance described in division 35616
(A) (1), (2), or (3) of this section is or was occurring, the 35617
director shall initiate, in a court of competent jurisdiction, a 35618
proceeding for the permanent seizure of the animal or snake, as 35619
applicable. If the court affirms the director's determination 35620
that a circumstance described in division (A) (1), (2), or (3) of 35621
this section is or was occurring, the court shall order the 35622
animal or snake seized and shall order the method of disposition 35623
of the animal or snake. The court may order the person owning or 35624
possessing the animal or snake to pay all reasonable costs 35625
associated with the seizure and, if applicable, the costs 35626
associated with the quarantine or transfer of the animal or 35627
snake, including the costs of transportation, housing, food, and 35628
veterinary care of the animal or snake. If the court does not 35629
affirm the director's determination, the court shall order the 35630
quarantine or transfer order to be terminated and the animal or 35631

snake to be returned to the person owning or possessing it, if 35632
applicable. 35633

(I) The director may authorize any of the following to 35634
conduct an investigation and order the quarantine or transfer of 35635
a dangerous wild animal or restricted snake under division (A) 35636
of this section: 35637

(1) Employees of the department of agriculture; 35638

(2) Natural resources law enforcement officers with the 35639
consent of the director of natural resources; 35640

(3) Employees of the department of health with the consent 35641
of the director of health; 35642

(4) Employees of a board of health with the consent of the 35643
board; 35644

(5) Humane society agents appointed under section 1717.06 35645
of the Revised Code with the consent of the humane society; 35646

(6) Law enforcement officers with the consent of the 35647
sheriff of the county or the chief law enforcement officer of 35648
the township or municipal corporation, as applicable, by whom 35649
the law enforcement officers are employed; 35650

(7) Law enforcement officers who are state highway patrol 35651
troopers with the consent of the superintendent of the state 35652
highway patrol. 35653

(J) Money collected for reimbursement of costs associated 35654
with the quarantine or transfer of dangerous wild animals and 35655
restricted snakes under this section shall be credited to one of 35656
the following funds, as applicable: 35657

(1) If the animal or snake was quarantined or transferred 35658

by an employee of the department of agriculture or the 35659
department of health, a natural resources law enforcement 35660
officer, or a law enforcement officer who is a state highway 35661
patrol trooper, the ~~dangerous and restricted animal~~ and consumer 35662
protection fund created in section ~~935.25~~ 943.26 of the Revised 35663
Code; 35664

(2) If the animal or snake was quarantined or transferred 35665
by an employee of a board of health, a special fund, which is 35666
hereby created in each health district, that shall be used 35667
exclusively for the administration and enforcement of this 35668
chapter and rules; 35669

(3) If the animal or snake was quarantined or transferred 35670
by a humane society agent, a special fund, which is hereby 35671
created in each county that has a humane society, that shall be 35672
used exclusively for the administration and enforcement of this 35673
chapter and rules; 35674

(4) If the animal or snake was quarantined or transferred 35675
by a law enforcement officer who is not a state highway patrol 35676
trooper, the special fund that is created in the political 35677
subdivision that employs the law enforcement officer in division 35678
(D) of section 935.16 of the Revised Code. 35679

(K) The director shall maintain a list of facilities 35680
inside and outside the state that the director determines are 35681
eligible to accept dangerous wild animals and restricted snakes 35682
for the purposes of this section. 35683

Sec. 935.24. (A) The attorney general, upon request of the 35684
director of agriculture, shall bring an action for injunction 35685
against any person who has violated, is violating, or is 35686
threatening to violate this chapter or rules. The court of 35687

common pleas in which an action for injunction is filed has 35688
jurisdiction to and shall grant preliminary and permanent 35689
injunctive relief upon a showing that the person against whom 35690
the action is brought has violated, is violating, or is 35691
threatening to violate this chapter or rules. 35692

(B) (1) The director may assess a civil penalty against any 35693
person that the director determines is not in compliance with 35694
this chapter or rules. 35695

(2) The director shall afford the person an opportunity 35696
for an adjudication under Chapter 119. of the Revised Code to 35697
challenge the director's determination that the person is not in 35698
compliance with this chapter or rules. However, the person may 35699
waive the right to an adjudication. 35700

(3) If the opportunity for an adjudication is waived or 35701
if, after an adjudication, the director determines that a 35702
violation has occurred or is occurring, the director may issue 35703
an order and assess a civil penalty in an amount established in 35704
rules against the violator. The order and the assessment of the 35705
civil penalty may be appealed in accordance with section 119.12 35706
of the Revised Code. 35707

(C) Notwithstanding any other section of the Revised Code, 35708
money resulting from any action taken under this section shall 35709
be credited to the ~~dangerous and restricted animal~~ and consumer 35710
protection fund created in section ~~935.25~~ 943.26 of the Revised 35711
Code. 35712

Sec. 943.04. (A) Fees for the initial issuance of any 35713
license issued pursuant to sections 943.02, 943.03, and 943.031 35714
of the Revised Code, shall be paid to the department of 35715
agriculture. 35716

(B) All annual renewal fees for the licenses shall be paid 35717
by the applicant for the renewal of a license on or before the 35718
thirty-first day of March of each year to the treasurer of 35719
state. Except for license fees for small dealers, the fees ~~shall~~ 35720
~~be based on the number of head of livestock purchased, sold, or~~ 35721
~~exchanged, in this state, whichever is the greatest, during the~~ 35722
~~preceding calendar year. Those fees for dealers or brokers shall~~ 35723
~~be as follows:~~ 35724

~~Less than 1,000 head _____ \$50.00 per annum;~~ 35725

~~For 1,001 to 10,000 head _____ \$125.00 per annum;~~ 35726

~~For more than 10,000 head _____ \$250.00 per annum.~~ 35727

In the event a dealer or broker operates more than one 35728
place where livestock is purchased, sold, or exchanged, a fee 35729
shall be paid for each place, but only the original purchase, 35730
sale, or exchange shall be counted in computing the amount of 35731
the fee to be paid for each place operated by the dealer or 35732
broker. Shipment between yards owned or operated by the dealer 35733
or broker shall be exempt. 35734

A late fee of one hundred dollars shall be paid for each 35735
dealer or broker license renewal application that is received 35736
after the thirty-first day of March each year. 35737

(C) (1) A fee of ~~twenty-five~~ fifty dollars shall be paid by 35738
each small dealer. 35739

If a small dealer operates more than one place where 35740
livestock is purchased, sold, or exchanged, a fee shall be paid 35741
for each place, but only the original purchase, sale, or 35742
exchange shall be counted in computing the amount of fee to be 35743
paid for each place operated by the small dealer. Shipment 35744
between yards owned or operated by the small dealer shall be 35745

exempt. 35746

(2) A late fee of ~~twenty-five~~ one hundred dollars shall be 35747
paid for each small dealer license renewal application that is 35748
received after the thirty-first day of March each year. 35749

(D) A fee of ~~twenty~~ thirty dollars shall be paid by each 35750
licensed weigher and each employee that is appointed by a small 35751
dealer, dealer, or broker as provided in section 943.02 of the 35752
Revised Code. 35753

(E) ~~A fee of ten dollars shall be paid by each licensed~~ 35754
~~weigher.~~ 35755

~~(F)~~ All money collected under section 943.03 of the 35756
Revised Code and under this section shall be credited to the 35757
animal and consumer protection ~~laboratory~~ fund created in 35758
section ~~901.43~~ 943.26 of the Revised Code. 35759

Sec. 943.16. All fines imposed and collected under section 35760
943.99 of the Revised Code shall be credited to the animal and 35761
consumer protection ~~laboratory~~ fund created in section ~~901.43~~ 35762
943.26 of the Revised Code. 35763

Sec. 943.26. The animal and consumer protection fund is 35764
created in the state treasury. ~~Notwithstanding section 943.04 of~~ 35765
~~the Revised Code,~~ The fund shall consist of livestock dealer or 35766
broker fees and civil penalties collected under this chapter, 35767
all money collected through the issuance of licenses to captive 35768
whitetail deer licensees under this chapter ~~and all money~~ 35769
~~collected under section 942.04 of the Revised Code shall be~~ 35770
~~credited to the animal and consumer protection fund, which is~~ 35771
~~hereby created in the state treasury and any other money~~ 35772
credited to it under the Revised Code. The director of 35773
agriculture shall use money in the fund to administer ~~Chapter~~ 35774

~~942. and sections 943.20 to 943.26 of the Revised Code and rules~~ 35775
~~and Chapters 935. and 942. of the Revised Code and rules adopted~~ 35776
~~under those chapters.~~ 35777

Sec. 943.27. (A) The director of agriculture, after 35778
providing an opportunity for an adjudication hearing under 35779
Chapter 119. of the Revised Code, may assess a civil penalty 35780
against a person who has violated or is in violation of sections 35781
943.01 to 943.10 and 943.12 to 943.17 of the Revised Code. If 35782
the director assesses a civil penalty, the director shall do so 35783
as follows: 35784

(1) In an amount not exceeding five hundred dollars if, 35785
within five years of the violation, the director has not 35786
previously assessed a civil penalty against the person under 35787
this section; 35788

(2) In an amount not exceeding two thousand five hundred 35789
dollars if, within five years of the violation, the director has 35790
previously assessed one civil penalty against the person under 35791
this section; 35792

(3) In an amount not exceeding ten thousand dollars if, 35793
within five years of the violation, the director has previously 35794
assessed two or more civil penalties against the person under 35795
this section. 35796

(B) Money collected under division (A) of this section 35797
shall be deposited in the state treasury to the credit of the 35798
animal and consumer protection fund created in section 943.26 of 35799
the Revised Code. 35800

Sec. 943.99. ~~(A)~~ Whoever violates section 943.11 of the 35801
Revised Code is guilty of a felony of the fifth degree. 35802

~~(B) Whoever violates sections 943.01 to 943.10 and 943.12~~ 35803

~~to 943.17 of the Revised Code is guilty of a misdemeanor of the~~ 35804
~~first degree.~~ 35805

Sec. 956.07. (A) A person who is applying for an annual 35806
license to operate a high volume breeder or to act as or perform 35807
the functions of a dog broker under section 956.04 or 956.05 of 35808
the Revised Code, as applicable, shall include with the 35809
application for a license a nonrefundable license application 35810
fee. The application fees are as follows: 35811

(1) For a high volume breeder: 35812

(a) One hundred fifty dollars if the high volume breeder 35813
annually sells at least forty, but not more than sixty puppies 35814
to the public; 35815

(b) Two hundred fifty dollars if the high volume breeder 35816
annually sells at least sixty-one, but not more than one hundred 35817
fifty puppies to the public; 35818

(c) Three hundred fifty dollars if the high volume breeder 35819
annually sells at least one hundred fifty-one, but not more than 35820
two hundred fifty puppies to the public; 35821

(d) Five hundred dollars if the high volume breeder 35822
annually sells at least two hundred fifty-one, but not more than 35823
three hundred fifty puppies to the public; 35824

(e) Seven hundred fifty dollars if the high volume breeder 35825
annually sells three hundred fifty-one or more puppies to the 35826
public; 35827

(f) If divisions (A)(1)(a) to (e) of this section do not 35828
apply, one hundred and fifty dollars if either of the following 35829
applies: 35830

(i) The high volume breeder sells five or more adult dogs 35831

or puppies to a dog broker or pet store. 35832

(ii) The high volume breeder keeps, houses, and maintains, 35833
at any given time in a calendar year, more than forty puppies 35834
that are under four months of age, that have been bred on the 35835
premises of the establishment, and that have been primarily 35836
kept, housed, and maintained from birth on the premises of the 35837
establishment. 35838

(2) For a dog broker, five hundred dollars. 35839

(B) Money collected by the director of agriculture from 35840
each application fee submitted under this section shall be 35841
deposited in the state treasury to the credit of the ~~high volume~~ 35842
~~breeder kennel control license~~ commercial dog breeding fund 35843
created in section 956.18 of the Revised Code. The director 35844
shall use fifty dollars of the application fee submitted by a 35845
high volume breeder under this section or an amount equal to the 35846
fee charged for the registration of a kennel under section 35847
955.14 of the Revised Code in the county in which the high 35848
volume breeder is located or will be located, whichever is 35849
greater, to reimburse that county. The county auditor shall 35850
deposit the transferred money into that county's dog and kennel 35851
fund created under section 955.20 of the Revised Code. 35852

Sec. 956.10. (A) (1) At least once annually, the director 35853
of agriculture or the director's authorized representative shall 35854
inspect a high volume breeder that is subject to licensure under 35855
this chapter and rules adopted under section 956.03 of the 35856
Revised Code to ensure compliance with this chapter and rules 35857
adopted under it, including the standards of care established in 35858
rules adopted under that section. 35859

(2) The director or the director's authorized 35860

representative shall inspect a boarding kennel when the director 35861
or the director's authorized representative has received 35862
information that the boarding kennel is breeding dogs and may be 35863
subject to licensure under this chapter and rules adopted under 35864
section 956.03 of the Revised Code. 35865

(B) The director or the director's authorized 35866
representative may do any of the following: 35867

(1) Upon receiving a complaint, inspect a high volume 35868
breeder that is subject to licensure under this chapter and 35869
rules adopted under section 956.03 of the Revised Code to ensure 35870
compliance with this chapter and rules adopted under it; 35871

(2) Upon the request of a member of the public, a public 35872
official, or an animal shelter for dogs, inspect any facility at 35873
which a person is acting as or performing the functions of a dog 35874
broker to ensure such compliance; 35875

(3) Upon receiving a complaint, inspect an animal rescue 35876
for dogs to ensure compliance with section 956.06 of the Revised 35877
Code and applicable rules adopted under section 956.03 of the 35878
Revised Code; 35879

(4) Conduct an inspection under this section during 35880
regular business hours without providing notice in advance. 35881

(C) Inspections shall be conducted in accordance with 35882
rules adopted under section 956.03 of the Revised Code. A record 35883
of each inspection shall be made by the director or the 35884
director's authorized representative who is responsible for the 35885
inspection in accordance with those rules. 35886

(D) The director or the director's authorized 35887
representative, upon proper identification and upon stating the 35888
purpose and necessity of an inspection, may enter at reasonable 35889

times on any public or private property, real or personal, to 35890
inspect or investigate and to examine or copy records in order 35891
to determine compliance with this chapter and rules adopted 35892
under it. The director, the director's authorized 35893
representative, or the attorney general upon the request of the 35894
director may apply to the appropriate court in the county in 35895
which inspection will occur for an appropriate court order or 35896
search warrant as necessary to achieve the purposes of this 35897
chapter and rules adopted under it. 35898

(E) No owner or operator of a high volume breeder, person 35899
acting as or performing the functions of a dog broker, owner or 35900
operator of a boarding kennel, or owner or operator of an animal 35901
rescue for dogs shall interfere with an inspection or refuse to 35902
allow the director or the director's authorized representative 35903
full access to all areas where dogs are kept or cared for. If 35904
entry is refused or inspection or investigation is refused, 35905
hindered, or thwarted by a high volume breeder or dog broker, 35906
the director may suspend or revoke the breeder's or broker's 35907
license in accordance with this chapter. 35908

(F) (1) The director may enter into a contract or agreement 35909
with a veterinarian to conduct inspections under this section. 35910
The veterinarian shall be considered the director's authorized 35911
representative for the purposes of this section. 35912

(2) A veterinarian with whom the director has entered into 35913
a contract or agreement under division (F) (1) of this section 35914
may inspect a high volume breeder with whom the veterinarian has 35915
established a veterinary-client-patient relationship as 35916
described in section 4741.04 of the Revised Code only every 35917
other year. 35918

(3) If the director determines that a veterinarian with 35919

whom the director has entered into a contract or agreement under 35920
division (F)(1) of this section has falsified any information 35921
submitted to the director pursuant to an inspection, the 35922
director shall inform the veterinary medical licensing board 35923
created by Chapter 4741. of the Revised Code of the 35924
falsification. 35925

(G)(1) If entry that is authorized by division (D) of this 35926
section is refused or if an inspection or investigation is 35927
refused, hindered, or thwarted by intimidation or otherwise and 35928
if the director, an authorized representative of the director, 35929
or the attorney general applies for and obtains a court order or 35930
a search warrant under division (D) of this section to conduct 35931
the inspection or investigation, the owner or operator of the 35932
premises where entry was refused or inspection or investigation 35933
was refused, hindered, or thwarted, if found guilty of violating 35934
this chapter or rules adopted under it, is liable to the 35935
director for all of the following: 35936

(a) The reasonable costs incurred by the director for the 35937
regular salaries and fringe benefit costs of personnel assigned 35938
to conduct the inspection or investigation from the time the 35939
court order or search warrant was issued until the court order 35940
or search warrant is executed; 35941

(b) The salary, fringe benefits, and travel expenses of 35942
the director, an authorized representative of the director, or 35943
the attorney general incurred in obtaining the court order or 35944
search warrant; and 35945

(c) Expenses necessarily incurred for the assistance of 35946
local law enforcement officers in executing the court order or 35947
search warrant. 35948

(2) In the application for a court order or a search 35949
warrant, the director, the director's authorized representative, 35950
or the attorney general may request and the court, in its order 35951
granting the court order or search warrant, may order the owner 35952
or operator of the premises, if found guilty of violating this 35953
chapter or rules adopted under it, to reimburse the director for 35954
any of the costs described in division (G)(1) of this section 35955
that the court finds reasonable. From money recovered under this 35956
division, the director shall do all of the following: 35957

(a) Reimburse the attorney general for the costs incurred 35958
by the attorney general in connection with proceedings for 35959
obtaining the court order or search warrant; 35960

(b) Reimburse the political subdivision in which the 35961
premises is located for the assistance of its law enforcement 35962
officers in executing the court order or search warrant; 35963

(c) Deposit the remainder in the state treasury to the 35964
credit of the ~~high volume breeder kennel control license~~ 35965
commercial dog breeding fund created in section 956.18 of the 35966
Revised Code. 35967

(H) A dog warden appointed under Chapter 955. of the 35968
Revised Code or an agent of a humane society entering on public 35969
or private property to make investigations and inspections in 35970
accordance with Chapter 955. or 1717. of the Revised Code, as 35971
applicable, shall report any violations of this chapter and 35972
rules adopted under it to the director or the director's 35973
authorized representative. 35974

Sec. 956.13. (A) The director of agriculture, after 35975
providing an opportunity for an adjudication hearing under 35976
Chapter 119. of the Revised Code, may assess a civil penalty 35977

against a person who has violated or is violating sections 35978
956.01 to 956.18 of the Revised Code or rules adopted under 35979
section 956.03 of the Revised Code. 35980

(B) A person who is assessed a civil penalty under this 35981
section is liable for a civil penalty of not more than two 35982
thousand five hundred dollars for a first violation, not more 35983
than five thousand dollars for a second violation, and not more 35984
than ten thousand dollars for a third or subsequent violation. 35985

Each day that a violation continues constitutes a separate 35986
violation. 35987

(C) Any person assessed a civil penalty under this section 35988
shall pay the amount prescribed to the department of 35989
agriculture. The department shall remit all money collected 35990
under this section to the treasurer of state for deposit in the 35991
~~high volume breeder kennel control license~~ commercial dog 35992
breeding fund created under section 956.18 of the Revised Code. 35993

Sec. 956.16. The director of agriculture, the director's 35994
authorized representative, or the attorney general may require 35995
the attendance of witnesses and the production of books, 35996
records, papers, and dogs that are needed either by the director 35997
or the attorney general or by any party to a hearing before the 35998
director and for that purpose may issue a subpoena for any 35999
witness or a subpoena duces tecum to compel the production of 36000
any books, records, papers, or dogs. The subpoena shall be 36001
served by personal service or by certified mail. If the subpoena 36002
is returned because of inability to deliver, or if no return is 36003
received within thirty days after the date of mailing, the 36004
subpoena may be served by ordinary mail. If no return of 36005
ordinary mail is received within thirty days after the date of 36006
mailing, service shall be deemed to have been made. If the 36007

subpoena is returned because of inability to deliver, the 36008
director or the attorney general may designate a person or 36009
persons to effect either personal or residence service on the 36010
witness. The person designated to effect personal or residence 36011
service under this section may be the sheriff of the county in 36012
which the witness resides or may be found or any other duly 36013
designated person. The fees and mileage of the person serving 36014
the subpoena shall be the same as those allowed by the courts of 36015
common pleas in criminal cases and shall be paid from the funds 36016
of the department of agriculture. Fees and mileage for the 36017
witness shall be the same as those allowed for witnesses by the 36018
courts of common pleas in criminal cases and, upon request of 36019
the witness following the hearing, shall be paid from the money 36020
in the ~~high volume breeder kennel control license~~ commercial dog 36021
breeding fund created in section 956.18 of the Revised Code. 36022

Sec. 956.18. (A) All money collected by the director of 36023
agriculture from ~~late renewal fees under section 956.06, license~~ 36024
~~fees under section 956.07, and civil penalties assessed under~~ 36025
~~section 956.13 of the Revised Code~~ fees and civil penalties 36026
under this chapter shall be deposited in the state treasury to 36027
the credit of the ~~high volume breeder kennel control license~~ 36028
commercial dog breeding fund, which is hereby created. The fund 36029
shall also consist of money appropriated to it. 36030

(B) The director shall use the money in the fund for the 36031
purpose of administering ~~sections 956.01 to 956.18 of the~~ 36032
~~Revised Code~~ this chapter and rules adopted under ~~section 956.03~~ 36033
~~of the Revised Code that apply to those sections~~ it. 36034

Sec. 956.21. (A) The director of agriculture may issue a 36035
pet store license to an owner or operator of a pet store when 36036
the owner or operator does all of the following: 36037

(1) Applies for a license in accordance with this section 36038
and rules adopted under section 956.03 of the Revised Code; 36039

(2) Affirms in writing that the owner or operator will 36040
maintain compliance with the applicable requirements established 36041
under section 959.20 of the Revised Code; 36042

(3) Submits with the application for a pet store license a 36043
fee of five hundred dollars. 36044

(B) The director of agriculture may deny, suspend, or 36045
revoke a license issued under this section for a violation of 36046
division (A), (B), or (C) of section 956.20 of the Revised Code 36047
or rules adopted under section 956.03 of the Revised Code. The 36048
denial, suspension, or revocation of a license is not effective 36049
until the licensee is given written notice of the violation, a 36050
reasonable amount of time to correct the violation, if possible, 36051
and an opportunity for a hearing. 36052

The director also may refuse to issue a license under 36053
division (B) of this section if the applicant has violated 36054
division (A), (B), or (C) of section 956.20 of the Revised Code 36055
or the rules adopted under section 956.03 of the Revised Code 36056
during the thirty-six-month period prior to submitting an 36057
application for the license. 36058

(C) Any license issued under this section is valid for a 36059
period of one year from the date of issuance. A pet store 36060
license must be renewed annually in the manner provided in rules 36061
adopted under section 956.03 of the Revised Code. 36062

(D) Money collected by the director of agriculture from 36063
each application fee submitted under this section shall be 36064
deposited in the state treasury to the credit of the ~~pet-store-~~ 36065
~~license-commercial dog breeding~~ fund created in section ~~956.181-~~ 36066

956.18 of the Revised Code. 36067

(E) No owner, operator, or manager of a pet store shall 36068
negligently display, offer for sale, deliver, barter, auction, 36069
broker, give away, transfer, or sell any live dog from a pet 36070
store in this state unless a license has been issued for the pet 36071
store by the director of agriculture in accordance with this 36072
section and rules adopted under section 956.03 of the Revised 36073
Code. 36074

Sec. 956.22. (A) The director of agriculture, after 36075
providing an opportunity for an adjudication hearing under 36076
Chapter 119. of the Revised Code, may assess a civil penalty 36077
against a person who has violated or is violating division (A), 36078
(B), or (C) of section 956.20 of the Revised Code or division 36079
(E) of section 956.21 of the Revised Code. 36080

(B) The person who is assessed a civil penalty under this 36081
section is liable for a civil penalty of not more than two 36082
thousand five hundred dollars for a first violation, not more 36083
than five thousand dollars for a second violation, and not more 36084
than ten thousand dollars for a third or subsequent violation. 36085

(C) Any person assessed a civil penalty under this section 36086
shall pay the amount prescribed to the department of 36087
agriculture. The department shall remit all money collected 36088
under this section to the treasurer of state for deposit in the 36089
~~pet store license-commercial dog breeding~~ fund created under 36090
section ~~956.181~~-956.18 of the Revised Code. 36091

Sec. 956.23. The regulation of pet stores is a matter of 36092
general statewide interest that requires statewide regulation. 36093
Sections ~~956.181~~-956.19 to 956.23 of the Revised Code and 36094
section 956.99 of the Revised Code constitute a comprehensive 36095

plan with respect to all aspects of the regulation of pet 36096
stores. Accordingly, it is the intent of the general assembly to 36097
preempt any local ordinance, resolution, or other law adopted to 36098
regulate the sale, delivery, barter, auction, broker, or 36099
transfer of a dog to a person from a pet store. 36100

Sec. 1310.251. (A) (1) As used in this section, "excess 36101
wear and use waiver" means a contractual agreement that is part 36102
of, or a separate addendum to, a lease agreement for use of a 36103
motor vehicle, under which the lessor agrees, with or without a 36104
separate charge, to do one or both of the following: 36105

(a) Cancel or waive all or part of amounts that may become 36106
due under a lessee's lease agreement as a result of excess wear 36107
and use of a motor vehicle; 36108

(b) Cancel or waive amounts due for excess mileage. 36109

(2) "Motor vehicle" has the same meaning as in section 36110
4501.01 of the Revised Code and also includes utility vehicles 36111
and under-speed vehicles as defined in that section. 36112

(B) The terms of a related motor vehicle lease shall not 36113
be conditioned upon the consumer's payment for any excess wear 36114
and use waiver. Excess wear and use waivers may be discounted or 36115
given at no extra charge in connection with the purchase of 36116
other noncredit related goods or services. 36117

(C) Notwithstanding any provision of the Revised Code to 36118
the contrary, an excess wear and use waiver is not an insurance 36119
product. 36120

Sec. 1311.04. (A) (1) Prior to the performance of any labor 36121
or work or the furnishing of any materials for an improvement on 36122
real property which may give rise to a mechanics' lien under 36123
sections 1311.01 to 1311.22 of the Revised Code, the owner, part 36124

owner, or lessee who contracts for the labor, work, or materials 36125
shall record in the office of the county recorder for each 36126
county in which the real property to be improved is located a 36127
notice of commencement in substantially the form specified in 36128
division (B) of this section. 36129

(2) Only one notice of commencement is required to be 36130
filed for a single improvement and if more than one notice of 36131
commencement is filed for a single improvement, all notices 36132
filed after the original notice shall be deemed to be amendments 36133
to the original notice. If an owner, part owner, or lessee 36134
contracts with additional original contractors, lenders, or 36135
sureties not identified in the original notice of commencement 36136
filed for the improvement, the owner, part owner, or lessee 36137
shall amend the original notice of commencement to identify the 36138
additional original contractors, lenders, and sureties. The date 36139
of the filing of the amended notice is the date of the filing of 36140
the original notice of commencement. 36141

(B) The notice of commencement required under division (A) 36142
of this section shall contain, in affidavit form, all of the 36143
following information: 36144

(1) The legal description of the real property on which 36145
the improvement is to be made. For purposes of this division, a 36146
description sufficient to describe the real property for the 36147
purpose of conveyance, or contained in the instrument by which 36148
the owner, part owner, or lessee took title, is a legal 36149
description. 36150

(2) A brief description of the improvement to be performed 36151
on the property containing sufficient specificity to permit lien 36152
claimants to identify the improvement; 36153

(3) The name, address, and capacity of the owner, part owner, or lessee of the real property contracting for the improvement;

(4) The name and address of the fee owner of the real property, if the person contracting for the improvement is a land contract vendee or lessee;

(5) The name and address of the owner's, part owner's, or lessee's designee, if any;

(6) The name and address of all original contractors, except that if the notice of commencement is recorded for an improvement involving a single- or double-family dwelling and if more than one original contractor is involved, instead of listing each original contractor, the owner shall state that multiple original contractors are involved in the improvement;

(7) The date the owner, part owner, or lessee first executed a contract with an original contractor for the improvement;

(8) The name and address of all lending institutions which provide financing for the improvements, if any;

(9) The name and address of all sureties on any bond which guarantee payment of the original contractor's obligations under the contract for the improvement, if any;

(10) The following statement:

"To Lien Claimants and Subsequent Purchasers:

Take notice that labor or work is about to begin on or materials are about to be furnished for an improvement to the real property described in this instrument. A person having a mechanics' lien may preserve the lien by providing a notice of

furnishing to the above-named designee and the above-named 36182
designee's original contractor, if any, and by timely recording 36183
an affidavit pursuant to section 1311.06 of the Revised Code. 36184

A copy of this notice may be obtained upon making a 36185
written request by certified mail to the above-named owner, part 36186
owner, lessee, designee, or the person with whom you have 36187
contracted." 36188

(11) The name and address of the person preparing the 36189
notice; 36190

(12) The following statement: 36191

"The expiration date for this notice of commencement is 36192
four years from the date of recording unless a different date is 36193
specified herein." 36194

~~(12)~~ (13) An affidavit of the owner, part owner, or lessee 36195
or the agent of the owner, part owner, or lessee which verifies 36196
the notice. 36197

(C) If the notice of commencement furnished by or for an 36198
owner, part owner, or lessee contains incorrect information, the 36199
owner, part owner, or lessee is liable for any loss of lien 36200
rights of a lien claimant and any actual expenses incurred by 36201
the lien claimant in maintaining lien rights, including 36202
attorney's fees, if the loss and expenses incurred are a direct 36203
result of the lien claimant's reliance on the incorrect 36204
information. 36205

Any lien claimant who has included incorrect information 36206
in the claimant's affidavit for a lien under section 1311.06 of 36207
the Revised Code, as a result of incorrect information contained 36208
in the notice of commencement, may file for record an amended 36209
affidavit for a lien. The amended affidavit shall contain all of 36210

the information required by section 1311.06 of the Revised Code 36211
for an original affidavit. The lien claimant shall serve a copy 36212
of the amended affidavit on the owner, part owner, or lessee as 36213
provided in section 1311.07 of the Revised Code. The lien 36214
claimant may file the amended affidavit for record at any time 36215
during the time that the lien acquired by the original affidavit 36216
continues in effect under section 1311.13 of the Revised Code. 36217
In no event shall the amended affidavit extend such time period. 36218
The filing of an amended affidavit does not constitute a waiver 36219
of the rights granted by this division. 36220

(D) Within ten days after the date a subcontractor, 36221
material supplier, or laborer serves a written request upon the 36222
owner, part owner, or lessee, or designee for a copy of the 36223
notice of commencement, the owner, part owner, lessee, or 36224
designee shall serve a copy of the notice of commencement to the 36225
requesting subcontractor, material supplier, or laborer. 36226

(E) Within ten days after the date a subcontractor, 36227
material supplier, or laborer serves a written request for a 36228
copy of the notice of commencement upon the original contractor 36229
who has been provided with a notice of commencement from the 36230
owner, part owner, or lessee, or designee and with whom the 36231
subcontractor, material supplier, or laborer has a direct 36232
contract, the original contractor shall serve a copy of the 36233
notice of commencement to the requesting subcontractor, material 36234
supplier, or laborer. 36235

(F) Within ten days after the date a subcontractor, 36236
material supplier, or laborer serves a written request for a 36237
copy of the notice of commencement upon the subcontractor who 36238
has been provided with a notice of commencement from the owner, 36239
part owner, lessee, designee, or original contractor and with 36240

whom the subcontractor, material supplier, or laborer has a 36241
direct contract, the subcontractor shall serve a copy of the 36242
notice of commencement upon the requesting subcontractor, 36243
material supplier, or laborer. 36244

(G) (1) Except as provided in division (G) (2) of this 36245
section, the owner, part owner, lessee, or designee shall post 36246
and maintain posted a copy of the notice of commencement in a 36247
conspicuous place on the real property described in the notice 36248
during the course of the actual physical improvement to the real 36249
property. 36250

(2) No owner, part owner, lessee, or designee, has to post 36251
a copy of the notice of commencement on the real property 36252
described in the notice for an improvement that is the subject 36253
of a home purchase contract. 36254

(H) The owner, part owner, lessee, or designee shall serve 36255
a copy of the notice of commencement upon the original 36256
contractor. If the owner, part owner, lessee, or designee fails 36257
to serve a copy of the notice of commencement upon the original 36258
contractor, the owner, part owner, or lessee is liable to the 36259
original contractor for all actual expenses incurred by the 36260
original contractor in obtaining the information otherwise 36261
provided by the notice of commencement. 36262

(I) If the owner, part owner, lessee, or designee fails to 36263
record the notice of commencement in accordance with this 36264
section, the time within which a subcontractor or material 36265
supplier may serve a notice of furnishing as required by section 36266
1311.05 of the Revised Code is extended until twenty-one days 36267
after the notice of commencement has been recorded. A 36268
subcontractor or material supplier need not serve a notice of 36269
furnishing to preserve lien rights for the period before the 36270

notice of commencement is recorded. 36271

(J) If the owner, part owner, lessee, or designee fails to 36272
serve, upon written request, the notice of commencement in 36273
accordance with this section, the time within which a 36274
subcontractor or material supplier may serve a notice of 36275
furnishing as required by section 1311.05 of the Revised Code is 36276
extended until twenty-one days after the notice of commencement 36277
actually has been served to the subcontractor or material 36278
supplier. The owner, part owner, or lessee who fails to serve 36279
the notice pursuant to this section is liable to any 36280
subcontractor or material supplier who becomes a lien claimant 36281
for all actual expenses incurred by the lien claimant in 36282
obtaining the information that would have been contained in the 36283
notice. 36284

(K) If an owner, part owner, lessee, or designee fails to 36285
post or maintain a copy of the notice of commencement as 36286
required by division (G) (1) of this section, the owner, part 36287
owner, or lessee is liable to a subcontractor, material 36288
supplier, or laborer who becomes a lien claimant for all actual 36289
expenses incurred by the lien claimant in obtaining the 36290
information otherwise provided by the posting. 36291

(L) If an original contractor or subcontractor who has 36292
been provided with a notice of commencement fails to serve a 36293
copy of the notice of commencement to any subcontractor, 36294
material supplier, or laborer who requests it, the original 36295
contractor or subcontractor who fails to serve the copy of the 36296
notice is liable to the subcontractor, material supplier, or 36297
laborer who made the request for all costs incurred by the 36298
subcontractor, material supplier, or laborer in obtaining the 36299
information contained in the notice of commencement, provided 36300

that an original contractor or subcontractor who fails to 36301
provide the notice upon request is not liable under this 36302
division to any subcontractor, material supplier, or laborer 36303
with whom the original contractor or subcontractor is not in 36304
direct privity of contract. 36305

(M) (1) If after the first work, labor, or material has 36306
been performed on or furnished to the improvement, the owner, 36307
part owner, lessee, or designee fails to serve, record, or post 36308
a notice of commencement as required by this section, the 36309
original contractor may, in writing, request the owner, part 36310
owner, lessee, or designee to serve, record, or post the notice. 36311
If an owner, part owner, lessee, or the designee of an owner, 36312
part owner, or lessee fails or refuses to serve, record, or post 36313
a notice of commencement within ten days of receipt of a 36314
request, the owner, part owner, or lessee is liable for the 36315
owner's, part owner's, or lessee's failure or refusal and for 36316
the designee's failure or refusal, without recourse to the 36317
original contractor for all damages, costs, and expenses which 36318
result from the filing of a valid mechanics' lien to the extent 36319
that the lien, damages, costs, and expenses could have been 36320
avoided through proper payment. 36321

(2) Nothing in this division shall be interpreted as to 36322
either of the following: 36323

(a) Relieving an original contractor from the duty to pay 36324
the original contractor's subcontractors, material suppliers, 36325
and laborers for labor or work performed or materials furnished 36326
pursuant to a contract directly with the original contractor; 36327

(b) Obligating an owner, part owner, or lessee to pay for 36328
work or labor performed or materials furnished by 36329
subcontractors, material suppliers, or laborers pursuant to 36330

direct contracts with the original contractor. 36331

(N) (1) If the owner, part owner, or lessee fails to record 36332
a notice of commencement or an amended notice, any person 36333
holding a mortgage on the real property to be improved may 36334
record a notice of commencement or an amended notice on behalf 36335
of the owner, part owner, or lessee. If the owner, part owner, 36336
or lessee fails to record a notice of commencement or an amended 36337
notice within the later of ten days after the performance of any 36338
labor or work or the furnishing of any material for an 36339
improvement on real property which gives rise to a mechanics' 36340
lien under sections 1311.01 to 1311.22 of the Revised Code or 36341
three days after service of a demand to record the notice or 36342
amended notice by the original contractor, the original 36343
contractor may record a notice of commencement or an amended 36344
notice on behalf of the owner, part owner, or lessee. 36345

(2) If the original contractor or a mortgage holder has 36346
recorded a notice of commencement or an amended notice on behalf 36347
of the owner, part owner, or lessee, the owner, part owner, or 36348
lessee is liable to the original contractor or mortgage holder 36349
for all costs and expenses incurred in obtaining the information 36350
contained in the notice of commencement or an amended notice and 36351
all costs incurred in the preparation and recording of the 36352
notice of commencement or an amended notice. 36353

(3) Unless required to file the notice of commencement or 36354
an amended notice on behalf of the owner, part owner, or lessee, 36355
the party filing a written notice of commencement or amended 36356
notice on behalf of the owner, part owner, or lessee is not 36357
liable to the owner, part owner, or lessee for any errors 36358
contained in the notice of commencement or amended notice. 36359

(4) If a mortgage holder or an original contractor records 36360

a notice of commencement or amended notice on behalf of an 36361
owner, part owner, or lessee, such fact must be included on the 36362
notice or amended notice. 36363

(O) This section does not apply to a home construction 36364
contract as defined in section 1311.011 of the Revised Code, 36365
except that when a lending institution as defined in division 36366
(A) (3) of section 1311.011 of the Revised Code requires that a 36367
notice of commencement be recorded as part of the financing for 36368
a home construction contract, which is secured in whole or in 36369
part by a mortgage on real estate upon which the improvements 36370
are to be constructed, the owner, part owner, or lessee may file 36371
a notice of commencement pursuant to this section by recording 36372
the notice of commencement in the county recorder's office of 36373
the county where the owner, part owner, or lessee's property is 36374
located. If the property is located in more than one county, the 36375
owner, part owner, or lessee shall record the notice of 36376
commencement in the county recorders' office of each county in 36377
which the property is located. 36378

If the owner, part owner, or lessee files a notice of 36379
commencement pursuant to this division, the attachment, 36380
continuance, and priority provisions of section 1311.13 of the 36381
Revised Code apply to that improvement, but the notice of 36382
furnishing requirements specified in section 1311.05 of the 36383
Revised Code do not apply to that improvement. 36384

(P) The county recorder of the county where a notice of 36385
commencement is filed for record shall endorse the date and hour 36386
of its filing and cause it to be recorded as mechanics' liens 36387
are recorded, and collect the same fees for recording the notice 36388
of commencement as are provided in section 317.32 of the Revised 36389
Code. The recorder shall index the real property described in 36390

the notice of commencement and shall index the names of all 36391
owners, part owners, lessees, and land contract vendees in the 36392
direct index and the names of all original contractors in the 36393
reverse index as provided for in section 317.18 of the Revised 36394
Code. 36395

(Q) Notwithstanding this section, if the owner, part 36396
owner, or lessee is a telephone company, an electric light 36397
company, a gas company, a water works company, all as defined in 36398
section 4905.03 of the Revised Code, or a subsidiary or 36399
affiliate thereof, the owner, part owner, or lessee may, but is 36400
not required to, record a notice of commencement pursuant to 36401
division (A) of this section, and is not required to serve, 36402
post, and provide copies of a notice of commencement pursuant to 36403
divisions (D), (G), and (H) of this section unless such owner, 36404
part owner, or lessee elects to record the notice of 36405
commencement. If the owner, part owner, or lessee elects to 36406
record the notice of commencement and the improvement extends 36407
beyond one parcel of real property or one county, the owner, 36408
part owner, or lessee may, in lieu of using the legal 36409
description required in division (B)(1) of this section, use a 36410
description which reasonably describes the real property on 36411
which the improvement is to be made. Any description used other 36412
than the description specified in division (B)(1) of this 36413
section shall refer to the township and county in which the 36414
improvement is located, the name and route number of any local, 36415
state, or federal highway near the improvement, if any, the post 36416
office address of the real property, if any, and the name by 36417
which the owner, part owner, or lessee refers to the 36418
improvement. 36419

If an owner, part owner, or lessee elects not to record, 36420
serve, post, or provide copies of a notice of commencement 36421

pursuant to divisions (A), (D), (G)(1), and (H) of this section, 36422
the owner, part owner, or lessee is subject to all applicable 36423
liabilities pursuant to divisions (C), (H), (J), (K), (M), and 36424
(N) of this section. 36425

(R) If an owner, part owner, lessee, or designee fails to 36426
record a notice of commencement in accordance with this section, 36427
no subcontractor or material supplier who performs labor or work 36428
upon or furnishes material in furtherance of that improvement 36429
has to serve a notice of furnishing in accordance with section 36430
1311.05 of the Revised Code in order to preserve the 36431
subcontractor's or material supplier's lien rights. 36432

(S) A notice of commencement filed as provided herein 36433
expires ~~six~~four years after its filing date unless the notice 36434
of commencement or amendments made to the notice of commencement 36435
specify otherwise. 36436

(T)(1) An owner, part owner, or lessee of real property 36437
who contracts for an improvement, or that person's agent may, 36438
upon completion of the improvement, submit an affidavit to the 36439
office of the county recorder for each county in which the real 36440
property that was improved is located stating all of the 36441
following: 36442

(a) The name, address, and capacity of the owner, part 36443
owner, or lessee, or the agent of the owner, part owner, or 36444
lessee of the real property; 36445

(b) The recording reference for the previously filed 36446
notice of commencement; 36447

(c) That the improvement is complete. 36448

(2) Upon receipt of an affidavit described in division (T) 36449
(1) of this section, the county recorder of the county where the 36450

affidavit is submitted shall indicate in the official records 36451
that the notice of commencement has expired. 36452

(3) The owner, part owner, or lessee of the real property 36453
who contracted for the improvement shall serve a copy of the 36454
recorded affidavit submitted pursuant to division (T) (1) of this 36455
section, by regular mail, upon the original contractor as well 36456
as any subcontractor or lower tier project participant that 36457
served a notice of furnishing pursuant to section 1311.05 of the 36458
Revised Code. 36459

(4) Service, lack of service, or a deficiency in service 36460
of the recorded affidavit under division (T) (3) of this section 36461
does not: 36462

(a) Affect the expiration of the notice of commencement; 36463

(b) Extend the rights of any party seeking to file an 36464
affidavit of mechanic's lien; 36465

(c) Affect any time periods or other rights, requirements, 36466
or limitations that are set forth in this chapter. 36467

(U) The expiration of a notice of commencement pursuant to 36468
division (S) or (T) (2) of this section does not affect the 36469
attachment, continuance, or priority of any lien under sections 36470
1311.13, 1311.14, and 1311.15 of the Revised Code. 36471

Sec. 1311.252. (A) Prior to the performance of any labor 36472
or work or the furnishing of any materials in furtherance of a 36473
public improvement, the public authority shall prepare a notice 36474
of commencement in substantially the form specified in division 36475
(B) of this section which shall be made readily available to the 36476
public upon request. 36477

(B) The notice of commencement required under division (A) 36478

of this section shall contain ~~in affidavit form~~ all of the 36479
following information: 36480

(1) The name, location, and a number, if any, used by the 36481
public authority to identify the public improvement sufficient 36482
to permit the public improvement to be identified; 36483

(2) The name and address of the public authority; 36484

(3) The name, address, and trade of all principal 36485
contractors; 36486

(4) The date the public authority first executed a 36487
contract with a principal contractor for the public improvement; 36488

(5) The name and address of the sureties for all principal 36489
contractors; 36490

(6) The name and address of the representative of the 36491
public authority upon whom service shall be made for the 36492
purposes of serving an affidavit pursuant to section 1311.26 of 36493
the Revised Code. 36494

(C) If the notice of commencement is not made available to 36495
the public prior to the commencement of work on the public 36496
improvement or if the notice of commencement furnished by the 36497
public authority contains incorrect information which the 36498
claimant relies upon to ~~his~~ the claimant's detriment, the 36499
unavailability of the notice or the incorrect notice shall not 36500
adversely affect the rights of any claimant under sections 36501
1311.25 to 1311.32 of the Revised Code. 36502

Sec. 1317.05. (A) Any retail seller who, in any retail 36503
installment contract, has agreed to purchase insurance for the 36504
retail buyer and to extend credit for the price thereof, 36505
excluding single interest insurance, shall, prior to the due 36506

date of the first installment of the retail installment 36507
contract, deliver to the retail buyer personally, or mail or 36508
cause to be mailed to the retail buyer at the retail buyer's 36509
address as shown on the retail installment contract, the policy 36510
of insurance, or in lieu thereof a certificate of insurance, or 36511
the retail buyer is not liable on the retail buyer's retail 36512
installment contract until the policy, or certificate of 36513
insurance, is received, or full refund is made of the insurance 36514
premium. 36515

If the premium for insurance of like kind and amount, as 36516
fixed in the published manual of a recognized standard rating 36517
bureau designated by the retail seller, is less than the amount 36518
charged the retail buyer as fixed in the written instrument in 36519
compliance with division (D) of section 1317.04 of the Revised 36520
Code, the retail buyer may deduct an amount equal to three times 36521
the difference from the amount owed the retail seller, or the 36522
retail seller's successor in interest. Sections 1317.01 to 36523
1317.11 of the Revised Code do not impair the authority of the 36524
superintendent of insurance to grant, renew, or revoke licenses, 36525
nor do said sections authorize anyone other than a licensee of 36526
the division of insurance to directly or indirectly receive any 36527
part of the amount charged for insurance in connection with any 36528
retail installment sale. 36529

(B) As used in this division, "debt cancellation or debt 36530
suspension product" means a contractual agreement in which a 36531
retail seller, or its assignee, agrees for a separate charge to 36532
cancel or waive all or a part of amounts due on a retail buyer's 36533
retail installment contract in the event of a total physical 36534
damage loss or unrecovered theft of the motor vehicle that is 36535
the subject of the contract. "Debt cancellation or debt 36536
suspension product" includes a guaranteed asset protection 36537

waiver, guaranteed auto protection waiver, or other similarly 36538
named agreement. A "debt cancellation or debt suspension 36539
product" may also provide, with or without a separate charge, a 36540
benefit that waives an amount, or provides a borrower with a 36541
credit, towards the purchase of a replacement motor vehicle. 36542

A debt cancellation or debt suspension product, and an 36543
addendum to a retail installment contract containing a debt 36544
cancellation or debt suspension product, shall be considered a 36545
part of the retail installment contract and shall remain a part 36546
of that contract upon the assignment, sale, or transfer of that 36547
contract. The charge for any optional debt cancellation or debt 36548
suspension product shall be listed as a specific good and shall 36549
not be considered a finance charge or interest. The purchase 36550
price and the terms of the debt cancellation or debt suspension 36551
product shall be disclosed in writing to the buyer. The 36552
extension of credit, terms of the credit, or the terms of the 36553
related motor vehicle sale or lease shall not be conditioned on 36554
the purchase of the debt cancellation or debt suspension 36555
product. Notwithstanding any other provision of law, a debt 36556
cancellation or debt suspension product shall not be considered 36557
insurance. 36558

(C) Single interest insurance shall be listed as a 36559
specific good in a retail installment contract. 36560

(D) As used in this section, "single interest insurance" 36561
means insurance that covers only the interest of the holder of 36562
the retail installment contract. 36563

Sec. 1317.06. (A) A retail seller at the time of making 36564
any retail installment sale may charge and contract for the 36565
payment of a finance charge by the retail buyer and collect and 36566
receive the same, which shall not exceed the greater of the 36567

following: 36568

(1) A base finance charge at the rate of eight dollars per 36569
one hundred dollars per year on the principal balance of the 36570
retail installment contract. On retail installment contracts 36571
providing for principal balances less than, nor not in multiples 36572
of one hundred dollars, or for installment payments extending 36573
for a period less than or greater than one year, said finance 36574
charge shall be computed proportionately. In addition to the 36575
base finance charge, the retail seller may charge and contract 36576
for a service charge of fifty cents per month for the first 36577
fifty dollar unit or fraction thereof, of the principal balance 36578
for each month of the term of the installment contract; and an 36579
additional service charge of twenty-five cents per month for 36580
each of the next five fifty dollar units or fraction thereof, of 36581
the principal balance for each month of the term of the 36582
installment contract. This paragraph applies only to retail 36583
installment contracts with a principal balance of seven hundred 36584
dollars or less. 36585

(2) A pre-computed base finance charge not in excess of 36586
the amount obtained by applying the rate of one and one-half per 36587
cent per month to the unpaid portion of the unpaid principal 36588
balance determined to be outstanding from time to time according 36589
to the terms and schedule of payments of the retail installment 36590
contract executed in connection with such retail installment 36591
sale. 36592

Such base finance charge and service charges may be 36593
computed on a basis of a full month for any fractional period in 36594
excess of ten days. For a fractional period of a month not in 36595
excess of ten days, there shall be no base finance charge or 36596
service charge. 36597

Sections 1317.01 to 1317.11 of the Revised Code do not 36598
apply to any sale in which the base finance and service charge 36599
does not exceed the sum of fifteen dollars. 36600

(B) Every retail seller may, at the time of making any 36601
retail installment sale, contract for the payment by the retail 36602
buyer of lawful delinquent charges as follows: 36603

(1) No charges shall be made for delinquent payments less 36604
than ten days late. 36605

(2) Five cents for each dollar for a delinquent payment 36606
that is more than ten days late may be charged, but in no event 36607
shall a delinquent charge for any one installment exceed three 36608
dollars. 36609

A provision for the payment of interest on any installment 36610
not paid in full on or before its scheduled due date at a rate 36611
not to exceed one and one-half per cent interest per month is 36612
not a delinquent charge and is expressly authorized. 36613

~~(C)~~ (C) (1) No retail installment contract arising out of a 36614
consumer transaction and requiring the payment of the charges 36615
authorized by this section shall be executed unless the combined 36616
total of the cash price and all finance charges and service 36617
charges is required to be paid according to a one of the 36618
following: 36619

(a) A schedule of substantially equal consecutive 36620
installments, except where the contract contains a provision 36621
allowing the buyer to refinance the contract under terms no less 36622
favorable than those of the original contract after making the 36623
refund credit required by section 1317.09 of the Revised Code; 36624

(b) A schedule of periodic installments in which no 36625
scheduled installment is more than fifty per cent greater than 36626

any other scheduled installment, except where the contract 36627
contains a provision allowing the buyer to refinance the 36628
contract under terms not less favorable than those of the 36629
original contract after making the refund credit required by 36630
section 1317.09 of the Revised Code. No 36631

(2) No seller shall, pursuant to any provision in a retail 36632
installment contract arising out of a consumer transaction, 36633
accelerate any payments on account of a default in the making of 36634
an installment payment that has not continued for at least 36635
thirty days. Division (C) of this section does not apply to the 36636
extent that the payment schedule is adjusted to the seasonal or 36637
irregular income of the buyer. 36638

Sec. 1321.21. All fees, charges, penalties, and 36639
forfeitures collected under Chapters 1321., 1322., 4712., 4727., 36640
and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 36641
1349.37 of the Revised Code shall be paid to the superintendent 36642
of financial institutions and shall be deposited by the 36643
superintendent into the state treasury to the credit of the 36644
consumer finance fund, which is hereby created. The fund may be 36645
expended or obligated by the superintendent for the defrayment 36646
of the costs of administration of Chapters 1321., 1322., 4712., 36647
4727., and 4728., sections 1315.21 to 1315.30, and sections 36648
1349.25 to 1349.37 of the Revised Code by the division of 36649
financial institutions. All actual and necessary expenses 36650
incurred by the superintendent, including any services rendered 36651
by the department of commerce for the division's administration 36652
of Chapters 1321., 1322., 4712., 4727., and 4728., sections 36653
1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the 36654
Revised Code, shall be paid from the fund. The fund shall be 36655
assessed a proportionate share of the administrative costs of 36656
the department and the division. The proportionate share of the 36657

administrative costs of the division of financial institutions 36658
shall be determined in accordance with procedures prescribed by 36659
the superintendent. Such assessment shall be paid from the 36660
consumer finance fund to the division of administration fund or 36661
the financial institutions fund. 36662

~~Periodically, in accordance with a schedule the director~~ 36663
~~establishes by rule, but at least once every three months, the~~ 36664
~~director of budget and management shall transfer five per cent~~ 36665
~~of all charges, penalties, and forfeitures received into the~~ 36666
~~consumer finance fund to the financial literacy education fund~~ 36667
~~created under section 121.085 of the Revised Code.~~ 36668

Sec. 1347.08. (A) Every state or local agency that 36669
maintains a personal information system, upon the request and 36670
the proper identification of any person who is the subject of 36671
personal information in the system, shall: 36672

(1) Inform the person of the existence of any personal 36673
information in the system of which the person is the subject; 36674

(2) Except as provided in divisions (C) and (E) (2) of this 36675
section, permit the person, the person's legal guardian, or an 36676
attorney who presents a signed written authorization made by the 36677
person, to inspect all personal information in the system of 36678
which the person is the subject; 36679

(3) Inform the person about the types of uses made of the 36680
personal information, including the identity of any users 36681
usually granted access to the system. 36682

(B) Any person who wishes to exercise a right provided by 36683
this section may be accompanied by another individual of the 36684
person's choice. 36685

(C) (1) A state or local agency, upon request, shall 36686

disclose medical, psychiatric, or psychological information to a 36687
person who is the subject of the information or to the person's 36688
legal guardian, unless one of the following determines for the 36689
agency that the disclosure of the information is likely to have 36690
an adverse effect on the person: a physician, including such a 36691
person who specializes as a psychiatrist; an advanced practice 36692
registered nurse, including such a person who specializes as a 36693
psychiatric-mental health nurse practitioner or psychiatric 36694
clinical nurse specialist; or a psychologist. If such a 36695
determination is made, the information shall be released to one 36696
of the following who is designated by the person or by the 36697
person's legal guardian: a physician, including such a person 36698
who specializes as a psychiatrist; an advanced practice 36699
registered nurse, including such a person who specializes as a 36700
psychiatric-mental health nurse practitioner or psychiatric 36701
clinical nurse specialist; or a psychologist. 36702

(2) Upon the signed written request of a licensed attorney 36703
at law, a licensed physician, or an advanced practice registered 36704
nurse designated by the inmate, together with the signed written 36705
request of an inmate of a correctional institution under the 36706
administration of the department of rehabilitation and 36707
correction, the department shall disclose medical information to 36708
the designated attorney, physician, or advanced practice 36709
registered nurse as provided in division (C) of section 5120.21 36710
of the Revised Code. 36711

(D) If an individual who is authorized to inspect personal 36712
information that is maintained in a personal information system 36713
requests the state or local agency that maintains the system to 36714
provide a copy of any personal information that the individual 36715
is authorized to inspect, the agency shall provide a copy of the 36716
personal information to the individual. Each state and local 36717

agency may establish reasonable fees for the service of copying, 36718
upon request, personal information that is maintained by the 36719
agency. 36720

(E) (1) This section regulates access to personal 36721
information that is maintained in a personal information system 36722
by persons who are the subject of the information, but does not 36723
limit the authority of any person, including a person who is the 36724
subject of personal information maintained in a personal 36725
information system, to inspect or have copied, pursuant to 36726
section 149.43 of the Revised Code, a public record as defined 36727
in that section. 36728

(2) This section does not provide a person who is the 36729
subject of personal information maintained in a personal 36730
information system, the person's legal guardian, or an attorney 36731
authorized by the person, with a right to inspect or have 36732
copied, or require an agency that maintains a personal 36733
information system to permit the inspection of or to copy, a 36734
confidential law enforcement investigatory record or trial 36735
preparation record, as defined in divisions (A) (2) and (4) of 36736
section 149.43 of the Revised Code. 36737

(F) This section does not apply to any of the following: 36738

(1) The contents of an adoption file maintained by the 36739
department of health under sections 3705.12 to 3705.124 of the 36740
Revised Code; 36741

(2) Information contained in the putative father registry 36742
established by section 3107.062 of the Revised Code, regardless 36743
of whether the information is held by the department of ~~job and~~ 36744
~~family services~~ children and youth or, pursuant to section 36745
3111.69 of the Revised Code, the office of child support in the 36746

department of job and family services or a child support 36747
enforcement agency; 36748

(3) Papers, records, and books that pertain to an adoption 36749
and that are subject to inspection in accordance with section 36750
3107.17 of the Revised Code; 36751

(4) Records specified in division (A) of section 3107.52 36752
of the Revised Code; 36753

(5) Records that identify an individual described in 36754
division (A)(1) of section 3721.031 of the Revised Code, or that 36755
would tend to identify such an individual; 36756

(6) Files and records that have been expunged under 36757
division (D)(1) or (2) of section 3721.23 of the Revised Code; 36758

(7) Records that identify an individual described in 36759
division (A)(1) of section 3721.25 of the Revised Code, or that 36760
would tend to identify such an individual; 36761

(8) Records that identify an individual described in 36762
division (A)(1) of section 5165.88 of the Revised Code, or that 36763
would tend to identify such an individual; 36764

(9) Test materials, examinations, or evaluation tools used 36765
in an examination for licensure as a nursing home administrator 36766
that the board of executives of long-term services and supports 36767
administers under section 4751.15 of the Revised Code or 36768
contracts under that section with a private or government entity 36769
to administer; 36770

(10) Information contained in a database established and 36771
maintained pursuant to section ~~5101.13~~ 5180.40 of the Revised 36772
Code; 36773

(11) Information contained in a database established and 36774

maintained pursuant to section 5101.631 of the Revised Code. 36775

Sec. 1349.10. (A) (1) "Cable service provider" has the same 36776
meaning as in section 1332.01 of the Revised Code. 36777

(2) "Cloud service provider" means a third-party company 36778
offering a cloud-based platform, infrastructure, application, or 36779
storage services. 36780

(3) "Direct-to-home satellite service" has the same 36781
meaning as in 47 U.S.C. 303, as amended. 36782

(4) "Identifying information" means photo identification 36783
or public or private transactional data. 36784

(5) "Interactive computer service" has the same meaning as 36785
in the "Telecommunications Act of 1996," 47 U.S.C. 230, as 36786
amended. 36787

(6) "Internet provider" means a provider of internet 36788
service, including all of the following: 36789

(a) Broadband service, however defined or classified by 36790
the federal communications commission; 36791

(b) Information service or telecommunications service, 36792
both as defined in the "Telecommunications Act of 1996," 47 36793
U.S.C. 153, as amended; 36794

(c) Internet protocol-enabled services, as defined in 36795
section 4927.01 of the Revised Code. 36796

(7) "Mobile service" and "telecommunications carrier" have 36797
the same meanings as in the "Telecommunications Act of 1996," 47 36798
U.S.C. 153, as amended. 36799

(8) "Organization" means both of the following: 36800

(a) A commercial establishment that, for any form of 36801

consideration, has as a significant or substantial portion of 36802
its stock-in-trade in, derives a significant or substantial 36803
portion of its revenues from, devotes a significant or 36804
substantial portion of its content or advertising to, or 36805
maintains a substantial section of its sales or online content 36806
display space for the sale, rental, or viewing of materials that 36807
are obscene or harmful to juveniles; 36808

(b) A commercial establishment as defined in section 36809
2907.38 of the Revised Code. An establishment may have other 36810
principal business purposes that do not involve selling, 36811
delivering, furnishing, disseminating, providing, exhibiting, or 36812
presenting any material or performance that is obscene or 36813
harmful to juveniles on the internet and still be categorized as 36814
an organization subject to this section. The existence of other 36815
principal business purposes does not exempt an establishment 36816
from being categorized as an organization subject to this 36817
section, so long as one of its principal business purposes 36818
involves selling, delivering, furnishing, disseminating, 36819
providing, exhibiting, or presenting any material or performance 36820
that is obscene or harmful to juveniles on the internet. 36821

(9) "Photo identification" has the same meaning as in 36822
section 3501.01 of the Revised Code and includes any government- 36823
issued identification issued by another state, district, 36824
country, or sovereignty. 36825

(10) "Reasonable age verification methods" means the 36826
following: 36827

(a) Verifying that the person attempting to access the 36828
material or performance that is obscene or harmful to juveniles 36829
is eighteen years of age or older through the use of a 36830
commercial age verification system that uses photo 36831

identification or public or private transactional data to verify 36832
the person's age; 36833

(b) Using third-party and governmental databases that use 36834
a commercial age verification system that uses photo 36835
identification or public or private transactional data to verify 36836
the person's age. 36837

(11) "Transactional data" means a sequence of information 36838
that documents an exchange, agreement, or transfer between a 36839
person, organization, or third party for the purpose of 36840
satisfying a request or event. "Transactional data" includes 36841
mortgage, educational, and employment records. 36842

(12) "Video service provider" has the same meaning as in 36843
section 1332.21 of the Revised Code. 36844

(B) An organization that sells, delivers, furnishes, 36845
disseminates, provides, exhibits, or presents any material or 36846
performance that is obscene or harmful to juveniles on the 36847
internet shall do all of the following: 36848

(1) Verify that any person attempting to access the 36849
material or performance that is obscene or harmful to juveniles 36850
is eighteen years of age or older through reasonable age 36851
verification methods; 36852

(2) Verify that any person creating an account or 36853
subscription to access any material or performance that is 36854
obscene or harmful to juveniles is eighteen years of age or 36855
older through reasonable age verification methods. The 36856
organization shall reverify the age of the person every two 36857
years thereafter. 36858

(3) (a) Utilize a geofence system maintained and monitored 36859
by a licensed location-based technology provider to dynamically 36860

monitor the geolocation of persons attempting to access or 36861
creating an account or subscription to access the material or 36862
performance that is obscene or harmful to juveniles; 36863

(b) The location-based technology provider shall perform a 36864
geolocation check to dynamically monitor the person attempting 36865
to access or creating an account or subscription to access the 36866
material or performance that is obscene or harmful to juveniles 36867
and the person's location. 36868

(c) If the location-based technology provider determines 36869
that a person is located in this state, the organization that 36870
sells, delivers, furnishes, disseminates, provides, exhibits, or 36871
presents any material or performance that is obscene or harmful 36872
to juveniles on the internet shall block that person until the 36873
person's age has been verified using reasonable age verification 36874
methods. 36875

(4) Implement a notification mechanism to alert persons 36876
attempting to access or creating an account or subscription to 36877
access the material or performance that is obscene or harmful to 36878
juveniles, of a geolocation check failure. 36879

(C) (1) (a) Except as otherwise provided in division (C) (1) 36880
(b) of this section, an organization that sells, delivers, 36881
furnishes, disseminates, provides, exhibits, or presents any 36882
material or performance that is obscene or harmful to juveniles 36883
on the internet and verifies the age of the person creating an 36884
account or subscription to access the material or performance 36885
that is obscene or harmful to juveniles on the internet shall do 36886
the following: 36887

(i) Immediately delete all information gathered for the 36888
purpose of age verification after the age verification is 36889

completed, except the information maintained for account and 36890
subscription access and for billing purposes; 36891

(ii) Upon the request of the account holder or subscriber, 36892
immediately delete the data maintained for user access to the 36893
account or subscription and for billing purposes; 36894

(iii) Develop and maintain a data privacy policy compliant 36895
with federal and state law and maintain data in a manner that is 36896
reasonably secure. 36897

(b) On the expiration of two years after the creation of 36898
the account or subscription, the organization shall immediately 36899
delete all information relative to the creation of the user's 36900
account or subscription and any information maintained for 36901
billing purposes, unless the account holder or subscriber renews 36902
the account or subscription. 36903

(2) An organization that sells, delivers, furnishes, 36904
disseminates, provides, exhibits, or presents any material or 36905
performance that is obscene or harmful to juveniles on the 36906
internet and verifies the age of the person attempting to access 36907
the material or performance that is obscene or harmful to 36908
juveniles on the internet shall do both of the following: 36909

(a) Immediately delete all information gathered for the 36910
purpose of age verification after age verification is completed; 36911

(b) Develop and maintain a data privacy policy compliant 36912
with federal and state law and maintain data in a manner that is 36913
reasonably secure. 36914

(3) An organization described in division (C) (1) or (2) of 36915
this section shall immediately delete any identifying 36916
information, except the information required for the purpose of 36917
granting a person access to the account or subscription and for 36918

billing the account or subscription, that is used for age 36919
verification of the person attempting to access or creating an 36920
account or subscription to access any material or performance on 36921
the internet that is obscene or harmful to juveniles after age 36922
verification is completed. 36923

(4) An organization as described in division (C) (1) or (2) 36924
of this section shall not transfer any information collected, 36925
except for the purpose of age verification. Any party who 36926
receives transferred information for age verification purposes 36927
shall immediately delete all information gathered for the 36928
purpose of age verification after age verification is completed. 36929

(D) This section does not apply to any of the following: 36930

(1) A person who, while employed or contracted by a 36931
newspaper, magazine, press association, news agency, news wire 36932
service, radio or television station, or similar media, is 36933
gathering, processing, transmitting, compiling, editing, or 36934
disseminating information for the general public; 36935

(2) A provider of an interactive computer service; 36936

(3) A mobile service; 36937

(4) An internet provider; 36938

(5) A cable service provider; 36939

(6) A direct-to-home satellite service; 36940

(7) A video service provider; 36941

(8) A cloud service provider. 36942

Sec. 1349.101. (A) The attorney general may bring a civil 36943
action against an organization that sells, delivers, furnishes, 36944
disseminates, provides, exhibits, or presents any material or 36945

performance that is obscene or harmful to juveniles on the 36946
internet that fails to comply with the requirements under 36947
divisions (B) (1) or (2) or (C) (1) or (2) of section 1349.10 of 36948
the Revised Code and as a result of that failure a minor gains 36949
access to the material or performance. Before initiating such an 36950
enforcement action, the attorney general shall provide written 36951
notice to the organization identifying and explaining the basis 36952
for each instance of alleged violation. 36953

(B) Except as otherwise provided in division (D) of this 36954
section, the attorney general shall not commence an enforcement 36955
action if the organization, within forty-five days after notice 36956
of the alleged violation is sent, does both of the following: 36957

(1) Cures all violations described in the notice: 36958

(2) Provides the attorney general with a written statement 36959
indicating that the violations are cured and agreeing to refrain 36960
from further noncompliance of the requirements under divisions 36961
(B) (1) or (2) or (C) (1) or (2) of section 1349.10 of the Revised 36962
Code. 36963

(C) If the organization does not timely respond or 36964
continues to fail to comply with the requirements under 36965
divisions (B) (1) or (2) or (C) (1) or (2) of section 1349.10 of 36966
the Revised Code after receiving the notice, the attorney 36967
general may initiate the enforcement action and seek injunctive 36968
relief. 36969

(D) Division (B) of this section does not apply if the 36970
organization fails to timely comply with all of the requirements 36971
described in the notice or commits subsequent violations of the 36972
same type after curing the initial violation under that 36973
division. Notwithstanding division (C) of this section, if an 36974

organization commits a subsequent violation of the same type 36975
after reporting that the initial violation is cured, the 36976
attorney general may bring a civil action at any time after 36977
sending notice of the violation under division (A) of this 36978
section. 36979

(E) Nothing in this section shall be construed to provide 36980
a private right of action. The attorney general has the 36981
exclusive authority to enforce this section. 36982

Sec. 1501.022. (A) As used in this section, "local 36983
government" means a municipal corporation that is located on an 36984
island in Lake Erie and that includes resort attractions and 36985
activities. 36986

(B) If the department of natural resources does not 36987
provide emergency response services, garbage and debris removal 36988
services, or snow removal services on state park land or at 36989
facilities owned or managed by the department, the director of 36990
natural resources shall enter into a contract with a local 36991
government for the local government to provide such services. 36992

(C) If the director requests a local government to provide 36993
any other service besides such services described in division 36994
(B) of this section on state park land or at facilities owned or 36995
managed by the department, the director shall enter into a 36996
contract with a local government for the local government to 36997
provide such services. 36998

(D) A contract entered into under this section shall 36999
include a term providing for the department to reimburse the 37000
local government for services provided and administrative costs 37001
associated with providing such services. 37002

Sec. 1501.023. (A) As used in this section, "historical 37003

site" means a site that has been designated by the Ohio history 37004
connection with a brown historical marker sign and has 37005
significance with respect to the state's oil and gas history. 37006

(B) The department of natural resources shall not 37007
physically work on or alter a historical site without the 37008
consent of every member of all of the following entities: 37009

(1) The board of county commissioners of the county in 37010
which the historical site is located; 37011

(2) The historical society of the county in which the 37012
historical site is located; 37013

(3) The technical advisory council created under section 37014
1509.38 of the Revised Code. 37015

Sec. 1501.46. Except as otherwise provided in federal law, 37016
in circumstances in which the department of natural resources 37017
conducts, or contracts with a third party to conduct, dredging 37018
operations in the waters of the state, no license, registration, 37019
or certification is required for an individual to operate the 37020
dredging equipment or watercraft associated with such 37021
operations. 37022

Sec. 1501.47. The program support fund is created in the 37023
state treasury. The fund shall consist of payments from 37024
divisions within the department of natural resources and any 37025
other payments received by the department related to the 37026
purposes of the fund. The director of natural resources shall 37027
use the money in the fund to support centralized service support 37028
offices of the department. 37029

Sec. 1509.02. There is hereby created in the department of 37030
natural resources the division of oil and gas resources 37031
management, which shall be administered by the chief of the 37032

division of oil and gas resources management. The division has 37033
sole and exclusive authority to regulate the permitting, 37034
location, and spacing of oil and gas wells and production 37035
operations within the state, excepting only those activities 37036
regulated under federal laws for which oversight has been 37037
delegated to the environmental protection agency and activities 37038
regulated under sections 6111.02 to 6111.028 of the Revised 37039
Code. The regulation of oil and gas activities is a matter of 37040
general statewide interest that requires uniform statewide 37041
regulation, and this chapter and rules adopted under it 37042
constitute a comprehensive plan with respect to all aspects of 37043
the locating, drilling, well stimulation, completing, and 37044
operating of oil and gas wells within this state, including site 37045
construction and restoration, permitting related to those 37046
activities, and the disposal of wastes from those wells. In 37047
order to assist the division in the furtherance of its sole and 37048
exclusive authority as established in this section, the chief 37049
may enter into cooperative agreements with other state agencies 37050
for advice and consultation, including visitations at the 37051
surface location of a well on behalf of the division. Such 37052
cooperative agreements do not confer on other state agencies any 37053
authority to administer or enforce this chapter and rules 37054
adopted under it. In addition, such cooperative agreements shall 37055
not be construed to dilute or diminish the division's sole and 37056
exclusive authority as established in this section. Nothing in 37057
this section affects the authority granted to the director of 37058
transportation and local authorities in section 723.01 or 37059
4513.34 of the Revised Code, provided that the authority granted 37060
under those sections shall not be exercised in a manner that 37061
discriminates against, unfairly impedes, or obstructs oil and 37062
gas activities and operations regulated under this chapter. 37063

The chief shall not hold any other public office, nor 37064
shall the chief be engaged in any occupation or business that 37065
might interfere with or be inconsistent with the duties as 37066
chief. 37067

Money collected by the chief pursuant to sections 1509.06, 37068
1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 37069
1509.28, 1509.34, 1509.50, and 5749.02 of the Revised Code, all 37070
civil penalties paid under section 1509.33 of the Revised Code, 37071
and, notwithstanding any section of the Revised Code relating to 37072
the distribution or crediting of fines for violations of the 37073
Revised Code, all fines imposed under divisions (A) and (B) of 37074
section 1509.99 of the Revised Code and fines imposed under 37075
divisions (C) and (D) of section 1509.99 of the Revised Code for 37076
all violations prosecuted by the attorney general and for 37077
violations prosecuted by prosecuting attorneys that do not 37078
involve the transportation of brine by vehicle shall be 37079
deposited into the state treasury to the credit of the oil and 37080
gas well fund, which is hereby created. Fines imposed under 37081
divisions (C) and (D) of section 1509.99 of the Revised Code for 37082
violations prosecuted by prosecuting attorneys that involve the 37083
transportation of brine by vehicle and penalties associated with 37084
a compliance agreement entered into pursuant to this chapter 37085
shall be paid to the county treasury of the county where the 37086
violation occurred. 37087

The fund shall be used solely and exclusively for the 37088
purposes enumerated in division (B) of section 1509.071 of the 37089
Revised Code, payments to the oil and gas resolution and 37090
remediation fund created in section 1509.075 of the Revised 37091
Code, for the expenses of the division associated with the 37092
administration of this chapter and Chapter 1571. of the Revised 37093
Code and rules adopted under them, and for expenses that are 37094

critical and necessary for the protection of human health and 37095
safety and the environment related to oil and gas production in 37096
this state. The expenses of the division in excess of the moneys 37097
available in the fund shall be paid from general revenue fund 37098
appropriations to the department. 37099

Sec. 1509.07. (A) (1) (a) Except as provided in division (A) 37100
(1) (b) or (A) (2) of this section, an owner of any well, except 37101
an exempt Mississippian well or an exempt domestic well, shall 37102
obtain liability insurance coverage from a company authorized or 37103
approved to do business in this state in an amount of not less 37104
than one million dollars bodily injury coverage and property 37105
damage coverage to pay damages for injury to persons or damage 37106
to property caused by the drilling, operation, or plugging of 37107
all the owner's wells in this state. However, if any well is 37108
located within an urbanized area, the owner shall obtain 37109
liability insurance coverage in an amount of not less than three 37110
million dollars for bodily injury coverage and property damage 37111
coverage to pay damages for injury to persons or damage to 37112
property caused by the drilling, operation, or plugging of all 37113
of the owner's wells in this state. 37114

(b) A board of county commissioners of a county that is an 37115
owner of a well or a board of township trustees of a township 37116
that is an owner of a well may elect to satisfy the liability 37117
coverage requirements specified in division (A) (1) (a) of this 37118
section by participating in a joint self-insurance pool in 37119
accordance with the requirements established under section 37120
2744.081 of the Revised Code. Nothing in division (A) (1) (b) of 37121
this section shall be construed to allow an entity, other than a 37122
county or township, to participate in a joint self-insurance 37123
pool to satisfy the liability coverage requirements specified in 37124
division (A) (1) (a) of this section. 37125

(2) An owner of a horizontal well shall obtain liability 37126
insurance coverage from an insurer authorized to write such 37127
insurance in this state or from an insurer approved to write 37128
such insurance in this state under section 3905.33 of the 37129
Revised Code in an amount of not less than five million dollars 37130
bodily injury coverage and property damage coverage to pay 37131
damages for injury to persons or damage to property caused by 37132
the production operations of all the owner's wells in this 37133
state. The insurance policy shall include a reasonable level of 37134
coverage available for an environmental endorsement. 37135

(3) An owner shall maintain the coverage required under 37136
division (A)(1) or (2) of this section until all the owner's 37137
wells are plugged and abandoned or are transferred to an owner 37138
who has obtained insurance as required under this section and 37139
who is not under a notice of material and substantial violation 37140
or under a suspension order. The owner shall provide proof of 37141
liability insurance coverage to the chief of the division of oil 37142
and gas resources management upon request. Upon failure of the 37143
owner to provide that proof when requested, the chief may order 37144
the suspension of any outstanding permits and operations of the 37145
owner until the owner provides proof of the required insurance 37146
coverage. 37147

(B)(1) Except as otherwise provided in this section, an 37148
owner of any well, before being issued a permit under section 37149
1509.06 of the Revised Code or before operating or producing 37150
from a well, shall execute and file with the division of oil and 37151
gas resources management a surety bond conditioned on compliance 37152
with the restoration requirements of section 1509.072, the 37153
plugging requirements of section 1509.12, the permit provisions 37154
of section 1509.13 of the Revised Code, and all rules and orders 37155
of the chief relating thereto, in an amount set by rule of the 37156

chief. 37157

(2) The owner may deposit with the chief, instead of a 37158
surety bond, cash in an amount equal to the surety bond as 37159
prescribed pursuant to this section or negotiable certificates 37160
of deposit or irrevocable letters of credit, issued by any bank 37161
organized or transacting business in this state, having a cash 37162
value equal to or greater than the amount of the surety bond as 37163
prescribed pursuant to this section. Cash or certificates of 37164
deposit shall be deposited upon the same terms as those upon 37165
which surety bonds may be deposited. If the owner deposits cash, 37166
the cash shall be credited to the performance cash bond refunds 37167
fund created in section 1501.16 of the Revised Code. If the 37168
owner deposits certificates of deposit, the chief shall require 37169
the bank that issued any such certificate to pledge securities 37170
of a cash value equal to the amount of the certificate that is 37171
in excess of the amount insured by the federal deposit insurance 37172
corporation. The securities shall be security for the repayment 37173
of the certificate of deposit. 37174

Upon a deposit of cash, certificates of deposit, or 37175
letters of credit with the chief, the chief shall hold them in 37176
trust for the purposes for which they have been deposited. 37177

(3) Instead of a surety bond, the chief may accept proof 37178
of financial responsibility consisting of a sworn financial 37179
statement showing a net financial worth within this state equal 37180
to twice the amount of the bond for which it substitutes and, as 37181
may be required by the chief, a list of producing properties of 37182
the owner within this state or other evidence showing ability 37183
and intent to comply with the law and rules concerning 37184
restoration and plugging that may be required by rule of the 37185
chief. The owner of an exempt Mississippian well is not required 37186

to file scheduled updates of the financial documents, but shall 37187
file updates of those documents if requested to do so by the 37188
chief. The owner of a nonexempt Mississippian well shall file 37189
updates of the financial documents in accordance with a schedule 37190
established by rule of the chief. The chief, upon determining 37191
that an owner for whom the chief has accepted proof of financial 37192
responsibility instead of bond cannot demonstrate financial 37193
responsibility, shall order that the owner execute and file a 37194
bond or deposit cash, certificates of deposit, or irrevocable 37195
letters of credit as required by this section for the wells 37196
specified in the order within ten days of receipt of the order. 37197
If the order is not complied with, all wells of the owner that 37198
are specified in the order and for which no bond is filed or 37199
cash, certificates of deposit, or letters of credit are 37200
deposited shall be plugged. No owner shall fail or refuse to 37201
plug such a well. Each day on which such a well remains 37202
unplugged thereafter constitutes a separate offense. 37203

(4) The surety bond provided for in this section shall be 37204
executed by a surety company authorized to do business in this 37205
state. 37206

The chief shall not approve any bond until it is 37207
personally signed and acknowledged by both principal and surety, 37208
or as to either by the principal's or surety's attorney in fact, 37209
with a certified copy of the power of attorney attached thereto. 37210
The chief shall not approve a bond unless there is attached a 37211
certificate of the superintendent of insurance that the company 37212
is authorized to transact a fidelity and surety business in this 37213
state. 37214

All bonds shall be given in a form to be prescribed by the 37215
chief and shall run to the state as obligee. 37216

(5) An owner of an exempt Mississippian well or an exempt domestic well, in lieu of filing a surety bond, cash in an amount equal to the surety bond, certificates of deposit, irrevocable letters of credit, or a sworn financial statement, may file a one-time fee of fifty dollars, which shall be deposited in the oil and gas ~~well plugging~~ resolution and remediation fund created in section ~~1509.071~~ 1509.075 of the Revised Code.

(C) An owner, operator, producer, or other person shall not operate a well or produce from a well at any time if the owner, operator, producer, or other person has not satisfied the requirements established in this section.

Sec. 1509.071. (A) When the chief of the division of oil and gas resources management finds that an owner has failed to comply with a final nonappealable order issued or compliance agreement entered into under section 1509.04, the restoration requirements of section 1509.072, plugging requirements of section 1509.12, or permit provisions of section 1509.13 of the Revised Code, or rules and orders relating thereto, the chief shall make a finding of that fact and declare any surety bond filed to ensure compliance with those sections and rules forfeited in the amount set by rule of the chief. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the forfeiture. In addition, the chief may require an owner, operator, producer, or other person who forfeited a surety bond to post a new surety bond in the amount of fifteen thousand dollars for a single well, thirty thousand dollars for two wells, or fifty thousand dollars for three or more wells.

In lieu of total forfeiture, the surety or owner, at the

surety's or owner's option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the treasurer of state the cost of plugging and abandonment.

(B) (1) All moneys collected because of forfeitures of bonds as provided in this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

For purposes of promoting the competent management and conservation of the state's oil and natural gas resources and the proper and lawful plugging of historic oil and gas wells for which there is no known responsible owner, the chief annually shall spend not less than thirty per cent of the revenue credited to the oil and gas well fund during the previous fiscal year for both of the following purposes:

(a) In accordance with division (E) of this section, to plug orphaned wells or to restore the land surface properly as required in section 1509.072 of the Revised Code;

(b) In accordance with division (F) of this section, to correct conditions that the chief reasonably has determined are causing imminent health or safety risks at an orphaned well or associated with a well for which the owner has not initiated a corrective action within a reasonable period of time as determined by the chief after the chief has attempted to notify the owner.

(2) Expenditures from the oil and gas well fund and oil and gas resolution and remediation fund shall be made only for lawful purposes. ~~In addition~~ Except as otherwise provided in divisions (B) (2) and (D) of section 1509.075 of the Revised Code, expenditures from ~~the fund~~ those funds shall not be made

to purchase real property or to remove a structure in order to 37276
access a well. 37277

~~The director of budget and management, in consultation 37278~~
~~with the chief, shall establish an accounting code for purposes 37279~~
~~of tracking expenditures made as required under this division. 37280~~

(C) (1) If a landowner discovers a well on the landowner's 37281
real property and the landowner is not the owner of the well, 37282
the landowner may report the existence of the well in writing to 37283
the chief. 37284

(2) If the chief receives a written report from a 37285
landowner of the discovery of a well previously unknown to the 37286
division, the chief shall inspect the well not later than thirty 37287
days after the date of receipt of the landowner's report. 37288

(3) The chief shall establish a scoring matrix for use in 37289
determining the priority of plugging wells or restoring land 37290
surfaces at orphaned well sites for purposes of this section. 37291
The matrix shall include a classification system that 37292
categorizes orphaned wells as high priority, medium priority, 37293
and low priority. 37294

(4) The chief shall use the matrix developed under 37295
division (C) (3) of this section to prioritize plugging and land 37296
restoration projects under this section. The chief may add 37297
additional orphaned wells to a project regardless of 37298
classification. 37299

(D) (1) After determining that a well is an orphaned well, 37300
the chief shall do all of the following: 37301

(a) Make a reasonable attempt to determine from the 37302
records in the office of the county recorder of the county in 37303
which the well is located the identity of the current owner of 37304

the land on which the well is located, the identity of each 37305
person owning a right or interest in the oil or gas mineral 37306
interests, and the identities of the persons having a lien upon 37307
any of the equipment appurtenant to the well. For purposes of 37308
division (D)(1)(a) of this section, the chief is not required to 37309
review records in the office of the county recorder that are 37310
older than forty years from the date on which the chief made the 37311
determination that the well is an orphaned well. 37312

(b) Mail notice to each person identified in division (D) 37313
(1)(a) of this section; 37314

(c) Include in the notice to each person having a lien 37315
upon any equipment appurtenant to the well, a statement 37316
informing the person that the well is to be plugged and offering 37317
the person the opportunity to remove that equipment from the 37318
well site at the person's own expense in order to avoid 37319
forfeiture of the equipment to this state; 37320

(d) Publish notice in a newspaper of general circulation 37321
in the county where the well is located that the well is to be 37322
plugged or post the notice on the department of natural 37323
resources web site. 37324

(2) If the current address of a person identified in 37325
division (D)(1)(a) of this section cannot be determined, or if a 37326
notice provided by mail to a person under division (D)(1)(b) of 37327
this section is returned undeliverable, the notice published 37328
under division (D)(1)(d) of this section constitutes sufficient 37329
notice to the person. 37330

(3) If none of the persons described in division (D)(1)(a) 37331
of this section removes equipment from the well within thirty 37332
days after the mailing of the notice or publication or posting 37333

of notice described in division (D) (1) (d) of this section, 37334
whichever is later, all equipment appurtenant to the well is 37335
hereby declared to be forfeited to this state without 37336
compensation and without the necessity for any action by the 37337
state for use to defray the cost of plugging the well and 37338
restoring the land surface at the well site. 37339

(E) The chief may expend money from the oil and gas well 37340
fund and the oil and gas resolution and remediation fund for the 37341
purpose of division (B) (1) (a) of this section, and such 37342
expenditures shall be made in accordance with either of the 37343
following: 37344

(1) The chief may make expenditures pursuant to contracts 37345
entered into by either the chief or another agency of the state 37346
with persons who agree to furnish the materials, equipment, 37347
work, and labor as specified and provided in such a contract for 37348
activities associated with the restoration or plugging of an 37349
orphaned well as determined by the chief. If another agency of 37350
the state enters into the contract, the chief shall prepare the 37351
scope of work for the restoration or plugging of the well. The 37352
activities may include excavation to uncover a well, methods to 37353
locate a well, analyzing the well, stabilizing or other work 37354
conducted prior to plugging the well, drilling out or cleanout 37355
of wellbores to remove material from a well, plugging 37356
operations, installation of vault and vent systems, including 37357
associated engineering certifications and permits, removal of 37358
associated equipment, restoration of property, replugging of 37359
previously plugged orphaned wells or wells for which final 37360
restoration was completed under section 1509.072 of the Revised 37361
Code and rules adopted under it, and repair of damage to 37362
property that is caused by such activities. The chief may make 37363
expenditures for salaries, maintenance, equipment, or other 37364

administrative purposes, for costs directly attributed to 37365
locating, analyzing, stabilizing, designing, plugging, 37366
remediating, or restoring an orphaned well, and for determining 37367
if a well is an orphaned well. 37368

Agents or employees of persons contracting with the chief 37369
to locate, analyze, stabilize, design, plug, remediate, or 37370
restore a well may enter upon any land, public or private, on 37371
which the well is located, or on adjacent parcels needed for 37372
access, for the purpose of performing the work. Prior to such 37373
entry, the chief shall give to the following persons written 37374
notice of the existence of a contract to locate, analyze, 37375
stabilize, design, plug, remediate, or restore a well, the names 37376
of the persons with whom the contract is made, and the date that 37377
the project will commence: the owner of the well, the owner of 37378
the land upon which the well is located, the owner of the land 37379
of an adjacent parcel that will be entered upon, and, if the 37380
well is located in the same township as or in a township 37381
adjacent to the excavations and workings of a mine and the owner 37382
or lessee of that mine has provided written notice identifying 37383
those townships to the chief at any time during the immediately 37384
preceding three years, the owner or lessee of the mine. The 37385
chief may include in the notice to the owner or lessee of the 37386
mine additional information, such as authorization to plug an 37387
orphaned well under section 1509.151 of the Revised Code. 37388

(2) (a) The owner of the land on which at least one 37389
orphaned well is located who has received notice under division 37390
(D) (1) (b) of this section may plug any such orphaned well and be 37391
reimbursed by the division of oil and gas resources management 37392
for the reasonable cost of plugging such wells. In order to plug 37393
the orphaned wells, the landowner shall submit an application to 37394
the chief on a form prescribed by the chief and approved by the 37395

technical advisory council on oil and gas created in section 37396
1509.38 of the Revised Code. The application, at a minimum, 37397
shall require the landowner to provide the same information as 37398
is required to be included in the application for a permit to 37399
plug and abandon under section 1509.13 of the Revised Code. 37400

The application shall be accompanied by a copy of a 37401
proposed contract to plug and abandon the orphaned wells 37402
prepared by a contractor regularly engaged in the business of 37403
plugging oil and gas wells. The proposed contract shall require 37404
the contractor to furnish all of the materials, equipment, work, 37405
and labor necessary to plug the orphaned wells properly and 37406
restore the site including the removal of all associated 37407
equipment and shall specify the price for doing the work. The 37408
contractor shall be insured. 37409

Expenditures made under division (E) (2) (a) of this section 37410
shall be consistent with the expenditures for activities 37411
described in division (E) (1) of this section. In addition, 37412
expenditures made under division (E) (2) of this section are not 37413
subject to section 127.16 of the Revised Code. The application 37414
constitutes an application for a permit to plug the well for the 37415
purposes of section 1509.13 of the Revised Code ~~and the~~ 37416
~~applicant is not required to submit the fee otherwise required~~ 37417
~~under that section.~~ 37418

(b) Within thirty days after receiving an application and 37419
accompanying proposed contract under division (E) (2) (a) of this 37420
section, the chief shall determine whether the plugging would 37421
comply with the applicable requirements of this chapter and 37422
applicable rules adopted and orders issued under it and whether 37423
the cost of the plugging under the proposed contract is 37424
reasonable. If the chief determines that the proposed plugging 37425

would comply with those requirements and that the proposed cost 37426
of the plugging is reasonable, the chief shall notify the 37427
landowner of that determination and issue to the landowner a 37428
permit to plug the well under section 1509.13 of the Revised 37429
Code. The chief may disapprove an application submitted under 37430
division (E)(2)(a) of this section if the chief determines that 37431
the proposed plugging would not comply with the applicable 37432
requirements of this chapter and applicable rules adopted and 37433
orders issued under it, that the cost of the plugging under the 37434
proposed contract is unreasonable, or that the proposed contract 37435
is not a bona fide, arm's length contract. 37436

(c) After receiving the chief's notice of the approval of 37437
the application and permit to plug and abandon a well under 37438
division (E)(2)(b) of this section, the landowner may enter into 37439
the proposed contract to plug the well. 37440

(d) Upon determining that the plugging has been completed 37441
in compliance with the applicable requirements of this chapter 37442
and applicable rules adopted and orders issued under it, the 37443
chief shall pay the contractor for the cost of the plugging and 37444
restoration as set forth in the proposed contract approved by 37445
the chief and changes or costs approved by the chief. The 37446
payment shall be paid from the oil and gas well fund or the oil 37447
and gas resolution and remediation fund. The chief shall only 37448
make payments for purposes of division (E)(2) of this section 37449
pursuant to a proper invoice as defined under section 125.01 of 37450
the Revised Code. 37451

(e) If the chief determines that the plugging was not 37452
completed in accordance with the applicable requirements, the 37453
chief shall not pay the contractor or landowner for the cost of 37454
the plugging. 37455

(f) If any equipment was removed from the well during the 37456
plugging and sold, the chief shall deduct the sale amount of the 37457
equipment from the payment to the contractor. 37458

(g) Changes made to a contract executed under division (E) 37459
(2) of this section due to unanticipated conditions may be 37460
presented to the chief in the form of a written request for 37461
approval of the additional costs prior to completion of the 37462
work. The chief shall determine if the changes are necessary to 37463
comply with this chapter and rules adopted and orders issued 37464
under it and if the cost of the changes are reasonable. The 37465
chief shall provide to the contractor a written decision 37466
regarding the proposed changes. If the chief determines that the 37467
changes are not necessary or that the costs are not reasonable, 37468
the chief may either deny the request or establish the amount of 37469
the cost that the chief approves. Work completed prior to 37470
receipt of written approval from the chief is not eligible for 37471
payment, unless waived by the chief. 37472

(3) The chief may establish an annual limit on the number 37473
of wells that may be plugged under division (E) (2) of this 37474
section or an annual limit on the expenditures to be made under 37475
that division. The chief may reject an application submitted 37476
under division (E) (2) of this section if the chief determines 37477
that the plugging of other wells take priority. 37478

(4) As used in division (E) (2) of this section, "plug" and 37479
"plugging" include the plugging of the well, replugging of a 37480
previously plugged orphaned well or a well for which final 37481
restoration was completed under section 1509.072 of the Revised 37482
Code and rules adopted under it, drilling out or cleanout of a 37483
well bore to remove material from a well, installation of 37484
casings, installation of a vault and vent, restoration, and the 37485

restoration of the land surface disturbed by the plugging. 37486

(F) (1) Expenditures from the oil and gas well fund or the 37487
oil and gas resolution and remediation fund for the purpose of 37488
division (B) (1) (b) of this section may be made pursuant to 37489
contracts entered into by either the chief or another agency of 37490
the state with persons who agree to furnish the materials, 37491
equipment, work, and labor as specified and provided in such a 37492
contract. The competitive bidding requirements of Chapter 153. 37493
of the Revised Code do not apply if the chief reasonably 37494
determines that a situation exists requiring immediate action 37495
for the correction of the applicable health or safety risk. A 37496
contract or purchase of materials for purposes of addressing the 37497
emergency situation is not subject to division (B) of section 37498
127.16 of the Revised Code. The chief, designated 37499
representatives of the chief, and agents or employees of persons 37500
contracting with the chief to locate, analyze, stabilize, 37501
design, plug, remediate, or restore a well under this division 37502
may enter upon any land, public or private, on which the well is 37503
located, or on parcels needed for access, for the purpose of 37504
performing the work. 37505

(2) The chief shall issue an order that requires the owner 37506
of a well to pay the actual documented costs of a corrective 37507
action that is described in division (B) (1) (b) of this section 37508
concerning the well. The chief shall transmit the money so 37509
recovered to the treasurer of state who shall deposit the money 37510
in the ~~state treasury to the credit of the oil and gas well~~ 37511
resolution and remediation fund. 37512

(G) Contracts entered into by either the chief or another 37513
agency of the state under this section are not subject to any of 37514
the following: 37515

(1) Chapter 4115. of the Revised Code;	37516
(2) Chapter 153. of the Revised Code;	37517
(3) Section 4733.17 of the Revised Code.	37518
(H) The owner of land on which a well is located who has received notice under division (D) (1) (b) of this section, in lieu of plugging the well in accordance with division (E) (2) of this section, may cause ownership of the well to be transferred in accordance with section 1509.31 of the Revised Code.	37519 37520 37521 37522 37523
If a well is transferred, the owner to whom it is transferred shall comply with this chapter and rules adopted under it and shall take title to and possession of the equipment appurtenant to the well that has been identified by the chief as having been abandoned by the former owner of the well.	37524 37525 37526 37527 37528
(I) The chief may engage in cooperative projects under this section with any agency of this state, another state, or the United States; any other governmental agencies; any state university or college as defined in section 3345.27 of the Revised Code; or a nonprofit corporation that is exempt from federal income taxation under section 501(c) (3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended. A contract entered into for purposes of a cooperative project is not subject to division (B) of section 127.16 of the Revised Code.	37529 37530 37531 37532 37533 37534 37535 37536 37537
(J) (1) On or before the close of each calendar quarter, the chief shall submit a written report to the technical advisory council established under section 1509.38 of the Revised Code describing the efforts of the division of oil and gas resources management to plug orphaned wells during the immediately preceding calendar quarter. The chief also shall include in the report all of the following information:	37538 37539 37540 37541 37542 37543 37544

(a) The total number of known orphaned wells in the state	37545
and the total number in each county of the state;	37546
(b) The total number of newly discovered orphaned wells	37547
during the immediately preceding calendar quarter;	37548
(c) The total number of wells plugged in accordance with	37549
this section during the immediately preceding calendar quarter;	37550
(d) The total number of wells plugged in accordance with	37551
this section and the estimated average and indirect costs of	37552
plugging activities conducted under this section prior to the	37553
date of the report;	37554
(e) The number of wells approved for plugging in	37555
accordance with this section and the estimated average and	37556
indirect costs of plugging activities conducted under this	37557
section during the immediately preceding calendar quarter.	37558
(2) Not later than the thirty-first day of March of each	37559
year, the chief and the technical advisory council shall jointly	37560
provide a report containing, at a minimum, the information	37561
required to be included in the quarterly reports during the	37562
previous one-year period to all of the following:	37563
(a) The speaker of the house of representatives;	37564
(b) The president of the senate;	37565
(c) The chair of the committee of the house of	37566
representatives responsible for energy and natural resources	37567
issues;	37568
(d) The chair of the committee of the senate responsible	37569
for energy and natural resources issues.	37570
<u>Sec. 1509.075.</u> (A) The oil and gas resolution and	37571

remediation fund is created in the state treasury. The fund 37572
shall consist of moneys transferred to it from the oil and gas 37573
well fund and any money deposited into it under sections 1509.07 37574
and 1509.071 of the Revised Code. Notwithstanding any provision 37575
of law to the contrary, at the beginning of each fiscal year, 37576
the treasurer of state shall transfer to the oil and gas 37577
resolution and remediation fund the amount of money in the oil 37578
and gas well fund that is in excess of the total amount 37579
appropriated to the oil and gas well fund for that fiscal year. 37580

(B) (1) Money in the oil and gas resolution and remediation 37581
fund shall be used by the chief of the division of oil and gas 37582
resources management for the plugging of orphaned wells under 37583
this chapter. 37584

(2) The chief may use money in the fund for expenses that 37585
are critical and necessary for the protection of human health 37586
and safety and the environment related to oil and gas production 37587
in this state. 37588

(3) The treasurer of state shall disburse moneys from the 37589
fund quarterly on order of the chief. 37590

(C) The treasurer of state may invest any portion of the 37591
oil and gas resolution and remediation fund not needed for 37592
immediate use in the same manner as, and subject to all 37593
provisions of law with respect to the investment of, state 37594
funds. 37595

(D) Interest earned on the fund shall be credited to the 37596
fund and reserved for use by the director of natural resources. 37597
The director may order the treasurer of state to disburse 37598
interest from the fund for any purpose of the department of 37599
natural resources, subject to the approval of the technical 37600

advisory council on oil and gas, as provided in section 1509.38 37601
of the Revised Code. The director shall provide the treasurer of 37602
state with written notice of the council's approval before the 37603
treasurer of state may disburse money from the fund. 37604

(E) Notwithstanding any other provision of law to the 37605
contrary, no money shall be transferred out of the fund by the 37606
director of budget and management or the controlling board to 37607
any other fund, including the general revenue fund. The fund 37608
shall not be used for any purpose not specified in law. 37609

Sec. 1509.13. (A) (1) Except as otherwise provided in 37610
division (A) (2) of this section and division (E) (1) of section 37611
1509.071 of the Revised Code, no person shall plug and abandon a 37612
well without having a permit to do so issued by the chief of the 37613
division of oil and gas resources management. The permit shall 37614
be issued by the chief in accordance with this chapter and shall 37615
be valid for a period of twenty-four months from the date of 37616
issue. 37617

(2) The holder of a valid permit issued under section 37618
1509.06 of the Revised Code may receive approval from an oil and 37619
gas resources inspector to plug and abandon the well associated 37620
with that permit, without obtaining the permit required under 37621
division (A) of this section, if either of the following apply: 37622

(a) The well was drilled to total depth and the well 37623
cannot or will not be completed. 37624

(b) The well is a lost hole or dry hole. 37625

(3) A permit holder plugging a well pursuant to division 37626
(A) (2) (a) of this section shall plug the well within thirty days 37627
of receipt of approval from the oil and gas resources inspector. 37628

(4) A permit holder plugging a well pursuant to division 37629

(A) (2) (b) of this section shall plug the well immediately after 37630
determining that the well is a lost hole or dry hole in 37631
accordance with rules adopted under this chapter. 37632

(B) The application for a permit to plug and abandon shall 37633
be filed as many days in advance as will be necessary for an oil 37634
and gas resources inspector or, if the well is located in a coal 37635
bearing township, both a deputy mine inspector and an oil and 37636
gas resources inspector to be present at the plugging. The 37637
application shall be filed with the chief upon a form that the 37638
chief prescribes and shall contain the following information: 37639

(1) The name and address of the applicant; 37640

(2) The signature of the applicant or the applicant's 37641
authorized agent. When an authorized agent signs an application, 37642
it shall be accompanied by a certified copy of the appointment 37643
as that agent. 37644

(3) The location of the well identified by section or lot 37645
number, city, village, township, and county; 37646

(4) Designation of well by name and number; 37647

(5) The total depth of the well to be plugged; 37648

(6) The date and amount of last production from the well; 37649

(7) Other information that the chief may require. 37650

(C) ~~Except as otherwise provided in division (E) (2) (a) of~~ 37651
~~section 1509.071 of the Revised Code, the application shall be~~ 37652
~~accompanied by a nonrefundable fee of two hundred fifty dollars.~~ 37653
Unless waived by an oil and gas resources inspector, the owner 37654
of a well or the owner's authorized representative shall notify 37655
an oil and gas resources inspector at least twenty-four hours 37656
prior to the commencement of the plugging of a well. No well 37657

shall be plugged and abandoned without an oil and gas resources 37658
inspector present unless permission has been granted by the 37659
chief. The owner of a well that has produced oil or gas shall 37660
give written notice at the same time to the owner of the land 37661
upon which the well is located and to all lessors that receive 37662
gas from the well pursuant to an agreement. If the well 37663
penetrates or passes within one hundred feet of the excavations 37664
and workings of a mine, the owner of the well shall give written 37665
notice to the owner or lessee of that mine of the intention to 37666
abandon the well and of the time when the owner of the well will 37667
be prepared to commence plugging it. 37668

(D) An applicant may file a request with the chief for 37669
expedited review of an application for a permit to plug and 37670
abandon a well. The chief may refuse to accept a request for 37671
expedited review if, in the chief's judgment, acceptance of the 37672
request will prevent the issuance, within twenty-one days of 37673
filing, of permits for which applications filed under section 37674
1509.06 of the Revised Code are pending. In addition to a 37675
complete application for a permit that meets the requirements of 37676
this section ~~and the permit fee prescribed by this section, if~~ 37677
~~applicable~~, a request for expedited review shall be accompanied 37678
by a nonrefundable filing fee of five hundred dollars unless the 37679
chief has ordered the applicant to plug and abandon the well. 37680
When a request for expedited review is filed, the chief shall 37681
immediately begin to process the application and shall issue a 37682
permit within seven days of the filing of the request unless the 37683
chief, by order, denies the application. 37684

(E) (1) Except as otherwise provided in division (E) (2) of 37685
this section, any person undertaking the plugging of a well for 37686
which a permit has been issued under this section shall obtain 37687
insurance for bodily injury coverage and property damage 37688

coverage in the amount established under section 1509.07 of the Revised Code to pay for damages or injury to property or person, including damages caused by the plugging of the well. The person shall electronically submit proof of insurance to the chief upon the chief's request.

(2) Division (E)(1) of this section does not apply to a person already required to maintain an insurance policy under section 1509.07 of the Revised Code.

(F) This section does not apply to a well plugged or abandoned in compliance with section 1571.05 of the Revised Code.

Sec. 1509.36. Any person adversely affected by an order by the chief of the division of oil and gas resources management may appeal to the oil and gas commission for an order vacating or modifying the order.

The person so appealing to the commission shall be known as appellant and the chief shall be known as appellee. Appellant and appellee shall be deemed to be parties to the appeal.

The appeal shall be in writing and shall set forth the order complained of and the grounds upon which the appeal is based. The appeal shall be filed with the commission within thirty days after the date upon which the person to whom the order was issued received the order and, for all other persons adversely affected by the order, within thirty days after the date of the order complained of. Notice of the filing of the appeal shall be filed with the chief within three days after the appeal is filed with the commission.

Upon the filing of the appeal, the commission may decide the appeal, in whole or in part, without a hearing when, in its

judgment, it is appropriate to do so. If the commission decides 37718
to hold a hearing, the commission promptly shall fix the time 37719
and place at which the hearing on the appeal will be held, and 37720
shall give the appellant and the chief at least ten days' 37721
written notice thereof by mail. The commission may postpone or 37722
continue any hearing upon its own motion or upon application of 37723
the appellant or of the chief. 37724

The filing of an appeal provided for in this section does 37725
not automatically suspend or stay execution of the order 37726
appealed from, but upon application by the appellant the 37727
commission may suspend or stay the execution pending 37728
determination of the appeal upon such terms as the commission 37729
considers proper. 37730

Either party to the appeal or any interested person who, 37731
pursuant to commission rules has been granted permission to 37732
appear, may submit such evidence as the commission considers 37733
admissible. 37734

For the purpose of conducting a hearing on an appeal, the 37735
commission may require the attendance of witnesses and the 37736
production of books, records, and papers, and it may, and at the 37737
request of any party it shall, issue subpoenas for witnesses or 37738
subpoenas duces tecum to compel the production of any books, 37739
records, or papers, directed to the sheriffs of the counties 37740
where the witnesses are found. The subpoenas shall be served and 37741
returned in the same manner as subpoenas in criminal cases are 37742
served and returned. The fees of sheriffs shall be the same as 37743
those allowed by the court of common pleas in criminal cases. 37744
Witnesses shall be paid the fees and mileage provided for under 37745
section 119.094 of the Revised Code. Such fees and mileage 37746
expenses incurred at the request of appellant shall be paid in 37747

advance by the appellant, and the remainder of those expenses 37748
shall be paid out of funds appropriated for the expenses of the 37749
division of oil and gas resources management. 37750

In case of disobedience or neglect of any subpoena served 37751
on any person, or the refusal of any witness to testify to any 37752
matter regarding which the witness may be lawfully interrogated, 37753
the court of common pleas of the county in which the 37754
disobedience, neglect, or refusal occurs, or any judge thereof, 37755
on application of the commission or any member thereof, shall 37756
compel obedience by attachment proceedings for contempt as in 37757
the case of disobedience of the requirements of a subpoena 37758
issued from that court or a refusal to testify therein. 37759
Witnesses at such hearings shall testify under oath, and any 37760
member of the commission may administer oaths or affirmations to 37761
persons who so testify. 37762

~~At~~ If a hearing occurs and at the request of any party to 37763
the appeal, a record of the testimony and other evidence 37764
submitted shall be taken by an official court reporter at the 37765
expense of the party making the request for the record. The 37766
record shall include all of the testimony and other evidence and 37767
the rulings on the admissibility thereof presented at the 37768
hearing. The commission shall pass upon the admissibility of 37769
evidence, but any party may at the time object to the admission 37770
of any evidence and except to the rulings of the commission 37771
thereon, and if the commission refuses to admit evidence the 37772
party offering same may make a proffer thereof, and such proffer 37773
shall be made a part of the record of the hearing. 37774

If ~~upon completion of the hearing~~ the commission finds 37775
that the order appealed from was lawful and reasonable, it shall 37776
make a written order affirming the order appealed from; if the 37777

commission finds that the order was unreasonable or unlawful, it 37778
shall make a written order vacating the order appealed from and 37779
making the order that it finds the chief should have made. Every 37780
order made by the commission shall contain a written finding by 37781
the commission of the facts upon which the order is based. 37782

Notice of the making of the order shall be given forthwith 37783
to each party to the appeal by mailing a certified copy thereof 37784
to each such party by certified mail. 37785

The order of the commission is final unless vacated by the 37786
court of common pleas of Franklin county in an appeal as 37787
provided for in section 1509.37 of the Revised Code. Sections 37788
1509.01 to 1509.37 of the Revised Code, providing for appeals 37789
relating to orders by the chief or by the commission, or 37790
relating to rules adopted by the chief, do not constitute the 37791
exclusive procedure that any person who believes the person's 37792
rights to be unlawfully affected by those sections or any 37793
official action taken thereunder must pursue in order to protect 37794
and preserve those rights, nor do those sections constitute a 37795
procedure that that person must pursue before that person may 37796
lawfully appeal to the courts to protect and preserve those 37797
rights. 37798

Sec. 1509.38. (A) There is hereby created in the division 37799
of oil and gas resources management a technical advisory council 37800
on oil and gas, which shall consist of eight members to be 37801
appointed by the governor with the advice and consent of the 37802
senate. Three members shall be independent oil or gas producers, 37803
operators, or their representatives, operating and producing 37804
primarily in this state, three members shall be oil or gas 37805
producers, operators, or their representatives having 37806
substantial oil and gas producing operations in this state and 37807

at least one other state, one member shall represent the public, 37808
and one member shall represent persons having landowners' 37809
royalty interests in oil and gas production. All members shall 37810
be residents of this state, and all members, except the members 37811
representing the public and persons having landowners' royalty 37812
interests, shall have at least five years of practical or 37813
technical experience in oil or gas drilling and production. Not 37814
more than one member may represent any one company, producer, or 37815
operator. 37816

(B) Terms of office shall be for three years, commencing 37817
on the first day of February and ending on the thirty-first day 37818
of January. Each member shall hold office from the date of 37819
appointment until the end of the term for which the member was 37820
appointed. A vacancy in the office of a member shall be filled 37821
by the governor, with the advice and consent of the senate. Any 37822
member appointed to fill a vacancy occurring prior to the 37823
expiration of the term for which the member's predecessor was 37824
appointed shall hold office for the remainder of that term. Any 37825
member shall continue in office subsequent to the expiration 37826
date of the member's term until the member's successor takes 37827
office, or until a period of sixty days has elapsed, whichever 37828
occurs first. 37829

(C) The council shall select from among its members a 37830
chairperson, a vice-chairperson, and a secretary. All members 37831
are entitled to their actual and necessary expenses incurred in 37832
the performance of their duties as members, payable from the 37833
appropriations for the division. 37834

(D) The governor may remove any member for inefficiency, 37835
neglect of duty, or malfeasance in office. 37836

(E) The council shall hold at least one regular meeting in 37837

each quarter of a calendar year and shall keep a record of its 37838
proceedings. Special meetings may be called by the chairperson 37839
and shall be called by the chairperson upon receipt of a written 37840
request signed by two or more members of the council. A written 37841
notice of the time and place of each meeting shall be sent to 37842
each member of the council. Five members constitute a quorum, 37843
and no action of the council is valid unless five members 37844
concur. 37845

(F) The council, when requested by the chief of the 37846
division of oil and gas resources management, shall consult with 37847
and advise the chief and perform other duties that may be 37848
lawfully delegated to it by the chief. The council may 37849
participate in hearings held by the chief under this chapter and 37850
has powers of approval as provided in sections 1509.24 and 37851
1509.25 of the Revised Code. The council shall conduct the 37852
activities required, and exercise the authority granted, under 37853
Chapter 1510. of the Revised Code. 37854

(G) If the council receives a request from the director of 37855
natural resources to approve an expenditure from the oil and gas 37856
resolution and remediation fund for purposes of division (D) of 37857
section 1509.075 of the Revised Code, the council shall vote to 37858
approve or deny that expenditure. The council shall notify the 37859
director in writing of the approval or denial. 37860

(H) The council, upon receiving a request from the 37861
chairperson of the oil and gas commission under division (C) of 37862
section 1509.35 of the Revised Code, immediately shall prepare 37863
and provide to the chairperson a list of its members who may 37864
serve as temporary members of the oil and gas commission as 37865
provided in that division. 37866

Sec. 1513.371. The long-term abandoned mine reclamation 37867

fund is created in the state treasury. The fund shall be 37868
administered by the chief of the division of mineral resources 37869
management and consist of grants awarded by the United States 37870
secretary of the interior from the federal abandoned mine 37871
reclamation fund pursuant to the federal "Infrastructure 37872
Investment and Jobs Act," Pub. L. No. 177-58. All investment 37873
earnings of the fund shall be credited to the fund. 37874

The fund shall be used for abatement of the causes and 37875
treatment of the effects of acid mine drainage resulting from 37876
coal mine practices, including the following: 37877

(A) The costs of building, operating, maintaining, and 37878
rehabilitating acid mine drainage treatment systems; 37879

(B) The prevention, abatement, and control of subsidence; 37880

(C) The prevention, abatement, and control of coal mine 37881
fires. 37882

Sec. 1517.11. (A) There is hereby created in the state 37883
treasury the natural areas and preserves fund, which shall 37884
consist of moneys transferred into it under section 5747.113 of 37885
the Revised Code and of contributions made directly to it. Any 37886
person may contribute directly to the fund in addition to or 37887
independently of the income tax refund contribution system 37888
established in that section. 37889

(B) Moneys in the fund shall be disbursed pursuant to 37890
vouchers approved by the director of natural resources for use 37891
by the division of natural areas and preserves solely for the 37892
following purposes: 37893

~~(A)~~ (1) The acquisition of new or expanded natural areas 37894
and nature preserves and scenic river lands; 37895

~~(B)~~ (2) Facility development in natural areas and nature preserves and scenic river lands; 37896
37897

~~(C)~~ (3) Special projects, including, but not limited to, biological inventories, research grants, and the production of interpretive material related to natural areas and nature preserves and scenic river lands; 37898
37899
37900
37901

~~(D)~~ (4) Routine maintenance for health and safety purposes. 37902

(C) Money in the fund also may be used for the purposes of administering a system of wild, scenic, and recreational rivers, scenic river lands, and facilities or improvements associated with such rivers and lands. 37903
37904
37905
37906

(D) Moneys appropriated from the fund shall not be used to fund salaries of permanent employees or administrative costs. 37907
37908

(E) All investment earnings of the fund shall be credited to the fund. 37909
37910

(F) The chief of the division of natural areas and preserves may sell any of the following: 37911
37912

(1) Items related to or that promote Ohio's native plants and animals, unique ecology and geology, and general ecological preservation and conservation such as pins, apparel, stickers, books, bulletins, maps, publications, calendars, and other educational articles and division branded merchandise; 37913
37914
37915
37916
37917

(2) Items pertaining to Ohio's ecology including native plants and seeds of native plants. 37918
37919

(G) All moneys received under division (F) of this section shall be paid into the state treasury to the credit of the natural areas and preserves fund created under this section. 37920
37921
37922

Sec. 1531.01. As used in this chapter and Chapter 1533. of	37923
the Revised Code:	37924
(A) "Person" means a person as defined in section 1.59 of	37925
the Revised Code or a company; an employee, agent, or officer of	37926
such a person or company; a combination of individuals; the	37927
state; a political subdivision of the state; an interstate body	37928
created by a compact; or the federal government or a department,	37929
agency, or instrumentality of it.	37930
(B) "Resident" means either of the following:	37931
(1) An individual who has resided in this state for not	37932
less than six months preceding the date of making application	37933
for a license or permit;	37934
(2) An individual who is a full-time student enrolled in	37935
an accredited Ohio public or private college or university and	37936
who resides in this state at the time the individual makes	37937
application for a license or permit and who attests to the	37938
individual's full-time student status in a manner determined by	37939
the chief of the division of wildlife.	37940
(C) "Nonresident" means any individual who does not	37941
qualify as a resident.	37942
(D) "Division rule" or "rule" means any rule adopted by	37943
the chief of the division of wildlife under section 1531.10 of	37944
the Revised Code unless the context indicates otherwise.	37945
(E) "Closed season" means that period of time during which	37946
the taking of wild animals protected by this chapter and Chapter	37947
1533. of the Revised Code is prohibited.	37948
(F) "Open season" means that period of time during which	37949
the taking of wild animals protected by this chapter and Chapter	37950

1533. of the Revised Code is permitted. 37951

(G) "Take or taking" includes pursuing, shooting, hunting, 37952
killing, trapping, angling, fishing with a trotline, or netting 37953
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 37954
wild bird, or wild quadruped, and any lesser act, such as 37955
wounding, or placing, setting, drawing, or using any other 37956
device for killing or capturing any wild animal, whether it 37957
results in killing or capturing the animal or not. "Take or 37958
taking" includes every attempt to kill or capture and every act 37959
of assistance to any other person in killing or capturing or 37960
attempting to kill or capture a wild animal. 37961

(H) "Possession" means both actual and constructive 37962
possession and any control of things referred to. 37963

(I) "Bag limit" means the number, measurement, or weight 37964
of any kind of crayfish, aquatic insects, fish, frogs, turtles, 37965
wild birds, and wild quadrupeds permitted to be taken. 37966

(J) "Transport and transportation" means carrying or 37967
moving or causing to be carried or moved. 37968

(K) "Sell and sale" means barter, exchange, or offer or 37969
expose for sale. 37970

(L) "Whole to include part" means that every provision 37971
relating to any wild animal protected by this chapter and 37972
Chapter 1533. of the Revised Code applies to any part of the 37973
wild animal with the same effect as it applies to the whole. 37974

(M) "Angling" means fishing with not more than two hand 37975
lines, not more than two units of rod and line, or a combination 37976
of not more than one hand line and one rod and line, either in 37977
hand or under control at any time while fishing. The hand line 37978
or rod and line shall have attached to it not more than three 37979

baited hooks, not more than three artificial fly rod lures, or 37980
one artificial bait casting lure equipped with not more than 37981
three sets of three hooks each. 37982

(N) "Trotline" means a device for catching fish that 37983
consists of a line having suspended from it, at frequent 37984
intervals, vertical lines with hooks attached. 37985

(O) "Fish" means a cold-blooded vertebrate having fins. 37986

(P) "Measurement of fish" means length from the end of the 37987
nose to the longest tip or end of the tail. 37988

(Q) "Wild birds" includes game birds and nongame birds. 37989

(R) "Game" includes game birds, game quadrupeds, and fur- 37990
bearing animals. 37991

(S) "Game birds" includes mourning doves, ringneck 37992
pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, 37993
pinnated grouse, wild turkey, Hungarian partridge, Chukar 37994
partridge, woodcocks, black-breasted plover, golden plover, 37995
Wilson's snipe or jacksnipe, greater and lesser yellowlegs, 37996
rail, coots, gallinules, duck, geese, brant, and crows. 37997

(T) "Nongame birds" includes all other wild birds not 37998
included and defined as game birds or migratory game birds. 37999

(U) "Wild quadrupeds" includes game quadrupeds, fur- 38000
bearing animals, and wild boar or feral swine. 38001

(V) "Game quadrupeds" includes cottontail rabbits, gray 38002
squirrels, black squirrels, fox squirrels, red squirrels, flying 38003
squirrels, chipmunks, groundhogs or woodchucks, white-tailed 38004
deer, elk, and black bears. 38005

(W) "Fur-bearing animals" includes minks, weasels, 38006

raccoons, skunks, opossums, muskrats, fox, beavers, badgers, 38007
otters, coyotes, and bobcats. 38008

(X) "Wild animals" includes mollusks, crustaceans, aquatic 38009
insects, fish, reptiles, amphibians, wild birds, wild 38010
quadrupeds, and all other wild mammals, but does not include 38011
domestic deer. 38012

(Y) "Hunting" means pursuing, shooting, killing, following 38013
after or on the trail of, lying in wait for, shooting at, or 38014
wounding wild birds or wild quadrupeds while employing any 38015
device commonly used to kill or wound wild birds or wild 38016
quadrupeds whether or not the acts result in killing or 38017
wounding. "Hunting" includes every attempt to kill or wound and 38018
every act of assistance to any other person in killing or 38019
wounding or attempting to kill or wound wild birds or wild 38020
quadrupeds. 38021

(Z) "Trapping" means securing or attempting to secure 38022
possession of a wild bird or wild quadruped by means of setting, 38023
placing, drawing, or using any device that is designed to close 38024
upon, hold fast, confine, or otherwise capture a wild bird or 38025
wild quadruped whether or not the means results in capture. 38026
"Trapping" includes every act of assistance to any other person 38027
in capturing wild birds or wild quadrupeds by means of the 38028
device whether or not the means results in capture. 38029

(AA) "Muskrat spear" means any device used in spearing 38030
muskrats. 38031

(BB) "Channels and passages" means those narrow bodies of 38032
water lying between islands or between an island and the 38033
mainland in Lake Erie. 38034

(CC) "Island" means a rock or land elevation above the 38035

waters of Lake Erie having an area of five or more acres above 38036
water. 38037

(DD) "Reef" means an elevation of rock, either broken or 38038
in place, or gravel shown by the latest United States chart to 38039
be above the common level of the surrounding bottom of the lake, 38040
other than the rock bottom, or in place forming the base or 38041
foundation rock of an island or mainland and sloping from the 38042
shore of it. "Reef" also means all elevations shown by that 38043
chart to be above the common level of the sloping base or 38044
foundation rock of an island or mainland, whether running from 38045
the shore of an island or parallel with the contour of the shore 38046
of an island or in any other way and whether formed by rock, 38047
broken or in place, or from gravel. 38048

(EE) "Fur farm" means any area used exclusively for 38049
raising fur-bearing animals or in addition thereto used for 38050
hunting game, the boundaries of which are plainly marked as 38051
such. 38052

(FF) "Waters" includes any lake, pond, reservoir, stream, 38053
channel, lagoon, or other body of water, or any part thereof, 38054
whether natural or artificial. 38055

(GG) "Crib" or "car" refers to that particular compartment 38056
of the net from which the fish are taken when the net is lifted. 38057

(HH) "Commercial fish" means those species of fish 38058
permitted to be taken, possessed, bought, or sold unless 38059
otherwise restricted by the Revised Code or division rule and 38060
are alewife (*Alosa pseudoharengus*), American eel (*Anguilla* 38061
rostrata), bowfin (*Amia calva*), burbot (*Lota lota*), carp 38062
(*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), 38063
bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead 38064

(Ictalurus melas), yellow bullhead (Ictalurus natalis), brown 38065
bullhead (Ictalurus nebulosus), channel catfish (Ictalurus 38066
punctatus), flathead catfish (Pylodictis olivaris), whitefish 38067
(Coregonus sp.), cisco (Coregonus sp.), freshwater drum or 38068
sheepshead (Aplodinotus grunniens), gar (Lepisosteus sp.), 38069
gizzard shad (Dorosoma cepedianum), goldfish (Carassius 38070
auratus), lake trout (Salvelinus namaycush), mooneye (Hiodon 38071
tergisus), quillback (Carpionodes cyprinus), smelt (Allosmerus 38072
elongatus, Hypomesus sp., Osmerus sp., Spirinchus sp.), sturgeon 38073
(Acipenser sp., Scaphirhynchus sp.), sucker other than buffalo 38074
and quillback (Carpionodes sp., Catostomus sp., Hypentelium sp., 38075
Minytrema sp., Moxostoma sp.), white bass (Morone chrysops), 38076
white perch (Roccus americanus), and yellow perch (Perca 38077
flavescens). When the common name of a fish is used in this 38078
chapter or Chapter 1533. of the Revised Code, it refers to the 38079
fish designated by the scientific name in this definition. 38080

(II) "Fishing" means taking or attempting to take fish by 38081
any method, and all other acts such as placing, setting, 38082
drawing, or using any device commonly used to take fish whether 38083
resulting in a taking or not. 38084

(JJ) "Fillet" means the pieces of flesh taken or cut from 38085
both sides of a fish, joined to form one piece of flesh. 38086

(KK) "Part fillet" means a piece of flesh taken or cut 38087
from one side of a fish. 38088

(LL) "Round" when used in describing fish means with head 38089
and tail intact. 38090

(MM) "Migrate" means the transit or movement of fish to or 38091
from one place to another as a result of natural forces or 38092
instinct and includes, but is not limited to, movement of fish 38093

induced or caused by changes in the water flow. 38094

(NN) "Spreader bar" means a brail or rigid bar placed 38095
across the entire width of the back, at the top and bottom of 38096
the cars in all trap, crib, and fyke nets for the purpose of 38097
keeping the meshes hanging squarely while the nets are fishing. 38098

(OO) "Fishing guide" means any person who, for 38099
consideration or hire, operates a boat, rents, leases, or 38100
otherwise furnishes angling devices, ice fishing shanties or 38101
shelters of any kind, or other fishing equipment, and 38102
accompanies, guides, directs, or assists any other person in 38103
order for the other person to engage in fishing. 38104

(PP) "Net" means fishing devices with meshes composed of 38105
twine or synthetic material and includes, but is not limited to, 38106
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 38107
seines, except minnow seines and minnow dip nets. 38108

(QQ) "Commercial fishing gear" means seines, trap nets, 38109
fyke nets, dip nets, carp aprons, trotlines, other similar gear, 38110
and any boat used in conjunction with that gear, but does not 38111
include gill nets. 38112

(RR) "Native wildlife" means any species of the animal 38113
kingdom indigenous to this state. 38114

(SS) "Gill net" means a single section of fabric or 38115
netting seamed to a float line at the top and a lead line at the 38116
bottom, which is designed to entangle fish in the net openings 38117
as they swim into it. 38118

(TT) "Tag fishing tournament" means a contest in which a 38119
participant pays a fee, or gives other valuable consideration, 38120
for a chance to win a prize by virtue of catching a tagged or 38121
otherwise specifically marked fish within a limited period of 38122

time. 38123

(UU) "Tenant" means an individual who resides on land for 38124
which the individual pays rent and whose annual income is 38125
primarily derived from agricultural production conducted on that 38126
land, as "agricultural production" is defined in section 929.01 38127
of the Revised Code. 38128

(VV) "Nonnative wildlife" means any wild animal not 38129
indigenous to this state, but does not include domestic deer. 38130

(WW) "Reptiles" includes common musk turtle (*sternotherus* 38131
odoratus), common snapping turtle (*Chelydra serpentina* 38132
serpentina), spotted turtle (*Clemmys guttata*), eastern box 38133
turtle (*Terrapene carolina carolina*), Blanding's turtle 38134
(*Emydoidea blandingii*), common map turtle (*Graptemys* 38135
geographica), ouachita map turtle (*Graptemys pseudogeographica* 38136
ouachitensis), midland painted turtle (*Chrysemys picta* 38137
marginata), red-eared slider (*Trachemys scripta elegans*), 38138
eastern spiny softshell turtle (*Apalone spinifera spinifera*), 38139
midland smooth softshell turtle (*Apalone mutica mutica*), 38140
northern fence lizard (*Sceloporus undulatus hyacinthinus*), 38141
ground skink (*Scincella lateralis*), five-lined skink (*Eumeces* 38142
fasciatus), broadhead skink (*Eumeces laticeps*), northern coal 38143
skink (*Eumeces anthracinus anthracinus*), European wall lizard 38144
(*Podarcis muralis*), queen snake (*Regina septemvittata*), 38145
Kirtland's snake (*Clonophis kirtlandii*), northern water snake 38146
(*Nerodia sipedon sipedon*), Lake Erie watersnake (*Nerodia sipedon* 38147
insularum), copperbelly water snake (*Nerodia erythrogaster* 38148
neglecta), northern brown snake (*Storeria dekayi dekayi*), 38149
midland brown snake (*Storeria dekayi wrightorum*), northern 38150
redbelly snake (*Storeria occipitomaculata occipitomaculata*), 38151
eastern garter snake (*Thamnophis sirtalis sirtalis*), eastern 38152

plains garter snake (<i>Thamnophis radix radix</i>),	Butler's garter	38153	
snake (<i>Thamnophis butleri</i>),	shorthead garter snake (<i>Thamnophis</i>	38154	
<i>brachystoma</i>),	eastern ribbon snake (<i>Thamnophis sauritus</i>	38155	
<i>sauritus</i>),	northern ribbon snake (<i>Thamnophis sauritus</i>	38156	
<i>septentrionalis</i>),	eastern hognose snake (<i>Heterodon platirhinos</i>),	38157	
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>),		38158	
northern ringneck snake (<i>Diadophis punctatus edwardsii</i>),	midwest	38159	
worm snake (<i>Carphophis amoenus helenae</i>),	eastern worm snake	38160	
(<i>Carphophis amoenus amoenus</i>),	black racer (<i>Coluber constrictor</i>	38161	
<i>constrictor</i>),	blue racer (<i>Coluber constrictor foxii</i>),	rough	38162
green snake (<i>Opheodrys aestivus</i>),	smooth green snake (<i>Opheodrys</i>	38163	
<i>vernalis vernalis</i>),	black rat snake (<i>Elaphe obsoleta obsoleta</i>),	38164	
eastern fox snake (<i>Elaphe vulpina gloydi</i>),	black kingsnake	38165	
(<i>Lampropeltis getula nigra</i>),	eastern milk snake (<i>Lampropeltis</i>	38166	
<i>triangulum triangulum</i>),	northern copperhead (<i>Agkistrodon</i>	38167	
<i>contortrix mokasen</i>),	eastern massasauga (<i>Sistrurus catenatus</i>	38168	
<i>catenatus</i>),	and timber rattlesnake (<i>Crotalus horridus horridus</i>).	38169	
(XX) "Amphibians" includes eastern hellbender		38170	
(<i>Cryptobranchus alleganiensis alleganiensis</i>),	mudpuppy (<i>Necturus</i>	38171	
<i>maculosus maculosus</i>),	red-spotted newt (<i>Notophthalmus</i>	38172	
<i>viridescens viridescens</i>),	Jefferson salamander (<i>Ambystoma</i>	38173	
<i>jeffersonianum</i>),	spotted salamander (<i>Ambystoma maculatum</i>),	blue-	38174
spotted salamander (<i>Ambystoma laterale</i>),	smallmouth salamander	38175	
(<i>Ambystoma texanum</i>),	streamside salamander (<i>Ambystoma barbouri</i>),	38176	
marbled salamander (<i>Ambystoma opacum</i>),	eastern tiger salamander	38177	
(<i>Ambystoma tigrinum tigrinum</i>),	northern dusky salamander	38178	
(<i>Desmognathus fuscus fuscus</i>),	mountain dusky salamander	38179	
(<i>Desmognathus ochrophaeus</i>),	redback salamander (<i>Plethodon</i>	38180	
<i>cinereus</i>),	ravine salamander (<i>Plethodon richmondi</i>),	northern	38181
slimy salamander (<i>Plethodon glutinosus</i>),	Wehrle's salamander	38182	
(<i>Plethodon wehrlei</i>),	four-toed salamander (<i>Hemidactylum</i>	38183	

scutatum), Kentucky spring salamander (*Gyrinophilus* 38184
porphyriticus duryi), northern spring salamander (*Gyrinophilus* 38185
porphyriticus porphyriticus), mud salamander (*Pseudotriton* 38186
montanus), northern red salamander (*Pseudotriton ruber ruber*), 38187
green salamander (*Aneides aeneus*), northern two-lined salamander 38188
(*Eurycea bislineata*), longtail salamander (*Eurycea longicauda* 38189
longicauda), cave salamander (*Eurycea lucifuga*), southern two- 38190
lined salamander (*Eurycea cirrigera*), Fowler's toad (*Bufo* 38191
woodhousii fowleri), American toad (*Bufo americanus*), eastern 38192
spadefoot (*Scaphiopus holbrookii*), Blanchard's cricket frog 38193
(*Acris crepitans blanchardi*), northern spring peeper (*Pseudacris* 38194
crucifer crucifer), gray treefrog (*Hyla versicolor*), Cope's gray 38195
treefrog (*Hyla chrysoscelis*), western chorus frog (*Pseudacris* 38196
triseriata triseriata), mountain chorus frog (*Pseudacris* 38197
brachyphona), bullfrog (*Rana catesbeiana*), green frog (*Rana* 38198
clamitans melanota), northern leopard frog (*Rana pipiens*), 38199
pickerel frog (*Rana palustris*), southern leopard frog (*Rana* 38200
utricularia), and wood frog (*Rana sylvatica*). 38201

(YY) "Deer" means white-tailed deer (*Odocoileus* 38202
virginianus). 38203

(ZZ) "Domestic deer" means nonnative deer that have been 38204
legally acquired or their offspring and that are held in private 38205
ownership for primarily agricultural purposes. 38206

(AAA) "Migratory game bird" includes waterfowl (*Anatidae*); 38207
doves (*Columbidae*); cranes (*Gruidae*); cormorants 38208
(*Phalacrocoracidae*); rails, coots, and gallinules (*Rallidae*); 38209
and woodcock and snipe (*Scolopacidae*). 38210

(BBB) "Accompany" means to go along with another person 38211
while staying within a distance from the person that enables 38212
uninterrupted, unaided visual and auditory communication. 38213

(CCC) "All-purpose vehicle" means any vehicle that is 38214
designed primarily for cross-country travel on land, water, or 38215
land and water and that is steered by wheels, caterpillar 38216
treads, or a combination of wheels and caterpillar treads and 38217
includes vehicles that operate on a cushion of air, vehicles 38218
commonly known as all-terrain vehicles, all-season vehicles, 38219
mini-bikes, and trail bikes. 38220

(DDD) "Wholly enclosed preserve" means an area of land 38221
that is surrounded by a fence that is at least six feet in 38222
height, unless otherwise specified in division rule, and is 38223
constructed of a woven wire mesh, or another enclosure that the 38224
division of wildlife may approve, where game birds, game 38225
quadrupeds, reptiles, amphibians, or fur-bearing animals are 38226
raised and may be sold under the authority of a commercial 38227
propagating license or captive white-tailed deer propagation 38228
license obtained under section 1533.71 of the Revised Code. 38229

(EEE) "Commercial bird shooting preserve" means an area of 38230
land where game birds are released and hunted by shooting as 38231
authorized by a commercial bird shooting preserve license 38232
obtained under section 1533.72 of the Revised Code. 38233

(FFF) "Wild animal hunting preserve" means an area of land 38234
where game, captive white-tailed deer, and nonnative wildlife, 38235
other than game birds, are released and hunted as authorized by 38236
a wild animal hunting preserve license obtained under section 38237
1533.721 of the Revised Code. 38238

(GGG) "Captive white-tailed deer" means legally acquired 38239
deer that are held in private ownership at a facility licensed 38240
under section 943.03 or 943.031 of the Revised Code and under 38241
section 1533.71 or 1533.721 of the Revised Code. 38242

(HHH) "Wild boar" or "feral swine" means ~~either a hog,~~ 38243
boar, or pig that appears to be untamed, undomesticated, or in a 38244
wild state. "Wild boar" or "feral swine" includes both of the 38245
following: 38246

(1) ~~Members~~ Except for *Sus scrofa domesticus* that is 38247
legally confined or held in captivity, members of the family 38248
suidae, including both all of the following: 38249

(a) Wild pig, wild hog, feral hog, and feral pig; 38250

(b) Old world swine, razorbacks, European wild boar, and 38251
Russian wild boar, and any hybrids or crossbreeds thereof; 38252

(c) Wild pig, wild hog, feral hog, or feral pig that 38253
appear contained in a wild animal hunting preserve licensed 38254
under section 1533.721 of the Revised Code or a wholly enclosed 38255
preserve for hunting or trapping. 38256

(2) Members of the family *tayassuidae*, including collared 38257
peccary and javelina, and any hybrids or crossbreeds of members 38258
of the family ~~*tayassuidae*~~ *tayassuidae*. 38259

Sec. 1533.10. (A) Except as provided in this section or 38260
division (A) (2) of section 1533.12 or section 1533.73 or 38261
1533.731 of the Revised Code, no person shall hunt any wild bird 38262
or wild quadruped without a hunting license. Each day that any 38263
person hunts within the state without procuring such a license 38264
constitutes a separate offense. 38265

(B) (1) Except as otherwise provided in this section, 38266
division (A) of section 1533.12 of the Revised Code, or in rules 38267
adopted under division (B) of that section, each applicant for a 38268
hunting license shall pay an annual fee for each annual license 38269
in accordance with the following schedule: 38270

38271

1	2
A	Hunting license - resident \$18.00
B	Hunting license - nonresident that is not a resident of a reciprocal state, ages 18 and older \$174.00
C	Hunting license - nonresident that is a resident of a reciprocal state, ages 18 and older \$18.00
D	Apprentice hunting license - resident \$18.00
E	Apprentice hunting license - nonresident that is not a resident of a reciprocal state \$174.00
F	Apprentice hunting license - nonresident that is a resident of a reciprocal state \$18.00
G	Youth hunting license - resident and nonresident \$9.00
H	Apprentice youth hunting license - resident \$9.00
I	Senior hunting license - resident \$9.00
J	Apprentice senior hunting license - resident \$9.00

(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, apprentice senior hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.

(3) As used in division (B)(1) of this section:

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a license.

(b) "Senior" means an applicant who is sixty-six years of 38280
age or older at the time of application for a license. 38281

(c) "Reciprocal state" means a state that is a party to an 38282
agreement under section 1533.91 of the Revised Code. 38283

(C) A resident of this state who owns lands in the state 38284
and the owner's parents, children of any age, and grandchildren 38285
under eighteen years of age may hunt on the lands without a 38286
hunting license. A resident of any other state who owns real 38287
property in this state, and the spouse and children living with 38288
the property owner, may hunt on that property without a license, 38289
provided that the state of residence of the real property owner 38290
allows residents of this state owning real property in that 38291
state, and the spouse and children living with the property 38292
owner, to hunt without a license. If the owner of land in this 38293
state is a limited liability company or a limited liability 38294
partnership that consists of three or fewer individual members 38295
or partners, as applicable, an individual member or partner who 38296
is a resident of this state and the member's or partner's 38297
parents, children of any age, and grandchildren under eighteen 38298
years of age may hunt on the land owned by the limited liability 38299
company or limited liability partnership without a hunting 38300
license. In addition, if the owner of land in this state is a 38301
trust that has a total of three or fewer trustees and 38302
beneficiaries, an individual who is a trustee or beneficiary and 38303
who is a resident of this state and the individual's parents, 38304
children of any age, and grandchildren under eighteen years of 38305
age may hunt on the land owned by the trust without a hunting 38306
license. The tenant and children of the tenant, residing on 38307
lands in the state, may hunt on them without a hunting license. 38308

(D) The chief of the division of wildlife may issue a 38309

small game hunting license expiring three days from the 38310
effective date of the license to a nonresident of the state, the 38311
fee for which is thirty-nine dollars. No person shall take or 38312
possess deer, wild turkeys, fur-bearing animals, ducks, geese, 38313
brant, or any nongame animal while possessing only a small game 38314
hunting license. 38315

A small game hunting license or an apprentice nonresident 38316
hunting license does not authorize the taking or possessing of 38317
ducks, geese, or brant without having obtained, in addition to 38318
the small game hunting license or the apprentice nonresident 38319
hunting license, a wetlands habitat stamp as provided in section 38320
1533.112 of the Revised Code. A small game hunting license or an 38321
apprentice nonresident hunting license does not authorize the 38322
taking or possessing of deer, wild turkeys, or fur-bearing 38323
animals. A nonresident of the state who wishes to take or 38324
possess deer, wild turkeys, or fur-bearing animals in this state 38325
shall procure, respectively, a deer or wild turkey permit as 38326
provided in section 1533.11 of the Revised Code or a fur taker 38327
permit as provided in section 1533.111 of the Revised Code in 38328
addition to a nonresident hunting license, an apprentice 38329
nonresident hunting license, a special youth hunting license, or 38330
an apprentice youth hunting license, as applicable, as provided 38331
in this section. 38332

(E) No person shall procure or attempt to procure a 38333
hunting license by fraud, deceit, misrepresentation, or any 38334
false statement. 38335

(F) (1) This section does not authorize the taking and 38336
possessing of deer or wild turkeys without first having 38337
obtained, in addition to the hunting license required by this 38338
section, a deer or wild turkey permit as provided in section 38339

1533.11 of the Revised Code or the taking and possessing of 38340
ducks, geese, or brant without first having obtained, in 38341
addition to the hunting license required by this section, a 38342
wetlands habitat stamp as provided in section 1533.112 of the 38343
Revised Code. 38344

(2) This section does not authorize the hunting or 38345
trapping of fur-bearing animals without first having obtained, 38346
in addition to a hunting license required by this section, a fur 38347
taker permit as provided in section 1533.111 of the Revised 38348
Code. 38349

(G) (1) No hunting license shall be issued unless it is 38350
accompanied by a written explanation of the law in section 38351
1533.17 of the Revised Code and the penalty for its violation, 38352
including a description of terms of imprisonment and fines that 38353
may be imposed. 38354

(2) No hunting license, other than an apprentice hunting 38355
license, shall be issued unless the applicant presents to the 38356
agent authorized to issue the license a previously held hunting 38357
license or evidence of having held such a license in content and 38358
manner approved by the chief, a certificate of completion issued 38359
upon completion of a hunter education and conservation course 38360
approved by the chief, or evidence of equivalent training in 38361
content and manner approved by the chief. A previously held 38362
apprentice hunting license does not satisfy the requirement 38363
concerning the presentation of a previously held hunting license 38364
or evidence of it. 38365

(3) No person shall issue a hunting license, except an 38366
apprentice hunting license, to any person who fails to present 38367
the evidence required by this section. No person shall purchase 38368
or obtain a hunting license, other than an apprentice hunting 38369

license, without presenting to the issuing agent the evidence 38370
required by this section. Issuance of a hunting license in 38371
violation of the requirements of this section is an offense by 38372
both the purchaser of the illegally obtained hunting license and 38373
the clerk or agent who issued the hunting license. Any hunting 38374
license issued in violation of this section is void. 38375

(H) The chief, with approval of the wildlife council, 38376
shall adopt rules prescribing a hunter education and 38377
conservation course for first-time hunting license buyers, other 38378
than buyers of apprentice hunting licenses, and for volunteer 38379
instructors. The course shall consist of subjects including, but 38380
not limited to, hunter safety and health, use of hunting 38381
implements, hunting tradition and ethics, the hunter and 38382
conservation, the law in section 1533.17 of the Revised Code 38383
along with the penalty for its violation, including a 38384
description of terms of imprisonment and fines that may be 38385
imposed, and other law relating to hunting. Authorized personnel 38386
of the division or volunteer instructors approved by the chief 38387
shall conduct such courses with such frequency and at such 38388
locations throughout the state as to reasonably meet the needs 38389
of license applicants. The chief shall issue a certificate of 38390
completion to each person who successfully completes the course 38391
and passes an examination prescribed by the chief. 38392

Sec. 1533.11. (A) (1) Except as provided in this section or 38393
section 1533.731 of the Revised Code, no person shall hunt deer 38394
on lands of another without first obtaining an annual deer 38395
permit. Except as provided in this section, no person shall hunt 38396
wild turkeys on lands of another without first obtaining an 38397
annual wild turkey permit. A deer or wild turkey permit is valid 38398
during the hunting license year in which the permit is 38399
purchased. Except as provided in rules adopted under division 38400

(B) of section 1533.12 of the Revised Code, each applicant for a 38401
deer or wild turkey permit shall pay an annual fee for each 38402
permit in accordance with the following schedule: 38403
38404

	1	2
A	Deer permit - resident	\$30.00
B	Deer permit - nonresident	~~\$74.00~~
		<u>\$210.00</u>
C	Youth deer permit - resident and nonresident	\$15.00
D	Senior deer permit - resident	\$11.00
E	Wild turkey permit - resident	\$30.00
F	Wild turkey permit - nonresident	\$37.00
G	Youth wild turkey permit - resident and nonresident	\$15.00
H	Senior wild turkey permit - resident	\$11.00

(2) As used in division (A) (1) of this section: 38405

(a) "Youth" means an applicant who is under the age of 38406
eighteen years at the time of application for a permit. 38407

(b) "Senior" means an applicant who is sixty-six years of 38408
age or older at the time of application for a permit. 38409

(3) The money received shall be paid into the state 38410
treasury to the credit of the wildlife fund, created in section 38411
1531.17 of the Revised Code, exclusively for the use of the 38412
division of wildlife in the acquisition and development of land 38413

for deer or wild turkey management, for investigating deer or 38414
wild turkey problems, and for the stocking, management, and 38415
protection of deer or wild turkey. 38416

(4) Every person, while hunting deer or wild turkey on 38417
lands of another, shall carry the person's deer or wild turkey 38418
permit and exhibit it to any enforcement officer so requesting. 38419
Failure to so carry and exhibit such a permit constitutes an 38420
offense under this section. 38421

(5) The chief of the division of wildlife shall adopt any 38422
additional rules the chief considers necessary to carry out this 38423
section and section 1533.10 of the Revised Code. 38424

(6) An owner who is a resident of this state or an owner 38425
who is exempt from obtaining a hunting license under section 38426
1533.10 of the Revised Code and the spouse, parents, children of 38427
any age, and grandchildren under eighteen years of age of the 38428
owner of lands in this state may hunt deer or wild turkey 38429
thereon without a deer or wild turkey permit. If the owner of 38430
land in this state is a limited liability company or a limited 38431
liability partnership that consists of three or fewer individual 38432
members or partners, as applicable, an individual member or 38433
partner who is a resident of this state and the member's or 38434
partner's parents, children of any age, and grandchildren under 38435
eighteen years of age may hunt deer or wild turkey on the land 38436
owned by the limited liability company or limited liability 38437
partnership without a deer or wild turkey permit. In addition, 38438
if the owner of land in this state is a trust that has a total 38439
of three or fewer trustees and beneficiaries, an individual who 38440
is a trustee or beneficiary and who is a resident of this state 38441
and the individual's parents, children of any age, and 38442
grandchildren under eighteen years of age may hunt deer or wild 38443

turkey on the land owned by the trust without a deer or wild 38444
turkey permit. The tenant and children of the tenant may hunt 38445
deer or wild turkey on lands where they reside without a deer or 38446
wild turkey permit. 38447

(B) A deer or wild turkey permit is not transferable. No 38448
person shall carry a deer or wild turkey permit issued in the 38449
name of another person. 38450

(C) The wildlife refunds fund is hereby created in the 38451
state treasury. The fund shall consist of money received from 38452
application fees for deer permits that are not issued. Money in 38453
the fund shall be used to make refunds of such application fees. 38454

(D) If the division establishes a system for the 38455
electronic submission of information regarding deer or wild 38456
turkey that are taken, the division shall allow the owner and 38457
the children of the owner of lands in this state to use the 38458
owner's name or address for purposes of submitting that 38459
information electronically via that system. 38460

Sec. 1533.111. (A) Except as provided in this section or 38461
division (A) (2) of section 1533.12 of the Revised Code, no 38462
person shall hunt or trap fur-bearing animals on land of another 38463
without first obtaining some type of an annual fur taker permit. 38464

(B) (1) Except as otherwise provided in rules adopted under 38465
division (B) of section 1533.12 of the Revised Code, each 38466
applicant for a fur taker permit or an apprentice fur taker 38467
permit shall pay an annual fee for each annual permit in 38468
accordance with the following schedule: 38469
38470

A	Fur taker permit	\$14.00
B	Apprentice fur taker permit	\$14.00
C	Senior fur taker permit - resident only	\$7.00
D	Apprentice senior fur taker permit - resident only	\$7.00
E	Special youth fur taker permit	\$7.00
F	Apprentice youth fur taker permit	\$7.00

(2) As used in division (B) (1) of this section: 38471

(a) "Youth" means an applicant who is under the age of 38472
eighteen years at the time of application for a permit. 38473

(b) "Senior" means an applicant who is sixty-six years of 38474
age or older at the time of application for a permit. 38475

(C) Each type of fur taker permit is valid during the 38476
hunting license year in which the permit is purchased. The money 38477
received shall be paid into the state treasury to the credit of 38478
the fund established in section 1533.15 of the Revised Code. 38479
Apprentice fur taker permits and apprentice youth fur taker 38480
permits are subject to the requirements established under 38481
section 1533.102 of the Revised Code and rules adopted pursuant 38482
to it. 38483

(D) (1) No person shall issue a fur taker permit to an 38484
applicant unless it is accompanied by a written explanation of 38485
the law in section 1533.17 of the Revised Code and the penalty 38486
for its violation, including a description of terms of 38487
imprisonment and fines that may be imposed. 38488

(2) No person shall issue a fur taker permit, other than 38489

an apprentice fur taker permit or an apprentice youth fur taker permit, to an applicant unless the applicant presents to the agent authorized to issue a fur taker permit a previously held hunting license or trapping or fur taker permit or evidence of having held such a license or permit in content and manner approved by the chief of the division of wildlife, a certificate of completion issued upon completion of a trapper education course approved by the chief, or evidence of equivalent training in content and manner approved by the chief. A previously held apprentice hunting license, apprentice fur taker permit, or apprentice youth fur taker permit does not satisfy the requirement concerning the presentation of a previously held hunting license or fur taker permit or evidence of such a license or permit.

(3) No person shall issue a fur taker permit, other than an apprentice fur taker permit or an apprentice youth fur taker permit, to any person who fails to present the evidence required by this section. No person shall purchase or obtain a fur taker permit, other than an apprentice fur taker permit or an apprentice youth fur taker permit, without presenting to the issuing agent the evidence required by this section. Issuance of a fur taker permit in violation of the requirements of this section is an offense by both the purchaser of the illegally obtained permit and the clerk or agent who issued the permit. Any fur taker permit issued in violation of this section is void.

(E) The chief, with approval of the wildlife council, shall adopt rules prescribing a trapper education course for first-time fur taker permit buyers, other than buyers of apprentice fur taker permits or apprentice youth fur taker permits, and for volunteer instructors. The course shall consist

of subjects that include, but are not limited to, trapping 38521
techniques, animal habits and identification, trapping tradition 38522
and ethics, the trapper and conservation, the law in section 38523
1533.17 of the Revised Code along with the penalty for its 38524
violation, including a description of terms of imprisonment and 38525
fines that may be imposed, and other law relating to trapping. 38526
Authorized personnel of the division of wildlife or volunteer 38527
instructors approved by the chief shall conduct the courses with 38528
such frequency and at such locations throughout the state as to 38529
reasonably meet the needs of permit applicants. The chief shall 38530
issue a certificate of completion to each person who 38531
successfully completes the course and passes an examination 38532
prescribed by the chief. 38533

(F) Every person, while hunting or trapping fur-bearing 38534
animals on lands of another, shall carry the person's fur taker 38535
permit with the person's signature written on the permit. 38536
Failure to carry such a signed permit constitutes an offense 38537
under this section. The chief shall adopt any additional rules 38538
the chief considers necessary to carry out this section. 38539

(G) An owner who is a resident of this state or an owner 38540
who is exempt from obtaining a hunting license under section 38541
1533.10 of the Revised Code and the spouse, parents, children of 38542
any age, and grandchildren under eighteen years of age of the 38543
owner of lands in this state may hunt or trap fur-bearing 38544
animals thereon without a fur taker permit. If the owner of land 38545
in this state is a limited liability company or a limited 38546
liability partnership that consists of three or fewer individual 38547
members or partners, as applicable, an individual member or 38548
partner who is a resident of this state and the member's or 38549
partner's parents, children of any age, and grandchildren under 38550
eighteen years of age may hunt or trap fur-bearing animals on 38551

the land owned by the limited liability company or limited 38552
liability partnership without a fur taker permit. In addition, 38553
if the owner of land in this state is a trust that has a total 38554
of three or fewer trustees and beneficiaries, an individual who 38555
is a trustee or beneficiary and who is a resident of this state 38556
and the individual's parents, children of any age, and 38557
grandchildren under eighteen years of age may hunt or trap fur- 38558
bearing animals on the land owned by the trust without a fur 38559
taker permit. The tenant and children of the tenant may hunt or 38560
trap fur-bearing animals on lands where they reside without a 38561
fur taker permit. 38562

(H) A fur taker permit is not transferable. No person 38563
shall carry a fur taker permit issued in the name of another 38564
person. 38565

(I) A fur taker permit entitles a nonresident to take from 38566
this state fur-bearing animals taken and possessed by the 38567
nonresident as provided by law or division rule. 38568

Sec. 1533.13. Hunting and fishing licenses, wetlands 38569
habitat stamps, deer and wild turkey permits, fur taker permits, 38570
and any other licenses, permits, or stamps that are required 38571
under this chapter or Chapter 1531. of the Revised Code and any 38572
reissued license, permit, or stamp may be issued by the clerk of 38573
the court of common pleas, village clerks, township fiscal 38574
officers, and other authorized agents designated by the chief of 38575
the division of wildlife. When required by the chief, a clerk, 38576
fiscal officer, or other agent shall give bond in the manner 38577
provided by the chief. All bonds, reports, ~~except~~ records- 38578
~~prescribed by the auditor of state,~~ and moneys received by those 38579
persons shall be handled under rules adopted by the director of 38580
natural resources. 38581

The premium of any bond prescribed by the chief under this 38582
section may be paid by the chief. Any person who is designated 38583
and authorized by the chief to issue licenses, stamps, and 38584
permits as provided in this section, except the clerk of the 38585
court of common pleas, a village clerk, and a township fiscal 38586
officer, shall pay to the chief a premium in an amount that 38587
represents the person's portion of the premium paid by the chief 38588
under this section, which amount shall be established by the 38589
chief and approved by the wildlife council created under section 38590
1531.03 of the Revised Code. The chief shall pay all moneys that 38591
the chief receives as premiums under this section into the state 38592
treasury to the credit of the wildlife fund created under 38593
section 1531.17 of the Revised Code. 38594

Every authorized agent, for the purpose of issuing hunting 38595
and fishing licenses, wetlands habitat stamps, deer and wild 38596
turkey permits, and fur taker permits, may administer oaths to 38597
and take affidavits from applicants for the licenses, stamps, or 38598
permits when required. An authorized agent may appoint deputies 38599
to perform any acts that the agent is authorized to perform, 38600
consistent with division rules. 38601

Every applicant for a hunting or fishing license, wetlands 38602
habitat stamp, deer or wildturkey permit, or fur taker permit, 38603
unless otherwise provided by division rule, shall provide the 38604
applicant's name, date of birth, weight, height, and place of 38605
residence and any other information that the chief may require. 38606
The clerk, fiscal officer, or other agent authorized to issue 38607
licenses, stamps, and permits shall charge each applicant a fee 38608
of one dollar or four per cent of the cost of the license, 38609
stamp, or permit, whichever is greater, for taking the 38610
information provided by the applicant and issuing the license, 38611
stamp, or permit. The application, license, stamp, permit, and 38612

other blanks required by this section shall be prepared and 38613
furnished by the chief, in the form the chief provides, to the 38614
clerk, fiscal officer, or other agent authorized to issue them. 38615
The licenses and permits shall be issued to applicants by the 38616
clerk, fiscal officer, or other agent. The record of licenses 38617
and permits kept by the clerks, fiscal officers, and other 38618
agents shall be uniform throughout the state ~~and in the form or~~ 38619
~~manner as the auditor of state prescribes~~ and shall be open at 38620
all reasonable hours to the inspection of any person. Unless 38621
otherwise provided by division rule, each annual hunting 38622
license, deer or wild turkey permit, and fur taker permit issued 38623
shall remain in force until the first day of March. Application 38624
for any such license or permit may be made and a license or 38625
permit issued prior to the date upon which it becomes effective. 38626

The chief may require an applicant who wishes to purchase 38627
a license, stamp, or permit by mail or telephone or via the 38628
internet to pay a nominal fee for postage and handling and 38629
credit card transactions. 38630

The court before whom a violator of any laws or division 38631
rules for the protection of wild animals is tried, as a part of 38632
the punishment, shall revoke the license, stamp, or permit of 38633
any person convicted. The license, stamp, or permit fee paid by 38634
that person shall not be returned to the person. The person 38635
shall not procure or use any other license, stamp, or permit or 38636
engage in hunting wild animals or trapping fur-bearing animals 38637
during the period of revocation as ordered by the court. 38638

No person under sixteen years of age shall engage in 38639
hunting unless accompanied by the person's parent or another 38640
adult person. 38641

Sec. 1533.131. The chief of the division of wildlife may 38642

sell gift certificates that may be used to obtain ~~hunting and~~ 38643
~~fishing~~, pay for, or purchase licenses, fur taker, deer, and 38644
~~wild turkey permits, and wetlands habitat stamps~~, user fees, and 38645
conservation-related items provided for under this chapter or 38646
Chapter 1531. of the Revised Code. For the purposes of this 38647
~~section, the~~ The chief shall may adopt rules in accordance with 38648
section 1531.10 of the Revised Code ~~doing necessary to~~ 38649
administer this section, including all of the following: 38650

(A) ~~Providing that a gift certificate may be used to~~ 38651
~~obtain a resident or nonresident hunting license under section~~ 38652
~~1533.10 of the Revised Code, a resident or nonresident fishing~~ 38653
~~license under section 1533.32 of the Revised Code, a fur taker~~ 38654
~~permit under section 1533.111 of the Revised Code, a deer or~~ 38655
~~wild turkey permit under section 1533.11 of the Revised Code, a~~ 38656
~~wetlands habitat stamp under section 1533.112 of the Revised~~ 38657
~~Code, or a combination of those licenses, permits, and~~ 38658
~~stamps~~ Designating which licenses, permits, stamps, user fees, 38659
and conservation-related items may be obtained, paid for, or 38660
purchased with a gift certificate; 38661

(B) Prescribing the form for the gift certificates; 38662

(C) Authorizing persons who are designated and authorized 38663
under section 1533.13 of the Revised Code to sell licenses and 38664
permits under this chapter also to sell gift certificates under 38665
this section; 38666

~~(D) Establishing fees for the gift certificates, which~~ 38667
~~shall equal the total of the fee for a resident or nonresident~~ 38668
~~hunting license, a resident or nonresident fishing license, a~~ 38669
~~fur taker permit, a deer or wild turkey permit, a wetlands~~ 38670
~~habitat stamp, or a combination of those licenses, permits, and~~ 38671
~~stamp, as applicable, and the fee established under section~~ 38672

~~1533.13 of the Revised Code,~~ 38673

~~(E) Requiring gift certificates to expire one year after~~ 38674
~~the date of purchase.~~ 38675

Nothing in this section or rules adopted under it relieves 38676
an individual who receives a gift certificate for a hunting 38677
license from complying with the requirement established under 38678
section 1533.10 of the Revised Code to present, when applying 38679
for the license, a previously held hunting license or evidence 38680
of having held such a license in content and manner approved by 38681
the chief, a certificate of completion issued upon completion of 38682
a hunter education and conservation course approved by the 38683
chief, or evidence of equivalent training in content and manner 38684
approved by the chief. 38685

Nothing in this section or rules adopted under it relieves 38686
an individual who receives a gift certificate for a fur taker 38687
permit from complying with the requirements established under 38688
section 1533.111 of the Revised Code to present, when applying 38689
for the permit, a previously held hunting license or trapping or 38690
fur taker permit or evidence of having held such a license or 38691
permit in content and manner approved by the chief, a 38692
certificate of completion issued upon completion of a trapper 38693
education course approved by the chief, or evidence of 38694
equivalent training in content and manner approved by the chief. 38695

Sec. 1533.32. (A) Except as provided in this section or 38696
division (A) (2) or (C) of section 1533.12 of the Revised Code or 38697
as exempted at the discretion of the chief of the division of 38698
wildlife, no person, including nonresidents, shall take or catch 38699
any fish by angling in any of the waters in the state or engage 38700
in fishing in those waters without a license. No person shall 38701
take or catch frogs or turtles without a valid fishing license, 38702

except as provided in this section. Persons fishing in privately owned ponds, lakes, or reservoirs to or from which fish are not accustomed to migrate are exempt from the license requirements set forth in this section. Persons fishing in privately owned ponds, lakes, or reservoirs that are open to public fishing through an agreement or lease with the division of wildlife shall comply with the license requirements set forth in this section.

(B) (1) Except as otherwise provided in rules adopted under division (B) of section 1533.12 of the Revised Code, each applicant for a fishing license shall pay a fee for each license in accordance with the following schedule:

	1	2
A	Annual fishing license - resident	\$24.00
B	Annual fishing license - nonresident that is not a resident of a reciprocal state	~~\$49.00~~ <u>\$74.00</u>
C	Annual fishing license - nonresident that is a resident of a reciprocal state	\$24.00
D	Annual senior fishing license - resident	\$9.00
E	Three-day tourist fishing license - nonresident that is not a resident of a reciprocal state	~~\$24.00~~ <u>\$50.00</u>
F	One-day fishing license - <u>resident</u>	\$13.00
G	<u>One-day fishing license - nonresident that is</u>	<u>\$26.00</u>

not a resident of a reciprocal state

H One-day fishing license - nonresident that is \$13.00
 a resident of a reciprocal state

(2) As used in division (B) (1) of this section: 38716

(a) "Reciprocal state" means a state that is a party to an 38717
agreement under section 1533.91 of the Revised Code. 38718

(b) "Senior" means an applicant who is sixty-six years of 38719
age or older at the time of application for a license. 38720

(3) Any person under the age of sixteen years may take or 38721
catch frogs and turtles and take or catch fish by angling 38722
without a license. 38723

(C) (1) The chief of the division of wildlife may issue a 38724
tourist's license expiring three days from the effective date of 38725
the license to a resident of a state that is not a party to an 38726
agreement under section 1533.91 of the Revised Code. 38727

(2) The chief shall adopt rules under section 1531.10 of 38728
the Revised Code providing for the issuance of a one-day fishing 38729
license to a resident of this state or of any other state. A 38730
one-day fishing license shall allow the holder to take or catch 38731
fish by angling in the waters in the state, engage in fishing in 38732
those waters, or take or catch frogs or turtles in those waters 38733
for one day without obtaining an annual license or a tourist's 38734
license under this section. At the request of a holder of a one- 38735
day fishing license who wishes to obtain an annual license, a 38736
clerk or agent authorized to issue licenses under section 38737
1533.13 of the Revised Code, not later than the last day on 38738
which the one-day license would be valid if it were an annual 38739
license, shall credit the amount of the fee paid for the one-day 38740

license toward the fee charged for the annual license if so 38741
authorized by the chief. The clerk or agent shall issue the 38742
annual license upon presentation of the one-day license and 38743
payment of a fee in an amount equal to the difference between 38744
the fee for the annual license and the fee for the one-day 38745
license. 38746

(3) Unless otherwise provided by division rule, each 38747
annual license shall begin on the date of issuance and expire a 38748
year from the date of issuance. 38749

(4) Unless otherwise provided by division rule, each 38750
multi-year license issued in accordance with section 1533.321 of 38751
the Revised Code shall begin on the date of issuance and expire 38752
three years, five years, or ten years from the date of issuance, 38753
as applicable. 38754

(5) No person shall alter a fishing license or possess a 38755
fishing license that has been altered. 38756

(6) No person shall procure or attempt to procure a 38757
fishing license by fraud, deceit, misrepresentation, or any 38758
false statement. 38759

(7) A resident of this state who owns land over, through, 38760
upon, or along which any water flows or stands, except where the 38761
land is in or borders on state parks or state-owned lakes, 38762
together with the members of the immediate families of such 38763
owners, may take frogs and turtles and may take or catch fish of 38764
the kind permitted to be taken or caught therefrom without 38765
procuring a license provided for in this section. This exemption 38766
extends to tenants actually residing upon such lands and to the 38767
members of the immediate families of the tenants. A resident of 38768
any other state who owns land in this state over, through, upon, 38769

or along which any water flows or stands, except where the land 38770
is in or borders on state parks or state-owned lakes, and the 38771
spouse and children living with the owner, may take frogs and 38772
turtles and may take or catch fish of the kind permitted to be 38773
taken or caught from that water without obtaining a license 38774
under this section, provided that the state of residence of the 38775
owner allows residents of this state owning real property in 38776
that state, and the spouse and children living with such a 38777
property owner, to take frogs and turtles and take or catch fish 38778
without a license. If the owner of such land in this state is a 38779
limited liability company or a limited liability partnership 38780
that consists of three or fewer individual members or partners, 38781
as applicable, an individual member or partner who is a resident 38782
of this state and the member's or partner's children of any age 38783
may take frogs and turtles and may take or catch fish of the 38784
kind permitted to be taken or caught therefrom without procuring 38785
a license provided for in this section. In addition, if the 38786
owner of such land in this state is a trust that has a total of 38787
three or fewer trustees and beneficiaries, an individual who is 38788
a trustee or beneficiary and who is a resident of this state and 38789
the individual's children of any age may take frogs and turtles 38790
and may take or catch fish of the kind permitted to be taken or 38791
caught therefrom without procuring a license provided for in 38792
this section. Residents of state or county institutions, 38793
charitable institutions, and military homes in this state may 38794
take frogs and turtles without procuring the required license, 38795
provided that a member of the institution or home has an 38796
identification card, which shall be carried on that person when 38797
fishing. 38798

(8) Every fisher required to be licensed, while fishing or 38799
taking or attempting to take frogs or turtles, shall carry the 38800

license and exhibit it to any person. Failure to so carry and 38801
exhibit the license constitutes an offense under this section. 38802

Sec. 1545.041. (A) Any township park district created 38803
pursuant to section 511.18 of the Revised Code that includes 38804
park land located outside the township in which the park 38805
district was established may be converted under the procedures 38806
provided in this section into a park district to be operated and 38807
maintained as provided for in this chapter, provided that there 38808
is no existing park district created under section 1545.04 of 38809
the Revised Code in the county in which the township park 38810
district is located. The proposed park district shall include 38811
within its boundary all townships and municipal corporations in 38812
which lands owned by the township park district seeking 38813
conversion are located, and may include any other townships and 38814
municipal corporations in the county in which the township park 38815
district is located. 38816

(B) Conversion of a township park district into a park 38817
district operated and maintained under this chapter shall be 38818
initiated by a resolution adopted by the board of park 38819
commissioners of the park district. Any resolution initiating a 38820
conversion shall include the following: 38821

(1) The name of the township park district seeking 38822
conversion; 38823

(2) The name of the proposed park district; 38824

(3) An accurate description of the territory to be 38825
included in the proposed district; 38826

(4) An accurate map or plat of the proposed park district. 38827
The resolution may also include a proposed tax levy for the 38828
operation and maintenance of the proposed park district. If such 38829

a tax levy is proposed, the resolution shall specify the annual
rate of the tax, expressed in dollars for each one hundred
thousand dollars of the county auditor's ~~appraised~~market value
and in mills for each dollar of taxable value, and the number of
consecutive years the levy will be in effect. The annual rate of
such a tax may not be higher than the total combined millage of
all levies then in effect for the benefit of the township park
district named in the resolution.

(C) Upon adoption of the resolution provided for in
division (B) of this section, the board of park commissioners of
the township park district seeking conversion under this section
shall certify the resolution to the county auditor, who shall
certify to the board the information required for a tax levy
under section 5705.03 of the Revised Code, in the same manner as
required under that section.

The board shall certify the resolution and the county
auditor's certification to the board of elections of the county
in which the park district is located no later than four p.m. of
the seventy-fifth day before the day of the election at which
the question will be voted upon. Upon certification of the
resolution to the board, the board of elections shall make the
necessary arrangements to submit the question of conversion of
the township park into a park district operated and maintained
under Chapter 1545. of the Revised Code, to the electors
qualified to vote at the next primary or general election who
reside in the territory of the proposed park district. The
question shall provide for a tax levy if such a levy is
specified in the resolution.

(D) The ballot submitted to the electors as provided in
division (C) of this section shall contain the following

language: 38860

"Shall the _____ (name of the township park 38861
district seeking conversion) be converted into a park district 38862
to be operated and maintained under Chapter 1545. of the Revised 38863
Code under the name of _____ (name of proposed park 38864
district), which park district shall include the following 38865
townships and municipal corporations: 38866

(Name townships and municipal corporations) 38867

Approval of the proposed conversion will result in the 38868
termination of all existing tax levies voted for the benefit of 38869
_____ (name of the township park district sought to be 38870
converted) and in the levy of a new tax for the operation and 38871
maintenance of _____ (name of proposed park district), 38872
that the county auditor estimates will collect \$_____ annually, 38873
at a rate not exceeding _____ mills for each \$1 of taxable 38874
value, which amounts to \$_____ for each \$100,000 of the 38875
county auditor's ~~appraised~~ market value, for _____ (number of 38876
years the millage is to be imposed) years, commencing on the 38877
_____ (year) tax duplicate. 38878

	For the proposed conversion
	Against the proposed conversion

"

(E) If the proposed conversion is approved by at least a 38880
majority of the electors voting on the proposal, the township 38881
park district that seeks conversion shall become a park district 38882
subject to Chapter 1545. of the Revised Code effective the first 38883
day of January following approval by the voters. The park 38884
district shall have the name specified in the resolution, and 38885

effective the first day of January following approval by the 38886
voters, the following shall occur: 38887

(1) The indebtedness of the former township park district 38888
shall be assumed by the new park district; 38889

(2) All rights, assets, properties, and other interests of 38890
the former township park district shall become vested in the new 38891
park district, including the rights to any tax revenues 38892
previously vested in the former township park district; 38893
provided, that all tax levies in excess of the ten mill 38894
limitation approved for the benefit of the former township park 38895
district shall be removed from the tax lists after the February 38896
settlement next succeeding the conversion. Any tax levy approved 38897
in connection with the conversion shall be certified as provided 38898
in section 5705.25 of the Revised Code. 38899

(3) The members of the board of park commissioners of the 38900
former township park district shall be the members of the board 38901
of park commissioners of the new park district, with all the 38902
same powers and duties as if appointed under section 1545.05 of 38903
the Revised Code. The term of each such commissioner shall 38904
expire on the first day of January of the year following the 38905
year in which his term would have expired under section 511.19 38906
of the Revised Code. Thereafter, commissioners shall be 38907
appointed pursuant to section 1545.05 of the Revised Code. 38908

As used in this section, "the county auditor's ~~appraised~~ 38909
market value" has the same meaning as in section 5705.01 of the 38910
Revised Code. 38911

Sec. 1545.21. (A) The board of park commissioners, by 38912
resolution, may submit to the electors of the park district the 38913
question of levying taxes for the use of the district. The 38914

resolution shall declare the necessity of levying such taxes, 38915
shall specify the purpose for which such taxes shall be used, 38916
the annual rate proposed, and the number of consecutive years 38917
the rate shall be levied. Such resolution shall be forthwith 38918
certified to the board of elections in each county in which any 38919
part of such district is located, not later than the ninetieth 38920
day before the day of the election, and the question of the levy 38921
of taxes as provided in such resolution shall be submitted to 38922
the electors of the district at a special election to be held on 38923
whichever of the following occurs first: 38924

(1) The day of the next general election; 38925

(2) The first Tuesday after the first Monday in May in any 38926
calendar year, except that if a presidential primary election is 38927
held in that calendar year, then the day of that election. 38928

A resolution to renew, renew and increase, or renew and 38929
decrease any existing levy shall not be placed on the ballot 38930
unless the question is submitted at the general election held 38931
during the last year the tax to be renewed may be extended on 38932
the tax list, or at any election described in division (A)(1) or 38933
(2) of this section in the ensuing year. Such a resolution may 38934
specify that the renewal, increase, or decrease of the existing 38935
levy shall be extended on the tax list for the tax year 38936
specified in the resolution, which may be the last year the 38937
existing levy may be extended on the list for the ensuing year. 38938
If the renewal, increase, or decrease is to be extended on the 38939
tax list for the last tax year the existing levy would otherwise 38940
be extended, the existing levy shall not be extended on the tax 38941
list for that last year unless the question of the renewal, 38942
increase, or decrease is not approved by a majority of electors 38943
voting on the question, in which case the existing levy shall be 38944

extended on the tax list for that last year. 38945

Except as otherwise prescribed in division (B) of this 38946
section, the ballot shall set forth the purpose for which the 38947
taxes shall be levied, the levy's estimated annual collections, 38948
the annual rate of levy, expressed in mills for each dollar of 38949
taxable value and in dollars for each one hundred thousand 38950
dollars of the county auditor's ~~appraised~~ market value, and the 38951
number of years of such levy. If the tax is to be placed on the 38952
current tax list, the form of the ballot shall state that the 38953
tax will be levied in the current tax year and shall indicate 38954
the first calendar year the tax will be due. 38955

~~(B)(1)~~ (B) If the resolution of the board of park 38956
commissioners provides that an existing levy will be renewed, 38957
increased, or decreased upon the passage of the ballot question, 38958
the form of the ballot shall be the same as prescribed for such 38959
levies in divisions (B) and (C) of section 5705.25 of the 38960
Revised Code. 38961

~~(2) If the resolution of the board of park commissioners~~ 38962
~~provides that an existing levy will be canceled upon the passage~~ 38963
~~of the new levy, the board shall request that the county~~ 38964
~~auditor, in addition to the information the auditor is required~~ 38965
~~to certify under section 5705.03 of the Revised Code, certify~~ 38966
~~the effective rate of the existing levy. In such an instance,~~ 38967
~~the ballot must include a statement that: "an existing levy of~~ 38968
~~_____ mills (stating the original levy millage) for each \$1 of~~ 38969
~~taxable value, which amounts to \$_____ (effective rate) for each~~ 38970
~~\$100,000 of the county auditor's appraised value, having _____~~ 38971
~~years remaining, will be canceled and replaced upon the passage~~ 38972
~~of this levy." In such case, the ballot may refer to the new~~ 38973
~~levy as a "replacement levy" if the new millage does not exceed~~ 38974

~~the original millage of the levy being canceled or as a~~ 38975
~~"replacement and additional levy" if the new millage exceeds the~~ 38976
~~original millage of the levy being canceled.~~ 38977

(C) If a majority of the electors voting upon the question 38978
of such levy vote in favor thereof, such taxes shall be levied 38979
and shall be in addition to the taxes authorized by section 38980
1545.20 of the Revised Code, and all other taxes authorized by 38981
law. The rate submitted to the electors at any one time shall 38982
not exceed two mills annually upon each dollar of taxable value 38983
unless the purpose of the levy includes providing operating 38984
revenues for one of Ohio's major metropolitan zoos, as defined 38985
in section 4503.74 of the Revised Code, in which case the rate 38986
shall not exceed three mills annually upon each dollar of 38987
taxable value. When a tax levy has been authorized as provided 38988
in this section or in section 1545.041 of the Revised Code, the 38989
board of park commissioners may issue bonds pursuant to section 38990
133.24 of the Revised Code in anticipation of the collection of 38991
such levy, provided that such bonds shall be issued only for the 38992
purpose of acquiring and improving lands. Such levy, when 38993
collected, shall be applied in payment of the bonds so issued 38994
and the interest thereon. The amount of bonds so issued and 38995
outstanding at any time shall not exceed one per cent of the 38996
total taxable value in such district. Such bonds shall bear 38997
interest at a rate not to exceed the rate determined as provided 38998
in section 9.95 of the Revised Code. 38999

(D) As used in this section, "the county auditor's 39000
~~appraised market value~~" and "effective rate" have the same 39001
meanings as in section 5705.01 of the Revised Code. 39002

Sec. 1546.04. (A) Except as provided in this section, the 39003
chief of the division of parks and watercraft, with the approval 39004

of the director of natural resources, shall adopt rules in 39005
accordance with Chapter 119. of the Revised Code that are 39006
necessary for the proper management of state parks, bodies of 39007
water, and the lands adjacent to them under its jurisdiction and 39008
control, including rules: 39009

(1) Governing opening and closing times and dates of state 39010
parks; 39011

(2) Establishing fees and charges for use of facilities in 39012
state parks; 39013

(3) Governing camps, camping, and fees for camps and 39014
camping; 39015

(4) Governing the application for and rental of, rental 39016
fees for, and the use of cottages; 39017

(5) Relating to public use of state park lands, and 39018
governing the operation of motor vehicles, including speeds and 39019
parking on those lands; 39020

(6) Governing all advertising within state parks and 39021
requirements for the operation of places selling tangible 39022
personal property and food service sales on lands and waters 39023
under the control of the division. The rules shall establish 39024
uniform requirements for those operations and sales. 39025

(7) Providing uniform standards relating to the size, 39026
type, location, construction, and maintenance of structures and 39027
devices used for fishing or moorage of watercraft, rowboats, 39028
sailboats, and powercraft over waters under the control of the 39029
division and establishing reasonable fees for the construction 39030
of, and annual use permits for, those structures and devices; 39031

(8) Governing state beaches, swimming, inflatable devices, 39032

and fees for them; 39033

(9) Governing the removal and disposition of any 39034
watercraft, rowboat, sailboat, or powercraft left unattended for 39035
more than seven days on any lands or waters under the control of 39036
the division; 39037

(10) Governing the establishment and collection of check 39038
collection charges for checks that are returned to the division 39039
or dishonored for any reason; 39040

(11) Governing natural resources officers in all parks and 39041
bodies of water and lands adjacent to those bodies under the 39042
supervision and control of the division as are necessary to the 39043
proper management of such parks and bodies of water. 39044

(B) The chief shall adopt rules in accordance with Chapter 39045
119. of the Revised Code establishing a discount program for all 39046
persons who are issued a golden buckeye card under section 39047
173.06 of the Revised Code. The discount program shall provide a 39048
discount for all park services and rentals, but shall not 39049
provide a discount for the purchase of merchandise. 39050

(C) The chief, with the approval of the director of 39051
natural resources, may adopt rules in accordance with Chapter 39052
119. of the Revised Code that establish all of the following: 39053

(1) Requirements governing the administration of state 39054
parks; 39055

(2) Requirements considered necessary by the chief to 39056
supplement the identification, operation, titling, use, 39057
registration, and numbering of watercraft or vessels as provided 39058
in Chapters 1547. and 1548. of the Revised Code; 39059

(3) Requirements governing the navigation of vessels on 39060

waters in this state, including rules regarding steering and 39061
sailing, the conduct of vessels in sight of one another or in 39062
restricted visibility, lights and shapes of lights used on 39063
vessels, and sound and light signals. As the chief considers 39064
necessary, the chief shall ensure that those rules are 39065
consistent with and equivalent to the regulations and 39066
interpretive rulings governing inland waters adopted or issued 39067
under the "Inland Navigational Rules Act of 1980," 94 Stat. 39068
3415, 33 U.S.C. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 39069
2073. 39070

(4) Requirements and procedures governing vessel safety 39071
inspection checkpoints, including procedures that comply with 39072
statutory and constitutional provisions governing searches and 39073
seizures by law enforcement officers; 39074

(5) Fees and charges for all of the following: 39075

(a) Boating skill development classes and other 39076
educational classes; 39077

(b) Law enforcement services provided at special events 39078
when the services are in addition to normal enforcement duties; 39079

(c) Inspections of vessels or motors conducted under 39080
Chapter 1547. or Chapter 1548. of the Revised Code. 39081

(D) The chief shall not adopt rules under this section 39082
establishing fees or charges for parking a motor vehicle in a 39083
state park or for admission to a state park. 39084

(E) If the chief adopts rules under this section for the 39085
issuance of a permit for preventing or limiting ice formation on 39086
the surface of water that is located in a state park on property 39087
owned or managed by the division, the chief shall not levy a fee 39088
for the issuance of the permit. 39089

Sec. 1546.25. The park lodges, maintenance, and repair 39090
fund is created in the state treasury. The fund shall consist of 39091
money received from contractual agreements with service 39092
providers and concessionaires for state park lodges, 39093
restaurants, and marinas. The chief of the division of parks and 39094
watercraft shall use money in the fund to pay maintenance and 39095
repair costs for facilities operated by concessionaires and 39096
service providers at state park lodges, restaurants, and 39097
marinas. 39098

Sec. 1546.26. The parks and watercraft holding fund is 39099
created in the state treasury. The fund shall consist of money 39100
received by the division of parks and watercraft from gift card 39101
sales, credit card sales, and sales conducted at field 39102
locations. 39103

With regard to gift card sales, the chief of the division 39104
of parks and watercraft shall transfer money in the parks and 39105
watercraft holding fund to the appropriate fund after gift 39106
certificates and gift cards are redeemed. 39107

Sec. 1547.54. (A) (1) Except as otherwise provided in 39108
section 1547.542 of the Revised Code, the owner of every 39109
watercraft requiring registration under this chapter shall file 39110
an application for a triennial registration certificate with the 39111
chief of the division of parks and watercraft on forms that 39112
shall be provided by the chief or by an electronic means 39113
approved by the chief. The application shall be signed by the 39114
following: 39115

(a) If the watercraft is owned by two persons under joint 39116
ownership with right of survivorship established under section 39117
2131.12 of the Revised Code, by both of those persons as owners 39118
of the watercraft. The signatures may be done by electronic 39119

signature if the owners themselves are renewing the registration 39120
and there are no changes in the registration information since 39121
the issuance of the immediately preceding registration 39122
certificate. In all other instances, the signatures shall be 39123
done manually. 39124

(b) If the watercraft is owned by a minor, by the minor 39125
and a parent or legal guardian. The signatures may be done by 39126
electronic signature if the parent or legal guardian and the 39127
minor themselves are renewing the registration and there are no 39128
changes in the registration information since the issuance of 39129
the immediately preceding registration certificate. In all other 39130
instances, the signatures shall be done manually. 39131

(c) In all other cases, by the owner of the watercraft. 39132
The signature may be done by electronic signature if the owner 39133
is renewing the registration personally and there are no changes 39134
in the registration information since the issuance of the 39135
immediately preceding registration certificate. In all other 39136
instances, the signatures shall be done manually. 39137

(2) An application for a triennial registration of a 39138
watercraft filed under division (A)(1) of this section shall be 39139
accompanied by the following fee: 39140

(a) For canoes, rowboats, and inflatable watercraft that 39141
are numbered under section 1547.53 of the Revised Code, twelve 39142
dollars; 39143

(b) For canoes, row boats, and inflatable watercraft that 39144
are not numbered under section 1547.53 of the Revised Code, 39145
seventeen dollars; 39146

(c) For class A watercraft, including motorized 39147
canoes, thirty dollars; 39148

(d) For class 1 watercraft, forty-five dollars; 39149

(e) For class 2 watercraft, sixty dollars; 39150

(f) For class 3 watercraft, seventy-five dollars; 39151

(g) For class 4 watercraft, ninety dollars. 39152

(3) For the purpose of registration, any watercraft 39153
operated by means of power, sail, or any other mechanical or 39154
electrical means of propulsion, except motorized canoes, shall be 39155
registered by length as prescribed in this section. 39156

(4) If an application for registration is filed by two 39157
persons as owners under division (A) (1) (a) of this section, the 39158
person who is listed first on the title shall serve as and 39159
perform the duties of the "owner" and shall be considered the 39160
person "in whose name the watercraft is registered" for purposes 39161
of divisions (B) to (R) of this section and for purposes of all 39162
other sections in this chapter. 39163

(B) All registration certificates issued under this 39164
section are valid for three years and are renewable on a 39165
triennial basis unless sooner terminated or discontinued in 39166
accordance with this chapter. The renewal date shall be printed 39167
on the registration certificate. A registration certificate may 39168
be renewed by the owner in the manner prescribed by the chief. 39169
All fees shall be charged according to a proration of the time 39170
remaining in the registration cycle to the nearest year. 39171

(C) In addition to the fees set forth in this section, the 39172
chief, or any authorized agent, shall charge an additional 39173
writing fee of three dollars for any registration certificate 39174
the chief or authorized agent issues. When the registration 39175
certificate is issued by an authorized agent, the additional 39176
writing fee of three dollars shall be retained by the issuing 39177

agent. When the registration certificate is issued by the chief, 39178
the additional writing fee of three dollars shall be deposited 39179
to the credit of the waterways safety fund established in 39180
section 1547.75 of the Revised Code. 39181

(D) In addition to the fees established in this section, 39182
watercraft that are not powercraft shall be charged a waterways 39183
conservation assessment fee of five dollars. The fee shall be 39184
collected at the time of the issuance of a triennial watercraft 39185
registration under division (A) (2) of this section and deposited 39186
in the state treasury and credited to a distinct account in the 39187
waterways safety fund created in section 1547.75 of the Revised 39188
Code. 39189

(E) (1) Upon receipt of the application in approved form, 39190
the chief shall enter the same upon the records of the office of 39191
the division of parks and watercraft, assign a number to the 39192
watercraft if a number is required under section 1547.53 of the 39193
Revised Code, and issue to the applicant a registration 39194
certificate. If a number is assigned by the chief, it shall be 39195
set forth on the certificate. The registration certificate, in 39196
physical or digital form, shall be on the watercraft for which 39197
it is issued and available at all times for inspection whenever 39198
the watercraft is in operation, except that livery operators may 39199
retain the registration certificate at the livery where it shall 39200
remain available for inspection at all times and except as 39201
otherwise provided in division (E) (2) of this section. 39202

(2) A person who is operating on the waters of this state 39203
a canoe, kayak, rowboat, or inflatable watercraft meeting the 39204
definition of a paddlecraft that has not been numbered under 39205
section 1547.53 of the Revised Code and who is stopped by a law 39206
enforcement officer in the enforcement of this chapter or rules 39207

shall present to the officer, not later than seventy-two hours 39208
after being stopped, a registration certificate, in physical or 39209
digital form. The registration certificate shall have been 39210
obtained under this section for the canoe, kayak, rowboat, or 39211
inflatable watercraft meeting the definition of a paddlecraft 39212
prior to the time that it was stopped. Failure of the person to 39213
present the registration certificate within seventy-two hours 39214
constitutes prima-facie evidence of a violation of this section. 39215

(F) No person shall issue or be issued a registration 39216
certificate for a watercraft that is required to be issued a 39217
certificate of title under Chapter 1548. of the Revised Code 39218
except upon presentation of a certificate of title for the 39219
watercraft as provided in that chapter, proof of current 39220
documentation by the United States coast guard, a renewal 39221
registration form provided by the division of parks and 39222
watercraft, or a certificate of registration issued under this 39223
section that has expired if there is no change in the ownership 39224
or description of the watercraft. 39225

(G) Whenever the ownership of a watercraft changes, a new 39226
application form together with the prescribed fee shall be filed 39227
with the chief or the chief's agent and a new registration 39228
certificate shall be issued. The application shall be signed 39229
manually by the person or persons specified in divisions (A)(1) 39230
(a) to (c) of this section and shall be accompanied by a two- 39231
dollar transfer fee. Any remaining time on the registration 39232
shall be transferred. An authorized agent of the chief shall 39233
charge an additional writing fee of three dollars, which shall 39234
be retained by the issuing agent. If the certificate is issued 39235
by the chief, an additional writing fee of three dollars for 39236
each certificate issued shall be collected and deposited to the 39237
credit of the waterways safety fund. 39238

(H) If an agency of the United States has in force an 39239
overall system of identification numbering for watercraft or 39240
certain types of watercraft within the United States, the 39241
numbering system employed by the division shall be in conformity 39242
with that system. 39243

(I) (1) The chief may assign any registration certificates 39244
to any authorized agent for the assignment of the registration 39245
certificates. If a person accepts that authorization, the person 39246
may be assigned a block of numbers and certificates that upon 39247
assignment, in conformity with this chapter and Chapter 1548. of 39248
the Revised Code and with rules, shall be valid as if assigned 39249
directly by the division. Any person so designated as an agent 39250
by the chief shall post with the division security as may be 39251
required by the director of natural resources. The chief may 39252
issue an order temporarily or permanently restricting or 39253
suspending an agent's authorization without a hearing if the 39254
chief finds that the agent has violated this chapter or Chapter 39255
1548. of the Revised Code, rules, or any agreements prescribed 39256
by the chief. 39257

(2) A clerk of the court of common pleas may apply for 39258
designation as an authorized agent of the chief. The division 39259
shall accept the clerk's bond that is required under section 39260
2303.02 of the Revised Code for any security that is required 39261
for agents under this division, provided that the bond includes 39262
a rider or other provision specifically covering the clerk's 39263
duties as an authorized agent of the chief. 39264

(J) All records of the division made or kept pursuant to 39265
this section shall be public records. Those records shall be 39266
available for inspection at reasonable hours and in a manner 39267
compatible with normal operations of the division. 39268

(K) The owner shall furnish the division notice within 39269
fifteen days of the following: 39270

(1) The transfer, other than through the creation of a 39271
security interest in any watercraft, of all or any part of the 39272
owner's interest or, if the watercraft is owned by two persons 39273
under joint ownership with right of survivorship established 39274
under section 2131.12 of the Revised Code, of all or any part of 39275
the joint interest of either of the two persons. The transfer 39276
shall not terminate the registration certificate. 39277

(2) Any change in the address appearing on the 39278
certificate. As a part of the notification, the owner shall 39279
furnish the chief with the owner's new address. 39280

(3) The destruction or abandonment of the watercraft. 39281

(L) The chief may issue duplicate registration 39282
certificates or duplicate tags to owners of currently registered 39283
watercraft, the fee for which shall be four dollars. 39284

(M) If the chief finds that a registration certificate 39285
previously issued to an owner is in error to a degree that would 39286
impair its basic purpose and use, the chief may issue a 39287
corrected certificate to the owner without charge. 39288

(N) No authorized agent shall issue and no person shall 39289
receive or accept from an authorized agent a registration 39290
certificate assigned to the authorized agent under division (I) 39291
of this section unless the exact month, day, and year of issue 39292
are plainly written on the certificate by the agent. 39293
Certificates issued with incorrect dates of issue are void from 39294
the time they are issued. 39295

(O) The chief, in accordance with Chapter 119. of the 39296
Revised Code, shall adopt rules governing the renewal of 39297

watercraft registrations by electronic means. 39298

(P) As used in this section: 39299

(1) "Disabled veteran" means a person who is included in 39300
either of the following categories: 39301

(a) Because of a service-connected disability, has been or 39302
is awarded funds for the purchase of a motor vehicle under the 39303
"Disabled Veterans' and Servicemen's Automobile Assistance Act 39304
of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 39305

(b) Has a service-connected disability rated at one 39306
hundred per cent by the veterans administration. 39307

(2) "Prisoner of war" means any regularly appointed, 39308
enrolled, enlisted, or inducted member of the military forces of 39309
the United States who was captured, separated, and incarcerated 39310
by an enemy of the United States at any time, and any regularly 39311
appointed, enrolled, or enlisted member of the military forces 39312
of Great Britain, France, Australia, Belgium, Brazil, Canada, 39313
China, Denmark, Greece, the Netherlands, New Zealand, Norway, 39314
Poland, South Africa, or the republics formerly associated with 39315
the Union of Soviet Socialist Republics or Yugoslavia who was a 39316
citizen of the United States at the time of the appointment, 39317
enrollment, or enlistment, and was captured, separated, and 39318
incarcerated by an enemy of this country during World War II. 39319

(Q) Any disabled veteran, congressional medal of honor 39320
awardee, or prisoner of war may apply to the chief for a 39321
certificate of registration, or for a renewal of the certificate 39322
of registration, without the payment of any fee required by this 39323
section. The application for a certificate of registration shall 39324
be accompanied by evidence of disability or by documentary 39325
evidence in support of a congressional medal of honor that the 39326

chief requires by rule. The application for a certificate of 39327
registration by any person who has been a prisoner of war shall 39328
be accompanied by written evidence in the form of a record of 39329
separation, a letter from one of the armed forces of a country 39330
listed in division (P) (2) of this section, or other evidence 39331
that the chief may require by rule, that the person was 39332
honorably discharged or is currently residing in this state on 39333
active duty with one of the branches of the armed forces of the 39334
United States, or was a prisoner of war and was honorably 39335
discharged or received an equivalent discharge or release from 39336
one of the armed forces of a country listed in division (P) (2) 39337
of this section. 39338

(R) Annually by the fifteenth day of January, the director 39339
of natural resources shall determine the amount of fees that 39340
would have been collected in the prior calendar year for each 39341
certificate of registration issued or renewed pursuant to 39342
division (Q) of this section and shall certify the total amount 39343
of foregone revenue to the director of budget and management for 39344
reimbursement. The director of budget and management shall 39345
transfer the amount certified from the general revenue fund to 39346
the waterways safety fund. 39347

Sec. 1548.06. (A) (1) Application for a certificate of 39348
title for a watercraft or outboard motor shall be made upon a 39349
form prescribed by the chief of the division of parks and 39350
watercraft and shall be sworn to before a notary public or other 39351
officer empowered to administer oaths. The application shall be 39352
filed with the clerk of any court of common pleas. An 39353
application for a certificate of title may be filed 39354
electronically by any electronic means approved by the chief in 39355
any county with the clerk of the court of common pleas of that 39356
county. The application shall be accompanied by the fee 39357

prescribed in section 1548.10 of the Revised Code. The fee shall 39358
be retained by the clerk who issues the certificate of title and 39359
shall be distributed in accordance with that section. If a clerk 39360
of a court of common pleas, other than the clerk of the court of 39361
common pleas of an applicant's county of residence, issues a 39362
certificate of title to the applicant, the clerk shall transmit 39363
data related to the transaction to the automated title 39364
processing system. 39365

(2) If a certificate of title previously has been issued 39366
for the watercraft or outboard motor, the application for a 39367
certificate of title also shall be accompanied by the 39368
certificate of title duly assigned unless otherwise provided in 39369
this chapter. If a certificate of title previously has not been 39370
issued for the watercraft or outboard motor in this state, the 39371
application, unless otherwise provided in this chapter, shall be 39372
accompanied by a manufacturer's or importer's certificate; by a 39373
sworn statement of ownership if the watercraft or outboard motor 39374
was purchased by the applicant on or before October 9, 1963, or 39375
if the watercraft is less than fourteen feet long with a 39376
permanently affixed mechanical means of propulsion and was 39377
purchased by the applicant on or before January 1, 2000; or by a 39378
certificate of title, bill of sale, or other evidence of 39379
ownership required by the law of another state from which the 39380
watercraft or outboard motor was brought into this state. 39381
Evidence of ownership of a watercraft or outboard motor for 39382
which an Ohio certificate of title previously has not been 39383
issued and which watercraft or outboard motor does not have 39384
permanently affixed to it a manufacturer's serial number shall 39385
be accompanied by the certificate of assignment of a hull 39386
identification number assigned by the chief as provided in 39387
section 1548.07 of the Revised Code. 39388

(3) The clerk shall retain the evidence of title presented 39389
by the applicant and on which the certificate of title is 39390
issued, except that, if an application for a certificate of 39391
title is filed electronically, by a vendor on behalf of a 39392
purchaser of a watercraft or outboard motor, the clerk shall 39393
retain the completed electronic record to which the vendor 39394
converted the certificate of title application and other 39395
required documents. The chief, after consultation with the 39396
attorney general, shall adopt rules that govern the location at 39397
which, and the manner in which, are stored the actual 39398
application and all other documents relating to the sale of a 39399
watercraft or outboard motor when a vendor files the application 39400
for a certificate of title electronically on behalf of a 39401
purchaser. 39402

(B) The clerk shall use reasonable diligence in 39403
ascertaining whether the facts in the application are true by 39404
checking the application and documents accompanying it or the 39405
electronic record to which a vendor converted the application 39406
and accompanying documents with the records of watercraft and 39407
outboard motors in the clerk's office. If the clerk is satisfied 39408
that the applicant is the owner of the watercraft or outboard 39409
motor and that the application is in the proper form, the clerk 39410
shall issue a physical certificate of title over the clerk's 39411
signature and sealed with the clerk's seal unless the applicant 39412
specifically requests the clerk not to issue a physical 39413
certificate of title and instead to issue an electronic 39414
certificate of title. However, if the evidence indicates and an 39415
investigation shows that one or more Ohio titles already exist 39416
for the watercraft or outboard motor, the chief may cause the 39417
redundant title or titles to be canceled. 39418

(C) In the case of the sale of a watercraft or outboard 39419

motor by a vendor to a general purchaser or user, the 39420
certificate of title shall be obtained in the name of the 39421
purchaser by the vendor upon application signed by the 39422
purchaser. In all other cases, the certificate shall be obtained 39423
by the purchaser. In all cases of transfer of watercraft or 39424
outboard motors, the application for certificate of title shall 39425
be filed within thirty days after the later of the date of 39426
purchase or assignment of ownership of the watercraft or 39427
outboard motor. If the application for certificate of title is 39428
not filed within thirty days after the later of the date of 39429
purchase or assignment of ownership of the watercraft or 39430
outboard motor, the clerk shall charge a late penalty fee of 39431
five dollars in addition to the fee prescribed by section 39432
1548.10 of the Revised Code. The clerk shall retain the entire 39433
amount of each late penalty fee. 39434

(D) The clerk shall refuse to accept an application for 39435
certificate of title unless the applicant either tenders with 39436
the application payment of all taxes levied by or pursuant to 39437
Chapter 5739. or 5741. of the Revised Code based on the 39438
applicant's county of residence less, in the case of a sale by a 39439
vendor, any discount to which the vendor is entitled under 39440
section 5739.12 of the Revised Code, or submits any of the 39441
following: 39442

(1) A receipt issued by the tax commissioner or a clerk of 39443
courts showing payment of the tax; 39444

(2) A copy of the unit certificate of exemption completed 39445
by the purchaser at the time of sale as provided in section 39446
5739.03 of the Revised Code; 39447

(3) An exemption certificate, in a form prescribed by the 39448
tax commissioner, that specifies why the purchase is not subject 39449

to the tax imposed by Chapter 5739. or 5741. of the Revised 39450
Code. 39451

Payment of the tax shall be in accordance with rules 39452
issued by the tax commissioner, and the clerk shall issue a 39453
receipt in the form prescribed by the tax commissioner to any 39454
applicant who tenders payment of the tax with the application 39455
for the certificate of title. 39456

(E) (1) For receiving and disbursing the taxes paid to the 39457
clerk by a resident of the clerk's county, the clerk may retain 39458
a poundage fee of one and one one-hundredth per cent of the 39459
taxes collected, which shall be paid into the certificate of 39460
title administration fund created by section 325.33 of the 39461
Revised Code. The clerk shall not retain a poundage fee from 39462
payments of taxes by persons who do not reside in the clerk's 39463
county. 39464

(2) A clerk, however, may retain from the taxes paid to 39465
the clerk an amount equal to the poundage fees associated with 39466
certificates of title issued by other clerks of courts of common 39467
pleas to applicants who reside in the first clerk's county. The 39468
chief of the division of parks and watercraft, in consultation 39469
with the tax commissioner and the clerks of the courts of common 39470
pleas, shall develop a report from the automated title 39471
processing system that informs each clerk of the amount of the 39472
poundage fees that the clerk is permitted to retain from those 39473
taxes because of certificates of title issued by the clerks of 39474
other counties to applicants who reside in the first clerk's 39475
county. 39476

(F) In the case of casual sales of watercraft or outboard 39477
motors that are subject to the tax imposed by Chapter 5739. or 39478
5741. of the Revised Code, the purchase price for the purpose of 39479

determining the tax shall be the purchase price on an affidavit 39480
executed and filed with the clerk by the vendor on a form to be 39481
prescribed by the chief, which shall be prima-facie evidence of 39482
the price for the determination of the tax. In addition to the 39483
information required by section 1548.08 of the Revised Code, 39484
each certificate of title shall contain in bold lettering the 39485
following notification and statements: "WARNING TO TRANSFEROR 39486
AND TRANSFEREE (SELLER AND BUYER). You are required by law to 39487
state the true selling price. A false statement is a violation 39488
of section 2921.13 of the Revised Code and is punishable by six 39489
months imprisonment or a fine of up to one thousand dollars, or 39490
both. All transfers are audited by the department of taxation. 39491
The seller and buyer must provide any information requested by 39492
the department of taxation. The buyer may be assessed any 39493
additional tax found to be due." 39494

(G) Each county clerk of courts shall forward to the ~~tax-~~ 39495
~~commissioner-registrar~~ of motor vehicles, in a manner prescribed 39496
by the tax commissioner, all sales and use tax collections 39497
resulting from sales of titled watercraft and outboard motors 39498
during a calendar week on or before the Friday following the 39499
close of that week. If, on any Friday, the offices of the clerk 39500
of courts or the state are not open for business, the tax shall 39501
be forwarded to the ~~commissioner-registrar~~ on or before the next 39502
day on which the offices are open. Every remittance of tax under 39503
this division shall be accompanied by a remittance report in 39504
such form as the commissioner, in consultation with the director 39505
of public safety, prescribes. If the tax due for any week is not 39506
remitted by a clerk of courts as required under this division, 39507
the clerk shall forfeit the poundage fees for the sales made 39508
during that week. The commissioner may require the clerks of 39509
courts to transmit tax collections and remittance reports 39510

electronically. 39511

(H) For purposes of a transfer of a certificate of title, 39512
if the clerk is satisfied that a secured party has discharged a 39513
lien but has not canceled the lien notation with a clerk, the 39514
clerk may cancel the lien notation on the automated title 39515
processing system and notify the clerk of the county of origin. 39516

(I) Every clerk shall have the capability to transact by 39517
electronic means all procedures and transactions relating to the 39518
issuance of watercraft or outboard motor certificates of title 39519
that are described in the Revised Code as being accomplished by 39520
electronic means. 39521

Sec. 1561.13. The chief of the division of mineral 39522
resources management shall conduct examinations for offices and 39523
positions in the division of mineral resources management, and 39524
for mine forepersons, mine electricians, ~~shot firers,~~ and 39525
surface mine blasters, ~~and fire bosses,~~ as follows: 39526

(A) Division of mineral resources management: 39527

(1) Deputy mine inspectors of underground mines; 39528

(2) Deputy mine inspectors of surface mines; 39529

(3) Electrical inspectors; 39530

(4) Superintendent of rescue stations; 39531

(5) Assistant superintendents of rescue stations; 39532

(6) Mine chemists at a division laboratory if the chief 39533
chooses to operate a laboratory. 39534

(B) Mine forepersons: 39535

(1) Mine foreperson of gaseous mines; 39536

(2) Mine foreperson of nongaseous mines;	39537
(3) Mine foreperson of surface mines.	39538
(C) Forepersons:	39539
(1) Foreperson of gaseous mines;	39540
(2) Foreperson of nongaseous mines;	39541
(3) ~~Foreperson of surface maintenance facilities at~~	39542
~~underground or surface mines;~~	39543
~~(4)~~ Foreperson of surface mines.	39544
(D) ~~Fire bosses.~~	39545
~~(E)~~ Mine electricians.	39546
~~(F)~~ <u>(E)</u> Surface mine blasters.	39547
~~(G)~~ Shot firers.	39548
The chief annually shall provide for the examination of	39549
candidates for appointment or promotion as deputy mine	39550
inspectors and such other positions and offices set forth in	39551
division (A) of this section as are necessary. Special	39552
examinations may be held whenever it becomes necessary to make	39553
appointments to any of those positions.	39554
The chief shall provide for the examination of persons	39555
seeking certificates of competency as mine forepersons,	39556
forepersons, mine electricians, ~~shot firers,~~ and surface mine	39557
blasters, ~~and fire bosses quarterly or more often as required,~~	39558
<u>needed and at such times and places within the state as shall,</u>	39559
in the judgment of the chief, afford the best facilities to the	39560
greatest number of applicants. ~~Public notice shall be given~~	39561
~~through the press or otherwise, not less than ten days in~~	39562
~~advance, announcing the time and place at which examinations~~	39563

~~under this section are to be held.~~

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The examinations provided for in this section shall be conducted under rules adopted under section 1561.05 of the Revised Code and conditions prescribed by the chief. Any rules that relate to particular candidates shall, upon application of any candidate, be furnished to the candidate by the chief; they shall also be of uniform application to all candidates in the several groups.

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Sec. 1561.16. (A) As used in this section and sections 1561.17 to ~~1561.21~~ 1561.20 of the Revised Code, "actual practical experience" means previous employment that involved a person's regular presence in the type of mining operation in which the experience is required to exist; participation in functions relating to the hazards involved in and the utilization of equipment, tools, and work crews and individuals for that type of mining; and regular exposure to the methods, procedures, and safety laws applicable to that type of mining. Credit of up to one year for a portion of the required experience time may be given upon documentation to the chief of the division of mineral resources management of an educational degree in a field related to mining. Credit of up to two years of the required experience time may be given upon presentation to the chief of proof of graduation from an accredited school of mines or mining after a four-year course of study with employment in the mining industry during interim breaks during the school years.

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(B) Except as provided in division (G) of this section, a person who applies for a certificate as a mine foreperson of gaseous mines shall be able to read and write the English language; shall have had at least five years' actual practical

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experience in the underground workings of a gaseous mine or the 39594
equivalent thereof in the judgment of the chief; and shall have 39595
had practical experience obtained by actual contact with gas in 39596
mines and have knowledge of the dangers and nature of noxious 39597
and explosive gases and ventilation of gaseous mines. An 39598
applicant for a certificate as a foreperson of gaseous mines 39599
shall meet the same requirements, except that the applicant 39600
shall have had at least three years' actual practical experience 39601
in the underground workings of a gaseous mine or the equivalent 39602
thereof in the judgment of the chief. Each applicant for 39603
examination shall pay a fee established in rules adopted under 39604
this section to the chief on the first day of such examination. 39605

(C) A person who has been issued a certificate as a mine 39606
foreperson or a foreperson of a gaseous mine and who has not 39607
worked in an underground coal mine for a period of more than two 39608
calendar years shall apply for and obtain recertification from 39609
the chief in accordance with rules adopted under this section 39610
before performing the duties of a mine foreperson or a 39611
foreperson of a gaseous mine. An applicant for recertification 39612
shall pay a fee established in rules adopted under this section 39613
at the time of application for recertification. 39614

(D) A person who has been issued a certificate as a mine 39615
foreperson or a foreperson of a gaseous mine and who has not 39616
worked in an underground coal mine for a period of one or more 39617
calendar years shall successfully complete a retraining course 39618
in accordance with rules adopted under this section before 39619
performing the duties of a mine foreperson or a foreperson of a 39620
gaseous mine. 39621

(E) The chief, in consultation with a statewide 39622
association representing the coal mining industry and a 39623

statewide association representing employees of coal mines, 39624
shall adopt rules in accordance with Chapter 119. of the Revised 39625
Code that do all of the following: 39626

(1) Prescribe requirements, criteria, and procedures for 39627
the recertification of a mine foreperson or a foreperson of a 39628
gaseous mine who has not worked in an underground coal mine for 39629
a period of more than two calendar years; 39630

(2) Prescribe requirements, criteria, and procedures for 39631
the retraining of a mine foreperson or a foreperson of a gaseous 39632
mine who has not worked in an underground coal mine for a period 39633
of one or more calendar years; 39634

(3) Establish fees for the examination and recertification 39635
of mine forepersons or forepersons of gaseous mines under this 39636
section; 39637

(4) Prescribe any other requirements, criteria, and 39638
procedures that the chief determines are necessary to administer 39639
this section. 39640

(F) Any money collected under this section shall be paid 39641
into the state treasury to the credit of the mining regulation 39642
and safety fund created in section 1513.30 of the Revised Code. 39643

(G) The chief shall issue a certificate as a foreperson of 39644
gaseous mines in accordance with Chapter 4796. of the Revised 39645
Code to an applicant if either of the following applies: 39646

(1) The applicant holds a license or certificate in 39647
another state. 39648

(2) The applicant has satisfactory work experience, a 39649
government certification, or a private certification as 39650
described in that chapter as a foreperson of gaseous mines in a 39651

state that does not issue that license or certificate. 39652

Sec. 1561.23. (A) The chief of the division of mineral 39653
resources management shall issue the following certificates to 39654
those applicants who pass their examination: 39655

- (1) Certificates for mine forepersons of gaseous mines; 39656
- (2) Certificates for mine forepersons of nongaseous mines; 39657
- (3) Certificates for forepersons of gaseous mines; 39658
- (4) Certificates for forepersons of nongaseous mines; 39659
- (5) ~~Certificates for forepersons of surface maintenance~~ 39660
~~facilities of underground or surface mines;~~ 39661
- ~~(6)~~ Certificates for mine forepersons of surface mines; 39662
- ~~(7)~~ (6) Certificates for forepersons of surface mines; 39663
- ~~(8)~~ ~~Certificates for fire bosses;~~ 39664
- ~~(9)~~ (7) Certificates for mine electricians; 39665
- ~~(10)~~ (8) Certificates for surface mine blasters; 39666
- ~~(11)~~ ~~Certificates for shot firers.~~ 39667

(B) Applicants for certificates shall make application to 39668
the chief, on a form provided by the chief, for examination. All 39669
applicants shall be able to read and write the English language 39670
intelligently, and shall furnish the chief with a certificate as 39671
to the length and description of their practical experience and 39672
satisfactory evidence of their ability to perform the duties of 39673
the position for which they make application for examination. 39674

(C) The chief may issue a certificate to an applicant for 39675
mine foreperson, foreperson, or mine electrician who holds a 39676
valid certification or other authorization from a state with 39677

which the department of natural resources has a reciprocal 39678
agreement for the certification or other authorization. However, 39679
the applicant shall pass an examination on this chapter and 39680
rules adopted under it or on any other relevant material that 39681
the chief determines to be appropriate. 39682

A mine foreperson, foreperson, or mine electrician who has 39683
been issued a temporary certificate under section 1565.06 of the 39684
Revised Code prior to ~~the effective date of this amendment~~ 39685
September 30, 2021, and who holds a valid certification or other 39686
authorization from a state with which the department has a 39687
reciprocal agreement for the certification or other 39688
authorization may continue to operate under the temporary 39689
certificate until it expires or the chief suspends or revokes 39690
it. 39691

(D) Except as provided in sections 1561.16 and 1561.17 of 39692
the Revised Code, any certificate issued by the former mine 39693
examining board prior to October 29, 1995, shall remain in 39694
effect notwithstanding the new classifications of certificates 39695
established by this section. 39696

Sec. 1561.46. Fees received by the chief of the division 39697
of mineral resources management under sections 1561.16 to 39698
~~1561.22~~ 1561.20 of the Revised Code shall be paid by the chief 39699
into the state treasury to the credit of the mining regulation 39700
and safety fund created in section 1513.30 of the Revised Code. 39701

Sec. 1561.48. All money collected under sections 1561.14, 39702
1561.16, 1561.17, ~~1561.18,~~ 1561.19, 1561.20, ~~1561.21,~~ ~~1561.22,~~ 39703
1561.45, and 1561.46 of the Revised Code shall be paid into the 39704
state treasury to the credit of the mining regulation and safety 39705
fund created by section 1513.30 of the Revised Code. The 39706
department of natural resources shall use the money in the fund 39707

to pay the operating expenses of the division of mineral 39708
resources management. 39709

Sec. 1701.04. (A) Any person, singly or jointly with 39710
others, and without regard to residence, domicile, or state of 39711
incorporation, may form a corporation by signing and filing with 39712
the secretary of state articles of incorporation that shall set 39713
forth all of the following: 39714

(1) The name of the corporation, which shall be in 39715
compliance with division (A) of section 1701.05 of the Revised 39716
Code; 39717

(2) The place in this state where the principal office of 39718
the corporation is to be located; 39719

(3) The authorized number and the par value per share of 39720
shares with par value, and the authorized number of shares 39721
without par value, except that the articles of a banking, safe 39722
deposit, trust, or insurance corporation shall not authorize 39723
shares without par value; the express terms, if any, of the 39724
shares; and, if the shares are classified, the designation of 39725
each class, the authorized number and par value per share, if 39726
any, of the shares of each class, and the express terms of the 39727
shares of each class; 39728

(4) If the corporation is to have an initial stated 39729
capital, the amount of that stated capital. 39730

(B) The articles also may set forth any of the following: 39731

(1) The names of the individuals who are to serve as 39732
initial directors; 39733

(2) The purpose or purposes for which the corporation is 39734
formed, but in the absence of a statement of the purpose or 39735

purposes or except as expressly set forth in such statement, the 39736
purpose for which any corporation is formed is to engage in any 39737
lawful act or activity for which a corporation may be formed 39738
under this chapter, and all lawful acts and activities of the 39739
corporation are within the purposes of the corporation; 39740

(3) Any priority or other method for balancing the 39741
purposes for which the corporation is formed; 39742

(4) Any lawful provision for the purpose of defining, 39743
limiting, or regulating the exercise of the authority of the 39744
corporation, the incorporators, the directors, the officers, the 39745
shareholders, or the holders of any class of shares; 39746

(5) Any provision that may be set forth in the 39747
regulations; 39748

(6) A provision specifying the period of existence of the 39749
corporation if it is to be otherwise than perpetual; 39750

(7) A provision eliminating the right of every shareholder 39751
to vote cumulatively in the election of directors; 39752

(8) Any additional provision permitted by this chapter. 39753

(C) A written appointment of a statutory agent for the 39754
purposes set forth in section 1701.07 of the Revised Code shall 39755
be filed with the articles, unless the corporation belongs to 39756
one of the classes mentioned in division ~~(O)~~(N) of that section. 39757

(D) The legal existence of the corporation begins upon the 39758
filing of the articles or on a later date specified in the 39759
articles that is not more than ninety days after filing, and, 39760
unless the articles otherwise provide, its period of existence 39761
shall be perpetual. 39762

Sec. 1701.07. (A) Every corporation shall have and 39763

maintain an agent, sometimes referred to as the "statutory agent," upon whom any process, notice, or demand required or permitted by statute to be served upon a corporation may be served. The agent shall be one of the following:

(1) A natural person who is a resident of this state;

(2) A domestic or foreign corporation, nonprofit corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited partnership association, professional association, business trust, or unincorporated nonprofit association that has a business address in this state. If the agent is an entity other than a domestic corporation, the agent shall meet the requirements of Title XVII of the Revised Code for an entity of the agent's type to transact business or exercise privileges in this state.

(B) The secretary of state shall not accept original articles for filing unless there is filed with the articles a written appointment of an agent that is signed by the incorporators of the corporation or a majority of them and a written acceptance of the appointment that is signed by the agent. In all other cases, the corporation shall appoint the agent and shall file in the office of the secretary of state a written appointment of the agent that is signed by any authorized officer of the corporation and a written acceptance of the appointment that is either the original acceptance signed by the agent or a photocopy, facsimile, or similar reproduction of the original acceptance signed by the agent.

(C) (1) The written appointment of an agent shall set forth the name and address in this state of the agent, including the street and number of the agent's primary residence in this state or, if the agent is not a natural person, the agent's usual

place of business in this state, and shall otherwise be in such 39794
form as the secretary of state prescribes. The secretary of 39795
state shall keep a record of the names of corporations, and the 39796
names and addresses of their respective agents. 39797

(2) As used in division (C)(1) of this section, "usual 39798
place of business" means a place in this state that is 39799
customarily open during normal business hours and where an 39800
individual is generally present who is authorized to perform the 39801
services of a registered agent, including accepting service of 39802
process and other notifications for the person serving as a 39803
statutory agent. "Usual place of business" does not include a 39804
post office box, regardless of whether that post office box has 39805
an associated street address. 39806

(D) If any agent dies, removes from the state, or resigns, 39807
the corporation shall forthwith appoint another agent and file 39808
with the secretary of state, on a form prescribed by the 39809
secretary of state, a written appointment of the agent. 39810

(E) If the agent changes the agent's address from that 39811
appearing upon the record in the office of the secretary of 39812
state, the corporation or the agent shall forthwith file with 39813
the secretary of state, on a form prescribed by the secretary of 39814
state, a written statement setting forth the new address. 39815

(F) An agent may resign by filing with the secretary of 39816
state, on a form prescribed by the secretary of state, a written 39817
notice to that effect that is signed by the agent and by sending 39818
a copy of the notice to the corporation at the current or last 39819
known address of its principal office on or prior to the date 39820
the notice is filed with the secretary of state. The notice 39821
shall set forth the name of the corporation, the name and 39822
current address of the agent, the current or last known address, 39823

including the street and number or other particular description, 39824
of the corporation's principal office, the resignation of the 39825
agent, and a statement that a copy of the notice has been sent 39826
to the corporation within the time and in the manner prescribed 39827
by this division. Upon the expiration of thirty days after the 39828
filing, the authority of the agent shall terminate. 39829

(G) A corporation may revoke the appointment of an agent 39830
by filing with the secretary of state, on a form prescribed by 39831
the secretary of state, a written appointment of another agent 39832
and a statement that the appointment of the former agent is 39833
revoked. 39834

(H) Any process, notice, or demand required or permitted 39835
by statute to be served upon a corporation may be served upon 39836
the corporation by delivering a copy of it to its agent, if a 39837
natural person, or by delivering a copy of it at the address of 39838
its agent in this state, as the address appears upon the record 39839
in the office of the secretary of state. If (1) the agent cannot 39840
be found, or (2) the agent no longer has that address, or (3) 39841
the corporation has failed to maintain an agent as required by 39842
this section, and if in any such case the party desiring that 39843
the process, notice, or demand be served, or the agent or 39844
representative of the party, shall have filed with the secretary 39845
of state an affidavit stating that one of the foregoing 39846
conditions exists and stating the most recent address of the 39847
corporation that the party after diligent search has been able 39848
to ascertain, then service of process, notice, or demand upon 39849
the secretary of state, as the agent of the corporation, may be 39850
initiated by delivering to the secretary of state or at the 39851
secretary of state's office quadruplicate copies of such 39852
process, notice, or demand and by paying to the secretary of 39853
state a fee of five dollars. The secretary of state shall 39854

forthwith give notice of the delivery to the corporation at its 39855
principal office as shown upon the record in the secretary of 39856
state's office and at any different address shown on its last 39857
franchise tax report filed in this state, or to the corporation 39858
at any different address set forth in the above mentioned 39859
affidavit, and shall forward to the corporation at said 39860
addresses, by certified mail, with request for return receipt, a 39861
copy of the process, notice, or demand; and thereupon service 39862
upon the corporation shall be deemed to have been made. 39863

(I) The secretary of state shall keep a record of each 39864
process, notice, and demand delivered to the secretary of state 39865
or at the secretary of state's office under this section or any 39866
other law of this state that authorizes service upon the 39867
secretary of state, and shall record the time of the delivery 39868
and the action thereafter with respect thereto. 39869

(J) This section does not limit or affect the right to 39870
serve any process, notice, or demand upon a corporation in any 39871
other manner permitted by law. 39872

(K) ~~Every corporation shall state in each annual report~~ 39873
~~filed by it with the department of taxation the name and address~~ 39874
~~of its statutory agent.~~ 39875

~~(I)~~ Except when an original appointment of an agent is 39876
filed with the original articles, a written appointment of an 39877
agent or a written statement filed by a corporation with the 39878
secretary of state shall be signed by any authorized officer of 39879
the corporation or by the incorporators of the corporation or a 39880
majority of them if no directors have been elected. 39881

~~(M)~~ (L) For filing a written appointment of an agent other 39882
than one filed with original articles, and for filing a 39883

statement of change of address of an agent, the secretary of 39884
state shall charge and collect the fee specified in division (R) 39885
of section 111.16 of the Revised Code. 39886

~~(N)~~ (M) Upon the failure of a corporation to appoint 39887
another agent or to file a statement of change of address of an 39888
agent, the secretary of state shall give notice thereof by 39889
ordinary or electronic mail to the corporation at the electronic 39890
mail address provided to the secretary of state, or at the 39891
address set forth in the notice of resignation or on the last 39892
franchise tax return filed in this state by the corporation. 39893
Unless the default is cured within thirty days after the mailing 39894
by the secretary of state of the notice or within any further 39895
period of time that the secretary of state grants, upon the 39896
expiration of that period of time from the date of the mailing, 39897
the articles of the corporation shall be canceled without 39898
further notice or action by the secretary of state. The 39899
secretary of state shall make a notation of the cancellation on 39900
the secretary of state's records. 39901

A corporation whose articles have been canceled may be 39902
reinstated by filing, within two years of the cancellation, on a 39903
form prescribed by the secretary of state, an application for 39904
reinstatement and the required appointment of agent or required 39905
statement, and by paying the filing fee specified in division 39906
(Q) of section 111.16 of the Revised Code. The rights, 39907
privileges, and franchises of a corporation whose articles have 39908
been reinstated are subject to section 1701.922 of the Revised 39909
Code. The secretary of state shall furnish the tax commissioner 39910
a monthly list of all corporations canceled and reinstated under 39911
this division. 39912

~~(O)~~ (N) This section does not apply to banks, trust 39913

companies, insurance companies, or any corporation defined under 39914
the laws of this state as a public utility for taxation 39915
purposes. 39916

Sec. 1703.041. (A) Every foreign corporation for profit 39917
that is licensed to transact business in this state, and every 39918
foreign nonprofit corporation that is licensed to exercise its 39919
privileges in this state, shall have and maintain an agent, 39920
sometimes referred to as the "designated agent," upon whom 39921
process against the corporation may be served within this state. 39922
The agent shall be one of the following: 39923

(1) A natural person who is a resident of this state; 39924

(2) A domestic or foreign corporation, nonprofit 39925
corporation, limited liability company, partnership, limited 39926
partnership, limited liability partnership, limited partnership 39927
association, professional association, business trust, or 39928
unincorporated nonprofit association that has a business address 39929
in this state. If the agent is an entity other than a domestic 39930
corporation, the agent shall meet the requirements of Title XVII 39931
of the Revised Code for an entity of the agent's type to 39932
transact business or exercise privileges in this state. 39933

(B) (1) The written appointment of a designated agent shall 39934
set forth the name and address of the agent, including the 39935
street and number of the agent's primary residence in this state 39936
or, if the agent is not a natural person, the agent's usual 39937
place of business in this state, and shall otherwise be in such 39938
form as the secretary of state prescribes. The secretary of 39939
state shall keep a record of the names of such foreign 39940
corporations and the names and addresses of their respective 39941
agents. 39942

(2) As used in division (B)(1) of this section, "usual place of business" means a place in this state that is customarily open during normal business hours and where an individual is generally present who is authorized to perform the services of a registered agent, including accepting service of process and other notifications for the person serving as a statutory agent. "Usual place of business" does not include a post office box, regardless of whether that post office box has an associated street address.

(C) If the designated agent dies, removes from the state, or resigns, the foreign corporation shall forthwith appoint another agent and file in the office of the secretary of state, on a form prescribed by the secretary of state, a written appointment of the new agent.

(D) If the designated agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the foreign corporation or the designated agent in its behalf shall forthwith file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the agent's new address.

(E) A designated agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a signed statement to that effect. The secretary of state shall forthwith mail a copy of the statement to the foreign corporation at its principal office as shown by the record in the secretary of state's office. Upon the expiration of sixty days after the filing, the authority of the agent shall terminate.

(F) A foreign corporation may revoke the appointment of a designated agent by filing with the secretary of state, on a

form prescribed by the secretary of state, a written appointment 39973
of another agent and a statement that the appointment of the 39974
former agent is revoked. 39975

(G) Process may be served upon a foreign corporation by 39976
delivering a copy of it to its designated agent, if a natural 39977
person, or by delivering a copy of it at the address of its 39978
agent in this state, as the address appears upon the record in 39979
the office of the secretary of state. 39980

(H) This section does not limit or affect the right to 39981
serve process upon a foreign corporation in any other manner 39982
permitted by law. 39983

~~(I) Every foreign corporation for profit shall state in 39984
each annual report filed by it with the department of taxation 39985
the name and address of its designated agent in this state. 39986~~

Sec. 1707.01. As used in this chapter: 39987

(A) Whenever the context requires it, "division" or 39988
"division of securities" may be read as "director of commerce" 39989
or as "commissioner of securities." 39990

(B) "Security" means any certificate or instrument, or any 39991
oral, written, or electronic agreement, understanding, or 39992
opportunity, that represents title to or interest in, or is 39993
secured by any lien or charge upon, the capital, assets, 39994
profits, property, or credit of any person or of any public or 39995
governmental body, subdivision, or agency. It includes shares of 39996
stock, certificates for shares of stock, an uncertificated 39997
security, membership interests in limited liability companies, 39998
voting-trust certificates, warrants and options to purchase 39999
securities, subscription rights, interim receipts, interim 40000
certificates, promissory notes, all forms of commercial paper, 40001

evidences of indebtedness, bonds, debentures, land trust 40002
certificates, fee certificates, leasehold certificates, 40003
syndicate certificates, endowment certificates, interests in or 40004
under profit-sharing or participation agreements, interests in 40005
or under oil, gas, or mining leases, preorganization or 40006
reorganization subscriptions, preorganization certificates, 40007
reorganization certificates, interests in any trust or pretended 40008
trust, any investment contract, any life settlement interest, 40009
any instrument evidencing a promise or an agreement to pay 40010
money, warehouse receipts for intoxicating liquor, and the 40011
currency of any government other than those of the United States 40012
and Canada, but sections 1707.01 to 1707.50 of the Revised Code 40013
do not apply to the sale of real estate. 40014

(C) (1) "Sale" has the full meaning of "sale" as applied by 40015
or accepted in courts of law or equity, and includes every 40016
disposition, or attempt to dispose, of a security or of an 40017
interest in a security. "Sale" also includes a contract to sell, 40018
an exchange, an attempt to sell, an option of sale, a 40019
solicitation of a sale, a solicitation of an offer to buy, a 40020
subscription, or an offer to sell, directly or indirectly, by 40021
agent, circular, pamphlet, advertisement, or otherwise. 40022

(2) "Sell" means any act by which a sale is made. 40023

(3) The use of advertisements, circulars, or pamphlets in 40024
connection with the sale of securities in this state exclusively 40025
to the purchasers specified in division (D) of section 1707.03 40026
of the Revised Code is not a sale when the advertisements, 40027
circulars, and pamphlets describing and offering those 40028
securities bear a readily legible legend in substance as 40029
follows: "This offer is made on behalf of dealers licensed under 40030
sections 1707.01 to 1707.50 of the Revised Code, and is confined 40031

in this state exclusively to institutional investors and 40032
licensed dealers." 40033

(4) The offering of securities by any person in 40034
conjunction with a licensed dealer by use of advertisement, 40035
circular, or pamphlet is not a sale if that person does not 40036
otherwise attempt to sell securities in this state. 40037

(5) Any security given with, or as a bonus on account of, 40038
any purchase of securities is conclusively presumed to 40039
constitute a part of the subject of that purchase and has been 40040
"sold." 40041

(6) "Sale" by an owner, pledgee, or mortgagee, or by a 40042
person acting in a representative capacity, includes sale on 40043
behalf of such party by an agent, including a licensed dealer or 40044
salesperson. 40045

(D) "Person," except as otherwise provided in this 40046
chapter, means a natural person, firm, partnership, limited 40047
partnership, partnership association, syndicate, joint-stock 40048
company, unincorporated association, trust or trustee except 40049
where the trust was created or the trustee designated by law or 40050
judicial authority or by a will, and a corporation or limited 40051
liability company organized under the laws of any state, any 40052
foreign government, or any political subdivision of a state or 40053
foreign government. 40054

(E) (1) "Dealer," except as otherwise provided in this 40055
chapter, means every person, other than a salesperson, who 40056
engages or professes to engage, in this state, for either all or 40057
part of the person's time, directly or indirectly, either in the 40058
business of the sale of securities for the person's own account, 40059
or in the business of the purchase or sale of securities for the 40060

account of others in the reasonable expectation of receiving a 40061
commission, fee, or other remuneration as a result of engaging 40062
in the purchase and sale of securities. "Dealer" does not mean 40063
any of the following: 40064

(a) Any issuer, including any officer, director, employee, 40065
or trustee of, or member or manager of, or partner in, or any 40066
general partner of, any issuer, that sells, offers for sale, or 40067
does any act in furtherance of the sale of a security that 40068
represents an economic interest in that issuer, provided no 40069
commission, fee, or other similar remuneration is paid to or 40070
received by the issuer for the sale; 40071

(b) Any licensed attorney, public accountant, or firm of 40072
such attorneys or accountants, whose activities are incidental 40073
to the practice of the attorney's, accountant's, or firm's 40074
profession; 40075

(c) Any person that, for the account of others, engages in 40076
the purchase or sale of securities that are issued and 40077
outstanding before such purchase and sale, if a majority or more 40078
of the equity interest of an issuer is sold in that transaction, 40079
and if, in the case of a corporation, the securities sold in 40080
that transaction represent a majority or more of the voting 40081
power of the corporation in the election of directors; 40082

(d) Any person that brings an issuer together with a 40083
potential investor and whose compensation is not directly or 40084
indirectly based on the sale of any securities by the issuer to 40085
the investor; 40086

(e) Any bank; 40087

(f) Any person that the division of securities by rule 40088
exempts from the definition of "dealer" under division (E)(1) of 40089

this section. 40090

(2) "Licensed dealer" means a dealer licensed under this 40091
chapter. 40092

(F) (1) "Salesman" or "salesperson" means every natural 40093
person, other than a dealer, who is employed, authorized, or 40094
appointed by a dealer to sell securities within this state. 40095

(2) The general partners of a partnership, and the 40096
executive officers of a corporation or unincorporated 40097
association, licensed as a dealer are not salespersons within 40098
the meaning of this definition, nor are clerical or other 40099
employees of an issuer or dealer that are employed for work to 40100
which the sale of securities is secondary and incidental; but 40101
the division of securities may require a license from any such 40102
partner, executive officer, or employee if it determines that 40103
protection of the public necessitates the licensing. 40104

(3) "Licensed salesperson" means a salesperson licensed 40105
under this chapter. 40106

(G) "Issuer" means every person who has issued, proposes 40107
to issue, or issues any security. 40108

(H) "Director" means each director or trustee of a 40109
corporation, each trustee of a trust, each general partner of a 40110
partnership, except a partnership association, each manager of a 40111
partnership association, and any person vested with managerial 40112
or directory power over an issuer not having a board of 40113
directors or trustees. 40114

(I) "Incorporator" means any incorporator of a corporation 40115
and any organizer of, or any person participating, other than in 40116
a representative or professional capacity, in the organization 40117
of an unincorporated issuer. 40118

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or promise; any fictitious or pretended purchase or sale of securities; and any act, practice, transaction, or course of business relating to the purchase or sale of securities that is fraudulent or that has operated or would operate as a fraud upon the seller or purchaser.

(K) Except as otherwise specifically provided, whenever any classification or computation is based upon "par value," as applied to securities without par value, the average of the aggregate consideration received or to be received by the issuer for each class of those securities shall be used as the basis for that classification or computation.

(L) (1) "Intangible property" means patents, copyrights, secret processes, formulas, services, good will, promotion and organization fees and expenses, trademarks, trade brands, trade names, licenses, franchises, any other assets treated as intangible according to generally accepted accounting principles, and securities, accounts receivable, or contract rights having no readily determinable value.

(2) "Tangible property" means all property other than intangible property and includes securities, accounts receivable, and contract rights, when the securities, accounts receivable, or contract rights have a readily determinable value.

(M) "Public utilities" means those utilities defined in sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised

Code; in the case of a foreign corporation, it means those 40149
utilities defined as public utilities by the laws of its 40150
domicile; and in the case of any other foreign issuer, it means 40151
those utilities defined as public utilities by the laws of the 40152
situs of its principal place of business. The term always 40153
includes railroads whether or not they are so defined as public 40154
utilities. 40155

(N) "State" means any state of the United States, any 40156
territory or possession of the United States, the District of 40157
Columbia, and any province of Canada. 40158

(O) "Bank" means any bank, trust company, savings and loan 40159
association, savings bank, or credit union that is incorporated 40160
or organized under the laws of the United States, any state of 40161
the United States, Canada, or any province of Canada and that is 40162
subject to regulation or supervision by that country, state, or 40163
province. 40164

(P) "Include," when used in a definition, does not exclude 40165
other things or persons otherwise within the meaning of the term 40166
defined. 40167

(Q) (1) "Registration by description" means that the 40168
requirements of section 1707.08 of the Revised Code have been 40169
complied with. 40170

(2) "Registration by qualification" means that the 40171
requirements of sections 1707.09 and 1707.11 of the Revised Code 40172
have been complied with. 40173

(3) "Registration by coordination" means that there has 40174
been compliance with section 1707.091 of the Revised Code. 40175
Reference in this chapter to registration by qualification also 40176
includes registration by coordination unless the context 40177

otherwise indicates. 40178

(R) "Intoxicating liquor" includes all liquids and 40179
compounds that contain more than three and two-tenths per cent 40180
of alcohol by weight and are fit for use for beverage purposes. 40181

(S) "Institutional investor" means any of the following, 40182
whether acting for itself or for others in a fiduciary capacity: 40183

(1) A bank or international banking institution; 40184

(2) An insurance company; 40185

(3) A separate account of an insurance company; 40186

(4) An investment company as defined in the "Investment 40187
Company Act of 1940," 15 U.S.C. 80a-3; 40188

(5) A broker-dealer registered under the "Securities 40189
Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by 40190
the division of securities as a dealer; 40191

(6) An employee pension, profit-sharing, or benefit plan 40192
if the plan has total assets in excess of ten million dollars or 40193
its investment decisions are made by a named fiduciary, as 40194
defined in the "Employee Retirement Income Security Act of 40195
1974," 29 U.S.C. 1001, that is one of the following: 40196

(a) A broker-dealer registered under the "Securities 40197
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 40198

(b) An investment adviser registered or exempt from 40199
registration under the "Investment Advisers Act of 1940," 15 40200
U.S.C. 80b-3; 40201

(c) An investment adviser registered under this chapter, a 40202
bank, or an insurance company. 40203

(7) A plan established and maintained by a state, a 40204

political subdivision of a state, or an agency or 40205
instrumentality of a state or a political subdivision of a state 40206
for the benefit of its employees, if the plan has total assets 40207
in excess of ten million dollars or its investment decisions are 40208
made by a duly designated public official or by a named 40209
fiduciary, as defined in the "Employee Retirement Income 40210
Security Act of 1974," 29 U.S.C. 1001, that is one of the 40211
following: 40212

(a) A broker-dealer registered under the "Securities 40213
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 40214

(b) An investment adviser registered or exempt from 40215
registration under the "Investment Advisers Act of 1940," 15 40216
U.S.C. 80b-3; 40217

(c) An investment adviser registered under this chapter, a 40218
bank, or an insurance company. 40219

(8) A trust, if it has total assets in excess of ten 40220
million dollars, its trustee is a bank, and its participants are 40221
exclusively plans of the types identified in division (S)(6) or 40222
(7) of this section, regardless of the size of their assets, 40223
except a trust that includes as participants self-directed 40224
individual retirement accounts or similar self-directed plans; 40225

(9) An organization described in section 501(c)(3) of the 40226
"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, 40227
corporation, Massachusetts trust or similar business trust, 40228
limited liability company, or partnership, not formed for the 40229
specific purpose of acquiring the securities offered, with total 40230
assets in excess of ten million dollars; 40231

(10) A small business investment company licensed by the 40232
small business administration under section 301(c) of the "Small 40233

Business Investment Act of 1958," 15 U.S.C. 681(c), with total 40234
assets in excess of ten million dollars; 40235

(11) A private business development company as defined in 40236
section 202(a)(22) of the "Investment Advisers Act of 1940," 15 40237
U.S.C. 80b-2(a)(22), with total assets in excess of ten million 40238
dollars; 40239

(12) A federal covered investment adviser acting for its 40240
own account; 40241

(13) A "qualified institutional buyer" as defined in 17 40242
C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H); 40243

(14) A "major U.S. institutional investor" as defined in 40244
17 C.F.R. 240.15a-6(b)(4)(i); 40245

(15) Any other person, other than an individual, of 40246
institutional character with total assets in excess of ten 40247
million dollars not organized for the specific purpose of 40248
evading this chapter; 40249

(16) Any other person specified by rule adopted or order 40250
issued under this chapter. 40251

(T) A reference to a statute of the United States or to a 40252
rule, regulation, or form promulgated by the securities and 40253
exchange commission or by another federal agency means the 40254
statute, rule, regulation, or form as it exists at the time of 40255
the act, omission, event, or transaction to which it is applied 40256
under this chapter. 40257

(U) "Securities and exchange commission" means the 40258
securities and exchange commission established by the Securities 40259
Exchange Act of 1934. 40260

(V) (1) "Control bid" means the purchase of or offer to 40261

purchase any equity security of a subject company from a 40262
resident of this state if either of the following applies: 40263

(a) After the purchase of that security, the offeror would 40264
be directly or indirectly the beneficial owner of more than ten 40265
per cent of any class of the issued and outstanding equity 40266
securities of the issuer. 40267

(b) The offeror is the subject company, there is a pending 40268
control bid by a person other than the issuer, and the number of 40269
the issued and outstanding shares of the subject company would 40270
be reduced by more than ten per cent. 40271

(2) For purposes of division (V) (1) of this section, 40272
"control bid" does not include any of the following: 40273

(a) A bid made by a dealer for the dealer's own account in 40274
the ordinary course of business of buying and selling 40275
securities; 40276

(b) An offer to acquire any equity security solely in 40277
exchange for any other security, or the acquisition of any 40278
equity security pursuant to an offer, for the sole account of 40279
the offeror, in good faith and not for the purpose of avoiding 40280
the provisions of this chapter, and not involving any public 40281
offering of the other security within the meaning of Section 4 40282
of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 40283
U.S.C.A. 77d(2), as amended; 40284

(c) Any other offer to acquire any equity security, or the 40285
acquisition of any equity security pursuant to an offer, for the 40286
sole account of the offeror, from not more than fifty persons, 40287
in good faith and not for the purpose of avoiding the provisions 40288
of this chapter. 40289

(W) "Offeror" means a person who makes, or in any way 40290

participates or aids in making, a control bid and includes 40291
persons acting jointly or in concert, or who intend to exercise 40292
jointly or in concert any voting rights attached to the 40293
securities for which the control bid is made and also includes 40294
any subject company making a control bid for its own securities. 40295

(X) (1) "Investment adviser" means any person who, for 40296
compensation, engages in the business of advising others, either 40297
directly or through publications or writings, as to the value of 40298
securities or as to the advisability of investing in, 40299
purchasing, or selling securities, or who, for compensation and 40300
as a part of regular business, issues or promulgates analyses or 40301
reports concerning securities. 40302

(2) "Investment adviser" does not mean any of the 40303
following: 40304

(a) Any attorney, accountant, engineer, or teacher, whose 40305
performance of investment advisory services described in 40306
division (X) (1) of this section is solely incidental to the 40307
practice of the attorney's, accountant's, engineer's, or 40308
teacher's profession; 40309

(b) A publisher of any bona fide newspaper, news magazine, 40310
or business or financial publication of general and regular 40311
circulation; 40312

(c) A person who acts solely as an investment adviser 40313
representative; 40314

(d) A bank holding company, ~~as defined in the "Bank~~ 40315
~~Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841,~~ that 40316
is not an investment company; 40317

(e) A bank, or any receiver, conservator, or other 40318
liquidating agent of a bank; 40319

(f) Any licensed dealer or licensed salesperson whose 40320
performance of investment advisory services described in 40321
division (X) (1) of this section is solely incidental to the 40322
conduct of the dealer's or salesperson's business as a licensed 40323
dealer or licensed salesperson and who receives no special 40324
compensation for the services; 40325

(g) Any person, the advice, analyses, or reports of which 40326
do not relate to securities other than securities that are 40327
direct obligations of, or obligations guaranteed as to principal 40328
or interest by, the United States, or securities issued or 40329
guaranteed by corporations in which the United States has a 40330
direct or indirect interest, and that have been designated by 40331
the secretary of the treasury as exempt securities as defined in 40332
the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 40333
78c; 40334

(h) Any person that is excluded from the definition of 40335
investment adviser pursuant to section 202(a) (11) (A) to (E) of 40336
the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a) (11), 40337
or that has received an order from the securities and exchange 40338
commission under section 202(a) (11) (F) of the "Investment 40339
Advisers Act of 1940," 15 U.S.C. 80b-2(a) (11) (F), declaring that 40340
the person is not within the intent of section 202(a) (11) of the 40341
Investment Advisers Act of 1940. 40342

(i) A person who acts solely as a state retirement system 40343
investment officer or as a bureau of workers' compensation chief 40344
investment officer; 40345

(j) Any other person that the division designates by rule, 40346
if the division finds that the designation is necessary or 40347
appropriate in the public interest or for the protection of 40348
investors or clients and consistent with the purposes fairly 40349

intended by the policy and provisions of this chapter. 40350

(Y) (1) "Subject company" means an issuer that satisfies 40351
both of the following: 40352

(a) Its principal place of business or its principal 40353
executive office is located in this state, or it owns or 40354
controls assets located within this state that have a fair 40355
market value of at least one million dollars. 40356

(b) More than ten per cent of its beneficial or record 40357
equity security holders are resident in this state, more than 40358
ten per cent of its equity securities are owned beneficially or 40359
of record by residents in this state, or more than one thousand 40360
of its beneficial or record equity security holders are resident 40361
in this state. 40362

(2) The division of securities may adopt rules to 40363
establish more specific application of the provisions set forth 40364
in division (Y) (1) of this section. Notwithstanding the 40365
provisions set forth in division (Y) (1) of this section and any 40366
rules adopted under this division, the division, by rule or in 40367
an adjudicatory proceeding, may make a determination that an 40368
issuer does not constitute a "subject company" under division 40369
(Y) (1) of this section if appropriate review of control bids 40370
involving the issuer is to be made by any regulatory authority 40371
of another jurisdiction. 40372

(Z) "Beneficial owner" includes any person who directly or 40373
indirectly through any contract, arrangement, understanding, or 40374
relationship has or shares, or otherwise has or shares, the 40375
power to vote or direct the voting of a security or the power to 40376
dispose of, or direct the disposition of, the security. 40377
"Beneficial ownership" includes the right, exercisable within 40378

sixty days, to acquire any security through the exercise of any 40379
option, warrant, or right, the conversion of any convertible 40380
security, or otherwise. Any security subject to any such option, 40381
warrant, right, or conversion privilege held by any person shall 40382
be deemed to be outstanding for the purpose of computing the 40383
percentage of outstanding securities of the class owned by that 40384
person, but shall not be deemed to be outstanding for the 40385
purpose of computing the percentage of the class owned by any 40386
other person. A person shall be deemed the beneficial owner of 40387
any security beneficially owned by any relative or spouse or 40388
relative of the spouse residing in the home of that person, any 40389
trust or estate in which that person owns ten per cent or more 40390
of the total beneficial interest or serves as trustee or 40391
executor, any corporation or entity in which that person owns 40392
ten per cent or more of the equity, and any affiliate or 40393
associate of that person. 40394

(AA) "Offeree" means the beneficial or record owner of any 40395
security that an offeror acquires or offers to acquire in 40396
connection with a control bid. 40397

(BB) "Equity security" means any share or similar 40398
security, or any security convertible into any such security, or 40399
carrying any warrant or right to subscribe to or purchase any 40400
such security, or any such warrant or right, or any other 40401
security that, for the protection of security holders, is 40402
treated as an equity security pursuant to rules of the division 40403
of securities. 40404

(CC) (1) "Investment adviser representative" means a 40405
supervised person of an investment adviser, provided that the 40406
supervised person has more than five clients who are natural 40407
persons other than excepted persons defined in division (EE) of 40408

this section, and that more than ten per cent of the supervised 40409
person's clients are natural persons other than excepted persons 40410
defined in division (EE) of this section. "Investment adviser 40411
representative" does not mean any of the following: 40412

(a) A supervised person that does not on a regular basis 40413
solicit, meet with, or otherwise communicate with clients of the 40414
investment adviser; 40415

(b) A supervised person that provides only investment 40416
advisory services described in division (X)(1) of this section 40417
by means of written materials or oral statements that do not 40418
purport to meet the objectives or needs of specific individuals 40419
or accounts; 40420

(c) Any other person that the division designates by rule, 40421
if the division finds that the designation is necessary or 40422
appropriate in the public interest or for the protection of 40423
investors or clients and is consistent with the provisions 40424
fairly intended by the policy and provisions of this chapter. 40425

(2) For the purpose of the calculation of clients in 40426
division (CC)(1) of this section, a natural person and the 40427
following persons are deemed a single client: Any minor child of 40428
the natural person; any relative, spouse, or relative of the 40429
spouse of the natural person who has the same principal 40430
residence as the natural person; all accounts of which the 40431
natural person or the persons referred to in division (CC)(2) of 40432
this section are the only primary beneficiaries; and all trusts 40433
of which the natural person or persons referred to in division 40434
(CC)(2) of this section are the only primary beneficiaries. 40435
Persons who are not residents of the United States need not be 40436
included in the calculation of clients under division (CC)(1) of 40437
this section. 40438

(3) If subsequent to March 18, 1999, amendments are 40439
enacted or adopted defining "investment adviser representative" 40440
for purposes of the Investment Advisers Act of 1940 or 40441
additional rules or regulations are promulgated by the 40442
securities and exchange commission regarding the definition of 40443
"investment adviser representative" for purposes of the 40444
Investment Advisers Act of 1940, the division of securities 40445
shall, by rule, adopt the substance of the amendments, rules, or 40446
regulations, unless the division finds that the amendments, 40447
rules, or regulations are not necessary for the protection of 40448
investors or in the public interest. 40449

(DD) "Supervised person" means a natural person who is any 40450
of the following: 40451

(1) A partner, officer, or director of an investment 40452
adviser, or other person occupying a similar status or 40453
performing similar functions with respect to an investment 40454
adviser; 40455

(2) An employee of an investment adviser; 40456

(3) A person who provides investment advisory services 40457
described in division (X) (1) of this section on behalf of the 40458
investment adviser and is subject to the supervision and control 40459
of the investment adviser. 40460

(EE) "Excepted person" means a natural person to whom any 40461
of the following applies: 40462

(1) Immediately after entering into the investment 40463
advisory contract with the investment adviser, the person has at 40464
least seven hundred fifty thousand dollars under the management 40465
of the investment adviser. 40466

(2) The investment adviser reasonably believes either of 40467

the following at the time the investment advisory contract is 40468
entered into with the person: 40469

(a) The person has a net worth, together with assets held 40470
jointly with a spouse, of more than one million five hundred 40471
thousand dollars. 40472

(b) The person is a qualified purchaser as defined in 40473
division (FF) of this section. 40474

(3) Immediately prior to entering into an investment 40475
advisory contract with the investment adviser, the person is 40476
either of the following: 40477

(a) An executive officer, director, trustee, general 40478
partner, or person serving in a similar capacity, of the 40479
investment adviser; 40480

(b) An employee of the investment adviser, other than an 40481
employee performing solely clerical, secretarial, or 40482
administrative functions or duties for the investment adviser, 40483
which employee, in connection with the employee's regular 40484
functions or duties, participates in the investment activities 40485
of the investment adviser, provided that, for at least twelve 40486
months, the employee has been performing such nonclerical, 40487
nonsecretarial, or nonadministrative functions or duties for or 40488
on behalf of the investment adviser or performing substantially 40489
similar functions or duties for or on behalf of another company. 40490

If subsequent to March 18, 1999, amendments are enacted or 40491
adopted defining "excepted person" for purposes of the 40492
Investment Advisers Act of 1940 or additional rules or 40493
regulations are promulgated by the securities and exchange 40494
commission regarding the definition of "excepted person" for 40495
purposes of the Investment Advisers Act of 1940, the division of 40496

securities shall, by rule, adopt the substance of the 40497
amendments, rules, or regulations, unless the division finds 40498
that the amendments, rules, or regulations are not necessary for 40499
the protection of investors or in the public interest. 40500

(FF) (1) "Qualified purchaser" means either of the 40501
following: 40502

(a) A natural person who owns not less than five million 40503
dollars in investments as defined by rule by the division of 40504
securities; 40505

(b) A natural person, acting for the person's own account 40506
or accounts of other qualified purchasers, who in the aggregate 40507
owns and invests on a discretionary basis, not less than twenty- 40508
five million dollars in investments as defined by rule by the 40509
division of securities. 40510

(2) If subsequent to March 18, 1999, amendments are 40511
enacted or adopted defining "qualified purchaser" for purposes 40512
of the Investment Advisers Act of 1940 or additional rules or 40513
regulations are promulgated by the securities and exchange 40514
commission regarding the definition of "qualified purchaser" for 40515
purposes of the Investment Advisers Act of 1940, the division of 40516
securities shall, by rule, adopt the amendments, rules, or 40517
regulations, unless the division finds that the amendments, 40518
rules, or regulations are not necessary for the protection of 40519
investors or in the public interest. 40520

(GG) (1) "Purchase" has the full meaning of "purchase" as 40521
applied by or accepted in courts of law or equity and includes 40522
every acquisition of, or attempt to acquire, a security or an 40523
interest in a security. "Purchase" also includes a contract to 40524
purchase, an exchange, an attempt to purchase, an option to 40525

purchase, a solicitation of a purchase, a solicitation of an 40526
offer to sell, a subscription, or an offer to purchase, directly 40527
or indirectly, by agent, circular, pamphlet, advertisement, or 40528
otherwise. 40529

(2) "Purchase" means any act by which a purchase is made. 40530

(3) Any security given with, or as a bonus on account of, 40531
any purchase of securities is conclusively presumed to 40532
constitute a part of the subject of that purchase. 40533

(HH) "Life settlement interest" means the entire interest 40534
or any fractional interest in an insurance policy or certificate 40535
of insurance, or in an insurance benefit under such a policy or 40536
certificate, that is the subject of a life settlement contract. 40537

For purposes of this division, "life settlement contract" 40538
means an agreement for the purchase, sale, assignment, transfer, 40539
devise, or bequest of any portion of the death benefit or 40540
ownership of any life insurance policy or contract, in return 40541
for consideration or any other thing of value that is less than 40542
the expected death benefit of the life insurance policy or 40543
contract. "Life settlement contract" includes a viatical 40544
settlement contract as defined in section 3916.01 of the Revised 40545
Code, but does not include any of the following: 40546

(1) A loan by an insurer under the terms of a life 40547
insurance policy, including, but not limited to, a loan secured 40548
by the cash value of the policy; 40549

(2) An agreement with a bank that takes an assignment of a 40550
life insurance policy as collateral for a loan; 40551

(3) The provision of accelerated benefits as defined in 40552
section 3915.21 of the Revised Code; 40553

- (4) Any agreement between an insurer and a reinsurer; 40554
- (5) An agreement by an individual to purchase an existing 40555
life insurance policy or contract from the original owner of the 40556
policy or contract, if the individual does not enter into more 40557
than one life settlement contract per calendar year; 40558
- (6) The initial purchase of an insurance policy or 40559
certificate of insurance from its owner by a viatical settlement 40560
provider, as defined in section 3916.01 of the Revised Code, 40561
that is licensed under Chapter 3916. of the Revised Code. 40562
- (II) "State retirement system" means the public employees 40563
retirement system, Ohio police and fire pension fund, state 40564
teachers retirement system, school employees retirement system, 40565
and state highway patrol retirement system. 40566
- (JJ) "State retirement system investment officer" means an 40567
individual employed by a state retirement system as a chief 40568
investment officer, assistant investment officer, or the person 40569
in charge of a class of assets or in a position that is 40570
substantially equivalent to chief investment officer, assistant 40571
investment officer, or person in charge of a class of assets. 40572
- (KK) "Bureau of workers' compensation chief investment 40573
officer" means an individual employed by the administrator of 40574
workers' compensation as a chief investment officer or in a 40575
position that is substantially equivalent to a chief investment 40576
officer. 40577
- (LL) "Bank holding company" has the same meaning as in the 40578
"Bank Holding Company Act of 1956," 12 U.S.C. 1841. 40579
- (MM) "Savings and loan holding company" has the same 40580
meaning as in 12 U.S.C. 1467a. 40581

Sec. 1707.14. (A) No person shall act as a dealer, unless 40582
the person is licensed as a dealer by the division of 40583
securities, except when at least one of the following cases 40584
applies: 40585

(1) When the person is transacting business through or 40586
with a licensed dealer; 40587

(2) When the securities are the subject matter of one or 40588
more transactions enumerated in divisions (B) to (L), (O) to 40589
(R), and (U) to (Y) of section 1707.03, or in section 1707.06 of 40590
the Revised Code, except when a commission, discount, or other 40591
remuneration is paid or given in consideration with transactions 40592
enumerated in divisions (O), (Q), (W), (X), and (Y) of section 40593
1707.03, or in section 1707.06 of the Revised Code; 40594

~~(3)~~ (3) (a) When the person is an issuer selling securities 40595
issued by it or by its subsidiary, if such securities are 40596
specified under division (G) or (I) of section 1707.02, or under 40597
section 1707.04 of the Revised Code; 40598

(b) As used in division (A) (3) of this section, "person" 40599
includes a bank holding company and a savings and loan holding 40600
company. 40601

(4) When the person is participating in transactions 40602
exempt, under section 1707.34 of the Revised Code, from this 40603
chapter; 40604

(5) When the person has no place of business in this 40605
state, is registered with the securities and exchange 40606
commission, and the only transactions effected in this state are 40607
with institutional investors. 40608

(B) Each dealer that in any twelve-month or shorter 40609
period, alone or with any other dealer with which it is 40610

affiliated, has total revenues of one hundred fifty thousand 40611
dollars or more derived from the business of buying, selling, or 40612
otherwise dealing in securities, and that at any time during 40613
such period has one hundred or more retail securities customers, 40614
shall be registered as a broker or dealer with the securities 40615
and exchange commission under the Securities Exchange Act of 40616
1934, except the following entities: 40617

(1) A bank; 40618

(2) A dealer that enters into and is in compliance with an 40619
undertaking accepted by the division, in which the dealer agrees 40620
that it will not engage in any transaction involving the buying, 40621
selling, or otherwise dealing in securities with any natural 40622
person in this state, except for transactions involving either 40623
of the following: 40624

(a) Securities of corporations or associations that have 40625
qualified for treatment as nonprofit organizations pursuant to 40626
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 40627
Stat. 2085, 26 U.S.C.A. 501, as amended; 40628

(b) Securities or transactions that are described in 40629
divisions (A) (1) to (4) of this section. 40630

(C) Every dealer that must be registered as a broker or 40631
dealer with the securities and exchange commission pursuant to 40632
division (B) of this section shall become so registered no later 40633
than ninety days after the date on which the dealer meets the 40634
requirements for such registration. 40635

(D) The division by rule may exempt any dealer from 40636
complying with the licensing or registration requirements of 40637
this section, if the division finds that such licensing or 40638
registration is not necessary for the protection of investors or 40639

in the public interest. 40640

(E) As used in division (B) of this section, "retail securities customer" means a person that purchases from or through or sells securities to or through a dealer, and that is not an officer, a director, a principal, a general partner, or an employee of, the dealer. Each of the following is deemed to be a single retail securities customer: 40641
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(1) A husband and wife; 40647

(2) A minor child and the minor child's parent or legal guardian; 40648
40649

(3) A corporation, a partnership, an association or other unincorporated entity, a joint stock company, or a trust. 40650
40651

Sec. 1707.47. (A) As used in this section and section 1707.471 of the Revised Code: 40652
40653

(1) "Claimant" means a person that files an application for restitution assistance on behalf of a victim. 40654
40655

(2) "Final order" means a final administrative order issued by the division of securities or a final court order in a civil or criminal proceeding initiated by the division. 40656
40657
40658

(3) "Victim" means a purchaser identified in a final order that has suffered a pecuniary loss as the result of a violation of this chapter or any rules adopted thereunder, or, in the case of a deceased purchaser so identified, the purchaser's surviving spouse or dependent children. 40659
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(B) There is hereby created in the state treasury the Ohio investor recovery fund, which shall consist of all cash transfers from the division of securities fund, created in section 1707.37 of the Revised Code, ~~not to exceed an aggregate~~ 40664
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40666
40667

~~total of two million five hundred thousand dollars in any fiscal~~ 40668
~~year.~~ Money in the Ohio investor recovery fund shall be used for 40669
the purposes identified in division (C) of this section. 40670

(C) The division shall use the Ohio investor recovery fund 40671
only to pay awards of restitution assistance and any expenses 40672
incurred in administering this section. 40673

(D) (1) If the Ohio investor recovery fund is reduced below 40674
two hundred fifty thousand dollars due to payment in full of 40675
restitution assistance awards that become final during a month, 40676
the division shall suspend payment of further claims that become 40677
final during that month and the following two months. 40678

(2) At the end of the suspension period described in 40679
division (D) (1) of this section, the division shall pay the 40680
suspended claims. If the Ohio investor recovery fund would be 40681
exhausted by payment in full of the suspended claims, the amount 40682
paid to each claimant shall be prorated according to the amount 40683
remaining in the Ohio investor recovery fund at the end of the 40684
suspension period. 40685

(E) The state shall not be liable for a determination made 40686
by the division under this section except to the extent that 40687
money is available in the Ohio investor recovery fund on the 40688
date the award is calculated. 40689

(F) The following victims are eligible for restitution 40690
assistance: 40691

(1) A natural person who is a resident of this state; 40692

(2) A person, other than a natural person, that is 40693
domiciled in Ohio. 40694

(G) The division shall not award restitution assistance as 40695

follows: 40696

(1) To more than one claimant per victim; 40697

(2) To a claimant on behalf of a victim that has received 40698
the full amount of restitution owed from the person ordered to 40699
pay restitution to the victim in the final order before the 40700
application for restitution assistance from the fund is filed; 40701

(3) To a claimant if the final order identifies no 40702
pecuniary loss to the victim on whose behalf the application is 40703
made; 40704

(4) To a claimant on behalf of a victim that assisted in 40705
the commission of the violation of this chapter; 40706

(5) If the portion of the final order giving rise to a 40707
restitution order or otherwise establishing a pecuniary loss to 40708
the victim is overturned on appeal. 40709

(H) If, after the division has made a restitution 40710
assistance award from the Ohio investor recovery fund under this 40711
section, the restitution award in the final order is overturned 40712
on appeal and all legal remedies have been exhausted, then the 40713
claimant shall forfeit the restitution assistance award. 40714

Sec. 1711.30. Before issuing bonds under section 1711.28 40715
of the Revised Code, the board of county commissioners, by 40716
resolution, shall submit to the qualified electors of the county 40717
at the next general election for county officers, held not less 40718
than ninety days after receiving from the county agricultural 40719
society the notice provided for in section 1711.25 of the 40720
Revised Code, the question of issuing and selling such bonds in 40721
such amount and denomination as are necessary for the purpose in 40722
view, and shall certify a copy of such resolution to the county 40723
board of elections. 40724

The county board of elections shall place the question of
issuing and selling such bonds upon the ballot and make all
other necessary arrangements for the submission, at the time
fixed by such resolution, of such question to such electors. The
votes cast at such election upon such question must be counted,
canvassed, and certified in the same manner, except as provided
by law, as votes cast for county officers. Fifteen days' notice
of such submission shall be given by the county board of
elections, by publication once a week for two consecutive weeks
in a newspaper of general circulation in the county or as
provided in section 7.16 of the Revised Code, stating the amount
of bonds to be issued, the purpose for which they are to be
issued, and the time and places of holding such election. If the
resolution proposes the levy of a tax under section 1711.29 of
the Revised Code, the notice shall include the rate of the tax
in both mills for each one dollar of taxable value and in
dollars for each one hundred thousand dollars of the county
auditor's ~~appraised~~-market value.

The question must be stated on the ballot as follows: "For
the issue of county fair bonds, yes"; "For the issue of county
fair bonds, no."

If the resolution proposes the levy of a tax under section
1711.29 of the Revised Code, the question appearing on the
ballot shall include the rate of the tax in both mills for each
one dollar of taxable value and in dollars for each one hundred
thousand dollars of the county auditor's ~~appraised~~-market value.

If the majority of those voting upon the question of
issuing the bonds vote in favor thereof, then and only then
shall they be issued and the tax provided for in section 1711.29
of the Revised Code be levied.

As used in this section, "the county auditor's ~~appraised-~~
market value" has the same meaning as in section 5705.01 of the
Revised Code.

Sec. 1713.03. The chancellor of higher education shall
establish standards for certificates of authorization to be
issued to institutions as defined in section 1713.01 of the
Revised Code, to private institutions exempt from regulation
under Chapter 3332. of the Revised Code as prescribed in section
3333.046 of the Revised Code, and to schools holding
certificates of registration issued by the state board of career
colleges and schools pursuant to division (C) of section 3332.05
of the Revised Code. A certificate of authorization may permit
an institution or school to award one or more types of degrees.

The standards for a certificate of authorization may
include, for various types of institutions, schools, or degrees,
minimum qualifications for faculty, library, laboratories, and
other facilities as adopted and published by the chancellor. The
standards shall be adopted by the chancellor pursuant to Chapter
119. of the Revised Code.

An institution or school shall apply to the chancellor for
a certificate of authorization on forms containing such
information as is prescribed by the chancellor. Each institution
or school with a certificate of authorization shall file an
annual report with the chancellor in such form and containing
such information as the chancellor prescribes. The annual report
shall include disclosure of any contract entered with an online
program manager, as described in section 1713.032 of the Revised
Code.

The chancellor shall adopt a rule under Chapter 119. of
the Revised Code establishing fees to pay the cost of reviewing

an application for a certificate of authorization, which the 40785
institution or school shall pay when it applies for a 40786
certificate of authorization, and establishing fees, which an 40787
institution or school shall pay, for any further reviews the 40788
chancellor determines necessary upon examining an institution's 40789
or school's annual report. 40790

Sec. 1713.032. (A) As used in this section: 40791

(1) "Online program manager" means an entity that is not 40792
an institution of higher education as defined under "The Higher 40793
Education Act of 1965," 20 U.S.C. 1001, that enters into an 40794
agreement with a private institution of higher education to 40795
provide marketing and recruitment services and at least one 40796
additional service, including course design, technology, or 40797
faculty training, to support an online degree program. 40798

(2) "Private institution of higher education" means a 40799
private institution of higher education with a certificate of 40800
authorization, or seeking authorization, from the chancellor of 40801
higher education under Chapter 1713. of Revised Code. 40802

(B) If a private institution of higher education enters a 40803
contract with an online program manager, the institution shall 40804
ensure the contract is in compliance with relevant program 40805
standards and requirements. 40806

(C) A private institution of higher education that enters 40807
into a contract with an online program manager shall post on 40808
each online degree program web site it maintains that it 40809
utilizes an online program manager for services. The institution 40810
shall require the online program manager to identify itself when 40811
providing services to students. 40812

(D) A contract between a private institution of higher 40813

education and an online program manager is not a public record 40814
for purposes of section 149.43 of the Revised Code. 40815

(E) A private institution of higher education shall not 40816
permit an online program manager to control, make decisions 40817
regarding, administer, or disburse student financial aid. 40818

Sec. 1713.033. Each institution or school with a 40819
certificate of authorization issued under this chapter annually 40820
shall certify to the chancellor of higher education, on a date 40821
and in the form and manner determined by the chancellor, a plan 40822
to preserve student records indefinitely if the institution or 40823
school was to cease operations. The plan shall include the 40824
designation and signed confirmation of an official custodian of 40825
student records. If the chancellor determines it necessary, the 40826
chancellor may require an institution or school to produce an 40827
executed agreement with the designated custodian of student 40828
records, paid in full, to ensure the institution's or school's 40829
plan can be implemented. 40830

The chancellor may consult with the higher learning 40831
commission, the state board of career colleges and schools, and 40832
other appropriate entities to establish plans, processes, and 40833
procedures for institutions and schools to provide indefinite 40834
access to student records. 40835

Sec. 1713.041. (A) Each institution or school authorized 40836
to offer courses or degrees under a certificate of authorization 40837
annually shall provide to the chancellor of higher education all 40838
of the following: 40839

(1) Verification of current accreditation status and a 40840
copy of the most recent institutional report from the 40841
institution's accrediting organization; 40842

(2) A plan to preserve student records indefinitely in the 40843
event of closure of the institution or discontinuation of 40844
service. The plan shall include a method by which students and 40845
alumni of the institution may retrieve student records by 40846
request. The plan also shall include a designation and signed 40847
confirmation of an official custodian of student records. 40848
Student records preserved under the plan shall include, but not 40849
be limited to: 40850

(a) Academic transcripts; 40851

(b) Financial aid documents; 40852

(c) International student forms; 40853

(d) Tax information. 40854

(3) The following program information: 40855

(a) A list of current degree programs offered by the 40856
institution in this state; 40857

(b) The results of any external degree program evaluations 40858
conducted in the last year; 40859

(c) A list of any degree programs that have been 40860
eliminated in the last year; 40861

(4) The latest financial statement for the most recent 40862
fiscal year compiled and audited by an independent certified 40863
public accountant, including any management letters provided by 40864
the independent auditor; 40865

(5) Any other information requested by the chancellor. 40866

(B) If an institution or school fails to submit the 40867
information required under division (A) of this section or if 40868
the chancellor finds that the information submitted under that 40869

division is insufficient, the chancellor may suspend, withdraw, 40870
or revoke an institution or school's institutional authorization 40871
or a program's authorization. 40872

(C) Each institution or school shall immediately notify 40873
the chancellor if the institution or school does any of the 40874
following: 40875

(1) Receives notice from the federal government or an 40876
institutional accrediting organization that the institution or 40877
school is subject to heightened reporting standards or special 40878
monitoring status, such as the United States department of 40879
education's heightened cash monitoring process; 40880

(2) Receives preliminary or final accreditation findings; 40881

(3) Becomes the subject of an investigation by a 40882
government agency related to the institution's academic quality, 40883
financial stability, or student consumer protection; 40884

(4) Fails to make any payments to applicable retirement 40885
systems; 40886

(5) Fails to make any scheduled payroll payments; 40887

(6) Fails to make any payments to vendors when due as a 40888
result of a cash deficiency or a substantial deficiency in the 40889
payment processing system of the institution; 40890

(7) Fails to make any scheduled payment of principal or 40891
interest for short- or long-term debt; 40892

(8) Makes budget revisions resulting in a substantially 40893
reduced ending fund balance or larger deficit; 40894

(9) Becomes aware of significant negative variance between 40895
the most recently adopted annual budget and actual revenues or 40896

expenses as projected at the end of the fiscal year. 40897

(D) A document received by the chancellor under division 40898
(C) (1), (2), or (3) of this section that is confidential under 40899
federal law is not subject to release under a public record 40900
request until such time as the document is released publicly by 40901
the appropriate entity. Further, financial documentation of the 40902
institution or school received by the chancellor under this 40903
section is not a public record under section 149.43 of the 40904
Revised Code. 40905

Sec. 1901.123. ~~(A) (1) Subject to reimbursement under~~ 40906
~~division (B) of this section, the~~ The treasurer of the county in 40907
which a county-operated municipal court or other municipal court 40908
is located shall pay the per diem compensation to which an 40909
acting judge appointed pursuant to division (A) (2) (a), (B) (1), 40910
or (C) (1) of section 1901.121 of the Revised Code is entitled 40911
pursuant to division (A) (1) of section 1901.122 of the Revised 40912
Code. 40913

(2) The treasurer of the county in which a county-operated 40914
municipal court or other municipal court is located shall pay 40915
the per diem compensation to which an assigned judge assigned 40916
pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), or (D) 40917
of section 1901.121 of the Revised Code is entitled pursuant to 40918
division (B) (1) or (4) of section 1901.122 of the Revised Code. 40919

(3) Subject to reimbursement under division (B) of this 40920
section, the treasurer of the county in which a county-operated 40921
municipal court or other municipal court is located shall pay 40922
the per diem compensation to which an assigned judge assigned 40923
pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), or (D) 40924
of section 1901.121 of the Revised Code is entitled pursuant to 40925
division (B) (2) of section 1901.122 of the Revised Code. 40926

(4) Subject to reimbursement under division (C) of this section, the supreme court shall pay the per diem compensation to which an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), or (D) of section 1901.121 of the Revised Code is entitled pursuant to division (B)(3) of section 1901.122 of the Revised Code.

(B) A county that, pursuant to division ~~(A)(1) or (3)~~ (A)(3) of this section, is required to pay the per diem compensation to which an ~~acting judge or~~ assigned judge is entitled, shall submit to the administrative director of the supreme court quarterly requests for reimbursements of the state portion of the per diem amounts so paid. The requests shall include verifications of the payment of those amounts and an affidavit from the ~~acting judge or~~ assigned judge stating the days and hours worked. The administrative director shall cause reimbursements of the state portion of the per diem amounts paid to be issued to the county if the administrative director verifies that those amounts were, in fact, so paid. If the county fails to submit a request within one year after the per diem compensation was paid, the administrative director shall refuse to cause reimbursement to be issued.

(C) If the supreme court, pursuant to division (A)(4) of this section, is required to pay the per diem compensation to which an assigned judge is entitled, annually, on the first day of August, the administrative director of the supreme court shall issue a billing to the county treasurer of any county to which such a judge was assigned to a municipal court for reimbursement of the county or local portion of the per diem compensation previously paid by the supreme court for the twelve-month period preceding the last day of June. The county or local portion of the per diem compensation shall be that part

of each per diem paid by the state which is proportional to the 40958
county or local shares of the total compensation of a resident 40959
judge of such court. The county treasurer shall forward the 40960
payment within thirty days. After forwarding the payment, the 40961
county treasurer shall seek reimbursement from the applicable 40962
local municipalities as appropriate. 40963

Sec. 1901.26. (A) Subject to division (E) of this section, 40964
costs in a municipal court shall be fixed and taxed as follows: 40965

(1) (a) The municipal court shall require an advance 40966
deposit for the filing of any new civil action or proceeding 40967
when required by division (C) of this section, subject to its 40968
waiver pursuant to that division, and in all other cases, by 40969
rule, shall establish a schedule of fees and costs to be taxed 40970
in any civil or criminal action or proceeding. 40971

(b) (i) The legislative authority of a municipal 40972
corporation may by ordinance establish a schedule of fees to be 40973
taxed as costs in any civil, criminal, or traffic action or 40974
proceeding in a municipal court for the performance by officers 40975
or other employees of the municipal corporation's police 40976
department or marshal's office of any of the services specified 40977
in sections 311.17 and 509.15 of the Revised Code. No fee in the 40978
schedule shall be higher than the fee specified in section 40979
311.17 of the Revised Code for the performance of the same 40980
service by the sheriff. If a fee established in the schedule 40981
conflicts with a fee for the same service established in another 40982
section of the Revised Code or a rule of court, the fee 40983
established in the other section of the Revised Code or the rule 40984
of court shall apply. 40985

(ii) When an officer or employee of a municipal police 40986
department or marshal's office performs in a civil, criminal, or 40987

traffic action or proceeding in a municipal court a service 40988
specified in section 311.17 or 509.15 of the Revised Code for 40989
which a taxable fee has been established under this or any other 40990
section of the Revised Code, the applicable legal fees and any 40991
other extraordinary expenses, including overtime, provided for 40992
the service shall be taxed as costs in the case. The clerk of 40993
the court shall pay those legal fees and other expenses, when 40994
collected, into the general fund of the municipal corporation 40995
that employs the officer or employee. 40996

(iii) If a bailiff of a municipal court performs in a 40997
civil, criminal, or traffic action or proceeding in that court a 40998
service specified in section 311.17 or 509.15 of the Revised 40999
Code for which a taxable fee has been established under this 41000
section or any other section of the Revised Code, the fee for 41001
the service is the same and is taxable to the same extent as if 41002
the service had been performed by an officer or employee of the 41003
police department or marshal's office of the municipal 41004
corporation in which the court is located. The clerk of that 41005
court shall pay the fee, when collected, into the general fund 41006
of the entity or entities that fund the bailiff's salary, in the 41007
same prorated amount as the salary is funded. 41008

(iv) Division (A)(1)(b) of this section does not authorize 41009
or require any officer or employee of a police department or 41010
marshal's office of a municipal corporation or any bailiff of a 41011
municipal court to perform any service not otherwise authorized 41012
by law. 41013

(2) The municipal court, by rule, may require an advance 41014
deposit for the filing of any civil action or proceeding and 41015
publication fees as provided in section 2701.09 of the Revised 41016
Code. The court shall waive the requirement for advance deposit 41017

for a party that the court determines qualifies as an indigent 41018
litigant as set forth in section 2323.311 of the Revised Code. 41019

(3) When a jury trial is demanded in any civil action or 41020
proceeding, the party making the demand may be required to make 41021
an advance deposit as fixed by rule of court, unless the court 41022
determines that the party qualifies as an indigent litigant as 41023
set forth in section 2323.311 of the Revised Code. If a jury is 41024
called, the fees of a jury shall be taxed as costs. 41025

(4) In any civil or criminal action or proceeding, each 41026
witness shall receive twelve dollars for each full day's 41027
attendance and six dollars for each half day's attendance. Each 41028
witness in a municipal court that is not a county-operated 41029
municipal court also shall receive fifty and one-half cents for 41030
each mile necessarily traveled to and from the witness's place 41031
of residence to the action or proceeding. 41032

(5) A reasonable charge for driving, towing, carting, 41033
storing, keeping, and preserving motor vehicles and other 41034
personal property recovered or seized in any proceeding may be 41035
taxed as part of the costs in a trial of the cause, in an amount 41036
that shall be fixed by rule of court. 41037

(6) Chattel property seized under any writ or process 41038
issued by the court shall be preserved pending final disposition 41039
for the benefit of all persons interested and may be placed in 41040
storage when necessary or proper for that preservation. The 41041
custodian of any chattel property so stored shall not be 41042
required to part with the possession of the property until a 41043
reasonable charge, to be fixed by the court, is paid. 41044

(7) The municipal court, as it determines, may refund all 41045
deposits and advance payments of fees and costs, including those 41046

for jurors and summoning jurors, when they have been paid by the 41047
losing party. 41048

(8) Charges for the publication of legal notices required 41049
by statute or order of court may be taxed as part of the costs, 41050
as provided by section 7.13 of the Revised Code. 41051

(B) (1) (a) The municipal court may determine that, for the 41052
efficient operation of the court, additional funds are necessary 41053
to acquire and pay for special projects of the court including, 41054
but not limited to, the acquisition of additional facilities or 41055
the rehabilitation of existing facilities, the acquisition of 41056
equipment, the hiring and training of staff, community service 41057
programs, mediation or dispute resolution services, the 41058
employment of magistrates, the training and education of judges, 41059
acting judges, and magistrates, and other related services. Upon 41060
that determination, the court by rule may charge a fee, in 41061
addition to all other court costs, on the filing of each 41062
criminal cause, civil action or proceeding, or judgment by 41063
confession. Fees collected by a court for special projects of 41064
the court under this division shall not be used for training or 41065
education that takes place outside of the state. 41066

(b) If the municipal court offers a special program or 41067
service in cases of a specific type, the municipal court by rule 41068
may assess an additional charge in a case of that type, over and 41069
above court costs, to cover the special program or service. The 41070
municipal court shall adjust the special assessment 41071
periodically, but not retroactively, so that the amount assessed 41072
in those cases does not exceed the actual cost of providing the 41073
service or program. 41074

(c) Any fee or charge assessed under division (B) (1) (a) or 41075
(b) of this section on the filing of a civil action or 41076

proceeding shall be waived if the court determines that the 41077
person on whom the fee or charge is assessed qualifies as an 41078
indigent litigant as set forth in section 2323.311 of the 41079
Revised Code. 41080

(d) All moneys collected under division (B) of this 41081
section shall be paid to the county treasurer if the court is a 41082
county-operated municipal court or to the city treasurer if the 41083
court is not a county-operated municipal court for deposit into 41084
either a general special projects fund or a fund established for 41085
a specific special project. Moneys from a fund of that nature 41086
shall be disbursed upon an order of the court in an amount no 41087
greater than the actual cost to the court of a project. If a 41088
specific fund is terminated because of the discontinuance of a 41089
program or service established under division (B) of this 41090
section, the municipal court may order that moneys remaining in 41091
the fund be transferred to an account established under this 41092
division for a similar purpose. 41093

(2) As used in division (B) of this section: 41094

(a) "Criminal cause" means a charge alleging the violation 41095
of a statute or ordinance, or subsection of a statute or 41096
ordinance, that requires a separate finding of fact or a 41097
separate plea before disposition and of which the defendant may 41098
be found guilty, whether filed as part of a multiple charge on a 41099
single summons, citation, or complaint or as a separate charge 41100
on a single summons, citation, or complaint. "Criminal cause" 41101
does not include separate violations of the same statute or 41102
ordinance, or subsection of the same statute or ordinance, 41103
unless each charge is filed on a separate summons, citation, or 41104
complaint. 41105

(b) "Civil action or proceeding" means any civil 41106

litigation that must be determined by judgment entry. 41107

(C) The municipal court shall collect in all its divisions 41108
except the small claims division the sum of twenty-six dollars 41109
as additional filing fees in each new civil action or proceeding 41110
for the charitable public purpose of providing financial 41111
assistance to legal aid societies that operate within the state 41112
and to support the office of the state public defender. The 41113
municipal court shall collect in its small claims division the 41114
sum of eleven dollars as additional filing fees in each new 41115
civil action or proceeding for the charitable public purpose of 41116
providing financial assistance to legal aid societies that 41117
operate within the state and to support the office of the state 41118
public defender. This division does not apply to any execution 41119
on a judgment, proceeding in aid of execution, or other post- 41120
judgment proceeding arising out of a civil action. The filing 41121
fees required to be collected under this division shall be in 41122
addition to any other court costs imposed in the action or 41123
proceeding and shall be collected at the time of the filing of 41124
the action or proceeding. The court shall not waive the payment 41125
of the additional filing fees in a new civil action or 41126
proceeding unless the court waives the advanced payment of all 41127
filing fees in the action or proceeding for the party that the 41128
court determines is qualified as an indigent litigant as set 41129
forth in section 2323.311 of the Revised Code. All such moneys 41130
collected during a month except for an amount equal to up to one 41131
per cent of those moneys retained to cover administrative costs 41132
shall be transmitted on or before the twentieth day of the 41133
following month by the clerk of the court to the treasurer of 41134
state in a manner prescribed by the treasurer of state or by the 41135
Ohio access to justice foundation. The treasurer of state shall 41136
deposit four per cent of the funds collected under this division 41137

to the credit of the civil case filing fee fund established 41138
under section 120.07 of the Revised Code and ninety-six per cent 41139
of the funds collected under this division to the credit of the 41140
legal aid fund established under section 120.52 of the Revised 41141
Code. 41142

The court may retain up to one per cent of the moneys it 41143
collects under this division to cover administrative costs, 41144
including the hiring of any additional personnel necessary to 41145
implement this division. If the court fails to transmit to the 41146
treasurer of state the moneys the court collects under this 41147
division in a manner prescribed by the treasurer of state or by 41148
the Ohio access to justice foundation, the court shall forfeit 41149
the moneys the court retains under this division to cover 41150
administrative costs, including the hiring of any additional 41151
personnel necessary to implement this division, and shall 41152
transmit to the treasurer of state all moneys collected under 41153
this division, including the forfeited amount retained for 41154
administrative costs, for deposit in the legal aid fund. 41155

(D) In the Cleveland municipal court, reasonable charges 41156
for investigating titles of real estate to be sold or disposed 41157
of under any writ or process of the court may be taxed as part 41158
of the costs. 41159

(E) Under the circumstances described in sections 2969.21 41160
to 2969.27 of the Revised Code, the clerk of the municipal court 41161
shall charge the fees and perform the other duties specified in 41162
those sections. 41163

(F) As used in this section: 41164

(1) "Full day's attendance" means a day on which a witness 41165
is required or requested to be present at an action or 41166

proceeding before and after twelve noon, regardless of whether 41167
the witness actually testifies. 41168

(2) "Half day's attendance" means a day on which a witness 41169
is required or requested to be present at an action or 41170
proceeding either before or after twelve noon, but not both, 41171
regardless of whether the witness actually testifies. 41172

Sec. 1907.143. (A) (1) ~~Subject to reimbursement under~~ 41173
~~division (B) of this section, the~~ The treasurer of the county in 41174
which a county court is located shall pay the per diem 41175
compensation to which an acting judge appointed pursuant to 41176
division (A) (2) (a), (B) (1), or (C) (1) of section 1907.141 of the 41177
Revised Code is entitled pursuant to division (A) of section 41178
1907.142 of the Revised Code. 41179

(2) The treasurer of the county in which a county court is 41180
located shall pay the per diem compensation to which an assigned 41181
judge assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), 41182
or (C) (2) of section 1907.141 of the Revised Code is entitled 41183
pursuant to division (B) (1) or (4) of section 1907.142 of the 41184
Revised Code. 41185

(3) Subject to reimbursement under division (B) of this 41186
section, the treasurer of the county in which a county court is 41187
located shall pay the per diem compensation to which an assigned 41188
judge assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), 41189
or (C) (2) of section 1907.141 of the Revised Code is entitled 41190
pursuant to division (B) (2) of section 1907.142 of the Revised 41191
Code. 41192

(4) Subject to reimbursement under division (C) of this 41193
section, the supreme court shall pay the per diem compensation 41194
to which an assigned judge assigned pursuant to division (A) (1), 41195

(A) (2) (b), (B) (2), or (C) (2) of section 1907.141 of the Revised 41196
Code is entitled pursuant to division (B) (3) of section 1907.142 41197
of the Revised Code. 41198

(B) A county that, pursuant to division ~~(A) (1) or (3)~~ (A) 41199
(3) of this section, is required to pay the per diem 41200
compensation to which an ~~acting judge or~~ assigned judge is 41201
entitled, shall submit to the administrative director of the 41202
supreme court quarterly requests for reimbursements of the state 41203
portion of the per diem amounts so paid. The requests shall 41204
include verifications of the payment of those amounts and an 41205
affidavit from the ~~acting judge or~~ assigned judge stating the 41206
days and hours worked. The administrative director shall cause 41207
reimbursements of the state portion of the per diem amounts paid 41208
to be issued to the county if the administrative director 41209
verifies that those amounts were, in fact, so paid. If the 41210
county fails to submit a request within one year after the per 41211
diem compensation was paid, the administrative director shall 41212
refuse to cause reimbursement to be issued. 41213

(C) If the supreme court, pursuant to division (A) (4) of 41214
this section, is required to pay the per diem compensation to 41215
which an assigned judge is entitled, annually, on the first day 41216
of August, the administrative director of the supreme court 41217
shall issue a billing to the county treasurer of any county to 41218
which such a judge was assigned to a county court for 41219
reimbursement of the county portion of the per diem compensation 41220
previously paid by the supreme court for the twelve-month period 41221
preceding the last day of June. The county portion of the per 41222
diem compensation shall be that part of each per diem paid by 41223
the state which is proportional to the county shares of the 41224
total compensation of a resident judge of such court. The county 41225
treasurer shall forward the payment within thirty days. After 41226

forwarding the payment, the county treasurer shall seek 41227
reimbursement from the applicable local municipalities as 41228
appropriate. 41229

Sec. 1907.24. (A) Subject to division (C) of this section, 41230
a county court shall fix and tax fees and costs as follows: 41231

(1) The county court shall require an advance deposit for 41232
the filing of any new civil action or proceeding when required 41233
by division (C) of this section, subject to its waiver pursuant 41234
to that division, and, in all other cases, shall establish a 41235
schedule of fees and costs to be taxed in any civil or criminal 41236
action or proceeding. 41237

(2) The county court by rule may require an advance 41238
deposit for the filing of a civil action or proceeding and 41239
publication fees as provided in section 2701.09 of the Revised 41240
Code. The court shall waive an advance deposit requirement for a 41241
party that the court determines qualifies as an indigent 41242
litigant as set forth in section 2323.311 of the Revised Code. 41243

(3) When a party demands a jury trial in a civil action or 41244
proceeding, the county court may require the party to make an 41245
advance deposit as fixed by rule of court, unless the court 41246
determines that the party qualifies as an indigent litigant as 41247
set forth in section 2323.311 of the Revised Code. If a jury is 41248
called, the county court shall tax the fees of a jury as costs. 41249

(4) In a civil or criminal action or proceeding, the 41250
county court shall fix the fees of witnesses in accordance with 41251
sections 2335.06 and 2335.08 of the Revised Code. 41252

(5) A county court may tax as part of the costs in a trial 41253
of the cause, in an amount fixed by rule of court, a reasonable 41254
charge for driving, towing, carting, storing, keeping, and 41255

preserving motor vehicles and other personal property recovered 41256
or seized in a proceeding. 41257

(6) The court shall preserve chattel property seized under 41258
a writ or process issued by the court pending final disposition 41259
for the benefit of all interested persons. The court may place 41260
the chattel property in storage when necessary or proper for its 41261
preservation. The custodian of chattel property so stored shall 41262
not be required to part with the possession of the property 41263
until a reasonable charge, to be fixed by the court, is paid. 41264

(7) The county court, as it determines, may refund all 41265
deposits and advance payments of fees and costs, including those 41266
for jurors and summoning jurors, when they have been paid by the 41267
losing party. 41268

(8) The court may tax as part of costs charges for the 41269
publication of legal notices required by statute or order of 41270
court, as provided by section 7.13 of the Revised Code. 41271

(B) (1) (a) The county court may determine that, for the 41272
efficient operation of the court, additional funds are necessary 41273
to acquire and pay for special projects of the court including, 41274
but not limited to, the acquisition of additional facilities or 41275
the rehabilitation of existing facilities, the acquisition of 41276
equipment, the hiring and training of staff, community service 41277
programs, mediation or dispute resolution services, the 41278
employment of magistrates, the training and education of judges, 41279
acting judges, and magistrates, and other related services. Upon 41280
that determination, the court by rule may charge a fee, in 41281
addition to all other court costs, on the filing of each 41282
criminal cause, civil action or proceeding, or judgment by 41283
confession. Fees collected by a court for special projects of 41284
the court under this division shall not be used for training or 41285

education that takes place outside of the state. 41286

(b) If the county court offers a special program or 41287
service in cases of a specific type, the county court by rule 41288
may assess an additional charge in a case of that type, over and 41289
above court costs, to cover the special program or service. The 41290
county court shall adjust the special assessment periodically, 41291
but not retroactively, so that the amount assessed in those 41292
cases does not exceed the actual cost of providing the service 41293
or program. 41294

(c) Any fee or charge assessed under division (B) (1) (a) or 41295
(b) of this section on the filing of a civil action or 41296
proceeding shall be waived if the court determines that the 41297
person on whom the fee or charge is assessed qualifies as an 41298
indigent litigant as set forth in section 2323.311 of the 41299
Revised Code. 41300

(d) All moneys collected under division (B) of this 41301
section shall be paid to the county treasurer for deposit into 41302
either a general special projects fund or a fund established for 41303
a specific special project. Moneys from a fund of that nature 41304
shall be disbursed upon an order of the court in an amount no 41305
greater than the actual cost to the court of a project. If a 41306
specific fund is terminated because of the discontinuance of a 41307
program or service established under division (B) of this 41308
section, the county court may order that moneys remaining in the 41309
fund be transferred to an account established under this 41310
division for a similar purpose. 41311

(2) As used in division (B) of this section: 41312

(a) "Criminal cause" means a charge alleging the violation 41313
of a statute or ordinance, or subsection of a statute or 41314

ordinance, that requires a separate finding of fact or a 41315
separate plea before disposition and of which the defendant may 41316
be found guilty, whether filed as part of a multiple charge on a 41317
single summons, citation, or complaint or as a separate charge 41318
on a single summons, citation, or complaint. "Criminal cause" 41319
does not include separate violations of the same statute or 41320
ordinance, or subsection of the same statute or ordinance, 41321
unless each charge is filed on a separate summons, citation, or 41322
complaint. 41323

(b) "Civil action or proceeding" means any civil 41324
litigation that must be determined by judgment entry. 41325

(C) Subject to division (E) of this section, the county 41326
court shall collect in all its divisions except the small claims 41327
division the sum of twenty-six dollars as additional filing fees 41328
in each new civil action or proceeding for the charitable public 41329
purpose of providing financial assistance to legal aid societies 41330
that operate within the state and to support the office of the 41331
state public defender. Subject to division (E) of this section, 41332
the county court shall collect in its small claims division the 41333
sum of eleven dollars as additional filing fees in each new 41334
civil action or proceeding for the charitable public purpose of 41335
providing financial assistance to legal aid societies that 41336
operate within the state and to support the office of the state 41337
public defender. This division does not apply to any execution 41338
on a judgment, proceeding in aid of execution, or other post- 41339
judgment proceeding arising out of a civil action. The filing 41340
fees required to be collected under this division shall be in 41341
addition to any other court costs imposed in the action or 41342
proceeding and shall be collected at the time of the filing of 41343
the action or proceeding. The court shall not waive the payment 41344
of the additional filing fees in a new civil action or 41345

proceeding unless the court waives the advanced payment of all 41346
filing fees in the action or proceeding for the party that the 41347
court determines is qualified as an indigent litigant as set 41348
forth in section 2323.311 of the Revised Code. All such moneys 41349
collected during a month except for an amount equal to up to one 41350
per cent of those moneys retained to cover administrative costs 41351
shall be transmitted on or before the twentieth day of the 41352
following month by the clerk of the court to the treasurer of 41353
state in a manner prescribed by the treasurer of state or by the 41354
Ohio access to justice foundation. The treasurer of state shall 41355
deposit four per cent of the funds collected under this division 41356
to the credit of the civil case filing fee fund established 41357
under section 120.07 of the Revised Code and ninety-six per cent 41358
of the funds collected under this division to the credit of the 41359
legal aid fund established under section 120.52 of the Revised 41360
Code. 41361

The court may retain up to one per cent of the moneys it 41362
collects under this division to cover administrative costs, 41363
including the hiring of any additional personnel necessary to 41364
implement this division. If the court fails to transmit to the 41365
treasurer of state the moneys the court collects under this 41366
division in a manner prescribed by the treasurer of state or by 41367
the Ohio access to justice foundation, the court shall forfeit 41368
the moneys the court retains under this division to cover 41369
administrative costs, including the hiring of any additional 41370
personnel necessary to implement this division, and shall 41371
transmit to the treasurer of state all moneys collected under 41372
this division, including the forfeited amount retained for 41373
administrative costs, for deposit in the legal aid fund. 41374

(D) The county court shall establish by rule a schedule of 41375
fees for miscellaneous services performed by the county court or 41376

any of its judges in accordance with law. If judges of the court 41377
of common pleas perform similar services, the fees prescribed in 41378
the schedule shall not exceed the fees for those services 41379
prescribed by the court of common pleas. 41380

(E) Under the circumstances described in sections 2969.21 41381
to 2969.27 of the Revised Code, the clerk of the county court 41382
shall charge the fees and perform the other duties specified in 41383
those sections. 41384

Sec. 2101.11. ~~(A)(1)~~ (A)(1)(a) The probate judge shall have 41385
the care and custody of the files, papers, books, and records 41386
belonging to the probate court. The probate judge is authorized 41387
to perform the duties of clerk of the judge's court. The probate 41388
judge may appoint deputy clerks, court reporters, a bailiff, and 41389
any other necessary employees, each of whom shall take an oath 41390
of office before entering upon the duties of the employee's 41391
appointment and, when so qualified, may perform the duties 41392
appertaining to the office of clerk of the court. 41393

(b) Not later than eighteen months after the effective 41394
date of this amendment, the general docket of the probate court 41395
shall be available online on the clerk of court's web site for 41396
remote access and printing by the public of the information in 41397
that docket, including all individual documents in each case 41398
file, pertaining to probate cases filed on or after the 41399
effective date of this amendment. Nothing in this division shall 41400
be construed as making available online any of the following: 41401

(i) Internal documents such as notes, electronic mails, 41402
drafts, recommendations, advice, or research of judicial 41403
officers and court staff; 41404

(ii) Any document or any information in a case file the 41405

public access to which the court has ordered restricted under 41406
the Rules of Superintendence for the Courts of Ohio. 41407

(2) (a) The probate judge shall provide for one or more 41408
probate court investigators to perform the duties that are 41409
established for a probate court investigator by the Revised Code 41410
or the probate judge. The probate judge may provide for an 41411
investigator in any of the following manners, as the court 41412
determines is appropriate: 41413

(i) By appointing a person as a full-time or part-time 41414
employee of the probate court to serve as investigator, or by 41415
designating a current full-time or part-time employee of the 41416
probate court to serve as investigator; 41417

(ii) By contracting with a person to serve and be 41418
compensated as investigator only when needed by the probate 41419
court, as determined by the court, and by designating that 41420
person as a probate court investigator during the times when the 41421
person is performing the duties of an investigator for the 41422
court; 41423

(iii) By entering into an agreement with another 41424
department or agency of the county, including, but not limited 41425
to, the sheriff's department or the county department of job and 41426
family services, pursuant to which an employee of the other 41427
department or agency will serve and perform the duties of 41428
investigator for the court, upon request of the probate judge, 41429
and designating that employee as a probate court investigator 41430
during the times when the person is performing the duties of an 41431
investigator for the court. 41432

(b) Each person appointed or otherwise designated as a 41433
probate court investigator shall take an oath of office before 41434

entering upon the duties of the person's appointment. When so 41435
qualified, an investigator may perform the duties that are 41436
established for a probate court investigator by the Revised Code 41437
or the probate judge. 41438

(c) Except as otherwise provided in this division, a 41439
probate court investigator shall hold at least a bachelor's 41440
degree in social work, psychology, education, special education, 41441
or a related human services field. A probate judge may waive the 41442
education requirement of this division for a person the judge 41443
appoints or otherwise designates as a probate court investigator 41444
if the judge determines that the person has experience in family 41445
services work that is equivalent to the required education. 41446

(d) Within one year after appointment or designation, a 41447
probate court investigator shall attend an orientation course of 41448
at least six hours, and each calendar year after the calendar 41449
year of appointment or designation, a probate court investigator 41450
shall satisfactorily complete at least six hours of continuing 41451
education. 41452

(e) For purposes of divisions (A) (4), (B), and (C) of this 41453
section, a person designated as a probate court investigator 41454
under division (A) (2) (a) (ii) or (iii) of this section shall be 41455
considered an appointee of the probate court at any time that 41456
the person is performing the duties established under the 41457
Revised Code or by the probate judge for a probate court 41458
investigator. 41459

(3) (a) The probate judge may provide for one or more 41460
persons to perform the duties of an assessor under sections 41461
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, and 3107.12 of 41462
the Revised Code or may enter into agreements with public 41463
children services agencies, private child placing agencies, or 41464

private noncustodial agencies under which the agency provides 41465
for one or more persons to perform the duties of an assessor. A 41466
probate judge who provides for an assessor shall do so in either 41467
of the following manners, as the judge considers appropriate: 41468

(i) By appointing a person as a full-time or part-time 41469
employee of the probate court to serve as assessor, or by 41470
designating a current full-time or part-time employee of the 41471
probate court to serve as assessor; 41472

(ii) By contracting with a person to serve and be 41473
compensated as assessor only when needed by the probate court, 41474
as determined by the court, and by designating that person as an 41475
assessor during the times when the person is performing the 41476
duties of an assessor for the court. 41477

(b) Each person appointed or designated as a probate court 41478
assessor shall take an oath of office before entering on the 41479
duties of the person's appointment. 41480

(c) A probate court assessor must meet the qualifications 41481
for an assessor established by section 3107.014 of the Revised 41482
Code. 41483

(d) A probate court assessor shall perform additional 41484
duties, including duties of an investigator under division (A) 41485
(2) of this section, when the probate judge assigns additional 41486
duties to the assessor. 41487

(e) For purposes of divisions (A) (4), (B), and (C) of this 41488
section, a person designated as a probate court assessor shall 41489
be considered an appointee of the probate court at any time that 41490
the person is performing assessor duties. 41491

(4) Each appointee of the probate judge may administer 41492
oaths in all cases when necessary, in the discharge of official 41493

duties. 41494

(B) (1) (a) Subject to the appropriation made by the board 41495
of county commissioners pursuant to this division, each 41496
appointee of a probate judge under division (A) of this section 41497
shall receive such compensation and expenses as the judge 41498
determines and shall serve during the pleasure of the judge. The 41499
compensation of each appointee shall be paid in semimonthly 41500
installments by the county treasurer from the county treasury, 41501
upon the warrants of the county auditor, certified to by the 41502
judge. 41503

(b) Except as otherwise provided in the Revised Code, the 41504
total compensation paid to all appointees of the probate judge 41505
in any calendar year shall not exceed the total fees earned by 41506
the probate court during the preceding calendar year, unless the 41507
board of county commissioners approves otherwise. 41508

(2) The probate judge annually shall submit a written 41509
request for an appropriation to the board of county 41510
commissioners that shall set forth estimated administrative 41511
expenses of the court, including the salaries of appointees as 41512
determined by the judge and any other costs, fees, and expenses, 41513
including, but not limited to, those enumerated in section 41514
5123.96 of the Revised Code, that the judge considers reasonably 41515
necessary for the operation of the court. The board shall 41516
conduct a public hearing with respect to the written request 41517
submitted by the judge and shall appropriate such sum of money 41518
each year as it determines, after conducting the public hearing 41519
and considering the written request of the judge, is reasonably 41520
necessary to meet all the administrative expenses of the court, 41521
including the salaries of appointees as determined by the judge 41522
and any other costs, fees, and expenses, including, but not 41523

limited to, the costs, fees, and expenses enumerated in section 41524
5123.96 of the Revised Code. 41525

If the judge considers the appropriation made by the board 41526
pursuant to this division insufficient to meet all the 41527
administrative expenses of the court, the judge shall commence 41528
an action under Chapter 2731. of the Revised Code in the court 41529
of appeals for the judicial district for a determination of the 41530
duty of the board of county commissioners to appropriate the 41531
amount of money in dispute. The court of appeals shall give 41532
priority to the action filed by the probate judge over all cases 41533
pending on its docket. The burden shall be on the probate judge 41534
to prove that the appropriation requested is reasonably 41535
necessary to meet all administrative expenses of the court. If, 41536
prior to the filing of an action under Chapter 2731. of the 41537
Revised Code or during the pendency of the action, the judge 41538
exercises the judge's contempt power in order to obtain the sum 41539
of money in dispute, the judge shall not order the imprisonment 41540
of any member of the board of county commissioners 41541
notwithstanding sections 2705.02 to 2705.06 of the Revised Code. 41542

(C) The probate judge may require any of the judge's 41543
appointees to give bond in the sum of not less than one thousand 41544
dollars, conditioned for the honest and faithful performance of 41545
the appointee's duties. The sureties on the bonds shall be 41546
approved in the manner provided in section 2101.03 of the 41547
Revised Code. 41548

The judge shall not be personally liable for the default, 41549
malfeasance, or nonfeasance of any appointee. 41550

All bonds required to be given in the probate court, on 41551
being accepted and approved by the probate judge, shall be filed 41552
in the judge's office. 41553

Sec. 2101.16. (A) Except as provided in section 2101.164 41554
of the Revised Code, the fees enumerated in this division shall 41555
be charged and collected, if possible, by the probate judge and 41556
shall be in full for all services rendered in the respective 41557
proceedings: 41558
41559

	1	2	3
A	(1)	Account, in addition to advertising charges	
B		_____	\$12.00
C		Waivers and proof of notice of hearing on account, per page, minimum one dollar	
D		_____	\$1.00
E	(2)	Account of distribution, in addition to advertising charges	
F		_____	\$7.00
G	(3)	Adoption of child, petition for	
H		_____	\$20.00
I	(4)	Alter or cancel contract for sale or purchase of real property, complaint to	
J		_____	\$20.00
K	(5)	Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	

L			\$5.00
M	(6)	Appropriation suit, per day, hearing in	
N			\$20.00
O	(7)	Birth, application for registration of	
P			\$7.00
Q	(8)	Birth record, application to correct	
R			\$5.00
S	(9)	Bond, application for new or additional	
T			\$5.00
U	(10)	Bond, application for release of surety or reduction of	
V			\$5.00
W	(11)	Bond, receipt for securities deposited in lieu of	
X			\$5.00
Y	(12)	Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	
Z			\$1.00
AA	(13)	Citation and issuing citation, application for	
AB			\$5.00
AC	(14)	Change of name, petition for	

AD	_____	\$20.00
AE	(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	
AF	_____	\$10.00
AG	(16) Claim, application to compromise or settle	
AH	_____	\$10.00
AI	(17) Claim, authority to present	
AJ	_____	\$10.00
AK	(18) Commissioner, appointment of	
AL	_____	\$5.00
AM	(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	
AN	_____	\$5.00
AO	(20) Competency, application to procure adjudication of	
AP	_____	\$20.00
AQ	(21) Complete contract, application to	
AR	_____	\$10.00
AS	(22) Concealment of assets, citation for	
AT	_____	\$10.00

AU	(23) Construction of will, complaint for	
AV	_____	\$20.00
AW	(24) Continue decedent's business, application to	
AX	_____	\$10.00
AY	Monthly reports of operation	
AZ	_____	\$5.00
BA	(25) Declaratory judgment, complaint for	
BB	_____	\$20.00
BC	(26) Deposit of will	
BD	_____	\$5.00
BE	(27) Designation of heir	
BF	_____	\$20.00
BG	(28) Distribution in kind, application, assent, and order for	
BH	_____	\$5.00
BI	(29) Distribution under section 2109.36 of the Revised Code, application for an order of	
BJ	_____	\$7.00
BK	(30) Docketing and indexing proceedings, including the	

filing and noting of all necessary documents, maximum
fee, fifteen dollars

BL	_____	\$15.00
BM	(31) Exceptions to any proceeding named in this section, contest of appointment or	
BN	_____	\$10.00
BO	(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	
BP	_____	\$10.00
BQ	(33) Election of surviving spouse under will	
BR	_____	\$5.00
BS	(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	
BT	_____	\$35.00
BU	(35) Foreign will, application to record	
BV	_____	\$10.00
BW	Record of foreign will, additional, per page	
BX	_____	\$1.00
BY	(36) Forms when supplied by the probate court, not to exceed	

BZ	_____	\$10.00
CA	(37) Heirship, complaint to determine	
CB	_____	\$20.00
CC	(38) Injunction proceedings	
CD	_____	\$20.00
CE	(39) Improve real property, petition to	
CF	_____	\$20.00
CG	(40) Inventory with appraisement	
CH	_____	\$10.00
CI	(41) Inventory without appraisement	
CJ	_____	\$7.00
CK	(42) Investment or expenditure of funds, application for	
CL	_____	\$10.00
CM	(43) Invest in real property, application to	
CN	_____	\$10.00
CO	(44) Lease for oil, gas, coal, or other mineral, petition to	
CP	_____	\$20.00
CQ	(45) Lease or lease and improve real property, petition to	

CR	_____	\$20.00
CS	(46) Marriage license	
CT	_____	\$10.00
CU	Certified abstract of each marriage	
CV	_____	\$2.00
CW	(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of	
CX	_____	\$10.00
CY	(48) Mortgage or mortgage and repair or improve real property, complaint to	
CZ	_____	\$20.00
DA	(49) Newly discovered assets, report of	
DB	_____	\$7.00
DC	(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	
DD	_____	\$20.00
DE	(51) Power of attorney or revocation of power, bonding company	
DF	_____	\$10.00
DG	(52) Presumption of death, petition to establish	

DH	_____	\$20.00
DI	(53) Probating will	
DJ	_____	\$15.00
DK	Proof of notice to beneficiaries	
DL	_____	\$5.00
DM	(54) Purchase personal property, application of surviving spouse to	
DN	_____	\$10.00
DO	(55) Purchase real property at appraised value, petition of surviving spouse to	
DP	_____	\$20.00
DQ	(56) Receipts in addition to advertising charges, application and order to record	
DR	_____	\$5.00
DS	Record of those receipts, additional, per page	
DT	_____	\$1.00
DU	(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	
DV	_____	\$1.00
DW	(58) Release of estate by mortgagee or other lienholder	

DX	_____	\$5.00
DY	(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	
DZ	_____	\$60.00
EA	(60) Removal of fiduciary, application for	
EB	_____	\$10.00
EC	(61) Requalification of executor or administrator	
ED	_____	\$10.00
EE	(62) Resignation of fiduciary	
EF	_____	\$5.00
EG	(63) Sale bill, public sale of personal property	
EH	_____	\$10.00
EI	(64) Sale of personal property and report, application for	
EJ	_____	\$10.00
EK	(65) Sale of real property, petition for	
EL	_____	\$25.00
EM	(66) Terminate guardianship, petition to	

EN	_____	\$10.00
EO	(67) Transfer of real property, application, entry, and certificate for	
EP	_____	\$7.00
EQ	(68) Unclaimed money, application to invest	
ER	_____	\$7.00
ES	(69) Vacate approval of account or order of distribution, motion to	
ET	_____	\$10.00
EU	(70) Writ of execution	
EV	_____	\$5.00
EW	(71) Writ of possession	
EX	_____	\$5.00
EY	(72) Wrongful death, application and settlement of claim for	
EZ	_____	\$20.00
FA	(73) Year's allowance, petition to review	
FB	_____	\$7.00
FC	(74) Guardian's report, filing and review of	
FD	_____	\$5.00

FE (75) Person with a mental illness subject to court order,
filing of affidavit and proceedings for

FF _____ \$25.00

(B) (1) In relation to an application for the appointment 41560
of a guardian or the review of a report of a guardian under 41561
section 2111.49 of the Revised Code, the probate court, pursuant 41562
to court order or in accordance with a court rule, may direct 41563
that the applicant or the estate pay any or all of the expenses 41564
of an investigation conducted pursuant to section 2111.041 or 41565
division (A) (2) of section 2111.49 of the Revised Code. If the 41566
investigation is conducted by a public employee or investigator 41567
who is paid by the county, the fees for the investigation shall 41568
be paid into the county treasury. If the court finds that an 41569
alleged incompetent or a ward is indigent, the court may waive 41570
the costs, fees, and expenses of an investigation. 41571

(2) In relation to the appointment or functioning of a 41572
guardian for a minor or the guardianship of a minor, the probate 41573
court may direct that the applicant or the estate pay any or all 41574
of the expenses of an investigation conducted pursuant to 41575
section 2111.042 of the Revised Code. If the investigation is 41576
conducted by a public employee or investigator who is paid by 41577
the county, the fees for the investigation shall be paid into 41578
the county treasury. If the court finds that the guardian or 41579
applicant is indigent, the court may waive the costs, fees, and 41580
expenses of an investigation. 41581

(3) In relation to the filing of an affidavit of mental 41582
illness for a person with a mental illness subject to court 41583
order, the court may waive the fee under division (A) (75) of 41584
this section if the court finds that the affiant is indigent or 41585

for good cause shown. 41586

(C) Thirty dollars of the thirty-five-dollar fee collected 41587
pursuant to division (A) (34) of this section and twenty dollars 41588
of the sixty-dollar fee collected pursuant to division (A) (59) 41589
of this section shall be deposited by the county treasurer in 41590
the indigent guardianship fund created pursuant to section 41591
2111.51 of the Revised Code. 41592

(D) The fees of witnesses, jurors, sheriffs, coroners, and 41593
constables for services rendered in the probate court or by 41594
order of the probate judge shall be the same as provided for 41595
similar services in the court of common pleas. 41596

(E) The probate court, by rule, may require an advance 41597
deposit for costs, not to exceed one hundred twenty-five 41598
dollars, at the time application is made for an appointment as 41599
executor or administrator or at the time a will is presented for 41600
probate. 41601

(F) (1) The "putative father registry fund" is hereby 41602
created in the state treasury. The department of ~~job and family~~ 41603
~~services~~ children and youth shall use the money in the fund to 41604
fund the department's costs of performing its duties related to 41605
the putative father registry established under section 3107.062 41606
of the Revised Code. 41607

(2) If the department determines that money in the 41608
putative father registry fund is more than is needed for its 41609
duties related to the putative father registry, the department 41610
may use the surplus moneys in the fund as permitted in division 41611
(D) of section 2151.3527 or section 5103.155 of the Revised 41612
Code. 41613

Sec. 2108.34. (A) There is hereby created in the state 41614

treasury the second chance trust fund. The fund shall consist of 41615
voluntary contributions deposited as provided in sections 41616
4501.028 and 4503.721 of the Revised Code. ~~All investment~~ 41617
~~earnings of the fund shall be credited to the fund.~~ 41618

(B) The director of health shall use the money in the fund 41619
only for the following purposes: 41620

(1) Development and implementation of a campaign that 41621
explains and promotes the second chance trust fund; 41622

(2) Development and implementation of local and statewide 41623
public education programs about organ, tissue, and eye donation, 41624
including the informational material required to be provided 41625
under section 4501.028 of the Revised Code; 41626

(3) Development and implementation of local and statewide 41627
donor awareness programs in schools; 41628

(4) Development and implementation of local and statewide 41629
programs to recognize donor families; 41630

(5) Development and distribution of materials promoting 41631
organ, tissue, and eye donation; 41632

(6) Cooperation with the Ohio Supreme Court, Ohio State 41633
Bar Association, and law schools of this state to more 41634
effectively educate attorneys about the donation of anatomical 41635
gifts and to encourage them to assist their clients in donating 41636
anatomical gifts through anatomical gift declarations, durable 41637
powers of attorney for health care, and any other appropriate 41638
means; 41639

(7) Cooperation with the state medical board, state 41640
medical, osteopathic, and ophthalmological associations, and 41641
colleges of medicine and osteopathic medicine in this state to 41642

more effectively educate physicians about the donation of 41643
anatomical gifts and to encourage them to assist their patients 41644
in making declarations of anatomical gifts; 41645

(8) Development of statewide hospital training programs to 41646
encourage and facilitate compliance with sections 2108.14 and 41647
2108.15 of the Revised Code; 41648

(9) Reimbursement of the bureau of motor vehicles for the 41649
administrative costs incurred in the performance of duties under 41650
section 4501.028 of the Revised Code; 41651

(10) Reimbursement of the department of health for 41652
administrative costs incurred in the performance of duties under 41653
this section and section 2108.35 of the Revised Code; 41654

(11) Reimbursement of members of the second chance fund 41655
advisory committee for actual and necessary expenses incurred in 41656
the performance of official duties. 41657

(C) The director shall make the materials developed under 41658
division (B) (5) of this section available to other state 41659
agencies. 41660

(D) The director shall consider recommendations made by 41661
the second chance trust fund advisory committee pursuant to 41662
section 2108.35 of the Revised Code. The director shall 41663
determine the appropriateness of and approve or disapprove 41664
projects recommended by the advisory committee for funding and 41665
approve or disapprove the disbursement of money from the second 41666
chance trust fund. 41667

Sec. 2151.27. (A) (1) Subject to division (A) (2) of this 41668
section, any person having knowledge of a child who appears to 41669
have violated section 2151.87 of the Revised Code or to be a 41670
juvenile traffic offender or to be an unruly, abused, neglected, 41671

or dependent child may file a sworn complaint with respect to 41672
that child in the juvenile court of the county in which the 41673
child has a residence or legal settlement or in which the 41674
violation, unruliness, abuse, neglect, or dependency allegedly 41675
occurred. If an alleged abused, neglected, or dependent child is 41676
taken into custody pursuant to division (D) of section 2151.31 41677
of the Revised Code or is taken into custody pursuant to 41678
division (A) of section 2151.31 of the Revised Code without the 41679
filing of a complaint and placed into shelter care pursuant to 41680
division (C) of that section, a sworn complaint shall be filed 41681
with respect to the child before the end of the next day after 41682
the day on which the child was taken into custody. The sworn 41683
complaint may be upon information and belief, and, in addition 41684
to the allegation that the child committed the violation or is 41685
an unruly, abused, neglected, or dependent child, the complaint 41686
shall allege the particular facts upon which the allegation that 41687
the child committed the violation or is an unruly, abused, 41688
neglected, or dependent child is based. 41689

(2) Any person having knowledge of a child who appears to 41690
be an unruly child for being an habitual truant may file a sworn 41691
complaint with respect to that child and the parent, guardian, 41692
or other person having care of the child in the juvenile court 41693
of the county in which the child has a residence or legal 41694
settlement or in which the child is supposed to attend public 41695
school. The sworn complaint may be upon information and belief 41696
and shall contain the following allegations: 41697

(a) That the child is an unruly child for being an 41698
habitual truant and, in addition, the particular facts upon 41699
which that allegation is based; 41700

(b) That the parent, guardian, or other person having care 41701

of the child has failed to cause the child's attendance at 41702
school in violation of section 3321.38 of the Revised Code and, 41703
in addition, the particular facts upon which that allegation is 41704
based. 41705

(B) If a child, before arriving at the age of eighteen 41706
years, allegedly commits an act for which the child may be 41707
adjudicated an unruly child and if the specific complaint 41708
alleging the act is not filed or a hearing on that specific 41709
complaint is not held until after the child arrives at the age 41710
of eighteen years, the court has jurisdiction to hear and 41711
dispose of the complaint as if the complaint were filed and the 41712
hearing held before the child arrived at the age of eighteen 41713
years. 41714

(C) If the complainant in a case in which a child is 41715
alleged to be an abused, neglected, or dependent child desires 41716
permanent custody of the child or children, temporary custody of 41717
the child or children, whether as the preferred or an 41718
alternative disposition, or the placement of the child in a 41719
planned permanent living arrangement, the complaint shall 41720
contain a prayer specifically requesting permanent custody, 41721
temporary custody, or the placement of the child in a planned 41722
permanent living arrangement. 41723

(D) Any person with standing under applicable law may file 41724
a complaint for the determination of any other matter over which 41725
the juvenile court is given jurisdiction by section 2151.23 of 41726
the Revised Code. The complaint shall be filed in the county in 41727
which the child who is the subject of the complaint is found or 41728
was last known to be found. 41729

(E) A public children services agency, acting pursuant to 41730
a complaint or an action on a complaint filed under this 41731

section, is not subject to the requirements of section 3127.23 41732
of the Revised Code. 41733

(F) Upon the filing of a complaint alleging that a child 41734
is an unruly child, the court may hold the complaint in abeyance 41735
pending the child's successful completion of actions that 41736
constitute a method to divert the child from the juvenile court 41737
system. The method may be adopted by a county pursuant to 41738
divisions (D) and (E) of section 121.37 of the Revised Code or 41739
it may be another method that the court considers satisfactory. 41740
If the child completes the actions to the court's satisfaction, 41741
the court may dismiss the complaint. If the child fails to 41742
complete the actions to the court's satisfaction, the court may 41743
consider the complaint. 41744

(G) Upon the filing of a complaint that a child is an 41745
unruly child that is based solely on a child being an habitual 41746
truant, the court shall consider an alternative to adjudication, 41747
including actions that constitute a method to divert the child 41748
from the juvenile court system, using the Rules of Juvenile 41749
Procedure, or by any other means if such an alternative is 41750
available to the court and the child has not already 41751
participated or failed to complete one of the available 41752
alternatives. The court shall consider the complaint only as a 41753
matter of last resort. 41754

(H) If a complaint that a child is an unruly child based 41755
on the child being an habitual truant proceeds to consideration 41756
by the court, the prosecution shall bear the burden of proving 41757
beyond a reasonable doubt the following: 41758

(1) That the child is of compulsory school age, as defined 41759
in section 3321.01 of the Revised Code; 41760

(2) That the child was absent without legitimate excuse 41761
for absence from the public school the child was supposed to 41762
attend for thirty or more consecutive hours, forty-two or more 41763
hours in one school month, or seventy-two or more hours in a 41764
school year. 41765

The child may assert as an affirmative defense the fact 41766
that the child did participate in, or made satisfactory progress 41767
on, ~~the absence intervention plan any interventions~~ or other 41768
alternatives to adjudication as described in ~~division (C) of~~ 41769
section 3321.191 of the Revised Code. 41770

Sec. 2151.311. (A) A person taking a child into custody 41771
shall, with all reasonable speed and in accordance with division 41772
(C) of this section, either: 41773

(1) Release the child to the child's parents, guardian, or 41774
other custodian, unless the child's detention or shelter care 41775
appears to be warranted or required as provided in section 41776
2151.31 of the Revised Code; 41777

(2) Bring the child to the court or deliver the child to a 41778
place of detention or shelter care designated by the court and 41779
promptly give notice thereof, together with a statement of the 41780
reason for taking the child into custody, to a parent, guardian, 41781
or other custodian and to the court. 41782

(B) If a parent, guardian, or other custodian fails, when 41783
requested by the court, to bring the child before the court as 41784
provided by this section, the court may issue its warrant 41785
directing that the child be taken into custody and brought 41786
before the court. 41787

(C) (1) Before taking any action required by division (A) 41788
of this section, a person taking a child into custody may hold 41789

the child for processing purposes in a county, multicounty, or 41790
municipal jail or workhouse, or other place where an adult 41791
convicted of crime, under arrest, or charged with crime is held 41792
for either of the following periods of time: 41793

(a) For a period not to exceed six hours, if all of the 41794
following apply: 41795

(i) The child is alleged to be a delinquent child for the 41796
commission of an act that would be a felony if committed by an 41797
adult; 41798

(ii) The child remains beyond the range of touch of all 41799
adult detainees; 41800

(iii) The child is visually supervised by jail or 41801
workhouse personnel at all times during the detention; 41802

(iv) The child is not handcuffed or otherwise physically 41803
secured to a stationary object during the detention. 41804

(b) For a period not to exceed three hours, if all of the 41805
following apply: 41806

(i) The child is alleged to be a delinquent child for the 41807
commission of an act that would be a misdemeanor if committed by 41808
an adult, is alleged to be a delinquent child for violating a 41809
court order regarding the child's adjudication as an unruly 41810
child for being an habitual truant, or is alleged to be an 41811
unruly child or a juvenile traffic offender; 41812

(ii) The child remains beyond the range of touch of all 41813
adult detainees; 41814

(iii) The child is visually supervised by jail or 41815
workhouse personnel at all times during the detention; 41816

(iv) The child is not handcuffed or otherwise physically 41817
secured to a stationary object during the detention. 41818

(2) If a child has been transferred to an adult court for 41819
prosecution for the alleged commission of a criminal offense, 41820
subsequent to the transfer, the child may be held as described 41821
in division (F) of section 2152.26 or division ~~(B)~~ (C) of section 41822
5120.16 of the Revised Code. 41823

(D) If a person who is alleged to be or has been 41824
adjudicated a delinquent child or who is in any other category 41825
of persons identified in this section is confined under 41826
authority of this section in a place specified in division (C) 41827
of this section, the fact of the person's admission to and 41828
confinement in that place is restricted as described in division 41829
(G) of section 2152.26 of the Revised Code. 41830

(E) As used in division (C) (1) of this section, 41831
"processing purposes" means all of the following: 41832

(1) Fingerprinting, photographing, or fingerprinting and 41833
photographing the child in a secure area of the facility; 41834

(2) Interrogating the child, contacting the child's parent 41835
or guardian, arranging for placement of the child, or arranging 41836
for transfer or transferring the child, while holding the child 41837
in a nonsecure area of the facility. 41838

Sec. 2151.316. (A) The department of children and youth 41839
shall adopt rules in accordance with Chapter 119. of the Revised 41840
Code to establish and enforce a foster youth bill of rights for 41841
individuals who are in the temporary or permanent custody of a 41842
public children services agency or a planned permanent living 41843
arrangement or in the Title IV-E eligible care and placement 41844
responsibility of a juvenile court or other governmental agency 41845

that provides Title IV-E reimbursable placement services and who 41846
are subject to out-of-home care or placed with a kinship 41847
caregiver as defined in section ~~5101.85~~5180.50 of the Revised 41848
Code. 41849

(B) If the rights of an individual, as established under 41850
division (A) of this section, conflict with the rights of a 41851
resource family or resource caregiver, as established in section 41852
5103.163 of the Revised Code, the rights of the individual shall 41853
preempt the rights of the resource family or resource caregiver. 41854

(C) The rights established by rules under this section 41855
shall not create grounds for a civil action against the 41856
department, the recommending agency, or the custodial agency. 41857

Sec. 2151.356. (A) The records of a case in which a person 41858
was adjudicated a delinquent child for committing a violation of 41859
section 2903.01, 2903.02, or 2907.02 of the Revised Code shall 41860
not be sealed under this section. 41861

(B) (1) The juvenile court shall promptly order the 41862
immediate sealing of records pertaining to a juvenile in any of 41863
the following circumstances: 41864

(a) If the court receives a record from a public office or 41865
agency under division (B) (2) of this section; 41866

(b) If a person was brought before or referred to the 41867
court for allegedly committing a delinquent or unruly act and 41868
the case was resolved without the filing of a complaint against 41869
the person with respect to that act pursuant to section 2151.27 41870
of the Revised Code; 41871

(c) If a person was charged with violating division (E) (1) 41872
of section 4301.69 of the Revised Code and the person has 41873
successfully completed a diversion program under division (E) (2) 41874

(a) of section 4301.69 of the Revised Code with respect to that charge; 41875
41876

(d) If a complaint was filed against a person alleging 41877
that the person was a delinquent child, an unruly child, or a 41878
juvenile traffic offender and the court ~~dismisses~~ does both of 41879
the following: 41880

(i) Dismisses the complaint after a trial on the merits of 41881
the case or finds the person not to be a delinquent child, an 41882
unruly child, or a juvenile traffic offender; 41883

(ii) Finds that the harm to the person alleged to be a 41884
delinquent child, an unruly child, or a juvenile traffic 41885
offender in having the records pertaining to the case disclosed 41886
is not outweighed by the potential benefits to the public in 41887
having access to those records. 41888

(e) Notwithstanding division (C) of this section and 41889
subject to section 2151.358 of the Revised Code, if a person has 41890
been adjudicated an unruly child, ~~that~~ and both of the following 41891
apply: 41892

(i) The person has attained eighteen years of age, and the 41893
person is not under the jurisdiction of the court in relation to 41894
a complaint alleging the person to be a delinquent child. 41895

(ii) The court finds that the harm to the person in having 41896
the records pertaining to the case disclosed is not outweighed 41897
by the potential benefits to the public in having access to 41898
those records. 41899

(2) The appropriate public office or agency shall 41900
immediately deliver all original records at that public office 41901
or agency pertaining to a juvenile to the court, if the person 41902
was arrested or taken into custody for allegedly committing a 41903

delinquent or unruly act, no complaint was filed against the 41904
person with respect to the commission of the act pursuant to 41905
section 2151.27 of the Revised Code, and the person was not 41906
brought before or referred to the court for the commission of 41907
the act. The records delivered to the court as required under 41908
this division shall not include fingerprints, DNA specimens, and 41909
DNA records described under division (A)(3) of section 2151.357 41910
of the Revised Code. 41911

(C)(1) The juvenile court shall consider the sealing of 41912
records pertaining to a juvenile upon the court's own motion or 41913
upon the application of a person if the person has been 41914
adjudicated a delinquent child for committing an act other than 41915
a violation of section 2903.01, 2903.02, or 2907.02 of the 41916
Revised Code, an unruly child, or a juvenile traffic offender 41917
and if, at the time of the motion or application, the person is 41918
not under the jurisdiction of the court in relation to a 41919
complaint alleging the person to be a delinquent child. The 41920
court shall not require a fee for the filing of the application. 41921
The motion or application may be made on or after the time 41922
specified in whichever of the following is applicable: 41923

(a) If the person is under eighteen years of age, at any 41924
time after six months after any of the following events occur: 41925

(i) The termination of any order made by the court in 41926
relation to the adjudication; 41927

(ii) The unconditional discharge of the person from the 41928
department of youth services with respect to a dispositional 41929
order made in relation to the adjudication or from an 41930
institution or facility to which the person was committed 41931
pursuant to a dispositional order made in relation to the 41932
adjudication; 41933

(iii) The court enters an order under section 2152.84 or 2152.85 of the Revised Code that contains a determination that the child is no longer a juvenile offender registrant.

(b) If the person is eighteen years of age or older, at any time after the later of the following:

(i) The person's attainment of eighteen years of age;

(ii) The occurrence of any event identified in divisions (C) (1) (a) (i) to (iii) of this section.

(2) In making the determination whether to seal records pursuant to division (C) (1) of this section, all of the following apply:

(a) The court may require a person filing an application under division (C) (1) of this section to submit any relevant documentation to support the application.

(b) The court may cause an investigation to be made to determine if the person who is the subject of the proceedings has been rehabilitated to a satisfactory degree.

(c) The court shall promptly, but not less than thirty days prior to the hearing, notify the prosecuting attorney of any proceedings to seal records initiated pursuant to division (C) (1) of this section. The prosecutor shall provide timely notice to a victim and a victim's representative, if applicable, if the victim or victim's representative requested notice of the proceedings in the underlying case.

(d) (i) The prosecuting attorney may file a response with the court within thirty days of receiving notice of the sealing proceedings.

(ii) If the prosecuting attorney does not file a response

with the court or if the prosecuting attorney files a response 41962
but indicates that the prosecuting attorney does not object to 41963
the sealing of the records, the court may order the records of 41964
the person that are under consideration to be sealed without 41965
conducting a hearing on the motion or application. If the court 41966
decides in its discretion to conduct a hearing on the motion or 41967
application, the court shall conduct the hearing within thirty 41968
days after making that decision and shall give notice, by 41969
regular mail, of the date, time, and location of the hearing to 41970
the prosecuting attorney and to the person who is the subject of 41971
the records under consideration. The victim, the victim's 41972
representative, and the victim's attorney, if applicable, may be 41973
present and heard orally, in writing, or both at any hearing 41974
under this division. The court shall consider the oral and 41975
written statement of any victim, victim's representative, and 41976
victim's attorney, if applicable. 41977

(iii) If the prosecuting attorney files a response with 41978
the court that indicates that the prosecuting attorney objects 41979
to the sealing of the records, the court shall conduct a hearing 41980
on the motion or application within thirty days after the court 41981
receives the response. The court shall give notice, by regular 41982
mail, of the date, time, and location of the hearing to the 41983
prosecuting attorney and to the person who is the subject of the 41984
records under consideration. The victim, the victim's 41985
representative, and the victim's attorney, if applicable, may be 41986
present and heard orally, in writing, or both at any hearing 41987
under this division. The court shall consider the oral and 41988
written statement of any victim, victim's representative, and 41989
victim's attorney, if applicable. 41990

(e) After conducting a hearing in accordance with division 41991
(C) (2) (d) of this section or after due consideration when a 41992

hearing is not conducted, except as provided in division (B) (1) 41993
(c) of this section, the court may order the records of the 41994
person that are the subject of the motion or application to be 41995
sealed if it finds that the person has been rehabilitated to a 41996
satisfactory degree. In determining whether the person has been 41997
rehabilitated to a satisfactory degree, the court may consider 41998
all of the following: 41999

- (i) The age of the person; 42000
- (ii) The nature of the case; 42001
- (iii) The cessation or continuation of delinquent, unruly, 42002
or criminal behavior; 42003
- (iv) The education and employment history of the person; 42004
- (v) The granting of a new tier classification or 42005
declassification from the juvenile offender registry pursuant to 42006
section 2152.85 of the Revised Code, except for public registry- 42007
qualified juvenile offender registrants; 42008
- (vi) Any other circumstances that may relate to the 42009
rehabilitation of the person who is the subject of the records 42010
under consideration. 42011

(D) (1) (a) The juvenile court shall provide verbal notice 42012
to a person whose records are sealed under division (B) of this 42013
section, if that person is present in the court at the time the 42014
court issues a sealing order, that explains what sealing a 42015
record means, states that the person may apply to have those 42016
records expunged under section 2151.358 of the Revised Code, and 42017
explains what expunging a record means. 42018

(b) The juvenile court shall provide written notice to a 42019
person whose records are sealed under division (B) of this 42020

section by regular mail to the person's last known address, if 42021
that person is not present in the court at the time the court 42022
issues a sealing order and if the court does not seal the 42023
person's record upon the court's own motion, that explains what 42024
sealing a record means, states that the person may apply to have 42025
those records expunged under section 2151.358 of the Revised 42026
Code, and explains what expunging a record means. 42027

(2) Upon final disposition of a case in which a person has 42028
been adjudicated a delinquent child for committing an act other 42029
than a violation of section 2903.01, 2903.02, or 2907.02 of the 42030
Revised Code, an unruly child, or a juvenile traffic offender, 42031
the juvenile court shall provide written notice to the person 42032
that does all of the following: 42033

(a) States that the person may apply to the court for an 42034
order to seal the record; 42035

(b) Explains what sealing a record means; 42036

(c) States that the person may apply to the court for an 42037
order to expunge the record under section 2151.358 of the 42038
Revised Code; 42039

(d) Explains what expunging a record means. 42040

(3) The department of youth services and any other 42041
institution or facility that unconditionally discharges a person 42042
who has been adjudicated a delinquent child, an unruly child, or 42043
a juvenile traffic offender shall immediately give notice of the 42044
discharge to the court that committed the person. The court 42045
shall note the date of discharge on a separate record of 42046
discharges of those natures. 42047

Sec. 2151.3527. (A) The director of children and youth 42048
shall promulgate forms designed to gather pertinent medical 42049

information concerning a deserted child and the child's parents. 42050
The forms shall clearly and unambiguously state on each page 42051
that the information requested is to facilitate medical care for 42052
the child, that the forms may be fully or partially completed or 42053
left blank, that completing the forms or parts of the forms is 42054
completely voluntary, and that no adverse legal consequence will 42055
result from failure to complete any part of the forms. 42056

(B) The director shall promulgate written materials to be 42057
made available to the parents of a child delivered pursuant to 42058
section 2151.3516 of the Revised Code. The materials shall 42059
describe services available to assist parents and newborns and 42060
shall include information directly relevant to situations that 42061
might cause parents to desert a child and information on the 42062
procedures for a person to follow in order to reunite with a 42063
child the person delivered under section 2151.3516 of the 42064
Revised Code, including notice that the person will be required 42065
to submit to a DNA test, at that person's expense, to prove that 42066
the person is the parent of the child. 42067

(C) The director of ~~job and family services~~ children and 42068
youth shall distribute the medical information forms and written 42069
materials promulgated pursuant to this section to all of the 42070
following: 42071

(1) Entities permitted to receive a deserted child as 42072
specified in section 2151.3517 of the Revised Code; 42073

(2) Public children services agencies; 42074

(3) Other public or private agencies that, in the 42075
discretion of the director, are best able to disseminate the 42076
forms and materials to the persons who are most in need of the 42077
forms and materials. 42078

(D) If the department ~~of job and family services~~ 42079
determines that money in the putative father registry fund 42080
created under section 2101.16 of the Revised Code is more than 42081
is needed for its duties related to the putative father 42082
registry, the department may use surplus moneys in the fund for 42083
costs related to the development, distribution, and publication 42084
of forms and materials promulgated pursuant to divisions (A) and 42085
(B) of this section. 42086

(E) The department ~~of job and family services~~ shall 42087
develop an educational plan, in collaboration with the Ohio 42088
family and children first cabinet council, for informing at-risk 42089
populations who are most likely to voluntarily deliver a child 42090
under section 2151.3516 of the Revised Code concerning the 42091
provisions of sections 2151.3515 to 2151.3533 of the Revised 42092
Code. 42093

Sec. 2151.416. (A) Each agency that is required by section 42094
2151.412 of the Revised Code to prepare a case plan for a child 42095
shall complete a semiannual administrative review of the case 42096
plan no later than six months after the earlier of the date on 42097
which the complaint in the case was filed or the child was first 42098
placed in shelter care. After the first administrative review, 42099
the agency shall complete semiannual administrative reviews no 42100
later than every six months. If the court issues an order 42101
pursuant to section 2151.414 or 2151.415 of the Revised Code, 42102
the agency shall complete an administrative review no later than 42103
six months after the court's order and continue to complete 42104
administrative reviews no later than every six months after the 42105
first review, except that the court hearing held pursuant to 42106
section 2151.417 of the Revised Code may take the place of any 42107
administrative review that would otherwise be held at the time 42108
of the court hearing. When conducting a review, the child's 42109

health and safety shall be the paramount concern. 42110

(B) Each administrative review required by division (A) of 42111
this section shall be conducted by a review panel of at least 42112
three persons, including, but not limited to, both of the 42113
following: 42114

(1) A caseworker with day-to-day responsibility for, or 42115
familiarity with, the management of the child's case plan; 42116

(2) A person who is not responsible for the management of 42117
the child's case plan or for the delivery of services to the 42118
child or the parents, guardian, or custodian of the child. 42119

(C) Each semiannual administrative review shall include, 42120
but not be limited to, a joint meeting by the review panel with 42121
the parents, guardian, or custodian of the child, the guardian 42122
ad litem of the child, and the child's foster care provider and 42123
shall include an opportunity for those persons to submit any 42124
written materials to be included in the case record of the 42125
child. If a parent, guardian, custodian, guardian ad litem, or 42126
foster care provider of the child cannot be located after 42127
reasonable efforts to do so or declines to participate in the 42128
administrative review after being contacted, the agency does not 42129
have to include them in the joint meeting. 42130

(D) The agency shall prepare a written summary of the 42131
semiannual administrative review that shall include, but not be 42132
limited to, all of the following: 42133

(1) A conclusion regarding the safety and appropriateness 42134
of the child's foster care placement; 42135

(2) The extent of the compliance with the case plan of all 42136
parties; 42137

(3) The extent of progress that has been made toward 42138
alleviating the circumstances that required the agency to assume 42139
temporary custody of the child; 42140

(4) An estimated date by which the child may be returned 42141
to and safely maintained in the child's home or placed for 42142
adoption or legal custody; 42143

(5) An updated case plan that includes any changes that 42144
the agency is proposing in the case plan; 42145

(6) The recommendation of the agency as to which agency or 42146
person should be given custodial rights over the child for the 42147
six-month period after the administrative review; 42148

(7) The names of all persons who participated in the 42149
administrative review; 42150

(8) A summary of the agency's intensive efforts to secure 42151
a placement with an appropriate and willing kinship caregiver as 42152
defined in section ~~5101.85~~ 5180.50 of the Revised Code, 42153
including any use of search technology to find biological family 42154
members of the child and all other efforts undertaken since the 42155
last review, unless a court has determined that intensive 42156
efforts are unnecessary pursuant to section 2151.4118 of the 42157
Revised Code. 42158

(E) The agency shall file the summary with the court no 42159
later than seven days after the completion of the administrative 42160
review. If the agency proposes a change to the case plan as a 42161
result of the administrative review, the agency shall file the 42162
proposed change with the court at the time it files the summary. 42163
The agency shall give notice of the summary and proposed change 42164
in writing before the end of the next day after filing them to 42165
all parties and the child's guardian ad litem. All parties and 42166

the guardian ad litem shall have seven days after the date the 42167
notice is sent to object to and request a hearing on the 42168
proposed change. 42169

(1) If the court receives a timely request for a hearing, 42170
the court shall schedule a hearing pursuant to section 2151.417 42171
of the Revised Code to be held not later than thirty days after 42172
the court receives the request. The court shall give notice of 42173
the date, time, and location of the hearing to all parties and 42174
the guardian ad litem. The agency may implement the proposed 42175
change after the hearing, if the court approves it. The agency 42176
shall not implement the proposed change unless it is approved by 42177
the court. 42178

(2) If the court does not receive a timely request for a 42179
hearing, the court may approve the proposed change without a 42180
hearing. If the court approves the proposed change without a 42181
hearing, it shall journalize the case plan with the change not 42182
later than fourteen days after the change is filed with the 42183
court. If the court does not approve the proposed change to the 42184
case plan, it shall schedule a review hearing to be held 42185
pursuant to section 2151.417 of the Revised Code no later than 42186
thirty days after the expiration of the fourteen-day time period 42187
and give notice of the date, time, and location of the hearing 42188
to all parties and the guardian ad litem of the child. If, 42189
despite the requirements of this division and division (D) of 42190
section 2151.417 of the Revised Code, the court neither approves 42191
and journalizes the proposed change nor conducts a hearing, the 42192
agency may implement the proposed change not earlier than 42193
fifteen days after it is submitted to the court. 42194

(F) The director of children and youth may adopt rules 42195
pursuant to Chapter 119. of the Revised Code for procedures and 42196

standard forms for conducting administrative reviews pursuant to 42197
this section. 42198

(G) The juvenile court that receives the written summary 42199
of the administrative review, upon determining, either from the 42200
written summary, case plan, or otherwise, that the custody or 42201
care arrangement is not in the best interest of the child, may 42202
terminate the custody of an agency and place the child in the 42203
custody of another institution or association certified by the 42204
department of children and youth under section 5103.03 of the 42205
Revised Code. 42206

Sec. 2151.4115. ~~(A)~~As used in sections 2151.4116 to 42207
2151.4122 of the Revised Code: 42208

~~(1)~~ (A) "Kinship caregiver" has the same meaning as used 42209
in section ~~5101.85~~ 5180.50 of the Revised Code. 42210

~~(2)~~ (B) "Search technology" means any locate-and-research 42211
tool, search engine, electronic database, or social media search 42212
tool available to a public children services agency or a private 42213
child placing agency. 42214

Sec. 2151.421. (A) (1) (a) No person described in division 42215
(A) (1) (b) of this section who is acting in an official or 42216
professional capacity and knows, or has reasonable cause to 42217
suspect based on facts that would cause a reasonable person in a 42218
similar position to suspect, that a child under eighteen years 42219
of age, or a person under twenty-one years of age with a 42220
developmental disability or physical impairment, has suffered or 42221
faces a threat of suffering any physical or mental wound, 42222
injury, disability, or condition of a nature that reasonably 42223
indicates abuse or neglect of the child shall fail to 42224
immediately report that knowledge or reasonable cause to suspect 42225

to the entity or persons specified in this division. Except as 42226
otherwise provided in this division or section 5120.173 of the 42227
Revised Code, the person making the report shall make it to the 42228
public children services agency or a peace officer in the county 42229
in which the child resides or in which the abuse or neglect is 42230
occurring or has occurred. If the person making the report is a 42231
peace officer, the officer shall make it to the public children 42232
services agency in the county in which the child resides or in 42233
which the abuse or neglect is occurring or has occurred. In the 42234
circumstances described in section 5120.173 of the Revised Code, 42235
the person making the report shall make it to the entity 42236
specified in that section. 42237

(b) Division (A)(1)(a) of this section applies to any 42238
person who is an attorney; health care professional; 42239
practitioner of a limited branch of medicine as specified in 42240
section 4731.15 of the Revised Code; licensed school 42241
psychologist; independent marriage and family therapist or 42242
marriage and family therapist; coroner; administrator or 42243
employee of a child care center; administrator or employee of a 42244
residential camp, child day camp, or private, nonprofit 42245
therapeutic wilderness camp; administrator or employee of a 42246
certified child care agency or other public or private children 42247
services agency; school teacher; school employee; school 42248
authority; peace officer; humane society agent; dog warden, 42249
deputy dog warden, or other person appointed to act as an animal 42250
control officer for a municipal corporation or township in 42251
accordance with state law, an ordinance, or a resolution; 42252
person, other than a cleric, rendering spiritual treatment 42253
through prayer in accordance with the tenets of a well- 42254
recognized religion; employee of a county department of job and 42255
family services who is a professional and who works with 42256

children and families; employee of an entity that provides home 42257
visiting services under the help me grow program established by 42258
the department of children and youth pursuant to section 5180.21 42259
of the Revised Code; superintendent or regional administrator 42260
employed by the department of youth services; superintendent, 42261
board member, or employee of a county board of developmental 42262
disabilities; investigative agent contracted with by a county 42263
board of developmental disabilities; employee of the department 42264
of developmental disabilities; employee of a facility or home 42265
that provides respite care in accordance with section 5123.171 42266
of the Revised Code; employee of an entity that provides 42267
homemaker services; employee of a qualified organization as 42268
defined in section 2151.90 of the Revised Code; a host family as 42269
defined in section 2151.90 of the Revised Code; foster 42270
caregiver; a person performing the duties of an assessor 42271
pursuant to Chapter 3107. or 5103. of the Revised Code; third 42272
party employed by a public children services agency to assist in 42273
providing child or family related services; court appointed 42274
special advocate; or guardian ad litem. 42275

(c) If two or more health care professionals, after 42276
providing health care services to a child, determine or suspect 42277
that the child has been or is being abused or neglected, the 42278
health care professionals may designate one of the health care 42279
professionals to report the abuse or neglect. A single report 42280
made under this division shall meet the reporting requirements 42281
of division (A) (1) of this section. 42282

(2) Except as provided in division (A) (3) of this section, 42283
an attorney, physician, or advanced practice registered nurse is 42284
not required to make a report pursuant to division (A) (1) of 42285
this section concerning any communication the attorney, 42286
physician, or advanced practice registered nurse receives from a 42287

client or patient in an attorney-client, physician-patient, or 42288
advanced practice registered nurse-patient relationship, if, in 42289
accordance with division (A) or (B) of section 2317.02 of the 42290
Revised Code, the attorney, physician, or advanced practice 42291
registered nurse could not testify with respect to that 42292
communication in a civil or criminal proceeding. 42293

(3) The client or patient in an attorney-client, 42294
physician-patient, or advanced practice registered nurse-patient 42295
relationship described in division (A) (2) of this section is 42296
deemed to have waived any testimonial privilege under division 42297
(A) or (B) of section 2317.02 of the Revised Code with respect 42298
to any communication the attorney, physician, or advanced 42299
practice registered nurse receives from the client or patient in 42300
that relationship, and the attorney, physician, or advanced 42301
practice registered nurse shall make a report pursuant to 42302
division (A) (1) of this section with respect to that 42303
communication, if all of the following apply: 42304

(a) The client or patient, at the time of the 42305
communication, is a child under eighteen years of age or is a 42306
person under twenty-one years of age with a developmental 42307
disability or physical impairment. 42308

(b) The attorney, physician, or advanced practice 42309
registered nurse knows, or has reasonable cause to suspect based 42310
on facts that would cause a reasonable person in similar 42311
position to suspect that the client or patient has suffered or 42312
faces a threat of suffering any physical or mental wound, 42313
injury, disability, or condition of a nature that reasonably 42314
indicates abuse or neglect of the client or patient. 42315

(c) The abuse or neglect does not arise out of the 42316
client's or patient's attempt to have an abortion without the 42317

notification of her parents, guardian, or custodian in 42318
accordance with section 2151.85 of the Revised Code. 42319

(4) (a) No cleric and no person, other than a volunteer, 42320
designated by any church, religious society, or faith acting as 42321
a leader, official, or delegate on behalf of the church, 42322
religious society, or faith who is acting in an official or 42323
professional capacity, who knows, or has reasonable cause to 42324
believe based on facts that would cause a reasonable person in a 42325
similar position to believe, that a child under eighteen years 42326
of age, or a person under twenty-one years of age with a 42327
developmental disability or physical impairment, has suffered or 42328
faces a threat of suffering any physical or mental wound, 42329
injury, disability, or condition of a nature that reasonably 42330
indicates abuse or neglect of the child, and who knows, or has 42331
reasonable cause to believe based on facts that would cause a 42332
reasonable person in a similar position to believe, that another 42333
cleric or another person, other than a volunteer, designated by 42334
a church, religious society, or faith acting as a leader, 42335
official, or delegate on behalf of the church, religious 42336
society, or faith caused, or poses the threat of causing, the 42337
wound, injury, disability, or condition that reasonably 42338
indicates abuse or neglect shall fail to immediately report that 42339
knowledge or reasonable cause to believe to the entity or 42340
persons specified in this division. Except as provided in 42341
section 5120.173 of the Revised Code, the person making the 42342
report shall make it to the public children services agency or a 42343
peace officer in the county in which the child resides or in 42344
which the abuse or neglect is occurring or has occurred. In the 42345
circumstances described in section 5120.173 of the Revised Code, 42346
the person making the report shall make it to the entity 42347
specified in that section. 42348

(b) Except as provided in division (A) (4) (c) of this 42349
section, a cleric is not required to make a report pursuant to 42350
division (A) (4) (a) of this section concerning any communication 42351
the cleric receives from a penitent in a cleric-penitent 42352
relationship, if, in accordance with division (C) of section 42353
2317.02 of the Revised Code, the cleric could not testify with 42354
respect to that communication in a civil or criminal proceeding. 42355

(c) The penitent in a cleric-penitent relationship 42356
described in division (A) (4) (b) of this section is deemed to 42357
have waived any testimonial privilege under division (C) of 42358
section 2317.02 of the Revised Code with respect to any 42359
communication the cleric receives from the penitent in that 42360
cleric-penitent relationship, and the cleric shall make a report 42361
pursuant to division (A) (4) (a) of this section with respect to 42362
that communication, if all of the following apply: 42363

(i) The penitent, at the time of the communication, is a 42364
child under eighteen years of age or is a person under twenty- 42365
one years of age with a developmental disability or physical 42366
impairment. 42367

(ii) The cleric knows, or has reasonable cause to believe 42368
based on facts that would cause a reasonable person in a similar 42369
position to believe, as a result of the communication or any 42370
observations made during that communication, the penitent has 42371
suffered or faces a threat of suffering any physical or mental 42372
wound, injury, disability, or condition of a nature that 42373
reasonably indicates abuse or neglect of the penitent. 42374

(iii) The abuse or neglect does not arise out of the 42375
penitent's attempt to have an abortion performed upon a child 42376
under eighteen years of age or upon a person under twenty-one 42377
years of age with a developmental disability or physical 42378

impairment without the notification of her parents, guardian, or 42379
custodian in accordance with section 2151.85 of the Revised 42380
Code. 42381

(d) Divisions (A) (4) (a) and (c) of this section do not 42382
apply in a cleric-penitent relationship when the disclosure of 42383
any communication the cleric receives from the penitent is in 42384
violation of the sacred trust. 42385

(e) As used in divisions (A) (1) and (4) of this section, 42386
"cleric" and "sacred trust" have the same meanings as in section 42387
2317.02 of the Revised Code. 42388

(B) Anyone who knows, or has reasonable cause to suspect 42389
based on facts that would cause a reasonable person in similar 42390
circumstances to suspect, that a child under eighteen years of 42391
age, or a person under twenty-one years of age with a 42392
developmental disability or physical impairment, has suffered or 42393
faces a threat of suffering any physical or mental wound, 42394
injury, disability, or other condition of a nature that 42395
reasonably indicates abuse or neglect of the child may report or 42396
cause reports to be made of that knowledge or reasonable cause 42397
to suspect to the entity or persons specified in this division. 42398
Except as provided in section 5120.173 of the Revised Code, a 42399
person making a report or causing a report to be made under this 42400
division shall make it or cause it to be made to the public 42401
children services agency or to a peace officer. In the 42402
circumstances described in section 5120.173 of the Revised Code, 42403
a person making a report or causing a report to be made under 42404
this division shall make it or cause it to be made to the entity 42405
specified in that section. 42406

(C) Any report made pursuant to division (A) or (B) of 42407
this section shall be made forthwith either by telephone, in 42408

person, or electronically and shall be followed by a written 42409
report, if requested by the receiving agency or officer. The 42410
written report shall contain: 42411

(1) The names and addresses of the child and the child's 42412
parents or the person or persons having custody of the child, if 42413
known; 42414

(2) The child's age and the nature and extent of the 42415
child's injuries, abuse, or neglect that is known or reasonably 42416
suspected or believed, as applicable, to have occurred or of the 42417
threat of injury, abuse, or neglect that is known or reasonably 42418
suspected or believed, as applicable, to exist, including any 42419
evidence of previous injuries, abuse, or neglect; 42420

(3) Any other information, including, but not limited to, 42421
results and reports of any medical examinations, tests, or 42422
procedures performed under division (D) of this section, that 42423
might be helpful in establishing the cause of the injury, abuse, 42424
or neglect that is known or reasonably suspected or believed, as 42425
applicable, to have occurred or of the threat of injury, abuse, 42426
or neglect that is known or reasonably suspected or believed, as 42427
applicable, to exist. 42428

(D) (1) Any person, who is required by division (A) of this 42429
section to report child abuse or child neglect that is known or 42430
reasonably suspected or believed to have occurred, may take or 42431
cause to be taken color photographs of areas of trauma visible 42432
on a child and, if medically necessary for the purpose of 42433
diagnosing or treating injuries that are suspected to have 42434
occurred as a result of child abuse or child neglect, perform or 42435
cause to be performed radiological examinations and any other 42436
medical examinations of, and tests or procedures on, the child. 42437

(2) The results and any available reports of examinations, 42438
tests, or procedures made under division (D)(1) of this section 42439
shall be included in a report made pursuant to division (A) of 42440
this section. Any additional reports of examinations, tests, or 42441
procedures that become available shall be provided to the public 42442
children services agency, upon request. 42443

(3) If a health care professional provides health care 42444
services in a hospital, children's advocacy center, or emergency 42445
medical facility to a child about whom a report has been made 42446
under division (A) of this section, the health care professional 42447
may take any steps that are reasonably necessary for the release 42448
or discharge of the child to an appropriate environment. Before 42449
the child's release or discharge, the health care professional 42450
may obtain information, or consider information obtained, from 42451
other entities or individuals that have knowledge about the 42452
child. Nothing in division (D)(3) of this section shall be 42453
construed to alter the responsibilities of any person under 42454
sections 2151.27 and 2151.31 of the Revised Code. 42455

(4) A health care professional may conduct medical 42456
examinations, tests, or procedures on the siblings of a child 42457
about whom a report has been made under division (A) of this 42458
section and on other children who reside in the same home as the 42459
child, if the professional determines that the examinations, 42460
tests, or procedures are medically necessary to diagnose or 42461
treat the siblings or other children in order to determine 42462
whether reports under division (A) of this section are warranted 42463
with respect to such siblings or other children. The results of 42464
the examinations, tests, or procedures on the siblings and other 42465
children may be included in a report made pursuant to division 42466
(A) of this section. 42467

(5) Medical examinations, tests, or procedures conducted 42468
under divisions (D) (1) and (4) of this section and decisions 42469
regarding the release or discharge of a child under division (D) 42470
(3) of this section do not constitute a law enforcement 42471
investigation or activity. 42472

(E) (1) When a peace officer receives a report made 42473
pursuant to division (A) or (B) of this section, upon receipt of 42474
the report, the peace officer who receives the report shall 42475
refer the report to the appropriate public children services 42476
agency, in accordance with requirements specified under division 42477
(B) (6) of section 2151.4221 of the Revised Code, unless an 42478
arrest is made at the time of the report that results in the 42479
appropriate public children services agency being contacted 42480
concerning the possible abuse or neglect of a child or the 42481
possible threat of abuse or neglect of a child. 42482

(2) When a public children services agency receives a 42483
report pursuant to this division or division (A) or (B) of this 42484
section, upon receipt of the report, the public children 42485
services agency shall do all of the following: 42486

(a) Comply with section 2151.422 of the Revised Code; 42487

(b) If the county served by the agency is also served by a 42488
children's advocacy center and the report alleges sexual abuse 42489
of a child or another type of abuse of a child that is specified 42490
in the memorandum of understanding that creates the center as 42491
being within the center's jurisdiction, comply regarding the 42492
report with the protocol and procedures for referrals and 42493
investigations, with the coordinating activities, and with the 42494
authority or responsibility for performing or providing 42495
functions, activities, and services stipulated in the 42496
interagency agreement entered into under section 2151.428 of the 42497

Revised Code relative to that center; 42498

(c) Unless an arrest is made at the time of the report 42499
that results in the appropriate law enforcement agency being 42500
contacted concerning the possible abuse or neglect of a child or 42501
the possible threat of abuse or neglect of a child, and in 42502
accordance with requirements specified under division (B)(6) of 42503
section 2151.4221 of the Revised Code, notify the appropriate 42504
law enforcement agency of the report, if the public children 42505
services agency received either of the following: 42506

(i) A report of abuse of a child; 42507

(ii) A report of neglect of a child that alleges a type of 42508
neglect identified by the department of children and youth in 42509
rules adopted under division (L)(2) of this section. 42510

(F) No peace officer shall remove a child about whom a 42511
report is made pursuant to this section from the child's 42512
parents, stepparents, or guardian or any other persons having 42513
custody of the child without consultation with the public 42514
children services agency, unless, in the judgment of the 42515
officer, and, if the report was made by a physician or advanced 42516
practice registered nurse, the physician or nurse, immediate 42517
removal is considered essential to protect the child from 42518
further abuse or neglect. The agency that must be consulted 42519
shall be the agency conducting the investigation of the report 42520
as determined pursuant to section 2151.422 of the Revised Code. 42521

(G) (1) Except as provided in section 2151.422 of the 42522
Revised Code or in an interagency agreement entered into under 42523
section 2151.428 of the Revised Code that applies to the 42524
particular report, the public children services agency shall 42525
investigate, within twenty-four hours, each report of child 42526

abuse or child neglect that is known or reasonably suspected or 42527
believed to have occurred and of a threat of child abuse or 42528
child neglect that is known or reasonably suspected or believed 42529
to exist that is referred to it under this section to determine 42530
the circumstances surrounding the injuries, abuse, or neglect or 42531
the threat of injury, abuse, or neglect, the cause of the 42532
injuries, abuse, neglect, or threat, and the person or persons 42533
responsible. The investigation shall be made in cooperation with 42534
the law enforcement agency and in accordance with the memorandum 42535
of understanding prepared under sections 2151.4220 to 2151.4234 42536
of the Revised Code. A representative of the public children 42537
services agency shall, at the time of initial contact with the 42538
person subject to the investigation, inform the person of the 42539
specific complaints or allegations made against the person. The 42540
information shall be given in a manner that is consistent with 42541
division (I)(1) of this section and protects the rights of the 42542
person making the report under this section. 42543

A failure to make the investigation in accordance with the 42544
memorandum is not grounds for, and shall not result in, the 42545
dismissal of any charges or complaint arising from the report or 42546
the suppression of any evidence obtained as a result of the 42547
report and does not give, and shall not be construed as giving, 42548
any rights or any grounds for appeal or post-conviction relief 42549
to any person. The public children services agency shall report 42550
each case to the uniform statewide automated child welfare 42551
information system that the department of children and youth 42552
shall maintain in accordance with section ~~5101.13~~ 5180.40 of the 42553
Revised Code. The public children services agency shall submit a 42554
report of its investigation, in writing, to the law enforcement 42555
agency. 42556

(2) The public children services agency shall make any 42557

recommendations to the county prosecuting attorney or city 42558
director of law that it considers necessary to protect any 42559
children that are brought to its attention. 42560

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 42561
(I) (3) of this section, any person, health care professional, 42562
hospital, institution, school, health department, or agency 42563
shall be immune from any civil or criminal liability for injury, 42564
death, or loss to person or property that otherwise might be 42565
incurred or imposed as a result of any of the following: 42566

(i) Participating in the making of reports pursuant to 42567
division (A) of this section or in the making of reports in good 42568
faith, pursuant to division (B) of this section; 42569

(ii) Participating in medical examinations, tests, or 42570
procedures under division (D) of this section; 42571

(iii) Providing information used in a report made pursuant 42572
to division (A) of this section or providing information in good 42573
faith used in a report made pursuant to division (B) of this 42574
section; 42575

(iv) Participating in a judicial proceeding resulting from 42576
a report made pursuant to division (A) of this section or 42577
participating in good faith in a proceeding resulting from a 42578
report made pursuant to division (B) of this section. 42579

(b) Immunity under division (H) (1) (a) (ii) of this section 42580
shall not apply when a health care provider has deviated from 42581
the standard of care applicable to the provider's profession. 42582

(c) Notwithstanding section 4731.22 of the Revised Code, 42583
the physician-patient privilege shall not be a ground for 42584
excluding evidence regarding a child's injuries, abuse, or 42585
neglect, or the cause of the injuries, abuse, or neglect in any 42586

judicial proceeding resulting from a report submitted pursuant 42587
to this section. 42588

(2) In any civil or criminal action or proceeding in which 42589
it is alleged and proved that participation in the making of a 42590
report under this section was not in good faith or participation 42591
in a judicial proceeding resulting from a report made under this 42592
section was not in good faith, the court shall award the 42593
prevailing party reasonable attorney's fees and costs and, if a 42594
civil action or proceeding is voluntarily dismissed, may award 42595
reasonable attorney's fees and costs to the party against whom 42596
the civil action or proceeding is brought. 42597

(I) (1) Except as provided in divisions (I) (4) and (N) of 42598
this section and sections 2151.423 and 2151.4210 of the Revised 42599
Code, a report made under this section is confidential. The 42600
information provided in a report made pursuant to this section 42601
and the name of the person who made the report shall not be 42602
released for use, and shall not be used, as evidence in any 42603
civil action or proceeding brought against the person who made 42604
the report. Nothing in this division shall preclude the use of 42605
reports of other incidents of known or suspected abuse or 42606
neglect in a civil action or proceeding brought pursuant to 42607
division (M) of this section against a person who is alleged to 42608
have violated division (A) (1) of this section, provided that any 42609
information in a report that would identify the child who is the 42610
subject of the report or the maker of the report, if the maker 42611
of the report is not the defendant or an agent or employee of 42612
the defendant, has been redacted. In a criminal proceeding, the 42613
report is admissible in evidence in accordance with the Rules of 42614
Evidence and is subject to discovery in accordance with the 42615
Rules of Criminal Procedure. 42616

(2) (a) Except as provided in division (I) (2) (b) of this 42617
section, no person shall permit or encourage the unauthorized 42618
dissemination of the contents of any report made under this 42619
section. 42620

(b) A health care professional that obtains the same 42621
information contained in a report made under this section from a 42622
source other than the report may disseminate the information, if 42623
its dissemination is otherwise permitted by law. 42624

(3) A person who knowingly makes or causes another person 42625
to make a false report under division (B) of this section that 42626
alleges that any person has committed an act or omission that 42627
resulted in a child being an abused child or a neglected child 42628
is guilty of a violation of section 2921.14 of the Revised Code. 42629

(4) If a report is made pursuant to division (A) or (B) of 42630
this section and the child who is the subject of the report dies 42631
for any reason at any time after the report is made, but before 42632
the child attains eighteen years of age, the public children 42633
services agency or peace officer to which the report was made or 42634
referred, on the request of the child fatality review board, the 42635
suicide fatality review committee, or the director of health 42636
pursuant to guidelines established under section 3701.70 of the 42637
Revised Code, shall submit a summary sheet of information 42638
providing a summary of the report to the review board or review 42639
committee of the county in which the deceased child resided at 42640
the time of death or to the director. On the request of the 42641
review board, review committee, or director, the agency or peace 42642
officer may, at its discretion, make the report available to the 42643
review board, review committee, or director. If the county 42644
served by the public children services agency is also served by 42645
a children's advocacy center and the report of alleged sexual 42646

abuse of a child or another type of abuse of a child is 42647
specified in the memorandum of understanding that creates the 42648
center as being within the center's jurisdiction, the agency or 42649
center shall perform the duties and functions specified in this 42650
division in accordance with the interagency agreement entered 42651
into under section 2151.428 of the Revised Code relative to that 42652
advocacy center. 42653

(5) Not later than five business days after the 42654
determination of a disposition, a public children services 42655
agency shall advise a person alleged to have inflicted abuse or 42656
neglect on a child who is the subject of a report made pursuant 42657
to this section, including a report alleging sexual abuse of a 42658
child or another type of abuse of a child referred to a 42659
children's advocacy center pursuant to an interagency agreement 42660
entered into under section 2151.428 of the Revised Code, in 42661
writing of the disposition of the investigation. The agency 42662
shall not provide to the person any information that identifies 42663
the person who made the report, statements of witnesses, or 42664
police or other investigative reports. The written notice of 42665
disposition shall be made in a form designated by the department 42666
of ~~job and family services~~ children and youth and shall inform 42667
the person of the right to appeal the disposition. 42668

(J) Any report that is required by this section, other 42669
than a report that is made to the state highway patrol as 42670
described in section 5120.173 of the Revised Code, shall result 42671
in protective services and emergency supportive services being 42672
made available by the public children services agency on behalf 42673
of the children about whom the report is made. The agency 42674
required to provide the services shall be the agency conducting 42675
the investigation of the report pursuant to section 2151.422 of 42676
the Revised Code. If a ~~child~~ child-family is determined to be a 42677

~~candidate for benefit from~~ prevention services, the agency also 42678
~~shall may~~ make efforts to prevent neglect or abuse, to enhance a 42679
child's welfare, and to preserve the family unit intact by 42680
referring a report for assessment and provision of services to 42681
an agency providing prevention services, if appropriate 42682
prevention services are available from a local provider or other 42683
reasonable source. 42684

(K) (1) Except as provided in division (K) (4) or (5) of 42685
this section, a person who is required to make a report under 42686
division (A) of this section may make a reasonable number of 42687
requests of the public children services agency that receives or 42688
is referred the report, or of the children's advocacy center 42689
that is referred the report if the report is referred to a 42690
children's advocacy center pursuant to an interagency agreement 42691
entered into under section 2151.428 of the Revised Code, to be 42692
provided with the following information: 42693

(a) Whether the agency or center has initiated an 42694
investigation of the report; 42695

(b) Whether the agency or center is continuing to 42696
investigate the report; 42697

(c) Whether the agency or center is otherwise involved 42698
with the child who is the subject of the report; 42699

(d) The general status of the health and safety of the 42700
child who is the subject of the report; 42701

(e) Whether the report has resulted in the filing of a 42702
complaint in juvenile court or of criminal charges in another 42703
court. 42704

(2) (a) A person may request the information specified in 42705
division (K) (1) of this section only if, at the time the report 42706

is made, the person's name, address, and telephone number are 42707
provided to the person who receives the report. 42708

(b) When a peace officer or employee of a public children 42709
services agency receives a report pursuant to division (A) or 42710
(B) of this section the recipient of the report shall inform the 42711
person of the right to request the information described in 42712
division (K)(1) of this section. The recipient of the report 42713
shall include in the initial child abuse or child neglect report 42714
that the person making the report was so informed and, if 42715
provided at the time of the making of the report, shall include 42716
the person's name, address, and telephone number in the report. 42717

(c) If the person making the report provides the person's 42718
name and contact information on making the report, the public 42719
children services agency that received or was referred the 42720
report shall send a written notice via United States mail or 42721
electronic mail, in accordance with the person's preference, to 42722
the person not later than seven calendar days after receipt of 42723
the report. The notice shall provide the status of the agency's 42724
investigation into the report made, who the person may contact 42725
at the agency for further information, and a description of the 42726
person's rights under division (K)(1) of this section. 42727

(d) Each request is subject to verification of the 42728
identity of the person making the report. If that person's 42729
identity is verified, the agency shall provide the person with 42730
the information described in division (K)(1) of this section a 42731
reasonable number of times, except that the agency shall not 42732
disclose any confidential information regarding the child who is 42733
the subject of the report other than the information described 42734
in those divisions. 42735

(3) A request made pursuant to division (K)(1) of this 42736

section is not a substitute for any report required to be made 42737
pursuant to division (A) of this section. 42738

(4) If an agency other than the agency that received or 42739
was referred the report is conducting the investigation of the 42740
report pursuant to section 2151.422 of the Revised Code, the 42741
agency conducting the investigation shall comply with the 42742
requirements of division (K) of this section. 42743

(5) A health care professional who made a report under 42744
division (A) of this section, or on whose behalf such a report 42745
was made as provided in division (A)(1)(c) of this section, may 42746
authorize a person to obtain the information described in 42747
division (K)(1) of this section if the person requesting the 42748
information is associated with or acting on behalf of the health 42749
care professional who provided health care services to the child 42750
about whom the report was made. 42751

(6) If the person making the report provides the person's 42752
name and contact information on making the report, the public 42753
children services agency that received or was referred the 42754
report shall send a written notice via United States mail or 42755
electronic mail, in accordance with the person's preference, to 42756
the person not later than seven calendar days after the agency 42757
closes the investigation into the case reported by the person. 42758
The notice shall notify the person that the agency has closed 42759
the investigation. 42760

(L)(1) The director of children and youth shall adopt 42761
rules in accordance with Chapter 119. of the Revised Code to 42762
implement this section. The department of children and youth may 42763
enter into a plan of cooperation with any other governmental 42764
entity to aid in ensuring that children are protected from abuse 42765
and neglect. The department shall make recommendations to the 42766

attorney general that the department determines are necessary to 42767
protect children from child abuse and child neglect. 42768

(2) The director of children and youth shall adopt rules 42769
in accordance with Chapter 119. of the Revised Code to identify 42770
the types of neglect of a child that a public children services 42771
agency shall be required to notify law enforcement of pursuant 42772
to division (E) (2) (c) (ii) of this section. 42773

(M) Whoever violates division (A) of this section is 42774
liable for compensatory and exemplary damages to the child who 42775
would have been the subject of the report that was not made. A 42776
person who brings a civil action or proceeding pursuant to this 42777
division against a person who is alleged to have violated 42778
division (A) (1) of this section may use in the action or 42779
proceeding reports of other incidents of known or suspected 42780
abuse or neglect, provided that any information in a report that 42781
would identify the child who is the subject of the report or the 42782
maker of the report, if the maker is not the defendant or an 42783
agent or employee of the defendant, has been redacted. 42784

(N) (1) As used in this division: 42785

(a) "Out-of-home care" includes a nonchartered nonpublic 42786
school if the alleged child abuse or child neglect, or alleged 42787
threat of child abuse or child neglect, described in a report 42788
received by a public children services agency allegedly occurred 42789
in or involved the nonchartered nonpublic school and the alleged 42790
perpetrator named in the report holds a certificate, permit, or 42791
license issued by the state board of education under section 42792
3301.071 or Chapter 3319. of the Revised Code. 42793

(b) "Administrator, director, or other chief 42794
administrative officer" means the superintendent of the school 42795

district if the out-of-home care entity subject to a report made 42796
pursuant to this section is a school operated by the district. 42797

(2) No later than the end of the day following the day on 42798
which a public children services agency receives a report of 42799
alleged child abuse or child neglect, or a report of an alleged 42800
threat of child abuse or child neglect, that allegedly occurred 42801
in or involved an out-of-home care entity, the agency shall 42802
provide written notice of the allegations contained in and the 42803
person named as the alleged perpetrator in the report to the 42804
administrator, director, or other chief administrative officer 42805
of the out-of-home care entity that is the subject of the report 42806
unless the administrator, director, or other chief 42807
administrative officer is named as an alleged perpetrator in the 42808
report. If the administrator, director, or other chief 42809
administrative officer of an out-of-home care entity is named as 42810
an alleged perpetrator in a report of alleged child abuse or 42811
child neglect, or a report of an alleged threat of child abuse 42812
or child neglect, that allegedly occurred in or involved the 42813
out-of-home care entity, the agency shall provide the written 42814
notice to the owner or governing board of the out-of-home care 42815
entity that is the subject of the report. The agency shall not 42816
provide witness statements or police or other investigative 42817
reports. 42818

(3) No later than three days after the day on which a 42819
public children services agency that conducted the investigation 42820
as determined pursuant to section 2151.422 of the Revised Code 42821
makes a disposition of an investigation involving a report of 42822
alleged child abuse or child neglect, or a report of an alleged 42823
threat of child abuse or child neglect, that allegedly occurred 42824
in or involved an out-of-home care entity, the agency shall send 42825
written notice of the disposition of the investigation to the 42826

administrator, director, or other chief administrative officer 42827
and the owner or governing board of the out-of-home care entity. 42828
The agency shall not provide witness statements or police or 42829
other investigative reports. 42830

(0) As used in this section: 42831

(1) "Children's advocacy center" and "sexual abuse of a 42832
child" have the same meanings as in section 2151.425 of the 42833
Revised Code. 42834

(2) "Health care professional" means an individual who 42835
provides health-related services. "Health care professional" 42836
includes all of the following: a physician, including a hospital 42837
intern or resident; a dentist; a podiatrist; a registered nurse, 42838
including such a nurse who is an advanced practice registered 42839
nurse; a licensed practical nurse; a home care nurse; a licensed 42840
psychologist; a speech-language pathologist; an audiologist; a 42841
person engaged in social work or the practice of professional 42842
counseling; and an employee of a home health agency. "Health 42843
care professional" does not include a practitioner of a limited 42844
branch of medicine as specified in section 4731.15 of the 42845
Revised Code, licensed school psychologist, independent marriage 42846
and family therapist or marriage and family therapist, or 42847
coroner. 42848

(3) "Investigation" means the public children services 42849
agency's response to an accepted report of child abuse or 42850
neglect through either an alternative response or a traditional 42851
response. 42852

(4) "Peace officer" means a sheriff, deputy sheriff, 42853
constable, police officer of a township or joint police 42854
district, marshal, deputy marshal, municipal police officer, or 42855

a state highway patrol trooper. 42856

Sec. 2151.423. A public children services agency shall 42857
disclose confidential information discovered during an 42858
investigation conducted pursuant to section 2151.421 or 2151.422 42859
of the Revised Code to any federal, state, or local government 42860
entity, including any appropriate military authority or any 42861
~~agency providing prevention services~~ provider to the 42862
~~child~~family, that needs the information to carry out its 42863
responsibilities to protect children from abuse or neglect. 42864

Information disclosed pursuant to this section is 42865
confidential and is not subject to disclosure pursuant to 42866
section 149.43 or 1347.08 of the Revised Code by the agency to 42867
whom the information was disclosed. The agency receiving the 42868
information shall maintain the confidentiality of information 42869
disclosed pursuant to this section. 42870

Sec. 2151.424. (A) If a child has been placed in a 42871
certified foster home or is in the custody of, or has been 42872
placed with, a kinship caregiver as defined in section ~~5101.85~~ 42873
5180.50 of the Revised Code, a court, prior to conducting any 42874
hearing pursuant to division (F) (2) or (3) of section 2151.412 42875
or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 42876
2151.416, or 2151.417 of the Revised Code with respect to the 42877
child, shall notify the foster caregiver or kinship caregiver of 42878
the date, time, and place of the hearing. At the hearing, the 42879
foster caregiver or kinship caregiver shall have the right to be 42880
heard. 42881

(B) If a public children services agency or private child 42882
placing agency has permanent custody of a child and a petition 42883
to adopt the child has been filed under Chapter 3107. of the 42884
Revised Code, the agency, prior to conducting a review under 42885

section 2151.416 of the Revised Code, or a court, prior to 42886
conducting a hearing under division (F) (2) or (3) of section 42887
2151.412 or section 2151.416 or 2151.417 of the Revised Code, 42888
shall notify the prospective adoptive parent of the date, time, 42889
and place of the review or hearing. At the review or hearing, 42890
the prospective adoptive parent shall have the right to be 42891
heard. 42892

(C) The notice and the opportunity to be heard do not make 42893
the foster caregiver, kinship caregiver, or prospective adoptive 42894
parent a party in the action or proceeding pursuant to which the 42895
review or hearing is conducted. 42896

Sec. 2151.45. As used in sections 2151.45 to 2151.455 of 42897
the Revised Code, "emancipated young adult" and "representative" 42898
have the same meanings as in section ~~5101.141~~ 5180.42 of the 42899
Revised Code. 42900

Sec. 2151.451. (A) The juvenile court of the county, to 42901
which either of the following applies regarding an emancipated 42902
young adult described under division (A) (1) of section ~~5101.141~~ 42903
5180.428 of the Revised Code, may exercise jurisdiction over the 42904
emancipated young adult for purposes of sections 2151.45 to 42905
2151.455 of the Revised Code: 42906

(1) The county in which the emancipated young adult 42907
resides; 42908

(2) The county in which the emancipated young adult 42909
resided when the custody, arrangement, or care and placement 42910
described in division (A) (3) (a) of section ~~5101.141~~ 5180.42 of 42911
the Revised Code terminated. 42912

(B) A juvenile court, on its own motion or the motion of 42913
any party, may transfer a proceeding under sections 2151.45 to 42914

2151.455 of the Revised Code to a juvenile court with 42915
jurisdiction as provided in this section. 42916

Sec. 2151.452. A juvenile court shall do both of the 42917
following regarding an emancipated young adult described under 42918
division (A)(1) of section ~~5101.1411~~5180.428 of the Revised 42919
Code: 42920

(A) Not later than one hundred eighty days after the 42921
voluntary participation agreement becomes effective, make a 42922
determination as to whether the emancipated young adult's best 42923
interest is served by continuing the care and placement with the 42924
department of children and youth or its representative. 42925

(B) Not later than twelve months after the effective date 42926
of the voluntary participation agreement, and at least once 42927
every twelve months thereafter, make a determination that the 42928
department or its representative has made reasonable efforts to 42929
finalize a permanency plan to prepare the emancipated young 42930
adult for independence. 42931

Sec. 2151.453. If any determination required under section 42932
2151.452 of the Revised Code is not timely made, the federal 42933
payments for foster care under division (A)(1) of section 42934
~~5101.1411~~5180.428 of the Revised Code for the emancipated young 42935
adult shall be suspended. The payments shall resume upon a 42936
subsequent determination that reasonable efforts have been made 42937
to prepare the emancipated young adult for independence, but 42938
only if both of the following apply: 42939

(A) The emancipated young adult complies with division (A) 42940
(1) of section ~~5101.1411~~5180.428 of the Revised Code. 42941

(B) There has been a timely determination of best interest 42942
under division (A) of section 2151.452 of the Revised Code. 42943

Sec. 2152.26. (A) Except as provided in divisions (B) and 42944
(F) of this section, a child alleged to be or adjudicated a 42945
delinquent child or a juvenile traffic offender may be held only 42946
in the following places: 42947

(1) A certified foster home or a home approved by the 42948
court; 42949

(2) A facility operated by a certified child welfare 42950
agency; 42951

(3) Any other suitable place designated by the court. 42952

(B) In addition to the places listed in division (A) of 42953
this section, a child alleged to be or adjudicated a delinquent 42954
child or a person described in division (C) (7) of section 42955
2152.02 of the Revised Code may be held in a detention facility 42956
for delinquent children that is under the direction or 42957
supervision of the court or other public authority or of a 42958
private agency and approved by the court, and a child 42959
adjudicated a delinquent child may be held in accordance with 42960
division (F) (2) of this section in a facility of a type 42961
specified in that division. 42962

(C) (1) Except as provided under division (C) (1) of section 42963
2151.311 of the Revised Code or division (A) (5) of section 42964
2152.21 of the Revised Code, a child alleged to be or 42965
adjudicated a juvenile traffic offender may not be held in any 42966
of the following facilities: 42967

(a) A state correctional institution, county, multicounty, 42968
or municipal jail or workhouse, or other place in which an adult 42969
convicted of crime, under arrest, or charged with a crime is 42970
held. 42971

(b) A secure correctional facility. 42972

(2) Except as provided under this section, sections 42973
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 42974
2152.21 of the Revised Code, a child alleged to be or 42975
adjudicated a juvenile traffic offender may not be held for more 42976
than twenty-four hours in a detention facility. 42977

(D) Except as provided in division (F) of this section or 42978
in division (C) of section 2151.311, in division (C) (2) of 42979
section 5139.06 and section 5120.162, or in division ~~(D)~~ (C) of 42980
section 5120.16 of the Revised Code, a child who is alleged to 42981
be or is adjudicated a delinquent child or a person described in 42982
division (C) (7) of section 2152.02 of the Revised Code may not 42983
be held in a state correctional institution, county, 42984
multicounty, or municipal jail or workhouse, or other place 42985
where an adult convicted of crime, under arrest, or charged with 42986
crime is held. 42987

(E) Unless the detention is pursuant to division (F) of 42988
this section or division (C) of section 2151.311, division (C) 42989
(2) of section 5139.06 and section 5120.162, or division ~~(D)~~ (C) 42990
of section 5120.16 of the Revised Code, the official in charge 42991
of the institution, jail, workhouse, or other facility shall 42992
inform the court immediately when a person who is or appears to 42993
be under the age of eighteen years, or a person who is charged 42994
with a violation of an order of a juvenile court or a violation 42995
of probation or parole conditions imposed by a juvenile court 42996
and who is or appears to be between the ages of eighteen and 42997
twenty-one years, is received at the facility and shall deliver 42998
the person to the court upon request or transfer the person to a 42999
detention facility designated by the court. 43000

(F) (1) If a case is transferred to another court for 43001
criminal prosecution pursuant to section 2152.12 of the Revised 43002

Code and the alleged offender is a person described in division 43003
(C) (7) of section 2152.02 of the Revised Code, the person may 43004
not be transferred for detention pending the criminal 43005
prosecution in a jail or other facility except under the 43006
circumstances described in division (F) (4) of this section. Any 43007
child held in accordance with division (F) (3) of this section 43008
shall be confined in a manner that keeps the child beyond the 43009
sight and sound of all adult detainees. The child shall be 43010
supervised at all times during the detention. 43011

(2) If a person is adjudicated a delinquent child or 43012
juvenile traffic offender or is a person described in division 43013
(C) (7) of section 2152.02 of the Revised Code and the court 43014
makes a disposition of the person under this chapter, at any 43015
time after the person attains twenty-one years of age, the 43016
person may be held under that disposition or under the 43017
circumstances described in division (F) (4) of this section in 43018
places other than those specified in division (A) of this 43019
section, including, but not limited to, a county, multicounty, 43020
or municipal jail or workhouse, or other place where an adult 43021
convicted of crime, under arrest, or charged with crime is held. 43022

(3) (a) A person alleged to be a delinquent child may be 43023
held in places other than those specified in division (A) of 43024
this section, including, but not limited to, a county, 43025
multicounty, or municipal jail, if the delinquent act that the 43026
child allegedly committed would be a felony if committed by an 43027
adult, and if either of the following applies: 43028

(i) The person attains twenty-one years of age before the 43029
person is arrested or apprehended for that act. 43030

(ii) The person is arrested or apprehended for that act 43031
before the person attains twenty-one years of age, but the 43032

person attains twenty-one years of age before the court orders a disposition in the case.

(b) If, pursuant to division (F)(3)(a) of this section, a person is held in a place other than a place specified in division (A) of this section, the person has the same rights to bail as an adult charged with the same offense who is confined in a jail pending trial.

(4)(a) Any person whose case is transferred for criminal prosecution pursuant to section 2152.10 or 2152.12 of the Revised Code or any person who has attained the age of eighteen years but has not attained the age of twenty-one years and who is being held in a place specified in division (B) of this section may be held under that disposition or charge in places other than those specified in division (B) of this section, including a county, multicounty, or municipal jail or workhouse, or other place where an adult under arrest or charged with crime is held if the juvenile court, upon its own motion or upon motion by the prosecutor and after notice and hearing, establishes by a preponderance of the evidence and makes written findings of either of the following:

(i) With respect to a person whose case is transferred for criminal prosecution pursuant to either specified section or who has attained the age of eighteen years but who has not attained the age of twenty-one years and is being so held, that the youth is a threat to the safety and security of the facility;

(ii) With respect to a person who has attained the age of eighteen years but who has not attained the age of twenty-one years and is being so held, that the best interests of the youth require that the youth be held in a place other than a place specified in division (B) of this section, including a county,

multicounty, or municipal jail or workhouse, or other place 43063
where an adult under arrest or charged with crime is held. 43064

(b) In determining for purposes of division (F) (4) (a) (i) 43065
of this section whether a youth is a threat to the safety and 43066
security of the facility, evidence that the youth is a threat to 43067
the safety and security of the facility may include, but is not 43068
limited to, whether the youth has done any of the following: 43069

(i) Injured or created an imminent danger to the life or 43070
health of another youth or staff member in the facility or 43071
program by violent behavior; 43072

(ii) Escaped from the facility or program in which the 43073
youth is being held on more than one occasion; 43074

(iii) Established a pattern of disruptive behavior as 43075
verified by a written record that the youth's behavior is not 43076
conducive to the established policies and procedures of the 43077
facility or program in which the youth is being held. 43078

(c) If a prosecutor submits a motion requesting that a 43079
person be held in a place other than those specified in division 43080
(B) of this section or if the court submits its own motion, the 43081
juvenile court shall hold a hearing within five days of the 43082
filing of the motion, and, in determining whether a place other 43083
than those specified in division (B) of this section is the 43084
appropriate place of confinement for the person, the court shall 43085
consider the following factors: 43086

(i) The age of the person; 43087

(ii) Whether the person would be deprived of contact with 43088
other people for a significant portion of the day or would not 43089
have access to recreational facilities or age-appropriate 43090
educational opportunities in order to provide physical 43091

separation from adults; 43092

(iii) The person's current emotional state, intelligence, 43093
and developmental maturity, including any emotional and 43094
psychological trauma, and the risk to the person in an adult 43095
facility, which may be evidenced by mental health or 43096
psychological assessments or screenings made available to the 43097
prosecuting attorney and the defense counsel; 43098

(iv) Whether detention in a juvenile facility would 43099
adequately serve the need for community protection pending the 43100
outcome of the criminal proceeding; 43101

(v) The relative ability of the available adult and 43102
juvenile detention facilities to meet the needs of the person, 43103
including the person's need for age-appropriate mental health 43104
and educational services delivered by individuals specifically 43105
trained to deal with youth; 43106

(vi) Whether the person presents an imminent risk of self- 43107
inflicted harm or an imminent risk of harm to others within a 43108
juvenile facility; 43109

(vii) Any other factors the juvenile court considers to be 43110
relevant. 43111

(d) If the juvenile court determines that a place other 43112
than those specified in division (B) of this section is the 43113
appropriate place for confinement of a person pursuant to 43114
division (F)(4)(a) of this section, the person may petition the 43115
juvenile court for a review hearing thirty days after the 43116
initial confinement decision, thirty days after any subsequent 43117
review hearing, or at any time after the initial confinement 43118
decision upon an emergency petition by the youth due to the 43119
youth facing an imminent danger from others or the youth's self. 43120

Upon receipt of the petition, the juvenile court has discretion 43121
over whether to conduct the review hearing and may set the 43122
matter for a review hearing if the youth has alleged facts or 43123
circumstances that, if true, would warrant reconsideration of 43124
the youth's placement in a place other than those specified in 43125
division (B) of this section based on the factors listed in 43126
division (F) (4) (c) of this section. 43127

(e) Upon the admission of a person described in division 43128
(F) (4) (a) of this section to a place other than those specified 43129
in division (B) of this section, the facility shall advise the 43130
person of the person's right to request a review hearing as 43131
described in division (F) (4) (d) of this section. 43132

(f) Any person transferred under division (F) (4) (a) of 43133
this section to a place other than those specified in division 43134
(B) of this section shall be confined in a manner that keeps 43135
those under eighteen years of age beyond sight and sound of all 43136
adult detainees. Those under eighteen years of age shall be 43137
supervised at all times during the detention. 43138

(G) (1) If a person who is alleged to be or has been 43139
adjudicated a delinquent child or who is in any other category 43140
of persons identified in this section or section 2151.311 of the 43141
Revised Code is confined under authority of any Revised Code 43142
section in a place other than a place specified in division (B) 43143
of this section, including a county, multicounty, or municipal 43144
jail or workhouse, or other place where an adult under arrest or 43145
charged with crime is held, subject to division (G) (2) of this 43146
section, all identifying information, other than the person's 43147
county of residence, age, gender, and race and the charges 43148
against the person, that relates to the person's admission to 43149
and confinement in that place is not a public record open for 43150

inspection or copying under section 149.43 of the Revised Code 43151
and is confidential and shall not be released to any person 43152
other than to a court, to a law enforcement agency for law 43153
enforcement purposes, or to a person specified by court order. 43154

(2) Division (G)(1) of this section does not apply with 43155
respect to a person whose case is transferred for criminal 43156
prosecution pursuant to section 2152.10 or 2152.12 of the 43157
Revised Code, who is convicted of or pleads guilty to an offense 43158
in that case, who is confined after that conviction or guilty 43159
plea in a place other than a place specified in division (B) of 43160
this section, and to whom one of the following applies: 43161

(a) The case was transferred other than pursuant to 43162
division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the 43163
Revised Code. 43164

(b) The case was transferred pursuant to division (A)(1) 43165
(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, 43166
and the person is sentenced for the offense pursuant to division 43167
(B)(4) of section 2152.121 of the Revised Code. 43168

(c) The case was transferred pursuant to division (A)(1) 43169
(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, 43170
the person is sentenced for the offense pursuant to division (B) 43171
(3) of section 2152.121 of the Revised Code by the court in 43172
which the person was convicted of or pleaded guilty to the 43173
offense, and the sentence imposed by that court is invoked 43174
pursuant to division (B)(3)(b) of section 2152.121 of the 43175
Revised Code. 43176

Sec. 2303.12. (A) As used in this section: 43177

(1) "Case file" means the compendium of original documents 43178
filed in a civil or criminal action or proceeding in the court 43179

of common pleas, including the pleadings, motions, orders, and 43180
judgments of the court on a case by case basis. 43181

(2) "General docket" means the appearance docket, trial 43182
docket, journal, execution docket, and case files in relation to 43183
those dockets and journal. 43184

(B) The clerk of the court of common pleas shall keep 43185
records as indicated by the Rules of Superintendence for the 43186
Courts of Ohio. They shall be called the appearance docket, 43187
trial docket and printed duplicates of the trial docket for the 43188
use of the court and the officers thereof, journal, and 43189
execution docket. The clerk shall also keep a record in book 43190
form or the clerk may prepare a record by using any photostatic, 43191
photographic, miniature photographic, film, microfilm, or 43192
microphotographic process, electrostatic process, perforated 43193
tape, magnetic tape, or other electromagnetic means, electronic 43194
data processing, machine readable media, graphic or video 43195
display, or any combination thereof, which correctly and 43196
accurately copies or reproduces every case file and other 43197
original document, paper, or instrument in writing. The clerk 43198
shall keep an index to the trial docket and to the printed 43199
duplicates of the trial docket and of the journal direct, and to 43200
the appearance docket, record, and execution docket, direct and 43201
reverse. All clerks keeping records and information by the 43202
methods described in this section shall keep and make readily 43203
available to the public the machine and equipment necessary to 43204
reproduce the records and information in a readable form. 43205

(C) The clerk of the court of common pleas shall keep 43206
confidential information that is subject to a real property 43207
confidentiality notice under section 111.431 of the Revised 43208
Code, in accordance with that section. 43209

(D) (1) Subject to division (D) (2) of this section, ~~not the~~
clerk of court shall do both of the following: 43210
43211

(a) Not later than eighteen months after the effective 43212
date of this amendment April 6, 2023, the clerk of court shall 43213
make available online on the clerk of court's web site the 43214
general docket of the court for remote access and printing by 43215
the public of the information in that docket, including all 43216
individual documents in each case file, pertaining to civil 43217
cases filed on or after ~~the effective date of this amendment~~ 43218
April 6, 2023. 43219

(b) Not later than eighteen months after the effective 43220
date of this amendment, the clerk of court shall make available 43221
online on the clerk of court's web site the general docket of 43222
the court for remote access and printing by the public of the 43223
information in that docket, including all individual documents 43224
in each case file, pertaining to criminal cases filed on or 43225
after the effective date of this amendment. 43226

(2) The clerk of court is not required to make available 43227
online under division (D) (1) of this section either of the 43228
following: 43229

(a) The general docket of the division of domestic 43230
relations, or the juvenile court, ~~or the probate court;~~ 43231

(b) If the court does not have a division of domestic 43232
relations, the general docket in civil cases pertaining to 43233
domestic relations. 43234

(E) Nothing in division (D) of this section shall be 43235
construed as making available online any of the following: 43236

(1) Internal documents such as notes, emails, drafts, 43237
recommendations, advice, or research of judicial officers and 43238

court staff; 43239

(2) Any document or any information in a case file the 43240
public access to which the court has ordered restricted under 43241
the Rules of Superintendence for the Courts of Ohio. 43242

Sec. 2303.201. (A) (1) The court of common pleas of any 43243
county may determine that for the efficient operation of the 43244
court additional funds are required to computerize the court, to 43245
make available computerized legal research services, or to do 43246
both. Upon making a determination that additional funds are 43247
required for either or both of those purposes, the court shall 43248
~~authorize~~ do one of the following: 43249

(a) If the court of common pleas of a county has complied 43250
with the requirements in division (D) (1) of section 2303.12 of 43251
the Revised Code, authorize and direct the clerk of the court of 43252
common pleas to charge one additional fee, not to exceed six 43253
dollars, on the filing of each cause of action or appeal under 43254
divisions (A), (Q), and (U) of section 2303.20 of the Revised 43255
Code; 43256

(b) If the court of common pleas of a county has not 43257
complied with the requirements in division (D) (1) of section 43258
2303.12 of the Revised Code, authorize and direct the clerk of 43259
the court of common pleas to charge one additional fee, not to 43260
exceed three dollars, on the filing of each cause of action or 43261
appeal under divisions (A), (Q), and (U) of section 2303.20 of 43262
the Revised Code. 43263

(2) All fees collected under division (A) (1) of this 43264
section shall be paid to the county treasurer. The treasurer 43265
shall place the funds from the fees in a separate fund to be 43266
disbursed either upon an order of the court, subject to an 43267

appropriation by the board of county commissioners, or upon an 43268
order of the court, subject to the court making an annual report 43269
available to the public listing the use of all such funds, in an 43270
amount not greater than the actual cost to the court of 43271
procuring and maintaining computerization of the court, 43272
computerized legal research services, or both. 43273

(3) If the court determines that the funds in the fund 43274
described in division (A) (2) of this section are more than 43275
sufficient to satisfy the purpose for which the additional fee 43276
described in division (A) (1) of this section was imposed, the 43277
court may declare a surplus in the fund and, subject to an 43278
appropriation by the board of county commissioners, expend those 43279
surplus funds, or upon an order of the court, subject to the 43280
court making an annual report available to the public listing 43281
the use of all such funds, expend those surplus funds, for other 43282
appropriate technological expenses of the court. 43283

(B) (1) (a) Except as provided in division (B) (1) (b) of this 43284
section, the clerk of the court of common pleas of any county 43285
may determine that, for the efficient operation of the office of 43286
the clerk of the court of common pleas, additional funds are 43287
required to make technological advances in or to computerize the 43288
office of the clerk of the court of common pleas ~~and, upon.~~ 43289
Upon making that determination, authorize the court shall do one 43290
of the following: 43291

(i) If the court of common pleas of a county has complied 43292
with the requirements in division (D) (1) of section 2303.12 of 43293
the Revised Code, authorize and direct that an additional fee, 43294
not to exceed twenty dollars, on the filing of each cause of 43295
action or appeal, on the filing, docketing, and endorsing of 43296
each certificate of judgment, or on the docketing and indexing 43297

of each aid in execution or petition to vacate, revive, or 43298
modify a judgment under divisions (A), (P), (Q), (T), and (U) of 43299
section 2303.20 of the Revised Code and not to exceed one dollar 43300
each for the services described in divisions (B), (C), (D), (F), 43301
(H), and (L) of section 2303.20 of the Revised Code, be charged; 43302

(ii) If the court of common pleas of a county has not 43303
complied with the requirements in division (D)(1) of section 43304
2303.12 of the Revised Code, authorize and direct that an 43305
additional fee, not to exceed ten dollars, on the filing of each 43306
cause of action or appeal, on the filing, docketing, and 43307
endorsing of each certificate of judgment, or on the docketing 43308
and indexing of each aid in execution or petition to vacate, 43309
revive, or modify a judgment under divisions (A), (P), (Q), (T), 43310
and (U) of section 2303.20 of the Revised Code and not to exceed 43311
fifty cents each for the services described in divisions (B), 43312
(C), (D), (F), (H), and (L) of section 2303.20 of the Revised 43313
Code, be charged. 43314

(b) In a county in which the clerk of the court of common 43315
pleas is appointed, the court may make the determination 43316
described in division (B)(1)(a) of this section and, upon that 43317
determination, may include such a computerization fee in the 43318
schedule of fees and costs. 43319

(2) Subject to division (B)(3) of this section, all moneys 43320
collected under division (B)(1)(a) of this section shall be paid 43321
to the county treasurer to be disbursed, subject to an 43322
appropriation made by the board of county commissioners, in an 43323
amount no greater than the actual cost to the court of procuring 43324
and maintaining technology and computer systems for the office 43325
of the clerk of the court of common pleas. 43326

(3) If the court or the clerk of the court of common pleas 43327

of a county makes the determination described in division (B) (1) 43328
(a) of this section, the board of county commissioners of that 43329
county may issue one or more general obligation bonds for the 43330
purpose of procuring and maintaining the technology and computer 43331
systems for the office of the clerk of the court of common 43332
pleas. In addition to the purposes stated in division (B) (1) (a) 43333
of this section for which the moneys collected under that 43334
division may be expended, the moneys additionally may be 43335
expended to pay debt charges on and financing costs related to 43336
any general obligation bonds issued pursuant to division (B) (3) 43337
of this section as they become due. General obligation bonds 43338
issued pursuant to division (B) (3) of this section are Chapter 43339
133. securities. 43340

(C) The court of common pleas shall collect the sum of 43341
twenty-six dollars as additional filing fees in each new civil 43342
action or proceeding for the charitable public purpose of 43343
providing financial assistance to legal aid societies that 43344
operate within the state and to support the office of the state 43345
public defender. This division does not apply to a juvenile 43346
division of a court of common pleas, except that an additional 43347
filing fee of fifteen dollars shall apply to custody, 43348
visitation, and parentage actions; to a probate division of a 43349
court of common pleas, except that the additional filing fees 43350
shall apply to name change, guardianship, adoption, and 43351
decedents' estate proceedings; or to an execution on a judgment, 43352
proceeding in aid of execution, or other post-judgment 43353
proceeding arising out of a civil action. The filing fees 43354
required to be collected under this division shall be in 43355
addition to any other filing fees imposed in the action or 43356
proceeding and shall be collected at the time of the filing of 43357
the action or proceeding. The court shall not waive the payment 43358

of the additional filing fees in a new civil action or 43359
proceeding unless the court waives the advanced payment of all 43360
filing fees in the action or proceeding. All such moneys 43361
collected during a month except for an amount equal to up to one 43362
per cent of those moneys retained to cover administrative costs 43363
shall be transmitted on or before the twentieth day of the 43364
following month by the clerk of the court to the treasurer of 43365
state in a manner prescribed by the treasurer of state or by the 43366
Ohio access to justice foundation. The treasurer of state shall 43367
deposit four per cent of the funds collected under this division 43368
to the credit of the civil case filing fee fund established 43369
under section 120.07 of the Revised Code and ninety-six per cent 43370
of the funds collected under this division to the credit of the 43371
legal aid fund established under section 120.52 of the Revised 43372
Code. 43373

The court may retain up to one per cent of the moneys it 43374
collects under this division to cover administrative costs, 43375
including the hiring of any additional personnel necessary to 43376
implement this division. If the court fails to transmit to the 43377
treasurer of state the moneys the court collects under this 43378
division in a manner prescribed by the treasurer of state or by 43379
the Ohio access to justice foundation, the court shall forfeit 43380
the moneys the court retains under this division to cover 43381
administrative costs, including the hiring of any additional 43382
personnel necessary to implement this division, and shall 43383
transmit to the treasurer of state all moneys collected under 43384
this division, including the forfeited amount retained for 43385
administrative costs, for deposit in the legal aid fund. 43386

(D) On and after the thirtieth day after December 9, 1994, 43387
the court of common pleas shall collect the sum of thirty-two 43388
dollars as additional filing fees in each new action or 43389

proceeding for annulment, divorce, or dissolution of marriage 43390
for the purpose of funding shelters for victims of domestic 43391
violence pursuant to sections 3113.35 to 3113.39 of the Revised 43392
Code. The filing fees required to be collected under this 43393
division shall be in addition to any other filing fees imposed 43394
in the action or proceeding and shall be collected at the time 43395
of the filing of the action or proceeding. The court shall not 43396
waive the payment of the additional filing fees in a new action 43397
or proceeding for annulment, divorce, or dissolution of marriage 43398
unless the court waives the advanced payment of all filing fees 43399
in the action or proceeding. On or before the twentieth day of 43400
each month, all moneys collected during the immediately 43401
preceding month pursuant to this division shall be deposited by 43402
the clerk of the court into the county treasury in the special 43403
fund used for deposit of additional marriage license fees as 43404
described in section 3113.34 of the Revised Code. Upon their 43405
deposit into the fund, the moneys shall be retained in the fund 43406
and expended only as described in section 3113.34 of the Revised 43407
Code. 43408

(E) (1) The court of common pleas may determine that, for 43409
the efficient operation of the court, additional funds are 43410
necessary to acquire and pay for special projects of the court, 43411
including, but not limited to, the acquisition of additional 43412
facilities or the rehabilitation of existing facilities, the 43413
acquisition of equipment, the hiring and training of staff, 43414
community service programs, mediation or dispute resolution 43415
services, the employment of magistrates, the training and 43416
education of judges, acting judges, and magistrates, and other 43417
related services. Upon that determination, the court by rule may 43418
charge a fee, in addition to all other court costs, on the 43419
filing of each criminal cause, civil action or proceeding, or 43420

judgment by confession. Fees collected by a court for special 43421
projects of the court under this division shall not be used for 43422
training or education that takes place outside of the state. 43423

If the court of common pleas offers or requires a special 43424
program or additional services in cases of a specific type, the 43425
court by rule may assess an additional charge in a case of that 43426
type, over and above court costs, to cover the special program 43427
or service. The court shall adjust the special assessment 43428
periodically, but not retroactively, so that the amount assessed 43429
in those cases does not exceed the actual cost of providing the 43430
service or program. 43431

All moneys collected under division (E) of this section 43432
shall be paid to the county treasurer for deposit into either a 43433
general special projects fund or a fund established for a 43434
specific special project. Moneys from a fund of that nature 43435
shall be disbursed upon an order of the court, subject to an 43436
appropriation by the board of county commissioners, in an amount 43437
no greater than the actual cost to the court of a project. If a 43438
specific fund is terminated because of the discontinuance of a 43439
program or service established under division (E) of this 43440
section, the court may order, subject to an appropriation by the 43441
board of county commissioners, that moneys remaining in the fund 43442
be transferred to an account established under this division for 43443
a similar purpose. 43444

(2) As used in division (E) of this section: 43445

(a) "Criminal cause" means a charge alleging the violation 43446
of a statute or ordinance, or subsection of a statute or 43447
ordinance, that requires a separate finding of fact or a 43448
separate plea before disposition and of which the defendant may 43449
be found guilty, whether filed as part of a multiple charge on a 43450

single summons, citation, or complaint or as a separate charge 43451
on a single summons, citation, or complaint. "Criminal cause" 43452
does not include separate violations of the same statute or 43453
ordinance, or subsection of the same statute or ordinance, 43454
unless each charge is filed on a separate summons, citation, or 43455
complaint. 43456

(b) "Civil action or proceeding" means any civil 43457
litigation that must be determined by judgment entry. 43458

Sec. 2303.26. The clerk of the court of common pleas shall 43459
exercise the powers conferred and perform the duties enjoined 43460
upon the clerk by statute and by the common law; and in the 43461
performance of official duties the clerk shall be under the 43462
direction of the court. The clerk shall not restrict, prohibit, 43463
or otherwise modify the rights of parties to seek service on 43464
party defendants allowed by the Rules of Civil Procedure, either 43465
singularly or concurrently. 43466

In furtherance of the performance of the duties enjoined 43467
upon the clerk by statute, common law, and the Rules of 43468
Superintendence for the Courts of Ohio, the clerk of the court 43469
of common pleas shall be responsible for determining the best 43470
means and methods for storing, maintaining, and retrieving all 43471
papers delivered to the clerk, whether delivered in writing or 43472
in electronic form, in compliance with Rule 26 of the Rules of 43473
Superintendence for the Courts of Ohio. Once determined by the 43474
clerk of court of common pleas, the clerk shall be responsible 43475
for implementing the means and methods for storage, maintenance, 43476
and retrieval. 43477

Sec. 2307.66. (A) A victim of a violation of section 43478
2917.211 of the Revised Code has and may commence a civil cause 43479
of action against the offender for any of the following, in 43480

addition to reasonable attorney's fees and the costs of bringing 43481
the civil action: 43482

(1) An injunction or a temporary restraining order 43483
prohibiting further dissemination of the image that is the 43484
subject of the violation; 43485

(2) Compensatory and punitive damages for harm resulting 43486
from the violation. 43487

(B) The victim shall be presumed to have suffered harm as 43488
a result of the nonconsensual dissemination of private sexual 43489
images or the nonconsensual dissemination of fabricated sexual 43490
images. 43491

(C) A civil action brought under division (A) of this 43492
section shall be brought within four years after the victim 43493
discovers the private sexual image or fabricated sexual image. 43494

(D) The cause of action created by this section is in 43495
addition to any other cause of action available under statutory 43496
or common law. 43497

~~(D)~~ (E) As used in this section, "victim" has the same 43498
meaning as in section 2930.01 of the Revised Code. 43499

(F) "Fabricated sexual image" means a created, adapted, or 43500
modified image that depicts another person, the other person is 43501
recognizable in the image by the other person's face, likeness, 43502
or other distinguishing characteristic, and the other person 43503
depicted in the image is in a state of nudity or is engaged in a 43504
sexual act. 43505

Sec. 2329.66. (A) Every person who is domiciled in this 43506
state may hold property exempt from execution, garnishment, 43507
attachment, or sale to satisfy a judgment or order, as follows: 43508

(1) (a) In the case of a judgment or order regarding money 43509
owed for health care services rendered or health care supplies 43510
provided to the person or a dependent of the person, one parcel 43511
or item of real or personal property that the person or a 43512
dependent of the person uses as a residence. Division (A) (1) (a) 43513
of this section does not preclude, affect, or invalidate the 43514
creation under this chapter of a judgment lien upon the exempted 43515
property but only delays the enforcement of the lien until the 43516
property is sold or otherwise transferred by the owner or in 43517
accordance with other applicable laws to a person or entity 43518
other than the surviving spouse or surviving minor children of 43519
the judgment debtor. Every person who is domiciled in this state 43520
may hold exempt from a judgment lien created pursuant to 43521
division (A) (1) (a) of this section the person's interest, not to 43522
exceed one hundred twenty-five thousand dollars, in the exempted 43523
property. 43524

(b) In the case of all other judgments and orders, the 43525
person's interest, not to exceed one hundred twenty-five 43526
thousand dollars, in one parcel or item of real or personal 43527
property that the person or a dependent of the person uses as a 43528
residence. 43529

(c) For purposes of divisions (A) (1) (a) and (b) of this 43530
section, "parcel" means a tract of real property as identified 43531
on the records of the auditor of the county in which the real 43532
property is located. 43533

(2) The person's interest, not to exceed three thousand 43534
two hundred twenty-five dollars, in one motor vehicle; 43535

(3) The person's interest, not to exceed four hundred 43536
dollars, in cash on hand, money due and payable, money to become 43537
due within ninety days, tax refunds, and money on deposit with a 43538

bank, savings and loan association, credit union, public 43539
utility, landlord, or other person, other than personal 43540
earnings. 43541

(4) (a) The person's interest, not to exceed five hundred 43542
twenty-five dollars in any particular item or ten thousand seven 43543
hundred seventy-five dollars in aggregate value, in household 43544
furnishings, household goods, wearing apparel, appliances, 43545
books, animals, crops, musical instruments, firearms, and 43546
hunting and fishing equipment that are held primarily for the 43547
personal, family, or household use of the person; 43548

(b) The person's aggregate interest in one or more items 43549
of jewelry, not to exceed one thousand three hundred fifty 43550
dollars, held primarily for the personal, family, or household 43551
use of the person or any of the person's dependents. 43552

(5) The person's interest, not to exceed an aggregate of 43553
two thousand twenty-five dollars, in all implements, 43554
professional books, or tools of the person's profession, trade, 43555
or business, including agriculture; 43556

(6) (a) The person's interest in a beneficiary fund set 43557
apart, appropriated, or paid by a benevolent association or 43558
society, as exempted by section 2329.63 of the Revised Code; 43559

(b) The person's interest in contracts of life or 43560
endowment insurance or annuities, as exempted by section 3911.10 43561
of the Revised Code; 43562

(c) The person's interest in a policy of group insurance 43563
or the proceeds of a policy of group insurance, as exempted by 43564
section 3917.05 of the Revised Code; 43565

(d) The person's interest in money, benefits, charity, 43566
relief, or aid to be paid, provided, or rendered by a fraternal 43567

benefit society, as exempted by section 3921.18 of the Revised	43568
Code;	43569
(e) The person's interest in the portion of benefits under	43570
policies of sickness and accident insurance and in lump sum	43571
payments for dismemberment and other losses insured under those	43572
policies, as exempted by section 3923.19 of the Revised Code.	43573
(7) The person's professionally prescribed or medically	43574
necessary health aids;	43575
(8) The person's interest in a burial lot, including, but	43576
not limited to, exemptions under section 517.09 or 1721.07 of	43577
the Revised Code;	43578
(9) The person's interest in the following:	43579
(a) Moneys paid or payable for maintenance or rights, as	43580
exempted by section 3304.19 of the Revised Code;	43581
(b) Workers' compensation, as exempted by section 4123.67	43582
of the Revised Code;	43583
(c) Unemployment compensation benefits, as exempted by	43584
section 4141.32 of the Revised Code;	43585
(d) Cash assistance payments under the Ohio works first	43586
program, as exempted by section 5107.75 of the Revised Code;	43587
(e) Benefits and services under the prevention, retention,	43588
and contingency program, as exempted by section 5108.08 of the	43589
Revised Code;	43590
(f) Payments under section 24 or 32 of the "Internal	43591
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	43592
(10) (a) Except in cases in which the person was convicted	43593
of or pleaded guilty to a violation of section 2921.41 of the	43594

Revised Code and in which an order for the withholding of 43595
restitution from payments was issued under division (C) (2) (b) of 43596
that section, in cases in which an order for withholding was 43597
issued under section 2907.15 of the Revised Code, in cases in 43598
which an order for forfeiture was issued under division (A) or 43599
(B) of section 2929.192 of the Revised Code, and in cases in 43600
which an order was issued under section 2929.193 or 2929.194 of 43601
the Revised Code, and only to the extent provided in the order, 43602
and except as provided in sections 3105.171, 3105.63, 3119.80, 43603
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the 43604
person's rights to or interests in a pension, benefit, annuity, 43605
retirement allowance, or accumulated contributions, the person's 43606
rights to or interests in a participant account in any deferred 43607
compensation program offered by the ~~Ohio~~ public employees 43608
~~deferred compensation retirement~~ board, a government unit, or a 43609
municipal corporation, or the person's other accrued or accruing 43610
rights or interests, as exempted by section 143.11, 145.56, 43611
146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the 43612
Revised Code, and the person's rights to or interests in 43613
benefits from the Ohio public safety officers death benefit 43614
fund; 43615

(b) Except as provided in sections 3119.80, 3119.81, 43616
3121.02, 3121.03, and 3123.06 of the Revised Code, the person's 43617
rights to receive or interests in receiving a payment or other 43618
benefits under any pension, annuity, or similar plan or 43619
contract, not including a payment or benefit from a stock bonus 43620
or profit-sharing plan or a payment included in division (A) (6) 43621
(b) or (10) (a) of this section, on account of illness, 43622
disability, death, age, or length of service, to the extent 43623
reasonably necessary for the support of the person and any of 43624
the person's dependents, except if all the following apply: 43625

(i) The plan or contract was established by or under the 43626
auspices of an insider that employed the person at the time the 43627
person's rights or interests under the plan or contract arose. 43628

(ii) The payment is on account of age or length of 43629
service. 43630

(iii) The plan or contract is not qualified under the 43631
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 43632
amended. 43633

(c) Except for any portion of the assets that were 43634
deposited for the purpose of evading the payment of any debt and 43635
except as provided in sections 3119.80, 3119.81, 3121.02, 43636
3121.03, and 3123.06 of the Revised Code, the person's rights or 43637
interests in the assets held in, or to directly or indirectly 43638
receive any payment or benefit under, any individual retirement 43639
account, individual retirement annuity, "Roth IRA," account 43640
opened pursuant to a program administered by a state under 43641
section 529 or 529A of the "Internal Revenue Code of 1986," 100 43642
Stat. 2085, 26 U.S.C. 1, as amended, or education individual 43643
retirement account that provides payments or benefits by reason 43644
of illness, disability, death, retirement, or age or provides 43645
payments or benefits for purposes of education or qualified 43646
disability expenses, to the extent that the assets, payments, or 43647
benefits described in division (A)(10)(c) of this section are 43648
attributable to or derived from any of the following or from any 43649
earnings, dividends, interest, appreciation, or gains on any of 43650
the following: 43651

(i) Contributions of the person that were less than or 43652
equal to the applicable limits on deductible contributions to an 43653
individual retirement account or individual retirement annuity 43654
in the year that the contributions were made, whether or not the 43655

person was eligible to deduct the contributions on the person's 43656
federal tax return for the year in which the contributions were 43657
made; 43658

(ii) Contributions of the person that were less than or 43659
equal to the applicable limits on contributions to a Roth IRA or 43660
education individual retirement account in the year that the 43661
contributions were made; 43662

(iii) Contributions of the person that are within the 43663
applicable limits on rollover contributions under subsections 43664
219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3) 43665
(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 43666
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 43667

(iv) Contributions by any person into any plan, fund, or 43668
account that is formed, created, or administered pursuant to, or 43669
is otherwise subject to, section 529 or 529A of the "Internal 43670
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 43671

(d) Except for any portion of the assets that were 43672
deposited for the purpose of evading the payment of any debt and 43673
except as provided in sections 3119.80, 3119.81, 3121.02, 43674
3121.03, and 3123.06 of the Revised Code, the person's rights or 43675
interests in the assets held in, or to receive any payment 43676
under, any Keogh or "H.R. 10" plan that provides benefits by 43677
reason of illness, disability, death, retirement, or age, to the 43678
extent reasonably necessary for the support of the person and 43679
any of the person's dependents. 43680

(e) The person's rights to or interests in any assets held 43681
in, or to directly or indirectly receive any payment or benefit 43682
under, any individual retirement account, individual retirement 43683
annuity, "Roth IRA," account opened pursuant to a program 43684

administered by a state under section 529 or 529A of the 43685
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 43686
amended, or education individual retirement account that a 43687
decedent, upon or by reason of the decedent's death, directly or 43688
indirectly left to or for the benefit of the person, either 43689
outright or in trust or otherwise, including, but not limited 43690
to, any of those rights or interests in assets or to receive 43691
payments or benefits that were transferred, conveyed, or 43692
otherwise transmitted by the decedent by means of a will, trust, 43693
exercise of a power of appointment, beneficiary designation, 43694
transfer or payment on death designation, or any other method or 43695
procedure. 43696

(f) The exemptions under divisions (A)(10)(a) to (e) of 43697
this section also shall apply or otherwise be available to an 43698
alternate payee under a qualified domestic relations order 43699
(QDRO) or other similar court order. 43700

(g) A person's interest in any plan, program, instrument, 43701
or device described in divisions (A)(10)(a) to (e) of this 43702
section shall be considered an exempt interest even if the plan, 43703
program, instrument, or device in question, due to an error made 43704
in good faith, failed to satisfy any criteria applicable to that 43705
plan, program, instrument, or device under the "Internal Revenue 43706
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 43707

(11) The person's right to receive spousal support, child 43708
support, an allowance, or other maintenance to the extent 43709
reasonably necessary for the support of the person and any of 43710
the person's dependents; 43711

(12) The person's right to receive, or moneys received 43712
during the preceding twelve calendar months from, any of the 43713
following: 43714

(a) An award of reparations under sections 2743.51 to 43715
2743.72 of the Revised Code, to the extent exempted by division 43716
(D) of section 2743.66 of the Revised Code; 43717

(b) A payment on account of the wrongful death of an 43718
individual of whom the person was a dependent on the date of the 43719
individual's death, to the extent reasonably necessary for the 43720
support of the person and any of the person's dependents; 43721

(c) Except in cases in which the person who receives the 43722
payment is an inmate, as defined in section 2969.21 of the 43723
Revised Code, and in which the payment resulted from a civil 43724
action or appeal against a government entity or employee, as 43725
defined in section 2969.21 of the Revised Code, a payment, not 43726
to exceed twenty thousand two hundred dollars, on account of 43727
personal bodily injury, not including pain and suffering or 43728
compensation for actual pecuniary loss, of the person or an 43729
individual for whom the person is a dependent; 43730

(d) A payment in compensation for loss of future earnings 43731
of the person or an individual of whom the person is or was a 43732
dependent, to the extent reasonably necessary for the support of 43733
the debtor and any of the debtor's dependents. 43734

(13) Except as provided in sections 3119.80, 3119.81, 43735
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 43736
earnings of the person owed to the person for services in an 43737
amount equal to the greater of the following amounts: 43738

(a) If paid weekly, thirty times the current federal 43739
minimum hourly wage; if paid biweekly, sixty times the current 43740
federal minimum hourly wage; if paid semimonthly, sixty-five 43741
times the current federal minimum hourly wage; or if paid 43742
monthly, one hundred thirty times the current federal minimum 43743

hourly wage that is in effect at the time the earnings are 43744
payable, as prescribed by the "Fair Labor Standards Act of 43745
1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended; 43746

(b) Seventy-five per cent of the disposable earnings owed 43747
to the person. 43748

(14) The person's right in specific partnership property, 43749
as exempted by the person's rights in a partnership pursuant to 43750
section 1776.50 of the Revised Code, except as otherwise set 43751
forth in section 1776.50 of the Revised Code; 43752

(15) A seal and official register of a notary public, as 43753
exempted by section 147.04 of the Revised Code; 43754

(16) The person's interest in a tuition unit or a payment 43755
under section 3334.09 of the Revised Code pursuant to a tuition 43756
payment contract, as exempted by section 3334.15 of the Revised 43757
Code; 43758

(17) Any other property that is specifically exempted from 43759
execution, attachment, garnishment, or sale by federal statutes 43760
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 43761
11 U.S.C.A. 101, as amended; 43762

(18) The person's aggregate interest in any property, not 43763
to exceed one thousand seventy-five dollars, except that 43764
division (A)(18) of this section applies only in bankruptcy 43765
proceedings. 43766

(B) On April 1, 2010, and on the first day of April in 43767
each third calendar year after 2010, the Ohio judicial 43768
conference shall adjust each dollar amount set forth in this 43769
section to reflect any increase in the consumer price index for 43770
all urban consumers, as published by the United States 43771
department of labor, or, if that index is no longer published, a 43772

generally available comparable index, for the three-year period 43773
ending on the thirty-first day of December of the preceding 43774
year. Any adjustments required by this division shall be rounded 43775
to the nearest twenty-five dollars. 43776

The Ohio judicial conference shall prepare a memorandum 43777
specifying the adjusted dollar amounts. The judicial conference 43778
shall transmit the memorandum to the director of the legislative 43779
service commission, and the director shall publish the 43780
memorandum in the register of Ohio. (Publication of the 43781
memorandum in the register of Ohio shall continue until the next 43782
memorandum specifying an adjustment is so published.) The 43783
judicial conference also may publish the memorandum in any other 43784
manner it concludes will be reasonably likely to inform persons 43785
who are affected by its adjustment of the dollar amounts. 43786

(C) As used in this section: 43787

(1) "Disposable earnings" means net earnings after the 43788
garnishee has made deductions required by law, excluding the 43789
deductions ordered pursuant to section 3119.80, 3119.81, 43790
3121.02, 3121.03, or 3123.06 of the Revised Code. 43791

(2) "Insider" means: 43792

(a) If the person who claims an exemption is an 43793
individual, a relative of the individual, a relative of a 43794
general partner of the individual, a partnership in which the 43795
individual is a general partner, a general partner of the 43796
individual, or a corporation of which the individual is a 43797
director, officer, or in control; 43798

(b) If the person who claims an exemption is a 43799
corporation, a director or officer of the corporation; a person 43800
in control of the corporation; a partnership in which the 43801

corporation is a general partner; a general partner of the 43802
corporation; or a relative of a general partner, director, 43803
officer, or person in control of the corporation; 43804

(c) If the person who claims an exemption is a 43805
partnership, a general partner in the partnership; a general 43806
partner of the partnership; a person in control of the 43807
partnership; a partnership in which the partnership is a general 43808
partner; or a relative in, a general partner of, or a person in 43809
control of the partnership; 43810

(d) An entity or person to which or whom any of the 43811
following applies: 43812

(i) The entity directly or indirectly owns, controls, or 43813
holds with power to vote, twenty per cent or more of the 43814
outstanding voting securities of the person who claims an 43815
exemption, unless the entity holds the securities in a fiduciary 43816
or agency capacity without sole discretionary power to vote the 43817
securities or holds the securities solely to secure to debt and 43818
the entity has not in fact exercised the power to vote. 43819

(ii) The entity is a corporation, twenty per cent or more 43820
of whose outstanding voting securities are directly or 43821
indirectly owned, controlled, or held with power to vote, by the 43822
person who claims an exemption or by an entity to which division 43823
(C) (2) (d) (i) of this section applies. 43824

(iii) A person whose business is operated under a lease or 43825
operating agreement by the person who claims an exemption, or a 43826
person substantially all of whose business is operated under an 43827
operating agreement with the person who claims an exemption. 43828

(iv) The entity operates the business or all or 43829
substantially all of the property of the person who claims an 43830

exemption under a lease or operating agreement. 43831

(e) An insider, as otherwise defined in this section, of a 43832
person or entity to which division (C) (2) (d) (i), (ii), (iii), or 43833
(iv) of this section applies, as if the person or entity were a 43834
person who claims an exemption; 43835

(f) A managing agent of the person who claims an 43836
exemption. 43837

(3) "Participant account" has the same meaning as in 43838
section 148.01 of the Revised Code. 43839

(4) "Government unit" has the same meaning as in section 43840
148.06 of the Revised Code. 43841

(D) For purposes of this section, "interest" shall be 43842
determined as follows: 43843

(1) In bankruptcy proceedings, as of the date a petition 43844
is filed with the bankruptcy court commencing a case under Title 43845
11 of the United States Code; 43846

(2) In all cases other than bankruptcy proceedings, as of 43847
the date of an appraisal, if necessary under section 2329.68 of 43848
the Revised Code, or the issuance of a writ of execution. 43849

An interest, as determined under division (D) (1) or (2) of 43850
this section, shall not include the amount of any lien otherwise 43851
valid pursuant to section 2329.661 of the Revised Code. 43852

Sec. 2501.16. (A) Each court of appeals may appoint one or 43853
more official reporters, law clerks, secretaries, and any other 43854
employees that the court considers necessary for its efficient 43855
operation. 43856

The clerk of the court of common pleas, acting as the 43857

clerk of the court of appeals for the county, shall perform the 43858
duties otherwise performed and collect the fees otherwise 43859
collected by the clerk of the court of common pleas, as set 43860
forth in section 2303.03 of the Revised Code, and shall maintain 43861
the files and records of the court. The clerk of the court of 43862
common pleas, acting as the clerk of the court of appeals for 43863
the county, may refuse to accept for filing any pleading or 43864
paper submitted for filing by a person who has been found to be 43865
a vexatious litigator under section 2323.52 of the Revised Code 43866
and who has failed to obtain leave from the court of appeals to 43867
proceed under that section. The overhead expenses pertaining to 43868
the office of the clerk of the court of common pleas that result 43869
from the clerk's acting as clerk of the court of appeals for the 43870
county, other than wages and salaries, shall be paid from the 43871
funds provided under sections 2501.18 and 2501.181 of the 43872
Revised Code. 43873

Each officer and employee appointed pursuant to this 43874
section shall take an oath of office, serve at the pleasure of 43875
the court, and perform any duties that the court directs. Each 43876
reporter shall have the powers that are vested in official 43877
reporters of the court of common pleas under sections 2301.18 to 43878
2301.26 of the Revised Code. Whenever an opinion, per curiam, or 43879
report of a case has been prepared in accordance with section 43880
2503.20 of the Revised Code, the official reporter immediately 43881
shall forward one copy of the opinion, per curiam, or report to 43882
the reporter of the supreme court, without expense to the 43883
reporter. 43884

(B) The court of appeals may determine that, for the 43885
efficient operation of the court, additional funds are necessary 43886
to acquire and pay for special projects of the court, including, 43887
but not limited to, the acquisition of additional facilities or 43888

the rehabilitation of existing facilities, the acquisition of 43889
equipment, the hiring and training of staff, the employment of 43890
magistrates, the training and education of judges, acting 43891
judges, and magistrates, community service programs, and other 43892
related services. Upon that determination, the court by rule may 43893
charge a fee, in addition to all other court costs, on the 43894
filing of each case or cause over which the court has 43895
jurisdiction. Fees collected by a court for special projects of 43896
the court under this division shall not be used for training or 43897
education that takes place outside of the state. 43898

If the court of appeals offers a special program or 43899
service in cases of a specific type, the court by rule may 43900
assess an additional charge in a case of that type, over and 43901
above court costs, to cover the special program or service. The 43902
court shall adjust the special assessment periodically, but not 43903
retroactively, so that the amount assessed in those cases does 43904
not exceed the actual cost of providing the service or program. 43905

All moneys collected under division (B) of this section 43906
shall be paid to the county treasurer of the county selected as 43907
the principal seat of that court of appeals for deposit into 43908
either a general special projects fund or a fund established for 43909
a specific special project. Moneys from a fund of that nature 43910
shall be disbursed upon an order of the court in an amount no 43911
greater than the actual cost to the court of a project. If a 43912
specific fund is terminated because of the discontinuance of a 43913
program or service established under division (B) of this 43914
section, the court may order that moneys remaining in the fund 43915
be transferred to an account established under this division for 43916
a similar purpose. 43917

Sec. 2743.03. (A) (1) There is hereby created a court of 43918

claims. Except as provided under section 107.43 of the Revised 43919
Code, the court of claims is a court of record and has 43920
exclusive, original jurisdiction of all civil actions against 43921
the state permitted by the waiver of immunity contained in 43922
section 2743.02 of the Revised Code and exclusive jurisdiction 43923
of the causes of action of all parties in civil actions that are 43924
removed to the court of claims. The court shall have full equity 43925
powers in all actions within its jurisdiction and may entertain 43926
and determine all counterclaims, cross-claims, and third-party 43927
claims. 43928

(2) If the claimant in a civil action as described in 43929
division (A)(1) of this section also files a claim for a 43930
declaratory judgment, injunctive relief, or other equitable 43931
relief against the state that arises out of the same 43932
circumstances that gave rise to the civil action described in 43933
division (A)(1) of this section, the court of claims has 43934
exclusive, original jurisdiction to hear and determine that 43935
claim in that civil action. This division does not affect, and 43936
shall not be construed as affecting, the original jurisdiction 43937
of another court of this state to hear and determine a civil 43938
action in which the sole relief that the claimant seeks against 43939
the state is a declaratory judgment, injunctive relief, or other 43940
equitable relief. 43941

(3) In addition to its exclusive, original jurisdiction as 43942
conferred by divisions (A)(1) and (2) of this section, the court 43943
of claims has exclusive, original jurisdiction as follows: 43944

(a) As described in division (F) of section 2743.02, 43945
division (B) of section 3335.03, and division (C) of section 43946
5903.02 of the Revised Code; 43947

(b) Under section 2743.75 of the Revised Code to hear 43948

complaints alleging a denial of access to public records in 43949
violation of division (B) of section 149.43 of the Revised Code, 43950
regardless of whether the public office or person responsible 43951
for public records is an office or employee of the state or of a 43952
political subdivision; 43953

(c) Under section 118.29 of the Revised Code to appoint a 43954
receiver. 43955

(B) The court of claims shall sit in Franklin county, its 43956
hearings shall be public, and it shall consist of incumbent 43957
justices or judges of the supreme court, courts of appeals, or 43958
courts of common pleas, or retired justices or judges eligible 43959
for active duty pursuant to division (C) of Section 6 of Article 43960
IV, Ohio Constitution, sitting by temporary assignment of the 43961
chief justice of the supreme court. The chief justice may direct 43962
the court to sit in any county for cases on removal upon a 43963
showing of substantial hardship and whenever justice dictates. 43964

(C) (1) A civil action against the state shall be heard and 43965
determined by a single judge. Upon application by the claimant 43966
or the state, the chief justice of the supreme court may assign 43967
a panel of three judges to hear and determine a civil action 43968
presenting novel or complex issues of law or fact. Concurrence 43969
of two members of the panel is necessary for any judgment or 43970
order. 43971

(2) Whenever the chief justice of the supreme court 43972
believes an equitable resolution of a case will be expedited, 43973
the chief justice may appoint magistrates in accordance with 43974
Civil Rule 53 to hear the case. 43975

(3) When any dispute under division (B) of section 153.12 43976
of the Revised Code is brought to the court of claims, upon 43977

request of either party to the dispute, the chief justice of the 43978
supreme court shall appoint a single referee or a panel of three 43979
referees. The referees need not be attorneys, but shall be 43980
persons knowledgeable about construction contract law, a member 43981
of the construction industry panel of the American arbitration 43982
association, or an individual or individuals deemed qualified by 43983
the chief justice to serve. No person shall serve as a referee 43984
if that person has been employed by an affected state agency or 43985
a contractor or subcontractor involved in the dispute at any 43986
time in the preceding five years. Proceedings governing referees 43987
shall be in accordance with Civil Rule 53, except as modified by 43988
this division. The referee or panel of referees shall submit its 43989
report, which shall include a recommendation and finding of 43990
fact, to the judge assigned to the case by the chief justice, 43991
within thirty days of the conclusion of the hearings. Referees 43992
appointed pursuant to this division shall be compensated on a 43993
per diem basis at the same rate as is paid to judges of the 43994
court and also shall be paid their expenses. If a single referee 43995
is appointed or a panel of three referees is appointed, then, 43996
with respect to one referee of the panel, the compensation and 43997
expenses of the referee shall not be taxed as part of the costs 43998
in the case but shall be included in the budget of the court. If 43999
a panel of three referees is appointed, the compensation and 44000
expenses of the two remaining referees shall be taxed as costs 44001
of the case. 44002

All costs of a case shall be apportioned among the 44003
parties. The court may not require that any party deposit with 44004
the court cash, bonds, or other security in excess of two 44005
hundred dollars to guarantee payment of costs without the prior 44006
approval in each case of the chief justice. 44007

(4) An appeal from a decision of the attorney general 44008

pursuant to sections 2743.51 to 2743.72 of the Revised Code 44009
shall be heard and determined by the court of claims. 44010

(D) The Rules of Civil Procedure shall govern practice and 44011
procedure in all actions in the court of claims, except insofar 44012
as inconsistent with this chapter. The supreme court may 44013
promulgate rules governing practice and procedure in actions in 44014
the court as provided in Section 5 of Article IV, Ohio 44015
Constitution. 44016

(E) (1) A party who files a counterclaim against the state 44017
or makes the state a third-party defendant in an action 44018
commenced in any court, other than the court of claims, shall 44019
file a petition for removal in the court of claims. The petition 44020
shall state the basis for removal, be accompanied by a copy of 44021
all process, pleadings, and other papers served upon the 44022
petitioner, and shall be signed in accordance with Civil Rule 44023
11. A petition for removal based on a counterclaim shall be 44024
filed within twenty-eight days after service of the counterclaim 44025
of the petitioner. A petition for removal based on third-party 44026
practice shall be filed within twenty-eight days after the 44027
filing of the third-party complaint of the petitioner. 44028

(2) Within seven days after filing a petition for removal, 44029
the petitioner shall give written notice to the parties, and 44030
shall file a copy of the petition with the clerk of the court in 44031
which the action was brought originally. The filing effects the 44032
removal of the action to the court of claims, and the clerk of 44033
the court where the action was brought shall forward all papers 44034
in the case to the court of claims. The court of claims shall 44035
adjudicate all civil actions removed. The court may remand a 44036
civil action to the court in which it originated upon a finding 44037
that the removal petition does not justify removal, or upon a 44038

finding that the state is no longer a party. 44039

(3) Bonds, undertakings, or security and injunctions, 44040
attachments, sequestrations, or other orders issued prior to 44041
removal remain in effect until dissolved or modified by the 44042
court of claims. 44043

Sec. 2907.15. (A) As used in this section: 44044

(1) "Public retirement system" means the public employees 44045
retirement system, state teachers retirement system, school 44046
employees retirement system, Ohio police and fire pension fund, 44047
state highway patrol retirement system, or a municipal 44048
retirement system of a municipal corporation of this state. 44049

(2) "Government deferred compensation program" means such 44050
a program offered by the ~~Ohio~~ public employees ~~deferred~~ 44051
~~compensation retirement~~ board; a municipal corporation; or a 44052
~~governmental government~~ unit, as defined in section 148.06 of 44053
the Revised Code. 44054

(3) "Deferred compensation program participant" means a 44055
"participating employee" or "continuing member," as defined in 44056
section 148.01 of the Revised Code, or any other public employee 44057
who has funds in a government deferred compensation program. 44058

(4) "Alternative retirement plan" means an alternative 44059
retirement plan provided pursuant to Chapter 3305. of the 44060
Revised Code. 44061

(5) "Prosecutor" has the same meaning as in section 44062
2935.01 of the Revised Code. 44063

In any case in which a sentencing court orders restitution 44064
to the victim under section 2929.18 or 2929.28 of the Revised 44065
Code for a violation of section 2907.02, 2907.03, 2907.04, or 44066

2907.05 of the Revised Code and in which the offender is a 44067
government deferred compensation program participant, is an 44068
electing employee, as defined in section 3305.01 of the Revised 44069
Code, or is a member of, or receiving a pension, benefit, or 44070
allowance, other than a survivorship benefit, from, a public 44071
retirement system and committed the offense against a child, 44072
student, patient, or other person with whom the offender had 44073
contact in the context of the offender's public employment, at 44074
the request of the victim the prosecutor shall file a motion 44075
with the sentencing court specifying the government deferred 44076
compensation program, alternative retirement plan, or public 44077
retirement system and requesting that the court issue an order 44078
requiring the government deferred compensation program, 44079
alternative retirement plan, or public retirement system to 44080
withhold the amount required as restitution from one or more of 44081
the following: any payment to be made from a government deferred 44082
compensation program, any payment or benefit under an 44083
alternative retirement plan, or under a pension, annuity, 44084
allowance, or any other benefit, other than a survivorship 44085
benefit, that has been or is in the future granted to the 44086
offender; from any payment of accumulated employee contributions 44087
standing to the offender's credit with the government deferred 44088
compensation program, alternative retirement plan, or public 44089
retirement system; or from any payment of any other amounts to 44090
be paid to the offender pursuant to Chapter 145., 148., 742., 44091
3307., 3309., or 5505. of the Revised Code on withdrawal of 44092
contributions. The motion may be filed at any time subsequent to 44093
the conviction of the offender or entry of a guilty plea. On the 44094
filing of the motion, the clerk of the court in which the motion 44095
is filed shall notify the offender and the government deferred 44096
compensation program, alternative retirement plan, or public 44097
retirement system, in writing, of all of the following: that the 44098

motion was filed; that the offender will be granted a hearing on 44099
the issuance of the requested order if the offender files a 44100
written request for a hearing with the clerk prior to the 44101
expiration of thirty days after the offender receives the 44102
notice; that, if a hearing is requested, the court will schedule 44103
a hearing as soon as possible and notify the offender and the 44104
government deferred compensation program, alternative retirement 44105
plan, or public retirement system of the date, time, and place 44106
of the hearing; that, if a hearing is conducted, it will be 44107
limited to a consideration of whether the offender can show good 44108
cause why the order should not be issued; that, if a hearing is 44109
conducted, the court will not issue the order if the court 44110
determines, based on evidence presented at the hearing by the 44111
offender, that there is good cause for the order not to be 44112
issued; that the court will issue the order if a hearing is not 44113
requested or if a hearing is conducted but the court does not 44114
determine, based on evidence presented at the hearing by the 44115
offender, that there is good cause for the order not to be 44116
issued; and that, if the order is issued, the government 44117
deferred compensation program, alternative retirement plan, or 44118
public retirement system specified in the motion will be 44119
required to withhold the amount required as restitution from 44120
payments to the offender. 44121

(B) In any case in which a motion requesting the issuance 44122
of a withholding order as described in division (A) of this 44123
section is filed, the offender may receive a hearing on the 44124
motion by delivering a written request for a hearing to the 44125
court prior to the expiration of thirty days after the 44126
offender's receipt of the notice provided pursuant to division 44127
(A) of this section. If the offender requests a hearing within 44128
the prescribed time, the court shall schedule a hearing as soon 44129

as possible after the request is made and notify the offender 44130
and the government deferred compensation program, alternative 44131
retirement plan, or public retirement system of the date, time, 44132
and place of the hearing. A hearing scheduled under this 44133
division shall be limited to a consideration of whether there is 44134
good cause, based on evidence presented by the offender, for the 44135
requested order not to be issued. If the court determines, based 44136
on evidence presented by the offender, that there is good cause 44137
for the order not to be issued, the court shall deny the motion 44138
and shall not issue the order. Good cause for not issuing the 44139
order includes a determination by the court that the order would 44140
severely impact the offender's ability to support the offender's 44141
dependents. 44142

If the offender does not request a hearing within the 44143
prescribed time or the court conducts a hearing but does not 44144
determine, based on evidence presented by the offender, that 44145
there is good cause for the order not to be issued, the court 44146
shall order the government deferred compensation program, 44147
alternative retirement plan, or public retirement system to 44148
withhold the amount required as restitution from one or more of 44149
the following: any payments to be made from a government 44150
deferred compensation program, any payment or benefit under an 44151
alternative retirement plan, or under a pension, annuity, 44152
allowance, or under any other benefit, other than a survivorship 44153
benefit, that has been or is in the future granted to the 44154
offender; from any payment of accumulated employee contributions 44155
standing to the offender's credit with the government deferred 44156
compensation program, alternative retirement plan, or public 44157
retirement system; or from any payment of any other amounts to 44158
be paid to the offender upon withdrawal of contributions 44159
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 44160

the Revised Code and to continue the withholding for that 44161
purpose, in accordance with the order, out of each payment to be 44162
made on or after the date of issuance of the order, until 44163
further order of the court. On receipt of an order issued under 44164
this division, the government deferred compensation program, 44165
alternative retirement plan, or public retirement system shall 44166
withhold the amount required as restitution, in accordance with 44167
the order, from any such payments and immediately forward the 44168
amount withheld to the clerk of the court in which the order was 44169
issued for payment to the person to whom restitution is to be 44170
made. The order shall not apply to any portion of payments made 44171
from a government deferred compensation program, alternative 44172
retirement plan, or public retirement system to a person other 44173
than the offender pursuant to a previously issued domestic court 44174
order. 44175

(C) Service of a notice required by division (A) or (B) of 44176
this section shall be effected in the same manner as provided in 44177
the Rules of Civil Procedure for the service of process. 44178

(D) Upon the filing of charges under section 2907.02, 44179
2907.03, 2907.04, or 2907.05 of the Revised Code against a 44180
person who is a deferred compensation program participant, an 44181
electing employee participating in an alternative retirement 44182
plan, or a member of, or receiving a pension benefit, or 44183
allowance, other than a survivorship benefit, from a public 44184
retirement system for an offense against a child, student, 44185
patient, or other person with whom the offender had contact in 44186
the context of the offender's public employment, the prosecutor 44187
shall send written notice that charges have been filed against 44188
that person to the appropriate government deferred compensation 44189
program, alternative retirement plan, or public retirement 44190
system. The notice shall specifically identify the person 44191

charged. 44192

Sec. 2913.401. (A) As used in this section: 44193

(1) "Medicaid services" has the same meaning as in section 44194
5164.01 of the Revised Code. 44195

(2) "Property" means any real or personal property or 44196
other asset in which a person has any legal title or interest. 44197

(B) No person shall knowingly do any of the following in 44198
an application for enrollment in the medicaid program or in a 44199
document that requires a disclosure of assets for the purpose of 44200
determining eligibility for the medicaid program: 44201

(1) Make or cause to be made a false or misleading 44202
statement; 44203

(2) Conceal an interest in property; 44204

(3) (a) Except as provided in division (B) (3) (b) of this 44205
section, fail to disclose a transfer of property that occurred 44206
during the period beginning thirty-six months before submission 44207
of the application or document and ending on the date the 44208
application or document was submitted; 44209

(b) Fail to disclose a transfer of property that occurred 44210
during the period beginning sixty months before submission of 44211
the application or document and ending on the date the 44212
application or document was submitted and that was made to an 44213
irrevocable trust a portion of which is not distributable to the 44214
applicant for or recipient of medicaid or to a revocable trust. 44215

(C) (1) Whoever violates this section is guilty of medicaid 44216
eligibility fraud. Except as otherwise provided in this 44217
division, a violation of this section is a misdemeanor of the 44218
first degree. If the value of the medicaid services paid as a 44219

result of the violation is one thousand dollars or more and is 44220
less than seven thousand five hundred dollars, a violation of 44221
this section is a felony of the fifth degree. If the value of 44222
the medicaid services paid as a result of the violation is seven 44223
thousand five hundred dollars or more and is less than one 44224
hundred fifty thousand dollars, a violation of this section is a 44225
felony of the fourth degree. If the value of the medicaid 44226
services paid as a result of the violation is one hundred fifty 44227
thousand dollars or more, a violation of this section is a 44228
felony of the third degree. 44229

(2) In addition to imposing a sentence under division (C) 44230
(1) of this section, the court ~~shall~~may order that a person who 44231
is guilty of medicaid eligibility fraud make restitution in the 44232
~~full~~ amount of two hundred per cent of any medicaid services 44233
paid on behalf of an applicant for or recipient of medicaid for 44234
which the applicant or recipient was not eligible, plus interest 44235
at the rate applicable to judgments on unreimbursed amounts from 44236
the date on which the medicaid services were paid to the date on 44237
which restitution is made. 44238

(3) The remedies and penalties provided in this section 44239
are not exclusive and do not preclude the use of any other 44240
criminal or civil remedy for any act that is in violation of 44241
this section. 44242

(D) This section does not apply to a person who fully 44243
disclosed in an application for medicaid or in a document that 44244
requires a disclosure of assets for the purpose of determining 44245
eligibility for medicaid all of the interests in property of the 44246
applicant for or recipient of medicaid, all transfers of 44247
property by the applicant for or recipient of medicaid, and the 44248
circumstances of all those transfers. 44249

(E) Any amounts of medicaid services recovered as 44250
restitution under this section and any interest on those amounts 44251
shall be credited to the general revenue fund, and any 44252
applicable federal share shall be returned to the appropriate 44253
agency or department of the United States. 44254

Sec. 2915.01. As used in this chapter: 44255

(A) "Bookmaking" means the business of receiving or paying 44256
off bets. 44257

(B) "Bet" means the hazarding of anything of value upon 44258
the result of an event, undertaking, or contingency, but does 44259
not include a bona fide business risk. 44260

(C) "Scheme of chance" means a slot machine unless 44261
authorized under Chapter 3772. of the Revised Code, lottery 44262
unless authorized under Chapter 3770. of the Revised Code, 44263
numbers game, pool conducted for profit, or other scheme in 44264
which a participant gives a valuable consideration for a chance 44265
to win a prize, but does not include bingo, a skill-based 44266
amusement machine, or a pool not conducted for profit. "Scheme 44267
of chance" includes the use of an electronic device to reveal 44268
the results of a game entry if valuable consideration is paid, 44269
directly or indirectly, for a chance to win a prize. Valuable 44270
consideration is deemed to be paid for a chance to win a prize 44271
in the following instances: 44272

(1) Less than fifty per cent of the goods or services sold 44273
by a scheme of chance operator in exchange for game entries are 44274
used or redeemed by participants at any one location; 44275

(2) Less than fifty per cent of participants who purchase 44276
goods or services at any one location do not accept, use, or 44277
redeem the goods or services sold or purportedly sold; 44278

(3) More than fifty per cent of prizes at any one location 44279
are revealed to participants through an electronic device 44280
simulating a game of chance or a "casino game" as defined in 44281
section 3772.01 of the Revised Code; 44282

(4) The good or service sold by a scheme of chance 44283
operator in exchange for a game entry cannot be used or redeemed 44284
in the manner advertised; 44285

(5) A participant pays more than fair market value for 44286
goods or services offered by a scheme of chance operator in 44287
order to receive one or more game entries; 44288

(6) A participant may use the electronic device to 44289
purchase additional game entries; 44290

(7) A participant may purchase additional game entries by 44291
using points or credits won as prizes while using the electronic 44292
device; 44293

(8) A scheme of chance operator pays out in prize money 44294
more than twenty per cent of the gross revenue received at one 44295
location; or 44296

(9) A participant makes a purchase or exchange in order to 44297
obtain any good or service that may be used to facilitate play 44298
on the electronic device. 44299

As used in this division, "electronic device" means a 44300
mechanical, video, digital, or electronic machine or device that 44301
is capable of displaying information on a screen or other 44302
mechanism and that is owned, leased, or otherwise possessed by 44303
any person conducting a scheme of chance, or by that person's 44304
partners, affiliates, subsidiaries, or contractors. "Electronic 44305
device" does not include an electronic instant bingo system. 44306

(D) "Game of chance" means poker, craps, roulette, or 44307
other game in which a player gives anything of value in the hope 44308
of gain, the outcome of which is determined largely by chance, 44309
but does not include bingo. 44310

(E) "Game of chance conducted for profit" means any game 44311
of chance designed to produce income for the person who conducts 44312
or operates the game of chance, but does not include bingo. 44313

(F) "Gambling device" means any of the following: 44314

(1) A book, totalizer, or other equipment for recording 44315
bets; 44316

(2) A ticket, token, or other device representing a 44317
chance, share, or interest in a scheme of chance or evidencing a 44318
bet; 44319

(3) A deck of cards, dice, gaming table, roulette wheel, 44320
slot machine, or other apparatus designed for use in connection 44321
with a game of chance; 44322

(4) Any equipment, device, apparatus, or paraphernalia 44323
specially designed for gambling purposes; 44324

(5) Bingo supplies sold or otherwise provided, or used, in 44325
violation of this chapter. 44326

(G) "Gambling offense" means any of the following: 44327

(1) A violation of this chapter; 44328

(2) A violation of an existing or former municipal 44329
ordinance or law of this or any other state or the United States 44330
substantially equivalent to any provision of this chapter or a 44331
violation of section 2915.06 of the Revised Code as it existed 44332
prior to July 1, 1996; 44333

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G) (1), (2), or (3) of this section.

(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:

(1) An organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) (3) of the Internal Revenue Code;

(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c) (4), (c) (7), (c) (8), (c) (10), or (c) (19) of the Internal Revenue Code.

To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.

(I) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.

(J) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an

auxiliary unit of any individual post of a national veteran's 44363
association, which post, state headquarters, or auxiliary unit 44364
is incorporated as a nonprofit corporation and either has 44365
received a letter from the state headquarters of the national 44366
veteran's association indicating that the individual post or 44367
auxiliary unit is in good standing with the national veteran's 44368
association or has received a letter from the national veteran's 44369
association indicating that the state headquarters is in good 44370
standing with the national veteran's association. As used in 44371
this division, "national veteran's association" means any 44372
veteran's association that has been in continuous existence as 44373
such for a period of at least five years and either is 44374
incorporated by an act of the United States congress or has a 44375
national dues-paying membership of at least five thousand 44376
persons. 44377

(K) "Volunteer firefighter's organization" means any 44378
organization of volunteer firefighters, as defined in section 44379
146.01 of the Revised Code, that is organized and operated 44380
exclusively to provide financial support for a volunteer fire 44381
department or a volunteer fire company and that is recognized or 44382
ratified by a county, municipal corporation, or township. 44383

(L) "Fraternal organization" means any society, order, 44384
state headquarters, or association within this state, except a 44385
college or high school fraternity, that is not organized for 44386
profit, that is a branch, lodge, or chapter of a national or 44387
state organization, that exists exclusively for the common 44388
business or sodality of its members. 44389

(M) "Volunteer rescue service organization" means any 44390
organization of volunteers organized to function as an emergency 44391
medical service organization, as defined in section 4765.01 of 44392

the Revised Code. 44393

(N) "Charitable bingo game" means any bingo game described 44394
in division (O) (1) or (2) of this section that is conducted by a 44395
charitable organization that has obtained a license pursuant to 44396
section 2915.08 of the Revised Code and the proceeds of which 44397
are used for a charitable purpose. 44398

(O) "Bingo" means either of the following: 44399

(1) A game with all of the following characteristics: 44400

(a) The participants use bingo cards or sheets, including 44401
paper formats and electronic representation or image formats, 44402
that are divided into twenty-five spaces arranged in five 44403
horizontal and five vertical rows of spaces, with each space, 44404
except the central space, being designated by a combination of a 44405
letter and a number and with the central space being designated 44406
as a free space. 44407

(b) The participants cover the spaces on the bingo cards 44408
or sheets that correspond to combinations of letters and numbers 44409
that are announced by a bingo game operator. 44410

(c) A bingo game operator announces combinations of 44411
letters and numbers that appear on objects that a bingo game 44412
operator selects by chance, either manually or mechanically, 44413
from a receptacle that contains seventy-five objects at the 44414
beginning of each game, each object marked by a different 44415
combination of a letter and a number that corresponds to one of 44416
the seventy-five possible combinations of a letter and a number 44417
that can appear on the bingo cards or sheets. 44418

(d) The winner of the bingo game includes any participant 44419
who properly announces during the interval between the 44420
announcements of letters and numbers as described in division 44421

(O) (1) (c) of this section, that a predetermined and preannounced 44422
pattern of spaces has been covered on a bingo card or sheet 44423
being used by the participant. 44424

(2) Instant bingo, electronic instant bingo, and raffles. 44425

(P) "Conduct" means to back, promote, organize, manage, 44426
carry on, sponsor, or prepare for the operation of bingo or a 44427
game of chance, a scheme of chance, or a sweepstakes. 44428

(Q) "Bingo game operator" means any person, except 44429
security personnel, who performs work or labor at the site of 44430
bingo, including, but not limited to, collecting money from 44431
participants, handing out bingo cards or sheets or objects to 44432
cover spaces on bingo cards or sheets, selecting from a 44433
receptacle the objects that contain the combination of letters 44434
and numbers that appear on bingo cards or sheets, calling out 44435
the combinations of letters and numbers, distributing prizes, 44436
selling or redeeming instant bingo tickets or cards, selling or 44437
redeeming electronic instant bingo tickets, credits, or 44438
vouchers, accessing an electronic instant bingo system other 44439
than as a participant, supervising the operation of a punch 44440
board, selling raffle tickets, selecting raffle tickets from a 44441
receptacle and announcing the winning numbers in a raffle, and 44442
preparing, selling, and serving food or beverages. "Bingo game 44443
operator" does not include a person who is installing, 44444
maintaining, updating, or repairing an electronic instant bingo 44445
system. 44446

(R) "Participant" means any person who plays bingo. 44447

(S) "Bingo session" means a period that includes both of 44448
the following: 44449

(1) Not to exceed five continuous hours for the conduct of 44450

one or more games described in division (O) (1) of this section, 44451
instant bingo, and electronic instant bingo; 44452

(2) A period for the conduct of instant bingo and 44453
electronic instant bingo for not more than two hours before and 44454
not more than two hours after the period described in division 44455
(S) (1) of this section. 44456

(T) "Gross receipts" means all money or assets, including 44457
admission fees, that a person receives from bingo without the 44458
deduction of any amounts for prizes paid out or for the expenses 44459
of conducting bingo. "Gross receipts" does not include any money 44460
directly taken in from the sale of food or beverages by a 44461
charitable organization conducting bingo, or by a bona fide 44462
auxiliary unit or society of a charitable organization 44463
conducting bingo, provided all of the following apply: 44464

(1) The auxiliary unit or society has been in existence as 44465
a bona fide auxiliary unit or society of the charitable 44466
organization for at least two years prior to conducting bingo. 44467

(2) The person who purchases the food or beverage receives 44468
nothing of value except the food or beverage and items 44469
customarily received with the purchase of that food or beverage. 44470

(3) The food and beverages are sold at customary and 44471
reasonable prices. 44472

(U) "Security personnel" includes any person who either is 44473
a sheriff, deputy sheriff, marshal, deputy marshal, township 44474
constable, or member of an organized police department of a 44475
municipal corporation or has successfully completed a peace 44476
officer's training course pursuant to sections 109.71 to 109.79 44477
of the Revised Code and who is hired to provide security for the 44478
premises on which bingo is conducted. 44479

(V) "Charitable purpose" means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous

existence in this state for fifteen years and that uses the net 44510
profit exclusively for religious, charitable, scientific, 44511
literary, or educational purposes, or for the prevention of 44512
cruelty to children or animals, if contributions for such use 44513
would qualify as a deductible charitable contribution under 44514
subsection 170 of the Internal Revenue Code; 44515

(4) A volunteer firefighter's organization that uses the 44516
net profit for the purposes set forth in division (K) of this 44517
section. 44518

(W) "Internal Revenue Code" means the "Internal Revenue 44519
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 44520
amended. 44521

(X) "Youth athletic organization" means any organization, 44522
not organized for profit, that is organized and operated 44523
exclusively to provide financial support to, or to operate, 44524
athletic activities for persons who are twenty-one years of age 44525
or younger by means of sponsoring, organizing, operating, or 44526
contributing to the support of an athletic team, club, league, 44527
or association. 44528

(Y) "Youth athletic park organization" means any 44529
organization, not organized for profit, that satisfies both of 44530
the following: 44531

(1) It owns, operates, and maintains playing fields that 44532
satisfy both of the following: 44533

(a) The playing fields are used for athletic activities by 44534
one or more organizations, not organized for profit, each of 44535
which is organized and operated exclusively to provide financial 44536
support to, or to operate, athletic activities for persons who 44537
are eighteen years of age or younger by means of sponsoring, 44538

organizing, operating, or contributing to the support of an 44539
athletic team, club, league, or association. 44540

(b) The playing fields are not used for any profit-making 44541
activity at any time during the year. 44542

(2) It uses the proceeds of bingo it conducts exclusively 44543
for the operation, maintenance, and improvement of its playing 44544
fields of the type described in division (Y)(1) of this section. 44545

(Z) "Bingo supplies" means bingo cards or sheets; instant 44546
bingo tickets or cards; electronic bingo aids; raffle tickets; 44547
punch boards; seal cards; instant bingo ticket dispensers; 44548
electronic instant bingo systems; and devices for selecting or 44549
displaying the combination of bingo letters and numbers or 44550
raffle tickets. Items that are "bingo supplies" are not gambling 44551
devices if sold or otherwise provided, and used, in accordance 44552
with this chapter. For purposes of this chapter, "bingo 44553
supplies" are not to be considered equipment used to conduct a 44554
bingo game. 44555

(AA) "Instant bingo" means a form of bingo that shall use 44556
folded or banded tickets or paper cards with perforated break- 44557
open tabs, a face of which is covered or otherwise hidden from 44558
view to conceal a number, letter, or symbol, or set of numbers, 44559
letters, or symbols, some of which have been designated in 44560
advance as prize winners, and may also include games in which 44561
some winners are determined by the random selection of one or 44562
more bingo numbers by the use of a seal card or bingo blower. 44563
"Instant bingo" also includes a punch board game. In all 44564
"instant bingo" the prize amount and structure shall be 44565
predetermined. "Instant bingo" does not include electronic 44566
instant bingo or any device that is activated by the insertion 44567
of a coin, currency, token, or an equivalent, and that contains 44568

as one of its components a video display monitor that is capable 44569
of displaying numbers, letters, symbols, or characters in 44570
winning or losing combinations. 44571

(BB) "Seal card" means a form of instant bingo that uses 44572
instant bingo tickets in conjunction with a board or placard 44573
that contains one or more seals that, when removed or opened, 44574
reveal predesignated winning numbers, letters, or symbols. 44575

(CC) "Raffle" means a form of bingo in which the one or 44576
more prizes are won by one or more persons who have purchased a 44577
raffle ticket. The one or more winners of the raffle are 44578
determined by drawing a ticket stub or other detachable section 44579
from a receptacle containing ticket stubs or detachable sections 44580
corresponding to all tickets sold for the raffle. "Raffle" does 44581
not include the drawing of a ticket stub or other detachable 44582
section of a ticket purchased to attend a professional sporting 44583
event if both of the following apply: 44584

(1) The ticket stub or other detachable section is used to 44585
select the winner of a free prize given away at the professional 44586
sporting event; and 44587

(2) The cost of the ticket is the same as the cost of a 44588
ticket to the professional sporting event on days when no free 44589
prize is given away. 44590

(DD) "Punch board" means a form of instant bingo that uses 44591
a board containing a number of holes or receptacles of uniform 44592
size in which are placed, mechanically and randomly, serially 44593
numbered slips of paper that may be punched or drawn from the 44594
hole or receptacle. A player may punch or draw the numbered 44595
slips of paper from the holes or receptacles and obtain the 44596
prize established for the game if the number drawn corresponds 44597

to a winning number or, if the punch board includes the use of a 44598
seal card, a potential winning number. 44599

(EE) "Gross profit" means gross receipts minus the amount 44600
actually expended for the payment of prize awards. 44601

(FF) "Net profit" means gross profit minus expenses. 44602

(GG) "Expenses" means the reasonable amount of gross 44603
profit actually expended for all of the following: 44604

(1) The purchase or lease of bingo supplies; 44605

(2) The annual license fee required under section 2915.08 44606
of the Revised Code; 44607

(3) Bank fees and service charges for a bingo session or 44608
game account described in section 2915.10 of the Revised Code; 44609

(4) Audits and accounting services; 44610

(5) Safes; 44611

(6) Cash registers; 44612

(7) Hiring security personnel; 44613

(8) Advertising bingo; 44614

(9) Renting premises in which to conduct a bingo session; 44615

(10) Tables and chairs; 44616

(11) Expenses for maintaining and operating a charitable 44617
organization's facilities, including, but not limited to, a post 44618
home, club house, lounge, tavern, or canteen and any grounds 44619
attached to the post home, club house, lounge, tavern, or 44620
canteen; 44621

(12) Payment of real property taxes and assessments that 44622

are levied on a premises on which bingo is conducted; 44623

(13) Any other product or service directly related to the 44624
conduct of bingo that is authorized in rules adopted by the 44625
attorney general under division (F)(1) of section 2915.08 of the 44626
Revised Code. 44627

(HH) "Person" has the same meaning as in section 1.59 of 44628
the Revised Code and includes any firm or any other legal 44629
entity, however organized. 44630

(II) "Revoke" means to void permanently all rights and 44631
privileges of the holder of a license issued under section 44632
2915.08, 2915.081, or 2915.082 of the Revised Code or a 44633
charitable gaming license issued by another jurisdiction. 44634

(JJ) "Suspend" means to interrupt temporarily all rights 44635
and privileges of the holder of a license issued under section 44636
2915.08, 2915.081, or 2915.082 of the Revised Code or a 44637
charitable gaming license issued by another jurisdiction. 44638

(KK) "Distributor" means any person who purchases or 44639
obtains bingo supplies and who does either of the following: 44640

(1) Sells, offers for sale, or otherwise provides or 44641
offers to provide the bingo supplies to another person for use 44642
in this state; 44643

(2) Modifies, converts, adds to, or removes parts from the 44644
bingo supplies to further their promotion or sale for use in 44645
this state. 44646

(LL) "Manufacturer" means any person who assembles 44647
completed bingo supplies from raw materials, other items, or 44648
subparts or who modifies, converts, adds to, or removes parts 44649
from bingo supplies to further their promotion or sale. 44650

(MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O) (1) of this section plus the annual net profit derived from the conduct of bingo described in division (O) (2) of this section.

(NN) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

(1) It is activated upon the insertion of United States currency.

(2) It performs no gaming functions.

(3) It does not contain a video display monitor or generate noise.

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.

(5) It does not simulate or display rolling or spinning reels.

(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.

(8) It is not part of an electronic network and is not interactive.

(OO) (1) "Electronic bingo aid" means an electronic device 44678
used by a participant to monitor bingo cards or sheets purchased 44679
at the time and place of a bingo session and that does all of 44680
the following: 44681

(a) It provides a means for a participant to input numbers 44682
and letters announced by a bingo caller. 44683

(b) It compares the numbers and letters entered by the 44684
participant to the bingo faces previously stored in the memory 44685
of the device. 44686

(c) It identifies a winning bingo pattern. 44687

(2) "Electronic bingo aid" does not include any device 44688
into which a coin, currency, token, or an equivalent is inserted 44689
to activate play. 44690

(PP) "Deal" means a single game of instant bingo tickets, 44691
or a single game of electronic instant bingo tickets, all with 44692
the same serial number. 44693

(QQ) (1) "Slot machine" means either of the following: 44694

(a) Any mechanical, electronic, video, or digital device 44695
that is capable of accepting anything of value, directly or 44696
indirectly, from or on behalf of a player who gives the thing of 44697
value in the hope of gain; 44698

(b) Any mechanical, electronic, video, or digital device 44699
that is capable of accepting anything of value, directly or 44700
indirectly, from or on behalf of a player to conduct bingo or a 44701
scheme or game of chance. 44702

(2) "Slot machine" does not include a skill-based 44703
amusement machine, an instant bingo ticket dispenser, or an 44704
electronic instant bingo system. 44705

(RR) "Net profit from the proceeds of the sale of instant bingo or electronic instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of bingo supplies for the purpose of conducting instant bingo or electronic instant bingo, and, in the case of instant bingo or electronic instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo or electronic instant bingo is conducted.

(SS) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(TT) "Game flare" means the board or placard, or electronic representation of a board or placard, that accompanies each deal of instant bingo or electronic instant bingo tickets and that includes the following information for the game:

(1) The name of the game;

(2) The manufacturer's name or distinctive logo;

- (3) The form number; 44736
- (4) The ticket count; 44737
- (5) The prize structure, including the number of winning tickets by denomination and the respective winning symbol or number combinations for the winning tickets; 44738
44739
44740
- (6) The cost per play; 44741
- (7) The serial number of the game. 44742
- (UU) (1) "Skill-based amusement machine" means a 44743
mechanical, video, digital, or electronic device that rewards 44744
the player or players, if at all, only with merchandise prizes 44745
or with redeemable vouchers redeemable only for merchandise 44746
prizes, provided that with respect to rewards for playing the 44747
game all of the following apply: 44748
- (a) The wholesale value of a merchandise prize awarded as 44749
a result of the single play of a machine does not exceed ten 44750
dollars; 44751
- (b) Redeemable vouchers awarded for any single play of a 44752
machine are not redeemable for a merchandise prize with a 44753
wholesale value of more than ten dollars; 44754
- (c) Redeemable vouchers are not redeemable for a 44755
merchandise prize that has a wholesale value of more than ten 44756
dollars times the fewest number of single plays necessary to 44757
accrue the redeemable vouchers required to obtain that prize; 44758
and 44759
- (d) Any redeemable vouchers or merchandise prizes are 44760
distributed at the site of the skill-based amusement machine at 44761
the time of play. 44762

A card for the purchase of gasoline is a redeemable voucher for purposes of division (UU)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is

operated as described in division (UU) (1) of this section: 44791

(a) As used in division (UU) of this section, "game" and 44792
"play" mean one event from the initial activation of the machine 44793
until the results of play are determined without payment of 44794
additional consideration. An individual utilizing a machine that 44795
involves a single game, play, contest, competition, or 44796
tournament may be awarded redeemable vouchers or merchandise 44797
prizes based on the results of play. 44798

(b) Advance play for a single game, play, contest, 44799
competition, or tournament participation may be purchased. The 44800
cost of the contest, competition, or tournament participation 44801
may be greater than a single noncontest, competition, or 44802
tournament play. 44803

(c) To the extent that the machine is used in a contest, 44804
competition, or tournament, that contest, competition, or 44805
tournament has a defined starting and ending date and is open to 44806
participants in competition for scoring and ranking results 44807
toward the awarding of redeemable vouchers or merchandise prizes 44808
that are stated prior to the start of the contest, competition, 44809
or tournament. 44810

(4) For purposes of division (UU) (1) of this section, the 44811
mere presence of a device, such as a pin-setting, ball- 44812
releasing, or scoring mechanism, that does not contribute to or 44813
affect the outcome of the play of the game does not make the 44814
device a skill-based amusement machine. 44815

(VV) "Merchandise prize" means any item of value, but 44816
shall not include any of the following: 44817

(1) Cash, gift cards, or any equivalent thereof; 44818

(2) Plays on games of chance, state lottery tickets, or 44819

bingo; 44820

(3) Firearms, tobacco, or alcoholic beverages; or 44821

(4) A redeemable voucher that is redeemable for any of the 44822
items listed in division (VV) (1), (2), or (3) of this section. 44823

(WW) "Redeemable voucher" means any ticket, token, coupon, 44824
receipt, or other noncash representation of value. 44825

(XX) "Pool not conducted for profit" means a scheme in 44826
which a participant gives a valuable consideration for a chance 44827
to win a prize and the total amount of consideration wagered is 44828
distributed to a participant or participants. 44829

(YY) "Sporting organization" means a hunting, fishing, or 44830
trapping organization, other than a college or high school 44831
fraternity or sorority, that is not organized for profit, that 44832
is affiliated with a state or national sporting organization, 44833
including but not limited to, the league of Ohio sportsmen, and 44834
that has been in continuous existence in this state for a period 44835
of three years. 44836

(ZZ) "Community action agency" has the same meaning as in 44837
section ~~122.66~~5101.311 of the Revised Code. 44838

(AAA) (1) "Sweepstakes terminal device" means a mechanical, 44839
video, digital, or electronic machine or device that is owned, 44840
leased, or otherwise possessed by any person conducting a 44841
sweepstakes, or by that person's partners, affiliates, 44842
subsidiaries, or contractors, that is intended to be used by a 44843
sweepstakes participant, and that is capable of displaying 44844
information on a screen or other mechanism. A device is a 44845
sweepstakes terminal device if any of the following apply: 44846

(a) The device uses a simulated game terminal as a 44847

representation of the prizes associated with the results of the 44848
sweepstakes entries. 44849

(b) The device utilizes software such that the simulated 44850
game influences or determines the winning of or value of the 44851
prize. 44852

(c) The device selects prizes from a predetermined finite 44853
pool of entries. 44854

(d) The device utilizes a mechanism that reveals the 44855
content of a predetermined sweepstakes entry. 44856

(e) The device predetermines the prize results and stores 44857
those results for delivery at the time the sweepstakes entry 44858
results are revealed. 44859

(f) The device utilizes software to create a game result. 44860

(g) The device reveals the prize incrementally, even 44861
though the device does not influence the awarding of the prize 44862
or the value of any prize awarded. 44863

(h) The device determines and associates the prize with an 44864
entry or entries at the time the sweepstakes is entered. 44865

(2) As used in this division and in section 2915.02 of the 44866
Revised Code: 44867

(a) "Enter" means the act by which a person becomes 44868
eligible to receive any prize offered in a sweepstakes. 44869

(b) "Entry" means one event from the initial activation of 44870
the sweepstakes terminal device until all the sweepstakes prize 44871
results from that activation are revealed. 44872

(c) "Prize" means any gift, award, gratuity, good, 44873
service, credit, reward, or any other thing of value that may be 44874

transferred to a person, whether possession of the prize is 44875
actually transferred, or placed on an account or other record as 44876
evidence of the intent to transfer the prize. 44877

(d) "Sweepstakes terminal device facility" means any 44878
location in this state where a sweepstakes terminal device is 44879
provided to a sweepstakes participant, except as provided in 44880
division (G) of section 2915.02 of the Revised Code. 44881

(BBB) "Sweepstakes" means any game, contest, advertising 44882
scheme or plan, or other promotion where consideration is not 44883
required for a person to enter to win or become eligible to 44884
receive any prize, the determination of which is based upon 44885
chance. "Sweepstakes" does not include bingo as authorized under 44886
this chapter, pari-mutuel wagering as authorized by Chapter 44887
3769. of the Revised Code, lotteries conducted by the state 44888
lottery commission as authorized by Chapter 3770. of the Revised 44889
Code, and casino gaming as authorized by Chapter 3772. of the 44890
Revised Code. 44891

(CCC) (1) "Electronic instant bingo" means a form of bingo 44892
that consists of an electronic or digital representation of 44893
instant bingo in which a participant wins a prize if the 44894
participant's electronic instant bingo ticket contains a 44895
combination of numbers or symbols that was designated in advance 44896
as a winning combination, and to which all of the following 44897
apply: 44898

(a) Each deal has a predetermined, finite number of 44899
winning and losing tickets and a predetermined prize amount and 44900
deal structure, provided that there may be multiple winning 44901
combinations in each deal and multiple winning tickets. 44902

(b) Each electronic instant bingo ticket within a deal has 44903

a unique serial number that is not regenerated. 44904

(c) Each electronic instant bingo ticket within a deal is 44905
sold for the same price. 44906

(d) After a participant purchases an electronic instant 44907
bingo ticket, the combination of numbers or symbols on the 44908
ticket is revealed to the participant. 44909

(e) The reveal of numbers or symbols on the ticket may 44910
incorporate an entertainment or bonus theme, provided that the 44911
reveal does not include spinning reels that resemble a slot 44912
machine. 44913

(f) The reveal theme, if any, does not require additional 44914
consideration or award any prize other than any predetermined 44915
prize associated with the electronic instant bingo ticket. 44916

(2) "Electronic instant bingo" shall not include any of 44917
the following: 44918

(a) Any game, entertainment, or bonus theme that 44919
replicates or simulates any of the following: 44920

(i) The gambling games of keno, blackjack, roulette, 44921
poker, craps, other casino-style table games; 44922

(ii) Horse racing; 44923

(iii) Gambling games offered in this state on slot 44924
machines or video lottery terminals. As used in this division, 44925
"video lottery terminal" has the same meaning as in section 44926
3770.21 of the Revised Code. 44927

(b) Any device operated by dropping one or more coins or 44928
tokens into a slot and pulling a handle or pushing a button or 44929
touchpoint on a touchscreen to activate one to three or more 44930

rotating reels marked into horizontal segments by varying 44931
symbols, where the predetermined prize amount depends on how and 44932
how many of the symbols line up when the rotating reels come to 44933
a rest; 44934

(c) Any device that includes a coin or token slot, tray, 44935
or hopper and the ability to dispense coins, cash, tokens, or 44936
anything of value other than a credit ticket voucher. 44937

(DDD) "Electronic instant bingo system" means both of the 44938
following: 44939

(1) A mechanical, electronic, digital, or video device and 44940
associated software to which all of the following apply: 44941

(a) It is used by not more than one player at a time to 44942
play electronic instant bingo on a single screen that is 44943
physically connected to the device; 44944

(b) It is located on the premises of the principal place 44945
of business of a veteran's or fraternal organization that holds 44946
a type II or type III bingo license to conduct electronic 44947
instant bingo at that location issued under section 2915.08 of 44948
the Revised Code. 44949

(2) Any associated equipment or software used to manage, 44950
monitor, or document any aspect of electronic instant bingo. 44951

Sec. 2917.211. (A) As used in this section: 44952

(1) "Child-victim oriented offense" and "sexually oriented 44953
offense" have the same meanings as in section 2950.01 of the 44954
Revised Code. 44955

(2) "Disseminate" means to post, distribute, or publish on 44956
a computer device, computer network, web site, or other 44957
electronic device or medium of communication. 44958

~~(2)~~—(3) "Image" means a photograph, film, videotape, 44959
digital recording, or other depiction or portrayal of a person. 44960

~~(3)~~—(4) "Interactive computer service" has the meaning 44961
defined in the "Telecommunications Act of 1996," 47 U.S.C. 230, 44962
as amended. 44963

~~(4)~~—(5) "Internet provider" means a provider of internet 44964
service, including all of the following: 44965

(a) Broadband service, however defined or classified by 44966
the federal communications commission; 44967

(b) Information service or telecommunications service, 44968
both as defined in the "Telecommunications Act of 1996," 47 44969
U.S.C. 153, as amended; 44970

(c) Internet protocol-enabled services, as defined in 44971
section 4927.01 of the Revised Code. 44972

~~(5)~~—(6) "Mobile service" and "telecommunications carrier" 44973
have the meanings defined in 47 U.S.C. 153, as amended. 44974

~~(6)~~—(7) "Cable service provider" has the same meaning as 44975
in section 1332.01 of the Revised Code. 44976

~~(7)~~—(8) "Direct-to-home satellite service" has the meaning 44977
defined in 47 U.S.C. 303, as amended. 44978

~~(8)~~—(9) "Video service provider" has the same meaning as 44979
in section 1332.21 of the Revised Code. 44980

~~(9)~~—(10) "Sexual act" means any of the following: 44981

(a) Sexual activity; 44982

(b) Masturbation; 44983

(c) An act involving a bodily substance that is performed 44984

for the purpose of sexual arousal or gratification; 44985

(d) Sado-masochistic abuse. 44986

(11) "Fabricated sexual image" has the same meaning as in 44987
section 2307.66 of the Revised Code. 44988

(B) No person shall knowingly disseminate an image of 44989
another person if all of the following apply: 44990

(1) The person in the image is eighteen years of age or 44991
older. 44992

(2) The person in the image can be identified from the 44993
image itself or from information displayed in connection with 44994
the image and the offender supplied the identifying information. 44995

(3) The person in the image is in a state of nudity or is 44996
engaged in a sexual act. 44997

(4) The image is disseminated without consent from the 44998
person in the image. 44999

(5) The image is disseminated with intent to harm the 45000
person in the image. 45001

(C) No person shall knowingly disseminate a fabricated 45002
sexual image of another person without the other person's 45003
consent. 45004

(D) No person shall, without the consent of the depicted 45005
person, in order to harass, extort, threaten, or cause physical, 45006
emotional, reputational, or economic harm to a person falsely 45007
depicted, knowingly do either of the following: 45008

(1) Create a fabricated sexual image with intent to 45009
distribute; 45010

(2) Solicit the creation of a fabricated sexual image with 45011

intent to distribute. 45012

(E) This section does not prohibit the dissemination of an 45013
image or fabricated sexual image if any of the following apply: 45014

(1) The image or fabricated sexual image is disseminated 45015
for the purpose of a criminal investigation that is otherwise 45016
lawful. 45017

(2) The image or fabricated sexual image is disseminated 45018
for the purpose of, or in connection with, the reporting of 45019
unlawful conduct. 45020

(3) The image or fabricated sexual image is part of a news 45021
report or commentary or an artistic or expressive work, such as 45022
a performance, work of art, literary work, theatrical work, 45023
musical work, motion picture, film, or audiovisual work. 45024

(4) The image or fabricated sexual image is disseminated 45025
by a law enforcement officer, or a corrections officer or guard 45026
in a detention facility, acting within the scope of the person's 45027
official duties. 45028

(5) The image or fabricated sexual image is disseminated 45029
for another lawful public purpose. 45030

(6) ~~The~~ If the person in the image or fabricated sexual 45031
image is eighteen years of age or older, the person in the image 45032
or fabricated sexual image is knowingly and willingly in a state 45033
of nudity or engaged in a sexual act and is knowingly and 45034
willingly in a location in which the person does not have a 45035
reasonable expectation of privacy. 45036

(7) The image or fabricated sexual image is disseminated 45037
for the purpose of medical treatment or examination. 45038

~~(D)~~ (F) The following entities are not liable for a 45039

violation of this section solely as a result of an image or 45040
fabricated sexual image or other information provided by another 45041
person: 45042

(1) A provider of interactive computer service; 45043

(2) A mobile service; 45044

(3) A telecommunications carrier; 45045

(4) An internet provider; 45046

(5) A cable service provider; 45047

(6) A direct-to-home satellite service; 45048

(7) A video service provider. 45049

~~(E)~~ (G) Any conduct that is a violation of this section 45050
and any other section of the Revised Code may be prosecuted 45051
under this section, the other section, or both sections. 45052

~~(F) (1) (a)~~ (H) (1) (a) Except as otherwise provided in 45053
division ~~(F) (1) (b), (c), or (d)~~ (H) (1) (b) of this section, 45054
whoever violates division (B) of this section is guilty of 45055
nonconsensual dissemination of private sexual images, a 45056
~~misdemeanor~~ felony of the ~~third~~ fifth degree. 45057

(b) If the offender previously has been convicted of or 45058
pleaded guilty to a violation of division (B) of this section, a 45059
sexually oriented offense, or a child-victim oriented offense, 45060
nonconsensual dissemination of private sexual images is a 45061
~~misdemeanor~~ felony of the ~~second~~ fourth degree. 45062

~~(c) If the offender previously has been convicted of or~~ 45063
~~pleaded guilty to two or more violations of this section,~~ 45064
~~nonconsensual dissemination of private sexual images is a~~ 45065
~~misdemeanor of the first degree.~~ 45066

~~(d) If the offender is under eighteen years of age and the person in the image is not more than five years older than the offender, the offender shall not be prosecuted under this section.~~

~~(2) (a) Except as otherwise provided in division (H) (2) (b) of this section, whoever violates division (C) of this section is guilty of nonconsensual dissemination of fabricated sexual images, a felony of the fourth degree.~~

(b) If the offender has previously been convicted of or pleaded guilty to a violation of this section, a sexually oriented offense, or a child-victim oriented offense, nonconsensual dissemination of fabricated sexual images is a felony of the third degree.

(3) (a) Except as otherwise provided in division (H) (3) (b) of this section, whoever violates division (D) of this section is guilty of nonconsensual creation of fabricated sexual images, a felony of the fourth degree.

(b) If the offender has previously been convicted of or pleaded guilty to a violation of this section, a sexually oriented offense, or a child-victim oriented offense, nonconsensual creation of fabricated sexual images is a felony of the third degree.

(4) In addition to any other penalty or disposition authorized or required by law, the court may order any person who is convicted of a violation of this section or who is adjudicated delinquent by reason of a violation of this section to criminally forfeit all of the following property to the state under Chapter 2981. of the Revised Code:

(a) Any profits or proceeds and any property the person

has acquired or maintained in violation of this section that the 45096
sentencing court determines to have been acquired or maintained 45097
as a result of the violation; 45098

(b) Any interest in, securities of, claim against, or 45099
property or contractual right of any kind affording a source of 45100
influence over any enterprise that the person has established, 45101
operated, controlled, or conducted in violation of this section 45102
that the sentencing court determines to have been acquired or 45103
maintained as a result of the violation. 45104

~~(G)~~ (I) A victim of a violation of this section may 45105
commence a civil cause of action against the offender, as 45106
described in section 2307.66 of the Revised Code. 45107

Sec. 2919.171. (A) (1) A physician who performs or induces 45108
or attempts to perform or induce an abortion on a pregnant woman 45109
shall submit a report to the department of health in accordance 45110
with the forms, rules, and regulations adopted by the department 45111
that includes all of the information the physician is required 45112
to certify in writing or determine under section 2919.17, 45113
section 2919.18, divisions (A) and (C) of section 2919.192, 45114
division (C) of section 2919.193, division (B) of section 45115
2919.195, or division (A) of section 2919.196 of the Revised 45116
Code. 45117

(2) If a person other than the physician described in 45118
division (A) (1) of this section makes or maintains a record 45119
required by sections 2919.192 to 2919.196 of the Revised Code on 45120
the physician's behalf or at the physician's direction, that 45121
person shall comply with the reporting requirement described in 45122
division (A) (1) of this section as if the person were the 45123
physician described in that division. 45124

(B) By ~~September 30~~ the first day of March of each year, 45125
the department of health shall issue a public report that 45126
provides statistics for the previous calendar year compiled from 45127
all of the reports covering that calendar year submitted to the 45128
department in accordance with this section for each of the items 45129
listed in division (A) of this section. The report shall also 45130
provide the statistics for each previous calendar year in which 45131
a report was filed with the department pursuant to this section, 45132
adjusted to reflect any additional information that a physician 45133
provides to the department in a late or corrected report. The 45134
department shall ensure that none of the information included in 45135
the report could reasonably lead to the identification of any 45136
pregnant woman upon whom an abortion is performed. 45137

(C) (1) The physician shall submit the report described in 45138
division (A) of this section to the department of health within 45139
fifteen days after the woman is discharged. If the physician 45140
fails to submit the report more than thirty days after that 45141
fifteen-day deadline, the physician shall be subject to a late 45142
fee of five hundred dollars for each additional thirty-day 45143
period or portion of a thirty-day period the report is overdue. 45144
A physician who is required to submit to the department of 45145
health a report under division (A) of this section and who has 45146
not submitted a report or has submitted an incomplete report 45147
more than one year following the fifteen-day deadline may, in an 45148
action brought by the department of health, be directed by a 45149
court of competent jurisdiction to submit a complete report to 45150
the department of health within a period of time stated in a 45151
court order or be subject to contempt of court. 45152

(2) If a physician fails to comply with the requirements 45153
of this section, other than filing a late report with the 45154
department of health, or fails to submit a complete report to 45155

the department of health in accordance with a court order, the 45156
physician is subject to division (B)(43) of section 4731.22 of 45157
the Revised Code. 45158

(3) No person shall falsify any report required under this 45159
section. Whoever violates this division is guilty of abortion 45160
report falsification, a misdemeanor of the first degree. 45161

(D) The department of health shall adopt rules pursuant to 45162
section 111.15 of the Revised Code to assist in compliance with 45163
this section. 45164

Sec. 2919.19. (A) As used in this section and sections 45165
2919.191 to ~~2919.1910~~ 2919.199 of the Revised Code: 45166

(1) "Conception" means fertilization. 45167

(2) "Contraceptive" means a drug, device, or chemical that 45168
prevents conception. 45169

(3) "DNA" means deoxyribonucleic acid. 45170

(4) "Fetal heartbeat" means cardiac activity or the steady 45171
and repetitive rhythmic contraction of the fetal heart within 45172
the gestational sac. 45173

(5) "Fetus" means the human offspring developing during 45174
pregnancy from the moment of conception and includes the 45175
embryonic stage of development. 45176

(6) "Gestational age" means the age of an unborn human 45177
individual as calculated from the first day of the last 45178
menstrual period of a pregnant woman. 45179

(7) "Gestational sac" means the structure that comprises 45180
the extraembryonic membranes that envelop the fetus and that is 45181
typically visible by ultrasound after the fourth week of 45182

pregnancy. 45183

(8) "Intrauterine pregnancy" means a pregnancy in which 45184
the fetus is attached to the placenta within the uterus of the 45185
pregnant woman. 45186

(9) "Medical emergency" has the same meaning as in section 45187
2919.16 of the Revised Code. 45188

(10) "Physician" has the same meaning as in section 45189
2305.113 of the Revised Code. 45190

(11) "Pregnancy" means the human female reproductive 45191
condition that begins with fertilization, when the woman is 45192
carrying the developing human offspring, and that is calculated 45193
from the first day of the last menstrual period of the woman. 45194

(12) "Serious risk of the substantial and irreversible 45195
impairment of a major bodily function" has the same meaning as 45196
in section 2919.16 of the Revised Code. 45197

(13) "Spontaneous miscarriage" means the natural or 45198
accidental termination of a pregnancy and the expulsion of the 45199
fetus, typically caused by genetic defects in the fetus or 45200
physical abnormalities in the pregnant woman. 45201

(14) "Standard medical practice" means the degree of 45202
skill, care, and diligence that a physician of the same medical 45203
specialty would employ in like circumstances. As applied to the 45204
method used to determine the presence of a fetal heartbeat for 45205
purposes of section 2919.192 of the Revised Code, "standard 45206
medical practice" includes employing the appropriate means of 45207
detection depending on the estimated gestational age of the 45208
fetus and the condition of the woman and her pregnancy. 45209

(15) "Unborn human individual" means an individual 45210

organism of the species homo sapiens from fertilization until 45211
live birth. 45212

(B) (1) It is the intent of the general assembly that a 45213
court judgment or order suspending enforcement of any provision 45214
of this section or sections 2919.171 or 2919.191 to 2919.1913 of 45215
the Revised Code is not to be regarded as tantamount to repeal 45216
of that provision. 45217

(2) Upon the issuance of any court order or judgment 45218
restoring, expanding, or clarifying the authority of states to 45219
prohibit or regulate abortion entirely or in part, or the 45220
effective date of an amendment to the United States Constitution 45221
restoring, expanding, or clarifying the authority of states to 45222
prohibit or regulate abortion entirely or in part, the attorney 45223
general may apply to the pertinent state or federal court for 45224
either or both of the following: 45225

(a) A declaration that any one or more sections specified 45226
in division (B) (1) of this section are constitutional; 45227

(b) A judgment or order lifting an injunction against the 45228
enforcement of any one or more sections specified in division 45229
(B) (1) of this section. 45230

(3) If the attorney general fails to apply for the relief 45231
described in division (B) (2) of this section within the thirty- 45232
day period after an event described in that division occurs, any 45233
county prosecutor, with standing, may apply to the appropriate 45234
state or federal court for such relief. 45235

(4) If any provision of this section or sections 2919.171 45236
or 2919.191 to 2919.1913 of the Revised Code is held invalid, or 45237
if the application of such provision to any person or 45238
circumstance is held invalid, the invalidity of that provision 45239

does not affect any other provisions or applications of this 45240
section and sections 2919.171 and 2919.191 to 2919.1913 of the 45241
Revised Code that can be given effect without the invalid 45242
provision or application, and to this end the provisions of this 45243
section and sections 2919.171 and 2919.191 to 2919.1913 of the 45244
Revised Code are severable as provided in section 1.50 of the 45245
Revised Code. In particular, it is the intent of the general 45246
assembly that any invalidity or potential invalidity of a 45247
provision of this section or sections 2919.171 or 2919.191 to 45248
2919.1913 of the Revised Code is not to impair the immediate and 45249
continuing enforceability of the remaining provisions. It is 45250
furthermore the intent of the general assembly that the 45251
provisions of this section and sections 2919.171 or 2919.191 to 45252
2919.1913 of the Revised Code are not to have the effect of 45253
repealing or limiting any other laws of this state, except as 45254
specified by this section and sections 2919.171 and 2919.191 to 45255
2919.1913 of the Revised Code. 45256

Sec. 2921.13. (A) No person shall knowingly make a false 45257
statement, or knowingly swear or affirm the truth of a false 45258
statement previously made, when any of the following applies: 45259

(1) The statement is made in any official proceeding. 45260

(2) The statement is made with purpose to incriminate 45261
another. 45262

(3) The statement is made with purpose to mislead a public 45263
official in performing the public official's official function. 45264

(4) The statement is made with purpose to secure the 45265
payment of unemployment compensation; Ohio works first; 45266
prevention, retention, and contingency benefits and services; 45267
disability financial assistance; retirement benefits or health 45268

care coverage from a state retirement system; economic 45269
development assistance, as defined in section 9.66 of the 45270
Revised Code; or other benefits administered by a governmental 45271
agency or paid out of a public treasury. 45272

(5) The statement is made with purpose to secure the 45273
issuance by a governmental agency of a license, permit, 45274
authorization, certificate, registration, release, or provider 45275
agreement. 45276

(6) The statement is sworn or affirmed before a notary 45277
public or another person empowered to administer oaths. 45278

(7) The statement is in writing on or in connection with a 45279
report or return that is required or authorized by law. 45280

(8) The statement is in writing and is made with purpose 45281
to induce another to extend credit to or employ the offender, to 45282
confer any degree, diploma, certificate of attainment, award of 45283
excellence, or honor on the offender, or to extend to or bestow 45284
upon the offender any other valuable benefit or distinction, 45285
when the person to whom the statement is directed relies upon it 45286
to that person's detriment. 45287

(9) The statement is made with purpose to commit or 45288
facilitate the commission of a theft offense. 45289

(10) The statement is knowingly made to a probate court in 45290
connection with any action, proceeding, or other matter within 45291
its jurisdiction, either orally or in a written document, 45292
including, but not limited to, an application, petition, 45293
complaint, or other pleading, or an inventory, account, or 45294
report. 45295

(11) The statement is made on an account, form, record, 45296
stamp, label, or other writing that is required by law. 45297

(12) The statement is made in connection with the purchase 45298
of a firearm, as defined in section 2923.11 of the Revised Code, 45299
and in conjunction with the furnishing to the seller of the 45300
firearm of a fictitious or altered driver's or commercial 45301
driver's license or permit, a fictitious or altered 45302
identification card, or any other document that contains false 45303
information about the purchaser's identity. 45304

(13) The statement is made in a document or instrument of 45305
writing that purports to be a judgment, lien, or claim of 45306
indebtedness and is filed or recorded with the secretary of 45307
state, a county recorder, or the clerk of a court of record. 45308

(14) The statement is made in an application filed with a 45309
county sheriff pursuant to section 2923.125 of the Revised Code 45310
in order to obtain or renew a concealed handgun license or is 45311
made in an affidavit submitted to a county sheriff to obtain a 45312
concealed handgun license on a temporary emergency basis under 45313
section 2923.1213 of the Revised Code. 45314

(15) The statement is required under section 5743.71 of 45315
the Revised Code in connection with the person's purchase of 45316
cigarettes or tobacco products in a delivery sale. 45317

(16) The statement is made to the department of children 45318
and youth in connection with the Ohio adoption grant program for 45319
the purpose of qualifying for or obtaining an adoption grant 45320
under sections 5101.19 to 5101.194 of the Revised Code. 45321

(B) No person, in connection with the purchase of a 45322
firearm, as defined in section 2923.11 of the Revised Code, 45323
shall knowingly furnish to the seller of the firearm a 45324
fictitious or altered driver's or commercial driver's license or 45325
permit, a fictitious or altered identification card, or any 45326

other document that contains false information about the 45327
purchaser's identity. 45328

(C) No person, in an attempt to obtain a concealed handgun 45329
license under section 2923.125 of the Revised Code, shall 45330
knowingly present to a sheriff a fictitious or altered document 45331
that purports to be certification of the person's competence in 45332
handling a handgun as described in division (B) (3) of that 45333
section. 45334

(D) It is no defense to a charge under division (A) (6) of 45335
this section that the oath or affirmation was administered or 45336
taken in an irregular manner. 45337

(E) If contradictory statements relating to the same fact 45338
are made by the offender within the period of the statute of 45339
limitations for falsification, it is not necessary for the 45340
prosecution to prove which statement was false but only that one 45341
or the other was false. 45342

(F) (1) Whoever violates division (A) (1), (2), (3), (4), 45343
(5), (6), (7), (8), (10), (11), (13), ~~or~~ (15), or (16) of this 45344
section is guilty of falsification. Except as otherwise provided 45345
in this division, falsification is a misdemeanor of the first 45346
degree. 45347

(2) Whoever violates division (A) (9) of this section is 45348
guilty of falsification in a theft offense. Except as otherwise 45349
provided in this division, falsification in a theft offense is a 45350
misdemeanor of the first degree. If the value of the property or 45351
services stolen is one thousand dollars or more and is less than 45352
seven thousand five hundred dollars, falsification in a theft 45353
offense is a felony of the fifth degree. If the value of the 45354
property or services stolen is seven thousand five hundred 45355

dollars or more and is less than one hundred fifty thousand 45356
dollars, falsification in a theft offense is a felony of the 45357
fourth degree. If the value of the property or services stolen 45358
is one hundred fifty thousand dollars or more, falsification in 45359
a theft offense is a felony of the third degree. 45360

(3) Whoever violates division (A) (12) or (B) of this 45361
section is guilty of falsification to purchase a firearm, a 45362
felony of the fifth degree. 45363

(4) Whoever violates division (A) (14) or (C) of this 45364
section is guilty of falsification to obtain a concealed handgun 45365
license, a felony of the fourth degree. 45366

(5) Whoever violates division (A) of this section in 45367
removal proceedings under section 319.26, 321.37, 507.13, or 45368
733.78 of the Revised Code is guilty of falsification regarding 45369
a removal proceeding, a felony of the third degree. 45370

(G) A person who violates this section is liable in a 45371
civil action to any person harmed by the violation for injury, 45372
death, or loss to person or property incurred as a result of the 45373
commission of the offense and for reasonable attorney's fees, 45374
court costs, and other expenses incurred as a result of 45375
prosecuting the civil action commenced under this division. A 45376
civil action under this division is not the exclusive remedy of 45377
a person who incurs injury, death, or loss to person or property 45378
as a result of a violation of this section. 45379

Sec. 2921.36. (A) No person shall knowingly convey, or 45380
attempt to convey, onto the grounds of a detention facility or 45381
of an institution, office building, or other place that is under 45382
the control of the department of mental health and addiction 45383
services, the department of developmental disabilities, the 45384

department of youth services, or the department of 45385
rehabilitation and correction any of the following items: 45386

(1) Any deadly weapon or dangerous ordnance, as defined in 45387
section 2923.11 of the Revised Code, or any part of or 45388
ammunition for use in such a deadly weapon or dangerous 45389
ordnance; 45390

(2) Any drug of abuse, as defined in section 3719.011 of 45391
the Revised Code; 45392

(3) Any intoxicating liquor, as defined in section 4301.01 45393
of the Revised Code, except for small amounts of wine for 45394
sacramental purposes when the person engaging in the specified 45395
conduct is a cleric, as defined in section 2317.02 of the 45396
Revised Code. 45397

(B) Division (A) of this section does not apply to any 45398
person who conveys or attempts to convey an item onto the 45399
grounds of a detention facility or of an institution, office 45400
building, or other place under the control of the department of 45401
mental health and addiction services, the department of 45402
developmental disabilities, the department of youth services, or 45403
the department of rehabilitation and correction pursuant to the 45404
written authorization of the person in charge of the detention 45405
facility or the institution, office building, or other place and 45406
in accordance with the written rules of the detention facility 45407
or the institution, office building, or other place. 45408

(C) No person shall knowingly deliver, or attempt to 45409
deliver, to any person who is confined in a detention facility, 45410
to a child confined in a youth services facility, to a prisoner 45411
who is temporarily released from confinement for a work 45412
assignment, or to any patient in an institution under the 45413

control of the department of mental health and addiction 45414
services or the department of developmental disabilities any 45415
item listed in division (A) (1), (2), or (3) of this section. 45416

(D) No person shall knowingly deliver, or attempt to 45417
deliver, cash to any person who is confined in a detention 45418
facility, to a child confined in a youth services facility, or 45419
to a prisoner who is temporarily released from confinement for a 45420
work assignment. 45421

(E) No person shall knowingly deliver, or attempt to 45422
deliver, to any person who is confined in a detention facility, 45423
to a child confined in a youth services facility, or to a 45424
prisoner who is temporarily released from confinement for a work 45425
assignment a cellular telephone, two-way radio, or other 45426
electronic communications device. 45427

(F) (1) It is an affirmative defense to a charge under 45428
division (A) (1) of this section that the weapon or dangerous 45429
ordnance in question was being transported in a motor vehicle 45430
for any lawful purpose, that it was not on the actor's person, 45431
and, if the weapon or dangerous ordnance in question was a 45432
firearm, that it was unloaded and was being carried in a closed 45433
package, box, or case or in a compartment that can be reached 45434
only by leaving the vehicle. 45435

(2) It is an affirmative defense to a charge under 45436
division (C) of this section that the actor was not otherwise 45437
prohibited by law from delivering the item to the confined 45438
person, the child, the prisoner, or the patient and that either 45439
of the following applies: 45440

(a) The actor was permitted by the written rules of the 45441
detention facility or the institution, office building, or other 45442

place to deliver the item to the confined person or the patient. 45443

(b) The actor was given written authorization by the 45444
person in charge of the detention facility or the institution, 45445
office building, or other place to deliver the item to the 45446
confined person or the patient. 45447

(G) (1) Whoever violates division (A) (1) of this section or 45448
commits a violation of division (C) of this section involving an 45449
item listed in division (A) (1) of this section is guilty of 45450
illegal conveyance of weapons onto the grounds of a specified 45451
governmental facility, a felony of the third degree. If the 45452
offender is an officer or employee of the department of 45453
rehabilitation and correction, the court shall impose a 45454
mandatory prison term from the range of definite prison terms 45455
prescribed in division (A) (3) (b) of section 2929.14 of the 45456
Revised Code for a felony of the third degree. 45457

(2) Whoever violates division (A) (2) of this section or 45458
commits a violation of division (C) of this section involving 45459
any drug of abuse is guilty of illegal conveyance of drugs of 45460
abuse onto the grounds of a specified governmental facility, a 45461
felony of the third degree. If the offender is an officer or 45462
employee of the department of rehabilitation and correction or 45463
of the department of youth services, the court shall impose a 45464
mandatory prison term from the range of definite prison terms 45465
prescribed in division (A) (3) (b) of section 2929.14 of the 45466
Revised Code for a felony of the third degree. 45467

(3) Whoever violates division (A) (3) of this section or 45468
commits a violation of division (C) of this section involving 45469
any intoxicating liquor is guilty of illegal conveyance of 45470
intoxicating liquor onto the grounds of a specified governmental 45471
facility, a misdemeanor of the second degree. 45472

(4) Whoever violates division (D) of this section is 45473
guilty of illegal conveyance of cash onto the grounds of a 45474
detention facility, a misdemeanor of the first degree. If the 45475
offender previously has been convicted of or pleaded guilty to a 45476
violation of division (D) of this section, illegal conveyance of 45477
cash onto the grounds of a detention facility is a felony of the 45478
fifth degree. 45479

~~(5) Whoever~~ (5) (a) Except as provided in division (G) (5) 45480
(b) of this section, whoever violates division (E) of this 45481
section is guilty of illegal conveyance of a communications 45482
device onto the grounds of a specified governmental facility, a 45483
misdemeanor of the first degree, or if the offender previously 45484
has been convicted of or pleaded guilty to a violation of 45485
division (E) of this section, a felony of the fifth degree. 45486

(b) If the offender is an officer or employee of the 45487
department of rehabilitation and correction or the department of 45488
youth services or a contractor or employee of a contractor 45489
providing services to the department of rehabilitation and 45490
correction or the department of youth services, a violation of 45491
division (E) of this section is a felony of the third degree, 45492
and the court shall impose a mandatory prison term from the 45493
range of definite prison terms prescribed in division (A) (3) (b) 45494
of section 2929.14 of the Revised Code for a felony of the third 45495
degree. 45496

Sec. 2921.41. (A) No public official or party official 45497
shall commit any theft offense, as defined in division (K) of 45498
section 2913.01 of the Revised Code, when either of the 45499
following applies: 45500

(1) The offender uses the offender's office in aid of 45501
committing the offense or permits or assents to its use in aid 45502

of committing the offense; 45503

(2) The property or service involved is owned by this 45504
state, any other state, the United States, a county, a municipal 45505
corporation, a township, or any political subdivision, 45506
department, or agency of any of them, is owned by a political 45507
party, or is part of a political campaign fund. 45508

(B) Whoever violates this section is guilty of theft in 45509
office. Except as otherwise provided in this division, theft in 45510
office is a felony of the fifth degree. If the value of property 45511
or services stolen is one thousand dollars or more and is less 45512
than seven thousand five hundred dollars, theft in office is a 45513
felony of the fourth degree. If the value of property or 45514
services stolen is seven thousand five hundred dollars or more 45515
and is less than one hundred fifty thousand dollars, theft in 45516
office is a felony of the third degree. If the value of property 45517
or services stolen is one hundred fifty thousand dollars or more 45518
and is less than seven hundred fifty thousand dollars, theft in 45519
office is a felony of the second degree. If the value of 45520
property or services stolen is seven hundred fifty thousand 45521
dollars or more, theft in office is a felony of the first 45522
degree. 45523

(C) (1) A public official or party official who pleads 45524
guilty to theft in office and whose plea is accepted by the 45525
court or a public official or party official against whom a 45526
verdict or finding of guilt for committing theft in office is 45527
returned is forever disqualified from holding any public office, 45528
employment, or position of trust in this state. 45529

(2) (a) (i) A court that imposes sentence for a violation of 45530
this section based on conduct described in division (A) (2) of 45531
this section shall require the public official or party official 45532

who is convicted of or pleads guilty to the offense to make 45533
restitution for all of the property or the service that is the 45534
subject of the offense, in addition to the term of imprisonment 45535
and any fine imposed. The total amount of restitution imposed 45536
under this division shall include costs of auditing the public 45537
entities specified in division (A)(2) of this section that own 45538
the property or service involved in the conduct described in 45539
that division that is a violation of this section, but, except 45540
as otherwise provided in a negotiated plea agreement, shall not 45541
exceed the amount of the restitution imposed for all of the 45542
property or the service that is the subject of the offense. 45543

(ii) A court that imposes sentence for a violation of this 45544
section based on conduct described in division (A)(1) of this 45545
section and that determines at trial that this state or a 45546
political subdivision of this state if the offender is a public 45547
official, or a political party in the United States or this 45548
state if the offender is a party official, suffered actual loss 45549
as a result of the offense shall require the offender to make 45550
restitution to the state, political subdivision, or political 45551
party for all of the actual loss experienced, in addition to the 45552
term of imprisonment and any fine imposed. The total amount of 45553
restitution imposed under this division shall include costs of 45554
auditing the state, political subdivision, or political party 45555
that suffered the actual loss based on conduct described in that 45556
division that is a violation of this section, but, except as 45557
otherwise provided in a negotiated plea agreement, shall not 45558
exceed the amount of the restitution imposed for all of the 45559
actual loss suffered. 45560

(b)(i) In any case in which a sentencing court is required 45561
to order restitution under division (C)(2)(a) of this section 45562
and in which the offender, at the time of the commission of the 45563

offense or at any other time, was a member of the public 45564
employees retirement system, the Ohio police and fire pension 45565
fund, the state teachers retirement system, the school employees 45566
retirement system, or the state highway patrol retirement 45567
system; was an electing employee, as defined in section 3305.01 45568
of the Revised Code, participating in an alternative retirement 45569
plan provided pursuant to Chapter 3305. of the Revised Code; was 45570
a participating employee or continuing member, as defined in 45571
section 148.01 of the Revised Code, in a deferred compensation 45572
program offered by the ~~Ohio public employees deferred~~ 45573
~~compensation retirement~~ board; was an officer or employee of a 45574
municipal corporation who was a participant in a deferred 45575
compensation program offered by that municipal corporation; was 45576
an officer or employee of a government unit, as defined in 45577
section 148.06 of the Revised Code, who was a participant in a 45578
deferred compensation program offered by that government unit, 45579
or was a participating employee, continuing member, or 45580
participant in any deferred compensation program described in 45581
this division and a member of a retirement system specified in 45582
this division or a retirement system of a municipal corporation, 45583
the entity to which restitution is to be made may file a motion 45584
with the sentencing court specifying any retirement system, any 45585
provider as defined in section 3305.01 of the Revised Code, and 45586
any deferred compensation program of which the offender was a 45587
member, electing employee, participating employee, continuing 45588
member, or participant and requesting the court to issue an 45589
order requiring the specified retirement system, the specified 45590
provider under the alternative retirement plan, or the specified 45591
deferred compensation program, or, if more than one is specified 45592
in the motion, the applicable combination of these, to withhold 45593
the amount required as restitution from any payment that is to 45594
be made under a pension, annuity, or allowance, under an option 45595

in the alternative retirement plan, under a participant account, 45596
as defined in section 148.01 of the Revised Code, or under any 45597
other type of benefit, other than a survivorship benefit, that 45598
has been or is in the future granted to the offender, from any 45599
payment of accumulated employee contributions standing to the 45600
offender's credit with that retirement system, that provider of 45601
the option under the alternative retirement plan, or that 45602
deferred compensation program, or, if more than one is specified 45603
in the motion, the applicable combination of these, and from any 45604
payment of any other amounts to be paid to the offender upon the 45605
offender's withdrawal of the offender's contributions pursuant 45606
to Chapter 145., 148., 742., 3307., 3309., or 5505. of the 45607
Revised Code. A motion described in this division may be filed 45608
at any time subsequent to the conviction of the offender or 45609
entry of a guilty plea. Upon the filing of the motion, the clerk 45610
of the court in which the motion is filed shall notify the 45611
offender, the specified retirement system, the specified 45612
provider under the alternative retirement plan, or the specified 45613
deferred compensation program, or, if more than one is specified 45614
in the motion, the applicable combination of these, in writing, 45615
of all of the following: that the motion was filed; that the 45616
offender will be granted a hearing on the issuance of the 45617
requested order if the offender files a written request for a 45618
hearing with the clerk prior to the expiration of thirty days 45619
after the offender receives the notice; that, if a hearing is 45620
requested, the court will schedule a hearing as soon as possible 45621
and notify the offender, any specified retirement system, any 45622
specified provider under an alternative retirement plan, and any 45623
specified deferred compensation program of the date, time, and 45624
place of the hearing; that, if a hearing is conducted, it will 45625
be limited only to a consideration of whether the offender can 45626
show good cause why the requested order should not be issued; 45627

that, if a hearing is conducted, the court will not issue the 45628
requested order if the court determines, based on evidence 45629
presented at the hearing by the offender, that there is good 45630
cause for the requested order not to be issued; that the court 45631
will issue the requested order if a hearing is not requested or 45632
if a hearing is conducted but the court does not determine, 45633
based on evidence presented at the hearing by the offender, that 45634
there is good cause for the requested order not to be issued; 45635
and that, if the requested order is issued, any retirement 45636
system, any provider under an alternative retirement plan, and 45637
any deferred compensation program specified in the motion will 45638
be required to withhold the amount required as restitution from 45639
payments to the offender. 45640

(ii) In any case in which a sentencing court is required 45641
to order restitution under division (C)(2)(a) of this section 45642
and in which a motion requesting the issuance of a withholding 45643
order as described in division (C)(2)(b)(i) of this section is 45644
filed, the offender may receive a hearing on the motion by 45645
delivering a written request for a hearing to the court prior to 45646
the expiration of thirty days after the offender's receipt of 45647
the notice provided pursuant to division (C)(2)(b)(i) of this 45648
section. If a request for a hearing is made by the offender 45649
within the prescribed time, the court shall schedule a hearing 45650
as soon as possible after the request is made and shall notify 45651
the offender, the specified retirement system, the specified 45652
provider under the alternative retirement plan, or the specified 45653
deferred compensation program, or, if more than one is specified 45654
in the motion, the applicable combination of these, of the date, 45655
time, and place of the hearing. A hearing scheduled under this 45656
division shall be limited to a consideration of whether there is 45657
good cause, based on evidence presented by the offender, for the 45658

requested order not to be issued. If the court determines, based 45659
on evidence presented by the offender, that there is good cause 45660
for the order not to be issued, the court shall deny the motion 45661
and shall not issue the requested order. If the offender does 45662
not request a hearing within the prescribed time or if the court 45663
conducts a hearing but does not determine, based on evidence 45664
presented by the offender, that there is good cause for the 45665
order not to be issued, the court shall order the specified 45666
retirement system, the specified provider under the alternative 45667
retirement plan, or the specified deferred compensation program, 45668
or, if more than one is specified in the motion, the applicable 45669
combination of these, to withhold the amount required as 45670
restitution under division (C) (2) (a) of this section from any 45671
payments to be made under a pension, annuity, or allowance, 45672
under a participant account, as defined in section 148.01 of the 45673
Revised Code, under an option in the alternative retirement 45674
plan, or under any other type of benefit, other than a 45675
survivorship benefit, that has been or is in the future granted 45676
to the offender, from any payment of accumulated employee 45677
contributions standing to the offender's credit with that 45678
retirement system, that provider under the alternative 45679
retirement plan, or that deferred compensation program, or, if 45680
more than one is specified in the motion, the applicable 45681
combination of these, and from any payment of any other amounts 45682
to be paid to the offender upon the offender's withdrawal of the 45683
offender's contributions pursuant to Chapter 145., 148., 742., 45684
3307., 3309., or 5505. of the Revised Code, and to continue the 45685
withholding for that purpose, in accordance with the order, out 45686
of each payment to be made on or after the date of issuance of 45687
the order, until further order of the court. Upon receipt of an 45688
order issued under this division, the public employees 45689
retirement system, the Ohio police and fire pension fund, the 45690

state teachers retirement system, the school employees 45691
retirement system, the state highway patrol retirement system, a 45692
municipal corporation retirement system, the provider under the 45693
alternative retirement plan, and the deferred compensation 45694
program offered by the ~~Ohio~~ public employees ~~deferred~~ 45695
~~compensation~~ retirement board, a municipal corporation, or a 45696
government unit, as defined in section 148.06 of the Revised 45697
Code, whichever are applicable, shall withhold the amount 45698
required as restitution, in accordance with the order, from any 45699
such payments and immediately shall forward the amount withheld 45700
to the clerk of the court in which the order was issued for 45701
payment to the entity to which restitution is to be made. 45702

(iii) Service of a notice required by division (C) (2) (b) 45703
(i) or (ii) of this section shall be effected in the same manner 45704
as provided in the Rules of Civil Procedure for the service of 45705
process. 45706

(c) Consistent with the ruling of the supreme court of the 45707
United States in Kelly v. Robinson, 479 U.S. 36 (1986), 45708
restitution imposed under division (C) (2) (a) of this section is 45709
not dischargeable under Chapter 7 of the United States 45710
Bankruptcy Code pursuant to 11 U.S.C. 523, as amended. 45711

(D) Upon the filing of charges against a person under this 45712
section, the prosecutor, as defined in section 2935.01 of the 45713
Revised Code, who is assigned the case shall send written notice 45714
that charges have been filed against that person to the public 45715
employees retirement system, the Ohio police and fire pension 45716
fund, the state teachers retirement system, the school employees 45717
retirement system, the state highway patrol retirement system, 45718
the provider under an alternative retirement plan, any municipal 45719
corporation retirement system in this state, and the deferred 45720

compensation program offered by the ~~Ohio~~ public employees 45721
~~deferred compensation retirement~~ board, a municipal corporation, 45722
or a government unit, as defined in section 148.06 of the 45723
Revised Code. The written notice shall specifically identify the 45724
person charged. 45725

Sec. 2925.14. (A) As used in this section, "drug 45726
paraphernalia" means any equipment, product, or material of any 45727
kind that is used by the offender, intended by the offender for 45728
use, or designed for use, in propagating, cultivating, growing, 45729
harvesting, manufacturing, compounding, converting, producing, 45730
processing, preparing, testing, analyzing, packaging, 45731
repackaging, storing, containing, concealing, injecting, 45732
ingesting, inhaling, or otherwise introducing into the human 45733
body, a controlled substance in violation of this chapter. "Drug 45734
paraphernalia" includes, but is not limited to, any of the 45735
following equipment, products, or materials that are used by the 45736
offender, intended by the offender for use, or designed by the 45737
offender for use, in any of the following manners: 45738

(1) A kit for propagating, cultivating, growing, or 45739
harvesting any species of a plant that is a controlled substance 45740
or from which a controlled substance can be derived; 45741

(2) A kit for manufacturing, compounding, converting, 45742
producing, processing, or preparing a controlled substance; 45743

(3) Any object, instrument, or device for manufacturing, 45744
compounding, converting, producing, processing, or preparing 45745
methamphetamine; 45746

(4) An isomerization device for increasing the potency of 45747
any species of a plant that is a controlled substance; 45748

(5) Testing equipment for identifying, or analyzing the 45749

strength, effectiveness, or purity of, a controlled substance, 45750
~~except for those exempted in unless~~ division (D) (4) of this 45751
section applies to the testing equipment; 45752

(6) A scale or balance for weighing or measuring a 45753
controlled substance; 45754

(7) A diluent or adulterant, such as quinine 45755
hydrochloride, mannitol, mannite, dextrose, or lactose, for 45756
cutting a controlled substance; 45757

(8) A separation gin or sifter for removing twigs and 45758
seeds from, or otherwise cleaning or refining, marihuana; 45759

(9) A blender, bowl, container, spoon, or mixing device 45760
for compounding a controlled substance; 45761

(10) A capsule, balloon, envelope, or container for 45762
packaging small quantities of a controlled substance; 45763

(11) A container or device for storing or concealing a 45764
controlled substance; 45765

(12) A hypodermic syringe, needle, or instrument for 45766
parenterally injecting a controlled substance into the human 45767
body; 45768

(13) An object, instrument, or device for ingesting, 45769
inhaling, or otherwise introducing into the human body, 45770
marihuana, cocaine, hashish, or hashish oil, such as a metal, 45771
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 45772
without a screen, permanent screen, hashish head, or punctured 45773
metal bowl; water pipe; carburetion tube or device; smoking or 45774
carburetion mask; roach clip or similar object used to hold 45775
burning material, such as a marihuana cigarette, that has become 45776
too small or too short to be held in the hand; miniature cocaine 45777

spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 45778
45779

(B) In determining if any equipment, product, or material 45780
is drug paraphernalia, a court or law enforcement officer shall 45781
consider, in addition to other relevant factors, the following: 45782

(1) Any statement by the owner, or by anyone in control, 45783
of the equipment, product, or material, concerning its use; 45784

(2) The proximity in time or space of the equipment, 45785
product, or material, or of the act relating to the equipment, 45786
product, or material, to a violation of any provision of this 45787
chapter; 45788

(3) The proximity of the equipment, product, or material 45789
to any controlled substance; 45790

(4) The existence of any residue of a controlled substance 45791
on the equipment, product, or material; 45792

(5) Direct or circumstantial evidence of the intent of the 45793
owner, or of anyone in control, of the equipment, product, or 45794
material, to deliver it to any person whom the owner or person 45795
in control of the equipment, product, or material knows intends 45796
to use the object to facilitate a violation of any provision of 45797
this chapter. A finding that the owner, or anyone in control, of 45798
the equipment, product, or material, is not guilty of a 45799
violation of any other provision of this chapter does not 45800
prevent a finding that the equipment, product, or material was 45801
intended or designed by the offender for use as drug 45802
paraphernalia. 45803

(6) Any oral or written instruction provided with the 45804
equipment, product, or material concerning its use; 45805

(7) Any descriptive material accompanying the equipment, 45806
product, or material and explaining or depicting its use; 45807

(8) National or local advertising concerning the use of 45808
the equipment, product, or material; 45809

(9) The manner and circumstances in which the equipment, 45810
product, or material is displayed for sale; 45811

(10) Direct or circumstantial evidence of the ratio of the 45812
sales of the equipment, product, or material to the total sales 45813
of the business enterprise; 45814

(11) The existence and scope of legitimate uses of the 45815
equipment, product, or material in the community; 45816

(12) Expert testimony concerning the use of the equipment, 45817
product, or material. 45818

(C) (1) Subject to divisions (D) (2), (3), and (4) of this 45819
section, no person shall knowingly use, or possess with purpose 45820
to use, drug paraphernalia. 45821

(2) No person shall knowingly sell, or possess or 45822
manufacture with purpose to sell, drug paraphernalia, if the 45823
person knows or reasonably should know that the equipment, 45824
product, or material will be used as drug paraphernalia. 45825

(3) No person shall place an advertisement in any 45826
newspaper, magazine, handbill, or other publication that is 45827
published and printed and circulates primarily within this 45828
state, if the person knows that the purpose of the advertisement 45829
is to promote the illegal sale in this state of the equipment, 45830
product, or material that the offender intended or designed for 45831
use as drug paraphernalia. 45832

(D) (1) This section does not apply to manufacturers, 45833

licensed health professionals authorized to prescribe drugs, 45834
pharmacists, owners of pharmacies, and other persons whose 45835
conduct is in accordance with Chapters 3719., 4715., 4723., 45836
4729., 4730., 4731., 4741., and 4772. of the Revised Code. This 45837
section shall not be construed to prohibit the possession or use 45838
of a hypodermic as authorized by section 3719.172 of the Revised 45839
Code. 45840

(2) Division (C)(1) of this section does not apply to a 45841
person's use, or possession with purpose to use, any drug 45842
paraphernalia that is equipment, a product, or material of any 45843
kind that is used by the person, intended by the person for use, 45844
or designed for use in storing, containing, concealing, 45845
injecting, ingesting, inhaling, or otherwise introducing into 45846
the human body marihuana. 45847

(3) Division (B)(2) of section 2925.11 of the Revised Code 45848
applies with respect to a violation of division (C)(1) of this 45849
section when a person seeks or obtains medical assistance for 45850
another person who is experiencing a drug overdose, a person 45851
experiences a drug overdose and seeks medical assistance for 45852
that overdose, or a person is the subject of another person 45853
seeking or obtaining medical assistance for that overdose. 45854

(4) Division (C)(1) of this section does not apply to a 45855
person's use, or possession with purpose to use, ~~any~~ drug 45856
testing strips to determine the presence of fentanyl or a 45857
fentanyl-related compound or any other equipment, product, or 45858
material approved by the state board of pharmacy, in rules 45859
adopted under section 4729.261 of the Revised Code, as a type of 45860
instrument that demonstrates efficacy in reducing drug poisoning 45861
by determining the presence of a specific compound or group of 45862
compounds. 45863

(E) Notwithstanding Chapter 2981. of the Revised Code, any 45864
drug paraphernalia that was used, possessed, sold, or 45865
manufactured in a violation of this section shall be seized, 45866
after a conviction for that violation shall be forfeited, and 45867
upon forfeiture shall be disposed of pursuant to division (B) of 45868
section 2981.12 of the Revised Code. 45869

(F) (1) Whoever violates division (C) (1) of this section is 45870
guilty of illegal use or possession of drug paraphernalia, a 45871
misdemeanor of the fourth degree. 45872

(2) Except as provided in division (F) (3) of this section, 45873
whoever violates division (C) (2) of this section is guilty of 45874
dealing in drug paraphernalia, a misdemeanor of the second 45875
degree. 45876

(3) Whoever violates division (C) (2) of this section by 45877
selling drug paraphernalia to a juvenile is guilty of selling 45878
drug paraphernalia to juveniles, a misdemeanor of the first 45879
degree. 45880

(4) Whoever violates division (C) (3) of this section is 45881
guilty of illegal advertising of drug paraphernalia, a 45882
misdemeanor of the second degree. 45883

(G) (1) If the offender is a professionally licensed 45884
person, in addition to any other sanction imposed for a 45885
violation of this section, the court immediately shall comply 45886
with section 2925.38 of the Revised Code. 45887

If the offender has a driver's or commercial driver's 45888
license or permit, section 2929.33 of the Revised Code applies. 45889

(2) Any offender who received a mandatory suspension of 45890
the offender's driver's or commercial driver's license or permit 45891
under this section prior to September 13, 2016, may file a motion 45892

with the sentencing court requesting the termination of the 45893
suspension. However, an offender who pleaded guilty to or was 45894
convicted of a violation of section 4511.19 of the Revised Code 45895
or a substantially similar municipal ordinance or law of another 45896
state or the United States that arose out of the same set of 45897
circumstances as the violation for which the offender's license 45898
or permit was suspended under this section shall not file such a 45899
motion. 45900

Upon the filing of a motion under division (G) (2) of this 45901
section, the sentencing court, in its discretion, may terminate 45902
the suspension. 45903

Sec. 2933.32. (A) As used in this section: 45904

(1) "Body cavity search" means an inspection of the anal 45905
or vaginal cavity of a person that is conducted visually, 45906
manually, by means of any instrument, apparatus, or object, or 45907
in any other manner ~~while the person is detained or arrested for~~ 45908
~~the alleged commission of a misdemeanor or traffic offense.~~ 45909

(2) "Medical practitioner" has the same meaning as in 45910
section 4743.10 of the Revised Code. 45911

(3) "Strip search" means an inspection of the genitalia, 45912
buttocks, breasts, or undergarments of a person that is preceded 45913
by the removal or rearrangement of some or all of the person's 45914
clothing that directly covers the person's genitalia, buttocks, 45915
breasts, or undergarments and that is conducted visually, 45916
manually, by means of any instrument, apparatus, or object, or 45917
in any other manner while the person is detained or arrested for 45918
the alleged commission of a misdemeanor or traffic offense. 45919
"Strip search" does not mean the visual observation of a person 45920
who was afforded a reasonable opportunity to secure release on 45921

bail or recognizance, who fails to secure such release, and who 45922
is to be integrated with the general population of any detention 45923
facility, while the person is changing into clothing that is 45924
required to be worn by inmates in the facility. 45925

(B) (1) Except as authorized by this division, no law 45926
enforcement officer, other employee of a law enforcement agency, 45927
physician, or registered nurse or licensed practical nurse shall 45928
conduct or cause to be conducted a body cavity search or a strip 45929
search. 45930

(2) A body cavity search or strip search may be conducted 45931
if a law enforcement officer or employee of a law enforcement 45932
agency has probable cause to believe that the person is 45933
concealing evidence of the commission of a criminal offense, 45934
including fruits or tools of a crime, contraband, or a deadly 45935
weapon, as defined in section 2923.11 of the Revised Code, that 45936
could not otherwise be discovered. In determining probable cause 45937
for purposes of this section, a law enforcement officer or 45938
employee of a law enforcement agency shall consider the nature 45939
of the offense with which the person to be searched is charged, 7 45940
and the circumstances of the person's arrest, ~~and, if known, the~~ 45941
~~prior conviction record of the person.~~ 45942

(3) A body cavity search or strip search may be conducted 45943
for any legitimate medical or hygienic reason. 45944

(4) Unless there is a legitimate medical reason or medical 45945
emergency justifying a warrantless search, a body cavity search 45946
shall be conducted only after a search warrant is issued that 45947
authorizes the search. In any case, a body cavity search shall 45948
be conducted under sanitary conditions and only by a physician, 45949
or a registered nurse or licensed practical nurse, who is 45950
registered or licensed to practice in this state. 45951

(5) Unless there is a legitimate medical reason or medical emergency that makes obtaining written authorization impracticable, a body cavity search or strip search shall be conducted only after a law enforcement officer or employee of a law enforcement agency obtains a written authorization for the search from the person in command of the law enforcement agency, or from a person specifically designated by the person in command to give a written authorization for either type of search.

(6) A body cavity search or strip search shall be conducted by a person or persons who are of the same sex as the person who is being searched and the search shall be conducted in a manner and in a location that permits only the person or persons who are physically conducting the search and the person who is being searched to observe the search.

(C) (1) Upon completion of a body cavity search or strip search pursuant to this section, the person or persons who conducted the search shall prepare a written report concerning the search that shall include all of the following:

(a) The written authorization for the search obtained from the person in command of the law enforcement agency or his that person's designee, if required by division (B) (5) of this section;

(b) The name of the person who was searched;

(c) The name of the person or persons who conducted the search, the time and date of the search, and the place at which the search was conducted;

(d) A list of the items, if any, recovered during the search;

(e) The facts upon which the law enforcement officer or 45981
employee of the law enforcement agency based ~~his~~ the officer's 45982
or employee's probable cause for the search, including, but not 45983
limited to, the officer or employee's review of the nature of 45984
the offense with which the searched person is charged, and the 45985
circumstances of ~~his~~ the person's arrest, ~~and, if known, his~~ 45986
~~prior conviction record;~~ 45987

(f) If the body cavity search was conducted before or 45988
without the issuance of a search warrant pursuant to division 45989
(B) (4) of this section, or if the body cavity or strip search 45990
was conducted before or without the granting of written 45991
authorization pursuant to division (B) (5) of this section, the 45992
legitimate medical reason or medical emergency that justified 45993
the warrantless search or made obtaining written authorization 45994
impracticable. 45995

(2) A copy of the written report required by division (C) 45996
(1) of this section shall be kept on file in the law enforcement 45997
agency, and another copy of it shall be given to the person who 45998
was searched. 45999

(D) (1) This section does not preclude the prosecution of a 46000
law enforcement officer or employee of a law enforcement agency 46001
for the violation of any other section of the Revised Code. 46002

(2) This section does not limit, and shall not be 46003
construed to limit, any statutory or common law rights of a 46004
person to obtain injunctive relief or to recover damages in a 46005
civil action. 46006

(3) If a person is subjected to a body cavity search or 46007
strip search in violation of this section, any person may 46008
commence a civil action to recover compensatory damages for any 46009

injury, death, or loss to person or property or any indignity 46010
arising from the violation. In the civil action, the court may 46011
award punitive damages to the plaintiffs if they prevail in the 46012
action, and it may award reasonable attorney's fees to the 46013
parties who prevail in the action. 46014

(4) This section does not apply to body cavity searches or 46015
strip searches of persons who have been sentenced to serve a 46016
term of imprisonment and who are serving that term in a 46017
detention facility, as defined in section 2921.01 of the Revised 46018
Code. 46019

(E) (1) Whoever violates division (B) of this section is 46020
guilty of conducting an unauthorized search, a misdemeanor of 46021
the first degree. 46022

(2) Whoever violates division (C) of this section is 46023
guilty of failure to prepare a proper search report, a 46024
misdemeanor of the fourth degree. 46025

(F) A medical practitioner is not required, and a court or 46026
other person shall not order a medical practitioner, to perform 46027
any medical procedure that is inconsistent with the medical 46028
practitioner's expert medical opinion. 46029

Sec. 2949.12. (A) Unless the execution of sentence is 46030
suspended or, the convicted felon has less than thirty days to 46031
serve in prison and the department of rehabilitation and 46032
correction, the county sheriff, and the court agree otherwise, 46033
or, for convictions occurring on or after the effective date of 46034
this amendment, the convicted felon is under eighteen years of 46035
age, a convicted felon who is sentenced to serve a term of 46036
imprisonment in a state correctional institution shall be 46037
conveyed, within five days after sentencing, excluding 46038

Saturdays, Sundays, and legal holidays, by the sheriff of the 46039
county in which the conviction was had to the facility that is 46040
designated by the department of rehabilitation and correction 46041
for the reception of convicted felons. The sheriff shall deliver 46042
the convicted felon into the custody of the managing officer of 46043
the reception facility and, at that time, unless the department 46044
and the sheriff have agreed to electronically processed prisoner 46045
commitment, shall present the managing officer with a copy of 46046
the convicted felon's sentence that clearly describes each 46047
offense for which the felon was sentenced to a correctional 46048
institution, designates each section of the Revised Code that 46049
the felon violated and that resulted in the felon's conviction 46050
and sentence to a correctional institution, designates the 46051
sentence imposed for each offense for which the felon was 46052
sentenced to a correctional institution, and, pursuant to 46053
section 2967.191 of the Revised Code, specifies the total number 46054
of days, if any, that the felon was confined for any reason 46055
prior to conviction and sentence. The sheriff, at that time, 46056
also shall present the managing officer with a copy of the 46057
indictment. The clerk of the court of common pleas shall furnish 46058
the copies of the sentence and indictment. In the case of a 46059
person under the age of eighteen years who is certified to the 46060
court of common pleas by the juvenile court, the clerk of the 46061
court of common pleas also shall attach a copy of the 46062
certification to the copy of the indictment. 46063

The convicted felon shall be assigned to an institution or 46064
designated to be housed in a county, multicounty, municipal, 46065
municipal-county, or multicounty-municipal jail or workhouse, if 46066
authorized pursuant to section 5120.161 of the Revised Code, 46067
shall be conveyed to the institution, jail, or workhouse, and 46068
shall be kept within the institution, jail, or workhouse until 46069

the term of the felon's imprisonment expires, the felon is 46070
pardoned, paroled, or placed under a post-release control 46071
sanction, or the felon is transferred under laws permitting the 46072
transfer of prisoners. If the execution of the felon's sentence 46073
is suspended, and the judgment thereafter affirmed, the felon 46074
shall be conveyed, in the same manner as if the execution of the 46075
felon's sentence had not been suspended, to the reception 46076
facility as soon as practicable after the judge directs the 46077
execution of sentence. The trial judge or other judge of the 46078
court, in the judge's discretion and for good cause shown, may 46079
extend the time of the conveyance. 46080

(B) (1) A convicted felon who is under eighteen years old 46081
at the execution of sentence shall be committed to the 46082
department of youth services and assigned to an institution 46083
within the department of youth services and, within five days 46084
after sentencing, excluding Saturdays, Sundays, and legal 46085
holidays, the sheriff of the county in which the conviction was 46086
had shall deliver the felon to the facility designated by the 46087
department of youth services. The sheriff, at that time, shall 46088
present the managing officer with a copy of the sentence, a copy 46089
of the indictment, and a copy of the certification from the 46090
juvenile court to the court of common pleas. The convicted felon 46091
shall be held in the institution operated by the department of 46092
youth services until the felon is eighteen years of age, until 46093
the term of the felon's imprisonment expires, until the felon is 46094
pardoned, paroled, or placed under a post-release control 46095
sanction, until the department of youth services, in the 46096
discretion of the director of youth services, lacks capacity to 46097
house the felon, or until the felon is transferred under laws 46098
permitting the transfer of prisoners. 46099

(2) A convicted felon who is committed to the department 46100

of youth services under division (B) (1) of this section shall be 46101
transferred to the department of rehabilitation and correction 46102
and committed to an institution under division (A) of this 46103
section for the remainder of the felon's sentence when the felon 46104
attains the age of eighteen or when the felon, because of a rule 46105
violation or violations, is determined by the department of 46106
youth services to a danger to self or others. At the time of a 46107
transfer under division (B) (2) of this section, the sheriff 46108
shall present the managing officer with a copy of the sentence, 46109
a copy of the indictment, and a copy of the certification from 46110
the juvenile court to the court of common pleas. 46111

Sec. 2951.041. (A) (1) If an offender is charged with a 46112
criminal offense, including but not limited to a violation of 46113
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 46114
of the Revised Code, and the court has reason to believe that 46115
drug or alcohol usage by the offender was a factor leading to 46116
the criminal offense with which the offender is charged or that, 46117
at the time of committing that offense, the offender had a 46118
mental illness, was a person with an intellectual disability, or 46119
was a victim of a violation of section 2905.32 or 2907.21 of the 46120
Revised Code and that the mental illness, status as a person 46121
with an intellectual disability, or fact that the offender was a 46122
victim of a violation of section 2905.32 or 2907.21 of the 46123
Revised Code was a factor leading to the offender's criminal 46124
behavior, the court may accept, prior to the entry of a guilty 46125
plea, the offender's request for intervention in lieu of 46126
conviction. The request shall include a statement from the 46127
offender as to whether the offender is alleging that drug or 46128
alcohol usage by the offender was a factor leading to the 46129
criminal offense with which the offender is charged or is 46130
alleging that, at the time of committing that offense, the 46131

offender had a mental illness, was a person with an intellectual disability, or was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code and that the mental illness, status as a person with an intellectual disability, or fact that the offender was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code was a factor leading to the criminal offense with which the offender is charged. The request also shall include a waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. Unless an offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court may reject an offender's request without a hearing. If the court elects to consider an offender's request or the offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court shall conduct a hearing to determine whether the offender is eligible under this section for intervention in lieu of conviction and shall stay all criminal proceedings pending the outcome of the hearing. If the court schedules a hearing, the court shall order an assessment of the offender for the purpose of determining the offender's program eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan.

If the offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court may order that the offender be assessed by a community addiction services provider or a properly credentialed professional for the purpose of

determining the offender's program eligibility for intervention 46163
in lieu of conviction and recommending an appropriate 46164
intervention plan. The community addiction services provider or 46165
the properly credentialed professional shall provide a written 46166
assessment of the offender to the court. 46167

(2) The victim notification provisions of division (E) of 46168
section 2930.06 of the Revised Code apply in relation to any 46169
hearing held under division (A)(1) of this section. 46170

(B) An offender is eligible for intervention in lieu of 46171
conviction if the court finds all of the following: 46172

(1) The offender previously has not been convicted of or 46173
pleaded guilty to any felony offense of violence. 46174

(2) The offense is not a felony of the first, second, or 46175
third degree, is not an offense of violence, is not a felony sex 46176
offense, is not a violation of division (A)(1) or (2) of section 46177
2903.06 of the Revised Code, is not a violation of division (A) 46178
(1) of section 2903.08 of the Revised Code, is not a violation 46179
of division (A) of section 4511.19 of the Revised Code or a 46180
municipal ordinance that is substantially similar to that 46181
division, and is not an offense for which a sentencing court is 46182
required to impose a mandatory prison term. 46183

(3) The offender is not charged with a violation of 46184
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 46185
charged with a violation of section 2925.03 of the Revised Code 46186
that is a felony of the first, second, third, or fourth degree, 46187
and is not charged with a violation of section 2925.11 of the 46188
Revised Code that is a felony of the first or second degree. 46189

(4) If an offender alleges that drug or alcohol usage by 46190
the offender was a factor leading to the criminal offense with 46191

which the offender is charged, the court has ordered that the 46192
offender be assessed by a community addiction services provider 46193
or a properly credentialed professional for the purpose of 46194
determining the offender's program eligibility for intervention 46195
in lieu of conviction and recommending an appropriate 46196
intervention plan, the offender has been assessed by a community 46197
addiction services provider of that nature or a properly 46198
credentialed professional in accordance with the court's order, 46199
and the community addiction services provider or properly 46200
credentialed professional has filed the written assessment of 46201
the offender with the court. 46202

(5) If an offender alleges that, at the time of committing 46203
the criminal offense with which the offender is charged, the 46204
offender had a mental illness, was a person with an intellectual 46205
disability, or was a victim of a violation of section 2905.32 or 46206
2907.21 of the Revised Code and that the mental illness, status 46207
as a person with an intellectual disability, or fact that the 46208
offender was a victim of a violation of section 2905.32 or 46209
2907.21 of the Revised Code was a factor leading to that 46210
offense, the offender has been assessed by a psychiatrist, 46211
psychologist, independent social worker, licensed professional 46212
clinical counselor, or independent marriage and family therapist 46213
for the purpose of determining the offender's program 46214
eligibility for intervention in lieu of conviction and 46215
recommending an appropriate intervention plan. 46216

(6) The offender's drug usage, alcohol usage, mental 46217
illness, or intellectual disability, or the fact that the 46218
offender was a victim of a violation of section 2905.32 or 46219
2907.21 of the Revised Code, whichever is applicable, was a 46220
factor leading to the criminal offense with which the offender 46221
is charged, intervention in lieu of conviction would not demean 46222

the seriousness of the offense, and intervention would 46223
substantially reduce the likelihood of any future criminal 46224
activity. 46225

(7) The alleged victim of the offense was not sixty-five 46226
years of age or older, permanently and totally disabled, under 46227
thirteen years of age, or a peace officer engaged in the 46228
officer's official duties at the time of the alleged offense. 46229

(8) If the offender is charged with a violation of section 46230
2925.24 of the Revised Code, the alleged violation did not 46231
result in physical harm to any person. 46232

(9) The offender is willing to comply with all terms and 46233
conditions imposed by the court pursuant to division (D) of this 46234
section. 46235

(10) The offender is not charged with an offense that 46236
would result in the offender being disqualified under Chapter 46237
4506. of the Revised Code from operating a commercial motor 46238
vehicle or would subject the offender to any other sanction 46239
under that chapter. 46240

(C) At the conclusion of a hearing held pursuant to 46241
division (A) of this section, the court shall determine whether 46242
the offender will be granted intervention in lieu of conviction. 46243
In making this determination, the court shall presume that 46244
intervention in lieu of conviction is appropriate. If the court 46245
finds under this division and division (B) of this section that 46246
the offender is eligible for intervention in lieu of conviction, 46247
the court shall grant the offender's request unless the court 46248
finds specific reasons to believe that the candidate's 46249
participation in intervention in lieu of conviction would be 46250
inappropriate. 46251

If the court denies an eligible offender's request for intervention in lieu of conviction, the court shall state the reasons for the denial, with particularity, in a written entry.

If the court grants the offender's request, the court shall accept the offender's plea of guilty and waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. In addition, the court then may stay all criminal proceedings and order the offender to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. If the court finds that the offender is not eligible or does not grant the offender's request, the criminal proceedings against the offender shall proceed as if the offender's request for intervention in lieu of conviction had not been made.

(D) If the court grants an offender's request for intervention in lieu of conviction, all of the following apply:

(1) The court shall place the offender under the general control and supervision of one of the following, as if the offender was subject to a community control sanction imposed under section 2929.15, 2929.18, or 2929.25 of the Revised Code:

(a) The county probation department, the adult parole authority, or another appropriate local probation or court services agency, if one exists;

(b) If the court grants the request for intervention in lieu of conviction during the period commencing on April 4, 2023, and ending on October 15, 2025, a community-based correctional facility.

(2) The court shall establish an intervention plan for the 46281
offender. 46282

(3) The terms and conditions of the intervention plan 46283
required under division (D)(2) of this section shall require the 46284
offender, for at least one year, but not more than five years, 46285
from the date on which the court grants the order of 46286
intervention in lieu of conviction, to abstain from the use of 46287
illegal drugs and alcohol, to participate in treatment and 46288
recovery support services, and to submit to regular random 46289
testing for drug and alcohol use and may include any other 46290
treatment terms and conditions, or terms and conditions similar 46291
to community control sanctions, which may include community 46292
service or restitution, that are ordered by the court. 46293

(E) If the court grants an offender's request for 46294
intervention in lieu of conviction and the court finds that the 46295
offender has successfully completed the intervention plan for 46296
the offender, including the requirement that the offender 46297
abstain from using illegal drugs and alcohol for a period of at 46298
least one year, but not more than five years, from the date on 46299
which the court granted the order of intervention in lieu of 46300
conviction, the requirement that the offender participate in 46301
treatment and recovery support services, and all other terms and 46302
conditions ordered by the court, the court shall dismiss the 46303
proceedings against the offender. Successful completion of the 46304
intervention plan and period of abstinence under this section 46305
shall be without adjudication of guilt and is not a criminal 46306
conviction for purposes of any disqualification or disability 46307
imposed by law and upon conviction of a crime, and the court may 46308
order the sealing or expungement of records related to the 46309
offense in question, as a dismissal of the charges, in the 46310
manner provided in sections 2953.31, 2953.33, 2953.37, and 46311

2953.521 of the Revised Code and divisions (H), (K), and (L) of 46312
section 2953.34 of the Revised Code. 46313

(F) If the court grants an offender's request for 46314
intervention in lieu of conviction and the offender fails to 46315
comply with any term or condition imposed as part of the 46316
intervention plan for the offender, the supervising authority 46317
for the offender promptly shall advise the court of this 46318
failure, and the court shall hold a hearing to determine whether 46319
the offender failed to comply with any term or condition imposed 46320
as part of the plan. If the court determines that the offender 46321
has failed to comply with any of those terms and conditions, it 46322
may continue the offender on intervention in lieu of conviction, 46323
continue the offender on intervention in lieu of conviction with 46324
additional terms, conditions, and sanctions, including placing 46325
the offender under the general control and supervision of a 46326
community-based correctional facility, or enter a finding of 46327
guilty and impose an appropriate sanction under Chapter 2929. of 46328
the Revised Code. If the court sentences the offender to a 46329
prison term, the court, after consulting with the department of 46330
rehabilitation and correction regarding the availability of 46331
services, may order continued court-supervised activity and 46332
treatment of the offender during the prison term and, upon 46333
consideration of reports received from the department concerning 46334
the offender's progress in the program of activity and 46335
treatment, may consider judicial release under section 2929.20 46336
of the Revised Code. 46337

(G) As used in this section: 46338

(1) "Community addiction services provider" has the same 46339
meaning as in section 5119.01 of the Revised Code. 46340

(2) "Community control sanction" has the same meaning as 46341

in section 2929.01 of the Revised Code. 46342

(3) "Intervention in lieu of conviction" means any court- 46343
supervised activity that complies with this section. 46344

(4) "Intellectual disability" has the same meaning as in 46345
section 5123.01 of the Revised Code. 46346

(5) "Peace officer" has the same meaning as in section 46347
2935.01 of the Revised Code. 46348

(6) "Mental illness" and "psychiatrist" have the same 46349
meanings as in section 5122.01 of the Revised Code. 46350

(7) "Psychologist" has the same meaning as in section 46351
4732.01 of the Revised Code. 46352

(8) "Felony sex offense" means a violation of a section 46353
contained in Chapter 2907. of the Revised Code that is a felony. 46354

Sec. 2953.32. (A) (1) Sections 2953.32 ~~to~~ and 2953.34 of 46355
the Revised Code do not apply to any of the following: 46356

(a) Convictions under Chapter 4506., 4507., 4510., 4511., 46357
or 4549. of the Revised Code, or a conviction for a violation of 46358
a municipal ordinance that is substantially similar to any 46359
section contained in any of those chapters; 46360

(b) Convictions of a felony offense of violence that is 46361
not a sexually oriented offense; 46362

(c) Convictions of a sexually oriented offense when the 46363
offender is subject to the requirements of Chapter 2950. of the 46364
Revised Code or Chapter 2950. of the Revised Code as it existed 46365
prior to January 1, 2008; 46366

(d) Convictions of an offense in circumstances in which 46367
the victim of the offense was less than thirteen years of age, 46368

except for convictions under section 2919.21 of the Revised 46369
Code; 46370

(e) Convictions for a violation of section 2921.41 of the 46371
Revised Code; 46372

(f) Convictions of a felony of the first or second degree; 46373

(g) Convictions for a violation of section 2919.25 of the 46374
Revised Code that is a misdemeanor of the first or second degree 46375
or convictions for a violation of a municipal ordinance that is 46376
substantially similar to that section; 46377

(h) Convictions of a felony of the third degree if the 46378
offender has more than one other conviction of any felony or, if 46379
the person has exactly two convictions of a felony of the third 46380
degree, has more convictions in total than those two third 46381
degree felony convictions and two misdemeanor convictions. 46382

(2) Sections 2953.32 to 2953.34 of the Revised Code apply 46383
to the following for purposes of sealing, but not for purposes 46384
of expungement of the record of the case: 46385

(a) Convictions for a violation of section 2919.25 of the 46386
Revised Code that is a misdemeanor of the third or fourth degree 46387
or convictions for a violation of a municipal ordinance that is 46388
substantially similar to that section; 46389

(b) Convictions for a violation of section 2919.27 of the 46390
Revised Code or convictions for a violation of a municipal 46391
ordinance that is substantially similar to that section. 46392

(3) For purposes of division (A) (1) (h) of this section, 46393
both of the following apply: 46394

(a) When two or more convictions result from or are 46395
connected with the same act or result from offenses committed at 46396

the same time, they shall be counted as one conviction. 46397

(b) When two or three convictions result from the same 46398
indictment, information, or complaint, from the same plea of 46399
guilty, or from the same official proceeding, and result from 46400
related criminal acts that were committed within a three-month 46401
period but do not result from the same act or from offenses 46402
committed at the same time, they shall be counted as one 46403
conviction, provided that a court may decide as provided in 46404
division (D) (1) (i) of this section that it is not in the public 46405
interest for the two or three convictions to be counted as one 46406
conviction. 46407

(B) (1) Except as provided in section 2953.61 of the 46408
Revised Code or as otherwise provided in division (B) (1) (a) (iii) 46409
of this section, an eligible offender may apply to the 46410
sentencing court if convicted in this state, or to a court of 46411
common pleas if convicted in another state or in a federal 46412
court, for the sealing or expungement of the record of the case 46413
that pertains to the conviction, except for convictions listed 46414
in division (A) (1) of this section. Application may be made at 46415
whichever of the following times is applicable regarding the 46416
offense: 46417

(a) An application for sealing under this section may be 46418
made at whichever of the following times is applicable regarding 46419
the offense: 46420

(i) Except as otherwise provided in division (B) (1) (a) (iv) 46421
of this section, at the expiration of three years after the 46422
offender's final discharge if convicted of one or two felonies 46423
of the third degree, so long as none of the offenses is a 46424
violation of section 2921.43 of the Revised Code; 46425

(ii) Except as otherwise provided in division (B) (1) (a) 46426
(iv) of this section, at the expiration of one year after the 46427
offender's final discharge if convicted of one or more felonies 46428
of the fourth or fifth degree or one or more misdemeanors, so 46429
long as none of the offenses is a violation of section 2921.43 46430
of the Revised Code or a felony offense of violence; 46431

(iii) At the expiration of seven years after the 46432
offender's final discharge if the record includes one or more 46433
convictions of soliciting improper compensation in violation of 46434
section 2921.43 of the Revised Code; 46435

(iv) If the offender was subject to the requirements of 46436
Chapter 2950. of the Revised Code or Chapter 2950. of the 46437
Revised Code as it existed prior to January 1, 2008, at the 46438
expiration of five years after the requirements have ended under 46439
section 2950.07 of the Revised Code or section 2950.07 of the 46440
Revised Code as it existed prior to January 1, 2008, or are 46441
terminated under section 2950.15 or 2950.151 of the Revised 46442
Code; 46443

(v) At the expiration of six months after the offender's 46444
final discharge if convicted of a minor misdemeanor. 46445

(b) An application for expungement under this section may 46446
be made at whichever of the following times is applicable 46447
regarding the offense: 46448

(i) Except as otherwise provided in division (B) (1) (b) (ii) 46449
of this section, if the offense is a misdemeanor, at the 46450
expiration of one year after the offender's final discharge; 46451

(ii) If the offense is a minor misdemeanor, at the 46452
expiration of six months after the offender's final discharge; 46453

(iii) If the offense is a felony, at the expiration of ten 46454

years after the time specified in division (B) (1) (a) of this 46455
section at which the person may file an application for sealing 46456
with respect to that felony offense. 46457

(2) Any person who has been arrested for any misdemeanor 46458
offense and who has effected a bail forfeiture for the offense 46459
charged may apply to the court in which the misdemeanor criminal 46460
case was pending when bail was forfeited for the sealing or 46461
expungement of the record of the case that pertains to the 46462
charge. Except as provided in section 2953.61 of the Revised 46463
Code, the application may be filed at whichever of the following 46464
times is applicable regarding the offense: 46465

(a) An application for sealing under this section may be 46466
made at any time after the date on which the bail forfeiture was 46467
entered upon the minutes of the court or the journal, whichever 46468
entry occurs first. 46469

(b) An application for expungement under this section may 46470
be made at whichever of the following times is applicable 46471
regarding the offense: 46472

(i) Except as provided in division (B) (2) (b) (ii) of this 46473
section, at any time after the expiration of one year from the 46474
date on which the bail forfeiture was entered upon the minutes 46475
of the court or the journal, whichever entry occurs first; 46476

(ii) If the offense is a minor misdemeanor, at any time 46477
after the expiration of six months from the date on which the 46478
bail forfeiture was entered upon the minutes of the court or the 46479
journal, whichever entry occurs first. 46480

(C) Upon the filing of an application under this section, 46481
the court shall set a date for a hearing and shall notify the 46482
prosecutor for the case of the hearing on the application not 46483

less than sixty days prior to the hearing. Pursuant to the Ohio 46484
Constitution, the prosecutor shall provide timely notice of the 46485
application and the date and time of the hearing to a victim and 46486
victim's representative, if applicable, if the victim or 46487
victim's representative requested notice of the proceedings in 46488
the underlying case. The court shall hold the hearing not less 46489
than forty-five days and not more than ninety days from the date 46490
of the filing of the application. The prosecutor may object to 46491
the granting of the application by filing a written objection 46492
with the court not later than thirty days prior to the date set 46493
for the hearing. The prosecutor shall specify in the objection 46494
the reasons for believing a denial of the application is 46495
justified. The victim, victim's representative, and victim's 46496
attorney, if applicable, may be present and heard orally, in 46497
writing, or both at any hearing under this section. The court 46498
shall direct its regular probation officer, a state probation 46499
officer, or the department of probation of the county in which 46500
the applicant resides to make inquiries and written reports as 46501
the court requires concerning the applicant. The probation 46502
officer or county department of probation that the court directs 46503
to make inquiries and written reports as the court requires 46504
concerning the applicant shall determine whether or not the 46505
applicant was fingerprinted at the time of arrest or under 46506
section 109.60 of the Revised Code. If the applicant was so 46507
fingerprinted, the probation officer or county department of 46508
probation shall include with the written report a record of the 46509
applicant's fingerprints. If the applicant was convicted of or 46510
pleaded guilty to a violation of division (A) (2) or (B) of 46511
section 2919.21 of the Revised Code, the probation officer or 46512
county department of probation that the court directed to make 46513
inquiries concerning the applicant shall contact the child 46514
support enforcement agency enforcing the applicant's obligations 46515

under the child support order to inquire about the offender's 46516
compliance with the child support order. 46517

(D) (1) At the hearing held under division (C) of this 46518
section, the court shall do each of the following: 46519

(a) Determine whether the applicant is pursuing sealing or 46520
expunging a conviction of an offense that is prohibited under 46521
division (A) of this section or whether the forfeiture of bail 46522
was agreed to by the applicant and the prosecutor in the case, 46523
and determine whether the application was made at the time 46524
specified in division (B) (1) (a) or (b) or division (B) (2) (a) or 46525
(b) of this section that is applicable with respect to the 46526
application and the subject offense; 46527

(b) Determine whether criminal proceedings are pending 46528
against the applicant; 46529

(c) Determine whether the applicant has been rehabilitated 46530
to the satisfaction of the court; 46531

(d) If the prosecutor has filed an objection in accordance 46532
with division (C) of this section, consider the reasons against 46533
granting the application specified by the prosecutor in the 46534
objection; 46535

(e) If the victim objected, pursuant to the Ohio 46536
Constitution, consider the reasons against granting the 46537
application specified by the victim in the objection; 46538

(f) Weigh the interests of the applicant in having the 46539
records pertaining to the applicant's conviction or bail 46540
forfeiture sealed or expunged against the legitimate needs, if 46541
any, of the government to maintain those records; 46542

(g) Consider the oral or written statement of any victim, 46543

victim's representative, and victim's attorney, if applicable; 46544

(h) If the applicant was an eligible offender of the type 46545
described in division (A) (3) of section 2953.36 of the Revised 46546
Code as it existed prior to April 4, 2023, determine whether the 46547
offender has been rehabilitated to a satisfactory degree. In 46548
making the determination, the court may consider all of the 46549
following: 46550

(i) The age of the offender; 46551

(ii) The facts and circumstances of the offense; 46552

(iii) The cessation or continuation of criminal behavior; 46553

(iv) The education and employment of the offender; 46554

(v) Any other circumstances that may relate to the 46555
offender's rehabilitation. 46556

(i) If the court is required to determine whether an 46557
applicant for sealing or expungement has two or three 46558
convictions that result from the same indictment, information, 46559
or complaint, from the same plea of guilty, or from the same 46560
official proceeding, and result from related criminal acts that 46561
were committed within a three-month period but do not result 46562
from the same act or from offenses committed at the same time, 46563
in making its determination, the court initially shall determine 46564
whether it is not in the public interest for the two or three 46565
convictions to be counted as one conviction. If the court 46566
determines that it is not in the public interest for the two or 46567
three convictions to be counted as one conviction, the court 46568
shall determine whether, when counting the convictions 46569
individually, the applicant is pursuing sealing or expunging a 46570
conviction that is prohibited under division (A) of this 46571
section. 46572

(2) If the court determines, after complying with division 46573
(D) (1) of this section, that the offender is not pursuing 46574
sealing or expunging a conviction of an offense that is 46575
prohibited under division (A) of this section or that the 46576
forfeiture of bail was agreed to by the applicant and the 46577
prosecutor in the case, that the application was made at the 46578
time specified in division (B) (1) (a) or (b) or division (B) (2) 46579
(a) or (b) of this section that is applicable with respect to 46580
the application and the subject offense, that no criminal 46581
proceeding is pending against the applicant, that the interests 46582
of the applicant in having the records pertaining to the 46583
applicant's conviction or bail forfeiture sealed or expunged are 46584
not outweighed by any legitimate governmental needs to maintain 46585
those records, and that the rehabilitation of the applicant has 46586
been attained to the satisfaction of the court, both of the 46587
following apply: 46588

(a) The court, except as provided in division (D) (4) or 46589
(5) of this section or division (D), (F), or (G) of section 46590
2953.34 of the Revised Code, shall order all official records of 46591
the case that pertain to the conviction or bail forfeiture 46592
sealed if the application was for sealing or expunged if the 46593
application was for expungement and, except as provided in 46594
division (C) of section 2953.34 of the Revised Code, all index 46595
references to the case that pertain to the conviction or bail 46596
forfeiture deleted and, in the case of bail forfeitures, shall 46597
dismiss the charges in the case. 46598

(b) The proceedings in the case that pertain to the 46599
conviction or bail forfeiture shall be considered not to have 46600
occurred and the conviction or bail forfeiture of the person who 46601
is the subject of the proceedings shall be sealed if the 46602
application was for sealing or expunged if the application was 46603

for expungement, except that upon conviction of a subsequent 46604
offense, a sealed record of prior conviction or bail forfeiture 46605
may be considered by the court in determining the sentence or 46606
other appropriate disposition, including the relief provided for 46607
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 46608

(3) An applicant may request the sealing or expungement of 46609
the records of more than one case in a single application under 46610
this section. Upon the filing of an application under this 46611
section, the applicant, unless the applicant presents a poverty 46612
affidavit showing that the applicant is indigent, shall pay an 46613
application fee of fifty dollars and may pay a local court fee 46614
of not more than fifty dollars, regardless of the number of 46615
records the application requests to have sealed or expunged. If 46616
the applicant pays a fee, the court shall pay three-fifths of 46617
the fee collected into the state treasury, with half of that 46618
amount credited to the attorney general reimbursement fund 46619
created by section 109.11 of the Revised Code. If the applicant 46620
pays a fee, the court shall pay two-fifths of the fee collected 46621
into the county general revenue fund if the sealed or expunged 46622
conviction or bail forfeiture was pursuant to a state statute, 46623
or into the general revenue fund of the municipal corporation 46624
involved if the sealed or expunged conviction or bail forfeiture 46625
was pursuant to a municipal ordinance. 46626

(4) If the court orders the official records pertaining to 46627
the case sealed or expunged, the court shall do one of the 46628
following: 46629

(a) If the applicant was fingerprinted at the time of 46630
arrest or under section 109.60 of the Revised Code and the 46631
record of the applicant's fingerprints was provided to the court 46632
under division (C) of this section, forward a copy of the 46633

sealing or expungement order and the record of the applicant's 46634
fingerprints to the bureau of criminal identification and 46635
investigation. 46636

(b) If the applicant was not fingerprinted at the time of 46637
arrest or under section 109.60 of the Revised Code, or the 46638
record of the applicant's fingerprints was not provided to the 46639
court under division (C) of this section, but fingerprinting was 46640
required for the offense, order the applicant to appear before a 46641
sheriff to have the applicant's fingerprints taken according to 46642
the fingerprint system of identification on the forms furnished 46643
by the superintendent of the bureau of criminal identification 46644
and investigation. The sheriff shall forward the applicant's 46645
fingerprints to the court. The court shall forward the 46646
applicant's fingerprints and a copy of the sealing or 46647
expungement order to the bureau of criminal identification and 46648
investigation. 46649

Failure of the court to order fingerprints at the time of 46650
sealing or expungement does not constitute a reversible error. 46651

(5) Notwithstanding any other provision of the Revised 46652
Code to the contrary, when the bureau of criminal identification 46653
and investigation receives notice from a court that the record 46654
of a conviction or bail forfeiture has been expunged under this 46655
section, the bureau of criminal identification and investigation 46656
shall maintain a record of the expunged conviction record for 46657
the limited purpose of determining an individual's qualification 46658
or disqualification for employment in law enforcement. The 46659
bureau of criminal identification and investigation shall not be 46660
compelled by the court to destroy, delete, or erase those 46661
records so that the records are permanently irretrievable. These 46662
records may only be disclosed or provided to law enforcement for 46663

the limited purpose of determining an individual's qualification 46664
or disqualification for employment in law enforcement. 46665

When any other entity other than the bureau of criminal 46666
identification and investigation receives notice from a court 46667
that the record of a conviction or bail forfeiture has been 46668
expunged under this section, the entity shall destroy, delete, 46669
and erase the record as appropriate for the record's physical or 46670
electronic form or characteristic so that the record is 46671
permanently irretrievable. 46672

Sec. 2967.14. (A) As used in this section: 46673

(1) "School" has the same meaning as in section 2925.01 of 46674
the Revised Code. 46675

(2) "Child care center" has the same meaning as in section 46676
5104.01 of the Revised Code. 46677

(B) The department of rehabilitation and correction or the 46678
adult parole authority may require or allow a parolee, a 46679
releasee, or a prisoner otherwise released from a state 46680
correctional institution to reside in a halfway house or other 46681
suitable community residential center that has been licensed by 46682
the division of parole and community services pursuant to 46683
division ~~(C)~~ (D) of this section during a part or for the entire 46684
period of the offender's or parolee's conditional release or of 46685
the releasee's term of post-release control. The court of common 46686
pleas that placed an offender under a sanction consisting of a 46687
term in a halfway house or in an alternative residential 46688
sanction may require the offender to reside in a halfway house 46689
or other suitable community residential center that is 46690
designated by the court and that has been licensed by the 46691
division pursuant to division ~~(C)~~ (D) of this section during a 46692

part or for the entire period of the offender's residential 46693
sanction. 46694

~~(B)~~ (C) The division of parole and community services may 46695
negotiate and enter into agreements with any public or private 46696
agency or a department or political subdivision of the state 46697
that operates a halfway house, reentry center, or community 46698
residential center that has been licensed by the division 46699
pursuant to division ~~(C)~~ (D) of this section. An agreement under 46700
this division shall provide for the purchase of beds, shall set 46701
limits of supervision and levels of occupancy, and shall 46702
determine the scope of services for all eligible offenders, 46703
including those subject to a residential sanction, as defined in 46704
rules adopted by the director of rehabilitation and correction 46705
in accordance with Chapter 119. of the Revised Code, or those 46706
released from prison without supervision. The payments for beds 46707
and services shall not exceed the total operating costs of the 46708
halfway house, reentry center, or community residential center 46709
during the term of an agreement. The director of rehabilitation 46710
and correction shall adopt rules in accordance with Chapter 119. 46711
of the Revised Code for determining includable and excludable 46712
costs and income to be used in computing the agency's average 46713
daily per capita costs with its facility at full occupancy. 46714

The director of rehabilitation and correction shall adopt 46715
rules providing for the use of no more than fifteen per cent of 46716
the amount appropriated to the department each fiscal year for 46717
the halfway house, reentry center, and community residential 46718
center program to pay for contracts with licensed halfway houses 46719
for nonresidential services for offenders under the supervision 46720
of the adult parole authority, including but not limited to, 46721
offenders supervised pursuant to an agreement entered into by 46722
the adult parole authority and a court of common pleas under 46723

section 2301.32 of the Revised Code. The nonresidential services 46724
may include, but are not limited to, treatment for substance 46725
abuse, mental health counseling, counseling for sex offenders, 46726
electronic monitoring services, aftercare, and other 46727
nonresidential services that the director identifies by rule. 46728

~~(C)~~—(D) The division of parole and community services may 46729
license a halfway house, reentry center, or community 46730
residential center as a suitable facility for the care and 46731
treatment of adult offenders, including offenders sentenced 46732
under section 2929.16 or 2929.26 of the Revised Code, only if 46733
the halfway house, reentry center, or community residential 46734
center does not operate within five hundred feet of a school or 46735
child care center, except as provided in division (F) of this 46736
section, and complies with the standards that the division 46737
adopts in accordance with Chapter 119. of the Revised Code for 46738
the licensure of halfway houses, reentry centers, and community 46739
residential centers. The division shall annually inspect each 46740
licensed halfway house, licensed reentry center, and licensed 46741
community residential center to determine if it is in compliance 46742
with the licensure standards. 46743

~~(D)~~—(E) The division of parole and community services may 46744
expend up to one-half per cent of the annual appropriation made 46745
for halfway house programs, for goods or services that benefit 46746
those programs. 46747

(F) The requirement in division (D) of this section that a 46748
halfway house, reentry center, or community residential center 46749
not operate within five hundred feet of a school or child care 46750
center does not apply to either of the following: 46751

(1) A halfway house, reentry center, or community 46752
residential center that, prior to the effective date of this 46753

amendment, has operated within five hundred feet of a school or 46754
child care center; 46755

(2) A halfway house, reentry center, or community 46756
residential center that was licensed and operating prior to a 46757
school or child care center locating within five hundred feet of 46758
the halfway house, reentry center, or community residential 46759
center. 46760

Sec. 2967.18. (A) Whenever the director of rehabilitation 46761
and correction determines that the total population of the state 46762
correctional institutions for males and females, the total 46763
population of the state correctional institutions for males, or 46764
the total population of the state correctional institutions for 46765
females exceeds the capacity of those institutions and that an 46766
overcrowding emergency exists, the director shall notify the 46767
~~correctional institution inspection committee~~ attorney general 46768
of the emergency and provide the ~~committee~~ attorney general with 46769
information in support of the director's determination. The 46770
director shall not notify the ~~committee~~ attorney general that an 46771
overcrowding emergency exists unless the director determines 46772
that no other reasonable method is available to resolve the 46773
overcrowding emergency. 46774

(B) On receipt of the notice given pursuant to division 46775
(A) of this section, the ~~correctional institution inspection~~ 46776
~~committee~~ attorney general promptly shall review the 46777
determination of the director of rehabilitation and correction. 46778
Notwithstanding any other provision of the Revised Code or the 46779
Administrative Code that governs the lengths of criminal 46780
sentences, sets forth the time within which a prisoner is 46781
eligible for parole or within which a prisoner may apply for 46782
release, or regulates the procedure for granting parole or 46783

release to prisoners confined in state correctional 46784
institutions, the ~~committee~~attorney general may recommend to 46785
the governor that the prison terms of eligible male, female, or 46786
all prisoners, as determined under division (E) of this section, 46787
be reduced by thirty, sixty, or ninety days, in the manner 46788
prescribed in that division. 46789

(C) If the ~~correctional institution inspection committee~~ 46790
attorney general disagrees with the determination of the 46791
director of rehabilitation and correction that an overcrowding 46792
emergency exists, if the ~~committee~~attorney general finds that 46793
an overcrowding emergency exists but does not make a 46794
recommendation pursuant to division (B) of this section, or if 46795
the ~~committee~~attorney general does not make a finding or a 46796
recommendation pursuant to that division within thirty days of 46797
receipt of the notice given pursuant to division (A) of this 46798
section, the director may recommend to the governor that the 46799
action set forth in division (B) of this section be taken. 46800

(D) Upon receipt of a recommendation from the ~~correctional~~ 46801
~~institution inspection committee~~attorney general or the 46802
director of rehabilitation and correction made pursuant to this 46803
section, the governor may declare in writing that an 46804
overcrowding emergency exists in all of the institutions within 46805
the control of the department in which men are confined, in 46806
which women are confined, or both. The declaration shall state 46807
that the adult parole authority shall take the action set forth 46808
in division (B) of this section. After the governor makes the 46809
declaration, the director shall file a copy of it with the 46810
secretary of state, and the copy is a public record. 46811

The department may begin to implement the declaration of 46812
the governor made pursuant to this section on the date that it 46813

is filed with the secretary of state. The department shall begin 46814
to implement the declaration within thirty days after the date 46815
of filing. The declaration shall be implemented in accordance 46816
with division (E) of this section. 46817

(E) (1) No reduction of sentence pursuant to division (B) 46818
of this section shall be granted to any of the following: 46819

(a) A person who is serving a term of imprisonment for 46820
aggravated murder, murder, voluntary manslaughter, involuntary 46821
manslaughter, felonious assault, kidnapping, rape, aggravated 46822
arson, aggravated robbery, or any other offense punishable by 46823
life imprisonment or by an indefinite term of a specified number 46824
of years to life, or for conspiracy in, complicity in, or 46825
attempt to commit any of those offenses; 46826

(b) A person who is serving a term of imprisonment for any 46827
felony other than carrying a concealed weapon that was committed 46828
while the person had a firearm, as defined in section 2923.11 of 46829
the Revised Code, on or about the offender's person or under the 46830
offender's control; 46831

(c) A person who is serving a term of imprisonment for a 46832
violation of section 2925.03 of the Revised Code; 46833

(d) A person who is serving a term of imprisonment for 46834
engaging in a pattern of corrupt activity; 46835

(e) A person who is serving a prison term or term of life 46836
imprisonment without parole imposed pursuant to section 2971.03 46837
of the Revised Code; 46838

(f) A person who was denied parole or release pursuant to 46839
section 2929.20 of the Revised Code during the term of 46840
imprisonment the person currently is serving. 46841

(2) A declaration of the governor that requires the adult
parole authority to take the action set forth in division (B) of
this section shall be implemented only by reducing the prison
terms of prisoners who are not in any of the categories set
forth in division (E)(1) of this section, and only by granting
reductions of prison terms in the following order:

(a) Under any such declaration, prison terms initially
shall be reduced only for persons who are not in any of the
categories set forth in division (E)(1) of this section and who
are not serving a term of imprisonment for any of the following
offenses:

(i) An offense of violence that is a felony of the first,
second, or third degree or that, under the law in existence
prior to ~~the effective date of this amendment~~ July 1, 1996, was
an aggravated felony of the first, second, or third degree or a
felony of the first or second degree;

(ii) An offense set forth in Chapter 2925. of the Revised
Code that is a felony of the first or second degree.

(b) If every person serving a term of imprisonment at the
time of the implementation of any such declaration who is in the
class of persons eligible for the initial reduction of prison
terms, as described in division (E)(2)(a) of this section, has
received a total of ninety days of term reduction for each three
years of imprisonment actually served, then prison terms may be
reduced for all other persons serving a term of imprisonment at
that time who are not in any of the categories set forth in
division (E)(1) of this section.

(F) An offender who is released from a state correctional
institution pursuant to this section is subject to post-release

control sanctions imposed by the adult parole authority as if 46871
the offender was a prisoner described in division (B) of section 46872
2967.28 of the Revised Code who was being released from 46873
imprisonment. 46874

(G) If more than one overcrowding emergency is declared 46875
while a prisoner is serving a prison term, the total term 46876
reduction for that prisoner as the result of multiple 46877
declarations shall not exceed ninety days for each three years 46878
of imprisonment actually served. 46879

Sec. 2967.26. (A) (1) The department of rehabilitation and 46880
correction, by rule, may establish a transitional control 46881
program for the purpose of closely monitoring a prisoner's 46882
adjustment to community supervision during the final one hundred 46883
eighty days of the prisoner's confinement. If the department 46884
establishes a transitional control program under this division, 46885
the division of parole and community services of the department 46886
of rehabilitation and correction may transfer eligible prisoners 46887
to transitional control status under the program during the 46888
final one hundred eighty days of their confinement and under the 46889
terms and conditions established by the department, shall 46890
provide for the confinement as provided in this division of each 46891
eligible prisoner so transferred, and shall supervise each 46892
eligible prisoner so transferred in one or more community 46893
control sanctions. Each eligible prisoner who is transferred to 46894
transitional control status under the program shall be confined 46895
in a suitable facility that is licensed pursuant to division ~~(C)~~ 46896
(D) of section 2967.14 of the Revised Code, or shall be confined 46897
in a residence the department has approved for this purpose and 46898
be monitored pursuant to an electronic monitoring device, as 46899
defined in section 2929.01 of the Revised Code. If the 46900
department establishes a transitional control program under this 46901

division, the rules establishing the program shall include 46902
criteria that define which prisoners are eligible for the 46903
program, criteria that must be satisfied to be approved as a 46904
residence that may be used for confinement under the program of 46905
a prisoner that is transferred to it and procedures for the 46906
department to approve residences that satisfy those criteria, 46907
and provisions of the type described in division (C) of this 46908
section. At a minimum, the criteria that define which prisoners 46909
are eligible for the program shall provide all of the following: 46910

(a) That a prisoner is eligible for the program if the 46911
prisoner is serving a prison term or term of imprisonment for an 46912
offense committed prior to March 17, 1998, and if, at the time 46913
at which eligibility is being determined, the prisoner would 46914
have been eligible for a furlough under this section as it 46915
existed immediately prior to March 17, 1998, or would have been 46916
eligible for conditional release under former section 2967.23 of 46917
the Revised Code as that section existed immediately prior to 46918
March 17, 1998; 46919

(b) That no prisoner who is serving a mandatory prison 46920
term is eligible for the program until after expiration of the 46921
mandatory term; 46922

(c) That no prisoner who is serving a prison term or term 46923
of life imprisonment without parole imposed pursuant to section 46924
2971.03 of the Revised Code is eligible for the program. 46925

(2) At least sixty days prior to transferring to 46926
transitional control under this section a prisoner who is 46927
serving a definite term of imprisonment or definite prison term 46928
of less than one year for an offense committed on or after July 46929
1, 1996, or who is serving a minimum term of less than one year 46930
under a non-life felony indefinite prison term, on or after 46931

April 4, 2023, the division of parole and community services of 46932
the department of rehabilitation and correction shall give 46933
notice of the pendency of the transfer to transitional control 46934
to the court of common pleas of the county in which the 46935
indictment against the prisoner was found and of the fact that 46936
the court may disapprove the transfer of the prisoner to 46937
transitional control and shall include the institutional summary 46938
report prepared by the head of the state correctional 46939
institution in which the prisoner is confined. The head of the 46940
state correctional institution in which the prisoner is 46941
confined, upon the request of the division of parole and 46942
community services, shall provide to the division for inclusion 46943
in the notice sent to the court under this division an 46944
institutional summary report on the prisoner's conduct in the 46945
institution and in any institution from which the prisoner may 46946
have been transferred. The institutional summary report shall 46947
cover the prisoner's participation in school, vocational 46948
training, work, treatment, and other rehabilitative activities 46949
and any disciplinary action taken against the prisoner. If the 46950
court disapproves of the transfer of the prisoner to 46951
transitional control, the court shall notify the division of the 46952
disapproval within thirty days after receipt of the notice. If 46953
the court timely disapproves the transfer of the prisoner to 46954
transitional control, the division shall not proceed with the 46955
transfer. If the court does not timely disapprove the transfer 46956
of the prisoner to transitional control, the division may 46957
transfer the prisoner to transitional control. 46958

(3) (a) If the victim of an offense for which a prisoner 46959
was sentenced to a prison term or term of imprisonment has 46960
requested notification under section 2930.16 of the Revised Code 46961
and has provided the department of rehabilitation and correction 46962

with the victim's name and address or if division (A) (3) (b) of 46963
this section applies, the division of parole and community 46964
services, at least sixty days prior to transferring the prisoner 46965
to transitional control pursuant to this section, shall notify 46966
the victim and the victim's representative, if applicable, of 46967
the pendency of the transfer and of the victim's and victim's 46968
representative's right to submit a statement to the division 46969
regarding the impact of the transfer of the prisoner to 46970
transitional control. If the victim or victim's representative's 46971
subsequently submits a statement of that nature to the division, 46972
the division shall consider the statement in deciding whether to 46973
transfer the prisoner to transitional control. 46974

(b) If a prisoner is incarcerated for the commission of 46975
aggravated murder, murder, or an offense of violence that is a 46976
felony of the first, second, or third degree or under a sentence 46977
of life imprisonment, except as otherwise provided in this 46978
division, the notice described in division (A) (3) (a) of this 46979
section shall be given regardless of whether the victim has 46980
requested the notification. The notice described in division (A) 46981
(3) (a) of this section shall not be given under this division to 46982
a victim if the victim has requested pursuant to division (B) (2) 46983
of section 2930.03 of the Revised Code that the victim not be 46984
provided the notice. If notice is to be provided to a victim 46985
under this division, the authority may give the notice by any 46986
reasonable means, including regular mail, telephone, and 46987
electronic mail, in accordance with division (D) (1) of section 46988
2930.16 of the Revised Code. If the notice is based on an 46989
offense committed prior to March 22, 2013, the notice also shall 46990
include the opt-out information described in division (D) (1) of 46991
section 2930.16 of the Revised Code. The authority, in 46992
accordance with division (D) (2) of section 2930.16 of the 46993

Revised Code, shall keep a record of all attempts to provide the 46994
notice, and of all notices provided, under this division. 46995

Division (A) (3) (b) of this section, and the notice-related 46996
provisions of divisions (E) (2) and (K) of section 2929.20, 46997
division (D) (1) of section 2930.16, division (H) of section 46998
2967.12, division (E) (1) (b) of section 2967.19 as it existed 46999
prior to April 4, 2023, division (D) (1) of section 2967.28, and 47000
division (A) (2) of section 5149.101 of the Revised Code enacted 47001
in the act in which division (A) (3) (b) of this section was 47002
enacted, shall be known as "Roberta's Law." 47003

(4) The department of rehabilitation and correction, at 47004
least sixty days prior to transferring a prisoner to 47005
transitional control pursuant to this section, shall post on the 47006
database it maintains pursuant to section 5120.66 of the Revised 47007
Code the prisoner's name and all of the information specified in 47008
division (A) (1) (c) (iv) of that section. In addition to and 47009
independent of the right of a victim to submit a statement as 47010
described in division (A) (3) of this section or to otherwise 47011
make a statement and in addition to and independent of any other 47012
right or duty of a person to present information or make a 47013
statement, any person may send to the division of parole and 47014
community services at any time prior to the division's transfer 47015
of the prisoner to transitional control a written statement 47016
regarding the transfer of the prisoner to transitional control. 47017
In addition to the information, reports, and statements it 47018
considers under divisions (A) (2) and (3) of this section or that 47019
it otherwise considers, the division shall consider each 47020
statement submitted in accordance with this division in deciding 47021
whether to transfer the prisoner to transitional control. 47022

(B) Each prisoner transferred to transitional control 47023

under this section shall be confined in the manner described in 47024
division (A) of this section during any period of time that the 47025
prisoner is not actually working at the prisoner's approved 47026
employment, engaged in a vocational training or another 47027
educational program, engaged in another program designated by 47028
the director, or engaged in other activities approved by the 47029
department. 47030

(C) The department of rehabilitation and correction shall 47031
adopt rules for transferring eligible prisoners to transitional 47032
control, supervising and confining prisoners so transferred, 47033
administering the transitional control program in accordance 47034
with this section, and using the moneys deposited into the 47035
transitional control fund established under division (E) of this 47036
section. 47037

(D) The department of rehabilitation and correction may 47038
adopt rules for the issuance of passes for the limited purposes 47039
described in this division to prisoners who are transferred to 47040
transitional control under this section. If the department 47041
adopts rules of that nature, the rules shall govern the granting 47042
of the passes and shall provide for the supervision of prisoners 47043
who are temporarily released pursuant to one of those passes. 47044
Upon the adoption of rules under this division, the department 47045
may issue passes to prisoners who are transferred to 47046
transitional control status under this section in accordance 47047
with the rules and the provisions of this division. All passes 47048
issued under this division shall be for a maximum of forty-eight 47049
hours and may be issued only for the following purposes: 47050

(1) To visit a relative in imminent danger of death; 47051

(2) To have a private viewing of the body of a deceased 47052
relative; 47053

(3) To visit with family; 47054

(4) To otherwise aid in the rehabilitation of the 47055
prisoner. 47056

(E) The division of parole and community services may 47057
require a prisoner who is transferred to transitional control to 47058
pay to the division the reasonable expenses incurred by the 47059
division in supervising or confining the prisoner while under 47060
transitional control. Inability to pay those reasonable expenses 47061
shall not be grounds for refusing to transfer an otherwise 47062
eligible prisoner to transitional control. Amounts received by 47063
the division of parole and community services under this 47064
division shall be deposited into the transitional control fund, 47065
which is hereby created in the state treasury and which hereby 47066
replaces and succeeds the furlough services fund that formerly 47067
existed in the state treasury. All moneys that remain in the 47068
furlough services fund on March 17, 1998, shall be transferred 47069
on that date to the transitional control fund. The transitional 47070
control fund shall be used solely to pay costs related to the 47071
operation of the transitional control program established under 47072
this section. The director of rehabilitation and correction 47073
shall adopt rules in accordance with section 111.15 of the 47074
Revised Code for the use of the fund. 47075

(F) A prisoner who violates any rule established by the 47076
department of rehabilitation and correction under division (A), 47077
(C), or (D) of this section may be transferred to a state 47078
correctional institution pursuant to rules adopted under 47079
division (A), (C), or (D) of this section, but the prisoner 47080
shall receive credit towards completing the prisoner's sentence 47081
for the time spent under transitional control. 47082

If a prisoner is transferred to transitional control under 47083

this section, upon successful completion of the period of 47084
transitional control, the prisoner may be released on parole or 47085
under post-release control pursuant to section 2967.13 or 47086
2967.28 of the Revised Code and rules adopted by the department 47087
of rehabilitation and correction. If the prisoner is released 47088
under post-release control, the duration of the post-release 47089
control, the type of post-release control sanctions that may be 47090
imposed, the enforcement of the sanctions, and the treatment of 47091
prisoners who violate any sanction applicable to the prisoner 47092
are governed by section 2967.28 of the Revised Code. 47093

Sec. 2967.271. (A) As used in this section: 47094

(1) "Offender's minimum prison term" means the minimum 47095
prison term imposed on an offender under a non-life felony 47096
indefinite prison term, diminished as provided in section 47097
2967.191 or 2967.193 of the Revised Code or in any other 47098
provision of the Revised Code, other than division (F) of this 47099
section, that provides for diminution or reduction of an 47100
offender's sentence. 47101

(2) "Offender's presumptive earned early release date" 47102
means the date that is determined under the procedures described 47103
in division (F) of this section by the reduction, if any, of an 47104
offender's minimum prison term by the sentencing court and the 47105
crediting of that reduction toward the satisfaction of the 47106
minimum term. 47107

(3) "Rehabilitative programs and activities" means 47108
education programs, vocational training, employment in prison 47109
industries, treatment for substance abuse, or other constructive 47110
programs developed by the department of rehabilitation and 47111
correction with specific standards for performance by prisoners. 47112

(4) "Security level" means the security level in which an offender is classified under the inmate classification level system of the department of rehabilitation and correction that then is in effect.

(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(B) When an offender is sentenced to a non-life felony indefinite prison term, there shall be a presumption that the person shall be released from service of the sentence on the expiration of the offender's minimum prison term or on the offender's presumptive earned early release date, whichever is earlier.

(C) The presumption established under division (B) of this section is a rebuttable presumption that the department of rehabilitation and correction may rebut as provided in this division. Unless the department rebuts the presumption, the offender shall be released from service of the sentence on the expiration of the offender's minimum prison term or on the offender's presumptive earned early release date, whichever is earlier. The department may rebut the presumption only if the department determines, at a hearing, that one or more of the following applies:

(1) Regardless of the security level in which the offender is classified at the time of the hearing, both of the following apply:

(a) During the offender's incarceration, the offender committed institutional rule infractions that involved compromising the security of a state correctional institution, compromising the safety of the staff of a state correctional

institution or its inmates, or physical harm or the threat of 47142
physical harm to the staff of a state correctional institution 47143
or its inmates, or committed a violation of law that was not 47144
prosecuted, and the infractions or violations demonstrate that 47145
the offender has not been rehabilitated. 47146

(b) The offender's behavior while incarcerated, including, 47147
but not limited to the infractions and violations specified in 47148
division (C) (1) (a) of this section, demonstrate that the 47149
offender continues to pose a threat to society. 47150

(2) Regardless of the security level in which the offender 47151
is classified at the time of the hearing, the offender has been 47152
placed by the department in extended restrictive housing at any 47153
time within the year preceding the date of the hearing. 47154

(3) At the time of the hearing, the offender is classified 47155
by the department as a security level three, four, or five, or 47156
at a higher security level. 47157

(D) (1) If the department of rehabilitation and correction, 47158
pursuant to division (C) of this section, rebuts the presumption 47159
established under division (B) of this section, the department 47160
may maintain the offender's incarceration in a state 47161
correctional institution under the sentence after the expiration 47162
of the offender's minimum prison term or, for offenders who have 47163
a presumptive earned early release date, after the offender's 47164
presumptive earned early release date. The department may 47165
maintain the offender's incarceration under this division for an 47166
additional period of incarceration determined by the department. 47167
The additional period of incarceration shall be a reasonable 47168
period determined by the department, shall be specified by the 47169
department, and shall not exceed the offender's maximum prison 47170
term. 47171

(2) If the department maintains an offender's 47172
incarceration for an additional period under division (D)(1) of 47173
this section, there shall be a presumption that the offender 47174
shall be released on the expiration of the offender's minimum 47175
prison term plus the additional period of incarceration 47176
specified by the department as provided under that division or, 47177
for offenders who have a presumptive earned early release date, 47178
on the expiration of the additional period of incarceration to 47179
be served after the offender's presumptive earned early release 47180
date that is specified by the department as provided under that 47181
division. The presumption is a rebuttable presumption that the 47182
department may rebut, but only if it conducts a hearing and 47183
makes the determinations specified in division (C) of this 47184
section, and if the department rebuts the presumption, it may 47185
maintain the offender's incarceration in a state correctional 47186
institution for an additional period determined as specified in 47187
division (D)(1) of this section. Unless the department rebuts 47188
the presumption at the hearing, the offender shall be released 47189
from service of the sentence on the expiration of the offender's 47190
minimum prison term plus the additional period of incarceration 47191
specified by the department or, for offenders who have a 47192
presumptive earned early release date, on the expiration of the 47193
additional period of incarceration to be served after the 47194
offender's presumptive earned early release date as specified by 47195
the department. 47196

The provisions of this division regarding the 47197
establishment of a rebuttable presumption, the department's 47198
rebuttal of the presumption, and the department's maintenance of 47199
an offender's incarceration for an additional period of 47200
incarceration apply, and may be utilized more than one time, 47201
during the remainder of the offender's incarceration. If the 47202

offender has not been released under division (C) of this 47203
section or this division prior to the expiration of the 47204
offender's maximum prison term imposed as part of the offender's 47205
non-life felony indefinite prison term, the offender shall be 47206
released upon the expiration of that maximum term. 47207

(E) The department shall provide notices of hearings to be 47208
conducted under division (C) or (D) of this section in the same 47209
manner, and to the same persons, as specified in section 2967.12 47210
and Chapter 2930. of the Revised Code with respect to hearings 47211
to be conducted regarding the possible release on parole of an 47212
inmate. 47213

(F) (1) The director of the department of rehabilitation 47214
and correction may notify the sentencing court in writing that 47215
the director is recommending that the court grant a reduction in 47216
the minimum prison term imposed on a specified offender who is 47217
serving a non-life felony indefinite prison term and who is 47218
eligible under division (F) (8) of this section for such a 47219
reduction, due to the offender's exceptional conduct while 47220
incarcerated or the offender's adjustment to incarceration. If 47221
the director wishes to recommend such a reduction for an 47222
offender, the director shall send the notice to the court not 47223
earlier than ninety days prior to the date on which the director 47224
wishes to credit the reduction toward the satisfaction of the 47225
offender's minimum prison term. If the director recommends such 47226
a reduction for an offender, there shall be a presumption that 47227
the court shall grant the recommended reduction to the offender. 47228
The presumption established under this division is a rebuttable 47229
presumption that may be rebutted as provided in division (F) (4) 47230
of this section. 47231

The director shall include with the notice sent to a court 47232

under this division an institutional summary report that covers 47233
the offender's participation while confined in a state 47234
correctional institution in rehabilitative programs and 47235
activities and any disciplinary action taken against the 47236
offender while so confined, and any other documentation 47237
requested by the court, if available. 47238

The notice the director sends to a court under this 47239
division shall do all of the following: 47240

(a) Identify the offender; 47241

(b) Specify the length of the recommended reduction, which 47242
shall be for five to fifteen per cent of the offender's minimum 47243
term determined in accordance with rules adopted by the 47244
department under division (F) (7) of this section; 47245

(c) Specify the reason or reasons that qualify the 47246
offender for the recommended reduction; 47247

(d) Inform the court of the rebuttable presumption and 47248
that the court must either approve or, if the court finds that 47249
the presumption has been rebutted, disapprove of the recommended 47250
reduction, and that if it approves of the recommended reduction, 47251
it must grant the reduction; 47252

(e) Inform the court that it must notify the department of 47253
its decision as to approval or disapproval not later than sixty 47254
days after receipt of the notice from the director. 47255

(2) When the director, under division (F) (1) of this 47256
section, submits a notice to a sentencing court that the 47257
director is recommending that the court grant a reduction in the 47258
minimum prison term imposed on an offender serving a non-life 47259
felony indefinite prison term, the department promptly shall 47260
provide to the prosecuting attorney of the county in which the 47261

offender was indicted a copy of the written notice, a copy of 47262
the institutional summary report described in that division, and 47263
any other information provided to the court. 47264

(3) Upon receipt of a notice submitted by the director 47265
under division (F)(1) of this section, the court shall schedule 47266
a hearing to consider whether to grant the reduction in the 47267
minimum prison term imposed on the specified offender that was 47268
recommended by the director or to find that the presumption has 47269
been rebutted and disapprove the recommended reduction. Upon 47270
scheduling the hearing, the court promptly shall give notice of 47271
the hearing to the prosecuting attorney of the county in which 47272
the offender was indicted and to the department. The notice 47273
shall inform the prosecuting attorney that the prosecuting 47274
attorney may submit to the court, prior to the date of the 47275
hearing, written information relevant to the recommendation and 47276
may present at the hearing written information and oral 47277
information relevant to the recommendation. 47278

Upon receipt of the notice from the court, the prosecuting 47279
attorney shall notify the victim of the offender or the victim's 47280
representative of the recommendation by the director, the date, 47281
time, and place of the hearing, the fact that the victim may 47282
submit to the court, prior to the date of the hearing, written 47283
information relevant to the recommendation, and the address and 47284
procedure for submitting the information. 47285

(4) At the hearing scheduled under division (F)(3) of this 47286
section, the court shall afford the prosecuting attorney an 47287
opportunity to present written information and oral information 47288
relevant to the director's recommendation. In making its 47289
determination as to whether to grant or disapprove the reduction 47290
in the minimum prison term imposed on the specified offender 47291

that was recommended by the director, the court shall consider 47292
any report and other documentation submitted by the director, 47293
any information submitted by a victim, any information submitted 47294
or presented at the hearing by the prosecuting attorney, and all 47295
of the factors set forth in divisions (B) to (D) of section 47296
2929.12 of the Revised Code that are relevant to the offender's 47297
offense and to the offender. 47298

Unless the court, after considering at the hearing the 47299
specified reports, documentation, information, and relevant 47300
factors, finds that the presumption that the recommended 47301
reduction shall be granted has been rebutted and disapproves the 47302
recommended reduction, the court shall grant the recommended 47303
reduction. The court may disapprove the recommended reduction 47304
only if, after considering at the hearing the specified reports, 47305
documentation, information, and relevant factors, it finds that 47306
the presumption that the reduction shall be granted has been 47307
rebutted. The court may find that the presumption has been 47308
rebutted and disapprove the recommended reduction only if it 47309
determines at the hearing that one or more of the following 47310
applies: 47311

(a) Regardless of the security level in which the offender 47312
is classified at the time of the hearing, during the offender's 47313
incarceration, the offender committed institutional rule 47314
infractions that involved compromising the security of a state 47315
correctional institution, compromising the safety of the staff 47316
of a state correctional institution or its inmates, or physical 47317
harm or the threat of physical harm to the staff of a state 47318
correctional institution or its inmates, or committed a 47319
violation of law that was not prosecuted, and the infractions or 47320
violations demonstrate that the offender has not been 47321
rehabilitated. 47322

(b) The offender's behavior while incarcerated, including, 47323
but not limited to, the infractions and violations specified in 47324
division (F) (4) (a) of this section, demonstrates that the 47325
offender continues to pose a threat to society. 47326

(c) At the time of the hearing, the offender is classified 47327
by the department as a security level three, four, or five, or 47328
at a higher security level. 47329

(d) During the offender's incarceration, the offender did 47330
not productively participate in a majority of the rehabilitative 47331
programs and activities recommended by the department for the 47332
offender, or the offender participated in a majority of such 47333
recommended programs or activities but did not successfully 47334
complete a reasonable number of the programs or activities in 47335
which the offender participated. 47336

(e) After release, the offender will not be residing in a 47337
halfway house, reentry center, or community residential center 47338
licensed under division ~~(C)~~ (D) of section 2967.14 of the 47339
Revised Code and, after release, does not have any other place 47340
to reside at a fixed residence address. 47341

(5) If the court pursuant to division (F) (4) of this 47342
section finds that the presumption that the recommended 47343
reduction in the offender's minimum prison term has been 47344
rebutted and disapproves the recommended reduction, the court 47345
shall notify the department of the disapproval not later than 47346
sixty days after receipt of the notice from the director. The 47347
court shall specify in the notification the reason or reasons 47348
for which it found that the presumption was rebutted and 47349
disapproved the recommended reduction. The court shall not 47350
reduce the offender's minimum prison term, and the department 47351
shall not credit the amount of the disapproved reduction toward 47352

satisfaction of the offender's minimum prison term. 47353

If the court pursuant to division (F)(4) of this section 47354
grants the recommended reduction of the offender's minimum 47355
prison term, the court shall notify the department of the grant 47356
of the reduction not later than sixty days after receipt of the 47357
notice from the director, the court shall reduce the offender's 47358
minimum prison term in accordance with the recommendation 47359
submitted by the director, and the department shall credit the 47360
amount of the reduction toward satisfaction of the offender's 47361
minimum prison term. 47362

Upon deciding whether to disapprove or grant the 47363
recommended reduction of the offender's minimum prison term, the 47364
court shall notify the prosecuting attorney of the decision and 47365
the prosecuting attorney shall notify the victim or victim's 47366
representative of the court's decision. 47367

(6) If the court under division (F)(5) of this section 47368
grants the reduction in the minimum prison term imposed on an 47369
offender that was recommended by the director and reduces the 47370
offender's minimum prison term, the date determined by the 47371
department's crediting of the reduction toward satisfaction of 47372
the offender's minimum prison term is the offender's presumptive 47373
earned early release date. 47374

(7) The department of rehabilitation and correction by 47375
rule shall specify both of the following for offenders serving a 47376
non-life felony indefinite prison term: 47377

(a) The type of exceptional conduct while incarcerated and 47378
the type of adjustment to incarceration that will qualify an 47379
offender serving such a prison term for a reduction under 47380
divisions (F)(1) to (6) of this section of the minimum prison 47381

term imposed on the offender under the non-life felony 47382
indefinite prison term. 47383

(b) The per cent of reduction that it may recommend for, 47384
and that may be granted to, an offender serving such a prison 47385
term under divisions (F)(1) to (6) of this section, based on the 47386
offense level of the offense for which the prison term was 47387
imposed, with the department specifying the offense levels used 47388
for purposes of this division and assigning a specific 47389
percentage reduction within the range of five to fifteen per 47390
cent for each such offense level. 47391

(8) Divisions (F)(1) to (6) of this section do not apply 47392
with respect to an offender serving a non-life felony indefinite 47393
prison term for a sexually oriented offense, and no offender 47394
serving such a prison term for a sexually oriented offense is 47395
eligible to be recommended for or granted, or may be recommended 47396
for or granted, a reduction under those divisions in the 47397
offender's minimum prison term imposed under that non-life 47398
felony indefinite prison term. 47399

(G) If an offender is sentenced to a non-life felony 47400
indefinite prison term, any reference in a section of the 47401
Revised Code to a definite prison term shall be construed as 47402
referring to the offender's minimum term under that sentence 47403
plus any additional period of time of incarceration specified by 47404
the department under division (D)(1) or (2) of this section, 47405
except to the extent otherwise specified in the section or to 47406
the extent that that construction clearly would be 47407
inappropriate. 47408

Sec. 2967.28. (A) As used in this section: 47409

(1) "Monitored time" means the monitored time sanction 47410

specified in section 2929.17 and defined in section 2929.01 of 47411
the Revised Code. 47412

(2) "Deadly weapon" and "dangerous ordnance" have the same 47413
meanings as in section 2923.11 of the Revised Code. 47414

(3) "Felony sex offense" means a violation of a section 47415
contained in Chapter 2907. of the Revised Code that is a felony. 47416

(4) "Risk reduction sentence" means a prison term imposed 47417
by a court, when the court recommends pursuant to section 47418
2929.143 of the Revised Code that the offender serve the 47419
sentence under section 5120.036 of the Revised Code, and the 47420
offender may potentially be released from imprisonment prior to 47421
the expiration of the prison term if the offender successfully 47422
completes all assessment and treatment or programming required 47423
by the department of rehabilitation and correction under section 47424
5120.036 of the Revised Code. 47425

(5) "Victim's immediate family" has the same meaning as in 47426
section 2967.12 of the Revised Code. 47427

(6) "Minor drug possession offense" has the same meaning 47428
as in section 2925.11 of the Revised Code. 47429

(7) "Single validated risk assessment tool" means the 47430
single validated risk assessment tool selected by the department 47431
of rehabilitation and correction under section 5120.114 of the 47432
Revised Code. 47433

(B) Each sentence to a prison term, other than a term of 47434
life imprisonment, for a felony of the first degree, for a 47435
felony of the second degree, for a felony sex offense, or for a 47436
felony of the third degree that is an offense of violence and is 47437
not a felony sex offense shall include a requirement that the 47438
offender be subject to a period of post-release control imposed 47439

by the parole board after the offender's release from 47440
imprisonment. For post-release control to be imposed, the 47441
offender must be committed to the department of rehabilitation 47442
and correction as set forth in section 5120.16 of the Revised 47443
Code. This division applies with respect to all prison terms of 47444
a type described in this division, including a term of any such 47445
type that is a risk reduction sentence. If a court imposes a 47446
sentence including a prison term of a type described in this 47447
division on or after July 11, 2006, the failure of a sentencing 47448
court to notify the offender pursuant to division (B) (2) (d) of 47449
section 2929.19 of the Revised Code of this requirement or to 47450
include in the judgment of conviction entered on the journal a 47451
statement that the offender's sentence includes this requirement 47452
does not negate, limit, or otherwise affect the mandatory period 47453
of supervision that is required for the offender under this 47454
division. This division applies with respect to all prison terms 47455
of a type described in this division, including a non-life 47456
felony indefinite prison term. Section 2929.191 of the Revised 47457
Code applies if, prior to July 11, 2006, a court imposed a 47458
sentence including a prison term of a type described in this 47459
division and failed to notify the offender pursuant to division 47460
(B) (2) (d) of section 2929.19 of the Revised Code regarding post- 47461
release control or to include in the judgment of conviction 47462
entered on the journal or in the sentence pursuant to division 47463
(D) (1) of section 2929.14 of the Revised Code a statement 47464
regarding post-release control. Unless reduced by the parole 47465
board pursuant to division (D) of this section when authorized 47466
under that division, a period of post-release control required 47467
by this division for an offender shall be of one of the 47468
following periods: 47469

(1) For a felony sex offense, five years; 47470

(2) For a felony of the first degree that is not a felony 47471
sex offense, up to five years, but not less than two years; 47472

(3) For a felony of the second degree that is not a felony 47473
sex offense, up to three years, but not less than eighteen 47474
months; 47475

(4) For a felony of the third degree that is an offense of 47476
violence and is not a felony sex offense, up to three years, but 47477
not less than one year. 47478

(C) Any sentence to a prison term for a felony of the 47479
third, fourth, or fifth degree that is not subject to division 47480
(B) (1) or (4) of this section shall include a requirement that 47481
the offender be subject to a period of post-release control of 47482
up to two years after the offender's release from imprisonment, 47483
if the parole board, in accordance with division (D) of this 47484
section, determines that a period of post-release control is 47485
necessary for that offender. For post-release control to be 47486
imposed, the offender must be committed to the department of 47487
rehabilitation and correction as set forth in section 5120.16 of 47488
the Revised Code. This division applies with respect to all 47489
prison terms of a type described in this division, including a 47490
term of any such type that is a risk reduction sentence. Section 47491
2929.191 of the Revised Code applies if, prior to July 11, 2006, 47492
a court imposed a sentence including a prison term of a type 47493
described in this division and failed to notify the offender 47494
pursuant to division (B) (2) (e) of section 2929.19 of the Revised 47495
Code regarding post-release control or to include in the 47496
judgment of conviction entered on the journal or in the sentence 47497
pursuant to division (D) (2) of section 2929.14 of the Revised 47498
Code a statement regarding post-release control. Pursuant to an 47499
agreement entered into under section 2967.29 of the Revised 47500

Code, a court of common pleas or parole board may impose 47501
sanctions or conditions on an offender who is placed on post- 47502
release control under this division. 47503

(D) (1) Before the prisoner is released from imprisonment, 47504
the parole board or, pursuant to an agreement under section 47505
2967.29 of the Revised Code, the court shall impose on a 47506
prisoner described in division (B) of this section, shall impose 47507
on a prisoner described in division (C) of this section who is 47508
to be released before the expiration of the prisoner's stated 47509
prison term under a risk reduction sentence, may impose on a 47510
prisoner described in division (C) of this section who is not to 47511
be released before the expiration of the prisoner's stated 47512
prison term under a risk reduction sentence, and shall impose on 47513
a prisoner described in division (B) (2) (b) of section 5120.031 47514
or in division (B) (1) of section 5120.032 of the Revised Code, 47515
one or more post-release control sanctions to apply during the 47516
prisoner's period of post-release control. Whenever the board or 47517
court imposes one or more post-release control sanctions on a 47518
prisoner, the board or court, in addition to imposing the 47519
sanctions, also shall include as a condition of the post-release 47520
control that the offender not leave the state without permission 47521
of the court or the offender's parole or probation officer and 47522
that the offender abide by the law. The board or court may 47523
impose any other conditions of release under a post-release 47524
control sanction that the board or court considers appropriate, 47525
and the conditions of release may include any community 47526
residential sanction, community nonresidential sanction, or 47527
financial sanction that the sentencing court was authorized to 47528
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 47529
Revised Code. Prior to the release of a prisoner for whom it 47530
will impose one or more post-release control sanctions under 47531

this division, the parole board or court shall review the 47532
prisoner's criminal history, results from the single validated 47533
risk assessment tool, and the record of the prisoner's conduct 47534
while imprisoned. The parole board or court shall consider any 47535
recommendation regarding post-release control sanctions for the 47536
prisoner made by the office of victims' services. After 47537
considering those materials, the board or court shall determine, 47538
for a prisoner described in division (B) of this section, 47539
division (B) (2) (b) of section 5120.031, or division (B) (1) of 47540
section 5120.032 of the Revised Code and for a prisoner 47541
described in division (C) of this section who is to be released 47542
before the expiration of the prisoner's stated prison term under 47543
a risk reduction sentence, which post-release control sanction 47544
or combination of post-release control sanctions is reasonable 47545
under the circumstances or, for a prisoner described in division 47546
(C) of this section who is not to be released before the 47547
expiration of the prisoner's stated prison term under a risk 47548
reduction sentence, whether a post-release control sanction is 47549
necessary and, if so, which post-release control sanction or 47550
combination of post-release control sanctions is reasonable 47551
under the circumstances. In the case of a prisoner convicted of 47552
a felony of the fourth or fifth degree other than a felony sex 47553
offense, the board or court shall presume that monitored time is 47554
the appropriate post-release control sanction unless the board 47555
or court determines that a more restrictive sanction is 47556
warranted. A post-release control sanction imposed under this 47557
division takes effect upon the prisoner's release from 47558
imprisonment. 47559

Regardless of whether the prisoner was sentenced to the 47560
prison term prior to, on, or after July 11, 2006, prior to the 47561
release of a prisoner for whom it will impose one or more post- 47562

release control sanctions under this division, the parole board 47563
shall notify the prisoner that, if the prisoner violates any 47564
sanction so imposed or any condition of post-release control 47565
described in division (B) of section 2967.131 of the Revised 47566
Code that is imposed on the prisoner, the parole board may 47567
impose a prison term of up to one-half of the stated prison term 47568
originally imposed on the prisoner. 47569

At least thirty days before the prisoner is released from 47570
imprisonment under post-release control, except as otherwise 47571
provided in this paragraph, the department of rehabilitation and 47572
correction shall notify the victim and the victim's immediate 47573
family of the date on which the prisoner will be released, the 47574
period for which the prisoner will be under post-release control 47575
supervision, and the terms and conditions of the prisoner's 47576
post-release control regardless of whether the victim or 47577
victim's immediate family has requested the notification. The 47578
notice described in this paragraph shall not be given to a 47579
victim or victim's immediate family if the victim or the 47580
victim's immediate family has requested pursuant to division (B) 47581
(2) of section 2930.03 of the Revised Code that the notice not 47582
be provided to the victim or the victim's immediate family. At 47583
least thirty days before the prisoner is released from 47584
imprisonment and regardless of whether the victim or victim's 47585
immediate family has requested that the notice described in this 47586
paragraph be provided or not be provided to the victim or the 47587
victim's immediate family, the department also shall provide 47588
notice of that nature to the prosecuting attorney in the case 47589
and the law enforcement agency that arrested the prisoner if any 47590
officer of that agency was a victim of the offense. 47591

If the notice given under the preceding paragraph to the 47592
victim or the victim's immediate family is based on an offense 47593

committed prior to March 22, 2013, and if the department of 47594
rehabilitation and correction has not previously successfully 47595
provided any notice to the victim or the victim's immediate 47596
family under division (B), (C), or (D) of section 2930.16 of the 47597
Revised Code with respect to that offense and the offender who 47598
committed it, the notice also shall inform the victim or the 47599
victim's immediate family that the victim or the victim's 47600
immediate family may request that the victim or the victim's 47601
immediate family not be provided any further notices with 47602
respect to that offense and the offender who committed it and 47603
shall describe the procedure for making that request. The 47604
department may give the notices to which the preceding paragraph 47605
applies by any reasonable means, including regular mail, 47606
telephone, and electronic mail. If the department attempts to 47607
provide notice to any specified person under the preceding 47608
paragraph but the attempt is unsuccessful because the department 47609
is unable to locate the specified person, is unable to provide 47610
the notice by its chosen method because it cannot determine the 47611
mailing address, electronic mail address, or telephone number at 47612
which to provide the notice, or, if the notice is sent by mail, 47613
the notice is returned, the department shall make another 47614
attempt to provide the notice to the specified person. If the 47615
second attempt is unsuccessful, the department shall make at 47616
least one more attempt to provide the notice. If the notice is 47617
based on an offense committed prior to March 22, 2013, in each 47618
attempt to provide the notice to the victim or victim's 47619
immediate family, the notice shall include the opt-out 47620
information described in this paragraph. The department, in the 47621
manner described in division (D) (2) of section 2930.16 of the 47622
Revised Code, shall keep a record of all attempts to provide the 47623
notice, and of all notices provided, under this paragraph and 47624
the preceding paragraph. The record shall be considered as if it 47625

was kept under division (D) (2) of section 2930.16 of the Revised 47626
Code. This paragraph, the preceding paragraph, and the notice- 47627
related provisions of divisions (E) (2) and (K) of section 47628
2929.20, division (D) (1) of section 2930.16, division (H) of 47629
section 2967.12, division (E) (1) (b) of section 2967.19 as it 47630
existed prior to ~~the effective date of this amendment~~ April 4, 47631
2023, division (A) (3) (b) of section 2967.26, and division (A) (2) 47632
of section 5149.101 of the Revised Code enacted in the act in 47633
which this paragraph and the preceding paragraph were enacted, 47634
shall be known as "Roberta's Law." 47635

(2) If a prisoner who is placed on post-release control 47636
under this section is released before the expiration of the 47637
definite term that is the prisoner's stated prison term or the 47638
expiration of the minimum term that is part of the prisoner's 47639
indefinite prison term imposed under a non-life felony 47640
indefinite prison term by reason of credit earned under section 47641
2967.193 or 2967.194 or a reduction under division (F) of 47642
section 2967.271 of the Revised Code and if the prisoner earned 47643
sixty or more days of credit, the adult parole authority may 47644
supervise the offender with an active global positioning system 47645
device for the first fourteen days after the offender's release 47646
from imprisonment. This division does not prohibit or limit the 47647
imposition of any post-release control sanction otherwise 47648
authorized by this section. 47649

(3) After a prisoner is released from imprisonment and 47650
during the period of post-release control applicable to the 47651
releasee, the adult parole authority or, pursuant to an 47652
agreement under section 2967.29 of the Revised Code, the court 47653
may review the releasee's behavior under the post-release 47654
control sanctions imposed upon the releasee under this section. 47655
The authority or court may determine, based upon the review and 47656

in accordance with the standards established under division (E) 47657
of this section, that the releasee has satisfactorily complied 47658
with the sanctions imposed, and if such a determination is made, 47659
the authority may recommend a less restrictive sanction, reduce 47660
the period of post-release control, or, no sooner than the 47661
minimum period of time required under section 2967.16 of the 47662
Revised Code, recommend that the parole board or court terminate 47663
the duration of the period of post-release control. In no case 47664
shall the board or court reduce the duration of the period of 47665
control imposed for a felony sex offense described in division 47666
(B) (1) of this section. 47667

(4) The department of rehabilitation and correction shall 47668
develop factors that the parole board or court shall consider in 47669
determining under division (D) (3) of this section whether to 47670
terminate the period of control imposed on a releasee. 47671

(E) The department of rehabilitation and correction, in 47672
accordance with Chapter 119. of the Revised Code, shall adopt 47673
rules that do all of the following: 47674

(1) Establish standards for the imposition by the parole 47675
board of post-release control sanctions under this section that 47676
are consistent with the overriding purposes and sentencing 47677
principles set forth in section 2929.11 of the Revised Code and 47678
that are appropriate to the needs of releasees; 47679

(2) Establish standards that provide for a period of post- 47680
release control of up to two years for all prisoners described 47681
in division (C) of this section who are to be released before 47682
the expiration of their stated prison term under a risk 47683
reduction sentence and standards by which the parole board can 47684
determine which prisoners described in division (C) of this 47685
section who are not to be released before the expiration of 47686

their stated prison term under a risk reduction sentence should 47687
be placed under a period of post-release control; 47688

(3) Establish standards to be used by the parole board in 47689
reducing or terminating the duration of the period of post- 47690
release control imposed by the court when authorized under 47691
division (D) of this section, in imposing a more restrictive 47692
post-release control sanction than monitored time on a prisoner 47693
convicted of a felony of the fourth or fifth degree other than a 47694
felony sex offense, or in imposing a less restrictive control 47695
sanction on a releasee based on results from the single 47696
validated risk assessment tool and on the releasee's activities 47697
including, but not limited to, remaining free from criminal 47698
activity and from the abuse of alcohol or other drugs, 47699
successfully participating in approved rehabilitation programs, 47700
maintaining employment, and paying restitution to the victim or 47701
meeting the terms of other financial sanctions; 47702

(4) Establish standards to be used by the adult parole 47703
authority in modifying a releasee's post-release control 47704
sanctions pursuant to division (D)(2) of this section; 47705

(5) Establish standards to be used by the adult parole 47706
authority or parole board in imposing further sanctions under 47707
division (F) of this section on releasees who violate post- 47708
release control sanctions, including standards that do the 47709
following: 47710

(a) Classify violations according to the degree of 47711
seriousness; 47712

(b) Define the circumstances under which formal action by 47713
the parole board is warranted; 47714

(c) Govern the use of evidence at violation hearings; 47715

(d) Ensure procedural due process to an alleged violator; 47716

(e) Prescribe nonresidential community control sanctions 47717
for most misdemeanor and technical violations; 47718

(f) Provide procedures for the return of a releasee to 47719
imprisonment for violations of post-release control. 47720

(F) (1) Whenever the parole board imposes one or more post- 47721
release control sanctions on an offender under this section, the 47722
offender upon release from imprisonment shall be under the 47723
general jurisdiction of the adult parole authority and generally 47724
shall be supervised by the field services section through its 47725
staff of parole and field officers as described in section 47726
5149.04 of the Revised Code, as if the offender had been placed 47727
on parole. If the offender upon release from imprisonment 47728
violates the post-release control sanction or any conditions 47729
described in division (A) of section 2967.131 of the Revised 47730
Code that are imposed on the offender, the public or private 47731
person or entity that operates or administers the sanction or 47732
the program or activity that comprises the sanction shall report 47733
the violation directly to the adult parole authority or to the 47734
officer of the authority who supervises the offender. The 47735
authority's officers may treat the offender as if the offender 47736
were on parole and in violation of the parole, and otherwise 47737
shall comply with this section. 47738

(2) If the adult parole authority or, pursuant to an 47739
agreement under section 2967.29 of the Revised Code, the court 47740
determines that a releasee has violated a post-release control 47741
sanction or any conditions described in division (A) of section 47742
2967.131 of the Revised Code imposed on the releasee and that a 47743
more restrictive sanction is appropriate, the authority or court 47744
may impose a more restrictive sanction on the releasee, in 47745

accordance with the standards established under division (E) of 47746
this section or in accordance with the agreement made under 47747
section 2967.29 of the Revised Code, or may report the violation 47748
to the parole board for a hearing pursuant to division (F) (3) of 47749
this section. The authority or court may not, pursuant to this 47750
division, increase the duration of the releasee's post-release 47751
control or impose as a post-release control sanction a 47752
residential sanction that includes a prison term, but the 47753
authority or court may impose on the releasee any other 47754
residential sanction, nonresidential sanction, or financial 47755
sanction that the sentencing court was authorized to impose 47756
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 47757
Revised Code. 47758

(3) The parole board or, pursuant to an agreement under 47759
section 2967.29 of the Revised Code, the court may hold a 47760
hearing on any alleged violation by a releasee of a post-release 47761
control sanction or any conditions described in division (A) of 47762
section 2967.131 of the Revised Code that are imposed upon the 47763
releasee. Except as otherwise provided in this division, if 47764
after the hearing the board or court finds that the releasee 47765
violated the sanction or condition, the board or court may 47766
increase the duration of the releasee's post-release control up 47767
to the maximum duration authorized by division (B) or (C) of 47768
this section or impose a more restrictive post-release control 47769
sanction. If a releasee was acting pursuant to division (B) (2) 47770
(b) of section 2925.11 or a related provision of section 47771
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 47772
doing violated the conditions of a post-release control sanction 47773
based on a minor drug possession offense, as defined in that 47774
section, or violated section 2925.12, division (C) (1) of section 47775
2925.14, or section 2925.141 of the Revised Code, the board or 47776

the court shall not impose any of the penalties described in 47777
this division based on the violation. When appropriate, the 47778
board or court may impose as a post-release control sanction a 47779
residential sanction that includes a prison term. The board or 47780
court shall consider a prison term as a post-release control 47781
sanction imposed for a violation of post-release control when 47782
the violation involves a deadly weapon or dangerous ordnance, 47783
physical harm or attempted serious physical harm to a person, or 47784
sexual misconduct. Unless a releasee's stated prison term was 47785
reduced pursuant to section 5120.032 of the Revised Code, the 47786
period of a prison term that is imposed as a post-release 47787
control sanction under this division shall not exceed nine 47788
months, and the maximum cumulative prison term for all 47789
violations under this division shall not exceed one-half of the 47790
definite prison term that was the stated prison term originally 47791
imposed on the offender as part of this sentence or, with 47792
respect to a stated non-life felony indefinite prison term, one- 47793
half of the minimum prison term that was imposed as part of that 47794
stated prison term originally imposed on the offender. If a 47795
releasee's stated prison term was reduced pursuant to section 47796
5120.032 of the Revised Code, the period of a prison term that 47797
is imposed as a post-release control sanction under this 47798
division and the maximum cumulative prison term for all 47799
violations under this division shall not exceed the period of 47800
time not served in prison under the sentence imposed by the 47801
court. The period of a prison term that is imposed as a post- 47802
release control sanction under this division shall not count as, 47803
or be credited toward, the remaining period of post-release 47804
control. If, during the period of the releasee's post-release 47805
control, the releasee serves as a post-release control sanction 47806
the maximum prison time available as a sanction, the post- 47807
release control shall terminate. 47808

If an offender is imprisoned for a felony committed while 47809
under post-release control supervision and is again released on 47810
post-release control for a period of time, the maximum 47811
cumulative prison term for all violations under this division 47812
shall not exceed one-half of the total stated prison terms of 47813
the earlier felony, reduced by any prison term administratively 47814
imposed by the parole board or court, plus one-half of the total 47815
stated prison term of the new felony. 47816

(G) (1) If an offender is simultaneously subject to a 47817
period of parole under an indefinite or life sentence and a 47818
period of post-release control, or is simultaneously subject to 47819
two periods of post-release control, the period of supervision 47820
that expires last shall determine the length and form of 47821
supervision for all the periods and the related sentences. 47822

(2) An offender shall receive credit for post-release 47823
control supervision during the period of parole, and shall not 47824
be eligible for final release under section 2967.16 of the 47825
Revised Code until the post-release control period otherwise 47826
would have ended. 47827

(3) If the period of parole ends prior to the end of the 47828
period of post-release control, the requirements of parole 47829
supervision shall be satisfied during the post-release control 47830
period. 47831

(H) (1) A period of post-release control shall not be 47832
imposed consecutively to any other post-release control period. 47833

(2) The period of post-release control for a releasee who 47834
commits a felony while under post-release control for an earlier 47835
felony shall be the longer of the period of post-release control 47836
specified for the new felony under division (B) or (C) of this 47837

section or the time remaining under the period of post-release 47838
control imposed for the earlier felony as determined by the 47839
parole board or court. 47840

Sec. 2969.13. All moneys that are collected pursuant to 47841
section 2929.32 of the Revised Code and required to be deposited 47842
in the crime victims recovery fund shall be credited ~~by the~~ 47843
~~treasurer of state~~ to the fund. Any interest earned on the money 47844
in the fund shall be credited to the fund. 47845

Sec. 2981.02. (A) (1) The following property is subject to 47846
forfeiture to the state or a political subdivision under either 47847
the criminal or delinquency process in section 2981.04 of the 47848
Revised Code or the civil process in section 2981.05 of the 47849
Revised Code: 47850

(a) Contraband involved in an offense; 47851

(b) Proceeds derived from or acquired through the 47852
commission of an offense; 47853

(c) An instrumentality that is used in or intended to be 47854
used in the commission or facilitation of any of the following 47855
offenses when the use or intended use, consistent with division 47856
(B) of this section, is sufficient to warrant forfeiture under 47857
this chapter: 47858

(i) A felony; 47859

(ii) A misdemeanor, when forfeiture is specifically 47860
authorized by a section of the Revised Code or by a municipal 47861
ordinance that creates the offense or sets forth its penalties; 47862

(iii) An attempt to commit, complicity in committing, or a 47863
conspiracy to commit an offense of the type described in 47864
divisions (A) (3) (a) and (b) of this section. 47865

(2) In determining whether an alleged instrumentality was used in or was intended to be used in the commission or facilitation of an offense or an attempt, complicity, or conspiracy to commit an offense in a manner sufficient to warrant its forfeiture, the trier of fact shall consider the following factors the trier of fact determines are relevant:

(a) Whether the offense could not have been committed or attempted but for the presence of the instrumentality;

(b) Whether the primary purpose in using the instrumentality was to commit or attempt to commit the offense;

(c) The extent to which the instrumentality furthered the commission of, or attempt to commit, the offense.

(B) The property described in division ~~(F) (2)~~ (H) (4) of section 2917.211 of the Revised Code is subject to forfeiture under the criminal or delinquency process in section 2981.04 of the Revised Code, if the forfeiture is ordered by the court imposing sentence or an order of disposition.

(C) This chapter does not apply to or limit forfeitures under Title XLV of the Revised Code, including forfeitures relating to section 2903.06 or 2903.08 of the Revised Code.

Sec. 3101.08. An ordained or licensed minister of any religious society or congregation within this state who is licensed to solemnize marriages, the governor or a former governor of this state, a judge of a county court in accordance with section 1907.18 of the Revised Code, a judge of a municipal court in accordance with section 1901.14 of the Revised Code, a probate judge in accordance with section 2101.27 of the Revised Code, the mayor of a municipal corporation anywhere within this state, the superintendent of Ohio deaf and blind education

services, or any religious society in conformity with the rules 47895
of its church, may join together as husband and wife any persons 47896
who are not prohibited by law from being joined in marriage. 47897

Sec. 3105.171. (A) As used in this section: 47898

(1) "Distributive award" means any payment or payments, in 47899
real or personal property, that are payable in a lump sum or 47900
over time, in fixed amounts, that are made from separate 47901
property or income, and that are not made from marital property 47902
and do not constitute payments of spousal support, as defined in 47903
section 3105.18 of the Revised Code. 47904

(2) "During the marriage" means whichever of the following 47905
is applicable: 47906

(a) Except as provided in division (A) (2) (b) of this 47907
section, the period of time from the date of the marriage 47908
through the date of the final hearing in an action for divorce 47909
or in an action for legal separation; 47910

(b) If the court determines that the use of either or both 47911
of the dates specified in division (A) (2) (a) of this section 47912
would be inequitable, the court may select dates that it 47913
considers equitable in determining marital property. If the 47914
court selects dates that it considers equitable in determining 47915
marital property, "during the marriage" means the period of time 47916
between those dates selected and specified by the court. 47917

(3) (a) "Marital property" means, subject to division (A) 47918
(3) (b) of this section, all of the following: 47919

(i) All real and personal property that currently is owned 47920
by either or both of the spouses, including, but not limited to, 47921
the retirement benefits of the spouses, and that was acquired by 47922
either or both of the spouses during the marriage; 47923

(ii) All interest that either or both of the spouses 47924
currently has in any real or personal property, including, but 47925
not limited to, the retirement benefits of the spouses, and that 47926
was acquired by either or both of the spouses during the 47927
marriage; 47928

(iii) Except as otherwise provided in this section, all 47929
income and appreciation on separate property, due to the labor, 47930
monetary, or in-kind contribution of either or both of the 47931
spouses that occurred during the marriage; 47932

(iv) A participant account, as defined in section 148.01 47933
of the Revised Code, of either of the spouses, to the extent of 47934
the following: the moneys that have been deferred by a 47935
continuing member or participating employee, as defined in that 47936
section, and that have been transmitted to the ~~Ohio~~-public 47937
employees ~~deferred compensation~~-retirement board during the 47938
marriage and any income that is derived from the investment of 47939
those moneys during the marriage; the moneys that have been 47940
deferred by an officer or employee of a municipal corporation 47941
and that have been transmitted to the governing board, 47942
administrator, depository, or trustee of the deferred 47943
compensation program of the municipal corporation during the 47944
marriage and any income that is derived from the investment of 47945
those moneys during the marriage; or the moneys that have been 47946
deferred by an officer or employee of a government unit, as 47947
defined in section 148.06 of the Revised Code, and that have 47948
been transmitted to the governing board, as defined in that 47949
section, during the marriage and any income that is derived from 47950
the investment of those moneys during the marriage. 47951

(b) "Marital property" does not include any separate 47952
property. 47953

(4) "Passive income" means income acquired other than as a result of the labor, monetary, or in-kind contribution of either spouse.

(5) "Personal property" includes both tangible and intangible personal property.

(6) (a) "Separate property" means all real and personal property and any interest in real or personal property that is found by the court to be any of the following:

(i) An inheritance by one spouse by bequest, devise, or descent during the course of the marriage;

(ii) Any real or personal property or interest in real or personal property that was acquired by one spouse prior to the date of the marriage;

(iii) Passive income and appreciation acquired from separate property by one spouse during the marriage;

(iv) Any real or personal property or interest in real or personal property acquired by one spouse after a decree of legal separation issued under section 3105.17 of the Revised Code;

(v) Any real or personal property or interest in real or personal property that is excluded by a valid antenuptial or postnuptial agreement;

(vi) Compensation to a spouse for the spouse's personal injury, except for loss of marital earnings and compensation for expenses paid from marital assets;

(vii) Any gift of any real or personal property or of an interest in real or personal property that is made after the date of the marriage and that is proven by clear and convincing evidence to have been given to only one spouse.

(b) The commingling of separate property with other 47982
property of any type does not destroy the identity of the 47983
separate property as separate property, except when the separate 47984
property is not traceable. 47985

(B) In divorce proceedings, the court shall, and in legal 47986
separation proceedings upon the request of either spouse, the 47987
court may, determine what constitutes marital property and what 47988
constitutes separate property. In either case, upon making such 47989
a determination, the court shall divide the marital and separate 47990
property equitably between the spouses, in accordance with this 47991
section. For purposes of this section, the court has 47992
jurisdiction over all property, excluding the social security 47993
benefits of a spouse other than as set forth in division (F) (9) 47994
of this section, in which one or both spouses have an interest. 47995

(C) (1) Except as provided in this division or division (E) 47996
of this section, the division of marital property shall be 47997
equal. If an equal division of marital property would be 47998
inequitable, the court shall not divide the marital property 47999
equally but instead shall divide it between the spouses in the 48000
manner the court determines equitable. In making a division of 48001
marital property, the court shall consider all relevant factors, 48002
including those set forth in division (F) of this section. 48003

(2) Each spouse shall be considered to have contributed 48004
equally to the production and acquisition of marital property. 48005

(3) The court shall provide for an equitable division of 48006
marital property under this section prior to making any award of 48007
spousal support to either spouse under section 3105.18 of the 48008
Revised Code and without regard to any spousal support so 48009
awarded. 48010

(4) If the marital property includes a participant 48011
account, as defined in section 148.01 of the Revised Code, the 48012
court shall not order the division or disbursement of the moneys 48013
and income described in division (A) (3) (a) (iv) of this section 48014
to occur in a manner that is inconsistent with the law, rules, 48015
or plan governing the deferred compensation program involved or 48016
prior to the time that the spouse in whose name the participant 48017
account is maintained commences receipt of the moneys and income 48018
credited to the account in accordance with that law, rules, and 48019
plan. 48020

(D) Except as otherwise provided in division (E) of this 48021
section or by another provision of this section, the court shall 48022
disburse a spouse's separate property to that spouse. If a court 48023
does not disburse a spouse's separate property to that spouse, 48024
the court shall make written findings of fact that explain the 48025
factors that it considered in making its determination that the 48026
spouse's separate property should not be disbursed to that 48027
spouse. 48028

(E) (1) The court may make a distributive award to 48029
facilitate, effectuate, or supplement a division of marital 48030
property. The court may require any distributive award to be 48031
secured by a lien on the payor's specific marital property or 48032
separate property. 48033

(2) The court may make a distributive award in lieu of a 48034
division of marital property in order to achieve equity between 48035
the spouses, if the court determines that a division of the 48036
marital property in kind or in money would be impractical or 48037
burdensome. 48038

(3) The court shall require each spouse to disclose in a 48039
full and complete manner all marital property, separate 48040

property, and other assets, debts, income, and expenses of the 48041
spouse. 48042

(4) If a spouse has engaged in financial misconduct, 48043
including, but not limited to, the dissipation, destruction, 48044
concealment, nondisclosure, or fraudulent disposition of assets, 48045
the court may compensate the offended spouse with a distributive 48046
award or with a greater award of marital property. 48047

(5) If a spouse has substantially and willfully failed to 48048
disclose marital property, separate property, or other assets, 48049
debts, income, or expenses as required under division (E) (3) of 48050
this section, the court may compensate the offended spouse with 48051
a distributive award or with a greater award of marital property 48052
not to exceed three times the value of the marital property, 48053
separate property, or other assets, debts, income, or expenses 48054
that are not disclosed by the other spouse. 48055

(F) In making a division of marital property and in 48056
determining whether to make and the amount of any distributive 48057
award under this section, the court shall consider all of the 48058
following factors: 48059

(1) The duration of the marriage; 48060

(2) The assets and liabilities of the spouses; 48061

(3) The desirability of awarding the family home, or the 48062
right to reside in the family home for reasonable periods of 48063
time, to the spouse with custody of the children of the 48064
marriage; 48065

(4) The liquidity of the property to be distributed; 48066

(5) The economic desirability of retaining intact an asset 48067
or an interest in an asset; 48068

(6) The tax consequences of the property division upon the
respective awards to be made to each spouse;

(7) The costs of sale, if it is necessary that an asset be
sold to effectuate an equitable distribution of property;

(8) Any division or disbursement of property made in a
separation agreement that was voluntarily entered into by the
spouses;

(9) Any retirement benefits of the spouses, excluding the
social security benefits of a spouse except as may be relevant
for purposes of dividing a public pension;

(10) Any other factor that the court expressly finds to be
relevant and equitable.

(G) In any order for the division or disbursement of
property or a distributive award made pursuant to this section,
the court shall make written findings of fact that support the
determination that the marital property has been equitably
divided and shall specify the dates it used in determining the
meaning of "during the marriage."

(H) Except as otherwise provided in this section, the
holding of title to property by one spouse individually or by
both spouses in a form of co-ownership does not determine
whether the property is marital property or separate property.

(I) A division or disbursement of property or a
distributive award made under this section is not subject to
future modification by the court except upon the express written
consent or agreement to the modification by both spouses.

(J) The court may issue any orders under this section that
it determines equitable, including, but not limited to, either

of the following types of orders: 48097

(1) An order granting a spouse the right to use the 48098
marital dwelling or any other marital property or separate 48099
property for any reasonable period of time; 48100

(2) An order requiring the sale or encumbrancing of any 48101
real or personal property, with the proceeds from the sale and 48102
the funds from any loan secured by the encumbrance to be applied 48103
as determined by the court. 48104

Sec. 3105.63. (A) (1) A petition for dissolution of 48105
marriage shall be signed by both spouses and shall have attached 48106
and incorporated a separation agreement agreed to by both 48107
spouses. The separation agreement shall provide for a division 48108
of all property; spousal support; if there are minor children of 48109
the marriage, the allocation of parental rights and 48110
responsibilities for the care of the minor children, the 48111
designation of a residential parent and legal custodian of the 48112
minor children, child support, and parenting time rights; and, 48113
if the spouses so desire, an authorization for the court to 48114
modify the amount or terms of spousal support, or the division 48115
of property, provided in the separation agreement. If there are 48116
minor children of the marriage, the spouses may address the 48117
allocation of the parental rights and responsibilities for the 48118
care of the minor children by including in the separation 48119
agreement a plan under which both parents will have shared 48120
rights and responsibilities for the care of the minor children. 48121
The spouses shall file the plan with the petition for 48122
dissolution of marriage and shall include in the plan the 48123
provisions described in division (G) of section 3109.04 of the 48124
Revised Code. 48125

(2) The division of property in the separation agreement 48126

shall include any participant account, as defined in section 48127
148.01 of the Revised Code, of either of the spouses, to the 48128
extent of the following: 48129

(a) The moneys that have been deferred by a continuing 48130
member or participating employee, as defined in that section, 48131
and that have been transmitted to the ~~Ohio~~-public employees 48132
~~deferred compensation retirement~~ board during the marriage and 48133
any income that is derived from the investment of those moneys 48134
during the marriage; 48135

(b) The moneys that have been deferred by an officer or 48136
employee of a municipal corporation and that have been 48137
transmitted to the governing board, administrator, depository, 48138
or trustee of the deferred compensation program of the municipal 48139
corporation during the marriage and any income that is derived 48140
from the investment of those moneys during the marriage; 48141

(c) The moneys that have been deferred by an officer or 48142
employee of a government unit, as defined in section 148.06 of 48143
the Revised Code, and that have been transmitted to the 48144
governing board, as defined in that section, during the marriage 48145
and any income that is derived from the investment of those 48146
moneys during the marriage. 48147

(3) The separation agreement shall not require or permit 48148
the division or disbursement of the moneys and income described 48149
in division (A) (2) of this section to occur in a manner that is 48150
inconsistent with the law, rules, or plan governing the deferred 48151
compensation program involved or prior to the time that the 48152
spouse in whose name the participant account is maintained 48153
commences receipt of the moneys and income credited to the 48154
account in accordance with that law, rules, and plan. 48155

(B) An amended separation agreement may be filed at any 48156
time prior to or during the hearing on the petition for 48157
dissolution of marriage. Upon receipt of a petition for 48158
dissolution of marriage, the court may cause an investigation to 48159
be made pursuant to the Rules of Civil Procedure. 48160

(C) (1) If a petition for dissolution of marriage contains 48161
an authorization for the court to modify the amount or terms of 48162
spousal support provided in the separation agreement, the 48163
modification shall be in accordance with section 3105.18 of the 48164
Revised Code. 48165

(2) If a petition for dissolution of marriage contains an 48166
authorization for the court to modify the division of property 48167
provided in the separation agreement, the modification shall be 48168
made with the express written consent or agreement of both 48169
spouses. 48170

Sec. 3107.01. As used in sections 3107.01 to 3107.20 of 48171
the Revised Code: 48172

(A) "Adoption" means to create the legal relationship of 48173
parent and child between the petitioner and the adopted person, 48174
as if the adopted person were a legitimate blood descendant of 48175
the petitioner, for all purposes including inheritance and 48176
applicability of statutes, documents, and instruments, whether 48177
executed before or after the adoption is decreed, and which do 48178
not expressly exclude an adopted person from their operation or 48179
effect. 48180

(B) "Agency" means any public or private organization 48181
certified, licensed, or otherwise specially empowered by law or 48182
rule to place minors for adoption. 48183

(C) "Attorney" means a person who has been admitted to the 48184

bar by order of the Ohio supreme court. 48185

(D) "Best interest" means the factors a court uses to 48186
determine the best interest of a child as set forth in section 48187
3107.161 of the Revised Code. 48188

(E) "Child" means a son or daughter, whether by birth or 48189
by adoption. 48190

(F) "Court" means the probate courts of this state, and 48191
when the context requires, means the court of any other state 48192
empowered to grant petitions for adoption. 48193

(G) "Date of placement" means the date on which a child is 48194
living with the child's prospective adoptive parent and becomes 48195
eligible for adoption pursuant to statutory authority, judgment 48196
decree or court order, or as otherwise authorized by law. 48197

(H) "Foster caregiver" has the same meaning as in section 48198
5103.02 of the Revised Code. 48199

(I) "Identifying information" means any of the following 48200
with regard to a person: first name, last name, maiden name, 48201
alias, social security number, address, telephone number, place 48202
of employment, number used to identify the person for the 48203
purpose of the statewide education management information system 48204
established pursuant to section 3301.0714 of the Revised Code, 48205
and any other number federal or state law requires or permits to 48206
be used to identify the person. 48207

(J) "Kinship caregiver" has the same meaning as in section 48208
~~5101.85~~ 5180.50 of the Revised Code. 48209

(K) "Legal custodian" has the same meaning as in section 48210
5103.16 of the Revised Code. 48211

(L) "Legal custody" has the same meaning as in section 48212

2151.011 of the Revised Code. 48213

(M) "Minor" means a person under the age of eighteen 48214
years. 48215

(N) "Parent" means a legally recognized natural or 48216
adoptive parent of a child. 48217

(O) "Party" means a petitioner, adoptee, or any other 48218
person or agency that is part of an adoption proceeding and 48219
whose consent to the adoption is necessary but has not been 48220
obtained. 48221

(P) "Permanent custody" has the same meaning as in section 48222
2151.011 of the Revised Code. 48223

(Q) "Placement" means the act by a public children 48224
services agency, a private child placing agency, or a parent who 48225
is utilizing an agency or attorney that is intended to arrange 48226
for the care or custody of a child in accordance with Chapter 48227
5103. of the Revised Code. 48228

(R) "Planned permanent living arrangement" has the same 48229
meaning as in section 2151.011 of the Revised Code. 48230

(S) "Putative father" means a man, including one under age 48231
eighteen, who may be a child's father and to whom all of the 48232
following apply: 48233

(1) He is not married to the child's mother at the time of 48234
the child's conception or birth; 48235

(2) He has not adopted the child; 48236

(3) He has not been determined, prior to the date a 48237
petition to adopt the child is filed, to have a parent and child 48238
relationship with the child by a court proceeding pursuant to 48239

sections 3111.01 to 3111.18 of the Revised Code, a court 48240
proceeding in another state, an administrative agency proceeding 48241
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 48242
an administrative agency proceeding in another state; 48243

(4) He has not acknowledged paternity of the child 48244
pursuant to sections 3111.21 to 3111.35 of the Revised Code. 48245

Sec. 3107.012. (A) A foster caregiver may use the 48246
application prescribed under division (B) of this section to 48247
obtain the services of an agency to arrange an adoption for the 48248
foster caregiver if the foster caregiver seeks to adopt the 48249
foster caregiver's foster child who ~~has resided~~ resides in the 48250
foster caregiver's home ~~for at least six months prior to the~~ 48251
~~date the foster caregiver submits the application to the agency.~~ 48252

(B) The department of children and youth shall prescribe 48253
an application for a foster caregiver to use under division (A) 48254
of this section. The application shall not require that the 48255
foster caregiver provide any information the foster caregiver 48256
already provided the department, or undergo an inspection the 48257
foster caregiver already underwent, to obtain a foster home 48258
certificate under section 5103.03 of the Revised Code. 48259

(C) An agency that receives an application prescribed 48260
under division (B) of this section from a foster caregiver 48261
authorized to use the application shall not require, as a 48262
condition of the agency accepting or approving the application, 48263
that the foster caregiver undergo a criminal records check under 48264
section 2151.86 of the Revised Code as a prospective adoptive 48265
parent. The agency shall inform the foster caregiver, in 48266
accordance with division (G) of section 2151.86 of the Revised 48267
Code, that the foster caregiver must undergo the criminal 48268
records check before a court may issue a final decree of 48269

adoption or interlocutory order of adoption under section 48270
3107.14 of the Revised Code. 48271

Sec. 3107.031. Except as otherwise provided in this 48272
section, an assessor shall conduct a home study for the purpose 48273
of ascertaining whether a person seeking to adopt a minor is 48274
suitable to adopt. A written report of the home study shall be 48275
filed with the court at least ten days before the petition for 48276
adoption is heard. 48277

A person seeking to adopt a minor who knowingly makes a 48278
false statement that is included in the written report of a home 48279
study conducted pursuant to this section is guilty of the 48280
offense of falsification under section 2921.13 of the Revised 48281
Code, and such a home study shall not be filed with the court. 48282
If such a home study is filed with the court, the court may 48283
strike the home study from the court's records. 48284

The report shall contain the opinion of the assessor as to 48285
whether the person who is the subject of the report is suitable 48286
to adopt a minor, any multiple children assessment required 48287
under section 3107.032 of the Revised Code, and other 48288
information and documents specified in rules adopted by the 48289
director of children and youth under section 3107.033 of the 48290
Revised Code. The assessor shall not consider the person's age 48291
when determining whether the person is suitable to adopt if the 48292
person is old enough to adopt as provided by section 3107.03 of 48293
the Revised Code. 48294

An assessor may request departments or agencies within or 48295
outside this state to assist in the home study as may be 48296
appropriate and to make a written report to be included with and 48297
attached to the report to the court. The assessor shall make 48298
similar home studies and reports on behalf of other assessors 48299

designated by the courts of this state or another place. 48300

Upon order of the court, the costs of the home study and 48301
other proceedings shall be paid by the person seeking to adopt, 48302
and, if the home study is conducted by a public agency or public 48303
employee, the part of the cost representing any services and 48304
expenses shall be taxed as costs and paid into the state 48305
treasury or county treasury, as the court may direct. 48306

On request, the assessor shall provide the person seeking 48307
to adopt a copy of the report of the home study. The assessor 48308
shall delete from that copy any provisions concerning the 48309
opinion of other persons, excluding the assessor, of the 48310
person's suitability to adopt a minor. 48311

This section does not apply to a foster caregiver seeking 48312
to adopt the foster caregiver's foster child if the foster child 48313
~~has resided~~ resides in the foster caregiver's home ~~for at least~~ 48314
~~six months prior to the date and~~ the foster caregiver submits an 48315
application prescribed under division (B) of section 3107.012 of 48316
the Revised Code to the agency arranging the adoption. 48317

Sec. 3107.033. The director of children and youth shall 48318
adopt rules in accordance with Chapter 119. of the Revised Code 48319
specifying both of the following: 48320

(A) The manner in which a home study is to be conducted 48321
and the information and documents to be included in a home study 48322
report, which shall include, pursuant to section 3107.034 of the 48323
Revised Code, a summary report of a search of the uniform 48324
statewide automated child welfare information system established 48325
in section ~~5101.13~~ 5180.40 of the Revised Code and a report of a 48326
check of a central registry of another state if a request for a 48327
check of a central registry of another state is required under 48328

division (A) of section 3107.034 of the Revised Code. The 48329
director shall ensure that rules adopted under this section 48330
align the home study content, time period, and process with any 48331
foster care home study content, time period, and process 48332
required by rules adopted under section 5103.03 of the Revised 48333
Code. 48334

(B) A procedure under which a person whose application for 48335
adoption has been denied as a result of a search of the uniform 48336
statewide automated child welfare information system established 48337
in section ~~5101.13~~ 5180.40 of the Revised Code as part of the 48338
home study may appeal the denial to the agency that employed the 48339
assessor who filed the report. 48340

Sec. 3107.034. (A) Whenever a prospective adoptive parent 48341
or a person eighteen years of age or older who resides with a 48342
prospective adoptive parent has resided in another state within 48343
the five-year period immediately prior to the date on which a 48344
criminal records check is requested for the person under 48345
division (A) of section 2151.86 of the Revised Code, the 48346
administrative director of an agency, or attorney, who arranges 48347
the adoption for the prospective adoptive parent shall request a 48348
check of the central registry of abuse and neglect of this state 48349
from the department of children and youth regarding the 48350
prospective adoptive parent or the person eighteen years of age 48351
or older who resides with the prospective adoptive parent to 48352
enable the agency or attorney to check any child abuse and 48353
neglect registry maintained by that other state. The 48354
administrative director or attorney shall make the request and 48355
shall review the results of the check before a final decree of 48356
adoption or an interlocutory order of adoption making the person 48357
an adoptive parent may be made. Information received pursuant to 48358
the request shall be considered for purposes of this chapter as 48359

if it were a summary report required under section 3107.033 of 48360
the Revised Code. The department of children and youth shall 48361
comply with any request to check the central registry that is 48362
similar to the request described in this division and that is 48363
received from any other state. 48364

(B) The summary report of a search of the uniform 48365
statewide automated child welfare information system established 48366
in section ~~5101.13~~ 5180.40 of the Revised Code that is required 48367
under section 3107.033 of the Revised Code shall contain, if 48368
applicable, a chronological list of abuse and neglect 48369
determinations or allegations of which the person seeking to 48370
adopt is subject and in regards to which a public children 48371
services agency has done one of the following: 48372

(1) Determined that abuse or neglect occurred; 48373

(2) Initiated an investigation, and the investigation is 48374
ongoing; 48375

(3) Initiated an investigation and the agency was unable 48376
to determine whether abuse or neglect occurred. 48377

(C) The summary report required under section 3107.033 of 48378
the Revised Code shall not contain any of the following: 48379

(1) An abuse and neglect determination of which the person 48380
seeking to adopt is subject and in regards to which a public 48381
children services agency determined that abuse or neglect did 48382
not occur; 48383

(2) Information or reports the dissemination of which is 48384
prohibited by, or interferes with eligibility under, the "Child 48385
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 48386
U.S.C. 5101 et seq., as amended; 48387

(3) The name of the person who or entity that made, or 48388
participated in the making of, the report of abuse or neglect. 48389

(D) (1) An application for adoption may be denied based on 48390
a summary report containing the information described under 48391
division (B) (1) of this section, when considered within the 48392
totality of the circumstances. An application that is denied may 48393
be appealed using the procedure adopted pursuant to division (B) 48394
of section 3107.033 of the Revised Code. 48395

(2) An application for adoption shall not be denied solely 48396
based on a summary report containing the information described 48397
under division (B) (2) or (3) of this section. 48398

Sec. 3107.062. (A) (1) The department of ~~job and family~~ 48399
~~services~~ children and youth shall establish a putative father 48400
registry. To register, a putative father must complete a 48401
registration form prescribed under section 3107.065 of the 48402
Revised Code and submit it to the department. The registration 48403
form shall include the putative father's name; the name of the 48404
mother of the person he claims as his child; and the address or 48405
telephone number at which he wishes to receive, pursuant to 48406
section 3107.11 of the Revised Code, notice of any petition that 48407
may be filed to adopt a minor he claims as his child. 48408

(2) A putative father may register at any time. For the 48409
purpose of preserving the requirement of his consent to an 48410
adoption, a putative father shall register before or not later 48411
than fifteen days after the birth of the child. No fee shall be 48412
charged for registration. 48413

(B) On receipt of a completed registration form, the 48414
department shall indicate on the form the date of receipt and 48415
file it in the putative father registry. The department shall 48416

maintain registration forms in a manner that enables it to 48417
access a registration form using either the name of the putative 48418
father or of the mother. 48419

(C) The department of children and youth shall grant the 48420
office of child support in the department of job and family 48421
services and a child support enforcement agency access to the 48422
putative father registry for purposes of section 3111.69 of the 48423
Revised Code. 48424

Sec. 3107.063. (A) An attorney arranging a minor's 48425
adoption, a mother, a public children services agency, a private 48426
noncustodial agency, or a private child placing agency may 48427
request at any time that the department of ~~job and family~~ 48428
~~services~~ children and youth search the putative father registry 48429
to determine whether a man is registered as the minor's putative 48430
father. The request shall include the mother's name. On receipt 48431
of the request, the department shall search the registry. If the 48432
department determines that a man is registered as the minor's 48433
putative father, it shall provide the attorney, mother, or 48434
agency a certified copy of the man's registration form. If the 48435
department determines that no man is registered as the minor's 48436
putative father, it shall provide the attorney, mother, or 48437
agency a certified written statement to that effect. The 48438
department shall specify in the statement the date the search 48439
request was submitted. No fee shall be charged for searching the 48440
registry. 48441

Division (B) of section 3107.17 of the Revised Code does 48442
not apply to this section. 48443

(B) If the department of ~~job and family services~~ children 48444
and youth provides a certified copy of a putative father's 48445
registration form pursuant to division (A) of this section, the 48446

department also shall provide a written notice to the putative 48447
father: 48448

(1) That he may be the father of the minor he claims as 48449
his child on the registration form; 48450

(2) That the minor is being or may be placed for adoption; 48451
and 48452

(3) Of his right to consent or refuse to consent to the 48453
minor's adoption to the extent provided under Chapter 3107. of 48454
the Revised Code. 48455

(C) The department shall provide the notice under this 48456
section not later than ten business days after the date it 48457
provides the certified copy of the registration form pursuant to 48458
division (A) of this section. 48459

Sec. 3107.064. (A) Except as provided in division (B) of 48460
this section, a court shall not issue a final decree of adoption 48461
or finalize an interlocutory order of adoption unless the mother 48462
placing the minor for adoption or the agency or attorney 48463
arranging the adoption files with the court a certified document 48464
provided by the department of job and family services children 48465
and youth under section 3107.063 of the Revised Code. The court 48466
shall not accept the document unless the date the department 48467
places on the document pursuant to that section is sixteen or 48468
more days after the date of the minor's birth. 48469

(B) The document described in division (A) of this section 48470
is not required if any of the following apply: 48471

(1) The mother was married at the time the minor was 48472
conceived or born; 48473

(2) The parent placing the minor for adoption previously 48474

adopted the minor; 48475

(3) Prior to the date a petition to adopt the minor is 48476
filed, a man has been determined to have a parent and child 48477
relationship with the minor by a court proceeding pursuant to 48478
sections 3111.01 to 3111.18 of the Revised Code, a court 48479
proceeding in another state, an administrative agency proceeding 48480
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 48481
an administrative agency proceeding in another state; 48482

(4) The minor's father acknowledged paternity of the minor 48483
and that acknowledgment has become final pursuant to section 48484
2151.232, 3111.25, or 3111.821 of the Revised Code; 48485

(5) A public children services agency has permanent 48486
custody of the minor pursuant to Chapter 2151. or division (B) 48487
of section 5103.15 of the Revised Code after both parents lost 48488
or surrendered parental rights, privileges, and responsibilities 48489
over the minor. 48490

Sec. 3107.065. Not later than ninety days after the 48491
effective date of this section, the director of ~~job and family~~ 48492
~~services~~ children and youth shall do both of the following: 48493

(A) Adopt rules in accordance with Chapter 119. of the 48494
Revised Code governing the putative father registry. The rules 48495
shall establish the registration form to be used by a putative 48496
father under section 3107.062 of the Revised Code. 48497

(B) Establish a campaign to promote awareness of the 48498
putative father registry. The campaign shall include 48499
informational materials about the registry. 48500

Sec. 3107.38. (A) As used in sections 3107.38 to 3107.394 48501
of the Revised Code: 48502

- (1) "Adopted person" means a person who was adopted but is not an adopted person as defined in section 3107.45 of the Revised Code. 48503
48504
48505
- (2) "Adoption file" means a file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code. 48506
48507
48508
- (3) "Biological parent" means a parent, by birth, of a person who is, or is to become, an adopted person. 48509
48510
- (4) "Biological parent's name redaction request form" means the form prescribed under section 3107.391 of the Revised Code. 48511
48512
48513
- (5) "Biological sibling" means a sibling, by birth, of a person who is, or is to become, an adopted person. 48514
48515
- (6) "Contact preference form" means the form prescribed under section 3107.39 of the Revised Code. 48516
48517
- (7) "File of releases" means the filing system for releases that former section 3107.40 of the Revised Code, as repealed by Sub. S.B. 23 of the 130th general assembly, required the department of health to maintain. 48518
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48521
- (8) "Items of identification" include a motor vehicle driver's or commercial driver's license, an identification card issued under sections 4507.50 to 4507.52 of the Revised Code, a marriage application, a social security card, a credit card, a military identification card, or an employee identification card. 48522
48523
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- (9) "Lineal descendant of an adopted person" means a person who by reason of blood or adoption is a lineal descendant of an adopted person. 48528
48529
48530

- (10) "Offspring" means a child, by birth, of a person. 48531
- (11) "Release" means both of the following: 48532
- (a) A release filed by a biological parent or biological 48533
sibling pursuant to former section 3107.40 of the Revised Code, 48534
as repealed by Sub. S.B. 23 of the 130th general assembly, that 48535
authorized the release of identifying information to the 48536
biological parent's offspring or the release of specified 48537
information to the biological sibling's adopted sibling pursuant 48538
to former section 3107.41 of the Revised Code, as repealed by 48539
Sub. S.B. 23 of the 130th general assembly; 48540
- (b) A withdrawal of release filed by a biological parent 48541
or biological sibling pursuant to former section 3107.40 of the 48542
Revised Code, as repealed by Sub. S.B. 23 of the 130th general 48543
assembly. 48544
- (B) Subject to division (C) of this section, an adopted 48545
person or lineal descendant of an adopted person may submit a 48546
written request to the department of health for the department 48547
to provide the adopted person or lineal descendant of an adopted 48548
person with a copy of the contents of the adopted person's 48549
adoption file. The request shall provide the requester's address 48550
and notarized signature and be accompanied by two items of 48551
identification of the requester. If the requester is a lineal 48552
descendant of an adopted person, the request shall also provide 48553
notarized documentation evidencing the requester's relationship 48554
to the adopted person. On receipt of a request and payment of 48555
the fee required by section 3705.241 of the Revised Code, the 48556
department shall mail to the requester, at the address provided 48557
in the request, a copy of the contents of the adopted person's 48558
adoption file if the department has an adoption file, including 48559
all releases transferred to the adoption file pursuant to 48560

section 3107.381 of the Revised Code, for the adopted person. If 48561
the adoption file includes a biological parent's name redaction 48562
request form from a biological parent, the department shall 48563
redact the biological parent's name from the copy of the 48564
contents of the adoption file that is mailed to the requester. 48565
If the department removes the biological parent's name redaction 48566
request form from the adoption file pursuant to division ~~(D)~~ (A) 48567
of section 3107.391 of the Revised Code after the department 48568
mails the copy of the contents of the adoption file to the 48569
requester, the department shall mail to the requester another 48570
copy of the contents with the biological parent's name included. 48571

(C) An adopted person or lineal descendant of an adopted 48572
person may not submit a request under this section until the 48573
adopted person or lineal descendant is at least eighteen years 48574
of age. 48575

Sec. 3107.391. (A) ~~The department of job and family~~ 48576
~~services shall prescribe a biological parent's name redaction~~ 48577
~~request form. The form shall include all of the following:~~ 48578

~~(1) Information about the procedures and requirements for~~ 48579
~~a biological parent to do either of the following:~~ 48580

~~(a) Have the form placed in the adoption file of the~~ 48581
~~biological parent's offspring so that the biological parent's~~ 48582
~~name is redacted from a copy of the contents of the adoption~~ 48583
~~file that a person receives under section 3107.38 of the Revised~~ 48584
~~Code.~~ 48585

~~(b) Have the form removed from the adoption file if the~~ 48586
~~biological parent later decides to permit the biological~~ 48587
~~parent's name to be included in a copy of the contents of the~~ 48588
~~adoption file that a person receives under section 3107.38 of~~ 48589

~~the Revised Code.~~ 48590

~~(2) Provisions necessary for the department of health to
be able to identify the adoption file of the adopted person to
whom the form pertains;~~ 48591
48592
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~~(3) A place for the biological parent to attest that the
biological parent is the biological parent of the adopted person
to whom the form pertains.~~ 48594
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~~(B) The department of job and family services shall make
the biological parent's name redaction request form available to
the department of health.~~ 48597
48598
48599

~~(C) (1) Until one year after the effective date of this
section, the department of health shall make a biological
parent's name redaction request form available to a biological
parent on request. The department may accept a completed
biological parent's name redaction request form only if all of
the following apply:-~~ 48600
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~~(a) The form is submitted to the department not later than
one year after the effective date of this section.~~ 48606
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~~(b) The form has been notarized.~~ 48608

~~(c) The biological parent provides the department two
items of identification of the biological parent.~~ 48609
48610

~~(d) If a social and medical history for the biological
parent was not previously prepared or such a history was
prepared but should be corrected or expanded, the biological
parent does the following as appropriate:~~ 48611
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~~(i) Completes a social and medical history form in
accordance with section 3107.091 or 3107.393 of the Revised
Code;~~ 48615
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~~(ii) Corrects or expands the biological parent's social
and medical history in accordance with division (D) of section
3107.09 of the Revised Code.~~ 48618
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~~(e) The department is satisfied that the form has been
substantially completed.~~ 48621
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~~(2) If the department determines that it may accept the
biological parent's name redaction request form, it shall accept
the form. As soon as the department identifies the adoption file
of the adopted person to whom the form pertains, it shall place
the form in that file.~~ 48623
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~~(D) (1) A biological parent who has had a biological
parent's name redaction request form accepted under division (C)
of this section by the department of health between March 20,
2014, and March 20, 2015, may request at any time that the
department remove the form from the adoption file of the adopted
person to whom the form pertains if the biological parent
decides to permit the biological parent's name to be included in
a copy of the contents of the adoption file that a person
receives under section 3107.38 of the Revised Code. The
department shall remove the form from the adoption file if the
biological parent provides the department all of the following:~~ 48628
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~~(a) (1) Two items of identification of the biological
parent;~~ 48639
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~~(b) (2) Information the department needs to be able to
identify the adoption file of the adopted person to whom the
form pertains;~~ 48641
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~~(c) (3) A notarized attestation that the biological parent
is the biological parent of the adopted person to whom the form
pertains.~~ 48644
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~~(2)~~ (B) When the department removes a biological parent's 48647
name redaction request form from an adoption file under division 48648
~~(D)~~ ~~(1)~~ (A) of this section, the department shall destroy the 48649
form. 48650

Sec. 3109.14. (A) As used in this section, "birth record" 48651
and "certification of birth" have the meanings given in section 48652
3705.01 of the Revised Code. 48653

(B) (1) The director of health, a person authorized by the 48654
director, a local commissioner of health, or a local registrar 48655
of vital statistics shall charge and collect a fee for each 48656
certified copy of a birth record, for each certification of 48657
birth, and for each copy of a death record. The fee shall be 48658
three dollars. The fee is in addition to the fee imposed by 48659
section 3705.24 or any other section of the Revised Code. A 48660
local commissioner of health or a local registrar of vital 48661
statistics may retain an amount of each additional fee 48662
collected, not to exceed three per cent of the amount of the 48663
additional fee, to be used for costs directly related to the 48664
collection of the fee and the forwarding of the fee to the 48665
department of health. 48666

The additional fees collected by the director of health or 48667
a person authorized by the director and the additional fees 48668
collected but not retained by a local commissioner of health or 48669
a local registrar of vital statistics shall be forwarded to the 48670
department of health not later than thirty days following the 48671
end of each quarter. Not later than two days after the fees are 48672
forwarded to the department each quarter, the department shall 48673
~~pay deposit~~ the collected fees ~~to the treasurer of state in~~ 48674
~~accordance with rules adopted by the treasurer of state under~~ 48675
~~section 113.08 of the Revised Code~~ in the state treasury to the 48676

credit of the children's trust fund. A person or government 48677
entity that fails to forward the fees in a timely manner, as 48678
determined by the department, shall send to the department, in 48679
addition to the fees, a penalty equal to ten per cent of the 48680
fees. The department also shall deposit any penalty received in 48681
the state treasury to the credit of the children's trust fund. 48682

(2) Upon the filing for a divorce decree under section 48683
3105.10 or a decree of dissolution under section 3105.65 of the 48684
Revised Code, a court of common pleas shall charge and collect a 48685
fee. The fee shall be eleven dollars. The fee is in addition to 48686
any other court costs or fees. The county clerk of courts may 48687
retain an amount of each additional fee collected, not to exceed 48688
three per cent of the amount of the additional fee, to be used 48689
for costs directly related to the collection of the fee and the 48690
forwarding of the fee to the treasurer of state. The additional 48691
fees collected, but not retained, under division (B) (2) of this 48692
section shall be forwarded to the treasurer of state not later 48693
than twenty days following the end of each month. 48694

The treasurer of state shall deposit the fees received 48695
under division (B) (2) of this section in the state treasury to 48696
the credit of the children's trust fund. A county clerk of 48697
courts that fails to forward the fees in a timely manner, as 48698
determined by the treasurer of state, shall send to the 48699
treasurer of state, in addition to the fees, a penalty equal to 48700
ten per cent of the fees. The treasurer of state also shall 48701
deposit any penalty received in the state treasury to the credit 48702
of the children's trust fund. 48703

~~(C) The treasurer of state shall deposit the fees paid or~~ 48704
~~forwarded under this section in the state treasury to the credit~~ 48705
~~of the children's trust fund, which is hereby created. A person~~ 48706

~~or government entity that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall send to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees.~~

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The children's trust fund is created in the state treasury. The treasurer of state shall invest the moneys in the fund, and all earnings resulting from investment of the fund shall be credited to the fund, except that actual administrative costs incurred by the treasurer of state in administering the fund may be deducted from the earnings resulting from investments. The amount that may be deducted shall not exceed three per cent of the total amount of fees credited to the fund in each fiscal year, except that the children's trust fund board may approve an amount for actual administrative costs exceeding three per cent but not exceeding four per cent of such amount. The balance of the investment earnings shall be credited to the fund. Moneys credited to the fund shall be used only for the purposes described in sections 3109.13 to 3109.179 of the Revised Code.

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Sec. 3109.171. For the purpose of administering child abuse and child neglect prevention programming and services approved by the children's trust fund board, there are hereby created ~~the following eight~~ child abuse and child neglect prevention regions ~~in the state:~~

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~~One region consisting of the following counties: Defiance, Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot.~~

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~~One region consisting of the following counties: Ashtabula, Cuyahoga, Geauga, and Lake.~~

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~~One region consisting of the following counties: Ashland,~~ 48736
~~Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark,~~ 48737
~~Summit, Trumbull, and Wayne.~~ 48738

~~One region consisting of the following counties: Allen,~~ 48739
~~Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan,~~ 48740
~~Mercer, Miami, Montgomery, Preble, and Shelby.~~ 48741

~~One region consisting of the following counties: Crawford,~~ 48742
~~Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison,~~ 48743
~~Marion, Morrow, Pickaway, Richland, and Union.~~ 48744

~~One region consisting of the following counties: Belmont,~~ 48745
~~Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe,~~ 48746
~~Muskingum, Noble, and Tuscarawas.~~ 48747

~~One region consisting of the following counties: Adams,~~ 48748
~~Brown, Butler, Clermont, Clinton, Hamilton, Highland, and~~ 48749
~~Warren.~~ 48750

~~One region consisting of the following counties: Athens,~~ 48751
~~Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike,~~ 48752
~~Ross, Scioto, Vinton, and Washington. The board, in consultation~~ 48753
~~with the department of children and youth, shall determine the~~ 48754
~~number of regions and the counties within each region. Each~~ 48755
~~county in the state shall be included in a region.~~ 48756

Sec. 3109.172. (A) As used in this section, "county 48757
prevention specialist" includes the following: 48758

(1) Members of agencies responsible for the administration 48759
of children's services in the counties within a child abuse and 48760
child neglect prevention region established in section 3109.171 48761
of the Revised Code; 48762

(2) Providers of alcohol or drug addiction services or 48763

members of boards of alcohol, drug addiction, and mental health	48764
services that serve counties within a region;	48765
(3) Providers of mental health services or members of	48766
boards of alcohol, drug addiction, and mental health services	48767
that serve counties within a region;	48768
(4) Members of county boards of developmental disabilities	48769
that serve counties within a region;	48770
(5) Members of the educational community appointed by the	48771
superintendent of the school district with the largest	48772
enrollment in the counties within a region;	48773
(6) Juvenile justice officials serving counties within a	48774
region;	48775
(7) Pediatricians, health department nurses, and other	48776
members of the medical community in the counties within a	48777
region;	48778
(8) Counselors and social workers serving counties within	48779
a region;	48780
(9) Head start agencies serving counties within a region;	48781
(10) Child care providers serving counties within a	48782
region;	48783
(11) Parent advocates with relevant experience and	48784
knowledge of services in a region;	48785
(12) Other persons with demonstrated knowledge in programs	48786
for children serving counties within a region.	48787
(B) Each child abuse and child neglect prevention region	48788
shall have a child abuse and child neglect regional prevention	48789
council as appointed under divisions (C), (D), and (E) of this	48790

section. Each council shall operate in accordance with rules 48791
adopted by the department of children and youth pursuant to 48792
Chapter 119. of the Revised Code. 48793

(C) (1) Each board of county commissioners within a region 48794
may appoint up to two county prevention specialists to the 48795
council representing the county, in accordance with rules 48796
adopted by the department of children and youth under Chapter 48797
119. of the Revised Code. The reappointment of a chairperson by 48798
a board of county commissioners in accordance with division (D) 48799
of this section shall not be considered to be an appointment 48800
under this division. 48801

(2) The children's trust fund board may appoint additional 48802
county prevention specialists to each region's council at the 48803
board's discretion. 48804

(D) Each council member appointed under ~~division (C) (1) of~~ 48805
this section shall be appointed for a two-year term. ~~Each~~ 48806
~~council member appointed under division (C) (2) of this section~~ 48807
~~shall be appointed for a three-year term.~~ A member may be 48808
reappointed, but for two consecutive terms only. A council 48809
member selected as chairperson of a child abuse and child 48810
neglect regional prevention council in accordance with division 48811
(G) of this section is eligible to be reappointed by the 48812
original appointing authority. 48813

(E) A member may be removed from the council by the 48814
member's appointing authority for misconduct, incompetence, or 48815
neglect of duty. 48816

(F) Each appointed member of a council shall serve without 48817
compensation but shall be reimbursed for all actual and 48818
necessary expenses incurred in the performance of official 48819

duties. 48820

(G) A chairperson shall be selected by the council's 48821
regional prevention coordinator from among the county prevention 48822
specialists serving on the council. 48823

(1) The chairperson shall serve as a nonvoting member of 48824
the council. 48825

(2) The chairperson shall preside over council meetings or 48826
may call upon the vice-chairperson to preside over meetings. 48827

(H) At the first regular meeting of the year, which shall 48828
be called by the chairperson, the members shall elect a vice- 48829
chairperson by a majority vote. 48830

(1) The vice-chairperson shall preside over council 48831
meetings in the absence of the chairperson or upon the request 48832
of the chairperson. 48833

(2) The vice-chairperson functions in the same capacity as 48834
the chairperson and becomes a nonvoting member when presiding 48835
over a council meeting. 48836

(I) Each council shall meet at least quarterly. 48837

(J) Council members shall do all of the following: 48838

(1) Attend meetings of the council on which they serve; 48839

(2) Assist the regional prevention coordinator in 48840
conducting a needs assessment to ascertain the child abuse and 48841
child neglect prevention programming and services that are 48842
needed in their region; 48843

(3) Collaborate on assembling the council's regional 48844
prevention plan based on children's trust fund board guidelines 48845
pursuant to section 3109.174 of the Revised Code; 48846

(4) Assist the council's regional prevention coordinator 48847
with all of the following: 48848

(a) Implementing the regional prevention plan, including 48849
monitoring fulfillment of child abuse and child neglect 48850
prevention deliverables and achievement of prevention outcomes; 48851

(b) Coordinating county data collection; 48852

(c) Ensuring timely and accurate reporting to the 48853
children's trust fund board. 48854

(5) Any additional duties specified in accordance with 48855
rules adopted by the department pursuant to Chapter 119. of the 48856
Revised Code. 48857

(K) No council member shall participate in matters of the 48858
council pertaining to their own interests, including 48859
applications for funding by a council member or any entity, 48860
public or private, of which a council member serves as either a 48861
board member or employee. 48862

(L) Each council shall file with the children's trust fund 48863
board, not later than the due dates specified by the board, a 48864
progress report and an annual report regarding the council's 48865
child abuse and child neglect prevention programs and activities 48866
undertaken in accordance with the council's regional prevention 48867
plan. The reports shall contain all information required by the 48868
board. 48869

Sec. 3109.173. (A) Each child abuse and child neglect 48870
regional prevention council shall be under the direction of a 48871
regional prevention coordinator. The children's trust fund board 48872
~~shall may~~ select each region's coordinator through a competitive 48873
selection process conducted by the board. If the board has not 48874
selected a regional coordinator through a competitive selection 48875

process for a region, children's trust fund staff shall serve as 48876
coordinator for that region. 48877

(B) Regional prevention coordinators shall do all of the 48878
following: 48879

(1) Select a representative to serve as chairperson of the 48880
regional prevention council pursuant to division (G) of section 48881
3109.172 of the Revised Code; 48882

(2) Conduct a needs assessment to ascertain the child 48883
abuse and neglect prevention programming and services that are 48884
needed in the region; 48885

(3) Work with county prevention specialists in the region 48886
to assemble the regional prevention plan based on children's 48887
trust fund board guidelines pursuant to section 3109.174 of the 48888
Revised Code; 48889

(4) Implement the regional prevention plan, including the 48890
following: 48891

(a) Monitoring fulfillment of prevention deliverables and 48892
achievement of prevention outcomes; 48893

(b) Coordinating county data collection; 48894

(c) Ensuring timely and accurate reporting to the board. 48895

(5) Any additional duties specified by the department in 48896
rules adopted pursuant to Chapter 119. of the Revised Code. 48897

Sec. 3109.178. (A) ~~Each child abuse and child neglect~~ 48898
~~regional prevention council~~ An entity may request from the 48899
children's trust fund board up to five thousand dollars ~~for each~~ 48900
~~county within the council's region~~ to be used as one-time, 48901
start-up costs for the establishment and operation of a 48902

children's advocacy center to serve ~~each~~ at least one county in
~~the region or a center to serve two or more contiguous counties~~
~~within the region.~~

(B) On receipt of a request made under this section, the
board shall review and approve or disapprove the request.

(C) If the board disapproves the request, the board shall
send to the ~~requesting council~~ entity requesting funds written
notice of the disapproval that states the reasons for the
disapproval.

(D) No funds allocated ~~to a council~~ under this section may
be used as start-up costs for any children's advocacy center
unless the center has as a component a primary prevention
strategy.

(E) ~~A council~~ An entity that receives funds under this
section in any fiscal year shall not use the funds received in a
different fiscal year or for a different center in any fiscal
year without the approval of the board.

(F) A children's advocacy center established using funds
awarded under this section shall comply with sections 2151.425
to 2151.428 of the Revised Code.

Sec. 3115.201. (A) In a proceeding to establish or enforce
a support order or to determine parentage of a child, a tribunal
or support enforcement agency of this state may exercise
personal jurisdiction over a nonresident individual if any of
the following apply:

(1) The individual is personally served with summons
within this state.

(2) The individual submits to the jurisdiction of this

state by consent in a record, by entering a general appearance, 48931
or by filing a responsive document having the effect of waiving 48932
any contest to personal jurisdiction. 48933

(3) The individual resided with the child in this state. 48934

(4) The individual resided in this state and provided 48935
prenatal expenses or support for the child. 48936

(5) The child resides in this state as a result of the 48937
acts or directives of the individual. 48938

(6) The individual engaged in sexual intercourse in this 48939
state and the child may have been conceived by that act of 48940
intercourse. 48941

(7) The individual asserted parentage of a child in the 48942
putative father registry maintained in this state by the 48943
department of ~~job and family services~~ children and youth. 48944

(8) There is any other basis consistent with the 48945
Constitutions of this state and the United States for the 48946
exercise of personal jurisdiction. 48947

(B) The bases of personal jurisdiction set forth in 48948
division (A) of this section or in any other law of this state 48949
may not be used to acquire personal jurisdiction for a tribunal 48950
of this state to modify a child-support order of another state 48951
unless the requirements of section 3115.611 of the Revised Code 48952
are met or, in the case of a foreign support order, unless the 48953
requirements of section 3115.615 of the Revised Code are met. 48954

Sec. 3119.01. (A) As used in the Revised Code, "child 48955
support enforcement agency" means a child support enforcement 48956
agency designated under former section 2301.35 of the Revised 48957
Code prior to October 1, 1997, or a private or government entity 48958

designated as a child support enforcement agency under section 48959
307.981 of the Revised Code. 48960

(B) As used in this chapter and Chapters 3121., 3123., and 48961
3125. of the Revised Code: 48962

(1) "Administrative child support order" means any order 48963
issued by a child support enforcement agency for the support of 48964
a child pursuant to section 3109.19 or 3111.81 of the Revised 48965
Code or former section 3111.211 of the Revised Code, section 48966
3111.21 of the Revised Code as that section existed prior to 48967
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 48968
Code as those sections existed prior to March 22, 2001. 48969

(2) "Child support order" means either a court child 48970
support order or an administrative child support order. 48971

(3) "Obligee" means the person who is entitled to receive 48972
the support payments under a support order. 48973

(4) "Obligor" means the person who is required to pay 48974
support under a support order. 48975

(5) "Support order" means either an administrative child 48976
support order or a court support order. 48977

(C) As used in this chapter: 48978

(1) "Caretaker" means any of the following, other than a 48979
parent: 48980

(a) A person with whom the child resides for at least 48981
thirty consecutive days, and who is the child's primary 48982
caregiver; 48983

(b) A person who is receiving public assistance on behalf 48984
of the child; 48985

(c) A person or agency with legal custody of the child, 48986
including a county department of job and family services or a 48987
public children services agency; 48988

(d) A guardian of the person or the estate of a child; 48989

(e) Any other appropriate court or agency with custody of 48990
the child. 48991

"Caretaker" excludes a "host family" as defined under 48992
section 2151.90 of the Revised Code. 48993

(2) "Cash medical support" means an amount ordered to be 48994
paid in a child support order toward the ordinary medical 48995
expenses incurred during a calendar year. 48996

(3) "Child care cost" means annual out-of-pocket costs for 48997
the care and supervision of a child or children subject to the 48998
order that is related to work or employment training. 48999

(4) "Court child support order" means any order issued by 49000
a court for the support of a child pursuant to Chapter 3115. of 49001
the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 49002
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3109.20, 49003
3111.13, 3113.04, 3113.07, 3113.31, 3119.11, 3119.65, or 3119.70 49004
of the Revised Code, or division (B) of former section 3113.21 49005
of the Revised Code. 49006

(5) "Court-ordered parenting time" means the amount of 49007
parenting time a parent is to have under a parenting time order 49008
or the amount of time the children are to be in the physical 49009
custody of a parent under a shared parenting order. 49010

(6) "Court support order" means either a court child 49011
support order or an order for the support of a spouse or former 49012
spouse issued pursuant to Chapter 3115. of the Revised Code, 49013

section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 49014
division (B) of former section 3113.21 of the Revised Code. 49015

(7) "CPI-U" means the consumer price index for all urban 49016
consumers, published by the United States department of labor, 49017
bureau of labor statistics. 49018

(8) "Extraordinary medical expenses" means any uninsured 49019
medical expenses incurred for a child during a calendar year 49020
that exceed the total cash medical support amount owed by the 49021
parents during that year. 49022

(9) "Federal poverty level" has the same meaning as in 49023
section 5121.30 of the Revised Code. 49024

(10) "Income" means either of the following: 49025

(a) For a parent who is employed to full capacity, the 49026
gross income of the parent; 49027

(b) For a parent who is unemployed or underemployed, the 49028
sum of the gross income of the parent and any potential income 49029
of the parent. 49030

(11) "Income share" means the percentage derived from a 49031
comparison of each parent's annual income after allowable 49032
deductions and credits as indicated on the worksheet to the 49033
total annual income of both parents. 49034

(12) "Insurer" means any person authorized under Title 49035
XXXIX of the Revised Code to engage in the business of insurance 49036
in this state, any health insuring corporation, and any legal 49037
entity that is self-insured and provides benefits to its 49038
employees or members. 49039

(13) "Gross income" means, except as excluded in division 49040
(C) (13) of this section, the total of all earned and unearned 49041

income from all sources during a calendar year, whether or not 49042
the income is taxable, and includes income from salaries, wages, 49043
overtime pay, and bonuses to the extent described in division 49044
(D) of section 3119.05 of the Revised Code; commissions; 49045
royalties; tips; rents; dividends; severance pay; pensions; 49046
interest; trust income; annuities; social security benefits, 49047
including retirement, disability, and survivor benefits that are 49048
not means-tested; workers' compensation benefits; unemployment 49049
insurance benefits; disability insurance benefits; benefits that 49050
are not means-tested and that are received by and in the 49051
possession of the veteran who is the beneficiary for any 49052
service-connected disability under a program or law administered 49053
by the United States department of veterans' affairs or 49054
veterans' administration; spousal support actually received; and 49055
all other sources of income. "Gross income" includes income of 49056
members of any branch of the United States armed services or 49057
national guard, including, amounts representing base pay, basic 49058
allowance for quarters, basic allowance for subsistence, 49059
supplemental subsistence allowance, cost of living adjustment, 49060
specialty pay, variable housing allowance, and pay for training 49061
or other types of required drills; self-generated income; and 49062
potential cash flow from any source. 49063

"Gross income" does not include any of the following: 49064

(a) Benefits received from means-tested government 49065
administered programs, including Ohio works first; prevention, 49066
retention, and contingency; means-tested veterans' benefits; 49067
supplemental security income; supplemental nutrition assistance 49068
program; disability financial assistance; or other assistance 49069
for which eligibility is determined on the basis of income or 49070
assets; 49071

(b) Benefits for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration that are not means-tested, that have not been distributed to the veteran who is the beneficiary of the benefits, and that are in the possession of the United States department of veterans' affairs or veterans' administration;

(c) Child support amounts received for children who are not included in the current calculation;

(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;

(e) Nonrecurring or unsustainable income or cash flow items;

(f) Adoption assistance, kinship guardianship assistance, and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended;

(g) State kinship guardianship assistance described in section 5153.163 of the Revised Code and payment from the kinship support program described in section ~~5101.881~~ 5180.531 of the Revised Code.

(14) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that

the parent receives or expects to receive for each year for a 49101
period of more than three years or that the parent receives and 49102
invests or otherwise uses to produce income or cash flow for a 49103
period of more than three years. 49104

(15) "Ordinary medical expenses" includes copayments and 49105
deductibles, and uninsured medical-related costs for the 49106
children of the order. 49107

(16) (a) "Ordinary and necessary expenses incurred in 49108
generating gross receipts" means actual cash items expended by 49109
the parent or the parent's business and includes depreciation 49110
expenses of business equipment as shown on the books of a 49111
business entity. 49112

(b) Except as specifically included in "ordinary and 49113
necessary expenses incurred in generating gross receipts" by 49114
division (C) (16) (a) of this section, "ordinary and necessary 49115
expenses incurred in generating gross receipts" does not include 49116
depreciation expenses and other noncash items that are allowed 49117
as deductions on any federal tax return of the parent or the 49118
parent's business. 49119

(17) "Personal earnings" means compensation paid or 49120
payable for personal services, however denominated, and includes 49121
wages, salary, commissions, bonuses, draws against commissions, 49122
profit sharing, vacation pay, or any other compensation. 49123

(18) "Potential income" means both of the following for a 49124
parent who the court pursuant to a court support order, or a 49125
child support enforcement agency pursuant to an administrative 49126
child support order, determines is voluntarily unemployed or 49127
voluntarily underemployed: 49128

(a) Imputed income that the court or agency determines the 49129

parent would have earned if fully employed as determined from	49130
the following criteria:	49131
(i) The parent's prior employment experience;	49132
(ii) The parent's education;	49133
(iii) The parent's physical and mental disabilities, if	49134
any;	49135
(iv) The availability of employment in the geographic area	49136
in which the parent resides;	49137
(v) The prevailing wage and salary levels in the	49138
geographic area in which the parent resides;	49139
(vi) The parent's special skills and training;	49140
(vii) Whether there is evidence that the parent has the	49141
ability to earn the imputed income;	49142
(viii) The age and special needs of the child for whom	49143
child support is being calculated under this section;	49144
(ix) The parent's increased earning capacity because of	49145
experience;	49146
(x) The parent's decreased earning capacity because of a	49147
felony conviction;	49148
(xi) Any other relevant factor.	49149
(b) Imputed income from any nonincome-producing assets of	49150
a parent, as determined from the local passbook savings rate or	49151
another appropriate rate as determined by the court or agency,	49152
not to exceed the rate of interest specified in division (A) of	49153
section 1343.03 of the Revised Code, if the income is	49154
significant.	49155

(19) "Schedule" means the basic child support schedule 49156
created pursuant to section 3119.021 of the Revised Code. 49157

(20) "Self-generated income" means gross receipts received 49158
by a parent from self-employment, proprietorship of a business, 49159
joint ownership of a partnership or closely held corporation, 49160
and rents minus ordinary and necessary expenses incurred by the 49161
parent in generating the gross receipts. "Self-generated income" 49162
includes expense reimbursements or in-kind payments received by 49163
a parent from self-employment, the operation of a business, or 49164
rents, including company cars, free housing, reimbursed meals, 49165
and other benefits, if the reimbursements are significant and 49166
reduce personal living expenses. 49167

(21) "Self-sufficiency reserve" means the minimal amount 49168
necessary for an obligor to adequately subsist upon, as 49169
determined under section 3119.021 of the Revised Code. 49170

(22) "Split parental rights and responsibilities" means a 49171
situation in which there is more than one child who is the 49172
subject of an allocation of parental rights and responsibilities 49173
and each parent is the residential parent and legal custodian of 49174
at least one of those children. 49175

(23) "Worksheet" means the applicable worksheet created in 49176
rules adopted under section 3119.022 of the Revised Code that is 49177
used to calculate a parent's child support obligation. 49178

Sec. 3121.441. (A) Notwithstanding the provisions of this 49179
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 49180
and 5107.20 of the Revised Code providing for the office of 49181
child support in the department of job and family services to 49182
collect, withhold, or deduct spousal support, when a court 49183
pursuant to section 3105.18 or 3105.65 of the Revised Code 49184

issues or modifies an order requiring an obligor to pay spousal 49185
support or grants or modifies a decree of dissolution of 49186
marriage incorporating a separation agreement that provides for 49187
spousal support, or at any time after the issuance, granting, or 49188
modification of an order or decree of that type, the court may 49189
permit the obligor to make the spousal support payments directly 49190
to the obligee instead of to the office if the obligee and the 49191
obligor have no minor children born as a result of their 49192
marriage and the obligee has not assigned the spousal support 49193
amounts to the department pursuant to section 5107.20 or 5160.38 49194
of the Revised Code. 49195

(B) A court that permits an obligor to make spousal 49196
support payments directly to the obligee pursuant to division 49197
(A) of this section shall order the obligor to make the spousal 49198
support payments as a check, as a money order, or in any other 49199
form that establishes a clear record of payment. 49200

(C) If a court permits an obligor to make spousal support 49201
payments directly to an obligee pursuant to division (A) of this 49202
section and the obligor is in default in making any spousal 49203
support payment to the obligee, the court, upon motion of the 49204
obligee or on its own motion, may rescind the permission granted 49205
under that division. After the rescission, the court shall 49206
determine the amount of arrearages in the spousal support 49207
payments and order the obligor to make to the office of child 49208
support in the department of job and family services any spousal 49209
support payments that are in arrears and any future spousal 49210
support payments. Upon the issuance of the order of the court 49211
under this division, the provisions of this chapter, Chapters 49212
3119., 3123., and 3125., and sections 3770.071, 3770.074, and 49213
5107.20 of the Revised Code apply with respect to the 49214
collection, withholding, or deduction of the obligor's spousal 49215

support payments that are the subject of that order of the 49216
court. 49217

Sec. 3123.89. (A) The department of job and family 49218
services shall develop and implement a real time data match 49219
program with the state lottery commission and its lottery sales 49220
agents and lottery agents to identify obligors who are subject 49221
to a final and enforceable determination of default made under 49222
sections 3123.01 to 3123.07 of the Revised Code. 49223

(B) Upon the data match program's implementation, the 49224
department, in consultation with the commission, shall 49225
promulgate rules to facilitate withholding, in appropriate 49226
circumstances and in accordance with ~~section~~ sections 3770.071 49227
and 3770.074 of the Revised Code, by the commission or its 49228
lottery sales agents or lottery agents of an amount sufficient 49229
to satisfy any past due support owed by an obligor from a 49230
lottery prize award owed to the obligor up to the amount of the 49231
award. The rules shall describe an expedited method for 49232
withholding, and the time frame for transmission of the amount 49233
withheld to the department. 49234

(C) As used in this section, ~~"lottery":~~ 49235

(1) "Lottery prize award" has the same meaning as in 49236
section 3770.10 of the Revised Code includes a prize award from 49237
a video lottery terminal but does not include winnings from 49238
lottery sports gaming, except for winnings from lottery sports 49239
gaming wagers placed through a terminal described in division 49240
(B) (3) of section 3770.24 of the Revised Code. 49241

(2) "Lottery sports gaming" has the same meaning as in 49242
section 3770.23 of the Revised Code. 49243

(3) "Video lottery terminal" has the same meaning as in 49244

section 3770.21 of the Revised Code. 49245

Sec. 3123.90. (A) As used in this section: 49246

(1) "Casino facility," "casino operator," and "management 49247
company" have the meanings defined in section 3772.01 of the 49248
Revised Code. 49249

(2) "Sports gaming proprietor" has the meaning defined in 49250
section 3775.01 of the Revised Code. 49251

(3) "Lottery sports gaming" has the same meaning as in 49252
section 3770.23 of the Revised Code. 49253

(B) The department of job and family services shall 49254
develop and implement a real time data match program with each 49255
casino facility's casino operator or management company and with 49256
each sports gaming proprietor to identify obligors who are 49257
subject to a final and enforceable determination of default made 49258
under sections 3123.01 to 3123.07 of the Revised Code. 49259

(C) Upon Subject to division (E) of this section, upon the 49260
data match program's implementation, if a person receives a 49261
payout of winnings at a casino facility or from sports gaming in 49262
an amount for which reporting to the internal revenue service of 49263
the amount is required by section 6041 of the Internal Revenue 49264
Code, as amended, the casino operator, management company, or 49265
sports gaming proprietor shall refer to the data match program 49266
to determine if the person entitled to the winnings is in 49267
default under a support order. If the data match program 49268
indicates that the person is in default, the casino operator, 49269
management company, or sports gaming proprietor shall withhold 49270
from the person's winnings an amount sufficient to satisfy any 49271
past due support owed by the obligor identified in the data 49272
match up to the amount of the winnings. 49273

(D) Not later than fourteen days after withholding the 49274
amount, the casino operator, management company, or sports 49275
gaming proprietor shall electronically transmit any amount 49276
withheld to the department as payment on the support obligation. 49277

(E) A sports gaming proprietor that offers lottery sports 49278
gaming through a terminal described in division (B) (3) of 49279
section 3770.24 of the Revised Code shall not withhold amounts 49280
under this section from winnings from wagers placed through that 49281
terminal. The state lottery commission shall withhold amounts 49282
from those winnings under section 3770.071 of the Revised Code. 49283

(F) The department, in consultation with the Ohio casino 49284
control commission, may adopt rules under Chapter 119. of the 49285
Revised Code as are necessary for implementation of this 49286
section. 49287

Sec. 3301.01. ~~(A) There is hereby created the state board 49288~~
~~of education consisting of nineteen members with eleven elected 49289~~
~~members, one each to be elected in accordance with section 49290~~
~~3301.03 of the Revised Code from each of the districts 49291~~
~~established in accordance with division (B) of this section, and 49292~~
~~with eightfive members to be appointed by the governor with the 49293~~
~~advice and consent of the senate.- 49294~~

~~In addition to the nineteen elected or appointed members, 49295~~
~~the chairperson of the committee of the senate that primarily 49296~~
~~deals with education and the chairperson of the committee of the 49297~~
~~house of representatives that primarily deals with education 49298~~
~~shall be nonvoting ex officio members of the board. 49299~~

~~(B) (1) The territory of each state board of education 49300~~
~~district for each elected voting member of the board shall 49301~~
~~consist of the territory of three contiguous senate districts as 49302~~

~~established in the most recent apportionment for members of the~~ 49303
~~general assembly, but the territory of no senate district shall~~ 49304
~~be part of the territory of more than one state board of~~ 49305
~~education district. Each state board of education district shall~~ 49306
~~be as compact as practicable. The districts shall include, when~~ 49307
~~practicable, some districts that primarily consist of territory~~ 49308
~~in rural areas and some districts that primarily consist of~~ 49309
~~territory in urban areas.~~ 49310

~~(2) If, after the apportionment for members of the general~~ 49311
~~assembly is made in any year, the general assembly does not~~ 49312
~~during that year enact legislation establishing state board of~~ 49313
~~education districts in accordance with division (B) (1) of this~~ 49314
~~section, the governor shall designate the boundaries of the~~ 49315
~~districts in accordance with division (B) (1) of this section no~~ 49316
~~later than the thirty-first day of January of the year next~~ 49317
~~succeeding such apportionment. Upon making such designation, the~~ 49318
~~governor shall give written notice of the boundaries of the~~ 49319
~~districts to each member of the state board of education,~~ 49320
~~including the nonvoting ex officio members; the superintendent~~ 49321
~~of public instruction; the director of education and workforce;~~ 49322
~~the president of the senate; the speaker of the house of~~ 49323
~~representatives; and the board of elections of each county in~~ 49324
~~each new district. On the first day of February in any year in~~ 49325
~~which the governor designates the boundaries of state board of~~ 49326
~~education districts under this section, the state board of~~ 49327
~~education districts as they existed prior to that date shall~~ 49328
~~cease to exist and the new districts shall be created.~~ 49329

Sec. 3301.02. ~~(A) Elected voting members of the state~~ 49330
~~board of education shall be elected as required by expiration of~~ 49331
~~respective terms, each for a term of four years or until a~~ 49332
~~successor is elected and qualified. One elected member shall be~~ 49333

~~elected from each district respectively in which the term of~~ 49334
~~office of a board member expires on the first day of January~~ 49335
~~following the election. The term of office of each member so~~ 49336
~~elected shall begin on the first day of January immediately~~ 49337
~~following this election.~~ 49338

~~(B) At any time the boundaries of state board of education~~ 49339
~~districts are changed under division (B) of section 3301.01 of~~ 49340
~~the Revised Code, a member of the state board whose term will~~ 49341
~~not expire within two years of the time the change in boundaries~~ 49342
~~is made shall represent, for the remainder of the term for which~~ 49343
~~the member was elected, the state board district containing the~~ 49344
~~largest portion of the population of the district from which the~~ 49345
~~member was elected. If more than one member whose term will not~~ 49346
~~so expire would represent the same district under the provisions~~ 49347
~~of this section, either the general assembly, if the general~~ 49348
~~assembly enacted legislation establishing those districts under~~ 49349
~~division (B) (2) of section 3301.01 of the Revised Code, or the~~ 49350
~~governor, if the governor designated the boundaries of the~~ 49351
~~districts under that division, shall designate which member~~ 49352
~~shall represent each district for the balance of the members'~~ 49353
~~terms.~~ 49354

~~(C) Appointed voting members~~ Members of the board shall 49355
serve four-year terms beginning the first day of January and 49356
ending on the thirty-first day of December. ~~Except as provided~~ 49357
~~in division (D) of this section, members may be reappointed.~~ 49358

~~(D)~~ (B) No person, ~~elected or appointed,~~ shall hold the 49359
office of member of the state board of education for a period of 49360
longer than two successive terms of four years. Terms shall be 49361
considered successive unless separated by a period of four or 49362
more years. Only terms beginning on or after January 1, 1996, 49363

shall be considered in determining an individual's eligibility 49364
to hold office. 49365

(C) Notwithstanding any provision of the Revised Code to 49366
the contrary, members who were elected or appointed under this 49367
section as it existed prior to the effective date of this 49368
amendment shall remain in office until the expiration of their 49369
current terms. Upon the expiration of the current term of 49370
elected members, all eleven elected offices shall be abolished 49371
and no successor shall be elected after the effective date of 49372
this amendment. If such elected member vacates the office prior 49373
to the expiration of the member's term, no individual shall be 49374
appointed or elected to fill that vacancy, and that office is 49375
abolished. The offices of the first three appointed members to 49376
reach the expiration of their current terms or vacate the office 49377
prior to the expiration of their current terms shall be 49378
abolished. Thereafter, the state board consists of five 49379
appointed members as prescribed under section 3301.01 of the 49380
Revised Code. 49381

Sec. 3301.03. ~~Each elected voting member of the state 49382~~
~~board of education shall be a qualified elector residing in the 49383~~
~~territory composing the district from which the member is 49384~~
~~elected, and shall be nominated and elected to office as 49385~~
~~provided by Title XXXV of the Revised Code. (A) Each appointed 49386~~
~~voting member of the board shall be a qualified elector residing 49387~~
~~in the state. At least four of the appointed voting members 49388~~
~~shall represent rural school districts in the state, as 49389~~
~~evidenced by the member's current place of residence and at 49390~~
~~least one One member shall represent each of the following: 49391~~

~~(A) The member's children attend, or at one time attended, 49392~~
~~school in a (1) A rural school district; 49393~~

~~(B) The member's past or present occupation is associated~~ 49394
~~with rural areas of the state~~ (2) A suburban school district; 49395

~~(C) The member possesses other credentials or experience~~ 49396
~~demonstrating knowledge and familiarity with rural~~ (3) An urban 49397
~~school districts~~ district; 49398

(4) A community school established under Chapter 3314. of 49399
the Revised Code; 49400

(5) A chartered nonpublic school. 49401

No ~~elected or appointed voting~~ member of the board shall, 49402
during the member's term of office, hold any other office of 49403
trust or profit or be an employee or officer of any public or 49404
private elementary or secondary school. Before entering on the 49405
duties of office, each ~~elected and appointed voting~~ member shall 49406
subscribe to the official oath of office. 49407

Each ~~voting~~ member of the state board of education shall 49408
be paid a salary fixed pursuant to division (J) of section 49409
124.15 of the Revised Code, together with the member's actual 49410
and necessary expenses incurred while engaged in the performance 49411
of the member's official duties or in the conduct of authorized 49412
board business, and while en route to and from the member's home 49413
for such purposes. 49414

~~(D)~~ (B) As used in this section only, "office of trust or 49415
profit" means: 49416

(1) A federal or state elective office or an elected 49417
office of a political subdivision of the state; 49418

(2) A position on a board or commission of the state that 49419
is appointed by the governor; 49420

(3) An office set forth in section 121.03, 121.04, or 49421

121.05 of the Revised Code; 49422

(4) An office of the government of the United States that 49423
is appointed by the president of the United States. 49424

Sec. 3301.06. A vacancy in the state board of education 49425
may be caused by death, ~~nonresidence,~~ resignation, removal from 49426
office, ~~failure of a person elected to qualify within ten days~~ 49427
~~after the organization of the board or of the person's election,~~ 49428
~~removal from the district of election or from residence in the~~ 49429
~~state,~~ or absence from any ~~two~~three consecutive regular meetings 49430
of the board if such absence is caused by reasons declared 49431
insufficient by a vote of twelve members of the board. When a 49432
vacancy occurs in the office of an elected member, the governor 49433
shall, within a period of thirty days and with the advice and 49434
consent of the senate, appoint a qualified person residing in 49435
the district in which the vacancy occurred to fill the vacancy 49436
until the next general election at which members of the state 49437
board of education are elected, at which time a qualified 49438
elector residing in the district in which the vacancy occurred 49439
shall be elected for the unexpired term. Such member shall 49440
assume office at the next succeeding meeting of the board for 49441
any reason. When a vacancy occurs in the office of an ~~appointed~~ 49442
member, the governor shall, within a period of thirty days and 49443
with the advice and consent of the senate, appoint a qualified 49444
person, in accordance with section 3301.03 of the Revised Code, 49445
to serve the remainder of the term. 49446

Sec. 3301.071. (A) (1) Except as provided in division (E) 49447
of this section, in the case of nontax-supported schools, 49448
standards for teacher certification prescribed under section 49449
3301.07 of the Revised Code shall provide for certification, 49450
without further educational requirements, of any administrator, 49451

supervisor, or teacher who has attended and received a 49452
bachelor's degree or a master's degree from a college or 49453
university accredited by a national or regional association in 49454
the United States except that, at the discretion of the state 49455
board of education, this requirement may be met by having an 49456
equivalent degree from a foreign college or university of 49457
comparable standing. 49458

(2) Except as provided in division (E) of this section, in 49459
the case of nonchartered, nontax-supported schools, the 49460
standards for teacher certification prescribed under section 49461
3301.07 of the Revised Code shall provide for certification, 49462
without further educational requirements, of any administrator, 49463
supervisor, or teacher who has attended and received a diploma 49464
from a "bible college" or "bible institute" described in 49465
division (E) of section 1713.02 of the Revised Code. 49466

(3) A certificate issued under division (A) (3) of this 49467
section shall be valid only for teaching foreign language, 49468
music, religion, computer technology, or fine arts. 49469

Notwithstanding division (A) (1) of this section and except 49470
as provided in division (E) of this section, the standards for 49471
teacher certification prescribed under section 3301.07 of the 49472
Revised Code shall provide for certification of a person as a 49473
teacher upon receipt by the state board of an affidavit signed 49474
by the chief administrative officer of a chartered nonpublic 49475
school seeking to employ the person, stating that the person 49476
meets one of the following conditions: 49477

(a) The person has specialized knowledge, skills, or 49478
expertise that qualifies the person to provide instruction. 49479

(b) The person has provided to the chief administrative 49480

officer evidence of at least three years of teaching experience 49481
in a public or nonpublic school. 49482

(c) The person has provided to the chief administrative 49483
officer evidence of completion of a teacher training program 49484
named in the affidavit. 49485

(B) Each person applying for a certificate under this 49486
section for purposes of serving in a nonpublic school chartered 49487
by the director of education and workforce under section 3301.16 49488
of the Revised Code shall pay a fee in the amount established 49489
under division ~~(A)~~ (B) of section 3319.51 of the Revised Code. 49490
Any fees received under this division shall be paid into the 49491
state treasury to the credit of the ~~state board of education~~ 49492
~~certification fund established under division (B) of section~~ 49493
~~3319.51~~ occupational licensing and regulatory fund established 49494
in section 4743.05 of the Revised Code. 49495

(C) A person applying for or holding any certificate 49496
pursuant to this section for purposes of serving in a nonpublic 49497
school chartered by the director is subject to sections 3123.41 49498
to 3123.50 of the Revised Code and any applicable rules adopted 49499
under section 3123.63 of the Revised Code and sections 3319.31 49500
and 3319.311 of the Revised Code. 49501

(D) Divisions (B) and (C) of this section and sections 49502
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 49503
to any administrators, supervisors, or teachers in nonchartered, 49504
nontax-supported schools. 49505

(E) The state board shall issue a certificate to serve in 49506
a nonpublic school as an administrator, supervisor, or teacher 49507
in accordance with Chapter 4796. of the Revised Code to an 49508
applicant if either of the following applies: 49509

(1) The applicant holds a certificate in another state. 49510

(2) The applicant has satisfactory work experience, a 49511
government certification, or a private certification as 49512
described in that chapter as a nonpublic school administrator, 49513
supervisor, or teacher in a state that does not issue one or 49514
more of those certificates. 49515

Sec. 3301.074. (A) Except as provided in division (E) of 49516
this section, the state board of education shall, by rule 49517
adopted in accordance with Chapter 119. of the Revised Code, 49518
establish standards for licensing school district treasurers and 49519
business managers, for the renewal of such licenses, and for the 49520
issuance of duplicate copies of licenses. Licenses of the 49521
following types shall be issued or renewed by the board to 49522
applicants who meet the standards for the license or the renewal 49523
of the license for which application is made: 49524

(1) Treasurer, valid for serving as treasurer of a school 49525
district in accordance with section 3313.22 of the Revised Code; 49526

(2) Business manager, valid for serving as business 49527
manager of a school district in accordance with section 3319.03 49528
of the Revised Code. 49529

(B) Each application for a license or renewal or duplicate 49530
copy of a license shall be accompanied by the payment of a fee 49531
in the amount established under division ~~(A)~~ (B) of section 49532
3319.51 of the Revised Code. Any fees received under this 49533
section shall be paid into the state treasury to the credit of 49534
the ~~state board of education licensure fund established under~~ 49535
~~division (B) of section 3319.51~~ occupational licensing and 49536
regulatory fund established in section 4743.05 of the Revised 49537
Code. 49538

(C) Any person employed under section 3313.22 of the Revised Code as a treasurer on July 1, 1983, shall be considered to meet the standards for licensure as a treasurer and for renewal of such license. Any person employed under section 3319.03 of the Revised Code as a business manager on July 1, 1983, shall be considered to meet the standards for licensure as a business manager and for renewal of such license.

(D) Any person applying for or holding any license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(E) The state board shall issue a license to act as a school district treasurer or business manager in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a school district treasurer or business manager in a state that does not issue one of those licenses or both.

Sec. 3301.079. (A) (1) The department of education and workforce periodically shall adopt statewide academic standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies.

(a) The department shall ensure that the standards do all 49568
of the following: 49569

(i) Include the essential academic content and skills that 49570
students are expected to know and be able to do at each grade 49571
level that will allow each student to be prepared for 49572
postsecondary instruction and the workplace for success in the 49573
twenty-first century; 49574

(ii) Include the development of skill sets that promote 49575
information, media, and technological literacy; 49576

(iii) Include interdisciplinary, project-based, real-world 49577
learning opportunities; 49578

(iv) Instill life-long learning by providing essential 49579
knowledge and skills based in the liberal arts tradition, as 49580
well as science, technology, engineering, mathematics, and 49581
career-technical education; 49582

(v) Be clearly written, transparent, and understandable by 49583
parents, educators, and the general public. 49584

(b) The department shall incorporate into the social 49585
studies standards for grades four to twelve academic content 49586
regarding the original texts of the Declaration of Independence, 49587
the Northwest Ordinance, the Constitution of the United States 49588
and its amendments, with emphasis on the Bill of Rights, and the 49589
Ohio Constitution, and their original context. The department 49590
shall revise the model curricula and achievement assessments 49591
adopted under divisions (B) and (C) of this section as necessary 49592
to reflect the additional American history and American 49593
government content. The department shall make available a list 49594
of suggested grade-appropriate supplemental readings that place 49595
the documents prescribed by this division in their historical 49596

context, which teachers may use as a resource to assist students 49597
in reading the documents within that context. 49598

(c) When the department adopts or revises academic content 49599
standards in social studies, American history, American 49600
government, or science under division (A)(1) of this section, it 49601
shall develop such standards independently and not as part of a 49602
multistate consortium. 49603

(2)(a) After completing the standards required by division 49604
(A)(1) of this section, the department shall adopt standards and 49605
model curricula for instruction in technology, financial 49606
literacy and entrepreneurship, fine arts, and foreign language 49607
for grades kindergarten through twelve. The standards shall meet 49608
the same requirements prescribed in division (A)(1)(a) of this 49609
section. 49610

(b) The department shall incorporate into the standards 49611
and model curriculum for financial literacy and entrepreneurship 49612
for grades nine through twelve academic content regarding free 49613
market capitalism. The academic content shall include all of the 49614
following concepts related to free market capitalism: 49615

(i) Raw materials, labor, and capital, the three classical 49616
factors of economic production, are privately owned. 49617

(ii) Individuals control their own ability to work, earn 49618
wages, and obtain skills to earn and increase wages. 49619

(iii) Private ownership of capital may include a sole 49620
proprietorship, a family business, a publicly traded 49621
corporation, a group of private investors, or a bank. 49622

(iv) Markets aggregate the exchange of goods and services 49623
throughout the world. Market prices are the only way to convey 49624
so much constantly changing information about the supply of 49625

goods and services, and the demand for them, for consumers and 49626
producers to make informed economic decisions for themselves. 49627

(v) Wealth is created by providing goods and services that 49628
people value at a profit, and both sellers and buyers seek to 49629
profit in some way in a free market transaction. Thus, profit 49630
earned through transactions can be consumed, saved, reinvested 49631
in the business, or dispersed to shareholders. 49632

(vi) Wealth creation involves asset value appreciation and 49633
depreciation, voluntary exchange of equity ownership, and open 49634
and closed markets. 49635

(vii) The free market is driven by, and tends to produce, 49636
entrepreneurship and innovation. 49637

(viii) The free market can include side effects and market 49638
failures where at least part of the cost of the transaction, 49639
including producing, transporting, selling, or buying, is born 49640
by others outside of the transaction. 49641

(ix) The political features of the free market, including 49642
legally protected property rights, legally enforceable 49643
contracts, patent protections, and the mitigation of side 49644
effects and market failures; 49645

(x) Societies that embrace the free market often embrace 49646
political and personal freedom as well. 49647

(3) The department shall adopt the most recent standards 49648
developed by the national association for sport and physical 49649
education for physical education in grades kindergarten through 49650
twelve or shall adopt its own standards for physical education 49651
in those grades and revise and update them periodically. 49652

The department shall employ a full-time physical education 49653

coordinator to provide guidance and technical assistance to 49654
districts, community schools, and STEM schools in implementing 49655
the physical education standards adopted under this division. 49656
The director of education and workforce shall determine that the 49657
person employed as coordinator is qualified for the position, as 49658
demonstrated by possessing an adequate combination of education, 49659
license, and experience. 49660

(4) The department shall update the standards and model 49661
curriculum for instruction in computer science in grades 49662
kindergarten through twelve, which shall include standards for 49663
introductory and advanced computer science courses in grades 49664
nine through twelve. When developing the standards and 49665
curriculum, the department shall consider recommendations from 49666
computer science education stakeholder groups, including 49667
teachers and representatives from higher education, industry, 49668
computer science organizations in Ohio, and national computer 49669
science organizations. 49670

Any district or school may utilize the computer science 49671
standards or model curriculum or any part thereof adopted 49672
pursuant to division (A) (4) of this section. However, no 49673
district or school shall be required to utilize all or any part 49674
of the standards or curriculum. 49675

(5) When academic standards have been completed for any 49676
subject area required by this section, the department shall 49677
inform all school districts, all community schools established 49678
under Chapter 3314. of the Revised Code, all STEM schools 49679
established under Chapter 3326. of the Revised Code, and all 49680
nonpublic schools required to administer the assessments 49681
prescribed by sections 3301.0710 and 3301.0712 of the Revised 49682
Code of the content of those standards. Additionally, upon 49683

completion of any academic standards under this section, the 49684
department shall post those standards on the department's web 49685
site. 49686

(B) (1) The department shall adopt a model curriculum for 49687
instruction in each subject area for which updated academic 49688
standards are required by division (A) (1) of this section and 49689
for each of grades kindergarten through twelve that is 49690
sufficient to meet the needs of students in every community. The 49691
model curriculum shall be aligned with the standards, to ensure 49692
that the academic content and skills specified for each grade 49693
level are taught to students, and shall demonstrate vertical 49694
articulation and emphasize coherence, focus, and rigor. When any 49695
model curriculum has been completed, the department shall inform 49696
all school districts, community schools, and STEM schools of the 49697
content of that model curriculum. 49698

(2) The department, in consultation with the governor's 49699
office of workforce transformation, shall adopt model curricula 49700
for grades kindergarten through twelve that embed career 49701
connection learning strategies into regular classroom 49702
instruction. 49703

(3) All school districts, community schools, and STEM 49704
schools may utilize the state standards and the model curriculum 49705
established by the department, together with other relevant 49706
resources, examples, or models to ensure that students have the 49707
opportunity to attain the academic standards. Upon request, the 49708
department shall provide technical assistance to any district, 49709
community school, or STEM school in implementing the model 49710
curriculum. 49711

Nothing in this section requires any school district to 49712
utilize all or any part of a model curriculum developed under 49713

this section.

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(C) The department shall develop achievement assessments aligned with the academic standards and model curriculum for each of the subject areas and grade levels required by divisions (A) (1) and (B) (1) of section 3301.0710 of the Revised Code.

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When any achievement assessment has been completed, the department shall inform all school districts, community schools, STEM schools, and nonpublic schools required to administer the assessment of its completion, and the department shall make the achievement assessment available to the districts and schools.

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(D) (1) ~~The~~ Not later than June 30, 2026, the department shall adopt do both of the following:

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(a) Adopt a diagnostic assessment aligned with the academic standards and model curriculum for each of grades one and two kindergarten to three in reading, writing, and mathematics and for grade three in reading and writing. The;

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(b) Approve a list of up to five diagnostic assessments aligned with the academic standards for each of grades kindergarten to three for both reading and mathematics. The department's list of approved diagnostic assessments for reading shall include the three reading diagnostic assessments that were approved by the department for use as comparable tools for purposes of division (B) (1) of section 3313.608 of the Revised Code, as it existed prior to the effective date of this amendment, and are most widely used by public schools in the state.

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(2) Each diagnostic assessment adopted or approved under division (D) (1) of this section shall be designed to measure student comprehension of academic content and mastery of related

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skills for the relevant subject area and grade level. The 49743
diagnostic assessment for reading shall be designed to measure 49744
student comprehension of foundational reading skills aligned to 49745
the science of reading. Any diagnostic assessment adopted by the 49746
department shall not include components to identify gifted 49747
students. Blank copies of diagnostic assessments shall be public 49748
records. 49749

~~(2) When each diagnostic assessment has been completed,~~ 49750
~~the department shall inform all school districts of its~~ 49751
~~completion and make the diagnostic assessment available to the~~ 49752
~~districts at no cost to the district.~~ 49753

(3) School districts shall administer ~~the~~ a diagnostic 49754
assessment in reading and mathematics adopted or approved by the 49755
department pursuant to section 3301.0715 of the Revised Code 49756
beginning ~~the first~~ in the 2026-2027 school year ~~following the~~ 49757
~~development of the assessment.~~ 49758

~~However, beginning with the 2017-2018 school year, both of~~ 49759
~~the following shall apply:~~ 49760

~~(a) In the case of the diagnostic assessments for grades~~ 49761
~~one or two in writing or mathematics or for grade three in~~ 49762
~~writing, a school district shall not be required to administer~~ 49763
~~any such assessment, but may do so at the discretion of the~~ 49764
~~district board;~~ 49765

~~(b) In the case of any diagnostic assessment that is not~~ 49766
~~for the grade levels and subject areas specified in division (D)~~ 49767
~~(3)(a) of this section, each school district shall administer~~ 49768
~~the assessment in the manner prescribed by section 3301.0715 of~~ 49769
~~the Revised Code.~~ 49770

(E) The department shall not adopt a diagnostic or 49771

achievement assessment for any grade level or subject area other 49772
than those specified in this section. 49773

(F) Whenever the department consults with persons for the 49774
purpose of drafting or reviewing any standards, diagnostic 49775
assessments, achievement assessments, or model curriculum 49776
required under this section, the department shall first consult 49777
with parents of students in kindergarten through twelfth grade 49778
and with active Ohio classroom teachers, other school personnel, 49779
and administrators with expertise in the appropriate subject 49780
area. Whenever practicable, the department shall consult with 49781
teachers recognized as outstanding in their fields. 49782

If the department contracts with more than one outside 49783
entity for the development of the achievement assessments 49784
required by this section, the department shall ensure the 49785
interchangeability of those assessments. 49786

(G) Whenever the department adopts standards or model 49787
curricula under this section, the department also shall provide 49788
information on the use of blended, online, or digital learning 49789
in the delivery of the standards or curricula to students in 49790
accordance with division (A) (5) of this section. 49791

(H) The fairness sensitivity review committee of the 49792
department shall not allow any question on any achievement or 49793
diagnostic assessment developed under this section or any 49794
proficiency test prescribed by former section 3301.0710 of the 49795
Revised Code, as it existed prior to September 11, 2001, to 49796
include, be written to promote, or inquire as to individual 49797
moral or social values or beliefs. The decision of the committee 49798
shall be final. This section does not create a private cause of 49799
action. 49800

(I) Not later than sixty days prior to the adoption of 49801
updated academic standards under division (A) (1) of this section 49802
or updated model curricula under division (B) (1) of this 49803
section, the director of education and workforce shall present 49804
the academic standards or model curricula, as applicable, in 49805
person at a public hearing of the respective committees of the 49806
house of representatives and senate that consider education 49807
legislation. 49808

(J) As used in this section: 49809

(1) "Blended learning" means the delivery of instruction 49810
in a combination of time primarily in a supervised physical 49811
location away from home and online delivery whereby the student 49812
has some element of control over time, place, path, or pace of 49813
learning and includes noncomputer-based learning opportunities. 49814

(2) "Online learning" means students work primarily from 49815
their residences on assignments delivered via an internet- or 49816
other computer-based instructional method. 49817

(3) "Coherence" means a reflection of the structure of the 49818
discipline being taught. 49819

(4) "Digital learning" means learning facilitated by 49820
technology that gives students some element of control over 49821
time, place, path, or pace of learning. 49822

(5) "Focus" means limiting the number of items included in 49823
a curriculum to allow for deeper exploration of the subject 49824
matter. 49825

(6) "Vertical articulation" means key academic concepts 49826
and skills associated with mastery in particular content areas 49827
should be articulated and reinforced in a developmentally 49828
appropriate manner at each grade level so that over time 49829

students acquire a depth of knowledge and understanding in the 49830
core academic disciplines. 49831

Sec. 3301.0711. (A) The department of education and 49832
workforce shall: 49833

(1) Annually furnish to, grade, and score all assessments 49834
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 49835
the Revised Code to be administered by city, local, exempted 49836
village, and joint vocational school districts, except that each 49837
district shall score any assessment administered pursuant to 49838
division (B)(10) of this section. Each assessment so furnished 49839
shall include the data verification code of the student to whom 49840
the assessment will be administered, as assigned pursuant to 49841
division (D)(2) of section 3301.0714 of the Revised Code. In 49842
furnishing the practice versions of Ohio graduation tests 49843
prescribed by division (D) of section 3301.0710 of the Revised 49844
Code, the department shall make the tests available on its web 49845
site for reproduction by districts. In awarding contracts for 49846
grading assessments, the department shall give preference to 49847
Ohio-based entities employing Ohio residents. 49848

(2) Adopt rules for the ethical use of assessments and 49849
prescribing the manner in which the assessments prescribed by 49850
section 3301.0710 of the Revised Code shall be administered to 49851
students. 49852

(B) Except as provided in divisions (C) and (J) of this 49853
section, the board of education of each city, local, and 49854
exempted village school district shall, in accordance with rules 49855
adopted under division (A) of this section: 49856

(1) Administer the English language arts assessments 49857
prescribed under division (A)(1)(a) of section 3301.0710 of the 49858

Revised Code twice annually to all students in the third grade 49859
who have not attained the score designated for that assessment 49860
under division (A) (2) (c) of section 3301.0710 of the Revised 49861
Code. 49862

(2) Administer the mathematics assessment prescribed under 49863
division (A) (1) (a) of section 3301.0710 of the Revised Code at 49864
least once annually to all students in the third grade. 49865

(3) Administer the assessments prescribed under division 49866
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 49867
annually to all students in the fourth grade. 49868

(4) Administer the assessments prescribed under division 49869
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 49870
annually to all students in the fifth grade. 49871

(5) Administer the assessments prescribed under division 49872
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 49873
annually to all students in the sixth grade. 49874

(6) Administer the assessments prescribed under division 49875
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 49876
annually to all students in the seventh grade. 49877

(7) Administer the assessments prescribed under division 49878
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 49879
annually to all students in the eighth grade. 49880

(8) Except as provided in division (B) (9) of this section, 49881
administer any assessment prescribed under division (B) (1) of 49882
section 3301.0710 of the Revised Code as follows: 49883

(a) At least once annually to all tenth grade students and 49884
at least twice annually to all students in eleventh or twelfth 49885
grade who have not yet attained the score on that assessment 49886

designated under that division; 49887

(b) To any person who has successfully completed the 49888
curriculum in any high school or the individualized education 49889
program developed for the person by any high school pursuant to 49890
section 3323.08 of the Revised Code but has not received a high 49891
school diploma and who requests to take such assessment, at any 49892
time such assessment is administered in the district. 49893

(9) In lieu of the board of education of any city, local, 49894
or exempted village school district in which the student is also 49895
enrolled, the board of a joint vocational school district shall 49896
administer any assessment prescribed under division (B)(1) of 49897
section 3301.0710 of the Revised Code at least twice annually to 49898
any student enrolled in the joint vocational school district who 49899
has not yet attained the score on that assessment designated 49900
under that division. A board of a joint vocational school 49901
district may also administer such an assessment to any student 49902
described in division (B)(8)(b) of this section. 49903

(10) If the district has a three-year average graduation 49904
rate of not more than seventy-five per cent, administer each 49905
assessment prescribed by division (D) of section 3301.0710 of 49906
the Revised Code in September to all ninth grade students who 49907
entered ninth grade prior to July 1, 2014. 49908

Except as provided in section 3313.614 of the Revised Code 49909
for administration of an assessment to a person who has 49910
fulfilled the curriculum requirement for a high school diploma 49911
but has not passed one or more of the required assessments, the 49912
assessments prescribed under division (B)(1) of section 49913
3301.0710 of the Revised Code shall not be administered after 49914
the date specified in the rules adopted under division (D)(1) of 49915
section 3301.0712 of the Revised Code. 49916

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 49917
of this section, administer the assessments prescribed by 49918
division (B) (2) of section 3301.0710 and section 3301.0712 of 49919
the Revised Code in accordance with the timeline and plan for 49920
implementation of those assessments prescribed by rule adopted 49921
under division (D) (1) of section 3301.0712 of the Revised Code; 49922

(b) A student who has presented evidence to the district 49923
or school of having satisfied the condition prescribed by 49924
division (A) (1) of section 3313.618 of the Revised Code to 49925
qualify for a high school diploma prior to the date of the 49926
administration of the assessment prescribed under division (B) 49927
(1) of section 3301.0712 of the Revised Code shall not be 49928
required to take that assessment. However, no board shall 49929
prohibit a student who is not required to take such assessment 49930
from taking the assessment. 49931

(c) A student shall not be required to retake the Algebra 49932
I end-of-course examination or the English language arts II end- 49933
of-course examination prescribed under division (B) (2) of 49934
section 3301.0712 of the Revised Code in grades nine through 49935
twelve if the student demonstrates at least a proficient level 49936
of skill, as prescribed under division (B) (5) (a) of that 49937
section, or achieves a competency score, as prescribed under 49938
division (B) (10) of that section, in an administration of the 49939
examination prior to grade nine. 49940

(C) (1) (a) In the case of a student receiving special 49941
education services under Chapter 3323. of the Revised Code, the 49942
individualized education program developed for the student under 49943
that chapter shall specify the manner in which the student will 49944
participate in the assessments administered under this section, 49945
except that a student with significant cognitive disabilities to 49946

whom an alternate assessment is administered in accordance with 49947
division (C) (1) of this section and a student determined to have 49948
a disability that includes an intellectual disability as 49949
outlined in guidance issued by the department shall not be 49950
required to take the assessment prescribed under division (B) (1) 49951
of section 3301.0712 of the Revised Code. The individualized 49952
education program may excuse the student from taking any 49953
particular assessment required to be administered under this 49954
section if it instead specifies an alternate assessment method 49955
approved by the department as conforming to requirements of 49956
federal law for receipt of federal funds for disadvantaged 49957
pupils. To the extent possible, the individualized education 49958
program shall not excuse the student from taking an assessment 49959
unless no reasonable accommodation can be made to enable the 49960
student to take the assessment. No board shall prohibit a 49961
student who is not required to take an assessment under division 49962
(C) (1) of this section from taking the assessment. 49963

(b) Any alternate assessment approved by the department 49964
for a student under this division shall produce measurable 49965
results comparable to those produced by the assessment it 49966
replaces in order to allow for the student's results to be 49967
included in the data compiled for a school district or building 49968
under section 3302.03 of the Revised Code. 49969

(c) (i) Any student enrolled in a chartered nonpublic 49970
school who has been identified, based on an evaluation conducted 49971
in accordance with section 3323.03 of the Revised Code or 49972
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 49973
29 U.S.C.A. 794, as amended, as a child with a disability shall 49974
be excused from taking any particular assessment required to be 49975
administered under this section if either of the following 49976
apply: 49977

(I) A plan developed for the student pursuant to rules 49978
adopted by the department excuses the student from taking that 49979
assessment. 49980

(II) The chartered nonpublic school develops a written 49981
plan in which the school, in consultation with the student's 49982
parents, determines that an assessment or alternative assessment 49983
with accommodations does not accurately assess the student's 49984
academic performance. The plan shall include an academic profile 49985
of the student's academic performance and shall be reviewed 49986
annually to determine if the student's needs continue to require 49987
excusal from taking the assessment. 49988

(ii) A student with significant cognitive disabilities to 49989
whom an alternate assessment is administered in accordance with 49990
division (C) (1) of this section and a student determined to have 49991
a disability that includes an intellectual disability as 49992
outlined in guidance issued by the department shall not be 49993
required to take the assessment prescribed under division (B) (1) 49994
of section 3301.0712 of the Revised Code. 49995

(iii) In the case of any student so excused from taking an 49996
assessment under division (C) (1) (c) of this section, the 49997
chartered nonpublic school shall not prohibit the student from 49998
taking the assessment. 49999

(2) A district board may, for medical reasons or other 50000
good cause, excuse a student from taking an assessment 50001
administered under this section on the date scheduled, but that 50002
assessment shall be administered to the excused student not 50003
later than nine days following the scheduled date. The district 50004
board shall annually report the number of students who have not 50005
taken one or more of the assessments required by this section to 50006
the department not later than the thirtieth day of June. 50007

(3) No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except that any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

However, no board shall prohibit an English learner who is not required to take that assessment from taking the assessment.

A board may permit any English learner to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department.

For each English learner, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The guidance and procedures issued by the department for the purposes of division (C)(3) of this section shall comply with the rules adopted under section 3301.0731 of the Revised Code.

(4) (a) The governing authority of a chartered nonpublic school may excuse an English learner from taking any assessment administered under this section.

(b) No governing authority shall require an English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(c) No governing authority shall prohibit an English learner from taking an assessment from which the student was excused under division (C) (4) of this section.

(D) (1) In the school year next succeeding the school year in which the assessments prescribed by division (A) (1) or (B) (1) of section 3301.0710 of the Revised Code or former division (A) (1), (A) (2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the assessment.

(2) Following any administration of the assessments prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services 50068
under this division shall provide intervention services to any 50069
student whose results indicate that the student is failing to 50070
make satisfactory progress toward being able to attain scores at 50071
the proficient level on the Ohio graduation tests. Intervention 50072
services shall be provided in any skill in which a student 50073
demonstrates unsatisfactory progress and shall be commensurate 50074
with the student's performance. Schools shall provide the 50075
intervention services prior to the end of the school year, 50076
during the summer following the ninth grade, in the next 50077
succeeding school year, or at any combination of those times. 50078

(E) Except as provided in section 3313.608 of the Revised 50079
Code and division (N) of this section, no school district board 50080
of education shall utilize any student's failure to attain a 50081
specified score on an assessment administered under this section 50082
as a factor in any decision to deny the student promotion to a 50083
higher grade level. However, a district board may choose not to 50084
promote to the next grade level any student who does not take an 50085
assessment administered under this section or make up an 50086
assessment as provided by division (C) (2) of this section and 50087
who is not exempt from the requirement to take the assessment 50088
under division (C) (3) of this section. 50089

(F) No person shall be charged a fee for taking any 50090
assessment administered under this section. 50091

(G) (1) Each school district board shall designate one 50092
location for the collection of assessments administered in the 50093
spring under division (B) (1) of this section and those 50094
administered under divisions (B) (2) to (7) of this section. Each 50095
district board shall submit the assessments to the entity with 50096
which the department contracts for the scoring of the 50097

assessments as follows: 50098

(a) If the district's total enrollment in grades 50099
kindergarten through twelve during the first full school week of 50100
October was less than two thousand five hundred, not later than 50101
the Friday after all of the assessments have been administered; 50102

(b) If the district's total enrollment in grades 50103
kindergarten through twelve during the first full school week of 50104
October was two thousand five hundred or more, but less than 50105
seven thousand, not later than the Monday after all of the 50106
assessments have been administered; 50107

(c) If the district's total enrollment in grades 50108
kindergarten through twelve during the first full school week of 50109
October was seven thousand or more, not later than the Tuesday 50110
after all of the assessments have been administered. 50111

However, any assessment that a student takes during the 50112
make-up period described in division (C) (2) of this section 50113
shall be submitted not later than the Friday following the day 50114
the student takes the assessment. 50115

(2) The department or an entity with which the department 50116
contracts for the scoring of the assessment shall send to each 50117
school district board a list of the individual scores of all 50118
persons taking a state achievement assessment as follows: 50119

(a) Except as provided in division (G) (2) (b) or (c) of 50120
this section, within forty-five days after the administration of 50121
the assessments prescribed by sections 3301.0710 and 3301.0712 50122
of the Revised Code, but in no case shall the scores be returned 50123
later than the thirtieth day of June following the 50124
administration; 50125

(b) In the case of the third-grade English language arts 50126

assessment, within forty-five days after the administration of 50127
that assessment, but in no case shall the scores be returned 50128
later than the fifteenth day of June following the 50129
administration; 50130

(c) In the case of the writing component of an assessment 50131
or end-of-course examination in the area of English language 50132
arts, except for the third-grade English language arts 50133
assessment, the results may be sent after forty-five days of the 50134
administration of the writing component, but in no case shall 50135
the scores be returned later than the thirtieth day of June 50136
following the administration. 50137

(3) For assessments administered under this section by a 50138
joint vocational school district, the department or entity shall 50139
also send to each city, local, or exempted village school 50140
district a list of the individual scores of any students of such 50141
city, local, or exempted village school district who are 50142
attending school in the joint vocational school district. 50143

(4) Beginning with the 2019-2020 school year, a school 50144
district, other public school, or chartered nonpublic school may 50145
administer the third-grade English language arts or mathematics 50146
assessment, or both, in a paper format in any school year for 50147
which the district board of education or school governing body 50148
adopts a resolution indicating that the district or school 50149
chooses to administer the assessment in a paper format. The 50150
board or governing body shall submit a copy of the resolution to 50151
the department of education and workforce not later than the 50152
first day of May prior to the school year for which it will 50153
apply. If the resolution is submitted, the district or school 50154
shall administer the assessment in a paper format to all 50155
students in the third grade, except that any student whose 50156

individualized education program or plan developed under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the assessment in an online format is an appropriate accommodation for the student may take the assessment in an online format.

(5) A classical school may administer all assessments administered under this section in a paper format, except that any student whose individualized education program or plan developed under section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794 specifies that taking the assessment in an online format is an appropriate accommodation for the student may take the assessment in an online format.

(H) Individual scores on any assessments administered under this section shall be released by a district board only in accordance with section 3319.321 of the Revised Code and the rules adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate results in any manner that conflicts with rules for the ethical use of assessments adopted pursuant to division (A) of this section.

(I) Except as provided in division (G) of this section, the department or an entity with which the department contracts for the scoring of the assessment shall not release any individual scores on any assessment administered under this section. The department shall adopt rules to ensure the protection of student confidentiality at all times. The rules may require the use of the data verification codes assigned to students pursuant to division (D)(2) of section 3301.0714 of the Revised Code to protect the confidentiality of student scores.

(J) Notwithstanding division (D) of section 3311.52 of the

Revised Code, this section does not apply to the board of 50187
education of any cooperative education school district except as 50188
provided under rules adopted pursuant to this division. 50189

(1) In accordance with rules that the department shall 50190
adopt, the board of education of any city, exempted village, or 50191
local school district with territory in a cooperative education 50192
school district established pursuant to divisions (A) to (C) of 50193
section 3311.52 of the Revised Code may enter into an agreement 50194
with the board of education of the cooperative education school 50195
district for administering any assessment prescribed under this 50196
section to students of the city, exempted village, or local 50197
school district who are attending school in the cooperative 50198
education school district. 50199

(2) In accordance with rules that the department shall 50200
adopt, the board of education of any city, exempted village, or 50201
local school district with territory in a cooperative education 50202
school district established pursuant to section 3311.521 of the 50203
Revised Code shall enter into an agreement with the cooperative 50204
district that provides for the administration of any assessment 50205
prescribed under this section to both of the following: 50206

(a) Students who are attending school in the cooperative 50207
district and who, if the cooperative district were not 50208
established, would be entitled to attend school in the city, 50209
local, or exempted village school district pursuant to section 50210
3313.64 or 3313.65 of the Revised Code; 50211

(b) Persons described in division (B) (8) (b) of this 50212
section. 50213

Any assessment of students pursuant to such an agreement 50214
shall be in lieu of any assessment of such students or persons 50215

pursuant to this section. 50216

(K) (1) (a) Except as otherwise provided in division (K) (1) 50217
or (2) of this section, each chartered nonpublic school for 50218
which at least sixty-five per cent of its total enrollment is 50219
made up of students who are participating in state scholarship 50220
programs shall administer the assessments prescribed by division 50221
(A) of section 3301.0710 of the Revised Code or an alternative 50222
standardized assessment determined by the department. In 50223
accordance with procedures and deadlines prescribed by the 50224
department, the parent or guardian of a student enrolled in the 50225
school who is not participating in a state scholarship program 50226
may submit notice to the chief administrative officer of the 50227
school that the parent or guardian does not wish to have the 50228
student take the assessments prescribed for the student's grade 50229
level under division (A) of section 3301.0710 of the Revised 50230
Code. If a parent or guardian submits an opt-out notice, the 50231
school shall not administer the assessments to that student. 50232
This option does not apply to any assessment required for a high 50233
school diploma under section 3313.612 of the Revised Code. 50234

(b) Any chartered nonpublic school that enrolls students 50235
who are participating in state scholarship programs may 50236
administer an alternative standardized assessment determined by 50237
the department instead of the assessments prescribed by division 50238
(A) of section 3301.0710 of the Revised Code. 50239

Each chartered nonpublic school subject to division (K) (1) 50240
(a) or (b) of this section shall report the results of each 50241
assessment administered under those divisions to the department. 50242

(2) A chartered nonpublic school may submit to the 50243
director of education and workforce a request for a waiver from 50244
administering the elementary assessments prescribed by division 50245

(A) of section 3301.0710 of the Revised Code. The director shall 50246
approve or disapprove a request for a waiver submitted under 50247
division (K) (2) of this section. 50248

To be eligible to submit a request for a waiver, a 50249
chartered nonpublic school shall meet the following conditions: 50250

(a) At least ninety-five per cent of the students enrolled 50251
in the school are children with disabilities, as defined under 50252
section 3323.01 of the Revised Code, or have received a 50253
diagnosis by a school district or from a physician, including a 50254
neuropsychiatrist or psychiatrist, or a psychologist who is 50255
authorized to practice in this or another state as having a 50256
condition that impairs academic performance, such as dyslexia, 50257
dyscalculia, attention deficit hyperactivity disorder, or 50258
Asperger's syndrome. 50259

(b) The school has solely served a student population 50260
described in division (K) (1) (a) of this section for at least ten 50261
years. 50262

(c) The school provides to the department at least five 50263
years of records of internal testing conducted by the school 50264
that affords the department data required for accountability 50265
purposes, including diagnostic assessments and nationally 50266
standardized norm-referenced achievement assessments that 50267
measure reading and math skills. 50268

(3) Any chartered nonpublic school that is not subject to 50269
division (K) (1) of this section may participate in the 50270
assessment program by administering any of the assessments 50271
prescribed by division (A) of section 3301.0710 of the Revised 50272
Code. The chief administrator of the school shall specify which 50273
assessments the school will administer. Such specification shall 50274

be made in writing to the director prior to the first day of 50275
August of any school year in which assessments are administered 50276
and shall include a pledge that the nonpublic school will 50277
administer the specified assessments in the same manner as 50278
public schools are required to do under this section and rules 50279
adopted by the department. 50280

(4) The department shall furnish the assessments 50281
prescribed by section 3301.0710 of the Revised Code to each 50282
chartered nonpublic school that is subject to division (K) (1) of 50283
this section or participates under division (K) (3) of this 50284
section. 50285

(L) If a chartered nonpublic school is educating students 50286
in grades nine through twelve, the following shall apply: 50287

(1) Except as provided in division (L) (4) of this section, 50288
for a student who is enrolled in a chartered nonpublic school 50289
that is accredited through the independent schools association 50290
of the central states and who is attending the school under a 50291
state scholarship program, the student shall either take all of 50292
the assessments prescribed by division (B) of section 3301.0712 50293
of the Revised Code or take an alternative assessment approved 50294
by the department under section 3313.619 of the Revised Code. 50295
However, a student who is excused from taking an assessment 50296
under division (C) of this section or has presented evidence to 50297
the chartered nonpublic school of having satisfied the condition 50298
prescribed by division (A) (1) of section 3313.618 of the Revised 50299
Code to qualify for a high school diploma prior to the date of 50300
the administration of the assessment prescribed under division 50301
(B) (1) of section 3301.0712 of the Revised Code shall not be 50302
required to take that assessment. No governing authority of a 50303
chartered nonpublic school shall prohibit a student who is not 50304

required to take such assessment from taking the assessment. 50305

(2) For a student who is enrolled in a chartered nonpublic 50306
school that is accredited through the independent schools 50307
association of the central states, and who is not attending the 50308
school under a state scholarship program, the student shall not 50309
be required to take any assessment prescribed under section 50310
3301.0712 or 3313.619 of the Revised Code. 50311

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 50312
of this section, for a student who is enrolled in a chartered 50313
nonpublic school that is not accredited through the independent 50314
schools association of the central states, regardless of whether 50315
the student is attending or is not attending the school under a 50316
state scholarship program, the student shall do one of the 50317
following: 50318

(i) Take all of the assessments prescribed by division (B) 50319
of section 3301.0712 of the Revised Code; 50320

(ii) Take only the assessment prescribed by division (B) 50321
(1) of section 3301.0712 of the Revised Code, provided that the 50322
student's school publishes the results of that assessment for 50323
each graduating class. The published results of that assessment 50324
shall include the overall composite scores, mean scores, twenty- 50325
fifth percentile scores, and seventy-fifth percentile scores for 50326
each subject area of the assessment. 50327

(iii) Take an alternative assessment approved by the 50328
department under section 3313.619 of the Revised Code. 50329

(b) A student who is excused from taking an assessment 50330
under division (C) of this section or has presented evidence to 50331
the chartered nonpublic school of having satisfied the condition 50332
prescribed by division (A) (1) of section 3313.618 of the Revised 50333

Code to qualify for a high school diploma prior to the date of 50334
the administration of the assessment prescribed under division 50335
(B) (1) of section 3301.0712 of the Revised Code shall not be 50336
required to take that assessment. No governing authority of a 50337
chartered nonpublic school shall prohibit a student who is not 50338
required to take such assessment from taking the assessment. 50339

(4) The assessments prescribed by sections 3301.0712 and 50340
3313.619 of the Revised Code shall not be administered to any 50341
student attending the school, if the school meets all of the 50342
following conditions: 50343

(a) At least ninety-five per cent of the students enrolled 50344
in the school are children with disabilities, as defined under 50345
section 3323.01 of the Revised Code, or have received a 50346
diagnosis by a school district or from a physician, including a 50347
neuropsychologist or psychiatrist, or a psychologist who is 50348
authorized to practice in this or another state as having a 50349
condition that impairs academic performance, such as dyslexia, 50350
dyscalculia, attention deficit hyperactivity disorder, or 50351
Asperger's syndrome. 50352

(b) The school has solely served a student population 50353
described in division (L) (4) (a) of this section for at least ten 50354
years. 50355

(c) The school makes available to the department at least 50356
five years of records of internal testing conducted by the 50357
school that affords the department data required for 50358
accountability purposes, including growth in student achievement 50359
in reading or mathematics, or both, as measured by nationally 50360
norm-referenced assessments that have developed appropriate 50361
standards for students. 50362

Division (L) (4) of this section applies to any student 50363
attending such school regardless of whether the student receives 50364
special education or related services and regardless of whether 50365
the student is attending the school under a state scholarship 50366
program. 50367

(M) (1) The superintendent of Ohio deaf and blind education 50368
services shall administer the assessments described by sections 50369
3301.0710 and 3301.0712 of the Revised Code for the state school 50370
for the blind and the state school for the deaf. The 50371
superintendent of Ohio deaf and blind education services shall 50372
administer the assessments in the same manner as district boards 50373
are required to do under this section and rules adopted by the 50374
department and in conformity with division (C) (1) (a) of this 50375
section. 50376

(2) The department shall furnish the assessments described 50377
by sections 3301.0710 and 3301.0712 of the Revised Code to the 50378
superintendent of Ohio deaf and blind education services. 50379

(N) Notwithstanding division (E) of this section, a school 50380
district may use a student's failure to attain a score in at 50381
least the proficient range on the mathematics assessment 50382
described by division (A) (1) (a) of section 3301.0710 of the 50383
Revised Code or on an assessment described by division (A) (1) 50384
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 50385
Code as a factor in retaining that student in the current grade 50386
level. 50387

(O) (1) In the manner specified in divisions (O) (3) and 50388
(4), ~~(6), and (7)~~ of this section, the assessments required by 50389
division (A) (1) of section 3301.0710 of the Revised Code shall 50390
become public records pursuant to section 149.43 of the Revised 50391
Code on the thirty-first day of July following the school year 50392

that the assessments were administered. 50393

(2) The department may field test proposed questions with 50394
samples of students to determine the validity, reliability, or 50395
appropriateness of questions for possible inclusion in a future 50396
year's assessment. The department also may use anchor questions 50397
on assessments to ensure that different versions of the same 50398
assessment are of comparable difficulty. 50399

Field test questions and anchor questions shall not be 50400
considered in computing scores for individual students. Field 50401
test questions and anchor questions may be included as part of 50402
the administration of any assessment required by division (A) (1) 50403
or (B) of section 3301.0710 and division (B) of section 50404
3301.0712 of the Revised Code. 50405

(3) Any field test question or anchor question 50406
administered under division (O) (2) of this section shall not be 50407
a public record. Such field test questions and anchor questions 50408
shall be redacted from any assessments which are released as a 50409
public record pursuant to division (O) (1) of this section. 50410

~~(4) This division applies to the assessments prescribed by 50411
division (A) of section 3301.0710 of the Revised Code. 50412~~

~~(a) The first administration of each assessment, as 50413
specified in former section 3301.0712 of the Revised Code, shall 50414
be a public record. 50415~~

~~(b) For subsequent administrations of each assessment 50416
prior to the 2011-2012 school year, not less than forty per cent 50417
of the questions on the assessment that are used to compute a 50418
student's score shall be a public record. The department shall 50419
determine which questions will be needed for reuse on a future 50420
assessment and those questions shall not be public records and 50421~~

~~shall be redacted from the assessment prior to its release as a~~ 50422
~~public record. However, for each redacted question, the~~ 50423
~~department shall inform each city, local, and exempted village~~ 50424
~~school district of the statewide academic standard adopted under~~ 50425
~~section 3301.079 of the Revised Code and the corresponding~~ 50426
~~benchmark to which the question relates. The preceding sentence~~ 50427
~~does not apply to field test questions that are redacted under~~ 50428
~~division (O) (3) of this section.~~ 50429

~~(c) The administrations of each assessment in the 2011-~~ 50430
~~2012, 2012-2013, and 2013-2014 school years shall not be a~~ 50431
~~public record.~~ 50432

~~(5) Each assessment prescribed by division (B) (1) of~~ 50433
~~section 3301.0710 of the Revised Code shall not be a public~~ 50434
~~record.~~ 50435

~~(6) (a) Except as provided in division (O) (6) (b) of this~~ 50436
~~section, for the administrations in the 2014-2015, 2015-2016,~~ 50437
~~and 2016-2017 school years, questions on the assessments~~ 50438
~~prescribed under division (A) of section 3301.0710 and division~~ 50439
~~(B) (2) of section 3301.0712 of the Revised Code and the~~ 50440
~~corresponding preferred answers that are used to compute a~~ 50441
~~student's score shall become a public record as follows:~~ 50442

~~(i) Forty per cent of the questions and preferred answers~~ 50443
~~on the assessments on the thirty-first day of July following the~~ 50444
~~administration of the assessment;~~ 50445

~~(ii) Twenty per cent of the questions and preferred~~ 50446
~~answers on the assessment on the thirty-first day of July one~~ 50447
~~year after the administration of the assessment;~~ 50448

~~(iii) The remaining forty per cent of the questions and~~ 50449
~~preferred answers on the assessment on the thirty-first day of~~ 50450

~~July two years after the administration of the assessment.~~ 50451

~~The entire content of an assessment shall become a public record within three years of its administration.~~ 50452
50453

~~The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.~~ 50454
50455
50456
50457
50458

~~(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017.~~ 50459
50460
50461

~~(7)~~ Division ~~(O) (7)~~ (O) (4) of this section applies to the 50462
assessments prescribed by division (A) of section 3301.0710 and 50463
division (B) (2) of section 3301.0712 of the Revised Code. 50464

Beginning with the assessments administered in the spring 50465
of the ~~2017-2018-2025-2026~~ school year, ~~not less than forty per~~ 50466
~~cent of the~~ the department shall determine which questions on 50467
each assessment that are used to compute a student's score ~~shall~~ 50468
~~be are~~ a public record, if any. The department shall determine 50469
which questions will be needed for reuse on a future assessment 50470
and those questions shall not be public records and shall be 50471
redacted from the assessment prior to its release as a public 50472
record. However, for each redacted question, the department 50473
shall inform each city, local, and exempted village school 50474
district of the corresponding statewide academic standard 50475
adopted under section 3301.079 of the Revised Code and the 50476
corresponding benchmark to which the question relates. The 50477
department is not required to provide corresponding standards 50478
and benchmarks to field test questions that are redacted under 50479

division (O) (3) of this section. 50480

(P) As used in this section: 50481

(1) "Three-year average" means the average of the most 50482
recent consecutive three school years of data. 50483

(2) "Dropout" means a student who withdraws from school 50484
before completing course requirements for graduation and who is 50485
not enrolled in an education program approved by the department 50486
or an education program outside the state. "Dropout" does not 50487
include a student who has departed the country. 50488

(3) "Graduation rate" means the ratio of students 50489
receiving a diploma to the number of students who entered ninth 50490
grade four years earlier. Students who transfer into the 50491
district are added to the calculation. Students who transfer out 50492
of the district for reasons other than dropout are subtracted 50493
from the calculation. If a student who was a dropout in any 50494
previous year returns to the same school district, that student 50495
shall be entered into the calculation as if the student had 50496
entered ninth grade four years before the graduation year of the 50497
graduating class that the student joins. 50498

(4) "State scholarship programs" means the educational 50499
choice scholarship pilot program established under sections 50500
3310.01 to 3310.17 of the Revised Code, the autism scholarship 50501
program established under section 3310.41 of the Revised Code, 50502
the Jon Peterson special needs scholarship program established 50503
under sections 3310.51 to 3310.64 of the Revised Code, and the 50504
pilot project scholarship program established under sections 50505
3313.974 to 3313.979 of the Revised Code. 50506

(5) "Other public school" means a community school 50507
established under Chapter 3314., a STEM school established under 50508

Chapter 3326., or a college-preparatory boarding school 50509
established under Chapter 3328. of the Revised Code. 50510

(6) "English learner" has the same meaning as in section 50511
3301.0731 of the Revised Code. 50512

(7) "Classical school" means a community school 50513
established under Chapter 3314. of the Revised Code that is a 50514
member of the Ohio classical school association, or its 50515
successor organization, and uses a curriculum substantially 50516
similar to that of a nationally recognized classical school 50517
network. 50518

Sec. 3301.0712. (A) The department of education and 50519
workforce and the chancellor of higher education shall develop a 50520
system of college and work ready assessments as described in 50521
division (B) of this section to assess whether each student upon 50522
graduating from high school is ready to enter college or the 50523
workforce. Beginning with students who enter the ninth grade for 50524
the first time on or after July 1, 2014, the system shall 50525
replace the Ohio graduation tests prescribed in division (B)(1) 50526
of section 3301.0710 of the Revised Code as a measure of student 50527
academic performance and one determinant of eligibility for a 50528
high school diploma in the manner prescribed by rule adopted 50529
under division (D) of this section. 50530

(B) The college and work ready assessment system shall 50531
consist of the following: 50532

(1) (a) Except as provided in division (B)(1)(b) of this 50533
section, nationally standardized assessments that measure 50534
college and career readiness and are used for college admission. 50535
The assessments shall be selected jointly by the department and 50536
the chancellor, and one of which shall be selected by each 50537

school district or school to administer to its students. The 50538
assessments prescribed under division (B) (1) of this section 50539
shall be administered to all eleventh-grade students in the 50540
spring of the school year. 50541

(b) Beginning with students who enter the ninth grade for 50542
the first time on or after July 1, 2022, the parent or guardian 50543
of a student may elect not to have a nationally standardized 50544
assessment administered to that student. In that event, the 50545
student's school district or school shall not administer the 50546
nationally standardized assessment to that student. 50547

(2) (a) Except as provided in division (B) (2) (b) of this 50548
section, seven end-of-course examinations, one in each of the 50549
areas of English language arts I, English language arts II, 50550
science, Algebra I, geometry, American history, and American 50551
government. The end-of-course examinations shall be selected 50552
jointly by the department and the chancellor in consultation 50553
with faculty in the appropriate subject areas at institutions of 50554
higher education of the university system of Ohio. Advanced 50555
placement examinations and international baccalaureate 50556
examinations, as prescribed under section 3313.6013 of the 50557
Revised Code, in the areas of science, American history, and 50558
American government may be used as end-of-course examinations in 50559
accordance with division (B) (4) (a) (i) of this section. Final 50560
course grades for courses taken under any other advanced 50561
standing program, as prescribed under section 3313.6013 of the 50562
Revised Code, in the areas of science, American history, and 50563
American government may be used in lieu of end-of-course 50564
examinations in accordance with division (B) (4) (a) (ii) of this 50565
section. 50566

(b) Beginning with students who enter ninth grade for the 50567

first time on or after July 1, 2019, five end-of-course 50568
examinations, one in each areas of English language arts II, 50569
science, Algebra I, American history, and American government. 50570
However, only the end-of-course examinations in English language 50571
arts II and Algebra I shall be required for graduation. 50572

The department shall, as necessary to implement division 50573
(B) (2) (b) of this section, seek a waiver from the United States 50574
secretary of education for testing requirements prescribed under 50575
federal law to allow for the use and implementation of Algebra I 50576
as the primary assessment of high school mathematics. If the 50577
department does not receive a waiver under this division, the 50578
end-of-course examinations for students described in division 50579
(B) (2) (b) of this section also shall include an end-of-course 50580
examination in the area of geometry. However, the geometry end- 50581
of-course examination shall not be required for graduation. 50582

(3) The end-of-course examinations in American history and 50583
American government shall require demonstration of mastery of 50584
the American history and American government content for social 50585
studies standards adopted under division (A) (1) (b) of section 50586
3301.079 of the Revised Code and the topics required under 50587
division (M) of section 3313.603 of the Revised Code. 50588

At least twenty per cent of the end-of-course examination 50589
in American government shall address the topics on American 50590
history and American government described in division (M) of 50591
section 3313.603 of the Revised Code. 50592

(4) (a) Notwithstanding anything to the contrary in this 50593
section, both of the following shall apply: 50594

(i) If a student is enrolled in an appropriate advanced 50595
placement or international baccalaureate course, that student 50596

shall take the advanced placement or international baccalaureate 50597
examination in lieu of the science, American history, or 50598
American government end-of-course examinations prescribed under 50599
division (B) (2) of this section. The department shall specify 50600
the score levels for each advanced placement examination and 50601
international baccalaureate examination for purposes of 50602
calculating the minimum cumulative performance score that 50603
demonstrates the level of academic achievement necessary to earn 50604
a high school diploma. 50605

(ii) If a student is enrolled in an appropriate course 50606
under any other advanced standing program, as described in 50607
section 3313.6013 of the Revised Code, that student shall not be 50608
required to take the science, American history, or American 50609
government end-of-course examination, whichever is applicable, 50610
prescribed under division (B) (2) of this section. Instead, that 50611
student's final course grade shall be used in lieu of the 50612
applicable end-of-course examination prescribed under that 50613
section. The department, in consultation with the chancellor, 50614
shall adopt guidelines for purposes of calculating the 50615
corresponding final course grades that demonstrate the level of 50616
academic achievement necessary to earn a high school diploma. 50617

Division (B) (4) (a) (ii) of this section shall apply only to 50618
courses for which students receive transcribed credit, as 50619
defined in section 3365.01 of the Revised Code. It shall not 50620
apply to remedial or developmental courses. 50621

(b) No student shall take a substitute examination or 50622
examination prescribed under division (B) (4) (a) of this section 50623
in place of the end-of-course examinations in English language 50624
arts I, English language arts II, Algebra I, or geometry 50625
prescribed under division (B) (2) of this section. 50626

(c) The department shall consider additional assessments 50627
that may be used as substitute examinations in lieu of the end- 50628
of-course examinations prescribed under division (B) (2) of this 50629
section. 50630

(5) The department shall do all of the following: 50631

(a) Determine and designate at least five ranges of scores 50632
on each of the end-of-course examinations prescribed under 50633
division (B) (2) of this section, and substitute examinations 50634
prescribed under division (B) (4) of this section. Not later than 50635
sixty days after the designation of ranges of scores, the 50636
director of education and workforce shall conduct a public 50637
presentation before the standing committees of the house of 50638
representatives and the senate that consider primary and 50639
secondary education legislation regarding the designated range 50640
of scores. Each range of scores shall be considered to 50641
demonstrate a level of achievement so that any student attaining 50642
a score within such range has achieved one of the following: 50643

(i) An advanced level of skill; 50644

(ii) An accomplished level of skill; 50645

(iii) A proficient level of skill; 50646

(iv) A basic level of skill; 50647

(v) A limited level of skill. 50648

(b) Determine a method by which to calculate a cumulative 50649
performance score based on the results of a student's end-of- 50650
course examinations or substitute examinations; 50651

(c) Determine the minimum cumulative performance score 50652
that demonstrates the level of academic achievement necessary to 50653
earn a high school diploma under division (A) (2) of section 50654

3313.618 of the Revised Code. However, no new minimum cumulative performance score shall be determined after October 17, 2019.

(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.

A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.

(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:

(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.

(ii) The examination was not available for administration prior to July 1, 2015.

Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course examination at a later date.

(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:

(i) The student is considered to have attained a 50684
proficient score on the end-of-course examination from which the 50685
student is exempt; 50686

(ii) The student's final course grade shall be used in 50687
lieu of a score on the end-of-course examination from which the 50688
student is exempt. 50689

The department, in consultation with the chancellor, shall 50690
adopt guidelines for purposes of calculating the corresponding 50691
final course grades and the minimum cumulative performance score 50692
that demonstrates the level of academic achievement necessary to 50693
earn a high school diploma. 50694

(7) (a) Notwithstanding anything to the contrary in this 50695
section, the department may replace the algebra I end-of-course 50696
examination prescribed under division (B) (2) of this section 50697
with an algebra II end-of-course examination, beginning with the 50698
2016-2017 school year for students who enter ninth grade on or 50699
after July 1, 2016. 50700

(b) If the department replaces the algebra I end-of-course 50701
examination with an algebra II end-of-course examination as 50702
authorized under division (B) (7) (a) of this section, both of the 50703
following shall apply: 50704

(i) A student who is enrolled in an advanced placement or 50705
international baccalaureate course in algebra II shall take the 50706
advanced placement or international baccalaureate examination in 50707
lieu of the algebra II end-of-course examination. 50708

(ii) A student who is enrolled in an algebra II course 50709
under any other advanced standing program, as described in 50710
section 3313.6013 of the Revised Code, shall not be required to 50711
take the algebra II end-of-course examination. Instead, that 50712

student's final course grade shall be used in lieu of the 50713
examination. 50714

(c) If a school district or school utilizes an integrated 50715
approach to mathematics instruction, the district or school may 50716
do either or both of the following: 50717

(i) Administer an integrated mathematics I end-of-course 50718
examination in lieu of the prescribed algebra I end-of-course 50719
examination; 50720

(ii) Administer an integrated mathematics II end-of-course 50721
examination in lieu of the prescribed geometry end-of-course 50722
examination. 50723

(8) (a) For students entering the ninth grade for the first 50724
time on or after July 1, 2014, but prior to July 1, 2015, the 50725
assessment in the area of science shall be physical science or 50726
biology. For students entering the ninth grade for the first 50727
time on or after July 1, 2015, the assessment in the area of 50728
science shall be biology. 50729

(b) Until July 1, 2019, the department shall make 50730
available the end-of-course examination in physical science for 50731
students who entered the ninth grade for the first time on or 50732
after July 1, 2014, but prior to July 1, 2015, and who wish to 50733
retake the examination. 50734

(c) The department shall adopt rules prescribing the 50735
requirements for the end-of-course examination in science for 50736
students who entered the ninth grade for the first time on or 50737
after July 1, 2014, but prior to July 1, 2015, and who have not 50738
met the requirement prescribed by section 3313.618 of the 50739
Revised Code by July 1, 2019, due to a student's failure to 50740
satisfy division (A) (2) of section 3313.618 of the Revised Code. 50741

(9) The department shall not develop or administer an end-of-course examination in the area of world history. 50742
50743

(10) The department, in consultation with the chancellor 50744
and the governor's office of workforce transformation, shall 50745
determine a competency score for both of the Algebra I and 50746
English language arts II end-of-course examinations for the 50747
purpose of graduation eligibility. 50748

(C) The department shall convene a group of national 50749
experts, state experts, and local practitioners to provide 50750
advice, guidance, and recommendations for the alignment of 50751
standards and model curricula to the assessments and in the 50752
design of the end-of-course examinations prescribed by this 50753
section. 50754

(D) Upon completion of the development of the assessment 50755
system, the department shall adopt rules prescribing all of the 50756
following: 50757

(1) A timeline and plan for implementation of the 50758
assessment system, including a phased implementation if the 50759
department determines such a phase-in is warranted; 50760

(2) The date after which a person shall meet the 50761
requirements of the entire assessment system as a prerequisite 50762
for a diploma of adult education under section 3313.611 of the 50763
Revised Code; 50764

(3) Whether and the extent to which a person may be 50765
excused from an American history end-of-course examination and 50766
an American government end-of-course examination under division 50767
(H) of section 3313.61 and division (B)(3) of section 3313.612 50768
of the Revised Code; 50769

(4) The date after which a person who has fulfilled the 50770

curriculum requirement for a diploma but has not passed one or 50771
more of the required assessments at the time the person 50772
fulfilled the curriculum requirement shall meet the requirements 50773
of the entire assessment system as a prerequisite for a high 50774
school diploma under division (B) of section 3313.614 of the 50775
Revised Code; 50776

(5) The extent to which the assessment system applies to 50777
students enrolled in a dropout ~~recovery and prevention and~~ 50778
recovery program for purposes of division (F) of section 50779
3313.603 ~~and or a dropout prevention and recovery community~~ 50780
school under section 3314.36 of the Revised Code. 50781

(E) (1) Any person enrolled in a nonchartered nonpublic 50782
school or any person who is exempt from attendance at school for 50783
the purpose of home education under section 3321.042 of the 50784
Revised Code may choose to participate in the system of 50785
assessments administered under divisions (B) (1) and (2) of this 50786
section. However, no such person shall be required to 50787
participate in the system of assessments. 50788

(2) The department shall adopt rules for the 50789
administration and scoring of any assessments under division (E) 50790
(1) of this section. 50791

(F) The department shall select at least one nationally 50792
recognized job skills assessment. Each school district shall 50793
administer that assessment to those students who opt to take it. 50794
The department shall reimburse a school district for the costs 50795
of administering that assessment. The department shall establish 50796
the minimum score a student must attain on the job skills 50797
assessment in order to demonstrate a student's workforce 50798
readiness and employability. The administration of the job 50799
skills assessment to a student under this division shall not 50800

exempt a school district from administering the assessments 50801
prescribed in division (B) of this section to that student. 50802

Sec. 3301.0714. (A) The department of education and 50803
workforce shall adopt rules for a statewide education management 50804
information system. The rules shall require the department to 50805
establish guidelines for the establishment and maintenance of 50806
the system in accordance with this section and the rules adopted 50807
under this section. The guidelines shall include: 50808

(1) Standards identifying and defining the types of data 50809
in the system in accordance with divisions (B) and (C) of this 50810
section; 50811

(2) Procedures for annually collecting and reporting the 50812
data to the department in accordance with division (D) of this 50813
section; 50814

(3) Procedures for annually compiling the data in 50815
accordance with division (G) of this section; 50816

(4) Procedures for annually reporting the data to the 50817
public in accordance with division (H) of this section; 50818

(5) Standards to provide strict safeguards to protect the 50819
confidentiality of personally identifiable student data. 50820

(B) The guidelines adopted under this section shall 50821
require the data maintained in the education management 50822
information system to include at least the following: 50823

(1) Student participation and performance data, for each 50824
grade in each school district as a whole and for each grade in 50825
each school building in each school district, that includes: 50826

(a) The numbers of students receiving each category of 50827
instructional service offered by the school district, such as 50828

regular education instruction, vocational education instruction, 50829
specialized instruction programs or enrichment instruction that 50830
is part of the educational curriculum, instruction for gifted 50831
students, instruction for students with disabilities, and 50832
remedial instruction. The guidelines shall require instructional 50833
services under this division to be divided into discrete 50834
categories if an instructional service is limited to a specific 50835
subject, a specific type of student, or both, such as regular 50836
instructional services in mathematics, remedial reading 50837
instructional services, instructional services specifically for 50838
students gifted in mathematics or some other subject area, or 50839
instructional services for students with a specific type of 50840
disability. The categories of instructional services required by 50841
the guidelines under this division shall be the same as the 50842
categories of instructional services used in determining cost 50843
units pursuant to division (C) (3) of this section. 50844

(b) The numbers of students receiving support or 50845
extracurricular services for each of the support services or 50846
extracurricular programs offered by the school district, such as 50847
counseling services, health services, and extracurricular sports 50848
and fine arts programs. The categories of services required by 50849
the guidelines under this division shall be the same as the 50850
categories of services used in determining cost units pursuant 50851
to division (C) (4) (a) of this section. 50852

(c) Average student grades in each subject in grades nine 50853
through twelve; 50854

(d) Academic achievement levels as assessed under sections 50855
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 50856

(e) The number of students designated as having a 50857
disabling condition pursuant to division (C) (1) of section 50858

3301.0711 of the Revised Code; 50859

(f) The numbers of students reported to the department 50860
pursuant to division (C) (2) of section 3301.0711 of the Revised 50861
Code; 50862

(g) Attendance rates and the average daily attendance for 50863
the year. For purposes of this division, a student shall be 50864
counted as present for any field trip that is approved by the 50865
school administration. 50866

(h) Expulsion rates; 50867

(i) Suspension rates; 50868

(j) Dropout rates; 50869

(k) Rates of retention in grade; 50870

(l) For pupils in grades nine through twelve, the average 50871
number of carnegie units, as calculated in accordance with the 50872
director's rules; 50873

(m) Graduation rates, to be calculated in a manner 50874
specified by the department that reflects the rate at which 50875
students who were in the ninth grade three years prior to the 50876
current year complete school and that is consistent with 50877
nationally accepted reporting requirements; 50878

(n) Results of diagnostic assessments ~~administered to~~ 50879
~~kindergarten students as required under~~ described in division (A) 50880
(1) of section 3301.0715 of the Revised Code to permit a 50881
~~comparison of the academic readiness of kindergarten students.~~ 50882
~~However, no district shall be required to report to the~~ 50883
~~department the results of any diagnostic assessment administered~~ 50884
~~to a kindergarten student, except for the language and reading~~ 50885
~~assessment described in division (A) (2) of section 3301.0715 of~~ 50886

~~the Revised Code, if the parent of that student requests the~~ 50887
~~district not to report those results.;~~ 50888

(o) The number of students earning each state diploma seal 50889
included in the system prescribed under division (A) of section 50890
3313.6114 of the Revised Code; 50891

(p) The number of students demonstrating competency for 50892
graduation using each option described in divisions (B) (1) (a) to 50893
(d) of section 3313.618 of the Revised Code; 50894

(q) The number of students completing each foundational 50895
and supporting option as part of the demonstration of competency 50896
for graduation pursuant to division (B) (1) (b) of section 50897
3313.618 of the Revised Code; 50898

(r) The number of students enrolled in all-day 50899
kindergarten, as defined in section 3321.05 of the Revised Code. 50900

(2) Personnel and classroom enrollment data for each 50901
school district, including: 50902

(a) The total numbers of licensed employees and 50903
nonlicensed employees and the numbers of full-time equivalent 50904
licensed employees and nonlicensed employees providing each 50905
category of instructional service, instructional support 50906
service, and administrative support service used pursuant to 50907
division (C) (3) of this section. The guidelines adopted under 50908
this section shall require these categories of data to be 50909
maintained for the school district as a whole and, wherever 50910
applicable, for each grade in the school district as a whole, 50911
for each school building as a whole, and for each grade in each 50912
school building. 50913

(b) The total number of employees and the number of full- 50914
time equivalent employees providing each category of service 50915

used pursuant to divisions (C) (4) (a) and (b) of this section, 50916
and the total numbers of licensed employees and nonlicensed 50917
employees and the numbers of full-time equivalent licensed 50918
employees and nonlicensed employees providing each category used 50919
pursuant to division (C) (4) (c) of this section. The guidelines 50920
adopted under this section shall require these categories of 50921
data to be maintained for the school district as a whole and, 50922
wherever applicable, for each grade in the school district as a 50923
whole, for each school building as a whole, and for each grade 50924
in each school building. 50925

(c) The total number of regular classroom teachers 50926
teaching classes of regular education and the average number of 50927
pupils enrolled in each such class, in each of grades 50928
kindergarten through five in the district as a whole and in each 50929
school building in the school district. 50930

(d) The number of lead teachers employed by each school 50931
district and each school building. 50932

(3) (a) Student demographic data for each school district, 50933
including information regarding the gender ratio of the school 50934
district's pupils, the racial make-up of the school district's 50935
pupils, the number of English learners in the district, and an 50936
appropriate measure of the number of the school district's 50937
pupils who reside in economically disadvantaged households. The 50938
demographic data shall be collected in a manner to allow 50939
correlation with data collected under division (B) (1) of this 50940
section. Categories for data collected pursuant to division (B) 50941
(3) of this section shall conform, where appropriate, to 50942
standard practices of agencies of the federal government. 50943

(b) With respect to each student entering kindergarten, 50944
whether the student previously participated in a public 50945

preschool program, a private preschool program, or a head start 50946
program, and the number of years the student participated in 50947
each of these programs. 50948

(4) (a) The core curriculum and instructional materials 50949
being used for English language arts in each of grades pre- 50950
kindergarten to five; 50951

(b) The reading intervention programs being used in each 50952
of grades pre-kindergarten to twelve. 50953

(5) Any data required to be collected pursuant to federal 50954
law. 50955

(C) The education management information system shall 50956
include cost accounting data for each district as a whole and 50957
for each school building in each school district. The guidelines 50958
adopted under this section shall require the cost data for each 50959
school district to be maintained in a system of mutually 50960
exclusive cost units and shall require all of the costs of each 50961
school district to be divided among the cost units. The 50962
guidelines shall require the system of mutually exclusive cost 50963
units to include at least the following: 50964

(1) Administrative costs for the school district as a 50965
whole. The guidelines shall require the cost units under this 50966
division (C) (1) to be designed so that each of them may be 50967
compiled and reported in terms of average expenditure per pupil 50968
in enrolled ADM in the school district, as determined pursuant 50969
to section 3317.03 of the Revised Code. 50970

(2) Administrative costs for each school building in the 50971
school district. The guidelines shall require the cost units 50972
under this division (C) (2) to be designed so that each of them 50973
may be compiled and reported in terms of average expenditure per 50974

full-time equivalent pupil receiving instructional or support 50975
services in each building. 50976

(3) Instructional services costs for each category of 50977
instructional service provided directly to students and required 50978
by guidelines adopted pursuant to division (B) (1) (a) of this 50979
section. The guidelines shall require the cost units under 50980
division (C) (3) of this section to be designed so that each of 50981
them may be compiled and reported in terms of average 50982
expenditure per pupil receiving the service in the school 50983
district as a whole and average expenditure per pupil receiving 50984
the service in each building in the school district and in terms 50985
of a total cost for each category of service and, as a breakdown 50986
of the total cost, a cost for each of the following components: 50987

(a) The cost of each instructional services category 50988
required by guidelines adopted under division (B) (1) (a) of this 50989
section that is provided directly to students by a classroom 50990
teacher; 50991

(b) The cost of the instructional support services, such 50992
as services provided by a speech-language pathologist, classroom 50993
aide, multimedia aide, or librarian, provided directly to 50994
students in conjunction with each instructional services 50995
category; 50996

(c) The cost of the administrative support services 50997
related to each instructional services category, such as the 50998
cost of personnel that develop the curriculum for the 50999
instructional services category and the cost of personnel 51000
supervising or coordinating the delivery of the instructional 51001
services category. 51002

(4) Support or extracurricular services costs for each 51003

category of service directly provided to students and required 51004
by guidelines adopted pursuant to division (B) (1) (b) of this 51005
section. The guidelines shall require the cost units under 51006
division (C) (4) of this section to be designed so that each of 51007
them may be compiled and reported in terms of average 51008
expenditure per pupil receiving the service in the school 51009
district as a whole and average expenditure per pupil receiving 51010
the service in each building in the school district and in terms 51011
of a total cost for each category of service and, as a breakdown 51012
of the total cost, a cost for each of the following components: 51013

(a) The cost of each support or extracurricular services 51014
category required by guidelines adopted under division (B) (1) (b) 51015
of this section that is provided directly to students by a 51016
licensed employee, such as services provided by a guidance 51017
counselor or any services provided by a licensed employee under 51018
a supplemental contract; 51019

(b) The cost of each such services category provided 51020
directly to students by a nonlicensed employee, such as 51021
janitorial services, cafeteria services, or services of a sports 51022
trainer; 51023

(c) The cost of the administrative services related to 51024
each services category in division (C) (4) (a) or (b) of this 51025
section, such as the cost of any licensed or nonlicensed 51026
employees that develop, supervise, coordinate, or otherwise are 51027
involved in administering or aiding the delivery of each 51028
services category. 51029

(D) (1) The guidelines adopted under this section shall 51030
require school districts to collect information about individual 51031
students, staff members, or both in connection with any data 51032
required by division (B) or (C) of this section or other 51033

reporting requirements established in the Revised Code. The 51034
guidelines may also require school districts to report 51035
information about individual staff members in connection with 51036
any data required by division (B) or (C) of this section or 51037
other reporting requirements established in the Revised Code. 51038
The guidelines shall not authorize school districts to request 51039
social security numbers of individual students. The guidelines 51040
shall prohibit the reporting under this section of a student's 51041
name, address, and social security number to the department. The 51042
guidelines shall also prohibit the reporting under this section 51043
of any personally identifiable information about any student, 51044
except for the purpose of assigning the data verification code 51045
required by division (D) (2) of this section, to any other person 51046
unless such person is employed by the school district or the 51047
information technology center operated under section 3301.075 of 51048
the Revised Code and is authorized by the district or technology 51049
center to have access to such information or is employed by an 51050
entity with which the department contracts for the scoring or 51051
the development of state assessments. The guidelines may require 51052
school districts to provide the social security numbers of 51053
individual staff members and the county of residence for a 51054
student. Nothing in this section prohibits the department from 51055
providing a student's county of residence to the department of 51056
taxation to facilitate the distribution of tax revenue. 51057

(2) (a) The guidelines shall provide for each school 51058
district or community school to assign a data verification code 51059
that is unique on a statewide basis over time to each student 51060
whose initial Ohio enrollment is in that district or school and 51061
to report all required individual student data for that student 51062
utilizing such code. The guidelines shall also provide for 51063
assigning data verification codes to all students enrolled in 51064

districts or community schools on the effective date of the 51065
guidelines established under this section. The assignment of 51066
data verification codes for other entities, as described in 51067
division (D) (2) (d) of this section, the use of those codes, and 51068
the reporting and use of associated individual student data 51069
shall be coordinated by the department of education and 51070
workforce in accordance with state and federal law. 51071

School districts shall report individual student data to 51072
the department through the information technology centers 51073
utilizing the code. The entities described in division (D) (2) (d) 51074
of this section shall report individual student data to the 51075
department in the manner prescribed by the department. 51076

(b) (i) Except as provided in sections 3301.941, 3310.11, 51077
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 51078
Code, and in division (D) (2) (b) (ii) of this section, at no time 51079
shall the department have access to information that would 51080
enable any data verification code to be matched to personally 51081
identifiable student data. 51082

(ii) For the purpose of making per-pupil payments to 51083
community schools under section 3317.022 of the Revised Code, 51084
the department shall have access to information that would 51085
enable any data verification code to be matched to personally 51086
identifiable student data. 51087

(c) Each school district and community school shall ensure 51088
that the data verification code is included in the student's 51089
records reported to any subsequent school district, community 51090
school, or state institution of higher education, as defined in 51091
section 3345.011 of the Revised Code, in which the student 51092
enrolls. Any such subsequent district or school shall utilize 51093
the same identifier in its reporting of data under this section. 51094

(d) (i) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, children and youth, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5180.33 of the Revised Code, a data verification code for a child who is receiving those services.

(ii) The director of developmental disabilities, director of health, director of job and family services, director of children and youth, director of mental health and addiction services, medicaid director, executive director of the commission on minority health, executive director of the opportunities for Ohioans with disabilities agency, or director of education and workforce, on behalf of a program that receives public funds and provides services to children who are younger than compulsory school age, may request and receive, pursuant to section 3301.0723 of the Revised Code, a data verification code for a child who is receiving services from the program.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) The board of education of each school district shall 51125
annually collect and report to the department, in accordance 51126
with the guidelines established by the department, the data 51127
required pursuant to this section. A school district may collect 51128
and report these data notwithstanding section 2151.357 or 51129
3319.321 of the Revised Code. 51130

(G) The department shall, in accordance with the 51131
procedures it adopts, annually compile the data reported by each 51132
school district pursuant to division (D) of this section. The 51133
department shall design formats for profiling each school 51134
district as a whole and each school building within each 51135
district and shall compile the data in accordance with these 51136
formats. These profile formats shall: 51137

(1) Include all of the data gathered under this section in 51138
a manner that facilitates comparison among school districts and 51139
among school buildings within each school district; 51140

(2) Present the data on academic achievement levels as 51141
assessed by the testing of student achievement maintained 51142
pursuant to division (B)(1)(d) of this section. 51143

(H)(1) The department shall, in accordance with the 51144
procedures it adopts, annually prepare a statewide report for 51145
all school districts and the general public that includes the 51146
profile of each of the school districts developed pursuant to 51147
division (G) of this section. Copies of the report shall be sent 51148
to each school district. 51149

(2) The department shall, in accordance with the 51150
procedures it adopts, annually prepare an individual report for 51151
each school district and the general public that includes the 51152
profiles of each of the school buildings in that school district 51153

developed pursuant to division (G) of this section. 51154

(I) Any data that is collected or maintained pursuant to 51155
this section and that identifies an individual pupil is not a 51156
public record for the purposes of section 149.43 of the Revised 51157
Code. 51158

(J) As used in this section: 51159

(1) "School district" means any city, local, exempted 51160
village, or joint vocational school district and, in accordance 51161
with section 3314.17 of the Revised Code, any community school. 51162
As used in division (L) of this section, "school district" also 51163
includes any educational service center or other educational 51164
entity required to submit data using the system established 51165
under this section. 51166

(2) "Cost" means any expenditure for operating expenses 51167
made by a school district excluding any expenditures for debt 51168
retirement except for payments made to any commercial lending 51169
institution for any loan approved pursuant to section 3313.483 51170
of the Revised Code. 51171

(K) Any person who removes data from the information 51172
system established under this section for the purpose of 51173
releasing it to any person not entitled under law to have access 51174
to such information is subject to section 2913.42 of the Revised 51175
Code prohibiting tampering with data. 51176

(L) (1) In accordance with division (L) (2) of this section 51177
and the rules adopted under division (L) (10) of this section, 51178
the department may sanction any school district that reports 51179
incomplete or inaccurate data, reports data that does not 51180
conform to data requirements and descriptions published by the 51181
department, fails to report data in a timely manner, or 51182

otherwise does not make a good faith effort to report data as 51183
required by this section. 51184

(2) If the department decides to sanction a school 51185
district under this division, the department shall take the 51186
following sequential actions: 51187

(a) Notify the district in writing that the department has 51188
determined that data has not been reported as required under 51189
this section and require the district to review its data 51190
submission and submit corrected data by a deadline established 51191
by the department. The department also may require the district 51192
to develop a corrective action plan, which shall include 51193
provisions for the district to provide mandatory staff training 51194
on data reporting procedures. 51195

(b) Withhold up to ten per cent of the total amount of 51196
state funds due to the district for the current fiscal year and, 51197
if not previously required under division (L) (2) (a) of this 51198
section, require the district to develop a corrective action 51199
plan in accordance with that division; 51200

(c) Withhold an additional amount of up to twenty per cent 51201
of the total amount of state funds due to the district for the 51202
current fiscal year; 51203

(d) Direct department staff or an outside entity to 51204
investigate the district's data reporting practices and make 51205
recommendations for subsequent actions. The recommendations may 51206
include one or more of the following actions: 51207

(i) Arrange for an audit of the district's data reporting 51208
practices by department staff or an outside entity; 51209

(ii) Conduct a site visit and evaluation of the district; 51210

(iii) Withhold an additional amount of up to thirty per	51211
cent of the total amount of state funds due to the district for	51212
the current fiscal year;	51213
(iv) Continue monitoring the district's data reporting;	51214
(v) Assign department staff to supervise the district's	51215
data management system;	51216
(vi) Conduct an investigation to determine whether to	51217
suspend or revoke the license of any district employee in	51218
accordance with division (N) of this section;	51219
(vii) If the district is issued a report card under	51220
section 3302.03 of the Revised Code, indicate on the report card	51221
that the district has been sanctioned for failing to report data	51222
as required by this section;	51223
(viii) If the district is issued a report card under	51224
section 3302.03 of the Revised Code and incomplete or inaccurate	51225
data submitted by the district likely caused the district to	51226
receive a higher performance rating than it deserved under that	51227
section, issue a revised report card for the district;	51228
(ix) Any other action designed to correct the district's	51229
data reporting problems.	51230
(3) Any time the department takes an action against a	51231
school district under division (L)(2) of this section, the	51232
department shall make a report of the circumstances that	51233
prompted the action. The department shall send a copy of the	51234
report to the district superintendent or chief administrator and	51235
maintain a copy of the report in its files.	51236
(4) If any action taken under division (L)(2) of this	51237
section resolves a school district's data reporting problems to	51238

the department's satisfaction, the department shall not take any 51239
further actions described by that division. If the department 51240
withheld funds from the district under that division, the 51241
department may release those funds to the district, except that 51242
if the department withheld funding under division (L) (2) (c) of 51243
this section, the department shall not release the funds 51244
withheld under division (L) (2) (b) of this section and, if the 51245
department withheld funding under division (L) (2) (d) of this 51246
section, the department shall not release the funds withheld 51247
under division (L) (2) (b) or (c) of this section. 51248

(5) Notwithstanding anything in this section to the 51249
contrary, the department may use its own staff or an outside 51250
entity to conduct an audit of a school district's data reporting 51251
practices any time the department has reason to believe the 51252
district has not made a good faith effort to report data as 51253
required by this section. If any audit conducted by an outside 51254
entity under division (L) (2) (d) (i) or (5) of this section 51255
confirms that a district has not made a good faith effort to 51256
report data as required by this section, the district shall 51257
reimburse the department for the full cost of the audit. The 51258
department may withhold state funds due to the district for this 51259
purpose. 51260

(6) Prior to issuing a revised report card for a school 51261
district under division (L) (2) (d) (viii) of this section, the 51262
department may hold a hearing to provide the district with an 51263
opportunity to demonstrate that it made a good faith effort to 51264
report data as required by this section. The hearing shall be 51265
conducted by a referee appointed by the department. Based on the 51266
information provided in the hearing, the referee shall recommend 51267
whether the department should issue a revised report card for 51268
the district. If the referee affirms the department's contention 51269

that the district did not make a good faith effort to report 51270
data as required by this section, the district shall bear the 51271
full cost of conducting the hearing and of issuing any revised 51272
report card. 51273

(7) If the department determines that any inaccurate data 51274
reported under this section caused a school district to receive 51275
excess state funds in any fiscal year, the district shall 51276
reimburse the department an amount equal to the excess funds, in 51277
accordance with a payment schedule determined by the department. 51278
The department may withhold state funds due to the district for 51279
this purpose. 51280

(8) Any school district that has funds withheld under 51281
division (L)(2) of this section may appeal the withholding in 51282
accordance with Chapter 119. of the Revised Code. 51283

(9) In all cases of a disagreement between the department 51284
and a school district regarding the appropriateness of an action 51285
taken under division (L)(2) of this section, the burden of proof 51286
shall be on the district to demonstrate that it made a good 51287
faith effort to report data as required by this section. 51288

(10) The director of education and workforce shall adopt 51289
rules under Chapter 119. of the Revised Code to implement 51290
division (L) of this section. 51291

(M) No information technology center or school district 51292
shall acquire, change, or update its student administration 51293
software package to manage and report data required to be 51294
reported to the department unless it converts to a student 51295
software package that is certified by the department. 51296

(N) The state board of education, in accordance with 51297
sections 3319.31 and 3319.311 of the Revised Code, may suspend 51298

or revoke a license as defined under division (A) of section 51299
3319.31 of the Revised Code that has been issued to any school 51300
district employee found to have willfully reported erroneous, 51301
inaccurate, or incomplete data to the education management 51302
information system. 51303

(O) No person shall release or maintain any information 51304
about any student in violation of this section. Whoever violates 51305
this division is guilty of a misdemeanor of the fourth degree. 51306

~~(P) The department shall disaggregate the data collected~~ 51307
~~under division (B)(1)(n) of this section according to the race~~ 51308
~~and socioeconomic status of the students assessed.~~ 51309

~~(Q)~~ If the department cannot compile any of the 51310
information required by division (I) of section 3302.03 of the 51311
Revised Code based upon the data collected under this section, 51312
the department shall develop a plan and a reasonable timeline 51313
for the collection of any data necessary to comply with that 51314
division. 51315

Sec. 3301.0715. ~~(A) Except as required under division (B)~~ 51316
~~(1) of section 3313.608 or as specified in division (D)(3) of~~ 51317
~~section 3301.079 of the Revised Code, the~~ (A) (1) The board of 51318
education of each city, local, and exempted village school 51319
district shall administer ~~each applicable~~ a diagnostic 51320
assessment ~~developed and provided to the district in reading and~~ 51321
mathematics adopted or approved in accordance with section 51322
3301.079 of the Revised Code to the following: 51323

~~(1)~~ (a) Each student enrolled in kindergarten, first, 51324
second, or third grade. 51325

(b) Any student who transfers into the district or to a 51326
different school within the district if each applicable 51327

diagnostic assessment was not administered by the district or 51328
school the student previously attended in the current school 51329
year, within thirty days after the date of transfer. If the 51330
district or school into which the student transfers cannot 51331
determine whether the student has taken any applicable 51332
diagnostic assessment in the current school year, the district 51333
or school may administer the diagnostic assessment to the 51334
student. However, if a student transfers into the district prior 51335
to the administration of the diagnostic assessments to all 51336
students under division (B) of this section, the district may 51337
administer the diagnostic assessments to that student on the 51338
date or dates determined under that division. 51339

~~(2) Each kindergarten student, not earlier than the first-~~ 51340
~~day of July of the school year and not later than the twentieth-~~ 51341
~~day of instruction of that school year.~~ 51342

~~For the purpose of division (A) (2) of this section, the~~ 51343
The district shall administer the kindergarten readiness 51344
assessment provided by the department of children and youth to 51345
each kindergarten student not earlier than the first day of July 51346
of the school year in which the student is enrolled in 51347
kindergarten and not later than the twentieth day of instruction 51348
of that school year. In no case shall the results of the 51349
readiness assessment be used to prohibit a student from 51350
enrolling in kindergarten. 51351

~~(3) Each student enrolled in first, second, or third-~~ 51352
~~grade.~~ 51353

~~Division (A) of this section does not apply to students-~~ 51354
~~with significant cognitive disabilities, as defined by the~~ 51355
~~department.~~ 51356

(B) Each district board shall administer each diagnostic assessment ~~when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment described in division (A) (1) of this section~~ at least once annually by the thirtieth day of September to all students in the appropriate grade level. The board shall administer a diagnostic assessment to a student with a significant cognitive disability in accordance with guidelines adopted by the department of education and workforce. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year.

(C) ~~A district may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A) (3) of this section if the district meets either of the following conditions for the immediately preceding school year:—~~

~~(1) The district received a grade of "A" or "B" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (C) (1) (c) of that section.—~~

~~(2) The district received a performance rating of four stars or higher for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code or for progress under division (D) (3) (c) of that section.—~~

~~(D) Each district board shall utilize and score any diagnostic the kindergarten readiness assessment administered under division (A) of this section in accordance with rules~~

established by ~~the department of education or the~~ department of 51387
children and youth and shall utilize and score each diagnostic 51388
assessment described in division (A) (1) of this section in 51389
accordance with rules established by the department of education 51390
and workforce. After the administration of ~~any the~~ kindergarten 51391
readiness assessment or a diagnostic assessment described in 51392
division (A) (1) of this section, each district shall provide a 51393
student's completed ~~diagnostie~~ assessment, the results of such 51394
assessment, and any other accompanying documents used during the 51395
administration of the assessment to the parent of that student, ~~—~~ 51396
~~and.~~ The district shall include all such documents and 51397
information related to a diagnostic assessment described in 51398
division (A) (1) of this section in any plan developed for the 51399
student under division (C) of section 3313.608 of the Revised 51400
Code. Each district shall submit, in the manner prescribed by 51401
each department, the results of the ~~diagnostie~~ assessments 51402
administered under this section, ~~regardless of the type of~~ 51403
~~assessment used under section 3313.608 of the Revised Code as~~ 51404
follows: 51405

(1) The results of the kindergarten readiness assessment 51406
to the department of children and youth; 51407

(2) The results of all diagnostic assessments described in 51408
division (A) (1) of this section to the department of education_ 51409
and workforce pursuant to section 3301.0714 of the Revised Code. 51410

~~The department of education and the department of children~~ 51411
~~and youth may issue reports with respect to the data collected.~~ 51412
~~Either department may report school and district level~~ 51413
~~kindergarten diagnostie-readiness assessment data and use.~~ The 51414
department of education and workforce may report data from any 51415
diagnostic assessment data described in division (A) (1) of this 51416

section and may use that data to calculate the measures 51417
prescribed by divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of 51418
section 3302.03 of the Revised Code ~~and the data reported under~~ 51419
~~division (D) (2) (e) of that section.~~ 51420

~~(F)~~ (D) Each district board shall provide intervention 51421
services to students whose diagnostic assessments described in 51422
division (A) (1) of this section show that they are failing to 51423
make satisfactory progress toward attaining the academic 51424
standards for their grade level. 51425

~~(F)~~ (E) Any chartered nonpublic school may elect to 51426
administer the kindergarten readiness assessment to all 51427
kindergarten students enrolled in the school. If the school so 51428
elects, the chief administrator of the school shall notify the 51429
director of children and youth not later than the thirty-first 51430
day of March prior to any school year in which the school will 51431
administer the assessment. The department of children and youth 51432
shall furnish the assessment to the school at no cost to the 51433
school. In administering the assessment, the school shall do all 51434
of the following: 51435

(1) Enter into a written agreement with the department of 51436
children and youth specifying that the school will share each 51437
participating student's assessment data with the department ~~of~~ 51438
~~education and the department of children and youth and, that for~~ 51439
~~the purpose of reporting the data to the department of education~~ 51440
~~and department of children and youth, each participating student~~ 51441
will be assigned a data verification code as described in 51442
division (D) (2) of section 3301.0714 of the Revised Code; 51443

(2) Require the assessment to be administered by a teacher 51444
certified under section 3301.071 of the Revised Code who either 51445
has completed training on administering the kindergarten 51446

readiness assessment ~~provided by the department of children and~~ 51447
~~youth~~ or has been trained by another person who has completed 51448
such training; 51449

(3) Administer the assessment in the same manner as school 51450
districts are required to do under this section and the rules 51451
established under division ~~(D)~~ (C) of this section. 51452

~~(G)~~ (F) A school district in which less than eighty per 51453
cent of its students score at the proficient level or higher on 51454
the third-grade English language arts assessment prescribed 51455
under section 3301.0710 of the Revised Code shall establish a 51456
reading improvement plan supported by reading specialists. Prior 51457
to implementation, the plan shall be approved by the school 51458
district board of education. 51459

(G) As used in this section, "kindergarten readiness 51460
assessment" means the diagnostic assessment provided by the 51461
department of children and youth under section 5104.52 of the 51462
Revised Code. 51463

Sec. 3301.0723. (A) All of the following apply to the 51464
independent contractor engaged by the department of education 51465
and workforce to create and maintain for school districts and 51466
community schools the student data verification codes required 51467
by division (D) (2) of section 3301.0714 of the Revised Code: 51468

(1) Upon request of the director of any state agency that 51469
administers a publicly funded program providing services to 51470
children who are younger than compulsory school age, including 51471
the directors of health, children and youth, mental health and 51472
addiction services, and developmental disabilities, the 51473
contractor shall assign a data verification code to a child who 51474
is receiving such services and shall provide that code to the 51475

director. 51476

(2) Upon request of the director of developmental 51477
disabilities, director of health, director of job and family 51478
services, director of children and youth, director of mental 51479
health and addiction services, medicaid director, executive 51480
director of the commission on minority health, executive 51481
director of the opportunities for Ohioans with disabilities 51482
agency, or director of education and workforce and on behalf of 51483
a program that receives public funds and provides services to 51484
children younger than compulsory school age, the contractor 51485
shall assign a data verification code to a child who is 51486
receiving such services from the program and shall provide that 51487
code to the director. 51488

(3) The contractor also shall provide the codes requested 51489
under division (A) of this section to the department of 51490
education and workforce. 51491

For purposes of division (A) of this section, "compulsory 51492
school age" has the same meaning as in section 3321.01 of the 51493
Revised Code. 51494

(B) The director of a state agency that receives a child's 51495
data verification code under division (A)(1) of this section 51496
shall use that code to submit information for that child to the 51497
department of education and workforce in accordance with section 51498
3301.0714 of the Revised Code. 51499

The director of a state agency that receives a child's 51500
data verification code under division (A)(2) of this section 51501
shall provide that code to the publicly or privately funded 51502
program providing services to the child. The program shall use 51503
that code to submit information for that child to the department 51504

of education and workforce in accordance with section 3301.0714 51505
of the Revised Code, but only to the extent permitted by federal 51506
law. 51507

(C) A public school that receives from the independent 51508
contractor the data verification code for a child assigned under 51509
division (A) of this section shall not request or assign to that 51510
child another data verification code under division (D) (2) of 51511
section 3301.0714 of the Revised Code. That school and any other 51512
public school in which the child subsequently enrolls shall use 51513
the data verification code assigned under division (A) of this 51514
section to report data relative to that student required under 51515
section 3301.0714 of the Revised Code. 51516

Sec. 3301.0727. (A) As used in this section, "dropout 51517
prevention and recovery community school" has the same meaning 51518
as in section ~~3319.301~~ 3314.02 of the Revised Code. 51519

(B) Notwithstanding any provision to the contrary in 51520
section 3301.0710, 3301.0711, or 3301.0712 of the Revised Code, 51521
a dropout prevention and recovery community school shall do both 51522
of the following with regard to the administration of end-of- 51523
course examinations required under section 3301.0712 of the 51524
Revised Code: 51525

(1) In addition to the annual testing windows established 51526
by the director of education and workforce under division (C) of 51527
section 3301.0710 of the Revised Code, administer the 51528
examinations in an online or paper format based on the needs of 51529
the student; 51530

(2) Adhere to security requirements prescribed under 51531
section 3319.151 of the Revised Code for the online examinations 51532
administered under division (B) (1) of this section. 51533

(C) The director of education and workforce shall 51534
establish extended testing windows of ten weeks in duration in 51535
the fall and spring for dropout prevention and recovery 51536
community schools so that they may administer assessments in 51537
closer proximity to when students complete related coursework. 51538
The director also shall establish a summer testing window for 51539
students participating in summer instruction. 51540

(D) Nothing in this section shall be construed to relieve 51541
a dropout prevention and recovery community school from its 51542
obligation to administer testing in-person as otherwise required 51543
by law. 51544

Sec. 3301.136. The department of education and workforce 51545
shall compile a list of tutoring programs that it considers to 51546
be of high quality and have the potential to accelerate learning 51547
for students in the areas of English language arts, mathematics, 51548
science, and social studies. For this purpose, the department 51549
shall request the qualifications of public and private entities 51550
that provide tutoring programs for students. The requested 51551
qualifications shall include program efficacy data or other 51552
evidence of program effectiveness for students who participate 51553
in the tutoring programs. The department shall establish a 51554
rubric to evaluate the programs and determine a minimum score 51555
for a tutoring program to be included on the department's list. 51556

In compiling the list, the department may designate 51557
individual tutoring programs as more appropriate for certain 51558
grade levels, populations of students, or subject areas. 51559

The department shall immediately remove from the list any 51560
tutoring program in the area of English language arts that the 51561
department determines is not aligned to the science of reading 51562
or uses a three-cueing approach, as defined in section 3313.6028 51563

of the Revised Code.

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The department may establish multiple application periods
in any school year for entities to submit their qualifications
for consideration to be included on the list. However, the
department shall post the initial list of tutoring programs on
the department's web site not later than October 1, 2022. After
the initial list is posted, the department shall, at least every
three years thereafter, provide an opportunity for entities to
submit their qualifications for consideration to be included on
the list and post an updated list of tutoring programs on the
department's web site. No school district or school shall be
required to use a tutoring program on the list.

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Sec. 3301.17. (A) The board of education of each city,
exempted village, local, and joint vocational school district
may make a driver education course available to high school
students enrolled in the district in accordance with Chapter
4508. of the Revised Code. No school district making such a
course available shall require any student to enroll in the
course in lieu of taking a training course from a private driver
training school licensed under that chapter.

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(B) The principal of each high school shall annually give
written notice to the students enrolled in the high school that
they may elect, under a procedure that shall be described in the
notice, to take a training course from a private driver training
school or, if available, enroll in a driver education course
made available by the student's school district of attendance.

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(C) Students who successfully complete a driver education
course offered by the student's school district of attendance or
through any agency or organization that the district contracts
with to offer such a course under this section may earn either:

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(1) Notwithstanding anything to the contrary in division (C) (8) of section 3313.603 of the Revised Code, up to one-half unit towards high school elective credits that may substitute for credits in the subjects listed under that division;

(2) An industry-recognized credential approved under section 3313.6113 of the Revised Code. ~~A student may be granted up to two points toward a high school diploma under the list of industry-recognized credentials established and updated under section 3313.6113 of the Revised Code.~~

(D) Notwithstanding anything to the contrary in sections 3317.014, 3317.022, and 3317.16 of the Revised Code, a career-technical planning district, as defined in section 3317.023 of the Revised Code, may use a portion of the career-technical education funds received under section 3317.022 or 3317.16 of the Revised Code to make a driver education course available to high school students enrolled in the district.

Sec. 3301.24. (A) Not later than December 31, 2025, the department of education and workforce shall develop a model policy on the use of artificial intelligence in schools. The model policy shall address appropriate use of artificial intelligence by students and staff for educational purposes.

(B) Not later than July 1, 2026, each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code shall adopt a policy on the use of artificial intelligence. The district or school may adopt the department's model policy developed under division (A) of this section.

Sec. 3301.541. (A) (1) The director, head teacher, elementary principal, or site administrator of a preschool

program shall request the superintendent of the bureau of 51623
criminal identification and investigation to conduct a criminal 51624
records check with respect to any applicant who has applied to 51625
the preschool program for employment as a person responsible for 51626
the care, custody, or control of a child. If the applicant does 51627
not present proof that the applicant has been a resident of this 51628
state for the five-year period immediately prior to the date 51629
upon which the criminal records check is requested or does not 51630
provide evidence that within that five-year period the 51631
superintendent has requested information about the applicant 51632
from the federal bureau of investigation in a criminal records 51633
check, the director, head teacher, or elementary principal shall 51634
request that the superintendent obtain information from the 51635
federal bureau of investigation as a part of the criminal 51636
records check for the applicant. If the applicant presents proof 51637
that the applicant has been a resident of this state for that 51638
five-year period, the director, head teacher, or elementary 51639
principal may request that the superintendent include 51640
information from the federal bureau of investigation in the 51641
criminal records check. 51642

(2) Any director, head teacher, elementary principal, or 51643
site administrator required by division (A) (1) of this section 51644
to request a criminal records check shall provide to each 51645
applicant a copy of the form prescribed pursuant to division (C) 51646
(1) of section 109.572 of the Revised Code, provide to each 51647
applicant a standard impression sheet to obtain fingerprint 51648
impressions prescribed pursuant to division (C) (2) of section 51649
109.572 of the Revised Code, obtain the completed form and 51650
impression sheet from each applicant, and forward the completed 51651
form and impression sheet to the superintendent of the bureau of 51652
criminal identification and investigation at the time the person 51653

requests a criminal records check pursuant to division (A) (1) of 51654
this section. 51655

(3) Any applicant who receives pursuant to division (A) (2) 51656
of this section a copy of the form prescribed pursuant to 51657
division (C) (1) of section 109.572 of the Revised Code and a 51658
copy of an impression sheet prescribed pursuant to division (C) 51659
(2) of that section and who is requested to complete the form 51660
and provide a set of fingerprint impressions shall complete the 51661
form or provide all the information necessary to complete the 51662
form and provide the impression sheet with the impressions of 51663
the applicant's fingerprints. If an applicant, upon request, 51664
fails to provide the information necessary to complete the form 51665
or fails to provide impressions of the applicant's fingerprints, 51666
the preschool program shall not employ that applicant for any 51667
position for which a criminal records check is required by 51668
division (A) (1) of this section. 51669

(B) (1) Except as provided in rules adopted by the 51670
department of ~~education and workforce~~ children and youth in 51671
accordance with division (E) of this section, no preschool 51672
program shall employ a person as a person responsible for the 51673
care, custody, or control of a child if the person previously 51674
has been convicted of or pleaded guilty to any of the following: 51675

(a) A violation of section 2903.01, 2903.02, 2903.03, 51676
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 51677
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 51678
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 51679
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 51680
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 51681
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 51682
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 51683

section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation occurred prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

(2) A preschool program may employ an applicant conditionally until the criminal records check required by this section is completed and the preschool program receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B) (1) of this section, the applicant does not qualify for employment, the preschool program shall release the applicant from employment.

(C) (1) Each preschool program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A) (1) of this section of the director, head teacher, elementary principal, or site administrator of the preschool program.

(2) A preschool program may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed

the amount of fees the preschool program pays under division (C) 51714
(1) of this section. If a fee is charged under this division, 51715
the preschool program shall notify the applicant at the time of 51716
the applicant's initial application for employment of the amount 51717
of the fee and that, unless the fee is paid, the applicant will 51718
not be considered for employment. 51719

(D) The report of any criminal records check conducted by 51720
the bureau of criminal identification and investigation in 51721
accordance with section 109.572 of the Revised Code and pursuant 51722
to a request under division (A) (1) of this section is not a 51723
public record for the purposes of section 149.43 of the Revised 51724
Code and shall not be made available to any person other than 51725
the applicant who is the subject of the criminal records check 51726
or the applicant's representative, the preschool program 51727
requesting the criminal records check or its representative, and 51728
any court, hearing officer, or other necessary individual in a 51729
case dealing with the denial of employment to the applicant. 51730

(E) The department of ~~education and workforce~~ children and 51731
youth shall adopt rules pursuant to Chapter 119. of the Revised 51732
Code to implement this section, including rules specifying 51733
circumstances under which a preschool program may hire a person 51734
who has been convicted of an offense listed in division (B) (1) 51735
of this section but who meets standards in regard to 51736
rehabilitation set by the department. 51737

(F) Any person required by division (A) (1) of this section 51738
to request a criminal records check shall inform each person, at 51739
the time of the person's initial application for employment, 51740
that the person is required to provide a set of impressions of 51741
the person's fingerprints and that a criminal records check is 51742
required to be conducted and satisfactorily completed in 51743

accordance with section 109.572 of the Revised Code if the 51744
person comes under final consideration for appointment or 51745
employment as a precondition to employment for that position. 51746

(G) As used in this section: 51747

(1) "Applicant" means a person who is under final 51748
consideration for appointment or employment in a position with a 51749
preschool program as a person responsible for the care, custody, 51750
or control of a child, except that "applicant" does not include 51751
a person already employed by a board of education, community 51752
school, or chartered nonpublic school in a position of care, 51753
custody, or control of a child who is under consideration for a 51754
different position with such board or school. 51755

(2) "Criminal records check" has the same meaning as in 51756
section 109.572 of the Revised Code. 51757

(3) "Minor drug possession offense" has the same meaning 51758
as in section 2925.01 of the Revised Code. 51759

(H) If the board of education of a local school district 51760
adopts a resolution requesting the assistance of the educational 51761
service center in which the local district has territory in 51762
conducting criminal records checks of substitute teachers under 51763
this section, the appointing or hiring officer of such 51764
educational service center governing board shall serve for 51765
purposes of this section as the appointing or hiring officer of 51766
the local board in the case of hiring substitute teachers for 51767
employment in the local district. 51768

Sec. 3301.57. (A) For the purpose of improving programs, 51769
facilities, and implementation of the standards promulgated 51770
under section 3301.53 of the Revised Code, ~~the department of~~ 51771
~~education and workforce and~~ the department of children and youth 51772

shall provide consultation and technical assistance to school 51773
districts, county boards of developmental disabilities, 51774
community schools, authorized private before and after school 51775
care programs, and eligible nonpublic schools operating 51776
preschool programs or school child programs, and in-service 51777
training to preschool staff members, school child program staff 51778
members, and nonteaching employees. 51779

(B) The department of education and workforce, the 51780
department of children and youth, and the school district board 51781
of education, county board of developmental disabilities, 51782
community school, or eligible nonpublic school shall jointly 51783
monitor each preschool program and each school child program. 51784

If the program receives any grant or other funding from 51785
the state or federal government, the department of education and 51786
workforce and the department of children and youth annually 51787
shall monitor all reports on attendance, financial support, and 51788
expenditures according to provisions for use of the funds. 51789

(C) The ~~department of education and workforce and the~~ 51790
department of children and youth, at least once during every 51791
twelve-month period of operation of a preschool program or a 51792
licensed school child program, shall inspect the program and 51793
provide a written inspection report to the superintendent of the 51794
school district, county board of developmental disabilities, 51795
community school, or eligible nonpublic school. The ~~departments~~ 51796
department may inspect any program more than once, as considered 51797
necessary by the ~~departments~~ department, during any twelve-month 51798
period of operation. All inspections may be unannounced. No 51799
person shall interfere with any inspection conducted pursuant to 51800
this division or to the rules adopted pursuant to sections 51801
3301.52 to 3301.59 of the Revised Code. 51802

Upon receipt of any complaint that a preschool program or
a licensed school child program is out of compliance with the
requirements in sections 3301.52 to 3301.59 of the Revised Code
or the rules adopted under those sections, the department of
children and youth shall investigate and may inspect the
program. If the complaint is related to a teacher, the
department shall coordinate with the ~~department~~ state board of
education to investigate and take action on a teacher's license.

(D) If a preschool program or a licensed school child
program is determined to be out of compliance with the
requirements of sections 3301.52 to 3301.59 of the Revised Code
or the rules adopted under those sections, the department of
children and youth shall notify the appropriate superintendent,
county board of developmental disabilities, community school,
authorized private before and after school care program, or
eligible nonpublic school in writing regarding the nature of the
violation, what must be done to correct the violation, and by
what date the correction must be made. If the correction is not
made by the date established by the department, it may commence
action under Chapter 119. of the Revised Code to close the
program or to revoke the license of the program. If a program
does not comply with an order to cease operation issued in
accordance with Chapter 119. of the Revised Code, the department
shall notify the attorney general, the prosecuting attorney of
the county in which the program is located, or the city
attorney, village solicitor, or other chief legal officer of the
municipal corporation in which the program is located that the
program is operating in violation of sections 3301.52 to 3301.59
of the Revised Code or the rules adopted under those sections
and in violation of an order to cease operation issued in
accordance with Chapter 119. of the Revised Code. Upon receipt

of the notification, the attorney general, prosecuting attorney, 51834
city attorney, village solicitor, or other chief legal officer 51835
shall file a complaint in the court of common pleas of the 51836
county in which the program is located requesting the court to 51837
issue an order enjoining the program from operating. The court 51838
shall grant the requested injunctive relief upon a showing that 51839
the program named in the complaint is operating in violation of 51840
sections 3301.52 to 3301.59 of the Revised Code or the rules 51841
adopted under those sections and in violation of an order to 51842
cease operation issued in accordance with Chapter 119. of the 51843
Revised Code. 51844

(E) ~~The department of education and workforce and~~ 51845
department of children and youth shall prepare an annual report 51846
on inspections conducted under this section. The report shall 51847
include the number of inspections conducted, the number and 51848
types of violations found, and the steps taken to address the 51849
violations. ~~The departments~~ department shall file the report 51850
with the governor, the president and minority leader of the 51851
senate, and the speaker and minority leader of the house of 51852
representatives on or before the first day of January of each 51853
year. 51854

Sec. 3301.82. The department of education and workforce 51855
shall begin conducting its duties under this section one year 51856
after the effective date of this section. 51857

(A) The department of education and workforce annually 51858
shall collect employment and vacancy data for each city, local, 51859
exempted village, and joint vocational school district, 51860
community school established under Chapter 3314. of the Revised 51861
Code, and STEM school established under Chapter 3326. of the 51862
Revised Code for all of the following: 51863

<u>(1) Teachers;</u>	51864
<u>(2) Related services providers and other providers of specialized services;</u>	51865 51866
<u>(3) Principals and assistant principals;</u>	51867
<u>(4) Paraprofessionals;</u>	51868
<u>(5) Bus drivers;</u>	51869
<u>(6) Any other positions as determined by the department.</u>	51870
<u>(B) The department shall report the number of vacant positions aggregated by the following:</u>	51871 51872
<u>(1) Type of position;</u>	51873
<u>(2) Subject area;</u>	51874
<u>(3) Geographic area, including rural and urban areas;</u>	51875
<u>(4) The number of educator positions filled by long-term substitute teachers, unlicensed individuals, or educators with emergency credentials disaggregated by school, grade level, and endorsement;</u>	51876 51877 51878 51879
<u>(5) The reasons why a position was vacant, which may include the following reasons:</u>	51880 51881
<u>(a) Retirement;</u>	51882
<u>(b) New position;</u>	51883
<u>(c) Repeated poor teacher evaluations;</u>	51884
<u>(d) Position is no longer necessary;</u>	51885
<u>(e) Reduction in force.</u>	51886
<u>(6) Methods used to fill vacant positions, which shall</u>	51887

<u>include the following:</u>	51888
<u>(a) Hiring of short- and long-term substitutes;</u>	51889
<u>(b) Hiring retired educators;</u>	51890
<u>(c) Hiring educators from alternative licensure program</u>	51891
<u>candidates;</u>	51892
<u>(d) Contracting with an educational service center or</u>	51893
<u>other entity;</u>	51894
<u>(e) Hiring personnel with emergency credentials or who are</u>	51895
<u>unlicensed;</u>	51896
<u>(f) Other methods identified by the department.</u>	51897
<u>(7) Positions that remain unfilled.</u>	51898
<u>(C) The department also annually shall collect and report</u>	51899
<u>the following statewide data on educators:</u>	51900
<u>(1) Educator preparation program enrollment and completion</u>	51901
<u>data annually, disaggregated by endorsement area and grade</u>	51902
<u>level;</u>	51903
<u>(2) The number of new educator licenses issued by the</u>	51904
<u>state board of education annually, disaggregated by licensure</u>	51905
<u>pathway and including those issued through reciprocity with</u>	51906
<u>another state;</u>	51907
<u>(3) Educator retention at one-year, three-year, five-year,</u>	51908
<u>and ten-year rates;</u>	51909
<u>(4) Educator demographic data aggregated at the district</u>	51910
<u>and state level.</u>	51911
<u>(D) The department shall annually publish and summarize</u>	51912
<u>data collected under this section on its publicly accessible web</u>	51913

site. To the extent possible, the department shall report the 51914
data at the state, district, and school level. 51915

Sec. 3302.03. Not later than the thirty-first day of July 51916
of each year, the department of education and workforce shall 51917
submit preliminary report card data for overall academic 51918
performance and for each separate performance measure for each 51919
school district, and each school building, in accordance with 51920
this section. 51921

Annually, not later than the fifteenth day of September or 51922
the preceding Friday when that day falls on a Saturday or 51923
Sunday, the department shall assign a letter grade or 51924
performance rating for overall academic performance and for each 51925
separate performance measure for each school district, and each 51926
school building in a district, in accordance with this section. 51927
The department shall adopt rules pursuant to Chapter 119. of the 51928
Revised Code to implement this section. The department's rules 51929
shall establish performance criteria for each letter grade or 51930
performance rating and prescribe a method by which the 51931
department assigns each letter grade or performance rating. For 51932
a school building to which any of the performance measures do 51933
not apply, due to grade levels served by the building, the 51934
department shall designate the performance measures that are 51935
applicable to the building and that must be calculated 51936
separately and used to calculate the building's overall grade or 51937
performance rating. The department shall issue annual report 51938
cards reflecting the performance of each school district, each 51939
building within each district, and for the state as a whole 51940
using the performance measures and letter grade or performance 51941
rating system described in this section. The department shall 51942
include on the report card for each district and each building 51943
within each district the most recent two-year trend data in 51944

student achievement for each subject and each grade. 51945

(A) (1) For the 2012-2013 school year, the department shall 51946
issue grades as described in division (F) of this section for 51947
each of the following performance measures: 51948

(a) Annual measurable objectives; 51949

(b) Performance index score for a school district or 51950
building. Grades shall be awarded as a percentage of the total 51951
possible points on the performance index system as adopted by 51952
the department. In adopting benchmarks for assigning letter 51953
grades under division (A) (1) (b) of this section, the department 51954
shall designate ninety per cent or higher for an "A," at least 51955
seventy per cent but not more than eighty per cent for a "C," 51956
and less than fifty per cent for an "F." 51957

(c) The extent to which the school district or building 51958
meets each of the applicable performance indicators established 51959
by the department under section 3302.02 of the Revised Code and 51960
the percentage of applicable performance indicators that have 51961
been achieved. In adopting benchmarks for assigning letter 51962
grades under division (A) (1) (c) of this section, the department 51963
shall designate ninety per cent or higher for an "A." 51964

(d) The four- and five-year adjusted cohort graduation 51965
rates. 51966

In adopting benchmarks for assigning letter grades under 51967
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 51968
department shall designate a four-year adjusted cohort 51969
graduation rate of ninety-three per cent or higher for an "A" 51970
and a five-year cohort graduation rate of ninety-five per cent 51971
or higher for an "A." 51972

(e) The overall score under the value-added progress 51973

dimension of a school district or building, for which the 51974
department shall use up to three years of value-added data as 51975
available. The letter grade assigned for this growth measure 51976
shall be as follows: 51977

(i) A score that is at least one standard error of measure 51978
above the mean score shall be designated as an "A." 51979

(ii) A score that is less than one standard error of 51980
measure above but greater than one standard error of measure 51981
below the mean score shall be designated as a "B." 51982

(iii) A score that is less than or equal to one standard 51983
error of measure below the mean score but greater than two 51984
standard errors of measure below the mean score shall be 51985
designated as a "C." 51986

(iv) A score that is less than or equal to two standard 51987
errors of measure below the mean score but is greater than three 51988
standard errors of measure below the mean score shall be 51989
designated as a "D." 51990

(v) A score that is less than or equal to three standard 51991
errors of measure below the mean score shall be designated as an 51992
"F." 51993

Whenever the value-added progress dimension is used as a 51994
graded performance measure in this division and divisions (B) 51995
and (C) of this section, whether as an overall measure or as a 51996
measure of separate subgroups, the grades for the measure shall 51997
be calculated in the same manner as prescribed in division (A) 51998
(1) (e) of this section. 51999

(f) The value-added progress dimension score for a school 52000
district or building disaggregated for each of the following 52001
subgroups: students identified as gifted, students with 52002

disabilities, and students whose performance places them in the 52003
lowest quintile for achievement on a statewide basis. Each 52004
subgroup shall be a separate graded measure. 52005

(2) The department shall adopt a resolution describing the 52006
performance measures, benchmarks, and grading system for the 52007
2012-2013 school year and shall adopt rules in accordance with 52008
Chapter 119. of the Revised Code that prescribe the methods by 52009
which the performance measures under division (A)(1) of this 52010
section shall be assessed and assigned a letter grade, including 52011
performance benchmarks for each letter grade. 52012

At least forty-five days prior to the department's 52013
adoption of rules to prescribe the methods by which the 52014
performance measures under division (A)(1) of this section shall 52015
be assessed and assigned a letter grade, the department shall 52016
conduct a public presentation before the standing committees of 52017
the house of representatives and the senate that consider 52018
education legislation describing such methods, including 52019
performance benchmarks. 52020

(3) There shall not be an overall letter grade for a 52021
school district or building for the 2012-2013 school year. 52022

(B)(1) For the 2013-2014 school year, the department shall 52023
issue grades as described in division (F) of this section for 52024
each of the following performance measures: 52025

(a) Annual measurable objectives; 52026

(b) Performance index score for a school district or 52027
building. Grades shall be awarded as a percentage of the total 52028
possible points on the performance index system as created by 52029
the department. In adopting benchmarks for assigning letter 52030
grades under division (B)(1)(b) of this section, the department 52031

shall designate ninety per cent or higher for an "A," at least 52032
seventy per cent but not more than eighty per cent for a "C," 52033
and less than fifty per cent for an "F." 52034

(c) The extent to which the school district or building 52035
meets each of the applicable performance indicators established 52036
by the department under section 3302.03 of the Revised Code and 52037
the percentage of applicable performance indicators that have 52038
been achieved. In adopting benchmarks for assigning letter 52039
grades under division (B) (1) (c) of this section, the department 52040
shall designate ninety per cent or higher for an "A." 52041

(d) The four- and five-year adjusted cohort graduation 52042
rates; 52043

(e) The overall score under the value-added progress 52044
dimension of a school district or building, for which the 52045
department shall use up to three years of value-added data as 52046
available. 52047

(f) The value-added progress dimension score for a school 52048
district or building disaggregated for each of the following 52049
subgroups: students identified as gifted in superior cognitive 52050
ability and specific academic ability fields under Chapter 3324. 52051
of the Revised Code, students with disabilities, and students 52052
whose performance places them in the lowest quintile for 52053
achievement on a statewide basis. Each subgroup shall be a 52054
separate graded measure. 52055

(g) Whether a school district or building is making 52056
progress in improving literacy in grades kindergarten through 52057
three, as determined using a method prescribed by the 52058
department. The department shall adopt rules to prescribe 52059
benchmarks and standards for assigning grades to districts and 52060

buildings for purposes of division (B) (1) (g) of this section. In 52061
adopting benchmarks for assigning letter grades under divisions 52062
(B) (1) (g) and (C) (1) (g) of this section, the department shall 52063
determine progress made based on the reduction in the total 52064
percentage of students scoring below grade level, or below 52065
proficient, compared from year to year on the reading ~~and~~ 52066
~~writing~~ diagnostic assessments administered under section 52067
3301.0715 of the Revised Code and the third grade English 52068
language arts assessment under section 3301.0710 of the Revised 52069
Code, as applicable. The department shall designate for a "C" 52070
grade a value that is not lower than the statewide average value 52071
for this measure. No grade shall be issued under divisions (B) 52072
(1) (g) and (C) (1) (g) of this section for a district or building 52073
in which less than five per cent of students have scored below 52074
grade level on the diagnostic assessment administered to 52075
students in kindergarten under division (B) (1) of section 52076
3313.608 of the Revised Code. 52077

(h) For a high mobility school district or building, an 52078
additional value-added progress dimension score. For this 52079
measure, the department shall use value-added data from the most 52080
recent school year available and shall use assessment scores for 52081
only those students to whom the district or building has 52082
administered the assessments prescribed by section 3301.0710 of 52083
the Revised Code for each of the two most recent consecutive 52084
school years. 52085

As used in this division, "high mobility school district 52086
or building" means a school district or building where at least 52087
twenty-five per cent of its total enrollment is made up of 52088
students who have attended that school district or building for 52089
less than one year. 52090

(2) In addition to the graded measures in division (B) (1) 52091
of this section, the department shall include on a school 52092
district's or building's report card all of the following 52093
without an assigned letter grade: 52094

(a) The percentage of students enrolled in a district or 52095
building participating in advanced placement classes and the 52096
percentage of those students who received a score of three or 52097
better on advanced placement examinations; 52098

(b) The number of a district's or building's students who 52099
have earned at least three college credits through dual 52100
enrollment or advanced standing programs, such as the post- 52101
secondary enrollment options program under Chapter 3365. of the 52102
Revised Code and state-approved career-technical courses offered 52103
through dual enrollment or statewide articulation, that appear 52104
on a student's transcript or other official document, either of 52105
which is issued by the institution of higher education from 52106
which the student earned the college credit. The credits earned 52107
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 52108
this section shall not include any that are remedial or 52109
developmental and shall include those that count toward the 52110
curriculum requirements established for completion of a degree. 52111

(c) The percentage of students enrolled in a district or 52112
building who have taken a national standardized test used for 52113
college admission determinations and the percentage of those 52114
students who are determined to be remediation-free in accordance 52115
with standards adopted under division (F) of section 3345.061 of 52116
the Revised Code; 52117

(d) The percentage of the district's or the building's 52118
students who receive industry-recognized credentials as approved 52119
under section 3313.6113 of the Revised Code. 52120

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

(3) The department shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B) (1) (f) and (B) (1) (g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

At least forty-five days prior to the department's adoption of rules to prescribe the methods by which the performance measures under division (B) (1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years.

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the department shall issue grades as described in division (F) of this section for each of the performance measures prescribed in division (C) (1) of this section. The graded measures are as follows:

(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen students.

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C) (1) (b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the department under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C) (1) (c) of this section, the department shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the department, of a school district or building, for

which the department shall use up to three years of value-added 52180
data as available. 52181

In adopting benchmarks for assigning letter grades for 52182
overall score on value-added progress dimension under division 52183
(C) (1) (e) of this section, the department shall prohibit the 52184
assigning of a grade of "A" for that measure unless the 52185
district's or building's grade assigned for value-added progress 52186
dimension for all subgroups under division (C) (1) (f) of this 52187
section is a "C" or higher. 52188

For the metric prescribed by division (C) (1) (e) of this 52189
section, the department may adopt a student academic progress 52190
measure to be used instead of the value-added progress 52191
dimension. If the department adopts such a measure, it also 52192
shall prescribe a method for assigning letter grades for the new 52193
measure that is comparable to the method prescribed in division 52194
(A) (1) (e) of this section. 52195

(f) The value-added progress dimension score of a school 52196
district or building disaggregated for each of the following 52197
subgroups: students identified as gifted in superior cognitive 52198
ability and specific academic ability fields under Chapter 3324. 52199
of the Revised Code, students with disabilities, and students 52200
whose performance places them in the lowest quintile for 52201
achievement on a statewide basis, as determined by a method 52202
prescribed by the department. Each subgroup shall be a separate 52203
graded measure. 52204

The department may adopt student academic progress 52205
measures to be used instead of the value-added progress 52206
dimension. If the department adopts such measures, it also shall 52207
prescribe a method for assigning letter grades for the new 52208
measures that is comparable to the method prescribed in division 52209

(A) (1) (e) of this section. 52210

(g) Whether a school district or building is making 52211
progress in improving literacy in grades kindergarten through 52212
three, as determined using a method prescribed by the 52213
department. The department shall adopt rules to prescribe 52214
benchmarks and standards for assigning grades to a district or 52215
building for purposes of division (C) (1) (g) of this section. The 52216
department shall designate for a "C" grade a value that is not 52217
lower than the statewide average value for this measure. No 52218
grade shall be issued under division (C) (1) (g) of this section 52219
for a district or building in which less than five per cent of 52220
students have scored below grade level on the kindergarten 52221
diagnostic assessment under division (B) (1) of section 3313.608 52222
of the Revised Code. 52223

(h) For a high mobility school district or building, an 52224
additional value-added progress dimension score. For this 52225
measure, the department shall use value-added data from the most 52226
recent school year available and shall use assessment scores for 52227
only those students to whom the district or building has 52228
administered the assessments prescribed by section 3301.0710 of 52229
the Revised Code for each of the two most recent consecutive 52230
school years. 52231

As used in this division, "high mobility school district 52232
or building" means a school district or building where at least 52233
twenty-five per cent of its total enrollment is made up of 52234
students who have attended that school district or building for 52235
less than one year. 52236

(2) In addition to the graded measures in division (C) (1) 52237
of this section, the department shall include on a school 52238
district's or building's report card all of the following 52239

without an assigned letter grade: 52240

(a) The percentage of students enrolled in a district or 52241
building who have taken a national standardized test used for 52242
college admission determinations and the percentage of those 52243
students who are determined to be remediation-free in accordance 52244
with the standards adopted under division (F) of section 52245
3345.061 of the Revised Code; 52246

(b) The percentage of students enrolled in a district or 52247
building participating in advanced placement classes and the 52248
percentage of those students who received a score of three or 52249
better on advanced placement examinations; 52250

(c) The percentage of a district's or building's students 52251
who have earned at least three college credits through advanced 52252
standing programs, such as the college credit plus program under 52253
Chapter 3365. of the Revised Code and state-approved career- 52254
technical courses offered through dual enrollment or statewide 52255
articulation, that appear on a student's college transcript 52256
issued by the institution of higher education from which the 52257
student earned the college credit. The credits earned that are 52258
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 52259
shall not include any that are remedial or developmental and 52260
shall include those that count toward the curriculum 52261
requirements established for completion of a degree. 52262

(d) The percentage of the district's or building's 52263
students who receive an honor's diploma under division (B) of 52264
section 3313.61 of the Revised Code; 52265

(e) The percentage of the district's or building's 52266
students who receive industry-recognized credentials as approved 52267
under section 3313.6113 of the Revised Code; 52268

(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations; 52269 52270 52271 52272 52273

(g) The results of the college and career-ready assessments administered under division (B) (1) of section 3301.0712 of the Revised Code; 52274 52275 52276

(h) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated as a "yes" or "no" answer. 52277 52278 52279 52280

(3) The department shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C) (1) and (2) of this section into the following components: 52281 52282 52283 52284 52285 52286

(a) Gap closing, which shall include the performance measure in division (C) (1) (a) of this section; 52287 52288

(b) Achievement, which shall include the performance measures in divisions (C) (1) (b) and (c) of this section; 52289 52290

(c) Progress, which shall include the performance measures in divisions (C) (1) (e) and (f) of this section; 52291 52292

(d) Graduation, which shall include the performance measure in division (C) (1) (d) of this section; 52293 52294

(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C) (1) (g) of this 52295 52296

section; 52297

(f) Prepared for success, which shall include the 52298
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 52299
and (f) of this section. The department shall develop a method 52300
to determine a grade for the component in division (C)(3)(f) of 52301
this section using the performance measures in divisions (C)(2) 52302
(a), (b), (c), (d), (e), and (f) of this section. When 52303
available, the department may incorporate the performance 52304
measure under division (C)(2)(g) of this section into the 52305
component under division (C)(3)(f) of this section. When 52306
determining the overall grade for the prepared for success 52307
component prescribed by division (C)(3)(f) of this section, no 52308
individual student shall be counted in more than one performance 52309
measure. However, if a student qualifies for more than one 52310
performance measure in the component, the department may, in its 52311
method to determine a grade for the component, specify an 52312
additional weight for such a student that is not greater than or 52313
equal to 1.0. In determining the overall score under division 52314
(C)(3)(f) of this section, the department shall ensure that the 52315
pool of students included in the performance measures aggregated 52316
under that division are all of the students included in the 52317
four- and five-year adjusted graduation cohort. 52318

In the rules adopted under division (C)(3) of this 52319
section, the department shall adopt a method for determining a 52320
grade for each component in divisions (C)(3)(a) to (f) of this 52321
section. The department also shall establish a method to assign 52322
an overall grade of "A," "B," "C," "D," or "F" using the grades 52323
assigned for each component. The method the department adopts 52324
for assigning an overall grade shall give equal weight to the 52325
components in divisions (C)(3)(b) and (c) of this section. 52326

At least forty-five days prior to the department's 52327
adoption of rules to prescribe the methods for calculating the 52328
overall grade for the report card, as required by this division, 52329
the department shall conduct a public presentation before the 52330
standing committees of the house of representatives and the 52331
senate that consider education legislation describing the format 52332
for the report card, weights that will be assigned to the 52333
components of the overall grade, and the method for calculating 52334
the overall grade. 52335

(D) For the 2021-2022 school year and each school year 52336
thereafter, all of the following apply: 52337

(1) The department shall include on a school district's or 52338
building's report card all of the following performance measures 52339
without an assigned performance rating: 52340

(a) Whether the district or building meets the gifted 52341
performance indicator under division (A) (2) of section 3302.02 52342
of the Revised Code and the extent to which the district or 52343
building meets gifted indicator performance benchmarks; 52344

(b) The extent to which the district or building meets the 52345
chronic absenteeism indicator under division (A) (3) of section 52346
3302.02 of the Revised Code; 52347

(c) Performance index score percentage for a district or 52348
building, which shall be calculated by dividing the district's 52349
or building's performance index score according to the 52350
performance index system created by the department by the 52351
maximum performance index score for a district or building. The 52352
maximum performance index score shall be as follows: 52353

(i) For a building, the average of the highest two per 52354
cent of performance index scores achieved by a building for the 52355

school year for which a report card is issued; 52356

(ii) For a district, the average of the highest two per 52357
cent of performance index scores achieved by a district for the 52358
school year for which a report card is issued. 52359

(d) The overall score under the value-added progress 52360
dimension of a district or building, for which the department 52361
shall use three consecutive years of value-added data. In using 52362
three years of value-added data to calculate the measure 52363
prescribed under division (D) (1) (d) of this section, the 52364
department shall assign a weight of fifty per cent to the most 52365
recent year's data and a weight of twenty-five per cent to the 52366
data of each of the other years. However, if three consecutive 52367
years of value-added data is not available, the department shall 52368
use prior years of value-added data to calculate the measure, as 52369
follows: 52370

(i) If two consecutive years of value-added data is not 52371
available, the department shall use one year of value-added data 52372
to calculate the measure. 52373

(ii) If two consecutive years of value-added data is 52374
available, the department shall use two consecutive years of 52375
value-added data to calculate the measure. In using two years of 52376
value-added data to calculate the measure, the department shall 52377
assign a weight of sixty-seven per cent to the most recent 52378
year's data and a weight of thirty-three per cent to the data of 52379
the other year. 52380

(e) The four-year adjusted cohort graduation rate. 52381

(f) The five-year adjusted cohort graduation rate. 52382

(g) The percentage of students in the district or building 52383
who score proficient or higher on the reading segment of the 52384

third grade English language arts assessment under section 52385
3301.0710 of the Revised Code. 52386

To the extent possible, the department shall include the 52387
results of the summer administration of the third grade reading 52388
assessment under section 3301.0710 of the Revised Code in the 52389
performance measures prescribed under divisions (D) (1) (g) and 52390
(h) of this section. 52391

(h) Whether a district or building is making progress in 52392
improving literacy in grades kindergarten through three, as 52393
determined using a method prescribed by the department. The 52394
method shall determine progress made based on the reduction in 52395
the total percentage of students scoring below grade level, or 52396
below proficient, compared from year to year on the reading 52397
segments of the diagnostic assessments administered under_ 52398
division (A) (1) of section 3301.0715 of the Revised Code, 52399
~~including the kindergarten readiness assessment,~~ and the third 52400
grade English language arts assessment under section 3301.0710 52401
of the Revised Code, as applicable. The method shall not include 52402
a deduction for students who did not pass the third grade 52403
English language arts assessment under section 3301.0710 of the 52404
Revised Code and were not on a reading improvement and 52405
monitoring plan. 52406

The performance measure prescribed under division (D) (1) 52407
(h) of this section shall not be included on the report card of 52408
a district or building in which less than ten per cent of 52409
students have scored below grade level on the diagnostic 52410
assessment administered to students in kindergarten under 52411
division (B) (1) of section 3313.608 of the Revised Code. 52412

(i) The percentage of students in a district or building 52413
who are promoted to the fourth grade ~~and not subject to~~ 52414

~~retention under division (A) (2) of section 3313.608 of the~~ 52415
~~Revised Code~~ based on the student's score on the third grade 52416
English language arts assessment under division (A) (3) of 52417
section 3301.0710 of the Revised Code or demonstrate competency 52418
on an alternative assessment under division (A) (2) (c) of section 52419
3313.608 of the Revised Code; 52420

(j) A post-secondary readiness measure. This measure shall 52421
be calculated by dividing the number of students included in the 52422
four-year adjusted graduation rate cohort who demonstrate post- 52423
secondary readiness by the total number of students included in 52424
the denominator of the four-year adjusted graduation rate 52425
cohort. Demonstration of post-secondary readiness shall include 52426
a student doing any of the following: 52427

(i) Attaining a remediation-free score, in accordance with 52428
standards adopted under division (F) of section 3345.061 of the 52429
Revised Code, on a nationally standardized assessment prescribed 52430
under division (B) (1) of section 3301.0712 of the Revised Code; 52431

(ii) Attaining required scores on three or more advanced 52432
placement, college-level examination program, or international 52433
baccalaureate examinations. The required score for an advanced 52434
placement examination shall be a three or better. The required 52435
score for a college-level examination program examination shall 52436
be a passing score, as determined by the department. The 52437
required score for an international baccalaureate examination 52438
shall be a four or better. A student may satisfy this condition 52439
with any combination of advanced placement, college-level 52440
examination program, or international baccalaureate 52441
examinations. 52442

(iii) Earning at least twelve college credits through 52443
advanced standing programs, such as the college credit plus 52444

program under Chapter 3365. of the Revised Code, an early 52445
college high school program under section 3313.6013 of the 52446
Revised Code, and state-approved career-technical courses 52447
offered through dual enrollment or statewide articulation, that 52448
appear on a student's college transcript issued by the 52449
institution of higher education from which the student earned 52450
the college credit. Earned credits reported under division (D) 52451
(1)(j)(iii) of this section shall include credits that count 52452
toward the curriculum requirements established for completion of 52453
a degree, but shall not include any remedial or developmental 52454
credits. 52455

(iv) Meeting the additional criteria for an honors diploma 52456
under division (B) of section 3313.61 of the Revised Code; 52457

(v) Earning an industry-recognized credential or license 52458
issued by a state agency or board for practice in a vocation 52459
that requires an examination for issuance of that license 52460
approved under section 3313.6113 of the Revised Code; 52461

(vi) Satisfying any of the following conditions: 52462

(I) Completing a pre-apprenticeship aligned with options 52463
established under section 3313.904 of the Revised Code in the 52464
student's chosen career field; 52465

(II) Completing an apprenticeship registered with the 52466
apprenticeship council established under section 4139.02 of the 52467
Revised Code in the student's chosen career field; 52468

(III) Providing evidence of acceptance into an 52469
apprenticeship program after high school that is restricted to 52470
participants eighteen years of age or older. 52471

(vii) Earning a cumulative score of proficient or higher 52472
on three or more state technical assessments aligned with 52473

section 3313.903 of the Revised Code in a single career pathway; 52474

(viii) Earning an OhioMeansJobs-readiness seal established 52475
under section 3313.6112 of the Revised Code and completing two 52476
hundred fifty hours of an internship or other work-based 52477
learning experience that is either: 52478

(I) Approved by the business advisory council established 52479
under section 3313.82 of the Revised Code that represents the 52480
student's district; or 52481

(II) Aligned to the career-technical education pathway 52482
approved by the department in which the student is enrolled. 52483

(ix) Providing evidence that the student has enlisted in a 52484
branch of the armed services of the United States as defined in 52485
section 5910.01 of the Revised Code. 52486

A student who satisfies more than one of the conditions 52487
prescribed under this division shall be counted as one student 52488
for the purposes of calculating the measure prescribed under 52489
division (D) (1) (j) of this section. 52490

(2) In addition to the performance measures under division 52491
(D) (1) of this section, the department shall report on a 52492
district's or building's report card all of the following data 52493
without an assigned performance rating: 52494

(a) The applicable performance indicators established by 52495
the department under division (A) (1) of section 3302.02 of the 52496
Revised Code; 52497

(b) The overall score under the value-added progress 52498
dimension of a district or building for the most recent school 52499
year; 52500

(c) A composite of the overall scores under the value- 52501

added progress dimension of a district or building for the 52502
previous three school years or, if only two years of value-added 52503
data are available, for the previous two years; 52504

(d) The percentage of students included in the four- and 52505
five-year adjusted cohort graduation rates of a district or 52506
building who did not receive a high school diploma under section 52507
3313.61 or 3325.08 of the Revised Code. To the extent possible, 52508
the department shall disaggregate that data according to the 52509
following categories: 52510

(i) Students who are still enrolled in the district or 52511
building and receiving general education services; 52512

(ii) Students with an individualized education program, as 52513
defined in section 3323.01 of the Revised Code, who satisfied 52514
the conditions for a high school diploma under section 3313.61 52515
or 3325.08 of the Revised Code, but opted not to receive a 52516
diploma and are still receiving education services; 52517

(iii) Students with an individualized education program 52518
who have not yet satisfied conditions for a high school diploma 52519
under section 3313.61 or 3325.08 of the Revised Code and who are 52520
still receiving education services; 52521

(iv) Students who are no longer enrolled in any district 52522
or building; 52523

(v) Students who, upon enrollment in the district or 52524
building for the first time, had completed fewer units of high 52525
school instruction required under section 3313.603 of the 52526
Revised Code than other students in the four- or five-year 52527
adjusted cohort graduation rate. 52528

The department may disaggregate the data prescribed under 52529
division (D) (2) (d) of this section according to other categories 52530

that the department determines are appropriate. 52531

~~(e) The results of the kindergarten diagnostic assessment~~ 52532
~~prescribed under division (D) of section 3301.079 of the Revised~~ 52533
~~Code;~~ 52534

~~(f)~~ Post-graduate outcomes for students who were enrolled 52535
in a district or building and received a high school diploma 52536
under section 3313.61 or 3325.08 of the Revised Code in the 52537
school year prior to the school year for which the report card 52538
is issued, including the percentage of students who: 52539

(i) Enrolled in a post-secondary educational institution. 52540
To the extent possible, the department shall disaggregate that 52541
data according to whether the student enrolled in a four-year 52542
institution of higher education, a two-year institution of 52543
higher education, an Ohio technical center that provides adult 52544
technical education services and is recognized by the chancellor 52545
of higher education, or another type of post-secondary 52546
educational institution. 52547

(ii) Entered an apprenticeship program registered with the 52548
apprenticeship council established under Chapter 4139. of the 52549
Revised Code. The department may include other job training 52550
programs with similar rigor and outcomes. 52551

(iii) Attained gainful employment, as determined by the 52552
department; 52553

(iv) Enlisted in a branch of the armed forces of the 52554
United States, as defined in section 5910.01 of the Revised 52555
Code. 52556

~~(g)~~ (f) Whether the school district or building has 52557
implemented a positive behavior intervention and supports 52558
framework in compliance with the requirements of section 3319.46 52559

of the Revised Code, notated with a "yes" or "no"; 52560

~~(h)~~ (g) The number and percentage of high school seniors in 52561
each school year who completed the free application for federal 52562
student aid; 52563

~~(i)~~ (h) Beginning with the report card issued under this 52564
section for the 2022-2023 school year, a student opportunity 52565
profile measure that reports data regarding the opportunities 52566
provided to students by a district or building. To the extent 52567
possible, and when appropriate, the data shall be disaggregated 52568
by grade level and subgroup. The measure also shall include data 52569
regarding the statewide average, the average for similar school 52570
districts, and, for a building, the average for the district in 52571
which the building is located. The measure shall include all of 52572
the following data for the district or building: 52573

(i) The average ratio of teachers of record to students in 52574
each grade level in a district or building; 52575

(ii) The average ratio of school counselors to students in 52576
a district or building; 52577

(iii) The average ratio of nurses to students in a 52578
district or building; 52579

(iv) The average ratio of licensed librarians and library 52580
media specialists to students in a district or building; 52581

(v) The average ratio of social workers to students in a 52582
district or building; 52583

(vi) The average ratio of mental health professionals to 52584
students in a district or building; 52585

(vii) The average ratio of paraprofessionals to students 52586
in a district or building; 52587

(viii) The percentage of teachers with fewer than three years of experience teaching in any school;	52588 52589
(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	52590 52591
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	52592 52593
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	52594 52595 52596
(xii) The percentage of students enrolled in a performing or visual arts course;	52597 52598
(xiii) The percentage of students enrolled in a physical education or wellness course;	52599 52600
(xiv) The percentage of students enrolled in a world language course;	52601 52602
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	52603 52604
(xvi) The percentage of students participating in one or more cocurricular activities;	52605 52606
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	52607 52608 52609 52610
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	52611 52612 52613 52614

(xix) The percentage of students participating in 52615
enrichment or support programs offered by the district or 52616
building outside of the normal school day; 52617

(xx) The percentage of eligible students participating 52618
each school day in school breakfast programs offered by the 52619
district or building in accordance with section 3313.813 or 52620
3313.818 of the Revised Code; 52621

(xxi) The percentage of students who are transported by a 52622
school bus each school day; 52623

(xxii) The ratio of portable technology devices that 52624
students may take home to the number of students. 52625

The department shall include only opportunity measures at 52626
the building level for which data for buildings is available, as 52627
determined by a school district. 52628

~~(j)-(i)~~ (i) (i) The percentage of students included in the 52629
four- and five-year adjusted cohort graduation rates of the 52630
district or building who completed all of grades nine through 52631
twelve while enrolled in the district or building; 52632

(ii) The four-year adjusted cohort graduation rate for 52633
only those students who were continuously enrolled in the same 52634
district or building for grades nine through twelve. 52635

~~(k)~~ (j) Whether the district or building provides 52636
information about and promotes the college credit plus program 52637
established under Chapter 3365. of the Revised Code to students 52638
in accordance with section 3365.04 of the Revised Code, notated 52639
with a "yes" or "no"; 52640

~~(i)~~ (k) The percentage of students in the district or 52641
building to whom both of the following apply: 52642

(i) The students are promoted to fourth grade and not 52643
subject to retention under division (A) (2) of section 3313.608 52644
of the Revised Code. 52645

(ii) The students completed all of the grade levels 52646
offered prior to the fourth grade in the district or building. 52647

(3) Except as provided in division (D) (3) (f) of this 52648
section, the department shall use the method prescribed under 52649
rules adopted under division (D) (4) of this section to assign 52650
performance ratings of "one star," "two stars," "three stars," 52651
"four stars," or "five stars," as described in division (F) of 52652
this section, for a district or building for the individual 52653
components prescribed under division (D) (3) of this section. The 52654
department also shall assign an overall performance rating for a 52655
district or building in accordance with division (D) (3) (g) of 52656
this section. The method shall use the performance measures 52657
prescribed under division (D) (1) of this section to calculate 52658
performance ratings for components. The method may report data 52659
under division (D) (2) of this section with corresponding 52660
components, but shall not use the data to calculate performance 52661
ratings for that component. The performance measures and 52662
reported data shall be grouped together into components as 52663
follows: 52664

(a) Gap closing. In addition to other criteria determined 52665
appropriate by the department, performance ratings for the gap 52666
closing component shall reflect whether each of the following 52667
performance measures are met or not met: 52668

(i) The gifted performance indicator as described in 52669
division (D) (1) (a) of this section; 52670

(ii) The chronic absenteeism indicator as described in 52671

division (D) (1) (b) of this section; 52672

(iii) For English learners, an English language 52673
proficiency improvement indicator established by the department; 52674

(iv) The subgroup graduation targets; 52675

(v) The subgroup achievement targets in both mathematics 52676
and English language arts; 52677

(vi) The subgroup progress targets in both mathematics and 52678
English language arts. 52679

Achievement and progress targets under division (D) (3) (a) 52680
of this section shall be calculated individually, and districts 52681
and buildings shall receive a status of met or not met on each 52682
measure. The department shall not require a subgroup of a 52683
district or building to meet both the achievement and progress 52684
targets at the same time to receive a status of met. 52685

The department shall not include any subgroup data in this 52686
measure that includes data from fewer than fifteen students. Any 52687
penalty for failing to meet the required assessment 52688
participation rate must be partially in proportion to how close 52689
the district or building was to meeting the rate requirement. 52690

(b) Achievement, which shall include the performance 52691
measure in division (D) (1) (c) of this section and the reported 52692
data in division (D) (2) (a) of this section. Performance ratings 52693
for the achievement component shall be awarded as a percentage 52694
of the maximum performance index score described in division (D) 52695
(1) (c) of this section. 52696

(c) Progress, which shall include the performance measure 52697
in division (D) (1) (d) of this section and the reported data in 52698
divisions (D) (2) (b) and (c) of this section; 52699

(d) Graduation, which shall include the performance 52700
measures in divisions (D) (1) (e) and (f) of this section and the 52701
reported data in divisions (D) (2) (d) and (j) of this section. 52702
The four-year adjusted cohort graduation rate shall be assigned 52703
a weight of sixty per cent and the five-year adjusted cohort 52704
graduation rate shall be assigned a weight of forty per cent~~+~~. 52705

(e) Early literacy, which shall include the performance 52706
measures in divisions (D) (1) (g), (h), and (i) of this section 52707
and the reported data in ~~divisions (D) (2) (e) and (1)~~ division (D) 52708
(2) (k) of this section. 52709

If the measure prescribed under division (D) (1) (h) of this 52710
section is included in a report card, performance ratings for 52711
the early literacy component shall give a weight of forty per 52712
cent to the measure prescribed under division (D) (1) (g) of this 52713
section, a weight of thirty-five per cent to the measure 52714
prescribed under division (D) (1) (i) of this section, and a 52715
weight of twenty-five per cent to the measure prescribed under 52716
division (D) (1) (h) of this section. 52717

If the measure prescribed under division (D) (1) (h) of this 52718
section is not included in a report card of a district or 52719
building, performance ratings for the early literacy component 52720
shall give a weight of sixty per cent to the measure prescribed 52721
under division (D) (1) (g) of this section and a weight of forty 52722
per cent to the measure prescribed under division (D) (1) (i) of 52723
this section. 52724

(f) College, career, workforce, and military readiness, 52725
which shall include the performance measure in division (D) (1) 52726
(j) of this section and the reported data in division ~~(D) (2) (f)~~ 52727
(D) (2) (e) of this section. 52728

For the 2021-2022, 2022-2023, and 2023-2024 school years, 52729
the department only shall report the data for, and not assign a 52730
performance rating to, the college, career, workforce, and 52731
military readiness component. The reported data shall include 52732
the percentage of students who demonstrate post-secondary 52733
readiness using any of the options described in division (D)(1) 52734
(j) of this section. 52735

The department shall analyze the data included in the 52736
performance measure prescribed in division (D)(1)(j) of this 52737
section for the 2021-2022, 2022-2023, and 2023-2024 school 52738
years. Using that data, the department shall develop and propose 52739
rules for a method to assign a performance rating to the 52740
college, career, workforce, and military readiness component 52741
based on that measure. The method to assign a performance rating 52742
shall not include a tiered structure or per student bonuses. The 52743
rules shall specify that a district or building shall not 52744
receive lower than a performance rating of three stars for the 52745
component if the district's or building's performance on the 52746
component meets or exceeds a level of improvement set by the 52747
department. Notwithstanding division (D)(4)(b) of this section, 52748
more than half of the total districts and buildings may earn a 52749
performance rating of three stars on this component to account 52750
for the districts and buildings that earned a performance rating 52751
of three stars because they met or exceeded the level of 52752
improvement set by the department. 52753

The department shall submit the rules to the joint 52754
committee on agency rule review. The committee shall conduct at 52755
least one public hearing on the proposed rules and approve or 52756
disapprove the rules. If the committee approves the rules, the 52757
department shall adopt the rules in accordance with Chapter 119. 52758
of the Revised Code. If the rules are adopted, the department 52759

shall assign a performance rating to the college, career, 52760
workforce, and military readiness component under the rules 52761
beginning with the 2024-2025 school year, and for each school 52762
year thereafter. If the committee disapproves the rules, the 52763
component shall be included in the report card only as reported 52764
data for the 2024-2025 school year, and each school year 52765
thereafter. 52766

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 52767
this section, beginning with the 2022-2023 school year, under 52768
the method prescribed under rules adopted in division (D) (4) of 52769
this section, the department shall use the performance ratings 52770
assigned for the components prescribed in divisions (D) (3) (a) to 52771
(e) of this section to determine and assign an overall 52772
performance rating of "one star," "one and one-half stars," "two 52773
stars," "two and one-half stars," "three stars," "three and one- 52774
half stars," "four stars," "four and one-half stars," or "five 52775
stars" for a district or building. The method shall give equal 52776
weight to the components in divisions (D) (3) (b) and (c) of this 52777
section. The method shall give equal weight to the components in 52778
divisions (D) (3) (a), (d), and (e) of this section. The 52779
individual weights of each of the components prescribed in 52780
divisions (D) (3) (a), (d), and (e) of this section shall be equal 52781
to one-half of the weight given to the component prescribed in 52782
division (D) (3) (b) of this section. 52783

(ii) If the joint committee on agency rule review approves 52784
the department's rules regarding the college, career, workforce, 52785
and military readiness component as described in division (D) (3) 52786
(f) of this section, for the 2024-2025 school year, and each 52787
school year thereafter, the department's method shall use the 52788
components in divisions (D) (3) (a), (b), (c), (d), (e), and (f) 52789
of this section to calculate the overall performance rating. The 52790

method shall give equal weight to the components in divisions (D) (3) (b) and (c) of this section. The method shall give equal weight to the components prescribed in divisions (D) (3) (a), (d), (e), and (f) of this section. The individual weights of each of the components prescribed in divisions (D) (3) (a), (d), (e), and (f) of this section shall be equal to one-half the weight given to the component prescribed in division (D) (3) (b) of this section.

If the joint committee on agency rule review disapproves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, division (D) (3) (g) (ii) of this section does not apply.

(4) (a) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the performance criteria, benchmarks, and rating system necessary to implement divisions (D) and (F) of this section, including the method for the department to assign performance ratings under division (D) (3) of this section.

(b) In establishing the performance criteria, benchmarks, and rating system, the department shall consult with stakeholder groups and advocates that represent parents, community members, students, business leaders, and educators from different school typology regions. The department shall use data from prior school years and simulations to ensure that there is meaningful differentiation among districts and buildings across all performance ratings and that, except as permitted in division (D) (3) (f) of this section, more than half of all districts or buildings do not earn the same performance rating in any component or overall performance rating.

(c) The department shall adopt the rules prescribed by 52821
division (D) (4) of this section not later than March 31, 2022. 52822
However, the department shall notify districts and buildings of 52823
the changes to the report card prescribed in law not later than 52824
one week after September 30, 2021. 52825

(d) Prior to adopting or updating rules under division (D) 52826
(4) of this section, the director of education and workforce and 52827
the department shall conduct a public presentation before the 52828
standing committees of the house of representatives and the 52829
senate that consider primary and secondary education legislation 52830
describing the format for the report card and the performance 52831
criteria, benchmarks, and rating system, including the method to 52832
assign performance ratings under division (D) (3) of this 52833
section. 52834

(E) The department may develop a measure of student 52835
academic progress for high school students using only data from 52836
assessments in English language arts and mathematics. If the 52837
department develops this measure, each school district and 52838
applicable school building shall be assigned a separate letter 52839
grade for it not sooner than the 2017-2018 school year. The 52840
district's or building's grade for that measure shall not be 52841
included in determining the district's or building's overall 52842
letter grade. 52843

(F) (1) The letter grades assigned to a school district or 52844
building under this section shall be as follows: 52845

(a) "A" for a district or school making excellent 52846
progress; 52847

(b) "B" for a district or school making above average 52848
progress; 52849

(c) "C" for a district or school making average progress;	52850
(d) "D" for a district or school making below average progress;	52851 52852
(e) "F" for a district or school failing to meet minimum progress.	52853 52854
(2) For the overall performance rating under division (D)	52855
(3) of this section, the department shall include a descriptor for each performance rating as follows:	52856 52857
(a) "Significantly exceeds state standards" for a performance rating of five stars;	52858 52859
(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars;	52860 52861
(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;	52862 52863
(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars;	52864 52865
(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars.	52866 52867
(3) For performance ratings for each component under divisions (D) (3) (a) to (f) of this section, the department shall include a description of each component and performance rating. The description shall include component-specific context to each performance rating earned, estimated comparisons to other school districts and buildings if appropriate, and any other information determined by the department. The descriptions shall be not longer than twenty-five words in length when possible. In addition to such descriptions, the department shall include the descriptors in division (F) (2) of this section for component	52868 52869 52870 52871 52872 52873 52874 52875 52876 52877

performance ratings. 52878

(4) Each report card issued under this section shall 52879
include all of the following: 52880

(a) A graphic that depicts the performance ratings of a 52881
district or school on a color scale. The color associated with a 52882
performance rating of three stars shall be green and the color 52883
associated with a performance rating of one star shall be red. 52884

(b) An arrow graphic that shows data trends for 52885
performance ratings for school districts or buildings. The 52886
department shall determine the data to be used for this graphic, 52887
which shall include at least the three most recent years of 52888
data. 52889

(c) A description regarding the weights that are assigned 52890
to each component and used to determine an overall performance 52891
rating, as prescribed under division (D) (3) (g) of this section, 52892
which shall be included in the presentation of the overall 52893
performance rating on each report card. 52894

(G) When reporting data on student achievement and 52895
progress, the department shall disaggregate that data according 52896
to the following categories: 52897

(1) Performance of students by grade-level; 52898

(2) Performance of students by race and ethnic group; 52899

(3) Performance of students by gender; 52900

(4) Performance of students grouped by those who have been 52901
enrolled in a district or school for three or more years; 52902

(5) Performance of students grouped by those who have been 52903
enrolled in a district or school for more than one year and less 52904

than three years;	52905
(6) Performance of students grouped by those who have been	52906
enrolled in a district or school for one year or less;	52907
(7) Performance of students grouped by those who are	52908
economically disadvantaged;	52909
(8) Performance of students grouped by those who are	52910
enrolled in a conversion community school established under	52911
Chapter 3314. of the Revised Code;	52912
(9) Performance of students grouped by those who are	52913
classified as English learners;	52914
(10) Performance of students grouped by those who have	52915
disabilities;	52916
(11) Performance of students grouped by those who are	52917
classified as migrants;	52918
(12) Performance of students grouped by those who are	52919
identified as gifted in superior cognitive ability and the	52920
specific academic ability fields of reading and math pursuant to	52921
Chapter 3324. of the Revised Code. In disaggregating specific	52922
academic ability fields for gifted students, the department	52923
shall use data for those students with specific academic ability	52924
in math and reading. If any other academic field is assessed,	52925
the department shall also include data for students with	52926
specific academic ability in that field as well.	52927
(13) Performance of students grouped by those who perform	52928
in the lowest quintile for achievement on a statewide basis, as	52929
determined by a method prescribed by the department.	52930
The department may disaggregate data on student	52931
performance according to other categories that the department	52932

determines are appropriate. To the extent possible, the 52933
department shall disaggregate data on student performance 52934
according to any combinations of two or more of the categories 52935
listed in divisions (G) (1) to (13) of this section that it deems 52936
relevant. 52937

In reporting data pursuant to division (G) of this 52938
section, the department shall not include in the report cards 52939
any data statistical in nature that is statistically unreliable 52940
or that could result in the identification of individual 52941
students. For this purpose, the department shall not report 52942
student performance data for any group identified in division 52943
(G) of this section that contains less than ten students. If the 52944
department does not report student performance data for a group 52945
because it contains less than ten students, the department shall 52946
indicate on the report card that is why data was not reported. 52947

(H) The department may include with the report cards any 52948
additional education and fiscal performance data it deems 52949
valuable. 52950

(I) The department shall include on each report card a 52951
list of additional information collected by the department that 52952
is available regarding the district or building for which the 52953
report card is issued. When available, such additional 52954
information shall include student mobility data disaggregated by 52955
race and socioeconomic status, college enrollment data, and the 52956
reports prepared under section 3302.031 of the Revised Code. 52957

The department shall maintain a site on the world wide 52958
web. The report card shall include the address of the site and 52959
shall specify that such additional information is available to 52960
the public at that site. The department shall also provide a 52961
copy of each item on the list to the superintendent of each 52962

school district. The district superintendent shall provide a 52963
copy of any item on the list to anyone who requests it. 52964

(J) (1) (a) Except as provided in division (J) (1) (b) of this 52965
section, for any district that sponsors a conversion community 52966
school under Chapter 3314. of the Revised Code, the department 52967
shall combine data regarding the academic performance of 52968
students enrolled in the community school with comparable data 52969
from the schools of the district for the purpose of determining 52970
the performance of the district as a whole on the report card 52971
issued for the district under this section or section 3302.033 52972
of the Revised Code. 52973

(b) The department shall not combine data from any 52974
conversion community school that a district sponsors if a- 52975
~~majority of the students enrolled in the~~ conversion community 52976
~~school are enrolled in is~~ a dropout prevention and recovery 52977
~~program that is operated by the~~ community school, as ~~described~~ 52978
~~in division (B) (1) of defined in~~ section ~~3314.35~~ 3314.02 of the 52979
Revised Code. The department shall include as an addendum to the 52980
district's report card the ratings and performance measures that 52981
are required under section 3314.017 of the Revised Code for any 52982
community school to which division (J) (1) (b) of this section 52983
applies. This addendum shall include, at a minimum, the data 52984
specified in divisions (C) (1) (a), (C) (2), and (C) (3) of section 52985
3314.017 of the Revised Code. 52986

(2) Any district that leases a building to a community 52987
school located in the district or that enters into an agreement 52988
with a community school located in the district whereby the 52989
district and the school endorse each other's programs may elect 52990
to have data regarding the academic performance of students 52991
enrolled in the community school combined with comparable data 52992

from the schools of the district for the purpose of determining 52993
the performance of the district as a whole on the district 52994
report card. Any district that so elects shall annually file a 52995
copy of the lease or agreement with the department. 52996

(3) Any municipal school district, as defined in section 52997
3311.71 of the Revised Code, that sponsors a community school 52998
located within the district's territory, or that enters into an 52999
agreement with a community school located within the district's 53000
territory whereby the district and the community school endorse 53001
each other's programs, may exercise either or both of the 53002
following elections: 53003

(a) To have data regarding the academic performance of 53004
students enrolled in that community school combined with 53005
comparable data from the schools of the district for the purpose 53006
of determining the performance of the district as a whole on the 53007
district's report card; 53008

(b) To have the number of students attending that 53009
community school noted separately on the district's report card. 53010

The election authorized under division (J) (3) (a) of this 53011
section is subject to approval by the governing authority of the 53012
community school. 53013

Any municipal school district that exercises an election 53014
to combine or include data under division (J) (3) of this 53015
section, by the first day of October of each year, shall file 53016
with the department documentation indicating eligibility for 53017
that election, as required by the department. 53018

(K) The department shall include on each report card the 53019
percentage of teachers in the district or building who are 53020
properly certified or licensed teachers, as defined in section 53021

3319.074 of the Revised Code, and a comparison of that 53022
percentage with the percentages of such teachers in similar 53023
districts and buildings. 53024

(L) (1) In calculating English language arts, mathematics, 53025
science, American history, or American government assessment 53026
passage rates used to determine school district or building 53027
performance under this section, the department shall include all 53028
students taking an assessment with accommodation or to whom an 53029
alternate assessment is administered pursuant to division (C) (1) 53030
or (3) of section 3301.0711 of the Revised Code and all students 53031
who take substitute examinations approved under division (B) (4) 53032
of section 3301.0712 of the Revised Code in the subject areas of 53033
science, American history and American government. 53034

(2) In calculating performance index scores, rates of 53035
achievement on the performance indicators established by the 53036
department under section 3302.02 of the Revised Code, and annual 53037
measurable objectives for determining adequate yearly progress 53038
for school districts and buildings under this section, the 53039
department shall do all of the following: 53040

(a) Include for each district or building only those 53041
students who are included in the ADM certified for the first 53042
full school week of October and are continuously enrolled in the 53043
district or building through the time of the spring 53044
administration of any assessment prescribed by division (A) (1) 53045
or (B) (1) of section 3301.0710 or division (B) of section 53046
3301.0712 of the Revised Code that is administered to the 53047
student's grade level; 53048

(b) Include cumulative totals from both the fall and 53049
spring administrations of the third grade English language arts 53050
achievement assessment and, to the extent possible, the summer 53051

administration of that assessment; 53052

(c) Include for each district or building any English 53053
learner in accordance with the department's plan, as approved by 53054
the United States secretary of education, to comply with the 53055
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 53056
to 6339. 53057

As used in this section, "English learner" has the same 53058
meaning as in section 3301.0731 of the Revised Code. 53059

(M) Beginning with the 2015-2016 school year and at least 53060
once every three years thereafter, the department shall review 53061
and may adjust the benchmarks for assigning letter grades or 53062
performance ratings to the performance measures and components 53063
prescribed under divisions (C) (3), (D), and (E) of this section. 53064

Sec. 3302.034. (A) The department of education and 53065
workforce shall adopt and specify measures in addition to those 53066
included on the report card issued under section 3302.03 of the 53067
Revised Code. The measures adopted under this section shall be 53068
reported separately, as specified under division (B) of this 53069
section, for each school district, each building in a district, 53070
each community school established under Chapter 3314., each STEM 53071
school established under Chapter 3326., and each college- 53072
preparatory boarding school established under Chapter 3328. of 53073
the Revised Code. The measures shall include at least the 53074
following: 53075

(1) Data for students who have passed over a grade or 53076
subject area under an acceleration policy prescribed under 53077
section 3324.10 of the Revised Code; 53078

(2) The number of students who are economically 53079
disadvantaged as determined by the department; 53080

(3) The number of lead teachers employed by each district 53081
and each building once the data is available through the 53082
education management information system established under 53083
section 3301.0714 of the Revised Code; 53084

(4) The amount of students screened and identified as 53085
gifted under Chapter 3324. of the Revised Code; 53086

(5) Postgraduate student outcome data ~~as described under~~ 53087
~~division (E) (2) (d) (ii) of section 3314.017 of the Revised Code,~~ 53088
including postsecondary credit earned, nationally recognized 53089
career or technical certification, military enlistment, job 53090
placement, and attendance rate; 53091

(6) Availability of courses in fine arts; 53092

(7) Participation with other school districts to provide 53093
career-technical education services to students. 53094

(B) The department shall report this information annually 53095
beginning with the 2013-2014 school year and make this 53096
information available on its web site for comparison purposes. 53097

Sec. 3302.20. (A) The department of education and 53098
workforce shall develop standards for determining, from the 53099
existing data reported in accordance with sections 3301.0714 and 53100
3314.17 of the Revised Code, the amount of annual operating 53101
expenditures for classroom instructional purposes and for 53102
nonclassroom purposes for each city, exempted village, local, 53103
and joint vocational school district, each community school 53104
established under Chapter 3314. that is not an internet- or 53105
computer-based community school, each internet- or computer- 53106
based community school, and each STEM school established under 53107
Chapter 3326. of the Revised Code. In developing the standards, 53108
the department shall adapt existing standards used by 53109

professional organizations, research organizations, and other 53110
state governments. The department also shall align the 53111
expenditure categories required for reporting under the 53112
standards with the categories that are required for reporting to 53113
the United States department of education under federal law. 53114

(B) (1) The department shall categorize all city, exempted 53115
village, and local school districts into not less than three nor 53116
more than five groups based primarily on average daily student 53117
enrollment as reported on the most recent report card issued for 53118
each district under section 3302.03 of the Revised Code. 53119

(2) The department shall categorize all joint vocational 53120
school districts into not less than three nor more than five 53121
groups based primarily on enrolled ADM as that term is defined 53122
in section 3317.02 of the Revised Code rounded to the nearest 53123
whole number. 53124

(3) The department shall categorize all community schools 53125
that are not internet- or computer-based community schools into 53126
not less than three nor more than five groups based primarily on 53127
average daily student enrollment as reported on the most recent 53128
report card issued for each community school under sections 53129
3302.03 and 3314.012 of the Revised Code or, in the case of a 53130
school to which section 3314.017 of the Revised Code applies, on 53131
the total number of students reported under divisions (B) (1) and 53132
(2) of section 3314.08 of the Revised Code. 53133

(4) The department shall categorize all internet- or 53134
computer-based community schools into a single category. 53135

(5) The department shall categorize all STEM schools into 53136
a single category. 53137

(C) Using the standards adopted under division (A) of this 53138

section and the data reported under sections 3301.0714 and 53139
3314.17 of the Revised Code, the department shall compute 53140
annually for each fiscal year, the following: 53141

(1) The percentage of each district's, community school's, 53142
or STEM school's total operating budget spent for classroom 53143
instructional purposes; 53144

(2) The statewide average percentage for all districts, 53145
community schools, and STEM schools combined spent for classroom 53146
instructional purposes; 53147

(3) The average percentage for each of the categories of 53148
districts and schools established under division (B) of this 53149
section spent for classroom instructional purposes; 53150

(4) The ranking of each district, community school, or 53151
STEM school within its respective category established under 53152
division (B) of this section according to the following: 53153

(a) From highest to lowest percentage spent for classroom 53154
instructional purposes; 53155

(b) From lowest to highest percentage spent for 53156
noninstructional purposes. 53157

(5) The total operating expenditures per pupil for each 53158
district, community school, and STEM school; 53159

(6) The total operating expenditure per equivalent pupils 53160
for each district, community school, and STEM school. 53161

(D) In its display of rankings within each category under 53162
division (C) (4) of this section, the department shall make the 53163
following notations: 53164

(1) Within each category of city, exempted village, and 53165

local school districts, the department shall denote each 53166
district that is: 53167

(a) Among the twenty per cent of all city, exempted 53168
village, and local school districts statewide with the lowest 53169
total operating expenditure per equivalent pupils; 53170

(b) Among the twenty per cent of all city, exempted 53171
village, and local school districts statewide with the highest 53172
performance index scores. 53173

(2) Within each category of joint vocational school 53174
districts, the department shall denote each district that is: 53175

(a) Among the twenty per cent of all joint vocational 53176
school districts statewide with the lowest total operating 53177
expenditure per equivalent pupils; 53178

(b) Among the twenty per cent of all joint vocational 53179
school districts statewide with the highest report card scores 53180
under section 3302.033 of the Revised Code. 53181

(3) Within each category of community schools that are not 53182
internet- or computer-based community schools, the department 53183
shall denote each school that is: 53184

(a) Among the twenty per cent of all such community 53185
schools statewide with the lowest total operating expenditure 53186
per equivalent pupils; 53187

(b) Among the twenty per cent of all such community 53188
schools statewide with the highest performance index scores, 53189
excluding such community schools to which section 3314.017 of 53190
the Revised Code applies. 53191

(4) Within the category of internet- or computer-based 53192
community schools, the department shall denote each school that 53193

is: 53194

(a) Among the twenty per cent of all such community 53195
schools statewide with the lowest total operating expenditure 53196
per equivalent pupils; 53197

(b) Among the twenty per cent of all such community 53198
schools statewide with the highest performance index scores, 53199
excluding such community schools to which section 3314.017 of 53200
the Revised Code applies. 53201

(5) Within the category of STEM schools, the department 53202
shall denote each school that is: 53203

(a) Among the twenty per cent of all STEM schools 53204
statewide with the lowest total operating expenditure per 53205
equivalent pupils; 53206

(b) Among the twenty per cent of all STEM schools 53207
statewide with the highest performance index scores. 53208

For purposes of divisions (D) (3) (b) and (4) (b) of this 53209
section, the display shall note that, in accordance with section 53210
3314.017 of the Revised Code, a performance index score is not 53211
reported for some ~~community schools that serve primarily~~ 53212
~~students enrolled in dropout prevention and recovery~~ 53213
~~programs~~ community schools. 53214

(E) The department shall post in a prominent location on 53215
its web site the information prescribed by divisions (C) and (D) 53216
of this section. The department also shall include on each 53217
district's, community school's, and STEM school's annual report 53218
card issued under section 3302.03 or 3314.017 of the Revised 53219
Code the respective information computed for the district or 53220
school under divisions (C) (1) and (4) of this section, the 53221
statewide information computed under division (C) (2) of this 53222

section, and the information computed for the district's or 53223
school's category under division (C)(3) of this section. 53224

(F) As used in this section: 53225

(1) "Internet- or computer-based community school" has the 53226
same meaning as in section 3314.02 of the Revised Code. 53227

(2) A school district's, community school's, or STEM 53228
school's performance index score rank is its performance index 53229
score rank as computed under section 3302.21 of the Revised 53230
Code. 53231

(3) "Expenditure per equivalent pupils" has the same 53232
meaning as in section 3302.26 of the Revised Code. 53233

(4) "Dropout prevention and recovery community school" has 53234
the same meaning as in section 3314.02 of the Revised Code. 53235

Sec. 3302.42. As used in this section, "online learning" 53236
has the same meaning as in section 3301.079 of the Revised Code. 53237

(A) Any local, city, exempted village, or joint vocational 53238
school district, with approval of the department of education 53239
and workforce, may operate a school using an online learning 53240
model. If a school is operated using an online learning model or 53241
is to cease operating using an online learning model, the 53242
superintendent of the district shall notify the department of 53243
that fact not later than the first day of July of the school 53244
year for which the change is effective. If any school district 53245
school is currently operated using an online learning model on 53246
September 30, 2021, the superintendent of the district shall 53247
notify the department within sixty days after September 30, 53248
2021, of that fact and request that the school be classified as 53249
an online learning school. 53250

(1) Districts shall assign all students engaged in online 53251
learning to a single school which the department shall designate 53252
as a district online school. 53253

(2) Districts shall provide all students engaged in online 53254
learning a computer, at no cost, for instructional use. 53255
Districts shall provide a filtering device or install filtering 53256
software that protects against internet access to materials that 53257
are obscene or harmful to juveniles on each computer provided to 53258
students for instructional use. 53259

(3) Districts shall provide all students engaged in online 53260
learning access to the internet, at no cost, for instructional 53261
use. 53262

(4) Districts that operate an online learning school shall 53263
provide a comprehensive orientation for students and their 53264
parents or guardians prior to enrollment or within thirty days 53265
for students enrolled as of September 30, 2021. 53266

(5) Online learning schools operated by a district shall 53267
implement a learning management system that tracks the time 53268
students participate in online learning activities. All student 53269
learning activities completed while off-line shall be documented 53270
with all participation records checked and approved by the 53271
teacher of record. 53272

(6) Districts may employ teachers and nonteaching 53273
employees necessary to carry out its duties and fulfill its 53274
responsibilities under this section or may contract with a 53275
nonprofit or for-profit entity to operate the online learning 53276
school, including the provision of personnel, related services, 53277
curriculum, supplies, equipment, or facilities. 53278

(B) The department shall revise any operating standards 53279

for school districts adopted under section 3301.07 of the Revised Code to include standards for the operation of online learning under this section. The online learning operation standards shall provide for all of the following:

(1) Student-to-teacher ratios whereby no school or classroom is required to have more than one teacher for every one hundred twenty-five students in online learning classrooms;

(2) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. Credits or grade level advancement shall not be based on a minimum number of days or hours in a classroom.

(3) Notwithstanding anything to the contrary in section 3313.48 of the Revised Code, a requirement that schools operating using an online learning model have an annual instructional calendar of not less than nine hundred ten hours.

(a) For funding purposes, the department shall reduce the full-time equivalence proportionally for any student in an online learning school who participates in less than nine hundred ten hours per school year. The department shall reduce state funding for students assigned to an online learning school operated by a district commensurate with such adjustments to enrollment.

(b) The department shall develop a review process and make all adjustments of state funding to districts to reflect any participation of students in online learning schools for less than the equivalent of a full school year.

(4) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their

assignment according to training and qualifications; efficient 53309
and effective instructional materials and equipment, including 53310
library facilities; the proper organization, administration, and 53311
supervision of each school, including regulations for preparing 53312
all necessary records and reports and the preparation of a 53313
statement of policies and objectives for each school; buildings, 53314
grounds, and health and sanitary facilities and services; 53315
admission of pupils, and such requirements for their promotion 53316
from grade to grade as will ensure that they are capable and 53317
prepared for the level of study to which they are certified; 53318
requirements for graduation; and such other factors as the board 53319
finds necessary. 53320

(C) This section does not affect any provisions for the 53321
operation of and payments to an internet- or computer-based 53322
community school prescribed in Chapter 3314. of the Revised 53323
Code. 53324

Sec. 3305.05. (A) As used in this section and section 53325
3305.051 of the Revised Code, "academic or administrative 53326
employee" means any full-time employee not receiving any 53327
benefit, allowance, or other payment granted on the employee's 53328
account from a state retirement system who, before August 1, 53329
2005, met one of the following requirements: 53330

(1) The employee was a member of the faculty of a public 53331
institution of higher education. 53332

(2) The employee was a member of the administrative staff 53333
of a public institution of higher education serving in a 53334
position in the unclassified civil service pursuant to section 53335
124.11 of the Revised Code. 53336

(3) If section 124.11 of the Revised Code did not apply to 53337

the public institution of higher education, the employee was a 53338
member of the administrative staff of a public institution of 53339
higher education serving in a position comparable to a position 53340
in the unclassified civil service. 53341

In all cases of doubt, the board of trustees of the public 53342
institution of higher education shall determine whether any 53343
person is an academic or administrative employee for purposes of 53344
this chapter, and the board's decision shall be final. 53345

(B) (1) Each person who, on August 1, 2005, is an eligible 53346
employee of a public institution of higher education and has 53347
accrued less than five years of service credit in a state 53348
retirement system may, not later than one hundred twenty days 53349
after August 1, 2005, make an election to participate in an 53350
alternative retirement plan available at the employing public 53351
institution, unless, prior to August 1, 2005, the person had an 53352
opportunity pursuant to former section 3305.05 of the Revised 53353
Code to make such an election as an academic or administrative 53354
employee of that public institution of higher education. 53355

(2) An eligible employee whose employment with a public 53356
institution of higher education commences on or after August 1, 53357
2005, may, not later than one hundred twenty days after the 53358
starting date of the employment, make an election to participate 53359
in an alternative retirement plan available at the employing 53360
public institution. 53361

(3) An eligible employee who, on or after August 1, 2005, 53362
terminates employment at one public institution of higher 53363
education and subsequently is employed by another public 53364
institution of higher education in a position for which an 53365
alternative retirement plan is available may, not later than one 53366
hundred twenty days after the starting date of the employment, 53367

elect to participate in an alternative retirement plan available 53368
at that public institution. 53369

(C) (1) An eligible employee who makes an election to 53370
participate in an alternative retirement plan under division (B) 53371
of this section shall ~~submit~~make the election in writing and 53372
sign the election. The public institution of higher education 53373
employing the eligible employee may permit the employee to sign 53374
the election by electronic signature. The employee shall submit 53375
the election to the designated officer of the employee's 53376
employing public institution of higher education. Once 53377
submitted, the election is irrevocable while the eligible 53378
employee continues to be employed by the public institution of 53379
higher education. Not later than ten days after the election 53380
becomes irrevocable, the officer shall file a certified copy of 53381
the election with the state retirement system to which, apart 53382
from the election, the employee's employment would be subject. 53383

Each public institution of higher education that employs a 53384
person eligible to make an election under division (B) of this 53385
section shall notify, in writing, the state retirement system 53386
that applies to that employment in the manner specified by that 53387
state retirement system. The notice shall include the person's 53388
name and address. The notice shall be given not later than ten 53389
days after the first date the person is on the institution's 53390
payroll. 53391

(2) Elections made under division (B) of this section take 53392
effect as follows: 53393

(a) An election under division (B) (1) of this section is 53394
effective as of the date on which the employee's election to 53395
participate in the alternative retirement plan becomes 53396
irrevocable. 53397

(b) An election under division (B) (2) or (3) of this 53398
section is effective as of the electing employee's starting date 53399
of employment. 53400

(3) An eligible employee's election under division (B) of 53401
this section applies to the employee's employment in all 53402
positions at that public institution, unless the employee 53403
terminates employment at the public institution and does not 53404
return to employment in any position at that public institution 53405
for at least three hundred sixty-five days after the date of 53406
termination. 53407

(4) An eligible employee who makes an election under 53408
division (B) of this section is forever barred from claiming or 53409
purchasing service credit under any state retirement system for 53410
the period of employment while the election is in effect. 53411

(D) (1) An eligible employee who fails to make an election 53412
under division (B) of this section within the one-hundred-twenty 53413
day election period shall be deemed to have elected to 53414
participate in the state retirement system that applies to the 53415
employee's employment. 53416

(2) An eligible employee who fails to make an election 53417
under division (B) of this section shall not be permitted to 53418
make an election for employment in any other position at the 53419
public institution of higher education while employed at that 53420
public institution, unless the employee terminates employment at 53421
the public institution and does not return to employment in any 53422
position at the public institution for at least three hundred 53423
sixty-five days after the date of termination. 53424

Sec. 3305.053. (A) The board of trustees of a public 53425
institution of higher education shall permit an employee who 53426

makes an election under section 3305.05 or 3305.051 of the 53427
Revised Code to do ~~all~~ both of the following: 53428

~~(A)~~ (1) Select, from among the providers that have entered 53429
into an agreement with the public institution of higher 53430
education under section 3305.04 of the Revised Code, the 53431
provider of an investment option for that employee; 53432

~~(B)~~ (2) Subject to any terms and conditions established by 53433
the public institution of higher education, change the provider 53434
selected under division ~~(A)~~ (A) (1) of this section any time 53435
during the plan year. 53436

(B) A public institution of higher education may allow an 53437
employee who seeks to change the employee's provider under 53438
division (A) (2) of this section to sign a form to change 53439
providers by electronic signature. 53440

(C) If under division ~~(B)~~ (A) (2) of this section an 53441
employee changes providers, the employee may direct the provider 53442
to transfer to the new provider the employee's account balance 53443
either in whole or in part, as directed by the employee, except 53444
that the provider is not required to immediately transfer any 53445
part of the account invested at the employee's election in a 53446
fixed annuity account if the contract with the employee under 53447
which the investment was made permits the provider to make such 53448
a transfer over a period of time not exceeding ten years and the 53449
contract was filed with and approved by the department of 53450
insurance pursuant to section 3911.011 of the Revised Code. 53451

Sec. 3307.044. The state teachers retirement board shall 53452
appoint a committee to oversee the selection of an internal 53453
auditor. The committee shall select one or more persons for 53454
employment as an internal auditor. The board shall employ the 53455

person or persons selected by the committee. 53456

The committee shall consist of the following board 53457
members: ~~one retirant~~ the retired teacher member, one 53458
contributing member, one ex officio member, and any additional 53459
board members appointed to the committee by the board. The 53460
committee shall annually prepare and submit to the Ohio 53461
retirement study council a report of its actions during the 53462
preceding year. 53463

Sec. 3307.05. (A) The state teachers retirement board 53464
shall consist of the following members: 53465

~~(A)~~ (1) The director of education and workforce or a 53466
designee of the director who has the following qualifications: 53467

~~(1)~~ (a) The designee is a resident of this state. 53468

~~(2)~~ (b) Within the three years immediately preceding the 53469
appointment, the designee has not been employed by the public 53470
employees retirement system, police and fire pension fund, state 53471
teachers retirement system, school employees retirement system, 53472
or state highway patrol retirement system or by any person, 53473
partnership, or corporation that has provided to one of those 53474
retirement systems services of a financial or investment nature, 53475
including the management, analysis, supervision, or investment 53476
of assets. 53477

~~(3)~~ (c) The designee has direct experience in the 53478
management, analysis, supervision, or investment of assets. 53479

~~(B) One member~~ (2) The chancellor of higher education or a 53480
designee of the chancellor who has the following qualifications: 53481

(a) The designee is a resident of this state. 53482

(b) Within the three years immediately preceding the 53483

appointment, the designee has not been employed by the public 53484
employees retirement system, police and fire pension fund, state 53485
teachers retirement system, school employees retirement system, 53486
or state highway patrol retirement system or by any person, 53487
partnership, or corporation that has provided to one of those 53488
retirement systems services of a financial or investment nature, 53489
including the management, analysis, supervision, or investment 53490
of assets. 53491

(c) The designee has direct experience in the management, 53492
analysis, supervision, or investment of assets. 53493

(3) Two members, known as the treasurer of state's 53494
investment ~~designee~~designees, who shall be appointed by the 53495
treasurer of state for ~~a term~~ terms of four years unless removed 53496
or replaced by the treasurer of state pursuant to division (B) 53497
of this section, and who have the following qualifications: 53498

~~(1)~~(a) The ~~member is a resident~~ members are residents of 53499
this state. 53500

~~(2)~~(b) Within the three years immediately preceding the 53501
appointment, the ~~member has~~ members have not been employed by 53502
the public employees retirement system, police and fire pension 53503
fund, state teachers retirement system, school employees 53504
retirement system, or state highway patrol retirement system or 53505
by any person, partnership, or corporation that has provided to 53506
one of those retirement systems services of a financial or 53507
investment nature, including management, analysis, supervision, 53508
or investment of assets. 53509

~~(3)~~(c) The ~~member has~~ members have direct experience in 53510
the management, analysis, supervision, or investment of assets. 53511

~~(4)~~(d) The ~~member is~~ members are not currently employed by 53512

the state or a political subdivision of the state. 53513

(e) The members do not have contributions on deposit with 53514
the state teachers retirement system. 53515

~~(C) Two~~ (4) Four members, known as the investment expert 53516
members, who shall be appointed for four-year terms unless 53517
removed or replaced by the appointing authority pursuant to 53518
division (B) of this section. One investment expert member shall 53519
be appointed by the governor, ~~and~~ one investment expert member 53520
shall be jointly appointed by the speaker of the house of 53521
representatives and the president of the senate, one investment 53522
expert member shall be appointed by the speaker of the house of 53523
representatives, and one investment expert member shall be 53524
appointed by the president of the senate. Each investment expert 53525
member shall have the following qualifications: 53526

~~(1)~~ (a) Each member shall be a resident of this state. 53527

~~(2)~~ (b) Within the three years immediately preceding the 53528
appointment, each member shall not have been employed by the 53529
public employees retirement system, police and fire pension 53530
fund, state teachers retirement system, school employees 53531
retirement system, or state highway patrol retirement system or 53532
by any person, partnership, or corporation that has provided to 53533
one of those retirement systems services of a financial or 53534
investment nature, including the management, analysis, 53535
supervision, or investment of assets. 53536

~~(3)~~ (c) Each member shall have direct experience in the 53537
management, analysis, supervision, or investment of assets. 53538

(d) No member shall have contributions on deposit with the 53539
state teachers retirement system. 53540

Any investment expert member appointed to fill a vacancy 53541

occurring prior to the expiration of the term for which the 53542
member's predecessor was appointed shall hold office until the 53543
end of such term. The member shall continue in office subsequent 53544
to the expiration date of the member's term until the member's 53545
successor takes office, or until a period of sixty days has 53546
elapsed, whichever occurs first. 53547

~~(D) Five~~ (5) Two members, known as contributing members, 53548
who shall be members of the state teachers retirement system; 53549

~~(E) Two~~ (6) One former ~~members~~ member of the system, known 53550
as the retired teacher ~~members~~ member, who shall be 53551
~~superannuates~~ a superannuate. 53552

(B) Notwithstanding section 3307.061 of the Revised Code, 53553
each appointed member of the board serves at the pleasure of the 53554
appointing authority. 53555

Sec. 3307.06. (A) ~~Annually on~~ On the first Monday of May_ 53556
of each even-numbered year, one contributing member, as defined 53557
in division ~~(D)~~ (A) (5) of section 3307.05 of the Revised Code, 53558
shall be elected by ballot to the state teachers retirement 53559
board, ~~except that, beginning with the annual election for~~ 53560
~~contributing members in May, 1978, and in the annual election of~~ 53561
~~each fourth year thereafter, two contributing members shall be~~ 53562
~~elected to the board.~~ Elected contributing members shall begin 53563
their respective terms of office on the first day of September 53564
following their election and shall serve for a term of four 53565
years. 53566

(B) The retired teacher ~~members~~ member of the board, as 53567
defined in division ~~(E)~~ (A) (6) of section 3307.05 of the Revised 53568
Code, shall be elected for a term of four years. The retired 53569
teacher ~~members~~ member shall be elected to the board at the 53570

~~annual~~ election for contributing members of the board, as 53571
provided in division (A) of this section, in the year in which 53572
the term of the current retired teacher ~~members~~ member would 53573
expire. The retired teacher ~~members~~ member shall begin ~~their~~ 53574
~~respective terms~~ the member's term of office on the first day of 53575
September following ~~their~~ the member's election. 53576

No contributing member of the board who retires while a 53577
member of the board shall be eligible to become a retired 53578
teacher member of the board for three years after the date of 53579
the member's retirement. 53580

(C) Except as provided in division (E) of this section, if 53581
a vacancy occurs during the term of office of any elected member 53582
of the board, the remaining members of the board shall elect a 53583
successor member. On certification of the election results in 53584
accordance with rules adopted under section 3307.075 of the 53585
Revised Code the successor member shall hold office until the 53586
first day of the new term that follows the next board election 53587
that occurs not less than ninety days after the successor 53588
member's election, or until the end of the term for which the 53589
successor member was elected, whichever is sooner. The successor 53590
member shall qualify for board membership under the same 53591
division of section 3307.05 of the Revised Code as the member's 53592
predecessor in office. Elections under this division shall be 53593
conducted in accordance with rules adopted under section 53594
3307.075 of the Revised Code. 53595

(D) If as a result of changed circumstances an elected 53596
member of the board would no longer qualify for board membership 53597
under that division of section 3307.05 of the Revised Code on 53598
the basis of which the member was elected, or if such a member 53599
fails to attend the meetings of the board for four months or 53600

longer without being excused, the member's position on the board 53601
shall be considered vacant, and a successor member shall be 53602
elected under this division for the remainder of the unexpired 53603
term. 53604

(E) A successor member need not be elected under division 53605
(C) of this section to fill a vacancy if on the day the vacancy 53606
occurs less than ninety days remain in the vacated term. 53607

Sec. 3307.07. All elections of members of the state 53608
teachers retirement board shall be held under the direction of 53609
the board in accordance with rules adopted under section 53610
3307.075 of the Revised Code. Any member of the state teachers 53611
retirement system, who has been nominated by a petition that is 53612
signed by five hundred or more members of the system and 53613
certified in accordance with rules adopted under section 53614
3307.075 of the Revised Code, shall be eligible for election as 53615
a contributing member of the board. The petition shall contain 53616
the signatures of twenty or more members of the system from each 53617
of at least ten counties wherein members of the system are 53618
employed. 53619

Any retired teacher who is a superannuate and a resident 53620
of Ohio is eligible for election as a retired teacher member of 53621
the board, if such retired teacher has been nominated by a 53622
petition that is signed by five hundred or more retired 53623
teachers, who are also superannuates, and certified in 53624
accordance with rules adopted under section 3307.075 of the 53625
Revised Code. The petition shall contain the signatures of 53626
twenty or more retired teachers from each of at least ten 53627
counties wherein superannuates under the system reside. 53628

The board shall place the name of any eligible candidate 53629
upon the appropriate ballot as a regular candidate. At any 53630

election, qualified voters, as defined in this section, may vote 53631
for the regular candidates or for other eligible candidates, in 53632
which case the names of such persons shall be written upon the 53633
appropriate ballots, except that members of the system and 53634
former members of the system who are superannuates shall vote 53635
respectively for contributing members and the retired teacher 53636
~~members-member~~ of the board. The candidate who receives the 53637
highest number of votes for any term of office shall be elected 53638
to the board on certification of the election results in 53639
accordance with rules adopted under section 3307.075 of the 53640
Revised Code. ~~If, at any election, contributing members or~~ 53641
~~retired teacher members are to be elected for concurrent terms,~~ 53642
~~eligible candidates shall be placed on the ballot, and the~~ 53643
~~candidates who receive the highest numbers of votes shall be~~ 53644
~~elected to the board on certification of the election results in~~ 53645
~~accordance with rules adopted under section 3307.075 of the~~ 53646
~~Revised Code.~~ 53647

Elected members of the board shall be elected on the basis 53648
of the total number of ballots cast by qualified voters, who 53649
shall consist of members of the system and former members of the 53650
system who are superannuates. 53651

Sec. 3307.073. (A) No person shall knowingly fail to file 53652
a complete and accurate campaign finance statement or 53653
independent expenditure statement in accordance with section 53654
3307.072 of the Revised Code. 53655

(B) No person, during the course of a person seeking 53656
nomination for, and during any campaign for, election to the 53657
state teachers retirement board, shall knowingly and with intent 53658
to affect the nomination or the outcome of the campaign do any 53659
of the following by means of campaign materials, an 53660

advertisement on radio or television or in a newspaper or 53661
periodical, a public speech, press release, or otherwise: 53662

(1) With regard to a candidate, identify the candidate in 53663
a manner that implies that the candidate is a member of the 53664
board or use the term "re-elect" when the candidate is not 53665
currently a member of the board; 53666

(2) Make a false statement concerning the formal schooling 53667
or training completed or attempted by a candidate; a degree, 53668
diploma, certificate, scholarship, grant, award, prize, or honor 53669
received, earned, or held by a candidate; or the period of time 53670
during which a candidate attended any school, college, community 53671
technical school, or institution; 53672

(3) Make a false statement concerning the professional, 53673
occupational, or vocational licenses held by a candidate, or 53674
concerning any position the candidate held for which the 53675
candidate received a salary or wages; 53676

(4) Make a false statement that a candidate or board 53677
member has been indicted or convicted of a theft offense, 53678
extortion, or other crime involving financial corruption or 53679
moral turpitude; 53680

(5) Make a statement that a candidate has been indicted 53681
for any crime or has been the subject of a finding by the Ohio 53682
elections commission, the secretary of state, or the Ohio 53683
election integrity commission without disclosing the outcome of 53684
any legal proceedings resulting from the indictment or finding; 53685

(6) Make a false statement that a candidate or board 53686
member has a record of treatment or confinement for mental 53687
disorder; 53688

(7) Make a false statement that a candidate or board 53689

member has been subjected to military discipline for criminal 53690
misconduct or dishonorably discharged from the armed services; 53691

(8) Falsely identify the source of a statement, issue 53692
statements under the name of another person without 53693
authorization, or falsely state the endorsement of or opposition 53694
to a candidate by a person or publication; 53695

(9) Make a false statement concerning the voting record of 53696
a candidate or board member; 53697

(10) Post, publish, circulate, distribute, or otherwise 53698
disseminate a false statement concerning a candidate, either 53699
knowing the same to be false or with reckless disregard of 53700
whether it was false or not, if the statement is designed to 53701
promote the election, nomination, or defeat of the candidate. 53702

Sec. 3307.074. ~~The secretary of state, or any person~~ 53703
~~acting on personal knowledge and subject to the penalties of~~ 53704
~~perjury, may file a~~ A complaint with the Ohio elections 53705
~~commission~~ alleging a violation of section 3307.073 of the 53706
Revised Code may be filed in accordance with section 3517.16 of 53707
the Revised Code. The complaint shall be made on a form 53708
~~prescribed and provided by the commission.~~ 53709

~~On receipt of a complaint under this section, the~~ 53710
~~commission shall hold a hearing open to the public to determine~~ 53711
~~whether the violation alleged in the complaint has occurred. The~~ 53712
~~commission may administer oaths and issue subpoenas to any~~ 53713
~~person in the state compelling the attendance of witnesses and~~ 53714
~~the production of relevant papers, books, accounts, and reports.~~ 53715
~~On the refusal of any person to obey a subpoena or to be sworn~~ 53716
~~or to answer as a witness, the commission may apply to the court~~ 53717
~~of common pleas of Franklin county under section 2705.03 of the~~ 53718

~~Revised Code. The court shall hold contempt proceedings in accordance with Chapter 2705. of the Revised Code.~~ 53719
53720

~~The commission shall provide the person accused of the violation at least seven days prior notice of the time, date, and place of the hearing. The accused may be represented by an attorney and shall have an opportunity to present evidence, call witnesses, and cross-examine witnesses.~~ 53721
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~~At the hearing, the commission shall determine whether the violation alleged in the complaint has occurred. If the commission determines that a violation of division (A) of section 3307.073 of the Revised Code has occurred, the commission shall either impose a fine under section 3307.99 of the Revised Code or enter a finding that good cause has been shown not to impose the fine. If the commission determines that a violation of division (B) of section 3307.073 of the Revised Code has occurred, the commission shall impose the fine described in section 3307.99 of the Revised Code, refer the matter to the appropriate prosecutor, or enter a finding that good cause has been shown not to impose a fine or refer the matter to a prosecutor.~~ 53726
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Sec. 3307.10. ~~(A)~~ (A) (1) The members of the state teachers retirement board holding office under divisions (A) (3) to (6) of section 3307.05 of the Revised Code, for their service on the board, are entitled to both of the following: 53739
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(a) Two hundred dollars for each regular board meeting attended, provided that no member shall be entitled to more than four hundred dollars per month, regardless of the number of regular board meetings held in a month; 53743
53744
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53746

(b) Health care benefits comparable to those generally 53747

available to employees of the state teachers retirement system. 53748

(2) Except as provided in division (A) (3) of this section, 53749
the members of the board other than the appointed members 53750
described under division (A) (1) of this section shall serve 53751
without compensation, ~~except that~~. 53752

(3) All of the members of the board shall be reimbursed 53753
from the expense fund for all actual necessary expenses incurred 53754
while serving on the board. 53755

(4) The payment to which a board member is entitled for 53756
attending a regular board meeting under division (A) (1) (a) of 53757
this section does not entitle the member to payment for 53758
attending a special meeting or a committee meeting of the board. 53759

(5) Health care benefits provided to a board member under 53760
division (A) (1) (b) of this section shall be provided on the same 53761
terms and at the same cost as to employees of the system. 53762

(B) The board may secure insurance coverage designed to 53763
indemnify board members and employees for their actions or 53764
conduct in the performance of official duties, and may pay 53765
required premiums for such coverage from the expense fund. 53766

(C) If the officers of the board determine that a meeting 53767
of the entire membership, or any part thereof, is necessary, 53768
such determination shall be final, and contributing members 53769
shall be given time off from their employment to attend any such 53770
meeting. The employer of a contributing member shall not reduce 53771
the member's earned compensation as a teacher or any 53772
contribution required under section 3307.26 of the Revised Code, 53773
because of the contributing member's absence from employment to 53774
attend any such meeting. 53775

The portion of the employer contribution required under 53776

section 3307.28 of the Revised Code that represents earned 53777
compensation of a contributing member paid for the period of an 53778
absence from employment to attend a board meeting, shall be 53779
annually transferred from the expense fund and forwarded to the 53780
employer of the contributing member. 53781

(D) The board shall adopt rules in accordance with section 53782
111.15 of the Revised Code establishing a policy for 53783
reimbursement of travel expenses incurred by board members in 53784
the performance of their official duties. As part of any audit 53785
performed under Chapter 117. of the Revised Code, an inquiry 53786
shall be made into whether board members have complied with 53787
these rules. 53788

(E) No board member shall accept payment or reimbursement 53789
for travel expenses, other than for meals and other food and 53790
beverages provided to the member, from any source other than the 53791
expense fund. Except in the case of an emergency, no out-of- 53792
state travel expenses shall be reimbursed unless approved in 53793
advance by a majority of the board at a regular board meeting. 53794

(F) Notwithstanding anything to the contrary in sections 53795
145.38, 742.26, 3307.35, or 3309.341 of the Revised Code, a 53796
board member's service on the board shall not forfeit the 53797
member's allowance or benefit under any of those sections. 53798

Sec. 3307.11. The state teachers retirement board shall 53799
elect from its membership, a chairperson and a vice-chairperson. 53800
A member of the board who has contributions on deposit with the 53801
state teachers retirement system is not eligible to serve as 53802
chairperson or vice-chairperson. The board shall employ an 53803
executive director who shall serve as secretary, and shall 53804
employ other persons necessary to operate the system and to 53805
fulfill the board's duties and responsibilities under Chapter 53806

3307. of the Revised Code. 53807

Effective ninety days after ~~the effective date of this~~ 53808
~~amendment~~ September 15, 2004, the board may not employ a state 53809
retirement system investment officer, as defined in section 53810
1707.01 of the Revised Code, who does not hold a valid state 53811
retirement system investment officer license issued by the 53812
division of securities in the department of commerce. 53813

The compensation of all employees and all other expenses 53814
of the board necessary for the proper operation of the system 53815
shall be paid in such amounts as the board approves. 53816

Every expense voucher of an employee, officer, or board 53817
member of the state teachers retirement system shall itemize all 53818
purchases and expenditures. 53819

The board shall receive all applications for retirement 53820
under the plans described in section 3307.031 of the Revised 53821
Code, shall provide for the payment of all retirement allowances 53822
and other benefits payable under this chapter, and shall make 53823
other expenditures authorized by this chapter. 53824

Sec. 3307.27. ~~The~~ (A) Except as provided in division (B) 53825
of this section, the contributions required under section 53826
3307.26 of the Revised Code may be paid by the employer in 53827
accordance with division (h) of section 414 of the "Internal 53828
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 414(h), as 53829
amended. 53830

(B) The contributions required under section 3307.26 of 53831
the Revised Code shall not be paid by a school district board of 53832
education on behalf of a contributor employed by the school 53833
district as a superintendent or principal, but may be treated as 53834
paid by the school district board of education in accordance 53835

with division (h) of section 414 of the "Internal Revenue Code 53836
of 1986," 26 U.S.C. 414(h). 53837

Sec. 3307.99. (A) Whoever violates division (A) of section 53838
3307.073 of the Revised Code shall be fined not more than one 53839
hundred dollars for each day of the violation. 53840

(B) Whoever violates division (B) of section 3307.073 of 53841
the Revised Code shall be imprisoned for not more than six 53842
months or fined not more than five thousand dollars, or both. 53843

~~(C) Fines imposed by the Ohio elections commission under~~ 53844
~~this section shall be paid into the Ohio elections commission~~ 53845
~~fund created under section 3513.10 of the Revised Code.~~ 53846

Sec. 3309.073. (A) No person shall knowingly fail to file 53847
a complete and accurate campaign finance statement or 53848
independent expenditure statement in accordance with section 53849
3309.072 of the Revised Code. 53850

(B) No person, during the course of a person seeking 53851
nomination for, and during any campaign for, election to the 53852
school employees retirement board, shall knowingly and with 53853
intent to affect the nomination or the outcome of the campaign 53854
do any of the following by means of campaign materials, an 53855
advertisement on radio or television or in a newspaper or 53856
periodical, a public speech, press release, or otherwise: 53857

(1) With regard to a candidate, identify the candidate in 53858
a manner that implies that the candidate is a member of the 53859
board or use the term "re-elect" when the candidate is not 53860
currently a member of the board; 53861

(2) Make a false statement concerning the formal schooling 53862
or training completed or attempted by a candidate; a degree, 53863
diploma, certificate, scholarship, grant, award, prize, or honor 53864

received, earned, or held by a candidate; or the period of time 53865
during which a candidate attended any school, college, community 53866
technical school, or institution; 53867

(3) Make a false statement concerning the professional, 53868
occupational, or vocational licenses held by a candidate, or 53869
concerning any position the candidate held for which the 53870
candidate received a salary or wages; 53871

(4) Make a false statement that a candidate or board 53872
member has been indicted or convicted of a theft offense, 53873
extortion, or other crime involving financial corruption or 53874
moral turpitude; 53875

(5) Make a statement that a candidate has been indicted 53876
for any crime or has been the subject of a finding by the Ohio 53877
elections commission, the secretary of state, or the Ohio 53878
election integrity commission without disclosing the outcome of 53879
any legal proceedings resulting from the indictment or finding; 53880

(6) Make a false statement that a candidate or board 53881
member has a record of treatment or confinement for mental 53882
disorder; 53883

(7) Make a false statement that a candidate or board 53884
member has been subjected to military discipline for criminal 53885
misconduct or dishonorably discharged from the armed services; 53886

(8) Falsely identify the source of a statement, issue 53887
statements under the name of another person without 53888
authorization, or falsely state the endorsement of or opposition 53889
to a candidate by a person or publication; 53890

(9) Make a false statement concerning the voting record of 53891
a candidate or board member; 53892

(10) Post, publish, circulate, distribute, or otherwise 53893
disseminate a false statement concerning a candidate, either 53894
knowing the same to be false or with reckless disregard of 53895
whether it was false or not, if the statement is designed to 53896
promote the election, nomination, or defeat of the candidate. 53897

Sec. 3309.074. ~~The secretary of state, or any person~~ 53898
~~acting on personal knowledge and subject to the penalties of~~ 53899
~~perjury, may file a~~ A ~~complaint with the Ohio elections~~ 53900
~~commission~~ alleging a violation of section 3309.073 of the 53901
Revised Code may be filed in accordance with section 3517.16 of 53902
the Revised Code. ~~The complaint shall be made on a form~~ 53903
~~prescribed and provided by the commission.~~ 53904

~~A complaint shall be filed not later than two years after~~ 53905
~~the occurrence of the act or failure to act that is the subject~~ 53906
~~of the complaint, except that if the act or failure to act~~ 53907
~~involves fraud, concealment, or misrepresentation and was not~~ 53908
~~discovered during that two-year period, a complaint may be filed~~ 53909
~~not later than one year after discovery of the act or failure to~~ 53910
~~act.~~ 53911

~~On receipt of a complaint under this section, the~~ 53912
~~commission shall hold a hearing open to the public to determine~~ 53913
~~whether the violation alleged in the complaint has occurred. The~~ 53914
~~commission may administer oaths and issue subpoenas to any~~ 53915
~~person in the state compelling the attendance of witnesses and~~ 53916
~~the production of relevant papers, books, accounts, and reports.~~ 53917
~~On the refusal of any person to obey a subpoena or to be sworn~~ 53918
~~or to answer as a witness, the commission may apply to the court~~ 53919
~~of common pleas of Franklin county under section 2705.03 of the~~ 53920
~~Revised Code. The court shall hold contempt proceedings in~~ 53921
~~accordance with Chapter 2705. of the Revised Code.~~ 53922

~~The commission shall provide the person accused of the~~ 53923
~~violation at least seven days prior notice of the time, date,~~ 53924
~~and place of the hearing. The accused may be represented by an~~ 53925
~~attorney and shall have an opportunity to present evidence, call~~ 53926
~~witnesses, and cross-examine witnesses.~~ 53927

~~At the hearing, the commission shall determine whether the~~ 53928
~~violation alleged in the complaint has occurred. If the~~ 53929
~~commission determines that a violation of division (A) of~~ 53930
~~section 3309.073 of the Revised Code has occurred, the~~ 53931
~~commission shall either impose a fine under section 3309.99 of~~ 53932
~~the Revised Code or enter a finding that good cause has been~~ 53933
~~shown not to impose the fine. If the commission determines that~~ 53934
~~a violation of division (B) of section 3309.073 of the Revised~~ 53935
~~Code has occurred, the commission shall impose the fine~~ 53936
~~described in section 3309.99 of the Revised Code, refer the~~ 53937
~~matter to the appropriate prosecutor, or enter a finding that~~ 53938
~~good cause has been shown to not impose a fine or refer the~~ 53939
~~matter to the appropriate prosecutor.~~ 53940

Sec. 3309.47. Each school employees retirement system 53941
contributor shall contribute eight per cent of the contributor's 53942
compensation to the employees' savings fund, except that the 53943
school employees retirement board may raise the contribution 53944
rate to a rate not greater than ten per cent of compensation. 53945

The contributions required under this section shall not be 53946
paid by a school district board of education on behalf of a 53947
contributor employed by the school district as a treasurer, but 53948
may be treated as employer contributions for purposes of state 53949
and federal income tax deferred income provisions. 53950

The contributions by the direction of the school employees 53951
retirement board shall be deducted by the employer from the 53952

compensation of each contributor on each payroll of such 53953
contributor for each payroll period and shall be an amount equal 53954
to the required per cent of such contributor's compensation. On 53955
a finding by the board that an employer has failed or refused to 53956
deduct contributions for any employee during any year and to 53957
transmit such amounts to the retirement system, the retirement 53958
board may make a determination of the amount of the delinquent 53959
contributions, including interest at a rate set by the 53960
retirement board, from the end of each year, and certify to the 53961
employer the amounts for collection. If the amount is not paid 53962
by the employer, it may be certified for collection in the same 53963
manner as payments due the employers' trust fund. Any amounts so 53964
collected shall be held in trust pending receipt of a report of 53965
contributions for the employee for the period involved as 53966
provided by law and, thereafter, the amount in trust shall be 53967
transferred to the employee's savings fund to the credit of the 53968
employee. Any amount remaining after the transfer to the 53969
employees' savings fund shall be transferred to the employers' 53970
trust fund as a credit of the employer. 53971

Additional deposits may be made to a member's account. At 53972
retirement, the amount deposited with interest may be used to 53973
provide additional annuity income. The additional deposits may 53974
be refunded to the member before retirement, and shall be 53975
refunded if the member withdraws the member's refundable amount. 53976
The deposits may be refunded to the beneficiary or estate if the 53977
member dies before retirement, and the board shall determine 53978
whether regular interest shall be credited to deposits thus 53979
refunded. 53980

Sec. 3309.99. (A) Whoever violates division (A) of section 53981
3309.073 of the Revised Code shall be fined not more than one 53982
hundred dollars for each day of the violation. 53983

(B) Whoever violates division (B) of section 3309.073 of the Revised Code shall be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

~~(C) Fines imposed by the Ohio elections commission under this section shall be paid into the Ohio elections commission fund created under section 3513.10 of the Revised Code.~~

Sec. 3310.033. (A) As used in this section:

(1) "Foster child" means a child placed with a foster caregiver, as defined in section 5103.02 of the Revised Code.

(2) "Qualifying student" means a student who is not entitled to attend school under section 3313.64 or 3313.65 of the Revised Code in a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code.

(3) "Kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code.

(4) "Sibling" means any of the following:

(a) A brother, half-brother, sister, or half-sister by birth, marriage, or adoption;

(b) A cousin by birth, marriage, or adoption who is residing in the same household;

(c) A foster child who is residing in the same household, including a child who is subsequently adopted by the child's foster family;

(d) A child residing in the same household who is placed with a guardian or legal custodian;

(e) A child who is residing in the same household and is

being cared for by a kinship caregiver; 54011

(f) Any other child under eighteen years of age who has 54012
resided in the same household for at least forty-five 54013
consecutive days within the last calendar year. 54014

(5) "Caretaker" means the parent of a minor child or a 54015
relative acting in the parent's place. "Caretaker" also means 54016
another responsible adult who has care of the child and in whose 54017
household the child resides and, if not for residing in that 54018
household, the child would be homeless or likely to be homeless. 54019

(B) Notwithstanding anything in the Revised Code to the 54020
contrary, a qualifying student shall be eligible for an 54021
educational choice scholarship under section 3310.03 of the 54022
Revised Code, regardless of whether the student is enrolled in a 54023
school building described in division (A)(1) or (C) of that 54024
section, if any of the following apply: 54025

(1) The student's sibling received an educational choice 54026
scholarship under section 3310.03 of the Revised Code for the 54027
school year immediately prior to the school year for which the 54028
student is seeking a scholarship; 54029

(2) The student is a foster child; 54030

(3) The student is a child placed with a guardian, legal 54031
custodian, or kinship caregiver; 54032

(4) The student is not a child placed with a guardian, 54033
legal custodian, or kinship caregiver, but has resided in the 54034
same household as such a child for at least forty-five 54035
consecutive days within the last calendar year; 54036

(5) The student is not a foster child, but resides in a 54037
home that has received certification under section 5103.03 of 54038

the Revised Code; 54039

(6) The student satisfies all of the following conditions: 54040

(a) The student is not a foster child or a student 54041
described in division (B) (4) of this section. 54042

(b) The student has resided in the household of an 54043
individual who is not the student's parent or guardian for at 54044
least forty-five consecutive days within the last calendar year 54045
and, if not for residing in that household, the student would 54046
have been homeless. 54047

(c) The student's parent or guardian resides in this 54048
state. 54049

(7) The student is not a child described in division (B) 54050
(6) of this section, but has resided in the same household as a 54051
child described in that division for at least forty-five 54052
consecutive days within the last calendar year. 54053

(C) A student who receives an educational choice 54054
scholarship under this section remains eligible for that 54055
scholarship and may continue to receive a scholarship in 54056
subsequent school years until the student completes grade 54057
twelve, so long as the student satisfies the conditions 54058
specified in divisions (D) (2) and (3) of section 3310.03 of the 54059
Revised Code. 54060

(D) The department of education and workforce may request 54061
any individual applying for a scholarship under this section on 54062
behalf of a qualifying student to provide appropriate 54063
documentation, as defined by the department, that the student 54064
meets the eligibility qualifications prescribed under this 54065
section. In the case of a student who qualifies under division 54066
(B) (6) of this section, such documentation shall be provided by 54067

the student's parent, guardian, or caretaker. 54068

Sec. 3310.037. A student is not eligible to receive an 54069
educational choice scholarship awarded under sections 3310.01 to 54070
3310.17 of the Revised Code if the treasurer of state has 54071
established an educational savings account for the student under 54072
section 3310.23 of the Revised Code for the school year for 54073
which the scholarship is sought. 54074

Sec. 3310.21. As used in this section and sections 3310.22 54075
to 3310.26 of the Revised Code: 54076

(A) "Chartered nonpublic school" has the same meaning as 54077
in section 3310.01 of the Revised Code. 54078

(B) "Community school" means a community school 54079
established under Chapter 3314. of the Revised Code. 54080

(C) "Parent" has the same meaning as in section 3313.98 of 54081
the Revised Code. 54082

(D) "Participating school" means a nonchartered nonpublic 54083
school that participates in the nonchartered educational savings 54084
account program in accordance with section 3310.25 of the 54085
Revised Code. 54086

(E) "Resident district" means the school district in which 54087
a student is entitled to attend school under section 3313.64 or 54088
3313.65 of the Revised Code. 54089

(F) "Scholarship account" means an educational savings 54090
account established under section 3310.23 of the Revised Code. 54091

(G) "School district" means a city, local, or exempted 54092
village school district. 54093

(H) "State scholarship" means a scholarship awarded under 54094

the educational choice scholarship pilot program established 54095
under sections 3310.01 to 3310.17 of the Revised Code, the 54096
autism scholarship program established under section 3310.41 of 54097
the Revised Code, the Jon Peterson special needs scholarship 54098
program established under sections 3310.51 to 3310.64 of the 54099
Revised Code, or the pilot project scholarship program 54100
established under sections 3313.974 to 3313.979 of the Revised 54101
Code. 54102

(I) "STEM school" means a STEM school established under 54103
Chapter 3326. of the Revised Code. 54104

Sec. 3310.22. (A) The nonchartered educational savings 54105
account program is established to begin operating for the 2026- 54106
2027 school year. The treasurer of state shall administer the 54107
program with the assistance of the department of education and 54108
workforce. Under the program, the treasurer of state shall 54109
establish an educational savings account for each participating 54110
student to purchase educational goods and services, including 54111
tuition at participating schools. Funding for each educational 54112
savings account shall be transferred by the department of 54113
education and workforce from the nonchartered educational 54114
savings account unit, as defined in section 3317.02 of the 54115
Revised Code, in accordance with section 3317.022 of the Revised 54116
Code. 54117

(B) The department shall establish a system under which a 54118
student, parent, participating school, or any other individual 54119
may submit a complaint about an alleged violation of the 54120
program's requirements. The department shall investigate each 54121
complaint that it receives. During the investigation, the 54122
department shall provide updates to and respond to questions 54123
from both the subject of the complaint and the party who 54124

submitted the complaint. The department shall complete each 54125
investigation promptly. 54126

Upon completion of an investigation, the department shall 54127
submit to the party who submitted a complaint, the subject of 54128
the complaint, and the treasurer of state a report regarding the 54129
investigation's findings, including whether the program's 54130
requirements were violated. If the department's report indicates 54131
the program's requirements were violated, the treasurer of state 54132
shall determine a resolution to the complaint and require 54133
corrective actions to be taken, including remediation plans and 54134
other potential consequences for the subject of the complaint. 54135

(C) The treasurer of state shall establish due process 54136
procedures for individuals and participating schools who are 54137
determined noncompliant with the requirements of the program 54138
under this section and sections 3310.24 and 3310.25 of the 54139
Revised Code. The procedures shall provide an individual or 54140
school with at least a notice of the noncompliance 54141
determination, an opportunity for a hearing regarding it, and an 54142
opportunity to appeal it prior to the treasurer of state 54143
determining a resolution or undertaking any action regarding it. 54144

Sec. 3310.23. (A) Not later than February 1, 2026, the 54145
treasurer of state shall develop an application procedure for 54146
the nonchartered educational savings account program. Under the 54147
procedure, the treasurer of state shall open an application 54148
period for a school year on the first day of February 54149
immediately prior to the first day of July of that school year. 54150
The parent of a student enrolled in a participating school may 54151
submit an application to participate in the program during that 54152
application period. The treasurer of state shall accept and 54153
process each application that is submitted. The application 54154

<u>shall require the parent to do all of the following:</u>	54155
<u>(1) Provide the student's and parent's names and address;</u>	54156
<u>(2) Provide documentation verifying the student's</u>	54157
<u>enrollment and attendance at a participating school;</u>	54158
<u>(3) Provide the student's participating school's tuition</u>	54159
<u>and fee schedule;</u>	54160
<u>(4) Affirm that the student will take a nationally</u>	54161
<u>recognized standardized achievement assessment;</u>	54162
<u>(5) If the parent is reapplying for a scholarship account</u>	54163
<u>in accordance with division (C) of this section, provide the</u>	54164
<u>student's nationally recognized standardized achievement</u>	54165
<u>assessment scores for the prior school year. As a matter of</u>	54166
<u>convenience, the student's participating school may submit the</u>	54167
<u>nationally recognized standardized achievement assessment scores</u>	54168
<u>on behalf of the student's parent.</u>	54169
<u>(6) Affirm the parent will maintain records and related</u>	54170
<u>documentation regarding educational expenses on which the parent</u>	54171
<u>spends funds from the scholarship account, including any</u>	54172
<u>receipts for tuition, fees, textbooks, and curriculum materials;</u>	54173
<u>(7) Affirm the parent will not enroll the student in a</u>	54174
<u>school district, community school, STEM school, or chartered</u>	54175
<u>nonpublic school while the student is participating in the</u>	54176
<u>program;</u>	54177
<u>(8) Affirm the parent will not use funds in a scholarship</u>	54178
<u>account for any purpose other than those described in division</u>	54179
<u>(A) of section 3310.24 of the Revised Code;</u>	54180
<u>(9) Provide other information determined necessary by the</u>	54181
<u>treasurer of state.</u>	54182

(B) For an educational savings account sought for the 54183
2026-2027 school year, and for each school year thereafter, the 54184
treasurer of state shall approve a completed application 54185
submitted on behalf of a student, and establish an educational 54186
savings account for that student, if both of the following 54187
apply: 54188

(1) The student is enrolling in any of grades kindergarten 54189
through twelve in a participating school for the school year for 54190
which an account is sought. 54191

(2) The student has not received a state scholarship for 54192
the school year for which an account is sought. 54193

(C) A student for whom an educational savings account is 54194
established under this section for a school year shall be 54195
required to reapply under this section to have an account 54196
established for a subsequent school year. 54197

The treasurer of state shall notify parents of students 54198
for whom a scholarship account is established of the renewal 54199
process, the deadline for renewal, and that failure to renew in 54200
a timely manner may result in a temporary suspension of access 54201
to funds until an account is renewed. The treasurer of state 54202
shall provide support to ensure a smooth transition from school 54203
year to school year for renewing parents and students. 54204

(D) To the extent practicable, the treasurer of state 54205
shall establish a scholarship account prior to the start of the 54206
school year for which it is sought if the parent submits an 54207
application prior to the school year's start. 54208

Sec. 3310.24. (A) Funds transferred by the department of 54209
education and workforce under section 3317.022 of the Revised 54210
Code to a scholarship account established for a student shall be 54211

used by the student's parent to pay for tuition and fees at a 54212
participating school. Any funds remaining in the scholarship 54213
account after paying for tuition and fees shall be used for 54214
curriculum, textbooks, instructional materials, and supplies. 54215

(B) Upon request of the parent of a student for whom a 54216
scholarship account is established, the treasurer of state shall 54217
disburse funds from that account by either of the following 54218
methods as selected by the parent: 54219

(1) The treasurer of state shall disburse funds directly 54220
to an approved vendor who provides educational goods or services 54221
described in division (A) of this section to the student. The 54222
treasurer of state shall establish a process to solicit and 54223
approve vendors for the purposes of this section. Under that 54224
process, a participating school that complies with the 54225
requirements prescribed under section 3310.25 of the Revised 54226
Code shall be considered an approved vendor. 54227

(2) The treasurer of state shall disburse funds to 54228
reimburse the student's parent for any costs incurred by the 54229
parent for educational goods or services described in division 54230
(A) of this section for that student. Prior to disbursing funds 54231
to reimburse a parent, the treasurer of state shall require that 54232
the parent provide appropriate documentation, as determined by 54233
the treasurer of state, that the costs incurred by the parent 54234
are in accordance with division (A) of this section. 54235

(C) Any refund or other repayment of funds by a 54236
participating school or other educational provider shall be 54237
returned to the student's scholarship account. Such a refund or 54238
repayment shall not be made directly to the student or the 54239
student's parent. 54240

(D) If a student for whom a scholarship account has been 54241
established for a school year disenrolls from the student's 54242
participating school and does not enroll in a different 54243
participating school during that school year, the treasurer of 54244
state shall transfer the balance of any funds in the student's 54245
account, including any prorated refund from a participating 54246
school, to the general revenue fund. The treasurer shall 54247
transfer funds under this division on the first day of January 54248
and the first day of July of each year. 54249

(E) If the parent of a student for whom a scholarship 54250
account is established for a school year reapplies to have an 54251
account established for the immediately subsequent school year, 54252
the treasurer of state shall, on the thirtieth day of June of 54253
the school year for which the account is established, transfer 54254
to the student's new account the balance of funds in the 54255
student's old account. 54256

(F) If the parent of a student for whom a scholarship 54257
account is established for a school year does not reapply to 54258
have a new account established for the immediately subsequent 54259
school year, the treasurer of state shall, on the first day of 54260
July of the year following the school year for which the account 54261
is established, transfer the balance of any funds in the 54262
student's old account to the general revenue fund. 54263

(G) Nothing in this section prohibits the parent of a 54264
student for whom a scholarship account is established from 54265
making payments for the costs of educational goods and services 54266
not covered by the funds in that account. However, the parent of 54267
a student shall not deposit funds in the student's scholarship 54268
account. 54269

(H) The treasurer of state may conduct random audits to 54270

verify that parents are using funds from a student's scholarship 54271
account in accordance with this section. If the treasurer of 54272
state determines a misuse of funds, the treasurer of state shall 54273
take any action the treasurer of state determines appropriate, 54274
including suspension or termination of a student's participation 54275
in the program. 54276

(I) The treasurer of state shall certify to the office of 54277
budget and management the amount of funds transferred to the 54278
general revenue fund under divisions (D) and (F) of this 54279
section. 54280

Sec. 3310.25. (A) A nonchartered nonpublic school that 54281
elects to participate in the nonchartered educational savings 54282
account program for a school year shall notify the treasurer of 54283
state of that fact by a deadline established by the treasurer of 54284
state. 54285

(B) Each nonchartered nonpublic school that participates 54286
in the program shall do all of the following: 54287

(1) Maintain records and related documentation regarding 54288
the educational expenses on which the school spends the funds it 54289
receives under the program, including receipts for tuition, 54290
textbooks, and curricula; 54291

(2) Maintain a physical location in the state at which 54292
each student has regular and direct contact with teachers. For 54293
the purposes of this section, "physical location" does not 54294
include a building that primarily serves as a residence. 54295

(3) Notify the treasurer of state and the department of 54296
education and workforce of any change in the school's name, 54297
school director, mailing address, or physical location within 54298
fifteen days of the change; 54299

(4) Require the parent of a student for whom a scholarship 54300
account is established to endorse the use of funds from a 54301
scholarship account by the school or approve the transfer of 54302
funds from the scholarship account to the school. 54303

(C) Each nonchartered nonpublic school that participates 54304
in the program shall comply with the requirements prescribed 54305
under the program. However, such schools are autonomous and not 54306
an agent of the state or federal governments. Therefore, all of 54307
the following apply: 54308

(1) The treasurer of state shall not regulate the 54309
curriculum, instructional methods, or other aspects of a 54310
school's educational program. 54311

(2) The program does not expand the authority of the 54312
treasurer of state to impose on nonchartered nonpublic schools 54313
any additional requirements beyond those expressly prescribed 54314
under the program. 54315

(3) Nonchartered nonpublic schools that participate in the 54316
program shall be given maximum freedom to provide for the 54317
educational needs of their students. 54318

(D) The treasurer of state may remove a nonchartered 54319
nonpublic school from the list of schools participating in the 54320
program if the treasurer of state determines the school has 54321
failed to comply with the requirements prescribed under this 54322
section. 54323

(E) (1) The treasurer of state shall provide the department 54324
with the list of nonchartered nonpublic schools that participate 54325
in the program. 54326

(2) Annually, the department shall do all of the following 54327
regarding each nonchartered nonpublic school that participates 54328

in the program: 54329

(a) Verify the school has filed with the department, in 54330
accordance with section 3301.0732 of the Revised Code, a copy of 54331
the report prescribed under section 3301.07 of the Revised Code; 54332

(b) Request from the board of health of the city or 54333
general health district in which the school's physical location 54334
is located a copy of any report of any inspection conducted by 54335
the board of health of that physical location; 54336

(c) Request from the state fire marshal a copy of any 54337
report of any fire inspection of the school's physical location; 54338

(d) Prepare and submit to the treasurer of state a report 54339
regarding whether, based on the information collected under 54340
divisions (E) (2) (a) to (c) of this section, the school is 54341
compliant with the minimum education standards and health, fire, 54342
and safety laws. 54343

(3) If the department's report under division (E) (2) (d) of 54344
this section demonstrates that a school is not compliant, the 54345
treasurer of state shall take any action the treasurer of state 54346
determines appropriate against the school. 54347

(F) (1) The department shall compile the scores attained by 54348
students with a scholarship account and provided to the 54349
treasurer of state under section 3310.23 of the Revised Code. 54350
The department shall aggregate the scores as follows: 54351

(a) By state, which shall include all students with a 54352
scholarship account; 54353

(b) By school district, which shall include all students 54354
with a scholarship account and for whom the district is the 54355
student's resident district; 54356

(c) By nonchartered nonpublic school, which shall include 54357
all students with a scholarship account and who were enrolled in 54358
that school. 54359

(2) The department shall disaggregate the student 54360
performance data described in division (F)(1) of this section 54361
according to the following categories: 54362

(a) Grade level; 54363

(b) Race and ethnicity; 54364

(c) Gender; 54365

(d) Students with a scholarship account who have 54366
participated in the program for three or more years; 54367

(e) Students with a scholarship account who have 54368
participated in the program for more than one year and less than 54369
three years; 54370

(f) Students with a scholarship account who have 54371
participated in the program for one year or less; 54372

(g) Economically disadvantaged students. 54373

(3) Not later than the first day of February each year, 54374
the department shall post the student performance data required 54375
under divisions (F)(1) and (F)(2) of this section on its web 54376
site. In reporting student performance data under this division, 54377
the department shall not include any data that is statistically 54378
unreliable or that could result in the identification of 54379
individual students. For this purpose, the department shall not 54380
report performance data for any group that contains less than 54381
ten students. 54382

(4) Not later than July 1, 2026, the department shall 54383

develop a measure of student growth for students with 54384
scholarship accounts that are enrolled in nonchartered nonpublic 54385
schools. The measure of student growth shall be used to report 54386
data annually on student growth for students in grades four 54387
through eight during the school year in which data is reported. 54388
No data shall be reported for schools with fewer than ten 54389
students with scholarship accounts. The department shall make 54390
the growth reports available on its publicly accessible web 54391
site. 54392

(5) The treasurer of state shall collect and provide to 54393
the department any data necessary for the department to perform 54394
its duties under this division. 54395

(G) The treasurer of state may conduct random audits to 54396
verify that nonchartered nonpublic schools that participate in 54397
the program are using funds received under the program in 54398
accordance with this section. If the treasurer of state 54399
determines a misuse of funds, the treasurer of state shall take 54400
any action the treasurer of state determines appropriate, 54401
including suspension or termination of a school's participation 54402
in the program. 54403

Sec. 3310.26. (A) As used in this section: 54404

(1) "Adjusted gross income" has the same meaning as in 54405
section 5747.01 of the Revised Code. 54406

(2) "Base amount" means an amount equal to the maximum 54407
educational choice scholarship amount for the student's grade 54408
level under division (A) (10) (a) (ii) (I) of section 3317.022 of 54409
the Revised Code for the fiscal year multiplied by 0.75. 54410

(3) "Constant multiplier" means 0.50. 54411

(4) "Federal poverty level multiplier" means a percentage 54412

equal to the student's family income percentage of the federal 54413
poverty guidelines for the fiscal year. 54414

(5) "Federal poverty guidelines" has the same meaning as 54415
in section 5101.46 of the Revised Code. 54416

(6) "Minimum amount" means an amount equal to the base 54417
amount for the fiscal year multiplied by 0.10. 54418

(7) "Power equation" means the following formula: 54419

The federal poverty level multiplier X ln(constant 54420
multiplier) 54421

(B) The department of education and workforce shall 54422
determine the scholarship amount for a student for whom a 54423
scholarship account is established for a fiscal year, as 54424
follows: 54425

(1) For a student with a family adjusted gross income at 54426
or below four hundred fifty per cent of the federal poverty 54427
guidelines for the fiscal year, the base amount; 54428

(2) For a student with a family adjusted gross income 54429
above four hundred fifty per cent of the federal poverty 54430
guidelines, an amount calculated according to the following 54431
formula: 54432

The base amount X (1 / the constant multiplier)^4.5 X 54433
e^power equation 54434

If the amount calculated for a student under division (B) 54435
(2) of this division is less than the minimum amount, the 54436
student's scholarship amount shall be the minimum amount. 54437

(C) For the purposes of calculating a scholarship amount 54438
for a student under this section, the department shall require a 54439

student's parent to submit documentation regarding the student's 54440
family income. The department shall use the documentation 54441
submitted for the first school year that the student has a 54442
scholarship amount calculated under this section to calculate 54443
the amount for that school year and each subsequent school year, 54444
unless, for a subsequent school year, the parent requests the 54445
department recalculate the student's scholarship amount based on 54446
updated documentation. 54447

A parent shall submit documentation, or a request for a 54448
recalculation, to the department in a form and manner prescribed 54449
by the department. 54450

Sec. 3310.41. (A) As used in this section: 54451

(1) "Alternative public provider" means either of the 54452
following providers that agrees to enroll a child in the 54453
provider's special education program to implement the child's 54454
individualized education program or an education plan developed 54455
by the school district under division ~~(K)~~(L) of this section and 54456
to which the child's parent owes fees for the services provided 54457
to the child: 54458

(a) A school district that is not the school district in 54459
which the child is entitled to attend school; 54460

(b) A public entity other than a school district. 54461

(2) "Eligible applicant" means any of the following: 54462

(a) Either of the natural or adoptive parents of a 54463
qualified special education child, except as otherwise specified 54464
in this division. 54465

When the marriage of the natural or adoptive parents of 54466
the child has been terminated by a divorce, dissolution of 54467

marriage, or annulment, or when the natural or adoptive parents 54468
of the child are living separate and apart under a legal 54469
separation decree, and a court has issued an order allocating 54470
the parental rights and responsibilities with respect to the 54471
child, "eligible applicant" means the residential parent as 54472
designated by the court. If the court issues a shared parenting 54473
decree, "eligible applicant" means either parent. "Eligible 54474
applicant" does not mean a parent whose custodial rights have 54475
been terminated. 54476

(b) The custodian of a qualified special education child, 54477
when a court has granted temporary, legal, or permanent custody 54478
of the child to an individual other than either of the natural 54479
or adoptive parents of the child or to a government agency; 54480

(c) The guardian of a qualified special education child, 54481
when a court has appointed a guardian for the child; 54482

(d) The grandparent of a qualified special education 54483
child, when the grandparent is the child's attorney in fact 54484
under a power of attorney executed under sections 3109.51 to 54485
3109.62 of the Revised Code or when the grandparent has executed 54486
a caretaker authorization affidavit under sections 3109.65 to 54487
3109.73 of the Revised Code; 54488

(e) The surrogate parent appointed for a qualified special 54489
education child pursuant to division (B) of section 3323.05 and 54490
section 3323.051 of the Revised Code; 54491

(f) A qualified special education child, if the child does 54492
not have a custodian or guardian and the child is at least 54493
eighteen years of age and less than twenty-two years of age. 54494

(3) "Entitled to attend school" means entitled to attend 54495
school in a school district under section 3313.64 or 3313.65 of 54496

the Revised Code. 54497

~~(3)~~ (4) "Formula ADM" has the same meaning as in section 54498
3317.02 of the Revised Code. 54499

~~(4)~~ (5) "Preschool child with a disability" and 54500
"individualized education program" have the same meanings as in 54501
section 3323.01 of the Revised Code. 54502

~~(5) "Parent" has the same meaning as in section 3313.64 of 54503
the Revised Code, except that "parent" does not mean a parent- 54504
whose custodial rights have been terminated. "Parent" also- 54505
includes the custodian of a qualified special education child, 54506
when a court has granted temporary, legal, or permanent custody- 54507
of the child to an individual other than either of the natural- 54508
or adoptive parents of the child or to a government agency.- 54509~~

(6) "Qualified special education child" is a child who is 54510
at least three years of age and less than twenty-two years of 54511
age and who either was enrolled in the school district in which 54512
the child is entitled to attend school in any grade from 54513
preschool through twelve in the school year prior to the year in 54514
which a scholarship under this section is ~~first~~ sought for the 54515
child or is eligible to enter school in any grade preschool 54516
through twelve or is less than twenty-two years of age in the 54517
school district in which the child is entitled to attend school 54518
in the school year in which a scholarship under this section is 54519
~~first~~ sought for the child and for whom any of the following 54520
conditions apply: 54521

(a) The school district in which the child is entitled to 54522
attend school has identified the child as autistic. A child who 54523
has been identified as having a "pervasive developmental 54524
disorder - not otherwise specified (PPD-NOS)" shall be 54525

considered to be an autistic child for purposes of this section. 54526

(b) The school district in which the child is entitled to 54527
attend school has developed an individualized education program 54528
under Chapter 3323. of the Revised Code for the child that 54529
includes services related to autism. 54530

(c) The child has been diagnosed as autistic by a 54531
physician or psychologist. 54532

(d) All of the following apply: 54533

(i) The child is enrolled in a chartered or nonchartered 54534
nonpublic school, is home educated in accordance with section 54535
3321.042 of the Revised Code, or is a student older than 54536
compulsory school age and less than twenty-two years of age and 54537
received a home education in accordance with section 3321.042 of 54538
the Revised Code and has not received a diploma under section 54539
3313.6110 of the Revised Code. 54540

(ii) The child has an individualized education program 54541
developed under Chapter 3323. of the Revised Code that includes 54542
services related to autism. 54543

(iii) The child is still eligible to receive transition 54544
services under the child's individualized education program. 54545

(7) "Registered private provider" means a nonpublic school 54546
or other nonpublic entity that has been approved by the 54547
department of education and workforce to participate in the 54548
program established under this section. 54549

(8) "Special education program" means a school or facility 54550
that provides special education and related services to children 54551
with disabilities. 54552

(B) There is hereby established the autism scholarship 54553

program. Under the program, the department shall pay a 54554
scholarship under section 3317.022 of the Revised Code to ~~the~~ 54555
~~parent of each qualified special education child~~ an eligible 54556
applicant upon application of that ~~parent~~ eligible applicant 54557
pursuant to procedures and deadlines established by rule of the 54558
department. Each scholarship shall be used only to pay tuition 54559
for the child on whose behalf the scholarship is awarded to 54560
attend a special education program or programs that implements 54561
the child's individualized education program or education plan 54562
and that is operated by an alternative public provider or by a 54563
registered private provider, and to pay for other services 54564
agreed to by the provider and the ~~parent of a qualified special~~ 54565
~~education child~~ eligible applicant that are not included in the 54566
individualized education program or education plan but are 54567
associated with educating the child. Upon agreement with the 54568
~~parent of a qualified special education child~~ eligible applicant, 54569
the alternative public provider or the registered private 54570
provider may modify the services provided to the child. The 54571
purpose of the scholarship is to permit the ~~parent of a~~ 54572
~~qualified special education child~~ eligible applicant the choice 54573
to send the child to a special education program or programs, 54574
instead of the one operated by or for the school district in 54575
which the child is entitled to attend school, to receive the 54576
services prescribed in the child's individualized education 54577
program or education plan once the individualized education 54578
program or education plan is finalized and any other services 54579
agreed to by the provider and the ~~parent of a qualified special~~ 54580
~~education child~~ eligible applicant. The services provided under 54581
the scholarship shall include an educational component or 54582
services designed to assist the child to benefit from the 54583
child's education. 54584

At the discretion of the eligible applicant, multiple 54585
alternative public providers or registered private providers may 54586
be contracted to provide services to implement an individualized 54587
education program or education plan as the eligible applicant 54588
and providers determine are necessary and associated with 54589
educating the qualified special education child. A qualified 54590
special education child shall not be limited to receiving 54591
services from a single provider for any services as identified 54592
in the individualized education program or education plan, 54593
including a single type of service. 54594

(C) Services, including intervention services, educational 54595
services, academic services, tutoring services, aide services, 54596
and other related special education services, provided through 54597
the program established under this section may be provided 54598
virtually by any of the following: 54599

(1) An educational aide or assistant who holds a valid 54600
permit issued under section 3319.088 of the Revised Code; 54601

(2) An instructional assistant who holds a valid permit 54602
issued under section 3310.43 of the Revised Code; 54603

(3) A qualified, credentialed provider in accordance with 54604
standards established by the department; 54605

(4) A teacher or substitute teacher licensed by the state 54606
board of education. 54607

(D) A scholarship under this section shall not be awarded 54608
~~to the parent of a child~~ an eligible applicant while the child's 54609
individualized education program is being developed by the 54610
school district in which the child is entitled to attend school, 54611
or while any administrative or judicial mediation or proceedings 54612
with respect to the content of the child's individualized 54613

education program are pending. A scholarship under this section 54614
shall not be used for a child to attend a public special 54615
education program that operates under a contract, compact, or 54616
other bilateral agreement between the school district in which 54617
the child is entitled to attend school and another school 54618
district or other public provider, or for a child to attend a 54619
community school established under Chapter 3314. of the Revised 54620
Code. However, nothing in this section or in any rule adopted by 54621
the department shall prohibit ~~a parent~~ an eligible applicant 54622
whose child attends a public special education program under a 54623
contract, compact, or other bilateral agreement, or ~~a parent~~ an 54624
eligible applicant whose child attends a community school, from 54625
applying for and accepting a scholarship under this section so 54626
that the ~~parent~~ eligible applicant may withdraw the child from 54627
that program or community school and use the scholarship for the 54628
child to attend a special education program for which the ~~parent~~ 54629
eligible applicant is required to pay for services for the 54630
child. 54631

(E) Except for development of the child's individualized 54632
education program or education plan, the school district in 54633
which a qualified special education child is entitled to attend 54634
school and the child's school district of residence, as defined 54635
in section 3323.01 of the Revised Code, if different, are not 54636
obligated to provide the child with a free appropriate public 54637
education under Chapter 3323. of the Revised Code for as long as 54638
the child continues to attend the special education program 54639
operated by either an alternative public provider or a 54640
registered private provider for which a scholarship is awarded 54641
under the autism scholarship program. If at any time, the 54642
eligible applicant for the child decides no longer to accept 54643
scholarship payments and enrolls the child in the special 54644

education program of the school district in which the child is 54645
entitled to attend school, that district shall provide the child 54646
with a free appropriate public education under Chapter 3323. of 54647
the Revised Code. 54648

(F) A child attending a special education program with a 54649
scholarship under this section shall continue to be entitled to 54650
transportation to and from that program in the manner prescribed 54651
by law. 54652

(G) As prescribed in division (A) (2) (h) of section 3317.03 54653
of the Revised Code, a child who is not a preschool child with a 54654
disability for whom a scholarship is awarded under this section 54655
shall be counted in the formula ADM of the district in which the 54656
child is entitled to attend school and not in the formula ADM of 54657
any other school district. 54658

(H) A scholarship shall not be paid under section 3317.022 54659
of the Revised Code to ~~a parent~~ an eligible applicant for 54660
payment of tuition owed to a nonpublic entity unless that entity 54661
is a registered private provider. The department shall approve 54662
entities that meet the standards established by rule of the 54663
department for the program established under this section. 54664

(I) The department shall adopt rules under Chapter 119. of 54665
the Revised Code prescribing procedures necessary to implement 54666
this section, including, but not limited to, procedures and 54667
deadlines for ~~parents~~ eligible applicants to apply for 54668
scholarships, standards for registered private providers, and 54669
procedures for approval of entities as registered private 54670
providers. 54671

The rules also shall specify that intervention services, 54672
including virtual services, under the autism scholarship program 54673

may be provided by a qualified, credentialed provider, including 54674
an educator or substitute teacher licensed by the state board of 54675
education, and shall additionally include, but not be limited 54676
to, all of the following: 54677

(1) A behavior analyst certified by a nationally 54678
recognized organization that certifies behavior analysts; 54679

(2) A psychologist licensed to practice in this state 54680
under Chapter 4732. of the Revised Code; 54681

(3) An independent school psychologist or school 54682
psychologist licensed to practice in this state under Chapter 54683
4732. of the Revised Code; 54684

(4) Any person employed by a licensed psychologist, 54685
licensed independent school psychologist, or licensed school 54686
psychologist, while carrying out specific tasks, under the 54687
licensee's supervision, as an extension of the licensee's legal 54688
and ethical authority as specified under Chapter 4732. of the 54689
Revised Code who is ascribed as "psychology trainee," 54690
"psychology assistant," "psychology intern," or other 54691
appropriate term that clearly implies their supervised or 54692
training status; 54693

(5) Unlicensed persons holding a doctoral degree in 54694
psychology or special education from a program approved by the 54695
department; 54696

(6) A "registered behavior technician" as described under 54697
rule 5123-9-41 of the Administrative Code working under the 54698
supervision and following the intervention plan of a certified 54699
Ohio behavior analyst or a behavior analyst certified by a 54700
nationally recognized organization that certifies behavior 54701
analysts; 54702

(7) A "certified Ohio behavior analyst" under Chapter	54703
4783. of the Revised Code;	54704
(8) An occupational therapist or physical therapist	54705
licensed to practice in this state under Chapter 4755. of the	54706
Revised Code;	54707
(9) A speech-language pathologist licensed to practice in	54708
this state under Chapter 4753. of the Revised Code;	54709
(10) An intervention specialist who holds a valid license	54710
issued by the state board;	54711
(11) A literacy intervention specialist certified through	54712
pathways recognized by the Ohio dyslexia committee established	54713
by section 3323.25 of the Revised Code. To the extent that	54714
certification for any of the following positions is approved by	54715
the Ohio dyslexia committee under section 3323.25 of the Revised	54716
Code, literary intervention specialists may include:	54717
(a) A structured literacy dyslexia interventionist;	54718
(b) A structured literacy dyslexia specialist;	54719
(c) A certified academic language practitioner;	54720
(d) A certified academic language therapist.	54721
(12) <u>An educational aide or assistant with a valid permit</u>	54722
<u>issued under section 3319.088 of the Revised Code;</u>	54723
(13) <u>An instructional assistant with a valid permit issued</u>	54724
<u>in accordance with section 3310.43 of the Revised Code;</u>	54725
(14) <u>Any other qualified individual as determined by the</u>	54726
<u>department.</u>	54727
<u>Supervision of a qualified, credentialed provider may be</u>	54728
<u>conducted virtually.</u>	54729

(J) For billing purposes under the autism scholarship 54730
program, services provided by a teacher or substitute teacher 54731
licensed by the state board of education shall be classified as 54732
academic services and shall not be classified as aide services. 54733
The department shall use this differentiation to simplify 54734
monthly audit procedures. 54735

(K) The department shall provide reasonable notice to all 54736
~~parents of children eligible applicants~~ receiving a scholarship 54737
under the autism scholarship program, alternative public 54738
providers, and registered private providers of any amendment to 54739
a rule governing, or change in the administration of, the autism 54740
scholarship program. 54741

~~(K)~~ (L) If a child qualifies for the autism scholarship 54742
program pursuant to a diagnosis under division (A) (6) (c) of this 54743
section and does not have an individualized education program 54744
that includes services related to autism, the school district in 54745
which the child is entitled to attend school shall develop an 54746
education plan for the child. 54747

~~(L)~~ (M) Not later than the thirtieth day of June each year, 54748
each alternative public provider and registered private provider 54749
enrolling students receiving autism scholarships shall submit to 54750
the department, in a form and manner prescribed by the 54751
department, the tuition rates charged by the provider for the 54752
following school year. 54753

~~(M)~~ (N) The department shall not require ~~the parent of a~~ 54754
~~student~~ an eligible applicant who applies for or receives a 54755
scholarship under this section to complete any kind of income 54756
verification regarding the student's family income. 54757

(O) The department shall maintain a list of each 54758

registered private provider and the location of that provider on 54759
its publicly accessible web site. 54760

Sec. 3310.412. A student is not eligible to receive an 54761
autism scholarship awarded under section 3310.41 of the Revised 54762
Code if the treasurer of state has established an educational 54763
savings account for the student under section 3310.23 of the 54764
Revised Code for the school year for which the scholarship is 54765
sought. 54766

Sec. 3310.413. As used in this section, "junior reserve 54767
officer training corps program" means a junior reserve officer 54768
training corps (JROTC) program approved by the congress of the 54769
United States under title 10 of the United States Code. 54770

A qualified special education child, as defined in section 54771
3310.41 of the Revised Code, receiving home education under 54772
section 3321.042 of the Revised Code who participates in a 54773
junior reserve officer training corps program maintained by the 54774
child's resident school district in accordance with 10 U.S.C. 54775
2031f(1) shall not be considered enrolled in that district for 54776
purposes of determining eligibility for an autism scholarship 54777
under section 3310.41 of the Revised Code. 54778

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 54779
the Revised Code: 54780

(A) "Alternative public provider" means either of the 54781
following providers that agrees to enroll a child in the 54782
provider's special education program to implement the child's 54783
individualized education program and to which the eligible 54784
applicant owes fees for the services provided to the child: 54785

(1) A school district that is not the school district in 54786
which the child is entitled to attend school or the child's 54787

school district of residence, if different; 54788

(2) A public entity other than a school district. 54789

(B) "Child with a disability" and "individualized 54790
education program" have the same meanings as in section 3323.01 54791
of the Revised Code. 54792

(C) "Eligible applicant" means any of the following: 54793

(1) Either of the natural or adoptive parents of a 54794
qualified special education child, except as otherwise specified 54795
in this division. When the marriage of the natural or adoptive 54796
parents of the student has been terminated by a divorce, 54797
dissolution of marriage, or annulment, or when the natural or 54798
adoptive parents of the student are living separate and apart 54799
under a legal separation decree, and a court has issued an order 54800
allocating the parental rights and responsibilities with respect 54801
to the child, "eligible applicant" means the residential parent 54802
as designated by the court. If the court issues a shared 54803
parenting decree, "eligible applicant" means either parent. 54804
"Eligible applicant" does not mean a parent whose custodial 54805
rights have been terminated. 54806

(2) The custodian of a qualified special education child, 54807
when a court has granted temporary, legal, or permanent custody 54808
of the child to an individual other than either of the natural 54809
or adoptive parents of the child or to a government agency; 54810

(3) The guardian of a qualified special education child, 54811
when a court has appointed a guardian for the child; 54812

(4) The grandparent of a qualified special education 54813
child, when the grandparent is the child's attorney in fact 54814
under a power of attorney executed under sections 3109.51 to 54815
3109.62 of the Revised Code or when the grandparent has executed 54816

a caretaker authorization affidavit under sections 3109.65 to 54817
3109.73 of the Revised Code; 54818

(5) The surrogate parent appointed for a qualified special 54819
education child pursuant to division (B) of section 3323.05 and 54820
section 3323.051 of the Revised Code; 54821

(6) The treasurer of state has not established an 54822
educational savings account for the student under section 54823
3310.23 of the Revised Code for the same school year in which a 54824
scholarship under the Jon Peterson special needs scholarship 54825
program is sought. 54826

(7) A qualified special education child, if the child does 54827
not have a custodian or guardian and the child is at least 54828
eighteen years of age and less than twenty-two years of age. 54829

(D) "Entitled to attend school" means entitled to attend 54830
school in a school district under sections 3313.64 and 3313.65 54831
of the Revised Code. 54832

(E) "Formula ADM" has the same meaning as in section 54833
3317.02 of the Revised Code. 54834

(F) "Qualified special education child" is a child for 54835
whom all of the following conditions apply: 54836

(1) The child is at least ~~five~~three years of age and less 54837
than twenty-two years of age. 54838

(2) The school district in which the child is entitled to 54839
attend school, or the child's school district of residence if 54840
different, has identified the child as a child with a 54841
disability. 54842

(3) The school district in which the child is entitled to 54843
attend school, or the child's school district of residence if 54844

different, has developed an individualized education program 54845
under Chapter 3323. of the Revised Code for the child. 54846

(4) The child ~~either~~ meets one of the following 54847
conditions: 54848

(a) Was enrolled in the schools of the school district in 54849
which the child is entitled to attend school in any grade from 54850
~~kindergarten~~ preschool through twelve in the school year prior 54851
to the school year in which a scholarship is ~~first~~ sought for 54852
the child; 54853

(b) Is eligible to enter school in any grade ~~kindergarten~~ 54854
preschool through twelve in the school district in which the 54855
child is entitled to attend school in the school year in which a 54856
scholarship is ~~first~~ sought for the child; 54857

(c) All of the following apply: 54858

(i) The child is at least eighteen years of age and less 54859
than twenty-two years of age. 54860

(ii) The child is enrolled in a chartered or nonchartered 54861
nonpublic school, is home educated in accordance with section 54862
3321.042 of the Revised Code, or is a student older than 54863
compulsory school age and less than twenty-two years of age and 54864
received a home education in accordance with section 3321.042 of 54865
the Revised Code and has not received a diploma under section 54866
3313.6110 of the Revised Code. 54867

(iii) The child is still eligible to receive transition 54868
services under the child's individualized education program. 54869

(5) The department of education and workforce has not 54870
approved a scholarship for the child under the educational 54871
choice scholarship pilot program, under sections 3310.01 to 54872

3310.17 of the Revised Code, the autism scholarship program, 54873
under section 3310.41 of the Revised Code, or the pilot project 54874
scholarship program, under sections 3313.974 to 3313.979 of the 54875
Revised Code for the same school year in which a scholarship 54876
under the Jon Peterson special needs scholarship program is 54877
sought. 54878

(6) The child and the child's parents are in compliance 54879
with the state compulsory attendance law under Chapter 3321. of 54880
the Revised Code. 54881

(G) "Registered private provider" means a nonpublic school 54882
or other nonpublic entity that has been registered by the 54883
superintendent of public instruction under section 3310.58 of 54884
the Revised Code prior to ~~the effective date of this amendment~~ 54885
October 3, 2023, or the department of education and workforce on 54886
or after that date. 54887

(H) "Scholarship" means a scholarship awarded under the 54888
Jon Peterson special needs scholarship program pursuant to 54889
sections 3310.51 to 3310.64 of the Revised Code. 54890

(I) "School district of residence" has the same meaning as 54891
in section 3323.01 of the Revised Code. A community school 54892
established under Chapter 3314. of the Revised Code is not a 54893
"school district of residence" for purposes of sections 3310.51 54894
to 3310.64 of the Revised Code. 54895

(J) "School year" has the same meaning as in section 54896
3313.62 of the Revised Code. 54897

(K) "Special education program" means a school or facility 54898
that provides special education and related services to children 54899
with disabilities. 54900

Sec. 3310.52. (A) The Jon Peterson special needs 54901

scholarship program is hereby established. Under the program, 54902
beginning with the 2012-2013 school year, subject to division 54903
(B) of this section, the department of education and workforce 54904
annually shall pay a scholarship under section 3317.022 of the 54905
Revised Code to an eligible applicant for services provided by 54906
an alternative public provider or a registered private provider 54907
for a qualified special education child. The scholarship shall 54908
be used only to pay all or part of the fees for the child to 54909
attend the special education program or programs operated by the 54910
alternative public provider or registered private provider to 54911
implement the child's individualized education program or 54912
programs, in lieu of the child's attending the special education 54913
program operated by the school district in which the child is 54914
entitled to attend school, and other services agreed to by the 54915
provider and eligible applicant that are not included in the 54916
individualized education program but are associated with 54917
educating the child. 54918

At the discretion of an eligible applicant, multiple 54919
alternative public providers or registered private providers may 54920
be contracted to provide services to implement the 54921
individualized education program as the eligible applicant and 54922
providers determine are necessary and associated with educating 54923
the qualified special education child. A qualified special 54924
education child is not limited to receiving services from a 54925
single provider for any services as identified in the 54926
individualized education program, including a single type of 54927
service. 54928

Beginning in the 2014-2015 school year, if the child is 54929
receiving special education services for a disability specified 54930
in division (A) of section 3317.013 of the Revised Code, the 54931
scholarship shall be used only to pay for related services that 54932

are included in the child's individualized education program. 54933
Upon agreement with the eligible applicant, the alternative 54934
public provider or registered private provider may modify the 54935
services provided to the child. 54936

Services, including intervention services, educational 54937
services, academic services, tutoring services, aide services, 54938
and other related special education services, provided through 54939
the program established under this section may be provided 54940
virtually by any of the following: 54941

(1) An educational aide or assistant who holds a valid 54942
permit issued under section 3319.088 of the Revised Code; 54943

(2) An instructional assistant who holds a valid permit 54944
issued under section 3310.43 of the Revised Code; 54945

(3) A qualified, credentialed provider in accordance with 54946
standards established by the department; 54947

(4) A teacher or substitute teacher licensed by the state 54948
board of education. 54949

(B) The number of scholarships awarded under the program 54950
in any fiscal year shall not exceed five per cent of the total 54951
number of students residing in the state identified as children 54952
with disabilities during the previous fiscal year. 54953

(C) The department shall pay a scholarship under section 54954
3317.022 of the Revised Code to the ~~parent of each qualified~~ 54955
~~special education child~~ eligible applicant, unless the ~~parent~~ 54956
eligible applicant authorizes a direct payment to the child's 54957
provider, upon application ~~of that parent~~ in the manner 54958
prescribed by the department. However, the department shall not 54959
adopt specific dates for application deadlines for scholarships 54960
under the program. 54961

(D) The department shall not require ~~the parent of a~~ 54962
~~student~~ an eligible applicant who applies for or receives a 54963
scholarship under this section to complete any kind of income 54964
verification regarding the student's family income. 54965

Sec. 3310.523. As used in this section, "junior reserve 54966
officer training corps program" means a junior reserve officer 54967
training corps (JROTC) program approved by the congress of the 54968
United States under title 10 of the United States Code. 54969

A qualified special education child receiving home 54970
education under section 3321.042 of the Revised Code who 54971
participates in a junior reserve officer training corps program 54972
maintained by the child's resident school district in accordance 54973
with 10 U.S.C. 2031f(1) shall not be considered enrolled in that 54974
district for purposes of determining eligibility for a Jon 54975
Peterson special needs scholarship under section 3310.52 of the 54976
Revised Code. 54977

Sec. 3310.58. No nonpublic school or entity shall receive 54978
payments from an eligible applicant for services for a qualified 54979
special education child under the Jon Peterson special needs 54980
scholarship program until the school or entity registers with 54981
the department of education and workforce. The department shall 54982
maintain a list of each registered private provider and the 54983
location of that provider on its publicly accessible web site. 54984
The department shall register and designate as a registered 54985
private provider any nonpublic school or entity that meets the 54986
following requirements: 54987

(A) The school or entity complies with the 54988
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of 54989
whether the school or entity receives federal financial 54990
assistance. 54991

(B) If the school or entity is not chartered by the 54992
director of education and workforce under section 3301.16 of the 54993
Revised Code, the school or entity agrees to comply with 54994
sections 3319.39, 3319.391, and 3319.392 of the Revised Code as 54995
if it were a school district. 54996

(C) The teaching and nonteaching professionals employed by 54997
the school or entity, or employed by any subcontractors of the 54998
school or entity, hold appropriate credentials for the qualified 54999
special education children enrolled in and the services provided 55000
through the special education program it operates. The list of 55001
professionals who hold appropriate credentials to provide 55002
services under a special education program include all of the 55003
following: 55004

(1) A behavior analyst certified by a nationally 55005
recognized organization that certifies behavior analysts; 55006

(2) A psychologist licensed to practice in this state 55007
under Chapter 4732. of the Revised Code; 55008

(3) An independent school psychologist or school 55009
psychologist licensed to practice in this state under Chapter 55010
4732. of the Revised Code; 55011

(4) Any person employed by a licensed psychologist, 55012
licensed independent school psychologist, or licensed school 55013
psychologist, while carrying out specific tasks, under the 55014
licensee's supervision, as an extension of the licensee's legal 55015
and ethical authority as specified under Chapter 4732. of the 55016
Revised Code who is ascribed as "psychology trainee," 55017
"psychology assistant," "psychology intern," or other 55018
appropriate term that clearly implies their supervised or 55019
training status; 55020

- (5) An unlicensed person holding a doctoral degree in psychology or special education from a program approved by the department;
- (6) A registered behavior technician as described in rule 5123-9-41 of the Administrative Code working under the supervision and following the intervention plan of a certified Ohio behavior analyst or behavior analyst certified by a nationally recognized organization that certifies behavior analysts;
- (7) A certified Ohio behavior analyst under Chapter 4783. of the Revised Code;
- (8) An occupational therapist or physical therapist licensed to practice in this state under Chapter 4755. of the Revised Code;
- (9) A speech-language pathologist licensed to practice in this state under Chapter 4753. of the Revised Code;
- (10) An intervention specialist who holds a valid license issued by the state board;
- (11) A literacy intervention specialist certified through pathways recognized by the Ohio dyslexia committee established by section 3323.25 of the Revised Code. To the extent that certification for any of the following positions is approved by the Ohio dyslexia committee under section 3323.25 of the Revised Code, literary intervention specialists may include:
- (a) A structured literacy dyslexia interventionist;
 - (b) A structured literacy dyslexia specialist;
 - (c) A certified academic language practitioner;

(d) A certified academic language therapist.	55048
(12) <u>An educational aide or assistant with a valid permit</u>	55049
<u>issued under section 3319.088 of the Revised Code;</u>	55050
(13) <u>An instructional assistant with a valid permit issued</u>	55051
<u>in accordance with section 3310.43 of the Revised Code;</u>	55052
(14) <u>Any other qualified individual as determined by the</u>	55053
<u>department.</u>	55054
(D) <u>For billing purposes under the Jon Peterson special</u>	55055
<u>needs scholarship program, services provided by a teacher or</u>	55056
<u>substitute teacher licensed by the state board of education</u>	55057
<u>shall be classified as academic services and shall not be</u>	55058
<u>classified as aide services. The department shall use this</u>	55059
<u>differentiation to simplify monthly audit procedures.</u>	55060
(E) <u>The school's or entity's educational program shall be</u>	55061
<u>approved by the department.</u>	55062
~~(E)~~ (F) <u>The school or entity meets applicable health and</u>	55063
<u>safety standards established by law.</u>	55064
~~(F)~~ (G) <u>The school or entity agrees to retain on file</u>	55065
<u>documentation as required by the department.</u>	55066
~~(G)~~ (H) <u>The school or entity agrees to provide a record of</u>	55067
<u>the implementation of the individualized education program for</u>	55068
<u>each qualified special education child enrolled in the school's</u>	55069
<u>or entity's special education program, including evaluation of</u>	55070
<u>the child's progress, to the school district in which the child</u>	55071
<u>is entitled to attend school, in the form and manner prescribed</u>	55072
<u>by the department.</u>	55073
~~(H)~~ (I) <u>The school or entity agrees that, if it declines to</u>	55074
<u>enroll a particular qualified special education child, it will</u>	55075

notify in writing the eligible applicant of its reasons for 55076
declining to enroll the child. 55077

Sec. 3310.64. The department of education and workforce 55078
shall adopt rules in accordance with Chapter 119. of the Revised 55079
Code prescribing procedures necessary to implement sections 55080
3310.51 to 3310.63 of the Revised Code including, but not 55081
limited to, procedures for parents to apply for scholarships, 55082
standards for registered private providers, and procedures for 55083
registration of private providers. 55084

The rules also shall specify that intervention services, 55085
including virtual services, under the Jon Peterson special needs 55086
scholarship program may be provided by a qualified, credentialed 55087
provider, including an educator or substitute teacher licensed 55088
by the state board of education, and shall additionally include, 55089
but not be limited to, the credentialed professionals listed in 55090
division (C) of section 3310.58 of the Revised Code. 55091

The rules also shall specify that supervision of a 55092
qualified, credentialed provider may be conducted virtually. 55093

Sec. 3311.053. (A) The boards of education of up to five 55094
adjoining educational service centers may, by identical 55095
resolutions adopted by a majority of the members of each 55096
governing board within any sixty-day period, combine such 55097
educational service centers into one educational service center. 55098
The resolutions shall state the name of the new center, which 55099
may be styled as a "joint educational service center." The 55100
resolutions shall also indicate whether the governing board of 55101
the new educational service center is to be formed in accordance 55102
with division (B) of this section, in accordance with division 55103
(A) of section 3311.054 of the Revised Code, or in accordance 55104
with section 3311.057 of the Revised Code. 55105

A copy of each resolution shall be filed with the state 55106
board of education. The new educational service center shall be 55107
created and the governing boards of the participating 55108
educational service centers shall be dissolved and a new 55109
governing board established thirty days after the date on which 55110
the last resolution was filed with the state board. 55111

(B) The initial members of a new governing board 55112
established in accordance with this division shall be appointed 55113
as follows: 55114

(1) If two educational service centers combine, each 55115
center's governing board, prior to its dissolution, shall 55116
appoint two members to the new governing board and the four 55117
members so selected shall select a fifth member within ten days 55118
of the date on which the last of the four members is appointed. 55119

(2) If three educational service centers combine, each 55120
center's governing board, prior to its dissolution, shall 55121
appoint one member to the new governing board and the three 55122
members so selected shall select the remaining two members of 55123
the governing board within ten days of the date on which the 55124
last of the three members is appointed. 55125

(3) If four educational service centers combine, each 55126
center's governing board, prior to its dissolution, shall 55127
appoint one member to the new governing board and the four 55128
members so selected shall select the remaining member of the 55129
governing board within ten days of the date on which the last of 55130
the four members is appointed. 55131

(4) If five educational service centers combine, each 55132
center's governing board, prior to its dissolution, shall 55133
appoint one member to the new governing board. 55134

If the members appointed to a new governing board by the 55135
governing boards of the combining educational service centers 55136
are unable to agree on the selection of the remaining members of 55137
the new governing board within ten days, the probate judge of 55138
the county in which the greatest number of pupils under the 55139
supervision of the new educational service center reside shall 55140
appoint the remaining members. 55141

Electors of the new educational service center shall elect 55142
a new governing board at the next general election occurring in 55143
an odd-numbered year and more than ninety days after the date of 55144
the appointment of the last member to the initial governing 55145
board. Members shall serve for the duration of the term to which 55146
they are elected or until their successors are elected and 55147
qualified. At such election, two members shall be elected to 55148
terms of two years and three members shall be elected to terms 55149
of four years. Thereafter, their successors shall be elected in 55150
the same manner and for the same terms as members of governing 55151
boards of all educational service centers. ~~Each candidate for~~ 55152
~~election as a member of the educational service center governing~~ 55153
~~board shall file a nominating petition in accordance with~~ 55154
~~section 3513.255 of the Revised Code.~~ 55155

(C) The funds of each former educational service center 55156
shall be paid over in full to the governing board of the new 55157
educational service center, and the legal title to all property 55158
of the former governing boards shall become vested in the new 55159
governing board. 55160

The governing board of an educational service center 55161
created under this section shall honor all contracts made by the 55162
former governing boards. 55163

Sec. 3311.242. In the case of a proposed transfer of 55164

school district territory filed under section 3311.24 of the 55165
Revised Code, the state board of education shall approve a 55166
proposed transfer that satisfies all of the following 55167
conditions: 55168

(A) The territory is being transferred to an adjacent 55169
school district. 55170

(B) The district from which the territory is being 55171
transferred has received an overall performance rating of less 55172
than two stars under division (D) (3) of section 3302.03 of the 55173
Revised Code for two or more consecutive school years. 55174

(C) No party opposing the proposed transfer has presented 55175
to the state board clear and convincing evidence that any 55176
information used to facilitate the transfer under section 55177
3311.24 of the Revised Code is incorrect or inaccurate. 55178

Sec. 3311.50. (A) As used in this section: 55179

(1) "County school financing district" means a taxing 55180
district consisting of the following territory: 55181

(a) The territory that constitutes the educational service 55182
center on the date that the governing board of that educational 55183
service center adopts a resolution under division (B) of this 55184
section declaring that the territory of the educational service 55185
center is a county school financing district, exclusive of any 55186
territory subsequently withdrawn from the district under 55187
division (D) of this section; 55188

(b) Any territory that has been added to the county school 55189
financing district under this section. 55190

A county school financing district may include the 55191
territory of a city, local, or exempted village school district 55192

whose territory also is included in the territory of one or more 55193
other county school financing districts. 55194

(2) "The county auditor's ~~appraised~~ market value" and 55195
"effective rate" have the same meanings as in section 5705.01 of 55196
the Revised Code. 55197

(B) The governing board of any educational service center 55198
may, by resolution, declare that the territory of the 55199
educational service center is a county school financing 55200
district. The resolution shall state the purpose for which the 55201
county school financing district is created, which may be for 55202
any one or more of the following purposes: 55203

(1) To levy taxes for the provision of special education 55204
by the school districts that are a part of the district, 55205
including taxes for permanent improvements for special 55206
education; 55207

(2) To levy taxes for the provision of specified 55208
educational programs and services by the school districts that 55209
are a part of the district, as identified in the resolution 55210
creating the district, including the levying of taxes for 55211
permanent improvements for those programs and services. Services 55212
financed by the levy may include school safety and security and 55213
mental health services, including training and employment of or 55214
contracting for the services of safety personnel, mental health 55215
personnel, social workers, and counselors. 55216

(3) To levy taxes for permanent improvements of school 55217
districts that are a part of the district. 55218

The governing board of the educational service center that 55219
creates a county school financing district shall serve as the 55220
taxing authority of the district and may use educational service 55221

center governing board employees to perform any of the functions 55222
necessary in the performance of its duties as a taxing 55223
authority. A county school financing district shall not employ 55224
any personnel. 55225

With the approval of a majority of the members of the 55226
board of education of each school district within the territory 55227
of the county school financing district, the taxing authority of 55228
the financing district may amend the resolution creating the 55229
district to broaden or narrow the purposes for which it was 55230
created. 55231

A governing board of an educational service center may 55232
create more than one county school financing district. If a 55233
governing board of an educational service center creates more 55234
than one such district, it shall clearly distinguish among the 55235
districts it creates by including a designation of each 55236
district's purpose in the district's name. 55237

(C) A majority of the members of a board of education of a 55238
city, local, or exempted village school district may adopt a 55239
resolution requesting that its territory be joined with the 55240
territory of any county school financing district. Copies of the 55241
resolution shall be filed with the state board of education and 55242
the taxing authority of the county school financing district. 55243
Within sixty days of its receipt of such a resolution, the 55244
county school financing district's taxing authority shall vote 55245
on the question of whether to accept the school district's 55246
territory as part of the county school financing district. If a 55247
majority of the members of the taxing authority vote to accept 55248
the territory, the school district's territory shall thereupon 55249
become a part of the county school financing district unless the 55250
county school financing district has in effect a tax imposed 55251

under section 5705.215 of the Revised Code. If the county school 55252
financing district has such a tax in effect, the taxing 55253
authority shall certify a copy of its resolution accepting the 55254
school district's territory to the school district's board of 55255
education. The board of education and the county auditor shall 55256
proceed in the same manner as required for a tax levy under 55257
section 5705.03 of the Revised Code, except that the levy's 55258
annual collections shall be estimated assuming that the school 55259
district's territory has been added to the county school 55260
financing district. After receipt of the auditor's certification 55261
under that section, the board may adopt a resolution, with the 55262
affirmative vote of a majority of its members, proposing the 55263
submission to the electors of the question of whether the 55264
district's territory shall become a part of the county school 55265
financing district and subject to the taxes imposed by the 55266
financing district. The resolution shall set forth the date on 55267
which the question shall be submitted to the electors, which 55268
shall be at a special election held on a date specified in the 55269
resolution, which shall not be earlier than ninety days after 55270
the adoption and certification of the resolution. A copy of the 55271
resolution shall immediately be certified to the board of 55272
elections of the proper county, which shall make arrangements 55273
for the submission of the proposal to the electors of the school 55274
district. The board of the joining district shall publish notice 55275
of the election in a newspaper of general circulation in the 55276
county once a week for two consecutive weeks, or as provided in 55277
section 7.16 of the Revised Code, prior to the election. 55278
Additionally, if the board of elections operates and maintains a 55279
web site, the board of elections shall post notice of the 55280
election on its web site for thirty days prior to the election. 55281
The question appearing on the ballot shall read: 55282

"Shall the territory within _____ (name of the school
district proposing to join the county school financing district)
_____ be added to _____ (name) _____ county
school financing district, and a property tax for the purposes
of _____ (here insert purposes), that the county auditor
estimates will collect \$_____ annually, _____ at a rate not
exceeding _____ mills for each \$1 of taxable value, which
amounts to \$_____ (effective rate) for each \$100,000 of the
county auditor's ~~appraised~~ market value, _____ be in
effect for _____ (here insert the number of years the tax
is to be in effect or "a continuing period of time," as
applicable) _____?"

If the proposal is approved by a majority of the electors
voting on it, the joinder shall take effect on the first day of
July following the date of the election, and the county board of
elections shall notify the county auditor of each county in
which the school district joining its territory to the county
school financing district is located.

(D) The board of any city, local, or exempted village
school district whose territory is part of a county school
financing district may withdraw its territory from the county
school financing district thirty days after submitting to the
governing board that is the taxing authority of the district and
the state board a resolution proclaiming such withdrawal,
adopted by a majority vote of its members, but any county school
financing district tax levied in such territory on the effective
date of the withdrawal shall remain in effect in such territory
until such tax expires or is renewed. No board may adopt a
resolution withdrawing from a county school financing district
that would take effect during the forty-five days preceding the
date of an election at which a levy proposed under section

5705.215 of the Revised Code is to be voted upon. 55314

(E) A city, local, or exempted village school district 55315
does not lose its separate identity or legal existence by reason 55316
of joining its territory to a county school financing district 55317
under this section and an educational service center does not 55318
lose its separate identity or legal existence by reason of 55319
creating a county school financing district that accepts or 55320
loses territory under this section. 55321

Sec. 3313.27. At the expiration of the term of any 55322
treasurer of any board of education or before any board approves 55323
the surety of any treasurer, such board shall require the 55324
treasurer to produce all money, bonds, or other securities in 55325
~~his~~ the treasurer's hands, which shall then be counted by the 55326
board or a committee thereof, ~~or by a representative of the~~ 55327
~~auditor of state.~~ A certificate setting forth the exact amount 55328
of such money, bonds, or other securities, and signed by the 55329
representatives making such count, shall be entered upon the 55330
records of the board and shall be prima-facie evidence that the 55331
amount therein stated was actually in the treasury at that date. 55332

Sec. 3313.413. (A) As used in this section, "high- 55333
performing community school" means ~~either~~ a community school 55334
established under Chapter 3314. of the Revised Code that meets 55335
any of the following conditions: 55336

~~(1) A community school established under Chapter 3314. of~~ 55337
~~the Revised Code that meets the following conditions:~~ 55338

~~(a) Except as provided in division (A) (1) (b) or (c) of~~ 55339
~~this section, the school both:~~ 55340

~~(i) Has received either a grade of "A," "B," or "C" for~~ 55341
~~the performance index score under division (C) (1) (b) of section~~ 55342

~~3302.03 of the Revised Code or a performance rating of three~~ 55343
~~stars or higher for achievement under division (D) (3) (b) of that~~ 55344
~~section; or has increased its performance index score under~~ 55345
~~division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the~~ 55346
~~Revised Code in each of the previous three years of operation;~~ 55347
~~and~~ 55348

~~(ii) Has received either a grade of "A" or "B" for the~~ 55349
~~value-added progress dimension under division (C) (1) (e) of~~ 55350
~~section 3302.03 of the Revised Code or a performance rating of~~ 55351
~~four stars or higher for progress under division (D) (3) (e) of~~ 55352
~~that section on its most recent report card rating issued under~~ 55353
~~that section~~ Except as provided for in division (A) (2) or (3) of 55354
this section, the community school does both of the following: 55355

(a) The school has a higher performance index score than 55356
the school district in which the school is located on the two 55357
most recent report cards issued under section 3302.03 of the 55358
Revised Code. 55359

(b) The school either has a performance rating of four 55360
stars or higher for progress on the most recent report card 55361
issued under section 3302.03 of the Revised Code or is a school 55362
described under division (B) (1) of section 3314.35 of the 55363
Revised Code and did not receive a rating for progress on the 55364
most recent report card. 55365

~~(b) (2) If the community school serves only grades~~ 55366
~~kindergarten through three, the school received either a grade~~ 55367
~~of "A" or "B" for making progress in improving literacy in~~ 55368
~~grades kindergarten through three under division (C) (1) (g) of~~ 55369
~~section 3302.03 of the Revised Code or a performance rating of~~ 55370
~~four stars or higher for early literacy under division (D) (3) (e)~~ 55371
~~of that section on its most recent report card issued under that~~ 55372

section 3302.03 of the Revised Code. 55373

~~(c) If the school primarily serves students enrolled in a~~ 55374
~~dropout prevention and recovery program as described in division~~ 55375
~~(B) (1) of section 3314.35 of the Revised Code, the school~~ 55376
~~received a rating of "exceeds standards" on its most recent~~ 55377
~~report card issued under section 3314.017 of the Revised Code.~~ 55378

~~(2) A newly established community school that is~~ 55379
~~implementing a community school model that has a track record of~~ 55380
~~high-quality academic performance, as determined by the~~ 55381
~~department of education and workforce.~~ (3) If the community 55382
school has not commenced operations or has been in operation for 55383
less than one school year, the school meets the following 55384
conditions: 55385

(a) The school is replicating an operational and 55386
instructional model used by a community school described in 55387
division (A) (1) or (2) of this section. 55388

(b) The school either: 55389

(i) Has an operator that received an overall rating of 55390
three stars or higher, or a "C" or higher, on its most recent 55391
performance report published under section 3314.031 of the 55392
Revised Code; 55393

(ii) Does not have an operator and is sponsored by a 55394
sponsor that was rated "exemplary" or "effective" on its most 55395
recent evaluation conducted under section 3314.016 of the 55396
Revised Code. 55397

(B) When a school district board of education decides to 55398
dispose of real property it owns in its corporate capacity under 55399
section 3313.41 of the Revised Code, the board shall first offer 55400
that property to the governing authorities of all start-up 55401

community schools, the boards of trustees of any college- 55402
preparatory boarding schools, and the governing bodies of any 55403
STEM schools that are located within the territory of the 55404
district. Not later than sixty days after the district board 55405
makes the offer, interested governing authorities, boards of 55406
trustees, and governing bodies shall notify the district 55407
treasurer in writing of the intention to purchase the property. 55408

The district board shall give priority to the governing 55409
authorities of high-performing community schools that are 55410
located within the territory of the district. 55411

(1) If more than one governing authority of a high- 55412
performing community school notifies the district treasurer of 55413
its intention to purchase the property pursuant to division (B) 55414
of this section, the board shall conduct a public auction in the 55415
manner required for auctions of district property under division 55416
(A) of section 3313.41 of the Revised Code. Only the governing 55417
authorities of high-performing community schools that notified 55418
the district treasurer pursuant to division (B) of this section 55419
are eligible to bid at the auction. 55420

(2) If no governing authority of a high-performing 55421
community school notifies the district treasurer of its 55422
intention to purchase the property pursuant to division (B) of 55423
this section, the board shall then proceed with the offers from 55424
all other start-up community schools, college-preparatory 55425
boarding schools, and STEM schools made pursuant to that 55426
division. If more than one such entity notifies the district 55427
treasurer of its intention to purchase the property pursuant to 55428
division (B) of this section, the board shall conduct a public 55429
auction in the manner required for auctions of district property 55430
under division (A) of section 3313.41 of the Revised Code. Only 55431

the entities that notified the district treasurer pursuant to 55432
division (B) of this section are eligible to bid at the auction. 55433

(3) If no governing authority, board of trustees, or 55434
governing body notifies the district treasurer of its intention 55435
to purchase the property pursuant to division (B) of this 55436
section, the district may then offer the property for sale in 55437
the manner prescribed under divisions (A) to (F) of section 55438
3313.41 of the Revised Code. 55439

(C) Notwithstanding anything to the contrary in sections 55440
3313.41 and 3313.411 of the Revised Code, the purchase price of 55441
any real property sold to any of the entities in accordance with 55442
division (B) of this section shall not be more than the 55443
appraised fair market value of that property as determined in an 55444
appraisal of the property that is not more than one year old. 55445

(D) Not later than the first day of October of each year, 55446
the department of education and workforce shall post in a 55447
prominent location on its web site a list of schools that 55448
qualify as high-performing community schools for purposes of 55449
this section and section 3313.411 of the Revised Code. 55450

Sec. 3313.46. (A) In addition to any other law governing 55451
the bidding for contracts by the board of education of any 55452
school district, when any such board determines to build, 55453
repair, enlarge, improve, or demolish any ~~school-building~~ or 55454
other property, the cost of which will exceed the amount 55455
specified in section 9.17 of the Revised Code, except in cases 55456
of urgent necessity, or for the security and protection of 55457
school property, and except as otherwise provided in division 55458
(D) of section 713.23 and in section 125.04 of the Revised Code, 55459
all of the following shall apply: 55460

(1) The board shall cause to be prepared the plans, 55461
specifications, and related information as required in divisions 55462
(A) (1), (2), and (3) of section 153.01 of the Revised Code 55463
unless the board determines that other information is sufficient 55464
to inform any bidders of the board's requirements. However, if 55465
the board determines that such other information is sufficient 55466
for bidding a project, the board shall not engage in the 55467
construction of any such project involving the practice of 55468
professional engineering, professional surveying, or 55469
architecture, for which plans, specifications, and estimates 55470
have not been made by, and the construction thereof inspected 55471
by, a licensed professional engineer, licensed professional 55472
surveyor, or registered architect. 55473

(2) The board shall advertise for bids once each week for 55474
a period of not less than two consecutive weeks, or as provided 55475
in section 7.16 of the Revised Code, in a newspaper of general 55476
circulation in the district before the date specified by the 55477
board for receiving bids. The board may also cause notice to be 55478
inserted in trade papers or other publications designated by it 55479
or to be distributed by electronic means, including posting the 55480
notice on the board's internet web site. If the board posts the 55481
notice on its web site, it may eliminate the second notice 55482
otherwise required to be published in a newspaper of general 55483
circulation within the school district, provided that the first 55484
notice published in such newspaper meets all of the following 55485
requirements: 55486

(a) It is published at least two weeks before the opening 55487
of bids. 55488

(b) It includes a statement that the notice is posted on 55489
the board of education's internet web site. 55490

(c) It includes the internet address of the board's 55491
internet web site. 55492

(d) It includes instructions describing how the notice may 55493
be accessed on the board's internet web site. 55494

(3) Unless the board extends the time for the opening of 55495
bids they shall be opened at the time and place specified by the 55496
board in the advertisement for the bids. 55497

(4) Each bid shall contain the name of every person 55498
interested therein. Each bid shall meet the requirements of 55499
section 153.54 of the Revised Code. 55500

(5) When both labor and materials are embraced in the work 55501
bid for, the board may require that each be separately stated in 55502
the bid, with the price thereof, or may require that bids be 55503
submitted without such separation. 55504

(6) None but the lowest responsible bid shall be accepted. 55505
The board may reject all the bids, or accept any bid for both 55506
labor and material for such improvement or repair, which is the 55507
lowest in the aggregate. In all other respects, the award of 55508
contracts for improvement or repair, but not for purchases made 55509
under section 3327.08 of the Revised Code, shall be pursuant to 55510
section 153.12 of the Revised Code. 55511

(7) The contract shall be between the board and the 55512
bidders. The board shall pay the contract price for the work 55513
pursuant to sections 153.13 and 153.14 of the Revised Code. The 55514
board shall approve and retain the estimates referred to in 55515
section 153.13 of the Revised Code and make them available to 55516
the auditor of state upon request. 55517

(8) When two or more bids are equal, in the whole, or in 55518
any part thereof, and are lower than any others, either may be 55519

accepted, but in no case shall the work be divided between such 55520
bidders. 55521

(9) When there is reason to believe there is collusion or 55522
combination among the bidders, or any number of them, the bids 55523
of those concerned therein shall be rejected. 55524

(B) Division (A) of this section does not apply to the 55525
board of education of any school district in any of the 55526
following situations: 55527

(1) The acquisition of educational materials used in 55528
teaching. 55529

(2) If the board determines and declares by resolution 55530
adopted by two-thirds of all its members that any item is 55531
available and can be acquired only from a single source. 55532

(3) If the board declares by resolution adopted by two- 55533
thirds of all its members that division (A) of this section does 55534
not apply to any installation, modification, or remodeling 55535
involved in any energy conservation measure undertaken through 55536
an installment payment contract under section 3313.372 of the 55537
Revised Code or undertaken pursuant to division (G)(1) of 55538
section 133.06 of the Revised Code. 55539

(4) The acquisition of computer software for instructional 55540
purposes and computer hardware for instructional purposes 55541
pursuant to division (B)(4) of section 3313.37 of the Revised 55542
Code. 55543

(C) No resolution adopted pursuant to division (B)(2) or 55544
(3) of this section shall have any effect on whether sections 55545
153.12 to 153.14 and 153.54 of the Revised Code apply to the 55546
board of education of any school district with regard to any 55547
item. 55548

Sec. 3313.489. (A) The director of education and workforce 55549
shall examine each ~~five-year~~ school district's current budget 55550
information and three-year projection of revenues and 55551
expenditures submitted under section 5705.391 of the Revised 55552
Code and shall determine whether the information contained 55553
therein, together with any other relevant information, indicates 55554
that the district may be financially unable to operate its 55555
instructional program on all days set forth in its adopted 55556
school calendars and pay all obligated expenses during the 55557
current fiscal year. If a board of education has not adopted a 55558
school calendar for the school year beginning on the first day 55559
of July of the current fiscal year at the time an examination is 55560
required under this division, the director shall examine the 55561
~~five-year~~ current budget information and three-year projection 55562
and determine whether the district may be financially unable to 55563
pay all obligated expenses and operate its instructional program 55564
for the number of days on which instruction was held in the 55565
preceding fiscal year. 55566

(B) If the director of education and workforce determines 55567
pursuant to division (A) of this section that a school district 55568
may be financially unable to operate its instructional program 55569
on all days required by such division and pay all obligated 55570
expenses during the current fiscal year, the director shall 55571
provide written notification of such determination to the 55572
president of the district's board of education and the auditor 55573
of state. 55574

(C) This section does not apply to a school district 55575
declared to be under a fiscal emergency pursuant to division (B) 55576
of section 3316.03 of the Revised Code. 55577

Sec. 3313.536. (A) The superintendent of any school 55578

district may afford a student enrolled in another school 55579
district the opportunity to participate in ice hockey as an 55580
interscholastic athletic activity at a school of the 55581
superintendent's district if all of the following conditions 55582
apply: 55583

(1) The school district in which the student is enrolled 55584
does not offer ice hockey as an interscholastic athletic 55585
activity. 55586

(2) The school district in which the student is enrolled 55587
is located less than twenty miles away from the superintendent's 55588
school district. 55589

(3) The superintendents of both school districts enter 55590
into an agreement approving the student's participation in ice 55591
hockey at the school district in which the student is not 55592
enrolled. 55593

(B) A student shall not be required to enroll in the 55594
school district that offers ice hockey as an interscholastic 55595
athletic activity or be a resident of that district to 55596
participate in ice hockey at the district under this section. 55597

(C) To participate in ice hockey under this section, a 55598
student shall be of the appropriate age and grade level for the 55599
school at which the student participates in ice hockey, as 55600
determined by the superintendent of that school district, and 55601
shall fulfill and be subject to the same academic, nonacademic, 55602
and financial requirements as any other participant, including 55603
trying out for a position on the team. 55604

Sec. 3313.5313. (A) As used in this section: 55605

(1) "Harassment, intimidation, or bullying" has the same 55606
meaning as in section 3313.666 of the Revised Code. 55607

(2) "Home-educated student" means a student who is 55608
receiving home education in accordance with section 3321.042 of 55609
the Revised Code. 55610

(3) "Qualifying offense" means any of the following: 55611

(a) An offense of violence; 55612

(b) A violation of section 2907.07 of the Revised Code; 55613

(c) An attempt to commit an offense of violence or a 55614
violation of section 2907.07 of the Revised Code. 55615

(4) "Qualifying school" means a community school 55616
established under Chapter 3314. of the Revised Code, a STEM 55617
school established under Chapter 3326. of the Revised Code, a 55618
chartered nonpublic school, or a nonchartered nonpublic school. 55619

(5) "Resident district" means the school district in which 55620
a student is entitled to attend school under section 3313.64 or 55621
3313.65 of the Revised Code. 55622

(B) The superintendent of any school district may afford 55623
any home-educated student ~~or any student enrolled in a~~ 55624
~~qualifying school or a different school district~~, regardless of 55625
whether the superintendent's district is the student's resident 55626
district, the opportunity to participate in interscholastic 55627
athletics at a school of the superintendent's district, if the 55628
student was subject to any of the following by a school 55629
official, employee, or volunteer or another student from ~~the~~ 55630
~~district or school in which the student is enrolled or the~~ 55631
district in which the student is participating in 55632
interscholastic athletics under section ~~3313.537, 3313.5311, or~~ 55633
3313.5312 of the Revised Code: 55634

(1) Harassment, intimidation, or bullying; 55635

(2) A qualifying offense, for which the school official, 55636
employee, or volunteer or another student has been either of the 55637
following: 55638

(a) Charged with, indicted for, convicted of, or pled 55639
guilty to committing; 55640

(b) Alleged to be or is adjudicated a delinquent child for 55641
committing. 55642

(3) Conduct by a school official, employee, or volunteer 55643
that violates the licensure code of professional conduct for 55644
Ohio educators developed by the state board of education. 55645

(C) The chief administrative officer of any qualifying 55646
school may afford any ~~student enrolled in a school district, any~~ 55647
~~student enrolled in a different qualifying school, or any home-~~ 55648
educated student the opportunity to participate in 55649
interscholastic athletics at the chief administrative officer's 55650
school, if the student was subject to any of the following by a 55651
school official, employee, or volunteer or another student from 55652
~~the district or school in which the student is enrolled or the~~ 55653
district in which the student is participating in 55654
interscholastic athletics under section ~~3313.537, 3313.5311, or~~ 55655
3313.5312 of the Revised Code: 55656

(1) Harassment, intimidation, or bullying; 55657

(2) A qualifying offense, for which the school official, 55658
employee, or volunteer or another student has been either of the 55659
following: 55660

(a) Charged with, indicted for, convicted of, or pled 55661
guilty to committing; 55662

(b) Alleged to be or is adjudicated a delinquent child for 55663

committing. 55664

(3) Conduct by a school official, employee, or volunteer 55665
that violates the licensure code of professional conduct for 55666
Ohio educators developed by the state board of education. 55667

~~(D) To participate in interscholastic athletics under this 55668
section, a student who is not a home-educated student shall be 55669
of the appropriate age and grade level, as determined by the 55670
superintendent of the district or the chief administrative 55671
officer of the qualifying school, for the school at which the 55672
student participates in interscholastic athletics and shall 55673
fulfill the same academic, nonacademic, and financial 55674
requirements as any other participant. 55675~~

~~(E)~~ Divisions (C) to (E) of section 3313.5312 of the 55676
Revised Code apply to a home-educated student who participates 55677
in interscholastic athletics at school under this section. 55678

~~(F)~~ (E) No district or school shall impose additional rules 55679
on a student to participate under this section that do not apply 55680
to other students participating in the same interscholastic 55681
athletics activity. No district or school shall impose fees for 55682
a student to participate under this section that exceed any fees 55683
charged to other students participating in the same 55684
interscholastic athletics activity. 55685

~~(G)~~ (F) No school district board of education, STEM school 55686
governing body, or governing authority of a community school, 55687
chartered nonpublic school, or nonchartered nonpublic school 55688
shall take any action contrary to the provisions of this 55689
section. 55690

~~(H)~~ (G) No school district, interscholastic conference, or 55691
organization that regulates interscholastic conferences or 55692

events shall do either of the following: 55693

(1) Require a student who is eligible to participate in 55694
interscholastic athletics under this section to meet eligibility 55695
requirements that conflict with this section; 55696

(2) Penalize or restrict the eligibility to participate in 55697
interscholastic athletics of a student who, during a school 55698
year, ceases to participate in interscholastic athletics at one 55699
district or school and then begins to participate in 55700
interscholastic athletics at a different district or school 55701
under this section. 55702

Sec. 3313.603. (A) As used in this section: 55703

(1) "One unit" means a minimum of one hundred twenty hours 55704
of course instruction, except that for a laboratory course, "one 55705
unit" means a minimum of one hundred fifty hours of course 55706
instruction. 55707

(2) "One-half unit" means a minimum of sixty hours of 55708
course instruction, except that for physical education courses, 55709
"one-half unit" means a minimum of one hundred twenty hours of 55710
course instruction. 55711

(B) Beginning September 15, 2001, except as required in 55712
division (C) of this section and division (C) of section 55713
3313.614 of the Revised Code, the requirements for graduation 55714
from every high school shall include twenty units earned in 55715
grades nine through twelve and shall be distributed as follows: 55716

(1) English language arts, four units; 55717

(2) Health, one-half unit; 55718

(3) Mathematics, three units; 55719

(4) Physical education, one-half unit;	55720
(5) Science, two units until September 15, 2003, and three	55721
units thereafter, which at all times shall include both of the	55722
following:	55723
(a) Biological sciences, one unit;	55724
(b) Physical sciences, one unit.	55725
(6) History and government, one unit, which shall comply	55726
with division (M) of this section and shall include both of the	55727
following:	55728
(a) American history, one-half unit;	55729
(b) American government, one-half unit.	55730
(7) Social studies, two units.	55731
Beginning with students who enter ninth grade for the	55732
first time on or after July 1, 2017, the two units of	55733
instruction prescribed by division (B) (7) of this section shall	55734
include at least one-half unit of instruction in the study of	55735
world history and civilizations.	55736
(8) Elective units, seven units until September 15, 2003,	55737
and six units thereafter.	55738
Each student's electives shall include at least one unit,	55739
or two half units, chosen from among the areas of	55740
business/technology, fine arts, and/or foreign language.	55741
(C) Beginning with students who enter ninth grade for the	55742
first time on or after July 1, 2010, except as provided in	55743
divisions (D) to (F) of this section, the requirements for	55744
graduation from every public and chartered nonpublic high school	55745
shall include twenty units that are designed to prepare students	55746

for the workforce and college. The units shall be distributed as 55747
follows: 55748

(1) English language arts, four units; 55749

(2) Health, one-half unit, which shall include instruction 55750
in nutrition and the benefits of nutritious foods and physical 55751
activity for overall health; 55752

(3) Mathematics, four units, which shall include one unit 55753
of algebra II or the equivalent of algebra II, or one unit of 55754
advanced computer science as described in the standards adopted 55755
pursuant to division (A) (4) of section 3301.079 of the Revised 55756
Code. However, students who enter ninth grade for the first time 55757
on or after July 1, 2015, and who are pursuing a career- 55758
technical instructional track shall not be required to take 55759
algebra II or advanced computer science, and instead may 55760
complete a career-based pathway mathematics course approved by 55761
the department of education and workforce as an alternative. 55762

For students who choose to take advanced computer science 55763
in lieu of algebra II under division (C) (3) of this section, the 55764
school shall communicate to those students that some 55765
institutions of higher education may require algebra II for the 55766
purpose of college admission. Also, the parent, guardian, or 55767
legal custodian of each student who chooses to take advanced 55768
computer science in lieu of algebra II shall sign and submit to 55769
the school a document containing a statement acknowledging that 55770
not taking algebra II may have an adverse effect on college 55771
admission decisions. 55772

A student may fulfill one unit of mathematics under 55773
division (C) (3) of this section by completing one-half unit of 55774
financial literacy instruction to satisfy the requirement 55775

prescribed under division (C) (9) of this section and one-half 55776
unit of a mathematics course. The one-half unit course in 55777
mathematics shall not be in algebra II, or its equivalent, or a 55778
course for which the department requires an end-of-course 55779
examination under section 3301.0712 of the Revised Code. 55780

Students who choose to take one unit of advanced computer 55781
science in lieu of algebra II, as described in division (C) (3) 55782
of this section, shall not be permitted to complete one-half 55783
unit of financial literacy instruction to satisfy the 55784
mathematics unit requirements of that division. Instead, those 55785
students shall be required to complete the one-half unit of 55786
financial literacy instruction under division (C) (8) of this 55787
section. 55788

(4) Physical education, one-half unit; 55789

(5) Science, three units with inquiry-based laboratory 55790
experience that engages students in asking valid scientific 55791
questions and gathering and analyzing information, which shall 55792
include the following, or their equivalent: 55793

(a) Physical sciences, one unit; 55794

(b) Life sciences, one unit; 55795

(c) Advanced study in one or more of the following 55796
sciences, one unit: 55797

(i) Chemistry, physics, or other physical science; 55798

(ii) Advanced biology or other life science; 55799

(iii) Astronomy, physical geology, or other earth or space 55800
science; 55801

(iv) Computer science. 55802

No student shall substitute a computer science course for 55803
a life sciences or biology course under division (C) (5) of this 55804
section. 55805

(6) History and government, one unit, which shall comply 55806
with division (M) of this section and shall include both of the 55807
following: 55808

(a) American history, one-half unit; 55809

(b) American government, one-half unit. 55810

(7) Social studies, two units. 55811

Beginning with students who enter ninth grade for the 55812
first time on or after July 1, 2017, the two units of 55813
instruction prescribed by division (C) (7) of this section shall 55814
include at least one-half unit of instruction in the study of 55815
world history and civilizations. 55816

(8) Five units consisting of one or any combination of 55817
foreign language, fine arts, business, career-technical 55818
education, family and consumer sciences, technology which may 55819
include computer science, agricultural education, a junior 55820
reserve officer training corps (JROTC) program approved by the 55821
congress of the United States under title 10 of the United 55822
States Code, or English language arts, mathematics, science, or 55823
social studies courses not otherwise required under division (C) 55824
of this section. 55825

One-half unit of instruction under division (C) (8) of this 55826
section may be instruction in financial literacy to satisfy the 55827
requirement under division (C) (9) of this section. 55828

(9) (a) Except as provided in division (C) (9) (b) of this 55829
section, for students who enter ninth grade for the first time 55830

on or after July 1, 2022, financial literacy, one-half unit. 55831
Each student shall elect to complete the one-half unit of 55832
instruction in financial literacy either in lieu of one-half 55833
unit of instruction in mathematics under division (C)(3) of this 55834
section or an elective under division (C)(8) of this section. A 55835
student may fulfill the financial literacy instruction 55836
requirement under division (C)(9) of this section through the 55837
successful completion of an advanced placement course in 55838
microeconomics or macroeconomics. 55839

(b) A student attending a nonpublic school accredited 55840
through the independent schools association of the central 55841
states or any other chartered nonpublic school shall not be 55842
required to complete the one-half unit of financial literacy 55843
instruction prescribed in division (C)(9)(a) of this section, 55844
unless that student is attending the school under a state 55845
scholarship program as defined in section 3301.0711 of the 55846
Revised Code. 55847

The study and instruction of financial literacy required 55848
under division (C)(9) of this section shall align with the 55849
academic content standards for financial literacy and 55850
entrepreneurship adopted under division (A)(2) of section 55851
3301.079 of the Revised Code. The instruction provided under an 55852
advanced placement course in microeconomics or macroeconomics 55853
shall be considered to be aligned with those academic content 55854
standards. In developing the curriculum for the study and 55855
instruction of financial literacy, schools may use available 55856
public-private partnerships and resources and materials that 55857
exist in business, industry, and through the centers for 55858
economics education at institutions of higher education. 55859

Ohioans must be prepared to apply increased knowledge and 55860

skills in the workplace and to adapt their knowledge and skills 55861
quickly to meet the rapidly changing conditions of the twenty- 55862
first century. National studies indicate that all high school 55863
graduates need the same academic foundation, regardless of the 55864
opportunities they pursue after graduation. The goal of Ohio's 55865
system of elementary and secondary education is to prepare all 55866
students for and seamlessly connect all students to success in 55867
life beyond high school graduation, regardless of whether the 55868
next step is entering the workforce, beginning an 55869
apprenticeship, engaging in post-secondary training, serving in 55870
the military, or pursuing a college degree. 55871

The requirements for graduation prescribed in division (C) 55872
of this section are the standard expectation for all students 55873
entering ninth grade for the first time at a public or chartered 55874
nonpublic high school on or after July 1, 2010. A student may 55875
satisfy this expectation through a variety of methods, 55876
including, but not limited to, integrated, applied, career- 55877
technical, and traditional coursework. 55878

Stronger coordination between high schools and 55879
institutions of higher education is necessary to prepare 55880
students for more challenging academic endeavors and to lessen 55881
the need for academic remediation in college, thereby reducing 55882
the costs of higher education for Ohio's students, families, and 55883
the state. The department and the chancellor of higher education 55884
shall develop policies to ensure that only in rare instances 55885
will students who complete the requirements for graduation 55886
prescribed in division (C) of this section require academic 55887
remediation after high school. 55888

School districts, community schools, and chartered 55889
nonpublic schools shall integrate technology into learning 55890

experiences across the curriculum in order to maximize 55891
efficiency, enhance learning, and prepare students for success 55892
in the technology-driven twenty-first century. Districts and 55893
schools shall use distance and web-based course delivery as a 55894
method of providing or augmenting all instruction required under 55895
this division, including laboratory experience in science. 55896
Districts and schools shall utilize technology access and 55897
electronic learning opportunities provided by the broadcast 55898
educational media commission, chancellor, the Ohio learning 55899
network, education technology centers, public television 55900
stations, and other public and private providers. 55901

(D) Except as provided in division (E) of this section, a 55902
student who enters ninth grade on or after July 1, 2010, and 55903
before July 1, 2016, may qualify for graduation from a public or 55904
chartered nonpublic high school even though the student has not 55905
completed the requirements for graduation prescribed in division 55906
(C) of this section if all of the following conditions are 55907
satisfied: 55908

(1) During the student's third year of attending high 55909
school, as determined by the school, the student and the 55910
student's parent, guardian, or custodian sign and file with the 55911
school a written statement asserting the parent's, guardian's, 55912
or custodian's consent to the student's graduating without 55913
completing the requirements for graduation prescribed in 55914
division (C) of this section and acknowledging that one 55915
consequence of not completing those requirements is 55916
ineligibility to enroll in most state universities in Ohio 55917
without further coursework. 55918

(2) The student and parent, guardian, or custodian fulfill 55919
any procedural requirements the school stipulates to ensure the 55920

student's and parent's, guardian's, or custodian's informed 55921
consent and to facilitate orderly filing of statements under 55922
division (D) (1) of this section. Annually, each district or 55923
school shall notify the department of the number of students who 55924
choose to qualify for graduation under division (D) of this 55925
section and the number of students who complete the student's 55926
success plan and graduate from high school. 55927

(3) The student and the student's parent, guardian, or 55928
custodian and a representative of the student's high school 55929
jointly develop a student success plan for the student in the 55930
manner described in division (C) (1) of section 3313.6020 of the 55931
Revised Code that specifies the student matriculating to a two- 55932
year degree program, acquiring a business and industry- 55933
recognized credential, or entering an apprenticeship. 55934

(4) The student's high school provides counseling and 55935
support for the student related to the plan developed under 55936
division (D) (3) of this section during the remainder of the 55937
student's high school experience. 55938

(5) (a) Except as provided in division (D) (5) (b) of this 55939
section, the student successfully completes, at a minimum, the 55940
curriculum prescribed in division (B) of this section. 55941

(b) Beginning with students who enter ninth grade for the 55942
first time on or after July 1, 2014, a student shall be required 55943
to complete successfully, at the minimum, the curriculum 55944
prescribed in division (B) of this section, except as follows: 55945

(i) Mathematics, four units, one unit which shall be one 55946
of the following: 55947

(I) Probability and statistics; 55948

(II) Computer science; 55949

(III) Applied mathematics or quantitative reasoning;	55950
(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.	55951 55952 55953
(ii) Elective units, five units;	55954
(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.	55955 55956 55957 55958
(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:	55959 55960 55961 55962 55963 55964 55965
(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;	55966 55967
(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;	55968 55969 55970 55971 55972 55973
(3) That no exception comparable to that provided in division (D) of this section is available.	55974 55975
If a school district or chartered nonpublic school requires a foreign language as an additional graduation	55976 55977

requirement under division (E) of this section, a student may 55978
apply one unit of instruction in computer coding to satisfy one 55979
unit of foreign language. If a student applies more than one 55980
computer coding course to satisfy the foreign language 55981
requirement, the courses shall be sequential and progressively 55982
more difficult. 55983

(F) A student enrolled in a dropout prevention and 55984
recovery program, which program has received a waiver from the 55985
department, may qualify for graduation from high school by 55986
successfully completing a competency-based instructional program 55987
administered by the dropout prevention and recovery program in 55988
lieu of completing the requirements for graduation prescribed in 55989
division (C) of this section. The department shall grant a 55990
waiver to a dropout prevention and recovery program, within 55991
sixty days after the program applies for the waiver, if the 55992
program meets all of the following conditions: 55993

(1) The program serves only students not younger than 55994
sixteen years of age and not older than twenty-one years of age. 55995

(2) The program enrolls students who, at the time of their 55996
initial enrollment, either, or both, are at least one grade 55997
level behind their cohort age groups or experience crises that 55998
significantly interfere with their academic progress such that 55999
they are prevented from continuing their traditional programs. 56000

(3) The program requires students to attain at least the 56001
applicable score designated for each of the assessments 56002
prescribed under division (B)(1) of section 3301.0710 of the 56003
Revised Code or, to the extent prescribed by rule of the 56004
department under division (D)(5) of section 3301.0712 of the 56005
Revised Code, division (B)(2) of that section. 56006

(4) The program develops a student success plan for the 56007
student in the manner described in division (C) (1) of section 56008
3313.6020 of the Revised Code that specifies the student's 56009
matriculating to a two-year degree program, acquiring a business 56010
and industry-recognized credential, or entering an 56011
apprenticeship. 56012

(5) The program provides counseling and support for the 56013
student related to the plan developed under division (F) (4) of 56014
this section during the remainder of the student's high school 56015
experience. 56016

(6) The program requires the student and the student's 56017
parent, guardian, or custodian to sign and file, in accordance 56018
with procedural requirements stipulated by the program, a 56019
written statement asserting the parent's, guardian's, or 56020
custodian's consent to the student's graduating without 56021
completing the requirements for graduation prescribed in 56022
division (C) of this section and acknowledging that one 56023
consequence of not completing those requirements is 56024
ineligibility to enroll in most state universities in Ohio 56025
without further coursework. 56026

(7) Prior to receiving the waiver, the program has 56027
submitted to the department an instructional plan that 56028
demonstrates how the academic content standards adopted by the 56029
department under section 3301.079 of the Revised Code will be 56030
taught and assessed. 56031

(8) Prior to receiving the waiver, the program has 56032
submitted to the department a policy on career advising that 56033
satisfies the requirements of section 3313.6020 of the Revised 56034
Code, with an emphasis on how every student will receive career 56035
advising. 56036

(9) Prior to receiving the waiver, the program has 56037
submitted to the department a written agreement outlining the 56038
future cooperation between the program and any combination of 56039
local job training, postsecondary education, nonprofit, and 56040
health and social service organizations to provide services for 56041
students in the program and their families. 56042

Divisions (F) (8) and (9) of this section apply only to 56043
waivers granted on or after July 1, 2015. 56044

If the department does not act either to grant the waiver 56045
or to reject the program application for the waiver within sixty 56046
days as required under this section, the waiver shall be 56047
considered to be granted. 56048

(G) Every high school may permit students below the ninth 56049
grade to take advanced work. If a high school so permits, it 56050
shall award high school credit for successful completion of the 56051
advanced work and shall count such advanced work toward the 56052
graduation requirements of division (B) or (C) of this section 56053
if the advanced work was both: 56054

(1) Taught by a person who possesses a license or 56055
certificate issued under section 3301.071, 3319.22, or 3319.222 56056
of the Revised Code that is valid for teaching high school; 56057

(2) Designated by the board of education of the city, 56058
local, or exempted village school district, the board of the 56059
cooperative education school district, or the governing 56060
authority of the chartered nonpublic school as meeting the high 56061
school curriculum requirements. 56062

Each high school shall record on the student's high school 56063
transcript all high school credit awarded under division (G) of 56064
this section. In addition, if the student completed a seventh- 56065

or eighth-grade fine arts course described in division (K) of 56066
this section and the course qualified for high school credit 56067
under that division, the high school shall record that course on 56068
the student's high school transcript. 56069

(H) The department shall make its individual academic 56070
career plan available through its Ohio career information system 56071
web site for districts and schools to use as a tool for 56072
communicating with and providing guidance to students and 56073
families in selecting high school courses. 56074

(I) A school district or chartered nonpublic school may 56075
integrate academic content in a subject area for which the 56076
department has adopted standards under section 3301.079 of the 56077
Revised Code into a course in a different subject area, 56078
including a career-technical education course, in accordance 56079
with guidance for integrated coursework developed by the 56080
department. Upon successful completion of an integrated course, 56081
a student may receive credit for both subject areas that were 56082
integrated into the course. Units earned for subject area 56083
content delivered through integrated academic and career- 56084
technical instruction are eligible to meet the graduation 56085
requirements of division (B) or (C) of this section. 56086

For purposes of meeting graduation requirements, if an 56087
end-of-course examination has been prescribed under section 56088
3301.0712 of the Revised Code for the subject area delivered 56089
through integrated instruction, the school district or school 56090
may administer the related subject area examinations upon the 56091
student's completion of the integrated course. 56092

Nothing in division (I) of this section shall be construed 56093
to excuse any school district, chartered nonpublic school, or 56094
student from any requirement in the Revised Code related to 56095

curriculum, assessments, or the awarding of a high school diploma. 56096
56097

(J) (1) The department, in consultation with the 56098
chancellor, shall adopt a statewide plan implementing methods 56099
for students to earn units of high school credit based on a 56100
demonstration of subject area competency, instead of or in 56101
combination with completing hours of classroom instruction. The 56102
plan shall include a standard method for recording demonstrated 56103
proficiency on high school transcripts. Each school district and 56104
community school shall comply with the department's plan adopted 56105
under this division and award units of high school credit in 56106
accordance with the plan. The department may adopt existing 56107
methods for earning high school credit based on a demonstration 56108
of subject area competency as necessary prior to the 2009-2010 56109
school year. 56110

(2) The department shall update the statewide plan adopted 56111
pursuant to division (J) (1) of this section to also include 56112
methods for students enrolled in seventh and eighth grade to 56113
meet curriculum requirements based on a demonstration of subject 56114
area competency, instead of or in combination with completing 56115
hours of classroom instruction. Beginning with the 2017-2018 56116
school year, each school district and community school also 56117
shall comply with the updated plan adopted pursuant to this 56118
division and permit students enrolled in seventh and eighth 56119
grade to meet curriculum requirements based on subject area 56120
competency in accordance with the plan. 56121

(3) The department shall develop a framework for school 56122
districts and community schools to use in granting units of high 56123
school credit to students who demonstrate subject area 56124
competency through work-based learning experiences, internships, 56125

or cooperative education. Beginning with the 2018-2019 school 56126
year, each district and community school shall comply with the 56127
framework. Each district and community school also shall review 56128
any policy it has adopted regarding the demonstration of subject 56129
area competency to identify ways to incorporate work-based 56130
learning experiences, internships, and cooperative education 56131
into the policy in order to increase student engagement and 56132
opportunities to earn units of high school credit. 56133

(K) This division does not apply to students who qualify 56134
for graduation from high school under division (D) or (F) of 56135
this section, or to students pursuing a career-technical 56136
instructional track as determined by the school district board 56137
of education or the chartered nonpublic school's governing 56138
authority. Nevertheless, the general assembly encourages such 56139
students to consider enrolling in a fine arts course as an 56140
elective. 56141

Beginning with students who enter ninth grade for the 56142
first time on or after July 1, 2010, each student enrolled in a 56143
public or chartered nonpublic high school shall complete two 56144
semesters or the equivalent of fine arts to graduate from high 56145
school. The coursework may be completed in any of grades seven 56146
to twelve. Each student who completes a fine arts course in 56147
grade seven or eight may elect to count that course toward the 56148
five units of electives required for graduation under division 56149
(C) (8) of this section, if the course satisfied the requirements 56150
of division (G) of this section. In that case, the high school 56151
shall award the student high school credit for the course and 56152
count the course toward the five units required under division 56153
(C) (8) of this section. If the course in grade seven or eight 56154
did not satisfy the requirements of division (G) of this 56155
section, the high school shall not award the student high school 56156

credit for the course but shall count the course toward the two 56157
semesters or the equivalent of fine arts required by this 56158
division. 56159

(L) Notwithstanding anything to the contrary in this 56160
section, the board of education of each school district and the 56161
governing authority of each chartered nonpublic school may adopt 56162
a policy to excuse from the high school physical education 56163
requirement each student who, during high school, has 56164
participated in interscholastic athletics, marching band, show 56165
choir, or cheerleading for at least two full seasons or in the 56166
junior reserve officer training corps for at least two full 56167
school years. If the board or authority adopts such a policy, 56168
the board or authority shall not require the student to complete 56169
any physical education course as a condition to graduate. 56170
However, the student shall be required to complete one-half 56171
unit, consisting of at least sixty hours of instruction, in 56172
another course of study. In the case of a student who has 56173
participated in the junior reserve officer training corps for at 56174
least two full school years, credit received for that 56175
participation may be used to satisfy the requirement to complete 56176
one-half unit in another course of study. 56177

(M) It is important that high school students learn and 56178
understand United States history and the governments of both the 56179
United States and the state of Ohio. Therefore, beginning with 56180
students who enter ninth grade for the first time on or after 56181
July 1, 2012, the study of American history and American 56182
government required by divisions (B)(6) and (C)(6) of this 56183
section shall include the study of all of the following 56184
documents: 56185

(1) The Declaration of Independence; 56186

(2) The Northwest Ordinance;	56187
(3) The Constitution of the United States with emphasis on the Bill of Rights;	56188 56189
(4) The Ohio Constitution.	56190
The study of each of the documents prescribed in divisions (M) (1) to (4) of this section shall include study of that document in its original context.	56191 56192 56193
The study of American history and government required by divisions (B) (6) and (C) (6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.	56194 56195 56196 56197 56198 56199
(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board.	56200 56201 56202 56203 56204 56205 56206 56207 56208
If a student applies more than one computer science course to satisfy curriculum requirements under that division, the courses shall be sequential and progressively more difficult or cover different subject areas within computer science.	56209 56210 56211 56212
<u>(O) Notwithstanding anything to the contrary in this</u> <u>section, the board of education of each school district and the</u> <u>governing authority of each chartered nonpublic school may adopt</u>	56213 56214 56215

a policy to excuse from the financial literacy instruction 56216
requirement under division (C) (9) of this section each student 56217
who, during high school, participates in a financial literacy 56218
program offered through a student branch, as defined in section 56219
1733.04 of the Revised Code, or by a bank, as defined in section 56220
1101.01 of the Revised Code. The policy shall require the 56221
financial literacy program to meet or exceed the academic 56222
content standards and model curriculum for financial literacy 56223
and entrepreneurship instruction adopted under section 3301.079 56224
of the Revised Code. The policy shall require a student to 56225
participate in the program for the equivalent of at least one- 56226
half unit of instruction to qualify for an exemption under this 56227
division. 56228

Not later than July 1, 2026, the department shall develop 56229
and post on its web site a model policy and guidelines for 56230
districts and schools to use in developing a policy under this 56231
division. 56232

Sec. 3313.608. (A) (1) Beginning with students who enter 56233
third grade in the school year that starts July 1, 2009, and 56234
until June 30, 2013, unless the student is excused under 56235
division (C) of section 3301.0711 of the Revised Code from 56236
taking the assessment described in this section, for any student 56237
who does not attain at least the equivalent level of achievement 56238
designated under division (A) (3) of section 3301.0710 of the 56239
Revised Code on the assessment prescribed under that section to 56240
measure skill in English language arts expected at the end of 56241
third grade, each school district, in accordance with the policy 56242
adopted under section 3313.609 of the Revised Code, shall do one 56243
of the following: 56244

(a) Promote the student to fourth grade if the student's 56245

principal and reading teacher agree that other evaluations of 56246
the student's skill in reading demonstrate that the student is 56247
academically prepared to be promoted to fourth grade; 56248

(b) Promote the student to fourth grade but provide the 56249
student with intensive intervention services in fourth grade; 56250

(c) Retain the student in third grade. 56251

(2) Beginning with students who enter third grade in the 56252
2013-2014 school year, unless the student is excused under 56253
division (C) of section 3301.0711 of the Revised Code from 56254
taking the assessment described in this section, no school 56255
district shall promote to fourth grade any student who does not 56256
attain at least the equivalent level of achievement designated 56257
under division (A) (3) of section 3301.0710 of the Revised Code 56258
on the assessment prescribed under that section to measure skill 56259
in English language arts expected at the end of third grade, 56260
unless one of the following applies: 56261

(a) The student is an English learner who has been 56262
enrolled in United States schools for less than three full 56263
school years and has had less than three years of instruction in 56264
an English as a second language program. 56265

(b) The student is a child with a disability entitled to 56266
special education and related services under Chapter 3323. of 56267
the Revised Code and the student's individualized education 56268
program exempts the student from retention under this division. 56269

(c) The student demonstrates an acceptable level of 56270
performance on an alternative standardized reading assessment as 56271
determined by the department of education and workforce. 56272

(d) All of the following apply: 56273

(i) The student is a child with a disability entitled to 56274
special education and related services under Chapter 3323. of 56275
the Revised Code. 56276

(ii) The student has taken the third grade English 56277
language arts achievement assessment prescribed under section 56278
3301.0710 of the Revised Code. 56279

(iii) The student's individualized education program or 56280
plan under section 504 of the "Rehabilitation Act of 1973," 87 56281
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 56282
received intensive remediation in reading for two school years 56283
but still demonstrates a deficiency in reading. 56284

(iv) The student previously was retained in any of grades 56285
kindergarten to three. 56286

(e) (i) The student received intensive remediation for 56287
reading for two school years but still demonstrates a deficiency 56288
in reading and was previously retained in any of grades 56289
kindergarten to three. 56290

(ii) A student who is promoted under division (A) (2) (e) (i) 56291
of this section shall continue to receive intensive reading 56292
instruction in grade four. The instruction shall include an 56293
altered instructional day that includes specialized diagnostic 56294
information and specific research-based reading strategies for 56295
the student that have been successful in improving reading among 56296
low-performing readers. 56297

(f) A student's parent or guardian, in consultation with 56298
the student's reading teacher and building principal, requests 56299
that the student, regardless of if the student is reading at 56300
grade level, be promoted to the fourth grade. 56301

A student who is promoted under division (A) (2) (f) of this 56302

section shall continue to receive intensive reading instruction 56303
in the same manner as a student retained under this section 56304
until the student is able to read at grade level. 56305

(B) (1) Beginning in the 2012-2013 school year, to assist 56306
students in meeting the third grade guarantee established by 56307
this section, each school district board of education shall 56308
adopt policies and procedures with which it annually shall 56309
assess the reading skills of each student, ~~except those students~~ 56310
~~with significant cognitive disabilities or other disabilities as~~ 56311
~~authorized by the department on a case-by-case basis,~~ enrolled 56312
in kindergarten to third grade and shall identify students who 56313
are reading below their grade level. The reading skills 56314
assessment shall be completed by the thirtieth day of September- 56315
~~for students in grades one to three, and by the twentieth day of~~ 56316
~~instruction of the school year for students in kindergarten.~~ 56317
Each district shall use ~~the a~~ diagnostic assessment ~~to measure~~ 56318
~~reading ability~~ for the appropriate grade level adopted or 56319
approved under section 3301.079 of the Revised Code, ~~or a~~ 56320
~~comparable tool approved by the department of education and~~ 56321
~~workforce,~~ to identify such students. The policies and 56322
procedures shall require the students' classroom teachers to be 56323
involved in the assessment and the identification of students 56324
reading below grade level. The assessment may be administered 56325
electronically using live, two-way video and audio connections 56326
whereby the teacher administering the assessment may be in a 56327
separate location from the student. 56328

(2) For each student identified by the diagnostic 56329
assessment prescribed under this section as having reading 56330
skills below grade level, the district shall do both of the 56331
following: 56332

(a) Provide to the student's parent or guardian, in writing, all of the following:

(i) Notification that the student has been identified as having a substantial deficiency in reading;

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(v) A statement that connects the child's proficiency level in reading to long-term outcomes of success related to proficiency in reading.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan

required by division (C) of this section. These intervention 56362
services shall be aligned with the science of reading as defined 56363
under section 3313.6028 of the Revised Code and include 56364
research-based reading strategies that have been shown to be 56365
successful in improving reading among low-performing readers and 56366
instruction targeted at the student's identified reading 56367
deficiencies. 56368

(3) For each student retained under division (A) of this 56369
section, the district shall do all of the following: 56370

(a) Provide intense remediation services until the student 56371
is able to read at grade level. The remediation services shall 56372
include intensive interventions in reading that address the 56373
areas of deficiencies identified under this section including, 56374
but not limited to, not less than ninety minutes of reading 56375
instruction per day, and may include any of the following: 56376

- (i) Small group instruction; 56377
- (ii) Reduced teacher-student ratios; 56378
- (iii) More frequent progress monitoring; 56379
- (iv) Tutoring or mentoring; 56380
- (v) Transition classes containing third and fourth grade 56381
students; 56382
- (vi) Extended school day, week, or year; 56383
- (vii) Summer reading camps. 56384

(b) Establish a policy for the mid-year promotion of a 56385
student retained under division (A) of this section who 56386
demonstrates that the student is reading at or above grade 56387
level; 56388

(c) Provide each student with a teacher who satisfies one 56389
or more of the criteria set forth in division (H) of this 56390
section. 56391

The district shall offer the option for students to 56392
receive applicable services from one or more providers other 56393
than the district. Providers shall be screened and approved by 56394
the district or the department of education and workforce. If 56395
the student participates in the remediation services and 56396
demonstrates reading proficiency in accordance with standards 56397
adopted by the department prior to the start of fourth grade, 56398
the district shall promote the student to that grade. 56399

(4) For each student retained under division (A) of this 56400
section who has demonstrated proficiency in a specific academic 56401
ability field, each district shall provide instruction 56402
commensurate with student achievement levels in that specific 56403
academic ability field. 56404

As used in this division, "specific academic ability 56405
field" has the same meaning as in section 3324.01 of the Revised 56406
Code. 56407

(C) For each student required to be provided intervention 56408
services under this section, the district shall develop a 56409
reading improvement and monitoring plan within sixty days after 56410
receiving the student's results on the diagnostic assessment ~~or~~ 56411
~~comparable tool~~ administered under division (B)(1) of this 56412
section. The district shall involve the student's parent or 56413
guardian and classroom teacher in developing the plan. The plan 56414
shall include all of the following: 56415

(1) Identification of the student's specific reading 56416
deficiencies; 56417

- (2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies; 56418
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- (3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C) (2) of this section; 56421
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- (4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C) (2) of this section; 56424
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- (5) A reading curriculum during regular school hours that does all of the following: 56427
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- (a) Assists students to read at grade level; 56429
- (b) Provides scientifically based and reliable assessment; 56430
- (c) Provides initial and ongoing analysis of each student's reading progress. 56431
56432
- (6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade. 56433
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- (7) ~~High-dosage~~ The provision of high-dosage tutoring opportunities aligned with the student's classroom instruction through a state-approved vendor on the list of high-quality tutoring vendors under section 3301.136 of the Revised Code or a locally approved opportunity program that aligns with high-dosage tutoring best practices identified by the department. 56439
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High-dosage tutoring ~~opportunities~~ shall include ~~additional~~ 56445

instruction time of at least three days per week, or at least 56446
fifty hours over thirty-six weeks. High-dosage tutoring may be 56447
incorporated into a student's regular classroom instruction. 56448

The district shall continue to provide the plan developed 56449
under division (C) of this section until the student achieves 56450
the required level of skill in reading for the student's current 56451
grade level. 56452

Each student with a reading improvement and monitoring 56453
plan under this division who enters third grade after July 1, 56454
2013, shall be assigned to a teacher who satisfies one or more 56455
of the criteria set forth in division (H) of this section. 56456

The district shall report any information requested by the 56457
department about the reading improvement monitoring plans 56458
developed under this division in the manner required by the 56459
department. 56460

(D) Each school district shall report annually to the 56461
department on its implementation and compliance with this 56462
section using guidelines prescribed by the department. The 56463
director of education and workforce annually shall report to the 56464
governor and general assembly the number and percentage of 56465
students in grades kindergarten through four reading below grade 56466
level based on the diagnostic assessments administered under 56467
division (B) of this section and the achievement assessments 56468
administered under divisions (A) (1) (a) and (b) of section 56469
3301.0710 of the Revised Code in English language arts, 56470
aggregated by school district and building; the types of 56471
intervention services provided to students; and, if available, 56472
an evaluation of the efficacy of the intervention services 56473
provided. 56474

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions:

(1) The remediation methods are based on reliable educational research.

(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services.

(3) The parents of participating students are involved in programming decisions.

(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.

(G) This section does not create a new cause of action or a substantive legal right for any person.

(H) (1) Except as provided under divisions (H) (2), (3), and (4) of this section, each student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.

(b) The teacher has completed a master's degree program with a major in reading.

(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on

assessments of student growth measures developed by a vendor and 56503
that is on the list of student assessments approved by the 56504
department under division (B) (2) of section 3319.112 of the 56505
Revised Code. 56506

(d) The teacher was rated "above expected value added," in 56507
reading instruction, as determined by criteria established by 56508
the department, for the most recent, consecutive two years. 56509

(e) The teacher has earned a passing score on a rigorous 56510
test of principles of scientifically research-based reading 56511
instruction as approved by the department. 56512

(f) The teacher holds an educator license for teaching 56513
grades pre-kindergarten through three or four through nine 56514
issued on or after July 1, 2017. 56515

(2) Notwithstanding division (H) (1) of this section, a 56516
student described in division (B) (3) or (C) of this section who 56517
enters third grade for the first time on or after July 1, 2013, 56518
may be assigned to a teacher with less than one year of teaching 56519
experience provided that the teacher meets one or more of the 56520
criteria described in divisions (H) (1) (a) to (f) of this section 56521
and that teacher is assigned a teacher mentor who meets the 56522
qualifications of division (H) (1) of this section. 56523

(3) Notwithstanding division (H) (1) of this section, a 56524
student described in division (B) (3) or (C) of this section who 56525
enters third grade for the first time on or after July 1, 2013, 56526
but prior to July 1, 2016, may be assigned to a teacher who 56527
holds an alternative credential approved by the department or 56528
who has successfully completed training that is based on 56529
principles of scientifically research-based reading instruction 56530
that has been approved by the department. The alternative 56531

credentials and training described in division (H) (3) of this 56532
section shall be aligned with the reading competencies adopted 56533
by the department of education and workforce under section 56534
3301.077 of the Revised Code. 56535

(4) Notwithstanding division (H) (1) of this section, a 56536
student described in division (B) (3) or (C) of this section who 56537
enters third grade for the first time on or after July 1, 2013, 56538
may receive reading intervention or remediation services under 56539
this section from an individual employed as a speech-language 56540
pathologist who holds a license issued by the state speech and 56541
hearing professionals board under Chapter 4753. of the Revised 56542
Code and a registration under section 3319.221 of the Revised 56543
Code. 56544

(5) A teacher, other than a student's teacher of record, 56545
may provide any services required under this section, so long as 56546
that other teacher meets the requirements of division (H) of 56547
this section and the teacher of record and the school principal 56548
agree to the assignment. Any such assignment shall be documented 56549
in the student's reading improvement and monitoring plan. 56550

As used in this division, "teacher of record" means the 56551
classroom teacher to whom a student is assigned. 56552

(I) Notwithstanding division (H) of this section, a 56553
teacher may teach reading to any student who is an English 56554
language learner, and has been in the United States for three 56555
years or less, or to a student who has an individualized 56556
education program developed under Chapter 3323. of the Revised 56557
Code if that teacher holds an alternative credential approved by 56558
the department or has successfully completed training that is 56559
based on principles of scientifically research-based reading 56560
instruction that has been approved by the department. The 56561

alternative credentials and training described in this division 56562
shall be aligned with the reading competencies adopted by the 56563
department of education and workforce under section 3301.077 of 56564
the Revised Code. 56565

(J) If, on or after June 4, 2013, a school district or 56566
community school cannot furnish the number of teachers needed 56567
who satisfy one or more of the criteria set forth in division 56568
(H) of this section for the 2013-2014 school year, the school 56569
district or community school shall develop and submit a staffing 56570
plan by June 30, 2013. The staffing plan shall include criteria 56571
that will be used to assign a student described in division (B) 56572
(3) or (C) of this section to a teacher, credentials or training 56573
held by teachers currently teaching at the school, and how the 56574
school district or community school will meet the requirements 56575
of this section. The school district or community school shall 56576
post the staffing plan on its web site for the applicable school 56577
year. 56578

Not later than March 1, 2014, and on the first day of 56579
March in each year thereafter, a school district or community 56580
school that has submitted a plan under this division shall 56581
submit to the department a detailed report of the progress the 56582
district or school has made in meeting the requirements under 56583
this section. 56584

A school district or community school may request an 56585
extension of a staffing plan beyond the 2013-2014 school year. 56586
Extension requests must be submitted to the department not later 56587
than the thirtieth day of April prior to the start of the 56588
applicable school year. The department may grant extensions 56589
valid through the 2015-2016 school year. 56590

(K) The department of education and workforce shall 56591

designate one or more staff members to provide guidance and 56592
assistance to school districts and community schools in 56593
implementing the third grade guarantee established by this 56594
section, including any standards or requirements adopted to 56595
implement the guarantee and to provide information and support 56596
for reading instruction and achievement. 56597

Sec. 3313.609. (A) As used in this section:— 56598

~~(1) "Truant" means absent without excuse.~~ 56599

~~(2) "Academically prepared", "academically prepared"~~ 56600
means whatever educational standard the board of education of 56601
each city, exempted village, local, and joint vocational school 56602
district establishes as necessary for the promotion of a student 56603
to the next grade level pursuant to the policy adopted under 56604
division (B) of this section. 56605

(B) The board of education of each city, exempted village, 56606
local, and joint vocational school district shall adopt a grade 56607
promotion and retention policy for students that complies with 56608
this section and section 3313.608 of the Revised Code. The 56609
policy shall prohibit the promotion of a student to the next 56610
grade level if the student ~~has been truant for more than ten per~~ 56611
~~cent of the required attendance days of the current school year~~ 56612
~~and~~ has failed two or more of the required curriculum subject 56613
areas in the current grade unless the student's principal and 56614
the teachers of any failed subject areas agree that the student 56615
is academically prepared to be promoted to the next grade level. 56616

Sec. 3313.6013. (A) As used in this section, "advanced 56617
standing program" means a program that enables a student to earn 56618
credit toward a degree from an institution of higher education 56619
while enrolled in high school or that enables a student to 56620

complete coursework while enrolled in high school that may earn 56621
credit toward a degree from an institution of higher education 56622
upon the student's attainment of a specified score on an 56623
examination covering the coursework. Advanced standing programs 56624
may include any of the following: 56625

(1) The college credit plus program established under 56626
Chapter 3365. of the Revised Code; 56627

(2) Advanced placement courses; 56628

(3) International baccalaureate diploma courses; 56629

(4) Early college high school programs; 56630

(5) Courses that comply with the career-technical 56631
education credit transfer criteria, policies, and procedures 56632
established under section 3333.162 of the Revised Code; 56633

(6) The college-level examination program. 56634

(B) Each city, local, exempted village, and joint 56635
vocational school district and each chartered nonpublic high 56636
school shall provide students enrolled in grades nine through 56637
twelve with the opportunity to participate in an advanced 56638
standing program. For this purpose, each school district and 56639
chartered nonpublic high school shall offer at least one 56640
advanced standing program in accordance with division (B) (1) or 56641
(2) of this section, as applicable. 56642

(1) A city, local, or exempted village school district 56643
meets the requirements of this division through its mandatory 56644
participation in the college credit plus program established 56645
under Chapter 3365. of the Revised Code. However, a city, local, 56646
or exempted village school district may offer any other advanced 56647
standing program, in addition to the college credit plus 56648

program, and each joint vocational school district shall offer 56649
at least one other advanced standing program, to students in 56650
good standing, as defined by the partnership for continued 56651
learning under section 3301.42 of the Revised Code as it existed 56652
prior to October 16, 2009, or as subsequently defined by the 56653
department of education and workforce. 56654

(2) A chartered nonpublic high school that elects to 56655
participate in the college credit plus program established under 56656
Chapter 3365. of the Revised Code meets the requirements of this 56657
division. Each chartered nonpublic high school that elects not 56658
to participate in the college credit plus program instead shall 56659
offer at least one other advanced standing program to students 56660
in good standing, as defined by the partnership for continued 56661
learning under section 3301.42 of the Revised Code as it existed 56662
prior to October 16, 2009, or as subsequently defined by the 56663
department of education and workforce. 56664

(C) Each school district and each chartered nonpublic high 56665
school, at least annually, shall provide information about the 56666
advanced standing programs offered by the district or school to 56667
all students enrolled in grades six through eleven. The district 56668
or school shall include information about all of the following: 56669

(1) The process colleges and universities use in awarding 56670
credit for advanced placement and international baccalaureate 56671
courses and examinations, including minimum scores required by 56672
state institutions of higher education, as defined in section 56673
3345.011 of the Revised Code, for a student to receive college 56674
credit; 56675

(2) The availability of tuition and fee waivers for 56676
advanced placement and international baccalaureate courses and 56677
examinations; 56678

(3) The availability of online advanced placement or 56679
international baccalaureate courses, including those that may be 56680
available at no cost; 56681

(4) The benefits of earning postsecondary credit through 56682
advanced placement or international baccalaureate courses; 56683

(5) The availability of advanced placement or 56684
international baccalaureate courses offered throughout the 56685
district. 56686

The district or school may include additional information 56687
as determined appropriate by the district or school. 56688

(D) Except as provided for in Chapter 3365. of the Revised 56689
Code, no city, local, exempted village, and joint vocational 56690
school district shall charge an enrolled student an additional 56691
fee or tuition for participation in any advanced standing 56692
program offered by the district. Students may be required to pay 56693
the costs associated with taking an advanced placement or 56694
international baccalaureate examination. 56695

(E) Any agreement between a school district or school and 56696
an associated college governing the operation of an early 56697
college high school program shall be exempt from the 56698
requirements of the college credit plus program, provided the 56699
program meets the definition set forth in division (F) (2) of 56700
this section and is approved by the director of education and 56701
workforce and the chancellor of higher education. 56702

The college credit plus program also shall not govern any 56703
advanced placement course or international baccalaureate diploma 56704
course as described under this section. 56705

(F) As used in this section: 56706

(1) "Associated college" means a public or private college, as defined in section 3365.01 of the Revised Code, which has entered into an agreement with a school district or school to establish an early college high school program, as described in division (F)(2) of this section, and awards transcribed credit, as defined in section 3365.01 of the Revised Code, to students through that program.

(2) "Early college high school program" means a partnership between at least one school district or school and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and have the opportunity to earn not less than twenty-four credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a post-secondary degree or credential at no cost to the participant or participant's family. The program also shall prioritize the following students:

(a) Students who are underrepresented in regard to completing post-secondary education;

(b) Students who are economically disadvantaged, as defined by the department of education and workforce;

(c) Students whose parents did not earn a college degree.

Sec. 3313.6022. (A) As used in this section, "released time" means a period of time during which a student is excused from school to attend a course in religious instruction conducted by a private entity off school district property.

(B) A school district board of education shall adopt a policy that authorizes a student to be excused from school to

attend a released time course in religious instruction for at 56736
least one period per week, provided that each of the following 56737
applies: 56738

(1) The student's parent or guardian gives written 56739
consent. 56740

(2) The sponsoring entity maintains attendance records and 56741
makes them available to the school district the student attends. 56742

(3) Transportation to and from the place of instruction, 56743
including transportation for students with disabilities, is the 56744
complete responsibility of the sponsoring entity, parent, 56745
guardian, or student. 56746

(4) The sponsoring entity makes provisions for and assumes 56747
liability for the student. 56748

(5) No public funds are expended and no public school 56749
personnel are involved in providing the religious instruction. 56750

(6) The student assumes responsibility for any missed 56751
schoolwork. 56752

While in attendance in a released time course in religious 56753
instruction, a student shall not be considered absent from 56754
school. No student may be released from a core curriculum 56755
subject course to attend a religious instruction course. 56756

(C) A school district board of education shall collaborate 56757
with a sponsoring entity of a released time course in religious 56758
instruction to identify a time to offer the course during the 56759
school day. 56760

(D) A policy adopted under division (B) of this section 56761
shall not prohibit students from bringing external educational 56762
and program materials into school. 56763

(E) A policy adopted under division (B) of this section 56764
shall not exceed either of the following: 56765

(1) For students in an elementary or middle school, two 56766
periods in total per week; 56767

(2) For students in high school, the amount of time that 56768
is equivalent to attending two units of high school credit per 56769
week. 56770

(F) A policy adopted under division (B) of this section 56771
may authorize high school students to earn up to two units of 56772
high school credit for the completion of a released time course 56773
in religious instruction. In determining whether to award credit 56774
for completion of such a course, the board shall evaluate the 56775
course based on purely secular criteria that are substantially 56776
the same criteria used to evaluate similar nonpublic high school 56777
courses for purposes of determining whether to award credit for 56778
such courses to a student transferring from a nonpublic high 56779
school to a public high school. However, there shall be no 56780
criteria requiring that released time courses be completed only 56781
at a nonpublic school. The decision to award credit for a 56782
released time course of religious instruction shall be neutral 56783
to, and shall not involve any test for, religious content or 56784
denominational affiliation. 56785

For purposes of this division, secular criteria may 56786
include, but are not limited to, the following: 56787

(1) The number of hours of classroom instruction time; 56788

(2) A review of the course syllabus that reflects course 56789
requirements and materials used; 56790

(3) The methods of assessment used in the course; 56791

(4) The qualifications of the course instructor, which 56792
shall be similar to the qualifications of other teachers within 56793
the district. 56794

Notwithstanding division (C) (8) of section 3313.603 of the 56795
Revised Code, high school credit awarded to a student for a 56796
released time course in religious instruction may substitute for 56797
the same amount of credit in subjects listed in that division. 56798

~~(E)~~ (G) A school district, member of a school district 56799
board of education, or school district employee is not liable in 56800
damages in a civil action for injury allegedly arising during a 56801
student's transportation to or from a place of instruction when 56802
private transportation is used under a released time policy 56803
adopted under this section. This division does not eliminate, 56804
limit, or reduce any other immunity or defense that a school 56805
district, member of a school district board of education, or 56806
school district employee may be entitled to under Chapter 2744. 56807
or any other provision of the Revised Code or under the common 56808
law of this state. 56809

Sec. 3313.6028. (A) (1) As used in Title XXXIII of the 56810
Revised Code, "science of reading" means an interdisciplinary 56811
body of scientific evidence that: 56812

(a) Informs how students learn to read and write 56813
proficiently; 56814

(b) Explains why some students have difficulty with 56815
reading and writing; 56816

(c) Indicates that all students benefit from explicit and 56817
systematic instruction in phonemic awareness, phonics, 56818
vocabulary, fluency, comprehension, and writing to become 56819
effective readers; 56820

(d) Does not rely on any model of teaching students to 56821
read based on meaning, structure and syntax, and visual cues, 56822
including a three-cueing approach. 56823

(2) As used in this section, "three-cueing approach" means 56824
any model of teaching students to read based on meaning, 56825
structure and syntax, and visual cues. 56826

(B) The department of education and workforce shall 56827
establish a list of high-quality core curriculum and 56828
instructional materials in English language arts, _and a list of 56829
evidence-based reading intervention programs, that are aligned 56830
with the science of reading and strategies for effective 56831
literacy instruction. 56832

(C) Beginning not later than the 2024-2025 school year, 56833
each school district, community school established under Chapter 56834
3314. of the Revised Code, and STEM school established under 56835
Chapter 3326. of the Revised Code, shall use core curriculum and 56836
instructional materials in English language arts in each of 56837
grades pre-kindergarten to five and evidence-based reading 56838
intervention programs in each of grades pre-kindergarten to 56839
twelve only from the lists established under division (B) of 56840
this section. Except as provided in division (D) of this 56841
section, no district or school shall use any core curriculum, 56842
instructional materials, or intervention program in grades pre- 56843
kindergarten to five that use the three-cueing approach to teach 56844
students to read. 56845

(D) A district or school may apply to the department for a 56846
waiver on an individual student basis to use curriculum, 56847
instructional materials, or an intervention program in grades 56848
pre-kindergarten through five that uses the three-cueing 56849
approach to teach students to read, except as follows: 56850

(1) No student for whom a reading improvement and 56851
monitoring plan has been developed under division (C) of section 56852
3313.608 of the Revised Code shall be eligible for a waiver. 56853

(2) If a student has an individualized education program 56854
that explicitly indicates the three-cueing approach is 56855
appropriate for the student's learning needs, the student shall 56856
not be required to have a waiver. 56857

In determining whether to approve a waiver requested under 56858
this section, the department shall consider the performance of 56859
the student's district or school on the state report card issued 56860
under section 3302.03 of the Revised Code, including on the 56861
early literacy component prescribed under division (D)(3)(e) of 56862
that section. 56863

(E)(1) The department shall identify vendors that provide 56864
professional development to educators, including pre-service 56865
teachers and faculty employed by educator preparation programs, 56866
on the use of high-quality core curriculum and instructional 56867
materials and reading intervention programs on the lists 56868
established under division (B) of this section.— 56869

(2) A professional development committee established under 56870
section 3319.22 of the Revised Code shall qualify any completed 56871
professional development coursework provided by a vendor 56872
described in division (E)(1) of this section to count towards 56873
professional development coursework requirements for teacher 56874
licensure renewal. 56875

(3) A professional development committee shall permit a 56876
teacher to apply any hours earned over the minimum amount of 56877
hours required for professional development coursework for 56878
teacher licensure renewal under division (E)(2) of this section 56879

to the next renewal period for that license. 56880

Sec. 3313.6031. (A) As used in this section, "other high 56881
school" means any of the following that offers any of grades 56882
nine through twelve: 56883

(1) A community school established under Chapter 3314. of 56884
the Revised Code; 56885

(2) A STEM school established under Chapter 3326. of the 56886
Revised Code; 56887

(3) A chartered nonpublic school. 56888

(B) Each city, local, exempted village, and joint 56889
vocational school district and other high school that has 56890
students enrolled in courses that comply with the career- 56891
technical education credit transfer criteria, policies, and 56892
procedures established under section 3333.162 of the Revised 56893
Code shall adopt and implement a policy for the awarding of 56894
grades and the calculation of class standing for those courses. 56895

A district's or school's policy under this section shall 56896
be equivalent to the district's or school's policy for courses 56897
taken under the advanced standing programs described in 56898
divisions (A) (1) to (3) of section 3313.6013 of the Revised Code 56899
or for other courses designated as honors courses by the 56900
district or school, including procedures for awarding a weighted 56901
grade or enhancing a student's class standing for those courses. 56902

Sec. 3313.6032. (A) As used in this section, "advanced 56903
learning opportunities in mathematics" or "advanced mathematics 56904
course" means learning opportunities or a course that provides 56905
academic content or rigor that exceeds the standard mathematics 56906
curriculum for the student's grade level, including a 56907
mathematics course that is two grade levels above the student's 56908

current grade level, as determined by the district. 56909

(B) Except as otherwise provided in division (C) of this 56910
section, each city, local, exempted village, and joint- 56911
vocational school district shall provide each student that 56912
achieves an advanced level of skill on a mathematics achievement 56913
assessment as prescribed under section 3301.0710 or end-of- 56914
course examination under section 3301.0712 of the Revised Code 56915
with advanced learning opportunities in mathematics including 56916
advanced mathematics courses in the following school year. Each 56917
student shall take any corresponding required achievement 56918
assessment or end-of-course examination for any mathematics 56919
course the student takes under those sections. 56920

(C) (1) No school district is subject to division (B) of 56921
this section if it does not offer the advanced learning 56922
opportunities in mathematics or an advanced mathematics course 56923
for the grade level in which the student is enrolled for the 56924
next school year. 56925

(2) Each school district shall notify the parent or 56926
guardian of a student who qualifies for advanced learning 56927
opportunities in mathematics under division (B) of this section 56928
of that determination. The parent or guardian of any such 56929
student may submit a written request for that student to not 56930
receive the advanced learning opportunities in mathematics or to 56931
not be enrolled in the advanced mathematics course. In which 56932
case, the district shall not be required to provide that student 56933
with advanced mathematics instruction under division (B) of this 56934
section. 56935

Sec. 3313.618. (A) In addition to the curriculum 56936
requirements specified by the board of education of a school 56937
district or governing authority of a chartered nonpublic school, 56938

each student entering ninth grade for the first time on or after 56939
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 56940
one of the following conditions or the conditions prescribed 56941
under division (B) of this section in order to qualify for a 56942
high school diploma: 56943

(1) Be remediation-free, in accordance with standards 56944
adopted under division (F) of section 3345.061 of the Revised 56945
Code, on each of the nationally standardized assessments in 56946
English, mathematics, and reading; 56947

(2) Attain a score specified under division (B) (5) (c) of 56948
section 3301.0712 of the Revised Code on the end-of-course 56949
examinations prescribed under division (B) of section 3301.0712 56950
of the Revised Code. 56951

(3) Attain a score that demonstrates workforce readiness 56952
and employability on a nationally recognized job skills 56953
assessment selected by the department of education and workforce 56954
under division (F) of section 3301.0712 of the Revised Code and 56955
obtain either an industry-recognized credential or a license 56956
issued by a state agency or board for practice in a vocation 56957
that requires an examination for issuance of that license. 56958

For the purposes of this division, the industry-recognized 56959
credentials and licenses shall be as approved under section 56960
3313.6113 of the Revised Code. 56961

A student may choose to qualify for a high school diploma 56962
by satisfying any of the separate requirements prescribed by 56963
divisions (A) (1) to (3) of this section. If the student's school 56964
district or school does not administer the examination 56965
prescribed by one of those divisions that the student chooses to 56966
take to satisfy the requirements of this section, the school 56967

district or school may require that student to arrange for the 56968
applicable scores to be sent directly to the district or school 56969
by the company or organization that administers the examination. 56970

(B) In addition to the curriculum requirements specified 56971
by the district board or school governing authority, each 56972
student entering ninth grade for the first time on or after July 56973
1, 2019, shall satisfy the following conditions in order to 56974
qualify for a high school diploma: 56975

(1) Attain a competency score as determined under division 56976
(B) (10) of section 3301.0712 of the Revised Code on each of the 56977
Algebra I and English language arts II end-of-course 56978
examinations prescribed under division (B) (2) of section 56979
3301.0712 of the Revised Code. 56980

School districts and chartered nonpublic schools shall 56981
offer remedial support to any student who fails to attain a 56982
competency score on one or both of the Algebra I and English 56983
language arts II end-of-course examinations. 56984

Following the first administration of the exam, if a 56985
student fails to attain a competency score on one or both of the 56986
Algebra I and English language arts II end-of-course 56987
examinations that student must retake the respective examination 56988
at least once. 56989

If a student fails to attain a competency score on a 56990
retake examination, the student may demonstrate competency in 56991
the failed subject area through one of the following options: 56992

(a) Earn course credit taken through the college credit 56993
plus program established under Chapter 3365. of the Revised Code 56994
in the failed subject area; 56995

(b) Complete two of the following options, one of which 56996

must be foundational: 56997

(i) Foundational options to demonstrate competency, which 56998
include—earning a cumulative score of proficient or higher on 56999
three or more state technical assessments aligned with section 57000
3313.903 of the Revised Code in a single career pathway, 57001
obtaining an industry-recognized credential, or group of 57002
credentials, approved under section 3313.6113 of the Revised 57003
Code that ~~is at least equal to the total number of points meet~~ 57004
the criteria established under that section to qualify for a 57005
high school diploma, obtaining a license approved under section 57006
3313.6113 of the Revised Code that is issued by a state agency 57007
or board for practice in a vocation that requires an examination 57008
for issuance of that license, completing a pre-apprenticeship 57009
aligned with options established under section 3313.904 of the 57010
Revised Code in the student's chosen career field, completing an 57011
apprenticeship registered with the apprenticeship council 57012
established under section 4139.02 of the Revised Code in the 57013
student's chosen career field, or providing evidence of 57014
acceptance into an apprenticeship program after high school that 57015
is restricted to participants eighteen years of age or older; 57016

(ii) Supporting options to demonstrate competency, which 57017
include completing two hundred fifty hours of a work-based 57018
learning experience with evidence of positive evaluations, 57019
obtaining an OhioMeansJobs-readiness seal under section 57020
3313.6112 of the Revised Code, or attaining a workforce 57021
readiness score, as determined by the department, on the 57022
nationally recognized job skills assessment selected by the 57023
department under division (F) of section 3301.0712 of the 57024
Revised Code. 57025

(c) Provide evidence that the student has enlisted in a 57026

branch of the armed services of the United States as defined in 57027
section 5910.01 of the Revised Code. 57028

(d) Be remediation-free, in accordance with standards 57029
adopted under division (F) of section 3345.061 of the Revised 57030
Code, in the failed subject area on a nationally standardized 57031
assessment prescribed under division (B)(1) of section 3301.0712 57032
of the Revised Code. For English language arts II, a student 57033
must be remediation-free in the subjects of English and reading 57034
on the nationally standardized assessment. 57035

Subject to division (L)(2) of section 3313.61 of the 57036
Revised Code, for any students receiving special education and 57037
related services under Chapter 3323. of the Revised Code, the 57038
individualized education program developed for the student under 57039
that chapter shall specify the manner in which the student will 57040
participate in the assessments administered under this division 57041
or an alternate assessment in accordance with division (C)(1) of 57042
section 3301.0711 of the Revised Code. 57043

(2) Earn at least two of the state diploma seals 57044
prescribed under division (A) of section 3313.6114 of the 57045
Revised Code, at least one of which shall be any of the 57046
following: 57047

(a) The state seal of biliteracy established under section 57048
3313.6111 of the Revised Code; 57049

(b) The OhioMeansJobs-readiness seal established under 57050
section 3313.6112 of the Revised Code; 57051

(c) One of the state diploma seals established under 57052
divisions (C)(1) to (7) of section 3313.6114 of the Revised 57053
Code. 57054

(C)(1) A student who transfers into an Ohio public or 57055

chartered nonpublic high school from another state or enrolls in 57056
such a high school after receiving home education or attending a 57057
nonchartered, nontax-supported school in the previous school 57058
year shall meet the requirements of division (B) or (D) of this 57059
section, as applicable, in order to qualify for a high school 57060
diploma. However, any student subject to division (B) of this 57061
section who transfers or enrolls after the start of the 57062
student's twelfth grade year and fails to attain a competency 57063
score on the Algebra I or English language arts II end-of-course 57064
examination shall not be required to retake the applicable 57065
examination prior to demonstrating competency in the failed 57066
subject area under the options prescribed in divisions (B) (1) (a) 57067
to (d) of this section. 57068

(2) The department shall prescribe standards that allow a 57069
transfer student who, prior to the student's transfer, took an 57070
assessment described in division (B) (1) or (2) of section 57071
3301.0712 or section 3313.619 of the Revised Code to apply the 57072
score from that assessment towards graduation requirements at 57073
the student's new public or chartered nonpublic school. 57074

(D) Notwithstanding division (B) of this section, in 57075
addition to the curriculum requirements specified by the school 57076
governing authority, a chartered nonpublic school student 57077
subject to division (L) (3) (a) (ii) of section 3301.0711 of the 57078
Revised Code entering ninth grade for the first time on or after 57079
July 1, 2019, shall qualify for a high school diploma if the 57080
student earns a remediation-free score in the areas of English, 57081
mathematics, and reading, in accordance with standards adopted 57082
under division (F) of section 3345.061 of the Revised Code, on a 57083
nationally standardized assessment prescribed under division (B) 57084
(1) of section 3301.0712 of the Revised Code. No such student 57085
shall be required to take the Algebra I or English language arts 57086

II end-of-course examination or earn diploma seals under this 57087
section. 57088

(E) The department shall not create or require any 57089
additional assessment for the granting of any type of high 57090
school diploma other than as prescribed by this section. Except 57091
as provided in sections 3313.6111, 3313.6112, and 3313.6114 of 57092
the Revised Code, the department or the director of education 57093
and workforce shall not create any endorsement or designation 57094
that may be affiliated with a high school diploma. 57095

Sec. 3313.6113. (A) The director of education and 57096
workforce, in collaboration with the governor's office of 57097
workforce transformation and representatives of business 57098
organizations, shall establish a committee to develop a list of 57099
industry-recognized credentials and licenses that may be used to 57100
qualify for a high school diploma under section 3313.618 of the 57101
Revised Code and shall be used for state report card purposes 57102
under section 3302.03 of the Revised Code. 57103

(B) The committee shall do the following: 57104

(1) Establish criteria for acceptable industry-recognized 57105
credentials and licenses aligned with the in-demand jobs list 57106
published by the department of job and family services and other 57107
relevant demand data; 57108

~~(2) Review the list of industry-recognized credentials and 57109
licenses that was in existence on January 1, 2018, and update 57110
the list as it considers necessary;~~ 57111

~~(3) Review and update the list of industry-recognized 57112
credentials and licenses at least biennially;~~ 57113

~~(4) Assign a point value for each industry-recognized 57114
credential and establish the total number of points for 57115~~

~~industry-recognized credentials that~~ (3) Establish the criteria 57116
~~under which a student must earn to~~ may use industry-recognized 57117
~~credentials to help~~ qualify for a high school diploma under 57118
sections 3313.618 and 3313.6114 of the Revised Code; 57119

~~(5)~~ (4) Update the list of industry-recognized credentials 57120
to include a driver's license obtained by a student through a 57121
driver education course offered by a school district in 57122
accordance with section 3301.17 of the Revised Code. 57123

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 57124
(D) (1) (j) (v) of section 3302.03 of the Revised Code, the 57125
department of education and workforce shall include only those 57126
students who earn an industry-recognized credential, or group of 57127
credentials, ~~at least equal to the total number of points that~~ 57128
meet the criteria established by the committee under this 57129
section to qualify for a high school diploma. 57130

Sec. 3313.6114. (A) The department of education and 57131
workforce shall establish a system of state diploma seals for 57132
the purposes of allowing a student to qualify for graduation 57133
under section 3313.618 of the Revised Code. State diploma seals 57134
may be attached or affixed to the high school diploma of a 57135
student enrolled in a public or chartered nonpublic school. The 57136
system of state diploma seals shall consist of all of the 57137
following: 57138

(1) The state seal of biliteracy established under section 57139
3313.6111 of the Revised Code; 57140

(2) The OhioMeansJobs-readiness seal established under 57141
section 3313.6112 of the Revised Code; 57142

(3) The state diploma seals prescribed under division (C) 57143
of this section. 57144

(B) A school district, community school established under 57145
Chapter 3314. of the Revised Code, STEM school established under 57146
Chapter 3326. of the Revised Code, college-preparatory boarding 57147
school established under Chapter 3328. of the Revised Code, or 57148
chartered nonpublic school shall attach or affix the state seals 57149
prescribed under division (C) of this section to the diploma and 57150
transcript of a student enrolled in the district or school who 57151
meets the requirements established under that division. 57152

(C) The department shall establish all of the following 57153
state diploma seals: 57154

(1) An industry-recognized credential seal. A student 57155
shall meet the requirement for this seal by doing either of the 57156
following: 57157

(a) Earning an industry-recognized credential, or group of 57158
credentials, approved under section 3313.6113 of the Revised 57159
Code that is ~~both of the following:~~ 57160

~~(i) At least equal to the total number of points meets the~~ 57161
~~criteria established under section 3313.6113 of the Revised Code~~ 57162
~~to qualify for a high school diploma;~~ 57163

~~(ii) Aligned and aligns to a job that is determined to be~~ 57164
~~in demand in this state and its regions under section 6301.11 of~~ 57165
~~the Revised Code.~~ 57166

(b) Obtaining a license approved under section 3313.6113 57167
of the Revised Code that is issued by a state agency or board 57168
for practice in a vocation that requires an examination for 57169
issuance of that license. 57170

(2) A college-ready seal. A student shall meet the 57171
requirement for this seal by attaining a score that is 57172
remediation-free, in accordance with standards adopted under 57173

division (F) of section 3345.061 of the Revised Code, on a 57174
nationally standardized assessment prescribed under division (B) 57175
(1) of section 3301.0712 of the Revised Code or by attaining a 57176
passing score, as determined by the department of education and 57177
workforce and aligned with current statewide college-level 57178
examination program scores identified by the chancellor of 57179
higher education, on a college-level examination program 57180
examination. 57181

(3) A military seal. A student shall meet the requirement 57182
for this seal by doing one of the following: 57183

(a) Providing evidence that the student has enlisted in a 57184
branch of the armed services of the United States as defined in 57185
section 5910.01 of the Revised Code; 57186

(b) Participating in a junior reserve officer training 57187
program approved by the congress of the United States under 57188
title 10 of the United States Code; 57189

(c) Providing evidence that the student has accepted a 57190
scholarship to enter the reserve officer training corps; 57191

(d) Providing evidence that the student has been appointed 57192
to a United States military service academy. 57193

(4) A citizenship seal. A student shall meet the 57194
requirement for this seal by doing any of the following: 57195

(a) Demonstrating at least a proficient level of skill as 57196
prescribed under division (B) (5) (a) of section 3301.0712 of the 57197
Revised Code on both the American history and American 57198
government end-of-course examinations prescribed under division 57199
(B) (2) of section 3301.0712 of the Revised Code; 57200

(b) Attaining a score level prescribed under division (B) 57201

(5) (d) of section 3301.0712 of the Revised Code that is at least 57202
the equivalent of a proficient level of skill in appropriate 57203
advanced placement or international baccalaureate examinations 57204
or by attaining a passing score, as determined by the 57205
department, on a college-level examination program examination 57206
in lieu of the American history and American government end-of- 57207
course examinations; 57208

(c) In lieu of the American history and American 57209
government end-of-course examinations, attaining a final course 57210
grade that is the equivalent of a "B" or higher in either: 57211

(i) An American history course and an American government 57212
course that are offered by the student's high school; 57213

(ii) Appropriate courses taken through the college credit 57214
plus program established under Chapter 3365. of the Revised 57215
Code. 57216

(d) In the case of a student who takes an alternate 57217
assessment in accordance with division (C) (1) of section 57218
3301.0711 of the Revised Code, attaining a score established by 57219
the department on the alternate assessment in social studies; 57220

(e) In the case of a student who transfers into an Ohio 57221
public or chartered nonpublic high school from another state or 57222
who enrolls in an Ohio public or chartered nonpublic high school 57223
after receiving home education or attending a nonchartered, 57224
nontax-supported school in the previous school year, attaining a 57225
final course grade that is the equivalent of a "B" or higher in 57226
courses that correspond with the American history and American 57227
government end-of-course examinations and that the student 57228
completed in the state from which the student transferred or 57229
completed while receiving home education or attending a 57230

nonchartered, nontax-supported school. Division (C) (4) (e) of 57231
this section does not apply to any such student with respect to 57232
an American history or American government course for which an 57233
end-of-course examination is associated that the student takes 57234
after enrolling in the high school. 57235

(5) A science seal. A student shall meet the requirement 57236
for this seal by doing any of the following: 57237

(a) Demonstrating at least a proficient level of skill as 57238
prescribed under division (B) (5) (a) of section 3301.0712 of the 57239
Revised Code on the science end-of-course examination prescribed 57240
under division (B) (2) of section 3301.0712 of the Revised Code; 57241

(b) Attaining a score level prescribed under division (B) 57242
(5) (d) of section 3301.0712 of the Revised Code that is at least 57243
the equivalent of a proficient level of skill in an appropriate 57244
advanced placement or international baccalaureate examination or 57245
by attaining a passing score, as determined by the department, 57246
on a college-level examination program examination in lieu of 57247
the science end-of-course examination; 57248

(c) In lieu of the science end-of-course examination, 57249
attaining a final course grade that is the equivalent of a "B" 57250
or higher in either: 57251

(i) A science course listed in divisions (C) (5) (c) (i) to 57252
(iii) of section 3313.603 of the Revised Code that is offered by 57253
the student's high school; 57254

(ii) An appropriate course taken through the college 57255
credit plus program established under Chapter 3365. of the 57256
Revised Code. 57257

(d) In the case of a student who takes an alternate 57258
assessment in accordance with division (C) (1) of section 57259

3301.0711 of the Revised Code, attaining a score established by 57260
the department on the alternate assessment in science; 57261

(e) In the case of a student who transfers into an Ohio 57262
public or chartered nonpublic high school from another state or 57263
enrolls in an Ohio public or chartered nonpublic high school 57264
after receiving home education or attending a nonchartered, 57265
nontax-supported school in the previous school year, attaining a 57266
final course grade that is the equivalent of a "B" or higher in 57267
a course that corresponds with the science end-of-course 57268
examination and that the student completed in the state from 57269
which the student transferred or completed while receiving home 57270
instruction or attending a nonchartered, nontax-supported 57271
school. Division (C)(5)(e) of this section does not apply to any 57272
such student who takes a science course for which an end-of- 57273
course examination is associated after enrolling in the high 57274
school. 57275

(6) An honors diploma seal. A student shall meet the 57276
requirement for this seal by meeting the additional criteria for 57277
an honors diploma under division (B) of section 3313.61 of the 57278
Revised Code. 57279

(7) A technology seal. A student shall meet the 57280
requirement for this seal by doing any of the following: 57281

(a) Subject to division (B)(5)(d) of section 3301.0712 of 57282
the Revised Code, attaining a score level that is at least the 57283
equivalent of a proficient level of skill in an appropriate 57284
advanced placement or international baccalaureate examination or 57285
by attaining a passing score, as determined by the department of 57286
education and workforce and aligned with the current statewide 57287
college-level examination program scores identified by the 57288
chancellor of higher education, on a college-level examination 57289

program examination; 57290

(b) Attaining a final course grade that is the equivalent 57291
of a "B" or higher in an appropriate course taken through the 57292
college credit plus program established under Chapter 3365. of 57293
the Revised Code; 57294

(c) Completing a course offered through the student's 57295
district or school that meets guidelines developed by the 57296
department. However, a district or school shall not be required 57297
to offer a course that meets those guidelines. 57298

(d) In the case of a student who transfers into an Ohio 57299
public or chartered nonpublic high school from another state or 57300
enrolls in an Ohio public or chartered nonpublic high school 57301
after receiving home education or attending a nonchartered, 57302
nontax-supported school in the previous school year, attaining a 57303
final course grade that is the equivalent of a "B" or higher in 57304
an appropriate course, as determined by the district or school, 57305
that the student completed in the state from which the student 57306
transferred or completed while receiving home education or 57307
attending a nonchartered, nontax-supported school. 57308

(8) A community service seal. A student shall meet the 57309
requirement for this seal by completing a community service 57310
project that is aligned with guidelines adopted by the student's 57311
district board or school governing authority. 57312

(9) A fine and performing arts seal. A student shall meet 57313
the requirement for this seal by demonstrating skill in the fine 57314
or performing arts according to an evaluation that is aligned 57315
with guidelines adopted by the student's district board or 57316
school governing authority. 57317

(10) A student engagement seal. A student shall meet the 57318

requirement for this seal by participating in extracurricular 57319
activities such as athletics, clubs, or student government to a 57320
meaningful extent, as determined by guidelines adopted by the 57321
student's district board or school governing authority. 57322

(D) (1) Each district or school shall develop guidelines 57323
for at least one of the state seals prescribed under divisions 57324
(C) (8) to (10) of this section. 57325

(2) For the purposes of determining whether a student who 57326
transfers to a district or school has satisfied the state 57327
diploma seal requirement under division (B) (2) of section 57328
3313.618 of the Revised Code, each district or school shall 57329
recognize a state diploma seal prescribed under divisions (C) (8) 57330
to (10) of this section and earned by a student at another 57331
district or a different public or chartered nonpublic school 57332
regardless of whether the district or school to which the 57333
student transfers has developed guidelines under this section 57334
for that state seal. 57335

(3) In guidelines developed for a state diploma seal 57336
prescribed under divisions (C) (8) to (10) of this section, each 57337
district or school shall include a method to give, to the extent 57338
feasible, a student who transfers into the district or school a 57339
proportional amount of credit for any progress the student was 57340
making toward earning that state seal at the school district or 57341
different public or chartered nonpublic school from which the 57342
student transfers. 57343

(E) Each district or school shall maintain appropriate 57344
records to identify students who have met the requirements 57345
prescribed under division (C) of this section for earning the 57346
state seals established under that division. 57347

(F) The department shall prepare and deliver to each 57348
district or school an appropriate mechanism for assigning a 57349
state diploma seal established under division (C) of this 57350
section. 57351

(G) A student shall not be charged a fee to be assigned a 57352
state seal prescribed under division (C) of this section on the 57353
student's diploma and transcript. 57354

Sec. 3313.64. (A) As used in this section and in section 57355
3313.65 of the Revised Code: 57356

(1) (a) Except as provided in division (A) (1) (b) of this 57357
section, "parent" means either parent, unless the parents are 57358
separated or divorced or their marriage has been dissolved or 57359
annulled, in which case "parent" means the parent who is the 57360
residential parent and legal custodian of the child. When a 57361
child is in the legal custody of a government agency or a person 57362
other than the child's natural or adoptive parent, "parent" 57363
means the parent with residual parental rights, privileges, and 57364
responsibilities. When a child is in the permanent custody of a 57365
government agency or a person other than the child's natural or 57366
adoptive parent, "parent" means the parent who was divested of 57367
parental rights and responsibilities for the care of the child 57368
and the right to have the child live with the parent and be the 57369
legal custodian of the child and all residual parental rights, 57370
privileges, and responsibilities. 57371

(b) When a child is the subject of a power of attorney 57372
executed under sections 3109.51 to 3109.62 of the Revised Code, 57373
"parent" means the grandparent designated as attorney in fact 57374
under the power of attorney. When a child is the subject of a 57375
caretaker authorization affidavit executed under sections 57376
3109.64 to 3109.73 of the Revised Code, "parent" means the 57377

grandparent that executed the affidavit. 57378

(2) "Legal custody," "permanent custody," and "residual 57379
parental rights, privileges, and responsibilities" have the same 57380
meanings as in section 2151.011 of the Revised Code. 57381

(3) "School district" or "district" means a city, local, 57382
or exempted village school district and excludes any school 57383
operated in an institution maintained by the department of youth 57384
services. 57385

(4) Except as used in division (C) (2) of this section, 57386
"home" means a home, institution, foster home, group home, or 57387
other residential facility in this state that receives and cares 57388
for children, to which any of the following applies: 57389

(a) The home is licensed, certified, or approved for such 57390
purpose by the state or is maintained by the department of youth 57391
services. 57392

(b) The home is operated by a person who is licensed, 57393
certified, or approved by the state to operate the home for such 57394
purpose. 57395

(c) The home accepted the child through a placement by a 57396
person licensed, certified, or approved to place a child in such 57397
a home by the state. 57398

(d) The home is a children's home created under section 57399
5153.21 or 5153.36 of the Revised Code. 57400

(5) "Agency" means all of the following: 57401

(a) A public children services agency; 57402

(b) An organization that holds a certificate issued by the 57403
department of children and youth in accordance with the 57404

requirements of section 5103.03 of the Revised Code and assumes 57405
temporary or permanent custody of children through commitment, 57406
agreement, or surrender, and places children in family homes for 57407
the purpose of adoption; 57408

(c) Comparable agencies of other states or countries that 57409
have complied with applicable requirements of section 2151.39 of 57410
the Revised Code or as applicable, sections 5103.20 to 5103.22 57411
or 5103.23 to 5103.237 of the Revised Code. 57412

(6) A child is placed for adoption if either of the 57413
following occurs: 57414

(a) An agency to which the child has been permanently 57415
committed or surrendered enters into an agreement with a person 57416
pursuant to section 5103.16 of the Revised Code for the care and 57417
adoption of the child. 57418

(b) The child's natural parent places the child pursuant 57419
to section 5103.16 of the Revised Code with a person who will 57420
care for and adopt the child. 57421

(7) "Preschool child with a disability" has the same 57422
meaning as in section 3323.01 of the Revised Code. 57423

(8) "Child," unless otherwise indicated, includes 57424
preschool children with disabilities. 57425

(9) "Active duty" means active duty pursuant to an 57426
executive order of the president of the United States, an act of 57427
the congress of the United States, or section 5919.29 or 5923.21 57428
of the Revised Code. 57429

(B) Except as otherwise provided in section 3321.01 of the 57430
Revised Code for admittance to kindergarten and first grade, a 57431
child who is at least five but under twenty-two years of age and 57432

any preschool child with a disability shall be admitted to 57433
school as provided in this division. 57434

(1) A child shall be admitted to the schools of the school 57435
district in which the child's parent resides. 57436

(2) Except as provided in division (B) (4) of this section 57437
or division (B) of section 2151.362 and section 3317.30 of the 57438
Revised Code, a child who does not reside in the district where 57439
the child's parent resides shall be admitted to the schools of 57440
the district in which the child resides if any of the following 57441
applies: 57442

(a) The child is in the legal or permanent custody of a 57443
government agency or a person other than the child's natural or 57444
adoptive parent. 57445

(b) The child resides in a home. 57446

(c) The child requires special education. 57447

(3) A child who is not entitled under division (B) (2) of 57448
this section to be admitted to the schools of the district where 57449
the child resides and who is residing with a resident of this 57450
state with whom the child has been placed for adoption shall be 57451
admitted to the schools of the district where the child resides 57452
unless either of the following applies: 57453

(a) The placement for adoption has been terminated. 57454

(b) Another school district is required to admit the child 57455
under division (B) (1) of this section. 57456

(4) (a) A child who does not reside in the district where 57457
the child's parent resides is not required to be admitted to the 57458
schools of the district in which the child resides if both of 57459
the following apply: 57460

(i) The child resides in a home, or in a facility 57461
similarly licensed in another state, and the child was placed in 57462
the home or facility by the child's parent in consultation with, 57463
and upon the recommendation of, the Ohio resilience through 57464
integrated systems and excellence program for children and youth 57465
involved in multiple state systems. 57466

(ii) The home provides education services that meet the 57467
minimum education standards under division (D) (2) of section 57468
3301.07 of the Revised Code or, in the case of a facility 57469
located in another state, meets substantially similar 57470
requirements of the jurisdiction where the facility is located, 57471
except that the home or facility may provide the child with less 57472
than the minimum number of instructional hours required only as 57473
necessary to accommodate the child's treatment program. 57474

(b) Upon a child's admission to a home pursuant to 57475
division (B) (4) (a) of this section, the home shall notify the 57476
district where the child's parent resides and the district where 57477
the home is located that the home is providing educational 57478
services to the child until the child is discharged. Upon a 57479
child's admission to a facility located in another state 57480
pursuant to division (B) (4) (a) of this section, the facility 57481
shall notify the district where the child's parent resides that 57482
the facility is providing educational services to the child 57483
until the child is discharged. In either case, the district 57484
where the child's parent resides shall continue to enroll the 57485
student as provided in division (C) (5) of this section and shall 57486
excuse the child from attendance until the child is discharged 57487
from the home or facility. 57488

(c) Upon a child's discharge from a home or facility, the 57489
home or facility shall notify the district where the child's 57490

parent resides. The home or facility and the district shall 57491
collaborate on a supportive reentry plan into school for the 57492
child. 57493

Division (B) of this section does not prohibit the board 57494
of education of a school district from placing a child with a 57495
disability who resides in the district in a special education 57496
program outside of the district or its schools in compliance 57497
with Chapter 3323. of the Revised Code. 57498

(C) A district shall not charge tuition for children 57499
admitted under division (B)(1) or (3) of this section. If the 57500
district admits a child under division (B)(2) of this section, 57501
tuition shall be paid to the district that admits the child as 57502
provided in divisions (C)(1) to (3) of this section, unless 57503
division (C)(4) of this section applies to the child: 57504

(1) If the child receives special education in accordance 57505
with Chapter 3323. of the Revised Code, the school district of 57506
residence, as defined in section 3323.01 of the Revised Code, 57507
shall pay tuition for the child in accordance with section 57508
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 57509
regardless of who has custody of the child or whether the child 57510
resides in a home. 57511

(2) For a child that does not receive special education in 57512
accordance with Chapter 3323. of the Revised Code, except as 57513
otherwise provided in division (C)(2)(d) of this section, if the 57514
child is in the permanent or legal custody of a government 57515
agency or person other than the child's parent, tuition shall be 57516
paid by: 57517

(a) The district in which the child's parent resided at 57518
the time the court removed the child from home or at the time 57519

the court vested legal or permanent custody of the child in the 57520
person or government agency, whichever occurred first; 57521

(b) If the parent's residence at the time the court 57522
removed the child from home or placed the child in the legal or 57523
permanent custody of the person or government agency is unknown, 57524
tuition shall be paid by the district in which the child resided 57525
at the time the child was removed from home or placed in legal 57526
or permanent custody, whichever occurred first; 57527

(c) If a school district cannot be established under 57528
division (C) (2) (a) or (b) of this section, tuition shall be paid 57529
by the district determined as required by section 2151.362 of 57530
the Revised Code by the court at the time it vests custody of 57531
the child in the person or government agency; 57532

(d) If at the time the court removed the child from home 57533
or vested legal or permanent custody of the child in the person 57534
or government agency, whichever occurred first, one parent was 57535
in a residential or correctional facility or a juvenile 57536
residential placement and the other parent, if living and not in 57537
such a facility or placement, was not known to reside in this 57538
state, tuition shall be paid by the district determined under 57539
division (D) of section 3313.65 of the Revised Code as the 57540
district required to pay any tuition while the parent was in 57541
such facility or placement; 57542

(e) If the department of education and workforce has 57543
determined, pursuant to division (A) (2) of section 2151.362 of 57544
the Revised Code, that a school district other than the one 57545
named in the court's initial order, or in a prior determination 57546
of the department, is responsible to bear the cost of educating 57547
the child, the district so determined shall be responsible for 57548
that cost. 57549

(3) If the child is not in the permanent or legal custody 57550
of a government agency or person other than the child's parent 57551
and the child resides in a home, tuition shall be paid by one of 57552
the following: 57553

(a) The school district in which the child's parent 57554
resides; 57555

(b) If the child's parent is not a resident of this state, 57556
the home in which the child resides. 57557

(4) Division (C)(4) of this section applies to any child 57558
who is admitted to a school district under division (B)(2) of 57559
this section, resides in a home that is not a foster home, a 57560
home maintained by the department of youth services, a detention 57561
facility established under section 2152.41 of the Revised Code, 57562
or a juvenile facility established under section 2151.65 of the 57563
Revised Code, and receives educational services at the home or 57564
facility in which the child resides pursuant to a contract 57565
between the home or facility and the school district providing 57566
those services. 57567

If a child to whom division (C)(4) of this section applies 57568
is a special education student, a district may choose whether to 57569
receive a tuition payment for that child under division (C)(4) 57570
of this section or to receive a payment for that child under 57571
section 3323.14 of the Revised Code. If a district chooses to 57572
receive a payment for that child under section 3323.14 of the 57573
Revised Code, it shall not receive a tuition payment for that 57574
child under division (C)(4) of this section. 57575

If a child to whom division (C)(4) of this section applies 57576
is not a special education student, a district shall receive a 57577
tuition payment for that child under division (C)(4) of this 57578

section.

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In the case of a child to which division (C) (4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education and workforce, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the district providing the educational services to the child.

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(5) In the case of a child to whom division (B) (4) of this section applies, and except as otherwise provided in division (C) (5) (f) of this section, tuition shall be paid to the home or facility for educational services provided to the child by the school district in which the child's parent resides according to the following:

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(a) The total educational cost to be paid for the child shall be determined by a formula approved by the department of education and workforce. The department shall design the formula to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational

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cost to be paid for the child to both the home or facility 57609
providing the educational services and the district that is 57610
responsible to pay the tuition for the child. The department 57611
shall deduct the certified amount from the state basic aid funds 57612
payable under Chapter 3317. of the Revised Code to the district 57613
responsible to pay tuition and shall pay that amount to the home 57614
or facility providing the educational services to the child. 57615

(b) The district responsible to pay tuition shall continue 57616
to report the child in its enrollment for purposes of section 57617
3317.03 of the Revised Code. 57618

(c) If the parent's residence changes to a different 57619
school district while the child resides in the home or facility, 57620
the department of education and workforce may re-determine the 57621
school district responsible for tuition based on evidence 57622
provided by the district currently responsible for tuition. 57623

(d) Upon a child's discharge from the home or facility, 57624
the home or facility shall immediately notify the district where 57625
the child's parent resides and the department of education and 57626
workforce. The notification shall include a certified transcript 57627
of all coursework completed by the child while residing in the 57628
home or facility. The district where the child's parent resides 57629
shall accept all coursework completed by the child while in the 57630
home or facility and shall award credit for that coursework in 57631
accordance with district policy. 57632

(e) Following discharge from the home or facility and 57633
return to the parent's residence, high school students shall 57634
meet requirements under section 3313.618 of the Revised Code in 57635
order to qualify for a high school diploma that are no more 57636
stringent than those that apply to students who enroll into an 57637
Ohio public or chartered nonpublic high school after receiving a 57638

home education under section 3321.042 of the Revised Code. 57639

(f) If the child is provided educational services by a 57640
chartered nonpublic school while residing in a home and the 57641
child has been awarded a scholarship under a state scholarship 57642
program, as defined in section 3301.0711 of the Revised Code, no 57643
school district shall be responsible for paying tuition under 57644
division (C) (5) of this section. 57645

(D) Tuition required to be paid under divisions (C) (2) and 57646
(3) (a) of this section shall be computed in accordance with 57647
section 3317.08 of the Revised Code. Tuition required to be paid 57648
under division (C) (3) (b) of this section shall be computed in 57649
accordance with section 3317.081 of the Revised Code. If a home 57650
fails to pay the tuition required by division (C) (3) (b) of this 57651
section, the board of education providing the education may 57652
recover in a civil action the tuition and the expenses incurred 57653
in prosecuting the action, including court costs and reasonable 57654
attorney's fees. If the prosecuting attorney or city director of 57655
law represents the board in such action, costs and reasonable 57656
attorney's fees awarded by the court, based upon the prosecuting 57657
attorney's, director's, or one of their designee's time spent 57658
preparing and presenting the case, shall be deposited in the 57659
county or city general fund. 57660

(E) A board of education may enroll a child free of any 57661
tuition obligation for a period not to exceed sixty days, on the 57662
sworn statement of an adult resident of the district that the 57663
resident has initiated legal proceedings for custody of the 57664
child. 57665

(F) In the case of any individual entitled to attend 57666
school under this division, no tuition shall be charged by the 57667
school district of attendance and no other school district shall 57668

be required to pay tuition for the individual's attendance. 57669

Notwithstanding division (B), (C), or (E) of this section: 57670

(1) All persons at least eighteen but under twenty-two 57671
years of age who live apart from their parents, support 57672
themselves by their own labor, and have not successfully 57673
completed the high school curriculum or the individualized 57674
education program developed for the person by the high school 57675
pursuant to section 3323.08 of the Revised Code, are entitled to 57676
attend school in the district in which they reside. 57677

(2) Any child under eighteen years of age who is married 57678
is entitled to attend school in the child's district of 57679
residence. 57680

(3) A child is entitled to attend school in the district 57681
in which either of the child's parents is employed if the child 57682
has a medical condition that may require emergency medical 57683
attention. The parent of a child entitled to attend school under 57684
division (F) (3) of this section shall submit to the board of 57685
education of the district in which the parent is employed a 57686
statement from the child's physician, certified nurse-midwife, 57687
clinical nurse specialist, or certified nurse practitioner 57688
certifying that the child's medical condition may require 57689
emergency medical attention. The statement shall be supported by 57690
such other evidence as the board may require. 57691

(4) Any child residing with a person other than the 57692
child's parent is entitled, for a period not to exceed twelve 57693
months, to attend school in the district in which that person 57694
resides if the child's parent files an affidavit with the 57695
superintendent of the district in which the person with whom the 57696
child is living resides stating all of the following: 57697

- (a) That the parent is serving outside of the state in the
armed services of the United States; 57698 57699
- (b) That the parent intends to reside in the district upon
returning to this state; 57700 57701
- (c) The name and address of the person with whom the child
is living while the parent is outside the state. 57702 57703
- (5) Any child under the age of twenty-two years who, after
the death of a parent, resides in a school district other than
the district in which the child attended school at the time of
the parent's death is entitled to continue to attend school in
the district in which the child attended school at the time of
the parent's death for the remainder of the school year, subject
to approval of that district board. 57704 57705 57706 57707 57708 57709 57710
- (6) A child under the age of twenty-two years who resides
with a parent who is having a new house built in a school
district outside the district where the parent is residing is
entitled to attend school for a period of time in the district
where the new house is being built. In order to be entitled to
such attendance, the parent shall provide the district
superintendent with the following: 57711 57712 57713 57714 57715 57716 57717
- (a) A sworn statement explaining the situation, revealing
the location of the house being built, and stating the parent's
intention to reside there upon its completion; 57718 57719 57720
- (b) A statement from the builder confirming that a new
house is being built for the parent and that the house is at the
location indicated in the parent's statement. 57721 57722 57723
- (7) A child under the age of twenty-two years residing
with a parent who has a contract to purchase a house in a school
district outside the district where the parent is residing and 57724 57725 57726

who is waiting upon the date of closing of the mortgage loan for 57727
the purchase of such house is entitled to attend school for a 57728
period of time in the district where the house is being 57729
purchased. In order to be entitled to such attendance, the 57730
parent shall provide the district superintendent with the 57731
following: 57732

(a) A sworn statement explaining the situation, revealing 57733
the location of the house being purchased, and stating the 57734
parent's intent to reside there; 57735

(b) A statement from a real estate broker or bank officer 57736
confirming that the parent has a contract to purchase the house, 57737
that the parent is waiting upon the date of closing of the 57738
mortgage loan, and that the house is at the location indicated 57739
in the parent's statement. 57740

The district superintendent shall establish a period of 57741
time not to exceed ninety days during which the child entitled 57742
to attend school under division (F)(6) or (7) of this section 57743
may attend without tuition obligation. A student attending a 57744
school under division (F)(6) or (7) of this section shall be 57745
eligible to participate in interscholastic athletics under the 57746
auspices of that school, provided the board of education of the 57747
school district where the student's parent resides, by a formal 57748
action, releases the student to participate in interscholastic 57749
athletics at the school where the student is attending, and 57750
provided the student receives any authorization required by a 57751
public agency or private organization of which the school 57752
district is a member exercising authority over interscholastic 57753
sports. 57754

(8) A child whose parent is a full-time employee of a 57755
city, local, or exempted village school district, or of an 57756

educational service center, may be admitted to the schools of 57757
the district where the child's parent is employed, or in the 57758
case of a child whose parent is employed by an educational 57759
service center, in the district that serves the location where 57760
the parent's job is primarily located, provided the district 57761
board of education establishes such an admission policy by 57762
resolution adopted by a majority of its members. Any such policy 57763
shall take effect on the first day of the school year and the 57764
effective date of any amendment or repeal may not be prior to 57765
the first day of the subsequent school year. The policy shall be 57766
uniformly applied to all such children and shall provide for the 57767
admission of any such child upon request of the parent. No child 57768
may be admitted under this policy after the first day of classes 57769
of any school year. 57770

(9) A child who is with the child's parent under the care 57771
of a shelter for victims of domestic violence, as defined in 57772
section 3113.33 of the Revised Code, is entitled to attend 57773
school free in the district in which the child is with the 57774
child's parent, and no other school district shall be required 57775
to pay tuition for the child's attendance in that school 57776
district. 57777

The enrollment of a child in a school district under this 57778
division shall not be denied due to a delay in the school 57779
district's receipt of any records required under section 57780
3313.672 of the Revised Code or any other records required for 57781
enrollment. Any days of attendance and any credits earned by a 57782
child while enrolled in a school district under this division 57783
shall be transferred to and accepted by any school district in 57784
which the child subsequently enrolls. The department of 57785
education and workforce shall adopt rules to ensure compliance 57786
with this division. 57787

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required

by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 57819
Revised Code. Upon request, the grandparent shall complete any 57820
consent form required by the district. A school district shall 57821
not incur any liability solely because of its receipt of a 57822
consent form from a grandparent in lieu of a parent. 57823

Division (F) (11) of this section does not create, and 57824
shall not be construed as creating, a new cause of action or 57825
substantive legal right against a school district, a member of a 57826
board of education, or an employee of a school district. This 57827
section does not affect, and shall not be construed as 57828
affecting, any immunities from defenses to tort liability 57829
created or recognized by Chapter 2744. of the Revised Code for a 57830
school district, member, or employee. 57831

(12) A child under the age of twenty-two years is entitled 57832
to attend school in a school district other than the district in 57833
which the child is entitled to attend school under division (B), 57834
(C), or (E) of this section provided that, prior to such 57835
attendance in any school year, both of the following occur: 57836

(a) The superintendent of the district in which the child 57837
is entitled to attend school under division (B), (C), or (E) of 57838
this section contacts the superintendent of another district for 57839
purposes of this division; 57840

(b) The superintendents of both districts enter into a 57841
written agreement that consents to the attendance and specifies 57842
that the purpose of such attendance is to protect the student's 57843
physical or mental well-being or to deal with other extenuating 57844
circumstances deemed appropriate by the superintendents. 57845

While an agreement is in effect under this division for a 57846
student who is not receiving special education under Chapter 57847

3323. of the Revised Code and notwithstanding Chapter 3327. of 57848
the Revised Code, the board of education of neither school 57849
district involved in the agreement is required to provide 57850
transportation for the student to and from the school where the 57851
student attends. 57852

A student attending a school of a district pursuant to 57853
this division shall be allowed to participate in all student 57854
activities, including interscholastic athletics, at the school 57855
where the student is attending on the same basis as any student 57856
who has always attended the schools of that district while of 57857
compulsory school age. 57858

(13) All school districts shall comply with the "McKinney- 57859
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 57860
the education of homeless children. Each city, local, and 57861
exempted village school district shall comply with the 57862
requirements of that act governing the provision of a free, 57863
appropriate public education, including public preschool, to 57864
each homeless child. 57865

When a child loses permanent housing and becomes a 57866
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 57867
child who is such a homeless person changes temporary living 57868
arrangements, the child's parent or guardian shall have the 57869
option of enrolling the child in either of the following: 57870

(a) The child's school of origin, as defined in 42 57871
U.S.C.A. 11432(g)(3)(C); 57872

(b) The school that is operated by the school district in 57873
which the shelter where the child currently resides is located 57874
and that serves the geographic area in which the shelter is 57875
located. 57876

(14) A child under the age of twenty-two years who resides 57877
with a person other than the child's parent is entitled to 57878
attend school in the school district in which that person 57879
resides if both of the following apply: 57880

(a) That person has been appointed, through a military 57881
power of attorney executed under section 574(a) of the "National 57882
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 57883
(1993), 10 U.S.C. 1044b, or through a comparable document 57884
necessary to complete a family care plan, as the parent's agent 57885
for the care, custody, and control of the child while the parent 57886
is on active duty as a member of the national guard or a reserve 57887
unit of the armed forces of the United States or because the 57888
parent is a member of the armed forces of the United States and 57889
is on a duty assignment away from the parent's residence. 57890

(b) The military power of attorney or comparable document 57891
includes at least the authority to enroll the child in school. 57892

The entitlement to attend school in the district in which 57893
the parent's agent under the military power of attorney or 57894
comparable document resides applies until the end of the school 57895
year in which the military power of attorney or comparable 57896
document expires. 57897

(G) A board of education, after approving admission, may 57898
waive tuition for students who will temporarily reside in the 57899
district and who are either of the following: 57900

(1) Residents or domiciliaries of a foreign nation who 57901
request admission as foreign exchange students; 57902

(2) Residents or domiciliaries of the United States but 57903
not of Ohio who request admission as participants in an exchange 57904
program operated by a student exchange organization. 57905

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 57906
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 57907
attend school or participate in a special education program in a 57908
school district other than in the district where the child is 57909
entitled to attend school under division (B) of this section. 57910

(I) (1) Notwithstanding anything to the contrary in this 57911
section or section 3313.65 of the Revised Code, a child under 57912
twenty-two years of age may attend school in the school district 57913
in which the child, at the end of the first full week of October 57914
of the school year, was entitled to attend school as otherwise 57915
provided under this section or section 3313.65 of the Revised 57916
Code, if at that time the child was enrolled in the schools of 57917
the district but since that time the child or the child's parent 57918
has relocated to a new address located outside of that school 57919
district and within the same county as the child's or parent's 57920
address immediately prior to the relocation. The child may 57921
continue to attend school in the district, and at the school to 57922
which the child was assigned at the end of the first full week 57923
of October of the current school year, for the balance of the 57924
school year. Division (I) (1) of this section applies only if 57925
both of the following conditions are satisfied: 57926

(a) The board of education of the school district in which 57927
the child was entitled to attend school at the end of the first 57928
full week in October and of the district to which the child or 57929
child's parent has relocated each has adopted a policy to enroll 57930
children described in division (I) (1) of this section. 57931

(b) The child's parent provides written notification of 57932
the relocation outside of the school district to the 57933
superintendent of each of the two school districts. 57934

(2) At the beginning of the school year following the 57935

school year in which the child or the child's parent relocated 57936
outside of the school district as described in division (I) (1) 57937
of this section, the child is not entitled to attend school in 57938
the school district under that division. 57939

(3) Any person or entity owing tuition to the school 57940
district on behalf of the child at the end of the first full 57941
week in October, as provided in division (C) of this section, 57942
shall continue to owe such tuition to the district for the 57943
child's attendance under division (I) (1) of this section for the 57944
lesser of the balance of the school year or the balance of the 57945
time that the child attends school in the district under 57946
division (I) (1) of this section. 57947

(4) A pupil who may attend school in the district under 57948
division (I) (1) of this section shall be entitled to 57949
transportation services pursuant to an agreement between the 57950
district and the district in which the child or child's parent 57951
has relocated unless the districts have not entered into such 57952
agreement, in which case the child shall be entitled to 57953
transportation services in the same manner as a pupil attending 57954
school in the district under interdistrict open enrollment as 57955
described in division (E) of section 3313.981 of the Revised 57956
Code, regardless of whether the district has adopted an open 57957
enrollment policy as described in division (B) (1) (b) or (c) of 57958
section 3313.98 of the Revised Code. 57959

(J) This division does not apply to a child receiving 57960
special education. 57961

A school district required to pay tuition pursuant to 57962
division (C) (2) or (3) of this section or section 3313.65 of the 57963
Revised Code shall have an amount deducted under division (C) of 57964
section 3317.023 of the Revised Code equal to its own tuition 57965

rate for the same period of attendance. A school district 57966
entitled to receive tuition pursuant to division (C) (2) or (3) 57967
of this section or section 3313.65 of the Revised Code shall 57968
have an amount credited under division (C) of section 3317.023 57969
of the Revised Code equal to its own tuition rate for the same 57970
period of attendance. If the tuition rate credited to the 57971
district of attendance exceeds the rate deducted from the 57972
district required to pay tuition, the department of education 57973
and workforce shall pay the district of attendance the 57974
difference from amounts deducted from all districts' payments 57975
under division (C) of section 3317.023 of the Revised Code but 57976
not credited to other school districts under such division and 57977
from appropriations made for such purpose. The treasurer of each 57978
school district shall, by the fifteenth day of January and July, 57979
furnish the director of education and workforce a report of the 57980
names of each child who attended the district's schools under 57981
divisions (C) (2) and (3) of this section or section 3313.65 of 57982
the Revised Code during the preceding six calendar months, the 57983
duration of the attendance of those children, the school 57984
district responsible for tuition on behalf of the child, and any 57985
other information that the director requires. 57986

Upon receipt of the report the director, pursuant to 57987
division (C) of section 3317.023 of the Revised Code, shall 57988
deduct each district's tuition obligations under divisions (C) 57989
(2) and (3) of this section or section 3313.65 of the Revised 57990
Code and pay to the district of attendance that amount plus any 57991
amount required to be paid by the state. 57992

(K) In the event of a disagreement, the director of 57993
education and workforce shall determine the school district in 57994
which the parent resides. 57995

(L) Nothing in this section requires or authorizes, or 57996
shall be construed to require or authorize, the admission to a 57997
public school in this state of a pupil who has been permanently 57998
excluded from public school attendance by the director pursuant 57999
to sections 3301.121 and 3313.662 of the Revised Code. 58000

(M) In accordance with division (B)(1) of this section, a 58001
child whose parent is a member of the national guard or a 58002
reserve unit of the armed forces of the United States and is 58003
called to active duty, or a child whose parent is a member of 58004
the armed forces of the United States and is ordered to a 58005
temporary duty assignment outside of the district, may continue 58006
to attend school in the district in which the child's parent 58007
lived before being called to active duty or ordered to a 58008
temporary duty assignment outside of the district, as long as 58009
the child's parent continues to be a resident of that district, 58010
and regardless of where the child lives as a result of the 58011
parent's active duty status or temporary duty assignment. 58012
However, the district is not responsible for providing 58013
transportation for the child if the child lives outside of the 58014
district as a result of the parent's active duty status or 58015
temporary duty assignment. 58016

Sec. 3313.7118. Each public school, as defined in section 58017
3301.28 of the Revised Code, and chartered nonpublic school that 58018
serves elementary school students shall provide either an 58019
electronic or paper copy of the informational materials 58020
described in section 3707.61 of the Revised Code to each 58021
student's parent or guardian on the student's enrollment in 58022
elementary school. 58023

Sec. 3313.753. (A) As used in this section: 58024

(1) "Electronic communications device" means any device 58025

that is powered by batteries or electricity and that is capable 58026
of receiving, transmitting, or receiving and transmitting 58027
communications between two or more persons or a communication 58028
from or to a person. 58029

(2) "School" means any school that is operated by a board 58030
of education of a city, local, exempted village, or joint 58031
vocational school district. 58032

(3) "School building" means any building in which any of 58033
the instruction, extracurricular activities, or training 58034
provided by a school is conducted. 58035

(4) "School grounds or premises" means either of the 58036
following: 58037

(a) The parcel of real property on which any school 58038
building is situated; 58039

(b) Any other parcel of real property that is owned or 58040
leased by a board of education and on which some of the 58041
instruction, extracurricular activities, or training of the 58042
school is conducted. 58043

(B) The board of education of any city, exempted village, 58044
local, joint vocational, or cooperative education school 58045
district may adopt a policy prohibiting students from carrying 58046
an electronic communications device in any school building or on 58047
any school grounds or premises of the district. The policy may 58048
provide for exceptions to this prohibition as specified in the 58049
policy. The policy shall specify any disciplinary measures that 58050
will be taken for violation of this prohibition. 58051

If a board of education adopts a policy under this 58052
division, the board shall post the policy in a central location 58053
in each school building and make it available to students and 58054

parents upon request.

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~~(C) (1) Not later than the first day of July that~~
~~immediately follows the effective date of this amendment~~January
1, 2026, each school district board of education shall adopt a
policy governing the use of cellular telephones by students
during school hours. The policy shall ~~do all of the following:~~

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~~(1) Emphasize that student cellular telephone use be as~~
~~limited as possible during school hours;~~

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~~(2) Reduce cellular telephone-related distractions in~~
~~classroom settings;~~

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~~(3) prohibit all cellular telephone use by students during~~
the instructional day, except as described in division (C) (2) of
this section or if permitted under the building's comprehensive
emergency management plan adopted under section 5502.262 of the
Revised Code.

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(2) If determined appropriate by the district board, or if
included in a student's individualized education program
developed under Chapter 3323. of the Revised Code or plan
developed under section 504 of the "Rehabilitation Act of 1973,"
29 U.S.C. 794, ~~permit~~ students to may use cellular telephones or
other electronic communications devices for student learning or
to monitor or address a health concern.

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A district board shall permit a student to use a cellular
telephone or other electronic communications device to monitor
or address a health concern if the board receives a written
statement from the student's physician requiring such use.

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~~(D) Division (C) of this section shall not be construed to~~
~~require a district board to adopt a policy that prohibits all~~
~~cellular telephone use by students. Nonetheless, any~~ Any

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district board that adopts a policy that prohibits all cellular 58084
telephone use by students shall be considered to have met the 58085
requirements in division (C) of this section. 58086

(E) Any district board that adopts a policy that meets the 58087
requirements prescribed in division (C) of this section prior to 58088
~~the effective date of this amendment~~the effective date of this 58089
amendment, shall be considered to have met the requirement to 58090
adopt a policy under this section. 58091

(F) Each district board that adopts a policy under this 58092
section after ~~the effective date of this amendment~~the effective 58093
date of this amendment, shall do so at a public meeting of the 58094
board. 58095

(G) Each district board shall make any policy it adopts 58096
under this section publicly available and post it prominently on 58097
its publicly accessible web site, if it has one. 58098

~~(H) Not later than sixty days after the effective date of~~ 58099
~~this amendment, the department of education and workforce shall~~ 58100
~~develop a model policy that meets the requirements prescribed in~~ 58101
~~division (C) of this section. To the extent possible, the model~~ 58102
~~policy shall take into account available research concerning the~~ 58103
~~effect of the use of cellular telephones by students in school~~ 58104
~~settings. The model policy may be utilized by districts and~~ 58105
~~schools.~~ 58106

Sec. 3313.90. As used in this section, "formula ADM" has 58107
the same meaning as in section 3317.02 of the Revised Code. 58108
Notwithstanding division (D) of section 3311.19 and division (D) 58109
of section 3311.52 of the Revised Code, the provisions of this 58110
section that apply to a city school district do not apply to any 58111
joint vocational or cooperative education school district. 58112

(A) Except as provided in division (B) of this section, 58113
each city, local, and exempted village school district shall, by 58114
one of the following means, provide to students enrolled in 58115
grades seven through twelve career-technical education adequate 58116
to prepare a student enrolled therein for an occupation: 58117

(1) Establishing and maintaining a career-technical 58118
education program that meets standards adopted by the department 58119
of education and workforce; 58120

(2) Being a member of a joint vocational school district 58121
that meets standards adopted by the department; 58122

(3) Contracting for career-technical education with a 58123
joint vocational school district or another school district that 58124
meets the standards adopted by the department. 58125

The standards of the department shall include criteria for 58126
the participation by nonpublic students in career-technical 58127
education programs without financial assessment, charge, or 58128
tuition to such student except such assessments, charges, or 58129
tuition paid by resident public school students in such 58130
programs. Such nonpublic school students shall be included in 58131
the formula ADM of the school district maintaining the career- 58132
technical education program as part-time students in proportion 58133
to the time spent in the career-technical education program. 58134

By the thirtieth day of October of each year, the director 58135
of education and workforce shall determine and certify to the 58136
superintendent of each school district subject to this section 58137
either that the district is in compliance with the requirements 58138
of this section for the current school year or that the district 58139
is not in compliance. If the director certifies that the 58140
district is not in compliance, the director shall notify the 58141

board of education of the district of the actions necessary to 58142
bring the district into compliance with this section. 58143

In meeting standards established by the department, school 58144
districts, where practicable, shall provide career-technical 58145
education programs in high schools. A minimum enrollment of 58146
~~fifteen hundred students in grades nine through twelve is~~ 58147
~~established as a base for comprehensive career-technical~~ 58148
~~education course offerings. Beginning with the 2015-2016 school~~ 58149
~~year, this base shall increase to a minimum enrollment of two~~ 58150
thousand two hundred fifty students in grades seven through 58151
twelve is the base for comprehensive career-technical education 58152
course offerings. A school district may meet this requirement 58153
alone, through a cooperative arrangement pursuant to section 58154
3313.92 of the Revised Code, through school district 58155
consolidation, by membership in a joint vocational school 58156
district, by contract with a school district, by contract with a 58157
school licensed by any state agency established by the Revised 58158
Code which school operates its courses offered for contracting 58159
with public schools under standards as to staffing and 58160
facilities comparable to those prescribed by the department for 58161
public schools provided no instructor in such courses shall be 58162
required to be certificated by the department, or in a 58163
combination of such ways. Exceptions to the minimum enrollment 58164
prescribed by this section may be made by the department based 58165
on sparsity of population or other factors indicating that 58166
comprehensive educational and career-technical education 58167
programs as required by this section can be provided through an 58168
alternate plan. 58169

(B) ~~If~~ Until July 1, 2026, the department shall waive the 58170
requirement for a city, local, or exempted village school 58171
district to provide career-technical education to students 58172

enrolled in grades seven and eight for that particular school 58173
year, if the board of education of a city, local, or exempted 58174
village school that district adopts a resolution that specifies 58175
the district's intent not to provide career-technical education 58176
to students enrolled in grades seven and eight for a particular 58177
school year and submits that resolution to the department by the 58178
thirtieth day of September of that school year, ~~the department~~ 58179
~~shall waive the requirement for that district to provide career-~~ 58180
~~technical education to students enrolled in grades seven and~~ 58181
~~eight for that particular school year.~~ 58182

Sec. 3313.902. (A) As used in this section: 58183

(1) "Competency-based educational program" means any 58184
system of academic instruction, assessment, grading, and 58185
reporting in which individuals receive credit based on 58186
demonstrations and assessments of their learning rather than the 58187
amount of time they spend studying a subject. A competency-based 58188
educational program shall encourage accelerated learning among 58189
individuals who master academic materials quickly while 58190
providing additional instructional support time for individuals 58191
who need it. 58192

(2) "Eligible individual" means an individual who 58193
satisfies all of the following criteria: 58194

(a) The individual is at least eighteen years of age. 58195

(b) The individual is officially withdrawn from school. 58196

(c) The individual has not been awarded a high school 58197
diploma or a certificate of high school equivalence as defined 58198
in section 4109.06 of the Revised Code. 58199

(3) "Eligible provider" means a city, local, or exempted 58200
village school district that operates a dropout prevention and 58201

recovery program, the buckeye united school district operated by 58202
the department of youth services, the Ohio central school system 58203
established under section 5145.06 of the Revised Code, or a 58204
joint vocational school district that operates an adult 58205
education program. 58206

(4) "Ohio technical center" has the same meaning as in 58207
section 3333.94 of the Revised Code. 58208

(B) An eligible provider may establish a competency-based 58209
educational program that complies with standards adopted by the 58210
department of education and workforce and may enroll eligible 58211
individuals in the program for up to three consecutive school 58212
years for the purpose of earning a high school diploma. The 58213
provider shall establish a career plan for each individual 58214
enrolled in the program that specifies the individual's career 58215
goals and describes how the individual will demonstrate 58216
competency or earn course credits under division (C) of this 58217
section to earn a diploma and attain the individual's career 58218
goals. 58219

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 58220
3313.614, 3313.618, and 3313.619 of the Revised Code, the 58221
department shall award a high school diploma to an individual 58222
enrolled in a program under division (B) of this section who 58223
meets either of the following conditions: 58224

(1) The individual demonstrates competency by completing 58225
at least three of the following activities, at least one of 58226
which shall be the activity described in division (C) (1) (a) or 58227
(b) of this section: 58228

(a) Attaining a competency score as determined under 58229
division (B) (10) of section 3301.0712 of the Revised Code on 58230

<u>each of the Algebra I and English language arts II end-of-course</u>	58231
<u>examinations prescribed under division (B) (2) of that section;</u>	58232
<u>(b) Attaining a workforce readiness score, as determined</u>	58233
<u>by the department, on the nationally recognized job skills</u>	58234
<u>assessment selected by the department under division (F) of</u>	58235
<u>section 3301.0712 of the Revised Code;</u>	58236
<u>(c) Obtaining an industry-recognized credential, or group</u>	58237
<u>of credentials, in a single career field that meet the criteria</u>	58238
<u>established under section 3313.6113 of the Revised Code to</u>	58239
<u>qualify for a high school diploma or earning an industry-</u>	58240
<u>recognized credential that is aligned to a technical education</u>	58241
<u>program provided by an Ohio technical center;</u>	58242
<u>(d) Earning a cumulative score of proficient or higher on</u>	58243
<u>three or more state technical assessments aligned with section</u>	58244
<u>3313.903 of the Revised Code in a single career pathway;</u>	58245
<u>(e) Doing either of the following:</u>	58246
<u>(i) Completing a pre-apprenticeship program aligned with</u>	58247
<u>options established under section 3313.904 of the Revised Code</u>	58248
<u>in the individual's chosen career field and providing evidence</u>	58249
<u>of acceptance into a registered apprenticeship program in that</u>	58250
<u>career field;</u>	58251
<u>(ii) Completing an apprenticeship registered with the</u>	58252
<u>apprenticeship council established under section 4139.02 of the</u>	58253
<u>Revised Code in the individual's chosen career field.</u>	58254
<u>(f) Completing two hundred fifty hours of a work-based</u>	58255
<u>learning experience with evidence of positive evaluations;</u>	58256
<u>(g) Obtaining an OhioMeansJobs-readiness seal under</u>	58257
<u>section 3313.6112 of the Revised Code.</u>	58258

(2) The individual demonstrates competency by completing 58259
at least two of the activities described in divisions (C) (1) (a) 58260
to (g) of this section and earns course credits distributed as 58261
follows: 58262

(a) English language arts, four credits; 58263

(b) Mathematics, four credits. One credit may be a career- 58264
based mathematics course aligned to the individual's career plan 58265
developed under division (B) of this section. 58266

(c) Science, three credits; 58267

(d) Social studies, three credits; 58268

(e) Financial literacy, one-half credit. The one-half 58269
credit of financial literacy may be applied toward the number of 58270
mathematics or social studies credits required under division 58271
(C) (2) of this section. 58272

(D) An eligible provider shall report each individual 58273
enrolled in a program under division (B) of this section to the 58274
department. The department annually shall certify the enrollment 58275
and attendance of each individual reported under this division 58276
and shall pay the provider up to \$7,500 for each such individual 58277
per school year, as determined by the department based on the 58278
extent of the individual's successful completion of the diploma 58279
requirements prescribed in division (C) of this section. 58280

(E) Notwithstanding anything in this section to the 58281
contrary, an eligible provider may request that the department 58282
allow an eligible individual to enroll in a program under 58283
division (B) of this section for more than three consecutive 58284
school years due to a hardship experienced by the individual 58285
that necessitates additional time to meet the diploma 58286
requirements prescribed in division (C) of this section. 58287

(F) An eligible individual shall not be assigned to 58288
classes or settings with individuals who are younger than 58289
eighteen years of age. 58290

(G) Each eligible provider shall contact each individual 58291
to whom a diploma is awarded under this section to collect data 58292
on the individual's career and educational outcomes at six 58293
months, twelve months, and eighteen months after the awarding of 58294
the diploma. At each time of contact, the provider shall request 58295
information regarding whether the individual is gainfully 58296
employed, participating in an apprenticeship, enrolled in 58297
postsecondary education, or serving in the military. The 58298
provider shall report the data collected to the department in 58299
the manner determined by the department. 58300

(H) The department shall adopt rules as necessary to 58301
administer this section. The rules may include all of the 58302
following: 58303

(1) Standards for competency-based educational programs; 58304

(2) Standards for applying an individual's work or life 58305
experiences toward the requirements of division (C) of this 58306
section; 58307

(3) Requirements for determining the amount paid to 58308
providers under division (D) of this section; 58309

(4) Guidelines for approving or denying a hardship request 58310
made under division (E) of this section. 58311

Sec. 3313.905. (A) Southern state community college shall 58312
establish and maintain the Ohio code-scholar program, a hands-on 58313
educational initiative designed for students in grades four 58314
through twelve, with an emphasis on experiential learning in 58315
computer science, coding, and digital literacy. 58316

(B) Southern state community college shall use any funds 58317
appropriated by the general assembly for the Ohio-code scholar 58318
program for the following purposes: 58319

(1) All of the following: 58320

(a) Curriculum development and alignment; 58321

(b) Teacher training and resource creation; 58322

(c) Coordination with K-12 schools statewide; 58323

(d) Partnership development with other educational 58324
institutions, workforce agencies, and regional employers; 58325

(2) To implement and scale the program statewide, 58326
prioritizing outreach to underserved and rural areas, 58327
particularly within Ohio's Appalachian region. 58328

(3) To provide ongoing institutional support for southern 58329
state community college, including all of the following: 58330

(a) Operational needs that enhance its educational 58331
mission; 58332

(b) Technology and infrastructure upgrades; 58333

(c) Community outreach; 58334

(d) Services that strengthen the college's regional impact 58335
in the Appalachian corridor. 58336

(C) The director of development shall oversee the 58337
allocation and use of these funds. The director of education and 58338
workforce may establish guidelines to ensure compliance with 58339
this section. 58340

(D) Southern state community college shall submit an 58341
annual report to the director of education and workforce and the 58342

general assembly by the thirtieth day of June that includes all 58343
of the following: 58344

(1) The number of students and districts served by the 58345
Ohio code-scholar program; 58346

(2) Progress toward statewide implementation; 58347

(3) Regional economic and educational impact; 58348

(4) Use of funds for both programmatic and general 58349
operational support. 58350

Sec. 3313.975. As used in this section and in sections 58351
3313.976 to 3313.979 of the Revised Code, "the pilot project 58352
school district" or "the district" means any school district 58353
included in the pilot project scholarship program pursuant to 58354
this section. 58355

(A) The director of education and workforce shall 58356
implement the pilot project scholarship program and shall 58357
include in such program any school districts that are or have 58358
ever been under federal court order requiring supervision and 58359
operational management of the district by the state 58360
superintendent or director. The program shall provide for a 58361
number of students residing in any such district to receive 58362
scholarships to attend alternative schools, and for an equal 58363
number of students to receive tutorial assistance grants while 58364
attending public school in any such district. 58365

(B) The director shall establish an application process 58366
and deadline for accepting applications from students residing 58367
in the district to participate in the scholarship program. In 58368
the initial year of the program students may only use a 58369
scholarship to attend school in grades kindergarten through 58370
third. 58371

The director shall award as many scholarships and tutorial assistance grants as can be funded given the amount appropriated for the program. 58372
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58374

(C) (1) The pilot project program shall continue in effect 58375
each year that the general assembly has appropriated sufficient 58376
money to fund scholarships and tutorial assistance grants. In 58377
each year the program continues, new students may receive 58378
scholarships in grades kindergarten to twelve. A student who has 58379
received a scholarship may continue to receive one until the 58380
student has completed grade twelve. 58381

(2) If the general assembly discontinues the scholarship 58382
program, all students who are attending an alternative school 58383
under the pilot project shall be entitled to continued 58384
admittance to that specific school through all grades that are 58385
provided in such school, under the same conditions as when they 58386
were participating in the pilot project. The director shall 58387
continue to make scholarship payments in accordance with section 58388
3317.022 of the Revised Code for students who remain enrolled in 58389
an alternative school under this provision in any year that 58390
funds have been appropriated for this purpose. 58391

If funds are not appropriated, the tuition charged to the 58392
parents of a student who remains enrolled in an alternative 58393
school under this provision shall not be increased beyond the 58394
amount equal to the amount of the scholarship plus any 58395
additional amount charged that student's parent in the most 58396
recent year of attendance as a participant in the pilot project, 58397
except that tuition for all the students enrolled in such school 58398
may be increased by the same percentage. 58399

(D) Notwithstanding sections 124.39 and 3311.83 of the 58400
Revised Code, if the pilot project school district experiences a 58401

decrease in enrollment due to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

(E) Except as provided for in division (C)(2) of section 3365.07 of the Revised Code, the director shall not require the parent of a student who applies for or receives a scholarship under the pilot project program to complete any kind of income verification regarding the student's family income.

(F) A student is not eligible to receive a scholarship under sections 3313.975 to 3313.979 of the Revised Code if the treasurer of state has established an educational savings account for the student under section 3310.23 of the Revised Code for the school year for which the scholarship is sought.

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section and sections 3313.981 to 3313.983 of the Revised Code that apply to a city school district do not apply to a joint vocational or cooperative education school district unless expressly specified.

(A) As used in this section and sections 3313.981 to 3313.983 of the Revised Code:

(1) "Parent" means either of the natural or adoptive

parents of a student, except under the following conditions: 58431

(a) When the marriage of the natural or adoptive parents 58432
of the student has been terminated by a divorce, dissolution of 58433
marriage, or annulment or the natural or adoptive parents of the 58434
student are living separate and apart under a legal separation 58435
decree and the court has issued an order allocating the parental 58436
rights and responsibilities with respect to the student, 58437
"parent" means the residential parent as designated by the court 58438
except that "parent" means either parent when the court issues a 58439
shared parenting decree. 58440

(b) When a court has granted temporary or permanent 58441
custody of the student to an individual or agency other than 58442
either of the natural or adoptive parents of the student, 58443
"parent" means the legal custodian of the child. 58444

(c) When a court has appointed a guardian for the student, 58445
"parent" means the guardian of the student. 58446

(2) "Native student" means a student entitled under 58447
section 3313.64 or 3313.65 of the Revised Code to attend school 58448
in a district adopting a resolution under this section. 58449

(3) "Adjacent district" means a city, exempted village, or 58450
local school district having territory that abuts the territory 58451
of a district adopting a resolution under this section. 58452

(4) "Adjacent district student" means a student entitled 58453
under section 3313.64 or 3313.65 of the Revised Code to attend 58454
school in an adjacent district. 58455

(5) "Adjacent district joint vocational student" means an 58456
adjacent district student who enrolls in a city, exempted 58457
village, or local school district pursuant to this section and 58458
who also enrolls in a joint vocational school district that does 58459

not contain the territory of the district for which that student 58460
is a native student and does contain the territory of the city, 58461
exempted village, or local district in which the student 58462
enrolls. 58463

(6) "Poverty line" means the poverty line established by 58464
the director of the United States office of management and 58465
budget as revised by the secretary of health and human services 58466
in accordance with section 673(2) of the "Community Services 58467
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 58468

(7) "IEP" has the same meaning as in section 3323.01 of 58469
the Revised Code. 58470

(8) "Other district" means a city, exempted village, or 58471
local school district having territory outside of the territory 58472
of a district adopting a resolution under this section. 58473

(9) "Other district student" means a student entitled 58474
under section 3313.64 or 3313.65 of the Revised Code to attend 58475
school in an other district. 58476

(10) "Other district joint vocational student" means a 58477
student who is enrolled in any city, exempted village, or local 58478
school district and who also enrolls in a joint vocational 58479
school district that does not contain the territory of the 58480
district for which that student is a native student in 58481
accordance with a policy adopted under section 3313.983 of the 58482
Revised Code. 58483

(11) "Active duty member" means a member of the armed 58484
forces of the United States who is on full-time duty. 58485

(12) "Armed forces" means the United States army, navy, 58486
air force, space force, marine corps, and coast guard. 58487

(B) (1) Subject to division (I) of this section, the board
of education of each city, local, and exempted village school
district shall adopt a resolution establishing for the school
district one of the following policies:

(a) A policy that entirely prohibits the enrollment of
students from adjacent districts or other districts, other than
students for whom tuition is paid in accordance with section
3317.08 of the Revised Code;

(b) A policy that permits enrollment of students from all
adjacent districts in accordance with policy statements
contained in the resolution;

(c) A policy that permits enrollment of students from all
other districts in accordance with policy statements contained
in the resolution.

(2) A policy permitting enrollment of students from
adjacent or from other districts, as applicable, shall provide
for all of the following:

(a) Application procedures, including deadlines for
application and for notification of students and the
superintendent of the applicable district whenever an adjacent
or other district student's application is approved.

(b) Procedures for admitting adjacent or other district
applicants free of any tuition obligation to the district's
schools, including, but not limited to:

(i) The establishment of district capacity limits by grade
level, school building, and education program;

(ii) A requirement that all native students wishing to be
enrolled in the district will be enrolled and that any adjacent

or other district students previously enrolled in the district 58516
shall receive preference over first-time applicants; 58517

(iii) Procedures to ensure that an appropriate racial 58518
balance is maintained in the district schools. 58519

(C) Except as provided in section 3313.982 of the Revised 58520
Code, the procedures for admitting adjacent or other district 58521
students, as applicable, shall not include: 58522

(1) Any requirement of academic ability, or any level of 58523
athletic, artistic, or other extracurricular skills; 58524

(2) Limitations on admitting applicants because of 58525
disability, except that a board may refuse to admit a student 58526
receiving services under Chapter 3323. of the Revised Code, if 58527
the services described in the student's IEP are not available in 58528
the district's schools; 58529

(3) A requirement that the student be proficient in the 58530
English language; 58531

(4) Rejection of any applicant because the student has 58532
been subject to disciplinary proceedings, except that if an 58533
applicant has been suspended or expelled by the student's 58534
district for ten consecutive days or more in the term for which 58535
admission is sought or in the term immediately preceding the 58536
term for which admission is sought, the procedures may include a 58537
provision denying admission of such applicant. 58538

(D) (1) Each school board permitting only enrollment of 58539
adjacent district students shall provide information about the 58540
policy adopted under this section, including the application 58541
procedures and deadlines, to the superintendent and the board of 58542
education of each adjacent district and, upon request, to the 58543
parent of any adjacent district student. 58544

(2) Each school board permitting enrollment of other 58545
district students shall provide information about the policy 58546
adopted under this section, including the application procedures 58547
and deadlines, upon request, to the board of education of any 58548
other school district or to the parent of any student anywhere 58549
in the state. 58550

(E) Any school board shall accept all credits toward 58551
graduation earned in adjacent or other district schools by an 58552
adjacent or other district student or a native student. 58553

(F) (1) No board of education may adopt a policy 58554
discouraging or prohibiting its native students from applying to 58555
enroll in the schools of an adjacent or any other district that 58556
has adopted a policy permitting such enrollment, except that:— 58557

~~(a) A district may object to the enrollment of a native 58558~~
~~student in an adjacent or other district in order to maintain an 58559~~
~~appropriate racial balance. 58560~~

~~(b) The board of education of a district receiving funds 58561~~
~~under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 58562~~
~~may adopt a resolution objecting to the enrollment of its native 58563~~
~~students in adjacent or other districts if at least ten per cent 58564~~
~~of its students are included in the determination of the United 58565~~
~~States secretary of education made under section 20 U.S.C.A.— 58566~~
~~238(a).— 58567~~

(2) If a board objects to enrollment of native students 58568
under this division, any adjacent or other district shall refuse 58569
to enroll such native students unless tuition is paid for the 58570
students in accordance with section 3317.08 of the Revised Code. 58571
An adjacent or other district enrolling such students may not 58572
receive funding for those students in accordance with section 58573

3313.981 of the Revised Code. 58574

(G) The department of education and workforce shall 58575
monitor school districts to ensure compliance with this section 58576
and the districts' policies. The department may adopt rules 58577
requiring uniform application procedures, deadlines for 58578
application, notification procedures, and record-keeping 58579
requirements for all school boards that adopt policies 58580
permitting the enrollment of adjacent or other district 58581
students, as applicable. If the department adopts such rules, no 58582
school board shall adopt a policy that conflicts with those 58583
rules. 58584

(H) A resolution adopted by a board of education under 58585
this section that entirely prohibits the enrollment of students 58586
from adjacent and from other school districts does not abrogate 58587
any agreement entered into under section 3313.841 or 3313.92 of 58588
the Revised Code or any contract entered into under section 58589
3313.90 of the Revised Code between the board of education 58590
adopting the resolution and the board of education of any 58591
adjacent or other district or prohibit these boards of education 58592
from entering into any such agreement or contract. 58593

(I) Notwithstanding anything to the contrary in this 58594
section or section 3313.981 of the Revised Code, all of the 58595
following apply: 58596

(1) A policy adopted by a city, exempted village, or local 58597
school district board of education under division (B) (1) (a) or 58598
(b) of this section shall permit any student who is not a native 58599
student of the district to enroll in the district if both of the 58600
following apply: 58601

(a) The student's parent is an active duty member of the 58602

armed forces stationed in the state. 58603

(b) The student's parent provides to the district a copy 58604
of the parent's official written order verifying the parent's 58605
status as an active duty member of the armed forces. 58606

(2) In enrolling a student pursuant to division (I) of 58607
this section, a district shall comply with procedures prescribed 58608
under divisions (B) (2) and (C) of this section, except as 58609
provided in division (I) (6) of this section. In addition, the 58610
district shall not require tuition to be paid for the student's 58611
enrollment in the district. 58612

(3) A student who, pursuant to this division, enrolls in a 58613
district that has adopted a policy under division (B) (1) (a) of 58614
this section and who is not a native student of that district 58615
shall, for the purposes of sections 3313.981, 3315.18, 3317.03, 58616
and 3318.011 of the Revised Code, be considered as an "other 58617
district student" who enrolls in a district that has adopted a 58618
policy under division (B) (1) (c) of this section. Such student 58619
also shall receive transportation services under section 58620
3313.981 of the Revised Code in the same manner as an "other 58621
district student." 58622

(4) A student who, pursuant to this division, enrolls in a 58623
district that has adopted a policy under division (B) (1) (b) of 58624
this section and who is not a native student of the district or 58625
an adjacent district shall, nevertheless, be considered an 58626
"adjacent district student" for the purposes of sections 58627
3313.981, 3315.18, and 3317.03 of the Revised Code. 58628

(5) A student who, pursuant to this division, enrolls in a 58629
district that has adopted a policy under division (B) (1) (b) of 58630
this section and whose parent is subsequently discharged or 58631

released from active duty shall be permitted to attend school in 58632
that district and receive transportation services under section 58633
3313.981 of the Revised Code in the same manner as an "other 58634
district student" for the remainder of the school year in which 58635
the parent is discharged or released from active duty. After the 58636
conclusion of that school year, that student shall not be 58637
eligible under this division, as long as the student does not 58638
have a parent on active duty. 58639

(6) A school district that enrolls a student under 58640
division (I) of this section, or that enrolls a student 58641
described in division (I)(1) of this section under division (B) 58642
(1)(c) of this section, shall not require the student to comply 58643
with any application deadline established under division (B)(2) 58644
of this section. 58645

(J) Nothing in this section shall be construed to permit 58646
or require the board of education of a city, exempted village, 58647
or local school district to exclude any native student of the 58648
district from enrolling in the district. 58649

Sec. 3314.011. (A) Every community school established 58650
under this chapter shall have a designated fiscal officer. 58651
Except as provided for in division (C) of this section, the 58652
fiscal officer shall be employed by or engaged under a contract 58653
with the governing authority of the community school. 58654

(B) Except as otherwise provided in section 3.061 of the 58655
Revised Code, the ~~auditor of state~~ department of education and 58656
workforce shall require that the fiscal officer of any community 58657
school, before entering upon duties as fiscal officer of the 58658
school, execute a bond in an amount and with surety to be 58659
approved by the governing authority of the school, payable to 58660
the state, conditioned for the faithful performance of all the 58661

official duties required of the fiscal officer. The bond shall 58662
be deposited with the governing authority of the school, and a 58663
copy thereof, certified by the governing authority, shall be 58664
filed with the county auditor. 58665

(C) Prior to assuming the duties of fiscal officer, the 58666
fiscal officer designated under this section shall be licensed 58667
under section 3301.074 of the Revised Code. Any person serving 58668
as a fiscal officer of a community school on March 22, 2013, who 58669
is not licensed as a treasurer shall be permitted to serve as a 58670
fiscal officer for not more than one year following March 22, 58671
2013. Beginning on that date and thereafter, no community school 58672
shall permit any individual to serve as a fiscal officer without 58673
a license as required by this section. 58674

(D) (1) The governing authority of a community school may 58675
adopt a resolution waiving the requirement that the governing 58676
authority is the party responsible to employ or contract with 58677
the designated fiscal officer, as prescribed by division (A) of 58678
this section, so long as the school's sponsor also approves the 58679
resolution. The resolution shall be valid for one year. A new 58680
resolution shall be adopted for each year that the governing 58681
authority wishes to waive this requirement, so long as the 58682
school's sponsor also approves the resolution. 58683

No resolution adopted pursuant to this division may waive 58684
the requirement for a community school to have a designated 58685
fiscal officer. 58686

(2) If the governing authority adopts a resolution 58687
pursuant to division (D) (1) of this section, the school's 58688
designated fiscal officer annually shall meet with the governing 58689
authority to review the school's financial status. 58690

(3) The governing authority shall submit to the department 58691
of education and workforce a copy of each resolution adopted 58692
pursuant to division (D) (1) of this section. 58693

Sec. 3314.013. (A) Until May 22, 2013, no internet- or 58694
computer-based community school shall operate unless the school 58695
was open for instruction as of May 1, 2005. No entity described 58696
in division (C) (1) of section 3314.02 of the Revised Code shall 58697
enter into a contract to sponsor an internet- or computer-based 58698
community school, including a conversion school, between May 1, 58699
2005, and May 22, 2013, except as follows: 58700

(1) The entity may renew a contract that the entity 58701
entered into with an internet- or computer-based community 58702
school prior to May 1, 2005, if the school was open for 58703
operation as of that date. 58704

(2) The entity may assume sponsorship of an existing 58705
internet- or computer-based community school that was formerly 58706
sponsored by another entity and may enter into a contract with 58707
that community school in accordance with section 3314.03 of the 58708
Revised Code. 58709

If a sponsor entered into a contract with an internet- or 58710
computer-based community school, including a conversion school, 58711
but the school was not open for operation as of May 1, 2005, the 58712
contract shall be void and the entity shall not enter into 58713
another contract with the school until May 22, 2013. 58714

(B) (1) Beginning on July 1, 2013, up to five new internet- 58715
or computer-based community schools may open each year, subject 58716
to approval of the director of education and workforce under 58717
division (B) (2) of this section. 58718

(2) The director shall approve applications for new 58719

internet- or computer-based community schools from only those 58720
applicants demonstrating experience and quality. 58721

The department of education and workforce shall adopt 58722
rules prescribing measures to determine experience and quality 58723
of applicants in accordance with Chapter 119. of the Revised 58724
Code. The measures shall include, but not be limited to, the 58725
following considerations: 58726

(a) The sponsor's experience with online schools; 58727

(b) The operator's experience with online schools; 58728

(c) The sponsor's and operator's previous record for 58729
student performance; 58730

(d) A preference for operators with previous experience in 58731
Ohio. 58732

(3) The department shall notify any new internet- or 58733
computer-based community school governed by division (B) of this 58734
section of whether the director has approved or disapproved the 58735
school's application to open for the 2013-2014 school year not 58736
later than July 1, 2013. Notwithstanding the dates prescribed 58737
for adoption and signing on sponsor contracts in division (D) of 58738
section 3314.02 of the Revised Code, or the date for opening a 58739
school for instruction required by division (A) (25) of section 58740
3314.03 of the Revised Code, a new internet- or computer-based 58741
community school approved for opening for the 2013-2014 school 58742
year under division (B) of this section may open and operate in 58743
that school year regardless of whether it has complied with 58744
those contract and opening dates. For each school year 58745
thereafter, the school shall comply with all applicable 58746
provisions of this chapter. 58747

(4) Notwithstanding divisions (B) (1) and (2) of this 58748

section, a sponsor rated "exemplary" on its most recent 58749
evaluation conducted under section 3314.016 of the Revised Code 58750
is permitted to open up to two new internet- or computer-based 58751
community schools that ~~will primarily serve students enrolled in~~ 58752
~~a~~ are dropout prevention and recovery ~~program~~ community schools 58753
each year, not to exceed six new schools in a five-year period. 58754

(C) Nothing in division (A) or (B) of this section 58755
prohibits an internet- or computer-based community school from 58756
increasing the number of grade levels it offers. 58757

Sec. 3314.015. (A) The department of education and 58758
workforce shall be responsible for the oversight of any and all 58759
sponsors of the community schools established under this chapter 58760
and shall provide technical assistance to schools and sponsors 58761
in their compliance with applicable laws and the terms of the 58762
contracts entered into under section 3314.03 of the Revised Code 58763
and in the development and start-up activities of those schools. 58764
In carrying out its duties under this section, the department 58765
shall do all of the following: 58766

(1) In providing technical assistance to proposing 58767
parties, governing authorities, and sponsors, conduct training 58768
sessions and distribute informational materials; 58769

(2) Approve entities to be sponsors of community schools; 58770

(3) Monitor and evaluate, as required under section 58771
3314.016 of the Revised Code, the effectiveness of any and all 58772
sponsors in their oversight of the schools with which they have 58773
contracted; 58774

(4) By December thirty-first of each year, issue a report 58775
to the governor, the speaker of the house of representatives, 58776
the president of the senate, and the chairpersons of the house 58777

and senate committees principally responsible for education 58778
matters regarding the effectiveness of academic programs, 58779
operations, and legal compliance and of the financial condition 58780
of all community schools established under this chapter and on 58781
the performance of community school sponsors; 58782

(5) From time to time, make legislative recommendations to 58783
the general assembly designed to enhance the operation and 58784
performance of community schools. 58785

(B) (1) Except as provided in sections 3314.021 and 58786
3314.027 of the Revised Code, no entity shall enter into a 58787
preliminary agreement under division (C) (2) of section 3314.02 58788
of the Revised Code or renew an existing contract to sponsor a 58789
community school until it has received approval from the 58790
department to sponsor community schools under this chapter and 58791
has entered into a written agreement with the department 58792
regarding the manner in which the entity will conduct such 58793
sponsorship. 58794

On and after July 1, 2017, each entity that sponsors a 58795
community school in this state, except for an entity described 58796
in sections 3314.021 and 3314.027 of the Revised Code, shall 58797
attain approval from the department in order to continue 58798
sponsoring schools regardless of whether that entity intends to 58799
enter into a preliminary agreement or renew an existing 58800
contract. 58801

All new and renewed agreements between the department and 58802
a sponsor shall contain specific language addressing the 58803
parameters under which the department can intervene and 58804
potentially revoke sponsorship authority in the event that the 58805
sponsor is unwilling or unable to fulfill its obligations. 58806
Additionally, each agreement shall set forth any territorial 58807

restrictions and limits on the number of schools that entity may 58808
sponsor, provide for an annual evaluation process, and include a 58809
stipulation permitting the department to modify the agreement 58810
under the following circumstances: 58811

(a) Poor fiscal management; 58812

(b) Lack of academic progress. 58813

(2) The initial term of a sponsor's agreement with the 58814
department shall be for up to five years. 58815

(a) An agreement entered into with the department pursuant 58816
to this section may be renewed for a term of up to ten years 58817
using the following criteria: 58818

(i) The academic performance of students enrolled in each 58819
community school the entity sponsors, as determined by the 58820
department pursuant to division (B)(1)(a) of section 3314.016 of 58821
the Revised Code; 58822

(ii) The sponsor's adherence to quality practices, as 58823
determined by the department pursuant to division (B)(1)(b) of 58824
section 3314.016 of the Revised Code; 58825

(iii) The sponsor's compliance with all applicable laws 58826
and administrative rules. 58827

(b) Each agreement between the department and a sponsor 58828
shall specify that entities with an overall rating of 58829
"exemplary" for at least two consecutive years shall not be 58830
subject to the limit on the number of community schools the 58831
entity may sponsor or any territorial restrictions on 58832
sponsorship, for so long as that entity continues to be rated 58833
"exemplary." 58834

(c) The department shall adopt in accordance with Chapter 58835

119. of the Revised Code rules containing criteria, procedures, 58836
and deadlines for processing applications for approval of 58837
sponsors, for oversight of sponsors, for notifying a sponsor of 58838
noncompliance with applicable laws and administrative rules 58839
under division (F) of this section, for revocation of the 58840
approval of sponsors under division (C) of this section, and for 58841
entering into written agreements with sponsors. The rules shall 58842
require an entity to submit evidence of the entity's ability and 58843
willingness to comply with the provisions of division ~~(D)~~(C) of 58844
section 3314.03 of the Revised Code. The rules also shall 58845
require all entities approved as sponsors to demonstrate a 58846
record of financial responsibility and successful implementation 58847
of educational programs. If an entity seeking approval to 58848
sponsor community schools in this state sponsors or operates 58849
schools in another state, at least one of the schools sponsored 58850
or operated by the entity must be comparable to or better than 58851
the performance of Ohio schools in need of continuous 58852
improvement under section 3302.03 of the Revised Code, as 58853
determined by the department. 58854

Subject to section 3314.016 of the Revised Code, an entity 58855
that sponsors community schools may enter into preliminary 58856
agreements and sponsor up to one hundred schools, provided each 58857
school and the contract for sponsorship meets the requirements 58858
of this chapter. A sponsor that was rated "exemplary" on its 58859
most recent rating under section 3314.016 of the Revised Code 58860
may sponsor up to two hundred such schools. 58861

(3) The department shall determine, pursuant to criteria 58862
specified in rules adopted in accordance with Chapter 119. of 58863
the Revised Code, whether the mission proposed to be specified 58864
in the contract of a community school to be sponsored by a state 58865
university board of trustees or the board's designee under 58866

division (C) (1) (e) of section 3314.02 of the Revised Code 58867
complies with the requirements of that division. Such 58868
determination of the department is final. 58869

(4) The department shall determine, pursuant to criteria 58870
specified in rules adopted in accordance with Chapter 119. of 58871
the Revised Code, if any tax-exempt entity under section 501(c) 58872
(3) of the Internal Revenue Code that is proposed to be a 58873
sponsor of a community school is an education-oriented entity 58874
for purpose of satisfying the condition prescribed in division 58875
(C) (1) (f) (iii) of section 3314.02 of the Revised Code. Such 58876
determination of the department is final. 58877

(C) If at any time the department finds that a sponsor is 58878
not in compliance or is no longer willing to comply with its 58879
contract with any community school or with the department's 58880
rules for sponsorship, the department shall conduct a hearing in 58881
accordance with Chapter 119. of the Revised Code on that matter. 58882
If after the hearing, the department has confirmed the original 58883
finding, it may revoke the sponsor's approval to sponsor 58884
community schools. In that case, the department's office of Ohio 58885
school sponsorship, established under section 3314.029 of the 58886
Revised Code, may assume the sponsorship of any schools with 58887
which the sponsor has contracted until the earlier of the 58888
expiration of two school years or until a new sponsor as 58889
described in division (C) (1) of section 3314.02 of the Revised 58890
Code is secured by the school's governing authority. The office 58891
of Ohio school sponsorship may extend the term of the contract 58892
in the case of a school for which it has assumed sponsorship 58893
under this division as necessary to accommodate the term of the 58894
department's authorization to sponsor the school specified in 58895
this division. Community schools sponsored under this division 58896
shall not apply to the limit on directly authorized community 58897

schools under division (A) (3) of section 3314.029 of the Revised 58898
Code. However, nothing in this division shall preclude a 58899
community school affected by this division from applying for 58900
sponsorship under that section. 58901

(D) The decision of the department to disapprove an entity 58902
for sponsorship of a community school or to revoke approval for 58903
such sponsorship under division (C) of this section, may be 58904
appealed by the entity in accordance with section 119.12 of the 58905
Revised Code. 58906

(E) The department shall adopt procedures for use by a 58907
community school governing authority and sponsor when the school 58908
permanently closes and ceases operation, which shall include at 58909
least procedures for data reporting to the department, handling 58910
of student records, distribution of assets in accordance with 58911
section 3314.074 of the Revised Code, and other matters related 58912
to ceasing operation of the school. 58913

(F) (1) In lieu of revoking a sponsor's authority to 58914
sponsor community schools under division (C) of this section, if 58915
the department finds that a sponsor is not in compliance with 58916
applicable laws and administrative rules, the department shall 58917
declare in a written notice to the sponsor the specific laws or 58918
rules, or both, for which the sponsor is noncompliant. A sponsor 58919
notified under division (F) (1) of this section shall respond to 58920
the department not later than fourteen days after the 58921
notification with a proposed plan to remedy the conditions for 58922
which the sponsor was found to be noncompliant. The department 58923
shall approve or disapprove the plan not later than fourteen 58924
days after receiving it. If the plan is disapproved, the sponsor 58925
may submit a revised plan to the department not later than 58926
fourteen days after receiving notification of disapproval from 58927

the department or not later than sixty days after the date the 58928
sponsor received notification of noncompliance from the 58929
department, whichever is earlier. The department shall approve 58930
or disapprove the revised plan not later than fourteen days 58931
after receiving it or not later than sixty days after the date 58932
the sponsor received notification of noncompliance from the 58933
department, whichever is earlier. A sponsor may continue to make 58934
revisions by the deadlines prescribed in division (F)(1) of this 58935
section to any revised plan that is disapproved by the 58936
department until the sixtieth day after the date the sponsor 58937
received notification of noncompliance from the department. 58938

If a plan or a revised plan is approved, the sponsor shall 58939
implement it not later than sixty days after the date the 58940
sponsor received notification of noncompliance from the 58941
department or not later than thirty days after the plan is 58942
approved, whichever is later. If a sponsor does not respond to 58943
the department or implement an approved compliance plan by the 58944
deadlines prescribed by division (F)(1) of this section, or if a 58945
sponsor does not receive approval of a compliance plan on or 58946
before the sixtieth day after the date the sponsor received 58947
notification of noncompliance from the department, the 58948
department shall declare in written notice to the sponsor that 58949
the sponsor is in probationary status, and may limit the 58950
sponsor's ability to sponsor additional schools. 58951

(2) A sponsor that has been placed on probationary status 58952
under division (F)(1) of this section may apply to the 58953
department for its probationary status to be lifted. The 58954
application for a sponsor's probationary status to be lifted 58955
shall include evidence, occurring after the initial notification 58956
of noncompliance, of the sponsor's compliance with applicable 58957
laws and administrative rules. Not later than fourteen days 58958

after receiving an application from the sponsor, the department 58959
shall decide whether or not to remove the sponsor's probationary 58960
status. 58961

(G) In carrying out its duties under this chapter, the 58962
department shall not impose requirements on community schools or 58963
their sponsors that are not permitted by law or duly adopted 58964
rules. 58965

(H) This section applies to entities that sponsor 58966
conversion community schools and new start-up schools. 58967

(I) Nothing in divisions (C) to (F) of this section 58968
prohibits the department from taking any action permitted or 58969
required under the written agreement between the department and 58970
a sponsoring entity without a hearing on the matter, in the 58971
event that the sponsor is unwilling or unable to fulfill its 58972
obligations. 58973

Sec. 3314.016. This section applies to any entity that 58974
sponsors a community school, regardless of whether section 58975
3314.021 or 3314.027 of the Revised Code exempts the entity from 58976
the requirement to be approved for sponsorship under divisions 58977
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 58978
office of Ohio school sponsorship established under section 58979
3314.029 of the Revised Code shall be rated under division (B) 58980
of this section, but divisions (A) and (C) of this section do 58981
not apply to the office. 58982

(A) An entity that sponsors a community school shall be 58983
permitted to enter into contracts under section 3314.03 of the 58984
Revised Code to sponsor additional community schools only if the 58985
entity meets all of the following criteria: 58986

(1) The entity is in compliance with all provisions of 58987

this chapter requiring sponsors of community schools to report 58988
data or information to the department of education and 58989
workforce. 58990

(2) The entity is not rated as "ineffective" under 58991
division ~~(B) (6)~~ (B) (5) of this section. 58992

(3) Except as set forth in sections 3314.021 and 3314.027 58993
of the Revised Code, the entity has received approval from and 58994
entered into an agreement with the department pursuant to 58995
section 3314.015 of the Revised Code. 58996

(B) (1) The department shall develop and implement an 58997
evaluation system that annually rates and assigns an overall 58998
rating to each entity that sponsors a community school. The 58999
department, not later than the first day of February of each 59000
year, shall post on the department's web site the framework for 59001
the evaluation system, including technical documentation that 59002
the department intends to use to rate sponsors for the next 59003
school year. The department shall solicit public comment on the 59004
evaluation system for thirty consecutive days. Not later than 59005
the first day of April of each year, the department shall 59006
compile and post on the department's web site all public 59007
comments that were received during the public comment period. 59008
The evaluation system shall be posted on the department's web 59009
site by the fifteenth day of July of each school year. Any 59010
changes to the evaluation system after that date shall take 59011
effect the following year. The evaluation system shall be based 59012
on the following components: 59013

(a) Academic performance of students enrolled in community 59014
schools sponsored by the same entity. The academic performance 59015
component shall be derived from the performance measures 59016
prescribed for the state report cards under section 3302.03 or 59017

3314.017 of the Revised Code, and shall be based on the 59018
performance of the schools for the school year for which the 59019
evaluation is conducted. In addition to the academic performance 59020
for a specific school year, the academic performance component 59021
shall also include year-to-year changes in the overall sponsor 59022
portfolio. For a community school for which no graded 59023
performance measures are applicable or available, the department 59024
shall use nonreport card performance measures specified in the 59025
contract between the community school and the sponsor under 59026
division (A) (4) of section 3314.03 of the Revised Code. 59027

(b) Adherence by a sponsor to the quality practices 59028
prescribed by the department under division (B) (3) of this 59029
section. ~~For a sponsor that was rated "effective" or "exemplary"~~ 59030
~~on its most recent rating, the department may evaluate that~~ 59031
~~sponsor's adherence to quality practices once over a period of~~ 59032
~~three years. If the department elects to evaluate a sponsor once~~ 59033
~~over a period of three years, the most recent rating for a~~ 59034
~~sponsor's adherence to quality practices shall be used when~~ 59035
~~determining an annual overall rating conducted under this~~ 59036
~~section.~~ 59037

(c) Compliance with all applicable laws and administrative 59038
rules by an entity that sponsors a community school. 59039

Under the evaluation system prescribed under division (B) 59040
(1) of this section, the department shall not assign an overall 59041
rating of "ineffective" or lower to an entity that sponsors a 59042
community school solely because that entity received no points 59043
on one of the components prescribed under that division. 59044

(2) In calculating an academic performance component, the 59045
department shall exclude all community schools that have been in 59046
operation for not more than two full school years, all community 59047

schools whose contracts were not renewed or terminated by the 59048
sponsor pursuant to section 3314.07 of the Revised Code before 59049
the evaluation, and all community schools described in division 59050
(B) (2) of section 3314.35 of the Revised Code. However, the 59051
academic performance of the community schools described in 59052
division (B) (2) of section 3314.35 of the Revised Code shall be 59053
reported, but shall not be used as a factor when determining a 59054
sponsoring entity's rating under this section. 59055

(3) The department, in consultation with entities that 59056
sponsor community schools, shall prescribe quality practices for 59057
community school sponsors and develop an instrument to measure 59058
adherence to those quality practices. The quality practices 59059
shall be based on standards developed by the national 59060
association of charter school authorizers or any other 59061
nationally organized community school organization. 59062

~~(4) (a) The department may permit peer review of a~~ 59063
~~sponsor's adherence to the quality practices prescribed under~~ 59064
~~division (B) (3) of this section. Peer reviewers shall be limited~~ 59065
~~to individuals employed by sponsors rated "effective" or~~ 59066
~~"exemplary" on the most recent ratings conducted under this~~ 59067
~~section.~~ 59068

~~(b) The department shall require individuals participating~~ 59069
~~in peer review under division (B) (4) (a) of this section to~~ 59070
~~complete training approved or established by the department.~~ 59071

~~(c) The department may enter into an agreement with~~ 59072
~~another entity to provide training to individuals conducting~~ 59073
~~peer review of sponsors. Prior to entering into an agreement~~ 59074
~~with an entity, the department shall review and approve of the~~ 59075
~~entity's training program.~~ 59076

~~(5)~~(4) The director of education and workforce shall adopt 59077
rules in accordance with Chapter 119. of the Revised Code 59078
prescribing standards for measuring compliance with applicable 59079
laws and rules under division (B) (1) (c) of this section. 59080

~~(6)~~(5) The department annually shall rate all entities 59081
that sponsor community schools as either "exemplary," 59082
"effective," "ineffective," or "poor," based on the components 59083
prescribed by division (B) of this section, where each component 59084
is weighted equally. A separate rating shall be given by the 59085
department for each component of the evaluation system. 59086

The department shall publish the ratings between the first 59087
day of October and the fifteenth day of November. 59088

Prior to the publication of the final ratings, the 59089
department shall designate and provide notice of a period of at 59090
least ten business days during which each sponsor may review the 59091
information used by the department to determine the sponsor's 59092
rating on the components prescribed by division (B) (1) of this 59093
section. If the sponsor believes there is an error in the 59094
department's evaluation, the sponsor may request adjustments to 59095
the rating of any of those components based on documentation 59096
previously submitted as part of an evaluation. The sponsor shall 59097
provide to the department any necessary evidence or information 59098
to support the requested adjustments. The department shall 59099
review the evidence and information, determine whether an 59100
adjustment is valid, and promptly notify the sponsor of its 59101
determination and reasons. If any adjustments to the data could 59102
result in a change to the rating on the applicable component or 59103
to the overall rating, the department shall recalculate the 59104
ratings prior to publication. 59105

The department shall provide training on an annual basis 59106

regarding the evaluation system prescribed under this section. 59107
The training shall, at a minimum, describe methodology, 59108
timelines, and data required for the evaluation system. The 59109
first training session shall occur not later than March 2, 2016. 59110
Beginning in 2018, the training shall be made available to each 59111
entity that sponsors a community school by the fifteenth day of 59112
July of each year and shall include guidance on any changes made 59113
to the evaluation system. 59114

~~(7)(a)~~ (6)(a) Entities with an overall rating of 59115
"exemplary" ~~for the two most recent years in which the entity~~ 59116
~~was evaluated~~ may take advantage of the following incentives: 59117

(i) Renewal of the written agreement with the department, 59118
not to exceed ten years, provided that the entity consents to 59119
continued evaluation of adherence to quality practices as 59120
described in division (B) (1) (b) of this section; 59121

(ii) The ability to extend the term of the contract 59122
between the sponsoring entity and the community school beyond 59123
the term described in the written agreement with the department; 59124

(iii) An exemption from the preliminary agreement and 59125
contract adoption and execution deadline requirements prescribed 59126
in division (D) of section 3314.02 of the Revised Code; 59127

(iv) An exemption from the automatic contract expiration 59128
requirement, should a new community school fail to open by the 59129
thirtieth day of September of the calendar year in which the 59130
community school contract is executed; 59131

(v) No limit on the number of community schools the entity 59132
may sponsor; 59133

(vi) No territorial restrictions on sponsorship. 59134

An entity may continue to sponsor any community schools 59135
with which it entered into agreements under division ~~(B) (7) (a)~~ 59136
(B) (6) (a) (v) or (vi) of this section while rated "exemplary," 59137
notwithstanding the fact that the entity later receives a lower 59138
overall rating. 59139

(b) Entities with an overall rating of "exemplary" shall 59140
not be evaluated by the department for five full school years 59141
following the school year for which the entity received the 59142
"exemplary" rating. Entities with an overall rating of 59143
~~"exemplary" or "effective" for the three most recent years in~~ 59144
~~which the entity was evaluated shall~~ not be evaluated by the 59145
department ~~once every~~ for three full school years following the 59146
school year for which the entity received the "effective" 59147
rating. 59148

(c) (i) Entities that receive an overall rating of 59149
"ineffective" shall be prohibited from sponsoring any new or 59150
additional community schools during the time in which the 59151
sponsor is rated as "ineffective" and shall be subject to a 59152
quality improvement plan based on correcting the deficiencies 59153
that led to the "ineffective" rating, with timelines and 59154
benchmarks that have been established by the department. 59155

(ii) Entities that receive an overall rating of 59156
"ineffective" on their three most recent ratings shall have all 59157
sponsorship authority revoked. Within thirty days after 59158
receiving its third rating of "ineffective," the entity may 59159
appeal the revocation of its sponsorship authority to the 59160
director, who shall appoint an independent hearing officer to 59161
conduct a hearing in accordance with Chapter 119. of the Revised 59162
Code. The hearing shall be conducted within thirty days after 59163
receipt of the notice of appeal. Within forty-five days after 59164

the hearing is completed, the director shall determine whether 59165
the revocation is appropriate based on the hearing conducted by 59166
the independent hearing officer, and if determined appropriate, 59167
the revocation shall be confirmed. 59168

(d) Entities that receive an overall rating of "poor" 59169
shall have all sponsorship authority revoked. Within thirty days 59170
after receiving a rating of "poor," the entity may appeal the 59171
revocation of its sponsorship authority to the director, who 59172
shall appoint an independent hearing officer to conduct a 59173
hearing in accordance with Chapter 119. of the Revised Code. The 59174
hearing shall be conducted within thirty days after receipt of 59175
the notice of appeal. Within forty-five days after the hearing 59176
is completed, the director shall determine whether the 59177
revocation is appropriate based on the hearing conducted by the 59178
independent hearing officer, and if determined appropriate, the 59179
revocation shall be confirmed. 59180

~~(8)(7)~~ For the 2014-2015 school year and each school year 59181
thereafter, student academic performance prescribed under 59182
division (B)(1)(a) of this section shall include student 59183
academic performance data from dropout prevention and recovery 59184
~~community schools that primarily serve students enrolled in a~~ 59185
~~dropout prevention and recovery program.~~ 59186

(8) The department shall publish annually academic 59187
performance data for each sponsor in accordance with division 59188
(B)(1)(a) of this section, regardless of whether the sponsor is 59189
being evaluated under this section for that school year. 59190

(C) If the governing authority of a community school 59191
enters into a contract with a sponsor prior to the date on which 59192
the sponsor is prohibited from sponsoring additional schools 59193
under division (A) of this section and the school has not opened 59194

for operation as of that date, that contract shall be void and 59195
the school shall not open until the governing authority secures 59196
a new sponsor by entering into a contract with the new sponsor 59197
under section 3314.03 of the Revised Code. However, the 59198
department's office of Ohio school sponsorship, established 59199
under section 3314.029 of the Revised Code, may assume the 59200
sponsorship of the school until the earlier of the expiration of 59201
two school years or until a new sponsor is secured by the 59202
school's governing authority. A community school sponsored by 59203
the department under this division shall not be included when 59204
calculating the maximum number of directly authorized community 59205
schools permitted under division (A) (3) of section 3314.029 of 59206
the Revised Code. 59207

(D) When an entity's authority to sponsor schools is 59208
revoked pursuant to division ~~(B) (7) (e)~~ (B) (6) (c) or (d) of this 59209
section, the office of Ohio school sponsorship shall assume 59210
sponsorship of any schools with which the original sponsor has 59211
contracted for the remainder of that school year. The office may 59212
continue sponsoring those schools until the earlier of: 59213

(1) The expiration of two school years from the time that 59214
sponsorship is revoked; 59215

(2) When a new sponsor is secured by the governing 59216
authority pursuant to division (C) (1) of section 3314.02 of the 59217
Revised Code. 59218

Any community school sponsored under this division shall 59219
not be counted for purposes of directly authorized community 59220
schools under division (A) (3) of section 3314.029 of the Revised 59221
Code. 59222

(E) The department shall recalculate the rating for the 59223

2017-2018 school year for each sponsor of a community school 59224
that receives recalculated ratings pursuant to division (I) of 59225
section 3314.017 of the Revised Code. 59226

Sec. 3314.017. (A) The department of education and 59227
workforce shall prescribe by rules, adopted in accordance with 59228
Chapter 119. of the Revised Code, an academic performance rating 59229
and report card system that satisfies the requirements of this 59230
section for dropout prevention and recovery community schools 59231
~~that primarily serve students enrolled in dropout prevention and~~ 59232
~~recovery programs as described in division (B) (1) of section~~ 59233
~~3314.35 of the Revised Code,~~ to be used in lieu of the system 59234
prescribed under sections 3302.03 and 3314.012 of the Revised 59235
Code beginning with the 2012-2013 school year. Each such school 59236
shall comply with the testing and reporting requirements of the 59237
system as prescribed by the department. 59238

(B) Nothing in this section shall at any time relieve a 59239
school from its obligations under the "No Child Left Behind Act 59240
of 2001" to make "adequate yearly progress," as both that act 59241
and that term are defined in section 3302.01 of the Revised 59242
Code, or a school's amenability to the provisions of section 59243
3302.04 or 3302.041 of the Revised Code. The department shall 59244
continue to report each school's performance as required by the 59245
act and to enforce applicable sanctions under section 3302.04 or 59246
3302.041 of the Revised Code. 59247

(C) The rules adopted by the department shall prescribe 59248
the following performance indicators for the rating and report 59249
card system required by this section: 59250

(1) Graduation rate for each of the following student 59251
cohorts: 59252

(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;

(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the state high school achievement assessments required under division (B) (1) of section 3301.0710 of the Revised Code or the cumulative performance score on the end-of-course examinations prescribed under division (B) (2) of section 3301.0712 of the Revised Code, whichever applies, and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the state high school achievement assessments or the cumulative performance score on the end-of-course examinations, whichever applies, by

their twenty-second birthday; 59282

(3) Annual measurable objectives as defined in section 59283
3302.01 of the Revised Code; 59284

(4) Growth in student achievement in reading, or 59285
mathematics, or both as measured by separate nationally norm- 59286
referenced assessments that have developed appropriate standards 59287
for students enrolled in dropout prevention and recovery 59288
programs, adopted or approved by the department. 59289

(D) (1) The department's rules shall prescribe the expected 59290
performance levels and benchmarks for each of the indicators 59291
prescribed by division (C) of this section based on the data 59292
gathered by the department under division (G) of this section 59293
and simulations created by the department. Based on a school's 59294
level of attainment or nonattainment of the expected performance 59295
levels and benchmarks for each of the indicators, the department 59296
shall rate each school in one of the following categories: 59297

(a) Exceeds standards; 59298

(b) Meets standards; 59299

(c) Does not meet standards. 59300

(2) The department's rules shall establish all of the 59301
following: 59302

(a) Performance levels and benchmarks for the indicators 59303
described in divisions (C) (1) to (3) of this section; 59304

(b) Both of the following: 59305

(i) Performance levels and benchmarks for the indicator 59306
described in division (C) (4) of this section; 59307

(ii) Standards for awarding a dropout prevention and 59308

~~recovery community school described in division (B) (1) of~~ 59309
~~section 3314.35 of the Revised Code~~ an overall designation, 59310
which shall be calculated as follows: 59311

(I) Thirty per cent of the score shall be based on the 59312
indicators described in division (C) (1) of this section that are 59313
applicable to the school year for which the overall designation 59314
is granted. 59315

(II) Thirty per cent of the score shall be based on the 59316
indicators described in division (C) (4) of this section. 59317

(III) Twenty per cent of the score shall be based on the 59318
indicators described in division (C) (2) of this section. 59319

(IV) Twenty per cent of the score shall be based on the 59320
indicators described in division (C) (3) of this section. 59321

(3) If both of the indicators described in divisions (C) 59322
(1) and (2) of this section improve by ten per cent for two 59323
consecutive years, a school shall be rated not less than "meets 59324
standards." 59325

The rating and the relevant performance data for each 59326
school shall be posted on the department's web site, and a copy 59327
of the rating and data shall be provided to the governing 59328
authority of the community school. 59329

~~(E) (1) For the 2012-2013 school year, the department shall~~ 59330
~~issue a report card including the following performance~~ 59331
~~measures, but without a performance rating as described in~~ 59332
~~divisions (D) (1) (a) to (c) of this section, for each community~~ 59333
~~school described in division (B) (1) of section 3314.35 of the~~ 59334
~~Revised Code:~~ 59335

~~(a) The graduation rates as described in divisions (C) (1)~~ 59336

~~(a) to (c) of this section;—~~ 59337

~~(b) The percentage of twelfth-grade students and other 59338
students who have attained a designated passing score on high- 59339
school achievement assessments as described in division (C) (2)— 59340
of this section;— 59341~~

~~(c) The statewide average for the graduation rates and 59342
assessment passage rates described in divisions (C) (1) (a) to (c) 59343
and (C) (2) of this section;— 59344~~

~~(d) Annual measurable objectives described in division (C) 59345
(3) of this section.— 59346~~

~~(2) For the 2013-2014 school year, the department shall 59347
issue a report card including the following performance measures 59348
for each community school described in division (B) (1) of— 59349
section 3314.35 of the Revised Code:— 59350~~

~~(a) The graduation rates described in divisions (C) (1) (a)— 59351
to (d) of this section, including a performance rating as— 59352
described in divisions (D) (1) (a) to (c) of this section;— 59353~~

~~(b) The percentage of twelfth-grade students and other 59354
students who have attained a designated passing score on high- 59355
school achievement assessments as described in division (C) (2)— 59356
of this section, including a performance rating as described in— 59357
divisions (D) (1) (a) to (c) of this section;— 59358~~

~~(c) Annual measurable objectives described in division (C) 59359
(3) of this section, including a performance rating as described 59360
in divisions (D) (1) (a) to (c) of this section;— 59361~~

~~(d) Both of the following without an assigned rating:— 59362~~

~~(i) Growth in annual student achievement in reading and 59363
mathematics described in division (C) (4) of this section, if— 59364~~

available;— 59365

~~(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.~~ 59366
59367
59368

~~(3) Beginning with the 2014-2015 school year, and annually thereafter, the~~ (E) The department annually shall issue a report 59369
card for each dropout prevention and recovery community school 59370
described in division (B) (1) of section 3314.35 of the Revised 59371
Code that includes all of the following performance measures, 59372
including a performance rating for each measure as described in 59373
divisions (D) (1) (a) to (c) of this section: 59374
59375

~~(a)~~ (1) The graduation rates as described in division (C) 59376
(1) of this section; 59377

~~(b)~~ (2) The percentage of twelfth-grade students and other 59378
students who have attained a designated passing score on high 59379
school achievement assessments as described in division (C) (2) 59380
of this section; 59381

~~(c)~~ (3) Annual measurable objectives described in division 59382
(C) (3) of this section, including a performance rating as 59383
described in divisions (D) (1) (a) to (c) of this section; 59384

~~(d)~~ (4) Growth in annual student achievement in reading and 59385
mathematics as described in division (C) (4) of this section; 59386

~~(e)~~ (5) An overall performance designation for the school 59387
calculated under rules adopted under division (D) (2) of this 59388
section. 59389

The department shall also include student outcome data, 59390
including postsecondary credit earned, nationally recognized 59391
career or technical certification, military enlistment, job 59392

placement, attendance rate, and progress on closing achievement 59393
gaps for each school. This information shall not be included in 59394
the calculation of a school's performance rating. 59395

(F) Not later than the thirty-first day of July of each 59396
year, the department shall submit preliminary report card data 59397
for overall academic performance for each performance measure 59398
prescribed in division ~~(E) (3)~~ (E) of this section for each 59399
community school to which this section applies. 59400

(G) For the purposes of prescribing performance levels and 59401
benchmarks under division (D) of this section, the department 59402
shall gather and analyze data from prior school years for each 59403
dropout prevention and recovery community school ~~described in~~ 59404
~~division (B) (1) of section 3314.35 of the Revised Code.~~ Each 59405
such school shall cooperate with the department. The department 59406
shall consult with stakeholder groups in performing its duties 59407
under this division. 59408

(H) The department shall review the performance levels and 59409
benchmarks for performance indicators in the report card issued 59410
under this section and may revise them based on the data 59411
collected under division (G) of this section. 59412

(I) For the purposes of division (F) of section 3314.351 59413
of the Revised Code, the department shall recalculate the 59414
ratings for each school under division (E) (3) of this section 59415
for the 2017-2018 school year and calculate the ratings under 59416
that division for the 2018-2019 school year using the indicators 59417
prescribed by division (C) of this section, as it exists on and 59418
after July 18, 2019. 59419

Sec. 3314.02. (A) As used in this chapter: 59420

(1) "Sponsor" means the board of education of a school 59421

district or the governing board of an educational service center 59422
that agrees to the conversion of all or part of a school or 59423
building under division (B) of this section, or an entity listed 59424
in division (C) (1) of this section, which has been approved by 59425
the department of education and workforce to sponsor community 59426
schools or is exempted by section 3314.021 or 3314.027 of the 59427
Revised Code from obtaining approval, and with which the 59428
governing authority of a community school enters into a contract 59429
under section 3314.03 of the Revised Code. 59430

(2) "Pilot project area" means the school districts 59431
included in the territory of the former community school pilot 59432
project established by former Section 50.52 of Am. Sub. H.B. No. 59433
215 of the 122nd general assembly. 59434

(3) "Challenged school district" means any of the 59435
following: 59436

(a) A school district that is part of the pilot project 59437
area; 59438

(b) A school district that meets one of the following 59439
conditions: 59440

(i) On March 22, 2013, the district was in a state of 59441
academic emergency or in a state of academic watch under section 59442
3302.03 of the Revised Code, as that section existed prior to 59443
March 22, 2013; 59444

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 59445
2015-2016 school years, the district received a grade of "D" or 59446
"F" for the performance index score and a grade of "F" for the 59447
value-added progress dimension under section 3302.03 of the 59448
Revised Code; 59449

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 59450

and 2020-2021 school years, the district has received an overall
grade of "D" or "F" under division (C) (3) of section 3302.03 of
the Revised Code, or, for at least two of the three most recent
school years, the district received a grade of "F" for the
value-added progress dimension under division (C) (1) (e) of that
section;

(iv) For the 2021-2022 school year and for any school year
thereafter, the district has received an overall performance
rating of less than three stars under division (D) (3) of section
3302.03 of the Revised Code, or, for at least two of the three
most recent school years, the district received one star for
progress under division (D) (3) (c) of that section.

(c) A big eight school district;

(d) A school district ranked in the lowest five per cent
of school districts according to performance index score under
section 3302.21 of the Revised Code.

(4) "Big eight school district" means a school district
that for fiscal year 1997 had both of the following:

(a) A percentage of children residing in the district and
participating in the predecessor of Ohio works first greater
than thirty per cent, as reported pursuant to section 3317.10 of
the Revised Code;

(b) An average daily membership greater than twelve
thousand, as reported pursuant to former division (A) of section
3317.03 of the Revised Code.

(5) "New start-up school" means a community school other
than one created by converting all or part of an existing public
school or educational service center building, as designated in
the school's contract pursuant to division (A) (17) of section

3314.03 of the Revised Code. 59480

(6) "Urban school district" means one of the state's 59481
twenty-one urban school districts as defined in division (O) of 59482
section 3317.02 of the Revised Code as that section existed 59483
prior to July 1, 1998. 59484

(7) "Internet- or computer-based community school" means a 59485
community school established under this chapter in which the 59486
enrolled students work primarily from their residences on 59487
assignments in nonclassroom-based learning opportunities 59488
provided via an internet- or other computer-based instructional 59489
method that does not rely on regular classroom instruction or 59490
via comprehensive instructional methods that include internet- 59491
based, other computer-based, and noncomputer-based learning 59492
opportunities unless a student receives career-technical 59493
education under section 3314.086 of the Revised Code. 59494

A community school that operates mainly as an internet- or 59495
computer-based community school and provides career-technical 59496
education under section 3314.086 of the Revised Code shall be 59497
considered an internet- or computer-based community school, even 59498
if it provides some classroom-based instruction, so long as it 59499
provides instruction via the methods described in this division. 59500

(8) "Operator" or "management company" means either of the 59501
following: 59502

(a) An individual or organization that manages the daily 59503
operations of a community school pursuant to a contract between 59504
the operator or management company and the school's governing 59505
authority; 59506

(b) A nonprofit organization that provides programmatic 59507
oversight and support to a community school under a contract 59508

with the school's governing authority and that retains the right 59509
to terminate its affiliation with the school if the school fails 59510
to meet the organization's quality standards. 59511

(9) "Alliance municipal school district" has the same 59512
meaning as in section 3311.86 of the Revised Code. 59513

(10) "Dropout prevention and recovery community school" 59514
means a community school that enrolls only students who are at 59515
least fourteen years of age and not older than twenty-one years 59516
of age and who, at the time of their initial enrollment, are at 59517
least one grade level behind their cohort age groups or 59518
experience crises that significantly interfere with their 59519
academic progress such that they are prevented from continuing 59520
their traditional educational programs. 59521

(B) (1) Any person or group of individuals may initially 59522
propose under this division the conversion of all or a portion 59523
of a public school to a community school. The proposal shall be 59524
made to the board of education of the city, local, exempted 59525
village, or joint vocational school district in which the public 59526
school is proposed to be converted. 59527

(2) Any person or group of individuals may initially 59528
propose under this division the conversion of all or a portion 59529
of a building operated by an educational service center to a 59530
community school. The proposal shall be made to the governing 59531
board of the service center. 59532

On or after July 1, 2017, except as provided in section 59533
3314.027 of the Revised Code, any educational service center 59534
that sponsors a community school shall be approved by and enter 59535
into a written agreement with the department as described in 59536
section 3314.015 of the Revised Code. 59537

(3) Upon receipt of a proposal, and after an agreement has
been entered into pursuant to section 3314.015 of the Revised
Code, a board may enter into a preliminary agreement with the
person or group proposing the conversion of the public school or
service center building, indicating the intention of the board
to support the conversion to a community school. A proposing
person or group that has a preliminary agreement under this
division may proceed to finalize plans for the school, establish
a governing authority for the school, and negotiate a contract
with the board. Provided the proposing person or group adheres
to the preliminary agreement and all provisions of this chapter,
the board shall negotiate in good faith to enter into a contract
in accordance with section 3314.03 of the Revised Code and
division (C) of this section.

(4) The sponsor of a conversion community school proposed
to open in an alliance municipal school district shall be
subject to approval by the department of education and workforce
for sponsorship of that school using the criteria established
under division (A) of section 3311.87 of the Revised Code.

Division (B) (4) of this section does not apply to a
sponsor that, on or before September 29, 2015, was exempted
under section 3314.021 or 3314.027 of the Revised Code from the
requirement to be approved for sponsorship under divisions (A)
(2) and (B) (1) of section 3314.015 of the Revised Code.

(5) A school established in accordance with division (B)
of this section that later enters into a sponsorship contract
with an entity that is not a school district or educational
service center shall, at the time of entering into the new
contract, be deemed a community school established in accordance
with division (C) of this section.

(C) (1) Provided all other conditions of sponsorship and 59568
governance are satisfied, any person or group of individuals may 59569
propose under this division the establishment of a new start-up 59570
school regardless of the school's proposed location. The 59571
proposal may be made to any of the following entities: 59572

(a) The board of education of the district in which the 59573
school is proposed to be located; 59574

(b) The board of education of any joint vocational school 59575
district with territory in the county in which is located the 59576
majority of the territory of the district in which the school is 59577
proposed to be located; 59578

(c) The board of education of any other city, local, or 59579
exempted village school district having territory in the same 59580
county where the district in which the school is proposed to be 59581
located has the major portion of its territory; 59582

(d) The governing board of any educational service center, 59583
regardless of the location of the proposed school, may sponsor a 59584
new start-up school if all of the following are satisfied: 59585

(i) If applicable, it satisfies the requirements of 59586
division (E) of section 3311.86 of the Revised Code; 59587

(ii) It is approved to do so by the department; 59588

(iii) It enters into an agreement with the department 59589
under section 3314.015 of the Revised Code. 59590

(e) A sponsoring authority designated by the board of 59591
trustees of any of the thirteen state universities listed in 59592
section 3345.011 of the Revised Code or the board of trustees 59593
itself as long as a mission of the proposed school to be 59594
specified in the contract under division (A) (2) of section 59595

3314.03 of the Revised Code and as approved by the department 59596
under division (B) (3) of section 3314.015 of the Revised Code 59597
will be the practical demonstration of teaching methods, 59598
educational technology, or other teaching practices that are 59599
included in the curriculum of the university's teacher 59600
preparation program approved by the chancellor of higher 59601
education; 59602

(f) Any qualified tax-exempt entity under section 501(c) 59603
(3) of the Internal Revenue Code as long as all of the following 59604
conditions are satisfied: 59605

(i) The entity has been in operation for at least five 59606
years prior to applying to be a community school sponsor. 59607

(ii) The entity has assets of at least five hundred 59608
thousand dollars and a demonstrated record of financial 59609
responsibility. 59610

(iii) The department has determined that the entity is an 59611
education-oriented entity under division (B) (4) of section 59612
3314.015 of the Revised Code and the entity has a demonstrated 59613
record of successful implementation of educational programs. 59614

(iv) The entity is not a community school. 59615

(g) The mayor of a city in which the majority of the 59616
territory of a school district to which section 3311.60 of the 59617
Revised Code applies is located, regardless of whether that 59618
district has created the position of independent auditor as 59619
prescribed by that section. The mayor's sponsorship authority 59620
under this division is limited to community schools that are 59621
located in that school district. Such mayor may sponsor 59622
community schools only with the approval of the city council of 59623
that city, after establishing standards with which community 59624

schools sponsored by the mayor must comply, and after entering 59625
into a sponsor agreement with the department as prescribed under 59626
section 3314.015 of the Revised Code. The mayor shall establish 59627
the standards for community schools sponsored by the mayor not 59628
later than one hundred eighty days after July 15, 2013, and 59629
shall submit them to the department upon their establishment. 59630
The department shall approve the mayor to sponsor community 59631
schools in the district, upon receipt of an application by the 59632
mayor to do so. Not later than ninety days after the 59633
department's approval of the mayor as a community school 59634
sponsor, the department shall enter into the sponsor agreement 59635
with the mayor. 59636

Any entity described in division (C) (1) of this section 59637
may enter into a preliminary agreement pursuant to division (C) 59638
(2) of this section with the proposing person or group, provided 59639
that entity has been approved by and entered into a written 59640
agreement with the department pursuant to section 3314.015 of 59641
the Revised Code. 59642

(2) A preliminary agreement indicates the intention of an 59643
entity described in division (C) (1) of this section to sponsor 59644
the community school. A proposing person or group that has such 59645
a preliminary agreement may proceed to finalize plans for the 59646
school, establish a governing authority as described in division 59647
(E) of this section for the school, and negotiate a contract 59648
with the entity. Provided the proposing person or group adheres 59649
to the preliminary agreement and all provisions of this chapter, 59650
the entity shall negotiate in good faith to enter into a 59651
contract in accordance with section 3314.03 of the Revised Code. 59652

(3) A new start-up school that is established in a school 59653
district described in either division (A) (3) (b) or (d) of this 59654

section may continue in existence once the school district no 59655
longer meets the conditions described in either division, 59656
provided there is a valid contract between the school and a 59657
sponsor. 59658

(4) A copy of every preliminary agreement entered into 59659
under this division shall be filed with the director of 59660
education and workforce. 59661

(D) A majority vote of the board of a sponsoring entity 59662
and a majority vote of the members of the governing authority of 59663
a community school shall be required to adopt a contract and 59664
convert the public school or educational service center building 59665
to a community school or establish the new start-up school. 59666
Beginning September 29, 2005, adoption of the contract shall 59667
occur not later than the fifteenth day of March, and signing of 59668
the contract shall occur not later than the fifteenth day of 59669
May, prior to the school year in which the school will open. The 59670
governing authority shall notify the department of education and 59671
workforce when the contract has been signed. Subject to sections 59672
3314.013 and 3314.016 of the Revised Code, an unlimited number 59673
of community schools may be established in any school district 59674
provided that a contract is entered into for each community 59675
school pursuant to this chapter. 59676

(E) (1) As used in this division, "immediate relatives" are 59677
limited to spouses, children, parents, grandparents, and 59678
siblings, as well as in-laws residing in the same household as 59679
the person serving on the governing authority. 59680

Each new start-up community school established under this 59681
chapter shall be under the direction of a governing authority 59682
which shall consist of a board of not less than five 59683
individuals. 59684

(2) (a) No person shall serve on the governing authority or 59685
operate the community school under contract with the governing 59686
authority under any of the following circumstances: 59687

(i) The person owes the state any money or is in a dispute 59688
over whether the person owes the state any money concerning the 59689
operation of a community school that has closed. 59690

(ii) The person would otherwise be subject to division (B) 59691
of section 3319.31 of the Revised Code with respect to refusal, 59692
limitation, or revocation of a license to teach, if the person 59693
were a licensed educator. 59694

(iii) The person has pleaded guilty to or been convicted 59695
of theft in office under section 2921.41 of the Revised Code, or 59696
has pleaded guilty to or been convicted of a substantially 59697
similar offense in another state. 59698

(b) No person shall serve on the governing authority or 59699
engage in the financial day-to-day management of the community 59700
school under contract with the governing authority unless and 59701
until that person has submitted to a criminal records check in 59702
the manner prescribed by section 3319.39 of the Revised Code. 59703

(c) Each sponsor of a community school shall annually 59704
verify that a finding for recovery has not been issued by the 59705
auditor of state against any individual or individuals who 59706
propose to create a community school or any member of the 59707
governing authority, the operator, or any employee of each 59708
community school with responsibility for fiscal operations or 59709
authorization to expend money on behalf of the school. 59710

(3) No person shall serve on the governing authorities of 59711
more than five start-up community schools at the same time 59712
unless both of the following apply: 59713

(a) The person serves in a volunteer capacity and receives 59714
no compensation under division (E)(5) of this section from any 59715
governing authority on which the person serves. 59716

(b) For any school that has an operator, the operator is a 59717
nonprofit organization. 59718

(4)(a) For a community school established under this 59719
chapter that is not sponsored by a school district or an 59720
educational service center, no present or former member, or 59721
immediate relative of a present or former member, of the 59722
governing authority shall be an owner, employee, or consultant 59723
of the community school's sponsor or operator, unless at least 59724
one year has elapsed since the conclusion of the person's 59725
membership on the governing authority. 59726

(b) For a community school established under this chapter 59727
that is sponsored by a school district or an educational service 59728
center, no present or former member, or immediate relative of a 59729
present or former member, of the governing authority shall: 59730

(i) Be an officer of the district board or service center 59731
governing board that serves as the community school's sponsor, 59732
unless at least one year has elapsed since the conclusion of the 59733
person's membership on the governing authority; 59734

(ii) Serve as an employee of, or a consultant for, the 59735
department, division, or section of the sponsoring district or 59736
service center that is directly responsible for sponsoring 59737
community schools, or have supervisory authority over such a 59738
department, division, or section, unless at least one year has 59739
elapsed since the conclusion of the person's membership on the 59740
governing authority. 59741

(5) The governing authority of a start-up or conversion 59742

community school may provide by resolution for the compensation 59743
of its members. However, no individual who serves on the 59744
governing authority of a start-up or conversion community school 59745
shall be compensated more than one hundred twenty-five dollars 59746
per meeting of that governing authority and no such individual 59747
shall be compensated more than a total amount of five thousand 59748
dollars per year for all governing authorities upon which the 59749
individual serves. Each member of the governing authority may be 59750
paid compensation for attendance at an approved training 59751
program, provided that such compensation shall not exceed sixty 59752
dollars a day for attendance at a training program three hours 59753
or less in length and one hundred twenty-five dollars a day for 59754
attendance at a training program longer than three hours in 59755
length. 59756

(6) No person who is the employee of a school district or 59757
educational service center shall serve on the governing 59758
authority of any community school sponsored by that school 59759
district or service center. 59760

(7) Each member of the governing authority of a community 59761
school shall annually file a disclosure statement setting forth 59762
the names of any immediate relatives or business associates 59763
employed by any of the following within the previous three 59764
years: 59765

(a) The sponsor or operator of that community school; 59766

(b) A school district or educational service center that 59767
has contracted with that community school; 59768

(c) A vendor that is or has engaged in business with that 59769
community school. 59770

(8) No person who is a member of a school district board 59771

of education shall serve on the governing authority of any 59772
community school. 59773

(F) (1) A new start-up school that is established prior to 59774
August 15, 2003, in an urban school district that is not also a 59775
big-eight school district may continue to operate after that 59776
date and the contract between the school's governing authority 59777
and the school's sponsor may be renewed, as provided under this 59778
chapter, after that date. 59779

(2) A community school that was established prior to June 59780
29, 1999, and is located in a county contiguous to the pilot 59781
project area and in a school district that was not a challenged 59782
school district may continue to operate after that date, 59783
provided the school complies with all provisions of this 59784
chapter. The contract between the school's governing authority 59785
and the school's sponsor may be renewed. 59786

(3) Any educational service center that, on June 30, 2007, 59787
sponsors a community school that is not located in a county 59788
within the territory of the service center or in a county 59789
contiguous to such county may continue to sponsor that community 59790
school on and after June 30, 2007, and may renew its contract 59791
with the school. 59792

(4) The department of education and workforce shall not 59793
restrict the establishment of a new start-up community school to 59794
those located in a challenged school district as was required by 59795
this section prior to September 30, 2021. 59796

Sec. 3314.021. (A) This section applies to any entity that 59797
is exempt from taxation under section 501(c)(3) of the Internal 59798
Revenue Code and that satisfies the conditions specified in 59799
divisions (C) (1) (f) (ii) and (iii) of section 3314.02 of the 59800

Revised Code but does not satisfy the condition specified in 59801
division (C) (1) (f) (i) of that section. 59802

(B) Notwithstanding division (C) (1) (f) (i) of section 59803
3314.02 of the Revised Code, and subject to division (D) (2) of 59804
this section, an entity described in division (A) of this 59805
section may do both of the following without obtaining the 59806
department of education and workforce's initial approval of its 59807
sponsorship under divisions (A) (2) and (B) (1) of section 59808
3314.015 of the Revised Code: 59809

(1) Succeed the board of trustees of a state university 59810
located in the pilot project area or that board's designee as 59811
the sponsor of a community school established under this 59812
chapter; 59813

(2) Continue to sponsor that school in conformance with 59814
the terms of the contract between the board of trustees or its 59815
designee and the governing authority of the community school and 59816
renew that contract as provided in division ~~(E)~~ (D) of section 59817
3314.03 of the Revised Code. 59818

(C) The entity that succeeds the board of trustees or the 59819
board's designee as sponsor of a community school under division 59820
(B) of this section also may enter into contracts to sponsor 59821
other community schools regardless of the proposed school's 59822
location, without obtaining the department's initial approval of 59823
its sponsorship of those schools under divisions (A) (2) and (B) 59824
(1) of section 3314.015 of the Revised Code as long as the 59825
contracts conform with and the entity complies with all other 59826
requirements of this chapter. 59827

(D) (1) Regardless of the entity's authority to sponsor 59828
community schools without the initial approval of the 59829

department, the entity is under the continuing oversight of the 59830
department in accordance with rules adopted under section 59831
3314.015 of the Revised Code. 59832

(2) If an entity described in division (A) of this section 59833
receives a rating below "effective" under division (B) of 59834
section 3314.016 of the Revised Code for two or more consecutive 59835
years, that entity shall receive approval from the department to 59836
sponsor community schools and enter into a written agreement 59837
with the department in accordance with division (B) (1) of 59838
section 3314.015 of the Revised Code prior to entering into any 59839
further preliminary agreements under division (C) (2) of section 59840
3314.02 of the Revised Code or renewing any existing contract to 59841
sponsor a community school. 59842

(E) (1) As used in division (E) of this section: 59843

(a) "Board of trustees" means a board of trustees of a 59844
state university located in the pilot project area. 59845

(b) "Rating" means a sponsor rating under section 3314.016 59846
of the Revised Code. 59847

(2) Notwithstanding anything to the contrary in division 59848
~~(B) (7) (b)~~ (B) (6) (b) of section 3314.016 of the Revised Code, for 59849
the purposes of that division, the department shall consider an 59850
entity that succeeded a board of trustees as the sponsor of a 59851
community school in accordance with division (B) (1) of this 59852
section to have received the same rating for the 2016-2017 59853
school year as the board of trustees, provided all of the 59854
following apply: 59855

(a) The department assigned the board of trustees a rating 59856
of either "effective" or "exemplary" for the 2016-2017 school 59857
year. 59858

(b) The department did not assign the entity its own 59859
rating for the 2016-2017 school year. 59860

(c) The department assigned the entity its own rating for 59861
the 2017-2018 school year. 59862

Sec. 3314.03. A copy of every contract entered into under 59863
this section shall be filed with the director of education and 59864
workforce. The department of education and workforce shall make 59865
available on its web site a copy of every approved, executed 59866
contract filed with the director under this section. 59867

(A) Each contract entered into between a sponsor and the 59868
governing authority of a community school shall specify the 59869
following: 59870

(1) That the school shall be established as either of the 59871
following: 59872

(a) A nonprofit corporation established under Chapter 59873
1702. of the Revised Code, if established prior to April 8, 59874
2003; 59875

(b) A public benefit corporation established under Chapter 59876
1702. of the Revised Code, if established after April 8, 2003. 59877

(2) The education program of the school, including the 59878
school's mission and educational philosophy, the characteristics 59879
of the students the school is expected to attract, the ages and 59880
grades of students, and the focus of the curriculum; 59881

(3) The academic goals to be achieved and the method of 59882
measurement that will be used to determine progress toward those 59883
goals, which shall include the statewide achievement 59884
assessments; 59885

(4) Performance standards, including but not limited to 59886

all applicable report card measures set forth in section 3302.03 59887
or 3314.017 of the Revised Code, by which the success of the 59888
school will be evaluated by the sponsor; 59889

(5) The admission standards of section 3314.06 of the 59890
Revised Code and, if applicable, section 3314.061 of the Revised 59891
Code; 59892

(6) (a) Dismissal procedures; 59893

(b) A requirement that the governing authority adopt an 59894
attendance policy that includes a procedure for automatically 59895
withdrawing a student from the school if the student without a 59896
legitimate excuse fails to participate in seventy-two 59897
consecutive hours of the learning opportunities offered to the 59898
student. 59899

(7) The ways by which the school will achieve racial and 59900
ethnic balance reflective of the community it serves; 59901

(8) Requirements for financial audits by the auditor of 59902
state. The contract shall require financial records of the 59903
school to be maintained in the same manner as are financial 59904
records of school districts, pursuant to rules of the auditor of 59905
state. Audits shall be conducted in accordance with section 59906
117.10 of the Revised Code. 59907

(9) An addendum to the contract outlining the facilities 59908
to be used that contains at least the following information: 59909

(a) A detailed description of each facility used for 59910
instructional purposes; 59911

(b) The annual costs associated with leasing each facility 59912
that are paid by or on behalf of the school; 59913

(c) The annual mortgage principal and interest payments 59914

that are paid by the school; 59915

(d) The name of the lender or landlord, identified as 59916
such, and the lender's or landlord's relationship to the 59917
operator, if any. 59918

(10) Qualifications of employees, including both of the 59919
following: 59920

(a) A requirement that the school's classroom teachers be 59921
licensed in accordance with sections 3319.22 to 3319.31 of the 59922
Revised Code, except that a community school may engage 59923
noncertificated persons to teach up to twelve hours or forty 59924
hours per week pursuant to section 3319.301 of the Revised Code; 59925

(b) A prohibition against the school employing an 59926
individual described in section 3314.104 of the Revised Code in 59927
any position. 59928

(11) That the school will comply with the following 59929
requirements: 59930

(a) The school will provide learning opportunities to a 59931
minimum of twenty-five students for a minimum of nine hundred 59932
twenty hours per school year. 59933

(b) The governing authority will purchase liability 59934
insurance, or otherwise provide for the potential liability of 59935
the school. 59936

(c) The school will be nonsectarian in its programs, 59937
admission policies, employment practices, and all other 59938
operations, and will not be operated by a sectarian school or 59939
religious institution. 59940

(d) The school will comply with sections 9.90, 9.91, 59941
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 59942

3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 59943
3302.037, -3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 59944
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 59945
3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 59946
3313.6028, 3313.6029, 3313.6031, 3313.643, 3313.648, 3313.6411, 59947
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 59948
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 59949
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 59950
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 59951
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 59952
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 59953
3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 59954
3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 59955
3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 59956
3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 59957
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 59958
1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of 59959
the Revised Code as if it were a school district and will comply 59960
with section 3301.0714 of the Revised Code in the manner 59961
specified in section 3314.17 of the Revised Code. 59962

(e) The school shall comply with Chapter 102. and section 59963
2921.42 of the Revised Code. 59964

(f) The school will comply with sections 3313.61, 59965
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 59966
Revised Code, except that for students who enter ninth grade for 59967
the first time before July 1, 2010, the requirement in sections 59968
3313.61 and 3313.611 of the Revised Code that a person must 59969
successfully complete the curriculum in any high school prior to 59970
receiving a high school diploma may be met by completing the 59971
curriculum adopted by the governing authority of the community 59972
school rather than the curriculum specified in Title XXXIII of 59973

the Revised Code or any rules of the department. Beginning with 59974
students who enter ninth grade for the first time on or after 59975
July 1, 2010, the requirement in sections 3313.61 and 3313.611 59976
of the Revised Code that a person must successfully complete the 59977
curriculum of a high school prior to receiving a high school 59978
diploma shall be met by completing the requirements prescribed 59979
in section 3313.6027 and division (C) of section 3313.603 of the 59980
Revised Code, unless the person qualifies under division (D) or 59981
(F) of that section. Each school shall comply with the plan for 59982
awarding high school credit based on demonstration of subject 59983
area competency, and beginning with the 2017-2018 school year, 59984
with the updated plan that permits students enrolled in seventh 59985
and eighth grade to meet curriculum requirements based on 59986
subject area competency adopted by the department under 59987
divisions (J) (1) and (2) of section 3313.603 of the Revised 59988
Code. Beginning with the 2018-2019 school year, the school shall 59989
comply with the framework for granting units of high school 59990
credit to students who demonstrate subject area competency 59991
through work-based learning experiences, internships, or 59992
cooperative education developed by the department under division 59993
(J) (3) of section 3313.603 of the Revised Code. 59994

(g) The school governing authority will submit within four 59995
months after the end of each school year a report of its 59996
activities and progress in meeting the goals and standards of 59997
divisions (A) (3) and (4) of this section and its financial 59998
status to the sponsor and the parents of all students enrolled 59999
in the school. 60000

(h) The school, unless it is an internet- or computer- 60001
based community school, will comply with section 3313.801 of the 60002
Revised Code as if it were a school district. 60003

(i) If the school is the recipient of moneys from a grant 60004
awarded under the federal race to the top program, Division (A), 60005
Title XIV, Sections 14005 and 14006 of the "American Recovery 60006
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 60007
the school will pay teachers based upon performance in 60008
accordance with section 3317.141 and will comply with section 60009
3319.111 of the Revised Code as if it were a school district. 60010

(j) If the school operates a preschool program that is 60011
licensed by the department under sections 3301.52 to 3301.59 of 60012
the Revised Code, the school shall comply with sections 3301.50 60013
to 3301.59 of the Revised Code and the minimum standards for 60014
preschool programs prescribed in rules adopted by the department 60015
of children and youth under section 3301.53 of the Revised Code. 60016

(k) The school will comply with sections 3313.6021 and 60017
3313.6023 of the Revised Code as if it were a school district 60018
unless it is either of the following: 60019

(i) An internet- or computer-based community school; 60020

(ii) A community school in which a majority of the 60021
enrolled students are children with disabilities as described in 60022
division (B) (2) of section 3314.35 of the Revised Code. 60023

(l) The school will comply with section 3321.191 of the 60024
Revised Code, unless it is an internet- or computer-based 60025
community school that is subject to section 3314.261 of the 60026
Revised Code. 60027

(m) The school will comply with section 3313.7118 of the 60028
Revised Code if it serves elementary school students. 60029

(12) Arrangements for providing health and other benefits 60030
to employees; 60031

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division ~~(E)~~ (D) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, ~~specification~~ both of the following:

(a) Specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(b) Alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion.

(18) Provisions establishing procedures for resolving 60061
disputes or differences of opinion between the sponsor and the 60062
governing authority of the community school; 60063

(19) A provision requiring the governing authority to 60064
adopt a policy regarding the admission of students who reside 60065
outside the district in which the school is located. That policy 60066
shall comply with the admissions procedures specified in 60067
sections 3314.06 and 3314.061 of the Revised Code and, at the 60068
sole discretion of the authority, shall do one of the following: 60069

(a) Prohibit the enrollment of students who reside outside 60070
the district in which the school is located; 60071

(b) Permit the enrollment of students who reside in 60072
districts adjacent to the district in which the school is 60073
located; 60074

(c) Permit the enrollment of students who reside in any 60075
other district in the state. 60076

(20) A provision recognizing the authority of the 60077
department to take over the sponsorship of the school in 60078
accordance with the provisions of division (C) of section 60079
3314.015 of the Revised Code; 60080

(21) A provision recognizing the sponsor's authority to 60081
assume the operation of a school under the conditions specified 60082
in division (B) of section 3314.073 of the Revised Code; 60083

(22) A provision recognizing both of the following: 60084

(a) The authority of public health and safety officials to 60085
inspect the facilities of the school and to order the facilities 60086
closed if those officials find that the facilities are not in 60087
compliance with health and safety laws and regulations; 60088

(b) The authority of the department as the community 60089
school oversight body to suspend the operation of the school 60090
under section 3314.072 of the Revised Code if the department has 60091
evidence of conditions or violations of law at the school that 60092
pose an imminent danger to the health and safety of the school's 60093
students and employees and the sponsor refuses to take such 60094
action. 60095

(23) A description of the learning opportunities that will 60096
be offered to students including both classroom-based and non- 60097
classroom-based learning opportunities that is in compliance 60098
with criteria for student participation established by the 60099
department under division (H) (2) of section 3314.08 of the 60100
Revised Code; 60101

(24) The school will comply with sections 3302.04 and 60102
3302.041 of the Revised Code, except that any action required to 60103
be taken by a school district pursuant to those sections shall 60104
be taken by the sponsor of the school. 60105

(25) Beginning in the 2006-2007 school year, the school 60106
will open for operation not later than the thirtieth day of 60107
September each school year, unless the mission of the school as 60108
specified under division (A) (2) of this section is solely to 60109
serve dropouts. In its initial year of operation, if the school 60110
fails to open by the thirtieth day of September, or within one 60111
year after the adoption of the contract pursuant to division (D) 60112
of section 3314.02 of the Revised Code if the mission of the 60113
school is solely to serve dropouts, the contract shall be void. 60114

(26) Whether the school's governing authority is planning 60115
to seek designation for the school as a STEM school equivalent 60116
under section 3326.032 of the Revised Code; 60117

(27) That the school's attendance and participation policies will be available for public inspection; 60118
60119

(28) That the school's attendance and participation records shall be made available to the department, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code; 60120
60121
60122
60123
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(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information: 60127
60128
60129

(a) An indication of what blended learning model or models will be used; 60130
60131

(b) A description of how student instructional needs will be determined and documented; 60132
60133

(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level; 60134
60135

(d) The school's attendance requirements, including how the school will document participation in learning opportunities; 60136
60137
60138

(e) A statement describing how student progress will be monitored; 60139
60140

(f) A statement describing how private student data will be protected; 60141
60142

(g) A description of the professional development activities that will be offered to teachers. 60143
60144

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(34) A provision establishing the process by which the governing authority of the school will be selected in the future.

(35) A description of the management and administration of the school.

(36) A provision requiring the governing authority to adopt policies and procedures to establish internal financial controls for the school.

~~(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:~~

~~(1) The process by which the governing authority of the~~ 60173
~~school will be selected in the future;~~ 60174

~~(2) The management and administration of the school;~~ 60175

~~(3) If the community school is a currently existing public~~ 60176
~~school or educational service center building, alternative~~ 60177
~~arrangements for current public school students who choose not~~ 60178
~~to attend the converted school and for teachers who choose not~~ 60179
~~to teach in the school or building after conversion;~~ 60180

~~(4) The instructional program and educational philosophy~~ 60181
~~of the school;~~ 60182

~~(5) Internal financial controls.~~ 60183

~~When submitting the plan under this division, the school~~ 60184
~~shall also submit copies of all policies and procedures~~ 60185
~~regarding internal financial controls adopted by the governing~~ 60186
~~authority of the school.~~ 60187

~~(C)~~ A contract entered into under section 3314.02 of the 60188
Revised Code between a sponsor and the governing authority of a 60189
community school may provide for the community school governing 60190
authority to make payments to the sponsor, which is hereby 60191
authorized to receive such payments as set forth in the contract 60192
between the governing authority and the sponsor. The total 60193
amount of such payments for monitoring, oversight, and technical 60194
assistance of the school shall not exceed three per cent of the 60195
total amount of payments for operating expenses that the school 60196
receives from the state. 60197

~~(D)~~ (C) The contract shall specify the duties of the 60198
sponsor which shall be in accordance with the written agreement 60199
entered into with the department under division (B) of section 60200
3314.015 of the Revised Code and shall include the following: 60201

(1) Monitor the community school's compliance with all 60202
laws applicable to the school and with the terms of the 60203
contract; 60204

(2) Monitor and evaluate the academic and fiscal 60205
performance and the organization and operation of the community 60206
school on at least an annual basis; 60207

(3) Provide technical assistance to the community school 60208
in complying with laws applicable to the school and terms of the 60209
contract; 60210

(4) Take steps to intervene in the school's operation to 60211
correct problems in the school's overall performance, declare 60212
the school to be on probationary status pursuant to section 60213
3314.073 of the Revised Code, suspend the operation of the 60214
school pursuant to section 3314.072 of the Revised Code, or 60215
terminate the contract of the school pursuant to section 3314.07 60216
of the Revised Code as determined necessary by the sponsor; 60217

(5) Have in place a plan of action to be undertaken in the 60218
event the community school experiences financial difficulties or 60219
closes prior to the end of a school year. 60220

~~(E)~~ (D) Upon the expiration of a contract entered into 60221
under this section, the sponsor of a community school may, with 60222
the approval of the governing authority of the school, renew 60223
that contract for a period of time determined by the sponsor, 60224
but not ending earlier than the end of any school year, if the 60225
sponsor finds that the school's compliance with applicable laws 60226
and terms of the contract and the school's progress in meeting 60227
the academic goals prescribed in the contract have been 60228
satisfactory. Any contract that is renewed under this division 60229
remains subject to the provisions of sections 3314.07, 3314.072, 60230

and 3314.073 of the Revised Code.

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~~(F)~~ (E) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

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Sec. 3314.034. (A) Subject to division (B) of this section, and except as described in division (E) of this section, any community school to which either of the following conditions apply shall be prohibited from entering into a contract with a new sponsor:

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(1) The community school has received, on the most recent report card issued for that school under section 3302.03 of the Revised Code, either of the following:

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(a) A grade of "D" or "F" for the performance index score, under division (C) (1) (b) of section 3302.03 of the Revised Code, and an overall grade of "D" or "F" for the value-added progress dimension or another measure of student academic progress if adopted by the department of education and workforce, under division (C) (1) (e) of that section;

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(b) A performance rating of less than three stars for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and a performance rating of less than three stars for progress under division (D) (3) (c) of that section.

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(2) The community school is ~~one in which a majority of the~~

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~~students are enrolled in a dropout prevention and recovery-~~ 60260
~~program~~ community school, and it has received a rating of "does 60261
not meet standards" for the annual student growth measure and 60262
combined graduation rates on the most recent report card issued 60263
for the school under section 3314.017 of the Revised Code. 60264

(B) A community school to which division (A) of this 60265
section applies may enter into a contract with a new sponsor if 60266
all of the following conditions are satisfied: 60267

(1) The proposed sponsor received a rating of "effective" 60268
or higher pursuant to division ~~(B) (6)~~ (B) (5) of section 3314.016 60269
of the Revised Code on its most recent evaluation conducted 60270
according to that section, or the proposed sponsor is the office 60271
of Ohio school sponsorship established in section 3314.029 of 60272
the Revised Code. 60273

(2) The community school submits a request to enter into a 60274
new contract with a sponsor. 60275

(3) The community school has not submitted a prior request 60276
that was granted. 60277

(4) The department grants the school's request pursuant to 60278
division (C) of this section. 60279

(C) (1) A school shall submit a request to change sponsors 60280
under this section not later than on the fifteenth day of 60281
February of the year in which the school wishes to do so. If a 60282
community school to which division (A) (1) of this section 60283
applies submits a request to the department to enter into a 60284
contract with a new sponsor and a majority of the school's 60285
students are children with disabilities receiving special 60286
education and related services under Chapter 3323. of the 60287
Revised Code, the department shall at least consider the 60288

school's performance as measured against the average performance 60289
of all other community schools that primarily serve children 60290
with disabilities. 60291

(2) The department shall grant or deny the request not 60292
later than thirty days after the department receives it. If the 60293
department denies the request, the community school may submit 60294
an appeal to the director of education and workforce who shall 60295
hold a hearing in accordance with Chapter 119. of the Revised 60296
Code. The community school shall file its notice of appeal to 60297
the director not later than ten days after receiving the 60298
decision from the department. The director shall conduct the 60299
hearing not later than thirty days after receiving the school's 60300
notice of appeal and act upon the determination of the hearing 60301
officer not later than the twenty-fifth day of June of the year 60302
in which the school wishes to change sponsors. 60303

(D) Factors to be considered during a hearing held 60304
pursuant to division (C) of this section include, but are not 60305
limited to, the following: 60306

(1) The school's impact on the students and the community 60307
or communities it serves; 60308

(2) The quality and quantity of academic and 60309
administrative support the school receives from its current 60310
sponsor to help the school to improve; 60311

(3) The sponsor's annual evaluations of the community 60312
school under division ~~(D) (2)~~ (c) (2) of section 3314.03 of the 60313
Revised Code for the previous three years; 60314

(4) The academic performance of the school, taking into 60315
account the demographic information of the students enrolled in 60316
the school; 60317

(5) The academic performance of alternative schools that 60318
serve comparable populations of students as those served by the 60319
community school; 60320

(6) The fiscal stability of the school; 60321

(7) The results of any audits of the school by the auditor 60322
of state; 60323

(8) The length of time the school has been under the 60324
oversight of its current sponsor; 60325

(9) The number of times the school has changed sponsors 60326
prior to the current request; 60327

(10) Parent and student satisfaction rates as demonstrated 60328
by surveys, if available. 60329

(E) Notwithstanding anything to the contrary in this 60330
section, if a community school in which a majority of the 60331
enrolled students are children with disabilities receiving 60332
special education and related services in accordance with 60333
Chapter 3323. of the Revised Code meets both of the following 60334
criteria, the school may enter into a contract with a new 60335
sponsor, provided that the new sponsor satisfies the criteria in 60336
division (B)(1) of this section: 60337

(1) The school received, on its most recent report card 60338
issued under section 3302.03 of the Revised Code, a performance 60339
rating of at least three stars for progress under division (D) 60340
(3)(c) of that section. 60341

(2) As calculated for the most recent school year under 60342
section 3302.035 of the Revised Code, the school's performance 60343
index score for students with disabilities was higher than the 60344
performance index score for students with disabilities of the 60345

school district in which the school is located.

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Sec. 3314.038. Each community school shall annually submit
to the department of education and workforce ~~and auditor of~~
~~state~~ a report of each instance under which a student who is
enrolled in that community school resides in a children's
residential center as defined under section 5103.05 of the
Revised Code.

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Sec. 3314.05. (A) The contract between the community
school and the sponsor shall specify the facilities to be used
for the community school and the method of acquisition. ~~Except~~
~~as provided in divisions (B) (3) and (4) of this section, no~~
~~community school shall be established in more than one school~~
~~district under the same contract.~~

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(B) Division (B) of this section shall not apply to
internet- or computer-based community schools.

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(1) A community school may be located in multiple
facilities under the same contract ~~only if the limitations on~~
~~availability of space prohibit serving all the grade levels~~
~~specified in the contract in a single facility or division (B)~~
~~(2), (3), or (4) of this section applies to the school. The~~
~~school shall not offer the same grade level classrooms in more~~
~~than one facility.~~

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~~(2) A community school may be located in multiple~~
~~facilities under the same contract and, notwithstanding division~~
~~(B) (1) of this section, may assign students in the same grade~~
~~level to multiple facilities, as long as all of the following~~
~~apply:~~

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~~(a) The governing authority has entered into and maintains~~
~~a contract with an operator of the type described in division~~

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~~(A) (8) (b) of section 3314.02 of the Revised Code.~~ 60375

~~(b) The contract with that operator qualified the school
to be established pursuant to division (A) of former section
3314.016 of the Revised Code.~~ 60376
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~~(c) The school's rating under section 3302.03 of the
Revised Code does not fall below a combination of any of the
following for two or more consecutive years:—~~ 60379
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~~(i) A rating of "in need of continuous improvement" under
section 3302.03 of the Revised Code, as that section existed
prior to March 22, 2013;—~~ 60382
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~~(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-
2016 school years, a rating of "C" for both the performance
index score under division (A) (1) (b) or (B) (1) (b) and the value-
added dimension under division (A) (1) (c) or (B) (1) (c) of section
3302.03 of the Revised Code; or if the building serves only
grades ten through twelve, the building received a grade of "C"
for the performance index score under division (A) (1) (b) or (B)
(1) (b) of section 3302.03 of the Revised Code;—~~ 60385
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~~(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020,
2020-2021 school years, an overall grade of "C" under division
(C) (3) of section 3302.03 of the Revised Code or an overall
performance designation of "meets standards" under division (E)
(3) (c) of section 3314.017 of the Revised Code;—~~ 60393
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~~(iv) For the 2021-2022 school year and any school year
thereafter, an overall performance rating of three stars under
division (D) (3) of section 3302.03 of the Revised Code or an
overall performance designation of "meets standards" under
division (E) (3) (c) of section 3314.017 of the Revised Code.~~ 60398
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~~(3) On and after September 30, 2021, a new start-up~~ 60403

~~community school may be established in two school districts— 60404~~
~~under the same contract regardless of the proposed location of— 60405~~
~~either district if both of the following apply: 60406~~

~~(a) The school operates not more than one facility in each 60407~~
~~school district and, in accordance with division (B) (1) of this— 60408~~
~~section, the school does not offer the same grade level— 60409~~
~~classrooms in both facilities; and— 60410~~

~~(b) Transportation between the two facilities does not— 60411~~
~~require more than thirty minutes of direct travel time as— 60412~~
~~measured by school bus. 60413~~

~~(4) A community school may be located in multiple— 60414~~
~~facilities under the same contract and, notwithstanding division— 60415~~
~~(B) (1) of this section, may assign students in the same grade— 60416~~
~~level to multiple facilities, as long as both of the following— 60417~~
~~apply: 60418~~

~~(a) The facilities are all located in the same county or— 60419~~
~~in any county adjacent to the county in which the community— 60420~~
~~school's primary facility is located.— 60421~~

~~(b) Either of the following conditions are satisfied:— 60422~~

~~(i) The community school is sponsored by a board of— 60423~~
~~education of a city, local, or exempted village school district— 60424~~
~~having territory in the same county where the facilities of the— 60425~~
~~community school are located or in any county adjacent to the— 60426~~
~~county in which the community school's primary facility is— 60427~~
~~located;— 60428~~

~~(ii) The community school is managed by an operator.— 60429~~

~~(2) In the case of a community school to which division— 60430~~
~~(B) (4) of this section applies and that maintains facilities in 60431~~

more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation.

A community school governing authority that elects to modify a community school's primary location shall notify the department of that modification.

~~(5)~~ (3) Any facility used for a community school shall meet all health and safety standards established by law for school buildings.

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the

amount of funds paid under this chapter, or to compute any data 60461
required for the report cards issued under section 3314.012 of 60462
the Revised Code, for each facility separately. The department 60463
shall make all such calculations or computations for the school 60464
as a whole. 60465

~~(F) (1) In the case of a community school that exists prior 60466
to September 30, 2021, to which division (B) (3) of this section 60467
applies, if only one of the school districts in which the school 60468
is established was located in a challenged school district prior 60469
to September 30, 2021, that district continues to be considered 60470
the school's primary location and the district in which the 60471
school is located for the purposes of division (A) (19) of 60472
section 3314.03 and divisions (C) and (H) of section 3314.06 of 60473
the Revised Code and for all other purposes of this chapter 60474
unless and until the school's governing authority designates a 60475
different school district as the school's primary location in 60476
accordance with division (F) (2) of this section. If both of the 60477
school districts in which the school is established were 60478
challenged school districts on that date, and the primary 60479
location was already designated by the school's governing 60480
authority pursuant to the requirements of this section as it 60481
existed prior to September 30, 2021, that designation remains 60482
unless and until the school's governing authority designates a 60483
different primary location. 60484~~

~~(2) (a) On and after September 30, 2021, when a new start- 60485
up community school is established in two school districts under 60486
the same contract, the school's governing authority shall 60487
designate one of those districts to be considered the school's 60488
primary location and the district in which the school is located 60489
for the purposes of division (A) (19) of section 3314.03 and 60490
divisions (C) and (H) of section 3314.06 of the Revised Code and 60491~~

~~for all other purposes of this chapter and shall notify the~~ 60492
~~department of education and workforce of that designation.~~ 60493

~~(b) A community school governing authority that elects to~~ 60494
~~modify a community school's primary location, whether in~~ 60495
~~accordance with division (F) (1) of this section or otherwise,~~ 60496
~~shall notify the department of that modification.~~ 60497

Sec. 3314.07. (A) The expiration of the contract for a 60498
community school between a sponsor and a school shall be the 60499
date provided in the contract. A successor contract may be 60500
entered into pursuant to division ~~(E)~~ (D) of section 3314.03 of 60501
the Revised Code unless the contract is terminated or not 60502
renewed pursuant to this section. 60503

(B) (1) A sponsor may choose not to renew a contract at its 60504
expiration or may choose to terminate a contract prior to its 60505
expiration for any of the following reasons: 60506

(a) Failure to meet student performance requirements 60507
stated in the contract; 60508

(b) Failure to meet generally accepted standards of fiscal 60509
management; 60510

(c) Violation of any provision of the contract or 60511
applicable state or federal law; 60512

(d) Other good cause. 60513

(2) A sponsor may choose to terminate a contract prior to 60514
its expiration if the sponsor has suspended the operation of the 60515
contract under section 3314.072 of the Revised Code. 60516

(3) Not later than the fifteenth day of January in the 60517
year in which the sponsor intends to terminate or take actions 60518
not to renew the community school's contract, the sponsor shall 60519

notify the school of the proposed action in writing. The notice 60520
shall include the reasons for the proposed action in detail, the 60521
effective date of the termination or nonrenewal, and a statement 60522
that the school may, within fourteen days of receiving the 60523
notice, request an informal hearing before the sponsor. Such 60524
request must be in writing. The informal hearing shall be held 60525
within fourteen days of the receipt of a request for the 60526
hearing. Not later than fourteen days after the informal 60527
hearing, the sponsor shall issue a written decision either 60528
affirming or rescinding the decision to terminate or not renew 60529
the contract. 60530

(4) The termination of a contract under this section shall 60531
be effective upon the occurrence of the later of the following 60532
events: 60533

(a) The date the sponsor notifies the school of its 60534
decision to terminate the contract as prescribed in division (B) 60535
(3) of this section; 60536

(b) If an informal hearing is requested under division (B) 60537
(3) of this section and as a result of that hearing the sponsor 60538
affirms its decision to terminate the contract, the effective 60539
date of the termination specified in the notice issued under 60540
division (B) (3) of this section. 60541

(5) Any community school whose contract is terminated or 60542
not renewed under division (B) (1) (a) or (b) of this section 60543
shall close permanently at the end of the current school year or 60544
on a date specified in the notification of termination or 60545
nonrenewal under division (B) (3) of this section. Any community 60546
school whose contract is terminated or not renewed for failure 60547
to meet student performance requirements stated in the contract, 60548
or for failure to meet generally accepted standards of fiscal 60549

management under this division shall not enter into a contract 60550
with any other sponsor. 60551

(C) A child attending a community school whose contract 60552
has been terminated, nonrenewed, or suspended or that closes for 60553
any reason shall be admitted to the schools of the district in 60554
which the child is entitled to attend under section 3313.64 or 60555
3313.65 of the Revised Code. Any deadlines established for the 60556
purpose of admitting students under section 3313.97 or 3313.98 60557
of the Revised Code shall be waived for students to whom this 60558
division pertains. 60559

(D) If a community school does not intend to renew a 60560
contract with its sponsor, the community school shall notify its 60561
sponsor in writing of that fact at least one hundred eighty days 60562
prior to the expiration of the contract. Such a community school 60563
may enter into a contract with a new sponsor in accordance with 60564
section 3314.03 of the Revised Code upon the expiration of the 60565
previous contract. 60566

(E) A sponsor of a community school and the officers, 60567
directors, or employees of such a sponsor are immune from civil 60568
liability for any action authorized under this chapter or the 60569
contract entered into with the school under section 3314.03 of 60570
the Revised Code that is taken to fulfill the sponsor's 60571
responsibility to oversee and monitor the school. The sponsor 60572
and its officers, directors, or employees are not liable in 60573
damages in a tort or other civil action for harm allegedly 60574
arising from any of the following: 60575

(1) A failure of the community school or any of its 60576
officers, directors, or employees to perform any statutory or 60577
common law duty or responsibility or any other legal obligation; 60578

(2) An action or omission of the community school or any
of its officers, directors, or employees that results in harm.

(3) A failure of the community school or any of its
officers, directors, or employees to meet the obligations of any
contract or other obligation entered into on behalf of the
community school and another party.

(F) As used in this section:

(1) "Harm" means injury, death, or loss to person or
property.

(2) "Tort action" means a civil action for damages for
injury, death, or loss to person or property other than a civil
action for damages for a breach of contract or another agreement
between persons.

Sec. 3314.08. (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of
the Revised Code.

(2) "Resident district" means the school district in which
a student is entitled to attend school under section 3313.64 or
3313.65 of the Revised Code.

(B) The department of education and workforce shall adopt
rules requiring the governing authority of each community school
established under this chapter to annually report all of the
following:

(1) The number of students enrolled in grades one through
twelve and the full-time equivalent number of students enrolled
in kindergarten in the school who are not receiving special
education and related services pursuant to an IEP;

(2) The number of enrolled students in grades one through 60606
twelve and the full-time equivalent number of enrolled students 60607
in kindergarten, who are receiving special education and related 60608
services pursuant to an IEP; 60609

(3) The number of students reported under division (B) (2) 60610
of this section receiving special education and related services 60611
pursuant to an IEP for a disability described in each of 60612
divisions (A) to (F) of section 3317.013 of the Revised Code; 60613

(4) The full-time equivalent number of students reported 60614
under divisions (B) (1) and (2) of this section who are enrolled 60615
in career-technical education programs or classes described in 60616
each of divisions (A) (1) to (5) of section 3317.014 of the 60617
Revised Code that are provided by the community school; 60618

(5) The number of students reported under divisions (B) (1) 60619
and (2) of this section who are not reported under division (B) 60620
(4) of this section but who are enrolled in career-technical 60621
education programs or classes described in each of divisions (A) 60622
(1) to (5) of section 3317.014 of the Revised Code at a joint 60623
vocational school district or another district in the career- 60624
technical planning district to which the school is assigned; 60625

(6) The number of students reported under divisions (B) (1) 60626
and (2) of this section who are category one to three English 60627
learners described in each of divisions (A) to (C) of section 60628
3317.016 of the Revised Code; 60629

(7) The number of students reported under divisions (B) (1) 60630
and (2) of this section who are economically disadvantaged, as 60631
defined by the department. A student shall not be categorically 60632
excluded from the number reported under division (B) (7) of this 60633
section based on anything other than family income. 60634

(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(9) The number of students enrolled in a preschool program operated by the school that is licensed under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A) (2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions (B) (1) to (9) of this section any student for whom tuition is charged under division (F) of this section.

(C) (1) (a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the director of education and workforce documentation, as prescribed by the director, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold costs.

(b) The community school shall report under division (C) (1) (a) of this section, and the department shall pay for, only

the costs of educational expenses and the related services 60664
provided to the student in accordance with the student's 60665
individualized education program. Any legal fees, court costs, 60666
or other costs associated with any cause of action relating to 60667
the student may not be included in the amount. 60668

(2) In any fiscal year, a community school receiving funds 60669
under division (A) (7) of section 3317.022 of the Revised Code 60670
shall spend those funds only for the purposes that the 60671
department designates as approved for career-technical education 60672
expenses. Career-technical education expenses approved by the 60673
department shall include only expenses connected to the delivery 60674
of career-technical programming to career-technical students. 60675
The department shall require the school to report data annually 60676
so that the department may monitor the school's compliance with 60677
the requirements regarding the manner in which funding received 60678
under division (A) (7) of section 3317.022 of the Revised Code 60679
may be spent. 60680

(3) Notwithstanding anything to the contrary in section 60681
3313.90 of the Revised Code, except as provided in division (C) 60682
(5) of this section, all funds received under division (A) (7) of 60683
section 3317.022 of the Revised Code shall be spent in the 60684
following manner: 60685

(a) At least seventy-five per cent of the funds shall be 60686
spent on curriculum development, purchase, and implementation; 60687
instructional resources and supplies; industry-based program 60688
certification; student assessment, credentialing, and placement; 60689
curriculum specific equipment purchases and leases; career- 60690
technical student organization fees and expenses; home and 60691
agency linkages; work-based learning experiences; professional 60692
development; and other costs directly associated with career- 60693

technical education programs including development of new 60694
programs. 60695

(b) Not more than twenty-five per cent of the funds shall 60696
be used for personnel expenditures. 60697

(4) A community school shall spend the funds it receives 60698
under division (A) (4) of section 3317.022 of the Revised Code in 60699
accordance with section 3317.25 of the Revised Code. 60700

(5) The department may waive the requirement in division 60701
(C) (3) of this section for any community school that exclusively 60702
provides one or more career-technical workforce development 60703
programs in arts and communications that are not equipment- 60704
intensive, as determined by the department. 60705

(6) For fiscal years 2024-2026 and 20252027, a community 60706
school shall spend the funds it receives under division (A) (5) 60707
of section 3317.022 of the Revised Code only for services for 60708
English learners. 60709

(D) A board of education sponsoring a community school may 60710
utilize local funds to make enhancement grants to the school or 60711
may agree, either as part of the contract or separately, to 60712
provide any specific services to the community school at no cost 60713
to the school. 60714

(E) A community school may not levy taxes or issue bonds 60715
secured by tax revenues. 60716

(F) No community school shall charge tuition for the 60717
enrollment of any student who is a resident of this state. A 60718
community school may charge tuition for the enrollment of any 60719
student who is not a resident of this state. 60720

(G) (1) (a) A community school may borrow money to pay any 60721

necessary and actual expenses of the school in anticipation of 60722
the receipt of any portion of the payments to be received by the 60723
school pursuant to section 3317.022 of the Revised Code. The 60724
school may issue notes to evidence such borrowing. The proceeds 60725
of the notes shall be used only for the purposes for which the 60726
anticipated receipts may be lawfully expended by the school. 60727

(b) A school may also borrow money for a term not to 60728
exceed fifteen years for the purpose of acquiring facilities. 60729

(2) The state is not liable for debt incurred by the 60730
governing authority of a community school. 60731

(H) The department shall adjust the amounts paid under 60732
section 3317.022 of the Revised Code to reflect any enrollment 60733
of students in community schools for less than the equivalent of 60734
a full school year. The department shall adopt in accordance 60735
with Chapter 119. of the Revised Code rules governing the 60736
payments to community schools under section 3317.022 of the 60737
Revised Code including initial payments in a school year and 60738
adjustments and reductions made in subsequent periodic payments 60739
to community schools as provided under section 3317.022 of the 60740
Revised Code. For purposes of this division: 60741

(1) A student shall be considered enrolled in the 60742
community school for any portion of the school year the student 60743
is participating at a college under Chapter 3365. of the Revised 60744
Code. 60745

(2) A student shall be considered to be enrolled in a 60746
community school for the period of time beginning on the later 60747
of the date on which the school both has received documentation 60748
of the student's enrollment from a parent and the student has 60749
commenced participation in learning opportunities as defined in 60750

the contract with the sponsor, or thirty days prior to the date
on which the student is entered into the education management
information system established under section 3301.0714 of the
Revised Code. For purposes of applying this division and
divisions (H) (3) and (4) of this section to a community school
student, "learning opportunities" shall be defined in the
contract, which shall describe both classroom-based and non-
classroom-based learning opportunities and shall be in
compliance with criteria and documentation requirements for
student participation which shall be established by the
department. Any student's instruction time in non-classroom-
based learning opportunities shall be certified by an employee
of the community school. A student's enrollment shall be
considered to cease on the date on which any of the following
occur:

(a) The community school receives documentation from a
parent terminating enrollment of the student.

(b) The community school is provided documentation of a
student's enrollment in another public or private school.

(c) The community school ceases to offer learning
opportunities to the student pursuant to the terms of the
contract with the sponsor or the operation of any provision of
this chapter.

Except as otherwise specified in this paragraph, beginning
in the 2011-2012 school year, any student who completed the
prior school year in an internet- or computer-based community
school shall be considered to be enrolled in the same school in
the subsequent school year until the student's enrollment has
ceased as specified in division (H) (2) of this section. The
department shall continue paying amounts for the student under

section 3317.022 of the Revised Code without interruption at the 60781
start of the subsequent school year. However, if the student 60782
without a legitimate excuse fails to participate in the first 60783
seventy-two consecutive hours of learning opportunities offered 60784
to the student in that subsequent school year, the student shall 60785
be considered not to have re-enrolled in the school for that 60786
school year and the department shall recalculate the payments to 60787
the school for that school year to account for the fact that the 60788
student is not enrolled. 60789

(3) The department shall determine each community school 60790
student's percentage of full-time equivalency based on the 60791
percentage of learning opportunities offered by the community 60792
school to that student, reported either as number of hours or 60793
number of days, is of the total learning opportunities offered 60794
by the community school to a student who attends for the 60795
school's entire school year. However, no internet- or computer- 60796
based community school shall be credited for any time a student 60797
spends participating in learning opportunities beyond ten hours 60798
within any period of twenty-four consecutive hours. Whether it 60799
reports hours or days of learning opportunities, each community 60800
school shall offer not less than nine hundred twenty hours of 60801
learning opportunities during the school year. 60802

(4) With respect to the calculation of full-time 60803
equivalency under division (H) (3) of this section, the 60804
department shall waive the number of hours or days of learning 60805
opportunities not offered to a student because the community 60806
school was closed during the school year due to disease 60807
epidemic, hazardous weather conditions, law enforcement 60808
emergencies, inoperability of school buses or other equipment 60809
necessary to the school's operation, damage to a school 60810
building, or other temporary circumstances due to utility 60811

failure rendering the school building unfit for school use, so 60812
long as the school was actually open for instruction with 60813
students in attendance during that school year for not less than 60814
the minimum number of hours required by this chapter. The 60815
department shall treat the school as if it were open for 60816
instruction with students in attendance during the hours or days 60817
waived under this division. 60818

(I) The department of education and workforce shall reduce 60819
the amounts paid under section 3317.022 of the Revised Code to 60820
reflect payments made to colleges under section 3365.07 of the 60821
Revised Code. 60822

(J) (1) No student shall be considered enrolled in any 60823
internet- or computer-based community school or, if applicable 60824
to the student, in any community school that is required to 60825
provide the student with a computer pursuant to division (C) of 60826
section 3314.22 of the Revised Code, unless both of the 60827
following conditions are satisfied: 60828

(a) The student possesses or has been provided with all 60829
required hardware and software materials and all such materials 60830
are operational so that the student is capable of fully 60831
participating in the learning opportunities specified in the 60832
contract between the school and the school's sponsor as required 60833
by division (A) (23) of section 3314.03 of the Revised Code; 60834

(b) The school is in compliance with division (A) of 60835
section 3314.22 of the Revised Code, relative to such student. 60836

(2) In accordance with policies adopted by the department 60837
of education and workforce, ~~in consultation with the auditor of~~ 60838
~~state~~, the department shall reduce the amounts otherwise payable 60839
under section 3317.022 of the Revised Code to any community 60840

school that includes in its program the provision of computer 60841
hardware and software materials to any student, if such hardware 60842
and software materials have not been delivered, installed, and 60843
activated for each such student in a timely manner or other 60844
educational materials or services have not been provided 60845
according to the contract between the individual community 60846
school and its sponsor. 60847

~~The director and the auditor of state shall jointly 60848~~
~~establish a method for auditing any community school to which 60849~~
~~this division pertains to ensure compliance with this section. 60850~~

~~The director, auditor of state, and the governor shall 60851~~
~~jointly make recommendations to the general assembly for 60852~~
~~legislative changes that may be required to assure fiscal and 60853~~
~~academic accountability for such schools. 60854~~

(K) (1) If the department determines that a review of a 60855
community school's enrollment is necessary, such review shall be 60856
completed and written notice of the findings shall be provided 60857
to the governing authority of the community school and its 60858
sponsor within ninety days of the end of the community school's 60859
fiscal year, unless extended for a period not to exceed thirty 60860
additional days for one of the following reasons: 60861

(a) The department and the community school mutually agree 60862
to the extension. 60863

(b) Delays in data submission caused by either a community 60864
school or its sponsor. 60865

(2) If the review results in a finding that additional 60866
funding is owed to the school, such payment shall be made within 60867
thirty days of the written notice. If the review results in a 60868
finding that the community school owes moneys to the state, the 60869

following procedure shall apply: 60870

(a) Within ten business days of the receipt of the notice 60871
of findings, the community school may appeal the department's 60872
determination to the director. 60873

(b) The director shall conduct an informal hearing on the 60874
matter within thirty days of receipt of such an appeal and shall 60875
issue a decision within fifteen days of the conclusion of the 60876
hearing. 60877

(c) Any decision made by the director under this division 60878
is final. 60879

(3) If it is decided that the community school owes moneys 60880
to the state, the department shall deduct such amount from the 60881
school's future payments in accordance with guidelines issued by 60882
the director. 60883

(L) The department shall not pay to a community school 60884
under section 3317.022 of the Revised Code any amount for any of 60885
the following: 60886

(1) Any student who has graduated from the twelfth grade 60887
of a public or nonpublic high school; 60888

(2) Any student who is not a resident of the state; 60889

(3) Any student who was enrolled in the community school 60890
during the previous school year when assessments were 60891
administered under section 3301.0711 of the Revised Code but did 60892
not take one or more of the assessments required by that section 60893
and was not excused pursuant to division (C) (1) or (3) of that 60894
section, unless the director grants the student a waiver from 60895
the requirement to take the assessment and a parent is not 60896
paying tuition for the student pursuant to section 3314.26 of 60897

the Revised Code. The director may grant a waiver only for good
cause in accordance with rules adopted by the department.

(4) Any student who has attained the age of twenty-two
years, except for veterans of the armed services whose
attendance was interrupted before completing the recognized
twelve-year course of the public schools by reason of induction
or enlistment in the armed forces and who apply for enrollment
in a community school not later than four years after
termination of war or their honorable discharge. If, however,
any such veteran elects to enroll in special courses organized
for veterans for whom tuition is paid under federal law, or
otherwise, the department shall not pay to a community school
under section 3317.022 of the Revised Code any amount for that
veteran.

Sec. 3314.093. (A) The governing authorities of two or
more community schools may enter into an agreement to establish
a consortium to provide or arrange transportation to and from
school for students enrolled in participating schools. A
consortium shall act on behalf of each participating school with
regard to student transportation and shall comply with any law
regarding student transportation in the same manner as a
community school, including sections 3314.091 and 3327.02 of the
Revised Code. Each consortium shall designate one of its
participating schools as its fiscal agent.

(B) A consortium may do both of the following as if it
were a community school:

(1) Enter into an agreement under division (A) of section
3314.091 of the Revised Code with a school district that has
native students, as defined in section 3314.09 of the Revised
Code, enrolled in a community school participating in the

consortium; 60928

(2) Unilaterally accept responsibility for the 60929
transportation of students enrolled in participating schools 60930
under division (B) of section 3314.091 of the Revised Code. 60931

(C) The department of education and workforce shall 60932
calculate and make payments to a consortium under division (I) 60933
of section 3317.0212 of the Revised Code as if it were a 60934
community school. 60935

(D) The consortium's fiscal agent shall report to the 60936
department, on behalf of all of the consortium's participating 60937
schools, the combined data necessary for the department to 60938
calculate payments under section 3317.0212 of the Revised Code. 60939
The fiscal agent shall report that data using the department's 60940
data collection system. 60941

Sec. 3314.19. The sponsor of each community school shall 60942
provide the ~~following~~ assurances required under this section in 60943
writing to the department of education and workforce not later 60944
than ~~ten~~ five business days prior to the opening of the school's 60945
first year of operation or, if the school is not an internet- or 60946
computer-based community school and it ~~changes the~~ relocates to 60947
a different building from which it operates or opens a satellite 60948
location, not later than five business days prior to the opening 60949
of the first year it operates from the new building+ facility. 60950
In cases where a school adds a facility to the existing school 60951
location or the school is an internet or computer-based 60952
community school and changes its location or adds a satellite 60953
location, the sponsor shall provide the assurances not later 60954
than one day prior to the operation in the new facility. The 60955
assurances shall include the following statements: 60956

(A) That a current copy of the contract between the 60957
sponsor and the governing authority of the school entered into 60958
under section 3314.03 of the Revised Code has been filed with 60959
the department and that any subsequent modifications to that 60960
contract will be filed with the department; 60961

(B) That the school has submitted to the sponsor a plan 60962
for providing special education and related services to students 60963
with disabilities and has demonstrated the capacity to provide 60964
those services in accordance with Chapter 3323. of the Revised 60965
Code and federal law; 60966

(C) That the school has a plan and procedures for 60967
administering the achievement and diagnostic assessments 60968
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 60969
the Revised Code; 60970

(D) That school personnel have the necessary training, 60971
knowledge, and resources to properly use and submit information 60972
to all databases maintained by the department for the collection 60973
of education data, including the education management 60974
information system established under section 3301.0714 of the 60975
Revised Code in accordance with methods and timelines 60976
established under section 3314.17 of the Revised Code; 60977

(E) That all required information about the school has 60978
been submitted to the Ohio education directory system or any 60979
successor system; 60980

(F) That the school will enroll at least the minimum 60981
number of students required by division (A)(11)(a) of section 60982
3314.03 of the Revised Code in the school year for which the 60983
assurances are provided; 60984

(G) That all classroom teachers are licensed in accordance 60985

with sections 3319.22 to 3319.31 of the Revised Code, except for 60986
noncertificated persons engaged to teach up to twelve hours or 60987
forty hours per week pursuant to section 3319.301 of the Revised 60988
Code; 60989

(H) That the school's fiscal officer is in compliance with 60990
section 3314.011 of the Revised Code; 60991

(I) That the school has complied with sections 3319.39 and 60992
3319.391 of the Revised Code with respect to all employees and 60993
that the school has conducted a criminal records check of each 60994
of its governing authority members; 60995

(J) That the school holds all of the following: 60996

(1) Proof of property ownership or a lease for the 60997
facilities used by the school; 60998

(2) A certificate of occupancy; 60999

(3) Liability insurance for the school, as required by 61000
division (A)(11)(b) of section 3314.03 of the Revised Code, that 61001
the sponsor considers sufficient to indemnify the school's 61002
facilities, staff, and governing authority against risk; 61003

(4) A satisfactory health and safety inspection; 61004

(5) A satisfactory fire inspection; 61005

(6) A valid food permit, if applicable. 61006

(K) That the sponsor has conducted a pre-opening site 61007
visit to the school for the school year for which the assurances 61008
are provided; 61009

(L) That the school has designated a date it will open for 61010
the school year for which the assurances are provided that is in 61011
compliance with division (A)(25) of section 3314.03 of the 61012

Revised Code; 61013

(M) That the school has met all of the sponsor's 61014
requirements for opening and any other requirements of the 61015
sponsor. 61016

(N) That, for any school that operates using the blended 61017
learning model, as defined in section 3301.079 of the Revised 61018
Code, the sponsor has reviewed the following information, 61019
submitted by the school: 61020

(1) An indication of what blended learning model or models 61021
will be used; 61022

(2) A description of how student instructional needs will 61023
be determined and documented; 61024

(3) The method to be used for determining competency, 61025
granting credit, and promoting students to a higher grade level; 61026

(4) The school's attendance requirements, including how 61027
the school will document participation in learning 61028
opportunities; 61029

(5) A statement describing how student progress will be 61030
monitored; 61031

(6) A statement describing how private student data will 61032
be protected; 61033

(7) A description of the professional development 61034
activities that will be offered to teachers. 61035

Sec. 3314.191. Notwithstanding any provision to the 61036
contrary in the Revised Code, the department of education and 61037
workforce shall make no payment under section 3317.022 of the 61038
Revised Code to a community school opening for its first year of 61039

operation until the sponsor of that school confirms all of the 61040
following: 61041

(A) The school is in compliance with the provisions 61042
described in divisions (A), (H), (I), and (J) (3) of section 61043
3314.19 of the Revised Code. 61044

(B) The sponsor has approved the financial controls 61045
required by the ~~comprehensive plan for the school contract the~~ 61046
~~sponsor enters into with the governing authority of the~~ 61047
~~community school under division (B) (5) of section 3314.03 of the~~ 61048
Revised Code. 61049

(C) The school facilities will be ready and open for use 61050
by the date prescribed in the contract entered into under 61051
section 3314.03 of the Revised Code, and the sponsor has 61052
reviewed any lease, purchase agreement, permits required by 61053
statute or contract, and construction plans. 61054

(D) The chief administrator of the community school 61055
actively is managing daily operations at the school. 61056

(E) The projected enrollment reported to the department is 61057
accurate. 61058

Sec. 3314.261. This section shall not apply to an 61059
internet- or computer-based community school ~~in which a majority~~ 61060
~~of the students are enrolled in a dropout prevention and~~ 61061
~~recovery program~~ that is a dropout prevention and recovery 61062
community school. 61063

(A) For purposes of this section, "instructional 61064
activities" means the following classroom-based or nonclassroom- 61065
based activities that a student is expected to complete, 61066
participate in, or attend during any given school day: 61067

(1) Online logins to curriculum or programs;	61068
(2) Offline activities;	61069
(3) Completed assignments within a particular program, curriculum, or class;	61070 61071
(4) Testing;	61072
(5) Face-to-face communications or meetings with school staff or service providers;	61073 61074
(6) Telephone or video conferences with school staff or service providers;	61075 61076
(7) Other documented communication with school staff or service providers related to school curriculum or programs.	61077 61078
(B) (1) Each internet- or computer-based community school's attendance policy adopted in accordance with division (A) (6) (b) of section 3314.03 of the Revised Code shall specify that a student is considered in attendance at the school when the student satisfies either of the following conditions:	61079 61080 61081 61082 61083
(a) The student participates in at least ninety per cent of the hours of instructional activities offered by the school in that school year;	61084 61085 61086
(b) The student is on pace for on-time completion of any course in which the student is enrolled. The school's attendance policy shall define "on pace for on-time completion" for purposes of division (B) (1) (b) of this section.	61087 61088 61089 61090
(2) If a student is not considered in attendance under division (B) (1) of this section, the student shall be considered absent for those hours of instructional activities offered by the school in that school year in which the student does not	61091 61092 61093 61094

participate. 61095

(3) In the event that a student has thirty or more hours 61096
of unexcused absences in any semester, the internet- or 61097
computer-based community school in which the student is enrolled 61098
shall submit a written report to the student's parent, guardian, 61099
or custodian. 61100

(C) Notwithstanding section 3321.191 of the Revised Code, 61101
each internet- or computer-based community school shall develop 61102
and adopt a policy regarding failure to participate in 61103
instructional activities. The policy shall state that a student 61104
shall become subject to certain consequences, including 61105
disenrollment from the school, if both of the following 61106
conditions are satisfied: 61107

(1) After the student's parent, guardian, or custodian 61108
receives a written report under division (B) (2) of this section, 61109
the student fails to comply with the policy adopted under 61110
division (C) of this section within a reasonable period of time 61111
specified by the school; 61112

(2) Other intervention strategies contained in the policy 61113
adopted under division (C) of this section fail to cause a 61114
student's attendance to comply with the policy. 61115

(D) If an internet- or computer-based community school 61116
disenrolled a student pursuant to a policy adopted under 61117
division (C) of this section, the student shall not be eligible 61118
to re-enroll in that school for the remainder of the school year 61119
in which the student is disenrolled. This division does not 61120
prohibit a disenrolled student from enrolling in another 61121
internet- or computer-based community school. 61122

(E) If an internet- or computer-based community school 61123

disenrolls a student pursuant to a policy adopted under division 61124
(C) of this section, the school shall do both of the following: 61125

(1) Provide the student's parent, guardian, or custodian 61126
with a list of alternative educational options available to the 61127
student; 61128

(2) Within forty-eight hours of the student's 61129
disenrollment, notify the student's resident school district in 61130
writing. 61131

(F) Nothing in this section shall be construed to affect 61132
the procedure for automatically withdrawing a student from 61133
school that must be adopted as part of a school's attendance 61134
policy in accordance with division (A) (6) (b) of section 3314.03 61135
of the Revised Code. 61136

Sec. 3314.29. (A) This section applies to any internet- or 61137
computer-based community school that meets all of the following 61138
conditions: 61139

(1) Serves all of grades kindergarten through twelve; 61140

(2) Has an enrollment of at least two thousand students; 61141

(3) Has a sponsor that was not rated ineffective or poor 61142
on its most recent evaluation under section 3314.016 of the 61143
Revised Code. 61144

(B) Beginning with the 2018-2019 school year, the 61145
governing authority of a community school to which this section 61146
applies may adopt a resolution to divide the school into two or 61147
three separate schools as follows: 61148

(1) If the school is divided into two schools, one school 61149
shall serve grades kindergarten through eight and one school 61150
shall serve grades nine through twelve. 61151

(2) If the school is divided into three schools, one 61152
school shall serve grades kindergarten through five, one school 61153
shall serve grades six through eight, and one school shall serve 61154
grades nine through twelve. 61155

(C) The resolution adopted by the governing authority 61156
shall not be effective unless approved by the school's sponsor. 61157
Following approval of the resolution by the sponsor, and by the 61158
fifteenth day of March prior to the school year in which it will 61159
take effect, the governing authority shall file the resolution 61160
with the department of education and workforce. The division of 61161
the schools shall be effective on the first day of July 61162
succeeding the date the resolution is filed with the department. 61163

(D) All of the following shall apply to each new school 61164
created as a result of the resolution authorized by this section 61165
and to the school that is divided as a result of the resolution: 61166

(1) Each school shall have the same governing authority. 61167

(2) The sponsor and governing authority shall enter into a 61168
separate contract under section 3314.03 of the Revised Code for 61169
each school. 61170

(3) No school shall ~~primarily serve students enrolled in-~~ 61171
~~be a dropout prevention and recovery program operated by the~~ 61172
~~school~~ community school. 61173

(4) No school shall be permitted to divide again under 61174
this section. 61175

(5) Notwithstanding anything to the contrary in division 61176
(B) (2) of section 3314.016 of the Revised Code, each school 61177
shall be included in the calculation of the academic performance 61178
component for purposes of rating the schools' sponsor under the 61179
evaluation system prescribed by that section. 61180

(6) Each school shall be subject to the laws contained in 61181
Chapter 3314. of the Revised Code, except as otherwise specified 61182
in this section. 61183

(E) The department shall issue a report card under section 61184
3314.012 of the Revised Code for each new school created as a 61185
result of the resolution authorized by this section and for the 61186
school that is divided as a result of the resolution. For 61187
purposes of the report cards and other reporting requirements 61188
under this chapter, the department shall assign the school that 61189
serves the highest grades the same internal retrieval number 61190
previously used by the school that is divided under this 61191
section. The department shall assign a new internal retrieval 61192
number to each other school resulting from the division. 61193

Notwithstanding division (A) of section 3314.012 of the 61194
Revised Code, the ratings a school receives on its report card 61195
for the first two full school years after the division under 61196
this section shall count toward closure of the school under 61197
section 3314.35 of the Revised Code and any other matter that is 61198
based on report card ratings or measures. 61199

Sec. 3314.35. (A) Except as provided in division (B) of 61200
this section and section 3314.355 of the Revised Code, this 61201
section applies to any community school that meets one of the 61202
following criteria: 61203

(1) The school does not offer a grade level higher than 61204
three and, for the three most recent school years, satisfies 61205
either of the following criteria: 61206

(a) The school has received a performance rating of one 61207
star for early literacy under division (D)(3)(e) of section 61208
3302.03 of the Revised Code; 61209

(b) The school has received an overall performance rating 61210
of less than two stars under division (D) (3) of section 3302.03 61211
of the Revised Code. 61212

(2) The school offers any of grade levels four to eight 61213
but does not offer a grade level higher than nine and, for the 61214
three most recent school years, satisfies either of the 61215
following criteria: 61216

(a) The school has received a performance rating of one 61217
star for both achievement under division (D) (3) (b) of section 61218
3302.03 of the Revised Code and progress under division (D) (3) 61219
(c) of that section; 61220

(b) The school has received an overall performance rating 61221
of less than two stars under division (D) of section 3302.03 of 61222
the Revised Code and a performance rating of one star for 61223
progress under division (D) (3) (c) of that section. 61224

(3) The school offers any of grade levels ten to twelve 61225
and, for the three most recent school years, satisfies either of 61226
the following criteria: 61227

(a) The school has received a performance rating of "one 61228
star" for achievement under division (D) (3) (b) of section 61229
3302.03 of the Revised Code and has not met annual measurable 61230
objectives for gap closing under division (D) (3) (a) of that 61231
section, as determined by the department of education and 61232
workforce; 61233

(b) The school has received an overall performance rating 61234
of less than two stars under division (D) of section 3302.03 of 61235
the Revised Code and a performance rating of one star for 61236
progress under division (D) (1) (b) of that section. 61237

For purposes of division (A) of this section only, the 61238

department shall calculate the value-added progress dimension 61239
for a community school using assessment scores for only those 61240
students to whom the school has administered the achievement 61241
assessments prescribed by section 3301.0710 of the Revised Code 61242
for at least the two most recent school years but using value- 61243
added data from only the most recent school year. 61244

(B) This section does not apply to either of the 61245
following: 61246

(1) Any dropout prevention and recovery community school 61247
~~in which a majority of the students are enrolled in a dropout~~ 61248
~~prevention and recovery program that is operated by the school.~~ 61249
Rather, such schools shall be subject to closure only as 61250
provided in section 3314.351 of the Revised Code. However, prior 61251
to July 1, 2014, a community school in which a majority of the 61252
students are enrolled in a dropout prevention and recovery 61253
program shall be exempt from this section only if it has been 61254
granted a waiver under section 3314.36 of the Revised Code. 61255

(2) Any community school in which a majority of the 61256
enrolled students are children with disabilities receiving 61257
special education and related services in accordance with 61258
Chapter 3323. of the Revised Code. 61259

(C) Any community school to which this section applies 61260
shall permanently close at the conclusion of the school year in 61261
which the school first becomes subject to this section. The 61262
sponsor and governing authority of the school shall comply with 61263
all procedures for closing a community school adopted by the 61264
department under division (E) of section 3314.015 of the Revised 61265
Code. The governing authority of the school shall not enter into 61266
a contract with any other sponsor under section 3314.03 of the 61267
Revised Code after the school closes. 61268

(D) Nothing in this section or in any other provision of the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration for any of the reasons set forth in section 3314.07 of the Revised Code.

Sec. 3314.351. (A) This section applies to any dropout prevention and recovery community school ~~in which a majority of the students are enrolled in a dropout prevention and recovery program~~. Except as provided in division (F) of this section, any such community school that has received a designation of "does not meet standards," as described in division (D)(1) of section 3314.017 of the Revised Code on the report card issued under that section, for the three most recent school years shall be subject to closure in accordance with this section.

(B) Not later than the first day of September in each school year, the department of education and workforce shall notify each school subject to closure under this section that the school must close not later than the thirtieth day of the following June.

A school so notified shall close as required.

(C) A school that opens on or after July 1, 2014, shall not be subject to closure under this section for its first two years of operation. A school that is in operation prior to July 1, 2014, shall not be subject to closure under this section until after August 31, 2016.

(D) The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015

of the Revised Code. The governing authority of the school shall 61298
not enter into a contract with any other sponsor under section 61299
3314.03 of the Revised Code after the school closes. 61300

(E) Nothing in this section or in any other provision of 61301
the Revised Code prohibits the sponsor of a community school 61302
from exercising its option not to renew a contract for any 61303
reason or from terminating a contract prior to its expiration 61304
for any of the reasons set forth in section 3314.07 of the 61305
Revised Code. 61306

(F) Beginning in the 2019-2020 school year, no school 61307
shall be subject to closure under this section based on the 61308
report card issued for that school for the 2017-2018 or 2018- 61309
2019 school year if the school received an overall rating of 61310
"meets standards" or "exceeds standards" for the 2017-2018 or 61311
2018-2019 school year pursuant to division (I) of section 61312
3314.017 of the Revised Code. However, no school permanently 61313
closed under this section prior to the 2019-2020 school year 61314
shall be eligible to reopen based on the calculated or 61315
recalculated ratings under division (I) of section 3314.017 of 61316
the Revised Code. 61317

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 61318
not apply to any dropout prevention and recovery community 61319
~~school in which a majority of the students are enrolled in a~~ 61320
~~dropout prevention and recovery program that is operated by the~~ 61321
~~school and that has been granted a waiver by the former~~ 61322
department of education prior to July 1, 2014. 61323

(B) All dropout prevention and recovery community schools 61324
~~in which a majority of the students are enrolled in a dropout~~ 61325
~~prevention and recovery program~~ are subject to the provisions of 61326
section 3314.351 of the Revised Code, regardless of whether a 61327

waiver has been granted under this section prior to July 1, 61328
2014. Thereafter, no waivers shall be granted under this 61329
section. 61330

Sec. 3314.361. ~~Notwithstanding anything to the contrary in~~ 61331
~~this chapter, a~~ A community school that operates a drug recovery 61332
program in cooperation with a court shall be considered a 61333
dropout prevention and recovery ~~program~~ community school for 61334
purposes of this chapter, ~~regardless of the ages of students or~~ 61335
~~grade levels served by the school~~ and shall comply with all 61336
enrollment restrictions applicable to such a school. 61337

Sec. 3314.362. Notwithstanding division (A)(10) of section 61338
3314.02 of the Revised Code, a community school that primarily 61339
serves students enrolled in a dropout prevention and recovery 61340
program may continue to operate in the 2025-2026 and 2026-2027 61341
school years without complying with that division and shall be 61342
considered a dropout prevention and recovery community school 61343
for the purposes of Title XXXIII of the Revised Code for those 61344
school years. 61345

Notwithstanding anything in the Revised Code to the 61346
contrary, beginning July 1, 2027, any community school that 61347
primarily serves students enrolled in a dropout prevention and 61348
recovery program is a dropout prevention and recovery community 61349
school, as defined in division (A)(10) of section 3314.02 of the 61350
Revised Code. Prior to that date, the school, upon approval of 61351
the school's sponsor, shall do one or both of the following with 61352
any grades that do not comply with division (A)(10) of section 61353
3314.02 of the Revised Code: 61354

(A) Transfer those grades to a separate community school. 61355
The department of education and workforce shall assign the 61356
separate community school its own internal retrieval number. 61357

(B) Cease offering those grades.

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The school shall assist students who are not eligible to
enroll in the dropout prevention and recovery community school
to transfer to a separate community school or enroll in a
different school, as applicable.

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Sec. 3314.38. (A) As used in this section:

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(1) "Competency-based educational program" and "eligible
individual" have the same meanings as in section 3313.902 of the
Revised Code.

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(2) "Eligible provider" means a community school that
operates a dropout prevention and recovery program.

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(B) An eligible provider may establish a competency-based
educational program that complies with standards adopted by the
department of education and workforce and may enroll eligible
individuals in the program for up to three consecutive school
years for the purpose of earning a high school diploma. The
provider shall establish a career plan for each individual
enrolled in the program that specifies the individual's career
goals and describes how the individual will demonstrate
competency or earn course credits under division (C) of section
3313.902 of the Revised Code to earn a diploma and attain the
individual's career goals. Notwithstanding sections 3313.61,
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the
Revised Code, the department shall award a high school diploma
to an individual enrolled in a program who satisfies one of the
conditions specified in division (C) of section 3313.902 of the
Revised Code.

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(C) An eligible provider shall report each individual
enrolled in a program under division (B) of this section to the

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department. This report shall be in addition to the report 61387
required under division (B) of section 3314.08 of the Revised 61388
Code. The department annually shall certify the enrollment and 61389
attendance of each individual reported under this division and 61390
shall pay the provider up to \$7,500 per school year, as 61391
determined by the department based on the extent of the 61392
individual's successful completion of the diploma requirements 61393
prescribed in division (C) of section 3313.902 of the Revised 61394
Code. 61395

(D) An eligible provider that enrolls individuals under 61396
division (B) of this section is subject to the requirements of 61397
section 3313.902 of the Revised Code, as applicable. 61398

Sec. 3314.381. (A) ~~As used in this section, "dropout~~ 61399
~~recovery community school" has the same meaning as in section~~ 61400
~~3319.301 of the Revised Code.~~ 61401

~~(B)~~ The department of education and workforce shall 61402
establish the dropout prevention and recovery advisory council. 61403
The council shall provide a forum for communication and 61404
collaboration between the department and parties involved in the 61405
establishment and operation of dropout prevention and recovery 61406
community schools, including sponsors and operators. 61407

~~(C)~~ (B) The advisory council shall consist of the following 61408
members appointed by the director of education and workforce: 61409

(1) Two members of the state board of education; 61410

(2) One employee of the department who works directly with 61411
dropout prevention and recovery community schools, including any 61412
employee who works as a liaison with such schools; 61413

(3) Seven individuals with experience in dropout 61414
prevention and recovery community schools, their operators, and 61415

their sponsors. In appointing these individuals, the director
shall ensure they represent a diverse array of schools in terms
of enrollment, programs, learning models, and methods of
instruction.

~~(D)~~ (C) The advisory council shall, in collaboration with
the director, review all existing rules and guidance previously
developed or adopted by the department pursuant to division ~~(D)~~
(C) of section 3314.382 of the Revised Code.

Sec. 3314.382. (A) ~~As used in this section, "dropout~~
~~recovery community school" has the same meaning as in section~~
~~3319.301 of the Revised Code.~~

~~(B)~~ Notwithstanding anything to the contrary in the
Revised Code, the department of education and workforce shall
only adopt rules in accordance with Chapter 119. of the Revised
Code for any requirement to be imposed on a dropout prevention
and recovery community school. The department shall not develop
guidelines that impose requirements on the general and uniform
operation of a dropout prevention and recovery community school.

~~(C)~~ (B) Pursuant to section 119.035 of the Revised Code,
prior to adoption, the dropout prevention and recovery advisory
council established under section 3314.381 of the Revised Code
shall review any proposed rule described in division ~~(B)~~ (A) of
this section.

~~(D)~~ (C) Any guidance document previously developed by the
department that establishes general and uniform operations
regarding a dropout recovery community school in effect on ~~the~~
~~effective date of this section~~ October 3, 2023, is void after
that date.

Sec. 3315.063. No board of education of any school

district shall expend more than fifteen per cent of the board's 61445
annual operating budget on administrative salaries and benefits 61446
and other costs associated with the district's administrative 61447
offices. 61448

Sec. 3315.18. (A) The board of education of each city, 61449
exempted village, local, and joint vocational school district 61450
shall establish a capital and maintenance fund. Each board 61451
annually shall deposit into that fund an amount derived from 61452
revenues received by the district that would otherwise have been 61453
deposited in the general fund that is equal to three per cent of 61454
the statewide average base cost per pupil for the preceding 61455
fiscal year, as defined in section 3317.02 of the Revised Code, 61456
~~or another percentage if established by the auditor of state~~ 61457
~~under division (B) of this section,~~ multiplied by the district's 61458
student population for the preceding fiscal year, except that 61459
money received from a permanent improvement levy authorized by 61460
section 5705.21 of the Revised Code may replace general revenue 61461
moneys in meeting the requirements of this section. Money in the 61462
fund shall be used solely for acquisition, replacement, 61463
enhancement, maintenance, or repair of permanent improvements, 61464
as that term is defined in section 5705.01 of the Revised Code. 61465
Any money in the fund that is not used in any fiscal year shall 61466
carry forward to the next fiscal year. 61467

(B) The director of education and workforce and the 61468
auditor of state jointly shall adopt rules in accordance with 61469
Chapter 119. of the Revised Code defining what constitutes 61470
expenditures permitted by division (A) of this section. ~~The~~ 61471
~~auditor of state may designate a percentage, other than three-~~ 61472
~~per cent, of the statewide average base cost per pupil~~ 61473
~~multiplied by the district's student population that must be~~ 61474
~~deposited into the fund.~~ 61475

(C) Within its capital and maintenance fund, a school district board of education may establish a separate account solely for the purpose of depositing funds transferred from the district's reserve balance account established under former division (H) of section 5705.29 of the Revised Code. After April 10, 2001, a board may deposit all or part of the funds formerly included in such reserve balance account in the separate account established under this section. Funds deposited in this separate account and interest on such funds shall be utilized solely for the purpose of providing the district's portion of the basic project costs of any project undertaken in accordance with Chapter 3318. of the Revised Code.

(D) (1) Notwithstanding division (A) of this section, in any year a district is in fiscal emergency status as declared pursuant to section 3316.03 of the Revised Code, the district may deposit an amount less than required by division (A) of this section, or make no deposit, into the district capital and maintenance fund for that year.

(2) Notwithstanding division (A) of this section, in any fiscal year that a school district is either in fiscal watch status, as declared pursuant to section 3316.03 of the Revised Code, or in fiscal caution status, as declared pursuant to section 3316.031 of the Revised Code, the district may apply to the director of education and workforce for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district capital and maintenance fund for that year. The director may grant a waiver under division (D) (2) of this section if the district demonstrates to the satisfaction of the director that compliance with division (A) of this section that

year will create an undue financial hardship on the district. 61507

(3) Notwithstanding division (A) of this section, not more 61508
often than one fiscal year in every three consecutive fiscal 61509
years, any school district that does not satisfy the conditions 61510
for the exemption described in division (D)(1) of this section 61511
or the conditions to apply for the waiver described in division 61512
(D)(2) of this section may apply to the director for a waiver 61513
from the requirements of division (A) of this section, under 61514
which the district may be permitted to deposit an amount less 61515
than required by that division or permitted to make no deposit 61516
into the district capital and maintenance fund for that year. 61517
The director may grant a waiver under division (D)(3) of this 61518
section if the district demonstrates to the satisfaction of the 61519
director that compliance with division (A) of this section that 61520
year will necessitate the reduction or elimination of a program 61521
currently offered by the district that is critical to the 61522
academic success of students of the district and that no 61523
reasonable alternatives exist for spending reductions in other 61524
areas of operation within the district that negate the necessity 61525
of the reduction or elimination of that program. 61526

(E) Notwithstanding any provision to the contrary in 61527
Chapter 4117. of the Revised Code, the requirements of this 61528
section prevail over any conflicting provisions of agreements 61529
between employee organizations and public employers entered into 61530
after November 21, 1997. 61531

(F) As used in this section, "student population" means 61532
the average, daily, full-time equivalent number of students in 61533
kindergarten through twelfth grade receiving any educational 61534
services from the school district during the first full school 61535
week in October, excluding students enrolled in adult education 61536

classes, but including all of the following: 61537

(1) Adjacent or other district students enrolled in the 61538
district under an open enrollment policy pursuant to section 61539
3313.98 of the Revised Code; 61540

(2) Students receiving services in the district pursuant 61541
to a compact, cooperative education agreement, or a contract, 61542
but who are entitled to attend school in another district 61543
pursuant to section 3313.64 or 3313.65 of the Revised Code; 61544

(3) Students for whom tuition is payable pursuant to 61545
sections 3317.081 and 3323.141 of the Revised Code. 61546

The department of education and workforce shall determine 61547
a district's student population using data reported to it under 61548
section 3317.03 of the Revised Code for the applicable fiscal 61549
year. 61550

Sec. 3315.181. As used in this section, "securities" has 61551
the same meaning as in section 133.01 of the Revised Code. 61552

Notwithstanding division (A) of section 3315.18 of the 61553
Revised Code, the board of education of a city, exempted 61554
village, local, or joint vocational school district, in meeting 61555
the amount required by that division to be deposited in the 61556
district's capital and maintenance fund, may replace general 61557
fund revenues with proceeds received from a permanent 61558
improvement levy authorized by section 5705.21 of the Revised 61559
Code only to the extent the proceeds are available to be used 61560
for the acquisition, replacement, enhancement, maintenance, or 61561
repair of permanent improvements as defined in section 5705.01 61562
of the Revised Code. In addition, the board may replace general 61563
fund revenues with proceeds received from any of the following 61564
sources in meeting the amount required by that division to be 61565

deposited in the fund: 61566

(A) Proceeds received from any securities whose use is 61567
limited to the acquisition, replacement, enhancement, 61568
maintenance, or repair of permanent improvements; 61569

(B) Insurance proceeds received as a result of the damage 61570
to or theft or destruction of a permanent improvement to the 61571
extent a board of education places the proceeds in a separate 61572
fund for the acquisition, replacement, enhancement, maintenance, 61573
or repair of permanent improvements; 61574

(C) Proceeds received from the sale of a permanent 61575
improvement to the extent the proceeds are paid into a separate 61576
fund for the construction or acquisition of permanent 61577
improvements; 61578

(D) Proceeds received from a tax levy authorized by 61579
section 3318.06 of the Revised Code to the extent the proceeds 61580
are available to be used for the maintenance of capital 61581
facilities; 61582

(E) Proceeds of certificates of participation issued as 61583
part of a lease-purchase agreement entered into under section 61584
3313.375 of the Revised Code; 61585

(F) Proceeds of any school district income tax levied 61586
under Chapter 5748. of the Revised Code for permanent 61587
improvements, to the extent the proceeds are available for the 61588
acquisition, replacement, enhancement, maintenance, or repair of 61589
permanent improvements;— 61590

~~(G) Any other revenue source identified by the auditor of~~ 61591
~~state, in consultation with the department of education and~~ 61592
~~workforce, in rules adopted by the auditor of state.~~ 61593

Sec. 3316.031. (A) The director of education and 61594
workforce, in consultation with the auditor of state, shall 61595
develop guidelines for identifying fiscal practices and 61596
budgetary conditions that, if uncorrected, could result in a 61597
future declaration of a fiscal watch or fiscal emergency within 61598
a school district. 61599

The guidelines shall not include a requirement that a 61600
school district submit financial statements according to 61601
generally accepted accounting principles. 61602

(B) (1) If the director determines from a school district's 61603
five-year current budget information and three-year forecast 61604
submitted under section 5705.391 of the Revised Code that a 61605
district is engaging in any of those practices or that any of 61606
those conditions exist within the district, after consulting 61607
with the district board of education concerning the practices or 61608
conditions, the director may declare the district to be under a 61609
fiscal caution. 61610

(2) If the auditor of state finds that a district is 61611
engaging in any of those practices or that any of those 61612
conditions exist within the district, the auditor of state shall 61613
report that finding to the director and, after consulting with 61614
the district board of education concerning the practices or 61615
conditions, the director may declare the district to be under a 61616
fiscal caution. 61617

(3) Unless the auditor of state has elected to declare a 61618
state of fiscal watch under division (A) (4) of section 3316.03 61619
of the Revised Code, the director shall declare a school 61620
district to be under a fiscal caution if the conditions 61621
described in divisions (A) (4) (a) and (b) of that section are 61622
both satisfied with respect to the school district. 61623

(C) When the director declares a district to be under
fiscal caution, the director shall promptly notify the district
board of education of that declaration and shall request the
board to provide written proposals for discontinuing or
correcting the fiscal practices or budgetary conditions that
prompted the declaration and for preventing the district from
experiencing further fiscal difficulties that could result in
the district being declared to be in a state of fiscal watch or
fiscal emergency.

(D) The director, or a designee, may visit and inspect any
district that is declared to be under a fiscal caution. The
department of education and workforce shall provide technical
assistance to the district board in implementing proposals to
eliminate the practices or budgetary conditions that prompted
the declaration of fiscal caution and may make recommendations
concerning the board's proposals.

(E) If the director finds that a school district declared
to be under a fiscal caution has not made reasonable proposals
or otherwise taken action to discontinue or correct the fiscal
practices or budgetary conditions that prompted the declaration
of fiscal caution, and if the director considers it necessary to
prevent further fiscal decline, the director may determine that
the district should be in a state of fiscal watch. As provided
in division (A) (3) of section 3316.03 of the Revised Code, the
auditor of state shall declare the district to be in a state of
fiscal watch if the auditor of state finds the director's
determination to be reasonable.

Sec. 3316.041. (A) Notwithstanding any provision of
Chapter 133. or sections 3313.483 to 3313.4810 of the Revised
Code, and subject to the approval of the director of education

and workforce, a school district that is in a state of fiscal 61654
watch declared under section 3316.03 of the Revised Code may 61655
restructure or refinance loans obtained or in the process of 61656
being obtained under section 3313.483 of the Revised Code if all 61657
of the following requirements are met: 61658

(1) The operating deficit certified for the school 61659
district for the current or preceding fiscal year under section 61660
3313.483 of the Revised Code exceeds fifteen per cent of the 61661
district's general revenue fund for the fiscal year preceding 61662
the year for which the certification of the operating deficit is 61663
made. 61664

(2) The school district voters have, during the period of 61665
the fiscal watch, approved the levy of a tax under section 61666
718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the 61667
Revised Code that is not a renewal ~~or replacement~~ levy, or a 61668
levy under section 5705.199 of the Revised Code, and that will 61669
provide new operating revenue. 61670

(3) The board of education of the school district has 61671
adopted or amended the financial plan required by section 61672
3316.04 of the Revised Code to reflect the restructured or 61673
refinanced loans, and sets forth the means by which the district 61674
will bring projected operating revenues and expenditures, and 61675
projected debt service obligations, into balance for the life of 61676
any such loan. 61677

(B) Subject to the approval of the director, the school 61678
district may issue securities to evidence the restructuring or 61679
refinancing authorized by this section. Such securities may 61680
extend the original period for repayment not to exceed ten 61681
years, and may alter the frequency and amount of repayments, 61682
interest or other financing charges, and other terms or 61683

agreements under which the loans were originally contracted, 61684
provided the loans received under sections 3313.483 of the 61685
Revised Code are repaid from funds the district would otherwise 61686
receive under Chapter 3317. of the Revised Code, as required 61687
under division (E) (3) of section 3313.483 of the Revised Code. 61688
Securities issued for the purpose of restructuring or 61689
refinancing under this section shall be repaid in equal payments 61690
and at equal intervals over the term of the debt and are not 61691
eligible to be included in any subsequent proposal to 61692
restructure or refinance. 61693

(C) Unless the district is declared to be in a state of 61694
fiscal emergency under division (D) of section 3316.04 of the 61695
Revised Code, a school district shall remain in a state of 61696
fiscal watch for the duration of the repayment period of any 61697
loan restructured or refinanced under this section. 61698

Sec. 3316.043. Upon the approval by the director of 61699
education and workforce of an initial financial plan under 61700
section 3316.04 of the Revised Code or a financial recovery plan 61701
under section 3316.06 of the Revised Code, the board of 61702
education of the school district for which the plan was approved 61703
shall revise the district's five-year-current budget information 61704
and three-year projection of revenues and expenditures in 61705
accordance with rules adopted under section 5705.391 of the 61706
Revised Code so that the five-year-current budget information and 61707
three-year projection ~~is~~ are consistent with the financial plan 61708
or financial recovery plan. In the case of a school district 61709
declared to be in a state of fiscal emergency, the ~~five-~~ 61710
~~year~~current budget information and -three-year projection shall 61711
be revised by the financial planning and supervision commission 61712
for that district. 61713

Sec. 3316.06. (A) Within one hundred twenty days after the 61714
first meeting of a school district financial planning and 61715
supervision commission, the commission shall adopt a financial 61716
recovery plan regarding the school district for which the 61717
commission was created. During the formulation of the plan, the 61718
commission shall seek appropriate input from the school district 61719
board and from the community. This plan shall contain the 61720
following: 61721

(1) Actions to be taken to: 61722

(a) Eliminate all fiscal emergency conditions declared to 61723
exist pursuant to division (B) of section 3316.03 of the Revised 61724
Code; 61725

(b) Satisfy any judgments, past-due accounts payable, and 61726
all past-due and payable payroll and fringe benefits; 61727

(c) Eliminate the deficits in all deficit funds, except 61728
that any prior year deficits in the capital and maintenance fund 61729
established pursuant to section 3315.18 of the Revised Code 61730
shall be forgiven; 61731

(d) Restore to special funds any moneys from such funds 61732
that were used for purposes not within the purposes of such 61733
funds, or borrowed from such funds by the purchase of debt 61734
obligations of the school district with the moneys of such 61735
funds, or missing from the special funds and not accounted for, 61736
if any; 61737

(e) Balance the budget, avoid future deficits in any 61738
funds, and maintain on a current basis payments of payroll, 61739
fringe benefits, and all accounts; 61740

(f) Avoid any fiscal emergency condition in the future; 61741

(g) Restore the ability of the school district to market 61742
long-term general obligation bonds under provisions of law 61743
applicable to school districts generally. 61744

(2) The management structure that will enable the school 61745
district to take the actions enumerated in division (A) (1) of 61746
this section. The plan shall specify the level of fiscal and 61747
management control that the commission will exercise within the 61748
school district during the period of fiscal emergency, and shall 61749
enumerate respectively, the powers and duties of the commission 61750
and the powers and duties of the school board during that 61751
period. The commission may elect to assume any of the powers and 61752
duties of the school board it considers necessary, including all 61753
powers related to personnel, curriculum, and legal issues in 61754
order to successfully implement the actions described in 61755
division (A) (1) of this section. 61756

(3) The target dates for the commencement, progress upon, 61757
and completion of the actions enumerated in division (A) (1) of 61758
this section and a reasonable period of time expected to be 61759
required to implement the plan. The commission shall prepare a 61760
reasonable time schedule for progress toward and achievement of 61761
the requirements for the plan, and the plan shall be consistent 61762
with that time schedule. 61763

(4) The amount and purpose of any issue of debt 61764
obligations that will be issued, together with assurances that 61765
any such debt obligations that will be issued will not exceed 61766
debt limits supported by appropriate certifications by the 61767
fiscal officer of the school district and the county auditor. If 61768
the commission considers it necessary in order to maintain or 61769
improve educational opportunities of pupils in the school 61770
district, the plan may include a proposal to restructure or 61771

refinance outstanding debt obligations incurred by the board 61772
under section 3313.483 of the Revised Code contingent upon the 61773
approval, during the period of the fiscal emergency, by district 61774
voters of a tax levied under section 718.09, 718.10, 5705.194, 61775
5705.21, 5748.02, 5748.08, or 5748.09 of the Revised Code that 61776
is not a renewal ~~or replacement~~ levy, or a levy under section 61777
5705.199 of the Revised Code, and that will provide new 61778
operating revenue. Notwithstanding any provision of Chapter 133. 61779
or sections 3313.483 to 3313.4810 of the Revised Code, following 61780
the required approval of the district voters and with the 61781
approval of the commission, the school district may issue 61782
securities to evidence the restructuring or refinancing. Those 61783
securities may extend the original period for repayment, not to 61784
exceed ten years, and may alter the frequency and amount of 61785
repayments, interest or other financing charges, and other terms 61786
of agreements under which the debt originally was contracted, at 61787
the discretion of the commission, provided that any loans 61788
received pursuant to section 3313.483 of the Revised Code shall 61789
be paid from funds the district would otherwise receive under 61790
Chapter 3317. of the Revised Code, as required under division 61791
(E) (3) of section 3313.483 of the Revised Code. The securities 61792
issued for the purpose of restructuring or refinancing the debt 61793
shall be repaid in equal payments and at equal intervals over 61794
the term of the debt and are not eligible to be included in any 61795
subsequent proposal for the purpose of restructuring or 61796
refinancing debt under this section. 61797

(5) An evaluation of the feasibility of entering into 61798
shared services agreements with other political subdivisions for 61799
the joint exercise of any power, performance of any function, or 61800
rendering of any service, if so authorized by statute. 61801

(B) Any financial recovery plan may be amended subsequent 61802

to its adoption. Each financial recovery plan shall be updated 61803
annually. 61804

(C) Each school district financial planning and 61805
supervision commission shall submit the financial recovery plan 61806
it adopts or updates under this section to the director of 61807
education and workforce for approval immediately following its 61808
adoption or updating. The director shall evaluate the plan and 61809
either approve or disapprove it within thirty calendar days from 61810
the date of its submission. If the plan is disapproved, the 61811
director shall recommend modifications that will render it 61812
acceptable. No financial planning and supervision commission 61813
shall implement a financial recovery plan that is adopted or 61814
updated on or after April 10, 2001, unless the director has 61815
approved it. 61816

Sec. 3316.08. During a school district's fiscal emergency 61817
period, the auditor of state shall determine annually, or at any 61818
other time upon request of the financial planning and 61819
supervision commission, whether the school district will incur 61820
an operating deficit. If the auditor of state determines that a 61821
school district will incur an operating deficit, the auditor of 61822
state shall certify that determination to the director of 61823
education and workforce, the financial planning and supervision 61824
commission, and the board of education of the school district. 61825
Upon receiving the auditor of state's certification, the 61826
commission shall adopt a resolution requesting that the board of 61827
education work with the county auditor or tax commissioner to 61828
estimate the amount and rate of a tax levy that is needed under 61829
section 5705.194, 5705.199, or 5705.21 or Chapter 5748. of the 61830
Revised Code to produce a positive fund balance not later than 61831
the fifth-third year of the five-year-three-year forecast 61832
submitted under section 5705.391 of the Revised Code. 61833

The board of education shall recommend to the commission 61834
whether the board supports or opposes a tax levy under section 61835
5705.194, 5705.199, or 5705.21 or Chapter 5748. of the Revised 61836
Code and shall provide supporting documentation to the 61837
commission of its recommendation. 61838

After considering the board of education's recommendation 61839
and supporting documentation, the commission shall adopt a 61840
resolution to either submit a ballot question proposing a tax 61841
levy or not to submit such a question. 61842

Except as otherwise provided in this division, the tax 61843
shall be levied in the manner prescribed for a tax levied under 61844
section 5705.194, 5705.199, or 5705.21 or under Chapter 5748. of 61845
the Revised Code. If the commission decides that a tax should be 61846
levied, the tax shall be levied for the purpose of paying 61847
current operating expenses of the school district. The rate of a 61848
property tax levied under section 5705.194, 5705.199, 5705.21, 61849
or 5748.09 of the Revised Code shall be determined by the county 61850
auditor, and the rate of an income tax levied under section 61851
5748.02, 5748.08, or 5748.09 of the Revised Code shall be 61852
determined by the tax commissioner, upon the request of the 61853
commission. The commission, in consultation with the board of 61854
education, shall determine the election at which the question of 61855
the tax shall appear on the ballot, and the commission shall 61856
submit a copy of its resolution to the board of elections not 61857
later than ninety days prior to the day of that election. The 61858
board of elections conducting the election shall certify the 61859
results of the election to the board of education and to the 61860
financial planning and supervision commission. 61861

Sec. 3316.16. (A) A school district financial planning and 61862
supervision commission, with respect to its functions under this 61863

chapter, shall continue in existence until such time as a 61864
determination is made under division (B) of this section that 61865
all of the following have occurred: 61866

(1) An effective financial accounting and reporting system 61867
in accordance with section 3316.10 of the Revised Code is in the 61868
process of being implemented, and it is reasonably expected that 61869
this implementation will be completed within two years. 61870

(2) All of the fiscal emergency conditions determined 61871
pursuant to division (B) of section 3316.03 of the Revised Code 61872
have been corrected or eliminated, and no new fiscal emergency 61873
conditions have occurred. 61874

(3) The objectives of the financial recovery plan 61875
described in section 3316.06 of the Revised Code are being met. 61876

(4) The school district board has prepared current budget 61877
information and a financial forecast for a ~~five-year~~ three-year 61878
period in accordance with the standards issued by the auditor of 61879
state and an opinion has been rendered by the auditor of state 61880
that the financial forecast is considered to be nonadverse. The 61881
forecast shall display the district's projected compliance with 61882
section 3315.18 of the Revised Code beginning in the year the 61883
commission is proposed for termination. 61884

(B) The determination that all conditions listed in 61885
division (A) of this section for the termination of the 61886
existence of the commission and its functions exist may be made 61887
either by the auditor of state or by the commission and shall be 61888
certified to the commission, the auditor of state, the governor, 61889
the director of budget and management, and the budget 61890
commission, whereupon such commission and its functions under 61891
this chapter shall terminate. This determination shall be made 61892

by the auditor of state upon the filing with the auditor of 61893
state of a written request for such a determination by the 61894
school district board, the governor, or the commission, or may 61895
be made by the auditor of state upon the auditor of state's own 61896
initiative. 61897

(C) The commission shall prepare and submit at the time of 61898
such certification a final report of its activities, in such 61899
form as is appropriate for the purpose of providing a record of 61900
its activities and assisting other commissions created under 61901
this chapter in the conduct of their functions. All of the books 61902
and records of the commission shall be delivered to the auditor 61903
of state for retention and safekeeping. 61904

(D) Upon receipt of the certification provided for in 61905
division (B) of this section, the director of budget and 61906
management shall follow the procedures set forth in section 61907
126.29 of the Revised Code. 61908

(E) If, at the time of termination of the commission, an 61909
effective financial accounting and reporting system has not been 61910
fully implemented, the auditor of state shall monitor the 61911
progress of implementation and shall exercise authority under 61912
this section and Chapter 117. of the Revised Code to secure full 61913
implementation at the earliest time feasible but within two 61914
years after such termination. 61915

Sec. 3317.01. As used in this section, "school district," 61916
unless otherwise specified, means any city, local, exempted 61917
village, joint vocational, or cooperative education school 61918
district and any educational service center. 61919

This chapter shall be administered by the department of 61920
education and workforce. The department of education and 61921

workforce shall calculate the amounts payable to each school 61922
district and shall certify the amounts payable to each eligible 61923
district to the treasurer of the district as provided by this 61924
chapter. Certification of moneys pursuant to this section shall 61925
include the amounts payable to each school building, at a 61926
frequency determined by the department, for each subgroup of 61927
students, as defined in section 3317.40 of the Revised Code, 61928
receiving services, provided for by state funding, from the 61929
district or school. No moneys shall be distributed pursuant to 61930
this chapter without the approval of the controlling board. 61931

The department shall, in accordance with appropriations 61932
made by the general assembly, meet the financial obligations of 61933
this chapter. 61934

Moneys distributed to school districts pursuant to this 61935
chapter shall be calculated based on the annual enrollment 61936
calculated from the three reports required under ~~sections~~ 61937
section 3317.03 and 3317.036 of the Revised Code and paid on a 61938
fiscal year basis, beginning with the first day of July and 61939
extending through the thirtieth day of June. In any given fiscal 61940
year, prior to school districts submitting the first report 61941
required under section 3317.03 of the Revised Code, enrollment 61942
for the districts shall be calculated based on the third report 61943
submitted by the districts for the previous fiscal year. The 61944
moneys appropriated for each fiscal year shall be distributed 61945
periodically to each school district unless otherwise provided 61946
for. The department, in June of each year, shall submit to the 61947
controlling board the department's year-end distributions 61948
pursuant to this chapter. 61949

Except as otherwise provided, payments under this chapter 61950
shall be made only to those school districts in which: 61951

(A) The school district, except for any educational 61952
service center and any joint vocational or cooperative education 61953
school district, levies for current operating expenses at least 61954
twenty mills, unless the school district is levying less than 61955
that amount due to the operation of section 5705.316 or 5705.32 61956
of the Revised Code. Levies for joint vocational or cooperative 61957
education school districts or county school financing districts, 61958
limited to or to the extent apportioned to current expenses, 61959
shall be included in this qualification requirement. School 61960
district income tax levies under Chapter 5748. of the Revised 61961
Code, limited to or to the extent apportioned to current 61962
operating expenses, shall be included in this qualification 61963
requirement to the extent determined by the tax commissioner 61964
under division (C) of section 3317.021 of the Revised Code. 61965

(B) The school year next preceding the fiscal year for 61966
which such payments are authorized meets the requirement of 61967
section 3313.48 of the Revised Code, with regard to the minimum 61968
number of hours school must be open for instruction with pupils 61969
in attendance, for individualized parent-teacher conference and 61970
reporting periods, and for professional meetings of teachers. 61971

A school district shall not be considered to have failed 61972
to comply with this division because schools were open for 61973
instruction but either twelfth grade students were excused from 61974
attendance for up to the equivalent of three school days or only 61975
a portion of the kindergarten students were in attendance for up 61976
to the equivalent of three school days in order to allow for the 61977
gradual orientation to school of such students. 61978

A board of education or governing board of an educational 61979
service center which has not conformed with other law and the 61980
rules pursuant thereto, shall not participate in the 61981

distribution of funds authorized by this chapter, except for 61982
good and sufficient reason established to the satisfaction of 61983
the department and the state controlling board. 61984

All funds allocated to school districts under this 61985
chapter, except those specifically allocated for other purposes, 61986
shall be used to pay current operating expenses only. 61987

Sec. 3317.011. This section shall apply only for fiscal 61988
years ~~2024~~2026 and ~~2025~~2027. 61989

(A) As used in this section: 61990

(1) "Average administrative assistant salary" means the 61991
average salary of administrative assistants employed by city, 61992
local, and exempted village school districts in this state with 61993
salaries greater than \$20,000 but less than \$65,000, using 61994
fiscal year 2022 data, as determined by the department of 61995
education and workforce. 61996

(2) "Average bookkeeping and accounting employee salary" 61997
means the average salary of bookkeeping employees and accounting 61998
employees employed by city, local, and exempted village school 61999
districts in this state with salaries greater than \$20,000 but 62000
less than \$80,000, using fiscal year 2022 data, as determined by 62001
the department. 62002

(3) "Average clerical staff salary" means the average 62003
salary of clerical staff employed by city, local, and exempted 62004
village school districts in this state with salaries greater 62005
than \$15,000 but less than \$50,000, using fiscal year 2022 data, 62006
as determined by the department. 62007

(4) "Average counselor salary" means the average salary of 62008
counselors employed by city, local, and exempted village school 62009
districts in this state with salaries greater than \$30,000 but 62010

less than \$95,000, using fiscal year 2022 data, as determined by 62011
the department. 62012

(5) "Average education management information system 62013
support employee salary" means the average salary of accounting 62014
employees employed by city, local, and exempted village school 62015
districts in this state with salaries greater than \$30,000 but 62016
less than \$90,000, using fiscal year 2022 data, as determined by 62017
the department. 62018

(6) "Average librarian and media staff salary" means the 62019
average salary of librarians and media staff employed by city, 62020
local, and exempted village school districts in this state with 62021
salaries greater than \$30,000 but less than \$95,000, using 62022
fiscal year 2022 data, as determined by the department. 62023

(7) "Average other district administrator salary" means 62024
the average salary of all assistant superintendents and 62025
directors employed by city, local, and exempted village school 62026
districts in this state with salaries greater than \$50,000 but 62027
less than \$135,000, using fiscal year 2022 data, as determined 62028
by the department. 62029

(8) "Average principal salary" means the average salary of 62030
all principals employed by city, local, and exempted village 62031
school districts in this state with salaries greater than 62032
\$50,000 but less than \$120,000, using fiscal year 2022 data, as 62033
determined by the department. 62034

(9) "Average superintendent salary" means the average 62035
salary of all superintendents employed by city, local, and 62036
exempted village school districts in this state with salaries 62037
greater than \$60,000 but less than \$180,000, using fiscal year 62038
2022 data, as determined by the department. 62039

(10) "Average teacher cost" for a fiscal year is equal to 62040
the sum of the following: 62041

(a) The average salary of teachers employed by city, 62042
local, and exempted village school districts in this state with 62043
salaries greater than \$30,000 but less than \$95,000, using 62044
fiscal year 2022 data, as determined by the department; 62045

(b) An amount for teacher benefits equal to 0.16 times the 62046
average salary calculated under division (A) (10) (a) of this 62047
section; 62048

(c) An amount for district-paid insurance costs equal to 62049
the following product: 62050

The statewide weighted average employer-paid monthly premium 62051
based on data reported by city, local, and exempted village 62052
school districts to the state employment relations board for the 62053
health insurance survey conducted in accordance with divisions 62054
(K) (5) and (6) of section 4117.02 of the Revised Code using 62055
fiscal year 2022 data X 12 62056

(11) "Eligible school district" means a city, local, or 62057
exempted village school district that satisfies one of the 62058
following: 62059

(a) The district is a member of an organization that 62060
regulates interscholastic athletics. 62061

(b) The district has teams in at least three different 62062
sports that participate in an interscholastic league. 62063

(B) When calculating a district's aggregate base cost 62064
under this section, the department shall use data from fiscal 62065
year 2022 for all of the following: 62066

(1) The average salaries determined under divisions (A) 62067

(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this section; 62068
62069

(2) The amount for teacher benefits determined under division (A) (10) (b) of this section; 62070
62071

(3) The district-paid insurance costs determined under division (A) (10) (c) of this section; 62072
62073

(4) The spending determined under divisions (E) (4) (a), (E) (5) (a), (E) (6) (a), and (H) (1) of this section and the corresponding student counts determined under divisions (E) (4) (b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section; 62074
62075
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(5) The information determined under division (G) (3) of this section. 62078
62079

(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum: 62080
62081
62082

(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district) 62083
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(D) The department shall compute a district's teacher base cost for a fiscal year as follows: 62094
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(1) Calculate the district's classroom teacher cost for	62096
that fiscal year as follows:	62097
(a) Determine the full-time equivalency of students in the	62098
district's base cost enrolled ADM for that fiscal year that are	62099
enrolled in kindergarten and divide that number by 20;	62100
(b) Determine the full-time equivalency of students in the	62101
district's base cost enrolled ADM for that fiscal year that are	62102
enrolled in grades one through three and divide that number by	62103
23;	62104
(c) Determine the full-time equivalency of students in the	62105
district's base cost enrolled ADM for that fiscal year that are	62106
enrolled in grades four through eight but are not enrolled in a	62107
career-technical education program or class described under	62108
section 3317.014 of the Revised Code and divide that number by	62109
25;	62110
(d) Determine the full-time equivalency of students in the	62111
district's base cost enrolled ADM for that fiscal year that are	62112
enrolled in grades nine through twelve but are not enrolled in a	62113
career-technical education program or class described under	62114
section 3317.014 of the Revised Code and divide that number by	62115
27;	62116
(e) Determine the full-time equivalency of students in the	62117
district's base cost enrolled ADM for that fiscal year that are	62118
enrolled in a career-technical education program or class, as	62119
certified under divisions (B) (11), (12), (13), (14), and (15) of	62120
section 3317.03 of the Revised Code, and divide that number by	62121
18;	62122
(f) Compute the sum of the quotients obtained under	62123
divisions (D) (1) (a), (b), (c), (d), and (e) of this section;	62124

(g) Compute the classroom teacher cost by multiplying the
average teacher cost for that fiscal year by the sum computed
under division (D) (1) (f) of this section.

(2) Calculate the district's special teacher cost for that
fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that
fiscal year by 150;

(b) If the quotient obtained under division (D) (2) (a) of
this section is greater than 6, the special teacher cost shall
be equal to that quotient multiplied by the average teacher cost
for that fiscal year.

(c) If the quotient obtained under division (D) (2) (a) of
this section is less than or equal to 6, the special teacher
cost shall be equal to 6 multiplied by the average teacher cost
for that fiscal year.

(3) Calculate the district's substitute teacher cost for
that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with
benefits by multiplying the substitute teacher daily rate of \$90
by 1.16;

(b) Compute the substitute teacher cost in accordance with
the following formula:

[The sum computed under division (D) (1) (f) of this section +
(the greater of the quotient obtained under division (D) (2) (a)
of this section and 6)] X the amount computed under division (D)
(3) (a) of this section X 5

(4) Calculate the district's professional development cost
for that fiscal year in accordance with the following formula:

[The sum computed under division (D) (1) (f) of this section + 62153
(the greater of the quotient obtained under division (D) (2) (a) 62154
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 62155
(b) of this section for that fiscal year)/180] X 4 62156

(5) Calculate the district's teacher base cost for that 62157
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 62158
and (4) of this section. 62159

(E) The department shall compute a district's student 62160
support base cost for a fiscal year as follows: 62161

(1) Calculate the district's guidance counselor cost for 62162
that fiscal year as follows: 62163

(a) Determine the number of students in the district's 62164
base cost enrolled ADM for that fiscal year that are enrolled in 62165
grades nine through twelve and divide that number by 360; 62166

(b) Compute the counselor cost in accordance with the 62167
following formula: 62168

(The greater of the quotient obtained under division (E) (1) (a) 62169
of this section and 1) X [(the average counselor salary for that 62170
fiscal year X 1.16) + the amount specified under division (A) 62171
(10) (c) of this section for that fiscal year] 62172

(2) Calculate the district's librarian and media staff 62173
cost for that fiscal year as follows: 62174

(a) Divide the district's base cost enrolled ADM for that 62175
fiscal year by 1,000; 62176

(b) Compute the librarian and media staff cost in 62177
accordance with the following formula: 62178

The quotient obtained under division (E) (2) (a) of this section X 62179

[(the average librarian and media staff salary for that fiscal
year X 1.16) + the amount specified under division (A) (10) (c) of
this section for that fiscal year]

(3) Calculate the district's staffing cost for student
wellness and success for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that
fiscal year by 250;

(b) Compute the staffing cost for student wellness and
success in accordance with the following formula:

(The greater of the quotient obtained under division (E) (3) (a)
of this section and 5) X [(the average counselor salary for that
fiscal year X 1.16) + the amount specified under division (A)
(10) (c) of this section for that fiscal year]

(4) Calculate the district's academic co-curricular
activities cost for that fiscal year as follows:

(a) Determine the total amount of spending for academic
co-curricular activities reported by city, local, and exempted
village school districts to the department using fiscal year
2022 data;

(b) Determine the sum of the enrolled ADM of every school
district in the state using fiscal year 2022 data as specified
under division (E) (4) (a) of this section;

(c) Compute the academic co-curricular activities cost in
accordance with the following formula:

(The amount determined under division (E) (4) (a) of this section
/ the sum determined under division (E) (4) (b) of this section) X
the district's base cost enrolled ADM for the fiscal year for
which the academic co-curricular activities cost is computed

(5) Calculate the district's building safety and security	62208
cost for that fiscal year as follows:	62209
(a) Determine the total amount of spending for building	62210
safety and security reported by city, local, and exempted	62211
village school districts to the department using fiscal year	62212
2022 data;	62213
(b) Determine the sum of the enrolled ADM of every school	62214
district in the state that reported the data specified under	62215
division (E) (5) (a) of this section using fiscal year 2022 data;	62216
(c) Compute the building safety and security cost in	62217
accordance with the following formula:	62218
(The amount determined under division (E) (5) (a) of this section	62219
/ the sum determined under division (E) (5) (a) of this section) X	62220
the district's base cost enrolled ADM for the fiscal year for	62221
which the building safety and security cost is computed	62222
(6) Calculate the district's supplies and academic content	62223
cost for that fiscal year as follows:	62224
(a) Determine the total amount of spending for supplies	62225
and academic content, excluding supplies for transportation and	62226
maintenance, reported by city, local, and exempted village	62227
school districts to the department using fiscal year 2022 data;	62228
(b) Determine the sum of the enrolled ADM of every school	62229
district in the state using fiscal year 2022 data as specified	62230
under division (E) (6) (a) of this section;	62231
(c) Compute the supplies and academic content cost in	62232
accordance with the following formula:	62233
(The amount determined under division (E) (6) (a) of this section	62234
/ the sum determined under division (E) (6) (b) of this section) X	62235

the district's base cost enrolled ADM for the fiscal year for 62236
which the supplies and academic content cost is computed 62237

(7) Calculate the district's technology cost for that 62238
fiscal year in accordance with the following formula: 62239

\$37.50 X the district's base cost enrolled ADM for that fiscal 62240
year 62241

(8) Calculate the district's student support base cost for 62242
that fiscal year, which equals the sum of divisions (E) (1), (2), 62243
(3), (4), (5), (6), and (7) of this section. 62244

(F) The department shall compute a district's leadership 62245
and accountability base cost for a fiscal year as follows: 62246

(1) Calculate the district's superintendent cost for that 62247
fiscal year as follows: 62248

(a) If the district's base cost enrolled ADM for that 62249
fiscal year is greater than 4,000, then the district's 62250
superintendent cost shall be equal to [(\$160,000 X 1.16) + the 62251
amount specified under division (A) (10) (c) of this section for 62252
that fiscal year]. 62253

(b) If the district's base cost enrolled ADM for that 62254
fiscal year is less than or equal to 4,000 but greater than or 62255
equal to 500, the district's superintendent cost shall be equal 62256
to the sum of the following: 62257

(i) (The district's base cost enrolled ADM for that fiscal 62258
year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 62259

(ii) (\$80,000 X 1.16) + the amount specified under 62260
division (A) (10) (c) of this section for that fiscal year. 62261

(c) If the district's base cost enrolled ADM is less than 62262

500, then the district's superintendent cost shall be equal to 62263
[$(\$80,000 \times 1.16)$ + the amount specified under division (A) (10) 62264
(c) of this section for that fiscal year]. 62265

(2) Calculate the district's treasurer cost for that 62266
fiscal year as follows: 62267

(a) If the district's base cost enrolled ADM for that 62268
fiscal year is greater than 4,000, then the district's treasurer 62269
cost shall be equal to [$(\$130,000 \times 1.16)$ + the amount specified 62270
under division (A) (10) (c) of this section for that fiscal year]. 62271

(b) If the district's base cost enrolled ADM for that 62272
fiscal year is less than or equal to 4,000 but greater than or 62273
equal to 500, the district's treasurer cost shall be equal to 62274
the sum of the following: 62275

(i) (The district's base cost enrolled ADM for that fiscal 62276
year - 500) $\times \{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 62277

(ii) $(\$60,000 \times 1.16)$ + the amount specified under 62278
division (A) (10) (c) of this section for that fiscal year. 62279

(c) If the district's base cost enrolled ADM is less than 62280
500, then the district's treasurer cost shall be equal to 62281
[$(\$60,000 \times 1.16)$ + the amount specified under division (A) (10) 62282
(c) of this section for that fiscal year]. 62283

(3) Calculate the district's other district administrator 62284
cost for that fiscal year as follows: 62285

(a) Divide the average other district administrator salary 62286
for that fiscal year by the average superintendent salary for 62287
that fiscal year; 62288

(b) Divide the district's base cost enrolled ADM for that 62289
fiscal year by 750; 62290

(c) Compute the other district administrator cost in 62291
accordance with the following formula: 62292

{[(The district's superintendent cost for that fiscal year 62293
calculated under division (F) (1) of this section - the amount 62294
specified under division (A) (10) (c) of this section for that 62295
fiscal year) X the quotient obtained under division (F) (3) (a) of 62296
this section] + the amount specified under division (A) (10) (c) 62297
of this section} X (the greater of the quotient obtained under 62298
division (F) (3) (b) of this section and 2) 62299

(4) Calculate the district's fiscal support cost for that 62300
fiscal year as follows: 62301

(a) Divide the district's base cost enrolled ADM for that 62302
fiscal year by 850; 62303

(b) Determine the lesser of the following: 62304

(i) The maximum of the quotient obtained under division 62305
(F) (4) (a) of this section and 2; 62306

(ii) 35. 62307

(c) Compute the fiscal support cost in accordance with the 62308
following formula: 62309

The number obtained under division (F) (4) (b) of this section X 62310
[(the average bookkeeping and accounting employee salary for 62311
that fiscal year X 1.16) + the amount specified under division 62312
(A) (10) (c) of this section for that fiscal year] 62313

(5) Calculate the district's education management 62314
information system support cost for that fiscal year as follows: 62315

(a) Divide the district's base cost enrolled ADM for that 62316
fiscal year by 5,000; 62317

(b) Compute the education management information system support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]

(6) Calculate the district's leadership support cost for that fiscal year as follows:

(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that number;

(b) Divide the number obtained under division (F) (6) (a) of this section by 3;

(c) Compute the leadership support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:

\$31 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of this section.

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows: 62346
62347
62348

(1) Calculate the district's building leadership cost for that fiscal year as follows: 62349
62350

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year; 62351
62352

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450; 62353
62354

(c) Compute the building leadership cost in accordance with the following formula: 62355
62356

{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of this section for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section 62357
62358
62359
62360
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62362
62363

(2) Calculate the district's building leadership support cost for that fiscal year as follows: 62364
62365

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400; 62366
62367

(b) Determine the number of school buildings in the district for ~~that~~ the preceding fiscal year; 62368
62369

(c) Compute the building leadership support cost in accordance with the following formula: 62370
62371

(i) If the quotient obtained under division (G) (2) (a) of 62372

this section is less than the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G) (2) (b) of this section for that fiscal year X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.

(ii) If the quotient obtained under division (G) (2) (a) of this section is greater than or equal to the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G) (2) (b) of this section X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Determine both of the following:

(i) The average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The average cost per square foot for all city, local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of this section X the number determined under division (G) (3) (a) (ii) of

this section) - (the amount determined under division (E) (5) (a) 62402
of this section for that fiscal year/ the sum determined under 62403
division (E) (5) (b) of this section for that fiscal year)] 62404

(4) Calculate the district's building leadership and 62405
operations base cost for that fiscal year, which equals the sum 62406
of divisions (G) (1), (2), and (3) of this section. 62407

(H) If a district is an eligible school district, the 62408
department shall compute the district's athletic co-curricular 62409
activities base cost for a fiscal year as follows: 62410

(1) Determine the total amount of spending for athletic 62411
co-curricular activities reported by city, local, and exempted 62412
village school districts to the department for that fiscal year; 62413

(2) Determine the sum of the enrolled ADM of every school 62414
district in the state for that fiscal year; 62415

(3) Compute the district's athletic co-curricular 62416
activities base cost in accordance with the following formula: 62417

(The amount determined under division (H) (1) of this section / 62418
the sum determined under division (H) (2) of this section) X the 62419
district's base cost enrolled ADM for the fiscal year for which 62420
the funds for athletic co-curricular activities are computed 62421

Sec. 3317.012. This section shall apply only for fiscal 62422
years ~~2024-2026~~ and ~~2025~~2027. 62423

(A) As used in this section, "average administrative 62424
assistant salary," "average bookkeeping and accounting employee 62425
salary," "average clerical staff salary," "average counselor 62426
salary," "average education management information system 62427
support employee salary," "average librarian and media staff 62428
salary," "average other district administrator salary," "average 62429

principal salary," "average superintendent salary," and "average
teacher cost" have the same meanings as in section 3317.011 of
the Revised Code.

(B) When calculating a district's aggregate base cost
under this section, the department shall use data from fiscal
year 2022 for all of the following:

(1) The average salaries determined under divisions (A)
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of
section 3317.011 of the Revised Code;

(2) The amount for teacher benefits determined under
division (A) (10) (b) of section 3317.011 of the Revised Code;

(3) The district-paid insurance costs determined under
division (A) (10) (c) of section 3317.011 of the Revised Code;

(4) Spending determined under divisions (E) (4) (a), (E) (5)
(a), and (H) (1) of section 3317.011 of the Revised Code and the
corresponding student counts determined under divisions (E) (4)
(b), (E) (5) (b), and (H) (2) of that section;

(5) The information determined under division (G) (3) of
section 3317.011 of the Revised Code.

(C) A joint vocational school district's aggregate base
cost for a fiscal year shall be equal to the following sum:

The district's teacher base cost for that fiscal year computed
under division (D) of this section + the district's student
support base cost for that fiscal year computed under division
(E) of this section + the district's leadership and
accountability base cost for that fiscal year computed under
division (F) of this section + the district's building
leadership and operations base cost for that fiscal year

computed under division (G) of this section 62458

(D) The department of education and workforce shall 62459
compute a district's teacher base cost for a fiscal year as 62460
follows: 62461

(1) Calculate the district's classroom teacher cost for 62462
that fiscal year as follows: 62463

(a) Determine the full-time equivalency of students in the 62464
district's base cost enrolled ADM for that fiscal year that are 62465
enrolled in a career-technical education program or class, as 62466
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of 62467
section 3317.03 of the Revised Code, and divide that number by 62468
18; 62469

(b) Determine the full-time equivalency of students in the 62470
district's base cost enrolled ADM for that fiscal year that are 62471
enrolled in grades six through eight but are not enrolled in a 62472
career-technical education program or class described under 62473
section 3317.014 of the Revised Code and divide that number by 62474
25; 62475

(c) Determine the full-time equivalency of students in the 62476
district's base cost enrolled ADM for that fiscal year that are 62477
enrolled in grades nine through twelve but are not enrolled in a 62478
career-technical education program or class described under 62479
section 3317.014 of the Revised Code and divide that number by 62480
27; 62481

(d) Compute the sum of the quotients obtained under 62482
divisions (D) (1) (a), (b), and (c) of this section; 62483

(e) Compute the classroom teacher base cost by multiplying 62484
the average teacher cost for that fiscal year by the sum 62485
computed under division (D) (1) (d) of this section. 62486

(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(c) If the quotient obtained under division (D) (2) (a) of this section is less than or equal to 6, the teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[The sum computed under division (D) (1) (d) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X the amount computed under division (D)

(3) (a) of this section X 5

(4) Calculate the district's professional development cost 62515
for that fiscal year in accordance with the following formula: 62516

[The sum computed under division (D) (1) (d) of this section + 62517
(the greater of the quotient obtained under division (D) (2) (a) 62518
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 62519
(b) of section 3317.011 of the Revised Code for that fiscal 62520
year)/180] X 4 62521

(5) Calculate the district's teacher base cost for that 62522
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 62523
and (4) of this section. 62524

(E) The department shall compute a district's student 62525
support base cost for a fiscal year as follows: 62526

(1) Calculate the district's guidance counselor cost for 62527
that fiscal year as follows: 62528

(a) Determine the number of students in the district's 62529
base cost enrolled ADM for that fiscal year that are enrolled in 62530
grades nine through twelve and divide that number by 360; 62531

(b) Compute the counselor cost in accordance with the 62532
following formula: 62533

(The greater of the quotient obtained under division (E) (1) (a) 62534
of this section and 1) X [(the average counselor salary for that 62535
fiscal year X 1.16) + the amount specified under division (A) 62536
(10) (c) of section 3317.011 of the Revised Code for that fiscal 62537
year] 62538

(2) Calculate the district's librarian and media staff 62539
cost for that fiscal year as follows: 62540

(a) Divide the district's base cost enrolled ADM for that 62541
fiscal year by 1,000; 62542

(b) Compute the librarian and media staff cost in 62543
accordance with the following formula: 62544

The quotient obtained under division (E) (2) (a) of this section X 62545
[(the average librarian and media staff salary for that fiscal 62546
year X 1.16) + the amount specified under division (A) (10) (c) of 62547
section 3317.011 of the Revised Code for that fiscal year] 62548

(3) Calculate the district's staffing cost for student 62549
wellness and success for that fiscal year as follows: 62550

(a) Divide the district's base cost enrolled ADM for that 62551
fiscal year by 250; 62552

(b) Compute the staffing cost for student wellness and 62553
success in accordance with the following formula: 62554

The quotient obtained under division (E) (3) (a) of this section X 62555
[(the average counselor salary for that fiscal year X 1.16) + 62556
the amount specified under division (A) (10) (c) of section 62557
3317.011 of the Revised Code for that fiscal year] 62558

(4) Calculate the district's cost for that fiscal year for 62559
career-technical curriculum specialists and coordinators, career 62560
assessment and program placement, recruitment and orientation, 62561
student success coordination, analysis of test results, 62562
development of intervention and remediation plans and monitoring 62563
of those plans, and satellite program coordination in accordance 62564
with the following formula: 62565

[(The amount determined under division (E) (4) (a) of section 62566
3317.011 of the Revised Code for that fiscal year / the sum 62567
determined under division (E) (4) (b) of section 3317.011 of the 62568
Revised Code) + (the amount determined under division (H) (1) of 62569
section 3317.011 of the Revised Code for that fiscal year / the 62570
sum determined under division (H) (2) of section 3317.011 of the 62571

Revised Code)] X the district's base cost enrolled ADM for the 62572
fiscal year for which the district's cost under this division is 62573
computed 62574

(5) Compute the district's building safety and security 62575
cost for that fiscal year in accordance with the following 62576
formula: 62577

(The amount determined under division (E) (5) (a) of section 62578
3317.011 of the Revised Code for that fiscal year / the sum 62579
determined under division (E) (5) (b) of section 3317.011 of the 62580
Revised Code) X the district's base cost enrolled ADM for the 62581
fiscal year for which the building safety and security cost is 62582
computed 62583

(6) Compute the district's supplies and academic content 62584
cost for that fiscal year in accordance with the following 62585
formula: 62586

(The amount determined under division (E) (6) (a) of section 62587
3317.011 of the Revised Code for that fiscal year / the sum 62588
determined under division (E) (6) (b) of section 3317.011 of the 62589
Revised Code) X the district's base cost enrolled ADM for the 62590
fiscal year for which the supplies and academic content cost is 62591
computed 62592

(7) Calculate the district's technology cost for that 62593
fiscal year in accordance with the following formula: 62594

\$37.50 X the district's base cost enrolled ADM for that fiscal 62595
year 62596

(8) Calculate the district's student support base cost for 62597
that fiscal year, which equals the sum of divisions (E) (1), (2), 62598
(3), (4), (5), (6), and (7) of this section. 62599

(F) The department shall compute a district's leadership 62600
and accountability base cost for a fiscal year as follows: 62601

(1) Calculate the district's superintendent cost for that 62602
fiscal year as follows: 62603

(a) If the district's base cost enrolled ADM for that 62604
fiscal year is greater than 4,000, then the district's 62605
superintendent cost shall be equal to $[(\$160,000 \times 1.16) + \text{the}$ 62606
amount specified under division (A)(10)(c) of section 3317.011 62607
of the Revised Code for that fiscal year]. 62608

(b) If the district's base cost enrolled ADM for that 62609
fiscal year is less than or equal to 4,000 but greater than or 62610
equal to 500, the district's superintendent cost shall be equal 62611
to the sum of the following: 62612

(i) (The district's base cost enrolled ADM for that fiscal 62613
year - 500) $\times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$ 62614

(ii) $(\$80,000 \times 1.16) + \text{the amount specified under division}$ 62615
(A)(10)(c) of section 3317.011 of the Revised Code for that 62616
fiscal year. 62617

(c) If the district's base cost enrolled ADM is less than 62618
500, then the district's superintendent cost shall be equal to 62619
 $[(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)}$ 62620
(c) of section 3317.011 of the Revised Code for that fiscal 62621
year]. 62622

(2) Calculate the district's treasurer cost for that 62623
fiscal year as follows: 62624

(a) If the district's base cost enrolled ADM for that 62625
fiscal year is greater than 4,000, then the district's treasurer 62626
cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified}$ 62627

under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$;

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to $(\$60,000 \times 1.16)$ + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year].

(3) Calculate the district's other district administrator cost for that fiscal year as follows:

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;

(c) Compute the other district administrator cost in accordance with the following formula:

$\{[(\text{The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section} - \text{the amount specified under division (A) (10) (c) of section 3317.011 of the$

Revised Code for that fiscal year) X the quotient obtained under 62656
division (F) (3) (a) of this section] + the amount specified under 62657
division (A) (10) (c) of section 3317.011 of the Revised Code} X 62658
(the greater of the quotient obtained under division (F) (3) (b) 62659
of this section and 2) 62660

(4) Calculate the district's fiscal support cost for that 62661
fiscal year as follows: 62662

(a) Divide the district's base cost enrolled ADM for that 62663
fiscal year by 850; 62664

(b) Determine the lesser of the following: 62665

(i) The maximum of the quotient obtained under division 62666
(F) (4) (a) of this section and 2; 62667

(ii) 35. 62668

(c) Compute the fiscal support cost in accordance with the 62669
following formula: 62670

The number obtained under division (F) (4) (b) of this section X 62671
[(the average bookkeeping and accounting employee salary for 62672
that fiscal year X 1.16) + the amount specified under division 62673
(A) (10) (c) of section 3317.011 of the Revised Code for that 62674
fiscal year] 62675

(5) Calculate the district's education management 62676
information system support cost for that fiscal year as follows: 62677

(a) Divide the district's base cost enrolled ADM for that 62678
fiscal year by 5,000; 62679

(b) Compute the education management information system 62680
support cost in accordance with the following formula: 62681

(The greater of the quotient obtained under division (F) (5) (a) 62682

of this section and 1) X [(the average education management
information system support employee salary for that fiscal year
X 1.16) + the amount specified under division (A) (10) (c) of
section 3317.011 of the Revised Code for that fiscal year]

(6) Calculate the district's leadership support cost for
that fiscal year as follows:

(a) Determine the greater of the quotient obtained under
division (F) (3) (b) of this section and 2 and add 1 to that
number;

(b) Divide the number obtained under division (F) (6) (a) of
this section by 3;

(c) Compute the leadership support cost in accordance with
the following formula:

(The greater of the quotient obtained under division (F) (6) (b)
of this section and 1) X [(the average administrative assistant
salary for that fiscal year X 1.16) + the amount specified under
division (A) (10) (c) of section 3317.011 of the Revised Code for
that fiscal year]

(7) Calculate the district's information technology center
support cost for that fiscal year in accordance with the
following formula:

\$31 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's district leadership and
accountability base cost for that fiscal year, which equals the
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of
this section;

(G) The department shall compute a district's building
leadership and operations base cost for a fiscal year as

follows: 62711

(1) Calculate the district's building leadership cost for 62712
that fiscal year as follows: 62713

(a) Divide the average principal salary for that fiscal 62714
year by the average superintendent salary for that fiscal year; 62715

(b) Divide the district's base cost enrolled ADM for that 62716
fiscal year by 450; 62717

(c) Compute the building leadership cost in accordance 62718
with the following formula: 62719

{[(The district's superintendent cost for that fiscal year 62720
calculated under division (F) (1) of this section - the amount 62721
specified under division (A) (10) (c) of section 3317.011 of the 62722
Revised Code for that fiscal year) X the quotient obtained under 62723
division (G) (1) (a) of this section] + the amount specified under 62724
division (A) (10) (c) of section 3317.011 of the Revised Code for 62725
that fiscal year} X the quotient obtained under division (G) (1) 62726
(b) of this section 62727

(2) Calculate the district's building leadership support 62728
cost for that fiscal year as follows: 62729

(a) Divide the district's base cost enrolled ADM for that 62730
fiscal year by 400; 62731

(b) Determine the number of school buildings in the 62732
district for ~~that~~ the preceding fiscal year; 62733

(c) Compute the building leadership support cost in 62734
accordance with the following formula: 62735

(i) If the quotient obtained under division (G) (2) (a) of 62736
this section is less than the number obtained under division (G) 62737

(2) (b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G) (2) (b) of this section X [(the average clerical staff salary X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}.

(ii) If the quotient obtained under division (G) (2) (a) of this section is greater than or equal to the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G) (2) (b) of this section X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}.

(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of section 3317.011 of the Revised Code X the number determined under division (G) (3) (a) (ii) of section 3317.011 of the Revised Code) - (the amount determined under division (E) (5) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (5) (b) of section 3317.011 of the Revised Code for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

Sec. 3317.014. (A) The multiples for the following

categories of career-technical education programs approved by 62767
the department of education and workforce under section 3317.161 62768
of the Revised Code shall be as follows: 62769

(1) A multiple of 0.6230 for students enrolled in career- 62770
technical education workforce development programs in 62771
agricultural and environmental systems, construction 62772
technologies, engineering and science technologies, finance, 62773
health science, information technology, and manufacturing 62774
technologies, each of which shall be defined by the department 62775
in consultation with the governor's office of workforce 62776
transformation; 62777

(2) A multiple of 0.5905 for students enrolled in 62778
workforce development programs in business and administration, 62779
hospitality and tourism, human services, law and public safety, 62780
transportation systems, and arts and communications, each of 62781
which shall be defined by the department in consultation with 62782
the governor's office of workforce transformation; 62783

(3) A multiple of 0.2154 for students enrolled in career- 62784
based intervention programs, which shall be defined by the 62785
department in consultation with the governor's office of 62786
workforce transformation; 62787

(4) A multiple of 0.1830 for students enrolled in 62788
workforce development programs in education and training, 62789
marketing, workforce development academics, public 62790
administration, and career development, each of which shall be 62791
defined by the department in consultation with the governor's 62792
office of workforce transformation; 62793

(5) A multiple of 0.1570 for students enrolled in family 62794
and consumer science programs, which shall be defined by the 62795

department in consultation with the governor's office of 62796
workforce transformation. 62797

(B) The multiple for career-technical education associated 62798
services, as defined by the department, shall be 0.0294. 62799

(C) The department shall calculate career-technical 62800
education funds for each funding unit that is a city, local, 62801
exempted village, or joint vocational school district or the 62802
community and STEM school unit as follows: 62803

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 62804
the following: 62805

(a) The funding unit's category one career-technical 62806
education ADM X the multiple specified in division (A) (1) of 62807
this section X the statewide average career-technical base cost 62808
per pupil for that fiscal year X if the funding unit is a city, 62809
local, exempted village, or joint vocational school district, 62810
the district's state share percentage; 62811

(b) The funding unit's category two career-technical 62812
education ADM X the multiple specified in division (A) (2) of 62813
this section X the statewide average career-technical base cost 62814
per pupil for that fiscal year X if the funding unit is a city, 62815
local, exempted village, or joint vocational school district, 62816
the district's state share percentage; 62817

(c) The funding unit's category three career-technical 62818
education ADM X the multiple specified in division (A) (3) of 62819
this section X the statewide average career-technical base cost 62820
per pupil for that fiscal year X if the funding unit is a city, 62821
local, exempted village, or joint vocational school district, 62822
the district's state share percentage; 62823

(d) The funding unit's category four career-technical 62824

education ADM X the multiple specified in division (A) (4) of 62825
this section X the statewide average career-technical base cost 62826
per pupil for that fiscal year X if the funding unit is a city, 62827
local, exempted village, or joint vocational school district, 62828
the district's state share percentage; 62829

(e) The funding unit's category five career-technical 62830
education ADM X the multiple specified in division (A) (5) of 62831
this section X the statewide average career-technical base cost 62832
per pupil for that fiscal year X if the funding unit is a city, 62833
local, exempted village, or joint vocational school district, 62834
the district's state share percentage. 62835

(2) For fiscal year ~~2026~~–2028 and each fiscal year 62836
thereafter, the sum of the following: 62837

(a) An amount calculated in a manner determined by the 62838
general assembly times the funding unit's category one career- 62839
technical education ADM; 62840

(b) An amount calculated in a manner determined by the 62841
general assembly times the funding unit's category two career- 62842
technical education ADM; 62843

(c) An amount calculated in a manner determined by the 62844
general assembly times the funding unit's category three career- 62845
technical education ADM; 62846

(d) An amount calculated in a manner determined by the 62847
general assembly times the funding unit's category four career- 62848
technical education ADM; 62849

(e) An amount calculated in a manner determined by the 62850
general assembly times the funding unit's category five career- 62851
technical education ADM. 62852

(3) Payment of funds calculated under division (C) of this 62853
section is subject to approval under section 3317.161 of the 62854
Revised Code. 62855

(D) Subject to division (I) of section 3317.023 of the 62856
Revised Code, the department shall calculate career-technical 62857
associated services funds for each funding unit that is a city, 62858
local, exempted village, or joint vocational school district or 62859
the community and STEM school unit as follows: 62860

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 62861
product: 62862

(If the funding unit is a city, local, exempted village, or 62863
joint vocational school district, the funding unit's state share 62864
percentage) X the multiple for career-technical education 62865
associated services specified under division (B) of this section 62866
X the statewide average career-technical base cost per pupil for 62867
that fiscal year X the sum of the funding unit's categories one 62868
through five career-technical education ADM 62869

(2) For fiscal year ~~2026-2028~~ and each fiscal year 62870
thereafter, an amount calculated in a manner determined by the 62871
general assembly times the funding unit's categories one through 62872
five career-technical education ADM. 62873

(E) (1) In accordance with division (I) of section 3317.023 62874
of the Revised Code, the department shall compute career 62875
awareness and exploration funds for each city, local, exempted 62876
village, and joint vocational school district, community school 62877
established under Chapter 3314. of the Revised Code, and STEM 62878
school established under Chapter 3326. of the Revised Code that 62879
is part of a career technical planning district. The department 62880
shall pay the lead district in each career technical planning 62881

district as follows: 62882

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 62883
equal to the following product: 62884

The sum of enrolled ADM for all districts and schools within the 62885
career technical planning district X ~~\$7.50, for fiscal year~~ 62886
~~2024, or \$10, for fiscal year 2025~~ \$3 62887

(b) For fiscal year ~~2026~~2028 and each fiscal year 62888
thereafter, an amount calculated in a manner determined by the 62889
general assembly, if the general assembly authorizes such a 62890
payment to city, local, exempted village, and joint vocational 62891
school districts, community schools, and STEM schools. 62892

(2) The lead district of a career technical planning 62893
district shall use career awareness and exploration funds in 62894
accordance with division (H) of this section. 62895

(F) (1) In any fiscal year, a school district receiving 62896
funds calculated under division (C) of this section shall spend 62897
those funds only for the purposes that the department designates 62898
as approved for career-technical education expenses. Career- 62899
technical education expenses approved by the department shall 62900
include only expenses connected to the delivery of career- 62901
technical programming to career-technical students. The 62902
department shall require the school district to report data 62903
annually so that the department may monitor the district's 62904
compliance with the requirements regarding the manner in which 62905
funding calculated under division (C) of this section may be 62906
spent. 62907

(2) All funds received under division (C) of this section 62908
shall be spent in the following manner: 62909

(a) At least seventy-five per cent of the funds shall be 62910

spent on curriculum development, purchase, and implementation; 62911
instructional resources and supplies; industry-based program 62912
certification; student assessment, credentialing, and placement; 62913
curriculum specific equipment purchases and leases; career- 62914
technical student organization fees and expenses; home and 62915
agency linkages; work-based learning experiences; professional 62916
development; and other costs directly associated with career- 62917
technical education programs including development of new 62918
programs. 62919

(b) Not more than twenty-five per cent of the funds shall 62920
be used for personnel expenditures. 62921

(G) In any fiscal year, a school district receiving funds 62922
calculated under division (D) of this section, or through a 62923
transfer of funds pursuant to division (I) of section 3317.023 62924
of the Revised Code, shall spend those funds only for the 62925
purposes that the department designates as approved for career- 62926
technical education associated services expenses, which may 62927
include ~~such all of the following purposes as apprenticeship~~ 62928
~~coordinators, coordinators for other career-technical education~~ 62929
~~services, career-technical evaluation, and other purposes~~ 62930
~~designated by the department.:~~ 62931

(1) Engaging and collaborating with education and 62932
workforce stakeholders in the service area; 62933

(2) Developing and maintaining a comprehensive plan to 62934
increase career-focused education activities; 62935

(3) Ensuring that plans are informed by quality data and 62936
using data to expand access to career-focused activities for all 62937
students; 62938

(4) Planning and allocating resources for the growth, 62939

sustainability, and enhancement of career-focused activities in 62940
the long term; 62941

(5) Establishing continuous improvement and program 62942
approval processes. 62943

The department may deny payment of funds calculated under 62944
division (D) of this section to any district that the department 62945
determines is not operating those services or is using funds 62946
calculated under division (D) of this section, or through a 62947
transfer of funds pursuant to division (I) of section 3317.023 62948
of the Revised Code, for other purposes. 62949

(H) In any fiscal year, a lead district of a career- 62950
technical planning district receiving funds under division (E) 62951
of this section, shall utilize those funds to deliver relevant 62952
career awareness and exploration programs to all students within 62953
its career technical planning district in a manner that is 62954
consistent with the career-technical planning district's plan 62955
that is on file with the department. The lead district that 62956
receives funds under this division shall spend those funds only 62957
for the following purposes: 62958

(1) Delivery of career awareness programs to students 62959
enrolled in grades kindergarten through twelve; 62960

(2) Provision of a common, consistent curriculum to 62961
students throughout their primary and secondary education; 62962

(3) Assistance to teachers in providing a career 62963
development curriculum to students; 62964

(4) Development of a career development plan for each 62965
student that stays with that student for the duration of the 62966
student's primary and secondary education; 62967

(5) Provision of opportunities for students to engage in 62968
activities, such as career fairs, hands-on experiences, and job 62969
shadowing, across all career pathways at each grade level; 62970

(6) Provision of mentorship opportunities through which 62971
students may learn about careers and workforce skills. 62972

The lead district that receives funds under division (E) 62973
of this section shall report on the use of those funds to the 62974
department in a manner prescribed by the department. 62975

The department may deny payment under this division to any 62976
district or school that the department determines is using funds 62977
paid under this division for other purposes. 62978

Sec. 3317.016. As used in this section, "English learner" 62979
has the same meaning as in section 3301.0731 of the Revised 62980
Code. 62981

The multiples for English learners shall be as follows: 62982

(A) A multiple of 0.2104 for each student who has been 62983
identified as an English learner following the state's 62984
standardized identification process enrolled in schools in the 62985
United States for 180 school days or less. 62986

(B) A multiple of 0.1577 for each student who, for fiscal 62987
years ~~2024-2026~~ and ~~2025-2027~~ has been identified as an English 62988
learner following the state's standardized identification 62989
process and enrolled in schools in the United States for more 62990
than 180 school days until the student achieves a proficient 62991
score on the spring administration of the state's English 62992
language proficiency assessments prescribed by division (C) (3) 62993
of section 3301.0711 of the Revised Code or who, for fiscal year 62994
~~2026-2028~~ and each fiscal year thereafter, satisfies criteria 62995
specified by the general assembly for purposes of this division. 62996

(C) A multiple of 0.1053 for each student who, for fiscal years ~~2024-2026~~ and ~~2025-2027~~, achieves a score of proficient on the spring administration of the state's English language proficiency assessments prescribed by division (C) (3) of section 3301.0711 of the Revised Code for the two school years following the school year in which the student achieved that level of achievement or who, for fiscal year ~~2026-2028~~ and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

Sec. 3317.017. This section shall apply only for fiscal years ~~2024-2026~~ and ~~2025-2027~~.

(A) The department of education and workforce shall compute a city, local, or exempted village school district's per-pupil local capacity amount for a fiscal year as follows:

(1) Calculate the district's valuation per pupil for that fiscal year as follows:

(a) Determine the minimum of the district's three-year average valuation for the fiscal year for which the calculation is made and the district's taxable value for the most recent tax year for which data is available;

(b) Divide the amount determined under division (A) (1) (a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(2) Calculate the district's local share federal adjusted gross income per pupil for that fiscal year as follows:

(a) Determine the minimum of the following:

(i) The average of the total federal adjusted gross income of the district's residents for the three most recent tax years

for which data is available, as certified under section 3317.021 63025
of the Revised Code; 63026

(ii) The total federal adjusted gross income of the 63027
district's residents for the most recent tax year for which data 63028
is available, as certified under section 3317.021 of the Revised 63029
Code. 63030

(b) Divide the amount determined under division (A) (2) (a) 63031
of this section by the district's base cost enrolled ADM for the 63032
fiscal year for which the calculation is made. 63033

(3) Calculate the district's adjusted local share federal 63034
adjusted gross income per pupil for that fiscal year as follows: 63035

(a) Determine both of the following: 63036

(i) The median federal adjusted gross income of the 63037
district's residents for the most recent tax year for which data 63038
is available, as certified under section 3317.021 of the Revised 63039
Code; 63040

(ii) The number of state tax returns filed by taxpayers 63041
residing in the district for the most recent tax year for which 63042
data is available, as certified under section 3317.021 of the 63043
Revised Code. 63044

(b) Compute the product of divisions (A) (3) (a) (i) and (ii) 63045
of this section; 63046

(c) Divide the amount determined under division (A) (3) (b) 63047
of this section by the district's base cost enrolled ADM for the 63048
fiscal year for which the calculation is made. 63049

(4) Calculate the district's per-pupil local capacity 63050
percentage as follows: 63051

(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A) (3) (a) (i) of this section for that fiscal year;

(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A) (3) (a) (i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A) (4) (a) of this section;

(c) Rank all school districts in order of the ratios calculated under division (A) (4) (b) of this section, from the district with the highest ratio calculated under division (A) (4) (b) of this section to the district with the lowest ratio calculated under division (A) (4) (b) of this section;

(d) Determine the district's per-pupil local capacity percentage as follows:

(i) If the ratio calculated for the district under division (A) (4) (b) of this section is greater than or equal to the ratio calculated under division (A) (4) (b) of this section for the district with the fortieth highest ratio as determined under division (A) (4) (c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025.

(ii) If the ratio calculated for the district under division (A) (4) (b) of this section is less than the ratio calculated under division (A) (4) (b) of this section for the district with the fortieth highest ratio as determined under division (A) (4) (c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows:

{[(The ratio calculated for the district under division (A) (4)

(b) of this section - 1) X 0.0025]/ (the ratio calculated under 63081
division (A) (4) (b) of this section for the district with the 63082
fortieth highest ratio as determined under division (A) (4) (c) of 63083
this section - 1)) + 0.0225 63084

(iii) If the ratio calculated for the district under 63085
division (A) (4) (b) of this section is less than or equal to 1.0, 63086
the district's per-pupil local capacity percentage shall be 63087
equal to the amount calculated under division (A) (4) (b) of this 63088
section times 0.0225. 63089

(5) Calculate the district's per-pupil local capacity 63090
amount for that fiscal year as follows: 63091

(The district's valuation per pupil calculated under division 63092
(A) (1) of this section for that fiscal year X the district's 63093
per-pupil local capacity percentage calculated under division 63094
(A) (4) of this section X 0.60) + (the district's local share 63095
federal adjusted gross income per pupil calculated under 63096
division (A) (2) of this section for that fiscal year X the 63097
district's per-pupil local capacity percentage calculated under 63098
division (A) (4) of this section X 0.20) + (the district's 63099
adjusted local share federal adjusted gross income per pupil 63100
calculated under division (A) (3) of this section for that fiscal 63101
year X the district's per-pupil local capacity percentage 63102
calculated under division (A) (4) of this section X 0.20) 63103

(B) The department shall compute a city, local, or 63104
exempted village school district's state share for a fiscal year 63105
as follows: 63106

(1) If the district's per-pupil local capacity amount for 63107
that fiscal year divided by the district's base cost per pupil 63108
for that fiscal year is greater than 0.90, then the district's 63109

state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.10 X the district's enrolled ADM for that fiscal year).

(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.90, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year].

(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows:

(the district's base cost per pupil amount for that fiscal year - the district's per pupil local capacity amount for that fiscal year)/(the district's base cost per pupil amount for that fiscal year).

If the result is less than 0.10, the state share percentage shall be 0.10.

Sec. 3317.018. (A) The statewide average base cost per pupil shall be determined as follows:

(1) For fiscal year 2024, the statewide average base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under section 3317.011 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year.

(2) For fiscal ~~year~~years 2025, 2026, and 2027, the

statewide average base cost per pupil shall be equal to the 63139
amount calculated under division (A)(1) of this section. 63140

(B) The statewide average career-technical base cost per 63141
pupil shall be determined as follows: 63142

(1) For fiscal year 2024, the statewide average career- 63143
technical base cost per pupil shall be equal to the sum of the 63144
aggregate base cost calculated for all joint vocational school 63145
districts in the state for that fiscal year under section 63146
3317.012 of the Revised Code divided by the sum of the base cost 63147
enrolled ADMs of all of the joint vocational school districts in 63148
the state for that fiscal year. 63149

(2) For fiscal ~~year-years~~ 2025, 2026, and 2027, the 63150
statewide average career-technical base cost per pupil shall be 63151
equal to the amount calculated under division (B)(1) of this 63152
section. 63153

Sec. 3317.019. (A)(1) Subject to division (C) of this 63154
section, for fiscal years 2024-2026 and 2025-2027, the department 63155
of education and workforce shall pay temporary transitional aid 63156
to each city, local, and exempted village school district 63157
according to the following formula: 63158

(The district's funding base, as that term is defined in section 63159
3317.02 of the Revised Code) - (the district's payment under 63160
section 3317.022 of the Revised Code ~~— the district's payment~~ 63161
~~for supplemental targeted assistance under section 3317.0218 of~~ 63162
~~the Revised Code for the fiscal year for which each payment is~~ 63163
~~computed~~) 63164

If the computation made under division (A)(1) of this 63165
section results in a negative number, the district's funding 63166
under division (A)(1) of this section shall be zero. 63167

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 63168
department shall pay temporary transitional transportation aid 63169
to that district according to the following formula: 63170

(The amount calculated for the district for fiscal year 2020 63171
under division (A) (2) of Section 265.220 of H.B. 166 of the 63172
133rd general assembly, prior to any funding reductions 63173
authorized by Executive Order 2020-19D, "Implementing Additional 63174
Spending Controls to Balance the State Budget" issued on May 7, 63175
2020) - (the district's payment for fiscal year 2019 under 63176
division (D) (2) of section 3314.091 of the Revised Code as that 63177
division existed prior to September 30, 2021) - (the district's 63178
payment under section 3317.0212 of the Revised Code for the 63179
fiscal year for which the payment is computed) 63180

If the computation made under division (A) (2) of this 63181
section results in a negative number, the district's funding 63182
under division (A) (2) of this section shall be zero. 63183

(B) If a local school district participates in the 63184
establishment of a joint vocational school district that begins 63185
receiving payments under section 3317.16 of the Revised Code for 63186
fiscal year ~~2024-2026~~ or fiscal year ~~2025~~2027, but does not 63187
receive payments for the fiscal year immediately preceding that 63188
fiscal year, the department shall adjust, as necessary, the 63189
district's funding base, as that term is defined in section 63190
3317.02 of the Revised Code, according to the amounts received 63191
by the district in the immediately preceding fiscal year for 63192
career-technical education students who attend the newly 63193
established joint vocational school district. 63194

(C) (1) For purposes of division (C) of this section, a 63195
district's "decrease threshold" for a fiscal year is the greater 63196
of the following: 63197

(a) Twenty; 63198

(b) Ten per cent of the number of the district's students 63199
counted under division (A) (1) (b) of section 3317.03 of the 63200
Revised Code for the previous fiscal year. 63201

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, if a district 63202
has fewer students counted under division (A) (1) (b) of section 63203
3317.03 of the Revised Code for that fiscal year than for the 63204
previous fiscal year and the positive difference between those 63205
two student counts is greater than or equal to the district's 63206
decrease threshold for that fiscal year, the amount paid to the 63207
district under division (A) of this section shall be reduced by 63208
the following amount: 63209

The statewide average base cost per pupil X [(the positive 63210
difference between the number of the district's students counted 63211
under division (A) (1) (b) of section 3317.03 of the Revised Code 63212
for that fiscal year and the number of the district's students 63213
counted under that division for the previous fiscal year) - the 63214
district's decrease threshold for that fiscal year] 63215

At no time, however, shall the amount paid to a district 63216
under division (A) of this section be less than zero. 63217

Sec. 3317.0110. This section shall apply only for fiscal 63218
years ~~2024-2026~~ and ~~2025~~2027. 63219

(A) As used in this section: 63220

(1) "Average teacher cost" for a fiscal year has the same 63221
meaning as in section 3317.011 of the Revised Code. 63222

(2) "Eligible community or STEM school" means a community 63223
or STEM school that satisfies one of the following: 63224

(a) The school is a member of an organization that 63225

regulates interscholastic athletics. 63226

(b) The school has teams in at least three different 63227
sports that participate in an interscholastic league. 63228

(B) When calculating a community or STEM school's 63229
aggregate base cost under this section, the department of 63230
education and workforce shall use data from fiscal year 2022 for 63231
the average teacher cost. 63232

(C) A community or STEM school's aggregate base cost for a 63233
fiscal year shall be equal to the following sum: 63234

(The school's teacher base cost for that fiscal year computed 63235
under division (D) of this section) + (the school's student 63236
support base cost for that fiscal year computed under division 63237
(E) of this section) + (the school's leadership and 63238
accountability base cost for that fiscal year computed under 63239
division (F) of this section) + (the school's building 63240
leadership and operations base cost for that fiscal year 63241
computed under division (G) of this section) + (the school's 63242
athletic co-curricular activities base cost for that fiscal year 63243
computed under division (H) of this section, if the school is an 63244
eligible community or STEM school) 63245

(D) The department ~~of education~~ shall compute a community 63246
or STEM school's teacher base cost for a fiscal year as follows: 63247

(1) Calculate the school's classroom teacher cost for that 63248
fiscal year as follows: 63249

(a) Determine the full-time equivalency of students 63250
enrolled in the school for that fiscal year that are enrolled in 63251
kindergarten and divide that number by 20; 63252

(b) Determine the full-time equivalency of students 63253

enrolled in the school for that fiscal year that are enrolled in 63254
grades one through three and divide that number by 23; 63255

(c) Determine the full-time equivalency of students 63256
enrolled in the school for that fiscal year that are enrolled in 63257
grades four through eight but are not enrolled in a career- 63258
technical education program or class described under section 63259
3317.014 of the Revised Code and divide that number by 25; 63260

(d) Determine the full-time equivalency of students 63261
enrolled in the school for that fiscal year that are enrolled in 63262
grades nine through twelve but are not enrolled in a career- 63263
technical education program or class described under section 63264
3317.014 of the Revised Code and divide that number by 27; 63265

(e) Determine the full-time equivalency of students 63266
enrolled in the school for that fiscal year that are enrolled in 63267
a career-technical education program or class, as reported under 63268
division (B) (4) of section 3314.08 of the Revised Code, and 63269
divide that number by 18; 63270

(f) Compute the sum of the quotients obtained under 63271
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 63272

(g) Compute the classroom teacher cost by multiplying the 63273
average teacher cost for that fiscal year by the sum computed 63274
under division (D) (1) (f) of this section. 63275

(2) Calculate the school's special teacher cost for that 63276
fiscal year as follows: 63277

(a) Divide the number of students enrolled in the school 63278
for that fiscal year by 150; 63279

(b) Compute the special teacher cost by multiplying the 63280
quotient obtained under division (D) (2) (a) of this section by 63281

the average teacher cost for that fiscal year. 63282

(3) Calculate the school's substitute teacher cost for 63283
that fiscal year in accordance with the following formula: 63284

(a) Compute the substitute teacher daily rate with 63285
benefits by multiplying the substitute teacher daily rate of \$90 63286
by 1.16; 63287

(b) Compute the substitute teacher cost in accordance with 63288
the following formula: 63289

(The sum computed under division (D) (1) (f) of this section + the 63290
quotient obtained under division (D) (2) (a) of this section) X 63291
the amount computed under division (D) (3) (a) of this section X 5 63292

(4) Calculate the school's professional development cost 63293
for that fiscal year in accordance with the following formula: 63294

(The sum computed under division (D) (1) (f) of this section + the 63295
quotient obtained under division (D) (2) (a) of this section) X 63296
[(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of 63297
the Revised Code for that fiscal year)/180] X 4 63298

(5) Calculate the school's teacher base cost for that 63299
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 63300
and (4) of this section. 63301

(E) The department shall compute a community or STEM 63302
school's student support base cost for a fiscal year as follows: 63303

The number of students enrolled in the school for that fiscal 63304
year X [(the sum of the student support base cost calculated for 63305
all city, local, and exempted village school districts in the 63306
state for that fiscal year under division (E) of section 63307
3317.011 of the Revised Code) / the sum of the base cost 63308
enrolled ADMs of all of the city, local, and exempted village 63309

school districts in the state for that fiscal year] 63310

(F) The department shall compute a community or STEM 63311
school's leadership and accountability base cost for a fiscal 63312
year as follows: 63313

The number of students enrolled in the school for that fiscal 63314
year X (the sum of the leadership and accountability base cost 63315
calculated for all city, local, and exempted village school 63316
districts in the state for that fiscal year under division (F) 63317
of section 3317.011 of the Revised Code / the sum of the base 63318
cost enrolled ADMs of all of the city, local, and exempted 63319
village school districts in the state for that fiscal year) 63320

(G) The department shall compute a community or STEM 63321
school's building leadership and operations base cost for a 63322
fiscal year as follows: 63323

The number of students enrolled in the school for that fiscal 63324
year X (the sum of the building leadership and accountability 63325
base cost calculated for all city, local, and exempted village 63326
school districts in the state for that fiscal year under 63327
division (G) of section 3317.011 of the Revised Code / the sum 63328
of the base cost enrolled ADMs of all of the city, local, and 63329
exempted village school districts in the state for that fiscal 63330
year) 63331

(H) If a community or STEM school is an eligible community 63332
or STEM school, the department shall compute the school's 63333
athletic co-curricular activities base cost for a fiscal year as 63334
follows: 63335

The number of students enrolled in the school for that fiscal 63336
year X (the amount determined under division (H) (1) of section 63337
3317.011 of the Revised Code / the sum determined under division 63338

(H) (2) of section 3317.011 of the Revised Code)	63339
Sec. 3317.02. As used in this chapter:	63340
(A) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code.	63341 63342
(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code.	63343 63344 63345
(C) For fiscal years ~~2024-2026~~ and ~~2025~~ <u>2027</u> , a district's "base cost enrolled ADM" for a fiscal year means the greater of the following:	63346 63347 63348
(1) The district's enrolled ADM for the previous fiscal year;	63349 63350
(2) The average of the district's enrolled ADM for the previous three fiscal years.	63351 63352
(D) (1) "Base cost per pupil" means the following for a city, local, or exempted village school district:	63353 63354
(a) For fiscal years ~~2024-2026~~ and ~~2025~~ <u>2027</u> , the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;	63355 63356 63357 63358
(b) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	63359 63360 63361
(2) "Base cost per pupil" means the following for a joint vocational school district:	63362 63363
(a) For fiscal years ~~2024-2026~~ and ~~2025~~ <u>2027</u> , the aggregate base cost calculated for that district for that fiscal year	63364 63365

under section 3317.012 of the Revised Code divided by the 63366
district's base cost enrolled ADM for that fiscal year; 63367

(b) For fiscal year ~~2026~~2028 and each fiscal year 63368
thereafter, an amount calculated in a manner determined by the 63369
general assembly. 63370

(E) (1) "Category one career-technical education ADM" means 63371
the enrollment of students during the school year on a full-time 63372
equivalency basis in career-technical education programs 63373
described in division (A) (1) of section 3317.014 of the Revised 63374
Code and, in the case of a funding unit that is a city, local, 63375
exempted village, or joint vocational school district, certified 63376
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 63377
Revised Code or, in the case of the community and STEM school 63378
unit, reported by all community and STEM schools statewide under 63379
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 63380
and division (D) of section 3326.32 of the Revised Code. 63381

(2) "Category two career-technical education ADM" means 63382
the enrollment of students during the school year on a full-time 63383
equivalency basis in career-technical education programs 63384
described in division (A) (2) of section 3317.014 of the Revised 63385
Code and, in the case of a funding unit that is a city, local, 63386
exempted village, or joint vocational school district, certified 63387
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 63388
Revised Code or, in the case of the community and STEM school 63389
unit, reported by all community and STEM schools statewide under 63390
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 63391
and division (D) of section 3326.32 of the Revised Code. 63392

(3) "Category three career-technical education ADM" means 63393
the enrollment of students during the school year on a full-time 63394
equivalency basis in career-technical education programs 63395

described in division (A) (3) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (13) or (D) (2) (j) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (4) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (14) or (D) (2) (k) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (5) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (15) or (D) (2) (l) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(F) (1) "Category one English learner ADM" means the full-time equivalent number of English learners described in division (A) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (16) or (D) (2) (m) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (17) or (D) (2) (n) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (18) or (D) (2) (o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(G) (1) "Category one special education ADM" means the 63456
full-time equivalent number of children with disabilities 63457
receiving special education services for the disability 63458
specified in division (A) of section 3317.013 of the Revised 63459
Code and, in the case of a funding unit that is a city, local, 63460
exempted village, or joint vocational school district, certified 63461
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 63462
Revised Code or, in the case of the community and STEM school 63463
unit, reported by all community and STEM schools statewide under 63464
division (B) (3) of section 3314.08 of the Revised Code and 63465
division (C) of section 3326.32 of the Revised Code. 63466

(2) "Category two special education ADM" means the full- 63467
time equivalent number of children with disabilities receiving 63468
special education services for those disabilities specified in 63469
division (B) of section 3317.013 of the Revised Code and, in the 63470
case of a funding unit that is a city, local, exempted village, 63471
or joint vocational school district, certified under division 63472
(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 63473
in the case of the community and STEM school unit, reported by 63474
all community and STEM schools statewide under division (B) (3) 63475
of section 3314.08 of the Revised Code and division (C) of 63476
section 3326.32 of the Revised Code. 63477

(3) "Category three special education ADM" means the full- 63478
time equivalent number of students receiving special education 63479
services for those disabilities specified in division (C) of 63480
section 3317.013 of the Revised Code, and, in the case of a 63481
funding unit that is a city, local, exempted village, or joint 63482
vocational school district, certified under division (B) (7) or 63483
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 63484
of the community and STEM school unit, reported by all community 63485
and STEM schools statewide under division (B) (3) of section 63486

3314.08 of the Revised Code and division (C) of section 3326.32 63487
of the Revised Code. 63488

(4) "Category four special education ADM" means the full- 63489
time equivalent number of students receiving special education 63490
services for those disabilities specified in division (D) of 63491
section 3317.013 of the Revised Code and, in the case of a 63492
funding unit that is a city, local, exempted village, or joint 63493
vocational school district, certified under division (B) (8) or 63494
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 63495
of the community and STEM school unit, reported by all community 63496
and STEM schools statewide under division (B) (3) of section 63497
3314.08 of the Revised Code and division (C) of section 3326.32 63498
of the Revised Code. 63499

(5) "Category five special education ADM" means the full- 63500
time equivalent number of students receiving special education 63501
services for the disabilities specified in division (E) of 63502
section 3317.013 of the Revised Code and, in the case of a 63503
funding unit that is a city, local, exempted village, or joint 63504
vocational school district, certified under division (B) (9) or 63505
(D) (2) (f) of section 3317.03 of the Revised Code or, in the case 63506
of the community and STEM school unit, reported by all community 63507
and STEM schools statewide under division (B) (3) of section 63508
3314.08 of the Revised Code and division (C) of section 3326.32 63509
of the Revised Code. 63510

(6) "Category six special education ADM" means the full- 63511
time equivalent number of students receiving special education 63512
services for the disabilities specified in division (F) of 63513
section 3317.013 of the Revised Code and, in the case of a 63514
funding unit that is a city, local, exempted village, or joint 63515
vocational school district certified under division (B) (10) or 63516

(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 63517
of the community and STEM school unit, reported by all community 63518
and STEM schools statewide under division (B) (3) of section 63519
3314.08 of the Revised Code and division (C) of section 3326.32 63520
of the Revised Code. 63521

(H) "Community and STEM school unit" means a unit that 63522
consists of all of the students enrolled in community schools 63523
established under Chapter 3314. of the Revised Code and science, 63524
technology, engineering, and mathematics schools established 63525
under Chapter 3326. of the Revised Code. 63526

(I) (1) "Economically disadvantaged index for a school 63527
district" means the following: 63528

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the square of 63529
the quotient of that district's percentage of students in its 63530
enrolled ADM who are identified as economically disadvantaged as 63531
defined by the department of education and workforce, divided by 63532
the percentage of students in the statewide ADM identified as 63533
economically disadvantaged. For purposes of this calculation: 63534

(i) For a city, local, or exempted village school 63535
district, the "statewide ADM" equals the sum of the following: 63536

(I) The enrolled ADM for all city, local, and exempted 63537
village school districts combined; 63538

(II) The statewide enrollment of students in community 63539
schools established under Chapter 3314. of the Revised Code; 63540

(III) The statewide enrollment of students in science, 63541
technology, engineering, and mathematics schools established 63542
under Chapter 3326. of the Revised Code. 63543

(ii) For a joint vocational school district, the 63544

"statewide ADM" equals the sum of the enrolled ADM for all joint vocational school districts combined.

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly.

(2) "Economically disadvantaged index for a community or STEM school" means the following:

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the square of the quotient of the percentage of students enrolled in the school who are identified as economically disadvantaged as defined by the department, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation, the "statewide ADM" equals the "statewide ADM" for city, local, and exempted village school districts described in division (I) (1) (a) (i) of this section.

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly.

(J) "Educational choice scholarship unit" means a unit that consists of all of the students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code.

(K) "Enrolled ADM" means the following:

(1) For a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the department and adjusted if so ordered under division (K) of that section, and as further adjusted by the department, as follows:

(a) Add the students described in division (A) (1) (b) of section 3317.03 of the Revised Code; 63573
63574

(b) Subtract the students counted under divisions (A) (2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of section 3317.03 of the Revised Code; 63575
63576
63577

(c) Count only twenty per cent of the number of joint vocational school district students counted under division (A) (3) of section 3317.03 of the Revised Code; 63578
63579
63580

(d) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact; 63581
63582
63583
63584

(e) Add twenty per cent of the number of students described in division (A) (1) (b) of section 3317.03 of the Revised Code who enroll in a joint vocational school district or under a career-technical education compact. 63585
63586
63587
63588

(2) For a joint vocational school district, the final number verified by the department, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, and as further adjusted by the department by adding the students described in division (D) (1) (b) of section 3317.03 of the Revised Code; 63589
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63591
63592
63593
63594
63595

(3) For the community and STEM school unit, the sum of the number of students reported as enrolled in community schools under divisions (B) (1) and (2) of section 3314.08 of the Revised Code and the number of students reported as enrolled in STEM schools under division (A) of section 3326.32 of the Revised Code; 63596
63597
63598
63599
63600
63601

(4) For the educational choice scholarship unit, the 63602
number of students for whom educational choice scholarships are 63603
awarded under sections 3310.03 and 3310.032 of the Revised Code 63604
as reported under division (A) (2) (g) of section 3317.03 of the 63605
Revised Code; 63606

(5) For the pilot project scholarship unit, the number of 63607
students for whom pilot project scholarships are awarded under 63608
sections 3313.974 to 3313.979 of the Revised Code as reported 63609
under division (A) (2) (b) of section 3317.03 of the Revised Code; 63610

(6) For the autism scholarship unit, the number of 63611
students for whom autism scholarships are awarded under section 63612
3310.41 of the Revised Code as reported under division (A) (2) (h) 63613
of section 3317.03 of the Revised Code; 63614

(7) For the Jon Peterson special needs scholarship unit, 63615
the number of students for whom Jon Peterson special needs 63616
scholarships are awarded under sections 3310.51 to 3310.64 of 63617
the Revised Code as reported under division (A) (2) (h) of section 63618
3317.03 of the Revised Code; 63619

(8) For the nonchartered educational savings account unit, 63620
the number of students for whom educational savings accounts are 63621
established under sections 3310.21 to 3310.26 of the Revised 63622
Code as reported under division (A) (2) (k) of section 3317.03 of 63623
the Revised Code. 63624

(L) (1) "Formula ADM" means, for a city, local, or exempted 63625
village school district, the enrollment reported under division 63626
(A) of section 3317.03 of the Revised Code, as verified by the 63627
department and adjusted if so ordered under division (K) of that 63628
section, and as further adjusted by the department, as follows: 63629

(a) Count only twenty per cent of the number of joint 63630

vocational school district students counted under division (A) 63631
(3) of section 3317.03 of the Revised Code; 63632

(b) Add twenty per cent of the number of students who are 63633
entitled to attend school in the district under section 3313.64 63634
or 3313.65 of the Revised Code and are enrolled in another 63635
school district under a career-technical education compact. 63636

(2) "Formula ADM" means, for a joint vocational school 63637
district, the final number verified by the department, based on 63638
the enrollment reported and certified under division (D) of 63639
section 3317.03 of the Revised Code, as adjusted, if so ordered, 63640
under division (K) of that section. 63641

(M) "FTE basis" means a count of students based on full- 63642
time equivalency, in accordance with rules adopted by the 63643
department pursuant to section 3317.03 of the Revised Code. In 63644
adopting its rules under this division, the department shall 63645
provide for counting any student in category one, two, three, 63646
four, five, or six special education ADM or in category one, 63647
two, three, four, or five career-technical education ADM in the 63648
same proportion the student is counted in enrolled ADM and 63649
formula ADM. 63650

(N) For fiscal years 2024-2026 and 20252027, "funding 63651
base" means, for a city, local, or exempted village school 63652
district, the sum of the following as calculated by the 63653
department: 63654

(1) The district's "general funding base," which equals 63655
the amount calculated as follows: 63656

(a) Compute the sum of the following: 63657

(i) The amount calculated for the district for fiscal year 63658
2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 63659

133rd general assembly after any adjustments required under 63660
Section 265.227 of H.B. 166 of the 133rd general assembly and 63661
prior to any funding reductions authorized by Executive Order 63662
2020-19D, "Implementing Additional Spending Controls to Balance 63663
the State Budget" issued on May 7, 2020; 63664

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 63665
district's payments for fiscal year 2020 under divisions (C) (1), 63666
(3), and (4) of section 3313.981 of the Revised Code as those 63667
divisions existed prior to September 30, 2021. 63668

(b) Subtract from the amount calculated in division (N) (1) 63669
(a) of this section the sum of the following: 63670

(i) The following difference: 63671

(The amount paid to the district under division (A) (5) of 63672
section 3317.022 of the Revised Code, as that division existed 63673
prior to September 30, 2021, for fiscal year 2019) - (the 63674
amounts deducted from the district and paid to a community 63675
school under division (C) (1) (e) of section 3314.08 of the 63676
Revised Code or a science, technology, engineering, and 63677
mathematics school under division (E) of section 3326.33 of the 63678
Revised Code as those divisions existed prior to September 30, 63679
2021, for fiscal year 2020 in accordance with division (A) of 63680
Section 265.235 of H.B. 166 of the 133rd general assembly) 63681

(ii) The payments deducted from the district and paid to a 63682
community school for fiscal year 2020 under divisions (C) (1) (a), 63683
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 63684
Revised Code as those divisions existed prior to September 30, 63685
2021, in accordance with division (A) of Section 265.230 of H.B. 63686
166 of the 133rd general assembly; 63687

(iii) The payments deducted from the district and paid to 63688

a science, technology, engineering, and mathematics school for 63689
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 63690
and (G) of section 3326.33 of the Revised Code as those 63691
divisions existed prior to September 30, 2021, in accordance 63692
with division (A) of Section 265.235 of H.B. 166 of the 133rd 63693
general assembly; 63694

(iv) The payments deducted from the district under 63695
division (C) of section 3310.08 of the Revised Code as that 63696
division existed prior to September 30, 2021, division (C) (2) of 63697
section 3310.41 of the Revised Code as that division existed 63698
prior to September 30, 2021, and former section 3310.55 of the 63699
Revised Code for fiscal year 2020 and, in the case of a pilot 63700
project school district as defined in section 3313.975 of the 63701
Revised Code, the funds deducted from the district under Section 63702
265.210 of H.B. 166 of the 133rd general assembly to operate the 63703
pilot project scholarship program for fiscal year 2020 under 63704
sections 3313.974 to 3313.979 of the Revised Code; 63705

(v) For fiscal years 2024-2026 and 2025-2027, the payments 63706
subtracted from the district for fiscal year 2020 under 63707
divisions (B) (1) and (3) of section 3313.981 of the Revised Code 63708
as those divisions existed prior to September 30, 2021. 63709

(2) The district's "disadvantaged pupil impact aid funding 63710
base," which equals the following difference: 63711

(The amount paid to the district under division (A) (5) of 63712
section 3317.022 of the Revised Code, as that division existed 63713
prior to September 30, 2021, for fiscal year 2019) - (the 63714
amounts deducted from the district and paid to a community 63715
school under division (C) (1) (e) of section 3314.08 of the 63716
Revised Code or a science, technology, engineering, and 63717
mathematics school under division (E) of section 3326.33 of the 63718

Revised Code as those divisions existed prior to September 30, 63719
2021, for fiscal year 2020 in accordance with division (A) of 63720
Section 265.235 of H.B. 166 of the 133rd general assembly) 63721

(O) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 63722
base" means, for a joint vocational school district, the sum of 63723
the following as calculated by the department: 63724

(1) The district's "general funding base," which equals 63725
the amount calculated as follows: 63726

(a) Compute the sum of the following: 63727

(i) The district's payments for fiscal year 2020 under 63728
Section 265.225 of H.B. 166 of the 133rd general assembly after 63729
any adjustments required under Section 265.227 of H.B. 166 of 63730
the 133rd general assembly; 63731

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 63732
district's payments for fiscal year 2020 under divisions (D) (1) 63733
and (2) of section 3313.981 of the Revised Code as those 63734
divisions existed prior to September 30, 2021. 63735

(b) Subtract from the amount paid to the district under 63736
division (A) (3) of section 3317.16 of the Revised Code, as that 63737
division existed prior to September 30, 2021, for fiscal year 63738
2019. 63739

(2) The district's "disadvantaged pupil impact aid funding 63740
base," which equals the amount paid to the district under 63741
division (A) (3) of section 3317.16 of the Revised Code, as that 63742
division existed prior to September 30, 2021, for fiscal year 63743
2019. 63744

(P) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 63745
base" for a community school means the following: 63746

(1) For a community school that was in operation for the 63747
entirety of fiscal year 2020, the amount paid to the school for 63748
that fiscal year under division (C) (1) of section 3314.08 of the 63749
Revised Code as that division existed prior to September 30, 63750
2021, in accordance with division (A) of Section 265.230 of H.B. 63751
166 of the 133rd general assembly and the amount, if any, paid 63752
to the school for that fiscal year under section 3314.085 of the 63753
Revised Code in accordance with division (B) of Section 265.230 63754
of H.B. 166 of the 133rd general assembly; 63755

(2) For a community school that was in operation for part 63756
of fiscal year 2020, the amount that would have been paid to the 63757
school for that fiscal year under division (C) (1) of section 63758
3314.08 of the Revised Code as that division existed prior to 63759
September 30, 2021, in accordance with division (A) of Section 63760
265.230 of H.B. 166 of the 133rd general assembly if the school 63761
had been in operation for the entirety of that fiscal year, as 63762
calculated by the department, and the amount that would have 63763
been paid to the school for that fiscal year under section 63764
3314.085 of the Revised Code in accordance with division (B) of 63765
Section 265.230 of H.B. 166 of the 133rd general assembly, if 63766
any, if the school had been in operation for the entirety of 63767
that fiscal year, as calculated by the department; 63768

(3) For a community school that was not in operation for 63769
fiscal year 2020, the amount that would have been paid to the 63770
school if it was in operation for that school year under 63771
division (C) (1) of section 3314.08 of the Revised Code as that 63772
division existed prior to September 30, 2021, in accordance with 63773
division (A) of Section 265.230 of H.B. 166 of the 133rd general 63774
assembly if the school had been in operation for the entirety of 63775
that fiscal year, as calculated by the department, and the 63776
amount that would have been paid to the school for that fiscal 63777

year under section 3314.085 of the Revised Code in accordance 63778
with division (B) of Section 265.230 of H.B. 166 of the 133rd 63779
general assembly, if any, if the school had been in operation 63780
for the entirety of that fiscal year, as calculated by the 63781
department. 63782

(Q) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 63783
base" for a STEM school means the following: 63784

(1) For a science, technology, engineering, and 63785
mathematics school that was in operation for the entirety of 63786
fiscal year 2020, the amount paid to the school for that fiscal 63787
year under section 3326.33 of the Revised Code as that section 63788
existed prior to September 30, 2021, in accordance with division 63789
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 63790
and the amount, if any, paid to the school for that fiscal year 63791
under section 3326.41 of the Revised Code in accordance with 63792
division (B) of Section 265.235 of H.B. 166 of the 133rd general 63793
assembly; 63794

(2) For a science, technology, engineering, and 63795
mathematics school that was in operation for part of fiscal year 63796
2020, the amount that would have been paid to the school for 63797
that fiscal year under section 3326.33 of the Revised Code as 63798
that section existed prior to September 30, 2021, in accordance 63799
with division (A) of Section 265.235 of H.B. 166 of the 133rd 63800
general assembly if the school had been in operation for the 63801
entirety of that fiscal year, as calculated by the department, 63802
and the amount that would have been paid to the school for that 63803
fiscal year under section 3326.41 of the Revised Code in 63804
accordance with division (B) of Section 265.235 of H.B. 166 of 63805
the 133rd general assembly, if any, if the school had been in 63806
operation for the entirety of that fiscal year, as calculated by 63807

the department; 63808

(3) For a science, technology, engineering, and 63809
mathematics school that was not in operation for fiscal year 63810
2020, the amount that would have been paid to the school if it 63811
was in operation for that school year under section 3326.33 of 63812
the Revised Code as that section existed prior to September 30, 63813
2021, in accordance with division (A) of Section 265.235 of H.B. 63814
166 of the 133rd general assembly if the school had been in 63815
operation for the entirety of that fiscal year, as calculated by 63816
the department, and the amount that would have been paid to the 63817
school for that fiscal year under section 3326.41 of the Revised 63818
Code in accordance with division (B) of Section 265.235 of H.B. 63819
166 of the 133rd general assembly, if any, if the school had 63820
been in operation for the entirety of that fiscal year, as 63821
calculated by the department. 63822

(R) "Funding unit" means any of the following: 63823

(1) A city, local, exempted village, or joint vocational 63824
school district; 63825

(2) The community and STEM school unit; 63826

(3) The educational choice scholarship unit; 63827

(4) The pilot project scholarship unit; 63828

(5) The autism scholarship unit; 63829

(6) The Jon Peterson special needs scholarship unit; 63830

(7) The nonchartered educational savings account unit. 63831

(S) "Jon Peterson special needs scholarship unit" means a 63832
unit that consists of all of the students for whom Jon Peterson 63833
scholarships are awarded under sections 3310.51 to 3310.64 of 63834

the Revised Code. 63835

(T) "Internet- or computer-based community school" has the 63836
same meaning as in section 3314.02 of the Revised Code. 63837

(U) "LRE student with a disability" means a child with a 63838
disability who has an individualized education program providing 63839
for the student to spend more than half of each school day in a 63840
regular school setting with nondisabled students. For purposes 63841
of this division, "individualized education program" and "child 63842
with a disability" have the same meanings as in section 3323.01 63843
of the Revised Code, and "LRE" is an abbreviation for "least 63844
restrictive environment." 63845

(V) "Medically fragile child" means a child to whom all of 63846
the following apply: 63847

(1) The child requires the services of a doctor of 63848
medicine or osteopathic medicine at least once a week due to the 63849
instability of the child's medical condition. 63850

(2) The child requires the services of a registered nurse 63851
on a daily basis. 63852

(3) The child is at risk of institutionalization in a 63853
hospital, skilled nursing facility, or intermediate care 63854
facility for individuals with intellectual disabilities. 63855

(W) (1) A child may be identified as having an "other 63856
health impairment-major" if the child's condition meets the 63857
definition of "other health impaired" established in rules 63858
previously adopted by the department and if either of the 63859
following apply: 63860

(a) The child is identified as having a medical condition 63861
that is among those listed by the department as conditions where 63862

a substantial majority of cases fall within the definition of 63863
"medically fragile child." 63864

(b) The child is determined by the department to be a 63865
medically fragile child. A school district superintendent may 63866
petition the department for a determination that a child is a 63867
medically fragile child. 63868

(2) A child may be identified as having an "other health 63869
impairment-minor" if the child's condition meets the definition 63870
of "other health impaired" established in rules previously 63871
adopted by the department but the child's condition does not 63872
meet either of the conditions specified in division (W) (1) (a) or 63873
(b) of this section. 63874

(X) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 63875
local, exempted village, or joint vocational school district's, 63876
community school's, or STEM school's "general phase-in 63877
percentage" is equal to the percentage for that fiscal year that 63878
is determined by the general assembly. 63879

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 63880
local, exempted village, or joint vocational school district's 63881
"phase-in percentage for disadvantaged pupil impact aid" is 63882
equal to the percentage for that fiscal year that is determined 63883
by the general assembly. 63884

(Y) "Pilot project scholarship unit" means a unit that 63885
consists of all of the students for whom pilot project 63886
scholarships are awarded under sections 3313.974 to 3313.979 of 63887
the Revised Code. 63888

(Z) "Preschool child with a disability" means a child with 63889
a disability, as defined in section 3323.01 of the Revised Code, 63890
who is at least age three but is not of compulsory school age, 63891

as defined in section 3321.01 of the Revised Code, and who is 63892
not currently enrolled in kindergarten. 63893

(AA) "Related services" includes: 63894

(1) Child study, special education supervisors and 63895
coordinators, speech and hearing services, adaptive physical 63896
development services, occupational or physical therapy, teacher 63897
assistants for children with disabilities whose disabilities are 63898
described in division (B) of section 3317.013 or division (G) (3) 63899
of this section, behavioral intervention, interpreter services, 63900
work study, nursing services, and specialized integrative 63901
services as those terms are defined by the department; 63902

(2) Speech and language services provided to any student 63903
with a disability, including any student whose primary or only 63904
disability is a speech and language disability; 63905

(3) Any related service not specifically covered by other 63906
state funds but specified in federal law, including but not 63907
limited to, audiology and school psychological services; 63908

(4) Any service included in units funded under former 63909
division (O) (1) of section 3317.024 of the Revised Code; 63910

(5) Any other related service needed by children with 63911
disabilities in accordance with their individualized education 63912
programs. 63913

(BB) "School district," unless otherwise specified, means 63914
city, local, and exempted village school districts. 63915

(CC) "Separately educated student with a disability" has 63916
the same meaning as in section 3313.974 of the Revised Code. 63917

(DD) "State education aid" has the same meaning as in 63918
section 5751.20 of the Revised Code. 63919

(EE) (1) "State share percentage" means the following for a 63920
city, local, or exempted village school district: 63921

(a) For fiscal years 2024-2026 and 2025-2027, the state 63922
share percentage calculated under section 3317.017 of the 63923
Revised Code; 63924

(b) For fiscal year 2026-2028 and each fiscal year 63925
thereafter, a percentage calculated in a manner determined by 63926
the general assembly. 63927

(2) "State share percentage" means ~~the following, for a~~ 63928
~~joint vocational school district:~~ 63929

~~(a) For fiscal years 2024 and 2025, the percentage~~ 63930
~~calculated in accordance with the following formula:~~ 63931

~~The amount computed for the district under division (A) (1)~~ 63932
~~of section 3317.16 of the Revised Code for that fiscal year /~~ 63933
~~the aggregate base cost calculated for the district for that~~ 63934
~~fiscal year under section 3317.012 of the Revised Code~~ 63935

~~(b) For fiscal year 2026 and each fiscal year thereafter,~~ 63936
~~a percentage calculated in a manner determined by the general~~ 63937
~~assembly, the district's state share percentage calculated under~~ 63938
section 3317.165 of the Revised Code. 63939

(FF) "Statewide average base cost per pupil" means the 63940
following: 63941

(1) For fiscal years 2024-2026 and 2025-2027, the statewide 63942
average base cost per pupil calculated under division (A) of 63943
section 3317.018 of the Revised Code; 63944

(2) For fiscal year 2026-2028 and each fiscal year 63945
thereafter, an amount calculated in a manner determined by the 63946
general assembly. 63947

(GG) "Statewide average career-technical base cost per pupil" means the following:

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code;

(2) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(II) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

(JJ) For purposes of sections 3317.017 and ~~3317.16~~ 3317.165 of the Revised Code, "three-year average valuation" for a fiscal year means the average of total taxable value for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.

(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment reported under divisions (A) (2) (a), (b), (g), (h), ~~and (i)~~, and (k) of that section, as verified by the department and adjusted if so ordered under division (K) of that section.

(LL) "Total special education ADM" means the sum of categories one through six special education ADM.

(MM) "Total taxable value" means the sum of the amounts
certified for a city, local, exempted village, or joint
vocational school district under divisions (A) (1) and (2) of
section 3317.021 of the Revised Code.

(NN) "Tuition discount" means any deduction from the base
tuition amount per student charged by a chartered nonpublic
school, to which the student's family is entitled due to one or
more of the following conditions:

(1) The student's family has multiple children enrolled in
the same school.

(2) The student's family is a member of or affiliated with
a religious or secular organization that provides oversight of
the school or from which the school has agreed to enroll
students.

(3) The student's parent is an employee of the school.

(4) Some other qualification not based on the income of
the student's family or the student's athletic or academic
ability and for which all students in the school may qualify.

(OO) "Nonchartered educational savings account unit" means
a unit that consists of all the students for whom educational
savings accounts are established under sections 3310.21 to
3310.26 of the Revised Code.

Sec. 3317.021. (A) On or before the first day of June of
each year, the tax commissioner shall certify to the department
of education and workforce and the office of budget and
management the information described in divisions (A) (1) to (5)
of this section for each city, exempted village, and local
school district, and the information required by divisions (A)
(1) and (2) of this section for each joint vocational school

district, and it shall be used, along with the information 64005
certified under division (B) of this section, in making the 64006
computations for the district under this chapter. 64007

(1) The taxable value of real and public utility real 64008
property in the school district subject to taxation in the 64009
preceding tax year, by class and by county of location. 64010

(2) The taxable value of tangible personal property, 64011
including public utility personal property, subject to taxation 64012
by the district for the preceding tax year. 64013

(3) (a) The total property tax rate and total taxes charged 64014
and payable for the current expenses for the preceding tax year 64015
and the total property tax rate and the total taxes charged and 64016
payable to a joint vocational district for the preceding tax 64017
year that are limited to or to the extent apportioned to current 64018
expenses. 64019

(b) The portion of the amount of taxes charged and payable 64020
reported for each city, local, and exempted village school 64021
district under division (A) (3) (a) of this section attributable 64022
to a joint vocational school district. 64023

(4) The value of all real and public utility real property 64024
in the school district exempted from taxation minus both of the 64025
following: 64026

(a) The value of real and public utility real property in 64027
the district owned by the United States government and used 64028
exclusively for a public purpose; 64029

(b) The value of real and public utility real property in 64030
the district exempted from taxation under Chapter 725. or 1728. 64031
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 64032
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 64033

(5) The ~~total~~median federal adjusted gross income of the 64034
residents of the school district, based on tax returns filed by 64035
the residents of the district, for the most recent year for 64036
which this information is available, and the median Ohio 64037
adjusted gross income of the residents of the school district 64038
determined on the basis of tax returns filed for the second 64039
preceding tax year by the residents of the district. 64040

(6) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the number of 64041
state tax returns filed by the residents of the district for the 64042
most recent year for which this information is available. 64043

(B) On or before the first day of May each year, the tax 64044
commissioner shall certify to the department of education and 64045
workforce and the office of budget and management the total 64046
taxable real property value of railroads and, separately, the 64047
total taxable tangible personal property value of all public 64048
utilities for the preceding tax year, by school district and by 64049
county of location. 64050

(C) If on the basis of the information certified under 64051
division (A) of this section, the department determines that any 64052
district fails in any year to meet the qualification requirement 64053
specified in division (A) of section 3317.01 of the Revised 64054
Code, the department shall immediately request the tax 64055
commissioner to determine the extent to which any school 64056
district income tax levied by the district under Chapter 5748. 64057
of the Revised Code shall be included in meeting that 64058
requirement. Within five days of receiving such a request from 64059
the department, the tax commissioner shall make the 64060
determination required by this division and report the quotient 64061
obtained under division (C) (3) of this section to the department 64062
and the office of budget and management. This quotient 64063

represents the number of mills that the department shall include 64064
in determining whether the district meets the qualification 64065
requirement of division (A) of section 3317.01 of the Revised 64066
Code. 64067

The tax commissioner shall make the determination required 64068
by this division as follows: 64069

(1) Multiply one mill times the total taxable value of the 64070
district as determined in divisions (A) (1) and (2) of this 64071
section; 64072

(2) Estimate the total amount of tax liability for the 64073
current tax year under taxes levied by Chapter 5748. of the 64074
Revised Code that are apportioned to current operating expenses 64075
of the district, excluding any income tax receipts allocated for 64076
the project cost, debt service, or maintenance set-aside 64077
associated with a state-assisted classroom facilities project as 64078
authorized by section 3318.052 of the Revised Code; 64079

(3) Divide the amount estimated under division (C) (2) of 64080
this section by the product obtained under division (C) (1) of 64081
this section. 64082

Sec. 3317.022. The department of education and workforce 64083
shall compute and distribute state core foundation funding to 64084
each eligible funding unit that is a city, local, or exempted 64085
village school district, the community and STEM school unit, the 64086
educational choice scholarship unit, the pilot project 64087
scholarship unit, the autism scholarship unit, ~~and~~ the Jon 64088
Peterson special needs scholarship unit, and the nonchartered 64089
educational savings account unit for the fiscal year, using the 64090
information obtained under section 3317.021 of the Revised Code 64091
in the calendar year in which the fiscal year begins in 64092

accordance with the following: 64093

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for a funding 64094
unit that is a city, local, or exempted village school district: 64095

The district's funding base + [(the district's state core 64096
foundation funding components for that fiscal year calculated 64097
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 64098
section - the district's general funding base calculated in 64099
accordance with division (N) (1) of section 3317.02 of the 64100
Revised Code) X the district's general phase-in percentage for 64101
that fiscal year] + [(the district's disadvantaged pupil impact 64102
aid for that fiscal year calculated under division (A) (4) of 64103
this section - the district's disadvantaged pupil impact aid 64104
funding base calculated in accordance with division (N) (2) of 64105
section 3317.02 of the Revised Code) X the district's phase-in 64106
percentage for disadvantaged pupil impact aid for that fiscal 64107
year] ~~+ the district's supplemental targeted assistance funds~~ 64108
~~calculated under section 3317.0218 of the Revised Code~~ 64109

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 64110
for a funding unit that is a city, local, or exempted village 64111
school district, the sum of the district's state core foundation 64112
funding components for that fiscal year calculated under 64113
divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this 64114
~~section and the district's supplemental targeted assistance~~ 64115
~~funds calculated under section 3317.0218 of the Revised Code, if~~ 64116
the general assembly authorizes such payments to these funding 64117
units. 64118

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for the community 64119
and STEM school unit, an amount calculated in accordance with 64120
section 3317.026 of the Revised Code. 64121

For fiscal ~~years 2026~~ year 2028 and each fiscal year 64122
thereafter, for the community and STEM school unit, an amount 64123
calculated in accordance with divisions (A) (1), (3), (4), (5), 64124
(7), (8), ~~and (9)~~, and (14) of this section, if the general 64125
assembly authorizes such payments to these funding units. 64126

For the educational choice scholarship unit, the amount 64127
calculated under division (A) (10) of this section. 64128

For the pilot project scholarship unit, the amount 64129
calculated under division (A) (11) of this section. 64130

For the autism scholarship unit, the amount calculated 64131
under division (A) (12) of this section. 64132

For the Jon Peterson special needs scholarship unit, the 64133
amount calculated under division (A) (13) of this section. 64134

For fiscal year 2027 and each fiscal year thereafter, for 64135
the nonchartered educational savings account unit, the amount 64136
calculated under division (A) (15) of this section. 64137

(A) A funding unit's state core foundation funding 64138
components shall be the following: 64139

(1) (a) If the funding unit is a city, local, or exempted 64140
village school district, the district's state share, which is 64141
equal to the following: 64142

(i) For fiscal years ~~2024-2026~~ and 20252027, the amount 64143
calculated under division (B) of section 3317.017 of the Revised 64144
Code; 64145

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 64146
thereafter, an amount calculated in a manner determined by the 64147
general assembly. 64148

(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following:

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount calculated under section 3317.0110 of the Revised Code;

(ii) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following:

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount calculated under section 3317.0217 of the Revised Code;

(b) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(3) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of the following:

(i) The funding unit's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share

percentage; 64177

(ii) The funding unit's category two special education ADM 64178
X the multiple specified in division (B) of section 3317.013 of 64179
the Revised Code X the statewide average base cost per pupil for 64180
that fiscal year X if the funding unit is a city, local, or 64181
exempted village school district, the district's state share 64182
percentage; 64183

(iii) The funding unit's category three special education 64184
ADM X the multiple specified in division (C) of section 3317.013 64185
of the Revised Code X the statewide average base cost per pupil 64186
for that fiscal year X if the funding unit is a city, local, or 64187
exempted village school district, the district's state share 64188
percentage; 64189

(iv) The funding unit's category four special education 64190
ADM X the multiple specified in division (D) of section 3317.013 64191
of the Revised Code X the statewide average base cost per pupil 64192
for that fiscal year X if the funding unit is a city, local, or 64193
exempted village school district, the district's state share 64194
percentage; 64195

(v) The funding unit's category five special education ADM 64196
X the multiple specified in division (E) of section 3317.013 of 64197
the Revised Code X the statewide average base cost per pupil for 64198
that fiscal year X if the funding unit is a city, local, or 64199
exempted village school district, the district's state share 64200
percentage; 64201

(vi) The funding unit's category six special education ADM 64202
X the multiple specified in division (F) of section 3317.013 of 64203
the Revised Code X the statewide average base cost per pupil for 64204
that fiscal year X if the funding unit is a city, local, or 64205

exempted village school district, the district's state share 64206
percentage. 64207

(b) For fiscal year ~~2026~~2028 and each fiscal year 64208
thereafter, the sum of the following: 64209

(i) An amount calculated in a manner determined by the 64210
general assembly times the funding unit's category one special 64211
education ADM; 64212

(ii) An amount calculated in a manner determined by the 64213
general assembly times the funding unit's category two special 64214
education ADM; 64215

(iii) An amount calculated in a manner determined by the 64216
general assembly times the funding unit's category three special 64217
education ADM; 64218

(iv) An amount calculated in a manner determined by the 64219
general assembly times the funding unit's category four special 64220
education ADM; 64221

(v) An amount calculated in a manner determined by the 64222
general assembly times the funding unit's category five special 64223
education ADM; 64224

(vi) An amount calculated in a manner determined by the 64225
general assembly times the funding unit's category six special 64226
education ADM. 64227

(4) If the funding unit is a city, local, or exempted 64228
village school district or the community and STEM school unit, 64229
disadvantaged pupil impact aid calculated according to the 64230
following formula: 64231

(a) If the funding unit is a city, local, or exempted 64232
village school district, an amount equal to the following: 64233

(i) For fiscal years ~~2024~~2026 and ~~2025~~2027, the following
product:

\$422 X (the district's economically disadvantaged index) X the
number of students who are economically disadvantaged as
certified under division (B) (21) of section 3317.03 of the
Revised Code

(ii) For fiscal year ~~2026~~2028 and each fiscal year
thereafter, an amount calculated in a manner determined by the
general assembly.

(b) If the funding unit is the community and STEM school
unit, an amount equal to the following:

(i) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount
calculated as follows:

(I) For each student in the funding unit's enrolled ADM
who is economically disadvantaged and is not enrolled in an
internet- or computer-based community school, multiply \$422 by
the economically disadvantaged index of the school in which the
student is enrolled;

(II) Compute the funding unit's disadvantaged pupil impact
aid by calculating the sum of the amounts determined under
division (A) (4) (b) (i) (I) of this section.

(ii) For fiscal year ~~2026~~2028 and each fiscal year
thereafter, an amount calculated as follows:

(I) For each student in the funding unit's enrolled ADM
who is economically disadvantaged and is not enrolled in an
internet- or computer-based community school, calculate an
amount in the manner determined by the general assembly;

(II) Compute the funding unit's disadvantaged pupil impact

aid by calculating the sum of the amounts determined under 64262
division (A) (4) (b) (ii) (I) of this section. 64263

(5) If the funding unit is a city, local, or exempted 64264
village school district or the community and STEM school unit, 64265
English learner funds calculated as follows: 64266

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 64267
the following: 64268

(i) The funding unit's category one English learner ADM X 64269
the multiple specified in division (A) of section 3317.016 of 64270
the Revised Code X the statewide average base cost per pupil for 64271
that fiscal year X if the funding unit is a city, local, or 64272
exempted village school district, the district's state share 64273
percentage; 64274

(ii) The funding unit's category two English learner ADM X 64275
the multiple specified in division (B) of section 3317.016 of 64276
the Revised Code X the statewide average base cost per pupil for 64277
that fiscal year X if the funding unit is a city, local, or 64278
exempted village school district, the district's state share 64279
percentage; 64280

(iii) The funding unit's category three English learner 64281
ADM X the multiple specified in division (C) of section 3317.016 64282
of the Revised Code X the statewide average base cost per pupil 64283
for that fiscal year X if the funding unit is a city, local, or 64284
exempted village school district, the district's state share 64285
percentage. 64286

(b) For fiscal year ~~2026~~2028 and each fiscal year 64287
thereafter, the sum of the following: 64288

(i) An amount calculated in a manner determined by the 64289
general assembly times the funding unit's category one English 64290

learner ADM; 64291

(ii) An amount calculated in a manner determined by the 64292
general assembly times the funding unit's category two English 64293
learner ADM; 64294

(iii) An amount calculated in a manner determined by the 64295
general assembly times the funding unit's category three English 64296
learner ADM. 64297

(6) (a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, if the 64298
funding unit is a city, local, or exempted village school 64299
district, all of the following: 64300

(i) Gifted identification funds calculated according to 64301
the following formula: 64302

\$24 X the district's enrolled ADM for grades kindergarten 64303
through six X the district's state share percentage 64304

(ii) Gifted referral funds calculated according to the 64305
following formula: 64306

\$2.50 X the district's enrolled ADM X the district's state share 64307
percentage 64308

~~(iii) Gifted professional development funds calculated~~ 64309
~~according to the following formula:~~ 64310

~~(The greater of the number of gifted students enrolled in the~~ 64311
~~district as certified under division (B) (22) of section 3317.03~~ 64312
~~of the Revised Code and ten per cent of the district's enrolled~~ 64313
~~ADM) X the district's state share percentage X \$21, for fiscal~~ 64314
~~year 2024, or \$28, for fiscal year 2025~~ 64315

~~(iv)~~ Gifted unit funding calculated under section 3317.051 64316
of the Revised Code. 64317

(b) For fiscal year ~~2026~~2028 and each fiscal year 64318
thereafter, all of the following: 64319

(i) Gifted identification funds calculated in a manner 64320
determined by the general assembly; 64321

(ii) Gifted referral funds calculated in a manner 64322
determined by the general assembly, if the general assembly 64323
authorizes such a payment; 64324

~~(iii) Gifted professional development funds calculated in-~~ 64325
~~a manner determined by the general assembly, if the general~~ 64326
~~assembly authorizes such a payment;~~ 64327

~~(iv)~~ Gifted unit funding calculated in an amount 64328
determined by the general assembly. 64329

(7) If the funding unit is a city, local, or exempted 64330
village school district or the community and STEM school unit, 64331
career-technical education funds calculated under division (C) 64332
of section 3317.014 of the Revised Code. 64333

(8) If the funding unit is a city, local, or exempted 64334
village school district or the community and STEM school unit, 64335
career-technical education associated services funds calculated 64336
under division (D) of section 3317.014 of the Revised Code. 64337

(9) If the funding unit is the community and STEM school 64338
unit, an amount calculated as follows: 64339

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 64340
equal to the following: 64341

[The number of students in the funding unit's enrolled ADM who 64342
are reported under division (B) (5) of section 3314.08 of the 64343
Revised Code X (the aggregate base cost calculated for all 64344
schools in the funding unit for that fiscal year under section 64345

3317.0110 of the Revised Code / the funding unit's enrolled ADM) 64346
X.20] 64347

(b) For fiscal year ~~2026~~2028 and each fiscal year 64348
thereafter, an amount calculated in a manner determined by the 64349
general assembly. 64350

(10) If the funding unit is the educational choice 64351
scholarship unit, an amount calculated as follows: 64352

(a) For each student in the funding unit's enrolled ADM, 64353
determine the lesser of the following: 64354

(i) The base tuition of the chartered nonpublic school in 64355
which the student is enrolled minus the total amount of any 64356
applicable tuition discounts for which the student qualifies; 64357

(ii)(I) If the student receives a scholarship under 64358
section 3310.03 of the Revised Code, or received a scholarship 64359
for the first time under section 3310.032 of the Revised Code 64360
prior to ~~the effective date of this amendment~~ October 3, 2023, 64361
and the student's parent does not elect to receive a scholarship 64362
amount under division (A)(10)(a)(ii)(II) of this section, 64363
\$5,500, if the student is in grades kindergarten through eight, 64364
or \$7,500, if the student is in grades nine through twelve. 64365

(II) If the student receives a scholarship for the first 64366
time under section 3310.032 of the Revised Code on and after ~~the~~ 64367
~~effective date of this amendment~~ October 3, 2023, or if a 64368
student who received a scholarship for the first time under that 64369
section prior to that date and the student's parent elects to 64370
receive a scholarship amount under division (A)(10)(a)(ii)(II) 64371
of this section, an amount calculated in accordance with section 64372
3310.08 of the Revised Code. The department shall provide an 64373
opportunity each fiscal year for a parent to elect to receive a 64374

scholarship amount under division (A) (10) (a) (ii) (II) of this 64375
section. 64376

The amounts specified in division (A) (10) (a) (ii) (I) of 64377
this section shall increase in future fiscal years by the same 64378
percentage that the statewide average base cost per pupil 64379
increases in future fiscal years. 64380

(b) Compute the sum of the amounts calculated under 64381
division (A) (10) (a) of this section. 64382

(11) If the funding unit is the pilot project scholarship 64383
unit, an amount calculated as follows: 64384

(a) For each student in the funding unit's enrolled ADM, 64385
determine the lesser of the following: 64386

(i) The net tuition charges of the student's alternative 64387
school; 64388

(ii) \$5,500, if the student is in grades kindergarten 64389
through eight, or \$7,500, if the student is in grades nine 64390
through twelve. 64391

The amounts specified in division (A) (11) (a) (ii) of this 64392
section shall increase in future fiscal years by the same 64393
percentage that the statewide average base cost per pupil 64394
increases in future fiscal years. 64395

For purposes of division (A) (11) (a) of this section, the 64396
net tuition and fees charged to a student shall be the tuition 64397
amount specified by the alternative school minus all other 64398
financial aid, discounts, and adjustments received for the 64399
student. In cases where discounts are offered for multiple 64400
students from the same family, and not all students in the same 64401
family are scholarship recipients, the net tuition amount 64402

attributable to the scholarship recipient shall be the lowest 64403
net tuition to which the family is entitled. 64404

The department shall provide for an increase in the amount 64405
determined for any student who is an LRE student with a 64406
disability and shall further increase such amount in the case of 64407
any separately educated student with a disability, as that term 64408
is defined in section 3313.974 of the Revised Code. Such 64409
increases shall take into account the instruction, related 64410
services, and transportation costs of educating such students. 64411

(b) Compute the sum of the amounts calculated under 64412
division (A)(17)(a) of this section. 64413

(12) If the funding unit is the autism scholarship unit, 64414
an amount calculated as follows: 64415

(a) For each student in the funding unit's enrolled ADM, 64416
determine the lesser of the following: 64417

(i) The tuition charged for the student's special 64418
education program, as that term is defined in section 3310.41 of 64419
the Revised Code; 64420

(ii) ~~\$32,445~~\$34,000. 64421

(b) Compute the sum of the amounts calculated under 64422
division (A)(12)(a) of this section. 64423

(13) If the funding unit is the Jon Peterson special needs 64424
scholarship unit, an amount calculated as follows: 64425

(a) For each student in the funding unit's enrolled ADM, 64426
determine the least of the following: 64427

(i) The amount of fees charged for that school year by the 64428
student's alternative public provider or registered private 64429

provider, as those terms are defined in section 3310.51 of the Revised Code; 64430
64431

(ii) \$7,190 plus an amount determined as follows: 64432

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, ~~\$1,751, for fiscal year 2024, and \$2,395 for fiscal year 2025~~\$2,855; 64433
64434
64435
64436

(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, ~~\$4,442, for fiscal year 2024, and \$5,280 for fiscal year 2025~~\$5,879; 64437
64438
64439
64440

(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, ~~\$10,673, for fiscal year 2024, and \$11,960 for fiscal year 2025~~\$12,879; 64441
64442
64443
64444

(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, ~~\$14,243, for fiscal year 2024, and \$15,787 for fiscal year 2025~~\$16,890; 64445
64446
64447
64448

(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, ~~\$19,290, for fiscal year 2024, and \$21,197 for fiscal year 2025~~\$22,560; 64449
64450
64451
64452

(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, ~~\$28,438, for fiscal year 2024, and \$30,469 for fiscal year 2025~~\$31,932. 64453
64454
64455
64456

(iii) ~~\$30,000, for fiscal year 2024, and \$32,445 for~~ 64457

~~fiscal year 2025~~\$34,000. 64458

The amount specified in division (A) (13) (a) (ii) of this 64459
section shall increase in future fiscal years by the same 64460
percentage that the statewide average base cost per pupil 64461
increases in future fiscal years. 64462

The amounts specified in divisions (A) (13) (a) (ii) (I) to 64463
(VI) of this section shall increase in future fiscal years by 64464
the same percentage that the amounts calculated by the general 64465
assembly for those categories of special education services 64466
under division (A) (3) of this section increase in future fiscal 64467
years. 64468

(b) Compute the sum of the amounts calculated under 64469
division (A) (13) (a) of this section. 64470

(14) If the funding unit is the community and STEM school 64471
unit, an equity supplement calculated as follows: 64472

\$500 in fiscal year 2026 and \$400 in fiscal year 2027 X each 64473
student in the funding unit's enrolled ADM who is enrolled in a 64474
community school that is not an internet- or computer-based 64475
community school. 64476

(15) If the funding unit is the nonchartered educational 64477
savings account unit, an amount calculated as follows: 64478

(a) For each student in the funding unit's enrolled ADM, 64479
an amount calculated under section 3310.26 of the Revised Code; 64480

(b) Compute the sum of the amounts calculated under 64481
division (A) (15) (a) of this section. 64482

(B) In any fiscal year, a funding unit that is a city, local, or 64483
exempted village school district shall spend for purposes that 64484
the department designates as approved for special education and 64485

related services expenses at least the amount calculated as 64486
follows: 64487

(The base cost per pupil calculated for the district for that 64488
fiscal year X the total special education ADM) + (the district's 64489
category one special education ADM X the multiple specified in 64490
division (A) of section 3317.013 of the Revised Code X the 64491
statewide average base cost per pupil) + (the district's 64492
category two special education ADM X the multiple specified in 64493
division (B) of section 3317.013 of the Revised Code X the 64494
statewide average base cost per pupil) + (the district's 64495
category three special education ADM X the multiple specified in 64496
division (C) of section 3317.013 of the Revised Code X the 64497
statewide average base cost per pupil) + (the district's 64498
category four special education ADM X the multiple specified in 64499
division (D) of section 3317.013 of the Revised Code X the 64500
statewide average base cost per pupil) + (the district's 64501
category five special education ADM X the multiple specified in 64502
division (E) of section 3317.013 of the Revised Code X the 64503
statewide average base cost per pupil) + (the district's 64504
category six special education ADM X the multiple specified in 64505
division (F) of section 3317.013 of the Revised Code X the 64506
statewide average base cost per pupil) 64507

The purposes approved by the department for special 64508
education expenses shall include, but shall not be limited to, 64509
identification of children with disabilities, compliance with 64510
state rules governing the education of children with 64511
disabilities and prescribing the continuum of program options 64512
for children with disabilities, provision of speech language 64513
pathology services, and the portion of the school district's 64514
overall administrative and overhead costs that are attributable 64515
to the district's special education student population. 64516

(C) A funding unit that is a city, local, or exempted village school district shall spend the funds it receives under division (A) (4) of this section in accordance with section 3317.25 of the Revised Code.

(D) (1) Except as provided in division (B) of section 3317.026 of the Revised Code, the department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount for each student enrolled in the school equal to the sum of the following:

(a) The school's base cost per pupil for that fiscal year, calculated as follows:

(i) For fiscal years 2024-2026 and 20252027:

The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the number of students enrolled in the school for that fiscal year

(ii) For fiscal year 2026-2028 and each fiscal year thereafter, an amount determined by the general assembly under division (A) (1) (b) (ii) of this section divided by the number of students enrolled in the school for that fiscal year.

(b) If the student is a special education student:

(i) For fiscal years 2024-2026 and 20252027, the multiple specified for the student's special education category under section 3317.013 of the Revised Code times the statewide average base cost per pupil;

(ii) For fiscal year 2026-2028 and each fiscal year

thereafter, the amount calculated for the student's special 64545
education category in a manner determined by the general 64546
assembly under division (A) (3) (b) of this section. 64547

(c) If the school is not an internet- or computer-based 64548
community school and the student is economically disadvantaged: 64549

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount 64550
calculated for the student under division (A) (4) (b) (i) (I) of 64551
this section; 64552

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 64553
thereafter, an amount calculated for the student in the manner 64554
determined by the general assembly under division (A) (4) (b) (ii) 64555
(I) of this section. 64556

(d) If the student is an English learner: 64557

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 64558
specified for the student's English learner category under 64559
section 3317.016 of the Revised Code times the statewide average 64560
base cost per pupil; 64561

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 64562
thereafter, the amount calculated for the student's special 64563
education category in a manner determined by the general 64564
assembly under division (A) (5) (b) of this section. 64565

(e) If the student is a career-technical education 64566
student: 64567

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 64568
specified for the student's career-technical education category 64569
under section 3317.014 of the Revised Code times the statewide 64570
average career-technical base cost per pupil; 64571

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 64572

thereafter, the amount calculated for the student's career- 64573
technical education category in a manner determined by the 64574
general assembly under section 3317.014 of the Revised Code. 64575

(f) If the student is a career-technical education 64576
student: 64577

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 64578
for career-technical associated services specified under section 64579
3317.014 of the Revised Code times the statewide average career- 64580
technical base cost per pupil; 64581

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 64582
thereafter, the amount calculated for career-technical 64583
associated services in a manner determined by the general 64584
assembly under section 3317.014 of the Revised Code. 64585

(g) If the school is a community school that is not an 64586
internet- or computer-based community school, an equity 64587
supplement equal to \$500 for fiscal year 2026 and \$400 for 64588
fiscal year 2027 for each student enrolled in the school. 64589

(2) The department shall distribute to each community 64590
school established under Chapter 3314. of the Revised Code and 64591
to each STEM school established under Chapter 3326. of the 64592
Revised Code, from the funds paid to the community and STEM 64593
school unit under this section, an amount equal to the amount 64594
calculated for the school under division (A) (9) of this section. 64595

(E) The department shall distribute to the parent of each 64596
student for whom an educational choice scholarship is awarded 64597
under section 3310.03 or 3310.032 of the Revised Code, or to the 64598
student if at least eighteen years of age, from the funds paid 64599
to the educational choice scholarship unit under this section, a 64600
scholarship equal to the amount calculated for the student under 64601

division (A)(10)(a) of this section. The scholarship shall be 64602
distributed in monthly partial payments, and the department 64603
shall proportionately reduce or terminate the payments for any 64604
student who withdraws from a chartered nonpublic school prior to 64605
the end of the school year. 64606

For purposes of divisions (E) and (F) of this section, in 64607
the case of a student who is not living with the student's 64608
parent, the department shall distribute the scholarship payments 64609
to the student's guardian, legal custodian, kinship caregiver, 64610
foster caregiver, or caretaker. For the purposes of this 64611
division, "caretaker" has the same meaning as in section 64612
3310.033 of the Revised Code, "kinship caregiver" has the same 64613
meaning as in section ~~5101.85~~ 5180.50 of the Revised Code, and 64614
"foster caregiver" has the same meaning as in section 5103.02 of 64615
the Revised Code. 64616

(F) If a student is awarded a pilot project scholarship 64617
under sections 3313.974 to 3313.979 of the Revised Code, the 64618
department shall distribute to the parent of the student, if the 64619
student is attending a registered private school as defined in 64620
section 3313.974 of the Revised Code, or the student's school 64621
district of attendance, if the scholarship is to be used for 64622
payments to a public school in a school district adjacent to the 64623
pilot project school district pursuant to section 3327.06 of the 64624
Revised Code, a scholarship from the funds paid to the pilot 64625
project scholarship unit under this section that is equal to the 64626
amount calculated for the student under division (A)(11)(a) of 64627
this section. 64628

In the case of a scholarship distributed to a student's 64629
parent, the scholarship shall be distributed in monthly partial 64630
payments. The scholarship amount shall be proportionately 64631

reduced in the case of any such student who is not enrolled in a 64632
registered private school, as that term is defined in section 64633
3313.974 of the Revised Code, for the entire school year. 64634

In the case of a scholarship distributed to a student's 64635
school district of attendance, the department shall, on behalf 64636
of the student's parents, use the scholarship to make the 64637
tuition payments required by section 3327.06 of the Revised Code 64638
to the student's school district of attendance, except that, 64639
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 64640
Revised Code, the total payments in any school year shall not 64641
exceed the scholarship amount calculated for the student under 64642
division (A)(11)(a) of this section. 64643

(G) The department shall distribute to the parent of each 64644
student for whom an autism scholarship is awarded under section 64645
3310.41 of the Revised Code, from the funds paid to the autism 64646
scholarship unit under this section, a scholarship equal to the 64647
amount calculated for the student under division (A)(12)(a) of 64648
this section. The scholarship shall be distributed from time to 64649
time in partial payments. The scholarship amount shall be 64650
proportionately reduced in the case of any student who is not 64651
enrolled in the special education program for which a 64652
scholarship was awarded under section 3310.41 of the Revised 64653
Code for the entire school year. The department shall make no 64654
payments to the parent of a student while any administrative or 64655
judicial mediation or proceedings with respect to the content of 64656
the student's individualized education program are pending. 64657

(H) The department shall distribute to the parent of each 64658
student for whom a Jon Peterson special needs scholarship is 64659
awarded under sections 3310.51 to 3310.64 of the Revised Code, 64660
from the funds paid to the Jon Peterson special needs 64661

scholarship unit under this section, a scholarship equal to the 64662
amount calculated for the student under division (A) (13) (a) of 64663
this section. The scholarship shall be distributed in periodic 64664
payments, and the department shall proportionately reduce or 64665
terminate the payments for any student who is not enrolled in 64666
the special education program of an alternative public provider 64667
or a registered private provider, as those terms are defined in 64668
section 3310.51 of the Revised Code, for the entire school year. 64669

(I) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 64670
district shall spend the funds it receives under division (A) (5) 64671
of this section only for services for English learners. 64672

(J) For ~~fiscal year 2024 and each fiscal year thereafter~~, 64673
a school district shall spend the funds it receives under 64674
division (A) (6) of this section only for the identification of 64675
gifted students, gifted coordinator services, and gifted 64676
intervention specialist services, ~~and gifted professional~~ 64677
~~development~~. For ~~fiscal year 2024 and each fiscal year~~ 64678
~~thereafter~~, if the department determines that a district is not 64679
in compliance with this division, it shall reduce the district's 64680
payments for that fiscal year under this chapter by an amount 64681
equal to the amount paid to the district for that fiscal year 64682
under division (A) (6) of this section that was not spent in 64683
accordance with this division. The department shall reduce the 64684
payment within ninety days of data finalization. 64685

(K) The department shall transfer to each educational 64686
savings account established for a student by the treasurer of 64687
state under sections 3310.21 to 3310.26 of the Revised Code, 64688
from the funds paid to the nonchartered educational savings 64689
account unit under this section, an amount of funds equal to the 64690
amount calculated for the student under division (A) (15) (a) of 64691

this section. The department shall distribute those funds in one 64692
annual payment. To the extent practicable, the department shall 64693
make that payment for which an account is established prior to 64694
the school year for which it is sought before the first day of 64695
that school year. 64696

Sec. 3317.024. The following shall be distributed monthly, 64697
quarterly, or annually as may be determined by the department of 64698
education and workforce: 64699

(A) An amount for each island school district and each 64700
joint state school district for the operation of each high 64701
school and each elementary school maintained within such 64702
district and for capital improvements for such schools. Such 64703
amounts shall be determined on the basis of standards adopted by 64704
the department. However, for fiscal years 2012 and 2013, an 64705
island district shall receive the lesser of its actual cost of 64706
operation, as certified to the department, or ninety-three per 64707
cent of the amount the district received in state operating 64708
funding for fiscal year 2011. If an island district received no 64709
funding for fiscal year 2011, it shall receive no funding for 64710
either of fiscal year 2012 or 2013. 64711

(B) An amount for each school district required to pay 64712
tuition for a child in an institution maintained by the 64713
department of youth services pursuant to section 3317.082 of the 64714
Revised Code, provided the child was not included in the 64715
calculation of the district's formula ADM, as that term is 64716
defined in section 3317.02 of the Revised Code, for the 64717
preceding school year. 64718

(C) (1) An amount for the approved cost of transporting 64719
eligible pupils with disabilities attending a special education 64720
program approved by the department of education and workforce 64721

whom it is impossible or impractical to transport by regular 64722
school bus in the course of regular route transportation 64723
provided by the school district or educational service center. 64724
For fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be 64725
equal to the actual costs incurred in the prior fiscal year by 64726
the district or service center when transporting those students, 64727
as reported to the department, multiplied by one of the 64728
following: 64729

(a) For a district, the percentage determined for the 64730
district for that fiscal year under divisions (E) (1) (c) (i) and 64731
(ii) of section 3317.0212 of the Revised Code; 64732

(b) For a service center, ~~thirty-seven-forty-five and one-~~ 64733
~~half-eighty-three hundredths per cent for fiscal year 2024-2026~~ 64734
~~and forty-one and two-thirds-fifty per cent for fiscal year~~ 64735
~~2025~~2027. 64736

(2) No district or service center is eligible to receive a 64737
payment under division (C) of this section for the cost of 64738
transporting any pupil whom it transports by regular school bus 64739
and who is included in the district's transportation ADM. 64740

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, both of the 64741
following apply: 64742

(a) The department of education and workforce shall also 64743
establish the deadline for each district and service center to 64744
report its actual costs for transporting students described in 64745
division (C) (1) of this section. 64746

(b) The costs reported by each district and service center 64747
under division (C) of this section shall be subject to periodic, 64748
random audits by the department of education and workforce. 64749

(D) An amount to each school district, including each 64750

cooperative education school district, pursuant to section 64751
3313.81 of the Revised Code to assist in providing free lunches 64752
to needy children. The amounts shall be determined on the basis 64753
of rules adopted by the department of education and workforce. 64754

(E) (1) An amount for auxiliary services to each school 64755
district, for each pupil attending a chartered nonpublic 64756
elementary or high school within the district that has not 64757
elected to receive funds under division (E) (2) of this section. 64758

(2) (a) An amount for auxiliary services paid directly to 64759
each chartered nonpublic school that has elected to receive 64760
funds under division (E) (2) of this section for each pupil 64761
attending the school. To elect to receive funds under division 64762
(E) (2) of this section, a school, by the first day of April of 64763
each odd-numbered year, shall notify the department of education 64764
and workforce and the school district in which the school is 64765
located of the election and shall submit to the department an 64766
affidavit certifying that the school shall expend the funds in 64767
the manner outlined in section 3317.062 of the Revised Code. The 64768
election shall take effect the following first day of July. The 64769
school subsequently may rescind its election, but it may do so 64770
only in an odd-numbered year by notifying the department and the 64771
school district in which the school is located of the rescission 64772
not later than the first day of April of that year. Beginning 64773
the following first day of July after the rescission, the school 64774
shall receive funds under division (E) (1) of this section. 64775

(b) Not later later than ten days after the notification 64776
of approval and issuance of a charter to a nonpublic school, 64777
that school may elect to receive funds under division (E) (2) of 64778
this section. If no election is made, the chartered nonpublic 64779
school shall receive funds under division (E) (1) of this 64780

section. The school may subsequently change its election in 64781
accordance with division (E) (2) (a) of this section. 64782

(c) A chartered nonpublic school that elects to receive 64783
auxiliary services funds under division (E) (2) of this section 64784
may designate an organization that oversees one or more 64785
nonpublic schools to receive those funds on its behalf. 64786

(i) Each chartered nonpublic school that designates an 64787
organization to receive auxiliary services funds on its behalf 64788
shall notify the department of education and workforce of the 64789
organization's name not later than the first day of April of 64790
each odd-numbered year. 64791

(ii) A school may rescind its decision, but may do so only 64792
in each odd-numbered year by notifying the department of that 64793
rescission not later than the first day of April of that year. A 64794
rescission submitted in compliance with this division takes 64795
effect on the following first day of July, and the school 64796
district may elect to then begin receiving auxiliary services 64797
funds directly or as specified under division (E) (1) of this 64798
section. 64799

(iii) An organization shall disburse the auxiliary 64800
services funds of all chartered nonpublic schools that have 64801
designated the organization to receive funds on their behalf in 64802
accordance with division (E) (2) (c) of this section. If multiple 64803
chartered nonpublic schools designate the same organization to 64804
receive auxiliary services funds on their behalf, that 64805
organization may use one or more accounts for the purposes of 64806
managing the funds. The organization shall maintain appropriate 64807
accounting and reporting standards and ensure that each 64808
chartered nonpublic school receives the auxiliary services funds 64809
to which the school is entitled. 64810

(iv) Each chartered nonpublic school that elects to receive funds directly in accordance with division (E) (2) of this section or the organization designated to receive and disburse auxiliary services funds on behalf of a chartered nonpublic school shall maintain records of receipt and expenditures of the funds in a manner that conforms with generally accepted accounting principles.

(v) The department of education and workforce shall create and disseminate a standardized reporting form that chartered nonpublic schools and organizations designated to receive funds in accordance with division (E) (2) (c) of this section may use to comply with division (E) (2) (c) (iv) of this section. However, the department shall not require schools to use that form.

(vi) An organization that manages a school's auxiliary services funds pursuant to a designation made in accordance with division (E) (2) (c) of this section may require the school's governing authority to pay a fee for that service that does not exceed four per cent of the total amount of payments for auxiliary services that the school receives from the state. A school may pay any fee assessed pursuant to division (E) (2) (c) (vi) of this section using auxiliary services funds.

(d) The amount paid under divisions (E) (1) and (2) of this section shall equal the total amount appropriated for the implementation of sections 3317.06 and 3317.062 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in chartered nonpublic elementary and high schools within the state as determined as of the last day of October of each school year.

(F) An amount for each county board of developmental disabilities for the approved cost of transportation required

for children attending special education programs operated by 64841
the county board under section 3323.09 of the Revised Code. For 64842
fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be equal 64843
to the actual costs incurred in the prior fiscal year by the 64844
county board when transporting those students multiplied by 64845
~~thirty-seven-forty-five~~ and ~~one-half-eighty-three hundredths~~ per 64846
cent for fiscal year ~~2024-2026~~ and ~~forty-one and two-thirds-~~ 64847
fifty per cent for fiscal year ~~2025~~2027. 64848

(G) An amount to each institution defined under section 64849
3317.082 of the Revised Code providing elementary or secondary 64850
education to children other than children receiving special 64851
education under section 3323.091 of the Revised Code. This 64852
amount for any institution in any fiscal year shall equal the 64853
total of all tuition amounts required to be paid to the 64854
institution under division (A) (1) of section 3317.082 of the 64855
Revised Code. 64856

The department of education and workforce or any board of 64857
education or governing board may provide for any resident of a 64858
district or educational service center territory any educational 64859
service for which funds are made available to the board by the 64860
United States under the authority of public law, whether such 64861
funds come directly or indirectly from the United States or any 64862
agency or department thereof or through the state or any agency, 64863
department, or political subdivision thereof. 64864

Sec. 3317.026. This section shall apply only for fiscal 64865
years ~~2024-2026~~ and ~~2025~~2027. 64866

(A) For each fiscal year, the department of education and 64867
workforce shall calculate an amount for the community and STEM 64868
school unit as follows: 64869

(1) For each community school and STEM school, determine 64870
the sum of the following: 64871

(a) The aggregate base cost calculated for the school for 64872
that fiscal year under section 3317.0110 of the Revised Code; 64873

(b) The sum of the following: 64874

(i) The school's category one special education ADM X the 64875
multiple specified in division (A) of section 3317.013 of the 64876
Revised Code X the statewide average base cost per pupil for 64877
that fiscal year; 64878

(ii) The school's category two special education ADM X the 64879
multiple specified in division (B) of section 3317.013 of the 64880
Revised Code X the statewide average base cost per pupil for 64881
that fiscal year; 64882

(iii) The school's category three special education ADM X 64883
the multiple specified in division (C) of section 3317.013 of 64884
the Revised Code X the statewide average base cost per pupil for 64885
that fiscal year; 64886

(iv) The school's category four special education ADM X 64887
the multiple specified in division (D) of section 3317.013 of 64888
the Revised Code X the statewide average base cost per pupil for 64889
that fiscal year; 64890

(v) The school's category five special education ADM X the 64891
multiple specified in division (E) of section 3317.013 of the 64892
Revised Code X the statewide average base cost per pupil for 64893
that fiscal year; 64894

(vi) The school's category six special education ADM X the 64895
multiple specified in division (F) of section 3317.013 of the 64896
Revised Code X the statewide average base cost per pupil for 64897

that fiscal year. 64898

(c) If the school is not an internet- or computer-based 64899
community school, an amount of disadvantaged pupil impact aid 64900
equal to the following: 64901

$\$422 \times$ the school's economically disadvantaged index $\times$ the 64902
number of students in the school's enrolled ADM who are 64903
economically disadvantaged 64904

(d) The sum of the following: 64905

(i) The school's category one English learner ADM $\times$ the 64906
multiple specified in division (A) of section 3317.016 of the 64907
Revised Code $\times$ the statewide average base cost per pupil for 64908
that fiscal year; 64909

(ii) The school's category two English learner ADM $\times$ the 64910
multiple specified in division (B) of section 3317.016 of the 64911
Revised Code $\times$ the statewide average base cost per pupil for 64912
that fiscal year; 64913

(iii) The school's category three English learner ADM $\times$ 64914
the multiple specified in division (C) of section 3317.016 of 64915
the Revised Code $\times$ the statewide average base cost per pupil for 64916
that fiscal year. 64917

(e) The sum of the following: 64918

(i) The school's category one career-technical education 64919
ADM $\times$ the multiple specified under division (A) (1) of section 64920
3317.014 of the Revised Code $\times$ the statewide average career- 64921
technical base cost per pupil for that fiscal year; 64922

(ii) The school's category two career-technical education 64923
ADM $\times$ the multiple specified under division (A) (2) of section 64924
3317.014 of the Revised Code $\times$ the statewide average career- 64925

technical base cost per pupil for that fiscal year; 64926

(iii) The school's category three career-technical 64927
education ADM X the multiple specified under division (A) (3) of 64928
section 3317.014 of the Revised Code X the statewide average 64929
career-technical base cost per pupil for that fiscal year; 64930

(iv) The school's category four career-technical education 64931
ADM X the multiple specified under division (A) (4) of section 64932
3317.014 of the Revised Code X the statewide average career- 64933
technical base cost per pupil for that fiscal year; 64934

(v) The school's category five career-technical education 64935
ADM X the multiple specified under division (A) (5) of section 64936
3317.014 of the Revised Code X the statewide average career- 64937
technical base cost per pupil for that fiscal year. 64938

(f) An amount equal to the following: 64939

The multiple for career-technical associated services 64940
specified under division (B) of section 3317.014 of the Revised 64941
Code X the statewide average career-technical base cost per 64942
pupil for that fiscal year X the sum of the school's categories 64943
one through five career-technical education ADM 64944

(g) If the school is a community school, an amount equal 64945
to the following: 64946

The number of students reported by the community school 64947
under division (B) (5) of section 3314.08 of the Revised Code X 64948
(the aggregate base cost calculated for the school for that 64949
fiscal year under section 3317.0110 of the Revised Code / the 64950
school's enrolled ADM) X 0.20 64951

(h) If the school is a community school that is not an 64952
internet- or computer-based community school, an equity 64953

supplement calculated as follows: 64954

The number of students in the school's enrolled ADM X \$500 for 64955
fiscal year 2026 and \$400 for fiscal year 2027 64956

(2) For each community and STEM school, determine the 64957
lesser of the following: 64958

(a) The following sum: 64959

The school's funding base + {[the sum calculated for the 64960
school under division (A) of this section) - the school's 64961
funding base] X the school's general phase-in percentage for 64962
that fiscal year} 64963

(b) The sum of the amounts calculated for the school for 64964
that fiscal year under division (A) of this section. 64965

(3) Compute the sum of the amounts determined under 64966
division (B) of this section to determine the amount calculated 64967
for the community and STEM school unit. 64968

(B) Notwithstanding division (D) of section 3317.022 of 64969
the Revised Code, for each fiscal year, the department shall 64970
distribute to each community school and each STEM school, from 64971
the funds paid to the community and STEM school unit under 64972
section 3317.022 of the Revised Code, an amount equal to the 64973
amount determined for that school under division (A) (2) of this 64974
section. 64975

Sec. 3317.0212. (A) As used in this section: 64976

(1) For fiscal years 2024-2026 and 2025-2027, "assigned 64977
bus" means a school bus used to transport qualifying riders. 64978

(2) For fiscal years 2024-2026 and 2025-2027, "density" 64979
means the total riders per square mile of a school district. 64980

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, 64981
"nontraditional ridership" means the average number of 64982
qualifying riders who are enrolled in a community school 64983
established under Chapter 3314. of the Revised Code, in a STEM 64984
school established under Chapter 3326. of the Revised Code, or 64985
in a nonpublic school and are provided school bus service by a 64986
school district during the first full week of October. 64987

(4) "Qualifying riders" means the following: 64988

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, resident 64989
students enrolled in preschool and regular education in grades 64990
kindergarten to twelve who are provided school bus service by a 64991
school district, including students with dual enrollment in a 64992
joint vocational school district or a cooperative education 64993
school district, and students enrolled in a community school, 64994
STEM school, or nonpublic school; 64995

(b) For fiscal year ~~2026-2028~~ and each fiscal year 64996
thereafter, students specified by the general assembly. 64997

(5) "Qualifying ridership" means the following: 64998

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the greater 64999
of the average number of qualifying riders counted in the 65000
morning or counted in the afternoon who are provided school bus 65001
service by a school district during the first full week of 65002
October; 65003

(b) For fiscal year ~~2026-2028~~ and each fiscal year 65004
thereafter, a ridership determined in a manner specified by the 65005
general assembly. 65006

(6) "Rider density" means the following: 65007

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 65008

quotient: 65009

A school district's total number of qualifying riders/ the 65010
number of square miles in the district 65011

(b) For fiscal year ~~2026~~2028 and each fiscal year 65012
thereafter, a number calculated in a manner determined by the 65013
general assembly. 65014

(7) For fiscal years ~~2024~~2026 and ~~2025~~2027, "riders" 65015
means students enrolled in regular and special education in 65016
grades kindergarten through twelve who are provided school bus 65017
service by a school district, including students with dual 65018
enrollment in a joint vocational school district or a 65019
cooperative education school district, and students enrolled in 65020
a community school, STEM school, or nonpublic school. 65021

(8) "School bus service" means a school district's 65022
transportation of qualifying riders in any of the following 65023
types of vehicles: 65024

(a) School buses owned or leased by the district; 65025

(b) School buses operated by a private contractor hired by 65026
the district; 65027

(c) School buses operated by another school district or 65028
entity with which the district has contracted, either as part of 65029
a consortium for the provision of transportation or otherwise. 65030

(B) Not later than the first day of November, for fiscal 65031
years ~~2024~~2026 and ~~2025~~2027, or a date determined by the 65032
general assembly, for fiscal year ~~2026~~2028 and each fiscal year 65033
thereafter, of each year, each city, local, and exempted village 65034
school district shall report to the department of education and 65035
workforce its qualifying ridership and any other information 65036

requested by the department. Subsequent adjustments to the 65037
reported numbers shall be made only in accordance with rules 65038
adopted by the department. 65039

(C) The department shall calculate the statewide 65040
transportation cost per student as follows: 65041

(1) Determine each city, local, and exempted village 65042
school district's transportation cost per student by dividing 65043
the district's total costs for school bus service in the 65044
previous fiscal year by its qualifying ridership in the previous 65045
fiscal year. 65046

(2) After excluding districts that do not provide school 65047
bus service and the ten districts with the highest 65048
transportation costs per student and the ten districts with the 65049
lowest transportation costs per student, divide the aggregate 65050
cost for school bus service for the remaining districts in the 65051
previous fiscal year by the aggregate qualifying ridership of 65052
those districts in the previous fiscal year. 65053

(D) The department shall calculate the statewide 65054
transportation cost per mile as follows: 65055

(1) Determine each city, local, and exempted village 65056
school district's transportation cost per mile by dividing the 65057
district's total costs for school bus service in the previous 65058
fiscal year by its total number of miles driven for school bus 65059
service in the previous fiscal year. 65060

(2) After excluding districts that do not provide school 65061
bus service and the ten districts with the highest 65062
transportation costs per mile and the ten districts with the 65063
lowest transportation costs per mile, divide the aggregate cost 65064
for school bus service for the remaining districts in the 65065

previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation base payment as follows:

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027:

(a) Calculate the sum of the following:

(i) The product of the statewide transportation cost per student and the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in the district;

(ii) 1.5 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in community schools established under Chapter 3314. of the Revised Code or STEM schools established under Chapter 3326. of the Revised Code;

(iii) 2.0 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools.

(b) Calculate the sum of the following:

(i) The product of the statewide transportation cost per mile and the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in the district;

(ii) 1.5 times the statewide transportation cost per mile times the number of miles driven for school bus service as

reported for qualifying riders for the current fiscal year who 65094
are enrolled in community schools or STEM schools; 65095

(iii) 2.0 times the statewide transportation cost per mile 65096
times the number of miles driven for school bus service as 65097
reported for qualifying riders for the current fiscal year who 65098
are enrolled in nonpublic schools. 65099

(c) Multiply the greater of the amounts calculated under 65100
divisions (E) (1) (a) and (b) of this section by the following: 65101

(i) For fiscal year ~~2024~~2026, the greater of ~~thirty-seven-~~ 65102
~~forty-five and one-half-eighty-three~~ hundredths per cent or the 65103
district's state share percentage, as defined in section 3317.02 65104
of the Revised Code; 65105

(ii) For fiscal year ~~2025~~2027, the greater of ~~forty-one-~~ 65106
~~and two-thirds-fifty~~ per cent or the district's state share 65107
percentage. 65108

(2) For fiscal year ~~2026-2028~~ and each fiscal year 65109
thereafter, an amount determined by the general assembly. 65110

(F) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 65111
department shall pay a district's efficiency adjustment payment 65112
in accordance with divisions (F) (1) to (3) of this section. For 65113
fiscal year ~~2026-2028~~ and each fiscal year thereafter, the 65114
department shall pay a district's efficiency adjustment payment 65115
in a manner determined by the general assembly, if the general 65116
assembly authorizes such a payment to districts. 65117

(1) The department annually shall establish a target 65118
number of qualifying riders per assigned bus for each city, 65119
local, and exempted village school district. The department 65120
shall use the ~~most recently available~~ data from the previous 65121
fiscal year in establishing the target number. The target number 65122

shall be based on the statewide median number of riders per 65123
assigned bus as adjusted to reflect the district's density in 65124
comparison to the density of all other districts. The department 65125
shall post on the department's web site each district's target 65126
number of riders per assigned bus and a description of how the 65127
target number was determined. 65128

(2) The department shall determine each school district's 65129
efficiency index by dividing the district's number of riders per 65130
assigned bus by its target number of riders per assigned bus. 65131

(3) The department shall determine each city, local, and 65132
exempted village school district's efficiency adjustment payment 65133
as follows: 65134

(a) If the district's efficiency index is equal to or 65135
greater than 1.5, the efficiency adjustment payment shall be 65136
calculated according to the following formula: 65137

0.15 X the district's transportation base payment calculated 65138
under division (E) of this section 65139

(b) If the district's efficiency index is less than 1.5 65140
but greater than or equal to 1.0, the efficiency adjustment 65141
payment shall be calculated according to the following formula: 65142

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 65143
district's transportation base payment calculated under division 65144
(E) of this section 65145

(c) If the district's efficiency index is less than 1.0, 65146
the efficiency adjustment payment shall be zero. 65147

(G) In addition to funds paid under divisions (E), (F), 65148
and (H) of this section, each city, local, and exempted village 65149
district shall receive in accordance with rules adopted by the 65150

department a payment for students transported by means other 65151
than school bus service and whose transportation is not funded 65152
under division (C) of section 3317.024 of the Revised Code. The 65153
rules shall include provisions for school district reporting of 65154
such students. 65155

(H) (1) For purposes of division (H) of this section, a 65156
school district's "transportation supplement percentage" means 65157
the following: 65158

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 65159
quotient: 65160

(28 - the district's rider density) / 100 65161

If the result of the calculation for a district under 65162
division (H) (1) (a) of this section is less than zero, the 65163
district's transportation supplement percentage shall be zero. 65164

(b) For fiscal year ~~2026-2028~~ and each fiscal year 65165
thereafter, a percentage calculated in a manner determined by 65166
the general assembly. 65167

(2) The department shall pay each district a 65168
transportation supplement calculated according to the following 65169
formula: 65170

The district's transportation supplement percentage X the amount 65171
calculated for the district under division (E) (1) (b) of this 65172
section X 0.55 65173

(I) (1) If a school district board and a community school 65174
governing authority elect to enter into an agreement under 65175
division (A) of section 3314.091 of the Revised Code, the 65176
department shall make payments to the community school according 65177
to the terms of the agreement for each student actually 65178

transported under division (C) (1) of that section. If a 65179
community school governing authority accepts transportation 65180
responsibility under division (B) of that section, the 65181
department shall make payments to the community school for each 65182
student actually transported or for whom transportation is 65183
arranged by the community school under division (C) (1) of that 65184
section, calculated as follows: 65185

(a) For any fiscal year which the general assembly has 65186
specified that transportation payments to school districts be 65187
based on an across-the-board percentage of the district's 65188
payment for the previous school year, the per pupil payment to 65189
the community school shall be the following quotient: 65190

(i) The total amount calculated for the school district in 65191
which the child is entitled to attend school for student 65192
transportation other than transportation of children with 65193
disabilities; divided by 65194

(ii) The number of students included in the district's 65195
transportation ADM for the current fiscal year, as calculated 65196
under section 3317.03 of the Revised Code, plus the number of 65197
students enrolled in the community school not counted in the 65198
district's transportation ADM who are transported under division 65199
(B) (1) or (2) of section 3314.091 of the Revised Code. 65200

(b) For any fiscal year which the general assembly has 65201
specified that the transportation payments to school districts 65202
be calculated in accordance with this section and any rules of 65203
the department implementing this section, the payment to the 65204
community school shall be the following: 65205

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, either of the 65206
following: 65207

(I) If the school district in which the student is 65208
entitled to attend school would have used a method of 65209
transportation for the student for which payments are computed 65210
and paid under division (E) of this section, 1.0 times the 65211
statewide transportation cost per student, as calculated in 65212
division (C) of this section; 65213

(II) If the school district in which the student is 65214
entitled to attend school would have used a method of 65215
transportation for the student for which payments are computed 65216
and paid in a manner described in division (G) of this section, 65217
the amount that would otherwise be computed for and paid to the 65218
district. 65219

(ii) For fiscal year ~~2026~~2028 and each fiscal year 65220
thereafter, an amount calculated in a manner determined by the 65221
general assembly. 65222

The community school, however, is not required to use the 65223
same method to transport the student. 65224

As used in this division, "entitled to attend school" 65225
means entitled to attend school under section 3313.64 or 3313.65 65226
of the Revised Code. 65227

(2) A community school shall be paid under division (I) (2) 65228
of this section only for students who are eligible as specified 65229
in section 3327.01 of the Revised Code and division (C) (1) of 65230
section 3314.091 of the Revised Code, and whose transportation 65231
to and from school is actually provided, who actually utilized 65232
transportation arranged, or for whom a payment in lieu of 65233
transportation is made by the community school's governing 65234
authority. To qualify for the payments, the community school 65235
shall report to the department, in the form and manner required 65236

by the department, data on the number of students transported or 65237
whose transportation is arranged, the number of miles traveled, 65238
cost to transport, and any other information requested by the 65239
department. 65240

Sec. 3317.0213. (A) The department of education and 65241
workforce shall compute and pay in accordance with this section 65242
additional state aid for preschool children with disabilities to 65243
each city, local, and exempted village school district and to 65244
each institution, as defined in section 3323.091 of the Revised 65245
Code. Funding shall be provided for children who are not 65246
enrolled in kindergarten and who are under age six on the 65247
thirtieth day of September of the academic year, or on the first 65248
day of August of the academic year if the school district in 65249
which the child is enrolled has adopted a resolution under 65250
division (A) (3) of section 3321.01 of the Revised Code, but not 65251
less than age three on the first day of December of the academic 65252
year. 65253

For fiscal years ~~2024-2026~~ and ~~2025~~2027, the additional 65254
state aid shall be calculated under the following formula: 65255

(\$4,000 X the number of students who are preschool 65256
children with disabilities) + the sum of the following: 65257

(1) The district's or institution's category one special 65258
education students who are preschool children with disabilities 65259
X the multiple specified in division (A) of section 3317.013 of 65260
the Revised Code X the statewide average base cost per pupil for 65261
that fiscal year X the district's state share percentage X 0.50; 65262

(2) The district's or institution's category two special 65263
education students who are preschool children with disabilities 65264
X the multiple specified in division (B) of section 3317.013 of 65265

the Revised Code X the statewide average base cost per pupil for 65266
that fiscal year X the district's state share percentage X 0.50; 65267

(3) The district's or institution's category three special 65268
education students who are preschool children with disabilities 65269
X the multiple specified in division (C) of section 3317.013 of 65270
the Revised Code X the statewide average base cost per pupil for 65271
that fiscal year X the district's state share percentage X 0.50; 65272

(4) The district's or institution's category four special 65273
education students who are preschool children with disabilities 65274
X the multiple specified in division (D) of section 3317.013 of 65275
the Revised Code X the statewide average base cost per pupil for 65276
that fiscal year X the district's state share percentage X 0.50; 65277

(5) The district's or institution's category five special 65278
education students who are preschool children with disabilities 65279
X the multiple specified in division (E) of section 3317.013 of 65280
the Revised Code X the statewide average base cost per pupil for 65281
that fiscal year X the district's state share percentage X 0.50; 65282

(6) The district's or institution's category six special 65283
education students who are preschool children with disabilities 65284
X the multiple specified in division (F) of section 3317.013 of 65285
the Revised Code X the statewide average base cost per pupil for 65286
that fiscal year X the district's state share percentage X 0.50. 65287

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 65288
the additional state aid shall be calculated for each category 65289
of special education students who are preschool children with 65290
disabilities using a formula specified by the general assembly. 65291

The special education disability categories for preschool 65292
children used in this section are the same categories prescribed 65293
in section 3317.013 of the Revised Code. 65294

As used in division (A) of this section, the state share
percentage of a student enrolled in an institution is the state
share percentage of the school district in which the student is
entitled to attend school under section 3313.64 or 3313.65 of
the Revised Code.

(B) If an educational service center is providing services
to students who are preschool children with disabilities under
agreement with the city, local, or exempted village school
district in which the students are entitled to attend school,
that district may authorize the department to transfer funds
computed under this section to the service center providing
those services.

(C) If a county DD board is providing services to students
who are preschool children with disabilities under agreement
with the city, local, or exempted village school district in
which the students are entitled to attend school, the department
shall deduct from the district's payment computed under division
(A) of this section the total amount of those funds that are
attributable to the students served by the county DD board and
pay that amount to that board.

Sec. 3317.0215. (A) (1) For fiscal years 2024-2026 and
2025-2027, the department of education and workforce shall
withhold from the aggregate amount paid for a fiscal year to
each city, local, exempted village, and joint vocational school
district, ~~community school established under Chapter 3314. of~~
~~the Revised Code, and science, technology, engineering, and~~
~~mathematics school established under Chapter 3326. of the~~
~~Revised Code~~ an amount equal to the following:

(a) In the case of a city, local, or exempted village
school district, the aggregate amount of special education

funding paid to the district under division (A) (3) of section 3317.022 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

~~(b) In the case of a community school or STEM school, the aggregate amount of special education funding paid to the school under division (A) (1) (b) of section 3317.026 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.~~

~~(c) In the case of a joint vocational school district, the aggregate amount of special education funding paid to the school under division (A) (2) of section 3317.16 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.~~

(2) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, the department shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, ~~community school, and science, technology, engineering, and mathematics school~~ an amount determined by the general assembly, if any, for purposes of this section.

(B) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the department shall use the amount of funds withheld under division (A) of this section for purposes of ~~division (C) (1) of section 3314.08 of the Revised Code,~~ section 3317.0214 of the Revised Code, and division (B) of section 3317.16 of the Revised Code, ~~and section 3326.34 of the Revised Code.~~

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, the department shall use the amount of funds withheld under division (A) of this section, if any, for purposes determined by

the general assembly.

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(C) (1) For fiscal years 2026 and 2027, the department
shall withhold from the aggregate amount paid for a fiscal year
to each community school established under Chapter 3314. of the
Revised Code and STEM school established under Chapter 3326. of
the Revised Code an amount equal to the aggregate amount of
special education funding paid to the school under division (A)
(1) (b) of section 3317.026 of the Revised Code times 0.05,
subject to any funding limitations enacted by the general
assembly to the computation.

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(2) For fiscal year 2028 and each fiscal year thereafter,
the department shall withhold from the aggregate amount paid for
a fiscal year to each community school and STEM school an amount
determined by the general assembly, if any, for purposes of this
section.

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(D) (1) For fiscal years 2026 and 2027, the department
shall use the amount of funds withheld under division (C) of
this section for purposes of division (C) (1) of section 3314.08
of the Revised Code and section 3326.34 of the Revised Code. Any
unused funds shall be redistributed by the department, in a
manner determined by the department, to community schools and
STEM schools in the same proportion that the funds were
originally contributed.

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(2) For fiscal year 2028 and each fiscal year thereafter,
the department shall use the amount of funds withheld under
division (C) of this section, if any, for purposes determined by
the general assembly.

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Sec. 3317.0217. This section shall apply only for fiscal
years ~~2024–2026~~ and ~~2025~~2027.

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Payment of the amount calculated for a school district 65383
under this section shall be made under division (A) of section 65384
3317.022 of the Revised Code. 65385

(A) For each fiscal year, the department of education and 65386
workforce shall compute targeted assistance funds for city, 65387
local, and exempted village school districts, in accordance with 65388
the following formula: 65389

A district's capacity amount for that fiscal year 65390
calculated under division (B) of this section + a district's 65391
wealth amount for that fiscal year calculated under division (C) 65392
of this section 65393

(B) The department shall calculate each district's 65394
capacity amount for a fiscal year as follows: 65395

(1) Calculate each district's weighted wealth for that 65396
fiscal year, which equals the following sum: 65397

(The amount determined for the district for that fiscal year 65398
under division (A) (1) (a) of section 3317.017 of the Revised Code 65399
X 0.6) + (the amount determined for the district for that fiscal 65400
year under division (A) (2) (a) of section 3317.017 of the Revised 65401
Code X 0.4) 65402

(2) Determine the median weighted wealth of all school 65403
districts in this state for that fiscal year; 65404

(3) Compute each district's capacity index for that fiscal 65405
year by dividing the median weighted wealth of all school 65406
districts in this state for that fiscal year by the district's 65407
weighted wealth for that fiscal year; 65408

(4) Compute each district's capacity amount for that 65409
fiscal year as follows: 65410

(a) The district's capacity amount shall be zero if the 65411
district satisfies either of the following criteria for that 65412
fiscal year: 65413

(i) The district's capacity index is less than 1. 65414

(ii) The district's enrolled ADM is less than 200. 65415

(b) If the district does not satisfy either of the 65416
criteria specified in division (B) (4) (a) of this section for 65417
that fiscal year, the district's capacity amount for that fiscal 65418
year shall be calculated as follows: 65419

(i) Compute the following amount for the district: 65420

(The median weighted wealth of all school districts in this 65421
state for that fiscal year X 0.008) - (the district's weighted 65422
wealth for that fiscal year X 0.008) 65423

(ii) If the district's enrolled ADM for that fiscal year 65424
is greater than or equal to 200 but less than or equal to 400, 65425
the district's capacity amount for that fiscal year shall be 65426
equal to 0.05 X the amount computed under division (B) (4) (b) (i) 65427
of this section. 65428

(iii) If the district's enrolled ADM for that fiscal year 65429
is greater than 400 and less than 600, the district's capacity 65430
amount for that fiscal year shall be calculated in accordance 65431
with the following formula: 65432

$$\{[0.95 \times (\text{the district's enrolled ADM for that fiscal year} - 65433$$

$$400)/200] + 0.05\} \times \text{the amount computed under division (B) (4) (b)} 65434$$

(i) of this section 65435

(iv) If the district's enrolled ADM for that fiscal year 65436
is greater than or equal to 600, the district's capacity amount 65437
for that fiscal year shall be equal to the amount computed under 65438

division (B) (4) (b) (i) of this section. 65439

(C) The department shall calculate each district's wealth 65440
amount for a fiscal year as follows: 65441

(1) Calculate each district's weighted wealth per pupil 65442
for that fiscal year, which equals the following quotient: 65443

The district's weighted wealth for that fiscal year 65444
calculated under division (B) (1) of this section/ (the 65445
district's enrolled ADM for that fiscal year - the students 65446
described in division (A) (1) (b) of section 3317.03 of the 65447
Revised Code + the students described in division (A) (2) (d) of 65448
section 3317.03 of the Revised Code) 65449

(2) Determine the median weighted wealth per pupil of all 65450
school districts in this state for that fiscal year; 65451

(3) Compute each district's wealth index for that fiscal 65452
year by dividing the median weighted wealth per pupil of all 65453
school districts in this state for that fiscal year by the 65454
district's weighted wealth per pupil for that fiscal year; 65455

(4) Compute each district's wealth amount for that fiscal 65456
year, as follows: 65457

(a) If the district's wealth index computed under division 65458
(C) (3) of this section for that fiscal year is less than 0.8, 65459
the district's wealth amount for that fiscal year shall be zero. 65460

(b) If the district's wealth index computed under division 65461
(C) (3) of this section for that fiscal year is greater than or 65462
equal to 0.8, the district's wealth amount for that fiscal year 65463
shall be calculated in accordance with the following formula: 65464

[(The median weighted wealth per pupil of all school districts 65465
in this state for that fiscal year X 0.014) - (the district's 65466

weighted wealth per pupil for that fiscal year X 0.0112)] X the 65467
district's enrolled ADM for that fiscal year 65468

Sec. 3317.03. (A) The superintendent of each city, local, 65469
and exempted village school district shall report to the 65470
department of education and workforce as of the last day of 65471
October, March, and June of each year the enrollment of students 65472
receiving services from schools under the superintendent's 65473
supervision, and the numbers of other students entitled to 65474
attend school in the district under section 3313.64 or 3313.65 65475
of the Revised Code the superintendent is required to report 65476
under this section, so that the department can calculate the 65477
district's enrolled ADM, formula ADM, total ADM, category one 65478
through five career-technical education ADM, category one 65479
through three English learner ADM, category one through six 65480
special education ADM, transportation ADM, and, for purposes of 65481
provisions of law outside of Chapter 3317. of the Revised Code, 65482
average daily membership. 65483

(1) The enrollment reported by the superintendent during 65484
the reporting period shall consist of the number of students in 65485
grades kindergarten through twelve receiving any educational 65486
services from the district, except that the following categories 65487
of students shall not be included in the determination: 65488

(a) Students enrolled in adult education classes; 65489

(b) Adjacent or other district students enrolled in the 65490
district under an open enrollment policy pursuant to section 65491
3313.98 of the Revised Code; 65492

(c) Students receiving services in the district pursuant 65493
to a compact, cooperative education agreement, or a contract, 65494
but who are entitled to attend school in another district 65495

pursuant to section 3313.64 or 3313.65 of the Revised Code; 65496

(d) Students for whom tuition is payable pursuant to 65497
sections 3317.081 and 3323.141 of the Revised Code; 65498

(e) Students receiving services in the district through a 65499
scholarship awarded under either section 3310.41 or sections 65500
3310.51 to 3310.64 of the Revised Code. 65501

When reporting students under division (A)(1) of this 65502
section, the superintendent also shall report the district where 65503
each student is entitled to attend school pursuant to sections 65504
3313.64 and 3313.65 of the Revised Code. 65505

(2) The department shall compile a list of all students 65506
reported to be enrolled in a district under division (A)(1) of 65507
this section and of the students entitled to attend school in 65508
the district pursuant to section 3313.64 or 3313.65 of the 65509
Revised Code on an FTE basis but receiving educational services 65510
in grades kindergarten through twelve from one or more of the 65511
following entities: 65512

(a) A community school pursuant to Chapter 3314. of the 65513
Revised Code, including any participation in a college pursuant 65514
to Chapter 3365. of the Revised Code while enrolled in such 65515
community school; 65516

(b) An alternative school pursuant to sections 3313.974 to 65517
3313.979 of the Revised Code; 65518

(c) A college pursuant to Chapter 3365. of the Revised 65519
Code, except when the student is enrolled in the college while 65520
also enrolled in a community school pursuant to Chapter 3314., a 65521
science, technology, engineering, and mathematics school 65522
established under Chapter 3326., or a college-preparatory 65523
boarding school established under Chapter 3328. of the Revised 65524

Code;	65525
(d) An adjacent or other school district under an open	65526
enrollment policy adopted pursuant to section 3313.98 of the	65527
Revised Code;	65528
(e) An educational service center or cooperative education	65529
district;	65530
(f) Another school district under a cooperative education	65531
agreement, compact, or contract;	65532
(g) A chartered nonpublic school with a scholarship paid	65533
under section 3317.022 of the Revised Code, if the students	65534
qualified for the scholarship under section 3310.03 or 3310.032	65535
of the Revised Code;	65536
(h) An alternative public provider or a registered private	65537
provider with a scholarship awarded under either section 3310.41	65538
or sections 3310.51 to 3310.64 of the Revised Code.	65539
As used in this section, "alternative public provider" and	65540
"registered private provider" have the same meanings as in	65541
section 3310.41 or 3310.51 of the Revised Code, as applicable.	65542
(i) A science, technology, engineering, and mathematics	65543
school established under Chapter 3326. of the Revised Code,	65544
including any participation in a college pursuant to Chapter	65545
3365. of the Revised Code while enrolled in the school;	65546
(j) A college-preparatory boarding school established	65547
under Chapter 3328. of the Revised Code, including any	65548
participation in a college pursuant to Chapter 3365. of the	65549
Revised Code while enrolled in the school;	65550
<u>(k) A nonchartered nonpublic school if the students have</u>	65551
<u>educational savings accounts established under sections 3310.21</u>	65552

to 3310.26 of the Revised Code.

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(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A) (2) (d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.

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The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A) (2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district.

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(B) To enable the department to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the reports provided by the department under division (A) of this section all of the following:

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(1) The total student enrollment in regular learning day classes included in the report under division (A) (1) or (2), including any student described in division (A) (1) (b) of this section and excluding any student reported under divisions (A) (2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this section, of this section for each of the individual grades kindergarten through twelve in schools under the superintendent's supervision;

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(2) The unduplicated count of the number of preschool 65582
children with disabilities enrolled in the district for whom the 65583
district is eligible to receive funding under section 3317.0213 65584
of the Revised Code adjusted for the portion of the year each 65585
child is so enrolled, in accordance with the disability 65586
categories prescribed in section 3317.013 of the Revised Code; 65587

(3) The number of children entitled to attend school in 65588
the district pursuant to section 3313.64 or 3313.65 of the 65589
Revised Code who are: 65590

(a) Enrolled in a college under Chapter 3365. of the 65591
Revised Code, except when the student is enrolled in the college 65592
while also enrolled in a community school pursuant to Chapter 65593
3314. of the Revised Code, a science, technology, engineering, 65594
and mathematics school established under Chapter 3326., or a 65595
college-preparatory boarding school established under Chapter 65596
3328. of the Revised Code; 65597

(b) Participating in a program operated by a county board 65598
of developmental disabilities or a state institution. 65599

(4) The total enrollment of pupils in joint vocational 65600
schools; 65601

(5) The combined enrollment of children with disabilities 65602
reported under division (A) (1) or (2) of this section, including 65603
any student described in division (A) (1) (b) of this section and 65604
excluding any student reported under divisions (A) (2) (a), (b), 65605
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 65606
special education services for the category one disability 65607
described in division (A) of section 3317.013 of the Revised 65608
Code, including children attending a special education program 65609
operated by an alternative public provider or a registered 65610

private provider with a scholarship awarded under sections 65611
3310.51 to 3310.64 of the Revised Code; 65612

(6) The combined enrollment of children with disabilities 65613
reported under division (A)(1) or (2) of this section, including 65614
any student described in division (A)(1)(b) of this section and 65615
excluding any student reported under divisions (A)(2)(a), (b), 65616
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 65617
special education services for category two disabilities 65618
described in division (B) of section 3317.013 of the Revised 65619
Code, including children attending a special education program 65620
operated by an alternative public provider or a registered 65621
private provider with a scholarship awarded under sections 65622
3310.51 to 3310.64 of the Revised Code; 65623

(7) The combined enrollment of children with disabilities 65624
reported under division (A)(1) or (2) of this section, including 65625
any student described in division (A)(1)(b) of this section and 65626
excluding any student reported under divisions (A)(2)(a), (b), 65627
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 65628
special education services for category three disabilities 65629
described in division (C) of section 3317.013 of the Revised 65630
Code, including children attending a special education program 65631
operated by an alternative public provider or a registered 65632
private provider with a scholarship awarded under sections 65633
3310.51 to 3310.64 of the Revised Code; 65634

(8) The combined enrollment of children with disabilities 65635
reported under division (A)(1) or (2) of this section, including 65636
any student described in division (A)(1)(b) of this section and 65637
excluding any student reported under divisions (A)(2)(a), (b), 65638
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 65639
special education services for category four disabilities 65640

described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(9) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(10) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code;

(11) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described in division (A)(1)(b) of this

section and excluding any student reported under divisions (A) 65671
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 65672
section, in category one career-technical education programs or 65673
classes, described in division (A) (1) of section 3317.014 of the 65674
Revised Code, operated by the school district or by another 65675
district that is a member of the district's career-technical 65676
planning district, other than a joint vocational school 65677
district, or by an educational service center, notwithstanding 65678
division (M) of section 3317.02 of the Revised Code and division 65679
(C) (3) of this section; 65680

(12) The enrollment of pupils reported under division (A) 65681
(1) or (2) of this section on a full-time equivalency basis, 65682
including any student described in division (A) (1) (b) of this 65683
section and excluding any student reported under divisions (A) 65684
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 65685
section, in category two career-technical education programs or 65686
services, described in division (A) (2) of section 3317.014 of 65687
the Revised Code, operated by the school district or another 65688
school district that is a member of the district's career- 65689
technical planning district, other than a joint vocational 65690
school district, or by an educational service center, 65691
notwithstanding division (M) of section 3317.02 of the Revised 65692
Code and division (C) (3) of this section; 65693

(13) The enrollment of pupils reported under division (A) 65694
(1) or (2) of this section on a full-time equivalency basis, 65695
including any student described in division (A) (1) (b) of this 65696
section and excluding any student reported under divisions (A) 65697
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 65698
section, in category three career-technical education programs 65699
or services, described in division (A) (3) of section 3317.014 of 65700
the Revised Code, operated by the school district or another 65701

school district that is a member of the district's career- 65702
technical planning district, other than a joint vocational 65703
school district, or by an educational service center, 65704
notwithstanding division (M) of section 3317.02 of the Revised 65705
Code and division (C)(3) of this section; 65706

(14) The enrollment of pupils reported under division (A) 65707
(1) or (2) of this section on a full-time equivalency basis, 65708
including any student described in division (A)(1)(b) of this 65709
section and excluding any student reported under divisions (A) 65710
(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 65711
section, in category four career-technical education programs or 65712
services, described in division (A)(4) of section 3317.014 of 65713
the Revised Code, operated by the school district or another 65714
school district that is a member of the district's career- 65715
technical planning district, other than a joint vocational 65716
school district, or by an educational service center, 65717
notwithstanding division (M) of section 3317.02 of the Revised 65718
Code and division (C)(3) of this section; 65719

(15) The enrollment of pupils reported under division (A) 65720
(1) or (2) of this section on a full-time equivalency basis, 65721
including any student described in division (A)(1)(b) of this 65722
section and excluding any student reported under divisions (A) 65723
(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 65724
section, in category five career-technical education programs or 65725
services, described in division (A)(5) of section 3317.014 of 65726
the Revised Code, operated by the school district or another 65727
school district that is a member of the district's career- 65728
technical planning district, other than a joint vocational 65729
school district, or by an educational service center, 65730
notwithstanding division (M) of section 3317.02 of the Revised 65731
Code and division (C)(3) of this section; 65732

(16) The enrollment of pupils reported under division (A) 65733
(1) or (2) of this section who are English learners described in 65734
division (A) of section 3317.016 of the Revised Code, including 65735
any student described in division (A) (1) (b) of this section and 65736
excluding any student reported under divisions (A) (2) (a), (b), 65737
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section; 65738

(17) The enrollment of pupils reported under division (A) 65739
(1) or (2) of this section who are English learners described in 65740
division (B) of section 3317.016 of the Revised Code, including 65741
any student described in division (A) (1) (b) of this section and 65742
excluding any student reported under divisions (A) (2) (a), (b), 65743
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section; 65744

(18) The enrollment of pupils reported under division (A) 65745
(1) or (2) of this section who are English learners described in 65746
division (C) of section 3317.016 of the Revised Code, including 65747
any student described in division (A) (1) (b) of this section and 65748
excluding any student reported under divisions (A) (2) (a), (b), 65749
(d), (g), (h), (i), and (j) of this section; 65750

(19) The average number of children transported during the 65751
reporting period by the school district on board-owned or 65752
contractor-owned and -operated buses, reported in accordance 65753
with rules adopted by the department; 65754

(20) (a) The number of children, other than preschool 65755
children with disabilities, the district placed with a county 65756
board of developmental disabilities in fiscal year 1998. 65757
Division (B) (20) (a) of this section does not apply after fiscal 65758
year 2013. 65759

(b) The number of children with disabilities, other than 65760
preschool children with disabilities, placed with a county board 65761

of developmental disabilities in the current fiscal year to 65762
receive special education services for the category one 65763
disability described in division (A) of section 3317.013 of the 65764
Revised Code; 65765

(c) The number of children with disabilities, other than 65766
preschool children with disabilities, placed with a county board 65767
of developmental disabilities in the current fiscal year to 65768
receive special education services for category two disabilities 65769
described in division (B) of section 3317.013 of the Revised 65770
Code; 65771

(d) The number of children with disabilities, other than 65772
preschool children with disabilities, placed with a county board 65773
of developmental disabilities in the current fiscal year to 65774
receive special education services for category three 65775
disabilities described in division (C) of section 3317.013 of 65776
the Revised Code; 65777

(e) The number of children with disabilities, other than 65778
preschool children with disabilities, placed with a county board 65779
of developmental disabilities in the current fiscal year to 65780
receive special education services for category four 65781
disabilities described in division (D) of section 3317.013 of 65782
the Revised Code; 65783

(f) The number of children with disabilities, other than 65784
preschool children with disabilities, placed with a county board 65785
of developmental disabilities in the current fiscal year to 65786
receive special education services for the category five 65787
disabilities described in division (E) of section 3317.013 of 65788
the Revised Code; 65789

(g) The number of children with disabilities, other than 65790

preschool children with disabilities, placed with a county board 65791
of developmental disabilities in the current fiscal year to 65792
receive special education services for category six disabilities 65793
described in division (F) of section 3317.013 of the Revised 65794
Code. 65795

(21) The enrollment of students who are economically 65796
disadvantaged, as defined by the department, including any 65797
student described in divisions (A) (1) (b) of this section and 65798
excluding any student reported under divisions (A) (2) (a), (b), 65799
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section. A student 65800
shall not be categorically excluded from the number reported 65801
under division (B) (21) of this section based on anything other 65802
than family income. 65803

(22) The enrollment of students identified as gifted under 65804
division (A), (B), (C), or (D) of section 3324.03 of the Revised 65805
Code. 65806

(C) (1) The department shall adopt rules necessary for 65807
implementing divisions (A), (B), and (D) of this section. 65808

(2) A student enrolled in a community school established 65809
under Chapter 3314., a science, technology, engineering, and 65810
mathematics school established under Chapter 3326., or a 65811
college-preparatory boarding school established under Chapter 65812
3328. of the Revised Code shall be counted in the formula ADM of 65813
the school district in which the student is entitled to attend 65814
school under section 3313.64 or 3313.65 of the Revised Code for 65815
the same proportion of the school year that the student is 65816
counted in the enrollment of the community school, the science, 65817
technology, engineering, and mathematics school, or the college- 65818
preparatory boarding school for purposes of section 3317.022 or 65819
3328.24 of the Revised Code. Notwithstanding the enrollment of 65820

students reported pursuant to division (A) (2) (a), (i), or (j) of 65821
this section, the department may adjust the formula ADM of a 65822
school district to account for students entitled to attend 65823
school in the district under section 3313.64 or 3313.65 of the 65824
Revised Code who are enrolled in a community school, a science, 65825
technology, engineering, and mathematics school, or a college- 65826
preparatory boarding school for only a portion of the school 65827
year. 65828

(3) No child shall be counted as more than a total of one 65829
child in the sum of the enrollment of students of a school 65830
district under division (A), divisions (B) (1) to (22), or 65831
division (D) of this section, except as follows: 65832

(a) (i) A child with a disability described in section 65833
3317.013 of the Revised Code may be counted both in formula ADM 65834
and in category one, two, three, four, five, or six special 65835
education ADM and, if applicable, in category one, two, three, 65836
four, or five career-technical education ADM. As provided in 65837
division (M) of section 3317.02 of the Revised Code, such a 65838
child shall be counted in category one, two, three, four, five, 65839
or six special education ADM in the same proportion that the 65840
child is counted in formula ADM. 65841

(ii) A child with a disability described in section 65842
3317.013 of the Revised Code may be counted both in enrolled ADM 65843
and in category one, two, three, four, five, or six special 65844
education ADM and, if applicable, in category one, two, three, 65845
four, or five career-technical education ADM. As provided in 65846
division (M) of section 3317.02 of the Revised Code, such a 65847
child shall be counted in category one, two, three, four, five, 65848
or six special education ADM in the same proportion that the 65849
child is counted in enrolled ADM. 65850

(b) (i) A child enrolled in career-technical education 65851
programs or classes described in section 3317.014 of the Revised 65852
Code may be counted both in formula ADM and category one, two, 65853
three, four, or five career-technical education ADM and, if 65854
applicable, in category one, two, three, four, five, or six 65855
special education ADM. Such a child shall be counted in category 65856
one, two, three, four, or five career-technical education ADM in 65857
the same proportion as the percentage of time that the child 65858
spends in the career-technical education programs or classes. 65859

(ii) A child enrolled in career-technical education 65860
programs or classes described in section 3317.014 of the Revised 65861
Code may be counted both in enrolled ADM and category one, two, 65862
three, four, or five career-technical education ADM and, if 65863
applicable, in category one, two, three, four, five, or six 65864
special education ADM. Such a child shall be counted in category 65865
one, two, three, four, or five career-technical education ADM in 65866
the same proportion as the percentage of time that the child 65867
spends in the career-technical education programs or classes. 65868

(4) Based on the information reported under this section, 65869
the department shall determine the total student count, as 65870
defined in section 3301.011 of the Revised Code, for each school 65871
district. 65872

(D) (1) The superintendent of each joint vocational school 65873
district shall report and certify to the department as of the 65874
last day of October, March, and June of each year the enrollment 65875
of students receiving services from schools under the 65876
superintendent's supervision so that the department can 65877
calculate the district's enrolled ADM, formula ADM, total ADM, 65878
category one through five career-technical education ADM, 65879
category one through three English learner ADM, category one 65880

through six special education ADM, and for purposes of 65881
provisions of law outside of Chapter 3317. of the Revised Code, 65882
average daily membership. 65883

The enrollment reported and certified by the 65884
superintendent, except as otherwise provided in this division, 65885
shall consist of the number of students in grades six through 65886
twelve receiving any educational services from the district, 65887
except that the following categories of students shall not be 65888
included in the determination: 65889

(a) Students enrolled in adult education classes; 65890

(b) Adjacent or other district joint vocational students 65891
enrolled in the district under an open enrollment policy 65892
pursuant to section 3313.98 of the Revised Code; 65893

(c) Students receiving services in the district pursuant 65894
to a compact, cooperative education agreement, or a contract, 65895
but who are entitled to attend school in a city, local, or 65896
exempted village school district whose territory is not part of 65897
the territory of the joint vocational district; 65898

(d) Students for whom tuition is payable pursuant to 65899
sections 3317.081 and 3323.141 of the Revised Code. 65900

(2) To enable the department to obtain the data needed to 65901
complete the calculation of payments pursuant to this chapter, 65902
each superintendent shall certify from the report provided under 65903
division (D)(1) of this section the enrollment for each of the 65904
following categories of students: 65905

(a) Students enrolled in each individual grade included in 65906
the joint vocational district schools, including any student 65907
described in division (D)(1)(b) of this section; 65908

(b) Children with disabilities receiving special education 65909
services for the category one disability described in division 65910
(A) of section 3317.013 of the Revised Code, including any 65911
student described in division (D) (1) (b) of this section; 65912

(c) Children with disabilities receiving special education 65913
services for the category two disabilities described in division 65914
(B) of section 3317.013 of the Revised Code, including any 65915
student described in division (D) (1) (b) of this section; 65916

(d) Children with disabilities receiving special education 65917
services for category three disabilities described in division 65918
(C) of section 3317.013 of the Revised Code, including any 65919
student described in division (D) (1) (b) of this section; 65920

(e) Children with disabilities receiving special education 65921
services for category four disabilities described in division 65922
(D) of section 3317.013 of the Revised Code, including any 65923
student described in division (D) (1) (b) of this section; 65924

(f) Children with disabilities receiving special education 65925
services for the category five disabilities described in 65926
division (E) of section 3317.013 of the Revised Code, including 65927
any student described in division (D) (1) (b) of this section; 65928

(g) Children with disabilities receiving special education 65929
services for category six disabilities described in division (F) 65930
of section 3317.013 of the Revised Code, including any student 65931
described in division (D) (1) (b) of this section; 65932

(h) Students receiving category one career-technical 65933
education services, described in division (A) (1) of section 65934
3317.014 of the Revised Code, including any student described in 65935
division (D) (1) (b) of this section; 65936

(i) Students receiving category two career-technical 65937

education services, described in division (A) (2) of section 65938
3317.014 of the Revised Code, including any student described in 65939
division (D) (1) (b) of this section; 65940

(j) Students receiving category three career-technical 65941
education services, described in division (A) (3) of section 65942
3317.014 of the Revised Code, including any student described in 65943
division (D) (1) (b) of this section; 65944

(k) Students receiving category four career-technical 65945
education services, described in division (A) (4) of section 65946
3317.014 of the Revised Code, including any student described in 65947
division (D) (1) (b) of this section; 65948

(l) Students receiving category five career-technical 65949
education services, described in division (A) (5) of section 65950
3317.014 of the Revised Code, including any student described in 65951
division (D) (1) (b) of this section; 65952

(m) English learners described in division (A) of section 65953
3317.016 of the Revised Code, including any student described in 65954
division (D) (1) (b) of this section; 65955

(n) English learners described in division (B) of section 65956
3317.016 of the Revised Code, including any student described in 65957
division (D) (1) (b) of this section; 65958

(o) English learners described in division (C) of section 65959
3317.016 of the Revised Code, including any student described in 65960
division (D) (1) (b) of this section; 65961

(p) Students who are economically disadvantaged, as 65962
defined by the department, including any student described in 65963
division (D) (1) (b) of this section. A student shall not be 65964
categorically excluded from the number reported under division 65965
(D) (2) (p) of this section based on anything other than family 65966

income. 65967

The superintendent of each joint vocational school 65968
district shall also indicate the city, local, or exempted 65969
village school district in which each joint vocational district 65970
pupil is entitled to attend school pursuant to section 3313.64 65971
or 3313.65 of the Revised Code. 65972

(E) In each school of each city, local, exempted village, 65973
joint vocational, and cooperative education school district 65974
there shall be maintained a record of school enrollment, which 65975
record shall accurately show, for each day the school is in 65976
session, the actual enrollment in regular day classes. For the 65977
purpose of determining the enrollment of students, the 65978
enrollment figure of any school shall not include any pupils 65979
except those pupils described by division (A) or (D) of this 65980
section. The record of enrollment for each school shall be 65981
maintained in such manner that no pupil shall be counted as 65982
enrolled prior to the actual date of entry in the school and 65983
also in such manner that where for any cause a pupil permanently 65984
withdraws from the school that pupil shall not be counted as 65985
enrolled from and after the date of such withdrawal. There shall 65986
not be included in the enrollment of any school any of the 65987
following: 65988

(1) Any pupil who has graduated from the twelfth grade of 65989
a public or nonpublic high school; 65990

(2) Any pupil who is not a resident of the state; 65991

(3) Any pupil who was enrolled in the schools of the 65992
district during the previous school year when assessments were 65993
administered under section 3301.0711 of the Revised Code but did 65994
not take one or more of the assessments required by that section 65995

and was not excused pursuant to division (C) (1) or (3) of that section; 65996
65997

(4) Any pupil who has attained the age of twenty-two 65998
years, except for veterans of the armed services whose 65999
attendance was interrupted before completing the recognized 66000
twelve-year course of the public schools by reason of induction 66001
or enlistment in the armed forces and who apply for reenrollment 66002
in the public school system of their residence not later than 66003
four years after termination of war or their honorable 66004
discharge; 66005

(5) Any pupil who has a certificate of high school 66006
equivalence as defined in section 5107.40 of the Revised Code. 66007

If, however, any veteran described by division (E) (4) of 66008
this section elects to enroll in special courses organized for 66009
veterans for whom tuition is paid under the provisions of 66010
federal laws, or otherwise, that veteran shall not be included 66011
in the enrollment of students determined under this section. 66012

Notwithstanding division (E) (3) of this section, the 66013
enrollment of any school may include a pupil who did not take an 66014
assessment required by section 3301.0711 of the Revised Code if 66015
the department of education and workforce grants a waiver from 66016
the requirement to take the assessment to the specific pupil and 66017
a parent is not paying tuition for the pupil pursuant to section 66018
3313.6410 of the Revised Code. The department may grant such a 66019
waiver only for good cause in accordance with rules adopted by 66020
the department. 66021

The enrolled ADM, formula ADM, total ADM, category one 66022
through five career-technical education ADM, category one 66023
through three English learner ADM, category one through six 66024

special education ADM, transportation ADM, and, for purposes of 66025
provisions of law outside of Chapter 3317. of the Revised Code, 66026
average daily membership of any school district shall be 66027
determined in accordance with rules adopted by the department. 66028

(F) (1) If a student attending a community school under 66029
Chapter 3314., a science, technology, engineering, and 66030
mathematics school established under Chapter 3326., or a 66031
college-preparatory boarding school established under Chapter 66032
3328. of the Revised Code is not included in the formula ADM 66033
calculated for the school district in which the student is 66034
entitled to attend school under section 3313.64 or 3313.65 of 66035
the Revised Code, the department shall adjust the formula ADM of 66036
that school district to include the student in accordance with 66037
division (C) (2) of this section. 66038

(2) If a student awarded an educational choice scholarship 66039
is not included in the formula ADM of the school district in 66040
which the student resides, the department shall adjust the 66041
formula ADM of that school district to include the student. 66042

(3) If a student awarded a scholarship under the Jon 66043
Peterson special needs scholarship program is not included in 66044
the formula ADM of the school district in which the student 66045
resides, the department shall adjust the formula ADM of that 66046
school district to include the student. 66047

(G) (1) (a) The superintendent of an institution operating a 66048
special education program pursuant to section 3323.091 of the 66049
Revised Code shall, for the programs under such superintendent's 66050
supervision, certify to the department, in the manner prescribed 66051
by the director of education and workforce, both of the 66052
following: 66053

(i) The unduplicated count of the number of all children 66054
with disabilities other than preschool children with 66055
disabilities receiving services at the institution for each 66056
category of disability described in divisions (A) to (F) of 66057
section 3317.013 of the Revised Code adjusted for the portion of 66058
the year each child is so enrolled; 66059

(ii) The unduplicated count of the number of all preschool 66060
children with disabilities in classes or programs for whom the 66061
district is eligible to receive funding under section 3317.0213 66062
of the Revised Code adjusted for the portion of the year each 66063
child is so enrolled, reported according to the categories 66064
prescribed in section 3317.013 of the Revised Code. 66065

(b) The superintendent of an institution with career- 66066
technical education units approved under section 3317.05 of the 66067
Revised Code shall, for the units under the superintendent's 66068
supervision, certify to the department the enrollment in those 66069
units, in the manner prescribed by the director of education and 66070
workforce. 66071

(2) The superintendent of each county board of 66072
developmental disabilities that maintains special education 66073
classes under section 3317.20 of the Revised Code or provides 66074
services to preschool children with disabilities pursuant to an 66075
agreement between the county board and the appropriate school 66076
district shall do both of the following: 66077

(a) Certify to the department, in the manner prescribed by 66078
the department, the enrollment in classes under section 3317.20 66079
of the Revised Code for each school district that has placed 66080
children in the classes; 66081

(b) Certify to the department, in the manner prescribed by 66082

the department, the unduplicated count of the number of all 66083
preschool children with disabilities enrolled in classes for 66084
which the board is eligible to receive funding under section 66085
3317.0213 of the Revised Code adjusted for the portion of the 66086
year each child is so enrolled, reported according to the 66087
categories prescribed in section 3317.013 of the Revised Code, 66088
and the number of those classes. 66089

(H) Except as provided in division (I) of this section, 66090
when any city, local, or exempted village school district 66091
provides instruction for a nonresident pupil whose attendance is 66092
unauthorized attendance as defined in section 3327.06 of the 66093
Revised Code, that pupil's enrollment shall not be included in 66094
that district's enrollment figure used in calculating the 66095
district's payments under this chapter. The reporting official 66096
shall report separately the enrollment of all pupils whose 66097
attendance in the district is unauthorized attendance, and the 66098
enrollment of each such pupil shall be credited to the school 66099
district in which the pupil is entitled to attend school under 66100
division (B) of section 3313.64 or section 3313.65 of the 66101
Revised Code as determined by the department. 66102

(I) This division shall not apply on or after September 66103
30, 2021. 66104

(1) A city, local, exempted village, or joint vocational 66105
school district admitting a scholarship student of a pilot 66106
project district pursuant to division (C) of section 3313.976 of 66107
the Revised Code may count such student in its enrollment. 66108

(2) In any year for which funds are appropriated for pilot 66109
project scholarship programs, a school district implementing a 66110
state-sponsored pilot project scholarship program that year 66111
pursuant to sections 3313.974 to 3313.979 of the Revised Code 66112

may count in its enrollment: 66113

(a) All children residing in the district and utilizing a 66114
scholarship to attend kindergarten in any alternative school, as 66115
defined in section 3313.974 of the Revised Code; 66116

(b) All children who were enrolled in the district in the 66117
preceding year who are utilizing a scholarship to attend an 66118
alternative school. 66119

(J) The superintendent of each cooperative education 66120
school district shall certify to the director of education and 66121
workforce, in a manner prescribed by the department, the 66122
applicable enrollments for all students in the cooperative 66123
education district, also indicating the city, local, or exempted 66124
village district where each pupil is entitled to attend school 66125
under section 3313.64 or 3313.65 of the Revised Code. 66126

(K) If the director of education and workforce determines 66127
that a component of the enrollment certified or reported by a 66128
district superintendent, or other reporting entity, is not 66129
correct, the director of education and workforce may order that 66130
the district's enrolled ADM, formula ADM, or both be adjusted in 66131
the amount of the error. 66132

Sec. 3317.035. The auditor of state may conduct annual 66133
audits of the information certified under section 3317.03 of the 66134
Revised Code ~~by a number of school districts determined by the~~ 66135
~~auditor of state and selected at random.~~ 66136

Sec. 3317.051. (A) The department of education and 66137
workforce shall compute and pay to a school district funds based 66138
on units for services to students identified as gifted under 66139
Chapter 3324. of the Revised Code as prescribed by this section. 66140

(B) The department shall allocate gifted units for a 66141

school district as follows: 66142

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027: 66143

(a) One gifted coordinator unit shall be allocated for 66144
every 3,300 students in a district's enrolled ADM, with a 66145
minimum of 0.5 units and a maximum of 8 units allocated for the 66146
district. 66147

(b) One kindergarten through eighth grade gifted 66148
intervention specialist unit shall be allocated for every 140 66149
gifted students enrolled in grades kindergarten through eight in 66150
the district, as certified under division (B) (22) of section 66151
3317.03 of the Revised Code, with a minimum of 0.3 units 66152
allocated for the district. 66153

(c) One ninth through twelfth grade gifted intervention 66154
specialist unit shall be allocated for every 140 gifted students 66155
enrolled in grades nine through twelve in the district, as 66156
certified under division (B) (22) of section 3317.03 of the 66157
Revised Code, with a minimum of 0.3 units allocated for the 66158
district. 66159

(2) For fiscal year ~~2026-2028~~ and each fiscal year 66160
thereafter, in the manner prescribed by the general assembly. 66161

(C) The department shall pay an amount to a school 66162
district for gifted units as follows: 66163

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 66164
equal to the following sum: 66165

(\$85,776 X the number of units allocated to a school district 66166
under division (B) (1) (a) of this section X the district's state 66167
share percentage) + (\$89,378 X the number of units allocated to 66168
a school district under division (B) (1) (b) of this section X the 66169

district's state share percentage) + (\$80,974 X the number of 66170
units allocated to a school district under division (B) (1) (c) of 66171
this section X the district's state share percentage) 66172

(2) For fiscal year ~~2026~~2028 and each fiscal year 66173
thereafter, an amount calculated in a manner determined by the 66174
general assembly. 66175

(D) A school district may assign gifted unit funding that 66176
it receives under division (C) of this section to another school 66177
district, an educational service center, a community school, or 66178
a STEM school as part of an arrangement to provide services to 66179
the district. 66180

Sec. 3317.06. Moneys paid to school districts under 66181
division (E) (1) of section 3317.024 of the Revised Code shall be 66182
used for the following independent and fully severable purposes: 66183

(A) To purchase such secular textbooks or digital texts as 66184
have been approved by the department of education and workforce 66185
for use in public schools in the state and to loan such 66186
textbooks or digital texts to pupils attending nonpublic schools 66187
within the district described in division (E) (1) of section 66188
3317.024 of the Revised Code or to their parents and to hire 66189
clerical personnel to administer such lending program. Such 66190
loans shall be based upon individual requests submitted by such 66191
nonpublic school pupils or parents. Such requests shall be 66192
submitted to the school district in which the nonpublic school 66193
is located. Such individual requests for the loan of textbooks 66194
or digital texts shall, for administrative convenience, be 66195
submitted by the nonpublic school pupil or the pupil's parent to 66196
the nonpublic school, which shall prepare and submit collective 66197
summaries of the individual requests to the school district. As 66198
used in this section: 66199

(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the pupil regularly attends.

(2) "Digital text" means a consumable book or book substitute that a student accesses through the use of a computer or other electronic medium or that is available through an internet-based provider of course content, or any other material that contributes to the learning process through electronic means.

(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such service shall be provided in the nonpublic school attended by the pupil receiving the service.

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic mental health or psychological services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic mental health, psychological, and speech and hearing services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be

provided in the public school, in nonpublic schools, in public 66229
centers, or in mobile units located on or off of the nonpublic 66230
premises. If such services are provided in the public school or 66231
in public centers, transportation to and from such facilities 66232
shall be provided by the school district in which the nonpublic 66233
school is located. 66234

(F) To provide guidance, counseling, and social work 66235
services to pupils attending nonpublic schools within the 66236
district described in division (E) (1) of section 3317.024 of the 66237
Revised Code. Such services shall be provided in the public 66238
school, in nonpublic schools, in public centers, or in mobile 66239
units located on or off of the nonpublic premises. If such 66240
services are provided in the public school or in public centers, 66241
transportation to and from such facilities shall be provided by 66242
the school district in which the nonpublic school is located. 66243

(G) To provide remedial services to pupils attending 66244
nonpublic schools within the district described in division (E) 66245
(1) of section 3317.024 of the Revised Code. Such services shall 66246
be provided in the public school, in nonpublic schools, in 66247
public centers, or in mobile units located on or off of the 66248
nonpublic premises. If such services are provided in the public 66249
school or in public centers, transportation to and from such 66250
facilities shall be provided by the school district in which the 66251
nonpublic school is located. 66252

(H) To supply for use by pupils attending nonpublic 66253
schools within the district described in division (E) (1) of 66254
section 3317.024 of the Revised Code such standardized tests and 66255
scoring services as are in use in the public schools of the 66256
state; 66257

(I) To provide programs for children who attend nonpublic 66258

schools within the district described in division (E) (1) of 66259
section 3317.024 of the Revised Code and are children with 66260
disabilities as defined in section 3323.01 of the Revised Code 66261
or gifted children. Such programs shall be provided in the 66262
public school, in nonpublic schools, in public centers, or in 66263
mobile units located on or off of the nonpublic premises. If 66264
such programs are provided in the public school or in public 66265
centers, transportation to and from such facilities shall be 66266
provided by the school district in which the nonpublic school is 66267
located. 66268

(J) To hire clerical personnel to assist in the 66269
administration of programs pursuant to divisions (B), (C), (D), 66270
(E), (F), (G), and (I) of this section and to hire supervisory 66271
personnel to supervise the providing of services and textbooks 66272
pursuant to this section. 66273

(K) To purchase or lease any secular, neutral, and 66274
nonideological computer application software designed to assist 66275
students in performing a single task or multiple related tasks, 66276
device management software, learning management software, site- 66277
licensing, digital video on demand (DVD), wide area connectivity 66278
and related technology as it relates to internet access, 66279
mathematics or science equipment and materials, instructional 66280
materials, and school library materials that are in general use 66281
in the public schools of the state and loan such items to pupils 66282
attending nonpublic schools within the district described in 66283
division (E) (1) of section 3317.024 of the Revised Code or to 66284
their parents, and to hire clerical personnel to administer the 66285
lending program. Only such items that are incapable of diversion 66286
to religious use and that are susceptible of loan to individual 66287
pupils and are furnished for the use of individual pupils shall 66288
be purchased and loaned under this division. As used in this 66289

section, "instructional materials" means prepared learning 66290
materials that are secular, neutral, and nonideological in 66291
character and are of benefit to the instruction of school 66292
children. "Instructional materials" includes media content that 66293
a student may access through the use of a computer or electronic 66294
device. 66295

Mobile applications that are secular, neutral, and 66296
nonideological in character and that are purchased for less than 66297
twenty dollars for instructional use shall be considered to be 66298
consumable and shall be distributed to students without the 66299
expectation that the applications must be returned. 66300

(L) To purchase or lease instructional equipment, 66301
including computer hardware and related equipment in general use 66302
in the public schools of the state, for use by pupils attending 66303
nonpublic schools within the district described in division (E) 66304
(1) of section 3317.024 of the Revised Code and to loan such 66305
items to pupils attending such nonpublic schools within the 66306
district or to their parents, and to hire clerical personnel to 66307
administer the lending program. "Computer hardware and related 66308
equipment" includes desktop computers and workstations; laptop 66309
computers, computer tablets, and other mobile handheld devices; 66310
their operating systems and accessories; and any equipment 66311
designed to make accessible the environment of a classroom to a 66312
student, who is physically unable to attend classroom activities 66313
due to hospitalization or other circumstances, by allowing real- 66314
time interaction with other students both one-on-one and in 66315
group discussion. 66316

(M) To purchase mobile units to be used for the provision 66317
of services pursuant to divisions (E), (F), (G), and (I) of this 66318
section and to pay for necessary repairs and operating costs 66319

associated with these units. 66320

(N) To reimburse costs the district incurred to store the 66321
records of a chartered nonpublic school that closes. 66322

Reimbursements under this division shall be made one time only 66323

for each chartered nonpublic school described in division (E) (1) 66324

of section 3317.024 of the Revised Code that closes. 66325

(O) To purchase life-saving medical or other emergency 66326

equipment for placement in nonpublic schools within the district 66327

described in division (E) (1) of section 3317.024 of the Revised 66328

Code or to maintain such equipment. 66329

(P) To procure and pay for security services from a county 66330

sheriff or a township or municipal police force, from a retired 66331

Ohio peace officer, or from a person certified through the Ohio 66332

peace officer training commission, in accordance with section 66333

109.78 of the Revised Code, as a special police, security guard, 66334

or as a privately employed person serving in a police capacity 66335

for nonpublic schools in the district described in division (E) 66336

(1) of section 3317.024 of the Revised Code. 66337

(Q) To provide language and academic support services and 66338

other accommodations for English learners attending nonpublic 66339

schools within the district described in division (E) (1) of 66340

section 3317.024 of the Revised Code. 66341

Clerical and supervisory personnel hired pursuant to 66342

division (J) of this section shall perform their services in the 66343

public schools, in nonpublic schools, public centers, or mobile 66344

units where the services are provided to the nonpublic school 66345

pupil, except that such personnel may accompany pupils to and 66346

from the service sites when necessary to ensure the safety of 66347

the children receiving the services. 66348

All services provided pursuant to this section may be 66349
provided under contract with educational service centers, the 66350
department of health, city or general health districts, or 66351
private agencies whose personnel are properly licensed by an 66352
appropriate state board or agency. School districts shall not 66353
deny a nonpublic school's request for personnel who are properly 66354
licensed by a state board or agency. 66355

Transportation of pupils provided pursuant to divisions 66356
(E), (F), (G), and (I) of this section shall be provided by the 66357
school district from its general funds and not from moneys paid 66358
to it under division (E)(1) of section 3317.024 of the Revised 66359
Code unless a special transportation request is submitted by the 66360
parent of the child receiving service pursuant to such 66361
divisions. If such an application is presented to the school 66362
district, it may pay for the transportation from moneys paid to 66363
it under division (E)(1) of section 3317.024 of the Revised 66364
Code. 66365

No school district shall provide health or remedial 66366
services to nonpublic school pupils as authorized by this 66367
section unless such services are available to pupils attending 66368
the public schools within the district. 66369

Materials, equipment, computer hardware or software, 66370
textbooks, digital texts, and health and remedial services 66371
provided for the benefit of nonpublic school pupils pursuant to 66372
this section and the admission of pupils to such nonpublic 66373
schools shall be provided without distinction as to race, creed, 66374
color, or national origin of such pupils or of their teachers. 66375

No school district shall provide services, materials, or 66376
equipment that contain religious content for use in religious 66377
courses, devotional exercises, religious training, or any other 66378

religious activity. 66379

As used in this section, "parent" includes a person 66380
standing in loco parentis to a child. 66381

Notwithstanding section 3317.01 of the Revised Code, 66382
payments shall be made under this section to any city, local, or 66383
exempted village school district within which is located one or 66384
more nonpublic elementary or high schools described in division 66385
(E) (1) of section 3317.024 of the Revised Code and any payments 66386
made to school districts under division (E) (1) of section 66387
3317.024 of the Revised Code for purposes of this section may be 66388
disbursed without submission to and approval of the controlling 66389
board. 66390

The allocation of payments for materials, equipment, 66391
textbooks, digital texts, health services, and remedial services 66392
to city, local, and exempted village school districts shall be 66393
on the basis of the department's estimated annual average daily 66394
membership in nonpublic elementary and high schools located in 66395
the district described in division (E) (1) of section 3317.024 of 66396
the Revised Code. 66397

Payments made to city, local, and exempted village school 66398
districts under this section shall be equal to specific 66399
appropriations made for the purpose. All interest earned by a 66400
school district on such payments shall be used by the district 66401
for the same purposes and in the same manner as the payments may 66402
be used. 66403

The department shall adopt guidelines and procedures under 66404
which such programs and services shall be provided, under which 66405
districts and educational service centers with which districts 66406
contract to provide auxiliary services shall be reimbursed for 66407

administrative costs incurred in providing such programs and 66408
services, and under which any unexpended balance of the amounts 66409
appropriated by the general assembly to implement this section 66410
may be transferred to the auxiliary services personnel 66411
unemployment compensation fund established pursuant to section 66412
4141.47 of the Revised Code. If a district contracts with an 66413
educational service center to provide auxiliary services, only 66414
the service center shall be reimbursed for administrative costs. 66415
The department shall also adopt guidelines and procedures 66416
limiting the purchase and loan of the items described in 66417
division (K) of this section to items that are in general use in 66418
the public schools of the state, that are incapable of diversion 66419
to religious use, and that are susceptible to individual use 66420
rather than classroom use. Within thirty days after the end of 66421
each biennium, each board of education shall remit to the 66422
department all moneys paid to it under division (E) (1) of 66423
section 3317.024 of the Revised Code and any interest earned on 66424
those moneys that are not required to pay expenses incurred 66425
under this section during the biennium for which the money was 66426
appropriated and during which the interest was earned. If a 66427
board of education subsequently determines that the remittal of 66428
moneys leaves the board with insufficient money to pay all valid 66429
expenses incurred under this section during the biennium for 66430
which the remitted money was appropriated, the board may apply 66431
to the department for a refund of money, not to exceed the 66432
amount of the insufficiency. If the department determines the 66433
expenses were lawfully incurred and would have been lawful 66434
expenditures of the refunded money, it shall certify its 66435
determination and the amount of the refund to be made to the 66436
director of job and family services who shall make a refund as 66437
provided in section 4141.47 of the Revised Code. 66438

Each school district shall label materials, equipment, 66439
computer hardware or software, textbooks, and digital texts 66440
purchased or leased for loan to a nonpublic school under this 66441
section, acknowledging that they were purchased or leased with 66442
state funds under this section. However, a district need not 66443
label materials, equipment, computer hardware or software, 66444
textbooks, or digital texts that the district determines are 66445
consumable in nature or have a value of less than two hundred 66446
dollars. 66447

Sec. 3317.11. (A) As used in this section: 66448

(1) For fiscal years ~~2024–2026~~ and ~~2025~~2027, "base amount" 66449
is equal to \$356,250. 66450

(2) For fiscal years ~~2024–2026~~ and ~~2025~~2027, "funding 66451
base" means an amount calculated by the department of education 66452
and workforce that is equal to the amount an educational service 66453
center would have received under Section 265.360 of H.B. 166 of 66454
the 133rd general assembly for fiscal year 2020 using the 66455
student counts of the school districts with which the service 66456
center has service agreements for the fiscal year for which 66457
payments under this section are being made. 66458

(3) For fiscal years ~~2024–2026~~ and ~~2025~~2027, "general 66459
phase-in percentage" for an educational service center means the 66460
"general phase-in percentage" for school districts as defined in 66461
section 3317.02 of the Revised Code. 66462

(4) For fiscal years ~~2024–2026~~ and ~~2025~~2027, "student 66463
count" means the count calculated under division (G)(1) of 66464
section 3313.843 of the Revised Code. 66465

(B)(1) For fiscal years ~~2024–2026~~ and ~~2025~~2027, the 66466
department of education and workforce shall pay the governing 66467

board of each educational service center an amount equal to the 66468
following: 66469

The educational service center's funding base + [(the 66470
amount calculated for the educational service center for that 66471
fiscal year under division (C) of this section - the educational 66472
service center's funding base) X the educational service 66473
center's general phase-in percentage for that fiscal year] 66474

(2) For fiscal year ~~2026~~2028 and each fiscal year 66475
thereafter, the department shall pay the governing board of each 66476
educational service center an amount calculated in a manner 66477
determined by the general assembly. 66478

(C) For fiscal years ~~2024~~2026 and ~~2025~~2027, the 66479
department shall calculate an amount for each educational 66480
service center as follows: 66481

(1) If the educational service center has a student count 66482
of 5,000 students or less, the base amount. 66483

(2) If the educational service center has a student count 66484
greater than 5,000 students but less than or equal to 35,000 66485
students, the following sum: 66486

The base amount + [(the educational service center's student 66487
count - 5,000) X \$24.72] 66488

(3) If the educational service center has a student count 66489
greater than 35,000 students, the following sum: 66490

The base amount + (30,000 X \$24.72) + [(the educational service 66491
center's student count - 35,000) X \$30.90] 66492

Sec. 3317.16. The department of education and workforce 66493
shall compute and distribute state core foundation funding to 66494
each funding unit that is a joint vocational school district for 66495

the fiscal year as follows: 66496

For fiscal years ~~2024-2026~~ and ~~2025~~2027: 66497

The district's funding base + [(the district's state core 66498
foundation funding components for that fiscal year calculated 66499
under divisions (A) (1), (2), (4), (5), and (6) of this section - 66500
the district's general funding base) X the district's general 66501
phase-in percentage for that fiscal year] + [(the district's 66502
disadvantaged pupil impact aid for that fiscal year calculated 66503
under division (A) (3) of this section - the district's 66504
disadvantaged pupil impact aid funding base) X the district's 66505
phase-in percentage for disadvantaged pupil impact aid for that 66506
fiscal year] 66507

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 66508
the sum of the district's state core foundation funding 66509
components for that fiscal year calculated under divisions (A) 66510
(1), (2), (3), (4), (5), and (6) of this section. 66511

(A) A district's state core foundation funding components 66512
shall be all of the following: 66513

(1) The district's state share of the base cost, which is 66514
equal to the following: 66515

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 66516
calculated according to the following formula: 66517

(The district's ~~base cost calculated under section 3317.012 of~~ 66518
~~the Revised Code) - (0.0005 X the lesser of the district's~~ 66519
~~three-year average valuation or the district's most recent~~ 66520
~~valuation)-~~ 66521

~~However, no district shall receive an amount under division (A)~~ 66522
~~(1) of this section that is less than 0.10 times the base cost~~ 66523

~~calculated for the district under section 3317.012 of the~~ 66524
~~Revised Code.~~ enrolled ADM for the fiscal year) X (the 66525
district's state share percentage for the fiscal year) X (the 66526
district's base cost per pupil for the fiscal year) 66527

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, 66528
an amount calculated in a manner determined by the general 66529
assembly. 66530

(2) Additional state aid for special education and related 66531
services provided under Chapter 3323. of the Revised Code 66532
calculated as follows: 66533

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 66534
the following: 66535

(i) The district's category one special education ADM X 66536
the multiple specified in division (A) of section 3317.013 of 66537
the Revised Code X the statewide average base cost per pupil for 66538
that fiscal year X the district's state share percentage; 66539

(ii) The district's category two special education ADM X 66540
the multiple specified in division (B) of section 3317.013 of 66541
the Revised Code X the statewide average base cost per pupil for 66542
that fiscal year X the district's state share percentage; 66543

(iii) The district's category three special education ADM 66544
X the multiple specified in division (C) of section 3317.013 of 66545
the Revised Code X the statewide average base cost per pupil for 66546
that fiscal year X the district's state share percentage; 66547

(iv) The district's category four special education ADM X 66548
the multiple specified in division (D) of section 3317.013 of 66549
the Revised Code X the statewide average base cost per pupil for 66550
that fiscal year X the district's state share percentage; 66551

(v) The district's category five special education ADM X 66552
the multiple specified in division (E) of section 3317.013 of 66553
the Revised Code X the statewide average base cost per pupil for 66554
that fiscal year X the district's state share percentage; 66555

(vi) The district's category six special education ADM X 66556
the multiple specified in division (F) of section 3317.013 of 66557
the Revised Code X the statewide average base cost per pupil for 66558
that fiscal year X the district's state share percentage. 66559

(b) For fiscal year ~~2026~~2028 and each fiscal year 66560
thereafter, the sum of the following: 66561

(i) An amount calculated in a manner determined by the 66562
general assembly times the funding unit's category one special 66563
education ADM; 66564

(ii) An amount calculated in a manner determined by the 66565
general assembly times the funding unit's category two special 66566
education ADM; 66567

(iii) An amount calculated in a manner determined by the 66568
general assembly times the funding unit's category three special 66569
education ADM; 66570

(iv) An amount calculated in a manner determined by the 66571
general assembly times the funding unit's category four special 66572
education ADM; 66573

(v) An amount calculated in a manner determined by the 66574
general assembly times the funding unit's category five special 66575
education ADM; 66576

(vi) An amount calculated in a manner determined by the 66577
general assembly times the funding unit's category six special 66578
education ADM. 66579

(3) Disadvantaged pupil impact aid calculated as follows: 66580

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 66581
calculated according to the following formula: 66582

\$422 X the district's economically disadvantaged index X the 66583
number of students who are economically disadvantaged as 66584
certified under division (D) (2) (p) of section 3317.03 of the 66585
Revised Code 66586

(b) For fiscal year ~~2026-2028~~ and each fiscal year 66587
thereafter, an amount calculated in a manner determined by the 66588
general assembly. 66589

(4) English learner funds calculated as follows: 66590

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 66591
the following: 66592

(i) The district's category one English learner ADM X the 66593
multiple specified in division (A) of section 3317.016 of the 66594
Revised Code X the statewide average base cost per pupil for 66595
that fiscal year X the district's state share percentage; 66596

(ii) The district's category two English learner ADM X the 66597
multiple specified in division (B) of section 3317.016 of the 66598
Revised Code X the statewide average base cost per pupil for 66599
that fiscal year X the district's state share percentage; 66600

(iii) The district's category three English learner ADM X 66601
the multiple specified in division (C) of section 3317.016 of 66602
the Revised Code X the statewide average base cost per pupil for 66603
that fiscal year X the district's state share percentage. 66604

(b) For fiscal year ~~2026-2028~~ and each fiscal year 66605
thereafter, the sum of the following: 66606

(i) An amount calculated in a manner determined by the 66607
general assembly times the funding unit's category one English 66608
learner ADM; 66609

(ii) An amount calculated in a manner determined by the 66610
general assembly times the funding unit's category two English 66611
learner ADM; 66612

(iii) An amount calculated in a manner determined by the 66613
general assembly times the funding unit's category three English 66614
learner ADM. 66615

(5) Career-technical education funds calculated under 66616
division (C) of section 3317.014 of the Revised Code. 66617

(6) Career-technical education associated services funds 66618
calculated under division (D) of section 3317.014 of the Revised 66619
Code. 66620

(B) (1) If a joint vocational school district's costs for a 66621
fiscal year for a student in its categories two through six 66622
special education ADM exceed the threshold cost for serving the 66623
student, as specified in division (B) of section 3317.0214 of 66624
the Revised Code, the district may submit to the department 66625
documentation, as prescribed by the department, of all of its 66626
costs for that student. Upon submission of documentation for a 66627
student of the type and in the manner prescribed, the department 66628
shall pay to the district an amount equal to the sum of the 66629
following: 66630

(a) One-half of the district's costs for the student in 66631
excess of the threshold cost; 66632

(b) The product of one-half of the district's costs for 66633
the student in excess of the threshold cost multiplied by the 66634
district's state share percentage. 66635

(2) The district shall report under division (B) (1) of 66636
this section, and the department shall pay for, only the costs 66637
of educational expenses and the related services provided to the 66638
student in accordance with the student's individualized 66639
education program. Any legal fees, court costs, or other costs 66640
associated with any cause of action relating to the student may 66641
not be included in the amount. 66642

(C) (1) For each student with a disability receiving 66643
special education and related services under an individualized 66644
education program, as defined in section 3323.01 of the Revised 66645
Code, at a joint vocational school district, the resident 66646
district or, if the student is enrolled in a community school, 66647
the community school shall be responsible for the amount of any 66648
costs of providing those special education and related services 66649
to that student that exceed the sum of the amount calculated for 66650
those services attributable to that student under division (A) 66651
of this section. 66652

Those excess costs shall be calculated using a formula 66653
approved by the department. 66654

(2) The board of education of the joint vocational school 66655
district may report the excess costs calculated under division 66656
(C) (1) of this section to the department. 66657

(3) If the board of education of the joint vocational 66658
school district reports excess costs under division (C) (2) of 66659
this section, the department shall pay the amount of excess cost 66660
calculated under division (C) (2) of this section to the joint 66661
vocational school district and shall deduct that amount as 66662
provided in division (C) (3) (a) or (b) of this section, as 66663
applicable: 66664

(a) If the student is not enrolled in a community school, 66665
the department shall deduct the amount from the account of the 66666
student's resident district pursuant to division (J) of section 66667
3317.023 of the Revised Code. 66668

(b) If the student is enrolled in a community school, the 66669
department shall deduct the amount from the account of the 66670
community school pursuant to section 3314.083 of the Revised 66671
Code. 66672

(D) A joint vocational school district shall spend the 66673
funds it receives under division (A) (3) of this section in 66674
accordance with section 3317.25 of the Revised Code. 66675

(E) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 66676
district shall spend the funds it receives under division (A) (4) 66677
of this section only for services for English learners. 66678

(F) As used in this section: 66679

(1) "Community school" means a community school 66680
established under Chapter 3314. of the Revised Code. 66681

(2) "Resident district" means the city, local, or exempted 66682
village school district in which a student is entitled to attend 66683
school under section 3313.64 or 3313.65 of the Revised Code. 66684

Sec. 3317.161. (A) As used in this section, "lead 66685
district" has the same meaning as in section 3317.023 of the 66686
Revised Code. 66687

(B) (1) A career-technical education program or a dropout 66688
prevention and recovery program of a city, local, or exempted 66689
village school district, community school, or STEM school shall 66690
be subject to approval under this section in order for the 66691
district or school to qualify for state funding for the program. 66692

Approval granted under this section shall be valid for the five 66693
fiscal years following the fiscal year in which the program is 66694
approved and may be renewed. Approval shall be subject to annual 66695
review under division (E) of this section. 66696

(2) If a district or school becomes a new member of a 66697
career-technical planning district, its career-technical 66698
education programs shall be approved or disapproved by the lead 66699
district of the career-technical planning district during the 66700
fiscal year in which the district or school becomes a member of 66701
the career-technical planning district. Any program of the 66702
district or school that was approved by the department of 66703
education and workforce for an approval period that includes the 66704
fiscal year in which the district or school becomes a new member 66705
of the career-technical planning district shall retain its 66706
approved status during that fiscal year. 66707

(3) If an existing member of a career-technical planning 66708
district develops a new career-technical education program, that 66709
program shall be approved or disapproved by the lead district of 66710
the career-technical planning district prior to the first fiscal 66711
year for which the district or school is seeking funding for the 66712
program. 66713

(4) Except as provided in division (B) (2) of this section, 66714
if a career-technical education program was approved by the 66715
department prior to September 29, 2013, that approval remains 66716
valid for the unexpired remainder of the approval period 66717
specified by the department. Approval of that program may then 66718
be renewed in accordance with this section on a date prior to 66719
the expiration of the approval period. 66720

(C) (1) The lead district of a career-technical planning 66721
district shall approve or disapprove for a five-year period each 66722

career-technical education program of the city, local, and 66723
exempted village school districts, community schools, and STEM 66724
schools that are assigned by the department to the career- 66725
technical planning district. The lead district's decision to 66726
approve or disapprove a program shall be based on requirements 66727
for career-technical education programs that are specified in 66728
rules adopted by the department. These requirements shall 66729
include, but are not limited to, all of the following: 66730

(a) Demand for the career-technical education program by 66731
industries in the state; 66732

(b) Quality of the program; 66733

(c) Potential for a student enrolled in the program to 66734
receive the training that will qualify the student for industry 66735
credentials or post-secondary education; 66736

(d) Admission requirements of the lead district; 66737

(e) Past performance of the district or school that is 66738
offering the program; 66739

(f) Traveling distance; 66740

(g) Sustainability; 66741

(h) Capacity; 66742

(i) Availability of the program within the career- 66743
technical planning district; 66744

(j) In the case of a new program, the cost to begin the 66745
program. 66746

~~(2) The lead district shall approve or disapprove each 66747
program not later than the first day of March prior to the first 66748
fiscal year for which the district or school is seeking funding 66749~~

~~for the program.~~ If a program is approved, the lead district 66750
shall notify the department of its decision. If a program is 66751
disapproved, the lead district shall notify the district or 66752
school of its decision. 66753

If the lead district disapproves the program or does not 66754
take any action to approve or disapprove the program ~~by the~~ 66755
~~first day of March,~~ the district or school may appeal the lead 66756
district's decision or failure to take action to the department— 66757
~~by the fifteenth day of March.~~ 66758

(D) (1) Upon receiving notification of a lead district's 66759
approval of a district's or school's career-technical education 66760
program, the department shall review the lead district's 66761
decision and determine whether to approve or disapprove the 66762
program ~~not later than the fifteenth day of May prior to the~~ 66763
~~first fiscal year for which the district or school is seeking~~ 66764
~~funding for the program.~~ The department shall notify the 66765
district or school and the lead district of the district's or 66766
school's career-technical planning district of its 66767
determination. 66768

(2) Upon receiving an appeal from a district or school of 66769
a lead district's disapproval of a career-technical education 66770
program or failure to take action to approve or disapprove the 66771
program, the department shall review the lead district's 66772
disapproval or failure to take action. The department shall 66773
decide whether to approve or disapprove the program as a result 66774
of this review ~~not later than the fifteenth day of May prior to~~ 66775
~~the first fiscal year for which the district or school is~~ 66776
~~seeking funding for the program.~~ The department shall notify the 66777
lead district and the appealing district or school of its 66778
determination. 66779

(3) In conducting a review under division (D) (1) or (2) of this section, the department shall consider the criteria prescribed under division (C) (1) of this section.

(4) If the department approves a program under division (D) (1) or (2) of this section, it shall authorize the payment to the district or school of the funds attributed to the career-technical students enrolled in that program in the next fiscal year according to a payment schedule prescribed by the department.

(5) The department's decisions under divisions (D) (1) and (2) of this section shall be final and not appealable.

~~(6) The director of education and workforce may adopt guidelines identifying circumstances in which the department may, after consulting with a lead district, approve or disapprove a program that has been approved or disapproved by the lead district after the deadline prescribed in division (D) (1) or (2) of this section has passed.~~

The department shall authorize a payment for any dropout prevention and recovery program offering career-technical education that is in its first year of operation and that submits an application ~~during the additional application period described in division (D) (6) of this section~~ in the fiscal year for which the application was submitted.

(E) The department and the lead district of each career-technical planning district shall conduct an annual review of each career-technical education program in the lead district's career-technical planning district that receives approval under this section. Continued funding of the program during the five-year approval period shall be subject to the school's compliance

with any directives for performance improvement that are issued 66809
by the department or the lead district as a result of any review 66810
conducted under this section. 66811

Sec. 3317.162. (A) For fiscal years ~~2024–2026~~ and 66812
~~2025–2027~~, the department of education and workforce shall pay 66813
temporary transitional aid to each joint vocational school 66814
district according to the following formula: 66815

(The district's funding base, as that term is defined in 66816
section 3317.02 of the Revised Code) – (the district's payment 66817
under section 3317.16 of the Revised Code for the fiscal year 66818
for which the payment is computed) 66819

If the computation made under division (A) of this section 66820
results in a negative number, the district's funding under 66821
division (A) of this section shall be zero. 66822

(B) If a joint vocational school district begins receiving 66823
payments under section 3317.16 of the Revised Code for fiscal 66824
year ~~2024–2026~~ or fiscal year ~~2025–2027~~ but does not receive 66825
payments for the fiscal year immediately preceding that fiscal 66826
year, the department shall establish the district's funding 66827
base, as that term is defined in section 3317.02 of the Revised 66828
Code, as an amount equal to the absolute value of the sum of the 66829
associated adjustments of any local school district's funding 66830
base under division (C) of section 3317.019 of the Revised Code. 66831

Sec. 3317.163. (A) As used in this section: 66832

(1) "Credential-only program" means an industry-approved 66833
credentialing program, or a series of such programs, offered by 66834
a dropout prevention and recovery community school in which 66835
students enrolled in grades eleven and twelve may earn an 66836
industry-recognized credential approved under section 3313.6113 66837

of the Revised Code. The program, or programs, shall align with 66838
a career-technical education program approved under section 66839
3317.161 of the Revised Code. The dropout prevention and 66840
recovery community school shall offer the program, or programs, 66841
using classroom teachers employed by the school. 66842

(2) "Dropout prevention and recovery community school" has 66843
the same meaning as in section ~~3319.301~~ 3314.02 of the Revised 66844
Code. 66845

(B) Notwithstanding any provision of Chapter 3317. of the 66846
Revised Code to the contrary, all of the following shall apply: 66847

(1) For the purposes of sections 3317.014, 3317.022, and 66848
3317.026 of the Revised Code, the department of education and 66849
workforce shall adjust the career-technical education ADM of a 66850
dropout prevention and recovery community school that offers a 66851
credential-only program so that each student enrolled in that 66852
program is included only in the school's category one career- 66853
technical education ADM, regardless of whether the credential- 66854
only program includes programs described in division (A)(1) of 66855
section 3317.014 of the Revised Code. 66856

(2) For funding purposes, the department shall count each 66857
student enrolled in a credential-only program as a full-time 66858
student. 66859

(3) A dropout prevention and recovery community school 66860
that offers a credential-only program may provide support 66861
services to students who graduate from the school to assist them 66862
in securing post-secondary placement opportunities, including 66863
careers with state, regional, or local labor organizations. For 66864
that purpose, the school may use a portion of the career- 66865
technical education funds received under section 3317.022 of the 66866

Revised Code to provide recent graduates, in the year following
their graduation from the school, with short-term, emergency
financial assistance for expenses related to child care,
housing, food insecurity, transportation, and services including
but not limited to health care, dental care, mental health care,
and addiction treatment services.

Sec. 3317.165. (A) (1) For fiscal years 2026 and 2027, the
department of education and workforce shall calculate a joint
vocational school district's per-pupil local capacity amount
according to the following formula:

(0.0005 X the lesser of the district's three-year average
valuation or the district's most recent valuation) / (the
district's base cost enrolled ADM)

(2) For fiscal year 2028 and each fiscal year thereafter,
the department shall calculate a district's per-pupil local
capacity amount in a manner determined by the general assembly.

(B) (1) For fiscal years 2026 and 2027, the department
shall calculate a joint vocational school district's state share
percentage according to the following formula:

(The district's base cost per pupil for the fiscal year - the
district's per-pupil local capacity amount for the fiscal year)
/ (the district's base cost per pupil for the fiscal year)

If the result is less than 0.10, the state share
percentage shall be 0.10.

(2) For fiscal year 2028 and each fiscal year thereafter,
the department shall calculate the state share percentage for a
joint vocational school district in a manner determined by the
general assembly.

Sec. 3317.20. This section does not apply to preschool 66895
children with disabilities. 66896

(A) As used in this section: 66897

(1) "Applicable special education amount" means the amount 66898
specified in section 3317.013 of the Revised Code for a 66899
disability described in that section. 66900

(2) "Child's school district" means the school district in 66901
which a child is entitled to attend school pursuant to section 66902
3313.64 or 3313.65 of the Revised Code. 66903

(3) "State share percentage" means the state share 66904
percentage of the child's school district. 66905

(B) The department shall annually pay each county board of 66906
developmental disabilities for each child with a disability, 66907
other than a preschool child with a disability, for whom the 66908
county board provides special education and related services an 66909
amount equal to the following: 66910

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide 66911
average base cost per pupil + (state share percentage X the 66912
applicable special education multiple X the statewide average 66913
base cost per pupil); 66914

(2) For fiscal year ~~2026-2028~~ and each fiscal year 66915
thereafter, an amount determined by the general assembly. 66916

(C) Each county board of developmental disabilities shall 66917
report to the department, in the manner specified by the 66918
department, the name of each child for whom the county board of 66919
developmental disabilities provides special education and 66920
related services and the child's school district. 66921

(D) (1) For the purpose of verifying the accuracy of the 66922

payments under this section, the department may request from 66923
either of the following entities the data verification code 66924
assigned under division (D) (2) of section 3301.0714 of the 66925
Revised Code to any child who is placed with a county board of 66926
developmental disabilities: 66927

(a) The child's school district; 66928

(b) The independent contractor engaged to create and 66929
maintain data verification codes. 66930

(2) Upon a request by the department under division (D) (1) 66931
of this section for the data verification code of a child, the 66932
child's school district shall submit that code to the department 66933
in the manner specified by the department. If the child has not 66934
been assigned a code, the district shall assign a code to that 66935
child and submit the code to the department by a date specified 66936
by the department. If the district does not assign a code to the 66937
child by the specified date, the department shall assign a code 66938
to the child. 66939

The department annually shall submit to each school 66940
district the name and data verification code of each child 66941
residing in the district for whom the department has assigned a 66942
code under this division. 66943

(3) The department shall not release any data verification 66944
code that it receives under division (D) of this section to any 66945
person except as provided by law. 66946

(E) Any document relative to special education and related 66947
services provided by a county board of developmental 66948
disabilities that the department holds in its files that 66949
contains both a student's name or other personally identifiable 66950
information and the student's data verification code shall not 66951

be a public record under section 149.43 of the Revised Code. 66952

Sec. 3317.201. This section does not apply to preschool 66953
children with disabilities. 66954

(A) As used in this section, the "total special education 66955
amount" for an institution means the following: 66956

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 66957
the following amounts: 66958

(a) The number of children certified by the institution 66959
under division (G) (1) (a) (i) of section 3317.03 of the Revised 66960
Code as receiving services for a disability described in 66961
division (A) of section 3317.013 of the Revised Code multiplied 66962
by the multiple specified in that division multiplied by the 66963
statewide average base cost per pupil; 66964

(b) The number of children certified by the institution 66965
under division (G) (1) (a) (i) of section 3317.03 of the Revised 66966
Code as receiving services for a disability described in 66967
division (B) of section 3317.013 of the Revised Code multiplied 66968
by the multiple specified in that division multiplied by the 66969
statewide average base cost per pupil; 66970

(c) The number of children certified by the institution 66971
under division (G) (1) (a) (i) of section 3317.03 of the Revised 66972
Code as receiving services for a disability described in 66973
division (C) of section 3317.013 of the Revised Code multiplied 66974
by the multiple specified in that division multiplied by the 66975
statewide average base cost per pupil; 66976

(d) The number of children certified by the institution 66977
under division (G) (1) (a) (i) of section 3317.03 of the Revised 66978
Code as receiving services for a disability described in 66979
division (D) of section 3317.013 of the Revised Code multiplied 66980

by the multiple specified in that division multiplied by the 66981
statewide average base cost per pupil; 66982

(e) The number of children certified by the institution 66983
under division (G) (1) (a) (i) of section 3317.03 of the Revised 66984
Code as receiving services for a disability described in 66985
division (E) of section 3317.013 of the Revised Code multiplied 66986
by the multiple specified in that division multiplied by the 66987
statewide average base cost per pupil; 66988

(f) The number of children certified by the institution 66989
under division (G) (1) (a) (i) of section 3317.03 of the Revised 66990
Code as receiving services for a disability described in 66991
division (F) of section 3317.013 of the Revised Code multiplied 66992
by the multiple specified in that division multiplied by the 66993
statewide average base cost per pupil. 66994

(2) For fiscal year ~~2026~~2028 and each fiscal year 66995
thereafter, the sum of the following amounts: 66996

(a) An amount calculated in a manner determined by the 66997
general assembly times the number of children certified by the 66998
institution under division (G) (1) (a) (i) of section 3317.03 of 66999
the Revised Code as receiving services for a disability 67000
described in division (A) of section 3317.013 of the Revised 67001
Code; 67002

(b) An amount calculated in a manner determined by the 67003
general assembly times the number of children certified by the 67004
institution under division (G) (1) (a) (i) of section 3317.03 of 67005
the Revised Code as receiving services for a disability 67006
described in division (B) of section 3317.013 of the Revised 67007
Code; 67008

(c) An amount calculated in a manner determined by the 67009

general assembly times the number of children certified by the 67010
institution under division (G) (1) (a) (i) of section 3317.03 of 67011
the Revised Code as receiving services for a disability 67012
described in division (C) of section 3317.013 of the Revised 67013
Code; 67014

(d) An amount calculated in a manner determined by the 67015
general assembly times the number of children certified by the 67016
institution under division (G) (1) (a) (i) of section 3317.03 of 67017
the Revised Code as receiving services for a disability 67018
described in division (D) of section 3317.013 of the Revised 67019
Code; 67020

(e) An amount calculated in a manner determined by the 67021
general assembly times the number of children certified by the 67022
institution under division (G) (1) (a) (i) of section 3317.03 of 67023
the Revised Code as receiving services for a disability 67024
described in division (E) of section 3317.013 of the Revised 67025
Code; 67026

(f) An amount calculated in a manner determined by the 67027
general assembly times the number of children certified by the 67028
institution under division (G) (1) (a) (i) of section 3317.03 of 67029
the Revised Code as receiving services for a disability 67030
described in division (F) of section 3317.013 of the Revised 67031
Code. 67032

(B) For each fiscal year, the department of education and 67033
workforce shall pay each state institution required to provide 67034
special education services under division (A) of section 67035
3323.091 of the Revised Code an amount equal to the 67036
institution's total special education amount. 67037

Sec. 3317.22. (A) As used in this section: 67038

(1) "Eligible internet- or computer-based community school" means an internet- or computer-based community school ~~in which a majority of the students were enrolled in that is a~~ dropout prevention and recovery ~~program~~ community school, as defined in section 3314.02 of the Revised Code.

(2) "Statewide average base cost per-pupil" has the same meaning as in section 3317.02 of the Revised Code.

~~(3) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.~~

(B) The department of education and workforce shall establish a program to provide additional funding for students enrolled in grades eight through twelve in eligible internet- or computer-based community schools. An eligible internet- or computer-based community school may choose to participate in the program by notifying the department not later than the first day of February of the school year in which the school will participate in the program in a form and manner determined by the department.

(C) The department shall require each eligible internet- or computer-based community school that chooses to participate in the program to report all information that is necessary to make payments under division (D) of this section.

(D) The department shall calculate an additional payment for each eligible internet- or computer-based community school that chooses to participate in the program, as follows:

(1) Compute the lesser of the following for each student enrolled in grades eight through twelve:

(a) The statewide average base cost per-pupil X the maximum full-time equivalency for the portion of the school year

for which the student is enrolled in the school; 67068

(b) The sum of the following: 67069

(i) A one-time payment of \$1,750. In the case of a student 67070
enrolled in the school for the first time for the school year 67071
for which the payment is being made, payment shall be made under 67072
division (D)(1)(b)(i) of this section at least thirty days after 67073
the student is considered to be enrolled in the school in 67074
accordance with division (H)(2) of section 3314.08 of the 67075
Revised Code, provided the student has been continuously 67076
enrolled in the school during that time, as determined by the 67077
department. In the case of a student that was enrolled in the 67078
school for the prior school year, payment shall be made under 67079
division (D)(1)(b)(i) of this section at least thirty days after 67080
the student has started to participate in learning opportunities 67081
for the school year for which the payment is being made, 67082
provided the student has been continuously enrolled in the 67083
school during that time, as determined by the department. 67084

(ii) The statewide average base cost per-pupil X (1/920) X 67085
the lesser of the number of hours the student participates in 67086
learning opportunities in that fiscal year or 920; 67087

(iii) The lesser of (\$500 X either the number of courses 67088
completed by the student in that fiscal year, in the case of a 67089
student enrolled in grade eight, or the number of credits earned 67090
by the student in that fiscal year, in the case of a student 67091
enrolled in grades nine through twelve) or \$2,500. 67092

(2) Compute the sum of the amounts calculated under 67093
division (D)(1) of this section for all students enrolled in 67094
grades eight through twelve. 67095

(3) Compute the school's payment in accordance with the 67096

following formula: 67097

(The amount determined under division (D) (2) of this 67098
section) - (the number of full-time equivalent students enrolled 67099
in grades eight through twelve in the school X the statewide 67100
average base cost per-pupil) 67101

If the amount computed under division (D) (3) is a negative 67102
number, the school shall not receive a payment under this 67103
section. 67104

(E) (1) The department may complete a review of the 67105
enrollment of each eligible internet- or computer-based 67106
community school that chooses to participate in the program in 67107
accordance with division (K) of section 3314.08 of the Revised 67108
Code. If the department determines a school has been overpaid 67109
based on a review completed under division (E) (1) of this 67110
section, the department shall require a repayment of the 67111
overpaid funds and may require the school to establish a plan to 67112
improve the reporting of enrollment. 67113

(2) To the extent that an eligible internet- or computer- 67114
based community school that chooses to participate in the 67115
program had, for the prior school year, a percentage of student 67116
engagement in learning opportunities that was less than sixty- 67117
five per cent, the school shall provide to the department a 67118
meaningful plan for increasing student engagement. 67119

(3) All eligible internet- or computer-based community 67120
schools that choose to participate in the program shall 67121
implement programming or protocol which documents enrollment and 67122
participation in learning opportunities in order to participate 67123
in the program. 67124

Sec. 3317.25. (A) As used in this section, "disadvantaged 67125

pupil impact aid" means the following: 67126

(1) For a city, local, or exempted village school 67127
district, the funds received under division (A) (4) (a) of section 67128
3317.022 of the Revised Code; 67129

(2) For a joint vocational school district, the funds 67130
received under division (A) (3) of section 3317.16 of the Revised 67131
Code; 67132

(3) For a community school established under Chapter 3314. 67133
of the Revised Code, the funds received under division (A) (4) (b) 67134
of section 3317.022 of the Revised Code; 67135

(4) For a STEM school established under Chapter 3326. of 67136
the Revised Code, the funds received under division (A) (4) (b) of 67137
section 3317.022 of the Revised Code. 67138

(B) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 67139
local, exempted village, or joint vocational school district, 67140
community school, or STEM school shall spend the disadvantaged 67141
pupil impact aid it receives for any of the following 67142
initiatives or a combination of any of the following 67143
initiatives: 67144

(a) Extended school day and school year; 67145

(b) Reading improvement and intervention that is aligned 67146
with the science of reading and evidence-based strategies for 67147
effective literacy instruction; 67148

(c) Instructional technology or blended learning; 67149

(d) Professional development in the science of reading and 67150
evidence-based strategies for effective literacy instruction for 67151
teachers of students in kindergarten through third grade; 67152

(e) Dropout prevention;	67153
(f) School safety and security measures;	67154
(g) Community learning centers that address barriers to learning;	67155 67156
(h) Academic interventions for students in any of grades six through twelve;	67157 67158
(i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;	67159 67160 67161 67162
(j) Mental health services, including telehealth services, community-based behavioral health services, and recovery supports;	67163 67164 67165
(k) Culturally appropriate, evidence-based or evidence-informed prevention services, including youth-led programming and curricula to promote mental health and prevent substance use and suicide, and trauma-informed services;	67166 67167 67168 67169
(l) Services for homeless youth;	67170
(m) Services for child welfare involved youth;	67171
(n) Community liaisons or programs that connect students to community resources, including behavioral wellness coordinators and city connects, communities in schools, and other similar programs;	67172 67173 67174 67175
(o) Physical health care services, including telehealth services and community-based health services;	67176 67177
(p) Family engagement and support services;	67178
(q) Student services provided prior to or after the	67179

regularly scheduled school day or any time school is not in session, including mentoring programs.

(2) For fiscal year ~~2026~~2028 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school shall spend the disadvantaged pupil impact aid it receives for one or more initiatives specified by the general assembly.

(C) (1) For fiscal years ~~2024~~2026 and ~~2025~~2027, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in coordination with at least one of the following community partners:

(a) A board of alcohol, drug addiction, and mental health services established under Chapter 340. of the Revised Code;

(b) An educational service center;

(c) A county board of developmental disabilities;

(d) A ~~community-based~~community mental health prevention or treatment provider;

(e) A board of health of a city or general health district;

(f) A county department of job and family services;

(g) A nonprofit organization with experience serving children;

(h) A public hospital agency.

(2) For fiscal year ~~2026~~2028 and each fiscal year thereafter, each city, local, exempted village, and joint

vocational school district, community school, and STEM school 67207
that is subject to the requirements of this section shall 67208
develop a plan for utilizing the disadvantaged pupil impact aid 67209
it receives in the manner specified by the general assembly, if 67210
the general assembly requires city, local, exempted village, and 67211
joint vocational school districts, community schools, and STEM 67212
schools to develop such a plan. 67213

(D) After the end of each fiscal year, each city, local, 67214
exempted village, or joint vocational school district, community 67215
school, and STEM school shall submit a report to the department 67216
of education and workforce describing the initiative or 67217
initiatives on which the district's or school's disadvantaged 67218
pupil impact aid were spent during that fiscal year. For fiscal 67219
years ~~2024–2026~~ and ~~2025~~2027, this report shall be submitted in 67220
a manner prescribed by the department and shall also describe 67221
the amount of money that was spent on each initiative. 67222

(E) Starting in 2015, the department shall submit a report 67223
of the information it receives under division (C) of this 67224
section to the general assembly not later than the first day of 67225
December of each odd-numbered year in accordance with section 67226
101.68 of the Revised Code. 67227

Sec. 3317.27. The quality community school support program 67228
is established. Under the program, the department of education 67229
and workforce shall pay each community school established under 67230
Chapter 3314. of the Revised Code and designated as a community 67231
school of quality under section 3317.28 of the Revised Code an 67232
amount up to three thousand dollars in each fiscal year for each 67233
student identified as economically disadvantaged and up to two 67234
thousand two hundred fifty dollars in each fiscal year for each 67235
student that is not identified as economically disadvantaged. 67236

The payment for a fiscal year shall be calculated using the 67237
adjusted full-time equivalent number of students enrolled in the 67238
school for that fiscal year as of the date the payment is made, 67239
as reported by the school under section 3314.08 of the Revised 67240
Code. The department shall make periodic payments to each 67241
designated school beginning in January of that fiscal year. 67242

Sec. 3317.28. Not later than the thirty-first day of 67243
December of each fiscal year, the department of education and 67244
workforce shall designate as a community school of quality each 67245
community school established under Chapter 3314. of the Revised 67246
Code that meets the criteria established in division (A), (B), 67247
(C), (D), or (E) of this section. 67248

(A) A community school qualifies as a community school of 67249
quality if the school meets all of the following criteria: 67250

(1) The school's sponsor was rated "exemplary" or 67251
"effective" on the sponsor's most recent evaluation conducted 67252
under section 3314.016 of the Revised Code. 67253

(2) The school received a higher performance index score 67254
than the school district in which the school is located on the 67255
two most recent report cards issued for the school under section 67256
3302.03 of the Revised Code. 67257

(3) The school received a performance rating of four stars 67258
or higher for the progress component on the most recent report 67259
card issued for the school under section 3302.03 of the Revised 67260
Code or is a school described under division (B) of section 67261
3314.35 of the Revised Code and did not receive a rating for the 67262
progress component on the most recent report card. 67263

(4) At least fifty per cent of the students enrolled in 67264
the school in the prior fiscal year were economically 67265

disadvantaged, as determined by the department. 67266

(B) A community school qualifies as a community school of 67267
quality if the school meets all of the following criteria: 67268

(1) The school's sponsor was rated "exemplary" or 67269
"effective" on the sponsor's most recent evaluation conducted 67270
under section 3314.016 of the Revised Code. 67271

(2) The school received a higher performance index score 67272
than the school district in which the school is located on the 67273
most recent report card issued for the school under section 67274
3302.03 of the Revised Code. 67275

(3) The school received a performance rating of three 67276
stars or higher for the progress component on the most recent 67277
report card issued for the school under section 3302.03 of the 67278
Revised Code. 67279

(4) The school received a performance rating of three 67280
stars or higher for the achievement component on the most recent 67281
report card issued for the school under section 3302.03 of the 67282
Revised Code. 67283

(C) A community school qualifies as a community school of 67284
quality if the school meets all of the following criteria: 67285

(1) The school's sponsor was rated "exemplary" or 67286
"effective" on the sponsor's most recent evaluation conducted 67287
under section 3314.016 of the Revised Code. 67288

(2) The school is in its first year of operation or the 67289
school opened as a kindergarten school and has added one grade 67290
per year and has been in operation for less than four school 67291
years. 67292

(3) The school is replicating an operational and 67293

instructional model used by a community school described in 67294
division (A) of this section. 67295

(4) If the school has an operator, the operator received a 67296
rating of three stars or better on its most recent performance 67297
report published under section 3314.031 of the Revised Code. 67298

(D) A community school qualifies as a community school of 67299
quality if the school meets all of the following criteria: 67300

(1) The school's sponsor was rated "exemplary" or 67301
"effective" on the sponsor's most recent evaluation conducted 67302
under section 3314.016 of the Revised Code. 67303

(2) The school satisfies either of the following: 67304

(a) The school contracts with an operator that operates 67305
schools in other states and meets at least one of the following 67306
criteria: 67307

(i) Has operated a school that received a grant funded 67308
through the federal charter school program established under 20 67309
U.S.C. 7221 within the five years prior to the date of 67310
application or received funding from the charter school growth 67311
fund; 67312

(ii) Meets all of the following criteria: 67313

(I) One of the operator's schools in another state 67314
performed better than the school district in which the school is 67315
located, as determined by the department. 67316

(II) At least fifty per cent of the total number of 67317
students enrolled in all of the operator's schools are 67318
economically disadvantaged, as determined by the department. 67319

(III) The operator is in good standing in all states where 67320

it operates schools, as determined by the department. 67321

(IV) The department has determined that the operator does 67322
not have any financial viability issues that would prevent it 67323
from effectively operating a community school in Ohio. 67324

(b) The school is replicating an operational and 67325
instructional model through an agreement with a college or 67326
university used by a community school or its equivalent in 67327
another state that performed better than the school district in 67328
which the school is located, as determined by the department. 67329

(3) The school is in its first year of operation or, if 67330
not in its first year of operation and qualifying under division 67331
(D) (2) (b) of this section, meets either of the following 67332
conditions: 67333

(a) The school opened on July 1, 2022, and has not 67334
previously been designated as a community school of quality 67335
under this section, in which case the first payment under 67336
section 3317.27 of the Revised Code shall be made on or before 67337
January 31, 2024, and shall be calculated based on the adjusted 67338
full-time equivalent number of students enrolled in the school 67339
for fiscal year 2024. 67340

(b) The school opened on or after July 1, 2019, and has 67341
not previously been designated as a community school of quality 67342
under this section, in which case the first payment under 67343
section 3317.27 of the Revised Code shall be made within thirty 67344
days of the effective date of this section and shall be 67345
calculated based on the adjusted full-time equivalent number of 67346
students enrolled in the school for the fiscal year for which 67347
the payment is being made. 67348

(E) A community school qualifies as a community school of 67349

quality if it meets all of the following criteria: 67350

(1) The school is a dropout prevention and recovery school 67351
as defined under section 3314.02 of the Revised Code. 67352

(2) The school's sponsor was rated "exemplary" or 67353
"effective" on the sponsor's most recent evaluation conducted 67354
under section 3314.016 of the Revised Code. 67355

(3) The school received an "exceeds standards" on the 67356
performance indicator prescribed under division (C) (2) of 67357
section 3314.017 of the Revised Code on the two most recent 67358
report cards issued for the school under section 3314.017 of the 67359
Revised Code. 67360

(4) The school is not an internet- or computer-based 67361
community school. 67362

(F) A school designated as a community school of quality 67363
under division (A), (B), (C), or (E) of this section shall 67364
maintain that designation for the two fiscal years following the 67365
fiscal year in which the school was initially designated as a 67366
community school of quality. A school designated as a community 67367
school of quality under division (D) of this section shall 67368
maintain that designation for the four fiscal years following 67369
the fiscal year in which the school was initially designated as 67370
a community school of quality. 67371

(G) A school designated a community school of quality may 67372
renew its designation each year that it satisfies the criteria 67373
under division (A) or (B) of this section. The school shall 67374
maintain that designation for the two fiscal years following 67375
each fiscal year in which the criteria under division (A) or (B) 67376
of this section are satisfied. 67377

(H) A school that was designated as a community school of 67378

quality for the first time under division (C) of this section 67379
for the 2022-2023 school year shall be considered to have 67380
maintained that designation for the 2022-2023 school year, shall 67381
maintain that designation through the 2029-2030 school year, and 67382
may renew its designation under division (G) of this section 67383
after that year. 67384

(I) If two or more community schools have merged or merge 67385
in accordance with division (B) of section 3314.0211 of the 67386
Revised Code on or after June 30, 2022, the surviving community 67387
school is eligible to receive funds under this program, provided 67388
it otherwise qualifies as a community school of quality under 67389
division (A), (B), (C), (D), or (E) of this section. In such a 67390
case, the payment for a fiscal year shall be calculated using 67391
the adjusted full-time equivalent number of students enrolled in 67392
the school for that fiscal year as of the date the payments are 67393
made, as reported by the surviving community school under 67394
section 3314.08 of the Revised Code, regardless of whether those 67395
students were previously enrolled in a community school that was 67396
dissolved as part of the merger. A community school qualified to 67397
receive funds under the program prior to merging on or after 67398
June 30, 2022, and was dissolved due to the merger, shall be 67399
considered to have been eligible for funds under the program 67400
prior to the effective date of this section and shall not be 67401
required to return any funds received prior to that date. 67402

Sec. 3317.29. (A) The quality independent STEM school 67403
support program is established. Under the program, the 67404
department of education and workforce shall pay each STEM school 67405
established under Chapter 3326. of the Revised Code and 67406
designated as an independent STEM school of quality under this 67407
section an amount up to three thousand dollars in each fiscal 67408
year for each student identified as economically disadvantaged 67409

and up to two thousand two hundred fifty dollars in each fiscal 67410
year for each student that is not identified as economically 67411
disadvantaged. The payment for a fiscal year shall be calculated 67412
using the adjusted full-time equivalent number of students 67413
enrolled in the school for that fiscal year as of the date the 67414
payment is made, as reported by the school under section 3326.32 67415
of the Revised Code. The department shall make periodic payments 67416
to each designated school beginning in January of a fiscal year. 67417

(B) Not later than the thirty-first day of December each 67418
fiscal year, the department shall designate a STEM school as an 67419
independent STEM school of quality if the school satisfies all 67420
of the following criteria: 67421

(1) The STEM school operates autonomously under section 67422
3326.031 of the Revised Code. 67423

(2) The STEM school does not have a STEM school equivalent 67424
designation under section 3326.032 of the Revised Code. 67425

(3) The STEM school is not governed by a school district 67426
under section 3326.51 of the Revised Code. 67427

(4) The STEM school is not a community school established 67428
under Chapter 3314. of the Revised Code. 67429

(5) The STEM school cannot levy taxes or issue tax-secured 67430
bonds in accordance with section 3326.49 of the Revised Code. 67431

(6) The STEM school satisfies the requirements prescribed 67432
by section 3326.03 of the Revised Code. 67433

(7) The STEM school satisfies the requirements described 67434
in the quality model for STEM and STEAM schools established by 67435
the department of education and workforce in accordance with 67436
Chapter 3326. of the Revised Code. 67437

(C) A school designated as an independent STEM school of 67438
quality under this section shall maintain that designation for 67439
the two fiscal years following the fiscal year in which the 67440
school was initially designated as an independent STEM school of 67441
quality. 67442

(D) A school designated as an independent STEM school of 67443
quality may renew its designation each year that it satisfies 67444
the criteria under division (B) of this section. The school 67445
shall maintain that designation for the two fiscal years 67446
following each fiscal year in which the criteria under division 67447
(B) of this section are satisfied. This division applies to 67448
schools designated as an independent STEM school of quality 67449
based on the report cards issued in accordance with sections 67450
3302.03 and 3326.17 of the Revised Code for the 2017-2018 and 67451
2018-2019 school years. 67452

Sec. 3317.31. The department of education and workforce 67453
shall pay each community school established under Chapter 3314. 67454
of the Revised Code and each STEM school established under 67455
Chapter 3326. of the Revised Code an amount equal to twenty-five 67456
dollars in each fiscal year for each full-time equivalent 67457
student in an internet- or computer-based community school and 67458
one thousand dollars in each fiscal year for each full-time 67459
equivalent student in all other community or STEM schools for 67460
assistance with the cost associated with facilities. 67461

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of 67462
the Revised Code: 67463

(A) "Ohio facilities construction commission" means the 67464
commission created pursuant to section 123.20 of the Revised 67465
Code. 67466

(B) "Classroom facilities" means rooms in which pupils
regularly assemble in public school buildings to receive
instruction and education and such facilities and building
improvements for the operation and use of such rooms as may be
needed in order to provide a complete educational program, and
may include space within which a child care facility or a
community resource center is housed. "Classroom facilities"
includes any space necessary for the operation of a vocational
education program for secondary students in any school district
that operates such a program.

(C) "Project" means a project to construct or acquire
classroom facilities, or to reconstruct or make additions to
existing classroom facilities, to be used for housing the
applicable school district and its functions.

(D) "School district" means a local, exempted village, or
city school district as such districts are defined in Chapter
3311. of the Revised Code, acting as an agency of state
government, performing essential governmental functions of state
government pursuant to sections 3318.01 to 3318.20 of the
Revised Code.

For purposes of assistance provided under sections 3318.40
to 3318.45 of the Revised Code, the term "school district" as
used in this section and in divisions (A), (C), and (D) of
section 3318.03 and in sections 3318.031, 3318.042, 3318.07,
3318.08, 3318.083, 3318.084, 3318.085, 3318.086, 3318.10,
3318.11, 3318.12, 3318.13, 3318.14, 3318.15, 3318.16, and
3318.20 of the Revised Code means a joint vocational school
district established pursuant to section 3311.18 of the Revised
Code.

(E) "School district board" means the board of education

of a school district. 67497

(F) "Net bonded indebtedness" means the difference between 67498
the sum of the par value of all outstanding and unpaid bonds and 67499
notes which a school district board is obligated to pay and any 67500
amounts the school district is obligated to pay under lease- 67501
purchase agreements entered into under section 3313.375 of the 67502
Revised Code, and the amount held in the sinking fund and other 67503
indebtedness retirement funds for their redemption. Notes issued 67504
for school buses in accordance with section 3327.08 of the 67505
Revised Code, notes issued in anticipation of the collection of 67506
current revenues, and bonds issued to pay final judgments shall 67507
not be considered in calculating the net bonded indebtedness. 67508

"Net bonded indebtedness" does not include indebtedness 67509
arising from the acquisition of land to provide a site for 67510
classroom facilities constructed, acquired, or added to pursuant 67511
to sections 3318.01 to 3318.20 of the Revised Code or the par 67512
value of bonds that have been authorized by the electors and the 67513
proceeds of which will be used by the district to provide any 67514
part of its portion of the basic project cost. 67515

(G) "Board of elections" means the board of elections of 67516
the county containing the most populous portion of the school 67517
district. 67518

(H) "County auditor" means the auditor of the county in 67519
which the greatest value of taxable property of such school 67520
district is located. 67521

(I) "Tax duplicates" means the general tax lists and 67522
duplicates prescribed by sections 319.28 and 319.29 of the 67523
Revised Code. 67524

(J) "Required level of indebtedness" means: 67525

(1) In the case of school districts in the first 67526
percentile, five per cent of the district's valuation for the 67527
year preceding the year in which the controlling board approved 67528
the project under section 3318.04 of the Revised Code. 67529

(2) In the case of school districts ranked in a subsequent 67530
percentile, five per cent of the district's valuation for the 67531
year preceding the year in which the controlling board approved 67532
the project under section 3318.04 of the Revised Code, plus [two 67533
one-hundredths of one per cent multiplied by (the percentile in 67534
which the district ranks for the fiscal year preceding the 67535
fiscal year in which the controlling board approved the 67536
district's project minus one)]. 67537

(K) "Required percentage of the basic project costs" means 67538
one per cent of the basic project costs times the percentile in 67539
which the school district ranks for the fiscal year preceding 67540
the fiscal year in which the controlling board approved the 67541
district's project. 67542

(L) "Basic project cost" means a cost amount determined in 67543
accordance with rules adopted under section 111.15 of the 67544
Revised Code by the Ohio facilities construction commission. The 67545
basic project cost calculation shall take into consideration the 67546
square footage and cost per square foot necessary for the grade 67547
levels to be housed in the classroom facilities, the variation 67548
across the state in construction and related costs, the cost of 67549
the installation of site utilities and site preparation, the 67550
cost of demolition of all or part of any existing classroom 67551
facilities that are abandoned under the project, the cost of 67552
insuring the project until it is completed, any contingency 67553
reserve amount prescribed by the commission under section 67554
3318.086 of the Revised Code, and the professional planning, 67555

administration, and design fees that a school district may have 67556
to pay to undertake a classroom facilities project. 67557

For a joint vocational school district that receives 67558
assistance under sections 3318.40 to 3318.45 of the Revised 67559
Code, the basic project cost calculation for a project under 67560
those sections shall also take into account the types of 67561
laboratory spaces and program square footages needed for the 67562
vocational education programs for high school students offered 67563
by the school district. 67564

For a district that opts to divide its entire classroom 67565
facilities needs into segments, as authorized by section 67566
3318.034 of the Revised Code, "basic project cost" means the 67567
cost determined in accordance with this division of a segment. 67568

(M) (1) Except for a joint vocational school district that 67569
receives assistance under sections 3318.40 to 3318.45 of the 67570
Revised Code, a "school district's portion of the basic project 67571
cost" means the amount determined under section 3318.032 of the 67572
Revised Code. 67573

(2) For a joint vocational school district that receives 67574
assistance under sections 3318.40 to 3318.45 of the Revised 67575
Code, a "school district's portion of the basic project cost" 67576
means the amount determined under division (C) of section 67577
3318.42 of the Revised Code. 67578

(N) "Child care facility" means space within a classroom 67579
facility in which the needs of infants, toddlers, preschool 67580
children, and school children are provided for by persons other 67581
than the parent or guardian of such children for any part of the 67582
day, including persons not employed by the school district 67583
operating such classroom facility. 67584

(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.

(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site.

(T) "The county auditor's ~~appraised~~ market value" and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.

Sec. 3318.032. (A) Except as otherwise provided in divisions ~~(C)~~ (B), (D), and ~~(D)~~ (E) of this section, the portion of the basic project cost supplied by the school district shall be the ~~greater of:~~

~~(1) The required percentage of the basic project costs;~~

~~(2) (a) (B) For all districts except a district that opts to~~

divide its entire classroom facilities needs into segments to be 67613
completed separately as authorized by section 3318.034 of the 67614
Revised Code, ~~an amount necessary to raise the school district's~~ 67615
~~net bonded indebtedness~~ the portion of the basic project cost 67616
supplied by the school district for the first segment shall be 67617
calculated using the required percentage of the basic project 67618
costs, as of the date the controlling board approved the 67619
project, ~~to within five thousand dollars of the required level~~ 67620
~~of indebtedness.~~ Any future segment's portion of the basic 67621
project cost shall use the same respective share as the first 67622
segment. 67623

~~(b) For a district that opts to divide its entire~~ 67624
~~classroom facilities needs into segments to be completed~~ 67625
~~separately as authorized by section 3318.034 of the Revised~~ 67626
~~Code, an amount necessary to raise the school district's net~~ 67627
~~bonded indebtedness, as of the date the controlling board~~ 67628
~~approved the project, to within five thousand dollars of the~~ 67629
~~following:—~~ 67630

~~The required level of indebtedness X (the basic~~ 67631
~~project cost of the segment as approved~~ 67632
~~by the controlling board / the estimated basic~~ 67633
~~project cost of the district's entire classroom facilities~~ 67634
~~needs as determined jointly by the staff of the Ohio~~ 67635
~~facilities construction commission and the district)—~~ 67636

~~(B)~~ (C) The amount of the district's share determined under 67637
this section shall be calculated only as of the date the 67638
controlling board approved the project, and that amount applies 67639
throughout the sixteen-month period permitted under section 67640

3318.05 of the Revised Code for the district's electors to 67641
approve the propositions described in that section. If the 67642
amount reserved and encumbered for a project is released because 67643
the electors do not approve those propositions within that 67644
period, and the school district later receives the controlling 67645
board's approval for the project, subject to a new project scope 67646
and estimated costs under section 3318.054 of the Revised Code, 67647
the district's portion shall be recalculated in accordance with 67648
this section as of the date of the controlling board's 67649
subsequent approval. 67650

~~(C)~~ (D) At no time shall a school district's portion of the 67651
basic project cost be greater than ninety-five per cent of the 67652
total basic project cost. 67653

~~(D)~~ (E) If the controlling board approves a project under 67654
sections 3318.01 to 3318.20 of the Revised Code for a school 67655
district that previously received assistance under those 67656
sections or section 3318.37 of the Revised Code within the 67657
twenty-year period prior to the date on which the controlling 67658
board approves the new project, the district's portion of the 67659
basic project cost for the new project shall be the lesser of 67660
the following: 67661

(1) The portion calculated under division (A) of this 67662
section; 67663

(2) The greater of the following: 67664

(a) The required percentage of the basic project costs for 67665
the new project; 67666

(b) The percentage of the basic project cost paid by the 67667
district for the previous project. 67668

Sec. 3318.051. (A) Any city, exempted village, or local 67669

school district that commences a project under sections 3318.01 67670
to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on 67671
or after September 5, 2006, need not levy the tax otherwise 67672
required under division (B) of section 3318.05 of the Revised 67673
Code, if the district board of education adopts a resolution 67674
petitioning the Ohio facilities construction commission to 67675
approve the transfer of money in accordance with this section 67676
and the commission approves that transfer. If so approved, the 67677
commission and the district board shall enter into an agreement 67678
under which the board, in each of twenty-three consecutive years 67679
beginning in the year in which the board and the commission 67680
enter into the project agreement under section 3318.08 of the 67681
Revised Code, shall transfer into the maintenance fund required 67682
by division (D) of section 3318.05 of the Revised Code not less 67683
than an amount equal to one-half mill for each dollar of the 67684
district's valuation unless and until the agreement to make 67685
those transfers is rescinded by the district board pursuant to 67686
division (F) of this section. 67687

(B) On the first day of July each year, or on an 67688
alternative date prescribed by the commission, the district 67689
treasurer shall certify to the commission and the auditor of 67690
state that the amount required for the year has been 67691
transferred. The auditor of state shall include verification of 67692
the transfer as part of any audit of the district under section 67693
117.11 of the Revised Code. If the auditor of state finds that 67694
less than the required amount has been deposited into a 67695
district's maintenance fund, the auditor of state shall notify 67696
the district board of education in writing of that fact and 67697
require the board to deposit into the fund, within ninety days 67698
after the date of the notice, the amount by which the fund is 67699
deficient for the year. If the district board fails to 67700

demonstrate to the auditor of state's satisfaction that the 67701
board has made the deposit required in the notice, the auditor 67702
of state shall notify the department of education and workforce. 67703
At that time, the department shall withhold an amount equal to 67704
ten per cent of the district's funds calculated for the current 67705
fiscal year under Chapter 3317. of the Revised Code until the 67706
~~auditor of state~~ district notifies the department that the 67707
~~auditor of state is satisfied that the board has made the~~ 67708
required transfer. 67709

(C) Money transferred to the maintenance fund shall be 67710
used for the maintenance or, upon approval of the Ohio 67711
facilities construction commission, upgrade of the facilities 67712
acquired under the district's project. 67713

(D) The transfers to the maintenance fund under this 67714
section does not affect a district's obligation to establish and 67715
maintain a capital and maintenance fund under section 3315.18 of 67716
the Revised Code. 67717

(E) Any decision by the commission to approve or not 67718
approve the transfer of money under this section is final and 67719
not subject to appeal. The commission shall not be responsible 67720
for errors or miscalculations made in deciding whether to 67721
approve a petition to make transfers under this section. 67722

(F) If the district board determines that it no longer can 67723
continue making the transfers agreed to under this section, the 67724
board may rescind the agreement only so long as the electors of 67725
the district have approved, in accordance with section 3318.063 67726
of the Revised Code, the levy of a tax for the maintenance of 67727
the classroom facilities acquired under the district's project 67728
and that levy continues to be collected as approved by the 67729
electors. That levy shall be for a number of years that is equal 67730

to the difference between twenty-three years and the number of 67731
years that the district made transfers under this section and 67732
shall be at the rate of not less than one-half mill for each 67733
dollar of the district's valuation. The district board shall 67734
continue to make the transfers agreed to under this section 67735
until that levy has been approved by the electors. 67736

Sec. 3318.06. (A) After receipt of the conditional 67737
approval of the Ohio facilities construction commission, the 67738
school district board by a majority of all of its members shall, 67739
if it desires to proceed with the project, declare all of the 67740
following by resolution: 67741

(1) That by issuing bonds in an amount equal to the school 67742
district's portion of the basic project cost the district is 67743
unable to provide adequate classroom facilities without 67744
assistance from the state; 67745

(2) Unless the school district board has resolved to 67746
transfer money in accordance with section 3318.051 of the 67747
Revised Code or to apply the proceeds of a property tax or the 67748
proceeds of an income tax, or a combination of proceeds from 67749
such taxes, as authorized under section 3318.052 of the Revised 67750
Code, that to qualify for such state assistance it is necessary 67751
to do either of the following: 67752

(a) Levy a tax outside the ten-mill limitation the 67753
proceeds of which shall be used to pay the cost of maintaining 67754
and upgrading the classroom facilities included in the project. 67755
The use of the proceeds for upgrades is subject to the approval 67756
by the commission under division (E) of section 3318.05 of the 67757
Revised Code. 67758

(b) Earmark for maintenance of classroom facilities from 67759

the proceeds of an existing permanent improvement tax levied 67760
under section 5705.21 of the Revised Code, if such tax can be 67761
used for maintenance, an amount equivalent to the amount of the 67762
additional tax otherwise required under this section and 67763
sections 3318.05 and 3318.08 of the Revised Code. 67764

(3) That the question of any tax levy specified in a 67765
resolution described in division (A)(2)(a) of this section, if 67766
required, shall be submitted to the electors of the school 67767
district at the next general or primary election, if there be a 67768
general or primary election not less than ninety and not more 67769
than one hundred ten days after the day of the adoption of such 67770
resolution or, if not, at a special election to be held at a 67771
time specified in the resolution which shall be not less than 67772
ninety days after the day of the adoption of the resolution and 67773
which shall be in accordance with the requirements of section 67774
3501.01 of the Revised Code. 67775

Such resolution shall also state that the question of 67776
issuing bonds of the board shall be combined in a single 67777
proposal with the question of such tax levy. More than one 67778
election under this section may be held in any one calendar 67779
year. Such resolution shall specify both of the following: 67780

(a) That the rate which it is necessary to levy shall be 67781
at the rate of not less than one-half mill for each one dollar 67782
of taxable value, and that such tax shall be levied for a period 67783
of twenty-three years; 67784

(b) That the proceeds of the tax shall be used to pay the 67785
cost of maintaining the classroom facilities included in the 67786
project or upgrading those facilities if approved by the 67787
commission. 67788

(B) A copy of a resolution adopted under division (A) of 67789
this section shall after its passage and not less than ninety 67790
days prior to the date set therein for the election be certified 67791
to the county board of elections. 67792

The resolution of the school district board, in addition 67793
to meeting other applicable requirements of section 133.18 of 67794
the Revised Code, shall state that the amount of bonds to be 67795
issued will be an amount equal to the school district's portion 67796
of the basic project cost, and state the maximum maturity of the 67797
bonds which may be any number of years not exceeding the term 67798
calculated under section 133.20 of the Revised Code as 67799
determined by the board. In estimating the amount of bonds to be 67800
issued, the board shall take into consideration the amount of 67801
moneys then in the bond retirement fund and the amount of moneys 67802
to be collected for and disbursed from the bond retirement fund 67803
during the remainder of the year in which the resolution of 67804
necessity is adopted. 67805

If the bonds are to be issued in more than one series, the 67806
resolution may state, in addition to the information required to 67807
be stated under division (B) (3) of section 133.18 of the Revised 67808
Code, the number of series, which shall not exceed five, the 67809
principal amount of each series, and the approximate date each 67810
series will be issued, and may provide that no series, or any 67811
portion thereof, may be issued before such date. Upon such a 67812
resolution being certified to the county auditor as required by 67813
division (C) of section 133.18 of the Revised Code, the county 67814
auditor, in calculating, advising, and confirming the estimated 67815
average annual property tax levy under that division, shall also 67816
calculate, advise, and confirm by certification the estimated 67817
average property tax levy for each series of bonds to be issued. 67818

Notice of the election shall include the fact that the tax 67819
levy shall be at the rate of not less than one-half mill for 67820
each one dollar of taxable value for a period of twenty-three 67821
years, and that the proceeds of the tax shall be used to pay the 67822
cost of maintaining or upgrading the classroom facilities 67823
included in the project. The notice shall also express the rate 67824
in dollars for each one hundred thousand dollars of the county 67825
auditor's ~~appraised~~ market value and the county auditor's 67826
estimate of the amount the tax levy is estimated to collect for 67827
each tax year it is levied, as certified pursuant to section 67828
5705.03 of the Revised Code. 67829

If the bonds are to be issued in more than one series, the 67830
board of education, when filing copies of the resolution with 67831
the board of elections as required by division (D) of section 67832
133.18 of the Revised Code, may direct the board of elections to 67833
include in the notice of election the principal amount and 67834
approximate date of each series, the maximum number of years 67835
over which the principal of each series may be paid, the 67836
estimated additional average property tax levy for each series, 67837
and the first calendar year in which the tax is expected to be 67838
due for each series, in addition to the information required to 67839
be stated in the notice under divisions (E) (3) (a), (b), (c), 67840
(e), and (f) of section 133.18 of the Revised Code. 67841

(C) (1) Except as otherwise provided in division (C) (2) of 67842
this section, the form of the ballot to be used at such election 67843
shall be: 67844

"A majority affirmative vote is necessary for passage. 67845

Shall bonds be issued by the _____ (here insert 67846
name of school district) school district to pay the local share 67847
of school construction under the State of Ohio Classroom 67848

Facilities Assistance Program in the principal amount of 67849
\$_____ (here insert principal amount of the bond issue), 67850
to be repaid annually over a maximum period of _____ 67851
(here insert the maximum number of years over which the 67852
principal of the bonds may be paid) years, and an annual levy of 67853
property taxes be made outside the ten-mill limitation, 67854
estimated by the county auditor to average over the repayment 67855
period of the bond issue _____ mills for each \$1 of 67856
taxable value, which amounts to \$_____ for each \$100,000 67857
of the county auditor's ~~appraised~~ market value to pay the annual 67858
debt charges on the bonds and to pay debt charges on any notes 67859
issued in anticipation of the bonds?" 67860

and, unless the additional levy 67861

of taxes is not required pursuant 67862

to division (C) of section 67863

3318.05 of the Revised Code, 67864

"Shall an additional levy of taxes be made for a period of 67865
twenty-three years to benefit the _____ (here insert name 67866
of school district) school district, the proceeds of which shall 67867
be used to pay the cost of maintaining (or upgrading if approved 67868
by the commission) the classroom facilities included in the 67869
project, that the county auditor estimates will collect \$_____ 67870
annually, at the rate of _____ (here insert the number of 67871
mills, which shall not be less than one-half mill) mills for 67872
each \$1 of taxable value, which amounts to \$_____ for each 67873
\$100,000 of the county auditor's ~~appraised~~ market value? 67874
67875

	FOR THE BOND ISSUE AND TAX LEVY

	AGAINST THE BOND ISSUE AND TAX LEVY	"

(2) If authority is sought to issue bonds in more than one 67876
series and the board of education so elects, the form of the 67877
ballot shall be as prescribed in section 3318.062 of the Revised 67878
Code. If the board of education elects the form of the ballot 67879
prescribed in that section, it shall so state in the resolution 67880
adopted under this section. 67881

(D) If it is necessary for the school district to acquire 67882
a site for the classroom facilities to be acquired pursuant to 67883
sections 3318.01 to 3318.20 of the Revised Code, the district 67884
board may propose either to issue bonds of the board or to levy 67885
a tax to pay for the acquisition of such site, and may combine 67886
the question of doing so with the questions specified in 67887
division (B) of this section. Bonds issued under this division 67888
for the purpose of acquiring a site are a general obligation of 67889
the school district and are Chapter 133. securities. 67890

The form of that portion of the ballot to include the 67891
question of either issuing bonds or levying a tax for site 67892
acquisition purposes shall be one of the following: 67893

(1) "Shall bonds be issued by the _____ (here 67894
insert name of the school district) school district to pay costs 67895
of acquiring a site for classroom facilities under the State of 67896
Ohio Classroom Facilities Assistance Program in the principal 67897
amount of \$_____ (here insert principal amount of the bond 67898
issue), to be repaid annually over a maximum period of 67899
_____ (here insert maximum number of years over which the 67900
principal of the bonds may be paid) years, and an annual levy of 67901
property taxes be made outside the ten-mill limitation, 67902
estimated by the county auditor to average over the repayment 67903

period of the bond issue _____ mills for each \$1 of taxable 67904
value, which amounts to \$_____ for each \$100,000 of the 67905
county auditor's ~~appraised-market~~ value to pay the annual debt 67906
charges on the bonds and to pay debt charges on any notes issued 67907
in anticipation of the bonds?" 67908

(2) "Shall an additional levy of taxes outside the ten- 67909
mill limitation be made for the benefit of the _____ (here 67910
insert name of the school district) school district for the 67911
purpose of acquiring a site for classroom facilities in the sum 67912
of \$_____ (here insert annual amount the levy is to produce) 67913
estimated by the county auditor to average _____ mills for 67914
each \$1 of taxable value, which amounts to \$_____ for each 67915
\$100,000 of the county auditor's ~~appraised-market~~ value, for a 67916
period of _____ (here insert number of years the millage is 67917
to be imposed) years?" 67918

Where it is necessary to combine the question of issuing 67919
bonds of the school district and levying a tax as described in 67920
division (B) of this section with the question of issuing bonds 67921
of the school district for acquisition of a site, the question 67922
specified in that division to be voted on shall be "For the Bond 67923
Issues and the Tax Levy" and "Against the Bond Issues and the 67924
Tax Levy." 67925

Where it is necessary to combine the question of issuing 67926
bonds of the school district and levying a tax as described in 67927
division (B) of this section with the question of levying a tax 67928
for the acquisition of a site, the question specified in that 67929
division to be voted on shall be "For the Bond Issue and the Tax 67930
Levies" and "Against the Bond Issue and the Tax Levies." 67931

Where the school district board chooses to combine the 67932
question in division (B) of this section with any of the 67933

additional questions described in divisions (A) to (D) of 67934
section 3318.056 of the Revised Code, the question specified in 67935
division (B) of this section to be voted on shall be "For the 67936
Bond Issues and the Tax Levies" and "Against the Bond Issues and 67937
the Tax Levies." 67938

If a majority of those voting upon a proposition hereunder 67939
which includes the question of issuing bonds vote in favor 67940
thereof, and if the agreement provided for by section 3318.08 of 67941
the Revised Code has been entered into, the school district 67942
board may proceed under Chapter 133. of the Revised Code, with 67943
the issuance of bonds or bond anticipation notes in accordance 67944
with the terms of the agreement. 67945

Sec. 3318.061. This section applies only to school 67946
districts eligible to receive additional assistance under 67947
division (B) (2) of section 3318.04 of the Revised Code. 67948

The board of education of a school district in which a tax 67949
described by division (B) of section 3318.05 and levied under 67950
section 3318.06 of the Revised Code is in effect, may adopt a 67951
resolution by vote of a majority of its members to extend the 67952
term of that tax beyond the expiration of that tax as originally 67953
approved under that section. The school district board may 67954
include in the resolution a proposal to extend the term of that 67955
tax at the rate of not less than one-half mill for each dollar 67956
of taxable value for a period of twenty-three years from the 67957
year in which the school district board and the Ohio facilities 67958
construction commission enter into an agreement under division 67959
(B) (2) of section 3318.04 of the Revised Code or in the 67960
following year, as specified in the resolution. Such a 67961
resolution may be adopted at any time before such an agreement 67962
is entered into and before the tax levied pursuant to section 67963

3318.06 of the Revised Code expires. If the resolution is 67964
combined with a resolution to issue bonds to pay the school 67965
district's portion of the basic project cost, it shall conform 67966
with the requirements of divisions (A) (1), (2), and (3) of 67967
section 3318.06 of the Revised Code, except that the resolution 67968
also shall state that the tax levy proposed in the resolution is 67969
an extension of an existing tax levied under that section. A 67970
resolution proposing an extension adopted under this section 67971
does not take effect until it is approved by a majority of 67972
electors voting in favor of the resolution at a general, 67973
primary, or special election as provided in this section. 67974

A tax levy extended under this section is subject to the 67975
same terms and limitations to which the original tax levied 67976
under section 3318.06 of the Revised Code is subject under that 67977
section, except the term of the extension shall be as specified 67978
in this section. 67979

The school district board and the county auditor shall 67980
proceed in the same manner as required for a tax levy under 67981
section 5705.03 of the Revised Code. The board shall certify a 67982
copy of the resolution adopted under this section and the 67983
auditor's certification to the proper county board of elections 67984
not later than ninety days before the date set in the resolution 67985
as the date of the election at which the question will be 67986
submitted to electors. The notice of the election shall conform 67987
with the requirements of division (A) (3) of section 3318.06 of 67988
the Revised Code, except that the notice also shall state that 67989
the maintenance tax levy is an extension of an existing tax 67990
levy, the levy's estimated annual collections, and the levy's 67991
effective rate, expressed in dollars for each one hundred 67992
thousand dollars of the county auditor's ~~appraised~~ market value. 67993

The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining (or upgrading if approved by the Ohio facilities construction commission) classroom facilities constructed with the proceeds of the previously issued bonds, that the county auditor estimates will collect \$_____ annually, at the rate of _____ (here insert the number of mills, which shall not be less than one-half mill) mills for each \$1 of taxable value, which amounts to \$_____ (effective rate) for each \$100,000 of the county auditor's ~~appraised~~ market value, be extended until _____ (here insert the year that is twenty-three years after the year in which the district and commission will enter into an agreement under division (B) (2) of section 3318.04 of the Revised Code or the following year)?

	FOR EXTENDING THE EXISTING TAX LEVY
	AGAINST EXTENDING THE EXISTING TAX LEVY

"

Section 3318.07 of the Revised Code applies to ballot questions under this section.

Sec. 3318.062. (A) If authority is sought to issue bonds in more than one series to pay the school district's portion of the basic project cost under sections 3318.01 to 3318.20 of the Revised Code, the form of the ballot shall be:

"Shall bonds be issued by the _____ (here insert name of school district) school district to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the total principal amount of \$_____ (total principal amount of the bond issue), to be issued in

_____ (number of series) series, each series to be repaid 68020
annually over not more than _____ (maximum number of years over 68021
which the principal of each series may be paid) years, and an 68022
annual levy of property taxes be made outside the ten-mill 68023
limitation to pay the annual debt charges on the bonds and on 68024
any notes issued in anticipation of the bonds, at a rate 68025
estimated by the county auditor to average over the repayment 68026
period of each series as follows: _____ (insert the 68027
following for each series: "the _____ series, in a 68028
principal amount of \$_____, that the county auditor 68029
estimates will require _____ mills for each \$1 of taxable 68030
value, which amounts to \$_____ for each \$100,000 of the county 68031
auditor's ~~appraised-market~~ value, commencing in _____ and 68032
first payable in _____)?" 68033

and, unless the additional levy 68034

of taxes is not required pursuant 68035

to division (C) of section 68036

3318.05 of the Revised Code, 68037

"Shall an additional levy of taxes be made for a period of 68038
twenty-three years to benefit the _____ (here insert name 68039
of school district) school district, the proceeds of which shall 68040
be used to pay the cost of maintaining (or upgrading if approved 68041
by the Ohio facilities construction commission) the classroom 68042
facilities included in the project, that the county auditor 68043
estimates will collect \$_____ annually, at the rate of 68044
_____ (here insert the number of mills, which shall not be 68045
less than one-half mill) mills for each \$1 of taxable value, 68046
which amounts to \$_____ for each \$100,000 of the county 68047
auditor's ~~appraised-market~~ value? 68048

68049

	For the bond issue
	Against the bond issue

"

(B) If it is necessary for the school district to acquire a site for the classroom facilities to be acquired pursuant to sections 3318.01 to 3318.20 of the Revised Code, the district board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (A) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the forms prescribed in division (D) of section 3318.06 of the Revised Code.

(C) Where the school district board chooses to combine the question in division (A) of this section with any of the additional questions described in divisions (A) to (D) of section 3318.056 of the Revised Code, the question specified in division (A) of this section to be voted on shall be "For the Bond Issues and the Tax Levies" and "Against the Bond Issues and the Tax Levies."

(D) If a majority of those voting upon a proposition prescribed in this section which includes the question of issuing bonds vote in favor of that issuance, and if the agreement prescribed in section 3318.08 of the Revised Code has been entered into, the school district board may proceed under

Chapter 133. of the Revised Code with the issuance of bonds or 68075
bond anticipation notes in accordance with the terms of the 68076
agreement. 68077

Sec. 3318.063. If the board of education of a city, 68078
exempted village, or local school district that has entered into 68079
an agreement under section 3318.051 of the Revised Code to make 68080
transfers of money in lieu of levying the tax for maintenance or 68081
upgrade of the classroom facilities included in the district's 68082
project determines that it no longer can continue making the 68083
transfers so agreed to and desires to rescind that agreement, 68084
the board shall adopt the resolution to submit the question of 68085
the tax levy prescribed in this section. 68086

The resolution shall declare that the question of a tax 68087
levy specified in division (F) of section 3318.051 of the 68088
Revised Code shall be submitted to the electors of the school 68089
district at the next general or primary election, if there be a 68090
general or primary election not less than seventy-five and not 68091
more than ninety-five days after the day of the adoption of such 68092
resolution or, if not, at a special election to be held at a 68093
time specified in the resolution which shall be not less than 68094
seventy-five days after the day of the adoption of the 68095
resolution and which shall be in accordance with the 68096
requirements of section 3501.01 of the Revised Code. Such 68097
resolution shall specify both of the following: 68098

(A) That the rate which it is necessary to levy shall be 68099
at the rate of not less than one-half mill for each one dollar 68100
of taxable value, and that such tax shall be levied for the 68101
number of years required by division (F) of section 3318.051 of 68102
the Revised Code; 68103

(B) That the proceeds of the tax shall be used to pay the 68104

cost of maintaining the classroom facilities included in the 68105
project. 68106

A copy of such resolution shall after its passage and not 68107
less than seventy-five days prior to the date set therein for 68108
the election be certified to the county board of elections. 68109

Notice of the election shall include the levy's estimated 68110
annual collections, the fact that the tax levy shall be at the 68111
rate of not less than one-half mill for each one dollar of 68112
taxable value for the number of years required by division (F) 68113
of section 3318.051 of the Revised Code, and that the proceeds 68114
of the tax shall be used to pay the cost of maintaining the 68115
classroom facilities included in the project. The notice shall 68116
also express the rate in dollars for each one hundred thousand 68117
dollars of the county auditor's ~~appraised~~-market value. 68118

The form of the ballot to be used at such election shall 68119
be: 68120

"Shall a levy of taxes be made for a period of 68121
_____ (here insert the number of years, which shall not 68122
be less than the number required by division (F) of section 68123
3318.051 of the Revised Code) years to benefit the _____ 68124
(here insert name of school district) school district, the 68125
proceeds of which shall be used to pay the cost of maintaining 68126
(or upgrading if approved by the Ohio facilities construction 68127
commission) the classroom facilities included in the project, 68128
that the county auditor estimates will collect \$_____ annually, 68129
at the rate of _____ (here insert the number of mills, 68130
which shall not be less than one-half mill) mills for each \$1 of 68131
taxable value, which amounts to \$_____ for each \$100,000 of 68132
the county auditor's ~~appraised~~-market value? 68133
68134

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

Sec. 3318.12. (A) The Ohio facilities construction commission shall cause to be transferred to the school district's project construction fund the necessary amounts from amounts appropriated by the general assembly and set aside for such purpose, from time to time as may be necessary to pay obligations chargeable to such fund when due. All investment earnings of a school district's project construction fund shall be credited to the fund.

(B) (1) The treasurer of the school district board shall disburse funds from the school district's project construction fund, including investment earnings credited to the fund, only upon the approval of the commission or the commission's designated representative. The commission or the commission's designated representative shall issue vouchers against such fund, in such amounts, and at such times as required by the contracts for construction of the project.

(2) Notwithstanding anything to the contrary in division (B) (1) of this section, the school district board may, by a duly adopted resolution, choose to use all or part of the investment earnings of the district's project construction fund that are attributable to the district's contribution to the fund to pay the cost of classroom facilities or portions or components of classroom facilities that are not included in the district's basic project cost but that are related to the district's project. If the district board adopts a resolution in favor of using those investment earnings as authorized under division (B) (2) of this section, the treasurer shall disburse the amount as

designated and directed by the board. However, if the district
board chooses to use any part of the investment earnings for
classroom facilities or portions or components of classroom
facilities that are not included in the basic project cost, as
authorized under division (B) (2) of this section, and,
subsequently, the cost of the project exceeds the amount in the
project construction fund, the district board shall restore to
the project construction fund the full amount of the investment
earnings used under division (B) (2) of this section before any
additional state moneys shall be released for the project.

(C) After a certificate of completion has been issued for
a project under section 3318.48 of the Revised Code:

(1) At the discretion of the school district board, any
investment earnings remaining in the project construction fund
that are attributable to the school district's contribution to
the fund shall be:

(a) Retained in the project construction fund for future
projects;

(b) Transferred to the district's maintenance fund
required by division (B) of section 3318.05 or section 3318.43
of the Revised Code, and the money so transferred shall be used
solely for maintaining the classroom facilities included in the
project;

(c) Transferred to the district's permanent improvement
fund.

(2) Any investment earnings remaining in the project
construction fund that are attributable to the state's
contribution to the fund shall be transferred to the commission
for expenditure pursuant to sections 3318.01 to 3318.20 or

sections 3318.40 to 3318.45 of the Revised Code. 68191

(3) Any other surplus remaining in the school district's 68192
project construction fund shall be transferred to the commission 68193
and the school district board in proportion to their respective 68194
contributions to the fund. The commission shall use the money 68195
transferred to it under this division for expenditure pursuant 68196
to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of 68197
the Revised Code. 68198

(D) Pursuant to appropriations of the general assembly, 68199
any moneys transferred to the commission under division (C) (2) 68200
or (3) of this section from a project construction fund for a 68201
project under sections 3318.40 to 3318.45 of the Revised Code 68202
may be used for future expenditures for projects under sections 68203
3318.40 to 3318.45 of the Revised Code, ~~notwithstanding the two-~~ 68204
~~per cent annual limit specified in~~ accordance with division (B) 68205
of section 3318.40 of the Revised Code. 68206

Sec. 3318.361. A school district board opting to qualify 68207
for state assistance pursuant to section 3318.36 of the Revised 68208
Code through levying the tax specified in division (D) (2) (a) or 68209
(D) (4) of that section shall declare by resolution that the 68210
question of a tax levy specified in division (D) (2) (a) or (4), 68211
as applicable, of section 3318.36 of the Revised Code shall be 68212
submitted to the electors of the school district at the next 68213
general or primary election, if there be a general or primary 68214
election not less than ninety and not more than one hundred ten 68215
days after the day of the adoption of such resolution or, if 68216
not, at a special election to be held at a time specified in the 68217
resolution which shall be not less than ninety days after the 68218
day of the adoption of the resolution and which shall be in 68219
accordance with the requirements of section 3501.01 of the 68220

Revised Code. Such resolution shall specify both of the 68221
following: 68222

(A) That the rate which it is necessary to levy shall be 68223
at the rate of not less than one-half mill for each one dollar 68224
of taxable value, and that such tax shall be levied for a period 68225
of twenty-three years; 68226

(B) That the proceeds of the tax shall be used to pay the 68227
cost of maintaining the classroom facilities included in the 68228
project or upgrading those facilities if approved by the Ohio 68229
facilities construction commission. 68230

A copy of such resolution shall after its passage and not 68231
less than ninety days prior to the date set therein for the 68232
election be certified to the county board of elections. 68233

Notice of the election shall include the levy's estimated 68234
annual collections, the fact that the tax levy shall be at the 68235
rate of not less than one-half mill for each one dollar of 68236
taxable value for a period of twenty-three years, and that the 68237
proceeds of the tax shall be used to pay the cost of maintaining 68238
or upgrading the classroom facilities included in the project. 68239
The notice shall also express the rate in dollars for each one 68240
hundred thousand dollars of the county auditor's ~~appraised~~ 68241
market value. 68242

The form of the ballot to be used at such election shall 68243
be: 68244

"Shall a levy of taxes be made for a period of twenty- 68245
three years to benefit the _____ (here insert name of 68246
school district) school district, the proceeds of which shall be 68247
used to pay the cost of maintaining (or upgrading if approved by 68248
the Ohio facilities construction commission) the classroom 68249

facilities included in the project, that the county auditor 68250
estimates will collect \$_____ annually, at the rate of 68251
_____ (here insert the number of mills, which shall not be 68252
less than one-half mill) mills for each \$1 of taxable value, 68253
which amounts to \$_____ for each \$100,000 of the county 68254
auditor's ~~appraised~~ market value? 68255
68256

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

Sec. 3318.40. (A) (1) Sections 3318.40 to 3318.45 of the 68257
Revised Code apply only to joint vocational school districts. 68258

(2) As used in sections 3318.40 to 3318.45 of the Revised 68259
Code: 68260

(a) "Ohio facilities construction commission," "classroom 68261
facilities," "project," and "basic project cost" have the same 68262
meanings as in section 3318.01 of the Revised Code. 68263

(b) "Acquisition of classroom facilities" means 68264
constructing, reconstructing, repairing, or making additions to 68265
classroom facilities. 68266

(B) There is hereby established the vocational school 68267
facilities assistance program. Under the program, the Ohio 68268
facilities construction commission shall provide assistance to 68269
joint vocational school districts for the acquisition of 68270
classroom facilities suitable to the vocational education 68271
programs of the districts in accordance with sections 3318.40 to 68272
3318.45 of the Revised Code. ~~For purposes of the program,~~ 68273
~~beginning July 1, 2003, the~~ The commission ~~annually~~ may set 68274
aside ~~up to two per cent~~ a portion of the aggregate amount 68275

appropriated to it for classroom facilities assistance projects 68276
in the public school building fund, established under section 68277
3318.15 of the Revised Code, and the school building program 68278
assistance fund, established under section 3318.25 of the 68279
Revised Code, to provide assistance to at least two joint 68280
vocational school districts per biennium. The amount set aside 68281
for this purpose shall be determined by the commission. 68282

(C) The commission shall not provide assistance for any 68283
distinct part of a project under sections 3318.40 to 3318.45 of 68284
the Revised Code that when completed will be used exclusively 68285
for an adult education program or exclusively for operation of a 68286
driver training school for instruction leading to the issuance 68287
of a commercial driver's license under Chapter 4506. of the 68288
Revised Code, except for life safety items and basic building 68289
components necessary for complete and continuous construction or 68290
renovation of a classroom facility as determined by the 68291
commission. 68292

(D) The commission shall not provide assistance under 68293
sections 3318.40 to 3318.45 of the Revised Code to acquire 68294
classroom facilities for vocational educational instruction at a 68295
location under the control of a school district that is a member 68296
of a joint vocational school district. Any assistance to acquire 68297
classroom facilities for vocational educational instruction at 68298
such location shall be provided to the school district that is a 68299
member of the joint vocational school district through other 68300
provisions of this chapter when that member school district is 68301
eligible for assistance under those provisions. 68302

(E) By September 1, 2003, the commission shall assess the 68303
classroom facilities needs of at least five joint vocational 68304
school districts, according to the order of priority prescribed 68305

in division (B) of section 3318.42 of the Revised Code, and 68306
based on the results of those assessments shall determine the 68307
extent to which amendments to the specifications adopted under 68308
section 3318.311 of the Revised Code are warranted. The 68309
commission, thereafter, may amend the specifications as provided 68310
in that section. 68311

(F) After the commission has conducted the assessments 68312
prescribed in division (E) of this section, the commission shall 68313
establish, by rule adopted in accordance with section 111.15 of 68314
the Revised Code, guidelines for the commission to use in 68315
deciding whether to waive compliance with the design 68316
specifications adopted under section 3318.311 of the Revised 68317
Code when determining the number of facilities and the basic 68318
project cost of projects as prescribed in division (A)(1)(a) of 68319
section 3318.41 of the Revised Code. The guidelines shall 68320
address the following situations: 68321

(1) Under what circumstances, if any, particular classroom 68322
facilities are adequate to meet the needs of the school district 68323
even though the facilities do not comply with the specifications 68324
adopted under section 3318.311 of the Revised Code; 68325

(2) Under what circumstances, if any, particular classroom 68326
facilities will be renovated or repaired rather than replaced by 68327
construction of new facilities. 68328

Sec. 3318.45. (A) Unless division (B) of section 3318.44 68329
of the Revised Code applies, if a joint vocational school 68330
district board of education proposes to issue securities to 68331
generate all or part of the school district's portion of the 68332
basic project cost of the school district's project under 68333
sections 3318.40 to 3318.45 of the Revised Code, the school 68334
district board shall adopt a resolution in accordance with 68335

Chapter 133. and section 3311.20 of the Revised Code. Unless the
school district board seeks authority to issue securities in
more than one series, the school district board shall adopt the
form of the ballot prescribed in section 133.18 of the Revised
Code.

(B) If authority is sought to issue bonds in more than one
series, the form of the ballot shall be:

"Shall bonds be issued by the _____ (here insert name
of joint vocational school district) joint vocational school
district to pay the local share of school construction under the
State of Ohio Joint Vocational School Facilities Assistance
Program in the total principal amount of \$_____ (total
principal amount of the bond issue), to be issued in _____
(number of series) series, each series to be repaid annually
over not more than _____ (maximum number of years over which
the principal of each series may be paid) years, and an annual
levy of property taxes be made outside the ten-mill limitation
to pay the annual debt charges on the bonds and on any notes
issued in anticipation of the bonds, at a rate estimated by the
county auditor to average over the repayment period of each
series as follows: _____ [insert the following for each
series: "the _____ series, in a principal amount of
\$_____, that the county auditor estimates will require
_____ mills for each \$1 of taxable value, which amounts to
\$_____ for each \$100,000 of the county auditor's ~~appraised~~
market value, commencing in _____ and first payable in
_____"]?

	For the bond issue

	Against the bond issue	"

(C) If it is necessary for the school district to acquire
a site for the classroom facilities to be acquired pursuant to
sections 3318.40 to 3318.45 of the Revised Code, the district
board may propose either to issue bonds of the board or to levy
a tax to pay for the acquisition of such site and may combine
the question of doing so with the question specified by
reference in division (A) of this section or the question
specified in division (B) of this section. Bonds issued under
this division for the purpose of acquiring a site are a general
obligation of the school district and are Chapter 133.
securities.

The form of that portion of the ballot to include the
question of either issuing bonds or levying a tax for site
acquisition purposes shall be one of the following:

(1) "Shall bonds be issued by the _____ (here
insert name of the joint vocational school district) joint
vocational school district to pay costs of acquiring a site for
classroom facilities under the State of Ohio Joint Vocational
School Facilities Assistance Program in the principal amount of
\$_____ (here insert principal amount of the bond issue), to
be repaid annually over a maximum period of _____ (here
insert maximum number of years over which the principal of the
bonds may be paid) years, and an annual levy of property taxes
be made outside the ten-mill limitation, estimated by the county
auditor to average over the repayment period of the bond issue
_____ mills for each \$1 of taxable value, which amounts to
\$_____ for each \$100,000 of the county auditor's ~~appraised~~
market value, to pay the annual debt charges on the bonds and to
pay debt charges on any notes issued in anticipation of the

bonds?" 68393

(2) "Shall an additional levy of taxes outside the ten- 68394
mill limitation be made for the benefit of the _____ (here 68395
insert name of the joint vocational school district) joint 68396
vocational school district for the purpose of acquiring a site 68397
for classroom facilities in the sum of \$_____ (here insert 68398
annual amount the levy is to produce) estimated by the county 68399
auditor to collect \$_____ annually and to average _____ mills 68400
for each \$1 of taxable value, which amounts to \$_____ for 68401
each \$100,000 of the county auditor's ~~appraised~~ market value, 68402
for a period of _____ (here insert number of years the 68403
millage is to be imposed) years?" 68404

Where it is necessary to combine the question of issuing 68405
bonds of the joint vocational school district as described in 68406
division (A) of this section with the question of issuing bonds 68407
of the school district for acquisition of a site, the question 68408
specified in that division to be voted on shall be "For the bond 68409
issues" and "Against the bond issues." 68410

Where it is necessary to combine the question of issuing 68411
bonds of the joint vocational school district as described in 68412
division (A) of this section with the question of levying a tax 68413
for the acquisition of a site, the question specified in that 68414
division to be voted on shall be "For the bond issue and the tax 68415
levy" and "Against the bond issue and the tax levy." 68416

(D) Where the school district board chooses to combine a 68417
question specified in this section with any of the additional 68418
questions described in division (C) of section 3318.44 of the 68419
Revised Code, the question to be voted on shall be "For the bond 68420
issues and the tax levies" and "Against the bond issues and the 68421
tax levies." 68422

(E) If a majority of those voting upon a proposition 68423
prescribed in this section which includes the question of 68424
issuing bonds vote in favor of that issuance and if the 68425
agreement prescribed in section 3318.08 of the Revised Code has 68426
been entered into, the school district board may proceed under 68427
Chapter 133. of the Revised Code with the issuance of bonds or 68428
bond anticipation notes in accordance with the terms of the 68429
agreement. 68430

Sec. 3318.48. (A) When all of the following have occurred, 68431
a project undertaken by a school district pursuant to this 68432
chapter shall be considered complete and the Ohio facilities 68433
construction commission shall issue a certificate of completion 68434
to the district board of education: 68435

(1) All facilities to be constructed under the project, as 68436
specified in the project agreement entered into under section 68437
3318.08 of the Revised Code, have been completed and the board 68438
has received a permanent certificate of occupancy for each of 68439
those facilities. 68440

(2) The commission has issued certificates of contract 68441
completion on all prime construction contracts entered into by 68442
the board under section 3318.10 of the Revised Code. 68443

(3) The commission has completed a final accounting of the 68444
district's project construction fund and has determined that all 68445
payments from the fund were made in compliance with all policies 68446
of the commission. 68447

(4) Any litigation concerning the project has been finally 68448
resolved with no chance of appeal. 68449

(5) All construction management services typically 68450
provided by the commission to school districts have been 68451

delivered and the commission has canceled any remaining 68452
encumbrance of funds for those services. 68453

(B) The commission may issue a certificate of completion 68454
to a district board prior to all of the conditions described in 68455
division (A) of this section being satisfied, if the commission 68456
determines that the circumstances preventing the conditions from 68457
being satisfied are so minor in nature that the project should 68458
be considered complete. When issuing a certificate of completion 68459
under this division, the commission may specify any of the 68460
following: 68461

(1) Any construction or work that has yet to be completed 68462
and the manner in which the board shall oversee its completion, 68463
which may include procedures for reporting progress to the 68464
commission and for accounting of expenditures; 68465

(2) Terms and conditions for the resolution of any pending 68466
litigation; 68467

(3) Any remaining responsibilities of the construction 68468
manager regarding the project. 68469

(C) The commission may issue a certificate of completion 68470
to a district board that does not voluntarily participate in the 68471
process of closing out the district's project, if the 68472
construction manager for the project verifies that all 68473
facilities to be constructed under the project, as specified in 68474
the project agreement entered into under section 3318.08 of the 68475
Revised Code, have been completed and the commission determines 68476
that those facilities have been occupied for at least one year. 68477
In that case, all funds due to the commission under division (C) 68478
of section 3318.12 of the Revised Code shall be returned to the 68479
commission not later than thirty days after receipt of the 68480

certificate of completion. If the funds due to the commission 68481
have not been returned within sixty days after receipt of the 68482
certificate of completion, the ~~auditor of state commission~~ shall 68483
~~issue a finding for recovery against the school district and~~ 68484
~~shall request legal action~~ certify a claim to the attorney 68485
general for collection under section ~~117.42~~ 131.02 of the 68486
Revised Code. 68487

(D) Upon issuance of a certificate of completion under 68488
this section, the commission's ownership of and interest in the 68489
project, as specified in division (F) of section 3318.08 of the 68490
Revised Code, shall cease. This cessation shall not alter or 68491
otherwise affect the state's or commission's interest in the 68492
project or any limitations on the use of the project as 68493
specified in the project agreement pursuant to divisions (G), 68494
(M), and (N) of that section or as specified in section 3318.16 68495
of the Revised Code. 68496

Sec. 3319.073. (A) The board of education of each city and 68497
exempted village school district and the governing board of each 68498
educational service center shall adopt or adapt the curriculum 68499
developed by the department of education and workforce for, or 68500
shall develop in consultation with public or private agencies or 68501
persons involved in child abuse prevention or intervention 68502
programs, a program of in-service training in the prevention of 68503
child abuse, violence, and substance abuse and the promotion of 68504
positive youth development. Each person employed by any school 68505
district or service center to work in a school as a nurse, 68506
teacher, counselor, school psychologist, or administrator shall 68507
complete at least four hours of the in-service training within 68508
two years of commencing employment with the district or center, 68509
and every five years thereafter. A person who is employed by any 68510
school district or service center to work in an elementary 68511

school as a nurse, teacher, counselor, school psychologist, or 68512
administrator on March 30, 2007, shall complete at least four 68513
hours of the in-service training not later than March 30, 2009, 68514
and every five years thereafter. A person who is employed by any 68515
school district or service center to work in a middle or high 68516
school as a nurse, teacher, counselor, school psychologist, or 68517
administrator on October 16, 2009, shall complete at least four 68518
hours of the in-service training not later than October 16, 68519
2011, and every five years thereafter. 68520

(B) Each board shall incorporate training in school safety 68521
and violence prevention, including human trafficking content, 68522
into the in-service training required by division (A) of this 68523
section. For this purpose, the board shall adopt or adapt the 68524
curriculum developed by the department or shall develop its own 68525
curriculum in consultation with public or private agencies or 68526
persons involved in school safety and violence prevention 68527
programs. 68528

(C) Each board shall incorporate training on the board's 68529
harassment, intimidation, or bullying policy adopted under 68530
section 3313.666 of the Revised Code into the in-service 68531
training required by division (A) of this section. Each board 68532
also shall incorporate training in the prevention of dating 68533
violence into the in-service training required by that division 68534
for middle and high school employees. The board shall develop 68535
its own curricula for these purposes. 68536

(D) Each board shall incorporate training in youth suicide 68537
awareness and prevention into the in-service training required 68538
by division (A) of this section for each person employed by a 68539
school district or service center to work in a school as a 68540
nurse, teacher, counselor, school psychologist, or 68541

administrator, and any other personnel that the board determines 68542
appropriate. The board shall require each such person to undergo 68543
training in youth suicide awareness and prevention programs once 68544
every two years. For this purpose, the board ~~shall adopt or~~ 68545
~~adapt the curriculum developed by the department under section~~ 68546
~~3301.221 of the Revised Code or~~ shall develop its own curriculum 68547
in consultation with public or private agencies or persons 68548
involved in youth suicide awareness and prevention programs. 68549

The training completed under this division shall count 68550
toward the satisfaction of requirements for professional 68551
development required by the school district or service center 68552
board, ~~and the training may be accomplished through self-review~~ 68553
~~of suitable suicide prevention materials approved by the board.~~ 68554

(E) Each board shall incorporate training on child sexual 68555
abuse into the in-service training required by division (A) of 68556
this section. The training completed under this division shall 68557
count toward the satisfaction of requirements for professional 68558
development required by the school district or service center 68559
board. ~~Any training provided under this section may be presented~~ 68560
~~by either of the following, at their own discretion, so long as~~ 68561
~~they have experience in handling cases involving child sexual~~ 68562
~~abuse or child sexual violence:—~~ 68563

~~(1) Law enforcement officers;—~~ 68564

~~(2) Prosecutors~~ For this purpose, the board shall develop 68565
its own curriculum in consultation with public or private 68566
agencies or persons involved in child sexual abuse prevention or 68567
child sexual violence prevention. 68568

Sec. 3319.088. As used in this section, "educational 68569
assistant" means any nonteaching employee in a school district 68570

who directly assists a teacher as defined in section 3319.09 of 68571
the Revised Code, by performing duties for which a license 68572
issued pursuant to sections 3319.22 to 3319.30 of the Revised 68573
Code is not required. 68574

(A) Except as provided in division (G) of this section, 68575
the state board of education shall issue educational aide 68576
permits and educational paraprofessional licenses for 68577
educational assistants and shall adopt rules for the issuance 68578
and renewal of such permits and licenses which shall be 68579
consistent with the provisions of this section. Educational aide 68580
permits and educational paraprofessional licenses may be of 68581
several types and the rules shall prescribe the minimum 68582
qualifications of education and health for the service to be 68583
authorized under each type. The prescribed minimum 68584
qualifications may require special training or educational 68585
courses designed to qualify a person to perform effectively the 68586
duties authorized under an educational aide permit or 68587
educational paraprofessional license. 68588

(B) (1) Except as provided in division (G) of this section, 68589
any application for a permit or license, or a renewal or 68590
duplicate of a permit or license, under this section shall be 68591
accompanied by the payment of a fee in the amount established 68592
under division ~~(A)~~ (B) of section 3319.51 of the Revised Code. 68593
Any fees received under this division shall be paid into the 68594
state treasury to the credit of the ~~state board of education~~ 68595
~~licensure fund established under division (B) of section 3319.51~~ 68596
occupational licensing and regulatory fund established in 68597
section 4743.05 of the Revised Code. 68598

(2) Any person applying for or holding a permit or license 68599
pursuant to this section is subject to sections 3123.41 to 68600

3123.50 of the Revised Code and any applicable rules adopted 68601
under section 3123.63 of the Revised Code and sections 3319.31 68602
and 3319.311 of the Revised Code. 68603

(C) Educational assistants shall at all times while in the 68604
performance of their duties be under the supervision and 68605
direction of a teacher as defined in section 3319.09 of the 68606
Revised Code. Educational assistants may assist a teacher to 68607
whom assigned in the supervision of pupils, in assisting with 68608
instructional tasks, and in the performance of duties which, in 68609
the judgment of the teacher to whom the assistant is assigned, 68610
may be performed by a person not licensed pursuant to sections 68611
3319.22 to 3319.30 of the Revised Code and for which a teaching 68612
license, issued pursuant to sections 3319.22 to 3319.30 of the 68613
Revised Code is not required. The duties of an educational 68614
assistant shall not include the assignment of grades to pupils. 68615
The duties of an educational assistant need not be performed in 68616
the physical presence of the teacher to whom assigned, but the 68617
activity of an educational assistant shall at all times be under 68618
the direction of the teacher to whom assigned. The assignment of 68619
an educational assistant need not be limited to assisting a 68620
single teacher. In the event an educational assistant is 68621
assigned to assist more than one teacher the assignments shall 68622
be clearly delineated and so arranged that the educational 68623
assistant shall never be subject to simultaneous supervision or 68624
direction by more than one teacher. 68625

Educational assistants assigned to supervise children 68626
shall, when the teacher to whom assigned is not physically 68627
present, maintain the degree of control and discipline that 68628
would be maintained by the teacher. 68629

Educational assistants may not be used in place of 68630

classroom teachers or other employees and any payment of 68631
compensation by boards of education to educational assistants 68632
for such services is prohibited. The ratio between the number of 68633
licensed teachers and the pupils in a school district may not be 68634
decreased by utilization of educational assistants and no 68635
grouping, or other organization of pupils, for utilization of 68636
educational assistants shall be established which is 68637
inconsistent with sound educational practices and procedures. A 68638
school district may employ up to one full time equivalent 68639
educational assistant for each six full time equivalent licensed 68640
employees of the district. Educational assistants shall not be 68641
counted as licensed employees for purposes of state support in 68642
the school foundation program and no grouping or regrouping of 68643
pupils with educational assistants may be counted as a class or 68644
unit for school foundation program purposes. Neither special 68645
courses required by the regulations of the state board of 68646
education, prescribing minimum qualifications of education for 68647
an educational assistant, nor years of service as an educational 68648
assistant shall be counted in any way toward qualifying for a 68649
teacher license, for a teacher contract of any type, or for 68650
determining placement on a salary schedule in a school district 68651
as a teacher. 68652

(D) Educational assistants employed by a board of 68653
education shall have all rights, benefits, and legal protection 68654
available to other nonteaching employees in the school district, 68655
except that provisions of Chapter 124. of the Revised Code shall 68656
not apply to any person employed as an educational assistant, 68657
and shall be members of the school employees retirement system. 68658
Educational assistants shall be compensated according to a 68659
salary plan adopted annually by the board. 68660

Except as provided in this section nonteaching employees 68661

shall not serve as educational assistants without first 68662
obtaining an appropriate educational aide permit or educational 68663
paraprofessional license from the state board of education. A 68664
nonteaching employee who is the holder of a valid educational 68665
aide permit or educational paraprofessional license shall 68666
neither render nor be required to render services inconsistent 68667
with the type of services authorized by the permit or license 68668
held. No person shall receive compensation from a board of 68669
education for services rendered as an educational assistant in 68670
violation of this provision. 68671

Nonteaching employees whose functions are solely 68672
secretarial-clerical and who do not perform any other duties as 68673
educational assistants, even though they assist a teacher and 68674
work under the direction of a teacher shall not be required to 68675
hold a permit or license issued pursuant to this section. 68676

Following the determination of the assignment and general 68677
job description of an educational assistant and subject to 68678
supervision by the teacher's immediate administrative officer, a 68679
teacher to whom an educational assistant is assigned shall make 68680
all final determinations of the duties to be assigned to such 68681
assistant. Teachers shall not be required to hold a license 68682
designated for being a supervisor or administrator in order to 68683
perform the necessary supervision of educational assistants. 68684

(E) No person who is, or who has been employed as an 68685
educational assistant shall divulge, except to the teacher to 68686
whom assigned, or the administrator of the school in the absence 68687
of the teacher to whom assigned, or when required to testify in 68688
a court or proceedings, any personal information concerning any 68689
pupil in the school district which was obtained or obtainable by 68690
the educational assistant while so employed. Violation of this 68691

provision is grounds for disciplinary action or dismissal, or 68692
both. 68693

(F) Notwithstanding anything to the contrary in this 68694
section, the superintendent of a school district may allow an 68695
employee who does not hold a permit or license issued under this 68696
section to work as a substitute for an educational assistant who 68697
is absent on account of illness or on a leave of absence, or to 68698
fill a temporary position created by an emergency, provided that 68699
the superintendent believes the employee's application materials 68700
indicate that the employee is qualified to obtain a permit or 68701
license under this section. 68702

An employee shall begin work as a substitute under this 68703
division not earlier than on the date on which the employee 68704
files an application with the state board for a permit or 68705
license under this section. An employee shall cease working as a 68706
substitute under this division on the earliest of the following: 68707

(1) The date on which the employee files a valid permit or 68708
license issued under this section with the superintendent; 68709

(2) The date on which the employee is denied a permit or 68710
license under this section; 68711

(3) Sixty days following the date on which the employee 68712
began work as a substitute under this division. 68713

The superintendent shall ensure that an employee assigned 68714
to work as a substitute under division (F) of this section has 68715
undergone a criminal records check in accordance with section 68716
3319.391 of the Revised Code. 68717

(G) The state board shall issue an educational aide permit 68718
or educational paraprofessional license in accordance with 68719
Chapter 4796. of the Revised Code to an applicant if either of 68720

the following applies: 68721

(1) The applicant holds a permit or license in another 68722
state. 68723

(2) The applicant has satisfactory work experience, a 68724
government certification, or a private certification as 68725
described in that chapter as an educational aide or educational 68726
paraprofessional in a state that does not issue that permit or 68727
license or both. 68728

Sec. 3319.111. Notwithstanding section 3319.09 of the 68729
Revised Code, this section applies to any person who is employed 68730
under a teacher license issued under this chapter, or under a 68731
professional or permanent teacher's certificate issued under 68732
former section 3319.222 of the Revised Code, and who spends at 68733
least fifty per cent of the time employed providing student 68734
instruction. However, this section does not apply to any person 68735
who is employed as a substitute teacher or as an instructor of 68736
adult education. 68737

(A) The board of education of each school district, in 68738
consultation with teachers employed by the board, shall update 68739
its standards-based teacher evaluation policy to conform with 68740
either the framework for evaluation of teachers adopted under 68741
section 3319.112 of the Revised Code or a framework created or 68742
adopted by the board. The policy shall become operative at the 68743
expiration of any collective bargaining agreement covering 68744
teachers employed by the board that is in effect on November 2, 68745
2018, and shall be included in any renewal or extension of such 68746
an agreement. 68747

(B) When using measures of student performance as evidence 68748
in a teacher's evaluation, those measures shall be high-quality 68749

student data. The board of education of each school district may 68750
use data from the assessments on the list developed under 68751
division (B) (2) of section 3319.112 of the Revised Code as high- 68752
quality student data. 68753

(C) (1) The board shall conduct an evaluation of each 68754
teacher employed by the board at least once each school year, 68755
except as provided in division (C) (2) of this section. The 68756
evaluation shall be completed by the first day of May and the 68757
teacher shall receive a written report of the results of the 68758
evaluation by the tenth day of May. 68759

(2) (a) The board may evaluate each teacher who received a 68760
rating of accomplished on the teacher's most recent evaluation 68761
conducted under this section once every three school years, so 68762
long as the teacher submits a self-directed professional growth 68763
plan to the evaluator that focuses on specific areas identified 68764
in the observations and evaluation and the evaluator determines 68765
that the teacher is making progress on that plan. 68766

(b) The board may evaluate each teacher who received a 68767
rating of skilled on the teacher's most recent evaluation 68768
conducted under this section once every two years, so long as 68769
the teacher and evaluator jointly develop a professional growth 68770
plan for the teacher that focuses on specific areas identified 68771
in the observations and evaluation and the evaluator determines 68772
that the teacher is making progress on that plan. 68773

(c) For each teacher who is evaluated pursuant to division 68774
(C) (2) of this section, the evaluation shall be completed by the 68775
first day of May of the applicable school year, and the teacher 68776
shall receive a written report of the results of the evaluation 68777
by the tenth day of May of that school year. 68778

(d) The board may elect not to conduct an evaluation of a 68779
teacher who meets one of the following requirements: 68780

(i) The teacher was on leave from the school district for 68781
fifty per cent or more of the school year, as calculated by the 68782
board. 68783

(ii) The teacher has submitted notice of retirement and 68784
that notice has been accepted by the board not later than the 68785
first day of December of the school year in which the evaluation 68786
is otherwise scheduled to be conducted. 68787

~~(e) The board may elect not to conduct an evaluation of a 68788
teacher who is participating in the teacher residency program 68789
established under section 3319.223 of the Revised Code for the 68790
year during which that teacher takes, for the first time, at 68791
least half of the performance-based assessment prescribed by the 68792
state board of education for resident educators. 68793~~

(3) In any year that a teacher is not formally evaluated 68794
pursuant to division (C) of this section as a result of 68795
receiving a rating of accomplished or skilled on the teacher's 68796
most recent evaluation, an individual qualified to evaluate a 68797
teacher under division (D) of this section shall conduct at 68798
least one observation of the teacher and hold at least one 68799
conference with the teacher. The conference shall include a 68800
discussion of progress on the teacher's professional growth 68801
plan. 68802

(D) Each evaluation conducted pursuant to this section 68803
shall be conducted by one or more of the following persons who 68804
hold a credential established by the state board of education 68805
for being an evaluator: 68806

(1) A person who is under contract with the board pursuant 68807

to section 3319.01 or 3319.02 of the Revised Code and holds a 68808
license designated for being a superintendent, assistant 68809
superintendent, or principal issued under section 3319.22 of the 68810
Revised Code; 68811

(2) A person who is under contract with the board pursuant 68812
to section 3319.02 of the Revised Code and holds a license 68813
designated for being a vocational director, administrative 68814
specialist, or supervisor in any educational area issued under 68815
section 3319.22 of the Revised Code; 68816

(3) A person designated to conduct evaluations under an 68817
agreement entered into by the board, including an agreement 68818
providing for peer review entered into by the board and 68819
representatives of teachers employed by the board; 68820

(4) A person who is employed by an entity contracted by 68821
the board to conduct evaluations and who holds a license 68822
designated for being a superintendent, assistant superintendent, 68823
principal, vocational director, administrative specialist, or 68824
supervisor in any educational area issued under section 3319.22 68825
of the Revised Code or is qualified to conduct evaluations. 68826

(E) Notwithstanding division (A) (3) of section 3319.112 of 68827
the Revised Code, the board shall require at least three formal 68828
observations of each teacher who is under consideration for 68829
nonrenewal and with whom the board has entered into a limited 68830
contract or an extended limited contract under section 3319.11 68831
of the Revised Code. 68832

(F) The board shall include in its evaluation policy 68833
procedures for using the evaluation results for retention and 68834
promotion decisions and for removal of poorly performing 68835
teachers. Seniority shall not be the basis for a decision to 68836

retain a teacher, except when making a decision between teachers 68837
who have comparable evaluations. 68838

(G) For purposes of section 3333.0411 of the Revised Code, 68839
the board annually shall report to the state board the number of 68840
teachers for whom an evaluation was conducted under this section 68841
and the number of teachers assigned each rating prescribed under 68842
division (B)(1) of section 3319.112 of the Revised Code or the 68843
equivalent framework created or adopted by the board, aggregated 68844
by the teacher preparation programs from which and the years in 68845
which the teachers graduated. The state board shall establish 68846
guidelines for reporting the information required by this 68847
division. The guidelines shall not permit or require that the 68848
name of, or any other personally identifiable information about, 68849
any teacher be reported under this division. 68850

(H) Notwithstanding any provision to the contrary in 68851
Chapter 4117. of the Revised Code, the requirements of this 68852
section prevail over any conflicting provisions of a collective 68853
bargaining agreement entered into on or after November 2, 2018. 68854

Sec. 3319.173. (A) The superintendent of each school 68855
district shall assign teachers to positions based on the best 68856
interests of the students enrolled in the district. In 68857
assigning, reassigning, or transferring a teacher, whether 68858
voluntary or involuntary on the part of the teacher, the 68859
superintendent shall not use seniority or continuing contract 68860
status as the primary factor in determining the teacher's 68861
assignment. 68862

(B) Notwithstanding any provision to the contrary in 68863
section 4117.10 of the Revised Code, the requirements of this 68864
section prevail over any conflicting provisions of agreements 68865
between employee organizations and public employers entered into 68866

on or after the effective date of this section.

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Sec. 3319.223. (A) The superintendent of public instruction and the chancellor of higher education jointly shall establish the Ohio teacher residency program, which shall be a two-year, entry-level program for classroom teachers. Except as provided in division (B) of this section, the teacher residency program shall include at least the following components:

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(1) Mentoring by teachers, which may be provided online or in person. The state superintendent shall provide participants and mentors with access to online professional development resources ~~and sample videos of Ohio classroom lessons submitted for the assessment prescribed under division (A) (3) of this section at no cost.~~

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(2) Counseling, as determined necessary by the school district or school, to ensure that program participants receive needed professional development. ~~The state superintendent shall provide to each participant who does not receive a passing score on the assessment under division (A) (3) of this section, at no cost, the opportunity to meet online with an instructional coach who is a certified assessor of the assessment to review the participant's assessment score results and discuss improvement strategies and professional development.~~

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~~Participants who choose to meet with an instructional coach shall select from an online pool of instructional coaches who have completed training and are approved by the state superintendent. The characteristics of each coach's school or district, including its size, typology, and demographics, shall be made available. However, participants shall not be required to choose an instructional coach from a similar district or school.~~

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~~Participants who have not taken the assessment under~~ 68897
~~division (A) (3) of this section may meet online with~~ 68898
~~instructional coaches approved by the state superintendent if~~ 68899
~~the participant's school district or school pays the costs~~ 68900
~~associated with the meetings.~~ 68901

(3) Measures of appropriate progression through the 68902
program, ~~which shall include the performance-based assessment~~ 68903
~~prescribed by the state board of education for resident~~ 68904
~~educators. The state board shall not limit the number of~~ 68905
~~attempts to successfully complete the performance-based~~ 68906
~~assessment.~~ 68907

~~An individual may submit the assessment between the first~~ 68908
~~Tuesday of October and the first Friday of April of the~~ 68909
~~individual's second year of the program. The results of the~~ 68910
~~assessment shall be returned within thirty days unless a new~~ 68911
~~assessor is contracted, in which case the results shall be~~ 68912
~~returned in forty-five days. The teacher evaluation system~~ 68913
~~adopted under section 3319.111 of the Revised Code may be used~~ 68914
~~to assess an individual participating in the teacher residency~~ 68915
~~program.~~ 68916

(B) No individual who is teaching career-technical courses 68917
under an alternative resident educator license issued under 68918
section 3319.26 of the Revised Code or rule of the state board 68919
shall be required to ~~do either of the following:~~ 68920

~~(1) Complete~~ complete the conditions of the Ohio teacher 68921
residency program that a participant, as of September 29, 2015, 68922
would have been required to complete during the participant's 68923
first and second year of teaching under an alternative resident 68924
educator license. 68925

~~(2) Take a performance-based assessment.~~

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(C) The teacher residency program shall be aligned with the standards for teachers adopted by the state board under section 3319.61 of the Revised Code and best practices identified by the superintendent of public instruction.

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(D) Each person who holds a resident educator license issued under section 3319.22 or 3319.227 of the Revised Code or an alternative resident educator license issued under section 3319.26 of the Revised Code shall participate in the teacher residency program. Successful completion of the program shall be required to qualify any such person for a professional educator license issued under section 3319.22 of the Revised Code.

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Sec. 3319.236. (A) Except as provided in section 3313.6033 of the Revised Code or in division (B) or (E) of this section, a school district shall require an individual to hold a valid educator license in computer science, or have a license endorsement in computer technology and a passing score on a content examination in the area of computer science, to teach computer science courses.

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(B) A school district may employ an individual, for the purpose of teaching computer science courses, who holds a valid educator license, provided the individual meets the requirements established by rules of the state board of education to qualify for a supplemental teaching license for teaching computer science. The rules shall require an applicant for a supplemental teaching license to pass a content examination in the area of computer science. The rules also shall permit an individual, after at least two years of successfully teaching computer science courses under the supplemental teaching license, to advance to a standard educator license in computer science by

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completing a pedagogy course applicable to the grade levels in 68956
which the individual is teaching. However, the rules may exempt 68957
an individual teaching computer science from the requirement to 68958
complete a pedagogy course if the individual previously 68959
completed a pedagogy course applicable to the grade levels in 68960
which the individual is teaching. 68961

(C) In order for an individual to teach advanced placement 68962
computer science courses, a school district shall require the 68963
individual to also complete a professional development program 68964
endorsed or provided by the organization that creates and 68965
administers national advanced placement examinations. For this 68966
purpose, the individual may complete the program at any time 68967
during the calendar year. 68968

(D) Notwithstanding section 3301.012 of the Revised Code, 68969
as used in this section, "computer science courses" means any 68970
courses that are reported in the education management 68971
information system established under section 3301.0714 of the 68972
Revised Code as computer science courses and which are aligned 68973
to computer science standards adopted by the department of 68974
education and workforce. 68975

(E) The state board of education shall adopt rules to 68976
create a computer science teaching license for industry 68977
professionals to teach computer science to specific grades. The 68978
holder of a computer science teaching license for industry 68979
professionals shall be limited to teaching forty hours in a week 68980
in the subject area of computer science. The superintendent of 68981
public instruction shall consult with the chancellor of higher 68982
education in creating and revising the requirements for computer 68983
science teacher licensure. 68984

(F) Licenses issued under this section shall specify 68985

whether the educator is licensed to teach grades kindergarten 68986
through twelve, pre-kindergarten through five, grades four 68987
through nine, or grades seven through twelve. 68988

Sec. 3319.2310. (A) As used in this section, "other public 68989
school" has the same meaning as in section 3301.0711 of the 68990
Revised Code. 68991

(B) The department of education and workforce shall do 68992
both of the following: 68993

(1) Maintain a training course for licensed educators that 68994
serves as an introduction to the science of reading; 68995

(2) Develop a competency-based training course for 68996
licensed educators that updates and reinforces educators' 68997
knowledge and skills in the science of reading. 68998

(C) Each individual employed by a school district or other 68999
public school as a teacher, administrator, school psychologist, 69000
or speech-language pathologist shall complete training in the 69001
science of reading in accordance with division (C) of this 69002
section. 69003

(1) An individual hired by the district or other public 69004
school as a teacher or administrator prior to July 1, 2025, 69005
shall complete the training described in division (B) (2) of this 69006
section by June 30, 2030, and every five years thereafter. 69007

(2) An individual hired by the district or other public 69008
school as a teacher or administrator on or after July 1, 2025, 69009
shall complete the training described in division (B) (1) of this 69010
section within one year after the date of hire and shall 69011
complete the training described in division (B) (2) of this 69012
section every five years thereafter. However, an individual 69013
shall not be required to complete the training described in 69014

division (B) (1) of this section if the district superintendent 69015
or head administrator of the other public school has verified 69016
that the individual did either of the following within five 69017
years prior to the date of hire: 69018

(a) Completed that training or a similar training, as 69019
determined by the department; 69020

(b) Completed appropriate coursework in the science of 69021
reading as part of the individual's educator or licensure 69022
preparation program. 69023

(3) An individual employed by the district or other public 69024
school as a school psychologist or speech-language pathologist 69025
shall complete the training described in division (B) (1) of this 69026
section by June 30, 2027, and shall complete the training 69027
described in division (B) (2) of this section every five years 69028
thereafter. 69029

(D) A professional development committee established under 69030
section 3319.22 of the Revised Code shall count training 69031
described in division (B) of this section toward professional 69032
development requirements for educator licensure renewal. The 69033
committee shall permit an individual to apply any hours earned 69034
over the minimum amount of hours required for professional 69035
development coursework for licensure renewal to the next renewal 69036
period for that license. 69037

Sec. 3319.263. ~~Until July 1, 2028,~~ 69038
~~notwithstanding~~ Notwithstanding anything to the contrary in 69039
section 3319.26 of the Revised Code or any rule of the state 69040
board of education adopted under that section, the state board 69041
shall not limit the subject areas for which an individual may 69042
receive an alternative resident educator license issued under 69043

that section.

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Sec. 3319.29. Each application for any license,
certificate, or permit under this chapter, or renewal or
duplicate of such a license, certificate, or permit, shall be
accompanied by the payment of a fee in the amount established
under division ~~(A)~~ (B) of section 3319.51 of the Revised Code.
Any fees received under this section shall be paid into the
state treasury to the credit of the ~~state board of education-~~
~~licensure fund established under division (B) of section 3319.51~~
occupational licensing and regulatory fund established in
section 4743.05 of the Revised Code.

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Any person applying for or holding a license, certificate,
or permit under this chapter is subject to sections 3123.41 to
3123.50 of the Revised Code and any applicable rules adopted
under section 3123.63 of the Revised Code and sections 3319.31
and 3319.311 of the Revised Code.

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Sec. 3319.301. (A) As used in this section:

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(1) "Dropout prevention and recovery community school"-
~~means a community school established under Chapter 3314. of the~~
~~Revised Code in which a majority of the students are enrolled in~~
~~a dropout prevention and recovery program that is operated by~~
~~the school~~ has the same meaning as in section 3314.02 of the
Revised Code.

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(2) "Industry-recognized credential program" means a
career-technical course in which a student may earn an industry-
recognized credential approved under section 3313.6113 of the
Revised Code.

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(3) "STEM school" means a science, technology,
engineering, and mathematics school established under Chapter

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3326. of the Revised Code.

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(B) The state board of education shall issue permits to individuals who are not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who are otherwise qualified, to teach classes for not more than a total of twelve hours a week, except that an individual teaching in a STEM school or an individual teaching an industry-recognized credential program offered at a dropout prevention and recovery community school may teach classes for not more than a total of forty hours a week. The state board, by rule, shall set forth the qualifications, other than licensure under sections 3319.22 to 3319.30 of the Revised Code, to be met by individuals in order to be issued a permit as provided in this section. Such qualifications shall include the possession of a baccalaureate, master's, or doctoral degree in, or significant experience related to, the subject the individual is to teach. For an individual assigned to teach a career-technical class, significant experience related to a subject shall include career-technical experience. Applications for permits pursuant to this section shall be made in accordance with section 3319.29 of the Revised Code. A permit issued under this section shall be renewable.

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The state board, by rule, shall authorize the board of education of each school district and each STEM school to engage individuals holding permits issued under this section to teach classes for not more than the total number of hours a week specified in the permit. The rules shall include provisions with regard to each of the following:

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(1) That a board of education or STEM school shall engage a nonlicensed individual to teach pursuant to this section on a

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volunteer basis, or by entering into a contract with the 69103
individual or the individual's employer on such terms and 69104
conditions as are agreed to between the board or school and the 69105
individual or the individual's employer; 69106

(2) That an employee of the board of education or STEM 69107
school who is licensed under sections 3319.22 to 3319.30 of the 69108
Revised Code shall directly supervise a nonlicensed individual 69109
who is engaged to teach pursuant to this section until the 69110
superintendent of the school district or the chief 69111
administrative officer of the STEM school is satisfied that the 69112
nonlicensed individual has sufficient understanding of, and 69113
experience in, effective teaching methods to teach without 69114
supervision. 69115

(C) A nonlicensed individual engaged to teach pursuant to 69116
this section is a teacher for the purposes of Title XXXIII of 69117
the Revised Code except for the purposes of Chapters 3307. and 69118
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 69119
an individual is not an employee of the board of education or 69120
STEM school for the purpose of Titles I or XLI or Chapter 3309. 69121
of the Revised Code. 69122

(D) Students enrolled in a class taught by a nonlicensed 69123
individual pursuant to this section and rules adopted thereunder 69124
shall receive the same credit as if the class had been taught by 69125
an employee licensed pursuant to sections 3319.22 to 3319.30 of 69126
the Revised Code. 69127

(E) No board of education of any school district shall 69128
engage any one or more nonlicensed individuals if such 69129
employment displaces from employment an existing licensed 69130
employee of the district. 69131

(F) Chapter 4796. of the Revised Code does not apply to 69132
permits issued under this section. 69133

Sec. 3319.311. (A) (1) The state board of education, or the 69134
superintendent of public instruction on behalf of the board, may 69135
investigate any information received about a person that 69136
reasonably appears to be a basis for action under section 69137
3319.31 of the Revised Code, including information received 69138
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 69139
3328.19, 5126.253, or 5153.176 of the Revised Code. Except as 69140
provided in division (A) (2) of this section, the board shall 69141
contract with the office of the Ohio attorney general to conduct 69142
any investigation of that nature. The board shall pay for the 69143
costs of the contract only from moneys in the ~~state board of~~ 69144
~~education licensure fund established under section 3319.51 of~~ 69145
occupational licensing and regulatory fund established in 69146
section 4743.05 of the Revised Code. Except as provided in 69147
division (A) (2) of this section, all information received 69148
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 69149
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 69150
information obtained during an investigation is confidential and 69151
is not a public record under section 149.43 of the Revised Code. 69152
If an investigation is conducted under this division regarding 69153
information received about a person and no action is taken 69154
against the person under this section or section 3319.31 of the 69155
Revised Code within two years of the completion of the 69156
investigation, all records of the investigation shall be 69157
expunged. 69158

(2) In the case of a person about whom the board has 69159
learned of a plea of guilty to, finding of guilt by a jury or 69160
court of, or a conviction of an offense listed in division (C) 69161
of section 3319.31 of the Revised Code, or substantially 69162

comparable conduct occurring in a jurisdiction outside this 69163
state, the board or the superintendent of public instruction 69164
need not conduct any further investigation and shall take the 69165
action required by division (C) or (F) of that section. Except 69166
as provided in division (G) of this section, all information 69167
obtained by the board or the superintendent of public 69168
instruction pertaining to the action is a public record under 69169
section 149.43 of the Revised Code. 69170

(B) The superintendent of public instruction shall review 69171
the results of each investigation of a person conducted under 69172
division (A)(1) of this section and shall determine, on behalf 69173
of the state board, whether the results warrant initiating 69174
action under division (B) of section 3319.31 of the Revised 69175
Code. The superintendent shall advise the board of such 69176
determination at a meeting of the board. Within fourteen days of 69177
the next meeting of the board, any member of the board may ask 69178
that the question of initiating action under section 3319.31 of 69179
the Revised Code be placed on the board's agenda for that next 69180
meeting. Prior to initiating that action against any person, the 69181
person's name and any other personally identifiable information 69182
shall remain confidential. 69183

(C) The board shall take no action against a person under 69184
division (B) of section 3319.31 of the Revised Code without 69185
providing the person with written notice of the charges and with 69186
an opportunity for a hearing in accordance with Chapter 119. of 69187
the Revised Code. 69188

(D) For purposes of an investigation under division (A)(1) 69189
of this section or a hearing under division (C) of this section 69190
or under division (E)(2) of section 3319.31 of the Revised Code, 69191
the board, or the superintendent on behalf of the board, may 69192

administer oaths, order the taking of depositions, issue 69193
subpoenas, and compel the attendance of witnesses and the 69194
production of books, accounts, papers, records, documents, and 69195
testimony. The issuance of subpoenas under this division may be 69196
by certified mail, regular mail with a certificate of mailing, 69197
or other form of delivery with proof of delivery, including 69198
electronic delivery with electronic proof of delivery, or 69199
personal delivery to the person. 69200

(E) The superintendent, on behalf of the board, may enter 69201
into a consent agreement with a person against whom action is 69202
being taken under division (B) of section 3319.31 of the Revised 69203
Code. The board may adopt rules governing the superintendent's 69204
action under this division. 69205

(F) No surrender of a license shall be effective until the 69206
board takes action to accept the surrender unless the surrender 69207
is pursuant to a consent agreement entered into under division 69208
(E) of this section. 69209

(G) The name of any person who is not required to report 69210
information under section 3314.40, 3319.313, 3326.24, 3328.19, 69211
5126.253, or 5153.176 of the Revised Code, but who in good faith 69212
provides information to the state board or superintendent of 69213
public instruction about alleged misconduct committed by a 69214
person who holds a license or has applied for issuance or 69215
renewal of a license, shall be confidential and shall not be 69216
released. Any such person shall be immune from any civil 69217
liability that otherwise might be incurred or imposed for 69218
injury, death, or loss to person or property as a result of the 69219
provision of that information. 69220

(H) (1) No person shall knowingly make a false report to 69221
the superintendent of public instruction or the state board of 69222

education alleging misconduct by an employee of a public or 69223
chartered nonpublic school or an employee of the operator of a 69224
community school established under Chapter 3314. or a college- 69225
preparatory boarding school established under Chapter 3328. of 69226
the Revised Code. 69227

(2) (a) In any civil action brought against a person in 69228
which it is alleged and proved that the person violated division 69229
(H) (1) of this section, the court shall award the prevailing 69230
party reasonable attorney's fees and costs that the prevailing 69231
party incurred in the civil action or as a result of the false 69232
report that was the basis of the violation. 69233

(b) If a person is convicted of or pleads guilty to a 69234
violation of division (H) (1) of this section, if the subject of 69235
the false report that was the basis of the violation was charged 69236
with any violation of a law or ordinance as a result of the 69237
false report, and if the subject of the false report is found 69238
not to be guilty of the charges brought against the subject as a 69239
result of the false report or those charges are dismissed, the 69240
court that sentences the person for the violation of division 69241
(H) (1) of this section, as part of the sentence, shall order the 69242
person to pay restitution to the subject of the false report, in 69243
an amount equal to reasonable attorney's fees and costs that the 69244
subject of the false report incurred as a result of or in 69245
relation to the charges. 69246

Sec. 3319.51. ~~(A)(1)~~(A) As used in this section, 69247
"operating expenses" includes the cost of administering 69248
requirements related to the issuance and renewal of licenses, 69249
certificates, or permits described in this chapter and sections 69250
3301.071 and 3301.074 of the Revised Code and any other cost 69251
incurred by the state board of education to perform a duty 69252

prescribed by law.

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(B) The state board of education shall annually establish
the amount of the fees required to be paid for any license,
certificate, or permit issued under this chapter or division (B)
of section 3301.071 or section 3301.074 of the Revised Code.
Except as provided in division ~~(A)(2)~~ (C) of this section, the
amount of these fees shall be such that they, along with any
appropriation made ~~to the fund established under division (B) of~~
~~this section~~ by the general assembly, will be sufficient to
cover the annual estimated ~~cost of administering the~~
~~requirements related to the issuance and renewal of licenses,~~
~~certificates, and permits described in this chapter and sections~~
~~3301.071 and 3301.074 of the Revised Code~~ operating expenses of
the state board.

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~~(2)~~ (C) The state board shall not require any fee to be
paid under division ~~(A)(1)~~ (B) of this section for a license,
certificate, or permit issued for the purpose of teaching in a
junior reserve officer training corps (JROTC) program approved
by the congress of the United States under title 10 of the
United States Code.—

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~~(B) There is hereby established in the state treasury the~~
~~state board of education licensure fund, which shall be used by~~
~~the state board of education to pay the state board's operating~~
~~expenses, including any cost incurred to perform a duty~~
~~prescribed by law and the cost of administering requirements~~
~~related to the issuance and renewal of licenses, certificates,~~
~~and permits described in this chapter and sections 3301.071 and~~
~~3301.074 of the Revised Code. The fund shall consist of the~~
~~amounts paid into the fund pursuant to division (B) of section~~
~~3301.071 and sections 3301.074 and 3319.29 of the Revised Code~~

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~~and any appropriations to the fund by the general assembly.~~ 69283

(D) The operating expenses of the state board shall be 69284
paid primarily from, and all license, certificate, or permit 69285
fees received by the state board shall be deposited in, the 69286
state treasury to the credit of the occupational licensing and 69287
regulatory fund established in section 4743.05 of the Revised 69288
Code. 69289

Sec. 3320.04. Each school district board of education 69290
shall adopt a policy that reasonably accommodates the sincerely 69291
held religious beliefs and practices of individual students with 69292
regard to all examinations or other academic requirements and 69293
absences for reasons of faith or religious or spiritual belief 69294
system. The policy shall satisfy all of the following 69295
conditions: 69296

(A) The policy shall permit a student in any of grades 69297
kindergarten through twelve to be absent for up to three 69298
religious expression days each school year to take holidays for 69299
reasons of faith or religious or spiritual belief system or 69300
participate in organized activities conducted under the auspices 69301
of a religious denomination, church, or other religious or 69302
spiritual organization. The district shall not impose an 69303
academic penalty as a result of a student being absent as 69304
permitted in the policy. The policy shall also permit students 69305
to participate in interscholastic athletics or other 69306
extracurricular activities on days in which the student was 69307
otherwise absent for a religious expression day. 69308

(B) (1) The policy shall require that students be provided 69309
with alternative accommodations with regard to examinations and 69310
other academic requirements missed due to an absence described 69311
in division (A) of this section if not later than fourteen 69312

school days after the first day of school, or fourteen school 69313
days after the date of enrollment for a student who transfers to 69314
or enrolls in the district after the first day of school, the 69315
parent or guardian of a student provides the school principal 69316
with written notice of up to three specific dates for which 69317
alternative accommodations are requested, if an absence approved 69318
under division (B) (2) of this section conflicts with an 69319
examination or other academic requirement on that date. 69320

(2) The school principal shall approve not more than three 69321
written requests per school year from a student's parent or 69322
guardian for an excused absence under division (A) of this 69323
section. The school principal shall approve such requests 69324
without inquiry into the sincerity of a student's religious or 69325
spiritual belief system. However, the school principal may 69326
verify a request received under division (A) of this section by 69327
contacting the parent or guardian whose signature appears on the 69328
request. If a parent or guardian disputes having signed such a 69329
request, the school principal may deny the request. Upon 69330
approval of a request that satisfies division (B) (1) of this 69331
section, a school principal shall require the appropriate 69332
classroom teacher or teachers to schedule a time and date for an 69333
alternative examination or other academic requirement if the 69334
approved student absence creates a conflict, which may be before 69335
or after the time and date the examination or other academic 69336
requirement was originally scheduled. 69337

(C) The policy shall require the district board to post 69338
both of the following in a prominent location on the district's 69339
web site: 69340

(1) A copy of the policy adopted under this section, which 69341
shall include the contact information of an individual who can 69342

provide further information about the policy; 69343

(2) A nonexhaustive list of major religious holidays, 69344
festivals, and religious observations, which may include, Eid, 69345
Good Friday, Rosh Hashanah, Yom Kippur, and Passover, for which 69346
an excused absence under this section shall not be unreasonably 69347
withheld or denied. 69348

The director of education and workforce shall provide each 69349
district with a nonexhaustive list of major religious holidays 69350
or festivals for the next two school years, including Eid, Good 69351
Friday, Rosh Hashanah, Yom Kippur, and Passover, at the 69352
beginning of each school year. Each district may adopt the 69353
director's list in its entirety or choose which holidays to 69354
include on its list. 69355

Each time a district's policy is posted, printed, or 69356
published, including as described in divisions (C) and (D) of 69357
this section, the district shall include a statement that the 69358
list is nonexhaustive, and the list may not be used to deny 69359
accommodation to a student for a holiday or festival of the 69360
student's faith or religious or spiritual belief system that 69361
does not appear on the list. 69362

Nothing in this section, and no inclusion or exclusion of 69363
a religious holiday or festival on the list posted by a 69364
district, shall preclude a student from full and reasonable 69365
accommodations for any sincerely held religious beliefs and 69366
practices with regard to all examinations or other academic 69367
requirements and absences for reasons of faith or religious or 69368
spiritual belief system provided under this section. 69369

(D) The policy shall require school districts annually to 69370
convey to parents and guardians the policy adopted under this 69371

section, including a description of the general procedure for 69372
requesting accommodations. The manner in which the school 69373
district conveys the information shall be determined at the 69374
discretion of the district. 69375

(E) The policy shall include a procedure under which a 69376
student, parent, or guardian may notify the district of any 69377
grievance with regard to the implementation of the policy 69378
required under this section. 69379

(F) Any days excused under this section shall not be 69380
considered in determining absence hours for the purposes of 69381
parental notification under ~~division (C) (1) of~~ section 3321.191 69382
of the Revised Code. 69383

Sec. 3321.043. (A) As used in this section, "driver 69384
education course" means a private driver training course 69385
approved by the director of public safety in accordance with 69386
Chapter 4508. of the Revised Code. 69387

(B) If a high school student enrolled in a school district 69388
is absent from school for the sole purpose of attending a driver 69389
education course, the district shall count that absence as an 69390
excused absence, up to a maximum of eight hours for that 69391
student. The student shall only be absent for up to two hours 69392
per day for not more than four days in meeting the maximum eight 69393
hours authorized by this section. The days may be 69394
nonconsecutive. No student may be released from a core 69395
curriculum subject course to attend a driver education course. 69396

(C) The district shall require any student absent from 69397
school in accordance with this section to complete any classroom 69398
assignments that the student misses because of the absence. 69399

Sec. 3321.16. (A) An attendance officer or assistant 69400

provided for by section 3321.14 or 3321.15 of the Revised Code 69401
may investigate any case of nonattendance at school or part-time 69402
school of a child under eighteen years of age or supposed to be 69403
under eighteen years of age resident in the district for which 69404
such attendance officer or assistant is employed, or of any such 69405
child found in the district or enrolled in any school within the 69406
district and of any child above eighteen years of age if 69407
enrolled in any school within the district, and may take such 69408
action as the superintendent of schools directs or as such 69409
attendance officer or assistant deems proper in the absence of 69410
specific direction. 69411

(B)(1) Subject to divisions (B)(2) and (3) of this 69412
section, the attendance officer shall file a complaint in the 69413
juvenile court against ~~a student on the sixty-first day after~~ 69414
~~the implementation of an absence intervention plan or other~~ 69415
~~intervention strategies, provided that all~~ any student to which 69416
any of the following apply: 69417

(a) The student was absent without legitimate excuse from 69418
the public school the child is supposed to attend for thirty or 69419
more consecutive hours~~7~~. 69420

(b) The student was absent without legitimate excuse from 69421
the public school the child is supposed to attend for forty-two 69422
or more hours in one school month~~7~~~~or~~. 69423

(c) The student was absent without legitimate excuse from 69424
the public school the child is supposed to attend for seventy- 69425
two or more hours in a school year. 69426

~~(b) The school district or school has made meaningful~~ 69427
~~attempts to re-engage the student through the absence~~ 69428
~~intervention plan, other intervention strategies, and any~~ 69429

~~offered alternatives to adjudication described under division~~ 69430
~~(C) (2) (b) of section 3321.191 of the Revised Code.~~ 69431

~~(c) The student has refused to participate in or failed to~~ 69432
~~make satisfactory progress on the plan, as determined by the~~ 69433
~~absence intervention team, or any offered intervention~~ 69434
~~strategies or alternative to adjudication.~~ 69435

~~(2) If the student, at any time during the implementation~~ 69436
~~phase of the absence intervention plan or other intervention~~ 69437
~~strategies, is absent without legitimate excuse for thirty or~~ 69438
~~more consecutive hours or forty-two or more hours in one school~~ 69439
~~month, the attendance officer shall file a complaint in juvenile~~ 69440
~~court against that student, unless the absence intervention team~~ 69441
~~has determined that the student has made substantial progress on~~ 69442
~~the absence intervention plan~~ student's district or school 69443
determines that the student and the student's family are making 69444
satisfactory progress in improving the student's attendance at 69445
school, the attendance officer shall not file a complaint. 69446

~~(3) In the event that the sixty-first day after the~~ 69447
~~implementation of the absence intervention plan or other~~ 69448
~~intervention strategies falls on a day during the summer months,~~ 69449
~~in the school district's discretion, the absence intervention~~ 69450
~~team or the attendance officer may extend the implementation of~~ 69451
~~the plan and delay the filing of the complaint for an additional~~ 69452
~~thirty days from the first day of instruction of the next school~~ 69453
~~year~~ If no determination of progress under division (B) (2) of 69454
this section is made, or if the student and the student's family 69455
cease to continue making progress in improving the student's 69456
attendance, the attendance officer shall file a complaint in the 69457
juvenile court against the student. 69458

A complaint filed in the juvenile court under division 69459

(B) (3) of this section shall allege that the child is an unruly 69460
child for being a habitual truant and that the parent, guardian, 69461
or other person having care of the child has violated section 69462
3321.38 of the Revised Code. 69463

Sec. 3321.19. (A) As used in this section and section 69464
~~3321.191~~ 3321.16 of the Revised Code, "habitual truant" has the 69465
same meaning as in section 2151.011 of the Revised Code. 69466

(B) When a board of education of any city, exempted 69467
village, local, joint vocational, or cooperative education 69468
school district or the governing board of any educational 69469
service center determines that a student in its district has 69470
been truant and the parent, guardian, or other person having 69471
care of the child has failed to cause the student's attendance 69472
at school, the board may require the parent, guardian, or other 69473
person having care of the child pursuant to division (B) of this 69474
section to attend an educational program established pursuant to 69475
rules adopted by the department of education and workforce for 69476
the purpose of encouraging parental involvement in compelling 69477
the attendance of the child at school. 69478

No parent, guardian, or other person having care of a 69479
child shall fail without good cause to attend an educational 69480
program described in this division if the parent, guardian, or 69481
other person has been served notice pursuant to division (C) of 69482
this section. 69483

(C) On the request of the superintendent of schools, the 69484
superintendent of any educational service center, the board of 69485
education of any city, exempted village, local, joint 69486
vocational, or cooperative education school district, or the 69487
governing board of any educational service center or when it 69488
otherwise comes to the notice of the attendance officer or other 69489

appropriate officer of the school district, the attendance 69490
officer or other appropriate officer shall examine into any case 69491
of supposed truancy within the district and shall warn the 69492
child, if found truant, and the child's parent, guardian, or 69493
other person having care of the child, in writing, of the legal 69494
consequences of being truant. When any child of compulsory 69495
school age, in violation of law, is not attending school, the 69496
attendance or other appropriate officer shall notify the parent, 69497
guardian, or other person having care of that child of the fact, 69498
and require the parent, guardian, or other person to cause the 69499
child to attend school immediately. The parent, guardian, or 69500
other person having care of the child shall cause the child's 69501
attendance at school. Upon the failure of the parent, guardian, 69502
or other person having care of the child to do so, the 69503
attendance officer or other appropriate officer, if so directed 69504
by the superintendent, the district board, or the educational 69505
service center governing board, shall send notice requiring the 69506
attendance of that parent, guardian, or other person at a 69507
parental education program established pursuant to division (B) 69508
of this section and, ~~subject to divisions (D) and (E) of this~~ 69509
~~section,~~ may file a complaint against the parent, guardian, or 69510
other person having care of the child in any court of competent 69511
jurisdiction. 69512

~~(D) (1) Upon the failure of the parent, guardian, or other~~ 69513
~~person having care of the child to cause the child's attendance~~ 69514
~~at school, if the child is considered an habitual truant, the~~ 69515
~~board of education of the school district or the governing board~~ 69516
~~of the educational service center, within ten days, subject to~~ 69517
~~division (E) of this section, shall assign the student to an~~ 69518
~~absence intervention team as described in division (C) of~~ 69519
~~section 3321.191 of the Revised Code.~~ 69520

~~(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.~~

~~(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, the attendance officer shall file a complaint, provided that the conditions described in division (B) of section 3321.16 of the Revised Code are satisfied.~~

Sec. 3321.191. (A) As used in this section, "chronically absent" means missing at least ten per cent of the minimum number of hours required in the school year under section 3313.48 of the Revised Code for the school a student attends.

(B) Not later than August 1, 2026, the board of education

of each school district shall adopt a policy to address student 69551
absences. In developing the policy, the board shall consult with 69552
the juvenile court of the county or counties in which the 69553
district is located; the parents, guardians, or other persons 69554
having care of a student attending school in the district; and 69555
appropriate state and local agencies. 69556

(C) The policy adopted under division (B) of this section 69557
shall do all of the following: 69558

(1) Acknowledge that student absences from school for any 69559
reason, whether excused or unexcused, take away from 69560
instructional time and have an adverse effect on student 69561
learning; 69562

(2) Identify strategies to prevent students from becoming 69563
chronically absent; 69564

(3) Include procedures for notifying a student's parent, 69565
guardian, or custodian when the student has been absent from 69566
school for a number of hours determined by the board, which 69567
number shall not exceed five per cent of the minimum number of 69568
hours required in the school year under section 3313.48 of the 69569
Revised Code for the school the student attends; 69570

(4) Establish a tiered system that provides more intensive 69571
interventions and supports for students with greater numbers of 69572
absences and includes resources to help students and their 69573
families address the root causes of the absences; 69574

(5) Provide for one or more absence intervention teams to 69575
work with students at risk of becoming chronically absent and 69576
their families to improve the students' attendance at school; 69577

(6) Prohibit suspending, expelling, or otherwise 69578
preventing a student from attending school based on the 69579

student's absences as prescribed by section 3313.668 of the 69580
Revised Code. 69581

(D) The policy shall align with any other district or 69582
school improvement plan developed pursuant to state or federal 69583
law. 69584

(E) A district or school may consult or partner with 69585
public, nonprofit, or private entities to provide assistance as 69586
appropriate to students and their families in reducing absences. 69587

Sec. 3321.22. ~~(A) Except as provided in division (B) of~~ 69588
~~this section, if~~ If a complaint is filed against the parent, 69589
guardian, or other person in charge of a child for a failure to 69590
cause the child to attend school or a part-time school or class 69591
and if the parent, guardian, or other person proves an inability 69592
to do so, then the parent, guardian, or other person in charge 69593
of a child shall be discharged. Upon the discharge, the 69594
attendance officer shall file a complaint before the judge of 69595
the juvenile court of the county alleging that the child is a 69596
delinquent child, unruly child, or dependent child within the 69597
meaning of section 2151.022, 2151.04, or 2152.02 of the Revised 69598
Code. The judge shall hear the complaint and if the judge 69599
determines that the child is a delinquent, unruly, or dependent 69600
child within one of those sections the judge shall deal with the 69601
child according to section 2151.35 or 2151.36 of the Revised 69602
Code. 69603

~~(B) Division (A) of this section does not apply regarding~~ 69604
~~a complaint filed under division (D) or (E) of section 3321.19~~ 69605
~~of the Revised Code or otherwise filed and alleging that a child~~ 69606
~~is an habitual truant.~~ 69607

Sec. 3323.32. ~~(A)~~ The department of education and 69608

workforce shall contract with an entity to administer programs 69609
and coordinate services for infants, preschool and school-age 69610
children, and adults with autism and low incidence disabilities. 69611
The entity shall be selected by the director of education and 69612
workforce in consultation with the director of children and 69613
youth and the advisory board established under section 3323.33 69614
of the Revised Code. 69615

When applicable, the department of children and youth 69616
shall contract with an entity to administer programs and 69617
coordinate services for infants, preschool and school-age 69618
children, and adults with autism and low incidence disabilities. 69619
The entity shall be selected by the director of children and 69620
youth in consultation with the director of education and 69621
workforce and the advisory board established under section 69622
3323.33 of the Revised Code. 69623

~~The contract with the entity selected~~ Any contract entered 69624
into under this section shall include, but not be limited to, 69625
the following provisions: 69626

~~(1)~~ (A) A description of the programs to be administered 69627
and services to be provided or coordinated by the entity, which 69628
shall include at least the duties prescribed by sections 3323.34 69629
and 3323.35 of the Revised Code; 69630

~~(2)~~ (B) A description of the expected outcomes from the 69631
programs administered and services provided or coordinated by 69632
the entity; 69633

~~(3)~~ (C) A stipulation that the entity's performance is 69634
subject to evaluation by the contracting department and renewal 69635
of the entity's contract is subject to the department's 69636
satisfaction with the entity's performance; 69637

~~(4)(D)~~ A description of the measures and milestones the 69638
contracting department will use to determine whether the 69639
performance of the entity is satisfactory; 69640

~~(5)(E)~~ Any other provision the contracting department 69641
determines is necessary to ensure the quality of services to 69642
individuals with autism and low incidence disabilities. 69643

~~(B) In selecting the entity under division (A) of this~~ 69644
~~section, the director of education and workforce, the director~~ 69645
~~of children and youth, and the advisory board shall give primary~~ 69646
~~consideration to the Ohio Center for Autism and Low Incidence,~~ 69647
~~established under section 3323.31 of the Revised Code, as long~~ 69648
~~as the principal goals and mission of the Center, as determined~~ 69649
~~by the director, the director, and the advisory board, are~~ 69650
~~consistent with the requirements of divisions (A) (1) to (5) of~~ 69651
~~this section.~~ 69652

Sec. 3325.08. (A) A diploma shall be granted by the 69653
superintendent of Ohio deaf and blind education services to any 69654
student enrolled in the state school for the blind or the state 69655
school for the deaf to whom all of the following apply: 69656

(1) The student has successfully completed the curriculum 69657
in any high school or the individualized education program 69658
developed for the student for the student's high school 69659
education pursuant to section 3323.08 of the Revised Code; 69660

(2) Subject to section 3313.614 of the Revised Code, the 69661
student has met the assessment requirements of division (A) (2) 69662
(a) or (b) of this section, as applicable. 69663

(a) If the student entered the ninth grade prior to July 69664
1, 2014, the student either: 69665

(i) Has attained at least the applicable scores designated 69666

under division (B) (1) of section 3301.0710 of the Revised Code 69667
on all the assessments prescribed by that division unless 69668
division (L) of section 3313.61 of the Revised Code applies to 69669
the student; 69670

(ii) Has satisfied the alternative conditions prescribed 69671
in section 3313.615 of the Revised Code. 69672

(b) If the student entered the ninth grade on or after 69673
July 1, 2014, the student has met the requirement prescribed by 69674
section 3313.618 of the Revised Code, except to the extent that 69675
division (L) of section 3313.61 of the Revised Code applies to 69676
the student. 69677

(3) The student is not eligible to receive an honors 69678
diploma granted pursuant to division (B) of this section. 69679

No diploma shall be granted under this division to anyone 69680
except as provided under this division. 69681

(B) In lieu of a diploma granted under division (A) of 69682
this section, the superintendent of Ohio deaf and blind 69683
education services shall grant an honors diploma, in the same 69684
manner that the boards of education of school districts grant 69685
such diplomas under division (B) of section 3313.61 of the 69686
Revised Code, to any student enrolled in the state school for 69687
the blind or the state school for the deaf who accomplishes all 69688
of the following: 69689

(1) Successfully completes the curriculum in any high 69690
school or the individualized education program developed for the 69691
student for the student's high school education pursuant to 69692
section 3323.08 of the Revised Code; 69693

(2) Subject to section 3313.614 of the Revised Code, has 69694
met the assessment requirements of division (B) (2) (a) or (b) of 69695

this section, as applicable. 69696

(a) If the student entered the ninth grade prior to July 69697
1, 2014, the student either: 69698

(i) Has attained at least the applicable scores designated 69699
under division (B)(1) of section 3301.0710 of the Revised Code 69700
on all the assessments prescribed under that division; 69701

(ii) Has satisfied the alternative conditions prescribed 69702
in section 3313.615 of the Revised Code. 69703

(b) If the student entered the ninth grade on or after 69704
July 1, 2014, the student has met the requirement prescribed by 69705
section 3313.618 of the Revised Code. 69706

(3) Has met additional criteria for granting an honors 69707
diploma. 69708

These additional criteria shall be the same as those 69709
prescribed by the ~~state board~~ department of education and 69710
workforce under division (B) of section 3313.61 of the Revised 69711
Code for the granting of such diplomas by school districts. No 69712
honors diploma shall be granted to anyone failing to comply with 69713
this division and not more than one honors diploma shall be 69714
granted to any student under this division. 69715

(C) A diploma or honors diploma awarded under this section 69716
shall be signed by the director of education and workforce and 69717
the superintendent of Ohio deaf and blind education services. 69718
Each diploma shall bear the date of its issue and be in such 69719
form as the superintendent of Ohio deaf and blind education 69720
services prescribes. 69721

(D) Upon granting a diploma to a student under this 69722
section, the superintendent of Ohio deaf and blind education 69723

services shall provide notice of receipt of the diploma to the 69724
board of education of the school district where the student is 69725
entitled to attend school under section 3313.64 or 3313.65 of 69726
the Revised Code when not residing at the state school for the 69727
blind or the state school for the deaf. The notice shall 69728
indicate the type of diploma granted. 69729

Sec. 3325.16. There is hereby created in the state 69730
treasury the state school for the deaf educational program 69731
expenses fund. Moneys received by Ohio deaf and blind education 69732
services for the state school for the deaf from donations, 69733
bequests, student fundraising activities, fees charged for camps 69734
and workshops, gate receipts from athletic contests, and the 69735
student work experience program operated by the school, and any 69736
other moneys designated for deposit in the fund by the 69737
superintendent of Ohio deaf and blind education services, shall 69738
be credited to the fund. All investment earnings on money in the 69739
fund shall be credited to the fund. Notwithstanding section 69740
3325.01 of the Revised Code, the approval of the department of 69741
education and workforce is not required to designate money for 69742
deposit into the fund. Ohio deaf and blind education services 69743
shall use moneys in the fund for educational programs, after- 69744
school activities, and expenses associated with student 69745
activities and clubs at the state school for the deaf. 69746

Sec. 3325.17. There is hereby created in the state 69747
treasury the state school for the blind educational program 69748
expense fund. Moneys received by Ohio deaf and blind education 69749
services for the state school for the blind from donations, 69750
bequests, student fundraising activities, fees charged for 69751
camps, workshops, and summer work and learn cooperative 69752
programs, gate receipts from school activities, and any other 69753
moneys designated for deposit in the fund by the superintendent 69754

of Ohio deaf and blind education services, shall be credited to 69755
the fund. All investment earnings on money in the fund shall be 69756
credited to the fund. Notwithstanding section 3325.01 of the 69757
Revised Code, the approval of the department of education and 69758
workforce is not required to designate money for deposit into 69759
the fund. Ohio deaf and blind education services shall use 69760
moneys in the fund for educational programs, after-school 69761
activities, and expenses associated with student activities at 69762
the state school for the blind. 69763

Sec. 3326.11. Each science, technology, engineering, and 69764
mathematics school established under this chapter and its 69765
governing body shall comply with sections 9.90, 9.91, 109.65, 69766
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 69767
3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, — 69768
3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 69769
3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 69770
3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 69771
3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023, 69772
3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.61, 69773
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 69774
3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 69775
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 69776
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 69777
3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 69778
3313.7118, 3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 69779
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 69780
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 69781
3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 69782
3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.90, 69783
3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 69784
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 69785

3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 69786
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 69787
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 69788
4167. of the Revised Code as if it were a school district. 69789

Sec. 3326.44. For fiscal years ~~2024-2026~~ and ~~2025~~2027, a 69790
STEM school shall spend the funding it receives under division 69791
(A) (5) of section 3317.022 of the Revised Code only for services 69792
for English learners. 69793

Sec. 3326.51. (A) As used in this section: 69794

(1) "Resident district" has the same meaning as in section 69795
3326.31 of the Revised Code. 69796

(2) "STEM school sponsoring district" means a municipal, 69797
city, local, or exempted village school district that governs 69798
and controls a STEM school pursuant to this section. 69799

(B) Notwithstanding any other provision of this chapter to 69800
the contrary: 69801

(1) If a proposal for a STEM school submitted under 69802
section 3326.03 of the Revised Code proposes that the governing 69803
body of the school be the board of education of a municipal, 69804
city, local, or exempted village school district that is one of 69805
the partners submitting the proposal, and the STEM committee 69806
approves that proposal, that school district board shall govern 69807
and control the STEM school as one of the schools of its 69808
district. 69809

(2) The STEM school sponsoring district shall maintain a 69810
separate accounting for the STEM school as a separate and 69811
distinct operational unit within the district's finances. ~~The~~ 69812
~~auditor of state, in the course of an annual or biennial audit~~ 69813
~~of the school district serving as the STEM school sponsoring~~ 69814

~~district, shall audit that school district for compliance with~~ 69815
~~the financing requirements of this section.~~ 69816

(3) With respect to students enrolled in a STEM school 69817
whose resident district is the STEM school sponsoring district: 69818

(a) The department of education and workforce shall make 69819
payments to the school in accordance with section 3317.022 of 69820
the Revised Code from the STEM school sponsoring district's 69821
state payments. 69822

(b) The STEM school sponsoring district is responsible for 69823
providing children with disabilities with a free appropriate 69824
public education under Chapter 3323. of the Revised Code. 69825

(c) The STEM school sponsoring district shall provide 69826
student transportation in accordance with laws and policies 69827
generally applicable to the district. 69828

(4) With respect to students enrolled in the STEM school 69829
whose resident district is another school district, the 69830
department shall consider the students as open enrollment 69831
students and shall make payments to the school in accordance 69832
with section 3317.022 of the Revised Code. 69833

(5) A STEM school sponsoring district and its board may 69834
assign its district employees to the STEM school, in which case 69835
section 3326.18 of the Revised Code shall not apply. The 69836
district and board may apply any other resources of the district 69837
to the STEM school in the same manner that it applies district 69838
resources to other district schools. 69839

(6) Provisions of this chapter requiring a STEM school and 69840
its governing body to comply with specified laws as if it were a 69841
school district and in the same manner as a board of education 69842
shall instead require such compliance by the STEM school 69843

sponsoring district and its board of education, respectively, 69844
with respect to the STEM school. Where a STEM school or its 69845
governing body is required to perform a specific duty or 69846
permitted to take a specific action under this chapter, that 69847
duty is required to be performed or that action is permitted to 69848
be taken by the STEM school sponsoring district or its board of 69849
education, respectively, with respect to the STEM school. 69850

(7) No provision of this chapter limits the authority, as 69851
provided otherwise by law, of a school district and its board of 69852
education to levy taxes and issue bonds secured by tax revenues. 69853

(8) The treasurer of the STEM school sponsoring district 69854
or, if the STEM school sponsoring district is a municipal school 69855
district, the chief financial officer of the district, shall 69856
have all of the respective rights, authority, exemptions, and 69857
duties otherwise conferred upon the treasurer or chief financial 69858
officer by the Revised Code. 69859

Sec. 3327.017. (A) As used in this section: 69860

(1) "Eligible student" has the same meaning as in section 69861
3327.016 of the Revised Code. 69862

(2) "Mass transit system" has the same meaning as in 69863
section 4511.78 of the Revised Code. 69864

(B) No city, local, or exempted village school district 69865
shall provide or arrange for transportation for any eligible 69866
student enrolled in any of grades kindergarten through eight in 69867
a community school established under Chapter 3314. of the 69868
Revised Code or chartered nonpublic school to and from school 69869
using vehicles operated by a mass transit system, unless the 69870
district enters into an agreement with that school authorizing 69871
such transportation. An agreement under division (B) of this 69872

section shall not be effective unless both the school district 69873
and community or chartered nonpublic school approve it. 69874

(C) A city, local, or exempted village school district 69875
that elects to provide or arrange for transportation for any 69876
eligible student enrolled in any of grades nine through twelve 69877
in a community or chartered nonpublic school to and from school 69878
using vehicles operated by a mass transit system shall ensure 69879
that the student is assigned to a route that does not require 69880
the student to make more than one transfer. With respect to a 69881
mass transit system with a central transfer hub located in a 69882
county that has a population between five hundred thirty 69883
thousand and five hundred forty thousand according to the most 69884
recent federal decennial census, the city, local, or exempted 69885
village school district shall ensure that any transfer does not 69886
occur at the central transfer hub for the mass transit system. 69887

Sec. 3327.08. Boards of education of city school 69888
districts, local school districts, exempted village school 69889
districts, cooperative education school districts, and joint 69890
vocational school districts and governing boards of educational 69891
service centers may purchase on individual contract school 69892
buses, including multifunction school activity buses, and other 69893
equipment used in transporting children to and from school and 69894
to other functions as authorized by the boards, or the boards, 69895
at their discretion, may purchase the buses and equipment 69896
through any system of centralized purchasing established by the 69897
department of education and workforce for that purpose, provided 69898
that state subsidy payments shall be based on the amount of the 69899
lowest price available to the boards by either method of 69900
purchase. No board shall be deprived of any form of state 69901
assistance in the purchase of buses and equipment by reason of 69902
purchases of buses and equipment on an individual contract. 69903

The purchase of school buses and multifunction school activity buses shall be made only after competitive bidding in accordance with section 3313.46 of the Revised Code. All bids shall state that the buses, prior to delivery, will comply with the safety rules of the department of public safety adopted pursuant to section 4511.76 of the Revised Code and all other pertinent provisions of law.

At no time shall bid bonds be required for the purchase of school buses and multifunction school activity buses, unless the district board or educational service center governing board requests that bid bonds be part of the competitive bidding process for a specified purchase.

Sec. 3327.10. (A) Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the department of education and workforce of each driver to ascertain the driver's physical fitness for such employment. The examination shall be performed by one of the following:

(1) A person licensed under Chapter 4731. or 4734. of the

Revised Code or by another state to practice medicine and 69934
surgery, osteopathic medicine and surgery, or chiropractic; 69935

(2) A physician assistant; 69936

(3) A certified nurse practitioner; 69937

(4) A clinical nurse specialist; 69938

(5) A certified nurse-midwife; 69939

(6) A medical examiner who is listed on the national 69940
registry of certified medical examiners established by the 69941
federal motor carrier safety administration in accordance with 69942
49 C.F.R. part 390. 69943

Any certificate may be revoked by the authority granting 69944
the same on proof that the holder has been guilty of failing to 69945
comply with division (D) (1) of this section, or upon a 69946
conviction or a guilty plea for a violation, or any other 69947
action, that results in a loss or suspension of driving rights. 69948
Failure to comply with such division may be cause for 69949
disciplinary action or termination of employment under division 69950
(C) of section 3319.081, or section 124.34 of the Revised Code. 69951

(B) Except as provided in division (L) of this section, no 69952
person shall be employed as driver of a school bus or motor van 69953
not subject to the rules of the department pursuant to division 69954
(A) of this section who has not received a certificate from the 69955
school administrator or contractor certifying that such person 69956
is at least eighteen years of age and is qualified physically 69957
and otherwise for such position. Each driver shall have an 69958
annual physical examination which conforms to the state highway 69959
patrol rules, ascertaining the driver's physical fitness for 69960
such employment. The examination shall be performed by one of 69961
the following: 69962

(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife;

(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.

Any written documentation of the physical examination shall be completed by the individual who performed the examination.

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D) (2) of this section.

(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district.

(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:

(1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and operated school bus or motor van under contract.

(2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the administrator or contractor.

(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor.

(F) (1) Not later than thirty days after June 30, 2007, each owner of a school bus or motor van shall obtain the complete driving record for each person who is currently employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for the first time before the owner has obtained the person's complete driving record. Thereafter, the owner of a school bus or motor van shall obtain the person's driving record not less frequently than semiannually if the person remains employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to resume operating a school bus or motor van, after an interruption of one year or longer, before the owner has obtained the person's complete driving record.

(2) The owner of a school bus or motor van shall not

permit a person to operate the school bus or motor van for ten 70020
years after the date on which the person pleads guilty to or is 70021
convicted of a violation of section 4511.19 of the Revised Code 70022
or a substantially equivalent municipal ordinance. 70023

(3) An owner of a school bus or motor van shall not permit 70024
any person to operate such a vehicle unless the person meets all 70025
other requirements contained in rules adopted by the department 70026
prescribing qualifications of drivers of school buses and other 70027
student transportation. 70028

(G) No superintendent of a school district, educational 70029
service center, community school, or public or private employer 70030
shall permit the operation of a vehicle used for pupil 70031
transportation within this state by an individual unless both of 70032
the following apply: 70033

(1) Information pertaining to that driver has been 70034
submitted to the department, pursuant to procedures adopted by 70035
that department. Information to be reported shall include the 70036
name of the employer or school district, name of the driver, 70037
driver license number, date of birth, date of hire, status of 70038
physical evaluation, and status of training. 70039

(2) The most recent criminal records check required by 70040
division (J) of this section has been completed and received by 70041
the superintendent or public or private employer. 70042

(H) A person, school district, educational service center, 70043
community school, nonpublic school, or other public or nonpublic 70044
entity that owns a school bus or motor van, or that contracts 70045
with another entity to operate a school bus or motor van, may 70046
impose more stringent restrictions on drivers than those 70047
prescribed in this section, in any other section of the Revised 70048

Code, and in rules adopted by the department. 70049

(I) For qualified drivers who, on July 1, 2007, are 70050
employed by the owner of a school bus or motor van to drive the 70051
school bus or motor van, any instance in which the driver was 70052
convicted of or pleaded guilty to a violation of section 4511.19 70053
of the Revised Code or a substantially equivalent municipal 70054
ordinance prior to two years prior to July 1, 2007, shall not be 70055
considered a disqualifying event with respect to division (F) of 70056
this section. 70057

(J) (1) This division applies to persons hired by a school 70058
district, educational service center, community school, 70059
chartered nonpublic school, or science, technology, engineering, 70060
and mathematics school established under Chapter 3326. of the 70061
Revised Code to operate a vehicle used for pupil transportation. 70062

(a) For each person to whom this division applies who is 70063
hired on or after November 14, 2007, the employer shall request 70064
a criminal records check in accordance with section 3319.39 of 70065
the Revised Code and every six years thereafter. 70066

(b) For each person to whom this division applies who is 70067
hired prior to November 14, 2007, the employer shall request a 70068
criminal records check by a date prescribed by the department 70069
and every six years thereafter. 70070

(c) If, on ~~the effective date of this amendment~~ October 3, 70071
2023, the most recent criminal records check requested for a 70072
person to whom division (J) (1) of this section applies was 70073
completed more than one year prior to that date or does not 70074
include information gathered pursuant to division (A) of section 70075
109.57 of the Revised Code, the employer shall request a new 70076
criminal records check that includes information gathered 70077

pursuant to division (A) of section 109.57 of the Revised Code 70078
by a date prescribed by the state board of education and every 70079
six years thereafter. 70080

(2) This division applies to persons hired by a public or 70081
private employer not described in division (J)(1) of this 70082
section to operate a vehicle used for pupil transportation. 70083

(a) For each person to whom this division applies who is 70084
hired on or after November 14, 2007, the employer shall request 70085
a criminal records check prior to the person's hiring and every 70086
six years thereafter. 70087

(b) For each person to whom this division applies who is 70088
hired prior to November 14, 2007, the employer shall request a 70089
criminal records check by a date prescribed by the department 70090
and every six years thereafter. 70091

(c) If, on ~~the effective date of this amendment~~ October 3, 70092
2023, the most recent criminal records check requested for a 70093
person to whom division (J)(2) of this section applies was 70094
completed more than one year prior to that date or does not 70095
include information gathered pursuant to division (A) of section 70096
109.57 of the Revised Code, the employer shall request a new 70097
criminal records check that includes information gathered 70098
pursuant to division (A) of section 109.57 of the Revised Code 70099
by a date prescribed by the state board and every six years 70100
thereafter. 70101

(3) Each request for a criminal records check under 70102
division (J) of this section shall be made to the superintendent 70103
of the bureau of criminal identification and investigation in 70104
the manner prescribed in section 3319.39 of the Revised Code, 70105
except that if both of the following conditions apply to the 70106

person subject to the records check, the employer shall request 70107
the superintendent only to obtain any criminal records that the 70108
federal bureau of investigation has on the person: 70109

(a) The employer previously requested the superintendent 70110
to determine whether the bureau of criminal identification and 70111
investigation has any information, gathered pursuant to division 70112
(A) of section 109.57 of the Revised Code, on the person in 70113
conjunction with a criminal records check requested under 70114
section 3319.39 of the Revised Code or under division (J) of 70115
this section. 70116

(b) The person presents proof that the person has been a 70117
resident of this state for the five-year period immediately 70118
prior to the date upon which the person becomes subject to a 70119
criminal records check under this section. 70120

Upon receipt of a request, the superintendent shall 70121
conduct the criminal records check in accordance with section 70122
109.572 of the Revised Code as if the request had been made 70123
under section 3319.39 of the Revised Code. However, as specified 70124
in division (B)(2) of section 109.572 of the Revised Code, if 70125
the employer requests the superintendent only to obtain any 70126
criminal records that the federal bureau of investigation has on 70127
the person for whom the request is made, the superintendent 70128
shall not conduct the review prescribed by division (B)(1) of 70129
that section. 70130

(4) Notwithstanding anything in the Revised Code to the 70131
contrary, the bureau of criminal identification and 70132
investigation shall make the initial criminal records check 70133
requested of a person by an employer under division (J)(1) or 70134
(2) of this section on or after ~~the effective date of this~~ 70135
~~amendment~~ October 3, 2023, available to the state board of 70136

education. The state board shall use the information received to 70137
enroll the person in the retained applicant fingerprint 70138
database, established under section 109.5721 of the Revised 70139
Code, in the same manner as any teacher licensed under sections 70140
3319.22 to 3319.31 of the Revised Code. If the state board is 70141
unable to enroll the person in the retained applicant 70142
fingerprint database because the person has not satisfied the 70143
requirements for enrollment, the state board shall notify the 70144
employer that the person has not satisfied the requirements for 70145
enrollment. However, the bureau shall not be required to make 70146
available to the state board the criminal records check of any 70147
person who is already enrolled in the retained applicant 70148
fingerprint database on the date the person's employer requests 70149
a records check of the person under division (J) (1) or (2) of 70150
this section. 70151

If the state board receives notification of the arrest, 70152
guilty plea, or conviction of a person who is subject to this 70153
section, the state board shall promptly notify the person's 70154
employer in accordance with division (B) of section 3319.316 of 70155
the Revised Code. 70156

(K) (1) Until the effective date of the amendments to rule 70157
3301-83-23 of the Ohio Administrative Code required by the 70158
second paragraph of division (E) of section 3319.39 of the 70159
Revised Code, any person who is the subject of a criminal 70160
records check under division (J) of this section and has been 70161
convicted of or pleaded guilty to any offense described in 70162
division (B) (1) of section 3319.39 of the Revised Code shall not 70163
be hired or shall be released from employment, as applicable, 70164
unless the person meets the rehabilitation standards prescribed 70165
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 70166
Administrative Code. 70167

(2) Beginning on the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense that, under the rule, disqualifies a person for employment to operate a vehicle used for pupil transportation shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed by the rule.

(L) The superintendent of a school district or an educational service center governing board shall issue a certificate as a driver of a school bus or motor van or a certificate to operate a vehicle used for pupil transportation in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a school bus or motor van driver or a pupil transportation vehicle operator in a state that does not issue one or both of those certificates.

(M) As used in this section, "school bus" includes a multifunction school activity bus, as defined in section 4511.01 of the Revised Code.

Sec. 3328.16. (A) Each college-preparatory boarding school established under this chapter shall have a designated fiscal officer. The auditor of state department of education and workforce may require by rule that the fiscal officer of any

college-preparatory boarding school, before entering upon duties 70197
as fiscal officer, execute a bond in an amount and with surety 70198
to be approved by the school's board of trustees, payable to the 70199
state, conditioned for the faithful performance of all the 70200
official duties required of the fiscal officer. Any such bond 70201
shall be deposited with the school's board of trustees, and a 70202
copy of the bond shall be certified by the board and filed with 70203
the county auditor. 70204

(B) Before assuming the duties of fiscal officer, the 70205
fiscal officer designated under this section shall be licensed 70206
as a treasurer under section 3301.074 of the Revised Code. No 70207
college-preparatory boarding school shall allow a person to 70208
serve as fiscal officer who is not licensed as required by this 70209
division. 70210

Sec. 3328.24. A college-preparatory boarding school 70211
established under this chapter and its board of trustees shall 70212
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 70213
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.474, 3313.5318, 70214
3313.5319, 3313.6013, 3313.6021, 3313.6023, 3313.6024, 70215
3313.6026, 3313.6029, 3313.6031, 3313.617, 3313.618, 3313.6114, 70216
3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 70217
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 3319.073, 70218
3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 70219
3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, 70220
and 5502.262, and Chapter 3365. of the Revised Code as if the 70221
school were a school district and the school's board of trustees 70222
were a district board of education. 70223

Sec. 3332.081. The student tuition recovery authority is 70224
created as a body corporate and politic of this state. The 70225
purpose of the authority is to protect students of any school 70226

registered by the state board of career colleges and schools 70227
from prepaid tuition loss for the academic term due to a school 70228
closure. 70229

The authority shall consist of five members as follows: 70230
the executive director of the state board of career colleges and 70231
schools, the executive director of the Ohio association of 70232
career colleges and schools, the treasurer of state or the 70233
treasurer of state's designee, ~~the chairperson~~ a member of the 70234
~~senate committee that primarily deals with education~~ appointed by 70235
the president of the senate, and the chairperson of the 70236
~~committee~~ a member of the house of representatives that 70237
~~primarily deals with education~~ appointed by the speaker of the 70238
house of representatives. ~~The chairpersons of the legislative~~ 70239
~~committees that primarily deal with education~~ general assembly 70240
members shall be nonvoting ~~ex officio~~ members. Each voting 70241
member of the authority, before entering upon the member's 70242
official duties, shall take an oath as provided by Section 7 of 70243
Article XV, Ohio Constitution. The authority shall elect one of 70244
its voting members as chairperson and another as vice- 70245
chairperson, and shall appoint a secretary-treasurer who need 70246
not be a member of the authority. 70247

All meetings of the authority shall be public. All final 70248
actions of the authority shall be journalized and such journal 70249
and the records of the authority shall be open to public 70250
inspection at all reasonable times. 70251

Sec. 3332.17. Each college or school that holds a 70252
certificate of registration under this chapter annually shall 70253
certify to state board of career colleges and schools, on a date 70254
and in the form and manner determined by the state board, a plan 70255
to preserve student records indefinitely if the college or 70256

school is to cease operations. The plan shall include the 70257
designation and signed confirmation of an official custodian of 70258
student records. If the state board determines it necessary, the 70259
the state board may require a college or school to produce an 70260
executed agreement with the designated custodian of student 70261
records, paid in full, to ensure the college or school's plan 70262
can be implemented. 70263

The director of the state board of career colleges and 70264
schools may consult with the chancellor of higher education, 70265
higher learning commission, and other appropriate entities to 70266
establish plans, processes, and procedures for colleges and 70267
schools to provide indefinite access to student records. 70268

Sec. 3332.21. (A) Each school that holds a certificate of 70269
registration from or is authorized to offer a certificate, 70270
diploma, or degree under a certificate of authorization issued 70271
by the state board of career colleges under this chapter 70272
annually shall provide to the state board and the chancellor of 70273
higher education all of the following: 70274

(1) Verification of current accreditation status and a 70275
copy of the most recent institutional report from the school's 70276
accrediting organization; 70277

(2) A plan to preserve student records indefinitely in the 70278
event of closure of the school or discontinuation of service. 70279
The plan shall include a method by which students and alumni of 70280
the school may retrieve student records by request. The plan 70281
also shall include a designation and signed confirmation of an 70282
official custodian of student records. Student records preserved 70283
under the plan shall include, but not be limited to: 70284

(a) Academic transcripts; 70285

<u>(b) Financial aid documents;</u>	70286
<u>(c) International student forms;</u>	70287
<u>(d) Tax information.</u>	70288
<u>(3) The following program information:</u>	70289
<u>(a) A list of current degree programs offered by the</u> <u>school in this state;</u>	70290 70291
<u>(b) The results of any external degree program evaluations</u> <u>conducted in the last year;</u>	70292 70293
<u>(c) A list of any degree programs that have been</u> <u>eliminated in the last year;</u>	70294 70295
<u>(4) The latest financial statement for the most recent</u> <u>fiscal year compiled and audited by an independent certified</u> <u>public accountant, including any management letters provided by</u> <u>the independent auditor;</u>	70296 70297 70298 70299
<u>(5) Any other information requested by the state board or</u> <u>the chancellor.</u>	70300 70301
<u>(B) If a school fails to submit the information required</u> <u>under division (A) of this section or if the state board or the</u> <u>chancellor finds that the information submitted under that</u> <u>division is insufficient, the state board may suspend, withdraw,</u> <u>or revoke a school's certificate of registration or program</u> <u>authorization.</u>	70302 70303 70304 70305 70306 70307
<u>(C) Each school subject to this chapter that is authorized</u> <u>to offer courses or degrees under a certificate of authorization</u> <u>shall immediately notify the state board and the chancellor if</u> <u>the school does any of the following:</u>	70308 70309 70310 70311
<u>(1) Receives notice from the federal government or an</u>	70312

institutional accrediting organization that the school is 70313
subject to heightened reporting standards or special monitoring 70314
status, such as the United States department of education's 70315
heightened cash monitoring process; 70316

(2) Receives preliminary or final accreditation findings; 70317

(3) Becomes the subject of an investigation by a 70318
government agency related to the school's academic quality, 70319
financial stability, or student consumer protection; 70320

(4) Fails to make any payments to applicable retirement 70321
systems; 70322

(5) Fails to make any scheduled payroll payments; 70323

(6) Fails to make any payments to vendors when due as a 70324
result of a cash deficiency or a substantial deficiency in the 70325
payment processing system of the school; 70326

(7) Fails to make any scheduled payment of principal or 70327
interest for short- or long-term debt; 70328

(8) Makes budget revisions resulting in a substantially 70329
reduced ending fund balance or larger deficit; 70330

(9) Becomes aware of significant negative variance between 70331
the most recently adopted annual budget and actual revenues or 70332
expenses as projected at the end of the fiscal year. 70333

(D) A document received by the state board or the 70334
chancellor under division (C) (1), (2), or (3) of this section 70335
that is confidential under federal law is not subject to release 70336
under a public records request until such time as the document 70337
is released publicly by the appropriate entity. Further, 70338
financial documentation of the school received by the state 70339
board or the chancellor under this section is not a public 70340

record under section 149.43 of the Revised Code. 70341

Sec. 3332.22. (A) As used in this section: 70342

(1) "Online program manager" means an entity that is not 70343
an institution of higher education as defined under "The Higher 70344
Education Act of 1965," 20 U.S.C. 1001 that enters into an 70345
agreement with a career college or school to provide marketing 70346
and recruitment services and at least one additional service, 70347
including course design, technology, or faculty training, to 70348
support an accredited online degree program. 70349

(2) "Career college or school" means a school subject to 70350
this chapter and a private institution exempt from regulation 70351
under this chapter as prescribed in section 3333.046 of the 70352
Revised Code, if the institution has a program with a 70353
certificate of authorization pursuant to Chapter 1713. of the 70354
Revised Code. 70355

(B) If a career college or school enters into a contract 70356
with an online program manager, the career college or school 70357
shall ensure the contract is in compliance with relevant program 70358
standards and requirements. 70359

(C) A career college or school that enters into a contract 70360
with an online program manager shall post on each online degree 70361
program web site it maintains that it utilizes an online program 70362
manager for services. The career college or school shall require 70363
the online program manager to identify itself when providing 70364
services to students. 70365

(D) A career college or school shall not permit an online 70366
program manager to control, make decisions regarding, 70367
administer, or disburse student financial aid. 70368

Sec. 3333.04. The chancellor of higher education shall: 70369

(A) Make studies of state policy in the field of higher 70370
education and formulate a master plan for higher education for 70371
the state, considering the needs of the people, the needs of the 70372
state, and the role of individual public and private 70373
institutions within the state in fulfilling these needs; 70374

(B) (1) Report annually to the governor and the general 70375
assembly on the findings from the chancellor's studies and the 70376
master plan for higher education for the state; 70377

(2) Report at least semiannually to the general assembly 70378
and the governor the enrollment numbers at each state-assisted 70379
institution of higher education. 70380

(C) Approve or disapprove the establishment of new 70381
branches or academic centers of state colleges and universities; 70382

(D) Approve or disapprove the establishment of state 70383
technical colleges or any other state institution of higher 70384
education; 70385

(E) Recommend the nature of the programs, undergraduate, 70386
graduate, professional, state-financed research, and public 70387
services which should be offered by the state colleges, 70388
universities, and other state-assisted institutions of higher 70389
education in order to utilize to the best advantage their 70390
facilities and personnel; 70391

(F) Recommend to the state colleges, universities, and 70392
other state-assisted institutions of higher education graduate 70393
or professional programs, including, but not limited to, doctor 70394
of philosophy, doctor of education, and juris doctor programs, 70395
that could be eliminated because they constitute unnecessary 70396
duplication, as shall be determined using the process developed 70397
pursuant to this division, or for other good and sufficient 70398

cause. Prior to recommending a program for elimination, the 70399
chancellor shall hold at least one public hearing on the matter 70400
to determine whether the program should be recommended for 70401
elimination. The chancellor shall provide notice of each hearing 70402
within a reasonable amount of time prior to its scheduled date. 70403

For purposes of determining the amounts of any state 70404
instructional subsidies paid to state colleges, universities, 70405
and other state-assisted institutions of higher education, the 70406
chancellor may exclude students enrolled in any program that the 70407
chancellor has recommended for elimination pursuant to this 70408
division except that the chancellor shall not exclude any such 70409
student who enrolled in the program prior to the date on which 70410
the chancellor initially commences to exclude students under 70411
this division. 70412

The chancellor and state colleges, universities, and other 70413
state-assisted institutions of higher education shall jointly 70414
develop a process for determining which existing graduate or 70415
professional programs constitute unnecessary duplication. 70416

(G) Recommend to the state colleges, universities, and 70417
other state-assisted institutions of higher education programs 70418
which should be added to their present programs; 70419

(H) Conduct studies for the state colleges, universities, 70420
and other state-assisted institutions of higher education to 70421
assist them in making the best and most efficient use of their 70422
existing facilities and personnel; 70423

(I) Make recommendations to the governor and general 70424
assembly concerning the development of state-financed capital 70425
plans for higher education; the establishment of new state 70426
colleges, universities, and other state-assisted institutions of 70427

higher education; and the establishment of new programs at the 70428
existing state colleges, universities, and other institutions of 70429
higher education; 70430

(J) Review the appropriation requests of the public 70431
community colleges and the state colleges and universities and 70432
submit to the office of budget and management and to the 70433
chairpersons of the finance committees of the house of 70434
representatives and of the senate the chancellor's 70435
recommendations in regard to the biennial higher education 70436
appropriation for the state, including appropriations for the 70437
individual state colleges and universities and public community 70438
colleges. For the purpose of determining the amounts of 70439
instructional subsidies to be paid to state-assisted colleges 70440
and universities, the chancellor shall define "full-time 70441
equivalent student" by program per academic year. The definition 70442
may take into account the establishment of minimum enrollment 70443
levels in technical education programs below which support 70444
allowances will not be paid. Except as otherwise provided in 70445
this section, the chancellor shall make no change in the 70446
definition of "full-time equivalent student" in effect on 70447
November 15, 1981, which would increase or decrease the number 70448
of subsidy-eligible full-time equivalent students, without first 70449
submitting a fiscal impact statement to the president of the 70450
senate, the speaker of the house of representatives, the 70451
legislative service commission, and the director of budget and 70452
management. The chancellor shall work in close cooperation with 70453
the director of budget and management in this respect and in all 70454
other matters concerning the expenditures of appropriated funds 70455
by state colleges, universities, and other institutions of 70456
higher education. 70457

(K) Seek the cooperation and advice of the officers and 70458

trustees of both public and private colleges, universities, and 70459
other institutions of higher education in the state in 70460
performing the chancellor's duties and making the chancellor's 70461
plans, studies, and recommendations; 70462

(L) Appoint advisory committees consisting of persons 70463
associated with public or private secondary schools, members of 70464
the state board of education, or personnel of the department of 70465
education and workforce; 70466

(M) Appoint advisory committees consisting of college and 70467
university personnel, or other persons knowledgeable in the 70468
field of higher education, or both, in order to obtain their 70469
advice and assistance in defining and suggesting solutions for 70470
the problems and needs of higher education in this state; 70471

(N) Approve or disapprove all new degrees and new degree 70472
programs at all state colleges, universities, and other state- 70473
assisted institutions of higher education. 70474

When considering approval of a new degree or degree 70475
program for a state institution of higher education, as defined 70476
in section 3345.011 of the Revised Code, the chancellor shall 70477
take into account the extent to which the degree or degree 70478
program aligns with the state's workforce development 70479
priorities. 70480

(O) Adopt such rules as are necessary to carry out the 70481
chancellor's duties and responsibilities. The rules shall 70482
prescribe procedures for the chancellor to follow when taking 70483
actions associated with the chancellor's duties and 70484
responsibilities and shall indicate which types of actions are 70485
subject to those procedures. The procedures adopted under this 70486
division shall be in addition to any other procedures prescribed 70487

by law for such actions. However, if any other provision of the 70488
Revised Code or rule adopted by the chancellor prescribes 70489
different procedures for such an action, the procedures adopted 70490
under this division shall not apply to that action to the extent 70491
they conflict with the procedures otherwise prescribed by law. 70492
The procedures adopted under this division shall include at 70493
least the following: 70494

(1) Provision for public notice of the proposed action; 70495

(2) An opportunity for public comment on the proposed 70496
action, which may include a public hearing on the action by the 70497
chancellor; 70498

(3) Methods for parties that may be affected by the 70499
proposed action to submit comments during the public comment 70500
period; 70501

(4) Written publication of the final action taken by the 70502
chancellor and the chancellor's rationale for the action; 70503

(5) A timeline for the process described in divisions (O) 70504
(1) to (4) of this section. 70505

(P) Make recommendations to the governor and the general 70506
assembly regarding the design and funding of the student 70507
financial aid programs specified in sections 3333.122, 3333.21 70508
to 3333.26, and 5910.02 of the Revised Code; 70509

(Q) Participate in education-related state or federal 70510
programs on behalf of the state and assume responsibility for 70511
the administration of such programs in accordance with 70512
applicable state or federal law; 70513

(R) Adopt rules for student financial aid programs as 70514
required by sections 3333.122, 3333.21 to 3333.26, 3333.28, and 70515

5910.02 of the Revised Code, and perform any other 70516
administrative functions assigned to the chancellor by those 70517
sections; 70518

(S) Conduct enrollment audits of state-supported 70519
institutions of higher education; 70520

(T) Appoint consortia of college and university personnel 70521
to advise or participate in the development and operation of 70522
statewide collaborative efforts, including the Ohio 70523
supercomputer center, the Ohio academic resources network, 70524
OhioLink, and the Ohio learning network. For each consortium, 70525
the chancellor shall designate a college or university to serve 70526
as that consortium's fiscal agent, financial officer, and 70527
employer. Any funds appropriated for the consortia shall be 70528
distributed to the fiscal agents for the operation of the 70529
consortia. ~~A consortium shall follow the rules of the college or~~ 70530
~~university that serves as its fiscal agent.~~ The chancellor may 70531
restructure existing consortia, appointed under this division, 70532
in accordance with procedures adopted under divisions (O) (1) to 70533
(5) of this section. 70534

A consortium shall follow the rules of the college or 70535
university that serves as its fiscal agent, except that when 70536
making a purchase with appropriated funds of any product that 70537
includes semiconductors, a consortium shall conduct the purchase 70538
in accordance with rules adopted by the director of 70539
administrative services under division (B) of section 125.09 of 70540
the Revised Code for giving preference to Buy Ohio products. 70541

(U) Adopt rules establishing advisory duties and 70542
responsibilities of the department of higher education not 70543
otherwise prescribed by law; 70544

(V) Respond to requests for information about higher 70545
education from members of the general assembly and direct staff 70546
to conduct research or analysis as needed for this purpose. 70547

Notwithstanding any provision of law to the contrary, and 70548
to reduce duplicative reporting, the chancellor may use data or 70549
information submitted to the higher education information system 70550
and other public data exchanges, as determined appropriate, to 70551
fulfill reporting requirements, provided the information is 70552
materially consistent. 70553

Sec. 3333.041. (A) On or before the last day of December 70554
of each year, the chancellor of higher education shall submit to 70555
the governor and, in accordance with section 101.68 of the 70556
Revised Code, the general assembly a report or reports 70557
concerning all of the following: 70558

(1) The status of graduates of Ohio school districts at 70559
state institutions of higher education during the twelve-month 70560
period ending on the thirtieth day of September of the current 70561
calendar year. The report shall list, by school district, the 70562
number of graduates of each school district who attended a state 70563
institution of higher education and the percentage of each 70564
district's graduates enrolled in a state institution of higher 70565
education during the reporting period who were required during 70566
such period by the college or university, as a prerequisite to 70567
enrolling in those courses generally required for first-year 70568
students, to enroll in a remedial course in English, including 70569
composition or reading, mathematics, and any other area 70570
designated by the chancellor. The chancellor also shall make the 70571
information described in division (A)(1) of this section 70572
available to the board of education of each city, exempted 70573
village, and local school district. 70574

Each state institution of higher education shall, by the 70575
first day of November of each year, submit to the chancellor in 70576
the form specified by the chancellor the information the 70577
chancellor requires to compile the report. 70578

(2) The following information with respect to the Ohio 70579
tuition trust authority: 70580

(a) The name of each investment manager that is a minority 70581
business enterprise or a women's business enterprise with which 70582
the chancellor contracts; 70583

(b) The amount of assets managed by investment managers 70584
that are minority business enterprises or women's business 70585
enterprises, expressed as a percentage of assets managed by 70586
investment managers with which the chancellor has contracted; 70587

(c) Efforts by the chancellor to increase utilization of 70588
investment managers that are minority business enterprises or 70589
women's business enterprises. 70590

(3) The chancellor's strategy in assigning choose Ohio 70591
first scholarships, as established under section 3333.61 of the 70592
Revised Code, among state universities and colleges and how the 70593
actual awards fit that strategy. 70594

~~(4) The academic and economic impact of the Ohio-~~ 70595
~~co-op/internship program established under section 3333.72 of~~ 70596
~~the Revised Code. At a minimum, the report shall include the~~ 70597
~~following:—~~ 70598

~~(a) Progress and performance metrics for each initiative~~ 70599
~~that received an award in the previous fiscal year;—~~ 70600

~~(b) Economic indicators of the impact of each initiative,~~ 70601
~~and all initiatives as a whole, on the regional economies and—~~ 70602

~~the statewide economy;~~ 70603

~~(c) The chancellor's strategy in allocating awards among~~ 70604
~~state institutions of higher education and how the actual awards~~ 70605
~~fit that strategy.~~ 70606

(B) On or before the fifteenth day of February of each 70607
year, the chancellor shall submit to the governor and, in 70608
accordance with section 101.68 of the Revised Code, the general 70609
assembly a report concerning aggregate academic growth data for 70610
students assigned to graduates of teacher preparation programs 70611
approved under section 3333.048 of the Revised Code who teach 70612
English language arts or mathematics in any of grades four to 70613
eight in a public school in Ohio. For this purpose, the 70614
chancellor shall use the value-added progress dimension 70615
prescribed by section 3302.021 of the Revised Code or the 70616
alternative student academic progress measure if adopted under 70617
division (C) (1) (e) of section 3302.03 of the Revised Code. The 70618
chancellor shall aggregate the data by graduating class for each 70619
approved teacher preparation program, except that if a 70620
particular class has ten or fewer graduates to which this 70621
division applies, the chancellor shall report the data for a 70622
group of classes over a three-year period. In no case shall the 70623
report identify any individual graduate. The department of 70624
education and workforce shall share any data necessary for the 70625
report with the chancellor. 70626

(C) As used in this section: 70627

(1) "Minority business enterprise" has the same meaning as 70628
in section 122.71 of the Revised Code. 70629

(2) "State institution of higher education" and "state 70630
university" have the same meanings as in section 3345.011 of the 70631

Revised Code.

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(3) "State university or college" has the same meaning as
in section 3345.12 of the Revised Code.

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(4) "Women's business enterprise" means a business, or a
partnership, corporation, limited liability company, or joint
venture of any kind, that is owned and controlled by women who
are United States citizens and residents of this state.

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Sec. 3333.0415. Not later than December 31, 2025, the
chancellor of higher education, in collaboration with the
department of education and workforce and the governor's office
of workforce transformation, shall establish the level of
attainment necessary to achieve identified performance targets
across a range of degrees and credentials.

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Sec. 3333.0420. (A) As used in this section:

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(1) "Online program manager" means an entity that is not
an institution of higher education as defined under "The Higher
Education Act of 1965," 20 U.S.C. 1001 that enters into an
agreement with a state institution of higher education to
provide marketing and recruitment services and at least one
additional service, including course design, technology, or
faculty training, to support an accredited online degree
program.

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(2) "State institution of higher education" has the same
meaning as in section 3345.011 of the Revised Code.

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(B) If a state institution of higher education enters into
a contract with an online program manager, the institution shall
ensure the contract is in compliance with relevant program
standards and requirements.

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(C) A state institution of higher education that enters 70660
into a contract with an online program manager shall post on 70661
each online degree program web site it maintains that it 70662
utilizes an online program manager for services. The institution 70663
shall require the online program manager to identify itself when 70664
providing services to students. 70665

(D) A state institution of higher education shall not 70666
permit an online program manager to control, make decisions 70667
regarding, administer, or disburse student financial aid. 70668

Sec. 3333.053. The chancellor of higher education shall 70669
serve indefinitely as the records custodian for the eastern 70670
gateway community college upon that college ceasing operations. 70671
However, the chancellor may enter into an agreement authorizing 70672
a third party to serve as the records custodian in the 70673
chancellor's place. 70674

Sec. 3333.074. (A) Each state institution of higher 70675
education, as defined in section 3345.011 of the Revised Code, 70676
annually shall submit, in a form and manner determined by the 70677
chancellor of higher education, the following information to 70678
assess the performance and compliance of the state institution: 70679

(1) Verification of current accreditation status and a 70680
copy of the state institution's most recent higher learning 70681
commission institutional update report; 70682

(2) A plan to preserve student records indefinitely in the 70683
event of closure of the state institution or discontinuation of 70684
service. The plan shall include a method by which students and 70685
alumni of the state institution may retrieve student records by 70686
request. The plan shall also include a designation and signed 70687
confirmation of an official custodian of student records. 70688

<u>Student records preserved under the plan shall include, but not</u>	70689
<u>be limited to:</u>	70690
<u>(a) Academic transcripts;</u>	70691
<u>(b) Financial aid documents;</u>	70692
<u>(c) International student forms;</u>	70693
<u>(d) Tax information.</u>	70694
<u>(3) The results of any external degree program evaluations</u>	70695
<u>conducted in the last year;</u>	70696
<u>(4) A list of any degree programs that have been</u>	70697
<u>eliminated in the last year;</u>	70698
<u>(5) Any other information requested by the chancellor.</u>	70699
<u>(B) The chancellor may rescind program approval if a state</u>	70700
<u>institution of higher education fails to submit the information</u>	70701
<u>required under division (A) of this section or if the chancellor</u>	70702
<u>finds that the information submitted under that division is</u>	70703
<u>insufficient.</u>	70704
<u>(C) Each state institution of higher education shall</u>	70705
<u>immediately inform the chancellor if the state institution does</u>	70706
<u>any of the following:</u>	70707
<u>(1) Receives notice from the federal government or an</u>	70708
<u>institutional accrediting organization that the state</u>	70709
<u>institution is subject to heightened reporting standards or</u>	70710
<u>special monitoring status, such as the United States department</u>	70711
<u>of education's heightened cash monitoring process;</u>	70712
<u>(2) Receives preliminary or final accreditation findings;</u>	70713
<u>(3) Becomes the subject of an investigation by a</u>	70714
<u>government agency related to the institution's academic quality,</u>	70715

financial stability, or student consumer protection; 70716

(4) Requests an advance of a state subsidy; 70717

(5) Fails to make any payments to applicable retirement 70718
systems, such as the public employees retirement system or the 70719
state teachers retirement system; 70720

(6) Fails to make any scheduled payroll payments; 70721

(7) Fails to make any payments to vendors when due as a 70722
result of a cash deficiency or a substantial deficiency in the 70723
payment processing system of the state institution; 70724

(8) Fails to make any scheduled payment of principal or 70725
interest for short- or long-term debt; 70726

(9) Makes budget revisions resulting in a substantially 70727
reduced ending fund balance or larger deficit; 70728

(10) Becomes aware of significant negative variance 70729
between the most recently adopted annual budget and actual 70730
revenues or expenses as projected at the end of the fiscal year. 70731

(D) A document received by the chancellor under division 70732
(C) (1), (2), or (3) of this section that is confidential under 70733
federal law is not subject to release under a public record 70734
request until such time as the document is released publicly by 70735
the appropriate entity. 70736

Sec. 3333.129. (A) The "Teach CS" grant program is 70737
established to ~~fund coursework, materials, and exams to support~~ 70738
~~the increasing the~~ number of ~~existing~~Ohio teachers who qualify 70739
to teach computer science, or expand the knowledge of existing 70740
teachers, through all of the following: 70741

(1) A supplemental license that involves a mentorship- 70742

based pathway for existing teachers; 70743

(2) A university endorsement program that involves a 70744
coursework-based path for existing teachers; 70745

(3) An alternative resident educator licensure pathway for 70746
industry experts and other nonteachers; 70747

(4) A continuing education program that offers 70748
professional development to existing teachers, including those 70749
that teach pre-kindergarten to twelve who are generalists and 70750
those seeking advanced content knowledge. 70751

The chancellor of higher education shall administer the 70752
program. Funds may be spent on coursework, materials, exams, 70753
teacher stipends, performance-based incentives, and for other 70754
purposes as determined by the chancellor to support the 70755
expansion of computer science education. 70756

(B) The chancellor, in consultation with the department of 70757
education and workforce, shall develop an application process 70758
and criteria for awards. Priority may be given to education 70759
consortia that include economically disadvantaged schools in 70760
which there are limited computer science courses offered or 70761
where there is an unmet need for teachers credentialed to teach 70762
computer science courses, as determined by the chancellor. 70763

Sec. 3333.1210. Beginning with first-time scholarships 70764
awarded for fiscal year 2027, each student who accepts a 70765
scholarship under the governor's merit scholarship program shall 70766
sign a statement of commitment to reside in this state for the 70767
three years immediately following the individual's graduation 70768
from an institution of higher education in this state. 70769

Sec. 3333.13. As used in sections 3333.13 to 3333.137 of 70770
the Revised Code, "employed as a service attorney" means ~~either~~ 70771

any of the following:

(A) An attorney who works a minimum of thirty-five hours per week for a minimum of forty-five weeks each service year and who is employed by any of the following:

- (1) The state public defender;
- (2) The prosecuting attorney of a county;
- (3) A county public defender commission;

(4) A joint county public defender commission to represent indigent persons.

(B) Counsel appointed by the court or selected by an indigent person under division (E) of section 120.16 or division (E) of section 120.26 of the Revised Code, who works in an area designated as an underserved community under section 3333.132 of the Revised Code for a minimum of five hundred twenty hours each service year.

(C) An attorney engaged in the private practice of law, who practices civil law, and who works in an area designated as an underserved community under section 3333.132 of the Revised Code for a minimum of five hundred twenty hours each service year.

Sec. 3333.131. There is hereby created the rural practice incentive program, which shall be administered by the chancellor of higher education. The purpose of the program is to provide loan repayment on behalf of attorneys who agree to employment or practice as service attorneys in areas designated as underserved communities by the chancellor pursuant to section 3333.132 of the Revised Code.

Under the program, the chancellor, ~~by means of a contract~~

~~entered into under section 3333.135 of the Revised Code,~~ may 70800
agree to repay up to the amount set pursuant to section 3333.135 70801
of the Revised Code of the principal and interest of a 70802
government or other educational loan taken by an individual for 70803
the following expenses, so long as the expenses were incurred 70804
while the individual was enrolled in a law school ~~in the United~~ 70805
~~States that was, during the time enrolled, accredited by the~~ 70806
~~American bar association, or a law school located outside the~~ 70807
~~United States for which the individual received a foreign~~ 70808
~~equivalency evaluation~~that meets accreditation standards 70809
established by the Ohio supreme court: 70810

(A) Tuition; 70811

(B) Other educational expenses, such as fees, books, and 70812
expenses, for specific purposes and in amounts determined to be 70813
reasonable by the chancellor; 70814

(C) Room and board, in an amount determined reasonable by 70815
the chancellor. 70816

Sec. 3333.132. Each biennium, the chancellor of higher 70817
education shall designate by rule any county with a ratio of 70818
attorneys maintaining interest-bearing trust accounts pursuant 70819
to section 4705.09 of the Revised Code to the population in the 70820
county equal to or less than one to ~~seven~~fifteen hundred as an 70821
underserved community. The Ohio access to justice foundation, 70822
pursuant to division (A) of section 120.521 of the Revised Code, 70823
shall assist the chancellor by determining the ratio described 70824
in this section. 70825

Sec. 3333.133. (A) An individual who meets all of the 70826
following requirements may apply for participation in the rural 70827
practice incentive program: 70828

(1) The individual is a citizen of the United States, a 70829
national of the United States, or a permanent resident of the 70830
United States. 70831

(2) The individual either: 70832

(a) Is a student enrolled in the final year of law school; 70833
or 70834

(b) Has been admitted to the practice of law in this state 70835
by the Ohio supreme court for less than ~~eight~~ twelve years and 70836
remains in good standing. 70837

(3) The individual is not enrolled in ~~any other state or~~ 70838
~~federally funded student loan repayment or debt forgiveness~~ 70839
~~program, including under~~ the public service loan forgiveness 70840
program, 34 C.F.R. 685.219, or the "John R. Justice Prosecutors 70841
and Defenders Incentive Act of 2008," 34 U.S.C. 10671 et seq. 70842

(B) An application for participation in the rural practice 70843
incentive program shall be submitted to the chancellor of higher 70844
education on a form that the chancellor shall prescribe. The 70845
individual shall submit the following information with an 70846
application: 70847

(1) The individual's name, permanent address or address at 70848
which the individual is currently residing if different from the 70849
permanent address, and telephone number; 70850

(2) The law school the individual is attending or 70851
attended, the dates of attendance, and verification of 70852
attendance; 70853

(3) The individual's employer, as applicable; 70854

(4) A summary and verification of the educational expenses 70855
for which the individual seeks reimbursement under the program; 70856

(5) Verification that the individual has been admitted to the practice of law in this state for less than eight years by the Ohio supreme court and remains in good standing, unless the individual is a student;

(6) Verification the individual is a citizen of the United States, a national of the United States, or a permanent resident of the United States.

Sec. 3333.134. If funds are available in the rural practice incentive fund created under section 3333.136 of the Revised Code and the general assembly has appropriated funds for the rural practice incentive program, the chancellor of higher education shall approve an individual for participation in the program, for reimbursement up to fifty thousand dollars, if the chancellor finds that the individual is eligible for participation in the program.

Upon approval, the chancellor shall notify and enter into discussions with the individual. The object of the discussions is to facilitate the recruitment of the individual to become or remain employed as a service attorney within an underserved community.

If the chancellor and individual agree on the individual's employment as a service attorney within an underserved community, the individual shall prepare, sign, and deliver to the chancellor a letter of intent agreeing to that placement.

~~The chancellor shall approve individuals for participation in the rural practice incentive program in a manner proportionate to the number of each of the following types of attorneys who apply to the program, with an aim toward disbursing loan repayments equitably among each type:~~

~~(A) Attorneys employed by the prosecuting attorney of a~~ 70886
~~county;~~ 70887

~~(B) Attorneys employed by the state public defender, a~~ 70888
~~county public defender commission, or a joint county public~~ 70889
~~defender commission to represent indigent persons;~~ 70890

~~(C) Attorneys described in division (B) of section 3333.13~~ 70891
~~of the Revised Code.~~ 70892

Sec. 3333.135. (A) After signing a letter of intent under 70893
section 3333.134 of the Revised Code, an individual ~~and the~~ 70894
~~chancellor of higher education may enter into a contract for the~~ 70895
~~individual's participation in the rural practice incentive~~ 70896
~~program. The individual's employer also may be a party to the~~ 70897
~~contract~~ shall sign a promissory note payable to the state in the 70898
event that the individual does not satisfy the service 70899
obligation of division (B) of this section and as outlined in 70900
the note. The amount payable under the note shall be the amount 70901
corresponding to the agreed upon service obligation as outlined 70902
in division (C) of this section. 70903

(B) The ~~contract individual~~ shall ~~include all of the~~ 70904
~~following obligations:~~ 70905

~~(1) The individual agrees to remain employed as a service~~ 70906
~~attorney within the underserved community identified in the~~ 70907
~~letter of intent for the number of hours and duration specified~~ 70908
in the ~~contract~~ promissory note; 70909

~~(2)~~ (C) The chancellor ~~agrees~~ shall agree, as provided in 70910
section 3333.131 of the Revised Code, to repay, so long as the 70911
individual satisfies the service obligation agreed to under 70912
division ~~(B) (1)~~ (B) of this section, the following amount of the 70913
principal and interest of a government or other educational loan 70914

taken by the individual for expenses described in section 70915
3333.131 of the Revised Code: 70916

~~(a)~~ (1) For a three-year service obligation, up to thirty 70917
thousand dollars; 70918

~~(b)~~ (2) For an additional fourth or fifth year of service, 70919
up to an additional twenty thousand dollars. 70920

~~(3) The individual agrees to pay the chancellor an amount~~ 70921
~~established by rules adopted under section 3333.137 of the~~ 70922
~~Revised Code if the individual fails to complete the service~~ 70923
~~obligation agreed to under division (B) (1) of this section.~~ 70924

~~(C)~~ (D) The contract promissory note shall include the 70925
following terms as agreed upon by the parties prescribed by the 70926
chancellor, including: 70927

(1) The individual's required length of service in the 70928
underserved community, which must be at least three years with 70929
an optional fourth year and optional fifth year; 70930

(2) ~~(a) In the case of an attorney employed by the state~~ 70931
~~public defender, the prosecuting attorney of a county, a county~~ 70932
~~public defender commission, or a joint county public defender~~ 70933
~~commission, the number of weekly hours the individual will be~~ 70934
~~engaged in practice in the underserved community;~~ 70935

~~(b) In the case of private counsel appointed by the court~~ 70936
~~or selected by an indigent person pursuant to Chapter 120. of~~ 70937
~~the Revised Code, the number of hours over the service year the~~ 70938
~~individual will be engaged in practice in the underserved~~ 70939
~~community.~~ 70940

~~(3) The maximum amount that the chancellor will repay on~~ 70941
behalf of the individual. 70942

~~(D)~~ (E) If the amount specified in division ~~(C) (3)~~ (D) (2) of 70943
this section includes federal funds, the amount of state funds 70944
repaid on the individual's behalf shall be the same as the 70945
amount of those federal funds. 70946

Sec. 3333.164. (A) As used in this section, ~~"state":~~ 70947

(1) "Armed forces" has the same meaning as in section 70948
3313.471 of the Revised Code. 70949

(2) "Private institution of higher education" has the same 70950
meaning as in section 5919.34 of the Revised Code. 70951

(3) "State institution of higher education" has the same 70952
meaning as in section 3345.011 of the Revised Code. 70953

(B) ~~Not later than December 31, 2014, the~~ The chancellor 70954
of higher education shall do all of the following with regard to 70955
the awarding of college credit for military training, 70956
experience, and coursework: 70957

(1) Develop a set of standards and procedures for state 70958
institutions of higher education to utilize in the granting of 70959
college credit for military training, experience, and 70960
coursework; 70961

(2) Create a military articulation and transfer assurance 70962
guide for college credit that is earned through military 70963
training, experience, and coursework. The chancellor shall use 70964
the current articulation and transfer policy adopted pursuant to 70965
section 3333.16 of the Revised Code as a model in developing 70966
this guide. 70967

(3) Create a web site that contains information related to 70968
the awarding of college credit for military training, 70969
experience, and coursework. The web site shall include both of 70970

the following:

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(a) Standardized resources that address frequently asked
questions regarding the awarding of such credit and related
issues;

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(b) A statewide database that shows how specified military
training, experience, and coursework translates to college
credit.

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(4) Develop a statewide training program that prepares
faculty and staff of state institutions of higher education to
evaluate various military training, experience, and coursework
and to award appropriate equivalent credit. The training program
shall incorporate the best practices of awarding credit for
military experiences, including both the recommendations of the
American council on education and the standards developed by the
council for adult and experiential learning.

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(C) ~~Beginning on July 1, 2015, state~~ State institutions of
higher education shall ensure that appropriate equivalent credit
is awarded for military training, experience, and coursework
that meet the standards developed by the chancellor pursuant to
this section.

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(D) Notwithstanding any provision of law to the contrary,
the chancellor may require a state institution of higher
education or a private institution of higher education to
establish a process to systematically evaluate military
training, experience, and coursework and to award appropriate
equivalent college credit to a student who is a veteran of the
armed forces. The chancellor may adopt rules to implement this
division.

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Sec. 3333.24. (A) As used in this section:

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(1) "Eligible student" means a student to whom all of the following apply:	71000 71001
(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.	71002 71003 71004
(b) The student has completed a free application for federal student aid for the year for which the grant is to be awarded.	71005 71006 71007
(c) The student enrolls in a qualified program at a community, state community, or technical college, an Ohio technical center, or a state university branch campus.	71008 71009 71010
(2) "Qualified program" means <u>either of the following:</u>	71011
(a) <u>For a student who received a first-time grant under this section prior to the effective date of this amendment, a credit or noncredit program that leads to an industry-recognized credential, certificate, or degree and prepares the student for a job that meets either of the following criteria:</u>	71012 71013 71014 71015 71016
~~(a)~~ (i) It is identified as an "in-demand" or "critical" job as determined by the office of workforce transformation.	71017 71018
~~(b)~~ (ii) It is submitted by a community, state community, or technical college, an Ohio technical center, or a state university branch campus and will meet regional workforce needs, as approved by the chancellor.	71019 71020 71021 71022
(b) <u>For a student who receives a first-time grant under this section on or after the effective date of this amendment, a program that meets alternative criteria established by the chancellor of higher education, in consultation with the office of workforce transformation, based on the emerging workforce</u>	71023 71024 71025 71026 71027

needs of the state. 71028

(B) The chancellor of higher education shall establish the 71029
Ohio work ready grant program. Under the program, the chancellor 71030
shall award a grant of up to three thousand dollars to eligible 71031
students enrolled in a qualified program. Grant award amounts 71032
made to eligible students enrolled on either a full-time or 71033
part-time basis shall be computed in accordance with rules 71034
adopted by the chancellor. No student shall be eligible to 71035
receive a grant for more than six semesters or the equivalent of 71036
three academic years. 71037

(C) Eligible students shall apply to participate in the 71038
program in a form and manner prescribed by the chancellor. The 71039
chancellor shall determine the form and manner of payments. 71040

(D) (1) The program shall be funded in the sums and manner 71041
designated for such purpose by the general assembly, but the 71042
chancellor also may receive funds from other sources to support 71043
the program. 71044

(2) If, for any academic year, the amounts available for 71045
support of the program are inadequate to provide grants to all 71046
eligible students, the chancellor may establish different grant 71047
amounts based on the number of applicants and the total amount 71048
of funds set aside for that purpose. 71049

(E) The chancellor, in consultation with the providers of 71050
qualified programs, shall collect and report program metrics 71051
that include all of the following: 71052

(1) Demographics of recipients, including: 71053

(a) Age, disaggregated as follows: 71054

(i) Twenty-four years and younger; 71055

(ii) Twenty-five to thirty-four years;	71056
(iii) Thirty-five to forty-nine years;	71057
(iv) Fifty years and older.	71058
(b) Gender;	71059
(c) Race and ethnicity;	71060
(d) Enrollment status as full- or part-time;	71061
(e) Pell grant status.	71062
(2) Success rates of recipients, including program retention and completion;	71063 71064
(3) Total number of industry-recognized credentials, <u>including technician-aligned associate degrees</u> , awarded, disaggregated by subject or program area.	71065 71066 71067
Sec. 3333.374. (A) ~~After receipt of recommendations from the scholarship rules advisory committee or if no recommendations are received, the~~ The chancellor of higher education, with the approval of the treasurer of state, shall adopt rules, in accordance with Chapter 119. of the Revised Code, establishing policy guidelines for the implementation of the scholarship and fellowship programs.	71068 71069 71070 71071 71072 71073 71074
(B) Nothing in this section ~~or section 3333.373 of the Revised Code~~ shall prevent the chancellor, with the approval of the treasurer of state, from amending or rescinding rules adopted pursuant to division (A) of this section, or from adopting new rules, in accordance with Chapter 119. of the Revised Code, from time to time as are necessary to further the purposes of sections 3333.37 to 3333.375 of the Revised Code.	71075 71076 71077 71078 71079 71080 71081
Sec. 3333.952. (A) <u>The chancellor of higher education, in</u>	71082

collaboration with the department of education and workforce, 71083
the department of job and family services, the inter-university 71084
council, the association of independent colleges and 71085
universities, and any other relevant entities, shall establish 71086
the public policy research consortium on higher education. The 71087
consortium shall develop and maintain a biennial statewide 71088
research agenda that identifies key policy challenges and 71089
research priorities crucial to the state's future, drawing on 71090
input from policymakers, practitioners, and community 71091
stakeholders. The goals of the statewide research agenda shall 71092
be to do all of the following: 71093

(1) Provide policymakers and practitioners with timely, 71094
relevant, and rigorous research findings on problems of 71095
significant importance to the state's citizens, enabling 71096
informed decision-making and effective policies; 71097

(2) Increase the active engagement of the state's higher 71098
education institutions in addressing real-world issues of direct 71099
relevance to the state's social, economic, and civic well-being, 71100
fostering a stronger connection between academia and public 71101
service; 71102

(3) Cultivate the next generation of policy-focused 71103
researchers and practitioners by providing valuable research 71104
opportunities to faculty and post-graduate students. 71105

(B) The chancellor shall do all of the following: 71106

(1) Award competitive research grants to faculty and post- 71107
graduate students whose research aligns with the biennial 71108
research agenda established under division (A) of this section. 71109
Grants shall be awarded in a tiered structure based on project 71110
scope and complexity. A grant award shall not exceed ten 71111

thousand dollars. Fifty per cent of funding shall be disbursed 71112
upon grant approval, with the remaining balance released upon 71113
successful completion of the research and submission of the 71114
final report. 71115

(2) Establish a clear rubric to evaluate proposed research 71116
projects that contains a peer-reviewed process, involving both 71117
academic experts and relevant practitioners; 71118

(3) Manage the grant process and disseminate research 71119
findings through the department's web site, policy briefs, 71120
annual presentations to the standing committees of each house of 71121
the general assembly that consider higher education legislation, 71122
and community forums. 71123

Sec. 3333.96. (A) The strategic square footage reduction 71124
fund is created in the state treasury. The fund shall consist of 71125
money credited or transferred to it and grants, gifts, and 71126
contributions made directly to it. In addition to any such 71127
money, gift, or contribution, funds may be transferred from the 71128
Ohio tuition trust reserve fund to the strategic square footage 71129
reduction fund, in accordance with section 3334.11 of the 71130
Revised Code. 71131

(B) The strategic square footage reduction fund shall be 71132
used to make revolving loans to state institutions of higher 71133
education, as defined in section 3345.011 of the Revised Code, 71134
that enable the voluntary reduction of physical square footage. 71135

(C) The chancellor of higher education shall administer 71136
and award, in consultation with the Ohio facilities construction 71137
commission, the revolving loans described in division (B) of 71138
this section. The chancellor, in consultation with the 71139
commission, shall establish all of the following: 71140

- (1) Procedures and forms by which state institutions of 71141
higher education may apply for a loan; 71142
- (2) A competitive process for ranking applicants and 71143
awarding the loans, with priority consideration given to state 71144
institutions of higher education that have experienced a 71145
decrease in their general student populations, as determined by 71146
the chancellor; 71147
- (3) Procedures and timelines for distributing loans and 71148
collecting payments for the strategic square footage reduction 71149
fund. 71150
- (D) Each state institution of higher education shall 71151
include in its application all of the following: 71152
- (1) The extent to which the square footage may have value 71153
if sold or reallocated to serve other purposes, which may 71154
include kindergarten through twelve, career-technical, or adult 71155
educational purposes, community interests, or business and 71156
industry partnerships; 71157
- (2) The relative age and condition of the facilities to be 71158
deconstructed; 71159
- (3) Historical enrollment patterns as well as future 71160
enrollment projections; 71161
- (4) The composition of classes offered in person versus in 71162
an online format; 71163
- (5) The level of deferred maintenance; 71164
- (6) The prior level of state investment; 71165
- (7) The amount of annual operating expenses defrayed by 71166
eliminating the square footage; 71167

(8) A report from the office of budget and management 71168
detailing the extent and the status of past capital budget 71169
appropriations supporting the project and the existence of any 71170
outstanding bonded debt derived from such support. 71171

The chancellor and the Ohio facilities construction 71172
commission shall consider the information supplied under this 71173
division in making final awards. 71174

(E) Each state institution of higher education that 71175
receives a loan under this section annually shall certify to the 71176
chancellor, on a date and in such form and manner as prescribed 71177
by the chancellor, a summary of financial information regarding 71178
the loan. 71179

(F) Prior to a state institution using the loan to pay the 71180
demolition costs of a facility, the following shall occur: 71181

(1) The board of trustees of that institution shall adopt 71182
a resolution approving the demolition. 71183

(2) Notwithstanding anything to the contrary in the 71184
Revised Code, any net proceeds received from any demolition of 71185
real property made pursuant to this section shall, at the 71186
direction of the director of budget and management, be credited 71187
to the strategic square footage reduction fund. 71188

(G) Each state institution of higher education receiving 71189
loans under this section shall not construct any new facility 71190
during the time period in which demolition is occurring. 71191

Sec. 3333.97. (A) As used in this section, "state 71192
institution of higher education" and "state university" have the 71193
same meanings as in section 3345.011 of the Revised Code. 71194

(B) The chancellor of higher education shall do all of the 71195

following: 71196

(1) Determine and provide the criteria for approving 71197
accelerated ninety-hour degree programs established under the 71198
accelerated college and career pathways program established 71199
under section 3345.89 of the Revised Code; 71200

(2) Provide technical assistance to each state university 71201
during the development of accelerated ninety-hour degree 71202
programs and aligned model college credit plus pathways as 71203
required under section 3345.89 of the Revised Code; 71204

(3) Identify how students can count credit earned in high 71205
school, a nontraditional training program, another state 71206
institution of higher education, or work experiences as part of 71207
the ninety-hour degree programs at a state university. Each 71208
state university shall accept credit from incoming students that 71209
meet the criteria under this division. 71210

(4) Annually publish on the chancellor's web site all of 71211
the following: 71212

(a) Each ninety-hour degree program offered by a state 71213
university; 71214

(b) The number of students participating in each ninety- 71215
hour degree program; 71216

(c) The number of students that complete each ninety-hour 71217
degree program; 71218

(d) Any additional information as determined by the 71219
chancellor. 71220

Sec. 3334.11. (A) The assets of the Ohio tuition trust 71221
authority reserved for payment of the obligations of the 71222
authority pursuant to tuition payment contracts shall be placed 71223

in a fund, which is hereby created and shall be known as the 71224
Ohio tuition trust fund. The fund shall be in the custody of the 71225
treasurer of state, but shall not be part of the state treasury. 71226
That portion of payments received by the authority or the 71227
treasurer of state from persons purchasing tuition units under 71228
tuition payment contracts that the authority determines is 71229
actuarially necessary for the payment of obligations of the 71230
authority pursuant to tuition payment contracts, all interest 71231
and investment income earned by the fund, and all other receipts 71232
of the authority from any other source that the authority 71233
determines appropriate, shall be deposited in the fund. No 71234
purchaser or beneficiary of tuition units shall have any claim 71235
against the funds of any state institution of higher education. 71236
All investment fees and other costs incurred in connection with 71237
the exercise of the investment powers of the authority pursuant 71238
to divisions (D) and (E) of this section shall be paid from the 71239
assets of the fund. 71240

(B) Unless otherwise provided by the authority, the assets 71241
of the Ohio tuition trust fund shall be expended in the 71242
following order: 71243

(1) To make payments to beneficiaries, or institutions of 71244
higher education on behalf of beneficiaries, under division (B) 71245
of section 3334.09 of the Revised Code; 71246

(2) To make refunds as provided in divisions (A) and (C) 71247
of section 3334.10 of the Revised Code; 71248

(3) To pay the investment fees and other costs of 71249
administering the fund. 71250

(C) (1) Except as may be provided in an agreement under 71251
division (A) (19) of section 3334.08 of the Revised Code, all 71252

disbursements from the Ohio tuition trust fund shall be made by 71253
the treasurer of state on order of a designee of the authority. 71254

(2) The treasurer of state shall deposit any portion of 71255
the Ohio tuition trust fund not needed for immediate use in the 71256
same manner as state funds are deposited. 71257

(D) The authority is the trustee of the Ohio tuition trust 71258
fund. The authority shall have full power to invest the assets 71259
of the fund and in exercising this power shall be subject to the 71260
limitations and requirements contained in divisions (K) to (M) 71261
of this section and sections 145.112 and 145.113 of the Revised 71262
Code. The evidences of title of all investments shall be 71263
delivered to the treasurer of state or to a qualified trustee 71264
designated by the treasurer of state as provided in section 71265
135.18 of the Revised Code. Assets of the fund shall be 71266
administered by the authority in a manner designed to be 71267
actuarially sound so that the assets of the fund will be 71268
sufficient to satisfy the obligations of the authority pursuant 71269
to tuition payment contracts and defray the reasonable expenses 71270
of administering the fund. 71271

(E) The authority may enter into an agreement with any 71272
business, entity, or governmental agency to perform the 71273
investment duties of the authority as set forth in division (D) 71274
of this section. The investment powers shall be exercised by the 71275
business, entity, or governmental agency that entered into an 71276
agreement with the authority in a manner agreed upon by the 71277
authority that maximizes the return on investment and minimizes 71278
the administrative expenses. 71279

(F) (1) The authority shall maintain a separate account for 71280
each tuition payment contract entered into pursuant to division 71281
(A) of section 3334.09 of the Revised Code for the purchase of 71282

tuition units on behalf of a beneficiary or beneficiaries 71283
showing the beneficiary or beneficiaries of that contract and 71284
the number of tuition units purchased pursuant to that contract. 71285
Upon request of any beneficiary or person who has entered into a 71286
tuition payment contract, the authority shall provide a 71287
statement indicating, in the case of a beneficiary, the number 71288
of tuition units purchased on behalf of the beneficiary, or in 71289
the case of a person who has entered into a tuition payment 71290
contract, the number of tuition units purchased, used, or 71291
refunded pursuant to that contract. A beneficiary and person 71292
that have entered into a tuition payment contract each may file 71293
only one request under this division in any year. 71294

(2) The authority shall maintain an account for each 71295
scholarship program showing the number of tuition units that 71296
have been purchased for or donated to the program and the number 71297
of tuition units that have been used. Upon the request of the 71298
entity that established the scholarship program, the authority 71299
shall provide a statement indicating these numbers. 71300

(G) (1) In addition to the Ohio tuition trust fund, there 71301
is hereby established a reserve fund that shall be in the 71302
custody of the treasurer of state but shall not be part of the 71303
state treasury, and shall be known as the Ohio tuition trust 71304
reserve fund, and an operating fund that shall be part of the 71305
state treasury, and shall be known as the Ohio tuition trust 71306
operating fund. That portion of payments received by the 71307
authority or the treasurer of state from persons purchasing 71308
tuition units under tuition payment contracts that the authority 71309
determines is not actuarially necessary for the payment of 71310
obligations of the authority pursuant to tuition payment 71311
contracts, any interest and investment income earned by the 71312
reserve fund, any administrative charges and fees imposed by the 71313

authority on transactions under this chapter or on purchasers or 71314
beneficiaries of tuition units, and all other receipts from any 71315
other source that the authority determines appropriate, shall be 71316
deposited in the reserve fund to pay the operating expenses of 71317
the authority and the costs of administering the program. The 71318
assets of the reserve fund may be invested in the same manner 71319
and subject to the same limitations set forth in divisions (D), 71320
(E), and (K) to (M) of this section and sections 145.112 and 71321
145.113 of the Revised Code. All investment fees and other costs 71322
incurred in connection with the exercise of the investment 71323
powers shall be paid from the assets of the reserve fund. Except 71324
as otherwise provided for in this chapter, all operating 71325
expenses of the authority and costs of administering the program 71326
shall be paid from the operating fund. 71327

(2) The treasurer of state shall, upon request of the 71328
authority, transfer funds from the reserve fund to the operating 71329
fund as the authority determines appropriate to pay those 71330
current operating expenses of the authority and costs of 71331
administering the program as the authority designates. Any 71332
interest or investment income earned on the assets of the 71333
operating fund shall be deposited in the operating fund. 71334

(3) The treasurer of state shall, upon request by the 71335
chancellor of higher education and approval by the director of 71336
budget and management, transfer funds from the reserve fund to 71337
the strategic square footage reduction fund created under 71338
section 3333.96 of the Revised Code. 71339

(H) In January of each year the authority shall report to 71340
each person who received any payments or refunds from the 71341
authority during the preceding year information relative to the 71342
value of the payments or refunds to assist in determining that 71343

person's tax liability. 71344

(I) The authority shall report to the tax commissioner any 71345
information, and at the times, as the tax commissioner requires 71346
to determine any tax liability that a person may have incurred 71347
during the preceding year as a result of having received any 71348
payments or refunds from the authority. 71349

(J) All records of the authority indicating the identity 71350
of purchasers and beneficiaries of tuition units or college 71351
savings bonds, the number of tuition units purchased, used, or 71352
refunded under a tuition payment contract, and the number of 71353
college savings bonds purchased, held, or redeemed are not 71354
public records within the meaning of section 149.43 of the 71355
Revised Code. 71356

(K) (1) The authority and other fiduciaries shall discharge 71357
their duties with respect to the funds with care, skill, 71358
prudence, and diligence under the circumstances then prevailing 71359
that a prudent person acting in a like capacity and familiar 71360
with such matters would use in the conduct of an enterprise of a 71361
like character and with like aims; and by diversifying the 71362
investments of the assets of the funds so as to minimize the 71363
risk of large losses, unless under the circumstances it is 71364
clearly prudent not to do so. 71365

(2) To facilitate investment of the funds, the authority 71366
may establish a partnership, trust, limited liability company, 71367
corporation, including a corporation exempt from taxation under 71368
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 71369
amended, or any other legal entity authorized to transact 71370
business in this state. 71371

(L) In exercising its fiduciary responsibility with 71372

respect to the investment of the assets of the funds, it shall 71373
be the intent of the authority to give consideration to 71374
investments that enhance the general welfare of the state and 71375
its citizens where the investments offer quality, return, and 71376
safety comparable to other investments currently available to 71377
the authority. In fulfilling this intent, equal consideration 71378
shall also be given to investments otherwise qualifying under 71379
this section that involve minority owned and controlled firms 71380
and firms owned and controlled by women, either alone or in 71381
joint venture with other firms. 71382

The authority shall adopt, in regular meeting, policies, 71383
objectives, or criteria for the operation of the investment 71384
program that include asset allocation targets and ranges, risk 71385
factors, asset class benchmarks, time horizons, total return 71386
objectives, and performance evaluation guidelines. In adopting 71387
policies and criteria for the selection of agents with whom the 71388
authority may contract for the administration of the assets of 71389
the funds, the authority shall give equal consideration to 71390
minority owned and controlled firms, firms owned and controlled 71391
by women, and ventures involving minority owned and controlled 71392
firms and firms owned and controlled by women that otherwise 71393
meet the policies and criteria established by the authority. 71394
Amendments and additions to the policies and criteria shall be 71395
adopted in regular meeting. The authority shall publish its 71396
policies, objectives, and criteria under this provision no less 71397
often than annually and shall make copies available to 71398
interested parties. 71399

When reporting on the performance of investments, the 71400
authority shall comply with the performance presentation 71401
standards established by the association for investment 71402
management and research. 71403

(M) All investments shall be purchased at current market 71404
prices and the evidences of title of the investments shall be 71405
placed in the hands of the treasurer of state, who is hereby 71406
designated as custodian thereof, or in the hands of the 71407
treasurer of state's authorized agent. The treasurer of state or 71408
the agent shall collect the principal, dividends, distributions, 71409
and interest thereon as they become due and payable and place 71410
them when so collected into the custodial funds. 71411

The treasurer of state shall pay for investments purchased 71412
by the authority on receipt of written or electronic 71413
instructions from the authority or the authority's designated 71414
agent authorizing the purchase and pending receipt of the 71415
evidence of title of the investment by the treasurer of state or 71416
the treasurer of state's authorized agent. The authority may 71417
sell investments held by the authority, and the treasurer of 71418
state or the treasurer of state's authorized agent shall accept 71419
payment from the purchaser and deliver evidence of title of the 71420
investment to the purchaser on receipt of written or electronic 71421
instructions from the authority or the authority's designated 71422
agent authorizing the sale, and pending receipt of the moneys 71423
for the investments. The amount received shall be placed in the 71424
custodial funds. The authority and the treasurer of state may 71425
enter into agreements to establish procedures for the purchase 71426
and sale of investments under this division and the custody of 71427
the investments. 71428

No purchase or sale of any investment shall be made under 71429
this section except as authorized by the authority. 71430

Any statement of financial position distributed by the 71431
authority shall include fair value, as of the statement date, of 71432
all investments held by the authority under this section. 71433

Sec. 3335.39. (A) (1) The Salmon P. Chase center for 71434
civics, culture, and society is established as an independent 71435
academic unit within the Ohio state university, ~~physically~~ 71436
~~located in the college of public affairs.~~ The center shall 71437
conduct teaching and research in the historical ideas, 71438
traditions, and texts that have shaped the American 71439
constitutional order and society. 71440

(2) The center shall establish bylaws requiring the center 71441
to do all of the following: 71442

(a) Educate students by means of free, open, and rigorous 71443
intellectual inquiry to seek the truth; 71444

(b) Affirm its duty to equip students with the skills, 71445
habits, and dispositions of mind they need to reach their own 71446
informed conclusions on matters of social and political 71447
importance; 71448

(c) Affirm the value of intellectual diversity in higher 71449
education and aspire to enhance the intellectual diversity of 71450
the university; 71451

(d) Affirm a commitment to create a community dedicated to 71452
an ethic of civil and free inquiry, which respects the 71453
intellectual freedom of each member, supports individual 71454
capacities for growth, and welcomes the differences of opinion 71455
that shall naturally exist in a public university community. 71456

The requirements prescribed under divisions (A) (2) (a) to 71457
(d) of this section shall take priority over any other bylaws 71458
adopted by the center. 71459

(3) The board of trustees of the university may change the 71460
name of the center in accordance with the philanthropic naming 71461
policies and practices of the university. 71462

~~(B)~~ (B) (1) The center shall be an independent academic unit 71463
~~physically located at the college of public affairs with the~~ 71464
authority to house tenure-track faculty who hold their 71465
appointments within the center. Faculty appointed to the center 71466
shall not be required, but may, hold joint appointments within 71467
any other division of the university. Not fewer than fifteen 71468
tenure-track faculty positions shall be allotted to teach under 71469
the center. No faculty outside of the center shall have the 71470
authority to block faculty hires into the center. 71471

(2) The university shall provide adequate and appropriate 71472
space for the center as jointly determined by the director and 71473
either the president or provost of the university. The 71474
university shall not charge or assess overhead or indirect fees, 71475
costs, expenses, or charges to the center. 71476

(C) (1) The center shall offer instruction in all of the 71477
following: 71478

(a) The books and major debates which form the 71479
intellectual foundation of free societies, especially that of 71480
the United States; 71481

(b) The principles, ideals, and institutions of the 71482
American constitutional order; 71483

(c) The foundations of responsible leadership and informed 71484
citizenship. 71485

(2) The center also shall focus on both of the following: 71486

(a) Offering university-wide programming related to the 71487
values of free speech and civil discourse; 71488

(b) Expanding the intellectual diversity of the 71489
university's academic community. 71490

(D) (1) ~~Not later than November 20, 2023, the~~ The board of 71491
trustees of the university shall appoint, with the advice and 71492
consent of the senate, a seven-member Chase center academic 71493
council. An initial member shall not begin service until 71494
confirmed by the senate. Four members shall form a quorum. 71495

(2) The academic council shall be comprised of scholars 71496
with relevant expertise and experience. Not more than one member 71497
of the council may be an employee of the university. Best 71498
efforts shall be made to have not fewer than three members of 71499
the advisory board be from Ohio. 71500

(3) Three members of the academic council shall serve 71501
initial terms of two years and four members shall serve initial 71502
terms of four years, which the members shall determine at their 71503
first meeting, and select replacements for vacant seats. 71504

(E) (1) The academic council established under division (D) 71505
of this section shall conduct a nationwide search for candidates 71506
for the director of the center and shall strictly adhere to all 71507
relevant state and federal laws. The academic council shall 71508
submit to the president of the university a list of finalists 71509
from which the president shall select and appoint a director, 71510
subject to approval by the board of trustees. Future directors 71511
shall be chosen in the same manner. 71512

(2) The director shall have the protection of tenure or 71513
tenure eligibility. The director shall ~~consult with the dean of~~ 71514
~~the college of public affairs; however, the director shall~~ 71515
report directly to the provost or the president of the 71516
university. 71517

(3) The director shall have the sole and exclusive 71518
authority to manage the recruitment and hiring process and to 71519

extend offers for employment for all faculty and staff, and to 71520
terminate employment of all staff. The director shall oversee, 71521
develop, and approve the center's curriculum, including approval 71522
of the center's courses that meet the university's general 71523
education requirements. The center shall be granted the 71524
authority to offer courses and develop certificate, minor, and 71525
major programs as well as graduate programs, and offer degrees. 71526

(F) The director of the center shall submit an annual 71527
report to the board of trustees of the university and the 71528
general assembly in accordance with section 101.68 of the 71529
Revised Code. The report shall provide a full account of the 71530
center's achievements, opportunities, challenges, and obstacles 71531
in the development of this academic unit. 71532

Sec. 3339.06. (A) (1) The Miami university center for 71533
civics, culture, and society is established as an independent 71534
academic unit within Miami university, ~~physically located in the~~ 71535
~~college of arts and sciences~~. The center shall conduct teaching 71536
and research in the historical ideas, traditions, and texts that 71537
have shaped the American constitutional order and society. 71538

(2) The center shall establish bylaws requiring the center 71539
to do all of the following: 71540

(a) Educate students by means of free, open, and rigorous 71541
intellectual inquiry to seek the truth; 71542

(b) Affirm its duty to equip students with the skills, 71543
habits, and dispositions of mind they need to reach their own 71544
informed conclusions on matters of social and political 71545
importance; 71546

(c) Affirm the value of intellectual diversity in higher 71547
education and aspire to enhance the intellectual diversity of 71548

the university; 71549

(d) Affirm a commitment to create a community dedicated to 71550
an ethic of civil and free inquiry, which respects the 71551
intellectual freedom of each member, supports individual 71552
capacities for growth, and welcomes the differences of opinion 71553
that shall naturally exist in a public university community. 71554

The requirements prescribed under divisions (A) (2) (a) to 71555
(d) of this section shall take priority over any other bylaws 71556
adopted by the center. 71557

(3) The board of trustees of the university may name the 71558
center in accordance with the philanthropic naming policies and 71559
practices of the university. 71560

~~(B)~~ (B) (1) The center shall be an independent academic unit 71561
physically located at the college of arts and sciences with the 71562
authority to house tenure-track faculty who hold their 71563
appointments within the center. Faculty appointed to the center 71564
shall not be required, but may, hold joint appointments within 71565
any other division of the university. Not fewer than ten tenure- 71566
track faculty positions shall be allotted to teach under the 71567
center. No faculty outside of the center shall have the 71568
authority to block faculty hires into the center. 71569

(2) The university shall provide adequate and appropriate 71570
space for the center as jointly determined by the director and 71571
either the president or provost of the university. The 71572
university shall not charge or assess overhead or indirect fees, 71573
costs, expenses, or charges to the center. 71574

(C) (1) The center shall offer instruction in all of the 71575
following: 71576

(a) The books and major debates which form the 71577

intellectual foundation of free societies, especially that of 71578
the United States; 71579

(b) The principles, ideals, and institutions of the 71580
American constitutional order; 71581

(c) The foundations of responsible leadership and informed 71582
citizenship. 71583

(2) The center also shall focus on both of the following: 71584

(a) Offering university-wide programming related to the 71585
values of free speech and civil discourse; 71586

(b) Expanding the intellectual diversity of the 71587
university's academic community. 71588

(D) (1) ~~Not later than December 31, 2023, the~~ The board of 71589
trustees of the university shall appoint, with the advice and 71590
consent of the senate, a seven-member center academic council. 71591
An initial member shall not begin service until confirmed by the 71592
senate. Four members shall form a quorum. 71593

(2) The academic council shall be comprised of scholars 71594
with relevant expertise and experience. Not more than one member 71595
of the council may be an employee of the university. Best 71596
efforts shall be made to have not fewer than three members of 71597
the advisory board be from Ohio. 71598

(3) Three members of the academic council shall serve 71599
initial terms of two years and four members shall serve initial 71600
terms of four years, which the members shall determine at their 71601
first meeting, and select replacements for vacant seats. 71602

(E) (1) The academic council established under division (D) 71603
of this section shall conduct a nationwide search for candidates 71604
for the director of the center and shall strictly adhere to all 71605

relevant state and federal laws. The academic council shall 71606
submit to the president of the university a list of finalists 71607
from which the president shall select and appoint a director, 71608
subject to approval by the board of trustees. Future directors 71609
shall be chosen in the same manner. 71610

(2) The director shall have the protection of tenure or 71611
tenure eligibility. The director shall ~~consult with the dean of~~ 71612
~~the college of arts and sciences; however, the director shall~~ 71613
report directly to the provost or the president of the 71614
university. 71615

(3) The director shall have the sole and exclusive 71616
authority to manage the recruitment and hiring process and to 71617
extend offers for employment for all faculty and staff of the 71618
center, and to terminate employment of all staff. The director 71619
shall oversee, develop, and approve the center's curriculum, 71620
including approval of the center's courses that meet the 71621
university's general education requirements. The center shall be 71622
granted the authority to offer courses and develop certificate, 71623
minor, and major programs as well as graduate programs, and 71624
offer degrees. 71625

(F) The director of the center shall submit an annual 71626
report to the board of trustees of the university and the 71627
general assembly in accordance with section 101.68 of the 71628
Revised Code. The report shall provide a full account of the 71629
center's achievements, opportunities, challenges, and obstacles 71630
in the development of this academic unit. 71631

Sec. 3344.07. (A) (1) The Cleveland state university center 71632
for civics, culture, and society is established as an 71633
independent academic unit within Cleveland state university, 71634
~~physically located in the Levin college of public affairs and~~ 71635

education. The center shall conduct teaching and research in the 71636
historical ideas, traditions, and texts that have shaped the 71637
American constitutional order and society. 71638

(2) The center shall establish bylaws requiring the center 71639
to do all of the following: 71640

(a) Educate students by means of free, open, and rigorous 71641
intellectual inquiry to seek the truth; 71642

(b) Affirm its duty to equip students with the skills, 71643
habits, and dispositions of mind they need to reach their own 71644
informed conclusions on matters of social and political 71645
importance; 71646

(c) Affirm the value of intellectual diversity in higher 71647
education and aspire to enhance the intellectual diversity of 71648
the university; 71649

(d) Affirm a commitment to create a community dedicated to 71650
an ethic of civil and free inquiry, which respects the 71651
intellectual freedom of each member, supports individual 71652
capacities for growth, and welcomes the differences of opinion 71653
that shall naturally exist in a public university community. 71654

The requirements prescribed under divisions (A) (2) (a) to 71655
(d) of this section shall take priority over any other bylaws 71656
adopted by the center. 71657

(3) The board of trustees of the university may name the 71658
center in accordance with the philanthropic naming policies and 71659
practices of the university. 71660

~~(B)~~ (B) (1) The center shall be an independent academic unit 71661
physically located at the college of public affairs and 71662
education with the authority to house tenure-track faculty who 71663

hold their appointments within the center. Faculty appointed to 71664
the center shall not be required, but may, hold joint 71665
appointments within any other division of the university. Not 71666
fewer than ten tenure-track faculty positions shall be allotted 71667
to teach under the center. No faculty outside of the center 71668
shall have the authority to block faculty hires into the center. 71669

(2) The university shall provide adequate and appropriate 71670
space for the center as jointly determined by the director and 71671
either the president or provost of the university. The 71672
university shall not charge or assess overhead or indirect fees, 71673
costs, expenses, or charges to the center. 71674

(C) (1) The center shall offer instruction in all of the 71675
following: 71676

(a) The books and major debates which form the 71677
intellectual foundation of free societies, especially that of 71678
the United States; 71679

(b) The principles, ideals, and institutions of the 71680
American constitutional order; 71681

(c) The foundations of responsible leadership and informed 71682
citizenship. 71683

(2) The center also shall focus on both of the following: 71684

(a) Offering university-wide programming related to the 71685
values of free speech and civil discourse; 71686

(b) Expanding the intellectual diversity of the 71687
university's academic community. 71688

(D) (1) ~~Not later than December 31, 2023, the~~ The board of 71689
trustees of the university shall appoint, with the advice and 71690
consent of the senate, a seven-member center academic council. 71691

An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum.

(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio.

(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats.

(E) (1) The academic council established under division (D) of this section shall conduct a nationwide search for candidates for the director of the center and shall strictly adhere to all relevant state and federal laws. The academic council shall submit to the president of the university a list of finalists from which the president shall select and appoint a director, subject to approval by the board of trustees. Future directors shall be chosen in the same manner.

(2) The director shall have the protection of tenure or tenure eligibility. The director shall ~~consult with the dean of the college of public affairs and education; however, the director shall~~ report directly to the provost or the president of the university.

(3) The director shall have the sole and exclusive authority to manage the recruitment and hiring process and to extend offers for employment for all faculty and staff of the center, and to terminate employment of all staff. The director shall oversee, develop, and approve the center's curriculum,

including approval of the center's courses that meet the 71721
university's general education requirements. The center shall be 71722
granted the authority to offer courses and develop certificate, 71723
minor, and major programs as well as graduate programs, and 71724
offer degrees. 71725

(F) The director of the center shall submit an annual 71726
report to the board of trustees of the university and the 71727
general assembly in accordance with section 101.68 of the 71728
Revised Code. The report shall provide a full account of the 71729
center's achievements, opportunities, challenges, and obstacles 71730
in the development of this academic unit. 71731

Sec. 3345.06. As used in this section, "state institution 71732
of higher education" and "state university" have the same 71733
meanings as in section 3345.011 of the Revised Code. 71734

~~(A)~~ (A) (1) Subject to divisions (B) and (C) of this 71735
section, a graduate of the twelfth grade shall be entitled to 71736
admission without examination to any ~~college or university which~~ 71737
~~is supported wholly or in part by the state~~ state institution of 71738
higher education, but for unconditional admission may be 71739
required to complete such units not included in the graduate's 71740
high school course as may be prescribed, not less than two years 71741
prior to the graduate's entrance, by the faculty of the 71742
institution. 71743

(2) Subject to divisions (B) and (C) of this section, each 71744
graduate of the twelfth grade who is in the top ten per cent of 71745
a graduating class as determined by the chancellor of higher 71746
education shall be entitled to admission to any state 71747
institution of higher education. If the student does not meet 71748
the standards for unconditional admission under division (A) of 71749
this section, a state university may delay main campus admission 71750

and admit the student to a university branch campus. 71751

(3) Subject to divisions (B) and (C) of this section, each 71752
graduate who is in the top five per cent of a graduating class 71753
as determined by the chancellor shall be entitled to admission 71754
to the main campus of a state institution of higher education, 71755
provided the recipient meets the application and acceptance 71756
deadlines for admission to the main campus. 71757

(4) The chancellor of higher education, in consultation 71758
with the director of education and workforce, shall identify a 71759
process to provide each state institution of higher education 71760
with information on students who are eligible for admission 71761
under divisions (A) (2) and (3) of this section. 71762

(B) Beginning with the 2014-2015 academic year, each state 71763
~~university listed in section 3345.011 of the Revised Code,~~ 71764
except for Central state university, Shawnee state university, 71765
and Youngstown state university, shall permit a resident of this 71766
state who entered ninth grade for the first time on or after 71767
July 1, 2010, to begin undergraduate coursework at the 71768
university only if the person has successfully completed the 71769
requirements for high school graduation prescribed in division 71770
(C) of section 3313.603 of the Revised Code, unless one of the 71771
following applies: 71772

(1) The person has earned at least ten semester hours, or 71773
the equivalent, at a community college, state community college, 71774
university branch, technical college, or another post-secondary 71775
institution except a state university to which division (B) of 71776
this section applies, in courses that are college-credit-bearing 71777
and may be applied toward the requirements for a degree. The 71778
university shall grant credit for successful completion of those 71779
courses pursuant to any applicable articulation and transfer 71780

policy of the chancellor of higher education or any agreements 71781
the university has entered into in accordance with policies and 71782
procedures adopted under section 3333.16, 3333.161, or 3333.162 71783
of the Revised Code. The university may count college credit 71784
that the student earned while in high school through the college 71785
credit plus program under Chapter 3365. of the Revised Code, or 71786
through other advanced standing programs, toward the 71787
requirements of division (B) (1) of this section if the credit 71788
may be applied toward a degree. 71789

(2) The person qualified to graduate from high school 71790
under division (D) or (F) of section 3313.603 of the Revised 71791
Code and has successfully completed the topics or courses that 71792
the person lacked to graduate under division (C) of that section 71793
at any post-secondary institution or at a summer program at the 71794
state university. A state university may admit a person for 71795
enrollment contingent upon completion of such topics or courses 71796
or summer program. 71797

(3) The person met the high school graduation requirements 71798
by successfully completing the person's individualized education 71799
program developed under section 3323.08 of the Revised Code. 71800

(4) The person is receiving or has completed the final 71801
year of education at home as authorized under section 3321.042 71802
of the Revised Code, or has graduated from a nonchartered, 71803
nonpublic school in Ohio, and demonstrates mastery of the 71804
academic content and skills in reading, writing, and mathematics 71805
needed to successfully complete introductory level coursework at 71806
an institution of higher education and to avoid remedial 71807
coursework. 71808

(5) The person is a high school student participating in 71809
the college credit plus program under Chapter 3365. of the 71810

Revised Code or another advanced standing program. 71811

(C) A state university subject to division (B) of this 71812
section may delay admission for or admit conditionally an 71813
undergraduate student who has successfully completed the 71814
requirements prescribed in division (C) of section 3313.603 of 71815
the Revised Code if the university determines the student 71816
requires academic remedial or developmental coursework. The 71817
university may delay admission pending, or make admission 71818
conditional upon, the student's successful completion of the 71819
academic remedial or developmental coursework at a university 71820
branch, community college, state community college, or technical 71821
college. 71822

(D) This section does not deny the right of a college of 71823
law, medicine, or other specialized education to require college 71824
training for admission, or the right of a department of music or 71825
other art to require particular preliminary training or talent. 71826

Sec. 3345.382. (A) As used in this section, "state 71827
institution of higher education" has the same meaning as in 71828
section 3345.011 of the Revised Code. 71829

(B) Each state institution of higher education shall 71830
develop a course with not fewer than three credit hours in the 71831
subject area of American civic literacy. The course shall 71832
include a study of the American economic system and capitalism. 71833
The course shall comply with the criteria, policies, and 71834
procedures established under section 3333.16 of the Revised 71835
Code. The course may be offered under the college credit plus 71836
program established under Chapter 3365. of the Revised Code. The 71837
course shall, at a minimum, require each student to read all the 71838
following: 71839

- (1) The entire Constitution of the United States; 71840
- (2) The entire Declaration of Independence; 71841
- (3) A minimum of five essays in their entirety from the 71842
Federalist Papers. The essays shall be selected by the 71843
department chair. 71844
- (4) The entire Emancipation Proclamation; 71845
- (5) The entire Gettysburg Address; 71846
- (6) The entire Letter from Birmingham Jail written by Dr. 71847
Martin Luther King Jr; 71848
- (7) The writings of Adam Smith, including a study of the 71849
principles written in The Wealth of Nations. 71850
- Any student who takes the course shall be required to pass 71851
a cumulative final examination at the conclusion of the course 71852
that assesses student proficiency about the documents described 71853
in divisions (B)(1) to (7) of this section. 71854
- Each state institution of higher education board of 71855
trustees shall adopt a resolution approving a plan to offer the 71856
course developed under this section. Each state institution 71857
shall submit that plan to the chancellor of higher education. 71858
The chancellor shall review and approve each plan. Prior to 71859
approving a plan, the chancellor may require a state institution 71860
to revise the plan and the course. 71861
- Each state institution of higher education board of 71862
trustees also shall adopt a resolution specifying the conditions 71863
under which the state institution's president or designee may 71864
exempt a student under division (D)(3) of this section. 71865
- (C) Beginning with students who graduate from a state 71866

institution of higher education in the spring semester, or 71867
equivalent quarter, of the 2029-2030 academic year, no state 71868
institution of higher education shall grant a bachelor's degree 71869
to any student unless the student completes a course described 71870
in division (B) of this section. A state institution may require 71871
students to complete the course as part of the institution's 71872
general education courses of study. 71873

(D) The president of a state institution of higher 71874
education, or the president's designee, may exempt a student 71875
from the requirement to complete a course described in division 71876
(B) of this section, if the president or designee determines 71877
that the student has completed at least one of the following: 71878

(1) A course offered under the college credit plus program 71879
established under Chapter 3365. of the Revised Code that 71880
satisfies the content requirements described in division (B) of 71881
this section and is approved by the chancellor; 71882

(2) An advanced placement course and examination that 71883
satisfy the content requirements described in division (B) of 71884
this section and are approved by the chancellor, and the student 71885
receives a score of three or higher on that examination; 71886

(3) At least three credit hours, or the equivalent, in a 71887
course in the subject area of American history or American 71888
government which includes the study of the documents described 71889
in divisions (B)(1) to (7) of this section. 71890

Division (D)(3) of this section does not apply after the 71891
2030-2031 academic year. 71892

(E) This section does not apply to associate's degree 71893
programs. 71894

Sec. 3345.457. (A) As used in this section, "state 71895

institution of higher education" has the same meaning as in 71896
section 3345.011 of the Revised Code. 71897

(B) The board of trustees of each state institution of 71898
higher education has ultimate authority to establish new 71899
academic programs, schools, colleges, institutes, departments, 71900
and centers at the institution. Notwithstanding anything in 71901
section 3333.0420 of the Revised Code to the contrary, the board 71902
of trustees may not delegate the board's authority to adopt a 71903
curricular approval process under this section or to approve or 71904
reject academic programs. 71905

(C) The board of trustees of each state institution of 71906
higher education shall adopt a curricular approval process to 71907
establish and modify academic programs, curricula, courses, 71908
general education requirements, and degree programs. The process 71909
developed under this division shall do all of the following: 71910

(1) Grant the faculty senate, or comparable representative 71911
body, the opportunity to provide advice, feedback, and 71912
recommendations on the establishment and modification of 71913
academic programs, curricula, courses, general education 71914
requirements, and degree programs; 71915

(2) Clarify that all feedback and recommendations by the 71916
faculty senate, or comparable representative body, is advisory 71917
in nature; 71918

(3) Retain the board's final, overriding authority to 71919
approve or reject any establishment or modification of academic 71920
programs, curricula, courses, general education requirements, 71921
and degree programs. 71922

(D) Each board of trustees shall complete the initial 71923
curricular approval process developed under this section not 71924

later than six months after the effective date of this section, 71925
unless the institution's president grants a one-month extension, 71926
and every five years thereafter. The board of trustees shall 71927
submit each completed version of the approval process developed 71928
under this section to the chancellor of higher education. 71929

Sec. 3345.48. (A) As used in this section: 71930

(1) "Cohort" means a group of students who will complete 71931
their bachelor's degree requirements and graduate from a state 71932
university at the same time. A cohort may include transfer 71933
students and other selected undergraduate student academic 71934
programs as determined by the board of trustees of a state 71935
university. 71936

(2) "Eligible student" means an undergraduate student who: 71937

(a) Is enrolled full-time in a bachelor's degree program 71938
at a state university; 71939

(b) Is a resident of this state, as defined by the 71940
chancellor of higher education under section 3333.31 of the 71941
Revised Code. 71942

(3) "State university" has the same meaning as in section 71943
3345.011 of the Revised Code. 71944

(B) The board of trustees of each state university shall 71945
establish an undergraduate tuition guarantee program that allows 71946
eligible students in the same cohort to pay a fixed rate for 71947
general and instructional fees for four years. A board of 71948
trustees may include room and board and any additional fees in 71949
the program. 71950

The board shall adopt rules for the program that include, 71951
but are not limited to, all of the following: 71952

(1) The number of credit hours required to earn an 71953
undergraduate degree in each major; 71954

(2) A guarantee that the general and instructional fees 71955
for each student in the cohort shall remain constant for four 71956
years so long as the student complies with the requirements of 71957
the program, except that, notwithstanding any law to the 71958
contrary, the board may increase the guaranteed amount by up to 71959
six per cent above what has been charged in the previous 71960
academic year one time for the first cohort enrolled under the 71961
tuition guarantee program. If the board of trustees determines 71962
that economic conditions or other circumstances require an 71963
increase for the first cohort of above six per cent, the board 71964
shall submit a request to increase the amount by a specified 71965
percentage to the chancellor. The chancellor, based on 71966
information the chancellor requires from the board of trustees, 71967
shall approve or disapprove such a request. Thereafter, except 71968
as provided in division (F) of this section, the board of 71969
trustees may increase the guaranteed amount by up to the sum _of 71970
the following above what has been charged in the previous 71971
academic year one time per subsequent cohort: 71972

(a) The average rate of inflation, as measured by the 71973
consumer price index prepared by the bureau of labor statistics 71974
of the United States department of labor (all urban consumers, 71975
all items), for the previous thirty-six-month period; and 71976

(b) The percentage amount the general assembly restrains 71977
increases on in-state undergraduate instructional and general 71978
fees for the applicable fiscal year. If the general assembly 71979
does not enact a limit on the increase of in-state undergraduate 71980
instructional and general fees, then no limit shall apply under 71981
this division for the cohort that first enrolls in any academic 71982

year for which the general assembly does not prescribe a limit. 71983

If, beginning with the academic year that starts four 71984
years after September 29, 2013, the board of trustees determines 71985
that the general and instructional fees charged under the 71986
tuition guarantee have fallen significantly lower than those of 71987
other state universities, the board of trustees may submit a 71988
request to increase the amount charged to a cohort by a 71989
specified percentage to the chancellor, who shall approve or 71990
disapprove such a request. 71991

(3) A benchmark by which the board sets annual increases 71992
in general and instructional fees. This benchmark and any 71993
subsequent change to the benchmark shall be subject to approval 71994
of the chancellor. 71995

(4) Eligibility requirements for students to participate 71996
in the program; 71997

(5) Student rights and privileges under the program; 71998

(6) Consequences to the university for students unable to 71999
complete a degree program within four years, as follows: 72000

(a) For a student who could not complete the program in 72001
four years due to a lack of available classes or space in 72002
classes provided by the university, the university shall provide 72003
the necessary course or courses for completion to the student 72004
free of charge. 72005

(b) For a student who could not complete the program in 72006
four years due to military service or other circumstances beyond 72007
a student's control, as determined by the board of trustees, the 72008
university shall provide the necessary course or courses for 72009
completion to the student at the student's initial cohort rate. 72010

(c) For a student who did not complete the program in four 72011
years for any other reason, as determined by the board of 72012
trustees, the university shall provide the necessary course or 72013
courses for completion to the student at a rate determined 72014
through a method established by the board under division (B) (7) 72015
of this section. 72016

(7) Guidelines for adjusting a student's annual charges if 72017
the student, due to circumstances under the student's control, 72018
is unable to complete a degree program within four years; 72019

(8) A requirement that the rules adopted under division 72020
(B) of this section be published or posted in the university 72021
handbook, course catalog, and web site. 72022

(C) The board shall submit the rules adopted under 72023
division (B) of this section to the chancellor for approval 72024
before beginning implementation of the program. 72025

The chancellor shall not unreasonably withhold approval of 72026
a program if the program conforms in principle with the 72027
parameters and guidelines of this section. 72028

(D) A board of trustees of a state university may 72029
establish an undergraduate tuition guarantee program for 72030
nonresident students. 72031

(E) Except as provided in this section, no other 72032
limitation on the increase of in-state undergraduate 72033
instructional and general fees shall apply to a state university 72034
that has established an undergraduate tuition guarantee program 72035
under this section. 72036

(F) Notwithstanding anything in this section to the 72037
contrary, the board of trustees of a state university shall not 72038
charge 72039

the cohort entering in the 2023-2024 ~~or~~, 2024-2025, 2025-
2026, or 2026-2027 academic year a guaranteed amount of general
and instructional fees that is more than three per cent above
what was charged to the cohort that entered the university in
the previous academic year.

Sec. 3345.58. (A) As used in this section:

(1) "Academic civics centers" means the following
institutes or centers:

(a) The center at the Ohio state university established
under section 3335.39 of the Revised Code;

(b) The center at Miami university established under
section 3339.06 of the Revised Code;

(c) The center at Cleveland state university established
under section 3344.07 of the Revised Code;

(d) The center at Wright state university established
under section 3352.16 of the Revised Code;

(e) The institute at the university of Toledo established
under section 3364.07 of the Revised Code.

(2) "State institution of higher education" has the same
meaning as in section 3345.011 of the Revised Code.

(B) The Ohio civics board is established. The board shall
consist of the directors of the academic civics centers, who
shall serve as ex officio members. If an academic civics center
does not have a director, then the center's acting or interim
director shall serve on behalf of that center until a director
is selected. No additional appointment or confirmation by any
authority is required for membership.

- (C) The board shall do all of the following: 72067
- (1) Support the academic civics centers to more 72068
effectively pursue their mission of teaching and research in the 72069
historical ideas, traditions, and texts that have shaped the 72070
American and Ohio constitutional order and society; 72071
- (2) Aid voluntary cooperation and coordination between the 72072
academic civics centers, including coordinating intercollegiate 72073
efforts and initiatives among the centers to promote 72074
collaboration and serve the entire state of Ohio; 72075
- (3) Advise the general assembly and chancellor of higher 72076
education on matters pertaining to civic education, including 72077
best practices, program development, and statewide initiatives 72078
to enhance civic literacy and engagement; 72079
- (4) Advise the general assembly and chancellor on 72080
curriculum development and standards in state institutions of 72081
higher education and primary and secondary public education 72082
providers, and on the operations of the academic civics centers; 72083
- (5) Assist the academic councils of the academic civics 72084
centers in fulfilling their statutory duties, including 72085
facilitating the selection process for directors of each center. 72086
- (D) The board shall annually elect a chairperson and vice- 72087
chairperson from among its members. The chairperson shall 72088
preside over meetings and serve as the primary liaison to the 72089
chancellor and the general assembly. The vice-chairperson shall 72090
perform the duties of the chairperson in the absence of the 72091
chairperson. 72092
- The board shall meet as necessary at the call of the 72093
chairperson or on the written request of three or more members 72094
of the board. The board shall meet at least twice annually. 72095

A majority of the members of the board constitutes a 72096
quorum, and the votes of a majority of the quorum present are 72097
required to validate any action of the board, including 72098
recommendations. 72099

The members of the board shall serve without compensation, 72100
but each member shall be reimbursed for the member's actual and 72101
necessary expenses incurred in the performance of the member's 72102
official duties on the board. 72103

(E) The board shall submit an annual report to the general 72104
assembly and the chancellor not later than the first day of 72105
December each year. The report shall detail the board's 72106
activities, recommendations, and findings related to civic 72107
education, higher education curricula, primary and secondary 72108
public education curricula, and the operations of the academic 72109
civics centers. 72110

(F) The board, in consultation with the chancellor, may 72111
adopt rules under Chapter 119. of the Revised Code as necessary 72112
to implement this section. 72113

Sec. 3345.591. (A) As used in this section: 72114

(1) "People's Republic of China" means the government of 72115
China, the Chinese Communist Party, the People's Liberation 72116
Army, or any other extension of, or entity affiliated with, the 72117
government of China. 72118

(2) "State institution of higher education" has the same 72119
meaning as in section 3345.011 of the Revised Code. 72120

(B) No state institution of higher education shall accept 72121
gifts, donations, or contributions from the People's Republic of 72122
China or any organization the institution reasonably suspects is 72123
acting on behalf of the People's Republic of China. 72124

Nothing in this section prohibits a state institution of 72125
higher education from accepting payments from Chinese citizens 72126
related to instructional fees, general fees, special fees, cost 72127
of instruction, or educational expenses or donations from the 72128
institution's alumni. 72129

Nothing in this section prohibits a state institution of 72130
higher education from receiving philanthropic or unrestricted 72131
grants so long as it maintains the structural safeguard 72132
requirements provided for in division (E) of this section. 72133

(C) Each state institution shall submit to the chancellor 72134
of higher education a copy of the report it submits to the 72135
United States department of education pursuant to 20 U.S.C. 72136
1011(f). 72137

(D) Upon request, the chancellor shall make any 72138
information reported under division (C) of this section 72139
available to any member of the general assembly. 72140

(E) A state institution shall notify the chancellor of any 72141
new or renewed academic partnership with an academic or research 72142
institution located in China. A state institution shall only 72143
enter into a new or renewed academic partnership with an 72144
academic or research institution located in China if the state 72145
institution maintains sufficient structural safeguards to 72146
protect the state institution's intellectual property, the 72147
security of the state of Ohio, and the national security 72148
interests of the United States. The safeguards shall include, at 72149
a minimum, all of the following: 72150

(1) Compliance with all federal requirements, including 72151
the requirements of federal research sponsors and federal export 72152
control agencies, including regulations regarding international 72153

traffic in arms and export administration regulations, and 72154
economic and trade sanctions administered by the federal office 72155
of foreign assets control; 72156

(2) Annual formal institution-level programs for faculty 72157
on conflicts of interest and conflicts of commitment; 72158

(3) A formalized foreign visitor process and uniform 72159
visiting scholar agreement. 72160

(F) The auditor of state shall audit the safeguards 72161
implemented by state institutions of higher education under 72162
division (E) of this section in the course of a normal audit 72163
conducted under section ~~117.46~~ 117.11 of the Revised Code. 72164

Sec. 3345.601. Each state institution of higher education, 72165
as defined in section 3345.011 of the Revised Code, annually 72166
shall certify to the chancellor of higher education, on a date 72167
and in the form and manner determined by the chancellor, a plan 72168
to preserve student records indefinitely if the state 72169
institution was to cease operations. The plan shall include the 72170
designation and signed confirmation of an official custodian of 72171
student records. If the chancellor determines it necessary, the 72172
chancellor may require a state institution to produce an 72173
executed agreement with the designated custodian of student 72174
records, paid in full, to ensure the state institution's plan 72175
can be implemented. 72176

The chancellor may consult with the higher learning 72177
commission, the state board of career colleges and schools, and 72178
other appropriate entities to establish plans, processes, and 72179
procedures for state institutions to provide indefinite access 72180
to student records. 72181

Sec. 3345.71. As used in sections 3345.72 to 3345.77 of 72182

the Revised Code: 72183

(A) "State university or college" means any state 72184
university listed in section 3345.011 of the Revised Code, the 72185
northeast Ohio medical university, any community college under 72186
Chapter 3354. of the Revised Code, any technical college under 72187
Chapter 3357. of the Revised Code, and any state community 72188
college under Chapter 3358. of the Revised Code. 72189

(B) "Fiscal caution" means the existence of a fiscal 72190
caution declared under section 3345.721 of the Revised Code. 72191

(C) "Fiscal watch" means the existence of a fiscal watch 72192
declared under section 3345.72 of the Revised Code. 72193

Sec. 3345.721. (A) The chancellor of higher education, in 72194
consultation with the office of budget and management, shall 72195
adopt rules in accordance with section 111.15 of the Revised 72196
Code that include all of the following: 72197

(1) Criteria for determining when to review and, if 72198
necessary, declare a state university or college under fiscal 72199
caution. The criteria may include, but not be limited to, 72200
consideration of the following: 72201

(a) A significant drop in enrollment from the prior year; 72202
(b) A decline in enrollment for consecutive years; 72203
(c) A significant increase in enrollment; 72204
(d) A significant increase in adjunct faculty; 72205
(e) An increase in student complaints; 72206
(f) A substantial increase in the number of third-party 72207
service providers who are paid based on success; 72208
(g) Federal financial aid processing delays; 72209

<u>(h) Reduced or increased reliance on state share of</u>	72210
<u>instruction;</u>	72211
<u>(i) Receipt of substantial nonrecurring revenue, from any</u>	72212
<u>source, that could signify a structural budget deficit;</u>	72213
<u>(j) Failure to reconcile or file annual reports promptly,</u>	72214
<u>which may cause a delay in completing a yearly audit even if</u>	72215
<u>granted an extension;</u>	72216
<u>(k) A lack of proper institutional segregation of critical</u>	72217
<u>duties, functions, or responsibilities;</u>	72218
<u>(l) Significant turnover of faculty, staff, or</u>	72219
<u>administrators;</u>	72220
<u>(m) A significant amount of past due student receivables;</u>	72221
<u>(n) A significant increase in tuition or fee waivers;</u>	72222
<u>(o) Change in accreditation status by a nationally</u>	72223
<u>recognized accrediting agency;</u>	72224
<u>(p) A significant increase in indebtedness;</u>	72225
<u>(q) A federal program review or actions taken by a federal</u>	72226
<u>agency that adversely affects the state university's or</u>	72227
<u>college's finances, cash management, or educational program</u>	72228
<u>offerings;</u>	72229
<u>(r) Significant changes in a state university's or</u>	72230
<u>college's educational program eligibility or compliance with</u>	72231
<u>satisfactory academic progress requirements in 34 C.F.R. 668.34,</u>	72232
<u>including an increase in the use of correspondence or</u>	72233
<u>asynchronous learning materials.</u>	72234
<u>(2) A requirement that a state university or college</u>	72235
<u>declared to be on fiscal caution shall submit a financial</u>	72236

recovery plan, within a defined period of time after the 72237
declaration as determined by the chancellor, that may include, 72238
but is not limited to, any of the following: 72239

(a) Projections of revenues and expenditures over a three- 72240
year time horizon and on such other time horizons as may be 72241
requested by the chancellor; 72242

(b) A comprehensive review of current staffing levels, a 72243
comparison of staffing levels to the number of enrolled 72244
students, and a five-year historical summary of staffing levels; 72245

(c) A review of the most recent submission of 72246
institutional recommendations for courses and programs based on 72247
enrollment and duplication with other state institutions of 72248
higher education, as required by section 3345.35 of the Revised 72249
Code, and submission of revised recommendations as determined to 72250
be necessary; 72251

(d) A review of any approved tuition waivers, tuition 72252
guarantees, reciprocity agreements, or scholarship programs; 72253

(e) A plan to reduce expenditures over a six-month, 72254
twelve-month, eighteen-month, and twenty-four-month period, as 72255
necessary, to align ongoing revenue with ongoing expenses; 72256

(f) A review of contracts that are the largest portion of 72257
the state university's or college's expenditures; 72258

(g) A program viability analysis, or analyses, as 72259
determined by the chancellor to be necessary in accordance with 72260
section 3333.073 of the Revised Code. 72261

(3) A requirement that a state university or college 72262
declared to be on fiscal caution shall submit a three-year 72263
forecast of revenues and expenditures, approved in a resolution 72264

adopted by the board of trustees of the state university or 72265
college. The three-year forecast shall be structurally balanced 72266
based on a set of underlying assumptions, including enrollment 72267
projections, tuition revenue, and state funding levels, that are 72268
evidence-based and practicable; 72269

(4) A requirement that a state university or college 72270
declared to be on fiscal caution shall consult with the auditor 72271
of state regarding any necessary or appropriate steps to bring 72272
the books of account, accounting systems, and financial 72273
procedures and reports of the state university or college into 72274
compliance with requirements prescribed by the auditor of state 72275
regarding desirable modifications and supplementary systems and 72276
procedures pertinent to the university or college. The auditor 72277
of state shall provide a written report to the board of trustees 72278
of the state university or college outlining the nature of the 72279
financial accounting and reporting problems of the university or 72280
college and recommendations for actions to be undertaken to 72281
correct the financial accounting and reporting problems. If 72282
requested by the state university or college or recommended by 72283
the chancellor, the auditor of state may additionally perform a 72284
performance audit of the state university or college. 72285

(5) A requirement that for the duration of a fiscal 72286
caution, a state university or college shall submit regular 72287
reports on any of the above matters or new matters identified by 72288
the auditor of state or the chancellor as contributing to the 72289
reason for the declaration, preventing the recovery of the state 72290
university or college, or the inability to be removed from 72291
fiscal caution. 72292

(6) Criteria for determining when to declare the 72293
termination of the fiscal caution of a state university or 72294

college. 72295

(B) A state university or college shall provide the 72296
chancellor with all information requested under this section in 72297
the time and manner determined by the chancellor. 72298
Notwithstanding any law to the contrary, failure to comply in a 72299
satisfactory manner, as determined by the chancellor, may result 72300
in a declaration of fiscal watch under section 3345.72 of the 72301
Revised Code. 72302

(C) Notwithstanding any law to the contrary, the 72303
chancellor may impose limitations on a state university or 72304
college that fails to comply with this section or the rules 72305
adopted pursuant to this section or fails to take decisive 72306
action to improve the state university's or college's financial 72307
condition. Such limitations may include, but are not limited to, 72308
the following: 72309

(1) Limitations on eligibility to participate in grants 72310
and programs administered by the chancellor; 72311

(2) Limitations on approval of a new degree program or 72312
associated certificates; 72313

(3) Suspension of additional enrollment in an educational 72314
program; 72315

(4) Restriction of an increase in any special fee or a 72316
creation of a new fee; 72317

(5) Limitations on the power of the board of trustees to 72318
enter into new or renewed contracts without prior approval from 72319
the chancellor; 72320

(6) Withholding approval of any controlling board request 72321
for capital projects. 72322

(D) The chancellor, the office of budget and management, 72323
or the auditor of state may conduct any audit or analysis 72324
necessary to assess the fiscal condition of any state university 72325
or college. 72326

Sec. 3345.74. (A) The chancellor of higher education at 72327
least annually shall apply the indicators and standards adopted 72328
under division (A) of section 3345.73 of the Revised Code to 72329
determine whether a state university or college under a fiscal 72330
watch is experiencing sufficient fiscal difficulties to warrant 72331
the appointment of a conservator under this section or if the 72332
board of trustees of a state university or college has taken any 72333
action related to pausing or stopping enrollment, submitted a 72334
withdrawal of accreditation, or taken any other action 72335
indicating it will no longer offer educational activity or will 72336
undergo a wind down and dissolution of existence. Upon making a 72337
determination that appointment of a conservator is warranted, 72338
the chancellor shall request from the office of budget and 72339
management, which shall provide, certification that sufficient 72340
fiscal difficulties exist to warrant appointment of a 72341
conservator. The chancellor shall then certify this 72342
determination to the governor. 72343

Notwithstanding section 3333.021 of the Revised Code, that 72344
section does not apply to certification by the chancellor under 72345
this section or to the declaration of a fiscal watch under 72346
section 3345.72 of the Revised Code. 72347

A determination by the chancellor under this division that 72348
sufficient fiscal difficulties exist or do not exist to warrant 72349
appointing a conservator is final and conclusive and not 72350
appealable. 72351

(B) The governor may appoint a conservator for any state 72352

university or college under a fiscal watch, upon certification 72353
by the chancellor under division (A) of this section that the 72354
appointment is warranted. The governor shall consult with the 72355
speaker and minority leader of the house of representatives and 72356
the president and minority leader of the senate before making 72357
the appointment. From the time a conservator is appointed until 72358
the time the governor issues an order terminating the governance 72359
authority under division (B) of section 3345.76 of the Revised 72360
Code, the governor may remove any member of the board of 72361
trustees of the state university or college from office and not 72362
fill the vacancy. 72363

(C) Upon appointment of a conservator under this section 72364
for a state university or college, all of the following shall 72365
occur effective immediately: 72366

(1) All duties, responsibilities, and powers of the board 72367
of trustees of the university or college are suspended; 72368

(2) The management and control of the state university or 72369
college is assumed by the conservator; 72370

(3) Notwithstanding any section of the Revised Code, all 72371
duties, responsibilities, and powers assigned by law to the 72372
board of trustees are assigned to the conservator, and the 72373
conservator becomes the successor to, assumes the lawful 72374
obligations of, and otherwise constitutes the continuation of 72375
the board of trustees for purposes of all pending legal actions, 72376
contracts or other agreements, and obligations of the university 72377
or college; 72378

(4) Wherever the board of trustees is referred to in any 72379
contract or legal document, the reference is deemed to refer to 72380
the conservator. No validation, cure, right, privilege, remedy, 72381

obligation, or liability is lost or impaired by reason of the 72382
assumption of the board's authority by the conservator under 72383
this section and any such validation, cure, right, privilege, 72384
remedy, obligation, or liability shall be administered by the 72385
conservator. No action or proceeding pending on the effective 72386
date of the assumption by the conservator of the board's 72387
authority is affected by that assumption and any such action or 72388
proceeding shall be prosecuted or defended in the name of the 72389
conservator. 72390

(5) The conservator assumes custody of all equipment, 72391
records, files, effects, and all other property real or personal 72392
of the state university or college; 72393

(6) All authority and duties of the president or chief 72394
executive officer, and the pay of the president or chief 72395
executive officer, are suspended. 72396

(D) The conservator for a state university or college 72397
shall conduct a preliminary performance evaluation of the 72398
president or chief executive officer of the university or 72399
college and provide a copy of findings and any recommendations 72400
to the governance authority established for the university or 72401
college under section 3345.75 of the Revised Code. 72402

(E) A conservator appointed under this section shall be 72403
immune, indemnified, and held harmless from civil liability, 72404
including any cause of action, legal, equitable, or otherwise, 72405
for any action taken or duties performed by the conservator in 72406
good faith and in furtherance of the performance of the duties 72407
of the conservator under this section. 72408

(F) The governor shall set the compensation for a 72409
conservator appointed for a state university or college. The 72410

expenses and compensation of the conservator and others employed 72411
by the conservator shall be paid out of the operating funds and 72412
revenues of that university or college. 72413

Sec. 3345.75. (A) Not later than thirty days after the 72414
date of the appointment of a conservator for a state university 72415
or college under section 3345.74 of the Revised Code, the 72416
governor shall appoint, with the advice and consent of the 72417
senate, a governance authority for the university or college 72418
consisting of five members, of which one shall have expertise in 72419
academic affairs and accreditation and one shall have expertise 72420
in either state agency budgets or state university or college 72421
finances. The members shall serve at the pleasure of the 72422
governor and any vacancies shall be filled in the same manner as 72423
an original appointment. 72424

The governor shall designate one of the members of the 72425
governance authority as the chairperson and shall call the first 72426
meeting of the authority. A majority of the members of a 72427
governance authority constitutes a quorum and the affirmative 72428
vote of a majority of the members shall be necessary for any 72429
action taken by an authority. Meetings of a governance authority 72430
shall be called in the manner and at the times prescribed by the 72431
authority, but the authority shall meet at least four times 72432
annually and at other times necessary for the best interest of 72433
the university or college. A governance authority may adopt 72434
procedures for the conduct of its business. 72435

The members of a governance authority shall not receive 72436
compensation for their services, but shall be paid their 72437
reasonable and necessary expenses while engaged in the discharge 72438
of their official duties. 72439

(B) (1) A governance authority established under this 72440

section shall appoint an executive director who shall serve at 72441
the pleasure of the authority and with the compensation and 72442
other terms and conditions established by it. With the approval 72443
of the chairperson of the authority, the executive director may 72444
appoint additional personnel as the director considers 72445
appropriate. The executive director shall oversee the day-to-day 72446
operation of the university or college under the direction and 72447
supervision of the authority. 72448

(2) The governance authority shall conduct a final 72449
performance evaluation of the president or chief executive 72450
officer of the university or college. Following the evaluation, 72451
the governance authority may reinstate any duties, authority, or 72452
pay previously suspended under division (C) (6) of section 72453
3345.74 of the Revised Code, or may terminate the president or 72454
chief executive officer in accordance with the terms of the 72455
person's employment contract. 72456

(C) Upon appointment of all members of a governance 72457
authority under this section and upon the effective date for the 72458
commencement of the duties of the executive director appointed 72459
by that authority under this section, all authority, 72460
responsibilities, duties, and references assumed by or conferred 72461
upon the conservator under divisions (C) (2) to (6) of section 72462
3345.74 of the Revised Code terminate and all of the following 72463
shall occur, effective immediately: 72464

(1) The management and control of the state university or 72465
college is assumed by the governance authority; 72466

(2) Notwithstanding any section of the Revised Code, all 72467
duties, responsibilities, and powers assigned by law to the 72468
board of trustees or to the conservator are assigned to the 72469
governance authority and the governance authority becomes the 72470

successor to, assumes the lawful obligations of, and otherwise 72471
constitutes the continuation of the board of trustees and the 72472
conservator for purposes of all pending legal actions, contracts 72473
or other agreements, and obligations of the university or 72474
college; 72475

(3) Wherever the board of trustees or conservator is 72476
referred to in any contract or legal document, the reference is 72477
deemed to refer to the governance authority. No validation, 72478
cure, right, privilege, remedy, obligation, or liability is lost 72479
or impaired by reason of the assumption of the authority of the 72480
board of trustees and the conservator by the governance 72481
authority under this section and any such validation, cure, 72482
right, privilege, remedy, obligation, or liability shall be 72483
administered by the governance authority. No action or 72484
proceeding pending on the effective date of the assumption by 72485
the governance authority of the authority of the board of 72486
trustees and the conservator is affected by that assumption and 72487
any such action or proceeding shall be prosecuted or defended in 72488
the name of the governance authority. 72489

(4) The governance authority assumes custody of all 72490
equipment, records, files, effects, and all other property real 72491
or personal of the state university or college. 72492

(D) A governance authority and executive director 72493
appointed under this section shall be immune, indemnified, and 72494
held harmless from civil liability, including any cause of 72495
action, legal, equitable, or otherwise, for any action taken or 72496
duties performed by the governance authority and executive 72497
director in good faith and in furtherance of the performance of 72498
the duties of the governance authority and executive director 72499
under this section. 72500

(E) The expenses of a governance authority and the 72501
expenses and compensation of an executive director appointed for 72502
a state university or college under this section and others 72503
employed by the executive director under this section shall be 72504
paid out of the operating funds and revenues of that university 72505
or college. 72506

(F) A governance authority appointed under this section 72507
shall prepare, in accordance with rules adopted by the office of 72508
budget and management, and submit to the chancellor of higher 72509
education, the governor, the speaker and minority leader of the 72510
house of representatives, and the president and minority leader 72511
of the senate a quarterly report setting forth all of the 72512
following: 72513

(1) The general condition of the university or college; 72514

(2) The amounts of receipts and disbursements and the 72515
items for which the disbursements were made; 72516

(3) The numbers of professors, officers, teachers, and 72517
other employees and the position and compensation of each and 72518
the numbers of students by courses of instruction; 72519

(4) An estimate of expenses for the ensuing quarter; 72520

(5) A statement of the general progress of the university 72521
or college with indication of any improvements and specification 72522
of any experiments with institutional reform and the costs and 72523
results of those experiments; 72524

(6) If the governance authority determines closure is 72525
necessary or is appointed to facilitate an orderly closure as 72526
determined to be necessary by the board of trustees prior to the 72527
governance authority's appointment, all matters related to 72528
compliance with the requirements of a closure of an institution 72529

of higher education as specified by the chancellor; 72530

(7) Any other matters the governance authority considers 72531
useful to report. 72532

(G) The attorney general shall be the legal adviser to the 72533
conservator and the governance authority, and the attorney 72534
general may employ special counsel to aid the conservator or 72535
governance authority with respect to any legal matter on behalf 72536
of the institution. The conservator and the governance authority 72537
may as otherwise provided by law request the attorney general to 72538
bring or defend suits or proceedings in the name of the 72539
institution. 72540

Sec. 3345.83. (A) Beginning not later than the 2027-2028 72541
academic year, each state institution of higher education, as 72542
defined in section 3345.011 of the Revised Code, shall develop 72543
and implement a co-op internship program that aligns with 72544
JobsOhio's target economic sectors and connects students with 72545
Ohio-based employers to facilitate work-based learning 72546
opportunities, which may include apprenticeships, internships, 72547
externships, and co-ops, related to the student's course of 72548
study. Institutions shall work with JobsOhio to develop and 72549
implement their program, which shall include identifying 72550
industry and employer partners. 72551

(B) The chancellor of higher education shall consult with 72552
JobsOhio and any other appropriate stakeholders to develop the 72553
goals, structure, and parameters of the program. The chancellor 72554
may consult with other stakeholders. 72555

(C) Beginning on the thirtieth day of June following the 72556
academic year in which the co-op internship program under 72557
division (A) of this section is implemented and annually 72558

thereafter, each institution shall issue a report to the
chancellor on the status of the institution's program, including
the number of participating students, which employers are
partnering with the institution, and how many participating
students have received or accepted offers of employment after
graduation as a direct result of their participation in the
program.

Sec. 3345.86. (A) As used in this section:

(1) "Competency-based educational program" and "eligible
individual" have the same meanings as in section 3313.902 of the
Revised Code.

(2) "Eligible provider" means a community college
established under Chapter 3354. of the Revised Code, a
university branch established under Chapter 3355. of the Revised
Code, a technical college established under Chapter 3357. of the
Revised Code, a state community college established under
Chapter 3358. of the Revised Code, or an Ohio technical center
as defined in section 3333.94 of the Revised Code.

(B) An eligible provider may establish a competency-based
educational program that complies with standards adopted by the
department of education and workforce and may enroll eligible
individuals in the program for up to three consecutive school
years for the purpose of earning a high school diploma. The
provider shall establish a career plan for each individual
enrolled in the program that specifies the individual's career
goals and describes how the individual will demonstrate
competency or earn course credits under division (C) of section
3313.902 of the Revised Code to earn a diploma and attain the
individual's career goals. Notwithstanding sections 3313.61,
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the

Revised Code, the department shall award a high school diploma 72589
to an individual enrolled in a program who satisfies one of the 72590
conditions specified in division (C) of section 3313.902 of the 72591
Revised Code. 72592

(C) An eligible provider shall report each individual 72593
enrolled in a program under division (B) of this section to the 72594
department. The department annually shall certify the enrollment 72595
and attendance of each individual reported under this division 72596
and shall pay the provider up to \$7,500 per school year, as 72597
determined by the department based on the extent of the 72598
individual's successful completion of the diploma requirements 72599
prescribed in division (C) of section 3313.902 of the Revised 72600
Code. 72601

(D) An eligible provider that enrolls individuals under 72602
division (B) of this section is subject to the requirements of 72603
section 3313.902 of the Revised Code, as applicable. 72604

Sec. 3345.89. (A) As used in this section: 72605

(1) "College credit plus pathways" means the pathways 72606
developed under section 3365.13 of the Revised Code. 72607

(2) "State university" has the same meaning as in section 72608
3345.011 of the Revised Code. 72609

(B) The accelerated college and career pathways program is 72610
established. Under the program, each state university shall 72611
establish at least one accelerated ninety-hour degree program 72612
aligned to an in-demand career area by the 2027-2028 academic 72613
year. Each state university shall determine the number and types 72614
of accelerated degrees to be offered. Each state university 72615
shall do all of the following: 72616

(1) Include accelerated ninety-hour degree programs in 72617

course and program catalogues; 72618

(2) Ensure that accelerated ninety-hour degree programs 72619
are properly accredited and meet the requirements for reduced 72620
credit hour degree programs. The chancellor of higher education 72621
shall approve each accelerated ninety-hour degree program 72622
developed by a state university that meets the requirements 72623
established under section 3333.97 of the Revised Code. 72624

(3) Work collaboratively with local and regional business 72625
community partners to identify in-demand career areas during the 72626
development of accelerated ninety-hour degree programs. 72627

(4) Report to the chancellor all of the following: 72628

(a) The accelerated ninety-hour degree programs the state 72629
university offers; 72630

(b) The number of students participating in each program; 72631

(c) The number of students that complete each program; 72632

(d) Any additional information required by the chancellor 72633
under section 3333.97 of the Revised Code. 72634

(C) (1) Each state university shall develop, in 72635
consultation with local and regional primary and secondary 72636
education partners, model college credit plus pathways that are 72637
aligned with the accelerated ninety-hour degree programs offered 72638
by the state university and regional and state workforce needs. 72639

(2) Each public and participating nonpublic secondary 72640
school shall include the model college credit plus pathways 72641
developed under division (C) (1) of this section in the 72642
information required to be provided to students and parents 72643
under section 3365.04 of the Revised Code. 72644

(D) The chancellor shall not distribute state share of 72645
instruction funds to a state university in any fiscal year in 72646
which it does not comply with this section, as determined by the 72647
chancellor. 72648

Sec. 3352.16. (A) (1) The Wright state university center 72649
for civics, culture, and workforce development is established as 72650
an independent academic division within Wright state university, 72651
physically located on the Dayton campus of Wright state 72652
university. The center shall conduct teaching and research in 72653
the historical ideas, traditions, and texts that have shaped the 72654
American constitutional order and society and the United States 72655
armed forces. 72656

(2) The center shall establish bylaws requiring the center 72657
to do all of the following: 72658

(a) Educate students by means of free, open, and rigorous 72659
intellectual inquiry to seek the truth; 72660

(b) Affirm its duty to equip students with the skills, 72661
habits, and dispositions of mind they need to reach their own 72662
informed conclusions on matters of social and political 72663
importance; 72664

(c) Affirm the value of intellectual diversity in higher 72665
education and aspire to enhance the intellectual diversity of 72666
the university; 72667

(d) Affirm a commitment to create a community dedicated to 72668
an ethic of civil and free inquiry, which respects the 72669
intellectual freedom of each member, supports individual 72670
capacities for growth, and welcomes the differences of opinion 72671
that shall naturally exist in a public university community. 72672

The requirements prescribed under divisions (A) (2) (a) to 72673

(d) of this section shall take priority over any other bylaws 72674
adopted by the center. 72675

(3) The board of trustees of the university may name the 72676
center in accordance with the philanthropic naming policies and 72677
practices of the university. 72678

~~(B)~~ (B) (1) The center shall be an independent academic 72679
division, physically located on the Dayton campus of Wright 72680
state university, with the authority to house faculty who hold 72681
their appointments within the center. Faculty appointed to the 72682
center shall not be required, but may, hold joint appointments 72683
within any other division of the university. No faculty outside 72684
of the center shall have the authority to block faculty hires 72685
into the center. No university policy shall govern the 72686
development and approval of curriculum within the center. 72687

(2) The university shall provide adequate and appropriate 72688
space for the center as jointly determined by the director and 72689
either the president or provost of the university. The 72690
university shall not charge or assess overhead or indirect fees, 72691
costs, expenses, or charges to the center. 72692

(C) (1) The center shall offer instruction in all of the 72693
following: 72694

(a) The books and major debates which form the 72695
intellectual foundation of free societies, especially that of 72696
the United States; 72697

(b) The principles, ideals, and institutions of the 72698
American constitutional order, including the United States armed 72699
forces; 72700

(c) The foundations of responsible leadership and informed 72701
citizenship; 72702

(d) The origins, purpose, and role of Wright-Patterson air 72703
force base and surrounding defense-related industries in 72704
supporting the United States; 72705

(e) The workforce needs of Wright-Patterson air force base 72706
and industries that support the base. 72707

(2) The center also shall focus on all of the following: 72708

(a) Offering university-wide programming related to the 72709
values of free speech and civil discourse; 72710

(b) Expanding the intellectual diversity of the 72711
university's academic community; 72712

(c) Increasing the awareness of Wright-Patterson air force 72713
base and supporting workforce needs to sustain and attract 72714
missions at the base. 72715

(D) (1) ~~Not later than ninety days after the effective date~~ 72716
~~of this section, the~~ The board of trustees of the university 72717
shall appoint, with the advice and consent of the senate, a 72718
seven-member center academic council. An initial member shall 72719
not begin service until confirmed by the senate. Four members 72720
shall form a quorum. 72721

(2) The academic council shall be comprised of scholars 72722
with relevant expertise and experience. Not more than three 72723
members of the council may be employees of the university. Best 72724
efforts shall be made to have not fewer than three members of 72725
the advisory board be from Ohio. 72726

(3) Three members of the academic council shall serve 72727
initial terms of two years and four members shall serve initial 72728
terms of four years, which the members shall determine at their 72729
first meeting, and select replacements for vacant seats. 72730

(E) (1) The academic council established under division (D) 72731
of this section shall conduct a nationwide search for candidates 72732
for the director of the center and shall strictly adhere to all 72733
relevant state and federal laws. The academic council shall 72734
submit to the president of the university a list of finalists 72735
from which the president shall select and appoint a director, 72736
subject to approval by the board of trustees. Future directors 72737
shall be chosen in the same manner. 72738

(2) The director shall consult with the provost; however, 72739
the director shall report directly to the president of the 72740
university. 72741

(3) The director shall have the sole and exclusive 72742
authority to manage the recruitment and hiring process and to 72743
extend offers for employment for all faculty and staff of the 72744
center, and to terminate employment of all staff, subject to the 72745
approval of the board of trustees of the university. The 72746
director shall oversee, develop, and approve the center's 72747
curriculum, including approval of the center's courses that meet 72748
the university's general education requirements. The center 72749
shall be granted the authority to offer courses independently 72750
and develop certificate, minor, and major programs as well as 72751
graduate programs, and offer degrees. 72752

(4) Notwithstanding section 3333.164 of the Revised Code, 72753
the center shall develop a set of standards and procedures to 72754
maximize the granting of academic credit for military training, 72755
experience, and coursework. 72756

(5) Notwithstanding section 3333.31 of the Revised Code, 72757
Wright state university shall not charge more than its in-state 72758
instructional and general fees to any current or honorably 72759
discharged member of the United States armed forces, or the 72760

spouse or dependents of such a member, who enrolls in a program 72761
offered by the center, regardless of whether that member, 72762
spouse, or dependent is a resident of this state under rules 72763
adopted under section 3333.31 of the Revised Code. 72764

(F) The director of the center shall submit an annual 72765
report to the board of trustees of the university and the 72766
general assembly in accordance with section 101.68 of the 72767
Revised Code. The report shall provide a full account of the 72768
center's achievements, opportunities, challenges, and obstacles 72769
in the development of this academic division. 72770

Sec. 3354.19. ~~(A)~~ As used in sections 3354.19 to 72771
~~3354.24~~3354.21 of the Revised Code, "displaced homemaker" means 72772
an individual who: 72773

(A) Is twenty-seven years of age or older; 72774

(B) Has worked without pay as a homemaker for his or her 72775
family; 72776

(C) Is not gainfully employed and has had, or would be 72777
likely to have, difficulty in securing employment; and 72778

(D) Has either been deprived of the support of a person on 72779
whom he or she was dependent, or has become ineligible for 72780
public assistance as the parent of a needy child. 72781

Sec. 3358.08. The board of trustees of a state community 72782
college district may: 72783

(A) Own and operate a state community college; 72784

(B) Hold, encumber, control, acquire by donation, purchase 72785
or condemn, construct, own, lease, use, and sell, real and 72786
personal property as necessary for the conduct of the program of 72787
the state community college on whatever terms and for whatever 72788

consideration may be appropriate for the purpose of the 72789
institution; 72790

(C) Accept gifts, grants, bequests, and devises absolute 72791
or in trust for support of the state community college; 72792

(D) Employ a president, and appoint or approve the 72793
appointment of other necessary administrative officers, full- 72794
time faculty members, and operating staff. The board may 72795
delegate the appointment of operating staff and part-time 72796
faculty members to the college president. The board shall fix 72797
the rate of compensation of the president and all officers and 72798
full-time employees as are necessary and proper for state 72799
community colleges. 72800

(E) Provide for the state community college necessary 72801
lands, buildings, or other structures, equipment, means, and 72802
appliances; 72803

(F) Establish within the maximum amounts permitted by law, 72804
schedules of fees and tuition for students who are Ohio 72805
residents and students who are not~~r~~. If electors approve a levy 72806
under section 3358.11 of the Revised Code for current operating 72807
expenses, the board shall charge students who reside in the 72808
county in which the tax is levied a lower tuition rate than the 72809
rate charged to students who are residents of other counties in 72810
the state. 72811

(G) Grant appropriate degrees to students successfully 72812
completing the state community college's programs, and 72813
certificates of achievement to students who complete other 72814
programs; 72815

(H) Prescribe policies for the effective operation of the 72816
state community college and exercise such other powers as are 72817

necessary for the efficient management of the college; 72818

(I) Enter into contracts with neighboring colleges and 72819
universities for the conduct of state community college programs 72820
or technical courses outside the state community college 72821
district; 72822

(J) Purchase: 72823

(1) A policy or policies of insurance insuring the 72824
district against loss or damage to property, whether real, 72825
personal, or mixed, which is owned by the district or leased by 72826
it as lessee or which is in the process of construction by or 72827
for the district; 72828

(2) A policy or policies of fidelity insurance in such 72829
amounts and covering such trustees, officers, and employees of 72830
the district as the board may consider necessary or desirable; 72831

(3) A policy or policies of liability insurance from an 72832
insurer or insurers licensed to do business in this state 72833
insuring its members, officers, and employees against all civil 72834
liability arising from an act or omission by the member, 72835
officer, or employee, when the member, officer, or employee is 72836
not acting manifestly outside the scope of employment or 72837
official responsibilities with the institution, with malicious 72838
purpose or bad faith, or in a wanton or reckless manner, or may 72839
otherwise provide for the indemnification of such persons 72840
against such liability. All or any portion of the cost, premium, 72841
or charge for such a policy or policies or indemnification 72842
payment may be paid from any funds under the institution's 72843
control. The policy or policies of liability insurance or the 72844
indemnification policy of the institution may cover any risks 72845
including, but not limited to, damages resulting from injury to 72846

property or person, professional liability, and other special 72847
risks, including legal fees and expenses incurred in the defense 72848
or settlement claims of such damages. 72849

(4) A policy or policies of insurance insuring the 72850
district against any liabilities to which it may be subject on 72851
account of damage or injury to persons or property, including 72852
liability for wrongful death. 72853

Any instrument by which real property is acquired pursuant 72854
to this section shall identify the agency of the state that has 72855
the use and benefit of the real property as specified in section 72856
5301.012 of the Revised Code. 72857

Sec. 3358.11. (A) In the same manner as a tax may be 72858
proposed by a board of trustees of a community college district 72859
under section 3354.12 of the Revised Code, the board of trustees 72860
of a state community college district may adopt and certify a 72861
resolution to the board of elections of one or more of the 72862
counties comprising the state community college district 72863
directing the board of elections to place on the ballot at any 72864
general or special election the question of levying a tax in 72865
excess of the ten-mill limitation on all the taxable property in 72866
that county or those counties. The tax may be for any of the 72867
following purposes, as stated in the resolution: 72868

(1) The acquisition of sites in that county or those 72869
counties; 72870

(2) The erection, furnishing, and equipment of buildings 72871
in that county or those counties; 72872

(3) The acquisition, construction, or improvement of any 72873
property in that county or those counties which the board of 72874
trustees of a state community college is authorized to acquire, 72875

construct, or improve and which has an estimated life or 72876
usefulness of five years or more as certified by the treasurer 72877
of the board of trustees; 72878

(4) The payment of current expenses of the state community 72879
college district. This tax may only be levied in the county in 72880
which the main campus of the state community college is located. 72881

The resolution shall declare that, if the levy is for one 72882
or more of the purposes described in divisions (A) (1) to (3) of 72883
this section, the proceeds of the levy or issue may be used 72884
solely within the county or counties in which the tax is levied- 72885
~~and~~. If the levy is for the purpose described in division (A) 72886
(4) of this section, the resolution shall declare that the 72887
proceeds of the levy shall be used for costs associated with 72888
operations in the county in which the tax is levied. The 72889
resolution shall also state, regardless of the purposes for 72890
which the tax is levied, the term of the tax, which may be for 72891
any term authorized for a tax levied under section 3354.12 of 72892
the Revised Code. The question of such a tax may not be 72893
submitted at more than two special elections held in any one 72894
calendar year. Levies for a continuing period of time adopted 72895
under this section may be reduced in accordance with section 72896
5705.261 of the Revised Code. 72897

The election shall be held, canvassed, and certified in 72898
the manner provided for the submission of a tax levy under 72899
section 3354.12 of the Revised Code. A tax levied under this 72900
section may be renewed in the same manner as a tax levied under 72901
section 3354.12 of the Revised Code ~~or replaced in accordance 72902~~
~~with section 5705.192 of the Revised Code. 72903~~

If electors approve the levy, the board of trustees may 72904
anticipate a fraction of the proceeds of the levy and may, from 72905

time to time, issue anticipation notes in the same manner and 72906
subject to the same limitations provided under section 3354.12 72907
of the Revised Code. 72908

(B) In accordance with Chapter 133. of the Revised Code, 72909
the board of trustees of a state community college district may 72910
adopt and certify a resolution to the board of elections of one 72911
or more of the counties comprising the district directing the 72912
board of elections to place on the ballot at any election 72913
authorized under section 133.18 of the Revised Code both of the 72914
following questions: 72915

(1) The question of issuing bonds for paying all or part 72916
of the cost of the following: 72917

(a) The purchase of sites in that county or those 72918
counties; 72919

(b) The erection, furnishings, and equipment of buildings 72920
in that county or those counties; 72921

(c) The acquisition or construction of any property in 72922
that county or those counties which the board of trustees is 72923
authorized to acquire or construct and which has an estimated 72924
life or usefulness of five years or more as certified by the 72925
treasurer of the board of trustees. 72926

(2) The question of levying a tax in excess of the ten- 72927
mill limitation on all the taxable property in that county or 72928
those counties to pay the interest on and retire any bonds 72929
approved by the electors under division (B)(1) of this section. 72930

The election shall be held, canvassed, and certified in 72931
the manner provided for the submission of a bond issuance and 72932
tax levy under section 3354.11 of the Revised Code. Bonds 72933
approved by electors under division (B)(1) of this section may 72934

be issued for one or more improvements which the district is 72935
authorized to acquire or construct, notwithstanding the fact 72936
that such improvements may not be for more than one purpose 72937
under Chapter 133. of the Revised Code. 72938

Notes may be issued in anticipation of any bonds that may 72939
be approved by the electors under division (B) (1) of this 72940
section in the manner provided under section 133.22 of the 72941
Revised Code. 72942

For the purpose of applying Chapter 133. of the Revised 72943
Code to division (B) of this section, the treasurer of the state 72944
community college district shall be considered to be the 72945
district's fiscal officer, and the board of trustees of the 72946
state community college district shall be considered to be the 72947
taxing authority. 72948

(C) The board of trustees of a state community college 72949
district that levies a tax or proposes to levy a tax under 72950
division (A) or (B) of this section shall be considered to be a 72951
taxing authority, the county or counties in which the tax is 72952
levied shall be considered to be a subdivision, and the 72953
treasurer of the board of trustees shall be considered to be a 72954
fiscal officer for the purposes of Chapter 5705. of the Revised 72955
Code, except for section 5705.19 of the Revised Code. 72956

Sec. 3364.07. ~~(A)~~ (A) (1) The institute of American 72957
constitutional thought and leadership is established for the 72958
purpose of creating and disseminating knowledge about American 72959
constitutional thought and to form future leaders of the legal 72960
profession through research, scholarship, teaching, 72961
collaboration, and mentorship. The institute shall be an 72962
independent academic unit within the university of Toledo, 72963
~~initially physically located at the college of law. The~~ 72964

~~university shall require the college of law to provide adequate~~ 72965
~~administrative space for the institute.~~ 72966

(2) The university shall provide adequate and appropriate 72967
space for the institute as jointly determined by the director 72968
and either the president or provost of the university. The 72969
university shall not charge or assess overhead or indirect fees, 72970
costs, expenses, or charges to the institute. 72971

(B) The institute shall pursue all of the following goals: 72972

(1) To enrich the curriculum in American constitutional 72973
studies, including the core texts and great debates of western 72974
civilization; 72975

(2) To educate university students in the principles, 72976
ideals, and institutions of the American and Ohio constitutional 72977
order; 72978

(3) To educate university students in the foundations of 72979
responsible leadership and informed citizenship and to cultivate 72980
the next generation of leaders in the legal profession; 72981

(4) To offer university-wide programming related to the 72982
values of open inquiry and civil discourse; 72983

(5) To expand the intellectual diversity of the 72984
university's academic community and to create a rich forum for 72985
the development of ideas across the political and ideological 72986
spectrum; 72987

(6) To support faculty and graduate student scholarship 72988
that advances understanding of American constitutional thought 72989
and institutions; 72990

(7) To promote scholarly collaboration within the 72991
university and beyond; 72992

(8) To host lectures, debates, and symposia, and sponsor 72993
visiting scholars, jurists, and teachers. 72994

(C) The institute shall adhere to the following policies: 72995

(1) The institute shall educate students by means of free, 72996
open, and rigorous intellectual inquiry to seek the truth. 72997

(2) The institute shall equip students with the skills, 72998
habits, and dispositions of mind they need to reach their own 72999
informed conclusions on matters of legal, social, and political 73000
importance. 73001

(3) The institute shall value intellectual diversity in 73002
higher education, including in faculty recruitment, hiring, and 73003
appointment, and aspire to enhance the intellectual diversity of 73004
academic life at the university. 73005

(4) The institute shall create a community dedicated to an 73006
ethic of civil and free inquiry, which respects the intellectual 73007
freedom of each member, supports individual capacities for 73008
growth, and welcomes the differences of opinion that naturally 73009
occur in a public university community. 73010

(D) (1) ~~Not later than sixty days after the effective date~~ 73011
~~of this section, the~~ The talent, compensation, and governance 73012
committee of the board of trustees of the university, if such a 73013
committee exists, shall appoint, with the advice and consent of 73014
the senate, a seven-member institute academic council. If no 73015
such committee exists, the board of trustees shall appoint 73016
members under this division. An initial member shall not begin 73017
service until confirmed by the senate. Four members shall form a 73018
quorum. 73019

(2) The academic council shall be comprised of scholars 73020
with relevant expertise and experience. Not more than one member 73021

of the council may be an employee of the university. Best 73022
efforts shall be made to have not fewer than three members of 73023
the council be from Ohio. 73024

(3) Three members of the academic council shall serve 73025
initial terms of two years and four members shall serve initial 73026
terms of four years, which the members shall determine at their 73027
first meeting, and select replacements for vacant seats. 73028

(4) To fill a vacancy for the institute director after the 73029
initial director, following a national search, the academic 73030
council shall transmit to the president a list of finalists from 73031
which the president shall select a director, subject to the 73032
approval of the talent, compensation, and governance committee 73033
of the board of trustees. 73034

(E) (1) The institute shall be led by a director who shall 73035
report directly to the president and provost of the university- 73036
~~and consult with the dean of the college of law.~~ The president 73037
of the university shall appoint ~~an initial~~ the director ~~not~~- 73038
~~later than thirty days after the effective date of this section~~ 73039
. The director shall be an expert of the western tradition, the 73040
American founding, and American constitutional thought, and 73041
shall have shown a commitment to the purposes, goals, and 73042
policies of the institute. The director's term shall be for five 73043
years and shall be renewable. 73044

(2) The director shall have the protection of tenure or 73045
tenure eligibility. Any existing tenure with the university held 73046
by a director shall be maintained with the university. 73047

(F) The institute shall be an independent academic unit of 73048
the university with the authority to house tenure-track faculty 73049
who hold their appointments within the institute. Not fewer than 73050

five tenure-track faculty positions shall be allotted to the 73051
institute. Faculty appointed within the institute shall not be 73052
required, but may be permitted, to hold joint or courtesy 73053
appointments within any other division of the university. No 73054
faculty from outside the institute shall have the authority to 73055
block faculty hires into the institute. 73056

(G) (1) The director shall have the sole and exclusive 73057
authority to manage the recruitment and hiring process and to 73058
extend offers for employment for all faculty and staff, and to 73059
terminate employment of all staff. The director shall oversee, 73060
develop, and approve the institute's curriculum, including 73061
approval of the institute's courses that meet the university's 73062
general education requirements. The institute shall be granted 73063
the authority to offer courses and develop certificate, minor, 73064
major, and graduate programs, and offer degrees. 73065

(2) Employment contracts offered under division (G) (1) of 73066
this section to tenure-track faculty appointed to the institute 73067
shall guarantee reappointment elsewhere in the university, at 73068
the same rank and compensation, in the event the institute is 73069
discontinued. 73070

(H) The director of the institute shall submit an annual 73071
report to the board of trustees of the university and the 73072
general assembly in accordance with section 101.68 of the 73073
Revised Code. The report shall provide a full account of the 73074
institute's achievements, opportunities, challenges, and 73075
obstacles in the development of this academic unit. 73076

(I) The board of trustees of the university may change the 73077
name of the institute in accordance with the philanthropic 73078
naming policies and practices of the university. 73079

Sec. 3365.15. The chancellor of higher education and the 73080
department of education and workforce jointly shall do all of 73081
the following: 73082

(A) Adopt data reporting guidelines specifying the types 73083
of data that public and participating nonpublic secondary 73084
schools and public and participating private colleges, including 73085
eligible out-of-state colleges participating in the program, 73086
must annually collect, report, and track under division (G) of 73087
section 3365.04 and division (H) of section 3365.05 of the 73088
Revised Code. The types of data shall include all of the 73089
following: 73090

(1) For each secondary school and college: 73091

(a) The number of participants disaggregated by grade 73092
level, socioeconomic status, race, gender, and disability; 73093

(b) The number of completed courses and credit hours, 73094
disaggregated by the college in which participants were 73095
enrolled; 73096

(c) The number of courses in which participants enrolled, 73097
disaggregated by subject area and level of difficulty. 73098

(2) For each secondary school, the number of students who 73099
were denied participation in the program under division (A) (1) 73100
(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of 73101
the Revised Code. Each participating nonpublic secondary school 73102
shall also include the number of students who were denied 73103
participation due to the student not being awarded funding by 73104
the department pursuant to section 3365.071 of the Revised Code. 73105

(3) For each college: 73106

(a) The number of students who applied to enroll in the 73107

college under the program but were not granted admission; 73108

(b) The average number of completed courses per 73109
participant; 73110

(c) The average grade point average for participants in 73111
college courses under the program. 73112

The guidelines adopted under this division shall also 73113
include policies and procedures for the collection, reporting, 73114
and tracking of such data. 73115

(B) Annually compile the data required under division (A) 73116
of this section. Not later than the thirty-first day of December 73117
of each year, the data from the previous school year shall be 73118
posted in a prominent location on both the chancellor of higher 73119
education's and the department's web sites. 73120

(C) Submit an annual report on outcomes of the college 73121
credit plus program that are supported by empirical evidence to 73122
the governor, the president of the senate, the speaker of the 73123
house of representatives, and the chairpersons of the education 73124
committees of the senate and house of representatives not later 73125
than the thirty-first day of December each year. The report 73126
shall include all of the following, disaggregated by cohort: 73127

(1) Number of degrees attained; 73128

(2) Level and type of degrees attained; 73129

(3) Number of students who receive a degree in two 73130
different subject areas; 73131

(4) Time to completion of a degree, disaggregated by level 73132
and type of degree attained; 73133

(5) Time to enrollment in a graduate or doctoral degree 73134

program; 73135

(6) The number of students who participate in a study 73136
abroad course; 73137

(7) How all of the measures described in division (C) of 73138
this section compare to both: 73139

(a) The overall student population who did not participate 73140
in the college credit plus program; 73141

(b) Any similar measures compiled under the former 73142
postsecondary enrollment options program, to the extent that 73143
such data is available. 73144

The first report shall be submitted not later than 73145
December 31, 2018, and each subsequent report shall be submitted 73146
not later than the thirty-first day of December each year 73147
thereafter ~~until December 2023~~. 73148

(D) Establish a college credit plus advisory committee to 73149
assist in the development of performance metrics and the 73150
monitoring of the program's progress. At least one member of the 73151
advisory committee shall be a school guidance counselor. 73152

The chancellor shall also, in consultation with the 73153
department, create a standard packet of information for the 73154
college credit plus program directed toward students and parents 73155
that are interested in the program. 73156

(E) The chancellor and the department also may submit a 73157
biennial report detailing the status of the college credit plus 73158
program, including an analysis of quality assurance measures 73159
related to the program, to the governor, the president of the 73160
senate, the speaker of the house of representatives, and the 73161
chairpersons of the education committees of the senate and house 73162

of representatives. If the chancellor and the department choose 73163
to jointly submit the biennial report, both of the following 73164
shall apply: 73165

(1) The report shall include only data available through 73166
the higher education information system administered by the 73167
chancellor. 73168

(2) The first report shall be submitted not later than 73169
December 31, 2017, and each subsequent report shall be submitted 73170
not later than the thirty-first day of December every two years 73171
thereafter. 73172

(F) For purposes of this section, "cohort" means a group 73173
of students who participated in the college credit plus program 73174
and who, upon graduation from high school, enroll in an Ohio 73175
institution of higher education during the same academic year. 73176

Sec. 3375.15. (A) In any school district in which a free 73177
public library has been established by resolution adopted by the 73178
board of education of such school district prior to September 4, 73179
1947, or by resolution adopted by the board of education of such 73180
school district under section 3375.151 of the Revised Code after 73181
the effective date of this amendment but prior to January 1, 73182
2014, such library shall be under the control and management of 73183
a board of library trustees consisting of seven members. No one 73184
is eligible to membership on such board of library trustees who 73185
is or has been for a year previous to appointment a member of a 73186
board of education making such appointment. A majority of the 73187
trustees shall be qualified electors of the school district, but 73188
a minority may be qualified electors of the county who reside 73189
outside the school district, and all shall be appointed by the 73190
board of education of the school district. 73191

(B) The trustees shall serve ~~for a term of seven years and~~ 73192
without compensation. Trustees appointed prior to the effective 73193
date of this amendment shall serve for a term of seven years. 73194
Trustees appointed on or after that date shall serve for a term 73195
of four years. Except as otherwise provided in this section, all 73196
vacancies on the board of library trustees shall be filled by 73197
the board of education by appointment for the unexpired term. 73198
The board of library trustees shall organize in accordance with 73199
section 3375.32 of the Revised Code. The board of library 73200
trustees shall have the control and management of the school 73201
district free public library and in the exercise of such control 73202
and management shall be governed by sections 3375.33 to 3375.41 73203
of the Revised Code. This section does not affect the term of 73204
any member of a board of library trustees of a school district 73205
free public library appointed prior to September 4, 1947. 73206

(C) The board of education shall make appointments to the 73207
board of library trustees not later than forty-five days after 73208
the date a member's term expires or after the date a vacancy 73209
occurs, whichever is applicable. If the board of education does 73210
not make an appointment by that time, the appointment shall be 73211
made within the next fourteen days by the probate court of the 73212
county in which the library is situated. 73213

Sec. 3375.22. In any county in which there has been 73214
created a county library district, the free public library of 73215
said district shall be under the control and management of a 73216
board of library trustees consisting of seven members. Such 73217
trustees shall be qualified electors of the library district or 73218
county. Three shall be appointed by the judges of the court of 73219
common pleas and four shall be appointed by the board of county 73220
commissioners of the county in which said district is situated. 73221
The term of office of said trustees, if appointed prior to the 73222

effective date of this amendment, shall be seven years, except 73223
that at the first appointment the terms of those appointed by 73224
the judges shall expire in two, four, and six years 73225
respectively, and the terms of those appointed by the board of 73226
county commissioners shall expire in one, three, five, and seven 73227
years respectively. The term of office of trustees appointed on 73228
or after the effective date of this amendment shall be four 73229
years, except that at the first appointment the terms of those 73230
appointed by the judges shall expire in two, three, and four 73231
years respectively, and the terms of those appointed by the 73232
board of county commissioners shall expire in one, two, three, 73233
and four years respectively. Any appointment made to fill a 73234
vacancy shall be made by the same body which appointed the 73235
trustee whose place has become vacant and shall be for ~~his~~ the 73236
remainder of the unexpired term. The successor of any trustee of 73237
any county library district shall be appointed by the same board 73238
or officers which appointed ~~his~~ the trustee's predecessor and 73239
all subsequent appointments shall be for seven years. The 73240
members of such board of library trustees shall serve without 73241
compensation but shall be reimbursed for their actual and 73242
necessary expenses incurred in the performance of their duties. 73243
Such board of library trustees shall organize in accordance with 73244
section 3375.32 of the Revised Code. Such board of library 73245
trustees shall have the control and management of the county 73246
district free public library and in the exercise of such control 73247
and management shall be governed by sections 3375.33 to 3375.41~~7~~ 73248
~~inclusive~~, of the Revised Code. 73249

Sec. 3375.30. In any two or more contiguous counties in 73250
which there has been created a regional library district, there 73251
shall be a board of library trustees consisting of seven 73252
members. Such trustees shall be qualified electors of the 73253

district. The first appointments to such board of library 73254
trustees shall be made by the boards of county commissioners of 73255
such counties in joint meeting. Thereafter each appointment to 73256
fill an expiring term shall be made by the board of county 73257
commissioners of a participating county in the rotating order 73258
represented by the alphabetical arrangement of the names of the 73259
counties. The term of office of said trustees, if appointed 73260
prior to the effective date of this amendment, shall be seven 73261
years, or, if appointed on or after that date, shall be four 73262
years, except that at the first appointment the terms must be 73263
such that one member retires each year. Any appointment made to 73264
fill a vacancy shall be made by the same body which appointed 73265
the trustee whose place has become vacant and shall be for ~~his~~ 73266
the remainder of the unexpired term. The members of such board 73267
of library trustees shall serve without compensation but shall 73268
be reimbursed for their actual and necessary expenses incurred 73269
in the performance of their duties. Such board of library 73270
trustees shall organize in accordance with section 3375.32 of 73271
the Revised Code. Such board of library trustees shall have the 73272
control and management of the regional district free public 73273
library and in exercise of such control and management shall be 73274
governed by sections 3375.33 to 3375.41, ~~inclusive,~~ and section 73275
3375.19 of the Revised Code. 73276

Sec. 3375.39. At the expiration of the term of a fiscal 73277
officer of a board of library trustees of a free public library 73278
or before such board approves the surety of any fiscal officer, 73279
such board shall require the fiscal officer to produce all 73280
money, bonds, or other securities in the fiscal officer's hands, 73281
which shall then be counted by the board or a committee of the 73282
board, ~~or by a representative of the auditor of state.~~ A 73283
certificate setting forth the exact amount of such money, bonds, 73284

or other securities and signed by the representatives making 73285
such count shall be entered upon the records of the board and 73286
shall be prima-facie evidence that the amount stated in such 73287
certificate is actually in the treasury at that date. 73288

Sec. 3375.47. A public library created under Chapter 3375. 73289
of the Revised Code shall place material related to sexual 73290
orientation or gender identity or expression in a portion of the 73291
public library that is not primarily open to the view of persons 73292
under the age of eighteen. 73293

Sec. 3375.92. The fiscal officer of the board of trustees 73294
of the regional library system is the treasurer of the 73295
organization's funds. Before entering upon their duties, the 73296
fiscal officer and the deputy fiscal officer shall execute a 73297
bond in an amount and with surety to be approved by the board, 73298
and conditioned for the faithful performance of the official 73299
duties required of them. 73300

All moneys received by the fiscal officer shall be 73301
immediately placed by the fiscal officer in a depository 73302
designated by the board. The fiscal officer shall keep an 73303
account of the funds credited to the board. 73304

The fiscal officer shall render a monthly statement to the 73305
board showing the revenues and receipts from whatever sources 73306
derived, the disbursements and the purposes for such 73307
disbursements, and the assets and liabilities of the board. At 73308
the end of each fiscal year the fiscal officer shall submit to 73309
the board, to the state library board and, if requested, to any 73310
granting authority, a complete financial statement showing the 73311
receipts and expenditures in detail for the entire fiscal year. 73312
Such financial records shall be open to public inspection at all 73313
reasonable times. 73314

At the expiration of the term of the fiscal officer or 73315
before the board of trustees approves the surety of any fiscal 73316
officer, the board shall require the fiscal officer to produce 73317
all moneys, bonds, or other securities in the fiscal officer's 73318
hands, which shall then be counted by the board or a committee 73319
of the board, ~~or by a representative of the auditor of state.~~ A 73320
certificate setting forth the exact amount of such money, bonds, 73321
or other securities and signed by the persons making such count 73322
shall be entered upon the records of the board and shall be 73323
prima-facie evidence that the amount stated in such certificate 73324
is actually in the treasury at that date. 73325

Sec. 3379.03. The Ohio arts council shall: 73326

(A) Conduct a survey of the cultural and artistic 73327
resources and needs of the state and maintain a continuing 73328
inventory of such resources; 73329

(B) Develop a plan for better and fuller use and enjoyment 73330
of the state's cultural and artistic resources by all the people 73331
of the state; 73332

(C) Assess the role of the arts in the growth and 73333
development of the state; 73334

(D) Report at least biennially to the governor and the 73335
general assembly on the state of the arts. Such report may 73336
include recommendations based on the council's surveys. 73337

~~(E) Administer the per cent for arts program pursuant to~~ 73338
~~section 3379.10 of the Revised Code;~~ 73339

~~(F)~~ Establish guidelines for the administration of the 73340
council's duties that pertain to the position of Ohio poet 73341
laureate pursuant to section 3379.12 of the Revised Code and for 73342
the qualifications of the Ohio poet laureate appointed under 73343

that section.

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Sec. 3379.12. (A) The position of Ohio poet laureate is hereby created. The Ohio poet laureate shall be appointed by the governor from a list of not less than three candidates recommended by the Ohio arts council based on qualifications developed by the arts council under division ~~(F)~~ (E) of section 3379.03 of the Revised Code. The arts council shall submit its list of candidates to the governor not less than ninety days prior to the beginning of the Ohio poet laureate's term of office.

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(B) The term of office for the Ohio poet laureate shall be for two years. The initial term shall begin on January 1, 2016.

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(C) In the event of the death, resignation, or any other vacancy or inability to perform the duties of Ohio poet laureate during an individual's unexpired term of office, not later than sixty days after the vacancy occurs, the Ohio arts council shall recommend a candidate to the governor to serve as poet laureate for the remainder of that unexpired term of office.

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(D) An individual may be reappointed to subsequent terms of office, at the discretion of the governor.

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Sec. 3381.03. Any county, or any two or more counties, municipal corporations, or townships, or any combination of these may create a regional arts and cultural district by the adoption of a resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township that desires to create or to join in the creation of the district. The resolution or ordinance shall state all of the following:

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(A) The purposes for the creation of the district; 73373

(B) The counties, municipal corporations, or townships 73374
that are to be included in the district; 73375

(C) The official name by which the district shall be 73376
known; 73377

(D) The location of the principal office of the district 73378
or the manner in which the location shall be selected; 73379

(E) Subject to section 3381.05 of the Revised Code, the 73380
number, term, and compensation, which shall not exceed the sum 73381
of fifty dollars for each board and committee meeting attended 73382
by a member, of the members of the board of trustees of the 73383
district; 73384

(F) Subject to section 3381.05 of the Revised Code, the 73385
manner in which members of the board of trustees of the district 73386
shall be appointed; the method of filling vacancies; and the 73387
period, if any, for which a trustee continues in office after 73388
expiration of the trustee's term pending the appointment of the 73389
trustee's successor; 73390

(G) The manner of apportioning expenses of the district 73391
among the participating counties, municipal corporations, and 73392
townships. 73393

The resolution or ordinance may also provide that the 73394
authority of the districts to make grants under section 3381.20 73395
of the Revised Code may be totally or partially delegated to one 73396
or more area arts councils, as defined in section 757.03 of the 73397
Revised Code, located within the district. 73398

The district provided for in the resolution or ordinance 73399
shall be created upon the adoption of the resolution or 73400

ordinance by the board of county commissioners of each county, 73401
the legislative authority of each municipal corporation, and the 73402
board of township trustees of each township enumerated in the 73403
resolution or ordinance. The resolution or ordinance may be 73404
amended to include additional counties, municipal corporations, 73405
or townships or for any other purpose by the adoption of an 73406
amendment by the board of county commissioners of each county, 73407
the legislative authority of each municipal corporation, and the 73408
board of township trustees of each township that has created or 73409
joined or proposes to join the district. 73410

After each county, municipal corporation, and township has 73411
adopted a resolution or ordinance approving inclusion of 73412
additional counties, municipal corporations, or townships in the 73413
district, a copy of the resolution or ordinance shall be filed 73414
with the clerk of the board of the county commissioners of each 73415
county, the clerk of the legislative authority of each municipal 73416
corporation, and the fiscal officer of the board of trustees of 73417
each township proposed to be included in the district. The 73418
inclusion is effective when all such filing is completed unless 73419
the district to which territory is to be added has authority to 73420
levy an ad valorem tax on property within its territory, in 73421
which event the inclusion shall become effective upon voter 73422
approval of the joinder and the tax. 73423

If a tax on property is to be levied, the board and the 73424
county auditor shall proceed in the same manner as required for 73425
a tax levy under section 5705.03 of the Revised Code, except 73426
that the levy's annual collections shall be estimated assuming 73427
that the additional territory has been added to the district. 73428
The board of trustees shall promptly certify the proposal and 73429
the auditor's certification to the board or boards of elections 73430
for the purpose of having the proposal placed on the ballot at 73431

the next general or primary election that occurs not less than 73432
sixty days after the date of the meeting of the board of 73433
trustees, or at a special election held on a date specified in 73434
the certification that is not less than sixty days after the 73435
date of the meeting of the board. If territory of more than one 73436
county, municipal corporation, or township is to be added to the 73437
regional arts and cultural district, the electors of the 73438
territories of the counties, municipal corporations, or 73439
townships which are to be added shall vote as a district, and 73440
the outcome of the election shall be determined by the vote cast 73441
in the entire district. Upon certification of a proposal to the 73442
board or boards of elections pursuant to this section, the board 73443
or boards of elections shall make the necessary arrangements for 73444
the submission of the questions to the electors of the territory 73445
to be added to the district, and the election shall be held, 73446
canvassed, and certified in the manner provided for the 73447
submission of tax levies under section 5705.19 of the Revised 73448
Code, except that the question appearing on the ballot shall 73449
read: 73450

"Shall the territory within the _____ (name 73451
or names of political subdivisions to be joined) be added to 73452
_____ (name) regional arts and 73453
cultural district? And shall a property tax that the county 73454
auditor estimates will collect \$_____ annually at a rate not 73455
exceeding _____ mills for each \$1 of taxable value, which 73456
amounts to \$_____ (effective rate) for each \$100,000 of the 73457
county auditor's ~~appraised~~ market value, be levied for purposes 73458
of such district?" 73459

If the question is approved by a majority of the electors 73460
voting on the question, the joinder is effective immediately, 73461
and the district may extend the levy of the tax against all the 73462

taxable property within the territory that has been added. If 73463
the question is approved at a general election or at a special 73464
election occurring prior to a general election but after the 73465
fifteenth day of July in any calendar year, the district may 73466
amend its budget and resolution adopted pursuant to section 73467
5705.34 of the Revised Code, and the levy shall be placed on the 73468
current tax list and duplicate and collected as other taxes are 73469
collected from all taxable property within the territory of the 73470
district, including the territory added as a result of the 73471
election. 73472

The territory of a district shall be coextensive with the 73473
territory of the counties, municipal corporations, and townships 73474
included within the district, provided that the same territory 73475
may not be included in more than one regional arts and cultural 73476
district, and provided, that if a district includes only a 73477
portion of an entire county, a district may be created in the 73478
remaining portion of the same county by resolution of the board 73479
of county commissioners acting alone or in conjunction with 73480
municipal corporations and townships as provided in this 73481
section. 73482

As used in this section, "the county auditor's ~~appraised-~~ 73483
market value" and "effective rate" have the same meanings as in 73484
section 5705.01 of the Revised Code. 73485

Sec. 3381.11. The board of trustees of a regional arts and 73486
cultural district or any officer or employee designated by such 73487
board may make any contract for the purchase of supplies or 73488
material or for labor for any work, under the supervision of the 73489
board, the cost of which shall not exceed ten thousand dollars. 73490
When an expenditure, other than for the acquisition of real 73491
estate, the discharge of noncontractual claims, personal 73492

services, or for the product or services of public utilities, 73493
exceeds ten thousand dollars, such expenditure shall be made 73494
only after a notice calling for bids has been published once a 73495
week for two consecutive weeks in one newspaper of general 73496
circulation within the territory of the district or as provided 73497
in section 7.16 of the Revised Code. The board may then let said 73498
contract to the lowest and best bidder, who shall give a good 73499
and approved bond with ample security conditioned on the 73500
carrying out of the contract. Such contract shall be in writing 73501
and shall be accompanied by or shall refer to plans and 73502
specifications for the work to be done, approved by the board. 73503
The plans and specifications shall at all times be made and 73504
considered part of the contract. The contract shall be approved 73505
by the board and signed on behalf of the district and by the 73506
contractor. No sale of any real or personal property or a lease 73507
thereof having a term thereof in excess of five years shall be 73508
made except with the highest and best bidder after publication 73509
of notice for bids in the manner above provided. 73510

Competitive bidding under this section is not required 73511
when: 73512

(A) The board, by a two-thirds affirmative vote of its 73513
members, determines that a real and present emergency exists and 73514
such determination and the reasons therefor are entered in the 73515
proceedings of the board, when: 73516

(1) The estimated cost is less than fifteen thousand 73517
dollars; or 73518

(2) There is actual physical damage to structures or 73519
equipment. 73520

(B) Such purchase consists of supplies or a replacement or 73521

supplemental part or parts for a product or equipment owned or 73522
leased by the district and the only source of supply for such 73523
supplies, part, or parts is limited to a single supplier; 73524

(C) The lease is a renewal of a lease for electronic data 73525
processing equipment, services, or systems; 73526

(D) Services or supplies are available from a qualified 73527
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 73528
125.601 of the Revised Code; 73529

(E) With respect to any contract, agreement, or lease by a 73530
district with any arts or cultural organization or any 73531
governmental body or agency. 73532

Sec. 3381.17. From the funds available therefor from a tax 73533
levy authorized under section 3381.16 or, if applicable, 73534
sections 5743.021, and 5743.321, ~~5743.511, 5743.621, and~~ 73535
~~5743.631~~ of the Revised Code, a regional arts and cultural 73536
district by action of its board of trustees shall make annual 73537
grants to support the operating or capital expenses of such of 73538
the arts or cultural organizations located within the territory 73539
of the district as the board of trustees shall determine; 73540
provided, however, that not more than ten per cent of the amount 73541
granted in any calendar year shall be granted to arts and 73542
cultural organizations that are not qualifying arts or cultural 73543
organizations; and further provided that prior to making any 73544
grants in any calendar year, the board of trustees shall afford 73545
an opportunity for the presentation, either in person or in 73546
writing, of the suggestions of any area arts council, as defined 73547
in section 757.03 of the Revised Code, located within the 73548
district. Any such grant to an arts or cultural organization 73549
shall be on such terms and conditions as the board considers 73550
advisable. 73551

Sec. 3501.01. As used in the sections of the Revised Code 73552
relating to elections and political communications: 73553

(A) "General election" means the election held on the 73554
first Tuesday after the first Monday in each November. 73555

(B) "Regular municipal election" means the election held 73556
on the first Tuesday after the first Monday in November in each 73557
odd-numbered year. 73558

(C) "Regular state election" means the election held on 73559
the first Tuesday after the first Monday in November in each 73560
even-numbered year. 73561

(D) "Special election" means any election other than those 73562
elections defined in other divisions of this section. A special 73563
election may be held only on the first Tuesday after the first 73564
Monday in May or November, on the first Tuesday after the first 73565
Monday in August in accordance with section 3501.022 of the 73566
Revised Code, or on the day authorized by a particular municipal 73567
or county charter for the holding of a primary election, except 73568
that in any year in which a presidential primary election is 73569
held, no special election shall be held in May, except as 73570
authorized by a municipal or county charter, but may be held on 73571
the third Tuesday after the first Monday in March. 73572

(E) (1) "Primary" or "primary election" means an election 73573
held for the purpose of nominating persons as candidates of 73574
political parties for election to offices, and for the purpose 73575
of electing persons as members of the controlling committees of 73576
political parties and as delegates and alternates to the 73577
conventions of political parties. Primary elections shall be 73578
held on the first Tuesday after the first Monday in May of each 73579
year except in years in which a presidential primary election is 73580

held. 73581

(2) "Presidential primary election" means a primary 73582
election as defined by division (E)(1) of this section at which 73583
an election is held for the purpose of choosing delegates and 73584
alternates to the national conventions of the major political 73585
parties pursuant to section 3513.12 of the Revised Code. Unless 73586
otherwise specified, presidential primary elections are included 73587
in references to primary elections. In years in which a 73588
presidential primary election is held, all primary elections 73589
shall be held on the third Tuesday after the first Monday in 73590
March except as otherwise authorized by a municipal or county 73591
charter. 73592

(F) "Political party" means any group of voters meeting 73593
the requirements set forth in section 3517.01 of the Revised 73594
Code for the formation and existence of a political party. 73595

(1) "Major political party" means any political party 73596
organized under the laws of this state whose candidate for 73597
governor or nominees for presidential electors received not less 73598
than twenty per cent of the total vote cast for such office at 73599
the most recent regular state election. 73600

(2) "Minor political party" means any political party 73601
organized under the laws of this state that meets either of the 73602
following requirements: 73603

(a) Except as otherwise provided in this division, the 73604
political party's candidate for governor or nominees for 73605
presidential electors received less than twenty per cent but not 73606
less than three per cent of the total vote cast for such office 73607
at the most recent regular state election. A political party 73608
that meets the requirements of this division remains a political 73609

party for a period of four years after meeting those 73610
requirements. 73611

(b) The political party has filed with the secretary of 73612
state, subsequent to its failure to meet the requirements of 73613
division (F)(2)(a) of this section, a petition that meets the 73614
requirements of section 3517.01 of the Revised Code. 73615

A newly formed political party shall be known as a minor 73616
political party until the time of the first election for 73617
governor or president which occurs not less than twelve months 73618
subsequent to the formation of such party, after which election 73619
the status of such party shall be determined by the vote for the 73620
office of governor or president. 73621

(G) "Dominant party in a precinct" or "dominant political 73622
party in a precinct" means that political party whose candidate 73623
for election to the office of governor at the most recent 73624
regular state election at which a governor was elected received 73625
more votes than any other person received for election to that 73626
office in such precinct at such election. 73627

(H) "Candidate" means any qualified person certified in 73628
accordance with the provisions of the Revised Code for placement 73629
on the official ballot of a primary, general, or special 73630
election to be held in this state, or any qualified person who 73631
claims to be a write-in candidate, or who knowingly assents to 73632
being represented as a write-in candidate by another at either a 73633
primary, general, or special election to be held in this state. 73634

(I) "Independent candidate" means any candidate who claims 73635
not to be affiliated with a political party, and whose name has 73636
been certified on the office-type ballot at a general or special 73637
election through the filing of a statement of candidacy and 73638

nominating petition, as prescribed in section 3513.257 of the Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judge of a municipal court, county court, or court of common pleas, ~~for member of any board of education,~~ for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to appear on the office-type ballot at a general or special election as the nominee of a political party because the candidate has won the primary election of the candidate's party for the public office the candidate seeks, has been nominated under section 3517.012, or is selected by party committee in accordance with section 3513.31 of the Revised Code.

(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major or minor political party.

(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having 73668
the qualifications provided by law to be entitled to vote. 73669

(O) "Voter" means an elector who votes at an election. 73670

(P) "Voting residence" means that place of residence of an 73671
elector which shall determine the precinct in which the elector 73672
may vote. 73673

(Q) "Precinct" means a district within a county 73674
established by the board of elections of such county within 73675
which all qualified electors having a voting residence therein 73676
may vote at the same polling place. 73677

(R) "Polling place" means that place provided for each 73678
precinct at which the electors having a voting residence in such 73679
precinct may vote. 73680

(S) "Board" or "board of elections" means the board of 73681
elections appointed in a county pursuant to section 3501.06 of 73682
the Revised Code. 73683

(T) "Political subdivision" means a county, township, 73684
city, village, or school district. 73685

(U) "Election officer" or "election official" means any of 73686
the following: 73687

(1) Secretary of state; 73688

(2) Employees of the secretary of state serving the 73689
division of elections in the capacity of attorney, 73690
administrative officer, administrative assistant, elections 73691
administrator, office manager, or clerical supervisor; 73692

(3) Director of a board of elections; 73693

(4) Deputy director of a board of elections; 73694

(5) Member of a board of elections;	73695
(6) Employees of a board of elections;	73696
(7) Precinct election officials;	73697
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	73698 73699
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	73700 73701 73702 73703 73704 73705 73706
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	73707 73708 73709 73710
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for	73711 73712 73713 73714 73715 73716 73717 73718 73719 73720 73721 73722 73723

Ohioans with disabilities agency, and any other agency the 73724
secretary of state designates. "Designated agency" does not 73725
include public high schools and vocational schools, public 73726
libraries, or the office of a county treasurer. 73727

(Y) "National Voter Registration Act of 1993" means the 73728
"National Voter Registration Act of 1993," 107 Stat. 77, 42 73729
U.S.C.A. 1973gg. 73730

(Z) "Voting Rights Act of 1965" means the "Voting Rights 73731
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 73732

(AA) (1) "Photo identification" means one of the following 73733
documents that includes the individual's name and photograph and 73734
is not expired: 73735

(a) An Ohio driver's license, state identification card, 73736
or interim identification form issued by the registrar of motor 73737
vehicles or a deputy registrar under Chapter 4506. or 4507. of 73738
the Revised Code; 73739

(b) A United States passport or passport card; 73740

(c) A United States military identification card, Ohio 73741
national guard identification card, or United States department 73742
of veterans affairs identification card. 73743

(2) A "copy" of an individual's photo identification means 73744
images of both the front and back of a document described in 73745
division (AA) (1) of this section, except that if the document is 73746
a United States passport, a copy of the photo identification 73747
means an image of the passport's identification page that 73748
includes the individual's name, photograph, and other 73749
identifying information and the passport's expiration date. 73750

(BB) "Driver's license" means a license or permit issued 73751

by the registrar or a deputy registrar under Chapter 4506. or 73752
4507. of the Revised Code that authorizes an individual to 73753
drive. "Driver's license" includes a driver's license, 73754
commercial driver's license, probationary license, restricted 73755
license, motorcycle operator's license, or temporary instruction 73756
permit identification card. "Driver's license" does not include 73757
a limited term license issued under section 4506.14 or 4507.09 73758
of the Revised Code. 73759

(CC) "State identification card" means a card issued by 73760
the registrar or a deputy registrar under sections 4507.50 to 73761
4507.52 of the Revised Code. 73762

(DD) "Interim identification form" means the document 73763
issued by the registrar or a deputy registrar to an applicant 73764
for a driver's license or state identification card that 73765
contains all of the information otherwise found on the license 73766
or card and that an applicant may use as a form of 73767
identification until the physical license or card arrives in the 73768
mail. 73769

Sec. 3501.02. General elections in the state and its 73770
political subdivisions shall be held as follows: 73771

(A) For the election of electors of president and vice- 73772
president of the United States, in the year of 1932 and every 73773
four years thereafter; 73774

(B) For the election of a member of the senate of the 73775
United States, in the years 1932 and 1934, and every six years 73776
after each of such years; except as otherwise provided for 73777
filling vacancies; 73778

(C) For the election of representatives in the congress of 73779
the United States and of elective state and county officers 73780

~~including elected members of the state board of education, in~~ 73781
the even-numbered years; except as otherwise provided for 73782
filling vacancies; 73783

(D) For municipal and township officers, members of boards 73784
of education, judges and clerks of municipal courts, in the odd- 73785
numbered years; 73786

(E) Proposed constitutional amendments or proposed 73787
measures submitted by the general assembly or by initiative or 73788
referendum petitions to the voters of the state at large may be 73789
submitted to the general election in any year occurring at least 73790
~~sixty days, in case of a referendum, and ninety one hundred~~ 73791
~~twenty-five days, in the case of an initiated measure,~~ 73792
subsequent to the filing of the petitions therefor. Proposed 73793
constitutional amendments submitted by the general assembly to 73794
the voters of the state at large may be submitted at a special 73795
election occurring on the day in any year specified by division 73796
(E) of section 3501.01 of the Revised Code for the holding of a 73797
primary election, when a special election on that date is 73798
designated by the general assembly in the resolution adopting 73799
the proposed constitutional amendment. 73800

No special election shall be held on a day other than the 73801
day of a general election, unless a law or charter provides 73802
otherwise, regarding the submission of a question or issue to 73803
the voters of a county, township, city, village, or school 73804
district. 73805

(F) (1) Notwithstanding any provision of the Revised Code 73806
to the contrary, any question or issue, except a candidacy, to 73807
be voted upon at an election shall be certified, for placement 73808
upon the ballot, to the board of elections not later than four 73809
p.m. of the ninetieth day before the day of the election. 73810

(2) Any question or issue that is certified for placement 73811
on a ballot on or after ~~the effective date of this amendment~~ July 73812
2, 2010, shall be certified not later than the ninetieth day 73813
before the day of the applicable election, notwithstanding any 73814
deadlines appearing in any section of the Revised Code governing 73815
the placement of that question or issue on the ballot. 73816

Sec. 3501.05. The secretary of state shall do all of the 73817
following: 73818

(A) Appoint all members of boards of elections; 73819

(B) Issue instructions by directives and advisories in 73820
accordance with section 3501.053 of the Revised Code to members 73821
of the boards as to the proper methods of conducting elections. 73822

(C) Prepare rules and instructions for the conduct of 73823
elections; 73824

(D) Publish and furnish to the boards from time to time a 73825
sufficient number of indexed copies of all election laws then in 73826
force; 73827

(E) Edit and issue all pamphlets concerning proposed laws 73828
or amendments required by law to be submitted to the voters; 73829

(F) Prescribe the form of registration cards, blanks, and 73830
records; 73831

(G) Determine and prescribe the forms of ballots and the 73832
forms of all blanks, cards of instructions, pollbooks, tally 73833
sheets, certificates of election, and forms and blanks required 73834
by law for use by candidates, committees, and boards; 73835

(H) Prepare the ballot title or statement to be placed on 73836
the ballot for any proposed law or amendment to the constitution 73837
to be submitted to the voters of the state; 73838

(I) Except as otherwise provided in section 3519.08 of the Revised Code, certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot;

(J) Except as otherwise provided in division (I) (2) (b) of section 3501.38 of the Revised Code, give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;

(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;

(L) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;

(M) Compel the observance by election officers in the several counties of the requirements of the election laws;

(N) (1) Except as otherwise provided in division (N) (2) of this section, through the election integrity unit created under section 3501.055 of the Revised Code, investigate the administration of election laws, frauds, and irregularities in elections in any county, and report violations of election laws to the attorney general or prosecuting attorney, or both, for prosecution;

(2) ~~On and after August 24, 1995, report a failure to~~
~~comply with or a~~ Receive and process complaints regarding any
alleged violation of a provision in sections 3517.08 to 3517.13,
~~3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code,~~

~~whenever the secretary of state has or should have knowledge of~~ 73868
~~a failure to comply with or a violation of a provision in one of~~ 73869
~~those sections, by filing a complaint with the Ohio elections~~ 73870
~~commission under section 3517.153 of law over which the Ohio~~ 73871
~~election integrity commission has jurisdiction, in accordance~~ 73872
~~with sections 3517.14 to 3517.18 of the Revised Code.~~ 73873

(O) Make an annual report to the governor containing the 73874
results of elections, the cost of elections in the various 73875
counties, a tabulation of the votes in the several political 73876
subdivisions, and other information and recommendations relative 73877
to elections the secretary of state considers desirable; 73878

(P) Prescribe and distribute to boards of elections a list 73879
of instructions indicating all legal steps necessary to petition 73880
successfully for local option elections under sections 4301.32 73881
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 73882

(Q) Adopt rules pursuant to Chapter 119. of the Revised 73883
Code for the removal by boards of elections of ineligible voters 73884
from the statewide voter registration database and, if 73885
applicable, from the poll list or signature pollbook used in 73886
each precinct, which rules shall provide for all of the 73887
following: 73888

(1) A process for the removal of voters who have changed 73889
residence, which shall be uniform, nondiscriminatory, and in 73890
compliance with the Voting Rights Act of 1965 and the National 73891
Voter Registration Act of 1993, including a program that uses 73892
the national change of address service provided by the United 73893
States postal system through its licensees; 73894

(2) A process for the removal of ineligible voters under 73895
section 3503.21 of the Revised Code; 73896

(3) A uniform system for marking or removing the name of a voter who is ineligible to vote from the statewide voter registration database and, if applicable, from the poll list or signature pollbook used in each precinct and noting the reason for that mark or removal.

(R) (1) Prescribe a general program for registering voters or updating voter registration information, such as name and residence changes, by boards of elections, designated agencies, public high schools and vocational schools, public libraries, and offices of county treasurers consistent with the requirements of section 3503.09 of the Revised Code;

(2) Prescribe a general program for registering voters or updating voter registration information through the registrar of motor vehicles and deputy registrars, consistent with the requirements of section 3503.11 of the Revised Code.

(S) Prescribe a program of distribution of voter registration forms through boards of elections, designated agencies, offices of the registrar and deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and offices of county treasurers;

(T) To the extent feasible, provide copies, at no cost and upon request, of the voter registration form in post offices in this state;

(U) Adopt rules pursuant to section 111.15 of the Revised Code for the purpose of implementing the programs for registering voters through boards of elections, designated agencies, and the offices of the registrar and deputy registrars of motor vehicles consistent with this chapter;

(V) Establish the full-time position of Americans with

Disabilities Act coordinator within the office of the secretary 73926
of state to do all of the following: 73927

(1) Assist the secretary of state with ensuring that there 73928
is equal access to polling places for persons with disabilities; 73929

(2) Assist the secretary of state with ensuring that each 73930
voter may cast the voter's ballot in a manner that provides the 73931
same opportunity for access and participation, including privacy 73932
and independence, as for other voters; 73933

(3) Advise the secretary of state in the development of 73934
standards for the certification of voting machines, marking 73935
devices, and automatic tabulating equipment. 73936

(W) Establish and maintain a computerized statewide 73937
database of all legally registered voters under section 3503.15 73938
of the Revised Code that complies with the requirements of the 73939
"Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 73940
1666, and provide training in the operation of that system; 73941

(X) Ensure that all directives, advisories, other 73942
instructions, or decisions issued or made during or as a result 73943
of any conference or teleconference call with a board of 73944
elections to discuss the proper methods and procedures for 73945
conducting elections, to answer questions regarding elections, 73946
or to discuss the interpretation of directives, advisories, or 73947
other instructions issued by the secretary of state are posted 73948
on a web site of the office of the secretary of state as soon as 73949
is practicable after the completion of the conference or 73950
teleconference call, but not later than the close of business on 73951
the same day as the conference or teleconference call takes 73952
place. 73953

(Y) Publish a report on a web site of the office of the 73954

secretary of state not later than one month after the completion 73955
of the canvass of the election returns for each primary and 73956
general election, identifying, by county, the number of absent 73957
voter's ballots cast and the number of those ballots that were 73958
counted, and the number of provisional ballots cast and the 73959
number of those ballots that were counted, for that election. 73960
The secretary of state shall maintain the information on the web 73961
site in an archive format for each subsequent election. 73962

(Z) Conduct voter education outlining voter 73963
identification, absent voters ballot, provisional ballot, and 73964
other voting requirements; 73965

(AA) Establish a procedure by which a registered elector 73966
may make available to a board of elections a more recent 73967
signature to be used in the poll list or signature pollbook 73968
produced by the board of elections of the county in which the 73969
elector resides; 73970

(BB) Disseminate information, which may include all or 73971
part of the official explanations and arguments, by means of 73972
direct mail or other written publication, broadcast, or other 73973
means or combination of means, as directed by the Ohio ballot 73974
board under division (F) of section 3505.062 of the Revised 73975
Code, in order to inform the voters as fully as possible 73976
concerning each proposed constitutional amendment, proposed law, 73977
or referendum; 73978

(CC) Be the single state office responsible for the 73979
implementation of the "Uniformed and Overseas Citizens Absentee 73980
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 73981
1973ff, et seq., as amended, in this state. The secretary of 73982
state may delegate to the boards of elections responsibilities 73983
for the implementation of that act, including responsibilities 73984

arising from amendments to that act made by the "Military and 73985
Overseas Voter Empowerment Act," Subtitle H of the "National 73986
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 73987
111-84, 123 Stat. 3190. 73988

(DD) Adopt rules, under Chapter 119. of the Revised Code, 73989
to establish procedures and standards for determining when a 73990
board of elections shall be placed under the official oversight 73991
of the secretary of state, placing a board of elections under 73992
the official oversight of the secretary of state, a board that 73993
is under official oversight to transition out of official 73994
oversight, and the secretary of state to supervise a board of 73995
elections that is under official oversight of the secretary of 73996
state. 73997

(EE) Perform other duties required by law. 73998

Whenever a primary election is held under section 3513.32 73999
of the Revised Code or a special election is held under section 74000
3521.03 of the Revised Code to fill a vacancy in the office of 74001
representative to congress, the secretary of state shall 74002
establish a deadline, notwithstanding any other deadline 74003
required under the Revised Code, by which any or all of the 74004
following shall occur: the filing of a declaration of candidacy 74005
and petitions or a statement of candidacy and nominating 74006
petition together with the applicable filing fee; the filing of 74007
protests against the candidacy of any person filing a 74008
declaration of candidacy or nominating petition; the filing of a 74009
declaration of intent to be a write-in candidate; the filing of 74010
campaign finance reports; the preparation of, and the making of 74011
corrections or challenges to, precinct voter registration lists; 74012
the receipt of applications for absent voter's ballots or 74013
uniformed services or overseas absent voter's ballots; the 74014

supplying of election materials to precincts by boards of 74015
elections; the holding of hearings by boards of elections to 74016
consider challenges to the right of a person to appear on a 74017
voter registration list; and the scheduling of programs to 74018
instruct or reinstruct election officers. 74019

In the performance of the secretary of state's duties as 74020
the chief election officer, the secretary of state may 74021
administer oaths, issue subpoenas, summon witnesses, compel the 74022
production of books, papers, records, and other evidence, and 74023
fix the time and place for hearing any matters relating to the 74024
administration and enforcement of the election laws, including 74025
for the purposes described in division (N)(2) of this section. 74026

In any controversy involving or arising out of the 74027
adoption of registration or the appropriation of funds for 74028
registration, the secretary of state may, through the attorney 74029
general, bring an action in the name of the state in the court 74030
of common pleas of the county where the cause of action arose or 74031
in an adjoining county, to adjudicate the question. 74032

In any action involving the laws in Title XXXV of the 74033
Revised Code wherein the interpretation of those laws is in 74034
issue in such a manner that the result of the action will affect 74035
the lawful duties of the secretary of state or of any board of 74036
elections, the secretary of state may, on the secretary of 74037
state's motion, be made a party. 74038

The secretary of state may apply to any court that is 74039
hearing a case in which the secretary of state is a party, for a 74040
change of venue as a substantive right, and the change of venue 74041
shall be allowed, and the case removed to the court of common 74042
pleas of an adjoining county named in the application or, if 74043
there are cases pending in more than one jurisdiction that 74044

involve the same or similar issues, the court of common pleas of Franklin county.

Public high schools and vocational schools, public libraries, and the office of a county treasurer shall implement voter registration programs as directed by the secretary of state pursuant to this section.

Sec. 3501.055. (A) There is in the office of the secretary of state the election integrity unit.

(B) Under the direction of the secretary of state, the election integrity unit shall do all of the following:

(1) Investigate alleged violations of Title XXXV of the Revised Code on the unit's own initiative, upon receiving a complaint under this section, or upon the filing of a complaint with the secretary of state under section 3517.16 of the Revised Code;

(2) Allow the public to submit allegations of violations of Title XXXV of the Revised Code to the unit;

(3) Submit a report to the governor and the general assembly not later than the fifteenth day of January of each year. The report shall include all of the following with respect to the previous calendar year:

(a) The number of allegations the unit received from members of the public;

(b) The number of allegations the unit investigated on its own initiative;

(c) The number of allegations the unit referred to another agency for further investigation or prosecution;

<u>(d) All of the following concerning each allegation:</u>	74072
<u>(i) The general nature of the allegation;</u>	74073
<u>(ii) The county in which the violation is alleged to have occurred;</u>	74074 74075
<u>(iii) Whether the allegation has been referred to another agency for further investigation or prosecution, and if so, to which agency;</u>	74076 74077 74078
<u>(iv) The current status of the investigation or any resulting criminal or civil proceeding.</u>	74079 74080
<u>(C) In performing its duties, the election integrity unit may administer oaths, issue subpoenas, summon witnesses, compel the production of books, papers, records, and other evidence, and hold hearings.</u>	74081 74082 74083 74084
<u>(D) Within one year after receiving a referral for further investigation or prosecution from the election integrity unit, the prosecuting attorney shall either prosecute the violation or provide to the election integrity unit a written statement explaining the reason for declining to prosecute the referral or requesting any additional evidence needed to meet the prima facie standard established under section 3599.42 of the Revised Code. If the prosecuting attorney declines to prosecute the violation within one year after receiving the referral, the election integrity unit may refer the violation to the attorney general for further investigation or prosecution. If the prosecuting attorney or the attorney general requests additional evidence, the election integrity unit shall provide such evidence, if available, within ninety days after receiving the request. Within one hundred eighty days after receiving the additional evidence, the prosecuting attorney either shall</u>	74085 74086 74087 74088 74089 74090 74091 74092 74093 74094 74095 74096 74097 74098 74099 74100

prosecute the violation or provide a written statement to the 74101
election integrity unit explaining a reason for declining to 74102
prosecute. If the prosecuting attorney fails to provide this 74103
statement or prosecute within one hundred eighty days after 74104
receiving the additional evidence, the election integrity unit 74105
may refer the violation to the attorney general for further 74106
investigation or prosecution. 74107

Sec. 3501.12. (A) The annual compensation of members of 74108
the board of elections shall be determined on the basis of the 74109
population of the county according to the next preceding federal 74110
census, and shall be paid monthly out of the appropriations made 74111
to the board and upon vouchers or payrolls certified by the 74112
chairperson, or a member of the board designated by it, and 74113
countersigned by the director or in the director's absence by 74114
the deputy director. Upon presentation of any such voucher or 74115
payroll, the county auditor shall issue a warrant upon the 74116
county treasurer for the amount thereof as in the case of 74117
vouchers or payrolls for county offices and the treasurer shall 74118
pay such warrant. 74119

(B) In calendar year 2018, the amount of annual 74120
compensation of each member of the board of elections shall be 74121
the greater of the following: 74122

(1) The sum of the following: 74123

(a) One hundred two dollars and forty-one cents for each 74124
full one thousand of the first one hundred thousand population; 74125

(b) Forty-eight dollars and seventy-nine cents for each 74126
full one thousand of the second one hundred thousand population; 74127

(c) Twenty-six dollars and fifty cents for each full one 74128
thousand of the third one hundred thousand population; 74129

(d) Eight dollars and thirteen cents for each full one 74130
thousand above three hundred thousand population. 74131

(2) Six thousand dollars. 74132

(C) The annual compensation of each member of the board 74133
shall be computed after increasing the dollar amounts specified 74134
in divisions (B) (1) and (2) of this section as follows: 74135

(1) In calendar year 2019 and in each calendar year 74136
thereafter through calendar year 2028~~2025, the annual~~ 74137
~~compensation of each member of the board shall be computed after~~ 74138
~~increasing the dollar amounts specified in divisions (B) (1) and~~ 74139
~~(2) of this section by one and three-quarters per cent;~~ 74140

(2) In calendar year 2026 and in each calendar year 74141
thereafter through calendar year 2029, by five per cent. 74142

(D) For the purposes of this section, members of boards of 74143
elections shall be deemed to be appointed and not elected, and 74144
therefore not subject to Section 20 of Article II of the Ohio 74145
Constitution. 74146

Sec. 3501.17. (A) The expenses of the board of elections 74147
shall be paid from the county treasury, in pursuance of 74148
appropriations by the board of county commissioners, in the same 74149
manner as other county expenses are paid. If the board of county 74150
commissioners fails to appropriate an amount sufficient to 74151
provide for the necessary and proper expenses of the board of 74152
elections pertaining to the conduct of elections, the board of 74153
elections may apply to the court of common pleas within the 74154
county, which shall fix the amount necessary to be appropriated 74155
and the amount shall be appropriated. Payments shall be made 74156
upon vouchers of the board of elections certified to by its 74157
chairperson or acting chairperson and the director or deputy 74158

director, upon warrants of the county auditor. 74159

The board of elections shall not incur any obligation 74160
involving the expenditure of money unless there are moneys 74161
sufficient in the funds appropriated therefor to meet the 74162
obligation. If the board of elections requests a transfer of 74163
funds from one of its appropriation items to another, the board 74164
of county commissioners shall adopt a resolution providing for 74165
the transfer except as otherwise provided in section 5705.40 of 74166
the Revised Code. The expenses of the board of elections shall 74167
be apportioned among the county and the various subdivisions as 74168
provided in this section, and the amount chargeable to each 74169
subdivision shall be paid as provided in division (J) of this 74170
section or withheld by the county auditor from the moneys 74171
payable thereto at the time of the next tax settlement. At the 74172
time of submitting budget estimates in each year, the board of 74173
elections shall submit to the taxing authority of each 74174
subdivision, upon the request of the subdivision, an estimate of 74175
the amount to be paid or withheld from the subdivision during 74176
the current or next fiscal year. 74177

A board of township trustees may, by resolution, request 74178
that the county auditor withhold expenses charged to the 74179
township from a specified township fund that is to be credited 74180
with revenue at a tax settlement. The resolution shall specify 74181
the tax levy ballot issue, the date of the election on the levy 74182
issue, and the township fund from which the expenses the board 74183
of elections incurs related to that ballot issue shall be 74184
withheld. 74185

(B) Except as otherwise provided in division (F) of this 74186
section, the compensation of the members of the board of 74187
elections and of the director, deputy director, and regular 74188

employees in the board's offices, other than compensation for 74189
overtime worked; the expenditures for the rental, furnishing, 74190
and equipping of the office of the board and for the necessary 74191
office supplies for the use of the board; the expenditures for 74192
the acquisition, repair, care, and custody of the polling 74193
places, booths, guardrails, and other equipment for polling 74194
places; the cost of tally sheets, maps, flags, ballot boxes, and 74195
all other permanent records and equipment; the cost of all 74196
elections held in and for the state and county; and all other 74197
expenses of the board which are not chargeable to a political 74198
subdivision in accordance with this section shall be paid in the 74199
same manner as other county expenses are paid. 74200

(C) The compensation of precinct election officials and 74201
intermittent employees in the board's offices; the cost of 74202
renting, moving, heating, and lighting polling places and of 74203
placing and removing ballot boxes and other fixtures and 74204
equipment thereof, including voting machines, marking devices, 74205
and automatic tabulating equipment; the cost of printing and 74206
delivering ballots, cards of instructions, registration lists 74207
required under section 3503.23 of the Revised Code, and other 74208
election supplies, including the supplies required to comply 74209
with division (H) of section 3506.01 of the Revised Code; the 74210
cost of contractors engaged by the board to prepare, program, 74211
test, and operate voting machines, marking devices, and 74212
automatic tabulating equipment; and all other expenses of 74213
conducting primaries and elections in the odd-numbered years 74214
shall be charged to the subdivisions in and for which such 74215
primaries or elections are held. The charge for each primary or 74216
general election in odd-numbered years for each subdivision 74217
shall be determined in the following manner: first, the total 74218
cost of all chargeable items used in conducting such elections 74219

shall be ascertained; second, the total charge shall be divided 74220
by the number of precincts participating in such election, in 74221
order to fix the cost per precinct; third, the cost per precinct 74222
shall be prorated by the board of elections to the subdivisions 74223
conducting elections for the nomination or election of offices 74224
in such precinct; fourth, the total cost for each subdivision 74225
shall be determined by adding the charges prorated to it in each 74226
precinct within the subdivision. 74227

~~(D) The~~ (D) (1) Except as otherwise provided in division 74228
(D) (2) of this section, the entire cost of special elections 74229
held on a day other than the day of a primary or general 74230
election, both in odd-numbered or in even-numbered years, shall 74231
be charged to the subdivision. Where a special election is held 74232
on the same day as a primary or general election in an even- 74233
numbered year, the subdivision submitting the special election 74234
shall be charged only for the cost of ballots and advertising. 74235
Where a special election is held on the same day as a primary or 74236
general election in an odd-numbered year, the subdivision 74237
submitting the special election shall be charged for the cost of 74238
ballots and advertising for such special election, in addition 74239
to the charges prorated to such subdivision for the election or 74240
nomination of candidates in each precinct within the 74241
subdivision, as set forth in the preceding paragraph. 74242

(2) The entire cost of a local option election held 74243
pursuant to sections 4301.32 to 4301.391 of the Revised Code on 74244
a day other than the day of a primary or general election, both 74245
in odd-numbered or in even-numbered years, or on a day other 74246
than the day of a special election of a political subdivision 74247
seeking to submit a question or issue, a nomination for office, 74248
or an election to office, shall be charged to the petitioner. 74249

(E) Where a special election is held on the day specified 74250
by division (E) of section 3501.01 of the Revised Code for the 74251
holding of a primary election, for the purpose of submitting to 74252
the voters of the state constitutional amendments proposed by 74253
the general assembly, and a subdivision conducts a special 74254
election on the same day, the entire cost of the special 74255
election shall be divided proportionally between the state and 74256
the subdivision based upon a ratio determined by the number of 74257
issues placed on the ballot by each, except as otherwise 74258
provided in division (G) of this section. Such proportional 74259
division of cost shall be made only to the extent funds are 74260
available for such purpose from amounts appropriated by the 74261
general assembly to the secretary of state. If a primary 74262
election is also being conducted in the subdivision, the costs 74263
shall be apportioned as otherwise provided in this section. 74264

(F) When a precinct is open during a general, primary, or 74265
special election solely for the purpose of submitting to the 74266
voters a statewide ballot issue, the state shall bear the entire 74267
cost of the election in that precinct and shall reimburse the 74268
county for all expenses incurred in opening the precinct. 74269

(G) (1) The state shall bear the entire cost of advertising 74270
in newspapers statewide ballot issues, explanations of those 74271
issues, and arguments for or against those issues, as required 74272
by Section 1g of Article II and Section 1 of Article XVI, Ohio 74273
Constitution, and any other section of law. Appropriations made 74274
to the controlling board shall be used to reimburse the 74275
secretary of state for all expenses the secretary of state 74276
incurs for such advertising under division (G) of section 74277
3505.062 of the Revised Code. 74278

(2) There is hereby created in the state treasury the 74279

statewide ballot advertising fund. The fund shall receive 74280
transfers approved by the controlling board, and shall be used 74281
by the secretary of state to pay the costs of advertising state 74282
ballot issues as required under division (G)(1) of this section. 74283
Any such transfers may be requested from and approved by the 74284
controlling board prior to placing the advertising, in order to 74285
facilitate timely provision of the required advertising. 74286

(H) The cost of renting, heating, and lighting 74287
registration places; the cost of the necessary books, forms, and 74288
supplies for the conduct of registration; and the cost of 74289
printing and posting precinct registration lists shall be 74290
charged to the subdivision in which such registration is held. 74291

(I)(1)(a) At the request of a majority of the members of 74292
the board of elections, the board of county commissioners may, 74293
by resolution, establish an elections revenue fund. Except as 74294
otherwise provided in this division and in division (I)(2) of 74295
this section, the purpose of the fund shall be to accumulate 74296
revenue withheld by or paid to the county under this section for 74297
the payment of any expense related to the duties of the board of 74298
elections specified in section 3501.11 of the Revised Code, upon 74299
approval of a majority of the members of the board of elections. 74300
The fund shall not accumulate any revenue withheld by or paid to 74301
the county under this section for the compensation of the 74302
members of the board of elections or of the director, deputy 74303
director, or other regular employees in the board's offices, 74304
other than compensation for overtime worked. 74305

(b) Notwithstanding sections 5705.14, 5705.15, and 5705.16 74306
of the Revised Code, the board of county commissioners may, by 74307
resolution, transfer money to the elections revenue fund from 74308
any other fund of the political subdivision from which such 74309

payments lawfully may be made. Following an affirmative vote of 74310
a majority of the members of the board of elections, the board 74311
of county commissioners may, by resolution, rescind an elections 74312
revenue fund established under this division. If an elections 74313
revenue fund is rescinded, money that has accumulated in the 74314
fund shall be transferred to the county general fund. 74315

(2) (a) The board of county commissioners of a county that 74316
receives a payment from a political subdivision under division 74317
(J) of this section shall, by resolution, establish a special 74318
elections fund. The purpose of the fund shall be to accumulate 74319
revenue paid to the county by political subdivisions under 74320
division (J) of this section for the cost of preparing for and 74321
conducting special elections. 74322

(b) If both of the following apply, the board of county 74323
commissioners may, by resolution, rescind the special elections 74324
fund and transfer any remaining money in the fund to the county 74325
general fund or to the elections revenue fund: 74326

(i) All notifications and payments required under division 74327
(J) (3) of this section have been made. 74328

(ii) The county has not received any payments from 74329
political subdivisions under division (J) (2) of this section for 74330
a future special election. 74331

(J) (1) Not less than fifteen business days before the 74332
deadline for submitting a question or issue for placement on the 74333
ballot at a special election, the board of elections shall 74334
prepare and file with the board of county commissioners and the 74335
office of the secretary of state the estimated cost, based on 74336
the factors enumerated in this section, for preparing for and 74337
conducting an election on one question or issue, one nomination 74338

for office, or one election to office in each precinct in the 74339
county at that special election and shall divide that cost by 74340
the number of registered voters in the county. 74341

(2) The board of elections shall provide to a political 74342
subdivision seeking to submit a question or issue, a nomination 74343
for office, or an election to office for placement on the ballot 74344
at a special election with the estimated cost for preparing for 74345
and conducting that election, which shall be calculated either 74346
by multiplying the number of registered voters in the political 74347
subdivision with the cost calculated under division (J) (1) of 74348
this section or by multiplying the cost per precinct with the 74349
number or precincts in the political subdivision. A political 74350
subdivision submitting a question or issue, a nomination for 74351
office, or an election to office for placement on the ballot at 74352
that special election shall pay to the county special elections 74353
fund sixty-five per cent of the estimated cost of the election 74354
not less than ten business days after the deadline for 74355
submitting a question or issue for placement on the ballot for 74356
that special election. 74357

(3) Not later than sixty days after the date of a special 74358
election, the board of elections shall provide to each political 74359
subdivision the true and accurate cost for the question or 74360
issue, nomination for office, or election to office that the 74361
subdivision submitted to the voters on the special election 74362
ballots. If the board of elections determines that a subdivision 74363
paid less for the cost of preparing and conducting a special 74364
election under division (J) (2) of this section than the actual 74365
cost calculated under this division, the subdivision shall remit 74366
to the county special elections fund the difference between the 74367
payment made under division (J) (2) of this section and the final 74368
cost calculated under this division within thirty days after 74369

being notified of the final cost. If the board of elections 74370
determines that a subdivision paid more for the cost of 74371
preparing and conducting a special election under division (J) 74372
(2) of this section than the actual cost calculated under this 74373
division, the board of elections promptly shall notify the board 74374
of county commissioners of that difference. The board of county 74375
commissioners shall remit from the county special elections fund 74376
to the political subdivision the difference between the payment 74377
made under division (J) (2) of this section and the final cost 74378
calculated under this division within thirty days after 74379
receiving that notification. 74380

(K) As used in this section: 74381

(1) "Political subdivision" and "subdivision" mean any 74382
board of county commissioners, board of township trustees, 74383
legislative authority of a municipal corporation, board of 74384
education, or any other board, commission, district, or 74385
authority that is empowered to levy taxes or permitted to 74386
receive the proceeds of a tax levy, regardless of whether the 74387
entity receives tax settlement moneys as described in division 74388
(A) of this section; 74389

(2) "Statewide ballot issue" means any ballot issue, 74390
whether proposed by the general assembly or by initiative or 74391
referendum, that is submitted to the voters throughout the 74392
state. 74393

Sec. 3501.28. (A) As used in this section: 74394

(1) "Fair Labor Standards Act" or "Act" means the "Fair 74395
Labor Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as 74396
amended. 74397

(2) "Full election day" means the period of time between 74398

the opening of the polls and the completion of the procedures 74399
contained in section 3501.26 of the Revised Code. 74400

(3) "Services" means services at each general, primary, or 74401
special election. 74402

(B) Beginning with calendar year 2004, each precinct 74403
election official in a county shall be paid for the official's 74404
services at the same hourly rate, which shall be not less than 74405
the minimum hourly rate established by the Fair Labor Standards 74406
Act and not more than ninety-five dollars per diem. 74407

(C) The secretary of state shall establish, by rule 74408
adopted under section 111.15 of the Revised Code, the maximum 74409
amount of per diem compensation that may be paid to precinct 74410
election officials under this section each time the Fair Labor 74411
Standards Act is amended to increase the minimum hourly rate 74412
established by the act. Upon learning of such an increase, the 74413
secretary of state shall determine by what percentage the 74414
minimum hourly rate has been increased under the act and 74415
establish a new maximum amount of per diem compensation that 74416
precinct election officials may be paid under this section that 74417
is increased by the same percentage that the minimum hourly rate 74418
has been increased under the act. 74419

(D) (1) (a) No board of elections shall increase the pay of 74420
a precinct election official under this section during a 74421
calendar year unless the board has given written notice of the 74422
proposed increase to the board of county commissioners not later 74423
than the first day of October of the preceding calendar year. 74424

(b) Except as otherwise provided in division (D) (2) of 74425
this section, a board of elections may increase the pay of a 74426
precinct election official during a calendar year by up to, but 74427

not exceeding, nine per cent over the compensation paid to a 74428
precinct election official in the county where the board is 74429
located during the previous calendar year, if the compensation 74430
so paid during the previous calendar year was eighty-five 74431
dollars or less per diem. 74432

(c) Except as otherwise provided in division (D) (2) of 74433
this section, a board of elections may increase the pay of a 74434
precinct election official during a calendar year by up to, but 74435
not exceeding, four and one-half per cent over the compensation 74436
paid to a precinct election official in the county where the 74437
board is located during the previous calendar year, if the 74438
compensation so paid during the previous calendar year was more 74439
than eighty-five but less than ninety-five dollars per diem. 74440

(2) The board of county commissioners may review and 74441
comment upon a proposed increase and may enter into a written 74442
agreement with a board of elections to permit an increase in the 74443
compensation paid to precinct election officials for their 74444
services during a calendar year that is greater than the 74445
applicable percentage limitation described in division ~~(E) (1) (b)~~ 74446
(D) (1) (b) or (c) of this section. 74447

(E) No precinct election official who works less than the 74448
full election day shall be paid the maximum amount allowed under 74449
this section or the maximum amount as set by the board of 74450
elections, whichever is less. 74451

(F) (1) Except as otherwise provided in divisions (F) (4) to 74452
(6) of this section, any employee of the state or of any 74453
political subdivision of the state may serve as a precinct 74454
election official on the day of an election without loss of the 74455
employee's regular compensation for that day as follows: 74456

(a) For employees of a county office, department, 74457
commission, board, or other entity, or of a court of common 74458
pleas, county court, or county-operated municipal court, as 74459
defined in section 1901.03 of the Revised Code, the employee's 74460
appointing authority may permit leave with pay for this service 74461
in accordance with a resolution setting forth the terms and 74462
conditions for that leave passed by the board of county 74463
commissioners. 74464

(b) For all other employees of a political subdivision of 74465
the state, leave with pay for this service shall be subject to 74466
the terms and conditions set forth in an ordinance or a 74467
resolution passed by the legislative authority of the applicable 74468
political subdivision. 74469

(c) For state employees, leave with pay for this service 74470
shall be subject to the terms and conditions set forth by the 74471
head of the state agency, as defined in section 1.60 of the 74472
Revised Code, by which the person is employed. 74473

(2) Any terms and conditions set forth by a board of 74474
county commissioners, legislative authority of a political 74475
subdivision, or head of a state agency under division ~~(G)(1)~~(F) 74476
(1) of this section shall include a standard procedure for 74477
deciding which employees are permitted to receive leave with pay 74478
if multiple employees of an entity or court described in 74479
division ~~(G)(1)(a)~~(F)(1)(a) of this section, of an entity of a 74480
political subdivision described in division ~~(G)(1)(b)~~(F)(1)(b) 74481
of this section, or of a state agency as defined in section 1.60 74482
of the Revised Code apply to serve as a precinct election 74483
official on the day of an election. This procedure shall be 74484
applied uniformly to all similarly situated employees. 74485

(3) Any employee who is eligible for leave with pay under 74486

division ~~(G) (1)~~ (F) (1) of this section shall receive, in addition 74487
to the employee's regular compensation, the compensation paid to 74488
the precinct election official under division (B) or (C) of this 74489
section. 74490

(4) Division (F) (1) of this section does not apply to 74491
either of the following: 74492

(a) Election officials; 74493

(b) Public school teachers. 74494

(5) Nothing in division (F) (1) of this section supersedes 74495
or negates any provision of a collective bargaining agreement in 74496
effect under Chapter 4117. of the Revised Code. 74497

(6) If a board of county commissioners, legislative 74498
authority of a political subdivision, or head of a state agency 74499
fails to set forth any terms and conditions under division (F) 74500
(1) of this section, an employee of an entity or court described 74501
in division (F) (1) (a) of this section, of an entity of a 74502
political subdivision described in division (F) (1) (b) of this 74503
section, or of a state agency as defined in section 1.60 of the 74504
Revised Code may use personal leave, vacation leave, or 74505
compensatory time, or take unpaid leave, to serve as a precinct 74506
election official on the day of an election. 74507

(G) The board of elections may withhold the compensation 74508
of any precinct election official for failure to obey the 74509
instructions of the board or to comply with the law relating to 74510
the duties of a precinct election official. Any payment a 74511
precinct election official is entitled to receive under section 74512
3501.36 of the Revised Code is in addition to the compensation 74513
the official is entitled to receive under this section. 74514

Sec. 3505.03. (A) On the office type ballot shall be 74515

printed the names of all candidates for election to offices, 74516
except the office of judge of a municipal court, county court, 74517
or court of common pleas, who were nominated at the most recent 74518
primary election as candidates of a political party or who were 74519
nominated in accordance with section 3513.02 of the Revised 74520
Code, and the names of all candidates for election to offices 74521
who were nominated by nominating petitions, except candidates 74522
for the office of judge of a municipal court, county court, or 74523
court of common pleas, ~~for member of the state board of~~ 74524
~~education, for member of a board of education,~~ for municipal 74525
offices, and for township offices. 74526

(B) The face of the ballot below the stub shall be 74527
substantially in the following form: 74528

"OFFICIAL OFFICE TYPE BALLOT 74529

(1) To vote for a candidate record your vote in the manner 74530
provided next to the name of such candidate. 74531

(2) If you tear, soil, deface, or erroneously mark this 74532
ballot, return it to the precinct election officers or, if you 74533
cannot return it, notify the precinct election officers, and 74534
obtain another ballot." 74535

(C) The order in which the offices shall be listed on the 74536
ballot shall be prescribed by, and certified to each board of 74537
elections by, the secretary of state; provided that for state, 74538
district, and county offices the order from top to bottom shall 74539
be as follows: governor and lieutenant governor, attorney 74540
general, auditor of state, secretary of state, treasurer of 74541
state, chief justice of the supreme court, justice of the 74542
supreme court, United States senator, representative to 74543
congress, state senator, state representative, judge of a court 74544

of appeals, member of a board of education, county commissioner, 74545
county auditor, prosecuting attorney, clerk of the court of 74546
common pleas, sheriff, county recorder, county treasurer, county 74547
engineer, and coroner. The offices of governor and lieutenant 74548
governor shall be printed on the ballot in a manner that 74549
requires a voter to cast one vote jointly for the candidates who 74550
have been nominated by the same political party or petition. 74551

(D) Within the rectangular space within which the title of 74552
each judicial office listed in division (C) of this section is 74553
printed on the ballot and immediately below the title shall be 74554
printed the date of the commencement of the term of the office, 74555
if it is a full term, as follows: "Full term commencing 74556
_____(Date)_____, " or the date of the end of the term of the 74557
office, if it is an unexpired term, as follows: "Unexpired term 74558
ending _____(Date)_____ " 74559

(E) (1) The names of all candidates for an office shall be 74560
arranged in a group under the title of that office, and, except 74561
for absentee ballots or when the number of candidates for a 74562
particular office is the same as the number of candidates to be 74563
elected for that office, shall be rotated from one precinct to 74564
another. On absentee ballots, the names of all candidates for an 74565
office shall be arranged in a group under the title of that 74566
office and shall be so alternated that each name shall appear, 74567
insofar as may be reasonably possible, substantially an equal 74568
number of times at the beginning, at the end, and in each 74569
intermediate place, if any, of the group in which such name 74570
belongs, unless the number of candidates for a particular office 74571
is the same as the number of candidates to be elected for that 74572
office. 74573

(2) Within the rectangular space within which the title of 74574

each office for member of a board of education is printed on the 74575
ballot shall be printed "For Member of Board of Education," and 74576
the number to be elected, directions to the voter as to voting 74577
for one, two, or more, and, if the office to be voted for is 74578
member of a board of education of a city school district, words 74579
shall be printed in said space on the ballot to indicate whether 74580
candidates are to be elected from subdistricts or at large. 74581

(3) The method of printing the ballots to meet the 74582
rotation requirement of this section shall be as follows: the 74583
least common multiple of the number of names in each of the 74584
several groups of candidates shall be used, and the number of 74585
changes made in the printer's forms in printing the ballots 74586
shall correspond with that multiple. The board of elections 74587
shall number all precincts in regular serial sequence. In the 74588
first precinct, the names of the candidates in each group shall 74589
be listed in alphabetical order. In each succeeding precinct, 74590
the name in each group that is listed first in the preceding 74591
precinct shall be listed last, and the name of each candidate 74592
shall be moved up one place. In each precinct using paper 74593
ballots, the printed ballots shall then be assembled in tablets. 74594

(F) Under the name of each candidate nominated at a 74595
primary election, nominated by petition under section 3517.012 74596
of the Revised Code, or certified by a party committee to fill a 74597
vacancy under section 3513.31 of the Revised Code shall be 74598
printed, in less prominent type face than that in which the 74599
candidate's name is printed, the name of the political party by 74600
which the candidate was nominated or certified. Under the name 74601
of each candidate appearing on the ballot who filed a nominating 74602
petition and requested a ballot designation as a nonparty 74603
candidate under section 3513.257 of the Revised Code shall be 74604
printed, in less prominent type face than that in which the 74605

candidate's name is printed, the designation of "nonparty 74606
candidate." Under the name of each candidate appearing on the 74607
ballot who filed a nominating petition and requested a ballot 74608
designation as an other-party candidate under section 3513.257 74609
of the Revised Code shall be printed, in less prominent type 74610
face than that in which the candidate's name is printed, the 74611
designation of "other-party candidate." No designation shall 74612
appear under the name of a candidate appearing on the ballot who 74613
filed a nominating petition and requested that no ballot 74614
designation appear under the candidate's name under section 74615
3513.257 of the Revised Code, or who filed a nominating petition 74616
and failed to request a ballot designation either as a nonparty 74617
candidate or as an other-party candidate under that section. 74618

(G) Except as provided in this section, no words, 74619
designations, or emblems descriptive of a candidate or the 74620
candidate's political affiliation, or indicative of the method 74621
by which the candidate was nominated or certified, shall be 74622
printed under or after a candidate's name that is printed on the 74623
ballot. 74624

Sec. 3505.04. On the nonpartisan ballot shall be printed 74625
the names of all nonpartisan candidates for election to the 74626
office of judge of a municipal court, county court, or court of 74627
common pleas, ~~the office of member of the state board of~~ 74628
~~education, the office of member of a board of education,~~ 74629
municipal or township offices for municipal corporations and 74630
townships in which primary elections are not held for nomination 74631
of candidates by political parties, and municipal offices of 74632
municipal corporations having charters which provide for 74633
separate ballots for elections for such municipal offices. 74634

Such ballots shall have printed across the top, and below 74635

the stubs, "Official Nonpartisan Ballot."

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The order in which the offices are listed on the ballot shall be prescribed by, and certified to each board of elections by, the secretary of state; provided that ~~the office of member of the state board of education~~ county judicial offices shall be listed first on the ballot, ~~then county judicial offices,~~ followed by municipal and township offices, ~~and by offices of member of a board of education,~~ in the order stated.

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Within the rectangular space within which the title of each judicial office is printed on the ballot and immediately below such title shall be printed the date of the commencement of the term of the office, if a full term, as follows: "Full term commencing _____ (Date) _____," or the date of the end of the term of the office, if an unexpired term, as follows: "Unexpired term ending _____ (Date) _____"

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~~The secretary of state shall prescribe the information and directions to the voter to be printed on the ballot within the rectangular space in which the title of office of member of the state board of education appears.~~

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~~Within the rectangular space within which the title of each office for member of a board of education is printed on the ballot shall be printed "For Member of Board of Education," and the number to be elected, directions to the voter as to voting for one, two, or more, and, if the office to be voted for is member of a board of education of a city school district, words shall be printed in said space on the ballot to indicate whether candidates are to be elected from subdistricts or at large.~~

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The names of all nonpartisan candidates for an office shall be arranged in a group under the title of that office, and

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shall be rotated and printed on the ballot as provided in 74665
section 3505.03 of the Revised Code. 74666

No name or designation of any political party nor any 74667
words, designations, or emblems descriptive of a candidate or 74668
the candidate's political affiliation, or indicative of the 74669
method by which such candidate was nominated or certified, shall 74670
be printed under or after any nonpartisan candidate's name which 74671
is printed on the ballot. 74672

Sec. 3505.06. (A) On the questions and issues ballot shall 74673
be printed all questions and issues to be submitted at any one 74674
election together with the percentage of affirmative votes 74675
necessary for passage as required by law. Such ballot shall have 74676
printed across the top thereof, and below the stubs, "Official 74677
Questions and Issues Ballot." 74678

(B) (1) Questions and issues shall be grouped together on 74679
the ballot from top to bottom as provided in division (B) (1) of 74680
this section, except as otherwise provided in division (B) (2) of 74681
this section. State questions and issues shall always appear as 74682
the top group of questions and issues. In calendar year 1997, 74683
the following questions and issues shall be grouped together on 74684
the ballot, in the following order from top to bottom, after the 74685
state questions and issues: 74686

(a) County questions and issues; 74687

(b) Municipal questions and issues; 74688

(c) Township questions and issues; 74689

(d) School or other district questions and issues. 74690

In each succeeding calendar year after 1997, each group of 74691
questions and issues described in division (B) (1) (a) to (d) of 74692

this section shall be moved down one place on the ballot except 74693
that the group that was last on the ballot during the 74694
immediately preceding calendar year shall appear at the top of 74695
the ballot after the state questions and issues. The rotation 74696
shall be performed only once each calendar year, beginning with 74697
the first election held during the calendar year. The rotation 74698
of groups of questions and issues shall be performed during each 74699
calendar year as required by division (B)(1) of this section, 74700
even if no questions and issues from any one or more such groups 74701
appear on the ballot at any particular election held during that 74702
calendar year. 74703

(2) Questions and issues shall be grouped together on the 74704
ballot, from top to bottom, in the following order when it is 74705
not practicable to group them together as required by division 74706
(B)(1) of this section because of the type of voting machines 74707
used by the board of elections: state questions and issues, 74708
county questions and issues, municipal questions and issues, 74709
township questions and issues, and school or other district 74710
questions and issues. The particular order in which each of a 74711
group of state questions or issues is placed on the ballot shall 74712
be determined by, and certified to each board of elections by, 74713
the secretary of state. 74714

(3) Failure of the board of elections to rotate questions 74715
and issues as required by division (B)(1) of this section does 74716
not affect the validity of the election at which the failure 74717
occurred, and is not grounds for contesting an election under 74718
section 3515.08 of the Revised Code. 74719

(C) The particular order in which each of a group of 74720
county, municipal, township, or school district questions or 74721
issues is placed on the ballot shall be determined by the board 74722

providing the ballots.

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(D) The printed matter pertaining to each question or
issue on the ballot shall be enclosed at the top and bottom
thereof by a heavy horizontal line across the width of the
ballot. Immediately below such top line shall be printed a brief
title descriptive of the question or issue below it, such as
"Proposed Constitutional Amendment," "Proposed Bond Issue,"
"Proposed Annexation of Territory," "Proposed Increase in Tax
Rate," or such other brief title as will be descriptive of the
question or issue to which it pertains, together with a brief
statement of the percentage of affirmative votes necessary for
passage, such as "A sixty-five per cent affirmative vote is
necessary for passage," "A majority vote is necessary for
passage," or such other brief statement as will be descriptive
of the percentage of affirmative votes required.

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(E) The questions and issues ballot need not contain the
full text of the proposal to be voted upon. A condensed text
that will properly describe the question, issue, or an amendment
proposed by other than the general assembly shall be used as
prepared and certified by the secretary of state for state-wide
questions or issues or by the board for local questions or
issues. If other than a full text is used, the full text of the
proposed question, issue, or amendment together with the
percentage of affirmative votes necessary for passage as
required by law shall be posted in each polling place in some
spot that is easily accessible to the voters.

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(F) (1) Except as otherwise provided in division (F) (2) of
this section, each question and issue appearing on the questions
and issues ballot may be consecutively numbered. The question or
issue determined to appear at the top of the ballot may be

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designated on the face thereof by the Arabic numeral "1" and all 74753
questions and issues placed below on the ballot shall be 74754
consecutively numbered. Such numeral shall be placed below the 74755
heavy top horizontal line enclosing such question or issue and 74756
to the left of the brief title thereof. 74757

(2) Beginning with the general election to be held on 74758
November 5, 2024, a state question or issue determined to appear 74759
at the top of the ballot shall be designated on the face thereof 74760
by the Arabic numeral "1" and all state questions and issues 74761
placed below on the ballot shall be consecutively numbered. For 74762
elections occurring after the general election held on November 74763
5, 2024, a state question or issue determined to appear at the 74764
top of the ballot shall be designated on the face thereof by the 74765
Arabic numeral that is consecutive to the Arabic numeral of the 74766
last state question or issue that appeared on the ballot at the 74767
immediately preceding election at which a state question or 74768
issue appeared on the ballot and all state questions or issues 74769
placed below on the ballot shall be consecutively numbered. Such 74770
numeral shall be placed below the heavy top horizontal line 74771
enclosing such question or issue and to the left of the brief 74772
title thereof. Once a state question or issue appears on the 74773
ballot designated by the Arabic numeral "500," the state 74774
question or issue appearing at the top of the ballot at the 74775
immediately following election at which a state question or 74776
issue appears on the ballot shall be designated by the Arabic 74777
numeral "1." 74778

(G) No portion of a ballot question proposing to levy a 74779
property tax in excess of the ten-mill limitation under any 74780
section of the Revised Code, including the renewal ~~or~~ 74781
~~replacement~~ of such a levy, may be printed in boldface type or 74782
in a font size that is different from the font size of other 74783

text in the ballot question. The prohibitions in division (G) of 74784
this section do not apply to printed matter either described in 74785
division (D) of this section related to such a ballot question 74786
or located in the area of the ballot in which votes are 74787
indicated for or against that question. 74788

Sec. 3505.33. When the board of elections has completed 74789
the canvass of the election returns from the precincts in its 74790
county, in which electors were entitled to vote at any general 74791
or special election, it shall determine and declare the results 74792
of the elections determined by the electors of such county or of 74793
a district or subdivision within such county. If more than the 74794
number of candidates to be elected to an office received the 74795
largest and an equal number of votes, such tie shall be resolved 74796
by lot by the chairperson of the board in the presence of a 74797
majority of the members of the board. Such declaration shall be 74798
in writing and shall be signed by at least a majority of the 74799
members of the board. It shall bear the date of the day upon 74800
which it is made, and a copy thereof shall be posted by the 74801
board in a conspicuous place in its office. The board shall keep 74802
such copy posted for a period of at least five days. 74803

Thereupon the board shall promptly certify abstracts of 74804
the results of such elections within its county, in such forms 74805
as the secretary of state prescribes. Such forms shall be 74806
designated and shall contain abstracts as follows: 74807

Form No. 1. An abstract of the votes cast for the office 74808
of president and vice-president of the United States. 74809

Form No. 2. An abstract of the votes cast for the office 74810
of governor and lieutenant governor, secretary of state, auditor 74811
of state, treasurer of state, attorney general, chief justice of 74812
the supreme court of Ohio, judge of the supreme court of Ohio, 74813

member of the senate of the congress of the United States, 74814
member at large of the house of representatives of the congress 74815
of the United States, district member of the house of 74816
representatives of the congress of the United States, and an 74817
abstract of the votes cast upon each question or issue submitted 74818
at such election to electors throughout the entire state. 74819

Form No. 3. An abstract of the votes cast for the office 74820
of member of the senate of the general assembly, and member of 74821
the house of representatives of the general assembly. 74822

Form No. 4. A report of the votes cast for ~~the office of~~ 74823
~~member of the state board of education,~~ judge of the court of 74824
appeals, judge of the court of common pleas, judge of the 74825
probate court, judge of the county court, county commissioner, 74826
county auditor, prosecuting attorney, clerk of the court of 74827
common pleas, sheriff, county recorder, county treasurer, county 74828
engineer, and coroner. 74829

Form No. 5. A report of the votes cast upon all questions 74830
and issues other than such questions and issues which were 74831
submitted to electors throughout the entire state. 74832

Form No. 6. A report of the votes cast for municipal 74833
offices, judge of the municipal court, township offices, and the 74834
office of member of a board of education. 74835

One copy of each of these forms shall be kept in the 74836
office of the board. One copy of each of these forms shall 74837
promptly be sent to the secretary of state, who shall place the 74838
records contained in forms No. 1, No. 2, No. 3, No. 4, and No. 6 74839
in electronic format. One copy of Form No. 2 shall promptly be 74840
sent by electronic mail to the president of the senate of the 74841
general assembly. The board shall also at once upon completion 74842

of the official count send a certified copy of that part of each 74843
of the forms which pertains to an election in which only 74844
electors of a district comprised of more than one county but 74845
less than all of the counties of the state voted to the board of 74846
the most populous county in such district. It shall also at once 74847
upon completion of the official count send a certified copy of 74848
that part of each of the forms which pertains to an election in 74849
which only electors of a subdivision located partly within the 74850
county voted to the board of the county in which the major 74851
portion of the population of such subdivision is located. 74852

If, after certifying and sending abstracts and parts 74853
thereof, a board finds that any such abstract or part thereof is 74854
incorrect, it shall promptly prepare, certify, and send a 74855
corrected abstract or part thereof to take the place of each 74856
incorrect abstract or part thereof theretofore certified and 74857
sent. 74858

Sec. 3505.38. Election officials who are required to 74859
declare the results of a special or general election in which 74860
persons were elected to offices shall, unless otherwise provided 74861
by law, issue to the persons declared elected by them 74862
appropriate certificates of election in such form as is 74863
prescribed by the secretary of state. Such certificates of 74864
election shall be issued by such election officials after the 74865
time within which applications may be made for recounts of votes 74866
has expired, and after recounts of votes which have been applied 74867
for are completed. 74868

All persons declared to be elected by the president of the 74869
senate as provided for in section 3505.34 of the Revised Code 74870
shall be issued certificates of election by the secretary of 74871
state as provided for in such section and shall be issued 74872

commissions for such offices by the governor, provided that the 74873
board of elections required to determine and declare the results 74874
of the election for candidates for election to the office of 74875
member of the house of representatives of the congress of the 74876
United States ~~or member of the state board of education~~ shall, 74877
in lieu of issuing a certificate of election, certify to the 74878
secretary of state the names of such candidates declared 74879
elected, and the secretary of state, from such certification, 74880
shall issue to the persons certified to the secretary of state 74881
as elected as a member of the house of representatives of the 74882
congress of the United States ~~or member of the state board of~~ 74883
~~education~~ a certificate of the person's election, signed by the 74884
governor, sealed with the great seal of the state, and 74885
countersigned by the secretary of state. Certificates of 74886
election of members of the house of representatives of the 74887
congress of the United States shall be forwarded by registered 74888
mail to the clerk of the house of representatives of the 74889
congress of the United States, Washington, D.C., and the person 74890
elected to such office shall be advised by letter from the 74891
secretary of state that the person's certificate of election has 74892
been forwarded to said clerk. 74893

Sec. 3513.04. Candidates for party nominations to state, 74894
district, county, and municipal offices or positions, for which 74895
party nominations are provided by law, and for election as 74896
members of party controlling committees shall have their names 74897
printed on the official primary ballot by filing a declaration 74898
of candidacy and paying the fees specified for the office under 74899
divisions (A) and (B) of section 3513.10 of the Revised Code, 74900
except that the joint candidates for party nomination to the 74901
offices of governor and lieutenant governor shall, for the two 74902
of them, file one declaration of candidacy. The joint candidates 74903

also shall pay the fees specified for the joint candidates under 74904
divisions (A) and (B) of section 3513.10 of the Revised Code. 74905

The secretary of state shall not accept for filing the 74906
declaration of candidacy of a candidate for party nomination to 74907
the office of governor unless the declaration of candidacy also 74908
shows a joint candidate for the same party's nomination to the 74909
office of lieutenant governor, shall not accept for filing the 74910
declaration of candidacy of a candidate for party nomination to 74911
the office of lieutenant governor unless the declaration of 74912
candidacy also shows a joint candidate for the same party's 74913
nomination to the office of governor, and shall not accept for 74914
filing a declaration of candidacy that shows a candidate for 74915
party nomination to the office of governor or lieutenant 74916
governor who, for the same election, has already filed a 74917
declaration of candidacy or a declaration of intent to be a 74918
write-in candidate, or has become a candidate by the filling of 74919
a vacancy under section 3513.30 of the Revised Code for any 74920
other state office or any federal or county office. 74921

No person who seeks party nomination for an office or 74922
position at a primary election by declaration of candidacy or by 74923
declaration of intent to be a write-in candidate and no person 74924
who is a first choice for president of candidates seeking 74925
election as delegates and alternates to the national conventions 74926
of the different major political parties who are chosen by 74927
direct vote of the electors as provided in this chapter shall be 74928
permitted to become a candidate by nominating petition, 74929
including a nominating petition filed under section 3517.012 of 74930
the Revised Code, by declaration of intent to be a write-in 74931
candidate, or by filling a vacancy under section 3513.31 of the 74932
Revised Code at the following general election for any office 74933
other than the ~~office of member of the state board of education,~~ 74934

~~office of member of a city, local, or exempted village board of~~ 74935
~~education, office of member of a governing board of an~~ 74936
~~educational service center, or office of township trustee.~~ 74937

Sec. 3513.05. (A) Each person desiring to become a 74938
candidate for a party nomination at a primary election or for 74939
election to an office or position to be voted for at a primary 74940
election, except persons desiring to become joint candidates for 74941
the offices of governor and lieutenant governor and except as 74942
otherwise provided in section 3513.051 of the Revised Code, 74943
shall, not later than four p.m. of the ninetieth day before the 74944
day of the primary election, file a declaration of candidacy and 74945
petition and pay the fees required under divisions (A) and (B) 74946
of section 3513.10 of the Revised Code. The declaration of 74947
candidacy and all separate petition papers shall be filed at the 74948
same time as one instrument. When the offices are to be voted 74949
for at a primary election, persons desiring to become joint 74950
candidates for the offices of governor and lieutenant governor 74951
shall, not later than four p.m. of the ninetieth day before the 74952
day of the primary election, comply with section 3513.04 of the 74953
Revised Code. The prospective joint candidates' declaration of 74954
candidacy and all separate petition papers of candidacies shall 74955
be filed at the same time as one instrument. The secretary of 74956
state or a board of elections shall not accept for filing a 74957
declaration of candidacy and petition of a person seeking to 74958
become a candidate if that person, for the same election, has 74959
already filed a declaration of candidacy or a declaration of 74960
intent to be a write-in candidate, or has become a candidate by 74961
the filling of a vacancy under section 3513.30 of the Revised 74962
Code for any federal, state, or county office, if the 74963
declaration of candidacy is for a state or county office, or for 74964
any municipal or township office, if the declaration of 74965

candidacy is for a municipal or township office. 74966

(B) If the declaration of candidacy declares a candidacy 74967
which is to be submitted to electors throughout the entire 74968
state, the petition, including a petition for joint candidates 74969
for the offices of governor and lieutenant governor, shall be 74970
signed by at least one thousand qualified electors who are 74971
members of the same political party as the candidate or joint 74972
candidates, and the declaration of candidacy and petition shall 74973
be filed with the secretary of state; provided that the 74974
secretary of state shall not accept or file any such petition 74975
appearing on its face to contain signatures of more than three 74976
thousand electors. 74977

(C) (1) Except as otherwise provided in this 74978
~~paragraph~~section, if the declaration of candidacy is of one that 74979
is to be submitted only to electors within a district, political 74980
subdivision, or portion thereof, the petition shall be signed by 74981
not less than fifty qualified electors who are members of the 74982
same political party as the political party of which the 74983
candidate is a member. ~~If~~ 74984

(2) If the declaration of candidacy is for party 74985
nomination as a candidate for ~~member of the legislative~~ 74986
~~authority of a municipal corporation elected by ward~~any of the 74987
following, the petition shall be signed by not less than twenty- 74988
five qualified electors who are members of the political party 74989
of which the candidate is a member: 74990

(a) Member of the legislative authority of a municipal 74991
corporation elected by ward; 74992

(b) Member of a local or exempted village board of 74993
education; 74994

(c) Member of a board of education of a city school 74995
district having a population of less than twenty thousand, as 74996
determined by the most recent federal decennial census. 74997

(D) No such petition, except the petition for a candidacy 74998
that is to be submitted to electors throughout the entire state, 74999
shall be accepted for filing if it appears to contain on its 75000
face signatures of more than three times the minimum number of 75001
signatures. When a petition of a candidate has been accepted for 75002
filing by a board of elections, the petition shall not be deemed 75003
invalid if, upon verification of signatures contained in the 75004
petition, the board of elections finds the number of signatures 75005
accepted exceeds three times the minimum number of signatures 75006
required. A board of elections may discontinue verifying 75007
signatures on petitions when the number of verified signatures 75008
equals the minimum required number of qualified signatures. 75009

(E) If the declaration of candidacy declares a candidacy 75010
for party nomination or for election as a candidate of a minor 75011
party, the minimum number of signatures on such petition is one- 75012
half the minimum number provided in this section, except that, 75013
when the candidacy is one for election as a member of the state 75014
central committee or the county central committee of a political 75015
party, the minimum number shall be the same for a minor party as 75016
for a major party. 75017

(F) If a declaration of candidacy is one for election as a 75018
member of the state central committee or the county central 75019
committee of a political party, the petition shall be signed by 75020
five qualified electors of the district, county, ward, township, 75021
or precinct within which electors may vote for such candidate. 75022
The electors signing such petition shall be members of the same 75023
political party as the political party of which the candidate is 75024

a member. 75025

(G) For purposes of signing or circulating a petition of 75026
candidacy for party nomination or election, an elector is 75027
considered to be a member of a political party if the elector 75028
voted in that party's primary election within the preceding two 75029
calendar years, or if the elector did not vote in any other 75030
party's primary election within the preceding two calendar 75031
years. 75032

(H) If the declaration of candidacy is of one that is to 75033
be submitted only to electors within a county, or within a 75034
district or subdivision or part thereof smaller than a county, 75035
the petition shall be filed with the board of elections of the 75036
county. If the declaration of candidacy is of one that is to be 75037
submitted only to electors of a district or subdivision or part 75038
thereof that is situated in more than one county, the petition 75039
shall be filed with the board of elections of the county within 75040
which the major portion of the population thereof, as 75041
ascertained by the next preceding federal census, is located. 75042

(I) A petition shall consist of separate petition papers, 75043
each of which shall contain signatures of electors of only one 75044
county. Petitions or separate petition papers containing 75045
signatures of electors of more than one county shall not thereby 75046
be declared invalid. In case petitions or separate petition 75047
papers containing signatures of electors of more than one county 75048
are filed, the board shall determine the county from which the 75049
majority of signatures came, and only signatures from such 75050
county shall be counted. Signatures from any other county shall 75051
be invalid. 75052

(J) Each separate petition paper shall be circulated by 75053
one person only, who shall be the candidate or a joint candidate 75054

or a member of the same political party as the candidate or 75055
joint candidates, and each separate petition paper shall be 75056
governed by the rules set forth in section 3501.38 of the 75057
Revised Code. 75058

(K) The secretary of state shall promptly transmit to each 75059
board such separate petition papers of each petition 75060
accompanying a declaration of candidacy filed with the secretary 75061
of state as purport to contain signatures of electors of the 75062
county of such board. The board of the most populous county of a 75063
district shall promptly transmit to each board within such 75064
district such separate petition papers of each petition 75065
accompanying a declaration of candidacy filed with it as purport 75066
to contain signatures of electors of the county of each such 75067
board. The board of a county within which the major portion of 75068
the population of a subdivision, situated in more than one 75069
county, is located, shall promptly transmit to the board of each 75070
other county within which a portion of such subdivision is 75071
located such separate petition papers of each petition 75072
accompanying a declaration of candidacy filed with it as purport 75073
to contain signatures of electors of the portion of such 75074
subdivision in the county of each such board. 75075

(L) All petition papers so transmitted to a board and all 75076
petitions accompanying declarations of candidacy filed with a 75077
board shall, under proper regulations, be open to public 75078
inspection until four p.m. of the eightieth day before the day 75079
of the next primary election. Each board shall, not later than 75080
the seventy-eighth day before the day of that primary election, 75081
examine and determine the validity or invalidity of the 75082
signatures on the petition papers so transmitted to or filed 75083
with it and shall return to the secretary of state all petition 75084
papers transmitted to it by the secretary of state, together 75085

with its certification of its determination as to the validity 75086
or invalidity of signatures thereon, and shall return to each 75087
other board all petition papers transmitted to it by such board, 75088
together with its certification of its determination as to the 75089
validity or invalidity of the signatures thereon. All other 75090
matters affecting the validity or invalidity of such petition 75091
papers shall be determined by the secretary of state or the 75092
board with whom such petition papers were filed. 75093

(M) (1) Protests against the candidacy of any person filing 75094
a declaration of candidacy for party nomination or for election 75095
to an office or position, as provided in this section, may be 75096
filed by any qualified elector who is a member of the same 75097
political party as the candidate and who is eligible to vote at 75098
the primary election for the candidate whose declaration of 75099
candidacy the elector objects to, or by the controlling 75100
committee of that political party. The protest shall be in 75101
writing, and shall be filed not later than four p.m. of the 75102
seventy-fourth day before the day of the primary election. The 75103
protest shall be filed with the election officials with whom the 75104
declaration of candidacy and petition was filed. Upon the filing 75105
of the protest, the election officials with whom it is filed 75106
shall promptly fix the time for hearing it, and shall forthwith 75107
mail notice of the filing of the protest and the time fixed for 75108
hearing to the person whose candidacy is so protested. They 75109
shall also forthwith mail notice of the time fixed for such 75110
hearing to the person who filed the protest. At the time fixed, 75111
such election officials shall hear the protest and determine the 75112
validity or invalidity of the declaration of candidacy and 75113
petition. If they find that such candidate is not an elector of 75114
the state, district, county, or political subdivision in which 75115
the candidate seeks a party nomination or election to an office 75116

or position, or has not fully complied with this chapter, the 75117
candidate's declaration of candidacy and petition shall be 75118
determined to be invalid and shall be rejected; otherwise, it 75119
shall be determined to be valid. That determination shall be 75120
final. 75121

(2) A protest against the candidacy of any persons filing 75122
a declaration of candidacy for joint party nomination to the 75123
offices of governor and lieutenant governor shall be filed, 75124
heard, and determined in the same manner as a protest against 75125
the candidacy of any person filing a declaration of candidacy 75126
singly. 75127

(N) (1) The secretary of state shall, on the seventieth day 75128
before the day of a primary election, certify to each board in 75129
the state the forms of the official ballots to be used at the 75130
primary election, together with the names of the candidates to 75131
be printed on the ballots whose nomination or election is to be 75132
determined by electors throughout the entire state and who filed 75133
valid declarations of candidacy and petitions. 75134

(2) The board of the most populous county in a district 75135
comprised of more than one county but less than all of the 75136
counties of the state shall, on the seventieth day before the 75137
day of a primary election, certify to the board of each county 75138
in the district the names of the candidates to be printed on the 75139
official ballots to be used at the primary election, whose 75140
nomination or election is to be determined only by electors 75141
within the district and who filed valid declarations of 75142
candidacy and petitions. 75143

(3) The board of a county within which the major portion 75144
of the population of a subdivision smaller than the county and 75145
situated in more than one county is located shall, on the 75146

seventieth day before the day of a primary election, certify to 75147
the board of each county in which a portion of that subdivision 75148
is located the names of the candidates to be printed on the 75149
official ballots to be used at the primary election, whose 75150
nomination or election is to be determined only by electors 75151
within that subdivision and who filed valid declarations of 75152
candidacy and petitions. 75153

Sec. 3513.052. (A) No person shall seek nomination or 75154
election to any of the following offices or positions at the 75155
same election by filing a declaration of candidacy and petition, 75156
a declaration of intent to be a write-in candidate, or a 75157
nominating petition, or by becoming a candidate through party 75158
nomination in a primary election, or by the filling of a vacancy 75159
under section 3513.30 or 3513.31 of the Revised Code: 75160

(1) Two or more state offices; 75161

(2) Two or more county offices; 75162

(3) A state office and a county office; 75163

(4) A federal office and a state or county office; 75164

(5) Any combination of two or more municipal or township 75165
offices, positions as a member of a city, local, or exempted 75166
village board of education, or positions as a member of a 75167
governing board of an educational service center. 75168

(B) The secretary of state or a board of elections shall 75169
not accept for filing a declaration of candidacy and petition, a 75170
declaration of intent to be a write-in candidate, or a 75171
nominating petition of a person seeking to become a candidate if 75172
that person, for the same election, has already filed a 75173
declaration of candidacy, a declaration of intent to be a write- 75174
in candidate, or a nominating petition, or has become a 75175

candidate through party nomination at a primary election or by 75176
the filling of a vacancy under section 3513.30 or 3513.31 of the 75177
Revised Code for: 75178

(1) Any federal, state, or county office, if the 75179
declaration of candidacy, declaration of intent to be a write-in 75180
candidate, or nominating petition is for a state or county 75181
office; 75182

(2) Any municipal or township office, or for member of a 75183
city, local, or exempted village board of education, or for 75184
member of a governing board of an educational service center, if 75185
the declaration of candidacy, declaration of intent to be a 75186
write-in candidate, or nominating petition is for a municipal or 75187
township office, or for member of a city, local, or exempted 75188
village board of education, or for member of a governing board 75189
of an educational service center. 75190

(C) (1) If the secretary of state determines, before the 75191
day of the primary election, that a person is seeking nomination 75192
to more than one office at that election in violation of 75193
division (A) of this section, the secretary of state shall do 75194
one of the following: 75195

(a) If each office or the district for each office for 75196
which the person is seeking nomination is wholly within a single 75197
county and none of those offices is a federal office, the 75198
secretary of state shall notify the board of elections of that 75199
county. The board then shall determine the date on which the 75200
person first sought to become a candidate for each of those 75201
offices by filing a declaration of candidacy or a declaration of 75202
intent to be a write-in candidate or by the filling of a vacancy 75203
under section 3513.30 of the Revised Code. The board shall vote 75204
promptly to disqualify that person as a candidate for each 75205

office for which the person sought to become a candidate after 75206
the date on which the person first sought to become a candidate 75207
for any of those offices. If the board determines that the 75208
person sought to become a candidate for more than one of those 75209
offices on the same date, the board shall vote promptly to 75210
disqualify that person as a candidate for each office that would 75211
be listed on the ballot below the highest office for which that 75212
person seeks nomination, according to the ballot order 75213
prescribed under section 3505.03 of the Revised Code. 75214

(b) If one or more of the offices for which the person is 75215
seeking nomination is a state office or an office with a 75216
district larger than a single county and none of the offices for 75217
which the person is seeking nomination is a federal office, the 75218
secretary of state shall determine the date on which the person 75219
first sought to become a candidate for each of those offices by 75220
filing a declaration of candidacy or a declaration of intent to 75221
be a write-in candidate or by the filling of a vacancy under 75222
section 3513.30 of the Revised Code. The secretary of state 75223
shall order the board of elections of each county in which the 75224
person is seeking to appear on the ballot to disqualify that 75225
person as a candidate for each office for which the person 75226
sought to become a candidate after the date on which the person 75227
first sought to become a candidate for any of those offices. If 75228
the secretary of state determines that the person sought to 75229
become a candidate for more than one of those offices on the 75230
same date, the secretary of state shall order the board of 75231
elections of each county in which the person is seeking to 75232
appear on the ballot to disqualify that person as a candidate 75233
for each office that would be listed on the ballot below the 75234
highest office for which that person seeks nomination, according 75235
to the ballot order prescribed under section 3505.03 of the 75236

Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state.

(c) If each office or the district for each office for which the person is seeking nomination is wholly within a single county and any of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall vote promptly to disqualify that person as a candidate for each office that is not a federal office.

(d) If one or more of the offices for which the person is seeking nomination is a state office and any of the offices for which the person is seeking nomination is a federal office, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that is not a federal office. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state.

(2) If a board of elections determines, before the day of the primary election, that a person is seeking nomination to more than one office at that election in violation of division (A) of this section, the board shall do one of the following:

(a) If each office or the district for each office for which the person is seeking nomination is wholly within that county and none of those offices is a federal office, the board shall determine the date on which the person first sought to become a candidate for each of those offices by filing a declaration of candidacy or a declaration of intent to be a write-in candidate or by the filling of a vacancy under section

3513.30 of the Revised Code. The board shall vote promptly to 75267
disqualify that person as a candidate for each office for which 75268
the person sought to become a candidate after the date on which 75269
the person first sought to become a candidate for any of those 75270
offices. If the board determines that the person sought to 75271
become a candidate for more than one of those offices on the 75272
same date, the board shall vote promptly to disqualify that 75273
person as a candidate for each office that would be listed on 75274
the ballot below the highest office for which that person seeks 75275
nomination, according to the ballot order prescribed under 75276
section 3505.03 of the Revised Code. 75277

(b) If one or more of the offices for which the person is 75278
seeking nomination is a state office or an office with a 75279
district larger than a single county and none of the offices for 75280
which the person is seeking nomination is a federal office, the 75281
board shall notify the secretary of state. The secretary of 75282
state then shall determine the date on which the person first 75283
sought to become a candidate for each of those offices by filing 75284
a declaration of candidacy or a declaration of intent to be a 75285
write-in candidate or by the filling of a vacancy under section 75286
3513.30 of the Revised Code. The secretary of state shall order 75287
the board of elections of each county in which the person is 75288
seeking to appear on the ballot to disqualify that person as a 75289
candidate for each office for which the person sought to become 75290
a candidate after the date on which the person first sought to 75291
become a candidate for any of those offices. If the secretary of 75292
state determines that the person sought to become a candidate 75293
for more than one of those offices on the same date, the 75294
secretary of state shall order the board of elections of each 75295
county in which the person is seeking to appear on the ballot to 75296
disqualify that person as a candidate for each office that would 75297

be listed on the ballot below the highest office for which that 75298
person seeks nomination, according to the ballot order 75299
prescribed under section 3505.03 of the Revised Code. Each board 75300
of elections so notified shall vote promptly to disqualify the 75301
person as a candidate in accordance with the order of the 75302
secretary of state. 75303

(c) If each office or the district for each office for 75304
which the person is seeking nomination is wholly within a single 75305
county and any of those offices is a federal office, the board 75306
shall vote promptly to disqualify that person as a candidate for 75307
each office that is not a federal office. 75308

(d) If one or more of the offices for which the person is 75309
seeking nomination is a state office and any of the offices for 75310
which the person is seeking nomination is a federal office, the 75311
board shall notify the secretary of state. The secretary of 75312
state then shall order the board of elections of each county in 75313
which the person is seeking to appear on the ballot to 75314
disqualify that person as a candidate for each office that is 75315
not a federal office. Each board of elections so notified shall 75316
vote promptly to disqualify the person as a candidate in 75317
accordance with the order of the secretary of state. 75318

(D) (1) If the secretary of state determines, after the day 75319
of the primary election and before the day of the general 75320
election, that a person is seeking election to more than one 75321
office at that election in violation of division (A) of this 75322
section, the secretary of state shall do one of the following: 75323

(a) If each office or the district for each office for 75324
which the person is seeking election is wholly within a single 75325
county and none of those offices is a federal office, the 75326
secretary of state shall notify the board of elections of that 75327

county. The board then shall determine the offices for which the
person seeks to appear as a candidate on the ballot. The board
shall vote promptly to disqualify that person as a candidate for
each office that would be listed on the ballot below the highest
office for which that person seeks election, according to the
ballot order prescribed under section 3505.03 of the Revised
Code. If the person sought nomination at a primary election and
has not yet been issued a certificate of nomination, the board
shall not issue that certificate for that person for any office
that would be listed on the ballot below the highest office for
which that person seeks election, according to the ballot order
prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is
seeking election is a state office or an office with a district
larger than a single county and none of the offices for which
the person is seeking election is a federal office, the
secretary of state shall promptly investigate and determine the
offices for which the person seeks to appear as a candidate on
the ballot. The secretary of state shall order the board of
elections of each county in which the person is seeking to
appear on the ballot to disqualify that person as a candidate
for each office that would be listed on the ballot below the
highest office for which that person seeks election, according
to the ballot order prescribed under section 3505.03 of the
Revised Code. Each board of elections so notified shall vote
promptly to disqualify the person as a candidate in accordance
with the order of the secretary of state. If the person sought
nomination at a primary election and has not yet been issued a
certificate of nomination, the board shall not issue that
certificate for that person for any office that would be listed
on the ballot below the highest office for which that person

seeks election, according to the ballot order prescribed under 75359
section 3505.03 of the Revised Code. 75360

(c) If each office or the district for each office for 75361
which the person is seeking election is wholly within a single 75362
county and any of those offices is a federal office, the 75363
secretary of state shall notify the board of elections of that 75364
county. The board then shall vote promptly to disqualify that 75365
person as a candidate for each office that is not a federal 75366
office. If the person sought nomination at a primary election 75367
and has not yet been issued a certificate of nomination, the 75368
board shall not issue that certificate for that person for any 75369
office that is not a federal office. 75370

(d) If one or more of the offices for which the person is 75371
seeking election is a state office and any of the offices for 75372
which the person is seeking election is a federal office, the 75373
secretary of state shall order the board of elections of each 75374
county in which the person is seeking to appear on the ballot to 75375
disqualify that person as a candidate for each office that is 75376
not a federal office. Each board of elections so notified shall 75377
vote promptly to disqualify the person as a candidate in 75378
accordance with the order of the secretary of state. If the 75379
person sought nomination at a primary election and has not yet 75380
been issued a certificate of nomination, the board shall not 75381
issue that certificate for that person for any office that is 75382
not a federal office. 75383

(2) If a board of elections determines, after the day of 75384
the primary election and before the day of the general election, 75385
that a person is seeking election to more than one office at 75386
that election in violation of division (A) of this section, the 75387
board of elections shall do one of the following: 75388

(a) If each office or the district for each office for 75389
which the person is seeking election is wholly within that 75390
county and none of those offices is a federal office, the board 75391
shall determine the offices for which the person seeks to appear 75392
as a candidate on the ballot. The board shall vote promptly to 75393
disqualify that person as a candidate for each office that would 75394
be listed on the ballot below the highest office for which that 75395
person seeks election, according to the ballot order prescribed 75396
under section 3505.03 of the Revised Code. If the person sought 75397
nomination at a primary election and has not yet been issued a 75398
certificate of nomination, the board shall not issue that 75399
certificate for that person for any office that would be listed 75400
on the ballot below the highest office for which that person 75401
seeks election, according to the ballot order prescribed under 75402
section 3505.03 of the Revised Code. 75403

(b) If one or more of the offices for which the person is 75404
seeking election is a state office or an office with a district 75405
larger than a single county and none of the offices for which 75406
the person is seeking election is a federal office, the board 75407
shall notify the secretary of state. The secretary of state 75408
promptly shall investigate and determine the offices for which 75409
the person seeks to appear as a candidate on the ballot. The 75410
secretary of state shall order the board of elections of each 75411
county in which the person is seeking to appear on the ballot to 75412
disqualify that person as a candidate for each office that would 75413
be listed on the ballot below the highest office for which that 75414
person seeks election, according to the ballot order prescribed 75415
under section 3505.03 of the Revised Code. Each board of 75416
elections so notified shall vote promptly to disqualify the 75417
person as a candidate in accordance with the order of the 75418
secretary of state. If the person sought nomination at a primary 75419

election and has not yet been issued a certificate of 75420
nomination, the board shall not issue that certificate for that 75421
person for any office that would be listed on the ballot below 75422
the highest office for which that person seeks election, 75423
according to the ballot order prescribed under section 3505.03 75424
of the Revised Code. 75425

(c) If each office or the district for each office for 75426
which the person is seeking election is wholly within that 75427
county and any of those offices is a federal office, the board 75428
shall vote promptly to disqualify that person as a candidate for 75429
each office that is not a federal office. If the person sought 75430
nomination at a primary election and has not yet been issued a 75431
certificate of nomination, the board shall not issue that 75432
certificate for that person for any office that is not a federal 75433
office. 75434

(d) If one or more of the offices for which the person is 75435
seeking election is a state office and any of the offices for 75436
which the person is seeking election is a federal office, the 75437
board shall notify the secretary of state. The secretary of 75438
state shall order the board of elections of each county in which 75439
the person is seeking to appear on the ballot to disqualify that 75440
person as a candidate for each office that is not a federal 75441
office. Each board of elections so notified shall vote promptly 75442
to disqualify the person as a candidate in accordance with the 75443
order of the secretary of state. If the person sought nomination 75444
at a primary election and has not yet been issued a certificate 75445
of nomination, the board shall not issue that certificate for 75446
that person for any office that is not a federal office. 75447

(E) When a person is disqualified as a candidate under 75448
division (C) or (D) of this section, on or before the seventieth 75449

day before the day of the applicable election, the board of 75450
elections shall remove the person's name from the ballot for any 75451
office for which that person has been disqualified as a 75452
candidate according to the directions of the secretary of state. 75453
When a person is disqualified as a candidate under division (C) 75454
or (D) of this section after the seventieth day before the day 75455
of the applicable election, the board of elections shall not 75456
remove the person's name from the ballot for any office for 75457
which that person has been disqualified as a candidate. The 75458
board of elections shall post a notice at each polling location 75459
on the day of the applicable election, and shall enclose with 75460
each absent voter's ballot given or mailed after the candidate 75461
is disqualified, a notice that votes for the person for the 75462
office for which the person has been disqualified as a candidate 75463
will be void and will not be counted. If the name is not removed 75464
from the ballots before the day of the election, the votes for 75465
the disqualified candidate are void and shall not be counted. 75466

(F) Any vacancy created by the disqualification of a 75467
person as a candidate under division (C) or (D) of this section 75468
may be filled in the manner provided for in sections 3513.30 and 75469
3513.31 of the Revised Code. 75470

(G) Nothing in this section or section 3513.04, 3513.041, 75471
3513.05, 3513.251, 3513.253, ~~3513.254~~, ~~3513.255~~, 3513.257, 75472
~~3513.259~~, or 3513.261 of the Revised Code prohibits, and the 75473
secretary of state or a board of elections shall not disqualify, 75474
a person from being a candidate for an office, if that person 75475
timely withdraws as a candidate for any offices specified in 75476
division (A) of this section for which that person first sought 75477
to become a candidate by filing a declaration of candidacy and 75478
petition, a declaration of intent to be a write-in candidate, or 75479
a nominating petition, by party nomination in a primary 75480

election, or by the filling of a vacancy under section 3513.30 75481
or 3513.31 of the Revised Code. 75482

(H) As used in this section: 75483

(1) "State office" means the offices of governor, 75484
lieutenant governor, secretary of state, auditor of state, 75485
treasurer of state, attorney general, ~~member of the state board~~ 75486
~~of education~~, member of the general assembly, chief justice of 75487
the supreme court, and justice of the supreme court. 75488

(2) "Timely withdraws" means either of the following: 75489

(a) Withdrawing as a candidate before the applicable 75490
deadline for filing a declaration of candidacy, declaration of 75491
intent to be a write-in candidate, or nominating petition for 75492
the subsequent office for which the person is seeking to become 75493
a candidate at the same election; 75494

(b) Withdrawing as a candidate before the applicable 75495
deadline for the filling of a vacancy under section 3513.30 or 75496
3513.31 of the Revised Code, if the person is seeking to become 75497
a candidate for a subsequent office at the same election under 75498
either of those sections. 75499

Sec. 3513.10. (A) At the time of filing a declaration of 75500
candidacy for nomination for any office, or a declaration of 75501
intent to be a write-in candidate, each candidate, except joint 75502
candidates for governor and lieutenant governor, shall pay a fee 75503
as follows: 75504
75505

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A For statewide office \$100

B	For court of appeals judge	\$50
C	For court of common pleas judge	\$50
D	For county court judge	\$50
E	For municipal court judge	\$50
F	For district office, including member of the United States house of representatives and member of the general assembly	\$50
G	For county office	\$50
H	For city office	\$20
I	For village office	\$10
J	For township office	\$10
K	~~For member of state board of education~~	~~\$20~~
L	For member of local, city, or exempted village board of education or educational service center governing board	\$10

At the time of filing a declaration of candidacy or a	75506
declaration of intent to be a write-in candidate for the offices	75507
of governor and lieutenant governor, the joint candidates shall	75508
jointly pay to the secretary of state a fee of one hundred	75509
dollars.	75510

(B) (1) At the same time the fee required under division	75511
(A) of this section is paid, each candidate shall pay an	75512
additional fee as follows:	75513

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A	For the joint candidates for governor and lieutenant governor	\$50
B	For statewide office	\$50
C	For district office, including member of the United States house of representatives and member of the general assembly	\$35
D	For member of state board of education	\$35
E	For court of appeals judge	\$30
F	For court of common pleas judge	\$30
G	For county court judge	\$30
H	For municipal court judge	\$30
I	For county office	\$30
J	For city office	\$25
K	For village office	\$20
L	For township office	\$20
M	For member of local, city, or exempted village board of education or educational service center governing board	\$20

(2) Whoever seeks to propose a ballot question or issue to

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be submitted to the electors shall pay the following fee at the 75516
time the petition proposing the question or issue is filed: 75517

(a) If the question or issue is to be submitted to the 75518
electors throughout the entire state, twenty-five dollars; 75519

(b) If the question or issue is to be submitted to the 75520
electors of a county or of a district that consists of all or 75521
part of two or more counties but less than the entire state, 75522
fifteen dollars; 75523

(c) If the question or issue is to be submitted to the 75524
electors of a city, twelve dollars and fifty cents; 75525

(d) If the question or issue is to be submitted to the 75526
electors of a village, a township, a local, city, county, or 75527
exempted village school district, a precinct, or another 75528
district consisting of less than an entire county, ten dollars. 75529

(C) No fee shall be required of candidates filing for the 75530
office of delegate or alternate to the national convention of 75531
political parties, member of the state central committee of a 75532
political party, or member of the county central committee of a 75533
political party. 75534

(D) All fees required under division (A) of this section 75535
immediately shall be paid by the officer receiving them into the 75536
state treasury to the credit of the general revenue fund, in the 75537
case of fees received by the secretary of state, and into the 75538
county treasury to the credit of the county general fund, in the 75539
case of fees received by a board of elections. 75540

(E) The officer who receives a fee required under division 75541
(B) of this section immediately shall pay the fee to the credit 75542
of the Ohio ~~elections~~ election integrity commission fund created 75543
~~by division (I) of under~~ section 3517.152-111.29 of the Revised 75544

Code. 75545

(F) (1) In no case shall a fee paid under this section be 75546
returned to a candidate. 75547

(2) Whenever a section of law refers to a filing fee to be 75548
paid by a candidate or by a committee proposing a ballot 75549
question or issue to be submitted to the electors, that fee 75550
includes the fees required under divisions (A) and (B) of this 75551
section. 75552

(G) As used in divisions (A) and (B) of this section, 75553
"statewide office" means the office of secretary of state, 75554
auditor of state, treasurer of state, attorney general, justice 75555
and chief justice of the supreme court, and member of the United 75556
States senate. 75557

Sec. 3513.19. (A) It is the duty of any precinct election 75558
official, whenever any such official doubts that a person 75559
attempting to vote at a primary election is legally entitled to 75560
vote at that election, to challenge the right of that person to 75561
vote. The right of a person to vote at a primary election may be 75562
challenged upon the following grounds: 75563

(1) That the person whose right to vote is challenged is 75564
not a legally qualified elector; 75565

(2) That the person has received or has been promised some 75566
valuable reward or consideration for the person's vote; 75567

(3) That the person is not affiliated with or is not a 75568
member of the political party whose ballot the person desires to 75569
vote. Such party affiliation shall be determined by examining 75570
the elector's voting record for the current year and the 75571
immediately preceding two calendar years as shown on the voter's 75572
registration card, using the standards of affiliation specified 75573

in ~~the seventh paragraph~~ division (G) of section 3513.05 of the 75574
Revised Code. Division (A) (3) of this section and ~~the seventh~~ 75575
~~paragraph~~ division (G) of section 3513.05 of the Revised Code do 75576
not prohibit a person who holds an elective office for which 75577
candidates are nominated at a party primary election from doing 75578
any of the following: 75579

(a) If the person voted as a member of a different 75580
political party at any primary election within the current year 75581
and the immediately preceding two calendar years, being a 75582
candidate for nomination at a party primary held during the 75583
times specified in division (C) (2) of section 3513.191 of the 75584
Revised Code provided that the person complies with the 75585
requirements of that section; 75586

(b) Circulating the person's own petition of candidacy for 75587
party nomination in the primary election. 75588

(B) When the right of a person to vote is challenged upon 75589
the ground set forth in division (A) (3) of this section, 75590
membership in or political affiliation with a political party 75591
shall be determined by the person's statement, made under 75592
penalty of election falsification, that the person desires to be 75593
affiliated with and supports the principles of the political 75594
party whose primary ballot the person desires to vote. 75595

Sec. 3517.01. (A) (1) A political party within the meaning 75596
of Title XXXV of the Revised Code is any group of voters that 75597
meets either of the following requirements: 75598

(a) Except as otherwise provided in this division, at the 75599
most recent regular state election, the group polled for its 75600
candidate for governor in the state or nominees for presidential 75601
electors at least three per cent of the entire vote cast for 75602

that office. A group that meets the requirements of this 75603
division remains a political party for a period of four years 75604
after meeting those requirements. 75605

(b) The group filed with the secretary of state, 75606
subsequent to its failure to meet the requirements of division 75607
(A) (1) (a) of this section, a party formation petition that meets 75608
all of the following requirements: 75609

(i) The petition is signed by qualified electors equal in 75610
number to at least one per cent of the total vote for governor 75611
or nominees for presidential electors at the most recent 75612
election for such office. 75613

(ii) The petition is signed by not fewer than five hundred 75614
qualified electors from each of at least a minimum of one-half 75615
of the congressional districts in this state. If an odd number 75616
of congressional districts exists in this state, the number of 75617
districts that results from dividing the number of congressional 75618
districts by two shall be rounded up to the next whole number. 75619

(iii) The petition declares the petitioners' intention of 75620
organizing a political party, the name of which shall be stated 75621
in the declaration, and of participating in the succeeding 75622
general election, held in even-numbered years, that occurs more 75623
than one hundred twenty-five days after the date of filing. 75624

(iv) The petition designates a committee of not less than 75625
three nor more than five individuals of the petitioners, who 75626
shall represent the petitioners in all matters relating to the 75627
petition. Notice of all matters or proceedings pertaining to the 75628
petition may be served on the committee, or any of them, either 75629
personally or by registered mail, or by leaving such notice at 75630
the usual place of residence of each of them. 75631

(2) No such group of electors shall assume a name or designation that is similar, in the opinion of the secretary of state, to that of an existing political party as to confuse or mislead the voters at an election.

(B) A campaign committee shall be legally liable for any debts, contracts, or expenditures incurred or executed in its name.

(C) Notwithstanding the definitions found in section 3501.01 of the Revised Code, as used in this section and sections 3517.08 to ~~3517.14, 3517.99, and 3517.992~~ 3517.991 of the Revised Code:

(1) "Campaign committee" means a candidate or a combination of two or more persons authorized by a candidate under section 3517.081 of the Revised Code to receive contributions and make expenditures.

(2) "Campaign treasurer" means an individual appointed by a candidate under section 3517.081 of the Revised Code.

(3) "Candidate" has the same meaning as in division (H) of section 3501.01 of the Revised Code and also includes any person who, at any time before or after an election, receives contributions or makes expenditures or other use of contributions, has given consent for another to receive contributions or make expenditures or other use of contributions, or appoints a campaign treasurer, for the purpose of bringing about the person's nomination or election to public office. When two persons jointly seek the offices of governor and lieutenant governor, "candidate" means the pair of candidates jointly. "Candidate" does not include candidates for election to the offices of member of a county or state central

committee, presidential elector, and delegate to a national 75661
convention or conference of a political party. 75662

(4) "Continuing association" means an association, other 75663
than a campaign committee, political party, legislative campaign 75664
fund, political contributing entity, or labor organization, that 75665
is intended to be a permanent organization that has a primary 75666
purpose other than supporting or opposing specific candidates, 75667
political parties, or ballot issues, and that functions on a 75668
regular basis throughout the year. "Continuing association" 75669
includes organizations that are determined to be not organized 75670
for profit under subsection 501 and that are described in 75671
subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal 75672
Revenue Code. 75673

(5) "Contribution" means a loan, gift, deposit, 75674
forgiveness of indebtedness, donation, advance, payment, or 75675
transfer of funds or anything of value, including a transfer of 75676
funds from an inter vivos or testamentary trust or decedent's 75677
estate, and the payment by any person other than the person to 75678
whom the services are rendered for the personal services of 75679
another person, which contribution is made, received, or used 75680
for the purpose of influencing the results of an election. Any 75681
loan, gift, deposit, forgiveness of indebtedness, donation, 75682
advance, payment, or transfer of funds or of anything of value, 75683
including a transfer of funds from an inter vivos or 75684
testamentary trust or decedent's estate, and the payment by any 75685
campaign committee, political action committee, legislative 75686
campaign fund, political party, political contributing entity, 75687
or person other than the person to whom the services are 75688
rendered for the personal services of another person, that is 75689
made, received, or used by a state or county political party, 75690
other than the moneys an entity may receive under sections 75691

3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be 75692
considered to be a "contribution" for the purpose of section 75693
3517.10 of the Revised Code and shall be included on a statement 75694
of contributions filed under that section. 75695

"Contribution" does not include any of the following: 75696

(a) Services provided without compensation by individuals 75697
volunteering a portion or all of their time on behalf of a 75698
person; 75699

(b) Ordinary home hospitality; 75700

(c) The personal expenses of a volunteer paid for by that 75701
volunteer campaign worker; 75702

(d) Any gift given to an entity pursuant to section 75703
3517.101 of the Revised Code; 75704

(e) Any contribution as defined in section 3517.1011 of 75705
the Revised Code that is made, received, or used to pay the 75706
direct costs of producing or airing an electioneering 75707
communication; 75708

(f) Any gift given to a state or county political party 75709
for the party's restricted fund under division (A) (2) of section 75710
3517.1012 of the Revised Code; 75711

(g) Any gift given to a state political party for deposit 75712
in a Levin account pursuant to section 3517.1013 of the Revised 75713
Code. As used in this division, "Levin account" has the same 75714
meaning as in that section. 75715

(h) Any donation given to a transition fund under section 75716
3517.1014 of the Revised Code. 75717

(6) "Expenditure" means the disbursement or use of a 75718

contribution for the purpose of influencing the results of an 75719
election or of making a charitable donation under division (G) 75720
of section 3517.08 of the Revised Code. Any disbursement or use 75721
of a contribution by a state or county political party is an 75722
expenditure and shall be considered either to be made for the 75723
purpose of influencing the results of an election or to be made 75724
as a charitable donation under division (G) of section 3517.08 75725
of the Revised Code and shall be reported on a statement of 75726
expenditures filed under section 3517.10 of the Revised Code. 75727
During the thirty days preceding a primary or general election, 75728
any disbursement to pay the direct costs of producing or airing 75729
a broadcast, cable, or satellite communication that refers to a 75730
clearly identified candidate shall be considered to be made for 75731
the purpose of influencing the results of that election and 75732
shall be reported as an expenditure or as an independent 75733
expenditure under section 3517.10 or 3517.105 of the Revised 75734
Code, as applicable, except that the information required to be 75735
reported regarding contributors for those expenditures or 75736
independent expenditures shall be the same as the information 75737
required to be reported under divisions (D) (1) and (2) of 75738
section 3517.1011 of the Revised Code. 75739

As used in this division, "broadcast, cable, or satellite 75740
communication" and "refers to a clearly identified candidate" 75741
have the same meanings as in section 3517.1011 of the Revised 75742
Code. 75743

(7) "Personal expenses" includes, but is not limited to, 75744
ordinary expenses for accommodations, clothing, food, personal 75745
motor vehicle or airplane, and home telephone. 75746

(8) "Political action committee" means a combination of 75747
two or more persons, the primary or major purpose of which is to 75748

support or oppose any candidate, political party, or issue, or 75749
to influence the result of any election through express 75750
advocacy, and that is not a political party, a campaign 75751
committee, a political contributing entity, or a legislative 75752
campaign fund. "Political action committee" does not include 75753
either of the following: 75754

(a) A continuing association that makes disbursements for 75755
the direct costs of producing or airing electioneering 75756
communications and that does not engage in express advocacy; 75757

(b) A political club that is formed primarily for social 75758
purposes and that consists of one hundred members or less, has 75759
officers and periodic meetings, has less than two thousand five 75760
hundred dollars in its treasury at all times, and makes an 75761
aggregate total contribution of one thousand dollars or less per 75762
calendar year. 75763

(9) "Public office" means any state, county, municipal, 75764
township, or district office, except an office of a political 75765
party, that is filled by an election and the offices of United 75766
States senator and representative. 75767

(10) "Anything of value" has the same meaning as in 75768
section 1.03 of the Revised Code. 75769

(11) "Beneficiary of a campaign fund" means a candidate, a 75770
public official or employee for whose benefit a campaign fund 75771
exists, and any other person who has ever been a candidate or 75772
public official or employee and for whose benefit a campaign 75773
fund exists. 75774

(12) "Campaign fund" means money or other property, 75775
including contributions. 75776

(13) "Public official or employee" has the same meaning as 75777

in section 102.01 of the Revised Code. 75778

(14) "Caucus" means all of the members of the house of 75779
representatives or all of the members of the senate of the 75780
general assembly who are members of the same political party. 75781

(15) "Legislative campaign fund" means a fund that is 75782
established as an auxiliary of a state political party and 75783
associated with one of the houses of the general assembly. 75784

(16) "In-kind contribution" means anything of value other 75785
than money that is used to influence the results of an election 75786
or is transferred to or used in support of or in opposition to a 75787
candidate, campaign committee, legislative campaign fund, 75788
political party, political action committee, or political 75789
contributing entity and that is made with the consent of, in 75790
coordination, cooperation, or consultation with, or at the 75791
request or suggestion of the benefited candidate, committee, 75792
fund, party, or entity. The financing of the dissemination, 75793
distribution, or republication, in whole or part, of any 75794
broadcast or of any written, graphic, or other form of campaign 75795
materials prepared by the candidate, the candidate's campaign 75796
committee, or their authorized agents is an in-kind contribution 75797
to the candidate and an expenditure by the candidate. 75798

(17) "Independent expenditure" means an expenditure by a 75799
person advocating the election or defeat of an identified 75800
candidate or candidates, that is not made with the consent of, 75801
in coordination, cooperation, or consultation with, or at the 75802
request or suggestion of any candidate or candidates or of the 75803
campaign committee or agent of the candidate or candidates. As 75804
used in division (C) (17) of this section: 75805

(a) "Person" means an individual, partnership, 75806

unincorporated business organization or association, political 75807
action committee, political contributing entity, separate 75808
segregated fund, association, or other organization or group of 75809
persons, but not a labor organization or a corporation unless 75810
the labor organization or corporation is a political 75811
contributing entity. 75812

(b) "Advocating" means any communication containing a 75813
message advocating election or defeat. 75814

(c) "Identified candidate" means that the name of the 75815
candidate appears, a photograph or drawing of the candidate 75816
appears, or the identity of the candidate is otherwise apparent 75817
by unambiguous reference. 75818

(d) "Made in coordination, cooperation, or consultation 75819
with, or at the request or suggestion of, any candidate or the 75820
campaign committee or agent of the candidate" means made 75821
pursuant to any arrangement, coordination, or direction by the 75822
candidate, the candidate's campaign committee, or the 75823
candidate's agent prior to the publication, distribution, 75824
display, or broadcast of the communication. An expenditure is 75825
presumed to be so made when it is any of the following: 75826

(i) Based on information about the candidate's plans, 75827
projects, or needs provided to the person making the expenditure 75828
by the candidate, or by the candidate's campaign committee or 75829
agent, with a view toward having an expenditure made; 75830

(ii) Made by or through any person who is, or has been, 75831
authorized to raise or expend funds, who is, or has been, an 75832
officer of the candidate's campaign committee, or who is, or has 75833
been, receiving any form of compensation or reimbursement from 75834
the candidate or the candidate's campaign committee or agent; 75835

(iii) Except as otherwise provided in division (D) of 75836
section 3517.105 of the Revised Code, made by a political party 75837
in support of a candidate, unless the expenditure is made by a 75838
political party to conduct voter registration or voter education 75839
efforts. 75840

(e) "Agent" means any person who has actual oral or 75841
written authority, either express or implied, to make or to 75842
authorize the making of expenditures on behalf of a candidate, 75843
or means any person who has been placed in a position with the 75844
candidate's campaign committee or organization such that it 75845
would reasonably appear that in the ordinary course of campaign- 75846
related activities the person may authorize expenditures. 75847

(18) "Labor organization" means a labor union; an employee 75848
organization; a federation of labor unions, groups, locals, or 75849
other employee organizations; an auxiliary of a labor union, 75850
employee organization, or federation of labor unions, groups, 75851
locals, or other employee organizations; or any other bona fide 75852
organization in which employees participate and that exists for 75853
the purpose, in whole or in part, of dealing with employers 75854
concerning grievances, labor disputes, wages, hours, and other 75855
terms and conditions of employment. 75856

(19) "Separate segregated fund" means a separate 75857
segregated fund established pursuant to the Federal Election 75858
Campaign Act. 75859

(20) "Federal Election Campaign Act" means the "Federal 75860
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 75861
seq., as amended. 75862

(21) "Restricted fund" means the fund a state or county 75863
political party must establish under division (A)(1) of section 75864

3517.1012 of the Revised Code. 75865

(22) "Electioneering communication" has the same meaning 75866
as in section 3517.1011 of the Revised Code. 75867

(23) "Express advocacy" means a communication that 75868
contains express words advocating the nomination, election, or 75869
defeat of a candidate or that contains express words advocating 75870
the adoption or defeat of a question or issue, as determined by 75871
a final judgment of a court of competent jurisdiction. 75872

(24) "Political committee" has the same meaning as in 75873
section 3517.1011 of the Revised Code. 75874

(25) "Political contributing entity" means any entity, 75875
including a corporation or labor organization, that may lawfully 75876
make contributions and expenditures and that is not an 75877
individual or a political action committee, continuing 75878
association, campaign committee, political party, legislative 75879
campaign fund, designated state campaign committee, or state 75880
candidate fund. For purposes of this division, "lawfully" means 75881
not prohibited by any section of the Revised Code, or authorized 75882
by a final judgment of a court of competent jurisdiction. 75883

(26) "Internet identifier of record" has the same meaning 75884
as in section 9.312 of the Revised Code. 75885

Sec. 3517.08. (A) The personal expenses of a candidate 75886
paid for by the candidate, from the candidate's personal funds, 75887
shall not be considered as a contribution by or an expenditure 75888
by the candidate and shall not be reported under section 3517.10 75889
of the Revised Code. 75890

(B) (1) An expenditure by a political action committee or a 75891
political contributing entity shall not be considered a 75892
contribution by the political action committee or the political 75893

contributing entity or an expenditure by or on behalf of the 75894
candidate if the purpose of the expenditure is to inform only 75895
its members by means of mailed publications of its activities or 75896
endorsements. 75897

(2) An expenditure by a political party shall not be 75898
considered a contribution by the political party or an 75899
expenditure by or on behalf of the candidate if the purpose of 75900
the expenditure is to inform predominantly the party's members 75901
by means of mailed publications or other direct communication of 75902
its activities or endorsements, or for voter contact such as 75903
sample ballots, absent voter's ballots application mailings, 75904
voter registration, or get-out-the-vote activities. 75905

(C) An expenditure by a continuing association, political 75906
contributing entity, or political party shall not be considered 75907
a contribution to any campaign committee or an expenditure by or 75908
on behalf of any campaign committee if the purpose of the 75909
expenditure is for the staff and maintenance of the continuing 75910
association's, political contributing entity's, or political 75911
party's headquarters, or for a political poll, survey, index, or 75912
other type of measurement not on behalf of a specific candidate. 75913

(D) The expenses of maintaining a constituent office paid 75914
for, from the candidate's personal funds, by a candidate who is 75915
a member of the general assembly at the time of the election 75916
shall not be considered a contribution by or an expenditure by 75917
or on behalf of the candidate, and shall not be reported, if the 75918
constituent office is not used for any candidate's campaign 75919
activities. 75920

(E) The net contribution of each social or fund-raising 75921
activity shall be calculated by totaling all contributions to 75922
the activity minus the expenditures made for the activity. 75923

(F) An expenditure that purchases goods or services shall 75924
be attributed to an election when the disbursement of funds is 75925
made, rather than at the time the goods or services are used. 75926
The secretary of state, under the procedures of Chapter 119. of 75927
the Revised Code, shall establish rules for the attribution of 75928
expenditures to a candidate when the candidate is a candidate 75929
for more than one office during a reporting period and for 75930
expenditures made in a year in which no election is held. The 75931
secretary of state shall further define by rule those 75932
expenditures that are or are not by or on behalf of a candidate. 75933

(G) An expenditure for the purpose of a charitable 75934
donation may be made if it is made to an organization that is 75935
exempt from federal income taxation under subsection 501(a) and 75936
described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c) 75937
(10), or 501(c)(19) of the Internal Revenue Code or is approved 75938
by advisory opinion of the Ohio ~~elections~~election integrity 75939
commission as a legitimate charitable organization. Each 75940
expenditure under this division shall be separately itemized on 75941
statements made pursuant to section 3517.10 of the Revised Code. 75942

Sec. 3517.081. (A) Each candidate shall have no more than 75943
one campaign committee for purposes of receiving contributions 75944
and making expenditures. No campaign committee shall receive any 75945
contribution or make any expenditure other than through the 75946
campaign treasurer. The campaign treasurer shall file all 75947
statements required of a candidate or campaign committee under 75948
section 3517.10 of the Revised Code. 75949

The candidate shall designate the candidate or a member of 75950
the candidate's campaign committee as the candidate's campaign 75951
treasurer as required by division (D) of section 3517.10 of the 75952
Revised Code. The campaign treasurer may appoint deputy campaign 75953

treasurers as required. Deputy campaign treasurers may exercise 75954
any of the powers and duties of a campaign treasurer when 75955
specifically authorized to do so by the campaign treasurer or 75956
the candidate. 75957

Each candidate shall file a written statement, as required 75958
by division (D) of section 3517.10 of the Revised Code, setting 75959
forth the full name and address of the campaign treasurer and 75960
also of each deputy treasurer. Each candidate shall file 75961
supplemental statements giving the full name and address of each 75962
deputy treasurer at the time of appointment. 75963

A candidate may remove the campaign treasurer or any 75964
deputy campaign treasurer at any time. In the case of death, 75965
resignation, or removal of the treasurer or deputy treasurer 75966
before compliance with all obligations of a campaign treasurer, 75967
the candidate shall fill the vacancy thus created in the same 75968
manner as provided in the case of an original appointment. 75969

(B) (1) Two or more candidates may be the beneficiaries of 75970
a single campaign committee if all of the following apply: 75971

(a) Each candidate is seeking nomination or election to 75972
the same office at the same election. 75973

(b) The office for which each candidate is seeking 75974
nomination or election is the office of member of a board, 75975
commission, or other similar body of elected officials to which 75976
multiple members are nominated or elected at the same election. 75977

(c) The number of candidates who will be the beneficiaries 75978
of the campaign committee does not exceed the number of open 75979
positions on the board, commission, or other similar body of 75980
elected officials to which the candidates are seeking nomination 75981
or election. 75982

(d) The candidates jointly designate one of the candidates 75983
or one member of the campaign committee as the treasurer of that 75984
campaign committee as required under division (A) of this 75985
section. 75986

(e) The candidates jointly file the written statements 75987
required under division (A) of this section. 75988

(2) Except as otherwise provided in this division, any 75989
penalty that may be imposed on a candidate ~~under section~~ 75990
~~3517.992 of the Revised Code~~ for a violation of this chapter 75991
shall be imposed jointly and severally on each beneficiary of a 75992
multi-beneficiary campaign committee. If the ~~Ohio elections-~~ 75993
~~commission or the appropriate prosecutor-trier of fact~~ is able 75994
to determine that a specific beneficiary of a multi-beneficiary 75995
campaign committee violated this chapter, the applicable penalty 75996
~~under section 3517.992 of the Revised Code~~ shall be imposed only 75997
on that candidate and not on the other beneficiaries of that 75998
multi-beneficiary campaign committee. 75999

(3) (a) If any of the following occur after a multi- 76000
beneficiary campaign committee is established, that campaign 76001
committee shall be terminated: 76002

(i) The beneficiaries of the campaign committee disagree 76003
as to the designation or removal of a campaign treasurer. 76004

(ii) Any beneficiary of the campaign committee desires to 76005
end the beneficiary's candidacy for the office for which the 76006
beneficiaries are seeking nomination or election. 76007

(iii) Any beneficiary of the campaign committee desires to 76008
form an individual campaign committee. 76009

(b) Prior to the termination of a multi-beneficiary 76010
campaign committee in accordance with division (B) (3) (a) of this 76011

section, any contributions received by that campaign committee 76012
that have not been expended shall be disposed of in the manner 76013
provided in division (C) of section 3517.109 of the Revised 76014
Code. No contributions from the multi-beneficiary campaign 76015
committee shall be contributed or transferred into any 76016
candidate's individual campaign committee. 76017

(4) No candidate who has a campaign committee for which 76018
that candidate is the sole beneficiary shall become the 76019
beneficiary of a campaign committee with multiple beneficiaries 76020
under division (B) (1) of this section unless the candidate first 76021
terminates the candidate's individual campaign committee. Prior 76022
to the termination of that individual campaign committee, any 76023
contributions received by that campaign committee that have not 76024
been expended shall be disposed of in the manner provided in 76025
division (C) of section 3517.109 of the Revised Code. No 76026
contributions from the candidate's individual campaign committee 76027
shall be contributed or transferred into the multi-beneficiary 76028
campaign committee. 76029

Sec. 3517.092. (A) As used in this section: 76030

(1) "Appointing authority" has the same meaning as in 76031
section 124.01 of the Revised Code. 76032

(2) "State elected officer" means any person appointed or 76033
elected to a state elective office. 76034

(3) "State elective office" means any of the offices of 76035
governor, lieutenant governor, secretary of state, auditor of 76036
state, treasurer of state, attorney general, ~~member of the state~~ 76037
~~board of education,~~ member of the general assembly, and justice 76038
and chief justice of the supreme court. 76039

(4) "Contribution" includes a contribution to any 76040

political party, campaign committee, political action committee, 76041
political contributing entity, or legislative campaign fund. 76042

(B) (1) No state elected officer, no campaign committee of 76043
such an officer, no employee of the state elected officer's 76044
office, and no other person or entity shall knowingly solicit a 76045
contribution to a state elected officer or to such an officer's 76046
campaign committee, and no state elected officer and no campaign 76047
committee of such an officer shall accept a contribution, from 76048
any of the following: 76049

(a) A state employee whose appointing authority is the 76050
state elected officer; 76051

(b) A state employee whose appointing authority is 76052
authorized or required by law to be appointed by the state 76053
elected officer; 76054

(c) A state employee who functions in or is employed in or 76055
by the same public agency, department, division, or office as 76056
the state elected officer. 76057

(2) No candidate for a state elective office, no campaign 76058
committee of such a candidate, no employee of the candidate's 76059
office if the candidate is a state elected officer or an elected 76060
officer of a political subdivision of the state, and no other 76061
person or entity shall knowingly solicit a contribution to a 76062
candidate for a state elective office or to such a candidate's 76063
campaign committee, and no candidate for a state elective office 76064
and no campaign committee of such a candidate shall accept a 76065
contribution, from any of the following: 76066

(a) A state employee at the time of the solicitation, 76067
whose appointing authority will be the candidate, if elected; 76068

(b) A state employee at the time of the solicitation, 76069

whose appointing authority will be appointed by the candidate, 76070
if elected, as authorized or required by law; 76071

(c) A state employee at the time of the solicitation, who 76072
will function in or be employed in or by the same public agency, 76073
department, division, or office as the candidate, if elected. 76074

(C) (1) No elected officer of a political subdivision of 76075
the state, no campaign committee of such an officer, no employee 76076
of such an officer's office, and no other person or entity shall 76077
knowingly solicit a contribution to an elected officer of a 76078
political subdivision of the state or to such an officer's 76079
campaign committee from any of the following: 76080

(a) An employee of that political subdivision whose 76081
appointing authority is that elected officer; 76082

(b) An employee of that political subdivision whose 76083
appointing authority is authorized or required by law to be 76084
appointed by that elected officer; 76085

(c) An employee of that political subdivision who 76086
functions in or is employed in or by the same public agency, 76087
department, division, or office as that elected officer. 76088

(2) No candidate for an elective office of a political 76089
subdivision of the state, no campaign committee of such a 76090
candidate, no employee of the candidate's office if the 76091
candidate is a state elected officer or elected officer of a 76092
political subdivision of the state, and no other person or 76093
entity shall knowingly solicit a contribution to a candidate for 76094
an elective office of a political subdivision of the state or to 76095
such a candidate's campaign committee from any of the following: 76096

(a) An employee of that political subdivision at the time 76097
of the solicitation, whose appointing authority will be the 76098

candidate, if elected; 76099

(b) An employee of that political subdivision at the time 76100
of the solicitation, whose appointing authority will be 76101
appointed by the candidate, if elected, as authorized or 76102
required by law; 76103

(c) An employee of that political subdivision at the time 76104
of the solicitation, who will function in or be employed in or 76105
by the same public agency, department, division, or office as 76106
the candidate, if elected. 76107

(D) (1) No public employee shall solicit a contribution 76108
from any person while the public employee is performing the 76109
public employee's official duties or in those areas of a public 76110
building where official business is transacted or conducted. 76111

(2) No person shall solicit a contribution from any public 76112
employee while the public employee is performing the public 76113
employee's official duties or is in those areas of a public 76114
building where official business is transacted or conducted. 76115

(3) As used in division (D) of this section, "public 76116
employee" does not include any person holding an elective 76117
office. 76118

(E) The prohibitions in divisions (B), (C), and (D) of 76119
this section are in addition to the prohibitions in sections 76120
124.57, 3304.22, and 4503.032 of the Revised Code. 76121

Sec. 3517.10. (A) Except as otherwise provided in this 76122
division, every campaign committee, political action committee, 76123
legislative campaign fund, political party, and political 76124
contributing entity that made or received a contribution or made 76125
an expenditure in connection with the nomination or election of 76126
any candidate or in connection with any ballot issue or question 76127

at any election held or to be held in this state shall file, on 76128
a form prescribed under this section or by electronic means of 76129
transmission as provided in this section and section 3517.106 of 76130
the Revised Code, a full, true, and itemized statement, made 76131
under penalty of election falsification, setting forth in detail 76132
the contributions and expenditures, not later than four p.m. of 76133
the following dates: 76134

(1) The twelfth day before the election to reflect 76135
contributions received and expenditures made from the close of 76136
business on the last day reflected in the last previously filed 76137
statement, if any, to the close of business on the twentieth day 76138
before the election; 76139

(2) The thirty-eighth day after the election to reflect 76140
the contributions received and expenditures made from the close 76141
of business on the last day reflected in the last previously 76142
filed statement, if any, to the close of business on the seventh 76143
day before the filing of the statement; 76144

(3) The last business day of January of every year to 76145
reflect the contributions received and expenditures made from 76146
the close of business on the last day reflected in the last 76147
previously filed statement, if any, to the close of business on 76148
the last day of December of the previous year; 76149

(4) The last business day of July of every year to reflect 76150
the contributions received and expenditures made from the close 76151
of business on the last day reflected in the last previously 76152
filed statement, if any, to the close of business on the last 76153
day of June of that year. 76154

A campaign committee shall only be required to file the 76155
statements prescribed under divisions (A)(1) and (2) of this 76156

section in connection with the nomination or election of the 76157
committee's candidate. 76158

The statement required under division (A)(1) of this 76159
section shall not be required of any campaign committee, 76160
political action committee, legislative campaign fund, political 76161
party, or political contributing entity that has received 76162
contributions of less than one thousand dollars and has made 76163
expenditures of less than one thousand dollars at the close of 76164
business on the twentieth day before the election. Those 76165
contributions and expenditures shall be reported in the 76166
statement required under division (A)(2) of this section. 76167

If an election to select candidates to appear on the 76168
general election ballot is held within sixty days before a 76169
general election, the campaign committee of a successful 76170
candidate in the earlier election may file the statement 76171
required by division (A)(1) of this section for the general 76172
election instead of the statement required by division (A)(2) of 76173
this section for the earlier election if the pregeneral election 76174
statement reflects the status of contributions and expenditures 76175
for the period twenty days before the earlier election to twenty 76176
days before the general election. 76177

If a person becomes a candidate less than twenty days 76178
before an election, the candidate's campaign committee is not 76179
required to file the statement required by division (A)(1) of 76180
this section. 76181

No statement under division (A)(3) of this section shall 76182
be required for any year in which a campaign committee, 76183
political action committee, legislative campaign fund, political 76184
party, or political contributing entity is required to file a 76185
postgeneral election statement under division (A)(2) of this 76186

section. However, a statement under division (A) (3) of this 76187
section may be filed, at the option of the campaign committee, 76188
political action committee, legislative campaign fund, political 76189
party, or political contributing entity. 76190

No campaign committee of a candidate for the office of 76191
chief justice or justice of the supreme court, and no campaign 76192
committee of a candidate for the office of judge of any court in 76193
this state, shall be required to file a statement under division 76194
(A) (4) of this section. 76195

Except as otherwise provided in this paragraph and in the 76196
next paragraph of this section, the only campaign committees 76197
required to file a statement under division (A) (4) of this 76198
section are the campaign committee of a statewide candidate and 76199
the campaign committee of a candidate for county office. The 76200
campaign committee of a candidate for any other nonjudicial 76201
office is required to file a statement under division (A) (4) of 76202
this section if that campaign committee receives, during that 76203
period, contributions exceeding ten thousand dollars. 76204

No statement under division (A) (4) of this section shall 76205
be required of a campaign committee, a political action 76206
committee, a legislative campaign fund, a political party, or a 76207
political contributing entity for any year in which the campaign 76208
committee, political action committee, legislative campaign 76209
fund, political party, or political contributing entity is 76210
required to file a postprimary election statement under division 76211
(A) (2) of this section. However, a statement under division (A) 76212
(4) of this section may be filed at the option of the campaign 76213
committee, political action committee, legislative campaign 76214
fund, political party, or political contributing entity. 76215

No statement under division (A) (3) or (4) of this section 76216

shall be required if the campaign committee, political action
committee, legislative campaign fund, political party, or
political contributing entity has no contributions that it has
received and no expenditures that it has made since the last
date reflected in its last previously filed statement. However,
the campaign committee, political action committee, legislative
campaign fund, political party, or political contributing entity
shall file a statement to that effect, on a form prescribed
under this section and made under penalty of election
falsification, on the date required in division (A) (3) or (4) of
this section, as applicable.

The campaign committee of a statewide candidate shall file
a monthly statement of contributions received during each of the
months of July, August, and September in the year of the general
election in which the candidate seeks office. The campaign
committee of a statewide candidate shall file the monthly
statement not later than three business days after the last day
of the month covered by the statement. During the period
beginning on the nineteenth day before the general election in
which a statewide candidate seeks election to office and
extending through the day of that general election, each time
the campaign committee of the joint candidates for the offices
of governor and lieutenant governor or of a candidate for the
office of secretary of state, auditor of state, treasurer of
state, or attorney general receives a contribution from a
contributor that causes the aggregate amount of contributions
received from that contributor during that period to equal or
exceed ten thousand dollars and each time the campaign committee
of a candidate for the office of chief justice or justice of the
supreme court receives a contribution from a contributor that
causes the aggregate amount of contributions received from that

contributor during that period to exceed ten thousand dollars, 76248
the campaign committee shall file a two-business-day statement 76249
reflecting that contribution. Contributions reported on a two- 76250
business-day statement required to be filed by a campaign 76251
committee of a statewide candidate in a primary election shall 76252
also be included in the postprimary election statement required 76253
to be filed by that campaign committee under division (A) (2) of 76254
this section. A two-business-day statement required by this 76255
paragraph shall be filed not later than two business days after 76256
receipt of the contribution. The statements required by this 76257
paragraph shall be filed in addition to any other statements 76258
required by this section. 76259

Subject to the secretary of state having implemented, 76260
tested, and verified the successful operation of any system the 76261
secretary of state prescribes pursuant to divisions (C) (6) (b) 76262
and (D) (6) of this section and division (F) (1) of section 76263
3517.106 of the Revised Code for the filing of campaign finance 76264
statements by electronic means of transmission, a campaign 76265
committee of a statewide candidate shall file a two-business-day 76266
statement under the preceding paragraph by electronic means of 76267
transmission if the campaign committee is required to file a 76268
pre-election, postelection, or monthly statement of 76269
contributions and expenditures by electronic means of 76270
transmission under this section or section 3517.106 of the 76271
Revised Code. 76272

If a campaign committee or political action committee has 76273
no balance on hand and no outstanding obligations and desires to 76274
terminate itself, it shall file a statement to that effect, on a 76275
form prescribed under this section and made under penalty of 76276
election falsification, with the official with whom it files a 76277
statement under division (A) of this section after filing a 76278

final statement of contributions and a final statement of 76279
expenditures, if contributions have been received or 76280
expenditures made since the period reflected in its last 76281
previously filed statement. 76282

(B) Except as otherwise provided in division (C) (7) of 76283
this section, each statement required by division (A) of this 76284
section shall contain the following information: 76285

(1) The full name and address of each campaign committee, 76286
political action committee, legislative campaign fund, political 76287
party, or political contributing entity, including any treasurer 76288
of the committee, fund, party, or entity, filing a contribution 76289
and expenditure statement; 76290

(2) (a) In the case of a campaign committee, the 76291
candidate's full name and address; 76292

(b) In the case of a political action committee, the 76293
registration number assigned to the committee under division (D) 76294
(1) of this section. 76295

(3) The date of the election and whether it was or will be 76296
a general, primary, or special election; 76297

(4) A statement of contributions received, which shall 76298
include the following information: 76299

(a) The month, day, and year of the contribution; 76300

(b) (i) The full name and address of each person, political 76301
party, campaign committee, legislative campaign fund, political 76302
action committee, or political contributing entity from whom 76303
contributions are received and the registration number assigned 76304
to the political action committee under division (D) (1) of this 76305
section. The requirement of filing the full address does not 76306

apply to any statement filed by a state or local committee of a 76307
political party, to a finance committee of such committee, or to 76308
a committee recognized by a state or local committee as its 76309
fund-raising auxiliary. Notwithstanding division (F) of this 76310
section, the requirement of filing the full address shall be 76311
considered as being met if the address filed is the same address 76312
the contributor provided under division (E) (1) of this section. 76313

(ii) If a political action committee, political 76314
contributing entity, legislative campaign fund, or political 76315
party that is required to file campaign finance statements by 76316
electronic means of transmission under section 3517.106 of the 76317
Revised Code or a campaign committee of a statewide candidate or 76318
candidate for the office of member of the general assembly 76319
receives a contribution from an individual that exceeds one 76320
hundred dollars, the name of the individual's current employer, 76321
if any, or, if the individual is self-employed, the individual's 76322
occupation and the name of the individual's business, if any; 76323

(iii) If a campaign committee of a statewide candidate or 76324
candidate for the office of member of the general assembly 76325
receives a contribution transmitted pursuant to section 3599.031 76326
of the Revised Code from amounts deducted from the wages and 76327
salaries of two or more employees that exceeds in the aggregate 76328
one hundred dollars during any one filing period under division 76329
(A) (1), (2), (3), or (4) of this section, the full name of the 76330
employees' employer and the full name of the labor organization 76331
of which the employees are members, if any. 76332

(c) A description of the contribution received, if other 76333
than money; 76334

(d) The value in dollars and cents of the contribution; 76335

(e) A separately itemized account of all contributions and expenditures regardless of the amount, except a receipt of a contribution from a person in the sum of twenty-five dollars or less at one social or fund-raising activity and a receipt of a contribution transmitted pursuant to section 3599.031 of the Revised Code from amounts deducted from the wages and salaries of employees if the contribution from the amount deducted from the wages and salary of any one employee is twenty-five dollars or less aggregated in a calendar year. An account of the total contributions from each social or fund-raising activity shall include a description of and the value of each in-kind contribution received at that activity from any person who made one or more such contributions whose aggregate value exceeded two hundred fifty dollars and shall be listed separately, together with the expenses incurred and paid in connection with that activity. A campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity shall keep records of contributions from each person in the amount of twenty-five dollars or less at one social or fund-raising activity and contributions from amounts deducted under section 3599.031 of the Revised Code from the wages and salary of each employee in the amount of twenty-five dollars or less aggregated in a calendar year. No continuing association that is recognized by a state or local committee of a political party as an auxiliary of the party and that makes a contribution from funds derived solely from regular dues paid by members of the auxiliary shall be required to list the name or address of any members who paid those dues.

Contributions that are other income shall be itemized separately from all other contributions. The information required under division (B) (4) of this section shall be provided

for all other income itemized. As used in this paragraph, "other
income" means a loan, investment income, or interest income.

(f) In the case of a campaign committee of a state elected
officer, if a person doing business with the state elected
officer in the officer's official capacity makes a contribution
to the campaign committee of that officer, the information
required under division (B) (4) of this section in regard to that
contribution, which shall be filed together with and considered
a part of the committee's statement of contributions as required
under division (A) of this section but shall be filed on a
separate form provided by the secretary of state. As used in
this division:

(i) "State elected officer" has the same meaning as in
section 3517.092 of the Revised Code.

(ii) "Person doing business" means a person or an officer
of an entity who enters into one or more contracts with a state
elected officer or anyone authorized to enter into contracts on
behalf of that officer to receive payments for goods or
services, if the payments total, in the aggregate, more than
five thousand dollars during a calendar year.

(5) A statement of expenditures which shall include the
following information:

(a) The month, day, and year of the expenditure;

(b) The full name and address of each person, political
party, campaign committee, legislative campaign fund, political
action committee, or political contributing entity to whom the
expenditure was made and the registration number assigned to the
political action committee under division (D) (1) of this
section;

(c) The object or purpose for which the expenditure was 76396
made; 76397

(d) The amount of each expenditure. 76398

(C) (1) The statement of contributions and expenditures 76399
shall be signed by the person completing the form. If a 76400
statement of contributions and expenditures is filed by 76401
electronic means of transmission pursuant to this section or 76402
section 3517.106 of the Revised Code, the electronic signature 76403
of the person who executes the statement and transmits the 76404
statement by electronic means of transmission, as provided in 76405
division (F) of section 3517.106 of the Revised Code, shall be 76406
attached to or associated with the statement and shall be 76407
binding on all persons and for all purposes under the campaign 76408
finance reporting law as if the signature had been handwritten 76409
in ink on a printed form. 76410

(2) The person filing the statement, under penalty of 76411
election falsification, shall include with it a list of each 76412
anonymous contribution, the circumstances under which it was 76413
received, and the reason it cannot be attributed to a specific 76414
donor. 76415

(3) Each statement of a campaign committee of a candidate 76416
who holds public office shall contain a designation of each 76417
contributor who is an employee in any unit or department under 76418
the candidate's direct supervision and control. In a space 76419
provided in the statement, the person filing the statement shall 76420
affirm that each such contribution was voluntarily made. 76421

(4) A campaign committee that did not receive 76422
contributions or make expenditures in connection with the 76423
nomination or election of its candidate shall file a statement 76424

to that effect, on a form prescribed under this section and made 76425
under penalty of election falsification, on the date required in 76426
division (A) (2) of this section. 76427

(5) The campaign committee of any person who attempts to 76428
become a candidate and who, for any reason, does not become 76429
certified in accordance with Title XXXV of the Revised Code for 76430
placement on the official ballot of a primary, general, or 76431
special election to be held in this state, and who, at any time 76432
prior to or after an election, receives contributions or makes 76433
expenditures, or has given consent for another to receive 76434
contributions or make expenditures, for the purpose of bringing 76435
about the person's nomination or election to public office, 76436
shall file the statement or statements prescribed by this 76437
section and a termination statement, if applicable. Division (C) 76438
(5) of this section does not apply to any person with respect to 76439
an election to the offices of member of a county or state 76440
central committee, presidential elector, or delegate to a 76441
national convention or conference of a political party. 76442

(6) (a) The statements required to be filed under this 76443
section shall specify the balance in the hands of the campaign 76444
committee, political action committee, legislative campaign 76445
fund, political party, or political contributing entity and the 76446
disposition intended to be made of that balance. 76447

(b) The secretary of state shall prescribe the form for 76448
all statements required to be filed under this section and shall 76449
furnish the forms to the boards of elections in the several 76450
counties. The boards of elections shall supply printed copies of 76451
those forms without charge. The secretary of state shall 76452
prescribe the appropriate methodology, protocol, and data file 76453
structure for statements required or permitted to be filed by 76454

electronic means of transmission to the secretary of state or a 76455
board of elections under division (A) of this section, division 76456
(E) of section 3517.106, division (D) of section 3517.1011, 76457
division (B) of section 3517.1012, division (C) of section 76458
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 76459
Revised Code. Subject to division (A) of this section, division 76460
(E) of section 3517.106, division (D) of section 3517.1011, 76461
division (B) of section 3517.1012, division (C) of section 76462
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 76463
Revised Code, the statements required to be stored on computer 76464
by the secretary of state under division (B) of section 3517.106 76465
of the Revised Code shall be filed in whatever format the 76466
secretary of state considers necessary to enable the secretary 76467
of state to store the information contained in the statements on 76468
computer. Any such format shall be of a type and nature that is 76469
readily available to whoever is required to file the statements 76470
in that format. 76471

(c) The secretary of state shall assess the need for 76472
training regarding the filing of campaign finance statements by 76473
electronic means of transmission and regarding associated 76474
technologies for candidates, campaign committees, political 76475
action committees, legislative campaign funds, political 76476
parties, or political contributing entities, for individuals, 76477
partnerships, or other entities, for persons making 76478
disbursements to pay the direct costs of producing or airing 76479
electioneering communications, or for treasurers of transition 76480
funds, required or permitted to file statements by electronic 76481
means of transmission under this section or section 3517.105, 76482
3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the 76483
Revised Code. If, in the opinion of the secretary of state, 76484
training in these areas is necessary, the secretary of state 76485

shall arrange for the provision of voluntary training programs 76486
for candidates, campaign committees, political action 76487
committees, legislative campaign funds, political parties, or 76488
political contributing entities, for individuals, partnerships, 76489
and other entities, for persons making disbursements to pay the 76490
direct costs of producing or airing electioneering 76491
communications, or for treasurers of transition funds, as 76492
appropriate. 76493

(7) Each monthly statement and each two-business-day 76494
statement required by division (A) of this section shall contain 76495
the information required by divisions (B) (1) to (4), (C) (2), 76496
and, if appropriate, (C) (3) of this section. Each statement 76497
shall be signed as required by division (C) (1) of this section. 76498

(D) (1) (a) Prior to receiving a contribution or making an 76499
expenditure, every campaign committee, political action 76500
committee, legislative campaign fund, political party, or 76501
political contributing entity shall appoint a treasurer and 76502
shall file, on a form prescribed by the secretary of state, a 76503
designation of that appointment, including the full name and 76504
address of the treasurer and of the campaign committee, 76505
political action committee, legislative campaign fund, political 76506
party, or political contributing entity. That designation shall 76507
be filed with the official with whom the campaign committee, 76508
political action committee, legislative campaign fund, political 76509
party, or political contributing entity is required to file 76510
statements under section 3517.11 of the Revised Code. The name 76511
of a campaign committee shall include at least the last name of 76512
the campaign committee's candidate. If two or more candidates 76513
are the beneficiaries of a single campaign committee under 76514
division (B) of section 3517.081 of the Revised Code, the name 76515
of the campaign committee shall include at least the last name 76516

of each candidate who is a beneficiary of that campaign 76517
committee. The secretary of state shall assign a registration 76518
number to each political action committee that files a 76519
designation of the appointment of a treasurer under this 76520
division if the political action committee is required by 76521
division (A)(1) of section 3517.11 of the Revised Code to file 76522
the statements prescribed by this section with the secretary of 76523
state. 76524

(b) The secretary of state shall not accept for filing a 76525
designation of treasurer of a political action committee or 76526
political contributing entity if, in the opinion of the 76527
secretary of state, the name of the political action committee 76528
or political contributing entity would lead a reasonable person 76529
to believe that the political action committee or political 76530
contributing entity acts on behalf of or represents a county 76531
political party, unless the designation is accompanied by a 76532
written statement, signed by the chairperson of the county 76533
political party's executive committee, granting the political 76534
action committee or political contributing entity permission to 76535
act on behalf of or represent the county political party. 76536

(2) The treasurer appointed under division (D)(1) of this 76537
section shall keep a strict account of all contributions, from 76538
whom received and the purpose for which they were disbursed. 76539

(3)(a) Except as otherwise provided in section 3517.108 of 76540
the Revised Code, a campaign committee shall deposit all 76541
monetary contributions received by the committee into an account 76542
separate from a personal or business account of the candidate or 76543
campaign committee. 76544

(b) A political action committee shall deposit all 76545
monetary contributions received by the committee into an account 76546

separate from all other funds. 76547

(c) A state or county political party may establish a 76548
state candidate fund that is separate from all other funds. A 76549
state or county political party may deposit into its state 76550
candidate fund any amounts of monetary contributions that are 76551
made to or accepted by the political party subject to the 76552
applicable limitations, if any, prescribed in section 3517.102 76553
of the Revised Code. A state or county political party shall 76554
deposit all other monetary contributions received by the party 76555
into one or more accounts that are separate from its state 76556
candidate fund. 76557

(d) Each state political party shall have only one 76558
legislative campaign fund for each house of the general 76559
assembly. Each such fund shall be separate from any other funds 76560
or accounts of that state party. A legislative campaign fund is 76561
authorized to receive contributions and make expenditures for 76562
the primary purpose of furthering the election of candidates who 76563
are members of that political party to the house of the general 76564
assembly with which that legislative campaign fund is 76565
associated. Each legislative campaign fund shall be administered 76566
and controlled in a manner designated by the caucus. As used in 76567
this division, "caucus" has the same meaning as in section 76568
3517.01 of the Revised Code and includes, as an ex officio 76569
member, the chairperson of the state political party with which 76570
the caucus is associated or that chairperson's designee. 76571

(4) Every expenditure in excess of twenty-five dollars 76572
shall be vouched for by a receipted bill, stating the purpose of 76573
the expenditure, that shall be filed with the statement of 76574
expenditures. A canceled check with a notation of the purpose of 76575
the expenditure is a receipted bill for purposes of division (D) 76576

(4) of this section. 76577

(5) The secretary of state or the board of elections, as 76578
the case may be, shall issue a receipt for each statement filed 76579
under this section and shall preserve a copy of the receipt for 76580
a period of at least six years. All statements filed under this 76581
section shall be open to public inspection in the office where 76582
they are filed and shall be carefully preserved for a period of 76583
at least six years after the year in which they are filed. 76584

(6) The secretary of state, by rule adopted pursuant to 76585
section 3517.23 of the Revised Code, shall prescribe both of the 76586
following: 76587

(a) The manner of immediately acknowledging, with date and 76588
time received, and preserving the receipt of statements that are 76589
transmitted by electronic means of transmission to the secretary 76590
of state or a board of elections pursuant to this section or 76591
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 76592
of the Revised Code; 76593

(b) The manner of preserving the contribution and 76594
expenditure, contribution and disbursement, deposit and 76595
disbursement, gift and disbursement, or donation and 76596
disbursement information in the statements described in division 76597
(D) (6) (a) of this section. The secretary of state shall preserve 76598
the contribution and expenditure, contribution and disbursement, 76599
deposit and disbursement, gift and disbursement, or donation and 76600
disbursement information in those statements for at least ten 76601
years after the year in which they are filed by electronic means 76602
of transmission. 76603

(7) (a) The secretary of state, pursuant to division (G) of 76604
section 3517.106 of the Revised Code, shall make available 76605

online to the public through the internet the contribution and 76606
expenditure, contribution and disbursement, deposit and 76607
disbursement, gift and disbursement, or donation and 76608
disbursement information in all of the following documents: 76609

(i) All statements, all addenda, amendments, or other 76610
corrections to statements, and all amended statements filed with 76611
the secretary of state by electronic or other means of 76612
transmission under this section, division (B) (2) (b) or (C) (2) (b) 76613
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 76614
3517.1013, 3517.1014, or 3517.11 of the Revised Code; 76615

(ii) All statements filed with a board of elections by 76616
electronic means of transmission, and all addenda, amendments, 76617
corrections, and amended versions of those statements, filed 76618
with the board under this section, division (B) (2) (b) or (C) (2) 76619
(b) of section 3517.105, or section 3517.106, 3517.1012, or 76620
3517.11 of the Revised Code. 76621

(b) The secretary of state may remove the information from 76622
the internet after a reasonable period of time. 76623

(E) (1) Any person, political party, campaign committee, 76624
legislative campaign fund, political action committee, or 76625
political contributing entity that makes a contribution in 76626
connection with the nomination or election of any candidate or 76627
in connection with any ballot issue or question at any election 76628
held or to be held in this state shall provide its full name and 76629
address to the recipient of the contribution at the time the 76630
contribution is made. The political action committee also shall 76631
provide the registration number assigned to the committee under 76632
division (D) (1) of this section to the recipient of the 76633
contribution at the time the contribution is made. 76634

(2) Any individual who makes a contribution that exceeds 76635
one hundred dollars to a political action committee, political 76636
contributing entity, legislative campaign fund, or political 76637
party or to a campaign committee of a statewide candidate or 76638
candidate for the office of member of the general assembly shall 76639
provide the name of the individual's current employer, if any, 76640
or, if the individual is self-employed, the individual's 76641
occupation and the name of the individual's business, if any, to 76642
the recipient of the contribution at the time the contribution 76643
is made. Sections 3599.39 and 3599.40 of the Revised Code do not 76644
apply to division (E) (2) of this section. 76645

(3) If a campaign committee shows that it has exercised 76646
its best efforts to obtain, maintain, and submit the information 76647
required under divisions (B) (4) (b) (ii) and (iii) of this 76648
section, that committee is considered to have met the 76649
requirements of those divisions. A campaign committee shall not 76650
be considered to have exercised its best efforts unless, in 76651
connection with written solicitations, it regularly includes a 76652
written request for the information required under division (B) 76653
(4) (b) (ii) of this section from the contributor or the 76654
information required under division (B) (4) (b) (iii) of this 76655
section from whoever transmits the contribution. 76656

(4) Any check that a political action committee uses to 76657
make a contribution or an expenditure shall contain the full 76658
name and address of the committee and the registration number 76659
assigned to the committee under division (D) (1) of this section. 76660

(F) As used in this section: 76661

(1) (a) Except as otherwise provided in division (F) (1) of 76662
this section, "address" means all of the following if they 76663
exist: apartment number, street, road, or highway name and 76664

number, rural delivery route number, city or village, state, and 76665
zip code as used in a person's post-office address, but not 76666
post-office box. 76667

(b) Except as otherwise provided in division (F)(1) of 76668
this section, if an address is required in this section, a post- 76669
office box and office, room, or suite number may be included in 76670
addition to, but not in lieu of, an apartment, street, road, or 76671
highway name and number. 76672

(c) If an address is required in this section, a campaign 76673
committee, political action committee, legislative campaign 76674
fund, political party, or political contributing entity may use 76675
the business or residence address of its treasurer or deputy 76676
treasurer. The post-office box number of the campaign committee, 76677
political action committee, legislative campaign fund, political 76678
party, or political contributing entity may be used in addition 76679
to that address. 76680

(d) For the sole purpose of a campaign committee's 76681
reporting of contributions on a statement of contributions 76682
received under division (B)(4) of this section, "address" has 76683
one of the following meanings at the option of the campaign 76684
committee: 76685

(i) The same meaning as in division (F)(1)(a) of this 76686
section; 76687

(ii) All of the following, if they exist: the 76688
contributor's post-office box number and city or village, state, 76689
and zip code as used in the contributor's post-office address. 76690

(e) As used with regard to the reporting under this 76691
section of any expenditure, "address" means all of the following 76692
if they exist: apartment number, street, road, or highway name 76693

and number, rural delivery route number, city or village, state, 76694
and zip code as used in a person's post-office address, or post- 76695
office box. If an address concerning any expenditure is required 76696
in this section, a campaign committee, political action 76697
committee, legislative campaign fund, political party, or 76698
political contributing entity may use the business or residence 76699
address of its treasurer or deputy treasurer or its post-office 76700
box number. 76701

(2) "Statewide candidate" means the joint candidates for 76702
the offices of governor and lieutenant governor or a candidate 76703
for the office of secretary of state, auditor of state, 76704
treasurer of state, attorney general, ~~member of the state board~~ 76705
~~of education~~, chief justice of the supreme court, or justice of 76706
the supreme court. 76707

(3) "Candidate for county office" means a candidate for 76708
the office of county auditor, county treasurer, clerk of the 76709
court of common pleas, judge of the court of common pleas, 76710
sheriff, county recorder, county engineer, county commissioner, 76711
prosecuting attorney, or coroner. 76712

(G) An independent expenditure shall be reported whenever 76713
and in the same manner that an expenditure is required to be 76714
reported under this section and shall be reported pursuant to 76715
division (B) (2) (a) or (C) (2) (a) of section 3517.105 of the 76716
Revised Code. 76717

(H) (1) Except as otherwise provided in division (H) (2) of 76718
this section, if, during the combined pre-election and 76719
postelection reporting periods for an election, a campaign 76720
committee has received contributions of five hundred dollars or 76721
less and has made expenditures in the total amount of five 76722
hundred dollars or less, it may file a statement to that effect, 76723

under penalty of election falsification, in lieu of the 76724
statement required by division (A)(2) of this section. The 76725
statement shall indicate the total amount of contributions 76726
received and the total amount of expenditures made during those 76727
combined reporting periods. 76728

(2) In the case of a successful candidate at a primary 76729
election, if either the total contributions received by or the 76730
total expenditures made by the candidate's campaign committee 76731
during the preprimary, postprimary, pregeneral, and postgeneral 76732
election periods combined equal more than five hundred dollars, 76733
the campaign committee may file the statement under division (H) 76734
(1) of this section only for the primary election. The first 76735
statement that the campaign committee files in regard to the 76736
general election shall reflect all contributions received and 76737
all expenditures made during the preprimary and postprimary 76738
election periods. 76739

(3) Divisions (H)(1) and (2) of this section do not apply 76740
if a campaign committee receives contributions or makes 76741
expenditures prior to the first day of January of the year of 76742
the election at which the candidate seeks nomination or election 76743
to office or if the campaign committee does not file a 76744
termination statement with its postprimary election statement in 76745
the case of an unsuccessful primary election candidate or with 76746
its postgeneral election statement in the case of other 76747
candidates. 76748

(I) In the case of a contribution made by a partner of a 76749
partnership or an owner or a member of another unincorporated 76750
business from any funds of the partnership or other 76751
unincorporated business, all of the following apply: 76752

(1) The recipient of the contribution shall report the 76753

contribution by listing both the partnership or other 76754
unincorporated business and the name of the partner, owner, or 76755
member making the contribution. 76756

(2) In reporting the contribution, the recipient of the 76757
contribution shall be entitled to conclusively rely upon the 76758
information provided by the partnership or other unincorporated 76759
business, provided that the information includes one of the 76760
following: 76761

(a) The name of each partner, owner, or member as of the 76762
date of the contribution or contributions, and a statement that 76763
the total contributions are to be allocated equally among all of 76764
the partners, owners, or members; or 76765

(b) The name of each partner, owner, or member as of the 76766
date of the contribution or contributions who is participating 76767
in the contribution or contributions, and a statement that the 76768
contribution or contributions are to be allocated to those 76769
individuals in accordance with the information provided by the 76770
partnership or other unincorporated business to the recipient of 76771
the contribution. 76772

(3) For purposes of section 3517.102 of the Revised Code, 76773
the contribution shall be considered to have been made by the 76774
partner, owner, or member reported under division (I)(1) of this 76775
section. 76776

(4) No contribution from a partner of a partnership or an 76777
owner or a member of another unincorporated business shall be 76778
accepted from any funds of the partnership or other 76779
unincorporated business unless the recipient reports the 76780
contribution under division (I)(1) of this section together with 76781
the information provided under division (I)(2) of this section. 76782

(5) No partnership or other unincorporated business shall 76783
make a contribution or contributions solely in the name of the 76784
partnership or other unincorporated business. 76785

(6) As used in division (I) of this section, "partnership 76786
or other unincorporated business" includes, but is not limited 76787
to, a cooperative, a sole proprietorship, a general partnership, 76788
a limited partnership, a limited partnership association, a 76789
limited liability partnership, and a limited liability company. 76790

(J) A candidate shall have only one campaign committee at 76791
any given time for all of the offices for which the person is a 76792
candidate or holds office. 76793

(K) (1) In addition to filing a designation of appointment 76794
of a treasurer under division (D) (1) of this section, the 76795
campaign committee of any candidate for an elected municipal 76796
office that pays an annual amount of compensation of five 76797
thousand dollars or less, the campaign committee of any 76798
candidate for member of a board of education ~~except member of~~ 76799
~~the state board of education,~~ or the campaign committee of any 76800
candidate for township trustee or township fiscal officer may 76801
sign, under penalty of election falsification, a certificate 76802
attesting that the committee will not accept contributions 76803
during an election period that exceed in the aggregate two 76804
thousand dollars from all contributors and one hundred dollars 76805
from any one individual, and that the campaign committee will 76806
not make expenditures during an election period that exceed in 76807
the aggregate two thousand dollars. 76808

The certificate shall be on a form prescribed by the 76809
secretary of state and shall be filed not later than ten days 76810
after the candidate files a declaration of candidacy and 76811
petition, a nominating petition, or a declaration of intent to 76812

be a write-in candidate. 76813

(2) Except as otherwise provided in division (K) (3) of 76814
this section, a campaign committee that files a certificate 76815
under division (K) (1) of this section is not required to file 76816
the statements required by division (A) of this section. 76817

(3) If, after filing a certificate under division (K) (1) 76818
of this section, a campaign committee exceeds any of the 76819
limitations described in that division during an election 76820
period, the certificate is void and thereafter the campaign 76821
committee shall file the statements required by division (A) of 76822
this section. If the campaign committee has not previously filed 76823
a statement, then on the first statement the campaign committee 76824
is required to file under division (A) of this section after the 76825
committee's certificate is void, the committee shall report all 76826
contributions received and expenditures made from the time the 76827
candidate filed the candidate's declaration of candidacy and 76828
petition, nominating petition, or declaration of intent to be a 76829
write-in candidate. 76830

(4) As used in division (K) of this section, "election 76831
period" means the period of time beginning on the day a person 76832
files a declaration of candidacy and petition, nominating 76833
petition, or declaration of intent to be a write-in candidate 76834
through the day of the election at which the person seeks 76835
nomination to office if the person is not elected to office, or, 76836
if the candidate was nominated in a primary election, the day of 76837
the election at which the candidate seeks office. 76838

(L) A political contributing entity that receives 76839
contributions from the dues, membership fees, or other 76840
assessments of its members or from its officers, shareholders, 76841
and employees may report the aggregate amount of contributions 76842

received from those contributors and the number of individuals 76843
making those contributions, for each filing period under 76844
divisions (A) (1), (2), (3), and (4) of this section, rather than 76845
reporting information as required under division (B) (4) of this 76846
section, including, when applicable, the name of the current 76847
employer, if any, of a contributor whose contribution exceeds 76848
one hundred dollars or, if such a contributor is self-employed, 76849
the contributor's occupation and the name of the contributor's 76850
business, if any. Division (B) (4) of this section applies to a 76851
political contributing entity with regard to contributions it 76852
receives from all other contributors. 76853

Sec. 3517.102. (A) Except as otherwise provided in section 76854
3517.103 of the Revised Code, as used in this section and 76855
sections 3517.103 and 3517.104 of the Revised Code: 76856

(1) "Candidate" has the same meaning as in section 3517.01 76857
of the Revised Code but includes only candidates for the offices 76858
of governor, lieutenant governor, secretary of state, auditor of 76859
state, treasurer of state, attorney general, ~~member of the state~~ 76860
~~board of education,~~ member of the general assembly, chief 76861
justice of the supreme court, and justice of the supreme court. 76862

(2) "Statewide candidate" or "any one statewide candidate" 76863
means the joint candidates for the offices of governor and 76864
lieutenant governor or a candidate for the office of secretary 76865
of state, auditor of state, treasurer of state, attorney 76866
general, ~~member of the state board of education,~~ chief justice 76867
of the supreme court, or justice of the supreme court. 76868

(3) "Senate candidate" means a candidate for the office of 76869
state senator. 76870

(4) "House candidate" means a candidate for the office of 76871

state representative. 76872

(5) (a) "Primary election period" for a candidate begins on 76873
the beginning date of the candidate's pre-filing period 76874
specified in division (A) (9) of section 3517.109 of the Revised 76875
Code and ends on the day of the primary election. 76876

(b) In regard to any candidate, the "general election 76877
period" begins on the day after the primary election immediately 76878
preceding the general election at which the candidate seeks an 76879
office specified in division (A) (1) of this section and ends on 76880
the thirty-first day of December following that general 76881
election. 76882

(6) "State candidate fund" means the state candidate fund 76883
established by a state or county political party under division 76884
(D) (3) (c) of section 3517.10 of the Revised Code. 76885

(7) "Postgeneral election statement" means the statement 76886
filed under division (A) (2) of section 3517.10 of the Revised 76887
Code by the campaign committee of a candidate after the general 76888
election in which the candidate ran for office or filed by 76889
legislative campaign fund after the general election in an even- 76890
numbered year. 76891

(8) "Contribution" means any contribution that is required 76892
to be reported in the statement of contributions under section 76893
3517.10 of the Revised Code. 76894

(9) (a) Except as otherwise provided in division (A) (9) (b) 76895
of this section, "designated state campaign committee" means: 76896

(i) In the case of contributions to or from a state 76897
political party, a campaign committee of a statewide candidate, 76898
statewide officeholder, senate candidate, house candidate, or 76899
member of the general assembly. 76900

(ii) In the case of contributions to or from a county political party, a campaign committee of a senate candidate or house candidate whose candidacy is to be submitted to some or all of the electors in that county, or member of the general assembly whose district contains all or part of that county.

(iii) In the case of contributions to or from a legislative campaign fund, a campaign committee of any of the following:

(I) A senate or house candidate who, if elected, will be a member of the same party that established the legislative campaign fund and the same house with which the legislative campaign fund is associated;

(II) A state senator or state representative who is a member of the same party that established the legislative campaign fund and the same house with which the legislative campaign fund is associated.

(b) A campaign committee is no longer a "designated state campaign committee" after the campaign committee's candidate changes the designation of treasurer required to be filed under division (D)(1) of section 3517.10 of the Revised Code to indicate that the person intends to be a candidate for, or becomes a candidate for nomination or election to, any office that, if elected, would not qualify that candidate's campaign committee as a "designated state campaign committee" under division (A)(9)(a) of this section.

(B)(1)(a) No individual who is seven years of age or older shall make a contribution or contributions aggregating more than:

(i) Ten thousand dollars to the campaign committee of any

one statewide candidate in a primary election period or in a	76930
general election period;	76931
(ii) Ten thousand dollars to the campaign committee of any	76932
one senate candidate in a primary election period or in a	76933
general election period;	76934
(iii) Ten thousand dollars to the campaign committee of	76935
any one house candidate in a primary election period or in a	76936
general election period;	76937
(iv) Ten thousand dollars to a county political party of	76938
the county in which the individual's designated Ohio residence	76939
is located for the party's state candidate fund in a calendar	76940
year;	76941
(v) Fifteen thousand dollars to any one legislative	76942
campaign fund in a calendar year;	76943
(vi) Thirty thousand dollars to any one state political	76944
party for the party's state candidate fund in a calendar year;	76945
(vii) Ten thousand dollars to any one political action	76946
committee in a calendar year;	76947
(viii) Ten thousand dollars to any one political	76948
contributing entity in a calendar year.	76949
(b) No individual shall make a contribution or	76950
contributions to the state candidate fund of a county political	76951
party of any county other than the county in which the	76952
individual's designated Ohio residence is located.	76953
(c) No individual who is under seven years of age shall	76954
make any contribution.	76955
(2) (a) Subject to division (D) (1) of this section, no	76956

political action committee shall make a contribution or 76957
contributions aggregating more than: 76958

(i) Ten thousand dollars to the campaign committee of any 76959
one statewide candidate in a primary election period or in a 76960
general election period; 76961

(ii) Ten thousand dollars to the campaign committee of any 76962
one senate candidate in a primary election period or in a 76963
general election period; 76964

(iii) Ten thousand dollars to the campaign committee of 76965
any one house candidate in a primary election period or in a 76966
general election period; 76967

(iv) Fifteen thousand dollars to any one legislative 76968
campaign fund in a calendar year; 76969

(v) Thirty thousand dollars to any one state political 76970
party for the party's state candidate fund in a calendar year; 76971

(vi) Ten thousand dollars to another political action 76972
committee or to a political contributing entity in a calendar 76973
year. This division does not apply to a political action 76974
committee that makes a contribution to a political action 76975
committee or a political contributing entity affiliated with it. 76976
For purposes of this division, a political action committee is 76977
affiliated with another political action committee or with a 76978
political contributing entity if they are both established, 76979
financed, maintained, or controlled by, or if they are, the same 76980
corporation, organization, labor organization, continuing 76981
association, or other person, including any parent, subsidiary, 76982
division, or department of that corporation, organization, labor 76983
organization, continuing association, or other person. 76984

(b) No political action committee shall make a 76985

contribution or contributions to a county political party for 76986
the party's state candidate fund. 76987

(3) No campaign committee shall make a contribution or 76988
contributions aggregating more than: 76989

(a) Ten thousand dollars to the campaign committee of any 76990
one statewide candidate in a primary election period or in a 76991
general election period; 76992

(b) Ten thousand dollars to the campaign committee of any 76993
one senate candidate in a primary election period or in a 76994
general election period; 76995

(c) Ten thousand dollars to the campaign committee of any 76996
one house candidate in a primary election period or in a general 76997
election period; 76998

(d) Ten thousand dollars to any one political action 76999
committee in a calendar year; 77000

(e) Ten thousand dollars to any one political contributing 77001
entity in a calendar year. 77002

(4) (a) Subject to division (D) (3) of this section, no 77003
political party shall make a contribution or contributions 77004
aggregating more than ten thousand dollars to any one political 77005
action committee or to any one political contributing entity in 77006
a calendar year. 77007

(b) No county political party shall make a contribution or 77008
contributions to another county political party. 77009

(5) (a) Subject to division (B) (5) (b) of this section, no 77010
campaign committee, other than a designated state campaign 77011
committee, shall make a contribution or contributions 77012
aggregating in a calendar year more than: 77013

(i) Thirty thousand dollars to any one state political party for the party's state candidate fund;	77014 77015
(ii) Fifteen thousand dollars to any one legislative campaign fund;	77016 77017
(iii) Ten thousand dollars to any one county political party for the party's state candidate fund.	77018 77019
(b) No campaign committee shall make a contribution or contributions to a county political party for the party's state candidate fund unless one of the following applies:	77020 77021 77022
(i) The campaign committee's candidate will appear on a ballot in that county.	77023 77024
(ii) The campaign committee's candidate is the holder of an elected public office that represents all or part of the population of that county at the time the contribution is made.	77025 77026 77027
(6) (a) No state candidate fund of a county political party shall make a contribution or contributions, except a contribution or contributions to a designated state campaign committee, in a primary election period or a general election period, aggregating more than:	77028 77029 77030 77031 77032
(i) Two hundred fifty thousand dollars to the campaign committee of any one statewide candidate;	77033 77034
(ii) Ten thousand dollars to the campaign committee of any one senate candidate;	77035 77036
(iii) Ten thousand dollars to the campaign committee of any one house candidate.	77037 77038
(b) (i) No state candidate fund of a state or county political party shall make a transfer or a contribution or	77039 77040

transfers or contributions of cash or cash equivalents to a 77041
designated state campaign committee in a primary election period 77042
or in a general election period aggregating more than: 77043

(I) Five hundred thousand dollars to the campaign 77044
committee of any one statewide candidate; 77045

(II) One hundred thousand dollars to the campaign 77046
committee of any one senate candidate; 77047

(III) Fifty thousand dollars to the campaign committee of 77048
any one house candidate. 77049

(ii) No legislative campaign fund shall make a transfer or 77050
a contribution or transfers or contributions of cash or cash 77051
equivalents to a designated state campaign committee aggregating 77052
more than: 77053

(I) Fifty thousand dollars in a primary election period or 77054
one hundred thousand dollars in a general election period to the 77055
campaign committee of any one senate candidate; 77056

(II) Twenty-five thousand dollars in a primary election 77057
period or fifty thousand dollars in a general election period to 77058
the campaign committee of any one house candidate. 77059

(iii) As used in divisions (B) (6) (b) and (C) (6) of this 77060
section, "transfer or contribution of cash or cash equivalents" 77061
does not include any in-kind contributions. 77062

(c) A county political party that has no state candidate 77063
fund and that is located in a county having a population of less 77064
than one hundred fifty thousand may make one or more 77065
contributions from other accounts to any one statewide candidate 77066
or to any one designated state campaign committee that do not 77067
exceed, in the aggregate, two thousand five hundred dollars in 77068

any primary election period or general election period. 77069

(d) No legislative campaign fund shall make a 77070
contribution, other than to a designated state campaign 77071
committee or to the state candidate fund of a political party. 77072

(7) (a) Subject to division (D) (1) of this section, no 77073
political contributing entity shall make a contribution or 77074
contributions aggregating more than: 77075

(i) Ten thousand dollars to the campaign committee of any 77076
one statewide candidate in a primary election period or in a 77077
general election period; 77078

(ii) Ten thousand dollars to the campaign committee of any 77079
one senate candidate in a primary election period or in a 77080
general election period; 77081

(iii) Ten thousand dollars to the campaign committee of 77082
any one house candidate in a primary election period or in a 77083
general election period; 77084

(iv) Fifteen thousand dollars to any one legislative 77085
campaign fund in a calendar year; 77086

(v) Thirty thousand dollars to any one state political 77087
party for the party's state candidate fund in a calendar year; 77088

(vi) Ten thousand dollars to another political 77089
contributing entity or to a political action committee in a 77090
calendar year. This division does not apply to a political 77091
contributing entity that makes a contribution to a political 77092
contributing entity or a political action committee affiliated 77093
with it. For purposes of this division, a political contributing 77094
entity is affiliated with another political contributing entity 77095
or with a political action committee if they are both 77096

established, financed, maintained, or controlled by, or if they 77097
are, the same corporation, organization, labor organization, 77098
continuing association, or other person, including any parent, 77099
subsidiary, division, or department of that corporation, 77100
organization, labor organization, continuing association, or 77101
other person. 77102

(b) No political contributing entity shall make a 77103
contribution or contributions to a county political party for 77104
the party's state candidate fund. 77105

(C) (1) (a) Subject to division (D) (1) of this section, no 77106
campaign committee of a statewide candidate shall do any of the 77107
following: 77108

(i) Knowingly accept a contribution or contributions from 77109
any individual who is under seven years of age; 77110

(ii) Accept a contribution or contributions aggregating 77111
more than ten thousand dollars from any one individual who is 77112
seven years of age or older, from any one political action 77113
committee, from any one political contributing entity, or from 77114
any one other campaign committee in a primary election period or 77115
in a general election period; 77116

(iii) Accept a contribution or contributions aggregating 77117
more than two hundred fifty thousand dollars from any one or 77118
combination of state candidate funds of county political parties 77119
in a primary election period or in a general election period. 77120

(b) No campaign committee of a statewide candidate shall 77121
accept a contribution or contributions aggregating more than two 77122
thousand five hundred dollars in a primary election period or in 77123
a general election period from a county political party that has 77124
no state candidate fund and that is located in a county having a 77125

population of less than one hundred fifty thousand. 77126

(2) (a) Subject to division (D) (1) of this section and 77127
except for a designated state campaign committee, no campaign 77128
committee of a senate candidate shall do either of the 77129
following: 77130

(i) Knowingly accept a contribution or contributions from 77131
any individual who is under seven years of age; 77132

(ii) Accept a contribution or contributions aggregating 77133
more than ten thousand dollars from any one individual who is 77134
seven years of age or older, from any one political action 77135
committee, from any one political contributing entity, from any 77136
one state candidate fund of a county political party, or from 77137
any one other campaign committee in a primary election period or 77138
in a general election period. 77139

(b) No campaign committee of a senate candidate shall 77140
accept a contribution or contributions aggregating more than two 77141
thousand five hundred dollars in a primary election period or in 77142
a general election period from a county political party that has 77143
no state candidate fund and that is located in a county having a 77144
population of less than one hundred fifty thousand. 77145

(3) (a) Subject to division (D) (1) of this section and 77146
except for a designated state campaign committee, no campaign 77147
committee of a house candidate shall do either of the following: 77148

(i) Knowingly accept a contribution or contributions from 77149
any individual who is under seven years of age; 77150

(ii) Accept a contribution or contributions aggregating 77151
more than ten thousand dollars from any one individual who is 77152
seven years of age or older, from any one political action 77153
committee, from any one political contributing entity, from any 77154

one state candidate fund of a county political party, or from 77155
any one other campaign committee in a primary election period or 77156
in a general election period. 77157

(b) No campaign committee of a house candidate shall 77158
accept a contribution or contributions aggregating more than two 77159
thousand five hundred dollars in a primary election period or in 77160
a general election period from a county political party that has 77161
no state candidate fund and that is located in a county having a 77162
population of less than one hundred fifty thousand. 77163

(4) (a) (i) Subject to division (C) (4) (a) (ii) of this 77164
section and except for a designated state campaign committee, no 77165
county political party shall knowingly accept a contribution or 77166
contributions from any individual who is under seven years of 77167
age, or accept a contribution or contributions for the party's 77168
state candidate fund aggregating more than ten thousand dollars 77169
from any one individual whose designated Ohio residence is 77170
located within that county and who is seven years of age or 77171
older or from any one campaign committee in a calendar year. 77172

(ii) Subject to division (D) (1) of this section, no county 77173
political party shall accept a contribution or contributions for 77174
the party's state candidate fund from any individual whose 77175
designated Ohio residence is located outside of that county and 77176
who is seven years of age or older, from any campaign committee 77177
unless the campaign committee's candidate will appear on a 77178
ballot in that county or unless the campaign committee's 77179
candidate is the holder of an elected public office that 77180
represents all or part of the population of that county at the 77181
time the contribution is accepted, or from any political action 77182
committee or any political contributing entity. 77183

(iii) No county political party shall accept a 77184

contribution or contributions from any other county political party. 77185
77186

(b) Subject to division (D)(1) of this section, no state political party shall do either of the following: 77187
77188

(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 77189
77190

(ii) Accept a contribution or contributions for the party's state candidate fund aggregating more than thirty thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year. 77191
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(5) Subject to division (D)(1) of this section, no legislative campaign fund shall do either of the following: 77198
77199

(a) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 77200
77201

(b) Accept a contribution or contributions aggregating more than fifteen thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year. 77202
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(6) (a) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a state candidate fund of a state political party aggregating in a primary election period or a general election period more than: 77208
77209
77210
77211

(i) Five hundred thousand dollars, in the case of a 77212

campaign committee of a statewide candidate; 77213

(ii) One hundred thousand dollars, in the case of a 77214
campaign committee of a senate candidate; 77215

(iii) Fifty thousand dollars, in the case of a campaign 77216
committee of a house candidate. 77217

(b) No designated state campaign committee shall accept a 77218
transfer or contribution of cash or cash equivalents from a 77219
legislative campaign fund aggregating more than: 77220

(i) Fifty thousand dollars in a primary election period or 77221
one hundred thousand dollars in a general election period, in 77222
the case of a campaign committee of a senate candidate; 77223

(ii) Twenty-five thousand dollars in a primary election 77224
period or fifty thousand dollars in a general election period, 77225
in the case of a campaign committee of a house candidate. 77226

(c) No campaign committee of a candidate for the office of 77227
member of the general assembly, including a designated state 77228
campaign committee, shall accept a transfer or contribution of 77229
cash or cash equivalents from any one or combination of state 77230
candidate funds of county political parties aggregating in a 77231
primary election period or a general election period more than: 77232

(i) One hundred thousand dollars, in the case of a 77233
campaign committee of a senate candidate; 77234

(ii) Fifty thousand dollars, in the case of a campaign 77235
committee of a house candidate. 77236

(7) (a) Subject to division (D) (3) of this section, no 77237
political action committee and no political contributing entity 77238
shall do either of the following: 77239

(i) Knowingly accept a contribution or contributions from 77240
any individual who is under seven years of age; 77241

(ii) Accept a contribution or contributions aggregating 77242
more than ten thousand dollars from any one individual who is 77243
seven years of age or older, from any one campaign committee, or 77244
from any one political party in a calendar year. 77245

(b) Subject to division (D) (1) of this section, no 77246
political action committee shall accept a contribution or 77247
contributions aggregating more than ten thousand dollars from 77248
another political action committee or from a political 77249
contributing entity in a calendar year. Subject to division (D) 77250
(1) of this section, no political contributing entity shall 77251
accept a contribution or contributions aggregating more than ten 77252
thousand dollars from another political contributing entity or 77253
from a political action committee in a calendar year. This 77254
division does not apply to a political action committee or 77255
political contributing entity that accepts a contribution from a 77256
political action committee or political contributing entity 77257
affiliated with it. For purposes of this division, a political 77258
action committee is affiliated with another political action 77259
committee or with a political contributing entity if they are 77260
both established, financed, maintained, or controlled by the 77261
same corporation, organization, labor organization, continuing 77262
association, or other person, including any parent, subsidiary, 77263
division, or department of that corporation, organization, labor 77264
organization, continuing association, or other person. 77265

(D) (1) (a) For purposes of the limitations prescribed in 77266
division (B) (2) of this section and the limitations prescribed 77267
in divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 77268
section, whichever is applicable, all contributions made by and 77269

all contributions accepted from political action committees that 77270
are established, financed, maintained, or controlled by, or that 77271
are, the same corporation, organization, labor organization, 77272
continuing association, or other person, including any parent, 77273
subsidiary, division, or department of that corporation, 77274
organization, labor organization, continuing association, or 77275
other person, are considered to have been made by or accepted 77276
from a single political action committee. 77277

(b) For purposes of the limitations prescribed in division 77278
(B) (7) of this section and the limitations prescribed in 77279
divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 77280
section, whichever is applicable, all contributions made by and 77281
all contributions accepted from political contributing entities 77282
that are established, financed, maintained, or controlled by, or 77283
that are, the same corporation, organization, labor 77284
organization, continuing association, or other person, including 77285
any parent, subsidiary, division, or department of that 77286
corporation, organization, labor organization, continuing 77287
association, or other person, are considered to have been made 77288
by or accepted from a single political contributing entity. 77289

(2) As used in divisions (B) (1) (a) (vii), (B) (3) (d), (B) (4) 77290
(a), and (C) (7) of this section, "political action committee" 77291
does not include a political action committee that is organized 77292
to support or oppose a ballot issue or question and that makes 77293
no contributions to or expenditures on behalf of a political 77294
party, campaign committee, legislative campaign fund, political 77295
action committee, or political contributing entity. As used in 77296
divisions (B) (1) (a) (viii), (B) (3) (e), (B) (4) (a), and (C) (7) of 77297
this section, "political contributing entity" does not include a 77298
political contributing entity that is organized to support or 77299
oppose a ballot issue or question and that makes no 77300

contributions to or expenditures on behalf of a political party, 77301
campaign committee, legislative campaign fund, political action 77302
committee, or political contributing entity. 77303

(3) For purposes of the limitations prescribed in 77304
divisions (B) (4) and (C) (7) (a) of this section, all 77305
contributions made by and all contributions accepted from a 77306
national political party, a state political party, and a county 77307
political party are considered to have been made by or accepted 77308
from a single political party and shall be combined with each 77309
other to determine whether the limitations have been exceeded. 77310

(E) (1) If a legislative campaign fund has kept a total 77311
amount of contributions exceeding one hundred fifty thousand 77312
dollars at the close of business on the seventh day before the 77313
postgeneral election statement is required to be filed under 77314
section 3517.10 of the Revised Code, the legislative campaign 77315
fund shall comply with division (E) (2) of this section. 77316

(2) (a) Any legislative campaign fund that has kept a total 77317
amount of contributions in excess of the amount specified in 77318
division (E) (1) of this section at the close of business on the 77319
seventh day before the postgeneral election statement is 77320
required to be filed under section 3517.10 of the Revised Code 77321
shall dispose of the excess amount in the manner prescribed in 77322
division (E) (2) (b) (i), (ii), or (iii) of this section not later 77323
than ninety days after the day the postgeneral election 77324
statement is required to be filed under section 3517.10 of the 77325
Revised Code. Any legislative campaign fund that is required to 77326
dispose of an excess amount of contributions under this division 77327
shall file a statement on the ninetieth day after the 77328
postgeneral election statement is required to be filed under 77329
section 3517.10 of the Revised Code indicating the total amount 77330

of contributions the fund has at the close of business on the 77331
seventh day before the postgeneral election statement is 77332
required to be filed under section 3517.10 of the Revised Code 77333
and that the excess contributions were disposed of pursuant to 77334
this division and division (E) (2) (b) of this section. The 77335
statement shall be on a form prescribed by the secretary of 77336
state and shall contain any additional information the secretary 77337
of state considers necessary. 77338

(b) Any legislative campaign fund that is required to 77339
dispose of an excess amount of contributions under division (E) 77340
(2) of this section shall dispose of that excess amount by doing 77341
any of the following: 77342

(i) Giving the amount to the treasurer of state for 77343
deposit into the state treasury to the credit of the Ohio 77344
~~elections~~ election integrity commission fund created by ~~division~~ 77345
~~(I) of section 3517.152~~ 111.29 of the Revised Code; 77346

(ii) Giving the amount to individuals who made 77347
contributions to that legislative campaign fund as a refund of 77348
all or part of their contributions; 77349

(iii) Giving the amount to a corporation that is exempt 77350
from federal income taxation under subsection 501(a) and 77351
described in subsection 501(c) of the Internal Revenue Code. 77352

(F) (1) No legislative campaign fund shall fail to file a 77353
statement required by division (E) of this section. 77354

(2) No legislative campaign fund shall fail to dispose of 77355
excess contributions as required by division (E) of this 77356
section. 77357

(G) Nothing in this section shall affect, be used in 77358
determining, or supersede a limitation on campaign contributions 77359

as provided for in the Federal Election Campaign Act. 77360

Sec. 3517.103. (A) For purposes of this section: 77361

(1) "Statewide candidate" means the joint candidates for 77362
the offices of governor and lieutenant governor or a candidate 77363
for the office of secretary of state, auditor of state, 77364
treasurer of state, or attorney general, ~~or member of the state~~ 77365
~~board of education.~~ 77366

(2) (a) "Personal funds" means contributions to the 77367
campaign committee of a candidate by the candidate. 77368

(b) A loan obtained by, guaranteed by, or for the benefit 77369
of a statewide candidate, senate candidate, or house candidate 77370
shall be considered "personal funds" subject to the provisions 77371
of this section to the extent that the loan is obtained or 77372
guaranteed by the candidate. A loan that is obtained or 77373
guaranteed and that is for the benefit of a statewide candidate, 77374
senate candidate, or house candidate shall not be considered 77375
"personal funds" for the purposes of this section but shall be 77376
considered to be a "contribution" for the purposes of this 77377
chapter if the loan is obtained or guaranteed by anyone other 77378
than the candidate. 77379

(c) When a debt or other obligation incurred by a 77380
committee or by a candidate on behalf of the candidate's 77381
committee is to be paid from "personal funds," those funds are 77382
considered to be expended when the debt or other obligation is 77383
incurred, regardless of when it is paid. 77384

(B) (1) Except as otherwise provided in division (B) (2) of 77385
this section, no statewide candidate or candidate for the office 77386
of member of the general assembly shall make an expenditure of 77387
personal funds to influence the results of an election for that 77388

candidate's nomination or election to office unless the personal 77389
funds are first deposited into the campaign fund of that 77390
candidate's campaign committee. 77391

(2) A statewide candidate or candidate for the office of 77392
member of the general assembly may make an expenditure of 77393
personal funds without first depositing those funds into the 77394
campaign committee's funds as long as the aggregate total of 77395
those expenditures does not exceed five hundred dollars at any 77396
time during an election period. After the candidate's campaign 77397
committee reimburses the candidate for any direct expenditure of 77398
personal funds, the amount that was reimbursed is no longer 77399
included in the aggregate total of expenditures of personal 77400
funds subject to the five-hundred-dollar limit. 77401

Sec. 3517.104. (A) In January of each odd-numbered year, 77402
the secretary of state, in accordance with this division and 77403
division (B) of this section, shall adjust each amount specified 77404
in section 3517.102, in division (B) (4) (e) of section 3517.10, 77405
and in division (B) of section 3517.101 of the Revised Code. The 77406
adjustment shall be based on the yearly average of the previous 77407
two years of the Consumer Price Index for All Urban Consumers or 77408
its successive equivalent, as determined by the United States 77409
department of labor, bureau of labor statistics, or its 77410
successor in responsibility, for all items, Series A. Using the 77411
1996 yearly average as the base year, the secretary of state 77412
shall compare the most current average consumer price index with 77413
that determined in the preceding odd-numbered year, and shall 77414
determine the percentage increase or decrease. The percentage 77415
increase or decrease shall be multiplied by the actual dollar 77416
figure for each office or entity specified in section 3517.102 77417
of the Revised Code and by each actual dollar figure specified 77418
in division (B) (4) (e) of section 3517.10 and in division (B) of 77419

section 3517.101 of the Revised Code as determined in the 77420
previous odd-numbered year, and the product shall be added to or 77421
subtracted from its corresponding actual dollar figure, as 77422
necessary, for that previous odd-numbered year. 77423

The resulting amount shall be rounded to the nearest 77424
twenty-five dollars if the calculations are made regarding the 77425
amounts specified in division (B) (4) (e) of section 3517.10 of 77426
the Revised Code. 77427

If the calculations are made regarding the amounts 77428
specified in section 3517.101 or 3517.102 of the Revised Code, 77429
the resulting amount shall not be rounded. If that resulting 77430
amount is less than one hundred dollars, the secretary of state 77431
shall retain a record of the resulting amount and the manner in 77432
which it was calculated, but shall not make an adjustment unless 77433
the resulting amount, when added to the resulting amount 77434
calculated in each prior odd-numbered year since the last 77435
adjustment was made, equals or exceeds one hundred dollars. 77436

(B) (1) The secretary of state shall calculate the 77437
adjustment under division (A) of this section and shall report 77438
the calculations and necessary materials to the auditor of 77439
state, on or before the thirty-first day of January of each odd- 77440
numbered year. The secretary of state shall base the adjustment 77441
on the most current consumer price index that is described in 77442
division (A) of this section and that is in effect as of the 77443
first day of January of each odd-numbered year. 77444

(2) The calculations made by the secretary of state under 77445
divisions (A) and (B) (1) of this section shall be certified by 77446
the auditor of state on or before the fifteenth day of February 77447
of each odd-numbered year. 77448

(3) On or before the twenty-fifth day of February of each 77449
odd-numbered year, the secretary of state shall prepare a report 77450
setting forth the maximum contribution limitations under section 77451
3517.102 of the Revised Code, the maximum amounts, if any, of 77452
contributions permitted to be kept under that section, the 77453
amounts required under division (B) (4) (e) of section 3517.10 of 77454
the Revised Code for reporting contributions and in-kind 77455
contributions at social or fund-raising activities and 77456
contributions from amounts deducted from an employee's wages and 77457
salary, and the maximum office facility gift limitations under 77458
section 3517.101 of the Revised Code, as calculated and 77459
certified pursuant to divisions (A) and (B) (1) and (2) of this 77460
section. The report and all documents relating to the 77461
calculations contained in the report are public records. The 77462
report shall contain an indication of the period in which the 77463
limitations, the maximum contribution or gift amounts, and the 77464
reporting amounts apply, a summary of how the limitations, the 77465
maximum contribution or gift amounts, and the reporting amounts 77466
were calculated, and a statement that the report and all related 77467
documents are available for inspection and copying at the office 77468
of the secretary of state. 77469

(4) On or before the twenty-fifth day of February of each 77470
odd-numbered year, the secretary of state shall transmit the 77471
report to the general assembly and shall send the report by mail 77472
to the board of elections of each county. 77473

(5) The secretary of state shall send the report by mail 77474
to each person who files a declaration of candidacy or 77475
nominating petition with the secretary of state for the office 77476
of governor, lieutenant governor, secretary of state, auditor of 77477
state, treasurer of state, attorney general, ~~member of the state~~ 77478
~~board of education,~~ chief justice of the supreme court, or 77479

justice of the supreme court. The report shall be mailed on or 77480
before the tenth day after the filing. 77481

(6) A board of elections shall send the report by mail to 77482
each person who files a declaration of candidacy or nominating 77483
petition with the board for the office of state representative 77484
or state senator. The report shall be mailed on or before the 77485
tenth day after the filing. 77486

Sec. 3517.108. (A) As used in divisions (A) and (B) of 77487
this section: 77488

(1) "Candidate" has the same meaning as in section 3517.01 77489
of the Revised Code but includes only candidates for the offices 77490
of governor, lieutenant governor, secretary of state, auditor of 77491
state, treasurer of state, attorney general, ~~member of the state~~ 77492
~~board of education,~~ member of the general assembly, chief 77493
justice of the supreme court, and justice of the supreme court. 77494

(2) A "general election period" begins on the day after 77495
the primary election immediately preceding the general election 77496
at which a candidate seeks an office specified in division (A) 77497
(1) of this section and ends on the thirty-first day of December 77498
following that general election. 77499

(3) A "primary election period" begins on the first day of 77500
January of the year following the year in which the general 77501
election was held for the office that the candidate seeks, 77502
including any mid-term election, and ends on the day of the 77503
primary election. 77504

(B) Whenever the campaign committee of a candidate has 77505
unpaid debt at the end of a primary election period or at the 77506
end of a general election period, the committee may accept 77507
additional contributions during the immediately following 77508

election period up to the applicable limitation prescribed under 77509
section 3517.102 of the Revised Code from any individual, 77510
political action committee, political contributing entity, or 77511
other campaign committee who, during the primary or general 77512
election period for which debt remains unpaid, has contributed 77513
less than the contribution limitations prescribed under section 77514
3517.102 of the Revised Code applicable to that individual, 77515
political action committee, political contributing entity, or 77516
other campaign committee. Any additional contribution that a 77517
campaign committee accepts under this division shall count 77518
toward the applicable limitations prescribed under section 77519
3517.102 of the Revised Code for that primary or general 77520
election period at the end of which the debt remains unpaid, and 77521
shall not count toward the applicable limitations for any other 77522
primary or general election period if all of the following 77523
conditions apply: 77524

(1) The campaign committee reports, on the statement 77525
required to be filed under division (A) (2) of section 3517.10 of 77526
the Revised Code, all debt remaining unpaid at the end of the 77527
election period. The committee shall also file a separate 77528
statement, on a form prescribed by the secretary of state, at 77529
the same time that the committee is required to file a statement 77530
of contributions and expenditures under section 3517.10 of the 77531
Revised Code. The separate statement shall include the name and 77532
address of each contributor who makes an additional contribution 77533
under division (B) of this section, how the contribution was 77534
applied to pay the unpaid debt as required by division (B) (3) of 77535
this section, and the balance of the unpaid debt after each 77536
contribution was applied to it. 77537

(2) The additional contributions are accepted only during 77538
the primary or general election period, whichever is applicable, 77539

immediately following the election period covered in the 77540
statement filed under division (B)(1) of this section. 77541

(3) All additional contributions made under division (B) 77542
of this section are used by the campaign committee that receives 77543
them only to pay the debt of the committee reported under 77544
division (B)(1) of this section. 77545

(4) The campaign committee maintains a separate account 77546
for all additional contributions made under division (B) of this 77547
section and uses moneys in that account only to pay the unpaid 77548
debt reported under division (B)(1) of this section and to 77549
administer the account. 77550

(5) The campaign committee stops accepting additional 77551
contributions after funds sufficient to repay the unpaid debt 77552
reported under division (B)(1) of this section have been raised 77553
and promptly disposes of any contributions received that exceed 77554
the amount of the unpaid debt by returning the excess 77555
contributions to the contributors or by giving the excess 77556
contributions to an organization that is exempt from federal 77557
income taxation under subsection 501(a) and described in 77558
subsection 501(c)(3), (4), (8), (10), or (19) of the Internal 77559
Revenue Code. 77560

Sec. 3517.109. (A) As used in this section: 77561

(1) "Candidate" has the same meaning as in section 3517.01 77562
of the Revised Code but includes only candidates for the offices 77563
of governor, lieutenant governor, secretary of state, auditor of 77564
state, treasurer of state, attorney general, ~~member of the state~~ 77565
~~board of education,~~ and member of the general assembly. 77566

(2) "Statewide candidate" means the joint candidates for 77567
the offices of governor and lieutenant governor or a candidate 77568

for the office of secretary of state, auditor of state, 77569
treasurer of state, and attorney general, ~~and member of the~~ 77570
~~state board of education.~~ 77571

(3) "Senate candidate" means a candidate for the office of 77572
state senator. 77573

(4) "House candidate" means a candidate for the office of 77574
state representative. 77575

(5) "State office" means the offices of governor, 77576
lieutenant governor, secretary of state, auditor of state, 77577
treasurer of state, attorney general, ~~member of the state board~~ 77578
~~of education~~, and member of the general assembly. 77579

(6) "Aggregate contribution" means the total of all 77580
contributions from a contributor during the pre-filing period. 77581

(7) "Allowable aggregate contribution" means all of the 77582
following: 77583

(a) In the case of a contribution from a contributor whose 77584
contributions are subject to the contribution limits described 77585
in division (B)(1), (2), (3), (6)(a), or (7) of section 3517.102 77586
of the Revised Code, that portion of the amount of the 77587
contributor's aggregate contribution that does not exceed the 77588
preprimary contribution limit applicable to that contributor. 77589

(b) In the case of a contribution or contributions from a 77590
contributor whose contributions are not subject to the 77591
contribution limits described in divisions (B)(1), (2), (3), (6) 77592
(a), or (7) of section 3517.102 of the Revised Code, the total 77593
of the following: 77594

(i) That portion of the aggregate contribution that was 77595
received as in-kind services; 77596

(ii) That portion of the aggregate contribution that was 77597
received as cash and does not exceed the applicable preprimary 77598
cash transfer or contribution limits described in division (B) 77599
(6) (b) of section 3517.102 of the Revised Code. 77600

(8) "Excess aggregate contribution" means, for each 77601
contributor, the amount by which that contributor's aggregate 77602
contribution exceeds that contributor's allowable aggregate 77603
contribution. 77604

(9) "Pre-filing period" means the period of time ending on 77605
the day that the candidacy petitions are due for the state 77606
office for which the candidate has filed and beginning on the 77607
latest date of the following: 77608

(a) The first day of January of the year following the 77609
general election in which that state office was last on the 77610
ballot; 77611

(b) The first day of January of the year following the 77612
general election in which the candidate was last a candidate for 77613
any office; 77614

(c) The first day of the month following the primary 77615
election in which the candidate was last a candidate for any 77616
office. 77617

(10) "Filing date" means the last date on which a 77618
candidacy petition may be filed for an office. 77619

(11) "Applicable carry-in limit" means thirty-five 77620
thousand dollars if the candidate is a house candidate ~~or a~~ 77621
~~candidate for the state board of education~~, one hundred thousand 77622
dollars if the candidate is a senate candidate, and two hundred 77623
thousand dollars if the candidate is a statewide candidate ~~other~~ 77624
~~than a candidate for the state board of education.~~ 77625

(12) "Campaign asset" means prepaid, purchased, or donated 77626
assets available to the candidate on the date of the filing 77627
deadline for the office the candidate is seeking that will be 77628
consumed or depleted in the course of the candidate's election 77629
campaign, including, but not limited to, postage, prepaid rent 77630
for campaign headquarters, prepaid radio, television, and 77631
newspaper advertising, and other prepaid consulting and personal 77632
services. 77633

(13) "Permitted funds" means the sum of the following: 77634

(a) The total of the allowable aggregate contribution of 77635
each contributor; 77636

(b) The applicable carry-in limit. 77637

(14) "Excess funds" means the amount by which the sum of 77638
the total cash on hand and total reported campaign assets 77639
exceeds permitted funds. 77640

(15) "Covered candidate" means both of the following: 77641

(a) A candidate who, during the pre-filing period, accepts 77642
or has a campaign committee that accepts contributions on the 77643
candidate's behalf for the purpose of nominating or electing the 77644
candidate to any office not subject to the contribution limits 77645
prescribed in section 3517.102 of the Revised Code; 77646

(b) A person who, during the pre-filing period, accepts or 77647
has a campaign committee that accepts contributions on the 77648
person's behalf prior to the person deciding upon or announcing 77649
the office for which the person will become a candidate for 77650
nomination or election. 77651

(B) Each candidate who files for state office, not later 77652
than the filing date for that office, shall dispose of any 77653

excess funds. Each covered candidate who files for state office, 77654
not later than the filing date for that office, shall dispose of 77655
any excess aggregate contributions. 77656

(C) Any campaign committee that is required to dispose of 77657
excess funds or excess aggregate contributions under division 77658
(B) of this section shall dispose of that excess amount or 77659
amounts by doing any of the following: 77660

(1) Giving the amount to the treasurer of state for 77661
deposit into the state treasury to the credit of the Ohio 77662
~~elections election integrity~~ commission fund created ~~by division~~ 77663
~~(I) of under~~ section ~~3517.152 111.29~~ of the Revised Code; 77664

(2) Giving the amount to individuals who made 77665
contributions to that campaign committee as a refund of all or 77666
part of their contributions; 77667

(3) Giving the amount to a corporation that is exempt from 77668
federal income taxation under subsection 501(a) and described in 77669
subsection 501(c) of the Internal Revenue Code. 77670

(D) (1) Subject to division (D) (2) of this section, no 77671
candidate or covered candidate shall appear on the ballot, even 77672
if certified to appear on the ballot, unless the candidate's or 77673
covered candidate's campaign committee has disposed of excess 77674
funds, excess aggregate contributions, or both as required by 77675
divisions (B) and (C) of this section. 77676

(2) If the excess aggregate contributions accepted by a 77677
covered candidate or a covered candidate's campaign committee 77678
aggregate a total of less than five thousand dollars from all 77679
contributors, that candidate shall not be prohibited from 77680
appearing on the ballot under division (D) (1) of this section. 77681

(E) (1) The campaign committee of each candidate required 77682

to dispose of excess funds under this section shall file a 77683
report, on a form prescribed by the secretary of state, with the 77684
official or board with which the candidate is required to file 77685
statements under section 3517.11 of the Revised Code. The report 77686
shall be filed by the seventh day following the filing deadline 77687
for the office the candidate is seeking, shall indicate the 77688
amount of excess funds disposed of, and shall describe the 77689
manner in which the campaign committee disposed of the excess 77690
amount. 77691

(2) In addition to the information required to be included 77692
in a report filed under division (E)(1) of this section, the 77693
campaign committee of each covered candidate required to dispose 77694
of excess aggregate contributions under this section shall 77695
include in that report the source and amount of each excess 77696
aggregate contribution disposed of and shall describe the manner 77697
in which the campaign committee disposed of the excess amount. 77698

(F)(1) Each campaign committee of a candidate who has 77699
filed a declaration of candidacy or a nominating petition for a 77700
state office, not later than seven days after the filing date 77701
for the office the candidate is seeking, shall file a 77702
declaration of filing-day finances, on a form prescribed by the 77703
secretary of state, with the official or board with which the 77704
candidate is required to file statements under section 3517.11 77705
of the Revised Code. 77706

(2) A declaration of filing-day finances shall list all of 77707
the following: 77708

(a) The amount of cash on hand in the candidate's campaign 77709
fund on the filing date for the office the candidate is seeking. 77710

(b) The value and description of all campaign assets worth 77711

five hundred dollars or more available to the candidate on the 77712
filing date. Assets purchased by the campaign shall be valued at 77713
actual cost, and in-kind contributions shall be valued at market 77714
value. 77715

(c) The total of all aggregate contributions; 77716

(d) The total of all allowable aggregate contributions; 77717

(e) The applicable carry-in limit, if any. 77718

(3) In addition to the information required to be included 77719
in a report of filing-day finances filed under division (F) (1) 77720
of this section, the campaign committee of each covered 77721
candidate shall include both of the following in that report: 77722

(a) The total of all excess aggregate contributions; 77723

(b) For each contributor, if any, for whom there is an 77724
excess aggregate contribution, the name, address, aggregate 77725
contribution, and excess aggregate contribution. 77726

(G) A campaign committee of a candidate is not required to 77727
file a declaration of filing-day finances under division (F) of 77728
this section if all of the following apply: 77729

(1) The campaign committee has not accepted, during the 77730
pre-filing period, any aggregate contribution greater than the 77731
applicable amount. 77732

(2) The campaign committee had less than the carry-in 77733
amount in cash on hand at the beginning of the pre-filing 77734
period. 77735

(3) The candidate files a declaration, on a form 77736
prescribed by the secretary of state, with the official or board 77737
with which the candidate is required to file statements under 77738

section 3517.11 of the Revised Code not later than seven days 77739
after the filing date for the office that candidate is seeking, 77740
stating that the candidate's campaign committee has not accepted 77741
aggregate contributions as described in division (G) (1) of this 77742
section and has less than the carry-in amount in cash on hand as 77743
described in division (G) (2) of this section. 77744

Sec. 3517.1012. (A) (1) Each state and county political 77745
party shall establish a restricted fund that is separate from 77746
all other accounts of the political party. 77747

(2) A state or county political party shall deposit into 77748
its restricted fund all gifts that are made to or accepted by 77749
the political party from a corporation or labor organization 77750
subject to the applicable limitations prescribed in division (X) 77751
of section 3517.13 of the Revised Code. A state or county 77752
political party may deposit into its restricted fund any gifts 77753
that are made to or accepted by the political party from a 77754
source other than a corporation or labor organization. 77755

(3) Moneys in a state or county political party's 77756
restricted fund may be disbursed to pay costs incurred for any 77757
of the following purposes specified in division (A) of section 77758
3517.18 of the Revised Code: 77759

(a) The defraying of operating and maintenance costs 77760
associated with political party headquarters, including rental 77761
or leasing costs, staff salaries, office equipment and supplies, 77762
postage, and the purchase, lease, or maintenance of computer 77763
hardware and software; 77764

(b) The organization of voter registration programs and 77765
get-out-the-vote campaigns and the costs associated with voter 77766
registration and get-out-the-vote activities, including, but not 77767

limited to, rental costs for booth spaces at fairs, festivals, 77768
or similar events if voter registration forms are available at 77769
those booths, printing costs for registration forms, mailing 77770
costs for communications soliciting voter registration, and 77771
payments for the services of persons conducting voter 77772
registration and get-out-the-vote activities; 77773

(c) The administration of party fund-raising drives; 77774

(d) Direct mail campaigns or other communications with the 77775
registered voters of a party that are not related to any 77776
particular candidate or election; 77777

(e) The preparation of reports required by law. 77778

(B) Except as otherwise provided in this division, a state 77779
or county political party shall file deposit and disbursement 77780
statements, in the same manner as the party is required to file 77781
statements of contributions and expenditures under section 77782
3517.10 of the Revised Code, regarding all deposits made into, 77783
and all disbursements made from, the party's restricted fund. 77784
Deposit and disbursement statements filed in accordance with 77785
this division by a county political party shall be filed by 77786
electronic means of transmission to the office of the secretary 77787
of state at the times specified in division (A) of section 77788
3517.10 of the Revised Code for the filing of statements of 77789
contributions and expenditures if the county political party 77790
accepts gifts from a corporation or labor organization under 77791
division (A) (2) of this section. 77792

Sec. 3517.11. (A) (1) Campaign committees of candidates for 77793
~~statewide office or the state board of education,~~ political 77794
action committees or political contributing entities that make 77795
contributions to campaign committees of candidates that are 77796

required to file the statements prescribed by section 3517.10 of 77797
the Revised Code with the secretary of state, political action 77798
committees or political contributing entities that make 77799
contributions to campaign committees of candidates for member of 77800
the general assembly, political action committees or political 77801
contributing entities that make contributions to state and 77802
national political parties and to legislative campaign funds, 77803
political action committees or political contributing entities 77804
that receive contributions or make expenditures in connection 77805
with a statewide ballot issue, political action committees or 77806
political contributing entities that make contributions to other 77807
political action committees or political contributing entities, 77808
political parties, and campaign committees, except as set forth 77809
in division (A) (3) of this section, legislative campaign funds, 77810
and state and national political parties shall file the 77811
statements prescribed by section 3517.10 of the Revised Code 77812
with the secretary of state. 77813

(2) (a) Except as otherwise provided in division (E) of 77814
section 3517.106 of the Revised Code, campaign committees of 77815
candidates for all other offices shall file the statements 77816
prescribed by section 3517.10 of the Revised Code with the board 77817
of elections where their candidates are required to file their 77818
petitions or other papers for nomination or election. 77819

(b) A campaign committee of a candidate for office of 77820
member of the general assembly or a campaign committee of a 77821
candidate for the office of judge of a court of appeals shall 77822
file two copies of the printed version of any statement, 77823
addendum, or amended statement if the committee does not file 77824
pursuant to division (E) or (J) of section 3517.106 of the 77825
Revised Code but files by printed version only with the 77826
appropriate board of elections. The board of elections shall 77827

send one of those copies by certified mail or an electronic copy 77828
to the secretary of state before the close of business on the 77829
day the board of elections receives the statement, addendum, or 77830
amended statement. 77831

(3) Political action committees or political contributing 77832
entities that only contribute to a county political party, 77833
contribute to campaign committees of candidates whose nomination 77834
or election is to be submitted only to electors within a county, 77835
subdivision, or district, excluding candidates for member of the 77836
general assembly, and receive contributions or make expenditures 77837
in connection with ballot questions or issues to be submitted 77838
only to electors within a county, subdivision, or district shall 77839
file the statements prescribed by section 3517.10 of the Revised 77840
Code with the board of elections in that county or in the county 77841
contained in whole or part within the subdivision or district 77842
having a population greater than that of any other county 77843
contained in whole or part within that subdivision or district, 77844
as the case may be. 77845

(4) Except as otherwise provided in division (E) (1) (e) of 77846
section 3517.106 of the Revised Code with respect to state 77847
candidate funds, county political parties shall file the 77848
statements prescribed by section 3517.10 of the Revised Code 77849
with the board of elections of their respective counties. 77850

(B) (1) The official with whom petitions and other papers 77851
for nomination or election to public office are filed shall 77852
furnish each candidate at the time of that filing a copy of 77853
sections 3517.01, 3517.08 to 3517.11, 3517.13 to 77854
~~3517.993~~3517.991, 3599.03, and 3599.031 of the Revised Code and 77855
any other materials that the secretary of state may require. 77856
Each candidate receiving the materials shall acknowledge their 77857

receipt in writing. 77858

(2) On or before the tenth day before the dates on which 77859
statements are required to be filed by section 3517.10 of the 77860
Revised Code, the secretary of state shall notify every 77861
candidate subject to the provisions of this section and sections 77862
3517.10 and 3517.106 of the Revised Code of the requirements and 77863
applicable penalties of those sections. The secretary of state 77864
shall notify all candidates required to file those statements 77865
with the secretary of state's office either by certified mail, 77866
or, if the secretary of state has record of an internet 77867
identifier of record associated with the candidate, by ordinary 77868
mail and by that internet identifier of record. The board of 77869
elections of every county shall notify by first class mail any 77870
candidate who has personally appeared at the office of the board 77871
on or before the tenth day before the statements are required to 77872
be filed and signed a form, to be provided by the secretary of 77873
state, attesting that the candidate has been notified of the 77874
candidate's obligations under the campaign finance law. The 77875
board shall forward the completed form to the secretary of 77876
state. The board shall notify all other candidates required to 77877
file those statements with it either by certified mail, or, if 77878
the secretary of state has record of an internet identifier of 77879
record associated with the candidate, by ordinary mail and by 77880
that internet identifier of record. 77881

(3) (a) Any statement required to be filed under sections 77882
3517.081 to ~~3517.14~~ 3517.13 of the Revised Code that is found to 77883
be incomplete or inaccurate by the officer to whom it is 77884
submitted shall be accepted on a conditional basis, and the 77885
person who filed it shall be notified by certified mail as to 77886
the incomplete or inaccurate nature of the statement. The 77887
secretary of state may examine statements filed for candidates 77888

for the office of member of the general assembly and candidates 77889
for the office of judge of a court of appeals for completeness 77890
and accuracy. The secretary of state shall examine for 77891
completeness and accuracy statements that campaign committees of 77892
candidates for the office of member of the general assembly and 77893
campaign committees of candidates for the office of judge of a 77894
court of appeals file pursuant to division (E) or (J) of section 77895
3517.106 of the Revised Code. If an officer at the board of 77896
elections where a statement filed for a candidate for the office 77897
of member of the general assembly or for a candidate for the 77898
office of judge of a court of appeals was submitted finds the 77899
statement to be incomplete or inaccurate, the officer shall 77900
immediately notify the secretary of state of its incomplete or 77901
inaccurate nature. If either an officer at the board of 77902
elections or the secretary of state finds a statement filed for 77903
a candidate for the office of member of the general assembly or 77904
for a candidate for the office of judge of a court of appeals to 77905
be incomplete or inaccurate, only the secretary of state shall 77906
send the notification as to the incomplete or inaccurate nature 77907
of the statement. 77908

Within twenty-one days after receipt of the notice, in the 77909
case of a pre-election statement, a postelection statement, a 77910
monthly statement, an annual statement, or a semiannual 77911
statement prescribed by section 3517.10, an annual statement 77912
prescribed by section 3517.101, or a statement prescribed by 77913
division (B) (2) (b) or (C) (2) (b) of section 3517.105 or section 77914
3517.107 of the Revised Code, the recipient shall file an 77915
addendum, amendment, or other correction to the statement 77916
providing the information necessary to complete or correct the 77917
statement. The secretary of state may require that, in lieu of 77918
filing an addendum, amendment, or other correction to a 77919

statement that is filed by electronic means of transmission to 77920
the office of the secretary of state or a board of elections 77921
pursuant to section 3517.106 of the Revised Code, the recipient 77922
of the notice described in this division file by electronic 77923
means of transmission an amended statement that incorporates the 77924
information necessary to complete or correct the statement. 77925

The secretary of state shall determine by rule when an 77926
addendum, amendment, or other correction to any of the following 77927
or when an amended statement of any of the following shall be 77928
filed: 77929

(i) A two-business-day statement prescribed by section 77930
3517.10 of the Revised Code; 77931

(ii) A disclosure of electioneering communications 77932
statement prescribed by division (D) of section 3517.1011 of the 77933
Revised Code; 77934

(iii) A deposit and disbursement statement prescribed 77935
under division (B) of section 3517.1012 of the Revised Code; 77936

(iv) A gift and disbursement statement prescribed under 77937
section 3517.1013 of the Revised Code; 77938

(v) A donation and disbursement statement prescribed under 77939
section 3517.1014 of the Revised Code. 77940

An addendum, amendment, or other correction to a statement 77941
that is filed by electronic means of transmission pursuant to 77942
section 3517.106 of the Revised Code shall be filed in the same 77943
manner as the statement. 77944

The provisions of sections 3517.10, 3517.106, 3517.1011, 77945
3517.1012, 3517.1013, and 3517.1014 of the Revised Code 77946
pertaining to the filing of statements of contributions and 77947

expenditures, statements of independent expenditures, disclosure 77948
of electioneering communications statements, deposit and 77949
disbursement statements, gift and disbursement statements, and 77950
donation and disbursement statements by electronic means of 77951
transmission apply to the filing of addenda, amendments, or 77952
other corrections to those statements by electronic means of 77953
transmission and the filing of amended statements by electronic 77954
means of transmission. 77955

(b) Within five business days after the secretary of state 77956
receives, by electronic or other means of transmission, an 77957
addendum, amendment, or other correction to a statement or an 77958
amended statement under division (B)(3)(a) of this section, the 77959
secretary of state, pursuant to divisions (E) and (G) of section 77960
3517.106 or division (D) of section 3517.1011 of the Revised 77961
Code, shall make the contribution and expenditure, contribution 77962
and disbursement, deposit and disbursement, gift and 77963
disbursement, or donation and disbursement information in that 77964
addendum, amendment, correction, or amended statement available 77965
online to the public through the internet. 77966

(4) (a) The secretary of state or the board of elections 77967
shall examine all statements for compliance with sections 77968
3517.08 to ~~3517.14~~ 3517.13 of the Revised Code. 77969

(b) The secretary of state may contract with an individual 77970
or entity not associated with the secretary of state and 77971
experienced in interpreting the campaign finance law of this 77972
state to conduct examinations of statements filed by any 77973
statewide candidate, as defined in section 3517.103 of the 77974
Revised Code. 77975

(c) The examination shall be conducted by a person or 77976
entity qualified to conduct it. The results of the examination 77977

shall be available to the public, and, when the examination is 77978
conducted by an individual or entity not associated with the 77979
secretary of state, the results of the examination shall be 77980
reported to the secretary of state. 77981

(C) (1) In the event of a failure to file or a late filing 77982
of a statement required to be filed under sections 3517.081 to 77983
~~3517.14~~ 3517.13 of the Revised Code, or if a filed statement or 77984
any addendum, amendment, or other correction to a statement or 77985
any amended statement, if an addendum, amendment, or other 77986
correction or an amended statement is required to be filed, is 77987
incomplete or inaccurate or appears to disclose a failure to 77988
comply with or a violation of law, the official whose duty it is 77989
to examine the statement shall promptly file a complaint ~~with~~ 77990
~~the Ohio elections commission~~ under section ~~3517.153~~ 3517.16 of 77991
the Revised Code if the law is ~~one over which the commission has~~ 77992
~~jurisdiction to hear complaints~~ listed in division (A) of section 77993
3517.15 of the Revised Code, or the official shall promptly 77994
report the failure or violation to the board of elections and 77995
the board shall promptly report it to the prosecuting attorney 77996
in accordance with division (J) of section 3501.11 of the 77997
Revised Code. ~~If the official files a complaint with the~~ 77998
~~commission, the commission shall proceed in accordance with~~ 77999
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 78000

(2) For purposes of division (C) (1) of this section, a 78001
statement or an addendum, amendment, or other correction to a 78002
statement or an amended statement required to be filed under 78003
sections 3517.081 to ~~3517.14~~ 3517.13 of the Revised Code is 78004
incomplete or inaccurate under this section if the statement, 78005
addendum, amendment, other correction, or amended statement 78006
fails to disclose substantially all contributions, gifts, or 78007
donations that are received or deposits that are made that are 78008

required to be reported under sections 3517.10, 3517.107,
3517.108, 3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the
Revised Code or if the statement, addendum, amendment, other
correction, or amended statement fails to disclose at least
ninety per cent of the total contributions, gifts, or donations
received or deposits made or of the total expenditures or
disbursements made during the reporting period.

(D) No certificate of nomination or election shall be
issued to a person, and no person elected to an office shall
enter upon the performance of the duties of that office, until
that person or that person's campaign committee, as appropriate,
has fully complied with this section and sections 3517.08,
3517.081, 3517.10, and 3517.13 of the Revised Code.

Sec. 3517.121. Notwithstanding any contrary provision of
the Revised Code:

(A) As used in this section:

(1) "Electioneering communication" has the same meaning as
in section 3517.1011 of the Revised Code.

(2) "Foreign national" means any of the following, as
applicable:

(a) In the case of an individual, an individual who is not
a United States citizen or national;

(b) A government of a foreign country or of a political
subdivision of a foreign country;

(c) A foreign political party;

(d) A person, other than an individual, that is organized
under the laws of, or has its principal place of business in, a
foreign country.

(B) No foreign national shall, directly or indirectly 78037
through any person or entity, do any of the following: 78038

(1) Make a contribution, expenditure, or independent 78039
expenditure in support of or opposition to a candidate for any 78040
elective office in this state, including an office of a 78041
political party; 78042

(2) Make a contribution, expenditure, or independent 78043
expenditure in support of or opposition to a statewide ballot 78044
issue or question, regardless of whether the ballot issue or 78045
question has yet been certified to appear on the ballot; 78046

(3) Make a disbursement for the direct cost of producing 78047
or airing an electioneering communication; 78048

(4) Make a contribution to a candidate, campaign 78049
committee, political action committee, political contributing 78050
entity, legislative campaign fund, state candidate fund, 78051
political party, or separate segregated fund, to any committee 78052
created to support or oppose a ballot issue or question, or, to 78053
the maximum extent permitted by law and by the constitutions of 78054
the United States and of this state, to a continuing 78055
association; 78056

(5) Promise, either expressly or implicitly, to make a 78057
contribution, expenditure, independent expenditure, or 78058
disbursement described in division (B) (1), (2), (3), or (4) of 78059
this section. 78060

(C) No individual, candidate, campaign committee, 78061
political action committee, political contributing entity, 78062
legislative campaign fund, state candidate fund, political 78063
party, separate segregated fund, or committee created to support 78064
or oppose a ballot issue or question and, to the maximum extent 78065

permitted by law and by the constitutions of the United States 78066
and of this state, no continuing association shall, directly or 78067
indirectly through any other person or entity, knowingly do 78068
either of the following: 78069

(1) Solicit, accept, or receive any funds from a foreign 78070
national for any purpose described in division (B) of this 78071
section; 78072

(2) Make a contribution, expenditure, or independent 78073
expenditure using any funds the person knows were received from 78074
a foreign national for any purpose described in division (B) of 78075
this section. 78076

(D) No person shall knowingly aid or facilitate a 78077
violation of division (B) or (C) of this section. 78078

(E) Any complaint that alleges a violation of division (W) 78079
of section 3517.13 of the Revised Code shall be treated as 78080
instead alleging a violation of this section. 78081

(F) (1) Whoever knowingly violates division (B) of this 78082
section is guilty of a misdemeanor of the first degree on a 78083
first offense and is guilty of a felony of the fifth degree on a 78084
second or subsequent offense. The violator also shall be fined 78085
an amount equal to three times the amount involved in the 78086
violation or ten thousand dollars, whichever amount is greater. 78087

(2) Whoever knowingly violates division (C) of this 78088
section is guilty of a misdemeanor of the first degree on a 78089
first offense and is guilty of a felony of the fifth degree on a 78090
second or subsequent offense. The violator also shall be fined 78091
an amount equal to three times the amount involved in the 78092
violation or ten thousand dollars, whichever amount is greater, 78093
and shall be required to return the total amount accepted in 78094

violation of that division to the foreign national from whom it 78095
was accepted. 78096

(3) Whoever knowingly violates division (D) of this 78097
section is guilty of a misdemeanor of the first degree and shall 78098
be fined one thousand dollars. 78099

(G) (1) (a) Except as otherwise provided in division (G) (1) 78100
(b) of this section, the attorney general has exclusive 78101
authority to prosecute a violation of this section and has 78102
exclusive supervision and control of all investigations, 78103
prosecutions, and enforcement proceedings under this section. 78104

(b) If the attorney general is a victim or witness or 78105
otherwise involved in an alleged violation of this section, the 78106
attorney general shall refer the matter to the appropriate 78107
prosecutor, as determined under division ~~(A) (2)~~ (C) of section 78108
~~3517.155~~ 3517.17 of the Revised Code, except that if applicable, 78109
the attorney general shall make the determination described in 78110
division ~~(A) (2) (b)~~ (B) (2) of that section instead of the Ohio 78111
~~elections~~ election integrity commission. 78112

(2) Upon the occurrence of either of the following, the 78113
attorney general shall investigate an alleged violation of this 78114
section in consultation with the secretary of state: 78115

(a) The submission of a written request to the attorney 78116
general by the governor, the secretary of state, the general 78117
assembly, or the Ohio ~~elections~~ election integrity commission, 78118
alleging a violation of this section; 78119

(b) The filing of a complaint with the attorney general by 78120
an elector of this state, alleging a violation of this section. 78121

(3) If it appears to the attorney general, after 78122
conducting an investigation under division (G) (2) of this 78123

section, that there is probable cause to believe that a 78124
violation of this section has occurred, the attorney general may 78125
prosecute the violation in a court of competent jurisdiction. 78126

(H) When proceeding under this section, the attorney 78127
general and any assistant or special counsel designated by the 78128
attorney general for that purpose have all the rights, 78129
privileges, and powers conferred by law on prosecuting 78130
attorneys, including the power to appear before grand juries and 78131
to interrogate witnesses before such grand juries. These powers 78132
of the attorney general are in addition to any other applicable 78133
powers of the attorney general. 78134

Sec. 3517.13. (A) (1) No campaign committee of a statewide 78135
candidate shall fail to file a complete and accurate statement 78136
required under division (A) (1) of section 3517.10 of the Revised 78137
Code. 78138

(2) No campaign committee of a statewide candidate shall 78139
fail to file a complete and accurate monthly statement, and no 78140
campaign committee of a statewide candidate or a candidate for 78141
the office of chief justice or justice of the supreme court 78142
shall fail to file a complete and accurate two-business-day 78143
statement, as required under section 3517.10 of the Revised 78144
Code. 78145

As used in this division, "statewide candidate" has the 78146
same meaning as in division (F) (2) of section 3517.10 of the 78147
Revised Code. 78148

(B) No campaign committee shall fail to file a complete 78149
and accurate statement required under division (A) (1) of section 78150
3517.10 of the Revised Code. 78151

(C) No campaign committee shall fail to file a complete 78152

and accurate statement required under division (A) (2) of section 78153
3517.10 of the Revised Code. 78154

(D) No campaign committee shall fail to file a complete 78155
and accurate statement required under division (A) (3) or (4) of 78156
section 3517.10 of the Revised Code. 78157

(E) No person other than a campaign committee shall 78158
knowingly fail to file a statement required under section 78159
3517.10 or 3517.107 of the Revised Code. 78160

(F) No person shall make cash contributions to any person 78161
totaling more than one hundred dollars in each primary, special, 78162
or general election. 78163

(G) (1) No person shall knowingly conceal or misrepresent 78164
contributions given or received, expenditures made, or any other 78165
information required to be reported by a provision in sections 78166
3517.08 to 3517.13 of the Revised Code. 78167

(2) (a) No person shall make a contribution to a campaign 78168
committee, political action committee, political contributing 78169
entity, legislative campaign fund, political party, or person 78170
making disbursements to pay the direct costs of producing or 78171
airing electioneering communications in the name of another 78172
person. 78173

(b) A person does not make a contribution in the name of 78174
another when either of the following applies: 78175

(i) An individual makes a contribution from a partnership 78176
or other unincorporated business account, if the contribution is 78177
reported by listing both the name of the partnership or other 78178
unincorporated business and the name of the partner or owner 78179
making the contribution as required under division (I) of 78180
section 3517.10 of the Revised Code. 78181

(ii) A person makes a contribution in that person's 78182
spouse's name or in both of their names. 78183

(H) No person within this state, publishing a newspaper or 78184
other periodical, shall charge a campaign committee for 78185
political advertising a rate in excess of the rate such person 78186
would charge if the campaign committee were a general rate 78187
advertiser whose advertising was directed to promoting its 78188
business within the same area as that encompassed by the 78189
particular office that the candidate of the campaign committee 78190
is seeking. The rate shall take into account the amount of space 78191
used, as well as the type of advertising copy submitted by or on 78192
behalf of the campaign committee. All discount privileges 78193
otherwise offered by a newspaper or periodical to general rate 78194
advertisers shall be available upon equal terms to all campaign 78195
committees. 78196

No person within this state, operating a radio or 78197
television station or network of stations in this state, shall 78198
charge a campaign committee for political broadcasts a rate that 78199
exceeds: 78200

(1) During the forty-five days preceding the date of a 78201
primary election and during the sixty days preceding the date of 78202
a general or special election in which the candidate of the 78203
campaign committee is seeking office, the lowest unit charge of 78204
the station for the same class and amount of time for the same 78205
period; 78206

(2) At any other time, the charges made for comparable use 78207
of that station by its other users. 78208

(I) Subject to divisions (K), (L), (M), and (N) of this 78209
section, no agency or department of this state or any political 78210

subdivision shall award any contract, other than one let by 78211
competitive bidding or a contract incidental to such contract or 78212
which is by force account, for the purchase of goods costing 78213
more than five hundred dollars or services costing more than 78214
five hundred dollars to any individual, partnership, 78215
association, including, without limitation, a professional 78216
association organized under Chapter 1785. of the Revised Code, 78217
estate, or trust if the individual has made or the individual's 78218
spouse has made, or any partner, shareholder, administrator, 78219
executor, or trustee or the spouse of any of them has made, as 78220
an individual, within the two previous calendar years, one or 78221
more contributions totaling in excess of one thousand dollars to 78222
the holder of the public office having ultimate responsibility 78223
for the award of the contract or to the public officer's 78224
campaign committee. 78225

(J) Subject to divisions (K), (L), (M), and (N) of this 78226
section, no agency or department of this state or any political 78227
subdivision shall award any contract, other than one let by 78228
competitive bidding or a contract incidental to such contract or 78229
which is by force account, for the purchase of goods costing 78230
more than five hundred dollars or services costing more than 78231
five hundred dollars to a corporation or business trust, except 78232
a professional association organized under Chapter 1785. of the 78233
Revised Code, if an owner of more than twenty per cent of the 78234
corporation or business trust or the spouse of that person has 78235
made, as an individual, within the two previous calendar years, 78236
taking into consideration only owners for all of that period, 78237
one or more contributions totaling in excess of one thousand 78238
dollars to the holder of a public office having ultimate 78239
responsibility for the award of the contract or to the public 78240
officer's campaign committee. 78241

(K) For purposes of divisions (I) and (J) of this section, 78242
if a public officer who is responsible for the award of a 78243
contract is appointed by the governor, whether or not the 78244
appointment is subject to the advice and consent of the senate, 78245
excluding members of boards, commissions, committees, 78246
authorities, councils, boards of trustees, task forces, and 78247
other such entities appointed by the governor, the office of the 78248
governor is considered to have ultimate responsibility for the 78249
award of the contract. 78250

(L) For purposes of divisions (I) and (J) of this section, 78251
if a public officer who is responsible for the award of a 78252
contract is appointed by the elected chief executive officer of 78253
a municipal corporation, or appointed by the elected chief 78254
executive officer of a county operating under an alternative 78255
form of county government or county charter, excluding members 78256
of boards, commissions, committees, authorities, councils, 78257
boards of trustees, task forces, and other such entities 78258
appointed by the chief executive officer, the office of the 78259
chief executive officer is considered to have ultimate 78260
responsibility for the award of the contract. 78261

(M) (1) Divisions (I) and (J) of this section do not apply 78262
to contracts awarded by the board of commissioners of the 78263
sinking fund, municipal legislative authorities, boards of 78264
education, boards of county commissioners, boards of township 78265
trustees, or other boards, commissions, committees, authorities, 78266
councils, boards of trustees, task forces, and other such 78267
entities created by law, by the supreme court or courts of 78268
appeals, by county courts consisting of more than one judge, 78269
courts of common pleas consisting of more than one judge, or 78270
municipal courts consisting of more than one judge, or by a 78271
division of any court if the division consists of more than one 78272

judge. This division shall apply to the specified entity only if 78273
the members of the entity act collectively in the award of a 78274
contract for goods or services. 78275

(2) Divisions (I) and (J) of this section do not apply to 78276
actions of the controlling board. 78277

(N) (1) Divisions (I) and (J) of this section apply to 78278
contributions made to the holder of a public office having 78279
ultimate responsibility for the award of a contract, or to the 78280
public officer's campaign committee, during the time the person 78281
holds the office and during any time such person was a candidate 78282
for the office. Those divisions do not apply to contributions 78283
made to, or to the campaign committee of, a candidate for or 78284
holder of the office other than the holder of the office at the 78285
time of the award of the contract. 78286

(2) Divisions (I) and (J) of this section do not apply to 78287
contributions of a partner, shareholder, administrator, 78288
executor, trustee, or owner of more than twenty per cent of a 78289
corporation or business trust made before the person held any of 78290
those positions or after the person ceased to hold any of those 78291
positions in the partnership, association, estate, trust, 78292
corporation, or business trust whose eligibility to be awarded a 78293
contract is being determined, nor to contributions of the 78294
person's spouse made before the person held any of those 78295
positions, after the person ceased to hold any of those 78296
positions, before the two were married, after the granting of a 78297
decree of divorce, dissolution of marriage, or annulment, or 78298
after the granting of an order in an action brought solely for 78299
legal separation. Those divisions do not apply to contributions 78300
of the spouse of an individual whose eligibility to be awarded a 78301
contract is being determined made before the two were married, 78302

after the granting of a decree of divorce, dissolution of 78303
marriage, or annulment, or after the granting of an order in an 78304
action brought solely for legal separation. 78305

(O) No beneficiary of a campaign fund or other person 78306
shall convert for personal use, and no person shall knowingly 78307
give to a beneficiary of a campaign fund or any other person, 78308
for the beneficiary's or any other person's personal use, 78309
anything of value from the beneficiary's campaign fund, 78310
including, without limitation, payments to a beneficiary for 78311
services the beneficiary personally performs, except as 78312
reimbursement for any of the following: 78313

(1) Legitimate and verifiable prior campaign expenses 78314
incurred by the beneficiary; 78315

(2) Legitimate and verifiable ordinary and necessary prior 78316
expenses incurred by the beneficiary in connection with duties 78317
as the holder of a public office, including, without limitation, 78318
expenses incurred through participation in nonpartisan or 78319
bipartisan events if the participation of the holder of a public 78320
office would normally be expected; 78321

(3) Legitimate and verifiable ordinary and necessary prior 78322
expenses incurred by the beneficiary while doing any of the 78323
following: 78324

(a) Engaging in activities in support of or opposition to 78325
a candidate other than the beneficiary, political party, or 78326
ballot issue; 78327

(b) Raising funds for a political party, political action 78328
committee, political contributing entity, legislative campaign 78329
fund, campaign committee, or other candidate; 78330

(c) Participating in the activities of a political party, 78331

political action committee, political contributing entity, 78332
legislative campaign fund, or campaign committee; 78333

(d) Attending a political party convention or other 78334
political meeting. 78335

For purposes of this division, an expense is incurred 78336
whenever a beneficiary has either made payment or is obligated 78337
to make payment, as by the use of a credit card or other credit 78338
procedure or by the use of goods or services received on 78339
account. 78340

(P) No beneficiary of a campaign fund shall knowingly 78341
accept, and no person shall knowingly give to the beneficiary of 78342
a campaign fund, reimbursement for an expense under division (O) 78343
of this section to the extent that the expense previously was 78344
reimbursed or paid from another source of funds. If an expense 78345
is reimbursed under division (O) of this section and is later 78346
paid or reimbursed, wholly or in part, from another source of 78347
funds, the beneficiary shall repay the reimbursement received 78348
under division (O) of this section to the extent of the payment 78349
made or reimbursement received from the other source. 78350

(Q) No candidate or public official or employee shall 78351
accept for personal or business use anything of value from a 78352
political party, political action committee, political 78353
contributing entity, legislative campaign fund, or campaign 78354
committee other than the candidate's or public official's or 78355
employee's own campaign committee, and no person shall knowingly 78356
give to a candidate or public official or employee anything of 78357
value from a political party, political action committee, 78358
political contributing entity, legislative campaign fund, or 78359
such a campaign committee, except for the following: 78360

(1) Reimbursement for legitimate and verifiable ordinary 78361
and necessary prior expenses not otherwise prohibited by law 78362
incurred by the candidate or public official or employee while 78363
engaged in any legitimate activity of the political party, 78364
political action committee, political contributing entity, 78365
legislative campaign fund, or such campaign committee. Without 78366
limitation, reimbursable expenses under this division include 78367
those incurred while doing any of the following: 78368

(a) Engaging in activities in support of or opposition to 78369
another candidate, political party, or ballot issue; 78370

(b) Raising funds for a political party, legislative 78371
campaign fund, campaign committee, or another candidate; 78372

(c) Attending a political party convention or other 78373
political meeting. 78374

(2) Compensation not otherwise prohibited by law for 78375
actual and valuable personal services rendered under a written 78376
contract to the political party, political action committee, 78377
political contributing entity, legislative campaign fund, or 78378
such campaign committee for any legitimate activity of the 78379
political party, political action committee, political 78380
contributing entity, legislative campaign fund, or such campaign 78381
committee. 78382

Reimbursable expenses under this division do not include, 78383
and it is a violation of this division for a candidate or public 78384
official or employee to accept, or for any person to knowingly 78385
give to a candidate or public official or employee from a 78386
political party, political action committee, political 78387
contributing entity, legislative campaign fund, or campaign 78388
committee other than the candidate's or public official's or 78389

employee's own campaign committee, anything of value for 78390
activities primarily related to the candidate's or public 78391
official's or employee's own campaign for election, except for 78392
contributions to the candidate's or public official's or 78393
employee's campaign committee. 78394

For purposes of this division, an expense is incurred 78395
whenever a candidate or public official or employee has either 78396
made payment or is obligated to make payment, as by the use of a 78397
credit card or other credit procedure, or by the use of goods or 78398
services on account. 78399

(R) (1) Division (O) or (P) of this section does not 78400
prohibit a campaign committee from making direct advance or post 78401
payment from contributions to vendors for goods and services for 78402
which reimbursement is permitted under division (O) of this 78403
section, except that no campaign committee shall pay its 78404
candidate or other beneficiary for services personally performed 78405
by the candidate or other beneficiary. 78406

(2) If any expense that may be reimbursed under division 78407
(O), (P), or (Q) of this section is part of other expenses that 78408
may not be paid or reimbursed, the separation of the two types 78409
of expenses for the purpose of allocating for payment or 78410
reimbursement those expenses that may be paid or reimbursed may 78411
be by any reasonable accounting method, considering all of the 78412
surrounding circumstances. 78413

(3) For purposes of divisions (O), (P), and (Q) of this 78414
section, mileage allowance at a rate not greater than that 78415
allowed by the internal revenue service at the time the travel 78416
occurs may be paid instead of reimbursement for actual travel 78417
expenses allowable. 78418

(S) (1) As used in division (S) of this section: 78419

(a) "State elective office" has the same meaning as in 78420
section 3517.092 of the Revised Code. 78421

(b) "Federal office" means a federal office as defined in 78422
the Federal Election Campaign Act. 78423

(c) "Federal campaign committee" means a principal 78424
campaign committee or authorized committee as defined in the 78425
Federal Election Campaign Act. 78426

(2) No person who is a candidate for state elective office 78427
and who previously sought nomination or election to a federal 78428
office shall transfer any funds or assets from that person's 78429
federal campaign committee for nomination or election to the 78430
federal office to that person's campaign committee as a 78431
candidate for state elective office. 78432

(3) No campaign committee of a person who is a candidate 78433
for state elective office and who previously sought nomination 78434
or election to a federal office shall accept any funds or assets 78435
from that person's federal campaign committee for that person's 78436
nomination or election to the federal office. 78437

(T) (1) Except as otherwise provided in division (B) (6) (c) 78438
of section 3517.102 of the Revised Code, a state or county 78439
political party shall not disburse moneys from any account other 78440
than a state candidate fund to make contributions to any of the 78441
following: 78442

(a) A state candidate fund; 78443

(b) A legislative campaign fund; 78444

(c) A campaign committee of a candidate for the office of 78445
governor, lieutenant governor, secretary of state, auditor of 78446

state, treasurer of state, attorney general, ~~member of the state~~ 78447
~~board of education,~~ or member of the general assembly. 78448

(2) No state candidate fund, legislative campaign fund, or 78449
campaign committee of a candidate for any office described in 78450
division (T)(1)(c) of this section shall knowingly accept a 78451
contribution in violation of division (T)(1) of this section. 78452

(U) No person shall fail to file a statement required 78453
under section 3517.12 of the Revised Code. 78454

(V) No campaign committee shall fail to file a statement 78455
required under division (K)(3) of section 3517.10 of the Revised 78456
Code. 78457

(W)(1) No foreign national shall, directly or indirectly 78458
through any other person or entity, make a contribution, 78459
expenditure, or independent expenditure or promise, either 78460
expressly or implicitly, to make a contribution, expenditure, or 78461
independent expenditure in support of or opposition to a 78462
candidate for any elective office in this state, including an 78463
office of a political party. 78464

(2) No candidate, campaign committee, political action 78465
committee, political contributing entity, legislative campaign 78466
fund, state candidate fund, political party, or separate 78467
segregated fund shall solicit or accept a contribution, 78468
expenditure, or independent expenditure from a foreign national. 78469
The secretary of state may direct any candidate, committee, 78470
entity, fund, or party that accepts a contribution, expenditure, 78471
or independent expenditure in violation of this division to 78472
return the contribution, expenditure, or independent expenditure 78473
or, if it is not possible to return the contribution, 78474
expenditure, or independent expenditure, then to return instead 78475

the value of it, to the contributor. 78476

(3) As used in division (W) of this section, "foreign 78477
national" has the same meaning as in section 441e(b) of the 78478
Federal Election Campaign Act. 78479

(X) (1) No state or county political party shall transfer 78480
any moneys from its restricted fund to any account of the 78481
political party into which contributions may be made or from 78482
which contributions or expenditures may be made. 78483

(2) (a) No state or county political party shall deposit a 78484
contribution or contributions that it receives into its 78485
restricted fund. 78486

(b) No state or county political party shall make a 78487
contribution or an expenditure from its restricted fund. 78488

(3) (a) No corporation or labor organization shall make a 78489
gift or gifts from the corporation's or labor organization's 78490
money or property aggregating more than ten thousand dollars to 78491
any one state or county political party for the party's 78492
restricted fund in a calendar year. 78493

(b) No state or county political party shall accept a gift 78494
or gifts for the party's restricted fund aggregating more than 78495
ten thousand dollars from any one corporation or labor 78496
organization in a calendar year. 78497

(4) No state or county political party shall transfer any 78498
moneys in the party's restricted fund to any other state or 78499
county political party. 78500

(5) No state or county political party shall knowingly 78501
fail to file a statement required under section 3517.1012 of the 78502
Revised Code. 78503

(Y) The administrator of workers' compensation and the 78504
employees of the bureau of workers' compensation shall not 78505
conduct any business with or award any contract, other than one 78506
awarded by competitive bidding, for the purchase of goods 78507
costing more than five hundred dollars or services costing more 78508
than five hundred dollars to any individual, partnership, 78509
association, including, without limitation, a professional 78510
association organized under Chapter 1785. of the Revised Code, 78511
estate, or trust, if the individual has made, or the 78512
individual's spouse has made, or any partner, shareholder, 78513
administrator, executor, or trustee, or the spouses of any of 78514
those individuals has made, as an individual, within the two 78515
previous calendar years, one or more contributions totaling in 78516
excess of one thousand dollars to the campaign committee of the 78517
governor or lieutenant governor or to the campaign committee of 78518
any candidate for the office of governor or lieutenant governor. 78519

(Z) The administrator of workers' compensation and the 78520
employees of the bureau of workers' compensation shall not 78521
conduct business with or award any contract, other than one 78522
awarded by competitive bidding, for the purchase of goods 78523
costing more than five hundred dollars or services costing more 78524
than five hundred dollars to a corporation or business trust, 78525
except a professional association organized under Chapter 1785. 78526
of the Revised Code, if an owner of more than twenty per cent of 78527
the corporation or business trust, or the spouse of the owner, 78528
has made, as an individual, within the two previous calendar 78529
years, taking into consideration only owners for all of such 78530
period, one or more contributions totaling in excess of one 78531
thousand dollars to the campaign committee of the governor or 78532
lieutenant governor or to the campaign committee of any 78533
candidate for the office of governor or lieutenant governor. 78534

Sec. ~~3517.152~~ 3517.14. (A) (1) There is hereby ~~created in~~ 78535
~~the office of the secretary of state the Ohio elections election~~ 78536
~~integrity commission,~~ consisting of ~~seven~~ the following five 78537
~~members:~~ 78538

(a) A chairperson appointed by the secretary of state; 78539

(b) One member appointed by the speaker of the house of 78540
representatives; 78541

(c) One member appointed by the minority leader of the 78542
house of representatives; 78543

(d) One member appointed by the president of the senate; 78544

(e) One member appointed by the senate minority leader. 78545

~~Not later than forty-five days after August 24, 1995, the~~ 78546
~~speaker of the house of representatives and the leader in the~~ 78547
~~senate of the political party of which the speaker is a member~~ 78548
~~shall jointly submit to the governor a list of five persons who~~ 78549
~~are affiliated with that political party. Not later than forty-~~ 78550
~~five days after August 24, 1995, the two legislative leaders in~~ 78551
~~the two houses of the general assembly of the major political~~ 78552
~~party of which the speaker is not a member shall jointly submit~~ 78553
~~to the governor a list of five persons who are affiliated with~~ 78554
~~the major political party of which the speaker is not a member.~~ 78555
~~Not later than fifteen days after receiving each list, the~~ 78556
~~governor shall appoint three persons from each list to the~~ 78557
~~commission. The governor shall appoint one person from each list~~ 78558
~~to a term that ends on December 31, 1996, one person from each~~ 78559
~~list to a term that ends on December 31, 1997, and one person~~ 78560
~~from each list to a term that ends on December 31, 1998.~~ 78561

~~Not later than thirty days after the governor appoints~~ 78562
~~these six members, they shall, by a majority vote, appoint to~~ 78563

~~the commission a seventh member, who shall not be affiliated with a political party. If the six members fail to appoint the seventh member within this thirty-day period, the chief justice of the supreme court, not later than thirty days after the end of the period during which the six members were required to appoint a member, shall appoint the seventh member, who shall not be affiliated with a political party. The seventh member shall be appointed to a term that ends on December 31, 2001. Terms of the initial members appointed under this division begin on January 1, 1996.~~

~~(2)(a) If a vacancy occurs in the position of the seventh member, who is not affiliated with a political party, the six remaining members by a majority vote shall appoint, not later than forty-five days after the date of the vacancy, the seventh member of the commission, who shall not be affiliated with a political party. If these members fail to appoint the seventh member within this forty-five-day period, the chief justice of the supreme court, within fifteen days after the end of this period, shall appoint the seventh member, who shall not be affiliated with a political party.~~

~~(b) If a vacancy occurs in any of the other six positions on the commission, the legislative leaders of the political party from whose list of persons the member being replaced was appointed shall submit to the governor, not later than thirty days after the date of the vacancy, a list of three persons who are affiliated with that political party. Not later than fifteen days after receiving the list, the governor, with the advice and consent of the senate, shall appoint one person from the list to the commission.~~

~~(3)(a) For the purpose of appointing alternates to the~~

~~commission, not later than forty-five days after the effective-~~ 78594
~~date of this section, the speaker of the house of-~~ 78595
~~representatives and the leader in the senate of the political-~~ 78596
~~party of which the speaker is a member shall jointly submit to-~~ 78597
~~the governor a list of three persons who are affiliated with-~~ 78598
~~that political party. Not later than forty-five days after the-~~ 78599
~~effective date of this section, the two legislative leaders in-~~ 78600
~~the two houses of the general assembly of the major political-~~ 78601
~~party of which the speaker is not a member shall jointly submit-~~ 78602
~~to the governor a list of three persons who are affiliated with-~~ 78603
~~the major political party of which the speaker is not a member.-~~ 78604
~~Not later than fifteen days after receiving each list, the-~~ 78605
~~governor shall appoint one person from each list as an alternate~~ 78606
~~to the commission to a term that ends on December 31, 2026. The-~~ 78607
~~initial term described in this division begins upon appointment-~~ 78608
~~by the governor. If a vacancy occurs in the position of-~~ 78609
~~alternate under this division, the vacancy shall be filled in-~~ 78610
~~the same manner as described in division (A) (2) (b) of this-~~ 78611
~~section.~~ 78612

~~(b) For the purpose of appointing an alternate for the-~~ 78613
~~seventh member who is not affiliated with a political party, the~~ 78614
~~six members who are affiliated with a political party by a-~~ 78615
~~majority vote shall appoint, not later than forty-five days-~~ 78616
~~after the effective date of this amendment, the alternate for-~~ 78617
~~the seventh member of the commission, who shall not be-~~ 78618
~~affiliated with a political party. If these members fail to-~~ 78619
~~appoint the alternate for the seventh member within this forty-~~ 78620
~~five-day period, the chief justice of the supreme court, within-~~ 78621
~~fifteen days after the end of that period, shall appoint the-~~ 78622
~~alternate for the seventh member, who shall not be affiliated-~~ 78623
~~with a political party. The seventh member shall be appointed to~~ 78624

~~a term that ends on December 31, 2026. The initial term~~ 78625
~~described in this division begins upon the appointment of the~~ 78626
~~alternate. If a vacancy occurs in the position of alternate for~~ 78627
~~the seventh member who is not affiliated with a political party,~~ 78628
~~the vacancy shall be filled in the same manner as described in~~ 78629
~~division (A) (2) (a) of this section.~~ 78630

~~(4) At no time shall more than six members of the~~ 78631
~~commission be affiliated with a political party, and, of these~~ 78632
~~six members, not more than three shall be affiliated with the~~ 78633
~~same political party.~~ 78634

~~(5) In making appointments to the commission, including~~ 78635
~~alternates, the governor shall take into consideration the~~ 78636
~~various geographic areas of this state and shall appoint members~~ 78637
~~and alternates so that those areas are represented on the~~ 78638
~~commission in a balanced manner, to the extent feasible.~~ 78639

~~(6) Members and alternates~~ (2) (a) Subject to division (A) 78640
(2) (b) of this section, each member of the commission shall be a 78641
registered electors and shall be of good moral character elector 78642
to whom at least one of the following applies: 78643

(i) The person is an attorney in good standing before the 78644
supreme court of Ohio. 78645

(ii) The person has at least four years of work experience 78646
in election administration. 78647

~~(7) Alternates shall serve on the commission when a member~~ 78648
~~of the commission is recused from hearing a complaint or is~~ 78649
~~otherwise unable to hear a complaint. Alternates shall serve on~~ 78650
~~the commission during a vacancy until the vacancy is filled. An~~ 78651
~~alternate may only serve in lieu of a member affiliated with the~~ 78652
~~same political party as the alternate. The alternate for the~~ 78653

~~unaffiliated seventh member of the commission may only serve in-~~ 78654
~~lieu of the unaffiliated seventh member of the commission. When~~ 78655
~~serving in this capacity, alternates count as members of the~~ 78656
~~commission for the purpose of constituting a quorum under~~ 78657
~~division (C) (3) of this section.~~ 78658

(b) At all times, at least three members of the commission 78659
shall be attorneys in good standing before the supreme court of 78660
Ohio. If, at any time that multiple appointments to the 78661
commission are made simultaneously, too few of the intended 78662
appointees are attorneys, the following appointing officials 78663
shall have priority in selecting their preferred appointees who 78664
are not attorneys, in the order stated, and the appointing 78665
officials with lower priority shall select appointees who are 78666
attorneys: the secretary of state, the speaker of the house of 78667
representatives, the president of the senate, the senate 78668
minority leader, and the house minority leader. 78669

(3) The members of the commission appointed under 78670
divisions (A) (1) (a), (c), and (d) of this section shall serve 78671
initial terms of four years beginning on January 1, 2026, and 78672
the members appointed under divisions (A) (1) (b) and (e) of this 78673
section shall serve initial terms of two years beginning on 78674
January 1, 2026. Thereafter, all terms shall be four years. 78675

(B) Each member ~~and alternate of the Ohio elections-~~ 78676
commission shall hold office from the date of the member's 78677
appointment until the end of the term for which the member was 78678
appointed. A member appointed to fill a vacancy occurring prior 78679
to the expiration of the term for which the member's predecessor 78680
was appointed shall hold office for the remainder of that term. 78681
A member shall continue in office subsequent to the expiration 78682
date of the member's term until the member's successor takes 78683

office or until a period of sixty days has elapsed, whichever 78684
occurs first. ~~After the initial terms of office provided for in~~ 78685
~~divisions (A) (1) and (3) of this section, terms of office shall~~ 78686
~~be for five years.~~ 78687

(C) A vacancy ~~in on the Ohio elections commission~~ may be 78688
caused by death, or resignation, ~~or three absences from~~ 78689
~~commission meetings in a calendar year if those absences are~~ 78690
~~caused by reasons declared invalid by a vote of five members of~~ 78691
~~the remaining members of the commission~~ by removal under division 78692
(I) of this section. Any vacancy shall be filled in the same 78693
manner as for the original appointment. 78694

(D) Each member of the ~~Ohio elections commission~~ while in 78695
the performance of the business of the commission shall be 78696
entitled to receive compensation at the rate of twenty-five 78697
thousand dollars per year. Members shall be reimbursed for 78698
expenses actually and necessarily incurred in the performance of 78699
their duties. 78700

~~Each alternate of the Ohio elections commission, when~~ 78701
~~serving on the commission as described in division (A) (7) of~~ 78702
~~this section, shall be paid at the per diem rate of one hundred~~ 78703
~~fifty dollars, and shall be reimbursed for expenses actually and~~ 78704
~~necessarily incurred in the performance of the alternate's~~ 78705
~~duties.~~ 78706

(E) No member of the ~~Ohio elections commission~~ shall serve 78707
for more than one full term unless the terms served are served 78708
nonconsecutively two successive terms of four years. Terms are 78709
considered successive unless separated by a period of at least 78710
four years. In determining a person's eligibility to be a member 78711
of the commission, all of the following apply: 78712

(1) Time spent as a member in fulfillment of a term to 78713
which another person was first appointed shall not be 78714
considered, provided that a period of at least four years has 78715
passed between the time, if any, when the person previously was 78716
a member and the time the person is appointed to fulfill the 78717
unexpired term. 78718

(2) A person who is appointed to serve a full term and 78719
resigns before completing the term is considered to have served 78720
the full term. 78721

(3) A two year term served under division (A) (3) of this 78722
section is considered a full term of four years. 78723

(F) (1) No member ~~or alternate~~ of the Ohio ~~elections~~ 78724
election integrity commission shall do or be any of the 78725
following: 78726

(a) Hold, or be a candidate for, a public office; 78727

(b) Serve on a committee supporting or opposing a 78728
candidate or ballot question or issue; 78729

(c) Be an officer of the state central committee, a county 78730
central committee, or a district, city, township, or other 78731
committee of a political party or an officer of the executive 78732
committee of the state central committee, a county central 78733
committee, or a district, city, township, or other committee of 78734
a political party; 78735

(d) Be a legislative agent as defined in section 101.70 of 78736
the Revised Code or an executive agency lobbyist as defined in 78737
section 121.60 of the Revised Code; 78738

(e) Solicit or be involved in soliciting contributions on 78739
behalf of a candidate, campaign committee, political party, 78740

political action committee, or political contributing entity; 78741

(f) Be in the unclassified service under section 124.11 of 78742
the Revised Code; 78743

(g) Be a person or employee who is excluded from the 78744
definition of public employee pursuant to division (C) of 78745
section 4117.01 of the Revised Code. 78746

(2) No member, ~~alternate, or employee~~ of the commission 78747
shall make a contribution to, or for the benefit of, a campaign 78748
committee or committee in support of or opposition to a ballot 78749
question or issue, a political party, a legislative campaign 78750
fund, a political action committee, or a political contributing 78751
entity. 78752

(G) (1) ~~The members of the Ohio elections commission shall~~ 78753
~~elect a chairperson and a vice-chairperson. At no time shall the~~ 78754
~~chairperson and vice-chairperson be affiliated with the same~~ 78755
~~political party. The chairperson shall serve in that capacity~~ 78756
~~for one year and shall not serve as chairperson more than twice~~ 78757
~~during a term as a member of the commission. No two successive~~ 78758
~~chairpersons shall be affiliated with the same political party.~~ 78759

~~(2)~~ The commission shall meet at the call of the 78760
chairperson or upon the written request of a majority of the 78761
members. The meetings and hearings of the commission ~~or a panel~~ 78762
~~of the commission~~ under sections ~~3517.153 to 3517.157~~ 3517.15 to 78763
3517.18 of the Revised Code are subject to section 121.22 of the 78764
Revised Code. 78765

~~(3)~~ (2) The commission shall adopt rules for its 78766
procedures in accordance with Chapter 119. of the Revised Code. 78767
~~Five-Four~~ of the ~~seven-five~~ members constitute a quorum. Except 78768
as otherwise provided in this section and in sections ~~3517.154~~ 78769

~~to 3517.157~~ 3517.15 to 3517.18 of the Revised Code, no action 78770
shall be taken without the concurrence of a majority of the 78771
members. 78772

~~(H)(1)~~ (H) The Ohio elections commission secretary of 78773
state shall employ the technical, professional, and clerical 78774
employees that are necessary for ~~it~~ the commission to carry out 78775
its duties, and the attorney general shall provide legal counsel 78776
to the commission upon the commission's request. 78777

~~(2)(a) Notwithstanding section 109.02 of the Revised Code,~~ 78778
~~the commission shall employ a full-time attorney, and, as~~ 78779
~~needed, one or more investigatory attorneys to conduct~~ 78780
~~investigations for the commission or a panel of the commission.~~ 78781
~~The commission may employ or contract for the services of~~ 78782
~~additional attorneys, as needed. The full-time attorney shall do~~ 78783
~~all of the following:~~ 78784

~~(i) Serve as the commission's attorney in regard to all~~ 78785
~~legal matters, including representing the commission at appeals~~ 78786
~~from a final determination of the commission, except that the~~ 78787
~~full-time attorney shall not perform the duties that an~~ 78788
~~investigatory attorney is required or requested to perform or~~ 78789
~~that another attorney the commission employs or contracts with~~ 78790
~~for services is required or requested to perform, and shall not~~ 78791
~~represent the commission in any legal proceeding in which the~~ 78792
~~commission is a named party;~~ 78793

~~(ii) At the request of the commission or a panel of the~~ 78794
~~commission, be present at a hearing held under sections 3517.154~~ 78795
~~to 3517.156 of the Revised Code to rule on the admissibility of~~ 78796
~~evidence and to advise on the conduct of procedure;~~ 78797

~~(iii) Perform other duties as required by rule of the~~ 78798

~~commission.~~ 78799

~~(b) An attorney employed by or under contract with the~~ 78800
~~commission shall be licensed to practice law in this state.~~ 78801

~~(3) (a) Except as otherwise provided in division (H) (3) (b)~~ 78802
~~of this section, at least five members of the commission shall~~ 78803
~~agree on the employment of a person, a majority of the members~~ 78804
~~shall agree on the discharge of an employee, and a person~~ 78805
~~employed by the commission shall serve at the pleasure of the~~ 78806
~~commission.~~ 78807

~~(b) At least five of the seven members shall agree on the~~ 78808
~~discharge of an investigatory attorney.~~ 78809

~~(I) There is hereby created in the state treasury the Ohio~~ 78810
~~elections commission fund. All moneys credited to the fund shall~~ 78811
~~be used solely for the purpose of paying expenses related to the~~ 78812
~~operation of the Ohio elections commission.~~ (I) (1) The secretary 78813
of state, the speaker or minority leader of the house of 78814
representatives, or the president or minority leader of the 78815
senate may file a complaint in the supreme court of Ohio, 78816
seeking the removal of a member of the commission on any of the 78817
following grounds: 78818

(a) That the member does not meet the applicable 78819
requirements of division (A) (2) of this section; 78820

(b) That the member has violated division (F) of this 78821
section; 78822

(c) That the member has been absent from three or more 78823
meetings of the commission in a calendar year; 78824

(d) That the member is guilty of misconduct in office, as 78825
described in section 3.07 of the Revised Code. 78826

(2) The court shall hear a complaint filed with it under
division (I) (1) of this section on an expedited basis. If the
court determines that the charges in the complaint are true, the
court shall order the member removed from the commission, and
the seat shall be considered vacant.

Sec. ~~3517.153~~ 3517.15. ~~(A) Upon the filing of a complaint
with the Ohio elections commission, which shall be made by
affidavit of any person, on personal knowledge, and subject to
the penalties for perjury, or upon the filing of a complaint
made by the secretary of state or an official at the board of
elections, setting forth a failure to comply with or a violation
of any provision in sections 3517.08 to 3517.13, 3517.20 to
3517.22, 3599.03, or 3599.031 of the Revised Code, the
commission shall proceed in accordance with sections 3517.154 to
3517.157 of the Revised Code.~~

~~(B) The commission shall prescribe the form for complaints
made under division (A) of this section. The secretary of state
and boards of elections shall furnish the information that the
commission requests. The commission or a member of the
commission may administer oaths, and the commission may issue
subpoenas to any person in the state compelling the attendance
of witnesses and the production of relevant papers, books,
accounts, and reports. Section 101.42 of the Revised Code
governs the issuance of subpoenas insofar as applicable. Upon
the refusal of any person to obey a subpoena or to be sworn or
to answer as a witness, the commission may apply to the court of
common pleas of Franklin county under section 2705.03 of the
Revised Code. The court shall hold proceedings in accordance
with Chapter 2705. of the Revised Code.~~

~~(C)~~ (A) (1) No prosecution shall commence for a violation

of a provision in sections 145.054, 742.043, 3307.073, 3309.073, 78857
3517.08 to 3517.12, 3517.13, ~~3517.17, 3517.18,~~ 3517.20 to 78858
3517.22, 3599.03, ~~or 3599.031,~~ or 5505.045 of the Revised Code 78859
unless a complaint has been filed with the ~~commission~~ secretary 78860
of state under this section 3517.16 of the Revised Code and all 78861
proceedings of the commission or a panel of the commission, as 78862
appropriate, under sections ~~3517.154 to 3517.157~~ 3517.16 to 78863
3517.18 of the Revised Code are completed. 78864

~~(D)~~ (2) A complaint may be filed with the secretary of 78865
state under section 3517.16 of the Revised Code for a violation 78866
of a provision in sections 3501.35, 3599.13, 3599.14, or 78867
3599.21, division (A) of section 3599.11, or division (A) (1) or 78868
(2) of section 3599.12 of the Revised Code that occurs on or 78869
after the effective date of this amendment. A prosecution may 78870
commence for a violation of such a provision at any time before 78871
or after a complaint has been filed with the secretary of state 78872
under section 3517.16 of the Revised Code. 78873

(B) (1) The Ohio election integrity commission shall hear 78874
all matters referred to the commission by the secretary of state 78875
under division (E) (3) of section 3517.16 of the Revised Code. 78876

(2) The commission may recommend legislation and render 78877
advisory opinions concerning ~~sections 3517.08, 3517.082,~~ 78878
~~3517.092, 3517.102, 3517.105, 3517.1014, 3517.13, 3517.20 to~~ 78879
~~3517.22, 3599.03, and 3599.031~~ the provisions of the Revised 78880
Code listed in division (A) of this section for persons over 78881
whose acts ~~it~~ the commission has or may have jurisdiction. When 78882
the commission renders an advisory opinion relating to a 78883
specific set of circumstances involving any of those sections 78884
stating that there is no violation of a provision in those 78885
sections, the person to whom the opinion is directed or a person 78886

who is similarly situated may reasonably rely on the opinion and 78887
is immune from criminal prosecution and a civil action, 78888
including, without limitation, a civil action for removal from 78889
public office or employment, based on facts and circumstances 78890
covered by the opinion. An advisory opinion issued by the Ohio 78891
elections commission that is in effect as of the effective date 78892
of this amendment is considered an advisory opinion of the Ohio 78893
election integrity commission, unless and until the Ohio 78894
election integrity commission amends or rescinds the advisory 78895
opinion. 78896

~~(E)~~

(C) The secretary of state and the boards of elections 78898
shall furnish the information that the commission requests. The 78899
commission or a member of the commission may administer oaths, 78900
and the commission may issue subpoenas to any person in the 78901
state compelling the attendance of witnesses and the production 78902
of relevant papers, books, accounts, and reports. Section 101.42 78903
of the Revised Code governs the issuance of subpoenas insofar as 78904
applicable. Upon the refusal of any person to obey a subpoena or 78905
to be sworn or to answer as a witness, the commission may apply 78906
to the court of common pleas of Franklin county under section 78907
2705.03 of the Revised Code. The court shall hold proceedings in 78908
accordance with Chapter 2705. of the Revised Code. 78909

(D) The Ohio election integrity commission shall establish 78910
a web site on which it shall post, at a minimum, all decisions 78911
and advisory opinions issued by the commission, all decisions 78912
and advisory opinions issued by the Ohio elections commission 78913
before the effective date of this amendment, and copies of each 78914
election law as it is amended by the general assembly. The Ohio 78915
election integrity commission shall update the web site 78916

regularly to reflect any changes to those decisions and advisory
opinions and any new decisions and advisory opinions.

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Sec. ~~3517.154~~ 3517.16. (A) (1) —

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~~The full-time attorney for the Ohio elections commission
shall review each complaint filed with the commission under
section 3517.153 of the Revised Code, shall determine the nature
of the complaint, and, unless division (A) (2) (a) of this section
requires that the complaint receive an automatic expedited
hearing, shall make a recommendation to the commission for its
disposition, in accordance with this section. The attorney shall
make the determination and the recommendation, if required, not
later than one business day after the complaint is filed.~~

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~~(2) (a) If the attorney determines that the complaint sets
forth a violation of division (B) of section 3517.21 or division
(B) of section 3517.22 of the Revised Code and that the
complaint is filed during one of the periods of time specified
in division (B) (1) of section 3517.156 of the Revised Code, the
complaint shall receive an automatic expedited hearing under
section 3517.156 of the Revised Code.~~

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~~(b) If the attorney determines that the complaint sets
forth a failure to comply with or a violation of division (C),
(I), (J), (O), (P), or (Q) of section 3517.13, division (A) of
section 3517.21, or division (A) of section 3517.22 of the
Revised Code and that the complaint is filed during one of the
periods of time specified in division (B) (1) of section 3517.156
of the Revised Code, the attorney shall recommend to the
commission that the complaint receive an expedited hearing under
section 3517.156 of the Revised Code, and the complaint shall
receive such a hearing.~~

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~~(c) If the attorney determines that the complaint sets forth a failure to comply with or a violation of a section of the Revised Code over which the commission has jurisdiction to hear complaints other than the sections described in divisions (A) (2) (a) and (b) of this section, and unless the attorney makes a determination as provided for in division (A) (3) of this section, the attorney shall recommend to the commission that the complaint be submitted to the commission under section 3517.155 of the Revised Code. After the attorney makes that recommendation, the attorney shall notify all parties to the complaint of the attorney's recommendation.~~ 78946
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~~(3) (a) If a complaint sets forth a failure to comply with or a violation of a section of the Revised Code over which the commission has jurisdiction to hear complaints other than the sections described in divisions (A) (2) (a) and (b) of this section and if the complaint is filed during one of the periods of time specified in division (B) (1) of section 3517.156 of the Revised Code, the attorney may determine that the complaint should receive an expedited hearing under that section. The attorney shall make that determination by considering one or more of the following:~~ 78957
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~~(i) The number of prior failures to comply with or violations of Title XXXV of the Revised Code that the person or entity against whom the complaint has been brought has committed and any prior penalties the commission has imposed on the person or entity;~~ 78967
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~~(ii) If the complaint involves a statement required to be filed under section 3517.10, division (E) of section 3517.102, or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 3517.1012, or 3517.1014 of the Revised Code or an addendum~~ 78972
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~~required to be filed under section 3517.11 of the Revised Code— 78976
that is filed late, how late the filing is and how much time has 78977
elapsed between the deadline for filing the statement or— 78978
addendum and the filing of the complaint; 78979~~

~~(iii) If the complaint involves contributions and— 78980
expenditures, contributions and disbursements, deposits and— 78981
disbursements, gifts and disbursements, or donations and— 78982
disbursements required to be reported under section 3517.10,— 78983
division (E) of section 3517.102, or section 3517.105, 3517.107, 78984
3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or— 78985
3517.1014 of the Revised Code that are either not reported or— 78986
reported late, the number of contributions and expenditures,— 78987
contributions and disbursements, deposits and disbursements,— 78988
gifts and disbursements, or donations and disbursements not— 78989
reported or how late they were reported; 78990~~

~~(iv) If the complaint involves contributions required to— 78991
be reported by a campaign committee under section 3517.10,— 78992
division (E) of section 3517.102, or section 3517.105, 3517.107, 78993
3517.108, or 3517.109 of the Revised Code that are not reported, 78994
whether any of the contributors of the contributions not— 78995
reported have a personal or professional relationship with the— 78996
campaign committee's candidate; 78997~~

~~(v) If the complaint involves a statement required to be— 78998
filed under section 3517.10, division (E) of section 3517.102,— 78999
or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011,— 79000
3517.1012, 3517.1013, or 3517.1014 of the Revised Code that is— 79001
incomplete, the degree to which it is incomplete; 79002~~

~~(vi) If the complaint involves the receipt of— 79003
contributions in violation of section 3599.03 of the Revised— 79004
Code, the dollar amount and number of contributions received in— 79005~~

~~violation of that section;~~ 79006

~~(vii) If the complaint involves a failure to make the~~ 79007
~~identification or a misstatement of the identification required~~ 79008
~~under section 3517.105 or 3517.20 of the Revised Code, whether~~ 79009
~~the failure or misstatement was purposely made;~~ 79010

~~(viii) If the complaint sets forth a failure to comply~~ 79011
~~with or a violation of a section of the Revised Code described~~ 79012
~~in division (A) (2) (c) of this section, whether the person or~~ 79013
~~entity against whom the complaint has been made has committed~~ 79014
~~more than one such failure or violation within a reasonable~~ 79015
~~amount of time, or whether the cumulative nature of the failures~~ 79016
~~or violations indicates a systematic disregard for the law.~~ 79017

~~(b) Prior to making a determination under division (A) (3)~~ 79018
~~(a) of this section that the complaint should receive an~~ 79019
~~expedited hearing under section 3517.156 of the Revised Code,~~ 79020
~~the attorney shall take into consideration the number of panels~~ 79021
~~of the commission that have cases pending before them and the~~ 79022
~~number of cases pending before the panels and shall not make a~~ 79023
~~determination that will place an undue burden on a panel of the~~ 79024
~~commission.~~ 79025

~~(c) If the attorney determines that the complaint should~~ 79026
~~receive an expedited hearing under section 3517.156 of the~~ 79027
~~Revised Code, the attorney shall recommend to the commission~~ 79028
~~that the complaint receive an expedited hearing, and, if a~~ 79029
~~majority of the members of the commission agrees with the~~ 79030
~~recommendation, the complaint shall receive an expedited hearing~~ 79031
~~under that section.~~ 79032

~~(4) (A) (1) Any person who has personal knowledge of a~~ 79033
~~violation of a provision of the Revised Code listed in division~~ 79034

(A) of section 3517.15 of the Revised Code may file a complaint 79035
with the secretary of state, on a form prescribed by the 79036
secretary of state and signed under penalty of perjury. 79037

(2) An official at a board of elections may file a 79038
complaint with the secretary of state, on a form prescribed by 79039
the secretary of state and signed under penalty of perjury, 79040
alleging a violation of a provision of the Revised Code listed 79041
in division (A) of section 3517.15 of the Revised Code. 79042

(3) The election integrity unit of the office of the 79043
secretary of state may initiate a complaint alleging a violation 79044
of a provision of the Revised Code listed in division (A) of 79045
section 3517.16 of the Revised Code. 79046

(B) (1) Subject to division (F) of this section, the 79047
election integrity unit shall review each complaint filed with 79048
the secretary of state under division (A) (1) or (2) of this 79049
section. If the complaint does not allege a violation of a 79050
provision of the Revised Code listed in division (A) of section 79051
3517.15 of the Revised Code or, in the case of a complaint filed 79052
under division (A) (1) of this section, is not based on personal 79053
knowledge, the secretary of state shall dismiss the complaint. 79054
Except as otherwise provided in division (B) (2) of this section, 79055
a dismissal under this division is without prejudice. 79056

(2) After a complaint is dismissed under division (B) (1) 79057
of this section on the ground that the complaint is not based on 79058
personal knowledge, if the same person files another complaint 79059
alleging the same or a substantially similar violation and the 79060
complaint is not based on personal knowledge, the secretary of 79061
state shall dismiss the complaint with prejudice. 79062

(3) If the complaint is not dismissed under division (B) 79063

(1) or (2) of this section, the election integrity unit shall 79064
investigate the complaint. 79065

(C) Subject to division (F) of this section, the election 79066
integrity unit shall draft a report to the secretary of state 79067
concerning each complaint filed under division (A) of this 79068
section that is not dismissed under division (B) of this 79069
section. The report shall recommend that the secretary of state 79070
make a particular finding and, if applicable, impose a fine or 79071
refer the matter for prosecution, in accordance with section 79072
3517.17 of the Revised Code. 79073

(D) The ~~attorney~~ election integrity unit may join two or 79074
more complaints if the ~~attorney~~ unit determines that the 79075
allegations in each complaint are of the same or similar 79076
character, are based on the same act or failure to act, or are 79077
based on two or more acts or failures to act constituting parts 79078
of a common scheme or plan. If one complaint contains two or 79079
more allegations, the ~~attorney~~ unit may separate the allegations 79080
if they are not of the same or similar character, if they are 79081
not based on the same act or failure to act, or if they are not 79082
based on two or more acts or failures to act constituting parts 79083
of a common scheme or plan. If the ~~attorney~~ unit separates the 79084
allegations in a complaint, the ~~attorney~~ unit may make separate 79085
recommendations under division ~~(A) (2) or (3)~~ (C) of this section 79086
for each allegation. 79087

~~(B) Whenever a person or other entity files a complaint~~ 79088
~~with the commission setting forth a failure to comply with or a~~ 79089
~~violation of a section of the Revised Code as described in~~ 79090
~~division (A) (2) (c) of this section and the complaint is filed~~ 79091
~~during one of the periods of time specified in division (B) (1)~~ 79092
~~of section 3517.156 of the Revised Code, the person or entity~~ 79093

~~may request an expedited hearing under that section at the time~~ 79094
~~the complaint is filed. The attorney for the commission shall~~ 79095
~~inform the members of the commission of that request at the time~~ 79096
~~the attorney makes a recommendation under division (A) of this~~ 79097
~~section. The commission may grant the request for an expedited~~ 79098
~~hearing under this division if it determines that an expedited~~ 79099
~~hearing is practicable.~~(E) (1) Upon receiving the recommendation 79100
of the election integrity unit under division (C) of this 79101
section, the secretary of state shall review the report and 79102
recommendation and shall do one of the following: 79103

(a) Refer the matter back to the unit for further 79104
investigation and a revised recommendation under division (C) of 79105
this section; 79106

(b) Make a finding in accordance with section 3517.17 of 79107
the Revised Code, and, if applicable, impose a fine or refer the 79108
matter for prosecution. 79109

(2) The secretary of state shall serve notice of the 79110
secretary of state's decision under division (E) (1) (b) of this 79111
section on the person who is alleged to have committed the 79112
violation in accordance with section 119.05 of the Revised Code. 79113

(3) If, within fourteen days after service of the notice 79114
is complete under section 119.05 of the Revised Code, the person 79115
objects to the secretary of state's decision, the secretary of 79116
state shall not impose a fine or refer the matter for 79117
prosecution, and immediately shall refer the matter to the Ohio 79118
election integrity commission for its determination under 79119
section 3517.17 of the Revised Code. 79120

(4) If the person does not object to the secretary of 79121
state's decision within fourteen days after receiving the 79122

notice, the secretary of state's decision is final and, if 79123
applicable, the secretary of state shall impose a fine or refer 79124
the matter for prosecution as determined under division (E) (1) 79125
(b) of this section. 79126

(F) (1) If any of the following apply to a complaint, the 79127
secretary of state shall proceed under division (F) (2) of this 79128
section: 79129

(a) The secretary of state is a party to the complaint. 79130

(b) A candidate for an office for which the secretary of 79131
state is also a candidate is a party to the complaint or is 79132
otherwise involved in the complaint. 79133

(c) The complaint involves a contribution, expenditure, or 79134
independent expenditure made to advocate the election or defeat 79135
of the secretary of state or a candidate for an office for which 79136
the secretary of state is also a candidate. 79137

(d) The secretary of state determines that the secretary 79138
of state otherwise has a conflict of interest with respect to 79139
the complaint or that the secretary of state should proceed 79140
under division (F) (2) of this section to avoid any appearance of 79141
impropriety. 79142

(2) Notwithstanding any contrary provision of divisions 79143
(B) to (E) of this section, when division (F) (1) of this section 79144
applies to a complaint, the secretary of state shall request the 79145
attorney general to designate one or more persons to fulfill the 79146
duties of the election integrity unit described in divisions (B) 79147
to (D) of this section. The attorney general shall designate 79148
those persons and shall fulfill the duties of the secretary of 79149
state under divisions (B) to (D) of this section. 79150

Sec. ~~3517.155~~ 3517.17. (A) (1) ~~Except as otherwise provided~~ 79151

~~in division (B) of this section~~Upon the referral of a matter for 79152
a hearing under division (E) (3) of section 3517.16 of the 79153
Revised Code, the Ohio ~~elections~~ election integrity commission 79154
~~shall hold its first hearing on a~~ appoint an attorney in good 79155
standing before the supreme court of Ohio to review and hear the 79156
~~complaint filed in accordance with it, other than a complaint~~ 79157
~~that receives an expedited hearing under section 3517.156 of the~~ 79158
~~Revised Code, not later than ninety business days after the~~ 79159
~~complaint is filed unless the commission has good cause to hold~~ 79160
~~the hearing after that time, in which case it shall hold the~~ 79161
~~hearing not later than one hundred eighty business days after~~ 79162
~~the complaint is filed~~Chapter 119. of the Revised Code. At the 79163
~~hearing, the commission~~ The attorney shall draft a report and 79164
recommend that the commission make a finding and, if applicable, 79165
impose a fine or refer the matter for prosecution, in accordance 79166
with division (B) of this section. 79167

(2) All hearings conducted by the attorney with respect to 79168
the matter, and all meetings of the commission with respect to 79169
the matter, shall be conducted in person, except that the person 79170
who is alleged to have committed the violation may choose for 79171
the person, the person's legal counsel, or both to appear at any 79172
hearing or meeting with respect to the matter by means of video 79173
conference. 79174

(3) Upon receiving the recommendation of the attorney 79175
under division (A) (1) of this section, the commission shall 79176
review the report and recommendation and shall do one of the 79177
following: 79178

(a) Refer the matter back to the attorney for further 79179
investigation and a revised recommendation under division (A) (1) 79180
of this section; 79181

(b) Make a finding in accordance with division (B) of this 79182
section and, if applicable, impose a fine or refer the matter 79183
for prosecution. 79184

(4) Except as otherwise provided in division (A) (5) of 79185
this section, the commission shall act under division (A) (3) (b) 79186
of this section not later than one hundred eighty days after the 79187
matter is referred to the commission for a hearing under 79188
division (E) (3) of section 3517.16 of the Revised Code. 79189

(5) If the matter is referred to the commission for a 79190
hearing under division (E) (3) of section 3517.16 of the Revised 79191
Code less than one hundred eighty days before an election and 79192
the matter involves a candidate for nomination or election at 79193
the election or involves a ballot issue or question that appears 79194
on the ballot at the election, then if practicable, the 79195
commission shall act under division (A) (3) (b) of this section 79196
before the day of the election. 79197

(B) (1) Except as otherwise provided in division (B) (2) of 79198
this section, the secretary of state or the commission, as 79199
applicable, shall determine by a preponderance of the evidence 79200
whether or not the failure to act or the a violation alleged in 79201
the a complaint has occurred and shall do only one of the 79202
following, except as otherwise provided in division (B) of this 79203
section or in division (B) of section 3517.151 of the Revised 79204
Code: 79205

(a) Enter a finding that good cause has been shown not to 79206
impose a fine or not to refer the matter to the appropriate 79207
prosecutor. Find that no violation has occurred; 79208

(b) Impose Find that a violation has occurred and impose a 79209
fine under section 3517.993-3517.171 of the Revised Code; 79210

(c) ~~Refer~~ Find that a significant violation has occurred 79211
or that repeated violations have occurred and refer the matter 79212
to the appropriate prosecutor~~+~~, as determined under division (C) 79213
of this section. 79214

(2) ~~As used in~~ In the case of a complaint that alleges a 79215
violation of division (A) or (B) of section 3517.21 or division 79216
(A) or (B) of section 3517.22 of the Revised Code, the secretary 79217
of state or the commission, as applicable, shall determine by 79218
clear and convincing evidence whether or not the violation has 79219
occurred and shall do only one of the following: 79220

(a) Find that no violation has occurred; 79221

(b) Find that a violation has occurred and refer the 79222
matter to the appropriate prosecutor, as determined under 79223
division (C) of this section. 79224

(C) For purposes of division ~~(A)~~ ~~(B)~~ of this section, "the 79225
appropriate prosecutor" ~~means~~ ~~is~~ a prosecutor as defined in 79226
section 2935.01 of the Revised Code and either of the following: 79227

~~(a)~~ (1) In the case of a failure to comply with or a 79228
violation of law involving a campaign committee or the 79229
committee's candidate, a political party, a legislative campaign 79230
fund, a political action committee, or a political contributing 79231
entity, that is required to file a statement of contributions 79232
and expenditures with the secretary of state under division (A) 79233
of section 3517.11 of the Revised Code, the prosecutor of 79234
Franklin county; 79235

~~(b)~~ (2) In the case of a failure to comply with or a 79236
violation of law involving any other ~~campaign committee or~~ 79237
~~committee's candidate, or any other political party, political~~ 79238
~~action committee, or political contributing entity either~~ 79239

person, one of the following as determined by the secretary of 79240
state or the commission, as applicable: 79241

(i) The prosecutor of Franklin county; 79242

(ii) The prosecutor of the county in which the candidacy 79243
or ballot question or issue, if applicable, is submitted to the 79244
electors or, if it is submitted in more than one county, the 79245
most populous of those counties; 79246

(iii) The prosecutor of the county in which the person 79247
resides. 79248

~~(B) If the commission decides that the evidence is~~ 79249
~~insufficient for it to determine whether or not the failure to~~ 79250
~~act or the violation alleged in the complaint has occurred, the~~ 79251
~~commission, by the affirmative vote of five members, may request~~ 79252
~~that an investigatory attorney investigate the complaint. Upon~~ 79253
~~that request, an investigatory attorney shall make an~~ 79254
~~investigation in order to produce sufficient evidence for the~~ 79255
~~commission to decide the matter. If the commission requests an~~ 79256
~~investigation under this division, for good cause shown by the~~ 79257
~~investigatory attorney, the commission may extend by sixty days~~ 79258
~~the deadline for holding its first hearing on the complaint as~~ 79259
~~required in division (A) of this section.~~ 79260

~~(C) The commission shall take one of the actions required~~ 79261
~~under division (A) of this section not later than thirty days~~ 79262
~~after the close of all the evidence presented.~~ 79263

~~(D) (1) The commission shall make any finding of a failure~~ 79264
~~to comply with or a violation of law in regard to a complaint~~ 79265
~~that alleges a violation of division (A) or (B) of section~~ 79266
~~3517.21, or division (A) or (B) of section 3517.22 of the~~ 79267
~~Revised Code by clear and convincing evidence. The commission~~ 79268

shall make any finding of a failure to comply with or a
violation of law in regard to any other complaint by a
preponderance of the evidence.

~~(2) If the commission finds a violation of division (B) of
section 3517.21 or division (B) of section 3517.22 of the
Revised Code, it shall refer the matter to the appropriate
prosecutor under division (A) (1) (c) of this section and shall
not impose a fine under division (A) (1) (b) of this section or
section 3517.993 of the Revised Code.~~

~~(E) In an action before the commission or a panel of the
commission, if (D) If the allegations of the complainant are not
proved, and the secretary of state or the commission takes the
action described in division (A) (1) (a) of this section or a
panel of the commission takes the action described in division
(C) (1) of section 3517.156 of the Revised Code, as applicable,
determines that no violation has occurred, the secretary of
state or the commission or a panel of the commission, as
applicable, may find that the complaint is frivolous, and, if
the commission or panel so finds, the commission shall order the
complainant to pay reasonable attorney's fees and to pay the
costs of the secretary of state or the commission or panel as
determined by a majority of the members of the commission, as
applicable. The costs paid to the commission or panel under this
division shall be deposited into the Ohio elections election
integrity commission fund.~~

Sec. 3517.993 3517.171. ~~This section authorizes the
establishment of fines that may be imposed only with respect to
acts or failures to act that occur on and after August 24, 1995.~~

~~(A) (A) (1) Except as otherwise provided in division (D) (2)
divisions (A) (2) and (D) of this section 3517.155 of the Revised~~

Code, when section 3517.17 of the Revised Code authorizes the 79299
imposition of an administrative fine, the secretary of state or 79300
the Ohio elections election integrity commission-, as 79301
applicable, may impose an administrative fines under division- 79302
(A) (1) (b) of section 3517.155 of the Revised Code in accordance- 79303
with the amounts set forth under sections 3517.992, 3599.03, and 79304
3599.031 of the Revised Code fine for each violation that does 79305
not exceed the maximum fine a court could impose for the 79306
violation. 79307

~~(B) The commission may suspend all or part of a fine it~~ 79308
~~imposes under this section upon whatever terms and conditions-~~ 79309
~~the commission considers just.~~ 79310

~~(C) (1) (2)~~ When section 3517.17 of the Revised Code 79311
authorizes the imposition of an administrative fine for a 79312
violation of a provision in sections 3501.35, 3599.13, 3599.14, 79313
or 3599.21, division (A) of section 3599.11, or division (A) (1) 79314
or (2) of section 3599.12 of the Revised Code, the secretary of 79315
state or the commission, as applicable, may impose an 79316
administrative fine of up to one thousand dollars for each 79317
violation. 79318

(B) (1) The secretary of state or the commission-, as 79319
applicable, shall consider any of the following circumstances in 79320
determining whether to impose a maximum fine under division (A) 79321
of this section: 79322

(a) Whether the violator has been found guilty of any 79323
other violation of section 145.054, 742.043, 3307.073, 3309.073, 79324
or 5505.045 or Title XXXV of the Revised Code; 79325

(b) Whether the violation was made knowingly or purposely; 79326

(c) Whether any relevant statements, addenda, or 79327

affidavits required to be filed have not been filed; 79328

(d) Whether the violator has any outstanding fines imposed 79329
for a violation of section 145.054, 742.043, 3307.073, 3309.073, 79330
or 5505.045 or Title XXXV of the Revised Code; 79331

(e) Whether the violation occurred during the course of a 79332
campaign. 79333

(2) The secretary of state or the commission-, as 79334
applicable, shall consider any of the following circumstances in 79335
determining whether to impose a ~~minimal-lesser~~ fine ~~or no fine~~ 79336
under division (A) of this section: 79337

(a) Whether the violator previously has not been found 79338
guilty of any other violation of section 145.054, 742.043, 79339
3307.073, 3309.073, or 5505.045 or Title XXXV of the Revised 79340
Code; 79341

(b) Whether the violator has promptly corrected the 79342
violator's violation; 79343

(c) Whether the nature and circumstances of the violation 79344
merit a ~~minimum-lesser~~ fine; 79345

(d) Whether there are substantial grounds tending to 79346
excuse or justify the violation, although failing to establish a 79347
defense to the violation; 79348

(e) Whether the violation was not purposely committed. 79349

(3) The circumstances set forth in divisions ~~(C) (1)~~ (B) (1) 79350
and (2) of this section shall be considered by, but shall not 79351
control the decision of, the secretary of state or the 79352
commission-, as applicable, in imposing a fine. 79353

(D) Notwithstanding divisions (A), (B), and (C) of this 79354

section, when section 3517.17 of the Revised Code authorizes the 79355
imposition of an administrative fine with respect to an act or 79356
failure to act that occurred before the effective date of this 79357
section, the secretary of state or the commission, as 79358
applicable, shall impose the fine authorized under the Revised 79359
Code and, if applicable, under the rules of the Ohio elections 79360
commission, as they existed at the time of the violation. 79361

(E) (1) Fines imposed by the ~~commission~~ under this section 79362
shall be ~~paid~~ deposited into the Ohio ~~elections~~ election 79363
integrity commission fund created by section 111.29 of the 79364
Revised Code. 79365

(2) The secretary of state shall certify to the attorney 79366
general for collection under section 131.02 of the Revised Code 79367
the amount of any fine imposed by the secretary of state, by the 79368
Ohio election integrity commission, or by the Ohio elections 79369
commission under this section or under a former version of this 79370
section that is not paid within forty-five days after it is 79371
imposed. 79372

Sec. ~~3517.157~~ 3517.18. (A) A complaint shall be filed with 79373
the ~~Ohio elections commission~~ secretary of state under section 79374
3517.16 of the Revised Code within two years after the 79375
occurrence of the act or failure to act that is the subject of 79376
the complaint, except that if the act or failure to act involves 79377
fraud, concealment, or misrepresentation and was not discovered 79378
during that two-year period, a complaint may be filed within one 79379
year after discovery of such act or failure to act. 79380

(B) Whoever files a complaint with the ~~commission~~ 79381
secretary of state under section ~~3517.153~~ 3517.16 of the Revised 79382
Code may withdraw it at ~~the following times:~~ 79383

~~(1) If the complaint receives an expedited hearing under section 3517.156 of the Revised Code, at any time prior to the hearing without the permission of the commission, or at any time after the hearing begins but only with the permission of the commission;~~ 79384
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~~(2) If the complaint does not receive an expedited hearing, at any time.~~ 79389
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~~(C) The commission may dismiss a complaint pending before it or before a panel of the commission.~~ 79391
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~~(D) The commission or a panel of the commission shall conduct hearings in accordance with Chapter 119. of the Revised Code and the Rules of Civil Procedure, except as they are inconsistent with rules adopted by the commission. A party adversely affected by a final determination of the commission, including the secretary of state, may appeal from the determination under section 119.12 of the Revised Code.~~ 79393
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~~(E) The privilege granted to an attorney under section 2317.02 of the Revised Code shall be granted to the full-time attorney employed by the commission under division (H) (2) of section 3517.152 of the Revised Code, and the commission or a panel of the commission shall be considered the client of that attorney for purposes of that privilege.~~ 79400
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~~(F)~~ (D) The members of the commission shall not do either of the following except at a meeting of the commission subject to section 121.22 of the Revised Code: 79406
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(1) Discuss among themselves a complaint pending before the commission ~~or a panel of the commission;~~ 79409
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(2) Discuss a complaint pending before the commission ~~or a panel of the commission~~ with a party to the complaint, an 79411
79412

attorney representing a party to the complaint, or an 79413
~~investigatory attorney of the commission~~ appointed to hear the 79414
complaint. 79415

Sec. 3517.20. (A) As used in this section: 79416

(1) "Political publication for or against a candidate" 79417
means a notice, placard, advertisement, sample ballot, brochure, 79418
flyer, direct mailer, or other form of general publication that 79419
is designed to promote the nomination, election, or defeat of a 79420
candidate. 79421

(2) "Political publication for or against an issue" means 79422
a notice, placard, advertisement, sample ballot, brochure, 79423
flyer, direct mailer, or other form of general publication that 79424
is designed to promote the adoption or defeat of a ballot issue 79425
or question or to influence the voters in an election. 79426

(3) "Public political advertising" means newspapers, 79427
magazines, outdoor advertising facilities, direct mailings, or 79428
other similar types of general public political advertising, or 79429
flyers, handbills, or other nonperiodical printed matter. 79430

(4) "Statewide candidate" has the same meaning as in 79431
section 3517.102 of the Revised Code. 79432

(5) "Legislative candidate" means a candidate for the 79433
office of member of the general assembly. 79434

(6) "Local candidate" means a candidate for an elective 79435
office of a political subdivision of this state. 79436

(7) "Legislative campaign fund" has the same meaning as in 79437
section 3517.01 of the Revised Code. 79438

(8) "Limited political action committee" means a political 79439
action committee of fewer than ten members. 79440

(9) "Limited political contributing entity" means a 79441
political contributing entity of fewer than ten members. 79442

(10) "Designated amount" means one hundred dollars in the 79443
case of a local candidate or a local ballot issue, two hundred 79444
fifty dollars in the case of a legislative candidate, or five 79445
hundred dollars in the case of a statewide candidate or a 79446
statewide ballot issue. 79447

(11) "To issue" includes to print, post, distribute, 79448
reproduce for distribution, or cause to be issued, printed, 79449
posted, distributed, or reproduced for distribution. 79450

(12) "Telephone bank" means more than five hundred 79451
telephone calls of an identical or substantially similar nature 79452
within any thirty-day period, whether those telephone calls are 79453
made by individual callers or by recording. 79454

(B) (1) Except as otherwise provided in division (B) (2) of 79455
this section, no entity shall do any of the following unless the 79456
name of the entity appears in a conspicuous place on or is 79457
contained or included within the publication, communication, or 79458
telephone call: 79459

(a) Issue a form of political publication in support of or 79460
opposition to a candidate or a ballot issue or question; 79461

(b) Make an expenditure for the purpose of financing 79462
political communications in support of or opposition to a 79463
candidate or a ballot issue or question through public political 79464
advertising; 79465

(c) Utter or cause to be uttered, over the broadcasting 79466
facilities of any radio or television station within this state, 79467
any communication in support of or opposition to a candidate or 79468
a ballot issue or question or any communication that is designed 79469

to influence the voters in an election; 79470

(d) Conduct a telephone bank for the purpose of supporting 79471
or opposing a candidate or a ballot issue or question or for the 79472
purpose of influencing the voters in an election. 79473

(2) A limited political action committee or limited 79474
political contributing entity may do any of the following 79475
without including its name in the publication or communication: 79476

(a) Issue a form of political publication in support of or 79477
opposition to a candidate or a ballot issue or question that 79478
does not cost in excess of the designated amount or that is not 79479
issued in cooperation, consultation, or concert with, or at the 79480
request or suggestion of, a candidate, a campaign committee, a 79481
legislative campaign fund, a political party, a political action 79482
committee with ten or more members, a political contributing 79483
entity with ten or more members, or a limited political action 79484
committee or limited political contributing entity that spends 79485
in excess of the designated amount on a related or the same or 79486
similar political publication in support of or opposition to a 79487
candidate or a ballot issue or question; 79488

(b) Make an expenditure that is not in excess of the 79489
designated amount in support of or opposition to a candidate or 79490
a ballot issue or question or make an expenditure that is not 79491
made in cooperation, consultation, or concert with, or at the 79492
request or suggestion of, a candidate, a campaign committee, a 79493
legislative campaign fund, a political party, a political action 79494
committee with ten or more members, a political contributing 79495
entity with ten or more members, or a limited political action 79496
committee or limited political contributing entity that spends 79497
in excess of the designated amount in support of or opposition 79498
to the same candidate or a ballot issue or question, for the 79499

purpose of financing political communications in support of or 79500
opposition to that candidate or a ballot issue or question 79501
through public political advertising. 79502

(C) If more than one piece of printed matter or printed 79503
political communications are mailed as a single packet, the 79504
requirements of division (B) of this section are met if one of 79505
the pieces of printed matter or printed political communications 79506
in the packet contains the name of the organization or entity 79507
that issues or is responsible for the printed matter or other 79508
printed political communications. 79509

(D) This section does not apply to the transmittal of 79510
personal correspondence that is not reproduced by machine for 79511
general distribution. 79512

(E) The secretary of state, by rule, may exempt from the 79513
requirements of this section, printed matter and certain other 79514
kinds of printed communications such as campaign buttons, 79515
balloons, pencils, or similar items, the size or nature of which 79516
makes it unreasonable to add an identification or disclaimer. 79517

(F) The disclaimer or identification described in division 79518
(B) of this section, when paid for by a candidate, legislative 79519
campaign fund, or campaign committee, shall be identified by the 79520
words "paid for by" followed by the name of the entity. The 79521
identification or disclaimer may use reasonable abbreviations 79522
for common terms such as "committee." 79523

The disclaimer "paid political advertisement" is not 79524
sufficient to meet the requirements of this section. 79525

(G) (1) No person operating a broadcast station or an organ 79526
of printed media shall broadcast or print a paid political 79527
communication that does not contain the identification required 79528

by this section. 79529

(2) Division (B) (1) (c) of this section does not apply to 79530
any communications made on behalf of a radio or television 79531
station or network by any employee of such radio or television 79532
station or network while acting in the course of the employee's 79533
employment. 79534

(H) (1) No candidate or entity shall use or cause to be 79535
used a false, fictitious, or fraudulent name or address in the 79536
making or issuing of a publication or communication included 79537
within the provisions of this section. 79538

(2) No political action committee or political 79539
contributing entity shall use or cause to be used, in the making 79540
or issuing of a publication or communication included within the 79541
provisions of this section, a name or address that would lead a 79542
reasonable person to believe that the publication or 79543
communication is made by or on behalf of a county political 79544
party, unless the political action committee or political 79545
contributing ~~committee~~ entity has obtained a written statement, 79546
signed by the chairperson of the county political party's 79547
executive committee, granting the political action committee or 79548
political contributing entity permission to act on behalf of or 79549
represent the county political party. 79550

~~(I) Before a prosecution may commence under this section,~~ 79551
~~a complaint shall be filed with the Ohio elections commission~~ 79552
~~under section 3517.153 of the Revised Code. After the complaint~~ 79553
~~is filed, the commission shall proceed in accordance with~~ 79554
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 79555

Sec. 3517.21. (A) No person, during the course of any 79556
campaign for nomination or election to public office or office 79557

of a political party, shall knowingly and with intent to affect 79558
the outcome of such campaign do any of the following: 79559

(1) Serve, or place another person to serve, as an agent 79560
or employee in the election campaign organization of a candidate 79561
for the purpose of acting to impede the conduct of the 79562
candidate's campaign for nomination or election or of reporting 79563
information to the employee's employer or the agent's principal 79564
without the knowledge of the candidate or the candidate's 79565
organization; 79566

(2) Promise, offer, or give any valuable thing or valuable 79567
benefit to any person who is employed by or is an agent of a 79568
candidate or a candidate's election campaign organization for 79569
the purpose of influencing the employee or agent with respect to 79570
the improper discharge of the employee's or agent's campaign 79571
duties or to obtain information about the candidate or the 79572
candidate's campaign organization. 79573

(B) No person, during the course of any campaign for 79574
nomination or election to public office or office of a political 79575
party, by means of campaign materials, including sample ballots, 79576
an advertisement on radio or television or in a newspaper or 79577
periodical, a public speech, press release, or otherwise, shall 79578
knowingly and with intent to affect the outcome of such campaign 79579
do any of the following: 79580

(1) Use the title of an office not currently held by a 79581
candidate in a manner that implies that the candidate does 79582
currently hold that office or use the term "re-elect" when the 79583
candidate has never been elected at a primary, general, or 79584
special election to the office for which he or she is a 79585
candidate; 79586

(2) Make a false statement concerning the formal schooling 79587
or training completed or attempted by a candidate; a degree, 79588
diploma, certificate, scholarship, grant, award, prize, or honor 79589
received, earned, or held by a candidate; or the period of time 79590
during which a candidate attended any school, college, community 79591
technical school, or institution; 79592

(3) Make a false statement concerning the professional, 79593
occupational, or vocational licenses held by a candidate, or 79594
concerning any position the candidate held for which the 79595
candidate received a salary or wages; 79596

(4) Make a false statement that a candidate or public 79597
official has been indicted or convicted of a theft offense, 79598
extortion, or other crime involving financial corruption or 79599
moral turpitude; 79600

(5) Make a statement that a candidate has been indicted 79601
for any crime or has been the subject of a finding by the Ohio 79602
elections commission, the secretary of state, or the Ohio 79603
election integrity commission without disclosing the outcome of 79604
any legal proceedings resulting from the indictment or finding; 79605

(6) Make a false statement that a candidate or official 79606
has a record of treatment or confinement for mental disorder; 79607

(7) Make a false statement that a candidate or official 79608
has been subjected to military discipline for criminal 79609
misconduct or dishonorably discharged from the armed services; 79610

(8) Falsely identify the source of a statement, issue 79611
statements under the name of another person without 79612
authorization, or falsely state the endorsement of or opposition 79613
to a candidate by a person or publication; 79614

(9) Make a false statement concerning the voting record of 79615

a candidate or public official; 79616

(10) Post, publish, circulate, distribute, or otherwise 79617
disseminate a false statement concerning a candidate, either 79618
knowing the same to be false or with reckless disregard of 79619
whether it was false or not, if the statement is designed to 79620
promote the election, nomination, or defeat of the candidate. 79621

As used in this section, "voting record" means the 79622
recorded "yes" or "no" vote on a bill, ordinance, resolution, 79623
motion, amendment, or confirmation. 79624

~~(C) Before a prosecution may commence under this section,~~ 79625
~~a complaint shall be filed with the Ohio elections commission~~ 79626
~~under section 3517.153 of the Revised Code. After the complaint~~ 79627
~~is filed, the commission shall proceed in accordance with~~ 79628
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 79629

Sec. 3517.22. (A) No person during the course of any 79630
campaign in advocacy of or in opposition to the adoption of any 79631
proposition or issue submitted to the voters shall knowingly and 79632
with intent to affect the outcome of such campaign do any of the 79633
following: 79634

(1) Serve, or place another person to serve, as an agent 79635
or employee in the election campaign organization of a committee 79636
which advocates or is in opposition to the adoption of any 79637
ballot proposition or issue for the purpose of acting to impede 79638
the conduct of the campaign on the proposition or issue or of 79639
reporting information to the employee's employer or the agent's 79640
principal without the knowledge of the committee; 79641

(2) Promise, offer, or give any valuable thing or valuable 79642
benefit to any person who is employed by or is an agent of a 79643
committee in advocacy of or in opposition to the adoption of any 79644

ballot proposition or issue, for the purpose of influencing the 79645
employee or agent with respect to the improper discharge of the 79646
employee's or agent's campaign duties or to obtain information 79647
about the committee's campaign organization. 79648

(B) No person, during the course of any campaign in 79649
advocacy of or in opposition to the adoption of any ballot 79650
proposition or issue, by means of campaign material, including 79651
sample ballots, an advertisement on radio or television or in a 79652
newspaper or periodical, a public speech, a press release, or 79653
otherwise, shall knowingly and with intent to affect the outcome 79654
of such campaign do any of the following: 79655

(1) Falsely identify the source of a statement, issue 79656
statements under the name of another person without 79657
authorization, or falsely state the endorsement of or opposition 79658
to a ballot proposition or issue by a person or publication; 79659

(2) Post, publish, circulate, distribute, or otherwise 79660
disseminate, a false statement, either knowing the same to be 79661
false or acting with reckless disregard of whether it was false 79662
or not, that is designed to promote the adoption or defeat of 79663
any ballot proposition or issue. 79664

~~(C) Before a prosecution may commence under this section,~~ 79665
~~a complaint shall be filed with the Ohio elections commission~~ 79666
~~under section 3517.153 of the Revised Code. After the complaint~~ 79667
~~is filed, the commission shall proceed in accordance with~~ 79668
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 79669

Sec. 3517.23. The secretary of state shall adopt rules in 79670
accordance with Chapter 119. of the Revised Code that are 79671
necessary for the administration and enforcement of sections 79672
3517.08 to 3517.13, ~~3517.18,~~ 3517.20 to 3517.22, 3599.03, and 79673

3599.031 of the Revised Code and shall provide each candidate, 79674
political action committee, political contributing entity, 79675
legislative campaign fund, political party, and person making 79676
disbursements to pay the direct costs of producing or airing 79677
electioneering communications with written instructions and 79678
explanations in order to ensure compliance with sections 3517.08 79679
to 3517.13, 3517.20 to 3517.22, 3599.03, and 3599.031 of the 79680
Revised Code. 79681

Sec. ~~3517.992~~ 3517.99. ~~This section establishes penalties~~ 79682
~~only with respect to acts or failures to act that occur on and~~ 79683
~~after August 24, 1995. Except as otherwise provided in section~~ 79684
3517.991 of the Revised Code: 79685

(A) (1) A candidate whose campaign committee violates 79686
division (A), (B), (C), (D), or (V) of section 3517.13 of the 79687
Revised Code, or a treasurer of a campaign committee who 79688
violates any of those divisions, shall be fined not more than 79689
one hundred dollars for each day of violation. 79690

(2) Whoever violates division (E) or (X) (5) of section 79691
3517.13 or division (E) (1) of section 3517.1014 of the Revised 79692
Code shall be fined not more than one hundred dollars for each 79693
day of violation. 79694

(B) An entity that violates division (G) (1) of section 79695
3517.101 of the Revised Code shall be fined not more than one 79696
hundred dollars for each day of violation. 79697

(C) Whoever violates division (G) (2) of section 3517.101, 79698
division (G) of section 3517.13, or division (E) (2) or (3) of 79699
section 3517.1014 of the Revised Code shall be fined not more 79700
than ten thousand dollars or, if the offender is a person who 79701
was nominated or elected to public office, shall forfeit the 79702

nomination or the office to which the offender was elected, or 79703
both. 79704

(D) Whoever violates division (F) of section 3517.13 of 79705
the Revised Code shall be fined not more than three times the 79706
amount contributed. 79707

(E) Whoever violates division (H) of section 3517.13 of 79708
the Revised Code shall be fined not more than one hundred 79709
dollars. 79710

(F) Whoever violates division (O), (P), or (Q) of section 79711
3517.13 of the Revised Code is guilty of a misdemeanor of the 79712
first degree. 79713

(G) A state or county committee of a political party that 79714
violates division (B)(1) of section 3517.18 of the Revised Code 79715
as that section existed before its repeal by H.B. 166 of the 79716
133rd general assembly shall be fined not more than twice the 79717
amount of the improper expenditure. 79718

(H) An entity that violates division (H) of section 79719
3517.101 of the Revised Code shall be fined not more than twice 79720
the amount of the improper expenditure or use. 79721

(I) (1) Any individual who violates division (B)(1) of 79722
section 3517.102 of the Revised Code and knows that the 79723
contribution the individual makes violates that division shall 79724
be fined an amount equal to three times the amount contributed 79725
in excess of the amount permitted by that division. 79726

(2) Any political action committee that violates division 79727
(B)(2) of section 3517.102 of the Revised Code shall be fined an 79728
amount equal to three times the amount contributed in excess of 79729
the amount permitted by that division. 79730

(3) Any campaign committee that violates division (B) (3) 79731
or (5) of section 3517.102 of the Revised Code shall be fined an 79732
amount equal to three times the amount contributed in excess of 79733
the amount permitted by that division. 79734

(4) (a) Any legislative campaign fund that violates 79735
division (B) (6) of section 3517.102 of the Revised Code shall be 79736
fined an amount equal to three times the amount transferred or 79737
contributed in excess of the amount permitted by that division, 79738
as applicable. 79739

(b) Any state political party, county political party, or 79740
state candidate fund of a state political party or county 79741
political party that violates division (B) (6) of section 79742
3517.102 of the Revised Code shall be fined an amount equal to 79743
three times the amount transferred or contributed in excess of 79744
the amount permitted by that division, as applicable. 79745

(c) Any political contributing entity that violates 79746
division (B) (7) of section 3517.102 of the Revised Code shall be 79747
fined an amount equal to three times the amount contributed in 79748
excess of the amount permitted by that division. 79749

(5) Any political party that violates division (B) (4) of 79750
section 3517.102 of the Revised Code shall be fined an amount 79751
equal to three times the amount contributed in excess of the 79752
amount permitted by that division. 79753

(6) Notwithstanding divisions (I) (1), (2), (3), (4), and 79754
(5) of this section, no violation of division (B) of section 79755
3517.102 of the Revised Code occurs, and the secretary of state 79756
shall not ~~refer parties to the Ohio elections commission~~ file a 79757
complaint under section 3517.16 of the Revised Code, if the 79758
amount transferred or contributed in excess of the amount 79759

permitted by that division meets either of the following 79760
conditions: 79761

(a) It is completely refunded within five business days 79762
after it is accepted. 79763

(b) It is completely refunded on or before the tenth 79764
business day after notification to the recipient of the excess 79765
transfer or contribution by the board of elections or the 79766
secretary of state that a transfer or contribution in excess of 79767
the permitted amount has been received. 79768

(J) (1) Any campaign committee that violates division (C) 79769
(1), (2), (3), or (6) of section 3517.102 of the Revised Code 79770
shall be fined an amount equal to three times the amount 79771
accepted in excess of the amount permitted by that division. 79772

(2) (a) Any county political party that violates division 79773
(C) (4) (a) (ii) or (iii) of section 3517.102 of the Revised Code 79774
shall be fined an amount equal to three times the amount 79775
accepted. 79776

(b) Any county political party that violates division (C) 79777
(4) (a) (i) of section 3517.102 of the Revised Code shall be fined 79778
an amount from its state candidate fund equal to three times the 79779
amount accepted in excess of the amount permitted by that 79780
division. 79781

(c) Any state political party that violates division (C) 79782
(4) (b) of section 3517.102 of the Revised Code shall be fined an 79783
amount from its state candidate fund equal to three times the 79784
amount accepted in excess of the amount permitted by that 79785
division. 79786

(3) Any legislative campaign fund that violates division 79787
(C) (5) of section 3517.102 of the Revised Code shall be fined an 79788

amount equal to three times the amount accepted in excess of the 79789
amount permitted by that division. 79790

(4) Any political action committee or political 79791
contributing entity that violates division (C) (7) of section 79792
3517.102 of the Revised Code shall be fined an amount equal to 79793
three times the amount accepted in excess of the amount 79794
permitted by that division. 79795

(5) Notwithstanding divisions (J) (1), (2), (3), and (4) of 79796
this section, no violation of division (C) of section 3517.102 79797
of the Revised Code occurs, and the secretary of state shall not 79798
~~refer parties to the Ohio elections commission~~ file a complaint 79799
under section 3517.16 of the Revised Code, if the amount 79800
transferred or contributed in excess of the amount permitted to 79801
be accepted by that division meets either of the following 79802
conditions: 79803

(a) It is completely refunded within five business days 79804
after its acceptance. 79805

(b) It is completely refunded on or before the tenth 79806
business day after notification to the recipient of the excess 79807
transfer or contribution by the board of elections or the 79808
secretary of state that a transfer or contribution in excess of 79809
the permitted amount has been received. 79810

(K) (1) Any legislative campaign fund that violates 79811
division (F) (1) of section 3517.102 of the Revised Code shall be 79812
fined twenty-five dollars for each day of violation. 79813

(2) Any legislative campaign fund that violates division 79814
(F) (2) of section 3517.102 of the Revised Code shall give to the 79815
treasurer of state for deposit into the state treasury to the 79816
credit of the Ohio ~~elections~~ election integrity commission fund 79817

all excess contributions not disposed of as required by division 79818
(E) of section 3517.102 of the Revised Code. 79819

(L) Whoever violates section 3517.105 of the Revised Code 79820
shall be fined one thousand dollars. 79821

(M) (1) Whoever solicits a contribution in violation of 79822
section 3517.092 or violates division (B) of section 3517.09 of 79823
the Revised Code is guilty of a misdemeanor of the first degree. 79824

(2) Whoever knowingly accepts a contribution in violation 79825
of division (B) or (C) of section 3517.092 of the Revised Code 79826
shall be fined an amount equal to three times the amount 79827
accepted in violation of either of those divisions and shall 79828
return to the contributor any amount so accepted. Whoever 79829
unknowingly accepts a contribution in violation of division (B) 79830
or (C) of section 3517.092 of the Revised Code shall return to 79831
the contributor any amount so accepted. 79832

(N) Whoever violates division (S) of section 3517.13 of 79833
the Revised Code shall be fined an amount equal to three times 79834
the amount of funds transferred or three times the value of the 79835
assets transferred in violation of that division. 79836

(O) Any campaign committee that accepts a contribution or 79837
contributions in violation of section 3517.108 of the Revised 79838
Code, uses a contribution in violation of that section, or fails 79839
to dispose of excess contributions in violation of that section 79840
shall be fined an amount equal to three times the amount 79841
accepted, used, or kept in violation of that section. 79842

(P) Any political party, state candidate fund, legislative 79843
candidate fund, or campaign committee that violates division (T) 79844
of section 3517.13 of the Revised Code shall be fined an amount 79845
equal to three times the amount contributed or accepted in 79846

violation of that section. 79847

(Q) A treasurer of a committee or another person who 79848
violates division (U) of section 3517.13 of the Revised Code 79849
shall be fined not more than two hundred fifty dollars. 79850

(R) Whoever violates division (I) or (J) of section 79851
3517.13 of the Revised Code shall be fined not more than one 79852
thousand dollars. Whenever a person is found guilty of violating 79853
division (I) or (J) of section 3517.13 of the Revised Code, the 79854
contract awarded in violation of either of those divisions shall 79855
be rescinded if its terms have not yet been performed. 79856

(S) A candidate whose campaign committee violates or a 79857
treasurer of a campaign committee who violates section 3517.081 79858
of the Revised Code, and a candidate whose campaign committee 79859
violates or a treasurer of a campaign committee or another 79860
person who violates division (C) of section 3517.10 of the 79861
Revised Code, shall be fined not more than five hundred dollars. 79862

(T) A candidate whose campaign committee violates or a 79863
treasurer of a committee who violates division (B) of section 79864
3517.09 of the Revised Code, or a candidate whose campaign 79865
committee violates or a treasurer of a campaign committee or 79866
another person who violates division (C) of section 3517.09 of 79867
the Revised Code shall be fined not more than one thousand 79868
dollars. 79869

(U) Whoever violates section 3517.20 of the Revised Code 79870
shall be fined not more than five hundred dollars. 79871

(V) Whoever violates section 3517.21 or 3517.22 of the 79872
Revised Code shall be imprisoned for not more than six months or 79873
fined not more than five thousand dollars, or both. 79874

(W) ~~A campaign committee that is required to file a~~ 79875

~~declaration of no limits under division (D) (2) of section 3517.103 of the Revised Code that, before filing that declaration, accepts a contribution or contributions that exceed the limitations prescribed in section 3517.102 of the Revised Code, shall return that contribution or those contributions to the contributor.~~ 79876
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~~(X)~~ Any campaign committee that fails to file the 79882
declaration of filing-day finances required by division (F) of 79883
section 3517.109 of the Revised Code shall be fined twenty-five 79884
dollars for each day of violation. 79885

~~(Y) (1)~~ (X) (1) Any campaign committee that fails to dispose 79886
of excess funds or excess aggregate contributions under division 79887
(B) of section 3517.109 of the Revised Code in the manner 79888
required by division (C) of that section shall give to the 79889
treasurer of state for deposit into the Ohio ~~elections~~ election 79890
integrity commission fund created under ~~division (I) of section~~ 79891
~~3517.152~~ 111.29 of the Revised Code all funds not disposed of 79892
pursuant to that division. 79893

(2) Any treasurer of a transition fund that fails to 79894
dispose of assets remaining in the transition fund as required 79895
under division (H) (1) or (2) of section 3517.1014 of the Revised 79896
Code shall give to the treasurer of state for deposit into the 79897
Ohio ~~elections~~ election integrity commission fund all assets not 79898
disposed of pursuant to that division. 79899

~~(Z)~~ (Y) Any individual, campaign committee, political 79900
action committee, political contributing entity, legislative 79901
campaign fund, political party, treasurer of a transition fund, 79902
or other entity that violates any provision of sections 3517.09 79903
to 3517.12 of the Revised Code for which no penalty is provided 79904
for under any other division of this section shall be fined not 79905

more than one thousand dollars. 79906

~~(AA) (1)~~ (Z) (1) Whoever knowingly violates division (W) (1) 79907
of section 3517.13 of the Revised Code shall be fined an amount 79908
equal to three times the amount contributed, expended, or 79909
promised in violation of that division or ten thousand dollars, 79910
whichever amount is greater. 79911

(2) Whoever knowingly violates division (W) (2) of section 79912
3517.13 of the Revised Code shall be fined an amount equal to 79913
three times the amount solicited or accepted in violation of 79914
that division or ten thousand dollars, whichever amount is 79915
greater. 79916

~~(BB)~~ (AA) Whoever knowingly violates division (C) or (D) 79917
of section 3517.1011 of the Revised Code shall be fined not more 79918
than ten thousand dollars plus not more than one thousand 79919
dollars for each day of violation. 79920

~~(CC) (1)~~ (BB) (1) Subject to division ~~(CC) (2)~~ (BB) (2) of this 79921
section, whoever violates division (H) of section 3517.1011 of 79922
the Revised Code shall be fined an amount up to three times the 79923
amount disbursed for the direct costs of airing the 79924
communication made in violation of that division. 79925

(2) Whoever has been ordered by the Ohio ~~elections~~ 79926
election integrity commission or by a court of competent 79927
jurisdiction to cease making communications in violation of 79928
division (H) of section 3517.1011 of the Revised Code who again 79929
violates that division shall be fined an amount equal to three 79930
times the amount disbursed for the direct costs of airing the 79931
communication made in violation of that division. 79932

~~(DD) (1)~~ (CC) (1) Any corporation or labor organization that 79933
violates division (X) (3) (a) of section 3517.13 of the Revised 79934

Code shall be fined an amount equal to three times the amount 79935
given in excess of the amount permitted by that division. 79936

(2) Any state or county political party that violates 79937
division (X) (3) (b) of section 3517.13 of the Revised Code shall 79938
be fined an amount equal to three times the amount accepted in 79939
excess of the amount permitted by that division. 79940

~~(EE) (1)~~ (DD) (1) Any campaign committee or person who 79941
violates division (C) (1) (b) or (c) of section 3517.1014 of the 79942
Revised Code shall be fined an amount equal to three times the 79943
amount donated in excess of the amount permitted by that 79944
division. 79945

(2) Any officeholder or treasurer of a transition fund who 79946
violates division (C) (3) (a) or (b) of section 3517.1014 of the 79947
Revised Code shall be fined an amount equal to three times the 79948
amount accepted in excess of the amount permitted by that 79949
division. 79950

Sec. 3517.991. A person who is convicted of a violation of 79951
this chapter or section 145.054, 742.043, 3307.073, 3309.073, 79952
3599.03, 3599.031, or 5505.045 of the Revised Code shall be 79953
sentenced under the law as it existed at the time the violation 79954
occurred. 79955

Sec. 3701.021. (A) The director of health shall adopt, in 79956
accordance with Chapter 119. of the Revised Code, such rules as 79957
are necessary to carry out sections 3701.021 to 3701.0210 of the 79958
Revised Code, including, but not limited to, rules to establish 79959
the following: 79960

(1) Subject to division (D) of this section, medical and 79961
financial eligibility requirements for the program for children 79962
and youth with special health care needs; 79963

(2) Subject to division (C) of this section, eligibility requirements for providers who provide goods and services for the program for children and youth with special health care needs; 79964 79965 79966 79967

(3) Procedures to be followed by the department of health in disqualifying providers for violating requirements adopted under division (A) (2) of this section; 79968 79969 79970

(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section; 79971 79972 79973 79974

(5) Standards for the provision of service coordination by the department of health and city and general health districts; 79975 79976

(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for children and youth with special health care needs and to allow counties to retain funds under divisions (A) (2) and (3) of section 3701.024 of the Revised Code; 79977 79978 79979 79980 79981

(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis; 79982 79983 79984

(8) Criteria for payment of approved providers who provide goods and services for children and youth with special health care needs; 79985 79986 79987

(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for children and youth with special health care needs is cost-effective; 79988 79989 79990 79991

(10) Procedures for appeal of denials of applications	79992
under divisions (A) and (D) of section 3701.023 of the Revised	79993
Code, disqualification of providers, and amounts paid for	79994
services;	79995
(11) Terms of appointment for members of the children and	79996
youth with special health care needs medical advisory council	79997
created in section 3701.025 of the Revised Code;	79998
(12) Eligibility requirements for the hemophilia program,	79999
including income and hardship requirements;	80000
(13) If a manufacturer discount program is established	80001
under division (J)(1) of section 3701.023 of the Revised Code,	80002
procedures for administering the program, including criteria and	80003
other requirements for participation in the program by	80004
manufacturers of drugs and nutritional formulas.	80005
(B) The department of health shall develop a manual of	80006
operational procedures and guidelines for the program for	80007
children and youth with special health care needs to implement	80008
sections 3701.021 to 3701.0210 of the Revised Code.	80009
(C) A medicaid provider, as defined in section 5164.01 of	80010
the Revised Code, is eligible to be a provider of the same goods	80011
and services for the program for children and youth with special	80012
health care needs that the provider is approved to provide for	80013
the medicaid program and the director shall approve such a	80014
provider for participation in the program for children and youth	80015
with special health care needs.	80016
(D) In establishing medical and financial eligibility	80017
requirements for the program for children and youth with special	80018
health care needs, the director of health shall not specify an	80019
age restriction that excludes from eligibility an individual who	80020

is ~~either of the following:~~ 80021

~~(1) Beginning on July 1, 2021, less than twenty-two years~~ 80022
~~of age;~~ 80023

~~(2) Beginning on July 1, 2022, less than twenty-three~~ 80024
~~years of age;~~ 80025

~~(3) Beginning on July 1, 2023, less than twenty-four years~~ 80026
~~of age;~~ 80027

~~(4) Beginning on July 1, 2024, less than twenty-five years~~ 80028
~~of age~~ less than twenty-six years of age. 80029

Sec. 3701.033. (A) This section establishes the order of 80030
priority to be followed by the department of health when 80031
distributing funds for the purpose of providing family planning 80032
services, including funds the department receives through the 80033
"Maternal and Child Health Block Grant," Title V of the "Social 80034
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, 80035
and funds the department receives through Title X of the "Public 80036
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 80037
amended. This section does not apply to grants awarded by the 80038
department under section 3701.046 of the Revised Code. 80039

(B) With respect to each period during which funds from a 80040
particular source are distributed for the purpose of providing 80041
family planning services, the department is subject to both of 80042
the following when distributing the funds to applicants seeking 80043
those funds: 80044

(1) Foremost priority shall be given to public entities 80045
that are operated by state or local government entities and that 80046
provide or are able to provide family planning services. 80047

(2) If any funds remain after the department distributes 80048

funds to public entities under division (B) (1) of this section, 80049
the department may distribute funds to nonpublic entities. If 80050
funds are distributed to nonpublic entities, the department 80051
shall distribute the funds in the following order of descending 80052
priority: 80053

(a) Nonpublic entities that are federally qualified health 80054
centers or federally qualified health center look-alikes, both 80055
as defined in section 3701.047 of the Revised Code, or community 80056
action agencies, as defined in section ~~122.66~~ 5101.311 of the 80057
Revised Code; 80058

(b) Nonpublic entities that provide comprehensive primary 80059
and preventive care services in addition to family planning 80060
services; 80061

(c) Nonpublic entities that provide family planning 80062
services, but do not provide comprehensive primary and 80063
preventive care services. 80064

Sec. 3701.045. (A) The department of health, in 80065
consultation with the ~~children's trust fund board established~~ 80066
~~under section 3109.15 of the Revised Code~~ department of children 80067
and youth and any bodies acting as child fatality review boards 80068
on October 5, 2000, shall adopt rules in accordance with Chapter 80069
119. of the Revised Code that establish a procedure for county 80070
or regional child fatality review boards to follow in conducting 80071
a review of the death of a child. The rules shall do all of the 80072
following: 80073

(1) Establish the format for the annual reports required 80074
by section 307.626 of the Revised Code; 80075

(2) Establish guidelines for a county or regional child 80076
fatality review board to follow in compiling statistics for 80077

annual reports so that the reports do not contain any 80078
information that would permit any person's identity to be 80079
ascertained from a report; 80080

(3) Establish guidelines for a county or regional child 80081
fatality review board to follow in creating and maintaining the 80082
comprehensive database of child deaths required by section 80083
307.623 of the Revised Code, including provisions establishing 80084
uniform record-keeping procedures; 80085

(4) Establish guidelines for reporting child fatality 80086
review data to the department of health or a national child 80087
death review database, either of which must maintain the 80088
confidentiality of information that would permit a person's 80089
identity to be ascertained; 80090

(5) Establish guidelines, materials, and training to help 80091
educate members of county or regional child fatality review 80092
boards about the purpose of the review process and the 80093
confidentiality of the information described in section 307.629 80094
of the Revised Code and to make them aware that such information 80095
is not a public record under section 149.43 of the Revised Code. 80096

(B) On or before the thirtieth day of September of each 80097
year, the department of health and the ~~children's trust fund-~~ 80098
~~board~~ department of children and youth jointly shall prepare and 80099
publish a report organizing and setting forth the data from the 80100
department of health child death review database or the national 80101
child death review database, data in all the reports provided by 80102
county or regional child fatality review boards in their annual 80103
reports for the previous calendar year, and recommendations for 80104
any changes to law and policy that might prevent future deaths. 80105
The department of health and the ~~children's trust fund board-~~ 80106
department of children and youth jointly shall provide a copy of 80107

the report to the governor, the speaker of the house of 80108
representatives, the president of the senate, the minority 80109
leaders of the house of representatives and the senate, each 80110
county or regional child fatality review board, and each county 80111
or regional family and children first council. 80112

Sec. 3701.511. None of the funds appropriated to 80113
administer the programs authorized by sections 3701.501 and 80114
3701.502 of the Revised Code shall be used to counsel or refer 80115
for abortion, ~~except in the case of a medical emergency.~~ 80116

Sec. 3701.79. (A) As used in this section and in sections 80117
3701.791 and 3701.792 of the Revised Code: 80118

(1) "Abortion" has the same meaning as in section 2919.11 80119
of the Revised Code. 80120

(2) "Abortion report" means a form completed pursuant to 80121
division (C) of this section. 80122

(3) "Ambulatory surgical facility" has the same meaning as 80123
in section 3702.30 of the Revised Code. 80124

(4) "Department" means the department of health. 80125

(5) "Hospital" means any building, structure, institution, 80126
or place devoted primarily to the maintenance and operation of 80127
facilities for the diagnosis, treatment, and medical or surgical 80128
care for three or more unrelated individuals having illness, 80129
disease, injury, or deformity, and regularly making available at 80130
least clinical laboratory services, diagnostic x-ray services, 80131
treatment facilities for surgery or obstetrical care, or other 80132
definitive medical treatment. "Hospital" does not include a 80133
"home" as defined in section 3721.01 of the Revised Code. 80134

(6) "Physician's office" means an office or portion of an 80135

office that is used to provide medical or surgical services to 80136
the physician's patients. "Physician's office" does not mean an 80137
ambulatory surgical facility, a hospital, or a hospital 80138
emergency department. 80139

(7) "Postabortion care" means care given after the uterus 80140
has been evacuated by abortion. 80141

(B) The department shall be responsible for collecting and 80142
collating abortion data reported to the department as required 80143
by this section. 80144

(C) The attending physician shall complete an individual 80145
abortion report for the abortion, by surgical procedure or by 80146
abortion-inducing drugs, of each zygote, blastocyte, embryo, or 80147
fetus the physician performs. The report shall be confidential 80148
and shall not contain the woman's name. The report shall 80149
include, but is not limited to, all of the following, insofar as 80150
the patient makes the data available that is not within the 80151
physician's knowledge: 80152

(1) Patient number; 80153

(2) The name and address of the facility in which the 80154
abortion was performed, and whether the facility is a hospital, 80155
ambulatory surgical facility, physician's office, or other 80156
facility; 80157

(3) The date of the abortion; 80158

(4) If a surgical abortion, the method of final 80159
disposition of the fetal remains under Chapter 3726. of the 80160
Revised Code; 80161

(5) All of the following regarding the woman on whom the 80162
abortion was performed: 80163

(a) ~~Zip~~ <u>State and zip code</u> of residence;	80164
(b) Age;	80165
(c) Race;	80166
(d) Marital status;	80167
(e) Number of previous pregnancies;	80168
(f) Years of education;	80169
(g) Number of living children;	80170
(h) Number of zygotes, blastocytes, embryos, or fetuses previously aborted;	80171 80172
(i) Date of last induced abortion;	80173
(j) Date of last live birth;	80174
(k) Method of contraception at the time of conception;	80175
(l) Date of the first day of the last menstrual period;	80176
(m) Medical condition at the time of the abortion;	80177
(n) Rh-type;	80178
(o) The number of weeks of gestation at the time of the abortion.	80179 80180
(6) The type of abortion procedure performed;	80181
(7) Complications by type;	80182
(8) Written acknowledgment by the attending physician that the pregnant woman is not seeking the abortion, in whole or in part, because of any of the following:	80183 80184 80185
(a) A test result indicating Down syndrome in an unborn child;	80186 80187

(b) A prenatal diagnosis of Down syndrome in an unborn child; 80188
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(c) Any other reason to believe that an unborn child has Down syndrome. 80190
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(9) Type of procedure performed after the abortion; 80192

(10) Type of family planning recommended; 80193

(11) Type of additional counseling given; 80194

(12) Signature of attending physician. 80195

(D) The physician who completed the abortion report under division (C) of this section shall submit the abortion report to the department within fifteen days after the woman is discharged. 80196
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(E) The appropriate vital records report or certificate shall be made out after the twentieth week of gestation. 80200
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(F) A copy of the abortion report shall be made part of the medical record of the patient of the facility in which the abortion was performed. 80202
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(G) Each hospital shall file monthly and annual reports listing the total number of women who have undergone a post-twelve-week-gestation abortion and received postabortion care. The reports also shall include the total number of Ohio residents and the total number of non-Ohio residents who have undergone a post-twelve-week gestation abortion and received postabortion care. The annual report shall be filed following the conclusion of the state's fiscal year. Each report shall be filed within thirty days after the end of the applicable reporting period. 80205
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(H) Each case in which a physician treats a post abortion complication shall be reported on a postabortion complication form. The report shall be made upon a form prescribed by the department, shall be signed by the attending physician, and shall be confidential.

(I) (1) Not later than the first day of ~~October~~ March of each year, the department shall issue an annual report of the abortion data reported to the department for the previous calendar year as required by this section. The department shall develop a public electronic dashboard to publish on a monthly basis the abortion data reported to the department. The annual report and monthly dashboard update shall include at least the following information:

(a) The total number of zygotes, blastocytes, embryos, or fetuses that were aborted;

(b) The number of abortions performed on Ohio residents and the number performed on out-of-state residents, sorted by the age of the woman on whom the abortion was performed, using the following categories: under sixteen years of age, sixteen to seventeen years of age, eighteen to twenty-four years of age, twenty-five to twenty-nine years of age, thirty to thirty-four years of age, thirty-five to thirty-nine years of age, forty to forty-four years of age, forty-five years of age or older;

(c) The number of abortions performed, sorted by each of the following:

(i) The age of the woman on whom the abortion was performed, using the following categories: under ~~fifteen~~ sixteen years of age, ~~fifteen~~ sixteen to ~~nineteen~~ seventeen years of age, ~~twenty~~ eighteen to twenty-four years of age, twenty-five to

twenty-nine years of age, thirty to thirty-four years of age, 80244
thirty-five to thirty-nine years of age, forty to forty-four 80245
years of age, forty-five years of age or older; 80246

(ii) The race and Hispanic ethnicity of the woman on whom 80247
the abortion was performed; 80248

(iii) The education level of the woman on whom the 80249
abortion was performed, using the following categories or their 80250
equivalents: less than ninth grade, ninth through twelfth grade, 80251
one or more years of college; 80252

(iv) The marital status of the woman on whom the abortion 80253
was performed; 80254

(v) The number of living children of the woman on whom the 80255
abortion was performed, using the following categories: none, 80256
one, or two or more; 80257

(vi) The number of weeks of gestation of the woman at the 80258
time the abortion was performed, using the following categories: 80259
less than nine weeks, nine to twelve weeks, thirteen to nineteen 80260
weeks, or twenty weeks or more; 80261

(vii) The county in which the abortion was performed; 80262

(viii) The type of abortion procedure performed; 80263

(ix) The number of zygotes, blastocytes, embryos, or 80264
fetuses previously aborted by the woman on whom the abortion was 80265
performed, sorted by the age of the woman on whom the abortion 80266
was performed, using the following categories: under sixteen 80267
years of age, sixteen to seventeen years of age, eighteen to 80268
twenty-four years of age, twenty-five to twenty-nine years of 80269
age, thirty to thirty-four years of age, thirty-five to thirty- 80270
nine years of age, forty to forty-four years of age, forty-five 80271

years of age or older; 80272

(x) The type of facility in which the abortion was 80273
performed; 80274

(xi) For Ohio residents, the county of residence of the 80275
woman on whom the abortion was performed; 80276

(xii) The total number of abortions performed on minors by 80277
each facility in the categories of under sixteen years of age 80278
and sixteen to seventeen years of age. 80279

(2) The report also shall indicate the number and type of 80280
the abortion complications reported to the department either on 80281
the abortion report required under division (C) of this section 80282
or the postabortion complication report required under division 80283
(H) of this section. 80284

(3) In addition to the annual report required under 80285
division (I)(1) of this section, the department shall make 80286
available, on request, the number of abortions performed by zip 80287
code of residence. 80288

(J) The director of health shall implement this section 80289
and shall apply to the court of common pleas for temporary or 80290
permanent injunctions restraining a violation or threatened 80291
violation of its requirements. This action is an additional 80292
remedy not dependent on the adequacy of the remedy at law. 80293

Sec. 3701.841. The tobacco use prevention fund is hereby 80294
created in the state treasury. The fund shall consist of money 80295
deposited by the treasurer of state into the fund from the 80296
liquidation, pursuant to Sub. H.B. 544 of the 127th general 80297
assembly, of the former tobacco use prevention and control 80298
endowment fund and any gifts, grants, or donations received by 80299
the director of health for the purposes of the tobacco use 80300

prevention fund. ~~All investment earnings of the fund shall be~~ 80301
~~credited to the fund.~~ The treasurer, in consultation with the 80302
director, may invest moneys in the fund in accordance with 80303
section 135.143 of the Revised Code. Moneys in the fund shall be 80304
used to pay outstanding expenses of the former tobacco use 80305
prevention and control foundation at the discretion of the 80306
director of health pursuant to Sub. H.B. 544 of the 127th 80307
general assembly and shall be used in accordance with section 80308
3701.84 of the Revised Code. 80309

Sec. 3701.88. (A) As used in this section: 80310

"340B covered entity" means an entity described in section 80311
340B(a) (4) of the "Public Health Service Act," 42 U.S.C. 256b(a) 80312
(4) . 80313

"340B drug" means a covered outpatient drug that has been 80314
subject to discount pricing under the 340B drug pricing program 80315
and is purchased by a 340B covered entity. 80316

"340B drug pricing program" means the federal drug pricing 80317
program established under 42 U.S.C. 256b. 80318

"Charity care" means free or discounted health care items 80319
and services provided to an individual who meets the 340B 80320
covered entity's financial assistance criteria and is unable to 80321
pay for the items or services, as reported on the 340B covered 80322
entity's medicare cost report. 80323

"Contract pharmacy" means a retail pharmacy under contract 80324
with a 340B covered entity to provide 340B drugs to patients on 80325
behalf of that covered entity under the 340B drug discount 80326
program or contract pharmacy on behalf of the covered entity. 80327

"Low-income patient" means a patient with a household 80328
income below two hundred per cent of the federal poverty line. 80329

(B) Not later than July 1, 2026, and not later than the 80330
first day of July in each year thereafter, each 340B covered 80331
entity shall submit a report to the department of health. The 80332
report shall be submitted in the form and manner specified by 80333
the department, in consultation with any other agency the 80334
department of health determines appropriate. The report shall 80335
contain all of the following information, for the 340B covered 80336
entity and each offsite facility associated with it, from the 80337
previous calendar year: 80338

(1) All of the following data, delineated by patient payor 80339
type, including private insurance, medicare, medicaid, other 80340
third-party payor, uninsured, or self-pay: 80341

(a) The aggregate acquisition cost for all 340B drugs 80342
dispensed or administered by the covered entity, associated 80343
facility, or contract pharmacy; 80344

(b) The aggregate payments received from third-party 80345
payors, including insurers, for all 340B drugs dispensed or 80346
administered by the covered entity, associated facility, or 80347
contract pharmacy; 80348

(c) The total number of prescriptions dispensed or 80349
administered by the covered entity, associated facility, or 80350
contract pharmacy, and the percentage of that total number that 80351
were 340B drugs; 80352

(d) The percentage of patients served on a sliding fee 80353
scale for 340B drugs that were dispensed or administered at the 80354
covered entity, associated facility, or contract pharmacy. 80355

(2) The total operating cost of the covered entity, 80356
including an itemized cost report of all of the following: 80357

(a) Implementing a direct pass through of 340B profits to 80358

patients, in the form of lower cost-sharing for 340B drugs that 80359
are dispensed or administered by the covered entity, associated 80360
facility, or contracted pharmacy; 80361

(b) Implementing a sliding fee scale for low-income 80362
patients for 340B drugs that are dispensed or administered by 80363
the covered entity, associated facility, or contract pharmacy; 80364

(c) The covered entity's charity care costs. 80365

(3) In connection with administering and providing 80366
services under the 340B drug pricing program, the total payments 80367
made by the covered entity to contract pharmacies, third-party 80368
administrators, or any other party or entity. 80369

(4) Information regarding the covered entity's contract 80370
pharmacies, including all of the following: 80371

(a) The covered entity's total number of contract 80372
pharmacies; 80373

(b) The number of those contract pharmacies that are 80374
located outside of this state, including the state where each of 80375
those pharmacies are located; 80376

(c) The total number of the covered entity's prescriptions 80377
that were filled at a contract pharmacy, the percentage of that 80378
number that are contract pharmacies located outside of this 80379
state, and the percentage of all of the covered entity's 80380
prescriptions that were filled by contract pharmacies; 80381

(d) The total reimbursements paid by the covered entity to 80382
contract pharmacies or their affiliates for any 340B drugs 80383
dispensed or administered on behalf of the covered entity, and 80384
the percentage change in that amount compared to the previous 80385
year. 80386

(5) A detailed, itemized accounting of the covered 80387
entity's expenditures from 340B drug pricing program profits, 80388
including all programs, services, and equipment funded or 80389
purchased with those profits. 80390

(C) The department of health shall post the information in 80391
the reports required under this section on its public web site. 80392

Sec. 3704.01. As used in this chapter: 80393

(A) "Administrator" means the administrator of the United 80394
States environmental protection agency or the chief executive of 80395
any successor federal agency responsible for implementation of 80396
the federal Clean Air Act. 80397

(B) "Air contaminant" means particulate matter, dust, 80398
fumes, gas, mist, radionuclides, smoke, vapor, or odorous 80399
substances, or any combination thereof, but does not mean 80400
emissions from agricultural production activities, as defined in 80401
section 929.01 of the Revised Code, that are consistent with 80402
generally accepted agricultural practices, were established 80403
prior to adjacent nonagricultural activities, have no 80404
substantial, adverse effect on the public health, safety, or 80405
welfare, do not result from the negligent or other improper 80406
operations of any such agricultural activities, and would not be 80407
required to obtain a Title V permit. For the purposes of this 80408
chapter, agricultural production activities do not include the 80409
installation and operation of off-farm facilities for the 80410
storage or processing of agricultural products, including, but 80411
not limited to, alfalfa dehydrating facilities, rendering 80412
plants, and feed and grain mills, elevators, and terminals. 80413

(C) "Air contaminant source" means each separate operation 80414
or activity that results or may result in the emission of any 80415

air contaminant. 80416

(D) "Air pollution" means the presence in the ambient air 80417
of one or more air contaminants or any combination thereof in 80418
sufficient quantity and of such characteristics and duration as 80419
is or threatens to be injurious to human health or welfare, 80420
plant or animal life, or property, or as unreasonably interferes 80421
with the comfortable enjoyment of life or property. 80422

(E) "Ambient air" means that portion of the atmosphere 80423
outside of buildings and other enclosures, stacks, or ducts that 80424
surrounds human, plant, or animal life or property. 80425

(F) "Best available technology" means any combination of 80426
work practices, raw material specifications, throughput 80427
limitations, source design characteristics, an evaluation of the 80428
annualized cost per ton of pollutant removed, and air pollution 80429
control devices that have been previously demonstrated to the 80430
director of environmental protection to operate satisfactorily 80431
in this state or other states with similar air quality on 80432
substantially similar air pollution sources. 80433

(G) "Change within a permitted facility" means, within the 80434
context of the Title V permit program established under section 80435
3704.036 of the Revised Code, a change that is limited by a 80436
federally enforceable provision of an applicable Title V permit 80437
and that does not include physical, production, or other changes 80438
that are neither addressed nor limited by the federally 80439
enforceable portion of a Title V permit unless the change would 80440
result in a violation of a federally enforceable requirement or 80441
a modification under Title I of the federal Clean Air Act or 80442
would be subject to any requirements under Title IV of that act. 80443

(H) "Community air monitoring" means any measurement or 80444

quantification of ambient air concentrations of an air 80445
contaminant, including both one-time monitoring events and 80446
multi-sampling events. "Community air monitoring" does not 80447
include any of the following: 80448

(1) Monitoring conducted using monitoring devices 80449
identified in the most recent approved version of the United 80450
States environmental protection agency's document entitled "List 80451
of Designated Reference and Equivalent Methods"; 80452

(2) Monitoring conducted using monitoring devices 80453
identified in the most recent approved version of the United 80454
State environmental protection agency's document entitled "Air 80455
Monitoring Network Plan" that are installed and operated in 80456
accordance with 40 C.F.R. 58 by the environmental protection 80457
agency or by a local air pollution control authority under the 80458
terms of a delegation agreement entered into under section 80459
3704.111 of the Revised Code; 80460

(3) Any measurement or quantification of ambient air 80461
concentrations of an air contaminant that is specifically 80462
identified or described in and either required or allowed to be 80463
used for the particular air contaminant source or source 80464
category for which it is being used under any of the following: 80465

(a) The federal Clean Air Act; 80466

(b) Any implementation plan promulgated or approved before 80467
the effective date of this amendment; 80468

(c) Any permit, variance, or order issued before the 80469
effective date of this amendment or any renewal thereof after 80470
the effective date of this amendment; 80471

(d) Any other permit, variance, or order issued on or 80472
after the effective date of this amendment, if the use of the 80473

measurement system, testing equipment, tool, or process was 80474
proposed, requested, or voluntarily accepted by the air 80475
contaminant source or sources subject to that permit, variance, 80476
or order. 80477

(4) Any monitoring system installed and used by the 80478
environmental protection agency or by a local air pollution 80479
control authority under the terms of a delegation agreement 80480
entered into under section 3704.111 of the Revised Code, 80481
including, but not limited to, all of the following: 80482

(a) A monitoring system used to measure polyfluoroalkyl 80483
substances (PFAS) in ambient air or precipitation, using a 80484
technique approved for that purpose by the United States 80485
environmental protection agency; 80486

(b) A monitoring system used to measure contaminants 80487
identified by the American conference of governmental industrial 80488
hygienists using methodologies consistent with the procedures 80489
identified under method guidelines 1 and 2 of the United States 80490
occupational safety and health administration; 80491

(c) A monitoring system used to investigate and respond to 80492
any accidents, spills, or releases under the authority of any 80493
emergency response program developed and implemented under 80494
Chapter 3750. of the Revised Code or Chapter 3745-104 of the 80495
Administrative Code; 80496

(d) A monitoring system used to investigate any release 80497
that exceeds the reporting quantities under 40 C.F.R. 302; 80498

(e) A monitoring system used to measure any of the 80499
compounds identified under section 112(b) of the federal Clean 80500
Air Act or Chapter 3745-114 of the Administrative Code; 80501

(f) A monitoring system used under the national 80502

atmospheric deposition program; 80503

(g) A monitoring system used to measure contaminants 80504
consistent with the "National Emission Standards for Hazardous 80505
Air Pollutants from Petroleum Refineries," 40 C.F.R. 63, Subpart 80506
CC. 80507

(I) "Emit" or "emission" means the release into the 80508
ambient air of an air contaminant. 80509

~~(I)~~ (J) "Emission limitation" and "emission standard" mean 80510
a requirement that limits the quantity, rate, or concentration 80511
of emissions of air contaminants, including any requirement 80512
relating to the operation or maintenance of an air contaminant 80513
source. 80514

~~(J)~~ (K) "Facility," for the purposes of the Title V permit 80515
program established under section 3704.036 of the Revised Code, 80516
means all of the emitting activities that are located on 80517
contiguous or adjacent properties that are under the control of 80518
the same person or persons or are under common control and that 80519
are in the same major group as described in the standard 80520
Industrial Classification Manual, 1987. 80521

~~(K)~~ (L) "Federal Clean Air Act" means "Air Quality Act of 80522
1967," 81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air 80523
Act Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 80524
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 80525
9, 1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 80526
88 Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 80527
1977," 91 Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act 80528
Amendments of 1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air 80529
Act Amendments of 1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and 80530
any other amendments that have been or may hereafter be adopted, 80531

or any supplements to those acts and laws of the United States 80532
that have been or may hereafter be enacted in substitution 80533
therefor, together with any regulations that have been or may 80534
hereafter be adopted by the administrator by virtue of and in 80535
accordance with those acts and laws. Reference to a particular 80536
title or section of the federal Clean Air Act includes any 80537
amendments that have been or may hereafter be enacted in 80538
substitution therefor and any regulations pertaining to the 80539
title or section that have been or may hereafter be adopted by 80540
the administrator by virtue of and in accordance with the 80541
federal Clean Air Act. 80542

~~(L)~~ (M) "Hazardous air pollutant" means any pollutant 80543
listed under section 112(b) of the federal Clean Air Act. 80544

~~(M)~~ (N) "Implementation plan" means a program for the 80545
prevention and abatement of air pollution in the state that has 80546
been promulgated or approved by the administrator pursuant to 80547
the federal Clean Air Act. 80548

~~(N)~~ (O) "Local air pollution control authority" includes 80549
all of the following unless terminated by the political 80550
subdivisions represented thereby: 80551

(1) All of the following agencies representing the 80552
following political subdivisions, as those agencies existed on 80553
July 1, 1993: 80554

(a) The Akron regional air quality management district 80555
representing Medina, Summit, and Portage counties; 80556

(b) The Canton city health department representing Stark 80557
county; 80558

(c) The Hamilton county department of environmental 80559
services, southwest Ohio air quality agency representing Butler, 80560

Warren, Hamilton, and Clermont counties; 80561

(d) The city of Cleveland division of the environment 80562
representing Cuyahoga county; 80563

(e) The regional air pollution control agency representing 80564
Darke, Preble, Miami, Montgomery, Clark, and Greene counties; 80565

(f) The Lake county general health district representing 80566
Lake and Geauga counties; 80567

(g) The Portsmouth city health department representing 80568
Brown, Adams, Scioto, and Lawrence counties; 80569

(h) The city of Toledo division of pollution control 80570
representing Lucas county and the city of Rossford in Wood 80571
county. 80572

(2) Any successor to an existing local air pollution 80573
control authority listed in ~~divisions (N) (1) (a) to (i)~~division 80574
(O) (1) of this section that results from a change in the 80575
political subdivisions comprising the local air pollution 80576
control authority through the withdrawal of a political 80577
subdivision from membership in the local air pollution control 80578
authority or the inclusion of an additional political 80579
subdivision in the membership of the local air pollution control 80580
authority; 80581

(3) Any new local air pollution control authority 80582
established on or after July 1, 1993, by one or more political 80583
subdivisions of this state for the purposes of exercising the 80584
powers reserved to political subdivisions of this state under 80585
division (A) of section 3704.11 of the Revised Code. 80586

~~(O)~~(P) "Person" means the federal government or any agency 80587
thereof, the state or any agency thereof, any political 80588

subdivision or any agency thereof, or any public or private 80589
corporation, individual, partnership, or other entity. 80590

~~(P)~~ (Q) "Research and development sources" means sources 80591
whose activities are conducted for nonprofit scientific or 80592
educational purposes; sources whose activities are conducted to 80593
test more efficient production processes or methods for 80594
preventing or reducing adverse environmental impacts, provided 80595
that the activities do not include the production of an 80596
intermediate or final product for sale or exchange for 80597
commercial profit, except in a de minimis manner; a research or 80598
laboratory source the primary purpose of which is to conduct 80599
research and development into new processes and products, that 80600
is operated under the close supervision of technically trained 80601
personnel, and that is not engaged in the manufacture of 80602
products for sale or exchange for commercial profit, except in a 80603
de minimis manner; the temporary use of normal production 80604
sources in a research and development mode to test the technical 80605
or commercial viability of alternative raw materials or 80606
production processes, provided that the use does not include the 80607
production of an intermediate or final product for sale or 80608
exchange for commercial profit, except in a de minimis manner; 80609
the experimental firing of any fuel or combination of fuels in a 80610
boiler, heater, furnace, or dryer for the purpose of conducting 80611
research and development of more efficient combustion or more 80612
effective prevention or control of air pollutant emissions, 80613
provided that, during those periods of research and development, 80614
the heat generated is not used for normal production purposes or 80615
for producing a product for sale or exchange for commercial 80616
profit, except in a de minimis manner; and such other similar 80617
sources as the director may prescribe by rule. 80618

~~(Q)~~ (R) "Responsible official" means one of the following, 80619

as applicable: 80620

(1) For a corporation: a president, secretary, treasurer, 80621
or vice-president of the corporation in charge of a principal 80622
business function, any other person who performs similar policy 80623
or decision-making functions for the corporation, or a duly 80624
authorized representative of any such person if the 80625
representative is responsible for the overall operation of one 80626
or more manufacturing, production, or operating facilities 80627
applying for or subject to a Title V permit and if one of the 80628
following applies: 80629

(a) The facilities employ more than two hundred fifty 80630
individuals or have gross annual sales or expenditures exceeding 80631
twenty-five million dollars, in second quarter 1980 dollars; 80632

(b) The delegation of authority to the representative is 80633
approved in advance by the director. 80634

(2) For a partnership or sole proprietorship: a general 80635
partner or the proprietor, respectively. 80636

(3) For the federal government or any agency thereof, the 80637
state or any agency thereof, a political subdivision or any 80638
agency thereof, or any other public agency, either a principal 80639
executive officer or authorized elected official. For the 80640
purposes of this division, a principal executive officer of a 80641
federal agency includes the chief executive officer having 80642
responsibility for the overall operation of a principal 80643
geographic unit of the agency. 80644

(4) For affected sources, both of the following: 80645

(a) The designated representative insofar as actions, 80646
standards, requirements, or prohibitions under Title IV of the 80647
federal Clean Air Act or regulations adopted under it are 80648

concerned; 80649

(b) The designated representative for any other purposes 80650
under 40 C.F.R. part 70. 80651

~~(R)~~(S) "Small business stationary source" means any 80652
building, structure, facility, or installation that emits any 80653
federally regulated air pollutant and is owned or operated by a 80654
person who employs one hundred or fewer individuals; is a small 80655
business concern as defined in the "Small Business Act," 72 80656
Stat. 384 (1958), 15 U.S.C.A. 632, as amended; is not a major 80657
stationary source as defined in section 302(j) of the federal 80658
Clean Air Act; does not emit fifty tons or more per year of any 80659
federally regulated air pollutant or any hazardous air 80660
pollutant; and emits less than seventy-five tons per year of all 80661
federally regulated air pollutants. 80662

~~(S)~~(T) "Title V permit" means an operating permit required 80663
to be issued by the state under section 502 of the federal Clean 80664
Air Act and issued under section 3704.036 of the Revised Code 80665
and rules adopted under it. 80666

~~(T)~~(U) For the purposes of the Title V permit program 80667
established under this chapter and rules adopted under it, all 80668
terms defined in 40 C.F.R. part 70 have the same meaning as in 80669
that part. 80670

Sec. 3704.03. The director of environmental protection may 80671
do any of the following: 80672

(A) Develop programs for the prevention, control, and 80673
abatement of air pollution; 80674

(B) Advise, consult, contract, and cooperate with any 80675
governmental or private agency in the furtherance of the 80676
purposes of this chapter; 80677

(C) Encourage, participate in, or conduct studies, 80678
investigations, and research relating to air pollution, collect 80679
and disseminate information, and conduct education and training 80680
programs relating to the causes, prevention, control, and 80681
abatement of air pollution; 80682

(D) Adopt, modify, and rescind rules prescribing ambient 80683
air quality standards for the state as a whole or for various 80684
areas of the state that are consistent with and no more 80685
stringent than the national ambient air quality standards in 80686
effect under the federal Clean Air Act; 80687

(E) Adopt, modify, suspend, and rescind rules for the 80688
prevention, control, and abatement of air pollution, including 80689
rules prescribing for the state as a whole or for various areas 80690
of the state emission standards for air contaminants, and other 80691
necessary rules for the purpose of achieving and maintaining 80692
compliance with ambient air quality standards in all areas 80693
within the state as expeditiously as practicable, but not later 80694
than any deadlines applicable under the federal Clean Air Act; 80695
rules for the prevention or control of the emission of hazardous 80696
or toxic air contaminants; rules prescribing fugitive dust 80697
limitations and standards that are related, on an areawide 80698
basis, to attainment and maintenance of ambient air quality 80699
standards; rules prescribing shade, density, or opacity 80700
limitations and standards for emissions, provided that with 80701
regard to air contaminant sources for which there are 80702
particulate matter emission standards in addition to a shade, 80703
density, or opacity rule, upon demonstration by such a source of 80704
compliance with those other standards, the shade, density, or 80705
opacity rule shall provide for establishment of a shade, 80706
density, or opacity limitation for that source that does not 80707
require the source to reduce emissions below the level specified 80708

by those other standards; rules for the prevention or control of 80709
odors and air pollution nuisances; rules that prevent 80710
significant deterioration of air quality to the extent required 80711
by the federal Clean Air Act; rules for the protection of 80712
visibility as required by the federal Clean Air Act; and rules 80713
prescribing open burning limitations and standards. In adopting, 80714
modifying, suspending, or rescinding any such rules, the 80715
director, to the extent consistent with the federal Clean Air 80716
Act, shall hear and give consideration to evidence relating to 80717
all of the following: 80718

(1) Conditions calculated to result from compliance with 80719
the rules, the overall cost within this state of compliance with 80720
the rules, and their relation to benefits to the people of the 80721
state to be derived from that compliance; 80722

(2) The quantity and characteristics of air contaminants, 80723
the frequency and duration of their presence in the ambient air, 80724
and the dispersion and dilution of those contaminants; 80725

(3) Topography, prevailing wind directions and velocities, 80726
physical conditions, and other factors that may or may combine 80727
to affect air pollution. 80728

Consistent with division (K) of section 3704.036 of the 80729
Revised Code, the director shall consider alternative emission 80730
limits proposed by the owner or operator of an air contaminant 80731
source that is subject to an emission limit established in rules 80732
adopted under this division and shall accept those alternative 80733
emission limits that the director determines to be equivalent to 80734
emission limits established in rules adopted under this 80735
division. 80736

(F) (1) Adopt, modify, suspend, and rescind rules 80737

consistent with the purposes of this chapter prohibiting the 80738
location, installation, construction, or modification of any air 80739
contaminant source or any machine, equipment, device, apparatus, 80740
or physical facility intended primarily to prevent or control 80741
the emission of air contaminants unless an installation permit 80742
therefor has been obtained from the director or the director's 80743
authorized representative. 80744

(2) (a) Applications for installation permits shall be 80745
accompanied by plans, specifications, construction schedules, 80746
and such other pertinent information and data, including data on 80747
ambient air quality impact and a demonstration of best available 80748
technology, as the director may require. Installation permits 80749
shall be issued for a period specified by the director and are 80750
transferable. The director shall specify in each permit the 80751
applicable emission standards and that the permit is conditioned 80752
upon payment of the applicable fees as required by section 80753
3745.11 of the Revised Code and upon the right of the director's 80754
authorized representatives to enter upon the premises of the 80755
person to whom the permit has been issued, at any reasonable 80756
time and subject to safety requirements of the person in control 80757
of the premises, for the purpose of determining compliance with 80758
such standards, this chapter, the rules adopted thereunder, and 80759
the conditions of any permit, variance, or order issued 80760
thereunder. Each proposed new or modified air contaminant source 80761
shall provide such notice of its proposed installation or 80762
modification to other states as is required under the federal 80763
Clean Air Act. Installation permits shall include the 80764
authorization to operate sources installed and operated in 80765
accordance with terms and conditions of the installation permits 80766
for a period not to exceed one year from commencement of 80767
operation, which authorization shall constitute an operating 80768

permit under division (G) of this section and rules adopted 80769
under it. 80770

No installation permit shall be required for activities 80771
that are subject to and in compliance with a plant-wide 80772
applicability limit issued by the director in accordance with 80773
rules adopted under this section. 80774

No installation permit shall be issued except in 80775
accordance with all requirements of this chapter and rules 80776
adopted thereunder. No application shall be denied or permit 80777
revoked or modified without a written order stating the findings 80778
upon which denial, revocation, or modification is based. A copy 80779
of the order shall be sent to the applicant or permit holder by 80780
certified mail. 80781

(b) An air contaminant source that is the subject of an 80782
installation permit shall be installed or modified in accordance 80783
with the permit not later than eighteen months after the 80784
permit's effective date at which point the permit shall 80785
terminate unless one of the following applies: 80786

(i) The owner or operator has undertaken a continuing 80787
program of installation or modification during the eighteen- 80788
month period. 80789

(ii) The owner or operator has entered into a binding 80790
contractual obligation to undertake and complete within a 80791
reasonable period of time a continuing program of installation 80792
or modification of the air contaminant source during the 80793
eighteen-month period. 80794

(iii) The director has extended the date by which the air 80795
contaminant source that is the subject of the installation 80796
permit must be installed or modified. 80797

(iv) The installation permit is the subject of an appeal 80798
by a party other than the owner or operator of the air 80799
contaminant source that is the subject of the installation 80800
permit, in which case the date of termination of the permit is 80801
not later than eighteen months after the effective date of the 80802
permit plus the number of days between the date in which the 80803
permit was appealed and the date on which all appeals concerning 80804
the permit have been resolved. 80805

(v) The installation permit has been superseded by a 80806
subsequent installation permit, in which case the original 80807
installation permit terminates on the effective date of the 80808
superseding installation permit. 80809

Division (F) (2) (b) of this section applies to an 80810
installation permit that has not terminated as of October 16, 80811
2009. 80812

The director may adopt rules in accordance with Chapter 80813
119. of the Revised Code for the purpose of establishing 80814
additional requirements that are necessary for the 80815
implementation of division (F) (2) (b) of this section. 80816

(3) Not later than two years after August 3, 2006, the 80817
director shall adopt a rule in accordance with Chapter 119. of 80818
the Revised Code specifying that a permit to install is required 80819
only for new or modified air contaminant sources that emit any 80820
of the following air contaminants: 80821

(a) An air contaminant or precursor of an air contaminant 80822
for which a national ambient air quality standard has been 80823
adopted under the federal Clean Air Act; 80824

(b) An air contaminant for which the air contaminant 80825
source is regulated under the federal Clean Air Act; 80826

(c) An air contaminant that presents, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects, including, but not limited to, substances that are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, or neurotoxic, that cause reproductive dysfunction, or that are acutely or chronically toxic, or a threat of adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise, and that is identified in the rule by chemical name and chemical abstract service number.

The director may modify the rule adopted under division (F) (3) (c) of this section for the purpose of adding or deleting air contaminants. For each air contaminant that is contained in or deleted from the rule adopted under division (F) (3) (c) of this section, the director shall include in a notice accompanying any proposed or final rule an explanation of the director's determination that the air contaminant meets the criteria established in that division and should be added to, or no longer meets the criteria and should be deleted from, the list of air contaminants. The explanation shall include an identification of the scientific evidence on which the director relied in making the determination. Until adoption of the rule under division (F) (3) (c) of this section, nothing shall affect the director's authority to issue, deny, modify, or revoke permits to install under this chapter and rules adopted under it.

(4) (a) Applications for permits to install new or modified air contaminant sources shall contain sufficient information regarding air contaminants for which the director may require a permit to install to determine conformity with the environmental

protection agency's document entitled "Review of New Sources of
Air Toxics Emissions, Option A," dated May 1986, which the
director shall use to evaluate toxic emissions from new or
modified air contaminant sources. The director shall make copies
of the document available to the public upon request at no cost
and post the document on the environmental protection agency's
web site. Any inconsistency between the document and division
(F) (4) of this section shall be resolved in favor of division
(F) (4) of this section.

(b) The maximum acceptable ground level concentration of
an air contaminant shall be calculated in accordance with the
document entitled "Review of New Sources of Air Toxics
Emissions, Option A." Modeling shall be conducted to determine
the increase in the ground level concentration of an air
contaminant beyond the facility's boundary caused by the
emissions from a new or modified source that is the subject of
an application for a permit to install. Modeling shall be based
on the maximum hourly rate of emissions from the source using
information including, but not limited to, any emission control
devices or methods, operational restrictions, stack parameters,
and emission dispersion devices or methods that may affect
ground level concentrations, either individually or in
combination. The director shall determine whether the activities
for which a permit to install is sought will cause an increase
in the ground level concentration of one or more relevant air
contaminants beyond the facility's boundary by an amount in
excess of the maximum acceptable ground level concentration. In
making the determination as to whether the maximum acceptable
ground level concentration will be exceeded, the director shall
give consideration to the modeling conducted under division (F)
(4) (b) of this section and other relevant information submitted

by the applicant. 80889

(c) If the modeling conducted under division (F) (4) (b) of 80890
this section with respect to an application for a permit to 80891
install demonstrates that the maximum ground level concentration 80892
from a new or modified source will be greater than or equal to 80893
eighty per cent, but less than one hundred per cent of the 80894
maximum acceptable ground level concentration for an air 80895
contaminant, the director may establish terms and conditions in 80896
the permit to install for the air contaminant source that will 80897
require the owner or operator of the air contaminant source to 80898
maintain emissions of that air contaminant commensurate with the 80899
modeled level, which shall be expressed as allowable emissions 80900
per day. In order to calculate the allowable emissions per day, 80901
the director shall multiply the hourly emission rate modeled 80902
under division (F) (4) (b) of this section to determine the ground 80903
level concentration by the operating schedule that has been 80904
identified in the permit to install application. Terms and 80905
conditions imposed under division (F) (4) (c) of this section are 80906
not federally enforceable requirements and, if included in a 80907
Title V permit, shall be placed in the portion of the permit 80908
that is only enforceable by the state. 80909

(d) If the modeling conducted under division (F) (4) (b) of 80910
this section with respect to an application for a permit to 80911
install demonstrates that the maximum ground level concentration 80912
from a new or modified source will be less than eighty per cent 80913
of the maximum acceptable ground level concentration, the owner 80914
or operator of the source annually shall report to the director, 80915
on a form prescribed by the director, whether operations of the 80916
source are consistent with the information regarding the 80917
operations that was used to conduct the modeling with regard to 80918
the permit to install application. The annual report to the 80919

director shall be in lieu of an emission limit or other permit 80920
terms and conditions imposed pursuant to division (F) (4) of this 80921
section. The director may consider any significant departure 80922
from the operations of the source described in the permit to 80923
install application that results in greater emissions than the 80924
emissions rate modeled to determine the ground level 80925
concentration as a modification and require the owner or 80926
operator to submit a permit to install application for the 80927
increased emissions. The requirements established in division 80928
(F) (4) (d) of this section are not federally enforceable 80929
requirements and, if included in a Title V permit, shall be 80930
placed in the portion of the permit that is only enforceable by 80931
the state. 80932

(e) Division (F) (4) of this section and the document 80933
entitled "Review of New Sources of Air Toxics Emissions, Option 80934
A" shall not be included in the state implementation plan under 80935
section 110 of the federal Clean Air Act and do not apply to an 80936
air contaminant source that is subject to a maximum achievable 80937
control technology standard or residual risk standard under 80938
section 112 of the federal Clean Air Act, to a particular air 80939
contaminant identified under 40 C.F.R. 51.166, division (b) (23), 80940
for which the director has determined that the owner or operator 80941
of the source is required to install best available control 80942
technology for that particular air contaminant, or to a 80943
particular air contaminant for which the director has determined 80944
that the source is required to meet the lowest achievable 80945
emission rate, as defined in 40 C.F.R. part 51, Appendix S, for 80946
that particular air contaminant. 80947

(f) (i) Division (F) (4) of this section and the document 80948
entitled "Review of New Sources of Air Toxics Emissions, Option 80949
A" do not apply to parking lots, storage piles, storage tanks, 80950

transfer operations, grain silos, grain dryers, emergency 80951
generators, gasoline dispensing operations, air contaminant 80952
sources that emit air contaminants solely from the combustion of 80953
fossil fuels, or the emission of wood dust, sand, glass dust, 80954
coal dust, silica, and grain dust. 80955

(ii) Notwithstanding division (F)(4)(f)(i) of this 80956
section, the director may require an individual air contaminant 80957
source that is within one of the source categories identified in 80958
division (F)(4)(f)(i) of this section to submit information in 80959
an application for a permit to install a new or modified source 80960
in order to determine the source's conformity to the document if 80961
the director has information to conclude that the particular new 80962
or modified source will potentially cause an increase in ground 80963
level concentration beyond the facility's boundary that exceeds 80964
the maximum acceptable ground level concentration as set forth 80965
in the document. 80966

(iii) The director may adopt rules in accordance with 80967
Chapter 119. of the Revised Code that are consistent with the 80968
purposes of this chapter and that add to or delete from the 80969
source category exemptions established in division (F)(4)(f)(i) 80970
of this section. 80971

(5) Not later than one year after August 3, 2006, the 80972
director shall adopt rules in accordance with Chapter 119. of 80973
the Revised Code specifying activities that do not, by 80974
themselves, constitute beginning actual construction activities 80975
related to the installation or modification of an air 80976
contaminant source for which a permit to install is required 80977
such as the grading and clearing of land, on-site storage of 80978
portable parts and equipment, and the construction of 80979
foundations or buildings that do not themselves emit air 80980

contaminants. The rules also shall allow specified initial 80981
activities that are part of the installation or modification of 80982
an air contaminant source, such as the installation of 80983
electrical and other utilities for the source, prior to issuance 80984
of a permit to install, provided that the owner or operator of 80985
the source has filed a complete application for a permit to 80986
install, the director or the director's designee has determined 80987
that the application is complete, and the owner or operator of 80988
the source has notified the director that this activity will be 80989
undertaken prior to the issuance of a permit to install. Any 80990
activity that is undertaken by the source under those rules 80991
shall be at the risk of the owner or operator. The rules shall 80992
not apply to activities that are precluded prior to permit 80993
issuance under section 111, section 112, Part C of Title I, and 80994
Part D of Title I of the federal Clean Air Act. 80995

(G) Adopt, modify, suspend, and rescind rules prohibiting 80996
the operation or other use of any new, modified, or existing air 80997
contaminant source unless an operating permit has been obtained 80998
from the director or the director's authorized representative, 80999
or the air contaminant source is being operated in compliance 81000
with the conditions of a variance issued pursuant to division 81001
(H) of this section. Applications for operating permits shall be 81002
accompanied by such plans, specifications, and other pertinent 81003
information as the director may require. Operating permits may 81004
be issued for a period determined by the director not to exceed 81005
ten years, are renewable, and are transferable. The director 81006
shall specify in each operating permit that the permit is 81007
conditioned upon payment of the applicable fees as required by 81008
section 3745.11 of the Revised Code and upon the right of the 81009
director's authorized representatives to enter upon the premises 81010
of the person to whom the permit has been issued, at any 81011

reasonable time and subject to safety requirements of the person 81012
in control of the premises, for the purpose of determining 81013
compliance with this chapter, the rules adopted thereunder, and 81014
the conditions of any permit, variance, or order issued 81015
thereunder. Operating permits may be denied or revoked for 81016
failure to comply with this chapter or the rules adopted 81017
thereunder. An operating permit shall be issued only upon a 81018
showing satisfactory to the director or the director's 81019
representative that the air contaminant source is being operated 81020
in compliance with applicable emission standards and other rules 81021
or upon submission of a schedule of compliance satisfactory to 81022
the director for a source that is not in compliance with all 81023
applicable requirements at the time of permit issuance, provided 81024
that the compliance schedule shall be consistent with and at 81025
least as stringent as that contained in any judicial consent 81026
decree or administrative order to which the air contaminant 81027
source is subject. The rules shall provide for the issuance of 81028
conditional operating permits for such reasonable periods as the 81029
director may determine to allow the holder of an installation 81030
permit, who has constructed, installed, located, or modified a 81031
new air contaminant source in accordance with the provisions of 81032
an installation permit, to make adjustments or modifications 81033
necessary to enable the new air contaminant source to comply 81034
with applicable emission standards and other rules. Terms and 81035
conditions of operating permits issued pursuant to this division 81036
shall be federally enforceable for the purpose of establishing 81037
the potential to emit of a stationary source and shall be 81038
expressly designated as federally enforceable. Any such 81039
federally enforceable restrictions on a source's potential to 81040
emit shall include both an annual limit and a short-term limit 81041
of not more than thirty days for each pollutant to be restricted 81042
together with adequate methods for establishing compliance with 81043

the restrictions. In other respects, operating permits issued 81044
pursuant to this division are enforceable as state law only. No 81045
application shall be denied or permit revoked or modified 81046
without a written order stating the findings upon which denial, 81047
revocation, or modification is based. A copy of the order shall 81048
be sent to the applicant or permit holder by certified mail. 81049

(H) Adopt, modify, and rescind rules governing the 81050
issuance, revocation, modification, or denial of variances that 81051
authorize emissions in excess of the applicable emission 81052
standards. 81053

No variance shall be issued except pursuant to those 81054
rules. The rules shall prescribe conditions and criteria in 81055
furtherance of the purposes of this chapter and consistent with 81056
the federal Clean Air Act governing eligibility for issuance of 81057
variances, which shall include all of the following: 81058

(1) Provisions requiring consistency of emissions 81059
authorized by a variance with timely attainment and maintenance 81060
of ambient air quality standards; 81061

(2) Provisions prescribing the classes and categories of 81062
air contaminants and air contaminant sources for which variances 81063
may be issued; 81064

(3) Provisions defining the circumstances under which an 81065
applicant shall demonstrate that compliance with applicable 81066
emission standards is technically infeasible, economically 81067
unreasonable, or impossible because of conditions beyond the 81068
control of the applicant; 81069

(4) Other provisions prescribed in furtherance of the 81070
goals of this chapter. 81071

The rules shall prohibit the issuance of variances from 81072

any emission limitation that was applicable to a source pursuant 81073
to an installation permit and shall prohibit issuance of 81074
variances that conflict with the federal Clean Air Act. 81075

Applications for variances shall be accompanied by such 81076
information as the director may require. In issuing variances, 81077
the director may order the person to whom a variance is issued 81078
to furnish plans and specifications and such other information 81079
and data, including interim reports, as the director may require 81080
and to proceed to take such action within such time as the 81081
director may determine to be appropriate and reasonable to 81082
prevent, control, or abate the person's existing emissions of 81083
air contaminants. The director shall specify in each variance 81084
that the variance is conditioned upon payment of the applicable 81085
fees as required by section 3745.11 of the Revised Code and upon 81086
the right of the director's authorized representatives to enter 81087
upon the premises of the person to whom the variance has been 81088
issued, at any reasonable time and subject to safety 81089
requirements of the person in control of the premises, for the 81090
purpose of determining compliance with this chapter, the rules 81091
adopted thereunder, and the conditions of any permit, variance, 81092
or order issued thereunder. 81093

The director may hold a public hearing on an application 81094
for a variance or renewal thereof at a location in the county 81095
where the variance is sought. The director shall give not less 81096
than twenty days' notice of the hearing to the applicant by 81097
certified mail or another type of mail accompanied by a receipt. 81098
The director also shall cause at least one publication of notice 81099
in a newspaper with general circulation in the county where the 81100
variance is sought or may instead provide public notice by 81101
publication on the environmental protection agency's web site. 81102
The director shall keep available for public inspection at the 81103

principal office of the environmental protection agency a 81104
current schedule of pending applications for variances and a 81105
current schedule of pending variance hearings. The director 81106
shall make a complete stenographic record or electronic record 81107
of testimony and other evidence submitted at the hearing. The 81108
director shall make a written determination to issue, renew, or 81109
deny the variance and shall enter the determination and the 81110
basis therefor into the record of the hearing. The director 81111
shall issue, renew, or deny an application for a variance or 81112
renewal thereof, or issue a proposed action upon the application 81113
pursuant to section 3745.07 of the Revised Code, within six 81114
months of the date upon which the director receives a complete 81115
application with all pertinent information and data required by 81116
the director. 81117

Any variance granted pursuant to rules adopted under this 81118
division shall be for a period specified by the director, not to 81119
exceed three years, and may be renewed from time to time on such 81120
terms and for such periods, not to exceed three years each, as 81121
the director determines to be appropriate. A variance may be 81122
revoked, or renewal denied, for failure to comply with 81123
conditions specified in the variance. No variance shall be 81124
issued, denied, revoked, or modified without a written order 81125
stating the findings upon which the issuance, denial, 81126
revocation, or modification is based. A copy of the order shall 81127
be sent to the applicant or variance holder by certified mail. 81128

(I) Require the owner or operator of an air contaminant 81129
source to install, employ, maintain, and operate such emissions, 81130
ambient air quality, meteorological, or other monitoring devices 81131
or methods as the director shall prescribe; to sample those 81132
emissions at such locations, at such intervals, and in such 81133
manner as the director prescribes; to maintain records and file 81134

periodic reports with the director containing information as to 81135
location, size, and height of emission outlets, rate, duration, 81136
and composition of emissions, and any other pertinent 81137
information the director prescribes; and to provide such written 81138
notice to other states as the director shall prescribe. In 81139
requiring monitoring devices, records, and reports, the 81140
director, to the extent consistent with the federal Clean Air 81141
Act, shall give consideration to technical feasibility and 81142
economic reasonableness and allow reasonable time for 81143
compliance. For sources where a specific monitoring, record- 81144
keeping, or reporting requirement is specified for a particular 81145
air contaminant from a particular air contaminant source in an 81146
applicable regulation adopted by the United States environmental 81147
protection agency under the federal Clean Air Act or in an 81148
applicable rule adopted by the director, the director shall not 81149
impose an additional requirement in a permit that is a different 81150
monitoring, record-keeping, or reporting requirement other than 81151
the requirement specified in the applicable regulation or rule 81152
for that air contaminant except as otherwise agreed to by the 81153
owner or operator of the air contaminant source and the 81154
director. For sources where no specific monitoring requirement 81155
is specified for a particular air contaminant from a particular 81156
air contaminant source in an applicable regulation adopted by 81157
the United States environmental protection agency under the 81158
federal Clean Air Act or in an applicable rule adopted by the 81159
director, the director shall not impose a monitoring requirement 81160
in a permit that requires community air monitoring, except as 81161
otherwise agreed to by the owner or air operator of the air 81162
contaminant source and the director. If two or more regulations 81163
or rules impose different monitoring, record-keeping, or 81164
reporting requirements for the same air contaminant from the 81165
same air contaminant source, the director may impose permit 81166

terms and conditions that consolidate or streamline the 81167
monitoring, record-keeping, or reporting requirements in a 81168
manner that conforms with each applicable requirement. To the 81169
extent consistent with the federal Clean Air Act and except as 81170
otherwise agreed to by the owner or operator of an air 81171
contaminant source and the director, the director shall not 81172
require an operating restriction that has the practical effect 81173
of increasing the stringency of an existing applicable emission 81174
limitation or standard. 81175

(J) Establish, operate, and maintain monitoring stations 81176
and other devices designed to measure air pollution and enter 81177
into contracts with any public or private agency for the 81178
establishment, operation, or maintenance of such stations and 81179
devices, except that the director shall not enter into contracts 81180
with any private agency for the establishment, operation, or 81181
maintenance of community air monitoring where the intended use 81182
of the data produced by such monitoring stations and other 81183
devices would violate divisions (B) or (C) of section 3704.09 of 81184
the Revised Code; 81185

(K) By rule adopt procedures for giving reasonable public 81186
notice and conducting public hearings on any plans for the 81187
prevention, control, and abatement of air pollution that the 81188
director is required to submit to the federal government; 81189

(L) Through any employee, agent, or authorized 81190
representative of the director or the environmental protection 81191
agency, enter upon private or public property, including 81192
improvements thereon, at any reasonable time, to make 81193
inspections, take samples, conduct tests, and examine records or 81194
reports pertaining to any emission of air contaminants and any 81195
monitoring equipment or methods and to determine if there are 81196

any actual or potential emissions from such premises and, if so, 81197
to determine the sources, amounts, contents, and extent of those 81198
emissions, or to ascertain whether there is compliance with this 81199
chapter, any orders issued or rules adopted thereunder, or any 81200
other determination of the director. The director, at reasonable 81201
times, may have access to and copy any such records. If entry or 81202
inspection authorized by this division is refused, hindered, or 81203
thwarted, the director or the director's authorized 81204
representative may by affidavit apply for, and any judge of a 81205
court of record may issue, an appropriate inspection warrant 81206
necessary to achieve the purposes of this chapter within the 81207
court's territorial jurisdiction. 81208

(M) Accept and administer gifts or grants from the federal 81209
government and from any other source, public or private, for 81210
carrying out any of the functions under this chapter; 81211

(N) Obtain necessary scientific, technical, and laboratory 81212
services; 81213

(O) Establish advisory boards in accordance with section 81214
121.13 of the Revised Code; 81215

(P) Delegate to any city or general health district or 81216
political subdivision of the state any of the director's 81217
enforcement and monitoring powers and duties, other than rule- 81218
making powers, as the director elects to delegate, and in 81219
addition employ, compensate, and prescribe the powers and duties 81220
of such officers, employees, and consultants as are necessary to 81221
enable the director to exercise the authority and perform duties 81222
imposed upon the director by law. Technical and other services 81223
shall be performed, insofar as practical, by personnel of the 81224
environmental protection agency. 81225

(Q) Certify to the government of the United States or any 81226
agency thereof that an industrial air pollution facility is in 81227
conformity with the state program or requirements for control of 81228
air pollution whenever such certificate is required for a 81229
taxpayer pursuant to any federal law or requirements; 81230

(R) Issue, modify, or revoke orders requiring abatement of 81231
or prohibiting emissions that violate applicable emission 81232
standards or other requirements of this chapter and rules 81233
adopted thereunder, or requiring emission control devices or 81234
measures in order to comply with applicable emission standards 81235
or other requirements of this chapter and rules adopted 81236
thereunder. Any such order shall require compliance with 81237
applicable emission standards by a specified date and shall not 81238
conflict with any requirement of the federal Clean Air Act. In 81239
the making of such orders, the director, to the extent 81240
consistent with the federal Clean Air Act, shall give 81241
consideration to, and base the determination on, evidence 81242
relating to the technical feasibility and economic 81243
reasonableness of compliance with such orders and their relation 81244
to benefits to the people of the state to be derived from such 81245
compliance. If, under the federal Clean Air Act, any such order 81246
shall provide for the posting of a bond or surety to secure 81247
compliance with the order as a condition of issuance of the 81248
order, the order shall so provide, but only to the extent 81249
required by the federal Clean Air Act. 81250

(S) To the extent provided by the federal Clean Air Act, 81251
adopt, modify, and rescind rules providing for the 81252
administrative assessment and collection of monetary penalties, 81253
not in excess of those required pursuant to the federal Clean 81254
Air Act, for failure to comply with any emission limitation or 81255
standard, compliance schedule, or other requirement of any rule, 81256

order, permit, or variance issued or adopted under this chapter 81257
or required under the applicable implementation plan whether or 81258
not the source is subject to a federal or state consent decree. 81259
The director may require the submission of compliance schedules, 81260
calculations of penalties for noncompliance, and related 81261
information. Any orders, payments, sanctions, or other 81262
requirements imposed pursuant to rules adopted under this 81263
division shall be in addition to any other permits, orders, 81264
payments, sanctions, or other requirements established under 81265
this chapter and shall not affect any civil or criminal 81266
enforcement proceedings brought under any provision of this 81267
chapter or any other provision of state or local law. This 81268
division does not apply to any requirement of this chapter 81269
regarding the prevention or abatement of odors. 81270

(T) Require new or modified air contaminant sources to 81271
install best available technology, but only in accordance with 81272
this division. With respect to permits issued pursuant to 81273
division (F) of this section beginning three years after August 81274
3, 2006, best available technology for air contaminant sources 81275
and air contaminants emitted by those sources that are subject 81276
to standards adopted under section 112, Part C of Title I, and 81277
Part D of Title I of the federal Clean Air Act shall be 81278
equivalent to and no more stringent than those standards. For an 81279
air contaminant or precursor of an air contaminant for which a 81280
national ambient air quality standard has been adopted under the 81281
federal Clean Air Act, best available technology only shall be 81282
required to the extent required by rules adopted under Chapter 81283
119. of the Revised Code for permit to install applications 81284
filed three or more years after August 3, 2006. 81285

Best available technology requirements established in 81286
rules adopted under this division shall be expressed only in one 81287

of the following ways that is most appropriate for the 81288
applicable source or source categories: 81289

(1) Work practices; 81290

(2) Source design characteristics or design efficiency of 81291
applicable air contaminant control devices; 81292

(3) Raw material specifications or throughput limitations 81293
averaged over a twelve-month rolling period; 81294

(4) Monthly allowable emissions averaged over a twelve- 81295
month rolling period. 81296

Best available technology requirements shall not apply to 81297
an air contaminant source that has the potential to emit, taking 81298
into account air pollution controls installed on the source, 81299
less than ten tons per year of emissions of an air contaminant 81300
or precursor of an air contaminant for which a national ambient 81301
air quality standard has been adopted under the federal Clean 81302
Air Act. In addition, best available technology requirements 81303
established in rules adopted under this division shall not apply 81304
to any existing, new, or modified air contaminant source that is 81305
subject to a plant-wide applicability limit that has been 81306
approved by the director. Further, best available technology 81307
requirements established in rules adopted under this division 81308
shall not apply to general permits issued prior to January 1, 81309
2006, under rules adopted under this chapter. 81310

For permits to install issued three or more years after 81311
August 3, 2006, any new or modified air contaminant source that 81312
has the potential to emit, taking into account air pollution 81313
controls installed on the source, ten or more tons per year of 81314
volatile organic compounds or nitrogen oxides shall meet, at a 81315
minimum, the requirements of any applicable reasonably available 81316

control technology rule in effect as of January 1, 2006, 81317
regardless of the location of the source. 81318

(U) Consistent with section 507 of the federal Clean Air 81319
Act, adopt, modify, suspend, and rescind rules for the 81320
establishment of a small business stationary source technical 81321
and environmental compliance assistance program as provided in 81322
section 3704.18 of the Revised Code; 81323

(V) Provide for emissions trading, marketable permits, 81324
auctions of emission rights, and economic incentives that would 81325
reduce the cost or increase the efficiency of achieving a 81326
specified level of environmental protection; 81327

(W) Provide for the construction of an air contaminant 81328
source prior to obtaining a permit to install pursuant to 81329
division (F) of this section if the applicant demonstrates that 81330
the source will be installed to comply with all applicable 81331
emission limits and will not adversely affect public health or 81332
safety or the environment and if the director determines that 81333
such an action will avoid an unreasonable hardship on the owner 81334
or operator of the source. Any such determination shall be 81335
consistent with the federal Clean Air Act. 81336

(X) Exercise all incidental powers, including adoption of 81337
rules, required to carry out this chapter. 81338

The environmental protection agency shall develop a plan 81339
to control air pollution resulting from state-operated 81340
facilities and property. 81341

Sec. 3704.031. ~~Prior~~ (A) Except as provided in division 81342
(B) of this section, prior to issuance or renewal of a permit or 81343
a variance under division (F), (G), or (H) of section 3704.03 of 81344
the Revised Code, the director of environmental protection may 81345

require the applicant to install such equipment and conduct such 81346
tests and analyses as the director finds reasonable and 81347
necessary to determine adequately the amount and content of any 81348
emissions from such sources, the ambient air quality at the 81349
proposed site and in areas that may be affected by emissions 81350
from such sources, and any violation or potential violation of 81351
Chapter 3704. of the Revised Code, or the regulations or orders 81352
promulgated thereunder. 81353

(B) Prior to the issuance or renewal of a permit or a 81354
variance under division (F), (G), or (H) of section 3704.03 of 81355
the Revised Code, the director shall not require an applicant to 81356
conduct community air monitoring . 81357

Sec. 3704.0310. (A) As used in this section: 81358

(1) "Air nuisance rule" means a rule adopted by the 81359
director of environmental protection that declares any of the 81360
following to be a public nuisance: 81361

(a) The emission or escape into the open air from any 81362
source or sources whatsoever, of smoke, ashes, dust, dirt, 81363
grime, acids, fumes, gases, vapors, or any other substances or 81364
combinations of substances, in such manner or in such amounts as 81365
to endanger the health, safety, or welfare of the public, or 81366
cause unreasonable injury or damage to property; 81367

(b) The emission or escape into the open air from any 81368
source or sources of odors whatsoever that is subject to 81369
regulation under Chapter 3704. of the Revised Code and is 81370
operated in such a manner to emit such amounts of odor as to 81371
endanger the health, safety, or welfare of the public, or cause 81372
unreasonable injury or damage to property; 81373

(c) Activities that are substantially similar to those 81374

described in divisions (A) (1) (a) and (b) of this section. 81375

(2) "State implementation plan" means the state 81376
implementation plan regarding national ambient air quality 81377
standards required to be submitted under section 110 of the 81378
"Clean Air Act," 42 U.S.C. 7410. 81379

(B) If the state implementation plan includes an air 81380
nuisance rule, the director of environmental protection shall 81381
remove the air nuisance rule from the plan and take such steps 81382
as are necessary to do so. 81383

On and after the effective date of this section, the 81384
director shall not include an air nuisance rule in the state 81385
implementation plan or rely upon an air nuisance rule to 81386
implement or enforce ambient air quality standards adopted 81387
pursuant to the federal Clean Air Act. 81388

Sec. 3704.09. (A) Determinations made by the director of 81389
environmental protection or other persons acting under sections 81390
3704.03 and 3704.04 of the Revised Code shall not be used as 81391
evidence in civil actions nor create any presumption of law or 81392
finding of fact which shall inure to or be for the benefit of 81393
any person other than the state, and sections 3704.01 to 3704.07 81394
of the Revised Code do not create, enlarge, or abrogate existing 81395
private rights. Nothing in Chapter 3704. of the Revised Code 81396
shall be construed to abridge, limit, or otherwise impair the 81397
right of any person to damages or other relief on account of 81398
injury to persons or property and to maintain any action or 81399
other appropriate proceedings therefor. 81400

(B) Data produced from community air monitoring shall not 81401
be used as evidence to support either of the following: 81402

(1) A fine, penalty, or notice of violation against any 81403

person for violations of or noncompliance with the federal Clean 81404
Air Act, this chapter, the rules adopted thereunder, or any 81405
other applicable law, rule, or regulation for which the state 81406
has primary enforcement authority; 81407

(2) An administrative, regulatory, or judicial enforcement 81408
action, lawsuit, or proceeding for violations of or 81409
noncompliance with the federal Clean Air Act, this chapter, the 81410
rules adopted thereunder, or any other applicable law, rule, or 81411
regulation for which the state has primary enforcement 81412
authority. 81413

(C) Data produced from community air monitoring shall not 81414
be considered or relied upon by the environmental protection 81415
agency or a local air pollution control authority in any 81416
rulemaking action or in any action relating to the issuance of 81417
an installation permit or operating permit unless such 81418
consideration or reliance is requested by the owner or operator 81419
of the air contaminant source requesting the permit. 81420

Sec. 3704.111. (A) Not later than October 1, 1993, the 81421
director of environmental protection shall enter into a 81422
delegation agreement with each local air pollution control 81423
authority listed in ~~divisions (N) (1) (a) to (h)~~ division (O) (1) of 81424
section 3704.01 of the Revised Code under which the local air 81425
pollution control authority agrees to perform on behalf of the 81426
environmental protection agency air pollution control regulatory 81427
services within the political subdivision represented by the 81428
local air pollution control authority. The director may enter 81429
into such a delegation agreement with a local air pollution 81430
control authority established on or after the effective date of 81431
this section, subject to the condition established in division 81432
(B) of this section. Each delegation agreement shall be self- 81433

renewing on an annual basis on the first day of October of each 81434
year. The terms of each such delegation agreement shall remain 81435
unchanged from year to year unless they are amended by mutual 81436
agreement of the director and the local air pollution control 81437
authority. 81438

(B) The director may conduct a periodic performance 81439
evaluation of the air pollution control program operated by each 81440
local air pollution control authority. Based upon the findings 81441
of such a performance evaluation, the director may terminate or 81442
refuse to renew the delegation agreement with a local air 81443
pollution control authority if the director determines that the 81444
local air pollution control authority is not adequately 81445
performing its obligations under the agreement. 81446

(C) The director may enter into contracts for payments to 81447
local air pollution control authorities from moneys credited to 81448
the clean air fund created in section 3704.035 of the Revised 81449
Code, subject to the limitation specified in that section, and 81450
any other moneys appropriated by the general assembly for that 81451
purpose. The director shall distribute the moneys available for 81452
making payments to the local air pollution control authorities 81453
pursuant to such contracts equitably among the local air 81454
pollution control authorities based upon the amount of local 81455
funding and the workload of each local air pollution control 81456
authority, including, without limitation, population served, 81457
number of air permits issued for both new and existing sources, 81458
land area, and number of air contaminant sources. The director 81459
biennially shall review the workload of each local air pollution 81460
control authority and shall determine the percentage of the 81461
moneys available for the purpose of making payments under the 81462
contracts. In determining the percentage of those moneys that is 81463
to be so distributed, the director shall consider the 81464

recommendations of the local air pollution control authorities. 81465

(D) The director may modify a contract between the 81466
director and a local air pollution control authority to 81467
authorize the local air pollution control authority to perform 81468
air pollution control activities outside the geographic 81469
boundaries of that local air pollution control authority. 81470

Sec. 3704.14. (A) (1) If the director of environmental 81471
protection determines that implementation of a motor vehicle 81472
inspection and maintenance program is necessary for the state to 81473
effectively comply with the federal Clean Air Act after June 30, 81474
~~2023~~2025, the director may provide for the implementation of the 81475
program in those counties in this state in which such a program 81476
is federally mandated. Upon making such a determination, the 81477
director of environmental protection may request the director of 81478
administrative services to extend the terms of the contract that 81479
was entered into under the authority of ~~Am. Sub. H.B. 64-33~~ of 81480
the ~~131st-135th~~ general assembly. Upon receiving the request, 81481
the director of administrative services shall extend the 81482
contract, beginning on July 1, ~~2023~~2025, in accordance with this 81483
section. The contract shall be extended for a period of up to 81484
twenty-four months with the contractor who conducted the motor 81485
vehicle inspection and maintenance program under that contract. 81486

(2) Prior to the expiration of the contract extension that 81487
~~is was~~ authorized by division (A) (1) of this section under the 81488
authority of H.B. 33 of the 135th general assembly, the director 81489
of environmental protection shall request the director of 81490
administrative services to enter into a contract with a vendor 81491
to operate a decentralized motor vehicle inspection and 81492
maintenance program in each county in this state in which such a 81493
program is federally mandated through June 30, 2027, ~~with an~~ 81494

~~option for the state to renew the contract for a period of up to~~ 81495
~~twenty-four months through June 30, 2029.~~ The contract shall 81496
ensure that the decentralized motor vehicle inspection and 81497
maintenance program achieves at least the same an equivalent 81498
amount of emission reductions as achieved by the program 81499
operated under the authority of the contract that was extended 81500
under division (A) (1) of this section under the authority of 81501
H.B. 33 of the 135th general assembly. The director of 81502
administrative services shall select a vendor through a 81503
competitive selection process in compliance with Chapter 125. of 81504
the Revised Code. 81505

(3) Notwithstanding any law to the contrary, the director 81506
of administrative services shall ensure that a competitive 81507
selection process regarding a contract to operate a 81508
decentralized motor vehicle inspection and maintenance program 81509
in this state incorporates the following, which shall be 81510
included in the contract: 81511

(a) For purposes of expanding the number of testing 81512
locations for consumer convenience, a requirement that the 81513
vendor utilize established local businesses, auto repair 81514
facilities, or leased properties to operate state-approved 81515
inspection and maintenance testing facilities; 81516

(b) A requirement that the vendor selected to operate the 81517
program provide notification of the program's requirements to 81518
each owner of a motor vehicle that is required to be inspected 81519
under the program. The contract shall require the notification 81520
to be provided not later than sixty days prior to the date by 81521
which the owner of the motor vehicle is required to have the 81522
motor vehicle inspected. The director of environmental 81523
protection and the vendor shall jointly agree on the content of 81524

the notice. However, the notice shall include at a minimum the 81525
locations of all inspection facilities within a specified 81526
distance of the address that is listed on the owner's motor 81527
vehicle registration~~7~~. 81528

(c) A requirement that the vendor comply with testing 81529
methodology and supply the required equipment approved by the 81530
director of environmental protection as specified in the 81531
competitive selection process in compliance with Chapter 125. of 81532
the Revised Code. 81533

(4) A decentralized motor vehicle inspection and 81534
maintenance program operated under this section shall comply 81535
with division (B) of this section. The director of environmental 81536
protection shall administer the decentralized motor vehicle 81537
inspection and maintenance program operated under this section. 81538

(B) The director shall establish a decentralized motor 81539
vehicle inspection and maintenance program as authorized by this 81540
section and, at a minimum, the director shall ensure that the 81541
program does all of the following: 81542

(1) Complies with the federal Clean Air Act; 81543

(2) Provides for the issuance of inspection certificates 81544
and alternative emissions certificates as specified in rules 81545
adopted under division (C) (2) of this section; 81546

(3) Provides for a new car exemption for motor vehicles 81547
six years old or newer and provides that a new motor vehicle is 81548
exempt for six years regardless of whether legal title to the 81549
motor vehicle is transferred during that period; 81550

(4) Provides for an exemption for battery electric motor 81551
vehicles; 81552

(5) Provides for an exemption for hybrid motor vehicles 81553
seven years old or newer and provides that a hybrid motor 81554
vehicle is exempt for seven years regardless of whether legal 81555
title to the motor vehicle is transferred during that period. 81556

(C) (1) The director of environmental protection shall 81557
adopt rules in accordance with Chapter 119. of the Revised Code 81558
that the director determines are necessary to implement this 81559
section. The director may continue to implement and enforce 81560
rules pertaining to the motor vehicle inspection and maintenance 81561
program previously implemented under former section 3704.14 of 81562
the Revised Code as that section existed prior to its repeal and 81563
reenactment by Am. Sub. H.B. 66 of the 126th general assembly, 81564
provided that the rules do not conflict with this section. 81565

(2) The rules adopted under division (C) (1) of this 81566
section shall provide for the issuance of inspections 81567
certificates and alternative emissions certificates. Under the 81568
rules, an inspection certificate shall be issued to the owner or 81569
lessee of a motor vehicle when the motor vehicle passes an 81570
emissions inspection conducted in accordance with the motor 81571
vehicle inspection and maintenance program established under 81572
this section. In lieu of obtaining an inspection certificate, 81573
the rules shall establish a system by which the owner or lessee 81574
of a motor vehicle may request an alternative emissions 81575
certificate from the director. 81576

(a) The rules providing for the issuance of alternative 81577
emissions certificates shall require an owner or lessee of a 81578
motor vehicle to do the following in order to receive the 81579
certificate: 81580

(i) Complete and submit an attestation form created by the 81581
director that includes a statement that reads substantially as 81582

follows: 81583

"I, _____, attest that, to the best of my knowledge, the 81584
motor vehicle concerning which I am the owner or lessee complies 81585
with all laws of Ohio and the United States governing motor 81586
vehicle emissions. I, _____, am aware that a false statement on 81587
this form is not permitted." 81588

(ii) Sign and date the form either manually or 81589
electronically; 81590

(iii) Submit the form to the director either by regular 81591
mail, certified mail, or electronically. 81592

(b) The rules shall require the director to include both 81593
of the following additional information on the attestation form: 81594

(i) A provision that allows the owner or lessee of a motor 81595
vehicle to specify one of the following methods by which the 81596
owner or lessee may request delivery of the alternative 81597
emissions certificate: certified mail, noncertified mail, or 81598
electronically; 81599

(ii) A provision that allows the owner or lessee of a 81600
motor vehicle to specify the vehicle identification number, 81601
make, model, and year of the relevant motor vehicle and the date 81602
the attestation form is submitted to the director. 81603

(c) Subject to division (C)(2)(d) of this section, the 81604
rules shall require the director to deliver an alternative 81605
emission certificate to the owner or lessee of a motor vehicle 81606
who complies with rules adopted under division (C)(2)(a) of this 81607
section. The director shall deliver the certificate within 81608
thirty business days after the director's receipt of the 81609
attestation form or, if the owner or lessee submits the form 81610
electronically, within five business days after receipt of the 81611

form. The director shall confirm the receipt of the attestation 81612
form if the director receives it by electronic means. 81613

(d) The rules shall require the director to reject an 81614
attestation form for any of the following reasons: 81615

(i) The motor vehicle that is the subject of the 81616
attestation form was in an accident or collision within the two 81617
years prior to the date of submission of the form, and the 81618
accident or collision caused substantial damage to the internal 81619
structure of the motor vehicle. 81620

(ii) The owner or lessee of the motor vehicle that is the 81621
subject of the attestation form has received a ticket, citation, 81622
or summons with regard to that motor vehicle within the two 81623
years prior to the date of submission of the form for a 81624
violation of section 4513.22 of the Revised Code or 81625
substantially equivalent municipal ordinance. 81626

(iii) The information in the attestation form is 81627
determined by the director to be false. 81628

If the director rejects an attestation form under division 81629
(C) (2) (d) (iii) of this section, the director shall provide 81630
notice to the owner or lessee that the attestation form was 81631
determined to be false. The notice shall inform the owner or 81632
lessee that the owner or lessee may submit a corrected form to 81633
the director within thirty days of the receipt of the notice. If 81634
the owner or lessee submits a corrected attestation form that 81635
complies with rules adopted under division (C) (2) of this 81636
section within that thirty-day period, the director shall issue 81637
an alternative emissions certificate to the owner or lessee. If 81638
the owner or lessee fails to correct the attestation form, the 81639
director shall require the owner or lessee to complete an 81640

emissions inspection and obtain an inspection certificate in 81641
accordance with rules adopted under this section. 81642

If the director rejects an attestation form under division 81643
(C) (2) (d) (i) or (ii) of this section, the director shall require 81644
the owner or lessee to complete an emissions inspection and 81645
obtain an inspection certificate in accordance with rules 81646
adopted under this section. 81647

(e) In adopting rules under division (C) (2) of this 81648
section, the director shall ensure that the owner or lessee of a 81649
motor vehicle who falsifies an attestation form receives a 81650
notice that includes a statement that reads substantially as 81651
follows: "You have falsified an attestation form for your 81652
vehicle under the E-Check/motor vehicle emissions testing 81653
program. Your vehicle is registered in one of [insert the number 81654
of counties] counties in this state that has federal emission 81655
mandates imposed on it that the State of Ohio is required, under 81656
threat of penalty, to enforce. This letter serves as Ohio's only 81657
penalty for falsification of an attestation form. You have 81658
thirty days from the date of this notice to amend your 81659
attestation form and submit the amended form to the 81660
Environmental Protection Agency. However, if you choose not to 81661
submit an amended attestation form, you must have a motor 81662
vehicle emissions inspection conducted for your vehicle in 81663
accordance with section 3704.14 of the Revised Code and rules 81664
adopted under it." 81665

(f) No penalties apply to a person who the director has 81666
determined to have falsified an attestation form, other than the 81667
issuance of the notice required under division (C) (2) (e) of this 81668
section. 81669

(D) There is hereby created in the state treasury the auto 81670

emissions test fund, which shall consist of money received by 81671
the director from any cash transfers, state and local grants, 81672
and other contributions that are received for the purpose of 81673
funding the program established under this section. The director 81674
of environmental protection shall use money in the fund solely 81675
for the implementation, supervision, administration, operation, 81676
and enforcement of the motor vehicle inspection and maintenance 81677
program established under this section. Money in the fund shall 81678
not be used for either of the following: 81679

(1) To pay for the inspection costs incurred by a motor 81680
vehicle dealer so that the dealer may provide inspection 81681
certificates to an individual purchasing a motor vehicle from 81682
the dealer when that individual resides in a county that is 81683
subject to the motor vehicle inspection and maintenance program; 81684

(2) To provide payment for more than one free passing 81685
emissions inspection or a total of three emissions inspections 81686
for a motor vehicle in any three-hundred-sixty-five-day period. 81687
The owner or lessee of a motor vehicle is responsible for 81688
inspection fees that are related to emissions inspections beyond 81689
one free passing emissions inspection or three total emissions 81690
inspections in any three-hundred-sixty-five-day period. 81691
Inspection fees that are charged by a contractor conducting 81692
emissions inspections under a motor vehicle inspection and 81693
maintenance program shall be approved by the director of 81694
environmental protection. 81695

(E) The motor vehicle inspection and maintenance program 81696
established under this section expires upon the termination of 81697
all contracts entered into under this section and shall not be 81698
implemented beyond the final date on which termination occurs. 81699

(F) As used in this section "battery electric motor 81700

vehicle" and "hybrid motor vehicle" have the same meanings as in 81701
section 4501.01 of the Revised Code. 81702

(G) ~~On the effective date of this amendment~~ June 30, 2025, 81703
the director shall immediately begin procedures to submit to the 81704
United States environmental protection agency the alternative 81705
emissions certification program for approval as part of the Ohio 81706
state implementation plan. If the United States environmental 81707
protection agency approves the modification of the decentralized 81708
motor vehicle inspection and maintenance program as providing 81709
sufficient air pollution reductions to meet the federal Clean 81710
Air Act requirements for a vehicle inspection and maintenance 81711
program and modifies the Ohio state implementation plan, the 81712
director shall immediately begin to modify the Ohio 81713
environmental protection agency rules to implement the 81714
alternative emissions certification program. Nothing in this 81715
division requires the Ohio environmental protection agency to 81716
take action to implement the alternative emissions certification 81717
program until the United States environmental protection agency 81718
approves the alternative program as part of the Ohio state 81719
implementation plan. 81720

(H) If the United States environmental protection agency 81721
determines that the motor vehicle inspection and maintenance 81722
program implemented in accordance with this section is not 81723
necessary for the state or any area of the state to comply with 81724
the federal Clean Air Act, the director shall immediately 81725
discontinue the program and take any actions necessary to 81726
effectuate the termination of the program. 81727

Sec. 3705.126. The department of health shall neither open 81728
an adoption file nor make its contents available except as 81729
follows: 81730

(A) The department shall inspect the file to determine the 81731
court involved for the purpose of division (D) of section 81732
3107.09 or section 3107.091 or 3107.171 of the Revised Code. 81733

(B) The department shall make the file's contents 81734
available to an adopted person or lineal descendant of an 81735
adopted person in accordance with section 3107.38 of the Revised 81736
Code. 81737

(C) The department shall open the file to transfer 81738
releases to the file in accordance with section 3107.381 of the 81739
Revised Code. 81740

(D) The department shall open the file to file a contact 81741
preference form from a biological parent pursuant to section 81742
3107.39 of the Revised Code and remove any previously filed 81743
contact preference form from the biological parent. 81744

(E) The department shall open the file to ~~file a~~ 81745
~~biological parent's name redaction request form pursuant to~~ 81746
~~division (C) of section 3107.391 of the Revised Code or to~~ 81747
remove and destroy the a name redaction request form pursuant to 81748
division ~~(D)~~ (A) of ~~that~~ section 3107.391 of the Revised Code. 81749

(F) The department shall open the file to file a denial of 81750
release form under division (A) of section 3107.46 of the 81751
Revised Code or an authorization of release form under division 81752
(B) of that section. 81753

(G) The department shall make the file's contents 81754
available to an adopted person or adoptive parent in accordance 81755
with section 3107.47 of the Revised Code. 81756

(H) The department shall open the file to file a request 81757
from an adopted person under division (A) of section 3107.48 of 81758
the Revised Code or to remove and destroy the request pursuant 81759

to division (B) of that section. 81760

(I) The department shall inspect the file to assist a 81761
birth parent or birth sibling in finding the adopted person's 81762
name by adoption in accordance with section 3107.49 of the 81763
Revised Code. 81764

(J) The court that decreed the adoption may order that the 81765
contents be made open for inspection or available for copying. 81766

Sec. 3705.16. (A) For purposes of this section 81767
notwithstanding section 3705.01 of the Revised Code, "fetal 81768
death" does not include death of the product of human conception 81769
prior to twenty weeks of gestation. 81770

(B) Each death or fetal death that occurs in this state 81771
shall be registered with the local registrar of vital statistics 81772
of the district in which the death or fetal death occurred, by 81773
the funeral director or other person in charge of the final 81774
disposition of the remains. The personal and statistical 81775
information in the death or fetal death certificate shall be 81776
obtained from the best qualified persons or sources available, 81777
by the funeral director or other person in charge of the final 81778
disposition of the remains. The statement of facts relating to 81779
the disposition of the body and information relative to the 81780
armed services referred to in section 3705.19 of the Revised 81781
Code shall be signed by the funeral director or other person in 81782
charge of the final disposition of the remains. 81783

(C) ~~The~~ (1) For certification of the cause of death, the 81784
funeral director or other person in charge of the final 81785
disposition of the remains shall present the death or fetal 81786
death certificate to one of the ~~attending physician of the~~ 81787
~~decedent, the coroner, or the medical examiner, as appropriate~~ 81788

~~for certification of the cause of death. If following~~ 81789
individuals: 81790

(a) If a death or fetal death occurs under any 81791
~~circumstances mentioned circumstance described in section 313.12~~ 81792
of the Revised Code, the coroner in the county in which the 81793
death occurs, ~~or a deputy coroner, the~~ medical examiner, ~~or~~ 81794
~~deputy medical examiner serving in an equivalent capacity, shall~~ 81795
~~certify the cause of death unless that death was reported to the~~ 81796
~~coroner, deputy coroner, medical examiner, or deputy medical~~ 81797
~~examiner and that person, after a preliminary examination,~~ 81798
~~declined to assert jurisdiction with respect to the death or~~ 81799
~~fetal death. A physician other than the coroner in the county in~~ 81800
~~which a death or fetal death occurs, or a deputy coroner,~~ 81801
~~medical examiner, or deputy medical examiner serving in an~~ 81802
~~equivalent capacity, may certify only those deaths that occur~~ 81803
~~under natural circumstances;~~ 81804

(b) If a death or fetal death occurs under a circumstance 81805
other than as described in section 313.12 of the Revised Code, 81806
the attending physician of the decedent, except that, in the 81807
case of decedent who did not have an attending physician, the 81808
physician who, either in person or through a means of 81809
telehealth, last examined or treated the decedent for any 81810
illness or condition. 81811

(2) After the death or fetal death certificate is 81812
presented, the cause of death shall be certified and the medical 81813
certificate of death shall be completed and signed as follows: 81814

(a) If the death or fetal death certificate is presented 81815
to the coroner or medical examiner, the coroner, or a deputy 81816
coroner, medical examiner, or deputy medical examiner serving in 81817
an equivalent capacity, shall certify the cause of death. 81818

(b) If the death or fetal death certificate is presented 81819
to the physician described in division (C) (1) (b) of this 81820
section, that physician shall certify the cause of death. 81821

(3) The medical certificate of death shall be completed 81822
and signed by the ~~physician who attended the decedent or by the~~ 81823
coroner or medical examiner, physician who attended the 81824
~~decedent, or physician who last examined or treated the~~ 81825
~~decedent,~~ as appropriate, within forty-eight hours after 81826
~~notification of the death or fetal death.~~ ~~A~~ 81827

A coroner or medical examiner may satisfy the requirement 81828
of signing a medical certificate showing the cause of death or 81829
fetal death as pending ~~either by stamping it with a stamp of the~~ 81830
~~coroner's or medical examiner's signature or by signing it in~~ 81831
~~the coroner's or medical examiner's own hand, but within forty-~~ 81832
~~eight hours after notification of the death or fetal death,~~ 81833
~~provided that~~ the coroner or medical examiner shall sign any 81834
other medical certificate of death or supplementary medical 81835
certification ~~in the coroner's or medical examiner's own~~ 81836
~~hand~~ within forty-eight hours after the cause of death has been 81837
determined. 81838

A physician described in division (C) (1) (b) of this 81839
section may satisfy the requirement of signing a medical 81840
certificate by signing with an electronic signature. 81841

(D) A coroner, medical examiner, or physician who acts in 81842
good faith in accordance with this section, without fraud or 81843
malice, and upon reasonable belief of the cause of death or 81844
fetal death based on the information, if any, presented is not 81845
subject to civil liability or professional disciplinary action 81846
for any act or omission in certifying the cause of death or in 81847
completing and signing the medical certificate of death. 81848

(E) Any death certificate registered pursuant to this 81849
section shall contain the social security number of the 81850
decedent, if available. A social security number obtained under 81851
this section is a public record under section 149.43 of the 81852
Revised Code. 81853

Sec. 3705.17. The body of a person whose death occurs in 81854
this state shall not be interred, deposited in a vault or tomb, 81855
cremated, or otherwise disposed of by a funeral director until a 81856
burial permit is issued by a local registrar or sub-registrar of 81857
vital statistics. No such permit shall be issued by a local 81858
registrar or sub-registrar until a satisfactory death, fetal 81859
death, or provisional death certificate is filed with the local 81860
registrar or sub-registrar. When the medical certification as to 81861
the cause of death cannot be provided by the attending physician 81862
or coroner prior to burial, for sufficient cause, as determined 81863
by rule of the director of health, the funeral director may file 81864
a provisional death certificate with the local registrar or sub- 81865
registrar for the purpose of securing a burial or burial-transit 81866
permit. When the funeral director files a provisional death 81867
certificate to secure a burial or burial-transit permit, the 81868
funeral director shall file a satisfactory and complete death 81869
certificate within five days after the date of death. The 81870
director of health, by rule, may provide additional time for 81871
filing a satisfactory death certificate. A burial permit 81872
authorizing cremation shall not be issued upon the filing of a 81873
provisional certificate of death. 81874

When a funeral director or other person obtains a burial 81875
permit from a local registrar or sub-registrar, the registrar or 81876
sub-registrar shall charge a fee of ~~three-ten~~ dollars for the 81877
issuance of the burial permit. ~~Two-Nine~~ dollars and fifty cents 81878
of each fee collected for a burial permit shall be paid into the 81879

state treasury to the credit of the cemetery registration fund 81880
created under section 4767.03 of the Revised Code to be used by 81881
the division of real estate and professional licensing in the 81882
department of commerce in discharging its duties prescribed in 81883
Chapter 4767. of the Revised Code and the Ohio cemetery dispute 81884
resolution commission created by section 4767.05 of the Revised 81885
Code. A local registrar or sub-registrar shall transmit payments 81886
of that portion of the amount of each fee collected under this 81887
section to the treasurer of state on a quarterly basis or more 81888
frequently, if possible. The director of health, by rule, shall 81889
provide for the issuance of a burial permit without the payment 81890
of the fee required by this section if the total cost of the 81891
burial will be paid by an agency or instrumentality of the 81892
United States, the state or a state agency, or a political 81893
subdivision of the state. 81894

The director of commerce may by rule adopted in accordance 81895
with Chapter 119. of the Revised Code reduce the total amount of 81896
the fee required by this section and that portion of the amount 81897
of the fee required to be paid to the credit of the division of 81898
real estate and professional licensing for the use of the 81899
division and the Ohio cemetery dispute resolution commission, if 81900
the director determines that the total amount of funds the fee 81901
is generating at the amount required by this section exceeds the 81902
amount of funds the division of real estate and professional 81903
licensing and the commission need to carry out their powers and 81904
duties prescribed in Chapter 4767. of the Revised Code. 81905

No person in charge of any premises in which interments or 81906
cremations are made shall inter or cremate or otherwise dispose 81907
of a body, unless it is accompanied by a burial permit. Each 81908
person in charge of a cemetery, crematory, or other place of 81909
disposal shall indorse upon a burial permit the date of 81910

interment, cremation, or other disposal and shall retain such 81911
permits for a period of at least five years. The person in 81912
charge shall keep an accurate record of all interments, 81913
cremations, or other disposal of dead bodies, made in the 81914
premises under the person's charge, stating the name of the 81915
deceased person, place of death, date of burial, cremation, or 81916
other disposal, and name and address of the funeral director. 81917
Such record shall at all times be open to public inspection. 81918

Sec. 3706.01. As used in this chapter: 81919

(A) "Governmental agency" means a department, division, or 81920
other unit of state government, a municipal corporation, county, 81921
township, and other political subdivision, or any other public 81922
corporation or agency having the power to acquire, construct, or 81923
operate air quality facilities, the United States or any agency 81924
thereof, and any agency, commission, or authority established 81925
pursuant to an interstate compact or agreement. 81926

(B) "Person" means any individual, firm, partnership, 81927
association, or corporation, or any combination thereof. 81928

(C) "Air contaminant" means particulate matter, dust, 81929
fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, 81930
radiation, or odorous substance, or any combination thereof. 81931

(D) "Air pollution" means the presence in the ambient air 81932
of one or more air contaminants in sufficient quantity and of 81933
such characteristics and duration as to injure human health or 81934
welfare, plant or animal life, or property, or that unreasonably 81935
interferes with the comfortable enjoyment of life or property. 81936

(E) "Ambient air" means that portion of the atmosphere 81937
outside of buildings and other enclosures, stacks, or ducts that 81938
surrounds human, plant, or animal life, or property. 81939

(F) "Emission" means the release into the outdoor 81940
atmosphere of an air contaminant. 81941

(G) "Air quality facility" means any of the following: 81942

(1) Any method, modification or replacement of property, 81943
process, device, structure, or equipment that removes, reduces, 81944
prevents, contains, alters, conveys, stores, disperses, or 81945
disposes of air contaminants or substances containing air 81946
contaminants, or that renders less noxious or reduces the 81947
concentration of air contaminants in the ambient air, including, 81948
without limitation, facilities and expenditures that qualify as 81949
air pollution control facilities under section 103 (C) (4) (F) of 81950
the Internal Revenue Code of 1954, as amended, and regulations 81951
adopted thereunder; 81952

(2) Motor vehicle inspection stations operated in 81953
accordance with, and any equipment used for motor vehicle 81954
inspections conducted under, section 3704.14 of the Revised Code 81955
and rules adopted under it; 81956

(3) Ethanol or other biofuel facilities, including any 81957
equipment used at the ethanol or other biofuel facility for the 81958
production of ethanol or other biofuels; 81959

(4) Any property or portion thereof used for the 81960
collection, storage, treatment, utilization, processing, or 81961
final disposal of a by-product or solid waste resulting from any 81962
method, process, device, structure, or equipment that removes, 81963
reduces, prevents, contains, alters, conveys, stores, disperses, 81964
or disposes of air contaminants, or that renders less noxious or 81965
reduces the concentration of air contaminants in the ambient 81966
air; 81967

(5) Any property, device, or equipment that promotes the 81968

reduction of emissions of air contaminants into the ambient air 81969
through improvements in the efficiency of energy utilization or 81970
energy conservation; 81971

(6) Any coal research and development project conducted 81972
under Chapter 1555. of the Revised Code; 81973

(7) As determined by the director of the Ohio coal 81974
development office, any property or portion thereof that is used 81975
for the collection, storage, treatment, utilization, processing, 81976
or final disposal of a by-product resulting from a coal research 81977
and development project as defined in section 1555.01 of the 81978
Revised Code or from the use of clean coal technology, excluding 81979
any property or portion thereof that is used primarily for other 81980
subsequent commercial purposes; 81981

(8) ~~Any property or portion thereof that is part of the~~ 81982
~~FutureGen project of the United States department of energy or~~ 81983
~~related to the siting of the FutureGen project~~Any property, 81984
device, or equipment comprising a facility generating green 81985
energy; 81986

(9) Any property, device, or equipment that promotes the 81987
reduction of emissions of air contaminants into the ambient air 81988
through the generation of clean, renewable energy with renewable 81989
energy resources or advanced energy resources as defined in 81990
section 3706.25 of the Revised Code; 81991

(10) Any property, device, structure, or equipment 81992
necessary for the manufacture and production of equipment 81993
described as an air quality facility under this chapter; 81994

(11) Any property, device, or equipment related to the 81995
recharging or refueling of vehicles that promotes the reduction 81996
of emissions of air contaminants into the ambient air through 81997

the use of an alternative fuel as defined in section 125.831 of 81998
the Revised Code or the use of a renewable energy resource as 81999
defined in section 3706.25 of the Revised Code; 82000

(12) Any special energy improvement project, as defined in 82001
section 1710.01 of the Revised Code, that promotes the reduction 82002
of emissions of air contaminants into the ambient air. 82003

"Air quality facility" further includes any property or 82004
system to be used in whole or in part for any of the purposes in 82005
divisions (G) (1) to (12) of this section, whether another 82006
purpose is also served, and any property or system incidental to 82007
or that has to do with, or the end purpose of which is, any of 82008
the foregoing. Air quality facilities that are defined in this 82009
division for industry, commerce, distribution, or research, 82010
including public utility companies, are hereby determined to be 82011
those that qualify as facilities for the control of air 82012
pollution and thermal pollution related to air under Section 13 82013
of Article VIII, Ohio Constitution. 82014

(H) "Project" or "air quality project" means any air 82015
quality facility, including undivided or other interests 82016
therein, acquired or to be acquired or constructed or to be 82017
constructed by the Ohio air quality development authority under 82018
this chapter, or acquired or to be acquired or constructed or to 82019
be constructed by a governmental agency or person with all or a 82020
part of the cost thereof being paid from a loan or grant from 82021
the authority under this chapter or otherwise paid from the 82022
proceeds of air quality revenue bonds, including all buildings 82023
and facilities that the authority determines necessary for the 82024
operation of the project, together with all property, rights, 82025
easements, and interests that may be required for the operation 82026
of the project. 82027

(I) "Cost" as applied to an air quality project means the 82028
cost of acquisition and construction, the cost of acquisition of 82029
all land, rights-of-way, property rights, easements, franchise 82030
rights, and interests required for such acquisition and 82031
construction, the cost of demolishing or removing any buildings 82032
or structures on land so acquired, including the cost of 82033
acquiring any lands to which such buildings or structures may be 82034
moved, the cost of acquiring or constructing and equipping a 82035
principal office and sub-offices of the authority, the cost of 82036
diverting highways, interchange of highways, and access roads to 82037
private property, including the cost of land or easements for 82038
such access roads, the cost of public utility and common carrier 82039
relocation or duplication, the cost of all machinery, 82040
furnishings, and equipment, financing charges, interest prior to 82041
and during construction and for no more than eighteen months 82042
after completion of construction, engineering, expenses of 82043
research and development with respect to air quality facilities, 82044
the cost of any commodity contract, including fees and expenses 82045
related thereto, legal expenses, plans, specifications, surveys, 82046
studies, estimates of cost and revenues, working capital, other 82047
expenses necessary or incident to determining the feasibility or 82048
practicability of acquiring or constructing such project, 82049
administrative expense, and such other expense as may be 82050
necessary or incident to the acquisition or construction of the 82051
project, the financing of such acquisition or construction, 82052
including the amount authorized in the resolution of the 82053
authority providing for the issuance of air quality revenue 82054
bonds to be paid into any special funds from the proceeds of 82055
such bonds, and the financing of the placing of such project in 82056
operation. Any obligation, cost, or expense incurred by any 82057
governmental agency or person for surveys, borings, preparation 82058
of plans and specifications, and other engineering services, or 82059

any other cost described above, in connection with the 82060
acquisition or construction of a project may be regarded as a 82061
part of the cost of that project and may be reimbursed out of 82062
the proceeds of air quality revenue bonds as authorized by this 82063
chapter. 82064

(J) "Owner" includes an individual, copartnership, 82065
association, or corporation having any title or interest in any 82066
property, rights, easements, or interests authorized to be 82067
acquired by this chapter. 82068

(K) "Revenues" means all rentals and other charges 82069
received by the authority for the use or services of any air 82070
quality project, any gift or grant received with respect to any 82071
air quality project, any moneys received with respect to the 82072
lease, sublease, sale, including installment sale or conditional 82073
sale, or other disposition of an air quality project, moneys 82074
received in repayment of and for interest on any loans made by 82075
the authority to a person or governmental agency, whether from 82076
the United States or any department, administration, or agency 82077
thereof, or otherwise, proceeds of such bonds to the extent that 82078
use thereof for payment of principal of, premium, if any, or 82079
interest on the bonds is authorized by the authority, amounts 82080
received or otherwise derived from a commodity contract or from 82081
the sale of the related commodity under such a contract, 82082
proceeds from any insurance, condemnation, or guaranty 82083
pertaining to a project or property mortgaged to secure bonds or 82084
pertaining to the financing of the project, and income and 82085
profit from the investment of the proceeds of air quality 82086
revenue bonds or of any revenues. 82087

(L) "Public roads" includes all public highways, roads, 82088
and streets in the state, whether maintained by the state, 82089

county, city, township, or other political subdivision. 82090

(M) "Public utility facilities" includes tracks, pipes, 82091
mains, conduits, cables, wires, towers, poles, and other 82092
equipment and appliances of any public utility. 82093

(N) "Construction," unless the context indicates a 82094
different meaning or intent, includes reconstruction, 82095
enlargement, improvement, or providing furnishings or equipment. 82096

(O) "Air quality revenue bonds," unless the context 82097
indicates a different meaning or intent, includes air quality 82098
revenue notes, air quality revenue renewal notes, and air 82099
quality revenue refunding bonds, except that notes issued in 82100
anticipation of the issuance of bonds shall have a maximum 82101
maturity of five years as provided in section 3706.05 of the 82102
Revised Code and notes or renewal notes issued as the definitive 82103
obligation may be issued maturing at such time or times with a 82104
maximum maturity of forty years from the date of issuance of the 82105
original note. 82106

(P) "Solid waste" means any garbage; refuse; sludge from a 82107
waste water treatment plant, water supply treatment plant, or 82108
air pollution control facility; and other discarded material, 82109
including solid, liquid, semisolid, or contained gaseous 82110
material resulting from industrial, commercial, mining, and 82111
agricultural operations, and from community activities, but not 82112
including solid or dissolved material in domestic sewage, or 82113
solid or dissolved material in irrigation return flows or 82114
industrial discharges that are point sources subject to permits 82115
under section 402 of the "Federal Water Pollution Control Act 82116
Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, 82117
or source, special nuclear, or byproduct material as defined by 82118
the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, 82119

as amended. 82120

(Q) "Sludge" means any solid, semisolid, or liquid waste, 82121
other than a recyclable by-product, generated from a municipal, 82122
commercial, or industrial waste water treatment plant, water 82123
supply plant, or air pollution control facility or any other 82124
such wastes having similar characteristics and effects. 82125

(R) "Ethanol or other biofuel facility" means a plant at 82126
which ethanol or other biofuel is produced. 82127

(S) "Ethanol" means fermentation ethyl alcohol derived 82128
from agricultural products, including potatoes, cereal, grains, 82129
cheese whey, and sugar beets; forest products; or other 82130
renewable or biomass resources, including residue and waste 82131
generated from the production, processing, and marketing of 82132
agricultural products, forest products, and other renewable or 82133
biomass resources, that meets all of the specifications in the 82134
American society for testing and materials (ASTM) specification 82135
D 4806-88 and is denatured as specified in Parts 20 and 21 of 82136
Title 27 of the Code of Federal Regulations. 82137

(T) "Biofuel" means any fuel that is made from cellulosic 82138
biomass resources, including renewable organic matter, crop 82139
waste residue, wood, aquatic plants and other crops, animal 82140
waste, solid waste, or sludge, and that is used for the 82141
production of energy for transportation or other purposes. 82142

(U) "FutureGen project" means the buildings, equipment, 82143
and real property and functionally related buildings, equipment, 82144
and real property, including related research projects that 82145
support the development and operation of the buildings, 82146
equipment, and real property, designated by the United States 82147
department of energy and the FutureGen industrial alliance, 82148

inc., as the coal-fueled, zero-emissions power plant designed to 82149
prove the technical and economic feasibility of producing 82150
electricity and hydrogen from coal and nearly eliminating carbon 82151
dioxide emissions through capture and permanent storage. 82152

(V) "Commodity contract" means a contract or series of 82153
contracts entered into in connection with the acquisition or 82154
construction of air quality facilities for the purchase or sale 82155
of a commodity that is eligible for prepayment with the proceeds 82156
of federally tax exempt bonds under sections 103, 141, and 148 82157
of the Internal Revenue Code of 1986, as amended, and 82158
regulations adopted under it. 82159

(W) "Green energy" has the same meaning as in section 82160
4928.01 of the Revised Code. 82161

Sec. 3707.61. (A) The department of health shall create 82162
informational materials on type 1 diabetes for parents, 82163
guardians, educators, and other persons having care or charge of 82164
children. The materials shall include pertinent information to 82165
inform and educate parents, guardians, educators, and other 82166
caretakers about type 1 diabetes in children, including the 82167
following: 82168

(1) A description of type 1 diabetes; 82169

(2) A description of type 1 diabetes risk factors and 82170
warning signs; 82171

(3) A recommendation that the parents or guardian of a 82172
student who is displaying type 1 diabetes warning signs should 82173
immediately consult with the student's primary care provider to 82174
determine if immediate screening is appropriate; 82175

(4) A description of the type 1 diabetes screening 82176
process, the significance of the three stages of type 1 82177

diabetes, and the implications of test results identifying the 82178
presence of each stage; 82179

(5) A recommendation that, following a diagnosis of type 1 82180
diabetes, the student's parents or guardian should consult with 82181
the student's primary care provider to develop an appropriate 82182
treatment plan, which may include consultation with and 82183
examination by a specialty care provider, including a properly 82184
qualified endocrinologist. 82185

(B) The department shall make the informational materials 82186
available on its internet web site in a format suitable for easy 82187
downloading and printing. 82188

Sec. 3709.15. The board of health of a city or general 82189
health district may appoint as many persons for sanitary duty as 82190
the public health and sanitary conditions of the district 82191
require, and such persons shall have general police powers and 82192
be known as "sanitarians." The board may also appoint as many 82193
registered nurses for public health nurse duty as the public 82194
health and sanitary conditions of the district require, who 82195
shall be known as "public health nurses," and where such are 82196
appointed, the board may appoint licensed practical nurses as 82197
defined by section ~~4723.15~~ 4723.02 of the Revised Code. The 82198
legislative authority of the city may determine the maximum 82199
number of sanitarians and public health nurses and licensed 82200
practical nurses to be appointed. 82201

The board of health of a city or general health district 82202
may provide nursing care and other therapeutic and supportive 82203
care services to maintain an ill or infirm person in a place of 82204
residence used as such person's home or elsewhere. The board 82205
shall charge and collect reasonable fees not to exceed the cost 82206
of service for such care from patients financially able to pay, 82207

or may accept payment for such services from persons or public 82208
or private agencies on behalf of the recipient, either directly 82209
or by contract with such persons or agencies. The fees shall be 82210
retained by the board and placed in a special fund to be known 82211
as the home health services fund, and shall be used by the board 82212
only for defraying the cost of personnel, equipment, supplies, 82213
rental of physical facilities including real property, 82214
utilities, and administrative costs in providing services under 82215
this section. ~~The approval of the auditor of state referred to~~ 82216
~~in section 5705.12 of the Revised Code shall not be required for~~ 82217
~~the establishment of the fund.~~ 82218

The board, in addition, may contract with any individual 82219
or a public or private agency to furnish services authorized by 82220
this section on behalf of a city or general health district for 82221
such time and for such compensation as may be agreed upon by the 82222
board and the individual or agency. The compensation shall be 82223
paid by the board from the home health services fund, or from 82224
any other available fund of the board. 82225

Sec. 3715.021. (A) As used in this section, ~~"food":~~ 82226

(1) "Food processing establishment" means a premises or 82227
part of a premises where food is processed, packaged, 82228
manufactured, or otherwise held or handled for distribution to 82229
another location or for sale at wholesale. "Food processing 82230
establishment" includes the activities of a bakery, 82231
confectionery, cannery, bottler, warehouse, or distributor, and 82232
the activities of an entity that receives or salvages distressed 82233
food for sale or use as food. A "food processing establishment" 82234
does not include a cottage food production operation; a small 82235
egg producer; a processor of tree syrup who boils sap when a 82236
minimum of seventy-five per cent of the sap used to produce the 82237

syrup is collected directly from trees by that processor; a 82238
processor of sorghum who processes sorghum juice when a minimum 82239
of seventy-five per cent of the sorghum juice used to produce 82240
the sorghum is extracted directly from sorghum plants by that 82241
processor; a beekeeper who jars honey when a minimum of seventy- 82242
five per cent of the honey is from that beekeeper's own hives; 82243
or a processor of apple syrup or apple butter who directly 82244
harvests from trees a minimum of seventy-five per cent of the 82245
apples used to produce the apple syrup or apple butter. 82246

(2) "Small egg producer" means any person that is engaged 82247
in the operation of egg production and annually maintains five 82248
hundred or fewer birds. 82249

(B) The director of agriculture shall adopt rules in 82250
accordance with Chapter 119. of the Revised Code that establish, 82251
when otherwise not established by the Revised Code, standards 82252
and good manufacturing practices for food processing 82253
establishments, including the facilities of food processing 82254
establishments and their sanitation. The rules shall conform 82255
with or be equivalent to the standards for foods established by 82256
the United States food and drug administration in Title 21 of 82257
the Code of Federal Regulations. 82258

A business or that portion of a business that is regulated 82259
by the department of agriculture under Chapter 917. or 918. of 82260
the Revised Code is not subject to regulation under this section 82261
as a food processing establishment. 82262

Sec. 3717.071. (A) The director of agriculture and 82263
director of health shall prescribe forms for use in calculating 82264
the licensing fees that may be charged under sections 3717.25 82265
and 3717.45 of the Revised Code. Each licensor that charges 82266
licensing fees shall use the forms in calculating its costs 82267

according to the uniform methodologies established in rules 82268
adopted under section 3717.07 of the Revised Code. 82269

(B) (1) If the licensor is a board of health, the board 82270
shall submit the form to the director of agriculture in the case 82271
of fees being charged for retail food establishment licenses, 82272
and to the director of health in the case of fees being charged 82273
for food service operation licenses. The board shall submit the 82274
form to the appropriate director not later than the first day of 82275
the fiscal year in which the fees will apply. A form that is 82276
mailed to the director shall be considered to have been 82277
submitted on its postmark date. 82278

(2) On receipt of a form from a board of health, the 82279
director of agriculture or director of health shall review the 82280
form to determine if the board has calculated its fees in 82281
accordance with the uniform methodologies. ~~The director may~~ 82282
~~request that the auditor of state conduct an audit of the board~~ 82283
~~to determine if the fees it established are appropriate. The~~ 82284
~~audit is in addition to the annual or biennial audit conducted~~ 82285
~~pursuant to division (A) of section 117.11 of the Revised Code,~~ 82286
~~and the cost of the audit is the responsibility of the board of~~ 82287
~~health. If at any time the director of agriculture or director~~ 82288
~~of health has reasonable cause to believe that a different an~~ 82289
~~audit of a board of health, in addition to the annual or~~ 82290
~~biennial audit conducted pursuant to division (A) of section~~ 82291
~~117.11 of the Revised Code, is in the public interest, the~~ 82292
director may request that the auditor of state conduct the 82293
audit. If the audit is conducted, the cost of the audit is the 82294
responsibility of the board of health. 82295

(C) (1) If a board of health fails to submit the forms as 82296
required under division (B) (1) of this section and the failure 82297

has occurred not more than twice in the immediately preceding 82298
five-year period, the board is subject to the following 82299
penalties: 82300

(a) If the form is late by one but not more than five 82301
working days, a fine of fifty dollars for each working day the 82302
form is late; 82303

(b) If the form is late by six working days but not more 82304
than ten working days, a fine of one hundred dollars for each 82305
working day the form is late; 82306

(c) If the form is late by more than ten working days, the 82307
board shall reduce by twenty per cent the fees it charges under 82308
section 3717.25 or 3717.45 of the Revised Code during the next 82309
succeeding fiscal year. 82310

(2) If a board fails to submit the forms and the failure 82311
has occurred more than twice in the immediately preceding five- 82312
year period, the board shall reduce by twenty per cent the fees 82313
it charges under section 3717.25 or 3717.45 of the Revised Code 82314
during the next succeeding fiscal year. 82315

(3) A board of health that is required to pay a fine or 82316
reduce its licensing fees shall not include any part of the cost 82317
of the penalty in the fees it charges under section 3717.25 or 82318
3717.45 of the Revised Code or the fees it charges in operating 82319
any other licensing program. 82320

Sec. 3718.02. (A) The director of health, in accordance 82321
with Chapter 119. of the Revised Code, shall adopt, and 82322
subsequently may amend and rescind, rules of general application 82323
throughout the state to administer this chapter. Rules adopted 82324
under division (A) of this section shall do at least all of the 82325
following: 82326

(1) Require that the appropriate board of health approve 82327
or disapprove the installation, operation, and alteration of a 82328
sewage treatment system if it is not connected to a sanitary 82329
sewerage system; 82330

(2) Require a board of health, or other person as 82331
established by rule, to conduct a site evaluation for any 82332
proposed installation of a sewage treatment system; 82333

(3) Prescribe standards for the siting, design, 82334
installation, operation, monitoring, maintenance, and 82335
abandonment of sewage treatment systems that may be used in this 82336
state and for the progressive or incremental alteration or 82337
repair of an existing sewage treatment system or the progressive 82338
or incremental installation of a new system to replace an 82339
existing sewage treatment system. The rules shall be adopted so 82340
as to establish a preference for the repair of an existing 82341
sewage treatment system, when technically and economically 82342
feasible, rather than its replacement with a new system. The 82343
standards shall include at a minimum all of the following: 82344

(a) Soil absorption specifications and vertical separation 82345
distances. 82346

(i) Soil absorption specifications established in rules 82347
shall include standards regarding the sizing of sewage treatment 82348
systems in use in the state. 82349

(ii) In establishing soil absorption specifications and 82350
vertical separation distances, the rules shall identify those 82351
soil conditions that present a low or moderate risk of 82352
inadequate treatment or dispersal of sewage from sewage 82353
treatment systems. For low and moderate risk conditions, the 82354
required vertical separation distance shall not exceed eighteen 82355

inches except as authorized pursuant to rules adopted under 82356
divisions (A) (3) (a) (iii) and (iv) of this section. 82357

In addition, the rules shall identify those soil 82358
conditions that present a high risk of inadequate treatment or 82359
dispersal of sewage. For such high risk conditions, the vertical 82360
separation distance shall be set at a depth from twenty-four to 82361
thirty-six inches and shall not be lowered unless a reduction of 82362
vertical separation is granted in accordance with rules adopted 82363
under division (A) (3) (a) (iii) of this section. 82364

(iii) The rules shall establish options to be utilized by 82365
a board of health when approving the reductions of or compliance 82366
with vertical separation distances that are established in rules 82367
adopted under division (A) (3) (a) (ii) of this section. The 82368
options for a board of health in providing such approval shall 82369
include, but not be limited to: the use where deemed appropriate 82370
for a particular site of subsurface interceptor drains, 82371
perimeter drains, or engineered drainage; pretreatment of 82372
sewage; or soil elevation. 82373

(iv) The rules shall provide that a board of health may 82374
petition the director to increase the vertical separation 82375
distances required for sewage treatment systems in the 82376
applicable health district or a portion of the district when 82377
conditions present a high risk of inadequate treatment or 82378
dispersal of sewage. The rules also shall provide that the 82379
director may approve such a request upon a demonstration by the 82380
board of health that unusual or unique local conditions relating 82381
to terrain, bedrock, water table, soil fragments, or soil 82382
textures require the establishment of greater vertical 82383
separation distances within the jurisdiction of the board of 82384
health or a portion thereof. If, under the rules, the director 82385

of health approves a greater vertical separation distance, a 82386
board of health still may approve a reduction of that vertical 82387
separation distance for an individual sewage treatment system 82388
pursuant to rules adopted under division (A) (3) (a) (iii) of this 82389
section. Further, if, under the rules, the director approves a 82390
greater vertical separation distance, a person who is denied 82391
permission by a board of health to install or replace a sewage 82392
treatment system as a result of the director's approval may 82393
request a hearing in accordance with section 3718.11 of the 82394
Revised Code. 82395

(b) Specifications for the quality of treated sewage 82396
effluent from household sewage treatment systems that is applied 82397
to soil on the property where a household sewage treatment 82398
system is located. The specifications established in the rules 82399
for the quality of effluent from discharging systems shall 82400
comply with discharge requirements imposed by the national 82401
pollutant discharge elimination system permit program 82402
established under section 6111.03 of the Revised Code and rules 82403
adopted under it. 82404

(c) Requirements for the reasonable maintenance of a 82405
system according to maintenance requirements approved by the 82406
director of health as recommended by the sewage treatment system 82407
technical advisory committee or according to accepted standards 82408
and practices established in rules, as applicable. The 82409
requirements may include standards for service contracts or 82410
other arrangements that assure regular maintenance and upkeep of 82411
the system. In determining the reasonableness of a maintenance 82412
requirement, the director shall consider a manufacturer's 82413
maintenance requirements as well as all other maintenance 82414
alternatives. 82415

(4) Prescribe procedures for notification to boards of 82416
health of the approval of a sewage treatment system or 82417
components of a system by the director of health under section 82418
3718.04 of the Revised Code; 82419

(5) Prescribe criteria and procedures under which boards 82420
of health shall issue installation permits, operation permits, 82421
and alteration permits for sewage treatment systems. The rules 82422
shall require as a condition of an installation permit that the 82423
installer of a system must warrant that the system was installed 82424
in accordance with all applicable rules and design requirements. 82425
In addition, the rules shall require a board of health, not 82426
later than sixty days after the issuance of an installation, 82427
operation, or alteration permit, to notify the director that the 82428
permit was issued. The rules shall require the notification to 82429
be in a format prescribed by the director and to include 82430
information related to the issuance of the permit. With the 82431
assistance of the department of health, a board of health, to 82432
the extent practicable, shall computerize the process of the 82433
issuance of permits for sewage treatment systems. 82434

(6) Require a board of health to inspect a sewage 82435
treatment system not later than twelve months after its 82436
installation to ensure that the system is operating properly. 82437
The rules shall require a board of health, not later than sixty 82438
days after the inspection, to certify to the director on a form 82439
provided by the director that the inspection was performed. 82440

(7) Require each board of health to develop a program for 82441
the administration of maintenance requirements established in 82442
rules adopted under division (A)(3)(c) of this section. The 82443
rules shall include requirements and procedures under which a 82444
person may demonstrate the required maintenance of a system in 82445

lieu of having an inspection conducted when an inspection 82446
otherwise is required. The rules shall require a board of health 82447
to provide written notice to a person that is demonstrating 82448
maintenance of a system in lieu of an inspection that if proof 82449
of the required maintenance of the system is not provided as 82450
required by rules, the system is subject to inspection by the 82451
board and the reasonable cost of the inspection must be paid by 82452
the person. The rules shall authorize a board of health to 82453
inspect any sewage treatment system if there is a good-faith 82454
complaint regarding the system, there is probable cause for the 82455
inspection, or proof of the required maintenance of the system 82456
has not been provided as required by rules. In addition, the 82457
rules shall authorize a board of health to inspect a sewage 82458
treatment system without prior notice in any instance in which 82459
the board has probable cause to believe that the system is 82460
endangering or threatening to endanger public health. The rules 82461
shall require that the reasonable costs for sewage effluent 82462
testing or evaluation be paid by the owner of a sewage treatment 82463
system that is being investigated. Further, the rules shall 82464
establish a methodology for determining the reasonable costs of 82465
an inspection in accordance with section 3709.09 of the Revised 82466
Code. The rules shall allow, but shall not require, a board of 82467
health to continue an inspection program that was established by 82468
the board prior to the effective date of the rules, provided 82469
that the program authorizes a person to demonstrate the required 82470
maintenance of a system in lieu of an inspection. 82471

(8) Require a board of health to register installers, 82472
service providers, and septage haulers that perform work within 82473
the health district; prescribe criteria and procedures for the 82474
registration; and prescribe criteria for a demonstration of 82475
competency as a part of the registration. The rules shall 82476

establish uniform statewide bonding requirements or other 82477
financial security requirements for installers, service 82478
providers, and septage haulers as a condition of registration 82479
within any health district. The rules shall establish a 82480
methodology by which the required amount of a bond or other 82481
security may be calculated for each installer, service provider, 82482
and septage hauler. The methodology, at a minimum, shall 82483
consider the number of systems installed or serviced and the 82484
type of system installed or serviced by an installer, service 82485
provider, or septage hauler on an annual basis. The rules shall 82486
provide that no board of health shall require an additional or 82487
different bond or security requirement as a condition of 82488
registration beyond the bonding and security requirements 82489
established in the rules adopted under division (A) (8) of this 82490
section. 82491

The rules shall establish a cost methodology for 82492
determining the fee for the registration of an installer, 82493
service provider, or septage hauler in any health district. 82494

(9) Prescribe requirements for the collection, 82495
transportation, disposal, and land application of domestic 82496
septage in this state from a sewage treatment system; 82497

(10) Require boards of health to maintain records that are 82498
determined necessary to ascertain compliance with this chapter 82499
and the rules adopted under it; 82500

(11) Require the manufacturer of a sewage treatment system 82501
that is authorized for use in this state in rules adopted under 82502
this section or that is approved for use in this state under 82503
section 3718.04 of the Revised Code to provide instructions for 82504
the operation and maintenance of the system. The rules shall 82505
provide that a board of health may require a copy of a 82506

manufacturer's instructions for the operation and maintenance of 82507
a system to be filed with the board prior to the installation 82508
and use of the system in the health district in which the board 82509
has jurisdiction. In addition, the rules shall require a board 82510
of health and a manufacturer to provide a copy of the operation 82511
and maintenance instructions, if available, when a board of 82512
health or a manufacturer receives a written request for 82513
instructions. 82514

(12) Prescribe criteria for the provision of written 82515
evidence of compliance with rules pertaining to sewage treatment 82516
for purposes of sections 711.05 and 711.10 of the Revised Code; 82517

(13) Pursuant to divisions (A) (1) and (3) of this section, 82518
prescribe standards for the siting, design, installation, 82519
operation, monitoring, maintenance, and abandonment of small 82520
flow on-site sewage treatment systems that may be used in this 82521
state; 82522

(14) Prescribe minimum criteria and procedures under which 82523
boards of health may establish household sewage treatment 82524
district management programs for the purpose of providing a 82525
responsive approach toward preventing or solving sewage 82526
treatment problems resulting from household sewage treatment 82527
systems within the districts established under the program. For 82528
purposes of division (A) (14) of this section, a board of health 82529
may enter into a contract with any entity to administer a 82530
household sewage treatment district management program. 82531

(15) Prescribe standards for the use of subsurface 82532
interceptor drains, perimeter drains, and engineered drainage to 82533
remove or divert any subsurface water from an area to be used 82534
for soil absorption of sewage in the soil of a sewage treatment 82535
system; 82536

(16) Prescribe standards for the inspection of septage hauling truck tanks by boards of health, including, but not limited to, tank seal safety specifications;

(17) Establish standards and testing methods to ensure that all septic tanks, other disposal component tanks, dosing tanks, pump vaults, household sewage treatment disposal system holding tanks and privy vaults, or other applicable sewage disposal system components manufactured after September 17, 2010, and used in this state are watertight and structurally sound;

(18) Require a board of health to give notice and an opportunity for a hearing, pursuant to section 3718.11 of the Revised Code, to an affected property owner regarding any of the following:

(a) The denial of an installation, operation, or alteration permit for a sewage treatment system;

(b) The imposition of a condition on the installation of a sewage treatment system;

(c) The required replacement of a sewage treatment system;

(d) Any other final order or decision of a board of health that is made under this chapter concerning which a property owner is claiming to be aggrieved or adversely affected.

The rules also shall establish procedures for giving such notice and for conducting the hearing required in rules adopted under division (A)(18) of this section.

(19) Prescribe standards for the regulation of gray water recycling systems;

(20) Prohibit a sewage treatment system from causing a

public health nuisance; 82565

(21) Define economic impact for purposes of division (B) 82566
of this section and section 3718.022 of the Revised Code; 82567

(22) Establish statistical methods for evaluating sewage 82568
treatment system compliance for a twelve inch soil depth credit 82569
relative to bacterial parameters, such as fecal coliform and E. 82570
coli., that are derived from a minimum of one hundred forty-four 82571
consecutive data points. Such statistical methods shall include 82572
one of the following: 82573

(a) The upper confidence limit of the mean method using 82574
log-transformed data, with the upper confidence limit derived 82575
from one of the following: 82576

(i) A two-sided ninety-five per cent confidence interval 82577
for the mean and the maximum number of individual data points 82578
exceeding the treatment standard being five per cent; 82579

(ii) A two-sided ninety-nine per cent confidence interval 82580
for the mean and the maximum number of individual data points 82581
exceeding the treatment standard being ten per cent. 82582

(b) Any other statistical method that is equally 82583
protective of public health and welfare. 82584

The rule also shall specify that a soil depth credit shall 82585
be approved when the upper confidence limit of the mean using 82586
log-transformed data is less than the applicable fecal coliform 82587
or E. coli. treatment standard set forth in rules adopted in 82588
accordance with this division. 82589

The director may adopt other rules under division (A) of 82590
this section that the director determines are necessary to 82591
implement this chapter and to protect the public health and 82592

welfare. 82593

At least sixty days prior to adopting a rule under 82594
division (A) of this section, the director shall provide boards 82595
of health and any other interested parties an opportunity to 82596
comment on the rule. 82597

(B) (1) In accordance with section 3709.20 or 3709.21 of 82598
the Revised Code, as applicable, and subject to review by and 82599
approval of the director under division (C) of section 3718.05 82600
of the Revised Code, a board of health may adopt rules necessary 82601
for the public health providing for more stringent standards 82602
than those established in rules adopted by the director under 82603
division (A) of this section. In proposing or adopting the 82604
rules, a board of health shall consider and document the 82605
economic impact of the rules on property owners within the 82606
applicable health district. 82607

(2) A board that intends to adopt rules shall notify the 82608
department of health of the proposed rules and submit a copy of 82609
the proposed rules and the documentation of the economic impact 82610
of the rules at least ninety days prior to the proposed date of 82611
adoption. The director shall approve or disapprove any such 82612
proposed rule within ninety days after receiving a copy of the 82613
proposed rule from the board of health. 82614

(3) In reviewing a proposed rule, the director shall 82615
approve the rule if all of the following apply: 82616

(a) The proposed rule is not in conflict with this chapter 82617
or rules adopted under it. 82618

(b) The proposed rule is authorized by division (B) of 82619
this section. 82620

(c) The proposed rule is no less stringent than rules 82621

adopted by the director. 82622

(d) Unless otherwise authorized by this chapter or rules 82623
adopted under it, the proposed rule does not require design 82624
changes to a sewage treatment system, or component thereof, that 82625
differ from a design authorized in rules adopted under division 82626
(A) of this section, including rules adopted under division (A) 82627
(1) or (A) (3) (a) (iii) or (iv) of this section, or approved by 82628
the director under section 3718.04 of the Revised Code. 82629

(e) The proposed rule does not require operation or 82630
maintenance procedures for a sewage treatment system that 82631
conflict with operation or maintenance procedures authorized in 82632
rules adopted under division (A) of this section, including 82633
rules adopted under division (A) (1) or (A) (3) (a) (iii) or (iv) of 82634
this section, or approved by the director under section 3718.04 82635
of the Revised Code. 82636

(4) If a board of health fails to submit a proposed rule 82637
to the director or fails to demonstrate that the board has 82638
considered the economic impact of the proposed rule, the rule 82639
shall have no force or effect and is not enforceable. 82640

(C) The director shall not adopt rules under this chapter 82641
requiring a soil evaluator or soil scientist to evaluate the 82642
soil type and slope with respect to a sewage treatment system or 82643
a proposed sewage treatment system. 82644

Sec. 3718.04. (A) A manufacturer seeking approval for the 82645
installation and use of a sewage treatment system or a component 82646
of a system in this state that differs in design or function 82647
from systems or components of systems the use of which is 82648
authorized in rules adopted under section 3718.02 of the Revised 82649
Code shall request an application form from the department of 82650

health. The applicant shall complete the form and include with 82651
it all of the information that is required by the department and 82652
the sewage treatment system technical advisory committee. The 82653
applicant shall submit a completed application and all required 82654
information to the director of health. 82655

(B) Upon receipt of an application, the director shall 82656
examine the application and all accompanying information to 82657
determine if the application is complete. If the director 82658
determines that the application is not complete, the director 82659
shall notify the applicant not later than sixty days after 82660
submission of the application that the application is not 82661
complete, provide a description of the information that is 82662
missing from the application, and return the application and all 82663
accompanying information to the applicant. The applicant may 82664
resubmit the application to the director if the application 82665
includes the information that was identified by the director. 82666
Not later than thirty days after receipt of a complete 82667
application, the director shall notify the committee of the 82668
complete application and send a copy of the complete application 82669
and all accompanying information to the committee together with 82670
a request that the committee recommend that the director approve 82671
or disapprove the system. 82672

Not later than ninety days after receipt of a complete 82673
application, the committee shall recommend approval or 82674
disapproval of the application and submit its recommendation in 82675
writing to the director. The director shall approve or 82676
disapprove the application not later than sixty days after the 82677
committee submits its recommendation to the director or, if the 82678
committee fails to recommend approval or disapproval within the 82679
required time, not later than one hundred twenty days after the 82680
submission of a complete application. If the director fails to 82681

approve or disapprove an application within the required time, 82682
the application shall be deemed approved. 82683

(C) In approving or disapproving an application, the 82684
director shall use the standards, guidelines, and protocols that 82685
the committee developed with the department for that purpose. 82686
The director shall not approve an application that fails to 82687
comply with those standards, guidelines, and protocols. If the 82688
committee recommends approval or disapproval of an application, 82689
the director shall consider the committee's recommendation 82690
before approving or disapproving the application. If the 82691
committee fails to provide advice or if the committee fails to 82692
recommend approval or disapproval of the application within the 82693
required time, the director may approve or disapprove the 82694
application without considering the advice of the committee. The 82695
director shall establish and include any appropriate terms and 82696
conditions with the approval of a sewage treatment system or 82697
component of a system for use in this state. For purposes of 82698
establishing soil absorption specifications for a sewage 82699
treatment system, the terms and conditions shall include 82700
standards regarding the sizing of the system. 82701

(D) If the director approves an application under this 82702
section, the director shall notify the applicant in writing. The 82703
director also shall notify boards of health in accordance with 82704
the procedures established in rules adopted under section 82705
3718.02 of the Revised Code that the sewage treatment system or 82706
component of a system that is the subject of the application is 82707
approved for statewide use. If the director disapproves an 82708
application under this section, the director shall notify the 82709
applicant in writing and provide a brief explanation for the 82710
disapproval. 82711

(E) Decisions of the director approving or disapproving 82712
applications under this section may be appealed in accordance 82713
with Chapter 119. of the Revised Code. 82714

(F) No approval shall be required under this section with 82715
respect to a sewage treatment system or component of a system 82716
that has been approved by the director prior to ~~the effective~~ 82717
~~date of this amendment~~ September 17, 2010, unless the 82718
manufacturer of the system or component changes the design or 82719
seeks modifications to any terms and conditions of the prior 82720
approval. 82721

(G) The director may revoke the approval of a sewage 82722
treatment system or component of a system if the director finds, 82723
based on substantial evidence, that the system or component 82724
fails to comply with applicable standards for the system or 82725
component. The revocation of an approval under this division may 82726
be appealed in accordance with Chapter 119. of the Revised Code. 82727

(H) (1) The director shall not implement or enforce any 82728
special device approval or similar policy imposing additional 82729
requirements or restrictions on a sewage treatment system or 82730
component of a system that combines the treatment of effluent 82731
with subsurface dispersal of treated effluent directly to the 82732
soil, sand bed, or gravel for any approval in effect as of 82733
December 31, 2020. 82734

(2) If the director issued an approval for such a system 82735
and the approval was in effect as of December 31, 2020, the 82736
system may be modified upon request by the manufacturer if the 82737
system meets the intent of applicable standards, guidelines, and 82738
protocols. However, the system's approval otherwise remains 82739
valid under the original terms and conditions and may not be 82740
revoked or subjected to any new application or monitoring 82741

requirements unless clear, independent statistically significant 82742
evidence demonstrates that the system design consistently 82743
underperforms relative to gravel distribution trenches. 82744

(3) Divisions (H) (1) and (2) of this section apply only to 82745
subsurface dispersal systems or components of a system and do 82746
not apply to effluent discharged into waters of the state. 82747

Sec. 3719.04. (A) A person ~~identified in division (B) (1)~~ 82748
~~(a) of section 4729.52 of the Revised Code who holds a category~~ 82749
~~III~~ license issued under that section 4729.52 of the Revised 82750
Code granting authority with respect to controlled substances 82751
may sell at wholesale controlled substances to any of the 82752
following persons and is subject to the following conditions: 82753

(1) To another person who holds a ~~category III~~ license 82754
issued under section 4729.52 of the Revised Code granting 82755
authority with respect to controlled substances or to a terminal 82756
distributor of dangerous drugs with a ~~category III~~ license 82757
issued under section 4729.54 of the Revised Code granting 82758
authority with respect to controlled substances; 82759

(2) To a person in the employ of the United States 82760
government or of any state, territorial, district, county, 82761
municipal, or insular government, purchasing, receiving, 82762
possessing, or dispensing controlled substances by reason of 82763
official duties; 82764

(3) To a master of a ship or a person in charge of any 82765
aircraft upon which no physician is regularly employed, for the 82766
actual medical needs of persons on board the ship or aircraft, 82767
when not in port; provided such controlled substances shall be 82768
sold to the master of the ship or person in charge of the 82769
aircraft only in pursuance of a special official written order 82770

approved by a commissioned medical officer or acting assistant 82771
surgeon of the United States public health service; 82772

(4) To a person in a foreign country, if the federal drug 82773
abuse control laws are complied with. 82774

(B) An official written order for any schedule II 82775
controlled substances shall comply with all requirements of the 82776
federal drug abuse control laws and rules adopted by the state 82777
board of pharmacy. Except as provided in section 3719.05 of the 82778
Revised Code or as otherwise specified in rules adopted by the 82779
board, each party engaged in the sale of schedule II controlled 82780
substances shall maintain all records relating to the order for 82781
a period of five years in such a way as to be readily accessible 82782
for inspection by any public officer or employee engaged in the 82783
enforcement of this chapter. 82784

Sec. 3721.074. (A) As used in this section: 82785

(1) "Independent living facility" has the same meaning as 82786
in section 5709.12 of the Revised Code. 82787

(2) "Residential facility" has the same meaning as in 82788
section 5119.34 of the Revised Code. 82789

(B) (1) Notwithstanding any provision of the Revised Code 82790
to the contrary, an independent living facility or residential 82791
facility that applies to the director of health pursuant to 82792
section 3721.07 of the Revised Code for a license as a 82793
residential care facility may continue to operate as an 82794
independent living facility or residential facility in 82795
accordance with this section during the period of time that the 82796
application is under consideration by the director. 82797

(2) An independent living facility or residential facility 82798
shall not provide care to more than two residents while its 82799

application under section 3721.07 of the Revised Code is 82800
pending. 82801

Sec. 3721.32. (A) The director of health shall establish a 82802
state nurse aide registry listing all individuals who have done 82803
any of the following: 82804

(1) Were used by a long-term care facility as nurse aides 82805
on a full-time, temporary, per diem, or other basis at any time 82806
during the period commencing July 1, 1989, and ending January 1, 82807
1990, and successfully completed, not later than October 1, 82808
1990, a competency evaluation program approved by the director 82809
under division (A) of section 3721.31 of the Revised Code or 82810
conducted by the director under division (C) of that section; 82811

(2) Successfully completed a training and competency 82812
evaluation program approved by the director under division (A) 82813
of section 3721.31 of the Revised Code or met the conditions 82814
specified in division (F) (1) or (2) of section 3721.28 of the 82815
Revised Code, and, if the training and competency evaluation 82816
program or the training, instruction, or education the 82817
individual completed in meeting the conditions specified in 82818
division (F) (1) of section 3721.28 of the Revised Code was 82819
conducted in or by a long-term care facility, has successfully 82820
completed a competency evaluation program conducted by the 82821
director; 82822

(3) Successfully completed a training and competency 82823
evaluation program conducted by the director under division (C) 82824
of section 3721.31 of the Revised Code; 82825

(4) Successfully completed, prior to July 1, 1989, a 82826
program that the director has determined under division (B) (3) 82827
of section 3721.28 of the Revised Code included a competency 82828

evaluation component no less stringent than the competency 82829
evaluation programs approved or conducted by the director under 82830
section 3721.31 of the Revised Code, and was otherwise 82831
comparable to the training and competency evaluation program 82832
being approved by the director under section 3721.31 of the 82833
Revised Code; 82834

(5) Are listed in a nurse aide registry maintained by 82835
another state that certifies that its program for training and 82836
evaluation of competency of nurse aides complies with Titles 82837
XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 82838
42 U.S.C.A. 301, as amended, or regulations adopted thereunder; 82839

(6) Were found competent, as provided in division (B) (5) 82840
of section 3721.28 of the Revised Code, prior to July 1, 1989, 82841
after the completion of a course of nurse aide training of at 82842
least one hundred hours' duration; 82843

(7) Are enrolled in a prelicensure program of nursing 82844
education approved by the board of nursing or by an agency of 82845
another state that regulates nursing education, have provided 82846
the long-term care facility with a certificate from the program 82847
indicating that the individual has successfully completed the 82848
courses that teach basic nursing skills including infection 82849
control, safety and emergency procedures, and personal care, and 82850
have successfully completed a competency evaluation program 82851
conducted by the director under division (A) of section 3721.31 82852
of the Revised Code; 82853

(8) Have the equivalent of twelve months or more of full- 82854
time employment in the five years preceding listing in the 82855
registry as a hospital aide or orderly and have successfully 82856
completed a competency evaluation program conducted by the 82857
director under division (C) of section 3721.31 of the Revised 82858

Code; 82859

(9) Successfully completed a prelicensure program of 82860
nursing education approved by the board of nursing under section 82861
4723.06 of the Revised Code or by an agency of another state 82862
that regulates nursing education and passed the examination 82863
accepted by the board of nursing under section 4723.10 of the 82864
Revised Code, which shall be deemed as successfully completing a 82865
competency evaluation program conducted by the director under 82866
division (C) of section 3721.31 of the Revised Code; 82867

(10) Successfully completed both of the following: 82868

(a) A training course provided by the United States 82869
department of veterans affairs in a community living center 82870
operated by the department of veterans affairs that the director 82871
of health determines is similar to a training and competency 82872
evaluation program conducted by the director under division (C) 82873
of section 3721.31 of the Revised Code; 82874

(b) A competency evaluation program conducted by the 82875
director of health under division (C) of section 3721.31 of the 82876
Revised Code. 82877

(B) In addition to the list of individuals required by 82878
division (A) of this section, the registry shall include both of 82879
the following: 82880

(1) The statement required by section 3721.23 of the 82881
Revised Code detailing findings by the director under that 82882
section regarding alleged abuse, neglect, or exploitation of a 82883
resident or misappropriation of resident property; 82884

(2) Any statement provided by an individual under section 82885
3721.23 of the Revised Code disputing the director's findings. 82886

Whenever an inquiry is received as to the information 82887
contained in the registry concerning an individual about whom a 82888
statement required by section 3721.23 of the Revised Code is 82889
included in the registry, the director shall disclose the 82890
statement or a summary of the statement together with any 82891
statement provided by the individual under section 3721.23 or a 82892
clear and accurate summary of that statement. 82893

(C) The director may by rule specify additional 82894
information that must be provided to the registry by long-term 82895
care facilities and persons or government agencies conducting 82896
approved training and competency evaluation programs. 82897

(D) Information contained in the registry is a public 82898
record for the purposes of section 149.43 of the Revised Code, 82899
and is subject to inspection and copying under section 1347.08 82900
of the Revised Code. 82901

(E) An individual who is listed on the registry in good 82902
standing shall be referred to as a certified nurse aide. Only 82903
individuals listed on the registry shall use the designation 82904
"certified nurse aide" or "CNA." 82905

Sec. 3722.15. (A) A hospital that is a medicaid provider 82906
and that operates a maternity unit shall agree to a written 82907
transfer agreement with any freestanding birthing center if both 82908
of the following apply: 82909

(1) The freestanding birthing center is located within a 82910
thirty mile radius of the hospital. 82911

(2) The freestanding birthing center has requested a 82912
transfer agreement. 82913

(B) A transfer agreement shall specify an effective 82914
procedure for the safe and immediate transfer of patients from 82915

the freestanding birthing center to the hospital when medical 82916
care beyond the care that can be provided at the freestanding 82917
birthing center is necessary, including when emergency 82918
situations occur or medical complications arise. 82919

(C) The freestanding birthing center shall file a copy of 82920
the transfer agreement with the director of health. 82921

Sec. 3727.46. (A) As used in this section: 82922

(1) "Facility fee" means the portion of a bill for health 82923
care treatment that covers all the costs of delivering patient 82924
care, except for those that are billed by one or more physicians 82925
and other professionals. 82926

(2) "Governmental health plan" means a plan established or 82927
maintained for its beneficiaries by the government of the United 82928
States, the government of any state or political subdivision 82929
thereof, or by any agency or instrumentality of the government 82930
of the United States or the government of any state or political 82931
subdivision thereof, including medicare and medicaid managed 82932
care organization plans. 82933

(3) "Hospital" means an institution or facility licensed 82934
under Chapter 3722. of the Revised Code. 82935

(4) "Physician" means an individual authorized under 82936
Chapter 4731. of the Revised Code to practice medicine and 82937
surgery, osteopathic medicine and surgery, or podiatric medicine 82938
and surgery. 82939

(5) "Primary care services" means professional 82940
comprehensive personal health services, which may include health 82941
education and disease prevention, treatment of uncomplicated 82942
health problems, diagnosis of chronic health problems, and 82943
management of health care services for an individual. "Primary 82944

care services" does not include imaging services or diagnostic 82945
testing performed in a primary care setting. 82946

(6) "Third-party payor" means an entity, excluding any 82947
governmental health plan, that is, by statute, contract, or 82948
agreement, legally responsible for payment of a claim for a 82949
health care service. 82950

(7) "Self-pay individual" means an individual who does not 82951
have benefits for a health care service under a health plan 82952
offered by a third-party payor or who does not seek to have a 82953
claim for that service submitted to the third-party payer for 82954
payment. 82955

(B) (1) Beginning January 1, 2028, and subject to division 82956
(B) (2) of this section, a medical practice specializing in 82957
primary care that is owned or operated by a hospital or hospital 82958
system shall not require a self-pay individual or third-party 82959
payor to pay a facility fee in connection with any primary care 82960
service provided to a patient at the practice. 82961

(2) The prohibition described in division (B) (1) of this 82962
section applies only if both of the following are the case: 82963

(a) The medical practice was owned or operated solely by a 82964
physician or group of physicians at the time of its purchase by 82965
the hospital or hospital system; 82966

(b) The hospital or hospital system purchased the medical 82967
practice after January 1, 2010. 82968

(C) This section shall not be construed to apply to a 82969
medical practice specializing in primary care that is 82970
established by a hospital or hospital system. 82971

Sec. 3728.01. As used in this chapter: 82972

(A) "Administer epinephrine" means to inject an individual 82973
with epinephrine using an autoinjector in a manufactured dosage 82974
form. 82975

(B) "Peace officer" has the same meaning as in section 82976
109.71 of the Revised Code and also includes a sheriff. 82977

(C) "Prescriber" means an individual who is authorized by 82978
law to prescribe drugs or dangerous drugs or drug therapy 82979
related devices in the course of the individual's professional 82980
practice, including only the following: 82981

(1) A clinical nurse specialist, certified nurse-midwife, 82982
or certified nurse practitioner who holds a certificate to 82983
prescribe issued under section 4723.48 of the Revised Code; 82984

(2) A physician authorized under Chapter 4731. of the 82985
Revised Code to practice medicine and surgery, osteopathic 82986
medicine and surgery, or podiatric medicine and surgery; 82987

(3) A physician assistant who is licensed under Chapter 82988
4730. of the Revised Code, holds a valid prescriber number 82989
issued by the state medical board, and has been granted 82990
physician-delegated prescriptive authority. 82991

(D) "Qualified entity" means either of the following: 82992

(1) Any public or private entity that is associated with a 82993
location where allergens capable of causing anaphylaxis may be 82994
present, including child care centers, colleges and 82995
universities, places of employment, restaurants, amusement 82996
parks, recreation camps, sports playing fields and arenas, and 82997
other similar locations, except that "qualified entity" does not 82998
include either of the following: 82999

(a) A chartered or nonchartered nonpublic school; 83000

community school; science, technology, engineering, and 83001
mathematics school; college-preparatory boarding school; or a 83002
school operated by the board of education of a city, local, 83003
exempted village, or joint vocational school district, as those 83004
entities are otherwise authorized to procure epinephrine 83005
autoinjectors pursuant to sections 3313.7110, 3313.7111, 83006
3314.143, 3326.28, or 3328.29 of the Revised Code; 83007

(b) A camp described in section ~~5101.76~~5180.26 of the 83008
Revised Code that is authorized to procure epinephrine 83009
autoinjectors pursuant to that section; 83010

(2) Either of the following served by a peace officer: a 83011
law enforcement agency or other entity described in division (A) 83012
of section 109.71 of the Revised Code. 83013

Sec. 3734.021. (A) Infectious wastes shall be segregated, 83014
managed, treated, and disposed of in accordance with rules 83015
adopted under this section. 83016

(B) The director of environmental protection, in 83017
accordance with Chapter 119. of the Revised Code, shall adopt 83018
rules necessary or appropriate to protect human health or safety 83019
or the environment that do both of the following: 83020

(1) Establish standards for generators of infectious 83021
wastes that include, without limitation, the following 83022
requirements and authorizations that: 83023

(a) All generators of infectious wastes: 83024

(i) Either treat all specimen cultures and cultures of 83025
viable infectious agents on the premises where they are 83026
generated to render them noninfectious by methods, techniques, 83027
or practices prescribed by rules adopted under division (B) (2) 83028
(a) of this section before they are transported off that 83029

premises for disposal or ensure that such wastes are treated to 83030
render them noninfectious at an infectious waste treatment 83031
facility off that premises prior to disposal of the wastes; 83032

(ii) Transport and dispose of infectious wastes, if a 83033
generator produces fewer than fifty pounds of infectious wastes 83034
during any one month that are subject to and packaged and 83035
labeled in accordance with federal requirements, in the same 83036
manner as solid wastes. Such generators who treat specimen 83037
cultures and cultures of viable infectious agents on the 83038
premises where they are generated shall not be considered 83039
treatment facilities as "treatment" and "facility" are defined 83040
in section 3734.01 of the Revised Code. 83041

(iii) Dispose of infectious wastes subject to and treated 83042
in accordance with rules adopted under division (B) (1) (a) (i) of 83043
this section in the same manner as solid wastes; 83044

(iv) May take wastes generated in providing care to a 83045
patient by an emergency medical services organization, as 83046
defined in section 4765.01 of the Revised Code, to and leave 83047
them at a hospital, as defined in section 3727.01 of the Revised 83048
Code, for treatment at a treatment facility owned or operated by 83049
the hospital or, in conjunction with infectious wastes generated 83050
by the hospital, at another treatment facility regardless of 83051
whether the wastes were generated in providing care to the 83052
patient at the scene of an emergency or during the 83053
transportation of the patient to a hospital; 83054

(v) May take wastes generated by an individual for 83055
purposes of the individual's own care or treatment to and leave 83056
them at a hospital, as defined in section 3727.01 of the Revised 83057
Code, for treatment at a treatment facility owned or operated by 83058
the hospital or, in conjunction with infectious wastes generated 83059

by the hospital, at another treatment facility. 83060

(b) Each generator of fifty pounds or more of infectious 83061
wastes during any one month: 83062

(i) Register with the environmental protection agency as a 83063
generator of infectious wastes and obtain a registration 83064
certificate. ~~The fee for issuance of a generator registration~~ 83065
~~certificate is one hundred forty dollars payable at the time of~~ 83066
~~application.~~ The registration certificate applies to all the 83067
premises owned or operated by the generator in this state where 83068
infectious wastes are generated and shall list the address of 83069
each such premises. If a generator owns or operates facilities 83070
for the treatment of infectious wastes it generates, the 83071
certificate shall list the address and method of treatment used 83072
at each such facility. 83073

A generator registration certificate is valid for three 83074
years from the date of issuance and shall be renewed for a term 83075
of three years upon the generator's submission of an application 83076
for renewal ~~and payment of a one hundred forty dollar renewal~~ 83077
~~fee.~~ 83078

The rules may establish a system of staggered renewal 83079
dates with approximately one-third of such certificates subject 83080
to renewal each year. The applicable renewal date shall be 83081
prescribed on each registration certificate. ~~Registration fees~~ 83082
~~shall be prorated according to the time remaining in the~~ 83083
~~registration cycle to the nearest year.~~ 83084

~~The registration and renewal fees collected under division~~ 83085
~~(B) (1) (b) (i) of this section shall be deposited in the state~~ 83086
~~treasury to the credit of the waste management fund created in~~ 83087
~~section 3734.061 of the Revised Code.~~ 83088

(ii) Segregate infectious wastes from other wastes at the 83089
point of generation. Nothing in this section and rules adopted 83090
under it prohibits a generator of infectious wastes from 83091
designating and managing any wastes, in addition to those 83092
defined as infectious wastes under section 3734.01 of the 83093
Revised Code, as infectious wastes. After designating any such 83094
other wastes as infectious, the generator shall manage those 83095
wastes in compliance with the requirements of this chapter and 83096
rules adopted under it applicable to the management of 83097
infectious wastes. 83098

(iii) Either treat the infectious wastes that it generates 83099
at a facility owned or operated by the generator by methods, 83100
techniques, or practices prescribed by rules adopted under 83101
division (B) (2) (a) of this section to render them noninfectious, 83102
or designate the wastes for treatment off that premises at an 83103
infectious waste treatment facility holding a license issued 83104
under division (B) of section 3734.05 of the Revised Code, at an 83105
infectious waste treatment facility that is located in another 83106
state that is in compliance with applicable state and federal 83107
laws, or at a treatment facility authorized by rules adopted 83108
under division (B) (2) (d) of this section, prior to disposal of 83109
the wastes. After being treated to render them noninfectious, 83110
the wastes shall be disposed of at a solid waste disposal 83111
facility holding a license issued under division (A) of section 83112
3734.05 of the Revised Code or at a disposal facility in another 83113
state that is in compliance with applicable state and federal 83114
laws. 83115

(iv) Not compact or grind any type of infectious wastes 83116
prior to treatment in accordance with rules adopted under 83117
division (B) (2) (a) of this section; 83118

(v) May discharge untreated liquid or semiliquid 83119
infectious wastes consisting of blood, blood products, body 83120
fluids, and excreta into a disposal system, as defined in 83121
section 6111.01 of the Revised Code, unless the discharge of 83122
those wastes into a disposal system is inconsistent with the 83123
terms and conditions of the permit for the system issued under 83124
Chapter 6111. of the Revised Code; 83125

(vi) May transport or cause to be transported infectious 83126
wastes that have been treated to render them noninfectious in 83127
the same manner as solid wastes are transported. 83128

(2) Establish standards for owners and operators of 83129
infectious waste treatment facilities that include, without 83130
limitation, the following requirements and authorizations that: 83131

(a) Require treatment of all wastes received to be 83132
performed in accordance with methods, techniques, and practices 83133
approved by the director; 83134

(b) Govern the location, design, construction, and 83135
operation of infectious waste treatment facilities. The rules 83136
adopted under division (B) (2) (b) of this section shall require 83137
that a new infectious waste incineration facility be located so 83138
that the incinerator unit and all areas where infectious wastes 83139
are handled on the premises where the facility is proposed to be 83140
located are at least three hundred feet inside the property line 83141
of the tract of land on which the facility is proposed to be 83142
located and are at least one thousand feet from any domicile, 83143
school, prison, or jail that is in existence on the date on 83144
which the application for the permit to establish the 83145
incinerator is submitted under division (B) (2) (b) of section 83146
3734.05 of the Revised Code. 83147

(c) Establish quality control and testing procedures to 83148
ensure compliance with the rules adopted under division (B) (2) 83149
(b) of this section; 83150

(d) Authorize infectious wastes to be treated at a 83151
facility that holds a license or renewal of a license to operate 83152
a crematory facility issued under Chapter 4717., and a permit 83153
issued under Chapter 3704., of the Revised Code to the extent 83154
that the treatment of those wastes is consistent with that 83155
permit and its terms and conditions. The rules adopted under 83156
divisions (B) (2) (b) and (c) of this section do not apply to a 83157
facility holding such a license and permit. 83158

In adopting the rules required by divisions (B) (2) (a) to 83159
(d) of this section, the director shall consider and, to the 83160
maximum feasible extent, utilize existing standards and 83161
guidelines established by professional and governmental 83162
organizations having expertise in the fields of infection 83163
control and infectious wastes management. 83164

(e) Require shipping papers to accompany shipments of 83165
wastes that have been treated to render them noninfectious. The 83166
shipping papers shall include only the following elements: 83167

(i) The name of the owner or operator of the facility 83168
where the wastes were treated and the address of the treatment 83169
facility; 83170

(ii) A certification by the owner or operator of the 83171
treatment facility where the wastes were treated indicating that 83172
the wastes have been treated by the methods, techniques, and 83173
practices prescribed in rules adopted under division (B) (2) (a) 83174
of this section. 83175

(C) This section and rules adopted under it do not apply 83176

to the treatment or disposal of wastes consisting of dead 83177
animals or parts thereof, or the blood of animals: 83178

(1) By the owner of the animal after slaughter by the 83179
owner on the owner's premises to obtain meat for consumption by 83180
the owner and the members of the owner's household; 83181

(2) In accordance with Chapter 941. of the Revised Code; 83182
or 83183

(3) By persons who are subject to any of the following: 83184

(a) Inspection under the "Federal Meat Inspection Act," 81 83185
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 83186

(b) Chapter 918. of the Revised Code; 83187

(c) Chapter 953. of the Revised Code. 83188

(D) As used in this section, "generator" means a person 83189
who produces infectious wastes at a specific premises. 83190

(E) Rules adopted under this section shall not concern or 83191
relate to personnel policies, salaries, wages, fringe benefits, 83192
or other conditions of employment of employees of persons owning 83193
or operating infectious waste treatment facilities. 83194

(F) (1) The director, in accordance with Chapter 119. of 83195
the Revised Code, shall adopt rules governing the issuance, 83196
modification, revocation, suspension, and denial of variances 83197
from the rules adopted under division (B) of this section. 83198
Variances shall be issued, modified, revoked, suspended, or 83199
denied in accordance with division (F) of this section, rules 83200
adopted under it, and Chapter 3745. of the Revised Code. 83201

(2) A person who desires to obtain a variance or renew a 83202
variance from the rules adopted under division (B) of this 83203

section shall submit to the director an application as 83204
prescribed by the director. The application shall contain detail 83205
plans, specifications, and information regarding objectives, 83206
procedures, controls, and any other information that the 83207
director may require. The director shall issue, renew, or deny a 83208
variance or renewal of a variance within six months of the date 83209
on which the director receives a complete application with all 83210
required information and data. 83211

(3) The director may hold a public hearing on an 83212
application submitted under division (F) of this section for a 83213
variance at a location in the county in which the operations 83214
that are the subject of the application for a variance or 83215
renewal of variance are conducted. Not less than twenty days 83216
before the hearing, the director shall provide to the applicant 83217
notice of the hearing by certified mail or by another type of 83218
mail that is accompanied by a receipt and shall publish notice 83219
of the hearing at least one time in a newspaper of general 83220
circulation in the county in which the hearing is to be held or 83221
may instead provide public notice by publication on the 83222
environmental protection agency's web site. The director shall 83223
make a complete stenographic record or electronic record of 83224
testimony and other evidence submitted at the hearing. Not later 83225
than ten days after the hearing, the director shall make a 83226
written determination to issue, renew, or deny the variance and 83227
shall enter the determination and the basis for it into the 83228
record of the hearing. 83229

(4) A variance shall not be issued, modified, revoked, or 83230
denied under division (F) of this section until the director has 83231
considered the relative interests of the applicant, other 83232
persons and property that will be affected by the variance, and 83233
the general public. The director shall grant a variance only if 83234

the applicant demonstrates to the director's satisfaction that 83235
the requested action will not create a nuisance or a hazard to 83236
the health or safety of the public or to the environment. In 83237
granting a variance, the director shall state the specific 83238
provision or provisions whose terms are to be varied and also 83239
shall state specific terms or conditions imposed on the 83240
applicant in place of the provision or provisions. 83241

(5) A variance granted under division (F) of this section 83242
shall be for a period specified by the director and may be 83243
renewed from time to time on terms and for periods that the 83244
director determines to be appropriate. The director may order 83245
the person to whom a variance has been issued to take action 83246
within the time that the director determines to be appropriate 83247
and reasonable to prevent the creation of a nuisance or a hazard 83248
to the health or safety of the public or to the environment. 83249

(6) An application submitted under division (F) of this 83250
section shall not be denied and a variance shall not be revoked 83251
or modified under that division without a written order of the 83252
director stating the findings on which the denial, revocation, 83253
or modification is based. A copy of the order shall be sent to 83254
the applicant or holder of a variance by certified mail or by 83255
another type of mail that is accompanied by a receipt. 83256

(7) The director shall make available for public 83257
inspection at the principal office of the environmental 83258
protection agency a current list of pending applications for 83259
variances submitted under division (F) of this section and a 83260
current schedule of pending variance hearings under it. 83261

Sec. 3734.05. (A) (1) Except as provided in divisions (A) 83262
(6) and (7) of this section, no person shall operate or maintain 83263
a solid waste facility without a license issued under this 83264

division by the board of health of the health district in which 83265
the facility is located or by the director of environmental 83266
protection when the health district in which the facility is 83267
located is not on the approved list under section 3734.08 of the 83268
Revised Code. 83269

During the month of December, but before the first day of 83270
January of the next year, every person proposing to continue to 83271
operate an existing solid waste facility shall procure a license 83272
under this division to operate the facility for that year from 83273
the board of health of the health district in which the facility 83274
is located or, if the health district is not on the approved 83275
list under section 3734.08 of the Revised Code, from the 83276
director. The application for such a license shall be submitted 83277
to the board of health or to the director, as appropriate, on or 83278
before the last day of September of the year preceding that for 83279
which the license is sought. In addition to the application fee 83280
prescribed in division (A) (2) of this section, a person who 83281
submits an application after that date shall pay an additional 83282
ten per cent of the amount of the application fee for each week 83283
that the application is late. Late payment fees accompanying an 83284
application submitted to the board of health shall be credited 83285
to the special fund of the health district created in division 83286
(B) of section 3734.06 of the Revised Code, and late payment 83287
fees accompanying an application submitted to the director shall 83288
be credited to the general revenue fund. A person who has 83289
received a license, upon sale or disposition of a solid waste 83290
facility, and upon consent of the board of health and the 83291
director, may have the license transferred to another person. 83292
The board of health or the director may include such terms and 83293
conditions in a license or revision to a license as are 83294
appropriate to ensure compliance with this chapter and rules 83295

adopted under it. The terms and conditions may establish the 83296
authorized maximum daily waste receipts for the facility. 83297
Limitations on maximum daily waste receipts shall be specified 83298
in cubic yards of volume for the purpose of regulating the 83299
design, construction, and operation of solid waste facilities. 83300
Terms and conditions included in a license or revision to a 83301
license by a board of health shall be consistent with, and 83302
pertain only to the subjects addressed in, the rules adopted 83303
under division (A) of section 3734.02 and division (D) of 83304
section 3734.12 of the Revised Code. 83305

(2) (a) Except as provided in divisions (A) (2) (b), (6), and 83306
(7) of this section, each person proposing to open a new solid 83307
waste facility or to modify an existing solid waste facility 83308
shall submit an application for a permit with accompanying 83309
detail plans and specifications to the environmental protection 83310
agency for required approval under the rules adopted by the 83311
director pursuant to division (A) of section 3734.02 of the 83312
Revised Code and applicable rules adopted under division (D) of 83313
section 3734.12 of the Revised Code at least two hundred seventy 83314
days before proposed operation of the facility and shall 83315
concurrently make application for the issuance of a license 83316
under division (A) (1) of this section with the board of health 83317
of the health district in which the proposed facility is to be 83318
located. 83319

(b) On and after the effective date of the rules adopted 83320
under division (A) of section 3734.02 of the Revised Code and 83321
division (D) of section 3734.12 of the Revised Code governing 83322
solid waste transfer facilities, each person proposing to open a 83323
new solid waste transfer facility or to modify an existing solid 83324
waste transfer facility shall submit an application for a permit 83325
with accompanying engineering detail plans, specifications, and 83326

information regarding the facility and its method of operation 83327
to the environmental protection agency for required approval 83328
under those rules at least two hundred seventy days before 83329
commencing proposed operation of the facility and concurrently 83330
shall make application for the issuance of a license under 83331
division (A)(1) of this section with the board of health of the 83332
health district in which the facility is located or proposed. 83333

(c) Each application for a permit under division (A)(2)(a) 83334
or (b) of this section shall be accompanied by a nonrefundable 83335
application fee of four hundred dollars that shall be credited 83336
to the general revenue fund. Each application for an annual 83337
license under division (A)(1) or (2) of this section shall be 83338
accompanied by a nonrefundable application fee of one hundred 83339
dollars. If the application for an annual license is submitted 83340
to a board of health on the approved list under section 3734.08 83341
of the Revised Code, the application fee shall be credited to 83342
the special fund of the health district created in division (B) 83343
of section 3734.06 of the Revised Code. If the application for 83344
an annual license is submitted to the director, the application 83345
fee shall be credited to the general revenue fund. If a permit 83346
or license is issued, the amount of the application fee paid 83347
shall be deducted from the amount of the permit fee due under 83348
division ~~(Q)~~(P) of section 3745.11 of the Revised Code or the 83349
amount of the license fee due under division (A)(1), (2), (3), 83350
(4), or (5) of section 3734.06 of the Revised Code. 83351

(d) As used in divisions (A)(2)(d), (e), and (f) of this 83352
section, "modify" means any of the following: 83353

(i) Any increase of more than ten per cent in the total 83354
capacity of a solid waste facility; 83355

(ii) Any expansion of the limits of solid waste placement 83356

at a solid waste facility; 83357

(iii) Any increase in the depth of excavation at a solid 83358
waste facility; 83359

(iv) Any change in the technique of waste receipt or type 83360
of waste received at a solid waste facility that may endanger 83361
human health, as determined by the director by rules adopted in 83362
accordance with Chapter 119. of the Revised Code. 83363

Not later than forty-five days after submitting an 83364
application under division (A) (2) (a) or (b) of this section for 83365
a permit to open a new or modify an existing solid waste 83366
facility, the applicant, in conjunction with an officer or 83367
employee of the environmental protection agency, shall hold a 83368
public meeting on the application within the county in which the 83369
new or modified solid waste facility is or is proposed to be 83370
located or within a contiguous county. ~~Not~~ 83371

Not less than thirty days before holding the public 83372
meeting on the application, the applicant shall publish notice 83373
of the meeting in each newspaper of general circulation that is 83374
published in the county in which the facility is or is proposed 83375
to be located. If no newspaper of general circulation is 83376
published in the county, the applicant shall publish the notice 83377
in a newspaper of general circulation in the county. The notice 83378
shall contain the date, time, and location of the public meeting 83379
and a general description of the proposed new or modified 83380
facility. ~~Not~~ 83381

Not later than five days after publishing the notice, the 83382
applicant shall send by certified mail a copy of the notice and 83383
the date the notice was published to the director and the 83384
legislative authority of each municipal corporation, township, 83385

and county, and to the chief executive officer of each municipal corporation, in which the facility is or is proposed to be located. ~~At~~ 83386
83387
83388

At the public meeting, the applicant shall provide 83389
information and describe the application and respond to comments 83390
or questions concerning the application, and the officer or 83391
employee of the agency shall describe the permit application 83392
process. At the public meeting, any person may submit written or 83393
oral comments on or objections to the application. ~~Not~~ 83394

Not more than thirty days after the public meeting, the 83395
applicant shall provide the director with a copy of a transcript 83396
of the full meeting, copies of any exhibits, displays, or other 83397
materials presented by the applicant at the meeting, and the 83398
original copy of any written comments submitted at the meeting. 83399

(e) Except as provided in division (A) (2) (f) of this 83400
section, prior to taking an action, other than a proposed or 83401
final denial, upon an application submitted under division (A) 83402
(2) (a) of this section for a permit to open a new or modify an 83403
existing solid waste facility, the director shall hold a public 83404
information session and a public hearing on the application 83405
within the county in which the new or modified solid waste 83406
facility is or is proposed to be located or within a contiguous 83407
county. If the application is for a permit to open a new solid 83408
waste facility, the director shall hold the hearing not less 83409
than fourteen days after the information session. If the 83410
application is for a permit to modify an existing solid waste 83411
facility, the director may hold both the information session and 83412
the hearing on the same day unless any individual affected by 83413
the application requests in writing that the information session 83414
and the hearing not be held on the same day, in which case the 83415

director shall hold the hearing not less than fourteen days 83416
after the information session. The director shall publish notice 83417
of the public information session or public hearing not less 83418
than thirty days before holding the information session or 83419
hearing, as applicable. The notice shall be published in each 83420
newspaper of general circulation that is published in the county 83421
in which the facility is or is proposed to be located. ~~If no~~ 83422
~~newspaper of general circulation is published in the county, the~~ 83423
~~director shall publish the notice in a newspaper of general~~ 83424
~~circulation in the county or by publication on the environmental~~ 83425
protection agency's official web site. The notice shall contain 83426
the date, time, and location of the information session or 83427
hearing, as applicable, and a general description of the 83428
proposed new or modified facility. At the public information 83429
session, an officer or employee of the environmental protection 83430
agency shall describe the status of the permit application and 83431
be available to respond to comments or questions concerning the 83432
application. At the public hearing, any person may submit 83433
written or oral comments on or objections to the approval of the 83434
application. The applicant, or a representative of the applicant 83435
who has knowledge of the location, construction, and operation 83436
of the facility, shall attend the information session and public 83437
hearing to respond to comments or questions concerning the 83438
facility directed to the applicant or representative by the 83439
officer or employee of the environmental protection agency 83440
presiding at the information session and hearing. 83441

(f) The solid waste management policy committee of a 83442
county or joint solid waste management district may adopt a 83443
resolution requesting expeditious consideration of a specific 83444
application submitted under division (A)(2)(a) of this section 83445
for a permit to modify an existing solid waste facility within 83446

the district. The resolution shall make the finding that 83447
expedited consideration of the application without the public 83448
information session and public hearing under division (A) (2) (e) 83449
of this section is in the public interest and will not endanger 83450
human health, as determined by the director by rules adopted in 83451
accordance with Chapter 119. of the Revised Code. Upon receiving 83452
such a resolution, the director, at the director's discretion, 83453
may issue a final action upon the application without holding a 83454
public information session or public hearing pursuant to 83455
division (A) (2) (e) of this section. 83456

(3) The director may issue an order in accordance with 83457
Chapter 3745. of the Revised Code to the owner or operator of a 83458
solid waste facility requiring the person to submit to the 83459
director updated engineering detail plans, specifications, and 83460
information regarding the facility and its method of operation 83461
for approval under rules adopted under division (A) of section 83462
3734.02 of the Revised Code and applicable rules adopted under 83463
division (D) of section 3734.12 of the Revised Code if, in the 83464
director's judgment, conditions at the facility constitute a 83465
substantial threat to public health or safety or are causing or 83466
contributing to or threatening to cause or contribute to air or 83467
water pollution or soil contamination. Any person who receives 83468
such an order shall submit the updated engineering detail plans, 83469
specifications, and information to the director within one 83470
hundred eighty days after the effective date of the order. 83471

(4) The director shall act upon any updated engineering 83472
plans, specifications, and information submitted under division 83473
(A) (3) of this section within one hundred eighty days after 83474
receiving them. If the director issues an order disapproving the 83475
plans, specifications, and information submitted under division 83476
(A) (3) of this section, the order shall include all of the 83477

following requirements: 83478

(a) That the owner or operator submit a plan for closure 83479
and post-closure care of the facility to the director for 83480
approval within six months after issuance of the order; 83481

(b) That the owner or operator cease accepting solid 83482
wastes for disposal or transfer at the facility; and 83483

(c) The owner or operator commence closure of the facility 83484
not later than one year after issuance of the order. 83485

If the director determines that closure of the facility 83486
within that one-year period would result in the unavailability 83487
of sufficient solid waste management facility capacity within 83488
the county or joint solid waste management district in which the 83489
facility is located to dispose of or transfer the solid waste 83490
generated within the district, the director in the order of 83491
disapproval may postpone commencement of closure of the facility 83492
for such period of time as the director finds necessary for the 83493
board of county commissioners or directors of the district to 83494
secure access to or for there to be constructed within the 83495
district sufficient solid waste management facility capacity to 83496
meet the needs of the district, provided that the director shall 83497
certify in the director's order that postponing the date for 83498
commencement of closure will not endanger ground water or any 83499
property surrounding the facility, allow methane gas migration 83500
to occur, or cause or contribute to any other type of 83501
environmental damage. 83502

If an emergency need for disposal capacity that may affect 83503
public health and safety exists as a result of closure of a 83504
facility under division (A) (4) of this section, the director may 83505
issue an order designating another solid waste facility to 83506

accept the wastes that would have been disposed of at the 83507
facility to be closed. 83508

(5) If the director determines that standards more 83509
stringent than those applicable in rules adopted under division 83510
(A) of section 3734.02 of the Revised Code and division (D) of 83511
section 3734.12 of the Revised Code, or standards pertaining to 83512
subjects not specifically addressed by those rules, are 83513
necessary to ensure that a solid waste facility constructed at 83514
the proposed location will not cause a nuisance, cause or 83515
contribute to water pollution, or endanger public health or 83516
safety, the director may issue a permit for the facility with 83517
such terms and conditions as the director finds necessary to 83518
protect public health and safety and the environment. If a 83519
permit is issued, the director shall state in the order issuing 83520
it the specific findings supporting each such term or condition. 83521

(6) Divisions (A) (1) and (2) (a) of this section do not 83522
apply to a solid waste compost facility that accepts exclusively 83523
source separated yard wastes and that is registered under 83524
division (C) of section 3734.02 of the Revised Code or, unless 83525
otherwise provided in rules adopted under division (N) (3) of 83526
section 3734.02 of the Revised Code, to a solid waste compost 83527
facility if the director has adopted rules establishing an 83528
alternative system for authorizing the establishment, operation, 83529
or modification of a solid waste compost facility under that 83530
division. 83531

(7) Divisions (A) (1) to (5) of this section do not apply 83532
to scrap tire collection, storage, monocell, monofill, and 83533
recovery facilities. The approval of plans and specifications, 83534
as applicable, and the issuance of registration certificates, 83535
permits, and licenses for those facilities are subject to 83536

sections 3734.75 to 3734.78 of the Revised Code, as applicable, 83537
and section 3734.81 of the Revised Code. 83538

(B) (1) No person shall operate or maintain an infectious 83539
waste treatment facility without a license issued by the board 83540
of health of the health district in which the facility is 83541
located or by the director when the health district in which the 83542
facility is located is not on the approved list under section 83543
3734.08 of the Revised Code. 83544

(2) (a) During the month of December, but before the first 83545
day of January of the next year, every person proposing to 83546
continue to operate an existing infectious waste treatment 83547
facility shall procure a license to operate the facility for 83548
that year from the board of health of the health district in 83549
which the facility is located or, if the health district is not 83550
on the approved list under section 3734.08 of the Revised Code, 83551
from the director. The application for such a license shall be 83552
submitted to the board of health or to the director, as 83553
appropriate, on or before the last day of September of the year 83554
preceding that for which the license is sought. In addition to 83555
the application fee prescribed in division (B) (2) (c) of this 83556
section, a person who submits an application after that date 83557
shall pay an additional ten per cent of the amount of the 83558
application fee for each week that the application is late. Late 83559
payment fees accompanying an application submitted to the board 83560
of health shall be credited to the special infectious waste fund 83561
of the health district created in division (C) of section 83562
3734.06 of the Revised Code, and late payment fees accompanying 83563
an application submitted to the director shall be credited to 83564
the general revenue fund. A person who has received a license, 83565
upon sale or disposition of an infectious waste treatment 83566
facility and upon consent of the board of health and the 83567

director, may have the license transferred to another person. 83568
The board of health or the director may include such terms and 83569
conditions in a license or revision to a license as are 83570
appropriate to ensure compliance with the infectious waste 83571
provisions of this chapter and rules adopted under them. 83572

(b) Each person proposing to open a new infectious waste 83573
treatment facility or to modify an existing infectious waste 83574
treatment facility shall submit an application for a permit with 83575
accompanying detail plans and specifications to the 83576
environmental protection agency for required approval under the 83577
rules adopted by the director pursuant to section 3734.021 of 83578
the Revised Code two hundred seventy days before proposed 83579
operation of the facility and concurrently shall make 83580
application for a license with the board of health of the health 83581
district in which the facility is or is proposed to be located. 83582
Not later than ninety days after receiving a complete 83583
application under division (B) (2) (b) of this section for a 83584
permit to open a new infectious waste treatment facility or 83585
modify an existing infectious waste treatment facility to expand 83586
its treatment capacity, or receiving a complete application 83587
under division (A) (2) (a) of this section for a permit to open a 83588
new solid waste incineration facility, or modify an existing 83589
solid waste incineration facility to also treat infectious 83590
wastes or to increase its infectious waste treatment capacity, 83591
that pertains to a facility for which a notation authorizing 83592
infectious waste treatment is included or proposed to be 83593
included in the solid waste incineration facility's license 83594
pursuant to division (B) (3) of this section, the director shall 83595
hold a public hearing on the application within the county in 83596
which the new or modified infectious waste or solid waste 83597
facility is or is proposed to be located or within a contiguous 83598

county. Not less than thirty days before holding the public 83599
hearing on the application, the director shall publish notice of 83600
the hearing in each newspaper that has general circulation and 83601
that is published in the county in which the facility is or is 83602
proposed to be located. ~~If there is no newspaper that has~~ 83603
~~general circulation and that is published in the county, the~~ 83604
~~director shall publish the notice in a newspaper of general~~ 83605
~~circulation in the county or by publication on the environmental~~ 83606
protection agency's official web site. The notice shall contain 83607
the date, time, and location of the public hearing and a general 83608
description of the proposed new or modified facility. At the 83609
public hearing, any person may submit written or oral comments 83610
on or objections to the approval or disapproval of the 83611
application. The applicant, or a representative of the applicant 83612
who has knowledge of the location, construction, and operation 83613
of the facility, shall attend the public hearing to respond to 83614
comments or questions concerning the facility directed to the 83615
applicant or representative by the officer or employee of the 83616
environmental protection agency presiding at the hearing. 83617

(c) Each application for a permit under division (B) (2) (b) 83618
of this section shall be accompanied by a nonrefundable 83619
application fee of four hundred dollars that shall be credited 83620
to the general revenue fund. Each application for an annual 83621
license under division (B) (2) (a) of this section shall be 83622
accompanied by a nonrefundable application fee of one hundred 83623
dollars. If the application for an annual license is submitted 83624
to a board of health on the approved list under section 3734.08 83625
of the Revised Code, the application fee shall be credited to 83626
the special infectious waste fund of the health district created 83627
in division (C) of section 3734.06 of the Revised Code. If the 83628
application for an annual license is submitted to the director, 83629

the application fee shall be credited to the general revenue 83630
fund. If a permit or license is issued, the amount of the 83631
application fee paid shall be deducted from the amount of the 83632
permit fee due under division ~~(Q)~~ (P) of section 3745.11 of the 83633
Revised Code or the amount of the license fee due under division 83634
(C) of section 3734.06 of the Revised Code. 83635

(d) The director may issue an order in accordance with 83636
Chapter 3745. of the Revised Code to the owner or operator of an 83637
infectious waste treatment facility requiring the person to 83638
submit to the director updated engineering detail plans, 83639
specifications, and information regarding the facility and its 83640
method of operation for approval under rules adopted under 83641
section 3734.021 of the Revised Code if, in the director's 83642
judgment, conditions at the facility constitute a substantial 83643
threat to public health or safety or are causing or contributing 83644
to or threatening to cause or contribute to air or water 83645
pollution or soil contamination. Any person who receives such an 83646
order shall submit the updated engineering detail plans, 83647
specifications, and information to the director within one 83648
hundred eighty days after the effective date of the order. 83649

(e) The director shall act on any updated engineering 83650
plans, specifications, and information submitted under division 83651
(B) (2) (d) of this section within one hundred eighty days after 83652
receiving them. If the director disapproves any such updated 83653
engineering plans, specifications, and information, the director 83654
shall include in the order disapproving the plans the 83655
requirement that the owner or operator cease accepting 83656
infectious wastes for treatment at the facility. 83657

(3) Division (B) of this section does not apply to a 83658
generator of infectious wastes that meets any of the following 83659

conditions: 83660

(a) Treats, by methods, techniques, and practices 83661
established by rules adopted under division (B) (2) (a) of section 83662
3734.021 of the Revised Code, any of the following wastes: 83663

(i) Infectious wastes that are generated on any premises 83664
that are owned or operated by the generator; 83665

(ii) Infectious wastes that are generated by a generator 83666
who has staff privileges at a hospital as defined in section 83667
3727.01 of the Revised Code; 83668

(iii) Infectious wastes that are generated in providing 83669
care to a patient by an emergency medical services organization 83670
as defined in section 4765.01 of the Revised Code. 83671

(b) Holds a license or renewal of a license to operate a 83672
crematory facility issued under Chapter 4717. and a permit 83673
issued under Chapter 3704. of the Revised Code; 83674

(c) Treats or disposes of dead animals or parts thereof, 83675
or the blood of animals, and is subject to any of the following: 83676

(i) Inspection under the "Federal Meat Inspection Act," 81 83677
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 83678

(ii) Chapter 918. of the Revised Code; 83679

(iii) Chapter 953. of the Revised Code. 83680

Nothing in division (B) of this section requires a 83681
facility that holds a license issued under division (A) of this 83682
section as a solid waste facility and that also treats 83683
infectious wastes by the same method, technique, or process to 83684
obtain a license under division (B) of this section as an 83685
infectious waste treatment facility. However, the solid waste 83686

facility license for the facility shall include the notation 83687
that the facility also treats infectious wastes. 83688

The director shall not issue a permit to open a new solid 83689
waste incineration facility unless the proposed facility 83690
complies with the requirements for the location of new 83691
infectious waste incineration facilities established in rules 83692
adopted under division (B) (2) (b) of section 3734.021 of the 83693
Revised Code. 83694

(C) Except for a facility or activity described in 83695
division (E) (3) of section 3734.02 of the Revised Code, a person 83696
who proposes to establish or operate a hazardous waste facility 83697
shall submit a complete application for a hazardous waste 83698
facility installation and operation permit and accompanying 83699
detail plans, specifications, and such information as the 83700
director may require to the environmental protection agency at 83701
least one hundred eighty days before the proposed beginning of 83702
operation of the facility. The applicant shall notify by 83703
certified mail the legislative authority of each municipal 83704
corporation, township, and county in which the facility is 83705
proposed to be located of the submission of the application 83706
within ten days after the submission or at such earlier time as 83707
the director may establish by rule. If the application is for a 83708
proposed new hazardous waste disposal or thermal treatment 83709
facility, the applicant also shall give actual notice of the 83710
general design and purpose of the facility to the legislative 83711
authority of each municipal corporation, township, and county in 83712
which the facility is proposed to be located at least ninety 83713
days before the permit application is submitted to the 83714
environmental protection agency. 83715

In accordance with rules adopted under section 3734.12 of 83716

the Revised Code, prior to the submission of a complete 83717
application for a hazardous waste facility installation and 83718
operation permit, the applicant shall hold at least one meeting 83719
in the township or municipal corporation in which the facility 83720
is proposed to be located, whichever is geographically closer to 83721
the proposed location of the facility. The meeting shall be open 83722
to the public and shall be held to inform the community of the 83723
proposed hazardous waste management activities and to solicit 83724
questions from the community concerning the activities. 83725

(D) (1) Except as provided in section 3734.123 of the 83726
Revised Code, upon receipt of a complete application for a 83727
hazardous waste facility installation and operation permit under 83728
division (C) of this section, the director shall consider the 83729
application and accompanying information to determine whether 83730
the application complies with agency rules and the requirements 83731
of division (D) (2) of this section. After making a 83732
determination, the director shall issue either a draft permit or 83733
a notice of intent to deny the permit. The director, in 83734
accordance with rules adopted under section 3734.12 of the 83735
Revised Code or with rules adopted to implement Chapter 3745. of 83736
the Revised Code, shall provide public notice of the application 83737
and the draft permit or the notice of intent to deny the permit, 83738
provide an opportunity for public comments, and, if significant 83739
interest is shown, schedule a public meeting in the county in 83740
which the facility is proposed to be located and give public 83741
notice of the date, time, and location of the public meeting in 83742
a newspaper of general circulation in that county. 83743

(2) The director shall not approve an application for a 83744
hazardous waste facility installation and operation permit or an 83745
application for a modification under division (I) (3) of this 83746
section unless the director finds and determines as follows: 83747

(a) The nature and volume of the waste to be treated, 83748
stored, or disposed of at the facility; 83749

(b) That the facility complies with the director's 83750
hazardous waste standards adopted pursuant to section 3734.12 of 83751
the Revised Code; 83752

(c) That the facility represents the minimum adverse 83753
environmental impact, considering the state of available 83754
technology and the nature and economics of various alternatives, 83755
and other pertinent considerations; 83756

(d) That the facility represents the minimum risk of all 83757
of the following: 83758

(i) Fires or explosions from treatment, storage, or 83759
disposal methods; 83760

(ii) Release of hazardous waste during transportation of 83761
hazardous waste to or from the facility; 83762

(iii) Adverse impact on the public health and safety. 83763

(e) That the facility will comply with this chapter and 83764
Chapters 3704. and 6111. of the Revised Code and all rules and 83765
standards adopted under them; 83766

(f) That if the owner of the facility, the operator of the 83767
facility, or any other person in a position with the facility 83768
from which the person may influence the installation and 83769
operation of the facility has been involved in any prior 83770
activity involving transportation, treatment, storage, or 83771
disposal of hazardous waste, that person has a history of 83772
compliance with this chapter and Chapters 3704. and 6111. of the 83773
Revised Code and all rules and standards adopted under them, the 83774
"Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 83775

42 U.S.C.A. 6921, as amended, and all regulations adopted under 83776
it, and similar laws and rules of other states if any such prior 83777
operation was located in another state that demonstrates 83778
sufficient reliability, expertise, and competency to operate a 83779
hazardous waste facility under the applicable provisions of this 83780
chapter and Chapters 3704. and 6111. of the Revised Code, the 83781
applicable rules and standards adopted under them, and terms and 83782
conditions of a hazardous waste facility installation and 83783
operation permit, given the potential for harm to the public 83784
health and safety and the environment that could result from the 83785
irresponsible operation of the facility. For off-site 83786
facilities, as defined in section 3734.41 of the Revised Code, 83787
the director may use the investigative reports of the attorney 83788
general prepared pursuant to section 3734.42 of the Revised Code 83789
as a basis for making a finding and determination under division 83790
(D) (2) (f) of this section. 83791

(g) That the active areas within a new hazardous waste 83792
facility where acute hazardous waste as listed in 40 C.F.R. 83793
261.33 (e), as amended, or organic waste that is toxic and is 83794
listed under 40 C.F.R. 261, as amended, is being stored, 83795
treated, or disposed of and where the aggregate of the storage 83796
design capacity and the disposal design capacity of all 83797
hazardous waste in those areas is greater than two hundred fifty 83798
thousand gallons, are not located or operated within any of the 83799
following: 83800

(i) Two thousand feet of any residence, school, hospital, 83801
jail, or prison; 83802

(ii) Any naturally occurring wetland; 83803

(iii) Any flood hazard area if the applicant cannot show 83804
that the facility will be designed, constructed, operated, and 83805

maintained to prevent washout by a one-hundred-year flood. 83806

Division (D) (2) (g) of this section does not apply to the 83807
facility of any applicant who demonstrates to the director that 83808
the limitations specified in that division are not necessary 83809
because of the nature or volume of the waste and the manner of 83810
management applied, the facility will impose no substantial 83811
danger to the health and safety of persons occupying the 83812
structures listed in division (D) (2) (g) (i) of this section, and 83813
the facility is to be located or operated in an area where the 83814
proposed hazardous waste activities will not be incompatible 83815
with existing land uses in the area. 83816

(h) That the facility will not be located within the 83817
boundaries of a state park established or dedicated under 83818
Chapter 1546. of the Revised Code, a state park purchase area 83819
established under section 1546.06 of the Revised Code, any unit 83820
of the national park system, or any property that lies within 83821
the boundaries of a national park or recreation area, but that 83822
has not been acquired or is not administered by the secretary of 83823
the United States department of the interior, located in this 83824
state, or any candidate area located in this state identified 83825
for potential inclusion in the national park system in the 83826
edition of the "national park system plan" submitted under 83827
paragraph (b) of section 8 of "The Act of August 18, 1970," 84 83828
Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of 83829
filing of the application for the permit, unless the facility 83830
will be used exclusively for the storage of hazardous waste 83831
generated within the park or recreation area in conjunction with 83832
the operation of the park or recreation area. Division (D) (2) (h) 83833
of this section does not apply to the facility of any applicant 83834
for modification of a permit unless the modification application 83835
proposes to increase the land area included in the facility or 83836

to increase the quantity of hazardous waste that will be 83837
treated, stored, or disposed of at the facility. 83838

(3) Not later than one hundred eighty days after the end 83839
of the public comment period, the director, without prior 83840
hearing, shall issue or deny the permit in accordance with 83841
Chapter 3745. of the Revised Code. If the director approves an 83842
application for a hazardous waste facility installation and 83843
operation permit, the director shall issue the permit, upon such 83844
terms and conditions as the director finds are necessary to 83845
ensure the construction and operation of the hazardous waste 83846
facility in accordance with the standards of this section. 83847

(E) No political subdivision of this state shall require 83848
any additional zoning or other approval, consent, permit, 83849
certificate, or condition for the construction or operation of a 83850
hazardous waste facility authorized by a hazardous waste 83851
facility installation and operation permit issued pursuant to 83852
this chapter, nor shall any political subdivision adopt or 83853
enforce any law, ordinance, or rule that in any way alters, 83854
impairs, or limits the authority granted in the permit. 83855

(F) The director may issue a single hazardous waste 83856
facility installation and operation permit to a person who 83857
operates two or more adjoining facilities where hazardous waste 83858
is stored, treated, or disposed of if the application includes 83859
detail plans, specifications, and information on all facilities. 83860
For the purposes of this section, "adjoining" means sharing a 83861
common boundary, separated only by a public road, or in such 83862
proximity that the director determines that the issuance of a 83863
single permit will not create a hazard to the public health or 83864
safety or the environment. 83865

(G) No person shall falsify or fail to keep or submit any 83866

plans, specifications, data, reports, records, manifests, or 83867
other information required to be kept or submitted to the 83868
director by this chapter or the rules adopted under it. 83869

(H) (1) Each person who holds an installation and operation 83870
permit issued under this section and who wishes to obtain a 83871
permit renewal shall submit a completed application for an 83872
installation and operation permit renewal and any necessary 83873
accompanying general plans, detail plans, specifications, and 83874
such information as the director may require to the director no 83875
later than one hundred eighty days prior to the expiration date 83876
of the existing permit or upon a later date prior to the 83877
expiration of the existing permit if the permittee can 83878
demonstrate good cause for the late submittal. The director 83879
shall consider the application and accompanying information, 83880
inspection reports of the facility, results of performance 83881
tests, a report regarding the facility's compliance or 83882
noncompliance with the terms and conditions of its permit and 83883
rules adopted by the director under this chapter, and such other 83884
information as is relevant to the operation of the facility and 83885
shall issue a draft renewal permit or a notice of intent to deny 83886
the renewal permit. The director, in accordance with rules 83887
adopted under this section or with rules adopted to implement 83888
Chapter 3745. of the Revised Code, shall give public notice of 83889
the application and draft renewal permit or notice of intent to 83890
deny the renewal permit, provide for the opportunity for public 83891
comments within a specified time period, schedule a public 83892
meeting in the county in which the facility is located if 83893
significant interest is shown, and give public notice of the 83894
public meeting. 83895

(2) Within sixty days after the public meeting or close of 83896
the public comment period, the director, without prior hearing, 83897

shall issue or deny the renewal permit in accordance with 83898
Chapter 3745. of the Revised Code. The director shall not issue 83899
a renewal permit unless the director determines that the 83900
facility under the existing permit has a history of compliance 83901
with this chapter, rules adopted under it, the existing permit, 83902
or orders entered to enforce such requirements that demonstrates 83903
sufficient reliability, expertise, and competency to operate the 83904
facility henceforth under this chapter, rules adopted under it, 83905
and the renewal permit. If the director approves an application 83906
for a renewal permit, the director shall issue the permit 83907
subject to the payment of the annual permit fee required under 83908
division (E) of section 3734.02 of the Revised Code and upon 83909
such terms and conditions as the director finds are reasonable 83910
to ensure that continued operation, maintenance, closure, and 83911
post-closure care of the hazardous waste facility are in 83912
accordance with the rules adopted under section 3734.12 of the 83913
Revised Code. 83914

(3) An installation and operation permit renewal 83915
application submitted to the director that also contains or 83916
would constitute an application for a modification shall be 83917
acted upon by the director in accordance with division (I) of 83918
this section in the same manner as an application for a 83919
modification. In approving or disapproving the renewal portion 83920
of a permit renewal application containing an application for a 83921
modification, the director shall apply the criteria established 83922
under division (H) (2) of this section. 83923

(4) An application for renewal or modification of a permit 83924
that does not contain an application for a modification as 83925
described in divisions (I) (3) (a) to (d) of this section shall 83926
not be subject to division (D) (2) of this section. 83927

(I) (1) As used in this section, "modification" means a 83928
change or alteration to a hazardous waste facility or its 83929
operations that is inconsistent with or not authorized by its 83930
existing permit or authorization to operate. Modifications shall 83931
be classified as Class 1, 2, or 3 modifications in accordance 83932
with rules adopted under division (K) of this section. 83933
Modifications classified as Class 3 modifications, in accordance 83934
with rules adopted under that division, shall be further 83935
classified by the director as either Class 3 modifications that 83936
are to be approved or disapproved by the director under 83937
divisions (I) (3) (a) to (d) of this section or as Class 3 83938
modifications that are to be approved or disapproved by the 83939
director under division (I) (5) of this section. Not later than 83940
thirty days after receiving a request for a modification under 83941
division (I) (4) of this section that is not listed in Appendix I 83942
to 40 C.F.R. 270.42 or in rules adopted under division (K) of 83943
this section, the director shall classify the modification and 83944
shall notify the owner or operator of the facility requesting 83945
the modification of the classification. Notwithstanding any 83946
other law to the contrary, a modification that involves the 83947
transfer of a hazardous waste facility installation and 83948
operation permit to a new owner or operator for any off-site 83949
facility as defined in section 3734.41 of the Revised Code shall 83950
be classified as a Class 3 modification. The transfer of a 83951
hazardous waste facility installation and operation permit to a 83952
new owner or operator for a facility that is not an off-site 83953
facility shall be classified as a Class 1 modification requiring 83954
prior approval of the director. 83955

(2) Except as provided in section 3734.123 of the Revised 83956
Code, a hazardous waste facility installation and operation 83957
permit may be modified at the request of the director or upon 83958

the written request of the permittee only if any of the 83959
following applies: 83960

(a) The permittee desires to accomplish alterations, 83961
additions, or deletions to the permitted facility or to 83962
undertake alterations, additions, deletions, or activities that 83963
are inconsistent with or not authorized by the existing permit; 83964

(b) New information or data justify permit conditions in 83965
addition to or different from those in the existing permit; 83966

(c) The standards, criteria, or rules upon which the 83967
existing permit is based have been changed by new, amended, or 83968
rescinded standards, criteria, or rules, or by judicial decision 83969
after the existing permit was issued, and the change justifies 83970
permit conditions in addition to or different from those in the 83971
existing permit; 83972

(d) The permittee proposes to transfer the permit to 83973
another person. 83974

(3) The director shall approve or disapprove an 83975
application for a modification in accordance with division (D) 83976
(2) of this section and rules adopted under division (K) of this 83977
section for all of the following categories of Class 3 83978
modifications: 83979

(a) Authority to conduct treatment, storage, or disposal 83980
at a site, location, or tract of land that has not been 83981
authorized for the proposed category of treatment, storage, or 83982
disposal activity by the facility's permit; 83983

(b) Modification or addition of a hazardous waste 83984
management unit, as defined in rules adopted under section 83985
3734.12 of the Revised Code, that results in an increase in a 83986
facility's storage capacity of more than twenty-five per cent 83987

over the capacity authorized by the facility's permit, an 83988
increase in a facility's treatment rate of more than twenty-five 83989
per cent over the rate so authorized, or an increase in a 83990
facility's disposal capacity over the capacity so authorized. 83991
The authorized disposal capacity for a facility shall be 83992
calculated from the approved design plans for the disposal units 83993
at that facility. In no case during a five-year period shall a 83994
facility's storage capacity or treatment rate be modified to 83995
increase by more than twenty-five per cent in the aggregate 83996
without the director's approval in accordance with division (D) 83997
(2) of this section. Notwithstanding any provision of division 83998
(I) of this section to the contrary, a request for modification 83999
of a facility's annual total waste receipt limit shall be 84000
classified and approved or disapproved by the director under 84001
division (I) (5) of this section. 84002

(c) Authority to add any of the following categories of 84003
regulated activities not previously authorized at a facility by 84004
the facility's permit: storage at a facility not previously 84005
authorized to store hazardous waste, treatment at a facility not 84006
previously authorized to treat hazardous waste, or disposal at a 84007
facility not previously authorized to dispose of hazardous 84008
waste; or authority to add a category of hazardous waste 84009
management unit not previously authorized at the facility by the 84010
facility's permit. Notwithstanding any provision of division (I) 84011
of this section to the contrary, a request for authority to add 84012
or to modify an activity or a hazardous waste management unit 84013
for the purposes of performing a corrective action shall be 84014
classified and approved or disapproved by the director under 84015
division (I) (5) of this section. 84016

(d) Authority to treat, store, or dispose of waste types 84017
listed or characterized as reactive or explosive, in rules 84018

adopted under section 3734.12 of the Revised Code, or any acute 84019
hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a 84020
facility not previously authorized to treat, store, or dispose 84021
of those types of wastes by the facility's permit unless the 84022
requested authority is limited to wastes that no longer exhibit 84023
characteristics meeting the criteria for listing or 84024
characterization as reactive or explosive wastes, or for listing 84025
as acute hazardous waste, but still are required to carry those 84026
waste codes as established in rules adopted under section 84027
3734.12 of the Revised Code because of the requirements 84028
established in 40 C.F.R. 261(a) and (e), as amended, that is, 84029
the "mixture," "derived-from," or "contained-in" regulations. 84030

(4) A written request for a modification from the 84031
permittee shall be submitted to the director and shall contain 84032
such information as is necessary to support the request. 84033
Requests for modifications shall be acted upon by the director 84034
in accordance with this section and rules adopted under it. 84035

(5) Class 1 modification applications that require prior 84036
approval of the director, as provided in division (I)(1) of this 84037
section or as determined in accordance with rules adopted under 84038
division (K) of this section, Class 2 modification applications, 84039
and Class 3 modification applications that are not described in 84040
divisions (I)(3)(a) to (d) of this section shall be approved or 84041
disapproved by the director in accordance with rules adopted 84042
under division (K) of this section. The board of county 84043
commissioners of the county, the board of township trustees of 84044
the township, and the city manager or mayor of the municipal 84045
corporation in which a hazardous waste facility is located shall 84046
receive notification of any application for a modification for 84047
that facility and shall be considered as interested persons with 84048
respect to the director's consideration of the application. 84049

As used in division (I) of this section:

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(a) "Owner" means the person who owns a majority or
controlling interest in a facility.

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(b) "Operator" means the person who is responsible for the
overall operation of a facility.

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The director shall approve or disapprove an application
for a Class 1 modification that requires the director's approval
within sixty days after receiving the request for modification.
The director shall approve or disapprove an application for a
Class 2 modification within three hundred days after receiving
the request for modification. The director shall approve or
disapprove an application for a Class 3 modification within
three hundred sixty-five days after receiving the request for
modification.

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(6) The approval or disapproval by the director of a Class
1 modification application is not a final action that is
appealable under Chapter 3745. of the Revised Code. The approval
or disapproval by the director of a Class 2 modification or a
Class 3 modification is a final action that is appealable under
that chapter. In approving or disapproving a request for a
modification, the director shall consider all comments
pertaining to the request that are received during the public
comment period and the public meetings. The administrative
record for appeal of a final action by the director in approving
or disapproving a request for a modification shall include all
comments received during the public comment period relating to
the request for modification, written materials submitted at the
public meetings relating to the request, and any other documents
related to the director's action.

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(7) Notwithstanding any other provision of law to the contrary, a change or alteration to a hazardous waste facility described in division (E) (3) (a) or (b) of section 3734.02 of the Revised Code, or its operations, is a modification for the purposes of this section. An application for a modification at such a facility shall be submitted, classified, and approved or disapproved in accordance with divisions (I) (1) to (6) of this section in the same manner as a modification to a hazardous waste facility installation and operation permit.

(J) (1) Except as provided in division (J) (2) of this section, an owner or operator of a hazardous waste facility that is operating in accordance with a permit by rule under rules adopted by the director under division (E) (3) (b) of section 3734.02 of the Revised Code shall submit either a hazardous waste facility installation and operation permit application for the facility or a modification application, whichever is required under division (J) (1) (a) or (b) of this section, within one hundred eighty days after the director has requested the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal.

(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste 84109
facility installation and operation permit for hazardous waste 84110
treatment, storage, or disposal activities at the facility other 84111
than those authorized by the permit by rule, the owner or 84112
operator shall submit to the director a request for modification 84113
in accordance with division (I) of this section. Notwithstanding 84114
any other provision of law to the contrary, the director shall 84115
approve or disapprove the modification application in accordance 84116
with division (I)(5) of this section. 84117

(2) The owner or operator of a boiler or industrial 84118
furnace that is conducting thermal treatment activities in 84119
accordance with a permit by rule under rules adopted by the 84120
director under division (E)(3)(b) of section 3734.02 of the 84121
Revised Code shall submit a hazardous waste facility 84122
installation and operation permit application if the owner or 84123
operator does not have such a permit for any hazardous waste 84124
treatment, storage, or disposal activities at the facility or, 84125
if the owner or operator has such a permit for hazardous waste 84126
treatment, storage, or disposal activities at the facility other 84127
than thermal treatment activities authorized by the permit by 84128
rule, a modification application to add those activities 84129
authorized by the permit by rule, whichever is applicable, 84130
within one hundred eighty days after the director has requested 84131
the submission of the application or upon a later date if the 84132
owner or operator demonstrates to the director good cause for 84133
the late submittal. The application shall be accompanied by 84134
information necessary to support the request. The director shall 84135
approve or disapprove an application for a hazardous waste 84136
facility installation and operation permit in accordance with 84137
division (D) of this section and approve or disapprove an 84138
application for a modification in accordance with division (I) 84139

(3) of this section, except that the director shall not 84140
disapprove an application for the thermal treatment activities 84141
on the basis of the criteria set forth in division (D) (2) (g) or 84142
(h) of this section. 84143

(3) As used in division (J) of this section: 84144

(a) "Modification application" means a request for a 84145
modification submitted in accordance with division (I) of this 84146
section. 84147

(b) "Thermal treatment," "boiler," and "industrial 84148
furnace" have the same meanings as in rules adopted under 84149
section 3734.12 of the Revised Code. 84150

(K) The director shall adopt, and may amend, suspend, or 84151
rescind, rules in accordance with Chapter 119. of the Revised 84152
Code in order to implement divisions (H) and (I) of this 84153
section. Except when in actual conflict with this section, rules 84154
governing the classification of and procedures for the 84155
modification of hazardous waste facility installation and 84156
operation permits shall be substantively and procedurally 84157
identical to the regulations governing hazardous waste facility 84158
permitting and permit modifications adopted under the "Resource 84159
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 84160
U.S.C.A. 6921, as amended. 84161

Sec. 3734.57. (A) The following fees are hereby levied on 84162
the transfer or disposal of solid wastes in this state: 84163

(1) Seventy-one cents per ton through June 30, ~~2026~~2028, 84164
eleven cents of the proceeds of which shall be deposited in the 84165
state treasury to the credit of the hazardous waste facility 84166
management fund created in section 3734.18 of the Revised Code 84167
and sixty cents of the proceeds of which shall be deposited in 84168

the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code; 84169
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(2) An additional ninety cents per ton through June 30, 2026~~2028~~, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code; 84171
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(3) An additional two dollars and eighty-one cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code; 84175
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(4) An additional twenty-five cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code; 84180
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(5) An additional eight cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the national priority list remedial support fund created in section 3734.579 of the Revised Code. 84185
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In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under 84189
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this division. In the case of solid wastes that are not taken to 84198
a solid waste transfer facility located in this state prior to 84199
being transported to a solid waste disposal facility, the fees 84200
shall be collected by the owner or operator of the solid waste 84201
disposal facility as a trustee for the state. The amount of fees 84202
required to be collected under this division at such a disposal 84203
facility shall equal the total tonnage of solid wastes received 84204
at the facility that was not previously taken to a solid waste 84205
transfer facility located in this state multiplied by the fees 84206
levied under this division. Fees levied under this division do 84207
not apply to materials separated from a mixed waste stream for 84208
recycling by a generator or materials removed from the solid 84209
waste stream through recycling, as "recycling" is defined in 84210
rules adopted under section 3734.02 of the Revised Code. 84211

The owner or operator of a solid waste transfer facility 84212
or disposal facility, as applicable, shall prepare and file with 84213
the director of environmental protection each month a return 84214
indicating the total tonnage of solid wastes received at the 84215
facility during that month and the total amount of the fees 84216
required to be collected under this division during that month. 84217
In addition, the owner or operator of a solid waste disposal 84218
facility shall indicate on the return the total tonnage of solid 84219
wastes received from transfer facilities located in this state 84220
during that month for which the fees were required to be 84221
collected by the transfer facilities. The monthly returns shall 84222
be filed on a form prescribed by the director. Not later than 84223
thirty days after the last day of the month to which a return 84224
applies, the owner or operator shall mail to the director the 84225
return for that month together with the fees required to be 84226
collected under this division during that month as indicated on 84227
the return or may submit the return and fees electronically in a 84228

manner approved by the director. If the return is filed and the 84229
amount of the fees due is paid in a timely manner as required in 84230
this division, the owner or operator may retain a discount of 84231
three-fourths of one per cent of the total amount of the fees 84232
that are required to be paid as indicated on the return. 84233

The owner or operator may request an extension of not more 84234
than thirty days for filing the return and remitting the fees, 84235
provided that the owner or operator has submitted such a request 84236
in writing to the director together with a detailed description 84237
of why the extension is requested, the director has received the 84238
request not later than the day on which the return is required 84239
to be filed, and the director has approved the request. If the 84240
fees are not remitted within thirty days after the last day of 84241
the month to which the return applies or are not remitted by the 84242
last day of an extension approved by the director, the owner or 84243
operator shall not retain the three-fourths of one per cent 84244
discount and shall pay an additional ten per cent of the amount 84245
of the fees for each month that they are late. For purposes of 84246
calculating the late fee, the first month in which fees are late 84247
begins on the first day after the deadline has passed for timely 84248
submitting the return and fees, and one additional month shall 84249
be counted every thirty days thereafter. 84250

The owner or operator of a solid waste facility may 84251
request a refund or credit of fees levied under this division 84252
and remitted to the director that have not been paid to the 84253
owner or operator. Such a request shall be made only if the fees 84254
have not been collected by the owner or operator, have become a 84255
debt that has become worthless or uncollectable for a period of 84256
six months or more, and may be claimed as a deduction, including 84257
a deduction claimed if the owner or operator keeps accounts on 84258
an accrual basis, under the "Internal Revenue Code of 1954," 68A 84259

Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 84260
under it. Prior to making a request for a refund or credit, an 84261
owner or operator shall make reasonable efforts to collect the 84262
applicable fees. A request for a refund or credit shall not 84263
include any costs resulting from those efforts to collect unpaid 84264
fees. 84265

A request for a refund or credit of fees shall be made in 84266
writing, on a form prescribed by the director, and shall be 84267
supported by evidence that may be required in rules adopted by 84268
the director under this chapter. After reviewing the request, 84269
and if the request and evidence submitted with the request 84270
indicate that a refund or credit is warranted, the director 84271
shall grant a refund to the owner or operator or shall permit a 84272
credit to be taken by the owner or operator on a subsequent 84273
monthly return submitted by the owner or operator. The amount of 84274
a refund or credit shall not exceed an amount that is equal to 84275
ninety days' worth of fees owed to an owner or operator by a 84276
particular debtor of the owner or operator. A refund or credit 84277
shall not be granted by the director to an owner or operator 84278
more than once in any twelve-month period for fees owed to the 84279
owner or operator by a particular debtor. 84280

If, after receiving a refund or credit from the director, 84281
an owner or operator receives payment of all or part of the 84282
fees, the owner or operator shall remit the fees with the next 84283
monthly return submitted to the director together with a written 84284
explanation of the reason for the submittal. 84285

For purposes of computing the fees levied under this 84286
division or division (B) of this section, any solid waste 84287
transfer or disposal facility that does not use scales as a 84288
means of determining gate receipts shall use a conversion factor 84289

of three cubic yards per ton of solid waste or one cubic yard 84290
per ton for baled waste, as applicable. 84291

The fees levied under this division and divisions (B) and 84292
(C) of this section are in addition to all other applicable fees 84293
and taxes and shall be paid by the customer or a political 84294
subdivision to the owner or operator of a solid waste transfer 84295
or disposal facility. In the alternative, the fees shall be paid 84296
by a customer or political subdivision to a transporter of waste 84297
who subsequently transfers the fees to the owner or operator of 84298
such a facility. The fees shall be paid notwithstanding the 84299
existence of any provision in a contract that the customer or a 84300
political subdivision may have with the owner or operator or 84301
with a transporter of waste to the facility that would not 84302
require or allow such payment regardless of whether the contract 84303
was entered prior to or after October 16, 2009. For those 84304
purposes, "customer" means a person who contracts with, or 84305
utilizes the solid waste services of, the owner or operator of a 84306
solid waste transfer or disposal facility or a transporter of 84307
solid waste to such a facility. 84308

(B) For the purposes specified in division (G) of this 84309
section, the solid waste management policy committee of a county 84310
or joint solid waste management district may levy fees upon the 84311
following activities: 84312

(1) The disposal at a solid waste disposal facility 84313
located in the district of solid wastes generated within the 84314
district; 84315

(2) The disposal at a solid waste disposal facility within 84316
the district of solid wastes generated outside the boundaries of 84317
the district, but inside this state; 84318

(3) The disposal at a solid waste disposal facility within 84319
the district of solid wastes generated outside the boundaries of 84320
this state. 84321

The solid waste management plan of the county or joint 84322
district approved under section 3734.521 or 3734.55 of the 84323
Revised Code and any amendments to it, or the resolution adopted 84324
under this division, as appropriate, shall establish the rates 84325
of the fees levied under divisions (B) (1), (2), and (3) of this 84326
section, if any, and shall specify whether the fees are levied 84327
on the basis of tons or cubic yards as the unit of measurement. 84328
A solid waste management district that levies fees under this 84329
division on the basis of cubic yards shall do so in accordance 84330
with division (A) of this section. 84331

The fee levied under division (B) (1) of this section shall 84332
be not less than one dollar per ton nor more than two dollars 84333
per ton, the fee levied under division (B) (2) of this section 84334
shall be not less than two dollars per ton nor more than four 84335
dollars per ton, and the fee levied under division (B) (3) of 84336
this section shall be not more than the fee levied under 84337
division (B) (1) of this section. 84338

Prior to the approval of the solid waste management plan 84339
of a district under section 3734.55 of the Revised Code, the 84340
solid waste management policy committee of a district may levy 84341
fees under this division by adopting a resolution establishing 84342
the proposed amount of the fees. Upon adopting the resolution, 84343
the committee shall deliver a copy of the resolution to the 84344
board of county commissioners of each county forming the 84345
district and to the legislative authority of each municipal 84346
corporation and township under the jurisdiction of the district 84347
and shall prepare and publish the resolution and a notice of the 84348

time and location where a public hearing on the fees will be 84349
held. Upon adopting the resolution, the committee shall deliver 84350
written notice of the adoption of the resolution; of the amount 84351
of the proposed fees; and of the date, time, and location of the 84352
public hearing to the director and to the fifty industrial, 84353
commercial, or institutional generators of solid wastes within 84354
the district that generate the largest quantities of solid 84355
wastes, as determined by the committee, and to their local trade 84356
associations. The committee shall make good faith efforts to 84357
identify those generators within the district and their local 84358
trade associations, but the nonprovision of notice under this 84359
division to a particular generator or local trade association 84360
does not invalidate the proceedings under this division. The 84361
publication shall occur at least thirty days before the hearing. 84362
After the hearing, the committee may make such revisions to the 84363
proposed fees as it considers appropriate and thereafter, by 84364
resolution, shall adopt the revised fee schedule. Upon adopting 84365
the revised fee schedule, the committee shall deliver a copy of 84366
the resolution doing so to the board of county commissioners of 84367
each county forming the district and to the legislative 84368
authority of each municipal corporation and township under the 84369
jurisdiction of the district. Within sixty days after the 84370
delivery of a copy of the resolution adopting the proposed 84371
revised fees by the policy committee, each such board and 84372
legislative authority, by ordinance or resolution, shall approve 84373
or disapprove the revised fees and deliver a copy of the 84374
ordinance or resolution to the committee. If any such board or 84375
legislative authority fails to adopt and deliver to the policy 84376
committee an ordinance or resolution approving or disapproving 84377
the revised fees within sixty days after the policy committee 84378
delivered its resolution adopting the proposed revised fees, it 84379
shall be conclusively presumed that the board or legislative 84380

authority has approved the proposed revised fees. The committee 84381
shall determine if the resolution has been ratified in the same 84382
manner in which it determines if a draft solid waste management 84383
plan has been ratified under division (B) of section 3734.55 of 84384
the Revised Code. 84385

The committee may amend the schedule of fees levied 84386
pursuant to a resolution adopted and ratified under this 84387
division by adopting a resolution establishing the proposed 84388
amount of the amended fees. The committee may repeal the fees 84389
levied pursuant to such a resolution by adopting a resolution 84390
proposing to repeal them. Upon adopting such a resolution, the 84391
committee shall proceed to obtain ratification of the resolution 84392
in accordance with this division. 84393

Not later than fourteen days after declaring the new fees 84394
to be ratified or the fees to be repealed under this division, 84395
the committee shall notify by certified mail the owner or 84396
operator of each solid waste disposal facility that is required 84397
to collect the fees of the ratification and the amount of the 84398
fees or of the repeal of the fees. Collection of any fees shall 84399
commence or collection of repealed fees shall cease on the first 84400
day of the second month following the month in which 84401
notification is sent to the owner or operator. 84402

Fees levied under this division also may be established, 84403
amended, or repealed by a solid waste management policy 84404
committee through the adoption of a new district solid waste 84405
management plan, the adoption of an amended plan, or the 84406
amendment of the plan or amended plan in accordance with 84407
sections 3734.55 and 3734.56 of the Revised Code or the adoption 84408
or amendment of a district plan in connection with a change in 84409
district composition under section 3734.521 of the Revised Code. 84410

Not later than fourteen days after the director issues an 84411
order approving a district's solid waste management plan, 84412
amended plan, or amendment to a plan or amended plan that 84413
establishes, amends, or repeals a schedule of fees levied by the 84414
district, the committee shall notify by certified mail the owner 84415
or operator of each solid waste disposal facility that is 84416
required to collect the fees of the approval of the plan or 84417
amended plan, or the amendment to the plan, as appropriate, and 84418
the amount of the fees, if any. In the case of an initial or 84419
amended plan approved under section 3734.521 of the Revised Code 84420
in connection with a change in district composition, other than 84421
one involving the withdrawal of a county from a joint district, 84422
the committee, within fourteen days after the change takes 84423
effect pursuant to division (G) of that section, shall notify by 84424
certified mail the owner or operator of each solid waste 84425
disposal facility that is required to collect the fees that the 84426
change has taken effect and of the amount of the fees, if any. 84427
Collection of any fees shall commence or collection of repealed 84428
fees shall cease on the first day of the second month following 84429
the month in which notification is sent to the owner or 84430
operator. 84431

If, in the case of a change in district composition 84432
involving the withdrawal of a county from a joint district, the 84433
director completes the actions required under division (G)(1) or 84434
(3) of section 3734.521 of the Revised Code, as appropriate, 84435
forty-five days or more before the beginning of a calendar year, 84436
the policy committee of each of the districts resulting from the 84437
change that obtained the director's approval of an initial or 84438
amended plan in connection with the change, within fourteen days 84439
after the director's completion of the required actions, shall 84440
notify by certified mail the owner or operator of each solid 84441

waste disposal facility that is required to collect the 84442
district's fees that the change is to take effect on the first 84443
day of January immediately following the issuance of the notice 84444
and of the amount of the fees or amended fees levied under 84445
divisions (B) (1) to (3) of this section pursuant to the 84446
district's initial or amended plan as so approved or, if 84447
appropriate, the repeal of the district's fees by that initial 84448
or amended plan. Collection of any fees set forth in such a plan 84449
or amended plan shall commence on the first day of January 84450
immediately following the issuance of the notice. If such an 84451
initial or amended plan repeals a schedule of fees, collection 84452
of the fees shall cease on that first day of January. 84453

If, in the case of a change in district composition 84454
involving the withdrawal of a county from a joint district, the 84455
director completes the actions required under division (G) (1) or 84456
(3) of section 3734.521 of the Revised Code, as appropriate, 84457
less than forty-five days before the beginning of a calendar 84458
year, the director, on behalf of each of the districts resulting 84459
from the change that obtained the director's approval of an 84460
initial or amended plan in connection with the change 84461
proceedings, shall notify by certified mail the owner or 84462
operator of each solid waste disposal facility that is required 84463
to collect the district's fees that the change is to take effect 84464
on the first day of January immediately following the mailing of 84465
the notice and of the amount of the fees or amended fees levied 84466
under divisions (B) (1) to (3) of this section pursuant to the 84467
district's initial or amended plan as so approved or, if 84468
appropriate, the repeal of the district's fees by that initial 84469
or amended plan. Collection of any fees set forth in such a plan 84470
or amended plan shall commence on the first day of the second 84471
month following the month in which notification is sent to the 84472

owner or operator. If such an initial or amended plan repeals a 84473
schedule of fees, collection of the fees shall cease on the 84474
first day of the second month following the month in which 84475
notification is sent to the owner or operator. 84476

If the schedule of fees that a solid waste management 84477
district is levying under divisions (B)(1) to (3) of this 84478
section is amended or repealed, the fees in effect immediately 84479
prior to the amendment or repeal shall continue to be collected 84480
until collection of the amended fees commences or collection of 84481
the repealed fees ceases, as applicable, as specified in this 84482
division. In the case of a change in district composition, money 84483
so received from the collection of the fees of the former 84484
districts shall be divided among the resulting districts in 84485
accordance with division (B) of section 343.012 of the Revised 84486
Code and the agreements entered into under division (B) of 84487
section 343.01 of the Revised Code to establish the former and 84488
resulting districts and any amendments to those agreements. 84489

For the purposes of the provisions of division (B) of this 84490
section establishing the times when newly established or amended 84491
fees levied by a district are required to commence and the 84492
collection of fees that have been amended or repealed is 84493
required to cease, "fees" or "schedule of fees" includes, in 84494
addition to fees levied under divisions (B)(1) to (3) of this 84495
section, those levied under section 3734.573 or 3734.574 of the 84496
Revised Code. 84497

(C) For the purposes of defraying the added costs to a 84498
municipal corporation or township of maintaining roads and other 84499
public facilities and of providing emergency and other public 84500
services, and compensating a municipal corporation or township 84501
for reductions in real property tax revenues due to reductions 84502

in real property valuations resulting from the location and 84503
operation of a solid waste disposal facility within the 84504
municipal corporation or township, a municipal corporation or 84505
township in which such a solid waste disposal facility is 84506
located may levy a fee of not more than twenty-five cents per 84507
ton on the disposal of solid wastes at a solid waste disposal 84508
facility located within the boundaries of the municipal 84509
corporation or township regardless of where the wastes were 84510
generated. 84511

The legislative authority of a municipal corporation or 84512
township may levy fees under this division by enacting an 84513
ordinance or adopting a resolution establishing the amount of 84514
the fees. Upon so doing the legislative authority shall mail a 84515
certified copy of the ordinance or resolution to the board of 84516
county commissioners or directors of the county or joint solid 84517
waste management district in which the municipal corporation or 84518
township is located or, if a regional solid waste management 84519
authority has been formed under section 343.011 of the Revised 84520
Code, to the board of trustees of that regional authority, the 84521
owner or operator of each solid waste disposal facility in the 84522
municipal corporation or township that is required to collect 84523
the fee by the ordinance or resolution, and the director of 84524
environmental protection. Although the fees levied under this 84525
division are levied on the basis of tons as the unit of 84526
measurement, the legislative authority, in its ordinance or 84527
resolution levying the fees under this division, may direct that 84528
the fees be levied on the basis of cubic yards as the unit of 84529
measurement based upon a conversion factor of three cubic yards 84530
per ton generally or one cubic yard per ton for baled wastes. 84531

Not later than five days after enacting an ordinance or 84532
adopting a resolution under this division, the legislative 84533

authority shall so notify by certified mail the owner or 84534
operator of each solid waste disposal facility that is required 84535
to collect the fee. Collection of any fee levied on or after 84536
March 24, 1992, shall commence on the first day of the second 84537
month following the month in which notification is sent to the 84538
owner or operator. 84539

(D) (1) The fees levied under divisions (A), (B), and (C) 84540
of this section do not apply to the disposal of solid wastes 84541
that: 84542

(a) Are disposed of at a facility owned by the generator 84543
of the wastes when the solid waste facility exclusively disposes 84544
of solid wastes generated at one or more premises owned by the 84545
generator regardless of whether the facility is located on a 84546
premises where the wastes are generated; 84547

(b) Are generated from the combustion of coal, or from the 84548
combustion of primarily coal, regardless of whether the disposal 84549
facility is located on the premises where the wastes are 84550
generated; 84551

(c) Are asbestos or asbestos-containing materials or 84552
products disposed of at a construction and demolition debris 84553
facility that is licensed under Chapter 3714. of the Revised 84554
Code or at a solid waste facility that is licensed under this 84555
chapter. 84556

(2) Except as provided in section 3734.571 of the Revised 84557
Code, any fees levied under division (B) (1) of this section 84558
apply to solid wastes originating outside the boundaries of a 84559
county or joint district that are covered by an agreement for 84560
the joint use of solid waste facilities entered into under 84561
section 343.02 of the Revised Code by the board of county 84562

commissioners or board of directors of the county or joint 84563
district where the wastes are generated and disposed of. 84564

(3) When solid wastes, other than solid wastes that 84565
consist of scrap tires, are burned in a disposal facility that 84566
is an incinerator or energy recovery facility, the fees levied 84567
under divisions (A), (B), and (C) of this section shall be 84568
levied upon the disposal of the fly ash and bottom ash remaining 84569
after burning of the solid wastes and shall be collected by the 84570
owner or operator of the sanitary landfill where the ash is 84571
disposed of. 84572

(4) When solid wastes are delivered to a solid waste 84573
transfer facility, the fees levied under divisions (B) and (C) 84574
of this section shall be levied upon the disposal of solid 84575
wastes transported off the premises of the transfer facility for 84576
disposal and shall be collected by the owner or operator of the 84577
solid waste disposal facility where the wastes are disposed of. 84578

(5) The fees levied under divisions (A), (B), and (C) of 84579
this section do not apply to sewage sludge that is generated by 84580
a waste water treatment facility holding a national pollutant 84581
discharge elimination system permit and that is disposed of 84582
through incineration, land application, or composting or at 84583
another resource recovery or disposal facility that is not a 84584
landfill. 84585

(6) The fees levied under divisions (A), (B), and (C) of 84586
this section do not apply to solid wastes delivered to a solid 84587
waste composting facility for processing. When any unprocessed 84588
solid waste or compost product is transported off the premises 84589
of a composting facility and disposed of at a landfill, the fees 84590
levied under divisions (A), (B), and (C) of this section shall 84591
be collected by the owner or operator of the landfill where the 84592

unprocessed waste or compost product is disposed of. 84593

(7) When solid wastes that consist of scrap tires are 84594
processed at a scrap tire recovery facility, the fees levied 84595
under divisions (A), (B), and (C) of this section shall be 84596
levied upon the disposal of the fly ash and bottom ash or other 84597
solid wastes remaining after the processing of the scrap tires 84598
and shall be collected by the owner or operator of the solid 84599
waste disposal facility where the ash or other solid wastes are 84600
disposed of. 84601

(8) The director of environmental protection may issue an 84602
order exempting from the fees levied under this section solid 84603
wastes, including, but not limited to, scrap tires, that are 84604
generated, transferred, or disposed of as a result of a contract 84605
providing for the expenditure of public funds entered into by 84606
the administrator or regional administrator of the United States 84607
environmental protection agency, the director of environmental 84608
protection, or the director of administrative services on behalf 84609
of the director of environmental protection for the purpose of 84610
remediating conditions at a hazardous waste facility, solid 84611
waste facility, or other location at which the administrator or 84612
regional administrator or the director of environmental 84613
protection has reason to believe that there is a substantial 84614
threat to public health or safety or the environment or that the 84615
conditions are causing or contributing to air or water pollution 84616
or soil contamination. An order issued by the director of 84617
environmental protection under division (D) (8) of this section 84618
shall include a determination that the amount of the fees not 84619
received by a solid waste management district as a result of the 84620
order will not adversely impact the implementation and financing 84621
of the district's approved solid waste management plan and any 84622
approved amendments to the plan. Such an order is a final action 84623

of the director of environmental protection. 84624

(E) The fees levied under divisions (B) and (C) of this 84625
section shall be collected by the owner or operator of the solid 84626
waste disposal facility where the wastes are disposed of as a 84627
trustee for the county or joint district and municipal 84628
corporation or township where the wastes are disposed of. Moneys 84629
from the fees levied under division (B) of this section shall be 84630
forwarded to the board of county commissioners or board of 84631
directors of the district in accordance with rules adopted under 84632
division (H) of this section. Moneys from the fees levied under 84633
division (C) of this section shall be forwarded to the treasurer 84634
or such other officer of the municipal corporation as, by virtue 84635
of the charter, has the duties of the treasurer or to the fiscal 84636
officer of the township, as appropriate, in accordance with 84637
those rules. 84638

(F) Moneys received by the treasurer or other officer of 84639
the municipal corporation under division (E) of this section 84640
shall be paid into the general fund of the municipal 84641
corporation. Moneys received by the fiscal officer of the 84642
township under that division shall be paid into the general fund 84643
of the township. The treasurer or other officer of the municipal 84644
corporation or the township fiscal officer, as appropriate, 84645
shall maintain separate records of the moneys received from the 84646
fees levied under division (C) of this section. 84647

(G) Moneys received by the board of county commissioners 84648
or board of directors under division (E) of this section or 84649
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 84650
Code shall be paid to the county treasurer, or other official 84651
acting in a similar capacity under a county charter, in a county 84652
district or to the county treasurer or other official designated 84653

by the board of directors in a joint district and kept in a 84654
separate and distinct fund to the credit of the district. If a 84655
regional solid waste management authority has been formed under 84656
section 343.011 of the Revised Code, moneys received by the 84657
board of trustees of that regional authority under division (E) 84658
of this section shall be kept by the board in a separate and 84659
distinct fund to the credit of the district. Moneys in the 84660
special fund of the county or joint district arising from the 84661
fees levied under division (B) of this section and the fee 84662
levied under division (A) of section 3734.573 of the Revised 84663
Code shall be expended by the board of county commissioners or 84664
directors of the district in accordance with the district's 84665
solid waste management plan or amended plan approved under 84666
section 3734.521, 3734.55, or 3734.56 of the Revised Code 84667
exclusively for the following purposes: 84668

(1) Preparation of the solid waste management plan of the 84669
district under section 3734.54 of the Revised Code, monitoring 84670
implementation of the plan, and conducting the periodic review 84671
and amendment of the plan required by section 3734.56 of the 84672
Revised Code by the solid waste management policy committee; 84673

(2) Implementation of the approved solid waste management 84674
plan or amended plan of the district, including, without 84675
limitation, the development and implementation of solid waste 84676
recycling or reduction programs; 84677

(3) Providing financial assistance to boards of health 84678
within the district, if solid waste facilities are located 84679
within the district, for enforcement of this chapter and rules, 84680
orders, and terms and conditions of permits, licenses, and 84681
variances adopted or issued under it, other than the hazardous 84682
waste provisions of this chapter and rules adopted and orders 84683

and terms and conditions of permits issued under those 84684
provisions; 84685

(4) Providing financial assistance to each county within 84686
the district to defray the added costs of maintaining roads and 84687
other public facilities and of providing emergency and other 84688
public services resulting from the location and operation of a 84689
solid waste facility within the county under the district's 84690
approved solid waste management plan or amended plan; 84691

(5) Pursuant to contracts entered into with boards of 84692
health within the district, if solid waste facilities contained 84693
in the district's approved plan or amended plan are located 84694
within the district, for paying the costs incurred by those 84695
boards of health for collecting and analyzing samples from 84696
public or private water wells on lands adjacent to those 84697
facilities; 84698

(6) Developing and implementing a program for the 84699
inspection of solid wastes generated outside the boundaries of 84700
this state that are disposed of at solid waste facilities 84701
included in the district's approved solid waste management plan 84702
or amended plan; 84703

(7) Providing financial assistance to boards of health 84704
within the district for the enforcement of section 3734.03 of 84705
the Revised Code or to local law enforcement agencies having 84706
jurisdiction within the district for enforcing anti-littering 84707
laws and ordinances; 84708

(8) Providing financial assistance to boards of health of 84709
health districts within the district that are on the approved 84710
list under section 3734.08 of the Revised Code to defray the 84711
costs to the health districts for the participation of their 84712

employees responsible for enforcement of the solid waste 84713
provisions of this chapter and rules adopted and orders and 84714
terms and conditions of permits, licenses, and variances issued 84715
under those provisions in the training and certification program 84716
as required by rules adopted under division (L) of section 84717
3734.02 of the Revised Code; 84718

(9) Providing financial assistance to individual municipal 84719
corporations and townships within the district to defray their 84720
added costs of maintaining roads and other public facilities and 84721
of providing emergency and other public services resulting from 84722
the location and operation within their boundaries of a 84723
composting, energy or resource recovery, incineration, or 84724
recycling facility that either is owned by the district or is 84725
furnishing solid waste management facility or recycling services 84726
to the district pursuant to a contract or agreement with the 84727
board of county commissioners or directors of the district; 84728

(10) Payment of any expenses that are agreed to, awarded, 84729
or ordered to be paid under section 3734.35 of the Revised Code 84730
and of any administrative costs incurred pursuant to that 84731
section. In the case of a joint solid waste management district, 84732
if the board of county commissioners of one of the counties in 84733
the district is negotiating on behalf of affected communities, 84734
as defined in that section, in that county, the board shall 84735
obtain the approval of the board of directors of the district in 84736
order to expend moneys for administrative costs incurred. 84737

Prior to the approval of the district's solid waste 84738
management plan under section 3734.55 of the Revised Code, 84739
moneys in the special fund of the district arising from the fees 84740
shall be expended for those purposes in the manner prescribed by 84741
the solid waste management policy committee by resolution. 84742

Notwithstanding division (G) (6) of this section as it 84743
existed prior to October 29, 1993, or any provision in a 84744
district's solid waste management plan prepared in accordance 84745
with division (B) (2) (e) of section 3734.53 of the Revised Code 84746
as it existed prior to that date, any moneys arising from the 84747
fees levied under division (B) (3) of this section prior to 84748
January 1, 1994, may be expended for any of the purposes 84749
authorized in divisions (G) (1) to (10) of this section. 84750

(H) The director shall adopt rules in accordance with 84751
Chapter 119. of the Revised Code prescribing procedures for 84752
collecting and forwarding the fees levied under divisions (B) 84753
and (C) of this section to the boards of county commissioners or 84754
directors of county or joint solid waste management districts 84755
and to the treasurers or other officers of municipal 84756
corporations and the fiscal officers of townships. The rules 84757
also shall prescribe the dates for forwarding the fees to the 84758
boards and officials and may prescribe any other requirements 84759
the director considers necessary or appropriate to implement and 84760
administer divisions (A), (B), and (C) of this section. 84761

Sec. 3734.79. (A) Except as provided in division (B) of 84762
this section, each application for a permit submitted under 84763
sections 3734.76 to 3734.78 of the Revised Code shall be 84764
accompanied by a nonrefundable application fee of four hundred 84765
dollars that shall be credited to the scrap tire management fund 84766
created in section 3734.82 of the Revised Code. If a permit is 84767
issued, the amount of the application fee paid shall be deducted 84768
from the amount of the applicable permit fee due under division 84769
~~(R)~~(Q) of section 3745.11 of the Revised Code. 84770

(B) Division (A) of this section does not apply to an 84771
application for a permit for a scrap tire storage facility 84772

submitted under section 3734.76 of the Revised Code if the owner 84773
or operator of the facility or proposed facility is a motor 84774
vehicle salvage dealer licensed under Chapter 4738. of the 84775
Revised Code. 84776

Sec. 3734.901. (A) (1) For the purpose of providing revenue 84777
to defray the cost of administering and enforcing the scrap tire 84778
provisions of this chapter, rules adopted under those 84779
provisions, and terms and conditions of orders, variances, and 84780
licenses issued under those provisions; to abate accumulations 84781
of scrap tires; to make grants supporting market development 84782
activities for scrap tires and synthetic rubber from tire 84783
manufacturing processes and tire recycling processes and to 84784
support scrap tire amnesty and cleanup events; to make loans to 84785
promote the recycling or recovery of energy from scrap tires; 84786
and to defray the costs of administering and enforcing sections 84787
3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents 84788
per tire is hereby levied on the sale of tires. The proceeds of 84789
the fee shall be deposited in the state treasury to the credit 84790
of the scrap tire management fund created in section 3734.82 of 84791
the Revised Code. The fee is levied from the first day of the 84792
calendar month that begins next after thirty days from October 84793
29, 1993, through June 30, ~~2026~~2028. 84794

(2) Beginning on July 1, 2011, and ending on June 30, 84795
~~2026~~2028, there is hereby levied an additional fee of fifty 84796
cents per tire on the sale of tires the proceeds of which shall 84797
be deposited in the state treasury to the credit of the soil and 84798
water conservation district assistance fund created in section 84799
940.15 of the Revised Code. 84800

(B) Only one sale of the same article shall be used in 84801
computing the amount of the fee due. 84802

Sec. 3734.904. (A) By the twentieth day of each month, 84803
each person required to pay the fee imposed by section 3734.901 84804
of the Revised Code shall file with the tax commissioner a 84805
return as prescribed by the tax commissioner and shall make 84806
payment of the full amount of the fee due for the preceding 84807
month ~~after deduction of any discount provided for under~~ 84808
~~division (E) of this section.~~ The return shall be signed by the 84809
person required to file it, or an authorized employee, officer, 84810
or agent. The return shall be deemed filed when received by the 84811
tax commissioner. 84812

(B) Any person required by this section to file a return 84813
who fails to file such a return within the period prescribed may 84814
be required to pay an additional charge of fifty dollars or ten 84815
per cent of the fee required to be paid for the reporting 84816
period, whichever is greater. The commissioner may collect the 84817
additional charge by assessment pursuant to section 3734.907 of 84818
the Revised Code. The commissioner may remit all or a portion of 84819
the additional charge and may adopt rules relating thereto. 84820

(C) If any fee due is not paid timely in accordance with 84821
this section, the person liable for the fee shall pay interest, 84822
calculated at the rate per annum as prescribed by section 84823
5703.47 of the Revised Code, from the date the fee payment was 84824
due to the date of payment or to the date an assessment is 84825
issued, whichever occurs first. Interest shall be paid in the 84826
same manner as the fee, and the commissioner may collect the 84827
interest by assessment pursuant to section 3734.907 of the 84828
Revised Code. 84829

(D) If, in the estimation of the tax commissioner, the 84830
average liability of the person liable for the fee is such as 84831
not to merit monthly filing, the commissioner may authorize the 84832

person to file and pay at less frequent intervals. Returns are 84833
due by the twentieth day of the month following the close of the 84834
applicable reporting period authorized under this division. 84835

~~(E) If a return is filed and the amount of the fee shown 84836
to be due on the return is paid on or before the date that the 84837
return is required to be filed under division (A) of this 84838
section or pursuant to division (D) of this section, whichever 84839
is applicable, the person liable for the fee is entitled to a 84840
discount of four per cent of the amount shown to be due on the 84841
return. 84842~~

~~(F)~~ All money collected by the tax commissioner under this 84843
section shall be paid to the treasurer of state as revenue 84844
arising from the fee imposed by section 3734.901 of the Revised 84845
Code. 84846

Sec. 3734.907. (A) Any person required to pay the fee 84847
imposed by section 3734.901 of the Revised Code is personally 84848
liable for the fee. The tax commissioner may make an assessment, 84849
based upon any information in the commissioner's possession, 84850
against any person who fails to file a return or pay any fee, 84851
interest, or additional charge as required by sections 3734.90 84852
to 3734.9014 of the Revised Code. The commissioner shall give 84853
the person assessed written notice of the assessment in the 84854
manner provided in section 5703.37 of the Revised Code. With the 84855
notice, the commissioner shall provide instructions on how to 84856
petition for reassessment and request a hearing on the petition. 84857

(B) When the information in the possession of the tax 84858
commissioner indicates that a person liable for the fee imposed 84859
by section 3734.901 of the Revised Code has not paid the full 84860
amount of fee due, the commissioner may audit a representative 84861
sample of the person's business and may issue an assessment 84862

based on the audit. 84863

(C) A penalty of up to fifteen per cent may be added to 84864
all amounts assessed under this section. The commissioner may 84865
adopt rules providing for the imposition and remission of the 84866
penalties. 84867

(D) Unless the person assessed files with the tax 84868
commissioner within sixty days after service of the notice of 84869
assessment, ~~either personally or by certified mail,~~ a written 84870
petition for reassessment signed by the person assessed or that 84871
person's authorized agent having knowledge of the facts, the 84872
assessment becomes final and the amount of the assessment is due 84873
and payable from the person assessed to the treasurer of state. 84874
The petition shall indicate the objections of the person 84875
assessed, but additional objections may be raised in writing if 84876
received by the commissioner prior to the date shown on the 84877
final determination. If the petition has been properly filed, 84878
the commissioner shall proceed under section 5703.60 of the 84879
Revised Code. 84880

(E) After an assessment becomes final, if any portion of 84881
the assessment, including accrued interest, remains unpaid, a 84882
certified copy of the tax commissioner's entry making the 84883
assessment final may be filed in the office of the clerk of the 84884
court of common pleas in the county in which the person assessed 84885
resides or in which the person's business is conducted. If the 84886
person assessed maintains no place of business in this state and 84887
is not a resident of this state, the certified copy of the entry 84888
may be filed in the office of the clerk of the court of common 84889
pleas of Franklin county. 84890

Immediately upon the filing of the entry, the clerk shall 84891
enter a judgment for the state against the person assessed in 84892

the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state tire fee," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of the fee due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the day the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the fee and may be collected by the issuance of an assessment under this section.

(F) If the tax commissioner believes that collection of the fee will be jeopardized unless proceedings to collect or secure collection of the fee are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the fee. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (E) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's legal representative, as provided in section 5703.37 of

the Revised Code, within five days of the filing of the entry 84924
with the clerk. The total amount assessed is immediately due and 84925
payable, unless the person assessed files a petition for 84926
reassessment in accordance with division (D) of this section and 84927
provides security in a form satisfactory to the commissioner and 84928
in an amount sufficient to satisfy the unpaid balance of the 84929
assessment. Full or partial payment of the assessment does not 84930
prejudice the commissioner's consideration of the petition for 84931
reassessment. 84932

(G) All money collected by the tax commissioner under this 84933
section shall be paid to the treasurer of state as revenue 84934
arising from the fee imposed by section 3734.901 of the Revised 84935
Code. 84936

Sec. 3735.67. (A) The owner of real property located in a 84937
community reinvestment area and eligible for exemption from 84938
taxation under a resolution adopted pursuant to section 3735.66 84939
of the Revised Code may file an application for an exemption 84940
from real property taxation of a percentage of the assessed 84941
valuation of a new structure, or of the increased assessed 84942
valuation of an existing structure after remodeling began, if 84943
the new structure or remodeling is completed after the effective 84944
date of the resolution adopted pursuant to section 3735.66 of 84945
the Revised Code. The application shall be filed with the 84946
housing officer designated for the community reinvestment area 84947
in which the property is located. If any part of the new 84948
structure or remodeled structure that would be exempted is of 84949
real property to be used for commercial or industrial purposes, 84950
the legislative authority and the owner of the property shall 84951
enter into a written agreement pursuant to section 3735.671 of 84952
the Revised Code prior to commencement of construction or 84953
remodeling; if such an agreement is subject to approval by the 84954

board of education of the school district within the territory 84955
of which the property is or will be located, the agreement shall 84956
not be formally approved by the legislative authority until the 84957
board of education approves the agreement in the manner 84958
prescribed by that section. If a structure is already subject to 84959
a written agreement pursuant to section 3735.671 of the Revised 84960
Code, is on the site of a proposed megaproject, and is expected 84961
to be owned or occupied by a megaproject operator as defined in 84962
division (A) (12) of section 122.17 of the Revised Code, or is 84963
not situated on the site of a proposed megaproject but is 84964
expected to be owned or occupied by a megaproject supplier that 84965
meets the requirements described in division (A) (13) (b) of 84966
section 122.17 of the Revised Code, the legislative authority 84967
may amend the agreement to cause the exemption for the structure 84968
to continue for a maximum amended term not exceeding thirty 84969
years by following the process for approving an agreement 84970
described in section 3735.671 of the Revised Code. 84971

(B) The housing officer shall verify the construction of 84972
the new structure or the cost of the remodeling of the existing 84973
structure and the facts asserted in the application. The housing 84974
officer shall determine whether the construction or remodeling 84975
meets the requirements for an exemption under this section. In 84976
cases involving a structure of historical or architectural 84977
significance, the housing officer shall not determine whether 84978
the remodeling meets the requirements for a tax exemption unless 84979
the appropriateness of the remodeling has been certified, in 84980
writing, by the society, association, agency, or legislative 84981
authority that has designated the structure or by any 84982
organization or person authorized, in writing, by such society, 84983
association, agency, or legislative authority to certify the 84984
appropriateness of the remodeling. 84985

(C) If the construction or remodeling meets the 84986
requirements for exemption, the housing officer shall forward 84987
the application to the county auditor with a certification as to 84988
the division of this section under which the exemption is 84989
granted, and the period and percentage of the exemption as 84990
determined by the legislative authority pursuant to that 84991
division. If the construction or remodeling is of commercial or 84992
industrial property and the legislative authority is not 84993
required to certify a copy of a resolution under section 84994
3735.671 of the Revised Code, the housing officer shall comply 84995
with the notice requirements prescribed under section 5709.83 of 84996
the Revised Code, unless the board has adopted a resolution 84997
under that section waiving its right to receive such a notice. 84998

(D) Except as provided in division (F) of this section, 84999
the tax exemption shall first apply in the year the construction 85000
or remodeling would first be taxable but for this section. In 85001
the case of remodeling that qualifies for exemption, a 85002
percentage, not to exceed one hundred per cent, of the increased 85003
assessed valuation of an existing structure after remodeling 85004
began shall be exempted from real property taxation. In the case 85005
of construction of a structure that qualifies for exemption, a 85006
percentage, not to exceed one hundred per cent, of the assessed 85007
value of the structure shall be exempted from real property 85008
taxation. In either case, the percentage shall be the percentage 85009
set forth in the agreement if the structure or remodeling is to 85010
be used for commercial or industrial purposes, or the percentage 85011
set forth in the resolution describing the community 85012
reinvestment area if the structure or remodeling is to be used 85013
for residential purposes. 85014

The construction of new structures and the remodeling of 85015
existing structures are hereby declared to be a public purpose 85016

for which exemptions from real property taxation may be granted 85017
for the following periods: 85018

(1) For every dwelling and commercial or industrial 85019
properties, located within the same community reinvestment area, 85020
upon which the cost of remodeling is at least two thousand five 85021
hundred dollars in the case of a dwelling containing not more 85022
than two family units or at least five thousand dollars in the 85023
case of all other property, a period to be determined by the 85024
legislative authority adopting the resolution, but not exceeding 85025
fifteen years. The period of exemption for a dwelling described 85026
in division (D) (1) of this section may be extended by a 85027
legislative authority for up to an additional ten years if the 85028
dwelling is a structure of historical or architectural 85029
significance, is a certified historic structure that has been 85030
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 85031
and units within the structure have been leased to individual 85032
tenants for five consecutive years; 85033

(2) Except as provided in division (F) of this section, 85034
for construction of every dwelling, and commercial or industrial 85035
structure located within the same community reinvestment area, a 85036
period to be determined by the legislative authority adopting 85037
the resolution, but not exceeding one of the following: 85038

(a) Thirty years, if the commercial or industrial 85039
structure is situated on the site of a megaproject and is owned 85040
~~and or~~ occupied by a megaproject operator as defined in division 85041
(A) (12) of section 122.17 of the Revised Code, or is not 85042
situated on the site of a megaproject but is owned ~~and or~~ 85043
occupied by a megaproject supplier that meets the requirements 85044
described in division (A) (13) (b) of section 122.17 of the 85045
Revised Code; 85046

(b) Fifteen years, for any other dwelling or commercial or industrial structure.

(E) Any person, board, or officer authorized by section 5715.19 of the Revised Code to file complaints with the county board of revision may file a complaint with the housing officer challenging the continued exemption of any property granted an exemption under this section. A complaint against exemption shall be filed prior to the thirty-first day of December of the tax year for which taxation of the property is requested. The housing officer shall determine whether the property continues to meet the requirements for exemption and shall certify the housing officer's findings to the complainant. If the housing officer determines that the property does not meet the requirements for exemption, the housing officer shall notify the county auditor, who shall correct the tax list and duplicate accordingly.

(F) The owner of a dwelling constructed in a community reinvestment area may file an application for an exemption after the year the construction first became subject to taxation. The application shall be processed in accordance with the procedures prescribed under this section and shall be granted if the construction that is the subject of the application otherwise meets the requirements for an exemption under this section. If approved, the exemption sought in the application first applies in the year the application is filed. An exemption approved pursuant to this division continues only for those years remaining in the period described in division (D) (2) of this section. No exemption may be claimed for any year in that period that precedes the year in which the application is filed.

Sec. 3735.671. (A) If construction or remodeling of

commercial or industrial property is to be exempted from 85077
taxation pursuant to section 3735.67 of the Revised Code, the 85078
legislative authority and the owner of the property, prior to 85079
the commencement of construction or remodeling, shall enter into 85080
a written agreement, binding on both parties for a period of 85081
time that does not end prior to the end of the period of the 85082
exemption, that includes all of the information and statements 85083
described in divisions (B) (1) to (8) of this section. Agreements 85084
may include terms not described in those divisions or otherwise 85085
prescribed by the model agreement adopted by the director of 85086
development under division (B) of this section, but such terms 85087
shall in no way derogate from the information and statements 85088
described in divisions (B) (1) to (8) of this section. 85089

(1) Except as otherwise provided in division (A) (2) or (3) 85090
of this section, an agreement entered into under this section 85091
shall not be approved by the legislative authority unless the 85092
board of education of the city, local, or exempted village 85093
school district within the territory of which the property is or 85094
will be located approves the agreement. For the purpose of 85095
obtaining such approval, the legislative authority shall certify 85096
a copy of the agreement to the board of education not later than 85097
forty-five days prior to approving the agreement, excluding 85098
Saturday, Sunday, and a legal holiday as defined in section 1.14 85099
of the Revised Code. The board of education, by resolution 85100
adopted by a majority of the board, shall approve or disapprove 85101
the agreement and certify a copy of the resolution to the 85102
legislative authority not later than fourteen days prior to the 85103
date stipulated by the legislative authority as the date upon 85104
which approval of the agreement is to be formally considered by 85105
the legislative authority. The board of education may include in 85106
the resolution conditions under which the board would approve 85107

the agreement. The legislative authority may approve an 85108
agreement at any time after the board of education certifies its 85109
resolution approving the agreement to the legislative authority, 85110
or, if the board approves the agreement conditionally, at any 85111
time after the conditions are agreed to by the board and the 85112
legislative authority. 85113

(2) Approval of an agreement by the board of education is 85114
not required under division (A)(1) of this section if, for each 85115
tax year the real property is exempted from taxation, the sum of 85116
the following quantities, as estimated at or prior to the time 85117
the agreement is formally approved by the legislative authority, 85118
equals or exceeds twenty-five per cent of the amount of taxes, 85119
as estimated at or prior to that time, that would have been 85120
charged and payable that year upon the real property had that 85121
property not been exempted from taxation: 85122

(a) The amount of taxes charged and payable on any portion 85123
of the assessed valuation of the new structure or of the 85124
increased assessed valuation of an existing structure after 85125
remodeling began that will not be exempted from taxation under 85126
the agreement; 85127

(b) The amount of taxes charged and payable on tangible 85128
personal property located on the premises of the new structure 85129
or of the structure to be remodeled under the agreement, whether 85130
payable by the owner of the structure or by a related member, as 85131
defined in section 5733.042 of the Revised Code without regard 85132
to division (B) of that section. 85133

(c) The amount of any cash payment by the owner of the new 85134
structure or structure to be remodeled to the school district, 85135
the dollar value, as mutually agreed to by the owner and the 85136
board of education, of any property or services provided by the 85137

owner of the property to the school district, whether by gift, 85138
loan, or otherwise, and any payment by the legislative authority 85139
to the school district pursuant to section 5709.82 of the 85140
Revised Code. 85141

The estimates of quantities used for purposes of division 85142
(A) (2) of this section shall be estimated by the legislative 85143
authority. The legislative authority shall certify to the board 85144
of education that the estimates have been made in good faith. 85145
Departures of the actual quantities from the estimates 85146
subsequent to approval of the agreement by the board of 85147
education do not invalidate the agreement. 85148

(3) If a board of education has adopted a resolution 85149
waiving its right to approve agreements and the resolution 85150
remains in effect, approval of an agreement by the board is not 85151
required under division (A) (1) of this section. If a board of 85152
education has adopted a resolution allowing a legislative 85153
authority to deliver the notice required under this division 85154
fewer than forty-five business days prior to the legislative 85155
authority's execution of the agreement, the legislative 85156
authority shall deliver the notice to the board not later than 85157
the number of days prior to such execution as prescribed by the 85158
board in its resolution. If a board of education adopts a 85159
resolution waiving its right to approve agreements or shortening 85160
the notification period, the board shall certify a copy of the 85161
resolution to the legislative authority. If the board of 85162
education rescinds such a resolution, it shall certify notice of 85163
the rescission to the legislative authority. 85164

(4) If the owner of the property or the legislative 85165
authority agree to make any payment to the school district as 85166
described in division (A) (2) (c) of this section, the owner or 85167

legislative authority shall agree to make payments to the joint 85168
vocational school district within which the property is located 85169
at the same rate or amount and under the same terms received by 85170
the city, local, or exempted village school district. 85171

(B) The director of development shall adopt rules in 85172
accordance with Chapter 119. of the Revised Code prescribing the 85173
form of a model agreement that a legislative authority may, in 85174
its discretion, use as the basis for an agreement to be executed 85175
under this section. The model agreement may include any term 85176
necessary for the administration and enforcement of such 85177
agreements by the director and legislative authority, but must 85178
include all of the following: 85179

(1) A space to include the description of real property to 85180
be exempted from taxation under the agreement and to identify 85181
the property's owners; 85182

(2) A space to denote the percentage of the assessed 85183
valuation of real property exempted from taxation and the period 85184
for which the exemption is granted; 85185

(3) A statement requiring the owner to pay real property 85186
taxes not exempted under the agreement, as required by law, and 85187
requiring rescission of the agreement if the owner fails to pay 85188
those taxes beginning in and after the year any such taxes are 85189
charged; 85190

(4) A statement that the owner certifies, at the time the 85191
agreement is executed, that the owner does not owe any 85192
delinquent property taxes or taxes for which the owner is liable 85193
under Chapter 5735., 5739., 5741., 5743., 5747., or 5753. of the 85194
Revised Code, or, if such delinquent taxes are owed, that the 85195
owner is paying the delinquent taxes pursuant to an undertaking 85196

enforceable by the state or an agent or instrumentality thereof, 85197
has filed a petition in bankruptcy, or has had a bankruptcy 85198
petition filed against the owner; 85199

(5) A statement requiring the owner to provide to the 85200
property tax incentive review council any information reasonably 85201
required by the council to evaluate the applicant's compliance 85202
with the agreement; 85203

(6) A statement that the agreement is not transferable or 85204
assignable without the approval of the legislative authority; 85205

(7) A statement describing the circumstances under which 85206
the legislative authority may revoke an agreement for 85207
noncompliance; 85208

(8) A statement requiring the owner to provide an estimate 85209
of the following for each agreement: 85210

(a) The number of employment opportunities created due to 85211
the remodeling or construction, as well as the payroll 85212
attributable to those opportunities; 85213

(b) The number of employment opportunities retained due to 85214
the remodeling or construction, as well as the payroll 85215
attributable to those opportunities. 85216

The model agreement shall also provide that a legislative 85217
authority may, but is not required to, include a statement 85218
describing the manner by which the legislative authority may 85219
recover already-received benefits, which may include an action 85220
brought in law or equity, a lien on the exempted property in the 85221
amount to be recovered, or other means. In the case of a lien on 85222
the exempted property, the lien shall attach, and may be 85223
perfected, collected, and enforced, in the same manner as a 85224
mortgage lien on real property, and otherwise has the same force 85225

and effect as a mortgage lien on real property. 85226

Once the director adopts rules prescribing a model 85227
agreement under this division, the model agreement may not be 85228
changed unless the director adopts, amends, or rescinds those 85229
rules in accordance with Chapter 119. of the Revised Code. 85230

(C) If any person that is party to an agreement granting 85231
an exemption from taxation discontinues operations at the 85232
structure to which that exemption applies prior to the 85233
expiration of the term of the agreement, that person, any 85234
successor to that person, and any related member shall not enter 85235
into an agreement under this section or section 5709.62, 85236
5709.63, or 5709.632 of the Revised Code, and no legislative 85237
authority shall enter into such an agreement with such a person, 85238
successor, or related member prior to the expiration of three 85239
years after the person's discontinuation of operations. As used 85240
in this division, "successor" means a person to which the assets 85241
or equity of another person has been transferred, which transfer 85242
resulted in the full or partial nonrecognition of gain or loss, 85243
or resulted in a carryover basis, both as determined by rule 85244
adopted by the tax commissioner. "Related member" has the same 85245
meaning as defined in section 5733.042 of the Revised Code 85246
without regard to division (B) of that section. 85247

The director of development shall review all agreements 85248
submitted to the director under section 3735.672 of the Revised 85249
Code for the purpose of enforcing this division. If the director 85250
determines there has been a violation of this division, the 85251
director shall notify the legislative authority of such 85252
violation, and the legislative authority immediately shall 85253
revoke the exemption granted under the agreement. 85254

(D) A political subdivision other than the legislative 85255

authority is not required to be a party to an agreement 85256
authorized under this section unless the political subdivision 85257
is a fee simple owner of real property subject to an exemption 85258
pursuant to section 3735.67 of the Revised Code that would 85259
otherwise be obligated to pay real property taxes for such real 85260
property. 85261

Sec. 3737.83. The state fire marshal shall, as part of the 85262
state fire code, adopt rules to: 85263

(A) Establish minimum standards of performance for fire 85264
protection equipment and fire fighting equipment; 85265

(B) Establish minimum standards of training, fix minimum 85266
qualifications, and require certificates for all persons who 85267
engage in the business for profit of installing, testing, 85268
repairing, or maintaining fire protection equipment; 85269

(C) Provide for the issuance of certificates required 85270
under division (B) of this section and establish the fees to be 85271
charged for such certificates. A certificate shall be granted, 85272
renewed, or revoked according to rules the state fire marshal 85273
shall adopt, except that the state fire marshal shall grant a 85274
certificate in accordance with Chapter 4796. of the Revised Code 85275
to an applicant if either of the following applies: 85276

(1) The applicant holds a license or certificate in 85277
another state. 85278

(2) The applicant has satisfactory work experience, a 85279
government certification, or a private certification as 85280
described in that chapter as a person engaged in the business of 85281
installing, testing, repairing, or maintaining fire protection 85282
equipment in a state that does not issue that certificate. 85283

(D) Establish minimum standards of flammability for 85284

consumer goods in any case where the federal government or any 85285
department or agency thereof has established, or may from time 85286
to time establish standards of flammability for consumer goods. 85287
The standards established by the state fire marshal shall be 85288
identical to the minimum federal standards. 85289

In any case where the federal government or any department 85290
or agency thereof, establishes standards of flammability for 85291
consumer goods subsequent to the adoption of a flammability 85292
standard by the state fire marshal, standards previously adopted 85293
by the state fire marshal shall not continue in effect to the 85294
extent such standards are not identical to the minimum federal 85295
standards. 85296

With respect to the adoption of minimum standards of 85297
flammability, this division shall supersede any authority 85298
granted a political subdivision by any other section of the 85299
Revised Code. 85300

(E) Establish minimum standards pursuant to section 85301
5104.05 of the Revised Code for fire prevention and fire safety 85302
in child care centers and in type A family child care homes, as 85303
defined in section 5104.01 of the Revised Code. 85304

(F) Establish minimum standards for fire prevention and 85305
safety in a residential facility licensed under section 5119.34 85306
of the Revised Code that provides accommodations, supervision, 85307
and personal care services for three to sixteen unrelated 85308
adults. The state fire marshal shall adopt the rules under this 85309
division in consultation with the director of mental health and 85310
addiction services and interested parties designated by the 85311
director of mental health and addiction services. 85312

(G) (1) Establish that, for buildings and structures 85313

incident to the agricultural purposes of the land and determined 85314
to be exempt from the rules of the board of building standards 85315
pursuant to division (B) (1) of section 3781.06 or section 85316
3781.061 of the Revised Code, the occupant load of a covered 85317
patio and its area are not to be included in the fire area 85318
calculation of the building for the determination of sprinkler 85319
thresholds, if all the following apply: 85320

(a) The building or structure would be classified as an 85321
assembly occupancy. 85322

(b) The covered patio is either: 85323

(i) Completely open to the atmosphere without enclosing 85324
walls on at least three sides all year with accessible means of 85325
egress on each open side; 85326

(ii) Completely open to the atmosphere without enclosing 85327
walls on two sides all year with accessible means of egress on 85328
each open side, but only if no point in the covered patio area 85329
is more than twenty feet from an accessible means of egress and 85330
not more than fifty per cent of the perimeter of the covered 85331
patio area is enclosed by walls. 85332

(c) The occupant load of the covered patio does not exceed 85333
one hundred occupants. 85334

(d) The floor area of the covered patio is at the level of 85335
exit discharge. 85336

(e) If the patio is constructed on or after the effective 85337
date of this amendment, the horizontal assembly or roof and 85338
columns are constructed of materials that are non-combustible, 85339
limited-combustible, or fire-retardant treated wood. 85340

(2) If a building or zoning official makes a determination 85341

pursuant to division (B) (1) of section 3781.06 or section 3781.061 of the Revised Code that results in a building or structure being exempt from the rules of the board of building standards, such official shall provide a written notification to the affected party that the state fire code applies to the exempt location, including as specified in this section.

(3) Nothing in division (G) of this section shall be construed to limit or restrict the scope of application of the state fire code, except as expressly provided in division (G) (1) of this section, including the distinct hazard or serious hazard standards specified in the state fire code.

(4) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (G) (1) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 3742.32. (A) The director of health shall appoint an advisory council to assist in the ongoing development and implementation of the child lead poisoning prevention program created under section 3742.31 of the Revised Code. The advisory council shall consist of the following members:

(1) A representative of the department of medicaid;

~~(2) A representative of the bureau of child care in the department of job and family services;~~

~~(3) A representative of the department of environmental protection;~~

~~(4)~~ (3) A representative of the department of education and workforce;

~~(5)~~ (4) A representative of the department of development;

~~(6)~~ <u>(5)</u> A representative of the department of children and youth;	85370 85371
~~(7)~~ <u>(6)</u> A representative of the Ohio apartment owner's association;	85372 85373
~~(8)~~ <u>(7)</u> A representative of the Ohio healthy homes network;	85374
~~(9)~~ <u>(8)</u> A representative of the Ohio environmental health association;	85375 85376
~~(10)~~ <u>(9)</u> An Ohio representative of the American coatings association;	85377 85378
~~(11)~~ <u>(10)</u> A representative from Ohio realtors;	85379
~~(12)~~ <u>(11)</u> A representative of the Ohio housing finance agency;	85380 85381
~~(13)~~ <u>(12)</u> A physician knowledgeable in the field of lead poisoning prevention;	85382 85383
~~(14)~~ <u>(13)</u> A certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner knowledgeable in the field of lead poisoning prevention;	85384 85385 85386
~~(15)~~ <u>(14)</u> A representative of the public.	85387
(B) The advisory council shall do both of the following:	85388
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	85389 85390 85391 85392
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	85393 85394 85395

(C) The advisory council is not subject to sections 101.82 85396
to 101.87 of the Revised Code. 85397

Sec. 3742.50. (A) As used in this section: 85398

(1) "Lead abatement costs" means costs incurred by a 85399
taxpayer for either of the following: 85400

(a) A lead abatement specialist to conduct a lead risk 85401
assessment, a lead abatement project, or a clearance 85402
examination, provided the specialist is authorized under this 85403
chapter to conduct the respective task; 85404

(b) Relocation costs incurred in the relocation of 85405
occupants of an eligible dwelling to achieve occupant 85406
protection, as described in 24 C.F.R. 35.1345(a). 85407

"Lead abatement costs" do not include such costs for which 85408
the taxpayer is reimbursed or such costs the taxpayer deducts or 85409
excludes in computing the taxpayer's federal adjusted gross 85410
income for federal income tax purposes or Ohio adjusted gross 85411
income as determined under section 5747.01 of the Revised Code. 85412

(2) "Eligible dwelling" means a residential unit 85413
constructed in this state before 1978. 85414

(3) "Lead abatement specialist" means an individual who 85415
holds a valid license issued under section 3742.05 of the 85416
Revised Code. 85417

(4) "Taxable year" and "taxpayer" have the same meanings 85418
as in section 5747.01 of the Revised Code. 85419

(B) A taxpayer who incurs lead abatement costs on an 85420
eligible dwelling during a taxable year may apply to the 85421
director of health for a lead abatement tax credit certificate. 85422
The applicant shall list on the application the amount of lead 85423

abatement costs the applicant incurred for the eligible dwelling 85424
during the taxable year. The director, in consultation with the 85425
tax commissioner, shall prescribe the form of a lead abatement 85426
tax credit certificate, the manner by which an applicant shall 85427
apply for the certificate, and requirements for the submission 85428
of any record or other information an applicant must furnish 85429
with the application to verify the lead abatement costs. 85430

(C) (1) Upon receipt of an application under division (B) 85431
of this section, the director of health shall verify all of the 85432
following: 85433

(a) The residential unit that is the subject of the 85434
application is an eligible dwelling. 85435

(b) The taxpayer incurred lead abatement costs during the 85436
taxable year related to the eligible dwelling. 85437

(c) The eligible dwelling has passed a clearance 85438
examination in accordance with standards prescribed in rules 85439
adopted by the director under section 3742.03 or 3742.45 of the 85440
Revised Code. 85441

(2) After verifying the conditions described in division 85442
(C) (1) of this section, the director shall issue a lead 85443
abatement tax credit certificate to the applicant equal to the 85444
lesser of (a) the lead abatement costs incurred by the taxpayer 85445
on the eligible dwelling during the taxable year, (b) the amount 85446
of lead abatement costs listed on the application, or (c) ~~ten~~ 85447
forty thousand dollars, subject to the limitation in division 85448
(C) (3) of this section. 85449

(3) The director may not issue more than ~~five~~ three 85450
million dollars in lead abatement tax credit certificates in any 85451
fiscal year. 85452

(D) The director of health, in consultation with the tax commissioner, may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the administration of this section.

Sec. 3743.04. (A) The license of a manufacturer of fireworks is effective for one year beginning on the first day of December, and the state fire marshal shall issue or renew a license only on that date and at no other time. If a manufacturer of fireworks wishes to continue manufacturing fireworks at the designated fireworks plant after its then effective license expires, it shall apply no later than the first day of October for a new license pursuant to section 3743.02 of the Revised Code. The state fire marshal shall send a written notice of the expiration of its license to a licensed manufacturer at least three months before the expiration date.

(B) If, during the effective period of its licensure, a licensed manufacturer of fireworks wishes to construct, locate, or relocate any buildings or other structures on the premises of its fireworks plant, to make any structural change or renovation in any building or other structure on the premises of its fireworks plant, to change the nature of its manufacturing of fireworks so as to include the processing of fireworks, or to relocate its fireworks plant to a new licensed premises, the manufacturer shall notify the state fire marshal in writing. The state fire marshal may require a licensed manufacturer also to submit documentation, including, but not limited to, plans covering the proposed construction, location, relocation, structural change or renovation, change in manufacturing of fireworks, or new licensed premises, if the state fire marshal determines the documentation is necessary for evaluation purposes in light of the proposed construction, location,

relocation, structural change or renovation, change in 85484
manufacturing of fireworks, or new licensed premises. 85485

Upon receipt of the notification and additional 85486
documentation required by the state fire marshal, the state fire 85487
marshal shall inspect the existing premises of the fireworks 85488
plant, or proposed new licensed premises, to determine if the 85489
proposed construction, location, relocation, structural change 85490
or renovation, change in manufacturing of fireworks, or new 85491
licensed premises conform to sections 3743.02 to 3743.08 of the 85492
Revised Code and the rules adopted by the state fire marshal 85493
pursuant to section 3743.05 of the Revised Code. The state fire 85494
marshal shall issue a written authorization to the manufacturer 85495
for the construction, location, relocation, structural change or 85496
renovation, change in manufacturing of fireworks, or new 85497
licensed premises, if the state fire marshal determines, upon 85498
the inspection and a review of submitted documentation, that the 85499
construction, location, relocation, structural change or 85500
renovation, change in manufacturing of fireworks, or new 85501
licensed premises conform to those sections and rules. Upon 85502
authorizing a change in manufacturing of fireworks to include 85503
the processing of fireworks, the state fire marshal shall make 85504
notations on the manufacturer's license and in the list of 85505
licensed manufacturers in accordance with section 3743.03 of the 85506
Revised Code. 85507

On or before June 1, 1998, a licensed manufacturer shall 85508
install, in every licensed building in which fireworks are 85509
manufactured, stored, or displayed and to which the public has 85510
access, interlinked fire detection, smoke exhaust, and smoke 85511
evacuation systems that are approved by the superintendent of 85512
industrial compliance, and shall comply with floor plans showing 85513
occupancy load limits and internal circulation and egress 85514

patterns that are approved by the state fire marshal and 85515
superintendent, and that are submitted under seal as required by 85516
section 3791.04 of the Revised Code. Notwithstanding section 85517
3743.59 of the Revised Code, the construction and safety 85518
requirements established in this division are not subject to any 85519
variance, waiver, or exclusion. 85520

(C) The license of a manufacturer of fireworks authorizes 85521
the manufacturer to engage only in the following activities: 85522

(1) The manufacturing of fireworks on the premises of the 85523
fireworks plant as described in the application for licensure or 85524
in the notification submitted under division (B) of this 85525
section, except that a licensed manufacturer shall not engage in 85526
the processing of fireworks unless authorized to do so by its 85527
license. 85528

(2) To possess for sale at wholesale and sell at wholesale 85529
the fireworks manufactured by the manufacturer, to persons who 85530
are licensed wholesalers of fireworks, to persons in accordance 85531
with sections 3743.44 to 3743.46 of the Revised Code, or to 85532
persons located in another state provided the fireworks are 85533
shipped directly out of this state to them by the manufacturer. 85534
A person who is licensed as a manufacturer of fireworks on June 85535
14, 1988, also may possess for sale and sell pursuant to 85536
division (C)(2) of this section fireworks other than those the 85537
person manufactures. The possession for sale shall be on the 85538
premises of the fireworks plant described in the application for 85539
licensure or in the notification submitted under division (B) of 85540
this section, and the sale shall be from the inside of a 85541
licensed building and from no other structure or device outside 85542
a licensed building. At no time shall a licensed manufacturer 85543
sell any class of fireworks outside a licensed building. 85544

(3) Possess for sale at retail and sell at retail the fireworks manufactured by the manufacturer, other than 1.4G fireworks as designated by the state fire marshal in rules adopted pursuant to division (A) of section 3743.05 of the Revised Code, to licensed exhibitors in accordance with sections 3743.50 to 3743.55 of the Revised Code, and possess for sale at retail and sell at retail the fireworks manufactured by the manufacturer, including 1.4G fireworks, to persons in accordance with sections 3743.44 to ~~3743.46~~ 3743.48 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the manufacturer. A person who is licensed as a manufacturer of fireworks on June 14, 1988, may also possess for sale and sell pursuant to division (C) (3) of this section fireworks other than those the person manufactures. The possession for sale shall be on the premises of the fireworks plant described in the application for licensure or in the notification submitted under division (B) of this section, ~~and, except as otherwise provided in section~~ 3743.48 of the Revised Code, the sale shall be from the inside of a licensed building and from no other structure or device outside a licensed building. ~~At no time shall~~ Except as ~~otherwise provided in section 3743.48 of the Revised Code,~~ a licensed manufacturer shall not sell any class of fireworks outside a licensed building.

A licensed manufacturer of fireworks shall sell under division (C) of this section only fireworks that meet the standards set by the consumer product safety commission or by the American fireworks standard laboratories or that have received an EX number from the United States department of transportation.

(D) The license of a manufacturer of fireworks shall be

protected under glass and posted in a conspicuous place on the 85576
premises of the fireworks plant. Except as otherwise provided in 85577
this division, the license is not transferable or assignable. 85578

(1) The ownership of a manufacturer of fireworks license 85579
may be transferred to another person for the same fireworks 85580
plant for which the license was issued, or approved pursuant to 85581
division (B) of this section, if the assets of the plant are 85582
transferred to that person by inheritance or by a sale approved 85583
by the state fire marshal. 85584

(2) The license of a manufacturer of fireworks may be 85585
geographically relocated in accordance with division (D) of 85586
section 3743.75 of the Revised Code. 85587

(3) The license is subject to revocation in accordance 85588
with section 3743.08 of the Revised Code. 85589

(E) The state fire marshal shall not place the license of 85590
a manufacturer of fireworks in a temporarily inactive status 85591
while the holder of the license is attempting to qualify to 85592
retain the license. 85593

(F) Each licensed manufacturer of fireworks that possesses 85594
fireworks for sale and sells fireworks under division (C) of 85595
section 3743.04 of the Revised Code, or a designee of the 85596
manufacturer, whose identity is provided to the state fire 85597
marshal by the manufacturer, annually shall attend a continuing 85598
education program. The state fire marshal shall develop the 85599
program and the state fire marshal or a person or public agency 85600
approved by the state fire marshal shall conduct it. A licensed 85601
manufacturer or the manufacturer's designee who attends a 85602
program as required under this division, within one year after 85603
attending the program, shall conduct in-service training as 85604

approved by the state fire marshal for other employees of the 85605
licensed manufacturer regarding the information obtained in the 85606
program. A licensed manufacturer shall provide the state fire 85607
marshal with notice of the date, time, and place of all in- 85608
service training. For any program conducted under this division, 85609
the state fire marshal shall, in accordance with rules adopted 85610
by the state fire marshal under Chapter 119. of the Revised 85611
Code, establish the subjects to be taught, the length of 85612
classes, the standards for approval, and time periods for 85613
notification by the licensee to the state fire marshal of any 85614
in-service training. 85615

(G) A licensed manufacturer shall maintain comprehensive 85616
general liability insurance coverage in the amount and type 85617
specified under division (B) (2) of section 3743.02 of the 85618
Revised Code at all times. Each policy of insurance required 85619
under this division shall contain a provision requiring the 85620
insurer to give not less than fifteen days' prior written notice 85621
to the state fire marshal before termination, lapse, or 85622
cancellation of the policy, or any change in the policy that 85623
reduces the coverage below the minimum required under this 85624
division. Prior to canceling or reducing the amount of coverage 85625
of any comprehensive general liability insurance coverage 85626
required under this division, a licensed manufacturer shall 85627
secure supplemental insurance in an amount and type that 85628
satisfies the requirements of this division so that no lapse in 85629
coverage occurs at any time. A licensed manufacturer who secures 85630
supplemental insurance shall file evidence of the supplemental 85631
insurance with the state fire marshal prior to canceling or 85632
reducing the amount of coverage of any comprehensive general 85633
liability insurance coverage required under this division. 85634

(H) The state fire marshal shall adopt rules for the 85635

expansion or contraction of a licensed premises and for approval 85636
of such expansions or contractions. The boundaries of a licensed 85637
premises, including any geographic expansion or contraction of 85638
those boundaries, shall be approved by the state fire marshal in 85639
accordance with rules the state fire marshal adopts. If the 85640
licensed premises consists of more than one parcel of real 85641
estate, those parcels shall be contiguous unless an exception is 85642
allowed pursuant to division (I) of this section. 85643

(I) (1) A licensed manufacturer may expand its licensed 85644
premises within this state to include not more than two storage 85645
locations that are located upon one or more real estate parcels 85646
that are noncontiguous to the licensed premises as that licensed 85647
premises exists on the date a licensee submits an application as 85648
described below, if all of the following apply: 85649

(a) The licensee submits an application to the state fire 85650
marshal and an application fee of one hundred dollars per 85651
storage location for which the licensee is requesting approval. 85652

(b) The identity of the holder of the license remains the 85653
same at the storage location. 85654

(c) The storage location has received a valid certificate 85655
of zoning compliance as applicable and a valid certificate of 85656
occupancy for each building or structure at the storage location 85657
issued by the authority having jurisdiction to issue the 85658
certificate for the storage location, and those certificates 85659
permit the distribution and storage of fireworks regulated under 85660
this chapter at the storage location and in the buildings or 85661
structures. The storage location shall be in compliance with all 85662
other applicable federal, state, and local laws and regulations. 85663

(d) Every building or structure located upon the storage 85664

location is separated from occupied residential and 85665
nonresidential buildings or structures, railroads, highways, or 85666
any other buildings or structures on the licensed premises in 85667
accordance with the distances specified in the rules adopted by 85668
the state fire marshal pursuant to section 3743.05 of the 85669
Revised Code. 85670

(e) Neither the licensee nor any person holding, owning, 85671
or controlling a five per cent or greater beneficial or equity 85672
interest in the licensee has been convicted of or pleaded guilty 85673
to a felony under the laws of this state, any other state, or 85674
the United States, after September 29, 2005. 85675

(f) The state fire marshal approves the application for 85676
expansion. 85677

(2) The state fire marshal shall approve an application 85678
for expansion requested under division (I)(1) of this section if 85679
the state fire marshal receives the application fee and proof 85680
that the requirements of divisions (I)(1)(b) to (e) of this 85681
section are satisfied. The storage location shall be considered 85682
part of the original licensed premises and shall use the same 85683
distinct number assigned to the original licensed premises with 85684
any additional designations as the state fire marshal deems 85685
necessary in accordance with section 3743.03 of the Revised 85686
Code. 85687

(J)(1) A licensee who obtains approval for the use of a 85688
storage location in accordance with division (I) of this section 85689
shall use the storage location exclusively for the following 85690
activities, in accordance with division (C) of this section: 85691

(a) The packaging, assembling, or storing of fireworks, 85692
which shall only occur in buildings or structures approved for 85693

such hazardous uses by the building code official having 85694
jurisdiction for the storage location or, for 1.4G fireworks, in 85695
containers or trailers approved for such hazardous uses by the 85696
state fire marshal if such containers or trailers are not 85697
subject to regulation by the building code adopted in accordance 85698
with Chapter 3781. of the Revised Code. All such storage shall 85699
be in accordance with the rules adopted by the state fire 85700
marshal under division (G) of section 3743.05 of the Revised 85701
Code for the packaging, assembling, and storage of fireworks. 85702

(b) Distributing fireworks to other parcels of real estate 85703
located on the manufacturer's licensed premises, to licensed 85704
wholesalers or other licensed manufacturers in this state or to 85705
similarly licensed persons located in another state or country; 85706

(c) Distributing fireworks to a licensed exhibitor of 85707
fireworks pursuant to a properly issued permit in accordance 85708
with section 3743.54 of the Revised Code. 85709

(2) A licensed manufacturer shall not engage in any sales 85710
activity, including the retail sale of fireworks otherwise 85711
permitted under division (C) (2) or (C) (3) of this section, or 85712
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 85713
the storage location approved under this section. 85714

(3) A storage location may not be relocated for a minimum 85715
period of five years after the storage location is approved by 85716
the state fire marshal in accordance with division (I) of this 85717
section. 85718

(K) The licensee shall prohibit public access to the 85719
storage location. The state fire marshal shall adopt rules to 85720
describe the acceptable measures a manufacturer shall use to 85721
prohibit access to the storage site. 85722

Sec. 3743.06. In addition to conforming to the rules of 85723
the fire marshal adopted pursuant to section 3743.05 of the 85724
Revised Code, licensed manufacturers of fireworks shall operate 85725
their fireworks plants in accordance with the following: 85726

(A) Signs indicating that smoking is generally forbidden 85727
and trespassing is prohibited on the premises of a fireworks 85728
plant shall be posted on the premises in a manner determined by 85729
the fire marshal. 85730

(B) Reasonable precautions shall be taken to protect the 85731
premises of a fireworks plant from trespass, loss, theft, or 85732
destruction. Only persons employed by the manufacturer, 85733
authorized governmental personnel, and persons who have obtained 85734
permission from a member of the manufacturer's office to be on 85735
the premises, are to be allowed to enter and remain on the 85736
premises. 85737

(C) Smoking or the carrying of pipes, cigarettes, or 85738
cigars, matches, lighters, other flame-producing items, or open 85739
flame on, or the carrying of a concealed source of ignition 85740
into, the premises of a fireworks plant is prohibited, except 85741
that a manufacturer may permit smoking in specified lunchrooms 85742
or restrooms in buildings or other structures in which no 85743
manufacturing, handling, sales, or storage of fireworks takes 85744
place. "NO SMOKING" signs shall be posted on the premises as 85745
required by the fire marshal. 85746

(D) Fire and explosion prevention and other reasonable 85747
safety measures and precautions shall be implemented by a 85748
manufacturer. 85749

(E) Persons shall not be permitted to have in their 85750
possession or under their control, while they are on the 85751

premises of the fireworks plant, any intoxicating liquor, beer, 85752
or controlled substance, and they shall not be permitted to 85753
enter or remain on the premises if they are found to be under 85754
the influence of any intoxicating liquor, beer, or controlled 85755
substance. 85756

(F) A manufacturer shall conform to all building, safety, 85757
and zoning statutes, ordinances, rules, or other enactments that 85758
apply to the premises of its fireworks plant. 85759

(G) Each fireworks plant shall have at least one class 1 85760
magazine that is approved by the bureau of alcohol, tobacco, and 85761
firearms of the United States department of the treasury and 85762
that is otherwise in conformity with federal law. This division 85763
does not apply to fireworks plants existing on or before August 85764
3, 1931. 85765

(H) Awnings, tents, and canopies shall not be used as 85766
facilities for the sale or storage of fireworks, except as 85767
expressly permitted by section 3743.48 of the Revised Code. This 85768
division does not prohibit the use of an awning or canopy 85769
attached to a public access showroom for storing nonflammable 85770
shopping convenience items such as shopping carts or baskets or 85771
providing a shaded area for patrons waiting to enter the public 85772
sales area. 85773

(I) Fireworks may be stored in trailers if the trailers 85774
are properly enclosed, secured, and grounded and are separated 85775
from any structure to which the public is admitted by a distance 85776
that will, in the fire marshal's judgment, allow fire-fighting 85777
equipment to have full access to the structures on the licensed 85778
premises. Such trailers may be moved into closer proximity to 85779
any structure only to accept or discharge cargo for a period not 85780
to exceed forty-eight hours. Only two such trailers may be 85781

placed in such closer proximity at any one time. At no time may 85782
trailers be used for conducting sales of any class of fireworks, 85783
nor may members of the public have access to the trailers. 85784

Storage areas for fireworks that are in the same building 85785
where fireworks are displayed and sold to the public shall be 85786
separated from the areas to which the public has access by an 85787
appropriately rated fire wall. 85788

(J) A fire suppression system as defined in section 85789
3781.108 of the Revised Code may be turned off only for repair, 85790
drainage of the system to prevent damage by freezing during the 85791
period of time, approved by the fire marshal, that the facility 85792
is closed to all public access during winter months, or 85793
maintenance of the system. If any repair or maintenance is 85794
necessary during times when the facility is open for public 85795
access and business as approved by the fire marshal, the 85796
licensed manufacturer shall notify in advance the appropriate 85797
insurance company and fire chief or fire prevention officer 85798
regarding the nature of the maintenance or repair and the time 85799
when it will be performed. 85800

(K) If any fireworks item is removed from its original 85801
package or is manufactured with any fuse other than a safety 85802
fuse approved by the consumer product safety commission, then 85803
the item shall be covered completely by repackaging or bagging 85804
or it shall otherwise be covered so as to prevent ignition prior 85805
to sale. 85806

(L) A safety officer shall be present during regular 85807
business hours at a building open to the public during the 85808
period commencing fourteen days before, and ending two days 85809
after, each fourth day of July. The officer shall be highly 85810
visible, enforce this chapter and any applicable building codes 85811

to the extent the officer is authorized by law, and be one of 85812
the following: 85813

(1) A deputy sheriff; 85814

(2) A law enforcement officer of a municipal corporation, 85815
township, or township or joint police district; 85816

(3) A private uniformed security guard registered under 85817
section 4749.06 of the Revised Code. 85818

(M) All doors of all buildings on the licensed premises 85819
shall swing outward. 85820

(N) All wholesale and commercial sales of fireworks shall 85821
be packaged, shipped, placarded, and transported in accordance 85822
with United States department of transportation regulations 85823
applicable to the transportation, and the offering for 85824
transportation, of hazardous materials. For purposes of this 85825
division, "wholesale and commercial sales" includes all sales 85826
for resale and any nonretail sale made in furtherance of a 85827
commercial enterprise. For purposes of enforcement of these 85828
regulations under section 4923.99 of the Revised Code, any sales 85829
transaction exceeding one thousand pounds shall be rebuttably 85830
presumed to be a wholesale or commercial sale. 85831

Sec. 3743.17. (A) The license of a wholesaler of fireworks 85832
is effective for one year beginning on the first day of 85833
December, and the state fire marshal shall issue or renew a 85834
license only on that date and at no other time. If a wholesaler 85835
of fireworks wishes to continue engaging in the wholesale sale 85836
of fireworks at the particular location after its then effective 85837
license expires, it shall apply not later than the first day of 85838
October for a new license pursuant to section 3743.15 of the 85839
Revised Code. The state fire marshal shall send a written notice 85840

of the expiration of its license to a licensed wholesaler at 85841
least three months before the expiration date. 85842

(B) If, during the effective period of its licensure, a 85843
licensed wholesaler of fireworks wishes to perform any 85844
construction, or make any structural change or renovation, on 85845
the premises on which the fireworks are sold, or to relocate its 85846
sales operations to a new licensed premises, the wholesaler 85847
shall notify the state fire marshal in writing. The state fire 85848
marshal may require a licensed wholesaler also to submit 85849
documentation, including, but not limited to, plans covering the 85850
proposed construction or structural change or renovation, or 85851
proposed new licensed premises, if the state fire marshal 85852
determines the documentation is necessary for evaluation 85853
purposes in light of the proposed construction, structural 85854
change or renovation, or relocation. 85855

Upon receipt of the notification and additional 85856
documentation required by the state fire marshal, the state fire 85857
marshal shall inspect the premises on which the fireworks are 85858
sold, or the proposed new licensed premises, to determine if the 85859
proposed construction, structural change or renovation, or 85860
relocation conforms to sections 3743.15 to 3743.21 of the 85861
Revised Code, divisions (C)(1) and (2) of section 3743.25 of the 85862
Revised Code, and the rules adopted by the state fire marshal 85863
pursuant to section 3743.18 of the Revised Code. The state fire 85864
marshal shall issue a written authorization to the wholesaler 85865
for the construction, structural change or renovation, or new 85866
licensed premises if the state fire marshal determines, upon the 85867
inspection and a review of submitted documentation, that the 85868
construction, structural change or renovation, or new licensed 85869
premises conform to those sections and rules. 85870

(C) The license of a wholesaler of fireworks authorizes 85871
the wholesaler to engage only in the following activities: 85872

(1) Possess for sale at wholesale and sell at wholesale 85873
fireworks to persons who are licensed wholesalers of fireworks, 85874
to persons in accordance with sections 3743.44 to 3743.46 of the 85875
Revised Code, or to persons located in another state provided 85876
the fireworks are shipped directly out of this state to them by 85877
the wholesaler. The possession for sale shall be at the location 85878
described in the application for licensure or in the 85879
notification submitted under division (B) of this section, and 85880
the sale shall be from the inside of a licensed building and 85881
from no structure or device outside a licensed building. At no 85882
time shall a licensed wholesaler sell any class of fireworks 85883
outside a licensed building. 85884

(2) Possess for sale at retail and sell at retail 85885
fireworks, other than 1.4G fireworks as designated by the state 85886
fire marshal in rules adopted pursuant to division (A) of 85887
section 3743.05 of the Revised Code, to licensed exhibitors in 85888
accordance with sections 3743.50 to 3743.55 of the Revised Code, 85889
and possess for sale at retail and sell at retail fireworks, 85890
including 1.4G fireworks, to persons in accordance with sections 85891
3743.44 to ~~3743.46~~ 3743.48 of the Revised Code, or to persons 85892
located in another state provided the fireworks are shipped 85893
directly out of this state to them by the wholesaler. The 85894
possession for sale shall be at the location described in the 85895
application for licensure or in the notification submitted under 85896
division (B) of this section, and, except as otherwise provided 85897
in section 3743.48 of the Revised Code, the sale shall be from 85898
the inside of the licensed building and from no other structure 85899
or device outside this licensed building. ~~At no time shall~~ Except 85900
as otherwise provided in section 3743.48 of the Revised Code, a 85901

licensed wholesaler shall not sell any class of fireworks 85902
outside a licensed building. 85903

A licensed wholesaler of fireworks shall sell under 85904
division (C) of this section only fireworks that meet the 85905
standards set by the consumer product safety commission or by 85906
the American fireworks standard laboratories or that have 85907
received an EX number from the United States department of 85908
transportation. 85909

(D) The license of a wholesaler of fireworks shall be 85910
protected under glass and posted in a conspicuous place at the 85911
location described in the application for licensure or in the 85912
notification submitted under division (B) of this section. 85913
Except as otherwise provided in this section, the license is not 85914
transferable or assignable. 85915

(1) The ownership of a wholesaler of fireworks license may 85916
be transferred to another person for the same location for which 85917
the license was issued, or approved pursuant to division (B) of 85918
this section, if the assets of the wholesaler are transferred to 85919
that person by inheritance or by a sale approved by the state 85920
fire marshal. 85921

(2) The license of a wholesaler of fireworks may be 85922
geographically relocated in accordance with division (D) of 85923
section 3743.75 of the Revised Code. 85924

(3) The license is subject to revocation in accordance 85925
with section 3743.21 of the Revised Code. 85926

(E) The state fire marshal shall adopt rules for the 85927
expansion or contraction of a licensed premises and for the 85928
approval of an expansion or contraction. The boundaries of a 85929
licensed premises, including any geographic expansion or 85930

contraction of those boundaries, shall be approved by the state 85931
fire marshal in accordance with rules the state fire marshal 85932
adopts. If the licensed premises of a licensed wholesaler from 85933
which the wholesaler operates consists of more than one parcel 85934
of real estate, those parcels must be contiguous, unless an 85935
exception is allowed pursuant to division (F) of this section. 85936

(F) (1) A licensed wholesaler may expand its licensed 85937
premises within this state to include not more than two storage 85938
locations that are located upon one or more real estate parcels 85939
that are noncontiguous to the licensed premises as that licensed 85940
premises exists on the date a licensee submits an application as 85941
described below, if all of the following apply: 85942

(a) The licensee submits an application to the state fire 85943
marshal requesting the expansion and an application fee of one 85944
hundred dollars per storage location for which the licensee is 85945
requesting approval. 85946

(b) The identity of the holder of the license remains the 85947
same at the storage location. 85948

(c) The storage location has received a valid certificate 85949
of zoning compliance, as applicable, and a valid certificate of 85950
occupancy for each building or structure at the storage location 85951
issued by the authority having jurisdiction to issue the 85952
certificate for the storage location, and those certificates 85953
permit the distribution and storage of fireworks regulated under 85954
this chapter at the storage location and in the buildings or 85955
structures. The storage location shall be in compliance with all 85956
other applicable federal, state, and local laws and regulations. 85957

(d) Every building or structure located upon the storage 85958
location is separated from occupied residential and 85959

nonresidential buildings or structures, railroads, highways, and 85960
any other buildings or structures on the licensed premises in 85961
accordance with the distances specified in the rules adopted by 85962
the state fire marshal pursuant to section 3743.18 of the 85963
Revised Code. 85964

(e) Neither the licensee nor any person holding, owning, 85965
or controlling a five per cent or greater beneficial or equity 85966
interest in the licensee has been convicted of or pleaded guilty 85967
to a felony under the laws of this state, any other state, or 85968
the United States, after September 29, 2005. 85969

(f) The state fire marshal approves the application for 85970
expansion. 85971

(2) The state fire marshal shall approve an application 85972
for expansion requested under division (F)(1) of this section if 85973
the state fire marshal receives the application fee and proof 85974
that the requirements of divisions (F)(1)(b) to (e) of this 85975
section are satisfied. The storage location shall be considered 85976
part of the original licensed premises and shall use the same 85977
distinct number assigned to the original licensed premises with 85978
any additional designations as the state fire marshal deems 85979
necessary in accordance with section 3743.16 of the Revised 85980
Code. 85981

(G)(1) A licensee who obtains approval for use of a 85982
storage location in accordance with division (F) of this section 85983
shall use the site exclusively for the following activities, in 85984
accordance with division (C)(1) of this section: 85985

(a) Packaging, assembling, or storing fireworks, which 85986
shall occur only in buildings or structures approved for such 85987
hazardous uses by the building code official having jurisdiction 85988

for the storage location or, for 1.4G fireworks, in containers 85989
or trailers approved for such hazardous uses by the state fire 85990
marshal if such containers or trailers are not subject to 85991
regulation by the building code adopted in accordance with 85992
Chapter 3781. of the Revised Code. All such storage shall be in 85993
accordance with the rules adopted by the state fire marshal 85994
under division (B) (4) of section 3743.18 of the Revised Code for 85995
the packaging, assembling, and storage of fireworks. 85996

(b) Distributing fireworks to other parcels of real estate 85997
located on the wholesaler's licensed premises, to licensed 85998
manufacturers or other licensed wholesalers in this state or to 85999
similarly licensed persons located in another state or country; 86000

(c) Distributing fireworks to a licensed exhibitor of 86001
fireworks pursuant to a properly issued permit in accordance 86002
with section 3743.54 of the Revised Code. 86003

(2) A licensed wholesaler shall not engage in any sales 86004
activity, including the retail sale of fireworks otherwise 86005
permitted under division (C) (2) of this section or pursuant to 86006
section 3743.44 or 3743.45 of the Revised Code, at a storage 86007
location approved under this section. 86008

(3) A storage location may not be relocated for a minimum 86009
period of five years after the storage location is approved by 86010
the state fire marshal in accordance with division (F) of this 86011
section. 86012

(H) A licensee shall prohibit public access to all storage 86013
locations it uses. The state fire marshal shall adopt rules 86014
establishing acceptable measures a wholesaler shall use to 86015
prohibit access to storage sites. 86016

(I) The state fire marshal shall not place the license of 86017

a wholesaler of fireworks in temporarily inactive status while 86018
the holder of the license is attempting to qualify to retain the 86019
license. 86020

(J) Each licensed wholesaler of fireworks or a designee of 86021
the wholesaler, whose identity is provided to the state fire 86022
marshal by the wholesaler, annually shall attend a continuing 86023
education program. The state fire marshal shall develop the 86024
program and the state fire marshal or a person or public agency 86025
approved by the state fire marshal shall conduct it. A licensed 86026
wholesaler or the wholesaler's designee who attends a program as 86027
required under this division, within one year after attending 86028
the program, shall conduct in-service training as approved by 86029
the state fire marshal for other employees of the licensed 86030
wholesaler regarding the information obtained in the program. A 86031
licensed wholesaler shall provide the state fire marshal with 86032
notice of the date, time, and place of all in-service training. 86033
For any program conducted under this division, the state fire 86034
marshal shall, in accordance with rules adopted by the state 86035
fire marshal under Chapter 119. of the Revised Code, establish 86036
the subjects to be taught, the length of classes, the standards 86037
for approval, and time periods for notification by the licensee 86038
to the state fire marshal of any in-service training. 86039

(K) A licensed wholesaler shall maintain comprehensive 86040
general liability insurance coverage in the amount and type 86041
specified under division (B) (2) of section 3743.15 of the 86042
Revised Code at all times. Each policy of insurance required 86043
under this division shall contain a provision requiring the 86044
insurer to give not less than fifteen days' prior written notice 86045
to the state fire marshal before termination, lapse, or 86046
cancellation of the policy, or any change in the policy that 86047
reduces the coverage below the minimum required under this 86048

division. Prior to canceling or reducing the amount of coverage 86049
of any comprehensive general liability insurance coverage 86050
required under this division, a licensed wholesaler shall secure 86051
supplemental insurance in an amount and type that satisfies the 86052
requirements of this division so that no lapse in coverage 86053
occurs at any time. A licensed wholesaler who secures 86054
supplemental insurance shall file evidence of the supplemental 86055
insurance with the state fire marshal prior to canceling or 86056
reducing the amount of coverage of any comprehensive general 86057
liability insurance coverage required under this division. 86058

Sec. 3743.19. In addition to conforming to the rules of 86059
the fire marshal adopted pursuant to section 3743.18 of the 86060
Revised Code, licensed wholesalers of fireworks shall conduct 86061
their business operations in accordance with the following: 86062

(A) A-Except as otherwise provided in section 3743.48 of 86063
the Revised Code, a wholesaler shall conduct its business 86064
operations from the location described in its application for 86065
licensure or in a notification submitted under division (B) of 86066
section 3743.17 of the Revised Code. 86067

(B) Signs indicating that smoking is generally forbidden 86068
and trespassing is prohibited on the premises of a wholesaler 86069
shall be posted on the premises as determined by the fire 86070
marshal. 86071

(C) Reasonable precautions shall be taken to protect the 86072
premises of a wholesaler from trespass, loss, theft, or 86073
destruction. 86074

(D) Smoking or the carrying of pipes, cigarettes, or 86075
cigars, matches, lighters, other flame-producing items, or open 86076
flame on, or the carrying of a concealed source of ignition 86077

into, the premises of a wholesaler is prohibited, except that a 86078
wholesaler may permit smoking in specified lunchrooms or 86079
restrooms in buildings or other structures in which no sales, 86080
handling, or storage of fireworks takes place. "NO SMOKING" 86081
signs shall be posted on the premises as required by the fire 86082
marshal. 86083

(E) Fire and explosion prevention and other reasonable 86084
safety measures and precautions shall be implemented by a 86085
wholesaler. 86086

(F) Persons shall not be permitted to have in their 86087
possession or under their control, while they are on the 86088
premises of a wholesaler, any intoxicating liquor, beer, or 86089
controlled substance, and they shall not be permitted to enter 86090
or remain on the premises if they are found to be under the 86091
influence of any intoxicating liquor, beer, or controlled 86092
substance. 86093

(G) A wholesaler shall conform to all building, safety, 86094
and zoning statutes, ordinances, rules, or other enactments that 86095
apply to its premises. 86096

(H) Each building used in the sale of fireworks shall be 86097
kept open to the public for at least four hours each day between 86098
the hours of eight a.m. and five p.m., five days of each week, 86099
every week of the year. Upon application from a licensed 86100
wholesaler, the fire marshal may waive any of the requirements 86101
of this division. 86102

(I) Awnings, tents, or canopies shall not be used as 86103
facilities for the storage or sale of fireworks, except as 86104
expressly permitted by section 3743.48 of the Revised Code. This 86105
division does not prohibit the use of an awning or canopy 86106

attached to a public access showroom for storing nonflammable 86107
shopping convenience items such as shopping carts or baskets or 86108
providing a shaded area for patrons waiting to enter the public 86109
sales area. 86110

(J) 1.4G fireworks may be stored in trailers if the 86111
trailers are properly enclosed, secured, and grounded and are 86112
separated from any structure to which the public is admitted by 86113
a distance that will, in the fire marshal's judgment, allow 86114
fire-fighting equipment to have full access to the structures on 86115
the licensed premises. Such trailers may be moved into closer 86116
proximity to any structure only to accept or discharge cargo for 86117
a period not to exceed forty-eight hours. Only two such trailers 86118
may be placed in such closer proximity at any one time. At no 86119
time may trailers be used for conducting sales of any class of 86120
fireworks nor may members of the public have access to the 86121
trailers. 86122

Storage areas for fireworks that are in the same building 86123
where fireworks are displayed and sold to the public shall be 86124
separated from the areas to which the public has access by an 86125
appropriately rated fire wall. If the licensee installs and 86126
properly maintains an early suppression fast response sprinkler 86127
system or equivalent fire suppression system as described in the 86128
fire code adopted by the fire marshal in accordance with section 86129
3737.82 of the Revised Code throughout the structure, a fire 86130
barrier wall may be substituted for a fire wall between the 86131
areas to which the public has access and the storage portions of 86132
the structure. 86133

(K) A fire suppression system as defined in section 86134
3781.108 of the Revised Code may be turned off only for repair, 86135
drainage of the system to prevent damage by freezing during the 86136

period of time, approved by the fire marshal under division (I) 86137
of this section, that the facility is closed to public access 86138
during winter months, or maintenance of the system. If any 86139
repair or maintenance is necessary during times when the 86140
facility is open for public access and business, the licensed 86141
wholesaler shall notify in advance the appropriate insurance 86142
company and fire chief or fire prevention officer regarding the 86143
nature of the maintenance or repair and the time when it will be 86144
performed. 86145

(L) If any fireworks item is removed from its original 86146
package or is manufactured with any fuse other than a fuse 86147
approved by the consumer product safety commission, then the 86148
item shall be covered completely by repackaging or bagging or it 86149
shall otherwise be covered so as to prevent ignition prior to 86150
sale. 86151

(M) A safety officer shall be present during regular 86152
business hours at a building open to the public during the 86153
period commencing fourteen days before, and ending two days 86154
after, each fourth day of July. The officer shall be highly 86155
visible, enforce this chapter and any applicable building codes 86156
to the extent the officer is authorized by law, and be one of 86157
the following: 86158

(1) A deputy sheriff; 86159

(2) A law enforcement officer of a municipal corporation, 86160
township, or township or joint police district; 86161

(3) A private uniformed security guard registered under 86162
section 4749.06 of the Revised Code. 86163

(N) All doors of all buildings on the licensed premises 86164
shall swing outward. 86165

(O) All wholesale and commercial sales of fireworks shall 86166
be packaged, shipped, placarded, and transported in accordance 86167
with United States department of transportation regulations 86168
applicable to the transportation, and the offering for 86169
transportation, of hazardous materials. For purposes of this 86170
division, "wholesale and commercial sales" includes all sales 86171
for resale and any nonretail sale made in furtherance of a 86172
commercial enterprise. For purposes of enforcement of these 86173
regulations under section 4923.99 of the Revised Code, any sales 86174
transaction exceeding one thousand pounds shall be rebuttably 86175
presumed to be a wholesale or commercial sale. 86176

Sec. 3743.25. (A) (1) Except as described in division (A) 86177
(2) of this section and in section 3743.48 of the Revised Code, 86178
all retail sales of 1.4G fireworks by a licensed manufacturer or 86179
wholesaler shall only occur from an approved retail sales 86180
showroom on a licensed premises or from a representative sample 86181
showroom as described in this section on a licensed premises. 86182
For the purposes of this section, a retail sale includes the 86183
transfer of the possession of the 1.4G fireworks from the 86184
licensed manufacturer or wholesaler to the purchaser of the 86185
fireworks. 86186

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 86187
properly permitted exhibition shall occur in accordance with the 86188
provisions of the Revised Code and rules adopted by the state 86189
fire marshal under Chapter 119. of the Revised Code. Such rules 86190
shall specify, at a minimum, that the licensed exhibitor holds a 86191
license under section 3743.51 of the Revised Code, that the 86192
exhibitor possesses a valid exhibition permit issued in 86193
accordance with section 3743.54 of the Revised Code, and that 86194
the fireworks shipped are to be used at the specifically 86195
permitted exhibition. 86196

(B) All wholesale sales of fireworks by a licensed 86197
manufacturer or wholesaler shall only occur from a licensed 86198
premises to persons who intend to resell the fireworks purchased 86199
at wholesale. A wholesale sale by a licensed manufacturer or 86200
wholesaler may occur as follows: 86201

(1) The direct sale and shipment of fireworks to a person 86202
outside of this state; 86203

(2) From an approved retail sales showroom as described in 86204
this section; 86205

(3) From a representative sample showroom as described in 86206
this section; 86207

(4) By delivery of wholesale fireworks to a purchaser at a 86208
licensed premises outside of a structure or building on that 86209
premises. All other portions of the wholesale sales transaction 86210
may occur at any location on a licensed premises. 86211

(5) Any other method as described in rules adopted by the 86212
state fire marshal under Chapter 119. of the Revised Code. 86213

(C) A-Except as otherwise provided in section 3743.48 of 86214
the Revised Code, a licensed manufacturer or wholesaler shall 86215
only sell 1.4G fireworks from a representative sample showroom 86216
or a retail sales showroom. Each licensed premises shall only 86217
contain one sales structure. 86218

A representative sample showroom shall consist of a 86219
structure constructed and maintained in accordance with the 86220
nonresidential building code adopted under Chapter 3781. of the 86221
Revised Code and the fire code adopted under section 3737.82 of 86222
the Revised Code for a use and occupancy group that permits 86223
mercantile sales. A representative sample showroom shall not 86224
contain any pyrotechnics, pyrotechnic materials, fireworks, 86225

explosives, explosive materials, or any similar hazardous 86226
materials or substances. A representative sample showroom shall 86227
be used only for the public viewing of fireworks product 86228
representations, including paper materials, packaging materials, 86229
catalogs, photographs, or other similar product depictions. The 86230
delivery of product to a purchaser of fireworks at a licensed 86231
premises that has a representative sample structure shall not 86232
occur inside any structure on a licensed premises. Such product 86233
delivery shall occur on the licensed premises in a manner 86234
prescribed by rules adopted by the state fire marshal pursuant 86235
to Chapter 119. of the Revised Code. 86236

If a manufacturer or wholesaler elects to conduct sales 86237
from a retail sales showroom, the showroom structures, to which 86238
the public may have any access and in which employees are 86239
required to work, on all licensed premises, shall comply with 86240
the following safety requirements: 86241

(1) A fireworks showroom that is constructed or upon which 86242
expansion is undertaken on and after June 30, 1997, shall be 86243
equipped with interlinked fire detection, fire suppression, 86244
smoke exhaust, and smoke evacuation systems that are approved by 86245
the superintendent of industrial compliance in the department of 86246
commerce. 86247

(2) (a) A fireworks showroom that first begins to operate 86248
on or after June 30, 1997, or that resumes operations at any 86249
time after a period of inactive status of licensure greater than 86250
one year, and to which the public has access for retail purposes 86251
shall not exceed seven thousand five hundred square feet in 86252
floor area. 86253

(b) A fireworks showroom that, through construction of a 86254
new showroom, expansion of an existing showroom, or similar 86255

means, first exceeds five thousand square feet, to which the 86256
public has access for retail purposes, after ~~the effective date~~ 86257
~~of this amendment~~ February 7, 2022, shall be equipped with a 86258
sprinkler system that meets the criteria for sprinkler systems 86259
in extra hazard (group 2) occupancies under "NFPA 13, Standard 86260
for the Installation of Sprinkler Systems (2019 Edition).". 86261

(c) Notwithstanding division (D) of this section, the 86262
state fire marshal may provide a variance to the requirements of 86263
division (C) (2) (b) of this section pursuant to section 3743.59 86264
of the Revised Code for a sprinkler system that matches or 86265
exceeds the degree of safety provided by a sprinkler system that 86266
meets the criteria for sprinkler systems in extra hazard (group 86267
2) occupancies under "NFPA 13, Standard for the Installation of 86268
Sprinkler Systems (2019 Edition).". 86269

(3) A newly constructed or an existing fireworks showroom 86270
structure that exists on September 23, 2008, but that, on or 86271
after September 23, 2008, is altered or added to in a manner 86272
requiring the submission of plans, drawings, specifications, or 86273
data pursuant to section 3791.04 of the Revised Code, shall 86274
comply with a graphic floor plan layout that is approved by the 86275
state fire marshal and superintendent showing width of aisles, 86276
parallel arrangement of aisles to exits, number of exits per 86277
wall, maximum occupancy load, evacuation plan for occupants, 86278
height of storage or display of merchandise, and other 86279
information as may be required by the state fire marshal and 86280
superintendent. 86281

(4) A fireworks showroom structure that exists on June 30, 86282
1997, shall be in compliance on or after June 30, 1997, with 86283
floor plans showing occupancy load limits and internal 86284
circulation and egress patterns that are approved by the state 86285

fire marshal and superintendent, and that are submitted under 86286
seal as required by section 3791.04 of the Revised Code. 86287

(D) The safety requirements established in division (C) of 86288
this section are not subject to any variance, waiver, or 86289
exclusion pursuant to this chapter or any applicable building 86290
code. 86291

Sec. 3743.48. (A) For the purposes of this section, 86292
"online sale" means a retail sale through an internet web site 86293
or other digital platform. 86294

(B) A licensed manufacturer or licensed wholesaler may 86295
conduct online sales of 1.4G fireworks in accordance with this 86296
section. A licensed manufacturer or licensed wholesaler shall 86297
ensure that all selection, ordering, payment, and delivery is 86298
carried out in accordance with the procedures and requirements 86299
of this chapter and all rules adopted thereunder, except to the 86300
extent that those procedures, requirements, and rules directly 86301
conflict with this section. 86302

(C) Each online sale of 1.4G fireworks shall be 86303
specifically associated with a single licensed manufacturer or 86304
licensed wholesaler, identified by license identification number 86305
and the address of the licensed premises. A licensed 86306
manufacturer or licensed wholesaler shall transfer possession of 86307
1.4G fireworks purchased in an online sale only in the retail 86308
showroom of the licensed premises or via curbside delivery made 86309
in accordance with all of the following: 86310

(1) The delivery is made to the verified purchaser of the 86311
1.4G fireworks. 86312

(2) The delivery occurs on the licensed premises 86313
associated with sale. 86314

(3) The delivery occurs in a designated customer pick-up zone which may be accessible by motor vehicles. 86315
86316

(4) The purchaser is provided a safety pamphlet, in accordance with section 3743.47 of the Revised Code, at the point of delivery. 86317
86318
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(5) The purchaser is offered safety glasses for a nominal fee at the point of delivery in accordance section 3743.47 of the Revised Code. 86320
86321
86322

(D) A licensed manufacturer or licensed wholesaler may construct a tent or other temporary structure on a licensed premises to provide shelter for employees and purchasers at the point of curbside delivery, provided that such structures are approved by the state fire marshal and are in compliance with all state and local laws, including the state building code, the state fire code, and any applicable zoning requirements. 86323
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(E) A licensed manufacturer or licensed wholesaler shall not transfer possession of 1.4G fireworks purchased in an online sale to any person other than the verified purchaser. Before transferring possession, the licensed manufacturer or licensed wholesaler shall verify all of the following: 86330
86331
86332
86333
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(1) The number and types of items included in the order; 86335

(2) That the purchaser is at least eighteen years of age; 86336

(3) That the purchaser's name is the same name associated with the credit or debit card with which the order was placed; 86337
86338

(4) That the purchaser attests to understanding and agrees to comply with all applicable federal, state, and local laws regarding consumer fireworks storage and use; 86339
86340
86341

(5) That the purchaser signs all forms required by law; 86342

(6) That the purchaser pays the fee imposed by section 86343
3743.22 of the Revised Code. 86344

(F) A licensed manufacturer or licensed wholesaler that 86345
conducts online sales of 1.4G fireworks shall do all of the 86346
following: 86347

(1) Comply with all applicable state and local laws, 86348
including the state building code, state fire code, and zoning 86349
requirements; 86350

(2) Implement reasonable traffic control measures for 86351
curbside deliveries; 86352

(3) Maintain all regular fireworks sales records, 86353
including any records necessary to demonstrate compliance with 86354
this section, and make those records available upon request of 86355
the state fire marshal or any law enforcement officer, fire code 86356
official, or building code official with jurisdiction. 86357

(G) A licensed manufacturer or licensed wholesaler shall 86358
not do any of the following: 86359

(1) Deliver fireworks via mail order, parcel service, or 86360
any other delivery process that occurs outside of the licensed 86361
premises; 86362

(2) Sell or offer for sale fireworks or other items 86363
outside of the licensed retail showroom except as expressly 86364
authorized by this section; 86365

(3) Display fireworks for sale outside of a retail 86366
showroom; 86367

(4) Permit any member of the public to access any areas on 86368
the licensed premises other than the retail showroom and the 86369
designated area for curbside delivery. 86370

(H) Nothing in this section shall be construed to do any 86371
of the following: 86372

(1) Reduce, waive, or otherwise eliminate any licensure or 86373
safety requirements in this chapter or the rules adopted 86374
thereunder; 86375

(2) Exempt any retail sales of 1.4G fireworks from the fee 86376
imposed by section 3743.22 of the Revised Code; 86377

(3) Reduce, waive, or otherwise eliminate any of a 86378
licensed manufacturer's or licensed wholesaler's liability, 86379
insurance, workers compensation, or other legal obligations. 86380

(I) (1) A licensed wholesaler or licensed manufacturer is 86381
not required to conduct online sales of fireworks. 86382

(2) A licensed wholesaler or licensed manufacturer may 86383
implement a hybrid firework purchase and delivery system 86384
composed of one or more of the following: 86385

(a) Standard retail showroom sales; 86386

(b) Online selection of, or payment for, 1.4G fireworks 86387
products and in-store showroom delivery of those products; 86388

(c) Online selection of, or payment for, 1.4G fireworks 86389
products and curb-side delivery of those products; 86390

(d) Retail showroom-based product selection and payment, 86391
and curb-side delivery of those products; 86392

(e) Other similar purchase and delivery systems approved 86393
in writing by the state fire marshal in accordance with division 86394
(J) of this section. 86395

(J) A licensed wholesaler or licensed manufacturer may 86396
submit to the state fire marshal proposals for alternative 1.4G 86397

firework purchase and delivery systems that satisfy the 86398
requirements of this section. The state fire marshal shall 86399
review each such proposal and, if the alternative firework 86400
purchase and delivery system satisfies the requirements of this 86401
section, may approve that firework purchase and delivery system 86402
for use by the licensed wholesaler or licensed manufacturer. 86403

(K) This section does not apply to 1.3G fireworks or 86404
wholesale sales. 86405

(L) The state fire marshal shall adopt rules and standards 86406
in accordance with Chapter 119. of the Revised Code as necessary 86407
to implement and enforce this section. 86408

Sec. 3743.60. (A) No person shall manufacture fireworks in 86409
this state unless it is a licensed manufacturer of fireworks, 86410
and no person shall operate a fireworks plant in this state 86411
unless it has been issued a license as a manufacturer of 86412
fireworks for the particular fireworks plant. 86413

(B) No person shall operate a fireworks plant in this 86414
state after its license as a manufacturer of fireworks for the 86415
particular fireworks plant has expired, is suspended, has been 86416
denied renewal, or has been revoked, unless a new license has 86417
been obtained or the suspension lifted. 86418

(C) No licensed manufacturer of fireworks, during the 86419
effective period of its licensure, shall construct, locate, or 86420
relocate any buildings or other structures on the premises of 86421
its fireworks plant, make any structural change or renovation in 86422
any building or other structure on the premises of its fireworks 86423
plant, or change the nature of its manufacturing of fireworks so 86424
as to include the processing of fireworks without first 86425
obtaining a written authorization from the state fire marshal 86426

pursuant to division (B) of section 3743.04 of the Revised Code. 86427

(D) No licensed manufacturer of fireworks shall 86428
manufacture fireworks, possess fireworks for sale at wholesale 86429
or retail, or sell fireworks at wholesale or retail, in a manner 86430
not authorized by division (C) of section 3743.04 of the Revised 86431
Code. 86432

(E) No licensed manufacturer of fireworks shall knowingly 86433
fail to comply with the rules adopted by the state fire marshal 86434
pursuant to ~~section~~ sections 3743.05 and 3743.48 of the Revised 86435
Code or the requirements of ~~section~~ sections 3743.06 and 3743.48 86436
of the Revised Code. 86437

(F) No licensed manufacturer of fireworks shall fail to 86438
maintain complete inventory, wholesale sale, and retail records 86439
as required by section 3743.07 of the Revised Code, or to permit 86440
inspection of these records or the premises of a fireworks plant 86441
pursuant to section 3743.08 of the Revised Code. 86442

(G) No licensed manufacturer of fireworks shall fail to 86443
comply with an order of the state fire marshal issued pursuant 86444
to division (B) (1) of section 3743.08 of the Revised Code, 86445
within the specified period of time. 86446

(H) No licensed manufacturer of fireworks shall fail to 86447
comply with an order of the state fire marshal issued pursuant 86448
to division (B) (2) of section 3743.08 of the Revised Code until 86449
the nonconformities are eliminated, corrected, or otherwise 86450
remedied or the seventy-two hour period specified in that 86451
division has expired, whichever first occurs. 86452

(I) No person shall smoke or shall carry a pipe, 86453
cigarette, or cigar, or a match, lighter, other flame-producing 86454
item, or open flame on, or shall carry a concealed source of 86455

ignition into, the premises of a fireworks plant, except as 86456
smoking is authorized in specified lunchrooms or restrooms by a 86457
manufacturer pursuant to division (C) of section 3743.06 of the 86458
Revised Code. 86459

(J) No person shall have possession or control of, or be 86460
under the influence of, any intoxicating liquor, beer, or 86461
controlled substance, while on the premises of a fireworks 86462
plant. 86463

(K) No licensed manufacturer of fireworks shall 86464
negligently fail to furnish a safety pamphlet to a purchaser of 86465
1.4G fireworks as required by division (A) of section 3743.47 of 86466
the Revised Code. 86467

(L) No licensed manufacturer of fireworks shall 86468
negligently fail to have safety glasses available for sale as 86469
required by division (B) of section 3743.47 of the Revised Code. 86470

Sec. 3743.61. (A) No person, except a licensed 86471
manufacturer of fireworks engaging in the wholesale sale of 86472
fireworks as authorized by division (C) (2) of section 3743.04 of 86473
the Revised Code, shall operate as a wholesaler of fireworks in 86474
this state unless it is a licensed wholesaler of fireworks, or 86475
shall operate as a wholesaler of fireworks at any location in 86476
this state unless it has been issued a license as a wholesaler 86477
of fireworks for the particular location. 86478

(B) No person shall operate as a wholesaler of fireworks 86479
at a particular location in this state after its license as a 86480
wholesaler of fireworks for the particular location has expired, 86481
is suspended, has been denied renewal, or has been revoked, 86482
unless a new license has been obtained or the suspension lifted. 86483

(C) No licensed wholesaler of fireworks, during the 86484

effective period of its licensure, shall perform any 86485
construction, or make any structural change or renovation, on 86486
the premises on which the fireworks are sold without first 86487
obtaining a written authorization from the state fire marshal 86488
pursuant to division (B) of section 3743.17 of the Revised Code. 86489

(D) No licensed wholesaler of fireworks shall possess 86490
fireworks for sale at wholesale or retail, or sell fireworks at 86491
wholesale or retail, in a manner not authorized by division (C) 86492
of section 3743.17 of the Revised Code. 86493

(E) No licensed wholesaler of fireworks shall knowingly 86494
fail to comply with the rules adopted by the state fire marshal 86495
pursuant to ~~section~~sections 3743.18 and 3743.48 or the 86496
requirements of ~~section~~sections 3743.19 and 3743.48 of the 86497
Revised Code. 86498

(F) No licensed wholesaler of fireworks shall fail to 86499
maintain complete inventory, wholesale sale, and retail records 86500
as required by section 3743.20 of the Revised Code, or to permit 86501
inspection of these records or the premises of the wholesaler 86502
pursuant to section 3743.21 of the Revised Code. 86503

(G) No licensed wholesaler of fireworks shall fail to 86504
comply with an order of the state fire marshal issued pursuant 86505
to division (B)(1) of section 3743.21 of the Revised Code, 86506
within the specified period of time. 86507

(H) No licensed wholesaler of fireworks shall fail to 86508
comply with an order of the state fire marshal issued pursuant 86509
to division (B)(2) of section 3743.21 of the Revised Code until 86510
the nonconformities are eliminated, corrected, or otherwise 86511
remedied or the seventy-two hour period specified in that 86512
division has expired, whichever first occurs. 86513

(I) No person shall smoke or shall carry a pipe, 86514
cigarette, or cigar, or a match, lighter, other flame-producing 86515
item, or open flame on, or shall carry a concealed source of 86516
ignition into, the premises of a wholesaler of fireworks, except 86517
as smoking is authorized in specified lunchrooms or restrooms by 86518
a wholesaler pursuant to division (D) of section 3743.19 of the 86519
Revised Code. 86520

(J) No person shall have possession or control of, or be 86521
under the influence of, any intoxicating liquor, beer, or 86522
controlled substance, while on the premises of a wholesaler of 86523
fireworks. 86524

(K) No licensed wholesaler of fireworks shall negligently 86525
fail to furnish a safety pamphlet to a purchaser of 1.4G 86526
fireworks as required by division (A) of section 3743.47 of the 86527
Revised Code. 86528

(L) No licensed wholesaler of fireworks shall negligently 86529
fail to have safety glasses available for sale as required by 86530
division (B) of section 3743.47 of the Revised Code. 86531

Sec. 3743.63. (A) No person who purchases fireworks in 86532
this state shall obtain possession of the fireworks in this 86533
state unless the person complies with sections 3743.44 to 86534
~~3743.46~~3743.48 of the Revised Code. 86535

(B) Except for the purchase of 1.4G fireworks made under 86536
section 3743.45 of the Revised Code, no person who resides in 86537
another state and who purchases fireworks in this state shall 86538
obtain possession of fireworks in this state other than from a 86539
licensed manufacturer or wholesaler, or fail, when transporting 86540
1.3G fireworks, to transport them directly out of this state 86541
within seventy-two hours after the time of their purchase. 86542

(C) No person who purchases fireworks in this state under 86543
section 3743.45 of the Revised Code shall give or sell to any 86544
other person in this state fireworks that the person has 86545
acquired in this state. 86546

Sec. 3743.65. (A) No person shall possess fireworks in 86547
this state or shall possess for sale or sell fireworks in this 86548
state, except a licensed manufacturer of fireworks as authorized 86549
by sections 3743.02 to 3743.08 and 3743.48 of the Revised Code, 86550
a licensed wholesaler of fireworks as authorized by sections 86551
3743.15 to 3743.21 and 3743.48 of the Revised Code, a shipping 86552
permit holder as authorized by section 3743.40 of the Revised 86553
Code, a licensed fountain device retailer as authorized by 86554
section 3743.27 of the Revised Code, a person as authorized by 86555
sections 3743.44~~and~~, 3743.45, and 3743.48 of the Revised Code, 86556
or a licensed exhibitor of fireworks as authorized by sections 86557
3743.50 to 3743.55 of the Revised Code, and except as provided 86558
in section 3743.80 of the Revised Code. 86559

(B) Except as provided in sections 3743.45 and 3743.80 of 86560
the Revised Code and except for licensed exhibitors of fireworks 86561
authorized to conduct a fireworks exhibition pursuant to 86562
sections 3743.50 to 3743.55 of the Revised Code, no person shall 86563
discharge, ignite, or explode any fireworks in this state. 86564

(C) No person shall use in a theater or public hall, what 86565
is technically known as fireworks showers, or a mixture 86566
containing potassium chlorate and sulphur. 86567

(D) No person shall sell fireworks of any kind to a person 86568
under eighteen years of age. No person under eighteen years of 86569
age shall enter a fireworks sales showroom unless that person is 86570
accompanied by a parent, legal guardian, or other responsible 86571
adult. No person under eighteen years of age shall touch or 86572

possess fireworks on a licensed premises without the consent of 86573
the licensee. A licensee may eject any person from a licensed 86574
premises that is in any way disruptive to the safe operation of 86575
the premises. 86576

(E) Except as otherwise provided in section 3743.44 of the 86577
Revised Code, no person, other than a licensed manufacturer, 86578
licensed wholesaler, licensed exhibitor, or shipping permit 86579
holder, shall possess 1.3G fireworks in this state. 86580

(F) Except as otherwise provided in division (J) of 86581
section 3743.06 and division (K) of section 3743.19 of the 86582
Revised Code, no person shall knowingly disable a fire 86583
suppression system as defined in section 3781.108 of the Revised 86584
Code on the premises of a fireworks plant of a licensed 86585
manufacturer of fireworks or on the premises of the business 86586
operations of a licensed wholesaler of fireworks. 86587

(G) No person shall negligently discharge, ignite, or 86588
explode fireworks while in possession or control of, or under 86589
the influence of, any intoxicating liquor, beer, or controlled 86590
substance. 86591

(H) No person shall negligently discharge, ignite, or 86592
explode fireworks on the property of another person without that 86593
person's permission to use fireworks on that property. 86594

Sec. 3745.11. (A) Applicants for and holders of permits, 86595
licenses, variances, plan approvals, and certifications issued 86596
by the director of environmental protection pursuant to Chapters 86597
3704., 3734., 6109., and 6111. of the Revised Code shall pay a 86598
fee to the environmental protection agency for each such 86599
issuance and each application for an issuance as provided by 86600
this section. No fee shall be charged for any issuance for which 86601

no application has been submitted to the director. 86602

(B) Except as otherwise provided in division (C) (2) of 86603
this section, beginning July 1, 1994, each person who owns or 86604
operates an air contaminant source and who is required to apply 86605
for and obtain a Title V permit under section 3704.036 of the 86606
Revised Code shall pay an annual fee of five thousand dollars in 86607
addition to the fees set forth in this division. For the 86608
purposes of this division, total emissions of air contaminants 86609
may be calculated using engineering calculations, emissions 86610
factors, material balance calculations, or performance testing 86611
procedures, as authorized by the director. 86612

The following fees shall be assessed on the total actual 86613
emissions from a source in tons per year of the regulated 86614
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 86615
organic compounds, and lead: 86616

(1) Fifteen dollars per ton on the total actual emissions 86617
of each such regulated pollutant during the period July through 86618
December 1993, to be collected no sooner than July 1, 1994; 86619

(2) Twenty dollars per ton on the total actual emissions 86620
of each such regulated pollutant during calendar year 1994, to 86621
be collected no sooner than April 15, 1995; 86622

(3) Twenty-five dollars per ton on the total actual 86623
emissions of each such regulated pollutant in calendar year 86624
1995, and each subsequent calendar year, to be collected no 86625
sooner than the fifteenth day of April of the year next 86626
succeeding the calendar year in which the emissions occurred. 86627

The fees levied under this division do not apply to that 86628
portion of the emissions of a regulated pollutant at a facility 86629
that exceed four thousand tons during a calendar year. 86630

(C) (1) The fees assessed under division (B) of this 86631
section are for the purpose of providing funding for the Title V 86632
permit program. 86633

(2) The fees assessed under division (B) of this section 86634
do not apply to emissions from any electric generating unit 86635
designated as a Phase I unit under Title IV of the federal Clean 86636
Air Act prior to calendar year 2000. Those fees shall be 86637
assessed on the emissions from such a generating unit commencing 86638
in calendar year 2001 based upon the total actual emissions from 86639
the generating unit during calendar year 2000 and shall continue 86640
to be assessed each subsequent calendar year based on the total 86641
actual emissions from the generating unit during the preceding 86642
calendar year. 86643

(3) The director shall issue invoices to owners or 86644
operators of air contaminant sources who are required to pay a 86645
fee assessed under division (B) or (D) of this section. Any such 86646
invoice shall be issued no sooner than the applicable date when 86647
the fee first may be collected in a year under the applicable 86648
division, shall identify the nature and amount of the fee 86649
assessed, and shall indicate that the fee is required to be paid 86650
within thirty days after the issuance of the invoice. 86651

(D) (1) Except as provided in division (D) (2) of this 86652
section, beginning January 1, 2004, each person who owns or 86653
operates an air contaminant source; who is required to apply for 86654
a permit to operate pursuant to rules adopted under division 86655
(G), or a variance pursuant to division (H), of section 3704.03 86656
of the Revised Code; and who is not required to apply for and 86657
obtain a Title V permit under section 3704.03 of the Revised 86658
Code shall pay a single fee based upon the sum of the actual 86659
annual emissions from the facility of the regulated pollutants 86660

particulate matter, sulfur dioxide, nitrogen oxides, organic 86661
compounds, and lead in accordance with the following schedule: 86662
86663

	1	2
A	Total tons per year of regulated pollutants emitted	Annual fee per facility
B	More than 0, but less than 10	\$100
C	10 or more, but less than 50	200
D	50 or more, but less than 100	300
E	100 or more	700

(2) (a) As used in division (D) of this section, "synthetic 86664
minor facility" means a facility for which one or more permits 86665
to install or permits to operate have been issued for the air 86666
contaminant sources at the facility that include terms and 86667
conditions that lower the facility's potential to emit air 86668
contaminants below the major source thresholds established in 86669
rules adopted under section 3704.036 of the Revised Code. 86670

(b) ~~Beginning January 1, 2000, through June 30,~~ 86671
~~2026~~Through June 30, 2028, each person who owns or operates a 86672
synthetic minor facility_ shall pay an annual fee of five 86673
thousand dollars in addition to a fee based on the sum of the 86674
actual annual emissions from the facility of particulate matter, 86675
sulfur dioxide, nitrogen dioxide, organic compounds, and lead in 86676
accordance with the following schedule: 86677
86678

	1	2
A	Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
B	Less than 10	~~\$170~~ <u>\$255</u>
C	10 or more, but less than 20	~~340~~ <u>510</u>
D	20 or more, but less than 30	~~670~~ <u>1,005</u>
E	30 or more, but less than 40	~~1,010~~ <u>1,515</u>
F	40 or more, but less than 50	~~1,340~~ <u>2,010</u>
G	50 or more, but less than 60	~~1,680~~ <u>2,520</u>
H	60 or more, but less than 70	~~2,010~~ <u>3,015</u>
I	70 or more, but less than 80	~~2,350~~ <u>3,525</u>
J	80 or more, but less than 90	~~2,680~~ <u>4,020</u>
K	90 or more, but less than 100	~~3,020~~ <u>4,530</u>
L	100 or more	~~3,350~~ <u>5,025</u>

(3) The fees assessed under division (D) (1) of this	86679
section shall be collected annually no sooner than the fifteenth	86680
day of April, commencing in 2005. The fees assessed under	86681
division (D) (2) of this section shall be collected no sooner	86682
than the fifteenth day of April, commencing in 2000. The fees	86683

assessed under division (D) of this section in a calendar year 86684
shall be based upon the sum of the actual emissions of those 86685
regulated pollutants during the preceding calendar year. For the 86686
purpose of division (D) of this section, emissions of air 86687
contaminants may be calculated using engineering calculations, 86688
emission factors, material balance calculations, or performance 86689
testing procedures, as authorized by the director. The director, 86690
by rule, may require persons who are required to pay the fees 86691
assessed under division (D) of this section to pay those fees 86692
biennially rather than annually. 86693

(E) (1) Consistent with the need to cover the reasonable 86694
costs of the Title V permit program, the director annually shall 86695
increase the fees assessed on emissions prescribed in division 86696
(B) of this section by the percentage, if any, by which the 86697
consumer price index for the most recent calendar year ending 86698
before the beginning of a year exceeds the consumer price index 86699
for calendar year 1989. Upon calculating an increase in fees 86700
authorized by division (E) (1) of this section, the director 86701
shall compile revised fee schedules for the purposes of division 86702
(B) of this section and shall make the revised schedules 86703
available to persons required to pay the fees assessed under 86704
that division and to the public. 86705

(2) For the purposes of division (E) (1) of this section: 86706

(a) The consumer price index for any year is the average 86707
of the consumer price index for all urban consumers published by 86708
the United States department of labor as of the close of the 86709
twelve-month period ending on the thirty-first day of August of 86710
that year. 86711

(b) If the 1989 consumer price index is revised, the 86712
director shall use the revision of the consumer price index that 86713

is most consistent with that for calendar year 1989. 86714

(F) Each person who is issued a permit to install pursuant 86715
to rules adopted under division (F) of section 3704.03 of the 86716
Revised Code on or after July 1, 2003, shall pay the fees 86717
specified in the following schedules: 86718

(1) Fuel-burning equipment (boilers, furnaces, or process 86719
heaters used in the process of burning fuel for the primary 86720
purpose of producing heat or power by indirect heat transfer) 86721
86722

1

2

A	Input capacity (maximum)	Permit to install
	(million British thermal units per hour)	
B	Greater than 0, but less than 10	\$200
		<u>\$300</u>
C	10 or more, but less than 100	~~400~~ <u>600</u>
D	100 or more, but less than 300	~~1000~~ <u>1,500</u>
E	300 or more, but less than 500	~~2250~~ <u>3,375</u>
F	500 or more, but less than 1000	~~3750~~ <u>5,625</u>
G	1000 or more, but less than 5000	~~6000~~ <u>9,000</u>
H	5000 or more	~~9000~~ <u>13,500</u>

Units burning exclusively natural gas, number two fuel 86723
oil, or both shall be assessed a fee that is one-half the 86724
applicable amount shown in division (F) (1) of this section. 86725

(2) Combustion turbines and stationary internal combustion	86726
engines designed to generate electricity	86727
	86728

	1	2
A	Generating capacity (mega watts)	Permit to install
B	0 or more, but less than 10	~~\$25~~ <u>\$37.50</u>
C	10 or more, but less than 25	~~150~~ <u>225</u>
D	25 or more, but less than 50	~~300~~ <u>450</u>
E	50 or more, but less than 100	~~500~~ <u>750</u>
F	100 or more, but less than 250	~~1000~~ <u>1,500</u>
G	250 or more	~~2000~~ <u>3,000</u>

(3) Incinerators	86729
	86730

	1	2
A	Input capacity (pounds per hour)	Permit to install
B	0 to 100	~~\$100~~ <u>\$150</u>
C	101 to 500	~~500~~ <u>750</u>
D	501 to 2000	~~1000~~ <u>1,500</u>
E	2001 to 20,000	~~1500~~ <u>2,250</u>

F	more than 20,000	~~3750~~ <u>5,625</u>	
	(4) (a) Process		86731
			86732

1

2

A	Process weight rate (pounds per hour)	Permit to install	
B	0 to 1000	~~\$200~~	
		<u>\$300</u>	
C	1001 to 5000	~~500~~ <u>750</u>	
D	5001 to 10,000	~~750~~ <u>1,125</u>	
E	10,001 to 50,000	~~1000~~ <u>1,500</u>	
F	more than 50,000	~~1250~~ <u>1,875</u>	

In any process where process weight rate cannot be	86733
ascertained, the minimum fee shall be assessed. A boiler,	86734
furnace, combustion turbine, stationary internal combustion	86735
engine, or process heater designed to provide direct heat or	86736
power to a process not designed to generate electricity shall be	86737
assessed a fee established in division (F) (4) (a) of this	86738
section. A combustion turbine or stationary internal combustion	86739
engine designed to generate electricity shall be assessed a fee	86740
established in division (F) (2) of this section.	86741

(b) Notwithstanding division (F) (4) (a) of this section,	86742
any person issued a permit to install pursuant to rules adopted	86743
under division (F) of section 3704.03 of the Revised Code shall	86744
pay the fees set forth in division (F) (4) (c) of this section for	86745

a process used in any of the following industries, as identified 86746
by the applicable two-digit, three-digit, or four-digit standard 86747
industrial classification code according to the Standard 86748
Industrial Classification Manual published by the United States 86749
office of management and budget in the executive office of the 86750
president, 1987, as revised: 86751

Major group 10, metal mining; 86752

Major group 12, coal mining; 86753

Major group 14, mining and quarrying of nonmetallic 86754
minerals; 86755

Industry group 204, grain mill products; 86756

2873 Nitrogen fertilizers; 86757

2874 Phosphatic fertilizers; 86758

3281 Cut stone and stone products; 86759

3295 Minerals and earth, ground or otherwise treated; 86760

4221 Grain elevators (storage only); 86761

5159 Farm related raw materials; 86762

5261 Retail nurseries and lawn and garden supply stores. 86763

(c) The fees set forth in the following schedule apply to 86764
the issuance of a permit to install pursuant to rules adopted 86765
under division (F) of section 3704.03 of the Revised Code for a 86766
process identified in division (F) (4) (b) of this section: 86767
86768

1

2

A Process weight rate (pounds per hour)

Permit to install

B	0 to 10,000	~~\$200~~	
		<u>\$300</u>	
C	10,001 to 50,000	~~400~~	<u>600</u>
D	50,001 to 100,000	~~500~~	<u>750</u>
E	100,001 to 200,000	~~600~~	<u>900</u>
F	200,001 to 400,000	~~750~~	<u>1,125</u>
G	400,001 or more	~~900~~	<u>1,350</u>
	(5) Storage tanks		86769
			86770

1

2

A	Gallons (maximum useful capacity)	Permit to install	
B	0 to 20,000	~~\$100~~	
		<u>\$150</u>	
C	20,001 to 40,000	~~150~~	<u>225</u>
D	40,001 to 100,000	~~250~~	<u>375</u>
E	100,001 to 500,000	~~400~~	<u>600</u>
F	500,001 or greater	~~750~~	<u>1,125</u>
	(6) Gasoline/fuel dispensing facilities		86771
			86772

1

2

A	For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install ~~\$100~~ <u>\$150</u>	
	(7) Dry cleaning facilities		86773 86774
	1	2	
A	For each dry cleaning facility (includes all units at the facility)	Permit to install ~~\$100~~ <u>\$150</u>	
	(8) Registration status		86775 86776
	1	2	
A	For each source covered by registration status	Permit to install ~~\$75~~ <u>\$112.50</u>	
	(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:		86777 86778 86779 86780 86781 86782
	1	2	
A	Action	Fee	
B	Each notification		\$75
C	Asbestos removal	\$3/unit	

D Asbestos cleanup \$4/cubic yard

For purposes of this division, "unit" means any 86783
combination of linear feet or square feet equal to fifty. 86784

(H) A person who is issued an extension of time for a 86785
permit to install an air contaminant source pursuant to rules 86786
adopted under division (F) of section 3704.03 of the Revised 86787
Code shall pay a fee equal to one-half the fee originally 86788
assessed for the permit to install under this section, except 86789
that the fee for such an extension shall not exceed two hundred 86790
dollars. 86791

(I) A person who is issued a modification to a permit to 86792
install an air contaminant source pursuant to rules adopted 86793
under section 3704.03 of the Revised Code shall pay a fee equal 86794
to one-half of the fee that would be assessed under this section 86795
to obtain a permit to install the source. The fee assessed by 86796
this division only applies to modifications that are initiated 86797
by the owner or operator of the source and shall not exceed two 86798
thousand dollars. 86799

(J) Notwithstanding division (F) of this section, a person 86800
who applies for or obtains a permit to install pursuant to rules 86801
adopted under division (F) of section 3704.03 of the Revised 86802
Code after the date actual construction of the source began 86803
shall pay a fee for the permit to install that is equal to twice 86804
the fee that otherwise would be assessed under the applicable 86805
division unless the applicant received authorization to begin 86806
construction under division (W) of section 3704.03 of the 86807
Revised Code. This division only applies to sources for which 86808
actual construction of the source begins on or after July 1, 86809
1993. The imposition or payment of the fee established in this 86810

division does not preclude the director from taking any 86811
administrative or judicial enforcement action under this 86812
chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised 86813
Code, or a rule adopted under any of them, in connection with a 86814
violation of rules adopted under division (F) of section 3704.03 86815
of the Revised Code. 86816

As used in this division, "actual construction of the 86817
source" means the initiation of physical on-site construction 86818
activities in connection with improvements to the source that 86819
are permanent in nature, including, without limitation, the 86820
installation of building supports and foundations and the laying 86821
of underground pipework. 86822

(K) (1) Money received under division (B) of this section 86823
shall be deposited in the state treasury to the credit of the 86824
Title V clean air fund created in section 3704.035 of the 86825
Revised Code. Annually, not more than fifty cents per ton of 86826
each fee assessed under division (B) of this section on actual 86827
emissions from a source and received by the environmental 86828
protection agency pursuant to that division may be transferred 86829
by the director using an interstate transfer voucher to the 86830
state treasury to the credit of the small business assistance 86831
fund created in section 3706.19 of the Revised Code. In 86832
addition, annually, the amount of money necessary for the 86833
operation of the office of ombudsperson as determined under 86834
division (B) of that section shall be transferred to the state 86835
treasury to the credit of the small business ombudsperson fund 86836
created by that section. 86837

(2) Money received by the agency pursuant to divisions 86838
(D), (F), (G), (H), (I), and (J) of this section shall be 86839
deposited in the state treasury to the credit of the non-Title V 86840

clean air fund created in section 3704.035 of the Revised Code. 86841

(L) (1) A person applying for a plan approval for a 86842
wastewater treatment works pursuant to section 6111.44, 6111.45, 86843
or 6111.46 of the Revised Code shall pay a nonrefundable fee of 86844
one hundred dollars plus sixty-five one-hundredths of one per 86845
cent of the estimated project cost through June 30, ~~2026~~2028, 86846
and a nonrefundable application fee of one hundred dollars plus 86847
two-tenths of one per cent of the estimated project cost on and 86848
after July 1, ~~2026~~2028, except that the total fee shall not 86849
exceed fifteen thousand dollars through June 30, ~~2026~~2028, and 86850
five thousand dollars on and after July 1, ~~2026~~2028. The fee 86851
shall be paid at the time the application is submitted. 86852

(2) A person who has entered into an agreement with the 86853
director under section 6111.14 of the Revised Code shall pay an 86854
administrative service fee for each plan submitted under that 86855
section for approval that shall not exceed the minimum amount 86856
necessary to pay administrative costs directly attributable to 86857
processing plan approvals. The director annually shall calculate 86858
the fee and shall notify all persons who have entered into 86859
agreements under that section, or who have applied for 86860
agreements, of the amount of the fee. 86861

(3) (a) (i) Not later than January 30, ~~2024~~2026, and January 86862
30, ~~2025~~2027, a person holding an NPDES discharge permit issued 86863
pursuant to Chapter 6111. of the Revised Code with an average 86864
daily discharge flow of five thousand gallons or more shall pay 86865
a nonrefundable annual discharge fee. Any person who fails to 86866
pay the fee at that time shall pay an additional amount that 86867
equals ten per cent of the required annual discharge fee. 86868

(ii) The billing year for the annual discharge fee 86869
established in division (L) (3) (a) (i) of this section shall 86870

consist of a twelve-month period beginning on the first day of 86871
January of the year preceding the date when the annual discharge 86872
fee is due. In the case of an existing source that permanently 86873
ceases to discharge during a billing year, the director shall 86874
reduce the annual discharge fee, including the surcharge 86875
applicable to certain industrial facilities pursuant to division 86876
(L) (3) (c) of this section, by one-twelfth for each full month 86877
during the billing year that the source was not discharging, but 86878
only if the person holding the NPDES discharge permit for the 86879
source notifies the director in writing, not later than the 86880
first day of October of the billing year, of the circumstances 86881
causing the cessation of discharge. 86882

(iii) The annual discharge fee established in division (L) 86883
(3) (a) (i) of this section, except for the surcharge applicable 86884
to certain industrial facilities pursuant to division (L) (3) (c) 86885
of this section, shall be based upon the average daily discharge 86886
flow in gallons per day calculated using first day of May 86887
through thirty-first day of October flow data for the period two 86888
years prior to the date on which the fee is due. In the case of 86889
NPDES discharge permits for new sources, the fee shall be 86890
calculated using the average daily design flow of the facility 86891
until actual average daily discharge flow values are available 86892
for the time period specified in division (L) (3) (a) (iii) of this 86893
section. The annual discharge fee may be prorated for a new 86894
source as described in division (L) (3) (a) (ii) of this section. 86895

(b) (i) An NPDES permit holder that is a public discharger 86896
shall pay the fee specified in the following schedule: 86897
86898

1

2

A	Average daily discharge flow	Fee due by January 30,

~~2024~~2026, and January
30, ~~2025~~2027

B	5,000 to 49,999	\$200
C	50,000 to 100,000	500
D	100,001 to 250,000	1,050
E	250,001 to 1,000,000	2,600
F	1,000,001 to 5,000,000	5,200
G	5,000,001 to 10,000,000	10,350
H	10,000,001 to 20,000,000	15,550
I	20,000,001 to 50,000,000	25,900
J	50,000,001 to 100,000,000	41,400
K	100,000,001 or more	62,100

(ii) Public dischargers owning or operating two or more 86899
publicly owned treatment works serving the same political 86900
subdivision, as "treatment works" is defined in section 6111.01 86901
of the Revised Code, and that serve exclusively political 86902
subdivisions having a population of fewer than one hundred 86903
thousand persons shall pay an annual discharge fee under 86904
division (L) (3) (b) (i) of this section that is based on the 86905
combined average daily discharge flow of the treatment works. 86906

(c) (i) An NPDES permit holder that is an industrial 86907
discharger, other than a coal mining operator identified by P in 86908
the third character of the permittee's NPDES permit number, 86909

shall pay the fee specified in the following schedule: 86910

86911

1

2

A Average daily discharge flow Fee due by January 30,
2024~~2026~~, and January 30,
2025~~2027~~

B 5,000 to 49,999 \$250

C 50,000 to 250,000 1,200

D 250,001 to 1,000,000 2,950

E 1,000,001 to 5,000,000 5,850

F 5,000,001 to 10,000,000 8,800

G 10,000,001 to 20,000,000 11,700

H 20,000,001 to 100,000,000 14,050

I 100,000,001 to 250,000,000 16,400

J 250,000,001 or more 18,700

(ii) In addition to the fee specified in the above 86912

schedule, an NPDES permit holder that is an industrial 86913

discharger classified as a major discharger during all or part 86914

of the annual discharge fee billing year specified in division 86915

(L) (3) (a) (ii) of this section shall pay a nonrefundable annual 86916

surcharge of seven thousand five hundred dollars not later than 86917

January 30, 2024~~2026~~, and not later than January 30, 2025~~2027~~. 86918

Any person who fails to pay the surcharge at that time shall pay 86919

an additional amount that equals ten per cent of the amount of 86920

the surcharge. 86921

(d) Notwithstanding divisions (L) (3) (b) and (c) of this 86922
section, a public discharger, that is not a separate municipal 86923
storm sewer system, identified by I in the third character of 86924
the permittee's NPDES permit number and an industrial discharger 86925
identified by I, J, L, V, W, X, Y, or Z in the third character 86926
of the permittee's NPDES permit number shall pay a nonrefundable 86927
annual discharge fee of one hundred eighty dollars not later 86928
than January 30, ~~2024~~ 2026, and not later than January 30, 86929
~~2025~~ 2027. Any person who fails to pay the fee at that time shall 86930
pay an additional amount that equals ten per cent of the 86931
required fee. 86932

(4) Each person obtaining an NPDES permit for municipal 86933
storm water discharge shall pay a nonrefundable storm water 86934
annual discharge fee of ten dollars per one-tenth of a square 86935
mile of area permitted. The fee shall not exceed ten thousand 86936
dollars and shall be payable on or before January 30, 2004, and 86937
the thirtieth day of January of each year thereafter. Any person 86938
who fails to pay the fee on the date specified in division (L) 86939
(4) of this section shall pay an additional amount per year 86940
equal to ten per cent of the annual fee that is unpaid. 86941

(5) The director shall transmit all moneys collected under 86942
division (L) of this section to the treasurer of state for 86943
deposit into the state treasury to the credit of the surface 86944
water protection fund created in section 6111.038 of the Revised 86945
Code. 86946

(6) As used in this section: 86947

(a) "NPDES" means the federally approved national 86948
pollutant discharge elimination system individual and general 86949

program for issuing, modifying, revoking, reissuing, 86950
terminating, monitoring, and enforcing permits and imposing and 86951
enforcing pretreatment requirements under Chapter 6111. of the 86952
Revised Code and rules adopted under it. 86953

(b) "Public discharger" means any holder of an NPDES 86954
permit identified by P in the second character of the NPDES 86955
permit number assigned by the director. 86956

(c) "Industrial discharger" means any holder of an NPDES 86957
permit identified by I in the second character of the NPDES 86958
permit number assigned by the director. 86959

(d) "Major discharger" means any holder of an NPDES permit 86960
classified as major by the regional administrator of the United 86961
States environmental protection agency in conjunction with the 86962
director. 86963

(M) Through June 30, ~~2026~~2028, a person applying for a 86964
license or license renewal to operate a public water system 86965
under section 6109.21 of the Revised Code shall pay the 86966
appropriate fee established under this division at the time of 86967
application to the director. Any person who fails to pay the fee 86968
at that time shall pay an additional amount that equals ten per 86969
cent of the required fee. The director shall transmit all moneys 86970
collected under this division to the treasurer of state for 86971
deposit into the drinking water protection fund created in 86972
section 6109.30 of the Revised Code. 86973

Except as provided in divisions (M) (4) and (5) of this 86974
section, fees required under this division shall be calculated 86975
and paid in accordance with the following schedule: 86976

(1) For the initial license required under section 6109.21 86977
of the Revised Code for any public water system that is a 86978

community water system as defined in section 6109.01 of the	86979
Revised Code, and for each license renewal required for such a	86980
system prior to January 31, ~~2026~~ <u>2028</u> , the fee is:	86981
	86982

	1	2
A	Number of service connections	Fee amount
B	Not more than 49	\$112
C	50 to 99	176
D	Number of service connections	Average cost per connection
E	100 to 2,499	\$1.92
F	2,500 to 4,999	1.48
G	5,000 to 7,499	1.42
H	7,500 to 9,999	1.34
I	10,000 to 14,999	1.16
J	15,000 to 24,999	1.10
K	25,000 to 49,999	1.04
L	50,000 to 99,999	.92
M	100,000 to 149,999	.86
N	150,000 to 199,999	.80

(2) For the initial license required under section 6109.21	86991
of the Revised Code for any public water system that is not a	86992
community water system and serves a nontransient population, and	86993
for each license renewal required for such a system prior to	86994
January 31, ~~2026~~ 2028, the fee is:	86995

	1	2
A	Population served	Fee amount
B	Fewer than 150	\$112
C	150 to 299	176
D	300 to 749	384
E	750 to 1,499	628
F	1,500 to 2,999	1,268
G	3,000 to 7,499	2,816

H	7,500 to 14,999	5,510
I	15,000 to 22,499	9,048
J	22,500 to 29,999	12,430
K	30,000 or more	16,820

As used in division (M) (2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2026~~2028, the fee is:

	1	2
A	Number of wells or sources, other than surface water, supplying system	Fee amount
B	1	\$112
C	2	112
D	3	176
E	4	278

F	5	568
G	System designated as using a surface water source	792

As used in division (M) (3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M) (1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N) (1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2026~~2028, and fifteen thousand dollars on and after July 1, ~~2026~~2028. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A) (2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs

directly attributable to processing plan approvals. The director 87034
annually shall calculate the fee and shall notify all persons 87035
that have entered into agreements under that division, or who 87036
have applied for agreements, of the amount of the fee. 87037

(3) Through June 30, ~~2026~~2028, the following fee, on a per 87038
survey basis, shall be charged any person for services rendered 87039
by the state in the evaluation of laboratories and laboratory 87040
personnel for compliance with accepted analytical techniques and 87041
procedures established pursuant to Chapter 6109. of the Revised 87042
Code for determining the qualitative characteristics of water: 87043
87044

	1	2
A	microbiological	
B	MMO-MUG	\$2,000
C	MF	2,100
D	MMO-MUG and MF	2,550
E	organic chemical	5,400
F	trace metals	5,400
G	standard chemistry	2,800
H	limited chemistry	1,550

On and after July 1, ~~2026~~2028, the following fee, on a per 87045
survey basis, shall be charged any such person: 87046
87047

A	microbiological	\$1,650
B	organic chemicals	3,500
C	trace metals	3,500
D	standard chemistry	1,800
E	limited chemistry	1,000

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2026~~2028, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay five hundred dollars for each additional survey requested.

As used in division (N) (3) of this section:

(a) "MF" means membrane filtration.

(b) "MMO" means minimal medium ONPG.

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time

the application is submitted, shall pay a fee in accordance with 87068
the following schedule through November 30, ~~2026~~2028: 87069
87070

	1	2	
A	Class A operator		\$80
B	Class I operator	105	
C	Class II operator	120	
D	Class III operator	130	
E	Class IV operator	145	

On and after December 1, ~~2026~~2028, the applicant shall pay 87071
a fee in accordance with the following schedule: 87072
87073

	1	2	
A	Class A operator		\$50
B	Class I operator	70	
C	Class II operator	80	
D	Class III operator	90	
E	Class IV operator	100	

Any person applying to the director for certification as 87074
an operator of a water supply system or wastewater system who 87075
has passed an examination administered by an examination 87076
provider approved by the director shall pay a certification fee 87077
of forty-five dollars. 87078

A person shall pay a biennial certification renewal fee 87079
for each applicable class of certification in accordance with 87080
the following schedule: 87081
87082

	1	2	
A	Class A operator		\$25
B	Class I operator	35	
C	Class II operator	45	
D	Class III operator	55	
E	Class IV operator	65	

If a certification renewal fee is received by the director 87083
more than thirty days, but not more than one year, after the 87084
expiration date of the certification, the person shall pay a 87085
certification renewal fee in accordance with the following 87086
schedule: 87087
87088

	1	2	
A	Class A operator		\$45
B	Class I operator	55	
C	Class II operator	65	
D	Class III operator	75	
E	Class IV operator	85	

A person who requests a replacement certificate shall pay 87089

a fee of twenty-five dollars at the time the request is made. 87090

Any person applying to be a water supply system or 87091
wastewater treatment system examination provider shall pay an 87092
application fee of five hundred dollars. Any person approved by 87093
the director as a water supply system or wastewater treatment 87094
system examination provider shall pay an annual fee that is 87095
equal to ten per cent of the fees that the provider assesses and 87096
collects for administering water supply system or wastewater 87097
treatment system certification examinations in this state for 87098
the calendar year. The fee shall be paid not later than forty- 87099
five days after the end of a calendar year. 87100

The director shall transmit all moneys collected under 87101
this division to the treasurer of state for deposit into the 87102
drinking water protection fund created in section 6109.30 of the 87103
Revised Code. 87104

~~(P) Any person submitting an application for an industrial 87105
water pollution control certificate under section 6111.31 of the 87106
Revised Code, as that section existed before its repeal by H.B. 87107
95 of the 125th general assembly, shall pay a nonrefundable fee 87108
of five hundred dollars at the time the application is 87109
submitted. The director shall transmit all moneys collected 87110
under this division to the treasurer of state for deposit into 87111
the surface water protection fund created in section 6111.038 of 87112
the Revised Code. A person paying a certificate fee under this 87113
division shall not pay an application fee under division (S)(1) 87114
of this section. On and after June 26, 2003, persons shall file 87115
such applications and pay the fee as required under sections 87116
5709.20 to 5709.27 of the Revised Code, and proceeds from the 87117
fee shall be credited as provided in section 5709.212 of the 87118
Revised Code. 87119~~

~~(Q)~~ Except as otherwise provided in division ~~(R)~~ (Q) of 87120
this section, a person issued a permit by the director for a new 87121
solid waste disposal facility other than an incineration or 87122
composting facility, a new infectious waste treatment facility 87123
other than an incineration facility, or a modification of such 87124
an existing facility that includes an increase in the total 87125
disposal or treatment capacity of the facility pursuant to 87126
Chapter 3734. of the Revised Code shall pay a fee of ten dollars 87127
per thousand cubic yards of disposal or treatment capacity, or 87128
one thousand dollars, whichever is greater, except that the 87129
total fee for any such permit shall not exceed eighty thousand 87130
dollars. A person issued a modification of a permit for a solid 87131
waste disposal facility or an infectious waste treatment 87132
facility that does not involve an increase in the total disposal 87133
or treatment capacity of the facility shall pay a fee of one 87134
thousand dollars. A person issued a permit to install a new, or 87135
modify an existing, solid waste transfer facility under that 87136
chapter shall pay a fee of two thousand five hundred dollars. A 87137
person issued a permit to install a new or to modify an existing 87138
solid waste incineration or composting facility, or an existing 87139
infectious waste treatment facility using incineration as its 87140
principal method of treatment, under that chapter shall pay a 87141
fee of one thousand dollars. The increases in the permit fees 87142
under this division resulting from the amendments made by 87143
Amended Substitute House Bill 592 of the 117th general assembly 87144
do not apply to any person who submitted an application for a 87145
permit to install a new, or modify an existing, solid waste 87146
disposal facility under that chapter prior to September 1, 1987; 87147
any such person shall pay the permit fee established in this 87148
division as it existed prior to June 24, 1988. In addition to 87149
the applicable permit fee under this division, a person issued a 87150
permit to install or modify a solid waste facility or an 87151

infectious waste treatment facility under that chapter who fails 87152
to pay the permit fee to the director in compliance with 87153
division ~~(V)~~ (U) of this section shall pay an additional ten per 87154
cent of the amount of the fee for each week that the permit fee 87155
is late. 87156

Permit and late payment fees paid to the director under 87157
this division shall be credited to the general revenue fund. 87158

~~(R)~~ (1) (Q) (1) A person issued a registration certificate 87159
for a scrap tire collection facility under section 3734.75 of 87160
the Revised Code shall pay a fee of two hundred dollars, except 87161
that if the facility is owned or operated by a motor vehicle 87162
salvage dealer licensed under Chapter 4738. of the Revised Code, 87163
the person shall pay a fee of twenty-five dollars. 87164

(2) A person issued a registration certificate for a new 87165
scrap tire storage facility under section 3734.76 of the Revised 87166
Code shall pay a fee of three hundred dollars, except that if 87167
the facility is owned or operated by a motor vehicle salvage 87168
dealer licensed under Chapter 4738. of the Revised Code, the 87169
person shall pay a fee of twenty-five dollars. 87170

(3) A person issued a permit for a scrap tire storage 87171
facility under section 3734.76 of the Revised Code shall pay a 87172
fee of one thousand dollars, except that if the facility is 87173
owned or operated by a motor vehicle salvage dealer licensed 87174
under Chapter 4738. of the Revised Code, the person shall pay a 87175
fee of fifty dollars. 87176

(4) A person issued a permit for a scrap tire monocell or 87177
monofill facility under section 3734.77 of the Revised Code 87178
shall pay a fee of ten dollars per thousand cubic yards of 87179
disposal capacity or one thousand dollars, whichever is greater, 87180

except that the total fee for any such permit shall not exceed 87181
eighty thousand dollars. 87182

(5) A person issued a registration certificate for a scrap 87183
tire recovery facility under section 3734.78 of the Revised Code 87184
shall pay a fee of one hundred dollars. 87185

(6) A person issued a permit for a scrap tire recovery 87186
facility under section 3734.78 of the Revised Code shall pay a 87187
fee of one thousand dollars. 87188

(7) In addition to the applicable registration certificate 87189
or permit fee under divisions ~~(R) (1)~~ (Q) (1) to (6) of this 87190
section, a person issued a registration certificate or permit 87191
for any such scrap tire facility who fails to pay the 87192
registration certificate or permit fee to the director in 87193
compliance with division ~~(V)~~ (U) of this section shall pay an 87194
additional ten per cent of the amount of the fee for each week 87195
that the fee is late. 87196

(8) The registration certificate, permit, and late payment 87197
fees paid to the director under divisions ~~(R) (1)~~ (Q) (1) to (7) of 87198
this section shall be credited to the scrap tire management fund 87199
created in section 3734.82 of the Revised Code. 87200

~~(S) (1) (a)~~ (R) (1) (a) Except as otherwise provided, any 87201
person applying for a permit, variance, or plan approval under 87202
Chapter 6109. or 6111. of the Revised Code shall pay a 87203
nonrefundable application fee of one hundred dollars at the time 87204
the application is submitted through June 30, ~~2026~~ 2028, and a 87205
nonrefundable application fee of fifteen dollars at the time the 87206
application is submitted on and after July 1, ~~2026~~ 2028. 87207

(b) (i) Except as otherwise provided in divisions ~~(S) (1) (b)~~ 87208
~~(iii)~~ (R) (1) (b) (iii) and (iv) of this section, through June 30, 87209

20262028, any person applying for an NPDES permit under Chapter 87210
6111. of the Revised Code shall pay a nonrefundable application 87211
fee of two hundred dollars at the time of application for the 87212
permit. On and after July 1, 20262028, such a person shall pay a 87213
nonrefundable application fee of fifteen dollars at the time of 87214
application. 87215

(ii) In addition to the nonrefundable application fee, any 87216
person applying for an NPDES permit under Chapter 6111. of the 87217
Revised Code shall pay a design flow discharge fee based on each 87218
point source to which the issuance is applicable in accordance 87219
with the following schedule: 87220
87221

1		2
A	Design flow discharge (gallons per day)	Fee
B	0 to 1,000	\$0
C	1,001 to 5,000	100
D	5,001 to 50,000	200
E	50,001 to 100,000	300
F	100,001 to 300,000	525
G	over 300,000	750

(iii) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) 87222
and (ii) of this section, the application and design flow 87223
discharge fee for an NPDES permit for a public discharger 87224
identified by the letter I in the third character of the NPDES 87225
permit number shall not exceed nine hundred fifty dollars. 87226

(iv) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) 87227
and (ii) of this section, the application and design flow 87228
discharge fee for an NPDES permit for a coal mining operation 87229
regulated under Chapter 1513. of the Revised Code shall not 87230
exceed four hundred fifty dollars per mine. 87231

(v) A person issued a modification of an NPDES permit 87232
shall pay a nonrefundable modification fee equal to the 87233
application fee and one-half the design flow discharge fee based 87234
on each point source, if applicable, that would be charged for 87235
an NPDES permit, except that the modification fee shall not 87236
exceed six hundred dollars. 87237

(c) In addition to the application fee established under 87238
division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this section, any person 87239
applying for an NPDES general storm water construction permit 87240
shall pay a nonrefundable fee of twenty dollars per acre for 87241
each acre that is permitted above five acres at the time the 87242
application is submitted. However, the per acreage fee shall not 87243
exceed three hundred dollars. In addition to the application fee 87244
established under division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this 87245
section, any person applying for an NPDES general storm water 87246
industrial permit shall pay a nonrefundable fee of one hundred 87247
fifty dollars at the time the application is submitted. 87248

(d) The director shall transmit all moneys collected under 87249
division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6109. 87250
of the Revised Code to the treasurer of state for deposit into 87251
the drinking water protection fund created in section 6109.30 of 87252
the Revised Code. 87253

(e) The director shall transmit all moneys collected under 87254
division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6111. 87255
of the Revised Code and under division ~~(S) (2)~~ (R) (2) of this 87256

section to the treasurer of state for deposit into the surface 87257
water protection fund created in section 6111.038 of the Revised 87258
Code. 87259

(f) If a person submits an electronic application for a 87260
registration certificate, permit, variance, or plan approval for 87261
which an application fee is established under division ~~(S)(1)~~(R) 87262
(1) of this section, the person shall pay all applicable fees as 87263
expeditiously as possible after the submission of the electronic 87264
application. An application for a registration certificate, 87265
permit, variance, or plan approval for which an application fee 87266
is established under division ~~(S)(1)~~(R) (1) of this section shall 87267
not be reviewed or processed until the applicable application 87268
fee, and any other fees established under this division, are 87269
paid. 87270

(2) A person applying for coverage under an NPDES general 87271
discharge permit for household sewage treatment systems shall 87272
pay a nonrefundable fee of two hundred dollars at the time of 87273
application for initial permit coverage. No fee is required for 87274
an application for permit coverage renewal. 87275

~~(T)~~(S) The director may adopt, amend, and rescind rules in 87276
accordance with Chapter 119. of the Revised Code that do all of 87277
the following: 87278

(1) Prescribe fees to be paid by applicants for and 87279
holders of any license, permit, variance, plan approval, or 87280
certification required or authorized by Chapter 3704., 3734., 87281
6109., or 6111. of the Revised Code that are not specifically 87282
established in this section. The fees shall be designed to 87283
defray the cost of processing, issuing, revoking, modifying, 87284
denying, and enforcing the licenses, permits, variances, plan 87285
approvals, and certifications. 87286

The director shall transmit all moneys collected under 87287
rules adopted under division ~~(T)(1)~~ (S)(1) of this section 87288
pursuant to Chapter 6109. of the Revised Code to the treasurer 87289
of state for deposit into the drinking water protection fund 87290
created in section 6109.30 of the Revised Code. 87291

The director shall transmit all moneys collected under 87292
rules adopted under division ~~(T)(1)~~ (S)(1) of this section 87293
pursuant to Chapter 6111. of the Revised Code to the treasurer 87294
of state for deposit into the surface water protection fund 87295
created in section 6111.038 of the Revised Code. 87296

(2) Exempt the state and political subdivisions thereof, 87297
including education facilities or medical facilities owned by 87298
the state or a political subdivision, or any person exempted 87299
from taxation by section 5709.07 or 5709.12 of the Revised Code, 87300
from any fee required by this section; 87301

(3) Provide for the waiver of any fee, or any part 87302
thereof, otherwise required by this section whenever the 87303
director determines that the imposition of the fee would 87304
constitute an unreasonable cost of doing business for any 87305
applicant, class of applicants, or other person subject to the 87306
fee; 87307

(4) Prescribe measures that the director considers 87308
necessary to carry out this section. 87309

~~(U)~~ (T) When the director reasonably demonstrates that the 87310
direct cost to the state associated with the issuance of a 87311
permit, license, variance, plan approval, or certification 87312
exceeds the fee for the issuance or review specified by this 87313
section, the director may condition the issuance or review on 87314
the payment by the person receiving the issuance or review of, 87315

in addition to the fee specified by this section, the amount, or 87316
any portion thereof, in excess of the fee specified under this 87317
section. The director shall not so condition issuances for which 87318
a fee is prescribed in division ~~(S) (1) (b) (iii)~~ (R) (1) (b) (iii) of 87319
this section. 87320

~~(V)~~ (U) Except as provided in divisions (L), (M), ~~(P)~~, and 87321
~~(S)~~ (R) of this section or unless otherwise prescribed by a rule 87322
of the director adopted pursuant to Chapter 119. of the Revised 87323
Code, all fees required by this section are payable within 87324
thirty days after the issuance of an invoice for the fee by the 87325
director or the effective date of the issuance of the license, 87326
permit, variance, plan approval, or certification. If payment is 87327
late, the person responsible for payment of the fee shall pay an 87328
additional ten per cent of the amount due for each month that it 87329
is late. 87330

~~(W)~~ (V) As used in this section, "fuel-burning equipment," 87331
"fuel-burning equipment input capacity," "incinerator," 87332
"incinerator input capacity," "process," "process weight rate," 87333
"storage tank," "gasoline dispensing facility," "dry cleaning 87334
facility," "design flow discharge," and "new source treatment 87335
works" have the meanings ascribed to those terms by applicable 87336
rules or standards adopted by the director under Chapter 3704. 87337
or 6111. of the Revised Code. 87338

~~(X)~~ (W) As used in divisions (B), (D), (E), (F), (H), (I), 87339
and (J) of this section, and in any other provision of this 87340
section pertaining to fees paid pursuant to Chapter 3704. of the 87341
Revised Code: 87342

(1) "Facility," "federal Clean Air Act," "person," and 87343
"Title V permit" have the same meanings as in section 3704.01 of 87344
the Revised Code. 87345

(2) "Title V permit program" means the following 87346
activities as necessary to meet the requirements of Title V of 87347
the federal Clean Air Act and 40 C.F.R. part 70, including at 87348
least: 87349

(a) Preparing and adopting, if applicable, generally 87350
applicable rules or guidance regarding the permit program or its 87351
implementation or enforcement; 87352

(b) Reviewing and acting on any application for a Title V 87353
permit, permit revision, or permit renewal, including the 87354
development of an applicable requirement as part of the 87355
processing of a permit, permit revision, or permit renewal; 87356

(c) Administering the permit program, including the 87357
supporting and tracking of permit applications, compliance 87358
certification, and related data entry; 87359

(d) Determining which sources are subject to the program 87360
and implementing and enforcing the terms of any Title V permit, 87361
not including any court actions or other formal enforcement 87362
actions; 87363

(e) Emission and ambient monitoring; 87364

(f) Modeling, analyses, or demonstrations; 87365

(g) Preparing inventories and tracking emissions; 87366

(h) Providing direct and indirect support to small 87367
business stationary sources to determine and meet their 87368
obligations under the federal Clean Air Act pursuant to the 87369
small business stationary source technical and environmental 87370
compliance assistance program required by section 507 of that 87371
act and established in sections 3704.18, 3704.19, and 3706.19 of 87372
the Revised Code. 87373

(3) "Organic compound" means any chemical compound of
carbon, excluding carbon monoxide, carbon dioxide, carbonic
acid, metallic carbides or carbonates, and ammonium carbonate.

~~(Y) (1)~~ (X) (1) Except as provided in divisions ~~(Y) (2)~~ (X) (2),
(3), and (4) of this section, each sewage sludge facility shall
pay a nonrefundable annual sludge fee equal to three dollars and
fifty cents per dry ton of sewage sludge, including the dry tons
of sewage sludge in materials derived from sewage sludge, that
the sewage sludge facility treats or disposes of in this state.
The annual volume of sewage sludge treated or disposed of by a
sewage sludge facility shall be calculated using the first day
of January through the thirty-first day of December of the
calendar year preceding the date on which payment of the fee is
due.

(2) (a) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d)
of this section, each sewage sludge facility shall pay a minimum
annual sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage
sludge facility that treats or disposes of exceptional quality
sludge in this state shall be thirty-five per cent less per dry
ton of exceptional quality sludge than the fee assessed under
division ~~(Y) (1)~~ (X) (1) of this section, subject to the following
exceptions:

(i) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) of
this section, a sewage sludge facility that treats or disposes
of exceptional quality sludge shall pay a minimum annual sewage
sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of
exceptional quality sludge shall not be required to pay the

annual sludge fee for treatment or disposal in this state of 87403
exceptional quality sludge generated outside of this state and 87404
contained in bags or other containers not greater than one 87405
hundred pounds in capacity. 87406

A thirty-five per cent reduction for exceptional quality 87407
sludge applies to the maximum annual fees established under 87408
division ~~(Y)~~~~(3)~~(X) (3) of this section. 87409

(c) A sewage sludge facility that transfers sewage sludge 87410
to another sewage sludge facility in this state for further 87411
treatment prior to disposal in this state shall not be required 87412
to pay the annual sludge fee for the tons of sewage sludge that 87413
have been transferred. In such a case, the sewage sludge 87414
facility that disposes of the sewage sludge shall pay the annual 87415
sludge fee. However, the facility transferring the sewage sludge 87416
shall pay the one-hundred-dollar minimum fee required under 87417
division ~~(Y)~~~~(2)~~~~(a)~~(X) (2) (a) of this section. 87418

In the case of a sewage sludge facility that treats sewage 87419
sludge in this state and transfers it out of this state to 87420
another entity for disposal, the sewage sludge facility in this 87421
state shall be required to pay the annual sludge fee for the 87422
tons of sewage sludge that have been transferred. 87423

(d) A sewage sludge facility that generates sewage sludge 87424
resulting from an average daily discharge flow of less than five 87425
thousand gallons per day is not subject to the fees assessed 87426
under division ~~(Y)~~(X) of this section. 87427

(3) No sewage sludge facility required to pay the annual 87428
sludge fee shall be required to pay more than the maximum annual 87429
fee for each disposal method that the sewage sludge facility 87430
uses. The maximum annual fee does not include the additional 87431

amount that may be charged under division ~~(Y) (5)~~ (X) (5) of this 87432
section for late payment of the annual sludge fee. The maximum 87433
annual fee for the following methods of disposal of sewage 87434
sludge is as follows: 87435

(a) Incineration: five thousand dollars; 87436

(b) Preexisting land reclamation project or disposal in a 87437
landfill: five thousand dollars; 87438

(c) Land application, land reclamation, surface disposal, 87439
or any other disposal method not specified in division ~~(Y) (3) (a)~~ 87440
(X) (3) (a) or (b) of this section: twenty thousand dollars. 87441

(4) (a) In the case of an entity that generates sewage 87442
sludge or a sewage sludge facility that treats sewage sludge and 87443
transfers the sewage sludge to an incineration facility for 87444
disposal, the incineration facility, and not the entity 87445
generating the sewage sludge or the sewage sludge facility 87446
treating the sewage sludge, shall pay the annual sludge fee for 87447
the tons of sewage sludge that are transferred. However, the 87448
entity or facility generating or treating the sewage sludge 87449
shall pay the one-hundred-dollar minimum fee required under 87450
division ~~(Y) (2) (a)~~ (X) (2) (a) of this section. 87451

(b) In the case of an entity that generates sewage sludge 87452
and transfers the sewage sludge to a landfill for disposal or to 87453
a sewage sludge facility for land reclamation or surface 87454
disposal, the entity generating the sewage sludge, and not the 87455
landfill or sewage sludge facility, shall pay the annual sludge 87456
fee for the tons of sewage sludge that are transferred. 87457

(5) Not later than the first day of April of the calendar 87458
year following March 17, 2000, and each first day of April 87459
thereafter, the director shall issue invoices to persons who are 87460

required to pay the annual sludge fee. The invoice shall 87461
identify the nature and amount of the annual sludge fee assessed 87462
and state the first day of May as the deadline for receipt by 87463
the director of objections regarding the amount of the fee and 87464
the first day of July as the deadline for payment of the fee. 87465

Not later than the first day of May following receipt of 87466
an invoice, a person required to pay the annual sludge fee may 87467
submit objections to the director concerning the accuracy of 87468
information regarding the number of dry tons of sewage sludge 87469
used to calculate the amount of the annual sludge fee or 87470
regarding whether the sewage sludge qualifies for the 87471
exceptional quality sludge discount established in division ~~(Y)~~ 87472
~~(2) (b)~~ (X) (2) (b) of this section. The director may consider the 87473
objections and adjust the amount of the fee to ensure that it is 87474
accurate. 87475

If the director does not adjust the amount of the annual 87476
sludge fee in response to a person's objections, the person may 87477
appeal the director's determination in accordance with Chapter 87478
119. of the Revised Code. 87479

Not later than the first day of June, the director shall 87480
notify the objecting person regarding whether the director has 87481
found the objections to be valid and the reasons for the 87482
finding. If the director finds the objections to be valid and 87483
adjusts the amount of the annual sludge fee accordingly, the 87484
director shall issue with the notification a new invoice to the 87485
person identifying the amount of the annual sludge fee assessed 87486
and stating the first day of July as the deadline for payment. 87487

Not later than the first day of July, any person who is 87488
required to do so shall pay the annual sludge fee. Any person 87489
who is required to pay the fee, but who fails to do so on or 87490

before that date shall pay an additional amount that equals ten 87491
per cent of the required annual sludge fee. 87492

(6) The director shall transmit all moneys collected under 87493
division ~~(Y)~~(X) of this section to the treasurer of state for 87494
deposit into the surface water protection fund created in 87495
section 6111.038 of the Revised Code. The moneys shall be used 87496
to defray the costs of administering and enforcing provisions in 87497
Chapter 6111. of the Revised Code and rules adopted under it 87498
that govern the use, storage, treatment, or disposal of sewage 87499
sludge. 87500

(7) Beginning in fiscal year 2001, and every two years 87501
thereafter, the director shall review the total amount of moneys 87502
generated by the annual sludge fees to determine if that amount 87503
exceeded six hundred thousand dollars in either of the two 87504
preceding fiscal years. If the total amount of moneys in the 87505
fund exceeded six hundred thousand dollars in either fiscal 87506
year, the director, after review of the fee structure and 87507
consultation with affected persons, shall issue an order 87508
reducing the amount of the fees levied under division ~~(Y)~~(X) of 87509
this section so that the estimated amount of moneys resulting 87510
from the fees will not exceed six hundred thousand dollars in 87511
any fiscal year. 87512

If, upon review of the fees under division ~~(Y)~~(7) ~~(X)~~ (7) of 87513
this section and after the fees have been reduced, the director 87514
determines that the total amount of moneys collected and 87515
accumulated is less than six hundred thousand dollars, the 87516
director, after review of the fee structure and consultation 87517
with affected persons, may issue an order increasing the amount 87518
of the fees levied under division ~~(Y)~~(X) of this section so that 87519
the estimated amount of moneys resulting from the fees will be 87520

approximately six hundred thousand dollars. Fees shall never be 87521
increased to an amount exceeding the amount specified in 87522
division ~~(Y) (7)~~ (X) (7) of this section. 87523

Notwithstanding section 119.06 of the Revised Code, the 87524
director may issue an order under division ~~(Y) (7)~~ (X) (7) of this 87525
section without the necessity to hold an adjudicatory hearing in 87526
connection with the order. The issuance of an order under this 87527
division is not an act or action for purposes of section 3745.04 87528
of the Revised Code. 87529

(8) As used in division ~~(Y)~~ (X) of this section: 87530

(a) "Sewage sludge facility" means an entity that performs 87531
treatment on or is responsible for the disposal of sewage 87532
sludge. 87533

(b) "Sewage sludge" means a solid, semi-solid, or liquid 87534
residue generated during the treatment of domestic sewage in a 87535
treatment works as defined in section 6111.01 of the Revised 87536
Code. "Sewage sludge" includes, but is not limited to, scum or 87537
solids removed in primary, secondary, or advanced wastewater 87538
treatment processes. "Sewage sludge" does not include ash 87539
generated during the firing of sewage sludge in a sewage sludge 87540
incinerator, grit and screenings generated during preliminary 87541
treatment of domestic sewage in a treatment works, animal 87542
manure, residue generated during treatment of animal manure, or 87543
domestic septage. 87544

(c) "Exceptional quality sludge" means sewage sludge that 87545
meets all of the following qualifications: 87546

(i) Satisfies the class A pathogen standards in 40 C.F.R. 87547
503.32(a); 87548

(ii) Satisfies one of the vector attraction reduction 87549

requirements in 40 C.F.R. 503.33(b) (1) to (b) (8); 87550

(iii) Does not exceed the ceiling concentration 87551
limitations for metals listed in table one of 40 C.F.R. 503.13; 87552

(iv) Does not exceed the concentration limitations for 87553
metals listed in table three of 40 C.F.R. 503.13. 87554

(d) "Treatment" means the preparation of sewage sludge for 87555
final use or disposal and includes, but is not limited to, 87556
thickening, stabilization, and dewatering of sewage sludge. 87557

(e) "Disposal" means the final use of sewage sludge, 87558
including, but not limited to, land application, land 87559
reclamation, surface disposal, or disposal in a landfill or an 87560
incinerator. 87561

(f) "Land application" means the spraying or spreading of 87562
sewage sludge onto the land surface, the injection of sewage 87563
sludge below the land surface, or the incorporation of sewage 87564
sludge into the soil for the purposes of conditioning the soil 87565
or fertilizing crops or vegetation grown in the soil. 87566

(g) "Land reclamation" means the returning of disturbed 87567
land to productive use. 87568

(h) "Surface disposal" means the placement of sludge on an 87569
area of land for disposal, including, but not limited to, 87570
monofills, surface impoundments, lagoons, waste piles, or 87571
dedicated disposal sites. 87572

(i) "Incinerator" means an entity that disposes of sewage 87573
sludge through the combustion of organic matter and inorganic 87574
matter in sewage sludge by high temperatures in an enclosed 87575
device. 87576

(j) "Incineration facility" includes all incinerators 87577

owned or operated by the same entity and located on a contiguous 87578
tract of land. Areas of land are considered to be contiguous 87579
even if they are separated by a public road or highway. 87580

(k) "Annual sludge fee" means the fee assessed under 87581
division ~~(Y) (1)~~ (X) (1) of this section. 87582

(l) "Landfill" means a sanitary landfill facility, as 87583
defined in rules adopted under section 3734.02 of the Revised 87584
Code, that is licensed under section 3734.05 of the Revised 87585
Code. 87586

(m) "Preexisting land reclamation project" means a 87587
property-specific land reclamation project that has been in 87588
continuous operation for not less than five years pursuant to 87589
approval of the activity by the director and includes the 87590
implementation of a community outreach program concerning the 87591
activity. 87592

Sec. 3745.21. (A) There is hereby created within the 87593
environmental protection agency the Ohio environmental education 87594
fund advisory council consisting of the directors of 87595
environmental protection, natural resources, and education and 87596
workforce, or their designees, as members ex officio, one member 87597
of the house of representatives to be appointed by the speaker 87598
of the house of representatives or the member's designee, ~~one~~ 87599
~~member of the senate to be appointed by the president of the~~ 87600
~~senate or the member's designee,~~ one member to be appointed by 87601
the chancellor of higher education who shall have experience in 87602
providing environmental education at the university or college 87603
level, and six members to be appointed by the governor with the 87604
advice and consent of the senate. Of the members appointed by 87605
the governor, two shall be from statewide environmental advocacy 87606
organizations, one shall represent the interests of the 87607

industrial community in this state, one shall represent the 87608
interests of employers in this state with one hundred fifty or 87609
fewer employees, one shall represent municipal corporations, and 87610
one shall represent the interests of elementary and secondary 87611
school teachers in this state. Within thirty days after October 87612
1, 1990, the appointing authorities shall make their initial 87613
appointments to the council. The initial appointment to the 87614
council by the chancellor shall be for a term ending two years 87615
after October 1, 1990. Of the initial appointments made to the 87616
council by the governor, three shall be for a term ending one 87617
year after October 1, 1990, and three shall be for a term ending 87618
two years after October 1, 1990. Thereafter, the terms of office 87619
of the members appointed by the chancellor and the governor 87620
shall be for two years, with each term ending on the same day of 87621
the same month as the term that it succeeds. Each member shall 87622
hold office from the date of appointment until the end of the 87623
term for which the member was appointed. Members may be 87624
reappointed. Vacancies shall be filled in the manner provided 87625
for original appointments. Any member appointed to fill a 87626
vacancy occurring prior to the expiration date of the term for 87627
which the member's predecessor was appointed shall hold office 87628
as a member of the board of trustees for the remainder of that 87629
term. A member of the council appointed by the chancellor or the 87630
governor shall continue in office subsequent to the expiration 87631
date of the member's term until the member's successor takes 87632
office or until a period of sixty days has elapsed, whichever 87633
occurs first. 87634

The council shall hold at least two regular, semiannual 87635
meetings each year. Special meetings may be held at the behest 87636
of the chairperson or a majority of the members. The director of 87637
environmental protection shall serve as the chairperson of the 87638

council. The council annually shall select from among its 87639
members a vice-chairperson and a secretary to keep a record of 87640
its proceedings. A majority vote of the members of the council 87641
is necessary to take action on any matter. 87642

Serving as a member of the council does not constitute 87643
holding a public office or a position of employment under the 87644
laws of this state and does not constitute grounds for the 87645
removal of public officers or employees from their offices or 87646
positions of employment. The chancellor may at any time remove a 87647
member of the council appointed by the chancellor for 87648
misfeasance, malfeasance, or nonfeasance in office. The governor 87649
may at any time remove a member of the council appointed by the 87650
governor for misfeasance, malfeasance, or nonfeasance in office. 87651

Members of the council appointed by the chancellor and the 87652
governor shall serve without compensation. Members of the 87653
council shall be reimbursed for their actual and necessary 87654
expenses incurred in the performance of their duties as members 87655
of the council from moneys credited to the environmental 87656
education fund created in section 3745.22 of the Revised Code. 87657

(B) The council shall advise and assist the director of 87658
environmental protection in the implementation and 87659
administration of section 3745.22 of the Revised Code and shall 87660
review and comment on all expenditures from the fund proposed by 87661
the director. 87662

(C) The council may adopt bylaws for the regulation and 87663
conduct of the council's affairs and may propose to the director 87664
of environmental protection expenditures from the fund. 87665

Sec. 3748.13. (A) The director of health shall inspect 87666
sources of radiation for which licensure or registration by the 87667

handler is required, and the sources' shielding and 87668
surroundings, according to the schedule established in rules 87669
adopted under division (D) of section 3748.04 of the Revised 87670
Code. In accordance with rules adopted under section 3748.04 of 87671
the Revised Code, the director shall inspect all records and 87672
operating procedures of handlers that install or service sources 87673
of radiation and all sources of radiation for which licensure of 87674
radioactive material or registration of radiation-generating 87675
equipment by the handler is required. The director may make 87676
other inspections upon receiving complaints or other evidence of 87677
a violation of this chapter or rules adopted under it. 87678

The director shall require any hospital registered under 87679
division (A) of section 3701.07 of the Revised Code to develop 87680
and maintain a quality assurance program for all sources of 87681
radiation-generating equipment. A certified radiation expert 87682
shall conduct oversight and maintenance of the program and shall 87683
file a report of audits of the program with the director on 87684
forms prescribed by the director. The audit reports shall become 87685
part of the inspection record. 87686

(B) (1) Except as provided in division (B) (2) of this 87687
section, a facility shall pay inspection fees for radioactive 87688
material and radiation-generating equipment according to the 87689
schedule and categories established in rules adopted under 87690
division (A) (9) of section 3748.04 of the Revised Code. 87691

(2) A facility that is, or is operated by, a medical 87692
practitioner or medical-practitioner group shall pay inspection 87693
fees for radiation-generating equipment according to the 87694
following schedule and categories: 87695
87696

A	First dental x-ray tube	~~\$155.00~~
		<u>\$310.00</u>
B	Each additional dental x-ray tube at the same location	~~\$77.00~~
		<u>\$154.00</u>
C	First medical x-ray tube	~~\$307.00~~
		<u>\$614.00</u>
D	Each additional medical x-ray tube at the same location	~~\$163.00~~
		<u>\$326.00</u>
E	Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	~~\$610.00~~
		<u>\$1,220.00</u>
F	First nonionizing radiation-generating equipment of any kind	~~\$307.00~~
		<u>\$614.00</u>
G	Each additional nonionizing radiation-generating equipment of any kind at the same location	~~\$163.00~~
		<u>\$326.00</u>

(C) (1) Except as provided in division (C) (2) of this	87697
section, the fee for the inspection of a facility that proposes	87698
to handle radioactive material or radiation-generating equipment	87699
and is not licensed or registered, and for which no license or	87700
registration application is pending at the time of inspection,	87701
is four hundred seventy-four dollars plus the applicable fee	87702
specified in rules adopted under division (A) (9) of section	87703
3748.04 of the Revised Code.	87704

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, the fee for an inspection if the facility is not licensed or registered, and no license or registration is pending at the time of inspection, is four hundred seventy-four dollars plus the fee applicable under the schedule in division (B) (2) of this section.

(D) (1) Except as provided in division (D) (2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A) (9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and handles radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the applicable fee under the schedule in division (B) (2) of this section.

(E) The director may conduct a review of shielding plans or the adequacy of shielding on the request of a licensee or registrant or an applicant for licensure or registration or during an inspection when the director considers a review to be necessary.

(1) Except as provided in division (E) (2) of this section, the fee for the review is the applicable amount specified in rules adopted under division (A) (9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical

practitioner or medical-practitioner group and handles or 87734
proposes to handle radiation-generating equipment, the fee for 87735
the review is seven hundred sixty-two dollars for each room 87736
where a source of radiation is used and is in addition to any 87737
other fee applicable under the schedule in division (B) (2) of 87738
this section. 87739

(F) All fees shall be paid to the department of health no 87740
later than thirty days after the invoice for the fee is mailed. 87741
Fees shall be deposited in the general operations fund created 87742
in section 3701.83 of the Revised Code. The fees shall be used 87743
solely to administer and enforce this chapter and rules adopted 87744
under it. 87745

(G) Any fee required under this section that remains 87746
unpaid on the ninety-first day after the original invoice date 87747
shall be assessed an additional amount equal to ten per cent of 87748
the original fee. 87749

(H) If the director determines that a board of health of a 87750
city or general health district is qualified to conduct 87751
inspections of radiation-generating equipment, the director may 87752
delegate to the board, by contract, the authority to conduct 87753
such inspections. In making a determination of the 87754
qualifications of a board of health to conduct those 87755
inspections, the director shall evaluate the credentials of the 87756
individuals who are to conduct the inspections of radiation- 87757
generating equipment and the radiation detection and measuring 87758
equipment available to them for that purpose. If a contract is 87759
entered into, the board shall have the same authority to make 87760
inspections of radiation-generating equipment as the director 87761
has under this chapter and rules adopted under it. The contract 87762
shall stipulate that only individuals approved by the director 87763

as qualified shall be permitted to inspect radiation-generating 87764
equipment under the contract's provisions. The contract shall 87765
provide for such compensation for services as is agreed to by 87766
the director and the board of health of the contracting health 87767
district. The director may reevaluate the credentials of the 87768
inspection personnel and their radiation detecting and measuring 87769
equipment as often as the director considers necessary and may 87770
terminate any contract with the board of health of any health 87771
district that, in the director's opinion, is not satisfactorily 87772
performing the terms of the contract. 87773

(I) The director may enter at all reasonable times upon 87774
any public or private property to determine compliance with this 87775
chapter and rules adopted under it. 87776

Sec. 3750.02. (A) There is hereby created the emergency 87777
response commission consisting of the directors of environmental 87778
protection ~~and, health, and administrative services,~~ the 87779
chairperson of the public utilities commission, the fire 87780
marshal, the director of public safety, the director of 87781
transportation, the director of natural resources, the 87782
superintendent of the highway patrol, and the attorney general 87783
as members ex officio, or their designees; notwithstanding 87784
section 101.26 of the Revised Code, ~~the chairpersons of the~~ 87785
~~respective standing committees of the senate and house of~~ 87786
~~representatives that are primarily responsible for considering~~ 87787
~~environmental issues~~ a member of the house of representatives 87788
appointed by the speaker of the house of representatives and a 87789
member of the senate appointed by the president of the senate, 87790
who may participate fully in all the commission's deliberations 87791
and activities, except that they shall serve as nonvoting 87792
members; and ten members to be appointed by the governor with 87793
the advice and consent of the senate. The appointed members, to 87794

the extent practicable, shall have technical expertise in the 87795
field of emergency response. Of the appointed members, two shall 87796
represent environmental advocacy organizations, one shall 87797
represent the interests of petroleum refiners or marketers or 87798
chemical manufacturers, one shall represent the interests of 87799
another industry subject to this chapter, one shall represent 87800
the interests of municipal corporations, one shall represent the 87801
interests of counties, one shall represent the interests of 87802
chiefs of fire departments, one shall represent the interests of 87803
professional firefighters, one shall represent the interests of 87804
volunteer firefighters, and one shall represent the interests of 87805
local emergency management agencies. 87806

An appointed member of the commission also may serve as a 87807
member of the local emergency planning committee of an emergency 87808
planning district. An appointed member of the commission who is 87809
also a member of a local emergency planning committee shall not 87810
participate as a member of the commission in the appointment of 87811
members of the local emergency planning committee of which the 87812
member is a member, in the review of the chemical emergency 87813
response and preparedness plan submitted by the local emergency 87814
planning committee of which the member is a member, in any vote 87815
to approve a grant to the member's district, or in any vote of 87816
the commission on any motion or resolution pertaining 87817
specifically to the member's district or the local emergency 87818
planning committee on which the member serves. A commission 87819
member who is also a member of a local emergency planning 87820
committee shall not lobby or otherwise act as an advocate for 87821
the member's district to other members of the commission to 87822
obtain from the commission anything of value for the member's 87823
district or the local emergency planning committee of which the 87824
member is a member. A member of the commission who is also a 87825

member of a local emergency planning committee may vote on 87826
resolutions of the commission that apply uniformly to all local 87827
emergency planning committees and districts in the state and do 87828
not provide a grant or other pecuniary benefit to the member's 87829
district or the committee of which the member is a member. 87830

The governor shall make the initial appointments to the 87831
commission within thirty days after December 14, 1988. Of the 87832
initial appointments to the commission, five shall be for a term 87833
of two years and five shall be for a term of one year. 87834
Thereafter, terms of office of the appointed members of the 87835
commission shall be for two years, with each term ending on the 87836
same day of the same month as did the term that it succeeds. 87837
Each member shall hold office from the date of appointment until 87838
the end of the term for which the member was appointed. Members 87839
may be reappointed. Vacancies shall be filled in the manner 87840
provided for original appointments. Any member appointed to fill 87841
a vacancy occurring prior to the expiration of the term for 87842
which the member's predecessor was appointed shall hold office 87843
for the remainder of that term. A member shall continue in 87844
office subsequent to the expiration date of the member's term 87845
until the member's successor takes office or until a period of 87846
sixty days has elapsed, whichever occurs first. The commission 87847
may at any time by a vote of two-thirds of all the members 87848
remove any appointed member of the commission for misfeasance, 87849
nonfeasance, or malfeasance. Members of the commission shall 87850
serve without compensation, but shall be reimbursed for the 87851
reasonable expenses incurred by them in the discharge of their 87852
duties as members of the commission. 87853

The commission shall meet at least annually and shall hold 87854
such additional meetings as are necessary to implement and 87855
administer this chapter. Additional meetings may be held at the 87856

behest of either a co-chairperson or a majority of the members. 87857
The commission shall, by adoption of internal management rules 87858
under division (B) (9) of this section, establish an executive 87859
committee and delegate to it the performance of such of the 87860
commission's duties and powers under this chapter as are 87861
required or authorized to be so delegated by that division. The 87862
commission may organize itself into such additional committees 87863
as it considers necessary or convenient to implement and 87864
administer this chapter. The director of environmental 87865
protection and the director of public safety or their designees 87866
shall serve as co-chairpersons of the commission and the 87867
executive committee. Except as otherwise provided in this 87868
chapter, a majority of the voting members of the commission 87869
constitutes a quorum and the affirmative vote of a majority of 87870
the voting members of the commission is necessary for any action 87871
taken by the commission. Meetings of the executive committee 87872
conducted for the purpose of determining whether to issue an 87873
enforcement order or request that a civil action, civil penalty 87874
action, or criminal action be brought to enforce this chapter or 87875
rules adopted or orders issued under it are not subject to 87876
section 121.22 of the Revised Code pursuant to division (D) of 87877
that section. 87878

Except for the purposes of Chapters 102. and 2921. and 87879
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving 87880
as an appointed member of the commission does not constitute 87881
holding a public office or position of employment under the laws 87882
of this state and does not constitute grounds for removal of 87883
public officers or employees from their offices or positions of 87884
employment. 87885

(B) The commission shall: 87886

(1) Adopt rules in accordance with Chapter 119. of the 87887
Revised Code that are consistent with and equivalent in scope, 87888
content, and coverage to the "Emergency Planning and Community 87889
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, 87890
and applicable regulations adopted under it: 87891

(a) Identifying or listing extremely hazardous substances 87892
and establishing a threshold planning quantity for each such 87893
substance. To the extent consistent with that act and applicable 87894
regulations adopted under it, the rules may establish threshold 87895
planning quantities based upon classes of those substances or 87896
categories of facilities at which such substances are present. 87897

(b) Listing hazardous chemicals, establishing threshold 87898
quantities for those chemicals, establishing categories of 87899
health and physical hazards of those chemicals, establishing 87900
criteria or procedures for identifying those chemicals and the 87901
appropriate hazard categories of those chemicals, and 87902
establishing ranges of quantities for those chemicals to be used 87903
in preparing emergency and hazardous chemical inventory forms 87904
under section 3750.08 of the Revised Code. To the extent 87905
consistent with that act and applicable regulations adopted 87906
under it, the rules may establish threshold quantities based 87907
upon classes of those chemicals or categories of facilities 87908
where those chemicals are present. 87909

To the extent consistent with that act, the threshold 87910
quantities for purposes of the submission of lists of hazardous 87911
chemicals under section 3750.07 and the submission of emergency 87912
and hazardous chemical inventory forms under section 3750.08 of 87913
the Revised Code may differ. 87914

(c) Identifying or listing hazardous substances and 87915
establishing reportable quantities of each of those substances 87916

and each extremely hazardous substance. In addition to being 87917
consistent with and equivalent in scope, content, and coverage 87918
to that act and applicable regulations adopted under it, the 87919
rules shall be consistent with and equivalent in scope, content, 87920
and coverage to regulations identifying or listing hazardous 87921
substances and reportable quantities of those substances adopted 87922
under the "Comprehensive Environmental Response, Compensation, 87923
and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 87924
amended. 87925

(d) Prescribing the information to be included in the 87926
lists of hazardous chemicals required to be submitted under 87927
section 3750.07 of the Revised Code; 87928

(e) Prescribing the information to be included in the 87929
emergency and hazardous chemical inventory forms required to be 87930
submitted under section 3750.08 of the Revised Code. If the 87931
commission establishes its own emergency and hazardous chemical 87932
inventory form, the rules shall authorize owners and operators 87933
of facilities who also have one or more facilities located 87934
outside the state for which they are required to submit 87935
inventory forms under the federal act and regulations adopted 87936
under it to submit their annual inventories on forms prescribed 87937
by the administrator of the United States environmental 87938
protection agency under that act instead of on forms prescribed 87939
by the commission and shall require those owners or operators to 87940
submit any additional information required by the commission's 87941
inventory form on an attachment to the federal form. 87942

(f) Establishing procedures for giving verbal notice of 87943
releases under section 3750.06 of the Revised Code and 87944
prescribing the information to be provided in such a notice and 87945
in the follow-up written notice required by that section; 87946

(g) Establishing standards for determining valid needs for 87947
the release of tier II information under division (B) (4) of 87948
section 3750.10 of the Revised Code; 87949

(h) Identifying the types or categories of information 87950
submitted or obtained under this chapter and rules adopted under 87951
it that constitute confidential business information; 87952

(i) Establishing criteria and procedures to protect trade 87953
secret and confidential business information from unauthorized 87954
disclosure; 87955

(j) Establishing other requirements or authorizations that 87956
the commission considers necessary or appropriate to implement, 87957
administer, and enforce this chapter. 87958

(2) Adopt rules in accordance with Chapter 119. of the 87959
Revised Code to implement and administer this chapter that may 87960
be more stringent than the "Emergency Planning and Community 87961
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, 87962
and regulations adopted under it. Rules adopted under division 87963
(B) (2) of this section shall not be inconsistent with that act 87964
or the regulations adopted under it. The rules shall: 87965

(a) Prescribe the information to be included in the 87966
chemical emergency response and preparedness plans prepared and 87967
submitted by local emergency planning committees under section 87968
3750.04 of the Revised Code; 87969

(b) Establish criteria and procedures for reviewing the 87970
chemical emergency response and preparedness plans of local 87971
emergency planning committees required by section 3750.04 of the 87972
Revised Code and the annual exercise of those plans and for 87973
providing concurrence or requesting modifications in the plans 87974
and the exercise of those plans. The criteria shall include, 87975

without limitation, the requirement that each exercise of a 87976
committee's plan involve, in addition to local emergency 87977
response and medical personnel, either a facility that is 87978
subject to the plan or a transporter of materials that are 87979
identified or listed as hazardous materials by regulations 87980
adopted under the "Hazardous Materials Transportation Act," 88 87981
Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended. 87982

(c) Establish policies and procedures for maintaining 87983
information submitted to the commission and local emergency 87984
planning committees under this chapter, and for receiving and 87985
fulfilling requests from the public for access to review and to 87986
obtain copies of that information. The criteria and procedures 87987
shall include the following requirements and authorizations 87988
regarding that information and access to it: 87989

(i) Information that is protected as trade secret 87990
information or confidential business information under this 87991
chapter and rules adopted under it shall be kept in files that 87992
are separate from those containing information that is not so 87993
protected. 87994

(ii) The original copies of information submitted to the 87995
commission or committee shall not be removed from the custody 87996
and control of the commission or committee. 87997

(iii) A person who, either in person or by mail, requests 87998
to obtain a copy of a material safety data sheet submitted under 87999
this chapter by a facility owner or operator shall submit a 88000
separate application for each facility for which a material 88001
safety data sheet is being requested. 88002

(iv) A person who requests to receive by mail a copy of 88003
information submitted under this chapter by a facility owner or 88004

operator shall submit a separate application for each facility 88005
for which information is being requested and shall specify both 88006
the facility for which information is being requested and the 88007
particular types of documents requested. 88008

(v) Only employees of the commission or committee shall 88009
copy information in the files of the commission or committee. 88010

(vi) The commission or committee may require any person 88011
who requests to review or obtain a copy of information in its 88012
files to schedule an appointment for that purpose with the 88013
information coordinator of the commission or committee at least 88014
twenty-four hours before arriving at the office of the 88015
commission or committee for the review or copy. 88016

(vii) Any person who seeks access to information in the 88017
files of the commission or a local emergency planning committee 88018
shall submit a written application, either in person or by mail, 88019
to the information coordinator on a form provided by the 88020
commission or committee. The person also shall provide the 88021
person's name and current mailing address on the application and 88022
may be requested by the commission or committee to provide basic 88023
demographic information on the form to assist in the evaluation 88024
of the information access provisions of this chapter and rules 88025
adopted under it. Application forms may be obtained by mail or 88026
in person or by request by telephone at the office of the 88027
commission or committee during regular business hours. Upon 88028
receipt of a request for an application by telephone or mail, 88029
the information coordinator shall promptly mail an application 88030
to the person who requested it. 88031

(viii) The application form shall provide the applicant 88032
with a means of indicating that the applicant's name and address 88033
are to be kept confidential. If the applicant so indicates, that 88034

information is not a public record under section 149.43 of the Revised Code and shall not be disclosed to any person who is not a member or employee of the commission or committee or an employee of the environmental protection agency. When a name and address are to be kept confidential, they also shall be deleted from the copy of the application required to be placed in the file of the facility under division (B)(2)(c)(xii) of this section and shall be withheld from any log of information requests kept by the commission or committee pursuant to that division.

(ix) Neither the commission nor a local emergency planning committee shall charge any fee for access to review information in its files when no copies or computer searches of that information are requested.

(x) An applicant shall be informed of the cost of copying, mailing, or conducting a computer search of information on file with the commission or committee before such a copy or search is made, and the commission or committee shall collect the appropriate fees as established under section 3750.13 of the Revised Code. Each applicant shall acknowledge on the application form that the applicant is aware that the applicant will be charged for copies and computer searches of that information the applicant requests and for the costs of mailing copies of the information to the applicant.

(xi) The commission or committee may require a person requesting copies of information on file with it to take delivery of them in the office of the commission or committee whenever it considers the volume of the information to be large enough to make mailing or delivery by a parcel or package delivery service impractical.

(xii) When the commission or committee receives a request 88065
for access to review or obtain copies of information in its 88066
files, it shall not routinely notify the owner or operator of 88067
the facility involved, but instead shall either keep a log or 88068
file of requests for the information or shall place a copy of 88069
each completed application form in the file for the facility to 88070
which the application pertains. Such a log or file shall be 88071
available for review by the public and by the owners and 88072
operators of facilities required to submit information to the 88073
commission or committee under this chapter and rules adopted 88074
under it. 88075

(d) Require that claims for the protection, as a trade 88076
secret, of information obtained under this chapter regarding 88077
extremely hazardous substances identified or listed in rules 88078
adopted under division (B) (1) (a) of this section and hazardous 88079
chemicals identified or listed in rules adopted under division 88080
(B) (1) (b) of this section be submitted to the administrator of 88081
the United States environmental protection agency for 88082
determination under section 322 of the the "Emergency Planning 88083
and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 88084
U.S.C.A. 11042, and regulations adopted under that section; 88085

(e) Establish criteria and procedures for the issuance of 88086
variances under divisions (B) and (C) of section 3750.11 of the 88087
Revised Code. The rules shall require that, before approval of 88088
an application for a variance, the commission or committee find 88089
by a preponderance of the scientific evidence based upon 88090
generally accepted scientific principles or laboratory tests 88091
that the extremely hazardous substances, hazardous chemicals, or 88092
hazardous substances that would be subject to the reporting 88093
requirement pose a substantial risk of catastrophic injury to 88094
public health or safety or to the environment, or pose an 88095

extraordinary risk of injury to emergency management personnel 88096
responding to a release of the chemicals or substances, when the 88097
substances or chemicals are present at a facility in an amount 88098
equal to or exceeding the quantity for which reporting would be 88099
required under the reporting requirement for which the variance 88100
is sought. The rules shall also require that before approval of 88101
an application for a variance, the commission or committee find 88102
by a preponderance of the evidence that the development and 88103
implementation of a local emergency response plan for releases 88104
of the substances or chemicals covered by the reporting 88105
requirement will reduce the risk of catastrophic injury to 88106
public health or safety or to the environment, or will reduce 88107
the extraordinary risk of injury to responding emergency 88108
management personnel, in the event of a release of the 88109
substances or chemicals and find by a preponderance of the 88110
evidence that the reporting requirement is necessary for the 88111
development of such a local emergency response plan. The rules 88112
shall require that when determining whether the substances or 88113
chemicals that would be subject to the reporting requirement 88114
pose a substantial risk of catastrophic injury to public health 88115
or safety or to the environment, or pose an extraordinary risk 88116
of injury to emergency management personnel responding to a 88117
release of the substance or chemical, the commission or 88118
committee consider all of the following factors: 88119

(i) The specific characteristics and degree and nature of 88120
the hazards posed by a release of the extremely hazardous 88121
substances, hazardous chemicals, or hazardous substances; 88122

(ii) The proximity of the facilities that would be subject 88123
to the reporting requirement to residential areas, to areas 88124
where significantly large numbers of people are employed or 88125
otherwise congregate, and to environmental resources that are 88126

subject to injury; 88127

(iii) The quantities of the extremely hazardous 88128
substances, hazardous chemicals, or hazardous substances that 88129
are routinely present at facilities that would be subject to the 88130
reporting requirement; 88131

(iv) The frequency with which the extremely hazardous 88132
substances, hazardous chemicals, or hazardous substances are 88133
present at the facilities that would be subject to the reporting 88134
requirement in quantities for which reporting would be required 88135
thereunder. 88136

(f) Establish criteria and procedures for the issuance of 88137
orders under division (D) of section 3750.11 of the Revised Code 88138
requiring the placement of emergency response lock box units. 88139
The rules shall require that before approval of an application 88140
for issuance of such an order, the commission or committee find 88141
by a preponderance of the scientific evidence based upon 88142
generally accepted scientific principles or laboratory tests 88143
that the presence of the extremely hazardous substances, 88144
hazardous chemicals, or hazardous substances in the quantities 88145
in which they are routinely or intermittently present at the 88146
facility for which the order is sought pose a substantial risk 88147
of catastrophic injury to public health or safety or to the 88148
environment, or pose an extraordinary risk of injury to 88149
responding emergency management personnel, in the event of a 88150
release of any of those substances or chemicals from the 88151
facility. The rules shall require that before approval of an 88152
application for issuance of such an order, the commission or 88153
committee also find by a preponderance of the evidence that the 88154
placement of an emergency response lock box unit at the facility 88155
is necessary to protect against the substantial risk of 88156

catastrophic injury to public health or safety or the 88157
environment, or to protect against an extraordinary risk of 88158
injury to responding emergency management personnel, in the 88159
event of a release of any of the extremely hazardous substances, 88160
hazardous chemicals, or hazardous substances routinely or 88161
intermittently present at the facility. The rules shall require 88162
that when determining whether the extremely hazardous 88163
substances, hazardous chemicals, or hazardous substances present 88164
at the facility pose a substantial risk of catastrophic injury 88165
to public health or safety or to the environment, or pose an 88166
extraordinary risk of injury to responding emergency management 88167
personnel, in the event of a release of any of those substances 88168
or chemicals from the facility, the commission or committee 88169
consider all of the following factors: 88170

(i) The specific characteristics and the degree and nature 88171
of the hazards posed by a release of the extremely hazardous 88172
substances, hazardous chemicals, or hazardous substances present 88173
at the facility; 88174

(ii) The proximity of the facility to residential areas, 88175
to areas where significantly large numbers of people are 88176
employed or otherwise congregate, and to environmental resources 88177
that are subject to injury; 88178

(iii) The quantities of the extremely hazardous 88179
substances, hazardous chemicals, or hazardous substances that 88180
are routinely present at the facility; 88181

(iv) The frequency with which the extremely hazardous 88182
substances, hazardous chemicals, or hazardous substances are 88183
present at the facility. 88184

(g) Establish procedures to be followed by the commission 88185

and the executive committee of the commission for the issuance 88186
of orders under this chapter. 88187

(3) In accordance with Chapter 119. of the Revised Code 88188
adopt rules establishing reportable quantities for releases of 88189
oil that are consistent with and equivalent in scope, content, 88190
and coverage to section 311 of the "Federal Water Pollution 88191
Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, 88192
as amended, and applicable regulations adopted under it; 88193

(4) Adopt rules in accordance with Chapter 119. of the 88194
Revised Code establishing criteria and procedures for 88195
identifying or listing extremely hazardous substances in 88196
addition to those identified or listed in rules adopted under 88197
division (B)(1)(a) of this section and for establishing 88198
threshold planning quantities and reportable quantities for the 88199
added extremely hazardous substances; for identifying or listing 88200
hazardous chemicals in addition to those identified or listed in 88201
rules adopted under division (B)(1)(b) of this section and for 88202
establishing threshold quantities and categories of health and 88203
physical hazards for the added hazardous chemicals; and for 88204
identifying or listing hazardous substances in addition to those 88205
identified or listed in rules adopted under division (B)(1)(c) 88206
of this section and for establishing reportable quantities for 88207
the added hazardous substances. The criteria for identifying or 88208
listing additional extremely hazardous substances and 88209
establishing threshold planning quantities and reportable 88210
quantities therefor and for identifying or listing additional 88211
hazardous chemicals and establishing threshold quantities and 88212
categories of health and physical hazards for the added 88213
hazardous chemicals shall be consistent with and equivalent to 88214
applicable criteria therefor under the "Emergency Planning and 88215
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 88216

U.S.C.A. 11001, and regulations adopted under it. The criteria 88217
for identifying additional hazardous substances and for 88218
establishing reportable quantities of the added hazardous 88219
substances shall be consistent with and equivalent to the 88220
applicable criteria for identifying or listing hazardous 88221
substances and establishing reportable quantities therefor under 88222
the "Comprehensive Environmental Response, Compensation, and 88223
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 88224
amended, and regulations adopted under it. 88225

The rules shall require that, before identifying or 88226
listing any such additional extremely hazardous substance, 88227
hazardous chemical, or hazardous substance and establishing a 88228
threshold planning quantity, threshold quantity, or reportable 88229
quantity therefor, the commission find by a preponderance of the 88230
scientific evidence based on generally accepted scientific 88231
principles or laboratory tests that the substance or chemical 88232
poses a substantial risk of catastrophic injury to public health 88233
or safety or to the environment, or poses an extraordinary risk 88234
of injury to emergency management personnel responding to a 88235
release of the chemical or substance, when the chemical or 88236
substance is present at a facility in an amount equal to the 88237
proposed threshold planning quantity or threshold quantity or, 88238
in the instance of a proposed additional extremely hazardous 88239
substance or hazardous substance, poses a substantial risk of 88240
catastrophic injury to public health or safety or to the 88241
environment if a release of the proposed reportable quantity of 88242
the substance occurs. The rules shall further require that, 88243
before so identifying or listing a substance or chemical, the 88244
commission find by a preponderance of the evidence that the 88245
development and implementation of state or local emergency 88246
response plans for releases of the substance or chemical will 88247

reduce the risk of a catastrophic injury to public health or 88248
safety or to the environment, or will reduce the extraordinary 88249
risk of injury to responding emergency response personnel, in 88250
the event of a release of the substance or chemical and find by 88251
a preponderance of the evidence that the identification or 88252
listing of the substance or chemical is necessary for the 88253
development of state or local emergency response plans for 88254
releases of the substance or chemical. The rules shall require 88255
that the commission consider the toxicity of the substance or 88256
chemical in terms of both the short-term and long-term health 88257
effects resulting from exposure to it and its reactivity, 88258
volatility, dispersibility, combustibility, and flammability 88259
when determining the risks posed by a release of the substance 88260
or chemical and, as appropriate, when establishing a threshold 88261
planning quantity, threshold quantity, reportable quantity, or 88262
category of health or physical hazard for it. 88263

(5) Adopt rules in accordance with Chapter 119. of the 88264
Revised Code establishing criteria and procedures for receiving 88265
and deciding claims for protection of information as a trade 88266
secret that are applicable only to extremely hazardous 88267
substances and hazardous chemicals identified or listed in rules 88268
adopted under division (C) (5) of this section. The rules shall 88269
be equivalent in scope, content, and coverage to section 322 of 88270
the "Emergency Planning and Community Right-To-Know Act of 88271
1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations 88272
adopted under it. 88273

(6) (a) After consultation with the fire marshal, adopt 88274
rules in accordance with Chapter 119. of the Revised Code 88275
establishing standards for the construction, placement, and use 88276
of emergency response lock box units at facilities that are 88277
subject to this chapter. The rules shall establish all of the 88278

following: 88279

(i) Specific standards of construction for lock box units; 88280

(ii) The specific types of information that shall be 88281
placed in the lock box units required to be placed at a facility 88282
by an order issued under division (D) of section 3750.11 of the 88283
Revised Code, which shall include the location of on-site 88284
emergency fire-fighting and spill cleanup equipment; a diagram 88285
of the public and private water supply and sewage systems 88286
serving the facility that are known to the owner or operator of 88287
the facility; a copy of the emergency and hazardous chemical 88288
inventory form for the facility most recently required to be 88289
submitted under section 3750.08 of the Revised Code from which 88290
the owner or operator may withhold information claimed or 88291
determined to be trade secret information pursuant to rules 88292
adopted under division (B) (2) (d) of this section, or pursuant to 88293
division (B) (14) of this section and rules adopted under 88294
division (B) (5) of this section, and confidential business 88295
information identified in rules adopted under division (B) (1) (h) 88296
of this section; a copy of the local fire department's and 88297
facility's emergency management plans for the facility, if any; 88298
a current list of the names, positions, addresses, and telephone 88299
numbers of all key facility personnel knowledgeable in facility 88300
safety procedures and the locations at the facility where 88301
extremely hazardous substances, hazardous chemicals, and 88302
hazardous substances are produced, used, or stored. The rules 88303
shall stipulate that, in the instance of lock box units placed 88304
voluntarily at facilities by the owners or operators of the 88305
facilities, such information shall be maintained in them as is 88306
prescribed by agreement by the owner or operator and the fire 88307
department having jurisdiction over the facility. 88308

(iii) The conditions that shall be met in order to provide 88309
safe and expedient access to a lock box unit during a release or 88310
threatened release of an extremely hazardous substance, 88311
hazardous chemical, or hazardous substance. 88312

(b) Unless the owner or operator of a facility is issued 88313
an order under division (D) of section 3750.11 of the Revised 88314
Code requiring the owner or operator to place a lock box unit at 88315
the facility, the owner or operator may place a lock box unit at 88316
the facility at the owner's or operator's discretion. If the 88317
owner or operator chooses to place a lock box unit at the 88318
facility, the responsibility to deposit information in the lock 88319
box unit is in addition to any other obligations established in 88320
this chapter. 88321

(c) Any costs associated with the purchase, construction, 88322
or placement of a lock box unit shall be paid by the owner or 88323
operator of the facility. 88324

(7) In accordance with Chapter 119. of the Revised Code, 88325
adopt rules governing the application for and awarding of grants 88326
under division (C) of section 3750.14 and division (B) of 88327
section 3750.15 of the Revised Code; 88328

(8) Adopt rules in accordance with Chapter 119. of the 88329
Revised Code establishing reasonable maximum fees that may be 88330
charged by the commission and local emergency planning 88331
committees for copying information in the commission's or 88332
committee's files to fulfill requests from the public for that 88333
information; 88334

(9) Adopt internal management rules governing the 88335
operations of the commission. The internal management rules 88336
shall establish an executive committee of the commission 88337

consisting of the director of environmental protection or the 88338
director's designee, the director of public safety or the 88339
director's designee, the attorney general or the attorney 88340
general's designee, one of the appointed members of the 88341
commission representing industries subject to this chapter to be 88342
appointed by the commission, one of the appointed members of the 88343
commission representing the interests of environmental advocacy 88344
organizations to be appointed by the commission, and one other 88345
appointed member or member ex officio of the commission to be 88346
appointed by the commission. The executive committee has 88347
exclusive authority to issue enforcement orders under section 88348
3750.18 of the Revised Code and to request the attorney general 88349
to bring a civil action, civil penalty action, or criminal 88350
action under section 3750.20 of the Revised Code in the name of 88351
the commission regarding violations of this chapter, rules 88352
adopted under it, or orders issued under it. The internal 88353
management rules may set forth the other specific powers and 88354
duties of the commission that the executive committee may 88355
exercise and carry out and the conditions under which the 88356
executive committee may do so. The internal management rules 88357
shall not authorize the executive committee to issue variances 88358
under division (B) or (C) of section 3750.11 of the Revised Code 88359
or orders under division (D) of that section. 88360

(10) Oversee and coordinate the implementation and 88361
enforcement of this chapter and make such recommendations to the 88362
director of environmental protection and the director of public 88363
safety as it considers necessary or appropriate to improve the 88364
implementation and enforcement of this chapter; 88365

(11) Make allocations of moneys under division (B) of 88366
section 3750.14 of the Revised Code and make grants under 88367
division (C) of section 3750.14 and division (B) of section 88368

3750.15 of the Revised Code; 88369

(12) Designate an officer of the environmental protection 88370
agency to serve as the commission's information coordinator 88371
under this chapter; 88372

(13) Not later than December 14, 1989, develop and 88373
distribute a state emergency response plan that defines the 88374
emergency response roles and responsibilities of the state 88375
agencies that are represented on the commission and that 88376
provides appropriate coordination with the national contingency 88377
plan and the regional contingency plan required by section 105 88378
of the "Comprehensive Environmental Response, Compensation, and 88379
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 88380
amended. The plan shall ensure a well-coordinated response by 88381
state agencies that may be involved in assisting local emergency 88382
responders during a major release of oil or a major sudden and 88383
accidental release of a hazardous substance or extremely 88384
hazardous substance. The plan may incorporate existing state 88385
emergency response plans by reference. At least annually, the 88386
commission and the state agencies that are represented on it 88387
shall jointly exercise the state plan in conjunction with the 88388
exercise of a local emergency response plan by a local emergency 88389
planning committee under section 3750.04 of the Revised Code. 88390
After any such exercise, the commission shall review the state 88391
plan and make such revisions in it as the commission considers 88392
necessary or appropriate. 88393

(14) Receive and decide claims for the protection of 88394
information as a trade secret that pertain only to extremely 88395
hazardous substances and hazardous chemicals identified or 88396
listed by rules adopted under division (C)(5) of this section. 88397
If the commission determines that the claim meets the criteria 88398

established in rules adopted under division (B) (5) of this 88399
section, it shall issue an order to that effect in accordance 88400
with section 3750.18 of the Revised Code. If the commission 88401
determines that the claim does not meet the criteria established 88402
in those rules, it shall issue an order to that effect in 88403
accordance with section 3750.18 of the Revised Code. 88404

(15) Annually compile, make available to the public, and 88405
submit to the president of the senate and the speaker of the 88406
house of representatives a summary report on the number of 88407
facilities estimated to be subject to regulation under sections 88408
3750.05, 3750.07, and 3750.08 of the Revised Code, the number of 88409
facilities reporting to the commission, an estimate of the 88410
percentage of facilities in compliance with those sections, and 88411
recommendations regarding the types of activities the commission 88412
considers necessary to improve such compliance. The commission 88413
shall base its estimate of the number of facilities that are 88414
subject to regulation under those sections on the current 88415
estimates provided by the local emergency planning committees 88416
under division (D) (6) of section 3750.03 of the Revised Code. 88417

(C) The commission may: 88418

(1) Procure by contract the temporary or intermittent 88419
services of experts or consultants when those services are to be 88420
performed on a part-time or fee-for-service basis and do not 88421
involve the performance of administrative duties; 88422

(2) Enter into contracts or agreements with political 88423
subdivisions or emergency planning districts for the purposes of 88424
this chapter; 88425

(3) Accept on behalf of the state any gift, grant, or 88426
contribution from any governmental or private source for the 88427

purposes of this chapter; 88428

(4) Enter into contracts, agreements, or memoranda of 88429
understanding with any state department, agency, board, 88430
commission, or institution to obtain the services of personnel 88431
thereof or utilize resources thereof for the purposes of this 88432
chapter. Employees of a state department, agency, board, 88433
commission, or institution providing services to the commission 88434
under any such contract, agreement, or memorandum shall perform 88435
only those functions and provide only the services provided for 88436
in the contract, agreement, or memorandum. 88437

(5) Identify or list extremely hazardous substances in 88438
addition to those identified or listed in rules adopted under 88439
division (B)(1)(a) of this section and establish threshold 88440
planning quantities and reportable quantities for the additional 88441
extremely hazardous substances, identify or list hazardous 88442
chemicals in addition to those identified or listed in rules 88443
adopted under division (B)(1)(b) of this section and establish 88444
threshold quantities and categories of health and physical 88445
hazards for the added chemicals, and identify or list hazardous 88446
substances in addition to those identified or listed in rules 88447
adopted under division (B)(1)(c) of this section and establish 88448
reportable quantities for the added hazardous substances. The 88449
commission may establish threshold planning quantities for the 88450
additional extremely hazardous substances based upon classes of 88451
those substances or categories of facilities at which they are 88452
present and may establish threshold quantities for the 88453
additional hazardous chemicals based upon classes of those 88454
chemicals or categories of facilities where they are present. 88455
The commission shall identify or list such additional substances 88456
or chemicals and establish threshold planning quantities, 88457
threshold quantities, reportable quantities, and hazard 88458

categories therefor in accordance with the criteria and 88459
procedures established in rules adopted under division (B) (4) of 88460
this section and, after compliance with those criteria and 88461
procedures, by the adoption of rules in accordance with Chapter 88462
119. of the Revised Code. The commission shall not adopt rules 88463
under division (C) (5) of this section modifying any threshold 88464
planning quantity established in rules adopted under division 88465
(B) (1) (a) of this section, any threshold quantity established in 88466
rules adopted under division (B) (1) (b) of this section, or any 88467
reportable quantity established in rules adopted under division 88468
(B) (1) (c) of this section. 88469

If, after the commission has adopted rules under division 88470
(C) (5) of this section identifying or listing an extremely 88471
hazardous substance, hazardous chemical, or hazardous substance, 88472
the administrator of the United States environmental protection 88473
agency identifies or lists the substance or chemical as an 88474
extremely hazardous substance or hazardous chemical under the 88475
"Emergency Planning and Community Right-To-Know Act of 1986," 88476
100 Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a 88477
substance as a hazardous substance under the "Comprehensive 88478
Environmental Response, Compensation, and Liability Act of 88479
1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, the 88480
commission shall rescind its rules adopted under division (C) (5) 88481
of this section pertaining to the substance or chemical and 88482
adopt the appropriate rules under division (B) (1) (a), (b), or 88483
(c) of this section. 88484

(6) From time to time, request the director of 88485
environmental protection and the executive director of the 88486
emergency management agency to review implementation, 88487
administration, and enforcement of the chemical emergency 88488
response planning and reporting programs created by this chapter 88489

and rules adopted under it regarding their effectiveness in 88490
preparing for response to releases of extremely hazardous 88491
substances, hazardous chemicals, and hazardous substances. After 88492
completion of any such review, the director of environmental 88493
protection and the director of public safety shall report their 88494
findings to the commission. Upon receipt of their findings, the 88495
commission may make such recommendations for legislative and 88496
administrative action as the commission finds necessary or 88497
appropriate to promote achievement of the purposes of this 88498
chapter. 88499

(D) Except as provided in section 3750.06 of the Revised 88500
Code, nothing in this chapter applies to the transportation, 88501
including the storage incident to transportation, of any 88502
substance or chemical subject to the requirements of this 88503
chapter, including the transportation and distribution of 88504
natural gas. 88505

(E) This chapter authorizes the state, through the 88506
emergency response commission, the department of public safety, 88507
and the environmental protection agency, to establish and 88508
maintain chemical emergency response planning and preparedness, 88509
community right-to-know, and hazardous substance and extremely 88510
hazardous substance release reporting programs that are 88511
consistent with and equivalent in scope, coverage, and content 88512
to the "Emergency Planning and Community Right-To-Know Act of 88513
1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations 88514
adopted under it, except as otherwise specifically required or 88515
authorized in this chapter. The commission, department, and 88516
agencies may do all things necessary, incidental, or appropriate 88517
to implement, administer, and enforce this chapter and to 88518
perform the duties and exercise the powers of the state 88519
emergency response commission under that act and regulations 88520

adopted under it and under this chapter. 88521

Sec. 3769.088. (A) (1) If any permit holder required by 88522
this chapter to pay the taxes levied by sections 3769.08, 88523
3769.087, 3769.26, and 3769.28 of the Revised Code fails to pay 88524
the taxes as required, the tax commissioner may make an 88525
assessment against the permit holder based upon any information 88526
in the commissioner's possession. 88527

(2) If a permit holder required to remit taxes or file a 88528
report electronically in the manner prescribed under section 88529
3769.103 of the Revised Code fails to do so, the tax 88530
commissioner may impose an additional penalty of fifty dollars 88531
or ten per cent of the tax due as shown on the report, whichever 88532
is greater. 88533

(3) A penalty of up to fifteen per cent may be added to 88534
the amount of every assessment made under this section. 88535

(4) The commissioner may adopt rules providing for the 88536
imposition and remission of penalties added to assessments made 88537
under this section. 88538

(5) The commissioner shall give the party assessed written 88539
notice of the assessment in the manner provided in section 88540
5703.37 of the Revised Code. With the notice, the commissioner 88541
shall provide instructions on how to petition for reassessment 88542
and request a hearing on the petition. 88543

(B) Unless the party assessed files with the tax 88544
commissioner within sixty days after service of the notice of 88545
assessment, ~~either personally or by certified mail,~~ a written 88546
petition for reassessment signed by the party assessed or that 88547
party's authorized agent having knowledge of the facts, the 88548
assessment becomes final and the amount of the assessment is due 88549

and payable from the party assessed to the commissioner. The 88550
petition shall indicate the objections of the party assessed, 88551
but additional objections may be raised in writing if received 88552
by the commissioner prior to the date shown on the final 88553
determination. If the petition has been properly filed, the 88554
commissioner shall proceed under section 5703.60 of the Revised 88555
Code. 88556

(C) After an assessment becomes final, if any portion of 88557
the assessment remains unpaid, including accrued interest, a 88558
certified copy of the tax commissioner's entry making the 88559
assessment final may be filed in the office of the clerk of the 88560
court of common pleas in the county in which the place, track, 88561
or enclosure for which the permit was issued is located or the 88562
county in which the party assessed resides or has its principal 88563
place of business. If the party assessed maintains no place of 88564
business in this state and is not a resident of this state, the 88565
certified copy of the entry may be filed in the office of the 88566
clerk of the court of common pleas of Franklin county. 88567

Immediately upon the filing of the entry, the clerk shall 88568
enter a judgment for the state against the party assessed in the 88569
amount shown on the entry. The judgment may be filed by the 88570
clerk in a loose-leaf book entitled "special judgments for state 88571
horse racing tax," and shall have the same effect as other 88572
judgments. Execution shall issue upon the judgment upon the 88573
request of the tax commissioner, and all laws applicable to 88574
sales on execution shall apply to sales made under the judgment. 88575

If the assessment is not paid in its entirety within sixty 88576
days after the day the assessment was issued, the portion of the 88577
assessment consisting of tax due shall bear interest at the rate 88578
per annum prescribed by section 5703.47 of the Revised Code from 88579

the day the tax commissioner issues the assessment until the day 88580
the assessment is paid or until it is certified to the attorney 88581
general for collection under section 131.02 of the Revised Code, 88582
whichever comes first. If the unpaid portion of the assessment 88583
is certified to the attorney general for collection, the entire 88584
unpaid portion of the assessment shall bear interest at the rate 88585
per annum prescribed by section 5703.47 of the Revised Code from 88586
the date of certification until the date it is paid in its 88587
entirety. Interest shall be paid in the same manner as the tax 88588
and may be collected by the issuance of an assessment under this 88589
section. 88590

(D) All money collected by the tax commissioner under this 88591
section shall be treated as revenue arising from the taxes 88592
imposed by sections 3769.08, 3769.087, 3769.26, and 3769.28 of 88593
the Revised Code. 88594

Sec. 3770.071. (A) As used in this section, "lottery prize 88595
award" does not include a prize award from a video lottery 88596
terminal and does not include winnings from lottery sports 88597
gaming, except that "lottery prize award" includes winnings from 88598
lottery sports gaming wagers placed through a terminal described 88599
in division (B) (3) of section 3770.24 of the Revised Code. 88600

(B) If the amount of the prize money or the cost of goods 88601
or services awarded as a lottery prize award meets or exceeds 88602
the reportable winnings amounts set by 26 U.S.C. 6041, or a 88603
subsequent analogous section of the Internal Revenue Code, the 88604
director of the state lottery commission or the director's 88605
designee shall consult the data match program established under 88606
section 3123.89 of the Revised Code to determine whether the 88607
person is subject to a final and enforceable determination of 88608
default made under sections 3123.01 to 3123.07 of the Revised 88609

Code. If so, the director or the director's designee shall 88610
withhold an amount from the prize award in accordance with 88611
section 3123.89 of the Revised Code. 88612

Sec. 3770.072. (A) As used in this section, "prize 88613
winner," and "transferee," and ~~"transferor"~~ have the same 88614
meanings as in section 3770.10 of the Revised Code. 88615

(B) The state lottery commission shall deduct amounts from 88616
lottery prize awards and file returns in accordance with 88617
~~sections~~ section 5747.062 ~~and 5747.064~~ of the Revised Code and 88618
any rules adopted by the tax commissioner pursuant to ~~those~~ 88619
~~sections~~ that section. This division also applies to lottery 88620
prize award payments the commission remits to transferees. 88621

~~(C) (1) (a)~~ (C) (1) Each transferee shall deduct and withhold 88622
from each gross amount payable to each prize winner four per 88623
cent of the gross amount payable prior to making any other 88624
reduction required by this chapter. 88625

~~(b) Subject to division (C) (1) (c) of this section, each~~ 88626
~~transferee, including any transferee that is a related member,~~ 88627
~~as defined in section 5733.042 of the Revised Code, to the~~ 88628
~~transferor, shall deduct and withhold from each amount payable~~ 88629
~~to a transferor that is not a prize winner four per cent of the~~ 88630
~~portion of the payment representing gain or income the~~ 88631
~~transferor will recognize in connection with the payment.~~ 88632

~~(c) For purposes of division (C) (1) (b) of this section,~~ 88633
~~the portion of any payment representing gain or income~~ 88634
~~recognized by the transferor shall be computed in accordance~~ 88635
~~with the Internal Revenue Code. The transferor shall prepare a~~ 88636
~~written statement setting forth that amount and sign the~~ 88637
~~statement under penalty of perjury. Within five days before the~~ 88638

~~date on which the payment is to be made, the transferor shall~~ 88639
~~deliver the written statement to the transferee and deliver a~~ 88640
~~copy of the written statement to the tax commissioner. If the~~ 88641
~~transferee does not receive the written statement by the time~~ 88642
~~the payment is made, the transferee shall withhold four per cent~~ 88643
~~of the entire amount of the payment. If the tax commissioner~~ 88644
~~notifies the transferee that the transferor has erroneously~~ 88645
~~computed the amount of gain or income recognized, the transferee~~ 88646
~~shall withhold four per cent of the entire amount of each~~ 88647
~~payment to be made after the transferee receives the notice.~~ 88648

~~(d) The tax commissioner may impose a penalty of up to one~~ 88649
~~thousand dollars for any person failing to timely deliver to the~~ 88650
~~tax commissioner the copy of the written statement as required~~ 88651
~~by division (C) (1) (e) of this section. Proceeds from the~~ 88652
~~imposition of the penalty shall be considered as revenue arising~~ 88653
~~from the tax imposed under section 5733.06 or 5747.02 of the~~ 88654
~~Revised Code, as applicable.~~ 88655

(2) With respect to amounts deducted and withheld pursuant 88656
to division (C) (1) of this section, each transferee shall comply 88657
with divisions (A) (2) to (4) of section 5747.062 of the Revised 88658
Code. 88659

(3) An employee of a corporation, limited liability 88660
company, or business trust having control or supervision of or 88661
charged with the responsibility of filing the report and making 88662
the payment required by division (C) of this section and section 88663
5747.062 of the Revised Code, or an officer, member, manager, or 88664
trustee of a corporation, limited liability company, or business 88665
trust who is responsible for the execution of the corporation's, 88666
limited liability company's, or business trust's fiscal 88667
responsibilities, shall be personally liable for failure to file 88668

the report or pay the amount due as required by division (C) of 88669
this section and section 5747.062 of the Revised Code. The 88670
dissolution, termination, or bankruptcy of a corporation, 88671
limited liability company, or business trust does not discharge 88672
a responsible officer's, member's, manager's, employee's, or 88673
trustee's liability for a failure of the corporation, limited 88674
liability company, or business trust to file returns or pay the 88675
amount due. 88676

(4) (a) The tax commissioner may make an assessment against 88677
any person listed in division (C) (1) or (3) of this section for 88678
any deficiency for any period. Section 5747.13 of the Revised 88679
Code shall apply with respect to issuing assessments, filing 88680
petitions for reassessments, conducting hearings, issuing final 88681
determinations, making the assessment final, and filing the 88682
entry that makes the assessment final. Section 5717.02 of the 88683
Revised Code shall apply to appeals of the commissioner's final 88684
decision in connection with assessments issued pursuant to 88685
division (C) (4) of this section. 88686

(b) An assessment issued against any person listed in 88687
division (C) (1) or (3) of this section shall not be considered 88688
an election of remedies or a bar to an assessment against any 88689
other person for the failure to comply with division (C) (1) of 88690
this section. No assessment shall be issued against any person 88691
who is so listed if the amount required to be withheld has been 88692
paid by another. 88693

(c) The assessment shall include interest at the rate per 88694
annum prescribed by section 5703.47 of the Revised Code on 88695
liability from the time the payment is due until the date of 88696
assessment. Interest shall continue to accrue from the date of 88697
assessment until the date the assessment is paid in full. Any 88698

interest accruing subsequent to the date of the issuance of the 88699
assessment shall be considered to be an additional deficiency 88700
for which the tax commissioner may issue subsequent assessments. 88701
The initial assessment and any subsequent assessments may 88702
include a penalty in an amount not to exceed twice the 88703
applicable interest charged under this division. 88704

Sec. 3770.073. (A) As used in this section, "lottery prize 88705
award" does not include a prize award from a video lottery 88706
terminal and does not include winnings from lottery sports 88707
gaming, except that "lottery prize award" includes winnings from 88708
lottery sports gaming wagers placed through a terminal described 88709
in division (B) (3) of section 3770.24 of the Revised Code. 88710

(B) The attorney general shall provide the state lottery 88711
commission or its designee with access to the real time data 88712
match program described in sections 3772.37 and 3775.16 of the 88713
Revised Code for the purpose of identifying prize winners who 88714
owe amounts to the state or a political subdivision. 88715

(C) If a person is entitled to a lottery prize award and 88716
is indebted to the state for the payment of any tax, workers' 88717
compensation premium, unemployment contribution, payment in lieu 88718
of unemployment contribution, or certified claim under section 88719
131.02 or 131.021 of the Revised Code, ~~or~~ is indebted to a 88720
political subdivision that has a certified claim under section 88721
131.02 of the Revised Code, owes lottery sales receipts held in 88722
trust on behalf of the state lottery commission as described in 88723
division (H) (4) of section 3770.05 of the Revised Code, or owes 88724
any charge, penalty, or interest arising from ~~these~~ any of those 88725
debts and if the amount of the prize money or the cost of goods 88726
or services awarded as a lottery prize award meets or exceeds 88727
the reportable winnings amount set by 26 U.S.C. 6041, the 88728

director of the state lottery commission, or the director's 88729
designee, shall do either of the following: 88730

(1) If the prize award will be paid in a lump sum, deduct 88731
from the prize award and pay to the attorney general an amount 88732
in satisfaction of the debt and pay any remainder to that 88733
person. If the amount of the prize award is less than the amount 88734
of the debt, the entire amount of the prize award shall be 88735
deducted and paid in partial satisfaction of the debt. 88736

(2) If the prize award will be paid in annual 88737
installments, on the date the initial installment payment is 88738
due, deduct from that installment and pay to the attorney 88739
general an amount in satisfaction of the debt and, if necessary 88740
to collect the full amount of the debt, do the same for any 88741
subsequent annual installments, at the time the installments 88742
become due and owing to the person, until the debt is fully 88743
satisfied. 88744

~~(B)~~ (D) If a person entitled to a lottery prize award owes 88745
more than one debt, any debt owed to the state shall be 88746
satisfied first, subject to both section 5739.33 and division 88747
(G) of section 5747.07 of the Revised Code having first 88748
priority, and subject to division ~~(C)~~ (E) of this section. 88749

~~(C)~~ (E) Any debt owed under section 3770.071 of the 88750
Revised Code shall be satisfied with first priority over debts 88751
owed under this section. 88752

~~(D)~~ (F) Except as provided in section 131.021 of the 88753
Revised Code, this section applies only to debts that have 88754
become final. 88755

Sec. 3770.074. If the amount of a prize award from a video 88756
lottery terminal meets or exceeds the reportable winnings amount 88757

set by 26 U.S.C. 6041, the video lottery sales agent shall 88758
consult the data match program established under section 3123.89 88759
of the Revised Code to determine whether the person is subject 88760
to a final and enforceable determination of default made under 88761
sections 3123.01 to 3123.07 of the Revised Code. If so, the 88762
video lottery sales agent shall withhold an amount from the 88763
prize award in accordance with section 3123.89 of the Revised 88764
Code. 88765

Sec. 3770.075. (A) The attorney general shall provide each 88766
video lottery sales agent with access to the real time data 88767
match program described in sections 3772.37 and 3775.16 of the 88768
Revised Code for the purpose of identifying prize winners who 88769
owe amounts to the state or a political subdivision. 88770

(B) If a person is entitled to a prize award from a video 88771
lottery terminal that meets or exceeds the reportable winnings 88772
amount set by 26 U.S.C. 6041 and the person is indebted to the 88773
state for the payment of any tax, workers' compensation premium, 88774
unemployment contribution, payment in lieu of unemployment 88775
contribution, or certified claim under section 131.02 or 131.021 88776
of the Revised Code, is indebted to a political subdivision that 88777
has a certified claim under section 131.02 of the Revised Code, 88778
owes lottery sales receipts held in trust on behalf of the state 88779
lottery commission as described in division (H) (4) of section 88780
3770.05 of the Revised Code, or owes any charge, penalty, or 88781
interest arising from any of those debts, the video lottery 88782
sales agent shall deduct from the prize award and pay to the 88783
attorney general an amount in satisfaction of the debt and pay 88784
any remainder to that person. If the amount of the prize award 88785
is less than the amount of the debt, the entire amount of the 88786
prize award shall be deducted and paid in partial satisfaction 88787
of the debt. 88788

(C) If a person entitled to a prize award from a video lottery terminal owes more than one debt, any debt owed to the state shall be satisfied first, subject to both section 5739.33 and division (G) of section 5747.07 of the Revised Code having first priority, and subject to division (D) of this section. 88789
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(D) Any debt owed under section 3770.074 of the Revised Code shall be satisfied with first priority over debts owed under this section. 88794
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88796

(E) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final. 88797
88798

Sec. 3770.10. As used in sections 3770.07 to ~~3770.073~~ 3770.075 and 3770.10 to 3770.14 of the Revised Code: 88799
88800

(A) "Court of competent jurisdiction" means either the general division or the probate division of the court of common pleas of the county in which the prize winner ~~or transferor~~ resides, or, if the prize winner ~~or transferor~~ is not a resident of this state, either the general division or the probate division of the court of common pleas of Franklin county or a federal court having jurisdiction over the lottery prize award. 88801
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(B) "Discounted present value" means the present value of the future payments of a lottery prize award that is determined by discounting those payments to the present, using the most recently published applicable federal rate for determining the present value of an annuity as issued by the United States internal revenue service and assuming daily compounding. 88808
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(C) "Independent professional advice" means the advice of an attorney, a certified public accountant, an actuary, or any other ~~a~~ licensed professional adviser if all of the following apply: 88814
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(1) The prize winner has engaged the services of the 88818
licensed professional adviser to render advice concerning the 88819
legal, financial, and other implications of a transfer of the 88820
lottery prize award. 88821

(2) The licensed professional adviser is not affiliated in 88822
any manner with or compensated in any manner by the transferee 88823
of the lottery prize award. 88824

(3) The compensation of the licensed professional adviser 88825
is not affected by whether or not a transfer of a lottery prize 88826
award occurs. 88827

(D) "Prize winner" means any person that holds the right 88828
to receive all or any part of a lottery prize award as a result 88829
of being any of the following: 88830

(1) A person who is a claimant under division (A) of 88831
section 3770.07 of the Revised Code; 88832

(2) A person who is entitled to a prize award and who is 88833
under a legal disability as described in division (B) of section 88834
3770.07 of the Revised Code; 88835

(3) A person who was awarded a prize award to which 88836
another has claimed title by a federal bankruptcy court order or 88837
other court order referred to in division (D) of section 3770.07 88838
of the Revised Code; 88839

(4) A person who is receiving payments upon the death of a 88840
prize winner as provided in division (D) of section 3770.07 of 88841
the Revised Code. 88842

(E) "Transfer" means any form of sale, assignment, or 88843
redirection of payment of ~~all or any part~~ the remainder of a 88844
lottery prize award for consideration. 88845

(F) "Transfer agreement" means an agreement that is 88846
complete and valid, and that provides for the transfer of ~~all or~~ 88847
~~any part~~ the remainder of a lottery prize award from a 88848
~~transferor prize winner~~ to a transferee. A transfer agreement is 88849
incomplete and invalid unless the agreement contains both of the 88850
following: 88851

(1) A statement, signed by the ~~transferor prize winner~~ 88852
under penalties of perjury, that the ~~transferor prize winner~~ 88853
irrevocably agrees that the ~~transferor prize winner~~ is subject 88854
to the tax imposed by Chapter 5733. or 5747. of the Revised Code 88855
with respect to gain or income which the ~~transferor prize winner~~ 88856
will recognize in connection with the transfer. ~~If the~~ 88857
~~transferor is a pass-through entity, as defined in section~~ 88858
~~5733.04 of the Revised Code, each investor in the pass-through~~ 88859
~~entity shall also sign under penalties of perjury a statement~~ 88860
~~that the investor irrevocably agrees that the investor is~~ 88861
~~subject to the tax imposed by Chapter 5733. or 5747. of the~~ 88862
~~Revised Code with respect to gain or income which the transferor~~ 88863
~~and the investor will recognize in connection with the transfer.~~ 88864

(2) A statement, signed by the transferee, that the 88865
transferee irrevocably agrees that the transferee is subject to 88866
the withholding requirements imposed by division (C) of section 88867
3770.072 of the Revised Code and that the transferee is subject 88868
to the tax imposed by Chapter 5733. or 5747. of the Revised Code 88869
with respect to gain or income which the transferee will 88870
recognize in connection with a lottery prize awards award to be 88871
received as a result of the transfer. If the transferee is a 88872
pass-through entity, as defined in section 5733.04 of the 88873
Revised Code, each investor in the pass-through entity shall 88874
also sign under penalties of perjury a statement setting forth 88875
that the investor irrevocably agrees that the investor is 88876

subject to the withholding requirements imposed by division (C) 88877
of section 3770.072 of the Revised Code and is subject to the 88878
tax imposed by Chapter 5733. or 5747. of the Revised Code with 88879
respect to gain or income which the transferee and the investor 88880
will recognize in connection with a lottery prize ~~awards~~ award 88881
to be received as a result of the transfer. 88882

(G) "Transferee" means a party acquiring or proposing to 88883
acquire ~~all or any part~~ the remainder of a lottery prize award 88884
from a prize winner through a transfer. 88885

(H) ~~"Transferor" means either a prize winner or a~~ 88886
~~transferee in an earlier transfer whose interest is acquired by~~ 88887
~~or is sought to be acquired by a transferee or a new transferee~~ 88888
~~through a transfer.~~ "Licensed professional adviser" means any of 88889
the following: 88890

(1) An attorney; 88891

(2) A certified public accountant; 88892

(3) An actuary; 88893

(4) A financial planner who is accredited by a nationally 88894
recognized accreditation agency. 88895

(I) "Lottery prize award" includes winnings from lottery 88896
sports gaming, except as otherwise specified in the applicable 88897
section of the Revised Code. 88898

(J) "Video lottery terminal" has the same meaning as in 88899
section 3770.21 of the Revised Code. 88900

(K) "Video lottery sales agent" means an agent of the 88901
state lottery authorized to operate video lottery terminals 88902
under section 3770.21 of the Revised Code. 88903

Sec. 3770.12. A court of competent jurisdiction shall 88904
approve a transfer of a lottery prize award only in a final 88905
order that is based on express findings of the court. The court 88906
shall approve the transfer if each of the following conditions 88907
that applies is met and is included in the court's express 88908
findings: 88909

(A) ~~If the transferor is a prize winner, the~~ The 88910
transferee has provided to the prize winner a disclosure 88911
statement that complies with section 3770.11 of the Revised 88912
Code, and the prize winner has confirmed the prize winner's 88913
receipt of the disclosure statement, as evidenced by the prize 88914
winner's notarized signature on a copy of the disclosure 88915
statement. 88916

(B) ~~If the transferor is a~~ The prize winner, the prize 88917
~~winner~~ has received independent professional advice regarding 88918
the legal, financial, and other implications of the transfer, as 88919
evidenced by a statement signed under penalty of perjury by the 88920
prize winner and the licensed professional adviser. 88921

(C) The transferee has given written notice of the 88922
transferee's name, address, and taxpayer identification number 88923
to the state lottery commission and has filed a copy of that 88924
notice with the court in which the application for approval of 88925
the transfer was filed. 88926

(D) The transferee is a trust, limited partnership, 88927
general partnership, corporation, professional association, 88928
limited liability company, or other entity that is qualified to 88929
do business in this state and meets the registration 88930
requirements for that type of entity under Title XVII of the 88931
Revised Code. 88932

(E) The transfer complies with all applicable requirements 88933
of the Revised Code and does not contravene any applicable 88934
statute or court order. 88935

(F) The transfer does not include or cover the amounts of 88936
the lottery prize award that are required to be withheld or 88937
deducted pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 88938
3123.06, 3770.071, or 3770.072 of the Revised Code. 88939

(G) Any amounts described in division (F) of this section 88940
that are required to be withheld or deducted, as of the date of 88941
the court order, will be offset by the commission first against 88942
remaining payments due the ~~transferor~~prize winner and then 88943
against payments due the transferee. 88944

(H) Except as provided in divisions (F) and (G) of this 88945
section, that the ~~transferor's~~prize winner's interest in each 88946
and all of the future payments from a particular lottery prize 88947
award is to be paid to a single transferee, ~~or, if the payments~~ 88948
~~from the lottery prize award are to be directed from the state~~ 88949
~~lottery commission to multiple transferees, the commission has~~ 88950
~~promulgated rules under section 3770.03 of the Revised Code~~ 88951
~~permitting transfers to multiple transferees, and the transfer~~ 88952
~~is consistent with those rules.~~ 88953

~~(I) If the lottery prize award has been transferred within 88954
twelve months immediately preceding the effective date of the 88955
proposed transfer, the state lottery commission has not objected 88956
to the proposed transfer. The court shall presume that the 88957
requirements of this division are met unless the commission 88958
notifies the court in writing before the hearing on the 88959
application for transfer, or through counsel at that hearing, 88960
that a transfer of the same lottery prize award has been made 88961
within that twelve-month period and that the commission objects 88962~~

~~to a subsequent transfer within that twelve-month period. The~~ 88963
~~court shall find that the requirements of this division are not~~ 88964
~~met if the commission provides notice of a prior transfer of the~~ 88965
~~same lottery prize award within that twelve-month period and its~~ 88966
~~objection to the proposed transfer, unless the transferor or~~ 88967
~~transferee shows by clear and convincing evidence that no~~ 88968
~~previous transfer of the same lottery prize award occurred~~ 88969
~~within that twelve-month period. For purposes of this division,~~ 88970
~~any of a series of transfers of a lottery prize award that occur~~ 88971
~~simultaneously as part of a single transaction shall not be~~ 88972
~~considered to be a prior transfer of the lottery prize award~~ 88973
~~within the twelve-month period immediately preceding the~~ 88974
~~effective date of the proposed transfer, provided that the~~ 88975
~~condition set forth in division (C) of this section is met.~~ 88976

If the court determines that all of the conditions in 88977
divisions (A) to ~~(I)~~ (H) of this section that apply are met, the 88978
transfer of the lottery prize award shall be presumed to be fair 88979
and reasonable and in the best interests of the prize winner. 88980

Sec. 3770.121. Any state lottery commission rules allowing 88981
lottery prize awards to be paid in installments also shall allow 88982
a prize winner who is being paid a prize award in that manner to 88983
transfer ~~all or a portion of~~ the remainder of the prize award, 88984
subject to each of the following conditions: 88985

(A) ~~If each transfer is for less than one hundred per cent~~ 88986
~~of the remainder of the prize award, the remainder of the prize~~ 88987
~~award for each transfer must be five hundred thousand dollars or~~ 88988
~~greater at the time of the transfer. If the lottery prize award~~ 88989
~~is a lifetime prize, for each transfer the remainder of the~~ 88990
~~minimum guaranteed prize to which the prize winner is entitled~~ 88991
~~must be five hundred thousand dollars or greater at the time of~~ 88992

~~the transfer.~~ 88993

~~(B)~~ Payments of the prize award transferred shall be 88994
subject to the withholding or deduction of any amounts that are 88995
required to be withheld or deducted under section 3119.80, 88996
3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 5747.062 of the 88997
Revised Code. 88998

~~(C) The maximum number of transfers~~ (B) Only one transfer 88999
is permitted under this section with respect to any single prize 89000
award ~~shall not exceed three~~ unless a greater number of 89001
permitted transfers has been specified by the commission in the 89002
rules. 89003

Sec. 3770.13. (A) A transferee shall file an application 89004
under sections 3770.10 to 3770.14 of the Revised Code for the 89005
approval in advance of a transfer of a lottery prize award in a 89006
court of competent jurisdiction. 89007

(B) The following procedures shall apply to an application 89008
for the approval in advance by a court of a transfer of a 89009
lottery prize award under division (A) of this section: 89010

(1) Upon the filing of the application, the court shall 89011
set a date, time, and place for a hearing on the application and 89012
shall notify the transferee and ~~transferor~~ the prize winner of 89013
the date, time, and place of the hearing. 89014

(2) Not less than thirty days prior to the date set by the 89015
court for the hearing on an application filed pursuant to this 89016
section, the transferee shall file with the court and shall 89017
serve on the state lottery commission, in the manner prescribed 89018
in the Rules of Civil Procedure for the service of process, a 89019
notice of the proposed transfer and the application for its 89020
approval in advance. The notice shall include all of the 89021

following: 89022

(a) A copy of the application; 89023

(b) A copy of the transfer agreement ~~or, if the transferor~~ 89024
~~is not a prize winner, a redacted copy of the transfer agreement~~ 89025
~~that discloses sufficient information to allow the commission~~ 89026
~~and the court to determine the validity of the transfer~~ 89027
~~agreement;~~ 89028

(c) ~~If the transferor is a prize winner, a~~ A copy of the 89029
disclosure statement provided by the transferee pursuant to 89030
section 3770.11 of the Revised Code and signed by the prize 89031
winner pursuant to division (A) of section 3770.12 of the 89032
Revised Code; 89033

(d) A statement, signed under penalty of perjury by the 89034
prize winner and a licensed professional adviser, that the prize 89035
winner has received independent professional advice regarding 89036
the legal, financial, and other implications of the transfer; 89037

(e) The amounts and due dates of the lottery prize award 89038
payments that will be transferred under the transfer agreement; 89039

~~(e)~~ (f) Notification of the date, time, and place of the 89040
hearing on the application; 89041

~~(f)~~ (g) The complete name, address, and taxpayer 89042
identification number of the transferee. 89043

(3) The commission shall not be required to appear in or 89044
be named as a party to a hearing on the application, but may 89045
intervene as of right in the proceeding. 89046

(4) At the conclusion of the hearing on an application 89047
under this section, the court may grant or deny the approval of 89048
the transfer. The court shall enter its order accordingly. If 89049

the court grants the approval of the transfer, it shall include 89050
in its order all of the express findings specified in section 89051
3770.12 of the Revised Code. If the court denies the approval of 89052
the transfer, it shall include in its order the reasons for the 89053
denial. 89054

(5) An order of the court made under division (B) (4) of 89055
this section is a final and appealable order. 89056

Sec. 3770.25. (A) The state lottery commission shall offer 89057
lottery sports gaming only at type C sports gaming hosts' 89058
facilities on self-service or clerk-operated terminals, and only 89059
to individuals who are at least twenty-one years of age and who 89060
are physically present on the premises of the facility. 89061

(B) All of the following apply concerning lottery sports 89062
gaming: 89063

(1) If a type C sports gaming proprietor intends to 89064
install more than two terminals in any type C sports gaming 89065
host's facility, the type C sports gaming proprietor shall 89066
notify the Ohio casino control commission of that fact not later 89067
than seven days before installing the additional terminals. The 89068
commission may disallow the installation of more than two 89069
terminals in the facility, in accordance with the commission's 89070
rules. 89071

(2) The self-service terminal or the clerk, as applicable, 89072
shall verify that the lottery sports gaming participant is at 89073
least twenty-one years of age. 89074

(3) A type C sports gaming proprietor may offer only the 89075
following types of wagers on sporting events, as approved by the 89076
Ohio casino control commission: 89077

(a) Spread wagers; 89078

(b) Over-under wagers;	89079
(c) Moneyline wagers;	89080
(d) Parlay wagers that are based on not more than four component wagers.	89081 89082
(4) A self-service terminal or clerk shall accept wagers only by cash, credit card, debit card, or electronic payment account. As used in this section, "electronic payment account" means an account maintained with a third party for purposes of making electronic payments, such as paypal, google pay, or apple pay, that is intended for general use and not only for sports gaming purposes.	89083 89084 89085 89086 89087 89088 89089
(5) A self-service terminal or clerk shall not accept wagers aggregating more than seven hundred dollars in a calendar week from any one participant.	89090 89091 89092
(6) The rules of the Ohio casino control commission and the state lottery commission concerning lottery sports gaming shall apply identically in all applicable respects to lottery sports gaming offered on a self-service terminal and to lottery sports gaming offered on a clerk-operated terminal.	89093 89094 89095 89096 89097
(C) (1) A participant whose winnings from lottery sports gaming are of an amount that ~~is not subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code~~ does not meet or exceed the reportable winnings amount set <u>by 26 U.S.C. 6041</u> may receive the participant's winnings by any of the following methods:	89098 89099 89100 89101 89102 89103
(a) As a credit to the participant's credit card, debit card, or electronic payment account-;	89104 89105
(b) In cash from any type C sports gaming host;	89106

(c) By any additional method permitted by the state 89107
lottery commission by rule. 89108

(2) A participant whose winnings from lottery sports 89109
gaming are of an amount that ~~is subject to withholding under~~ 89110
~~section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised~~ 89111
~~Code meets or exceeds the reportable winnings amount set by 26~~ 89112
~~U.S.C. 6041~~ may receive the participant's winnings in the ~~same~~ 89113
~~manner as any other determined by the state lottery prize award~~ 89114
~~of an amount that is subject to~~ commission, subject to 89115
withholding by the sports gaming proprietor under these sections 89116
718.031, 3123.90, 3775.16, and 5747.063 of the Revised Code or 89117
subject to withholding by the state lottery commission under 89118
sections 718.031, 3770.071, 3770.073, and 5747.062 of the 89119
Revised Code, as applicable. 89120

Sec. 3772.02. (A) There is hereby created the Ohio casino 89121
control commission described in Section 6(C) (4) of Article XV, 89122
Ohio Constitution. 89123

(B) The commission shall consist of seven members 89124
appointed within one month of September 10, 2010, by the 89125
governor with the advice and consent of the senate. The governor 89126
shall forward all appointments to the senate within twenty-four 89127
hours. 89128

(1) Each commission member is eligible for reappointment 89129
at the discretion of the governor. No commission member shall be 89130
appointed for more than three terms in total. 89131

(2) Each commission member shall be a resident of Ohio. 89132

(3) At least one commission member shall be experienced in 89133
law enforcement and criminal investigation. 89134

(4) At least one commission member shall be a certified 89135

public accountant experienced in accounting and auditing. 89136

(5) At least one commission member shall be an attorney 89137
admitted to the practice of law in Ohio. 89138

(6) At least one commission member shall be a resident of 89139
a county where one of the casino facilities is located. 89140

(7) Not more than four commission members shall be of the 89141
same political party. 89142

(8) No commission member shall have any affiliation with 89143
an Ohio casino operator or facility or with a sports gaming 89144
proprietor, mobile management services provider, or management 89145
services provider licensed under Chapter 3775. of the Revised 89146
Code. 89147

(C) Commission members shall serve four-year terms, except 89148
that when the governor makes initial appointments to the 89149
commission under this chapter, the governor shall appoint three 89150
members to serve four-year terms with not more than two such 89151
members from the same political party, two members to serve 89152
three-year terms with such members not being from the same 89153
political party, and two members to serve two-year terms with 89154
such members not being from the same political party. 89155

(D) Each commission member shall hold office from the date 89156
of appointment until the end of the term for which the member 89157
was appointed. Any member appointed to fill a vacancy occurring 89158
before the expiration of the term for which the member's 89159
predecessor was appointed shall hold office for the remainder of 89160
the unexpired term. Any member shall continue in office after 89161
the expiration date of the member's term until the member's 89162
successor takes office, or until a period of sixty days has 89163
elapsed, whichever occurs first. A vacancy in the commission 89164

membership shall be filled in the same manner as the original 89165
appointment. 89166

(E) The governor shall select one member to serve as 89167
chairperson and the commission members shall select one member 89168
from a different party than the chairperson to serve as vice- 89169
chairperson. The governor may remove and replace the chairperson 89170
at any time. No such member shall serve as chairperson for more 89171
than six successive years. The vice-chairperson shall assume the 89172
duties of the chairperson in the absence of the chairperson. The 89173
chairperson and vice-chairperson shall perform but shall not be 89174
limited to additional duties as are prescribed by commission 89175
rule. 89176

(F) A commission member is not required to devote the 89177
member's full time to membership on the commission. Beginning on 89178
September 29, 2015, each member of the commission shall receive 89179
compensation of fifty thousand dollars per year. Beginning July 89180
1, 2016, each member of the commission shall receive 89181
compensation of forty thousand dollars per year. Beginning July 89182
1, 2017, each member of the commission shall receive 89183
compensation of thirty thousand dollars per year. Each member 89184
shall receive the member's actual and necessary expenses 89185
incurred in the discharge of the member's official duties. 89186

(G) The governor shall not appoint an individual to the 89187
commission, and an individual shall not serve on the commission, 89188
if the individual is ineligible to be appointed or retained 89189
under section 3772.07 of the Revised Code. A member who comes 89190
under indictment or bill of information of an offense that, if 89191
the member were convicted of the offense, would make the member 89192
ineligible to be appointed or retained under that section shall 89193
resign from the commission immediately upon indictment. 89194

(H) At least five commission members shall be present for 89195
the commission to meet. The concurrence of four members is 89196
necessary for the commission to take any action. All members 89197
shall vote on the adoption of rules, and the approval of, and 89198
the suspension or revocation of, the licenses of casino 89199
operators or management companies, unless a member has a written 89200
leave of absence filed with and approved by the chairperson. 89201

(I) A commission member may be removed or suspended from 89202
office in accordance with section 3.04 of the Revised Code. 89203

(J) Each commission member, before entering upon the 89204
discharge of the member's official duties, shall make an oath to 89205
uphold the Ohio Constitution and laws of the state of Ohio and 89206
shall give a bond, payable by the commission, to the treasurer 89207
of state, in the sum of ten thousand dollars with sufficient 89208
sureties to be approved by the treasurer of state, which bond 89209
shall be filed with the secretary of state. 89210

(K) The commission shall hold one regular meeting each 89211
month and shall convene other meetings at the request of the 89212
chairperson or a majority of the members. A member who fails to 89213
attend at least three-fifths of the regular and special meetings 89214
of the commission during any two-year period forfeits membership 89215
on the commission. All meetings of the commission shall be open 89216
meetings under section 121.22 of the Revised Code except as 89217
otherwise allowed by law. 89218

(L) ~~Pursuant to divisions (A) (3) and (9) of section 101.82~~ 89219
~~of the Revised Code, the~~ The commission is exempt from the 89220
requirements of sections 101.82 to 101.87 of the Revised Code. 89221

Sec. 3775.16. (A) Pursuant to section 131.02 of the 89222
Revised Code, the attorney general shall develop and implement a 89223

real time data match program and make it available to each 89224
sports gaming proprietor to identify patrons who owe amounts to 89225
the state or a political subdivision. 89226

(B) (1) ~~Before~~ Subject to division (E) of this section, 89227
before disbursing any sports gaming winnings to a patron in an 89228
amount for which reporting to the internal revenue service of 89229
the amount is required by section 6041 of the Internal Revenue 89230
Code, as amended, a sports gaming proprietor shall consult the 89231
data match program to determine whether the patron owes any 89232
amounts to the state or a political subdivision. If the data 89233
match program indicates that the patron owes any amounts to the 89234
state or a political subdivision, the sports gaming proprietor 89235
shall withhold from the patron's winnings an amount sufficient 89236
to satisfy those amounts, up to the amount of the winnings. 89237

(2) If the data match program described in section 3123.90 89238
of the Revised Code indicates that the patron also is in default 89239
under a support order, the sports gaming proprietor shall 89240
transmit to the department of job and family services an amount 89241
sufficient to satisfy any past due support owed by the patron, 89242
up to the amount of the winnings, before transmitting any 89243
remaining amount to the attorney general under division (C) of 89244
this section. 89245

(C) (1) Not later than fourteen days after withholding an 89246
amount under division (B) of this section, the sports gaming 89247
proprietor shall transmit to the attorney general any amount 89248
withheld and not already disbursed to the department of job and 89249
family services under section 3123.90 of the Revised Code as 89250
payment on the amount owed. 89251

(2) If the patron owes more than one amount to the state 89252
or a political subdivision as identified by the data match 89253

program described in this section, the amount owed to the state 89254
shall be satisfied first, except that any amounts owed under 89255
section 5739.33 and division (G) of section 5747.07 of the 89256
Revised Code shall have first priority. 89257

(D) Except as otherwise provided in section 131.021 of the 89258
Revised Code, this section applies only to amounts owed that 89259
have become final. 89260

(E) A sports gaming proprietor that offers lottery sports 89261
gaming through a terminal described in division (B) (3) of 89262
section 3770.24 of the Revised Code shall not withhold amounts 89263
under this section from winnings from wagers placed through that 89264
terminal. The state lottery commission shall withhold amounts 89265
from those winnings under section 3770.073 of the Revised Code. 89266

(F) The attorney general, in consultation with the 89267
commission, may adopt rules under Chapter 119. of the Revised 89268
Code as necessary to implement this section. 89269

Sec. 3780.02. Authorization and purpose. 89270

(A) Controlled and regulated sales and use of adult use cannabis 89271
shall be permitted under this chapter for the following public 89272
purposes: 89273

(1) Reducing illegal marijuana sales and providing for a safer 89274
and regulated cannabis product; 89275

(2) Limiting the transportation of out-of-state cannabis into 89276
the state; 89277

(3) Providing key funding to ~~support social equity, job 89278~~
~~creation, host communities that have adult use dispensaries, 89279~~
~~cannabis research, and proper oversight and regulation of the 89280~~
~~adult cannabis industry; and 89281~~

~~(4) Improving social equity issues to address the state's
compelling interest to redress past and present effects of
discrimination and economic disadvantage for individuals in the
state~~ fund the needs of the state. 89282
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(B) Adult use cannabis shall only be sold to, or used by, an 89286
adult use consumer pursuant to this chapter unless otherwise 89287
authorized pursuant to the Revised Code. 89288

(C) Nothing in this chapter shall limit any sale, use, 89289
possession, or any other activity authorized by Chapter 3796_ of 89290
the Revised Code. 89291

**Sec. 3780.03. Establishment and authority of division of 89292
cannabis control; adoption of rules. 89293**

(A) There is hereby established a division of cannabis control 89294
within the department of commerce. 89295

(B) To ensure the proper oversight and control of the adult use 89296
cannabis industry, the division of cannabis control shall have 89297
the authority to license, regulate, investigate, and penalize 89298
adult use cannabis operators, adult use testing laboratories, 89299
and individuals required to be licensed under this chapter. 89300

(C) The division of cannabis control shall adopt, and as 89301
advisable and necessary shall amend or repeal, rules on the 89302
following: 89303

(1) Prevention of practices detrimental to the public interest 89304
consistent with this chapter, and also ways to educate the 89305
public about this chapter; 89306

(2) Establishing application, licensure, and renewal standards 89307
and procedures for license applicants or license holders related 89308
to adult use cannabis operators, adult use testing laboratories, 89309

and individuals required to be licensed, including any 89310
additional background check requirements, the disqualifying 89311
offenses under section 3780.01 of the Revised Code that prohibit 89312
licensure, and any exemption criteria from licensing 89313
requirements for institutional or private investors who do not 89314
have significant control or influence over a license applicant 89315
or license holder, and whose ownership in a license is for 89316
investment purposes only; 89317

(3) Establishing reasonable application, licensure, and renewal 89318
fees amounts to ensure license applicants and license holders 89319
under this chapter pay for the actual costs for administration 89320
and licensure for the division of cannabis control; 89321

(4) Establishing standards for provisional licenses for an 89322
individual who is required to be licensed and who has exigent 89323
circumstances. Such standards for provisional licenses must 89324
include submission of a complete application and compliance with 89325
a required background check. A provisional license shall be 89326
valid not longer than three months. A provisional license may be 89327
renewed, at the division of cannabis control's discretion, for 89328
an additional three months. In establishing standards with 89329
regard to instant background checks the division of cannabis 89330
control may use all available resources~~+~~. 89331

(5) Specifying the process and reasons for which a license 89332
holder may be fined, suspended either with or without a prior 89333
hearing, revoked, or not renewed or issued; 89334

(6) The process and requirements for division of cannabis 89335
control approval of any requested change in ownership or 89336
transfer of control of an adult use cannabis operator or adult 89337
use testing laboratory; 89338

- (7) Establishing ~~process~~processes and standards for expanding the size of the cultivation area for a cultivation facility; 89339
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- (8) Establishing standards and procedures for the testing of adult use cannabis by an adult use testing laboratory licensed under this chapter. When establishing standards and procedures for the testing of cannabis, the division of cannabis control shall do all of the following: 89341
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- (a) Specify when testing must be conducted; 89346
- (b) Determine the minimum amount of adult use cannabis that must be tested; 89347
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- (c) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of cannabis products processed ~~for~~ and dispensed; and 89349
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- (d) Specify the manner in which test results are provided. 89352
- (9) The minimum amount of insurance or surety bond that must be maintained by an adult use cannabis operator and adult use testing laboratory; 89353
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- (10) Requiring the division of cannabis control to adopt reasonable standards for any adult use cannabis samples, and advertising as prescribed in section 3780.21 of the Revised Code; 89356
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- (11) Requiring that the records, including financial statements, of an adult use cannabis operator or adult use testing laboratory be maintained in the manner up to two years as prescribed by the division of cannabis control and which shall be made available for inspection upon demand by the division of cannabis control, but shall be subject to section 3780.31 of the Revised Code; 89360
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- (12) Prescribing technical standards and requirements consistent 89367
with industry standards that must be met for security and 89368
surveillance equipment necessary for the provision of security 89369
and surveillance of adult use cannabis operators and adult use 89370
testing laboratories; 89371
- (13) Prescribing requirements for a license holder's provision 89372
of security services for an adult use cannabis operator and 89373
adult use testing laboratories which shall include the license 89374
holder's option to use armed or unarmed services including 89375
through agents of the license holder; 89376
- (14) Prescribing standards according to which license holders 89377
shall keep accounts and standards according to which adult use 89378
cannabis operators and adult use testing laboratories accounts 89379
shall be audited, and establish guidance for assisting the 89380
department of taxation in levying and collecting the adult use 89381
tax levied under section 3780.22 of the Revised Code; 89382
- (15) Determining penalties for violation of division of cannabis 89383
control rules or this chapter, and a process for imposing such 89384
penalties; 89385
- (16) Training requirements for employees and agents of adult use 89386
cannabis operators and adult use laboratories; 89387
- (17) Prescribing standards and procedures to allow for adult use 89388
cannabis delivery to adult use consumers, and online and mobile 89389
ordering procedures, which may only be conducted by an adult use 89390
dispensary or their agent; 89391
- (18) Prescribing cannabis inventory requirements to be 89392
maintained in an electronic database consistent with section 89393
3780.05 of the Revised Code; 89394
- (19) Prescribing standards and procedures for product packaging 89395

and labeling of adult use cannabis products; 89396

~~(20) Prescribing standards and procedures in coordination with~~ 89397
~~the department of development to administer and enforce the~~ 89398
~~cannabis social equity and jobs program as prescribed under~~ 89399
~~3780.19 of the Revised Code;~~ 89400

~~(21)~~ Establishing a tetrahydrocannabinol content limit for adult 89401
use cannabis, which for plant material the content limit shall 89402
be ~~no~~ not less than thirty-five per cent and for extracts the 89403
content limit shall be ~~no~~ not less than ninety per cent, but 89404
that such content limits may be increased or eliminated by the 89405
division of cannabis control; and 89406

~~(22)~~ (21) Prescribing duty to update requirements for license 89407
holders. 89408

(D) All rules adopted under this section and chapter shall be 89409
adopted in accordance with Chapter 119. of the Revised Code. 89410

(E) In addition to the rules described in division (C) of this 89411
section, the division of cannabis control may adopt any other 89412
rules it considers necessary for the administration, 89413
implementation, and enforcement of this chapter consistent with 89414
this chapter. 89415

(F) When adopting rules under this section, the division of 89416
cannabis control shall consider standards and procedures that 89417
have been found to be best practices relative to the use and 89418
regulation of adult use cannabis and shall harmonize any rules 89419
with the rules adopted pursuant to sections 3796.03 and 3796.04 89420
of the Revised Code to minimize duplication of operational 89421
requirements and fees as much as possible. If there is a 89422
conflict with Chapter 3796. of the Revised Code and related 89423
rules, and ~~chapter~~ Chapter 3780. of the Revised Code and related 89424

rules, then ~~chapter~~ Chapter 3780. of the Revised Code and 89425
related rules shall govern. 89426

Sec. 3780.06. Information provided by the department of 89427
taxation. 89428

(A) (1) Notwithstanding section 149.43 of the Revised Code or any 89429
other public records law to the contrary or any law relating to 89430
the confidentiality of tax return information, upon the request 89431
of the division of cannabis control, the department of taxation 89432
shall provide to the division of cannabis control all of the 89433
following information: 89434

(a) Whether an applicant for license or licensee under this 89435
chapter follows the applicable tax laws of this state; 89436

(b) Any past or pending violation by the applicant or licensee 89437
of those tax laws, and any penalty imposed on the applicant or 89438
licensee for such a violation. 89439

(2) The division of cannabis control shall request the 89440
information only as it pertains to an application for license 89441
that the division of cannabis control is reviewing or a licensee 89442
operating under this chapter. 89443

(3) The department of taxation may charge the division of 89444
cannabis control a reasonable fee to cover the administrative 89445
cost of providing the information. 89446

(B) Information received under this section is confidential. 89447
Except as otherwise permitted by other state law or federal law, 89448
the division of cannabis control shall not make the information 89449
available to any person other than the applicant for licensure_ 89450
or the licensee to whom the information applies. 89451

Sec. 3780.10. Adult use cannabis operator and adult use 89452

testing laboratory licenses.

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(A) No person shall operate as an adult use cannabis operator or
adult use testing laboratory without a license issued pursuant
to this chapter.

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(B) The following licenses shall be issued by the division of
cannabis control within nine months of ~~the effective date of~~
~~this section~~ December 7, 2023, if the license applicant is in
compliance with section 3780.11 of the Revised Code and this
chapter, and the license applicant has, or the same owners of
the license applicant ~~have~~, a certificate of operation or
medical provisional license issued as of ~~the effective date of~~
~~this section~~ December 7, 2023:

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(1) A dispensary issued a certificate of operation or medical
provisional license shall be issued an adult use dispensary
license under this chapter for the current location of the
dispensary;

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(2) A level I cultivator issued a certificate of operation or
medical provisional license shall be issued under this chapter
three adult use dispensary licenses at locations designated in a
license application, and one level I adult use cultivator
license for the current location of the level I cultivation
facility;

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(3) A level II cultivator issued a certificate of operation or
medical provisional license shall be issued under this chapter
one adult use dispensary license at a location designated in the
license application, and one level II adult use cultivator
license for the current location of the level II cultivation
facility;

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(4) A dispensary issued a certificate of operation or medical

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provisional license shall be issued under this chapter one adult 89482
use dispensary license at a different location as designated in 89483
the license application if the dispensary does not have any 89484
common ownership or control with any level I adult use 89485
cultivator, level II adult use cultivator, or adult use 89486
processor license applicant or licensee; 89487

(5) A processor issued a certificate of operation or medical 89488
provisional license shall be issued under this chapter one adult 89489
use processor license for the current location of the processor; 89490
and 89491

(6) A testing laboratory issued a certificate of operation shall 89492
be issued under this chapter one adult use testing laboratory 89493
license for the current location of the testing laboratory. 89494

Notwithstanding anything in this section, a license shall not be 89495
issued pursuant to division (B) of this section to a license 89496
applicant holding only a related medical provisional license 89497
unless the medical provisional license holder is issued a 89498
certificate of operation within two years of ~~the effective date~~ 89499
~~of this section~~ December 7, 2023. 89500

(C) The division of cannabis control shall issue up to forty 89501
level III adult use cultivator licenses consistent with this 89502
~~chapter with preference provided to applicants who have been~~ 89503
~~certified as cannabis social equity and jobs program~~ 89504
~~participants under the cannabis social equity and jobs program~~ 89505
~~pursuant to 3780.19 of this chapter.~~ No person may have any 89506
ownership or control in more than one level III adult use 89507
cultivator license under this chapter. No adult use cultivator 89508
or adult use processor may have any ownership or control in a 89509
level III adult use cultivator license. 89510

(D) The division of cannabis control shall issue up to fifty 89511
additional adult use dispensary licenses in conformity with this 89512
~~chapter with preference provided to applicants who have been~~ 89513
~~certified as cannabis social equity and jobs program~~ 89514
~~participants under the cannabis social equity and jobs program.~~ 89515

(E) Following twenty-four months from the first date of issuance 89516
of an adult use operator license, the division of cannabis 89517
control shall review the number of adult use cannabis operator 89518
licenses on a biannual basis and may authorize additional 89519
licenses after considering: 89520

(1) The current and anticipated market growth and consumer 89521
demand, including the number of adult use consumers seeking 89522
adult use cannabis; 89523

(2) The current and projected supply of adult use cannabis 89524
produced by licensed adult use cultivators, level III adult use 89525
cultivators, and adult use processors; and 89526

(3) The geographic distribution of adult use dispensary sites in 89527
an effort to ensure adult use customer access to adult use 89528
cannabis. 89529

(F) (1) The division of cannabis control shall provide a report 89530
and recommendation within ninety days of the conclusion of the 89531
requirements in division (E) of this section to the director for 89532
consideration. 89533

(2) The division of cannabis control may adopt rules as 89534
necessary to implement this division. 89535

(3) The division of cannabis control shall adopt a rule 89536
regarding the number of licenses a license holder may hold for 89537
each type of license consistent with this chapter. As of ~~the~~ 89538
~~effective date of this section~~ December 7, 2023, and 89539

notwithstanding any other provision of this chapter, no person 89540
shall be issued more than eight adult use dispensary licenses, 89541
~~and~~ not more than one adult use cultivator license, and not more 89542
than one adult use processor license at any time, unless 89543
authorized by the division of cannabis control after an analysis 89544
supporting the licensing pursuant to rule. 89545

(G) The division of cannabis control may authorize additional 89546
adult use testing laboratory licenses at any time. 89547

Sec. 3780.22. (A) Terms used in this section have the same 89548
meanings as in section 5739.01 of the Revised Code. As used in 89549
this section, "adult use marijuana" means marijuana that is 89550
cultivated, processed, dispensed, or tested for, or possessed or 89551
used by, an adult use consumer, in accordance with this chapter. 89552

(B) For the purpose of funding the needs of the state and 89553
providing funding for dispensary host communities, an excise tax 89554
is levied on the retail sale of adult use marijuana. The rate of 89555
the tax shall equal ten per cent of the price of adult use 89556
marijuana and is in addition to other taxes levied under 89557
Chapters 5739. and 5741. of the Revised Code. 89558

(C) The tax shall be paid by the consumer to the vendor at 89559
the time of the sale, and the vendor shall report and remit the 89560
tax to the state in the same manner and at the same time the 89561
vendor reports and remits the tax levied under section 5739.02 89562
of the Revised Code. The return required under this division 89563
shall be filed on a form prescribed by the tax commissioner, 89564
which shall be separate from the return required to be filed 89565
under section 5739.12 of the Revised Code. A vendor with no 89566
sales of adult use marijuana for a reporting period is not 89567
required to file this separate return. For all purposes of the 89568
Revised Code, the tax levied under this section shall be 89569

considered a tax levied under section 5739.02 of the Revised 89570
Code. 89571

(D) For the same purpose as the tax levied under division 89572
(B) of this section, a tax is levied on a vendor that sells any 89573
marijuana other than adult use marijuana or medical marijuana to 89574
a consumer. That tax equals ten per cent of the price of such 89575
marijuana, and the consumer and vendor are liable for any 89576
amounts, including tax, interest, and penalties, imposed under 89577
this section and chapter in the same manner as a vendor subject 89578
to the tax imposed under division (B) of this section. 89579

(E) For the purpose of receiving and distributing, and 89580
accounting for, revenue received from the tax levied by this 89581
section, and any civil penalty paid under division (B) (4) of 89582
section 3780.26 of the Revised Code, the adult use tax fund and 89583
host community cannabis fund are created in the state treasury. 89584
All moneys collected from that tax and civil penalty shall be 89585
deposited into the adult use tax fund, which is created in the 89586
state treasury, to be distributed as follows: 89587

(1) The director of budget and management shall transfer 89588
thirty-six per cent of funds from the adult use tax fund to the 89589
host community cannabis fund for the benefit of municipal 89590
corporations or townships that have an adult use dispensary, and 89591
the municipal corporations or townships may use such funds for 89592
any approved purpose. Distributions to municipal corporations or 89593
townships shall be based on the percentage of adult use tax 89594
attributable to each municipal corporation or township. 89595

(2) All other revenue shall be credited to the general 89596
revenue fund. 89597

Sec. 3780.24. Tax administration and enforcement. 89598

The tax commissioner shall administer and enforce ~~sections~~ 89599
section 3780.22 through 3780.23 of this chapter the Revised 89600
Code. In addition to any other powers conferred upon the tax 89601
commissioner by law, the tax commissioner may: 89602

(A) Prescribe all forms that are required to be filed under 89603
~~sections~~ section 3780.22 through 3780.23 of this chapter the 89604
Revised Code; 89605

(B) Adopt rules that are necessary and proper to carry out 89606
section 3780.22 through 3780.23 of this chapter the Revised 89607
Code; and 89608

(C) Appoint professional, technical, and clerical employees as 89609
are necessary to carry out the tax commissioner's duties under 89610
~~sections~~ section 3780.22 through 3780.23 of this chapter the 89611
Revised Code. 89612

Sec. 3780.26. Enforcement authority of the division of 89613
cannabis control. 89614

(A) The division of cannabis control shall enforce, or cause to 89615
be enforced, all sections of this chapter and the rules adopted 89616
thereunder. If the division of cannabis control has information 89617
that any provision of this chapter or that any rule adopted 89618
thereunder has been violated, it may investigate the matter and 89619
take any reasonable action as it considers appropriate. 89620

(B) The division of cannabis control may do any of the following 89621
for any reason specified in rules adopted under section 3780.03 89622
of the Revised Code: 89623

(1) Suspend, suspend without prior hearing upon finding clear 89624
and convincing evidence that continued distribution of adult use 89625
cannabis presents a danger of immediate and serious harm to 89626
others, revoke, restrict, or refuse to renew a license it issued 89627

under this chapter; 89628

(2) Refuse to issue a license unless a license is required in 89629
accordance with this chapter; 89630

(3) Inspect the premises of an adult use cannabis operator or an 89631
adult use testing laboratory without prior notice; or 89632

(4) Impose on a provisional license holder or license holder a 89633
civil penalty in an amount to be determined by the division of 89634
cannabis control through rule to be paid into the ~~division of~~ 89635
~~cannabis control and tax commissioner fund~~adult use tax fund 89636
created under section 3780.22 of the Revised Code. 89637

(C) If the division of cannabis control suspends, revokes, or 89638
refuses to renew any license issued under this chapter or 89639
determines that there is clear and convincing evidence of a 89640
danger of immediate and serious harm to any individual, the 89641
division of cannabis control may place under seal all adult use 89642
cannabis owned by or in the possession, custody, or control of 89643
the affected license holder. Except as provided in this section, 89644
the division of cannabis control shall not dispose of the adult 89645
use cannabis sealed under this section until the license holder 89646
exhausts all of the license holder's appeal rights under Chapter 89647
119. of the Revised Code. The court involved in such an appeal 89648
may order the division of cannabis control, during the pendency 89649
of the appeal, to sell cannabis that is perishable. The division 89650
of cannabis control shall deposit the proceeds of the sale with 89651
the court. 89652

(D) The division of cannabis control's enforcement actions under 89653
this section shall be taken in accordance with Chapter 119. of 89654
the Revised Code. 89655

(E) Nothing in this chapter shall be construed to require the 89656

division of cannabis control to enforce minor violations of this 89657
chapter if the division of cannabis control determines that the 89658
public interest is adequately served by a notice or warning to 89659
the alleged offender. 89660

Sec. 3780.30. Cannabis addiction services; toll-free 89661
telephone numbers. 89662

(A) The division of cannabis control shall enter into an 89663
agreement with the department of mental health and addiction 89664
services under which the department shall provide a program for 89665
cannabis addiction services to be implemented on behalf of the 89666
division of cannabis control, which includes best practices for 89667
education and treatment for individuals with addiction issues 89668
related to cannabis or other controlled substances, including 89669
opioids. 89670

(B) The department of mental health and addiction services shall 89671
establish, operate, and publicize an in-state, toll-free 89672
telephone number Ohio residents may call to obtain basic 89673
information about addiction services available to ~~consumer~~ 89674
consumers, and options for an addicted consumer to obtain help. 89675
The telephone number shall be staffed twenty-four hours per day, 89676
seven days a week in order to respond to inquiries and provide 89677
that information. ~~The costs of establishing, operating, and~~ 89678
~~publicizing the telephone number shall be paid for with money in~~ 89679
~~the substance abuse and addiction fund.~~ 89680

(C) ~~The director of mental health and addiction services shall~~ 89681
~~administer the substance abuse and addiction fund.~~ The director 89682
shall ~~use the money in the fund to~~ support addiction services or 89683
other services that relate to addiction and substance abuse, and 89684
research that relates to addiction and substance abuse. 89685
Treatment and prevention services supported ~~by money in the fund~~ 89686

~~under this section~~ shall be services that are certified by the 89687
department of mental health and addiction services. 89688

~~(D) The director mental health and addiction services shall~~ 89689
~~prepare an annual report describing the use of the fund for~~ 89690
~~these purposes. The director shall submit the report to the~~ 89691
~~director of the department of commerce, the speaker and minority~~ 89692
~~leader of the house of representatives, the president and~~ 89693
~~minority leader of the senate, and the governor.~~ 89694

~~(E)~~ License holders shall provide informational resources for 89695
patrons related to cannabis addiction issues and services. 89696

~~(F)~~ (E) License holders shall provide training for their 89697
employees regarding the cannabis addiction services resources 89698
for patrons related to this section. 89699

Sec. 3780.37. (A) As used in this section, "nonprofit 89700
corporation" has the same meaning as in section 1702.01 of the 89701
Revised Code. 89702

(B) The division of cannabis control shall contract with a 89703
statewide nonprofit corporation for the development and 89704
implementation of cannabis and related drug misuse prevention, 89705
education, and public awareness initiatives driven by data, 89706
evaluation, and research. The contract must include a provision 89707
specifying a percentage of the total funding for the 89708
initiatives, not less than ten per cent, to be raised by the 89709
statewide nonprofit corporation through private contributions. 89710

(C) The initiatives may include all of the following: 89711

(1) Providing evidence-based information on the potential 89712
health effects of cannabis and related drug use among minors; 89713

(2) Disseminating educational resources regarding the 89714

risks associated with cannabis and related drug use during 89715
pregnancy; 89716

(3) Conducting campaigns to inform the public about the 89717
dangers and legal consequences of driving under the influence of 89718
cannabis and related drugs; 89719

(4) Collaborating with employers and industry groups to 89720
develop and distribute evidence-based resources to improve the 89721
health of Ohio's workforce and promote workplace safety and 89722
recovery initiatives focused on cannabis and related drug 89723
misuse. 89724

(D) The division shall oversee and evaluate the 89725
effectiveness of the initiatives undertaken pursuant to this 89726
section and shall ensure that those initiatives align with the 89727
public health and safety objectives of this state. 89728

(E) The division shall annually compile a report detailing 89729
activities, use of funds, and measurable outcomes resulting from 89730
the initiatives undertaken pursuant to this section. The 89731
division shall submit the report to the general assembly in 89732
accordance with section 101.68 of the Revised Code. 89733

Sec. 3781.10. (A) (1) The board of building standards shall 89734
formulate and adopt rules governing the erection, construction, 89735
repair, alteration, and maintenance of all buildings or classes 89736
of buildings specified in section 3781.06 of the Revised Code, 89737
including land area incidental to those buildings, the 89738
construction of industrialized units, the installation of 89739
equipment, and the standards or requirements for materials used 89740
in connection with those buildings. The board shall incorporate 89741
those rules into separate residential and nonresidential 89742
building codes. The standards shall relate to the conservation 89743

of energy and the safety and sanitation of those buildings. 89744

~~(2)~~ (2) (a) The rules governing nonresidential buildings are 89745
the lawful minimum requirements specified for those buildings 89746
and industrialized units, except that no rule other than as 89747
provided in division (C) of section 3781.108 of the Revised Code 89748
that specifies a higher requirement than is imposed by any 89749
section of the Revised Code is enforceable. 89750

(b) The rules governing residential buildings are uniform 89751
requirements ~~for residential buildings~~ in any area with a 89752
building department certified to enforce the state residential 89753
building code in accordance with division (E) of this section, 89754
for both of the following: 89755

(i) The erection and construction of new residential 89756
buildings; 89757

(ii) The repair and alteration of existing residential 89758
buildings. 89759

(c) In no case shall any local code or regulation differ 89760
from the state residential building code for either the erection 89761
and construction of new residential buildings or for the repair 89762
and alteration of existing residential buildings unless that 89763
code or regulation addresses subject matter not addressed by the 89764
state residential building code or is adopted pursuant to 89765
section 3781.01 of the Revised Code. 89766

(3) The rules adopted pursuant to this section are 89767
complete, lawful alternatives to any requirements specified for 89768
buildings or industrialized units in any section of the Revised 89769
Code. Except as otherwise provided in division (I) of this 89770
section, the board shall, on its own motion or on application 89771
made under sections 3781.12 and 3781.13 of the Revised Code, 89772

formulate, propose, adopt, modify, amend, or repeal the rules to 89773
the extent necessary or desirable to effectuate the purposes of 89774
sections 3781.06 to 3781.18 of the Revised Code. 89775

(B) The board shall report to the general assembly 89776
proposals for amendments to existing statutes relating to the 89777
purposes declared in section 3781.06 of the Revised Code that 89778
public health and safety and the development of the arts require 89779
and shall recommend any additional legislation to assist in 89780
carrying out fully, in statutory form, the purposes declared in 89781
that section. The board shall prepare and submit to the general 89782
assembly a summary report of the number, nature, and disposition 89783
of the petitions filed under sections 3781.13 and 3781.14 of the 89784
Revised Code. 89785

(C) On its own motion or on application made under 89786
sections 3781.12 and 3781.13 of the Revised Code, and after 89787
thorough testing and evaluation, the board shall determine by 89788
rule that any particular fixture, device, material, process of 89789
manufacture, manufactured unit or component, method of 89790
manufacture, system, or method of construction complies with 89791
performance standards adopted pursuant to section 3781.11 of the 89792
Revised Code. The board shall make its determination with regard 89793
to adaptability for safe and sanitary erection, use, or 89794
construction, to that described in any section of the Revised 89795
Code, wherever the use of a fixture, device, material, method of 89796
manufacture, system, or method of construction described in that 89797
section of the Revised Code is permitted by law. The board shall 89798
amend or annul any rule or issue an authorization for the use of 89799
a new material or manufactured unit on any like application. No 89800
department, officer, board, or commission of the state other 89801
than the board of building standards or the board of building 89802
appeals shall permit the use of any fixture, device, material, 89803

method of manufacture, newly designed product, system, or method 89804
of construction at variance with what is described in any rule 89805
the board of building standards adopts or issues or that is 89806
authorized by any section of the Revised Code. Nothing in this 89807
section shall be construed as requiring approval, by rule, of 89808
plans for an industrialized unit that conforms with the rules 89809
the board of building standards adopts pursuant to section 89810
3781.11 of the Revised Code. 89811

(D) The board shall recommend rules, codes, and standards 89812
to help carry out the purposes of section 3781.06 of the Revised 89813
Code and to help secure uniformity of state administrative 89814
rulings and local legislation and administrative action to the 89815
bureau of workers' compensation, the director of commerce, any 89816
other department, officer, board, or commission of the state, 89817
and to legislative authorities and building departments of 89818
counties, townships, and municipal corporations, and shall 89819
recommend that they audit those recommended rules, codes, and 89820
standards by any appropriate action that they are allowed 89821
pursuant to law or the constitution. 89822

(E) (1) The board shall certify municipal, township, and 89823
county building departments, the personnel of those building 89824
departments, persons described in division (E) (7) of this 89825
section, and employees of individuals, firms, the state, or 89826
corporations described in division (E) (7) of this section to 89827
exercise enforcement authority, to accept and approve plans and 89828
specifications, and to make inspections, pursuant to sections 89829
3781.03, 3791.04, and 4104.43 of the Revised Code. 89830

(2) The board shall certify departments, personnel, and 89831
persons to enforce the state residential building code for the 89832
erection and construction of new residential buildings, to 89833

enforce the nonresidential building code, or to enforce both the 89834
residential and the nonresidential building codes. A department 89835
certified to enforce the state residential building code for the 89836
erection and construction of new residential buildings may also 89837
enforce the state residential building code for the repair and 89838
alteration of existing residential buildings upon obtaining the 89839
appropriate certification from the board, in accordance with 89840
this section, for the department and its personnel. 89841
department, personnel, or person may enforce only the type of 89842
building code for which certified. 89843

(3) The board shall not require a building department, its 89844
personnel, or any persons that it employs to be certified for 89845
residential building code enforcement if that building 89846
department does not enforce the state residential building code. 89847
The board shall specify, in rules adopted pursuant to Chapter 89848
119. of the Revised Code, the requirements for certification for 89849
residential and nonresidential building code enforcement, which 89850
shall be consistent with this division. The requirements for 89851
residential and nonresidential certification may differ. Except 89852
as otherwise provided in this division, the requirements shall 89853
include, but are not limited to, the satisfactory completion of 89854
an initial examination and, to remain certified, the completion 89855
of a specified number of hours of continuing building code 89856
education within each three-year period following the date of 89857
certification which shall be not less than thirty hours. The 89858
rules shall provide that continuing education credits and 89859
certification issued by the council of American building 89860
officials, national model code organizations, and agencies or 89861
entities the board recognizes are acceptable for purposes of 89862
this division. The rules shall specify requirements that are 89863
consistent with the provisions of section 5903.12 of the Revised 89864

Code relating to active duty military service and are 89865
compatible, to the extent possible, with requirements the 89866
council of American building officials and national model code 89867
organizations establish. 89868

(4) The board shall establish and collect a certification 89869
and renewal fee for building department personnel, and persons 89870
and employees of persons, firms, or corporations as described in 89871
this section, who are certified pursuant to this division. 89872

(5) Any individual certified pursuant to this division 89873
shall complete the number of hours of continuing building code 89874
education that the board requires or, for failure to do so, 89875
forfeit certification. 89876

(6) This division does not require or authorize the board 89877
to certify personnel of municipal, township, and county building 89878
departments, and persons and employees of persons, firms, or 89879
corporations as described in this section, whose 89880
responsibilities do not include the exercise of enforcement 89881
authority, the approval of plans and specifications, or making 89882
inspections under the state residential and nonresidential 89883
building codes. 89884

(7) Enforcement authority for approval of plans and 89885
specifications and enforcement authority for inspections may be 89886
exercised, and plans and specifications may be approved and 89887
inspections may be made on behalf of a municipal corporation, 89888
township, or county, by any of the following who the board of 89889
building standards certifies: 89890

(a) Officers or employees of the municipal corporation, 89891
township, or county; 89892

(b) Persons, or employees of persons, firms, or 89893

corporations, pursuant to a contract to furnish architectural, 89894
engineering, or other services to the municipal corporation, 89895
township, or county; 89896

(c) Officers or employees of, and persons under contract 89897
with, a municipal corporation, township, county, health 89898
district, or other political subdivision, pursuant to a contract 89899
to furnish architectural, engineering, or other services; 89900

(d) Officers or employees of the division of industrial 89901
compliance in the department of commerce pursuant to a contract 89902
authorized by division (B) of section 121.083 of the Revised 89903
Code. 89904

(8) Municipal, township, and county building departments 89905
have jurisdiction within the meaning of sections 3781.03, 89906
3791.04, and 4104.43 of the Revised Code, only with respect to 89907
the types of buildings and subject matters for which they are 89908
certified under this section. 89909

(9) A certified municipal, township, or county building 89910
department may exercise enforcement authority, accept and 89911
approve plans and specifications, and make inspections pursuant 89912
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 89913
for a park district created pursuant to Chapter 1545. of the 89914
Revised Code upon the approval, by resolution, of the board of 89915
park commissioners of the park district requesting the 89916
department to exercise that authority and conduct those 89917
activities, as applicable. 89918

(10) Certification shall be granted upon application by 89919
the municipal corporation, the board of township trustees, or 89920
the board of county commissioners and approval of that 89921
application by the board of building standards. The application 89922

shall set forth: 89923

(a) Whether the certification is requested for residential 89924
or nonresidential buildings, or both; 89925

(b) If the certification is requested for residential 89926
buildings, whether the requested certification is for only the 89927
erection and construction of new residential buildings or also 89928
the repair and alteration of existing residential buildings; 89929

(c) The number and qualifications of the staff composing 89930
the building department; 89931

~~(e)~~(d) The names, addresses, and qualifications of 89932
persons, firms, or corporations contracting to furnish work or 89933
services pursuant to division (E) (7) (b) of this section; 89934

~~(d)~~(e) The names of any other municipal corporation, 89935
township, county, health district, or political subdivision 89936
under contract to furnish work or services pursuant to division 89937
(E) (7) of this section; 89938

~~(e)~~(f) The proposed budget for the operation of the 89939
building department; 89940

(g) Whether the building department intends to accept 89941
plans examination and inspection reports from a third-party 89942
examiner or inspector in accordance with rules adopted by the 89943
board of building standards pursuant to division (E) (15) of this 89944
section. 89945

(11) The board of building standards shall adopt rules 89946
governing all of the following: 89947

(a) The certification of building department personnel and 89948
persons and employees of persons, firms, or corporations 89949
exercising authority pursuant to division (E) (7) of this 89950

section. The rules shall disqualify any employee of the 89951
department or person who contracts for services with the 89952
department from performing services for the department when that 89953
employee or person would have to pass upon, inspect, or 89954
otherwise exercise authority over any labor, material, or 89955
equipment the employee or person furnishes for the construction, 89956
alteration, or maintenance of a building or the preparation of 89957
working drawings or specifications for work within the 89958
jurisdictional area of the department. The department shall 89959
provide other similarly qualified personnel to enforce the 89960
residential and nonresidential building codes as they pertain to 89961
that work. 89962

(b) The minimum services to be provided by a certified 89963
building department. 89964

(12) The board of building standards may revoke or suspend 89965
certification to enforce the residential and nonresidential 89966
building codes, on petition to the board by any person affected 89967
by that enforcement or approval of plans, or by the board on its 89968
own motion. Hearings shall be held and appeals permitted on any 89969
proceedings for certification or revocation or suspension of 89970
certification in the same manner as provided in section 3781.101 89971
of the Revised Code for other proceedings of the board of 89972
building standards. 89973

(13) Upon certification, and until that authority is 89974
revoked, any county or township building department shall 89975
enforce the residential and nonresidential building codes for 89976
which it is certified without regard to limitation upon the 89977
authority of boards of county commissioners under Chapter 307. 89978
of the Revised Code or boards of township trustees under Chapter 89979
505. of the Revised Code. 89980

(14) The board shall certify a person to exercise enforcement authority, to accept and approve plans and specifications, or to make inspections in this state in accordance with Chapter 4796. of the Revised Code if either of the following applies:

(a) The person holds a license or certificate in another state.

(b) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter in the same profession, occupation, or occupational activity as the profession, occupation, or occupational activity for which the certificate is required in this state in a state that does not issue that license or certificate.

(15) (a) In addition to the personnel and persons certified by the board of building standards pursuant to this section to enforce the state residential building code and nonresidential building code, the board may adopt rules authorizing certified municipal, township, and county building departments to accept plans examination and inspection reports from a third-party examiner or inspector.

(b) The rules may require the third-party examiner or inspector be certified pursuant to sections 3781.10 and 3783.03 of the Revised Code and authorized to conduct such plans examination or inspection elsewhere in this state or to demonstrate equivalent competency as specified and determined by the board of building standards.

(c) Fees charged by a third-party examiner or inspector are in addition to any fees prescribed by the political

subdivision pursuant to section 3781.102 of the Revised Code and 90010
are the responsibility of the building owner. 90011

(d) The issuance of certificates of plan approval under 90012
section 3791.04 of the Revised Code and certificates of 90013
occupancy or completion remains the exclusive authority of the 90014
certified personnel employed by or under contract with a 90015
certified municipal, township, and county building department 90016
and shall not be issued by a third-party examiner or inspector. 90017

(F) In addition to hearings sections 3781.06 to 3781.18 90018
and 3791.04 of the Revised Code require, the board of building 90019
standards shall make investigations and tests, and require from 90020
other state departments, officers, boards, and commissions 90021
information the board considers necessary or desirable to assist 90022
it in the discharge of any duty or the exercise of any power 90023
mentioned in this section or in sections 3781.06 to 3781.18, 90024
3791.04, and 4104.43 of the Revised Code. 90025

(G) The board shall adopt rules and establish reasonable 90026
fees for the review of all applications submitted where the 90027
applicant applies for authority to use a new material, assembly, 90028
or product of a manufacturing process. The fee shall bear some 90029
reasonable relationship to the cost of the review or testing of 90030
the materials, assembly, or products and for the notification of 90031
approval or disapproval as provided in section 3781.12 of the 90032
Revised Code. 90033

(H) The residential construction advisory committee shall 90034
provide the board with a proposal for a state residential 90035
building code that the committee recommends pursuant to division 90036
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 90037
recommendation from the committee that is acceptable to the 90038
board, the board shall adopt rules establishing that code as the 90039

state residential building code. 90040

(I) (1) The committee may provide the board with proposed 90041
rules to update or amend the state residential building code 90042
that the committee recommends pursuant to division (E) of 90043
section 4740.14 of the Revised Code. 90044

(2) If the board receives a proposed rule to update or 90045
amend the state residential building code as provided in 90046
division (I) (1) of this section, the board either may accept or 90047
reject the proposed rule for incorporation into the residential 90048
building code. If the board does not act to either accept or 90049
reject the proposed rule within ninety days after receiving the 90050
proposed rule from the committee as described in division (I) (1) 90051
of this section, the proposed rule shall become part of the 90052
residential building code. 90053

(J) The board shall cooperate with the director of 90054
children and youth when the director promulgates rules pursuant 90055
to section 5104.05 of the Revised Code regarding safety and 90056
sanitation in type A family child care homes. 90057

(K) The board shall adopt rules to implement the 90058
requirements of section 3781.108 of the Revised Code. 90059

Sec. 3781.102. (A) Any county or municipal building 90060
department certified pursuant to division (E) of section 3781.10 90061
of the Revised Code as of September 14, 1970, and that, as of 90062
that date, was inspecting single-family, two-family, and three- 90063
family residences, and any township building department 90064
certified pursuant to division (E) of section 3781.10 of the 90065
Revised Code, is hereby declared to be certified to inspect 90066
single-family, two-family, and three-family residences 90067
containing industrialized units, and shall inspect the buildings 90068

or classes of buildings subject to division (E) of section 90069
3781.10 of the Revised Code. 90070

(B) Each board of county commissioners may adopt, by 90071
resolution, rules establishing standards and providing for the 90072
licensing of electrical and heating, ventilating, and air 90073
conditioning contractors who are not required to hold a valid 90074
and unexpired license pursuant to Chapter 4740. of the Revised 90075
Code. 90076

Rules adopted by a board of county commissioners pursuant 90077
to this division may be enforced within the unincorporated areas 90078
of the county and within any municipal corporation where the 90079
legislative authority of the municipal corporation has 90080
contracted with the board for the enforcement of the county 90081
rules within the municipal corporation pursuant to section 90082
307.15 of the Revised Code. The rules shall not conflict with 90083
rules adopted by the board of building standards pursuant to 90084
section 3781.10 of the Revised Code or by the department of 90085
commerce pursuant to Chapter 3703. of the Revised Code. This 90086
division does not impair or restrict the power of municipal 90087
corporations under Section 3 of Article XVIII, Ohio 90088
Constitution, to adopt rules concerning the erection, 90089
construction, repair, alteration, and maintenance of buildings 90090
and structures or of establishing standards and providing for 90091
the licensing of specialty contractors pursuant to section 90092
715.27 of the Revised Code. 90093

A board of county commissioners, pursuant to this 90094
division, may require all electrical contractors and heating, 90095
ventilating, and air conditioning contractors, other than those 90096
who hold a valid and unexpired license issued pursuant to 90097
Chapter 4740. of the Revised Code, to successfully complete an 90098

examination, test, or demonstration of technical skills, and may 90099
impose a fee and additional requirements for a license to engage 90100
in their respective occupations within the jurisdiction of the 90101
board's rules under this division. 90102

(C) No board of county commissioners shall require any 90103
specialty contractor who holds a valid and unexpired license 90104
issued pursuant to Chapter 4740. of the Revised Code to 90105
successfully complete an examination, test, or demonstration of 90106
technical skills in order to engage in the type of contracting 90107
for which the license is held, within the unincorporated areas 90108
of the county and within any municipal corporation whose 90109
legislative authority has contracted with the board for the 90110
enforcement of county regulations within the municipal 90111
corporation, pursuant to section 307.15 of the Revised Code. 90112

(D) A board may impose a fee for registration of a 90113
specialty contractor who holds a valid and unexpired license 90114
issued pursuant to Chapter 4740. of the Revised Code before that 90115
specialty contractor may engage in the type of contracting for 90116
which the license is held within the unincorporated areas of the 90117
county and within any municipal corporation whose legislative 90118
authority has contracted with the board for the enforcement of 90119
county regulations within the municipal corporation, pursuant to 90120
section 307.15 of the Revised Code, provided that the fee is the 90121
same for all specialty contractors who wish to engage in that 90122
type of contracting. If a board imposes such a fee, the board 90123
immediately shall permit a specialty contractor who presents 90124
proof of holding a valid and unexpired license and pays the 90125
required fee to engage in the type of contracting for which the 90126
license is held within the unincorporated areas of the county 90127
and within any municipal corporation whose legislative authority 90128
has contracted with the board for the enforcement of county 90129

regulations within the municipal corporation, pursuant to 90130
section 307.15 of the Revised Code. 90131

(E) The political subdivision associated with each 90132
municipal, township, and county building department the board of 90133
building standards certifies pursuant to division (E) of section 90134
3781.10 of the Revised Code may prescribe fees to be paid by 90135
persons, political subdivisions, or any department, agency, 90136
board, commission, or institution of the state, for the 90137
acceptance and approval of plans and specifications, and for the 90138
making of inspections, pursuant to sections 3781.03 and 3791.04 90139
of the Revised Code. 90140

(F) Each political subdivision that prescribes fees 90141
pursuant to division (E) of this section shall collect, on 90142
behalf of the board of building standards, fees equal to the 90143
following: 90144

(1) Three per cent of the fees the political subdivision 90145
collects in connection with nonresidential buildings; 90146

(2) One per cent of the fees the political subdivision 90147
collects in connection with the erection of and construction of 90148
new residential buildings and, if the political subdivision 90149
elects under division (E) of section 3781.10 of the Revised Code 90150
to enforce the state residential building code for the repair 90151
and alteration of existing residential buildings, one per cent 90152
of the fees the political subdivision collects in connection 90153
with the repair and alteration of existing residential 90154
buildings. 90155

(G) (1) The board shall adopt rules, in accordance with 90156
Chapter 119. of the Revised Code, specifying the manner in which 90157
the fee assessed pursuant to division (F) of this section shall 90158

be collected and remitted monthly to the board. The board shall 90159
pay the fees into the state treasury to the credit of the 90160
industrial compliance operating fund created in section 121.084 90161
of the Revised Code. 90162

(2) All money credited to the industrial compliance 90163
operating fund under this division shall be used exclusively for 90164
the following: 90165

(a) Operating costs of the board; 90166

(b) Providing services, including educational programs, 90167
for the building departments that are certified by the board 90168
pursuant to division (E) of section 3781.10 of the Revised Code; 90169

(c) Paying the expenses of the residential construction 90170
advisory committee, including the expenses of committee members 90171
as provided in section 4740.14 of the Revised Code. 90172

(H) A board of county commissioners that adopts rules 90173
providing for the licensing of electrical and heating, 90174
ventilating, and air conditioning contractors, pursuant to 90175
division (B) of this section, may accept, for purposes of 90176
satisfying the requirements of rules adopted under that 90177
division, a valid and unexpired license issued pursuant to 90178
Chapter 4740. of the Revised Code that is held by an electrical 90179
or heating, ventilating, and air conditioning contractor, for 90180
the construction, replacement, maintenance, or repair of one- 90181
family, two-family, or three-family dwelling houses or accessory 90182
structures incidental to those dwelling houses. 90183

(I) A board of county commissioners shall not register a 90184
specialty contractor who is required to hold a license under 90185
Chapter 4740. of the Revised Code but does not hold a valid 90186
license issued under that chapter. 90187

(J) If a board of county commissioners regulates a 90188
profession, occupation, or occupational activity under this 90189
section, the board shall comply with Chapter 4796. of the 90190
Revised Code. 90191

(K) As used in this section, "specialty contractor" means 90192
a heating, ventilating, and air conditioning contractor, 90193
refrigeration contractor, electrical contractor, plumbing 90194
contractor, or hydronics contractor, as those contractors are 90195
described in Chapter 4740. of the Revised Code. 90196

Sec. 3781.1011. (A) As used in this section: 90197

(1) "Alarm system" means a device or system that transmits 90198
a signal intended to summon law enforcement to a county, 90199
township, or municipal corporation in response to an alleged 90200
violation of an offense under Chapter 2911. of the Revised Code 90201
occurring in a nonresidential zone of the applicable county, 90202
township, or municipal corporation. The term includes an alarm 90203
that emits an audible signal on the exterior of a structure. The 90204
term does not include an alarm installed on a vehicle or an 90205
alarm designed to alert only the inhabitants within the 90206
premises. The term includes an alarm system for which a permit 90207
may be issued under any applicable section of the Revised Code 90208
or Ohio Constitution. 90209

(2) "Battery-charged fence" means a ~~fence connected to~~ 90210
system, including integrated components or equipment, that 90211
satisfies all of the following: 90212

(a) Functions with a battery-operated energizer that is 90213
intended to periodically to deliver voltage impulses to the 90214
fence, system with an impulse repetition rate that does not 90215
exceed one hertz and an impulse duration that does not exceed 90216

<u>ten milliseconds;</u>	90217
<u>(b) Exclusively uses a battery charging device used</u>	90218
<u>exclusively to charge the battery, and any other ancillary</u>	90219
<u>components or equipment attached to such a system;</u>	90220
<u>(c) Interfaces with a monitored alarm system;</u>	90221
<u>(d) Has a battery-operated energizer that is powered by a</u>	90222
<u>commercial storage battery that is not more than twelve volts of</u>	90223
<u>direct current;</u>	90224
<u>(e) Is four to twelve inches behind a non-battery-charged</u>	90225
<u>perimeter fence, wall, or structure that is not less than five</u>	90226
<u>feet in height;</u>	90227
<u>(f) Is ten feet in height, or two feet higher than the</u>	90228
<u>height of the non-battery-charged perimeter fence, wall, or</u>	90229
<u>structure, whichever is higher;</u>	90230
<u>(g) Is marked with conspicuous warning signs that are</u>	90231
<u>located on the battery-charged fence at not more than thirty-</u>	90232
<u>foot intervals and that read: "WARNING-SHOCK HAZARD" or a</u>	90233
<u>similar warning message.</u>	90234
(3) "Permit" means a certificate, license, permit, or	90235
other form of permission that authorizes a person to engage in	90236
an action.	90237
(B) <u>A-Subject to division (D) of this section, a person</u>	90238
<u>may install, operate, and use a battery-charged fence installed-</u>	90239
<u>on private, nonresidential property within a county, township,</u>	90240
<u>or municipal corporation shall satisfy all of the following:</u>	90241
<u>(1) Interface with a monitored alarm system;</u>	90242
<u>(2) Have a battery-operated energizer that is powered by a</u>	90243

~~commercial storage battery that is not more than twelve volts of~~ 90244
~~direct current, and that meets the standards set forth by the~~ 90245
~~international electrotechnical commission 60335-02-76 current~~ 90246
~~edition;~~ 90247

~~(3) Be completely surrounded by a nonelectric perimeter~~ 90248
~~fence or wall that is not less than five feet in height;~~ 90249

~~(4) Be not more than the higher of ten feet in height, or~~ 90250
~~two feet higher than the height of the nonelectric perimeter~~ 90251
~~fence or wall; and~~ 90252

~~(5) Be marked with conspicuous warning signs that are~~ 90253
~~located on the battery-charged fence at not more than forty-foot~~ 90254
~~intervals and that read: "WARNING--ELECTRIC FENCE."~~ 90255

(C) Division (B) of this section does not apply to any of 90256
the following fences, regardless of whether such fences are 90257
battery-charged fences under division (A) (2) of this section: 90258

(1) Fences that are required to be constructed by persons 90259
or corporations owning, controlling, or managing a railroad 90260
pursuant to Chapter 4959. of the Revised Code; 90261

(2) Partition fences constructed in accordance with 90262
Chapter 971. of the Revised Code; 90263

(3) Fences constructed or installed by the state or a 90264
political subdivision, or by the federal government; 90265

(4) Fences installed at a facility that is an accredited 90266
member of the association of zoos and aquariums or the 90267
zoological association of America and that is licensed by the 90268
United States department of agriculture under the federal animal 90269
welfare act; 90270

(5) Fences installed at a wildlife sanctuary; 90271

(6) Fences constructed and used for agricultural purposes, 90272
as agriculture is defined in either section 303.01 or 519.01 of 90273
the Revised Code. 90274

(D) ~~Notwithstanding any other section of the Revised Code,~~ 90275
~~a~~A county, township, or municipal corporation may adopt and 90276
enforce an ordinance, order, resolution, or regulation that does 90277
any of the following: 90278

(1) Imposes installation ~~or~~, operational, or use 90279
requirements for battery-charged fences in nonresidential 90280
properties that ~~are do not in conflict with the requirements and~~ 90281
~~standards set forth in~~ expressly, implicitly, or functionally 90282
prohibit the installation, operation, or use of such fences, as 90283
authorized under division (B) of this section; 90284

(2) Requires a permit or fee for the installation, 90285
operation, or use of a battery-charged fence to which this 90286
section applies in accordance with a permit or fee for an alarm 90287
system issued or charged by the county, township, or municipal 90288
corporation; 90289

(3) ~~Prohibits~~ Completely prohibits or imposes generally 90290
applicable requirements on the installation, operation, or use 90291
of a ~~battery-charged fence non-battery-charged perimeter fence,~~ 90292
wall, or structure or any system that does not constitute a 90293
battery-charged fence under division (A) (2) of this section in a 90294
nonresidential zone ~~that does not meet the requirements and~~ 90295
~~standards set forth in division (B) of this section.~~ 90296

Sec. 3901.047. (A) Regarding individuals with end-stage 90297
renal disease in this state, the superintendent of insurance 90298
shall do all of the following: 90299

(1) Evaluate medicare application requirements and review 90300

state policies and procedures related to patients who are sixty- 90301
five years of age or younger that have end-stage renal disease; 90302

(2) Review and identify whether there exist medicare 90303
eligibility gaps for individuals with end-stage renal disease; 90304

(3) Take steps to address any eligibility gaps identified 90305
under division (A) (2) of this section to improve patient access 90306
to medicare benefits; 90307

(4) Develop a process to assist patients with end-stage 90308
renal disease apply for medicare benefits. 90309

(B) Not later than September 1, 2026, the department of 90310
insurance shall prepare and submit a report to the general 90311
assembly in accordance with section 101.68 of the Revised Code. 90312
The report shall detail the review conducted in accordance with 90313
division (A) of this section, including the feasibility of 90314
developing a process to assist patients with end-stage renal 90315
disease apply for medicare benefits. If the superintendent 90316
determines assisting patients to apply for medicare benefits is 90317
not feasible, the report shall include the results of the 90318
superintendent's finding and the steps the superintendent took 90319
to reach its conclusion. 90320

Sec. 3901.3815. (A) As used in this section: 90321

(1) "Health plan issuer" has the same meaning as in 90322
section 3922.01 of the Revised Code, except that the term also 90323
includes any vendor contracted by a health plan issuer, as 90324
defined in that section. 90325

(2) "Health care provider" has the same meaning as in 90326
section 3701.74 of the Revised Code. 90327

(3) "Credit card" means a single-use or virtual payment 90328

card provided in an electronic, digital, facsimile, physical, or 90329
paper format. 90330

(4) "Business day" has the same meaning as in section 90331
3901.81 of the Revised Code. 90332

(B) A health plan issuer shall offer all reasonably 90333
available methods of payment to a health care provider, which 90334
shall include payment by check and electronic funds transfer. A 90335
health plan issuer shall not charge a health care provider a fee 90336
for delivering payment by check or electronic funds transfer, 90337
either directly or indirectly through an agent, affiliate, or 90338
third party contracted by the health plan issuer in connection 90339
with the method of payment. 90340

(C) A health plan issuer that offers payment by credit 90341
card shall provide a process by which a health care provider may 90342
opt out of that method of payment and select another method of 90343
payment. 90344

(D) If a health plan issuer or an agent, affiliate, or 90345
third party contracted by a health plan issuer in connection 90346
with one of the available payment methods, other than payment by 90347
check or electronic funds transfer, charges a fee, the health 90348
plan issuer shall, prior to initiating the first payment to a 90349
health care provider or upon changing the payment methods 90350
available to a health care provider, do both of the following: 90351

(1) Notify the provider about potential fees associated 90352
with a particular payment method, disclose any charges by the 90353
health plan issuer, and advise the provider to contact the 90354
provider's financial institution, credit card issuer, or payment 90355
processor for information about other fees that may apply; 90356

(2) Provide the health care provider with clear 90357

instructions as to how to select each payment method either on 90358
the health plan issuer's web site or through a means other than 90359
the contract offered to the health care provider. 90360

(E) (1) If a health care provider requests a change in the 90361
available payment method, the health plan issuer shall implement 90362
the change to the payment method selected by the health care 90363
provider within thirty-one business days. 90364

(2) The payment method selected by the health care 90365
provider shall remain in effect until either the health care 90366
provider requests a different payment method or the health plan 90367
issuer has not generated a payment to the provider for more than 90368
one year. 90369

(3) The health plan issuer shall not charge a fee for a 90370
change in payment method. 90371

Sec. 3901.90. The superintendent of insurance, in 90372
consultation with the director of ~~mental-behavioral health and~~ 90373
~~addiction services~~, shall develop consumer and payer education 90374
on mental health and addiction services insurance parity and 90375
establish and promote a consumer hotline to collect information 90376
and help consumers understand and access their insurance 90377
benefits. 90378

The department of insurance and the department of ~~mental-~~ 90379
~~behavioral health and addiction services~~ shall jointly report 90380
annually on the department's efforts, which shall include 90381
information on consumer and payer outreach activities and 90382
identification of trends and barriers to access and coverage in 90383
this state. The departments shall submit the report to the 90384
general assembly, the ~~joint medicaid oversight-~~ 90385
~~committee~~ legislative service commission, and the governor, not 90386

later than the thirtieth day of January of each year. 90387

Sec. 3902.631. (A) A health benefit plan issued, amended, 90388
or renewed on or after the effective date of this section that 90389
provides coverage for a health service that a certified 90390
registered nurse anesthetist is authorized to perform pursuant 90391
to section 4723.43 of the Revised Code shall not differentiate 90392
in the reimbursement rate for such a service based on whether 90393
the service was provided by a certified registered nurse 90394
anesthetist or by a physician licensed under Chapter 4731. 90395
of the Revised Code. 90396

(B) Nothing in this section shall be construed as 90397
prohibiting a health benefit plan from establishing variable 90398
reimbursement rates based on quality or performance measures. 90399

Sec. 3902.70. As used in this section and section 3902.71 90400
of the Revised Code: 90401

(A) "340B covered entity" and "third-party administrator" 90402
have the same meanings as in section 5167.01 of the Revised 90403
Code means an entity described in section 340B(a)(4) of the 90404
"Public Health Service Act," 42 U.S.C. 256b(a)(4) and includes 90405
any pharmacy under contract with the entity to dispense drugs on 90406
behalf of the entity. 90407

(B) "Terminal distributor of dangerous drugs" has the same 90408
meaning as in section 4729.01 of the Revised Code. 90409

(C) "Third-party administrator" has the same meaning as in 90410
section 5167.01 of the Revised Code. 90411

Sec. 3905.426. (A) As used in this section: 90412

(1) "Contract holder" means the person who purchased a 90413
motor vehicle ancillary product protection contract, any 90414

authorized transferee or assignee of the purchaser, or any other 90415
person assuming the purchaser's rights under the motor vehicle 90416
ancillary product protection contract. 90417

(2) "Finance agreement" means a loan or retail installment 90418
contract secured by a motor vehicle or a lease contract for the 90419
use of a motor vehicle. 90420

~~(2)~~ (3) "Motor vehicle" has the same meaning as in section 90421
4501.01 of the Revised Code and also includes utility vehicles_ 90422
and under-speed vehicles as defined in that section. 90423

~~(3) (a)~~ (4) (a) "Motor vehicle ancillary product protection 90424
contract" means a contract or agreement that is effective for a 90425
specified duration and paid for by means other than the purchase 90426
of a motor vehicle, or its parts or equipment, to perform any 90427
one or more of the following services: 90428

(i) Repair or replacement of glass on a motor vehicle 90429
necessitated by wear and tear or damage caused by a road hazard; 90430

(ii) Removal of a dent, ding, or crease without affecting 90431
the existing paint finish using paintless dent removal 90432
techniques but which expressly excludes replacement of vehicle 90433
body panels, sanding, bonding, or painting; 90434

(iii) Repair to the interior components of a motor vehicle 90435
necessitated by wear and tear but which expressly excludes 90436
replacement of any part or component of a motor vehicle's 90437
interior; 90438

(iv) Repair or replacement of tires or wheels damaged 90439
because of a road hazard; 90440

(v) Replacement of a lost, stolen, or inoperable key or 90441
key fob; 90442

(vi) In conjunction with a motor vehicle leased for use, 90443
the repair, replacement, or maintenance of property, or 90444
indemnification for repair, replacement, or maintenance, due to 90445
excess wear and use, damage for items such as tires, paint 90446
cracks or chips, missing interior or exterior parts, or excess 90447
mileage that results in a lease-end charge, or any other charge 90448
for damage that is deemed as excess wear and use by a lessor 90449
under a motor vehicle lease, provided any such charge shall not 90450
exceed the purchase price of the vehicle at the end of the lease 90451
term; 90452

(vii) Provide a benefit under a vehicle value protection 90453
agreement. 90454

(b) A motor vehicle ancillary product protection contract 90455
may, but is not required to, provide for incidental payment of 90456
indemnity under limited circumstances, including, without 90457
limitation, towing, rental, and emergency road services. 90458

(c) "Motor vehicle ancillary product protection contract" 90459
does not include any of the following: 90460

(i) A motor vehicle service contract; 90461

(ii) A vehicle protection product warranty as defined in 90462
section 3905.421 of the Revised Code; 90463

(iii) A home service contract as defined in section 90464
3905.422 of the Revised Code; 90465

(iv) A consumer goods service contract as defined in 90466
section 3905.423 of the Revised Code; 90467

(v) A contract for prepaid routine, scheduled maintenance 90468
only. 90469

~~(4)~~ (5) "Motor vehicle service contract" means a contract 90470

or agreement to perform or pay for the repair, replacement, or 90471
maintenance of a motor vehicle due to defect in materials or 90472
workmanship, normal wear and tear, mechanical or electrical 90473
breakdown, or failure of parts or equipment of a motor vehicle, 90474
with or without additional provisions for incidental payment of 90475
indemnity under limited circumstances, including, without 90476
limitation, towing, rental, and emergency road services, that is 90477
effective for a specified duration and paid for by means other 90478
than the purchase of a motor vehicle. 90479

~~(5)~~ (6) "Provider" means a person who is contractually 90480
obligated to a contract holder under the terms of a motor 90481
vehicle ancillary product protection contract. 90482

~~(6)~~ (7) "Road hazard" means a condition that may cause 90483
damage or wear and tear to a tire or wheel on a public or 90484
private roadway, roadside, driveway, or parking lot or garage, 90485
including potholes, nails, glass, road debris, and curbs. "Road 90486
hazard" does not include fire, theft, vandalism or malicious 90487
mischief, or other perils normally covered by automobile 90488
physical damage insurance. 90489

~~(7)~~ (8) "Reimbursement insurance policy" means a policy of 90490
insurance issued by an insurer authorized or eligible to do 90491
business in this state to a provider to pay, on behalf of the 90492
provider in the event of the provider's nonperformance, all 90493
covered contractual obligations incurred by the provider under 90494
the terms and conditions of the motor vehicle ancillary product 90495
protection contract. 90496

~~(8)~~ (9) "Supplier" has the same meaning as in section 90497
1345.01 of the Revised Code. 90498

(10) "Vehicle value protection agreement" includes a 90499

contractual agreement that provides a benefit towards either the 90500
reduction of some or all of the contract holder's current 90501
finance agreement deficiency balance, or towards the purchase or 90502
lease of a replacement motor vehicle or motor vehicle services, 90503
upon the occurrence of an adverse event to the motor vehicle, 90504
including loss, theft, damage, obsolescence, diminished value, 90505
or depreciation. "Vehicle value protection agreement" includes 90506
trade-in-credit agreements, diminished value agreements, 90507
depreciation benefit agreements, or other similar agreements. 90508
"Vehicle value protection agreement" does not include a debt 90509
suspension or debt cancellation product. 90510

(B) All motor vehicle ancillary product protection 90511
contracts issued in this state shall be covered by a 90512
reimbursement insurance policy. 90513

(C) A motor vehicle ancillary product protection contract 90514
issued by a provider that is required to be covered by a 90515
reimbursement insurance policy under division (B) of this 90516
section shall conspicuously state all of the following: 90517

(1) "This contract is not insurance and is not subject to 90518
the insurance laws of this state." 90519

(2) That the obligations of the provider are guaranteed 90520
under a reimbursement insurance policy; 90521

(3) That if a provider fails to perform or make payment 90522
due under the terms of the contract within sixty days after the 90523
contract holder requests performance or payment pursuant to the 90524
terms of the contract, the contract holder may request 90525
performance or payment directly from the provider's 90526
reimbursement insurance policy insurer, including any obligation 90527
in the contract by which the provider must refund the contract 90528

holder upon cancellation of a contract; 90529

(4) The name, address, and telephone number of the 90530
provider's reimbursement insurance policy insurer. 90531

(D) A motor vehicle ancillary product protection contract 90532
that includes repair or replacement of glass on a motor vehicle 90533
as provided in division ~~(A) (3) (a) (i)~~ (A) (4) (a) (i) of this 90534
section, shall conspicuously state: "This contract may provide a 90535
duplication of coverage already provided by your automobile 90536
physical damage insurance policy." 90537

(E) A vehicle value protection agreement may be canceled 90538
by the contract holder within thirty days of the effective date 90539
of the agreement, and the contract holder shall be entitled to a 90540
full refund of the purchase price paid by the contract holder, 90541
if any, so long as no benefits have been provided under the 90542
contract. 90543

(F) A vehicle value protection agreement that, under the 90544
terms of the agreement, may be canceled by the contract holder 90545
more than thirty days after the effective date of the agreement 90546
must state the conditions under which it may be canceled, 90547
including the procedures for requesting any refund of the 90548
purchase price paid by the contract holder and the methodology 90549
for calculating any refund of the purchase price. 90550

(G) The contract provider of the vehicle value protection 90551
agreement shall mail a written notice to the contract holder at 90552
the last known address of the contract holder contained in the 90553
records of the contract provider at least five days prior to 90554
cancellation by the contract provider. Prior notice is not 90555
required if the reason for cancellation is nonpayment of the 90556
provider fee, a material misrepresentation by the contract 90557

holder to the contract provider or administrator, or a 90558
substantial breach of duties by the contract holder relating to 90559
the covered product or the use of the covered product. The 90560
notice shall state the effective date of the cancellation and 90561
the reason for the cancellation. If a vehicle value protection 90562
agreement is canceled by the contract provider for a reason 90563
other than nonpayment of the provider fee, the provider shall 90564
refund to the contract holder one hundred per cent of the 90565
unearned provider fee paid by the contract holder, if any. If 90566
coverage under the vehicle value protection agreement continues 90567
after a claim, then all claims paid may be deducted from any 90568
refund required by this division. A reasonable administrative 90569
fee of up to seventy-five dollars may be charged by the contract 90570
provider and deducted from any refund due under this division or 90571
division (F) of this section. 90572

(H) Any refund under divisions (E) and (F) of this section 90573
shall be paid to the seller or assignee of a retail installment 90574
contract or lease agreement unless otherwise agreed to by the 90575
contract holder and the seller or assignee. 90576

(I) A reimbursement insurance policy that is required to 90577
be issued under this section shall contain: 90578

(1) A statement that if a provider fails to perform or 90579
make payment due under the terms of the motor vehicle ancillary 90580
product protection contract within sixty days after the contract 90581
holder requests performance or payment pursuant to the terms of 90582
the contract, the contract holder may request performance or 90583
payment directly from the provider's reimbursement insurance 90584
policy insurer, including any obligation in the contract by 90585
which the provider must refund the contract holder upon 90586
cancellation of a contract. 90587

(2) A statement that in the event of cancellation of the provider's reimbursement insurance policy, insurance coverage will continue for all contract holders whose motor vehicle ancillary product protection contracts were issued by the provider and reported to the insurer for coverage during the term of the reimbursement insurance policy.

~~(F)~~ (J) The sale or issuance of a motor vehicle ancillary product protection contract is a consumer transaction for purposes of sections 1345.01 to 1345.13 of the Revised Code. The provider is the supplier and the contract holder is the consumer for purposes of those sections.

~~(G)~~ (K) Unless issued by an insurer authorized or eligible to do business in this state, a motor vehicle ancillary product protection contract does not constitute a contract substantially amounting to insurance, or the contract's issuance the business of insurance, under section 3905.42 of the Revised Code.

~~(H)~~ (L) Unless issued by an insurer authorized or eligible to do business in this state, a contract identified in division ~~(A) (3) (c) (i)~~ (A) (4) (c) (i) or (v) of this section does not constitute a contract substantially amounting to insurance, or the contract's issuance the business of insurance, under section 3905.42 of the Revised Code.

~~(I)~~ (M) The rights of a contract holder against a provider's reimbursement insurance policy insurer as provided in this section apply only in regard to a reimbursement insurance policy issued under this section. This section does not create any contractual rights in favor of a person that does not qualify as an insured under any other type of insurance policy described in Title XXXIX of the Revised Code. This section does not prohibit the insurer of a provider's reimbursement insurance

policy from assuming liability for contracts issued prior to the 90618
effective date of the policy or July 1, 2009. 90619

~~(J)~~ (N) A contract or agreement described in division ~~(A)~~ 90620
~~(3)~~ ~~(a)~~ ~~(iv)~~ (A) (4) (a) (iv) of this section in which the provider is 90621
a tire manufacturer shall be exempt from the requirements of 90622
division (B) of this section if the contract or agreement 90623
conspicuously states all of the following: 90624

(1) That the contract or agreement is not an insurance 90625
contract; 90626

(2) That any covered obligations or claims under the 90627
contract or agreement are the responsibility of the provider; 90628

(3) The name, address, and telephone number of any 90629
administrator responsible for the administration of the contract 90630
or agreement, the provider obligated to perform under the 90631
contract or agreement, and the contract seller; 90632

(4) The procedure for making a claim under the contract or 90633
agreement, including a toll-free telephone number for claims 90634
service and a procedure for obtaining emergency repairs or 90635
replacements performed outside normal business hours. 90636

Sec. 3905.72. (A) (1) No person shall act as a managing 90637
general agent representing an insurer licensed in this state 90638
with respect to risks located in this state unless the person is 90639
licensed as a managing general agent pursuant to division (C) or 90640
(D) of this section. 90641

(2) No person shall act as a managing general agent 90642
representing an insurer organized under the laws of this state 90643
with respect to risks located outside this state unless the 90644
person is licensed as a managing general agent pursuant to 90645
division (C) of this section. 90646

(B) Every person that seeks to act as a managing general agent as described in division (A) of this section shall apply to the superintendent of insurance for a license. Except as otherwise provided in division (D) of this section, the application shall be in writing on a form provided by the superintendent ~~and shall be sworn or affirmed before a notary public or other person empowered to administer oaths.~~ The application shall be kept on file by the superintendent and shall include all of the following:

(1) The name and principal business address of the applicant;

(2) If the applicant is an individual, the applicant's current occupation;

(3) If the applicant is an individual, the applicant's occupation or occupations during the five-year period prior to applying for the license to act as a managing general agent;

(4) A copy of the contract between the applicant and the insurer as required by, and in compliance with, section 3905.73 of the Revised Code;

(5) A copy of a certified resolution of the board of directors of the insurer on whose behalf the applicant will act, appointing the applicant as a managing general agent and agent of the insurer, specifying the duties the applicant is expected to perform on behalf of the insurer and the lines of insurance the applicant will manage, and authorizing the insurer to enter into a contract with the applicant as required by section 3905.73 of the Revised Code;

(6) A statement that the applicant submits to the jurisdiction of the superintendent and the courts of this state;

(7) Any other information required by the superintendent. 90676

(C) The superintendent shall issue to a resident of this 90677
state or a business entity organized under the laws of this 90678
state a license to act as a managing general agent representing 90679
an insurer licensed to do business in this state with respect to 90680
risks located in this state or a license to act as a managing 90681
general agent representing an insurer organized under the laws 90682
of this state with respect to risks located outside this state, 90683
and shall renew such a license, if the superintendent is 90684
satisfied that all of the following conditions are met: 90685

(1) The applicant is a suitable person and intends to hold 90686
self out in good faith as a managing general agent. 90687

(2) The applicant understands the duties and obligations 90688
of a managing general agent. 90689

(3) The applicant has filed a completed application that 90690
complies with division (B) of this section. 90691

(4) The applicant has paid a fee in the amount of twenty 90692
dollars. 90693

(5) The applicant maintains a bond in the amount of not 90694
less than fifty thousand dollars for the protection of the 90695
insurer. 90696

(6) The applicant maintains an errors and omissions policy 90697
of insurance. 90698

(7) The applicant is not, and has never been, under an 90699
order of suspension or revocation under section 3905.77 of the 90700
Revised Code or under any other law of this state, or any other 90701
state, relating to insurance, and is otherwise in compliance 90702
with sections 3905.71 to 3905.79 of the Revised Code and all 90703

other laws of this state relating to insurance. 90704

(D) If the applicant is a resident of another state or a 90705
business entity organized under the laws of another state, the 90706
applicant shall submit a request for licensure, along with a fee 90707
of twenty dollars, to the superintendent. The superintendent 90708
shall issue a license to act as a managing general agent if the 90709
request for licensure includes proof that the applicant is 90710
licensed and in good standing as a managing general agent in the 90711
applicant's home state and either a copy of the application for 90712
licensure the applicant submitted to the applicant's home state 90713
or the application described in division (B) of this section. 90714

If the applicant's home state does not license managing 90715
general agents under provisions similar to those in sections 90716
3905.71 to 3905.79 of the Revised Code, or if the applicant's 90717
home state does not grant licenses to residents of this state on 90718
the same reciprocal basis, the applicant shall comply with 90719
divisions (B) and (C) of this section. 90720

(E) Unless suspended or revoked by an order of the 90721
superintendent pursuant to section 3905.77 of the Revised Code 90722
and except as provided in division (F) of this section, any 90723
license issued or renewed pursuant to division (C) or (D) of 90724
this section shall expire on the last day of February next after 90725
its issuance or renewal. 90726

(F) If the appointment of a managing general agent is 90727
terminated by the insurer, the license of the managing general 90728
agent shall expire on the date of the termination. 90729

(G) A license shall be renewed in accordance with the 90730
standard renewal procedure specified in Chapter 4745. of the 90731
Revised Code. 90732

(H) All license fees collected pursuant to this section 90733
shall be paid into the state treasury to the credit of the 90734
department of insurance operating fund. 90735

Sec. 3923.443. (A) (1) No agent shall sell, solicit, or 90736
negotiate long-term care insurance ~~on or after September 1,~~ 90737
~~2008,~~ without first completing an initial eight-hour partnership 90738
program training course as described in division (B) of this 90739
section. 90740

(2) (a) Any agent that sells, solicits, or negotiates any 90741
long-term care insurance shall complete at least four hours of 90742
continuing education in every ~~twenty-four-month period~~ 90743
~~commencing on the first day of January of the year immediately~~ 90744
~~following the year of the issuance of the agent's license~~ license 90745
renewal period beginning with the first license renewal period 90746
following the agent's completion of the partnership training 90747
course described in division (A) (1) of this section. 90748

(b) ~~No~~ An agent shall fail who fails to complete the 90749
continuing education requirements in division (A) (2) (a) of this 90750
section ~~in the twenty-four-month period described in that~~ 90751
~~division~~ before the end of a license renewal period shall not 90752
sell, solicit, or negotiate long-term care insurance until such 90753
requirements have been met. 90754

(B) The initial training course and continuing education 90755
required under division (A) of this section may be approved by 90756
the superintendent of insurance as continuing education courses 90757
under sections 3905.481 to 3905.486 of the Revised Code and 90758
shall consist of combined topics related to long-term care 90759
insurance, long-term care services, and state long-term care 90760
insurance partnership programs, including all of the following: 90761

(1) State and federal regulations and requirements and the relationship between state long-term care insurance partnership programs and other public and private coverage of long-term care services, including medicaid;

(2) Available long-term care services and providers;

(3) Changes or improvements in long-term care services or providers;

(4) Alternatives to the purchase of private long-term care insurance;

(5) The effect of inflation on benefits and the importance of inflation protection;

(6) Consumer suitability standards and guidelines;

(7) Any other topics required by the superintendent.

(C) The initial training and continuing education required by division (A) of this section shall not include training that is specific to a particular insurer or company product or that includes any sales or marketing information, materials, or training other than those required by state or federal law.

(D) A resident agent shall satisfy the initial training and continuing education required by division (A) of this section by completing long-term care courses that are approved by the superintendent. A nonresident agent may satisfy the training and continuing education required by division (A) of this section by completing the training requirements in any other state, provided that the course is approved for credit by the insurance department of that state prior to the agent taking the course.

(E) Each insurer shall obtain records of the initial

training and continuing education completed by agents of that 90790
insurer pursuant to division (A) of this section as well as the 90791
training completed by the insurer's agents concerning the 90792
distribution of the insurer's partnership program policies and 90793
shall make those records available to the superintendent upon 90794
request. 90795

(F) Each insurer shall maintain records with respect to 90796
the training of its agents concerning the distribution of the 90797
insurer's partnership program policies. Each insurer shall 90798
provide documentation to the superintendent that will allow the 90799
superintendent to provide assurance to the medicaid director 90800
that agents have received the training required by this section 90801
and that agents have demonstrated an understanding of the 90802
partnership program policies and their relationship to public 90803
and private coverage of long-term care in this state, including 90804
medicaid. The superintendent may audit each insurer's records 90805
annually to verify that the insurer is maintaining the records 90806
required by this division. The superintendent shall make the 90807
records provided to the superintendent pursuant to division (E) 90808
of this section available to the director. 90809

Sec. 3951.03. (A) Before any certificate of authority 90810
shall be issued by the superintendent of insurance there shall 90811
be filed in the superintendent's office a written application 90812
therefor. Such application shall be in the form or forms and 90813
supplements thereto prescribed by the superintendent and shall 90814
set forth: 90815

(1) The name and address of the applicant, and if the 90816
applicant be a firm, association, or partnership, the name and 90817
address of each member thereof, and if the applicant be a 90818
corporation, the name and address of each of its officers and 90819

directors; 90820

(2) Whether any license or certificate of authority as 90821
agent, broker, or public insurance adjuster has been issued 90822
previously by the superintendent of this state or by the 90823
insurance department of any state to the individual applicant, 90824
and, if the applicant be an individual, whether any such 90825
certificate has been issued previously to any firm, association, 90826
or partnership of which the individual was or is an officer or 90827
director, and, if the applicant be a firm, association, or 90828
partnership, whether any such certificate has been issued 90829
previously to any member thereof, and, if the applicant be a 90830
corporation, whether any such certificate has been issued 90831
previously to any officer or director of such corporation; 90832

(3) The business or employment in which the applicant has 90833
been engaged for the five years next preceding the date of the 90834
application, and the name and address of such business and the 90835
name or names and addresses of his employer or employers; 90836

(4) Such information as the superintendent may require of 90837
applicants in order to determine their trustworthiness and 90838
competency to transact the business of public insurance 90839
adjusters, in such manner as to safeguard the interest of the 90840
public; 90841

(B) Except as provided in division (C) of this section, 90842
the superintendent shall issue a public insurance adjuster agent 90843
certificate to a person, who is a bona fide employee of a public 90844
insurance adjuster without examination, provided said 90845
application is made by a person, partnership, association, or 90846
corporation engaged in the public insurance adjusting business. 90847
The fee to be paid by the applicant for such a license at the 90848
time the application is made, and annually thereafter for the 90849

renewal thereof according to the standard renewal procedure of 90850
sections 4745.01 to 4745.03, inclusive, of the Revised Code, 90851
shall be fifty dollars, and such applicant shall be bonded in 90852
the amount of one thousand dollars as provided for in division 90853
(D) of section 3951.06 of the Revised Code. 90854

(C) The superintendent shall issue a public insurance 90855
adjuster agent certificate in accordance with Chapter 4796. of 90856
the Revised Code to an applicant if either of the following 90857
applies: 90858

(1) The applicant holds a license or certificate in 90859
another state. 90860

(2) The applicant has satisfactory work experience, a 90861
government certification, or a private certification as 90862
described in that chapter as a public insurance adjuster agent 90863
in a state that does not issue that license or certificate. 90864

(D) An application for any certificate of authority shall 90865
be signed ~~and verified under oath~~ by the applicant and, if made 90866
by a firm, association, partnership, or corporation, by each 90867
member or officer and director thereof to be authorized thereby 90868
to act as a public insurance adjuster. 90869

Sec. 3959.01. As used in this chapter: 90870

(A) "Administration fees" means any amount charged a 90871
covered person for services rendered. "Administration fees" 90872
includes commissions earned or paid by any person relative to 90873
services performed by an administrator. 90874

(B) "Administrator" means any person who adjusts or 90875
settles claims on, residents of this state in connection with 90876
life, dental, health, prescription drugs, or disability 90877
insurance or self-insurance programs. "Administrator" includes a 90878

pharmacy benefit manager. "Administrator" does not include any 90879
of the following: 90880

(1) An insurance agent or solicitor licensed in this state 90881
whose activities are limited exclusively to the sale of 90882
insurance and who does not provide any administrative services; 90883

(2) Any person who administers or operates the workers' 90884
compensation program of a self-insuring employer under Chapter 90885
4123. of the Revised Code; 90886

(3) Any person who administers pension plans for the 90887
benefit of the person's own members or employees or administers 90888
pension plans for the benefit of the members or employees of any 90889
other person; 90890

(4) Any person that administers an insured plan or a self- 90891
insured plan that provides life, dental, health, or disability 90892
benefits exclusively for the person's own members or employees; 90893

(5) Any health insuring corporation holding a certificate 90894
of authority under Chapter 1751. of the Revised Code or an 90895
insurance company that is authorized to write life or sickness 90896
and accident insurance in this state. 90897

(C) "Actual acquisition cost" means the amount that a drug 90898
wholesaler charges a pharmacy for a drug product as listed on 90899
the pharmacy's billing invoice. 90900

(D) "Aggregate excess insurance" means that type of 90901
coverage whereby the insurer agrees to reimburse the insured 90902
employer or trust for all benefits or claims paid during an 90903
agreement period on behalf of all covered persons under the plan 90904
or trust which exceed a stated deductible amount and subject to 90905
a stated maximum. 90906

~~(D)~~—(E) "Contracted pharmacy" or "pharmacy" means a 90907
pharmacy located in this state participating in either the 90908
network of a pharmacy benefit manager or in a health care or 90909
pharmacy benefit plan through a direct contract or through a 90910
contract with a pharmacy services administration organization, 90911
group purchasing organization, or another contracting agent. 90912

~~(E)~~—(F) "Contributions" means any amount collected from a 90913
covered person to fund the self-insured portion of any plan in 90914
accordance with the plan's provisions, summary plan 90915
descriptions, and contracts of insurance. 90916

~~(F)~~—(G) "Drug product reimbursement" means the amount paid 90917
by a pharmacy benefit manager to a contracted pharmacy for the 90918
cost of the drug dispensed to a patient and does not include a 90919
dispensing or professional fee. 90920

~~(G)~~—(H) "Drug wholesaler" means a wholesale drug 90921
distributor accredited by a nationally recognized nonprofit 90922
organization that represents the interests of state boards of 90923
pharmacy and to which the state board of pharmacy is a member. 90924

(I) "Fiduciary" has the meaning set forth in section 90925
1002(21) (A) of the "Employee Retirement Income Security Act of 90926
1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 90927

~~(H)~~—(J) "Fiscal year" means the twelve-month accounting 90928
period commencing on the date the plan is established and ending 90929
twelve months following that date, and each corresponding 90930
twelve-month accounting period thereafter as provided for in the 90931
summary plan description. 90932

~~(I)~~—(K) "Insurer" means an entity authorized to do the 90933
business of insurance in this state or, for the purposes of this 90934
section, a health insuring corporation authorized to issue 90935

health care plans in this state. 90936

~~(J)~~ (L) "Managed care organization" means an entity that 90937
provides medical management and cost containment services and 90938
includes a medicaid managed care organization, as defined in 90939
section 5167.01 of the Revised Code. 90940

~~(K)~~ (M) "Maximum allowable cost" means a maximum drug 90941
product reimbursement for an individual drug or for a group of 90942
therapeutically and pharmaceutically equivalent multiple source 90943
drugs that are listed in the United States food and drug 90944
administration's approved drug products with therapeutic 90945
equivalence evaluations, commonly referred to as the orange 90946
book. 90947

~~(L)~~ (N) "Maximum allowable cost list" means a list of the 90948
drugs for which a pharmacy benefit manager imposes a maximum 90949
allowable cost, either directly or by setting forth a method for 90950
how the maximum allowable cost is calculated. 90951

~~(M)~~ (O) "Multiple employer welfare arrangement" has the 90952
same meaning as in section 1739.01 of the Revised Code. 90953

~~(N)~~ (P) "National drug code number" or "national drug 90954
code" means the number registered for a drug pursuant to the 90955
listing system established by the United States food and drug 90956
administration under the "Drug Listing Act of 1972," 21 U.S.C. 90957
360. 90958

(Q) "Ohio pharmacy" means a pharmacy, including an 90959
independent pharmacy, that is incorporated or organized in this 90960
state under Title XVII of the Revised Code. 90961

(R) "Pharmacy benefit manager" means an entity that 90962
contracts with pharmacies on behalf of an employer, a multiple 90963
employer welfare arrangement, public employee benefit plan, 90964

state agency, insurer, managed care organization, or other 90965
third-party payer to provide pharmacy health benefit services or 90966
administration. "Pharmacy benefit manager" includes the state 90967
pharmacy benefit manager selected under section 5167.24 of the 90968
Revised Code. 90969

~~(O)~~ (S) "Plan" means any arrangement in written form for 90970
the payment of life, dental, health, or disability benefits to 90971
covered persons defined by the summary plan description and 90972
includes a drug benefit plan administered by a pharmacy benefit 90973
manager. 90974

~~(P)~~ (T) "Plan sponsor" means the person who establishes 90975
the plan. 90976

~~(Q)~~ (U) "Self-insurance program" means a program whereby 90977
an employer provides a plan of benefits for its employees 90978
without involving an intermediate insurance carrier to assume 90979
risk or pay claims. "Self-insurance program" includes but is not 90980
limited to employer programs that pay claims up to a prearranged 90981
limit beyond which they purchase insurance coverage to protect 90982
against unpredictable or catastrophic losses. 90983

~~(R)~~ (V) "Specific excess insurance" means that type of 90984
coverage whereby the insurer agrees to reimburse the insured 90985
employer or trust for all benefits or claims paid during an 90986
agreement period on behalf of a covered person in excess of a 90987
stated deductible amount and subject to a stated maximum. 90988

~~(S)~~ (W) "Summary plan description" means the written 90989
document adopted by the plan sponsor which outlines the plan of 90990
benefits, conditions, limitations, exclusions, and other 90991
pertinent details relative to the benefits provided to covered 90992
persons thereunder. 90993

~~(T)~~—(X) "Third-party payer" has the same meaning as in 90994
section 3901.38 of the Revised Code. 90995

Sec. 3959.111. (A) (1) (a) In each contract between a 90996
pharmacy benefit manager and a pharmacy, the pharmacy shall be 90997
given the right to obtain from the pharmacy benefit manager, 90998
within ten days after any request, a current list of the sources 90999
used to determine maximum allowable cost pricing. In each 91000
contract between a pharmacy benefit manager and a pharmacy, the 91001
pharmacy benefit manager shall be obligated to update and 91002
implement the pricing information at least every seven days and 91003
provide a means by which contracted pharmacies may promptly 91004
review maximum allowable cost pricing updates in an electronic 91005
format that is readily available, accessible, and secure and 91006
that can be easily searched. 91007

Subject to division (A) (1) of this section, a pharmacy 91008
benefit manager shall utilize the most up-to-date pricing data 91009
when calculating drug product reimbursements for all contracting 91010
pharmacies within one business day of any price update or 91011
modification. 91012

(b) A pharmacy benefit manager shall maintain a written 91013
procedure to eliminate products from the list of drugs subject 91014
to maximum allowable cost pricing in a timely manner. The 91015
written procedure, and any updates, shall promptly be made 91016
available to a pharmacy upon request. 91017

(2) In each contract between a pharmacy benefit manager 91018
and a pharmacy, a pharmacy benefit manager shall be obligated to 91019
ensure that all of the following conditions are met prior to 91020
placing a prescription drug on a maximum allowable cost list: 91021

(a) The drug is listed as "A" or "B" rated in the most 91022

recent version of the United States food and drug 91023
administration's approved drug products with therapeutic 91024
equivalence evaluations, or has an "NR" or "NA" rating or 91025
similar rating by nationally recognized reference. 91026

(b) The drug is generally available for purchase by 91027
pharmacies in this state from a national or regional wholesaler 91028
and is not obsolete. 91029

(3) Each contract between a pharmacy benefit manager and a 91030
pharmacy shall include an electronic process to appeal, 91031
investigate, and resolve disputes regarding maximum allowable 91032
cost pricing that includes all of the following: 91033

(a) A twenty-one-day limit on the right to appeal 91034
following the initial claim; 91035

(b) A requirement that the appeal be investigated and 91036
resolved within twenty-one days after the appeal; 91037

(c) A telephone number at which the pharmacy may contact 91038
the pharmacy benefit manager to speak to a person responsible 91039
for processing appeals; 91040

(d) A requirement that a pharmacy benefit manager provide 91041
a reason for any appeal denial, including the national drug code 91042
and the identity of the national or regional wholesalers from 91043
whom the drug was generally available for purchase at or below 91044
the benchmark price determined by the pharmacy benefit manager; 91045

(e) A requirement that if the appeal is upheld or granted, 91046
then the pharmacy benefit manager shall adjust the drug product 91047
reimbursement to the pharmacy's upheld appeal price; 91048

(f) A requirement that a pharmacy benefit manager make an 91049
adjustment not later than one day after the date of 91050

determination of the appeal. The adjustment shall be retroactive 91051
to the date the appeal was made and shall apply to all situated 91052
pharmacies as determined by the pharmacy benefit manager. This 91053
requirement does not prohibit a pharmacy benefit manager from 91054
retroactively adjusting a claim for the appealing pharmacy or 91055
for any other similarly situated pharmacies. 91056

(B) (1) (a) A pharmacy benefit manager shall disclose to the 91057
plan sponsor whether or not the pharmacy benefit manager uses 91058
the same maximum allowable cost list when billing a plan sponsor 91059
as it does when reimbursing a pharmacy. 91060

(b) If a pharmacy benefit manager uses multiple maximum 91061
allowable cost lists, the pharmacy benefit manager shall 91062
disclose in the aggregate to a plan sponsor any differences 91063
between the amount paid to a pharmacy and the amount charged to 91064
a plan sponsor. 91065

(2) The disclosures required under division (B) (1) of this 91066
section shall be made within ten days of a pharmacy benefit 91067
manager and a plan sponsor signing a contract or on a quarterly 91068
basis. 91069

(3) (a) Division (B) of this section does not apply to 91070
plans governed by the "Employee Retirement Income Security Act 91071
of 1974," 29 U.S.C. 1001, et seq. or medicare part D. 91072

(b) As used in this division, "medicare part D" means the 91073
voluntary prescription drug benefit program established under 91074
Part D of Title XVIII of the "Social Security Act," 42 U.S.C. 91075
1395w-101, et seq. 91076

(C) Except as otherwise provided in division (E) of this 91077
section, a pharmacy benefit manager shall reimburse an Ohio 91078
pharmacy for drug products dispensed on or after the ninety- 91079

first day following the effective date of this amendment not 91080
less than either of the following amounts: 91081

(1) The amount that the pharmacy benefit manager 91082
reimburses an affiliated pharmacy for providing the same drug 91083
product; 91084

(2) A drug product reimbursement not less than the Ohio 91085
pharmacy's actual acquisition cost for the drug dispensed. 91086

(D) An Ohio pharmacy may decline to provide a drug product 91087
to an individual or pharmacy benefit manager if the Ohio 91088
pharmacy would be paid less than the amount required by division 91089
(C) of this section. 91090

(E) (1) Divisions (C) and (D) of this section do not apply 91091
to the extent that those divisions conflict with a contract or 91092
agreement entered into before the effective date of this 91093
amendment except that, if such a contract or agreement is 91094
amended or renewed after the effective date of this amendment, 91095
the contract or agreement shall conform to the requirements of 91096
those divisions. Division (C) of this section does not prohibit 91097
a pharmacy benefit manager from paying drug product 91098
reimbursements in excess of the amounts required by that 91099
division. 91100

(2) Divisions (C) and (D) of this section do not apply 91101
with respect to the state pharmacy benefit manager selected 91102
pursuant to section 5167.24 of the Revised Code. 91103

(F) Notwithstanding division (B) (5) of section 3959.01 of 91104
the Revised Code, a health insuring corporation or a sickness 91105
and accident insurer shall comply with the requirements of this 91106
section and is subject to the penalties under section 3959.12 of 91107
the Revised Code if the corporation or insurer is a pharmacy 91108

benefit manager, as defined in section 3959.01 of the Revised Code. 91109
91110

~~(D)~~ (G) No pharmacy benefit manager shall retaliate 91111
against an Ohio pharmacy that reports an alleged violation of, 91112
or exercises a right or remedy under, this section by doing any 91113
of the following: 91114

(1) Terminating or refusing to renew a contract with the 91115
Ohio pharmacy without providing notice to the Ohio pharmacy at 91116
least ninety days in advance; 91117

(2) Subjecting the Ohio pharmacy to increased audits 91118
without providing notice to the Ohio pharmacy and a detailed 91119
description of the reason for the audit at least ninety days in 91120
advance; 91121

(3) Failing to promptly pay the Ohio pharmacy in 91122
accordance with sections 3901.381 to 3901.3814 of the Revised 91123
Code. 91124

(H) If an Ohio pharmacy believes that a pharmacy benefit 91125
manager has violated this section, in addition to any other 91126
remedies provided by law, the Ohio pharmacy may file a formal 91127
complaint and provide evidence related to the complaint to the 91128
superintendent of insurance. 91129

(I) The superintendent of insurance shall adopt rules as 91130
necessary to implement the requirements of this section in 91131
accordance with Chapter 119. of the Revised Code for the 91132
purposes of implementing and administering this section. 91133

Sec. 3959.121. (A) The superintendent of insurance shall 91134
evaluate any complaint filed by an Ohio pharmacy pursuant to 91135
section 3959.111 of the Revised Code. 91136

(B) (1) If the superintendent determines, based on a 91137
complaint filed by an Ohio pharmacy or other information 91138
available to the superintendent, that a pharmacy benefit manager 91139
has violated section 3959.111 of the Revised Code, the 91140
superintendent shall do both of the following: 91141

(a) Issue a notice of violation to the pharmacy benefit 91142
manager that clearly explains the violation; 91143

(b) Impose an administrative penalty on the pharmacy 91144
benefit manager of one thousand dollars for each violation. 91145

(2) Each day that a violation continues after the pharmacy 91146
benefit manager receives notice of the violation under division 91147
(B) (1) (a) of this section is considered a separate violation for 91148
the purposes of the administrative penalty under division (B) (1) 91149
(b) of this section. 91150

(C) Before imposing an administrative penalty under this 91151
section, the superintendent shall afford the pharmacy benefit 91152
manager an opportunity for an adjudication hearing under Chapter 91153
119. of the Revised Code. At the hearing, the pharmacy benefit 91154
manager may challenge the superintendent's determination that a 91155
violation occurred, the superintendent's imposition of an 91156
administrative penalty, or both. The pharmacy benefit manager 91157
may appeal the superintendent's determination and the imposition 91158
of the administrative penalty in accordance with section 119.12 91159
of the Revised Code. 91160

(D) An administrative penalty collected under this section 91161
shall be deposited into the state treasury to the credit of the 91162
department of insurance operating fund created by section 91163
3901.021 of the Revised Code. 91164

Sec. 4112.055. (A) (1) Aggrieved persons may enforce the 91165

rights granted by division (H) of section 4112.02 of the Revised Code by filing a civil action in the court of common pleas of the county in which the alleged unlawful discriminatory practice occurred within one year after it allegedly occurred. Upon application by an aggrieved person, upon a proper showing, and under circumstances that it considers just, a court of common pleas may appoint an attorney for the aggrieved person and authorize the commencement of a civil action under this division without the payment of costs.

Each party to a civil action under this division has the right to a jury trial of the action. To assert the right, a party shall demand a jury trial in the manner prescribed in the Rules of Civil Procedure. If a party demands a jury trial in that manner, the civil action shall be tried to a jury.

(2) (a) If a complaint is issued by the commission under division (B) (5) of section 4112.05 of the Revised Code for one or more alleged unlawful discriminatory practices described in division (H) of section 4112.02 of the Revised Code, the complainant, any aggrieved person on whose behalf the complaint is issued, or the respondent may elect, following receipt of the relevant notice described in division (B) (5) of section 4112.05 of the Revised Code, to proceed with the administrative hearing process under that section or to have the alleged unlawful discriminatory practices covered by the complaint addressed in a civil action commenced in accordance with divisions (A) (1) and (2) (b) of this section. An election to have the alleged unlawful discriminatory practices so addressed shall be made in a writing that is sent by certified mail, return receipt requested, to the commission, to the civil rights section of the office of the attorney general, and to the other parties to the pending administrative process within thirty days after the electing

complainant, aggrieved person, or respondent received the 91197
relevant notice described in division (B) (5) of section 4112.05 91198
of the Revised Code. 91199

(b) ~~Upon receipt of~~ Not more than thirty days after 91200
receiving a timely mailed election to have the alleged unlawful 91201
discriminatory practices addressed in a civil action, the 91202
commission shall authorize the office of the attorney general to 91203
commence and maintain the civil action in the court of common 91204
pleas of the county in which the alleged unlawful discriminatory 91205
practices occurred. Notwithstanding the period of limitations 91206
specified in division (A) (1) of this section, the office of the 91207
attorney general shall commence the civil action within thirty 91208
days after the receipt of the commission's authorization to 91209
commence the civil action. 91210

Notwithstanding the period of limitations specified in 91211
division (A) (1) of this section, if the commission fails to 91212
authorize the office of the attorney general to commence and 91213
maintain a civil action as required under this division, or the 91214
attorney general fails to commence a civil action as required 91215
under this division, the complainant or any aggrieved person may 91216
commence the action not less than thirty days, but not more than 91217
sixty days, after the date an election is mailed under division 91218
(A) (2) (a) of this section. 91219

(c) Upon commencement of the civil action in accordance 91220
with division (A) (2) (b) of this section, the commission shall 91221
prepare an order dismissing the complaint in the pending 91222
administrative matter and serve a copy of the order upon the 91223
complainant, each aggrieved person on whose behalf the complaint 91224
was issued, and the respondent. 91225

(d) If an election to have the alleged unlawful 91226

discriminatory practices addressed in a civil action is not 91227
filed in accordance with division (A)(2)(a) of this section, the 91228
commission shall continue with the administrative hearing 91229
process described in section 4112.05 of the Revised Code. 91230

(e) With respect to the issues to be determined in a civil 91231
action commenced in accordance with division (A)(2)(b) of this 91232
section, any aggrieved person may intervene as a matter of right 91233
in that civil action. 91234

(B) If the court or the jury in a civil action under this 91235
section finds that a violation of division (H) of section 91236
4112.02 of the Revised Code is about to occur, the court may 91237
order any affirmative action it considers appropriate, including 91238
a permanent or temporary injunction or temporary restraining 91239
order. 91240

(C) Any sale, encumbrance, or rental consummated prior to 91241
the issuance of any court order under the authority of this 91242
section and involving a bona fide purchaser, encumbrancer, or 91243
tenant without actual notice of the existence of a charge under 91244
division (H) of section 4112.02 of the Revised Code or a civil 91245
action under this section is not affected by the court order. 91246

(D) If the court or the jury in a civil action under this 91247
section finds that a violation of division (H) of section 91248
4112.02 of the Revised Code has occurred, the court shall award 91249
to the plaintiff or to the complainant or aggrieved person on 91250
whose behalf the office of the attorney general commenced or 91251
maintained the civil action, whichever is applicable, actual 91252
damages, reasonable attorney's fees, court costs incurred in the 91253
prosecution of the action, expert witness fees, and other 91254
litigation expenses, and may grant other relief that it 91255
considers appropriate, including a permanent or temporary 91256

injunction, a temporary restraining order, or other order and 91257
punitive damages. 91258

(E) Any civil action brought under this section shall be 91259
heard and determined as expeditiously as possible. 91260

(F) The court in a civil action under this section shall 91261
notify the commission of any finding pertaining to 91262
discriminatory housing practices within fifteen days after the 91263
entry of the finding. 91264

Sec. 4113.31. (A) As used in this section: 91265

(1) "Employer," "mass layoff," and "plant closing" have 91266
the same meanings as in the WARN Act and 20 C.F.R. 639.3. 91267

(2) "WARN Act" means the "Worker Adjustment and Retraining 91268
Notification (WARN) Act," 29 U.S.C. 2101, et seq. 91269

(B) An employer in this state shall comply with all 91270
requirements in the WARN Act and 20 C.F.R. 639.1 to 639.10. The 91271
requirements specified in this section do not establish a 91272
different standard than that established by federal statutes and 91273
regulations. 91274

(C) In accordance with 29 U.S.C 2101(a) (1) (B), an employer 91275
must provide the notice required by 29 U.S.C. 2102(a) if both of 91276
the following apply: 91277

(1) The employer employs one hundred or more employees who 91278
in the aggregate work at least four thousand hours a week. 91279

(2) The employer lays off fifty or more employees at a 91280
single site of employment during any thirty-day period. 91281

(D) An employer is not required to provide the notice 91282
described in 29 U.S.C. 2102(a) when a plant closing or mass 91283

layoff constitutes a strike or constitutes a lockout as 91284
described in 29 U.S.C. 2103 and 20 C.F.R. 639.5(d). 91285

(E) In accordance with 29 U.S.C 2102(a)(1), not less than 91286
sixty days before the date a plant closing or mass layoff 91287
begins, an employer shall provide written notice of the closing 91288
or layoff to affected employees' authorized representatives or, 91289
if there are no such representatives at the time, to each 91290
affected employee. 91291

(1) The employer shall include all of the following in a 91292
notice provided to affected employees' authorized 91293
representatives: 91294

(a) The location of the facility affected by the plant 91295
closing or mass layoff; 91296

(b) A detailed statement explaining the reason for the 91297
plant closing or mass layoff and whether it will be permanent or 91298
temporary; 91299

(c) The expected date when the plant closing or mass 91300
layoff will commence and the anticipated date on which the 91301
employees' employment will cease; 91302

(d) The total number of employees affected by the plant 91303
closing or mass layoff, including the employees' job titles or 91304
positions and any department or division impacted. 91305

(2) The employer shall include all of the following in a 91306
notice provided to affected employees' who do not have an 91307
authorized representative at the time the notice is sent: 91308

(a) A detailed statement explaining the reason for the 91309
plant closing or mass layoff and whether it will be permanent or 91310
temporary; 91311

(b) The expected date when the plant closing or mass 91312
layoff will commence and the anticipated date on which the 91313
employees' employment will cease; 91314

(c) An indication as to whether an affected employee has 91315
bumping rights or other reemployment rights under a collective 91316
bargaining agreement or a company policy, including any 91317
procedures for exercising those rights; 91318

(d) Information on how affected employees can access 91319
unemployment insurance benefits and other assistance programs; 91320

(e) The name, title, and contact information of an 91321
employer representative who can answer questions about the plant 91322
closing or mass layoff; 91323

(f) Information about any available services for an 91324
affected employee, including job placement assistance, 91325
retraining programs, or counseling services. 91326

(F) In accordance with 29 U.S.C 2102(a)(2), an employer 91327
shall provide written notice of a plant closing or mass layoff 91328
to the director of job and family services and to the chief 91329
elected official of the municipal corporation and the county 91330
where the plant closing or mass layoff is to occur. The written 91331
notice shall include the same information required under 91332
division (E) of this section and all of the following: 91333

(1) A description of any action taken or planned to 91334
mitigate the impact of the plant closing or mass layoff, 91335
including any efforts to secure alternative employment or 91336
training for affected employees; 91337

(2) The name of each employee organization representing 91338
affected employees, and the name and address of the chief 91339
elected officer of each organization; 91340

(3) A copy of the notice provided to affected employees or 91341
their representatives, as applicable. 91342

(G) The period within which an employer shall provide 91343
notice may be reduced or waived under the circumstances 91344
described in 29 U.S.C. 2102(b). 91345

(H) The director of job and family services may issue 91346
guidance and procedures for the submission and review of notices 91347
by employers. 91348

(I) When an employer fails to comply with the WARN Act, an 91349
affected employee may seek the remedies specified in 29 U.S.C. 91350
2104. 91351

Sec. 4117.08. (A) All matters pertaining to wages, hours, 91352
or terms and other conditions of employment and the 91353
continuation, modification, or deletion of an existing provision 91354
of a collective bargaining agreement are subject to collective 91355
bargaining between the public employer and the exclusive 91356
representative, except as otherwise specified in this section 91357
and division (E) of section 4117.03 of the Revised Code. 91358

(B) Neither of the following are appropriate subjects for 91359
collective bargaining: 91360

(1) The conduct and grading of civil service examinations, 91361
the rating of candidates, the establishment of eligible lists 91362
from the examinations, and the original appointments from the 91363
eligible lists ~~are not appropriate subjects for collective~~ 91364
~~bargaining;~~ 91365

(2) For collective bargaining agreements that are entered 91366
into on or after the effective date of this amendment, the 91367
ability of state employees to perform their duties at a location 91368
designated as a worksite under division (B) (2) of section 91369

124.184 of the Revised Code or other location designated under 91370
division (D) of section 124.184 of the Revised Code. 91371

(C) Unless a public employer agrees otherwise in a 91372
collective bargaining agreement, nothing in Chapter 4117. of the 91373
Revised Code impairs the right and responsibility of each public 91374
employer to: 91375

(1) Determine matters of inherent managerial policy which 91376
include, but are not limited to, areas of discretion or policy 91377
such as the functions and programs of the public employer, 91378
standards of services, its overall budget, utilization of 91379
technology, and organizational structure; 91380

(2) Direct, supervise, evaluate, or hire employees; 91381

(3) Maintain and improve the efficiency and effectiveness 91382
of governmental operations; 91383

(4) Determine the overall methods, process, means, or 91384
personnel by which governmental operations are to be conducted; 91385

(5) Suspend, discipline, demote, or discharge for just 91386
cause, or lay off, transfer, assign, schedule, promote, or 91387
retain employees; 91388

(6) Determine the adequacy of the work force; 91389

(7) Determine the overall mission of the employer as a 91390
unit of government; 91391

(8) Effectively manage the work force; 91392

(9) Take actions to carry out the mission of the public 91393
employer as a governmental unit. 91394

The employer is not required to bargain on subjects 91395
reserved to the management and direction of the governmental 91396

unit except as affect wages, hours, terms and conditions of 91397
employment, and the continuation, modification, or deletion of 91398
an existing provision of a collective bargaining agreement. A 91399
public employee or exclusive representative may raise a 91400
legitimate complaint or file a grievance based on the collective 91401
bargaining agreement. 91402

Sec. 4117.10. (A) An agreement between a public employer 91403
and an exclusive representative entered into pursuant to this 91404
chapter governs the wages, hours, and terms and conditions of 91405
public employment covered by the agreement. If the agreement 91406
provides for a final and binding arbitration of grievances, 91407
public employers, employees, and employee organizations are 91408
subject solely to that grievance procedure and the state 91409
personnel board of review or civil service commissions have no 91410
jurisdiction to receive and determine any appeals relating to 91411
matters that were the subject of a final and binding grievance 91412
procedure. Where no agreement exists or where an agreement makes 91413
no specification about a matter, the public employer and public 91414
employees are subject to all applicable state or local laws or 91415
ordinances pertaining to the wages, hours, and terms and 91416
conditions of employment for public employees. All of the 91417
following prevail over conflicting provisions of agreements 91418
between employee organizations and public employers: 91419

- (1) Laws pertaining to any of the following subjects: 91420
 - (a) Civil rights; 91421
 - (b) Affirmative action; 91422
 - (c) Unemployment compensation; 91423
 - (d) Workers' compensation; 91424
 - (e) The retirement of public employees; 91425

(f) Residency requirements;	91426
(g) The minimum educational requirements contained in the Revised Code pertaining to public education including the requirement of a certificate by the fiscal officer of a school district pursuant to section 5705.41 of the Revised Code;	91427 91428 91429 91430
(h) The provisions of division (A) of section 124.34 of the Revised Code governing the disciplining of officers and employees who have been convicted of a felony;	91431 91432 91433
(i) The minimum standards promulgated by the director of education and workforce pursuant to division (D) of section 3301.07 of the Revised Code.	91434 91435 91436
(2) The law pertaining to the leave of absence and compensation provided under section 5923.05 of the Revised Code, if the terms of the agreement contain benefits which are less than those contained in that section or the agreement contains no such terms and the public authority is the state or any agency, authority, commission, or board of the state or if the public authority is another entity listed in division (B) of section 4117.01 of the Revised Code that elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code;	91437 91438 91439 91440 91441 91442 91443 91444 91445 91446
(3) The law pertaining to the leave established under section 5906.02 of the Revised Code, if the terms of the agreement contain benefits that are less than those contained in section 5906.02 of the Revised Code;	91447 91448 91449 91450
(4) The law pertaining to excess benefits prohibited under section 3345.311 of the Revised Code with respect to an agreement between an employee organization and a public employer entered into on or after September 29, 2015;	91451 91452 91453 91454

(5) The law pertaining to state employee work location 91455
policies under section 124.184 of the Revised Code with respect 91456
to an agreement between an employee organization and a public 91457
employer entered into on or after the effective date of this 91458
amendment. 91459

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 91460
the Revised Code and arrangements entered into thereunder, and 91461
section 4981.21 of the Revised Code as necessary to comply with 91462
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 91463
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 91464
entered into thereunder, this chapter prevails over any and all 91465
other conflicting laws, resolutions, provisions, present or 91466
future, except as otherwise specified in this chapter or as 91467
otherwise specified by the general assembly. Nothing in this 91468
section prohibits or shall be construed to invalidate the 91469
provisions of an agreement establishing supplemental workers' 91470
compensation or unemployment compensation benefits or exceeding 91471
minimum requirements contained in the Revised Code pertaining to 91472
public education or the minimum standards promulgated by the 91473
director of education and workforce pursuant to division (D) of 91474
section 3301.07 of the Revised Code. 91475

(B) The public employer shall submit a request for funds 91476
necessary to implement an agreement and for approval of any 91477
other matter requiring the approval of the appropriate 91478
legislative body to the legislative body within fourteen days of 91479
the date on which the parties finalize the agreement, unless 91480
otherwise specified, but if the appropriate legislative body is 91481
not in session at the time, then within fourteen days after it 91482
convenes. The legislative body must approve or reject the 91483
submission as a whole, and the submission is deemed approved if 91484
the legislative body fails to act within thirty days after the 91485

public employer submits the agreement. The parties may specify 91486
that those provisions of the agreement not requiring action by a 91487
legislative body are effective and operative in accordance with 91488
the terms of the agreement, provided there has been compliance 91489
with division (C) of this section. If the legislative body 91490
rejects the submission of the public employer, either party may 91491
reopen all or part of the entire agreement. 91492

As used in this section, "legislative body" includes the 91493
governing board of a municipal corporation, school district, 91494
college or university, village, township, or board of county 91495
commissioners or any other body that has authority to approve 91496
the budget of their public jurisdiction and, with regard to the 91497
state, "legislative body" means the controlling board. 91498

(C) The chief executive officer, or the chief executive 91499
officer's representative, of each municipal corporation, the 91500
designated representative of the board of education of each 91501
school district, college or university, or any other body that 91502
has authority to approve the budget of their public 91503
jurisdiction, the designated representative of the board of 91504
county commissioners and of each elected officeholder of the 91505
county whose employees are covered by the collective 91506
negotiations, and the designated representative of the village 91507
or the board of township trustees of each township is 91508
responsible for negotiations in the collective bargaining 91509
process; except that the legislative body may accept or reject a 91510
proposed collective bargaining agreement. When the matters about 91511
which there is agreement are reduced to writing and approved by 91512
the employee organization and the legislative body, the 91513
agreement is binding upon the legislative body, the employer, 91514
and the employee organization and employees covered by the 91515
agreement. 91516

(D) There is hereby established an office of collective bargaining in the department of administrative services for the purpose of negotiating with and entering into written agreements between state agencies, departments, boards, and commissions and the exclusive representative on matters of wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. Nothing in any provision of law to the contrary shall be interpreted as excluding the bureau of workers' compensation and the industrial commission from the preceding sentence. This office shall not negotiate on behalf of other statewide elected officials or boards of trustees of state institutions of higher education who shall be considered as separate public employers for the purposes of this chapter; however, the office may negotiate on behalf of these officials or trustees where authorized by the officials or trustees. The staff of the office of collective bargaining are in the unclassified service. The director of administrative services shall fix the compensation of the staff.

The office of collective bargaining shall:

(1) Assist the director in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies;

(2) Conduct negotiations with the exclusive representatives of each employee organization;

(3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes;

(4) Conduct systematic reviews of collective bargaining

agreements for the purpose of contract negotiations; 91546

(5) Coordinate the systematic compilation of data by all 91547
agencies that is required for negotiating purposes; 91548

(6) Prepare and submit an annual report and other reports 91549
as requested to the governor and the general assembly on the 91550
implementation of this chapter and its impact upon state 91551
government. 91552

Sec. 4141.01. As used in this chapter, unless the context 91553
otherwise requires: 91554

(A) (1) "Employer" means ~~the~~ any of the following, provided 91555
the individual or entity is subject to this chapter under 91556
section 4141.011 of the Revised Code: any state, its 91557
instrumentalities, its political subdivisions and their 91558
instrumentalities, Indian tribes, and any individual or type of 91559
organization including any partnership, limited liability 91560
company, association, trust, estate, joint-stock company, 91561
insurance company, or corporation, whether domestic or foreign, 91562
or the receiver, trustee in bankruptcy, trustee, or the 91563
successor thereof, or the legal representative of a deceased 91564
person ~~who subsequent to December 31, 1971, or in the case of~~ 91565
~~political subdivisions or their instrumentalities, subsequent to~~ 91566
~~December 31, 1973:~~ 91567

~~(a) Had in employment at least one individual, or in the~~ 91568
~~case of a nonprofit organization, subsequent to December 31,~~ 91569
~~1973, had not less than four individuals in employment for some~~ 91570
~~portion of a day in each of twenty different calendar weeks, in~~ 91571
~~either the current or the preceding calendar year whether or not~~ 91572
~~the same individual was in employment in each such day; or~~ 91573

~~(b) Except for a nonprofit organization, had paid for~~ 91574

~~service in employment wages of fifteen hundred dollars or more~~ 91575
~~in any calendar quarter in either the current or preceding~~ 91576
~~calendar year; or~~ 91577

~~(c) Had paid, subsequent to December 31, 1977, for~~ 91578
~~employment in domestic service in a local college club, or local~~ 91579
~~chapter of a college fraternity or sorority, cash remuneration~~ 91580
~~of one thousand dollars or more in any calendar quarter in the~~ 91581
~~current calendar year or the preceding calendar year, or had~~ 91582
~~paid subsequent to December 31, 1977, for employment in domestic~~ 91583
~~service in a private home cash remuneration of one thousand~~ 91584
~~dollars in any calendar quarter in the current calendar year or~~ 91585
~~the preceding calendar year:—~~ 91586

~~(i) For the purposes of divisions (A) (1) (a) and (b) of~~ 91587
~~this section, there shall not be taken into account any wages~~ 91588
~~paid to, or employment of, an individual performing domestic~~ 91589
~~service as described in this division.—~~ 91590

~~(ii) An employer under this division shall not be an~~ 91591
~~employer with respect to wages paid for any services other than~~ 91592
~~domestic service unless the employer is also found to be an~~ 91593
~~employer under division (A) (1) (a), (b), or (d) of this section.—~~ 91594

~~(d) As a farm operator or a crew leader subsequent to~~ 91595
~~December 31, 1977, had in employment individuals in agricultural~~ 91596
~~labor; and—~~ 91597

~~(i) During any calendar quarter in the current calendar~~ 91598
~~year or the preceding calendar year, paid cash remuneration of~~ 91599
~~twenty thousand dollars or more for the agricultural labor; or~~ 91600

~~(ii) Had at least ten individuals in employment in~~ 91601
~~agricultural labor, not including agricultural workers who are~~ 91602
~~aliens admitted to the United States to perform agricultural~~ 91603

~~labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the~~ 91604
~~"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A.~~ 91605
~~1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in~~ 91606
~~each of the twenty different calendar weeks, in either the~~ 91607
~~current or preceding calendar year whether or not the same~~ 91608
~~individual was in employment in each day; or~~ 91609

~~(c) Is not otherwise an employer as defined under division~~ 91610
~~(A) (1) (a) or (b) of this section; and~~ 91611

~~(i) For which, within either the current or preceding~~ 91612
~~calendar year, service, except for domestic service in a private~~ 91613
~~home not covered under division (A) (1) (c) of this section, is or~~ 91614
~~was performed with respect to which such employer is liable for~~ 91615
~~any federal tax against which credit may be taken for~~ 91616
~~contributions required to be paid into a state unemployment~~ 91617
~~fund;—~~ 91618

~~(ii) Which, as a condition for approval of this chapter~~ 91619
~~for full tax credit against the tax imposed by the "Federal~~ 91620
~~Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311,~~ 91621
~~is required, pursuant to such act to be an employer under this~~ 91622
~~chapter; or~~ 91623

~~(iii) Who became an employer by election under division~~ 91624
~~(A) (4) or (5) of this section and for the duration of such~~ 91625
~~election; or~~ 91626

~~(f) In the case of the state, its instrumentalities, its~~ 91627
~~political subdivisions, and their instrumentalities, and Indian~~ 91628
~~tribes, had in employment, as defined in divisions (B) (2) (a) and~~ 91629
~~(B) (2) (1) of this section, at least one individual;—~~ 91630

~~(g) For the purposes of division (A) (1) (a) of this~~ 91631
~~section, if any week includes both the thirty-first day of~~ 91632

~~December and the first day of January, the days of that week~~ 91633
~~before the first day of January shall be considered one calendar~~ 91634
~~week and the days beginning the first day of January another~~ 91635
~~week.~~ 91636

(2) Each individual employed to perform or to assist in 91637
performing the work of any agent or employee of an employer is 91638
employed by such employer for all the purposes of this chapter, 91639
whether such individual was hired or paid directly by such 91640
employer or by such agent or employee, provided the employer had 91641
actual or constructive knowledge of the work. All individuals 91642
performing services for an employer of any person in this state 91643
who maintains two or more establishments within this state are 91644
employed by a single employer for the purposes of this chapter. 91645

~~(3) An employer subject to this chapter within any~~ 91646
~~calendar year is subject to this chapter during the whole of~~ 91647
~~such year and during the next succeeding calendar year.~~ 91648

~~(4) An employer not otherwise subject to this chapter who~~ 91649
~~files with the director of job and family services a written~~ 91650
~~election to become an employer subject to this chapter for not~~ 91651
~~less than two calendar years shall, with the written approval of~~ 91652
~~such election by the director, become an employer subject to~~ 91653
~~this chapter to the same extent as all other employers as of the~~ 91654
~~date stated in such approval, and shall cease to be subject to~~ 91655
~~this chapter as of the first day of January of any calendar year~~ 91656
~~subsequent to such two calendar years only if at least thirty~~ 91657
~~days prior to such first day of January the employer has filed~~ 91658
~~with the director a written notice to that effect.~~ 91659

~~(5) Any employer for whom services that do not constitute~~ 91660
~~employment are performed may file with the director a written~~ 91661
~~election that all such services performed by individuals in the~~ 91662

~~employer's employ in one or more distinct establishments or 91663
places of business shall be deemed to constitute employment for 91664
all the purposes of this chapter, for not less than two calendar 91665
years. Upon written approval of the election by the director, 91666
such services shall be deemed to constitute employment subject 91667
to this chapter from and after the date stated in such approval. 91668
Such services shall cease to be employment subject to this 91669
chapter as of the first day of January of any calendar year 91670
subsequent to such two calendar years only if at least thirty 91671
days prior to such first day of January such employer has filed 91672
with the director a written notice to that effect. 91673~~

~~(6) "Employer" does not include a franchisor with respect 91674
to the franchisor's relationship with a franchisee or an 91675
employee of a franchisee, unless the franchisor agrees to assume 91676
that role in writing or a court of competent jurisdiction 91677
determines that the franchisor exercises a type or degree of 91678
control over the franchisee or the franchisee's employees that 91679
is not customarily exercised by a franchisor for the purpose of 91680
protecting the franchisor's trademark, brand, or both. For 91681
purposes of this division, "franchisor" and "franchisee" have 91682
the same meanings as in 16 C.F.R. 436.1. 91683~~

(B) (1) "Employment" means service performed by an 91684
individual for remuneration under any contract of hire, written 91685
or oral, express or implied, including service performed in 91686
interstate commerce and service performed by an officer of a 91687
corporation, without regard to whether such service is 91688
executive, managerial, or manual in nature, and without regard 91689
to whether such officer is a stockholder or a member of the 91690
board of directors of the corporation, unless it is shown to the 91691
satisfaction of the director that such individual has been and 91692
will continue to be free from direction or control over the 91693

performance of such service, both under a contract of service 91694
and in fact. The director of job and family services shall adopt 91695
rules to define "direction or control." 91696

(2) "Employment" includes: 91697

(a) Service performed after December 31, 1977, by an 91698
individual in the employ of the state or any of its 91699
instrumentalities, or any political subdivision thereof or any 91700
of its instrumentalities or any instrumentality of more than one 91701
of the foregoing or any instrumentality of any of the foregoing 91702
and one or more other states or political subdivisions and 91703
without regard to ~~divisions~~ division (A) ~~(1) (a) and (b)~~ of ~~this~~ 91704
section 4141.011 of the Revised Code, provided that such service 91705
is excluded from employment as defined in the "Federal 91706
Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3306(c) 91707
(7) and is not excluded under division (B) (3) of this section; 91708
or the services of employees covered by voluntary election, as 91709
provided under divisions ~~(A) (4)~~ (H) and ~~(5) (I)~~ of ~~this~~ section 91710
4141.011 of the Revised Code; 91711

(b) Service performed after December 31, 1971, by an 91712
individual in the employ of a religious, charitable, 91713
educational, or other organization which is excluded from the 91714
term "employment" as defined in the "Federal Unemployment Tax 91715
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 91716
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 91717
excluded under division (B) (3) of this section; 91718

(c) Domestic service performed after December 31, 1977, 91719
for an employer, as provided in division ~~(A) (1) (c)~~ (C) of ~~this~~ 91720
section 4141.011 of the Revised Code; 91721

(d) Agricultural labor performed after December 31, 1977, 91722

for a farm operator or a crew leader, as provided in division 91723
~~(A) (1) (d)~~ (D) of ~~this~~ section 4141.011 of the Revised Code; 91724

(e) Subject to division (B) (2) (m) of this section, service 91725
not covered under division (B) (1) of this section which is 91726
performed after December 31, 1971: 91727

(i) As an agent-driver or commission-driver engaged in 91728
distributing meat products, vegetable products, fruit products, 91729
bakery products, beverages other than milk, laundry, or dry- 91730
cleaning services, for the individual's employer or principal; 91731

(ii) As a traveling or city salesperson, other than as an 91732
agent-driver or commission-driver, engaged on a full-time basis 91733
in the solicitation on behalf of and in the transmission to the 91734
salesperson's employer or principal except for sideline sales 91735
activities on behalf of some other person of orders from 91736
wholesalers, retailers, contractors, or operators of hotels, 91737
restaurants, or other similar establishments for merchandise for 91738
resale, or supplies for use in their business operations, 91739
provided that for the purposes of division (B) (2) (e) (ii) of this 91740
section, the services shall be deemed employment if the contract 91741
of service contemplates that substantially all of the services 91742
are to be performed personally by the individual and that the 91743
individual does not have a substantial investment in facilities 91744
used in connection with the performance of the services other 91745
than in facilities for transportation, and the services are not 91746
in the nature of a single transaction that is not a part of a 91747
continuing relationship with the person for whom the services 91748
are performed. 91749

(f) An individual's entire service performed within or 91750
both within and without the state if: 91751

- (i) The service is localized in this state. 91752
- (ii) The service is not localized in any state, but some 91753
of the service is performed in this state and either the base of 91754
operations, or if there is no base of operations then the place 91755
from which such service is directed or controlled, is in this 91756
state or the base of operations or place from which such service 91757
is directed or controlled is not in any state in which some part 91758
of the service is performed but the individual's residence is in 91759
this state. 91760
- (g) Service not covered under division (B)(2)(f)(ii) of 91761
this section and performed entirely without this state, with 91762
respect to no part of which contributions are required and paid 91763
under an unemployment compensation law of any other state, the 91764
Virgin Islands, Canada, or of the United States, if the 91765
individual performing such service is a resident of this state 91766
and the director approves the election of the employer for whom 91767
such services are performed; or, if the individual is not a 91768
resident of this state but the place from which the service is 91769
directed or controlled is in this state, the entire services of 91770
such individual shall be deemed to be employment subject to this 91771
chapter, provided service is deemed to be localized within this 91772
state if the service is performed entirely within this state or 91773
if the service is performed both within and without this state 91774
but the service performed without this state is incidental to 91775
the individual's service within the state, for example, is 91776
temporary or transitory in nature or consists of isolated 91777
transactions; 91778
- (h) Service of an individual who is a citizen of the 91779
United States, performed outside the United States except in 91780
Canada after December 31, 1971, or the Virgin Islands, after 91781

December 31, 1971, and before the first day of January of the 91782
year following that in which the United States secretary of 91783
labor approves the Virgin Islands law for the first time, in the 91784
employ of an American employer, other than service which is 91785
"employment" under divisions (B) (2) (f) and (g) of this section 91786
or similar provisions of another state's law, if: 91787

(i) The employer's principal place of business in the 91788
United States is located in this state; 91789

(ii) The employer has no place of business in the United 91790
States, but the employer is an individual who is a resident of 91791
this state; or the employer is a corporation which is organized 91792
under the laws of this state, or the employer is a partnership 91793
or a trust and the number of partners or trustees who are 91794
residents of this state is greater than the number who are 91795
residents of any other state; or 91796

(iii) None of the criteria of divisions (B) (2) (f) (i) and 91797
(ii) of this section is met but the employer has elected 91798
coverage in this state or the employer having failed to elect 91799
coverage in any state, the individual has filed a claim for 91800
benefits, based on such service, under this chapter. 91801

(i) For the purposes of division (B) (2) (h) of this 91802
section, the term "American employer" means an employer who is 91803
an individual who is a resident of the United States; or a 91804
partnership, if two-thirds or more of the partners are residents 91805
of the United States; or a trust, if all of the trustees are 91806
residents of the United States; or a corporation organized under 91807
the laws of the United States or of any state, provided the term 91808
"United States" includes the states, the District of Columbia, 91809
the Commonwealth of Puerto Rico, and the Virgin Islands. 91810

(j) Notwithstanding any other provisions of divisions (B) 91811
(1) and (2) of this section, service, except for domestic 91812
service in a private home not covered under division ~~(A)(1)(e)~~ 91813
(C) of this section 4141.011 of the Revised Code, with respect 91814
to which a tax is required to be paid under any federal law 91815
imposing a tax against which credit may be taken for 91816
contributions required to be paid into a state unemployment 91817
fund, or service, except for domestic service in a private home 91818
not covered under division ~~(A)(1)(e)~~ (C) of this section 4141.011 91819
of the Revised Code, which, as a condition for full tax credit 91820
against the tax imposed by the "Federal Unemployment Tax Act," 91821
84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be 91822
covered under this chapter. 91823

(k) Construction services performed by any individual 91824
under a construction contract, as defined in section 4141.39 of 91825
the Revised Code, if the director determines that the employer 91826
for whom services are performed has the right to direct or 91827
control the performance of the services and that the individuals 91828
who perform the services receive remuneration for the services 91829
performed. The director shall presume that the employer for whom 91830
services are performed has the right to direct or control the 91831
performance of the services if ten or more of the following 91832
criteria apply: 91833

(i) The employer directs or controls the manner or method 91834
by which instructions are given to the individual performing 91835
services; 91836

(ii) The employer requires particular training for the 91837
individual performing services; 91838

(iii) Services performed by the individual are integrated 91839
into the regular functioning of the employer; 91840

- (iv) The employer requires that services be provided by a particular individual; 91841
91842
- (v) The employer hires, supervises, or pays the wages of the individual performing services; 91843
91844
- (vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work; 91845
91846
91847
- (vii) The employer requires the individual to perform services during established hours; 91848
91849
- (viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer; 91850
91851
91852
- (ix) The employer requires the individual to perform services on the employer's premises; 91853
91854
- (x) The employer requires the individual performing services to follow the order of work established by the employer; 91855
91856
91857
- (xi) The employer requires the individual performing services to make oral or written reports of progress; 91858
91859
- (xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly; 91860
91861
- (xiii) The employer pays expenses for the individual performing services; 91862
91863
- (xiv) The employer furnishes the tools and materials for use by the individual to perform services; 91864
91865
- (xv) The individual performing services has not invested in the facilities used to perform services; 91866
91867

(xvi) The individual performing services does not realize 91868
a profit or suffer a loss as a result of the performance of the 91869
services; 91870

(xvii) The individual performing services is not 91871
performing services for more than two employers simultaneously; 91872

(xviii) The individual performing services does not make 91873
the services available to the general public; 91874

(xix) The employer has a right to discharge the individual 91875
performing services; 91876

(xx) The individual performing services has the right to 91877
end the individual's relationship with the employer without 91878
incurring liability pursuant to an employment contract or 91879
agreement. 91880

(l) Service performed by an individual in the employ of an 91881
Indian tribe as defined by section 4(e) of the "Indian Self- 91882
Determination and Education Assistance Act," 88 Stat. 2204 91883
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 91884
subsidiary, or business enterprise wholly owned by an Indian 91885
tribe provided that the service is excluded from employment as 91886
defined in the "Federal Unemployment Tax Act," 53 Stat. 183 91887
(1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded 91888
under division (B)(3) of this section. 91889

(m) Service performed by an individual for or on behalf of 91890
a motor carrier transporting property as an operator of a 91891
vehicle or vessel, unless all of the following factors apply to 91892
the individual and the motor carrier has not elected to consider 91893
the individual's service as employment: 91894

(i) The individual owns the vehicle or vessel that is used 91895
in performing the services for or on behalf of the carrier, or 91896

the individual leases the vehicle or vessel under a bona fide 91897
lease agreement that is not a temporary replacement lease 91898
agreement. For purposes of this division, a bona fide lease 91899
agreement does not include an agreement between the individual 91900
and the motor carrier transporting property for which, or on 91901
whose behalf, the individual provides services. 91902

(ii) The individual is responsible for supplying the 91903
necessary personal services to operate the vehicle or vessel 91904
used to provide the service. 91905

(iii) The compensation paid to the individual is based on 91906
factors related to work performed, including on a mileage-based 91907
rate or a percentage of any schedule of rates, and not solely on 91908
the basis of the hours or time expended. 91909

(iv) The individual substantially controls the means and 91910
manner of performing the services, in conformance with 91911
regulatory requirements and specifications of the shipper. 91912

(v) The individual enters into a written contract with the 91913
carrier for whom the individual is performing the services that 91914
describes the relationship between the individual and the 91915
carrier to be that of an independent contractor and not that of 91916
an employee. 91917

(vi) The individual is responsible for substantially all 91918
of the principal operating costs of the vehicle or vessel and 91919
equipment used to provide the services, including maintenance, 91920
fuel, repairs, supplies, vehicle or vessel insurance, and 91921
personal expenses, except that the individual may be paid by the 91922
carrier the carrier's fuel surcharge and incidental costs, 91923
including tolls, permits, and lump sum fees. 91924

(vii) The individual is responsible for any economic loss 91925

or economic gain from the arrangement with the carrier. 91926

(viii) The individual is not performing services described 91927
in 26 U.S.C. 3306(c) (7) or (8) . 91928

(3) "Employment" does not include the following services 91929
if they are found not subject to the "Federal Unemployment Tax 91930
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 91931
services are not required to be included under division (B) (2) 91932
(j) of this section: 91933

(a) Service performed after December 31, 1977, in 91934
agricultural labor, except as provided in division ~~(A) (1) (d)~~ (D) 91935
of ~~this~~ section 4141.011 of the Revised Code; 91936

(b) Domestic service performed after December 31, 1977, in 91937
a private home, local college club, or local chapter of a 91938
college fraternity or sorority except as provided in division 91939
~~(A) (1) (e)~~ (C) of ~~this~~ section 4141.011 of the Revised Code; 91940

(c) Service performed after December 31, 1977, for this 91941
state or a political subdivision as described in division (B) (2) 91942
(a) of this section when performed: 91943

(i) As a publicly elected official; 91944

(ii) As a member of a legislative body, or a member of the 91945
judiciary; 91946

(iii) As a military member of the Ohio national guard; 91947

(iv) As an employee, not in the classified service as 91948
defined in section 124.11 of the Revised Code, serving on a 91949
temporary basis in case of fire, storm, snow, earthquake, flood, 91950
or similar emergency; 91951

(v) In a position which, under or pursuant to law, is 91952

designated as a major nontenured policymaking or advisory 91953
position, not in the classified service of the state, or a 91954
policymaking or advisory position the performance of the duties 91955
of which ordinarily does not require more than eight hours per 91956
week. 91957

(d) In the employ of any governmental unit or 91958
instrumentality of the United States; 91959

(e) Service performed after December 31, 1971: 91960

(i) Service in the employ of an educational institution or 91961
institution of higher education, including those operated by the 91962
state or a political subdivision, if such service is performed 91963
by a student who is enrolled and is regularly attending classes 91964
at the educational institution or institution of higher 91965
education; or 91966

(ii) By an individual who is enrolled at a nonprofit or 91967
public educational institution which normally maintains a 91968
regular faculty and curriculum and normally has a regularly 91969
organized body of students in attendance at the place where its 91970
educational activities are carried on as a student in a full- 91971
time program, taken for credit at the institution, which 91972
combines academic instruction with work experience, if the 91973
service is an integral part of the program, and the institution 91974
has so certified to the employer, provided that this subdivision 91975
shall not apply to service performed in a program established 91976
for or on behalf of an employer or group of employers. 91977

(f) Service performed by an individual in the employ of 91978
the individual's son, daughter, or spouse and service performed 91979
by a child under the age of eighteen in the employ of the 91980
child's father or mother; 91981

(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:

(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission;

(ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person designated for that purpose.

(h) Service performed after December 31, 1971:

(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or

(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental disability or

injury, or providing remunerative work for individuals who 92011
because of their impaired physical or mental capacity cannot be 92012
readily absorbed in the competitive labor market, by an 92013
individual receiving such rehabilitation or remunerative work. 92014

(i) Service performed after June 30, 1939, with respect to 92015
which unemployment compensation is payable under the "Railroad 92016
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 92017
351; 92018

(j) Service performed by an individual in the employ of 92019
any organization exempt from income tax under section 501 of the 92020
"Internal Revenue Code of 1954," if the remuneration for such 92021
service does not exceed fifty dollars in any calendar quarter, 92022
or if such service is in connection with the collection of dues 92023
or premiums for a fraternal beneficial society, order, or 92024
association and is performed away from the home office or is 92025
ritualistic service in connection with any such society, order, 92026
or association; 92027

(k) Casual labor not in the course of an employer's trade 92028
or business; incidental service performed by an officer, 92029
appraiser, or member of a finance committee of a bank, building 92030
and loan association, savings and loan association, or savings 92031
association when the remuneration for such incidental service 92032
exclusive of the amount paid or allotted for directors' fees 92033
does not exceed sixty dollars per calendar quarter is casual 92034
labor; 92035

(l) Service performed in the employ of a voluntary 92036
employees' beneficial association providing for the payment of 92037
life, sickness, accident, or other benefits to the members of 92038
such association or their dependents or their designated 92039
beneficiaries, if admission to a membership in such association 92040

is limited to individuals who are officers or employees of a 92041
municipal or public corporation, of a political subdivision of 92042
the state, or of the United States and no part of the net 92043
earnings of such association inures, other than through such 92044
payments, to the benefit of any private shareholder or 92045
individual; 92046

(m) Service performed by an individual in the employ of a 92047
foreign government, including service as a consular or other 92048
officer or employee or of a nondiplomatic representative; 92049

(n) Service performed in the employ of an instrumentality 92050
wholly owned by a foreign government if the service is of a 92051
character similar to that performed in foreign countries by 92052
employees of the United States or of an instrumentality thereof 92053
and if the director finds that the secretary of state of the 92054
United States has certified to the secretary of the treasury of 92055
the United States that the foreign government, with respect to 92056
whose instrumentality exemption is claimed, grants an equivalent 92057
exemption with respect to similar service performed in the 92058
foreign country by employees of the United States and of 92059
instrumentalities thereof; 92060

(o) Service with respect to which unemployment 92061
compensation is payable under an unemployment compensation 92062
system established by an act of congress; 92063

(p) Service performed as a student nurse in the employ of 92064
a hospital or a nurses' training school by an individual who is 92065
enrolled and is regularly attending classes in a nurses' 92066
training school chartered or approved pursuant to state law, and 92067
service performed as an intern in the employ of a hospital by an 92068
individual who has completed a four years' course in a medical 92069
school chartered or approved pursuant to state law; 92070

(q) Service performed by an individual under the age of 92071
eighteen in the delivery or distribution of newspapers or 92072
shopping news, not including delivery or distribution to any 92073
point for subsequent delivery or distribution; 92074

(r) Service performed in the employ of the United States 92075
or an instrumentality of the United States immune under the 92076
Constitution of the United States from the contributions imposed 92077
by this chapter, except that to the extent that congress permits 92078
states to require any instrumentalities of the United States to 92079
make payments into an unemployment fund under a state 92080
unemployment compensation act, this chapter shall be applicable 92081
to such instrumentalities and to services performed for such 92082
instrumentalities in the same manner, to the same extent, and on 92083
the same terms as to all other employers, individuals, and 92084
services, provided that if this state is not certified for any 92085
year by the proper agency of the United States under section 92086
3304 of the "Internal Revenue Code of 1954," the payments 92087
required of such instrumentalities with respect to such year 92088
shall be refunded by the director from the fund in the same 92089
manner and within the same period as is provided in division (E) 92090
of section 4141.09 of the Revised Code with respect to 92091
contributions erroneously collected; 92092

(s) Service performed by an individual as a member of a 92093
band or orchestra, provided such service does not represent the 92094
principal occupation of such individual, and which service is 92095
not subject to or required to be covered for full tax credit 92096
against the tax imposed by the "Federal Unemployment Tax Act," 92097
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 92098

(t) Service performed in the employ of a day camp whose 92099
camping season does not exceed twelve weeks in any calendar 92100

year, and which service is not subject to the "Federal 92101
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 92102
3311. Service performed after December 31, 1971: 92103

(i) In the employ of a hospital, if the service is 92104
performed by a patient of the hospital, as defined in division 92105
(W) of this section; 92106

(ii) For a prison or other correctional institution by an 92107
inmate of the prison or correctional institution; 92108

(iii) Service performed after December 31, 1977, by an 92109
inmate of a custodial institution operated by the state, a 92110
political subdivision, or a nonprofit organization. 92111

(u) Service that is performed by a nonresident alien 92112
individual for the period the individual temporarily is present 92113
in the United States as a nonimmigrant under division (F), (J), 92114
(M), or (Q) of section 101(a)(15) of the "Immigration and 92115
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 92116
that is excluded under section 3306(c)(19) of the "Federal 92117
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 92118
3311. 92119

(v) Notwithstanding any other provisions of division (B) 92120
(3) of this section, services that are excluded under divisions 92121
(B)(3)(g), (j), (k), and (l) of this section shall not be 92122
excluded from employment when performed for a nonprofit 92123
organization, as defined in division (X) of this section, or for 92124
this state or its instrumentalities, or for a political 92125
subdivision or its instrumentalities or for Indian tribes; 92126

(w) Service that is performed by an individual working as 92127
an election official or election worker if the amount of 92128
remuneration received by the individual during the calendar year 92129

for services as an election official or election worker is less than one thousand dollars;

(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;

(y) Service performed by a person committed to a penal institution.

(z) Service performed for an Indian tribe as described in division (B)(2)(1) of this section when performed in any of the following manners:

(i) As a publicly elected official;

(ii) As a member of an Indian tribal council;

(iii) As a member of a legislative or judiciary body;

(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;

(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.

(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal

agency or an agency of a state or political subdivision, 92158
thereof, by an individual receiving the work-relief or work- 92159
training. 92160

(bb) Participation in a learn to earn program as defined 92161
in section 4141.293 of the Revised Code. 92162

(4) If the services performed during one half or more of 92163
any pay period by an employee for the person employing that 92164
employee constitute employment, all the services of such 92165
employee for such period shall be deemed to be employment; but 92166
if the services performed during more than one half of any such 92167
pay period by an employee for the person employing that employee 92168
do not constitute employment, then none of the services of such 92169
employee for such period shall be deemed to be employment. As 92170
used in division (B) (4) of this section, "pay period" means a 92171
period, of not more than thirty-one consecutive days, for which 92172
payment of remuneration is ordinarily made to the employee by 92173
the person employing that employee. Division (B) (4) of this 92174
section does not apply to services performed in a pay period by 92175
an employee for the person employing that employee, if any of 92176
such service is excepted by division (B) (3) (o) of this section. 92177

(C) "Benefits" means money payments payable to an 92178
individual who has established benefit rights, as provided in 92179
this chapter, for loss of remuneration due to the individual's 92180
unemployment. 92181

(D) "Benefit rights" means the weekly benefit amount and 92182
the maximum benefit amount that may become payable to an 92183
individual within the individual's benefit year as determined by 92184
the director. 92185

(E) "Claim for benefits" means a claim for waiting period 92186

or benefits for a designated week. 92187

(F) "Additional claim" means the first claim for benefits 92188
filed following any separation from employment during a benefit 92189
year; "continued claim" means any claim other than the first 92190
claim for benefits and other than an additional claim. 92191

(G) "Wages" means remuneration paid to an employee by each 92192
of the employee's employers with respect to employment; except 92193
that wages shall not include that part of remuneration paid 92194
during any calendar year to an individual by an employer or such 92195
employer's predecessor in interest in the same business or 92196
enterprise, which in any calendar year is in excess of nine 92197
thousand dollars on and after January 1, 1995; nine thousand 92198
five hundred dollars on and after January 1, 2018; and nine 92199
thousand dollars on and after January 1, 2020. Remuneration in 92200
excess of such amounts shall be deemed wages subject to 92201
contribution to the same extent that such remuneration is 92202
defined as wages under the "Federal Unemployment Tax Act," 84 92203
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 92204
remuneration paid an employee by an employer with respect to 92205
employment in another state, upon which contributions were 92206
required and paid by such employer under the unemployment 92207
compensation act of such other state, shall be included as a 92208
part of remuneration in computing the amount specified in this 92209
division. 92210

(H) (1) "Remuneration" means all compensation for personal 92211
services, including commissions and bonuses and the cash value 92212
of all compensation in any medium other than cash, except that 92213
in the case of agricultural or domestic service, "remuneration" 92214
includes only cash remuneration. Gratuities customarily received 92215
by an individual in the course of the individual's employment 92216

from persons other than the individual's employer and which are 92217
accounted for by such individual to the individual's employer 92218
are taxable wages. 92219

The reasonable cash value of compensation paid in any 92220
medium other than cash shall be estimated and determined in 92221
accordance with rules prescribed by the director, provided that 92222
"remuneration" does not include: 92223

(a) Payments as provided in divisions (b)(2) to (b)(20) of 92224
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 92225
713, 26 U.S.C.A. 3301 to 3311, as amended; 92226

(b) The payment by an employer, without deduction from the 92227
remuneration of the individual in the employer's employ, of the 92228
tax imposed upon an individual in the employer's employ under 92229
section 3101 of the "Internal Revenue Code of 1954," with 92230
respect to services performed after October 1, 1941. 92231

(2) "Cash remuneration" means all remuneration paid in 92232
cash, including commissions and bonuses, but not including the 92233
cash value of all compensation in any medium other than cash. 92234

(I) "Interested party" means the director and any party to 92235
whom notice of a determination of an application for benefit 92236
rights or a claim for benefits is required to be given under 92237
section 4141.28 of the Revised Code. 92238

(J) "Annual payroll" means the total amount of wages 92239
subject to contributions during a twelve-month period ending 92240
with the last day of the second calendar quarter of any calendar 92241
year. 92242

(K) "Average annual payroll" means the average of the last 92243
three annual payrolls of an employer, provided that if, as of 92244
any computation date, the employer has had less than three 92245

annual payrolls in such three-year period, such average shall be 92246
based on the annual payrolls which the employer has had as of 92247
such date. 92248

(L) (1) "Contributions" means the money payments to the 92249
state unemployment compensation fund required of employers by 92250
section 4141.25 of the Revised Code and of the state and any of 92251
its political subdivisions electing to pay contributions under 92252
section 4141.242 of the Revised Code. Employers paying 92253
contributions shall be described as "contributory employers." 92254

(2) "Payments in lieu of contributions" means the money 92255
payments to the state unemployment compensation fund required of 92256
reimbursing employers under sections 4141.241 and 4141.242 of 92257
the Revised Code. 92258

(M) An individual is "totally unemployed" in any week 92259
during which the individual performs no services and with 92260
respect to such week no remuneration is payable to the 92261
individual. 92262

(N) An individual is "partially unemployed" in any week 92263
if, due to involuntary loss of work, the total remuneration 92264
payable to the individual for such week is less than the 92265
individual's weekly benefit amount. 92266

(O) "Week" means the calendar week ending at midnight 92267
Saturday unless an equivalent week of seven consecutive calendar 92268
days is prescribed by the director. 92269

(1) "Qualifying week" means any calendar week in an 92270
individual's base period with respect to which the individual 92271
earns or is paid remuneration in employment subject to this 92272
chapter. A calendar week with respect to which an individual 92273
earns remuneration but for which payment was not made within the 92274

base period, when necessary to qualify for benefit rights, may 92275
be considered to be a qualifying week. The number of qualifying 92276
weeks which may be established in a calendar quarter shall not 92277
exceed the number of calendar weeks in the quarter. 92278

(2) "Average weekly wage" means the amount obtained by 92279
dividing an individual's total remuneration for all qualifying 92280
weeks during the base period by the number of such qualifying 92281
weeks, provided that if the computation results in an amount 92282
that is not a multiple of one dollar, such amount shall be 92283
rounded to the next lower multiple of one dollar. 92284

(P) "Weekly benefit amount" means the amount of benefits 92285
an individual would be entitled to receive for one week of total 92286
unemployment. 92287

(Q) (1) "Base period" means the first four of the last five 92288
completed calendar quarters immediately preceding the first day 92289
of an individual's benefit year, except as provided in division 92290
(Q) (2) of this section. 92291

(2) If an individual does not have sufficient qualifying 92292
weeks and wages in the base period to qualify for benefit 92293
rights, the individual's base period shall be the four most 92294
recently completed calendar quarters preceding the first day of 92295
the individual's benefit year. Such base period shall be known 92296
as the "alternate base period." If information as to weeks and 92297
wages for the most recent quarter of the alternate base period 92298
is not available to the director from the regular quarterly 92299
reports of wage information, which are systematically 92300
accessible, the director may, consistent with the provisions of 92301
section 4141.28 of the Revised Code, base the determination of 92302
eligibility for benefits on the affidavit of the claimant with 92303
respect to weeks and wages for that calendar quarter. The 92304

claimant shall furnish payroll documentation, where available, 92305
in support of the affidavit. The determination based upon the 92306
alternate base period as it relates to the claimant's benefit 92307
rights, shall be amended when the quarterly report of wage 92308
information from the employer is timely received and that 92309
information causes a change in the determination. As provided in 92310
division (B) of section 4141.28 of the Revised Code, any 92311
benefits paid and charged to an employer's account, based upon a 92312
claimant's affidavit, shall be adjusted effective as of the 92313
beginning of the claimant's benefit year. No calendar quarter in 92314
a base period or alternate base period shall be used to 92315
establish a subsequent benefit year. 92316

(3) The "base period" of a combined wage claim, as 92317
described in division (H) of section 4141.43 of the Revised 92318
Code, shall be the base period prescribed by the law of the 92319
state in which the claim is allowed. 92320

(4) For purposes of determining the weeks that comprise a 92321
completed calendar quarter under this division, only those weeks 92322
ending at midnight Saturday within the calendar quarter shall be 92323
utilized. 92324

(R) (1) "Benefit year" with respect to an individual means 92325
the fifty-two week period beginning with the first day of that 92326
week with respect to which the individual first files a valid 92327
application for determination of benefit rights, and thereafter 92328
the fifty-two week period beginning with the first day of that 92329
week with respect to which the individual next files a valid 92330
application for determination of benefit rights after the 92331
termination of the individual's last preceding benefit year, 92332
except that the application shall not be considered valid unless 92333
the individual has had employment in six weeks that is subject 92334

to this chapter or the unemployment compensation act of another 92335
state, or the United States, and has, since the beginning of the 92336
individual's previous benefit year, in the employment earned 92337
three times the average weekly wage determined for the previous 92338
benefit year. The "benefit year" of a combined wage claim, as 92339
described in division (H) of section 4141.43 of the Revised 92340
Code, shall be the benefit year prescribed by the law of the 92341
state in which the claim is allowed. Any application for 92342
determination of benefit rights made in accordance with section 92343
4141.28 of the Revised Code is valid if the individual filing 92344
such application is unemployed, has been employed by an employer 92345
or employers subject to this chapter in at least twenty 92346
qualifying weeks within the individual's base period, and has 92347
earned or been paid remuneration at an average weekly wage of 92348
not less than twenty-seven and one-half per cent of the 92349
statewide average weekly wage for such weeks. For purposes of 92350
determining whether an individual has had sufficient employment 92351
since the beginning of the individual's previous benefit year to 92352
file a valid application, "employment" means the performance of 92353
services for which remuneration is payable. 92354

(2) Effective for benefit years beginning on and after 92355
December 26, 2004, but before July 1, 2022, any application for 92356
determination of benefit rights made in accordance with section 92357
4141.28 of the Revised Code is valid if the individual satisfies 92358
the criteria described in division (R)(1) of this section, and 92359
if the reason for the individual's separation from employment is 92360
not disqualifying pursuant to division (D)(2) of section 4141.29 92361
or section 4141.291 of the Revised Code. A disqualification 92362
imposed pursuant to division (D)(2) of section 4141.29 or 92363
section 4141.291 of the Revised Code must be removed as provided 92364
in those sections as a requirement of establishing a valid 92365

application for benefit years beginning on and after December 26, 2004, but before July 1, 2022. Effective for benefit years beginning on and after July 1, 2022, any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual satisfies the criteria described in division (R)(1) of this section. A disqualification imposed pursuant to division (D)(2) of section 4141.29 or section 4141.291 of the Revised Code does not affect the validity of an application.

(3) The statewide average weekly wage shall be calculated by the director once a year based on the twelve-month period ending the thirtieth day of June, as set forth in division (B)(3) of section 4141.30 of the Revised Code, rounded down to the nearest dollar. Increases or decreases in the amount of remuneration required to have been earned or paid in order for individuals to have filed valid applications shall become effective on Sunday of the calendar week in which the first day of January occurs that follows the twelve-month period ending the thirtieth day of June upon which the calculation of the statewide average weekly wage was based.

(4) As used in this division, an individual is "unemployed" if, with respect to the calendar week in which such application is filed, the individual is "partially unemployed" or "totally unemployed" as defined in this section or if, prior to filing the application, the individual was separated from the individual's most recent work for any reason which terminated the individual's employee-employer relationship, or was laid off indefinitely or for a definite period of seven or more days.

(S) "Calendar quarter" means the period of three consecutive calendar months ending on the thirty-first day of

March, the thirtieth day of June, the thirtieth day of 92396
September, and the thirty-first day of December, or the 92397
equivalent thereof as the director prescribes by rule. 92398

(T) "Computation date" means the first day of the third 92399
calendar quarter of any calendar year. 92400

(U) "Contribution period" means the calendar year 92401
beginning on the first day of January of any year. 92402

(V) "Agricultural labor," for the purpose of this 92403
division, means any service performed prior to January 1, 1972, 92404
which was agricultural labor as defined in this division prior 92405
to that date, and service performed after December 31, 1971: 92406

(1) On a farm, in the employ of any person, in connection 92407
with cultivating the soil, or in connection with raising or 92408
harvesting any agricultural or horticultural commodity, 92409
including the raising, shearing, feeding, caring for, training, 92410
and management of livestock, bees, poultry, and fur-bearing 92411
animals and wildlife; 92412

(2) In the employ of the owner or tenant or other operator 92413
of a farm in connection with the operation, management, 92414
conservation, improvement, or maintenance of such farm and its 92415
tools and equipment, or in salvaging timber or clearing land of 92416
brush and other debris left by hurricane, if the major part of 92417
such service is performed on a farm; 92418

(3) In connection with the production or harvesting of any 92419
commodity defined as an agricultural commodity in section 15 (g) 92420
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 92421
U.S.C. 1141j, as amended, or in connection with the ginning of 92422
cotton, or in connection with the operation or maintenance of 92423
ditches, canals, reservoirs, or waterways, not owned or operated 92424

for profit, used exclusively for supplying and storing water for 92425
farming purposes; 92426

(4) In the employ of the operator of a farm in handling, 92427
planting, drying, packing, packaging, processing, freezing, 92428
grading, storing, or delivering to storage or to market or to a 92429
carrier for transportation to market, in its unmanufactured 92430
state, any agricultural or horticultural commodity, but only if 92431
the operator produced more than one half of the commodity with 92432
respect to which such service is performed; 92433

(5) In the employ of a group of operators of farms, or a 92434
cooperative organization of which the operators are members, in 92435
the performance of service described in division (V) (4) of this 92436
section, but only if the operators produced more than one-half 92437
of the commodity with respect to which the service is performed; 92438

(6) Divisions (V) (4) and (5) of this section shall not be 92439
deemed to be applicable with respect to service performed: 92440

(a) In connection with commercial canning or commercial 92441
freezing or in connection with any agricultural or horticultural 92442
commodity after its delivery to a terminal market for 92443
distribution for consumption; or 92444

(b) On a farm operated for profit if the service is not in 92445
the course of the employer's trade or business. 92446

As used in division (V) of this section, "farm" includes 92447
stock, dairy, poultry, fruit, fur-bearing animal, and truck 92448
farms, plantations, ranches, nurseries, ranges, greenhouses, or 92449
other similar structures used primarily for the raising of 92450
agricultural or horticultural commodities and orchards. 92451

(W) "Hospital" means an institution which has been 92452
registered or licensed by the Ohio department of health as a 92453

hospital. 92454

(X) "Nonprofit organization" means an organization, or 92455
group of organizations, described in section 501(c)(3) of the 92456
"Internal Revenue Code of 1954," and exempt from income tax 92457
under section 501(a) of that code. 92458

(Y) "Institution of higher education" means a public or 92459
nonprofit educational institution, including an educational 92460
institution operated by an Indian tribe, which: 92461

(1) Admits as regular students only individuals having a 92462
certificate of graduation from a high school, or the recognized 92463
equivalent; 92464

(2) Is legally authorized in this state or by the Indian 92465
tribe to provide a program of education beyond high school; and 92466

(3) Provides an educational program for which it awards a 92467
bachelor's or higher degree, or provides a program which is 92468
acceptable for full credit toward such a degree, a program of 92469
post-graduate or post-doctoral studies, or a program of training 92470
to prepare students for gainful employment in a recognized 92471
occupation. 92472

For the purposes of this division, all colleges and 92473
universities in this state are institutions of higher education. 92474

(Z) For the purposes of this chapter, "states" includes 92475
the District of Columbia, the Commonwealth of Puerto Rico, and 92476
the Virgin Islands. 92477

(AA) "Alien" means, for the purposes of division ~~(A)(1)(d)~~ 92478
(D) of this section 4141.011 of the Revised Code, an individual 92479
who is an alien admitted to the United States to perform service 92480
in agricultural labor pursuant to sections 214 (c) and 101 (a) 92481

(15) (H) of the "Immigration and Nationality Act," 66 Stat. 163,
8 U.S.C.A. 1101. 92482
92483

(BB) (1) "Crew leader" means an individual who furnishes 92484
individuals to perform agricultural labor for any other employer 92485
or farm operator, and: 92486

(a) Pays, either on the individual's own behalf or on 92487
behalf of the other employer or farm operator, the individuals 92488
so furnished by the individual for the service in agricultural 92489
labor performed by them; 92490

(b) Has not entered into a written agreement with the 92491
other employer or farm operator under which the agricultural 92492
worker is designated as in the employ of the other employer or 92493
farm operator. 92494

(2) For the purposes of this chapter, any individual who 92495
is a member of a crew furnished by a crew leader to perform 92496
service in agricultural labor for any other employer or farm 92497
operator shall be treated as an employee of the crew leader if: 92498

(a) The crew leader holds a valid certificate of 92499
registration under the "Farm Labor Contractor Registration Act 92500
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 92501

(b) Substantially all the members of the crew operate or 92502
maintain tractors, mechanized harvesting or crop-dusting 92503
equipment, or any other mechanized equipment, which is provided 92504
by the crew leader; and 92505

(c) If the individual is not in the employment of the 92506
other employer or farm operator within the meaning of division 92507
(B) (1) of this section. 92508

(3) For the purposes of this division, any individual who 92509

is furnished by a crew leader to perform service in agricultural 92510
labor for any other employer or farm operator and who is not 92511
treated as in the employment of the crew leader under division 92512
(BB) (2) of this section shall be treated as the employee of the 92513
other employer or farm operator and not of the crew leader. The 92514
other employer or farm operator shall be treated as having paid 92515
cash remuneration to the individual in an amount equal to the 92516
amount of cash remuneration paid to the individual by the crew 92517
leader, either on the crew leader's own behalf or on behalf of 92518
the other employer or farm operator, for the service in 92519
agricultural labor performed for the other employer or farm 92520
operator. 92521

(CC) "Educational institution" means an institution other 92522
than an institution of higher education as defined in division 92523
(Y) of this section, including an educational institution 92524
operated by an Indian tribe, which: 92525

(1) Offers participants, trainees, or students an 92526
organized course of study or training designed to transfer to 92527
them knowledge, skills, information, doctrines, attitudes, or 92528
abilities from, by, or under the guidance of an instructor or 92529
teacher; and 92530

(2) Is approved, chartered, or issued a permit to operate 92531
as a school by the director of education and workforce, other 92532
government agency, or Indian tribe that is authorized within the 92533
state to approve, charter, or issue a permit for the operation 92534
of a school. 92535

For the purposes of this division, the courses of study or 92536
training which the institution offers may be academic, 92537
technical, trade, or preparation for gainful employment in a 92538
recognized occupation. 92539

(DD) "Cost savings day" means any unpaid day off from work 92540
in which employees continue to accrue employee benefits which 92541
have a determinable value including, but not limited to, 92542
vacation, pension contribution, sick time, and life and health 92543
insurance. 92544

(EE) "Motor carrier" has the same meaning as in section 92545
4923.01 of the Revised Code. 92546

Sec. 4141.011. (A) (1) Except as provided in this section, 92547
an employer is subject to this chapter if either of the 92548
following apply: 92549

(a) The employer had at least one individual in employment 92550
for some portion of a day in each of twenty different calendar 92551
weeks, in either the current or the preceding calendar year, 92552
whether or not the same individual was in employment in each 92553
such day; 92554

(b) The employer paid for service in employment wages of 92555
fifteen hundred dollars or more in any calendar quarter in 92556
either the current or preceding calendar year. 92557

(2) For purposes of division (A) (1) (a) of this section, if 92558
any week includes both the thirty-first day of December and the 92559
first day of January, the days of that week before the first day 92560
of January shall be considered one calendar week and the days to 92561
beginning the first day of January another week. 92562

(B) If an employer is a nonprofit organization, the 92563
employer is subject to this chapter if the employer had at least 92564
four individuals in employment for some portion of a day in each 92565
of twenty different calendar weeks, in either the current or the 92566
preceding calendar year, whether or not the same individual was 92567
in employment in each such day. 92568

(C) (1) An employer is subject to this chapter with respect 92569
to employment in domestic service in a local college club, local 92570
chapter of a college fraternity or sorority, or a private home 92571
if the employer paid cash remuneration for such employment of at 92572
least one thousand dollars in any calendar quarter in the 92573
current calendar year or the preceding calendar year. 92574

(2) Wages paid to, or employment of, an individual 92575
performing domestic service as described in division (C) (1) of 92576
this section do not apply to employment or wages for purposes of 92577
divisions (A) and (B) of this section. 92578

(3) An employer subject to this chapter under division (C) 92579
(1) of this section is not subject to this chapter with respect 92580
to wages paid for any services other than domestic service 92581
unless the employer is also found to be subject to this chapter 92582
under division (A), (B), or (D) of this section. 92583

(D) If an employer is a farm operator or a crew leader, 92584
the employer is subject to this chapter if the employer had 92585
individuals in employment in agricultural labor and either of 92586
the following apply: 92587

(1) The employer paid cash remuneration of twenty thousand 92588
dollars or more for the agricultural labor during any calendar 92589
quarter in the current calendar year or the preceding calendar 92590
year; 92591

(2) The employer had at least ten individuals in 92592
employment in agricultural labor, not including agricultural 92593
workers who are aliens admitted to the United States to perform 92594
agricultural labor pursuant to sections 1184(c) and 1101(a) (15) 92595
(H) of the "Immigration and Nationality Act," 8 U.S.C. 1101(a) 92596
(15) (H) (ii) (a), 1184(c), for some portion of a day in each of 92597

the twenty different calendar weeks, in either the current or 92598
preceding calendar year whether or not the same individual was 92599
in employment in each day. 92600

(E) An employer who is not subject to this chapter under 92601
division (A) of this section is subject to this chapter if any 92602
of the following apply: 92603

(1) Service, except for domestic service in a private home 92604
not covered under division (C) of this section, is or was 92605
performed within either the current or preceding calendar year, 92606
and with respect to which such employer is liable for any 92607
federal tax against which credit may be taken for contributions 92608
required to be paid into a state unemployment fund; 92609

(2) As a condition for approval of this chapter for full 92610
tax credit against the tax imposed by the "Federal Unemployment 92611
Tax Act," 26 U.S.C. 3301 to 3311, is required, pursuant to such 92612
act to be an employer subject to this chapter; 92613

(3) The employer became subject to this chapter by 92614
election under division (H) or (I) of this section and for the 92615
duration of such election. 92616

(F) If an employer is any state, its instrumentalities, 92617
its political subdivisions, their instrumentalities, or an 92618
Indian tribe, the employer is subject to this chapter if the 92619
employer had at least one individual in employment, as defined 92620
in divisions (B) (2) (a) and (B) (2) (1) of section 4141.01 of the 92621
Revised Code. 92622

(G) An employer subject to this chapter within any 92623
calendar year is subject to this chapter during the whole of 92624
such year and during the next succeeding calendar year. 92625

(H) An employer not otherwise subject to this chapter who 92626

files with the director of job and family services a written 92627
election to become an employer subject to this chapter for not 92628
less than two calendar years shall, with the written approval of 92629
such election by the director, become an employer subject to 92630
this chapter to the same extent as all other employers as of the 92631
date stated in such approval, and shall cease to be subject to 92632
this chapter as of the first day of January of any calendar year 92633
subsequent to such two calendar years only if at least thirty 92634
days prior to such first day of January the employer has filed 92635
with the director a written notice to that effect. 92636

(I) Any employer for whom services that do not constitute 92637
employment are performed may file with the director a written 92638
election that all such services performed by individuals in the 92639
employer's employ in one or more distinct establishments or 92640
places of business shall be deemed to constitute employment for 92641
all the purposes of this chapter, for not less than two calendar 92642
years. Upon written approval of the election by the director, 92643
such services shall be deemed to constitute employment subject 92644
to this chapter from and after the date stated in such approval. 92645
Such services shall cease to be employment subject to this 92646
chapter as of the first day of January of any calendar year 92647
subsequent to such two calendar years only if at least thirty 92648
days prior to such first day of January such employer has filed 92649
with the director a written notice to that effect. 92650

(J) An employer who is a franchisor is not subject to this 92651
chapter with respect to the franchisor's relationship with a 92652
franchisee or an employee of a franchisee, unless the franchisor 92653
agrees to assume that role in writing or a court of competent 92654
jurisdiction determines that the franchisor exercises a type or 92655
degree of control over the franchisee or the franchisee's 92656
employees that is not customarily exercised by a franchisor for 92657

the purpose of protecting the franchisor's trademark, brand, or 92658
both. For purposes of this division, "franchisor" and 92659
"franchisee" have the same meanings as in 16 C.F.R. 436.1. 92660

Sec. 4141.02. A nonprofit organization ~~that does not meet~~ 92661
~~the definition of employer for purposes of~~ that is not subject 92662
to this chapter pursuant to division (A)(1)(a)(B) of section 92663
4141.01-4141.011 of the Revised Code, and that does not elect to 92664
become an employer subject to this chapter pursuant to division 92665
~~(A)(4)(H)~~ (H) of section 4141.01-4141.011 of the Revised Code, shall 92666
notify the organization's employees upon hiring that the 92667
organization, and the employee's employment with the 92668
organization, are exempt from this chapter. 92669

Sec. 4141.08. (A) The unemployment compensation integrity 92670
board is created. The board may advise and consult the director 92671
of job and family services in the administration and enforcement 92672
of this chapter and rules adopted under it, including making 92673
recommendations to the director regarding proposed rules or 92674
public private partnerships. The board consists of the following 92675
members: 92676

(1) The director of job and family services, or the 92677
director's authorized representative; 92678

(2) One member of the house of representative appointed by 92679
the speaker of the house of representatives; 92680

(3) One member of the senate appointed by the president of 92681
the senate; 92682

(4) The following members to be appointed by the director: 92683

(a) A representative from the Ohio chamber of commerce or 92684
its successor organization; 92685

- (b) A representative from the national federation of 92686
independent business or its successor organization; 92687
- (c) A third-party administrator that is a third-party 92688
commercial consumer reporting agency, in accordance with the 92689
"Fair Credit Reporting Act," 15 U.S.C. 1681 et seq.; 92690
- (d) A representative from the Ohio federation of labor or 92691
its successor organization; 92692
- (e) A representative from the affiliated construction 92693
trades of Ohio or its successor organization; 92694
- (f) A representative from the Ohio conference of teamsters 92695
or its successor organization. 92696
- (B) The director of job and family services, or the 92697
director's authorized representative, shall serve as chairperson 92698
of the board. 92699
- (C) The board shall meet at least two times each calendar 92700
year. 92701
- (D) Each member appointed by the director shall serve 92702
three year terms that expire on the thirty-first day of 92703
December. 92704
- (E) Each member appointed by the director shall hold 92705
office from the date of appointment until the end of the term 92706
for which the member was appointed. A member appointed by the 92707
director to fill a vacancy occurring before the expiration of 92708
the term for which the member's predecessor was appointed shall 92709
hold office for the remainder of the term. A member appointed by 92710
the director shall continue in office subsequent to the 92711
expiration date of the member's term until the member's 92712
successor takes office or a period of sixty days has elapsed, 92713

whichever occurs first. A member appointed by the director shall 92714
continue in office for the entirety of the member's term unless 92715
removed for misfeasance, malfeasance, or nonfeasance. 92716

(F) The members of the board who are appointed from the 92717
membership of the senate and the house of representatives shall 92718
serve during their terms as members of the general assembly and 92719
until their successors are appointed and qualified, 92720
notwithstanding the adjournment of the general assembly of which 92721
they are members or the expiration of their terms as members of 92722
such general assembly. 92723

(G) All meetings of the unemployment compensation 92724
integrity board shall comply with section 121.22 of the Revised 92725
Code. 92726

(H) All members of the unemployment compensation integrity 92727
board shall comply with Chapter 102. of the Revised Code, as 92728
applicable. 92729

Sec. 4141.162. (A) The director of job and family services 92730
shall establish an income and eligibility verification system 92731
that complies with section 1137 of the "Social Security Act." 92732
The programs included in the system are all of the following: 92733

(1) Unemployment compensation pursuant to section 3304 of 92734
the "Internal Revenue Code of 1954"; 92735

(2) The state programs funded in part under part A of 92736
Title IV of the "Social Security Act" and administered under 92737
Chapters 5107. and 5108. of the Revised Code; 92738

(3) The medicaid program; 92739

(4) The supplemental nutrition assistance program pursuant 92740
to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); 92741

(5) Any Ohio program under a plan approved under Title I, 92742
X, XIV, or XVI of the "Social Security Act." 92743

(B) Wage information provided by employers to the director 92744
shall be furnished to the income and eligibility verification 92745
system. Such information shall be used by the director to 92746
determine eligibility of individuals for unemployment 92747
compensation benefits and the amount of those benefits and used 92748
by the agencies that administer the programs identified in 92749
divisions (A) (2) to (5) of this section to determine or verify 92750
eligibility for or the amount of benefits under those programs. 92751

(C) The director shall, on request, disclose wage and 92752
claim information to any state or local agency administering a 92753
program identified in division (A) of this section that has 92754
entered into a written data sharing agreement with the director 92755
that meets the standards specified in federal law, including the 92756
requirements in 20 C.F.R. 603.10. 92757

~~The director shall fully implement the use of wage 92758~~
~~information to determine eligibility for and the amount of 92759~~
~~unemployment compensation benefits by September 30, 1988. 92760~~

(D) Information furnished under the system shall also be 92761
made available to the appropriate state or local child support 92762
enforcement agency for the purposes of an approved plan under 92763
Title IV-D of the "Social Security Act" and to the appropriate 92764
federal agency for the purposes of Titles II and XVI of the 92765
"Social Security Act." 92766

~~(B) The director shall adopt rules as necessary under 92767~~
~~which the department of job and family services and other state 92768~~
~~agencies that the director determines must participate in order 92769~~
~~to ensure compliance with section 1137 of the "Social Security 92770~~

~~Act" exchange information with each other or authorized federal agencies about individuals who are applicants for or recipients of benefits under any of the programs enumerated in division (A) of this section. The rules shall extend to all of the following:~~

~~(1) A requirement for standardized formats and procedures for a participating agency to request and receive information about an individual, which information shall include the individual's social security number;~~

~~(2) A requirement that all applicants for and recipients of benefits under any program enumerated in division (A) of this section be notified at the time of application, and periodically thereafter, that information available through the system may be shared with agencies that administer other benefit programs and utilized in establishing or verifying eligibility or benefit amounts under the other programs enumerated in division (A) of this section;~~

~~(3) A requirement that information is made available only to the extent necessary to assist in the valid administrative needs of the program receiving the information and is targeted for use in ways which are most likely to be productive in identifying and preventing ineligibility and incorrect payments;~~

~~(4) A requirement that information is adequately protected against unauthorized disclosures for purposes other than to establish or verify eligibility or benefit amounts under the programs enumerated in division (A) of this section;~~

~~(5) A requirement that a program providing information is reimbursed by the program using the information for the actual costs of furnishing the information and that the director be reimbursed by the participating programs for any actual costs~~

~~incurred in operating the system;~~ 92800

~~(6) Requirements for any other matters necessary to ensure 92801
the effective, efficient, and timely exchange of necessary 92802
information or that the director determines must be addressed in 92803
order to ensure compliance with the requirements of section 1137 92804
of the "Social Security Act." 92805~~

~~(C) Each participating agency shall furnish to the income 92806
and eligibility verification system established in division (A) 92807
of this section that information, which the director, by rule, 92808
determines is necessary in order to comply with section 1137 of 92809
the "Social Security Act." 92810~~

~~(D) Notwithstanding the information disclosure 92811
requirements of this section and section 4141.21 and division 92812
(A) of section 4141.284 of the Revised Code, the director shall 92813
administer those provisions of law so as to comply with section 92814
1137 of the "Social Security Act." 92815~~

~~(E) Requirements in section 4141.21 of the Revised Code 92816
with respect to confidentiality of information obtained in the 92817
administration of Chapter 4141. of the Revised Code and any 92818
sanctions imposed for improper disclosure of such information 92819
shall apply to the redisclosure of information disclosed under 92820
this section. 92821~~

~~(F) The director of job and family services shall consult 92822
with the medicaid director and the director of administrative 92823
services regarding the implementation of this section. 92824~~

Sec. 4141.23. (A) Contributions shall accrue and become 92825
payable by each employer for each calendar year or other period 92826
as prescribed by this chapter. Such contributions become due and 92827
shall be paid by each employer to the director of job and family 92828

services for the unemployment compensation fund in accordance 92829
with such regulations as the director prescribes, and shall not 92830
be deducted, in whole or in part, from the remuneration of 92831
individuals in the employer's employ. 92832

In the payment of any contributions, a fractional part of 92833
a dollar may be disregarded unless it amounts to fifty cents or 92834
more, in which case it may be increased to the next higher 92835
dollar. 92836

~~(B) (1) Any contribution or payment in lieu of 92837
contribution, due from an employer on or before December 31, 92838
1992, shall, if not paid when due, bear interest at the rate of 92839
ten per cent per annum. In such computation any fraction of a 92840
month shall be considered as a full month. 92841~~

~~(2) Any contribution, payment in lieu of contribution, 92842
interest, forfeiture, or fine due from an employer on or after 92843
January 1, 1993 before December 31, 2025, shall, if not paid when 92844
due, bear interest at the annual rate of fourteen per cent 92845
compounded monthly on the aggregate receivable balance due. In 92846
such computation any fraction of a month shall be considered as 92847
a full month. 92848~~

(2) Any contribution, payment in lieu of contribution, 92849
interest, forfeiture, or fine due from an employer on or after 92850
January 1, 2026, shall, if not paid when due, bear interest at 92851
the interest rate established by the state tax commissioner 92852
pursuant to section 5703.47 of the Revised Code, not exceeding 92853
fifteen per cent. In such computation any fraction of a month 92854
shall be considered as a full month. 92855

(C) The director may waive the interest assessed under 92856
division ~~(B) (2)~~ (B) of this section if the employer meets all of 92857

the following conditions within thirty days after the date the 92858
director mails or delivers the notice of assessment of interest: 92859

(1) Provides to the director a written request for a 92860
waiver of interest clearly demonstrating that the employer's 92861
failure to timely pay contributions, payments in lieu of 92862
contributions, interest, forfeiture, and fines was a result of 92863
circumstances beyond the control of the employer or the 92864
employer's agent, except that negligence on the part of the 92865
employer or the employer's agent shall not be considered beyond 92866
the control of the employer or the employer's agent; 92867

(2) Furnishes to the director all quarterly reports 92868
required under section 4141.20 of the Revised Code; 92869

(3) Pays in full all contributions, payments in lieu of 92870
contributions, interest, forfeiture, and fines for each quarter 92871
for which such payments are due. 92872

The director shall deny an employer's request for a waiver 92873
of interest after finding that the employer's failure to timely 92874
furnish reports or make payments as required under this chapter 92875
was due to an attempt to evade payment. 92876

(D) Any contribution, interest, forfeiture, or fine 92877
required to be paid under this chapter by any employer shall, if 92878
not paid when due, become a lien upon the real and personal 92879
property of such employer. Upon failure of such employer to pay 92880
the contributions, interest, forfeiture, or fine required to be 92881
paid under this chapter, the director shall file notice of such 92882
lien, for which there shall be no charge, in the office of the 92883
county recorder of the county in which it is ascertained that 92884
such employer owns real estate or personal property. The 92885
director shall notify the employer by mail of the lien. The 92886

absence of proof that the notice was sent does not affect the 92887
validity of the lien. Such lien shall not be valid as against 92888
the claim of any mortgagee, pledgee, purchaser, judgment 92889
creditor, or other lienholder of record at the time such notice 92890
is filed. 92891

If the employer acquires real or personal property after 92892
notice of lien is filed, such lien shall not be valid as against 92893
the claim of any mortgagee, pledgee, subsequent bona fide 92894
purchaser for value, judgment creditor, or other lienholder of 92895
record to such after-acquired property, unless the notice of 92896
lien is refiled after such property was acquired by the employer 92897
and before the competing lien attached to such after-acquired 92898
property or before the conveyance to such subsequent bona fide 92899
purchaser for value. 92900

Such a notice shall be recorded in the county recorder's 92901
official records and indexed in the direct and reverse indexes 92902
under the name of the employer. When such unpaid contributions, 92903
interest, forfeiture, or fines have been paid, the employer may 92904
record with the county recorder of the county in which such 92905
notice of lien has been filed and recorded, notice of such 92906
payment, and the notice of payment shall be recorded in the 92907
county recorder's official records and indexed in the direct and 92908
reverse indexes. For recording the notice of payment, the county 92909
recorder shall charge and receive from the employer a base fee 92910
of two dollars for services and a housing trust fund fee of two 92911
dollars pursuant to section 317.36 of the Revised Code. 92912

(E) Notwithstanding other provisions in this section, the 92913
director may reduce, in whole or in part, the amount of 92914
interest, forfeiture, or fines required to be paid under this 92915
chapter if the director determines that the reduction is in the 92916

best interest of the unemployment compensation fund. 92917

(F) Assessment of contributions shall not be made after 92918
four years from the date on which such contributions became 92919
payable, and no action in court for the collection of 92920
contributions without assessment of such contributions shall be 92921
begun after the expiration of five years from the date such 92922
contributions became payable. In case of a false or fraudulent 92923
report or of a willful attempt in any manner to evade 92924
contributions, such contributions may be assessed or a 92925
proceeding in court for the collection of such contributions may 92926
be begun without assessment at any time. When the assessment of 92927
contributions has been made within such four-year period 92928
provided, action in court to collect such contributions may be 92929
begun within, but not later than, six years after such 92930
assessment. 92931

(G) In the event of a distribution of an employer's 92932
assets, pursuant to an order of any court under the law of this 92933
state, including any receivership, assignment for benefit of 92934
creditors, adjudicated insolvency, or similar proceedings, 92935
contributions, interest, forfeiture, or fine then or thereafter 92936
due have the same priority as provided by law for the payment of 92937
taxes due the state and shall be paid out of the trust fund in 92938
the same manner as provided for other claims for unpaid taxes 92939
due the state. 92940

(H) If the attorney general finds after investigation that 92941
any claim for delinquent contributions, interest, forfeitures, 92942
or fines owing to the director is uncollectible, in whole or in 92943
part, the attorney general shall recommend to the director the 92944
cancellation of such claim or any part thereof. The director may 92945
thereupon effect such cancellation. 92946

Sec. 4141.281. APPEALS

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(A) APPEAL FILED

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Any party notified of a determination of benefit rights or
a claim for benefits determination may appeal within twenty-one
calendar days after the written determination was sent to the
party or within an extended period as provided under division
(D) (9) of this section.

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(B) REDETERMINATION

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Within twenty-one days after receipt of the appeal, the
director of job and family services shall issue a
redetermination or transfer the appeal to the unemployment
compensation review commission. A redetermination under this
section is appealable in the same manner as an initial
determination by the director.

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(C) REVIEW COMMISSION

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(1) JURISDICTION

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The commission shall provide an opportunity for a fair
hearing to the interested parties of appeals over which the
commission has jurisdiction. The commission has jurisdiction
over an appeal on transfer or on direct appeal to the
commission. If the commission concludes that a pending appeal
does not warrant a hearing, the commission may remand the appeal
to the director for redetermination. The commission retains
jurisdiction until the appeal is remanded to the director or a
final decision is issued and appealed to court, or the time to
request a review or to appeal a decision of a hearing officer or
the commission is expired.

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(2) CONDUCT OF HEARINGS

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Hearings before the commission are held at the hearing officer level and the review level. Unless otherwise provided in this chapter, initial hearings involving claims for compensation and other unemployment compensation issues are conducted at the hearing officer level by hearing officers appointed by the commission. Hearings at the review level are conducted by hearing officers appointed by the commission, by members of the commission acting either individually or collectively, and by members of the commission and hearing officers acting jointly. In all hearings conducted at the review level, the commission shall designate the hearing officer or officers who are to conduct the hearing. When the term "hearing officer" is used in reference to hearings conducted at the review level, the term includes members of the commission. All decisions issued at the review level are issued by the commission.

Provisions contained in the remainder of this paragraph apply to hearings at both the hearing officer level and the review level. The principles of due process in administrative hearings shall be applied to all hearings conducted under the authority of the commission. In conducting hearings, all hearing officers shall control the conduct of the hearing, exclude irrelevant or cumulative evidence, and give weight to the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of serious affairs. Hearing officers have an affirmative duty to question parties and witnesses in order to ascertain the relevant facts and to fully and fairly develop the record. Hearing officers are not bound by common law or statutory rules of evidence or by technical or formal rules of procedure. No person shall impose upon the claimant or the employer any burden of proof as is required in a court of law. The proceedings at hearings shall be recorded by mechanical

means or otherwise as may be prescribed by the commission. In 93006
the absence of further proceedings, the record need not be 93007
transcribed. After considering all of the evidence, a hearing 93008
officer shall issue a written decision that sets forth the facts 93009
as the hearing officer finds them to be, cites the applicable 93010
law, and gives the reasoning for the decision. 93011

(3) HEARING OFFICER LEVEL 93012

When an appeal is transferred to the commission by the 93013
director, the commission shall notify all interested parties of 93014
the time and place of the hearing and assign the appeal for a 93015
hearing by a hearing officer. The hearings shall be de novo, 93016
except that the director's file pertaining to a case shall be 93017
included in the record to be considered. 93018

Following a hearing, the hearing officer shall affirm, 93019
modify, or reverse the determination of the director in the 93020
manner that appears just and proper. The hearing officer's 93021
written decision shall be sent to all interested parties. The 93022
decision shall state the right of an interested party to request 93023
a review by the commission. 93024

A request for review shall be filed within twenty-one days 93025
after the decision was sent to the party, or within an extended 93026
period as provided under division (D)(9) of this section. The 93027
hearing officer's decision shall become final unless a request 93028
for review is filed and allowed or the commission removes the 93029
appeal to itself within twenty-one days after the hearing 93030
officer's decision is sent. 93031

(4) REVIEW LEVEL 93032

At the review level, the commission may affirm, modify, or 93033
reverse previous determinations by the director or at the 93034

hearing officer level. At the review level, the commission may 93035
affirm, modify, or reverse a hearing officer's decision or 93036
remand the decision to the hearing officer level for further 93037
hearing. The commission shall consider an appeal at the review 93038
level under the following circumstances: when an appeal is 93039
required to be heard initially at the review level under this 93040
chapter; when the commission on its own motion removes an appeal 93041
to itself within twenty-one days after the hearing officer's 93042
decision is sent; when the assigned hearing officer refers an 93043
appeal to the commission before the hearing officer's decision 93044
is sent; or when an interested party files a request for review 93045
with the commission within twenty-one days after the hearing 93046
officer's decision is sent. 93047

(5) COMMISSION EXAMINATION 93048

The commission shall consider a request for review by an 93049
interested party, including the reasons for the request. The 93050
commission may adopt rules prescribing the methods for 93051
requesting a review. The commission may allow or disallow the 93052
request for review. The disallowance of a request for review 93053
constitutes a final decision by the commission. 93054

(6) REVIEW PROCEDURE 93055

If the commission allows a request for review, the 93056
commission shall notify all interested parties of that fact and 93057
provide a reasonable period of time, as the commission defines 93058
by rule, in which interested parties may file a response. After 93059
that period of time, the commission, based on the record before 93060
it, may do one of the following: affirm the decision of the 93061
hearing officer; provide for the appeal to be heard or reheard 93062
at the hearing officer or review level; provide for the appeal 93063
to be heard at the review level as a potential precedential 93064

decision; or provide for the decision to be rewritten without 93065
further hearing at the review level. When a further hearing is 93066
provided or the decision is rewritten, the commission may 93067
affirm, modify, or reverse the previous decision. 93068

If a member of the commission is unable or unavailable to 93069
consider an appeal allowed by the commission, the other members 93070
of the commission may appoint a hearing officer as a temporary 93071
commissioner to fulfill the unable or unavailable commissioner's 93072
duties with respect to the appeal. The members of the commission 93073
may not appoint the hearing officer who decided the appeal at 93074
the hearing officer level. 93075

(7) NOTICES 93076

The commission shall send written notice to all interested 93077
parties when it orders an appeal to be heard or reheard. The 93078
notice shall include the reasons for the hearing or rehearing. 93079

(8) PRECEDENTIAL 93080

An appeal the commission identifies as potentially 93081
precedential shall be heard at the review level. In the notice 93082
for that type of hearing, the commission shall notify the 93083
director, all interested parties, and any other parties, as the 93084
commission determines appropriate, that the appeal is designated 93085
as potentially precedential. After the hearing, parties shall be 93086
given the opportunity to submit briefs on the issue or issues 93087
involved. The commission may designate a decision as 93088
precedential after issuing the decision or at any point in the 93089
appeal process, even if the commission does not initially 93090
identify the appeal as potentially precedential. 93091

(9) MASS APPEALS 93092

When the commission determines that it has five appeals 93093

pending that have common facts or common issues, the commission 93094
may transfer the appeals to the review level on its own motion 93095
to be heard as a mass appeal, including appeals from claimants 93096
separated due to a labor dispute, on the condition that there 93097
are fewer than twenty-five claimants involved. 93098

To facilitate a mass hearing, the commission may allow an 93099
authorized agent to accept notice of hearing on behalf of 93100
claimants. An authorized agent may waive this notice of hearing 93101
and also the sending of decisions to individual claimants 93102
represented by the agent. 93103

(D) SPECIAL PROVISIONS 93104

(1) TIMELINESS OF APPEALS 93105

The date of the mailing provided by the director or the 93106
commission is sufficient evidence upon which to conclude that a 93107
determination, redetermination, or decision was sent to the 93108
party on that date. Appeals may be filed with the director, 93109
commission, with an employee of another state or federal agency 93110
charged with the duty of accepting claims, or with the 93111
unemployment insurance commission of Canada. Any timely written 93112
notice by an interested party indicating a desire to appeal 93113
shall be accepted. 93114

The director, commission, or authorized agent must receive 93115
the appeal within the specified appeal period in order for the 93116
appeal to be deemed timely filed, except that: if the United 93117
States postal service is used as the means of delivery, the 93118
enclosing envelope must have a postmark date or postal meter 93119
postmark that is on or before the last day of the specified 93120
appeal period; and where the postmark is illegible or missing, 93121
the appeal is timely filed if received not later than the end of 93122

the fifth calendar day following the last day of the specified 93123
appeal period. 93124

The director and the commission may adopt rules pertaining 93125
to alternate methods of filing appeals under this section. 93126

(2) WAIVER 93127

Interested parties may waive, in writing, a hearing at 93128
either the hearing officer or review level. If the parties waive 93129
a hearing, the hearing officer shall issue a decision based on 93130
the evidence of record. 93131

(3) TELEPHONE HEARINGS 93132

Hearing officers may conduct hearings at either the 93133
hearing officer or review level in person or by telephone or 93134
interactive video conference. The commission shall adopt rules 93135
that designate the circumstances under which hearing officers 93136
may conduct a hearing by telephone or interactive video 93137
conference or grant a party to the hearing the opportunity to 93138
object to a hearing by telephone or interactive video 93139
conference. An interested party whose hearing would be by 93140
telephone or interactive video conference may elect to have an 93141
in-person hearing, provided that the party agrees to have the 93142
hearing at the time and place the commission determines pursuant 93143
to rule. 93144

(4) EVENING HEARINGS 93145

Unless the commission grants a request for an evening 93146
telephone or interactive video conference hearing, hearing 93147
officers shall conduct hearings at the hearing officer and 93148
review level during normal business hours. An interested party 93149
who is regularly employed throughout those hours may request to 93150
have a hearing by telephone or interactive video conference 93151

during the evening. The commission shall grant or deny a request 93152
for an evening telephone or interactive video conference 93153
hearing. If a conflict concerning a request for an evening 93154
hearing and an in-person hearing arises, the commission shall 93155
schedule the hearing by telephone or interactive video 93156
conference during evening hours. 93157

(5) NO APPEARANCE -- APPELLANT 93158

For hearings at either the hearing officer or review 93159
level, if the appealing party fails to appear at the hearing, 93160
the hearing officer shall dismiss the appeal. The commission 93161
shall vacate the dismissal upon a showing that written notice of 93162
the hearing was not sent to that party's last known address, or 93163
good cause for the appellant's failure to appear is shown to the 93164
commission within fourteen days after the hearing date. 93165

If the commission finds that the appealing party's reason 93166
for failing to appear does not constitute good cause for failing 93167
to appear, the commission shall send written notice of that 93168
finding, and the appealing party may request a hearing to 93169
present testimony on the issue of good cause for failing to 93170
appear. The appealing party shall file a request for a hearing 93171
on the issue of good cause for failing to appear within ten days 93172
after the commission sends written notice indicating a finding 93173
of no good cause for failing to appear. 93174

(6) NO APPEARANCE -- APPELLEE 93175

For hearings at either the hearing officer or review 93176
level, if the appellee fails to appear at the hearing, the 93177
hearing officer shall proceed with the hearing and shall issue a 93178
decision based on the evidence of record. The commission shall 93179
vacate the decision upon a showing that written notice of the 93180

hearing was not sent to the appellee's last known address, or 93181
good cause for the appellee's failure to appear is shown to the 93182
commission within fourteen days after the hearing date. 93183

(7) AGENT 93184

Any appeal or request for review may be executed on behalf 93185
of any party or any group of claimants by an agent. 93186

(8) COLLATERAL ESTOPPEL 93187

No finding of fact or law, decision, or order of the 93188
director, hearing officer, the commission, or a reviewing court 93189
under this section or section 4141.28 of the Revised Code shall 93190
be given collateral estoppel or res judicata effect in any 93191
separate or subsequent judicial, administrative, or arbitration 93192
proceeding, other than a proceeding arising under this chapter. 93193

(9) EXTENSION OF APPEAL PERIODS 93194

The time for filing an appeal or a request for review 93195
under this section or a court appeal under section 4141.282 of 93196
the Revised Code shall be extended in the manner described in 93197
the following four sentences. When the last day of an appeal 93198
period is a Saturday, Sunday, or legal holiday, the appeal 93199
period is extended to the next work day after the Saturday, 93200
Sunday, or legal holiday. When an interested party provides 93201
certified medical evidence stating that the interested party's 93202
physical condition or mental capacity prevented the interested 93203
party from filing an appeal or request for review under this 93204
section within the appropriate twenty-one-day period, the appeal 93205
period is extended to twenty-one days after the end of the 93206
physical or mental condition, and the appeal or request for 93207
review is considered timely filed if filed within that extended 93208
period. When an interested party provides evidence, which 93209

evidence may consist of testimony from the interested party, 93210
that is sufficient to establish that the party did not actually 93211
receive the determination or decision within the applicable 93212
appeal period under this section, and the director or the 93213
commission finds that the interested party did not actually 93214
receive the determination or decision within the applicable 93215
appeal period, then the appeal period is extended to twenty-one 93216
days after the interested party actually receives the 93217
determination or decision. When an interested party provides 93218
evidence, which evidence may consist of testimony from the 93219
interested party, that is sufficient to establish that the party 93220
did not actually receive a decision within the thirty-day appeal 93221
period provided in section 4141.282 of the Revised Code, and a 93222
court of common pleas finds that the interested party did not 93223
actually receive the decision within that thirty-day appeal 93224
period, then the appeal period is extended to thirty days after 93225
the interested party actually receives the decision. 93226

Sec. 4141.29. Each eligible individual shall receive 93227
benefits as compensation for loss of remuneration due to 93228
involuntary total or partial unemployment in the amounts and 93229
subject to the conditions stipulated in this chapter. 93230

(A) No individual is entitled to a waiting period or 93231
benefits for any week unless the individual: 93232

(1) Has filed a valid application for determination of 93233
benefit rights in accordance with section 4141.28 of the Revised 93234
Code; 93235

(2) Has made a claim for benefits in accordance with 93236
section 4141.28 of the Revised Code; 93237

(3) (a) Has registered for work and thereafter continues to 93238

report to an employment office or other registration place 93239
maintained or designated by the director of job and family 93240
services. Registration shall be made in accordance with the time 93241
limits, frequency, and manner prescribed by the director. 93242

(b) For purposes of division (A)(3) of this section, an 93243
individual has "registered" upon doing any of the following: 93244

(i) Filing an application for benefit rights; 93245

(ii) Making a weekly claim for benefits; 93246

(iii) Reopening an existing claim following a period of 93247
employment or nonreporting. 93248

(c) After an applicant is registered, that registration 93249
continues for a period of three calendar weeks, including the 93250
week during which the applicant registered. However, an 93251
individual is not registered for purposes of division (A)(3) of 93252
this section during any period in which the individual fails to 93253
report, as instructed by the director, or fails to reopen an 93254
existing claim following a period of employment. 93255

(d) The director may, for good cause, extend the period of 93256
registration. 93257

(e) For purposes of this section, "report" means contact 93258
by phone, access electronically, or be present for an in-person 93259
appointment, as designated by the director. 93260

(4)(a)(i) Is able to work and available for suitable work 93261
and, except as provided in division (A)(4)(a)(ii) or (iii) of 93262
this section, is actively seeking suitable work either in a 93263
locality in which the individual has earned wages subject to 93264
this chapter during the individual's base period, or if the 93265
individual leaves that locality, then in a locality where 93266

suitable work normally is performed. 93267

(ii) The director may waive the requirement that a 93268
claimant be actively seeking work when the director finds that 93269
the individual has been laid off and the employer who laid the 93270
individual off has notified the director within ten days after 93271
the layoff, that work is expected to be available for the 93272
individual within a specified number of days not to exceed 93273
forty-five calendar days following the last day the individual 93274
worked. In the event the individual is not recalled within the 93275
specified period, this waiver shall cease to be operative with 93276
respect to that layoff. 93277

(iii) The director may waive the requirement that a 93278
claimant be actively seeking work if the director determines 93279
that the individual has been laid off and the employer who laid 93280
the individual off has notified the director in accordance with 93281
division (C) of section 4141.28 of the Revised Code that the 93282
employer has closed the employer's entire plant or part of the 93283
employer's plant for a purpose other than inventory or vacation 93284
that will cause unemployment for a definite period not exceeding 93285
twenty-six weeks beginning on the date the employer notifies the 93286
director, for the period of the specific shutdown, if all of the 93287
following apply: 93288

(I) The employer and the individuals affected by the 93289
layoff who are claiming benefits under this chapter jointly 93290
request the exemption. 93291

(II) The employer provides that the affected individuals 93292
shall return to work for the employer within twenty-six weeks 93293
after the date the employer notifies the director. 93294

(III) The director determines that the waiver of the 93295

active search for work requirement will promote productivity and 93296
economic stability within the state. 93297

(iv) Division (A) (4) (a) (iii) of this section does not 93298
exempt an individual from meeting the other requirements 93299
specified in division (A) (4) (a) (i) of this section to be able to 93300
work and otherwise fully be available for work. An exemption 93301
granted under division (A) (4) (a) (iii) of this section may be 93302
granted only with respect to a specific plant closing. 93303

(b) (i) The individual shall be instructed as to the 93304
efforts that the individual must make in the search for suitable 93305
work, including that, within six months after October 11, 2013, 93306
the individual shall register with the OhioMeansJobs web site, 93307
except in any of the following circumstances: 93308

(I) The individual is an individual described in division 93309
(A) (4) (b) (iii) of this section; 93310

(II) Where the active search for work requirement has been 93311
waived under division (A) (4) (a) of this section; 93312

(III) Where the active search for work requirement is 93313
considered to be met under division (A) (4) (c), (d), or (e) of 93314
this section. 93315

(ii) An individual who is registered with the 93316
OhioMeansJobs web site shall receive a weekly listing of 93317
available jobs based on information provided by the individual 93318
at the time of registration. For each week that the individual 93319
claims benefits, the individual shall keep a record of the 93320
individual's work search efforts and shall produce that record 93321
in the manner and means prescribed by the director. 93322

(iii) No individual shall be required to register with the 93323
OhioMeansJobs web site if the individual is legally prohibited 93324

from using a computer, has a physical or visual impairment that 93325
makes the individual unable to use a computer, or has a limited 93326
ability to read, write, speak, or understand a language in which 93327
the OhioMeansJobs web site is available. 93328

(iv) As used in division (A) (4) (b) of this section: 93329

(I) "OhioMeansJobs web site" has the same meaning as in 93330
section 6301.01 of the Revised Code. 93331

(II) "Registration" includes the creation, electronic 93332
posting, and maintenance of an active, searchable resume. 93333

(c) An individual who is attending a training course 93334
approved by the director meets the requirement of this division, 93335
if attendance was recommended by the director and the individual 93336
is regularly attending the course and is making satisfactory 93337
progress. An individual also meets the requirements of this 93338
division if the individual is participating and advancing in a 93339
training program, as defined in division (P) of section 5709.61 93340
of the Revised Code, and if an enterprise, defined in division 93341
(B) of section 5709.61 of the Revised Code, is paying all or 93342
part of the cost of the individual's participation in the 93343
training program with the intention of hiring the individual for 93344
employment as a new employee, as defined in division (L) of 93345
section 5709.61 of the Revised Code, for at least ninety days 93346
after the individual's completion of the training program. 93347

(d) An individual who becomes unemployed while attending a 93348
regularly established school and whose base period qualifying 93349
weeks were earned in whole or in part while attending that 93350
school, meets the availability and active search for work 93351
requirements of division (A) (4) (a) of this section if the 93352
individual regularly attends the school during weeks with 93353

respect to which the individual claims unemployment benefits and 93354
makes self available on any shift of hours for suitable 93355
employment with the individual's most recent employer or any 93356
other employer in the individual's base period, or for any other 93357
suitable employment to which the individual is directed, under 93358
this chapter. 93359

(e) An individual who is a member in good standing with a 93360
labor organization that refers individuals to jobs meets the 93361
active search for work requirement specified in division (A)(4) 93362
(a) of this section if the individual provides documentation 93363
that the individual is eligible for a referral or placement upon 93364
request and in a manner prescribed by the director. 93365

(f) Notwithstanding any other provisions of this section, 93366
no otherwise eligible individual shall be denied benefits for 93367
any week because the individual is in training approved under 93368
section 236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 93369
U.S.C.A. 2296, nor shall that individual be denied benefits by 93370
reason of leaving work to enter such training, provided the work 93371
left is not suitable employment, or because of the application 93372
to any week in training of provisions in this chapter, or any 93373
applicable federal unemployment compensation law, relating to 93374
availability for work, active search for work, or refusal to 93375
accept work. 93376

For the purposes of division (A)(4)(f) of this section, 93377
"suitable employment" means with respect to an individual, work 93378
of a substantially equal or higher skill level than the 93379
individual's past adversely affected employment, as defined for 93380
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 93381
U.S.C.A. 2101, and wages for such work at not less than eighty 93382
per cent of the individual's average weekly wage as determined 93383

for the purposes of that federal act. 93384

(5) Is unable to obtain suitable work. ~~An individual who~~ 93385
~~is provided temporary work assignments by the individual's~~ 93386
~~employer under agreed terms and conditions of employment, and~~ 93387
~~who is required pursuant to those terms and conditions to~~ 93388
~~inquire with the individual's employer for available work~~ 93389
~~assignments upon the conclusion of each work assignment, is not~~ 93390
~~considered unable to obtain suitable employment if suitable work~~ 93391
~~assignments are available with the employer but the individual~~ 93392
~~fails to contact the employer to inquire about work assignments.~~ 93393

(6) Participates in reemployment services, such as job 93394
search assistance services, if the individual has been 93395
determined to be likely to exhaust benefits under this chapter, 93396
including compensation payable pursuant to 5 U.S.C.A. Chapter 93397
85, other than extended compensation, and needs reemployment 93398
services pursuant to the profiling system established by the 93399
director under division (K) of this section, unless the director 93400
determines that: 93401

(a) The individual has completed such services; or 93402

(b) There is justifiable cause for the claimant's failure 93403
to participate in such services. 93404

Ineligibility for failure to participate in reemployment 93405
services as described in division (A)(6) of this section shall 93406
be for the week or weeks in which the claimant was scheduled and 93407
failed to participate without justifiable cause. 93408

(7) Participates in the reemployment and eligibility 93409
assessment program, or other reemployment services, as required 93410
by the director. As used in division (A)(7) of this section, 93411
"reemployment services" includes job search assistance 93412

activities, skills assessments, and the provision of labor 93413
market statistics or analysis. 93414

(a) For purposes of division (A)(7) of this section, 93415
participation is required unless the director determines that 93416
either of the following circumstances applies to the individual: 93417

(i) The individual has completed similar services. 93418

(ii) Justifiable cause exists for the failure of the 93419
individual to participate in those services. 93420

(b) Within six months after October 11, 2013, 93421
notwithstanding any earlier contact an individual may have had 93422
with a local OhioMeansJobs center, as defined in section 6301.01 93423
of the Revised Code, beginning with the eighth week after the 93424
week during which an individual first files a valid application 93425
for determination of benefit rights in the individual's benefit 93426
year, the individual shall report to a local OhioMeansJobs 93427
center for reemployment services in the manner prescribed by the 93428
director. 93429

(c) An individual whose active search for work requirement 93430
has been waived under division (A)(4)(a) of this section or is 93431
considered to be satisfied under division (A)(4)(c), (d), or (e) 93432
of this section is exempt from the requirements of division (A) 93433
(7) of this section. 93434

(B) An individual suffering total or partial unemployment 93435
is eligible for benefits for unemployment occurring subsequent 93436
to a waiting period of one week and no benefits shall be payable 93437
during this required waiting period. Not more than one week of 93438
waiting period shall be required of any individual in any 93439
benefit year in order to establish the individual's eligibility 93440
for total or partial unemployment benefits. 93441

(C) The waiting period for total or partial unemployment 93442
shall commence on the first day of the first week with respect 93443
to which the individual first files a claim for benefits at an 93444
employment office or other place of registration maintained or 93445
designated by the director or on the first day of the first week 93446
with respect to which the individual has otherwise filed a claim 93447
for benefits in accordance with the rules of the department of 93448
job and family services, provided such claim is allowed by the 93449
director. 93450

(D) Notwithstanding division (A) of this section, no 93451
individual may serve a waiting period or be paid benefits under 93452
the following conditions: 93453

(1) For any week with respect to which the director finds 93454
that: 93455

(a) The individual's unemployment was due to a labor 93456
dispute other than a lockout at any factory, establishment, or 93457
other premises located in this or any other state and owned or 93458
operated by the employer by which the individual is or was last 93459
employed; and for so long as the individual's unemployment is 93460
due to such labor dispute. No individual shall be disqualified 93461
under this provision if either of the following applies: 93462

(i) The individual's employment was with such employer at 93463
any factory, establishment, or premises located in this state, 93464
owned or operated by such employer, other than the factory, 93465
establishment, or premises at which the labor dispute exists, if 93466
it is shown that the individual is not financing, participating 93467
in, or directly interested in such labor dispute; 93468

(ii) The individual's employment was with an employer not 93469
involved in the labor dispute but whose place of business was 93470

located within the same premises as the employer engaged in the 93471
dispute, unless the individual's employer is a wholly owned 93472
subsidiary of the employer engaged in the dispute, or unless the 93473
individual actively participates in or voluntarily stops work 93474
because of such dispute. If it is established that the claimant 93475
was laid off for an indefinite period and not recalled to work 93476
prior to the dispute, or was separated by the employer prior to 93477
the dispute for reasons other than the labor dispute, or that 93478
the individual obtained a bona fide job with another employer 93479
while the dispute was still in progress, such labor dispute 93480
shall not render the employee ineligible for benefits. 93481

(b) The individual has been given a disciplinary layoff 93482
for misconduct in connection with the individual's work. 93483

(2) For the duration of the individual's unemployment if 93484
the director finds that: 93485

(a) The individual quit work without just cause or has 93486
been discharged for just cause in connection with the 93487
individual's work, provided division (D)(2) of this section does 93488
not apply to the separation of a person under any of the 93489
following circumstances: 93490

(i) Separation from employment for the purpose of entering 93491
the armed forces of the United States if the individual is 93492
inducted into the armed forces within one of the following 93493
periods: 93494

(I) Thirty days after separation; 93495

(II) One hundred eighty days after separation if the 93496
individual's date of induction is delayed solely at the 93497
discretion of the armed forces. 93498

(ii) Separation from employment pursuant to a labor- 93499

management contract or agreement, or pursuant to an established 93500
employer plan, program, or policy, which permits the employee, 93501
because of lack of work, to accept a separation from employment; 93502

(iii) The individual has left employment to accept a 93503
recall from a prior employer or, except as provided in division 93504
(D) (2) (a) (iv) of this section, to accept other employment as 93505
provided under section 4141.291 of the Revised Code, or left or 93506
was separated from employment that was concurrent employment at 93507
the time of the most recent separation or within six weeks prior 93508
to the most recent separation where the remuneration, hours, or 93509
other conditions of such concurrent employment were 93510
substantially less favorable than the individual's most recent 93511
employment and where such employment, if offered as new work, 93512
would be considered not suitable under the provisions of 93513
divisions (E) and (F) of this section. Any benefits that would 93514
otherwise be chargeable to the account of the employer from whom 93515
an individual has left employment or was separated from 93516
employment that was concurrent employment under conditions 93517
described in division (D) (2) (a) (iii) of this section, shall 93518
instead be charged to the mutualized account created by division 93519
(B) of section 4141.25 of the Revised Code, except that any 93520
benefits chargeable to the account of a reimbursing employer 93521
under division (D) (2) (a) (iii) of this section shall be charged 93522
to the account of the reimbursing employer and not to the 93523
mutualized account, except as provided in division (D) (2) of 93524
section 4141.24 of the Revised Code. 93525

(iv) When an individual has been issued a definite layoff 93526
date by the individual's employer and before the layoff date, 93527
the individual quits to accept other employment, the provisions 93528
of division (D) (2) (a) (iii) of this section apply and no 93529
disqualification shall be imposed under division (D) of this 93530

section. However, if the individual fails to meet the employment 93531
and earnings requirements of division (A) (2) of section 4141.291 93532
of the Revised Code, then the individual, pursuant to division 93533
(A) (5) of this section, shall be ineligible for benefits for any 93534
week of unemployment that occurs prior to the layoff date. 93535

(v) The individual's spouse is a member of the armed 93536
forces of the United States who is on active duty or a member of 93537
the commissioned corps of the national oceanic and atmospheric 93538
administration or public health service, the spouse is the 93539
subject of a transfer, the individual left employment to 93540
accompany the individual's spouse to a location from which it is 93541
impractical to commute to the individual's place of employment, 93542
and upon arrival at the new place of residence, the individual 93543
is in all respects able and available for suitable work. For- 93544
~~purpose~~ purposes of division (D) (2) (a) (v) of this section, 93545
"active duty" and "armed forces" have the same meanings as in 10 93546
U.S.C. 101. 93547

(b) The individual has refused without good cause to 93548
accept an offer of suitable work when made by an employer either 93549
in person or to the individual's last known address, or has 93550
refused or failed to investigate a referral to suitable work 93551
when directed to do so by a local employment office of this 93552
state or another state, provided that this division shall not 93553
cause a disqualification for a waiting week or benefits under 93554
the following circumstances: 93555

(i) When work is offered by the individual's employer and 93556
the individual is not required to accept the offer pursuant to 93557
the terms of the labor-management contract or agreement; or 93558

(ii) When the individual is attending a training course 93559
pursuant to division (A) (4) of this section except, in the event 93560

of a refusal to accept an offer of suitable work or a refusal or 93561
failure to investigate a referral, benefits thereafter paid to 93562
such individual shall not be charged to the account of any 93563
employer and, except as provided in division (B) (1) (b) of 93564
section 4141.241 of the Revised Code, shall be charged to the 93565
mutualized account as provided in division (B) of section 93566
4141.25 of the Revised Code. 93567

(c) Such individual quit work to marry or because of 93568
marital, parental, filial, or other domestic obligations. 93569

(d) The individual became unemployed by reason of 93570
commitment to any correctional institution. 93571

(e) The individual became unemployed because of dishonesty 93572
in connection with the individual's most recent or any base 93573
period work. Remuneration earned in such work shall be excluded 93574
from the individual's total base period remuneration and 93575
qualifying weeks that otherwise would be credited to the 93576
individual for such work in the individual's base period shall 93577
not be credited for the purpose of determining the total 93578
benefits to which the individual is eligible and the weekly 93579
benefit amount to be paid under section 4141.30 of the Revised 93580
Code. Such excluded remuneration and noncredited qualifying 93581
weeks shall be excluded from the calculation of the maximum 93582
amount to be charged, under division (D) of section 4141.24 and 93583
section 4141.33 of the Revised Code, against the accounts of the 93584
individual's base period employers. In addition, no benefits 93585
shall thereafter be paid to the individual based upon such 93586
excluded remuneration or noncredited qualifying weeks. 93587

For purposes of division (D) (2) (e) of this section, 93588
"dishonesty" means the commission of substantive theft, fraud, 93589
or deceitful acts. 93590

(3) For purposes of division (D) (2) (a) of this section, an 93591
individual shall be considered to have quit work without just 93592
cause if all of the following apply: 93593

(a) The individual is provided temporary work assignments 93594
by the individual's employer under agreed terms and conditions 93595
of employment. 93596

(b) The individual is required pursuant to those terms and 93597
conditions to inquire with the individual's employer for 93598
available work assignments upon the conclusion of each work 93599
assignment. 93600

(c) Suitable work assignments are available with the 93601
employer, but the individual fails to contact the employer to 93602
inquire about work assignments. 93603

(E) No individual otherwise qualified to receive benefits 93604
shall lose the right to benefits by reason of a refusal to 93605
accept new work if: 93606

(1) As a condition of being so employed the individual 93607
would be required to join a company union, or to resign from or 93608
refrain from joining any bona fide labor organization, or would 93609
be denied the right to retain membership in and observe the 93610
lawful rules of any such organization. 93611

(2) The position offered is vacant due directly to a 93612
strike, lockout, or other labor dispute. 93613

(3) The work is at an unreasonable distance from the 93614
individual's residence, having regard to the character of the 93615
work the individual has been accustomed to do, and travel to the 93616
place of work involves expenses substantially greater than that 93617
required for the individual's former work, unless the expense is 93618
provided for. 93619

(4) The remuneration, hours, or other conditions of the 93620
work offered are substantially less favorable to the individual 93621
than those prevailing for similar work in the locality. 93622

(F) Subject to the special exceptions contained in 93623
division (A) (4) (f) of this section and section 4141.301 of the 93624
Revised Code, in determining whether any work is suitable for a 93625
claimant in the administration of this chapter, the director, in 93626
addition to the determination required under division (E) of 93627
this section, shall consider the degree of risk to the 93628
claimant's health, safety, and morals, the individual's physical 93629
fitness for the work, the individual's prior training and 93630
experience, the length of the individual's unemployment, the 93631
distance of the available work from the individual's residence, 93632
and the individual's prospects for obtaining local work. 93633

(G) The "duration of unemployment" as used in this section 93634
means the full period of unemployment next ensuing after a 93635
separation from any base period or subsequent work and until an 93636
individual has become reemployed in employment subject to this 93637
chapter, or the unemployment compensation act of another state, 93638
or of the United States, and until such individual has worked 93639
six weeks and for those weeks has earned or been paid 93640
remuneration equal to six times an average weekly wage of not 93641
less than: eighty-five dollars and ten cents per week beginning 93642
on June 26, 1990; and beginning on and after January 1, 1992, 93643
twenty-seven and one-half per cent of the statewide average 93644
weekly wage as computed each first day of January under division 93645
(B) (3) of section 4141.30 of the Revised Code, rounded down to 93646
the nearest dollar, except for purposes of division (D) (2) (c) of 93647
this section, such term means the full period of unemployment 93648
next ensuing after a separation from such work and until such 93649
individual has become reemployed subject to the terms set forth 93650

above, and has earned wages equal to one-half of the 93651
individual's average weekly wage or sixty dollars, whichever is 93652
less. 93653

(H) If a claimant is disqualified under division (D) (2) 93654
(a), (c), or (d) of this section or found to be qualified under 93655
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), 93656
or (v) of this section or division (A) (2) of section 4141.291 of 93657
the Revised Code, then benefits that may become payable to such 93658
claimant, which are chargeable to the account of the employer 93659
from whom the individual was separated under such conditions, 93660
shall be charged to the mutualized account provided in section 93661
4141.25 of the Revised Code, provided that no charge shall be 93662
made to the mutualized account for benefits chargeable to a 93663
reimbursing employer, except as provided in division (D) (2) of 93664
section 4141.24 of the Revised Code. In the case of a 93665
reimbursing employer, the director shall refund or credit to the 93666
account of the reimbursing employer any over-paid benefits that 93667
are recovered under division (B) of section 4141.35 of the 93668
Revised Code. Amounts chargeable to other states, the United 93669
States, or Canada that are subject to agreements and 93670
arrangements that are established pursuant to section 4141.43 of 93671
the Revised Code shall be credited or reimbursed according to 93672
the agreements and arrangements to which the chargeable amounts 93673
are subject. 93674

(I) (1) Benefits based on service in employment as provided 93675
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 93676
Code shall be payable in the same amount, on the same terms, and 93677
subject to the same conditions as benefits payable on the basis 93678
of other service subject to this chapter; except that after 93679
December 31, 1977: 93680

(a) Benefits based on service in an instructional, 93681
research, or principal administrative capacity in an institution 93682
of higher education, as defined in division (Y) of section 93683
4141.01 of the Revised Code; or for an educational institution 93684
as defined in division (CC) of section 4141.01 of the Revised 93685
Code, shall not be paid to any individual for any week of 93686
unemployment that begins during the period between two 93687
successive academic years or terms, or during a similar period 93688
between two regular but not successive terms or during a period 93689
of paid sabbatical leave provided for in the individual's 93690
contract, if the individual performs such services in the first 93691
of those academic years or terms and has a contract or a 93692
reasonable assurance that the individual will perform services 93693
in any such capacity for any such institution in the second of 93694
those academic years or terms. 93695

(b) Benefits based on service for an educational 93696
institution or an institution of higher education in other than 93697
an instructional, research, or principal administrative 93698
capacity, shall not be paid to any individual for any week of 93699
unemployment which begins during the period between two 93700
successive academic years or terms of the employing educational 93701
institution or institution of higher education, provided the 93702
individual performed those services for the educational 93703
institution or institution of higher education during the first 93704
such academic year or term and, there is a reasonable assurance 93705
that such individual will perform those services for any 93706
educational institution or institution of higher education in 93707
the second of such academic years or terms. 93708

If compensation is denied to any individual for any week 93709
under division (I) (1) (b) of this section and the individual was 93710
not offered an opportunity to perform those services for an 93711

institution of higher education or for an educational 93712
institution for the second of such academic years or terms, the 93713
individual is entitled to a retroactive payment of compensation 93714
for each week for which the individual timely filed a claim for 93715
compensation and for which compensation was denied solely by 93716
reason of division (I)(1)(b) of this section. An application for 93717
retroactive benefits shall be timely filed if received by the 93718
director or the director's deputy within or prior to the end of 93719
the fourth full calendar week after the end of the period for 93720
which benefits were denied because of reasonable assurance of 93721
employment. The provision for the payment of retroactive 93722
benefits under division (I)(1)(b) of this section is applicable 93723
to weeks of unemployment beginning on and after November 18, 93724
1983. The provisions under division (I)(1)(b) of this section 93725
shall be retroactive to September 5, 1982, only if, as a 93726
condition for full tax credit against the tax imposed by the 93727
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 93728
3301 to 3311, the United States secretary of labor determines 93729
that retroactivity is required by federal law. 93730

(c) With respect to weeks of unemployment beginning after 93731
December 31, 1977, benefits shall be denied to any individual 93732
for any week which commences during an established and customary 93733
vacation period or holiday recess, if the individual performs 93734
any services described in divisions (I)(1)(a) and (b) of this 93735
section in the period immediately before the vacation period or 93736
holiday recess, and there is a reasonable assurance that the 93737
individual will perform any such services in the period 93738
immediately following the vacation period or holiday recess. 93739

(d) With respect to any services described in division (I) 93740
(1)(a), (b), or (c) of this section, benefits payable on the 93741
basis of services in any such capacity shall be denied as 93742

specified in division (I)(1)(a), (b), or (c) of this section to 93743
any individual who performs such services in an educational 93744
institution or institution of higher education while in the 93745
employ of an educational service agency. For this purpose, the 93746
term "educational service agency" means a governmental agency or 93747
governmental entity that is established and operated exclusively 93748
for the purpose of providing services to one or more educational 93749
institutions or one or more institutions of higher education. 93750

(e) Any individual employed by a county board of 93751
developmental disabilities shall be notified by the thirtieth 93752
day of April each year if the individual is not to be reemployed 93753
the following academic year. 93754

(f) Any individual employed by a school district, other 93755
than a municipal school district as defined in section 3311.71 93756
of the Revised Code, shall be notified by the first day of June 93757
each year if the individual is not to be reemployed the 93758
following academic year. 93759

(2) No disqualification will be imposed, between academic 93760
years or terms or during a vacation period or holiday recess 93761
under this division, unless the director or the director's 93762
deputy has received a statement in writing from the educational 93763
institution or institution of higher education that the claimant 93764
has a contract for, or a reasonable assurance of, reemployment 93765
for the ensuing academic year or term. 93766

(3) If an individual has employment with an educational 93767
institution or an institution of higher education and employment 93768
with a noneducational employer, during the base period of the 93769
individual's benefit year, then the individual may become 93770
eligible for benefits during the between-term, or vacation or 93771
holiday recess, disqualification period, based on employment 93772

performed for the noneducational employer, provided that the 93773
employment is sufficient to qualify the individual for benefit 93774
rights separately from the benefit rights based on school 93775
employment. The weekly benefit amount and maximum benefits 93776
payable during a disqualification period shall be computed based 93777
solely on the nonschool employment. 93778

(J) Benefits shall not be paid on the basis of employment 93779
performed by an alien, unless the alien had been lawfully 93780
admitted to the United States for permanent residence at the 93781
time the services were performed, was lawfully present for 93782
purposes of performing the services, or was otherwise 93783
permanently residing in the United States under color of law at 93784
the time the services were performed, under section 212(d) (5) of 93785
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 93786
1101: 93787

(1) Any data or information required of individuals 93788
applying for benefits to determine whether benefits are not 93789
payable to them because of their alien status shall be uniformly 93790
required from all applicants for benefits. 93791

(2) In the case of an individual whose application for 93792
benefits would otherwise be approved, no determination that 93793
benefits to the individual are not payable because of the 93794
individual's alien status shall be made except upon a 93795
preponderance of the evidence that the individual had not, in 93796
fact, been lawfully admitted to the United States. 93797

(K) The director shall establish and utilize a system of 93798
profiling all new claimants under this chapter that: 93799

(1) Identifies which claimants will be likely to exhaust 93800
regular compensation and will need job search assistance 93801

services to make a successful transition to new employment; 93802

(2) Refers claimants identified pursuant to division (K) 93803
(1) of this section to reemployment services, such as job search 93804
assistance services, available under any state or federal law; 93805

(3) Collects follow-up information relating to the 93806
services received by such claimants and the employment outcomes 93807
for such claimant's subsequent to receiving such services and 93808
utilizes such information in making identifications pursuant to 93809
division (K) (1) of this section; and 93810

(4) Meets such other requirements as the United States 93811
secretary of labor determines are appropriate. 93812

(L) Except as otherwise provided in division (A) (6) of 93813
this section, ineligibility pursuant to division (A) of this 93814
section shall begin on the first day of the week in which the 93815
claimant becomes ineligible for benefits and shall end on the 93816
last day of the week preceding the week in which the claimant 93817
satisfies the eligibility requirements. 93818

(M) The director may adopt rules that the director 93819
considers necessary for the administration of division (A) of 93820
this section. 93821

Sec. 4141.33. (A) As used in this section: 93822

(1) "Reasonable assurance" means a written, verbal, or 93823
implied agreement that the individual will perform services in 93824
the same or similar capacity during the ensuing sports season or 93825
seasonal period. 93826

(2) "Seasonal employment" means employment of individuals 93827
hired primarily to perform services in an industry which because 93828
of climatic conditions or because of the seasonal nature of such 93829

industry it is customary to operate only during regularly 93830
recurring periods of forty weeks or less in any consecutive 93831
fifty-two weeks. 93832

(3) "Seasonal employer" means an employer determined by 93833
the director of job and family services to be an employer whose 93834
operations and business, with the exception of certain 93835
administrative and maintenance operations, are substantially all 93836
in a seasonal industry. 93837

(4) "Significantly" means forty per cent or more of an 93838
individual's base period consists of services performed in 93839
seasonal employment. 93840

(B) Any employer who claims to have seasonal employment in 93841
a seasonal industry may file with the director a written 93842
application for classification of such employment as seasonal. 93843
Whenever in any industry it is customary to operate because of 93844
climatic conditions or because of the seasonal nature of such 93845
industry only during regularly recurring periods of forty weeks 93846
or less duration, benefits shall be payable only during the 93847
longest seasonal periods which the best practice of such 93848
industry will reasonably permit. The director shall determine, ~~after~~ 93849
~~investigation, hearing, and due notice,~~ whether the 93850
industry is seasonal and, if seasonal, establish seasonal 93851
periods for such seasonal employer. The director shall make the 93852
determination based on the application for classification filed 93853
under this section and any other relevant information available. 93854
Until such determination by the director, no industry or 93855
employment shall be deemed seasonal. 93856

(C) When the director has determined such seasonal 93857
periods, the director shall also establish the proportionate 93858
number of weeks of employment and earnings required to qualify 93859

for seasonal benefit rights in place of the weeks of employment 93860
and earnings requirement stipulated in division (R) of section 93861
4141.01 and section 4141.30 of the Revised Code, and the 93862
proportionate number of weeks for which seasonal benefits may be 93863
paid. An individual whose base period employment consists of 93864
only seasonal employment for a single seasonal employer and who 93865
meets the employment and earnings requirements determined by the 93866
director pursuant to this division will have benefit rights 93867
determined in accordance with this division, except benefits 93868
shall not be paid for any week between two successive seasonal 93869
periods. Benefit charges for such seasonal employment shall be 93870
computed and charged in accordance with division (D) of section 93871
4141.24 of the Revised Code. The director may adopt rules for 93872
implementation of this section. 93873

(D) An individual whose base period employment consists of 93874
either seasonal employment with two or more seasonal employers 93875
or both seasonal employment and nonseasonal employment with 93876
employers subject to this chapter, will have benefit rights 93877
determined in accordance with division (R) of section 4141.01 93878
and section 4141.30 of the Revised Code. Benefit charges for 93879
both seasonal and nonseasonal employment shall be computed and 93880
charged in accordance with division (D) of section 4141.24 of 93881
the Revised Code. The total seasonal and nonseasonal benefits 93882
during a benefit year cannot exceed twenty-six times the weekly 93883
benefit amount. Effective October 30, 2011, an individual who 93884
performs services that significantly consist of services 93885
performed in seasonal employment shall not be paid benefits for 93886
those services for any week in the period between two successive 93887
seasonal periods if the individual performed those services in 93888
the first of the seasonal periods and there is reasonable 93889
assurance that the individual will perform those services in the 93890

later of the seasonal periods. The director shall adopt rules 93891
for the implementation of this division. 93892

(E) Benefits shall not be paid to any individual on the 93893
basis of any services, substantially all of which consist of 93894
participating in sports or athletic events or training or 93895
preparing to so participate, for any week which commences during 93896
the period between two successive sport seasons, or similar 93897
periods, if the individual performed services in the first of 93898
the seasons, or similar periods, and there is a reasonable 93899
assurance that the individual will perform services in the later 93900
of the seasons, or similar periods. 93901

(F) The director shall adopt rules concerning the 93902
eligibility for benefits of individuals under divisions (D) and 93903
(E) of this section. 93904

Sec. 4141.56. ~~Beginning one year after the effective date~~ 93905
~~of this section, and every year thereafter, the~~ The director of 93906
job and family services annually shall prepare a report and 93907
submit ~~a report~~ it by the first day of August to the governor, 93908
the president and minority leader of the senate, and the speaker 93909
and the minority leader of the house of representatives ~~that~~ 93910
~~discusses~~. The report shall discuss the utilization of the 93911
SharedWork Ohio program created under section 4141.50 of the 93912
Revised Code. The director shall include in that report the 93913
number of employers and employees participating in the program, 93914
the amount of shared work compensation paid under the program 93915
during the immediately preceding year, and any other information 93916
the director considers to be relevant. 93917

Sec. 4141.60. (A) ~~Beginning on the last day of February~~ 93918
~~that occurs after the effective date of this section, and~~ 93919
~~annually thereafter, the~~ The director of job and family services 93920

annually shall prepare a report and submit a report it by the 93921
first day of August to the persons listed in division (B) of 93922
this section. The director shall include all of the following 93923
information in the report with respect to the calendar year 93924
preceding the date the report is submitted: 93925

(1) The number of calls received from applicants for and 93926
recipients of benefits under this chapter at all call centers 93927
operated by the director; 93928

(2) The total number of claims for benefits filed under 93929
this chapter; 93930

(3) The number of claims for benefits marked as 93931
potentially fraudulent; 93932

(4) The number of complaints submitted by applicants for 93933
and recipients of benefits under this chapter through the 93934
uniform process created by the director under section 4141.13 of 93935
the Revised Code; 93936

(5) A summary of updates or changes to the technology the 93937
director uses to administer this chapter that have occurred 93938
during the calendar year covered by the report. 93939

(B) The director shall submit the report required under 93940
division (A) of this section to the speaker of the house of 93941
representatives, the president of the senate, and the governor, 93942
~~and the members of the unemployment compensation modernization~~ 93943
~~and improvement council.~~ 93944

Sec. 4301.12. (A) The division of liquor control shall 93945
provide for the custody, safekeeping, and deposit of all moneys, 93946
checks, and drafts received by it or any of its employees or 93947
agents prior to paying them to the treasurer of state as 93948
provided by section 113.08 of the Revised Code. 93949

(B) A sum equal to three dollars and thirty-eight cents 93950
for each gallon of spirituous liquor sold by the division, 93951
JobsOhio, or a designee of JobsOhio during the period covered by 93952
the payment shall be paid into the state treasury to the credit 93953
of the general revenue fund. ~~All moneys~~ Except as provided in 93954
division (G) of section 4301.30 of the Revised Code, all money 93955
received from permit fees, except B-2a, S-1, and S-2 permit fees 93956
from B-2a, S-1, and S-2 permit holders who do not also hold A-2- 93957
or A-2f permits, shall be paid to the credit of the undivided 93958
liquor permit fund established by section 4301.30 of the Revised 93959
Code. 93960

(C) Except as otherwise provided by law, the division 93961
shall deposit all moneys collected under Chapters 4301. and 93962
4303. of the Revised Code into the state treasury to the credit 93963
of the state liquor regulatory fund created in section 4301.30 93964
of the Revised Code. In addition, revenue resulting from any 93965
contracts with the department of commerce pertaining to the 93966
responsibilities and operations described in this chapter may be 93967
credited to the fund. 93968

(D) Whenever, in the judgment of the director of budget 93969
and management, the amount in the liquor control fund is in 93970
excess of that needed to meet the maturing obligations of the 93971
division, as working capital for its further operations, to pay 93972
the operating expenses of the commission, and for the alcohol 93973
testing program under section 3701.143 of the Revised Code, the 93974
director shall transfer the excess to the credit of the general 93975
revenue fund. If the director determines that the amount in the 93976
liquor control fund is insufficient, the director may transfer 93977
money from the general revenue fund to the liquor control fund. 93978

Sec. 4301.19. The division of liquor control shall sell 93979

spirituous liquor only, whether from a warehouse ~~or from~~, a 93980
state liquor store ~~or~~, an agency store, or an A-3a permit 93981
premises. All sales shall be in sealed containers and for resale 93982
as authorized by this chapter and Chapter 4303. of the Revised 93983
Code or for consumption off the premises only. Except as 93984
otherwise provided in this section, sale of containers holding 93985
one-half pint or less of spirituous liquor by the division shall 93986
be made at retail only, and not for the purpose of resale by any 93987
purchaser, by special order placed with a state liquor store or 93988
agency store and subject to rules established by the 93989
superintendent of liquor control. The division may sell at 93990
wholesale spirituous liquor in fifty milliliter sealed 93991
containers to any holder of a permit issued under Chapter 4303. 93992
of the Revised Code that authorizes the sale of spirituous 93993
liquor for consumption on the premises where sold. A person 93994
appointed by the division to act as an agent for the sale of 93995
spirituous liquor pursuant to section 4301.17 of the Revised 93996
Code may provide and accept gift certificates and may accept 93997
credit cards and debit cards for the retail purchase of 93998
spirituous liquor. Deliveries shall be made in the manner the 93999
superintendent determines by rule. 94000

Subject to division (A) (3) of section 4301.10 and division 94001
(A) of section 4301.14 of the Revised Code, if any person 94002
desires to purchase any variety or brand of spirituous liquor 94003
which is not in stock at the state liquor store or agency store 94004
where the variety or brand is ordered, the division shall 94005
immediately procure the variety or brand. The purchaser shall be 94006
immediately notified upon the arrival of the spirituous liquor 94007
at the store at which it was ordered. Unless the purchaser pays 94008
for the variety or brand and accepts delivery within five days 94009
after the giving of the notice, the division may place the 94010

spirituous liquor in stock for general sale. 94011

Sec. 4301.30. (A) All—Except as provided in division (G) 94012
of this section, all fees collected by the division of liquor 94013
control shall be deposited in the state treasury to the credit 94014
of the undivided liquor permit fund, which is hereby created, at 94015
the time prescribed under section 4301.12 of the Revised Code. 94016
Each payment shall be accompanied by a statement showing 94017
separately the amount collected for each class of permits in 94018
each municipal corporation and in each township outside the 94019
limits of any municipal corporation in such township. 94020

(B) (1) An amount equal to forty-five per cent of the fund 94021
shall be paid from the fund into the state liquor regulatory 94022
fund, which is hereby created in the state treasury. The state 94023
liquor regulatory fund shall be used to pay the operating 94024
expenses of the division of liquor control in administering and 94025
enforcing Title XLIII of the Revised Code and the operating 94026
expenses of the liquor control commission. ~~Investment earnings~~ 94027
~~of the fund shall be credited to the fund.~~ 94028

(2) Whenever, in the judgment of the director of budget 94029
and management, the amount of money that is in the state liquor 94030
regulatory fund is in excess of the amount that is needed to pay 94031
the operating expenses of the division in administering and 94032
enforcing Title XLIII of the Revised Code and the operating 94033
expenses of the commission, the director shall credit the excess 94034
amount to the general revenue fund. 94035

(C) Twenty per cent of the undivided liquor permit fund 94036
shall be paid into the statewide treatment and prevention fund, 94037
which is hereby created in the state treasury. This amount shall 94038
be appropriated by the general assembly, together with an amount 94039
equal to one and one-half per cent of the gross profit of the 94040

division of liquor control derived under division (B) (4) of 94041
section 4301.10 of the Revised Code, to the department of mental 94042
health and addiction services. In planning for the allocation of 94043
and in allocating these amounts for the purposes of Chapter 94044
5119. of the Revised Code, the department shall comply with the 94045
nondiscrimination provisions of Title VI of the Civil Rights Act 94046
of 1964, and any rules adopted under that act. 94047

(D) Thirty-five per cent of the undivided liquor permit 94048
fund shall be distributed by the superintendent of liquor 94049
control at quarterly calendar periods as follows: 94050

(1) To each municipal corporation, the aggregate amount 94051
shown by the statements to have been collected from permits in 94052
the municipal corporation, for the use of the general fund of 94053
the municipal corporation; 94054

(2) To each township, the aggregate amount shown by the 94055
statements to have been collected from permits in its territory, 94056
outside the limits of any municipal corporation located in the 94057
township, for the use of the general fund of the township, or 94058
for fire protection purposes, including buildings and equipment 94059
in the township or in an established fire district within the 94060
township, to the extent that the funds are derived from liquor 94061
permits within the territory comprising such fire district. 94062

(E) For the purpose of the distribution required by this 94063
section, E, H, and D permits covering boats or vessels are 94064
deemed to have been issued in the municipal corporation or 94065
township wherein the owner or operator of the vehicle, boat, 94066
vessel, or dining car equipment to which the permit relates has 94067
the owner's or operator's principal office or place of business 94068
within the state. 94069

(F) If the division determines that the police or other 94070
officers of any municipal corporation or township entitled to 94071
share in distributions under this section are refusing or 94072
culpably neglecting to enforce this chapter and Chapter 4303. of 94073
the Revised Code, or the penal laws of this state relating to 94074
the manufacture, importation, transportation, distribution, and 94075
sale of beer and intoxicating liquors, or if the prosecuting 94076
officer of a municipal corporation or a municipal court fails to 94077
comply with the request of the division authorized by division 94078
(A) (4) of section 4301.10 of the Revised Code, the division, by 94079
certified mail or by electronic means as determined by the 94080
superintendent to provide proper notice under the laws of this 94081
state, may notify the chief executive officer of the municipal 94082
corporation or the board of township trustees of the township of 94083
the failure and require the immediate cooperation of the 94084
responsible officers of the municipal corporation or township 94085
with the division in the enforcement of those chapters and penal 94086
laws. Within thirty days after the notice is served, the 94087
division shall determine whether the requirement has been 94088
complied with. If the division determines that the requirement 94089
has not been complied with, it may withhold the distributive 94090
share of the municipal corporation or township. This action of 94091
the division is reviewable within thirty days thereafter in the 94092
court of common pleas of Franklin county. 94093

(G) All fees collected by the division of liquor control 94094
from the issuance or renewal of ~~B-2a, S-1, and S-2 permits, and~~ 94095
~~paid by B-2a, S-1, and S-2 permit holders who do not also hold~~ 94096
~~A-1 or A-1c permits or A-2 or A-2f permits,~~ the following permits 94097
shall be deposited in the state treasury to the credit of the 94098
state liquor regulatory fund: 94099

(1) B-2a, S-1, and S-2 permits paid by B-2a, S-1, and S-2 94100

permit holders who do not also hold A-1 or A-1c permits or A-2 94101
or A-2f permits; 94102

(2) H permits where the permit premises are located 94103
outside of this state. Once— 94104

Once during each fiscal year, an amount equal to fifty per 94105
cent of the fees collected shall be paid from the state liquor 94106
regulatory fund into the general revenue fund. 94107

Sec. 4301.421. (A) For the purposes of section 307.696 of 94108
the Revised Code, to pay the expenses of administering the tax, 94109
and to pay any or all of the charge the board of elections makes 94110
against the county to hold the election on the question of 94111
levying the tax, or for those purposes and to provide revenues 94112
to the county for permanent improvements, the board of county 94113
commissioners may levy a tax on the sale of beer at a rate not 94114
to exceed sixteen cents per gallon, on the sale of cider at a 94115
rate not to exceed twenty-four cents per gallon, and on the sale 94116
of wine and mixed beverages at a rate not to exceed thirty-two 94117
cents per gallon. The tax shall be imposed on all beer, cider, 94118
wine, and mixed beverages sold for resale at retail in the 94119
county, and on all beer, cider, wine, and mixed beverages sold 94120
at retail in the county by the manufacturer, bottler, importer, 94121
or other person upon which the tax has not been paid. The tax 94122
shall not be levied on the sale of wine to be used for known 94123
sacramental purposes. The tax may be levied for any number of 94124
years not exceeding twenty. The tax shall be in addition to the 94125
taxes imposed by sections 4301.42, 4301.43, 4301.432, and 94126
4305.01 of the Revised Code. The tax shall not be considered a 94127
cost in any computation required under rules of the liquor 94128
control commission regulating minimum prices or mark-ups. 94129

Only one sale of the same article shall be used in 94130

computing, reporting, and paying the amount of tax due. 94131

The tax shall be levied pursuant to a resolution of the 94132
county commissioners approved by a majority of the electors in 94133
the county voting on the question of levying the tax, which 94134
resolution shall specify the rate of the tax, the number of 94135
years the tax will be levied, and the purposes for which the tax 94136
is levied. The election may be held on the date of a general 94137
election or special election held not sooner than ninety days 94138
after the date the board certifies its resolution to the board 94139
of elections. If approved by the electors, the tax shall take 94140
effect on the first day of the month specified in the resolution 94141
but not sooner than the first day of the month that is at least 94142
sixty days after the certification of the election results by 94143
the board of elections. A copy of the resolution levying the tax 94144
and the certification of the board of elections shall be 94145
certified to the tax commissioner at least sixty days prior to 94146
the date on which the tax is to become effective. 94147

A resolution under this section may be joined on the 94148
ballot as a single question with a resolution adopted under 94149
section 307.697 or 5743.024 of the Revised Code to levy a tax 94150
for the same purposes and for the purpose of paying the expenses 94151
of administering the tax. The form of the ballot in an election 94152
held pursuant to this section shall be as prescribed in section 94153
307.697 of the Revised Code. 94154

(B) The board of county commissioners of a county in which 94155
a tax is imposed under this section on the effective date of the 94156
amendment of this section by H.B. 59 of the 130th general 94157
assembly, September 29, 2013, may levy a tax for the purpose of 94158
section 307.673 of the Revised Code regardless of whether or not 94159
the cooperative agreement authorized under that section has been 94160

entered into prior to the day the resolution adopted under 94161
division (B) (1) or (2) of this section is adopted, for the 94162
purpose of reimbursing a county for costs incurred in the 94163
construction of a sports facility pursuant to an agreement 94164
entered into by the county under section 307.696 of the Revised 94165
Code, or for the purpose of paying the costs of capital repairs 94166
of and improvements to a sports facility. The tax shall be 94167
levied and approved in one of the manners prescribed by division 94168
(B) (1) or (2) of this section. 94169

(1) The tax may be levied pursuant to a resolution adopted 94170
by a majority of the members of the board of county 94171
commissioners not later than September 2, 1995. A board of 94172
county commissioners approving a tax under division (B) (1) of 94173
this section may approve a tax under division (D) (1) of section 94174
307.697 or division (C) (1) of section 5743.024 of the Revised 94175
Code at the same time. Subject to the resolution being submitted 94176
to a referendum under sections 305.31 to 305.41 of the Revised 94177
Code, the resolution shall take effect immediately, but the tax 94178
levied pursuant to the resolution shall not be levied prior to 94179
the day following the last day that any tax previously levied 94180
pursuant to this division may be levied. 94181

(2) The tax may be levied pursuant to a resolution adopted 94182
by a majority of the members of the board of county 94183
commissioners not later than September 1, 2015, and approved by 94184
a majority of the electors of the county voting on the question 94185
of levying the tax. The board of county commissioners shall 94186
certify a copy of the resolution to the board of elections 94187
immediately upon adopting a resolution under division (D) (2) of 94188
this section. The election may be held on the date of a general 94189
or special election held not sooner than ninety days after the 94190
date the board certifies its resolution to the board of 94191

elections. The form of the ballot shall be as prescribed by 94192
division (C) of section 307.697 of the Revised Code, except that 94193
the phrase "paying not more than one-half of the costs of 94194
providing a sports facility together with related redevelopment 94195
and economic development projects" shall be replaced by the 94196
phrase "paying the costs of constructing, renovating, improving, 94197
or repairing a sports facility and reimbursing a county for 94198
costs incurred by the county in the construction of a sports 94199
facility," and the phrase ", beginning _____ (here insert 94200
the earliest date the tax would take effect)" shall be appended 94201
after "years." A board of county commissioners submitting the 94202
question of a tax under division (B) (2) of this section may 94203
submit the question of a tax under division (D) (2) of section 94204
307.697 or division (C) (2) of section 5743.024 of the Revised 94205
Code as a single question, and the form of the ballot shall 94206
include each of the proposed taxes. 94207

If approved by a majority of electors voting on the 94208
question, the tax shall take effect on the day specified on the 94209
ballot, which shall not be earlier than the day following the 94210
last day that any tax previously levied pursuant to this 94211
division may be levied. 94212

The rate of a tax levied pursuant to division (B) (1) or 94213
(2) of this section shall not exceed the rate specified in 94214
division (A) of this section. A tax levied pursuant to division 94215
(B) (1) or (2) of this section may be levied for any number of 94216
years not exceeding twenty. 94217

A board of county commissioners adopting a resolution 94218
under division (B) (1) or (2) of this section shall certify a 94219
copy of the resolution to the tax commissioner immediately upon 94220
adoption of the resolution. 94221

(C) The board of county commissioners of a county whose 94222
population is greater than one million one hundred thousand but 94223
less than one million three hundred thousand may levy a tax 94224
under this division for the purpose of section 307.673 of the 94225
Revised Code regardless of whether or not the cooperative 94226
agreement authorized under that section has been entered into 94227
prior to the day the resolution adopted under division (C) of 94228
this section is adopted, for the purpose of reimbursing a county 94229
for costs incurred in the construction of a sports facility 94230
pursuant to an agreement entered into by the county under 94231
section 307.696 of the Revised Code, or for the purpose of 94232
paying the costs of constructing, equipping, furnishing, 94233
maintaining, renovating, improving, or repairing a sports 94234
facility. The tax may be levied for any number of years or for a 94235
continuing period of time. 94236

The tax may be levied pursuant to a resolution adopted by 94237
the board of county commissioners and approved by a majority of 94238
the electors of the county voting on the question of levying the 94239
tax. The board of county commissioners shall certify a copy of 94240
the resolution to the board of elections immediately upon 94241
adopting a resolution under division (C) of this section. The 94242
election may be held on the date of a general or special 94243
election held not sooner than ninety days after the date the 94244
board certifies its resolution to the board of elections. The 94245
form of the ballot shall be as follows or in any other form 94246
acceptable to the secretary of state: 94247

"For the purpose of (state the purpose or 94248
purposes), shall an excise tax be levied by county at 94249
the rate of cents per gallon on the sale of beer at 94250
wholesale in the county, cents per gallon on the sale of 94251
wine and mixed beverages at wholesale in the county, and 94252

cents per gallon on the sale of cider at wholesale in the county 94253
for _____ (number of years or a continuing period of time), the 94254
tax beginning on _____ (the earliest date the tax would 94255
take effect)? 94256
94257

	<u>Yes</u>	
	<u>No</u>	"

A board of county commissioners submitting the question of 94258
a tax under division (C) of this section may submit the question 94259
of a tax under section 5743.511, division (E) of section 94260
307.697, or division (D) of section 5743.024 of the Revised 94261
Code, or all, as a single question, provided that each tax is 94262
for the same purpose and period of time and the form of the 94263
ballot states the rate of each of the proposed taxes. 94264

If approved by a majority of electors voting on the 94265
question, the tax shall take effect on the date specified in the 94266
resolution but not sooner than the first day of the month that 94267
is at least sixty days after the certification of the election 94268
results by the board of elections. The tax levied under division 94269
(C) of this section may be approved and take effect before the 94270
expiration of the tax levied under division (B) of this section. 94271
The tax levied under division (C) of this section shall 94272
supersede and replace any tax levied under division (B) of this 94273
section, and the tax levied under division (B) of this section 94274
shall no longer be levied once the tax levied under division (C) 94275
of this section takes effect. 94276

The rate of tax levied pursuant to division (C) of this 94277
section on the sale of beer shall not exceed thirty-two cents 94278
per gallon, on the sale of cider shall not exceed forty-eight 94279

cents per gallon, and on the sale of wine and mixed beverages 94280
shall not exceed sixty-four cents per gallon. The tax levied 94281
pursuant to division (C) of this section shall be imposed on all 94282
beer, cider, wine, and mixed beverages sold for resale at retail 94283
in the county, and on all beer, cider, wine, and mixed beverages 94284
sold at retail in the county by the bottler, importer, or other 94285
person upon which the tax has not been paid. The tax levied 94286
pursuant to division (C) of this section shall not be levied on 94287
the sale of wine to be used for known sacramental purposes. 94288

The tax levied pursuant to division (C) of this section 94289
shall be in addition to the taxes imposed by sections 4301.42, 94290
4301.43, 4301.432, and 4305.01 of the Revised Code. The tax 94291
levied pursuant to division (C) of this section shall not be 94292
considered a cost in any computation required under rules of the 94293
liquor control commission regulating minimum prices or mark-ups. 94294
Only one sale of the same article shall be used in computing, 94295
reporting, and paying the amount of tax due. 94296

A board of county commissioners adopting a resolution 94297
under division (C) of this section shall certify a copy of the 94298
resolution to the tax commissioner immediately upon adoption of 94299
the resolution. 94300

(D) No tax shall be levied under division (A) of this 94301
section on or after September 23, 2008. This division does not 94302
apply to a tax levied under division (B) or (C) of this section, 94303
and does not prevent the collection of any tax levied under this 94304
section before September 23, 2008, so long as that tax remains 94305
effective. 94306

Sec. 4303.181. (A) Permit D-5a may be issued either to the 94307
owner or operator of a hotel or motel that is required to be 94308
licensed under section 3731.03 of the Revised Code, that 94309

contains at least fifty rooms for registered transient guests or 94310
is owned by a state institution of higher education as defined 94311
in section 3345.011 of the Revised Code or a private college or 94312
university, and that qualifies under the other requirements of 94313
this section, or to the owner or operator of a restaurant 94314
specified under this section, to sell beer and any intoxicating 94315
liquor at retail, only by the individual drink in glass and from 94316
the container, for consumption on the premises where sold, and 94317
to registered guests in their rooms, which may be sold by means 94318
of a controlled access alcohol and beverage cabinet in 94319
accordance with division (B) of section 4301.21 of the Revised 94320
Code; and to sell the same products in the same manner and 94321
amounts not for consumption on the premises as may be sold by 94322
holders of D-1 and D-2 permits. The premises of the hotel or 94323
motel shall include a retail food establishment or a food 94324
service operation licensed pursuant to Chapter 3717. of the 94325
Revised Code that operates as a restaurant for purposes of this 94326
chapter and that is affiliated with the hotel or motel and 94327
within or contiguous to the hotel or motel, and that serves food 94328
within the hotel or motel, but the principal business of the 94329
owner or operator of the hotel or motel shall be the 94330
accommodation of transient guests. In addition to the privileges 94331
authorized in this division, the holder of a D-5a permit may 94332
exercise the same privileges, and shall observe the same hours 94333
of operation, as the holder of a D-5 permit. 94334

The owner or operator of a hotel, motel, or restaurant who 94335
qualified for and held a D-5a permit on August 4, 1976, may, if 94336
the owner or operator held another permit before holding a D-5a 94337
permit, either retain a D-5a permit or apply for the permit 94338
formerly held, and the division of liquor control shall issue 94339
the permit for which the owner or operator applies and formerly 94340

held, notwithstanding any quota. 94341

A D-5a permit shall not be transferred to another 94342
location. No quota restriction shall be placed on the number of 94343
D-5a permits that may be issued. 94344

The fee for this permit is two thousand three hundred 94345
forty-four dollars. 94346

(B) Permit D-5b may be issued to the owner, operator, 94347
tenant, lessee, or occupant of an enclosed shopping center to 94348
sell beer and intoxicating liquor at retail, only by the 94349
individual drink in glass and from the container, for 94350
consumption on the premises where sold; and to sell the same 94351
products in the same manner and amount not for consumption on 94352
the premises as may be sold by holders of D-1 and D-2 permits. 94353
In addition to the privileges authorized in this division, the 94354
holder of a D-5b permit may exercise the same privileges, and 94355
shall observe the same hours of operation, as a holder of a D-5 94356
permit. 94357

A D-5b permit shall not be transferred to another 94358
location. 94359

One D-5b permit may be issued at an enclosed shopping 94360
center containing at least two hundred twenty-five thousand, but 94361
less than four hundred thousand, square feet of floor area. 94362

Two D-5b permits may be issued at an enclosed shopping 94363
center containing at least four hundred thousand square feet of 94364
floor area. No more than one D-5b permit may be issued at an 94365
enclosed shopping center for each additional two hundred 94366
thousand square feet of floor area or fraction of that floor 94367
area, up to a maximum of five D-5b permits for each enclosed 94368
shopping center. The number of D-5b permits that may be issued 94369

at an enclosed shopping center shall be determined by 94370
subtracting the number of D-3 and D-5 permits issued in the 94371
enclosed shopping center from the number of D-5b permits that 94372
otherwise may be issued at the enclosed shopping center under 94373
the formulas provided in this division. Except as provided in 94374
this section, no quota shall be placed on the number of D-5b 94375
permits that may be issued. Notwithstanding any quota provided 94376
in this section, the holder of any D-5b permit first issued in 94377
accordance with this section is entitled to its renewal in 94378
accordance with section 4303.271 of the Revised Code. 94379

The holder of a D-5b permit issued before April 4, 1984, 94380
whose tenancy is terminated for a cause other than nonpayment of 94381
rent, may return the D-5b permit to the division of liquor 94382
control, and the division shall cancel that permit. Upon 94383
cancellation of that permit and upon the permit holder's payment 94384
of taxes, contributions, premiums, assessments, and other debts 94385
owing or accrued upon the date of cancellation to this state and 94386
its political subdivisions and a filing with the division of a 94387
certification of that payment, the division shall issue to that 94388
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 94389
as that person requests. The division shall issue the D-5 94390
permit, or the D-1, D-2, and D-3 permits, even if the number of 94391
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 94392
corporation or in the unincorporated area of the township where 94393
that person's proposed premises is located equals or exceeds the 94394
maximum number of such permits that can be issued in that 94395
municipal corporation or in the unincorporated area of that 94396
township under the population quota restrictions contained in 94397
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 94398
permit so issued shall not be transferred to another location. 94399
If a D-5b permit is canceled under the provisions of this 94400

paragraph, the number of D-5b permits that may be issued at the 94401
enclosed shopping center for which the D-5b permit was issued, 94402
under the formula provided in this division, shall be reduced by 94403
one if the enclosed shopping center was entitled to more than 94404
one D-5b permit under the formula. 94405

The fee for this permit is two thousand three hundred 94406
forty-four dollars. 94407

(C) Permit D-5c may be issued to the owner or operator of 94408
a retail food establishment or a food service operation licensed 94409
pursuant to Chapter 3717. of the Revised Code that operates as a 94410
restaurant for purposes of this chapter and that qualifies under 94411
the other requirements of this section to sell beer and any 94412
intoxicating liquor at retail, only by the individual drink in 94413
glass and from the container, for consumption on the premises 94414
where sold, and to sell the same products in the same manner and 94415
amounts not for consumption on the premises as may be sold by 94416
holders of D-1 and D-2 permits. In addition to the privileges 94417
authorized in this division, the holder of a D-5c permit may 94418
exercise the same privileges, and shall observe the same hours 94419
of operation, as the holder of a D-5 permit. 94420

To qualify for a D-5c permit, the owner or operator of a 94421
retail food establishment or a food service operation licensed 94422
pursuant to Chapter 3717. of the Revised Code that operates as a 94423
restaurant for purposes of this chapter, shall have operated the 94424
restaurant at the proposed premises for not less than twenty- 94425
four consecutive months immediately preceding the filing of the 94426
application for the permit, have applied for a D-5 permit no 94427
later than December 31, 1988, and appear on the division's quota 94428
waiting list for not less than six months immediately preceding 94429
the filing of the application for the permit. In addition to 94430

these requirements, the proposed D-5c permit premises shall be 94431
located within a municipal corporation and further within an 94432
election precinct that, at the time of the application, has no 94433
more than twenty-five per cent of its total land area zoned for 94434
residential use. 94435

A D-5c permit shall not be transferred to another 94436
location. No quota restriction shall be placed on the number of 94437
such permits that may be issued. 94438

Any person who has held a D-5c permit for at least two 94439
years may apply for a D-5 permit, and the division of liquor 94440
control shall issue the D-5 permit notwithstanding the quota 94441
restrictions contained in section 4303.29 of the Revised Code or 94442
in any rule of the liquor control commission. 94443

The fee for this permit is one thousand five hundred 94444
sixty-three dollars. 94445

(D) (1) Permit D-5d may be issued to the owner or operator 94446
of a retail food establishment or a food service operation 94447
licensed pursuant to Chapter 3717. of the Revised Code that 94448
operates as a restaurant for purposes of this chapter and that 94449
is located at an airport operated by a municipal corporation, at 94450
an airport operated by a board of county commissioners pursuant 94451
to section 307.20 of the Revised Code, at an airport operated by 94452
a port authority pursuant to Chapter 4582. of the Revised Code, 94453
or at an airport operated by a regional airport authority 94454
pursuant to Chapter 308. of the Revised Code. 94455

(2) The holder of a D-5d permit may sell either of the 94456
following: 94457

(a) Beer and any intoxicating liquor at retail, only by 94458
the individual drink in glass and from the container, for 94459

consumption on the premises where sold. In addition, such 94460
consumption may occur in the area of the airport terminal that 94461
is restricted to persons taking flights to and from the airport, 94462
provided all of the following apply: 94463

(i) The airport's governing body authorizes the 94464
consumption of beer and intoxicating liquor in that area. 94465

(ii) The D-5d permit holder is located in that area. 94466

(iii) The airport is a public-use airport, as defined in 94467
section 4563.30 of the Revised Code, that has commercial flight 94468
activity and has one or more passenger or property screening 94469
checkpoints or restricted areas used as security measures. 94470

(iv) The beer or intoxicating liquor is served solely in 94471
plastic bottles or other plastic containers that clearly 94472
identify the D-5d permit holder. 94473

(b) The same products in the same manner and amounts not 94474
for consumption on the premises where sold as may be sold by the 94475
holders of D-1 and D-2 permits. 94476

In addition to the privileges authorized in division (D) 94477
of this section, the holder of a D-5d permit may exercise the 94478
same privileges, and shall observe the same hours of operation, 94479
as the holder of a D-5 permit. 94480

(3) A D-5d permit shall not be transferred to another 94481
location. No quota restrictions shall be placed on the number of 94482
such permits that may be issued. 94483

(4) The fee for the D-5d permit is two thousand three 94484
hundred forty-four dollars. 94485

(E) Permit D-5e may be issued to any nonprofit 94486
organization that is exempt from federal income taxation under 94487

the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 94488
501(c)(3), as amended, or that is a charitable organization 94489
under any chapter of the Revised Code, and that owns or operates 94490
a riverboat that meets all of the following: 94491

(1) Is permanently docked at one location; 94492

(2) Is designated as an historical riverboat by the Ohio 94493
history connection; 94494

(3) Contains not less than fifteen hundred square feet of 94495
floor area; 94496

(4) Has a seating capacity of fifty or more persons. 94497

The holder of a D-5e permit may sell beer and intoxicating 94498
liquor at retail, only by the individual drink in glass and from 94499
the container, for consumption on the premises where sold. 94500

A D-5e permit shall not be transferred to another 94501
location. No quota restriction shall be placed on the number of 94502
such permits that may be issued. The population quota 94503
restrictions contained in section 4303.29 of the Revised Code or 94504
in any rule of the liquor control commission shall not apply to 94505
this division, and the division shall issue a D-5e permit to any 94506
applicant who meets the requirements of this division. However, 94507
the division shall not issue a D-5e permit if the permit 94508
premises or proposed permit premises are located within an area 94509
in which the sale of spirituous liquor by the glass is 94510
prohibited. 94511

In addition to the privileges authorized in this division, 94512
the holder of a D-5e permit may exercise the same privileges, 94513
and shall observe the same hours of operation, as the holder of 94514
a D-5 permit. 94515

The fee for this permit is one thousand two hundred 94516
nineteen dollars. 94517

(F) Permit D-5f may be issued to the owner or operator of 94518
a retail food establishment or a food service operation licensed 94519
under Chapter 3717. of the Revised Code that operates as a 94520
restaurant for purposes of this chapter and that meets all of 94521
the following: 94522

(1) It contains not less than twenty-five hundred square 94523
feet of floor area. 94524

(2) It is located on or in, or immediately adjacent to, 94525
the shoreline of, a navigable river. 94526

(3) It provides docking space for twenty-five boats. 94527

(4) It provides entertainment and recreation, provided 94528
that not less than fifty per cent of the business on the permit 94529
premises shall be preparing and serving meals for a 94530
consideration. 94531

In addition, each application for a D-5f permit shall be 94532
accompanied by a certification from the local legislative 94533
authority that the issuance of the D-5f permit is not 94534
inconsistent with that political subdivision's comprehensive 94535
development plan or other economic development goal as 94536
officially established by the local legislative authority. 94537

The holder of a D-5f permit may sell beer and intoxicating 94538
liquor at retail, only by the individual drink in glass and from 94539
the container, for consumption on the premises where sold. 94540

A D-5f permit shall not be transferred to another 94541
location. 94542

The division of liquor control shall not issue a D-5f 94543

permit if the permit premises or proposed permit premises are 94544
located within an area in which the sale of spirituous liquor by 94545
the glass is prohibited. In addition to the privileges 94546
authorized in this division, the holder of a D-5f permit may 94547
exercise the same privileges, and shall observe the same hours 94548
of operation, as the holder of a D-5 permit. 94549

A fee for this permit is two thousand three hundred forty- 94550
four dollars. 94551

As used in this division, "navigable river" means a river 94552
that is also a "navigable water" as defined in the "Federal 94553
Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 94554

(G) Permit D-5g may be issued to a nonprofit corporation 94555
that is either the owner or the operator of a national 94556
professional sports museum. The holder of a D-5g permit may sell 94557
beer and any intoxicating liquor at retail, only by the 94558
individual drink in glass and from the container, for 94559
consumption on the premises where sold. The holder of a D-5g 94560
permit shall sell no beer or intoxicating liquor for consumption 94561
on the premises where sold after two-thirty a.m. A D-5g permit 94562
shall not be transferred to another location. No quota 94563
restrictions shall be placed on the number of D-5g permits that 94564
may be issued. In addition to the privileges authorized in this 94565
division, the holder of a D-5g permit may exercise the same 94566
privileges, and shall observe the same hours of operation, as 94567
the holder of a D-5 permit. 94568

The fee for this permit is one thousand eight hundred 94569
seventy-five dollars. 94570

(H) (1) Permit D-5h may be issued to any nonprofit 94571
organization that is exempt from federal income taxation under 94572

the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 94573
501(c)(3), as amended, that owns or operates any of the 94574
following: 94575

(a) A fine arts museum, provided that the nonprofit 94576
organization has no less than one thousand five hundred bona 94577
fide members possessing full membership privileges; 94578

(b) A community arts center. As used in division (H)(1)(b) 94579
of this section, "community arts center" means a facility that 94580
provides arts programming to the community in more than one arts 94581
discipline, including, but not limited to, exhibits of works of 94582
art and performances by both professional and amateur artists. 94583

(c) A community theater, provided that the nonprofit 94584
organization is a member of the Ohio arts council and the 94585
American community theatre association and has been in existence 94586
for not less than ten years. As used in division (H)(1)(c) of 94587
this section, "community theater" means a facility that contains 94588
at least one hundred fifty seats and has a primary function of 94589
presenting live theatrical performances and providing 94590
recreational opportunities to the community. 94591

(2) The holder of a D-5h permit may sell beer and any 94592
intoxicating liquor at retail, only by the individual drink in 94593
glass and from the container, for consumption on the premises 94594
where sold. A D-5h permit shall not be transferred to another 94595
location. No quota restrictions shall be placed on the number of 94596
D-5h permits that may be issued. 94597

(3) In addition to the privileges authorized in this 94598
division, the holder of a D-5h permit may exercise the same 94599
privileges, and shall observe the same hours of operation, as 94600
the holder of a D-5 permit. 94601

(4) The fee for a D-5h permit is one thousand eight 94602
hundred seventy-five dollars. 94603

(I) Permit D-5i may be issued to the owner or operator of 94604
a retail food establishment or a food service operation licensed 94605
under Chapter 3717. of the Revised Code that operates as a 94606
restaurant for purposes of this chapter and that meets all of 94607
the following requirements: 94608

(1) It is located in a municipal corporation or a township 94609
with a population of one hundred thousand or less. 94610

(2) It has inside seating capacity for at least one 94611
hundred forty persons. 94612

(3) It has at least four thousand square feet of floor 94613
area. 94614

(4) It offers full-course meals, appetizers, and 94615
sandwiches. 94616

(5) Its receipts from beer and liquor sales, excluding 94617
wine sales, do not exceed twenty-five per cent of its total 94618
gross receipts. 94619

(6) It has at least one of the following characteristics: 94620

(a) The value of its real and personal property exceeds 94621
seven hundred twenty-five thousand dollars. 94622

(b) It is located on property that is owned or leased by 94623
the state or a state agency, and its owner or operator has 94624
authorization from the state or the state agency that owns or 94625
leases the property to obtain a D-5i permit. 94626

The holder of a D-5i permit may sell beer and any 94627
intoxicating liquor at retail, only by the individual drink in 94628

glass and from the container, for consumption on the premises 94629
where sold, and may sell the same products in the same manner 94630
and amounts not for consumption on the premises where sold as 94631
may be sold by the holders of D-1 and D-2 permits. In addition 94632
to the privileges authorized in this division, the holder of a 94633
D-5i permit may exercise the same privileges, and shall observe 94634
the same hours of operation, as the holder of a D-5 permit. 94635

A D-5i permit shall not be transferred to another 94636
location. The division of liquor control shall not renew a D-5i 94637
permit unless the retail food establishment or food service 94638
operation for which it is issued continues to meet the 94639
requirements described in divisions (I)(1) to (6) of this 94640
section. No quota restrictions shall be placed on the number of 94641
D-5i permits that may be issued. The fee for the D-5i permit is 94642
two thousand three hundred forty-four dollars. 94643

(J) Permit D-5j may be issued to the owner or the operator 94644
of a retail food establishment or a food service operation 94645
licensed under Chapter 3717. of the Revised Code to sell beer 94646
and intoxicating liquor at retail, only by the individual drink 94647
in glass and from the container, for consumption on the premises 94648
where sold and to sell beer and intoxicating liquor in the same 94649
manner and amounts not for consumption on the premises where 94650
sold as may be sold by the holders of D-1 and D-2 permits. The 94651
holder of a D-5j permit may exercise the same privileges, and 94652
shall observe the same hours of operation, as the holder of a D- 94653
5 permit. 94654

The D-5j permit shall be issued only within a community 94655
entertainment district that is designated under section 4301.80 94656
of the Revised Code. The permit shall not be issued to a 94657
community entertainment district that is designated under 94658

divisions (B) and (C) of section 4301.80 of the Revised Code if 94659
the district does not meet one of the following qualifications: 94660

(1) It is located in a municipal corporation with a 94661
population of at least one hundred thousand. 94662

(2) It is located in a municipal corporation with a 94663
population of at least twenty thousand, and either of the 94664
following applies: 94665

(a) It contains an amusement park the rides of which have 94666
been issued a permit by the department of agriculture under 94667
Chapter 1711. of the Revised Code. 94668

(b) Not less than fifty million dollars will be invested 94669
in development and construction in the community entertainment 94670
district's area located in the municipal corporation. 94671

(3) It is located in a township with a population of at 94672
least forty thousand. 94673

(4) It is located in a township with a population of at 94674
least twenty thousand, and not less than seventy million dollars 94675
will be invested in development and construction in the 94676
community entertainment district's area located in the township. 94677

(5) It is located in a municipal corporation with a 94678
population between seven thousand and twenty thousand, and both 94679
of the following apply: 94680

(a) The municipal corporation ~~was incorporated as a~~ 94681
~~village prior to calendar year 1880 and~~ currently has a historic 94682
downtown business district. 94683

(b) The municipal corporation is located in the same 94684
county as another municipal corporation with at least one 94685
community entertainment district. 94686

(6) It is located in a municipal corporation with a 94687
population of at least ten thousand, and not less than seventy 94688
million dollars will be invested in development and construction 94689
in the community entertainment district's area located in the 94690
municipal corporation. 94691

(7) It is located in a municipal corporation with a 94692
population of at least three thousand, and not less than one 94693
hundred fifty million dollars will be invested in development 94694
and construction in the community entertainment district's area 94695
located in the municipal corporation. 94696

The location of a D-5j permit may be transferred only 94697
within the geographic boundaries of the community entertainment 94698
district in which it was issued and shall not be transferred 94699
outside the geographic boundaries of that district. 94700

Not more than one D-5j permit shall be issued within each 94701
community entertainment district for each five acres of land 94702
located within the district. Not more than fifteen D-5j permits 94703
may be issued within a single community entertainment district. 94704
Except as otherwise provided in division (J) (4) of this section, 94705
no quota restrictions shall be placed upon the number of D-5j 94706
permits that may be issued. 94707

The fee for a D-5j permit is two thousand three hundred 94708
forty-four dollars. 94709

(K) (1) Permit D-5k may be issued to any nonprofit 94710
organization that is exempt from federal income taxation under 94711
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 94712
501(c) (3), as amended, that is the owner or operator of a 94713
botanical garden recognized by the American association of 94714
botanical gardens and arboreta, and that has not less than 94715

twenty-five hundred bona fide members. 94716

(2) The holder of a D-5k permit may sell beer and any 94717
intoxicating liquor at retail, only by the individual drink in 94718
glass and from the container, on the premises where sold. 94719

(3) In addition to the privileges authorized in this 94720
division, the holder of a D-5k permit may exercise the same 94721
privileges, and shall observe the same hours of operation, as 94722
the holder of a D-5 permit. 94723

(4) A D-5k permit shall not be transferred to another 94724
location. 94725

(5) No quota restrictions shall be placed on the number of 94726
D-5k permits that may be issued. 94727

(6) The fee for the D-5k permit is one thousand eight 94728
hundred seventy-five dollars. 94729

(L) (1) Permit D-5l may be issued to the owner or the 94730
operator of a retail food establishment or a food service 94731
operation licensed under Chapter 3717. of the Revised Code to 94732
sell beer and intoxicating liquor at retail, only by the 94733
individual drink in glass and from the container, for 94734
consumption on the premises where sold and to sell beer and 94735
intoxicating liquor in the same manner and amounts not for 94736
consumption on the premises where sold as may be sold by the 94737
holders of D-1 and D-2 permits. The holder of a D-5l permit may 94738
exercise the same privileges, and shall observe the same hours 94739
of operation, as the holder of a D-5 permit. 94740

(2) The D-5l permit shall be issued only to a premises to 94741
which all of the following apply: 94742

(a) The premises has gross annual receipts from the sale 94743

of food and meals that constitute not less than seventy-five per 94744
cent of its total gross annual receipts. 94745

(b) The premises is located within a revitalization 94746
district that is designated under section 4301.81 of the Revised 94747
Code. 94748

(c) The premises is located in a municipal corporation or 94749
township in which the number of D-5 permits issued equals or 94750
exceeds the number of those permits that may be issued in that 94751
municipal corporation or township under section 4303.29 of the 94752
Revised Code. 94753

(d) The premises meets any of the following 94754
qualifications: 94755

(i) It is located in a county with a population of one 94756
hundred twenty-five thousand or less according to the population 94757
estimates certified by the department of development services 94758
~~agency~~ for calendar year 2006. 94759

(ii) It is located in the municipal corporation that has 94760
the largest population in a county when the county has a 94761
population between two hundred fifteen thousand and two hundred 94762
twenty-five thousand according to the population estimates 94763
certified by the department of development services ~~agency~~ for 94764
calendar year 2006. Division (L) (2) (d) (ii) of this section 94765
applies only to a municipal corporation that is wholly located 94766
in a county. 94767

(iii) It is located in the municipal corporation that has 94768
the largest population in a county when the county has a 94769
population between one hundred forty thousand and one hundred 94770
forty-one thousand according to the population estimates 94771
certified by the department of development services ~~agency~~ for 94772

calendar year 2006. Division (L) (2) (d) (iii) of this section 94773
applies only to a municipal corporation that is wholly located 94774
in a county. 94775

(iv) It is located in a township with a population density 94776
of less than four hundred fifty people per square mile. For 94777
purposes of division (L) (2) (d) (iv) of this section, the 94778
population of a township is considered to be the population 94779
shown by the most recent regular federal decennial census. 94780

(v) It is located in a municipal corporation that is 94781
wholly located within the geographic boundaries of a township, 94782
provided that the municipal corporation and the unincorporated 94783
portion of the township have a combined population density of 94784
less than four hundred fifty people per square mile. For 94785
purposes of division (L) (2) (d) (v) of this section, the 94786
population of a municipal corporation and unincorporated portion 94787
of a township is the population shown by the most recent federal 94788
decennial census. 94789

(vi) It is located in a county with a population of not 94790
less than one hundred seventy-two thousand and not more than one 94791
hundred ninety-five thousand. For purposes of division (L) (2) (d) 94792
(vi) of this section, the population of a county is the 94793
population shown by the most recent decennial census. 94794

(vii) It is located in a municipal corporation with a 94795
population of less than ten thousand and the municipal 94796
corporation is located in a county with a population of more 94797
than one million. For purposes of division (L) (2) (d) (vii) of 94798
this section, the population of a municipal corporation and a 94799
county is the population shown by the most recent decennial 94800
census. 94801

(3) The location of a D-5l permit may be transferred only 94802
within the geographic boundaries of the revitalization district 94803
in which it was issued and shall not be transferred outside the 94804
geographic boundaries of that district. 94805

(4) Not more than one D-5l permit shall be issued within 94806
each revitalization district for each five acres of land located 94807
within the district. Not more than fifteen D-5l permits may be 94808
issued within a single revitalization district. Except as 94809
otherwise provided in division (L) (4) of this section, no quota 94810
restrictions shall be placed upon the number of D-5l permits 94811
that may be issued. 94812

(5) No D-5l permit shall be issued to an adult 94813
entertainment establishment as defined in section 2907.39 of the 94814
Revised Code. 94815

(6) The fee for a D-5l permit is two thousand three 94816
hundred forty-four dollars. 94817

(M) Permit D-5m may be issued to either the owner or the 94818
operator of a retail food establishment or food service 94819
operation licensed under Chapter 3717. of the Revised Code that 94820
operates as a restaurant for purposes of this chapter and that 94821
is located in, or affiliated with, a center for the preservation 94822
of wild animals as defined in section 4301.404 of the Revised 94823
Code, to sell beer and any intoxicating liquor at retail, only 94824
by the glass and from the container, for consumption on the 94825
premises where sold, and to sell the same products in the same 94826
manner and amounts not for consumption on the premises as may be 94827
sold by the holders of D-1 and D-2 permits. In addition to the 94828
privileges authorized by this division, the holder of a D-5m 94829
permit may exercise the same privileges, and shall observe the 94830
same hours of operation, as the holder of a D-5 permit. 94831

A D-5m permit shall not be transferred to another 94832
location. No quota restrictions shall be placed on the number of 94833
D-5m permits that may be issued. The fee for a permit D-5m is 94834
two thousand three hundred forty-four dollars. 94835

(N) Permit D-5n shall be issued to either a casino 94836
operator or a casino management company licensed under Chapter 94837
3772. of the Revised Code that operates a casino facility under 94838
that chapter, to sell beer and any intoxicating liquor at 94839
retail, only by the individual drink in glass and from the 94840
container, for consumption on the premises where sold, and to 94841
sell the same products in the same manner and amounts not for 94842
consumption on the premises as may be sold by the holders of D-1 94843
and D-2 permits. In addition to the privileges authorized by 94844
this division, the holder of a D-5n permit may exercise the same 94845
privileges, and shall observe the same hours for beer and 94846
intoxicating liquor sales, as the holder of a D-5 permit. A D-5n 94847
permit shall not be transferred to another location. Only one D- 94848
5n permit may be issued per casino facility and not more than 94849
four D-5n permits shall be issued in this state. The fee for a 94850
permit D-5n shall be twenty thousand dollars. The holder of a D- 94851
5n permit may conduct casino gaming on the permit premises 94852
notwithstanding any provision of the Revised Code or 94853
Administrative Code. 94854

(O) Permit D-5o may be issued to the owner or operator of 94855
a retail food establishment or a food service operation licensed 94856
under Chapter 3717. of the Revised Code that operates as a 94857
restaurant for purposes of this chapter and that is located 94858
within a casino facility for which a D-5n permit has been 94859
issued. The holder of a D-5o permit may sell beer and any 94860
intoxicating liquor at retail, only by the individual drink in 94861
glass and from the container, for consumption on the premises 94862

where sold, and may sell the same products in the same manner 94863
and amounts not for consumption on the premises where sold as 94864
may be sold by the holders of D-1 and D-2 permits. In addition 94865
to the privileges authorized by this division, the holder of a 94866
D-5o permit may exercise the same privileges, and shall observe 94867
the same hours for beer and intoxicating liquor sales, as the 94868
holder of a D-5 permit. A D-5o permit shall not be transferred 94869
to another location. No quota restrictions shall be placed on 94870
the number of such permits that may be issued. The fee for this 94871
permit is two thousand three hundred forty-four dollars. 94872

Sec. 4303.183. Permit D-7 may be issued to the holder of 94873
any D-2 permit issued by the division of liquor control, or if 94874
there is an insufficient number of D-2 permit holders to fill 94875
the resort quota, to the operator of a retail food establishment 94876
or a food service operation required to be licensed under 94877
Chapter 3717. of the Revised Code that operates as a restaurant 94878
for purposes of this chapter and which qualifies under the other 94879
requirements of this section, to sell beer and any intoxicating 94880
liquor at retail, only by the individual drink in glass and from 94881
the container, for consumption on the premises where sold. Not 94882
less than fifty per cent of the business on the permit premises 94883
shall be preparing and serving meals for a consideration in 94884
order to qualify for and continue to hold such D-7 permit. The 94885
permit premises shall be located in a resort area. 94886

"Resort area" means a municipal corporation, township, 94887
county, or any combination thereof, which provides 94888
entertainment, recreation, and transient housing facilities 94889
specifically intended to provide leisure time activities for 94890
persons other than those whose permanent residence is within the 94891
"resort area" and who increase the population of the "resort 94892
area" on a seasonal basis, and which experiences seasonal peaks 94893

of employment and governmental services as a direct result of 94894
population increase generated by the transient, recreating 94895
public. A resort season shall begin on the first day of May and 94896
end on the last day of October. Notwithstanding section 4303.27 94897
of the Revised Code, such permits may be issued for resort 94898
seasons without regard to the calendar year or permit year. 94899
Quota restrictions on the number of such permits shall take into 94900
consideration the transient population during the resort season, 94901
the custom and habits of visitors and tourists, and the 94902
promotion of the resort and tourist industry. The fee for this 94903
permit is ~~four hundred sixty-nine dollars per month~~ two thousand 94904
eight hundred fourteen dollars. 94905

Any suspension of a D-7 permit shall be satisfied during 94906
the resort season in which such suspension becomes final. If 94907
such suspension becomes final during the off-season, or if the 94908
period of the suspension extends beyond the last day of October, 94909
the suspension or remainder thereof shall be satisfied during 94910
the next resort season. 94911

The ownership of a D-7 permit may be transferred from one 94912
permit holder to another. The holder of a D-7 permit may file an 94913
application to transfer such permit to a new location within the 94914
same resort area, provided that such permit holder shall be the 94915
owner or operator of a retail food establishment or a food 94916
service operation, required to be licensed under Chapter 3717. 94917
of the Revised Code, that operates as a restaurant for purposes 94918
of this chapter, at such new location. 94919

Sec. 4303.204. (A) The division of liquor control may 94920
issue an F-4 permit to an organization or corporation organized 94921
not-for-profit in this state to conduct an event that includes 94922
the introduction, showcasing, or promotion of Ohio wines, if the 94923

event has all of the following characteristics: 94924

(1) It is coordinated by that organization or corporation, 94925
and the organization or corporation is responsible for the 94926
activities at it. 94927

(2) It has as one of its purposes the intent to introduce, 94928
showcase, or promote Ohio wines to persons who attend it. 94929

(3) It includes the sale of food for consumption on the 94930
premises where sold. 94931

(4) It features any combination of at least three A-2 or 94932
A-2f permit holders who sell Ohio wine at it. 94933

(B) The holder of an F-4 permit may furnish, with or 94934
without charge, wine that it has obtained from the A-2 or A-2f 94935
permit holders that are participating in the event for which the 94936
F-4 permit is issued, in two-ounce samples for consumption on 94937
the premises where furnished and may sell such wine by the glass 94938
for consumption on the premises where sold. The holder of an A-2 94939
or A-2f permit that is participating in the event for which the 94940
F-4 permit is issued may sell wine that it has manufactured, in 94941
sealed containers for consumption off the premises where sold. 94942
Wine may be furnished or sold on the premises of the event for 94943
which the F-4 permit is issued only where and when the sale of 94944
wine is otherwise permitted by law. 94945

(C) The premises of the event for which the F-4 permit is 94946
issued shall be clearly defined and sufficiently restricted to 94947
allow proper enforcement of the permit by state and local law 94948
enforcement officers. If an F-4 permit is issued for all or a 94949
portion of the same premises for which another class of permit 94950
is issued, that permit holder's privileges will be suspended in 94951
that portion of the premises in which the F-4 permit is in 94952

effect. 94953

(D) No F-4 permit shall be effective for more than 94954
seventy-two consecutive hours. No sales or furnishing of wine 94955
shall take place under an F-4 permit after one a.m. 94956

(E) The division shall not issue more than six F-4 permits 94957
to the same not-for-profit organization or corporation in any 94958
one calendar year. 94959

(F) An applicant for an F-4 permit shall apply for the 94960
permit not later than thirty days prior to the first day of the 94961
event for which the permit is sought. The application for the 94962
permit shall list all of the A-2 and A-2f permit holders that 94963
will participate in the event for which the F-4 permit is 94964
sought. The fee for the F-4 permit is ~~sixty dollars per day~~one 94965
hundred eighty dollars. 94966

The division shall prepare and make available an F-4 94967
permit application form and may require applicants for and 94968
holders of the F-4 permit to provide information that is in 94969
addition to that required by this section and that is necessary 94970
for the administration of this section. 94971

(G) (1) The holder of an F-4 permit is responsible for, and 94972
is subject to penalties for, any violations of this chapter or 94973
Chapter 4301. of the Revised Code or the rules adopted under 94974
this and that chapter. 94975

(2) An F-4 permit holder shall not allow an A-2 or A-2f 94976
permit holder to participate in the event for which the F-4 94977
permit is issued if the A-2 or A-2f or the A-1-A permit of that 94978
A-2 or A-2f permit holder is under suspension. 94979

(3) The division may refuse to issue an F-4 permit to an 94980
applicant who has violated any provision of this chapter or 94981

Chapter 4301. of the Revised Code during the applicant's 94982
previous operation under an F-4 permit, for a period of up to 94983
two years after the date of the violation. 94984

(H) (1) Notwithstanding division (D) of section 4301.22 of 94985
the Revised Code, an A-2 or A-2f permit holder that participates 94986
in an event for which an F-4 permit is issued may donate wine 94987
that it has manufactured to the holder of that F-4 permit. The 94988
holder of an F-4 permit may return unused and sealed containers 94989
of wine to the A-2 or A-2f permit holder that donated the wine 94990
at the conclusion of the event for which the F-4 permit was 94991
issued. 94992

(2) The participation by an A-2 or A-2f permit holder or 94993
its employees in an event for which an F-4 permit is issued does 94994
not violate section 4301.24 of the Revised Code. 94995

Sec. 4303.2011. (A) As used in this section, "nonprofit 94996
organization" means a corporation, association, group, 94997
institution, society, or other organization that: 94998

(1) Is exempt from federal income taxation; 94999

(2) Has a membership of two hundred fifty or more persons. 95000

(B) The division of liquor control may issue an F-11 95001
permit to a nonprofit organization to conduct an event if the 95002
event has all of the following characteristics: 95003

(1) The event is coordinated by the nonprofit organization 95004
and the nonprofit organization is responsible for the activities 95005
at the event. 95006

(2) One of the event's purposes is the introduction, 95007
showcasing, or promotion of craft beers manufactured in this 95008
state. 95009

(3) The event includes the sale of food for consumption on 95010
the premises where sold. 95011

(4) The event features at least twenty A-1c permit 95012
holders, who are members of the nonprofit organization that has 95013
organized the event, as participants. The nonprofit organization 95014
may allow any number of A-1 permit holders to participate in the 95015
event. 95016

(C) An F-11 permit holder may sell, at the event, beer 95017
that it has purchased from the A-1 or A-1c permit holders that 95018
are participating in the event or from the participating A-1 or 95019
A-1c permit holder's assigned B-1 permit holder. The F-11 permit 95020
holder may sell the beer in four-ounce samples or in containers 95021
not exceeding sixteen ounces for consumption on the premises 95022
where sold. 95023

The F-11 permit holder may sell beer on the F-11 permit 95024
premises only where and when the sale of beer is otherwise 95025
permitted by law. 95026

(D) The F-11 permit holder shall clearly define and 95027
sufficiently restrict the premises of the event to allow proper 95028
enforcement of the permit by state and local law enforcement 95029
officers. If an F-11 permit is issued for all or a portion of 95030
the same premises for which another class of permit is issued, 95031
that permit holder's privileges are suspended in that portion of 95032
the premises in which the F-11 permit is in effect. 95033

(E) (1) No F-11 permit is effective for more than seventy- 95034
two consecutive hours. However, for purposes of an exposition at 95035
the state fairgrounds, an F-11 permit is effective for the 95036
duration of the exposition. 95037

(2) No sales of beer shall take place under an F-11 permit 95038

after one a.m. 95039

(F) The division shall not issue more than six F-11 95040
permits to the same nonprofit organization in any one calendar 95041
year. 95042

(G) An applicant for an F-11 permit shall apply for the 95043
permit not later than thirty days prior to the first day of the 95044
event for which the permit is sought. In the application, the 95045
applicant shall list all of the A-1 and A-1c permit holders that 95046
will participate in the event. The fee for the F-11 permit is 95047
~~sixty dollars for each day of the event~~one hundred eighty 95048
dollars. 95049

The division shall prepare and make available an F-11 95050
permit application form and may require applicants for and 95051
holders of the F-11 permit to provide information that is in 95052
addition to that required by this section and that is necessary 95053
for the administration of this section. 95054

(H) (1) An F-11 permit holder is responsible, and is 95055
subject to penalties, for any violations of this chapter or 95056
Chapter 4301. of the Revised Code that occur during the event. 95057

(2) An F-11 permit holder shall not allow an A-1 or A-1c 95058
permit holder to participate in the event if the A-1 or A-1c 95059
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 95060
permit holder is under suspension. 95061

(3) The division may refuse to issue an F-11 permit to an 95062
applicant if both of the following apply: 95063

(a) The applicant has pleaded guilty to or has been 95064
convicted of violating this chapter or Chapter 4301. of the 95065
Revised Code while operating under a previously issued F-11 95066
permit. 95067

(b) The violation occurred within the two years preceding 95068
the filing of the new F-11 permit application. 95069

(I) Notwithstanding any provision of section 4301.24 of 95070
the Revised Code or any rule adopted by the liquor control 95071
commission to the contrary, employees of an A-1 or A-1c permit 95072
holder or B-1 permit holder, or employees or agents of a B-1 95073
permit holder may assist an F-11 permit holder in serving beer 95074
at an event for which an F-11 permit is issued. 95075

Sec. 4303.233. (A) As used in this section, "personal 95076
consumer" means an individual who is at least twenty-one years 95077
of age, is a resident of this state, does not hold a permit 95078
issued under this chapter, and intends to use wine purchased in 95079
accordance with this section for personal consumption only and 95080
not for resale or other commercial purposes. 95081

(B) (1) The division of liquor control may issue an S-2 95082
permit to a person that manufactures two hundred fifty thousand 95083
gallons or more of wine per year. If the person resides outside 95084
this state, the person shall comply with the requirements 95085
governing the issuance of licenses or permits that authorize the 95086
sale of beer or intoxicating liquor by the appropriate authority 95087
of the state in which the person resides and by the alcohol and 95088
tobacco tax and trade bureau of the United States department of 95089
the treasury. 95090

(2) An S-2 permit holder may sell wine to a personal 95091
consumer by receiving and filling orders that the personal 95092
consumer submits to the permit holder. The permit holder shall 95093
sell only wine that the permit holder has manufactured to a 95094
personal consumer. An S-2 permit holder may use a fulfillment 95095
warehouse registered under section 4303.234 of the Revised Code 95096
to send a shipment of wine to a personal consumer. A fulfillment 95097

warehouse is an agent of an S-2 permit holder and an S-2 permit holder is liable for violations of this chapter and Chapter 4301. of the Revised Code that are committed by the fulfillment warehouse regarding wine shipped on behalf of the S-2 permit holder.

(C) An S-2 permit holder shall collect and pay the taxes relating to the delivery of wine to a personal consumer that are levied under sections 4301.421, 4301.43, and 4301.432 and Chapters 5739. and 5741. of the Revised Code.

(D) (1) An S-2 permit holder shall send a shipment of wine that has been paid for by a personal consumer to that personal consumer via an H permit holder. Prior to sending a shipment of wine to a personal consumer, the S-2 permit holder, or an employee of the permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age. The shipment of wine shall be shipped in a package that clearly states that it contains alcohol. No person shall fail to comply with division (D) (1) of this section.

(2) Upon delivering a shipment of wine to a personal consumer, an H permit holder, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code.

(3) An S-2 permit holder shall keep a record of each shipment of wine that the permit holder sends to a personal consumer. The records shall be used for all of the following:

(a) To provide a copy of each wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The

invoice shall include the name of each personal consumer that 95127
purchased wine from the S-2 permit holder in accordance with 95128
this section and any other information required by the tax 95129
commissioner. 95130

(b) To provide annually in electronic format by electronic 95131
means a report to the division. The report shall include the 95132
name and address of each personal consumer that purchased wine 95133
from the S-2 permit holder in accordance with this section, the 95134
quantity of wine purchased by each personal consumer, and any 95135
other information requested by the division. If the S-2 permit 95136
holder uses a fulfillment warehouse registered under section 95137
4303.234 of the Revised Code to send a shipment of wine on 95138
behalf of the S-2 permit holder, the S-2 permit holder need not 95139
include the personal consumer information for that shipment in 95140
the report. The division shall prescribe and provide an 95141
electronic form for the report and shall determine the specific 95142
electronic means that the S-2 permit holder must use to submit 95143
the report. 95144

(c) To notify a personal consumer of any health or welfare 95145
recalls of the wine that has been purchased by the personal 95146
consumer. 95147

(E) An S-2 permit holder shall comply with this chapter, 95148
Chapter 4301. of the Revised Code, and any rules adopted by the 95149
liquor control commission under section 4301.03 of the Revised 95150
Code. 95151

(F) (1) An S-2 permit holder shall renew the permit in 95152
accordance with section 4303.271 of the Revised Code, except 95153
that the renewal shall not be subject to the notice and hearing 95154
requirements established in division (B) of that section. 95155

(2) The division may refuse to renew an S-2 permit for any 95156
of the reasons specified in section 4303.292 of the Revised Code 95157
or if the permit holder fails to do any of the following: 95158

(a) Collect and pay all applicable taxes specified in 95159
division (C) of this section; 95160

(b) Pay the permit fee; 95161

(c) Comply with this section or any rules adopted by the 95162
liquor control commission under section 4301.03 of the Revised 95163
Code. 95164

(G) The ~~initial fee~~ for the S-2 permit is two hundred 95165
fifty dollars. ~~The renewal fee for the S-2 permit is one hundred~~ 95166
~~dollars.~~ 95167

Sec. 4305.131. (A) If any permit holder fails to pay the 95168
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 95169
of the Revised Code in the manner prescribed by section 4303.33 95170
of the Revised Code, or by section 4301.421 or 4301.424 of the 95171
Revised Code in the manner prescribed in section 4301.422 of the 95172
Revised Code, and by the rules of the tax commissioner, the 95173
commissioner may make an assessment against the permit holder 95174
based upon any information in the commissioner's possession. 95175

No assessment shall be made against any permit holder for 95176
any taxes imposed by section 4301.42, 4301.421, 4301.424, 95177
4301.43, 4301.432, or 4305.01 of the Revised Code more than 95178
three years after the last day of the calendar month in which 95179
the sale was made or more than three years after the return for 95180
that period is filed, whichever is later. This section does not 95181
bar an assessment against any permit holder or registrant as 95182
provided in section 4303.331 of the Revised Code who fails to 95183
file a return as required by section 4301.422 or 4303.33 of the 95184

Revised Code, or who files a fraudulent return. 95185

A penalty of up to thirty per cent may be added to the 95186
amount of every assessment made under this section. The 95187
commissioner may adopt rules providing for the imposition and 95188
remission of penalties added to assessments made under this 95189
section. 95190

The commissioner shall give the party assessed written 95191
notice of the assessment in the manner provided in section 95192
5703.37 of the Revised Code. With the notice, the commissioner 95193
shall provide instructions on how to petition for reassessment 95194
and request a hearing on the petition. 95195

(B) Unless the party assessed files with the tax 95196
commissioner within sixty days after service of the notice of 95197
assessment, ~~either personally or by certified mail,~~ a written 95198
petition for reassessment, signed by the party assessed or that 95199
party's authorized agent having knowledge of the facts, the 95200
assessment becomes final and the amount of the assessment is due 95201
and payable from the party assessed to the treasurer of state. 95202
The petition shall indicate the objections of the party 95203
assessed, but additional objections may be raised in writing if 95204
received by the commissioner prior to the date shown on the 95205
final determination. If the petition has been properly filed, 95206
the commissioner shall proceed under section 5703.60 of the 95207
Revised Code. 95208

(C) After an assessment becomes final, if any portion of 95209
the assessment remains unpaid, including accrued interest, a 95210
certified copy of the tax commissioner's entry making the 95211
assessment final may be filed in the office of the clerk of the 95212
court of common pleas in the county in which the permit holder's 95213
place of business is located or the county in which the party 95214

assessed resides. If the party assessed maintains no place of 95215
business in this state and is not a resident of this state, the 95216
certified copy of the entry may be filed in the office of the 95217
clerk of the court of common pleas of Franklin county. 95218

Immediately upon the filing of the entry, the clerk shall 95219
enter a judgment for the state against the party assessed in the 95220
amount shown on the entry. The judgment may be filed by the 95221
clerk in a loose-leaf book entitled "special judgments for state 95222
beer and liquor sales taxes," and shall have the same effect as 95223
other judgments. Execution shall issue upon the judgment upon 95224
the request of the commissioner, and all laws applicable to 95225
sales on execution shall apply to sales made under the judgment, 95226
except as otherwise provided in this chapter and Chapters 4301. 95227
and 4307. of the Revised Code. 95228

If the assessment is not paid in its entirety within sixty 95229
days after the day the assessment was issued, the portion of the 95230
assessment consisting of tax due shall bear interest at the rate 95231
per annum prescribed by section 5703.47 of the Revised Code from 95232
the day the commissioner issues the assessment until it is paid 95233
or until it is certified to the attorney general for collection 95234
under section 131.02 of the Revised Code, whichever comes first. 95235
If the unpaid portion of the assessment is certified to the 95236
attorney general for collection, the entire unpaid portion of 95237
the assessment shall bear interest at the rate per annum 95238
prescribed by section 5703.47 of the Revised Code from the date 95239
of certification until the date it is paid in its entirety. 95240
Interest shall be paid in the same manner as the tax and may be 95241
collected by the issuance of an assessment under this section. 95242

(D) All money collected under this section shall be 95243
considered as revenue arising from the taxes imposed by sections 95244

4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of 95245
the Revised Code. 95246

Sec. 4501.027. (A) Notwithstanding any provision of law to 95247
the contrary, the registrar of motor vehicles may conduct, or 95248
authorize a deputy registrar to conduct, any service or 95249
transaction authorized or required by law in an electronic or 95250
online format rather than in person. The registrar or deputy 95251
registrar also may accept electronically any documents required 95252
to accompany such service or transaction or any documents 95253
approved by the registrar for electronic or online submission 95254
and acceptance. 95255

(B) The registrar or deputy registrar shall charge the 95256
same amount for the electronic or online service or transaction 95257
as the registrar or deputy registrar charges for the associated 95258
in-person transaction. The registrar or deputy registrar may 95259
accept payment for any such service or transaction by a 95260
financial transaction device. The registrar or deputy registrar 95261
may charge a person who tenders payment for an online service or 95262
transaction by means of a financial transaction device any costs 95263
the registrar or deputy registrar incurs from accepting payment 95264
by the financial transaction device. 95265

Sec. 4501.21. (A) There is hereby created in the state 95266
treasury the license plate contribution fund. The fund shall 95267
consist of all contributions for specialty license plates paid 95268
by motor vehicle registrants and collected by the registrar of 95269
motor vehicles pursuant to the Revised Code sections referenced 95270
in division (B) of this section. 95271

(B) The registrar shall pay the contributions the 95272
registrar collects in the fund as follows: 95273

The registrar shall pay the contributions received 95274
pursuant to section 4503.491 of the Revised Code to the breast 95275
cancer fund of Ohio, which shall use that money only to pay for 95276
programs that provide assistance and education to Ohio breast 95277
cancer patients and that improve access for such patients to 95278
quality health care and clinical trials and shall not use any of 95279
the money for abortion information, counseling, services, or 95280
other abortion-related activities. 95281

The registrar shall pay the contributions the registrar 95282
receives pursuant to section 4503.492 of the Revised Code to the 95283
organization cancer support community central Ohio, which shall 95284
deposit the money into the Sheryl L. Kraner Fund of that 95285
organization. Cancer support community central Ohio shall expend 95286
the money it receives pursuant to this division only in the same 95287
manner and for the same purposes as that organization expends 95288
other money in that fund. 95289

The registrar shall pay the contributions received 95290
pursuant to section 4503.493 of the Revised Code to the autism 95291
society of Ohio, which shall use the contributions for programs 95292
and autism awareness efforts throughout the state. 95293

The registrar shall pay the contributions the registrar 95294
receives pursuant to section 4503.494 of the Revised Code to the 95295
national multiple sclerosis society for distribution in equal 95296
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 95297
chapters of the national multiple sclerosis society. These 95298
chapters shall use the money they receive under this section to 95299
assist in paying the expenses they incur in providing services 95300
directly to their clients. 95301

The registrar shall pay the contributions the registrar 95302
receives pursuant to section 4503.495 of the Revised Code to the 95303

national pancreatic cancer foundation, which shall use the money 95304
it receives under this section to assist those who have 95305
pancreatic cancer and their families. 95306

The registrar shall pay the contributions the registrar 95307
receives pursuant to section 4503.496 of the Revised Code to the 95308
Ohio sickle cell and health association, which shall use the 95309
contributions to help support educational, clinical, and social 95310
support services for adults who have sickle cell disease. 95311

The registrar shall pay the contributions the registrar 95312
receives pursuant to section 4503.497 of the Revised Code to the 95313
St. Baldrick's foundation, which shall use the contributions for 95314
its research and other programs. 95315

The registrar shall pay the contributions the registrar 95316
receives pursuant to section 4503.498 of the Revised Code to 95317
special olympics Ohio, inc., which shall use the contributions 95318
for its programs, charitable efforts, and other activities. 95319

The registrar shall pay the contributions the registrar 95320
receives pursuant to section 4503.499 of the Revised Code to the 95321
children's glioma cancer foundation, which shall use the 95322
contributions for its research and other programs. 95323

The registrar shall pay the contributions the registrar 95324
receives pursuant to section 4503.4910 of the Revised Code to 95325
the KylerStrong foundation, which shall use the contributions to 95326
raise awareness of brain cancer caused by diffuse intrinsic 95327
pontine glioma and to fund research for the cure of such cancer. 95328

The registrar shall pay the contributions the registrar 95329
receives pursuant to section 4503.4911 of the Revised Code to 95330
the research institution for childhood cancer at nationwide 95331
children's hospital, which shall use the contributions to fund 95332

research for the cure of childhood cancers. 95333

The registrar shall pay the contributions the registrar 95334
receives pursuant to section 4503.4912 of the Revised Code to 95335
the Ben Morrison memorial fund, which shall use the 95336
contributions for scholarships and other programs that support 95337
mental health. 95338

The registrar shall pay the contributions the registrar 95339
receives pursuant to section 4503.50 of the Revised Code to the 95340
future farmers of America foundation, which shall deposit the 95341
contributions into its general account to be used for 95342
educational and scholarship purposes of the future farmers of 95343
America foundation. 95344

The registrar shall pay the contributions the registrar 95345
receives pursuant to section 4503.501 of the Revised Code to the 95346
4-H youth development program of the Ohio state university 95347
extension program, which shall use those contributions to pay 95348
the expenses it incurs in conducting its educational activities. 95349

The registrar shall pay the contributions received 95350
pursuant to section 4503.502 of the Revised Code to the Ohio 95351
cattlemen's foundation, which shall use those contributions for 95352
scholarships and other educational activities. 95353

The registrar shall pay the contributions received 95354
pursuant to section 4503.505 of the Revised Code to the 95355
organization Ohio region phi theta kappa, which shall use those 95356
contributions for scholarships for students who are members of 95357
that organization. 95358

The registrar shall pay the contributions the registrar 95359
receives pursuant to section 4503.506 of the Revised Code to 95360
Ohio demolay, which shall use the contributions for 95361

scholarships, educational programs, and any other programs or 95362
events the organization holds or sponsors in this state. 95363

The registrar shall pay the contributions received 95364
pursuant to section 4503.507 of the Revised Code to the Ohio 95365
aerospace institute, which shall use those contributions to 95366
facilitate student internships in aerospace and educational 95367
programming. 95368

The registrar shall pay the contributions received 95369
pursuant to section 4503.508 of the Revised Code to the 95370
organization bottoms up diaper drive to provide funding for that 95371
organization for collecting and delivering diapers to parents in 95372
need. 95373

The registrar shall pay the contributions the registrar 95374
receives pursuant to section 4503.509 of the Revised Code to a 95375
kid again, incorporated for distribution in equal amounts to the 95376
Ohio chapters of a kid again. 95377

The registrar shall pay each contribution the registrar 95378
receives pursuant to section 4503.51 of the Revised Code to the 95379
university or college whose name or marking or design appears on 95380
collegiate license plates that are issued to a person under that 95381
section. A university or college that receives contributions 95382
from the fund shall deposit the contributions into its general 95383
scholarship fund. 95384

The registrar shall pay each contribution the registrar 95385
receives pursuant to section 4503.512 of the Revised Code to the 95386
Iota Phi Theta Fraternity, Incorporated Delta Theta Omega 95387
chapter in Ohio. The Iota Phi Theta Fraternity, Incorporated 95388
Delta Theta Omega chapter shall use the contributions for the 95389
development and perpetuation of scholarship, leadership, 95390

citizenship, fidelity, and brotherhood among men and youth in 95391
this state. 95392

The registrar shall pay the contributions the registrar 95393
receives pursuant to section 4503.514 of the Revised Code to the 95394
university of Notre Dame in South Bend, Indiana, for purposes of 95395
awarding grants or scholarships to residents of Ohio who attend 95396
the university. The university shall not use any of the funds it 95397
receives for purposes of administering the scholarship program. 95398
The registrar shall enter into appropriate agreements with the 95399
university of Notre Dame to effectuate the distribution of such 95400
funds as provided in this section. 95401

The registrar shall pay the contributions the registrar 95402
receives pursuant to section 4503.516 of the Revised Code to 95403
Marshall university in Huntington, West Virginia, for purposes 95404
of awarding grants or scholarships to residents of Ohio who 95405
attend the university. The university shall not use any of the 95406
funds it receives for purposes of administering the scholarship 95407
program. The registrar shall enter into appropriate agreements 95408
with Marshall university to effectuate the distribution of such 95409
funds as provided in this section. 95410

The registrar shall pay the contributions the registrar 95411
receives pursuant to section 4503.517 of the Revised Code to the 95412
university of Alabama in Tuscaloosa, Alabama, for purposes of 95413
awarding grants or scholarships to residents of Ohio who attend 95414
the university. The university shall not use any of the funds it 95415
receives for purposes of administering the scholarship program. 95416
The registrar shall enter into appropriate agreements with the 95417
university of Alabama to effectuate the distribution of such 95418
funds as provided in this section. 95419

The registrar shall pay the contributions the registrar 95420

receives pursuant to section 4503.518 of the Revised Code to the 95421
Nationwide children's hospital, which shall use the 95422
contributions for the "On Our Sleeves" campaign. 95423

The registrar shall pay the contributions the registrar 95424
receives pursuant to section 4503.519 of the Revised Code 95425
equally to NAMI Ohio (national alliance on mental illness of 95426
Ohio), Ohio peer recovery organizations, and OCAAR (Ohio citizen 95427
advocates for addiction recovery). 95428

The registrar shall pay the contributions the registrar 95429
receives pursuant to section 4503.520 of the Revised Code to 95430
Purdue university in West Lafayette, Indiana, for purposes of 95431
awarding grants or scholarships to residents of Ohio who attend 95432
the university. The university shall not use any of the funds it 95433
receives for purposes of administering the scholarship program. 95434
The registrar shall enter into appropriate agreements with 95435
Purdue university to effectuate the distribution of such funds 95436
as provided in this section. 95437

The registrar shall pay the contributions the registrar 95438
receives pursuant to section 4503.521 of the Revised Code to the 95439
Ohio bicycle federation to assist that organization in paying 95440
for the educational programs it sponsors in support of Ohio 95441
cyclists of all ages. 95442

The registrar shall pay the contributions the registrar 95443
receives pursuant to section 4503.522 of the Revised Code to the 95444
"friends of Perry's victory and international peace memorial, 95445
incorporated," a nonprofit corporation organized under the laws 95446
of this state, to assist that organization in paying the 95447
expenses it incurs in sponsoring or holding charitable, 95448
educational, and cultural events at the monument. 95449

The registrar shall pay the contributions the registrar receives pursuant to section 4503.523 of the Revised Code to the fairport lights foundation, which shall use the money to pay for the restoration, maintenance, and preservation of the lighthouses of fairport harbor.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.524 of the Revised Code to the Massillon tiger football booster club, which shall use the contributions only to promote and support the football team of Washington high school of the Massillon city school district.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.525 of the Revised Code to the United States power squadron district seven which shall annually distribute the contributions in equal amounts to all United States power squadrons located in the state. Each power squadron district shall use the money it receives under this section to pay for the educational boating programs each district holds or sponsors within this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.526 of the Revised Code to the Ohio district Kiwanis foundation of the Ohio district of Kiwanis international, which shall use the money it receives under this section to pay the costs of its educational and humanitarian activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.528 of the Revised Code to the Ohio children's alliance, which shall use the money it receives under this section to pay the expenses it incurs in advancing its mission of sustainably improving the provision of services to children, young adults, and families in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.529 of the Revised Code to the Ohio nurses foundation. The foundation shall use the money it receives under this section to provide educational scholarships to assist individuals who aspire to join the nursing profession, to assist nurses in the nursing profession who seek to advance their education, and to support persons conducting nursing research concerning the evidence-based practice of nursing and the improvement of patient outcomes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.53 of the Revised Code to the Indiana Kentucky Ohio regional council of carpenters. The council shall use the money it receives to assist its members who are experiencing financial hardship.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.532 of the Revised Code to the Ohio history connection, which shall use the contributions for the benefit of the Paul Laurence Dunbar house.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.533 of the Revised Code to the nonprofit organization Ohio conference of teamsters and industry health and welfare fund, which shall use the contributions to further the nonprofit's mission.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.536 of the Revised Code to save a warrior, incorporated, which shall use the contributions to prevent suicide by active members of the armed forces of the United States, veterans of those armed forces, and first responders.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.542 of the Revised Code to the Ohio craft brewers association.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.541 of the Revised Code to Dolly Parton's imagination library of Ohio. The library shall use the money it receives under this section for operational costs, including the distribution of books.

The registrar shall pay the contributions that are paid to the registrar pursuant to section 4503.545 of the Revised Code to the national rifle association foundation, which shall use the money to pay the costs of the educational activities and programs the foundation holds or sponsors in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football

hall of fame maintains, to be used exclusively for the purpose 95539
of promoting the pro football hall of fame as a travel 95540
destination. 95541

The registrar shall pay to the Ohio pet fund the 95542
contributions the registrar receives pursuant to section 95543
4503.551 of the Revised Code and any other money from any other 95544
source, including donations, gifts, and grants, that is 95545
designated by the source to be paid to the Ohio pet fund. The 95546
Ohio pet fund shall use the moneys it receives under this 95547
section to support programs for the sterilization of dogs and 95548
cats and for educational programs concerning the proper 95549
veterinary care of those animals, and for expenses of the Ohio 95550
pet fund that are reasonably necessary for it to obtain and 95551
maintain its tax-exempt status and to perform its duties. 95552

The registrar shall pay the contributions the registrar 95553
receives pursuant to section 4503.552 of the Revised Code to the 95554
rock and roll hall of fame and museum, incorporated. 95555

The registrar shall pay the contributions the registrar 95556
receives pursuant to section 4503.553 of the Revised Code to the 95557
Ohio coalition for animals, incorporated, a nonprofit 95558
corporation. Except as provided in division (B) of this section, 95559
the coalition shall distribute the money to its members, and the 95560
members shall use the money only to pay for educational, 95561
charitable, and other programs of each coalition member that 95562
provide care for unwanted, abused, and neglected horses. The 95563
Ohio coalition for animals may use a portion of the money to pay 95564
for reasonable marketing costs incurred in the design and 95565
promotion of the license plate and for administrative costs 95566
incurred in the disbursement and management of funds received 95567
under this section. 95568

The registrar shall pay the contributions the registrar receives pursuant to section 4503.554 of the Revised Code to the Ohio state council of the knights of Columbus, which shall use the contributions to pay for its charitable activities and programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.555 of the Revised Code to the western reserve historical society, which shall use the contributions to fund the Crawford auto aviation museum.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.556 of the Revised Code to the Erica J. Holloman foundation, inc., for the awareness of triple negative breast cancer. The foundation shall use the contributions for charitable and educational purposes.

The registrar shall pay each contribution the registrar receives pursuant to section 4503.557 of the Revised Code to the central Ohio chapter of the Ronald McDonald house charities, which shall distribute the contribution to the chapter of the Ronald McDonald house charities in whose geographic territory the person who paid the contribution resides.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.559 of the Revised Code to playhouse square, located in Cleveland, Ohio, which shall use the contributions to further its mission of presenting and producing a wide variety of quality performing arts, advancing arts education, and creating a superior destination for entertainment, business, and residential living.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the

state of Ohio chapter of ducks unlimited, inc., which shall 95598
deposit the contributions into a special bank account that it 95599
establishes. The special bank account shall be separate and 95600
distinct from any other account the state of Ohio chapter of 95601
ducks unlimited, inc., maintains and shall be used exclusively 95602
for the purpose of protecting, enhancing, restoring, and 95603
managing wetlands and conserving wildlife habitat. The state of 95604
Ohio chapter of ducks unlimited, inc., annually shall notify the 95605
registrar in writing of the name, address, and account to which 95606
such payments are to be made. 95607

The registrar shall pay the contributions the registrar 95608
receives pursuant to section 4503.562 of the Revised Code to the 95609
Mahoning river consortium, which shall use the money to pay the 95610
expenses it incurs in restoring and maintaining the Mahoning 95611
river watershed. 95612

The registrar shall pay the contributions the registrar 95613
receives pursuant to section 4503.564 of the Revised Code to the 95614
Glen Helen association to pay expenses related to the Glen Helen 95615
nature preserve. 95616

The registrar shall pay the contributions the registrar 95617
receives pursuant to section 4503.565 of the Revised Code to the 95618
conservancy for Cuyahoga valley national park, which shall use 95619
the money in support of the park. 95620

The registrar shall pay the contributions the registrar 95621
receives pursuant to section 4503.566 of the Revised Code to the 95622
Ottawa national wildlife refuge, which shall use the 95623
contributions for wildlife preservation purposes. 95624

The registrar shall pay the contributions the registrar 95625
receives pursuant to section 4503.567 of the Revised Code to the 95626

girls on the run of Franklin county, inc., which shall use the 95627
contributions to support the activities of the organization. 95628

The registrar shall pay the contributions the registrar 95629
receives pursuant to section 4503.569 of the Revised Code to the 95630
Ohio bird sanctuary, located in Mansfield, Ohio, which shall use 95631
the contributions for purposes of its operations, bird care and 95632
rehabilitation, and educational programs. 95633

The registrar shall pay the contributions the registrar 95634
receives pursuant to section 4503.576 of the Revised Code to the 95635
Ohio state beekeepers association, which shall use those 95636
contributions to promote beekeeping, provide educational 95637
information about beekeeping, and to support other state and 95638
local beekeeping programs. 95639

The registrar shall pay the contributions the registrar 95640
receives pursuant to section 4503.577 of the Revised Code to the 95641
national aviation hall of fame, which shall use the 95642
contributions to fulfill its mission of honoring aerospace 95643
legends to inspire future leaders. 95644

The registrar shall pay the contributions the registrar 95645
receives pursuant to section 4503.578 of the Revised Code to 95646
keep Ohio beautiful, incorporated, which shall use the 95647
contributions towards its mission of empowering Ohio communities 95648
to take greater responsibility for improving the local 95649
environment through litter prevention, beautification, community 95650
greening, waste reduction, and recycling. 95651

The registrar shall pay the contributions the registrar 95652
receives pursuant to section 4503.579 of the Revised Code to the 95653
~~national~~ Ohio state coalition-national council of negro women, 95654
incorporated, which shall use the contributions for educational 95655

purposes. 95656

The registrar shall pay the contributions the registrar 95657
receives pursuant to section 4503.581 of the Revised Code to the 95658
Ohio past detachment commander's club, inc., which shall use the 95659
contributions to support the activities of the organization. 95660

The registrar shall pay the contributions the registrar 95661
receives pursuant to section 4503.582 of the Revised Code to the 95662
progressive animal welfare society adoption center, inc., which 95663
shall use the contributions to support the activities of the 95664
center. 95665

The registrar shall pay the contributions the registrar 95666
receives pursuant to section 4503.583 of the Revised Code to the 95667
American legion, department of Ohio, inc., which shall use the 95668
contributions to support the activities of the organization. 95669

The registrar shall pay the contributions the registrar 95670
receives, or has received, pursuant to section 4503.584 of the 95671
Revised Code to the Ohio natural energy foundation to fund 95672
scholarships for students pursuing careers in the oil and 95673
natural gas industry. 95674

The registrar shall pay the contributions the registrar 95675
receives pursuant to section 4503.585 of the Revised Code to the 95676
Terrace Park recreation committee, inc. to offer scholarships to 95677
young athletes of, and maintain athletic facilities in, the 95678
municipal corporation of Terrace Park. 95679

The registrar shall pay the contributions the registrar 95680
receives pursuant to section 4503.586 of the Revised Code to the 95681
Ohio mountain bike alliance. 95682

The registrar shall pay the contributions the registrar 95683
receives pursuant to section 4503.588 of the Revised Code to the 95684

Ohio grange patrons of husbandry foundation, which shall use the 95685
contributions to support the activities of the organization. 95686

The registrar shall pay to a sports commission created 95687
pursuant to section 4503.591 of the Revised Code each 95688
contribution the registrar receives under that section that an 95689
applicant pays to obtain license plates that bear the logo of a 95690
professional sports team located in the county of that sports 95691
commission and that is participating in the license plate 95692
program pursuant to division (E) of that section, irrespective 95693
of the county of residence of an applicant. 95694

The registrar shall pay to a community charity each 95695
contribution the registrar receives under section 4503.591 of 95696
the Revised Code that an applicant pays to obtain license plates 95697
that bear the logo of a professional sports team that is 95698
participating in the license plate program pursuant to division 95699
(G) of that section. 95700

The registrar shall pay the contributions the registrar 95701
receives pursuant to section 4503.592 of the Revised Code to 95702
pollinator partnership's monarch wings across Ohio program, 95703
which shall use the contributions for the protection and 95704
preservation of the monarch butterfly and pollinator corridor in 95705
Ohio and for educational programs. 95706

The registrar shall pay the contributions the registrar 95707
receives pursuant to section 4503.594 of the Revised Code to 95708
pelotonia, which shall use the contributions for the purpose of 95709
supporting cancer research. 95710

The registrar shall pay the contributions the registrar 95711
receives pursuant to section 4503.595 of the Revised Code to the 95712
Stan Hywet hall and gardens. 95713

The registrar shall pay the contributions the registrar receives pursuant to section 4503.596 of the Revised Code to the Cuyahoga valley scenic railroad.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.597 of the Revised Code to the Circleville pumpkin show, incorporated, which shall use the contributions to promote good will surrounding the Circleville pumpkin show as a nonprofit annual event.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.598 of the Revised Code equally to the Jackson local schools foundation and the Jackson high school alumni association. The foundation and alumni association shall use the contributions for the foundation's and alumni association's purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.67 of the Revised Code to the Dan Beard council of the boy scouts of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the boy scouts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.68 of the Revised Code to the girl scouts of Ohio's heartland. The girl scouts of Ohio's heartland shall distribute all contributions in an equitable manner throughout the state to regional councils of the girl scouts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.69 of the Revised Code to the Dan Beard council of the boy scouts of America. The council shall distribute all contributions in an equitable manner

throughout the state to regional councils of the boy scouts. 95743

The registrar shall pay the contributions the registrar 95744
receives pursuant to section 4503.70 of the Revised Code to the 95745
charitable foundation of the grand lodge of Ohio, f. & a. m., 95746
which shall use the contributions for scholarship purposes. 95747

The registrar shall pay the contributions the registrar 95748
receives pursuant to section 4503.701 of the Revised Code to the 95749
Prince Hall grand lodge of free and accepted masons of Ohio, 95750
which shall use the contributions for scholarship purposes. 95751

The registrar shall pay the contributions the registrar 95752
receives pursuant to section 4503.702 of the Revised Code to the 95753
Ohio Association of the Improved Benevolent and Protective Order 95754
of the Elks of the World, which shall use the funds for 95755
charitable purposes. 95756

The registrar shall pay the contributions the registrar 95757
receives pursuant to section 4503.703 of the Revised Code to the 95758
Ohio state moose association. 95759

The registrar shall pay the contributions the registrar 95760
receives pursuant to section 4503.704 of the Revised Code to the 95761
Antioch shrine foundation located in the municipal corporation 95762
of Dayton. 95763

The registrar shall pay the contributions the registrar 95764
receives pursuant to section 4503.71 of the Revised Code to the 95765
fraternal order of police of Ohio, incorporated, which shall 95766
deposit the fees into its general account to be used for 95767
purposes of the fraternal order of police of Ohio, incorporated. 95768

The registrar shall pay the contributions the registrar 95769
receives pursuant to section 4503.711 of the Revised Code to the 95770
fraternal order of police of Ohio, incorporated, which shall 95771

deposit the contributions into an account that it creates to be 95772
used for the purpose of advancing and protecting the law 95773
enforcement profession, promoting improved law enforcement 95774
methods, and teaching respect for law and order. 95775

The registrar shall pay the contributions received 95776
pursuant to section 4503.712 of the Revised Code to Ohio 95777
concerns of police survivors, which shall use those 95778
contributions to provide whatever assistance may be appropriate 95779
to the families of Ohio law enforcement officers who are killed 95780
in the line of duty. 95781

The registrar shall pay the contributions received 95782
pursuant to section 4503.713 of the Revised Code to the greater 95783
Cleveland peace officers memorial society, which shall use those 95784
contributions to honor law enforcement officers who have died in 95785
the line of duty and support its charitable purposes. 95786

The registrar shall pay the contributions received 95787
pursuant to section 4503.714 of the Revised Code to the Ohio 95788
association of chiefs of police. 95789

The registrar shall pay the contributions the registrar 95790
receives, or has received, pursuant to section 4503.715 of the 95791
Revised Code to the community foundation of Ohio's electric 95792
cooperatives, which shall use the contributions to recognize and 95793
memorialize fallen or injured lineworkers and support their 95794
families. 95795

The registrar shall pay the contributions the registrar 95796
receives pursuant to section 4503.716 of the Revised Code to the 95797
fallen timbers battlefield preservation commission, which shall 95798
use the contributions to further the mission of the commission. 95799

The registrar shall pay the contributions the registrar 95800

receives pursuant to section 4503.72 of the Revised Code to the 95801
organization known on March 31, 2003, as the Ohio CASA/GAL 95802
association, a private, nonprofit corporation organized under 95803
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 95804
shall use these contributions to pay the expenses it incurs in 95805
administering a program to secure the proper representation in 95806
the courts of this state of abused, neglected, and dependent 95807
children, and for the training and supervision of persons 95808
participating in that program. 95809

The registrar shall pay the contributions the registrar 95810
receives pursuant to section 4503.722 of the Revised Code to the 95811
Down Syndrome Association of Central Ohio, which shall use the 95812
contributions for advocacy purposes throughout the state. 95813

The registrar shall pay the contributions the registrar 95814
receives pursuant to section 4503.724 of the Revised Code to the 95815
Ohio Chapter of the American Foundation for Suicide Prevention, 95816
which shall use the contributions for programs, education, and 95817
advocacy purposes throughout the state. 95818

The registrar shall pay the contributions the registrar 95819
receives pursuant to section 4503.726 of the Revised Code to the 95820
Ohio suicide prevention foundation, which shall use the 95821
contributions for suicide prevention programs, education, and 95822
advocacy. 95823

The registrar shall pay the contributions the registrar 95824
receives, or has received, pursuant to section 4503.725 of the 95825
Revised Code to the ALS united Ohio, incorporated, which shall 95826
split the contributions between that organization and the ALS 95827
association in accordance with any agreement between the two 95828
organizations. The contributions shall be used to discover 95829
treatments and a cure for ALS, and to serve, advocate for, and 95830

empower people affected by ALS to live their lives to the 95831
fullest. 95832

The registrar shall pay the contributions the registrar 95833
receives pursuant to section 4503.73 of the Revised Code to 95834
Wright B. Flyer, incorporated, which shall deposit the 95835
contributions into its general account to be used for purposes 95836
of Wright B. Flyer, incorporated. 95837

The registrar shall pay the contributions the registrar 95838
receives pursuant to section 4503.732 of the Revised Code to the 95839
Siegel Shuster society, a nonprofit organization dedicated to 95840
commemorating and celebrating the creation of Superman in 95841
Cleveland, Ohio. 95842

The registrar shall pay the contributions the registrar 95843
receives pursuant to section 4503.733 of the Revised Code to the 95844
central Ohio chapter of the juvenile diabetes research 95845
foundation, which shall distribute the contributions to the 95846
chapters of the juvenile diabetes research foundation in whose 95847
geographic territory the person who paid the contribution 95848
resides. 95849

The registrar shall pay the contributions the registrar 95850
receives pursuant to section 4503.734 of the Revised Code to the 95851
Ohio highway patrol auxiliary foundation, which shall use the 95852
contributions to fulfill the foundation's mission of supporting 95853
law enforcement education and assistance. 95854

The registrar shall pay the contributions the registrar 95855
receives pursuant to section 4503.735 of the Revised Code to the 95856
heart4seniors/healthcare evolution alert response technology 95857
foundation, inc., which shall use the contributions for purposes 95858
of the foundation's mission. 95859

The registrar shall pay the contributions the registrar receives pursuant to section 4503.74 of the Revised Code to the Columbus zoological park association, which shall disburse the moneys to Ohio's major metropolitan zoos, as defined in section 4503.74 of the Revised Code, in accordance with a written agreement entered into by the major metropolitan zoos.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.741 of the Revised Code to the Ohio house rabbit rescue, which shall use the contributions for its rescue, adoption, and educational programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.75 of the Revised Code to the rotary foundation, located on March 31, 2003, in Evanston, Illinois, to be placed in a fund known as the permanent fund and used to endow educational and humanitarian programs of the rotary foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.751 of the Revised Code to the Ohio association of realtors, which shall deposit the contributions into a property disaster relief fund maintained under the Ohio realtors charitable and education foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.752 of the Revised Code to buckeye corvettes, incorporated, which shall use the contributions to pay for its charitable activities and programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.754 of the Revised Code to the municipal corporation of Twinsburg.

The registrar shall pay the contributions the registrar

receives pursuant to section 4503.755 of the Revised Code to the 95889
little brown jug society to assist the society in maintaining, 95890
promulgating, and operating the little brown jug as part of 95891
Ohio's rich harness racing history. 95892

The registrar shall pay the contributions the registrar 95893
receives pursuant to section 4503.763 of the Revised Code to the 95894
Ohio history connection to be used solely to build, support, and 95895
maintain the Ohio battleflag collection within the Ohio history 95896
connection. 95897

The registrar shall pay the contributions the registrar 95898
receives pursuant to section 4503.764 of the Revised Code to the 95899
Medina county historical society, which shall use those 95900
contributions to distribute between the various historical 95901
societies and museums in Medina county. 95902

The registrar shall pay the contributions the registrar 95903
receives pursuant to section 4503.765 of the Revised Code to the 95904
Amaranth grand chapter foundation, which shall use the 95905
contributions for communal outreach, charitable service, and 95906
scholarship purposes. 95907

The registrar shall pay the contributions the registrar 95908
receives pursuant to section 4503.766 of the Revised Code to the 95909
Ohio society daughters of the American revolution, which shall 95910
deposit the contributions into its general account to be used 95911
for continuing the organization's endeavors in service, historic 95912
preservation, education, and patriotism. 95913

The registrar shall pay the contributions the registrar 95914
receives pursuant to section 4503.767 of the Revised Code to 95915
folds of honor of central Ohio, which shall use the 95916
contributions to provide scholarships to spouses and children 95917

either of disabled veterans or of members of any branch of the 95918
armed forces who died during their service. 95919

The registrar shall pay the contributions the registrar 95920
receives pursuant to section 4503.85 of the Revised Code to the 95921
Ohio sea grant college program to be used for Lake Erie area 95922
research projects. 95923

The registrar shall pay the contributions the registrar 95924
receives pursuant to section 4503.851 of the Revised Code to 95925
West Virginia university in Morgantown, West Virginia for 95926
purposes of awarding grants or scholarships to residents of Ohio 95927
who attend the university. The university shall not use any of 95928
the funds it receives for purposes of administering the 95929
scholarship program. The registrar shall enter into appropriate 95930
agreements with West Virginia university to effectuate the 95931
distribution of such funds as provided in this section. 95932

The registrar shall pay the contributions the registrar 95933
receives pursuant to section 4503.86 of the Revised Code to the 95934
Ohio Lincoln highway historic byway, which shall use those 95935
contributions solely to promote and support the historical 95936
preservation and advertisement of the Lincoln highway in this 95937
state. 95938

The registrar shall pay the contributions the registrar 95939
receives pursuant to section 4503.87 of the Revised Code to the 95940
Grove City little league dream field fund, which shall use those 95941
contributions solely to build, maintain, and improve youth 95942
baseball fields within the municipal corporation of Grove City. 95943

The registrar shall pay the contributions the registrar 95944
receives pursuant to section 4503.871 of the Revised Code to the 95945
Solon city school district. The school district shall use the 95946

contributions it receives to pay the expenses it incurs in 95947
providing services to the school district's students that assist 95948
in developing or maintaining the mental and emotional well-being 95949
of the students. The services provided may include bereavement 95950
counseling, instruction in defensive driving techniques, 95951
sensitivity training, and the counseling and education of 95952
students regarding bullying, dating violence, drug abuse, 95953
suicide prevention, and human trafficking. The school district 95954
superintendent or, in the school district superintendent's 95955
discretion, the appropriate school principal or appropriate 95956
school counselors shall determine any charitable organizations 95957
that the school district hires to provide those services. The 95958
school district also may use the contributions it receives to 95959
pay for members of the faculty of the school district to receive 95960
training in providing such services to the students of the 95961
school district. The school district shall ensure that any 95962
charitable organization that is hired by the district is exempt 95963
from federal income taxation under subsection 501(c)(3) of the 95964
Internal Revenue Code. The school district shall not use the 95965
contributions it receives for any other purpose. 95966

The registrar shall pay the contributions the registrar 95967
receives pursuant to section 4503.872 of the Revised Code to the 95968
Canton city school district. The district may use the 95969
contributions for student welfare, but shall not use the 95970
contributions for any political purpose or to pay salaries of 95971
district employees. 95972

The registrar shall pay the contributions the registrar 95973
receives pursuant to section 4503.873 of the Revised Code to 95974
Padua Franciscan high school located in the municipal 95975
corporation of Parma. The school shall use fifty per cent of the 95976
contributions it receives to provide tuition assistance to its 95977

students. The school shall use the remaining fifty per cent to 95978
pay the expenses it incurs in providing services to the school's 95979
students that assist in developing or maintaining the mental and 95980
emotional well-being of the students. The services provided may 95981
include bereavement counseling, instruction in defensive driving 95982
techniques, sensitivity training, and the counseling and 95983
education of students regarding bullying, dating violence, drug 95984
abuse, suicide prevention, and human trafficking. As a part of 95985
providing such services, the school may pay for members of the 95986
faculty of the school to receive training in providing those 95987
services. The school principal or, in the school principal's 95988
discretion, appropriate school counselors shall determine any 95989
charitable organizations that the school hires to provide those 95990
services. The school shall ensure that any such charitable 95991
organization is exempt from federal income taxation under 95992
subsection 501(c)(3) of the Internal Revenue Code. The school 95993
shall not use the contributions it receives for any other 95994
purpose. 95995

The registrar shall pay the contributions the registrar 95996
receives pursuant to section 4503.874 of the Revised Code to St. 95997
Edward high school located in the municipal corporation of 95998
Lakewood. The school shall use fifty per cent of the 95999
contributions it receives to provide tuition assistance to its 96000
students. The school shall use the remaining fifty per cent to 96001
pay the expenses it incurs in providing services to the school's 96002
students that assist in developing or maintaining the mental and 96003
emotional well-being of the students. The services provided may 96004
include bereavement counseling, instruction in defensive driving 96005
techniques, sensitivity training, and the counseling and 96006
education of students regarding bullying, dating violence, drug 96007
abuse, suicide prevention, and human trafficking. As a part of 96008

providing such services, the school may pay for members of the 96009
faculty of the school to receive training in providing those 96010
services. The school principal or, in the school principal's 96011
discretion, appropriate school counselors shall determine any 96012
charitable organizations that the school hires to provide those 96013
services. The school shall ensure that any such charitable 96014
organization is exempt from federal income taxation under 96015
subsection 501(c)(3) of the Internal Revenue Code. The school 96016
shall not use the contributions it receives for any other 96017
purpose. 96018

The registrar shall pay the contributions the registrar 96019
receives pursuant to section 4503.875 of the Revised Code to 96020
Walsh Jesuit high school located in the municipal corporation of 96021
Cuyahoga Falls. The school shall use fifty per cent of the 96022
contributions it receives to provide tuition assistance to its 96023
students. The school shall use the remaining fifty per cent to 96024
pay the expenses it incurs in providing services to the school's 96025
students that assist in developing or maintaining the mental and 96026
emotional well-being of the students. The services provided may 96027
include bereavement counseling, instruction in defensive driving 96028
techniques, sensitivity training, and the counseling and 96029
education of students regarding bullying, dating violence, drug 96030
abuse, suicide prevention, and human trafficking. As a part of 96031
providing such services, the school may pay for members of the 96032
faculty of the school to receive training in providing those 96033
services. The school principal or, in the school principal's 96034
discretion, appropriate school counselors shall determine any 96035
charitable organizations that the school hires to provide those 96036
services. The school shall ensure that any such charitable 96037
organization is exempt from federal income taxation under 96038
subsection 501(c)(3) of the Internal Revenue Code. The school 96039

shall not use the contributions it receives for any other 96040
purpose. 96041

The registrar shall pay the contributions the registrar 96042
receives pursuant to section 4503.876 of the Revised Code to the 96043
North Royalton city school district. The school district shall 96044
use the contributions it receives to pay the expenses it incurs 96045
in providing services to the school district's students that 96046
assist in developing or maintaining the mental and emotional 96047
well-being of the students. The services provided may include 96048
bereavement counseling, instruction in defensive driving 96049
techniques, sensitivity training, and the counseling and 96050
education of students regarding bullying, dating violence, drug 96051
abuse, suicide prevention, and human trafficking. The school 96052
district superintendent or, in the school district 96053
superintendent's discretion, the appropriate school principal or 96054
appropriate school counselors shall determine any charitable 96055
organizations that the school district hires to provide those 96056
services. The school district also may use the contributions it 96057
receives to pay for members of the faculty of the school 96058
district to receive training in providing such services to the 96059
students of the school district. The school district shall 96060
ensure that any charitable organization that is hired by the 96061
district is exempt from federal income taxation under subsection 96062
501(c)(3) of the Internal Revenue Code. The school district 96063
shall not use the contributions it receives for any other 96064
purpose. 96065

The registrar shall pay the contributions the registrar 96066
receives pursuant to section 4503.877 of the Revised Code to the 96067
Independence local school district. The school district shall 96068
use the contributions it receives to pay the expenses it incurs 96069
in providing services to the school district's students that 96070

assist in developing or maintaining the mental and emotional 96071
well-being of the students. The services provided may include 96072
bereavement counseling, instruction in defensive driving 96073
techniques, sensitivity training, and the counseling and 96074
education of students regarding bullying, dating violence, drug 96075
abuse, suicide prevention, and human trafficking. The school 96076
district superintendent or, in the school district 96077
superintendent's discretion, the appropriate school principal or 96078
appropriate school counselors shall determine any charitable 96079
organizations that the school district hires to provide those 96080
services. The school district also may use the contributions it 96081
receives to pay for members of the faculty of the school 96082
district to receive training in providing such services to the 96083
students of the school district. The school district shall 96084
ensure that any charitable organization that is hired by the 96085
district is exempt from federal income taxation under subsection 96086
501(c)(3) of the Internal Revenue Code. The school district 96087
shall not use the contributions it receives for any other 96088
purpose. 96089

The registrar shall pay the contributions the registrar 96090
receives pursuant to section 4503.878 of the Revised Code to the 96091
Cuyahoga Heights local school district. The school district 96092
shall use the contributions it receives to pay the expenses it 96093
incurs in providing services to the school district's students 96094
that assist in developing or maintaining the mental and 96095
emotional well-being of the students. The services provided may 96096
include bereavement counseling, instruction in defensive driving 96097
techniques, sensitivity training, and the counseling and 96098
education of students regarding bullying, dating violence, drug 96099
abuse, suicide prevention, and human trafficking. The school 96100
district superintendent or, in the school district 96101

superintendent's discretion, the appropriate school principal or 96102
appropriate school counselors, shall determine any charitable 96103
organizations that the school district hires to provide those 96104
services. The school district also may use the contributions it 96105
receives to pay for members of the faculty of the school 96106
district to receive training in providing such services to the 96107
students of the school district. The school district shall 96108
ensure that any charitable organization that is hired by the 96109
district is exempt from federal income taxation under subsection 96110
501(c)(3) of the Internal Revenue Code. The school district 96111
shall not use the contributions it receives for any other 96112
purpose. 96113

The registrar shall pay the contributions the registrar 96114
receives pursuant to section 4503.879 of the Revised Code to the 96115
west technical high school alumni association, which shall use 96116
the contributions for activities sponsored by the association. 96117

The registrar shall pay the contributions the registrar 96118
receives pursuant to section 4503.88 of the Revised Code to the 96119
Kenston local school district. The school district shall use the 96120
contributions it receives to pay the expenses it incurs in 96121
providing services that assist in developing or maintaining a 96122
culture of environmental responsibility and an innovative 96123
science, technology, engineering, art, and math (S.T.E.A.M.) 96124
curriculum to the school district's students. The school 96125
district shall not use the contributions it receives for any 96126
other purpose. 96127

The registrar shall pay the contributions the registrar 96128
receives pursuant to section 4503.881 of the Revised Code to La 96129
Salle high school in the municipal corporation of Cincinnati. 96130
The high school shall not use the contributions it receives for 96131

any political purpose. 96132

The registrar shall pay the contributions the registrar 96133
receives pursuant to section 4503.882 of the Revised Code to St. 96134
John's Jesuit high school and academy located in the municipal 96135
corporation of Toledo. The school shall use the contributions it 96136
receives to provide tuition assistance for students attending 96137
the school. 96138

The registrar shall pay the contributions the registrar 96139
receives pursuant to section 4503.883 of the Revised Code to St. 96140
Charles preparatory school located in the municipal corporation 96141
of Columbus, which shall use the contributions for the school's 96142
alumni association and the alumni association's purposes. 96143

The registrar shall pay the contributions the registrar 96144
receives pursuant to section 4503.884 of the Revised Code to 96145
Archbishop Moeller high school located in the municipal 96146
corporation of Cincinnati. The high school shall not use the 96147
contributions it receives for any political purpose. 96148

The registrar shall pay the contributions the registrar 96149
receives pursuant to section 4503.885 of the Revised Code to the 96150
Revere schools foundation. The foundation shall use the 96151
contributions to promote its mission, including awarding 96152
scholarships to honor young people who are meaningfully engaged 96153
in their school or community. The foundation shall not use the 96154
contributions for any political purpose. 96155

The registrar shall pay the contributions the registrar 96156
receives pursuant to section 4503.886 of the Revised Code to 96157
Stephen T. Badin high school in the municipal corporation of 96158
Hamilton. 96159

The registrar shall pay the contributions the registrar 96160

receives pursuant to section 4503.887 of the Revised Code to 96161
Bishop Hartley high school located in the municipal corporation 96162
of Columbus, which shall use the contributions for the school's 96163
alumni association and the alumni association's purposes. 96164

The registrar shall pay the contributions the registrar 96165
receives pursuant to section 4503.888 of the Revised Code to St. 96166
Vincent-St. Mary high school located in the municipal 96167
corporation of Akron. 96168

The registrar shall pay the contributions the registrar 96169
receives pursuant to section 4503.89 of the Revised Code to the 96170
American red cross of greater Columbus on behalf of the Ohio 96171
chapters of the American red cross, which shall use the 96172
contributions for disaster readiness, preparedness, and response 96173
programs on a statewide basis. 96174

The registrar shall pay the contributions the registrar 96175
receives pursuant to section 4503.891 of the Revised Code to the 96176
Ohio lions foundation. The foundation shall use the 96177
contributions for charitable and educational purposes. 96178

The registrar shall pay the contributions the registrar 96179
receives pursuant to section 4503.892 of the Revised Code to the 96180
Hudson city school district. The school district shall not use 96181
the contributions it receives for any political purpose. 96182

The registrar shall pay the contributions the registrar 96183
receives pursuant to section 4503.893 of the Revised Code to the 96184
Harrison Central jr./sr. high school located in the municipal 96185
corporation of Cadiz. 96186

The registrar shall pay the contributions the registrar 96187
receives pursuant to section 4503.894 of the Revised Code to the 96188
Blanchester schools foundation for funding student scholarships 96189

and for funding activities and programs for at-risk students. 96190

The registrar shall pay the contributions the registrar 96191
receives pursuant to section 4503.895 of the Revised Code to the 96192
Lakeside Chautauqua foundation. The foundation shall use the 96193
contributions it receives for conservation and preservation of 96194
Lake Erie and the surrounding ecosystem. 96195

The registrar shall pay the contributions the registrar 96196
receives pursuant to section 4503.896 of the Revised Code to the 96197
American legion auxiliary department of Ohio. The auxiliary 96198
department shall use the contributions it receives to support 96199
the American legion, current and former military members, and 96200
their families. 96201

The registrar shall pay the contributions the registrar 96202
receives pursuant to section 4503.899 of the Revised Code to the 96203
Cleveland clinic foundation, which shall use the contributions 96204
to support Cleveland clinic children's education, research, and 96205
patient services. 96206

The registrar shall pay the contributions the registrar 96207
receives pursuant to section 4503.90 of the Revised Code to the 96208
nationwide children's hospital foundation. 96209

The registrar shall pay the contributions the registrar 96210
receives pursuant to section 4503.901 of the Revised Code to the 96211
Ohio association for pupil transportation, which shall use the 96212
money to support transportation programs, provide training to 96213
school transportation professionals, and support other 96214
initiatives for school transportation safety. 96215

The registrar shall pay the contributions the registrar 96216
receives pursuant to section 4503.902 of the Revised Code to St. 96217
Ignatius high school located in the municipal corporation of 96218

Cleveland. The school shall use fifty per cent of the 96219
contributions it receives to provide tuition assistance to its 96220
students. The school shall use the remaining fifty per cent to 96221
pay the expenses it incurs in providing services to the school's 96222
students that assist in developing or maintaining the mental and 96223
emotional well-being of the students. The services provided may 96224
include bereavement counseling, instruction in defensive driving 96225
techniques, sensitivity training, and the counseling and 96226
education of students regarding bullying, dating violence, drug 96227
abuse, suicide prevention, and human trafficking. As a part of 96228
providing such services, the school may pay for members of the 96229
faculty of the school to receive training in providing those 96230
services. The school principal or, in the school principal's 96231
discretion, appropriate school counselors shall determine any 96232
charitable organizations that the school hires to provide those 96233
services. The school shall ensure that any such charitable 96234
organization is exempt from federal income taxation under 96235
subsection 501(c)(3) of the Internal Revenue Code. The school 96236
shall not use the contributions it receives for any other 96237
purpose. 96238

The registrar shall pay the contributions the registrar 96239
receives pursuant to section 4503.903 of the Revised Code to the 96240
Brecksville-Broadview Heights city school district. The school 96241
district shall use the contributions it receives to pay the 96242
expenses it incurs in providing services to the school 96243
district's students that assist in developing or maintaining the 96244
mental and emotional well-being of the students. The services 96245
provided may include bereavement counseling, instruction in 96246
defensive driving techniques, sensitivity training, and the 96247
counseling and education of students regarding bullying, dating 96248
violence, drug abuse, suicide prevention, and human trafficking. 96249

The school district superintendent or, in the school district 96250
superintendent's discretion, the appropriate school principal or 96251
appropriate school counselors shall determine any charitable 96252
organizations that the school district hires to provide those 96253
services. The school district also may use the contributions it 96254
receives to pay for members of the faculty of the school 96255
district to receive training in providing such services to the 96256
students of the school district. The school district shall 96257
ensure that any charitable organization that is hired by the 96258
district is exempt from federal income taxation under subsection 96259
501(c)(3) of the Internal Revenue Code. The school district 96260
shall not use the contributions it receives for any other 96261
purpose. 96262

The registrar shall pay the contributions the registrar 96263
receives pursuant to section 4503.904 of the Revised Code to the 96264
Chagrin Falls exempted village school district. The school 96265
district shall use the contributions it receives to pay the 96266
expenses it incurs in providing services to the school 96267
district's students that assist in developing or maintaining the 96268
mental and emotional well-being of the students. The services 96269
provided may include bereavement counseling, instruction in 96270
defensive driving techniques, sensitivity training, and the 96271
counseling and education of students regarding bullying, dating 96272
violence, drug abuse, suicide prevention, and human trafficking. 96273
The school district superintendent or, in the school district 96274
superintendent's discretion, the appropriate school principal or 96275
appropriate school counselors shall determine any charitable 96276
organizations that the school district hires to provide those 96277
services. The school district also may use the contributions it 96278
receives to pay for members of the faculty of the school 96279
district to receive training in providing such services to the 96280

students of the school district. The school district shall 96281
ensure that any charitable organization that is hired by the 96282
district is exempt from federal income taxation under subsection 96283
501(c) (3) of the Internal Revenue Code. The school district 96284
shall not use the contributions it receives for any other 96285
purpose. 96286

The registrar shall pay the contributions the registrar 96287
receives pursuant to section 4503.905 of the Revised Code to the 96288
Cuyahoga valley career center. The career center shall use the 96289
contributions it receives to pay the expenses it incurs in 96290
providing services to the career center's students that assist 96291
in developing or maintaining the mental and emotional well-being 96292
of the students. The services provided may include bereavement 96293
counseling, instruction in defensive driving techniques, 96294
sensitivity training, and the counseling and education of 96295
students regarding bullying, dating violence, drug abuse, 96296
suicide prevention, and human trafficking. The career center's 96297
superintendent or in the career center's superintendent's 96298
discretion, the school board or appropriate school counselors 96299
shall determine any charitable organizations that the career 96300
center hires to provide those services. The career center also 96301
may use the contributions it receives to pay for members of the 96302
faculty of the career center to receive training in providing 96303
such services to the students of the career center. The career 96304
center shall ensure that any charitable organization that is 96305
hired by the career center is exempt from federal income 96306
taxation under subsection 501(c) (3) of the Internal Revenue 96307
Code. The career center shall not use the contributions it 96308
receives for any other purpose. 96309

The registrar shall pay the contributions the registrar 96310
receives pursuant to section 4503.906 of the Revised Code to the 96311

Stow-Munroe Falls city school district. The school district 96312
shall not use the contributions it receives for any political 96313
purpose. 96314

The registrar shall pay the contributions the registrar 96315
receives pursuant to section 4503.907 of the Revised Code to the 96316
Twinsburg city school district. The school district shall not 96317
use the contributions it receives for any political purpose. 96318

The registrar shall pay the contributions the registrar 96319
receives pursuant to section 4503.908 of the Revised Code to St. 96320
Xavier high school located in Springfield township in Hamilton 96321
county. The school shall use fifty per cent of the contributions 96322
it receives to provide tuition assistance to its students. The 96323
school shall use the remaining fifty per cent to pay the 96324
expenses it incurs in providing services to the school's 96325
students that assist in developing or maintaining the mental and 96326
emotional well-being of the students. The services provided may 96327
include bereavement counseling, instruction in defensive driving 96328
techniques, sensitivity training, and the counseling and 96329
education of students regarding bullying, dating violence, drug 96330
abuse, suicide prevention, and human trafficking. As a part of 96331
providing such services, the school may pay for members of the 96332
faculty of the school to receive training in providing those 96333
services. The school principal or, in the school principal's 96334
discretion, appropriate school counselors shall determine any 96335
charitable organizations that the school hires to provide those 96336
services. The school shall ensure that any such charitable 96337
organization is exempt from federal income taxation under 96338
subsection 501(c)(3) of the Internal Revenue Code. The school 96339
shall not use the contributions it receives for any other 96340
purpose. 96341

The registrar shall pay the contributions the registrar 96342
receives pursuant to section 4503.909 of the Revised Code to the 96343
Grandview Heights city school district, which shall use the 96344
contributions for its gifted programs and special education and 96345
related services. 96346

The registrar shall pay the contributions received 96347
pursuant to section 4503.92 of the Revised Code to support our 96348
troops, incorporated, a national nonprofit corporation, which 96349
shall use those contributions in accordance with its articles of 96350
incorporation and for the benefit of servicemembers of the armed 96351
forces of the United States and their families when they are in 96352
financial need. 96353

The registrar shall pay the contributions received 96354
pursuant to section 4503.931 of the Revised Code to healthy New 96355
Albany, which shall use the contributions for its community 96356
programs, events, and other activities. 96357

The registrar shall pay the contributions the registrar 96358
receives pursuant to section 4503.932 of the Revised Code to 96359
habitat for humanity of Ohio, inc., which shall use the 96360
contributions for its projects related to building affordable 96361
houses. 96362

The registrar shall pay the contributions the registrar 96363
receives pursuant to section 4503.933 of the Revised Code to 96364
Ohio citizens for the arts foundation, which shall use the 96365
contributions for advocacy, education, and professional 96366
development programs. 96367

The registrar shall pay the contributions the registrar 96368
receives pursuant to section 4503.934 of the Revised Code to 96369
Ohio society for respiratory care of the American association 96370

for respiratory care, incorporated, which shall use the 96371
contributions to benefit the Ohio society for respiratory care 96372
student scholarship fund. 96373

The registrar shall pay the contributions the registrar 96374
receives pursuant to section 4503.935 of the Revised Code to 96375
Jesup W. Scott high school's principal activities fund. The high 96376
school shall use the contributions to enhance learning 96377
opportunities for the high school's students. 96378

The registrar shall pay the contributions the registrar 96379
receives pursuant to section 4503.936 of the Revised Code to the 96380
Hilliard Davidson baseball club, which shall use the 96381
contributions to support the team. 96382

The registrar shall pay the contributions the registrar 96383
receives pursuant to section 4503.94 of the Revised Code to the 96384
Michelle's leading star foundation, which shall use the money 96385
solely to fund the rental, lease, or purchase of the simulated 96386
driving curriculum of the Michelle's leading star foundation by 96387
boards of education of city, exempted village, local, and joint 96388
vocational school districts. 96389

The registrar shall pay the contributions the registrar 96390
receives pursuant to section 4503.941 of the Revised Code to the 96391
Ohio chapter international society of arboriculture, which shall 96392
use the money to increase consumer awareness on the importance 96393
of proper tree care and to raise funds for the chapter's 96394
educational efforts. 96395

The registrar shall pay the contributions received 96396
pursuant to section 4503.942 of the Revised Code to zero, the 96397
end of prostate cancer, incorporated, a nonprofit organization, 96398
which shall use those contributions to raise awareness of 96399

prostate cancer, to support research to end prostate cancer, and 96400
to support prostate cancer patients and their families. 96401

The registrar shall pay the contributions the registrar 96402
receives pursuant to section 4503.943 of the Revised Code to the 96403
nonprofit organization weirdo cat lovers of Cleveland, which 96404
shall use the contributions to further its mission of assisting 96405
pet parents with emergency veterinary bills for their feline 96406
companions, providing food and litter to those in economic need, 96407
and controlling feral cat populations through the process of 96408
trap-neuter-return to the community. 96409

The registrar shall pay the contributions the registrar 96410
receives pursuant to section 4503.944 of the Revised Code to the 96411
eastern European congress of Ohio, which shall use the 96412
contributions for charitable and educational purposes. 96413

The registrar shall pay the contributions the registrar 96414
receives pursuant to section 4503.945 of the Revised Code to the 96415
Summit metro parks foundation, which shall use the money in 96416
support of the Summit county metro parks. 96417

The registrar shall pay the contributions the registrar 96418
receives pursuant to section 4503.946 of the Revised Code to the 96419
Ohio society, sons of the American revolution, which shall use 96420
the contributions for special projects related to historical 96421
education. 96422

The registrar shall pay the contributions the registrar 96423
receives pursuant to section 4503.951 of the Revised Code to the 96424
Cincinnati city school district. 96425

The registrar shall pay the contributions the registrar 96426
receives pursuant to section 4503.952 of the Revised Code to 96427
Hawken school located in northeast Ohio. The school shall use 96428

fifty per cent of the contributions it receives to provide 96429
tuition assistance to its students. The school shall use the 96430
remaining fifty per cent to pay the expenses it incurs in 96431
providing services to the school's students that assist in 96432
developing or maintaining the mental and emotional well-being of 96433
the students. The services provided may include bereavement 96434
counseling, instruction in defensive driving techniques, 96435
sensitivity training, and the counseling and education of 96436
students regarding bullying, dating violence, drug abuse, 96437
suicide prevention, and human trafficking. As a part of 96438
providing such services, the school may pay for members of the 96439
faculty of the school to receive training in providing those 96440
services. The school principal or, in the school principal's 96441
discretion, appropriate school counselors shall determine any 96442
charitable organizations that the school hires to provide those 96443
services. The school shall ensure that any such charitable 96444
organization is exempt from federal income taxation under 96445
subsection 501(c)(3) of the Internal Revenue Code. The school 96446
shall not use the contributions it receives for any other 96447
purpose. 96448

The registrar shall pay the contributions the registrar 96449
receives pursuant to section 4503.953 of the Revised Code to 96450
Gilmour academy located in the municipal corporation of Gates 96451
Mills. The school shall use fifty per cent of the contributions 96452
it receives to provide tuition assistance to its students. The 96453
school shall use the remaining fifty per cent to pay the 96454
expenses it incurs in providing services to the school's 96455
students that assist in developing or maintaining the mental and 96456
emotional well-being of the students. The services provided may 96457
include bereavement counseling, instruction in defensive driving 96458
techniques, sensitivity training, and the counseling and 96459

education of students regarding bullying, dating violence, drug 96460
abuse, suicide prevention, and human trafficking. As a part of 96461
providing such services, the school may pay for members of the 96462
faculty of the school to receive training in providing those 96463
services. The school principal or, in the school principal's 96464
discretion, appropriate school counselors shall determine any 96465
charitable organizations that the school hires to provide those 96466
services. The school shall ensure that any such charitable 96467
organization is exempt from federal income taxation under 96468
subsection 501(c)(3) of the Internal Revenue Code. The school 96469
shall not use the contributions it receives for any other 96470
purpose. 96471

The registrar shall pay the contributions the registrar 96472
receives pursuant to section 4503.954 of the Revised Code to 96473
University school located in the suburban area near the 96474
municipal corporation of Cleveland. The school shall use fifty 96475
per cent of the contributions it receives to provide tuition 96476
assistance to its students. The school shall use the remaining 96477
fifty per cent to pay the expenses it incurs in providing 96478
services to the school's students that assist in developing or 96479
maintaining the mental and emotional well-being of the students. 96480
The services provided may include bereavement counseling, 96481
instruction in defensive driving techniques, sensitivity 96482
training, and the counseling and education of students regarding 96483
bullying, dating violence, drug abuse, suicide prevention, and 96484
human trafficking. As a part of providing such services, the 96485
school may pay for members of the faculty of the school to 96486
receive training in providing those services. The school 96487
principal or, in the school principal's discretion, appropriate 96488
school counselors shall determine any charitable organizations 96489
that the school hires to provide those services. The school 96490

shall ensure that any such charitable organization is exempt 96491
from federal income taxation under subsection 501(c)(3) of the 96492
Internal Revenue Code. The school shall not use the 96493
contributions it receives for any other purpose. 96494

The registrar shall pay the contributions the registrar 96495
receives pursuant to section 4503.955 of the Revised Code to 96496
Saint Albert the Great school located in North Royalton. The 96497
school shall use fifty per cent of the contributions it receives 96498
to provide tuition assistance to its students. The school shall 96499
use the remaining fifty per cent to pay the expenses it incurs 96500
in providing services to the school's students that assist in 96501
developing or maintaining the mental and emotional well-being of 96502
the students. The services provided may include bereavement 96503
counseling, instruction in defensive driving techniques, 96504
sensitivity training, and the counseling and education of 96505
students regarding bullying, dating violence, drug abuse, 96506
suicide prevention, and human trafficking. As a part of 96507
providing such services, the school may pay for members of the 96508
faculty of the school to receive training in providing those 96509
services. The school principal or, in the school principal's 96510
discretion, appropriate school counselors shall determine any 96511
charitable organizations that the school hires to provide those 96512
services. The school shall ensure that any such charitable 96513
organization is exempt from federal income taxation under 96514
subsection 501(c)(3) of the Internal Revenue Code. The school 96515
shall not use the contributions it receives for any other 96516
purpose. 96517

The registrar shall pay the contributions the registrar 96518
receives pursuant to section 4503.956 of the Revised Code to the 96519
Liberty Center local school district, which shall use the 96520
contributions for its gifted programs and special education and 96521

related services. 96522

The registrar shall pay the contributions the registrar 96523
receives pursuant to section 4503.957 of the Revised Code to 96524
John F. Kennedy Catholic school located in Warren. The school 96525
shall not use the contributions it receives for any political 96526
purpose. 96527

The registrar shall pay the contributions the registrar 96528
receives pursuant to section 4503.958 of the Revised Code to 96529
Elder high school located in the municipal corporation of 96530
Cincinnati. The school shall use fifty per cent of the 96531
contributions it receives to provide tuition assistance to its 96532
students, twenty-five per cent of the contributions to benefit 96533
arts and enrichment at the school, and twenty-five per cent of 96534
the contributions to benefit athletics at the school. 96535

The registrar shall pay the contributions the registrar 96536
receives pursuant to section 4503.959 of the Revised Code to the 96537
Dublin food pantry, which shall use the contributions to provide 96538
food, hygiene products, and other resources to individuals and 96539
families experiencing food insecurity. 96540

The registrar shall pay the contributions the registrar 96541
receives pursuant to section 4503.961 of the Revised Code to 96542
Fairfield senior high school located in the municipal 96543
corporation of Fairfield. The high school shall not use the 96544
contributions for any political purpose. 96545

The registrar shall pay the contributions the registrar 96546
receives pursuant to section 4503.962 of the Revised Code to 96547
Hamilton high school located in the municipal corporation of 96548
Hamilton. The high school shall not use the contributions for 96549
any political purpose. 96550

The registrar shall pay the contributions the registrar receives pursuant to section 4503.963 of the Revised Code to Ross high school located in Ross township in Butler county. The high school shall not use the contributions for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.964 of the Revised Code to Chardon hilltopper gridiron club. The club shall use contributions to fund college and career technical training scholarships for students.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.965 of the Revised Code to the Norton music boosters association. The association shall use the contributions to provide financial assistance to the Norton high school music boosters for equipment, travel, and programming expenses.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.97 of the Revised Code to the friends of united Hatzalah of Israel, which shall use the money to support united Hatzalah of Israel, which provides free emergency medical first response throughout Israel.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.98 of the Revised Code to the Westerville parks foundation to support the programs and activities of the foundation and its mission of pursuing the city of Westerville's vision of becoming "A City Within A Park."

(C) All investment earnings of the license plate contribution fund shall be credited to the fund. Not later than the first day of May of every year, the registrar shall

distribute to each entity described in division (B) of this 96580
section the investment income the fund earned the previous 96581
calendar year. The amount of such a distribution paid to an 96582
entity shall be proportionate to the amount of money the entity 96583
received from the fund during the previous calendar year. 96584

Sec. 4501.29. The department of administrative services 96585
shall collect user fees from participants in the multi-agency 96586
radio communications system (MARCS). The director of 96587
administrative services, with ~~the advice of the MARCS steering-~~ 96588
~~committee and~~ the consent of the director of budget and 96589
management, shall determine the amount of the user fees and the 96590
manner by which the fees shall be collected. All moneys from 96591
user fees shall be deposited in the MARCS administration fund, 96592
which is hereby created in the state treasury. All investment 96593
earnings on moneys in the fund shall be credited to the fund. 96594

Sec. 4501.30. As used in sections 4501.30 to 4501.303 of 96595
the Revised Code: 96596

"MARCS" means the multi-agency radio communications 96597
system. 96598

"P25 standards" means standards for digital radio 96599
communications for use by federal, state, provincial, and local 96600
public safety agencies in North America to enable communications 96601
with other agencies and mutual aid response teams in 96602
emergencies. "P25 standards" are the standards produced through 96603
the joint efforts of the association of public-safety 96604
communications officials, the national association of state 96605
technology directors, selected federal agencies, and the 96606
national communications system. 96607

"P25 system" means a communications system that meets P25 96608

standards and fosters interoperability in mission critical 96609
~~communications as certified by the MARCS steering committee.~~ 96610

Sec. 4501.302. (A) The multi-agency radio communications 96611
system (MARCS) steering committee is established consisting of 96612
the following members: 96613

(1) The directors, or designees thereof, of administrative 96614
services, public safety, natural resources, transportation, 96615
rehabilitation and correction, and budget and management, and 96616
the state fire marshal or the state fire marshal's designee; 96617

(2) The following members appointed by the governor: 96618

(a) One representative of the Ohio chapter of the 96619
association of public safety communications officials or its 96620
successor organization; 96621

(b) One representative of the buckeye state sheriff's 96622
association or its successor organization; 96623

(c) One representative of the Ohio association of chiefs 96624
of police or its successor organization; 96625

(d) One representative of the Ohio fire chiefs' 96626
association or its successor organization. 96627

(3) Two members of the house of representatives appointed 96628
by the speaker of the house of representatives, one from the 96629
majority party and one from the minority party; 96630

(4) Two members of the senate appointed by the president 96631
of the senate, one from the majority party and one from the 96632
minority party. 96633

(B) The director of administrative services or the 96634
director's designee shall chair the committee. 96635

(C) The committee shall provide assistance to the director 96636
of administrative services for effective and efficient 96637
implementation of MARCS as well as develop policies for the 96638
ongoing management of the system. Upon dates prescribed by the 96639
directors of administrative services and budget and management, 96640
the MARCS steering committee shall report to the directors on 96641
the progress of MARCS implementation and the development of 96642
policies related to the system. 96643

(D) The committee shall establish a subcommittee to 96644
represent MARCS users on the local government level. The 96645
chairperson of the subcommittee shall serve as a member of the 96646
MARCS steering committee. 96647

(E) Divisions (A) to (D) of this section represent the 96648
codification of the existing MARCS steering committee and 96649
subcommittee. Upon the effective date of this amendment, members 96650
of the MARCS steering committee and the subcommittee may 96651
continue service on these committees, their terms unaffected by 96652
the codification. 96653

(F) The MARCS steering committee shall certify that the 96654
P25 system complies with P25 standards based on business 96655
planning documents it approves. The planning documents shall 96656
outline the various end user costs for monthly access to the 96657
system depending on the number of MARCS users and including 96658
adequate funding for future repairs, maintenance, and upgrades 96659
of MARCS statewide. 96660

Sec. 4503.038. ~~(A) Not later than ninety days after July~~ 96661
~~3, 2019, the~~ The registrar of motor vehicles shall ~~adopt rules~~ 96662
~~in accordance with Chapter 119. of the Revised Code establishing~~ 96663
establish a service fee that applies for purposes of sections 96664
4503.03, 4503.036, 4503.042, 4503.10, 4503.102, 4503.12, 96665

4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 4506.08, 4507.24, 96666
4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 4519.56, 96667
and 4519.69 of the Revised Code. The service fee shall be ~~five~~ 96668
eight dollars. 96669

(B) ~~Not later than ninety days after July 3, 2019, the~~ The 96670
registrar shall ~~adopt rules in accordance with Chapter 119. of~~ 96671
~~the Revised Code establishing~~ establish prorated service fees 96672
that apply for purposes of multi-year registrations authorized 96673
under section 4503.103 of the Revised Code. 96674

(C) When a service fee is collected by the registrar, the 96675
following portion of the service fee that is not allocated to a 96676
deputy registrar but instead is deposited into the public safety 96677
- highway purposes fund created in section 4501.06 of the 96678
Revised Code shall be used exclusively for the state highway 96679
patrol for the enforcement of the motor vehicle and traffic laws 96680
of Ohio: 96681

(1) The three-dollar increase in the service fee under 96682
division (A) of this section that is effective on and after the 96683
date of this amendment; 96684

(2) Any increase in the service fee under division (B) of 96685
this section that is effective on and after the effective date 96686
of this amendment. 96687

Sec. 4503.06. (A) The owner of each manufactured or mobile 96688
home that has acquired situs in this state shall pay either a 96689
real property tax pursuant to Title LVII of the Revised Code or 96690
a manufactured home tax pursuant to division (C) of this 96691
section. 96692

(B) The owner of a manufactured or mobile home shall pay 96693
real property taxes if either of the following applies: 96694

(1) The manufactured or mobile home acquired situs in the 96695
state or ownership in the home was transferred on or after 96696
January 1, 2000, and all of the following apply: 96697

(a) The home is affixed to a permanent foundation as 96698
defined in division (C) (5) of section 3781.06 of the Revised 96699
Code. 96700

(b) The home is located on land that is owned by the owner 96701
of the home. 96702

(c) The certificate of title has been inactivated by the 96703
clerk of the court of common pleas that issued it, pursuant to 96704
division (H) of section 4505.11 of the Revised Code. 96705

(2) The manufactured or mobile home acquired situs in the 96706
state or ownership in the home was transferred before January 1, 96707
2000, and all of the following apply: 96708

(a) The home is affixed to a permanent foundation as 96709
defined in division (C) (5) of section 3781.06 of the Revised 96710
Code. 96711

(b) The home is located on land that is owned by the owner 96712
of the home. 96713

(c) The owner of the home has elected to have the home 96714
taxed as real property and, pursuant to section 4505.11 of the 96715
Revised Code, has surrendered the certificate of title to the 96716
auditor of the county containing the taxing district in which 96717
the home has its situs, together with proof that all taxes have 96718
been paid. 96719

(d) The county auditor has placed the home on the real 96720
property tax list and delivered the certificate of title to the 96721
clerk of the court of common pleas that issued it and the clerk 96722

has inactivated the certificate. 96723

(C) (1) Any mobile or manufactured home that is not taxed 96724
as real property as provided in division (B) of this section is 96725
subject to an annual manufactured home tax, payable by the 96726
owner, for locating the home in this state. The tax as levied in 96727
this section is for the purpose of supplementing the general 96728
revenue funds of the local subdivisions in which the home has 96729
its situs pursuant to this section. 96730

(2) The year for which the manufactured home tax is levied 96731
commences on the first day of January and ends on the following 96732
thirty-first day of December. The state shall have the first 96733
lien on any manufactured or mobile home on the list for the 96734
amount of taxes, penalties, and interest charged against the 96735
owner of the home under this section. The lien of the state for 96736
the tax for a year shall attach on the first day of January to a 96737
home that has acquired situs on that date. The lien for a home 96738
that has not acquired situs on the first day of January, but 96739
that acquires situs during the year, shall attach on the next 96740
first day of January. The lien shall continue until the tax, 96741
including any penalty or interest, is paid. 96742

(3) (a) The situs of a manufactured or mobile home located 96743
in this state on the first day of January is the local taxing 96744
district in which the home is located on that date. 96745

(b) The situs of a manufactured or mobile home not located 96746
in this state on the first day of January, but located in this 96747
state subsequent to that date, is the local taxing district in 96748
which the home is located thirty days after it is acquired or 96749
first enters this state. 96750

(4) The tax is collected by and paid to the county 96751

treasurer of the county containing the taxing district in which 96752
the home has its situs. 96753

(D) The manufactured home tax shall be computed and 96754
assessed by the county auditor of the county containing the 96755
taxing district in which the home has its situs as follows: 96756

(1) On a home that acquired situs in this state prior to 96757
January 1, 2000: 96758

(a) By multiplying the assessable value of the home by the 96759
tax rate of the taxing district in which the home has its situs, 96760
and deducting from the product thus obtained any reduction 96761
authorized under section 4503.065 of the Revised Code. The tax 96762
levied under this formula shall not be less than thirty-six 96763
dollars, unless the home qualifies for a reduction in assessable 96764
value under section 4503.065 of the Revised Code, in which case 96765
there shall be no minimum tax and the tax shall be the amount 96766
calculated under this division. 96767

(b) The assessable value of the home shall be forty per 96768
cent of the amount arrived at by the following computation: 96769

(i) If the cost to the owner, or market value at time of 96770
purchase, whichever is greater, of the home includes the 96771
furnishings and equipment, such cost or market value shall be 96772
multiplied according to the following schedule: 96773
96774

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	80%
B	2nd calendar year	x	75%

C	3rd "	x	70%
D	4th "	x	65%
E	5th "	x	60%
F	6th "	x	55%
G	7th "	x	50%
H	8th "	x	45%
I	9th "	x	40%
J	10th and each year thereafter	x	35%

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year.

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(ii) If the cost to the owner, or market value at the time of purchase, whichever is greater, of the home does not include the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

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96779
96780
96781
96782

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	95%
B	2nd calendar year	x	90%
C	3rd "	x	85%
D	4th "	x	80%

E	5th "	x	75%
F	6th "	x	70%
G	7th "	x	65%
H	8th "	x	60%
I	9th "	x	55%
J	10th and each year thereafter	x	50%

The first calendar year means any period between the first 96783
day of January and the thirty-first day of December of the first 96784
year. 96785

(2) On a home in which ownership was transferred or that 96786
first acquired situs in this state on or after January 1, 2000: 96787

(a) By multiplying the assessable value of the home by the 96788
effective tax rate, as defined in section 323.08 of the Revised 96789
Code, for residential real property of the taxing district in 96790
which the home has its situs, and deducting from the product 96791
thus obtained the reductions required or authorized under 96792
section 319.302, 319.304, or 4503.065 or division (B) of section 96793
323.152, or section 4503.065 of the Revised Code. 96794

(b) The assessable value of the home shall be thirty-five 96795
per cent of its true value as determined under division (L) of 96796
this section. 96797

(3) On or before the fifteenth day of January each year, 96798
the county auditor shall record the assessable value and the 96799
amount of tax on the manufactured or mobile home on the tax list 96800
and deliver a duplicate of the list to the county treasurer. In 96801

the case of an emergency as defined in section 323.17 of the Revised Code, the tax commissioner, by journal entry, may extend the times for delivery of the duplicate for an additional fifteen days upon receiving a written application from the county auditor regarding an extension for the delivery of the duplicate, or from the county treasurer regarding an extension of the time for the billing and collection of taxes. The application shall contain a statement describing the emergency that will cause the unavoidable delay and must be received by the tax commissioner on or before the last day of the month preceding the day delivery of the duplicate is otherwise required. When an extension is granted for delivery of the duplicate, the time period for payment of taxes shall be extended for a like period of time. When a delay in the closing of a tax collection period becomes unavoidable, the tax commissioner, upon application by the county auditor and county treasurer, may order the time for payment of taxes to be extended if the tax commissioner determines that penalties have accrued or would otherwise accrue for reasons beyond the control of the taxpayers of the county. The order shall prescribe the final extended date for payment of taxes for that collection period.

(4) After January 1, 1999, the owner of a manufactured or mobile home taxed pursuant to division (D)(1) of this section may elect to have the home taxed pursuant to division (D)(2) of this section by filing a written request with the county auditor of the taxing district in which the home is located on or before the first day of December of any year. Upon the filing of the request, the county auditor shall determine whether all taxes levied under division (D)(1) of this section have been paid, and if those taxes have been paid, the county auditor shall tax the

manufactured or mobile home pursuant to division (D) (2) of this 96833
section commencing in the next tax year. 96834

(5) A manufactured or mobile home that acquired situs in 96835
this state prior to January 1, 2000, shall be taxed pursuant to 96836
division (D) (2) of this section if no manufactured home tax had 96837
been paid for the home and the home was not exempted from 96838
taxation pursuant to division (E) of this section for the year 96839
for which the taxes were not paid. 96840

(6) (a) Immediately upon receipt of any manufactured home 96841
tax duplicate from the county auditor, but not less than twenty 96842
days prior to the last date on which the first one-half taxes 96843
may be paid without penalty as prescribed in division (F) of 96844
this section, the county treasurer shall cause to be prepared 96845
and mailed or delivered to each person charged on that duplicate 96846
with taxes, or to an agent designated by such person, the tax 96847
bill prescribed by the tax commissioner under division (D) (7) of 96848
this section. When taxes are paid by installments, the county 96849
treasurer shall mail or deliver to each person charged on such 96850
duplicate or the agent designated by that person a second tax 96851
bill showing the amount due at the time of the second tax 96852
collection. The second half tax bill shall be mailed or 96853
delivered at least twenty days prior to the close of the second 96854
half tax collection period. A change in the mailing address, 96855
electronic mail address, or telephone number of any tax bill 96856
shall be made in writing to the county treasurer. Failure to 96857
receive a bill required by this section does not excuse failure 96858
or delay to pay any taxes shown on the bill or, except as 96859
provided in division (B) (1) of section 5715.39 of the Revised 96860
Code, avoid any penalty, interest, or charge for such delay. 96861

A policy adopted by a county treasurer under division (A) 96862

(2) of section 323.13 of the Revised Code shall also allow any person required to receive a tax bill under division (D) (6) (a) of this section to request electronic delivery of that tax bill in the same manner. A person may rescind such a request in the same manner as a request made under division (A) (2) of section 323.13 of the Revised Code. The request shall terminate upon a change in the name of the person charged with the taxes pursuant to section 4503.061 of the Revised Code.

(b) After delivery of the copy of the delinquent manufactured home tax list under division (H) of this section, the county treasurer may prepare and mail to each person in whose name a home is listed an additional tax bill showing the total amount of delinquent taxes charged against the home as shown on the list. The tax bill shall include a notice that the interest charge prescribed by division (G) of this section has begun to accrue.

(7) Each tax bill prepared and mailed or delivered under division (D) (6) of this section shall be in the form and contain the information required by the tax commissioner. The commissioner may prescribe different forms for each county and may authorize the county auditor to make up tax bills and tax receipts to be used by the county treasurer. The tax bill shall not contain or be mailed or delivered with any information or material that is not required by this section or that is not authorized by section 321.45 of the Revised Code or by the tax commissioner. In addition to the information required by the commissioner, each tax bill shall contain the following information:

(a) The taxes levied and the taxes charged and payable against the manufactured or mobile home;

(b) The following notice: "Notice: If the taxes are not
paid within sixty days after the county auditor delivers the
delinquent manufactured home tax list to the county treasurer,
you and your home may be subject to collection proceedings for
tax delinquency." Failure to provide such notice has no effect
upon the validity of any tax judgment to which a home may be
subjected.

(c) In the case of manufactured or mobile homes taxed
under division (D) (2) of this section, the following additional
information:

(i) The effective tax rate. The words "effective tax rate"
shall appear in boldface type.

(ii) The following notice: "Notice: If the taxes charged
against this home have been reduced by the 2-1/2 per cent tax
reduction for residences occupied by the owner but the home is
not a residence occupied by the owner, the owner must notify the
county auditor's office not later than March 31 of the year for
which the taxes are due. Failure to do so may result in the
owner being convicted of a fourth degree misdemeanor, which is
punishable by imprisonment up to 30 days, a fine up to \$250, or
both, and in the owner having to repay the amount by which the
taxes were erroneously or illegally reduced, plus any interest
that may apply.

If the taxes charged against this home have not been
reduced by the 2-1/2 per cent tax reduction and the home is a
residence occupied by the owner, the home may qualify for the
tax reduction. To obtain an application for the tax reduction or
further information, the owner may contact the county auditor's
office at _____ (insert the address and telephone number of
the county auditor's office)."

(d) For a manufactured or mobile home, the tax liability 96923
of which has been reduced under section 5705.316 of the Revised 96924
Code for the current tax year, the following notice: "Notice: 96925
The school district taxes shown due on this bill are reduced 96926
only for the current year due to the school district's excess 96927
carry-over balance." 96928

(E) (1) A manufactured or mobile home is not subject to 96929
this section when any of the following applies: 96930

(a) It is taxable as personal property pursuant to section 96931
5709.01 of the Revised Code. Any manufactured or mobile home 96932
that is used as a residence shall be subject to this section and 96933
shall not be taxable as personal property pursuant to section 96934
5709.01 of the Revised Code. 96935

(b) It bears a license plate issued by any state other 96936
than this state unless the home is in this state in excess of an 96937
accumulative period of thirty days in any calendar year. 96938

(c) The annual tax has been paid on the home in this state 96939
for the current year. 96940

(d) The tax commissioner has determined, pursuant to 96941
section 5715.27 of the Revised Code, that the property is exempt 96942
from taxation, or would be exempt from taxation under Chapter 96943
5709. of the Revised Code if it were classified as real 96944
property. 96945

(2) A travel trailer or park trailer, as these terms are 96946
defined in section 4501.01 of the Revised Code, is not subject 96947
to this section if it is unused or unoccupied and stored at the 96948
owner's normal place of residence or at a recognized storage 96949
facility. 96950

(3) A travel trailer or park trailer, as these terms are 96951

defined in section 4501.01 of the Revised Code, is subject to 96952
this section and shall be taxed as a manufactured or mobile home 96953
if it has a situs longer than thirty days in one location and is 96954
connected to existing utilities, unless either of the following 96955
applies: 96956

(a) The situs is in a state facility or a camping or park 96957
area as defined in division (C), (Q), (S), or (V) of section 96958
3729.01 of the Revised Code. 96959

(b) The situs is in a camping or park area that is a tract 96960
of land that has been limited to recreational use by deed or 96961
zoning restrictions and subdivided for sale of five or more 96962
individual lots for the express or implied purpose of occupancy 96963
by either self-contained recreational vehicles as defined in 96964
division (T) of section 3729.01 of the Revised Code or by 96965
dependent recreational vehicles as defined in division (D) of 96966
section 3729.01 of the Revised Code. 96967

(F) Except as provided in division (D) (3) of this section, 96968
the manufactured home tax is due and payable as follows: 96969

(1) When a manufactured or mobile home has a situs in this 96970
state, as provided in this section, on the first day of January, 96971
one-half of the amount of the tax is due and payable on or 96972
before the first day of March and the balance is due and payable 96973
on or before the thirty-first day of July. At the option of the 96974
owner of the home, the tax for the entire year may be paid in 96975
full on the first day of March. 96976

(2) When a manufactured or mobile home first acquires a 96977
situs in this state after the first day of January, no tax is 96978
due and payable for that year. 96979

(G) (1) (a) Except as otherwise provided in division (G) (1) 96980

(b) of this section, if one-half of the current taxes charged 96981
under this section against a manufactured or mobile home, 96982
together with the full amount of any delinquent taxes, are not 96983
paid on or before the first day of March in that year, or on or 96984
before the last day for such payment as extended pursuant to 96985
section 4503.063 of the Revised Code, a penalty of ten per cent 96986
shall be charged against the unpaid balance of such half of the 96987
current taxes. If the total amount of all such taxes is not paid 96988
on or before the thirty-first day of July, next thereafter, or 96989
on or before the last day for payment as extended pursuant to 96990
section 4503.063 of the Revised Code, a like penalty shall be 96991
charged on the balance of the total amount of the unpaid current 96992
taxes. 96993

(b) After a valid delinquent tax contract that includes 96994
unpaid current taxes from a first-half collection period 96995
described in division (F) of this section has been entered into 96996
under section 323.31 of the Revised Code, no ten per cent 96997
penalty shall be charged against such taxes after the second- 96998
half collection period while the delinquent tax contract remains 96999
in effect. On the day a delinquent tax contract becomes void, 97000
the ten per cent penalty shall be charged against such taxes and 97001
shall equal the amount of penalty that would have been charged 97002
against unpaid current taxes outstanding on the date on which 97003
the second-half penalty would have been charged thereon under 97004
division (G)(1)(a) of this section if the contract had not been 97005
in effect. 97006

(2)(a) On the first day of the month following the last 97007
day the second installment of taxes may be paid without penalty 97008
beginning in 2000, interest shall be charged against and 97009
computed on all delinquent taxes other than the current taxes 97010
that became delinquent taxes at the close of the last day such 97011

second installment could be paid without penalty. The charge 97012
shall be for interest that accrued during the period that began 97013
on the preceding first day of December and ended on the last day 97014
of the month that included the last date such second installment 97015
could be paid without penalty. The interest shall be computed at 97016
the rate per annum prescribed by section 5703.47 of the Revised 97017
Code and shall be entered as a separate item on the delinquent 97018
manufactured home tax list compiled under division (H) of this 97019
section. 97020

(b) On the first day of December beginning in 2000, the 97021
interest shall be charged against and computed on all delinquent 97022
taxes. The charge shall be for interest that accrued during the 97023
period that began on the first day of the month following the 97024
last date prescribed for the payment of the second installment 97025
of taxes in the current year and ended on the immediately 97026
preceding last day of November. The interest shall be computed 97027
at the rate per annum prescribed by section 5703.47 of the 97028
Revised Code and shall be entered as a separate item on the 97029
delinquent manufactured home tax list. 97030

(c) After a valid undertaking has been entered into for 97031
the payment of any delinquent taxes, no interest shall be 97032
charged against such delinquent taxes while the undertaking 97033
remains in effect in compliance with section 323.31 of the 97034
Revised Code. If a valid undertaking becomes void, interest 97035
shall be charged against the delinquent taxes for the periods 97036
that interest was not permitted to be charged while the 97037
undertaking was in effect. The interest shall be charged on the 97038
day the undertaking becomes void and shall equal the amount of 97039
interest that would have been charged against the unpaid 97040
delinquent taxes outstanding on the dates on which interest 97041
would have been charged thereon under divisions (G) (1) and (2) 97042

of this section had the undertaking not been in effect. 97043

(3) If the full amount of the taxes due at either of the 97044
times prescribed by division (F) of this section is paid within 97045
ten days after such time, the county treasurer shall waive the 97046
collection of and the county auditor shall remit one-half of the 97047
penalty provided for in this division for failure to make that 97048
payment by the prescribed time. 97049

(4) The treasurer shall compile and deliver to the county 97050
auditor a list of all tax payments the treasurer has received as 97051
provided in division (G)(3) of this section. The list shall 97052
include any information required by the auditor for the 97053
remission of the penalties waived by the treasurer. The taxes so 97054
collected shall be included in the settlement next succeeding 97055
the settlement then in process. 97056

(H)(1) The county auditor shall compile annually a 97057
"delinquent manufactured home tax list" consisting of homes the 97058
county treasurer's records indicate have taxes that were not 97059
paid within the time prescribed by divisions (D)(3) and (F) of 97060
this section, have taxes that remain unpaid from prior years, or 97061
have unpaid tax penalties or interest that have been assessed. 97062

(2) Within thirty days after the settlement under division 97063
(H)(2) of section 321.24 of the Revised Code, the county auditor 97064
shall deliver a copy of the delinquent manufactured home tax 97065
list to the county treasurer. The auditor shall update and 97066
publish the delinquent manufactured home tax list annually in 97067
the same manner as delinquent real property tax lists are 97068
published. The county auditor may apportion the cost of 97069
publishing the list among taxing districts in proportion to the 97070
amount of delinquent manufactured home taxes so published that 97071
each taxing district is entitled to receive upon collection of 97072

those taxes, or the county auditor may charge the owner of a 97073
home on the list a flat fee established under section 319.54 of 97074
the Revised Code for the cost of publishing the list and, if the 97075
fee is not paid, may place the fee upon the delinquent 97076
manufactured home tax list as a lien on the listed home, to be 97077
collected as other manufactured home taxes. 97078

(3) When taxes, penalties, or interest are charged against 97079
a person on the delinquent manufactured home tax list and are 97080
not paid within sixty days after the list is delivered to the 97081
county treasurer, the county treasurer shall, in addition to any 97082
other remedy provided by law for the collection of taxes, 97083
penalties, and interest, enforce collection of such taxes, 97084
penalties, and interest by civil action in the name of the 97085
treasurer against the owner for the recovery of the unpaid taxes 97086
following the procedures for the recovery of delinquent real 97087
property taxes in sections 323.25 to 323.28 of the Revised Code. 97088
The action may be brought in municipal or county court, provided 97089
the amount charged does not exceed the monetary limitations for 97090
original jurisdiction for civil actions in those courts. 97091

It is sufficient, having made proper parties to the suit, 97092
for the county treasurer to allege in the treasurer's bill of 97093
particulars or petition that the taxes stand chargeable on the 97094
books of the county treasurer against such person, that they are 97095
due and unpaid, and that such person is indebted in the amount 97096
of taxes appearing to be due the county. The treasurer need not 97097
set forth any other matter relating thereto. If it is found on 97098
the trial of the action that the person is indebted to the 97099
state, judgment shall be rendered in favor of the county 97100
treasurer prosecuting the action. The judgment debtor is not 97101
entitled to the benefit of any law for stay of execution or 97102
exemption of property from levy or sale on execution in the 97103

enforcement of the judgment.

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Upon the filing of an entry of confirmation of sale or an order of forfeiture in a proceeding brought under this division, title to the manufactured or mobile home shall be in the purchaser. The clerk of courts shall issue a certificate of title to the purchaser upon presentation of proof of filing of the entry of confirmation or order and, in the case of a forfeiture, presentation of the county auditor's certificate of sale.

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(I) The total amount of taxes collected shall be distributed in the following manner: four per cent shall be allowed as compensation to the county auditor for the county auditor's service in assessing the taxes; two per cent shall be allowed as compensation to the county treasurer for the services the county treasurer renders as a result of the tax levied by this section. Such amounts shall be paid into the county treasury, to the credit of the county general revenue fund, on the warrant of the county auditor. Fees to be paid to the credit of the real estate assessment fund shall be collected pursuant to division (C) of section 319.54 of the Revised Code and paid into the county treasury, on the warrant of the county auditor. The balance of the taxes collected shall be distributed among the taxing subdivisions of the county in which the taxes are collected and paid in the same proportions that the amount of manufactured home tax levied by each taxing subdivision of the county in the current tax year bears to the amount of such tax levied by all such subdivisions in the county in the current tax year. The taxes levied and revenues collected under this section shall be in lieu of any general property tax and any tax levied with respect to the privilege of using or occupying a manufactured or mobile home in this state except as provided in

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sections 4503.04 and 5741.02 of the Revised Code. 97135

(J) An agreement to purchase or a bill of sale for a 97136
manufactured home shall show whether or not the furnishings and 97137
equipment are included in the purchase price. 97138

(K) If the county treasurer and the county prosecuting 97139
attorney agree that an item charged on the delinquent 97140
manufactured home tax list is uncollectible, they shall certify 97141
that determination and the reasons to the county board of 97142
revision. If the board determines the amount is uncollectible, 97143
it shall certify its determination to the county auditor, who 97144
shall strike the item from the list. 97145

(L) (1) The county auditor shall appraise at its true value 97146
any manufactured or mobile home in which ownership is 97147
transferred or which first acquires situs in this state on or 97148
after January 1, 2000, and any manufactured or mobile home the 97149
owner of which has elected, under division (D) (4) of this 97150
section, to have the home taxed under division (D) (2) of this 97151
section. The true value shall include the value of the home, any 97152
additions, and any fixtures, but not any furnishings in the 97153
home. In determining the true value of a manufactured or mobile 97154
home, the auditor shall consider all facts and circumstances 97155
relating to the value of the home, including its age, its 97156
capacity to function as a residence, any obsolete 97157
characteristics, and other factors that may tend to prove its 97158
true value. 97159

(2) (a) If a manufactured or mobile home has been the 97160
subject of an arm's length sale between a willing seller and a 97161
willing buyer within a reasonable length of time prior to the 97162
determination of true value, the county auditor shall consider 97163
the sale price of the home to be the true value for taxation 97164

purposes. 97165

(b) The sale price in an arm's length transaction between 97166
a willing seller and a willing buyer shall not be considered the 97167
true value of the home if either of the following occurred after 97168
the sale: 97169

(i) The home has lost value due to a casualty. 97170

(ii) An addition or fixture has been added to the home. 97171

(3) The county auditor shall have each home viewed and 97172
appraised at least once in each six-year period in the same year 97173
in which real property in the county is appraised pursuant to 97174
Chapter 5713. of the Revised Code, and shall update the 97175
appraised values in the third calendar year following the 97176
appraisal. The person viewing or appraising a home may enter the 97177
home to determine by actual view any additions or fixtures that 97178
have been added since the last appraisal. In conducting the 97179
appraisals and establishing the true value, the auditor shall 97180
follow the procedures set forth for appraising real property in 97181
sections 5713.01 and 5713.03 of the Revised Code. 97182

(4) The county auditor shall place the true value of each 97183
home on the manufactured home tax list upon completion of an 97184
appraisal. 97185

(5) (a) If the county auditor changes the true value of a 97186
home, the auditor shall notify the owner of the home in writing, 97187
delivered by mail or in person. The notice shall be given at 97188
least thirty days prior to the issuance of any tax bill that 97189
reflects the change. Failure to receive the notice does not 97190
invalidate any proceeding under this section. 97191

(b) Any owner of a home or any other person or party that 97192
would be authorized to file a complaint under division (A) of 97193

section 5715.19 of the Revised Code if the home was real 97194
property may file a complaint against the true value of the home 97195
as appraised under this section. The complaint shall be filed 97196
with the county auditor on or before the thirty-first day of 97197
March of the current tax year or the date of closing of the 97198
collection for the first half of manufactured home taxes for the 97199
current tax year, whichever is later. The auditor shall present 97200
to the county board of revision all complaints filed with the 97201
auditor under this section. The board shall hear and investigate 97202
the complaint and may take action on it as provided under 97203
sections 5715.11 to 5715.19 of the Revised Code. 97204

(c) If the county board of revision determines, pursuant 97205
to a complaint against the valuation of a manufactured or mobile 97206
home filed under this section, that the amount of taxes, 97207
assessments, or other charges paid was in excess of the amount 97208
due based on the valuation as finally determined, then the 97209
overpayment shall be refunded in the manner prescribed in 97210
section 5715.22 of the Revised Code. 97211

(d) Payment of all or part of a tax under this section for 97212
any year for which a complaint is pending before the county 97213
board of revision does not abate the complaint or in any way 97214
affect the hearing and determination thereof. 97215

(M) If the county auditor determines that any tax or other 97216
charge or any part thereof has been erroneously charged as a 97217
result of a clerical error as defined in section 319.35 of the 97218
Revised Code, the county auditor shall call the attention of the 97219
county board of revision to the erroneous charges. If the board 97220
finds that the taxes or other charges have been erroneously 97221
charged or collected, it shall certify the finding to the 97222
auditor. Upon receipt of the certification, the auditor shall 97223

remove the erroneous charges on the manufactured home tax list 97224
or delinquent manufactured home tax list in the same manner as 97225
is prescribed in section 319.35 of the Revised Code for 97226
erroneous charges against real property, and refund any 97227
erroneous charges that have been collected, with interest, in 97228
the same manner as is prescribed in section 319.36 of the 97229
Revised Code for erroneous charges against real property. 97230

(N) As used in this section and section 4503.061 of the 97231
Revised Code: 97232

(1) "Manufactured home taxes" includes taxes, penalties, 97233
and interest charged under division (C) or (G) of this section 97234
and any penalties charged under division (G) or (H) (5) of 97235
section 4503.061 of the Revised Code. 97236

(2) "Current taxes" means all manufactured home taxes 97237
charged against a manufactured or mobile home that have not 97238
appeared on the manufactured home tax list for any prior year. 97239
Current taxes become delinquent taxes if they remain unpaid 97240
after the last day prescribed for payment of the second 97241
installment of current taxes without penalty, whether or not 97242
they have been certified delinquent. 97243

(3) "Delinquent taxes" means: 97244

(a) Any manufactured home taxes that were charged against 97245
a manufactured or mobile home for a prior year, including any 97246
penalties or interest charged for a prior year and the costs of 97247
publication under division (H) (2) of this section, and that 97248
remain unpaid; 97249

(b) Any current manufactured home taxes charged against a 97250
manufactured or mobile home that remain unpaid after the last 97251
day prescribed for payment of the second installment of current 97252

taxes without penalty, whether or not they have been certified 97253
delinquent, including any penalties or interest and the costs of 97254
publication under division (H) (2) of this section. 97255

Sec. 4503.0610. (A) If a board of county commissioners 97256
adopts a resolution granting a partial real property tax 97257
exemption under section 323.158 of the Revised Code, it also 97258
shall adopt a resolution under this section granting a partial 97259
manufactured home tax exemption. The partial exemption shall 97260
take the form of a reduction each year in the manufactured home 97261
tax charged against each manufactured home in the county under 97262
section 4503.06 of the Revised Code, by the same percentage by 97263
which real property taxes were reduced for the preceding year in 97264
the resolution adopted under section 323.158 of the Revised 97265
Code. Upon adopting the resolution under this section, the board 97266
shall certify copies of it to the county auditor and the tax 97267
commissioner. 97268

(B) After complying with sections 319.304, 4503.06, and 97269
4503.065 of the Revised Code, the county auditor shall reduce 97270
the remaining sum to be levied against a manufactured home by 97271
the percentage called for in the resolution adopted under 97272
division (A) of this section. The auditor shall certify the 97273
amount of tax remaining after the reduction to the county 97274
treasurer for collection as the manufactured home tax charged 97275
and payable on the manufactured home. 97276

(C) For each tax year, the county auditor shall certify to 97277
the board of county commissioners the total amount by which 97278
manufactured home taxes are reduced under this section. At the 97279
time of each semi-annual distribution of manufactured home taxes 97280
in the county, the board shall pay to the auditor one-half of 97281
that total amount. Upon receipt of the payment, the auditor 97282

shall distribute it among the various taxing districts in the 97283
county as though it had been levied and collected as 97284
manufactured home taxes. The board shall make the payment from 97285
the county general fund or from any other county revenue that 97286
may be used for that purpose. 97287

(D) If a board of county commissioners repeals a 97288
resolution adopted under section 323.158 of the Revised Code, it 97289
also shall repeal the resolution adopted under this section. 97290

Sec. 4503.0611. Whenever it is made to appear to the 97291
county auditor, based on inspection by the county auditor or 97292
based on notice provided to the county auditor, on a form 97293
prescribed by the department of taxation, by an owner of the 97294
manufactured home or two disinterested persons who are residents 97295
of the township or municipal corporation in which the 97296
manufactured home is or was situated, that the home is subject 97297
to taxation for the current year under section 4503.06 of the 97298
Revised Code and has been destroyed or injured after the first 97299
day of January of the current year, the county auditor shall 97300
investigate the matter, and shall refund or waive the payment of 97301
the current year's taxes on such home as prescribed by divisions 97302
(A) and (B) of this section. Such notice may also be provided by 97303
the manufactured home park operator, as defined in section 97304
4781.01 of the Revised Code, if applicable, provided the notice 97305
is accompanied by photographic evidence. If a form has not been 97306
filed with the county auditor by ~~either an owner, manufactured~~ 97307
home park operator, or two disinterested persons but it appears 97308
to the county auditor, based on an inspection and investigation, 97309
that the owner's manufactured home is subject to taxation for 97310
the current year under section 4503.06 of the Revised Code and 97311
has been destroyed or injured after the first day of January of 97312
the current year, the auditor may complete the form on behalf of 97313

an owner. 97314

To obtain a deduction under this section, an owner, 97315
manufactured home park operator, or two disinterested persons 97316
shall file the form with the county auditor, or the county 97317
auditor shall complete the form on behalf of an owner, not later 97318
than the thirty-first day of January of the year after the year 97319
in which the manufactured home was injured or destroyed. 97320

(A) If the auditor determines the injury or destruction 97321
occurred during the first half of the calendar year, the auditor 97322
shall deduct from the taxes payable on the manufactured home for 97323
the current year an amount that, in the county auditor's 97324
judgment, bears the same ratio to those taxes as the extent of 97325
the injury or destruction bears to the cost or market value of 97326
the manufactured home. The auditor shall draw a warrant on the 97327
county treasurer to refund that amount. If the taxes have not 97328
been paid at the time of the auditor's determination, the 97329
auditor may waive the payment of the portion of the tax that 97330
would otherwise be refunded under this division. 97331

(B) If the auditor determines the injury or destruction 97332
occurred during the second half of the calendar year, the 97333
auditor shall deduct from the taxes payable on the manufactured 97334
home for the current year one-half of the amount that, in the 97335
county auditor's judgment, bears the same ratio to those taxes 97336
as the extent of the injury or destruction bears to the cost or 97337
market value of the manufactured home. The auditor shall draw a 97338
warrant on the county treasurer to refund that amount. If the 97339
taxes have not been paid at the time of the auditor's 97340
determination, the auditor may waive the payment of the portion 97341
of the tax that would otherwise be refunded under this division. 97342

(C) Taxes refunded under this section shall be paid from 97343

the county undivided general property tax fund. 97344

Sec. 4503.10. (A) The owner of every snowmobile, off- 97345
highway motorcycle, and all-purpose vehicle required to be 97346
registered under section 4519.02 of the Revised Code shall file 97347
an application for registration under section 4519.03 of the 97348
Revised Code. The owner of a motor vehicle, other than a 97349
snowmobile, off-highway motorcycle, or all-purpose vehicle, that 97350
is not designed and constructed by the manufacturer for 97351
operation on a street or highway may not register it under this 97352
chapter except upon certification of inspection pursuant to 97353
section 4513.02 of the Revised Code by the sheriff, or the chief 97354
of police of the municipal corporation or township, with 97355
jurisdiction over the political subdivision in which the owner 97356
of the motor vehicle resides. Except as provided in sections 97357
4503.103 and 4503.107 of the Revised Code, every owner of every 97358
other motor vehicle not previously described in this section and 97359
every person mentioned as owner in the last certificate of title 97360
of a motor vehicle that is operated or driven upon the public 97361
roads or highways shall cause to be filed each year, by mail or 97362
otherwise, in the office of the registrar of motor vehicles or a 97363
deputy registrar, a written or electronic application or a 97364
preprinted registration renewal notice issued under section 97365
4503.102 of the Revised Code, the form of which shall be 97366
prescribed by the registrar, for registration for the following 97367
registration year, which shall begin on the first day of January 97368
of every calendar year and end on the thirty-first day of 97369
December in the same year. Applications for registration and 97370
registration renewal notices shall be filed at the times 97371
established by the registrar pursuant to section 4503.101 of the 97372
Revised Code. A motor vehicle owner also may elect to apply for 97373
or renew a motor vehicle registration by electronic means using 97374

electronic signature in accordance with rules adopted by the 97375
registrar. Except as provided in division (J) of this section, 97376
applications for registration shall be made on blanks furnished 97377
by the registrar for that purpose, containing the following 97378
information: 97379

(1) A brief description of the motor vehicle to be 97380
registered, including the year, make, model, and vehicle 97381
identification number, and, in the case of commercial cars, the 97382
gross weight of the vehicle fully equipped computed in the 97383
manner prescribed in section 4503.08 of the Revised Code; 97384

(2) The name and residence address of the owner, and the 97385
township and municipal corporation in which the owner resides; 97386

(3) The district of registration, which shall be 97387
determined as follows: 97388

(a) In case the motor vehicle to be registered is used for 97389
hire or principally in connection with any established business 97390
or branch business, conducted at a particular place, the 97391
district of registration is the municipal corporation in which 97392
that place is located or, if not located in any municipal 97393
corporation, the county and township in which that place is 97394
located. 97395

(b) In case the vehicle is not so used, the district of 97396
registration is the municipal corporation or county in which the 97397
owner resides at the time of making the application. 97398

(4) Whether the motor vehicle is a new or used motor 97399
vehicle; 97400

(5) The date of purchase of the motor vehicle; 97401

(6) Whether the fees required to be paid for the 97402

registration or transfer of the motor vehicle, during the 97403
preceding registration year and during the preceding period of 97404
the current registration year, have been paid. Each application 97405
for registration shall be signed by the owner, either manually 97406
or by electronic signature, or pursuant to obtaining a limited 97407
power of attorney authorized by the registrar for registration, 97408
or other document authorizing such signature. If the owner 97409
elects to apply for or renew the motor vehicle registration with 97410
the registrar by electronic means, the owner's manual signature 97411
is not required. 97412

(7) The owner's social security number, driver's license 97413
number, or state identification number, or, where a motor 97414
vehicle to be registered is used for hire or principally in 97415
connection with any established business, the owner's federal 97416
taxpayer identification number. The bureau of motor vehicles 97417
shall retain in its records all social security numbers provided 97418
under this section, but the bureau shall not place social 97419
security numbers on motor vehicle certificates of registration. 97420

(8) Whether the applicant wishes to certify willingness to 97421
make an anatomical gift if an applicant has not so certified 97422
under section 2108.05 of the Revised Code. The applicant's 97423
response shall not be considered in the decision of whether to 97424
approve the application for registration. 97425

(B) (1) When an applicant first registers a motor vehicle 97426
in the applicant's name, the applicant shall provide proof of 97427
ownership of that motor vehicle. Proof of ownership may include 97428
any of the following: 97429

(a) The applicant may present for inspection a physical 97430
certificate of title or memorandum certificate showing title to 97431
the motor vehicle to be registered in the name of the applicant. 97432

(b) The applicant may present for inspection an electronic 97433
certificate of title for the applicant's motor vehicle in a 97434
manner prescribed by rules adopted by the registrar. 97435

(c) The registrar or deputy registrar may electronically 97436
confirm the applicant's ownership of the motor vehicle. 97437

An applicant is not required to present a certificate of 97438
title to an electronic motor vehicle dealer acting as a limited 97439
authority deputy registrar in accordance with rules adopted by 97440
the registrar. 97441

(2) When a motor vehicle inspection and maintenance 97442
program is in effect under section 3704.14 of the Revised Code 97443
and rules adopted under it, each application for registration 97444
for a vehicle required to be inspected under that section and 97445
those rules shall be accompanied by an inspection certificate or 97446
alternative emissions certificate for the motor vehicle issued 97447
in accordance with that section. 97448

(3) An application for registration shall be refused if 97449
any of the following applies: 97450

(a) The application is not in proper form. 97451

(b) The application is prohibited from being accepted by 97452
division (D) of section 2935.27, division (A) of section 97453
4503.13, division (B) of section 4510.22, division (D) of 97454
section 4503.234, division (B) (1) of section 4521.10, or 97455
division (B) of section 5537.041 of the Revised Code. 97456

(c) Proof of ownership is required but is not presented or 97457
confirmed in accordance with division (B) (1) of this section. 97458

(d) All registration and transfer fees for the motor 97459
vehicle, for the preceding year or the preceding period of the 97460

current registration year, have not been paid. 97461

(e) The owner or lessee does not have an inspection 97462
certificate or alternative emissions certificate for the motor 97463
vehicle as provided in section 3704.14 of the Revised Code, and 97464
rules adopted under it, if that section is applicable. 97465

(4) This section does not require the payment of license 97466
or registration taxes on a motor vehicle for any preceding year, 97467
or for any preceding period of a year, if the motor vehicle was 97468
not taxable for that preceding year or period under sections 97469
4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. 97470
of the Revised Code. 97471

(5) When a certificate of registration is issued upon the 97472
first registration of a motor vehicle by or on behalf of the 97473
owner, the official issuing the certificate shall indicate the 97474
issuance with a stamp on the certificate of title or memorandum 97475
certificate or, in the case of an electronic certificate of 97476
title or electronic verification of ownership, an electronic 97477
stamp or other notation as specified in rules adopted by the 97478
registrar, and with a stamp on the inspection certificate for 97479
the motor vehicle, if any. 97480

(6) The official also shall indicate, by a stamp or by 97481
other means the registrar prescribes, on the registration 97482
certificate issued upon the first registration of a motor 97483
vehicle by or on behalf of the owner the odometer reading of the 97484
motor vehicle as shown in the odometer statement included in or 97485
attached to the certificate of title. Upon each subsequent 97486
registration of the motor vehicle by or on behalf of the same 97487
owner, the official also shall so indicate the odometer reading 97488
of the motor vehicle as shown on the immediately preceding 97489
certificate of registration. 97490

(7) The registrar shall include in the permanent 97491
registration record of any vehicle required to be inspected 97492
under section 3704.14 of the Revised Code the inspection 97493
certificate number from the inspection certificate or the 97494
alternative emissions certificate number from the alternative 97495
emissions certificate that is presented at the time of 97496
registration of the vehicle as required under this division. 97497

(C) (1) ~~Except as otherwise provided in division (C) (1) of~~ 97498
~~this section, the~~ The registrar and each deputy registrar shall 97499
collect ~~an~~ the following additional ~~fee of eleven dollars~~ fees 97500
for each application for registration and registration renewal 97501
received~~;~~: 97502

(a) Except as provided in division (C) (1) (b) of this 97503
section, a fee of eleven dollars on or before December 31, 2025, 97504
and a fee of sixteen dollars on and after January 1, 2026; 97505

(b) For vehicles specified in divisions (A) (1) to (21) of 97506
section 4503.042 of the Revised Code, the registrar and deputy 97507
registrar shall collect an additional a fee of thirty dollars 97508
for each application for registration and registration renewal 97509
received on or before December 31, 2025, and a fee of thirty-five 97510
dollars on and after January 1, 2026. 97511

No additional fee shall be charged for vehicles registered 97512
under section 4503.65 of the Revised Code. ~~The~~ Each additional 97513
fee is for the purpose of defraying the department of public 97514
safety's costs associated with the administration and 97515
enforcement of the motor vehicle and traffic laws of Ohio. Each 97516
deputy registrar shall transmit the fees collected under 97517
divisions (C) (1) and (3) of this section in the time and manner 97518
provided in this section. The registrar shall deposit all moneys 97519
received under division (C) (1) of this section into the public 97520

safety - highway purposes fund established in section 4501.06 of 97521
the Revised Code. 97522

(2) In addition, a charge of twenty-five cents shall be 97523
made for each reflectorized safety license plate issued, and a 97524
single charge of twenty-five cents shall be made for each county 97525
identification sticker or each set of county identification 97526
stickers issued, as the case may be, to cover the cost of 97527
producing the license plates and stickers, including material, 97528
manufacturing, and administrative costs. Those fees shall be in 97529
addition to the license tax. If the total cost of producing the 97530
plates is less than twenty-five cents per plate, or if the total 97531
cost of producing the stickers is less than twenty-five cents 97532
per sticker or per set issued, any excess moneys accruing from 97533
the fees shall be distributed in the same manner as provided by 97534
section 4501.04 of the Revised Code for the distribution of 97535
license tax moneys. If the total cost of producing the plates 97536
exceeds twenty-five cents per plate, or if the total cost of 97537
producing the stickers exceeds twenty-five cents per sticker or 97538
per set issued, the difference shall be paid from the license 97539
tax moneys collected pursuant to section 4503.02 of the Revised 97540
Code. 97541

(3) The registrar and each deputy registrar shall collect 97542
the following additional fee, as applicable, for each 97543
application for registration or registration renewal received 97544
for any hybrid motor vehicle, plug-in hybrid electric motor 97545
vehicle, or battery electric motor vehicle: 97546

(a) One hundred dollars for a hybrid motor vehicle; 97547

(b) One hundred fifty dollars for a plug-in hybrid 97548
electric motor vehicle; 97549

(c) Two hundred dollars for a battery electric motor vehicle. 97550
97551

Each fee imposed under this division shall be prorated 97552
based on the number of months for which the vehicle is 97553
registered. The registrar shall transmit all money arising from 97554
each fee to the treasurer of state for distribution in 97555
accordance with division (E) of section 5735.051 of the Revised 97556
Code, subject to division (D) of section 5735.05 of the Revised 97557
Code. 97558

(D) Each deputy registrar shall be allowed a fee equal to 97559
the amount established under section 4503.038 of the Revised 97560
Code for each application for registration and registration 97561
renewal notice the deputy registrar receives, which shall be for 97562
the purpose of compensating the deputy registrar for the deputy 97563
registrar's services, and such office and rental expenses, as 97564
may be necessary for the proper discharge of the deputy 97565
registrar's duties in the receiving of applications and renewal 97566
notices and the issuing of registrations. 97567

(E) Upon the certification of the registrar, the county 97568
sheriff or local police officials shall recover license plates 97569
erroneously or fraudulently issued. 97570

(F) Each deputy registrar, upon receipt of any application 97571
for registration or registration renewal notice, together with 97572
the license fee and any local motor vehicle license tax levied 97573
pursuant to Chapter 4504. of the Revised Code, shall transmit 97574
that fee and tax, if any, in the manner provided in this 97575
section, together with the original and duplicate copy of the 97576
application, to the registrar. The registrar, subject to the 97577
approval of the director of public safety, may deposit the funds 97578
collected by those deputies in a local bank or depository to the 97579

credit of the "state of Ohio, bureau of motor vehicles." Where a 97580
local bank or depository has been designated by the registrar, 97581
each deputy registrar shall deposit all moneys collected by the 97582
deputy registrar into that bank or depository not more than one 97583
business day after their collection and shall make reports to 97584
the registrar of the amounts so deposited, together with any 97585
other information, some of which may be prescribed by the 97586
treasurer of state, as the registrar may require and as 97587
prescribed by the registrar by rule. The registrar, within three 97588
days after receipt of notification of the deposit of funds by a 97589
deputy registrar in a local bank or depository, shall draw on 97590
that account in favor of the treasurer of state. The registrar, 97591
subject to the approval of the director and the treasurer of 97592
state, may make reasonable rules necessary for the prompt 97593
transmittal of fees and for safeguarding the interests of the 97594
state and of counties, townships, municipal corporations, and 97595
transportation improvement districts levying local motor vehicle 97596
license taxes. The registrar may pay service charges usually 97597
collected by banks and depositories for such service. If deputy 97598
registrars are located in communities where banking facilities 97599
are not available, they shall transmit the fees forthwith, by 97600
money order or otherwise, as the registrar, by rule approved by 97601
the director and the treasurer of state, may prescribe. The 97602
registrar may pay the usual and customary fees for such service. 97603

(G) This section does not prevent any person from making 97604
an application for a motor vehicle license directly to the 97605
registrar by mail, by electronic means, or in person at any of 97606
the registrar's offices, upon payment of a service fee equal to 97607
the amount established under section 4503.038 of the Revised 97608
Code for each application. 97609

(H) No person shall make a false statement as to the 97610

district of registration in an application required by division 97611
(A) of this section. Violation of this division is falsification 97612
under section 2921.13 of the Revised Code and punishable as 97613
specified in that section. 97614

(I) (1) Where applicable, the requirements of division (B) 97615
of this section relating to the presentation of an inspection 97616
certificate issued under section 3704.14 of the Revised Code and 97617
rules adopted under it for a motor vehicle, the refusal of a 97618
license for failure to present an inspection certificate or 97619
alternative emissions certificate, and the stamping of the 97620
inspection certificate or alternative emissions certificate by 97621
the official issuing the certificate of registration apply to 97622
the registration of and issuance of license plates for a motor 97623
vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 97624
4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 97625
4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised 97626
Code. 97627

(2) (a) The registrar shall adopt rules ensuring that each 97628
owner registering a motor vehicle in a county where a motor 97629
vehicle inspection and maintenance program is in effect under 97630
section 3704.14 of the Revised Code and rules adopted under it 97631
receives information about the requirements established in that 97632
section and those rules and about the need in those counties to 97633
present an inspection certificate or an alternative emissions 97634
certificate with an application for registration or 97635
preregistration. 97636

(b) Upon request, the registrar shall provide the director 97637
of environmental protection, or any person that has been awarded 97638
a contract under section 3704.14 of the Revised Code, an on-line 97639
computer data link to registration information for all passenger 97640

cars, noncommercial motor vehicles, and commercial cars that are 97641
subject to that section. The registrar also shall provide to the 97642
director of environmental protection a magnetic data tape 97643
containing registration information regarding passenger cars, 97644
noncommercial motor vehicles, and commercial cars for which a 97645
multi-year registration is in effect under section 4503.103 of 97646
the Revised Code or rules adopted under it, including, without 97647
limitation, the date of issuance of the multi-year registration, 97648
the registration deadline established under rules adopted under 97649
section 4503.101 of the Revised Code that was applicable in the 97650
year in which the multi-year registration was issued, and the 97651
registration deadline for renewal of the multi-year 97652
registration. 97653

(J) Subject to division (K) of this section, application 97654
for registration under the international registration plan, as 97655
set forth in sections 4503.60 to 4503.66 of the Revised Code, 97656
shall be made to the registrar on forms furnished by the 97657
registrar. In accordance with international registration plan 97658
guidelines and pursuant to rules adopted by the registrar, the 97659
forms shall include the following: 97660

(1) A uniform mileage schedule; 97661

(2) The gross vehicle weight of the vehicle or combined 97662
gross vehicle weight of the combination vehicle as declared by 97663
the registrant; 97664

(3) Any other information the registrar requires by rule. 97665

(K) The registrar shall determine the feasibility of 97666
implementing an electronic commercial fleet licensing and 97667
management program that will enable the owners of commercial 97668
tractors, commercial trailers, and commercial semitrailers to 97669

conduct electronic transactions by July 1, 2010, or sooner. If 97670
the registrar determines that implementing such a program is 97671
feasible, the registrar shall adopt new rules under this 97672
division or amend existing rules adopted under this division as 97673
necessary in order to respond to advances in technology. 97674

If international registration plan guidelines and 97675
provisions allow member jurisdictions to permit applications for 97676
registrations under the international registration plan to be 97677
made via the internet, the rules the registrar adopts under this 97678
division shall permit such action. 97679

Sec. 4503.102. ~~(A)~~ (A) (1) The registrar of motor vehicles 97680
~~shall may~~ adopt rules to establish a centralized system of motor 97681
vehicle registration for initial registration, registration 97682
renewal, and transfer of registration, by mail or by electronic 97683
means. ~~Any~~ 97684

(2) Any person applying electronically for initial 97685
registration or for transfer of registration may submit all 97686
associated documents electronically through the centralized 97687
system of motor vehicle registration established under this 97688
section. The registrar or a deputy registrar shall verify and 97689
authenticate such documents. 97690

(3) Any person owning a motor vehicle that was registered 97691
in the person's name during the preceding registration year 97692
shall renew the registration of the motor vehicle not more than 97693
ninety days prior to the expiration date of the registration 97694
either by through one of the following: 97695

(a) By mail or by electronic means through the centralized 97696
system of registration established under this section, ~~or in;~~ 97697

(b) In person at any office of the registrar or at a 97698

deputy registrar's office.

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(B) (1) Except as provided in division (B) (2) of this section, no less than forty-five days prior to the expiration date of any motor vehicle registration, the registrar shall mail a renewal notice to the person in whose name the motor vehicle is registered. The renewal notice shall clearly state that the registration of the motor vehicle may be renewed by mail or electronic means through the centralized system of registration or in person at any office of the registrar or at a deputy registrar's office and shall be preprinted with information including, but not limited to, the owner's name and residence address as shown in the records of the bureau of motor vehicles, a brief description of the motor vehicle to be registered, notice of the license taxes and fees due on the motor vehicle, the toll-free telephone number of the registrar as required under division (D) (1) of section 4503.031 of the Revised Code, ~~a statement that payment for a renewal may be made by financial transaction device using the toll-free telephone number,~~ and any additional information the registrar may require by rule. The renewal notice shall not include the social security number of either the owner of the motor vehicle or the person in whose name the motor vehicle is registered. The renewal notice shall be sent by regular mail to the owner's last known address as shown in the records of the bureau of motor vehicles.

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(2) The registrar is not required to mail a renewal notice if either of the following applies:

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(a) The owner of the vehicle has consented to receiving the renewal notice by electronic means only.

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(b) The application for renewal of the registration of a motor vehicle is prohibited from being accepted by the registrar

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or a deputy registrar by division (D) of section 2935.27, 97729
division (A) of section 4503.13, division (B) of section 97730
4510.22, division (D) of section 4503.234, division (B) (1) of 97731
section 4521.10, or division (B) of section 5537.041 of the 97732
Revised Code. 97733

(3) If the owner of a motor vehicle has consented to 97734
receiving a renewal notice by electronic means only, the 97735
registrar shall send an electronic renewal notice to the owner 97736
that contains the information specified in division (B) (1) of 97737
this section at the time specified under that division. 97738

(C) The owner of the motor vehicle shall verify the 97739
information contained in the notice, sign it either manually or 97740
by electronic means, and return it, either by mail or electronic 97741
means, or the owner may take it in person to any office of the 97742
registrar or of a deputy registrar. The owner shall include with 97743
the notice a financial transaction device number when renewing 97744
in person or by electronic means but not by mail, check, or 97745
money order in the amount of the registration taxes and fees 97746
payable on the motor vehicle and a service fee equal to the 97747
amount established under section 4503.038 of the Revised Code, 97748
plus postage as indicated on the notice if the registration is 97749
renewed or fulfilled by mail, and an inspection certificate or 97750
alternative emissions certificate for the motor vehicle as 97751
provided in section 3704.14 of the Revised Code. ~~For purposes of~~ 97752
~~the centralized system of motor vehicle registration, the~~ 97753
~~registrar shall accept payments via the toll-free telephone~~ 97754
~~number established under division (D) (1) of section 4503.031 of~~ 97755
~~the Revised Code for renewals made by mail.~~ If the motor vehicle 97756
owner chooses to renew the motor vehicle registration by 97757
electronic means, the owner shall proceed in accordance with the 97758
rules the registrar adopts. 97759

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the current registration year have not been paid, if division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B)(1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code prohibits acceptance of the renewal notice, or if the owner or lessee does not have an inspection certificate or alternative emissions certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, if that section is applicable, the license shall be refused, and the registrar or deputy registrar shall so notify the owner. This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised Code.

(E)(1) Failure to receive a renewal notice does not relieve a motor vehicle owner from the responsibility to renew the registration for the motor vehicle. Any person who has a motor vehicle registered in this state and who does not receive a renewal notice as provided in division (B) of this section prior to the expiration date of the registration shall request an application for registration from the registrar or a deputy registrar and sign the application manually or by electronic means and submit the application and pay any applicable license taxes and fees to the registrar or deputy registrar.

(2) If the owner of a motor vehicle submits an application for registration and the registrar is prohibited by division (D) of section 2935.27, division (A) of section 4503.13, division

(B) of section 4510.22, division (D) of section 4503.234, 97791
division (B) (1) of section 4521.10, or division (B) of section 97792
5537.041 of the Revised Code from accepting the application, the 97793
registrar shall return the application and the payment to the 97794
owner. If the owner of a motor vehicle submits a registration 97795
renewal application to the registrar by electronic means and the 97796
registrar is prohibited from accepting the application as 97797
provided in this division, the registrar shall notify the owner 97798
of this fact and deny the application and return the payment or 97799
give a credit on the financial transaction device account of the 97800
owner in the manner the registrar prescribes by rule adopted 97801
pursuant to division (A) of this section. 97802

(F) Every deputy registrar shall post in a prominent place 97803
at the deputy's office a notice informing the public of the mail 97804
registration system required by this section and also shall post 97805
a notice that every owner of a motor vehicle and every chauffeur 97806
holding a certificate of registration is required to notify the 97807
registrar in writing of any change of residence within ten days 97808
after the change occurs. The notice shall be in such form as the 97809
registrar prescribes by rule. 97810

~~(G)~~ (G) (1) The service fee equal to the amount established 97811
under section 4503.038 of the Revised Code that is collected 97812
from a person who renews a motor vehicle registration by 97813
electronic means or by mail, plus postage collected by the 97814
registrar and any financial transaction device surcharge 97815
collected by the registrar, shall be paid to the credit of the 97816
public safety - highway purposes fund established by section 97817
4501.06 of the Revised Code. 97818

(2) A person who submits an initial registration or a 97819
transfer of registration by electronic means under this section 97820

shall pay a service fee equal to the amount established under 97821
section 4503.038 of the Revised Code, any necessary postage 97822
costs, and any financial transaction device surcharge, as 97823
applicable. The service fee collected shall be paid either to 97824
the registrar or to the deputy registrar that verifies and 97825
authenticates the submitted documents in accordance with 97826
division (A) (2) of this section. If the registrar authorizes a 97827
deputy registrar to mail the certificate of registration and any 97828
associated license plate to the applicant, the postage costs 97829
shall be paid to that deputy registrar. 97830

(H) (1) Pursuant to section 113.40 of the Revised Code, the 97831
registrar shall implement a program permitting payment of motor 97832
vehicle registration taxes and fees, driver's license and 97833
commercial driver's license fees, and any other taxes, fees, 97834
penalties, or charges imposed or levied by the state by means of 97835
a financial transaction device for transactions occurring 97836
online, at any office of the registrar, and at all deputy 97837
registrar locations. The program shall take effect not later 97838
than July 1, 2016. The registrar shall adopt rules as necessary 97839
for this purpose, but all such rules are subject to any action, 97840
policy, or procedure of the board of deposit or treasurer of 97841
state taken or adopted under section 113.40 of the Revised Code. 97842

(2) The rules adopted under division (H) (1) of this 97843
section shall require a deputy registrar to accept payments by 97844
means of a financial transaction device beginning on the 97845
effective date of the rules unless the deputy registrar contract 97846
entered into by the deputy registrar prohibits the acceptance of 97847
such payments by financial transaction device. However, 97848
commencing with deputy registrar contract awards that have a 97849
start date of July 1, 2016, and for all contract awards 97850
thereafter, the registrar shall require that the proposer accept 97851

payment by means of a financial transaction device, including 97852
credit cards and debit cards, for all department of public 97853
safety transactions conducted at that deputy registrar location. 97854

The bureau and deputy registrars are not required to pay 97855
any costs that result from accepting payment by means of a 97856
financial transaction device. A deputy registrar may charge a 97857
person who tenders payment for a department transaction by means 97858
of a financial transaction device any cost the deputy registrar 97859
incurs from accepting payment by the financial transaction 97860
device, but the deputy registrar shall not require the person to 97861
pay any additional fee of any kind in connection with the use by 97862
the person of the financial transaction device. 97863

(3) In accordance with division (H)(1) of this section and 97864
rules adopted by the registrar under that division, a county 97865
auditor or clerk of a court of common pleas that is designated a 97866
deputy registrar shall accept payment by means of a financial 97867
transaction device, including credit cards and debit cards, for 97868
all department transactions conducted at the office of the 97869
county auditor or clerk in the county auditor's or clerk's 97870
capacity as deputy registrar. The bureau is not required to pay 97871
any costs incurred by a county auditor or clerk that result from 97872
accepting payment by means of a financial transaction device for 97873
any department transaction. 97874

(I) For persons who reside in counties where tailpipe 97875
emissions inspections are required under the motor vehicle 97876
inspection and maintenance program, the notice required by 97877
division (B) of this section shall also include the toll-free 97878
telephone number maintained by the Ohio environmental protection 97879
agency to provide information concerning the locations of 97880
emissions testing centers. The registrar also shall include a 97881

statement in the notice that a battery electric motor vehicle is 97882
not required to undergo emissions inspection under the motor 97883
vehicle inspection and maintenance program established under 97884
section 3704.14 of the Revised Code. 97885

Sec. 4503.29. (A) The director of veterans services in 97886
conjunction with the registrar of motor vehicles shall develop 97887
and maintain a program to establish and issue specialty license 97888
plates recognizing military service and military honors 97889
pertaining to valor and service. 97890

(B) The director and the registrar shall jointly adopt 97891
rules in accordance with Chapter 119. of the Revised Code for 97892
purposes of establishing the program under this section. The 97893
director and registrar shall adopt the rules as soon as possible 97894
after June 29, 2018, but not later than nine months after June 97895
29, 2018. The rules shall do all of the following: 97896

(1) Establish specialty license plates recognizing 97897
military service; 97898

(2) Establish specialty license plates recognizing 97899
military honors pertaining to valor and service; 97900

(3) Establish eligibility criteria that apply to each 97901
specialty license plate issued under this section; 97902

(4) Establish requirements governing any necessary 97903
documentary evidence required to be presented by an applicant 97904
for a specialty license plate issued under this section. The 97905
rules shall allow an applicant to present a veterans 97906
identification card issued in accordance with section 317.241 of 97907
the Revised Code in lieu of a copy of the applicant's DD-214 or 97908
an equivalent document. An applicant may be required to present 97909
additional evidence if the veterans identification card does not 97910

show all of the information needed for issuance of the specific 97911
nonstandard license plate requested by the applicant. 97912

(5) Establish guidelines for the designs, markings, and 97913
inscriptions on a specialty license plate established under this 97914
section; 97915

(6) Establish procedures for altering the designs, 97916
markings, or inscriptions on a specialty license plate 97917
established under this section; 97918

(7) Prohibit specialty license plates established under 97919
this section from recognizing achievement awards or unit awards; 97920

(8) Establish any other procedures or requirements that 97921
are necessary for the implementation and administration of this 97922
section. 97923

(C) The rules adopted under division (B) of this section 97924
shall provide for the establishment of the military specialty 97925
license plates created prior to June 29, 2018, that are no 97926
longer codified in the Revised Code. 97927

(D) (1) Any person who meets the applicable qualifications 97928
for the issuance of a specialty license plate established by 97929
rule adopted under division (B) of this section may apply to the 97930
registrar of motor vehicles for the registration of any 97931
passenger car, noncommercial motor vehicle, recreational 97932
vehicle, or other vehicle the person owns or leases of a class 97933
approved by the registrar. The application may be combined with 97934
a request for a special reserved license plate under section 97935
4503.40 or 4503.42 of the Revised Code. 97936

(2) (a) Except as provided in division (D) (2) (b) of this 97937
section, upon receipt of an application for registration of a 97938
motor vehicle under this section and the required taxes and 97939

fees, compliance with all applicable laws relating to the 97940
registration of a motor vehicle, and, if necessary, upon 97941
presentation of the required documentary evidence, the registrar 97942
shall issue to the applicant the appropriate motor vehicle 97943
registration and a set of license plates and a validation 97944
sticker, or a validation sticker alone when required by section 97945
4503.191 of the Revised Code. 97946

(b) Any disabled veteran who qualifies to apply to the 97947
registrar for the registration of a motor vehicle under section 97948
4503.41 of the Revised Code without the payment of any 97949
registration taxes or fees, may apply instead for registration 97950
of the motor vehicle under this section. The disabled veteran 97951
applying for registration under this section is not required to 97952
pay any registration taxes or fees as required by sections 97953
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 97954
Revised Code, any local motor vehicle tax levied under Chapter 97955
4504. of the Revised Code, ~~or~~ any fee charged under section 97956
4503.19 of the Revised Code for up to two motor vehicles, 97957
including any motor vehicle registered under section 4503.41 of 97958
the Revised Code, or any fees associated with transferring a 97959
registration under section 4503.12 of the Revised Code. Upon 97960
receipt of an application for registration of the motor vehicle 97961
and presentation of any documentation the registrar may require 97962
by rule, the registrar shall issue to the applicant the 97963
appropriate motor vehicle registration and a set of license 97964
plates authorized under this section and a validation sticker, 97965
or a validation sticker alone when required by section 4503.191 97966
of the Revised Code. 97967

(3) The license plates shall display county identification 97968
stickers that identify the county of registration as required 97969
under section 4503.19 of the Revised Code. 97970

Sec. 4503.41. (A) Any disabled veteran who, because of a 97971
service-connected disability, has been or is awarded funds for 97972
the purchase of a motor vehicle under the "Disabled Veterans'
and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 97973
1998, 38 U.S.C. 1901, and amendments thereto, and any disabled 97974
veteran having a service-connected disability either rated or 97975
compensated at one hundred per cent by the veterans' 97976
administration, may apply to the registrar for the registration 97977
of the disabled veteran's personal motor vehicle. Except as 97978
provided in division (C) of this section, a disabled veteran is 97979
not required to pay any registration fee and service fee as 97980
required by sections 4503.038, 4503.04, 4503.10, 4503.102, and 97981
4503.103 of the Revised Code, any local motor vehicle tax levied 97982
under Chapter 4504. of the Revised Code, ~~or~~ any fee charged 97983
under section 4503.19 of the Revised Code, or any fees 97984
associated with transferring a registration under section 97985
4503.12 of the Revised Code. The application for registration 97986
shall be accompanied by such documentary evidence of disability 97987
as the registrar may require by rule. 97988
97989

(B) Upon the receipt of an application for registration of 97990
a motor vehicle under this section, and presentation of 97991
satisfactory evidence of disability, the registrar or deputy 97992
registrar shall issue to the applicant a set of license plates, 97993
which shall be red, white, and blue in color and shall, in 97994
addition to the letters and numbers ordinarily inscribed 97995
thereon, be inscribed with the word "veteran" and imprinted with 97996
the international wheelchair symbol. 97997

(C) A disabled veteran who is eligible to register a motor 97998
vehicle under this section may register as many vehicles as are 97999
titled and registered in that disabled veteran's name. For each 98000
additional registration after the first registration, the 98001

registrar or deputy registrar shall collect any applicable fee 98002
imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 98003
4503.103, and 4503.19 of the Revised Code, and any local motor 98004
vehicle tax levied under Chapter 4504. of the Revised Code. 98005

Sec. 4503.579. (A) The owner or lessee of any passenger 98006
car, noncommercial motor vehicle, recreational vehicle, or other 98007
vehicle of a class approved by the registrar of motor vehicles 98008
may apply to the registrar for the registration of the vehicle 98009
and issuance of "National Council of Negro Women" license 98010
plates. The application may be combined with a request for a 98011
special reserved license plate under section 4503.40 or 4503.42 98012
of the Revised Code. Upon receipt of the completed application 98013
and compliance by the applicant with divisions (B) and (C) of 98014
this section, the registrar shall issue to the applicant the 98015
appropriate vehicle registration and a set of "National Council 98016
of Negro Women" license plates and a validation sticker, or a 98017
validation sticker alone when required by section 4503.191 of 98018
the Revised Code. 98019

In addition to the letters and numbers ordinarily 98020
inscribed on the license plates, "National Council of Negro 98021
Women" license plates shall display an appropriate logo and 98022
words selected by representatives of the ~~national~~ Ohio state 98023
coalition-national council of negro women, incorporated, and 98024
that are approved by the registrar. "National Council of Negro 98025
Women" license plates shall display county identification 98026
stickers that identify the county of registration as required 98027
under section 4503.19 of the Revised Code. 98028

(B) "National Council of Negro Women" license plates and a 98029
validation sticker, or validation sticker alone, shall be issued 98030
upon receipt of an application for registration of a motor 98031

vehicle under this section; payment of the regular license tax 98032
as prescribed under section 4503.04 of the Revised Code, any 98033
applicable motor vehicle license tax levied under Chapter 4504. 98034
of the Revised Code, any applicable additional fee prescribed by 98035
section 4503.40 or 4503.42 of the Revised Code, an additional 98036
administrative fee of ten dollars, and a contribution as 98037
provided in division (C)(1) of this section; and compliance with 98038
all other applicable laws relating to the registration of motor 98039
vehicles. 98040

(C)(1) For each application for registration and 98041
registration renewal notice the registrar receives under this 98042
section, the registrar shall collect a contribution of twenty- 98043
five dollars. The registrar shall deposit this contribution into 98044
the state treasury to the credit of the license plate 98045
contribution fund created in section 4501.21 of the Revised 98046
Code. 98047

(2) The registrar shall deposit the administrative fee of 98048
ten dollars, the purpose of which is to compensate the bureau of 98049
motor vehicles for additional services required in the issuing 98050
of "National Council of Negro Women" license plates, into the 98051
state treasury to the credit of the public safety - highway 98052
purposes fund created in section 4501.06 of the Revised Code. 98053

Sec. 4503.91. (A) The owner or lessee of any passenger 98054
car, noncommercial motor vehicle, recreational vehicle, or other 98055
vehicle of a class approved by the registrar of motor vehicles 98056
may apply to the registrar for the registration of the vehicle 98057
and issuance of "choose life" license plates. The application 98058
for "choose life" license plates may be combined with a request 98059
for a special reserved license plate under section 4503.40 or 98060
4503.42 of the Revised Code. Upon receipt of the completed 98061

application and compliance with divisions (B) and (C) of this 98062
section, the registrar shall issue to the applicant the 98063
appropriate vehicle registration and a set of "choose life" 98064
license plates with a validation sticker or a validation sticker 98065
alone when required by section 4503.191 of the Revised Code. 98066

In addition to the letters and numbers ordinarily 98067
inscribed on license plates, "choose life" license plates shall 98068
be inscribed with the words "choose life" and a marking designed 98069
by "choose life, inc.," a private, nonprofit corporation 98070
incorporated in the state of Florida. The registrar shall review 98071
the design and approve it if the design is feasible. If the 98072
design is not feasible, the registrar shall notify "choose life, 98073
inc." and the organization may resubmit designs until a feasible 98074
one is approved. "Choose life" license plates shall bear county 98075
identification stickers that identify the county of registration 98076
as required under section 4503.19 of the Revised Code. 98077

(B) "Choose life" license plates and a validation sticker, 98078
or a validation sticker alone, shall be issued upon receipt of a 98079
contribution as provided in division (C) of this section and 98080
upon payment of the regular license tax prescribed in section 98081
4503.04 of the Revised Code, any applicable motor vehicle tax 98082
levied under Chapter 4504. of the Revised Code, any applicable 98083
additional fee prescribed by section 4503.40 or 4503.42 of the 98084
Revised Code, a fee of ten dollars for the purpose of 98085
compensating the bureau of motor vehicles for additional 98086
services required in the issuing of "choose life" license 98087
plates, and compliance with all other applicable laws relating 98088
to the registration of motor vehicles. 98089

(C) (1) For each application for registration and 98090
registration renewal received under this section, the registrar 98091

shall collect a contribution of twenty dollars. The registrar 98092
shall transmit this contribution to the treasurer of state for 98093
deposit in the "choose life" fund created in section ~~3701.65~~ 98094
5180.72 of the Revised Code. 98095

(2) The registrar shall deposit the additional fee of ten 98096
dollars specified in division (B) of this section for the 98097
purpose of compensating the bureau for the additional services 98098
required in issuing "choose life" license plates in the public 98099
safety - highway purposes fund created in section 4501.06 of the 98100
Revised Code. 98101

Sec. 4505.07. (A) A physical certificate of title shall be 98102
printed upon a special paper with a secure printing process or 98103
other secure process, for the printing of motor vehicle titles, 98104
as required by section 2 of the "Truth in Mileage Act of 1986," 98105
100 Stat. 3309, 15 U.S.C.A. 1901 et seq. 98106

An electronic certificate of title is an electronic record 98107
stored in the automated title processing system that established 98108
ownership of a motor vehicle, as well as any security interests 98109
that exist in that motor vehicle. 98110

(B) Every certificate of title shall bear the 98111
distinguishing number assigned to the title, and shall contain, 98112
on the front of the certificate, the following information: 98113

(1) An indication that the certificate is issued in this 98114
state; 98115

(2) The county in which the certificate is issued; 98116

(3) An indication that the certificate is an original, 98117
memorandum, duplicate, or salvage certificate; 98118

(4) The date of issuance of the certificate; 98119

- (5) The name and address of the owner, in full; 98120
- (6) The name and address of the previous owner, in full; 98121
- (7) The previous certificate of title number; 98122
- (8) The state in which the vehicle previously was titled; 98123
- (9) The make, body type, year, model, and vehicle 98124
identification number of the vehicle; 98125
- (10) First and second lien notation information, including 98126
the name and address of the lienholder in full and the date of 98127
the lien notation; 98128
- (11) For discharging and canceling the lien notation, a 98129
notice that states: "lien discharge," a space for the signature 98130
of the lienholder, the discharge date, a space for the signature 98131
of the clerk of the court of common pleas, the cancellation 98132
date, and a space for the notation of the deputy clerk; 98133
- (12) The purchase price of the motor vehicle and the 98134
amount of Ohio sales or use tax paid; 98135
- (13) The mileage registered on the odometer and the status 98136
of the odometer of the vehicle at the time the previous title 98137
was assigned; 98138
- (14) A space for the seal of the clerk; 98139
- (15) The signature of the clerk; 98140
- (16) A space for the notation of the deputy clerk; 98141
- (17) A space for other pertinent information as may be 98142
required by the registrar of motor vehicles; 98143
- (18) A consecutive number for control purposes; 98144
- (19) In the case of a vehicle last previously registered 98145

in another state, a space to be used for recording any notation 98146
applicable to the vehicle and the abbreviation of the state in 98147
which the vehicle was last registered, as required by divisions 98148
(B) (1) and (2) of section 4505.08 of the Revised Code; 98149

(20) In the case of a vehicle last previously registered 98150
in this state, a space to be used for recording any information 98151
applicable to the vehicle as required by division (C) of section 98152
4505.08 of the Revised Code or by rule of the registrar of motor 98153
vehicles adopted under that division. 98154

(C) If the certificate of title is a duplicate 98155
certificate, that fact and the original title number must be 98156
stated on the front of the duplicate certificate. 98157

(D) If the certificate of title is a memorandum 98158
certificate, that fact and the original title number must be 98159
stated on the front of the memorandum certificate. 98160

(E) If the certificate of title is a salvage certificate, 98161
that fact and the original title number must be stated on the 98162
front of the salvage certificate. 98163

(F) The following information shall appear on the reverse 98164
side of each certificate of title: 98165

(1) A notice in bold lettering that states: "ERASURES AND 98166
ALTERATIONS VOID THIS TITLE ASSIGNMENT. (Type or print in 98167
ink.)"; 98168

(2) The total consideration of the vehicle; 98169

(3) A disclosure that states: "I (we) certify the vehicle 98170
described in this title was transferred for the price of 98171
\$_____ to:" and the printed name and address of the buyer 98172
in full; 98173

(4) An odometer certification statement that states: 98174
"Federal and state laws require that you state the mileage in 98175
connection with transfer of ownership. Failure to complete or 98176
providing false information may result in fines and 98177
imprisonment." 98178

The odometer certification language as required by federal law 98179
and division (C) of section 4505.06 of the Revised Code. 98180

(5) A disclosure that states: "I (we) warrant the title to 98181
be free of all liens." 98182

(6) A space for the signature of the transferor and the 98183
transferor's printed name and address in full; 98184

(7) A space for the seal of the clerk or a notary; 98185

(8) The acknowledgment statement of the clerk, the deputy 98186
clerk, or a notary; 98187

(9) A space for the signature of the clerk, the deputy 98188
clerk, or a notary; 98189

(10) The buyer's odometer acknowledgment statement, with a 98190
space for the buyer's printed name and address; 98191

(11) A notice in bold lettering that states: "WARNING TO 98192
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required 98193
by law to state the true selling price. A false statement is in 98194
violation of section 2921.13 of the Revised Code and is 98195
punishable by six months' imprisonment or a fine of up to one 98196
thousand dollars, or both. All transfers are audited by the 98197
department of taxation. 98198

The seller and buyer must provide any information 98199
requested by the department of taxation. The buyer may be 98200
assessed any additional tax found to be due." 98201

(12) An application for a certificate of title, memorandum 98202
certificate of title, or salvage certificate of title, as 98203
prescribed by the registrar, which shall include all of the 98204
following: 98205

(a) A disclosure that states: "Application for certificate 98206
of title (type or print in ink)"; 98207

(b) A disclosure that states: "Fee of \$5.00 for failure to 98208
apply for title within 30 days of assignment."; 98209

(c) A space for the applicant's printed name and address; 98210

(d) A space for the applicant's social security number or 98211
employer's identification number~~+~~. The last four digits of the 98212
applicant's social security number is sufficient if the 98213
application for title is for a salvage certificate of title for 98214
an owner-retained vehicle or if the application is accompanied 98215
by an application to transfer title to an insurance company or a 98216
nonprofit corporation. 98217

(e) A space for the purchase price, tax paid, or tax 98218
exemption reason, or dealer's permit number, and vendor's 98219
number, and condition of the vehicle; 98220

(f) A disclosure statement that states: "Lien information: 98221
If no lien state "none." If more than one lien, attach statement 98222
of all additional liens."; 98223

(g) A space for the lienholder's name and address; 98224

(h) A disclosure statement that states: "I (we) state that 98225
all information contained in this application is true and 98226
correct."; 98227

(i) A space for the applicant's signature; 98228

(j) A space for the acknowledgment statement of the clerk, 98229
the deputy clerk, or a notary; 98230

(k) A space for the seal of the clerk or a notary; 98231

(l) A space for the signature of the clerk, the deputy 98232
clerk, or a notary; 98233

(m) Any other pertinent information as may be required by 98234
the registrar. 98235

Sec. 4505.09. (A) (1) The clerk of a court of common pleas 98236
shall charge and retain fees as follows: 98237

(a) Five dollars for each certificate of title that is not 98238
applied for within thirty days after the later of the assignment 98239
or delivery of the motor vehicle described in it. The entire fee 98240
shall be retained by the clerk. 98241

(b) Fifteen-Eighteen dollars, or twenty-three dollars if a 98242
board of county commissioners adopts a resolution authorizing 98243
the increased fee for that county, for each certificate of title 98244
or duplicate certificate of title including the issuance of a 98245
memorandum certificate of title, or authorization to print a 98246
non-negotiable evidence of ownership described in division (G) 98247
of section 4505.08 of the Revised Code, non-negotiable evidence 98248
of ownership printed by the clerk under division (H) of that 98249
section, and notation of any lien on a certificate of title that 98250
is applied for at the same time as the certificate of title. The 98251
clerk shall retain eleven dollars and fifty cents of that fee 98252
for each certificate of title when there is a notation of a lien 98253
or security interest on the certificate of title, twelve dollars 98254
and twenty-five cents when there is no lien or security interest 98255
noted on the certificate of title, and eleven dollars and fifty 98256
cents for each duplicate certificate of title. If a board of 98257

county commissioners adopts a resolution authorizing a twenty- 98258
three-dollar fee, the clerk shall retain the additional five 98259
dollars of that fee. 98260

(c) Four dollars and fifty cents for each certificate of 98261
title with no security interest noted that is issued to a 98262
licensed motor vehicle dealer for resale purposes and, in 98263
addition, a separate fee of fifty cents. The clerk shall retain 98264
two dollars and twenty-five cents of that fee. 98265

(d) Five dollars for each memorandum certificate of title 98266
or non-negotiable evidence of ownership that is applied for 98267
separately. The clerk shall retain that entire fee. 98268

(2) The fees that are not retained by the clerk shall be 98269
paid to the registrar of motor vehicles by monthly returns, 98270
which shall be forwarded to the registrar not later than the 98271
fifth day of the month next succeeding that in which the 98272
certificate is issued or that in which the registrar is notified 98273
of a lien or cancellation of a lien. 98274

(B) (1) The registrar shall pay twenty-five cents of the 98275
amount received for each certificate of title issued to a motor 98276
vehicle dealer for resale, one dollar for certificates of title 98277
issued with a lien or security interest noted on the certificate 98278
of title, and twenty-five cents for each certificate of title 98279
with no lien or security interest noted on the certificate of 98280
title into the public safety - highway purposes fund established 98281
in section 4501.06 of the Revised Code. 98282

(2) Fifty cents of the amount received for each 98283
certificate of title shall be paid by the registrar as follows: 98284

(a) Four cents shall be paid into the state treasury to 98285
the credit of the motor vehicle dealers board fund, which is 98286

hereby created. All investment earnings of the fund shall be 98287
credited to the fund. The moneys in the motor vehicle dealers 98288
board fund shall be used by the motor vehicle dealers board 98289
created under section 4517.30 of the Revised Code, together with 98290
other moneys appropriated to it, in the exercise of its powers 98291
and the performance of its duties under Chapter 4517. of the 98292
Revised Code, except that the director of budget and management 98293
may transfer excess money from the motor vehicle dealers board 98294
fund to the public safety - highway purposes fund if the 98295
registrar determines that the amount of money in the motor 98296
vehicle dealers board fund, together with other moneys 98297
appropriated to the board, exceeds the amount required for the 98298
exercise of its powers and the performance of its duties under 98299
Chapter 4517. of the Revised Code and requests the director to 98300
make the transfer. 98301

(b) Thirty-one cents shall be paid into the highway 98302
operating fund created by section 5735.051 of the Revised Code. 98303

(c) Fifteen cents shall be paid into the state treasury to 98304
the credit of the motor vehicle sales audit fund, which is 98305
hereby created. The moneys in the fund shall be used by the tax 98306
commissioner together with other funds available to the 98307
commissioner to conduct a continuing investigation of sales and 98308
use tax returns filed for motor vehicles in order to determine 98309
if sales and use tax liability has been satisfied. The 98310
commissioner shall refer cases of apparent violations of section 98311
2921.13 of the Revised Code made in connection with the titling 98312
or sale of a motor vehicle and cases of any other apparent 98313
violations of the sales or use tax law to the appropriate county 98314
prosecutor whenever the commissioner considers it advisable. 98315

(3) Two dollars of the amount received by the registrar 98316

under divisions (A) (1) (a), (b), and (d) of this section and one 98317
dollar and fifty cents of the amount received by the registrar 98318
under division (A) (1) (c) of this section for each certificate of 98319
title shall be paid into the state treasury to the credit of the 98320
automated title processing fund, which is hereby created and 98321
which shall consist of moneys collected under division (B) (3) of 98322
this section and under sections 1548.10 and 4519.59 of the 98323
Revised Code. All investment earnings of the fund shall be 98324
credited to the fund. The moneys in the fund shall be used as 98325
follows: 98326

(a) Except for moneys collected under section 1548.10 of 98327
the Revised Code, moneys collected under division (B) (3) of this 98328
section shall be used to implement and maintain an automated 98329
title processing system for the issuance of motor vehicle, off- 98330
highway motorcycle, and all-purpose vehicle certificates of 98331
title in the offices of the clerks of the courts of common 98332
pleas. Those moneys also shall be used to pay expenses that 98333
arise as a result of enabling electronic motor vehicle dealers 98334
to directly transfer applications for certificates of title 98335
under division (A) (3) of section 4505.06 of the Revised Code. 98336

(b) Moneys collected under section 1548.10 of the Revised 98337
Code shall be used to issue marine certificates of title in the 98338
offices of the clerks of the courts of common pleas as provided 98339
in Chapter 1548. of the Revised Code. 98340

(4) The registrar shall pay the fifty-cent separate fee 98341
collected from a licensed motor vehicle dealer under division 98342
(A) (1) (c) of this section into the title defect recision fund 98343
created by section 1345.52 of the Revised Code. 98344

(5) Three dollars of the amount received by the registrar 98345
under division (A) (1) (b) of this section shall be paid into the 98346

state treasury to the credit of the security, investigations, 98347
and policing fund created by section 4501.11 of the Revised Code 98348
to be used for the purposes specified in division (B) (1) of that 98349
section. 98350

(C) (1) The automated title processing board is hereby 98351
created consisting of the registrar or the registrar's 98352
representative, a person selected by the registrar, the 98353
president of the Ohio clerks of court association or the 98354
president's representative, the president of the Ohio automobile 98355
dealers association or the president's representative, and ~~two~~ 98356
~~three~~ clerks of courts of common pleas appointed by the 98357
governor. The ~~director of budget and management or the~~ 98358
~~director's designee,~~ the chief of the division of parks and 98359
watercraft in the department of natural resources or the chief's 98360
designee, and the tax commissioner or the commissioner's 98361
designee shall be nonvoting members of the board. The purpose of 98362
the board is to facilitate the operation and maintenance of an 98363
automated title processing system and approve the procurement of 98364
automated title processing system equipment and ribbons, 98365
cartridges, or other devices necessary for the operation of that 98366
equipment. Voting members of the board, excluding the registrar 98367
or the registrar's representative, shall serve without 98368
compensation, but shall be reimbursed for travel and other 98369
necessary expenses incurred in the conduct of their official 98370
duties. The registrar or the registrar's representative shall 98371
receive neither compensation nor reimbursement as a board 98372
member. 98373

(2) The automated title processing board shall determine 98374
each of the following: 98375

(a) The automated title processing equipment and 98376

certificates of title requirements for each county; 98377

(b) The payment of expenses that may be incurred by the 98378
counties in implementing an automated title processing system; 98379

(c) The repayment to the counties for existing title 98380
processing equipment; 98381

(d) With the approval of the director of public safety, 98382
the award of grants from the automated title processing fund to 98383
the clerk of courts of any county who employs a person who 98384
assists with the design of, updates to, tests of, installation 98385
of, or any other activity related to, an automated title 98386
processing system. Any grant awarded under division (C) (2) (d) of 98387
this section shall be deposited into the appropriate county 98388
certificate of title administration fund created under section 98389
325.33 of the Revised Code and shall not be used to supplant any 98390
other funds. 98391

(3) The registrar shall purchase, lease, or otherwise 98392
acquire any automated title processing equipment and 98393
certificates of title that the board determines are necessary 98394
from moneys in the automated title processing fund established 98395
by division (B) (3) of this section. 98396

(D) All counties shall conform to the requirements of the 98397
registrar regarding the operation of their automated title 98398
processing system for motor vehicle titles, certificates of 98399
title for off-highway motorcycles and all-purpose vehicles, and 98400
certificates of title for watercraft and outboard motors. 98401

Sec. 4506.01. As used in this chapter: 98402

(A) "Alcohol concentration" means the concentration of 98403
alcohol in a person's blood, breath, or urine. When expressed as 98404
a percentage, it means grams of alcohol per the following: 98405

- (1) One hundred milliliters of whole blood, blood serum,
or blood plasma; 98406
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- (2) Two hundred ten liters of breath; 98408
- (3) One hundred milliliters of urine. 98409
- (B) "Commercial driver's license" means a license issued 98410
in accordance with this chapter that authorizes an individual to 98411
drive a commercial motor vehicle. 98412
- (C) "Commercial driver's license information system" means 98413
the information system established pursuant to the requirements 98414
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 98415
3207-171, 49 U.S.C.A. App. 2701. 98416
- (D) Except when used in section 4506.25 of the Revised 98417
Code, "commercial motor vehicle" means any motor vehicle 98418
designed or used to transport persons or property that meets any 98419
of the following qualifications: 98420
- (1) Any combination of vehicles with a gross vehicle 98421
weight or combined gross vehicle weight rating of twenty-six 98422
thousand one pounds or more, provided the gross vehicle weight 98423
or gross vehicle weight rating of the vehicle or vehicles being 98424
towed is in excess of ten thousand pounds; 98425
- (2) Any single vehicle with a gross vehicle weight or 98426
gross vehicle weight rating of twenty-six thousand one pounds or 98427
more; 98428
- (3) Any single vehicle or combination of vehicles that is 98429
not a class A or class B vehicle, but is designed to transport 98430
sixteen or more passengers including the driver; 98431
- (4) Any school bus with a gross vehicle weight or gross 98432
vehicle weight rating of less than twenty-six thousand one 98433

pounds that is designed to transport fewer than sixteen 98434
passengers including the driver; 98435

(5) Is transporting hazardous materials for which 98436
placarding is required under subpart F of 49 C.F.R. part 172, as 98437
amended; 98438

(6) Any single vehicle or combination of vehicles that is 98439
designed to be operated and to travel on a public street or 98440
highway and is considered by the federal motor carrier safety 98441
administration to be a commercial motor vehicle, including, but 98442
not limited to, a motorized crane, a vehicle whose function is 98443
to pump cement, a rig for drilling wells, and a portable crane. 98444

(E) "Controlled substance" means all of the following: 98445

(1) Any substance classified as a controlled substance 98446
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 98447
U.S.C.A. 802(6), as amended; 98448

(2) Any substance included in schedules I through V of 21 98449
C.F.R. part 1308, as amended; 98450

(3) Any drug of abuse. 98451

(F) "Conviction" means an unvacated adjudication of guilt 98452
or a determination that a person has violated or failed to 98453
comply with the law in a court of original jurisdiction or an 98454
authorized administrative tribunal, an unvacated forfeiture of 98455
bail or collateral deposited to secure the person's appearance 98456
in court, a plea of guilty or nolo contendere accepted by the 98457
court, the payment of a fine or court cost, or violation of a 98458
condition of release without bail, regardless of whether or not 98459
the penalty is rebated, suspended, or probated. 98460

(G) "Disqualification" means any of the following: 98461

- (1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle; 98462
98463
- (2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations; 98464
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- (3) A determination by the federal motor carrier safety administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391. 98468
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- (H) "Domiciled" means having a true, fixed, principal, and permanent residence to which an individual intends to return. 98471
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- (I) "Downgrade" means any of the following, as applicable: 98473
- (1) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's self-certified status as described in division (A) (1) of section 4506.10 of the Revised Code; 98474
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- (2) A change to a lesser class of vehicle; 98478
- (3) Removal of commercial driver's license privileges from the individual's driver's license; 98479
98480
- (4) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's privileges as described in division (F) (1) of section 4506.13 of the Revised Code. 98481
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- (J) "Drive" means to drive, operate, or be in physical control of a motor vehicle. 98485
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- (K) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required 98487
98488

to have a commercial driver's license. 98489

(L) "Driver's license" means a license issued by the 98490
bureau of motor vehicles that authorizes an individual to drive. 98491

(M) "Drug of abuse" means any controlled substance, 98492
dangerous drug as defined in section 4729.01 of the Revised 98493
Code, harmful intoxicant as defined in section 2925.01 of the 98494
Revised Code, or over-the-counter medication that, when taken in 98495
quantities exceeding the recommended dosage, can result in 98496
impairment of judgment or reflexes. 98497

(N) "Electronic device" includes a cellular telephone, a 98498
personal digital assistant, a pager, a computer, and any other 98499
device used to input, write, send, receive, or read text. 98500

(O) "Eligible unit of local government" means a village, 98501
township, or county that has a population of not more than three 98502
thousand persons according to the most recent federal census. 98503

(P) "Employer" means any person, including the federal 98504
government, any state, and a political subdivision of any state, 98505
that owns or leases a commercial motor vehicle or assigns a 98506
person to drive such a motor vehicle. 98507

(Q) "Endorsement" means an authorization on a person's 98508
commercial driver's license that is required to permit the 98509
person to operate a specified type of commercial motor vehicle. 98510

(R) "Farm truck" means a truck controlled and operated by 98511
a farmer for use in the transportation to or from a farm, for a 98512
distance of not more than one hundred fifty miles, of products 98513
of the farm, including livestock and its products, poultry and 98514
its products, floricultural and horticultural products, and in 98515
the transportation to the farm, from a distance of not more than 98516
one hundred fifty miles, of supplies for the farm, including 98517

tile, fence, and every other thing or commodity used in 98518
agricultural, floricultural, horticultural, livestock, and 98519
poultry production, and livestock, poultry, and other animals 98520
and things used for breeding, feeding, or other purposes 98521
connected with the operation of the farm, when the truck is 98522
operated in accordance with this division and is not used in the 98523
operations of a motor carrier, as defined in section 4923.01 of 98524
the Revised Code. 98525

(S) "Fatality" means the death of a person as the result 98526
of a motor vehicle accident occurring not more than three 98527
hundred sixty-five days prior to the date of death. 98528

(T) "Felony" means any offense under federal or state law 98529
that is punishable by death or specifically classified as a 98530
felony under the law of this state, regardless of the penalty 98531
that may be imposed. 98532

(U) "Foreign jurisdiction" means any jurisdiction other 98533
than a state. 98534

(V) "Gross vehicle weight rating" means the value 98535
specified by the manufacturer as the maximum loaded weight of a 98536
single or a combination vehicle. The gross vehicle weight rating 98537
of a combination vehicle is the gross vehicle weight rating of 98538
the power unit plus the gross vehicle weight rating of each 98539
towed unit. 98540

(W) "Hazardous materials" means any material that has been 98541
designated as hazardous under 49 U.S.C. 5103 and is required to 98542
be placarded under subpart F of 49 C.F.R. part 172 or any 98543
quantity of a material listed as a select agent or toxin in 42 98544
C.F.R. part 73, as amended. 98545

(X) "Imminent hazard" means the existence of a condition 98546

that presents a substantial likelihood that death, serious 98547
illness, severe personal injury, or a substantial endangerment 98548
to health, property, or the environment may occur before the 98549
reasonably foreseeable completion date of a formal proceeding 98550
begun to lessen the risk of that death, illness, injury, or 98551
endangerment. 98552

(Y) "Medical variance" means one of the following received 98553
by a driver from the federal motor carrier safety administration 98554
that allows the driver to be issued a medical certificate: 98555

(1) An exemption letter permitting operation of a 98556
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 98557
C.F.R. 391.64; 98558

(2) A skill performance evaluation certificate permitting 98559
operation of a commercial motor vehicle pursuant to 49 C.F.R. 98560
391.49. 98561

(Z) "Mobile telephone" means a mobile communication device 98562
that falls under or uses any commercial mobile radio service as 98563
defined in 47 C.F.R. 20, except that mobile telephone does not 98564
include two-way or citizens band radio services. 98565

(AA) "Motor vehicle" means a vehicle, machine, tractor, 98566
trailer, or semitrailer propelled or drawn by mechanical power 98567
used on highways, except that such term does not include a 98568
vehicle, machine, tractor, trailer, or semitrailer operated 98569
exclusively on a rail. 98570

(BB) "Out-of-service order" means a declaration by an 98571
authorized enforcement officer of a federal, state, local, 98572
Canadian, or Mexican jurisdiction declaring that a driver, 98573
commercial motor vehicle, or commercial motor carrier operation 98574
is out of service as defined in 49 C.F.R. 390.5. 98575

(CC) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 98576
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(DD) "Portable tank" means a liquid or gaseous packaging designed primarily to be loaded onto or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means. 98578
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(EE) "Public safety vehicle" has the same meaning as in divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 98582
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(FF) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in section 4501.01 of the Revised Code and is used exclusively for purposes other than engaging in business for profit. 98584
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(GG) "Residence" means any person's residence determined in accordance with standards prescribed in rules adopted by the registrar. 98588
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98590

(HH) "School bus" has the same meaning as in section 4511.01 of the Revised Code. 98591
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(II) "Serious traffic violation" means any of the following: 98593
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(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of section 4506.03 of the Revised Code; 98595
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(2) (a) Except as provided in division (II) (2) (b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following: 98598
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(i) Texting while driving;	98604
(ii) Using a handheld mobile telephone.	98605
(b) It is not a serious traffic violation if the person	98606
was texting or using a handheld mobile telephone to contact law	98607
enforcement or other emergency services.	98608
(3) A conviction arising from the operation of any motor	98609
vehicle that involves any of the following:	98610
(a) A single charge of any speed in excess of the posted	98611
speed limit by fifteen miles per hour or more;	98612
(b) Violation of section 4511.20 or 4511.201 of the	98613
Revised Code or any similar ordinance or resolution, or of any	98614
similar law of another state or political subdivision of another	98615
state;	98616
(c) Violation of a law of this state or an ordinance or	98617
resolution relating to traffic control, other than a parking	98618
violation, or of any similar law of another state or political	98619
subdivision of another state, that results in a fatal accident;	98620
(d) Violation of section 4506.03 of the Revised Code or a	98621
substantially similar municipal ordinance or county or township	98622
resolution, or of any similar law of another state or political	98623
subdivision of another state, that involves the operation of a	98624
commercial motor vehicle without a valid commercial driver's	98625
license with the proper class or endorsement for the specific	98626
vehicle group being operated or for the passengers or type of	98627
cargo being transported;	98628
(e) Violation of section 4506.03 of the Revised Code or a	98629
substantially similar municipal ordinance or county or township	98630
resolution, or of any similar law of another state or political	98631

subdivision of another state, that involves the operation of a 98632
commercial motor vehicle without a valid commercial driver's 98633
license being in the person's possession; 98634

(f) Violation of section 4511.33 or 4511.34 of the Revised 98635
Code, or any municipal ordinance or county or township 98636
resolution substantially similar to either of those sections, or 98637
any substantially similar law of another state or political 98638
subdivision of another state; 98639

(g) Violation of any other law of this state, any law of 98640
another state, or any ordinance or resolution of a political 98641
subdivision of this state or another state that meets both of 98642
the following requirements: 98643

(i) It relates to traffic control, other than a parking 98644
violation; 98645

(ii) It is determined to be a serious traffic violation by 98646
the United States secretary of transportation and is designated 98647
by the director as such by rule. 98648

(JJ) "State" means a state of the United States and 98649
includes the District of Columbia. 98650

(KK) "Tank vehicle" means any commercial motor vehicle 98651
that is designed to transport any liquid or gaseous materials 98652
within a tank or tanks that are either permanently or 98653
temporarily attached to the vehicle or its chassis and have an 98654
individual rated capacity of more than one hundred nineteen 98655
gallons and an aggregate rated capacity of one thousand gallons 98656
or more. "Tank vehicle" does not include a commercial motor 98657
vehicle transporting an empty storage container tank that is not 98658
designed for transportation, has a rated capacity of one 98659
thousand gallons or more, and is temporarily attached to a 98660

flatbed trailer. 98661

(LL) "Tester" means a person or entity acting pursuant to 98662
a valid agreement entered into pursuant to division (B) of 98663
section 4506.09 of the Revised Code. 98664

(MM) "Texting" means manually entering alphanumeric text 98665
into, or reading text from, an electronic device. Texting 98666
includes short message service, e-mail, instant messaging, a 98667
command or request to access a world wide web page, pressing 98668
more than a single button to initiate or terminate a voice 98669
communication using a mobile telephone, or engaging in any other 98670
form of electronic text retrieval or entry, for present or 98671
future communication. Texting does not include the following: 98672

(1) Using voice commands to initiate, receive, or 98673
terminate a voice communication using a mobile telephone; 98674

(2) Inputting, selecting, or reading information on a 98675
global positioning system or navigation system; 98676

(3) Pressing a single button to initiate or terminate a 98677
voice communication using a mobile telephone; or 98678

(4) Using, for a purpose that is not otherwise prohibited 98679
by law, a device capable of performing multiple functions, such 98680
as a fleet management system, a dispatching device, a mobile 98681
telephone, a citizens band radio, or a music player. 98682

(NN) "Texting while driving" means texting while operating 98683
a commercial motor vehicle, with the motor running, including 98684
while temporarily stationary because of traffic, a traffic 98685
control device, or other momentary delays. Texting while driving 98686
does not include operating a commercial motor vehicle with or 98687
without the motor running when the driver has moved the vehicle 98688
to the side of, or off, a highway and is stopped in a location 98689

where the vehicle can safely remain stationary. 98690

(OO) "United States" means the fifty states and the 98691
District of Columbia. 98692

(PP) "Upgrade" means a change in the class of vehicles, 98693
endorsements, or self-certified status as described in division 98694
(A) (1) of section 4506.10 of the Revised Code, that expands the 98695
ability of a current commercial driver's license holder to 98696
operate commercial motor vehicles under this chapter. 98697

(QQ) "Use of a handheld mobile telephone" means: 98698

(1) Using at least one hand to hold a mobile telephone to 98699
conduct a voice communication; 98700

(2) Dialing or answering a mobile telephone by pressing 98701
more than a single button; or 98702

(3) Reaching for a mobile telephone in a manner that 98703
requires a driver to maneuver so that the driver is no longer in 98704
a seated driving position, or restrained by a seat belt that is 98705
installed in accordance with 49 C.F.R. 393.93 and adjusted in 98706
accordance with the vehicle manufacturer's instructions. 98707

(RR) "Vehicle" has the same meaning as in section 4511.01 98708
of the Revised Code. 98709

Sec. 4506.05. (A) Notwithstanding any other provision of 98710
law, a person may drive a commercial motor vehicle on a highway 98711
in this state if all of the following conditions are met: 98712

(1) The person has a valid commercial driver's license or 98713
commercial driver's license temporary instruction permit issued 98714
by any state or jurisdiction in accordance with the minimum 98715
standards adopted by the federal motor carrier safety 98716
administration under the "Commercial Motor Vehicle Safety Act of 98717

1986," 100 Stat. 3207-171, 49 U.S.C.A. App. for issuance of 98718
commercial driver's licenses; 98719

(2) The person's commercial driver's license or temporary 98720
instruction permit is not suspended, revoked, or canceled, and 98721
the person has the appropriate endorsements for the vehicle that 98722
is being driven; 98723

(3) The person is not disqualified from driving a 98724
commercial motor vehicle; 98725

(4) The person is not subject to an out-of-service order; 98726

(5) The person is medically certified as physically 98727
qualified to operate a commercial motor vehicle in accordance 98728
with this chapter. 98729

(a) A person who submitted a medical examiner's 98730
certificate to the registrar in accordance with division (A)(1) 98731
of section 4506.10 of the Revised Code and whose medical 98732
certification information is maintained in the commercial 98733
driver's license information system is not required to have the 98734
medical examiner's certificate in the person's possession when 98735
on duty. 98736

(b) A person whose medical certification information is 98737
not maintained in the commercial driver's license information 98738
system shall have in the person's possession when on duty the 98739
original or a copy of the current medical examiner's certificate 98740
that was submitted to the registrar. However, the person may 98741
operate a commercial motor vehicle with such proof of medical 98742
certification for not more than fifteen days after the date the 98743
current medical examiner's certificate was issued to the person. 98744

(c) A person who has a medical variance shall have in the 98745
person's possession the original or copy of the medical variance 98746

documentation at all times while on duty. 98747

(6) The person is not prohibited from operating a 98748
commercial motor vehicle because the person violated 49 C.F.R. 98749
382, subpart B. 98750

(B) No person shall drive a commercial motor vehicle on a 98751
highway in this state if the person does not meet the conditions 98752
specified in division (A) of this section. 98753

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 98754
391.62, 391.67, and 391.68, no person holding a commercial 98755
driver's license temporary instruction permit or a commercial 98756
driver's license issued under this chapter may drive a 98757
commercial motor vehicle in interstate commerce until the person 98758
is at least twenty-one years of age. 98759

(D) (1) Whoever violates this section is guilty of a 98760
misdemeanor of the first degree. 98761

(2) The offenses established under this section are strict 98762
liability offenses and section 2901.20 of the Revised Code does 98763
not apply. The designation of these offenses as strict liability 98764
offenses shall not be construed to imply that any other offense, 98765
for which there is no specified degree of culpability, is not a 98766
strict liability offense. 98767

Sec. 4506.07. (A) An applicant for a commercial driver's 98768
license, restricted commercial driver's license, or a commercial 98769
driver's license temporary instruction permit, or a duplicate of 98770
such a license or permit, shall submit an application upon a 98771
form approved and furnished by the registrar of motor vehicles. 98772
Except as provided in section 4506.24 of the Revised Code in 98773
regard to a restricted commercial driver's license, the 98774
applicant shall sign the application which shall contain the 98775

following information: 98776

(1) The applicant's name, date of birth, social security 98777
account number, sex, general description including height, 98778
weight, and color of hair and eyes, current residence, duration 98779
of residence in this state, state of domicile, country of 98780
citizenship, and occupation; 98781

(2) Whether the applicant previously has been licensed to 98782
operate a commercial motor vehicle or any other type of motor 98783
vehicle in another state or a foreign jurisdiction and, if so, 98784
when, by what state, and whether the license or driving 98785
privileges currently are suspended or revoked in any 98786
jurisdiction, or the applicant otherwise has been disqualified 98787
from operating a commercial motor vehicle, or is subject to an 98788
out-of-service order issued under this chapter or any similar 98789
law of another state or a foreign jurisdiction and, if so, the 98790
date of, locations involved, and reason for the suspension, 98791
revocation, disqualification, or out-of-service order; 98792

(3) Whether the applicant has any physical or mental 98793
disability or disease that prevents the applicant from 98794
exercising reasonable and ordinary control over a motor vehicle 98795
while operating it upon a highway or is or has been subject to 98796
any condition resulting in episodic impairment of consciousness 98797
or loss of muscular control and, if so, the nature and extent of 98798
the disability, disease, or condition, and the names and 98799
addresses of the physicians, certified nurse-midwives if 98800
authorized as described in section 4723.438 of the Revised Code, 98801
clinical nurse specialists, or certified nurse practitioners 98802
attending the applicant; 98803

(4) Whether the applicant has obtained a medical 98804
examiner's certificate as required by this chapter and, 98805

beginning January 30, 2012, the applicant, prior to or at the 98806
time of applying, has self-certified to the registrar the 98807
applicable status of the applicant under division (A) (1) of 98808
section 4506.10 of the Revised Code; 98809

(5) Whether the applicant has pending a citation for 98810
violation of any motor vehicle law or ordinance except a parking 98811
violation and, if so, a description of the citation, the court 98812
having jurisdiction of the offense, and the date when the 98813
offense occurred; 98814

(6) If an applicant has not certified the applicant's 98815
willingness to make an anatomical gift under section 2108.05 of 98816
the Revised Code, whether the applicant wishes to certify 98817
willingness to make such an anatomical gift, which shall be 98818
given no consideration in the issuance of a license; 98819

(7) Whether the applicant has executed a valid durable 98820
power of attorney for health care pursuant to sections 1337.11 98821
to 1337.17 of the Revised Code or has executed a declaration 98822
governing the use or continuation, or the withholding or 98823
withdrawal, of life-sustaining treatment pursuant to sections 98824
2133.01 to 2133.15 of the Revised Code and, if the applicant has 98825
executed either type of instrument, whether the applicant wishes 98826
the license issued to indicate that the applicant has executed 98827
the instrument; 98828

(8) Whether the applicant is a veteran, active duty, or 98829
reservist of the armed forces of the United States and, if the 98830
applicant is such, whether the applicant wishes the license 98831
issued to indicate that the applicant is a veteran, active duty, 98832
or reservist of the armed forces of the United States by a 98833
military designation on the license; 98834

(9) Whether the applicant currently is prohibited by the 98835
federal motor carrier safety administration from operating a 98836
commercial motor vehicle because the applicant violated 49 98837
C.F.R. 382, subpart B. 98838

(B) Every applicant shall certify, on a form approved and 98839
furnished by the registrar, all of the following: 98840

(1) That the motor vehicle in which the applicant intends 98841
to take the driving skills test is representative of the type of 98842
motor vehicle that the applicant expects to operate as a driver; 98843

(2) That the applicant is not subject to any 98844
disqualification or out-of-service order, or license suspension, 98845
revocation, or cancellation, under the laws of this state, of 98846
another state, or of a foreign jurisdiction and does not have 98847
more than one driver's license issued by this or another state 98848
or a foreign jurisdiction; 98849

(3) Any additional information, certification, or evidence 98850
that the registrar requires by rule in order to ensure that the 98851
issuance of a commercial driver's license or commercial driver's 98852
license temporary instruction permit to the applicant is in 98853
compliance with the law of this state and with federal law. 98854

(C) Every applicant shall execute a form, approved and 98855
furnished by the registrar, under which the applicant consents 98856
to the release by the registrar of information from the 98857
applicant's driving record. 98858

(D) The registrar or a deputy registrar, in accordance 98859
with section 3503.11 of the Revised Code, shall register as an 98860
elector any applicant for a commercial driver's license or for a 98861
renewal or duplicate of such a license under this chapter, if 98862
the applicant is eligible and wishes to be registered as an 98863

elector. The decision of an applicant whether to register as an 98864
elector shall be given no consideration in the decision of 98865
whether to issue the applicant a license or a renewal or 98866
duplicate. 98867

(E) The registrar or a deputy registrar, in accordance 98868
with section 3503.11 of the Revised Code, shall offer the 98869
opportunity of completing a notice of change of residence or 98870
change of name to any applicant for a commercial driver's 98871
license or for a renewal or duplicate of such a license who is a 98872
resident of this state, if the applicant is a registered elector 98873
who has changed the applicant's residence or name and has not 98874
filed such a notice. 98875

(F) In considering any application submitted pursuant to 98876
this section, the bureau of motor vehicles may conduct any 98877
inquiries necessary to ensure that issuance or renewal of a 98878
commercial driver's license would not violate any provision of 98879
the Revised Code or federal law. 98880

(G) In addition to any other information it contains, the 98881
form approved and furnished by the registrar of motor vehicles 98882
for an application for a commercial driver's license, restricted 98883
commercial driver's license, or a commercial driver's license 98884
temporary instruction permit or an application for a duplicate 98885
of such a license or permit shall inform applicants that the 98886
applicant must present a copy of the applicant's DD-214 or an 98887
equivalent document in order to qualify to have the license, or 98888
permit, or duplicate indicate that the applicant is a veteran, 98889
active duty, or reservist of the armed forces of the United 98890
States based on a request made pursuant to division (A) (8) of 98891
this section. 98892

Sec. 4506.13. (A) The registrar of motor vehicles may 98893

authorize the highway patrol or any other employee of the 98894
department of public safety to issue an examiner's commercial 98895
examinations passed form to an applicant who has passed the 98896
required examinations. The examiner's commercial examinations 98897
passed form shall be used to indicate the examinations taken and 98898
passed by the commercial driver's license applicant. 98899

(B) (1) Before issuing, renewing, transferring, or 98900
upgrading a commercial driver's license temporary instruction 98901
permit or a commercial driver's license, the registrar of motor 98902
vehicles shall obtain information about the applicant's driving 98903
record, whether the applicant was previously issued a commercial 98904
driver's license in another state, or whether the applicant is 98905
disqualified or prohibited from operating a commercial motor 98906
vehicle through the commercial driver's license information 98907
system, the drug and alcohol clearinghouse, the applicant's 98908
state of licensure, and when available, the national driver 98909
register. In addition, before initially issuing a class A or 98910
class B commercial driver's license, a passenger endorsement, a 98911
school bus endorsement, or a hazardous materials endorsement, 98912
the registrar shall verify that the applicant completed the 98913
training required under 49 C.F.R. 380, subpart F, through the 98914
federal motor carrier safety administration's training provider 98915
registry. The registrar also shall check the applicant's driver 98916
record to ensure that an applicant who self-certified under 98917
division (A) (1) (a) (i) of section 4506.10 of the Revised Code 98918
that the applicant's operation of a commercial motor vehicle is 98919
non-excepted interstate, is medically certified. 98920

(2) The registrar shall not issue, renew, upgrade, or 98921
transfer the applicant's commercial driver's license temporary 98922
instruction permit or commercial driver's license if any of the 98923
following apply: 98924

(a) The registrar obtains adverse information regarding the applicant's driving record. (b) There is no information regarding the driver's self-certification type as required by division (A)(1) of section 4506.10 of the Revised Code. (c) The applicant's medical status is not certified, when required to be certified under division (A)(1)(a)(i) of section 4506.10 of the Revised Code. (d) The applicant is prohibited from operating a commercial motor vehicle because the applicant violated the drug and alcohol use and testing provisions of 49 C.F.R. 382, subpart B; (e) If required, the applicant did not successfully complete the training required by 49 C.F.R. 380, subpart F, as documented in the federal motor carrier safety administration's training provider registry. (3) If the record check reveals information that the applicant claims is outdated, contested, or invalid, the registrar shall deny the application until the applicant can resolve the conflict. (C) The registrar shall do all of the following: (1) Within ten days after issuing a commercial driver's license temporary instruction permit or commercial driver's license, notify the commercial driver's license information system, when available, of that fact and provide all information required to ensure identification of the licensee. If the registrar is notified that driver has been issued a medical variance, the registrar shall indicate the existence of the medical variance on the ~~commercial driver's license holder's~~

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commercial driver's license information system driver record. 98954

(2) For those drivers self-certifying under division (A) 98955
(1) (a) (i) of section 4506.10 of the Revised Code as non-excepted 98956
interstate, post the applicant's medical status as certified or 98957
non-certified on the applicant's commercial driver's license 98958
information system driver record upon receiving a valid original 98959
or copy of the medical examiner's certificate; 98960

(3) Post the driver's self-certification type as set forth 98961
in division (A) (1) of section 4506.10 of the Revised Code; 98962

(4) Post information from the medical examiner's 98963
certificate, if applicable, on the ~~commercial driver's license~~ 98964
~~holder's~~ commercial driver's license information system driver 98965
record within ten calendar days of receipt of the medical 98966
examiner's certificate; 98967

(5) Retain the original or a copy of the commercial 98968
driver's license temporary instruction permit or commercial 98969
driver's license holder's medical certificate for a minimum of 98970
three years after the date the certificate was issued; 98971

(6) Post and maintain as part of the commercial driver's 98972
license information system driver record all convictions, 98973
disqualifications, and other licensing actions for violations of 98974
any state or municipal ordinances related to motor vehicle 98975
traffic control, other than parking violations for all persons 98976
who hold a commercial driver's license temporary instruction 98977
permit or commercial driver's license or operate a motor vehicle 98978
for which a commercial driver's license is required; 98979

(7) Post an applicant's status of medically non-certified 98980
on the applicant's commercial driver's license information 98981
system driver record and downgrade the applicant's commercial 98982

driver's license temporary instruction permit or commercial 98983
driver's license in accordance with division (D) of this section 98984
if either of the following applies: 98985

(a) The commercial driver's license temporary instruction 98986
permit or commercial driver's license holder fails to provide 98987
the driver's self-certification type as required by division (A) 98988
(1) of section 4506.10 of the Revised Code. 98989

(b) The commercial driver's license temporary instruction 98990
permit or commercial driver's license holder self-certifying 98991
under division (A)(1)(a)(i) of section 4506.10 of the Revised 98992
Code as non-excepted interstate fails to provide the registrar 98993
with a current medical examiner's certificate. 98994

(8) Mark the commercial driver's license information 98995
system driver record as non-certified for any commercial 98996
driver's license temporary instruction permit or commercial 98997
driver's license holder who has not self-certified under 98998
division (A)(1) of section 4506.10 of the Revised Code by 98999
January 30, 2014 and initiate the ~~commercial driver's license~~ 99000
commercial driver's license downgrade procedures described in 99001
division (D) of this section; 99002

(9) Within ten days after a commercial driver's license 99003
temporary instruction permit or commercial driver's license 99004
holder's medical certification status expires or a medical 99005
variance expires or is rescinded, update the person's medical 99006
certification status to non-certified; 99007

(10) Within ten calendar days after receiving information 99008
from the federal motor carrier safety administration regarding 99009
issuance or renewal of a medical variance for a driver, update 99010
the driver's commercial driver's license information system 99011

driver record to include the medical variance information 99012
provided by the federal motor carrier safety administration; 99013

(11) Within ten calendar days after receiving information 99014
from the federal motor carrier safety administration that a 99015
commercial driver's license temporary instruction permit or 99016
commercial driver's license holder is prohibited from operating 99017
a commercial motor vehicle because of a violation of the drug 99018
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 99019
B, initiate the commercial driver's license downgrade procedures 99020
described in division (F) (1) of this section; 99021

(12) Within ten calendar days after receiving information 99022
from the federal motor carrier safety administration that a 99023
commercial driver's license temporary instruction permit or 99024
commercial driver's license holder is no longer prohibited or 99025
was erroneously identified as prohibited from operating a 99026
commercial motor vehicle because of a violation of the drug and 99027
alcohol use and testing provisions of 49 C.F.R. 382, subpart B, 99028
initiate the reinstatement procedures described in division (F) 99029
(2) of this section. 99030

(D) If a driver's medical certification or medical 99031
variance expires or the federal motor carrier safety 99032
administration notifies the registrar that a medical variance 99033
was removed or rescinded, the registrar shall do the following: 99034

(1) Send notice to the commercial driver's license holder 99035
of the holder's medically not certified status. The notice shall 99036
inform the driver that the driver's commercial driver's license 99037
privileges will be removed unless the driver resolves the 99038
medical certification or medical variance defect by submitting a 99039
current medical certificate or medical variance, as applicable, 99040
or changing the driver's self-certification under division (A) 99041

(1) of section 4506.10 of the Revised Code to driving only in 99042
excepted interstate or excepted intrastate commerce within sixty 99043
days. 99044

(2) Sixty days after the change to a medically not 99045
certified status, if the commercial driver's license holder has 99046
not resolved the medical certification or medical variance 99047
defect as described in division (D)(1) of this section, the 99048
registrar shall change the person's commercial driver's license 99049
status to reflect no commercial driver's license privileges and 99050
shall send the person a second notice informing the person that 99051
the commercial driver's license privilege has been removed from 99052
the driver's license. 99053

(E) To the extent permitted by federal and state law, the 99054
registrar shall provide records from the commercial driver's 99055
license information system regarding a commercial driver's 99056
license holder or commercial motor vehicle operator to the 99057
following individuals and entities or their authorized agents 99058
within ten days of the receipt of conviction or disqualification 99059
information concerning the holder or operator from another state 99060
or within ten days of the date of conviction or disqualification 99061
of the holder or operator if it occurred in this state, as 99062
applicable: 99063

(1) Other states; 99064

(2) The secretary of the United States department of 99065
transportation; 99066

(3) The commercial driver's license holder or commercial 99067
motor vehicle operator referenced in the records; 99068

(4) A motor carrier that is a current or prospective 99069
employer of the commercial driver's license holder or commercial 99070

motor vehicle operator referenced in the records. 99071

(F) (1) If the registrar receives information in accordance 99072
with division (C) (11) of this section, the registrar shall 99073
notify the subject commercial driver's license temporary 99074
instruction permit or commercial driver's license holder. The 99075
notice shall inform the driver that the driver's commercial 99076
driver's license privileges will be downgraded unless the driver 99077
resolves the prohibition in accordance with the federal 99078
requirements within thirty days. If the driver does not resolve 99079
the prohibition within the thirty days, the registrar shall do 99080
all of the following: 99081

(a) Downgrade the driver's commercial driver's license 99082
temporary instruction permit or commercial driver's license to 99083
prohibit the driver from operating a commercial motor vehicle; 99084

(b) Send a second notice to the driver specifying that the 99085
driver's license has been downgraded and that the driver is 99086
prohibited from operating a commercial motor vehicle until the 99087
driver takes the steps necessary to reinstate commercial 99088
driver's license privileges; 99089

(c) Record the downgrade on the driver's commercial 99090
driver's license information system driver record not later than 99091
sixty days after the original notification to the registrar from 99092
the federal motor carrier safety administration. 99093

(2) If the registrar receives information in accordance 99094
with division (C) (12) of this section, the registrar shall do 99095
one of the following, as applicable: 99096

(a) If the registrar receives the information before the 99097
registrar has downgraded a driver's commercial driver's license 99098
privileges in accordance with division (F) (1) of this section, 99099

the registrar shall terminate the downgrade process and notify 99100
the applicable driver of the termination; 99101

(b) If the registrar receives the information after the 99102
registrar has downgraded a driver's commercial driver's license 99103
privileges in accordance with division (F)(1) of this section, 99104
the registrar shall reinstate the driver's commercial driver's 99105
license, provided that the driver is otherwise eligible for 99106
reinstatement and such commercial driving privileges. 99107

(3) If the registrar receives information in accordance 99108
with division (C)(12) of this section that the driver was 99109
erroneously identified as prohibited from operating a commercial 99110
motor vehicle, in addition to the reinstatement procedures under 99111
division (F)(2) of this section, the registrar shall remove any 99112
record of the downgrade from the driver's commercial driver's 99113
license information system driver record and motor vehicle 99114
driving record. 99115

Sec. 4506.131. ~~(A)~~ (A) (1) The registrar of motor vehicles 99116
shall not issue, renew, upgrade, or transfer a hazardous 99117
materials endorsement for a commercial driver's license to any 99118
individual authorizing that individual to operate a commercial 99119
motor vehicle transporting a hazardous material in commerce 99120
unless the registrar has received from the transportation 99121
security administration a determination indicating that the 99122
individual does not pose a security risk warranting denial of 99123
the endorsement. 99124

(2) The registrar may issue, renew, upgrade, or transfer a 99125
hazardous materials endorsement for a commercial driver's 99126
license to an individual who is under twenty-one years of age if 99127
both of the following apply: 99128

(a) The individual uses the endorsement for purposes of 99129
intrastate commerce of hazardous materials only; 99130

(b) The individual meets all other federal and state 99131
requirements for issuance of the endorsement. 99132

(B) (1) Immediately upon receiving a determination from the 99133
transportation security administration that an individual poses 99134
a security risk warranting denial of a hazardous materials 99135
endorsement, the registrar shall revoke any existing hazardous 99136
materials endorsement and shall refuse to issue a hazardous 99137
materials endorsement for the individual named as a security 99138
risk. 99139

(2) Within fifteen days of receiving any determination 99140
from the transportation security administration indicating the 99141
status of an individual's security risk, the registrar shall 99142
notify the commercial driver license information system of the 99143
results of the security assessment. 99144

(C) The registrar shall order any revocation under 99145
division (B) of this section without a hearing. Any person 99146
adversely affected by the order may request an administrative 99147
hearing before the registrar. The scope of the hearing shall be 99148
limited to whether the bureau of motor vehicles properly revoked 99149
the hazardous material endorsement after receiving notification 99150
from the transportation security administration and shall not 99151
include consideration of whether the transportation security 99152
administration acted properly in sending the notification. 99153

Sec. 4506.14. (A) Commercial driver's licenses shall 99154
expire as follows: 99155

(1) Except as provided in division (A) (3) or (4) of this 99156
section, each such license issued to replace an operator's or 99157

chauffeur's license shall expire on the original expiration date 99158
of the operator's or chauffeur's license and, upon renewal, 99159
shall expire on the licensee's birthday in the fourth or eighth 99160
year after the date of issuance, based on the period of renewal 99161
requested by the applicant. A person who is sixty-five years of 99162
age or older may only apply for a commercial driver's license 99163
that expires on the birthday of the applicant in the fourth year 99164
after the date it is issued. 99165

(2) (a) Except as provided in division (A) (3) or (4) of 99166
this section, each such license issued as an original license to 99167
a person whose residence is in this state shall expire on the 99168
licensee's birthday in the fourth or eighth year after the date 99169
of issuance, based on the period of renewal requested by the 99170
applicant. A person who is sixty-five years of age or older may 99171
only apply for a commercial driver's license that expires on the 99172
birthday of the applicant in the fourth year after the date it 99173
is issued. 99174

(b) Each such license issued to a person whose temporary 99175
residence is in this state shall expire in accordance with rules 99176
adopted by the registrar of motor vehicles. A license issued to 99177
a person with a temporary residence in this state is 99178
~~nonrenewable, but may be replaced with a new license within~~ 99179
~~ninety days prior to its expiration upon the applicant's~~ 99180
~~compliance with all applicable requirements~~ a limited term 99181
license and may be renewed in accordance with division (C) of 99182
this section. 99183

(3) The registrar or a deputy registrar may issue a 99184
license that expires on a date earlier than the licensee's 99185
birthday in the fourth year after the date of issuance if the 99186
licensee has undergone a security threat assessment required by 99187

federal law to obtain a hazardous materials endorsement and the 99188
assessment will expire before that date. No commercial driver's 99189
license shall be issued under division (A) (3) of this section 99190
for a period longer than four years and one hundred eighty days. 99191

(4) Each such license issued to replace the operator's or 99192
chauffeur's license of a person who is less than twenty-one 99193
years of age, and each such license issued as an original 99194
license to a person who is less than twenty-one years of age, 99195
shall expire on the licensee's twenty-first birthday. 99196

(B) No commercial driver's license shall be issued for a 99197
period longer than eight years. Except as provided in section 99198
4507.12 of the Revised Code, the registrar may waive the 99199
examination of any person applying for the renewal of a 99200
commercial driver's license issued under this chapter, provided 99201
that the applicant presents either an unexpired commercial 99202
driver's license or a commercial driver's license that has 99203
expired not more than six months prior to the date of 99204
application. 99205

~~(C)~~ (C) (1) Subject to the requirements of this chapter and 99206
except as provided in division ~~(A) (2)~~ (C) (2) of this section in 99207
regard to a person whose temporary residence is in this state, 99208
every commercial driver's license shall be renewable one hundred 99209
eighty days before its expiration upon payment of the fees 99210
required by section 4506.08 of the Revised Code. Each person 99211
applying for renewal or transfer of a commercial driver's 99212
license shall complete the application form prescribed by 99213
section 4506.07 of the Revised Code and shall provide all 99214
certifications required. 99215

(2) (a) Except as provided in division (C) (2) (b) of this 99216
section, a limited term commercial driver's license shall not be 99217

issued to a temporary resident for a period longer than the 99218
expiration date of the temporary resident's authorized stay in 99219
the United States, or for four years from the date of issuance, 99220
whichever date is earliest. 99221

(b) If there is no expiration date for a temporary 99222
resident's authorized stay in the United States, a limited term 99223
commercial driver's license shall not be issued to the temporary 99224
resident for a period longer than one year from the date of 99225
issuance. 99226

(c) A limited term commercial driver's license may be 99227
renewed within one hundred eighty days prior to its expiration 99228
upon the applicant's presentation of documentation verifying the 99229
applicant's legal presence or continued temporary lawful status 99230
in the United States. 99231

(3) Prior to applying for renewal of a commercial driver's 99232
license, each applicant shall submit a new copy or original 99233
medical examiner's certificate required by section 4506.10 of 99234
the Revised Code; if the person's medical status has changed, 99235
the registrar shall take the appropriate action to address the 99236
change in medical status. If the person wishes to retain an 99237
endorsement authorizing the person to transport hazardous 99238
materials, the person shall take and successfully complete the 99239
written test for the endorsement and shall submit to any 99240
background check required by federal law. 99241

(D) Each person licensed as a driver under this chapter 99242
shall notify the registrar of any change in the person's address 99243
within ten days following that change. The notification shall be 99244
in writing on a form provided by the registrar and shall include 99245
the full name, date of birth, license number, county of 99246
residence, social security number, and new address of the 99247

person. 99248

(E) Whoever violates division (D) of this section is 99249
guilty of a minor misdemeanor. 99250

Sec. 4507.061. (A) The registrar of motor vehicles may 99251
authorize the online renewal of a driver's license, commercial 99252
driver's license, or identification card issued by the bureau of 99253
motor vehicles for eligible applicants. An applicant is eligible 99254
for online renewal if all of the following apply: 99255

(1) The applicant's current driver's license, commercial 99256
driver's license, or identification card was processed in person 99257
at a deputy registrar office. 99258

(2) The applicant has a photo on file with the bureau of 99259
motor vehicles from the applicant's current driver's license, 99260
commercial driver's license, or identification card. 99261

(3) The applicant's current driver's license, commercial 99262
driver's license, or identification card expires on the birthday 99263
of the applicant in the fourth year after the date it was 99264
issued. 99265

(4) The applicant is applying for a driver's license, 99266
commercial driver's license, or identification card that expires 99267
on the birthday of the applicant in the fourth year after the 99268
date it is issued. 99269

(5) The applicant's current driver's license, commercial 99270
driver's license, or identification card is unexpired or expired 99271
not more than six months prior to the date of the application. 99272

(6) The applicant is a citizen or a permanent resident of 99273
the United States and a permanent resident of this state. 99274

(7) The applicant's current driver's license, commercial 99275

driver's license, or identification card was issued when the 99276
applicant was twenty-one years of age or older. 99277

(8) If the applicant is renewing a driver's license or 99278
commercial driver's license, the applicant is less than sixty- 99279
five years of age. 99280

(9) The applicant's current driver's license, commercial 99281
driver's license, or driving privileges are not suspended, 99282
canceled, revoked, or restricted, and the applicant is not 99283
otherwise prohibited by law from obtaining a driver's license, 99284
commercial driver's license, or identification card. 99285

(10) The applicant has no changes to the applicant's name 99286
or personal information, other than a change of address. 99287

(11) The applicant has no medical restrictions that would 99288
require the applicant to apply for a driver's license, 99289
commercial driver's license, or identification card in person at 99290
a deputy registrar office. The registrar shall determine the 99291
medical restrictions that require in person applications. 99292

(12) For a commercial driver's license, the applicant 99293
complies with all the requirements of Chapter 4506. of the 99294
Revised Code, including self-certification and medical 99295
certificate requirements. 99296

(13) For a commercial driver's license, the applicant is 99297
not under any restriction specified by any federal regulation. 99298

(B) An applicant may not submit an application online for 99299
any of the following: 99300

(1) A temporary instruction permit; 99301

(2) A commercial driver's license temporary instruction 99302
permit; 99303

(3) An initial issuance of an Ohio driver's license, 99304
commercial driver's license, or identification card; 99305

(4) An initial issuance of a federally compliant driver's 99306
license, commercial driver's license, or identification card; 99307

(5) An ignition interlock license; 99308

(6) A limited term driver's license or ~~nonrenewable~~ 99309
limited term commercial driver's license issued to a temporary 99310
resident. 99311

(C) The registrar may require an applicant to provide a 99312
digital copy of any identification documents and supporting 99313
documents as required by statute or administrative rule to 99314
comply with current state and federal requirements. 99315

(D) Except as otherwise provided, an applicant shall 99316
comply with all other applicable laws related to the issuance of 99317
a driver's license, commercial driver's license, or 99318
identification card in order to renew a driver's license, 99319
commercial driver's license, or identification card under this 99320
section. 99321

(E) The registrar may adopt rules in accordance with 99322
Chapter 119. of the Revised Code to implement and administer 99323
this section. 99324

Sec. 4507.08. (A) No probationary license shall be issued 99325
to any person under the age of eighteen who has been adjudicated 99326
an unruly or delinquent child or a juvenile traffic offender for 99327
having committed any act that if committed by an adult would be 99328
a drug abuse offense, as defined in section 2925.01 of the 99329
Revised Code, a violation of division (B) of section 2917.11, or 99330
a violation of division (A) of section 4511.19 of the Revised 99331
Code, unless the person has been required by the court to attend 99332

a drug abuse or alcohol abuse education, intervention, or 99333
treatment program specified by the court and has satisfactorily 99334
completed the program. 99335

(B) No temporary instruction permit or driver's license 99336
shall be issued to any person whose license has been suspended, 99337
during the period for which the license was suspended, nor to 99338
any person whose license has been canceled, under Chapter 4510. 99339
or any other provision of the Revised Code. 99340

(C) No temporary instruction permit or driver's license 99341
shall be issued to any person whose commercial driver's license 99342
is suspended under Chapter 4510. or any other provision of the 99343
Revised Code during the period of the suspension. 99344

No temporary instruction permit or driver's license shall 99345
be issued to any person when issuance is prohibited by division 99346
(A) of section 4507.091 of the Revised Code. 99347

(D) No temporary instruction permit or driver's license 99348
shall be issued to, or retained by, any of the following 99349
persons: 99350

(1) Any person who has alcoholism, or is addicted to the 99351
use of controlled substances to the extent that the use 99352
constitutes an impairment to the person's ability to operate a 99353
motor vehicle with the required degree of safety; 99354

(2) Any person who is under the age of eighteen and has 99355
been adjudicated an unruly or delinquent child or a juvenile 99356
traffic offender for having committed any act that if committed 99357
by an adult would be a drug abuse offense, as defined in section 99358
2925.01 of the Revised Code, a violation of division (B) of 99359
section 2917.11, or a violation of division (A) of section 99360
4511.19 of the Revised Code, unless the person has been required 99361

by the court to attend a drug abuse or alcohol abuse education, 99362
intervention, or treatment program specified by the court and 99363
has satisfactorily completed the program; 99364

(3) Any person who, in the opinion of the registrar, has a 99365
physical or mental disability or disease that prevents the 99366
person from exercising reasonable and ordinary control over a 99367
motor vehicle while operating the vehicle upon the highways, 99368
except that a restricted license ~~effective for six months~~ may be 99369
issued to any person otherwise qualified who is or has been 99370
subject to any condition resulting in episodic impairment of 99371
consciousness or loss of muscular control and whose condition, 99372
in the opinion of the registrar, is dormant or is sufficiently 99373
under medical control that the person is capable of exercising 99374
reasonable and ordinary control over a motor vehicle. A 99375
restricted license ~~effective for six months~~ shall be issued to 99376
any person who otherwise is qualified and who is subject to any 99377
condition that causes episodic impairment of consciousness or a 99378
loss of muscular control if the person presents a statement from 99379
a licensed physician, certified nurse-midwife if authorized as 99380
described in section 4723.438 of the Revised Code, clinical 99381
nurse specialist, or certified nurse practitioner that the 99382
person's condition is under effective medical control and the 99383
period of time for which the control has been continuously 99384
maintained, unless, thereafter, a medical examination is ordered 99385
and, pursuant thereto, cause for denial is found. 99386

A person to whom a ~~six-month~~ restricted license has been 99387
issued shall give notice of the person's medical condition to 99388
the registrar on forms provided by the registrar and signed by 99389
the licensee's physician, certified nurse-midwife, clinical 99390
nurse specialist, or certified nurse practitioner at intervals 99391
required by the registrar. The ~~notice shall be sent to the~~ 99392

registrar ~~six months after the issuance of the license.~~ 99393
~~Subsequent restricted licenses issued to the same individual~~ 99394
~~shall be effective for six months~~ determine the validity period 99395
of the restricted license. 99396

(4) Any person who is unable to understand highway 99397
warnings or traffic signs or directions given in the English 99398
language; 99399

(5) Any person making an application whose driver's 99400
license or driving privileges are under cancellation, 99401
revocation, or suspension in the jurisdiction where issued or 99402
any other jurisdiction, until the expiration of one year after 99403
the license was canceled or revoked or until the period of 99404
suspension ends. Any person whose application is denied under 99405
this division may file a petition in the municipal court or 99406
county court in whose jurisdiction the person resides agreeing 99407
to pay the cost of the proceedings and alleging that the conduct 99408
involved in the offense that resulted in suspension, 99409
cancellation, or revocation in the foreign jurisdiction would 99410
not have resulted in a suspension, cancellation, or revocation 99411
had the offense occurred in this state. If the petition is 99412
granted, the petitioner shall notify the registrar by a 99413
certified copy of the court's findings and a license shall not 99414
be denied under this division. 99415

(6) Any person who is under a class one or two suspension 99416
imposed for a violation of section 2903.01, 2903.02, 2903.04, 99417
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 99418
Code or whose driver's or commercial driver's license or permit 99419
was permanently revoked prior to January 1, 2004, for a 99420
substantially equivalent violation pursuant to section 4507.16 99421
of the Revised Code; 99422

(7) Any person who is not a resident or temporary resident 99423
of this state. 99424

(E) No person whose driver's license or permit has been 99425
suspended under Chapter 4510. of the Revised Code or any other 99426
provision of the Revised Code shall have driving privileges 99427
reinstated if the registrar determines that a warrant has been 99428
issued in this state or any other state for the person's arrest 99429
and that warrant is an active warrant. 99430

Sec. 4507.09. (A) (1) Except as provided in division (B) of 99431
this section, every driver's license issued to a resident of 99432
this state expires on the birthday of the applicant in the 99433
fourth or eighth year after the date it is issued, based on the 99434
period of renewal requested by the applicant. A resident who is 99435
sixty-five years of age or older may only apply for a driver's 99436
license that expires on the birthday of the applicant in the 99437
fourth year after the date it is issued. In no event shall any 99438
license be issued for a period longer than eight years and 99439
ninety days. 99440

Subject to the requirements of section 4507.12 of the 99441
Revised Code, every driver's license issued to a resident is 99442
renewable at any time prior to its expiration. 99443

(2) A driver's license issued to a temporary resident 99444
shall expire in accordance with rules adopted by the registrar 99445
of motor vehicles. A driver's license issued to a temporary 99446
resident is a limited term license, but may be renewed within 99447
ninety days prior to its expiration in accordance with division 99448
(E) of this section. 99449

(3) No refund shall be made or credit given for the 99450
unexpired portion of the driver's license that is renewed. The 99451

registrar shall notify each person whose driver's license has 99452
expired within forty-five days after the date of expiration. 99453
Notification shall be made by regular mail sent to the person's 99454
last known address as shown in the records of the bureau of 99455
motor vehicles. Failure to provide such notification shall not 99456
be construed as a renewal or extension of any license. 99457

(4) For the purposes of this section, the date of birth of 99458
any applicant born on the twenty-ninth day of February shall be 99459
deemed to be the first day of March in any year in which there 99460
is no twenty-ninth day of February. 99461

(B) Every driver's license or renewal of a driver's 99462
license issued to a resident applicant who is sixteen years of 99463
age or older, but less than twenty-one years of age, expires on 99464
the twenty-first birthday of the applicant, except that an 99465
applicant who applies no more than thirty days before the 99466
applicant's twenty-first birthday shall be issued a license in 99467
accordance with division (A) of this section. 99468

(C) Each person licensed as a driver under this chapter 99469
shall notify the registrar of any change in the person's address 99470
within ten days following that change. The notification shall be 99471
in writing on a form provided by the registrar and shall include 99472
the full name, date of birth, license number, county of 99473
residence, social security number, and new address of the 99474
person. The registrar shall offer the person the opportunity to 99475
submit a notice of change of address for voter registration 99476
purposes by electronic means in conjunction with the person's 99477
transaction with the registrar, in accordance with section 99478
3503.11 of the Revised Code. 99479

(D) No driver's license shall be renewed when renewal is 99480
prohibited by division (A) of section 4507.091 of the Revised 99481

Code. 99482

(E) (1) Except as provided in division (E) (2) of this 99483
section, a limited term license shall not be issued to a 99484
temporary resident for a period longer than the expiration date 99485
of the temporary resident's authorized stay in the United 99486
States, or for four years from the date of issuance, whichever 99487
date is earliest. 99488

(2) If there is no expiration date for a temporary 99489
resident's authorized stay in the United States, a limited term 99490
license shall not be issued to the temporary resident for a 99491
period longer than one year from the date of issuance. 99492

(3) A limited term license may be renewed within ninety 99493
days prior to its expiration upon the applicant's presentation 99494
of documentation verifying the applicant's legal presence or 99495
continued temporary lawful status in the United States. 99496

~~(3) A limited term license is not transferable, and the 99497~~
~~applicant may not rely on it to obtain a driver's license in 99498~~
~~another state. 99499~~

(4) In accordance with Chapter 119. of the Revised Code, 99500
the registrar shall adopt rules governing limited term licenses 99501
for temporary residents. 99502

Sec. 4507.21. (A) Except as provided in section 4507.061 99503
of the Revised Code, each applicant for a driver's license shall 99504
file an application in the office of the registrar of motor 99505
vehicles or of a deputy registrar. 99506

(B) (1) Except as provided in division (B) (4) of this 99507
section, each person under ~~eighteen~~twenty-one years of age 99508
applying for a driver's license issued in this state and each 99509
person ~~eighteen~~twenty-one years of age or older applying for an 99510

initial limited term license in this state shall present 99511
satisfactory evidence of having successfully completed one of 99512
the following: 99513

(a) A driver training course approved by the director of 99514
public safety. 99515

(b) A driver training course comparable to a driver 99516
training course described in division (B)(1)(a) of this section 99517
and administered by a branch of the armed forces of the United 99518
States and completed by the applicant while residing outside 99519
this state for the purpose of being with or near any person 99520
serving in the armed forces of the United States. 99521

(2) Each person under ~~eighteen~~twenty-one years of age 99522
applying for a driver's license also shall present, on a form 99523
prescribed by the registrar, an affidavit signed by an eligible 99524
adult attesting that the person has acquired at least fifty 99525
hours of actual driving experience, with at least ten of those 99526
hours being at night. 99527

(3) Except as provided in division (B)(4) of this section, 99528
each person ~~eighteen~~twenty-one years of age or older applying 99529
for an initial limited term license in this state also shall 99530
present, on a form prescribed by the registrar, an affidavit 99531
signed by an adult who holds a current valid driver's or 99532
commercial driver's license issued by this state that the 99533
applicant has acquired at least fifty hours of actual driving 99534
experience, with at least ten of those hours being at night, 99535
accompanied by the signing adult. 99536

(4) Both of the following individuals are exempt from the 99537
requirements specified in divisions (B)(1) and (3) of this 99538
section: 99539

(a) A person who receives a waiver of the examination by 99540
the registrar in accordance with section 4507.10 of the Revised 99541
Code; 99542

(b) An initial limited term license applicant ~~eighteen~~ 99543
twenty-one years of age or older who is from a country with 99544
which the registrar has a reciprocal arrangement in accordance 99545
with section 4507.101 of the Revised Code. 99546

(C) (1) An applicant for an initial driver's license shall 99547
present satisfactory evidence of successful completion of the 99548
abbreviated driver training course for adults, approved by the 99549
director of public safety under section 4508.02 of the Revised 99550
Code, if all of the following apply: 99551

(a) The applicant is ~~eighteen~~ twenty-one years of age or 99552
older. 99553

(b) The applicant failed the road or maneuverability test 99554
required under division (A) (2) of section 4507.11 of the Revised 99555
Code. 99556

(c) In the twelve months immediately preceding the date of 99557
application, the applicant has not successfully completed a 99558
driver training course. 99559

(2) An applicant shall present satisfactory evidence as 99560
required under division (C) (1) of this section prior to 99561
attempting the test a second or subsequent time. 99562

(D) If the registrar or deputy registrar determines that 99563
the applicant is entitled to the driver's license, it shall be 99564
issued. If the application shows that the applicant's license 99565
has been previously canceled or suspended, the deputy registrar 99566
shall forward the application to the registrar, who shall 99567
determine whether the license shall be granted. 99568

(E) An applicant shall file an application under this 99569
section in duplicate, and the deputy registrar issuing the 99570
license shall immediately forward to the office of the registrar 99571
the original copy of the application, together with the 99572
duplicate copy of any certificate of completion if issued for 99573
purposes of division (B) of this section. The registrar shall 99574
prescribe rules as to the manner in which the deputy registrar 99575
files and maintains the applications and other records. The 99576
registrar shall file every application for a driver's or 99577
commercial driver's license and index them by name and number, 99578
and shall maintain a suitable record of all licenses issued, all 99579
convictions and bond forfeitures, all applications for licenses 99580
denied, and all licenses that have been suspended or canceled. 99581

(F) For purposes of section 2313.06 of the Revised Code, 99582
the registrar shall maintain accurate and current lists of the 99583
residents of each county who are eighteen years of age or older, 99584
have been issued, on and after January 1, 1984, driver's or 99585
commercial driver's licenses that are valid and current, and 99586
would be electors if they were registered to vote, regardless of 99587
whether they actually are registered to vote. The lists shall 99588
contain the names, addresses, dates of birth, duration of 99589
residence in this state, citizenship status, and social security 99590
numbers, if the numbers are available, of the licensees, and may 99591
contain any other information that the registrar considers 99592
suitable. 99593

(G) Each person under eighteen years of age applying for a 99594
motorcycle operator's endorsement or a restricted license 99595
enabling the applicant to operate a motorcycle shall present 99596
satisfactory evidence of having completed the courses of 99597
instruction in the motorcycle safety and education program 99598
described in section 4508.08 of the Revised Code or a comparable 99599

course of instruction administered by a branch of the armed 99600
forces of the United States and completed by the applicant while 99601
residing outside this state for the purpose of being with or 99602
near any person serving in the armed forces of the United 99603
States. If the registrar or deputy registrar then determines 99604
that the applicant is entitled to the endorsement or restricted 99605
license, it shall be issued. 99606

(H) No person shall knowingly make a false statement in an 99607
affidavit presented in accordance with division (B) (2) of this 99608
section. 99609

(I) As used in this section, "eligible adult" means any of 99610
the following persons: 99611

(1) A parent, guardian, or custodian of the applicant; 99612

(2) A person over the age of twenty-one who acts in loco 99613
parentis of the applicant and who maintains proof of financial 99614
responsibility with respect to the operation of a motor vehicle 99615
owned by the applicant or with respect to the applicant's 99616
operation of any motor vehicle. 99617

(J) Whoever violates division (H) of this section is 99618
guilty of a minor misdemeanor and shall be fined one hundred 99619
dollars. 99620

Sec. 4507.40. (A) As used in this section, "Ohio 99621
credential" means a temporary instruction permit identification 99622
card, driver's license, commercial driver's license, motorcycle 99623
operator's license, motorized bicycle license, or identification 99624
card issued by the Ohio bureau of motor vehicles. 99625

(B) Any valid holder of an Ohio credential issued after 99626
July 2, 2018, may apply online to obtain an exact reprint of 99627
that Ohio credential. Not more than one hundred eighty days 99628

after ~~the effective date of this section~~ April 12, 2021, the 99629
registrar of motor vehicles shall make the reprint application 99630
process available through electronic means on the bureau of 99631
motor vehicle's web site. A reprint of an Ohio credential shall 99632
be available only through the online process. 99633

(C) An applicant may obtain not more than ~~one reprint~~ two 99634
reprints between the initial issuance and renewal of an Ohio 99635
credential or between renewals of an Ohio credential. A reprint 99636
shall be an exact copy of the last-issued Ohio credential that 99637
it replaces. A reprint expires on the same date as the Ohio 99638
credential it replaces. 99639

(D) The applicant shall do all of the following in the 99640
application: 99641

(1) Certify that the current Ohio credential is lost, 99642
destroyed, or mutilated; 99643

(2) Provide identifying information, as required by the 99644
registrar, in order to confirm the applicant's identity; 99645

(3) Include with the application a financial transaction 99646
device number to pay the applicable fees for the reprint of the 99647
Ohio credential, and a service fee equal to the amount 99648
established under section 4503.038 of the Revised Code. 99649

(E) Upon receipt of a completed application, the registrar 99650
shall issue a reprint Ohio credential to the applicant, if the 99651
applicant is eligible for the reprint. If the applicant does not 99652
qualify for a reprint, the registrar shall notify the applicant 99653
why the application was denied. 99654

(F) The fees that are collected from a person who applies 99655
for a reprint of an Ohio credential shall be paid to the credit 99656
of the public safety - highway purposes fund established by 99657

section 4501.06 of the Revised Code. 99658

Sec. 4507.53. Digitalized photographic records of the 99659
department of public safety may be released only to the 99660
following: 99661

(A) State, local, or federal governmental agencies for 99662
criminal justice purposes; 99663

(B) Any court; 99664

(C) The American association of motor vehicle 99665
administrators to allow state department of motor vehicles 99666
participating in the association's state-to-state verification 99667
services and digital image access and exchange program to use 99668
the photographic records for identity verification purposes; 99669

(D) The department of job and family services or the 99670
unemployment compensation review commission for the purpose of 99671
carrying out the department's or commission's functions under 99672
Chapter 4141. of the Revised Code. 99673

Sec. 4508.02. (A) (1) The director of public safety, 99674
subject to Chapter 119. of the Revised Code, shall adopt and 99675
prescribe such rules concerning the administration and 99676
enforcement of this chapter as are necessary to protect the 99677
public. The rules shall require an assessment of the holder of a 99678
probationary instructor license. The director shall inspect the 99679
school facilities and equipment of applicants and licensees and 99680
examine applicants for instructor's licenses. 99681

(2) The director shall adopt rules governing online driver 99682
education courses that may be completed via the internet to 99683
satisfy the classroom instruction under division (C) of this 99684
section. The rules shall do all of the following: 99685

(a) Establish standards that an online driver training enterprise must satisfy to be licensed to offer an online driver education course via the internet, including, at a minimum, proven expertise in providing driver education and an acceptable infrastructure capable of providing secure online driver education in accord with advances in internet technology. The rules shall allow an online driver training enterprise to be affiliated with a licensed driver training school offering in-person classroom instruction, but shall not require such an affiliation.

(b) Establish content requirements that an online driver education course must satisfy to be approved as equivalent to twenty-four hours of in-person classroom instruction;

(c) Establish attendance standards, including a maximum number of course hours that may be completed in a twenty-four-hour period;

(d) Allow an enrolled applicant to begin the required eight hours of actual behind-the-wheel instruction upon completing all twenty-four hours of course instruction;

(e) Establish any other requirements necessary to regulate online driver education.

(B) The director shall administer and enforce this chapter.

(C) The rules shall require twenty-four hours of completed in-person classroom instruction or the completion of an approved, equivalent online driver education course offered via the internet by a licensed online driver training enterprise, followed by eight hours of actual behind-the-wheel instruction conducted on public streets and highways of this state for all

beginning drivers of noncommercial motor vehicles who are 99715
required to complete the training under section 4507.21 of the 99716
Revised Code. The rules shall allow beginning drivers of 99717
noncommercial motor vehicles to complete the driver education 99718
course at any point while holding a valid temporary instruction 99719
permit. The rules also shall require the classroom instruction 99720
or online driver education course for such drivers to include 99721
instruction on both of the following: 99722

(1) The dangers of driving a motor vehicle while 99723
distracted, including while using an electronic wireless 99724
communications device, or engaging in any other activity that 99725
distracts a driver from the safe and effective operation of a 99726
motor vehicle; 99727

(2) The dangers of driving a motor vehicle while under the 99728
influence of a controlled substance, prescription medication, or 99729
alcohol. 99730

(D) The rules shall state the minimum hours for classroom 99731
and behind-the-wheel instruction required for beginning drivers 99732
of commercial trucks, commercial cars, buses, and commercial 99733
tractors, trailers, and semitrailers. 99734

(E) (1) The department of public safety may charge a fee to 99735
each online driver training enterprise in an amount sufficient 99736
to pay the actual expenses the department incurs in the 99737
regulation of online driver education courses. 99738

(2) The department shall supply to each licensed online 99739
driver training enterprise certificates to be used for 99740
certifying an applicant's enrollment in an approved online 99741
driver education course and a separate certificate to be issued 99742
upon successful completion of an approved online driver 99743

education course. The certificates shall be numbered serially. 99744
The department may charge a fee to each online driver training 99745
enterprise per certificate supplied to pay the actual expenses 99746
the department incurs in supplying the certificates. 99747

(F) The director shall adopt rules in accordance with 99748
Chapter 119. of the Revised Code governing an abbreviated driver 99749
training course for adults. 99750

Sec. 4509.06. (A) ~~The driver of any motor vehicle which~~ 99751
Any person who is in any manner involved in a motor vehicle 99752
accident within six months of the accident, including as the 99753
driver of a motor vehicle, the owner of property, or any person 99754
sustaining bodily injury or property damage, may, within six 99755
months after the accident, forward a written report of the 99756
accident to the registrar of motor vehicles on a form prescribed 99757
by the registrar alleging that a driver or owner of any ~~other~~ 99758
vehicle involved in the accident was uninsured at the time of 99759
the accident. 99760

(B) Upon receipt of the accident report, the registrar 99761
shall send a notice by regular mail to the driver and owner 99762
alleged to be uninsured requiring the person to give evidence 99763
that the person had proof of financial responsibility in effect 99764
at the time of the accident. 99765

(C) Within thirty days after the mailing of the notice by 99766
the registrar, the driver of the vehicle alleged to be uninsured 99767
shall forward a report together with acceptable proof of 99768
financial responsibility to the registrar in a form prescribed 99769
by the registrar. The forwarding of the report by the owner of 99770
the motor vehicle involved in the accident is deemed compliance 99771
with this section by the driver. This section does not change or 99772
modify the duties of the driver or operator of a motor vehicle 99773

as set forth in section 4549.02 of the Revised Code. 99774

Sec. 4509.07. The report prescribed by the registrar of 99775
motor vehicles shall request only information sufficient to 99776
enable the registrar to administer and enforce the provisions of 99777
sections 4509.01 to 4509.78, inclusive, of the Revised Code. 99778

The ~~driver or owner of a motor vehicle~~ person involved in 99779
an accident who submits or is the subject of a report submitted 99780
in accordance with section 4509.06 of the Revised Code shall 99781
furnish such additional relevant information as the registrar 99782
requires. 99783

Sec. 4509.101. (A) (1) No person shall operate, or permit 99784
the operation of, a motor vehicle in this state, unless proof of 99785
financial responsibility is maintained continuously throughout 99786
the registration period with respect to that vehicle, or, in the 99787
case of a driver who is not the owner, with respect to that 99788
driver's operation of that vehicle. 99789

(2) Whoever violates division (A) (1) of this section shall 99790
be subject to the following civil penalties: 99791

(a) Subject to divisions (A) (2) (b) and (c) of this 99792
section, a class (F) suspension of the person's driver's 99793
license, commercial driver's license, temporary instruction 99794
permit, probationary license, or nonresident operating privilege 99795
for the period of time specified in division (B) (6) of section 99796
4510.02 of the Revised Code and impoundment of the person's 99797
license. The court may grant limited driving privileges to the 99798
person, but only if the person presents proof of financial 99799
responsibility and is enrolled in a reinstatement fee payment 99800
plan pursuant to section 4510.10 of the Revised Code. 99801

(b) If, within one year of the violation, the person's 99802

operating privileges are again suspended and the person's 99803
license again is impounded for a violation of division (A) (1) of 99804
this section, a class C suspension of the person's driver's 99805
license, commercial driver's license, temporary instruction 99806
permit, probationary license, or nonresident operating privilege 99807
for the period of time specified in division (B) (3) of section 99808
4510.02 of the Revised Code. The court may grant limited driving 99809
privileges to the person only if the person presents proof of 99810
financial responsibility and has complied with division (A) (5) 99811
of this section, and no court may grant limited driving 99812
privileges for the first fifteen days of the suspension. 99813

(c) If, within one year of the violation, the person's 99814
operating privileges are suspended and the person's license is 99815
impounded two or more times for a violation of division (A) (1) 99816
of this section, a class B suspension of the person's driver's 99817
license, commercial driver's license, temporary instruction 99818
permit, probationary license, or nonresident operating privilege 99819
for the period of time specified in division (B) (2) of section 99820
4510.02 of the Revised Code. The court may grant limited driving 99821
privileges to the person only if the person presents proof of 99822
financial responsibility and has complied with division (A) (5) 99823
of this section, except that no court may grant limited driving 99824
privileges for the first thirty days of the suspension. 99825

The clerk of court shall waive the cost of filing a 99826
petition for limited driving privileges if, pursuant to section 99827
2323.311 of the Revised Code, the petitioner applies to be 99828
qualified as an indigent litigant and the court approves the 99829
application. 99830

(3) A person to whom this state has issued a certificate 99831
of registration for a motor vehicle or a license to operate a 99832

motor vehicle or who is determined to have operated any motor 99833
vehicle or permitted the operation in this state of a motor 99834
vehicle owned by the person shall be required to verify the 99835
existence of proof of financial responsibility covering the 99836
operation of the motor vehicle or the person's operation of the 99837
motor vehicle under either of the following circumstances: 99838

(a) The person or a motor vehicle owned by the person is 99839
involved in a traffic accident that requires the filing of an 99840
accident report under section 4509.06 of the Revised Code. 99841

(b) The person receives a traffic ticket indicating that 99842
proof of the maintenance of financial responsibility was not 99843
produced upon the request of a peace officer or state highway 99844
patrol trooper made in accordance with division (D) (2) of this 99845
section. 99846

(4) An order of the registrar that suspends a license 99847
shall state the date on or before which the person is required 99848
to surrender the person's license. The person is deemed to have 99849
surrendered the license, in compliance with the order, if the 99850
person does either of the following: 99851

(a) On or before the date specified in the order, delivers 99852
the license to the registrar; 99853

(b) Mails the license to the registrar in an envelope or 99854
container bearing a postmark showing a date no later than the 99855
date specified in the order. 99856

(5) Except as provided in division (L) of this section, 99857
the registrar shall not restore any operating privileges 99858
suspended under this section, return any license surrendered 99859
under this section, or reissue a license under section 4510.52 99860
of the Revised Code, if the registrar destroyed the suspended 99861

license under that section, unless the rights are not subject to 99862
suspension or revocation under any other law and unless the 99863
person, in addition to complying with all other conditions 99864
required by law for reinstatement of the operating privileges, 99865
complies with all of the following: 99866

(a) Pays to the registrar or an eligible deputy registrar 99867
a financial responsibility reinstatement fee of forty dollars 99868
for the first violation of division (A) (1) of this section, 99869
three hundred dollars for a second violation of that division, 99870
and six hundred dollars for a third or subsequent violation of 99871
that division; 99872

(b) Files and continuously maintains proof of financial 99873
responsibility in accordance with sections 4509.44 to 4509.65 of 99874
the Revised Code; 99875

(c) Pays a deputy registrar a service fee of ten dollars 99876
to compensate the deputy registrar for services performed under 99877
this section. The deputy registrar shall retain eight dollars of 99878
the service fee and shall transmit the reinstatement fee and two 99879
dollars of the service fee to the registrar in the manner the 99880
registrar shall determine. 99881

(B) (1) Every party required to file an accident report 99882
under section 4509.06 of the Revised Code also shall include 99883
with the report a document described in division (G) (1) (a) of 99884
this section or shall present proof of financial responsibility 99885
through use of an electronic wireless communications device as 99886
permitted by division (G) (1) (b) of this section. 99887

If the registrar determines, within forty-five days after 99888
the report is filed, that an operator or owner has violated 99889
division (A) (1) of this section, the registrar shall do all of 99890

the following: 99891

(a) Order the suspension required under division (A) (2) 99892
(a), (b), or (c) of this section of the license of any operator 99893
or owner who has violated division (A) (1) of this section; 99894

(b) Record the name and address of the person whose 99895
license has been suspended or is under an order of suspension, 99896
the serial number of the person's license, and the person's 99897
social security account number, if assigned, or, where the motor 99898
vehicle that is the subject of the violation is used for hire or 99899
principally in connection with any established business, the 99900
person's federal taxpayer identification number. The information 99901
shall be recorded in such a manner that it becomes a part of the 99902
person's permanent record, and assists the registrar in 99903
monitoring compliance with the orders of suspension. 99904

(c) Send written notification to every person to whom the 99905
order pertains, at the person's last known address as shown on 99906
the records of the bureau. The person, within ten days after the 99907
date of the mailing of the notification, shall surrender to the 99908
registrar, in a manner set forth in division (A) (4) of this 99909
section, any license under an order of suspension. 99910

(2) The registrar shall issue any order under division (B) 99911
(1) of this section without a hearing. Any person adversely 99912
affected by the order, within ~~ten~~fifteen days after the 99913
issuance of the order, may request an administrative hearing 99914
before the registrar, who shall provide the person with an 99915
opportunity for a hearing in accordance with this paragraph. A 99916
request for a hearing does not operate as a suspension of the 99917
order. The scope of the hearing shall be limited to whether the 99918
person in fact demonstrated to the registrar proof of financial 99919
responsibility in accordance with this section. The registrar 99920

shall determine the date, time, and place of any hearing, 99921
provided that the hearing shall be held, and an order issued or 99922
findings made, within thirty days after the registrar receives a 99923
request for a hearing. If requested by the person in writing, 99924
the registrar may designate as the place of hearing the county 99925
seat of the county in which the person resides or a place within 99926
fifty miles of the person's residence. The person shall pay the 99927
cost of the hearing before the registrar, if the registrar's 99928
order of suspension is upheld. 99929

(C) Any order of suspension issued under this section or 99930
division (B) of section 4509.37 of the Revised Code may be 99931
terminated at any time if the registrar determines upon a 99932
showing of proof of financial responsibility that the operator 99933
or owner of the motor vehicle was in compliance with division 99934
(A) (1) of this section at the time of the traffic offense, motor 99935
vehicle inspection, or accident that resulted in the order 99936
against the person. A determination may be made without a 99937
hearing. This division does not apply unless the person shows 99938
good cause for the person's failure to present satisfactory 99939
proof of financial responsibility to the registrar prior to the 99940
issuance of the order. 99941

(D) (1) (a) For the purpose of enforcing this section, every 99942
peace officer is deemed an agent of the registrar. 99943

(b) Any peace officer who, in the performance of the peace 99944
officer's duties as authorized by law, becomes aware of a person 99945
whose license is under an order of suspension, pursuant to this 99946
section, may confiscate the license and return it to the 99947
registrar. 99948

(2) A peace officer shall request the owner or operator of 99949
a motor vehicle to produce proof of financial responsibility in 99950

a manner described in division (G) of this section at the time 99951
the peace officer acts to enforce the traffic laws of this state 99952
and during motor vehicle inspections conducted pursuant to 99953
section 4513.02 of the Revised Code. 99954

(3) A peace officer shall indicate on every traffic ticket 99955
whether the person receiving the traffic ticket produced proof 99956
of the maintenance of financial responsibility in response to 99957
the officer's request under division (D) (2) of this section. The 99958
peace officer shall inform every person who receives a traffic 99959
ticket and who has failed to produce proof of the maintenance of 99960
financial responsibility that the person must submit proof to 99961
the traffic violations bureau with any payment of a fine and 99962
costs for the ticketed violation or, if the person is to appear 99963
in court for the violation, the person must submit proof to the 99964
court. 99965

(4) (a) If a person who has failed to produce proof of the 99966
maintenance of financial responsibility appears in court for a 99967
ticketed violation, the court may permit the defendant to 99968
present evidence of proof of financial responsibility to the 99969
court at such time and in such manner as the court determines to 99970
be necessary or appropriate. In a manner prescribed by the 99971
registrar, the clerk of courts shall provide the registrar with 99972
the identity of any person who fails to submit proof of the 99973
maintenance of financial responsibility pursuant to division (D) 99974
(3) of this section. 99975

(b) If a person who has failed to produce proof of the 99976
maintenance of financial responsibility also fails to submit 99977
that proof to the traffic violations bureau with payment of a 99978
fine and costs for the ticketed violation, the traffic 99979
violations bureau, in a manner prescribed by the registrar, 99980

shall notify the registrar of the identity of that person. 99981

(5) (a) Upon receiving notice from a clerk of courts or 99982
traffic violations bureau pursuant to division (D) (4) of this 99983
section, the registrar shall order the suspension of the license 99984
of the person required under division (A) (2) (a), (b), or (c) of 99985
this section, effective forty-five days after the date of the 99986
mailing of notification. The registrar also shall notify the 99987
person that the person must present the registrar with proof of 99988
financial responsibility in accordance with this section, 99989
surrender to the registrar the person's license, or submit a 99990
statement subject to section 2921.13 of the Revised Code that 99991
the person did not operate or permit the operation of the motor 99992
vehicle at the time of the offense. Notification shall be in 99993
writing and shall be sent to the person at the person's last 99994
known address as shown on the records of the bureau of motor 99995
vehicles. The person, within forty-five days after the date of 99996
the mailing of notification, shall present proof of financial 99997
responsibility, surrender the license to the registrar in a 99998
manner set forth in division (A) (4) of this section, or submit 99999
the statement required under this section together with other 100000
information the person considers appropriate. 100001

If the registrar does not receive proof or the person does 100002
not surrender the license, in accordance with this division, the 100003
registrar shall permit the order for the suspension of the 100004
license of the person to take effect. 100005

(b) In the case of a person who presents, within the 100006
forty-five-day period, proof of financial responsibility, the 100007
registrar shall terminate the order of suspension and shall send 100008
written notification to the person, at the person's last known 100009
address as shown on the records of the bureau. 100010

(c) Any person adversely affected by the order of the registrar under division (D) (5) (a) or (b) of this section, within ~~ten~~ fifteen days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether, at the time of the hearing, the person presents proof of financial responsibility covering the vehicle and whether the person is eligible for an exemption in accordance with this section or any rule adopted under it. The registrar shall determine the date, time, and place of any hearing; provided, that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person, the hearing may be held remotely by electronic means. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. Such person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension under division (D) (5) (a) or (b) of this section is upheld.

(6) Any forms used by law enforcement agencies in administering this section shall be prescribed, supplied, and paid for by the registrar.

(7) No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency that employs a peace officer shall be liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section.

(8) As used in this section, "peace officer" has the meaning set forth in section 2935.01 of the Revised Code. 100041
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(E) All fees, except court costs, fees paid to a deputy registrar, and those portions of the financial responsibility reinstatement fees as otherwise specified in this division, collected under this section shall be paid into the state treasury to the credit of the public safety - highway purposes fund established in section 4501.06 of the Revised Code and used to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license to the registrar pursuant to division (C) of this section. 100043
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Of each financial responsibility reinstatement fee the registrar collects pursuant to division (A) (5) (a) of this section or receives from a deputy registrar under division (A) (5) (c) of this section, the registrar shall deposit ten dollars of each forty-dollar reinstatement fee, fifty dollars of each three-hundred-dollar reinstatement fee, and one hundred dollars of each six-hundred-dollar reinstatement fee into the state treasury to the credit of the indigent defense support fund created by section 120.08 of the Revised Code. 100054
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(F) Chapter 119. of the Revised Code applies to this section only to the extent that any provision in that chapter is not clearly inconsistent with this section. 100063
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(G) (1) (a) The registrar, court, traffic violations bureau, or peace officer may require proof of financial responsibility to be demonstrated by use of a standard form prescribed by the registrar. If the use of a standard form is not required, a person may demonstrate proof of financial responsibility under 100066
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this section by presenting to the traffic violations bureau, 100071
court, registrar, or peace officer any of the following 100072
documents or a copy of the documents: 100073

(i) A financial responsibility identification card as 100074
provided in section 4509.103 of the Revised Code; 100075

(ii) A certificate of proof of financial responsibility on 100076
a form provided and approved by the registrar for the filing of 100077
an accident report required to be filed under section 4509.06 of 100078
the Revised Code; 100079

(iii) A policy of liability insurance, a declaration page 100080
of a policy of liability insurance, or liability bond, if the 100081
policy or bond complies with section 4509.20 or sections 4509.49 100082
to 4509.61 of the Revised Code; 100083

(iv) A bond or certification of the issuance of a bond as 100084
provided in section 4509.59 of the Revised Code; 100085

(v) A certificate of deposit of money or securities as 100086
provided in section 4509.62 of the Revised Code; 100087

(vi) A certificate of self-insurance as provided in 100088
section 4509.72 of the Revised Code. 100089

(b) A person also may present proof of financial 100090
responsibility under this section to the traffic violations 100091
bureau, court, registrar, or peace officer through use of an 100092
electronic wireless communications device as specified under 100093
section 4509.103 of the Revised Code. 100094

(2) If a person fails to demonstrate proof of financial 100095
responsibility in a manner described in division (G)(1) of this 100096
section, the person may demonstrate proof of financial 100097
responsibility under this section by any other method that the 100098

court or the bureau, by reason of circumstances in a particular 100099
case, may consider appropriate. 100100

(3) A motor carrier certificated by the interstate 100101
commerce commission or by the public utilities commission may 100102
demonstrate proof of financial responsibility by providing a 100103
statement designating the motor carrier's operating authority 100104
and averring that the insurance coverage required by the 100105
certificating authority is in full force and effect. 100106

(4) (a) A finding by the registrar or court that a person 100107
is covered by proof of financial responsibility in the form of 100108
an insurance policy or surety bond is not binding upon the named 100109
insurer or surety or any of its officers, employees, agents, or 100110
representatives and has no legal effect except for the purpose 100111
of administering this section. 100112

(b) The preparation and delivery of a financial 100113
responsibility identification card or any other document 100114
authorized to be used as proof of financial responsibility and 100115
the generation and delivery of proof of financial responsibility 100116
to an electronic wireless communications device that is 100117
displayed on the device as text or images does not do any of the 100118
following: 100119

(i) Create any liability or estoppel against an insurer or 100120
surety, or any of its officers, employees, agents, or 100121
representatives; 100122

(ii) Constitute an admission of the existence of, or of 100123
any liability or coverage under, any policy or bond; 100124

(iii) Waive any defenses or counterclaims available to an 100125
insurer, surety, agent, employee, or representative in an action 100126
commenced by an insured or third-party claimant upon a cause of 100127

action alleged to have arisen under an insurance policy or 100128
surety bond or by reason of the preparation and delivery of a 100129
document for use as proof of financial responsibility or the 100130
generation and delivery of proof of financial responsibility to 100131
an electronic wireless communications device. 100132

(c) Whenever it is determined by a final judgment in a 100133
judicial proceeding that an insurer or surety, which has been 100134
named on a document or displayed on an electronic wireless 100135
communications device accepted by a court or the registrar as 100136
proof of financial responsibility covering the operation of a 100137
motor vehicle at the time of an accident or offense, is not 100138
liable to pay a judgment for injuries or damages resulting from 100139
such operation, the registrar, notwithstanding any previous 100140
contrary finding, shall forthwith suspend the operating 100141
privileges and registration rights of the person against whom 100142
the judgment was rendered as provided in division (A) (2) of this 100143
section. 100144

(H) In order for any document or display of text or images 100145
on an electronic wireless communications device described in 100146
division (G) (1) of this section to be used for the demonstration 100147
of proof of financial responsibility under this section, the 100148
document or words or images shall state the name of the insured 100149
or obligor, the name of the insurer or surety company, and the 100150
effective and expiration dates of the financial responsibility, 100151
and designate by explicit description or by appropriate 100152
reference all motor vehicles covered which may include a 100153
reference to fleet insurance coverage. 100154

(I) For purposes of this section, "owner" does not include 100155
a licensed motor vehicle leasing dealer as defined in section 100156
4517.01 of the Revised Code, but does include a motor vehicle 100157

renting dealer as defined in section 4549.65 of the Revised 100158
Code. Nothing in this section or in section 4509.51 of the 100159
Revised Code shall be construed to prohibit a motor vehicle 100160
renting dealer from entering into a contractual agreement with a 100161
person whereby the person renting the motor vehicle agrees to be 100162
solely responsible for maintaining proof of financial 100163
responsibility, in accordance with this section, with respect to 100164
the operation, maintenance, or use of the motor vehicle during 100165
the period of the motor vehicle's rental. 100166

(J) The purpose of this section is to require the 100167
maintenance of proof of financial responsibility with respect to 100168
the operation of motor vehicles on the highways of this state, 100169
so as to minimize those situations in which persons are not 100170
compensated for injuries and damages sustained in motor vehicle 100171
accidents. The general assembly finds that this section contains 100172
reasonable civil penalties and procedures for achieving this 100173
purpose. 100174

(K) Nothing in this section shall be construed to be 100175
subject to section 4509.78 of the Revised Code. 100176

(L) (1) The registrar may terminate any suspension imposed 100177
under this section and not require the owner to comply with 100178
division (A) (5) of this section if the registrar with or without 100179
a hearing determines that the owner of the vehicle has 100180
established by clear and convincing evidence that all of the 100181
following apply: 100182

(a) The owner customarily maintains proof of financial 100183
responsibility. 100184

(b) Proof of financial responsibility was not in effect 100185
for the vehicle on the date in question for one of the following 100186

reasons: 100187

(i) The vehicle was inoperable. 100188

(ii) The vehicle is operated only seasonally, and the date 100189
in question was outside the season of operation. 100190

(iii) A person other than the vehicle owner or driver was 100191
at fault for the lapse of proof of financial responsibility 100192
through no fault of the owner or driver. 100193

(iv) The lapse of proof of financial responsibility was 100194
caused by excusable neglect under circumstances that are not 100195
likely to recur and do not suggest a purpose to evade the 100196
requirements of this chapter. 100197

(2) The registrar may grant an owner or driver relief for 100198
a reason specified in division (L)(1)(b)(iii) or (iv) of this 100199
section only if the owner or driver has not previously been 100200
granted relief under division (L)(1)(b)(iii) or (iv) of this 100201
section. 100202

(M) The registrar shall adopt rules in accordance with 100203
Chapter 119. of the Revised Code that are necessary to 100204
administer and enforce this section. The rules shall include 100205
provisions relating to acceptable forms of proof of financial 100206
responsibility, the use of an electronic wireless communications 100207
device to present proof of financial responsibility, and 100208
verification of the existence of financial responsibility during 100209
the period of registration. 100210

(N) (1) When a person utilizes an electronic wireless 100211
communications device to present proof of financial 100212
responsibility, only the evidence of financial responsibility 100213
displayed on the device shall be viewed by the registrar, peace 100214
officer, employee or official of the traffic violations bureau, 100215

or the court. No other content of the device shall be viewed for 100216
purposes of obtaining proof of financial responsibility. 100217

(2) When a person provides an electronic wireless 100218
communications device to the registrar, a peace officer, an 100219
employee or official of a traffic violations bureau, or the 100220
court, the person assumes the risk of any resulting damage to 100221
the device unless the registrar, peace officer, employee, or 100222
official, or court personnel purposely, knowingly, or recklessly 100223
commits an action that results in damage to the device. 100224

Sec. 4509.70. (A) After consultation with the insurance 100225
companies authorized to issue automobile liability or physical 100226
damage policies, or both, in this state, the superintendent of 100227
insurance shall approve a reasonable plan, fair and equitable to 100228
the insurers and to their policyholders, for the apportionment 100229
among such companies of applicants for such policies and for 100230
motor-vehicle liability policies who are in good faith entitled 100231
to but are unable to procure such policies through ordinary 100232
methods. When any such plan has been approved by the 100233
superintendent, all such insurance companies shall subscribe and 100234
participate. Any applicant for such policy, any person insured 100235
under such plan of operation, and any insurance company 100236
affected, may appeal to the superintendent of insurance from any 100237
ruling or decision of the manager or committee designated in the 100238
plan to operate the assigned risk insurance plan. Any order or 100239
act of the superintendent under this section is subject to 100240
review as provided in sections 119.01 to 119.13 of the Revised 100241
Code, at the instance of any party in interest. 100242

(B) The plan described in division (A) of this section may 100243
permit the assigned risk insurance plan to directly issue and 100244
process claims arising from such policies described in division 100245

(A) of this section to applicants of automobile insurance 100246
policies who are in good faith entitled to but are unable to 100247
procure such policies through ordinary methods. 100248

(C) Every form of a policy, endorsement, rider, manual of 100249
classifications, rules, and rates, every rating plan, and every 100250
modification of any of them proposed to be used by the assigned 100251
risk insurance plan shall be filed, or the plan may satisfy its 100252
obligation to make such filings, as described in section 3937.03 100253
of the Revised Code. 100254

(D) Any automobile insurance policy issued by the assigned 100255
risk insurance plan under division (B) of this section: 100256

(1) Shall be recognized as if issued by an insurance 100257
company authorized to do business in this state; 100258

(2) Shall meet all requirements of proof of financial 100259
responsibility as described in division (K) of section 4509.01 100260
of the Revised Code. 100261

(E) Proof of financial responsibility provided by the 100262
assigned risk insurance plan to an automobile insurance 100263
policyholder that meets the requirements described in division 100264

(G) (1) (a) or (b) of section 4509.101 of the Revised Code shall 100265
be recognized as if issued by an insurance company authorized to 100266
do business in this state to demonstrate proof of financial 100267
responsibility under section 4509.101 of the Revised Code. 100268

(F) The assigned risk insurance plan designated in 100269
division (A) of this section shall do both of the following: 100270

(1) Make annual audited financial reports available to the 100271
superintendent of insurance promptly upon the completion of such 100272
audit; 100273

(2) Upon reasonable notice, make available to the 100274
superintendent of insurance all books and records relating to 100275
the insurance transactions of the assigned risk insurance plan. 100276

(G) (1) Except as provided in division (G) (2) of this 100277
section, records created, held by, or pertaining to the assigned 100278
risk insurance plan are not public records under section 149.43 100279
of the Revised Code, are confidential, and are not subject to 100280
inspection or disclosure. 100281

(2) Division (G) (1) of this section does not apply to the 100282
plan of operation and other information required to be filed 100283
under this section with the superintendent unless otherwise 100284
prohibited from release by law. 100285

(H) (1) For the purposes of division (H) of this section, 100286
"insurance agent" has the same meaning as in section 3905.01 of 100287
the Revised Code. 100288

(2) Provided that the assigned risk insurance plan 100289
establishes registration procedures for insurance agents under 100290
division (H) (3) of this section, the plan shall not accept an 100291
application for an automobile insurance policy issued under 100292
division (B) of this section unless that application is 100293
submitted through an insurance agent registered in accordance 100294
with those procedures. 100295

(3) The plan may do all of the following: 100296

(a) Establish procedures to register insurance agents; 100297

(b) Establish separate registrations for commercial and 100298
personal insurance agents, or one registration for both; 100299

(c) Empower the manager of the plan to make determinations 100300
on registration status, including by revoking an insurance 100301

agent's registration. 100302

(4) If an insurance agent is denied registration with the 100303
plan, or the insurance agent's registration is revoked, the plan 100304
may notify the superintendent of the plan's decision. The plan 100305
and manager are immune from civil liability for any decision to 100306
deny or revoke registration and from any decision to report 100307
denials or revocations to the superintendent. 100308

(5) All insurance agents submitting applications to the 100309
plan for automobile insurance coverage have an affirmative duty 100310
to ensure that all information included in the application and 100311
any supporting materials is true and accurate. 100312

(6) (a) An insurance agent shall not submit an application 100313
to the plan for automobile insurance coverage unless the agent 100314
exercises due diligence in confirming that the person seeking 100315
insurance is unable to obtain coverage through an insurer 100316
authorized to do business in this state. 100317

(b) For the purposes of this section, due diligence 100318
requires an insurance agent to contact at least five of the 100319
authorized insurers the agent represents or, if the agent does 100320
not represent five authorized insurers that customarily write 100321
automobile insurance coverage, as many of such insurers as the 100322
agent represents. 100323

(c) An insurance agent may assume that insurance coverage 100324
cannot be procured for the applicant through ordinary methods 100325
after each insurer contacted under division (H) (6) (b) of this 100326
section declines to provide coverage. 100327

(d) An insurance agent may assume that an authorized 100328
insurer declines to provide coverage to the applicant seeking 100329
insurance upon either of the following: 100330

<u>(i) Receiving notice from the insurer declining coverage;</u>	100331
<u>(ii) Receiving no response from the insurer within ten</u>	100332
<u>days after the date the insurance agent initially makes contact</u>	100333
<u>with the insurer.</u>	100334
<u>(e) The determination of whether an insurance agent has</u>	100335
<u>adequately complied with the due diligence requirements is at</u>	100336
<u>the discretion of the manager of the plan.</u>	100337
<u>(f) An agent shall not submit an application on behalf of</u>	100338
<u>an applicant to the plan for any automobile insurance policy if</u>	100339
<u>any insurer admitted, authorized, or otherwise eligible to do</u>	100340
<u>business in this state has in any way communicated a willingness</u>	100341
<u>to insure the applicant, even if coverage provided by the plan</u>	100342
<u>costs less than other insurers.</u>	100343
<u>(g) The manager of the plan may revoke the registration of</u>	100344
<u>an insurance agent who fails to comply with division (H) (6) of</u>	100345
<u>this section.</u>	100346
Sec. 4511.01. As used in this chapter and in Chapter 4513.	100347
of the Revised Code:	100348
(A) "Vehicle" means every device, including a bicycle,	100349
motorized bicycle, and an electric bicycle, in, upon, or by	100350
which any person or property may be transported or drawn upon a	100351
highway. "Vehicle" does not include any motorized wheelchair,	100352
any electric personal assistive mobility device, any low-speed	100353
micromobility device, any personal delivery device as defined in	100354
section 4511.513 of the Revised Code, any device that is moved	100355
by power collected from overhead electric trolley wires or that	100356
is used exclusively upon stationary rails or tracks, or any	100357
device that is moved by human power.	100358
(B) "Motor vehicle" means every vehicle propelled or drawn	100359

by power other than muscular power or power collected from 100360
overhead electric trolley wires, except motorized bicycles, 100361
electric bicycles, road rollers, traction engines, power 100362
shovels, power cranes, and other equipment used in construction 100363
work and not designed for or employed in general highway 100364
transportation, hole-digging machinery, well-drilling machinery, 100365
ditch-digging machinery, farm machinery, and trailers designed 100366
and used exclusively to transport a boat between a place of 100367
storage and a marina, or in and around a marina, when drawn or 100368
towed on a street or highway for a distance of no more than ten 100369
miles and at a speed of twenty-five miles per hour or less. 100370

(C) "Motorcycle" means every motor vehicle, other than a 100371
tractor, having a seat or saddle for the use of the operator and 100372
designed to travel on not more than three wheels in contact with 100373
the ground, including, but not limited to, motor vehicles known 100374
as "motor-driven cycle," "motor scooter," "autocycle," "cab- 100375
enclosed motorcycle," or "motorcycle" without regard to weight 100376
or brake horsepower. 100377

(D) "Emergency vehicle" means emergency vehicles of 100378
municipal, township, or county departments or public utility 100379
corporations when identified as such as required by law, the 100380
director of public safety, or local authorities, and motor 100381
vehicles when commandeered by a police officer. 100382

(E) "Public safety vehicle" means any of the following: 100383

(1) Ambulances, including private ambulance companies 100384
under contract to a municipal corporation, township, or county, 100385
and private ambulances and nontransport vehicles bearing license 100386
plates issued under section 4503.49 of the Revised Code; 100387

(2) Motor vehicles used by public law enforcement officers 100388

or other persons sworn to enforce the criminal and traffic laws 100389
of the state; 100390

(3) Any motor vehicle when properly identified as required 100391
by the director of public safety, when used in response to fire 100392
emergency calls or to provide emergency medical service to ill 100393
or injured persons, and when operated by a duly qualified person 100394
who is a member of a volunteer rescue service or a volunteer 100395
fire department, and who is on duty pursuant to the rules or 100396
directives of that service. The state fire marshal shall be 100397
designated by the director of public safety as the certifying 100398
agency for all public safety vehicles described in division (E) 100399
(3) of this section. 100400

(4) Vehicles used by fire departments, including motor 100401
vehicles when used by volunteer fire fighters responding to 100402
emergency calls in the fire department service when identified 100403
as required by the director of public safety. 100404

Any vehicle used to transport or provide emergency medical 100405
service to an ill or injured person, when certified as a public 100406
safety vehicle, shall be considered a public safety vehicle when 100407
transporting an ill or injured person to a hospital regardless 100408
of whether such vehicle has already passed a hospital. 100409

(5) Vehicles used by the motor carrier enforcement unit 100410
for the enforcement of orders and rules of the public utilities 100411
commission as specified in section 5503.34 of the Revised Code. 100412

(F) "School bus" means every bus designed for carrying 100413
more than nine passengers that is owned by a public, private, or 100414
governmental agency or institution of learning and operated for 100415
the transportation of children to or from a school session or a 100416
school function, or owned by a private person and operated for 100417

compensation for the transportation of children to or from a 100418
school session or a school function. "School bus" does not 100419
include any of the following: 100420

(1) A bus operated by a municipally owned transportation 100421
system, a mass transit company operating exclusively within the 100422
territorial limits of a municipal corporation, or within such 100423
limits and the territorial limits of municipal corporations 100424
immediately contiguous to such municipal corporation, nor a 100425
common passenger carrier certified by the public utilities 100426
commission unless such bus is devoted exclusively to the 100427
transportation of children to and from a school session or a 100428
school function; 100429

(2) A van or bus used by a licensed child care center or 100430
type A family child care home to transport children from the 100431
child care center or type A family child care home to a school 100432
if the van or bus does not have more than fifteen children in 100433
the van or bus at any time; 100434

(3) An alternative vehicle as defined in section 4511.76 100435
of the Revised Code. 100436

(G) "Bicycle" means a pedal-powered vehicle upon which a 100437
human operator sits, including an electric bicycle. 100438

(H) "Motorized bicycle" or "moped" means any vehicle 100439
having either two tandem wheels or one wheel in the front and 100440
two wheels in the rear, that may be pedaled, and that is 100441
equipped with a helper motor of not more than fifty cubic 100442
centimeters piston displacement that produces not more than one 100443
brake horsepower and is capable of propelling the vehicle at a 100444
speed of not greater than twenty miles per hour on a level 100445
surface. "Motorized bicycle" or "moped" does not include an 100446

electric bicycle. 100447

(I) "Commercial tractor" means every motor vehicle having 100448
motive power designed or used for drawing other vehicles and not 100449
so constructed as to carry any load thereon, or designed or used 100450
for drawing other vehicles while carrying a portion of such 100451
other vehicles, or load thereon, or both. 100452

(J) "Agricultural tractor" and "traction engine" mean 100453
every self-propelling vehicle designed or used for drawing other 100454
vehicles or wheeled machinery but having no provision for 100455
carrying loads independently of such other vehicles, and used 100456
principally for agricultural purposes. 100457

(K) "Truck" means every motor vehicle, except trailers and 100458
semitrailers, designed and used to carry property. 100459

(L) "Bus" means every motor vehicle designed for carrying 100460
more than nine passengers and used for the transportation of 100461
persons other than in a ridesharing arrangement, and every motor 100462
vehicle, automobile for hire, or funeral car, other than a 100463
taxicab or motor vehicle used in a ridesharing arrangement, 100464
designed and used for the transportation of persons for 100465
compensation. 100466

(M) "Trailer" means every vehicle designed or used for 100467
carrying persons or property wholly on its own structure and for 100468
being drawn by a motor vehicle, including any such vehicle when 100469
formed by or operated as a combination of a "semitrailer" and a 100470
vehicle of the dolly type, such as that commonly known as a 100471
"trailer dolly," a vehicle used to transport agricultural 100472
produce or agricultural production materials between a local 100473
place of storage or supply and the farm when drawn or towed on a 100474
street or highway at a speed greater than twenty-five miles per 100475

hour, and a vehicle designed and used exclusively to transport a 100476
boat between a place of storage and a marina, or in and around a 100477
marina, when drawn or towed on a street or highway for a 100478
distance of more than ten miles or at a speed of more than 100479
twenty-five miles per hour. 100480

(N) "Semitrailer" means every vehicle designed or used for 100481
carrying persons or property with another and separate motor 100482
vehicle so that in operation a part of its own weight or that of 100483
its load, or both, rests upon and is carried by another vehicle. 100484

(O) "Pole trailer" means every trailer or semitrailer 100485
attached to the towing vehicle by means of a reach, pole, or by 100486
being boomed or otherwise secured to the towing vehicle, and 100487
ordinarily used for transporting long or irregular shaped loads 100488
such as poles, pipes, or structural members capable, generally, 100489
of sustaining themselves as beams between the supporting 100490
connections. 100491

(P) "Railroad" means a carrier of persons or property 100492
operating upon rails or tracks placed principally on a private 100493
right-of-way. 100494

(Q) "Train" means one or more locomotives coupled, with or 100495
without cars, that operates on rails or tracks and to which all 100496
other traffic is required by law to yield the right-of-way at 100497
highway-rail grade crossings. 100498

(R) "Streetcar" means a car, other than a train, for 100499
transporting persons or property, operated upon rails 100500
principally within a street or highway. 100501

(S) "Trackless trolley" means every car that collects its 100502
power from overhead electric trolley wires and that is not 100503
operated upon rails or tracks. 100504

(T) "Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature, or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb, or property by fire, by friction, by concussion, by percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches.

(U) "Flammable liquid" means any liquid that has a flash point of seventy degrees fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.

(V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon.

(W) "Person" means every natural person, firm, co-partnership, association, or corporation.

(X) "Pedestrian" means any person on foot, in a motorized or non-motorized wheelchair, or using another equivalent device, such as skates or a skateboard. "Pedestrian" includes a personal delivery device as defined in section 4511.513 of the Revised Code unless the context clearly suggests otherwise.

(Y) "Driver or operator" means every person who drives or 100534
is in actual physical control of a vehicle, trackless trolley, 100535
or streetcar. 100536

(Z) "Police officer" means every officer authorized to 100537
direct or regulate traffic, or to make arrests for violations of 100538
traffic regulations. 100539

(AA) "Local authorities" means every county, municipal, 100540
and other local board or body having authority to adopt police 100541
regulations under the constitution and laws of this state. 100542

(BB) "Street" or "highway" means a general term for 100543
denoting a public way for purposes of travel by vehicles, 100544
streetcars, trackless trolleys, and vulnerable road users, 100545
including the entire area within the right-of-way. 100546

(CC) "Controlled-access highway" means every street or 100547
highway in respect to which owners or occupants of abutting 100548
lands and other persons have no legal right of access to or from 100549
the same except at such points only and in such manner as may be 100550
determined by the public authority having jurisdiction over such 100551
street or highway. 100552

(DD) "Private road" means every way or place in private 100553
ownership used for vehicular travel by the owner and those 100554
having express or implied permission from the owner but not by 100555
other persons. 100556

(EE) "Roadway" means that portion of a highway improved, 100557
designed, or ordinarily used for vehicular travel and parking 100558
lanes, not including the berm, sidewalk, or shoulder, even if 100559
the berm, sidewalk, or shoulder is used by a person operating a 100560
bicycle or other human-powered vehicle. If a highway includes 100561
two or more separate roadways the term "roadway" means any such 100562

roadway separately but not all such roadways collectively. 100563

(FF) "Sidewalk" means that portion of a street between the 100564
curb lines, or the lateral lines of a roadway, and the adjacent 100565
property lines or easements of private property, that is paved 100566
or improved, and is intended for the use of pedestrians. 100567

(GG) "Laned highway" means a highway the roadway of which 100568
is divided into two or more clearly marked lanes for vehicular 100569
traffic. 100570

(HH) "Through highway" means every street or highway as 100571
provided in section 4511.65 of the Revised Code. 100572

(II) "State highway" means a highway under the 100573
jurisdiction of the department of transportation, outside the 100574
limits of municipal corporations, provided that the authority 100575
conferred upon the director of transportation in section 5511.01 100576
of the Revised Code to erect state highway route markers and 100577
signs directing traffic shall not be modified by sections 100578
4511.01 to 4511.79 and 4511.99 of the Revised Code. 100579

(JJ) "State route" means every highway that is designated 100580
with an official state route number and so marked. 100581

(KK) "Intersection" means: 100582

(1) The area embraced within the prolongation or 100583
connection of the lateral curb lines, or, if none, the lateral 100584
boundary lines of the roadways of two highways that join one 100585
another at, or approximately at, right angles, or the area 100586
within which vehicles traveling upon different highways that 100587
join at any other angle might come into conflict. The junction 100588
of an alley, driveway, or site roadway open to public travel 100589
with a public roadway or highway does not constitute an 100590
intersection, unless the public roadway or highway at the 100591

junction is controlled by a traffic control device. 100592

(2) If a highway includes two roadways separated by a 100593
median, then every crossing of each roadway of such divided 100594
highway by an intersecting highway constitutes a separate 100595
intersection if the opposing left-turn paths cross and there is 100596
sufficient interior storage for the design vehicle. As used in 100597
this division, "design vehicle" means the longest vehicle 100598
authorized under section 5577.05 of the Revised Code to operate 100599
on that roadway without a permit. 100600

(3) At a location controlled by a highway traffic signal, 100601
regardless of the distance between the separate intersections as 100602
described in division (KK) (2) of this section: 100603

(a) If a stop line, yield line, or crosswalk has not been 100604
designated on the roadway within the median between the separate 100605
intersections, the two intersections and the roadway and median 100606
constitute one intersection. 100607

(b) Where a stop line, yield line, or crosswalk is 100608
designated on the roadway on the intersection approach, the area 100609
within the crosswalk and any area beyond the designated stop 100610
line or yield line constitute part of the intersection. 100611

(c) Where a crosswalk is designated on a roadway on the 100612
departure from the intersection, the intersection includes the 100613
area that extends to the far side of the crosswalk. 100614

(LL) "Crosswalk" means: 100615

(1) That part of a roadway at an intersection included 100616
within the connections of the lateral lines of the sidewalks on 100617
opposite sides of the highway measured from the curbs, or, in 100618
the absence of curbs, from the edges of the traversable roadway, 100619
and in the absence of a sidewalk on one side of the roadway, the 100620

part of a roadway included within the extension of the lateral 100621
lines of the sidewalk at right angles to the center line; 100622

(2) Any portion of a roadway at an intersection or 100623
elsewhere, distinctly indicated for pedestrian crossing by lines 100624
or other markings on the surface, which might be supplemented by 100625
contrasting pavement texture, style, or color; 100626

(3) Notwithstanding divisions (LL) (1) and (2) of this 100627
section, "crosswalk" does not include an area where local 100628
authorities have placed signs indicating no crossing. 100629

(MM) "Safety zone" means the area or space officially set 100630
apart within a roadway for the exclusive use of pedestrians and 100631
protected or marked or indicated by adequate signs as to be 100632
plainly visible at all times. 100633

(NN) "Business district" means the territory fronting upon 100634
a street or highway, including the street or highway, between 100635
successive intersections within municipal corporations where 100636
fifty per cent or more of the frontage between such successive 100637
intersections is occupied by buildings in use for business, or 100638
within or outside municipal corporations where fifty per cent or 100639
more of the frontage for a distance of three hundred feet or 100640
more is occupied by buildings in use for business, and the 100641
character of such territory is indicated by official traffic 100642
control devices. 100643

(OO) "Residence district" means the territory, not 100644
comprising a business district, fronting on a street or highway, 100645
including the street or highway, where, for a distance of three 100646
hundred feet or more, the frontage is improved with residences 100647
or residences and buildings in use for business. 100648

(PP) "Urban district" means the territory contiguous to 100649

and including any street or highway which is built up with 100650
structures devoted to business, industry, or dwelling houses 100651
situated at intervals of less than one hundred feet for a 100652
distance of a quarter of a mile or more, and the character of 100653
such territory is indicated by official traffic control devices. 100654

(QQ) "Traffic control device" means a flagger, sign, 100655
signal, marking, channelization device, or other device that 100656
uses colors, shapes, symbols, words, sounds, or tactile 100657
information for the primary purpose of communicating a 100658
regulatory, warning, or guidance message to road users on a 100659
street, highway, site roadway open to public travel, pedestrian 100660
facility, bikeway, or pathway. 100661

(RR) "Traffic control signal" means a highway traffic 100662
signal placed at an intersection, movable bridge, fire station, 100663
midblock crosswalk, alternating one-way sections of a single 100664
lane road, private driveway, or other location that requires 100665
conflicting traffic to be directed to stop and permitted to 100666
proceed in an orderly manner. "Traffic control signal" includes 100667
a vehicular signal indication, a pedestrian signal indication, 100668
and a bicycle symbol signal indication. "Traffic control signal" 100669
does not include an emergency-vehicle hybrid beacon or a 100670
pedestrian hybrid beacon. 100671

(SS) "Railroad sign or signal" means any sign, signal, or 100672
device erected by authority of a public body or official or by a 100673
railroad and intended to give notice of the presence of railroad 100674
tracks or the approach of a train. 100675

(TT) "Traffic" means pedestrians, ridden or herded 100676
animals, vehicles, streetcars, trackless trolleys, and other 100677
devices, either singly or together, while using for purposes of 100678
travel any highway or site roadway open to public travel. 100679

(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located.

(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with

full control of access. 100709

(ZZ) "Expressway" means a divided arterial street or 100710
highway for through traffic with full or partial control of 100711
access with an excess of fifty per cent of all crossroads 100712
separated in grade. 100713

(AAA) "Thruway" means a through highway whose entire 100714
roadway is reserved for through traffic and on which roadway 100715
parking is prohibited. 100716

(BBB) "Stop intersection" means any intersection at one or 100717
more entrances of which stop signs are erected. 100718

(CCC) "Arterial street or highway" means a street or 100719
highway primarily used by through traffic, usually on a 100720
continuous route or a street or highway designated as part of an 100721
arterial system. 100722

(DDD) "Ridesharing arrangement" means the transportation 100723
of persons in a motor vehicle where such transportation is 100724
incidental to another purpose of a volunteer driver and includes 100725
ridesharing arrangements known as carpools, vanpools, and 100726
buspools. 100727

(EEE) "Motorized wheelchair" means any self-propelled 100728
vehicle designed for, and used by, a person with a disability 100729
and that is incapable of a speed in excess of eight miles per 100730
hour. 100731

(FFF) "Child care center" and "type A family child care 100732
home" have the same meanings as in section 5104.01 of the 100733
Revised Code. 100734

(GGG) "Multi-wheel agricultural tractor" means a type of 100735
agricultural tractor that has two or more wheels or tires on 100736

each side of one axle at the rear of the tractor, is designed or 100737
used for drawing other vehicles or wheeled machinery, has no 100738
provision for carrying loads independently of the drawn vehicles 100739
or machinery, and is used principally for agricultural purposes. 100740

(HHH) "Operate" means to cause or have caused movement of 100741
a vehicle, streetcar, or trackless trolley. 100742

(III) "Predicate motor vehicle or traffic offense" means 100743
any of the following: 100744

(1) A violation of section 4511.03, 4511.051, 4511.12, 100745
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 100746
4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 100747
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 100748
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 100749
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 100750
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 100751
4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 100752
4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 100753
4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 100754
4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 100755
4511.84 of the Revised Code; 100756

(2) A violation of division (A) (2) of section 4511.17, 100757
divisions (A) to (D) of section 4511.51, or division (A) of 100758
section 4511.74 of the Revised Code; 100759

(3) A violation of any provision of sections 4511.01 to 100760
4511.76 of the Revised Code for which no penalty otherwise is 100761
provided in the section that contains the provision violated; 100762

(4) A violation of section 4511.214 of the Revised Code; 100763

(5) A violation of a municipal ordinance that is 100764
substantially similar to any section or provision set forth or 100765

described in division (III) (1), (2), (3), or (4) of this section. 100766
100767

(JJJ) "Road service vehicle" means wreckers, utility 100768
repair vehicles, and state, county, and municipal service 100769
vehicles equipped with visual signals by means of flashing, 100770
rotating, or oscillating lights. 100771

(KKK) "Beacon" means a highway traffic signal with one or 100772
more signal sections that operate in a flashing mode. 100773

(LLL) "Hybrid beacon" means a special type of beacon that 100774
is intentionally placed in a dark mode where no indications are 100775
displayed between periods of operation and, when operated, 100776
displays both steady and flashing highway traffic signal 100777
indications. "Hybrid beacon" includes both of the following: 100778

(1) An emergency-vehicle hybrid beacon used to warn and 100779
control traffic at an otherwise unsignalized location to assist 100780
authorized emergency vehicles in entering or crossing a street 100781
or highway; 100782

(2) A pedestrian hybrid beacon used to warn and control 100783
traffic at an otherwise unsignalized location to assist 100784
pedestrians in crossing a street or highway at a marked 100785
crosswalk. 100786

(MMM) "Highway traffic signal" means a power-operated 100787
traffic control device by which traffic is warned or directed to 100788
take some specific action. "Highway traffic signal" includes a 100789
beacon, an in-road warning light, a lane-use control signal, and 100790
a traffic control signal. "Highway traffic signal" does not 100791
include a power-operated sign, steadily illuminated pavement 100792
marker, gate, flashing light signal, warning light, or steady 100793
burning electric lamp. 100794

(NNN) "Median" means the portion of a highway separating 100795
opposing directions of the traveled way or the area between two 100796
roadways of a divided highway, measured from edge of traveled 100797
way to edge of traveled way. The median excludes turn lanes. The 100798
width of a median may be different between intersections, 100799
interchanges, and at opposite approaches of the same 100800
intersection. 100801

(OOO) "Site roadway open to public travel" means a roadway 100802
or bikeway on site of a shopping center, office park, airport, 100803
school, university, sports arena, recreational park, or other 100804
similar business, government, or recreation facility that is 100805
publicly or privately owned but where the public is allowed to 100806
travel without full-time access restrictions. "Site roadway open 100807
to public travel" does not include a roadway where access is 100808
restricted at all times by gates or guards to residents, 100809
employees, or other specifically authorized persons, a parking 100810
area, a driving aisle within a parking area, or a private 100811
highway-rail grade crossing. 100812

(PPP) "Shared-use path" means a bikeway outside the 100813
traveled way and physically separated from motorized vehicular 100814
traffic by an open space or barrier and either within the 100815
highway right-of-way or within an independent alignment. A 100816
shared-use path also may be used by pedestrians, including 100817
skaters, joggers, users of manual and motorized wheelchairs, and 100818
other authorized motorized and non-motorized users. A shared-use 100819
path does not include any trail that is intended to be used 100820
primarily for mountain biking, hiking, equestrian use, or other 100821
similar uses, or any other single track or natural surface trail 100822
that has historically been reserved for nonmotorized use. 100823

(QQQ) "Highway maintenance vehicle" means a vehicle used 100824

in snow and ice removal or road surface maintenance, including a 100825
snow plow, traffic line striper, road sweeper, mowing machine, 100826
asphalt distributing vehicle, or other such vehicle designed for 100827
use in specific highway maintenance activities. 100828

(RRR) "Waste collection vehicle" means a vehicle used in 100829
the collection of garbage, refuse, trash, or recyclable 100830
materials. 100831

(SSS) "Electric bicycle" means a "class 1 electric 100832
bicycle," a "class 2 electric bicycle," or a "class 3 electric 100833
bicycle" as defined in this section. 100834

(TTT) "Class 1 electric bicycle" means a bicycle that is 100835
equipped with fully operable pedals and an electric motor of 100836
less than seven hundred fifty watts that provides assistance 100837
only when the rider is pedaling and ceases to provide assistance 100838
when the bicycle reaches the speed of twenty miles per hour. 100839

(UUU) "Class 2 electric bicycle" means a bicycle that is 100840
equipped with fully operable pedals and an electric motor of 100841
less than seven hundred fifty watts that may provide assistance 100842
regardless of whether the rider is pedaling and is not capable 100843
of providing assistance when the bicycle reaches the speed of 100844
twenty miles per hour. 100845

(VVV) "Class 3 electric bicycle" means a bicycle that is 100846
equipped with fully operable pedals and an electric motor of 100847
less than seven hundred fifty watts that provides assistance 100848
only when the rider is pedaling and ceases to provide assistance 100849
when the bicycle reaches the speed of twenty-eight miles per 100850
hour. 100851

(WWW) "Low-speed micromobility device" means a device 100852
weighing less than one hundred pounds that has handlebars, is 100853

propelled by an electric motor or human power, and has an 100854
attainable speed on a paved level surface of not more than 100855
twenty miles per hour when propelled by the electric motor. 100856

(XXX) "Natural resources officer" means an officer 100857
appointed pursuant to section 1501.24 of the Revised Code. 100858

(YYY) "Wildlife officer" means an officer designated 100859
pursuant to section 1531.13 of the Revised Code. 100860

(ZZZ) "In-road warning light" means a special type of 100861
highway traffic signal that is installed in the roadway surface 100862
to warn road users that they are approaching a condition on or 100863
adjacent to the roadway that might not be readily apparent and 100864
might require the road users to reduce speed or come to a 100865
complete stop. 100866

(AAAA) "Lane-use control signal" means a signal face or 100867
comparable display on a full-matrix changeable message sign that 100868
displays indications to permit or prohibit the use of specific 100869
lanes of a roadway or a shoulder where driving is sometimes 100870
authorized or to indicate the impending prohibition of such use. 100871

(BBBB) "Bicycle box" means a designated area on the 100872
approach to a signalized intersection, between an advance 100873
motorist stop line and the crosswalk or intersection, that is 100874
intended to provide bicyclists a visible location to wait in 100875
front of stopped motorists during the red signal phase. 100876

(CCCC) "Two-stage bicycle turn box" means a designated 100877
area at an intersection that is intended to provide bicyclists a 100878
place to wait for traffic to clear before proceeding in a 100879
different direction of travel. 100880

(DDDD) "Bicycle lane" means a portion of a roadway that 100881
has been designated for preferential or exclusive use by 100882

bicyclists and is often delineated from the adjacent general-
purpose lanes by longitudinal pavement markings and either a
bicycle lane symbol, words, or signs. "Bicycle lane" includes
all of the following:

(1) A buffer-separated bicycle lane, which is separated
from the adjacent general-purpose lanes by a pattern of standard
longitudinal pavement markings that are wider than a normal or
wide-lane pavement marking;

(2) A counter-flow bicycle lane, which is a one-
directional bicycle lane that provides a lawful path of travel
for bicycles in the opposite direction from the general traffic
on a roadway that otherwise requires the general traffic to
travel in only one direction. A counter-flow bicycle lane is
designated by the traffic control devices used for other bicycle
lanes;

(3) A separated bicycle lane, which is an exclusive
facility for bicyclists that is located within or directly
adjacent to the roadway and is physically separated from the
motor vehicle traffic with a vertical element.

(EEEE) "Bicycle signal face" means a signal face that
displays only bicycle symbol signal indications in accordance
with section 4511.15 of the Revised Code, that exclusively
controls a bicyclist's movement from a designated bicycle lane
or from a separate facility, and that displays signal
indications that are applicable only to a bicyclist's movement.

(FFFF) "Bicycle signal sign" means a sign meant to inform
road users that the signal indications in the bicycle signal
face are intended only for bicyclists, and to inform bicyclists
which bicyclist movements are controlled by that bicycle signal

face. 100912

(GGGG) "Bikeway" means any road, street, path, or way that 100913
in some manner is specifically designated for bicycle travel, 100914
regardless of whether the facility is designated for the 100915
exclusive use of bicycles or if it is shared with other modes of 100916
transportation. 100917

(HHHH) "Busway" means a traveled way that is used 100918
exclusively by buses. 100919

(IIII) "Driveway" means an access from a roadway to a 100920
building, site, or abutting property. 100921

(JJJJ) "Roundabout" means a circular intersection with a 100922
yield control at each entry, which permits a vehicle on the 100923
circulatory roadway to proceed, with deflection of the 100924
approaching vehicles counter-clockwise around a central island. 100925

(KKKK) "Shoulder" means a longitudinal area contiguous 100926
with the traveled way that is used for accommodating vehicles 100927
that are stopped for an emergency and for lateral support of 100928
base and surface courses; graded for emergency stopping; either 100929
paved or unpaved; and when paved, may be open for part-time 100930
travel by some or all vehicles or may also be available for use 100931
by pedestrians or bicycles in the absence of other pedestrian or 100932
bicycle facilities. 100933

(LLLL) "Autocycle," "cab-enclosed motorcycle," 100934
"electronic," "farm machinery," "motor-driven cycle or motor 100935
scooter," "limited driving privileges," and "state" have the 100936
same meanings as in section 4501.01 of the Revised Code. 100937

(MMMM) "Multifunction school activity bus" means a school 100938
bus whose purposes do not include transporting children to and 100939
from home or school bus stops. 100940

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 100941
trackless trolley upon meeting or overtaking from either 100942
direction any school bus stopped for the purpose of receiving or 100943
discharging any school child, person attending programs offered 100944
by community boards of mental health and county boards of 100945
developmental disabilities, or child attending a program offered 100946
by a head start agency, shall stop at least ten feet from the 100947
front or rear of the school bus and shall not proceed until such 100948
school bus resumes motion, or until signaled by the school bus 100949
driver to proceed. 100950

It is no defense to a charge under this division that the 100951
school bus involved failed to display or be equipped with an 100952
automatically extended stop warning sign as required by division 100953
(B) of this section. 100954

(B) Every school bus shall be equipped with amber and red 100955
visual signals meeting the requirements of section 4511.771 of 100956
the Revised Code, and an automatically extended stop warning 100957
sign of a type approved by the department of education and 100958
workforce, which shall be actuated by the driver of the bus 100959
whenever but only whenever the bus is stopped or stopping on the 100960
roadway for the purpose of receiving or discharging school 100961
children, persons attending programs offered by community boards 100962
of mental health and county boards of developmental 100963
disabilities, or children attending programs offered by head 100964
start agencies. A school bus driver shall not actuate the visual 100965
signals or the stop warning sign in designated school bus 100966
loading areas where the bus is entirely off the roadway or at 100967
school buildings when children or persons attending programs 100968
offered by community boards of mental health and county boards 100969
of developmental disabilities are loading or unloading at 100970
curbside or at buildings when children attending programs 100971

offered by head start agencies are loading or unloading at 100972
curbside. The visual signals and stop warning sign shall be 100973
synchronized or otherwise operated as required by rule of the 100974
board. 100975

(C) Where a highway has been divided into four or more 100976
traffic lanes, a driver of a vehicle, streetcar, or trackless 100977
trolley need not stop for a school bus approaching from the 100978
opposite direction which has stopped for the purpose of 100979
receiving or discharging any school child, persons attending 100980
programs offered by community boards of mental health and county 100981
boards of developmental disabilities, or children attending 100982
programs offered by head start agencies. The driver of any 100983
vehicle, streetcar, or trackless trolley overtaking the school 100984
bus shall comply with division (A) of this section. 100985

(D) School buses operating on divided highways or on 100986
highways with four or more traffic lanes shall receive and 100987
discharge all school children, persons attending programs 100988
offered by community boards of mental health and county boards 100989
of developmental disabilities, and children attending programs 100990
offered by head start agencies on their residence side of the 100991
highway. 100992

(E) No school bus driver shall start the driver's bus 100993
until after any child, person attending programs offered by 100994
community boards of mental health and county boards of 100995
developmental disabilities, or child attending a program offered 100996
by a head start agency who may have alighted therefrom has 100997
reached a place of safety on the child's or person's residence 100998
side of the road. 100999

(F) (1) Whoever violates division (A) of this section may 101000
be fined an amount not to exceed five hundred dollars. A person 101001

who is issued a citation for a violation of division (A) of this 101002
section is not permitted to enter a written plea of guilty and 101003
waive the person's right to contest the citation in a trial but 101004
instead must appear in person in the proper court to answer the 101005
charge. 101006

(2) In addition to and independent of any other penalty 101007
provided by law, the court or mayor may impose upon an offender 101008
who violates this section a class seven suspension of the 101009
offender's driver's license, commercial driver's license, 101010
temporary instruction permit, probationary license, or 101011
nonresident operating privilege from the range specified in 101012
division (A)(7) of section 4510.02 of the Revised Code. When a 101013
license is suspended under this section, the court or mayor 101014
shall cause the offender to deliver the license to the court, 101015
and the court or clerk of the court immediately shall forward 101016
the license to the registrar of motor vehicles, together with 101017
notice of the court's action. 101018

(G) As used in this section: 101019

(1) "Head start agency" has the same meaning as in section 101020
3301.32 of the Revised Code. 101021

(2) "School bus," as used in relation to children who 101022
attend a program offered by a head start agency, means a bus 101023
that is owned and operated by a head start agency, is equipped 101024
with an automatically extended stop warning sign of a type 101025
approved by the department, is painted the color and displays 101026
the markings described in section 4511.77 of the Revised Code, 101027
and is equipped with amber and red visual signals meeting the 101028
requirements of section 4511.771 of the Revised Code, 101029
irrespective of whether or not the bus has fifteen or more 101030
children aboard at any time. "School bus" does not include a van 101031

owned and operated by a head start agency, irrespective of its 101032
color, lights, or markings, or a multifunction school activity 101033
bus. 101034

Sec. 4511.76. (A) The department of public safety, by and 101035
with the advice of the department of education and workforce, 101036
shall adopt and enforce rules relating to the construction, 101037
design, and equipment, including lighting equipment required by 101038
section 4511.771 of the Revised Code, of all school buses both 101039
publicly and privately owned and operated in this state. 101040

(B) The department of education and workforce, by and with 101041
the advice of the director of public safety, shall adopt and 101042
enforce rules relating to the operation of all vehicles used for 101043
pupil transportation. 101044

(C) No person shall operate a vehicle used for pupil 101045
transportation within this state in violation of the rules of 101046
the department of education and workforce or the department of 101047
public safety. No person, being the owner thereof or having the 101048
supervisory responsibility therefor, shall permit the operation 101049
of a vehicle used for pupil transportation within this state in 101050
violation of the rules of the department of education and 101051
workforce or the department of public safety. 101052

(D) The department of public safety shall adopt and 101053
enforce rules relating to the issuance of a license under 101054
section 4511.763 of the Revised Code. The rules may relate to 101055
the condition of the equipment to be operated; the liability and 101056
property damage insurance carried by the applicant; the posting 101057
of satisfactory and sufficient bond; and such other rules as the 101058
director of public safety determines reasonably necessary for 101059
the safety of the pupils to be transported. 101060

(E) A chartered nonpublic school or a community school may own and operate, or contract with a vendor that supplies, alternative vehicles to transport students to and from regularly scheduled school sessions, school-related activities, and school-sanctioned events when one of the following applies:

(1) A student's school district of residence has declared the transportation of the student impractical pursuant to section 3327.02 of the Revised Code;

(2) A student does not live within thirty minutes of the chartered nonpublic school or the community school, as applicable, and the student's school district is not required to transport the student under section 3327.01 of the Revised Code;

(3) The governing authority of the chartered nonpublic school or the community school has offered to provide the transportation for its students in lieu of the students being transported by their school district of residence.

(F) A school district may own and operate, or contract with a vendor that supplies, alternative vehicles to transport students to and from regularly scheduled school sessions, school-related activities, and school-sanctioned events.

(G) A school district or the governing authority of a chartered nonpublic school or community school that uses an alternative vehicle in accordance with division (E) or (F) of this section, shall ensure that all of the following apply to the operation of that vehicle:

(1) A qualified mechanic inspects the vehicle not fewer than two times each year and determines that it is safe for pupil transportation;

(2) The driver of the vehicle does not stop on the roadway

to load or unload passengers; 101090

(3) The driver of the vehicle meets the requirements 101091
specified for a driver of a school bus or motor van under 101092
section 3327.10 of the Revised Code and any corresponding rules 101093
adopted by the department of education and workforce. 101094
Notwithstanding that section or any department rules to the 101095
contrary, the driver is not required to have a commercial 101096
driver's license but shall have a current, valid driver's 101097
license, and shall be accustomed to operating the vehicle used 101098
to transport the students~~+~~. 101099

(4) The driver and all passengers in the vehicle comply 101100
with the requirements of sections 4511.81 and 4513.263 of the 101101
Revised Code, as applicable. 101102

~~(H)~~ (H) (1) A school district, a chartered nonpublic school, 101103
or a community school may own and operate, or contract with a 101104
vendor that supplies, a multifunction school activity bus to 101105
transport students between school and school functions or 101106
activities. 101107

(2) A multifunction school activity bus shall not be used 101108
to transport students between school and home or between school 101109
and designated school bus stops. 101110

(I) As used in this section: 101111

(1) "Alternative vehicle" means a motor vehicle originally 101112
manufactured and designed for not more than twelve passengers, 101113
not including the driver. 101114

(2) "Vehicle used for pupil transportation" means any 101115
vehicle that is identified as such by the department of 101116
education and workforce by rule and that is subject to Chapter 101117
3301-83 of the Administrative Code. 101118

~~(I)~~ (J) Except as otherwise provided in this division, 101119
whoever violates this section is guilty of a minor misdemeanor. 101120
If the offender previously has been convicted of or pleaded 101121
guilty to one or more violations of this section or section 101122
4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of 101123
the Revised Code or a municipal ordinance that is substantially 101124
similar to any of those sections, whoever violates this section 101125
is guilty of a misdemeanor of the fourth degree. 101126

Sec. 4511.77. (A) No person shall operate, nor shall any 101127
person being the owner thereof or having supervisory 101128
responsibility therefor permit the operation of, a school bus 101129
within this state unless it is painted national school bus 101130
yellow and is marked on both front and rear with the words 101131
"school bus" in black lettering not less than eight inches in 101132
height and on the rear of the bus with the word "stop" in black 101133
lettering not less than ten inches in height. 101134

(B) Except as otherwise provided in this division, whoever 101135
violates this section is guilty of a minor misdemeanor. If the 101136
offender previously has been convicted of or pleaded guilty to 101137
one or more violations of this section or section 4511.63, 101138
4511.76, 4511.761, 4511.762, 4511.764, or 4511.79 of the Revised 101139
Code or a municipal ordinance that is substantially similar to 101140
any of those sections, whoever violates this section is guilty 101141
of a misdemeanor of the fourth degree. 101142

(C) Whenever a person is found guilty in a court of record 101143
of a violation of this section, the trial judge, in addition to 101144
or independent of all other penalties provided by law, may 101145
suspend for any period of time not exceeding three years, or 101146
cancel the license of any person, partnership, association, or 101147
corporation, issued under section 4511.763 of the Revised Code. 101148

(D) This section does not apply to a multifunction school 101149
activity bus. 101150

Sec. 4511.771. (A) Every school bus shall, in addition to 101151
any other equipment and distinctive markings required pursuant 101152
to sections 4511.76, 4511.761, 4511.764, and 4511.77 of the 101153
Revised Code, be equipped with signal lamps mounted as high as 101154
practicable, which shall display to the front two alternately 101155
flashing red lights and two alternately flashing amber lights 101156
located at the same level and to the rear two alternately 101157
flashing red lights and two alternately flashing amber lights 101158
located at the same level, and these lights shall be visible at 101159
five hundred feet in normal sunlight. The alternately flashing 101160
red lights shall be spaced as widely as practicable, and the 101161
alternately flashing amber lights shall be located next to them. 101162

(B) Except as otherwise provided in this division, whoever 101163
violates this section is guilty of a minor misdemeanor. If, 101164
within one year of the offense, the offender previously has been 101165
convicted of or pleaded guilty to one predicate motor vehicle or 101166
traffic offense, whoever violates this section is guilty of a 101167
misdemeanor of the fourth degree. If, within one year of the 101168
offense, the offender previously has been convicted of two or 101169
more predicate motor vehicle or traffic offenses, whoever 101170
violates this section is guilty of a misdemeanor of the third 101171
degree. 101172

(C) This section does not apply to a multifunction school 101173
activity bus. 101174

Sec. 4511.78. (A) As used in this section: 101175

(1) "Mass transit system" means any county transit system, 101176
regional transit authority, regional transit commission, 101177

municipally owned transportation system, mass transit company 101178
operating exclusively within the territorial limits of a 101179
municipal corporation, or within such limits and the territorial 101180
limits of municipal corporations immediately contiguous to such 101181
municipal corporation, and any common passenger carrier, that 101182
provides transportation for children to or from a school session 101183
or a school function. 101184

(2) "Bus" means every motor vehicle designed for carrying 101185
more than nine passengers and used for the transportation of 101186
persons, but does not mean any school bus or a multifunction 101187
school activity bus as defined in section 4511.01 of the Revised 101188
Code. 101189

(B) Whenever a mass transit system transports children to 101190
or from a school session or school function, the mass transit 101191
system shall provide for: 101192

(1) Periodic safety inspections of all buses used to 101193
provide transportation service. The inspections shall be based 101194
on rules adopted by the public utilities commission under 101195
Chapters 4921. and 4923. of the Revised Code to ensure the 101196
safety of operation of motor carriers. 101197

(2) The safety training of all drivers operating buses 101198
used to provide transportation service; 101199

(3) The equipping of every bus with outside rear-view 101200
mirrors meeting the motor carrier regulations for bus equipment 101201
adopted by the federal highway administration. No exclusions 101202
from this requirement granted under the federal regulations 101203
shall be considered exclusions for the purposes of this 101204
division. 101205

(C) Except as otherwise provided in this division, whoever 101206

violates this section is guilty of a minor misdemeanor. If, 101207
within one year of the offense, the offender previously has been 101208
convicted of or pleaded guilty to one predicate motor vehicle or 101209
traffic offense, whoever violates this section is guilty of a 101210
misdemeanor of the fourth degree. If, within one year of the 101211
offense, the offender previously has been convicted of two or 101212
more predicate motor vehicle or traffic offenses, whoever 101213
violates this section is guilty of a misdemeanor of the third 101214
degree. 101215

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of 101216
the Revised Code: 101217

(A) "Persons" includes individuals, partnerships, 101218
associations, joint stock companies, corporations, sole 101219
proprietorships, limited liability companies, limited liability 101220
partnerships, business trusts, and any other legally recognized 101221
business entities or any combinations of individuals. 101222

(B) "Motor vehicle" means motor vehicle as defined in 101223
section 4501.01 of the Revised Code and also includes "all- 101224
purpose vehicle" and "off-highway motorcycle" as those terms are 101225
defined in section 4519.01 of the Revised Code. "Motor vehicle" 101226
does not include a snowmobile as defined in section 4519.01 of 101227
the Revised Code or manufactured and mobile homes. "Motor 101228
vehicle" includes a "fifth wheel trailer," "park trailer," 101229
"travel trailer," "tent-type fold-out camping trailer," and a 101230
"semitrailer" but does not otherwise include trailers as defined 101231
in section 4501.01 of the Revised Code. 101232

(C) "New motor vehicle" means a motor vehicle, the legal 101233
title to which has never been transferred by a manufacturer, 101234
remanufacturer, distributor, or dealer to an ultimate purchaser. 101235

(D) "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a dealer purchasing in the capacity of a dealer, who in good faith purchases such new motor vehicle for purposes other than resale.

(E) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect, including activities conducted through the internet or another computer network.

(F) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business.

(G) "Retail sale" or "selling at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle, including through use of the internet or another computer network, to an ultimate purchaser.

(H) "Retail installment contract" includes any contract in the form of a note, chattel mortgage, conditional sales contract, lease, agreement, or other instrument payable in one or more installments over a period of time and arising out of the retail sale of a motor vehicle.

(I) "Farm machinery" means all machines and tools used in the production, harvesting, and care of farm products.

(J) "Dealer" or "motor vehicle dealer" means any new motor vehicle dealer, any motor vehicle leasing dealer, any adaptive mobility dealer, and any used motor vehicle dealer.

(K) "New motor vehicle dealer" means any person engaged in 101265
the business of selling at retail, displaying, offering for 101266
sale, or dealing in new motor vehicles pursuant to a contract or 101267
agreement entered into with the manufacturer, remanufacturer, or 101268
distributor of the motor vehicles. 101269

(L) "Used motor vehicle dealer" means any person engaged 101270
in the business of selling, displaying, offering for sale, or 101271
dealing in used motor vehicles, at retail or wholesale, but does 101272
not mean any new motor vehicle dealer selling, displaying, 101273
offering for sale, or dealing in used motor vehicles 101274
incidentally to engaging in the business of selling, displaying, 101275
offering for sale, or dealing in new motor vehicles, any person 101276
engaged in the business of dismantling, salvaging, or rebuilding 101277
motor vehicles by means of using used parts, or any public 101278
officer performing official duties. 101279

(M) "Motor vehicle leasing dealer" means any person 101280
engaged in the business of regularly making available, offering 101281
to make available, or arranging for another person to use a 101282
motor vehicle pursuant to a bailment, lease, sublease, or other 101283
contractual arrangement under which a charge is made for its use 101284
at a periodic rate for a term of thirty days or more, and title 101285
to the motor vehicle is in and remains in the motor vehicle 101286
leasing dealer who originally leases it, irrespective of whether 101287
or not the motor vehicle is the subject of a later sublease, and 101288
not in the user, including any financial institution acting as a 101289
lessor for a lease or sublease. "Motor vehicle leasing dealer" 101290
does not include a new motor vehicle dealer that is not the 101291
lessor and that only assists in arranging a lease on the 101292
lessor's behalf or a manufacturer or its affiliate leasing to 101293
its employees or to dealers. 101294

(N) "Salesperson" means any person employed by a dealer to
sell, display, and offer for sale, or deal in motor vehicles for
a commission, compensation, or other valuable consideration, but
does not mean any public officer performing official duties.

(O) "Casual sale" means any transfer of a motor vehicle by
a person other than a new motor vehicle dealer, used motor
vehicle dealer, adaptive mobility dealer, motor vehicle salvage
dealer, as defined in division (A) of section 4738.01 of the
Revised Code, salesperson, motor vehicle auction owner,
manufacturer, or distributor acting in the capacity of a dealer,
salesperson, auction owner, manufacturer, or distributor, to a
person who purchases the motor vehicle for use as a consumer.

(P) "Motor vehicle auction owner" means any person who is
engaged wholly or in part in the business of auctioning motor
vehicles, but does not mean a construction equipment auctioneer
or a construction equipment auction licensee.

(Q) "Manufacturer" means a person who manufactures,
assembles, or imports motor vehicles, including motor homes, but
does not mean a person who only assembles or installs a body,
special equipment unit, finishing trim, or accessories on a
motor vehicle chassis supplied by a manufacturer or distributor.

(R) "Tent-type fold-out camping trailer" means any vehicle
intended to be used, when stationary, as a temporary shelter
with living and sleeping facilities, and that is subject to the
following properties and limitations:

(1) A minimum of twenty-five per cent of the fold-out
portion of the top and sidewalls combined must be constructed of
canvas, vinyl, or other fabric, and form an integral part of the
shelter.

- (2) When folded, the unit must not exceed: 101324
- (a) Fifteen feet in length, exclusive of bumper and 101325
tongue; 101326
- (b) Sixty inches in height from the point of contact with 101327
the ground; 101328
- (c) Eight feet in width; 101329
- (d) One ton gross weight at time of sale. 101330
- (S) "Distributor" means any person authorized by a motor 101331
vehicle manufacturer to distribute new motor vehicles to 101332
licensed new motor vehicle dealers, but does not mean a person 101333
who only assembles or installs a body, special equipment unit, 101334
finishing trim, or accessories on a motor vehicle chassis 101335
supplied by a manufacturer or distributor. 101336
- (T) "Flea market" means a market place, other than a 101337
dealer's location licensed under this chapter, where a space or 101338
location is provided for a fee or compensation to a seller to 101339
exhibit and offer for sale or trade, motor vehicles to the 101340
general public. 101341
- (U) "Franchise" means any written agreement, contract, or 101342
understanding between any motor vehicle manufacturer or 101343
remanufacturer engaged in commerce and any new motor vehicle 101344
dealer that purports to fix the legal rights and liabilities of 101345
the parties to such agreement, contract, or understanding. 101346
- (V) "Franchisee" means a person who receives new motor 101347
vehicles from the franchisor under a franchise agreement and who 101348
offers, sells, and provides service for such new motor vehicles 101349
to the general public. 101350
- (W) "Franchisor" means a new motor vehicle manufacturer, 101351

remanufacturer, or distributor who supplies new motor vehicles 101352
under a franchise agreement to a franchisee. 101353

(X) "Dealer organization" means a state or local trade 101354
association the membership of which is comprised predominantly 101355
of new motor vehicle dealers. 101356

(Y) "Factory representative" means a representative 101357
employed by a manufacturer, remanufacturer, or by a factory 101358
branch primarily for the purpose of promoting the sale of its 101359
motor vehicles, parts, or accessories to dealers or for 101360
supervising or contacting its dealers or prospective dealers. 101361

(Z) "Administrative or executive management" means those 101362
individuals who are not subject to federal wage and hour laws. 101363

(AA) "Good faith" means honesty in the conduct or 101364
transaction concerned and the observance of reasonable 101365
commercial standards of fair dealing in the trade as is defined 101366
in section 1301.201 of the Revised Code, including, but not 101367
limited to, the duty to act in a fair and equitable manner so as 101368
to guarantee freedom from coercion, intimidation, or threats of 101369
coercion or intimidation; provided however, that recommendation, 101370
endorsement, exposition, persuasion, urging, or argument shall 101371
not be considered to constitute a lack of good faith. 101372

(BB) "Coerce" means to compel or attempt to compel by 101373
failing to act in good faith or by threat of economic harm, 101374
breach of contract, or other adverse consequences. Coerce does 101375
not mean to argue, urge, recommend, or persuade. 101376

(CC) "Relevant market area" means any area within a radius 101377
of ten miles from the site of a potential new dealership, except 101378
that for manufactured home or recreational vehicle dealerships 101379
the radius shall be twenty-five miles. The ten-mile radius shall 101380

be measured from the dealer's established place of business that 101381
is used exclusively for the purpose of selling, displaying, 101382
offering for sale, or dealing in motor vehicles. 101383

(DD) "Wholesale" or "at wholesale" means the act or 101384
attempted act of selling, bartering, exchanging, or otherwise 101385
disposing of a motor vehicle to a transferee for the purpose of 101386
resale and not for ultimate consumption by that transferee. 101387

(EE) "Motor vehicle wholesaler" means any person licensed 101388
as a dealer under the laws of another state and engaged in the 101389
business of selling, displaying, or offering for sale used motor 101390
vehicles, at wholesale, but does not mean any motor vehicle 101391
dealer as defined in this section. 101392

(FF) (1) "Remanufacturer" means a person who assembles or 101393
installs passenger seating, walls, a roof elevation, or a body 101394
extension on a conversion van with the motor vehicle chassis 101395
supplied by a manufacturer or distributor, a person who modifies 101396
a truck chassis supplied by a manufacturer or distributor for 101397
use as a public safety or public service vehicle, a person who 101398
modifies a motor vehicle chassis supplied by a manufacturer or 101399
distributor for use as a limousine or hearse, or a person who 101400
modifies an incomplete motor vehicle cab and chassis supplied by 101401
a new motor vehicle dealer or distributor for use as a tow 101402
truck, but does not mean either of the following: 101403

(a) A person who assembles or installs passenger seating, 101404
a roof elevation, or a body extension on a recreational vehicle 101405
as defined in division (Q) and referred to in division (B) of 101406
section 4501.01 of the Revised Code; 101407

(b) An adaptive mobility dealer. 101408

(2) For the purposes of division (FF) (1) of this section, 101409

"public safety vehicle or public service vehicle" means a fire truck, ambulance, school bus, street sweeper, garbage packing truck, or cement mixer, or a mobile self-contained facility vehicle.

(3) For the purposes of division (FF)(1) of this section, "limousine" means a motor vehicle, designed only for the purpose of carrying nine or fewer passengers, that a person modifies by cutting the original chassis, lengthening the wheelbase by forty inches or more, and reinforcing the chassis in such a way that all modifications comply with all applicable federal motor vehicle safety standards. No person shall qualify as or be deemed to be a remanufacturer who produces limousines unless the person has a written agreement with the manufacturer of the chassis the person utilizes to produce the limousines to complete properly the remanufacture of the chassis into limousines.

(4) For the purposes of division (FF)(1) of this section, "hearse" means a motor vehicle, designed only for the purpose of transporting a single casket, that is equipped with a compartment designed specifically to carry a single casket that a person modifies by cutting the original chassis, lengthening the wheelbase by ten inches or more, and reinforcing the chassis in such a way that all modifications comply with all applicable federal motor vehicle safety standards. No person shall qualify as or be deemed to be a remanufacturer who produces hearses unless the person has a written agreement with the manufacturer of the chassis the person utilizes to produce the hearses to complete properly the remanufacture of the chassis into hearses.

(5) For the purposes of division (FF)(1) of this section, "mobile self-contained facility vehicle" means a mobile

classroom vehicle, mobile laboratory vehicle, bookmobile, 101440
bloodmobile, testing laboratory, and mobile display vehicle, 101441
each of which is designed for purposes other than for passenger 101442
transportation and other than the transportation or displacement 101443
of cargo, freight, materials, or merchandise. A vehicle is 101444
remanufactured into a mobile self-contained facility vehicle in 101445
part by the addition of insulation to the body shell, and 101446
installation of all of the following: a generator, electrical 101447
wiring, plumbing, holding tanks, doors, windows, cabinets, 101448
shelving, and heating, ventilating, and air conditioning 101449
systems. 101450

(6) For the purposes of division (FF)(1) of this section, 101451
"tow truck" means both of the following: 101452

(a) An incomplete cab and chassis that are purchased by a 101453
remanufacturer from a new motor vehicle dealer or distributor of 101454
the cab and chassis and on which the remanufacturer then 101455
installs in a permanent manner a wrecker body it purchases from 101456
a manufacturer or distributor of wrecker bodies, installs an 101457
emergency flashing light pylon and emergency lights upon the 101458
mast of the wrecker body or rooftop, and installs such other 101459
related accessories and equipment, including push bumpers, front 101460
grille guards with pads and other custom-ordered items such as 101461
painting, special lettering, and safety striping so as to create 101462
a complete motor vehicle capable of lifting and towing another 101463
motor vehicle. 101464

(b) An incomplete cab and chassis that are purchased by a 101465
remanufacturer from a new motor vehicle dealer or distributor of 101466
the cab and chassis and on which the remanufacturer then 101467
installs in a permanent manner a car carrier body it purchases 101468
from a manufacturer or distributor of car carrier bodies, 101469

installs an emergency flashing light pylon and emergency lights 101470
upon the rooftop, and installs such other related accessories 101471
and equipment, including push bumpers, front grille guards with 101472
pads and other custom-ordered items such as painting, special 101473
lettering, and safety striping. 101474

As used in division (FF) (6) (b) of this section, "car 101475
carrier body" means a mechanical or hydraulic apparatus capable 101476
of lifting and holding a motor vehicle on a flat level surface 101477
so that one or more motor vehicles can be transported, once the 101478
car carrier is permanently installed upon an incomplete cab and 101479
chassis. 101480

(GG) "Operate as a new motor vehicle dealership" means 101481
engaging in activities such as displaying, offering for sale, 101482
and selling new motor vehicles at retail, operating a service 101483
facility to perform repairs and maintenance on motor vehicles, 101484
offering for sale and selling motor vehicle parts at retail, and 101485
conducting all other acts that are usual and customary to the 101486
operation of a new motor vehicle dealership. For the purposes of 101487
this chapter only, possession of either a valid new motor 101488
vehicle dealer franchise agreement or a new motor vehicle 101489
dealers license, or both of these items, is not evidence that a 101490
person is operating as a new motor vehicle dealership. 101491

(HH) "Outdoor power equipment" means garden and small 101492
utility tractors, walk-behind and riding mowers, chainsaws, and 101493
tillers. 101494

(II) "Remote service facility" means premises that are 101495
separate from a licensed new motor vehicle dealer's sales 101496
facility by not more than one mile and that are used by the 101497
dealer to perform repairs, warranty work, recall work, and 101498
maintenance on motor vehicles pursuant to a franchise agreement 101499

entered into with a manufacturer of motor vehicles. A remote 101500
service facility shall be deemed to be part of the franchise 101501
agreement and is subject to all the rights, duties, obligations, 101502
and requirements of Chapter 4517. of the Revised Code that 101503
relate to the performance of motor vehicle repairs, warranty 101504
work, recall work, and maintenance work by new motor vehicle 101505
dealers. 101506

(JJ) "Recreational vehicle" has the same meaning as in 101507
section 4501.01 of the Revised Code. 101508

(KK) "Construction equipment auctioneer" means a person 101509
who holds both a valid auction firm license issued under Chapter 101510
4707. of the Revised Code and a valid construction equipment 101511
auction license issued under this chapter. 101512

(LL) "Large construction or transportation equipment" 101513
means vehicles having a gross vehicle weight rating of more than 101514
ten thousand pounds and includes road rollers, traction engines, 101515
power shovels, power cranes, commercial cars and trucks, or farm 101516
trucks, and other similar vehicles obtained primarily from the 101517
construction, mining, transportation or farming industries. 101518

(MM) "Local market conditions" includes, but is not 101519
limited to: 101520

(1) Demographics in the franchisee's area; 101521

(2) Geographical and market characteristics in the 101522
franchisee's area; 101523

(3) Local economic circumstances; 101524

(4) The proximity of other motor vehicle dealers of the 101525
same line-make; 101526

(5) The proximity of motor vehicle manufacturing 101527

facilities; 101528

(6) The buying patterns of motor vehicle purchasers; 101529

(7) Customer drive time and drive distance. 101530

(NN) "Established place of business" means a permanent, 101531
enclosed building or structure that meets all of the following 101532
requirements: 101533

(1) It is either owned, leased, or rented by the motor 101534
vehicle dealer. 101535

(2) It meets local zoning or municipal requirements. 101536

(3) It is regularly occupied by at least one person. 101537

(4) It is easily accessible to the public. 101538

(5) The records and files necessary to conduct the 101539
business are generally kept and maintained at the location or 101540
are readily accessible and available for reasonable inspection 101541
from the location. 101542

"Established place of business" does not mean a residence, 101543
tent, temporary stand, storage shed, lot, or any temporary 101544
quarters, unless authorized by the registrar of motor vehicles. 101545

(OO) "Adaptive mobility dealer" means any person engaged 101546
in the business of all of the following: 101547

(1) Selling at retail, displaying, offering for sale, 101548
delivering, and dealing in adaptive mobility vehicles; 101549

(2) Selling and installing adaptive mobility equipment, 101550
related accessories, and other goods and services to meet the 101551
automotive adaptive mobility needs of drivers and passengers 101552
with disabilities; 101553

(3) Providing maintenance and repair services for adaptive 101554
mobility vehicles and adaptive mobility equipment. 101555

(PP) "Adaptive mobility equipment" means the mechanical or 101556
electronic devices or parts that are designed to facilitate the 101557
use of a motor vehicle by a person who is aging or a person with 101558
disabilities, in accordance with 49 C.F.R. part 571, and that 101559
are permanently attached to or incorporated into the motor 101560
vehicle. 101561

Sec. 4517.52. (A) Each franchisor shall fulfill warranty 101562
and recall obligations of diagnosing, repairing, and servicing 101563
motor vehicles, including all parts and components manufactured 101564
for installation in any motor vehicle. 101565

(B) Each franchisor shall compensate each of its 101566
franchisees for labor and parts used to fulfill warranty and 101567
recall obligations of diagnostic, repair-and, servicing, 101568
updates to vehicle accessories or functions, and initialization 101569
or repair of vehicle parts, systems, accessories, or functions 101570
at rates not less than the rates charged by the franchisee to 101571
its retail customers for warranty-like diagnosis, labor, and 101572
parts for nonwarranty work. A-Diagnostic work includes the time 101573
spent by a technician, who meets the franchisor's qualifications 101574
and requirements for the repair work, communicating with the 101575
franchisor's technical assistance or external franchisor source 101576
in order to complete a warranty repair. 101577

A franchisee, other than a franchisee that deals in 101578
recreational vehicles, may establish rates of compensation for 101579
labor performed and parts used by the franchisee for purposes of 101580
this section if all of the following apply: 101581

(1) The franchisee submits to the franchisor either of the 101582

following: 101583

(a) One hundred sequential nonwarranty service repair 101584
orders for warranty-like repairs that have been paid by a 101585
customer and closed by the time of submission; 101586

(b) All service repair orders for warranty-like repairs, 101587
that have been paid by a customer and closed by the time of 101588
submission, for a period of ninety consecutive days. 101589

A franchisee either may submit a set of repair orders for 101590
purposes of calculating both its retail labor rate and its 101591
retail parts markup percentage, or may submit separate sets of 101592
repair orders for purposes of calculating its retail labor rate 101593
and its retail parts markup percentage separately. The repair 101594
orders submitted under division (B) (1) (a) or (b) of this section 101595
must be from a period occurring not more than one hundred eighty 101596
days before the submission. 101597

Subject to division (C) (3) of this section, if a 101598
franchisor determines from any set of repair orders submitted 101599
under this section that the retail labor rate or parts markup 101600
percentage calculated under division (B) (2) or (3) of this 101601
section is substantially higher or lower than the rate currently 101602
on record with the franchisor for labor or parts, the franchisor 101603
may request additional documentation for a period of either 101604
~~ninety-sixty~~ days prior to or ~~ninety-sixty~~ days subsequent to 101605
the time period for which the repair orders were submitted for 101606
purposes of an alteration. 101607

(2) The franchisee calculates its retail labor rate by 101608
determining the franchisee's total labor sales from the service 101609
repair orders submitted under division (B) (1) of this section 101610
and dividing that amount by the total number of labor hours that 101611

generated those sales. 101612

(3) The franchisee calculates its retail parts markup 101613
percentage by determining the franchisee's total parts sales 101614
from the service repair orders submitted under division (B) (1) 101615
of this section and dividing that amount by the franchisee's 101616
total cost for the purchase of those parts, subtracting one from 101617
that amount, and then multiplying the amount by one hundred. 101618

(4) In calculating the retail labor rate in division (B) 101619
(2) of this section and the retail parts markup percentage in 101620
division (B) (3) of this section, the franchisee omits charges 101621
for any of the following from the calculation: 101622

(a) Manufacturer or distributor special events, specials, 101623
or promotional discounts for retail customer repairs; 101624

(b) Parts sold, or repairs performed, at wholesale; 101625

(c) Routine maintenance that is not covered under a retail 101626
customer warranty, including the replacement of fluids, filters, 101627
and belts that are not provided in the course of other repairs; 101628

(d) Items that do not have individual part numbers, such 101629
as nuts, bolts, and fasteners; 101630

(e) Vehicle reconditioning; 101631

(f) Accessories; 101632

(g) Repairs of damage caused by a collision, a road 101633
hazard, the force of the elements, vandalism, theft, or operator 101634
negligence; 101635

(h) Parts sold or repairs performed for insurance 101636
carriers; 101637

(i) Vehicle emission or safety inspections required by 101638

law; 101639

(j) Goodwill or policy repairs or replacements; 101640

(k) Repairs for which volume discounts have been 101641
negotiated with government agencies or insurance carriers; 101642

(l) Repairs performed on vehicles from a different line- 101643
make; 101644

(m) Replacement of tires or related elements. 101645

(5) The franchisee provides notice of its retail labor 101646
rate and retail parts markup percentage calculated in accordance 101647
with this section to the franchisor. 101648

(C) (1) A franchisor may contest the retail labor rate or 101649
retail parts markup percentage that was calculated by the 101650
franchisee under division (B) of this section within thirty days 101651
after receiving notice from the franchisee. If the franchisor 101652
seeks to contest the retail labor rate or retail parts markup 101653
percentage, the franchisor shall notify the franchisee that the 101654
franchisor believes the rate or markup percentage is materially 101655
~~inaccurate or substantially different than that of other~~ 101656
~~similarly situated, same line make new motor vehicle dealers in~~ 101657
~~the vicinity,~~ provide a full explanation of the reasons the 101658
franchisor disagrees with the rate or markup percentage, provide 101659
evidence substantiating the franchisor's position, and propose 101660
an adjustment of the contested rate or markup percentage. The 101661
franchisor shall not modify its notice to the franchisee or its 101662
grounds for contesting the rate or markup percentage after 101663
submitting a notice to the franchisee under division (C) (1) of 101664
this section. 101665

(2) If the franchisor does not contest the rate or markup 101666
percentage that was calculated by the franchisee under division 101667

(B) of this section within thirty days after receiving notice of 101668
the rate or markup percentage from the franchisee, the 101669
uncontested rate or markup percentage takes effect. The 101670
franchisor then shall use the rate and markup percentage to 101671
determine compensation for any warranty and recall work and 101672
service performed by the franchisee until the rate or markup 101673
percentage is modified. 101674

(3) If the franchisor contests a rate or markup percentage 101675
established by the franchisee under division (B) of this 101676
section, the franchisor and franchisee shall resolve the 101677
disagreement through the franchisor's internal dispute 101678
resolution process. However, the franchisee may appeal a 101679
determination made as part of the dispute resolution process to 101680
a court of competent jurisdiction. Any rate or markup percentage 101681
established either through an internal dispute resolution 101682
process or by a court as part of an appeal under this section 101683
shall be applied retroactively to govern reimbursement for labor 101684
or parts, as applicable, beginning thirty days after the date 101685
the franchisee submitted the disputed rate or markup percentage 101686
under division (B) of this section. 101687

(4) A franchisee shall not establish or modify a retail 101688
labor rate or retail parts markup percentage more frequently 101689
than once per calendar year. 101690

(D) When calculating the compensation that must be 101691
provided to a franchisee for labor and parts used to fulfill 101692
warranty and recall obligations under this section, all of the 101693
following apply: 101694

(1) The franchisor shall use time allowances for the 101695
diagnosis and performance of the warranty and recall work and 101696
service that are reasonable and adequate for the work or 101697

services to be performed by a qualified technician. 101698

(2) The franchisor shall use any retail labor rate and any 101699
retail parts markup percentage established in accordance with 101700
this section in calculating the compensation. 101701

(3) If the franchisor provided a part or component to the 101702
franchisee at a reduced cost or no cost to use in performing 101703
repairs under a recall, campaign service action, or warranty 101704
repair, the franchisor shall provide to the franchisee an amount 101705
equal to the retail parts markup for that part or component, 101706
which shall be calculated by multiplying the dealer cost for the 101707
part or component as listed in the franchisor's price schedule 101708
by the retail parts markup percentage. 101709

(4) A franchisor shall not assess penalties, surcharges, 101710
or similar costs to a franchisee, transfer or shift any costs to 101711
a franchisee, limit allocation of vehicles or parts to a 101712
franchisee, or otherwise take retaliatory action against a 101713
franchisee based on any franchisee's exercise of its rights 101714
under this section. It is the burden of the franchisee to prove 101715
any claims under division (D) (4) of this section by a 101716
preponderance of the evidence. Nothing in this section prohibits 101717
a franchisor from increasing the price of a vehicle or part in 101718
the normal course of business. 101719

(5) A franchisor shall fully reimburse a franchisee for 101720
the cost of any rental vehicle provided to a customer when the 101721
rental is required, offered, advertised as available, or 101722
otherwise agreed to by the franchisor. The franchisor shall not 101723
deny or reduce the reimbursement to the franchisee because the 101724
franchisee is unable to provide a specific type of vehicle, 101725
including a particular line-make, size, or category of vehicle. 101726

(E) A franchisor shall not require a franchisee to 101727
establish a retail labor rate or retail parts markup percentage 101728
using any method that is unduly burdensome or time consuming, or 101729
require the use of information that is unduly burdensome or time 101730
consuming to obtain, including part-by-part or transaction-by- 101731
transaction calculations or utilization of the franchisee's 101732
financial statement. Further, no franchisor shall unilaterally 101733
calculate a retail labor rate or retail parts markup percentage 101734
for a franchisee. 101735

Divisions (A), (C), (D), and (E) of this section do not 101736
apply to franchisors or franchisees who deal in recreational 101737
vehicles. Division (B) of this section as it pertains to 101738
diagnostic work does not apply to franchisors or franchisees who 101739
deal in recreational vehicles. 101740

Sec. 4517.521. (A) As used in this section: 101741

(1) "Stop-sale or do-not-drive order" means a notification 101742
issued by a motor vehicle manufacturer to its franchised motor 101743
vehicle dealers stating that certain used motor vehicles in 101744
inventory shall not be sold, either at retail or wholesale, 101745
leased, or driven due to a federal safety recall or a federal or 101746
state emissions recall. 101747

(2) "Average trade-in value" means the approximate 101748
monetary value for a used motor vehicle that is indicated in an 101749
independent third-party guide, based on the year, make, and 101750
model of a vehicle. 101751

(B) (1) Pursuant to division (B) (2) of this section, a 101752
franchisor shall compensate a franchisee of not less than one 101753
and twenty-five hundredths per cent of the average trade-in 101754
value for a used motor vehicle that is the subject of a stop- 101755

sale or do-not-drive order if both of the following apply: 101756

(a) The franchisee is authorized to sell or perform recall 101757
repairs on motor vehicles that are the same line-make as the 101758
subject motor vehicle; 101759

(b) The parts or remedy that are necessary to perform the 101760
recall service or repair on the subject motor vehicle are not 101761
reasonably available to perform that service or repair within 101762
thirty days of the franchisor issuing the recall notice and 101763
associated stop-sale or do-not-drive order. 101764

(2) The compensation described in division (B) (1) of this 101765
section shall be paid per month, or prorated for a portion of 101766
the month. The compensation shall commence on the thirtieth day 101767
after the recall notice and stop-sale or do-not-drive order was 101768
issued. The compensation shall end on the earlier of the 101769
following dates: 101770

(a) The date that the remedy or repair parts that are 101771
necessary to resolve the recall notice and stop-sale or do-not- 101772
drive order are available to the franchisee for the subject 101773
motor vehicle; 101774

(b) The franchisee sells, trades, or otherwise disposes of 101775
the subject motor vehicle. 101776

(3) A franchisor is not required to compensate a 101777
franchisee for more than the total average trade-in value of the 101778
subject motor vehicle. 101779

(C) Division (B) of this section does not apply to motor 101780
vehicles purchased by a franchisee after the date the recall 101781
notice or stop-sale or do-not-drive order was issued or to motor 101782
vehicles that were purchased outside of the ordinary course of 101783
business. 101784

(D) A franchisor may compensate a franchisee under a 101785
national recall compensation program if the compensation under 101786
that program equals or exceeds the compensation specified in 101787
division (B) of this section or per any agreement between the 101788
franchisor and franchisee. 101789

(E) A franchisor shall not attempt to recover all or any 101790
other portion of its costs for compensating a franchisee in 101791
accordance with this section either through a reduction in the 101792
amount due to a franchisee or through a separate charge, 101793
surcharge, or other imposition related to the costs of recalled 101794
vehicles, parts, diagnostic work, or other services. Nothing in 101795
division (E) of this section prohibits a franchisor from 101796
changing its prices in the ordinary course of business or 101797
prohibits a franchisor from charging back a franchisee for an 101798
unnecessary or improperly performed repair. 101799

(F) A franchisor may determine the manner and method in 101800
which a franchisee demonstrates the inventory status of a motor 101801
vehicle that is eligible for compensation in accordance with 101802
this section. The manner, method, and type of information 101803
required shall not be unduly burdensome for the franchisee. 101804

(G) Any remedy provided to a franchisee in accordance with 101805
this section shall be the exclusive remedy provided to that 101806
franchisee for compensation related to a used motor vehicle that 101807
is the subject of a stop-sale or do-not-drive order. A remedy 101808
provided in accordance with this section shall not be combined 101809
with any other state or federal recall compensation remedy for 101810
used motor vehicles subject to a stop-sale or do-not-drive 101811
order. 101812

(H) This section does not apply to franchisors or 101813
franchisees who deal in recreational vehicles. 101814

Sec. 4517.60. Notwithstanding the terms, conditions, or 101815
provisions of any franchise, or the date such franchise was 101816
executed, each franchisor shall indemnify and hold harmless its 101817
franchisees against any losses, including, but not limited to, 101818
court costs and attorney fees reasonably incurred, or damages 101819
arising out of complaints, claims, or suits, whether or not 101820
meritorious, relating in whole or in part to claims under 101821
section 1345.72 of the Revised Code, or to the manufacture, 101822
assembly, or design of motor vehicles, parts, or accessories, to 101823
damage corrected by the franchisor prior to receipt of a motor 101824
vehicle by the franchisee, or relating to other functions of the 101825
franchisor beyond the control of the franchisee, including, but 101826
not limited to, the selection by the franchisor of parts or 101827
components for the motor vehicle, the franchisor's designation 101828
of features or equipment as optional, and any damage to 101829
merchandise occurring in transit to the franchisee where the 101830
carrier is designated by the franchisor. The franchisee shall 101831
give notice to the franchisor within twenty-eight days of 101832
service of summons on the franchisee of pending suits in which 101833
allegations are made that come within this section and shall 101834
cooperate with the franchisor in the defense of such suits. 101835

Sec. 4519.59. (A) (1) The clerk of a court of common pleas 101836
shall charge and retain fees as follows: 101837

(a) Fifteen-Eighteen dollars, or twenty-three dollars if a 101838
board of county commissioners adopts a resolution authorizing 101839
the increased fee for that county, for each certificate of title 101840
or duplicate certificate of title including the issuance of a 101841
memorandum certificate of title, authorization to print a non- 101842
negotiable evidence of ownership described in division (D) of 101843
section 4519.58 of the Revised Code, non-negotiable evidence of 101844
ownership printed by the clerk under division (E) of that 101845

section, and notation of any lien on a certificate of title that 101846
is applied for at the same time as the certificate of title. The 101847
clerk shall retain eleven dollars and fifty cents of that fee 101848
for each certificate of title when there is a notation of a lien 101849
or security interest on the certificate of title, twelve dollars 101850
and twenty-five cents when there is no lien or security interest 101851
noted on the certificate of title, and eleven dollars and fifty 101852
cents for each duplicate certificate of title. If a board of 101853
county commissioners adopts a resolution authorizing a twenty- 101854
three-dollar fee, the clerk shall retain the additional five 101855
dollars of that fee. 101856

(b) Five dollars for each certificate of title with no 101857
security interest noted that is issued to a licensed motor 101858
vehicle dealer for resale purposes. The clerk shall retain two 101859
dollars and twenty-five cents of that fee. 101860

(c) Five dollars for each memorandum certificate of title 101861
or non-negotiable evidence of ownership that is applied for 101862
separately. The clerk shall retain that entire fee. 101863

(2) The fees that are not retained by the clerk shall be 101864
paid to the registrar of motor vehicles by monthly returns, 101865
which shall be forwarded to the registrar not later than the 101866
fifth day of the month next succeeding that in which the 101867
certificate is forwarded or that in which the registrar is 101868
notified of a lien or cancellation of a lien. 101869

(B) (1) The registrar shall pay twenty-five cents of the 101870
amount received for each certificate of title that is issued to 101871
a motor vehicle dealer for resale, one dollar for certificates 101872
of title issued with a lien or security interest noted on the 101873
certificate of title, and twenty-five cents for each certificate 101874
of title with no lien or security interest noted on the 101875

certificate of title into the public safety - highway purposes 101876
fund established in section 4501.06 of the Revised Code. 101877

(2) Fifty cents of the amount received for each 101878
certificate of title shall be paid by the registrar as follows: 101879

(a) Four cents shall be paid into the state treasury to 101880
the credit of the motor vehicle dealers board fund created in 101881
section 4505.09 of the Revised Code, for use as described in 101882
division (B) (2) (a) of that section. 101883

(b) Twenty-one cents shall be paid into the highway 101884
operating fund. 101885

(c) Twenty-five cents shall be paid into the state 101886
treasury to the credit of the motor vehicle sales audit fund 101887
created in section 4505.09 of the Revised Code, for use as 101888
described in division (B) (2) (c) of that section. 101889

(3) Two dollars of the amount received by the registrar 101890
for each certificate of title shall be paid into the state 101891
treasury to the credit of the automated title processing fund 101892
created in section 4505.09 of the Revised Code, for use as 101893
described in divisions (B) (3) (a) and (c) of that section. 101894

(4) Three dollars of the amount received by the registrar 101895
under division (A) (1) (a) of this section shall be paid into the 101896
state treasury to the credit of the security, investigations, 101897
and policing fund created by section 4501.11 of the Revised Code 101898
to be used for the purposes specified in division (B) (1) of that 101899
section. 101900

Sec. 4561.03. (A) The Ohio airport improvement program 101901
fund is created in the state treasury. The fund shall consist of 101902
money appropriated to it by the general assembly. 101903

(B) The fund shall be used by the office of aviation to 101904
support the Ohio airport improvement program. The program 101905
provides financial support to publicly owned, public-use 101906
airports in Ohio. 101907

(C) Investment earnings of the fund shall be credited to 101908
the fund. 101909

Sec. 4582.024. After a port authority has been created, 101910
any municipal corporation, township, or county, acting by 101911
ordinance, resolution of the township trustees, or resolution of 101912
the county commissioners, respectively, which is contiguous to 101913
such port authority, or to any municipal corporation, township, 101914
or county which proposes to join such port authority at the same 101915
time and is contiguous to such port authority, or any county 101916
within which such port authority is situated, may join such port 101917
authority and thereupon the jurisdiction and territory of such 101918
port authority shall include such municipal corporation, county, 101919
or township. If more than one such political subdivision is to 101920
be joined to the port authority at the same time, then each such 101921
ordinance or resolution shall designate the political 101922
subdivisions which are to be so joined. Any territory or 101923
municipal corporation not included in a port authority and which 101924
is annexed to a municipal corporation included within the 101925
jurisdiction and territory of a port authority shall, on such 101926
annexation and without further proceedings, be annexed to and be 101927
included in the jurisdiction and territory of such port 101928
authority. Before such political subdivision or subdivisions are 101929
joined to a port authority, other than by annexation to a 101930
municipality, the political subdivision or subdivisions 101931
theretofore comprising such port authority shall agree upon the 101932
terms and conditions pursuant to which such political 101933
subdivision or subdivisions are to be joined. For all purposes 101934

of sections 4582.01 to 4582.20, inclusive, of the Revised Code, 101935
such political subdivision or subdivisions shall be considered 101936
to have participated in the creation of such port authority, 101937
except that the initial term of any director of the port 101938
authority appointed by such a political subdivision shall be 101939
four years. After each ordinance or resolution proposing joinder 101940
to the port authority has become effective and the terms and 101941
conditions of joinder have been agreed to, the board of 101942
directors of the port authority shall by resolution either 101943
accept or reject such joinder. Such joinder shall be effective 101944
on adoption of the resolution accepting such joinder, unless the 101945
port authority to which a political subdivision or subdivisions 101946
including a county within which such port authority is located, 101947
are to be joined has authority under section 4582.14 of the 101948
Revised Code to levy a tax on property within its jurisdiction, 101949
then such joinder shall not be effective until approved by the 101950
affirmative vote of a majority of the electors voting on the 101951
question of such joinder. If more than one political subdivision 101952
is to be joined to the port authority, then the electors of such 101953
subdivision shall vote as a district and the majority 101954
affirmative vote shall be determined by the vote cast in such 101955
district as a whole. 101956

If a tax on property is to be levied, the board of 101957
directors of the port authority and the county auditor shall 101958
proceed in the same manner as required for a tax levy under 101959
section 5705.03 of the Revised Code, except that the levy's 101960
annual collections shall be estimated assuming that the 101961
additional subdivision or subdivisions have joined the port 101962
authority. 101963

The election shall be called by the board of directors of 101964
the port authority and shall be held, canvassed, and certified 101965

in the manner provided for the submission of tax levies under 101966
section 5705.191 of the Revised Code except that the question 101967
appearing on the ballot shall read: 101968

"Shall _____ 101969

(name or names of political subdivisions to be joined) 101970

be joined to _____ (name) port authority and the 101971

existing tax levy (levies) of such port authority, that the 101972

county auditor estimates will collect \$_____ annually, at a rate 101973

not exceeding 101974

_____ mill(s) for each \$1 of taxable value, which amounts to 101975

\$_____ (effective rate) for each \$100,000 of the county 101976

auditor's ~~appraised~~ market value, be authorized to be 101977

levied against properties within 101978

_____ " 101979

(name or names of political subdivisions to be joined) 101980

If the question is approved such joinder shall be 101981

immediately effective and the port authority shall be authorized 101982

to extend the levy of such tax against all the taxable property 101983

within the political subdivision or political subdivisions which 101984

have been joined. If such question is approved at a general 101985

election then the port authority may amend its budget and 101986

resolution adopted pursuant to section 5705.34 of the Revised 101987

Code and such levy shall be placed on the current tax list and 101988

duplicate and collected as other taxes are collected from all 101989

taxable property within the port authority including the 101990

political subdivision or political subdivisions joined as a 101991

result of such election. 101992

As used in this section, "the county auditor's ~~appraised~~
market value" and "effective rate" have the same meanings as in
section 5705.01 of the Revised Code.

Sec. 4582.26. After a port authority has been created, any
municipal corporation, township, county, or other political
subdivision, acting by ordinance or resolution, which is
contiguous to any municipal corporation, township, county, or
other political subdivision which participated in the creation
of such port authority or to any municipal corporation,
township, county, or other political subdivision which proposes
to join the port authority at the same time and is contiguous to
any municipal corporation, township, county, or other political
subdivision which participated in the creation of such port
authority, may join such port authority, and thereupon the
jurisdiction and territory of the port authority includes the
municipal corporation, county, township, or other political
subdivision so joining. If more than one such political
subdivision is to be joined to the port authority at the same
time, then each such ordinance or resolution shall designate the
political subdivisions which are to be so joined. Any territory
or municipal corporation not included in a port authority and
which is annexed to a municipal corporation included within the
jurisdiction and territory of a port authority shall, on such
annexation and without further proceedings, be annexed to and be
included in the jurisdiction and territory of the port
authority. Before such political subdivision or subdivisions are
joined to a port authority, other than by annexation to a
municipal corporation, the political subdivision or subdivisions
theretofore comprising such port authority shall agree upon the
terms and conditions pursuant to which such political
subdivision or subdivisions are to be joined. For all purposes

of sections 4582.21 to 4582.59 of the Revised Code, such 102024
political subdivision or subdivisions shall be considered to 102025
have participated in the creation of such port authority, except 102026
that the initial term of any director of the port authority 102027
appointed by such a political subdivision shall be four years. 102028
After each ordinance or resolution proposing joinder to the port 102029
authority has become effective and the terms and conditions of 102030
joinder have been agreed to, the board of directors of the port 102031
authority shall by resolution either accept or reject such 102032
joinder. Such joinder shall be effective upon adoption of the 102033
resolution accepting such joinder, unless the port authority to 102034
which a political subdivision or subdivisions, including a 102035
county within which such port authority is located, are to be 102036
joined, has authority under section 4582.40 of the Revised Code 102037
to levy a tax on property within its jurisdiction, then such 102038
joinder shall not be effective until approved by the affirmative 102039
vote of a majority of the electors voting on the question of the 102040
joinder. If more than one political subdivision is to be joined 102041
to the port authority, then the electors of such subdivisions 102042
shall vote as a district and the majority affirmative vote shall 102043
be determined by the vote cast in such district as a whole. 102044

If a tax on property is to be levied, the board of 102045
directors of the port authority and the county auditor shall 102046
proceed in the manner as required for a tax levy under section 102047
5705.03 of the Revised Code, except that the levy's annual 102048
collections shall be estimated assuming that the additional 102049
subdivision or subdivisions have joined the port authority. 102050

The election shall be called by the board of directors of 102051
the port authority and shall be held, canvassed, and certified 102052
in the manner provided for the submission of tax levies under 102053
section 5705.191 of the Revised Code except that the question 102054

appearing on the ballot shall read: 102055

"Shall _____ 102056

(Name or names of political subdivisions to be joined) 102057

_____ 102058

be joined to _____ (Name) port authority 102059

and the existing tax levy (levies) of such port authority, that 102060

the county auditor estimates will collect \$_____ annually, at a 102061

rate not exceeding _____ mill(s) for each \$1 of 102062

taxable value, which amounts to \$_____ (effective rate) for 102063

each \$100,000 of the county auditor's ~~appraised~~ market value, 102064

be authorized to be levied against properties within 102065

_____?" 102066

(Name or names of political subdivisions to be joined) 102067

If the question is approved the joinder becomes 102068

immediately effective and the port authority is authorized to 102069

extend the levy of such tax against all the taxable property 102070

within the political subdivision or political subdivisions which 102071

have been joined. If such question is approved at a general 102072

election, then the port authority may amend its budget and 102073

resolution adopted pursuant to section 5705.34 of the Revised 102074

Code and such levy shall be placed on the current tax list and 102075

duplicate and collected as other taxes are collected from all 102076

taxable property within the port authority including the 102077

political subdivision or political subdivisions joined as a 102078

result of the election. 102079

As used in this section, "the county auditor's ~~appraised~~ 102080

market value" and "effective rate" have the same meanings as in 102081

section 5705.01 of the Revised Code. 102082

Sec. 4582.72. Notwithstanding any other provision of this 102083
chapter, no port authority created under section 4582.02 or 102084
4582.22 of the Revised Code shall enter an agreement providing 102085
for the construction or renovation of improvements to real 102086
property located outside of the port authority's jurisdiction to 102087
which all of the following applies without first obtaining 102088
approval from the board of county commissioners in the county 102089
where the property is located or, if the property is located in 102090
more than one county, from the board of county commissioners of 102091
each county in which the property is located: 102092

(A) The agreement is with a non-public entity. 102093

(B) The majority of the floor space of the improvements 102094
that are the subject of the agreement will not be occupied by 102095
the port authority upon completion of the construction or 102096
renovation. 102097

(C) Building materials purchased for the renovation or 102098
construction will qualify for the exemption authorized by 102099
division (B) (13) of section 5739.02 of the Revised Code. 102100

Sec. 4582.73. (A) As used in this section: 102101

(1) "Credit enhancement facilities" has the same meaning 102102
as in section 133.01 of the Revised Code. 102103

(2) "Common bond fund program" means any program 102104
authorized by a port authority for the purpose of financing port 102105
authority facilities and enhancing the credit of port authority 102106
obligations using credit enhancement facilities, cash reserves, 102107
or other moneys available for such purpose. 102108

(3) "Obligations" means bonds, notes, or other forms or 102109

evidences of obligation constituting revenue bonds as that term 102110
is used in division (A) (4) of section 4582.06 of the Revised 102111
Code, or port authority revenue bonds as that term is used in 102112
section 4582.48 and division (A) (8) of section 4582.31 of the 102113
Revised Code, issued by a port authority. 102114

(4) "Port authority" means a body corporate and politic 102115
created pursuant to the authority of this chapter. 102116

(5) "Port authority facilities" and "port authority 102117
facility" have the same meaning as in division (D) of section 102118
4582.01 or in division (E) of section 4582.21 of the Revised 102119
Code, as applicable. 102120

(B) A port authority may, by one or more resolutions of 102121
its board of directors, establish and maintain a common bond 102122
fund program. A port authority that has established a common 102123
bond fund program may operate and manage such program, authorize 102124
agreements and other documents for such program, and appropriate 102125
funds of the port authority for the support of such program. A 102126
port authority, as part of a common bond fund program, may 102127
authorize the use of one or more credit enhancement facilities 102128
and cash reserves or other money available for the purpose of 102129
financing port authority facilities, all as authorized in the 102130
bond proceedings associated with the obligations issued as part 102131
of the common bond fund program. 102132

Any obligations issued by a port authority and secured by 102133
a trust agreement between the port authority and a corporate 102134
trustee under division (A) (4) of section 4582.06 or section 102135
4582.50 may, in the discretion of the port authority, be issued 102136
as part of a common bond fund program. Any trust agreement used 102137
in a common bond fund program, and the establishment, deposit, 102138
investment and application of special funds, and the 102139

safeguarding of money, shall be governed by the bond proceedings 102140
associated with the obligations and by this chapter. More than 102141
one obligation may be secured by a trust agreement used in a 102142
common bond fund program. 102143

(C) All terms, provisions, and authorizations in this 102144
chapter as applicable to a port authority, and the terms, 102145
provisions, and authorizations of sections 9.96, 9.98, 9.981, 102146
9.982, and 9.983 of the Revised Code, apply to obligations 102147
issued as part of a common bond fund program and the associated 102148
bond proceedings, except as otherwise provided in this section, 102149
or except as otherwise provided in those obligations and 102150
associated bond proceedings. 102151

(D) This section shall be liberally construed to effect 102152
the purpose of authorizing common bond fund programs. The powers 102153
and authorizations granted in this section may be exercised 102154
jointly or separately by one or more port authorities and are in 102155
addition to and supplemental to the powers and authorizations 102156
otherwise granted to port authorities under the applicable 102157
provisions of this chapter and shall not be construed as a 102158
limitation on any such powers or authorizations. 102159

(E) This section provides additional optional authority 102160
for the establishment of a common bond fund program. Nothing in 102161
this section shall impair or affect any common bond fund program 102162
created prior to the effective date of this section. This 102163
section does not apply to any common bond fund program created 102164
prior to the effective date of this section unless the port 102165
authority elects to apply this section to its common bond fund 102166
program by one or more resolutions of its board of directors. 102167

Sec. 4701.01. As used in this chapter: 102168

(A) "Practice of public accounting" means performing or 102169
offering to perform any engagement that will result in the 102170
issuance of an attest report and, with respect to a person who 102171
holds a CPA certificate, PA registration, foreign certificate, 102172
or firm registration, any other services involving the use of 102173
accounting or auditing skills as established by rules adopted by 102174
the accountancy board. 102175

(B) "Public accounting firm" means a sole proprietorship, 102176
a partnership, a limited liability company, a professional 102177
association, a corporation-for-profit, or any other business 102178
organization that is engaged in the practice of public 102179
accounting in this state. 102180

(C) "Opinion report" means any opinion on a financial 102181
statement that is expressed in accordance with generally 102182
accepted auditing standards as to the fairness of presentation 102183
of information and that is used for guidance in financial 102184
transactions, for accounting, or for assessing the status or 102185
performance of commercial and noncommercial enterprises, whether 102186
public, private, or governmental. 102187

(D) "Peer review" means a study, appraisal, or review of 102188
one or more aspects of the professional work of a public 102189
accounting firm that meets the standards and requirements set 102190
forth by the accountancy board. 102191

(E) "Review report" means either of the following: 102192

(1) Any review report on a financial statement that is 102193
issued with respect to any of the following: 102194

(a) Interim financial information in accordance with 102195
generally accepted auditing standards; 102196

(b) The financial information of a nonpublic entity in 102197

accordance with statements on standards for accounting and	102198
review services;	102199
(c) The reliability of another party's written assertion	102200
in accordance with statements on standards for attestation	102201
engagements.	102202
(2) Any other review report on a financial statement that	102203
is not described in division (E) (1) of this section and that is	102204
issued in accordance with standards promulgated by the American	102205
institute of certified public accountants.	102206
(F) "Compilation report" means any compilation report on a	102207
financial statement that is issued with respect to financial	102208
information of a nonpublic entity in accordance with statements	102209
on standards for accounting and review services as promulgated	102210
by the American institute of certified public accountants.	102211
(G) "Examination report" means any examination report on a	102212
financial statement that is issued with respect to another	102213
party's written assertion in accordance with statements on	102214
standards for attestation engagements as promulgated by the	102215
American institute of certified public accountants.	102216
(H) "Agreed-upon procedures report" means any report that	102217
is on a financial statement and that is based on agreed-upon	102218
procedures issued with respect to another party's written	102219
assertion in accordance with statements on standards for	102220
attestation engagements as promulgated by the American institute	102221
of certified public accountants.	102222
(I) "Qualified firm" means a sole proprietorship,	102223
partnership, professional association, corporation-for-profit,	102224
limited liability company, or other business organization in	102225
which the individuals who own a majority of the business	102226

organization interests in the business organization and control 102227
the business organization hold an Ohio permit or a foreign 102228
certificate. 102229

(J) "Own" means any direct or indirect ownership of an 102230
equity interest or shares in a public accounting firm or 102231
qualified firm. 102232

(K) "Control" or "controlled" means the right to exercise 102233
the majority of the voting equity interests or shares in a 102234
public accounting firm or qualified firm with respect to any 102235
matter. 102236

(L) "Equity interest" means any capital interest or profit 102237
interest in a sole proprietorship, partnership, professional 102238
association, corporation-for-profit, limited liability company, 102239
or other business organization. 102240

(M) "Ohio permit" means a permit to practice public 102241
accounting issued under division (A) of section 4701.10 of the 102242
Revised Code that is not revoked or suspended. 102243

(N) "Ohio registration" means the registration under 102244
division (B) of section 4701.10 of the Revised Code of a holder 102245
of a CPA certificate or PA registration who is not in the 102246
practice of public accounting in this state. 102247

(O) "Firm registration" or "registered firm" means 102248
registration as a public accounting firm under section 4701.04 102249
of the Revised Code. 102250

(P) "PA registration" means registration as a public 102251
accountant under section 4701.07 of the Revised Code that is not 102252
revoked or suspended. 102253

(Q) "CPA certificate" means a certificate issued under 102254

section 4701.06 or 4701.061 of the Revised Code that is not 102255
revoked or suspended. 102256

(R) "Foreign certificate" means a license, permit, 102257
certificate, or registration issued to a certified public 102258
accountant under the laws of another state that authorizes the 102259
holder to practice public accounting in that state, is valid, is 102260
in good standing, and has not expired. 102261

(S) "Attest report" means an opinion report, review 102262
report, compilation report, examination report, agreed-upon 102263
procedures report, or any similar report prepared in accordance 102264
with standards established by the American institute of 102265
certified public accountants with respect to a financial 102266
statement or other financial information. 102267

(T) "Person" means any individual, corporation-for-profit, 102268
business trust, estate, partnership, limited liability company, 102269
professional association, or other business organization. 102270

(U) Technical terms that define specific public accounting 102271
engagements have the same meanings as in the professional 102272
standards promulgated by the American institute of certified 102273
public accountants. 102274

Sec. 4701.04. (A) No public accounting firm located in 102275
this state shall engage in the practice of public accounting in 102276
this state unless it registers with the accountancy board and 102277
pays a registration fee set by the board. 102278

(B) Public accounting firms shall apply for initial 102279
registration within ninety days after formation or within ninety 102280
days after the commencement of practicing public accounting in 102281
this state. All public accounting firms shall renew their 102282
registration triennially. All public accounting firms shall 102283

submit with their initial and renewal registration applications 102284
all of the following: 102285

(1) A list of the names, addresses, and certificate or 102286
registration numbers of all individuals who hold an Ohio permit 102287
and who own an equity interest or shares in the public 102288
accounting firm or are employed by the public accounting firm; 102289

(2) A list of the names and addresses of each person who 102290
does not hold an Ohio permit or a foreign certificate and who 102291
owns an equity interest or shares in the public accounting firm 102292
if the person's principal place of business is located in this 102293
state; 102294

(3) A statement that the public accounting firm and each 102295
person who owns an equity interest or shares in the public 102296
accounting firm or is employed by the public accounting firm and 102297
who does not hold an Ohio permit or a foreign certificate is in 102298
compliance with divisions (C) and (D) of this section. 102299

(C) A public accounting firm shall satisfy all of the 102300
following requirements in order to register: 102301

(1) Except as provided in division ~~(C)(5)~~ (C)(7) of this 102302
section, ~~each partner, shareholder, member, or other person who~~ 102303
~~owns an more than fifty per cent of the total equity interest or~~ 102304
shares in the public accounting firm shall be owned by 102305
individuals who hold an Ohio permit or a foreign certificate. 102306

(2) If a public accounting firm has a board of directors, 102307
more than fifty per cent of the directors shall hold an Ohio 102308
permit or a foreign certificate. 102309

(3) If a public accounting firm has an employee stock 102310
ownership plan, more than fifty per cent of the trustees of the 102311
employee stock ownership plan shall hold an Ohio permit or a 102312

foreign certificate. 102313

(4) The public accounting firm shall designate an 102314
individual who holds an Ohio permit who shall be responsible for 102315
the proper registration of the firm. The public accounting firm 102316
shall identify this individual to the board. 102317

~~(3)~~(5) Each individual in a public accounting firm who 102318
signs any attest report issued from an office of the public 102319
accounting firm located in this state shall hold an Ohio permit. 102320

~~(4)~~(6) An individual who owns an equity interest or shares 102321
in the public accounting firm or is employed by the public 102322
accounting firm and who holds an Ohio permit or a foreign 102323
certificate, or a qualified firm that owns an equity interest or 102324
shares in the public accounting firm, shall assume ultimate 102325
responsibility for any attest report issued from an office of 102326
the public accounting firm located in this state. 102327

~~(5)~~(7) Any person who does not hold an Ohio permit or a 102328
foreign certificate and who holds an equity interest or shares 102329
in the public accounting firm shall satisfy the conditions set 102330
forth in division (D) of this section. 102331

~~(6)~~(8) The public accounting firm shall provide for the 102332
transfer of the equity interest or shares owned by persons who 102333
do not hold an Ohio permit or a foreign certificate to either 102334
the public accounting firm or to another person who owns an 102335
equity interest or shares in the firm if a person who does not 102336
hold an Ohio permit or a foreign certificate withdraws from or 102337
ceases to be employed by the public accounting firm. The public 102338
accounting firm may make payments in connection with the 102339
person's withdrawal from the firm to that person or, if that 102340
person is deceased or dissolved, to the person's estate or 102341

successor in interest. 102342

(D) A person who does not hold an Ohio permit or a foreign 102343
certificate may own an equity interest or shares in a public 102344
accounting firm if all of the following conditions are met: 102345

(1) All of the individuals who hold an Ohio permit or a 102346
foreign certificate and who own equity interests or shares in 102347
the public accounting firm, and qualified firms that own equity 102348
interests or shares in the public accounting firm, own, in the 102349
aggregate, a majority of the equity interests or shares in the 102350
public accounting firm and control the public accounting firm. 102351

(2) The person does not assume or use any titles or 102352
designations specified in division (A) of section 4701.14 of the 102353
Revised Code. The person may designate or refer to the person as 102354
a shareholder, partner, member, principal, owner, or officer of 102355
the public accounting firm and also may use any other title that 102356
the board authorizes by rule. 102357

(3) The person is not in violation of any standard 102358
regarding the character or conduct of that person that the board 102359
establishes by rule. 102360

(4) The person's participation in the business of the 102361
public accounting firm is the person's principal occupation and 102362
consists of providing services to or on behalf of the public 102363
accounting firm, and the person is not functioning solely or 102364
predominately as a passive investor in the public accounting 102365
firm. 102366

(5) The person meets or exceeds the continuing education 102367
requirements that the board establishes by rule. 102368

(6) A person who holds a professional license, 102369
registration, or certification issued by this state or another 102370

state complies with the requirements of that license, 102371
registration, or certification. 102372

(7) The person abides by the code of conduct of the 102373
American institute of certified public accountants or a 102374
comparable code of professional conduct that the board adopts by 102375
rule. 102376

(8) The person complies with all applicable provisions of 102377
this chapter and the rules adopted by the board. 102378

(E) A person who owns a voting equity interest or shares 102379
in a public accounting firm may not delegate, by proxy or 102380
otherwise, the duty to exercise any voting rights to a person 102381
that does not hold an Ohio permit or a foreign certificate or to 102382
a person that is not a qualified firm. 102383

(F) As a condition for initial or renewal registration of 102384
a public accounting firm on and after January 1, 1993, the 102385
board, by rule, shall require that each public accounting firm 102386
undergo a peer review to determine the public accounting firm's 102387
degree of compliance in the practice of public accounting with 102388
generally accepted accounting principles, generally accepted 102389
auditing standards, and other generally accepted technical 102390
standards as defined by the board in rule, unless the public 102391
accounting firm meets one of the exceptions in division (J) of 102392
this section. 102393

(G) The board shall adopt rules establishing guidelines 102394
for peer reviews, and may authorize an agent to administer all 102395
or part of the board's peer review program and to assess a 102396
reasonable fee to firms to cover the costs incurred by the agent 102397
for program administration. The rules shall do all of the 102398
following: 102399

(1) Designate a peer review committee consisting of 102400
accounting professionals to serve as advisors to the board and 102401
to ensure that the board's guidelines are followed. 102402

(2) Require that the peer review be conducted by a 102403
reviewer that is both independent of the public accounting firm 102404
reviewed and qualified pursuant to board rules; 102405

(3) Require that the standards and practices applied by 102406
the reviewer be at least as stringent as those applied by the 102407
American institute of certified public accountants; 102408

(4) Prohibit the use or disclosure of information obtained 102409
by members of the board or a committee of peer reviewers during 102410
or in connection with the peer review process for purposes other 102411
than those related to determining the degree of compliance by 102412
the public accounting firm with generally accepted accounting 102413
principles, generally accepted auditing standards, and other 102414
generally accepted technical standards as defined by the board 102415
in rule. Division (G) (4) of this section does not apply to the 102416
use or disclosure of information that is described in division 102417
(K) (3) of this section or that is necessary to comply with any 102418
provision of law. 102419

(H) (1) If a peer review report indicates that a public 102420
accounting firm does not comply with standards and practices set 102421
forth in the rules adopted by the board, the board, in its 102422
discretion, may review the results of the peer review report. If 102423
the board, or its authorized peer review program administrator, 102424
determines that the public accounting firm does not comply with 102425
the standards and practices, it may require both of the 102426
following: 102427

(a) Remedial action, which may include any of the 102428

following: 102429

(i) Requiring employees of the public accounting firm to 102430
complete general or specific continuing professional education 102431
courses; 102432

(ii) Requiring the public accounting firm to undergo peer 102433
review more frequently than triennially and peer review that is 102434
conducted in whole or part under the direct supervision of the 102435
board or its designee; 102436

(iii) Any other remedial action specified by the board. 102437

(b) An affidavit and supporting documentation from the 102438
public accounting firm submitted within the time specified by 102439
the board indicating completion of required remedial actions. 102440

(2) If the board, or its authorized peer review program 102441
administrator, determines that a public accounting firm has not 102442
complied with any requirement ordered under division (H) of this 102443
section, or if the board determines, after the review of a peer 102444
review report, that the public accounting firm has a history of 102445
noncompliance with standards and practices set forth in board 102446
rules, the board may hold a hearing to determine the extent of 102447
the firm's noncompliance. If the board, after conducting the 102448
hearing, determines that the public accounting firm does not 102449
comply with appropriate standards and practices, the board may 102450
issue an order that imposes any disciplinary measure set forth 102451
in division (B) of section 4701.16 of the Revised Code. 102452

(3) Notwithstanding divisions (K)(1) and (2) of this 102453
section, all matters relating to the procedures for determining 102454
compliance with the standards and practices under division (H) 102455
(2) of this section are subject to Chapter 119. of the Revised 102456
Code, including the notice and conduct of any hearing and the 102457

issuance and appeal of any order. Remedial orders made under 102458
division (H) (1) of this section are not subject to Chapter 119. 102459
of the Revised Code. 102460

(I) The public accounting firm reviewed shall pay for any 102461
peer review performed. 102462

(J) The board may exempt a public accounting firm from the 102463
requirement to undergo a peer review if the public accounting 102464
firm submits to the board a written and notarized statement that 102465
the public accounting firm meets at least one of the following 102466
grounds for exemption identified in the statement: 102467

(1) Within three years of the date of application for 102468
initial or renewal registration, the public accounting firm has 102469
completed a peer review acceptable to the board and conducted 102470
pursuant to standards not less stringent than the peer review 102471
standards promulgated by the American institute of certified 102472
public accountants. A peer review that does not comply with 102473
standards and practices set forth in the rules adopted by the 102474
board and that may subject a public accounting firm to remedial 102475
or disciplinary action pursuant to division (H) of this section, 102476
does not qualify as an acceptable peer review. The public 102477
accounting firm shall submit to the board a copy of the results 102478
of the peer review and any additional documentation required by 102479
the board. The board shall not require submittal of the working 102480
papers related to the peer review process. 102481

(2) Within three years of the date of application for 102482
initial or renewal registration, the public accounting firm has 102483
completed a peer review acceptable to the board that was 102484
conducted in another state or foreign country. The public 102485
accounting firm shall submit to the board a copy of the results 102486
of the peer review and any additional documentation required by 102487

the board, including a detailed report of the procedures and 102488
standards applied by the reviewer. 102489

(3) The public accounting firm has never practiced public 102490
accounting in this state or any other state or foreign country, 102491
will complete a peer review acceptable to the board within 102492
eighteen months of initial registration, and will review its 102493
registration with the board two years after initial registration 102494
as specified in rules the board adopts. 102495

(4) The public accounting firm, on a schedule as required 102496
by rule adopted by the board, submits a report to the board that 102497
states all of the following: 102498

(a) The public accounting firm does not undertake any 102499
engagement that will result in the issuance of an attest report 102500
or other engagement that is subject to peer review in accordance 102501
with division (F) of this section. 102502

(b) The public accounting firm agrees to notify the board 102503
within ninety days after accepting any engagement that will 102504
result in the issuance of any attest report or other engagement 102505
that is subject to peer review in accordance with division (F) 102506
of this section and will complete a peer review acceptable to 102507
the board within one year after the acceptance of an engagement 102508
of that nature. 102509

(5) Subject to the board's approval and for good cause as 102510
defined in rules the board adopts, the public accounting firm is 102511
entitled to an exemption. 102512

(K) In any civil action, arbitration, or administrative 102513
proceeding involving a public accounting firm, all of the 102514
following shall apply: 102515

(1) The proceedings, records, and work papers of any 102516

reviewer, including board members and review committee members, 102517
involved in the peer review process are privileged and not 102518
subject to discovery, subpoena, or other means of legal process 102519
and may not be introduced into evidence. 102520

(2) No reviewer, including board members and review 102521
committee members, involved in the peer review process shall be 102522
permitted or required to testify as to any matters produced, 102523
presented, disclosed, or discussed during or in connection with 102524
the peer review process or shall be required to testify to any 102525
finding, recommendation, evaluation, opinion, or other actions 102526
of those committees or their members. 102527

(3) No privilege exists under this section for either of 102528
the following: 102529

(a) Information presented or considered in the peer review 102530
process that was otherwise available to the public; 102531

(b) Materials prepared in connection with a particular 102532
engagement merely because they subsequently are presented or 102533
considered as part of the peer review process. 102534

(L) (1) If a peer review report indicates that a public 102535
accounting firm complies with standards and practices set forth 102536
in rules adopted by the board, the board shall destroy all 102537
documents and reports related to the peer review within thirty 102538
days after the board completes its review of the report. 102539

(2) If a peer review report indicates that a public 102540
accounting firm does not comply with those standards and 102541
practices set forth in rules adopted by the board, the board 102542
shall retain all documents and reports related to the peer 102543
review until completion of the next peer review that complies 102544
with standards and practices set forth in rules adopted by the 102545

board pursuant to division (G) of this section. The board also 102546
may use these documents to determine a history of noncompliance 102547
with standards and practices in any proceeding held under 102548
division (H) (2) of this section. 102549

Sec. 4701.16. (A) After notice and hearing as provided in 102550
Chapter 119. of the Revised Code, the accountancy board may 102551
discipline as described in division (B) of this section a person 102552
holding an Ohio permit, an Ohio registration, a firm 102553
registration, a CPA certificate, or a PA registration or any 102554
other person whose activities are regulated by the board for any 102555
one or any combination of the following causes: 102556

(1) Fraud or deceit in obtaining a firm registration or in 102557
obtaining a CPA certificate, a PA registration, an Ohio permit, 102558
or an Ohio registration; 102559

(2) Dishonesty, fraud, or gross negligence in the practice 102560
of public accounting; 102561

(3) Violation of any of the provisions of section 4701.14 102562
of the Revised Code; 102563

(4) Violation of a rule of professional conduct 102564
promulgated by the board under the authority granted by this 102565
chapter; 102566

(5) Conviction of a felony under the laws of any state or 102567
of the United States; 102568

(6) Conviction of any crime, an element of which is 102569
dishonesty or fraud, under the laws of any state or of the 102570
United States; 102571

(7) Cancellation, revocation, suspension, or refusal to 102572
renew authority to practice as a certified public accountant, a 102573

public accountant, or a public accounting firm by any other 102574
state, for any cause other than failure to pay registration fees 102575
in that other state; 102576

(8) Suspension or revocation of the right to practice 102577
before any state or federal agency; 102578

(9) Failure of a holder of a CPA certificate or PA 102579
registration to obtain an Ohio permit or an Ohio registration, 102580
or the failure of a public accounting firm to obtain a firm 102581
registration; 102582

(10) Conduct discreditable to the public accounting 102583
profession or to the holder of an Ohio permit, Ohio 102584
registration, or foreign certificate; 102585

(11) Failure of a public accounting firm to comply with 102586
section 4701.04 of the Revised Code. 102587

(B) For any of the reasons specified in division (A) of 102588
this section, the board may do any of the following: 102589

(1) Revoke, suspend, or refuse to renew any CPA 102590
certificate or PA registration or any Ohio permit, Ohio 102591
registration, or firm registration; 102592

(2) Disqualify a person who is not a holder of an Ohio 102593
permit or a foreign certificate from owning an equity interest_ 102594
or shares in a public accounting firm or qualified firm; 102595

(3) Publicly censure a registered firm or a holder of a 102596
CPA certificate, a PA registration, an Ohio permit, or an Ohio 102597
registration; 102598

(4) Levy against a registered firm or a holder of a CPA 102599
certificate, a PA registration, an Ohio permit, or an Ohio 102600
registration a penalty or fine not to exceed five thousand 102601

dollars for each offense. Any fine shall be reasonable and in 102602
relation to the severity of the offense. 102603

(5) In the case of violations of division (A) (2) or (4) of 102604
this section, require completion of remedial continuing 102605
education programs prescribed by the board in addition to those 102606
required by section 4701.11 of the Revised Code; 102607

(6) In the case of violations of division (A) (2) or (4) of 102608
this section, require the holder of a CPA certificate, PA 102609
registration, or firm registration to submit to a peer review by 102610
a professional committee designated by the board, which 102611
committee shall report to the board concerning that holder's 102612
compliance with generally accepted accounting principles, 102613
generally accepted auditing standards, or other generally 102614
accepted technical standards; 102615

(7) Revoke or suspend the privileges to offer or render 102616
attest services in this state or to use a CPA title or 102617
designation in this state of an individual who holds a foreign 102618
certificate. 102619

(C) If the board levies a fine against or suspends the 102620
certificate of a person or registration of a person or firm for 102621
a violation of division (A) (2) or (4) of this section, it may 102622
waive all or any portion of the fine or suspension if the holder 102623
of the CPA certificate, PA registration, or firm registration 102624
complies fully with division (B) (5) or (6) of this section. 102625

(D) A person engaged in the practice of public accounting 102626
shall not be subject to discipline by the accountancy board 102627
solely because the person provided professional accounting 102628
services to the holder of a license under Chapter 3796. of the 102629
Revised Code. 102630

Sec. 4707.024. (A) Not later than seventy-two hours after 102631
the end of an auction, a person licensed under this chapter 102632
shall deposit in one or more trust or escrow accounts all money 102633
received from the sale of an owner's or consignee's personal 102634
property at auction unless the licensee pays the money to the 102635
owner or consignee immediately after the end of the auction. 102636

(B) For purposes of this section, a person licensed under 102637
this chapter shall designate a trust or escrow account that 102638
contains an owner's or consignee's money as "client trust 102639
account" or with words of similar meaning. In addition, a trust 102640
or escrow account only shall contain money received from the 102641
sale of personal property at auction that has not been disbursed 102642
and money for expenses regarding the auction, including 102643
commission and advertisement fees, that are specifically 102644
delineated in the auction contract. 102645

~~(C)~~ (C) (1) Except for the payment of money to the owner or 102646
consignee immediately after the end of the auction, a person 102647
licensed under this chapter shall pay the owner or consignee 102648
with money from the client's trust or escrow account. In 102649
addition, the licensee may pay expenses, including commission 102650
and advertisement fees, that are specifically delineated in the 102651
auction contract with money from the trust or escrow account. 102652
Money in the trust or escrow account shall not be disbursed for 102653
any purpose that is inconsistent with this section. In addition, 102654
except as provided in division (C) (2) of this section, the money 102655
shall not be commingled with the licensee's personal or business 102656
money. In administering the trust or escrow account, the 102657
licensee shall keep detailed records that show deposits, 102658
withdrawals, and interest accrued, if applicable. 102659

Unless otherwise agreed to by the parties in the auction 102660

contract or by the direction of a court of law or as otherwise 102661
provided in division (C) (2) of this section, all money deposited 102662
into a trust or escrow account shall be disbursed to the seller 102663
not later than fifteen days after the auction. 102664

(2) Notwithstanding division (C) (1) of this section, a 102665
licensee may deposit money into a trust or escrow account, and 102666
retain that money in the account, to pay expenses related to 102667
bank charges necessary to maintain the account. A licensee shall 102668
not utilize any of the owner's or consignee's money to pay such 102669
expenses. 102670

(D) Money from the sale of personal property at auction 102671
may be deposited in an interest bearing account if the parties 102672
to the auction contract specifically agree to such a deposit. 102673
Interest earned in the account shall be credited to the seller 102674
unless otherwise agreed to by the parties in the auction listing 102675
contract. The interest credited to the account may remain in the 102676
account for a period of sixty days after the seller receives the 102677
money from the account. The interest money then shall be 102678
disbursed according to the terms of the auction contract. 102679

(E) All money received in connection with the sale of real 102680
property at auction shall be deposited in a broker's special or 102681
trust bank account in a depository located in this state that is 102682
described in division (A) (26) of section 4735.18 of the Revised 102683
Code. 102684

Sec. 4723.28. (A) The board of nursing, by a vote of a 102685
quorum, may impose one or more of the following sanctions if it 102686
finds that a person committed fraud in passing an examination 102687
required to obtain a license or dialysis technician certificate 102688
issued by the board or to have committed fraud, 102689
misrepresentation, or deception in applying for or securing any 102690

nursing license or dialysis technician certificate issued by the 102691
board: deny, revoke, suspend, or place restrictions on any 102692
nursing license or dialysis technician certificate issued by the 102693
board; reprimand or otherwise discipline a holder of a nursing 102694
license or dialysis technician certificate; or impose a fine of 102695
not more than five hundred dollars per violation. 102696

(B) Except as provided in section 4723.092 of the Revised 102697
Code, the board of nursing, by a vote of a quorum, may impose 102698
one or more of the following sanctions: deny, revoke, suspend, 102699
or place restrictions on any nursing license or dialysis 102700
technician certificate issued by the board; reprimand or 102701
otherwise discipline a holder of a nursing license or dialysis 102702
technician certificate; or impose a fine of not more than five 102703
hundred dollars per violation. The sanctions may be imposed for 102704
any of the following: 102705

(1) Denial, revocation, suspension, or restriction of 102706
authority to engage in a licensed profession or practice a 102707
health care occupation, including nursing or practice as a 102708
dialysis technician, for any reason other than a failure to 102709
renew, in Ohio or another state or jurisdiction; 102710

(2) Engaging in the practice of nursing or engaging in 102711
practice as a dialysis technician, having failed to renew a 102712
nursing license or dialysis technician certificate issued under 102713
this chapter, or while a nursing license or dialysis technician 102714
certificate is under suspension; 102715

(3) Conviction of, a plea of guilty to, a judicial finding 102716
of guilt of, a judicial finding of guilt resulting from a plea 102717
of no contest to, or a judicial finding of eligibility for a 102718
pretrial diversion or similar program or for intervention in 102719
lieu of conviction for, a misdemeanor committed in the course of 102720

practice; 102721

(4) Conviction of, a plea of guilty to, a judicial finding 102722
of guilt of, a judicial finding of guilt resulting from a plea 102723
of no contest to, or a judicial finding of eligibility for a 102724
pretrial diversion or similar program or for intervention in 102725
lieu of conviction for, any felony or of any crime involving 102726
gross immorality or moral turpitude; 102727

(5) Selling, giving away, or administering drugs or 102728
therapeutic devices for other than legal and legitimate 102729
therapeutic purposes; or conviction of, a plea of guilty to, a 102730
judicial finding of guilt of, a judicial finding of guilt 102731
resulting from a plea of no contest to, or a judicial finding of 102732
eligibility for a pretrial diversion or similar program or for 102733
intervention in lieu of conviction for, violating any municipal, 102734
state, county, or federal drug law; 102735

(6) Conviction of, a plea of guilty to, a judicial finding 102736
of guilt of, a judicial finding of guilt resulting from a plea 102737
of no contest to, or a judicial finding of eligibility for a 102738
pretrial diversion or similar program or for intervention in 102739
lieu of conviction for, an act in another jurisdiction that 102740
would constitute a felony or a crime of moral turpitude in Ohio; 102741

(7) Conviction of, a plea of guilty to, a judicial finding 102742
of guilt of, a judicial finding of guilt resulting from a plea 102743
of no contest to, or a judicial finding of eligibility for a 102744
pretrial diversion or similar program or for intervention in 102745
lieu of conviction for, an act in the course of practice in 102746
another jurisdiction that would constitute a misdemeanor in 102747
Ohio; 102748

(8) Self-administering or otherwise taking into the body 102749

any dangerous drug, as defined in section 4729.01 of the Revised 102750
Code, in any way that is not in accordance with a legal, valid 102751
prescription issued for that individual, or self-administering 102752
or otherwise taking into the body any drug that is a schedule I 102753
controlled substance; 102754

(9) Habitual or excessive use of controlled substances, 102755
other habit-forming drugs, or alcohol or other chemical 102756
substances to an extent that impairs the individual's ability to 102757
provide safe nursing care or safe dialysis care; 102758

(10) Impairment of the ability to practice according to 102759
acceptable and prevailing standards of safe nursing care or safe 102760
dialysis care because of the use of drugs, alcohol, or other 102761
chemical substances; 102762

(11) Impairment of the ability to practice according to 102763
acceptable and prevailing standards of safe nursing care or safe 102764
dialysis care because of a physical or mental disability; 102765

(12) Assaulting or causing harm to a patient or depriving 102766
a patient of the means to summon assistance; 102767

(13) Misappropriation or attempted misappropriation of 102768
money or anything of value in the course of practice; 102769

(14) Adjudication by a probate court of being mentally ill 102770
or mentally incompetent. The board may reinstate the person's 102771
nursing license or dialysis technician certificate upon 102772
adjudication by a probate court of the person's restoration to 102773
competency or upon submission to the board of other proof of 102774
competency. 102775

(15) The suspension or termination of employment by the 102776
United States department of defense or department of veterans 102777
affairs for any act that violates or would violate this chapter; 102778

(16) Violation of this chapter or any rules adopted under it;	102779 102780
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	102781 102782
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	102783 102784 102785
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	102786 102787
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	102788 102789 102790
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	102791 102792 102793
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	102794 102795 102796
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	102797 102798 102799
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	102800 102801 102802
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is	102803 102804 102805 102806

used as an enticement to a patient or group of patients to	102807
receive health care services from that provider;	102808
(b) Advertising that the nurse will waive the payment of	102809
all or any part of a deductible or copayment that a patient,	102810
pursuant to a health insurance or health care policy, contract,	102811
or plan that covers such nursing services, would otherwise be	102812
required to pay.	102813
(25) Failure to comply with the terms and conditions of	102814
participation in the safe haven program conducted under sections	102815
4723.35 and 4723.351 of the Revised Code;	102816
(26) Failure to comply with the terms and conditions	102817
required under the practice intervention and improvement program	102818
established under section 4723.282 of the Revised Code;	102819
(27) In the case of an advanced practice registered nurse:	102820
(a) Engaging in activities that exceed those permitted for	102821
the nurse's nursing specialty under section 4723.43 of the	102822
Revised Code;	102823
(b) Failure to meet the quality assurance standards	102824
established under section 4723.07 of the Revised Code.	102825
(28) In the case of an advanced practice registered nurse	102826
other than a certified registered nurse anesthetist, failure to	102827
maintain a standard care arrangement in accordance with section	102828
4723.431 of the Revised Code or to practice in accordance with	102829
the standard care arrangement;	102830
(29) In the case of an advanced practice registered nurse	102831
who is designated as a clinical nurse specialist, certified	102832
nurse-midwife, or certified nurse practitioner, failure to	102833
prescribe drugs and therapeutic devices in accordance with	102834

section 4723.481 of the Revised Code; 102835

(30) Prescribing any drug or device to perform or induce 102836
an abortion, or otherwise performing or inducing an abortion; 102837

(31) Failure to establish and maintain professional 102838
boundaries with a patient, as specified in rules adopted under 102839
section 4723.07 of the Revised Code; 102840

(32) Regardless of whether the contact or verbal behavior 102841
is consensual, engaging with a patient other than the spouse of 102842
the registered nurse, licensed practical nurse, or dialysis 102843
technician in any of the following: 102844

(a) Sexual contact, as defined in section 2907.01 of the 102845
Revised Code; 102846

(b) Verbal behavior that is sexually demeaning to the 102847
patient or may be reasonably interpreted by the patient as 102848
sexually demeaning. 102849

(33) Assisting suicide, as defined in section 3795.01 of 102850
the Revised Code; 102851

(34) Failure to comply with the requirements in section 102852
3719.061 of the Revised Code before issuing for a minor a 102853
prescription for an opioid analgesic, as defined in section 102854
3719.01 of the Revised Code; 102855

(35) Failure to comply with section 4723.487 of the 102856
Revised Code, unless the state board of pharmacy no longer 102857
maintains a drug database pursuant to section 4729.75 of the 102858
Revised Code; 102859

(36) The revocation, suspension, restriction, reduction, 102860
or termination of clinical privileges by the United States 102861
department of defense or department of veterans affairs or the 102862

termination or suspension of a certificate of registration to 102863
prescribe drugs by the drug enforcement administration of the 102864
United States department of justice; 102865

(37) In the case of an advanced practice registered nurse 102866
who is designated as a clinical nurse specialist, certified 102867
nurse-midwife, or certified nurse practitioner, failure to 102868
comply with the terms of a consult agreement entered into with a 102869
pharmacist pursuant to section 4729.39 of the Revised Code; 102870

(38) Violation of section 4723.93 of the Revised Code; 102871

(39) Failure to cooperate with an investigation conducted 102872
by the board under this chapter, including failure to comply 102873
with a subpoena or order issued by the board or failure to 102874
answer truthfully a question presented by the board in an 102875
investigative interview, in an investigative office conference, 102876
at a deposition, or in written interrogatories, except that 102877
failure to cooperate with an investigation does not constitute 102878
grounds for discipline if a court of competent jurisdiction has 102879
issued an order that either quashes a subpoena or permits the 102880
individual to withhold testimony or evidence at issue. 102881

(C) Disciplinary actions taken by the board under 102882
divisions (A) and (B) of this section shall be taken pursuant to 102883
an adjudication conducted under Chapter 119. of the Revised 102884
Code, except that in lieu of a hearing, the board may enter into 102885
a consent agreement with an individual to resolve an allegation 102886
of a violation of this chapter or any rule adopted under it. A 102887
consent agreement, when ratified by a vote of a quorum, shall 102888
constitute the findings and order of the board with respect to 102889
the matter addressed in the agreement. If the board refuses to 102890
ratify a consent agreement, the admissions and findings 102891
contained in the agreement shall be of no effect. 102892

(D) The hearings of the board shall be conducted in 102893
accordance with Chapter 119. of the Revised Code, the board may 102894
appoint a hearing examiner, as provided in section 119.09 of the 102895
Revised Code, to conduct any hearing the board is authorized to 102896
hold under Chapter 119. of the Revised Code. 102897

In any instance in which the board is required under 102898
Chapter 119. of the Revised Code to give notice of an 102899
opportunity for a hearing and the applicant, licensee, or 102900
certificate holder does not make a timely request for a hearing 102901
in accordance with section 119.07 of the Revised Code, the board 102902
is not required to hold a hearing, but may adopt, by a vote of a 102903
quorum, a final order that contains the board's findings. In the 102904
final order, the board may order any of the sanctions listed in 102905
division (A) or (B) of this section. 102906

(E) If a criminal action is brought against a registered 102907
nurse, licensed practical nurse, or dialysis technician for an 102908
act or crime described in divisions (B) (3) to (7) of this 102909
section and the action is dismissed by the trial court other 102910
than on the merits, the board shall conduct an adjudication to 102911
determine whether the registered nurse, licensed practical 102912
nurse, or dialysis technician committed the act on which the 102913
action was based. If the board determines on the basis of the 102914
adjudication that the registered nurse, licensed practical 102915
nurse, or dialysis technician committed the act, or if the 102916
registered nurse, licensed practical nurse, or dialysis 102917
technician fails to participate in the adjudication, the board 102918
may take action as though the registered nurse, licensed 102919
practical nurse, or dialysis technician had been convicted of 102920
the act. 102921

If the board takes action on the basis of a conviction, 102922

plea, or a judicial finding as described in divisions (B) (3) to 102923
(7) of this section that is overturned on appeal, the registered 102924
nurse, licensed practical nurse, or dialysis technician may, on 102925
exhaustion of the appeal process, petition the board for 102926
reconsideration of its action. On receipt of the petition and 102927
supporting court documents, the board shall temporarily rescind 102928
its action. If the board determines that the decision on appeal 102929
was a decision on the merits, it shall permanently rescind its 102930
action. If the board determines that the decision on appeal was 102931
not a decision on the merits, it shall conduct an adjudication 102932
to determine whether the registered nurse, licensed practical 102933
nurse, or dialysis technician committed the act on which the 102934
original conviction, plea, or judicial finding was based. If the 102935
board determines on the basis of the adjudication that the 102936
registered nurse, licensed practical nurse, or dialysis 102937
technician committed such act, or if the registered nurse, 102938
licensed practical nurse, or dialysis technician does not 102939
request an adjudication, the board shall reinstate its action; 102940
otherwise, the board shall permanently rescind its action. 102941

Notwithstanding the provision of division (D) (2) of 102942
section 2953.32 or division (F) (1) of section 2953.39 of the 102943
Revised Code specifying that if records pertaining to a criminal 102944
case are sealed or expunged under that section the proceedings 102945
in the case shall be deemed not to have occurred, sealing or 102946
expungement of the following records on which the board has 102947
based an action under this section shall have no effect on the 102948
board's action or any sanction imposed by the board under this 102949
section: records of any conviction, guilty plea, judicial 102950
finding of guilt resulting from a plea of no contest, or a 102951
judicial finding of eligibility for a pretrial diversion program 102952
or intervention in lieu of conviction. 102953

The board shall not be required to seal, destroy, redact, 102954
or otherwise modify its records to reflect the court's sealing 102955
or expungement of conviction records. 102956

(F) The board may investigate an individual's criminal 102957
background in performing its duties under this section. As part 102958
of such investigation, the board may order the individual to 102959
submit, at the individual's expense, a request to the bureau of 102960
criminal identification and investigation for a criminal records 102961
check and check of federal bureau of investigation records in 102962
accordance with the procedure described in section 4723.091 of 102963
the Revised Code. 102964

(G) During the course of an investigation conducted under 102965
this section, the board may compel any registered nurse, 102966
licensed practical nurse, or dialysis technician or applicant 102967
under this chapter to submit to a mental or physical 102968
examination, or both, as required by the board and at the 102969
expense of the individual, if the board finds reason to believe 102970
that the individual under investigation may have a physical or 102971
mental impairment that may affect the individual's ability to 102972
provide safe nursing care. 102973

The board shall not compel an individual who has been 102974
referred to the safe haven program as described in sections 102975
4723.35 and 4723.351 of the Revised Code to submit to a mental 102976
or physical examination. 102977

Failure of any individual to submit to a mental or 102978
physical examination when directed constitutes an admission of 102979
the allegations, unless the failure is due to circumstances 102980
beyond the individual's control, and a default and final order 102981
may be entered without the taking of testimony or presentation 102982
of evidence. 102983

If the board finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.

For purposes of this division, any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(H) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. Any person may report to the board any information the person may have that appears to show a violation of any provision of this chapter or rule of the board. In the absence of bad faith, any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

(I) All of the following apply under this chapter with respect to the confidentiality of information:

(1) Information received by the board pursuant to a complaint or an investigation is confidential and not subject to discovery in any civil action, except that the board may

disclose information to law enforcement officers and government 103014
entities for purposes of an investigation of either a licensed 103015
health care professional, including a registered nurse, licensed 103016
practical nurse, or dialysis technician, or a person who may 103017
have engaged in the unauthorized practice of nursing or dialysis 103018
care. No law enforcement officer or government entity with 103019
knowledge of any information disclosed by the board pursuant to 103020
this division shall divulge the information to any other person 103021
or government entity except for the purpose of a government 103022
investigation, a prosecution, or an adjudication by a court or 103023
government entity. 103024

(2) If an investigation requires a review of patient 103025
records, the investigation and proceeding shall be conducted in 103026
such a manner as to protect patient confidentiality. 103027

(3) All adjudications and investigations of the board 103028
shall be considered civil actions for the purposes of section 103029
2305.252 of the Revised Code. 103030

(4) Any board activity that involves continued monitoring 103031
of an individual as part of or following any disciplinary action 103032
taken under this section shall be conducted in a manner that 103033
maintains the individual's confidentiality. Information received 103034
or maintained by the board with respect to the board's 103035
monitoring activities is not subject to discovery in any civil 103036
action and is confidential, except that the board may disclose 103037
information to law enforcement officers and government entities 103038
for purposes of an investigation of a licensee or certificate 103039
holder. 103040

(J) Any action taken by the board under this section 103041
resulting in a suspension from practice shall be accompanied by 103042
a written statement of the conditions under which the person may 103043

be reinstated to practice. 103044

(K) When the board refuses to grant a license or 103045
certificate to an applicant, revokes a license or certificate, 103046
or refuses to reinstate a license or certificate, the board may 103047
specify that its action is permanent. An individual subject to 103048
permanent action taken by the board is forever ineligible to 103049
hold a license or certificate of the type that was refused or 103050
revoked and the board shall not accept from the individual an 103051
application for reinstatement of the license or certificate or 103052
for a new license or certificate. 103053

(L) No unilateral surrender of a nursing license or 103054
dialysis technician certificate issued under this chapter shall 103055
be effective unless accepted by majority vote of the board. No 103056
application for a nursing license or dialysis technician 103057
certificate issued under this chapter may be withdrawn without a 103058
majority vote of the board. The board's jurisdiction to take 103059
disciplinary action under this section is not removed or limited 103060
when an individual has a license or certificate classified as 103061
inactive or fails to renew a license or certificate. 103062

(M) Sanctions shall not be imposed under division (B) (24) 103063
of this section against any licensee who waives deductibles and 103064
copayments as follows: 103065

(1) In compliance with the health benefit plan that 103066
expressly allows such a practice. Waiver of the deductibles or 103067
copayments shall be made only with the full knowledge and 103068
consent of the plan purchaser, payer, and third-party 103069
administrator. Documentation of the consent shall be made 103070
available to the board upon request. 103071

(2) For professional services rendered to any other person 103072

licensed pursuant to this chapter to the extent allowed by this 103073
chapter and the rules of the board. 103074

Sec. 4723.483. (A) (1) Subject to division (A) (2) of this 103075
section, and notwithstanding any provision of this chapter or 103076
rule adopted by the board of nursing, a clinical nurse 103077
specialist, certified nurse-midwife, or certified nurse 103078
practitioner who holds a certificate to prescribe issued under 103079
section 4723.48 of the Revised Code may do either of the 103080
following without having examined an individual to whom 103081
epinephrine may be administered: 103082

(a) Personally furnish a supply of epinephrine 103083
autoinjectors for use in accordance with sections 3313.7110, 103084
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 103085
~~5101.76~~ 5180.26 of the Revised Code; 103086

(b) Issue a prescription for epinephrine autoinjectors for 103087
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 103088
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 103089
Revised Code. 103090

(2) An epinephrine autoinjector personally furnished or 103091
prescribed under division (A) (1) of this section must be 103092
furnished or prescribed in such a manner that it may be 103093
administered only in a manufactured dosage form. 103094

(B) A nurse who acts in good faith in accordance with this 103095
section is not liable for or subject to any of the following for 103096
any action or omission of an entity to which an epinephrine 103097
autoinjector is furnished or a prescription is issued: damages 103098
in any civil action, prosecution in any criminal proceeding, or 103099
professional disciplinary action. 103100

Sec. 4723.4811. (A) (1) Subject to division (A) (2) of this 103101

section, and notwithstanding any provision of this chapter or 103102
rule adopted by the board of nursing, a clinical nurse 103103
specialist, certified nurse-midwife, or certified nurse 103104
practitioner licensed as an advanced practice registered nurse 103105
under Chapter 4723. of the Revised Code may do either of the 103106
following without having examined an individual to whom glucagon 103107
may be administered: 103108

(a) Personally furnish a supply of injectable or nasally 103109
administered glucagon for use in accordance with sections 103110
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 103111
5180.262 of the Revised Code; 103112

(b) Issue a prescription for injectable or nasally 103113
administered glucagon for use in accordance with sections 103114
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 103115
5180.262 of the Revised Code. 103116

(2) Injectable or nasally administered glucagon personally 103117
furnished or prescribed under division (A)(1) of this section 103118
must be furnished or prescribed in such a manner that it may be 103119
administered only in a manufactured dosage form. 103120

(B) A nurse who acts in good faith in accordance with this 103121
section is not liable for or subject to any of the following for 103122
any action or omission of an entity to which injectable or 103123
nasally administered glucagon is furnished or a prescription is 103124
issued: damages in any civil action, prosecution in any criminal 103125
proceeding, or professional disciplinary action. 103126

Sec. 4725.48. (A) Any person who desires to engage in 103127
optical dispensing shall file a properly completed application 103128
for an examination with the state vision professionals board or 103129
with the testing service the board has contracted with pursuant 103130

to section 4725.49 of the Revised Code. The application for 103131
examination shall be made using a form provided by the board and 103132
shall be accompanied by an examination fee the board shall 103133
establish by rule. 103134

(B) Any person who desires to engage in optical dispensing 103135
shall file a properly completed application for a license with 103136
the board~~with~~. The application for licensure shall be 103137
accompanied by a licensure application fee of one hundred 103138
ninety-five dollars. 103139

No person shall be eligible to apply for a license under 103140
this division, unless the person is at least eighteen years of 103141
age, is free of contagious or infectious disease, has received a 103142
passing score, as determined by the board, on the examination 103143
administered under division (A) of this section, is a graduate 103144
of an accredited high school of any state, or has received an 103145
equivalent education and has successfully completed one of the 103146
following: 103147

(1) For a spectacle dispensing optician license, one 103148
thousand hours of supervised experience under a licensed 103149
dispensing optician, optometrist, or physician engaged in the 103150
practice of ophthalmology; 103151

(2) For a spectacle-contact lens dispensing optician 103152
license, one thousand five hundred hours of supervised 103153
experience under a licensed dispensing optician, optometrist, or 103154
physician engaged in the practice of ophthalmology; 103155

(3) A two-year college level program in optical dispensing 103156
that has been approved by the board and that includes, but is 103157
not limited to, courses of study in mathematics, science, 103158
English, anatomy and physiology of the eye, applied optics, 103159

ophthalmic optics, measurement and inspection of lenses, lens 103160
grinding and edging, ophthalmic lens design, keratometry, and 103161
the fitting and adjusting of spectacle lenses and frames and 103162
contact lenses, including methods of fitting contact lenses and 103163
post-fitting care. 103164

~~(C) The board shall issue a license to practice as an 103165
ocularist in accordance with Chapter 4796. of the Revised Code 103166
to an applicant if either of the following applies: 103167~~

~~(1) The applicant holds a license in another state. 103168~~

~~(2) The applicant has satisfactory work experience, a 103169
government certification, or a private certification as 103170
described in that chapter as an ocularist in a state that does 103171
not issue that license. 103172~~

~~(D) (1)~~ (C) (1) Subject to divisions ~~(D) (3)~~ (C) (3) and (4) of 103173
this section, the board shall not adopt, maintain, renew, or 103174
enforce any rule that precludes an individual from renewing a 103175
license as a dispensing optician issued under sections 4725.40 103176
to 4725.59 of the Revised Code due to any past criminal activity 103177
or interpretation of moral character, unless the individual has 103178
committed a crime of moral turpitude or a disqualifying offense 103179
as those terms are defined in section 4776.10 of the Revised 103180
Code. 103181

If the board denies an individual a license or license 103182
renewal, the reasons for such denial shall be put in writing. 103183

(2) The board may refuse to issue a license to an 103184
applicant because of a conviction of or plea of guilty to an 103185
offense if the refusal is in accordance with section 9.79 of the 103186
Revised Code. 103187

(3) In considering a renewal of an individual's license, 103188

the board shall not consider any conviction or plea of guilty 103189
prior to the initial licensing. However, the board may consider 103190
a conviction or plea of guilty if it occurred after the 103191
individual was initially licensed, or after the most recent 103192
license renewal. 103193

(4) The board may grant an individual a conditional 103194
license that lasts for one year. After the one-year period has 103195
expired, the license is no longer considered conditional, and 103196
the individual shall be considered fully licensed. 103197

~~(E)~~(D) The board, subject to the approval of the 103198
controlling board, may establish examination fees in excess of 103199
the amount established by rule pursuant to this section, 103200
provided that such fees do not exceed those amounts established 103201
in rule by more than fifty per cent. 103202

Sec. 4729.01. As used in this chapter: 103203

(A) "Pharmacy," except when used in a context that refers 103204
to the practice of pharmacy, means any area, room, rooms, place 103205
of business, department, or portion of any of the foregoing 103206
where the practice of pharmacy is conducted. 103207

(B) "Practice of pharmacy" means providing pharmacist care 103208
requiring specialized knowledge, judgment, and skill derived 103209
from the principles of biological, chemical, behavioral, social, 103210
pharmaceutical, and clinical sciences. As used in this division, 103211
"pharmacist care" includes the following: 103212

(1) Interpreting prescriptions; 103213

(2) Dispensing drugs and drug therapy related devices; 103214

(3) Compounding drugs; 103215

(4) Counseling individuals with regard to their drug 103216

therapy, recommending drug therapy related devices, and 103217
assisting in the selection of drugs and appliances for treatment 103218
of common diseases and injuries and providing instruction in the 103219
proper use of the drugs and appliances; 103220

(5) Performing drug regimen reviews with individuals by 103221
discussing all of the drugs that the individual is taking and 103222
explaining the interactions of the drugs; 103223

(6) Performing drug utilization reviews with licensed 103224
health professionals authorized to prescribe drugs when the 103225
pharmacist determines that an individual with a prescription has 103226
a drug regimen that warrants additional discussion with the 103227
prescriber; 103228

(7) Advising an individual and the health care 103229
professionals treating an individual with regard to the 103230
individual's drug therapy; 103231

(8) Acting pursuant to a consult agreement, if an 103232
agreement has been established; 103233

(9) Engaging in the administration of immunizations to the 103234
extent authorized by section 4729.41 of the Revised Code; 103235

(10) Engaging in the administration of drugs to the extent 103236
authorized by section 4729.45 of the Revised Code. 103237

(C) "Compounding" means the preparation, mixing, 103238
assembling, packaging, and labeling of one or more drugs in any 103239
of the following circumstances: 103240

(1) Pursuant to a prescription issued by a licensed health 103241
professional authorized to prescribe drugs; 103242

(2) Pursuant to the modification of a prescription made in 103243
accordance with a consult agreement; 103244

(3) As an incident to research, teaching activities, or 103245
chemical analysis; 103246

(4) In anticipation of orders for drugs pursuant to 103247
prescriptions, based on routine, regularly observed dispensing 103248
patterns; 103249

(5) Pursuant to a request made by a licensed health 103250
professional authorized to prescribe drugs for a drug that is to 103251
be used by the professional for the purpose of direct 103252
administration to patients in the course of the professional's 103253
practice, if all of the following apply: 103254

(a) At the time the request is made, the drug is not 103255
commercially available regardless of the reason that the drug is 103256
not available, including the absence of a manufacturer for the 103257
drug or the lack of a readily available supply of the drug from 103258
a manufacturer. 103259

(b) A limited quantity of the drug is compounded and 103260
provided to the professional. 103261

(c) The drug is compounded and provided to the 103262
professional as an occasional exception to the normal practice 103263
of dispensing drugs pursuant to patient-specific prescriptions. 103264

(D) "Consult agreement" means an agreement that has been 103265
entered into under section 4729.39 of the Revised Code. 103266

(E) "Drug" means: 103267

(1) Any article recognized in the United States 103268
pharmacopoeia and national formulary, or any supplement to them, 103269
intended for use in the diagnosis, cure, mitigation, treatment, 103270
or prevention of disease in humans or animals; 103271

(2) Any other article intended for use in the diagnosis, 103272

cure, mitigation, treatment, or prevention of disease in humans 103273
or animals; 103274

(3) Any article, other than food, intended to affect the 103275
structure or any function of the body of humans or animals; 103276

(4) Any article intended for use as a component of any 103277
article specified in division (E) (1), (2), or (3) of this 103278
section; but does not include devices or their components, 103279
parts, or accessories. 103280

"Drug" does not include "hemp" or a "hemp product" as 103281
those terms are defined in section 928.01 of the Revised Code. 103282

(F) "Dangerous drug" means any of the following: 103283

(1) Any drug to which either of the following applies: 103284

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 103285
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 103286
required to bear a label containing the legend "Caution: Federal 103287
law prohibits dispensing without prescription" or "Caution: 103288
Federal law restricts this drug to use by or on the order of a 103289
licensed veterinarian" or any similar restrictive statement, or 103290
the drug may be dispensed only upon a prescription; 103291

(b) Under Chapter 3715. or 3719. of the Revised Code, the 103292
drug may be dispensed only upon a prescription. 103293

(2) Any drug that contains a schedule V controlled 103294
substance and that is exempt from Chapter 3719. of the Revised 103295
Code or to which that chapter does not apply; 103296

(3) Any drug intended for administration by injection into 103297
the human body other than through a natural orifice of the human 103298
body; 103299

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code. 103300
103301

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. 103302
103303

(H) "Prescription" means all of the following: 103304

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs; 103305
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(2) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user; 103309
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(3) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and ~~5101.76~~ 5180.26 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp; 103315
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(4) For purposes of Chapter 3728. and sections 4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a qualified entity, as defined in section 3728.01 of the Revised Code; 103320
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103324

(5) For purposes of sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and ~~5101.78~~ 5180.262 of the Revised Code, a written, electronic, or oral order for injectable or nasally administered glucagon in 103325
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103327
103328

the name of a school, school district, or camp. 103329

(I) "Licensed health professional authorized to prescribe 103330
drugs" or "prescriber" means an individual who is authorized by 103331
law to prescribe drugs or dangerous drugs or drug therapy 103332
related devices in the course of the individual's professional 103333
practice, including only the following: 103334

(1) A dentist licensed under Chapter 4715. of the Revised 103335
Code; 103336

(2) A clinical nurse specialist, certified nurse-midwife, 103337
or certified nurse practitioner who holds a current, valid 103338
license issued under Chapter 4723. of the Revised Code to 103339
practice nursing as an advanced practice registered nurse; 103340

(3) A certified registered nurse anesthetist who holds a 103341
current, valid license issued under Chapter 4723. of the Revised 103342
Code to practice nursing as an advanced practice registered 103343
nurse, but only to the extent of the nurse's authority under 103344
sections 4723.43 and 4723.434 of the Revised Code; 103345

(4) An optometrist licensed under Chapter 4725. of the 103346
Revised Code to practice optometry; 103347

(5) A physician authorized under Chapter 4731. of the 103348
Revised Code to practice medicine and surgery, osteopathic 103349
medicine and surgery, or podiatric medicine and surgery; 103350

(6) A physician assistant who holds a license to practice 103351
as a physician assistant issued under Chapter 4730. of the 103352
Revised Code, holds a valid prescriber number issued by the 103353
state medical board, and has been granted physician-delegated 103354
prescriptive authority; 103355

(7) A veterinarian licensed under Chapter 4741. of the 103356

Revised Code; 103357

(8) A certified mental health assistant licensed under 103358
Chapter 4772. of the Revised Code who has been granted 103359
physician-delegated prescriptive authority by the physician 103360
supervising the certified mental health assistant. 103361

(J) "Sale" or "sell" includes any transaction made by any 103362
person, whether as principal proprietor, agent, or employee, to 103363
do or offer to do any of the following: deliver, distribute, 103364
broker, exchange, gift or otherwise give away, or transfer, 103365
whether the transfer is by passage of title, physical movement, 103366
or both. 103367

(K) "Wholesale sale" and "sale at wholesale" mean any sale 103368
in which the purpose of the purchaser is to resell the article 103369
purchased or received by the purchaser. 103370

(L) "Retail sale" and "sale at retail" mean any sale other 103371
than a wholesale sale or sale at wholesale. 103372

(M) "Retail seller" means any person that sells any 103373
dangerous drug to consumers without assuming control over and 103374
responsibility for its administration. Mere advice or 103375
instructions regarding administration do not constitute control 103376
or establish responsibility. 103377

(N) "Price information" means the price charged for a 103378
prescription for a particular drug product and, in an easily 103379
understandable manner, all of the following: 103380

(1) The proprietary name of the drug product; 103381

(2) The established (generic) name of the drug product; 103382

(3) The strength of the drug product if the product 103383
contains a single active ingredient or if the drug product 103384

contains more than one active ingredient and a relevant strength 103385
can be associated with the product without indicating each 103386
active ingredient. The established name and quantity of each 103387
active ingredient are required if such a relevant strength 103388
cannot be so associated with a drug product containing more than 103389
one ingredient. 103390

(4) The dosage form; 103391

(5) The price charged for a specific quantity of the drug 103392
product. The stated price shall include all charges to the 103393
consumer, including, but not limited to, the cost of the drug 103394
product, professional fees, handling fees, if any, and a 103395
statement identifying professional services routinely furnished 103396
by the pharmacy. Any mailing fees and delivery fees may be 103397
stated separately without repetition. The information shall not 103398
be false or misleading. 103399

(O) "Wholesale distributor of dangerous drugs" or 103400
"wholesale distributor" means a person engaged in the sale of 103401
dangerous drugs at wholesale and includes any agent or employee 103402
of such a person authorized by the person to engage in the sale 103403
of dangerous drugs at wholesale. 103404

(P) "Manufacturer of dangerous drugs" or "manufacturer" 103405
means a person, other than a pharmacist or prescriber, who 103406
manufactures dangerous drugs and who is engaged in the sale of 103407
those dangerous drugs. 103408

(Q) "Terminal distributor of dangerous drugs" or "terminal 103409
distributor" means a person who is engaged in the sale of 103410
dangerous drugs at retail, or any person, other than a 103411
manufacturer, repackager, outsourcing facility, third-party 103412
logistics provider, wholesale distributor, or pharmacist, who 103413

has possession, custody, or control of dangerous drugs for any 103414
purpose other than for that person's own use and consumption. 103415
"Terminal distributor" includes pharmacies, hospitals, nursing 103416
homes, and laboratories and all other persons who procure 103417
dangerous drugs for sale or other distribution by or under the 103418
supervision of a pharmacist, licensed health professional 103419
authorized to prescribe drugs, or other person authorized by the 103420
state board of pharmacy. 103421

(R) "Promote to the public" means disseminating a 103422
representation to the public in any manner or by any means, 103423
other than by labeling, for the purpose of inducing, or that is 103424
likely to induce, directly or indirectly, the purchase of a 103425
dangerous drug at retail. 103426

(S) "Person" includes any individual, partnership, 103427
association, limited liability company, or corporation, the 103428
state, any political subdivision of the state, and any district, 103429
department, or agency of the state or its political 103430
subdivisions. 103431

(T) (1) "Animal shelter" means a facility operated by a 103432
humane society or any society organized under Chapter 1717. of 103433
the Revised Code or a dog pound operated pursuant to Chapter 103434
955. of the Revised Code. 103435

(2) "County dog warden" means a dog warden or deputy dog 103436
warden appointed or employed under section 955.12 of the Revised 103437
Code. 103438

(U) "Food" has the same meaning as in section 3715.01 of 103439
the Revised Code. 103440

(V) "Pain management clinic" has the same meaning as in 103441
section 4731.054 of the Revised Code. 103442

(W) "Investigational drug or product" means a drug or 103443
product that has successfully completed phase one of the United 103444
States food and drug administration clinical trials and remains 103445
under clinical trial, but has not been approved for general use 103446
by the United States food and drug administration. 103447
"Investigational drug or product" does not include controlled 103448
substances in schedule I, as defined in section 3719.01 of the 103449
Revised Code. 103450

(X) "Product," when used in reference to an 103451
investigational drug or product, means a biological product, 103452
other than a drug, that is made from a natural human, animal, or 103453
microorganism source and is intended to treat a disease or 103454
medical condition. 103455

(Y) "Third-party logistics provider" means a person that 103456
provides or coordinates warehousing or other logistics services 103457
pertaining to dangerous drugs including distribution, on behalf 103458
of a manufacturer, wholesale distributor, or terminal 103459
distributor of dangerous drugs, but does not take ownership of 103460
the drugs or have responsibility to direct the sale or 103461
disposition of the drugs. 103462

(Z) "Repackager of dangerous drugs" or "repackager" means 103463
a person that repacks and relabels dangerous drugs for sale or 103464
distribution. 103465

(AA) "Outsourcing facility" means a facility that is 103466
engaged in the compounding and sale of sterile drugs and is 103467
registered as an outsourcing facility with the United States 103468
food and drug administration. 103469

(BB) "Laboratory" means a laboratory licensed under this 103470
chapter as a terminal distributor of dangerous drugs and 103471

entrusted to have custody of any of the following drugs and to 103472
use the drugs for scientific and clinical purposes and for 103473
purposes of instruction: dangerous drugs that are not controlled 103474
substances, as defined in section 3719.01 of the Revised Code; 103475
dangerous drugs that are controlled substances, as defined in 103476
that section; and controlled substances in schedule I, as 103477
defined in that section. 103478

(CC) "Overdose reversal drug" means both of the following: 103479

(1) Naloxone; 103480

(2) Any other drug that the state board of pharmacy, 103481
through rules adopted in accordance with Chapter 119. of the 103482
Revised Code, designates as a drug that is approved by the 103483
federal food and drug administration for the reversal of a known 103484
or suspected opioid-related overdose. 103485

Sec. 4729.261. (A) For purposes of division (D) (4) (b) of 103486
section 2925.14 of the Revised Code, and subject to division (B) 103487
of this section, the state board of pharmacy shall adopt rules 103488
establishing standards and procedures for its approval of types 103489
of instruments that are not to be considered drug paraphernalia 103490
because they demonstrate efficacy in reducing drug poisoning by 103491
determining the presence of a specific compound or group of 103492
compounds. The rules shall be adopted in accordance with Chapter 103493
119. of the Revised Code. 103494

(B) Under this section, the board shall not approve any 103495
type of instrument to the extent that the instrument is intended 103496
to measure the purity of a mixture. 103497

Sec. 4729.49. (A) As used in this section: 103498

(1) "340B covered entity" "medicaid" has the same meaning 103499
as in section 3902.70 of the Revised Code. 103500

(2) "Medicaid managed care organization," and "third-party administrator" have the same meanings as in section 5167.01 of the Revised Code.

(B) A contract between a terminal distributor of dangerous drugs and a 340B covered entity shall require the terminal distributor to comply with division (C) of this section.

(C) When paying a 340B covered entity for a dangerous drug dispensed to a patient, a terminal distributor shall pay to the 340B covered entity the full reimbursement amount the terminal distributor receives from the patient and the patient's health insurer, including a third-party administrator or medicaid managed care organization, except that the terminal distributor may deduct from the full reimbursement amount a fee agreed on in writing by the terminal distributor and the 340B covered entity.

Sec. 4729.52. (A) As used in this section:

(1) "Category II" means any dangerous drug that is not included in category III.

(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V.

(3) "Schedule I," "schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.

(B) (1) (a) The state board of pharmacy shall license persons seeking to operate as any of the following persons, whether located within or outside this state:

(i) Wholesale distributors of dangerous drugs;

(ii) Manufacturers of dangerous drugs;

- (iii) Outsourcing facilities; 103528
- (iv) Third-party logistics providers; 103529
- (v) Repackagers of dangerous drugs. 103530
- (b) ~~There shall be two categories for the licenses~~ When 103531
the board issues a license to a person identified in division 103532
(B) (1) (a) of this section. The, the license shall be issued 103533
according to one of the following categories are as follows, as 103534
the case may be for the person's business operations: 103535
- (i) Category II license. A category II license applies to 103536
a person whose business operations are located within this 103537
state. A person who obtains this license may possess, have 103538
custody or control of, and distribute, only the dangerous drugs 103539
described in category II. 103540
- (ii) Category III license. A category III license applies 103541
to a person whose business operations are located within this 103542
state. A person who obtains this license may possess, have 103543
custody or control of, and distribute, the dangerous drugs 103544
described in category II and the controlled substances described 103545
in category III. 103546
- (iii) Nonresident license. A nonresident license applies 103547
to a person whose business operations are located outside this 103548
state. One of the following subcategories shall be designated by 103549
the board on the license, based on the license holder's business 103550
operations: wholesale distributor of dangerous drugs, 103551
manufacturer of dangerous drugs, outsourcing facility, third- 103552
party logistics provider, or repackager of dangerous drugs. A 103553
person who obtains a nonresident license may possess, have 103554
custody or control of, and distribute the dangerous drugs 103555
described in category II and the controlled substances described 103556

in category III.

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(c) The board may adopt rules under section 4729.26 of the Revised Code to create classification types of any license issued pursuant to this section. Persons who meet the definitions of the classification types shall comply with all requirements for the specific license classification specified in rule.

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(C) A person seeking a license ~~identified in division (B) (1) (a) of~~ issued under this section shall file with the executive director of the board a verified application containing such information as the board requires of the applicant relative to the licensure qualifications set forth in section 4729.53 of the Revised Code and the rules adopted under that section.

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(D) (1) The board shall ~~license as~~ issue a category II or category III license, designated for a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor as the case may be, to each applicant who has paid whose business operations are located within this state, if the applicant pays the required license fee, if and the board determines that the applicant meets the licensure qualifications set forth in section 4729.53 of the Revised Code and the rules adopted under that section.

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~~(D) (2)~~ The board ~~may~~ shall issue a nonresident license with the appropriate subcategory designation to a person who does not reside in an applicant whose business operations are located outside this state a license identified in division (B) (1) (a) of this section, if the ~~person~~ applicant pays the required ~~licensure~~ license fee and ~~meets~~ the board determines either of the following:

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~~(1) Possesses~~ (a) That the applicant possesses a current 103587
and valid manufacturer, outsourcing facility, third-party 103588
logistics provider, repackager, or wholesale distributor 103589
license, or its equivalent, issued by another state in which 103590
that ~~person is~~ person's business operations are physically 103591
located, but only if that state has qualifications for licensure 103592
comparable to the licensure requirements in this state; 103593

~~(2) Meets~~ (b) That the applicant meets the requirements 103594
set forth by the board for issuance of a nonresident license- 103595
~~identified in division (B) (1) (a) of this section~~, as verified by 103596
a state, federal, or other entity recognized by the board to 103597
perform such verification. 103598

(E) All licenses issued or renewed pursuant to this 103599
section are effective for a period specified by the board in 103600
rules adopted under section 4729.26 of the Revised Code. The 103601
effective period for an initial or renewed license shall not 103602
exceed twenty-four months unless the board extends the period in 103603
rules to adjust license renewal schedules. A license shall be 103604
renewed by the board pursuant to this section, the standard 103605
renewal procedure of Chapter 4745. of the Revised Code, and 103606
rules adopted by the board under section 4729.26 of the Revised 103607
Code. A person seeking to renew a license shall submit an 103608
application for renewal and pay the required renewal fee before 103609
the date specified in the rules adopted by the board. 103610

(F) Each license issued under this section shall describe 103611
not more than one establishment or place where the license 103612
holder may engage in the activities authorized by the license. 103613
No license shall authorize or permit the person named therein to 103614
engage in the sale or distribution of drugs at wholesale or to 103615
maintain possession, custody, or control of dangerous drugs for 103616

any purpose other than for the licensee's own use and 103617
consumption at any establishment or place other than that 103618
described in the license. 103619

~~(G) (1) (a)~~ (G) (1) The category II license fee is one 103620
thousand nine hundred dollars and shall accompany each 103621
application for licensure. The license renewal fee is one 103622
thousand nine hundred dollars and shall accompany each renewal 103623
application. 103624

~~(b)~~ (2) The category III license fee is two thousand 103625
dollars and shall accompany each application for licensure. The 103626
license renewal fee is two thousand dollars and shall accompany 103627
each renewal application. 103628

~~(c) (i)~~ (3) The nonresident license fee is two thousand 103629
dollars and shall accompany each application for licensure. The 103630
license renewal fee is two thousand dollars and shall accompany 103631
each renewal application. 103632

(H) (1) Subject to division ~~(G) (1) (c) (ii)~~ (H) (2) of this 103633
section, a license issued pursuant to this section that has not 103634
been renewed by the date specified in rules adopted by the board 103635
may be reinstated upon payment of the renewal fee and a penalty 103636
of three hundred dollars. 103637

~~(ii)~~ (2) If a complete application for renewal has not been 103638
submitted by the sixty-first day after the renewal date 103639
specified in rules adopted by the board, the license is 103640
considered void and cannot be renewed, but the license holder 103641
may reapply for licensure. 103642

~~(2)~~ (I) Renewal fees and penalties assessed under division 103643
~~(G) (1)~~ (G) or (H) of this section shall not be returned if the 103644
applicant fails to qualify for renewal. 103645

~~(3)~~ (J) A person licensed pursuant to this section that 103646
fails to renew licensure in accordance with this section and 103647
rules adopted by the board is prohibited from engaging in 103648
manufacturing, repackaging, or compounding drugs, or 103649
distributing drugs as a third-party logistics provider or 103650
wholesale distributor, until a valid license is issued by the 103651
board. 103652

~~(H)~~ (K) Holding a license issued pursuant to this section 103653
subjects the holder and the holder's agents and employees to the 103654
jurisdiction of the board and to the laws of this state for the 103655
purpose of the enforcement of this chapter and the rules of the 103656
board. However, the filing of an application for licensure under 103657
this section by or on behalf of any person, or the issuance of a 103658
license pursuant to this section to or on behalf of any person, 103659
shall not of itself constitute evidence that the person is doing 103660
business within this state. 103661

~~(I)~~ (L) A person holding a license issued under this 103662
section shall designate, and shall have available at all times, 103663
a person to serve for the licensed location in a position to be 103664
known as "responsible person." A person may be designated and 103665
serve as a responsible person only if the person meets the 103666
requirements established in rules the board shall adopt under 103667
section 4729.26 of the Revised Code. Along with the license 103668
holder, a responsible person shall accept responsibility for the 103669
operation of the licensed location in accordance with all 103670
applicable state and federal laws and rules. 103671

A license holder shall notify the board of the person who 103672
is designated to serve as the responsible person and, 103673
thereafter, shall notify the board each time a change is made in 103674
the designation. Notice to the board shall be provided in 103675

accordance with procedures established in rules that the board 103676
shall adopt under section 4729.26 of the Revised Code. For any 103677
change of responsible person, the board shall assess a fee of 103678
fifteen dollars. 103679

(M) The board may enter into agreements with other states, 103680
federal agencies, and other entities to exchange information 103681
concerning licensing and inspection of any manufacturer, 103682
outsourcing facility, third-party logistics provider, 103683
repackager, or wholesale distributor located within or outside 103684
this state and to investigate alleged violations of the laws and 103685
rules governing distribution of drugs by such persons. Any 103686
information received pursuant to such an agreement is subject to 103687
the same confidentiality requirements applicable to the agency 103688
or entity from which it was received and shall not be released 103689
without prior authorization from that agency or entity. Any 103690
information received is also subject to section 4729.23 of the 103691
Revised Code. 103692

Sec. 4729.53. (A) The state board of pharmacy shall not 103693
license any person as a manufacturer of dangerous drugs, 103694
outsourcing facility, third-party logistics provider, repackager 103695
of dangerous drugs, or wholesale distributor of dangerous drugs 103696
unless the applicant for licensure furnishes satisfactory proof 103697
to the board that all of the following conditions are met: 103698

(1) If the applicant has committed acts that the board 103699
finds violate any federal, state, or local law, regulation, or 103700
rule relating to drug samples, manufacturing, compounding, 103701
repackaging, wholesale or retail drug distribution, or 103702
distribution of dangerous drugs, including controlled 103703
substances, or if the applicant has committed acts that the 103704
board finds constitute a felony, or if a federal, state, or 103705

local governmental entity has suspended or revoked any current 103706
or prior license of the applicant for the manufacture, 103707
compounding, repackaging, distribution, or sale of any dangerous 103708
drugs, including controlled substances, the applicant, to the 103709
satisfaction of the board, assures that the applicant has in 103710
place adequate safeguards to prevent the recurrence of any such 103711
violations, felonies, or license suspensions or revocations. 103712

(2) The applicant's past experience in the manufacture, 103713
compounding, repackaging, or distribution of dangerous drugs, 103714
including controlled substances, is acceptable to the board. 103715

(3) The applicant is properly equipped as to land, 103716
buildings, equipment, and personnel to properly carry on its 103717
business, including providing adequate security for and proper 103718
storage conditions and handling for dangerous drugs, and is 103719
complying with the requirements under this chapter and the rules 103720
adopted pursuant thereto for maintaining and making available 103721
records to properly identified board officials and federal, 103722
state, and local law enforcement agencies. 103723

(4) Personnel employed by the applicant have the 103724
appropriate education or experience, as determined by the board, 103725
to assume responsibility for positions related to compliance 103726
with this chapter and the rules adopted pursuant thereto. 103727

(5) The applicant has designated the name and address of a 103728
person to whom communications from the board may be directed and 103729
upon whom the notices and citations provided for in section 103730
4729.56 of the Revised Code may be served. 103731

(6) Adequate safeguards are assured to prevent the sale of 103732
dangerous drugs other than in accordance with section 4729.51 of 103733
the Revised Code. 103734

(7) With respect to criminal records checks, the applicant 103735
has done both of the following, and the board has decided that 103736
the results of the criminal records checks do not make the 103737
applicant ineligible for a license issued pursuant to section 103738
4729.52 of the Revised Code: 103739

(a) ~~Complied~~ The applicant has complied with sections 103740
4776.01 to 4776.04 of the Revised Code~~+~~. 103741

(b) ~~Required any~~ The applicant has required each of the 103742
following to submit to a criminal records check in accordance 103743
with section 4776.02 of the Revised Code and send the results of 103744
the criminal records check directly to the board: 103745

(i) Any person who is seeking to serve as the responsible 103746
person on the license, as required by section 4729.52 of the 103747
Revised Code; 103748

(2) Any person who has an ownership interest, or who is a 103749
corporate officer, as set forth in rules adopted under division 103750
(C) of this section, ~~to submit to a criminal records check in~~ 103751
~~accordance with section 4776.02 of the Revised Code and send the~~ 103752
~~results of the criminal records check directly to the board.~~ 103753

(8) The applicant meets any other requirement or 103754
qualification the board, by rule adopted under division (C) of 103755
this section, considers relevant to and consistent with the 103756
public safety and health. 103757

(B) In addition to the causes described in section 4729.56 103758
of the Revised Code for refusing to grant or renew a license, 103759
the board may refuse to grant or renew a license if the board 103760
determines that the granting of the license or its renewal is 103761
not in the public interest. 103762

(C) The board shall adopt rules in accordance with Chapter 103763

119. of the Revised Code that do all of the following: 103764
- (1) For purposes of division (A)(7)(b) of this section, 103765
~~define "responsible person" and~~ specify the persons with 103766
ownership interests and the corporate officers who are required 103767
to submit to criminal records checks; 103768
- (2) For purposes of division (A)(8) of this section, 103769
specify other requirements or qualifications, if any, that an 103770
applicant must meet to receive a license; 103771
- (3) Address any other matter the board considers 103772
appropriate to implement this section. 103773
- Sec. 4729.54.** (A) As used in this section: 103774
- (1) "Category II" means any dangerous drug that is not 103775
included in category III. 103776
- (2) "Category III" means any controlled substance that is 103777
contained in schedule I, II, III, IV, or V. 103778
- (3) "Emergency medical service organization" has the same 103779
meaning as in section 4765.01 of the Revised Code. 103780
- (4) "Emergency medical service organization satellite" 103781
means a location where dangerous drugs are stored that is 103782
separate from, but associated with, the headquarters of an 103783
emergency medical service organization. "Emergency medical 103784
service organization satellite" does not include the units under 103785
the control of the emergency medical service organization. 103786
- (5) "Person" includes an emergency medical service 103787
organization or an emergency medical service organization 103788
satellite. 103789
- (6) "Schedule I," "schedule II," "schedule III," "schedule 103790

IV," and "schedule V" have the same meanings as in section 103791
3719.01 of the Revised Code. 103792

(B) (1) The state board of pharmacy shall license persons 103793
seeking to operate as terminal distributors of dangerous drugs, 103794
whether located within or outside this state. 103795

A person seeking to be licensed as a terminal distributor 103796
of dangerous drugs shall file with the executive director of the 103797
~~state board of pharmacy~~ a verified application. After it is 103798
filed, the application may not be withdrawn without approval of 103799
the board. 103800

(2) An application shall contain all the following that 103801
apply in the applicant's case: 103802

(a) Information that the board requires relative to the 103803
qualifications of a terminal distributor of dangerous drugs set 103804
forth in section 4729.55 of the Revised Code; 103805

(b) A statement as to ~~whether~~ the category of licensure, 103806
identified under division (E) of this section, that the person 103807
~~is seeking to be licensed as a category II, category III,~~ 103808
~~limited category II, or limited category III terminal~~ 103809
~~distributor of dangerous drugs;~~ 103810

(c) If the person is seeking to be licensed as a limited 103811
category II or limited category III terminal distributor of 103812
dangerous drugs, a list of the dangerous drugs described in 103813
category II or the controlled substances described in category 103814
III that the person is seeking to possess, have custody or 103815
control of, and distribute, which list shall also specify the 103816
purpose for which those drugs will be used and their source; 103817

(d) If the person is an emergency medical service 103818
organization, the information that is specified in divisions (C) 103819

(1) and (2) of this section, and if the person is an emergency 103820
medical service organization satellite, the information required 103821
under division (D) of this section; 103822

(e) Except with respect to the units under the control of 103823
an emergency medical service organization, the identity of the 103824
one establishment or place at which the person intends to engage 103825
in the sale or other distribution of dangerous drugs at retail, 103826
and maintain possession, custody, or control of dangerous drugs 103827
for purposes other than the person's own use or consumption; 103828

(f) If the application pertains to a pain management 103829
clinic, information that demonstrates, to the satisfaction of 103830
the board, compliance with division (A) of section 4729.552 of 103831
the Revised Code. 103832

(C)(1) Each emergency medical service organization that 103833
applies for a terminal distributor of dangerous drugs license 103834
shall submit with its application all of the following: 103835

(a) A copy of its standing orders or protocol, which 103836
orders or protocol shall be signed by a physician; 103837

(b) A list of the dangerous drugs that the units under its 103838
control may carry, expressed in standard dose units, which shall 103839
be signed by a physician; 103840

(c) A list of the personnel employed or used by the 103841
organization to provide emergency medical services in accordance 103842
with Chapter 4765. of the Revised Code. 103843

In accordance with Chapter 119. of the Revised Code, the 103844
board shall adopt rules specifying when an emergency medical 103845
service organization that is licensed as a terminal distributor 103846
must notify the board of any changes in its documentation 103847
submitted pursuant to division (C)(1) of this section. 103848

(2) An emergency medical service organization seeking to 103849
be licensed as a terminal distributor of dangerous drugs shall 103850
list in its application for licensure the following additional 103851
information: 103852

(a) The units under its control that the organization 103853
determines will possess dangerous drugs for the purpose of 103854
administering emergency medical services in accordance with 103855
Chapter 4765. of the Revised Code; 103856

(b) With respect to each such unit, whether the dangerous 103857
drugs that the organization determines the unit will possess are 103858
in category II or III. 103859

(3) An emergency medical service organization that is 103860
licensed as a terminal distributor of dangerous drugs shall file 103861
a new application for such licensure if there is any change in 103862
the number or location of any of its units or if there is any 103863
change in the category of the dangerous drugs that any unit will 103864
possess. 103865

(4) A unit listed in an application for licensure pursuant 103866
to division (C) (2) of this section may obtain the dangerous 103867
drugs it is authorized to possess from its emergency medical 103868
service organization or, on a replacement basis, from a hospital 103869
pharmacy. If units will obtain dangerous drugs from a hospital 103870
pharmacy, the organization shall file, and maintain in current 103871
form, the following items with the pharmacist who is responsible 103872
for the hospital's terminal distributor of dangerous drugs 103873
license: 103874

(a) A copy of its standing orders or protocol; 103875

(b) A list of the personnel employed or used by the 103876
organization to provide emergency medical services in accordance 103877

with Chapter 4765. of the Revised Code, who are authorized to 103878
possess the drugs, which list also shall indicate the personnel 103879
who are authorized to administer the drugs. 103880

(D) Each emergency medical service organization satellite 103881
that applies for a terminal distributor of dangerous drugs 103882
license shall submit with its application all of the information 103883
that the board requires to be submitted with the application, as 103884
specified in rules the board shall adopt in accordance with 103885
Chapter 119. of the Revised Code. 103886

(E) ~~There shall be four categories of terminal distributor~~ 103887
~~of dangerous drugs licenses. The~~When the board issues a license 103888
to a person seeking to operate as a terminal distributor of 103889
dangerous drugs, the board shall issue the license according to 103890
one of the following categories are as follows, as the case may 103891
be for the person's business operations: 103892

(1) Category II license. A category II license applies to 103893
a person whose business operations are located within this 103894
state. A person who obtains this license may possess, have 103895
custody or control of, and distribute only the dangerous drugs 103896
described in category II. 103897

(2) Limited category II license. A limited category II 103898
license applies to a person whose business operations are 103899
located within this state. A person who obtains this license may 103900
possess, have custody or control of, and distribute only the 103901
dangerous drugs described in category II that were listed in the 103902
application for licensure. 103903

(3) Category III license, which may include a pain 103904
management clinic classification issued under section 4729.552 103905
of the Revised Code. A category III license applies to a person 103906

whose business operations are located within this state. A 103907
person who obtains this license may possess, have custody or 103908
control of, and distribute the dangerous drugs described in 103909
category II and category III. If the license includes a pain 103910
management clinic classification, the person may operate a pain 103911
management clinic. 103912

(4) Limited category III license. A limited category III 103913
license applies to a person whose business operations are 103914
located within this state. A person who obtains this license may 103915
possess, have custody or control of, and distribute only the 103916
dangerous drugs described in category II or the controlled 103917
substances described in category III that were listed in the 103918
application for licensure. 103919

(5) Nonresident license. A nonresident license applies to 103920
a person whose business operations are located outside this 103921
state. A person who obtains a nonresident license may possess, 103922
have custody or control of, and distribute the dangerous drugs 103923
described in category II and the controlled substances described 103924
in category III. 103925

(F) Except for an application made by a county dog warden 103926
or on behalf of an animal shelter, if an applicant for a limited 103927
category II license or limited category III license intends to 103928
administer dangerous drugs to a person or animal, the applicant 103929
shall submit, with the application, a copy of its protocol or 103930
standing orders. The protocol or orders shall be signed by a 103931
licensed health professional authorized to prescribe drugs, 103932
specify the dangerous drugs to be administered, and list 103933
personnel who are authorized to administer the dangerous drugs 103934
in accordance with federal law or the law of this state. 103935

An application made by a county dog warden or on behalf of 103936

an animal shelter shall include a list of the dangerous drugs to 103937
be administered to animals and the personnel who are authorized 103938
to administer the drugs to animals in accordance with section 103939
4729.532 of the Revised Code. 103940

In accordance with Chapter 119. of the Revised Code, the 103941
board shall adopt rules specifying when a licensee must notify 103942
the board of any changes in its documentation submitted pursuant 103943
to this division. 103944

(G) (1) Except as provided in division (G) (3) of this 103945
section, each applicant for licensure as a terminal distributor 103946
of dangerous drugs shall submit, with the application, a license 103947
fee in the amount that applies to the category of licensure 103948
being sought. The amount assessed shall not be returned to the 103949
applicant if the applicant fails to qualify for the license. 103950

(2) The following fees apply under division (G) (1) of this 103951
section: 103952

(a) Except as provided in division (G) (2) (b) of this 103953
section: 103954

(i) Three hundred ~~twenty-sixty~~ dollars for a category II 103955
or limited category II license; 103956

(ii) Four hundred ~~forty-sixty~~ dollars for a category III 103957
license, including a license with a pain management clinic 103958
classification issued under section 4729.552 of the Revised 103959
Code, or a limited category III license; 103960

(iii) Five hundred dollars for a nonresident license. 103961

(b) One hundred ~~twenty-sixty~~ dollars for all of the 103962
following whose business operations are located within this 103963
state: 103964

(i) A person who is required to hold a license as a terminal distributor of dangerous drugs pursuant to division (C) of section 4729.541 of the Revised Code;

(ii) A professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine that is not included in division (G) (2) (b) (i) of this section;

(iii) An emergency medical service organization satellite.

(3) No fee applies for a license issued to a charitable pharmacy, as defined in section 3719.811 of the Revised Code, if the charitable pharmacy is participating in the drug repository program established under section 3715.87 of the Revised Code.

(H) (1) The board shall issue a terminal distributor of dangerous drugs license, in the appropriate category, to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the Revised Code, and satisfies any other applicable requirements of this section.

(2) Except for the license of a county dog warden, the license shall describe the one establishment or place at which the licensee may engage in the sale or other distribution of dangerous drugs at retail and maintain possession, custody, or control of dangerous drugs for purposes other than the licensee's own use or consumption. The one establishment or place shall be that which is identified in the application for licensure.

No such license shall authorize or permit the terminal distributor of dangerous drugs named in it to engage in the sale

or other distribution of dangerous drugs at retail or to 103994
maintain possession, custody, or control of dangerous drugs for 103995
any purpose other than the distributor's own use or consumption, 103996
at any establishment or place other than that described in the 103997
license, except that an agent or employee of an animal shelter 103998
or county dog warden may possess and use dangerous drugs in the 103999
course of business as provided in section 4729.532 of the 104000
Revised Code. 104001

(3) The license of an emergency medical service 104002
organization shall cover the organization's headquarters and, in 104003
addition, shall cover and describe all the units of the 104004
organization listed in its application for licensure. 104005

(I) (1) All licenses issued or renewed pursuant to this 104006
section shall be effective for a period specified by the board 104007
in rules adopted under section 4729.26 of the Revised Code. The 104008
effective period for an initial or renewed license shall not 104009
exceed twenty-four months unless the board extends the period in 104010
rules to adjust license renewal schedules. A license shall be 104011
renewed by the board according to the provisions of this 104012
section, the standard renewal procedure of Chapter 4745. of the 104013
Revised Code, and rules adopted by the board under section 104014
4729.26 of the Revised Code. A person seeking to renew a license 104015
shall submit an application for renewal and pay the required fee 104016
on or before the date specified in the rules adopted by the 104017
board. The fee required for the renewal of a license shall be 104018
the same as the license fee that applies under division (G) (2) 104019
of this section. 104020

(2) (a) Subject to division (I) (2) (b) of this section, a 104021
license that has not been renewed by the date specified in rules 104022
adopted by the board may be reinstated only upon payment of the 104023

required renewal fee and a penalty fee of one hundred ten 104024
dollars. 104025

(b) If an application for renewal has not been submitted 104026
by the sixty-first day after the renewal date specified in rules 104027
adopted by the board, the license is considered void and cannot 104028
be renewed, but the license holder may reapply for licensure. 104029

(3) A terminal distributor of dangerous drugs that fails 104030
to renew licensure in accordance with this section and rules 104031
adopted by the board is prohibited from engaging in the retail 104032
sale, possession, or distribution of dangerous drugs until a 104033
valid license is issued by the board. 104034

(J) (1) No emergency medical service organization that is 104035
licensed as a terminal distributor of dangerous drugs shall fail 104036
to comply with division (C) (1), (3), or (4) of this section. 104037

(2) No licensed terminal distributor of dangerous drugs 104038
shall possess, have custody or control of, or distribute 104039
dangerous drugs that the terminal distributor is not entitled to 104040
possess, have custody or control of, or distribute by virtue of 104041
its category of licensure. 104042

(3) No licensee that is required by division (F) of this 104043
section to notify the board of changes in its protocol or 104044
standing orders, or in personnel, shall fail to comply with that 104045
division. 104046

(K) A person holding a license issued under this section 104047
shall designate, and shall have available at all times, a person 104048
to serve for the licensed location in a position to be known as 104049
"responsible person." A person may be designated and serve as a 104050
responsible person only if the person meets the requirements 104051
established in rules that the board shall adopt under section 104052

4729.26 of the Revised Code. Along with the license holder, a 104053
responsible person shall accept responsibility for the operation 104054
of the licensed location in accordance with all applicable state 104055
and federal laws and rules. 104056

A license holder shall notify the board of the person who 104057
is designated to serve as the responsible person and, 104058
thereafter, shall notify the board each time a change is made in 104059
the designation. Notice to the board shall be provided in 104060
accordance with procedures established in rules that the board 104061
shall adopt under section 4729.26 of the Revised Code. For any 104062
change of responsible person, the board shall assess a fee of 104063
fifteen dollars. 104064

(L) The board may enter into agreements with other states, 104065
federal agencies, and other entities to exchange information 104066
concerning licensing and inspection of terminal distributors of 104067
dangerous drugs located within or outside this state and to 104068
investigate alleged violations of the laws and rules governing 104069
distribution of drugs by terminal distributors. Any information 104070
received pursuant to such an agreement is subject to the same 104071
confidentiality requirements applicable to the agency or entity 104072
from which it was received and shall not be released without 104073
prior authorization from that agency or entity. Any information 104074
received is also subject to section 4729.23 of the Revised Code. 104075

Sec. 4729.541. (A) Except as provided in divisions (B) and 104076
(C) of this section, all of the following are exempt from 104077
licensure as a terminal distributor of dangerous drugs: 104078

(1) A licensed health professional authorized to prescribe 104079
drugs; 104080

(2) A business entity that is a corporation formed under 104081

division (B) of section 1701.03 of the Revised Code, a limited 104082
liability company formed under former Chapter 1705. of the 104083
Revised Code as that chapter existed prior to February 11, 2022, 104084
or Chapter 1706. of the Revised Code, or a professional 104085
association formed under Chapter 1785. of the Revised Code if 104086
the entity has a sole shareholder who is a prescriber and is 104087
authorized to provide the professional services being offered by 104088
the entity; 104089

(3) A business entity that is a corporation formed under 104090
division (B) of section 1701.03 of the Revised Code, a limited 104091
liability company formed under former Chapter 1705. of the 104092
Revised Code as that chapter existed prior to February 11, 2022, 104093
or Chapter 1706. of the Revised Code, a partnership or a limited 104094
liability partnership formed under Chapter 1775. of the Revised 104095
Code, or a professional association formed under Chapter 1785. 104096
of the Revised Code, if, to be a shareholder, member, or 104097
partner, an individual is required to be licensed, certified, or 104098
otherwise legally authorized under Title XLVII of the Revised 104099
Code to perform the professional service provided by the entity 104100
and each such individual is a prescriber; 104101

(4) An individual who holds a current license, 104102
certificate, or registration issued under Title XLVII of the 104103
Revised Code and has been certified to conduct diabetes 104104
education by a national certifying body specified in rules 104105
adopted by the state board of pharmacy under section 4729.68 of 104106
the Revised Code, but only with respect to insulin that will be 104107
used for the purpose of diabetes education and only if diabetes 104108
education is within the individual's scope of practice under 104109
statutes and rules regulating the individual's profession; 104110

(5) An individual who holds a valid certificate issued by 104111

a nationally recognized S.C.U.B.A. diving certifying 104112
organization approved by the state board of pharmacy under rules 104113
adopted by the board, but only with respect to medical oxygen 104114
that will be used for the purpose of emergency care or treatment 104115
at the scene of a diving emergency; 104116

(6) With respect to epinephrine autoinjectors that may be 104117
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 104118
or 3328.29 of the Revised Code, any of the following: the board 104119
of education of a city, local, exempted village, or joint 104120
vocational school district; a chartered or nonchartered 104121
nonpublic school; a community school established under Chapter 104122
3314. of the Revised Code; a STEM school established under 104123
Chapter 3326. of the Revised Code; or a college-preparatory 104124
boarding school established under Chapter 3328. of the Revised 104125
Code; 104126

(7) With respect to epinephrine autoinjectors that may be 104127
possessed under section ~~5101.76~~ 5180.26 of the Revised Code, any 104128
of the following: a residential camp, as defined in section 104129
2151.011 of the Revised Code; a child day camp, as defined in 104130
section 5104.01 of the Revised Code; or a child day camp 104131
operated by any county, township, municipal corporation, 104132
township park district created under section 511.18 of the 104133
Revised Code, park district created under section 1545.04 of the 104134
Revised Code, or joint recreation district established under 104135
section 755.14 of the Revised Code; 104136

(8) With respect to epinephrine autoinjectors that may be 104137
possessed under Chapter 3728. of the Revised Code, a qualified 104138
entity, as defined in section 3728.01 of the Revised Code; 104139

(9) With respect to inhalers that may be possessed under 104140
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 104141

the Revised Code, any of the following: the board of education 104142
of a city, local, exempted village, or joint vocational school 104143
district; a chartered or nonchartered nonpublic school; a 104144
community school established under Chapter 3314. of the Revised 104145
Code; a STEM school established under Chapter 3326. of the 104146
Revised Code; or a college-preparatory boarding school 104147
established under Chapter 3328. of the Revised Code; 104148

(10) With respect to inhalers that may be possessed under 104149
section ~~5101.77~~5180.261 of the Revised Code, any of the 104150
following: a residential camp, as defined in section 2151.011 of 104151
the Revised Code; a child day camp, as defined in section 104152
5104.01 of the Revised Code; or a child day camp operated by any 104153
county, township, municipal corporation, township park district 104154
created under section 511.18 of the Revised Code, park district 104155
created under section 1545.04 of the Revised Code, or joint 104156
recreation district established under section 755.14 of the 104157
Revised Code; 104158

(11) With respect to overdose reversal drugs that may be 104159
possessed for the purposes described in section 3715.50 of the 104160
Revised Code, any person or government entity exercising the 104161
authority conferred by that section; 104162

(12) With respect to overdose reversal drugs that may be 104163
possessed for use in personally furnishing supplies of the drug 104164
pursuant to a protocol established under section 3715.503 of the 104165
Revised Code, any individual exercising the authority conferred 104166
by that section; 104167

(13) With respect to injectable or nasally administered 104168
glucagon that may be possessed under sections 3313.7115, 104169
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, 104170
any of the following: the board of education of a city, local, 104171

exempted village, or joint vocational school district; a 104172
chartered or nonchartered nonpublic school; a community school 104173
established under Chapter 3314. of the Revised Code; a STEM 104174
school established under Chapter 3326. of the Revised Code; or a 104175
college-preparatory boarding school established under Chapter 104176
3328. of the Revised Code; 104177

(14) With respect to injectable or nasally administered 104178
glucagon that may be possessed under section ~~5101.78~~ 5180.262 of 104179
the Revised Code, any of the following: a residential camp, as 104180
defined in section 2151.011 of the Revised Code; a child day 104181
camp, as defined in section 5104.01 of the Revised Code; or a 104182
child day camp operated by any county, township, municipal 104183
corporation, township park district created under section 511.18 104184
of the Revised Code, park district created under section 1545.04 104185
of the Revised Code, or joint recreation district established 104186
under section 755.14 of the Revised Code; 104187

(15) A person who possesses nitrous oxide for use as a 104188
direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for 104189
testing or maintaining a plumbing or heating, ventilation, and 104190
air conditioning system; 104191

(16) A person who possesses medical oxygen, sterile water, 104192
or sterile saline for direct administration to patients or for 104193
the purpose of installation or maintenance of home medical 104194
equipment, as defined in section 4752.01 of the Revised Code; 104195

(17) A facility that is owned and operated by the United 104196
States department of defense, the United States department of 104197
veterans affairs, or any other federal agency. 104198

(B) If a person described in division (A) of this section 104199
is a pain management clinic or is operating a pain management 104200

clinic, the person shall hold a license as a terminal 104201
distributor of dangerous drugs with a pain management clinic 104202
classification issued under section 4729.552 of the Revised 104203
Code. 104204

(C) Any of the persons described in divisions (A) (1) to 104205
(16) of this section shall hold a license as a terminal 104206
distributor of dangerous drugs in order to possess, have custody 104207
or control of, and distribute any of the following: 104208

(1) Dangerous drugs that are compounded or used for the 104209
purpose of compounding; 104210

(2) A schedule I, II, III, IV, or V controlled substance, 104211
as defined in section 3719.01 of the Revised Code. 104212

Sec. 4729.56. (A) (1) The state board of pharmacy, in 104213
accordance with Chapter 119. of the Revised Code, may impose any 104214
one or more of the following sanctions on a person licensed 104215
under ~~division (B) (1) (a) of~~ section 4729.52 of the Revised Code 104216
for any of the causes set forth in division (A) (2) of this 104217
section: 104218

(a) Suspend, revoke, restrict, limit, or refuse to grant 104219
or renew a license; 104220

(b) Reprimand or place the license holder on probation; 104221

(c) Impose a monetary penalty or forfeiture not to exceed 104222
in severity any fine designated under the Revised Code for a 104223
similar offense or two thousand five hundred dollars if the acts 104224
committed are not classified as an offense by the Revised Code; 104225

(2) The board may impose the sanctions set forth in 104226
division (A) (1) of this section for any of the following: 104227

(a) Making any false material statements in an application 104228

for licensure under section 4729.52 of the Revised Code; 104229

(b) Violating any federal, state, or local drug law; any 104230
provision of this chapter or Chapter 2925., 3715., or 3719. of 104231
the Revised Code; or any rule of the board; 104232

(c) A conviction of a felony; 104233

(d) Failing to satisfy the qualifications for licensure 104234
under section 4729.53 of the Revised Code or the rules of the 104235
board or ceasing to satisfy the qualifications after the 104236
registration is granted or renewed; 104237

(e) Falsely or fraudulently promoting to the public a drug 104238
that is a controlled substance included in schedule I, II, III, 104239
IV, or V, except that nothing in this division prohibits a 104240
manufacturer, outsourcing facility, third-party logistics 104241
provider, repackager, or wholesale distributor of dangerous 104242
drugs from furnishing information concerning a controlled 104243
substance to a health care provider or licensed terminal 104244
distributor; 104245

(f) Violating any provision of the "Federal Food, Drug, 104246
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 104247
Chapter 3715. of the Revised Code; 104248

(g) Any other cause for which the board may impose 104249
sanctions as set forth in rules adopted under section 4729.26 of 104250
the Revised Code. 104251

(B) Upon the suspension or revocation of any license 104252
~~identified in division (B) (1) (a) of~~ issued under section 4729.52 104253
of the Revised Code, the licensee shall immediately surrender 104254
the license to the board. 104255

(C) If the board suspends, revokes, or refuses to renew 104256

any license ~~identified in division (B) (1) (a) of~~ issued under 104257
section 4729.52 of the Revised Code and determines that there is 104258
clear and convincing evidence of a danger of immediate and 104259
serious harm to any person, the board may place under seal all 104260
dangerous drugs owned by or in the possession, custody, or 104261
control of the affected licensee. Except as provided in this 104262
division, the board shall not dispose of the dangerous drugs 104263
sealed under this division until the licensee exhausts all of 104264
the licensee's appeal rights under Chapter 119. of the Revised 104265
Code. The court involved in such an appeal may order the board, 104266
during the pendency of the appeal, to sell sealed dangerous 104267
drugs that are perishable. The board shall deposit the proceeds 104268
of the sale with the court. 104269

(D) If the board is required under Chapter 119. of the 104270
Revised Code to give notice of an opportunity for a hearing and 104271
the license holder does not make a timely request for a hearing 104272
in accordance with section 119.07 of the Revised Code, the board 104273
is not required to hold a hearing, but may adopt a final order 104274
that contains the board's findings. In the final order, the 104275
board may impose any of the sanctions listed in division (A) of 104276
this section. 104277

(E) Notwithstanding division (D) (2) of section 2953.32 or 104278
division (F) (1) of section 2953.39 of the Revised Code 104279
specifying that if records pertaining to a criminal case are 104280
sealed or expunged under that section the proceedings in the 104281
case must be deemed not to have occurred, sealing or expungement 104282
of the following records on which the board has based an action 104283
under this section shall have no effect on the board's action or 104284
any sanction imposed by the board under this section: records of 104285
any conviction, guilty plea, judicial finding of guilt resulting 104286
from a plea of no contest, or a judicial finding of eligibility 104287

for a pretrial diversion program or intervention in lieu of 104288
conviction. The board is not required to seal, destroy, redact, 104289
or otherwise modify its records to reflect the court's sealing 104290
or expungement of conviction records. 104291

Sec. 4729.561. If the state board of pharmacy determines 104292
that there is clear and convincing evidence that the method used 104293
~~by a licensed manufacturer of dangerous drugs, outsourcing~~ 104294
~~facility, third-party logistics provider, repackager of~~ 104295
~~dangerous drugs, or wholesale distributor of dangerous drugs to~~ 104296
possess or distribute dangerous drugs by a person licensed under 104297
section 4729.52 of the Revised Code presents a danger of 104298
immediate and serious harm to others, the board may suspend 104299
without a hearing the person's license issued pursuant to that 104300
~~section 4729.52 of the Revised Code.~~ The board shall follow the 104301
procedure for suspension without a prior hearing in section 104302
119.07 of the Revised Code. The suspension shall remain in 104303
effect, unless removed by the board, until the board's final 104304
adjudication order becomes effective, except that if the board 104305
does not issue its final adjudication order within one hundred 104306
twenty days after the suspension, the suspension shall be void 104307
on the one hundred twenty-first day after the suspension. 104308

Sec. 4729.60. (A) (1) Before a ~~licensee identified in~~ 104309
~~division (B) (1) (a) of~~ person licensed under section 4729.52 of 104310
the Revised Code may sell or distribute dangerous drugs at 104311
wholesale to any person, except as provided in division (A) (2) 104312
of this section, the licensee shall query the roster established 104313
pursuant to section 4729.59 of the Revised Code to determine 104314
whether the purchaser is a licensed terminal distributor of 104315
dangerous drugs. 104316

If no documented query is conducted before a sale is made, 104317

it shall be presumed that the sale of dangerous drugs by the 104318
licensee is in violation of division (B) of section 4729.51 of 104319
the Revised Code and the purchase of dangerous drugs by the 104320
purchaser is in violation of division (E) of section 4729.51 of 104321
the Revised Code. If a licensee conducts a documented query and 104322
relies on the results of the query in selling or distributing 104323
dangerous drugs at wholesale to the terminal distributor of 104324
dangerous drugs, the licensee shall be deemed not to have 104325
violated division (B) of section 4729.51 of the Revised Code in 104326
making the sale. 104327

(2) Division (A)(1) of this section does not apply when a 104328
~~licensee identified in division (B)(1)(a) of person licensed~~ 104329
under section 4729.52 of the Revised Code sells or distributes 104330
dangerous drugs at wholesale to any of the following: 104331

(a) A person specified in division (B)(4) of section 104332
4729.51 of the Revised Code; 104333

(b) A person exempt from licensure as a terminal 104334
distributor of dangerous drugs under section 4729.541 of the 104335
Revised Code. 104336

(B) Before a licensed terminal distributor of dangerous 104337
drugs may purchase dangerous drugs at wholesale, the terminal 104338
distributor shall query the roster established pursuant to 104339
section 4729.59 of the Revised Code to confirm the seller is 104340
licensed to engage in the sale or distribution of dangerous 104341
drugs at wholesale. 104342

If no documented query is conducted before a purchase is 104343
made, it shall be presumed that the purchase of dangerous drugs 104344
by the terminal distributor is in violation of division (F) of 104345
section 4729.51 of the Revised Code and the sale of dangerous 104346

drugs by the seller is in violation of division (A) of section 104347
4729.51 of the Revised Code. If a licensed terminal distributor 104348
of dangerous drugs conducts a documented query at least annually 104349
and relies on the results of the query in purchasing dangerous 104350
drugs at wholesale, the terminal distributor shall be deemed not 104351
to have violated division (F) of section 4729.51 of the Revised 104352
Code in making the purchase. 104353

Sec. 4729.80. (A) If the state board of pharmacy 104354
establishes and maintains a drug database pursuant to section 104355
4729.75 of the Revised Code, the board is authorized or required 104356
to provide information from the database only as follows: 104357

(1) On receipt of a request from a designated 104358
representative of a government entity responsible for the 104359
licensure, regulation, or discipline of health care 104360
professionals with authority to prescribe, administer, or 104361
dispense drugs, the board may provide to the representative 104362
information from the database relating to the professional who 104363
is the subject of an active investigation being conducted by the 104364
government entity or relating to a professional who is acting as 104365
an expert witness for the government entity in such an 104366
investigation. 104367

(2) On receipt of a request from a federal officer, or a 104368
state or local officer of this or any other state, whose duties 104369
include enforcing laws relating to drugs, the board shall 104370
provide to the officer information from the database relating to 104371
the person who is the subject of an active investigation of a 104372
drug abuse offense, as defined in section 2925.01 of the Revised 104373
Code, being conducted by the officer's employing government 104374
entity. 104375

(3) Pursuant to a subpoena issued by a grand jury, the 104376

board shall provide to the grand jury information from the 104377
database relating to the person who is the subject of an 104378
investigation being conducted by the grand jury. 104379

(4) Pursuant to a subpoena, search warrant, or court order 104380
in connection with the investigation or prosecution of a 104381
possible or alleged criminal offense, the board shall provide 104382
information from the database as necessary to comply with the 104383
subpoena, search warrant, or court order. 104384

(5) On receipt of a request from a prescriber or the 104385
prescriber's delegate approved by the board, the board shall 104386
provide to the prescriber a report of information from the 104387
database relating to a patient who is either a current patient 104388
of the prescriber or a potential patient of the prescriber based 104389
on a referral of the patient to the prescriber, if all of the 104390
following conditions are met: 104391

(a) The prescriber certifies in a form specified by the 104392
board that it is for the purpose of providing medical treatment 104393
to the patient who is the subject of the request; 104394

(b) The prescriber has not been denied access to the 104395
database by the board. 104396

(6) On receipt of a request from a pharmacist or the 104397
pharmacist's delegate approved by the board, the board shall 104398
provide to the pharmacist information from the database relating 104399
to a current patient of the pharmacist, if the pharmacist 104400
certifies in a form specified by the board that it is for the 104401
purpose of the pharmacist's practice of pharmacy involving the 104402
patient who is the subject of the request and the pharmacist has 104403
not been denied access to the database by the board. 104404

(7) On receipt of a request from an individual seeking the 104405

individual's own database information in accordance with the 104406
procedure established in rules adopted under section 4729.84 of 104407
the Revised Code, the board may provide to the individual the 104408
individual's own prescription history. 104409

(8) On receipt of a request from a medical director or a 104410
pharmacy director of a managed care organization that has 104411
entered into a contract with the department of medicaid under 104412
section 5167.10 of the Revised Code and a data security 104413
agreement with the board required by section 5167.14 of the 104414
Revised Code, the board shall provide to the medical director or 104415
the pharmacy director information from the database relating to 104416
a medicaid recipient enrolled in the managed care organization, 104417
including information in the database related to prescriptions 104418
for the recipient that were not covered or reimbursed under a 104419
program administered by the department of medicaid. 104420

(9) On receipt of a request from the medicaid director, 104421
the board shall provide to the director information from the 104422
database relating to a recipient of a program administered by 104423
the department of medicaid, including information in the 104424
database related to prescriptions for the recipient that were 104425
not covered or paid by a program administered by the department. 104426

(10) On receipt of a request from a medical director of a 104427
managed care organization that has entered into a contract with 104428
the administrator of workers' compensation under division (B) (4) 104429
of section 4121.44 of the Revised Code and a data security 104430
agreement with the board required by section 4121.447 of the 104431
Revised Code, the board shall provide to the medical director 104432
information from the database relating to a claimant under 104433
Chapter 4121., 4123., 4127., or 4131. of the Revised Code 104434
assigned to the managed care organization, including information 104435

in the database related to prescriptions for the claimant that 104436
were not covered or reimbursed under Chapter 4121., 4123., 104437
4127., or 4131. of the Revised Code, if the administrator of 104438
workers' compensation confirms, upon request from the board, 104439
that the claimant is assigned to the managed care organization. 104440

(11) On receipt of a request from the administrator of 104441
workers' compensation, the board shall provide to the 104442
administrator information from the database relating to a 104443
claimant under Chapter 4121., 4123., 4127., or 4131. of the 104444
Revised Code, including information in the database related to 104445
prescriptions for the claimant that were not covered or 104446
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 104447
Revised Code. 104448

(12) On receipt of a request from a prescriber or the 104449
prescriber's delegate approved by the board, the board shall 104450
provide to the prescriber information from the database relating 104451
to a patient's mother, if the prescriber certifies in a form 104452
specified by the board that it is for the purpose of providing 104453
medical treatment to a newborn or infant patient diagnosed as 104454
opioid dependent and the prescriber has not been denied access 104455
to the database by the board. 104456

(13) On receipt of a request from the director of health, 104457
the board shall provide to the director information from the 104458
database relating to the duties of the director or the 104459
department of health in implementing the Ohio violent death 104460
reporting system established under section 3701.93 of the 104461
Revised Code. 104462

(14) On receipt of a request from a requestor described in 104463
division (A)(1), (2), (5), or (6) of this section who is from or 104464
participating with another state's prescription monitoring 104465

program, the board may provide to the requestor information from 104466
the database, but only if there is a written agreement under 104467
which the information is to be used and disseminated according 104468
to the laws of this state. 104469

(15) On receipt of a request from a delegate of a retail 104470
dispensary licensed under Chapter 3796. of the Revised Code who 104471
is approved by the board to serve as the dispensary's delegate, 104472
the board shall provide to the delegate a report of information 104473
from the database pertaining only to a patient's use of medical 104474
marijuana, if both of the following conditions are met: 104475

(a) The delegate certifies in a form specified by the 104476
board that it is for the purpose of dispensing medical marijuana 104477
for use in accordance with Chapter 3796. of the Revised Code. 104478

(b) The retail dispensary or delegate has not been denied 104479
access to the database by the board. 104480

(16) On receipt of a request from a judge of a program 104481
certified by the Ohio supreme court as a specialized docket 104482
program for drugs, the board shall provide to the judge, or an 104483
employee of the program who is designated by the judge to 104484
receive the information, information from the database that 104485
relates specifically to a current or prospective program 104486
participant. 104487

(17) On receipt of a request from a coroner, deputy 104488
coroner, or coroner's delegate approved by the board, the board 104489
shall provide to the requestor information from the database 104490
relating to a deceased person about whom the coroner is 104491
conducting or has conducted an autopsy or investigation. 104492

(18) On receipt of a request from a prescriber, the board 104493
may provide to the prescriber a summary of the prescriber's 104494

prescribing record if such a record is created by the board. 104495
Information in the summary is subject to the confidentiality 104496
requirements of this chapter. 104497

~~(19)(a)~~ (19) On receipt of a request from a pharmacy's 104498
responsible person designated under section 4729.54 of the 104499
Revised Code, the board may provide to the responsible person a 104500
summary of the pharmacy's dispensing record if such a record is 104501
created by the board. Information in the summary is subject to 104502
the confidentiality requirements of this chapter. 104503

~~(b) As used in division (A) (19) (a) of this section,~~ 104504
~~"responsible person" has the same meaning as in rules adopted by~~ 104505
~~the board under section 4729.26 of the Revised Code.~~ 104506

(20) The board may provide information from the database 104507
without request to a prescriber or pharmacist who is authorized 104508
to use the database pursuant to this chapter. 104509

(21) (a) On receipt of a request from a prescriber or 104510
pharmacist, or the prescriber's or pharmacist's delegate, who is 104511
a designated representative of a peer review committee, the 104512
board shall provide to the committee information from the 104513
database relating to a prescriber who is subject to the 104514
committee's evaluation, supervision, or discipline if the 104515
information is to be used for one of those purposes. The board 104516
shall provide only information that it determines, in accordance 104517
with rules adopted under section 4729.84 of the Revised Code, is 104518
appropriate to be provided to the committee. 104519

(b) As used in division (A) (21) (a) of this section, "peer 104520
review committee" has the same meaning as in section 2305.25 of 104521
the Revised Code, except that it includes only a peer review 104522
committee of a hospital or a peer review committee of a 104523

nonprofit health care corporation that is a member of the 104524
hospital or of which the hospital is a member. 104525

(22) On receipt of a request from a requestor described in 104526
division (A)(5) or (6) of this section who is from or 104527
participating with a prescription monitoring program that is 104528
operated by a federal agency and approved by the board, the 104529
board may provide to the requestor information from the 104530
database, but only if there is a written agreement under which 104531
the information is to be used and disseminated according to the 104532
laws of this state. 104533

(23) Any personal health information submitted to the 104534
board pursuant to section 4729.772 of the Revised Code may be 104535
provided by the board only as authorized by the submitter of the 104536
information and in accordance with rules adopted under section 104537
4729.84 of the Revised Code. 104538

(24) On receipt of a request from a person described in 104539
division (A)(5), (6), or (17) of this section who is 104540
participating in a drug overdose fatality review committee 104541
described in section 307.631 of the Revised Code, the board may 104542
provide to the requestor information from the database, but only 104543
if there is a written agreement under which the information is 104544
to be used and disseminated according to the laws of this state. 104545

(25) On receipt of a request from a person described in 104546
division (A)(5), (6), or (17) of this section who is 104547
participating in a suicide fatality review committee described 104548
in section 307.641 of the Revised Code, the board may provide to 104549
the requestor information from the database, but only if there 104550
is a written agreement under which the information is to be used 104551
and disseminated according to the laws of this state. 104552

(26) On receipt of a request from a designated
representative of the division of marijuana control in the
department of commerce, the board shall provide to the
representative information from the database relating to an
individual who, or entity that, is the subject of an active
investigation being conducted by the division.

(B) The state board of pharmacy shall maintain a record of
each individual or entity that requests information from the
database pursuant to this section. In accordance with rules
adopted under section 4729.84 of the Revised Code, the board may
use the records to document and report statistics and law
enforcement outcomes.

The board may provide records of an individual's requests
for database information only to the following:

(1) A designated representative of a government entity
that is responsible for the licensure, regulation, or discipline
of health care professionals with authority to prescribe,
administer, or dispense drugs who is involved in an active
criminal or disciplinary investigation being conducted by the
government entity of the individual who submitted the requests
for database information;

(2) A federal officer, or a state or local officer of this
or any other state, whose duties include enforcing laws relating
to drugs and who is involved in an active investigation being
conducted by the officer's employing government entity of the
individual who submitted the requests for database information;

(3) A designated representative of the department of
medicaid regarding a prescriber who is treating or has treated a
recipient of a program administered by the department and who

submitted the requests for database information. 104582

(C) Information contained in the database and any 104583
information obtained from it is confidential and is not a public 104584
record. Information contained in the records of requests for 104585
information from the database is confidential and is not a 104586
public record. Information contained in the database that does 104587
not identify a person, including any licensee or registrant of 104588
the board or other entity, may be released in summary, 104589
statistical, or aggregate form. 104590

(D) A pharmacist or prescriber shall not be held liable in 104591
damages to any person in any civil action for injury, death, or 104592
loss to person or property on the basis that the pharmacist or 104593
prescriber did or did not seek or obtain information from the 104594
database. 104595

Sec. 4729.901. (A) An applicant for registration under 104596
section 4729.90 of the Revised Code shall file with the state 104597
board of pharmacy an application in the form and manner 104598
prescribed in rules adopted under section 4729.94 of the Revised 104599
Code. The application shall be accompanied by an application fee 104600
of ~~fifty~~ sixty-five dollars, which shall not be returned if the 104601
applicant fails to qualify for registration. 104602

(B) If the board is satisfied that the applicant meets the 104603
requirements of section 4729.90 of the Revised Code and any 104604
additional requirements established by the board and determines 104605
that the results of a criminal records check do not make the 104606
applicant ineligible, the board shall register the applicant as 104607
a registered pharmacy technician or certified pharmacy 104608
technician, as applicable. 104609

(C) The board shall register as a registered pharmacy 104610

technician or certified pharmacy technician, as applicable, in 104611
accordance with Chapter 4796. of the Revised Code an applicant 104612
if either of the following applies: 104613

(1) The applicant holds a license or is registered in 104614
another state. 104615

(2) The applicant has satisfactory work experience, a 104616
government certification, or a private certification as 104617
described in that chapter as a pharmacy technician in a state 104618
that does not issue that license or registration. 104619

(D) ~~Registration under division (B) or (C) of this section~~ 104620
as a registered pharmacy technician or certified pharmacy 104621
technician is valid for the a two-year period, unless a 104622
different period is specified by the board in rules adopted 104623
under section 4729.94 of the Revised Code. ~~The period shall not~~ 104624
~~exceed twenty-four months unless the board extends the period in~~ 104625
~~the rules to~~ account for initial registration, adjust license 104626
registration renewal schedules, or to accommodate other matters 104627
the board considers appropriate. 104628

Sec. 4729.902. (A) A registered pharmacy technician or 104629
certified pharmacy technician shall file an application for_ 104630
biennial registration renewal in the form and manner prescribed 104631
by the state board of pharmacy in rules adopted under section 104632
4729.94 of the Revised Code. Registrations shall be renewed in 104633
accordance with the rules and the standard renewal procedure set 104634
forth in Chapter 4745. of the Revised Code. The biennial renewal 104635
fee is ~~twenty-five-sixty-five dollars-per year.~~ 104636

(B) (1) A registered pharmacy technician or certified 104637
pharmacy technician who fails to renew registration in 104638
accordance with division (A) of this section is prohibited from 104639

engaging in the activities authorized by section 4729.91 of the Revised Code.

(2) (a) A registration that is not renewed by a date determined under division (A) of this section but has not lapsed for more than ninety days may be reinstated if the applicant does both of the following:

(i) Submits a renewal application in a form prescribed by the board in rules adopted under section 4729.94 of the Revised Code;

(ii) Pays the renewal fee and a late fee of fifty dollars.

(b) A registration that has lapsed for more than ninety days cannot be renewed, but the registration holder may reapply for registration.

Sec. 4729.921. (A) An applicant for registration as a pharmacy technician trainee shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall be accompanied by an application fee of ~~twenty-five~~ forty dollars, which shall not be returned if the applicant fails to qualify for registration.

If the board is satisfied that an applicant meets the requirements of section 4729.92 of the Revised Code and any additional requirements established by the board and determines that the results of a criminal records check do not make the applicant ineligible, the board shall register the applicant as a pharmacy technician trainee.

(B) (1) The board shall register as a pharmacy technician trainee in accordance with Chapter 4796. of the Revised Code an applicant who either holds a license or is registered in another

state or has satisfactory work experience, a government 104669
certification, or a private certification as described in that 104670
chapter as a pharmacy technician trainee in a state that does 104671
not issue that license or registration. 104672

(2) The board may register as a pharmacy technician 104673
trainee an applicant who is seventeen years of age if either of 104674
the following apply: 104675

(a) The applicant possesses a high school diploma or 104676
certificate of high school equivalence; 104677

(b) The applicant does not possess a high school diploma 104678
or certificate of high school equivalence but is enrolled in a 104679
career-technical school program that is approved by the board 104680
and conducted by a city, exempted village, local, or joint 104681
vocational school district. 104682

(C) The board shall not refuse to register an applicant as 104683
a pharmacy technician trainee because of a conviction for an 104684
offense unless the refusal is in accordance with section 9.79 of 104685
the Revised Code. 104686

(D) Registration is valid for one year eighteen months 104687
from the date of registration, except that the board may extend 104688
the time period for which registration is valid. Registration is 104689
not renewable, but an individual may reapply for registration if 104690
the individual's previous registration has lapsed for more than 104691
five years or the board grants its approval. 104692

Sec. 4730.25. (A) The state medical board, by an 104693
affirmative vote of not fewer than six members, may refuse to 104694
grant a license to practice as a physician assistant to, or may 104695
revoke the license held by, an individual found by the board to 104696
have committed fraud, misrepresentation, or deception in 104697

applying for or securing the license. 104698

(B) Except as provided in division (N) of this section, 104699
the board, by an affirmative vote of not fewer than six members, 104700
shall, to the extent permitted by law, limit, revoke, or suspend 104701
an individual's license to practice as a physician assistant or 104702
prescriber number, refuse to issue a license to an applicant, 104703
refuse to renew a license, refuse to reinstate a license, or 104704
reprimand or place on probation the holder of a license for any 104705
of the following reasons: 104706

(1) Failure to practice in accordance with the supervising 104707
physician's supervision agreement with the physician assistant, 104708
including, if applicable, the policies of the health care 104709
facility in which the supervising physician and physician 104710
assistant are practicing; 104711

(2) Failure to comply with the requirements of this 104712
chapter, Chapter 4731. of the Revised Code, or any rules adopted 104713
by the board; 104714

(3) Violating or attempting to violate, directly or 104715
indirectly, or assisting in or abetting the violation of, or 104716
conspiring to violate, any provision of this chapter, Chapter 104717
4731. of the Revised Code, or the rules adopted by the board; 104718

(4) Inability to practice according to acceptable and 104719
prevailing standards of care by reason of mental illness or 104720
physical illness, including physical deterioration that 104721
adversely affects cognitive, motor, or perceptive skills; 104722

(5) Impairment of ability to practice according to 104723
acceptable and prevailing standards of care because of substance 104724
use disorder or excessive use or abuse of drugs, alcohol, or 104725
other substances that may impair ability to practice; 104726

- (6) Administering drugs for purposes other than those 104727
authorized under this chapter; 104728
- (7) Willfully betraying a professional confidence; 104729
- (8) Making a false, fraudulent, deceptive, or misleading 104730
statement in soliciting or advertising for employment as a 104731
physician assistant; in connection with any solicitation or 104732
advertisement for patients; in relation to the practice of 104733
medicine as it pertains to physician assistants; or in securing 104734
or attempting to secure a license to practice as a physician 104735
assistant. 104736
- As used in this division, "false, fraudulent, deceptive, 104737
or misleading statement" means a statement that includes a 104738
misrepresentation of fact, is likely to mislead or deceive 104739
because of a failure to disclose material facts, is intended or 104740
is likely to create false or unjustified expectations of 104741
favorable results, or includes representations or implications 104742
that in reasonable probability will cause an ordinarily prudent 104743
person to misunderstand or be deceived. 104744
- (9) Representing, with the purpose of obtaining 104745
compensation or other advantage personally or for any other 104746
person, that an incurable disease or injury, or other incurable 104747
condition, can be permanently cured; 104748
- (10) The obtaining of, or attempting to obtain, money or 104749
anything of value by fraudulent misrepresentations in the course 104750
of practice; 104751
- (11) A plea of guilty to, a judicial finding of guilt of, 104752
or a judicial finding of eligibility for intervention in lieu of 104753
conviction for, a felony; 104754
- (12) Commission of an act that constitutes a felony in 104755

this state, regardless of the jurisdiction in which the act was 104756
committed; 104757

(13) A plea of guilty to, a judicial finding of guilt of, 104758
or a judicial finding of eligibility for intervention in lieu of 104759
conviction for, a misdemeanor committed in the course of 104760
practice; 104761

(14) A plea of guilty to, a judicial finding of guilt of, 104762
or a judicial finding of eligibility for intervention in lieu of 104763
conviction for, a misdemeanor involving moral turpitude; 104764

(15) Commission of an act in the course of practice that 104765
constitutes a misdemeanor in this state, regardless of the 104766
jurisdiction in which the act was committed; 104767

(16) Commission of an act involving moral turpitude that 104768
constitutes a misdemeanor in this state, regardless of the 104769
jurisdiction in which the act was committed; 104770

(17) A plea of guilty to, a judicial finding of guilt of, 104771
or a judicial finding of eligibility for intervention in lieu of 104772
conviction for violating any state or federal law regulating the 104773
possession, distribution, or use of any drug, including 104774
trafficking in drugs; 104775

(18) Any of the following actions taken by the state 104776
agency responsible for regulating the practice of physician 104777
assistants in another state, for any reason other than the 104778
nonpayment of fees: the limitation, revocation, or suspension of 104779
an individual's license to practice; acceptance of an 104780
individual's license surrender; denial of a license; refusal to 104781
renew or reinstate a license; imposition of probation; or 104782
issuance of an order of censure or other reprimand; 104783

(19) A departure from, or failure to conform to, minimal 104784

standards of care of similar physician assistants under the same 104785
or similar circumstances, regardless of whether actual injury to 104786
a patient is established; 104787

(20) Violation of the conditions placed by the board on a 104788
license to practice as a physician assistant; 104789

(21) Failure to use universal blood and body fluid 104790
precautions established by rules adopted under section 4731.051 104791
of the Revised Code; 104792

(22) Failure to cooperate in an investigation conducted by 104793
the board under section 4730.26 of the Revised Code, including 104794
failure to comply with a subpoena or order issued by the board 104795
or failure to answer truthfully a question presented by the 104796
board at a deposition or in written interrogatories, except that 104797
failure to cooperate with an investigation shall not constitute 104798
grounds for discipline under this section if a court of 104799
competent jurisdiction has issued an order that either quashes a 104800
subpoena or permits the individual to withhold the testimony or 104801
evidence in issue; 104802

(23) Assisting suicide, as defined in section 3795.01 of 104803
the Revised Code; 104804

(24) Prescribing any drug or device to perform or induce 104805
an abortion, or otherwise performing or inducing an abortion; 104806

(25) Failure to comply with section 4730.53 of the Revised 104807
Code, unless the board no longer maintains a drug database 104808
pursuant to section 4729.75 of the Revised Code; 104809

(26) Failure to comply with the requirements in section 104810
3719.061 of the Revised Code before issuing for a minor a 104811
prescription for an opioid analgesic, as defined in section 104812
3719.01 of the Revised Code; 104813

(27) Having certification by the national commission on 104814
certification of physician assistants or a successor 104815
organization expire, lapse, or be suspended or revoked; 104816

(28) The revocation, suspension, restriction, reduction, 104817
or termination of clinical privileges by the United States 104818
department of defense or department of veterans affairs or the 104819
termination or suspension of a certificate of registration to 104820
prescribe drugs by the drug enforcement administration of the 104821
United States department of justice; 104822

(29) Failure to comply with terms of a consult agreement 104823
entered into with a pharmacist pursuant to section 4729.39 of 104824
the Revised Code; 104825

(30) Violation of section 4730.57 of the Revised Code. 104826

(C) Disciplinary actions taken by the board under 104827
divisions (A) and (B) of this section shall be taken pursuant to 104828
an adjudication under Chapter 119. of the Revised Code, except 104829
that in lieu of an adjudication, the board may enter into a 104830
consent agreement with a physician assistant or applicant to 104831
resolve an allegation of a violation of this chapter or any rule 104832
adopted under it. A consent agreement, when ratified by an 104833
affirmative vote of not fewer than six members of the board, 104834
shall constitute the findings and order of the board with 104835
respect to the matter addressed in the agreement. If the board 104836
refuses to ratify a consent agreement, the admissions and 104837
findings contained in the consent agreement shall be of no force 104838
or effect. 104839

(D) For purposes of divisions (B) (12), (15), and (16) of 104840
this section, the commission of the act may be established by a 104841
finding by the board, pursuant to an adjudication under Chapter 104842

119. of the Revised Code, that the applicant or license holder 104843
committed the act in question. The board shall have no 104844
jurisdiction under these divisions in cases where the trial 104845
court renders a final judgment in the license holder's favor and 104846
that judgment is based upon an adjudication on the merits. The 104847
board shall have jurisdiction under these divisions in cases 104848
where the trial court issues an order of dismissal upon 104849
technical or procedural grounds. 104850

(E) The sealing or expungement of conviction records by 104851
any court shall have no effect upon a prior board order entered 104852
under the provisions of this section or upon the board's 104853
jurisdiction to take action under the provisions of this section 104854
if, based upon a plea of guilty, a judicial finding of guilt, or 104855
a judicial finding of eligibility for intervention in lieu of 104856
conviction, the board issued a notice of opportunity for a 104857
hearing prior to the court's order to seal or expunge the 104858
records. The board shall not be required to seal, destroy, 104859
redact, or otherwise modify its records to reflect the court's 104860
sealing or expungement of conviction records. 104861

(F) For purposes of this division, any individual who 104862
holds a license issued under this chapter, or applies for a 104863
license issued under this chapter, shall be deemed to have given 104864
consent to submit to a mental or physical examination when 104865
directed to do so in writing by the board and to have waived all 104866
objections to the admissibility of testimony or examination 104867
reports that constitute a privileged communication. 104868

(1) In enforcing division (B)(4) of this section, the 104869
board, upon a showing of a possible violation, shall refer any 104870
individual who holds, or has applied for, a license issued under 104871
this chapter to the monitoring organization that conducts the 104872

confidential monitoring program established under section 104873
4731.25 of the Revised Code. The board also may compel the 104874
individual to submit to a mental examination, physical 104875
examination, including an HIV test, or both a mental and 104876
physical examination. The expense of the examination is the 104877
responsibility of the individual compelled to be examined. 104878
Failure to submit to a mental or physical examination or consent 104879
to an HIV test ordered by the board constitutes an admission of 104880
the allegations against the individual unless the failure is due 104881
to circumstances beyond the individual's control, and a default 104882
and final order may be entered without the taking of testimony 104883
or presentation of evidence. If the board finds a physician 104884
assistant unable to practice because of the reasons set forth in 104885
division (B)(4) of this section, the board shall require the 104886
physician assistant to submit to care, counseling, or treatment 104887
by physicians approved or designated by the board, as a 104888
condition for an initial, continued, reinstated, or renewed 104889
license. An individual affected under this division shall be 104890
afforded an opportunity to demonstrate to the board the ability 104891
to resume practicing in compliance with acceptable and 104892
prevailing standards of care. 104893

(2) For purposes of division (B)(5) of this section, if 104894
the board has reason to believe that any individual who holds a 104895
license issued under this chapter or any applicant for a license 104896
suffers such impairment, the board shall refer the individual to 104897
the monitoring organization that conducts the confidential 104898
monitoring program established under section 4731.25 of the 104899
Revised Code. The board also may compel the individual to submit 104900
to a mental or physical examination, or both. The expense of the 104901
examination is the responsibility of the individual compelled to 104902
be examined. Any mental or physical examination required under 104903

this division shall be undertaken by a treatment provider or 104904
physician qualified to conduct such examination and approved 104905
under section 4731.251 of the Revised Code. 104906

Failure to submit to a mental or physical examination 104907
ordered by the board constitutes an admission of the allegations 104908
against the individual unless the failure is due to 104909
circumstances beyond the individual's control, and a default and 104910
final order may be entered without the taking of testimony or 104911
presentation of evidence. If the board determines that the 104912
individual's ability to practice is impaired, the board shall 104913
suspend the individual's license or deny the individual's 104914
application and shall require the individual, as a condition for 104915
initial, continued, reinstated, or renewed licensure, to submit 104916
to treatment. 104917

Before being eligible to apply for reinstatement of a 104918
license suspended under this division, the physician assistant 104919
shall demonstrate to the board the ability to resume practice or 104920
prescribing in compliance with acceptable and prevailing 104921
standards of care. The demonstration shall include the 104922
following: 104923

(a) Certification from a treatment provider approved under 104924
section 4731.251 of the Revised Code that the individual has 104925
successfully completed any required inpatient treatment; 104926

(b) Evidence of continuing full compliance with an 104927
aftercare contract or consent agreement; 104928

(c) Two written reports indicating that the individual's 104929
ability to practice has been assessed and that the individual 104930
has been found capable of practicing according to acceptable and 104931
prevailing standards of care. The reports shall be made by 104932

individuals or providers approved by the board for making such 104933
assessments and shall describe the basis for their 104934
determination. 104935

The board may reinstate a license suspended under this 104936
division after such demonstration and after the individual has 104937
entered into a written consent agreement. 104938

When the impaired physician assistant resumes practice or 104939
prescribing, the board shall require continued monitoring of the 104940
physician assistant. The monitoring shall include compliance 104941
with the written consent agreement entered into before 104942
reinstatement or with conditions imposed by board order after a 104943
hearing, and, upon termination of the consent agreement, 104944
submission to the board for at least two years of annual written 104945
progress reports made under penalty of falsification stating 104946
whether the physician assistant has maintained sobriety. 104947

(G) (1) If either of the following circumstances occur, the 104948
secretary and supervising member may recommend that the board 104949
suspend the individual's license without a prior hearing: 104950

(a) The secretary and supervising member determine that 104951
there is clear and convincing evidence that a physician 104952
assistant has violated division (B) of this section and that the 104953
individual's continued practice or prescribing presents a danger 104954
of immediate and serious harm to the public. 104955

(b) The board receives verifiable information that a 104956
licensee has been charged in any state or federal court with a 104957
crime classified as a felony under the charging court's law and 104958
the conduct charged constitutes a violation of division (B) of 104959
this section. 104960

(2) If a recommendation is made to suspend without a prior 104961

hearing pursuant to division (G)(1) of this section, written 104962
allegations shall be prepared for consideration by the board. 104963

The board, upon review of those allegations and by an 104964
affirmative vote of not fewer than six of its members, excluding 104965
the secretary and supervising member, may suspend a license 104966
without a prior hearing. A telephone conference call may be 104967
utilized for reviewing the allegations and taking the vote on 104968
the summary suspension. 104969

The board shall serve a written order of suspension in 104970
accordance with sections 119.05 and 119.07 of the Revised Code. 104971
~~The order shall not be subject to suspension by the court during~~ 104972
~~pendency of any appeal filed under section 119.12 of the Revised~~ 104973
~~Code.~~ If the physician assistant requests an adjudicatory 104974
hearing by the board, the date set for the hearing shall be 104975
within fifteen days, but not earlier than seven days, after the 104976
physician assistant requests the hearing, unless otherwise 104977
agreed to by both the board and the license holder. 104978

(3) A summary suspension imposed under ~~this~~ division (G) 104979
(2) of this section is not a final appealable order and is not 104980
an adjudication that may be appealed under section 119.12 of the 104981
Revised Code. The summary suspension shall remain in effect, 104982
~~unless reversed on appeal,~~ until a final adjudicative order 104983
issued by the board pursuant to this section and Chapter 119. of 104984
the Revised Code becomes effective. Once a final adjudicative 104985
order has been issued by the board, any party adversely affected 104986
by it may file an appeal in accordance with the requirements of 104987
Chapter 119. of the Revised Code. ~~The~~ 104988

The board shall issue its final adjudicative order within 104989
seventy-five days after completion of its hearing. Failure to 104990
issue the order within seventy-five days shall result in 104991

dissolution of the summary suspension order, but shall not 104992
invalidate any subsequent, final adjudicative order. 104993

(H) If the board takes action under division (B) (11), 104994
(13), or (14) of this section, and the judicial finding of 104995
guilt, guilty plea, or judicial finding of eligibility for 104996
intervention in lieu of conviction is overturned on appeal, upon 104997
exhaustion of the criminal appeal, a petition for 104998
reconsideration of the order may be filed with the board along 104999
with appropriate court documents. Upon receipt of a petition and 105000
supporting court documents, the board shall reinstate the 105001
individual's license. The board may then hold an adjudication 105002
under Chapter 119. of the Revised Code to determine whether the 105003
individual committed the act in question. Notice of opportunity 105004
for hearing shall be given in accordance with Chapter 119. of 105005
the Revised Code. If the board finds, pursuant to an 105006
adjudication held under this division, that the individual 105007
committed the act, or if no hearing is requested, it may order 105008
any of the sanctions identified under division (B) of this 105009
section. 105010

(I) The license to practice issued to a physician 105011
assistant and the physician assistant's practice in this state 105012
are automatically suspended as of the date the physician 105013
assistant pleads guilty to, is found by a judge or jury to be 105014
guilty of, or is subject to a judicial finding of eligibility 105015
for intervention in lieu of conviction in this state or 105016
treatment or intervention in lieu of conviction in another state 105017
for any of the following criminal offenses in this state or a 105018
substantially equivalent criminal offense in another 105019
jurisdiction: aggravated murder, murder, voluntary manslaughter, 105020
felonious assault, trafficking in persons, kidnapping, rape, 105021
sexual battery, gross sexual imposition, aggravated arson, 105022

aggravated robbery, or aggravated burglary. Continued practice 105023
after the suspension shall be considered practicing without a 105024
license. 105025

The board shall notify the individual subject to the 105026
suspension in accordance with sections 119.05 and 119.07 of the 105027
Revised Code. If an individual whose license is suspended under 105028
this division fails to make a timely request for an adjudication 105029
under Chapter 119. of the Revised Code, the board shall enter a 105030
final order permanently revoking the individual's license to 105031
practice. 105032

(J) In any instance in which the board is required by 105033
Chapter 119. of the Revised Code to give notice of opportunity 105034
for hearing and the individual subject to the notice does not 105035
timely request a hearing in accordance with section 119.07 of 105036
the Revised Code, the board is not required to hold a hearing, 105037
but may adopt, by an affirmative vote of not fewer than six of 105038
its members, a final order that contains the board's findings. 105039
In that final order, the board may order any of the sanctions 105040
identified under division (A) or (B) of this section. 105041

(K) Any action taken by the board under division (B) of 105042
this section resulting in a suspension shall be accompanied by a 105043
written statement of the conditions under which the physician 105044
assistant's license may be reinstated. The board shall adopt 105045
rules in accordance with Chapter 119. of the Revised Code 105046
governing conditions to be imposed for reinstatement. 105047
Reinstatement of a license suspended pursuant to division (B) of 105048
this section requires an affirmative vote of not fewer than six 105049
members of the board. 105050

(L) When the board refuses to grant or issue to an 105051
applicant a license to practice as a physician assistant, 105052

revokes an individual's license, refuses to renew an 105053
individual's license, or refuses to reinstate an individual's 105054
license, the board may specify that its action is permanent. An 105055
individual subject to a permanent action taken by the board is 105056
forever thereafter ineligible to hold the license and the board 105057
shall not accept an application for reinstatement of the license 105058
or for issuance of a new license. 105059

(M) Notwithstanding any other provision of the Revised 105060
Code, all of the following apply: 105061

(1) The surrender of a license issued under this chapter 105062
is not effective unless or until accepted by the board. 105063
Reinstatement of a license surrendered to the board requires an 105064
affirmative vote of not fewer than six members of the board. 105065

(2) An application made under this chapter for a license 105066
may not be withdrawn without approval of the board. 105067

(3) Failure by an individual to renew a license in 105068
accordance with section 4730.14 of the Revised Code does not 105069
remove or limit the board's jurisdiction to take disciplinary 105070
action under this section against the individual. 105071

(4) The placement of an individual's license on retired 105072
status, as described in section 4730.141 of the Revised Code, 105073
does not remove or limit the board's jurisdiction to take any 105074
disciplinary action against the individual with regard to the 105075
license as it existed before being placed on retired status. 105076

(N) The board shall not refuse to issue a license to an 105077
applicant because of a conviction, plea of guilty, judicial 105078
finding of guilt, judicial finding of eligibility for 105079
intervention in lieu of conviction, or the commission of an act 105080
that constitutes a criminal offense, unless the refusal is in 105081

accordance with section 9.79 of the Revised Code. 105082

Sec. 4730.433. (A) (1) Subject to division (A) (2) of this 105083
section, and notwithstanding any provision of this chapter or 105084
rule adopted by the state medical board, a physician assistant 105085
who holds a license issued under this chapter and a valid 105086
prescriber number issued by the state medical board and has been 105087
granted physician-delegated prescriptive authority may do either 105088
of the following without having examined an individual to whom 105089
epinephrine may be administered: 105090

(a) Personally furnish a supply of epinephrine 105091
autoinjectors for use in accordance with sections 3313.7110, 105092
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 105093
~~5101.76~~ 5180.26 of the Revised Code; 105094

(b) Issue a prescription for epinephrine autoinjectors for 105095
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 105096
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 105097
Revised Code. 105098

(2) An epinephrine autoinjector personally furnished or 105099
prescribed under division (A) (1) of this section must be 105100
furnished or prescribed in such a manner that it may be 105101
administered only in a manufactured dosage form. 105102

(B) A physician assistant who acts in good faith in 105103
accordance with this section is not liable for or subject to any 105104
of the following for any action or omission of an entity to 105105
which an epinephrine autoinjector is furnished or a prescription 105106
is issued: damages in any civil action, prosecution in any 105107
criminal proceeding, or professional disciplinary action. 105108

Sec. 4730.437. (A) (1) Subject to division (A) (2) of this 105109
section and notwithstanding any provision of this chapter or 105110

rule adopted by the state medical board, a physician assistant 105111
who holds a valid prescriber number issued by the board and has 105112
been granted physician-delegated prescriptive authority may do 105113
either of the following without having examined an individual to 105114
whom glucagon may be administered: 105115

(a) Personally furnish a supply of injectable or nasally 105116
administered glucagon for use in accordance with section 105117
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 105118
5180.262 of the Revised Code; 105119

(b) Issue a prescription for injectable or nasally 105120
administered glucagon in accordance with section 3313.7115, 105121
3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 5180.262 of 105122
the Revised Code. 105123

(2) Injectable or nasally administered glucagon personally 105124
furnished or prescribed under division (A)(1) of this section 105125
must be furnished or prescribed in such a manner that it may be 105126
administered only in a manufactured dosage form. 105127

(B) A physician assistant who acts in good faith in 105128
accordance with this section is not liable for or subject to any 105129
of the following for any action or omission of an entity to 105130
which injectable or nasally administered glucagon is furnished 105131
or a prescription is issued: damages in any civil action, 105132
prosecution in any criminal proceeding, or professional 105133
disciplinary action. 105134

Sec. 4730.99. (A) Whoever violates section 4730.02 of the 105135
Revised Code is guilty of a misdemeanor of the first degree on a 105136
first offense; on each subsequent offense, the person is guilty 105137
of a felony of the fourth degree. 105138

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 105139

(D), or (E) of section 4730.32 of the Revised Code is guilty of 105140
a minor misdemeanor on a first offense; on each subsequent 105141
offense the person is guilty of a misdemeanor of the fourth 105142
degree, except that an individual guilty of a subsequent offense 105143
shall not be subject to imprisonment, but to a fine alone of up 105144
to one thousand dollars for each offense. 105145

(2) Whoever violates division (B) (2) or (C) (3) of section 105146
4730.32 of the Revised Code is guilty of ~~failure to report~~ 105147
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 105148
fourth degree. ~~If the offender has previously been convicted of~~ 105149
~~a violation of this division, the failure to report~~ on a first 105150
offense; on each subsequent offense, the person is guilty of a 105151
misdemeanor of the first degree. 105152

(C) Whoever violates division (F) of section 4730.26 of 105153
the Revised Code is guilty of ~~disclosing confidential~~ 105154
~~investigatory information,~~ a misdemeanor of the first degree. 105155

Sec. 4731.22. (A) The state medical board, by an 105156
affirmative vote of not fewer than six of its members, may 105157
limit, revoke, or suspend a license or certificate to practice 105158
or certificate to recommend, refuse to grant a license or 105159
certificate, refuse to renew a license or certificate, refuse to 105160
reinstate a license or certificate, or reprimand or place on 105161
probation the holder of a license or certificate if the 105162
individual applying for or holding the license or certificate is 105163
found by the board to have committed fraud during the 105164
administration of the examination for a license or certificate 105165
to practice or to have committed fraud, misrepresentation, or 105166
deception in applying for, renewing, or securing any license or 105167
certificate to practice or certificate to recommend issued by 105168
the board. 105169

(B) Except as provided in division (P) of this section, 105170
the board, by an affirmative vote of not fewer than six members, 105171
shall, to the extent permitted by law, limit, revoke, or suspend 105172
a license or certificate to practice or certificate to 105173
recommend, refuse to issue a license or certificate, refuse to 105174
renew a license or certificate, refuse to reinstate a license or 105175
certificate, or reprimand or place on probation the holder of a 105176
license or certificate for one or more of the following reasons: 105177

(1) Permitting one's name or one's license or certificate 105178
to practice to be used by a person, group, or corporation when 105179
the individual concerned is not actually directing the treatment 105180
given; 105181

(2) Failure to maintain minimal standards applicable to 105182
the selection or administration of drugs, or failure to employ 105183
acceptable scientific methods in the selection of drugs or other 105184
modalities for treatment of disease; 105185

(3) Except as provided in section 4731.97 of the Revised 105186
Code, selling, giving away, personally furnishing, prescribing, 105187
or administering drugs for other than legal and legitimate 105188
therapeutic purposes or a plea of guilty to, a judicial finding 105189
of guilt of, or a judicial finding of eligibility for 105190
intervention in lieu of conviction of, a violation of any 105191
federal or state law regulating the possession, distribution, or 105192
use of any drug; 105193

(4) Willfully betraying a professional confidence. 105194

For purposes of this division, "willfully betraying a 105195
professional confidence" does not include providing any 105196
information, documents, or reports under sections 307.621 to 105197
307.629 of the Revised Code to a child fatality review board; 105198

does not include providing any information, documents, or 105199
reports under sections 307.631 to 307.6410 of the Revised Code 105200
to a drug overdose fatality review committee, a suicide fatality 105201
review committee, or hybrid drug overdose fatality and suicide 105202
fatality review committee; does not include providing any 105203
information, documents, or reports under sections 307.651 to 105204
307.659 of the Revised Code to a domestic violence fatality 105205
review board; does not include providing any information, 105206
documents, or reports to the director of health pursuant to 105207
guidelines established under section 3701.70 of the Revised 105208
Code; does not include written notice to a mental health 105209
professional under section 4731.62 of the Revised Code; does not 105210
include making a report as described in division (F) of section 105211
2921.22 and section 4731.224 of the Revised Code; and does not 105212
include the making of a report of an employee's use of a drug of 105213
abuse, or a report of a condition of an employee other than one 105214
involving the use of a drug of abuse, to the employer of the 105215
employee as described in division (B) of section 2305.33 of the 105216
Revised Code. Nothing in this division affects the immunity from 105217
civil liability conferred by section 2305.33 or 4731.62 of the 105218
Revised Code upon a physician who makes a report in accordance 105219
with section 2305.33 or notifies a mental health professional in 105220
accordance with section 4731.62 of the Revised Code. As used in 105221
this division, "employee," "employer," and "physician" have the 105222
same meanings as in section 2305.33 of the Revised Code. 105223

(5) Making a false, fraudulent, deceptive, or misleading 105224
statement in the solicitation of or advertising for patients; in 105225
relation to the practice of medicine and surgery, osteopathic 105226
medicine and surgery, podiatric medicine and surgery, or a 105227
limited branch of medicine; or in securing or attempting to 105228
secure any license or certificate to practice issued by the 105229

board. 105230

As used in this division, "false, fraudulent, deceptive, 105231
or misleading statement" means a statement that includes a 105232
misrepresentation of fact, is likely to mislead or deceive 105233
because of a failure to disclose material facts, is intended or 105234
is likely to create false or unjustified expectations of 105235
favorable results, or includes representations or implications 105236
that in reasonable probability will cause an ordinarily prudent 105237
person to misunderstand or be deceived. 105238

(6) A departure from, or the failure to conform to, 105239
minimal standards of care of similar practitioners under the 105240
same or similar circumstances, whether or not actual injury to a 105241
patient is established; 105242

(7) Representing, with the purpose of obtaining 105243
compensation or other advantage as personal gain or for any 105244
other person, that an incurable disease or injury, or other 105245
incurable condition, can be permanently cured; 105246

(8) The obtaining of, or attempting to obtain, money or 105247
anything of value by fraudulent misrepresentations in the course 105248
of practice; 105249

(9) A plea of guilty to, a judicial finding of guilt of, 105250
or a judicial finding of eligibility for intervention in lieu of 105251
conviction for, a felony; 105252

(10) Commission of an act that constitutes a felony in 105253
this state, regardless of the jurisdiction in which the act was 105254
committed; 105255

(11) A plea of guilty to, a judicial finding of guilt of, 105256
or a judicial finding of eligibility for intervention in lieu of 105257
conviction for, a misdemeanor committed in the course of 105258

practice; 105259

(12) Commission of an act in the course of practice that 105260
constitutes a misdemeanor in this state, regardless of the 105261
jurisdiction in which the act was committed; 105262

(13) A plea of guilty to, a judicial finding of guilt of, 105263
or a judicial finding of eligibility for intervention in lieu of 105264
conviction for, a misdemeanor involving moral turpitude; 105265

(14) Commission of an act involving moral turpitude that 105266
constitutes a misdemeanor in this state, regardless of the 105267
jurisdiction in which the act was committed; 105268

(15) Violation of the conditions of limitation placed by 105269
the board upon a license or certificate to practice; 105270

(16) Failure to pay license renewal fees specified in this 105271
chapter; 105272

(17) Except as authorized in section 4731.31 of the 105273
Revised Code, engaging in the division of fees for referral of 105274
patients, or the receiving of a thing of value in return for a 105275
specific referral of a patient to utilize a particular service 105276
or business; 105277

(18) Subject to section 4731.226 of the Revised Code, 105278
violation of any provision of a code of ethics of the American 105279
medical association, the American osteopathic association, the 105280
American podiatric medical association, or any other national 105281
professional organizations that the board specifies by rule. The 105282
state medical board shall obtain and keep on file current copies 105283
of the codes of ethics of the various national professional 105284
organizations. The individual whose license or certificate is 105285
being suspended or revoked shall not be found to have violated 105286
any provision of a code of ethics of an organization not 105287

appropriate to the individual's profession. 105288

For purposes of this division, a "provision of a code of 105289
ethics of a national professional organization" does not include 105290
any provision that would preclude the making of a report by a 105291
physician of an employee's use of a drug of abuse, or of a 105292
condition of an employee other than one involving the use of a 105293
drug of abuse, to the employer of the employee as described in 105294
division (B) of section 2305.33 of the Revised Code. Nothing in 105295
this division affects the immunity from civil liability 105296
conferred by that section upon a physician who makes either type 105297
of report in accordance with division (B) of that section. As 105298
used in this division, "employee," "employer," and "physician" 105299
have the same meanings as in section 2305.33 of the Revised 105300
Code. 105301

(19) Inability to practice according to acceptable and 105302
prevailing standards of care by reason of mental illness or 105303
physical illness, including, but not limited to, physical 105304
deterioration that adversely affects cognitive, motor, or 105305
perceptive skills. 105306

In enforcing this division, the board, upon a showing of a 105307
possible violation, shall refer any individual who is authorized 105308
to practice by this chapter or who has submitted an application 105309
pursuant to this chapter to the monitoring organization that 105310
conducts the confidential monitoring program established under 105311
section 4731.25 of the Revised Code. The board also may compel 105312
the individual to submit to a mental examination, physical 105313
examination, including an HIV test, or both a mental and a 105314
physical examination. The expense of the examination is the 105315
responsibility of the individual compelled to be examined. 105316
Failure to submit to a mental or physical examination or consent 105317

to an HIV test ordered by the board constitutes an admission of 105318
the allegations against the individual unless the failure is due 105319
to circumstances beyond the individual's control, and a default 105320
and final order may be entered without the taking of testimony 105321
or presentation of evidence. If the board finds an individual 105322
unable to practice because of the reasons set forth in this 105323
division, the board shall require the individual to submit to 105324
care, counseling, or treatment by physicians approved or 105325
designated by the board, as a condition for initial, continued, 105326
reinstated, or renewed authority to practice. An individual 105327
affected under this division shall be afforded an opportunity to 105328
demonstrate to the board the ability to resume practice in 105329
compliance with acceptable and prevailing standards under the 105330
provisions of the individual's license or certificate. For the 105331
purpose of this division, any individual who applies for or 105332
receives a license or certificate to practice under this chapter 105333
accepts the privilege of practicing in this state and, by so 105334
doing, shall be deemed to have given consent to submit to a 105335
mental or physical examination when directed to do so in writing 105336
by the board, and to have waived all objections to the 105337
admissibility of testimony or examination reports that 105338
constitute a privileged communication. 105339

(20) Except as provided in division (F)(1)(b) of section 105340
4731.282 of the Revised Code or when civil penalties are imposed 105341
under section 4731.225 of the Revised Code, and subject to 105342
section 4731.226 of the Revised Code, violating or attempting to 105343
violate, directly or indirectly, or assisting in or abetting the 105344
violation of, or conspiring to violate, any provisions of this 105345
chapter or any rule promulgated by the board. 105346

This division does not apply to a violation or attempted 105347
violation of, assisting in or abetting the violation of, or a 105348

conspiracy to violate, any provision of this chapter or any rule 105349
adopted by the board that would preclude the making of a report 105350
by a physician of an employee's use of a drug of abuse, or of a 105351
condition of an employee other than one involving the use of a 105352
drug of abuse, to the employer of the employee as described in 105353
division (B) of section 2305.33 of the Revised Code. Nothing in 105354
this division affects the immunity from civil liability 105355
conferred by that section upon a physician who makes either type 105356
of report in accordance with division (B) of that section. As 105357
used in this division, "employee," "employer," and "physician" 105358
have the same meanings as in section 2305.33 of the Revised 105359
Code. 105360

(21) The violation of section 3701.79 of the Revised Code 105361
or of any abortion rule adopted by the director of health 105362
pursuant to section 3701.341 of the Revised Code; 105363

(22) Any of the following actions taken by an agency 105364
responsible for authorizing, certifying, or regulating an 105365
individual to practice a health care occupation or provide 105366
health care services in this state or another jurisdiction, for 105367
any reason other than the nonpayment of fees: the limitation, 105368
revocation, or suspension of an individual's license to 105369
practice; acceptance of an individual's license surrender; 105370
denial of a license; refusal to renew or reinstate a license; 105371
imposition of probation; or issuance of an order of censure or 105372
other reprimand; 105373

(23) The violation of section 2919.12 of the Revised Code 105374
or the performance or inducement of an abortion upon a pregnant 105375
woman with actual knowledge that the conditions specified in 105376
division (B) of section 2317.56 of the Revised Code have not 105377
been satisfied or with a heedless indifference as to whether 105378

those conditions have been satisfied, unless an affirmative 105379
defense as specified in division (H) (2) of that section would 105380
apply in a civil action authorized by division (H) (1) of that 105381
section; 105382

(24) The revocation, suspension, restriction, reduction, 105383
or termination of clinical privileges by the United States 105384
department of defense or department of veterans affairs or the 105385
termination or suspension of a certificate of registration to 105386
prescribe drugs by the drug enforcement administration of the 105387
United States department of justice; 105388

(25) Termination or suspension from participation in the 105389
medicare or medicaid programs by the department of health and 105390
human services or other responsible agency; 105391

(26) Impairment of ability to practice according to 105392
acceptable and prevailing standards of care because of substance 105393
use disorder or excessive use or abuse of drugs, alcohol, or 105394
other substances that may impair ability to practice. 105395

For the purposes of this division, any individual 105396
authorized to practice by this chapter accepts the privilege of 105397
practicing in this state subject to supervision by the board. By 105398
filing an application for or holding a license or certificate to 105399
practice under this chapter, an individual shall be deemed to 105400
have given consent to submit to a mental or physical examination 105401
when ordered to do so by the board in writing, and to have 105402
waived all objections to the admissibility of testimony or 105403
examination reports that constitute privileged communications. 105404

If it has reason to believe that any individual authorized 105405
to practice by this chapter or any applicant for licensure or 105406
certification to practice suffers such impairment, the board 105407

shall refer the individual to the monitoring organization that 105408
conducts the confidential monitoring program established under 105409
section 4731.25 of the Revised Code. The board also may compel 105410
the individual to submit to a mental or physical examination, or 105411
both. The expense of the examination is the responsibility of 105412
the individual compelled to be examined. Any mental or physical 105413
examination required under this division shall be undertaken by 105414
a treatment provider or physician who is qualified to conduct 105415
the examination and who is approved under section 4731.251 of 105416
the Revised Code. 105417

Failure to submit to a mental or physical examination 105418
ordered by the board constitutes an admission of the allegations 105419
against the individual unless the failure is due to 105420
circumstances beyond the individual's control, and a default and 105421
final order may be entered without the taking of testimony or 105422
presentation of evidence. If the board determines that the 105423
individual's ability to practice is impaired, the board shall 105424
suspend the individual's license or certificate or deny the 105425
individual's application and shall require the individual, as a 105426
condition for initial, continued, reinstated, or renewed 105427
licensure or certification to practice, to submit to treatment. 105428

Before being eligible to apply for reinstatement of a 105429
license or certificate suspended under this division, the 105430
impaired practitioner shall demonstrate to the board the ability 105431
to resume practice in compliance with acceptable and prevailing 105432
standards of care under the provisions of the practitioner's 105433
license or certificate. The demonstration shall include, but 105434
shall not be limited to, the following: 105435

(a) Certification from a treatment provider approved under 105436
section 4731.251 of the Revised Code that the individual has 105437

successfully completed any required inpatient treatment; 105438

(b) Evidence of continuing full compliance with an 105439
aftercare contract or consent agreement; 105440

(c) Two written reports indicating that the individual's 105441
ability to practice has been assessed and that the individual 105442
has been found capable of practicing according to acceptable and 105443
prevailing standards of care. The reports shall be made by 105444
individuals or providers approved by the board for making the 105445
assessments and shall describe the basis for their 105446
determination. 105447

The board may reinstate a license or certificate suspended 105448
under this division after that demonstration and after the 105449
individual has entered into a written consent agreement. 105450

When the impaired practitioner resumes practice, the board 105451
shall require continued monitoring of the individual. The 105452
monitoring shall include, but not be limited to, compliance with 105453
the written consent agreement entered into before reinstatement 105454
or with conditions imposed by board order after a hearing, and, 105455
upon termination of the consent agreement, submission to the 105456
board for at least two years of annual written progress reports 105457
made under penalty of perjury stating whether the individual has 105458
maintained sobriety. 105459

(27) A second or subsequent violation of section 4731.66 105460
or 4731.69 of the Revised Code; 105461

(28) Except as provided in division (N) of this section: 105462

(a) Waiving the payment of all or any part of a deductible 105463
or copayment that a patient, pursuant to a health insurance or 105464
health care policy, contract, or plan that covers the 105465
individual's services, otherwise would be required to pay if the 105466

waiver is used as an enticement to a patient or group of 105467
patients to receive health care services from that individual; 105468

(b) Advertising that the individual will waive the payment 105469
of all or any part of a deductible or copayment that a patient, 105470
pursuant to a health insurance or health care policy, contract, 105471
or plan that covers the individual's services, otherwise would 105472
be required to pay. 105473

(29) Failure to use universal blood and body fluid 105474
precautions established by rules adopted under section 4731.051 105475
of the Revised Code; 105476

(30) Failure to provide notice to, and receive 105477
acknowledgment of the notice from, a patient when required by 105478
section 4731.143 of the Revised Code prior to providing 105479
nonemergency professional services, or failure to maintain that 105480
notice in the patient's medical record; 105481

(31) Failure of a physician supervising a physician 105482
assistant to maintain supervision in accordance with the 105483
requirements of Chapter 4730. of the Revised Code and the rules 105484
adopted under that chapter; 105485

(32) Failure of a physician or podiatrist to enter into a 105486
standard care arrangement with a clinical nurse specialist, 105487
certified nurse-midwife, or certified nurse practitioner with 105488
whom the physician or podiatrist is in collaboration pursuant to 105489
section 4731.27 of the Revised Code or failure to fulfill the 105490
responsibilities of collaboration after entering into a standard 105491
care arrangement; 105492

(33) Failure to comply with the terms of a consult 105493
agreement entered into with a pharmacist pursuant to section 105494
4729.39 of the Revised Code; 105495

(34) Failure to cooperate in an investigation conducted by	105496
the board under division (F) of this section, including failure	105497
to comply with a subpoena or order issued by the board or	105498
failure to answer truthfully a question presented by the board	105499
in an investigative interview, an investigative office	105500
conference, at a deposition, or in written interrogatories,	105501
except that failure to cooperate with an investigation shall not	105502
constitute grounds for discipline under this section if a court	105503
of competent jurisdiction has issued an order that either	105504
quashes a subpoena or permits the individual to withhold the	105505
testimony or evidence in issue;	105506
 (35) Failure to supervise an anesthesiologist assistant in	105507
accordance with Chapter 4760. of the Revised Code and the	105508
board's rules for supervision of an anesthesiologist assistant;	105509
 (36) Assisting suicide, as defined in section 3795.01 of	105510
the Revised Code;	105511
 (37) Failure to comply with the requirements of section	105512
2317.561 of the Revised Code;	105513
 (38) Failure to supervise a radiologist assistant in	105514
accordance with Chapter 4774. of the Revised Code and the	105515
board's rules for supervision of radiologist assistants;	105516
 (39) Performing or inducing an abortion at an office or	105517
facility with knowledge that the office or facility fails to	105518
post the notice required under section 3701.791 of the Revised	105519
Code;	105520
 (40) Failure to comply with the standards and procedures	105521
established in rules under section 4731.054 of the Revised Code	105522
for the operation of or the provision of care at a pain	105523
management clinic;	105524

(41) Failure to comply with the standards and procedures	105525
established in rules under section 4731.054 of the Revised Code	105526
for providing supervision, direction, and control of individuals	105527
at a pain management clinic;	105528
 (42) Failure to comply with the requirements of section	105529
4729.79 or 4731.055 of the Revised Code, unless the state board	105530
of pharmacy no longer maintains a drug database pursuant to	105531
section 4729.75 of the Revised Code;	105532
 (43) Failure to comply with the requirements of section	105533
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	105534
to submit to the department of health in accordance with a court	105535
order a complete report as described in section 2919.171 or	105536
2919.202 of the Revised Code;	105537
 (44) Practicing at a facility that is subject to licensure	105538
as a category III terminal distributor of dangerous drugs with a	105539
pain management clinic classification unless the person	105540
operating the facility has obtained and maintains the license	105541
with the classification;	105542
 (45) Owning a facility that is subject to licensure as a	105543
category III terminal distributor of dangerous drugs with a pain	105544
management clinic classification unless the facility is licensed	105545
with the classification;	105546
 (46) Failure to comply with any of the requirements	105547
regarding making or maintaining medical records or documents	105548
described in division (A) of section 2919.192, division (C) of	105549
section 2919.193, division (B) of section 2919.195, or division	105550
(A) of section 2919.196 of the Revised Code;	105551
 (47) Failure to comply with the requirements in section	105552
3719.061 of the Revised Code before issuing for a minor a	105553

prescription for an opioid analgesic, as defined in section 105554
3719.01 of the Revised Code; 105555

(48) Failure to comply with the requirements of section 105556
4731.30 of the Revised Code or rules adopted under section 105557
4731.301 of the Revised Code when recommending treatment with 105558
medical marijuana; 105559

(49) A pattern of continuous or repeated violations of 105560
division (E) (2) or (3) of section 3963.02 of the Revised Code; 105561

(50) Failure to fulfill the responsibilities of a 105562
collaboration agreement entered into with an athletic trainer as 105563
described in section 4755.621 of the Revised Code; 105564

(51) Failure to take the steps specified in section 105565
4731.911 of the Revised Code following an abortion or attempted 105566
abortion in an ambulatory surgical facility or other location 105567
that is not a hospital when a child is born alive; 105568

(52) Violation of section 4731.77 of the Revised Code; 105569

(53) Failure of a physician supervising a certified mental 105570
health assistant to maintain supervision in accordance with the 105571
requirements of Chapter 4772. of the Revised Code and the rules 105572
adopted under that chapter; 105573

(54) Failure to comply with the requirements of section 105574
3705.16 of the Revised Code when certifying a decedent's cause 105575
of death and completing and signing the medical certificate of 105576
death. 105577

(C) Disciplinary actions taken by the board under 105578
divisions (A) and (B) of this section shall be taken pursuant to 105579
an adjudication under Chapter 119. of the Revised Code, except 105580
that in lieu of an adjudication, the board may enter into a 105581

consent agreement with an individual to resolve an allegation of 105582
a violation of this chapter or any rule adopted under it. A 105583
consent agreement, when ratified by an affirmative vote of not 105584
fewer than six members of the board, shall constitute the 105585
findings and order of the board with respect to the matter 105586
addressed in the agreement. If the board refuses to ratify a 105587
consent agreement, the admissions and findings contained in the 105588
consent agreement shall be of no force or effect. 105589

A telephone conference call may be utilized for 105590
ratification of a consent agreement that revokes or suspends an 105591
individual's license or certificate to practice or certificate 105592
to recommend. The telephone conference call shall be considered 105593
a special meeting under division (F) of section 121.22 of the 105594
Revised Code. 105595

If the board takes disciplinary action against an 105596
individual under division (B) of this section for a second or 105597
subsequent plea of guilty to, or judicial finding of guilt of, a 105598
violation of section 2919.123 or 2919.124 of the Revised Code, 105599
the disciplinary action shall consist of a suspension of the 105600
individual's license or certificate to practice for a period of 105601
at least one year or, if determined appropriate by the board, a 105602
more serious sanction involving the individual's license or 105603
certificate to practice. Any consent agreement entered into 105604
under this division with an individual that pertains to a second 105605
or subsequent plea of guilty to, or judicial finding of guilt 105606
of, a violation of that section shall provide for a suspension 105607
of the individual's license or certificate to practice for a 105608
period of at least one year or, if determined appropriate by the 105609
board, a more serious sanction involving the individual's 105610
license or certificate to practice. 105611

(D) For purposes of divisions (B) (10), (12), and (14) of
this section, the commission of the act may be established by a
finding by the board, pursuant to an adjudication under Chapter
119. of the Revised Code, that the individual committed the act.
The board does not have jurisdiction under those divisions if
the trial court renders a final judgment in the individual's
favor and that judgment is based upon an adjudication on the
merits. The board has jurisdiction under those divisions if the
trial court issues an order of dismissal upon technical or
procedural grounds.

(E) The sealing or expungement of conviction records by
any court shall have no effect upon a prior board order entered
under this section or upon the board's jurisdiction to take
action under this section if, based upon a plea of guilty, a
judicial finding of guilt, or a judicial finding of eligibility
for intervention in lieu of conviction, the board issued a
notice of opportunity for a hearing prior to the court's order
to seal or expunge the records. The board shall not be required
to seal, expunge, destroy, redact, or otherwise modify its
records to reflect the court's sealing of conviction records.

(F) (1) The board shall investigate evidence that appears
to show that a person has violated any provision of this chapter
or any rule adopted under it. Any person may report to the board
in a signed writing any information that the person may have
that appears to show a violation of any provision of this
chapter or any rule adopted under it. In the absence of bad
faith, any person who reports information of that nature or who
testifies before the board in any adjudication conducted under
Chapter 119. of the Revised Code shall not be liable in damages
in a civil action as a result of the report or testimony. Each
complaint or allegation of a violation received by the board

shall be assigned a case number and shall be recorded by the board. 105643
105644

(2) Investigations of alleged violations of this chapter 105645
or any rule adopted under it shall be supervised by the 105646
supervising member elected by the board in accordance with 105647
section 4731.02 of the Revised Code and by the secretary as 105648
provided in section 4731.39 of the Revised Code. The president 105649
may designate another member of the board to supervise the 105650
investigation in place of the supervising member. Upon a vote of 105651
the majority of the board to authorize the addition of a 105652
consumer member in the supervision of any part of any 105653
investigation, the president shall designate a consumer member 105654
for supervision of investigations as determined by the 105655
president. The authorization of consumer member participation in 105656
investigation supervision may be rescinded by a majority vote of 105657
the board. No member of the board who supervises the 105658
investigation of a case shall participate in further 105659
adjudication of the case. 105660

(3) In investigating a possible violation of this chapter 105661
or any rule adopted under this chapter, or in conducting an 105662
inspection under division (E) of section 4731.054 of the Revised 105663
Code, the board may question witnesses, conduct interviews, 105664
administer oaths, order the taking of depositions, inspect and 105665
copy any books, accounts, papers, records, or documents, issue 105666
subpoenas, and compel the attendance of witnesses and production 105667
of books, accounts, papers, records, documents, and testimony, 105668
except that a subpoena for patient record information shall not 105669
be issued without consultation with the attorney general's 105670
office and approval of the secretary of the board. 105671

(a) Before issuance of a subpoena for patient record 105672

information, the secretary shall determine whether there is 105673
probable cause to believe that the complaint filed alleges a 105674
violation of this chapter or any rule adopted under it and that 105675
the records sought are relevant to the alleged violation and 105676
material to the investigation. The subpoena may apply only to 105677
records that cover a reasonable period of time surrounding the 105678
alleged violation. 105679

(b) On failure to comply with any subpoena issued by the 105680
board and after reasonable notice to the person being 105681
subpoenaed, the board may move for an order compelling the 105682
production of persons or records pursuant to the Rules of Civil 105683
Procedure. 105684

(c) A subpoena issued by the board may be served by a 105685
sheriff, the sheriff's deputy, or a board employee or agent 105686
designated by the board. Service of a subpoena issued by the 105687
board may be made by delivering a copy of the subpoena to the 105688
person named therein, reading it to the person, or leaving it at 105689
the person's usual place of residence, usual place of business, 105690
or address on file with the board. When serving a subpoena to an 105691
applicant for or the holder of a license or certificate issued 105692
under this chapter, service of the subpoena may be made by 105693
certified mail, return receipt requested, and the subpoena shall 105694
be deemed served on the date delivery is made or the date the 105695
person refuses to accept delivery. If the person being served 105696
refuses to accept the subpoena or is not located, service may be 105697
made to an attorney who notifies the board that the attorney is 105698
representing the person. 105699

(d) A sheriff's deputy who serves a subpoena shall receive 105700
the same fees as a sheriff. Each witness who appears before the 105701
board in obedience to a subpoena shall receive the fees and 105702

mileage provided for under section 119.094 of the Revised Code. 105703

(4) All hearings, investigations, and inspections of the 105704
board shall be considered civil actions for the purposes of 105705
section 2305.252 of the Revised Code. 105706

(5) A report required to be submitted to the board under 105707
this chapter, a complaint, or information received by the board 105708
pursuant to an investigation or pursuant to an inspection under 105709
division (E) of section 4731.054 of the Revised Code is 105710
confidential and not subject to discovery in any civil action. 105711

The board shall conduct all investigations or inspections 105712
and proceedings in a manner that protects the confidentiality of 105713
patients and persons who file complaints with the board. The 105714
board shall not make public the names or any other identifying 105715
information about patients or complainants unless proper consent 105716
is given or, in the case of a patient, a waiver of the patient 105717
privilege exists under division (B) of section 2317.02 of the 105718
Revised Code, except that consent or a waiver of that nature is 105719
not required if the board possesses reliable and substantial 105720
evidence that no bona fide physician-patient relationship 105721
exists. 105722

The board may share any information it receives pursuant 105723
to an investigation or inspection, including patient records and 105724
patient record information, with law enforcement agencies, other 105725
licensing boards, and other governmental agencies that are 105726
prosecuting, adjudicating, or investigating alleged violations 105727
of statutes or administrative rules. An agency or board that 105728
receives the information shall comply with the same requirements 105729
regarding confidentiality as those with which the state medical 105730
board must comply, notwithstanding any conflicting provision of 105731
the Revised Code or procedure of the agency or board that 105732

applies when it is dealing with other information in its 105733
possession. In a judicial proceeding, the information may be 105734
admitted into evidence only in accordance with the Rules of 105735
Evidence, but the court shall require that appropriate measures 105736
are taken to ensure that confidentiality is maintained with 105737
respect to any part of the information that contains names or 105738
other identifying information about patients or complainants 105739
whose confidentiality was protected by the state medical board 105740
when the information was in the board's possession. Measures to 105741
ensure confidentiality that may be taken by the court include 105742
sealing its records or deleting specific information from its 105743
records. 105744

No person shall knowingly access, use, or disclose 105745
confidential investigatory information in a manner prohibited by 105746
law. 105747

(6) On a quarterly basis, the board shall prepare a report 105748
that documents the disposition of all cases during the preceding 105749
three months. The report shall contain the following information 105750
for each case with which the board has completed its activities: 105751

(a) The case number assigned to the complaint or alleged 105752
violation; 105753

(b) The type of license or certificate to practice, if 105754
any, held by the individual against whom the complaint is 105755
directed; 105756

(c) A description of the allegations contained in the 105757
complaint; 105758

(d) Whether witnesses were interviewed; 105759

(e) Whether the individual against whom the complaint is 105760
directed is the subject of any pending complaints; 105761

(f) The disposition of the case. 105762

The report shall state how many cases are still pending 105763
and shall be prepared in a manner that protects the identity of 105764
each person involved in each case. The report shall be a public 105765
record under section 149.43 of the Revised Code. 105766

(7) The board may provide a status update regarding an 105767
investigation to a complainant on request if the board verifies 105768
the complainant's identity. 105769

(G) (1) If either of the following circumstances occur, the 105770
secretary and supervising member may recommend that the board 105771
suspend an individual's license or certificate to practice or 105772
certificate to recommend without a prior hearing: 105773

(a) The secretary and supervising member determine both of 105774
the following: 105775

(i) That there is clear and convincing evidence that an 105776
individual has violated division (B) of this section; 105777

(ii) That the individual's continued practice presents a 105778
danger of immediate and serious harm to the public. 105779

(b) The board receives verifiable information that a 105780
licensee has been charged in any state or federal court with a 105781
crime classified as a felony under the charging court's law and 105782
the conduct constitutes a violation of division (B) of this 105783
section. 105784

(2) If a recommendation is made to suspend without a prior 105785
hearing pursuant to division (G) (1) of this section, written 105786
allegations shall be prepared for consideration by the board. 105787
The board, upon review of those allegations and by an 105788
affirmative vote of not fewer than six of its members, excluding 105789

the secretary and supervising member, may suspend a license or 105790
certificate without a prior hearing. A telephone conference call 105791
may be utilized for reviewing the allegations and taking the 105792
vote on the summary suspension. 105793

The board shall serve a written order of suspension in 105794
accordance with sections 119.05 and 119.07 of the Revised Code. 105795
~~The order shall not be subject to suspension by the court during~~ 105796
~~pendency of any appeal filed under section 119.12 of the Revised~~ 105797
~~Code.~~ If the individual subject to the summary suspension 105798
requests an adjudicatory hearing by the board, the date set for 105799
the hearing shall be within fifteen days, but not earlier than 105800
seven days, after the individual requests the hearing, unless 105801
otherwise agreed to by both the board and the individual. 105802

(3) Any summary suspension imposed under ~~this division~~ (G) 105803
(2) of this section is not a final appealable order and is not 105804
an adjudication that may be appealed under section 119.12 of the 105805
Revised Code. The summary suspension shall remain in effect, 105806
~~unless reversed on appeal,~~ until a final adjudicative order 105807
issued by the board pursuant to this section and Chapter 119. of 105808
the Revised Code becomes effective. Once a final adjudicative 105809
order has been issued by the board, any party adversely affected 105810
by it may file an appeal in accordance with the requirements of 105811
Chapter 119. of the Revised Code. ~~The~~ 105812

The board shall issue its final adjudicative order within 105813
seventy-five days after completion of its hearing. A failure to 105814
issue the order within seventy-five days shall result in 105815
dissolution of the summary suspension order but shall not 105816
invalidate any subsequent, final adjudicative order. 105817

(H) If the board takes action under division (B) (9), (11), 105818
or (13) of this section and the judicial finding of guilt, 105819

guilty plea, or judicial finding of eligibility for intervention 105820
in lieu of conviction is overturned on appeal, upon exhaustion 105821
of the criminal appeal, a petition for reconsideration of the 105822
order may be filed with the board along with appropriate court 105823
documents. Upon receipt of a petition of that nature and 105824
supporting court documents, the board shall reinstate the 105825
individual's license or certificate to practice. The board may 105826
then hold an adjudication under Chapter 119. of the Revised Code 105827
to determine whether the individual committed the act in 105828
question. Notice of an opportunity for a hearing shall be given 105829
in accordance with Chapter 119. of the Revised Code. If the 105830
board finds, pursuant to an adjudication held under this 105831
division, that the individual committed the act or if no hearing 105832
is requested, the board may order any of the sanctions 105833
identified under division (B) of this section. 105834

(I) The license or certificate to practice issued to an 105835
individual under this chapter and the individual's practice in 105836
this state are automatically suspended as of the date of the 105837
individual's second or subsequent plea of guilty to, or judicial 105838
finding of guilt of, a violation of section 2919.123 or 2919.124 105839
of the Revised Code. In addition, the license or certificate to 105840
practice or certificate to recommend issued to an individual 105841
under this chapter and the individual's practice in this state 105842
are automatically suspended as of the date the individual pleads 105843
guilty to, is found by a judge or jury to be guilty of, or is 105844
subject to a judicial finding of eligibility for intervention in 105845
lieu of conviction in this state or treatment or intervention in 105846
lieu of conviction in another jurisdiction for any of the 105847
following criminal offenses in this state or a substantially 105848
equivalent criminal offense in another jurisdiction: aggravated 105849
murder, murder, voluntary manslaughter, felonious assault, 105850

trafficking in persons, kidnapping, rape, sexual battery, gross 105851
sexual imposition, aggravated arson, aggravated robbery, or 105852
aggravated burglary. Continued practice after suspension shall 105853
be considered practicing without a license or certificate. 105854

The board shall notify the individual subject to the 105855
suspension in accordance with sections 119.05 and 119.07 of the 105856
Revised Code. If an individual whose license or certificate is 105857
automatically suspended under this division fails to make a 105858
timely request for an adjudication under Chapter 119. of the 105859
Revised Code, the board shall do whichever of the following is 105860
applicable: 105861

(1) If the automatic suspension under this division is for 105862
a second or subsequent plea of guilty to, or judicial finding of 105863
guilt of, a violation of section 2919.123 or 2919.124 of the 105864
Revised Code, the board shall enter an order suspending the 105865
individual's license or certificate to practice for a period of 105866
at least one year or, if determined appropriate by the board, 105867
imposing a more serious sanction involving the individual's 105868
license or certificate to practice. 105869

(2) In all circumstances in which division (I)(1) of this 105870
section does not apply, enter a final order permanently revoking 105871
the individual's license or certificate to practice. 105872

(J) If the board is required by Chapter 119. of the 105873
Revised Code to give notice of an opportunity for a hearing and 105874
if the individual subject to the notice does not timely request 105875
a hearing in accordance with section 119.07 of the Revised Code, 105876
the board is not required to hold a hearing, but may adopt, by 105877
an affirmative vote of not fewer than six of its members, a 105878
final order that contains the board's findings. In that final 105879
order, the board may order any of the sanctions identified under 105880

division (A) or (B) of this section. 105881

(K) Any action taken by the board under division (B) of 105882
this section resulting in a suspension from practice shall be 105883
accompanied by a written statement of the conditions under which 105884
the individual's license or certificate to practice may be 105885
reinstated. The board shall adopt rules governing conditions to 105886
be imposed for reinstatement. Reinstatement of a license or 105887
certificate suspended pursuant to division (B) of this section 105888
requires an affirmative vote of not fewer than six members of 105889
the board. 105890

(L) When the board refuses to grant or issue a license or 105891
certificate to practice to an applicant, revokes an individual's 105892
license or certificate to practice, refuses to renew an 105893
individual's license or certificate to practice, or refuses to 105894
reinstate an individual's license or certificate to practice, 105895
the board may specify that its action is permanent. An 105896
individual subject to a permanent action taken by the board is 105897
forever thereafter ineligible to hold a license or certificate 105898
to practice and the board shall not accept an application for 105899
reinstatement of the license or certificate or for issuance of a 105900
new license or certificate. 105901

(M) Notwithstanding any other provision of the Revised 105902
Code, all of the following apply: 105903

(1) The surrender of a license or certificate issued under 105904
this chapter shall not be effective unless or until accepted by 105905
the board. A telephone conference call may be utilized for 105906
acceptance of the surrender of an individual's license or 105907
certificate to practice. The telephone conference call shall be 105908
considered a special meeting under division (F) of section 105909
121.22 of the Revised Code. Reinstatement of a license or 105910

certificate surrendered to the board requires an affirmative 105911
vote of not fewer than six members of the board. 105912

(2) An application for a license or certificate made under 105913
the provisions of this chapter may not be withdrawn without 105914
approval of the board. 105915

(3) Failure by an individual to renew a license or 105916
certificate to practice in accordance with this chapter or a 105917
certificate to recommend in accordance with rules adopted under 105918
section 4731.301 of the Revised Code does not remove or limit 105919
the board's jurisdiction to take any disciplinary action under 105920
this section against the individual. 105921

(4) The placement of an individual's license on retired 105922
status, as described in section 4731.283 of the Revised Code, 105923
does not remove or limit the board's jurisdiction to take any 105924
disciplinary action against the individual with regard to the 105925
license as it existed before being placed on retired status. 105926

(5) At the request of the board, a license or certificate 105927
holder shall immediately surrender to the board a license or 105928
certificate that the board has suspended, revoked, or 105929
permanently revoked. 105930

(N) Sanctions shall not be imposed under division (B) (28) 105931
of this section against any person who waives deductibles and 105932
copayments as follows: 105933

(1) In compliance with the health benefit plan that 105934
expressly allows such a practice. Waiver of the deductibles or 105935
copayments shall be made only with the full knowledge and 105936
consent of the plan purchaser, payer, and third-party 105937
administrator. Documentation of the consent shall be made 105938
available to the board upon request. 105939

(2) For professional services rendered to any other person 105940
authorized to practice pursuant to this chapter, to the extent 105941
allowed by this chapter and rules adopted by the board. 105942

(O) Under the board's investigative duties described in 105943
this section and subject to division (F) of this section, the 105944
board shall develop and implement a quality intervention program 105945
designed to improve through remedial education the clinical and 105946
communication skills of individuals authorized under this 105947
chapter to practice medicine and surgery, osteopathic medicine 105948
and surgery, and podiatric medicine and surgery. In developing 105949
and implementing the quality intervention program, the board may 105950
do all of the following: 105951

(1) Offer in appropriate cases as determined by the board 105952
an educational and assessment program pursuant to an 105953
investigation the board conducts under this section; 105954

(2) Select providers of educational and assessment 105955
services, including a quality intervention program panel of case 105956
reviewers; 105957

(3) Make referrals to educational and assessment service 105958
providers and approve individual educational programs 105959
recommended by those providers. The board shall monitor the 105960
progress of each individual undertaking a recommended individual 105961
educational program. 105962

(4) Determine what constitutes successful completion of an 105963
individual educational program and require further monitoring of 105964
the individual who completed the program or other action that 105965
the board determines to be appropriate; 105966

(5) Adopt rules in accordance with Chapter 119. of the 105967
Revised Code to further implement the quality intervention 105968

program. 105969

An individual who participates in an individual 105970
educational program pursuant to this division shall pay the 105971
financial obligations arising from that educational program. 105972

(P) The board shall not refuse to issue a license to an 105973
applicant because of a conviction, plea of guilty, judicial 105974
finding of guilt, judicial finding of eligibility for 105975
intervention in lieu of conviction, or the commission of an act 105976
that constitutes a criminal offense, unless the refusal is in 105977
accordance with section 9.79 of the Revised Code. 105978

(Q) A license or certificate to practice or certificate to 105979
recommend issued to an individual under this chapter and an 105980
individual's practice under this chapter in this state are 105981
automatically suspended if the individual's license or 105982
certificate to practice a health care occupation or provide 105983
health care services is suspended, revoked, or surrendered or 105984
relinquished in lieu of discipline by an agency responsible for 105985
authorizing, certifying, or regulating an individual to practice 105986
a health care occupation or provide health care services in this 105987
state or another jurisdiction. The automatic suspension begins 105988
immediately upon entry of the order by the agency and lasts for 105989
ninety days to permit the board to investigate the basis for the 105990
action under this chapter. Continued practice during the 105991
automatic suspension shall be considered practicing without a 105992
license or certificate. 105993

The board shall notify the individual subject to the 105994
automatic suspension by certified mail or in person in 105995
accordance with section 119.07 of the Revised Code. If an 105996
individual subject to an automatic suspension under this 105997
division fails to make a timely request for an adjudication 105998

under Chapter 119. of the Revised Code, the board is not 105999
required to hold a hearing, but may adopt, by an affirmative 106000
vote of not fewer than six of its members, a final order that 106001
contains the board's findings. In that final order, the board 106002
may order any of the sanctions identified under division (A) or 106003
(B) of this section. 106004

Sec. 4731.2210. (A) As used in this section: 106005

(1) "Key third party" means an individual closely involved 106006
in a patient's decision-making regarding health care services, 106007
including a patient's spouse or partner, parents, children, 106008
siblings, or guardians. An individual's status as a key third 106009
party ceases upon termination of a practitioner-patient 106010
relationship or termination of the relationship between a 106011
patient and the individual. 106012

(2) "Practitioner" means any of the following: 106013

(a) An individual authorized under this chapter to 106014
practice medicine and surgery, osteopathic medicine and surgery, 106015
podiatric medicine and surgery, or a limited branch of medicine; 106016

(b) An individual licensed under Chapter 4730. of the 106017
Revised Code to practice as a physician assistant; 106018

(c) An individual authorized under Chapter 4759. of the 106019
Revised Code to practice as a dietitian; 106020

(d) An individual authorized under Chapter 4760. of the 106021
Revised Code to practice as an anesthesiologist assistant; 106022

(e) An individual authorized under Chapter 4761. of the 106023
Revised Code to practice respiratory care; 106024

(f) An individual authorized under Chapter 4762. of the 106025
Revised Code to practice as an acupuncturist ~~or oriental~~ 106026

~~medicine practitioner;~~ 106027

(g) An individual authorized under Chapter 4772. of the 106028
Revised Code to practice as a certified mental health assistant; 106029

(h) An individual authorized under Chapter 4774. of the 106030
Revised Code to practice as a radiologist assistant; 106031

~~(h)~~ (i) An individual licensed under Chapter 4778. of the 106032
Revised Code to practice as a genetic counselor. 106033

(3) "Sexual misconduct" has the same meaning as in section 106034
4731.224 of the Revised Code. 106035

(B) Except as provided in division (D) of this section, 106036
the state medical board may require a practitioner that is 106037
subject to a probationary order of the board ~~that is made on or~~ 106038
~~after the effective date of this section, and~~ that involves a 106039
circumstance described in division (C) of this section, to 106040
provide to each patient, or to the patient's guardian or a key 106041
third party, a written disclosure signed by the practitioner 106042
that includes all of the following: 106043

(1) The practitioner's probation status; 106044

(2) The total length of the probation; 106045

(3) The probation end date; 106046

(4) Practice restrictions placed on the practitioner by 106047
the board; 106048

(5) The board's telephone number; 106049

(6) An explanation of how the patient can find additional 106050
information regarding the probation on the practitioner's 106051
profile page on the board's internet web site. 106052

The written disclosure, if required by the board, shall be 106053

provided before the patient's first visit following the 106054
probationary order of the board. The practitioner shall obtain a 106055
copy of the disclosure signed by the patient, or the patient's 106056
guardian or a key third party, and maintain the signed copy in 106057
the patient's medical record. The signed copy shall be made 106058
available to the board immediately upon request. 106059

(C) The written disclosure described in division (B) of 106060
this section applies in both of the following circumstances: 106061

(1) Issuance by the board of a final order, final 106062
adjudicative order under Chapter 119. of the Revised Code, or a 106063
consent agreement that is ratified by an affirmative vote of not 106064
fewer than six members of the board establishing any of the 106065
following: 106066

(a) Commission of any act of sexual misconduct with a 106067
patient or key third party; 106068

(b) Drug or alcohol abuse directly resulting in patient 106069
harm, or that impairs the ability of the practitioner to 106070
practice safely; 106071

(c) Criminal conviction directly resulting in harm to 106072
patient health; 106073

(d) Inappropriate prescribing directly resulting in 106074
patient harm. 106075

(2) A statement of issues alleged that the practitioner 106076
committed any of the acts described in divisions (C) (1) (a) 106077
through (d) and, notwithstanding a lack of admission of guilt, a 106078
consent agreement ratified by an affirmative vote of not fewer 106079
than six members of the board includes express acknowledgement 106080
that the disclosure requirements of this section would serve to 106081
protect the public interest. 106082

(D) Written disclosure as described in this section is not 106083
required in the following circumstances: 106084

(1) The patient is unconscious or otherwise unable to 106085
comprehend the disclosure and sign it, and a guardian or a key 106086
third party is unavailable to comprehend and sign it; 106087

(2) The direct patient interaction occurs in an emergency 106088
department or otherwise occurs as an immediate result of a 106089
medical emergency; 106090

(3) The practitioner does not have a direct treatment 106091
relationship with the patient and does not have direct contact 106092
or direct communication with the patient. 106093

(E) The board shall provide the following information 106094
regarding practitioners on probation and those practicing under 106095
probationary status, in plain view on a practitioner's profile 106096
page on the board's internet web site: 106097

(1) Formal action documents detailing the citation, 106098
reports and recommendations, board order, and consent agreement; 106099

(2) The length of the probation and the end date; 106100

(3) Practice restrictions placed on the practitioner by 106101
the board. 106102

(F) The board shall provide a sample probation disclosure 106103
letter on its internet web site to be used by practitioners to 106104
comply with this section. 106105

Sec. 4731.256. (A) In addition to all other powers and 106106
duties conferred on the monitoring organization under contract 106107
with the state medical board pursuant to section 4731.25 of the 106108
Revised Code, the board shall require the monitoring 106109
organization to implement this section as a condition of 106110

entering into and maintaining the contract. 106111

(B) Not later than thirty days after the effective date of 106112
this section, the monitoring organization, in collaboration with 106113
the Ohio state medical association and Ohio hospital 106114
association, shall create a foundation to be operated for the 106115
sole purpose of supporting programs approved under the criteria 106116
established by sections 4731.25 to 4731.254 of the Revised Code 106117
and any rules adopted under section 4731.255 of the Revised 106118
Code. Once the foundation is created, the monitoring 106119
organization shall notify the treasurer of state. 106120

As part of organizing the foundation's operations, the 106121
monitoring organization, in collaboration with the other 106122
creating entities, shall establish a three-member governing 106123
board. The members shall consist of one individual appointed by 106124
the chief executive officer of the monitoring organization, one 106125
individual appointed by the chief executive officer of Ohio 106126
state medical association, and one individual appointed by the 106127
chief executive officer of the Ohio hospital association. Any 106128
vacancy in the membership shall be filled in the same manner as 106129
the original appointment. 106130

The foundation's governing board shall hold at least one 106131
meeting each year to approve an annual plan for the disbursement 106132
of funds held by the foundation. In determining the amount to be 106133
disbursed, the governing board shall consider factors related to 106134
the cost of providing monitoring services, the revenue generated 106135
from participants who receive services from the monitoring 106136
organization, and the extent to which the monitoring 106137
organization's services are being used, particularly by 106138
individuals who are applicants and practitioners, as those terms 106139
are defined in section 4731.25 of the Revised Code. 106140

The determination of the amount to be disbursed under this 106141
section is solely a power and duty of the foundation's governing 106142
board. 106143

Sec. 4731.92. (A) As used in this section, "physician" 106144
means an individual authorized under this chapter to practice 106145
medicine and surgery, osteopathic medicine and surgery, or 106146
podiatric medicine and surgery. 106147

(B) (1) Subject to division (B) (2) of this section, and 106148
notwithstanding any provision of this chapter or rule adopted by 106149
the state medical board, a physician may do either of the 106150
following without having examined an individual to whom glucagon 106151
may be administered: 106152

(a) Personally furnish a supply of injectable or nasally 106153
administered glucagon for use in accordance with section 106154
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 106155
5180.262 of the Revised Code; 106156

(b) Issue a prescription for injectable or nasally 106157
administered glucagon for use in accordance with section 106158
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 106159
5180.262 of the Revised Code. 106160

(2) Injectable or nasally administered glucagon personally 106161
furnished or prescribed under division (B) (1) of this section 106162
must be furnished or prescribed in such a manner that it may be 106163
administered only in a manufactured dosage form. 106164

(C) A physician who acts in good faith in accordance with 106165
this section is not liable for or subject to any of the 106166
following for any action or omission of an entity to which 106167
injectable or nasally administered glucagon is furnished or a 106168
prescription is issued: damages in any civil action, prosecution 106169

in any criminal proceeding, or professional disciplinary action. 106170

Sec. 4731.96. (A) As used in this section and section 106171
4731.961 of the Revised Code, "physician" means an individual 106172
authorized under this chapter to practice medicine and surgery, 106173
osteopathic medicine and surgery, or podiatric medicine and 106174
surgery. 106175

(B) (1) Subject to division (B) (2) of this section, and 106176
notwithstanding any provision of this chapter or rule adopted by 106177
the state medical board, a physician may do either of the 106178
following without having examined an individual to whom 106179
epinephrine may be administered: 106180

(a) Personally furnish a supply of epinephrine 106181
autoinjectors for use in accordance with sections 3313.7110, 106182
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 106183
~~5101.76~~ 5180.26 of the Revised Code; 106184

(b) Issue a prescription for epinephrine autoinjectors for 106185
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 106186
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 106187
Revised Code. 106188

(2) An epinephrine autoinjector personally furnished or 106189
prescribed under division (B) (1) of this section must be 106190
furnished or prescribed in such a manner that it may be 106191
administered only in a manufactured dosage form. 106192

(C) A physician who acts in good faith in accordance with 106193
this section is not liable for or subject to any of the 106194
following for any action or omission of an entity to which an 106195
epinephrine autoinjector is furnished or a prescription is 106196
issued: damages in any civil action, prosecution in any criminal 106197
proceeding, or professional disciplinary action. 106198

Sec. 4731.99. (A) Whoever violates section 4731.41, 106199
4731.43, or 4731.60 of the Revised Code is guilty of a felony of 106200
the fifth degree on a first offense and a felony of the fourth 106201
degree on each subsequent offense. 106202

(B) Whoever violates section 4731.49, 4731.50, or 4731.81 106203
of the Revised Code is guilty of a misdemeanor of the fourth 106204
degree on a first offense and a misdemeanor of the first degree 106205
on each subsequent offense. 106206

(C) Whoever violates section 4731.46 or 4731.47 of the 106207
Revised Code is guilty of a felony of the fifth degree. 106208

(D) Whoever violates section 4731.48 of the Revised Code 106209
is guilty of a misdemeanor of the fourth degree. 106210

(E) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 106211
(D), or (E) of section 4731.224 of the Revised Code is guilty of 106212
a minor misdemeanor on a first offense and a misdemeanor of the 106213
fourth degree on each subsequent offense, except that an 106214
individual guilty of a subsequent offense shall not be subject 106215
to imprisonment, but to a fine alone of up to one thousand 106216
dollars for each offense. 106217

(2) Whoever violates division (B) (2) or (C) (3) of section 106218
4731.224 of the Revised Code is guilty of ~~failure to report~~ 106219
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 106220
fourth degree. ~~If the offender has previously been convicted of~~ 106221
~~a violation of this division, the failure to report is on a~~ 106222
first offense and a misdemeanor of the first degree on each 106223
subsequent offense. 106224

(F) Whoever violates section 4731.481 of the Revised Code 106225
is guilty of a misdemeanor of the first degree. 106226

(G) Whoever violates division (F) (5) of section 4731.22 of 106227

the Revised Code is guilty of ~~disclosing confidential-~~ 106228
~~investigatory information,~~ a misdemeanor of the first degree. 106229

Sec. 4735.01. As used in this chapter: 106230

(A) "Real estate broker" includes any person, partnership, 106231
association, limited liability company, limited liability 106232
partnership, or corporation, foreign or domestic, who for 106233
another, whether pursuant to a power of attorney or otherwise, 106234
and who for a fee, commission, or other valuable consideration, 106235
or with the intention, or in the expectation, or upon the 106236
promise of receiving or collecting a fee, commission, or other 106237
valuable consideration does any of the following: 106238

(1) Sells, exchanges, purchases, rents, or leases, or 106239
negotiates the sale, exchange, purchase, rental, or leasing of 106240
any real estate; 106241

(2) Offers, attempts, or agrees to negotiate the sale, 106242
exchange, purchase, rental, or leasing of any real estate; 106243

(3) Lists, or offers, attempts, or agrees to list, or 106244
auctions, or offers, attempts, or agrees to auction, any real 106245
estate; 106246

(4) Buys or offers to buy, sells or offers to sell, or 106247
otherwise deals in options on real estate; 106248

(5) Operates, manages, or rents, or offers or attempts to 106249
operate, manage, or rent, other than as custodian, caretaker, or 106250
janitor, any building or portions of buildings to the public as 106251
tenants; 106252

(6) Advertises or holds self out as engaged in the 106253
business of selling, exchanging, purchasing, renting, or leasing 106254
real estate; 106255

(7) Directs or assists in the procuring of prospects or 106256
the negotiation of any transaction, other than mortgage 106257
financing, which does or is calculated to result in the sale, 106258
exchange, leasing, or renting of any real estate; 106259

(8) Is engaged in the business of charging an advance fee 106260
or contracting for collection of a fee in connection with any 106261
contract whereby the broker undertakes primarily to promote the 106262
sale, exchange, purchase, rental, or leasing of real estate 106263
through its listing in a publication issued primarily for such 106264
purpose, or for referral of information concerning such real 106265
estate to brokers, or both, except that this division does not 106266
apply to a publisher of listings or compilations of sales of 106267
real estate by their owners; 106268

(9) Collects rental information for purposes of referring 106269
prospective tenants to rental units or locations of such units 106270
and charges the prospective tenants a fee. 106271

(B) "Real estate" includes leaseholds as well as any and 106272
every interest or estate in land situated in this state, whether 106273
corporeal or incorporeal, whether freehold or nonfreehold, and 106274
the improvements on the land, but does not include cemetery 106275
interment rights. 106276

(C) "Real estate salesperson" means any person associated 106277
with a licensed real estate broker to do or to deal in any acts 106278
or transactions set out or comprehended by the definition of a 106279
real estate broker, for compensation or otherwise. 106280

(D) "Institution of higher education" includes all of the 106281
following: 106282

(1) A state institution of higher education, as defined in 106283
section 3345.011 of the Revised Code; 106284

(2) A nonprofit institution issued a certificate of 106285
authorization under Chapter 1713. of the Revised Code; 106286

(3) A private institution exempt from regulation under 106287
Chapter 3332. of the Revised Code, as prescribed in section 106288
3333.046 of the Revised Code. 106289

(4) An institution with a certificate of registration from 106290
the state board of career colleges and schools under Chapter 106291
3332. of the Revised Code that is approved to offer degree or 106292
certificate programs in accordance with section 3332.05 of the 106293
Revised Code. 106294

(E) "Foreign real estate" means real estate not situated 106295
in this state and any interest in real estate not situated in 106296
this state. 106297

(F) "Foreign real estate dealer" includes any person, 106298
partnership, association, limited liability company, limited 106299
liability partnership, or corporation, foreign or domestic, who 106300
for another, whether pursuant to a power of attorney or 106301
otherwise, and who for a fee, commission, or other valuable 106302
consideration, or with the intention, or in the expectation, or 106303
upon the promise of receiving or collecting a fee, commission, 106304
or other valuable consideration, does or deals in any act or 106305
transaction specified or comprehended in division (A) of this 106306
section with respect to foreign real estate. 106307

(G) "Foreign real estate salesperson" means any person 106308
associated with a licensed foreign real estate dealer to do or 106309
deal in any act or transaction specified or comprehended in 106310
division (A) of this section with respect to foreign real 106311
estate, for compensation or otherwise. 106312

(H) Any person, partnership, association, limited 106313

liability company, limited liability partnership, or 106314
corporation, who, for another, in consideration of compensation, 106315
by fee, commission, salary, or otherwise, or with the intention, 106316
in the expectation, or upon the promise of receiving or 106317
collecting a fee, does, or offers, attempts, or agrees to engage 106318
in, any single act or transaction contained in the definition of 106319
a real estate broker, whether an act is an incidental part of a 106320
transaction, or the entire transaction, shall be constituted a 106321
real estate broker or real estate salesperson under this 106322
chapter. 106323

(I) (1) The terms "real estate broker," "real estate 106324
salesperson," "foreign real estate dealer," and "foreign real 106325
estate salesperson" do not include a person, partnership, 106326
association, limited liability company, limited liability 106327
partnership, or corporation, or the regular employees thereof, 106328
who perform any of the acts or transactions specified or 106329
comprehended in division (A) of this section, whether or not 106330
for, or with the intention, in expectation, or upon the promise 106331
of receiving or collecting a fee, commission, or other valuable 106332
consideration: 106333

(a) With reference to real estate situated in this state 106334
owned by such person, partnership, association, limited 106335
liability company, limited liability partnership, or 106336
corporation, or acquired on its own account in the regular 106337
course of, or as an incident to the management of the property 106338
and the investment in it; 106339

(b) As receiver or trustee in bankruptcy, as guardian, 106340
executor, administrator, trustee, assignee, commissioner, or any 106341
person doing the things mentioned in this section, under 106342
authority or appointment of, or incident to a proceeding in, any 106343

court, or as a bona fide public officer, or as executor, 106344
trustee, or other bona fide fiduciary under any trust agreement, 106345
deed of trust, will, or other instrument that has been executed 106346
in good faith creating a like bona fide fiduciary obligation; 106347

(c) As a public officer while performing the officer's 106348
official duties; 106349

(d) As an attorney at law in the performance of the 106350
attorney's duties; 106351

(e) As a person who engages in the brokering of the sale 106352
of business assets, not including the sale, lease, exchange, or 106353
assignment of any interest in real estate; 106354

(f) As a person who engages in the sale of manufactured 106355
homes as defined in division (C) (4) of section 3781.06 of the 106356
Revised Code, or of mobile homes as defined in division (O) of 106357
section 4501.01 of the Revised Code, provided the sale does not 106358
include the negotiation, sale, lease, exchange, or assignment of 106359
any interest in real estate; 106360

(g) As a person who engages in the sale of commercial real 106361
estate pursuant to the requirements of section 4735.022 of the 106362
Revised Code; 106363

(h) As an oil and gas land professional in the performance 106364
of the oil and gas land professional's duties, provided the oil 106365
and gas land professional is not engaged in the purchase or sale 106366
of a fee simple absolute interest in oil and gas or other real 106367
estate and the oil and gas land professional complies with 106368
division (A) of section 4735.023 of the Revised Code; 106369

(i) As an oil and gas land professional employed by the 106370
person, partnership, association, limited liability company, 106371
limited liability partnership, or corporation for which the oil 106372

and gas land professional is performing the oil and gas land professional's duties.

(2) A person, partnership, association, limited liability company, limited liability partnership, or corporation exempt under division (I)(1)(a) of this section shall be limited by the legal interest in the real estate held by that person or entity to performing any of the acts or transactions specified in or comprehended by division (A) of this section.

(J) "Disabled licensee" means a person licensed pursuant to this chapter who is under a severe disability which is of such a nature as to prevent the person from being able to attend any instruction lasting at least three hours in duration.

(K) "Division of real estate" may be used interchangeably with, and for all purposes has the same meaning as, "division of real estate and professional licensing."

(L) "Superintendent" or "superintendent of real estate" means the superintendent of the division of real estate and professional licensing of this state. Whenever the division or superintendent of real estate is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the division or superintendent of real estate and professional licensing, as the case may be.

(M) "Inactive license" means the license status in which a salesperson's license is in the possession of the division, renewed as required under this chapter or rules adopted under this chapter, and not associated with a real estate broker.

(N) "Broker's license on deposit" means the license status in which a broker's license is in the possession of the division

of real estate and professional licensing and renewed as 106402
required under this chapter or rules adopted under this chapter. 106403

(O) "Suspended license" means the license status that 106404
prohibits a licensee from providing services that require a 106405
license under this chapter for a specified interval of time. 106406

(P) "Reactivate" means the process prescribed by the 106407
superintendent of real estate and professional licensing to 106408
remove a license from an inactive, suspended, or broker's 106409
license on deposit status to allow a licensee to provide 106410
services that require a license under this chapter. 106411

(Q) "Revoked" means the license status in which the 106412
license is void and not eligible for reactivation. 106413

(R) "Commercial real estate" means any parcel of real 106414
estate in this state other than real estate containing one to 106415
four residential units. "Commercial real estate" does not 106416
include single-family residential units such as condominiums, 106417
townhouses, manufactured homes, or homes in a subdivision when 106418
sold, leased, or otherwise conveyed on a unit-by-unit basis, 106419
even when those units are a part of a larger building or parcel 106420
of real estate containing more than four residential units. 106421

(S) "Out-of-state commercial broker" includes any person, 106422
partnership, association, limited liability company, limited 106423
liability partnership, or corporation that is licensed to do 106424
business as a real estate broker in a jurisdiction other than 106425
Ohio. 106426

(T) "Out-of-state commercial salesperson" includes any 106427
person affiliated with an out-of-state commercial broker who is 106428
not licensed as a real estate salesperson in Ohio. 106429

(U) "Exclusive right to sell or lease listing agreement" 106430

means an agency agreement between a seller and broker that meets 106431
the requirements of section 4735.55 of the Revised Code and does 106432
both of the following: 106433

(1) Grants the broker the exclusive right to represent the 106434
seller in the sale or lease of the seller's property; 106435

(2) Provides the broker will be compensated if the broker, 106436
the seller, or any other person or entity produces a purchaser 106437
or tenant in accordance with the terms specified in the listing 106438
agreement or if the property is sold or leased during the term 106439
of the listing agreement to anyone other than to specifically 106440
exempted persons or entities. 106441

(V) "Exclusive agency agreement" means an agency agreement 106442
between a seller and broker that meets the requirements of 106443
section 4735.55 of the Revised Code and does both of the 106444
following: 106445

(1) Grants the broker the exclusive right to represent the 106446
seller in the sale or lease of the seller's property; 106447

(2) Provides the broker will be compensated if the broker 106448
or any other person or entity produces a purchaser or tenant in 106449
accordance with the terms specified in the listing agreement or 106450
if the property is sold or leased during the term of the listing 106451
agreement, unless the property is sold or leased solely through 106452
the efforts of the seller or to the specifically exempted 106453
persons or entities. 106454

(W) "Exclusive purchaser agency agreement" means an agency 106455
agreement between a purchaser or tenant and a broker that meets 106456
the requirements of section 4735.55 of the Revised Code and does 106457
both of the following: 106458

(1) Grants the broker the exclusive right to represent the 106459

purchaser or tenant in the purchase or lease of property; 106460

(2) Provides the broker will be compensated in accordance 106461
with the terms specified in the exclusive agency agreement or if 106462
a property is purchased or leased by the purchaser or tenant 106463
during the term of the agency agreement unless the property is 106464
specifically exempted in the agency agreement. 106465

The agreement may authorize the broker to receive 106466
compensation from the seller or the seller's agent and may 106467
provide that the purchaser or tenant is not obligated to 106468
compensate the broker if the property is purchased or leased 106469
solely through the efforts of the purchaser or tenant. 106470

(X) "Seller" means a party in a real estate transaction 106471
who is the potential transferor of property. "Seller" includes 106472
an owner of property who is seeking to sell the property and a 106473
landlord who is seeking to rent or lease property to another 106474
person. 106475

(Y) "Resigned" means the license status in which a license 106476
has been voluntarily and permanently surrendered to or is 106477
otherwise in the possession of the division of real estate and 106478
professional licensing, may not be renewed or reactivated in 106479
accordance with the requirements specified in this chapter or 106480
the rules adopted pursuant to it, and is not associated with a 106481
real estate broker. 106482

(Z) "Bona fide" means made in good faith or without 106483
purpose of circumventing license law. 106484

(AA) "Associate broker" means an individual licensed as a 106485
real estate broker under this chapter who does not function as 106486
the principal broker or a management level licensee. 106487

(BB) "Brokerage" means a corporation, partnership, limited 106488

partnership, association, limited liability company, limited
liability partnership, or sole proprietorship, foreign or
domestic, that has been issued a broker's license. "Brokerage"
includes the affiliated licensees who have been assigned
management duties that include supervision of licensees whose
duties may conflict with those of other affiliated licensees.

(CC) Except as provided in section 4735.011 of the Revised
Code, "eligible course" means a credit or noncredit course
offered by an institution of higher education that may be
applied toward the requirements for a degree or certificate at
the institution.

(DD) "Distance education" means courses required by
divisions (B) (6) and (G) of section 4735.07, divisions (F) (6)
and (J) of section 4735.09, and division (A) of section 4735.141
of the Revised Code in which instruction is accomplished through
use of interactive, electronic media and where the teacher and
student are separated by distance or time, or both.

(EE) "Licensee" means any individual licensed as a real
estate broker or salesperson by the Ohio real estate commission
pursuant to this chapter.

(FF) "Management level licensee" means a licensee who is
employed by or affiliated with a real estate broker and who has
supervisory responsibility over other licensees employed by or
affiliated with that real estate broker.

(GG) "Oil and gas land professional" means a person
regularly engaged in the preparation and negotiation of
agreements for the purpose of exploring for, transporting,
producing, or developing oil and gas mineral interests,
including, but not limited to, oil and gas leases and pipeline

easements. 106518

(HH) "Principal broker" means an individual licensed as a 106519
real estate broker under this chapter who oversees and directs 106520
the operations of the brokerage. 106521

(II) "Right-to-list home sale agreement" means an 106522
agreement whereby the owner of residential real estate agrees to 106523
provide another person with exclusive rights to list the real 106524
estate for sale at a future date in exchange for monetary 106525
consideration, or an equivalent to monetary consideration, and 106526
that meets one or both of the following: 106527

(1) The agreement states that it runs with the land or 106528
otherwise purports to bind future owners of the residential real 106529
estate; 106530

(2) The agreement purports to be a lien, encumbrance, or 106531
other real property security interest. 106532

(JJ) "Nonexclusive agency agreement" means an agency 106533
agreement between a purchaser, tenant, or seller and a broker 106534
that meets the requirements of section 4735.55 of the Revised 106535
Code and does both of the following: 106536

(1) Grants the broker the nonexclusive right to represent 106537
the purchaser, tenant, or seller in the purchase, sale, or lease 106538
of property; 106539

(2) Provides the broker will be compensated in accordance 106540
with the terms specified in the nonexclusive agency agreement, 106541
and the purchaser, tenant, or seller may obtain services from 106542
other brokers or brokerage firms, subject to the terms of the 106543
nonexclusive agency agreement. 106544

Sec. 4735.06. ~~(A)~~ (A) (1) Application for a license as a 106545

real estate broker shall be made to the superintendent of real 106546
estate on forms furnished by the superintendent and filed with 106547
the superintendent and shall be signed by the applicant or its 106548
members or officers. 106549

(2) Each application shall state the name of the person 106550
applying and the location of the place of business for which the 106551
license is desired, and give such other information as the 106552
superintendent requires in the form of application prescribed by 106553
the superintendent. 106554

(3) Each application shall include the address of the 106555
applicant's current residence or, if the applicant is not an 106556
individual, the address of the current residence of each of the 106557
applicant's members or officers. 106558

(4) The superintendent shall retain residential addresses 106559
submitted under division (A) (3) of this section as separate 106560
records that do not constitute public records for the purposes 106561
of section 149.43 of the Revised Code. 106562

(B) (1) If the applicant is a partnership, limited 106563
liability company, limited liability partnership, or 106564
association, the names of all the members also shall be stated, 106565
and, if the applicant is a corporation, the names of its 106566
president and of each of its officers also shall be stated. 106567

The superintendent has the right to reject the application 106568
of any partnership, association, limited liability company, 106569
limited liability partnership, or corporation if the name 106570
proposed to be used by such partnership, association, limited 106571
liability company, limited liability partnership, or corporation 106572
is likely to mislead the public or if the name is not such as to 106573
distinguish it from the name of any existing partnership, 106574

association, limited liability company, limited liability 106575
partnership, or corporation licensed under this chapter, unless 106576
there is filed with the application the written consent of such 106577
existing partnership, association, limited liability company, 106578
limited liability partnership, or corporation, executed by a 106579
duly authorized representative of it, permitting the use of the 106580
name of such existing partnership, association, limited 106581
liability company, limited liability partnership, or 106582
corporation. 106583

(2) The superintendent shall approve the use of a trade 106584
name by a brokerage, if the name meets both of the following 106585
criteria: 106586

(a) The proposed name is not the same as or is clearly 106587
distinguishable from a name registered with the division of real 106588
estate and professional licensing by another existing brokerage. 106589
If the superintendent determines that the proposed name is not 106590
clearly distinguishable from any other existing brokerage, the 106591
superintendent may approve the use of the trade name if there is 106592
filed with the superintendent the written consent of the 106593
existing brokerage with the same or similar name. 106594

(b) The name is not misleading or likely to mislead the 106595
public. 106596

(3) The superintendent may approve the use of more than 106597
one trade name for a brokerage. 106598

(4) When a brokerage has received the approval of the 106599
superintendent to conduct business under one or more trade 106600
names, those trade names shall be the only identifying names 106601
used by the brokerage in all advertising. 106602

(C) A fee of one hundred thirty-five dollars shall 106603

accompany the application for a real estate broker's license. 106604
The initial licensing period commences at the time the license 106605
is issued and ends on the applicant's first birthday thereafter. 106606
However, if the applicant was an inactive or active salesperson 106607
immediately preceding application for a broker's license, then 106608
the initial licensing period shall commence at the time the 106609
broker's license is issued and ends on the date the licensee's 106610
continuing education is due as set when the applicant was a 106611
salesperson. The application fee shall be nonrefundable. A fee 106612
of one hundred thirty-five dollars shall be charged by the 106613
superintendent for each successive application made by an 106614
applicant. In the case of issuance of a three-year license, upon 106615
passing the examination, or upon waiver of the examination 106616
requirement, if the superintendent determines it is necessary, 106617
the applicant shall submit an additional fee determined by the 106618
superintendent based upon the number of years remaining in a 106619
real estate salesperson's licensing period. 106620

(D) The Ohio real estate commission may use the division 106621
of real estate operating fund created under section 4735.211 of 106622
the Revised Code in discharging the duties prescribed in 106623
divisions (E), (F), (G), and (H) of section 4735.03 of the 106624
Revised Code and may use it in the advancement of education and 106625
research in real estate at any institution of higher education 106626
in the state, or in contracting with any such institution or a 106627
trade organization for a particular research or educational 106628
project in the field of real estate, or in advancing loans, not 106629
exceeding two thousand dollars, to applicants for salesperson 106630
licenses, to defray the costs of satisfying the educational 106631
requirements of division (F) of section 4735.09 of the Revised 106632
Code. Such loans shall be made according to rules established by 106633
the commission under the procedures of Chapter 119. of the 106634

Revised Code, and they shall be repaid to the fund within three 106635
years of the time they are made. No more than twenty-five 106636
thousand dollars shall be lent from the fund in any one fiscal 106637
year. 106638

The governor may appoint a representative from the 106639
executive branch to be a member ex officio of the commission for 106640
the purpose of advising on research requests or educational 106641
projects. The commission shall report to the general assembly on 106642
the third Tuesday after the third Monday in January of each year 106643
setting forth the total amount contained in the fund and the 106644
amount of each research grant that it has authorized and the 106645
amount of each research grant requested. A copy of all research 106646
reports shall be submitted to the state library of Ohio and the 106647
library of the legislative service commission. 106648

(E) If the superintendent, with the consent of the 106649
commission, enters into an agreement with a national testing 106650
service to administer the real estate broker's examination, 106651
pursuant to division (A) of section 4735.07 of the Revised Code, 106652
the superintendent may require an applicant to pay the testing 106653
service's examination fee directly to the testing service. If 106654
the superintendent requires the payment of the examination fee 106655
directly to the testing service, each applicant shall submit to 106656
the superintendent a processing fee in an amount determined by 106657
the Ohio real estate commission pursuant to division (A) (2) of 106658
section 4735.10 of the Revised Code. 106659

Sec. 4735.09. (A) Application for a license as a real 106660
estate salesperson shall be made to the superintendent of real 106661
estate on forms furnished by the superintendent and signed by 106662
the applicant. The application shall be in the form prescribed 106663
by the superintendent and shall contain such information as is 106664

required by this chapter and the rules of the Ohio real estate 106665
commission. The application shall include the address of the 106666
applicant's current residence. The superintendent shall retain 106667
the applicant's current residence address in a separate record 106668
that does not constitute a public record for purposes of section 106669
149.43 of the Revised Code. The application shall be accompanied 106670
by the recommendation of the real estate broker with whom the 106671
applicant is associated or with whom the applicant intends to be 106672
associated, certifying that the applicant is honest and 106673
truthful, and has not been finally adjudged by a court to have 106674
violated any municipal, state, or federal civil rights laws 106675
relevant to the protection of purchasers or sellers of real 106676
estate, which conviction or adjudication the applicant has not 106677
disclosed to the superintendent, and recommending that the 106678
applicant be admitted to the real estate salesperson 106679
examination. 106680

(B) A fee of eighty-one dollars shall accompany the 106681
application, which fee includes the fee for the initial year of 106682
the licensing period, if a license is issued. The initial year 106683
of the licensing period commences at the time the license is 106684
issued and ends on the applicant's first birthday thereafter. 106685
The application fee shall be nonrefundable. A fee of eighty-one 106686
dollars shall be charged by the superintendent for each 106687
successive application made by the applicant. 106688

(C) There shall be no limit placed on the number of times 106689
an applicant may retake the examination. 106690

(D) The superintendent, with the consent of the 106691
commission, may enter into an agreement with a recognized 106692
national testing service to administer the real estate 106693
salesperson's examination under the superintendent's supervision 106694

and control, consistent with the requirements of this chapter as 106695
to the contents of the examination. 106696

If the superintendent, with the consent of the commission, 106697
enters into an agreement with a national testing service to 106698
administer the real estate salesperson's examination, the 106699
superintendent may require an applicant to pay the testing 106700
service's examination fee directly to the testing service. If 106701
the superintendent requires the payment of the examination fee 106702
directly to the testing service, each applicant shall submit to 106703
the superintendent a processing fee in an amount determined by 106704
the Ohio real estate commission pursuant to division (A)(1) of 106705
section 4735.10 of the Revised Code. 106706

(E) The superintendent shall issue a real estate 106707
salesperson's license when satisfied that the applicant has 106708
received a passing score on each portion of the salesperson's 106709
examination as determined by rule by the real estate commission. 106710

(F) No applicant for a salesperson's license shall take 106711
the salesperson's examination who has not established to the 106712
satisfaction of the superintendent that the applicant: 106713

(1) Is honest and truthful; 106714

(2) (a) Has not been convicted of a disqualifying offense 106715
as determined in accordance with section 9.79 of the Revised 106716
Code; 106717

(b) Has not been finally adjudged by a court to have 106718
violated any municipal, state, or federal civil rights laws 106719
relevant to the protection of purchasers or sellers of real 106720
estate or, if the applicant has been so adjudged, at least two 106721
years have passed since the court decision and the 106722
superintendent has disregarded the adjudication because the 106723

applicant has proven, by a preponderance of the evidence, that 106724
the applicant is honest and truthful, and there is no basis in 106725
fact for believing that the applicant again will violate the 106726
laws involved. 106727

(3) Has not, during any period in which the applicant was 106728
licensed under this chapter, violated any provision of, or any 106729
rule adopted pursuant to this chapter, or, if the applicant has 106730
violated such provision or rule, has established to the 106731
satisfaction of the superintendent that the applicant will not 106732
again violate such provision or rule; 106733

(4) Is at least eighteen years of age; 106734

(5) If born after the year 1950, has a high school diploma 106735
or a certificate of high school equivalence issued under section 106736
3301.80 of the Revised Code; 106737

(6) Has successfully completed at an institution of higher 106738
education all of the following eligible courses by either 106739
classroom instruction or distance education: 106740

(a) Forty hours of instruction in real estate practice; 106741

(b) Forty hours of instruction that includes the subjects 106742
of Ohio real estate law, municipal, state, and federal civil 106743
rights law, new case law on housing discrimination, 106744
desegregation issues, and methods of eliminating the effects of 106745
prior discrimination. If feasible, the instruction in Ohio real 106746
estate law shall be taught by a member of the faculty of an 106747
accredited law school. If feasible, the instruction in 106748
municipal, state, and federal civil rights law, new case law on 106749
housing discrimination, desegregation issues, and methods of 106750
eliminating the effects of prior discrimination shall be taught 106751
by a staff member of the Ohio civil rights commission who is 106752

knowledgeable with respect to those subjects. The requirements 106753
of this division do not apply to an applicant who is admitted to 106754
practice before the supreme court. 106755

(c) Ten hours of instruction in real estate appraisal; 106756

(d) Ten hours of instruction in real estate finance. 106757

(G) (1) Successful completion of the instruction required 106758
by division (F) (6) of this section shall be determined by the 106759
law in effect on the date the instruction was completed. 106760

(2) Division (F) (6) (c) of this section does not apply to 106761
any new applicant who holds a valid Ohio real estate appraiser 106762
license or certificate issued prior to the date of application 106763
for a real estate salesperson's license. 106764

(H) Only for noncredit course offerings, an institution of 106765
higher education shall obtain approval from the appropriate 106766
state authorizing entity prior to offering a real estate course 106767
that is designed and marketed as satisfying the salesperson 106768
license education requirements of division (F) (6) of this 106769
section. The state authorizing entity may consult with the 106770
superintendent in reviewing the course for compliance with this 106771
section. 106772

(I) Any person who has not been licensed as a real estate 106773
salesperson or broker within a four-year period immediately 106774
preceding the person's current application for the salesperson's 106775
examination shall have successfully completed the prelicensure 106776
instruction required by division (F) (6) of this section within a 106777
ten-year period immediately preceding the person's current 106778
application for the salesperson's examination. 106779

(J) Not earlier than the date of issue of a real estate 106780
salesperson's license to a licensee, but not later than twelve 106781

months after the date of issue of a real estate salesperson 106782
license to a licensee, the licensee shall submit proof 106783
satisfactory to the superintendent, on forms made available by 106784
the superintendent, of the completion of twenty hours of 106785
instruction that shall be completed in schools, seminars, and 106786
educational institutions approved by the commission. The 106787
instruction shall include, but is not limited to, current 106788
practices relating to commercial real estate, property 106789
management, short sales, and land contracts; contract law; 106790
federal and state programs; economic conditions; and fiduciary 106791
responsibility. Approval of the curriculum and providers shall 106792
be granted according to rules adopted pursuant to section 106793
4735.10 of the Revised Code and may be taken through classroom 106794
instruction or distance education. 106795

If proof of completion of the required instruction is not 106796
submitted within twelve months of the date a license is issued 106797
under this section, the licensee's license is suspended 106798
automatically without the taking of any action by the 106799
superintendent. The superintendent immediately shall notify the 106800
broker with whom such salesperson is associated of the 106801
suspension of the salesperson's license. A salesperson whose 106802
license has been suspended under this division shall have twelve 106803
months after the date of the suspension of the salesperson's 106804
license to submit proof of successful completion of the 106805
instruction required under this division. No such license shall 106806
be reactivated by the superintendent until it is established, to 106807
the satisfaction of the superintendent, that the requirements of 106808
this division have been met and that the licensee is in 106809
compliance with this chapter. A licensee's license is revoked 106810
automatically without the taking of any action by the 106811
superintendent when the licensee fails to submit the required 106812

proof of completion of the education requirements under division 106813
(I) of this section within twelve months of the date the license 106814
is suspended. 106815

(K) Examinations shall be administered with reasonable 106816
accommodations in accordance with the requirements of the 106817
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 106818
U.S.C. 12189. The contents of an examination shall be consistent 106819
with the classroom instructional requirements of division (F) (6) 106820
of this section. An applicant who has completed the classroom 106821
instructional requirements of division (F) (6) of this section at 106822
the time of application shall be examined no later than twelve 106823
months after the applicant is notified of the applicant's 106824
admission to the examination. 106825

(L) Notwithstanding any provision of this chapter or 106826
Chapter 4796. of the Revised Code to the contrary, the 106827
superintendent shall issue a real estate salesperson's license 106828
in accordance with Chapter 4796. of the Revised Code to an 106829
applicant if both of the following apply: 106830

(1) The applicant satisfies the requirements specified in 106831
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 106832
applicable. 106833

(2) The applicant passes an examination on Ohio real 106834
estate law. 106835

Sec. 4735.55. (A) As used in this section: 106836

(1) "Residential real property" has the same meaning as in 106837
section 5302.30 of the Revised Code. 106838

(2) "Residential premises" and "tenant" ~~has~~ have the same 106839
~~meaning-meanings~~ as in section 5321.01 of the Revised Code. 106840

(B) ~~Prior to marketing~~ A licensee shall enter into a 106841
written agency agreement before doing any of the following: 106842

(1) Advertising or showing ~~a seller's~~ residential real 106843
property, ~~making~~ on behalf of a seller; 106844

(2) Making an offer to purchase residential real property 106845
on behalf of a purchaser, ~~or making;~~ 106846

(3) Making an offer to lease a residential premises on 106847
behalf of a ~~purchaser~~ tenant for a term exceeding eighteen 106848
months, ~~a licensee shall enter into a written agency agreement~~ 106849
~~that contains.~~ 106850

(C) The written agency agreement shall contain all of the 106851
following: 106852

(1) An expiration date; 106853

(2) A statement that it is illegal, pursuant to the Ohio 106854
fair housing law, division (H) of section 4112.02 of the Revised 106855
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 106856
amended, to refuse to sell, transfer, assign, rent, lease, 106857
sublease, or finance housing accommodations, refuse to negotiate 106858
for the sale or rental of housing accommodations, or otherwise 106859
deny or make unavailable housing accommodations because of race, 106860
color, religion, sex, familial status as defined in section 106861
4112.01 of the Revised Code, ancestry, military status as 106862
defined in that section, disability as defined in that section, 106863
or national origin or to so discriminate in advertising the sale 106864
or rental of housing, in the financing of housing, or in the 106865
provision of real estate brokerage services; 106866

(3) A statement defining the practice known as 106867
"blockbusting" and stating that it is illegal; 106868

(4) A copy of the United States department of housing and 106869
urban development equal housing opportunity logotype, as set 106870
forth in 24 C.F.R. 109.30, as amended; 106871

(5) A statement that the licensee is appointed as an agent 106872
of the client, and an indication of whether the agency 106873
relationship is exclusive or nonexclusive; 106874

(6) The terms by which the real estate broker is to be 106875
compensated; 106876

(7) A conspicuous statement that broker fees and 106877
commissions are not set by law, are fully negotiable, and may be 106878
paid by the seller, the buyer, the landlord, the tenant, or a 106879
third party, or by sharing or splitting the fees and commissions 106880
between brokers. 106881

~~(C)~~ (D) Each written agency agreement shall contain a place 106882
for the licensee and the client to sign and date the agreement. 106883

~~(D)~~ (E) A licensee shall furnish a copy of any written 106884
agency agreement to a client in a timely manner after the 106885
licensee and the client have signed and dated it. 106886

Sec. 4735.56. (A) Each brokerage shall develop a written 106887
brokerage policy on agency to be given to prospective sellers, 106888
tenants, and purchasers in accordance with ~~divisions (C) and (D)~~ 106889
~~of~~ this section. 106890

(B) The brokerage policy on agency described in division 106891
(A) of this section shall include all of the following 106892
information: 106893

(1) An explanation of the permissible agency relationships 106894
available under section 4735.53 of the Revised Code and the 106895
duties that the agent owes the agent's client; 106896

(2) The brokerage's policy on representation of purchasers
or sellers; 106897
106898

(3) Whether at some time during the agency relationship 106899
the brokerage and its licensee may act as a dual agent, and the 106900
options and consequences for the client if a dual agency 106901
situation arises including the right of the client to terminate 106902
the agency relationship and seek representation from another 106903
source; 106904

(4) Whether at some time during the agency relationship, 106905
another licensee affiliated with the same brokerage as the 106906
licensee may become the exclusive agent for the other party in 106907
the transaction and whether each licensee will represent only 106908
the interests of that licensee's client; 106909

(5) The brokerage's policy on cooperation with other 106910
brokerages, including whether the brokerage offers compensation 106911
to other brokerages or will seek compensation from other 106912
brokerages; 106913

(6) That a brokerage that has a purchaser as a client 106914
represents the purchaser's interests even though the seller's 106915
agent or the seller may compensate that purchaser's brokerage; 106916

(7) That the signature of the purchaser or the seller 106917
indicates acknowledgement of receipt of the brokerage policy on 106918
agency. 106919

(C) A licensee working directly with a seller in a real 106920
estate transaction shall provide the seller with the brokerage 106921
policy on agency described in this section at the time the 106922
licensee and seller enter into an agency agreement, if required 106923
by section 4735.55 of the Revised Code or, if an agency 106924
agreement is not required by that section, prior to ~~marketing~~ 106925

advertising or showing the seller's real estate, and shall 106926
obtain a signature from the seller acknowledging receipt unless 106927
the seller refuses to provide a signature. If the seller refuses 106928
to provide a signature, the licensee shall note this on the 106929
policy. 106930

(D) A licensee working directly with a purchaser in a real 106931
estate transaction, whether as the purchaser's agent, the 106932
seller's agent, or the seller's subagent, shall provide the 106933
purchaser with the brokerage policy on agency described in this 106934
section and obtain a signature from the purchaser acknowledging 106935
receipt of the policy unless the purchaser refuses to provide a 106936
signature. If the purchaser refuses to provide a signature, the 106937
licensee shall note this on the policy. Except as provided in 106938
division (E) of this section, the licensee shall provide the 106939
brokerage policy on agency to a purchaser prior to the earliest 106940
of the following actions of the licensee: 106941

(1) Initiating a prequalification evaluation to determine 106942
whether the purchaser has the financial ability to purchase or 106943
lease a particular real estate property; 106944

(2) Requesting specific financial information from the 106945
purchaser to determine the purchaser's ability to purchase or 106946
finance real estate in a particular price range; 106947

(3) Showing the real estate to the purchaser other than at 106948
an open house; 106949

(4) Discussing, with the purchaser, the making of an offer 106950
to purchase or lease real estate; 106951

(5) Submitting an offer to purchase or lease real estate 106952
on behalf of the purchaser; 106953

(6) Entering into an agency agreement with the purchaser 106954

under section 4735.55 of the Revised Code. 106955

(E) If the earliest event described in division (D) of 106956
this section is by telephone or electronic mail, the licensee 106957
shall disclose by that same medium the nature of the agency 106958
relationship that the licensee has with both the seller and the 106959
purchaser. The licensee shall provide the purchaser with the 106960
brokerage policy on agency described in this section at the 106961
first meeting with the purchaser following this disclosure of 106962
the agency relationship. 106963

(F) A licensee acting as a seller's agent is not required 106964
to provide a purchaser with the brokerage policy on agency 106965
described in this section except in the case of an event 106966
described in division (D) of this section. 106967

(G) The requirements of this section regarding provision 106968
of a brokerage policy on agency apply only in the following 106969
situations: 106970

(1) The sale or lease of vacant land; 106971

(2) The sale of a parcel of real estate containing one to 106972
four residential units; 106973

(3) The leasing of residential premises as defined in 106974
section 5321.01 of the Revised Code, if the rental or lease 106975
agreement is for a term of more than eighteen months. 106976

Sec. 4735.80. (A) The superintendent of real estate shall, 106977
within one year after ~~the effective date of this section~~ April 3, 106978
2025, adopt rules in accordance with Chapter 119. of the Revised 106979
Code that require a licensee, prior to listing residential real 106980
estate for sale, exchange, or purchase, to provide to the seller 106981
a disclosure form, developed and maintained by the division of 106982
real estate, that outlines both of the following: 106983

(1) The federal and state laws that relate to anti- 106984
discrimination in the home-buying process with which a seller of 106985
residential real estate shall comply, including the laws listed 106986
in divisions ~~(B) (2)~~ (C) (2) and (3) of section 4735.55 of the 106987
Revised Code; 106988

(2) The penalties associated with violating any of the 106989
laws specified pursuant to division (A) (1) of this section. 106990

(B) No licensee shall market or show a seller's 106991
residential real estate before providing the seller with the 106992
disclosure required by this section and receiving a copy of that 106993
disclosure that is signed and dated by the seller. The licensee 106994
shall retain the signed and dated copy of the disclosure for not 106995
less than three years following the closing date on the seller's 106996
residential real estate. 106997

(C) Notwithstanding any provision of section 121.95 of the 106998
Revised Code to the contrary, a regulatory restriction contained 106999
in a rule adopted under this section is not subject to sections 107000
121.95 to 121.953 of the Revised Code. 107001

Sec. 4740.06. (A) Any individual who applies for a license 107002
shall file a written application with the appropriate specialty 107003
section of the Ohio construction industry licensing board, 107004
accompanied with the application fee as determined pursuant to 107005
section 4740.09 of the Revised Code. The application shall be on 107006
the form the section prescribes ~~and verified by the applicant's~~ 107007
~~oath~~. The applicant shall provide information satisfactory to 107008
the section showing that the applicant meets the requirements of 107009
division (B), (C), or (D) of this section. 107010

(B) To qualify to take an examination, an individual 107011
shall: 107012

- (1) Be at least eighteen years of age; 107013
- (2) Be a United States citizen or legal alien who produces 107014
valid documentation to demonstrate the individual is a legal 107015
resident of the United States; 107016
- (3) Either have been a tradesperson in the type of 107017
licensed trade for which the application is filed for not less 107018
than five years immediately prior to the date the application is 107019
filed, be a currently registered engineer in this state with 107020
three years of business experience in the construction industry 107021
in the trade for which the engineer is applying to take an 107022
examination, or have other experience acceptable to the 107023
appropriate specialty section of the board; 107024
- (4) Maintain contractor's liability insurance in an amount 107025
the appropriate specialty section of the board determines and 107026
only in one contracting company name; 107027
- (5) Not have done any of the following: 107028
- (a) Violated this chapter or any rule adopted pursuant to 107029
it; 107030
- (b) Obtained or renewed a license issued pursuant to this 107031
chapter, or any order, ruling, or authorization of the board or 107032
a section of the board by fraud, misrepresentation, or 107033
deception; 107034
- (c) Engaged in fraud, misrepresentation, or deception in 107035
the conduct of business. 107036
- (C) For an individual who holds an out-of-state 107037
occupational license, as defined in section 4796.01 of the 107038
Revised Code, that is substantially similar to the license for 107039
which the individual is applying under this chapter, to qualify 107040

to take an examination, an individual shall: 107041

(1) Provide proof that the individual was issued at least 107042
five authorizations for construction, erection, equipment, 107043
alteration, or addition of any building by an authority with 107044
responsibility for enforcing building regulations in the 107045
jurisdiction where the individual holds the out-of-state 107046
occupational license; 107047

(2) Provide at least one tax return that reflects income 107048
earned for services provided under the individual's out-of-state 107049
occupational license; 107050

(3) Provide proof that the contracting company with whom 107051
the individual is employed in the jurisdiction where the 107052
individual holds the out-of-state occupational license is either 107053
of the following: 107054

(a) Licensed as a foreign corporation under section 107055
1703.04 of the Revised Code and has designated an agent in this 107056
state in accordance with section 1703.041 of the Revised Code; 107057

(b) Registered as a foreign limited liability company 107058
under section 1706.511 of the Revised Code and has designated an 107059
agent in this state in accordance with section 1706.09 of the 107060
Revised Code. 107061

(4) Meet the requirements described in divisions (B) (1), 107062
(2), (4), and (5) of this section. 107063

(D) (1) For an individual who has been actively engaged in 107064
activities in the service of the uniformed services, as defined 107065
in section 4796.01 of the Revised Code, that are substantially 107066
similar to the activities for which the license the individual 107067
is applying under this chapter is required, to qualify to take 107068
an examination, an individual shall: 107069

(a) Provide proof that the individual was actively engaged 107070
in the activities in the service of the uniformed services for 107071
at least three of the five years immediately preceding the date 107072
the application is submitted; 107073

(b) Meet the requirements described in divisions (B) (1), 107074
(2), (4), and (5) of this section. 107075

(2) Each specialty section of the board may adopt a rule 107076
in accordance with Chapter 119. of the Revised Code to waive the 107077
requirement that an applicant under division (D) (1) (a) of this 107078
section has been actively engaged in the activity for three of 107079
the five years immediately preceding the date the application is 107080
submitted. 107081

(E) The board secretary, or the secretary's designee, 107082
shall approve an application for examination submitted under 107083
division (C) or (D) of this section within thirty days after 107084
receiving a complete application that meets the requirements of 107085
that division. 107086

(F) When an applicant for licensure as a contractor in a 107087
licensed trade meets the qualifications set forth in division 107088
(B), (C), or (D) of this section and passes the required 107089
examination, the appropriate specialty section of the board, 107090
within ninety days after the application was filed, shall 107091
authorize the administrative section of the board to license the 107092
applicant for the type of contractor's license for which the 107093
applicant qualifies. A specialty section of the board may 107094
withdraw its authorization to the administrative section for 107095
issuance of a license for good cause shown, on the condition 107096
that notice of that withdrawal is given prior to the 107097
administrative section's issuance of the license. 107098

(G) (1) Except as provided in division (G) (2) of this 107099
section, if an applicant does not pass the required examination, 107100
the applicant may retake the examination not less than sixty 107101
days after the applicant's most recent examination. 107102

(2) An applicant who does not pass the required 107103
examination after taking the examination five times under this 107104
section shall reapply for a license under division (A) of this 107105
section before retaking the required examination any subsequent 107106
time. 107107

(H) All licenses a contractor holds pursuant to this 107108
chapter shall expire annually on the same date, which shall be 107109
the expiration date of the original license the contractor 107110
holds. An individual holding a valid, unexpired license may 107111
renew the license, without reexamination, by submitting an 107112
application to the appropriate specialty section of the board 107113
not more than ninety calendar days before the expiration of the 107114
license, along with the renewal fee the specialty section 107115
requires and proof of compliance with the applicable continuing 107116
education requirements. The applicant shall provide information 107117
in the renewal application satisfactory to demonstrate to the 107118
appropriate specialty section that the applicant continues to 107119
meet the requirements of divisions (B) (2), (4), and (5) of this 107120
section. 107121

Upon application and within one calendar year after a 107122
license has expired, a section may waive any of the requirements 107123
for renewal of a license upon finding that an applicant 107124
substantially meets the renewal requirements or that failure to 107125
timely apply for renewal is due to excusable neglect. A section 107126
that waives requirements for renewal of a license may impose 107127
conditions upon the licensee and assess a late filing fee of not 107128

more than double the usual renewal fee. An applicant shall 107129
satisfy any condition the section imposes before a license is 107130
reissued. 107131

(I) An individual holding a valid license may request the 107132
section of the board that authorized that license to place the 107133
license in inactive status under conditions, and for a period of 107134
time, as that section determines. 107135

(J) Except for the ninety-day extension provided for a 107136
license assigned to a contracting company under division (D) of 107137
section 4740.07 of the Revised Code, a license held by an 107138
individual immediately terminates upon the death of the 107139
individual. 107140

(K) Nothing in any license issued by the Ohio construction 107141
industry licensing board shall be construed to limit or 107142
eliminate any requirement of or any license issued by the Ohio 107143
fire marshal. 107144

(L) (1) Subject to division (L) (3) of this section, no 107145
specialty section of the board shall adopt, maintain, renew, or 107146
enforce any rule, or otherwise preclude in any way, an 107147
individual from renewing a license under this chapter due to any 107148
past criminal activity or interpretation of moral character. If 107149
the specialty section denies an individual a license renewal, 107150
the reasons for such denial shall be put in writing. 107151

(2) The section may refuse to issue a license to an 107152
applicant because of a conviction of or plea of guilty to an 107153
offense if the refusal is in accordance with section 9.79 of the 107154
Revised Code. 107155

(3) In considering a renewal of an individual's license, 107156
the section shall not consider any conviction or plea of guilty 107157

prior to the initial licensing. However, the board may consider 107158
a conviction or plea of guilty if it occurred after the 107159
individual was initially licensed, or after the most recent 107160
license renewal. 107161

(4) The section may grant an individual a conditional 107162
license that lasts for one year. After the one-year period has 107163
expired, the license is no longer considered conditional, and 107164
the individual shall be considered fully licensed. 107165

(M) Notwithstanding divisions (H) and (L) of this section 107166
and sections 4740.04 and 4740.05 of the Revised Code, the board 107167
may establish rules that amend the continuing education 107168
requirements and license renewal schedule for licensees as 107169
provided in or adopted pursuant to those sections for the 107170
purpose of establishing a compliance incentive program. These 107171
rules may include provisions for the creation of the program and 107172
the qualifications, continuing education requirements, and 107173
renewal schedule for the program. 107174

Sec. 4741.04. A veterinary-client-patient relationship 107175
serves as the basis for interaction between veterinarians, their 107176
clients, and their patients. A veterinary-client-patient 107177
relationship exists when all of the following conditions have 107178
been met: 107179

(A) A veterinarian assumes responsibility for making 107180
clinical judgments regarding the health of a patient and the 107181
need for medical treatment, medical services, or both for the 107182
patient, and the client has agreed to follow the veterinarian's 107183
instructions regarding the patient. 107184

(B) The veterinarian has sufficient knowledge of the 107185
patient to initiate at least a general or preliminary diagnosis 107186

of the medical condition of the patient. In order to demonstrate 107187
that the veterinarian has sufficient knowledge, the veterinarian 107188
shall have seen the patient recently and also shall be 107189
acquainted personally with the keeping and care of the patient 107190
~~either by examining~~ doing any of the following: 107191

(1) Examining the patient ~~or by making in person;~~ 107192

(2) Examining the patient in real time via telehealth 107193
services in accordance with section 4741.041 of the Revised 107194
Code; 107195

(3) Making medically appropriate and timely visits to the 107196
premises where the patient is kept. 107197

(C) The veterinarian is readily available for a follow-up 107198
evaluation, or has arranged for emergency coverage, in the event 107199
the patient suffers adverse reactions to the treatment regimen 107200
or the treatment regimen fails. 107201

Sec. 4741.041. (A) As used in this section: 107202

(1) "Human food product" means livestock raised for human 107203
consumption or livestock whose products are used for human 107204
consumption. 107205

(2) "Livestock" means porcine animals, bovine animals, 107206
caprine animals, ovine animals, and poultry. 107207

(3) "Tele-advice" means the provision of any health 107208
information, opinion, or guidance by a veterinary professional 107209
that is not intended to diagnose, treat, issue certificates of 107210
veterinary inspection, or issue prognoses of the physical or 107211
behavioral illness or injury of an animal or issue. A 107212
veterinarian-client-patient relationship as required under 107213
section 4741.04 of the Revised Code is not required to provide 107214

tele-advice. 107215

(B) A licensed veterinarian may conduct the practice of 107216
veterinary medicine via telehealth services if all of the 107217
following apply: 107218

(1) The veterinarian obtains the informed consent from the 107219
client, including an acknowledgement that the standards of care 107220
prescribed by this chapter equally apply to in-person and 107221
telehealth visits. The veterinarian shall maintain documentation 107222
of the consent for at least three years after receiving the 107223
informed consent. 107224

(2) The veterinarian provides the client with the 107225
veterinarian's name and contact information and secures an 107226
alternate means of contacting the client if the telehealth visit 107227
is interrupted. Following the telehealth visit, the veterinarian 107228
shall make available to the client an electronic or written 107229
record of the visit. The electronic or written record shall 107230
include the veterinarian's license number. 107231

(3) Before conducting an evaluation of a patient via a 107232
telehealth visit, the veterinarian advises the client of all of 107233
the following: 107234

(a) The veterinarian may ultimately recommend an in-person 107235
visit with the veterinarian or another licensed veterinarian; 107236

(b) The veterinarian is prohibited under federal law from 107237
prescribing certain drugs or medications based only on a 107238
telehealth visit; 107239

(c) The appointment for a telehealth visit may be 107240
terminated at any time. 107241

(C) A licensed veterinarian may prescribe drugs or 107242

medications after establishing a veterinary-client-patient 107243
relationship via telehealth services, except that all of the 107244
following apply: 107245

(1) The veterinarian may issue an initial prescription for 107246
not more than fourteen days. The veterinarian may issue one 107247
refill for not more than fourteen days if the veterinarian sees 107248
the patient for another telehealth visit. For additional 107249
refills, the patient shall visit the veterinarian in person. 107250

(2) The veterinarian shall notify the client that certain 107251
prescription drugs or medications may be available at a pharmacy 107252
and, if requested, the veterinarian will submit a prescription 107253
to a pharmacy of the client's choosing; 107254

(3) The veterinarian shall not order, prescribe, or make 107255
available a controlled substance, as defined in section 3719.01 107256
of the Revised Code, unless the veterinarian has performed an 107257
in-person physical examination of the patient. 107258

(D) (1) Except as provided in division (D) (2) of this 107259
section, a licensed veterinarian whose client is engaged in the 107260
raising of livestock for human food products may not use 107261
telehealth services for those livestock unless the veterinarian 107262
has established a veterinary-client-patient relationship in 107263
person with respect to those livestock prior to the use of 107264
telehealth services. 107265

(2) A licensed veterinarian whose client is engaged in the 107266
raising of livestock for human food products may conduct tele- 107267
advice services for those livestock prior to the veterinarian 107268
establishing a veterinary-client-patient relationship in person 107269
with the client. 107270

(E) Division (D) of this section applies to the extent 107271

permitted under federal law. 107272

(F) Nothing in this section shall be construed to 107273
invalidate or overrule the provisions of Chapter 956. of the 107274
Revised Code. 107275

(G) For purposes of this section, the practice of 107276
veterinary medicine occurs in the state in which the patient is 107277
located. 107278

Sec. 4743.05. (A) Except as otherwise provided in sections 107279
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 107280
the Revised Code, all money collected under Chapters 3773., 107281
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 107282
4732., 4733., 4734., 4741., 4744., 4747., 4753., 4755., 4757., 107283
4758., 4771., 4775., 4779., and 4781. of the Revised Code and 107284
all license, certificate, and permit fees received by the state 107285
board of education, including the fees established under section 107286
3319.51 of the Revised Code, shall be paid into the state 107287
treasury to the credit of the occupational licensing and 107288
regulatory fund, which is hereby created for use in 107289
administering such chapters and in paying the operating expenses 107290
of the state board of education. 107291

(B) At the end of each quarter, the director of budget and 107292
management shall transfer from the occupational licensing and 107293
regulatory fund to the nurse education assistance fund created 107294
in section 3333.28 of the Revised Code the amount certified to 107295
the director under division (B) of section 4723.08 of the 107296
Revised Code. 107297

(C) At the end of each quarter, the director shall 107298
transfer from the occupational licensing and regulatory fund to 107299
the certified public accountant education assistance fund 107300

created in section 4701.26 of the Revised Code the amount 107301
certified to the director under division (H) (2) of section 107302
4701.10 of the Revised Code. 107303

(D) On August 30, 2021, and every two years thereafter, 107304
the director shall transfer from the occupational licensing and 107305
regulatory fund to the veterinary student debt assistance fund 107306
created in section 4741.56 of the Revised Code the amount 107307
certified to the director under section 4741.57 of the Revised 107308
Code. 107309

Sec. 4743.10. (A) As used in this section: 107310

(1) "Health care service" means medical care provided to 107311
any patient at any time over the entire course of the patient's 107312
treatment and may include one or more of the following: testing; 107313
diagnosis; referral; dispensing or administering a drug, 107314
medication, or device; psychological therapy or counseling; 107315
research; prognosis; therapy; record making procedures and notes 107316
related to treatment; preparation for or performance of a 107317
surgery or procedure; or any other care or services performed or 107318
provided by any medical practitioner. 107319

(2) "Medical practitioner" means any person who 107320
facilitates or participates in the provision of health care 107321
services, including nursing, physician services, counseling and 107322
social work, psychological and psychiatric services, research 107323
services, surgical services, laboratory services, and the 107324
provision of pharmaceuticals and may include any of the 107325
following: any student or faculty at a medical, nursing, mental 107326
health, or counseling institution of higher education or an 107327
allied health professional, paraprofessional, or employee or 107328
contractor of a health care institution. 107329

(3) "Participation in a health care service" means to 107330
provide, perform, assist with, facilitate, refer for, counsel 107331
for, advise with regard to, admit for the purposes of providing, 107332
or take part in any way in providing, any health care service. 107333

(B) Notwithstanding any conflicting provision of the 107334
Revised Code, a medical practitioner, health care institution, 107335
or health care payer has the freedom to decline to perform, 107336
participate in, or pay for any health care service which 107337
violates the practitioner's, institution's, or payer's 107338
conscience as informed by the moral, ethical, or religious 107339
beliefs or principles held by the practitioner, institution, or 107340
payer, including when the procedure is ordered by a court. 107341
Exercise of the right of conscience is limited to conscience- 107342
based objections to a particular health care service. 107343

(C) Whenever a situation arises in which a requested 107344
course of treatment includes a particular health care service 107345
that conflicts with the moral, ethical, or religious beliefs or 107346
convictions of a medical practitioner, the medical practitioner 107347
shall be excused from participating in the particular health 107348
care service to which the practitioner has a conflict. 107349

When a medical practitioner becomes aware of the conflict, 107350
the medical practitioner shall notify the practitioner's 107351
supervisor, if applicable, and request to be excused from 107352
participating in the particular health care service that 107353
conflicts with the practitioner's beliefs or convictions. 107354

When possible and when the medical practitioner is 107355
willing, the medical practitioner shall seek to transfer the 107356
patient to a colleague who will provide the requested health 107357
care service. 107358

If participation in a transfer of care for a particular 107359
health care service violates the medical practitioner's beliefs 107360
or convictions or no willing colleague is identified, the 107361
patient shall be notified and provided the opportunity to seek 107362
an alternate medical practitioner. Upon patient request, the 107363
patient's medical records shall be promptly released to the 107364
patient. 107365

The medical practitioner is responsible for providing all 107366
appropriate health care services, other than the particular 107367
health care service that conflicts with the medical 107368
practitioner's beliefs or convictions, until another medical 107369
practitioner or facility is available. 107370

(D) A medical practitioner, health care institution, or 107371
health care payer shall not be civilly, criminally, or 107372
administratively liable for exercising the practitioner's, 107373
institution's, or payer's right of conscience by declining to 107374
participate in or pay for a particular health care service. 107375

A health care institution shall not be civilly, 107376
criminally, or administratively liable for the exercise of 107377
conscience rights not to participate in a particular health care 107378
service by a medical practitioner who is employed by, under 107379
contract with, or granted admitting privileges by the health 107380
care institution. 107381

A medical practitioner, health care institution, or health 107382
care payer shall not be discriminated against or suffer any 107383
other adverse action as a result of declining to participate in 107384
or pay for a particular health care service on the basis of 107385
conscience. 107386

(E) Unless specifically prohibited by law, a medical 107387

practitioner shall not be discriminated against or suffer any 107388
adverse action for disclosing any information that the medical 107389
practitioner reasonably believes evinces any violation of this 107390
section or any other law, rule, or regulation; any violation of 107391
any standard of care or other ethical guidelines for the 107392
provision of any health care service; or gross mismanagement, a 107393
gross waste of funds, an abuse of authority, or a substantial 107394
and specific danger to public health or safety. 107395

(F) A civil action for damages, injunctive relief, or any 107396
other appropriate relief may be brought by any medical 107397
practitioner, health care institution, or health care payer for 107398
any violation of any provision of this section. 107399

Upon a finding of a violation of the rights of conscience 107400
in this section, a court shall award threefold the actual 107401
damages sustained and reasonable costs and attorney's fees. A 107402
court considering such civil action may also award injunctive 107403
relief, which may include reinstatement of a medical 107404
practitioner to the practitioner's previous position, 107405
reinstatement of board certification, and relicensure of a 107406
health care institution or health care payer. 107407

(G) This section shall not be construed to override the 107408
requirement to provide emergency medical treatment to all 107409
patients as set forth in 42 U.S.C. § 1395dd. 107410

(H) With respect to the right of a health care payer to 107411
decline to pay for a health care service as established in 107412
division (B) of this section, the payer's right to decline 107413
applies only to payments and health care services for which a 107414
contract has been entered into between the payer and 107415
policyholder on or after ~~the effective date of this section~~ 107416
September 30, 2021. 107417

Sec. 4749.01. As used in this chapter: 107418

(A) "Private investigator" means any person who engages in 107419
the business of private investigation. 107420

(B) "Business of private investigation" means, except when 107421
performed by one excluded under division (H) of this section, 107422
the conducting, for hire, in person or through a partner or 107423
employees, of any investigation relevant to any crime or wrong 107424
done or threatened, or to obtain information on the identity, 107425
habits, conduct, movements, whereabouts, affiliations, 107426
transactions, reputation, credibility, or character of any 107427
person, or to locate and recover lost or stolen property, or to 107428
determine the cause of or responsibility for any libel or 107429
slander, or any fire, accident, or damage to property, or to 107430
secure evidence for use in any legislative, administrative, or 107431
judicial investigation or proceeding. 107432

(C) "Security guard provider" means any person who engages 107433
in the business of security services. 107434

(D) "Business of security services" means either of the 107435
following: 107436

(1) Furnishing, for hire, watchpersons, guards, private 107437
patrol officers, or other persons whose primary duties are to 107438
protect persons or property; 107439

(2) Furnishing, for hire, guard dogs, or armored motor 107440
vehicle security services, in connection with the protection of 107441
persons or property. 107442

(E) "Class A license" means a license issued under section 107443
4749.03 of the Revised Code that qualifies the person issued the 107444
license to engage in the business of private investigation and 107445
the business of security services. 107446

(F) "Class B license" means a license issued under section 107447
4749.03 of the Revised Code that qualifies the person issued the 107448
license to engage only in the business of private investigation. 107449

(G) "Class C license" means a license issued under section 107450
4749.03 of the Revised Code that qualifies the person issued the 107451
license to engage only in the business of security services. 107452

(H) "Private investigator," "business of private 107453
investigation," "security guard provider," and "business of 107454
security services" do not include: 107455

(1) Public officers and employees whose official duties 107456
require them to engage in investigatory activities; 107457

(2) Attorneys at law or any expert hired by an attorney at 107458
law for consultation or litigation purposes; 107459

(3) A consumer reporting agency, as defined in the "Fair 107460
Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as 107461
amended, provided that the consumer reporting agency is in 107462
compliance with the requirements of that act and that the 107463
agency's activities are confined to any of the following: 107464

(a) The issuance of consumer credit reports; 107465

(b) The conducting of limited background investigations 107466
that pertain only to a client's prospective tenant and that are 107467
engaged in with the prior written consent of the prospective 107468
tenant; 107469

(c) The business of pre-employment background 107470
investigation. As used in division (H) (3) (c) of this section, 107471
"business of pre-employment background investigation" means, and 107472
is limited to, furnishing for hire, in person or through a 107473
partner or employees, the conducting of limited background 107474

investigations, in-person interviews, telephone interviews, or 107475
written inquiries that pertain only to a client's prospective 107476
employee and the employee's employment and that are engaged in 107477
with the prior written consent of the prospective employee. 107478

(4) Certified public insurance adjusters that hold a 107479
certificate of authority issued pursuant to sections 3951.01 to 107480
3951.09 of the Revised Code, while the adjuster is investigating 107481
the cause of or responsibility for a fire, accident, or other 107482
damage to property with respect to a claim or claims for loss or 107483
damage under a policy of insurance covering real or personal 107484
property; 107485

(5) Personnel placement services and persons who act as 107486
employees of such entities engaged in investigating matters 107487
related to personnel placement activities; 107488

(6) An employee in the regular course of the employee's 107489
employment, engaged in investigating matters pertinent to the 107490
business of the employee's employer or protecting property in 107491
the possession of the employee's employer, provided the employer 107492
is deducting all applicable state and federal employment taxes 107493
on behalf of the employee and neither the employer nor the 107494
employee is employed by, associated with, or acting for or on 107495
behalf of any private investigator or security guard provider; 107496

(7) Any better business bureau or similar organization or 107497
any of its employees while engaged in the maintenance of the 107498
quality of business activities relating to consumer sales and 107499
services; 107500

(8) An accountant who is registered or certified under 107501
Chapter 4701. of the Revised Code or any of the accountant's 107502
employees while engaged in activities for which the accountant 107503

is certified or registered; 107504

(9) Any person who, for hire or otherwise, conducts 107505
genealogical research in this state. 107506

As used in division (H) (9) of this section, "genealogical 107507
research" means the determination of the origins and descent of 107508
families, including the identification of individuals, their 107509
family relationships, and the biographical details of their 107510
lives. "Genealogical research" does not include furnishing for 107511
hire services for locating missing persons or natural or birth 107512
parents or children. 107513

(10) Any person residing in this state who conducts 107514
research for the purpose of locating the last known owner of 107515
unclaimed funds, provided that the person is in compliance with 107516
Chapter 169. of the Revised Code and rules adopted thereunder. 107517
The exemption set forth in division (H) (10) of this section 107518
applies only to the extent that the person is conducting 107519
research for the purpose of locating the last known owner of 107520
unclaimed funds. 107521

As used in division (H) (10) of this section, "owner" and 107522
"unclaimed funds" have the same meanings as in section 169.01 of 107523
the Revised Code. 107524

(11) A professional engineer who is registered under 107525
Chapter 4733. of the Revised Code or any of ~~his~~ the engineer's 107526
employees. 107527

As used in division (H) (11) of this section and 107528
notwithstanding division (I) of this section, "employee" has the 107529
same meaning as in section 4101.01 of the Revised Code. 107530

(12) Any person residing in this state who, for hire or 107531
otherwise, conducts research for the purpose of locating persons 107532

to whom the state of Ohio owes money in the form of warrants, as 107533
defined in section 131.01 of the Revised Code, that the state 107534
voided but subsequently reissues. 107535

(13) An independent insurance adjuster who, as an 107536
individual, an independent contractor, an employee of an 107537
independent contractor, adjustment bureau association, 107538
corporation, insurer, partnership, local recording agent, 107539
managing general agent, or self-insurer, engages in the business 107540
of independent insurance adjustment, or any person who 107541
supervises the handling of claims except while acting as an 107542
employee of an insurer licensed in this state while handling 107543
claims pertaining to specific policies written by that insurer. 107544

As used in division (H) (13) of this section, "independent 107545
insurance adjustment" means conducting investigations to 107546
determine the cause of or circumstances concerning a fire, 107547
accident, bodily injury, or damage to real or personal property; 107548
determining the extent of damage of that fire, accident, injury, 107549
or property damage; securing evidence for use in a legislative, 107550
administrative, or judicial investigation or proceeding, 107551
adjusting losses; and adjusting or settling claims, including 107552
the investigation, adjustment, denial, establishment of damages, 107553
negotiation, settlement, or payment of claims in connection with 107554
insurance contractors, self-insured programs, or other similar 107555
insurance programs. "Independent adjuster" does not include 107556
either of the following: 107557

(a) An attorney who adjusts insurance losses incidental to 107558
the practice of law and who does not advertise or represent that 107559
the attorney is an independent insurance adjuster; 107560

(b) A licensed agent or general agent of an insurer 107561
licensed in this state who processes undisputed or uncontested 107562

losses for insurers under policies issued by that agent or 107563
general agent. 107564

(14) Except for a commissioned peace officer who engages 107565
in the business of private investigation or compensates others 107566
who engage in the business of private investigation or the 107567
business of security services or both, any commissioned peace 107568
officer as defined in division (B) of section 2935.01 of the 107569
Revised Code. 107570

(15) Security personnel and contractors for a security 107571
organization under an approved physical protection program at a 107572
commercial nuclear power plant licensed by the United States 107573
nuclear regulatory commission, or its successor agency, while 107574
performing duties related to protecting the plant and nuclear 107575
material from threats, thefts, and sabotage. 107576

(I) "Employee" means every person who may be required or 107577
directed by any employer, in consideration of direct or indirect 107578
gain or profit, to engage in any employment, or to go, or work, 107579
or be at any time in any place of employment, provided that the 107580
employer of the employee deducts all applicable state and 107581
federal employment taxes on behalf of the employee. 107582

Sec. 4751.20. (A) Except as provided in section 4751.201 107583
of the Revised Code, and subject to section 4751.32 of the 107584
Revised Code, the board of executives of long-term services and 107585
supports shall issue a nursing home administrator license to an 107586
individual under this section if all of the following 107587
requirements are satisfied: 107588

(1) The individual has submitted to the board a completed 107589
application for the license in accordance with rules adopted 107590
under section 4751.04 of the Revised Code and paid an 107591

application fee of two hundred fifty dollars. 107592

(2) If the individual is required by rules adopted under 107593
section 4751.04 of the Revised Code to serve as a nursing home 107594
administrator ~~in-training~~resident, the individual has paid to 107595
the board the ~~administrator in-training~~ application fee of two 107596
hundred fifty dollars. 107597

(3) The individual is at least twenty-one years of age. 107598

(4) The individual has successfully completed educational 107599
requirements and work experience specified in rules adopted 107600
under section 4751.04 of the Revised Code, including, if so 107601
required by the rules, experience obtained as a nursing home 107602
administrator ~~in-training~~resident. 107603

(5) The individual has complied with section 4776.02 of 107604
the Revised Code regarding a criminal records check. 107605

(6) The board, in accordance with section 9.79 of the 107606
Revised Code, has determined that the results of the criminal 107607
records check do not make the individual ineligible for the 107608
license. 107609

(7) Except as provided in division (B) of this section, 107610
the individual has passed the licensing examination administered 107611
under section 4751.15 of the Revised Code. 107612

(8) The individual has paid to the board three hundred 107613
fifty dollars for a temporary license issued under division (B) 107614
of this section. 107615

(9) The individual has paid to the board a license fee of 107616
two eight hundred fifty dollars. 107617

~~(9)~~ (10) The individual has satisfied any additional 107618
requirements as may be prescribed in rules adopted under section 107619

4751.04 of the Revised Code. 107620

(B) Beginning January 1, 2025, the operator of a nursing 107621
home may request that the board issue a nursing home 107622
administrator license to an individual who meets the 107623
requirements specified in division (A) of this section but has 107624
not passed the licensing examination administered under section 107625
4751.15 of the Revised Code, in order to fill a vacancy in the 107626
position of nursing home administrator at the nursing home 107627
resulting from a death, illness, or other unexpected cause. An 107628
individual issued a license under division (B) of this section 107629
shall submit to the board, not later than one hundred eighty 107630
days after a license is issued, satisfactory evidence that the 107631
individual has passed the licensing examination administered 107632
under section 4751.15 of the Revised Code. 107633

(C) A nursing home administrator license shall certify 107634
that the individual to whom it was issued has met the applicable 107635
requirements of this chapter and any applicable rules adopted 107636
under section 4751.04 of the Revised Code and is authorized to 107637
practice nursing home administration while the license is valid. 107638

Sec. 4751.24. (A) Subject to section 4751.32 of the 107639
Revised Code, a nursing home administrator license is valid for 107640
two years and may be renewed and reinstated in accordance with 107641
this section. 107642

(B) If a licensed nursing home administrator intends to 107643
continue to practice nursing home administration without 107644
interruption after the administrator's license expires, the 107645
administrator shall apply to the board of executives of long- 107646
term services and supports for a renewed nursing home 107647
administrator license. Subject to section 4751.32 of the Revised 107648
Code, the board shall renew the license if the administrator 107649

does all of the following before the license expires: 107650

(1) Submits to the board a completed application for 107651
license renewal in accordance with rules adopted under section 107652
4751.04 of the Revised Code; 107653

(2) Pays to the board the license renewal fee of ~~six~~eight 107654
hundred dollars; 107655

(3) Submits to the board satisfactory evidence of having 107656
attended such continuing education programs or courses of study 107657
as may be prescribed in rules adopted under section 4751.04 of 107658
the Revised Code; 107659

(4) Satisfies any other requirements as may be prescribed 107660
in rules adopted under section 4751.04 of the Revised Code. 107661

(C) If a nursing home administrator license issued under 107662
section 4751.20 or 4751.201 of the Revised Code is not renewed 107663
before it expires, the individual who held the license may apply 107664
to the board for the license's reinstatement. Subject to section 107665
4751.32 of the Revised Code, the board shall reinstate the 107666
license if the individual does all of the following not later 107667
than one year after the date the license expired: 107668

(1) Submits to the board the completed application for 107669
license reinstatement in accordance with rules adopted under 107670
section 4751.04 of the Revised Code; 107671

(2) Pays to the board the license reinstatement fee equal 107672
to the sum of the following: 107673

(a) ~~Three~~Eight hundred dollars; 107674

(b) Fifty dollars for each calendar quarter that occurs 107675
during the period beginning on the date the license expires and 107676
ending on the last day of the calendar quarter during which the 107677

individual applies for license reinstatement, up to a maximum of 107678
two hundred dollars. 107679

(3) Submits to the board satisfactory evidence of having 107680
attended such continuing education programs or courses of study 107681
as may be prescribed in rules adopted by the board under section 107682
4751.04 of the Revised Code; 107683

(4) Satisfies any other requirements as may be prescribed 107684
in rules adopted under section 4751.04 of the Revised Code. 107685

(D) A licensed nursing home administrator who determines 107686
to temporarily abandon the practice of nursing home 107687
administration shall notify the board in writing immediately. 107688
The former administrator may thereafter resume the practice of 107689
nursing home administration within the state upon complying with 107690
the requirements of this section regarding biennial license 107691
renewal or license reinstatement, whichever is applicable. 107692

Sec. 4751.25. (A) Subject to section 4751.32 of the 107693
Revised Code, a health services executive license is valid for 107694
one year and may be renewed and reinstated in accordance with 107695
this section. 107696

(B) A licensed health services executive may apply to the 107697
board of executives of long-term services and supports for a 107698
renewed license. Subject to section 4751.32 of the Revised Code, 107699
the board shall renew the license if the licensed health 107700
services executive does all of the following before the license 107701
expires: 107702

(1) Submits to the board the completed application for 107703
license renewal in accordance with rules adopted under section 107704
4751.04 of the Revised Code; 107705

(2) Pays to the board the license renewal fee of ~~fifty~~one 107706

hundred dollars; 107707

(3) Submits to the board satisfactory evidence of having 107708
attended such continuing education programs or courses of study 107709
as may be prescribed in rules adopted under section 4751.04 of 107710
the Revised Code. 107711

(C) (1) If a health services executive license is not 107712
renewed before it expires, the individual who held the license 107713
may apply to the board for the license's reinstatement. Subject 107714
to section 4751.32 of the Revised Code, the board shall 107715
reinstate the license if the individual does all of the 107716
following not later than one year after the date the license 107717
expired: 107718

(a) Submits to the board the completed application for 107719
license reinstatement in accordance with rules adopted under 107720
section 4751.04 of the Revised Code; 107721

(b) Pays to the board the license reinstatement fee 107722
specified in division (C) (2) of this section; 107723

(c) Submits to the board satisfactory evidence of having 107724
attended such continuing education programs or courses of study 107725
as may be prescribed in rules adopted under section 4751.04 of 107726
the Revised Code. 107727

(2) The fee to reinstate a health services executive 107728
license under division (C) (1) of this section is the following: 107729

(a) If the individual applying for reinstatement has, at 107730
the same time, applied for reinstatement of a nursing home 107731
administrator license under division (C) of section 4751.24 of 107732
the Revised Code and paid the reinstatement fee required by 107733
division (C) (2) of that section, one hundred dollars; 107734

(b) If division (C) (2) (a) of this section does not apply 107735
to the individual, the sum of the following: 107736

(i) One hundred dollars; 107737

(ii) Twenty-five dollars for each calendar quarter that 107738
occurs during the period beginning on the date the license 107739
expired and ending on the last day of the calendar quarter 107740
during which the individual applies for license reinstatement, 107741
up to a maximum of one hundred dollars. 107742

Sec. 4758.01. As used in this chapter: 107743

(A) "Accredited educational institution" means an 107744
educational institution accredited by an accrediting agency 107745
accepted by the ~~Ohio board~~ department of regents higher 107746
education. 107747

(B) (1) "Alcohol and other drug clinical counseling 107748
principles, methods, or procedures" means an approach to- 107749
~~chemical dependency~~ substance use disorder counseling that 107750
emphasizes the chemical dependency counselor's role in 107751
systematically assisting clients through all of the following: 107752

(a) Analyzing background and current information; 107753

(b) Exploring possible solutions; 107754

(c) Developing and providing a treatment plan; 107755

(d) In the case of an independent chemical dependency 107756
counselor-clinical supervisor, independent chemical dependency 107757
counselor, or chemical dependency counselor III only, diagnosing 107758
chemical dependency conditions. 107759

(2) "Alcohol and other drug clinical counseling 107760
principles, methods, or procedures" includes counseling, 107761

assessing, consulting, and referral as they relate to ~~chemical-~~ 107762
~~dependency~~ substance use disorder conditions. 107763

(C) ~~"Chemical dependency conditions" means those~~ 107764
~~conditions relating to the abuse of or dependency on alcohol or~~ 107765
~~other drugs that are classified in accepted nosologies,~~ 107766
~~including the diagnostic and statistical manual of mental~~ 107767
~~disorders and the international classification of diseases, and~~ 107768
~~in editions of those nosologies published after December 23,~~ 107769
~~2002.~~ 107770

~~(D) "Chemical dependency counseling" means rendering or~~ 107771
~~offering to render to individuals, groups, or the public a~~ 107772
~~counseling service involving the application of alcohol and~~ 107773
~~other drug clinical counseling principles, methods, or~~ 107774
~~procedures to assist individuals who are abusing or dependent on~~ 107775
~~alcohol or other drugs.~~ 107776

~~(E)~~ "Gambling disorder" means a persistent and recurring 107777
maladaptive gambling behavior that is classified in accepted 107778
nosologies, including the diagnostic and statistical manual of 107779
mental disorders and the international classification of 107780
diseases, and in editions of those nosologies published after 107781
September 15, 2014. 107782

~~(F)~~ (D) "Prevention services" means a comprehensive, multi- 107783
system set of individual and environmental approaches that 107784
maximizes physical health, promotes safety, and precludes the 107785
onset of behavioral health disorders. 107786

~~(G)~~ (E) Unless the context provides otherwise, "scope of 107787
practice" means the services, methods, and techniques in which 107788
and the areas for which a person who holds a license, 107789
certificate, or endorsement under this chapter is trained and 107790

qualified. 107791

~~(H)~~ (F) "Substance abuse professional" has the same meaning 107792
as in 49 C.F.R. 40.3. 107793

(G) "Substance use disorder conditions" means those 107794
conditions relating to the abuse of or dependency on alcohol or 107795
other drugs that are classified in accepted nosologies, 107796
including the diagnostic and statistical manual of mental 107797
disorders and the international classification of diseases, and 107798
in editions of those nosologies published after December 23, 107799
2002. 107800

(H) "Substance use disorder counseling" means rendering or 107801
offering to render to individuals, groups, or the public a 107802
counseling service involving the application of alcohol and 107803
other drug clinical counseling principles, methods, or 107804
procedures to assist individuals who are abusing or dependent on 107805
alcohol or other drugs. 107806

(I) "~~U.S.~~United States department of transportation drug 107807
and alcohol testing program" means a transportation workplace 107808
drug and alcohol testing program governed by 49 C.F.R. part 40. 107809

Sec. 4758.02. ~~(A)~~ Except as provided in section 4758.03 of 107810
the Revised Code, no person shall do any of the following: 107811

~~(1)~~ (A) Engage in or represent to the public that the 107812
person engages in ~~chemical dependency~~ substance use disorder 107813
counseling for a fee, salary, or other consideration unless the 107814
person holds a valid independent chemical dependency counselor- 107815
clinical supervisor license, independent chemical dependency 107816
counselor license, chemical dependency counselor III license, 107817
chemical dependency counselor II license, or chemical dependency 107818
counselor assistant certificate issued under this chapter; 107819

~~(2)~~ (B) Use the title "licensed independent chemical
dependency counselor-clinical supervisor," "LICDC-CS," "licensed
independent chemical dependency counselor," "LICDC," "licensed
chemical dependency counselor III," "LCDC III," "licensed
chemical dependency counselor II," "LCDC II," "chemical
dependency counselor assistant," "CDCA," or any other title or
description incorporating the ~~word-words~~ "chemical dependency
counselor" or any other initials used to identify persons acting
in those capacities unless currently authorized under this
chapter to act in the capacity indicated by the title or
initials;

~~(3)~~ (C) Represent to the public that the person holds a
gambling disorder endorsement unless the person holds a valid
gambling disorder endorsement issued under this chapter;

~~(4)~~ (D) Represent to the public that the person is a
registered applicant unless the person holds a valid registered
applicant certificate issued under this chapter;

~~(5)~~ (E) Use the title "certified prevention consultant,"
"CPC," "certified prevention specialist," "CPS," "certified
prevention specialist assistant," "CPSA," "registered
applicant," "RA," or any other title, description, or initials
used to identify persons acting in those capacities unless
currently authorized under this chapter to act in the capacity
indicated by the title or initials.

~~(B) No person shall engage in or represent to the public
that the person engages in chemical dependency counseling as a
chemical dependency counselor I.~~

Sec. 4758.03. ~~Division (A) of section~~ Section 4758.02 of
the Revised Code does not apply to any of the following:

(A) An individual who holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code while performing services within the recognized scope, standards, and ethics of the individual's profession;

(B) An individual who is a rabbi, priest, Christian Science practitioner, clergy, or member of a religious order and other individuals participating with them in pastoral counseling when the ~~chemical dependency~~ substance use disorder counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in paragraph (h) of 26 Code of Federal Regulations 1.6033-2 (2000) as amended, and the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(C) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and the student is not represented as an individual who holds a license or certificate issued under this chapter.

Sec. 4758.10. (A) There is hereby created the chemical dependency professionals board.

(B) The governor shall appoint all of the following voting members of the board with the advice and consent of the senate:

(1) Four individuals who hold a valid independent chemical dependency counselor-clinical supervisor license or independent

chemical dependency counselor license issued under this chapter, 107878
including at least two of whom have received at least a master's 107879
degree in a field related to ~~chemical dependency~~ substance use 107880
disorder counseling from an accredited educational institution; 107881

(2) Two individuals who hold a valid chemical dependency 107882
counselor III license issued under this chapter; 107883

(3) One individual who holds a valid chemical dependency 107884
counselor II license issued under this chapter; 107885

(4) Two individuals who hold a valid prevention consultant 107886
certificate or prevention specialist certificate issued under 107887
this chapter; 107888

(5) One individual who is authorized under Chapter 4731. 107889
of the Revised Code to practice medicine and surgery or 107890
osteopathic medicine and surgery and has experience practicing 107891
in a field related to chemical dependency counseling; 107892

(6) Two individuals who represent the public and have not 107893
practiced ~~chemical dependency~~ substance use disorder counseling 107894
or prevention services and have not been involved in the 107895
delivery of ~~chemical dependency~~ substance use disorder 107896
counseling services or prevention services. At least one of 107897
these individuals shall be at least fifty years of age. During 107898
their terms, the public members shall not practice ~~chemical-~~ 107899
~~dependency~~ substance use disorder counseling or prevention 107900
services or be involved in the delivery of ~~chemical dependency-~~ 107901
substance use disorder counseling services or prevention 107902
services. 107903

(C) ~~Not later than ninety days after December 23, 2002,~~ 107904
~~the~~ The director of mental health and addiction services shall 107905
appoint an individual who represents the department of mental 107906

health and addiction services to serve as an ex officio member 107907
of the chemical dependency professionals board. 107908

(D) Not more than one-half of the voting members of the 107909
board may be ~~of the same gender or~~ members of the same political 107910
party. ~~At least two voting members of the board shall be of-~~ 107911
~~African, Native American, Hispanic, or Asian descent.~~ 107912

Sec. 4758.13. The chemical dependency professionals board 107913
shall meet to discuss matters relating to the administration and 107914
operation of the board and the regulation of the practices of 107915
~~chemical dependency substance use disorder~~ counseling and 107916
prevention services. The board shall hold at least one regular 107917
meeting every three months. Additional meetings may be held at 107918
such times as the board determines, on the call of the 107919
chairperson, or on the written request to the executive director 107920
of three or more voting board members. If three or more voting 107921
members request a meeting, the executive director shall call a 107922
meeting, which shall be held not later than seven days after the 107923
request is received. 107924

Seven voting members of the board constitute a quorum to 107925
conduct business. Except as provided in section 4758.32 of the 107926
Revised Code, no action shall be taken without the concurrence 107927
of at least a quorum. 107928

At its first meeting each year, the board shall elect a 107929
chairperson from among its voting members. No member shall serve 107930
more than two consecutive terms as chairperson. 107931

The board shall keep any records and minutes necessary to 107932
fulfill the duties established by this chapter and rules adopted 107933
under it. 107934

Sec. 4758.20. (A) The chemical dependency professionals 107935

board shall adopt rules to establish, specify, or provide for 107936
all of the following: 107937

(1) Fees for the purposes authorized by section 4758.21 of 107938
the Revised Code; 107939

(2) If the board, pursuant to section 4758.221 of the 107940
Revised Code, elects to administer examinations for individuals 107941
seeking to act as substance abuse professionals in a U.S.-United 107942
States department of transportation drug and alcohol testing 107943
program, the board's administration of the examinations; 107944

(3) For the purpose of section 4758.23 of the Revised 107945
Code, codes of ethical practice and professional conduct for 107946
individuals who hold a license, certificate, or endorsement 107947
issued under this chapter; 107948

(4) For the purpose of section 4758.24 of the Revised 107949
Code, all of the following: 107950

(a) The documents that an individual seeking such a 107951
license, certificate, or endorsement must submit to the board; 107952

(b) Requirements to obtain the license, certificate, or 107953
endorsement that are in addition to the requirements established 107954
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 107955
4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised 107956
Code. The additional requirements may include 107957
~~preceptorships~~ internships and practicums. 107958

(c) The period of time that an individual whose registered 107959
applicant certificate has expired must wait before applying for 107960
a new registered applicant certificate. 107961

(5) For the purpose of section 4758.28 of the Revised 107962
Code, requirements for approval of continuing education courses 107963

of study for individuals who hold a license, certificate, or
endorsement issued under this chapter;

(6) For the purpose of section 4758.30 of the Revised
Code, both of the following:

(a) The intervention for and treatment of an individual
holding a license, certificate, or endorsement issued under this
chapter whose abilities to practice are impaired due to abuse of
or dependency on alcohol or other drugs or other physical or
mental condition;

~~+(7) (b)~~ Requirements governing reinstatement of a suspended
or revoked license, certificate, or endorsement ~~under division~~
~~(C) of section 4758.30 of the Revised Code~~, including
requirements for determining the amount of time an individual
must wait to apply for reinstatement;

~~+(8) .~~

(7) For the purpose of section 4758.31 of the Revised
Code, methods of ensuring that all records the board holds
pertaining to an investigation remain confidential during the
investigation;

~~+(9) (8)~~ Criteria for employees of the board to follow when
performing their duties under division (B) of section 4758.35 of
the Revised Code;

~~+(10) (9)~~ For the purpose of division ~~(A) (1) (A)~~ of section
4758.39 ~~and~~, division (A) (1) (A) of section 4758.40, and division
(A) of section 4758.41 of the Revised Code, course requirements
for a degree in a behavioral science or nursing that may include
specific content areas and minimum hours for course
requirements;

~~(11)~~ (10) For the purpose of division ~~(A) (2) (B)~~ of section 107992
4758.39 of the Revised Code, the number of hours of compensated 107993
work or supervised internship experience that an individual must 107994
have and the number of those hours that must be in clinical 107995
supervisory experience; 107996

~~(12)~~ (11) For the purpose of division ~~(A) (3) (C)~~ of section 107997
4758.39, division ~~(A) (3) (C)~~ of section 4758.40, division ~~(A) (3) (C)~~ 107998
(C) of section 4758.41, and ~~divisions~~ division (A) (3) ~~and (D) (3)~~ 107999
of section 4758.42 of the Revised Code, both of the following: 108000

(a) The number of hours of training in ~~chemical dependency~~ 108001
substance use disorders an individual must have; 108002

(b) Training requirements for ~~chemical dependency~~ 108003
substance use disorders that shall, at a minimum, include 108004
qualifications for the individuals who provide the training and 108005
the content areas covered in the training. 108006

~~(13)~~ (12) For the purpose of division ~~(A) (2) (B)~~ of section 108007
4758.40, division ~~(A) (2) (B)~~ of section 4758.41, and division (A) 108008
(2) of section 4758.42 of the Revised Code, the number of hours 108009
of compensated work or supervised internship experience that an 108010
individual must have; 108011

~~(14) For the purpose of division (B) (2) (b) of section~~ 108012
~~4758.40 and division (B) (2) of section 4758.41 of the Revised~~ 108013
~~Code, requirements for the forty clock hours of training on the~~ 108014
~~version of the diagnostic and statistical manual of mental~~ 108015
~~disorders that is current at the time of the training, including~~ 108016
~~the number of the clock hours that must be on substance-related~~ 108017
~~disorders, the number of the clock hours that must be on~~ 108018
~~chemical dependency conditions, and the number of the clock~~ 108019
~~hours that must be on awareness of other mental and emotional~~ 108020

~~disorders;~~ 108021

~~(15)~~ (13) For the purpose of division ~~(A) (1)~~ (A) of section 108022
4758.41 of the Revised Code, course requirements for a degree in 108023
a behavioral science or nursing; 108024

~~(16)~~ (14) For the purpose of ~~division (C) (2)~~ of section 108025
4758.42 of the Revised Code, education both of the following: 108026

(a) Education requirements for chemical- 108027
dependency substance use disorders; 108028

~~(17)~~ For the purpose of ~~division (C) (3)~~ of section 4758.42 108029
~~of the Revised Code, requirements~~ (b) Requirements for programs 108030
that provide practicum experience in ~~chemical dependency;~~ 108031

~~(18)~~ substance use disorders. 108032

(15) For the purpose of ~~division (A)~~ of section 4758.43 of 108033
the Revised Code, both of the following: 108034

(a) The number of hours of training in ~~chemical dependency~~ 108035
substance use disorder counseling that an individual must have; 108036

(b) Training requirements for ~~chemical dependency~~ 108037
substance use disorder counseling that shall, at a minimum, 108038
include qualifications for the individuals who provide the 108039
training and the content areas covered in the training. 108040

~~(19)~~ (16) For the purpose of ~~division (A) (1)~~ of section 108041
4758.44 of the Revised Code, ~~the~~ both of the following: 108042

(a) The number of hours of compensated work experience in 108043
prevention services that an individual must have and the number 108044
of those hours that must be in administering or supervising the 108045
services; 108046

~~(20)~~ For the purpose of ~~division (A) (2)~~ of section 4758.44 108047

~~of the Revised Code, the~~ (b) The field of study in which an 108048
individual must obtain at least a bachelor's degree; 108049

~~(21).~~ 108050

(17) For the purpose of division ~~(A) (3)~~ (C) of section 108051
4758.44, division ~~(A) (3)~~ (C) of section 4758.45, and division (D) 108052
of section 4758.46 of the Revised Code, both of the following: 108053

(a) The number of hours of prevention-related education 108054
that an individual must have; 108055

(b) Requirements for prevention-related education. 108056

~~(22)~~ (18) For the purpose of division ~~(A) (4)~~ (D) of section 108057
4758.44 of the Revised Code, the number of hours of 108058
administrative or supervisory education that an individual must 108059
have; 108060

~~(23)~~ (19) For the purpose of ~~division (A) (1) of~~ section 108061
4758.45 of the Revised Code, ~~the~~ both of the following: 108062

(a) The number of hours of compensated or volunteer work, 108063
field placement, intern, or practicum experience in prevention 108064
services that an individual must have and the number of those 108065
hours that must be in planning or delivering the services; 108066

~~(24) For the purpose of division (A) (2) of section 4758.45~~ 108067
~~of the Revised Code, the~~ (b) The field of study in which an 108068
individual must obtain at least an associate's degree; 108069

~~(25).~~ 108070

(20) For the purpose of division (C) of section 4758.46 of 108071
the Revised Code, the number of hours of compensated or 108072
volunteer work, field placement, intern, or practicum experience 108073
in prevention services that an individual must have; 108074

~~(26)~~ (21) Standards for the one hundred hours of 108075
compensated work or supervised internship in gambling disorder 108076
direct clinical experience required by division (B) (2) of 108077
section 4758.48 of the Revised Code; 108078

~~(27)~~ (22) For the purpose of section 4758.51 of the Revised 108079
Code, ~~continuing both of the following:~~ 108080

(a) Continuing education requirements for individuals who 108081
hold a license, certificate, or endorsement issued under this 108082
chapter; 108083

~~(28)~~ ~~For the purpose of section 4758.51 of the Revised~~ 108084
~~Code, the~~ (b) The number of hours of continuing education that 108085
an individual must complete to have an expired license, 108086
certificate, or endorsement restored under section 4758.26 of 108087
the Revised Code; 108088

~~(29)~~ . 108089

(23) For the purpose of divisions (A) and (B) of section 108090
4758.52 of the Revised Code, training requirements for ~~chemical~~ 108091
~~dependency~~ substance use disorder counseling; 108092

~~(30)~~ (24) The duties, which may differ, of all of the 108093
following: 108094

(a) An independent chemical dependency counselor-clinical 108095
supervisor licensed under this chapter who supervises a chemical 108096
dependency counselor III under section 4758.56 of the Revised 108097
Code; 108098

(b) An independent chemical dependency counselor-clinical 108099
supervisor, independent chemical dependency counselor, or 108100
chemical dependency counselor III licensed under this chapter 108101
who supervises a chemical dependency counselor assistant under 108102

section 4758.59 of the Revised Code; 108103

(c) A prevention consultant or prevention specialist 108104
certified under this chapter who supervises a prevention 108105
specialist assistant or registered applicant under section 108106
4758.61 of the Revised Code. 108107

~~(31)~~ (25) The duties of an independent chemical dependency 108108
counselor licensed under this chapter who holds the gambling 108109
disorder endorsement who supervises a chemical dependency 108110
counselor III with the gambling disorder endorsement under 108111
section 4758.62 of the Revised Code. 108112

~~(32)~~ (26) Anything else the board considers necessary to 108113
administer this chapter. 108114

(B) All rules adopted under this section shall be adopted 108115
in accordance with Chapter 119. of the Revised Code and any 108116
applicable federal laws and regulations. 108117

(C) When it adopts rules under this section, the board may 108118
consider standards established by any national association or 108119
other organization representing the interests of those involved 108120
in ~~chemical dependency~~ substance use disorder counseling or 108121
prevention services. 108122

Sec. 4758.22. The chemical dependency professionals board 108123
shall prepare, cause to be prepared, or procure the use of, and 108124
grade, cause to be graded, or procure the grading of, 108125
examinations to determine the competence of individuals seeking 108126
an independent chemical dependency counselor-clinical supervisor 108127
license, independent chemical dependency counselor license, 108128
chemical dependency counselor III license, chemical dependency 108129
counselor II license, prevention consultant certificate, or 108130
prevention specialist certificate. The board may develop the 108131

examinations or use examinations prepared by state or national 108132
organizations that represent the interests of those involved in 108133
~~chemical dependency~~ substance use disorder counseling or 108134
prevention services. The board shall conduct examinations at 108135
least twice each year and shall determine the level of 108136
competence necessary for a passing score. 108137

An individual may not sit for an examination administered 108138
pursuant to this section unless the individual meets the 108139
requirements to obtain the license or certificate the individual 108140
seeks, other than the requirement to have passed the 108141
examination, and pays the fee established under section 4758.21 108142
of the Revised Code. An individual who is denied admission to 108143
the examination may appeal the denial in accordance with Chapter 108144
119. of the Revised Code. 108145

Sec. 4758.221. In accordance with rules adopted under 108146
section 4758.20 of the Revised Code, the chemical dependency 108147
professionals board may administer examinations for individuals 108148
seeking to act as substance abuse professionals in a ~~U.S.~~United 108149
States department of transportation drug and alcohol testing 108150
program. If it elects to administer the examinations, the board 108151
shall use examinations that comprehensively cover all the 108152
elements of substance abuse professional qualification training 108153
listed in 49 C.F.R. 40.281(c)(1) and are prepared by a 108154
nationally recognized professional or training organization that 108155
represents the interests of those involved in ~~chemical~~ 108156
~~dependency~~ substance use disorder counseling services. 108157

Sec. 4758.23. (A) In rules adopted under section 4758.20 108158
of the Revised Code, the chemical dependency professionals board 108159
shall establish codes of ethical practice and professional 108160
conduct for the following: 108161

(1) Individuals who hold a valid independent chemical 108162
dependency counselor-clinical supervisor license, independent 108163
chemical dependency counselor license, chemical dependency 108164
counselor III license, chemical dependency counselor II license, 108165
or chemical dependency counselor assistant certificate issued 108166
under this chapter; 108167

(2) Individuals who hold a valid prevention consultant 108168
certificate, prevention specialist certificate, prevention 108169
specialist assistant certificate, or registered applicant 108170
certificate issued under this chapter; 108171

(3) Individuals who hold a valid gambling disorder 108172
endorsement. 108173

(B) The codes for individuals identified under division 108174
~~(A) (1) (A)~~ of this section shall define unprofessional conduct, 108175
which shall include engaging in ~~a dual relationship~~ multiple 108176
relationships with a client, former client, consumer, or former 108177
consumer; committing an act of sexual abuse, misconduct, or 108178
exploitation of a client, former client, consumer, or former 108179
consumer; and, except as permitted by law, violating client or 108180
consumer confidentiality. 108181

~~(C) The codes for individuals identified under division~~ 108182
~~(A) (1) divisions (A) (1) and (2)~~ of this section may be based on 108183
any codes of ethical practice and professional conduct developed 108184
by national associations or other organizations representing the 108185
interests of those involved in ~~chemical dependency substance use~~ 108186
disorder counseling or prevention services. ~~The codes for~~ 108187
~~individuals identified under division (A) (2) of this section may~~ 108188
~~be based on any codes of ethical practice and professional~~ 108189
~~conduct developed by national associations or other~~ 108190
~~organizations representing the interests of those involved in~~ 108191

~~prevention services.~~ The board may establish standards in the 108192
codes that are more stringent than those established by the 108193
national associations or other organizations. 108194

Sec. 4758.24. (A) The chemical dependency professionals 108195
board shall issue a license, certificate, or endorsement under 108196
this chapter to an individual who meets all of the following 108197
requirements: 108198

(1) ~~Except as provided in section 4758.241 of the Revised~~ 108199
~~Code, submits~~ Submits a properly completed application and all 108200
other documentation specified in rules adopted under section 108201
4758.20 of the Revised Code; 108202

(2) ~~Except as provided in section 4758.241 of the Revised~~ 108203
~~Code, pays~~ Pays the fee established under section 4758.21 of the 108204
Revised Code for the license, certificate, or endorsement that 108205
the individual seeks; 108206

(3) Meets the requirements to obtain the license, 108207
certificate, or endorsement that the individual seeks as 108208
specified in section 4758.39, 4758.40, 4758.41, 4758.42, 108209
4758.43, 4758.44, 4758.45, 4758.46, 4758.47, or 4758.48 of the 108210
Revised Code; 108211

(4) Meets any additional requirements specified in rules 108212
adopted under section 4758.20 of the Revised Code to obtain the 108213
license, certificate, or endorsement that the individual seeks. 108214

(B) The board shall not ~~do either of the following:~~ 108215

~~(1) Issue a certificate to practice as a chemical~~ 108216
~~dependency counselor I;~~ 108217

~~(2) Issue~~ issue a new registered applicant certificate to 108218
an individual whose previous registered applicant certificate 108219

has been expired for less than the period of time specified in 108220
rules adopted under section 4758.20 of the Revised Code. 108221

Sec. 4758.27. The chemical dependency professionals board 108222
shall not renew or restore under section 4758.26 of the Revised 108223
Code ~~either of the following:~~ 108224

~~(A) A certificate to practice as a chemical dependency~~ 108225
~~counselor I;~~ 108226

~~(B) A a registered applicant certificate.~~ 108227

Sec. 4758.30. (A) The chemical dependency professionals 108228
board, in accordance with Chapter 119. of the Revised Code, may, 108229
except as provided in division (B) of this section, refuse to 108230
issue a license, certificate, or endorsement applied for under 108231
this chapter; refuse to renew or restore a license, certificate, 108232
or endorsement issued under this chapter; suspend, revoke, or 108233
otherwise restrict a license, certificate, or endorsement issued 108234
under this chapter; or reprimand an individual holding a 108235
license, certificate, or endorsement issued under this chapter. 108236
These actions may be taken by the board regarding the applicant 108237
for a license, certificate, or endorsement or the individual 108238
holding a license, certificate, or endorsement for one or more 108239
of the following reasons: 108240

(1) Violation of any provision of this chapter or rules 108241
adopted under it; 108242

(2) Knowingly making a false statement on an application 108243
for a license, certificate, or endorsement or for renewal, 108244
restoration, or reinstatement of a license, certificate, or 108245
endorsement; 108246

(3) Acceptance of a commission or rebate for referring an 108247
individual to a person who holds a license or certificate issued 108248

by, or who is registered with, an entity of state government, 108249
including persons practicing ~~chemical dependency substance use~~ 108250
disorder counseling, prevention services, gambling disorder 108251
counseling, or fields related to ~~chemical dependency counseling,~~ 108252
~~prevention services, or gambling disorder counseling~~any of the 108253
foregoing; 108254

(4) Conviction in this state or any other ~~state~~ 108255
jurisdiction of any crime that is a felony in this state; 108256

(5) Conviction in this state or any other ~~state~~ 108257
jurisdiction of a misdemeanor committed in the course of 108258
practice as an independent chemical dependency counselor- 108259
clinical supervisor, independent chemical dependency counselor, 108260
chemical dependency counselor III, chemical dependency counselor 108261
II, chemical dependency counselor assistant, prevention 108262
consultant, gambling disorder endorsee, prevention specialist, 108263
prevention specialist assistant, or registered applicant; 108264

(6) Inability to practice as an independent chemical 108265
dependency counselor-clinical supervisor, independent chemical 108266
dependency counselor, chemical dependency counselor III, 108267
chemical dependency counselor II, chemical dependency counselor 108268
assistant, gambling disorder endorsee, prevention consultant, 108269
prevention specialist, prevention specialist assistant, or 108270
registered applicant due to abuse of or dependency on alcohol or 108271
other drugs or ~~other physical or by reason of~~ mental 108272
~~condition~~illness or physical illness, including physical 108273
deterioration that adversely affects cognitive, motor, or 108274
perceptive skills; 108275

(7) Practicing outside the individual's scope of practice; 108276

(8) Practicing without complying with the supervision 108277

requirements specified under section 4758.56, 4758.59, 4758.61,
or 4758.62 of the Revised Code;

(9) Violation of the code of ethical practice and
professional conduct for ~~chemical dependency substance use~~
disorder counseling, prevention services, or gambling disorder
counseling adopted by the board pursuant to section 4758.23 of
the Revised Code;

(10) Revocation of a license, certificate, or endorsement
or voluntary surrender of a license, certificate, or endorsement
in another state or jurisdiction for an offense that would be a
violation of this chapter.

(B) The board shall not refuse to issue a license,
certificate, or endorsement to an applicant because of a
criminal conviction unless the refusal is in accordance with
section 9.79 of the Revised Code.

(C) An individual whose license, certificate, or
endorsement has been suspended or revoked under this section may
apply to the board for reinstatement after an amount of time the
board shall determine in accordance with rules adopted under
section 4758.20 of the Revised Code. The board may accept or
refuse an application for reinstatement. The board may require
an examination for reinstatement of a license, certificate, or
endorsement that has been suspended or revoked.

Sec. 4758.31. The chemical dependency professionals board
shall investigate alleged violations of this chapter or the
rules adopted under it and alleged irregularities in the
delivery of ~~chemical dependency substance use disorder~~
counseling services, prevention services, or gambling disorder
counseling services by individuals who hold a license,

certificate, or endorsement issued under this chapter. As part 108307
of an investigation, the board may issue subpoenas, examine 108308
witnesses, and administer oaths. 108309

The board may receive any information necessary to conduct 108310
an investigation under this section that has been obtained in 108311
accordance with federal laws and regulations. If the board is 108312
investigating the provision of ~~chemical dependency~~ substance use 108313
disorder counseling services or gambling disorder counseling 108314
services to a couple or group, it is not necessary for both 108315
members of the couple or all members of the group to consent to 108316
the release of information relevant to the investigation. 108317

The board shall ensure, in accordance with rules adopted 108318
under section 4758.20 of the Revised Code, that all records it 108319
holds pertaining to an investigation remain confidential during 108320
the investigation. After the investigation, the records are 108321
public records except as otherwise provided by federal or state 108322
law. 108323

Sec. 4758.35. (A) An individual seeking a license, 108324
certificate, or endorsement issued under this chapter shall ~~file~~ 108325
~~with~~ submit an application to the chemical dependency 108326
~~professionals board a written application on a form prescribed~~ 108327
~~by in a manner that the board shall prescribe.~~ Each ~~form~~ 108328
application shall state that a false statement made on the ~~form~~ 108329
application is the crime of falsification under section 2921.13 108330
of the Revised Code. 108331

(B) The board shall require an individual or individuals 108332
employed by the board under section 4758.15 of the Revised Code 108333
to do both of the following in accordance with criteria 108334
established by rules adopted under section 4758.20 of the 108335
Revised Code: 108336

(1) Receive and review all applications submitted to the 108337
board; 108338

(2) Submit to the board all applications the individual or 108339
individuals recommend the board review based on the criteria 108340
established in the rules. 108341

(C) The board shall review all applications submitted to 108342
the board pursuant to division (B) (2) of this section. 108343

Sec. 4758.36. As part of the review process under division 108344
(C) of section 4758.35 of the Revised Code of an application 108345
submitted by an applicant whose education or experience in 108346
~~chemical dependency~~ substance use disorder counseling, 108347
prevention services, or gambling disorder counseling was 108348
obtained outside the United States, or whose education and 108349
experience both were obtained outside the United States, the 108350
chemical dependency professionals board shall determine whether 108351
the applicant's command of the English language and education or 108352
experience meet the standards required by this chapter and rules 108353
adopted under it. 108354

Sec. 4758.39. An individual seeking an independent 108355
chemical dependency counselor-clinical supervisor license shall 108356
meet ~~the requirements of division (A) or (B) of this section.~~ 108357

~~(A) To meet the requirements of this division, an~~ 108358
~~individual must meet~~ all of the following requirements: 108359

~~(1)~~ (A) Hold from an accredited educational institution at 108360
least a master's degree in either a behavioral science or 108361
nursing that meets the course requirements specified in rules 108362
adopted under section 4758.20 of the Revised Code; 108363

~~(2)~~ (B) Have not less than the number of hours specified in 108364
rules adopted under section 4758.20 of the Revised Code of 108365

compensated work or supervised internship experience, including 108366
at least the number of hours specified in those rules of 108367
clinical supervisory experience, in any of the following, not 108368
less than twenty per cent of which are in ~~chemical dependency~~ 108369
substance use disorder counseling: 108370

~~(a) Chemical dependency services, substance abuse~~ 108371
~~services, or both types of~~ (1) Substance use disorder services; 108372

~~(b)~~ (2) The practice of psychology, as defined in section 108373
4732.01 of the Revised Code; 108374

~~(c)~~ (3) The practice of professional counseling, the 108375
practice of social work, or the practice of marriage and family 108376
therapy, all as defined in section 4757.01 of the Revised Code. 108377

~~(3)~~ (C) Have a minimum of the number of hours specified in 108378
rules adopted under section 4758.20 of the Revised Code of 108379
training in ~~chemical dependency~~ substance use disorders that 108380
meets the requirements specified in those rules; 108381

~~(4)~~ (D) Unless the individual holds a valid license, 108382
registration, certificate, or credentials issued under another 108383
chapter of the Revised Code that authorizes the individual to 108384
engage in a profession whose scope of practice includes the 108385
clinical supervision of ~~chemical dependency~~ substance use 108386
disorder counseling, ~~chemical dependency~~ substance use disorder 108387
counseling, and diagnosing and treating ~~chemical dependency~~ 108388
substance use disorder conditions, pass one or more examinations 108389
administered pursuant to section 4758.22 of the Revised Code for 108390
the purpose of determining competence to practice as an 108391
independent chemical dependency counselor-clinical supervisor. 108392

~~(B) To meet the requirement of this division, an~~ 108393
~~individual must hold, on March 22, 2013, a valid independent~~ 108394

~~chemical dependency counselor license.~~ 108395

Sec. 4758.40. An individual seeking an independent 108396
chemical dependency counselor license shall ~~meet the~~ 108397
~~requirements of division (A) or (B) of this section.~~ 108398

~~(A) To meet the requirements of this division, an~~ 108399
~~individual must~~ meet all of the following requirements: 108400

~~(1)~~ (A) Hold from an accredited educational institution at 108401
least a master's degree in a behavioral science or nursing that 108402
meets the course requirements specified in rules adopted under 108403
section 4758.20 of the Revised Code; 108404

~~(2)~~ (B) Have not less than the number of hours specified in 108405
rules adopted under section 4758.20 of the Revised Code of 108406
compensated work or supervised internship experience in any of 108407
the following, not less than twenty per cent of which are in 108408
~~chemical dependency substance use disorder~~ counseling: 108409

~~(a) Chemical dependency services, substance abuse~~ 108410
~~services, or both types of~~ (1) Substance use disorder services; 108411

~~(b)~~ (2) The practice of psychology, as defined in section 108412
4732.01 of the Revised Code; 108413

~~(c)~~ (3) The practice of professional counseling, the 108414
practice of social work, or the practice of marriage and family 108415
therapy, all as defined in section 4757.01 of the Revised Code. 108416

~~(3)~~ (C) Have a minimum of the number of hours specified in 108417
rules adopted under section 4758.20 of the Revised Code of 108418
training in ~~chemical dependency substance use disorders~~ that 108419
meets the requirements specified in those rules; 108420

~~(4)~~ (D) Unless the individual holds a valid license, 108421
registration, certificate, or credentials issued under another 108422

chapter of the Revised Code that authorizes the individual to 108423
engage in a profession whose scope of practice includes ~~chemical~~ 108424
~~dependency~~ substance use disorder counseling and diagnosing and 108425
treating ~~chemical dependency~~ substance use disorder conditions, 108426
pass one or more examinations administered pursuant to section 108427
4758.22 of the Revised Code for the purpose of determining 108428
competence to practice as an independent chemical dependency 108429
counselor. 108430

~~(B) To meet the requirements of this division, an 108431
individual must meet both of the following requirements: 108432~~

~~(1) Hold, on December 23, 2002, a certificate or 108433
credentials that were accepted under former section 3793.07 of 108434
the Revised Code as authority to practice as a certified 108435
chemical dependency counselor III or certified chemical 108436
dependency counselor III-E; 108437~~

~~(2) Meet one of the following requirements: 108438~~

~~(a) Hold the degree described in division (A) (1) of this 108439
section; 108440~~

~~(b) Have held a chemical dependency counselor III, II, or 108441
I certificate for at least eight consecutive years and have not 108442
less than forty clock hours of training on the version of the 108443
diagnostic and statistical manual of mental disorders that is 108444
current at the time of the training. The training must meet the 108445
requirements specified in rules adopted under section 4758.20 of 108446
the Revised Code. An individual authorized under Chapter 4731. 108447
of the Revised Code to practice medicine and surgery or 108448
osteopathic medicine and surgery, a psychologist licensed under 108449
Chapter 4732. of the Revised Code, or a licensed professional 108450
clinical counselor or independent social worker licensed under 108451~~

~~Chapter 4757. of the Revised Code may provide any portion of the~~ 108452
~~training. An independent chemical dependency counselor licensed~~ 108453
~~under this chapter who holds the degree described in division~~ 108454
~~(A) (1) of this section may provide the portion of the training~~ 108455
~~on chemical dependency conditions.~~ 108456

Sec. 4758.41. An individual seeking a chemical dependency 108457
counselor III license shall ~~meet the requirements of division~~ 108458
~~(A), (B), or (C) of this section.~~ 108459

~~(A) To meet the requirements of this division, an~~ 108460
~~individual must meet all of the following requirements:~~ 108461

~~(1)~~ (A) Hold from an accredited educational institution at 108462
least a bachelor's degree in a behavioral science or nursing 108463
that meets the course requirements specified in rules adopted 108464
under section 4758.20 of the Revised Code; 108465

~~(2)~~ (B) Have not less than the number of hours specified in 108466
rules adopted under section 4758.20 of the Revised Code of 108467
compensated work or supervised internship experience in any of 108468
the following, not less than twenty per cent of which are in 108469
~~chemical dependency substance use disorder~~ counseling; 108470

~~(a) Chemical dependency services, substance abuse~~ 108471
~~services, or both types of~~ (1) Substance use disorder services; 108472

~~(b)~~ (2) The practice of psychology, as defined in section 108473
4732.01 of the Revised Code; 108474

~~(c)~~ (3) The practice of professional counseling, the 108475
practice of social work, or the practice of marriage and family 108476
therapy, all as defined in section 4757.01 of the Revised Code. 108477

~~(3)~~ (C) Have a minimum of the number of hours specified in 108478
rules adopted under section 4758.20 of the Revised Code of 108479

training in ~~chemical dependency~~ substance use disorders that 108480
meets the requirements specified in those rules; 108481

~~(4)~~ (D) Unless the individual holds a valid license, 108482
registration, certificate, or credentials issued under another 108483
chapter of the Revised Code that authorizes the individual to 108484
engage in a profession whose scope of practice includes ~~chemical~~ 108485
~~dependency~~ substance use disorder counseling and diagnosing and 108486
treating ~~chemical dependency~~ substance use disorder conditions, 108487
pass one or more examinations administered pursuant to section 108488
4758.22 of the Revised Code for the purpose of determining 108489
competence to practice as a chemical dependency counselor III. 108490

~~(B) To meet the requirements of this division, an~~ 108491
~~individual must meet both of the following requirements:~~ 108492

~~(1) Hold, on December 23, 2002, a certificate or~~ 108493
~~credentials that were accepted under former section 3793.07 of~~ 108494
~~the Revised Code as authority to practice as a certified~~ 108495
~~chemical dependency counselor III or certified chemical~~ 108496
~~dependency counselor III-E;~~ 108497

~~(2) Have not less than forty clock hours of training on~~ 108498
~~the version of the diagnostic and statistical manual of mental~~ 108499
~~disorders that is current at the time of the training. The~~ 108500
~~training must meet the requirements specified in rules adopted~~ 108501
~~under section 4758.20 of the Revised Code. An individual~~ 108502
~~authorized under Chapter 4731. of the Revised Code to practice~~ 108503
~~medicine and surgery or osteopathic medicine and surgery, a~~ 108504
~~psychologist licensed under Chapter 4732. of the Revised Code,~~ 108505
~~or a licensed professional clinical counselor or independent~~ 108506
~~social worker licensed under Chapter 4757. of the Revised Code~~ 108507
~~may provide any portion of the training. An independent chemical~~ 108508
~~dependency counselor licensed under this chapter who holds the~~ 108509

~~degree described in division (A) (1) of section 4758.40 of the~~ 108510
~~Revised Code may provide the portion of the training on chemical~~ 108511
~~dependency conditions.~~ 108512

~~(C) To meet the requirements of this division, an~~ 108513
~~individual must meet all of the following requirements:~~ 108514

~~(1) Hold, on December 23, 2002, a certificate or~~ 108515
~~credentials that were accepted under former section 3793.07 of~~ 108516
~~the Revised Code as authority to practice as a certified~~ 108517
~~chemical dependency counselor II;~~ 108518

~~(2) Meet the requirement of division (B) (2) of this~~ 108519
~~section;~~ 108520

~~(3) Hold a bachelor's degree in a behavioral science.~~ 108521

Sec. 4758.42. An individual seeking a chemical dependency 108522
counselor II license shall meet the requirements of division 108523
~~(A), or (B), or (C) of this section or, until three years after~~ 108524
~~the effective date of this amendment, division (A), (B), (C), or~~ 108525
~~(D) of this section.~~ 108526

(A) To meet the requirements of this division, an 108527
individual must meet all of the following requirements: 108528

(1) Hold from an accredited educational institution an 108529
associate's degree in a behavioral science or nursing or a 108530
bachelor's degree in any field; 108531

(2) Have not less than the number of hours specified in 108532
rules adopted under section 4758.20 of the Revised Code of 108533
compensated work or supervised internship experience in any of 108534
the following, not less than twenty per cent of which are in 108535
~~chemical dependency substance use disorder~~ counseling: 108536

~~(a) Chemical dependency services, substance abuse~~ 108537

~~services, or both types of Substance use disorder services;~~ 108538

(b) The practice of psychology, as defined in section 108539
4732.01 of the Revised Code; 108540

(c) The practice of professional counseling, the practice 108541
of social work, or the practice of marriage and family therapy, 108542
all as defined in section 4757.01 of the Revised Code. 108543

(3) Have a minimum of the number of hours specified in 108544
rules adopted under section 4758.20 of the Revised Code of 108545
training in ~~chemical dependency~~ substance use disorders that 108546
meets the requirements specified in those rules; 108547

(4) Pass one or more examinations administered pursuant to 108548
section 4758.22 of the Revised Code for the purpose of 108549
determining competence to practice as a chemical dependency 108550
counselor II. 108551

~~(B) To meet the requirement of this division, an 108552
individual must hold, on December 23, 2002, a certificate or 108553
credentials that were accepted under former section 3793.07 of 108554
the Revised Code as authority to practice as a certified 108555
chemical dependency counselor II. 108556~~

~~(C)~~ To meet the requirements of this division, an 108557
individual must meet all of the following requirements: 108558

(1) Hold from an accredited educational institution an 108559
associate's or bachelor's degree in either of the following with 108560
a specialization in ~~chemical dependency~~ substance use disorder 108561
counseling: 108562

(a) A behavioral science; 108563

(b) Nursing. 108564

(2) Have a minimum of one hundred eighty hours of 108565
education in ~~chemical dependency~~ substance use disorders that 108566
meets the requirements specified in rules adopted under section 108567
4758.20 of the Revised Code; 108568

(3) While holding a valid chemical dependency counselor 108569
assistant certificate, have successfully completed, over the 108570
course of not more than any two semesters, at least two hundred 108571
forty hours of supervised practicum experience in ~~chemical~~ 108572
~~dependency~~ substance use disorder treatment through a program 108573
that meets all of the following requirements: 108574

(a) The program includes at least two hours per week of 108575
supervised practicum experience; 108576

(b) The program provides intensive outpatient treatment or 108577
a higher level of care, or another level of care if specified in 108578
rules adopted under section 4758.20 of the Revised Code; 108579

(c) The program meets other requirements specified in 108580
rules adopted under that section. 108581

(4) Have at least one thousand hours of compensated work 108582
experience as a chemical dependency counselor assistant; 108583

(5) Provide to the chemical dependency professionals board 108584
a written recommendation from an individual who supervised the 108585
individual's practice of ~~chemical dependency~~ substance use 108586
disorder counseling as a chemical dependency counselor assistant 108587
as required by division (B) of section 4758.59 of the Revised 108588
Code; 108589

(6) Pass one or more examinations administered pursuant to 108590
section 4758.22 of the Revised Code for the purpose of 108591
determining competence to practice as a chemical dependency 108592
counselor II. 108593

~~(D) To meet the requirements of this division, an individual must meet all of the following requirements:~~ 108594
108595

~~(1) Since at least December 31, 2008, continuously have done both of the following:~~ 108596
108597

~~(a) Held a valid chemical dependency counselor assistant certificate;~~ 108598
108599

~~(b) Practiced chemical dependency counseling while under supervision as required by division (B) of section 4758.59 of the Revised Code.~~ 108600
108601
108602

~~(2) Provide to the board a written recommendation from an individual who supervised the individual's practice of chemical dependency counseling as a chemical dependency counselor assistant;~~ 108603
108604
108605
108606

~~(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency that meets the requirements specified in those rules;~~ 108607
108608
108609
108610

~~(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.~~ 108611
108612
108613
108614

Sec. 4758.43. An individual seeking a chemical dependency counselor assistant certificate shall ~~meet either of the following requirements:~~ 108615
108616
108617

~~(A) —~~ 108618

~~Have have~~ at least the number of hours specified in rules 108619
adopted under section 4758.20 of the Revised Code of training in 108620
~~chemical dependency substance use disorder~~ counseling that meets 108621

the requirements specified in those rules~~;~~ 108622

~~(B) Hold, on December 23, 2002, a certificate or 108623
credentials that were accepted under former section 3793.07 of 108624
the Revised Code as authority to practice as a registered 108625
candidate. 108626~~

Sec. 4758.44. An individual seeking a prevention 108627
consultant certificate shall ~~meet the requirements of division 108628
(A) or (B) of this section. 108629~~

~~(A) To meet the requirements of this division, an 108630
individual must meet all of the following requirements: 108631~~

~~(1) (A) Have at least the number of hours specified in 108632
rules adopted under section 4758.20 of the Revised Code of 108633
compensated work experience in prevention services, including at 108634
least the number of hours specified in those rules of 108635
administering or supervising the services; 108636~~

~~(2) (B) Hold from an accredited educational institution at 108637
least a bachelor's degree in a field of study specified in rules 108638
adopted under section 4758.20 of the Revised Code; 108639~~

~~(3) (C) Have at least the number of hours specified in 108640
rules adopted under section 4758.20 of the Revised Code of 108641
prevention-related education that meets the requirements 108642
specified in those rules; 108643~~

~~(4) (D) Have at least the number of hours specified in 108644
rules adopted under section 4758.20 of the Revised Code of 108645
administrative or supervisory education; 108646~~

~~(5) (E) Pass one or more examinations administered pursuant 108647
to section 4758.22 of the Revised Code for the purpose of 108648
determining competence to practice as a prevention consultant. 108649~~

~~(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified prevention specialist II.~~

Sec. 4758.45. An individual seeking a prevention specialist certificate shall ~~meet the requirements of division (A) or (B) of this section.~~

~~(A) To meet the requirements of this division, an individual must meet all of the following requirements:~~

~~(1)~~ (A) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated or volunteer work, field placement, intern, or practicum experience in prevention services, including at least the number of hours specified in those rules of planning or delivering the services;

~~(2)~~ (B) Hold from an accredited educational institution at least an associate's degree in a field of study specified in rules adopted under section 4758.20 of the Revised Code;

~~(3)~~ (C) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of prevention-related education that meets the requirements specified in those rules;

~~(4)~~ (D) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a prevention specialist.

~~(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of~~

~~the Revised Code as authority to practice as a certified-~~ 108679
~~prevention specialist I.~~ 108680

Sec. 4758.52. (A) Except as provided in division (C) of 108681
this section, each individual who holds an initial chemical 108682
dependency counselor assistant certificate shall complete, 108683
during the first twelve months that the initial certificate is 108684
in effect, at least thirty additional hours of training in 108685
~~chemical dependency substance use disorder~~ counseling that meets 108686
the requirements specified in rules adopted under section 108687
4758.20 of the Revised Code as a condition of having the initial 108688
certificate renewed. 108689

(B) Except as provided in division (C) of this section, an 108690
individual whose initial chemical dependency counselor assistant 108691
certificate has expired shall complete at least thirty 108692
additional hours of training in ~~chemical dependency substance~~ 108693
use disorder counseling that meets the requirements specified in 108694
rules adopted under section 4758.20 of the Revised Code as a 108695
condition of receiving a restored chemical dependency counselor 108696
assistant certificate. 108697

(C) The chemical dependency professionals board may waive 108698
the additional training requirement established under this 108699
section for individuals who are unable to fulfill the 108700
requirement because of military service, illness, residence 108701
outside the United States, or any other reason the board 108702
considers acceptable. 108703

Sec. 4758.54. In addition to practicing ~~chemical-~~ 108704
~~dependency substance use disorder~~ counseling, an individual 108705
holding a valid independent chemical dependency counselor- 108706
clinical supervisor license may do all of the following: 108707

(A) Diagnose and treat ~~chemical dependency~~ substance use disorder conditions; 108708
108709

(B) Perform treatment planning, assessment, crisis 108710
intervention, individual and group counseling, case management, 108711
and education services as they relate to abuse of and dependency 108712
on alcohol and other drugs; 108713

(C) Provide clinical supervision of ~~chemical dependency~~ 108714
substance use disorder counseling; 108715

(D) Refer individuals with ~~nonchemical dependency~~ non- 108716
substance use disorder conditions to appropriate sources of 108717
help. 108718

Sec. 4758.55. In addition to practicing ~~chemical~~ 108719
~~dependency~~ substance use disorder counseling, an individual 108720
holding a valid independent chemical dependency counselor 108721
license may do all of the following: 108722

(A) Diagnose and treat ~~chemical dependency~~ substance use 108723
disorder conditions; 108724

(B) Perform treatment planning, assessment, crisis 108725
intervention, individual and group counseling, case management, 108726
and education services as they relate to abuse of and dependency 108727
on alcohol and other drugs; 108728

(C) Provide clinical supervision of ~~chemical dependency~~ 108729
substance use disorder counseling under the supervision of any 108730
of the following: 108731

(1) An independent chemical dependency counselor-clinical 108732
supervisor licensed under this chapter; 108733

(2) An individual authorized under Chapter 4731. of the 108734
Revised Code to practice medicine and surgery or osteopathic 108735

medicine and surgery; 108736

(3) A psychologist licensed under Chapter 4732. of the 108737
Revised Code; 108738

(4) A registered nurse licensed under Chapter 4723. of the 108739
Revised Code or licensed professional clinical counselor, 108740
independent social worker, or independent marriage and family 108741
therapist licensed under Chapter 4757. of the Revised Code if 108742
such supervision is consistent with the scope of practice of the 108743
registered nurse, licensed professional clinical counselor, 108744
independent social worker, or independent marriage and family 108745
therapist; 108746

(5) An individual authorized to practice as a certified 108747
nurse practitioner or clinical nurse specialist under Chapter 108748
4723. of the Revised Code. 108749

(D) Refer individuals with ~~nonchemical-dependency non-~~ 108750
substance use disorder conditions to appropriate sources of 108751
help. 108752

Sec. 4758.56. (A) In addition to practicing ~~chemical-~~ 108753
~~dependency-substance use disorder~~ counseling, an individual 108754
holding a valid chemical dependency counselor III license may do 108755
all of the following: 108756

(1) Diagnose ~~chemical-dependency~~ substance use disorder 108757
conditions under the supervision of any of the professionals 108758
listed in section 4758.561 of the Revised Code; 108759

(2) Treat ~~chemical-dependency~~ substance use disorder 108760
conditions; 108761

(3) Perform treatment planning, assessment, crisis 108762
intervention, individual and group counseling, case management, 108763

and education services as they relate to abuse of and dependency 108764
on alcohol and other drugs; 108765

(4) Provide clinical supervision of ~~chemical dependency~~ 108766
substance use disorder counseling under the supervision of any 108767
of the professionals listed in section 4758.561 of the Revised 108768
Code; 108769

(5) Refer individuals with ~~nonchemical dependency~~ 108770
substance use disorder conditions to appropriate sources of 108771
help. 108772

(B) A chemical dependency counselor III may not practice 108773
as an individual practitioner. 108774

Sec. 4758.57. (A) In addition to practicing ~~chemical~~ 108775
~~dependency~~ substance use disorder counseling, an individual 108776
holding a valid chemical dependency counselor II license may do 108777
both of the following: 108778

(1) Perform treatment planning, assessment, crisis 108779
intervention, individual and group counseling, case management, 108780
and education services as they relate to abuse of and dependency 108781
on alcohol and other drugs; 108782

(2) Refer individuals with ~~nonchemical dependency~~ 108783
substance use disorder conditions to appropriate sources of 108784
help. 108785

(B) A chemical dependency counselor II may not practice as 108786
an individual practitioner. 108787

Sec. 4758.59. (A) Subject to division (B) of this section, 108788
an individual holding a valid chemical dependency counselor 108789
assistant certificate may do both of the following in addition 108790
to practicing chemical dependency counseling: 108791

(1) Perform treatment planning, assessment, crisis 108792
intervention, individual and group counseling, case management, 108793
and education services as they relate to abuse of or dependency 108794
on alcohol and other drugs; 108795

(2) Refer individuals with ~~nonchemical dependency non-~~ 108796
substance use disorder conditions to appropriate sources of 108797
help. 108798

(B) An individual holding a valid chemical dependency 108799
counselor assistant certificate may practice ~~chemical dependency~~ 108800
substance use disorder counseling and perform the tasks 108801
specified in division (A) of this section only while under the 108802
supervision of any of the following: 108803

(1) An independent chemical dependency counselor-clinical 108804
supervisor, independent chemical dependency counselor, or 108805
chemical dependency counselor III licensed under this chapter; 108806

(2) An individual authorized under Chapter 4731. of the 108807
Revised Code to practice medicine and surgery or osteopathic 108808
medicine and surgery; 108809

(3) A psychologist licensed under Chapter 4732. of the 108810
Revised Code; 108811

(4) A registered nurse licensed under Chapter 4723. of the 108812
Revised Code or licensed professional clinical counselor, 108813
independent social worker, or independent marriage and family 108814
therapist licensed under Chapter 4757. of the Revised Code if 108815
such supervision is consistent with the scope of practice of the 108816
registered nurse, licensed professional clinical counselor, 108817
independent social worker, or independent marriage and family 108818
therapist; 108819

(5) An individual authorized to practice as a certified 108820

nurse practitioner or clinical nurse specialist under Chapter 108821
4723. of the Revised Code. 108822

(C) A chemical dependency counselor assistant may not 108823
practice as an individual practitioner. 108824

Sec. 4758.99. Whoever violates ~~division (A) or (B) of~~ 108825
section 4758.02 of the Revised Code is guilty of a misdemeanor 108826
of the fourth degree on a first offense; on each subsequent 108827
offense, the person is guilty of a misdemeanor of the third 108828
degree. 108829

Sec. 4759.07. (A) The state medical board, by an 108830
affirmative vote of not fewer than six members, shall, except as 108831
provided in division (B) of this section, and to the extent 108832
permitted by law, limit, revoke, or suspend an individual's 108833
license or limited permit, refuse to issue a license or limited 108834
permit to an individual, refuse to renew a license or limited 108835
permit, refuse to reinstate a license or limited permit, or 108836
reprimand or place on probation the holder of a license or 108837
limited permit for one or more of the following reasons: 108838

(1) Except when civil penalties are imposed under section 108839
4759.071 of the Revised Code, violating or attempting to 108840
violate, directly or indirectly, or assisting in or abetting the 108841
violation of, or conspiring to violate, any provision of this 108842
chapter or the rules adopted by the board; 108843

(2) Making a false, fraudulent, deceptive, or misleading 108844
statement in the solicitation of or advertising for patients; in 108845
relation to the practice of dietetics; or in securing or 108846
attempting to secure any license or permit issued by the board 108847
under this chapter. 108848

As used in division (A) (2) of this section, "false," 108849

fraudulent, deceptive, or misleading statement" means a 108850
statement that includes a misrepresentation of fact, is likely 108851
to mislead or deceive because of a failure to disclose material 108852
facts, is intended or is likely to create false or unjustified 108853
expectations of favorable results, or includes representations 108854
or implications that in reasonable probability will cause an 108855
ordinarily prudent person to misunderstand or be deceived. 108856

(3) Committing fraud during the administration of the 108857
examination for a license to practice or committing fraud, 108858
misrepresentation, or deception in applying for, renewing, or 108859
securing any license or permit issued by the board; 108860

(4) A plea of guilty to, a judicial finding of guilt of, 108861
or a judicial finding of eligibility for intervention in lieu of 108862
conviction for, a felony; 108863

(5) Commission of an act that constitutes a felony in this 108864
state, regardless of the jurisdiction in which the act was 108865
committed; 108866

(6) A plea of guilty to, a judicial finding of guilt of, 108867
or a judicial finding of eligibility for intervention in lieu of 108868
conviction for, a misdemeanor committed in the course of 108869
practice; 108870

(7) Commission of an act in the course of practice that 108871
constitutes a misdemeanor in this state, regardless of the 108872
jurisdiction in which the act was committed; 108873

(8) A plea of guilty to, a judicial finding of guilt of, 108874
or a judicial finding of eligibility for intervention in lieu of 108875
conviction for, a misdemeanor involving moral turpitude; 108876

(9) Commission of an act involving moral turpitude that 108877
constitutes a misdemeanor in this state, regardless of the 108878

jurisdiction in which the act was committed; 108879

(10) A record of engaging in incompetent or negligent 108880
conduct in the practice of dietetics; 108881

(11) A departure from, or failure to conform to, minimal 108882
standards of care of similar practitioners under the same or 108883
similar circumstances, whether or not actual injury to a patient 108884
is established; 108885

(12) The obtaining of, or attempting to obtain, money or 108886
anything of value by fraudulent misrepresentations in the course 108887
of practice; 108888

(13) Violation of the conditions of limitation placed by 108889
the board on a license or permit; 108890

(14) Inability to practice according to acceptable and 108891
prevailing standards of care by reason of mental illness or 108892
physical illness, including, physical deterioration that 108893
adversely affects cognitive, motor, or perceptive skills; 108894

(15) Any of the following actions taken by an agency 108895
responsible for authorizing, certifying, or regulating an 108896
individual to practice a health care occupation or provide 108897
health care services in this state or another jurisdiction, for 108898
any reason other than the nonpayment of fees: the limitation, 108899
revocation, or suspension of an individual's license; acceptance 108900
of an individual's license surrender; denial of a license; 108901
refusal to renew or reinstate a license; imposition of 108902
probation; or issuance of an order of censure or other 108903
reprimand; 108904

(16) The revocation, suspension, restriction, reduction, 108905
or termination of practice privileges by the United States 108906
department of defense or department of veterans affairs; 108907

(17) Termination or suspension from participation in the 108908
medicare or medicaid programs by the department of health and 108909
human services or other responsible agency for any act or acts 108910
that also would constitute a violation of division (A) (11), 108911
(12), or (14) of this section; 108912

(18) Impairment of ability to practice according to 108913
acceptable and prevailing standards of care because of substance 108914
use disorder or excessive use or abuse of drugs, alcohol, or 108915
other substances that may impair ability to practice; 108916

(19) Failure to cooperate in an investigation conducted by 108917
the board under division (B) of section 4759.05 of the Revised 108918
Code, including failure to comply with a subpoena or order 108919
issued by the board or failure to answer truthfully a question 108920
presented by the board in an investigative interview, an 108921
investigative office conference, at a deposition, or in written 108922
interrogatories, except that failure to cooperate with an 108923
investigation shall not constitute grounds for discipline under 108924
this section if a court of competent jurisdiction has issued an 108925
order that either quashes a subpoena or permits the individual 108926
to withhold the testimony or evidence in issue; 108927

(20) Representing with the purpose of obtaining 108928
compensation or other advantage as personal gain or for any 108929
other person, that an incurable disease or injury, or other 108930
incurable condition, can be permanently cured. 108931

(B) The board shall not refuse to issue a license or 108932
limited permit to an applicant because of a plea of guilty to, a 108933
judicial finding of guilt of, or a judicial finding of 108934
eligibility for intervention in lieu of conviction for an 108935
offense unless the refusal is in accordance with section 9.79 of 108936
the Revised Code. 108937

(C) Any action taken by the board under division (A) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or permit may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or permit suspended pursuant to division (A) of this section requires an affirmative vote of not fewer than six members of the board.

(D) When the board refuses to grant or issue a license or permit to an applicant, revokes an individual's license or permit, refuses to renew an individual's license or permit, or refuses to reinstate an individual's license or permit, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or permit and the board shall not accept an application for reinstatement of the license or permit or for issuance of a new license or permit.

(E) Disciplinary actions taken by the board under division (A) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for

ratification of a consent agreement that revokes or suspends an 108968
individual's license or permit. The telephone conference call 108969
shall be considered a special meeting under division (F) of 108970
section 121.22 of the Revised Code. 108971

(F) In enforcing division (A)(14) of this section, the 108972
board, upon a showing of a possible violation, shall refer any 108973
individual authorized to practice by this chapter or who has 108974
submitted an application pursuant to this chapter to the 108975
monitoring organization that conducts the confidential 108976
monitoring program established under section 4731.25 of the 108977
Revised Code. The board also may compel the individual to submit 108978
to a mental examination, physical examination, including an HIV 108979
test, or both a mental and a physical examination. The expense 108980
of the examination is the responsibility of the individual 108981
compelled to be examined. Failure to submit to a mental or 108982
physical examination or consent to an HIV test ordered by the 108983
board constitutes an admission of the allegations against the 108984
individual unless the failure is due to circumstances beyond the 108985
individual's control, and a default and final order may be 108986
entered without the taking of testimony or presentation of 108987
evidence. If the board finds an individual unable to practice 108988
because of the reasons set forth in division (A)(14) of this 108989
section, the board shall require the individual to submit to 108990
care, counseling, or treatment by physicians approved or 108991
designated by the board, as a condition for initial, continued, 108992
reinstated, or renewed authority to practice. An individual 108993
affected under this division shall be afforded an opportunity to 108994
demonstrate to the board the ability to resume practice in 108995
compliance with acceptable and prevailing standards under the 108996
provisions of the individual's license or permit. For the 108997
purpose of division (A)(14) of this section, any individual who 108998

applies for or receives a license or permit under this chapter 108999
accepts the privilege of practicing in this state and, by so 109000
doing, shall be deemed to have given consent to submit to a 109001
mental or physical examination when directed to do so in writing 109002
by the board, and to have waived all objections to the 109003
admissibility of testimony or examination reports that 109004
constitute a privileged communication. 109005

(G) For the purposes of division (A) (18) of this section, 109006
any individual authorized to practice by this chapter accepts 109007
the privilege of practicing in this state subject to supervision 109008
by the board. By filing an application for or holding a license 109009
or permit under this chapter, an individual shall be deemed to 109010
have given consent to submit to a mental or physical examination 109011
when ordered to do so by the board in writing, and to have 109012
waived all objections to the admissibility of testimony or 109013
examination reports that constitute privileged communications. 109014

If it has reason to believe that any individual authorized 109015
to practice by this chapter or any applicant for a license or 109016
permit suffers such impairment, the board shall refer the 109017
individual to the monitoring organization that conducts the 109018
confidential monitoring program established under section 109019
4731.25 of the Revised Code. The board also may compel the 109020
individual to submit to a mental or physical examination, or 109021
both. The expense of the examination is the responsibility of 109022
the individual compelled to be examined. Any mental or physical 109023
examination required under this division shall be undertaken by 109024
a treatment provider or physician who is qualified to conduct 109025
the examination and who is approved under section 4731.251 of 109026
the Revised Code. 109027

Failure to submit to a mental or physical examination 109028

ordered by the board constitutes an admission of the allegations 109029
against the individual unless the failure is due to 109030
circumstances beyond the individual's control, and a default and 109031
final order may be entered without the taking of testimony or 109032
presentation of evidence. If the board determines that the 109033
individual's ability to practice is impaired, the board shall 109034
suspend the individual's license or permit or deny the 109035
individual's application and shall require the individual, as a 109036
condition for an initial, continued, reinstated, or renewed 109037
license or permit, to submit to treatment. 109038

Before being eligible to apply for reinstatement of a 109039
license or permit suspended under this division, the impaired 109040
practitioner shall demonstrate to the board the ability to 109041
resume practice in compliance with acceptable and prevailing 109042
standards of care under the provisions of the practitioner's 109043
license or permit. The demonstration shall include, but shall 109044
not be limited to, the following: 109045

(1) Certification from a treatment provider approved under 109046
section 4731.251 of the Revised Code that the individual has 109047
successfully completed any required inpatient treatment; 109048

(2) Evidence of continuing full compliance with an 109049
aftercare contract or consent agreement; 109050

(3) Two written reports indicating that the individual's 109051
ability to practice has been assessed and that the individual 109052
has been found capable of practicing according to acceptable and 109053
prevailing standards of care. The reports shall be made by 109054
individuals or providers approved by the board for making the 109055
assessments and shall describe the basis for their 109056
determination. 109057

The board may reinstate a license or permit suspended 109058
under this division after that demonstration and after the 109059
individual has entered into a written consent agreement. 109060

When the impaired practitioner resumes practice, the board 109061
shall require continued monitoring of the individual. The 109062
monitoring shall include, but not be limited to, compliance with 109063
the written consent agreement entered into before reinstatement 109064
or with conditions imposed by board order after a hearing, and, 109065
upon termination of the consent agreement, submission to the 109066
board for at least two years of annual written progress reports 109067
made under penalty of perjury stating whether the individual has 109068
maintained sobriety. 109069

(H) (1) If either of the following circumstances occur, the 109070
secretary and supervising member may recommend that the board 109071
suspend an individual's license or permit without a prior 109072
hearing: 109073

(a) The secretary and supervising member determine both of 109074
the following: 109075

(i) That there is clear and convincing evidence that an 109076
individual has violated division (A) of this section; 109077

(ii) That the individual's continued practice presents a 109078
danger of immediate and serious harm to the public. 109079

(b) The board receives verifiable information that a 109080
licensee has been charged in any state or federal court for a 109081
crime classified as a felony under the charging court's law and 109082
the conduct charged constitutes a violation of division (A) of 109083
this section. 109084

(2) If a recommendation is made to suspend without a prior 109085
hearing pursuant to division (H) (1) of this section, written 109086

allegations shall be prepared for consideration by the board. 109087
The board, upon review of those allegations and by an 109088
affirmative vote of not fewer than six of its members, excluding 109089
the secretary and supervising member, may suspend a license or 109090
permit without a prior hearing. A telephone conference call may 109091
be utilized for reviewing the allegations and taking the vote on 109092
the summary suspension. 109093

The board shall serve a written order of suspension in 109094
accordance with sections 119.05 and 119.07 of the Revised Code. 109095
~~The order shall not be subject to suspension by the court during~~ 109096
~~pendency of any appeal filed under section 119.12 of the Revised~~ 109097
~~Code.~~ If the individual subject to the summary suspension 109098
requests an adjudicatory hearing by the board, the date set for 109099
the hearing shall be within fifteen days, but not earlier than 109100
seven days, after the individual requests the hearing, unless 109101
otherwise agreed to by both the board and the individual. 109102

(3) Any summary suspension imposed under ~~this division~~ (H) 109103
(2) of this section is not a final appealable order and is not 109104
an adjudication that may be appealed under section 119.12 of the 109105
Revised Code. The summary suspension shall remain in effect, 109106
~~unless reversed on appeal,~~ until a final adjudicative order 109107
issued by the board pursuant to this section and Chapter 119. of 109108
the Revised Code becomes effective. Once a final adjudicative 109109
order has been issued by the board, any party adversely affected 109110
by it may file an appeal in accordance with the requirements of 109111
Chapter 119. of the Revised Code. ~~The~~ 109112

The board shall issue its final adjudicative order within 109113
seventy-five days after completion of its hearing. A failure to 109114
issue the order within seventy-five days shall result in 109115
dissolution of the summary suspension order but shall not 109116

invalidate any subsequent, final adjudicative order. 109117

(I) If the board is required by Chapter 119. of the 109118
Revised Code to give notice of an opportunity for a hearing and 109119
if the individual subject to the notice does not timely request 109120
a hearing in accordance with section 119.07 of the Revised Code, 109121
the board is not required to hold a hearing, but may adopt, by 109122
an affirmative vote of not fewer than six of its members, a 109123
final order that contains the board's findings. In the final 109124
order, the board may order any of the sanctions identified under 109125
division (A) of this section. 109126

(J) For purposes of divisions (A) (5), (7), and (9) of this 109127
section, the commission of the act may be established by a 109128
finding by the board, pursuant to an adjudication under Chapter 109129
119. of the Revised Code, that the individual committed the act. 109130
The board does not have jurisdiction under those divisions if 109131
the trial court renders a final judgment in the individual's 109132
favor and that judgment is based upon an adjudication on the 109133
merits. The board has jurisdiction under those divisions if the 109134
trial court issues an order of dismissal upon technical or 109135
procedural grounds. 109136

(K) The sealing or expungement of conviction records by 109137
any court shall have no effect upon a prior board order entered 109138
under this section or upon the board's jurisdiction to take 109139
action under this section if, based upon a plea of guilty, a 109140
judicial finding of guilt, or a judicial finding of eligibility 109141
for intervention in lieu of conviction, the board issued a 109142
notice of opportunity for a hearing prior to the court's order 109143
to seal or expunge the records. The board shall not be required 109144
to seal, destroy, redact, or otherwise modify its records to 109145
reflect the court's sealing or expungement of conviction 109146

records. 109147

(L) If the board takes action under division (A) (4), (6), 109148
or (8) of this section, and the judicial finding of guilt, 109149
guilty plea, or judicial finding of eligibility for intervention 109150
in lieu of conviction is overturned on appeal, upon exhaustion 109151
of the criminal appeal, a petition for reconsideration of the 109152
order may be filed with the board along with appropriate court 109153
documents. Upon receipt of a petition for reconsideration and 109154
supporting court documents, the board shall reinstate the 109155
individual's license or permit. The board may then hold an 109156
adjudication under Chapter 119. of the Revised Code to determine 109157
whether the individual committed the act in question. Notice of 109158
an opportunity for a hearing shall be given in accordance with 109159
Chapter 119. of the Revised Code. If the board finds, pursuant 109160
to an adjudication held under this division, that the individual 109161
committed the act or if no hearing is requested, the board may 109162
order any of the sanctions identified under division (A) of this 109163
section. 109164

(M) The license or permit issued to an individual under 109165
this chapter and the individual's practice in this state are 109166
automatically suspended as of the date the individual pleads 109167
guilty to, is found by a judge or jury to be guilty of, or is 109168
subject to a judicial finding of eligibility for intervention in 109169
lieu of conviction in this state or treatment or intervention in 109170
lieu of conviction in another jurisdiction for any of the 109171
following criminal offenses in this state or a substantially 109172
equivalent criminal offense in another jurisdiction: aggravated 109173
murder, murder, voluntary manslaughter, felonious assault, 109174
trafficking in persons, kidnapping, rape, sexual battery, gross 109175
sexual imposition, aggravated arson, aggravated robbery, or 109176
aggravated burglary. Continued practice after suspension shall 109177

be considered practicing without a license or permit. 109178

The board shall serve the individual subject to the 109179
suspension in accordance with sections 119.05 and 119.07 of the 109180
Revised Code. If an individual whose license or permit is 109181
automatically suspended under this division fails to make a 109182
timely request for an adjudication under Chapter 119. of the 109183
Revised Code, the board shall enter a final order permanently 109184
revoking the individual's license or permit. 109185

(N) Notwithstanding any other provision of the Revised 109186
Code, all of the following apply: 109187

(1) The surrender of a license or permit issued under this 109188
chapter shall not be effective unless or until accepted by the 109189
board. A telephone conference call may be utilized for 109190
acceptance of the surrender of an individual's license or 109191
permit. The telephone conference call shall be considered a 109192
special meeting under division (F) of section 121.22 of the 109193
Revised Code. Reinstatement of a license or permit surrendered 109194
to the board requires an affirmative vote of not fewer than six 109195
members of the board. 109196

(2) An application for a license or permit made under the 109197
provisions of this chapter may not be withdrawn without approval 109198
of the board. 109199

(3) Failure by an individual to renew a license or permit 109200
in accordance with this chapter does not remove or limit the 109201
board's jurisdiction to take any disciplinary action under this 109202
section against the individual. 109203

(4) The placement of an individual's license on retired 109204
status, as described in section 4759.064 of the Revised Code, 109205
does not remove or limit the board's jurisdiction to take any 109206

disciplinary action against the individual with regard to the 109207
license as it existed before being placed on retired status. 109208

(5) At the request of the board, a license or permit 109209
holder shall immediately surrender to the board a license or 109210
permit that the board has suspended, revoked, or permanently 109211
revoked. 109212

Sec. 4759.99. Whoever violates section 4759.02 of the 109213
Revised Code is guilty of a minor misdemeanor. If the offender 109214
has been previously convicted once of a violation of ~~the~~ section 109215
4759.02 of the Revised Code, then the ~~violation~~ offender is 109216
guilty of a misdemeanor of the fourth degree. If the offender 109217
has been previously convicted more than once of a violation of 109218
~~the~~ section 4759.02 of the Revised Code, then the ~~violation~~ 109219
offender is guilty of a misdemeanor of the first degree. 109220

Whoever violates division (B) (1) or (2) of section 4759.14 109221
of the Revised Code is guilty of ~~failure to report criminal~~ 109222
~~conduct or sexual misconduct~~, a misdemeanor of the fourth 109223
degree. ~~If the offender has previously been convicted of a~~ 109224
~~violation of this division, the failure to report on a first~~ 109225
offense; on each subsequent offense, the offender is guilty of a 109226
misdemeanor of the first degree. 109227

Whoever violates division (B) of section 4759.05 of the 109228
Revised Code is guilty of ~~disclosing confidential investigatory~~ 109229
~~information~~, a misdemeanor of the first degree. 109230

Sec. 4760.13. (A) The state medical board, by an 109231
affirmative vote of not fewer than six members, may refuse to 109232
grant a license to practice as an anesthesiologist assistant to, 109233
or may revoke the license held by, an individual found by the 109234
board to have committed fraud, misrepresentation, or deception 109235

in applying for or securing the license. 109236

(B) The board, by an affirmative vote of not fewer than 109237
six members, shall, except as provided in division (C) of this 109238
section, and to the extent permitted by law, limit, revoke, or 109239
suspend an individual's license to practice as an 109240
anesthesiologist assistant, refuse to issue a license to an 109241
applicant, refuse to renew a license, refuse to reinstate a 109242
license, or reprimand or place on probation the holder of a 109243
license for any of the following reasons: 109244

(1) Permitting the holder's name or license to be used by 109245
another person; 109246

(2) Failure to comply with the requirements of this 109247
chapter, Chapter 4731. of the Revised Code, or any rules adopted 109248
by the board; 109249

(3) Violating or attempting to violate, directly or 109250
indirectly, or assisting in or abetting the violation of, or 109251
conspiring to violate, any provision of this chapter, Chapter 109252
4731. of the Revised Code, or the rules adopted by the board; 109253

(4) A departure from, or failure to conform to, minimal 109254
standards of care of similar practitioners under the same or 109255
similar circumstances whether or not actual injury to the 109256
patient is established; 109257

(5) Inability to practice according to acceptable and 109258
prevailing standards of care by reason of mental illness or 109259
physical illness, including physical deterioration that 109260
adversely affects cognitive, motor, or perceptive skills; 109261

(6) Impairment of ability to practice according to 109262
acceptable and prevailing standards of care because of substance 109263
use disorder or excessive use or abuse of drugs, alcohol, or 109264

other substances that may impair ability to practice; 109265

(7) Willfully betraying a professional confidence; 109266

(8) Making a false, fraudulent, deceptive, or misleading 109267
statement in securing or attempting to secure a license to 109268
practice as an anesthesiologist assistant. 109269

As used in this division, "false, fraudulent, deceptive, 109270
or misleading statement" means a statement that includes a 109271
misrepresentation of fact, is likely to mislead or deceive 109272
because of a failure to disclose material facts, is intended or 109273
is likely to create false or unjustified expectations of 109274
favorable results, or includes representations or implications 109275
that in reasonable probability will cause an ordinarily prudent 109276
person to misunderstand or be deceived. 109277

(9) The obtaining of, or attempting to obtain, money or a 109278
thing of value by fraudulent misrepresentations in the course of 109279
practice; 109280

(10) A plea of guilty to, a judicial finding of guilt of, 109281
or a judicial finding of eligibility for intervention in lieu of 109282
conviction for, a felony; 109283

(11) Commission of an act that constitutes a felony in 109284
this state, regardless of the jurisdiction in which the act was 109285
committed; 109286

(12) A plea of guilty to, a judicial finding of guilt of, 109287
or a judicial finding of eligibility for intervention in lieu of 109288
conviction for, a misdemeanor committed in the course of 109289
practice; 109290

(13) A plea of guilty to, a judicial finding of guilt of, 109291
or a judicial finding of eligibility for intervention in lieu of 109292

conviction for, a misdemeanor involving moral turpitude; 109293

(14) Commission of an act in the course of practice that 109294
constitutes a misdemeanor in this state, regardless of the 109295
jurisdiction in which the act was committed; 109296

(15) Commission of an act involving moral turpitude that 109297
constitutes a misdemeanor in this state, regardless of the 109298
jurisdiction in which the act was committed; 109299

(16) A plea of guilty to, a judicial finding of guilt of, 109300
or a judicial finding of eligibility for intervention in lieu of 109301
conviction for violating any state or federal law regulating the 109302
possession, distribution, or use of any drug, including 109303
trafficking in drugs; 109304

(17) Any of the following actions taken by the state 109305
agency responsible for regulating the practice of 109306
anesthesiologist assistants in another jurisdiction, for any 109307
reason other than the nonpayment of fees: the limitation, 109308
revocation, or suspension of an individual's license to 109309
practice; acceptance of an individual's license surrender; 109310
denial of a license; refusal to renew or reinstate a license; 109311
imposition of probation; or issuance of an order of censure or 109312
other reprimand; 109313

(18) Violation of the conditions placed by the board on a 109314
license to practice; 109315

(19) Failure to use universal blood and body fluid 109316
precautions established by rules adopted under section 4731.051 109317
of the Revised Code; 109318

(20) Failure to cooperate in an investigation conducted by 109319
the board under section 4760.14 of the Revised Code, including 109320
failure to comply with a subpoena or order issued by the board 109321

or failure to answer truthfully a question presented by the 109322
board at a deposition or in written interrogatories, except that 109323
failure to cooperate with an investigation shall not constitute 109324
grounds for discipline under this section if a court of 109325
competent jurisdiction has issued an order that either quashes a 109326
subpoena or permits the individual to withhold the testimony or 109327
evidence in issue; 109328

(21) Failure to comply with any code of ethics established 109329
by the national commission for the certification of 109330
anesthesiologist assistants; 109331

(22) Failure to notify the state medical board of the 109332
revocation or failure to maintain certification from the 109333
national commission for certification of anesthesiologist 109334
assistants. 109335

(C) The board shall not refuse to issue a certificate to 109336
an applicant because of a plea of guilty to, a judicial finding 109337
of guilt of, or a judicial finding of eligibility for 109338
intervention in lieu of conviction for an offense unless the 109339
refusal is in accordance with section 9.79 of the Revised Code. 109340

(D) Disciplinary actions taken by the board under 109341
divisions (A) and (B) of this section shall be taken pursuant to 109342
an adjudication under Chapter 119. of the Revised Code, except 109343
that in lieu of an adjudication, the board may enter into a 109344
consent agreement with an anesthesiologist assistant or 109345
applicant to resolve an allegation of a violation of this 109346
chapter or any rule adopted under it. A consent agreement, when 109347
ratified by an affirmative vote of not fewer than six members of 109348
the board, shall constitute the findings and order of the board 109349
with respect to the matter addressed in the agreement. If the 109350
board refuses to ratify a consent agreement, the admissions and 109351

findings contained in the consent agreement shall be of no force 109352
or effect. 109353

(E) For purposes of divisions (B) (11), (14), and (15) of 109354
this section, the commission of the act may be established by a 109355
finding by the board, pursuant to an adjudication under Chapter 109356
119. of the Revised Code, that the applicant or license holder 109357
committed the act in question. The board shall have no 109358
jurisdiction under these divisions in cases where the trial 109359
court renders a final judgment in the license holder's favor and 109360
that judgment is based upon an adjudication on the merits. The 109361
board shall have jurisdiction under these divisions in cases 109362
where the trial court issues an order of dismissal on technical 109363
or procedural grounds. 109364

(F) The sealing or expungement of conviction records by 109365
any court shall have no effect on a prior board order entered 109366
under the provisions of this section or on the board's 109367
jurisdiction to take action under the provisions of this section 109368
if, based upon a plea of guilty, a judicial finding of guilt, or 109369
a judicial finding of eligibility for intervention in lieu of 109370
conviction, the board issued a notice of opportunity for a 109371
hearing prior to the court's order to seal or expunge the 109372
records. The board shall not be required to seal, destroy, 109373
redact, or otherwise modify its records to reflect the court's 109374
sealing or expungement of conviction records. 109375

(G) For purposes of this division, any individual who 109376
holds a license to practice issued under this chapter, or 109377
applies for a license to practice, shall be deemed to have given 109378
consent to submit to a mental or physical examination when 109379
directed to do so in writing by the board and to have waived all 109380
objections to the admissibility of testimony or examination 109381

reports that constitute a privileged communication. 109382

(1) In enforcing division (B) (5) of this section, the 109383
board, on a showing of a possible violation, shall refer any 109384
individual who holds, or has applied for, a license issued under 109385
this chapter to the monitoring organization that conducts the 109386
confidential monitoring program established under section 109387
4731.25 of the Revised Code. The board also may compel the 109388
individual to this chapter to submit to a mental or physical 109389
examination, or both. A physical examination may include an HIV 109390
test. The expense of the examination is the responsibility of 109391
the individual compelled to be examined. Failure to submit to a 109392
mental or physical examination or consent to an HIV test ordered 109393
by the board constitutes an admission of the allegations against 109394
the individual unless the failure is due to circumstances beyond 109395
the individual's control, and a default and final order may be 109396
entered without the taking of testimony or presentation of 109397
evidence. If the board finds an anesthesiologist assistant 109398
unable to practice because of the reasons set forth in division 109399
(B) (5) of this section, the board shall require the 109400
anesthesiologist assistant to submit to care, counseling, or 109401
treatment by physicians approved or designated by the board, as 109402
a condition for an initial, continued, reinstated, or renewed 109403
license to practice. An individual affected by this division 109404
shall be afforded an opportunity to demonstrate to the board the 109405
ability to resume practicing in compliance with acceptable and 109406
prevailing standards of care. 109407

(2) For purposes of division (B) (6) of this section, if 109408
the board has reason to believe that any individual who holds a 109409
license to practice issued under this chapter or any applicant 109410
for a license to practice suffers such impairment, the board 109411
shall report the individual to the monitoring organization that 109412

conducts the confidential monitoring program established under 109413
section 4731.25 of the Revised Code. The board also may compel 109414
the individual to submit to a mental or physical examination, or 109415
both. The expense of the examination is the responsibility of 109416
the individual compelled to be examined. Any mental or physical 109417
examination required under this division shall be undertaken by 109418
a treatment provider or physician qualified to conduct such 109419
examination and approved under section 4731.251 of the Revised 109420
Code. 109421

Failure to submit to a mental or physical examination 109422
ordered by the board constitutes an admission of the allegations 109423
against the individual unless the failure is due to 109424
circumstances beyond the individual's control, and a default and 109425
final order may be entered without the taking of testimony or 109426
presentation of evidence. If the board determines that the 109427
individual's ability to practice is impaired, the board shall 109428
suspend the individual's license or deny the individual's 109429
application and shall require the individual, as a condition for 109430
an initial, continued, reinstated, or renewed license to 109431
practice, to submit to treatment. 109432

Before being eligible to apply for reinstatement of a 109433
license suspended under this division, the anesthesiologist 109434
assistant shall demonstrate to the board the ability to resume 109435
practice in compliance with acceptable and prevailing standards 109436
of care. The demonstration shall include the following: 109437

(a) Certification from a treatment provider approved under 109438
section 4731.251 of the Revised Code that the individual has 109439
successfully completed any required inpatient treatment; 109440

(b) Evidence of continuing full compliance with an 109441
aftercare contract or consent agreement; 109442

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired anesthesiologist assistant resumes practice, the board shall require continued monitoring of the anesthesiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the anesthesiologist assistant has maintained sobriety.

(H) (1) If either of the following circumstances occur, the secretary and supervising member may recommend that the board suspend the individual's license without a prior hearing:

(a) The secretary and supervising member determine that there is clear and convincing evidence that an anesthesiologist assistant has violated division (B) of this section and that the individual's continued practice presents a danger of immediate and serious harm to the public.

(b) The board receives verifiable information that a

licensee has been charged in any state or federal court for a 109472
crime classified as a felony under the charging court's law and 109473
the conduct charged constitutes a violation of division (B) of 109474
this section. 109475

(2) If a recommendation is made to suspend without a prior 109476
hearing pursuant to division (H)(1) of this section, written 109477
allegations shall be prepared for consideration by the board. 109478

The board, on review of the allegations and by an 109479
affirmative vote of not fewer than six of its members, excluding 109480
the secretary and supervising member, may suspend a license 109481
without a prior hearing. A telephone conference call may be 109482
utilized for reviewing the allegations and taking the vote on 109483
the summary suspension. 109484

The board shall serve a written order of suspension in 109485
accordance with sections 119.05 and 119.07 of the Revised Code. 109486
~~The order shall not be subject to suspension by the court during~~ 109487
~~pendency of any appeal filed under section 119.12 of the Revised~~ 109488
~~Code.~~ If the anesthesiologist assistant requests an adjudicatory 109489
hearing by the board, the date set for the hearing shall be 109490
within fifteen days, but not earlier than seven days, after the 109491
anesthesiologist assistant requests the hearing, unless 109492
otherwise agreed to by both the board and the license holder. 109493

(3) A summary suspension imposed under ~~this division~~ (H) 109494
(2) of this section is not a final appealable order and is not 109495
an adjudication that may be appealed under section 119.12 of the 109496
Revised Code. The summary suspension shall remain in effect, 109497
~~unless reversed on appeal,~~ until a final adjudicative order 109498
issued by the board pursuant to this section and Chapter 119. of 109499
the Revised Code becomes effective. Once a final adjudicative 109500
order has been issued by the board, any party adversely affected 109501

by it may file an appeal in accordance with the requirements of 109502
Chapter 119. of the Revised Code. ~~The~~ 109503

The board shall issue its final adjudicative order within 109504
~~sixty-seventy-five~~ days after completion of its hearing. Failure 109505
to issue the order within ~~sixty-seventy-five~~ days shall result 109506
in dissolution of the summary suspension order, but shall not 109507
invalidate any subsequent, final adjudicative order. 109508

(I) If the board takes action under division (B) (11), 109509
(13), or (14) of this section, and the judicial finding of 109510
guilt, guilty plea, or judicial finding of eligibility for 109511
intervention in lieu of conviction is overturned on appeal, on 109512
exhaustion of the criminal appeal, a petition for 109513
reconsideration of the order may be filed with the board along 109514
with appropriate court documents. On receipt of a petition and 109515
supporting court documents, the board shall reinstate the 109516
license to practice. The board may then hold an adjudication 109517
under Chapter 119. of the Revised Code to determine whether the 109518
individual committed the act in question. Notice of opportunity 109519
for hearing shall be given in accordance with Chapter 119. of 109520
the Revised Code. If the board finds, pursuant to an 109521
adjudication held under this division, that the individual 109522
committed the act, or if no hearing is requested, it may order 109523
any of the sanctions specified in division (B) of this section. 109524

(J) The license to practice of an anesthesiologist 109525
assistant and the assistant's practice in this state are 109526
automatically suspended as of the date the anesthesiologist 109527
assistant pleads guilty to, is found by a judge or jury to be 109528
guilty of, or is subject to a judicial finding of eligibility 109529
for intervention in lieu of conviction in this state or 109530
treatment or intervention in lieu of conviction in another 109531

jurisdiction for any of the following criminal offenses in this 109532
state or a substantially equivalent criminal offense in another 109533
jurisdiction: aggravated murder, murder, voluntary manslaughter, 109534
felonious assault, trafficking in persons, kidnapping, rape, 109535
sexual battery, gross sexual imposition, aggravated arson, 109536
aggravated robbery, or aggravated burglary. Continued practice 109537
after the suspension shall be considered practicing without a 109538
license. 109539

The board shall serve the individual subject to the 109540
suspension in accordance with sections 119.05 and 119.07 of the 109541
Revised Code. If an individual whose license is suspended under 109542
this division fails to make a timely request for an adjudication 109543
under Chapter 119. of the Revised Code, the board shall enter a 109544
final order permanently revoking the individual's license to 109545
practice. 109546

(K) In any instance in which the board is required by 109547
Chapter 119. of the Revised Code to give notice of opportunity 109548
for hearing and the individual subject to the notice does not 109549
timely request a hearing in accordance with section 119.07 of 109550
the Revised Code, the board is not required to hold a hearing, 109551
but may adopt, by an affirmative vote of not fewer than six of 109552
its members, a final order that contains the board's findings. 109553
In the final order, the board may order any of the sanctions 109554
identified under division (A) or (B) of this section. 109555

(L) Any action taken by the board under division (B) of 109556
this section resulting in a suspension shall be accompanied by a 109557
written statement of the conditions under which the 109558
anesthesiologist assistant's license may be reinstated. The 109559
board shall adopt rules in accordance with Chapter 119. of the 109560
Revised Code governing conditions to be imposed for 109561

reinstatement. Reinstatement of a license suspended pursuant to 109562
division (B) of this section requires an affirmative vote of not 109563
fewer than six members of the board. 109564

(M) When the board refuses to grant or issue a license to 109565
practice as an anesthesiologist assistant to an applicant, 109566
revokes an individual's license, refuses to renew an 109567
individual's license, or refuses to reinstate an individual's 109568
license, the board may specify that its action is permanent. An 109569
individual subject to a permanent action taken by the board is 109570
forever thereafter ineligible to hold a license to practice as 109571
an anesthesiologist assistant and the board shall not accept an 109572
application for reinstatement of the license or for issuance of 109573
a new license. 109574

(N) Notwithstanding any other provision of the Revised 109575
Code, all of the following apply: 109576

(1) The surrender of a license to practice issued under 109577
this chapter is not effective unless or until accepted by the 109578
board. Reinstatement of a license surrendered to the board 109579
requires an affirmative vote of not fewer than six members of 109580
the board. 109581

(2) An application made under this chapter for a license 109582
to practice may not be withdrawn without approval of the board. 109583

(3) Failure by an individual to renew a license to 109584
practice in accordance with section 4760.06 of the Revised Code 109585
does not remove or limit the board's jurisdiction to take 109586
disciplinary action under this section against the individual. 109587

(4) The placement of an individual's license on retired 109588
status, as described in section 4760.062 of the Revised Code, 109589
does not remove or limit the board's jurisdiction to take any 109590

disciplinary action against the individual with regard to the 109591
license as it existed before being placed on retired status. 109592

Sec. 4760.99. (A) Whoever violates section 4760.02 of the 109593
Revised Code is guilty of a misdemeanor of the first degree on a 109594
first offense; on each subsequent offense, the person is guilty 109595
of a felony of the fourth degree. 109596

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 109597
(D), or (E) of section 4760.16 of the Revised Code is guilty of 109598
a minor misdemeanor on a first offense; on each subsequent 109599
offense the person is guilty of a misdemeanor of the fourth 109600
degree, except that an individual guilty of a subsequent offense 109601
shall not be subject to imprisonment, but to a fine alone of up 109602
to one thousand dollars for each offense. 109603

(2) Whoever violates division (B) (2) or (C) (3) of section 109604
4760.16 of the Revised Code is guilty of ~~failure to report~~ 109605
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 109606
fourth degree. ~~If the offender has previously been convicted of~~ 109607
~~a violation of this division, the failure to report on a first~~ 109608
~~offense; on each subsequent offense, the person is guilty of a~~ 109609
misdemeanor of the first degree. 109610

(C) Whoever violates division (E) of section 4760.14 of 109611
the Revised Code is guilty of ~~disclosing confidential~~ 109612
~~investigatory information,~~ a misdemeanor of the first degree. 109613

Sec. 4761.09. (A) The state medical board, by an 109614
affirmative vote of not fewer than six members, shall, except as 109615
provided in division (B) of this section, and to the extent 109616
permitted by law, limit, revoke, or suspend an individual's 109617
license or limited permit, refuse to issue a license or limited 109618
permit to an individual, refuse to renew a license or limited 109619

permit, refuse to reinstate a license or limited permit, or 109620
reprimand or place on probation the holder of a license or 109621
limited permit for one or more of the following reasons: 109622

(1) A plea of guilty to, a judicial finding of guilt of, 109623
or a judicial finding of eligibility for intervention in lieu of 109624
conviction for, a felony; 109625

(2) Commission of an act that constitutes a felony in this 109626
state, regardless of the jurisdiction in which the act was 109627
committed; 109628

(3) A plea of guilty to, a judicial finding of guilt of, 109629
or a judicial finding of eligibility for intervention in lieu of 109630
conviction for, a misdemeanor committed in the course of 109631
practice; 109632

(4) Commission of an act in the course of practice that 109633
constitutes a misdemeanor in this state, regardless of the 109634
jurisdiction in which the act was committed; 109635

(5) A plea of guilty to, a judicial finding of guilt of, 109636
or a judicial finding of eligibility for intervention in lieu of 109637
conviction for, a misdemeanor involving moral turpitude; 109638

(6) Commission of an act involving moral turpitude that 109639
constitutes a misdemeanor in this state, regardless of the 109640
jurisdiction in which the act was committed; 109641

(7) Except when civil penalties are imposed under section 109642
4761.091 of the Revised Code, violating or attempting to 109643
violate, directly or indirectly, or assisting in or abetting the 109644
violation of, or conspiring to violate, any provision of this 109645
chapter or the rules adopted by the board; 109646

(8) Making a false, fraudulent, deceptive, or misleading 109647

statement in the solicitation of or advertising for patients; in 109648
relation to the practice of respiratory care; or in securing or 109649
attempting to secure any license or permit issued by the board 109650
under this chapter. 109651

As used in division (A) (8) of this section, "false, 109652
fraudulent, deceptive, or misleading statement" means a 109653
statement that includes a misrepresentation of fact, is likely 109654
to mislead or deceive because of a failure to disclose material 109655
facts, is intended or is likely to create false or unjustified 109656
expectations of favorable results, or includes representations 109657
or implications that in reasonable probability will cause an 109658
ordinarily prudent person to misunderstand or be deceived. 109659

(9) Committing fraud during the administration of the 109660
examination for a license to practice or committing fraud, 109661
misrepresentation, or deception in applying for, renewing, or 109662
securing any license or permit issued by the board; 109663

(10) A departure from, or failure to conform to, minimal 109664
standards of care of similar practitioners under the same or 109665
similar circumstances, whether or not actual injury to a patient 109666
is established; 109667

(11) Violating the standards of ethical conduct adopted by 109668
the board, in the practice of respiratory care; 109669

(12) The obtaining of, or attempting to obtain, money or 109670
anything of value by fraudulent misrepresentations in the course 109671
of practice; 109672

(13) Violation of the conditions of limitation placed by 109673
the board upon a license or permit; 109674

(14) Inability to practice according to acceptable and 109675
prevailing standards of care by reason of mental illness or 109676

physical illness, including physical deterioration that 109677
adversely affects cognitive, motor, or perceptive skills; 109678

(15) Any of the following actions taken by an agency 109679
responsible for authorizing, certifying, or regulating an 109680
individual to practice a health care occupation or provide 109681
health care services in this state or another jurisdiction, for 109682
any reason other than the nonpayment of fees: the limitation, 109683
revocation, or suspension of an individual's license; acceptance 109684
of an individual's license surrender; denial of a license; 109685
refusal to renew or reinstate a license; imposition of 109686
probation; or issuance of an order of censure or other 109687
reprimand; 109688

(16) The revocation, suspension, restriction, reduction, 109689
or termination of practice privileges by the United States 109690
department of defense or department of veterans affairs; 109691

(17) Termination or suspension from participation in the 109692
medicare or medicaid programs by the department of health and 109693
human services or other responsible agency for any act or acts 109694
that also would constitute a violation of division (A) (10), 109695
(12), or (14) of this section; 109696

(18) Impairment of ability to practice according to 109697
acceptable and prevailing standards of care because of substance 109698
use disorder or excessive use or abuse of drugs, alcohol, or 109699
other substances that may impair ability to practice; 109700

(19) Failure to cooperate in an investigation conducted by 109701
the board under division (E) of section 4761.03 of the Revised 109702
Code, including failure to comply with a subpoena or order 109703
issued by the board or failure to answer truthfully a question 109704
presented by the board in an investigative interview, an 109705

investigative office conference, at a deposition, or in written 109706
interrogatories, except that failure to cooperate with an 109707
investigation shall not constitute grounds for discipline under 109708
this section if a court of competent jurisdiction has issued an 109709
order that either quashes a subpoena or permits the individual 109710
to withhold the testimony or evidence in issue; 109711

(20) Practicing in an area of respiratory care for which 109712
the person is clearly untrained or incompetent or practicing in 109713
a manner that conflicts with section 4761.17 of the Revised 109714
Code; 109715

(21) Employing, directing, or supervising a person who is 109716
not authorized to practice respiratory care under this chapter 109717
in the performance of respiratory care procedures; 109718

(22) Misrepresenting educational attainments or authorized 109719
functions for the purpose of obtaining some benefit related to 109720
the practice of respiratory care; 109721

(23) Assisting suicide as defined in section 3795.01 of 109722
the Revised Code; 109723

(24) Representing, with the purpose of obtaining 109724
compensation or other advantage as personal gain or for any 109725
other person, that an incurable disease or injury, or other 109726
incurable condition, can be permanently cured. 109727

Disciplinary actions taken by the board under division (A) 109728
of this section shall be taken pursuant to an adjudication under 109729
Chapter 119. of the Revised Code, except that in lieu of an 109730
adjudication, the board may enter into a consent agreement with 109731
an individual to resolve an allegation of a violation of this 109732
chapter or any rule adopted under it. A consent agreement, when 109733
ratified by an affirmative vote of not fewer than six members of 109734

the board, shall constitute the findings and order of the board 109735
with respect to the matter addressed in the agreement. If the 109736
board refuses to ratify a consent agreement, the admissions and 109737
findings contained in the consent agreement shall be of no 109738
effect. 109739

A telephone conference call may be utilized for 109740
ratification of a consent agreement that revokes or suspends an 109741
individual's license or permit. The telephone conference call 109742
shall be considered a special meeting under division (F) of 109743
section 121.22 of the Revised Code. 109744

(B) The board shall not refuse to issue a license or 109745
limited permit to an applicant because of a plea of guilty to, a 109746
judicial finding of guilt of, or a judicial finding of 109747
eligibility for intervention in lieu of conviction for an 109748
offense unless the refusal is in accordance with section 9.79 of 109749
the Revised Code. 109750

(C) Any action taken by the board under division (A) of 109751
this section resulting in a suspension from practice shall be 109752
accompanied by a written statement of the conditions under which 109753
the individual's license or permit may be reinstated. The board 109754
shall adopt rules governing conditions to be imposed for 109755
reinstatement. Reinstatement of a license or permit suspended 109756
pursuant to division (A) of this section requires an affirmative 109757
vote of not fewer than six members of the board. 109758

(D) When the board refuses to grant or issue a license or 109759
permit to an applicant, revokes an individual's license or 109760
permit, refuses to renew an individual's license or permit, or 109761
refuses to reinstate an individual's license or permit, the 109762
board may specify that its action is permanent. An individual 109763
subject to a permanent action taken by the board is forever 109764

thereafter ineligible to hold a license or permit and the board 109765
shall not accept an application for reinstatement of the license 109766
or permit or for issuance of a new license or permit. 109767

(E) If the board is required by Chapter 119. of the 109768
Revised Code to give notice of an opportunity for a hearing and 109769
if the individual subject to the notice does not timely request 109770
a hearing in accordance with section 119.07 of the Revised Code, 109771
the board is not required to hold a hearing, but may adopt, by 109772
an affirmative vote of not fewer than six of its members, a 109773
final order that contains the board's findings. In the final 109774
order, the board may order any of the sanctions identified under 109775
division (A) of this section. 109776

(F) In enforcing division (A) (14) of this section, the 109777
board, upon a showing of a possible violation, shall refer any 109778
individual authorized to practice by this chapter or who has 109779
submitted an application pursuant to this chapter to the 109780
monitoring organization that conducts the confidential 109781
monitoring program established under section 4731.25 of the 109782
Revised Code. The board also may compel the individual to submit 109783
to a mental examination, physical examination, including an HIV 109784
test, or both a mental and a physical examination. The expense 109785
of the examination is the responsibility of the individual 109786
compelled to be examined. Failure to submit to a mental or 109787
physical examination or consent to an HIV test ordered by the 109788
board constitutes an admission of the allegations against the 109789
individual unless the failure is due to circumstances beyond the 109790
individual's control, and a default and final order may be 109791
entered without the taking of testimony or presentation of 109792
evidence. If the board finds an individual unable to practice 109793
because of the reasons set forth in division (A) (14) of this 109794
section, the board shall require the individual to submit to 109795

care, counseling, or treatment by physicians approved or 109796
designated by the board, as a condition for initial, continued, 109797
reinstated, or renewed authority to practice. An individual 109798
affected under this division shall be afforded an opportunity to 109799
demonstrate to the board the ability to resume practice in 109800
compliance with acceptable and prevailing standards under the 109801
provisions of the individual's license or permit. For the 109802
purpose of division (A) (14) of this section, any individual who 109803
applies for or receives a license or permit to practice under 109804
this chapter accepts the privilege of practicing in this state 109805
and, by so doing, shall be deemed to have given consent to 109806
submit to a mental or physical examination when directed to do 109807
so in writing by the board, and to have waived all objections to 109808
the admissibility of testimony or examination reports that 109809
constitute a privileged communication. 109810

(G) For the purposes of division (A) (18) of this section, 109811
any individual authorized to practice by this chapter accepts 109812
the privilege of practicing in this state subject to supervision 109813
by the board. By filing an application for or holding a license 109814
or permit under this chapter, an individual shall be deemed to 109815
have given consent to submit to a mental or physical examination 109816
when ordered to do so by the board in writing, and to have 109817
waived all objections to the admissibility of testimony or 109818
examination reports that constitute privileged communications. 109819

If it has reason to believe that any individual authorized 109820
to practice by this chapter or any applicant for a license or 109821
permit suffers such impairment, the board shall refer the 109822
individual to the monitoring organization that conducts the 109823
confidential monitoring program established under section 109824
4731.25 of the Revised Code. The board also may compel the 109825
individual to submit to a mental or physical examination, or 109826

both. The expense of the examination is the responsibility of 109827
the individual compelled to be examined. Any mental or physical 109828
examination required under this division shall be undertaken by 109829
a treatment provider or physician who is qualified to conduct 109830
the examination and who is approved under section 4731.251 of 109831
the Revised Code. 109832

Failure to submit to a mental or physical examination 109833
ordered by the board constitutes an admission of the allegations 109834
against the individual unless the failure is due to 109835
circumstances beyond the individual's control, and a default and 109836
final order may be entered without the taking of testimony or 109837
presentation of evidence. If the board determines that the 109838
individual's ability to practice is impaired, the board shall 109839
suspend the individual's license or permit or deny the 109840
individual's application and shall require the individual, as a 109841
condition for an initial, continued, reinstated, or renewed 109842
license or permit, to submit to treatment. 109843

Before being eligible to apply for reinstatement of a 109844
license or permit suspended under this division, the impaired 109845
practitioner shall demonstrate to the board the ability to 109846
resume practice in compliance with acceptable and prevailing 109847
standards of care under the provisions of the practitioner's 109848
license or permit. The demonstration shall include, but shall 109849
not be limited to, the following: 109850

(1) Certification from a treatment provider approved under 109851
section 4731.251 of the Revised Code that the individual has 109852
successfully completed any required inpatient treatment; 109853

(2) Evidence of continuing full compliance with an 109854
aftercare contract or consent agreement; 109855

(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.

The board may reinstate a license or permit suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.

(H) (1) If either of the following circumstances occur, the secretary and supervising member may recommend that the board suspend an individual's license or permit without a prior hearing:

(a) The secretary and supervising member determine both of the following:

(i) That there is clear and convincing evidence that an individual has violated division (A) of this section;

(ii) That the individual's continued practice presents a danger of immediate and serious harm to the public.

(b) The board receives verifiable information that a
licensee has been charged in any state or federal court for a
crime classified as a felony under the charging court's law and
the conduct charged constitutes a violation of division (A) of
this section.

(2) If a recommendation is made to suspend without a prior
hearing pursuant to division (H) (1) of this section, written
allegations shall be prepared for consideration by the board.
The board, upon review of those allegations and by an
affirmative vote of not fewer than six of its members, excluding
the secretary and supervising member, may suspend a license or
permit without a prior hearing. A telephone conference call may
be utilized for reviewing the allegations and taking the vote on
the summary suspension.

The board shall serve a written order of suspension in
accordance with sections 119.05 and 119.07 of the Revised Code.
~~The order shall not be subject to suspension by the court during
pendency of any appeal filed under section 119.12 of the Revised
Code.~~ If the individual subject to the summary suspension
requests an adjudicatory hearing by the board, the date set for
the hearing shall be within fifteen days, but not earlier than
seven days, after the individual requests the hearing, unless
otherwise agreed to by both the board and the individual.

(3) Any summary suspension imposed under ~~this division (H)~~
(2) of this section is not a final appealable order and is not
an adjudication that may be appealed under section 119.12 of the
Revised Code. The summary suspension shall remain in effect,
~~unless reversed on appeal,~~ until a final adjudicative order
issued by the board pursuant to this section and Chapter 119. of
the Revised Code becomes effective. Once a final adjudicative

order has been issued by the board, any party adversely affected 109915
by it may file an appeal in accordance with the requirements of 109916
Chapter 119. of the Revised Code. The— 109917

The board shall issue its final adjudicative order within 109918
seventy-five days after completion of its hearing. A failure to 109919
issue the order within seventy-five days shall result in 109920
dissolution of the summary suspension order but shall not 109921
invalidate any subsequent, final adjudicative order. 109922

(I) For purposes of divisions (A) (2), (4), and (6) of this 109923
section, the commission of the act may be established by a 109924
finding by the board, pursuant to an adjudication under Chapter 109925
119. of the Revised Code, that the individual committed the act. 109926
The board does not have jurisdiction under those divisions if 109927
the trial court renders a final judgment in the individual's 109928
favor and that judgment is based upon an adjudication on the 109929
merits. The board has jurisdiction under those divisions if the 109930
trial court issues an order of dismissal upon technical or 109931
procedural grounds. 109932

(J) The sealing or expungement of conviction records by 109933
any court shall have no effect upon a prior board order entered 109934
under this section or upon the board's jurisdiction to take 109935
action under this section if, based upon a plea of guilty, a 109936
judicial finding of guilt, or a judicial finding of eligibility 109937
for intervention in lieu of conviction, the board issued a 109938
notice of opportunity for a hearing prior to the court's order 109939
to seal or expunge the records. The board shall not be required 109940
to seal, destroy, redact, or otherwise modify its records to 109941
reflect the court's sealing or expungement of conviction 109942
records. 109943

(K) If the board takes action under division (A) (1), (3), 109944

or (5) of this section, and the judicial finding of guilt, 109945
guilty plea, or judicial finding of eligibility for intervention 109946
in lieu of conviction is overturned on appeal, upon exhaustion 109947
of the criminal appeal, a petition for reconsideration of the 109948
order may be filed with the board along with appropriate court 109949
documents. Upon receipt of a petition for reconsideration and 109950
supporting court documents, the board shall reinstate the 109951
individual's license or permit. The board may then hold an 109952
adjudication under Chapter 119. of the Revised Code to determine 109953
whether the individual committed the act in question. Notice of 109954
an opportunity for a hearing shall be given in accordance with 109955
Chapter 119. of the Revised Code. If the board finds, pursuant 109956
to an adjudication held under this division, that the individual 109957
committed the act or if no hearing is requested, the board may 109958
order any of the sanctions identified under division (A) of this 109959
section. 109960

(L) The license or permit issued to an individual under 109961
this chapter and the individual's practice in this state are 109962
automatically suspended as of the date the individual pleads 109963
guilty to, is found by a judge or jury to be guilty of, or is 109964
subject to a judicial finding of eligibility for intervention in 109965
lieu of conviction in this state or treatment or intervention in 109966
lieu of conviction in another jurisdiction for any of the 109967
following criminal offenses in this state or a substantially 109968
equivalent criminal offense in another jurisdiction: aggravated 109969
murder, murder, voluntary manslaughter, felonious assault, 109970
trafficking in persons, kidnapping, rape, sexual battery, gross 109971
sexual imposition, aggravated arson, aggravated robbery, or 109972
aggravated burglary. Continued practice after suspension shall 109973
be considered practicing without a license or permit. 109974

The board shall serve the individual subject to the 109975

suspension in accordance with sections 119.05 and 119.07 of the Revised Code. If an individual whose license or permit is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license or permit.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or permit issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or permit in accordance with this chapter does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) The placement of an individual's license on retired status, as described in section 4761.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.

(5) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

Sec. 4761.99. Whoever violates division (A) of section 4761.10 of the Revised Code is guilty of a minor misdemeanor on a first offense. On a second offense, the person is guilty of a misdemeanor of the fourth degree. On each subsequent offense, the person is guilty of a misdemeanor of the first degree.

Whoever violates division (B) (2) or (C) of section 4761.14 of the Revised Code is guilty of ~~failure to report criminal conduct or sexual misconduct,~~ a misdemeanor of the fourth degree. ~~If the offender has previously been convicted of a violation of this division, the failure to report;~~ on each subsequent offense, the person is guilty of a misdemeanor of the first degree.

Whoever violates division (E) (5) of section 4761.03 of the Revised Code is guilty of ~~disclosing confidential investigatory information,~~ a misdemeanor of the first degree.

Sec. 4762.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may refuse to grant a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist to, or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or

suspend an individual's license to practice, refuse to issue a 110034
license to an applicant, refuse to renew a license, refuse to 110035
reinstate a license, or reprimand or place on probation the 110036
holder of a license for any of the following reasons: 110037

(1) Permitting the holder's name or license to be used by 110038
another person; 110039

(2) Failure to comply with the requirements of this 110040
chapter, Chapter 4731. of the Revised Code, or any rules adopted 110041
by the board; 110042

(3) Violating or attempting to violate, directly or 110043
indirectly, or assisting in or abetting the violation of, or 110044
conspiring to violate, any provision of this chapter, Chapter 110045
4731. of the Revised Code, or the rules adopted by the board; 110046

(4) A departure from, or failure to conform to, minimal 110047
standards of care of similar practitioners under the same or 110048
similar circumstances whether or not actual injury to the 110049
patient is established; 110050

(5) Inability to practice according to acceptable and 110051
prevailing standards of care by reason of mental illness or 110052
physical illness, including physical deterioration that 110053
adversely affects cognitive, motor, or perceptive skills; 110054

(6) Impairment of ability to practice according to 110055
acceptable and prevailing standards of care because of substance 110056
use disorder or excessive use or abuse of drugs, alcohol, or 110057
other substances that may impair ability to practice; 110058

(7) Willfully betraying a professional confidence; 110059

(8) Making a false, fraudulent, deceptive, or misleading 110060
statement in soliciting or advertising for patients or in 110061

securing or attempting to secure a license to practice as an 110062
oriental medicine practitioner or license to practice as an 110063
acupuncturist. 110064

As used in this division, "false, fraudulent, deceptive, 110065
or misleading statement" means a statement that includes a 110066
misrepresentation of fact, is likely to mislead or deceive 110067
because of a failure to disclose material facts, is intended or 110068
is likely to create false or unjustified expectations of 110069
favorable results, or includes representations or implications 110070
that in reasonable probability will cause an ordinarily prudent 110071
person to misunderstand or be deceived. 110072

(9) Representing, with the purpose of obtaining 110073
compensation or other advantage personally or for any other 110074
person, that an incurable disease or injury, or other incurable 110075
condition, can be permanently cured; 110076

(10) The obtaining of, or attempting to obtain, money or a 110077
thing of value by fraudulent misrepresentations in the course of 110078
practice; 110079

(11) A plea of guilty to, a judicial finding of guilt of, 110080
or a judicial finding of eligibility for intervention in lieu of 110081
conviction for, a felony; 110082

(12) Commission of an act that constitutes a felony in 110083
this state, regardless of the jurisdiction in which the act was 110084
committed; 110085

(13) A plea of guilty to, a judicial finding of guilt of, 110086
or a judicial finding of eligibility for intervention in lieu of 110087
conviction for, a misdemeanor committed in the course of 110088
practice; 110089

(14) A plea of guilty to, a judicial finding of guilt of, 110090

or a judicial finding of eligibility for intervention in lieu of	110091
conviction for, a misdemeanor involving moral turpitude;	110092
(15) Commission of an act in the course of practice that	110093
constitutes a misdemeanor in this state, regardless of the	110094
jurisdiction in which the act was committed;	110095
(16) Commission of an act involving moral turpitude that	110096
constitutes a misdemeanor in this state, regardless of the	110097
jurisdiction in which the act was committed;	110098
(17) A plea of guilty to, a judicial finding of guilt of,	110099
or a judicial finding of eligibility for intervention in lieu of	110100
conviction for violating any state or federal law regulating the	110101
possession, distribution, or use of any drug, including	110102
trafficking in drugs;	110103
(18) Any of the following actions taken by the state	110104
agency responsible for regulating the practice of oriental	110105
medicine or acupuncture in another jurisdiction, for any reason	110106
other than the nonpayment of fees: the limitation, revocation,	110107
or suspension of an individual's license to practice; acceptance	110108
of an individual's license surrender; denial of a license;	110109
refusal to renew or reinstate a license; imposition of	110110
probation; or issuance of an order of censure or other	110111
reprimand;	110112
(19) Violation of the conditions placed by the board on a	110113
license to practice as an oriental medicine practitioner or	110114
license to practice as an acupuncturist;	110115
(20) Failure to use universal blood and body fluid	110116
precautions established by rules adopted under section 4731.051	110117
of the Revised Code;	110118
(21) Failure to cooperate in an investigation conducted by	110119

the board under section 4762.14 of the Revised Code, including 110120
failure to comply with a subpoena or order issued by the board 110121
or failure to answer truthfully a question presented by the 110122
board at a deposition or in written interrogatories, except that 110123
failure to cooperate with an investigation shall not constitute 110124
grounds for discipline under this section if a court of 110125
competent jurisdiction has issued an order that either quashes a 110126
subpoena or permits the individual to withhold the testimony or 110127
evidence in issue; 110128

(22) Failure to comply with the standards of the national 110129
certification commission for acupuncture and oriental medicine 110130
regarding professional ethics, commitment to patients, 110131
commitment to the profession, and commitment to the public; 110132

(23) Failure to have adequate professional liability 110133
insurance coverage in accordance with section 4762.22 of the 110134
Revised Code; 110135

(24) Failure to maintain a current and active designation 110136
as a diplomate in oriental medicine, diplomate of acupuncture 110137
and Chinese herbology, or diplomate in acupuncture, as 110138
applicable, from the national certification commission for 110139
acupuncture and oriental medicine, including revocation by the 110140
commission of the individual's designation, failure by the 110141
individual to meet the commission's requirements for 110142
redesignation, or failure to notify the board that the 110143
appropriate designation has not been maintained. 110144

(C) The board shall not refuse to issue a certificate to 110145
an applicant because of a plea of guilty to, a judicial finding 110146
of guilt of, or a judicial finding of eligibility for 110147
intervention in lieu of conviction for an offense unless the 110148
refusal is in accordance with section 9.79 of the Revised Code. 110149

(D) Disciplinary actions taken by the board under 110150
divisions (A) and (B) of this section shall be taken pursuant to 110151
an adjudication under Chapter 119. of the Revised Code, except 110152
that in lieu of an adjudication, the board may enter into a 110153
consent agreement with an oriental medicine practitioner or 110154
acupuncturist or applicant to resolve an allegation of a 110155
violation of this chapter or any rule adopted under it. A 110156
consent agreement, when ratified by an affirmative vote of not 110157
fewer than six members of the board, shall constitute the 110158
findings and order of the board with respect to the matter 110159
addressed in the agreement. If the board refuses to ratify a 110160
consent agreement, the admissions and findings contained in the 110161
consent agreement shall be of no force or effect. 110162

(E) For purposes of divisions (B) (12), (15), and (16) of 110163
this section, the commission of the act may be established by a 110164
finding by the board, pursuant to an adjudication under Chapter 110165
119. of the Revised Code, that the applicant or license holder 110166
committed the act in question. The board shall have no 110167
jurisdiction under these divisions in cases where the trial 110168
court renders a final judgment in the license holder's favor and 110169
that judgment is based upon an adjudication on the merits. The 110170
board shall have jurisdiction under these divisions in cases 110171
where the trial court issues an order of dismissal upon 110172
technical or procedural grounds. 110173

(F) The sealing or expungement of conviction records by 110174
any court shall have no effect upon a prior board order entered 110175
under the provisions of this section or upon the board's 110176
jurisdiction to take action under the provisions of this section 110177
if, based upon a plea of guilty, a judicial finding of guilt, or 110178
a judicial finding of eligibility for intervention in lieu of 110179
conviction, the board issued a notice of opportunity for a 110180

hearing or entered into a consent agreement prior to the court's 110181
order to seal or expunge the records. The board shall not be 110182
required to seal, destroy, redact, or otherwise modify its 110183
records to reflect the court's sealing or expungement of 110184
conviction records. 110185

(G) For purposes of this division, any individual who 110186
holds a license to practice issued under this chapter, or 110187
applies for a license to practice, shall be deemed to have given 110188
consent to submit to a mental or physical examination when 110189
directed to do so in writing by the board and to have waived all 110190
objections to the admissibility of testimony or examination 110191
reports that constitute a privileged communication. 110192

(1) In enforcing division (B)(5) of this section, the 110193
board, upon a showing of a possible violation, shall refer any 110194
individual who holds, or has applied for, a license under this 110195
chapter to the monitoring organization that conducts the 110196
confidential monitoring program established under section 110197
4731.25 of the Revised Code. The board also may compel the 110198
individual to submit to a mental examination, physical 110199
examination, including an HIV test, or both a mental and 110200
physical examination. The expense of the examination is the 110201
responsibility of the individual compelled to be examined. 110202
Failure to submit to a mental or physical examination or consent 110203
to an HIV test ordered by the board constitutes an admission of 110204
the allegations against the individual unless the failure is due 110205
to circumstances beyond the individual's control, and a default 110206
and final order may be entered without the taking of testimony 110207
or presentation of evidence. If the board finds an oriental 110208
medicine practitioner or acupuncturist unable to practice 110209
because of the reasons set forth in division (B)(5) of this 110210
section, the board shall require the individual to submit to 110211

care, counseling, or treatment by physicians approved or 110212
designated by the board, as a condition for an initial, 110213
continued, reinstated, or renewed license to practice. An 110214
individual affected by this division shall be afforded an 110215
opportunity to demonstrate to the board the ability to resume 110216
practicing in compliance with acceptable and prevailing 110217
standards of care. 110218

(2) For purposes of division (B)(6) of this section, if 110219
the board has reason to believe that any individual who holds a 110220
license to practice issued under this chapter or any applicant 110221
for a license suffers such impairment, the board shall refer the 110222
individual to the monitoring organization that conducts the 110223
confidential monitoring program established under section 110224
4731.25 of the Revised Code. The board also may compel the 110225
individual to submit to a mental or physical examination, or 110226
both. The expense of the examination is the responsibility of 110227
the individual compelled to be examined. Any mental or physical 110228
examination required under this division shall be undertaken by 110229
a treatment provider or physician qualified to conduct such 110230
examination and approved under section 4731.251 of the Revised 110231
Code. 110232

Failure to submit to a mental or physical examination 110233
ordered by the board constitutes an admission of the allegations 110234
against the individual unless the failure is due to 110235
circumstances beyond the individual's control, and a default and 110236
final order may be entered without the taking of testimony or 110237
presentation of evidence. If the board determines that the 110238
individual's ability to practice is impaired, the board shall 110239
suspend the individual's license or deny the individual's 110240
application and shall require the individual, as a condition for 110241
an initial, continued, reinstated, or renewed license, to submit 110242

to treatment. 110243

Before being eligible to apply for reinstatement of a 110244
license suspended under this division, the oriental medicine 110245
practitioner or acupuncturist shall demonstrate to the board the 110246
ability to resume practice in compliance with acceptable and 110247
prevailing standards of care. The demonstration shall include 110248
the following: 110249

(a) Certification from a treatment provider approved under 110250
section 4731.251 of the Revised Code that the individual has 110251
successfully completed any required inpatient treatment; 110252

(b) Evidence of continuing full compliance with an 110253
aftercare contract or consent agreement; 110254

(c) Two written reports indicating that the individual's 110255
ability to practice has been assessed and that the individual 110256
has been found capable of practicing according to acceptable and 110257
prevailing standards of care. The reports shall be made by 110258
individuals or providers approved by the board for making such 110259
assessments and shall describe the basis for their 110260
determination. 110261

The board may reinstate a license suspended under this 110262
division after such demonstration and after the individual has 110263
entered into a written consent agreement. 110264

When the impaired individual resumes practice, the board 110265
shall require continued monitoring of the individual. The 110266
monitoring shall include monitoring of compliance with the 110267
written consent agreement entered into before reinstatement or 110268
with conditions imposed by board order after a hearing, and, 110269
upon termination of the consent agreement, submission to the 110270
board for at least two years of annual written progress reports 110271

made under penalty of falsification stating whether the 110272
individual has maintained sobriety. 110273

(H) (1) If either of the following circumstances occur, the 110274
secretary and supervising member may recommend that the board 110275
suspend an individual's license to practice without a prior 110276
hearing: 110277

(a) The secretary and supervising member determine both of 110278
the following: 110279

(i) That there is clear and convincing evidence that an 110280
oriental medicine practitioner or acupuncturist has violated 110281
division (B) of this section; 110282

(ii) That the individual's continued practice presents a 110283
danger of immediate and serious harm to the public. 110284

(b) The board receives verifiable information that a 110285
licensee has been charged in any state or federal court for a 110286
crime classified as a felony under the charging court's law and 110287
the conduct charged constitutes a violation of division (B) of 110288
this section. 110289

(2) If a recommendation is made to suspend without a prior 110290
hearing pursuant to division (H) (1) of this section, written 110291
allegations shall be prepared for consideration by the board. 110292
The board, upon review of the allegations and by an affirmative 110293
vote of not fewer than six of its members, excluding the 110294
secretary and supervising member, may suspend a license without 110295
a prior hearing. A telephone conference call may be utilized for 110296
reviewing the allegations and taking the vote on the summary 110297
suspension. 110298

The board shall serve a written order of suspension in 110299
accordance with sections 119.05 and 119.07 of the Revised Code. 110300

~~The order shall not be subject to suspension by the court during~~ 110301
~~pendency of any appeal filed under section 119.12 of the Revised~~ 110302
~~Code.~~ If the oriental medicine practitioner or acupuncturist 110303
requests an adjudicatory hearing by the board, the date set for 110304
the hearing shall be within fifteen days, but not earlier than 110305
seven days, after the hearing is requested, unless otherwise 110306
agreed to by both the board and the license holder. 110307

(3) A summary suspension imposed under ~~this~~ division (H) 110308
(2) of this section is not a final appealable order and is not 110309
an adjudication that may be appealed under section 119.12 of the 110310
Revised Code. The summary suspension shall remain in effect, 110311
~~unless reversed on appeal,~~ until a final adjudicative order 110312
issued by the board pursuant to this section and Chapter 119. of 110313
the Revised Code becomes effective. Once a final adjudicative 110314
order has been issued by the board, any party adversely affected 110315
by it may file an appeal in accordance with the requirements of 110316
Chapter 119. of the Revised Code. ~~The~~ 110317

The board shall issue its final adjudicative order within 110318
~~sixty-seventy-five~~ days after completion of its hearing. Failure 110319
to issue the order within ~~sixty-seventy-five~~ days shall result 110320
in dissolution of the summary suspension order, but shall not 110321
invalidate any subsequent, final adjudicative order. 110322

(I) If the board takes action under division (B) (11), 110323
(13), or (14) of this section, and the judicial finding of 110324
guilt, guilty plea, or judicial finding of eligibility for 110325
intervention in lieu of conviction is overturned on appeal, upon 110326
exhaustion of the criminal appeal, a petition for 110327
reconsideration of the order may be filed with the board along 110328
with appropriate court documents. Upon receipt of a petition and 110329
supporting court documents, the board shall reinstate the 110330

license. The board may then hold an adjudication under Chapter 110331
119. of the Revised Code to determine whether the individual 110332
committed the act in question. Notice of opportunity for hearing 110333
shall be given in accordance with Chapter 119. of the Revised 110334
Code. If the board finds, pursuant to an adjudication held under 110335
this division, that the individual committed the act, or if no 110336
hearing is requested, it may order any of the sanctions 110337
specified in division (B) of this section. 110338

(J) The license to practice of an oriental medicine 110339
practitioner or acupuncturist and the practitioner's or 110340
acupuncturist's practice in this state are automatically 110341
suspended as of the date the practitioner or acupuncturist 110342
pleads guilty to, is found by a judge or jury to be guilty of, 110343
or is subject to a judicial finding of eligibility for 110344
intervention in lieu of conviction in this state or treatment or 110345
intervention in lieu of conviction in another jurisdiction for 110346
any of the following criminal offenses in this state or a 110347
substantially equivalent criminal offense in another 110348
jurisdiction: aggravated murder, murder, voluntary manslaughter, 110349
felonious assault, trafficking in persons, kidnapping, rape, 110350
sexual battery, gross sexual imposition, aggravated arson, 110351
aggravated robbery, or aggravated burglary. Continued practice 110352
after the suspension shall be considered practicing without a 110353
license. 110354

The board shall serve the individual subject to the 110355
suspension in accordance with sections 119.05 and 119.07 of the 110356
Revised Code. If an individual whose license is suspended under 110357
this division fails to make a timely request for an adjudication 110358
under Chapter 119. of the Revised Code, the board shall enter a 110359
final order permanently revoking the individual's license. 110360

(K) In any instance in which the board is required by 110361
Chapter 119. of the Revised Code to give notice of opportunity 110362
for hearing and the individual subject to the notice does not 110363
timely request a hearing in accordance with section 119.07 of 110364
the Revised Code, the board is not required to hold a hearing, 110365
but may adopt, by an affirmative vote of not fewer than six of 110366
its members, a final order that contains the board's findings. 110367
In the final order, the board may order any of the sanctions 110368
identified under division (A) or (B) of this section. 110369

(L) Any action taken by the board under division (B) of 110370
this section resulting in a suspension shall be accompanied by a 110371
written statement of the conditions under which the license may 110372
be reinstated. The board shall adopt rules in accordance with 110373
Chapter 119. of the Revised Code governing conditions to be 110374
imposed for reinstatement. Reinstatement of a license suspended 110375
pursuant to division (B) of this section requires an affirmative 110376
vote of not fewer than six members of the board. 110377

(M) When the board refuses to grant or issue a license to 110378
an applicant, revokes an individual's license, refuses to renew 110379
an individual's license, or refuses to reinstate an individual's 110380
license, the board may specify that its action is permanent. An 110381
individual subject to a permanent action taken by the board is 110382
forever thereafter ineligible to hold a license to practice as 110383
an oriental medicine practitioner or license to practice as an 110384
acupuncturist and the board shall not accept an application for 110385
reinstatement of the license or for issuance of a new license. 110386

(N) Notwithstanding any other provision of the Revised 110387
Code, all of the following apply: 110388

(1) The surrender of a license to practice as an oriental 110389
medicine practitioner or license to practice as an acupuncturist 110390

issued under this chapter is not effective unless or until 110391
accepted by the board. Reinstatement of a license surrendered to 110392
the board requires an affirmative vote of not fewer than six 110393
members of the board. 110394

(2) An application made under this chapter for a license 110395
may not be withdrawn without approval of the board. 110396

(3) Failure by an individual to renew a license in 110397
accordance with section 4762.06 of the Revised Code does not 110398
remove or limit the board's jurisdiction to take disciplinary 110399
action under this section against the individual. 110400

(4) The placement of an individual's license on retired 110401
status, as described in section 4762.062 of the Revised Code, 110402
does not remove or limit the board's jurisdiction to take any 110403
disciplinary action against the individual with regard to the 110404
license as it existed before being placed on retired status. 110405

Sec. 4762.99. (A) Whoever violates section 4762.02 of the 110406
Revised Code is guilty of a misdemeanor of the first degree on a 110407
first offense; on each subsequent offense, the person is guilty 110408
of a felony of the fourth degree. 110409

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 110410
(D), or (E) of section 4762.16 of the Revised Code is guilty of 110411
a minor misdemeanor on a first offense; on each subsequent 110412
offense the person is guilty of a misdemeanor of the fourth 110413
degree, except that an individual guilty of a subsequent offense 110414
shall not be subject to imprisonment, but to a fine alone of up 110415
to one thousand dollars for each offense. 110416

(2) Whoever violates division (B) (2) or (C) (3) of section 110417
4762.16 of the Revised Code is guilty of ~~failure to report~~ 110418
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 110419

fourth degree. ~~If the offender has previously been convicted of~~ 110420
~~a violation of this division, the failure to report on a first~~ 110421
~~offense; on each subsequent offense, the person is guilty of a~~ 110422
misdemeanor of the first degree. 110423

(C) Whoever violates division (E) of section 4762.14 of 110424
the Revised Code is guilty of ~~disclosing confidential~~ 110425
~~investigatory information,~~ a misdemeanor of the first degree. 110426

Sec. 4765.11. (A) The state board of emergency medical, 110427
fire, and transportation services shall adopt, and may amend and 110428
rescind, rules in accordance with Chapter 119. of the Revised 110429
Code and divisions (C) and (D) of this section that establish 110430
all of the following: 110431

(1) Procedures for its governance and the control of its 110432
actions and business affairs; 110433

(2) Standards for the performance of emergency medical 110434
services by first responders, emergency medical technicians- 110435
basic, emergency medical technicians-intermediate, and emergency 110436
medical technicians-paramedic; 110437

(3) Application fees for certificates of accreditation, 110438
certificates of approval, certificates to teach, and 110439
certificates to practice, which shall be deposited into the 110440
trauma and emergency medical services fund created in section 110441
4513.263 of the Revised Code; 110442

(4) Criteria for determining when the application or 110443
renewal fee for a certificate to practice may be waived because 110444
an applicant cannot afford to pay the fee; 110445

(5) Procedures for issuance and renewal of certificates of 110446
accreditation, certificates of approval, certificates to teach, 110447
and certificates to practice, including any measures necessary 110448

to implement section 9.79 of the Revised Code and any procedures 110449
necessary to ensure that adequate notice of renewal is provided 110450
in accordance with division (E) of section 4765.30 of the 110451
Revised Code; 110452

(6) Procedures for suspending or revoking certificates of 110453
accreditation, certificates of approval, certificates to teach, 110454
and certificates to practice; 110455

(7) Grounds for suspension or revocation of a certificate 110456
to practice issued under section 4765.30 of the Revised Code and 110457
for taking any other disciplinary action against a first 110458
responder, EMT-basic, EMT-I, or paramedic; 110459

(8) Procedures for taking disciplinary action against a 110460
first responder, EMT-basic, EMT-I, or paramedic; 110461

(9) Standards for certificates of accreditation and 110462
certificates of approval; 110463

(10) Qualifications for certificates to teach; 110464

(11) Requirements for a certificate to practice; 110465

(12) The curricula, number of hours of instruction and 110466
training, and instructional materials to be used in adult and 110467
pediatric emergency medical services training programs and adult 110468
and pediatric emergency medical services continuing education 110469
programs; 110470

(13) Procedures for conducting courses in recognizing 110471
symptoms of life-threatening allergic reactions and in 110472
calculating proper dosage levels and administering injections of 110473
epinephrine to adult and pediatric patients who suffer life- 110474
threatening allergic reactions; 110475

(14) Examinations for certificates to practice; 110476

(15) Procedures for administering examinations for	110477
certificates to practice;	110478
(16) Procedures for approving examinations that	110479
demonstrate competence to have a certificate to practice renewed	110480
without completing an emergency medical services continuing	110481
education program;	110482
(17) Procedures for granting extensions and exemptions of	110483
emergency medical services continuing education requirements;	110484
(18) Specifications of the emergency medical services that	110485
first responders are authorized to perform under section 4765.35	110486
of the Revised Code, that EMTs-basic are authorized to perform	110487
under section 4765.37 of the Revised Code, that EMTs-I are	110488
authorized to perform under section 4765.38 of the Revised Code,	110489
and that paramedics are authorized to perform under section	110490
4765.39 of the Revised Code;	110491
(19) Standards and procedures for implementing the	110492
requirements of section 4765.06 of the Revised Code, including	110493
designations of the persons who are required to report	110494
information to the board and the types of information to be	110495
reported;	110496
(20) Procedures for administering the emergency medical	110497
services grant program established under section 4765.07 of the	110498
Revised Code;	110499
(21) Procedures consistent with Chapter 119. of the	110500
Revised Code for appealing decisions of the board;	110501
(22) Minimum qualifications and peer review and quality	110502
improvement requirements for persons who provide medical	110503
direction to emergency medical service personnel, including,	110504
subject to division (B) of section 4765.42 of the Revised Code,	110505

qualifications for a physician to be eligible to serve as the 110506
medical director of an emergency medical service organization or 110507
a member of its cooperating physician advisory board; 110508

(23) The manner in which a patient, or a patient's parent, 110509
guardian, or custodian, may consent to the board releasing 110510
identifying information about the patient under division (D) of 110511
section 4765.102 of the Revised Code; 110512

(24) Circumstances under which a training program or 110513
continuing education program, or portion of either type of 110514
program, may be taught by a person who does not hold a 110515
certificate to teach issued under section 4765.23 of the Revised 110516
Code; 110517

(25) Certification cycles for certificates issued under 110518
sections 4765.23 and 4765.30 of the Revised Code and 110519
certificates issued by the executive director of the state board 110520
of emergency medical, fire, and transportation services under 110521
section 4765.55 of the Revised Code that establish a common 110522
expiration date for all certificates; 110523

(26) Procedures by which the holder of a certificate to 110524
practice who intends to retire may request the emergency medical 110525
service organization for which the holder performs services to 110526
direct the board to designate the holder as "retired" in the 110527
board's records when the holder retires. 110528

(B) The board may adopt, and may amend and rescind, rules 110529
in accordance with Chapter 119. of the Revised Code and 110530
divisions (C) and (D) of this section that establish any of the 110531
following: 110532

(1) Specifications of information that may be collected 110533
under the trauma system registry and incidence reporting system 110534

created under section 4765.06 of the Revised Code; 110535

(2) Standards and procedures for implementing any of the 110536
recommendations made by any committees of the board or under 110537
section 4765.04 of the Revised Code; 110538

(3) Procedures and requirements for conducting background 110539
checks on applicants for the issuance and renewal of 110540
certificates of accreditation, certificates of approval, 110541
certificates to teach, and certificates to practice in 110542
accordance with section 109.578 of the Revised Code; 110543

(4) Any other rules necessary to implement this chapter. 110544

(C) In developing and administering rules adopted under 110545
this chapter, the state board of emergency medical, fire, and 110546
transportation services shall consult with regional directors 110547
and regional advisory boards appointed under section 4765.05 of 110548
the Revised Code and emphasize the special needs of pediatric 110549
and geriatric patients. 110550

(D) On and after April 6, 2023, the executive director 110551
shall not issue to any new applicant a certificate to practice 110552
as an emergency medical services assistant instructor. Any 110553
emergency medical services assistant instructor certificate that 110554
was issued in accordance with rules adopted under division (A) 110555
of this section prior to April 6, 2023, remains valid, subject 110556
to any conditions or responsibilities of retaining the validity 110557
of that certificate, until the holder of the certificate allows 110558
it to expire or lapse. The certificate may be renewed by the 110559
holder of that certificate. The board shall adopt, amend, or 110560
rescind rules in accordance with Chapter 119. of the Revised 110561
Code in order to effectuate this division. 110562

(E) Except as otherwise provided in this division, before 110563

adopting, amending, or rescinding any rule under this chapter, 110564
the board shall submit the proposed rule to the director of 110565
public safety for review. The director may review the proposed 110566
rule for not more than sixty days after the date it is 110567
submitted. If, within this sixty-day period, the director 110568
approves the proposed rule or does not notify the board that the 110569
rule is disapproved, the board may adopt, amend, or rescind the 110570
rule as proposed. If, within this sixty-day period, the director 110571
notifies the board that the proposed rule is disapproved, the 110572
board shall not adopt, amend, or rescind the rule as proposed 110573
unless at least twelve members of the board vote to adopt, 110574
amend, or rescind it. 110575

This division does not apply to an emergency rule adopted 110576
in accordance with section 119.03 of the Revised Code. 110577

(F) Notwithstanding any requirement for a certificate 110578
issued in accordance with rules adopted by the board under this 110579
section, the board, in accordance with Chapter 4796. of the 110580
Revised Code, shall issue a certificate that is a license as 110581
defined in section 4796.01 of the Revised Code to an individual 110582
if either of the following applies: 110583

(1) The individual holds a license or certificate in 110584
another state. 110585

(2) The individual has satisfactory work experience, a 110586
government certification, or a private certification as 110587
described in that chapter as a first responder, emergency 110588
medical technician-basic, emergency medical technician- 110589
intermediate, or emergency medical technician-paramedic in a 110590
state that does not issue that license or certificate. 110591

Sec. 4765.55. (A) The executive director of the state 110592

board of emergency medical, fire, and transportation services, 110593
with the advice and counsel of the firefighter and fire safety 110594
inspector training committee of the state board of emergency 110595
medical, fire, and transportation services, shall assist in the 110596
establishment and maintenance by any state agency, or any 110597
county, township, city, village, school district, or educational 110598
service center of a fire service training program for the 110599
training of all persons in positions of any fire training 110600
certification level approved by the executive director, 110601
including full-time paid firefighters, part-time paid 110602
firefighters, volunteer firefighters, and fire safety inspectors 110603
in this state. The executive director, with the advice and 110604
counsel of the committee, shall adopt rules to regulate those 110605
firefighter and fire safety inspector training programs, and 110606
other training programs approved by the executive director. The 110607
rules may include, but need not be limited to, training 110608
curriculum, certification examinations, training schedules, 110609
minimum hours of instruction, attendance requirements, required 110610
equipment and facilities, basic physical requirements, and 110611
methods of training for all persons in positions of any fire 110612
training certification level approved by the executive director, 110613
including full-time paid firefighters, part-time paid 110614
firefighters, volunteer firefighters, and fire safety 110615
inspectors. The rules adopted to regulate training programs for 110616
volunteer firefighters shall not require more than thirty-six 110617
hours of training. 110618

The executive director, with the advice and counsel of the 110619
committee, shall provide for the classification and chartering 110620
of fire service training programs in accordance with rules 110621
adopted under division (B) of this section, and may take action 110622
against any chartered training program or applicant, in 110623

accordance with rules adopted under divisions (B) (4) and (5) of 110624
this section, for failure to meet standards set by the adopted 110625
rules. 110626

(B) The executive director, with the advice and counsel of 110627
the firefighter and fire safety inspector training committee of 110628
the state board of emergency medical, fire, and transportation 110629
services, shall adopt, and may amend or rescind, rules under 110630
Chapter 119. of the Revised Code that establish all of the 110631
following: 110632

(1) Requirements for, and procedures for chartering, the 110633
training programs regulated by this section; 110634

(2) Requirements for, and requirements and procedures for 110635
obtaining and renewing, an instructor certificate to teach the 110636
training programs and continuing education classes regulated by 110637
this section; 110638

(3) Requirements for, and requirements and procedures for 110639
obtaining and renewing, any of the fire training certificates 110640
regulated by this section; 110641

(4) Grounds and procedures for suspending, revoking, 110642
restricting, or refusing to issue or renew any of the 110643
certificates or charters regulated by this section, which 110644
grounds shall be limited to one of the following: 110645

(a) Failure to satisfy the education or training 110646
requirements of this section; 110647

(b) Conviction of a felony offense; 110648

(c) Conviction of a misdemeanor involving moral turpitude; 110649

(d) Conviction of a misdemeanor committed in the course of 110650
practice; 110651

(e) In the case of a chartered training program or 110652
applicant, failure to meet standards set by the rules adopted 110653
under this division. 110654

(5) Grounds and procedures for imposing and collecting 110655
fines, not to exceed one thousand dollars, in relation to 110656
actions taken under division (B) (4) of this section against 110657
persons holding certificates and charters regulated by this 110658
section, the fines to be deposited into the trauma and emergency 110659
medical services fund established under section 4513.263 of the 110660
Revised Code; 110661

(6) Continuing education requirements for certificate 110662
holders, including a requirement that credit shall be granted 110663
for in-service training programs conducted by local entities. 110664
The continuing education requirements shall not require more 110665
than thirty-six hours of continuing education every three-year 110666
certification cycle. Local entities may require additional 110667
continuing education, provided that completion of such 110668
additional continuing education is not required for renewal of 110669
certification. 110670

(7) Procedures for considering the granting of an 110671
extension or exemption of fire service continuing education 110672
requirements; 110673

(8) Certification cycles for which the certificates and 110674
charters regulated by this section are valid; 110675

(9) If determined necessary by the executive director, 110676
procedures and requirements for conducting background checks on 110677
applicants for the issuance and renewal of certification as a 110678
fire safety inspector in accordance with section 109.578 of the 110679
Revised Code; 110680

(10) Procedures by which a firefighter or fire safety 110681
inspector who intends to retire may request the department for 110682
which the firefighter or inspector performs services to direct 110683
the executive director of the state board of emergency medical, 110684
fire, and transportation services to designate the firefighter 110685
or inspector as "retired" in the board's records when the 110686
firefighter or inspector retires. 110687

(C) (1) The executive director, with the advice and counsel 110688
of the firefighter and fire safety inspector training committee 110689
of the state board of emergency medical, fire, and 110690
transportation services, shall issue or renew an instructor 110691
certificate to teach the training programs and continuing 110692
education classes regulated by this section to any applicant 110693
that the executive director determines meets the qualifications 110694
established in rules adopted under division (B) of this section, 110695
and may take disciplinary action against an instructor 110696
certificate holder or applicant in accordance with rules adopted 110697
under division (B) of this section. 110698

(2) On and after April 6, 2023, the executive director 110699
shall not issue to any new applicant a certificate to practice 110700
as an assistant fire instructor. Any assistant fire instructor 110701
certificate that was issued in accordance with rules adopted 110702
under division (B) of this section prior to April 6, 2023, 110703
remains valid, subject to any conditions or responsibilities of 110704
retaining the validity of that certificate, until the holder of 110705
the certificate allows it to expire or lapse. The certificate 110706
may be renewed by the holder of that certificate. The executive 110707
director shall adopt, amend, or rescind rules in accordance with 110708
Chapter 119. of the Revised Code in order to effectuate division 110709
(C) (2) of this section. 110710

(3) The executive director, with the advice and counsel of the committee, shall charter or renew the charter of any training program that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against the holder of a charter in accordance with rules adopted under division (B) of this section.

(D) The executive director shall issue or renew a fire training certificate for a firefighter, a fire safety inspector, or another position of any fire training certification level approved by the executive director, to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section and may take disciplinary actions against a certificate holder or applicant in accordance with rules adopted under division (B) of this section.

(E) Certificates issued under this section shall be on a form prescribed by the executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services.

(F) (1) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall establish criteria for evaluating the standards maintained by the branches of the United States military for firefighter, fire safety inspector, and fire instructor training programs, and other training programs recognized by the executive director, to determine whether the standards are equivalent to those established under this section

and shall establish requirements and procedures for issuing a 110741
certificate to each person who presents proof to the executive 110742
director of having satisfactorily completed a training program 110743
that meets those standards. 110744

(2) The executive director, with the committee's advice 110745
and counsel, shall adopt rules establishing requirements and 110746
procedures for issuing a fire training certificate in lieu of 110747
completing a chartered training program. 110748

(G) Notwithstanding any requirement for a certificate 110749
issued under this section, the executive director shall issue a 110750
certificate in accordance with Chapter 4796. of the Revised Code 110751
to an individual if either of the following applies: 110752

(1) The individual holds a license or certificate in 110753
another state. 110754

(2) The individual has satisfactory work experience, a 110755
government certification, or a private certification as 110756
described in that chapter as a firefighter or fire safety 110757
inspector in a state that does not issue that license or 110758
certificate. 110759

(H) Nothing in this section invalidates any other section 110760
of the Revised Code relating to the fire training academy. 110761
Section 4765.11 of the Revised Code does not affect any powers 110762
and duties granted to the executive director under this section. 110763

(I) Notwithstanding any provision of division (B) (4) of 110764
this section to the contrary, the executive director shall not 110765
adopt rules for refusing to issue any of the certificates or 110766
charters regulated by this section to an applicant because of a 110767
criminal conviction unless the rules establishing grounds and 110768
procedures for refusal are in accordance with section 9.79 of 110769

the Revised Code.

110770

Sec. 4767.10. (A) The division of real estate in the
department of commerce shall use ~~one dollar~~ six dollars of each
burial permit fee collected pursuant to section 3705.17 of the
Revised Code and paid into the state treasury to the credit of
the cemetery registration fund created under section 4767.03 of
the Revised Code to advance grants to cemeteries registered with
the division to defray the costs of exceptional cemetery
maintenance or training cemetery personnel in the maintenance
and operation of cemeteries. The division may not provide a
grant to a corporation or association that operates a cemetery
for profit. Grants provided under this section shall not exceed
five thousand dollars. An operator of five or more cemeteries
registered with the division may apply for and receive one grant
per year. All other operators of cemeteries registered with the
division may apply for and receive one grant every other year.
The division shall advance grants from the cemetery registration
fund in accordance with rules adopted by the Ohio cemetery
dispute resolution commission under Chapter 119. of the Revised
Code.

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(B) The director of commerce may increase, by rule adopted
under Chapter 119. of the Revised Code, the amount of total
grants the division may advance in a fiscal year if the director
determines the total amount of funds generated exceeds the
amount of funds the division needs to carry out its powers and
duties under this section. If the director determines the
increased amount depletes the amount of funds the division needs
to carry out its powers and duties under this section, the
director may decrease the amount not below the amount specified
in division (A) of this section.

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Sec. 4772.20. (A) The state medical board, by an 110800
affirmative vote of not fewer than six members, may revoke or 110801
may refuse to grant a license to practice as a certified mental 110802
health assistant to an individual found by the board to have 110803
committed fraud, misrepresentation, or deception in applying for 110804
or securing the license. 110805

(B) The board, by an affirmative vote of not fewer than 110806
six members, shall, except as provided in division (C) of this 110807
section, and to the extent permitted by law, limit, revoke, or 110808
suspend an individual's license to practice as a certified 110809
mental health assistant, refuse to issue a license to an 110810
applicant, refuse to renew a license, refuse to reinstate a 110811
license, or reprimand or place on probation the holder of a 110812
license for any of the following reasons: 110813

(1) Permitting the holder's name or license to be used by 110814
another person; 110815

(2) Failure to comply with the requirements of this 110816
chapter, Chapter 4731. of the Revised Code, or any rules adopted 110817
by the board; 110818

(3) Violating or attempting to violate, directly or 110819
indirectly, or assisting in or abetting the violation of, or 110820
conspiring to violate, any provision of this chapter, Chapter 110821
4731. of the Revised Code, or the rules adopted by the board; 110822

(4) A departure from, or failure to conform to, minimal 110823
standards of care of similar practitioners under the same or 110824
similar circumstances whether or not actual injury to the 110825
patient is established; 110826

(5) Inability to practice according to acceptable and 110827
prevailing standards of care by reason of mental illness or 110828

physical illness, including physical deterioration that 110829
adversely affects cognitive, motor, or perceptive skills; 110830

(6) Impairment of ability to practice according to 110831
acceptable and prevailing standards of care because of habitual 110832
or excessive use or abuse of drugs, alcohol, or other substances 110833
that impair ability to practice; 110834

(7) Willfully betraying a professional confidence; 110835

(8) Making a false, fraudulent, deceptive, or misleading 110836
statement in securing or attempting to secure a license to 110837
practice as a certified mental health assistant. 110838

As used in this division, "false, fraudulent, deceptive, 110839
or misleading statement" means a statement that includes a 110840
misrepresentation of fact, is likely to mislead or deceive 110841
because of a failure to disclose material facts, is intended or 110842
is likely to create false or unjustified expectations of 110843
favorable results, or includes representations or implications 110844
that in reasonable probability will cause an ordinarily prudent 110845
person to misunderstand or be deceived. 110846

(9) The obtaining of, or attempting to obtain, money or a 110847
thing of value by fraudulent misrepresentations in the course of 110848
practice; 110849

(10) A plea of guilty to, a judicial finding of guilt of, 110850
or a judicial finding of eligibility for intervention in lieu of 110851
conviction for, a felony; 110852

(11) Commission of an act that constitutes a felony in 110853
this state, regardless of the jurisdiction in which the act was 110854
committed; 110855

(12) A plea of guilty to, a judicial finding of guilt of, 110856

or a judicial finding of eligibility for intervention in lieu of 110857
conviction for, a misdemeanor committed in the course of 110858
practice; 110859

(13) A plea of guilty to, a judicial finding of guilt of, 110860
or a judicial finding of eligibility for intervention in lieu of 110861
conviction for, a misdemeanor involving moral turpitude; 110862

(14) Commission of an act in the course of practice that 110863
constitutes a misdemeanor in this state, regardless of the 110864
jurisdiction in which the act was committed; 110865

(15) Commission of an act involving moral turpitude that 110866
constitutes a misdemeanor in this state, regardless of the 110867
jurisdiction in which the act was committed; 110868

(16) A plea of guilty to, a judicial finding of guilt of, 110869
or a judicial finding of eligibility for intervention in lieu of 110870
conviction for violating any state or federal law regulating the 110871
possession, distribution, or use of any drug, including 110872
trafficking in drugs; 110873

(17) Any of the following actions taken by the state 110874
agency responsible for regulating the practice of certified 110875
mental health assistants in another jurisdiction, for any reason 110876
other than the nonpayment of fees: the limitation, revocation, 110877
or suspension of an individual's license to practice; acceptance 110878
of an individual's license surrender; denial of a license; 110879
refusal to renew or reinstate a license; imposition of 110880
probation; or issuance of an order of censure or other 110881
reprimand; 110882

(18) Violation of the conditions placed by the board on a 110883
license to practice as a certified mental health assistant; 110884

(19) Failure to use universal blood and body fluid 110885

precautions established by rules adopted under section 4731.051 110886
of the Revised Code; 110887

(20) Failure to cooperate in an investigation conducted by 110888
the board under section 4772.21 of the Revised Code, including 110889
failure to comply with a subpoena or order issued by the board 110890
or failure to answer truthfully a question presented by the 110891
board at a deposition or in written interrogatories, except that 110892
failure to cooperate with an investigation shall not constitute 110893
grounds for discipline under this section if a court of 110894
competent jurisdiction has issued an order that either quashes a 110895
subpoena or permits the individual to withhold the testimony or 110896
evidence in issue; 110897

(21) Failure to practice in accordance with the 110898
supervising physician's supervision agreement with the certified 110899
mental health assistant; 110900

(22) Administering drugs for purposes other than those 110901
authorized under this chapter; 110902

(23) Failure to comply with section 4772.13 of the Revised 110903
Code, unless the board no longer maintains a drug database 110904
pursuant to section 4729.75 of the Revised Code; 110905

(24) Assisting suicide, as defined in section 3795.01 of 110906
the Revised Code. 110907

(C) The board shall not refuse to issue a license to an 110908
applicant because of a plea of guilty to, a judicial finding of 110909
guilt of, or a judicial finding of eligibility for intervention 110910
in lieu of conviction for an offense unless the refusal is in 110911
accordance with section 9.79 of the Revised Code. 110912

(D) Disciplinary actions taken by the board under 110913
divisions (A) and (B) of this section shall be taken pursuant to 110914

an adjudication under Chapter 119. of the Revised Code, except 110915
that in lieu of an adjudication, the board may enter into a 110916
consent agreement with a certified mental health assistant or 110917
applicant to resolve an allegation of a violation of this 110918
chapter or any rule adopted under it. A consent agreement, when 110919
ratified by an affirmative vote of not fewer than six members of 110920
the board, shall constitute the findings and order of the board 110921
with respect to the matter addressed in the agreement. If the 110922
board refuses to ratify a consent agreement, the admissions and 110923
findings contained in the consent agreement shall be of no force 110924
or effect. 110925

(E) For purposes of divisions (B) (11), (14), and (15) of 110926
this section, the commission of the act may be established by a 110927
finding by the board, pursuant to an adjudication under Chapter 110928
119. of the Revised Code, that the applicant or license holder 110929
committed the act in question. The board shall have no 110930
jurisdiction under these divisions in cases where the trial 110931
court renders a final judgment in the license holder's favor and 110932
that judgment is based upon an adjudication on the merits. The 110933
board shall have jurisdiction under these divisions in cases 110934
where the trial court issues an order of dismissal on technical 110935
or procedural grounds. 110936

(F) The sealing or expungement of conviction records by 110937
any court shall have no effect on a prior board order entered 110938
under the provisions of this section or on the board's 110939
jurisdiction to take action under the provisions of this section 110940
if, based upon a plea of guilty, a judicial finding of guilt, or 110941
a judicial finding of eligibility for intervention in lieu of 110942
conviction, the board issued a notice of opportunity for a 110943
hearing prior to the court's order to seal or expunge the 110944
records. The board shall not be required to seal, destroy, 110945

redact, or otherwise modify its records to reflect the court's 110946
sealing or expungement of conviction records. 110947

(G) For purposes of this division, any individual who 110948
holds a license to practice as a certified mental health 110949
assistant issued under this chapter, or applies for a license, 110950
shall be deemed to have given consent to submit to a mental or 110951
physical examination when directed to do so in writing by the 110952
board and to have waived all objections to the admissibility of 110953
testimony or examination reports that constitute a privileged 110954
communication. 110955

(1) In enforcing division (B)(5) of this section, the 110956
board, on a showing of a possible violation, may compel any 110957
individual who holds a license to practice as a certified mental 110958
health assistant issued under this chapter or who has applied 110959
for a license to submit to a mental or physical examination, or 110960
both. A physical examination may include an HIV test. The 110961
expense of the examination is the responsibility of the 110962
individual compelled to be examined. Failure to submit to a 110963
mental or physical examination or consent to an HIV test ordered 110964
by the board constitutes an admission of the allegations against 110965
the individual unless the failure is due to circumstances beyond 110966
the individual's control, and a default and final order may be 110967
entered without the taking of testimony or presentation of 110968
evidence. If the board finds a certified mental health assistant 110969
unable to practice because of the reasons set forth in division 110970
(B)(5) of this section, the board shall require the certified 110971
mental health assistant to submit to care, counseling, or 110972
treatment by physicians approved or designated by the board, as 110973
a condition for an initial, continued, reinstated, or renewed 110974
license. An individual affected by this division shall be 110975
afforded an opportunity to demonstrate to the board the ability 110976

to resume practicing in compliance with acceptable and 110977
prevailing standards of care. 110978

(2) For purposes of division (B)(6) of this section, if 110979
the board has reason to believe that any individual who holds a 110980
license to practice as a certified mental health assistant 110981
issued under this chapter or any applicant for a license suffers 110982
such impairment, the board may compel the individual to submit 110983
to a mental or physical examination, or both. The expense of the 110984
examination is the responsibility of the individual compelled to 110985
be examined. Any mental or physical examination required under 110986
this division shall be undertaken by a treatment provider or 110987
physician qualified to conduct such examination and chosen by 110988
the board. 110989

Failure to submit to a mental or physical examination 110990
ordered by the board constitutes an admission of the allegations 110991
against the individual unless the failure is due to 110992
circumstances beyond the individual's control, and a default and 110993
final order may be entered without the taking of testimony or 110994
presentation of evidence. If the board determines that the 110995
individual's ability to practice is impaired, the board shall 110996
suspend the individual's license or deny the individual's 110997
application and shall require the individual, as a condition for 110998
an initial, continued, reinstated, or renewed license to 110999
practice, to submit to treatment. 111000

Before being eligible to apply for reinstatement of a 111001
license suspended under this division, the certified mental 111002
health assistant shall demonstrate to the board the ability to 111003
resume practice in compliance with acceptable and prevailing 111004
standards of care. The demonstration shall include the 111005
following: 111006

(a) Certification from a treatment provider approved under 111007
section 4731.25 of the Revised Code that the individual has 111008
successfully completed any required inpatient treatment; 111009

(b) Evidence of continuing full compliance with an 111010
aftercare contract or consent agreement; 111011

(c) Two written reports indicating that the individual's 111012
ability to practice has been assessed and that the individual 111013
has been found capable of practicing according to acceptable and 111014
prevailing standards of care. The reports shall be made by 111015
individuals or providers approved by the board for making such 111016
assessments and shall describe the basis for their 111017
determination. 111018

The board may reinstate a license suspended under this 111019
division after such demonstration and after the individual has 111020
entered into a written consent agreement. 111021

When the impaired certified mental health assistant 111022
resumes practice, the board shall require continued monitoring 111023
of the certified mental health assistant. The monitoring shall 111024
include monitoring of compliance with the written consent 111025
agreement entered into before reinstatement or with conditions 111026
imposed by board order after a hearing, and, on termination of 111027
the consent agreement, submission to the board for at least two 111028
years of annual written progress reports made under penalty of 111029
falsification stating whether the certified mental health 111030
assistant has maintained sobriety. 111031

~~(H)~~ (H) (1) If either of the following circumstances occur, 111032
the secretary and supervising member ~~determine that may~~ 111033
recommend that the board suspend the individual's license 111034
without a prior hearing: 111035

(a) The secretary and supervising member determine both of 111036
the following: 111037

(i) That there is clear and convincing evidence that a 111038
certified mental health assistant has violated division (B) of 111039
this section ~~and that;~~ 111040

(ii) That the individual's continued practice presents a 111041
danger of immediate and serious harm to the public, ~~they may~~ 111042
~~recommend that the board suspend the individual's license to~~ 111043
~~practice without a prior hearing.~~ 111044

(b) The board receives verifiable information that a 111045
licensee has been charged in any state or federal court with a 111046
crime classified as a felony under the charging court's law and 111047
the conduct charged constitutes a violation of division (B) of 111048
this section. ~~Written~~ 111049

(2) If a recommendation is made to suspend without a prior 111050
hearing pursuant to division (H) (1) of this section, written 111051
allegations shall be prepared for consideration by the board. 111052

The board, on review of the allegations and by an 111053
affirmative vote of not fewer than six of its members, excluding 111054
the secretary and supervising member, may suspend a license 111055
without a prior hearing. A telephone conference call may be 111056
utilized for reviewing the allegations and taking the vote on 111057
the summary suspension. 111058

The board shall issue a written order of suspension by 111059
certified mail or in person in accordance with section 119.07 of 111060
the Revised Code. ~~The order shall not be subject to suspension~~ 111061
~~by the court during pendency of any appeal filed under section~~ 111062
~~119.12 of the Revised Code.~~ If the certified mental health 111063
assistant requests an adjudicatory hearing by the board, the 111064

date set for the hearing shall be within fifteen days, but not 111065
earlier than seven days, after the certified mental health 111066
assistant requests the hearing, unless otherwise agreed to by 111067
both the board and the license holder. 111068

(3) A summary suspension imposed under this division is 111069
not a final appealable order and is not an adjudication that may 111070
be appealed under section 119.12 of the Revised Code. The 111071
summary suspension shall remain in effect,~~unless reversed on~~ 111072
~~appeal,~~ until a final adjudicative order issued by the board 111073
pursuant to this section and Chapter 119. of the Revised Code 111074
becomes effective. Once a final adjudicative order has been 111075
issued by the board, any party adversely affected by it may file 111076
an appeal in accordance with Chapter 119. of the Revised Code. 111077
~~The~~ 111078

The board shall issue its final adjudicative order within 111079
~~sixty-seventy-five~~ days after completion of its hearing. Failure 111080
to issue the order within ~~sixty-seventy-five~~ days shall result 111081
in dissolution of the summary suspension order, but shall not 111082
invalidate any subsequent, final adjudicative order. 111083

(I) If the board takes action under division (B) (10), 111084
(12), or (13) of this section, and the judicial finding of 111085
guilt, guilty plea, or judicial finding of eligibility for 111086
intervention in lieu of conviction is overturned on appeal, on 111087
exhaustion of the criminal appeal, a petition for 111088
reconsideration of the order may be filed with the board along 111089
with appropriate court documents. On receipt of a petition and 111090
supporting court documents, the board shall reinstate the 111091
license to practice as a certified mental health assistant. The 111092
board may then hold an adjudication under Chapter 119. of the 111093
Revised Code to determine whether the individual committed the 111094

act in question. Notice of opportunity for hearing shall be 111095
given in accordance with Chapter 119. of the Revised Code. If 111096
the board finds, pursuant to an adjudication held under this 111097
division, that the individual committed the act, or if no 111098
hearing is requested, it may order any of the sanctions 111099
specified in division (B) of this section. 111100

(J) The license to practice of a certified mental health 111101
assistant and the assistant's practice in this state are 111102
automatically suspended as of the date the certified mental 111103
health assistant pleads guilty to, is found by a judge or jury 111104
to be guilty of, or is subject to a judicial finding of 111105
eligibility for intervention in lieu of conviction in this state 111106
or treatment of intervention in lieu of conviction in another 111107
jurisdiction for any of the following criminal offenses in this 111108
state or a substantially equivalent criminal offense in another 111109
jurisdiction: aggravated murder, murder, voluntary manslaughter, 111110
felonious assault, trafficking in persons, kidnapping, rape, 111111
sexual battery, gross sexual imposition, aggravated arson, 111112
aggravated robbery, or aggravated burglary. Continued practice 111113
after the suspension shall be considered practicing without a 111114
license. 111115

The board shall notify the individual subject to the 111116
suspension by certified mail or in person in accordance with 111117
section 119.07 of the Revised Code. If an individual whose 111118
license is suspended under this division fails to make a timely 111119
request for an adjudication under Chapter 119. of the Revised 111120
Code, the board shall enter a final order permanently revoking 111121
the individual's license. 111122

(K) In any instance in which the board is required by 111123
Chapter 119. of the Revised Code to give notice of opportunity 111124

for hearing and the individual subject to the notice does not 111125
timely request a hearing in accordance with section 119.07 of 111126
the Revised Code, the board is not required to hold a hearing, 111127
but may adopt, by an affirmative vote of not fewer than six of 111128
its members, a final order that contains the board's findings. 111129
In the final order, the board may order any of the sanctions 111130
identified under division (A) or (B) of this section. 111131

(L) Any action taken by the board under division (B) of 111132
this section resulting in a suspension shall be accompanied by a 111133
written statement of the conditions under which the certified 111134
mental health assistant's license may be reinstated. The board 111135
shall adopt rules in accordance with Chapter 119. of the Revised 111136
Code governing conditions to be imposed for reinstatement. 111137
Reinstatement of a license suspended pursuant to division (B) of 111138
this section requires an affirmative vote of not fewer than six 111139
members of the board. 111140

(M) When the board refuses to grant or issue a license to 111141
practice as a certified mental health assistant to an applicant, 111142
revokes an individual's license, refuses to renew an 111143
individual's license, or refuses to reinstate an individual's 111144
license, the board may specify that its action is permanent. An 111145
individual subject to a permanent action taken by the board is 111146
forever thereafter ineligible to hold a license to practice as a 111147
certified mental health assistant and the board shall not accept 111148
an application for reinstatement of the license or for issuance 111149
of a new license. 111150

(N) Notwithstanding any other provision of the Revised 111151
Code, all of the following apply: 111152

(1) The surrender of a license to practice as a certified 111153
mental health assistant issued under this chapter is not 111154

effective unless or until accepted by the board. Reinstatement 111155
of a license surrendered to the board requires an affirmative 111156
vote of not fewer than six members of the board. 111157

(2) An application made under this chapter for a license 111158
to practice may not be withdrawn without approval of the board. 111159

(3) Failure by an individual to renew a license to 111160
practice in accordance with section 4772.08 of the Revised Code 111161
shall not remove or limit the board's jurisdiction to take 111162
disciplinary action under this section against the individual. 111163

Sec. 4772.21. (A) The state medical board shall 111164
investigate evidence that appears to show that any person has 111165
violated this chapter or the rules adopted under it. Any person 111166
may report to the board in a signed writing any information the 111167
person has that appears to show a violation of any provision of 111168
this chapter or the rules adopted under it. In the absence of 111169
bad faith, a person who reports such information or testifies 111170
before the board in an adjudication conducted under Chapter 119. 111171
of the Revised Code shall not be liable for civil damages as a 111172
result of reporting the information or providing testimony. Each 111173
complaint or allegation of a violation received by the board 111174
shall be assigned a case number and be recorded by the board. 111175

(B) Investigations of alleged violations of this chapter 111176
or rules adopted under it shall be supervised by the supervising 111177
member elected by the board in accordance with section 4731.02 111178
of the Revised Code and by the secretary as provided in section 111179
4772.24 of the Revised Code. The board's president may designate 111180
another member of the board to supervise the investigation in 111181
place of the supervising member. Upon a vote of the majority of 111182
the board to authorize the addition of a consumer member in the 111183
supervision of any part of any investigation, the president 111184

shall designate a consumer member for supervision of 111185
investigations as determined by the president. The authorization 111186
of consumer member participation in investigation supervision 111187
may be rescinded by a majority vote of the board. A member of 111188
the board who supervises the investigation of a case shall not 111189
participate in further adjudication of the case. 111190

(C) In investigating a possible violation of this chapter 111191
or the rules adopted under it, the board may administer oaths, 111192
order the taking of depositions, issue subpoenas, and compel the 111193
attendance of witnesses and production of books, accounts, 111194
papers, records, documents, and testimony, except that a 111195
subpoena for patient record information shall not be issued 111196
without consultation with the attorney general's office and 111197
approval of the secretary and supervising member of the board. 111198
Before issuance of a subpoena for patient record information, 111199
the secretary and supervising member shall determine whether 111200
there is probable cause to believe that the complaint filed 111201
alleges a violation of this chapter or the rules adopted under 111202
it and that the records sought are relevant to the alleged 111203
violation and material to the investigation. The subpoena may 111204
apply only to records that cover a reasonable period of time 111205
surrounding the alleged violation. 111206

On failure to comply with any subpoena issued by the board 111207
and after reasonable notice to the person being subpoenaed, the 111208
board may move for an order compelling the production of persons 111209
or records pursuant to the Rules of Civil Procedure. 111210

A subpoena issued by the board may be served by a sheriff, 111211
the sheriff's deputy, or a board employee designated by the 111212
board. Service of a subpoena issued by the board may be made by 111213
delivering a copy of the subpoena to the person named therein, 111214

reading it to the person, or leaving it at the person's usual 111215
place of residence. When the person being served is a certified 111216
mental health assistant, service of the subpoena may be made by 111217
certified mail, restricted delivery, return receipt requested, 111218
and the subpoena shall be deemed served on the date delivery is 111219
made or the date the person refuses to accept delivery. 111220

A sheriff's deputy who serves a subpoena shall receive the 111221
same fees as a sheriff. Each witness who appears before the 111222
board in obedience to a subpoena shall receive the fees and 111223
mileage provided for witnesses in civil cases in the courts of 111224
common pleas. 111225

(D) All hearings and investigations of the board shall be 111226
considered civil actions for the purposes of section 2305.252 of 111227
the Revised Code. 111228

(E) Information received by the board pursuant to an 111229
investigation is confidential and not subject to discovery in 111230
any civil action. 111231

The board shall conduct all investigations and proceedings 111232
in a manner that protects the confidentiality of patients and 111233
persons who file complaints with the board. The board shall not 111234
make public the names or any other identifying information about 111235
patients or complainants unless proper consent is given. 111236

The board may share any information it receives pursuant 111237
to an investigation, including patient records and patient 111238
record information, with law enforcement agencies, other 111239
licensing boards, and other governmental agencies that are 111240
prosecuting, adjudicating, or investigating alleged violations 111241
of statutes or administrative rules. An agency or board that 111242
receives the information shall comply with the same requirements 111243

regarding confidentiality as those with which the state medical 111244
board must comply, notwithstanding any conflicting provision of 111245
the Revised Code or procedure of the agency or board that 111246
applies when it is dealing with other information in its 111247
possession. In a judicial proceeding, the information may be 111248
admitted into evidence only in accordance with the Rules of 111249
Evidence, but the court shall require that appropriate measures 111250
are taken to ensure that confidentiality is maintained with 111251
respect to any part of the information that contains names or 111252
other identifying information about patients or complainants 111253
whose confidentiality was protected by the state medical board 111254
when the information was in the board's possession. Measures to 111255
ensure confidentiality that may be taken by the court include 111256
sealing its records or deleting specific information from its 111257
records. 111258

No person shall knowingly access, use, or disclose 111259
confidential investigatory information in a manner prohibited by 111260
law. 111261

(F) On a quarterly basis, the board shall prepare a report 111262
that documents the disposition of all cases during the preceding 111263
three months. The report shall contain the following information 111264
for each case with which the board has completed its activities: 111265

(1) The case number assigned to the complaint or alleged 111266
violation; 111267

(2) The type of license, if any, held by the individual 111268
against whom the complaint is directed; 111269

(3) A description of the allegations contained in the 111270
complaint; 111271

(4) Whether witnesses were interviewed; 111272

(5) Whether the individual against whom the complaint is 111273
directed is the subject of any pending complaints; 111274

(6) The disposition of the case. 111275

The report shall state how many cases are still pending, 111276
and shall be prepared in a manner that protects the identity of 111277
each person involved in each case. The report is a public record 111278
for purposes of section 149.43 of the Revised Code. 111279

(G) The board may provide a status update regarding an 111280
investigation to a complainant on request if the board verifies 111281
the complainant's identity. 111282

Sec. 4772.23. (A) As used in this section, "criminal 111283
conduct" and "sexual misconduct" have the same meanings as in 111284
section 4731.224 of the Revised Code. 111285

(B) (1) Within ~~sixty~~-thirty days after the imposition of 111286
any formal disciplinary action taken by any health care 111287
facility, including a hospital, health care facility operated by 111288
a health insuring corporation, ambulatory surgical facility, or 111289
similar facility, against any individual holding a valid license 111290
to practice as a certified mental health assistant, the chief 111291
administrator or executive officer of the facility shall report 111292
to the state medical board the name of the individual, the 111293
action taken by the facility, and a summary of the underlying 111294
facts leading to the action taken. On request, the board shall 111295
be provided certified copies of the patient records that were 111296
the basis for the facility's action. Prior to release to the 111297
board, the summary shall be approved by the peer review 111298
committee that reviewed the case or by the governing board of 111299
the facility. 111300

The filing of a report with the board or decision not to 111301

file a report, investigation by the board, or any disciplinary 111302
action taken by the board, does not preclude a health care 111303
facility from taking disciplinary action against a certified 111304
mental health assistant. 111305

In the absence of fraud or bad faith, no individual or 111306
entity that provides patient records to the board shall be 111307
liable in damages to any person as a result of providing the 111308
records. 111309

(2) Within thirty days after commencing an investigation 111310
regarding criminal conduct or sexual misconduct against any 111311
individual holding a valid license to practice issued pursuant 111312
to this chapter, a health care facility, including a hospital, 111313
health care facility operated by a health insuring corporation, 111314
ambulatory surgical center, or similar facility, shall report to 111315
the board the name of the individual and a summary of the 111316
underlying facts related to the investigation being commenced. 111317

~~(B) (1)~~ (C) (1) Except as provided in division ~~(B) (2)~~ (C) (2) 111318
of this section and subject to division (C) (3) of this section, 111319
a certified mental health assistant, professional association or 111320
society of certified mental health assistants, physician, or 111321
professional association or society of physicians that believes 111322
a violation of any provision of this chapter, Chapter 4731. of 111323
the Revised Code, or rule of the board has occurred shall report 111324
to the board the information on which the belief is based. 111325

(2) A certified mental health assistant, professional 111326
association or society of certified mental health assistants, 111327
physician, or professional association or society of physicians 111328
that believes a violation of division (B) (6) of section 4772.20 111329
of the Revised Code has occurred shall report the information 111330
upon which the belief is based to the monitoring organization 111331

conducting the program established by the board under section 111332
4731.251 of the Revised Code. If any such report is made to the 111333
board, it shall be referred to the monitoring organization 111334
unless the board is aware that the individual who is the subject 111335
of the report does not meet the program eligibility requirements 111336
of section 4731.252 of the Revised Code. 111337

~~(C)~~ (3) If any individual authorized to practice under this 111338
chapter or any professional association or society of such 111339
individuals knows or has reasonable cause to suspect based on 111340
facts that would cause a reasonable person in a similar position 111341
to suspect that an individual authorized to practice under this 111342
chapter has committed or participated in criminal conduct or 111343
sexual misconduct, the information upon which the belief is 111344
based shall be reported to the board within thirty days. 111345

This division does not apply to a professional association 111346
or society whose staff interacts with members of the association 111347
or society only in advocacy, governance, or educational 111348
capacities and whose staff does not regularly interact with 111349
members in practice settings. 111350

(4) In addition to the self-reporting of criminal offenses 111351
that is required for license renewal, an individual authorized 111352
to practice under this chapter shall report to the board 111353
criminal charges regarding criminal conduct, sexual misconduct, 111354
or any conduct involving the use of a motor vehicle while under 111355
the influence of alcohol or drugs, including offenses that are 111356
equivalent offenses under division (A) of section 4511.181 of 111357
the Revised Code, violations of division (D) of section 4511.194 111358
of the Revised Code, and violations of division (C) of section 111359
4511.79 of the Revised Code. Reports under this division shall 111360
be made within thirty days of the criminal charge being filed. 111361

(D) Any professional association or society composed 111362
primarily of certified mental health assistants that suspends or 111363
revokes an individual's membership for violations of 111364
professional ethics, or for reasons of professional incompetence 111365
or professional malpractice, within ~~sixty~~thirty days after a 111366
final decision, shall report to the board, on forms prescribed 111367
and provided by the board, the name of the individual, the 111368
action taken by the professional organization, and a summary of 111369
the underlying facts leading to the action taken. 111370

The filing of a report with the board or decision not to 111371
file a report, investigation by the board, or any disciplinary 111372
action taken by the board, does not preclude a professional 111373
organization from taking disciplinary action against a certified 111374
mental health assistant. 111375

~~(D)~~ (E) Any insurer providing professional liability 111376
insurance to any person holding a valid license to practice as a 111377
certified mental health assistant or any other entity that seeks 111378
to indemnify the professional liability of a certified mental 111379
health assistant shall notify the board within thirty days after 111380
the final disposition of any written claim for damages where 111381
such disposition results in a payment exceeding twenty-five 111382
thousand dollars. The notice shall contain the following 111383
information: 111384

(1) The name and address of the person submitting the 111385
notification; 111386

(2) The name and address of the insured who is the subject 111387
of the claim; 111388

(3) The name of the person filing the written claim; 111389

(4) The date of final disposition; 111390

(5) If applicable, the identity of the court in which the 111391
final disposition of the claim took place. 111392

~~(E)~~ (F) The board may investigate possible violations of 111393
this chapter or the rules adopted under it that are brought to 111394
its attention as a result of the reporting requirements of this 111395
section, except that the board shall conduct an investigation if 111396
a possible violation involves repeated malpractice. As used in 111397
this division, "repeated malpractice" means three or more claims 111398
for malpractice within the previous five-year period, each 111399
resulting in a judgment or settlement in excess of twenty-five 111400
thousand dollars in favor of the claimant, and each involving 111401
negligent conduct by the certified mental health assistant. 111402

~~(F)~~ (G) All summaries, reports, and records received and 111403
maintained by the board pursuant to this section shall be held 111404
~~in confidence and shall not be subject to discovery or~~ 111405
~~introduction in evidence in any federal or state civil action~~ 111406
~~involving a certified mental health assistant, supervising~~ 111407
~~physician, or health care facility arising out of matters that~~ 111408
~~are the subject of the reporting required by this section. The~~ 111409
~~board may use the information obtained only as the basis for an~~ 111410
~~investigation, as evidence in a disciplinary hearing against a~~ 111411
~~certified mental health assistant or supervising physician, or~~ 111412
~~in any subsequent trial or appeal of a board action or order.~~ 111413

~~The board may disclose the summaries and reports it~~ 111414
~~receives under this section only to health care facility~~ 111415
~~committees within or outside this state that are involved in~~ 111416
~~credentialing or recredentialing a certified mental health~~ 111417
~~assistant or supervising physician, if applicable, or reviewing~~ 111418
~~their privilege to practice within a particular facility. The~~ 111419
~~board shall indicate whether or not the information has been~~ 111420

~~verified. Information transmitted by the board shall be subject~~ 111421
~~to the same confidentiality provisions as when maintained by the~~ 111422
~~board~~ confidential pursuant to division (E) of section 4772.21 of 111423
the Revised Code. 111424

~~(G)~~ (H) Except for reports filed by an individual pursuant 111425
to division ~~(B)~~ (B) (2) or (C) of this section, the board shall 111426
send a copy of any reports or summaries it receives pursuant to 111427
this section to the certified mental health assistant. The 111428
certified mental health assistant shall have the right to file a 111429
statement with the board concerning the correctness or relevance 111430
of the information. The statement shall at all times accompany 111431
that part of the record in contention. 111432

~~(H)~~ (I) An individual or entity that reports to the board, 111433
reports to the monitoring organization described in section 111434
4731.251 of the Revised Code, or refers an impaired certified 111435
mental health assistant to a treatment provider approved by the 111436
board under section 4731.25 of the Revised Code shall not be 111437
subject to suit for civil damages as a result of the report, 111438
referral, or provision of the information. 111439

~~(I)~~ (J) In the absence of fraud or bad faith, a 111440
professional association or society of certified mental health 111441
assistants that sponsors a committee or program to provide peer 111442
assistance to a certified mental health assistant with substance 111443
abuse problems, a representative or agent of such a committee or 111444
program, a representative or agent of the monitoring 111445
organization described in section 4731.251 of the Revised Code, 111446
and a member of the state medical board shall not be held liable 111447
in damages to any person by reason of actions taken to refer a 111448
certified mental health assistant to a treatment provider 111449
approved under section 4731.25 of the Revised Code for 111450

examination or treatment. 111451

Sec. 4772.99. (A) Whoever violates section 4772.02 of the 111452
Revised Code is guilty of a misdemeanor of the first degree on a 111453
first offense; on each subsequent offense, the person is guilty 111454
of a felony of the fourth degree. 111455

~~(B)~~ (B) (1) Whoever violates division ~~(A)~~, ~~(B)~~ (B) (1), ~~(C)~~ (C) 111456
(1), ~~or~~ (C) (2), (D), or (E) of section 4772.23 of the Revised 111457
Code is guilty of a minor misdemeanor on a first offense; on 111458
each subsequent offense the person is guilty of a misdemeanor of 111459
the fourth degree, except that an individual guilty of a 111460
subsequent offense shall not be subject to imprisonment, but to 111461
a fine alone of up to one thousand dollars for each offense. 111462

(2) Whoever violates division (B) (2) or (C) (3) of section 111463
4772.23 of the Revised Code is guilty of a misdemeanor of the 111464
fourth degree; on each subsequent offense, the person is guilty 111465
of a misdemeanor of the first degree. 111466

(C) Whoever violates division (E) of section 4772.21 of 111467
the Revised Code is guilty of a misdemeanor of the first degree. 111468

Sec. 4774.13. (A) The state medical board, by an 111469
affirmative vote of not fewer than six members, may refuse to 111470
grant a license to practice as a radiologist assistant to, or 111471
may revoke the license held by, an individual found by the board 111472
to have committed fraud, misrepresentation, or deception in 111473
applying for or securing the license. 111474

(B) The board, by an affirmative vote of not fewer than 111475
six members, shall, except as provided in division (C) of this 111476
section, and to the extent permitted by law, limit, revoke, or 111477
suspend an individual's license to practice as a radiologist 111478
assistant, refuse to issue a license to an applicant, refuse to 111479

renew a license, refuse to reinstate a license, or reprimand or 111480
place on probation the holder of a license for any of the 111481
following reasons: 111482

(1) Permitting the holder's name or license to be used by 111483
another person; 111484

(2) Failure to comply with the requirements of this 111485
chapter, Chapter 4731. of the Revised Code, or any rules adopted 111486
by the board; 111487

(3) Violating or attempting to violate, directly or 111488
indirectly, or assisting in or abetting the violation of, or 111489
conspiring to violate, any provision of this chapter, Chapter 111490
4731. of the Revised Code, or the rules adopted by the board; 111491

(4) A departure from, or failure to conform to, minimal 111492
standards of care of similar practitioners under the same or 111493
similar circumstances whether or not actual injury to the 111494
patient is established; 111495

(5) Inability to practice according to acceptable and 111496
prevailing standards of care by reason of mental illness or 111497
physical illness, including physical deterioration that 111498
adversely affects cognitive, motor, or perceptive skills; 111499

(6) Impairment of ability to practice according to 111500
acceptable and prevailing standards of care because of substance 111501
use disorder or excessive use or abuse of drugs, alcohol, or 111502
other substances that may impair ability to practice; 111503

(7) Willfully betraying a professional confidence; 111504

(8) Making a false, fraudulent, deceptive, or misleading 111505
statement in securing or attempting to secure a license to 111506
practice as a radiologist assistant. 111507

As used in this division, "false, fraudulent, deceptive, 111508
or misleading statement" means a statement that includes a 111509
misrepresentation of fact, is likely to mislead or deceive 111510
because of a failure to disclose material facts, is intended or 111511
is likely to create false or unjustified expectations of 111512
favorable results, or includes representations or implications 111513
that in reasonable probability will cause an ordinarily prudent 111514
person to misunderstand or be deceived. 111515

(9) The obtaining of, or attempting to obtain, money or a 111516
thing of value by fraudulent misrepresentations in the course of 111517
practice; 111518

(10) A plea of guilty to, a judicial finding of guilt of, 111519
or a judicial finding of eligibility for intervention in lieu of 111520
conviction for, a felony; 111521

(11) Commission of an act that constitutes a felony in 111522
this state, regardless of the jurisdiction in which the act was 111523
committed; 111524

(12) A plea of guilty to, a judicial finding of guilt of, 111525
or a judicial finding of eligibility for intervention in lieu of 111526
conviction for, a misdemeanor committed in the course of 111527
practice; 111528

(13) A plea of guilty to, a judicial finding of guilt of, 111529
or a judicial finding of eligibility for intervention in lieu of 111530
conviction for, a misdemeanor involving moral turpitude; 111531

(14) Commission of an act in the course of practice that 111532
constitutes a misdemeanor in this state, regardless of the 111533
jurisdiction in which the act was committed; 111534

(15) Commission of an act involving moral turpitude that 111535
constitutes a misdemeanor in this state, regardless of the 111536

jurisdiction in which the act was committed; 111537

(16) A plea of guilty to, a judicial finding of guilt of, 111538
or a judicial finding of eligibility for intervention in lieu of 111539
conviction for violating any state or federal law regulating the 111540
possession, distribution, or use of any drug, including 111541
trafficking in drugs; 111542

(17) Any of the following actions taken by the state 111543
agency responsible for regulating the practice of radiologist 111544
assistants in another jurisdiction, for any reason other than 111545
the nonpayment of fees: the limitation, revocation, or 111546
suspension of an individual's license to practice; acceptance of 111547
an individual's license surrender; denial of a license; refusal 111548
to renew or reinstate a license; imposition of probation; or 111549
issuance of an order of censure or other reprimand; 111550

(18) Violation of the conditions placed by the board on a 111551
license to practice as a radiologist assistant; 111552

(19) Failure to use universal blood and body fluid 111553
precautions established by rules adopted under section 4731.051 111554
of the Revised Code; 111555

(20) Failure to cooperate in an investigation conducted by 111556
the board under section 4774.14 of the Revised Code, including 111557
failure to comply with a subpoena or order issued by the board 111558
or failure to answer truthfully a question presented by the 111559
board at a deposition or in written interrogatories, except that 111560
failure to cooperate with an investigation shall not constitute 111561
grounds for discipline under this section if a court of 111562
competent jurisdiction has issued an order that either quashes a 111563
subpoena or permits the individual to withhold the testimony or 111564
evidence in issue; 111565

(21) Failure to maintain a license as a radiographer under 111566
Chapter 4773. of the Revised Code; 111567

(22) Failure to maintain certification as a registered 111568
radiologist assistant from the American registry of radiologic 111569
technologists, including revocation by the registry of the 111570
assistant's certification or failure by the assistant to meet 111571
the registry's requirements for annual registration, or failure 111572
to notify the board that the certification as a registered 111573
radiologist assistant has not been maintained; 111574

(23) Failure to comply with any of the rules of ethics 111575
included in the standards of ethics established by the American 111576
registry of radiologic technologists, as those rules apply to an 111577
individual who holds the registry's certification as a 111578
registered radiologist assistant. 111579

(C) The board shall not refuse to issue a license to an 111580
applicant because of a plea of guilty to, a judicial finding of 111581
guilt of, or a judicial finding of eligibility for intervention 111582
in lieu of conviction for an offense unless the refusal is in 111583
accordance with section 9.79 of the Revised Code. 111584

(D) Disciplinary actions taken by the board under 111585
divisions (A) and (B) of this section shall be taken pursuant to 111586
an adjudication under Chapter 119. of the Revised Code, except 111587
that in lieu of an adjudication, the board may enter into a 111588
consent agreement with a radiologist assistant or applicant to 111589
resolve an allegation of a violation of this chapter or any rule 111590
adopted under it. A consent agreement, when ratified by an 111591
affirmative vote of not fewer than six members of the board, 111592
shall constitute the findings and order of the board with 111593
respect to the matter addressed in the agreement. If the board 111594
refuses to ratify a consent agreement, the admissions and 111595

findings contained in the consent agreement shall be of no force 111596
or effect. 111597

(E) For purposes of divisions (B) (11), (14), and (15) of 111598
this section, the commission of the act may be established by a 111599
finding by the board, pursuant to an adjudication under Chapter 111600
119. of the Revised Code, that the applicant or license holder 111601
committed the act in question. The board shall have no 111602
jurisdiction under these divisions in cases where the trial 111603
court renders a final judgment in the license holder's favor and 111604
that judgment is based upon an adjudication on the merits. The 111605
board shall have jurisdiction under these divisions in cases 111606
where the trial court issues an order of dismissal on technical 111607
or procedural grounds. 111608

(F) The sealing or expungement of conviction records by 111609
any court shall have no effect on a prior board order entered 111610
under the provisions of this section or on the board's 111611
jurisdiction to take action under the provisions of this section 111612
if, based upon a plea of guilty, a judicial finding of guilt, or 111613
a judicial finding of eligibility for intervention in lieu of 111614
conviction, the board issued a notice of opportunity for a 111615
hearing prior to the court's order to seal or expunge the 111616
records. The board shall not be required to seal, destroy, 111617
redact, or otherwise modify its records to reflect the court's 111618
sealing or expungement of conviction records. 111619

(G) For purposes of this division, any individual who 111620
holds a license to practice as a radiologist assistant issued 111621
under this chapter, or applies for a license, shall be deemed to 111622
have given consent to submit to a mental or physical examination 111623
when directed to do so in writing by the board and to have 111624
waived all objections to the admissibility of testimony or 111625

examination reports that constitute a privileged communication. 111626

(1) In enforcing division (B) (5) of this section, the 111627
board, on a showing of a possible violation, shall refer any 111628
individual who holds, or has applied for, a license to practice 111629
as a radiologist assistant issued under this chapter to the 111630
monitoring organization that conducts the confidential 111631
monitoring program established under section 4731.25 of the 111632
Revised Code. The board also may compel the individual to submit 111633
to a mental or physical examination, or both. A physical 111634
examination may include an HIV test. The expense of the 111635
examination is the responsibility of the individual compelled to 111636
be examined. Failure to submit to a mental or physical 111637
examination or consent to an HIV test ordered by the board 111638
constitutes an admission of the allegations against the 111639
individual unless the failure is due to circumstances beyond the 111640
individual's control, and a default and final order may be 111641
entered without the taking of testimony or presentation of 111642
evidence. If the board finds a radiologist assistant unable to 111643
practice because of the reasons set forth in division (B) (5) of 111644
this section, the board shall require the radiologist assistant 111645
to submit to care, counseling, or treatment by physicians 111646
approved or designated by the board, as a condition for an 111647
initial, continued, reinstated, or renewed license. An 111648
individual affected by this division shall be afforded an 111649
opportunity to demonstrate to the board the ability to resume 111650
practicing in compliance with acceptable and prevailing 111651
standards of care. 111652

(2) For purposes of division (B) (6) of this section, if 111653
the board has reason to believe that any individual who holds a 111654
license to practice as a radiologist assistant issued under this 111655
chapter or any applicant for a license suffers such impairment, 111656

the board shall refer the individual to the monitoring 111657
organization that conducts the confidential monitoring program 111658
established under section 4731.25 of the Revised Code. The board 111659
also may compel the individual to submit to a mental or physical 111660
examination, or both. The expense of the examination is the 111661
responsibility of the individual compelled to be examined. Any 111662
mental or physical examination required under this division 111663
shall be undertaken by a treatment provider or physician 111664
qualified to conduct such examination and approved under section 111665
4731.251 of the Revised Code. 111666

Failure to submit to a mental or physical examination 111667
ordered by the board constitutes an admission of the allegations 111668
against the individual unless the failure is due to 111669
circumstances beyond the individual's control, and a default and 111670
final order may be entered without the taking of testimony or 111671
presentation of evidence. If the board determines that the 111672
individual's ability to practice is impaired, the board shall 111673
suspend the individual's license or deny the individual's 111674
application and shall require the individual, as a condition for 111675
an initial, continued, reinstated, or renewed license to 111676
practice, to submit to treatment. 111677

Before being eligible to apply for reinstatement of a 111678
license suspended under this division, the radiologist assistant 111679
shall demonstrate to the board the ability to resume practice in 111680
compliance with acceptable and prevailing standards of care. The 111681
demonstration shall include the following: 111682

(a) Certification from a treatment provider approved under 111683
section 4731.251 of the Revised Code that the individual has 111684
successfully completed any required inpatient treatment; 111685

(b) Evidence of continuing full compliance with an 111686

aftercare contract or consent agreement; 111687

(c) Two written reports indicating that the individual's 111688
ability to practice has been assessed and that the individual 111689
has been found capable of practicing according to acceptable and 111690
prevailing standards of care. The reports shall be made by 111691
individuals or providers approved by the board for making such 111692
assessments and shall describe the basis for their 111693
determination. 111694

The board may reinstate a license suspended under this 111695
division after such demonstration and after the individual has 111696
entered into a written consent agreement. 111697

When the impaired radiologist assistant resumes practice, 111698
the board shall require continued monitoring of the radiologist 111699
assistant. The monitoring shall include monitoring of compliance 111700
with the written consent agreement entered into before 111701
reinstatement or with conditions imposed by board order after a 111702
hearing, and, on termination of the consent agreement, 111703
submission to the board for at least two years of annual written 111704
progress reports made under penalty of falsification stating 111705
whether the radiologist assistant has maintained sobriety. 111706

(H) (1) If either of the following circumstances occur, the 111707
secretary and supervising member may recommend that the board 111708
suspend the individual's license to practice without a prior 111709
hearing: 111710

(a) The secretary and supervising member determine that 111711
there is clear and convincing evidence that a radiologist 111712
assistant has violated division (B) of this section and that the 111713
individual's continued practice presents a danger of immediate 111714
and serious harm to the public. 111715

(b) The board receives verifiable information that a
licensee has been charged in any state or federal court for a
crime classified as a felony under the charging court's law and
the conduct charged constitutes a violation of division (B) of
this section.

(2) If a recommendation is made to suspend without a prior
hearing pursuant to division (H) (1) of this section, written
allegations shall be prepared for consideration by the board.

The board, on review of the allegations and by an
affirmative vote of not fewer than six of its members, excluding
the secretary and supervising member, may suspend a license
without a prior hearing. A telephone conference call may be
utilized for reviewing the allegations and taking the vote on
the summary suspension.

The board shall serve a written order of suspension in
accordance with sections 119.05 and 119.07 of the Revised Code.
~~The order shall not be subject to suspension by the court during
pendency of any appeal filed under section 119.12 of the Revised
Code.~~ If the radiologist assistant requests an adjudicatory
hearing by the board, the date set for the hearing shall be
within fifteen days, but not earlier than seven days, after the
radiologist assistant requests the hearing, unless otherwise
agreed to by both the board and the license holder.

(3) A summary suspension imposed under ~~this~~ division (H)
(2) of this section is not a final appealable order and is not
an adjudication that may be appealed under section 119.12 of the
Revised Code. The summary suspension shall remain in effect,
~~unless reversed on appeal,~~ until a final adjudicative order
issued by the board pursuant to this section and Chapter 119. of
the Revised Code becomes effective. Once a final adjudicative

order has been issued by the board, any party adversely affected 111746
by it may file an appeal in accordance with the requirements of 111747
Chapter 119. of the Revised Code. The— 111748

The board shall issue its final adjudicative order within 111749
~~sixty-seventy-five~~ days after completion of its hearing. Failure 111750
to issue the order within ~~sixty-seventy-five~~ days shall result 111751
in dissolution of the summary suspension order, but shall not 111752
invalidate any subsequent, final adjudicative order. 111753

(I) If the board takes action under division (B) (10), 111754
(12), or (13) of this section, and the judicial finding of 111755
guilt, guilty plea, or judicial finding of eligibility for 111756
intervention in lieu of conviction is overturned on appeal, on 111757
exhaustion of the criminal appeal, a petition for 111758
reconsideration of the order may be filed with the board along 111759
with appropriate court documents. On receipt of a petition and 111760
supporting court documents, the board shall reinstate the 111761
license to practice as a radiologist assistant. The board may 111762
then hold an adjudication under Chapter 119. of the Revised Code 111763
to determine whether the individual committed the act in 111764
question. Notice of opportunity for hearing shall be given in 111765
accordance with Chapter 119. of the Revised Code. If the board 111766
finds, pursuant to an adjudication held under this division, 111767
that the individual committed the act, or if no hearing is 111768
requested, it may order any of the sanctions specified in 111769
division (B) of this section. 111770

(J) The license to practice of a radiologist assistant and 111771
the assistant's practice in this state are automatically 111772
suspended as of the date the radiologist assistant pleads guilty 111773
to, is found by a judge or jury to be guilty of, or is subject 111774
to a judicial finding of eligibility for intervention in lieu of 111775

conviction in this state or treatment or intervention in lieu of 111776
conviction in another jurisdiction for any of the following 111777
criminal offenses in this state or a substantially equivalent 111778
criminal offense in another jurisdiction: aggravated murder, 111779
murder, voluntary manslaughter, felonious assault, trafficking 111780
in persons, kidnapping, rape, sexual battery, gross sexual 111781
imposition, aggravated arson, aggravated robbery, or aggravated 111782
burglary. Continued practice after the suspension shall be 111783
considered practicing without a license. 111784

The board shall serve the individual subject to the 111785
suspension in accordance with sections 119.05 and 119.07 of the 111786
Revised Code. If an individual whose license is suspended under 111787
this division fails to make a timely request for an adjudication 111788
under Chapter 119. of the Revised Code, the board shall enter a 111789
final order permanently revoking the individual's license. 111790

(K) In any instance in which the board is required by 111791
Chapter 119. of the Revised Code to give notice of opportunity 111792
for hearing and the individual subject to the notice does not 111793
timely request a hearing in accordance with section 119.07 of 111794
the Revised Code, the board is not required to hold a hearing, 111795
but may adopt, by an affirmative vote of not fewer than six of 111796
its members, a final order that contains the board's findings. 111797
In the final order, the board may order any of the sanctions 111798
identified under division (A) or (B) of this section. 111799

(L) Any action taken by the board under division (B) of 111800
this section resulting in a suspension shall be accompanied by a 111801
written statement of the conditions under which the radiologist 111802
assistant's license may be reinstated. The board shall adopt 111803
rules in accordance with Chapter 119. of the Revised Code 111804
governing conditions to be imposed for reinstatement. 111805

Reinstatement of a license suspended pursuant to division (B) of 111806
this section requires an affirmative vote of not fewer than six 111807
members of the board. 111808

(M) When the board refuses to grant or issue a license to 111809
practice as a radiologist assistant to an applicant, revokes an 111810
individual's license, refuses to renew an individual's license, 111811
or refuses to reinstate an individual's license, the board may 111812
specify that its action is permanent. An individual subject to a 111813
permanent action taken by the board is forever thereafter 111814
ineligible to hold a license to practice as a radiologist 111815
assistant and the board shall not accept an application for 111816
reinstatement of the license or for issuance of a new license. 111817

(N) Notwithstanding any other provision of the Revised 111818
Code, all of the following apply: 111819

(1) The surrender of a license to practice as a 111820
radiologist assistant issued under this chapter is not effective 111821
unless or until accepted by the board. Reinstatement of a 111822
license surrendered to the board requires an affirmative vote of 111823
not fewer than six members of the board. 111824

(2) An application made under this chapter for a license 111825
to practice may not be withdrawn without approval of the board. 111826

(3) Failure by an individual to renew a license to 111827
practice in accordance with section 4774.06 of the Revised Code 111828
does not remove or limit the board's jurisdiction to take 111829
disciplinary action under this section against the individual. 111830

(4) The placement of an individual's license on retired 111831
status, as described in section 4774.062 of the Revised Code, 111832
does not remove or limit the board's jurisdiction to take any 111833
disciplinary action against the individual with regard to the 111834

license as it existed before being placed on retired status. 111835

Sec. 4774.99. (A) Whoever violates division (A) (1) or (2) 111836
of section 4774.02 of the Revised Code is guilty of a 111837
misdemeanor of the first degree on a first offense; on each 111838
subsequent offense, the person is guilty of a felony of the 111839
fourth degree. 111840

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 111841
(D), or (E) of section 4774.16 of the Revised Code is guilty of 111842
a minor misdemeanor on a first offense; on each subsequent 111843
offense the person is guilty of a misdemeanor of the fourth 111844
degree, except that an individual guilty of a subsequent offense 111845
shall not be subject to imprisonment, but to a fine alone of up 111846
to one thousand dollars for each offense. 111847

(2) Whoever violates division (B) (2) or (C) (3) of section 111848
4774.16 of the Revised Code is guilty of ~~failure to report~~ 111849
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 111850
fourth degree. ~~If the offender has previously been convicted of~~ 111851
~~a violation of this division, the failure to report on a first~~ 111852
offense; on each subsequent offense, the person is guilty of a 111853
misdemeanor of the first degree. 111854

(C) Whoever violates division (E) of section 4774.14 of 111855
the Revised Code is guilty of ~~disclosing confidential~~ 111856
~~investigatory information,~~ a misdemeanor of the first degree. 111857

Sec. 4778.14. (A) The state medical board, by an 111858
affirmative vote of not fewer than six members, may refuse to 111859
grant a license to practice as a genetic counselor to, or may 111860
revoke the license held by, an individual found by the board to 111861
have committed fraud, misrepresentation, or deception in 111862
applying for or securing the license. 111863

(B) The board, by an affirmative vote of not fewer than 111864
six members, shall, except as provided in division (C) of this 111865
section, and to the extent permitted by law, limit, revoke, or 111866
suspend an individual's license to practice as a genetic 111867
counselor, refuse to issue a license to an applicant, refuse to 111868
renew a license, refuse to reinstate a license, or reprimand or 111869
place on probation the holder of a license for any of the 111870
following reasons: 111871

(1) Permitting the holder's name or license to be used by 111872
another person; 111873

(2) Failure to comply with the requirements of this 111874
chapter, Chapter 4731. of the Revised Code, or any rules adopted 111875
by the board; 111876

(3) Violating or attempting to violate, directly or 111877
indirectly, or assisting in or abetting the violation of, or 111878
conspiring to violate, any provision of this chapter, Chapter 111879
4731. of the Revised Code, or the rules adopted by the board; 111880

(4) A departure from, or failure to conform to, minimal 111881
standards of care of similar practitioners under the same or 111882
similar circumstances whether or not actual injury to the 111883
patient is established; 111884

(5) Inability to practice according to acceptable and 111885
prevailing standards of care by reason of mental illness or 111886
physical illness, including physical deterioration that 111887
adversely affects cognitive, motor, or perceptive skills; 111888

(6) Impairment of ability to practice according to 111889
acceptable and prevailing standards of care because of substance 111890
use disorder or excessive use or abuse of drugs, alcohol, or 111891
other substances that may impair ability to practice; 111892

- (7) Willfully betraying a professional confidence; 111893
- (8) Making a false, fraudulent, deceptive, or misleading 111894
statement in securing or attempting to secure a license to 111895
practice as a genetic counselor. 111896
- As used in this division, "false, fraudulent, deceptive, 111897
or misleading statement" means a statement that includes a 111898
misrepresentation of fact, is likely to mislead or deceive 111899
because of a failure to disclose material facts, is intended or 111900
is likely to create false or unjustified expectations of 111901
favorable results, or includes representations or implications 111902
that in reasonable probability will cause an ordinarily prudent 111903
person to misunderstand or be deceived. 111904
- (9) The obtaining of, or attempting to obtain, money or a 111905
thing of value by fraudulent misrepresentations in the course of 111906
practice; 111907
- (10) A plea of guilty to, a judicial finding of guilt of, 111908
or a judicial finding of eligibility for intervention in lieu of 111909
conviction for, a felony; 111910
- (11) Commission of an act that constitutes a felony in 111911
this state, regardless of the jurisdiction in which the act was 111912
committed; 111913
- (12) A plea of guilty to, a judicial finding of guilt of, 111914
or a judicial finding of eligibility for intervention in lieu of 111915
conviction for, a misdemeanor committed in the course of 111916
practice; 111917
- (13) A plea of guilty to, a judicial finding of guilt of, 111918
or a judicial finding of eligibility for intervention in lieu of 111919
conviction for, a misdemeanor involving moral turpitude; 111920

(14) Commission of an act in the course of practice that 111921
constitutes a misdemeanor in this state, regardless of the 111922
jurisdiction in which the act was committed; 111923

(15) Commission of an act involving moral turpitude that 111924
constitutes a misdemeanor in this state, regardless of the 111925
jurisdiction in which the act was committed; 111926

(16) A plea of guilty to, a judicial finding of guilt of, 111927
or a judicial finding of eligibility for intervention in lieu of 111928
conviction for violating any state or federal law regulating the 111929
possession, distribution, or use of any drug, including 111930
trafficking in drugs; 111931

(17) Any of the following actions taken by an agency 111932
responsible for authorizing, certifying, or regulating an 111933
individual to practice a health care occupation or provide 111934
health care services in this state or in another jurisdiction, 111935
for any reason other than the nonpayment of fees: the 111936
limitation, revocation, or suspension of an individual's license 111937
to practice; acceptance of an individual's license surrender; 111938
denial of a license; refusal to renew or reinstate a license; 111939
imposition of probation; or issuance of an order of censure or 111940
other reprimand; 111941

(18) Violation of the conditions placed by the board on a 111942
license to practice as a genetic counselor; 111943

(19) Failure to cooperate in an investigation conducted by 111944
the board under section 4778.18 of the Revised Code, including 111945
failure to comply with a subpoena or order issued by the board 111946
or failure to answer truthfully a question presented by the 111947
board at a deposition or in written interrogatories, except that 111948
failure to cooperate with an investigation shall not constitute 111949

grounds for discipline under this section if a court of 111950
competent jurisdiction has issued an order that either quashes a 111951
subpoena or permits the individual to withhold the testimony or 111952
evidence in issue; 111953

(20) Failure to maintain the individual's status as a 111954
certified genetic counselor; 111955

(21) Failure to comply with the code of ethics established 111956
by the national society of genetic counselors. 111957

(C) The board shall not refuse to issue a license to an 111958
applicant because of a plea of guilty to, a judicial finding of 111959
guilt of, or a judicial finding of eligibility for intervention 111960
in lieu of conviction for an offense unless the refusal is in 111961
accordance with section 9.79 of the Revised Code. 111962

(D) Disciplinary actions taken by the board under 111963
divisions (A) and (B) of this section shall be taken pursuant to 111964
an adjudication under Chapter 119. of the Revised Code, except 111965
that in lieu of an adjudication, the board may enter into a 111966
consent agreement with a genetic counselor or applicant to 111967
resolve an allegation of a violation of this chapter or any rule 111968
adopted under it. A consent agreement, when ratified by an 111969
affirmative vote of not fewer than six members of the board, 111970
shall constitute the findings and order of the board with 111971
respect to the matter addressed in the agreement. If the board 111972
refuses to ratify a consent agreement, the admissions and 111973
findings contained in the consent agreement shall be of no force 111974
or effect. 111975

A telephone conference call may be utilized for 111976
ratification of a consent agreement that revokes or suspends an 111977
individual's license. The telephone conference call shall be 111978

considered a special meeting under division (F) of section 111979
121.22 of the Revised Code. 111980

(E) For purposes of divisions (B) (11), (14), and (15) of 111981
this section, the commission of the act may be established by a 111982
finding by the board, pursuant to an adjudication under Chapter 111983
119. of the Revised Code, that the applicant or license holder 111984
committed the act in question. The board shall have no 111985
jurisdiction under these divisions in cases where the trial 111986
court renders a final judgment in the license holder's favor and 111987
that judgment is based upon an adjudication on the merits. The 111988
board shall have jurisdiction under these divisions in cases 111989
where the trial court issues an order of dismissal on technical 111990
or procedural grounds. 111991

(F) The sealing or expungement of conviction records by 111992
any court shall have no effect on a prior board order entered 111993
under the provisions of this section or on the board's 111994
jurisdiction to take action under the provisions of this section 111995
if, based upon a plea of guilty, a judicial finding of guilt, or 111996
a judicial finding of eligibility for intervention in lieu of 111997
conviction, the board issued a notice of opportunity for a 111998
hearing or took other formal action under Chapter 119. of the 111999
Revised Code prior to the court's order to seal or expunge the 112000
records. The board shall not be required to seal, destroy, 112001
redact, or otherwise modify its records to reflect the court's 112002
sealing or expungement of conviction records. 112003

(G) For purposes of this division, any individual who 112004
holds a license to practice as a genetic counselor, or applies 112005
for a license, shall be deemed to have given consent to submit 112006
to a mental or physical examination when directed to do so in 112007
writing by the board and to have waived all objections to the 112008

admissibility of testimony or examination reports that 112009
constitute a privileged communication. 112010

(1) In enforcing division (B)(5) of this section, the 112011
board, on a showing of a possible violation, shall refer any 112012
individual who holds, or has applied for, a license to practice 112013
as a genetic counselor to the monitoring organization that 112014
conducts the confidential monitoring program established under 112015
section 4731.25 of the Revised Code. The board also may compel 112016
the individual to submit to a mental or physical examination, or 112017
both. A physical examination may include an HIV test. The 112018
expense of the examination is the responsibility of the 112019
individual compelled to be examined. Failure to submit to a 112020
mental or physical examination or consent to an HIV test ordered 112021
by the board constitutes an admission of the allegations against 112022
the individual unless the failure is due to circumstances beyond 112023
the individual's control, and a default and final order may be 112024
entered without the taking of testimony or presentation of 112025
evidence. If the board finds a genetic counselor unable to 112026
practice because of the reasons set forth in division (B)(5) of 112027
this section, the board shall require the genetic counselor to 112028
submit to care, counseling, or treatment by physicians approved 112029
or designated by the board, as a condition for an initial, 112030
continued, reinstated, or renewed license to practice. An 112031
individual affected by this division shall be afforded an 112032
opportunity to demonstrate to the board the ability to resume 112033
practicing in compliance with acceptable and prevailing 112034
standards of care. 112035

(2) For purposes of division (B)(6) of this section, if 112036
the board has reason to believe that any individual who holds a 112037
license to practice as a genetic counselor or any applicant for 112038
a license suffers such impairment, the board shall refer the 112039

individual to the monitoring organization that conducts the 112040
confidential monitoring program established under section 112041
4731.25 of the Revised Code. The board also may compel the 112042
individual to submit to a mental or physical examination, or 112043
both. The expense of the examination is the responsibility of 112044
the individual compelled to be examined. Any mental or physical 112045
examination required under this division shall be undertaken by 112046
a treatment provider or physician qualified to conduct such 112047
examination and approved under section 4731.251 of the Revised 112048
Code. 112049

Failure to submit to a mental or physical examination 112050
ordered by the board constitutes an admission of the allegations 112051
against the individual unless the failure is due to 112052
circumstances beyond the individual's control, and a default and 112053
final order may be entered without the taking of testimony or 112054
presentation of evidence. If the board determines that the 112055
individual's ability to practice is impaired, the board shall 112056
suspend the individual's license or deny the individual's 112057
application and shall require the individual, as a condition for 112058
an initial, continued, reinstated, or renewed license, to submit 112059
to treatment. 112060

Before being eligible to apply for reinstatement of a 112061
license suspended under this division, the genetic counselor 112062
shall demonstrate to the board the ability to resume practice in 112063
compliance with acceptable and prevailing standards of care. The 112064
demonstration shall include the following: 112065

(a) Certification from a treatment provider approved under 112066
section 4731.251 of the Revised Code that the individual has 112067
successfully completed any required inpatient treatment; 112068

(b) Evidence of continuing full compliance with an 112069

aftercare contract or consent agreement; 112070

(c) Two written reports indicating that the individual's 112071
ability to practice has been assessed and that the individual 112072
has been found capable of practicing according to acceptable and 112073
prevailing standards of care. The reports shall be made by 112074
individuals or providers approved by the board for making such 112075
assessments and shall describe the basis for their 112076
determination. 112077

The board may reinstate a license suspended under this 112078
division after such demonstration and after the individual has 112079
entered into a written consent agreement. 112080

When the impaired genetic counselor resumes practice, the 112081
board shall require continued monitoring of the genetic 112082
counselor. The monitoring shall include monitoring of compliance 112083
with the written consent agreement entered into before 112084
reinstatement or with conditions imposed by board order after a 112085
hearing, and, on termination of the consent agreement, 112086
submission to the board for at least two years of annual written 112087
progress reports made under penalty of falsification stating 112088
whether the genetic counselor has maintained sobriety. 112089

(H) (1) If either of the following circumstances occur, the 112090
secretary and supervising member may recommend that the board 112091
suspend an individual's license to practice without a prior 112092
hearing: 112093

(a) The secretary and supervising member determine both of 112094
the following: 112095

(i) That there is clear and convincing evidence that a 112096
genetic counselor has violated division (B) of this section; 112097

(ii) That the individual's continued practice presents a 112098

danger of immediate and serious harm to the public. 112099

(b) The board receives verifiable information that a 112100
licensee has been charged in any state or federal court for a 112101
crime classified as a felony under the charging court's law and 112102
the conduct charged constitutes a violation of division (B) of 112103
this section. 112104

(2) If a recommendation is made to suspend without a prior 112105
hearing pursuant to division (H) (1) of this section, written 112106
allegations shall be prepared for consideration by the board. 112107
The board, on review of the allegations and by an affirmative 112108
vote of not fewer than six of its members, excluding the 112109
secretary and supervising member, may suspend a license without 112110
a prior hearing. A telephone conference call may be utilized for 112111
reviewing the allegations and taking the vote on the summary 112112
suspension. 112113

The board shall serve a written order of suspension in 112114
accordance with sections 119.05 and 119.07 of the Revised Code. 112115
~~The order shall not be subject to suspension by the court during~~ 112116
~~pendency of any appeal filed under section 119.12 of the Revised~~ 112117
~~Code.~~ If the genetic counselor requests an adjudicatory hearing 112118
by the board, the date set for the hearing shall be within 112119
fifteen days, but not earlier than seven days, after the genetic 112120
counselor requests the hearing, unless otherwise agreed to by 112121
both the board and the genetic counselor. 112122

(3) A summary suspension imposed under ~~this~~ division (H) 112123
(2) of this section is not a final appealable order and is not 112124
an adjudication that may be appealed under section 119.12 of the 112125
Revised Code. The summary suspension shall remain in effect, 112126
~~unless reversed on appeal,~~ until a final adjudicative order 112127
issued by the board pursuant to this section and Chapter 119. of 112128

the Revised Code becomes effective. Once a final adjudicative 112129
order has been issued by the board, any party adversely affected 112130
by it may file an appeal in accordance with the requirements of 112131
Chapter 119. of the Revised Code. The— 112132

The board shall issue its final adjudicative order within 112133
~~sixty-seventy-five~~ days after completion of its hearing. Failure 112134
to issue the order within ~~sixty-seventy-five~~ days shall result 112135
in dissolution of the summary suspension order, but shall not 112136
invalidate any subsequent, final adjudicative order. 112137

(I) If the board takes action under division (B) (10), 112138
(12), or (13) of this section, and the judicial finding of 112139
guilt, guilty plea, or judicial finding of eligibility for 112140
intervention in lieu of conviction is overturned on appeal, on 112141
exhaustion of the criminal appeal, a petition for 112142
reconsideration of the order may be filed with the board along 112143
with appropriate court documents. On receipt of a petition and 112144
supporting court documents, the board shall reinstate the 112145
license to practice as a genetic counselor. The board may then 112146
hold an adjudication under Chapter 119. of the Revised Code to 112147
determine whether the individual committed the act in question. 112148
Notice of opportunity for hearing shall be given in accordance 112149
with Chapter 119. of the Revised Code. If the board finds, 112150
pursuant to an adjudication held under this division, that the 112151
individual committed the act, or if no hearing is requested, it 112152
may order any of the sanctions specified in division (B) of this 112153
section. 112154

(J) The license to practice as a genetic counselor and the 112155
counselor's practice in this state are automatically suspended 112156
as of the date the genetic counselor pleads guilty to, is found 112157
by a judge or jury to be guilty of, or is subject to a judicial 112158

finding of eligibility for intervention in lieu of conviction in 112159
this state or treatment or intervention in lieu of conviction in 112160
another jurisdiction for any of the following criminal offenses 112161
in this state or a substantially equivalent criminal offense in 112162
another jurisdiction: aggravated murder, murder, voluntary 112163
manslaughter, felonious assault, trafficking in persons, 112164
kidnapping, rape, sexual battery, gross sexual imposition, 112165
aggravated arson, aggravated robbery, or aggravated burglary. 112166
Continued practice after the suspension shall be considered 112167
practicing without a license. 112168

The board shall serve the individual subject to the 112169
suspension in accordance with sections 119.05 and 119.07 of the 112170
Revised Code. If an individual whose license is suspended under 112171
this division fails to make a timely request for an adjudication 112172
under Chapter 119. of the Revised Code, the board shall enter a 112173
final order permanently revoking the individual's license to 112174
practice. 112175

(K) In any instance in which the board is required by 112176
Chapter 119. of the Revised Code to give notice of opportunity 112177
for hearing and the individual subject to the notice does not 112178
timely request a hearing in accordance with section 119.07 of 112179
the Revised Code, the board is not required to hold a hearing, 112180
but may adopt, by an affirmative vote of not fewer than six of 112181
its members, a final order that contains the board's findings. 112182
In the final order, the board may order any of the sanctions 112183
identified under division (A) or (B) of this section. 112184

(L) Any action taken by the board under division (B) of 112185
this section resulting in a suspension shall be accompanied by a 112186
written statement of the conditions under which the license of 112187
the genetic counselor may be reinstated. The board shall adopt 112188

rules in accordance with Chapter 119. of the Revised Code 112189
governing conditions to be imposed for reinstatement. 112190
Reinstatement of a license suspended pursuant to division (B) of 112191
this section requires an affirmative vote of not fewer than six 112192
members of the board. 112193

(M) When the board refuses to grant or issue a license to 112194
practice as a genetic counselor to an applicant, revokes an 112195
individual's license, refuses to renew an individual's license, 112196
or refuses to reinstate an individual's license, the board may 112197
specify that its action is permanent. An individual subject to a 112198
permanent action taken by the board is forever thereafter 112199
ineligible to hold a license to practice as a genetic counselor 112200
and the board shall not accept an application for reinstatement 112201
of the license or for issuance of a new license. 112202

(N) Notwithstanding any other provision of the Revised 112203
Code, all of the following apply: 112204

(1) The surrender of a license to practice as a genetic 112205
counselor is not effective unless or until accepted by the 112206
board. A telephone conference call may be utilized for 112207
acceptance of the surrender of an individual's license. The 112208
telephone conference call shall be considered a special meeting 112209
under division (F) of section 121.22 of the Revised Code. 112210
Reinstatement of a license surrendered to the board requires an 112211
affirmative vote of not fewer than six members of the board. 112212

(2) An application made under this chapter for a license 112213
to practice may not be withdrawn without approval of the board. 112214

(3) Failure by an individual to renew a license in 112215
accordance with section 4778.06 of the Revised Code does not 112216
remove or limit the board's jurisdiction to take disciplinary 112217

action under this section against the individual. 112218

(4) The placement of an individual's license on retired 112219
status, as described in section 4778.072 of the Revised Code, 112220
does not remove or limit the board's jurisdiction to take any 112221
disciplinary action against the individual with regard to the 112222
license as it existed before being placed on retired status. 112223

Sec. 4778.99. Whoever violates section 4778.02 of the 112224
Revised Code is guilty of a misdemeanor of the first degree on a 112225
first offense and felony of the fifth degree on each subsequent 112226
offense. 112227

Whoever violates division (B) (1) or (2) of section 112228
4778.171 of the Revised Code is guilty of ~~failure to report~~ 112229
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 112230
fourth degree. ~~If the offender has previously been convicted of~~ 112231
~~a violation of this division, the failure to report is on a~~ 112232
first offense and a misdemeanor of the first degree on each 112233
subsequent offense. 112234

Whoever violates division (E) of section 4778.18 of the 112235
Revised Code is guilty of ~~disclosing confidential investigatory~~ 112236
~~information,~~ a misdemeanor of the first degree. 112237

Sec. 4785.041. (A) The division of industrial compliance 112238
within the department of commerce may renew a license issued 112239
under section 4785.04 of the Revised Code if the licensee does 112240
all of the following: 112241

(1) Submits an application for license renewal on a form 112242
prescribed by the division; 112243

(2) Pays the license renewal fee established by the 112244
division; 112245

(3) If the licensee is an elevator mechanic, submits 112246
evidence that the applicant has completed the continuing 112247
education coursework described in division (B) of this section; 112248

(4) If the license is an elevator contractor's license, 112249
submits proof that the applicant is in compliance with the 112250
insurance requirements prescribed in section 4785.07 of the 112251
Revised Code. 112252

(B) The continuing education courses described in division 112253
(A) (3) of this section shall: 112254

(1) Instruct licensees on new and existing rules and 112255
standards adopted by the division; 112256

(2) Consist of not less than eight hours of instruction; 112257

(3) Be attended and completed within one year immediately 112258
preceding the scheduled date for the license renewal; 112259

(4) Be taught by instructors through continuing education 112260
providers approved by the division. 112261

(C) A continuing education instructor who holds a license 112262
under this chapter is exempt from the continuing education 112263
requirement prescribed in division (A) (3) of this section, 112264
provided that any such applicant was qualified as an instructor 112265
at any time during the year immediately preceding the scheduled 112266
date for the license renewal. 112267

(D) (1) A licensee who is unable to complete the continuing 112268
education coursework required under this section before the 112269
expiration of the licensee's license due to a temporary 112270
disability may apply for a temporary continuing education waiver 112271
from the division. 112272

(2) An application for a temporary continuing education 112273

waiver shall be made in a form prescribed by the division, which 112274
shall be signed by the applicant ~~under the penalty of perjury~~ 112275
and accompanied by a ~~certified~~ statement from a competent 112276
physician attesting to the temporary disability. If the division 112277
grants the waiver, the licensee's license does not expire but is 112278
placed on inactive status. 112279

(3) On the termination of the temporary disability, the 112280
licensee shall submit to the division a ~~certified~~ statement from 112281
the same physician, if practicable, attesting to the termination 112282
of the temporary disability. The division shall then take the 112283
licensee's license off inactive status and shall issue a waiver 112284
sticker, valid for ninety days, to the licensee and affix the 112285
sticker to the license. The licensee may then perform the tasks 112286
the license authorizes the licensee to perform but the licensee 112287
shall meet the continuing education requirement during this 112288
ninety-day period or be considered to have not met the 112289
continuing education requirement and the license shall be deemed 112290
to be expired. 112291

(E) (1) Approved continuing education providers shall keep 112292
uniform records, for a period of ten years, of attendance of 112293
licensees in a format approved by the division. Such records 112294
shall be available for inspection by the division on request. 112295

(2) Approved training providers are responsible for the 112296
security of all attendance records and certificates of 112297
completion, provided, however, that falsifying or knowingly 112298
allowing another to falsify such attendance records or 112299
certificates of completion constitutes grounds for suspension or 112300
revocation of a continuing education provider's division 112301
approval. 112302

(F) The division shall not renew the license of an 112303

individual or entity if the individual or entity would be denied 112304
an initial license for a reason listed in division (E) of 112305
section 4785.04 of the Revised Code. 112306

Sec. 4903.10. After any order has been made by the public 112307
utilities commission, any party who has entered an appearance in 112308
person or by counsel in the proceeding may apply for a rehearing 112309
in respect to any matters determined in the proceeding. Such 112310
application shall be filed within thirty days after the entry of 112311
the order upon the journal of the commission. 112312

Notwithstanding the preceding paragraph, in any 112313
uncontested proceeding or, by leave of the commission first had 112314
in any other proceeding, any affected person, firm, or 112315
corporation may make an application for a rehearing within 112316
thirty days after the entry of any final order upon the journal 112317
of the commission. Leave to file an application for rehearing 112318
shall not be granted to any person, firm, or corporation who did 112319
not enter an appearance in the proceeding unless the commission 112320
first finds: 112321

(A) The applicant's failure to enter an appearance prior 112322
to the entry upon the journal of the commission of the order 112323
complained of was due to just cause; and, 112324

(B) The interests of the applicant were not adequately 112325
considered in the proceeding. 112326

Every applicant for rehearing or for leave to file an 112327
application for rehearing shall give due notice of the filing of 112328
such application to all parties who have entered an appearance 112329
in the proceeding in the manner and form prescribed by the 112330
commission. 112331

Such application shall be in writing and shall set forth 112332

specifically the ground or grounds on which the applicant 112333
considers the order to be unreasonable or unlawful. No party 112334
shall in any court urge or rely on any ground for reversal, 112335
vacation, or modification not so set forth in the application. 112336

Where such application for rehearing has been filed before 112337
the effective date of the order as to which a rehearing is 112338
sought, the effective date of such order, unless otherwise 112339
ordered by the commission, shall be postponed or stayed pending 112340
disposition of the matter by the commission or by operation of 112341
law. In all other cases the making of such an application shall 112342
not excuse any person from complying with the order, or operate 112343
to stay or postpone the enforcement thereof, without a special 112344
order of the commission. 112345

Where such application for rehearing has been filed, the 112346
commission may grant and hold such rehearing on the matter 112347
specified in such application, if in its judgment sufficient 112348
reason therefor is made to appear. Notice of such rehearing 112349
shall be given by regular mail to all parties who have entered 112350
an appearance in the proceeding. 112351

If the commission does not grant or deny such application 112352
for rehearing within thirty days from the date of filing 112353
thereof, it is denied by operation of law. 112354

If the commission grants such rehearing, it shall specify 112355
in the notice of such granting the purpose for which it is 112356
granted. The commission shall also specify the scope of the 112357
additional evidence, if any, that will be taken, but it shall 112358
not upon such rehearing take any evidence that, with reasonable 112359
diligence, could have been offered upon the original hearing. 112360

If, after such rehearing, the commission is of the opinion 112361

that the original order or any part thereof is in any respect 112362
unjust or unwarranted, or should be changed, the commission may 112363
abrogate or modify the same; otherwise such order shall be 112364
affirmed. An order made after such rehearing, abrogating or 112365
modifying the original order, shall have the same effect as an 112366
original order, but shall not affect any right or the 112367
enforcement of any right arising from or by virtue of the 112368
original order prior to the receipt of notice by the affected 112369
party of the filing of the application for rehearing. 112370

If the commission does not affirm, abrogate, or modify the 112371
original order within ninety days from the date granting such 112372
rehearing, the order is affirmed by operation of law. 112373

No cause of action arising out of any order of the 112374
commission, other than in support of the order, shall accrue in 112375
any court to any person, firm, or corporation unless such 112376
person, firm, or corporation has made a proper application to 112377
the commission for a rehearing. 112378

Sec. 4905.311. (A) As used in this section, "electric 112379
distribution utility" has the same meaning as in section 4928.01 112380
of the Revised Code. 112381

(B) Notwithstanding any provision of the Revised Code to 112382
the contrary, an electric distribution utility may supply behind 112383
the meter electric generation service, provided that an 112384
application for any behind the meter electric generation 112385
facilities that the utility intends to use to supply such 112386
service ~~were~~ was filed with the public utilities commission 112387
under section 4928.47 of the Revised Code, as that section 112388
existed prior to its repeal by H.B. 15 of the 136th General 112389
Assembly, no later than March 31, 2025. 112390

(C) No electric distribution utility shall recover any of 112391
the following costs through any rate, charge, or recovery from 112392
retail electric service customers that are not receiving behind 112393
the meter electric generation service from the utility: 112394

(1) Costs associated with supplying behind the meter 112395
electric generation service; 112396

(2) Costs associated with any behind the meter electric 112397
generation service facility; 112398

(3) Stranded costs associated with the closing of any 112399
behind the meter electric generation service facility or an end- 112400
use customer of the behind the meter electric generation service 112401
ceasing operations. 112402

(D) No electric distribution utility shall offer direct, 112403
associated inducements for contracting with the utility for any 112404
behind the meter electric generation service. 112405

(E) The public utilities commission shall periodically 112406
audit all electric distribution utilities that provide any 112407
behind the meter electric generation service to ensure 112408
compliance with this section. 112409

Sec. 4906.07. (A) Upon the receipt of an application 112410
complying with section 4906.06 of the Revised Code, the power 112411
siting board shall promptly fix a date for a public hearing 112412
thereon, not less than forty-five nor more than sixty days after 112413
such receipt, and shall conclude the proceeding as expeditiously 112414
as practicable. 112415

(B) On an application for an amendment of a certificate, 112416
the board shall hold a hearing in the same manner as a hearing 112417
is held on an application for a certificate if the proposed 112418
change in the facility would result in any material increase in 112419

any environmental impact of the facility or a substantial change 112420
in the location of all or a portion of such facility other than 112421
as provided in the alternates set forth in the application. 112422

(C) The chairperson of the power siting board shall cause 112423
each application filed with the board to be investigated and 112424
shall, not less than ~~fifteen~~five days prior to the date any 112425
application is set for hearing submit a written report to the 112426
board and to the applicant. A copy of such report shall be made 112427
available to any person upon request. Such report shall set 112428
forth the nature of the investigation, and shall contain 112429
recommended findings with regard to division (A) of section 112430
4906.10 of the Revised Code and shall become part of the record 112431
and served upon all parties to the proceeding. 112432

Sec. 4911.18. (A) For the sole purpose of maintaining and 112433
administering the office of the consumers' counsel and 112434
exercising the powers of the consumers' counsel under this 112435
chapter, an amount equal to the appropriation to the office of 112436
the consumers' counsel in each fiscal year shall be apportioned 112437
among and assessed against each public utility within this 112438
state, as defined in section 4911.01 of the Revised Code, by 112439
first computing an assessment as though it were to be made in 112440
proportion to the intrastate gross earnings or receipts of the 112441
public utility for the calendar year next preceding that in 112442
which the assessment is made, excluding earnings or receipts 112443
from sales to other public utilities for resale. The office may 112444
include in that first computation any amount of a public 112445
utility's intrastate gross earnings or receipts underreported in 112446
a prior year. In addition to whatever penalties apply under the 112447
Revised Code to such underreporting, the office shall assess the 112448
public utility interest at the rate stated in division (A) of 112449
section 1343.01 of the Revised Code. The office shall deposit 112450

any interest so collected into the consumers' counsel operating 112451
fund. The office may exclude from that first computation any 112452
such amounts that were over-reported in a prior year. 112453

The final computation of the assessment shall consist of 112454
imposing upon each public utility whose assessment under the 112455
first computation would have been one hundred dollars or less an 112456
assessment of one hundred dollars and recomputing the assessment 112457
of the remaining companies by apportioning an amount equal to 112458
the appropriation to the office of consumers' counsel in each 112459
fiscal year less the total amount to be recovered from those 112460
paying the minimum assessment, in proportion to the intrastate 112461
gross earnings or receipts of the remaining companies for the 112462
calendar year next preceding that in which the assessments are 112463
made, excluding earnings or receipts from sales to other public 112464
utilities for resale. 112465

In the case of an assessment based on intrastate gross 112466
receipts under this section against a public utility that is an 112467
electric utility as defined in section 4928.01 of the Revised 112468
Code, or an electric services company, electric cooperative, or 112469
governmental aggregator subject to certification under section 112470
4928.08 of the Revised Code, such receipts shall be those 112471
specified in the utility's, company's, cooperative's, or 112472
aggregator's most recent report of intrastate gross receipts and 112473
sales of kilowatt hours of electricity, filed with the public 112474
utilities commission pursuant to division (F) of section 4928.06 112475
of the Revised Code, and verified by the commission. 112476

In the case of an assessment based on intrastate gross 112477
receipts under this section against a retail natural gas 112478
supplier or governmental aggregator subject to certification 112479
under section 4929.20 of the Revised Code, such receipts shall 112480

be those specified in the supplier's or aggregator's most recent 112481
report of intrastate gross receipts and sales of hundred cubic 112482
feet of natural gas, filed with the commission pursuant to 112483
division (B) of section 4929.23 of the Revised Code, and 112484
verified by the commission. However, no such retail natural gas 112485
supplier or such governmental aggregator serving or proposing to 112486
serve customers of a particular natural gas company, as defined 112487
in section 4929.01 of the Revised Code, shall be assessed under 112488
this section until after the commission, pursuant to section 112489
4905.26 or 4909.18 of the Revised Code, has removed from the 112490
base rates of the natural gas company the amount of assessment 112491
under this section that is attributable to the value of 112492
commodity sales service, as defined in section 4929.01 of the 112493
Revised Code, in the base rates paid by those customers of the 112494
company that do not purchase that service from the natural gas 112495
company. 112496

(B) Through calendar year 2005, on or before the first day 112497
of October in each year, the office of consumers' counsel shall 112498
notify each public utility of the sum assessed against it, 112499
whereupon payment shall be made to the counsel, who shall 112500
deposit it into the state treasury to the credit of the 112501
consumers' counsel operating fund, which is hereby created. 112502
Beginning in calendar year 2006, on or before the fifteenth day 112503
of May in each year, the consumers' counsel shall notify each 112504
public utility that had a sum assessed against it for the 112505
current fiscal year of more than one thousand dollars that fifty 112506
per cent of that amount shall be paid to the consumers' counsel 112507
by the twentieth day of June of that year as an initial payment 112508
of the assessment against the company for the next fiscal year. 112509
On or before the first day of October in each year, the 112510
consumers' counsel shall make a final determination of the sum 112511

of the assessment against each public utility and shall notify 112512
each public utility of the sum assessed against it. The 112513
consumers' counsel shall deduct from the assessment for each 112514
public utility any initial payment received. Payment of the 112515
assessment shall be made to the consumers' counsel by the first 112516
day of November of that year. The consumers' counsel shall 112517
deposit the payments received into the state treasury to the 112518
credit of the consumers' counsel operating fund. Any such 112519
amounts paid into the fund but not expended by the office shall 112520
be credited ratably by the office to the public utilities that 112521
pay more than the minimum assessment, according to the 112522
respective portions of such sum assessable against them for the 112523
ensuing fiscal year, after first deducting any deficits 112524
accumulated from prior years. The assessments for such fiscal 112525
year shall be reduced correspondingly. 112526

(C) Within five days after the beginning of each fiscal 112527
year through fiscal year 2006, the director of budget and 112528
management shall transfer from the general revenue fund to the 112529
consumers' counsel operating fund an amount sufficient for 112530
maintaining and administering the office of the consumers' 112531
counsel and exercising the powers of the consumers' counsel 112532
under this chapter during the first four months of the fiscal 112533
year. Not later than the thirty-first day of December of the 112534
fiscal year, the same amount shall be transferred back to the 112535
general revenue fund from the consumers' counsel operating fund. 112536

~~(D)~~ (D) (1) As used in this section, "public utility" 112537
includes: 112538

~~(1)~~ (a) In addition to an electric utility as defined in 112539
section 4928.01 of the Revised Code, an electric services 112540
company, an electric cooperative, or a governmental aggregator 112541

subject to certification under section 4928.08 of the Revised 112542
Code, to the extent of the company's, cooperative's, or 112543
aggregator's engagement in the business of supplying or 112544
arranging for the supply in this state of any retail electric 112545
service for which it must be so certified; 112546

~~(2)~~ (b) In addition to a natural gas company as defined in 112547
section 4929.01 of the Revised Code, a retail natural gas 112548
supplier or governmental aggregator subject to certification 112549
under section 4929.20 of the Revised Code, to the extent of the 112550
supplier's or aggregator's engagement in the business of 112551
supplying or arranging for the supply in this state of any 112552
competitive retail natural gas service for which it must be 112553
certified. 112554

(2) As used in this section, "public utility" does not 112555
include a wireless service provider or reseller as defined in 112556
section 128.01 of the Revised Code, to the extent either of them 112557
are providing wireless service as defined under section 128.01 112558
of the Revised Code. 112559

Sec. 4921.01. As used in this chapter: 112560

(A) "Ambulance" has the same meaning as in section 4766.01 112561
of the Revised Code. 112562

(B) "For-hire motor carrier" means a person engaged in the 112563
business of transporting persons or property by motor vehicle 112564
for compensation, except when engaged in any of the following in 112565
intrastate commerce: 112566

(1) The transportation of persons in taxicabs in the usual 112567
taxicab service; 112568

(2) The transportation of pupils in school buses operating 112569
to or from school sessions or school events; 112570

- (3) The transportation of farm supplies to the farm or 112571
farm products from farm to market or to food fabricating plants; 112572
- (4) The distribution of newspapers; 112573
- (5) The transportation of crude petroleum incidental to 112574
gathering from wells and delivery to destination by pipeline; 112575
- (6) The transportation of injured, ill, or deceased 112576
persons by hearse or ambulance; 112577
- (7) The transportation of compost (a combination of manure 112578
and sand or shredded bark mulch) or shredded bark mulch; 112579
- (8) The transportation of persons in a ridesharing 112580
arrangement when any fee charged each person so transported is 112581
in such amount as to recover only the person's share of the 112582
costs of operating the motor vehicle for such purpose; 112583
- (9) The operation of motor vehicles for contractors on 112584
public road work; 112585
- (10) The operation of trailers that are all of the 112586
following: 112587
- (a) Designed and used exclusively to transport a single 112588
boat between the following that are not more than ten miles 112589
apart: 112590
- (i) A place of storage; 112591
- (ii) A marina, or a place that is in and around a marina; 112592
- (b) Drawn or towed within this state on a public road or 112593
highway at a speed of twenty-five miles per hour or less; 112594
- (c) The gross vehicle weight rating, gross combination 112595
weight rating, gross vehicle weight, and gross combination 112596
weight or any combination thereof does not exceed twenty-six 112597

thousand one pounds. 112598

"For-hire motor carrier" includes the carrier's agents, 112599
officers, and representatives, as well as employees responsible 112600
for hiring, supervising, training, assigning, or dispatching 112601
drivers and employees concerned with the installation, 112602
inspection, and maintenance of motor-vehicle equipment and 112603
accessories. 112604

Divisions (B) (1) to (9) of this section shall not be 112605
construed to relieve a person from compliance with rules 112606
governing unified carrier registration adopted under section 112607
4921.11 of the Revised Code. 112608

(C) "Household goods" means personal effects and property 112609
used or to be used in a dwelling, excluding property moving from 112610
a factory or store. 112611

(D) "Interstate commerce" means trade, traffic, or 112612
transportation in the United States that is any of the 112613
following: 112614

(1) Between a place in a state and a place outside of that 112615
state (including a place outside of the United States); 112616

(2) Between two places in a state through another state or 112617
a place outside of the United States; 112618

(3) Between two places in a state as part of trade, 112619
traffic, or transportation originating or terminating outside 112620
the state or the United States. 112621

(E) "Intrastate commerce" means any trade, traffic, or 112622
transportation in any state which is not described in the term 112623
"interstate commerce." 112624

(F) "Motor vehicle" means any vehicle, machine, tractor, 112625

trailer, or semitrailer propelled or drawn by mechanical power 112626
and used upon the highways in the transportation of persons or 112627
property, or any combination thereof, but does not include any 112628
vehicle, locomotive, or car operated exclusively on a rail or 112629
rails, or a trolley bus operated by electric power derived from 112630
a fixed overhead wire, furnishing local passenger transportation 112631
similar to street-railway service and does not include trailers 112632
that are all of the following: 112633

(1) Designed and used exclusively to transport a single 112634
boat between the following that are not more than ten miles 112635
apart: 112636

(a) A place of storage; 112637

(b) A marina, or a place that is in and around a marina; 112638

(2) Drawn or towed within this state on a public road or 112639
highway at a speed of twenty-five miles per hour or less; 112640

(3) The gross vehicle weight rating, gross combination 112641
weight rating, gross vehicle weight, and gross combination 112642
weight or any combination thereof does not exceed twenty-six 112643
thousand one pounds. 112644

(G) "Public highway" means any public street, road, or 112645
highway in this state, whether within or without the corporate 112646
limits of a municipal corporation. 112647

(H) "Ridesharing arrangement" means the transportation of 112648
persons in a motor vehicle where such transportation is 112649
incidental to another purpose of a volunteer driver, and 112650
includes ridesharing arrangements known as carpools, vanpools, 112651
and buspools. 112652

(I) "School bus" has the same meaning as in section 112653

4511.01 of the Revised Code. 112654

(J) "Trailer" means any vehicle without motive power 112655
designed or used for carrying persons or property and for being 112656
drawn by a separate motor vehicle, including any vehicle of the 112657
trailer type, whether designed or used for carrying persons or 112658
property wholly on its own structure, or so designed or used 112659
that a part of its own weight or the weight of its load rests 112660
upon and is carried by such motor vehicle. 112661

Sec. 4923.01. As used in this chapter: 112662

(A) "Ambulance," "interstate commerce," "intrastate 112663
commerce," "motor vehicle," "public highway," "ridesharing 112664
arrangement," and "school bus" have the same meanings as in 112665
section 4921.01 of the Revised Code. 112666

(B) "For-hire motor carrier" means a person engaged in the 112667
business of transporting persons or property by motor vehicle 112668
for compensation, except when engaged in any of the following in 112669
intrastate commerce: 112670

(1) The transportation of persons in taxicabs in the usual 112671
taxicab service; 112672

(2) The transportation of pupils in school ~~busses~~ buses 112673
operating to or from school sessions or school events; 112674

(3) The transportation of farm supplies to the farm or 112675
farm products from farm to market or to food fabricating plants; 112676

(4) The distribution of newspapers; 112677

(5) The transportation of crude petroleum incidental to 112678
gathering from wells and delivery to destination by pipe line; 112679

(6) The transportation of injured, ill, or deceased 112680

persons by hearse or ambulance; 112681

(7) The transportation of compost (a combination of manure 112682
and sand or shredded bark mulch) or shredded bark mulch; 112683

(8) The transportation of persons in a ridesharing 112684
arrangement when any fee charged each person so transported is 112685
in such amount as to recover only the person's share of the 112686
costs of operating the motor vehicle for such purpose; 112687

(9) The operation of motor vehicles for contractors on 112688
public road work; 112689

(10) The operation of trailers that are all of the 112690
following: 112691

(a) Designed and used exclusively to transport a single 112692
boat between the following that are not more than ten miles 112693
apart: 112694

(i) A place of storage; 112695

(ii) A marina, or a place that is in and around a marina; 112696

(b) Drawn or towed within this state on a public road or 112697
highway at a speed of twenty-five miles per hour or less; 112698

(c) The gross vehicle weight rating, gross combination 112699
weight rating, gross vehicle weight, and gross combination 112700
weight or any combination thereof does not exceed twenty-six 112701
thousand one pounds. 112702

"For-hire motor carrier" includes the carrier's agents, 112703
officers, and representatives, as well as employees responsible 112704
for hiring, supervising, training, assigning, or dispatching 112705
drivers and employees concerned with the installation, 112706
inspection, and maintenance of motor-vehicle equipment and 112707

accessories. 112708

Divisions (B) (1) to (9) of this section shall not be 112709
construed to relieve a person from compliance with rules adopted 112710
under division (A) (2) of section 4923.04 of the Revised Code, 112711
division (E) of section 4923.06 of the Revised Code, division 112712
(B) of section 4923.07 of the Revised Code, and section 4923.11 112713
of the Revised Code, or from compliance with rules regarding 112714
commercial driver's licenses adopted under division (A) (1) of 112715
section 4923.04 of the Revised Code. 112716

(C) "Motor carrier" means both a for-hire motor carrier 112717
and a private motor carrier. 112718

(D) "Private motor carrier" means a person who is not a 112719
for-hire motor carrier but is engaged in the business of 112720
transporting persons or property by motor vehicle, except as 112721
provided in section 4923.02 of the Revised Code. "Private motor 112722
carrier" includes the carrier's agents, officers, and 112723
representatives, as well as employees responsible for hiring, 112724
supervising, training, assigning, or dispatching drivers and 112725
employees concerned with the installation, inspection, and 112726
maintenance of motor-vehicle equipment and accessories. 112727

Sec. 4927.01. (A) As used in this chapter: 112728

(1) "Basic local exchange service" means residential-end- 112729
user access to and usage of telephone-company-provided services 112730
over a single line or small-business-end-user access to and 112731
usage of telephone-company-provided services over the primary 112732
access line of service, which in the case of residential and 112733
small-business access and usage is not part of a bundle or 112734
package of services, that does both of the following: 112735

(a) Enables a customer to originate or receive voice 112736

communications within a local service area as that area exists 112737
on September 13, 2010, or as that area is changed with the 112738
approval of the public utilities commission; 112739

(b) Consists of all of the following services: 112740

(i) Local dial tone service; 112741

(ii) For residential end users, flat-rate telephone 112742
exchange service; 112743

(iii) Touch tone dialing service; 112744

(iv) Access to and usage of 9-1-1 services, where such 112745
services are available; 112746

(v) Access to operator services and directory assistance; 112747

(vi) Provision of a telephone directory in any reasonable 112748
format, which includes, at the telephone company's option, an 112749
internet-accessible database of directory listings, for no 112750
additional charge and a listing in that directory, with 112751
reasonable accommodations made for private listings, and for a 112752
telephone company that no longer offers a printed directory, 112753
provision of reasonable customer notice of the available options 112754
to obtain directory information; 112755

(vii) Per call, caller identification blocking services; 112756

(viii) Access to telecommunications relay service; and 112757

(ix) Access to toll presubscription, interexchange or toll 112758
providers or both, and networks of other telephone companies. 112759

"Basic local exchange service" excludes any voice service 112760
to which customers are transitioned following a withdrawal of 112761
basic local exchange service under section 4927.10 of the 112762
Revised Code. 112763

(2) "Bundle or package of services" means one or more 112764
telecommunications services or other services offered together 112765
as one service option at a single price. 112766

(3) "Carrier access" means access to and usage of 112767
telephone company-provided facilities that enable end user 112768
customers originating or receiving voice grade, data, or image 112769
communications, over a local exchange telephone company network 112770
operated within a local service area, to access interexchange or 112771
other networks and includes special access. 112772

(4) "Federal poverty level" means the income level 112773
represented by the poverty guidelines as revised annually by the 112774
United States department of health and human services in 112775
accordance with section 673(2) of the "Omnibus Reconciliation 112776
Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a 112777
family size equal to the size of the family of the person whose 112778
income is being determined. 112779

(5) "Incumbent local exchange carrier" means, with respect 112780
to an area, the local exchange carrier that: 112781

(a) On February 8, 1996, provided telephone exchange 112782
service in such area; and 112783

(b) (i) On February 8, 1996, was deemed to be a member of 112784
the exchange carrier association pursuant to 47 C.F.R. 112785
69.601(b); or 112786

(ii) Is a person or entity that, on or after February 8, 112787
1996, became a successor or assign of a member described in 112788
division (A) (5) (b) (i) of this section. 112789

(6) "Internet protocol-enabled services" means any 112790
services, capabilities, functionalities, or applications that 112791
are provided using internet protocol or a successor protocol to 112792

enable an end user to send or receive communications in internet 112793
protocol format or a successor format, regardless of how any 112794
particular such service is classified by the federal 112795
communications commission, and includes voice over internet 112796
protocol service. 112797

(7) "Interstate-access component" means the portion of 112798
carrier access that is within the jurisdiction of the federal 112799
communications commission. 112800

(8) "Local exchange carrier" means any person engaged in 112801
the provision of telephone exchange service, or the offering of 112802
access to telephone exchange service or facilities for the 112803
purpose of originating or terminating telephone toll service. 112804

(9) "Local service area" means the geographic area that 112805
may encompass more than one exchange area and within which a 112806
telephone customer, by paying the rate for basic local exchange 112807
service, may complete calls to other telephone customers without 112808
being assessed long distance toll charges. 112809

(10) "Small business" means a nonresidential service 112810
customer with three or fewer service access lines. 112811

(11) "Telecommunications" means the transmission, between 112812
or among points specified by the user, of information of the 112813
user's choosing, without change in the form or content of the 112814
information as sent and received. 112815

(12) "Telecommunications carrier" has the same meaning as 112816
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 112817
153. 112818

(13) "Telecommunications service" means the offering of 112819
telecommunications for a fee directly to the public, or to such 112820
classes of users as to be effectively available directly to the 112821

public, regardless of the facilities used. 112822

(14) "Telephone company" means a company described in 112823
division (A) of section 4905.03 of the Revised Code that is a 112824
public utility under section 4905.02 of the Revised Code. 112825

(15) "Telephone exchange service" means telecommunications 112826
service that is within a telephone exchange, or within a 112827
connected system of telephone exchanges within the same exchange 112828
area operated to furnish to subscribers intercommunicating 112829
service of the character ordinarily furnished by a single 112830
exchange, and that is covered by the exchange service charge; or 112831
comparable service provided through a system of switches, 112832
transmission equipment, or other facilities, or combination 112833
thereof, by which a customer can originate and terminate a 112834
telecommunications service. 112835

(16) "Telephone toll service" means telephone service 112836
between stations in different exchange areas for which there is 112837
made a separate charge not included in contracts with customers 112838
for exchange service. 112839

(17) "Voice over internet protocol service" means a 112840
service that enables real-time, two-way, voice communications 112841
that originate or terminate from the user's location using 112842
internet protocol or a successor protocol, including, but not 112843
limited to, any such service that permits an end user to receive 112844
calls from and terminate calls to the public switched network. 112845

(18) "Voice service" includes all of the applicable 112846
functionalities described in 47 C.F.R. 54.101(a). "Voice 112847
service" is not the same as basic local exchange service. 112848

(19) "Wireless service" means federally licensed 112849
commercial mobile service as defined in the "Telecommunications 112850

Act of 1996," 110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and 112851
further defined as commercial mobile radio service in 47 C.F.R. 112852
20.3. Under division (A) (19) of this section, commercial mobile 112853
radio service is specifically limited to mobile telephone, 112854
mobile cellular telephone, paging, personal communications 112855
services, and specialized mobile radio service provided by a 112856
common carrier in this state and excludes fixed wireless 112857
service. 112858

(20) "Wireless service provider" means a facilities-based 112859
provider of wireless service to one or more end users in this 112860
state. 112861

(21) "Broadband internet access service" has the same 112862
meaning as in 47 C.F.R. 8.1. 112863

(B) The definitions of this section shall be applied 112864
consistent with the definitions in the "Telecommunications Act 112865
of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and 112866
with federal decisions interpreting those definitions. 112867

Sec. 4927.22. (A) Notwithstanding any provision of the 112868
Revised Code, other than division (B) of this section: 112869

(1) Broadband internet access service is not subject to 112870
regulation by the public utilities commission. 112871

(2) No agency, commission, or political subdivision of 112872
this state shall enact, adopt, or enforce, either directly or 112873
indirectly, any law, rule, regulation, ordinance, standard, 112874
order or other provision having the force or effect of law that 112875
regulates, or has the effect of regulating, the rates, terms, or 112876
conditions of any broadband internet access service, or 112877
otherwise treats providers of broadband internet access services 112878
as public utilities or telecommunications carriers. 112879

(B) This section shall not be construed to do any of the 112880
following: 112881

(1) Restrict any authority delegated to the commission or 112882
to any state agency to administer a state or federal grant 112883
program under state or federal statute, rule, or order; 112884

(2) Restrict the application to broadband internet access 112885
service, or providers thereof, of any law that applies generally 112886
to the conduct of business in the state relating to consumer 112887
protection and fair competition; 112888

(3) Restrict the authority of any political subdivision in 112889
the state to manage access to and use of any public way or 112890
public rights-of-way. 112891

Sec. 4928.05. (A) (1) A competitive retail electric service 112892
supplied by an electric services company, or by an electric 112893
utility consistent with section 4928.141 of the Revised Code, 112894
shall not be subject to supervision and regulation by a 112895
municipal corporation under Chapter 743. of the Revised Code or 112896
by the public utilities commission under Chapters 4901. to 112897
4909., 4933., 4935., and 4963. of the Revised Code, except 112898
sections 4905.10 and 4905.31, division (B) of section 4905.33, 112899
and sections 4905.35 and 4933.81 to 4933.90; except sections 112900
4905.06, 4935.03, 4963.40, and 4963.41 of the Revised Code only 112901
to the extent related to service reliability and public safety; 112902
and except as otherwise provided in this chapter. The 112903
commission's authority to enforce those excepted provisions with 112904
respect to a competitive retail electric service shall be such 112905
authority as is provided for their enforcement under Chapters 112906
4901. to 4909., 4933., 4935., and 4963. of the Revised Code and 112907
this chapter. Nothing in this division shall be construed to 112908
limit the commission's authority under sections 4928.141, 112909

4928.142, and 4928.144 of the Revised Code. 112910

(2) A competitive retail electric service supplied by an 112911
electric cooperative shall not be subject to supervision and 112912
regulation by the commission under Chapters 4901. to 4909., 112913
4933., 4935., and 4963. of the Revised Code, except as otherwise 112914
expressly provided in sections 4928.01 to 4928.10 and 4928.16 of 112915
the Revised Code. 112916

(B) (1) A noncompetitive retail electric service supplied 112917
by an electric utility shall be subject to supervision and 112918
regulation by the commission under Chapters 4901. to 4909., 112919
4933., 4935., and 4963. of the Revised Code and this chapter, to 112920
the extent that authority is not preempted by federal law. The 112921
commission's authority to enforce those provisions with respect 112922
to a noncompetitive retail electric service shall be the 112923
authority provided under those chapters and this chapter, to the 112924
extent the authority is not preempted by federal law. 112925
Notwithstanding Chapters 4905. and 4909. of the Revised Code, 112926
commission authority under this chapter shall include the 112927
authority to provide for the recovery, through a reconcilable 112928
rider on an electric distribution utility's distribution rates, 112929
of all transmission and transmission-related costs, including 112930
ancillary and congestion costs, imposed on or charged to the 112931
utility by the federal energy regulatory commission or a 112932
regional transmission organization, independent transmission 112933
operator, or similar organization approved by the federal energy 112934
regulatory commission. 112935

The commission shall adopt, for each electric distribution 112936
utility that provides customers with a standard service offer in 112937
compliance with sections 4928.141 and 4928.142 of the Revised 112938
Code, a ~~nonbypassable~~ bypassable cost recovery mechanism 112939

relating to transmission, ancillary, congestion, or any related 112940
service required for such standard service offer that includes 112941
provisions for the recovery of any cost of such service that the 112942
electric distribution utility incurs pursuant to the standard 112943
service offer. 112944

(2) The commission shall exercise its jurisdiction with 112945
respect to the delivery of electricity by an electric utility in 112946
this state so as to ensure that no aspect of the delivery of 112947
electricity by the utility to consumers in this state that 112948
consists of a noncompetitive retail electric service is 112949
unregulated. 112950

(3) A noncompetitive retail electric service supplied by 112951
an electric cooperative shall not be subject to supervision and 112952
regulation by the commission under Chapters 4901. to 4909., 112953
4933., 4935., and 4963. of the Revised Code, except sections 112954
4933.81 to 4933.90 and 4935.03 of the Revised Code. The 112955
commission's authority to enforce those excepted sections with 112956
respect to a noncompetitive retail electric service of an 112957
electric cooperative shall be such authority as is provided for 112958
their enforcement under Chapters 4933. and 4935. of the Revised 112959
Code. 112960

Sec. 4928.06. (A) Beginning on the starting date of 112961
competitive retail electric service, the public utilities 112962
commission shall ensure that the policy specified in section 112963
4928.02 of the Revised Code is effectuated. To the extent 112964
necessary, the commission shall adopt rules to carry out this 112965
chapter. Initial rules necessary for the commencement of the 112966
competitive retail electric service under this chapter shall be 112967
adopted within one hundred eighty days after the effective date 112968
of this section. Except as otherwise provided in this chapter, 112969

the proceedings and orders of the commission under the chapter 112970
shall be subject to and governed by Chapter 4903. of the Revised 112971
Code. 112972

(B) If the commission determines, on or after the starting 112973
date of competitive retail electric service, that there is a 112974
decline or loss of effective competition with respect to a 112975
competitive retail electric service of an electric utility, 112976
which service was declared competitive by commission order 112977
issued pursuant to division (A) of section 4928.04 of the 112978
Revised Code, the commission shall ensure that that service is 112979
provided at compensatory, fair, and nondiscriminatory prices and 112980
terms and conditions. 112981

(C) In addition to its authority under section 4928.04 of 112982
the Revised Code and divisions (A) and (B) of this section, the 112983
commission, on an ongoing basis, shall monitor and evaluate the 112984
provision of retail electric service in this state for the 112985
purpose of discerning any noncompetitive retail electric service 112986
that should be available on a competitive basis on or after the 112987
starting date of competitive retail electric service pursuant to 112988
a declaration in the Revised Code, and for the purpose of 112989
discerning any competitive retail electric service that is no 112990
longer subject to effective competition on or after that date. 112991
Upon such evaluation, the commission periodically shall report 112992
its findings and any recommendations for legislation to the 112993
standing committees of both houses of the general assembly that 112994
have primary jurisdiction regarding public utility legislation. 112995
~~Until 2008, the commission and the consumer's counsel also shall~~ 112996
~~provide biennial reports to those standing committees, regarding~~ 112997
~~the effectiveness of competition in the supply of competitive~~ 112998
~~retail electric services in this state. In addition, until the~~ 112999
~~end of all market development periods as determined by the~~ 113000

~~commission under section 4928.40 of the Revised Code, those~~ 113001
~~standing committees shall meet at least biennially to consider~~ 113002
~~the effect on this state of electric service restructuring and~~ 113003
~~to receive reports from the commission, consumers' counsel, and~~ 113004
~~director of development.~~ 113005

(D) In determining, for purposes of division (B) or (C) of 113006
this section, whether there is effective competition in the 113007
provision of a retail electric service or reasonably available 113008
alternatives for that service, the commission shall consider 113009
factors including, but not limited to, all of the following: 113010

(1) The number and size of alternative providers of that 113011
service; 113012

(2) The extent to which the service is available from 113013
alternative suppliers in the relevant market; 113014

(3) The ability of alternative suppliers to make 113015
functionally equivalent or substitute services readily available 113016
at competitive prices, terms, and conditions; 113017

(4) Other indicators of market power, which may include 113018
market share, growth in market share, ease of entry, and the 113019
affiliation of suppliers of services. 113020

The burden of proof shall be on any entity requesting, 113021
under division (B) or (C) of this section, a determination by 113022
the commission of the existence of or a lack of effective 113023
competition or reasonably available alternatives. 113024

(E) (1) Beginning on the starting date of competitive 113025
retail electric service, the commission has authority under 113026
Chapters 4901. to 4909. of the Revised Code, and shall exercise 113027
that authority, to resolve abuses of market power by any 113028
electric utility that interfere with effective competition in 113029

the provision of retail electric service. 113030

(2) In addition to the commission's authority under 113031
division (E)(1) of this section, the commission, beginning the 113032
first year after the market development period of a particular 113033
electric utility and after reasonable notice and opportunity for 113034
hearing, may take such measures within a transmission 113035
constrained area in the utility's certified territory as are 113036
necessary to ensure that retail electric generation service is 113037
provided at reasonable rates within that area. The commission 113038
may exercise this authority only upon findings that an electric 113039
utility is or has engaged in the abuse of market power and that 113040
that abuse is not adequately mitigated by rules and practices of 113041
any independent transmission entity controlling the transmission 113042
facilities. Any such measure shall be taken only to the extent 113043
necessary to protect customers in the area from the particular 113044
abuse of market power and to the extent the commission's 113045
authority is not preempted by federal law. The measure shall 113046
remain in effect until the commission, after reasonable notice 113047
and opportunity for hearing, determines that the particular 113048
abuse of market power has been mitigated. 113049

(F) An electric utility, electric services company, 113050
electric cooperative, or governmental aggregator subject to 113051
certification under section 4928.08 of the Revised Code shall 113052
provide the commission with such information, regarding a 113053
competitive retail electric service for which it is subject to 113054
certification, as the commission considers necessary to carry 113055
out this chapter. An electric utility shall provide the 113056
commission with such information as the commission considers 113057
necessary to carry out divisions (B) to (E) of this section. The 113058
commission shall take such measures as it considers necessary to 113059
protect the confidentiality of any such information. 113060

The commission shall require each electric utility to file 113061
with the commission on and after the starting date of 113062
competitive retail electric service an annual report of its 113063
intrastate gross receipts and sales of kilowatt hours of 113064
electricity, and shall require each electric services company, 113065
electric cooperative, and governmental aggregator subject to 113066
certification to file an annual report on and after that 113067
starting date of such receipts and sales from the provision of 113068
those retail electric services for which it is subject to 113069
certification. For the purpose of the reports, sales of kilowatt 113070
hours of electricity are deemed to occur at the meter of the 113071
retail customer. 113072

Sec. 4928.102. (A) If a competitive retail electric 113073
service supplier offers a residential or small commercial 113074
customer a contract for a fixed introductory rate that converts 113075
to a variable rate upon the expiration of the fixed rate, the 113076
supplier shall send two notices to each residential and small 113077
commercial customer that enters into such a contract. Each 113078
notice shall provide all of the following information to the 113079
customer: 113080

(1) The fixed rate that is expiring under the contract; 113081

(2) The expiration date of the contract's fixed rate; 113082

(3) The public utilities commission web site that, as a 113083
comparison tool, lists rates offered by competitive retail 113084
electric service suppliers; 113085

(4) A statement explaining that appearing on each 113086
customer's bill is a price-to-compare notice that lists the 113087
utility's standard service offer price. 113088

(B) The second notice shall include all the requirements 113089

as stated in division (A) of this section and shall also 113090
identify the initial rate to be charged upon the contract's 113091
conversion to a variable rate. 113092

(C) The notices shall be sent by standard United States 113093
mail or electronically with a customer's verifiable consent as 113094
follows: 113095

(1) The supplier shall send the first notice not earlier 113096
than ninety days, and not later than sixty days, prior to the 113097
expiration of the fixed rate. 113098

(2) The supplier shall send the second notice not earlier 113099
than forty-five days, and not later than fifteen days, prior to 113100
the expiration of the fixed rate. 113101

(D) A competitive retail electric service supplier shall 113102
provide an annual notice, by standard United States mail or 113103
electronically with a customer's verifiable consent, to each 113104
residential and small commercial customer that has entered into 113105
a contract with the supplier that has converted to a variable 113106
rate upon the expiration of the contract's fixed introductory 113107
rate. The notice shall inform the customer that the customer is 113108
currently subject to a variable rate and that other fixed rate 113109
contracts are available. 113110

(E) Not later than one hundred fifty days after ~~the~~ 113111
~~effective date of this section~~ August 14, 2025, the commission 113112
shall adopt rules in order to implement divisions (A) to (D) of 113113
this section. The rules, at a minimum, shall include the 113114
following requirements regarding the notices required under 113115
divisions (A) to (D) of this section: 113116

(1) To use clear and unambiguous language in order to 113117
enable the customer to make an informed decision; 113118

(2) To design the notices in a way to ensure that they 113119
cannot be confused with marketing materials. 113120

(F) Notwithstanding any provision of section 121.95 of the 113121
Revised Code to the contrary, a regulatory restriction contained 113122
in a rule adopted under this section ~~4928.101 of the Revised~~ 113123
~~Code~~ is not subject to sections 121.95 to 121.953 of the Revised 113124
Code. 113125

Sec. 4928.34. (A) The public utilities commission shall 113126
not approve or prescribe a transition plan under division (A) or 113127
(B) of section 4928.33 of the Revised Code unless the commission 113128
first makes all of the following determinations: 113129

(1) The unbundled components for the electric transmission 113130
component of retail electric service, as specified in the 113131
utility's rate unbundling plan required by division (A)(1) of 113132
section 4928.31 of the Revised Code, equal the tariff rates 113133
determined by the federal energy regulatory commission that are 113134
in effect on the date of the approval of the transition plan 113135
under sections 4928.31 to 4928.40 of the Revised Code, as each 113136
such rate is determined applicable to each particular customer 113137
class and rate schedule by the commission. The unbundled 113138
transmission component shall include a sliding scale of charges 113139
under division (B) of section 4905.31 of the Revised Code to 113140
ensure that refunds determined or approved by the federal energy 113141
regulatory commission are flowed through to retail electric 113142
customers. 113143

(2) The unbundled components for retail electric 113144
distribution service in the rate unbundling plan equal the 113145
difference between the costs attributable to the utility's 113146
transmission and distribution rates and charges under its 113147
schedule of rates and charges in effect on the effective date of 113148

this section, based upon the record in the most recent rate proceeding of the utility for which the utility's schedule was established, and the tariff rates for electric transmission service determined by the federal energy regulatory commission as described in division (A) (1) of this section.

(3) All other unbundled components required by the commission in the rate unbundling plan equal the costs attributable to the particular service as reflected in the utility's schedule of rates and charges in effect on the effective date of this section.

(4) The unbundled components for retail electric generation service in the rate unbundling plan equal the residual amount remaining after the determination of the transmission, distribution, and other unbundled components, and after any adjustments necessary to reflect the effects of the amendment of section 5727.111 of the Revised Code by Sub. S.B. No. 3 of the 123rd general assembly.

(5) All unbundled components in the rate unbundling plan have been adjusted to reflect any base rate reductions on file with the commission and as scheduled to be in effect by December 31, 2005, under rate settlements in effect on the effective date of this section. However, all earnings obligations, restrictions, or caps imposed on an electric utility in a commission order prior to the effective date of this section are void.

(6) Subject to division (A) (5) of this section, the total of all unbundled components in the rate unbundling plan are capped and shall equal during the market development period, except as specifically provided in this chapter, the total of all rates and charges in effect under the applicable bundled

schedule of the electric utility pursuant to section 4905.30 of 113179
the Revised Code in effect on the day before the effective date 113180
of this section, including the transition charge determined 113181
under section 4928.40 of the Revised Code, adjusted for any 113182
changes in the taxation of electric utilities and retail 113183
electric service under Sub. S.B. No. 3 of the 123rd General 113184
Assembly, and the universal service percentage of income payment 113185
plan rider authorized by section ~~4928.51-4928.52~~ of the Revised 113186
Code, ~~and the temporary rider authorized by section 4928.61 of~~ 113187
~~the Revised Code.~~ For the purpose of this division, the rate cap 113188
applicable to a customer receiving electric service pursuant to 113189
an arrangement approved by the commission under section 4905.31 113190
of the Revised Code is, for the term of the arrangement, the 113191
total of all rates and charges in effect under the arrangement. 113192
For any rate schedule filed pursuant to section 4905.30 of the 113193
Revised Code or any arrangement subject to approval pursuant to 113194
section 4905.31 of the Revised Code, the initial tax-related 113195
adjustment to the rate cap required by this division shall be 113196
equal to the rate of taxation specified in section 5727.81 of 113197
the Revised Code and applicable to the schedule or arrangement. 113198
To the extent such total annual amount of the tax-related 113199
adjustment is greater than or less than the comparable amount of 113200
the total annual tax reduction experienced by the electric 113201
utility as a result of the provisions of Sub. S.B. No. 3 of the 113202
123rd general assembly, such difference shall be addressed by 113203
the commission through accounting procedures, refunds, or an 113204
annual surcharge or credit to customers, or through other 113205
appropriate means, to avoid placing the financial responsibility 113206
for the difference upon the electric utility or its 113207
shareholders. Any adjustments in the rate of taxation specified 113208
in section 5727.81 of the Revised Code shall not occur without a 113209
corresponding adjustment to the rate cap for each such rate 113210

schedule or arrangement. The department of taxation shall advise 113211
the commission and self-assessors under section 5727.81 of the 113212
Revised Code prior to the effective date of any change in the 113213
rate of taxation specified under that section, and the 113214
commission shall modify the rate cap to reflect that adjustment 113215
so that the rate cap adjustment is effective as of the effective 113216
date of the change in the rate of taxation. This division shall 113217
be applied, to the extent possible, to eliminate any increase in 113218
the price of electricity for customers that otherwise may occur 113219
as a result of establishing the taxes contemplated in section 113220
5727.81 of the Revised Code. 113221

(7) The rate unbundling plan complies with any rules 113222
adopted by the commission under division (A) of section 4928.06 113223
of the Revised Code. 113224

(8) The corporate separation plan required by division (A) 113225
(2) of section 4928.31 of the Revised Code complies with section 113226
4928.17 of the Revised Code and any rules adopted by the 113227
commission under division (A) of section 4928.06 of the Revised 113228
Code. 113229

(9) Any plan or plans the commission requires to address 113230
operational support systems and any other technical 113231
implementation issues pertaining to competitive retail electric 113232
service comply with any rules adopted by the commission under 113233
division (A) of section 4928.06 of the Revised Code. 113234

(10) The employee assistance plan required by division (A) 113235
(4) of section 4928.31 of the Revised Code sufficiently provides 113236
severance, retraining, early retirement, retention, 113237
outplacement, and other assistance for the utility's employees 113238
whose employment is affected by electric industry restructuring 113239
under this chapter. 113240

(11) The consumer education plan required under division 113241
(A) (5) of section 4928.31 of the Revised Code complies with 113242
former section 4928.42 of the Revised Code and any rules adopted 113243
by the commission under division (A) of section 4928.06 of the 113244
Revised Code. 113245

(12) The transition revenues for which an electric utility 113246
is authorized a revenue opportunity under sections 4928.31 to 113247
4928.40 of the Revised Code are the allowable transition costs 113248
of the utility as such costs are determined by the commission 113249
pursuant to section 4928.39 of the Revised Code, and the 113250
transition charges for the customer classes and rate schedules 113251
of the utility are the charges determined pursuant to section 113252
4928.40 of the Revised Code. 113253

(13) Any independent transmission plan included in the 113254
transition plan filed under section 4928.31 of the Revised Code 113255
reasonably complies with section 4928.12 of the Revised Code and 113256
any rules adopted by the commission under division (A) of 113257
section 4928.06 of the Revised Code, unless the commission, for 113258
good cause shown, authorizes the utility to defer compliance 113259
until an order is issued under division (G) of section 4928.35 113260
of the Revised Code. 113261

(14) The utility is in compliance with sections 4928.01 to 113262
4928.11 of the Revised Code and any rules or orders of the 113263
commission adopted or issued under those sections. 113264

(15) All unbundled components in the rate unbundling plan 113265
have been adjusted to reflect the elimination of the tax on 113266
gross receipts imposed by section 5727.30 of the Revised Code. 113267

In addition, a transition plan approved by the commission 113268
under section 4928.33 of the Revised Code but not containing an 113269

approved independent transmission plan shall contain the express 113270
conditions that the utility will comply with an order issued 113271
under division (G) of section 4928.35 of the Revised Code. 113272

(B) If the commission finds that any part of the 113273
transition plan would constitute an abandonment under sections 113274
4905.20 and 4905.21 of the Revised Code, the commission shall 113275
not approve that part of the transition plan unless it makes the 113276
finding required for approval of an abandonment application 113277
under section 4905.21 of the Revised Code. Sections 4905.20 and 113278
4905.21 of the Revised Code otherwise shall not apply to a 113279
transition plan under sections 4928.31 to 4928.40 of the Revised 113280
Code. 113281

Sec. 4928.43. (A) Each state agency that provides 113282
employment assistance and job training programs, including the 113283
~~bureau of employment~~ department of job and family services ~~and~~ 113284
~~the department of development~~, shall provide concentrated 113285
attention through those programs to assisting employees whose 113286
employment is affected by electric industry restructuring under 113287
this chapter. 113288

(B) To the extent not prohibited by federal law or any law 113289
of this state and except as otherwise provided in a labor 113290
contract or other agreement, no unencumbered money in a pension 113291
fund for employees of electric utilities shall be used for any 113292
purpose other than to pay allowable pensions or early retirement 113293
buyouts for the employees. 113294

Sec. 4928.51. ~~(A)~~ There is hereby established in the state 113295
treasury ~~a universal service~~ the electric partnership plan fund, 113296
into which shall be deposited all ~~universal service~~ revenues 113297
remitted to the director of ~~development~~ job and family services 113298
under this section, for the exclusive purposes of providing 113299

funding for the low-income customer assistance programs ~~and for~~ 113300
~~the consumer education program authorized under section 4928.56~~ 113301
~~of the Revised Code,~~ and paying the administrative costs of the 113302
low-income customer assistance programs and the consumer 113303
education program. Interest on the fund shall be credited to the 113304
fund. Disbursements from the fund shall be made to any supplier 113305
that provides a competitive retail electric service or a 113306
noncompetitive retail electric service to a customer who is 113307
approved to receive assistance under a specified low-income 113308
customer assistance program and to any authorized provider of 113309
weatherization or energy efficiency service to a customer 113310
approved to receive such assistance under a specified low-income 113311
customer assistance program. 113312

~~(B) Universal service revenues~~ Revenues deposited in the 113313
electric partnership plan fund shall include all ~~of the~~ 113314
~~following:~~ 113315

~~(1) Revenues~~ revenues remitted to the director after 113316
collection by an electric distribution utility ~~beginning July 1,~~ 113317
~~2000, attributable to the collection from customers of the~~ 113318
~~universal service rider prescribed under~~ pursuant to division 113319
(C) of section 4928.52 of the Revised Code; 113320

~~(2) Revenues remitted to the director that have been~~ 113321
~~collected by an electric distribution utility beginning July 1,~~ 113322
~~2000, as customer payments under the percentage of income~~ 113323
~~payment plan program, including revenues remitted under division~~ 113324
~~(C) of this section;~~ 113325

~~(3) Adequate revenues remitted to the director after~~ 113326
~~collection by a municipal electric utility or electric~~ 113327
~~cooperative in this state not earlier than July 1, 2000, upon~~ 113328
~~the utility's or cooperative's decision to participate in the~~ 113329

~~low-income customer assistance programs.~~ 113330

~~(C) (1) Beginning July 1, 2000, an electric distribution utility shall transfer to the director the right to collect all arrearage payments of a customer for percentage of income payment plan program debt owed to the utility on the day before that date or retain the right to collect that debt but remit to the director all program revenues received by the utility for that customer.~~ 113331
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~~(2) A current or past percentage of income payment plan program customer is relieved of any payment obligation under the percentage of income payment program for any unpaid arrears accrued by the customer under the program as of the effective date of this section if the customer, as determined by the director, meets both of the following criteria:~~ 113338
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~~(a) The customer as of that date has complied with customer payment responsibilities under the program.~~ 113344
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~~(b) The customer is permanently and totally disabled as defined in section 5117.01 of the Revised Code or is sixty-five years of age or older as defined in that section.~~ 113346
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~~(D) The public utilities commission shall complete an audit of each electric utility by July 1, 2000, for the purpose of establishing a baseline for the percentage of income payment plan program component of the low-income assistance programs.~~ 113349
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113352

Sec. 4928.52. ~~(A) Beginning July~~ January 1, 2000, the 113353
2026, the percentage of income payment plan rider shall replace, 113354
for each electric distribution utility, the universal service 113355
rider shall replace the percentage of income payment plan rider 113356
in existence on the effective date of the amendment of this 113357
section and any amount in the rates of an electric utility for 113358

~~the funding of low-income customer energy efficiency programs by~~ 113359
~~this act. The universal service percentage of income payment~~ 113360
~~plan rider shall be a rider on retail electric distribution~~ 113361
service rates as such rates are determined by the public 113362
utilities commission pursuant to this chapter. The ~~universal~~ 113363
~~service percentage of income payment plan rider for the first~~ 113364
~~five years after the starting date of competitive retail~~ 113365
electric service shall be the sum of all of recover the 113366
following: 113367

(1) ~~The level of prudently incurred costs of providing the~~ 113368
percentage of income payment plan program ~~rider in existence on~~ 113369
~~the effective date of this section~~for each electric distribution 113370
utility; 113371

(2) ~~An amount equal to the level of funding for low-income~~ 113372
~~customer energy efficiency programs provided through electric~~ 113373
~~utility rates in effect on the effective date of this section~~The 113374
total of the electric distribution utilities' allocated shares, 113375
as determined by the public utilities commission, under division 113376
(B) (1) of this section; 113377

(3) Any additional amount necessary and sufficient to fund 113378
through the ~~universal service percentage of income payment plan~~ 113379
rider the administrative costs of the low-income customer 113380
assistance programs ~~and the consumer education program created~~ 113381
~~in section 4928.56 of the Revised Code.~~ 113382

~~(B) (B) (1) If, during or after the five-year period~~ 113383
~~specified in division (A) of this section, the director of~~ 113384
~~development, after consultation with the public benefits~~ 113385
~~advisory board created under section 4928.58 of the Revised~~ 113386
~~Code, determines that revenues in the universal service fund and~~ 113387
~~revenues from federal or other sources of funding for those~~ 113388

~~programs, including general revenue fund appropriations for the~~ 113389
~~Ohio energy credit program, will be insufficient to cover the~~ 113390
~~administrative costs of the low-income customer assistance~~ 113391
~~programs and the consumer education program and provide adequate~~ 113392
~~funding for those programs, the director shall file a petition~~ 113393
~~with the commission for an increase in the universal service~~ 113394
~~rider. The commission, after reasonable notice and opportunity~~ 113395
~~for hearing, may adjust the universal service rider by the~~ 113396
~~minimum amount necessary to provide the additional revenues. The~~ 113397
~~commission shall not decrease the universal service rider~~ 113398
~~without the approval of the director, after consultation by the~~ 113399
~~director with the advisory board~~allocate to each electric 113400
distribution utility a share of the funding for low-income 113401
customer assistance programs administered by the director of job 113402
and family services according to each electric distribution 113403
utility's annual distribution service revenues. 113404

(2) Each electric distribution utility's allocation 113405
determined under division (B)(1) of this section shall include a 113406
separately designated allocation equal to the electric 113407
distribution utility's share of an amount not to exceed fifteen 113408
million dollars annually for funding the consumer education 113409
program administered by the department of job and family 113410
services under section 4928.56 of the Revised Code. 113411

(C) On the thirtieth day of June of each year, each 113412
electric distribution utility shall remit to the department for 113413
deposit in the electric partnership plan fund the utility's 113414
share of the following: 113415

(1) The utility's allocation determined under division (B) 113416
(2) of this section for funding the consumer education program 113417
administered by the department of job and family services under 113418

section 4928.56 of the Revised Code; 113419

(2) The costs under division (A) (3) of this section for 113420
the administration of the low-income customer assistance 113421
programs administered by the director. 113422

~~(C) (D) The universal service percentage of income payment~~ 113423
~~plan rider established under division (A) or (B) of this section~~ 113424
shall be set in such a manner so as not to shift among the 113425
customer classes of electric distribution utilities the costs of 113426
funding low-income customer assistance programs. 113427

Sec. 4928.53. (A) Beginning July 1, ~~2000~~2026, the director 113428
of ~~development is hereby authorized to job and family services~~ 113429
shall administer the low-income customer assistance programs, 113430
except for the percentage of income payment plan rider 113431
established under section 4928.52 of the Revised Code. ~~For that~~ 113432
~~purpose, the public utilities commission shall cooperate with~~ 113433
~~and provide such assistance as the director requires for~~ 113434
~~administration of the low-income customer assistance programs.~~ 113435
The director shall consolidate the administration of and 113436
redesign and coordinate the operations of ~~these~~ the low-income 113437
customer assistance programs within the department to provide, 113438
to the maximum extent possible, for efficient program 113439
administration and a one-stop application and eligibility 113440
determination process at the local level for consumers. 113441

(B) (1) ~~Not later than March 1, 2000, the~~ The director, in 113442
accordance with Chapter 119. of the Revised Code, shall adopt 113443
rules to carry out sections 4928.51 to 4928.58 of the Revised 113444
Code and ensure the effective and efficient administration and 113445
operation of the low-income customer assistance programs. ~~The~~ 113446
~~rules shall take effect on July 1, 2000.~~ 113447

(2) The director's authority to adopt rules under this 113448
division for the Ohio energy credit program shall be subject to 113449
such rule-making authority as is conferred on the director of 113450
development by sections 5117.01 to 5117.12 of the Revised Code, 113451
as amended by Sub. S.B. No. 3 of the 123rd general assembly, 113452
except that rules initially adopted by the director of 113453
development for the Ohio energy credit program shall incorporate 113454
the substance of those sections as they exist on the effective 113455
date of this section. 113456

(3) ~~The director's~~ Under the director of job and family 113457
service's authority to adopt rules under this ~~division~~ section, 113458
the director may adopt rules for the percentage of income 113459
payment plan program ~~shall include authority to adopt, including~~ 113460
rules prescribing criteria for customer eligibility and policies 113461
regarding payment and crediting arrangements and 113462
responsibilities, and procedures for verifying customer 113463
eligibility, ~~procedures for disbursing public funds to suppliers~~ 113464
~~and otherwise administering funds under the director's~~ 113465
~~jurisdiction, and requirements as to timely remittances of~~ 113466
~~revenues described in division (B) of section 4928.51 of the~~ 113467
Revised Code. The rules shall prohibit the imposition of a 113468
waiting period before enrolling an eligible customer in the 113469
percentage of income payment plan. ~~The director's authority in~~ 113470
~~division (B) (3) of this section excludes authority to prescribe~~ 113471
~~service disconnection and customer billing policies and~~ 113472
~~procedures and to address complaints against suppliers under the~~ 113473
~~percentage of payment plan program, which excluded authority~~ 113474
~~shall be exercised by the public utilities commission, in~~ 113475
~~coordination with the director.~~ Rules adopted by the director 113476
under this division for the percentage of income payment plan 113477
program shall specify a level of payment responsibility to be 113478

borne by an eligible customer based on a percentage of the 113479
customer's income. ~~Rules initially adopted by the director for~~ 113480
~~the percentage of income payment plan program shall incorporate~~ 113481
~~the eligibility criteria and payment arrangement and~~ 113482
~~responsibility policies set forth in rule 4901:1-18-04(B) of the~~ 113483
~~Ohio Administrative Code in effect on the effective date of this~~ 113484
~~section.~~ 113485

Sec. 4928.54. ~~The director of development services public~~ 113486
~~utilities commission~~ shall aggregate percentage of income 113487
payment plan program customers for the purpose of establishing a 113488
competitive procurement process for the supply of competitive 113489
retail electric service for those customers. The process shall 113490
be an auction. Only bidders certified under section 4928.08 of 113491
the Revised Code may participate in the auction. 113492

Sec. 4928.542. The winning bid or bids selected through 113493
the competitive procurement process established under section 113494
4928.54 of the Revised Code shall meet all of the following 113495
requirements: 113496

(A) Be designed to provide reliable competitive retail 113497
electric service to percentage of income payment plan program 113498
customers; 113499

(B) Reduce the cost of the percentage of income payment 113500
plan program relative to the otherwise applicable standard 113501
service offer established under sections 4928.141 and 4928.142 113502
of the Revised Code; 113503

(C) Result in the best value for persons paying the 113504
~~universal service percentage of income payment plan rider under~~ 113505
section 4928.52 of the Revised Code. 113506

Sec. 4928.543. ~~The director of development services public~~ 113507

utilities commission shall adopt rules ~~in accordance with~~ 113508
~~Chapter 119. of the Revised Code~~ to implement sections 4928.54, 113509
4928.541, and 4928.542 of the Revised Code. The rules shall 113510
ensure a fair and unbiased auction process and the performance 113511
of the winning bidder or bidders. 113512

Sec. 4928.544. ~~(A)~~ For the purpose of facilitating 113513
compliance with sections 4928.54, 4928.541, and 4928.542 of the 113514
Revised Code, ~~and upon written request by the director of~~ 113515
~~development services,~~ the public utilities commission shall 113516
design, manage, and supervise the competitive procurement 113517
process required by section 4928.54 of the Revised Code. To the 113518
extent reasonably possible, and to minimize costs, the process 113519
may be designed based on any existing competitive procurement 113520
process for the establishment of the default generation supply 113521
price for electric distribution utilities. 113522

This ~~division~~ section does not preclude a process design 113523
that is based on a competitive procurement process that applies 113524
to the combined certified territories of electric distribution 113525
utilities subject to common ownership. 113526

~~(B) The director of development services shall reimburse~~ 113527
~~the commission for its costs incurred under division (A) of this~~ 113528
~~section. The reimbursements constitute administrative costs of~~ 113529
~~the low-income customer assistance programs for the purpose of~~ 113530
~~division (A) of section 4928.51 of the Revised Code.~~ 113531

Sec. 4928.545. The public utilities commission shall 113532
administer the percentage of income payment plan rider 113533
established under section 4928.52 of the Revised Code, including 113534
by performing periodic audits of each electric distribution 113535
utility's percentage of income payment plan rider. 113536

The commission shall adopt rules for the administration of 113537
the percentage of income payment plan rider and shall cooperate 113538
with, and provide such assistance to, the director of job and 113539
family services as the director requires for administration of 113540
the low-income customer assistance programs. 113541

Sec. 4928.55. The director of ~~development~~-job and family 113542
services shall establish an energy efficiency and weatherization 113543
program targeted, to the extent practicable, to high-cost, high- 113544
volume use structures occupied by customers eligible for the 113545
percentage of income payment plan program, with the goal of 113546
reducing the energy bills of the occupants. Acceptance of energy 113547
efficiency and weatherization services provided by the program 113548
shall be a condition for the eligibility of any such customer to 113549
participate in the percentage of income payment plan program. 113550

Sec. 4928.56. The director of ~~development~~-job and family 113551
services may adopt rules in accordance with Chapter 119. of the 113552
Revised Code establishing an education program for consumers 113553
eligible to participate in the low-income customer assistance 113554
programs. The education program shall provide information to 113555
consumers regarding energy efficiency and energy conservation. 113556

Sec. 4928.58. (A) There is hereby created the public 113557
benefits advisory board, which has the purpose of ensuring that 113558
energy services be provided to low-income consumers in this 113559
state in an affordable manner consistent with the policy 113560
specified in section 4928.02 of the Revised Code. The advisory 113561
board shall consist of twenty-one members as follows: the 113562
director of ~~development~~-job and family services, the chairperson 113563
of the public utilities commission, the consumers' counsel, and 113564
the director of the air quality development authority, each 113565
serving ex officio and represented by a designee at the 113566

official's discretion; two members of the house of 113567
representatives appointed by the speaker of the house of 113568
representatives, neither of the same political party, and two 113569
members of the senate appointed by the president of the senate, 113570
neither of the same political party; and thirteen members 113571
appointed by the governor with the advice and consent of the 113572
senate, consisting of one representative of suppliers of 113573
competitive retail electric service; one representative of the 113574
residential class of electric utility customers; one 113575
representative of the industrial class of electric utility 113576
customers; one representative of the commercial class of 113577
electric utility customers; one representative of agricultural 113578
or rural customers of an electric utility; two customers 113579
receiving assistance under one or more of the low-income 113580
customer assistance programs, to represent customers eligible 113581
for any such assistance, including senior citizens; one 113582
representative of the general public; one representative of 113583
local intake agencies; one representative of a community-based 113584
organization serving low-income customers; one representative of 113585
environmental protection interests; one representative of 113586
lending institutions; and one person considered an expert in 113587
energy efficiency or renewables technology. Initial appointments 113588
shall be made not later than November 1, 1999. 113589

(B) Initial terms of six of the appointed members shall 113590
end on June 30, 2003, and initial terms of the remaining seven 113591
appointed members shall end on June 30, 2004. Thereafter, terms 113592
of appointed members shall be for three years, with each term 113593
ending on the same day of the same month as the term it 113594
succeeds. Each member shall hold office from the date of the 113595
member's appointment until the end of the term for which the 113596
member was appointed. Members may be reappointed. 113597

Vacancies shall be filled in the manner provided for 113598
original appointments. Any member appointed to fill a vacancy 113599
occurring prior to the expiration date of the term for which the 113600
member's predecessor was appointed shall hold office as a member 113601
for the remainder of that term. A member shall continue in 113602
office after the expiration date of the member's term until the 113603
member's successor takes office or until a period of sixty days 113604
has elapsed, whichever occurs first. 113605

(C) Board members shall be reimbursed for their actual and 113606
necessary expenses incurred in the performance of board duties. 113607
The reimbursements constitute, as applicable, administrative 113608
costs of the low-income customer assistance programs for the 113609
purpose of ~~division (A) of section~~ sections 4928.51 and 4928.52 113610
of the Revised Code ~~or administrative costs of the advanced-~~ 113611
~~energy program for the purpose of division (A) of section~~ 113612
~~4528.61 of the Revised Code.~~ 113613

(D) The advisory board shall select a chairperson from 113614
among its members. Only board members appointed by the governor 113615
with the advice and consent of the senate shall be voting 113616
members of the board; each shall have one vote in all 113617
deliberations of the board. A majority of the voting members 113618
constitute a quorum. 113619

(E) ~~The duties of the advisory board shall be as follows:~~ 113620

~~(1) Advise~~ advise the director of job and family services 113621
in the administration of ~~the universal service fund and the low-~~ 113622
income customer assistance programs ~~and advise the director on~~ 113623
~~the director's recommendation to the commission regarding the~~ 113624
~~appropriate level of the universal service rider;~~ 113625

~~(2) Advise the director on the administration of the~~ 113626

~~advanced energy program and the advanced energy fund under~~ 113627
~~sections 4928.61 to 4928.63 of the Revised Code.~~ 113628

(F) The advisory board is not an agency for purposes of 113629
sections 101.82 to 101.87 of the Revised Code. 113630

Sec. 4928.61. (A) There is hereby established in the state 113631
treasury the advanced energy fund, into which shall be deposited 113632
all advanced energy revenues remitted to the director of 113633
development under division (B) of this section, for the 113634
exclusive purposes of funding the advanced energy program 113635
created under section 4928.62 of the Revised Code and paying the 113636
program's administrative costs. Interest on the fund shall be 113637
credited to the fund. 113638

(B) Advanced energy revenues shall include all of the 113639
following: 113640

(1) ~~Revenues remitted to the director after collection by~~ 113641
~~each electric distribution utility in this state of a temporary~~ 113642
~~rider on retail electric distribution service rates as such~~ 113643
~~rates are determined by the public utilities commission pursuant~~ 113644
~~to this chapter. The rider shall be a uniform amount statewide,~~ 113645
~~determined by the director of development, after consultation~~ 113646
~~with the public benefits advisory board created by section~~ 113647
~~4928.58 of the Revised Code. The amount shall be determined by~~ 113648
~~dividing an aggregate revenue target for a given year as~~ 113649
~~determined by the director, after consultation with the advisory~~ 113650
~~board, by the number of customers of electric distribution~~ 113651
~~utilities in this state in the prior year. Such aggregate~~ 113652
~~revenue target shall not exceed more than fifteen million~~ 113653
~~dollars in any year through 2005 and shall not exceed more than~~ 113654
~~five million dollars in any year after 2005. The rider shall be~~ 113655
~~imposed beginning on the effective date of the amendment of this~~ 113656

~~section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, and shall terminate at the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~

~~(2) Revenues from payments, repayments, and collections under the advanced energy program and from program income;~~

~~(3) (2) Revenues remitted to the director after collection by a municipal electric utility or electric cooperative in this state upon the utility's or cooperative's decision to participate in the advanced energy fund;~~

~~(4) (3) Revenues from renewable energy compliance payments as provided under division (C) (2) of section 4928.64 of the Revised Code;~~

~~(5) (4) Revenue from forfeitures under division (C) of section 4928.66 of the Revised Code;~~

~~(6) (5) Funds transferred pursuant to division (B) of Section 512.10 of S.B. 315 of the 129th general assembly;~~

~~(7) (6) Interest earnings on the advanced energy fund.~~

~~(C) (1) Each electric distribution utility in this state shall remit to the director on a quarterly basis the revenues described in divisions (B) (1) and (2) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter.~~

~~(2) Each participating electric cooperative and participating municipal electric utility shall remit to the director on a quarterly basis the revenues described in division (B) (3) of this section. Such remittances shall occur within~~

~~thirty days after the end of each calendar quarter. For the~~ 113685
~~purpose of division (B) (3) of this section, the participation of~~ 113686
~~an electric cooperative or municipal electric utility in the~~ 113687
~~energy efficiency revolving loan program as it existed~~ 113688
~~immediately prior to the effective date of the amendment of this~~ 113689
~~section by Sub. H.B. 251 of the 126th general assembly, January~~ 113690
~~4, 2007, does not constitute a decision to participate in the~~ 113691
~~advanced energy fund under this section as so amended.~~ 113692

~~(3) All remittances under divisions (C) (1) and (2) of this~~ 113693
~~section shall continue only until the end of ten years following~~ 113694
~~the starting date of competitive retail electric service or~~ 113695
~~until the advanced energy fund, including interest, reaches one~~ 113696
~~hundred million dollars, whichever is first.~~ 113697

~~(D) Any moneys collected in rates for non-low-income~~ 113698
~~customer energy efficiency programs, as of October 5, 1999, and~~ 113699
~~not contributed to the energy efficiency revolving loan fund~~ 113700
~~authorized under this section prior to the effective date of its~~ 113701
~~amendment by Sub. H.B. 251 of the 126th general assembly,~~ 113702
~~January 4, 2007, shall be used to continue to fund cost-~~ 113703
~~effective, residential energy efficiency programs, be~~ 113704
~~contributed into the universal service fund as a supplement to~~ 113705
~~that required under section 4928.53 of the Revised Code, or be~~ 113706
~~returned to ratepayers in the form of a rate reduction at the~~ 113707
~~option of the affected electric distribution utility.~~ 113708

Sec. 4928.62. (A) There is hereby created the advanced 113709
energy program, which shall be administered by the director of 113710
development. Under the program, the director may authorize the 113711
use of moneys in the advanced energy fund for financial, 113712
technical, and related assistance for advanced energy projects 113713
in this state or for economic development assistance, in 113714

furtherance of the purposes set forth in section 4928.63 of the Revised Code.

(1) To the extent feasible given approved applications for assistance, the assistance shall be distributed among the certified territories of electric distribution utilities and participating electric cooperatives, and among the service areas of participating municipal electric utilities, in amounts proportionate to the remittances of each utility and cooperative under ~~divisions (B) (1) and (3)~~ division (B) (2) of section 4928.61 of the Revised Code.

(2) The funds described in division ~~(B) (6)~~ (B) (5) of section 4928.61 of the Revised Code shall not be subject to the territorial requirements of division (A) (1) of this section.

(3) The director shall not authorize financial assistance for an advanced energy project under the program unless the director first determines that the project will create new jobs or preserve existing jobs in this state or use innovative technologies or materials.

(B) In carrying out sections 4928.61 to 4928.63 of the Revised Code, the director may do all of the following to further the public interest in advanced energy projects and economic development:

(1) Award grants, contracts, loans, loan participation agreements, linked deposits, and energy production incentives;

(2) Acquire in the name of the director any property of any kind or character in accordance with this section, by purchase, purchase at foreclosure, or exchange, on such terms and in such manner as the director considers proper;

(3) Make and enter into all contracts and agreements

necessary or incidental to the performance of the director's 113744
duties and the exercise of the director's powers under sections 113745
4928.61 to 4928.63 of the Revised Code; 113746

(4) Employ or enter into contracts with financial 113747
consultants, marketing consultants, consulting engineers, 113748
architects, managers, construction experts, attorneys, technical 113749
monitors, energy evaluators, or other employees or agents as the 113750
director considers necessary, and fix their compensation; 113751

(5) Adopt rules prescribing the application procedures for 113752
financial assistance under the advanced energy program; the 113753
fees, charges, interest rates, payment schedules, local match 113754
requirements, and other terms and conditions of any grants, 113755
contracts, loans, loan participation agreements, linked 113756
deposits, and energy production incentives; criteria pertaining 113757
to the eligibility of participating lending institutions; and 113758
any other matters necessary for the implementation of the 113759
program; 113760

(6) Do all things necessary and appropriate for the 113761
operation of the program. 113762

(C) The department of development may hold ownership to 113763
any unclaimed energy efficiency and renewable energy emission 113764
allowances provided for in Chapter 3745-14 of the Administrative 113765
Code or otherwise, that result from advanced energy projects 113766
that receive funding from the advanced energy fund, and it may 113767
use the allowances to further the public interest in advanced 113768
energy projects or for economic development. 113769

(D) Financial statements, financial data, and trade 113770
secrets submitted to or received by the director from an 113771
applicant or recipient of financial assistance under sections 113772

4928.61 to 4928.63 of the Revised Code, or any information taken 113773
from those statements, data, or trade secrets for any purpose, 113774
are not public records for the purpose of section 149.43 of the 113775
Revised Code. 113776

(E) Nothing in the amendments of sections 4928.61, 113777
4928.62, and 4928.63 of the Revised Code by Sub. H.B. 251 of the 113778
126th general assembly shall affect any pending or effected 113779
assistance, pending or effected purchases or exchanges of 113780
property made, or pending or effected contracts or agreements 113781
entered into pursuant to division (A) or (B) of this section as 113782
the section existed prior to the effective date of those 113783
amendments, January 4, 2007, or shall affect the exemption 113784
provided under division (C) of this section as the section 113785
existed prior to that effective date. 113786

(F) Any assistance a school district receives for an 113787
advanced energy project, including a geothermal heating, 113788
ventilating, and air conditioning system, shall be in addition 113789
to any assistance provided under Chapter 3318. of the Revised 113790
Code and shall not be included as part of the district or state 113791
portion of the basic project cost under that chapter. 113792

Sec. 4928.63. The director of development ~~and the public-~~ 113793
~~benefits advisory board have~~ has the powers and duties provided 113794
in sections 4928.61 and 4928.62 of the Revised Code, in order to 113795
promote the welfare of the people of this state; stabilize the 113796
economy; assist in the improvement and development within this 113797
state of not-for-profit entity, industrial, commercial, 113798
distribution, residential, and research buildings and activities 113799
required for the people of this state; improve the economic 113800
welfare of the people of this state by reducing energy costs and 113801
by reducing energy usage in a cost-efficient manner using, as 113802

determined by the director, both the most appropriate national, 113803
federal, or other standards for products and the best practices 113804
for the use of technology, products, or services in the context 113805
of a total facility or building; and assist in the lowering of 113806
energy demand to reduce air, water, or thermal pollution. It is 113807
hereby determined that the accomplishment of those purposes is 113808
essential so that the people of this state may maintain their 113809
present high standards in comparison with the people of other 113810
states and so that opportunities for improving the economic 113811
welfare of the people of this state, for improving the housing 113812
of residents of this state, and for favorable markets for the 113813
products of this state's natural resources, agriculture, and 113814
manufacturing shall be improved; and that it is necessary for 113815
this state to establish the program authorized pursuant to 113816
sections 4928.61 and 4928.62 of the Revised Code. 113817

Sec. 4928.66. (A) (1) (a) Beginning in 2009, an electric 113818
distribution utility shall implement energy efficiency programs 113819
that achieve energy savings equivalent to at least three-tenths 113820
of one per cent of the total, annual average, and normalized 113821
kilowatt-hour sales of the electric distribution utility during 113822
the preceding three calendar years to customers in this state. 113823
An energy efficiency program may include a combined heat and 113824
power system placed into service or retrofitted on or after the 113825
effective date of the amendment of this section by S.B. 315 of 113826
the 129th general assembly, September 10, 2012, or a waste 113827
energy recovery system placed into service or retrofitted on or 113828
after September 10, 2012, except that a waste energy recovery 113829
system described in division (A) (38) (b) of section 4928.01 of 113830
the Revised Code may be included only if it was placed into 113831
service between January 1, 2002, and December 31, 2004. For a 113832
waste energy recovery or combined heat and power system, the 113833

savings shall be as estimated by the public utilities 113834
commission. The savings requirement, using such a three-year 113835
average, shall increase to an additional five-tenths of one per 113836
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 113837
of one per cent in 2012, nine-tenths of one per cent in 2013, 113838
and one per cent in 2014. In 2015 and 2016, an electric 113839
distribution utility shall achieve energy savings equal to the 113840
result of subtracting the cumulative energy savings achieved 113841
since 2009 from the product of multiplying the baseline for 113842
energy savings, described in division (A)(2)(a) of this section, 113843
by four and two-tenths of one per cent. If the result is zero or 113844
less for the year for which the calculation is being made, the 113845
utility shall not be required to achieve additional energy 113846
savings for that year, but may achieve additional energy savings 113847
for that year. The annual savings requirements shall be, for 113848
years 2017, 2018, 2019, and 2020, an additional one per cent of 113849
the baseline. For purposes of a waste energy recovery or 113850
combined heat and power system, an electric distribution utility 113851
shall not apply more than the total annual percentage of the 113852
electric distribution utility's industrial-customer load, 113853
relative to the electric distribution utility's total load, to 113854
the annual energy savings requirement. 113855

(b) Beginning in 2009, an electric distribution utility 113856
shall implement peak demand reduction programs designed to 113857
achieve a one per cent reduction in peak demand in 2009 and an 113858
additional seventy-five hundredths of one per cent reduction 113859
each year through 2014. In 2015 and 2016, an electric 113860
distribution utility shall achieve a reduction in peak demand 113861
equal to the result of subtracting the cumulative peak demand 113862
reductions achieved since 2009 from the product of multiplying 113863
the baseline for peak demand reduction, described in division 113864

(A) (2) (a) of this section, by four and seventy-five hundredths 113865
of one per cent. If the result is zero or less for the year for 113866
which the calculation is being made, the utility shall not be 113867
required to achieve an additional reduction in peak demand for 113868
that year, but may achieve an additional reduction in peak 113869
demand for that year. In 2017 and each year thereafter through 113870
2020, the utility shall achieve an additional seventy-five 113871
hundredths of one per cent reduction in peak demand. 113872

(2) For the purposes of divisions (A) (1) (a) and (b) of 113873
this section: 113874

(a) The baseline for energy savings under division (A) (1) 113875
(a) of this section shall be the average of the total kilowatt 113876
hours the electric distribution utility sold in the preceding 113877
three calendar years. The baseline for a peak demand reduction 113878
under division (A) (1) (b) of this section shall be the average 113879
peak demand on the utility in the preceding three calendar 113880
years, except that the commission may reduce either baseline to 113881
adjust for new economic growth in the utility's certified 113882
territory. Neither baseline shall include the load and usage of 113883
any of the following customers: 113884

(i) Beginning January 1, 2017, a customer for which a 113885
reasonable arrangement has been approved under section 4905.31 113886
of the Revised Code; 113887

(ii) A customer that has opted out of the utility's 113888
portfolio plan under section 4928.6611 of the Revised Code; 113889

(iii) A customer that has opted out of the utility's 113890
portfolio plan under Section 8 of S.B. 310 of the 130th general 113891
assembly. 113892

(b) The commission may amend the benchmarks set forth in 113893

division (A) (1) (a) or (b) of this section if, after application 113894
by the electric distribution utility, the commission determines 113895
that the amendment is necessary because the utility cannot 113896
reasonably achieve the benchmarks due to regulatory, economic, 113897
or technological reasons beyond its reasonable control. 113898

(c) Compliance with divisions (A) (1) (a) and (b) of this 113899
section shall be measured by including the effects of all 113900
demand-response programs for mercantile customers of the subject 113901
electric distribution utility, all waste energy recovery systems 113902
and all combined heat and power systems, and all such mercantile 113903
customer-sited energy efficiency, including waste energy 113904
recovery and combined heat and power, and peak demand reduction 113905
programs, adjusted upward by the appropriate loss factors. Any 113906
mechanism designed to recover the cost of energy efficiency, 113907
including waste energy recovery and combined heat and power, and 113908
peak demand reduction programs under divisions (A) (1) (a) and (b) 113909
of this section may exempt mercantile customers that commit 113910
their demand-response or other customer-sited capabilities, 113911
whether existing or new, for integration into the electric 113912
distribution utility's demand-response, energy efficiency, 113913
including waste energy recovery and combined heat and power, or 113914
peak demand reduction programs, if the commission determines 113915
that that exemption reasonably encourages such customers to 113916
commit those capabilities to those programs. If a mercantile 113917
customer makes such existing or new demand-response, energy 113918
efficiency, including waste energy recovery and combined heat 113919
and power, or peak demand reduction capability available to an 113920
electric distribution utility pursuant to division (A) (2) (c) of 113921
this section, the electric utility's baseline under division (A) 113922
(2) (a) of this section shall be adjusted to exclude the effects 113923
of all such demand-response, energy efficiency, including waste 113924

energy recovery and combined heat and power, or peak demand 113925
reduction programs that may have existed during the period used 113926
to establish the baseline. The baseline also shall be normalized 113927
for changes in numbers of customers, sales, weather, peak 113928
demand, and other appropriate factors so that the compliance 113929
measurement is not unduly influenced by factors outside the 113930
control of the electric distribution utility. 113931

(d) (i) Programs implemented by a utility may include the 113932
following: 113933

(I) Demand-response programs; 113934

(II) Smart grid investment programs, provided that such 113935
programs are demonstrated to be cost-beneficial; 113936

(III) Customer-sited programs, including waste energy 113937
recovery and combined heat and power systems; 113938

(IV) Transmission and distribution infrastructure 113939
improvements that reduce line losses; 113940

(V) Energy efficiency savings and peak demand reduction 113941
that are achieved, in whole or in part, as a result of funding 113942
provided from the ~~universal service~~ electric partnership plan 113943
fund established by section 4928.51 of the Revised Code to 113944
benefit low-income customers through programs that include, but 113945
are not limited to, energy audits, the installation of energy 113946
efficiency insulation, appliances, and windows, and other 113947
weatherization measures. 113948

(ii) No energy efficiency or peak demand reduction 113949
achieved under divisions (A) (2) (d) (i) (IV) and (V) of this 113950
section shall qualify for shared savings. 113951

(iii) Division (A) (2) (c) of this section shall be applied 113952

to include facilitating efforts by a mercantile customer or 113953
group of those customers to offer customer-sited demand- 113954
response, energy efficiency, including waste energy recovery and 113955
combined heat and power, or peak demand reduction capabilities 113956
to the electric distribution utility as part of a reasonable 113957
arrangement submitted to the commission pursuant to section 113958
4905.31 of the Revised Code. 113959

(e) No programs or improvements described in division (A) 113960
(2) (d) of this section shall conflict with any statewide 113961
building code adopted by the board of building standards. 113962

(B) In accordance with rules it shall adopt, the public 113963
utilities commission shall produce and docket at the commission 113964
an annual report containing the results of its verification of 113965
the annual levels of energy efficiency and of peak demand 113966
reductions achieved by each electric distribution utility 113967
pursuant to division (A) of this section. A copy of the report 113968
shall be provided to the consumers' counsel. 113969

(C) If the commission determines, after notice and 113970
opportunity for hearing and based upon its report under division 113971
(B) of this section, that an electric distribution utility has 113972
failed to comply with an energy efficiency or peak demand 113973
reduction requirement of division (A) of this section, the 113974
commission shall assess a forfeiture on the utility as provided 113975
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 113976
Code, either in the amount, per day per undercompliance or 113977
noncompliance, relative to the period of the report, equal to 113978
that prescribed for noncompliances under section 4905.54 of the 113979
Revised Code, or in an amount equal to the then existing market 113980
value of one renewable energy credit per megawatt hour of 113981
undercompliance or noncompliance. Revenue from any forfeiture 113982

assessed under this division shall be deposited to the credit of 113983
the advanced energy fund created under section 4928.61 of the 113984
Revised Code. 113985

(D) The commission may establish rules regarding the 113986
content of an application by an electric distribution utility 113987
for commission approval of a revenue decoupling mechanism under 113988
this division. Such an application shall not be considered an 113989
application to increase rates and may be included as part of a 113990
proposal to establish, continue, or expand energy efficiency or 113991
conservation programs. The commission by order may approve an 113992
application under this division if it determines both that the 113993
revenue decoupling mechanism provides for the recovery of 113994
revenue that otherwise may be forgone by the utility as a result 113995
of or in connection with the implementation by the electric 113996
distribution utility of any energy efficiency or energy 113997
conservation programs and reasonably aligns the interests of the 113998
utility and of its customers in favor of those programs. 113999

(E) The commission additionally shall adopt rules that 114000
require an electric distribution utility to provide a customer 114001
upon request with two years' consumption data in an accessible 114002
form. 114003

(F) (1) As used in divisions (F) (2), (3), and (4) of this 114004
section, "portfolio plan" has the same meaning as in division 114005
(C) (1) of section 4928.6610 of the Revised Code. 114006

(2) If an electric distribution utility has a portfolio 114007
plan in effect as of October 22, 2019, and that plan expires 114008
before December 31, 2020, the commission shall extend the plan 114009
through that date. All portfolio plans shall terminate on that 114010
date. 114011

(3) If a portfolio plan is extended beyond its commission 114012
approved term by division (F) (2) of this section, the existing 114013
plan's budget shall be increased for the extended term to 114014
include an amount equal to the annual average of the approved 114015
budget for all years of the portfolio plan in effect as of 114016
October 22, 2019. 114017

(4) All other terms and conditions of a portfolio plan 114018
extended beyond its commission-approved term by division (F) (2) 114019
of this section shall remain the same unless changes are 114020
authorized by the commission. 114021

(G) (1) Not later than February 1, 2021, the commission 114022
shall determine the cumulative energy savings collectively 114023
achieved, since 2009, by all electric distribution utilities in 114024
this state as of December 31, 2020. In determining that 114025
cumulative total, the commission shall do both of the following: 114026

(a) Include energy savings that were estimated by the 114027
commission to be achieved as of December 31, 2020, and banked 114028
under division (G) of section 4928.662 of the Revised Code; 114029

(b) Use an energy savings baseline that is the average of 114030
the total kilowatt hours sold by all electric distribution 114031
utilities in this state in the calendar years 2018, 2019, and 114032
2020. The baseline shall exclude the load and usage described in 114033
division (A) (2) (a) (i), (ii), and (iii) of this section. That 114034
baseline may also be reduced for new economic growth in the 114035
utility's certified territory as provided in division (A) (2) (a) 114036
of this section and adjusted and normalized as provided in 114037
division (A) (2) (c) of this section. 114038

(2) (a) If the cumulative energy savings collectively 114039
achieved as determined by the commission under division (G) (1) 114040

of this section is at least seventeen and one-half per cent of 114041
the baseline described in division (G) (1) (b) of this section, 114042
then full compliance with division (A) (1) (a) of this section 114043
shall be deemed to have been achieved notwithstanding any 114044
provision of this section to the contrary. 114045

(b) If the cumulative energy savings collectively achieved 114046
as determined by the commission under division (G) (1) of this 114047
section is less than seventeen and one-half per cent of the 114048
baseline described in division (G) (1) (b) of this section, then 114049
both of the following shall apply: 114050

(i) The commission shall determine the manner in which 114051
further implementation of energy efficiency programs shall occur 114052
as may be reasonably necessary for collective achievement of 114053
cumulative energy savings equal to seventeen and one-half per 114054
cent, and not more, of the baseline described in division (G) (1) 114055
(b) of this section. 114056

(ii) Full compliance with division (A) (1) (a) of this 114057
section shall be deemed to be achieved as of a date certain 114058
established by the commission notwithstanding any provision of 114059
this section to the contrary. 114060

(3) Upon the date that full compliance with division (A) 114061
(1) (a) of this section is deemed achieved under division (G) (2) 114062
(a) or (b) of this section, any electric distribution utility 114063
cost recovery mechanisms authorized by the commission for 114064
compliance with this section shall terminate except as may be 114065
necessary to reconcile the difference between revenue collected 114066
and the allowable cost of compliance associated with compliance 114067
efforts occurring prior to December 31, 2021, for programs re- 114068
established under section 4928.661 of the Revised Code, and 114069
prior to the date upon which full compliance with division (A) 114070

(1) (a) of this section is deemed achieved, for all other 114071
compliance efforts. No such cost recovery mechanism shall be 114072
authorized by the commission beyond the period of time required 114073
to complete this final reconciliation. 114074

Sec. 4928.75. ~~Beginning in fiscal year 2021 and each~~ 114075
~~fiscal year thereafter, the~~ The director of development job and 114076
family services shall, in each fiscal year, submit a completed 114077
waiver request in accordance with section 96.83 of Title 45 of 114078
the Code of Federal Regulations to the United States department 114079
of health and human services and any other applicable federal 114080
agencies for the state to expend twenty-five per cent of federal 114081
low-income home energy assistance programs funds from the home 114082
energy assistance block grants for weatherization services 114083
allowed by section 96.83(a) of Title 45 of the Code of Federal 114084
Regulations to the United States department of health and human 114085
services. 114086

Sec. 4928.86. (A) Except as provided in division (C) of 114087
this section, each ~~entity~~ public utility, as defined in section 114088
4905.02 of the Revised Code, that owns or controls transmission 114089
facilities located in this state and is not a regional 114090
transmission organization shall create a heat map that includes 114091
both of the following: 114092

(1) For major transmission lines and substations, the 114093
additional power load the lines and substations can take at the 114094
time that the map is created, accounting for all signed electric 114095
service agreements; 114096

(2) The amount of localized generation that can be hosted 114097
on each transmission line. 114098

(B) If a heat map created under this section is not 114099

critical electric infrastructure information, then the ~~entity-~~ 114100
utility that created the map shall publish the map on the 114101
~~entity's~~ utility's web site. 114102

~~(C) The following entities are exempt from the~~ 114103
~~requirements of this section.~~ 114104

~~(1) An electric utility owned or operated by a municipal~~ 114105
~~corporation;~~ 114106

~~(2) An electric cooperative.~~ 114107

Sec. 4981.02. (A) There is hereby created the Ohio rail 114108
development commission, as an independent agency of the state 114109
within the department of transportation, consisting of the 114110
following members: 114111

(1) Two members of the Ohio senate, one of whom shall be 114112
appointed by and serve at the pleasure of the president of the 114113
senate and one of whom shall be appointed by and serve at the 114114
pleasure of the minority leader of the senate; 114115

(2) Two members of the Ohio house of representatives, one 114116
of whom shall be appointed by and serve at the pleasure of the 114117
speaker of the house of representatives and one of whom shall be 114118
appointed by and serve at the pleasure of the minority leader of 114119
the house of representatives; 114120

(3) Two members representing the general public, one of 114121
whom shall be appointed by the president of the senate and one 114122
of whom shall be appointed by the speaker of the house of 114123
representatives; 114124

(4) The director of transportation, or the director's 114125
designee, who shall be an ex officio member; 114126

(5) The director of development, or the director's 114127

designee, who shall be an ex officio member; 114128

(6) The following members appointed by the governor with 114129
the advice and consent of the senate: 114130

(a) One member, who shall serve as chairperson of the 114131
commission until October 21, 2025, or an earlier date if the 114132
member resigns or otherwise leaves office; 114133

(b) ~~One member~~ Two members, who shall represent the 114134
interests of a freight rail company. One such member shall 114135
represent a class I railroad and one such member shall represent 114136
a class II or class III railroad, as defined by the surface 114137
transportation board under 49 C.F.R. 1201; 114138

~~(c) One member, who shall represent the interests of~~ 114139
~~passenger rail service;~~ 114140

~~(d)~~ One member, who shall have expertise in infrastructure 114141
financing; 114142

~~(e)~~ (d) One member, who shall represent the interests of 114143
organized labor; 114144

~~(f)~~ (e) One member, who shall represent the interests of 114145
manufacturers; 114146

~~(g)~~ (f) One member who shall represent the general public, 114147
subject to division (B) of this section. 114148

(B) Beginning on October 21, 2025, or at an earlier date 114149
if there is a vacancy in the position of chairperson, the 114150
director of transportation or the director's designee shall 114151
serve as the chairperson of the commission. Upon the director or 114152
director's designee assuming the position of chairperson, the 114153
governor shall appoint an additional member to the commission to 114154
represent the general public. 114155

(C) All members shall be reimbursed for actual expenses 114156
incurred in the performance of their duties. The members of the 114157
commission from the Ohio senate and the Ohio house of 114158
representatives shall serve as nonvoting members. No more than 114159
four members of the seven appointed to the commission by the 114160
governor shall be from the same political party. Each member of 114161
the commission shall be a resident of this state—, except for 114162
the two members appointed under division (A) (6) (b) of this 114163
section who may be nonresidents with a substantial connection to 114164
freight rail operations in Ohio. 114165

(D) Within sixty days after October 20, 1994, the governor 114166
shall make initial appointments to the commission. Of the 114167
initial appointments made to the commission, three shall be for 114168
a term ending three years after October 20, 1994, and three 114169
shall be for a term ending six years after that date. Terms for 114170
all other appointments made to the commission shall be for six 114171
years. Vacancies shall be filled in the manner provided for 114172
original appointments. Any member appointed to fill a vacancy 114173
shall have the same qualifications as the member's predecessor. 114174
Each term shall end on the same day of the same month of the 114175
year as did the term which it succeeds. Each appointed member 114176
shall hold office from the date of the member's appointment 114177
until the end of the term for which the member was appointed. 114178
Any member appointed to fill a vacancy before the expiration of 114179
the term for which the member's predecessor was appointed shall 114180
hold office for the remainder of that term. Any appointed member 114181
shall continue in office subsequent to the expiration date of 114182
the member's term until the member's successor takes office, or 114183
for a period of sixty days, whichever occurs first. All members 114184
shall be eligible for reappointment. 114185

(E) The commission may employ an executive director, who 114186

shall have appropriate experience as determined by the 114187
commission, and a secretary-treasurer and other employees that 114188
the commission considers appropriate. The commission may fix the 114189
compensation of the employees. 114190

(F) Six members of the commission shall constitute a 114191
quorum, and the affirmative vote of six members shall be 114192
necessary for any action taken by the commission. No vacancy in 114193
the membership of the commission shall impair the rights of a 114194
quorum to exercise all the rights and perform all the duties of 114195
the commission. 114196

(G) All members of the commission are subject to Chapter 114197
102. of the Revised Code. 114198

(H) The department of transportation may use all 114199
appropriate sources of revenue to assist the commission in 114200
developing and implementing rail service. 114201

(I) Expenditures by the department of transportation, the 114202
Ohio rail development commission, or any other state agency for 114203
capital improvements for the development of passenger rail shall 114204
be subject to the approval of the controlling board with an 114205
affirmative vote of not fewer than five members, including the 114206
affirmative vote of a majority of the controlling board members 114207
appointed by the president of the senate and a majority of the 114208
controlling board members appointed by the speaker of the house 114209
of representatives. All public funds acquired by the commission 114210
shall be used for developing, implementing, and regulating rail 114211
service and not for operating rail service unless the general 114212
assembly specifically approves the expenditure of funds for 114213
operating rail service. 114214

Sec. 5101.042. (A) As used in this section, "public 114215

assistance benefits" means all of the following: 114216

(1) Supplemental nutrition assistance program benefits; 114217

(2) Benefits funded in part by the temporary assistance 114218
for needy families block grant; 114219

(3) Cash assistance provided through the Ohio works first 114220
program; 114221

(4) Benefits provided by the medicaid program; 114222

(5) Publicly funded child care as defined in section 114223
5104.01 of the Revised Code. 114224

(B) The department of job and family services shall update 114225
the systems used by the department and by county departments of 114226
job and family services to determine eligibility for public 114227
assistance benefits programs. The updates shall include a 114228
mechanism by which application information input by individual 114229
caseworkers may be tracked and audited and shall require county 114230
departments of job and family services to provide caseworker 114231
training regarding improper determinations. 114232

Sec. 5101.101. (A) This section establishes the order of 114233
priority to be followed by the department of job and family 114234
services when distributing funds for the purpose of providing 114235
family planning services, including funds the department 114236
receives through Title XX of the "Social Security Act," 88 Stat. 114237
2337 (1974), 42 U.S.C. 1397, as amended, and funds the 114238
department receives through Title IV-A of the "Social Security 114239
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be 114240
used for purposes of providing Title XX social services. This 114241
section does not apply to payments made under the medicaid 114242
program. 114243

(B) With respect to each period during which funds from a particular source are distributed for the purpose of providing family planning services, the department is subject to both of the following when distributing the funds to applicants seeking those funds:

(1) Foremost priority shall be given to public entities that are operated by state or local government entities and that provide or are able to provide family planning services.

(2) If any funds remain after the department distributes funds to public entities under division (B)(1) of this section, the department may distribute funds to nonpublic entities. If funds are distributed to nonpublic entities, the department shall distribute the funds in the following order of descending priority:

(a) Nonpublic entities that are federally qualified health centers or federally qualified health center look-alikes, both as defined in section 3701.047 of the Revised Code, or community action agencies, as defined in section ~~122.66~~ 5101.311 of the Revised Code;

(b) Nonpublic entities that provide comprehensive primary and preventive care services in addition to family planning services;

(c) Nonpublic entities that provide family planning services, but do not provide comprehensive primary and preventive care services.

Sec. 5101.211. The director of job and family services or the director of children and youth may provide for a grant agreement entered into under section 5101.21 of the Revised Code to have a retroactive effective date of the first day of July of

an odd-numbered year if both of the following are the case: 114273

(A) The agreement is entered into after that date and 114274
before the last day of that July. 114275

(B) The board of county commissioners requests the 114276
retroactive effective date and provides the director good cause 114277
satisfactory to the director for the reason the agreement was 114278
not entered into on or before the first day of that July. 114279

Sec. 5101.212. The department of job and family services 114280
or the director of children and youth shall publish in a manner 114281
accessible to the public all of the following that concern 114282
family services duties for which grants included in grant 114283
agreements entered into under section 5101.21 of the Revised 114284
Code are awarded: state plans for receipt of federal financial 114285
participation, agreements between the department and a federal 114286
agency, and executive orders issued by the governor. The 114287
department may publish the materials electronically or 114288
otherwise. 114289

Sec. 5101.215. If the director of job and family services 114290
or the director of children and youth enters into an agreement 114291
or contracts with, or issues a grant to, a religious 114292
organization under section 5101.214 of the Revised Code, the 114293
religious organization shall comply with section 104 of the 114294
Personal Responsibility and Work Opportunity and Reconciliation 114295
Act of 1996 (P.L. 104-193). 114296

Sec. 5101.222. The director of job and family services or 114297
the director of children and youth may adopt rules in accordance 114298
with section 111.15 of the Revised Code to implement sections 114299
5101.22 to 5101.222 of the Revised Code. If the director adopts 114300
the rules, the director shall adopt the rules as if they were 114301

internal management rules. 114302

Sec. 5101.242. The department of job and family services 114303
or the director of children and youth may certify a claim to the 114304
attorney general under section 131.02 of the Revised Code for 114305
the attorney general to take action under that section against a 114306
responsible county grantee or responsible entity to recover any 114307
funds that the department determines the responsible county 114308
grantee or responsible entity owes the department for actions 114309
taken under division (C) (2), (3), (4), or (5) of section 5101.24 114310
or 5101.241 of the Revised Code. 114311

Sec. 5101.26. As used in this section and in sections 114312
5101.27 to 5101.30 of the Revised Code: 114313

(A) "Community control sanction" has the same meaning as 114314
in section 2929.01 of the Revised Code. 114315

(B) "County agency" means a county department of job and 114316
family services or a public children services agency. 114317

(C) "Fugitive felon" means an individual who is fleeing to 114318
avoid prosecution, or custody or confinement after conviction, 114319
under the laws of the place from which the individual is 114320
fleeing, for a crime or an attempt to commit a crime that is a 114321
felony under the laws of the place from which the individual is 114322
fleeing or, in the case of New Jersey, a high misdemeanor, 114323
regardless of whether the individual has departed from the 114324
individual's usual place of residence. 114325

(D) "Information" means records as defined in section 114326
149.011 of the Revised Code, any other documents in any format, 114327
and data derived from records and documents that are generated, 114328
acquired, or maintained by the department of job and family 114329
services, the department of children and youth, a county agency, 114330

or an entity performing duties on behalf of the department or a 114331
county agency. 114332

(E) "Law enforcement agency" has the same meaning as in 114333
section 109.573 of the Revised Code. 114334

(F) "Post-release control sanction" has the same meaning 114335
as in section 2967.01 of the Revised Code. 114336

(G) "Public assistance" means financial assistance or 114337
social services that are provided under a program administered 114338
by the department of job and family services, department of 114339
children and youth, or a county agency pursuant to Chapter 329., 114340
5101., 5104., 5107., or 5108. of the Revised Code or an 114341
executive order issued under section 107.17 of the Revised Code. 114342
"Public assistance" does not mean medical assistance provided 114343
under a medical assistance program, as defined in section 114344
5160.01 of the Revised Code. 114345

(H) "Public assistance recipient" means an applicant for 114346
or recipient or former recipient of public assistance. 114347

(I) "Publicly funded child care" has the same meaning as 114348
in section 5104.01 of the Revised Code. 114349

(J) "Tuberculosis control unit" means the county 114350
tuberculosis control unit designated by a board of county 114351
commissioners under section 339.72 of the Revised Code or the 114352
district tuberculosis control unit designated pursuant to an 114353
agreement entered into by two or more boards of community 114354
commissioners under that section. 114355

Sec. 5101.272. (A) For the purposes of section 5101.27 of 114356
the Revised Code, an authorization shall be made on a form that 114357
uses language understandable to the average person and contains 114358
all of the following: 114359

- (1) A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion; 114360
114361
114362
- (2) The name or other specific identification of the person or class of persons authorized to make the requested use or disclosure; 114363
114364
114365
- (3) The name or other specific identification of the person or governmental entity to which the information may be released; 114366
114367
114368
- (4) A description of each purpose of the requested use or disclosure of the information; 114369
114370
- (5) The date on which the authorization expires or an event related either to the individual who is the subject of the request or to the purposes of the requested use or disclosure, the occurrence of which will cause the authorization to expire; 114371
114372
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114374
- (6) A statement that the information used or disclosed pursuant to the authorization may be disclosed by the recipient of the information and may no longer be protected from disclosure; 114375
114376
114377
114378
- (7) The signature of the individual or the individual's authorized representative and the date on which the authorization was signed; 114379
114380
114381
- (8) If signed by an authorized representative, a description of the representative's authority to act for the individual; 114382
114383
114384
- (9) A statement of the individual or authorized representative's right to prospectively revoke the written authorization in writing, along with one of the following: 114385
114386
114387

(a) A description of how the individual or authorized
representative may revoke the authorization;

(b) If the department of job and family services' or
department of children and youth's privacy notice contains a
description of how the individual or authorized representative
may revoke the authorization, a reference to that privacy
notice.

(10) A statement that treatment, payment, enrollment, or
eligibility for public assistance cannot be conditioned on
signing the authorization unless the authorization is necessary
for determining eligibility for the public assistance program.

(B) When an individual requests information pursuant to
section 5101.27 of the Revised Code regarding the individual's
receipt of public assistance and does not wish to provide a
statement of purpose, the statement "at request of the
individual" is a sufficient description for purposes of division
(A) (4) of this section.

Sec. 5101.273. The department of job and family services
or the department of children and youth shall enter into any
necessary agreements with the United States department of health
and human services and neighboring states to join and
participate as an active member in the public assistance
reporting information system. The department may disclose
information regarding a public assistance recipient to the
extent necessary to participate as an active member in the
public assistance reporting information system.

Sec. 5101.28. (A) (1) On request of the department of job
and family services, the department of children and youth, or a
county agency, a law enforcement agency shall provide

information regarding public assistance recipients to enable the 114417
department of job and family services, department of children 114418
and youth, or county agency to determine, for eligibility 114419
purposes, whether a recipient or a member of a recipient's 114420
assistance group is a fugitive felon or violating a condition of 114421
probation, a community control sanction, parole, or a post- 114422
release control sanction imposed under state or federal law. 114423

(2) A county agency may enter into a written agreement 114424
with a local law enforcement agency establishing procedures 114425
concerning access to information and providing for compliance 114426
with this section. 114427

(B) To the extent permitted by federal law, the department 114428
of job and family services, department of children and youth, 114429
and county agencies shall provide information regarding 114430
recipients of public assistance to a law enforcement agency on 114431
request for use in the performance of the law enforcement 114432
agency's official duties. 114433

(C) Information about a public assistance recipient shall 114434
be exchanged, obtained, or shared only if the department of job 114435
and family services, department of children and youth, county 114436
agency, or law enforcement agency requesting the information 114437
gives sufficient information to specifically identify the 114438
recipient. In addition to the recipient's name, identifying 114439
information may include the recipient's current or last known 114440
address, social security number, other identifying number, age, 114441
gender, physical characteristics, any information specified in 114442
an agreement entered into under division (A) of this section, or 114443
any information considered appropriate by the department of job 114444
and family services, department of children and youth or agency. 114445

(D) (1) The department of job and family services, 114446

department of children and youth, and ~~its~~ each department's 114447
officers and employees are not liable in damages in a civil 114448
action for any injury, death, or loss to person or property that 114449
allegedly arises from the release of information in accordance 114450
with divisions (A), (B), and (C) of this section. This section 114451
does not affect any immunity or defense that the department of 114452
job and family services, department of children and youth, and 114453
~~its~~ each department's officers and employees may be entitled to 114454
under another section of the Revised Code or the common law of 114455
this state, including section 9.86 of the Revised Code. 114456

(2) The county agencies and their employees are not liable 114457
in damages in a civil action for any injury, death, or loss to 114458
person or property that allegedly arises from the release of 114459
information in accordance with divisions (A), (B), and (C) of 114460
this section. "Employee" has the same meaning as in division (B) 114461
of section 2744.01 of the Revised Code. This section does not 114462
affect any immunity or defense that the county agencies and 114463
their employees may be entitled to under another section of the 114464
Revised Code or the common law of this state, including section 114465
2744.02 and division (A) (6) of section 2744.03 of the Revised 114466
Code. 114467

(E) To the extent permitted by federal law, the department 114468
of job and family services, department of children and youth, 114469
and county agencies shall provide access to information to the 114470
auditor of state acting pursuant to Chapter 117. or sections 114471
5101.181 and 5101.182 of the Revised Code and to any other 114472
government entity authorized by federal law to conduct an audit 114473
of, or similar activity involving, a public assistance program. 114474

(F) To the extent permitted by law, nothing in this 114475
section prohibits the department of job and family services, the 114476

department of children and youth, county departments of job and 114477
family services, and employees of the departments from reporting 114478
to a public children services agency or other appropriate agency 114479
information on known or suspected physical or mental injury, 114480
sexual abuse or exploitation, or negligent treatment or 114481
maltreatment, of a child. 114482

Sec. 5101.30. (A) The director of job and family services 114483
and the director of children and youth shall adopt rules in 114484
accordance with Chapter 119. of the Revised Code implementing 114485
sections 5101.26 to 5101.30 of the Revised Code and governing 114486
the custody, use, disclosure, and preservation of the 114487
information generated or received by the department of job and 114488
family services, the department of children and youth, county 114489
agencies, other state and county entities, contractors, 114490
grantees, private entities, or officials participating in the 114491
administration of public assistance programs. The rules shall 114492
comply with applicable federal statutes and regulations. 114493

(1) The rules shall specify conditions and procedures for 114494
the release of information which may include, among other 114495
conditions and procedures, both of the following: 114496

(a) Permitting providers of services or assistance under 114497
public assistance programs limited access to information that is 114498
essential for the providers to render services or assistance or 114499
to bill for services or assistance rendered. The department of 114500
aging, when investigating a complaint under section 173.20 of 114501
the Revised Code, shall be granted any limited access permitted 114502
in the rules pursuant to division (A)(1) of this section. 114503

(b) Permitting a contractor, grantee, or other state or 114504
county entity limited access to information that is essential 114505
for the contractor, grantee, or entity to perform administrative 114506

or other duties on behalf of the department or county agency. A 114507
contractor, grantee, or entity given access to information 114508
pursuant to division (A) (2) of this section is bound by the 114509
director's rules, and disclosure of the information by the 114510
contractor, grantee, or entity in a manner not authorized by the 114511
rules is a violation of section 5101.27 of the Revised Code. 114512

(2) The rules may define who is an "authorized 114513
representative" for purposes of sections 5101.27 and 5101.272 of 114514
the Revised Code. 114515

(B) Whenever names, addresses, or other information 114516
relating to public assistance recipients is held by any agency 114517
other than the department or a county agency, that other agency 114518
shall adopt rules consistent with sections 5101.26 to 5101.30 of 114519
the Revised Code to prevent the publication or disclosure of 114520
names, lists, or other information concerning those recipients. 114521

Sec. ~~122.66~~ 5101.311. As used in sections ~~122.66~~ 5101.311 114522
to ~~122.702~~ 5101.318 of the Revised Code: 114523

(A) "Poverty line" means the official poverty line 114524
established by the director of the United States office of 114525
management and budget and as revised by the secretary of health 114526
and human services in accordance with section 673(2) of the 114527
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 114528
9902. 114529

(B) "Low-income person" means a person whose adjusted 114530
gross income as defined in division (A) of section 5747.01 of 114531
the Revised Code is below the poverty line as defined in 114532
division (A) of this section. 114533

(C) "Advocacy" means the act of pleading for, supporting, 114534
or recommending actions on behalf of low-income persons. 114535

(D) "Community action agency" means a community-based and operated private nonprofit agency or organization incorporated under Chapter 1702. of the Revised Code that includes or is designed to include a sufficient number of projects or components to provide a range of services and activities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem and is designated as a community action agency by the ~~community services division~~ department of job and family services pursuant to sections ~~122.68~~ 5101.313 and ~~122.69~~ 5101.315 of the Revised Code. A "community action agency" is not a state agency or public office.

(E) "Community" means a city, village, county, multicounty or multicounty unit, a neighborhood or other area, disregarding boundaries or political subdivisions, which provides a suitable organizational base and possesses a commonality of needs and interests for a community action program suitable to be served by a community action agency.

(F) "Service area" means the geographical area served by a community action agency.

Sec. ~~122.67~~ 5101.312. ~~There is hereby created in the development services agency the community services division. The director of development services~~ job and family services shall employ and fix the compensation of professional and technical unclassified personnel as necessary to carry out the provisions of sections ~~122.66~~ 5101.311 to ~~122.701~~ 5101.317 of the Revised Code.

Sec. ~~122.68~~ 5101.313. ~~The community services division~~ department of job and family services shall:

(A) Administer all federal funds appropriated to the state 114566
from the "Community Services Block Grant Act," 95 Stat. 511, 42 114567
U.S.C.A. 9901, and comply with requirements imposed by that act 114568
in its application for, and administration of, the funds; 114569

(B) Designate community action agencies to receive 114570
community services block grant funds; 114571

(C) (1) Subject to division (C) (2) of this section, 114572
disburse at least ninety-one per cent of the funds received in 114573
the state from the "Community Services Block Grant Act" to 114574
community action agencies that comply with the requirements of 114575
section ~~122.69~~5101.315 of the Revised Code and migrant and 114576
seasonal farm worker organizations that are not designated 114577
community action agencies but which provide the services 114578
described in division (B) (1) of section ~~122.69~~5101.315 of the 114579
Revised Code; 114580

(2) Disburse at least four and one-half per cent of the 114581
funds received in the state from the "Community Services Block 114582
Grant Act" to one or more nonprofit organizations to which both 114583
of the following apply: 114584

(a) The organization or organizations were incorporated 114585
under the laws of this state before January 1, 2015. 114586

(b) The primary purpose of the organization or 114587
organizations is to provide training and technical assistance to 114588
community action agencies that comply with the requirements of 114589
section ~~122.69~~5101.315 of the Revised Code. 114590

(D) Provide technical assistance to community action 114591
agencies to improve program planning, development, and 114592
administration; 114593

(E) Conduct yearly performance assessments, according to 114594

criteria determined by ~~development services agency~~ department of
job and family services rule, to determine whether community
action agencies are in compliance with section ~~122.69~~ 5101.315
of the Revised Code;

(F) Annually prepare and submit to the United States
secretary of health and human services, the governor, the
president of the Ohio senate, and the speaker of the Ohio house
of representatives, a comprehensive report that includes:

(1) Certification that all community action agencies
designated to receive funds from the "Community Services Block
Grant Act" are in compliance with section ~~122.69~~ 5101.315 of the
Revised Code;

(2) A program plan for the next federal fiscal year that
has been made available for public inspection and that details
how community services block grant funds will be disbursed and
used during that fiscal year;

(3) Information detailing how funds were expended for the
current fiscal year;

(4) An audit of community services block grant
expenditures for the preceding federal fiscal year that is
conducted in accordance with generally accepted accounting
principles by an independent auditing firm that has no
connection with any community action agency receiving community
services block grant funds or with any employee of the division.

(G) Serve as a statewide advocate for social and economic
opportunities for low-income persons.

Sec. ~~122.681~~ 5101.314. (A) Except as permitted by this
section, or when required by federal law, no person or
government entity shall solicit, release, disclose, receive,

use, or knowingly permit or participate in the use of any 114624
information regarding an individual receiving assistance 114625
pursuant to a ~~community services division~~ department of job and 114626
family services program under sections ~~122.66~~ 5101.311 to 114627
~~122.702~~ 5101.318 of the Revised Code for any purpose not 114628
directly related to the administration of a ~~division~~ department 114629
assistance program. 114630

(B) To the extent permitted by federal law, the 114631
~~division~~ department, and any entity that receives ~~division~~ 114632
department funds to administer a ~~division~~ department program to 114633
assist individuals, shall release information regarding an 114634
individual assistance recipient to the following: 114635

(1) A government entity responsible for administering the 114636
assistance program for purposes directly related to the 114637
administration of the program; 114638

(2) A law enforcement agency for the purpose of any 114639
investigation, prosecution, or criminal or civil proceeding 114640
relating to the administration of the assistance program; 114641

(3) A government entity responsible for administering a 114642
children's protective services program, for the purpose of 114643
protecting children; 114644

(4) Any appropriate person in compliance with a search 114645
warrant, subpoena, or other court order. 114646

(C) To the extent permitted by federal law and section 114647
1347.08 of the Revised Code, the ~~division~~ department, and any 114648
entity administering a ~~division~~ department program, shall 114649
provide access to information regarding an individual assistance 114650
recipient to all of the following: 114651

(1) The individual assistance recipient; 114652

(2) The authorized representative of the individual 114653
assistance recipient; 114654

(3) The legal guardian of the individual assistance 114655
recipient; 114656

(4) The attorney of the individual assistance recipient. 114657

(D) To the extent permitted by federal law, the 114658
~~division~~department, and any entity administering a ~~division~~ 114659
department program, may do either of the following: 114660

(1) Release information about an individual assistance 114661
recipient if the recipient gives voluntary, written 114662
authorization; 114663

(2) Release information regarding an individual assistance 114664
recipient to a state, federal, or federally assisted program 114665
that provides cash or in-kind assistance or services directly to 114666
individuals based on need. 114667

(E) The ~~community services division~~department of job and 114668
family services, or an entity administering a ~~division~~ 114669
department program, shall provide, at no cost, a copy of each 114670
written authorization to the individual who signed it. 114671

(F) The ~~development services agency~~department may adopt 114672
rules defining who may serve as an individual assistance 114673
recipient's authorized representative for purposes of division 114674
(C) (2) of this section. 114675

Sec. 122.69 5101.315. (A) Any nonprofit agency or 114676
organization seeking designation as a community action agency by 114677
the ~~community services division~~department of job and family 114678
services shall obtain the endorsement of the chief elected 114679
officials of at least two-thirds of the municipal corporations 114680

and the counties within the community to be served by the agency 114681
or organization. 114682

(B) Any nonprofit agency or organization that receives the 114683
endorsement provided for in division (A) of this section shall 114684
be designated by the ~~division~~department as the community action 114685
agency for the community it serves and shall receive community 114686
services block grant funds for any period of time that the 114687
nonprofit agency or organization: 114688

(1) Provides a range of services and opportunities having 114689
a measurable and potentially major impact on the causes of 114690
poverty in the community or those areas of the community where 114691
poverty is a particularly acute problem. These activities may 114692
include but shall not be limited to: 114693

(a) Providing activities designed to assist low-income 114694
persons, including low-income persons who are elderly and who 114695
have disabilities, to: 114696

(i) Secure and maintain meaningful employment, training, 114697
work experience, and unsubsidized employment; 114698

(ii) Attain an adequate education; 114699

(iii) Make better use of available income; 114700

(iv) Obtain and maintain adequate housing and a suitable 114701
living environment; 114702

(v) Obtain emergency assistance through loans or grants to 114703
meet immediate and urgent individual and family needs, including 114704
the need for health services, nutritious food, housing, and 114705
employment-related assistance; 114706

(vi) Remove obstacles and solve personal and family 114707
problems that block the achievement of self-sufficiency; 114708

(vii) Achieve greater participation in the affairs of the community; 114709
114710

(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions; 114711
114712

(ix) Obtain energy assistance, conservation, and weatherization services. 114713
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(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons; 114715
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(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals; 114719
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(d) Providing child care services, nutrition and health services, transportation services, alcoholism and narcotic addiction prevention and rehabilitation services, youth development services, and community services to persons who are elderly and who have disabilities; 114722
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(e) Encouraging entities in the private sector to participate in efforts to ameliorate poverty in the community. 114727
114728

(2) Annually submits to the ~~division~~department a program plan and budget for use of community services block grant funds for the next federal fiscal year. At least ten days prior to its submission to the ~~division~~department, a copy of the program plan and budget shall be made available to the chief elected officials of the municipal corporations and counties within the service area in order to provide them the opportunity to review and comment upon such plan and budget. 114729
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(3) Composes its board of directors in compliance with 114737
~~section (c) (3) of section 675 of the "Community Services Block~~ 114738
~~Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904~~U.S.C. 9910, except 114739
that the board shall consist of not less than fifteen nor more 114740
than thirty-three members; 114741

(4) Complies with the prohibitions against discrimination 114742
and political activity, as provided in the "Community Services 114743
Block Grant Act"; 114744

(5) Complies with fiscal and program requirements 114745
established by ~~development services agency~~ department rule. 114746

Sec. ~~122.70~~ 5101.316. The board of directors of a 114747
community action agency shall: 114748

(A) Select, appoint, and may remove the executive director 114749
of the community action agency; 114750

(B) Approve contracts, annual program budgets, and 114751
policies of the community action agency; 114752

(C) Advise the elected officials of any political 114753
subdivision located within its service area, and state and 114754
federal elected officials who represent its service area, of the 114755
nature and extent of poverty within its community, and advise 114756
them of any needed changes; 114757

(D) Convene public meetings to provide community members 114758
the opportunity to comment on public policies and programs to 114759
reduce poverty; 114760

(E) Annually evaluate the policies and programs of the 114761
community action agency according to criteria determined by 114762
~~department of development~~ department of job and family services 114763
rule; 114764

(F) Submit the results of the evaluation required by 114765
division (E) of this section, along with recommendations for 114766
improved administration of the community action agency, to the 114767
~~community services division~~department; 114768

(G) Adopt a code of ethics for the board of directors and 114769
the employees of the community action agency; 114770

(H) Adopt written policies describing all of the 114771
following: 114772

(1) How the community action agency is to expend and 114773
distribute the community services block grant funds that it 114774
receives from the division under sections ~~122.68~~ 5101.313 and 114775
~~122.69~~ 5101.315 of the Revised Code; 114776

(2) The salary, benefits, travel expenses, and any other 114777
compensation that persons are to receive for serving on the 114778
community action agency's board of directors; 114779

(3) The operating procedures to be used by the board to 114780
conduct its meetings, to vote on all official business it 114781
considers, and to provide notice of its meetings. 114782

The written operating procedures described in this 114783
division shall specify the methods by which the board may 114784
conduct meetings using virtual electronic technology, and shall 114785
specify that the board may provide notice of its meetings by any 114786
means deemed appropriate to the board. 114787

(I) Provide for the posting of notices in a conspicuous 114788
place indicating that the code of ethics described in division 114789
(G) of this section and the policies described in division (H) 114790
of this section are available for public inspection at the 114791
community action agency during normal business hours. 114792

Sec. ~~122.701~~ 5101.317. (A) Prior to designating a new
community action agency or rescinding a community action
agency's designation, the ~~community services division~~ department
of job and family services shall:

(1) Determine whether a community action agency is in
compliance with section ~~122.69~~ 5101.315 of the Revised Code;

(2) Consult with the chief elected officials of political
subdivisions located within a community action agency's service
area, and, in designating a new community action agency, obtain
their endorsement of the agency in accordance with division (A)
of section ~~122.69~~ 5101.315 of the Revised Code;

(3) Hold at least one public meeting within a community
action agency's service area for the purpose of allowing
citizens to comment on the community action agency's delivery of
services;

(4) Evaluate the proposed service area of the community
action agency, and, as may be necessary, modify the boundaries
of the service area so that low-income persons in the area are
adequately and efficiently served.

(B) After providing notice and hearing pursuant to
sections 119.01 to 119.13 of the Revised Code, the director of
~~development~~ job and family services:

(1) May rescind the designation of a community action
agency after finding that the agency is not in compliance with
any or all of the provisions of section ~~122.69~~ 5101.315 of the
Revised Code;

(2) Shall rescind the designation of a community action
agency upon notification from the chief elected officials of
more than one-half of the municipal corporations and the

counties within a community currently served by a community 114822
action agency that such agency is not endorsed by them and after 114823
finding that the agency is not in compliance with section ~~122.69~~ 114824
5101.315 of the Revised Code. 114825

Any agency whose designation is rescinded pursuant to this 114826
section may appeal from an order rescinding such designation 114827
pursuant to section 119.12 of the Revised Code. 114828

Sec. ~~122.702~~ 5101.318. The general assembly shall conduct 114829
public hearings ~~each year on the proposed use and distribution~~ 114830
~~of~~ community services block grant funds, as required by section 114831
~~675(b) 676~~ of the "Community Services Block Grant Act," ~~95 Stat.~~ 114832
~~1609, 42 U.S.C.A. 9904~~U.S.C. 9901. 114833

Sec. 5101.33. (A) As used in this section, "benefits" 114834
means any of the following: 114835

(1) Cash assistance paid under Chapter 5107. of the 114836
Revised Code; 114837

(2) Supplemental nutrition assistance program benefits 114838
provided under section 5101.54 of the Revised Code; 114839

(3) Any other program administered by the department of 114840
job and family services or the department of children and youth 114841
under which assistance is provided or service rendered; 114842

(4) Any other program, service, or assistance administered 114843
by a person or government entity that the department determines 114844
may be delivered through the medium of electronic benefit 114845
transfer. 114846

(B) The department of job and family services or 114847
department of children and youth may make any payment or 114848
delivery of benefits to eligible individuals through the medium 114849

of electronic benefit transfer by doing all of the following: 114850

(1) Contracting with an agent to supply debit cards to the 114851
department of job and family services or the department of 114852
children and youth for use by such individuals in accessing 114853
their benefits and to credit such cards electronically with the 114854
amounts specified by the director of job and family services or 114855
the director of children and youth pursuant to law; 114856

(2) Informing such individuals about the use of the 114857
electronic benefit transfer system and furnishing them with 114858
debit cards and information that will enable them to access 114859
their benefits through the system; 114860

(3) Arranging with specific financial institutions or 114861
vendors, county departments of job and family services, or 114862
persons or government entities for individuals to have their 114863
cards credited electronically with the proper amounts at their 114864
facilities; 114865

(4) Periodically preparing vouchers for the payment of 114866
such benefits by electronic benefit transfer; 114867

(5) Satisfying any applicable requirements of federal and 114868
state law. 114869

(C) The department may enter into a written agreement with 114870
any person or government entity to provide benefits administered 114871
by that person or entity through the medium of electronic 114872
benefit transfer. A written agreement may require the person or 114873
government entity to pay to the department either or both of the 114874
following: 114875

(1) A charge that reimburses the department for all costs 114876
the department incurs in having the benefits administered by the 114877
person or entity provided through the electronic benefit 114878

transfer system; 114879

(2) A fee for having the benefits provided through the 114880
electronic benefit transfer system. 114881

(D) The department may designate which counties will 114882
participate in the medium of electronic benefit transfer, 114883
specify the date a designated county will begin participation, 114884
and specify which benefits will be provided through the medium 114885
of electronic benefit transfer in a designated county. 114886

(E) The department of job and family services or the 114887
department of children and youth may adopt rules in accordance 114888
with Chapter 119. of the Revised Code for the efficient 114889
administration of this section. 114890

Sec. 5101.35. (A) As used in this section: 114891

(1) (a) "Agency" means the following entities that 114892
administer a family services program: 114893

(i) The department of job and family services; 114894

(ii) The department of children and youth; 114895

(iii) A county department of job and family services; 114896

(iv) A public children services agency; 114897

(v) A private or government entity administering, in whole 114898
or in part, a family services program for or on behalf of the 114899
department of job and family services, the department of 114900
children and youth, or a county department of job and family 114901
services or public children services agency. 114902

(b) If the department of medicaid contracts with the 114903
department of job and family services to hear appeals authorized 114904
by section 5160.31 of the Revised Code regarding medical 114905

assistance programs, "agency" includes the department of 114906
medicaid. 114907

(2) "Appellant" means an applicant, participant, former 114908
participant, recipient, or former recipient of a family services 114909
program who is entitled by federal or state law to a hearing 114910
regarding a decision or order of the agency that administers the 114911
program. 114912

(3) (a) "Family services program" means all of the 114913
following: 114914

(i) A Title IV-A program as defined in section 5101.80 of 114915
the Revised Code; 114916

(ii) Programs that provide assistance under Chapter 5104. 114917
of the Revised Code; 114918

(iii) Programs that provide assistance under section 114919
~~5101.141~~, 5101.461, 5101.54, 5119.41, 5153.163, ~~or~~ 5153.165, or 114920
5180.42 of the Revised Code; 114921

(iv) Title XX social services provided under section 114922
5101.46 of the Revised Code, other than such services provided 114923
by the department of mental health and addiction services, the 114924
department of developmental disabilities, a board of alcohol, 114925
drug addiction, and mental health services, or a county board of 114926
developmental disabilities. 114927

(b) If the department of medicaid contracts with the 114928
department of job and family services to hear appeals authorized 114929
by section 5160.31 of the Revised Code regarding medical 114930
assistance programs, "family services program" includes medical 114931
assistance programs. 114932

(4) "Medical assistance program" has the same meaning as 114933

in section 5160.01 of the Revised Code. 114934

(B) Except as provided by divisions (G) and (H) of this 114935
section, an appellant who appeals under federal or state law a 114936
decision or order of an agency administering a family services 114937
program shall, at the appellant's request, be granted a state 114938
hearing by the department of job and family services or the 114939
department of children and youth, as appropriate. This state 114940
hearing shall be conducted in accordance with rules adopted 114941
under this section. The state hearing shall be recorded, but 114942
neither the recording nor a transcript of the recording shall be 114943
part of the official record of the proceeding. Except as 114944
provided in section 5160.31 of the Revised Code, a state hearing 114945
decision is binding upon the agency and department, unless it is 114946
reversed or modified on appeal to the director of job and family 114947
services, director of children and youth, or a court of common 114948
pleas. 114949

(C) Except as provided by division (G) of this section, an 114950
appellant who disagrees with a state hearing decision may make 114951
an administrative appeal to the director of job and family 114952
services or director of children and youth in accordance with 114953
rules adopted under this section. This administrative appeal 114954
does not require a hearing, but the director or the director's 114955
designee shall review the state hearing decision and previous 114956
administrative action and may affirm, modify, remand, or reverse 114957
the state hearing decision. An administrative appeal decision is 114958
the final decision of the department and, except as provided in 114959
section 5160.31 of the Revised Code, is binding upon the 114960
department and agency, unless it is reversed or modified on 114961
appeal to the court of common pleas. 114962

(D) An agency shall comply with a decision issued pursuant 114963

to division (B) or (C) of this section within the time limits 114964
established by rules adopted under this section. If a county 114965
department of job and family services or a public children 114966
services agency fails to comply within these time limits, the 114967
department may take action pursuant to section 5101.24 of the 114968
Revised Code. If another agency, other than the department of 114969
medicaid, fails to comply within the time limits, the department 114970
may force compliance by withholding funds due the agency or 114971
imposing another sanction established by rules adopted under 114972
this section. 114973

(E) An appellant who disagrees with an administrative 114974
appeal decision of the director of job and family services, the 114975
director of children and youth, or either director's designee 114976
issued under division (C) of this section may appeal from the 114977
decision to the court of common pleas pursuant to section 119.12 114978
of the Revised Code. The appeal shall be governed by section 114979
119.12 of the Revised Code except that: 114980

(1) The person may apply to the court for designation as 114981
an indigent and, if the court grants this application, the 114982
appellant shall not be required to furnish the costs of the 114983
appeal. 114984

(2) The appellant shall mail the notice of appeal to the 114985
department of job and family services or director of children 114986
and youth, as appropriate, and file notice of appeal with the 114987
court within thirty days after the department mails the 114988
administrative appeal decision to the appellant. For good cause 114989
shown, the court may extend the time for mailing and filing 114990
notice of appeal, but such time shall not exceed six months from 114991
the date the department mails the administrative appeal 114992
decision. Filing notice of appeal with the court shall be the 114993

only act necessary to vest jurisdiction in the court. 114994

(3) The department shall be required to file a transcript 114995
of the testimony of the state hearing with the court only if the 114996
court orders the department to file the transcript. The court 114997
shall make such an order only if it finds that the department 114998
and the appellant are unable to stipulate to the facts of the 114999
case and that the transcript is essential to a determination of 115000
the appeal. The department shall file the transcript not later 115001
than thirty days after the day such an order is issued. 115002

(F) The department of job and family service and 115003
department of children and youth, as applicable, shall adopt 115004
rules in accordance with Chapter 119. of the Revised Code to 115005
implement this section, including rules governing the following: 115006

(1) State hearings under division (B) of this section. The 115007
rules shall include provisions regarding notice of eligibility 115008
termination and the opportunity of an appellant appealing a 115009
decision or order of a county department of job and family 115010
services to request a county conference with the county 115011
department before the state hearing is held. 115012

(2) Administrative appeals under division (C) of this 115013
section; 115014

(3) Time limits for complying with a decision issued under 115015
division (B) or (C) of this section; 115016

(4) Sanctions that may be applied against an agency under 115017
division (D) of this section. 115018

(G) The department of job and family services and the 115019
department of children and youth, as applicable, may adopt rules 115020
in accordance with Chapter 119. of the Revised Code establishing 115021
an appeals process for an appellant who appeals a decision or 115022

order regarding a Title IV-A program identified under division 115023
(A) (4) (c), (d), (e), (f), (g), or (h) of section 5101.80 of the 115024
Revised Code that is different from the appeals process 115025
established by this section. The different appeals process may 115026
include having a state agency that administers the Title IV-A 115027
program pursuant to an interagency agreement entered into under 115028
section 5101.801 of the Revised Code administer the appeals 115029
process. 115030

(H) If an appellant receiving medicaid through a health 115031
insuring corporation that holds a certificate of authority under 115032
Chapter 1751. of the Revised Code is appealing a denial of 115033
medicaid services based on lack of medical necessity or other 115034
clinical issues regarding coverage by the health insuring 115035
corporation, the person hearing the appeal may order an 115036
independent medical review if that person determines that a 115037
review is necessary. The review shall be performed by a health 115038
care professional with appropriate clinical expertise in 115039
treating the recipient's condition or disease. The department 115040
shall pay the costs associated with the review. 115041

A review ordered under this division shall be part of the 115042
record of the hearing and shall be given appropriate evidentiary 115043
consideration by the person hearing the appeal. 115044

(I) The requirements of Chapter 119. of the Revised Code 115045
apply to a state hearing or administrative appeal under this 115046
section only to the extent, if any, specifically provided by 115047
rules adopted under this section. 115048

Sec. 5101.351. The department of job and family services 115049
or the department of children and youth may employ or contract 115050
with hearing officers to draft and recommend state hearing 115051
decisions under division (B) of section 5101.35 of the Revised 115052

Code. The department may employ or contract with hearing 115053
authorities to issue state hearing decisions under division (B) 115054
of section 5101.35 of the Revised Code. A hearing authority 115055
employed or contracted with under this section is not required 115056
to have been admitted to the practice of law in this state. 115057

Sec. 5101.38. The department of job and family services or 115058
the department of children and youth may appoint and commission 115059
any competent officer, employee, agency, or person to serve as a 115060
special agent, investigator, or representative to perform a 115061
designated duty for and in behalf of the department. Specific 115062
credentials shall be given by the department to each person so 115063
designated, and each credential shall state: 115064

(A) The person's name; 115065

(B) Agency with which such person is connected; 115066

(C) Purpose of appointment; 115067

(D) Date of expiration of appointment, if appropriate; 115068

(E) Such information as the department considers proper. 115069

Sec. 5101.461. (A) As used in this section: 115070

(1) "Title IV-A" means Title IV-A of the "Social Security 115071
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 115072

(2) "Title XX" has the same meaning as in section 5101.46 115073
of the Revised Code. 115074

(B) To the extent authorized by federal law, the 115075
department of job and family services or the department of 115076
children and youth may use funds received through the Title IV-A 115077
temporary assistance for needy families block grant for purposes 115078
of providing Title XX social services. The amount used under 115079

this section shall not exceed the maximum amount permitted by 115080
federal law. The funds and provision of Title XX social services 115081
with the funds are not subject to section 5101.46 of the Revised 115082
Code. 115083

Funds distributed under this section for the purpose of 115084
providing family planning services shall be distributed by a 115085
county department of job and family services according to the 115086
same order of priority that applies to the department of job and 115087
family services under section 5101.101 of the Revised Code. 115088

(C) The department and any county department of job and 115089
family services may require an entity under contract to provide 115090
Title XX social services with funds used under this section to 115091
submit to an audit on the basis of alleged misuse or improper 115092
accounting of funds. If an audit is required, the social 115093
services provider shall reimburse the state department or county 115094
department for the cost it incurred in conducting the audit or 115095
having the audit conducted. 115096

If an audit demonstrates that a social services provider 115097
is responsible for one or more adverse findings, the provider 115098
shall reimburse the state department or county department the 115099
amount of the adverse findings. The amount shall not be 115100
reimbursed with funds received under this section. The state 115101
department and county departments may terminate or refuse to 115102
enter into a contract with a social services provider to provide 115103
services with funds available pursuant to this section if there 115104
are adverse findings in an audit that are the responsibility of 115105
the provider. 115106

(D) The state department of job and family services or the 115107
department of children and youth may adopt rules to implement 115108
and carry out the purposes of this section. Rules governing 115109

financial and operational matters of the department or matters 115110
between the department and county departments of job and family 115111
services shall be adopted as internal management rules in 115112
accordance with section 111.15 of the Revised Code. Rules 115113
governing eligibility for services, program participation, and 115114
other matters pertaining to applicants and participants shall be 115115
adopted in accordance with Chapter 119. of the Revised Code. 115116

Sec. 5101.542. (A) Immediately following a county 115117
department of job and family services' certification that a 115118
household determined under division (B) of section 5101.54 of 115119
the Revised Code to be in immediate need of nutrition assistance 115120
is eligible for the supplemental nutrition assistance program, 115121
the department of job and family services shall provide for the 115122
household to be sent by regular United States mail an electronic 115123
benefit transfer card containing the amount of benefits the 115124
household is eligible to receive under the program. The card 115125
shall be sent to the member of the household in whose name 115126
application for the supplemental nutrition assistance program 115127
was made or that member's authorized representative. 115128

(B) Except as provided in division (C) of this section, 115129
the department shall replace any electronic benefit transfer 115130
card that is reported by a household to be lost, stolen, or 115131
damaged, within two business days of receiving notice of the 115132
card's condition, in accordance with 7 C.F.R. 274.6(b). 115133

(C) (1) The department shall implement the option described 115134
in 7 C.F.R. 274.6(b) (5) and shall withhold a replacement 115135
electronic benefit transfer card from a household that requests 115136
four or more replacement cards during a twelve-month period 115137
until the requirements specified in 7 C.F.R. 274.6(b) (5) have 115138
been satisfied. 115139

(2) The department shall not withhold a replacement card 115140
as described under division (C) (1) of this section if the 115141
individual requesting the replacement has a disability directly 115142
related to the loss of the card. 115143

(D) The department shall establish a process as part of 115144
the department's existing customer service telephone hotline 115145
that allows individuals to lock or unlock an electronic benefit 115146
transfer card that has been lost or stolen. 115147

Sec. 5101.543. To ensure program integrity within the 115148
supplemental nutrition assistance program, the department of job 115149
and family services shall periodically monitor the balances of 115150
supplemental nutrition assistance program accounts. If the 115151
department discovers an account with a balance that exceeds five 115152
thousand dollars, the department shall take steps to determine 115153
whether the account is inactive and, if inactive, identify the 115154
causes for the accruing balance. 115155

Sec. 5101.548. (A) (1) Except as otherwise provided in 115156
division (A) (2) of this section, the department of job and 115157
family services shall not implement the option available under 115158
section 6(o) (6) of the "Food and Nutrition Act of 2008," 7 115159
U.S.C. 2015(o) (6). 115160

(2) The department of job and family services may 115161
implement the option described in division (A) (1) of this 115162
section only to prevent a federal penalty and to maintain 115163
compliance with federal rules governing the supplemental 115164
nutrition assistance program. The department shall not delegate 115165
the authority to waive individual work requirements or otherwise 115166
grant exemptions to county departments of job and family 115167
services. The department shall notify the chairpersons of the 115168
standing committees having jurisdiction in both the house of 115169

representatives and the senate when implementing the option 115170
described in division (A) (1) of this section. 115171

(B) The department of job and family services shall not 115172
request, apply for, or renew a waiver authorized by section 6(o) 115173
(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o) 115174
(4) . 115175

Sec. 5101.549. (A) As used in this section: 115176

(1) "Food additive" means any of the following: 115177

(a) Synthetic food dyes derived from petroleum or coal 115178
tar, including red 40, red 3, yellow 5, yellow 6, blue 1, blue 115179
2, and green 3; 115180

(b) Titanium dioxide and any other whitening agents 115181
classified as nanoparticles; 115182

(c) Brominated vegetable oil and other chemical 115183
emulsifiers linked to hormone disruption; 115184

(d) Potassium bromate, propylparaben, and any chemical 115185
additives classified as probable carcinogens. 115186

(2) "Sugar-sweetened beverages" means nonalcoholic 115187
beverages that are made with carbonated water that is flavored, 115188
contains a food additive, and is sweetened with sugar or 115189
artificial sweeteners. "Sugar-sweetened beverages" do not 115190
include a beverage that contains milk, milk products, soy, rice, 115191
or other milk substitutes, or that contain greater than fifty 115192
per cent vegetable or fruit juice by volume, or that contain 115193
less than five grams of added sugar. 115194

(B) The director of job and family services shall submit a 115195
request to the United States department of agriculture for a 115196
waiver to exclude sugar-sweetened beverages as items that may be 115197

purchased in this state under the supplemental nutrition 115198
assistance program. If a waiver submitted under this section is 115199
not approved, the director shall resubmit a request for a waiver 115200
on an annual basis. 115201

Sec. 5101.612. (A) As used in this section, "federal 115202
poverty line" has the same meaning as in section 5162.01 of the 115203
Revised Code. 115204

(B) Within available funds, the department of job and 115205
family services shall distribute funds to the counties not later 115206
than thirty days after the beginning of each calendar quarter 115207
for a part of the counties' costs for protective services. Funds 115208
provided to a county under this section shall be deposited into 115209
the public assistance fund created under section 5101.161 of the 115210
Revised Code. 115211

(C) In each fiscal year, the amount of funds available for 115212
distribution under this section shall be allocated to counties 115213
as follows: 115214

(1) If the amount is less than the amount initially 115215
appropriated for the immediately preceding fiscal year, each 115216
county shall receive an amount equal to the percentage of the 115217
funding it received in the immediately preceding fiscal year, 115218
exclusive of any releases from or additions to the allocation or 115219
any sanctions imposed under this section; 115220

(2) If the amount is equal to the amount initially 115221
appropriated for the immediately preceding fiscal year, each 115222
county shall receive an amount equal to the amount it received 115223
in the preceding fiscal year, exclusive of any releases from or 115224
additions to the allocation or any sanctions imposed under this 115225
section; 115226

(3) If the amount is greater than the amount initially 115227
appropriated for the immediately preceding fiscal year, each 115228
county shall receive the amount determined under division (C) (2) 115229
of this section as a base allocation, plus a percentage of the 115230
amount that exceeds the amount initially appropriated for the 115231
immediately preceding fiscal year. The amount exceeding the 115232
amount initially appropriated in the immediately preceding 115233
fiscal year shall be allocated to the counties as follows: 115234

(a) Twelve per cent divided equally among all counties; 115235

(b) Forty-eight per cent in the ratio that the number of 115236
residents of the county aged sixty or older bears to the total 115237
number of such persons residing in this state; 115238

(c) Forty per cent in the ratio that the number of 115239
residents of the county with incomes under the federal poverty 115240
line bears to the total number of such persons in this state. 115241

(D) Not later than ninety days after the end of each state 115242
fiscal biennium, each county shall return any unspent funds to 115243
the department. 115244

(E) The director of job and family services may adopt 115245
rules in accordance with section 111.15 of the Revised Code to 115246
allocate funds under this section and prescribe reports on 115247
expenditures to be submitted by the counties as necessary for 115248
the implementation of this section. 115249

Sec. 5101.80. (A) As used in this section and in section 115250
5101.801 of the Revised Code: 115251

(1) "County family services agency" has the same meaning 115252
as in section 307.981 of the Revised Code. 115253

(2) "State agency" has the same meaning as in section 9.82 115254

of the Revised Code. 115255

(3) "Title IV-A administrative agency" means both of the 115256
following: 115257

(a) A county family services agency or state agency 115258
administering a Title IV-A program under the supervision of the 115259
department of job and family services or the department of 115260
children and youth; 115261

(b) A government agency or private, not-for-profit entity 115262
administering a project funded in whole or in part with funds 115263
provided under the Title IV-A demonstration program created 115264
under section 5101.803 of the Revised Code. 115265

(4) "Title IV-A program" means all of the following that 115266
are funded in part with funds provided under the temporary 115267
assistance for needy families block grant established by Title 115268
IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 115269
U.S.C. 601, as amended: 115270

(a) The Ohio works first program established under Chapter 115271
5107. of the Revised Code; 115272

(b) The prevention, retention, and contingency program 115273
established under Chapter 5108. of the Revised Code; 115274

(c) A program established by the general assembly or an 115275
executive order issued by the governor that is administered or 115276
supervised by the department of job and family services or 115277
department of children and youth pursuant to section 5101.801 of 115278
the Revised Code; 115279

(d) The kinship permanency incentive program created under 115280
section ~~5101.802~~5180.52 of the Revised Code; 115281

(e) The Title IV-A demonstration program created under 115282

section 5101.803 of the Revised Code; 115283

(f) The Ohio parenting and pregnancy program created under 115284
section ~~5101.804~~5180.71 of the Revised Code; 115285

(g) Fatherhood programs recommended by the Ohio commission 115286
on fatherhood under section ~~5101.805~~5180.704 of the Revised 115287
Code; 115288

(h) A component of a Title IV-A program identified under 115289
divisions (A) (4) (a) to (g) of this section that the Title IV-A 115290
state plan prepared under division (C) (1) of this section 115291
identifies as a component. 115292

(B) The department of job and family services shall act as 115293
the single state agency to administer and supervise the 115294
administration of Title IV-A programs. The Title IV-A state plan 115295
and amendments to the plan prepared under division (C) of this 115296
section are binding on Title IV-A administrative agencies. No 115297
Title IV-A administrative agency may establish, by rule or 115298
otherwise, a policy governing a Title IV-A program that is 115299
inconsistent with a Title IV-A program policy established, in 115300
rule or otherwise, by the director of job and family services. 115301

(C) The department of job and family services shall do all 115302
of the following: 115303

(1) Prepare and submit to the United States secretary of 115304
health and human services a Title IV-A state plan for Title IV-A 115305
programs; 115306

(2) Prepare and submit to the United States secretary of 115307
health and human services amendments to the Title IV-A state 115308
plan that the department determines necessary, including 115309
amendments necessary to implement Title IV-A programs identified 115310
in divisions (A) (4) (c) to (h) of this section; 115311

- (3) Prescribe forms for applications, certificates, 115312
reports, records, and accounts of Title IV-A administrative 115313
agencies, and other matters related to Title IV-A programs; 115314
- (4) Make such reports, in such form and containing such 115315
information as the department may find necessary to assure the 115316
correctness and verification of such reports, regarding Title 115317
IV-A programs; 115318
- (5) Require reports and information from each Title IV-A 115319
administrative agency as may be necessary or advisable regarding 115320
a Title IV-A program; 115321
- (6) Afford a fair hearing in accordance with section 115322
5101.35 of the Revised Code to any applicant for, or participant 115323
or former participant of, a Title IV-A program aggrieved by a 115324
decision regarding the program; 115325
- (7) Administer and expend, pursuant to Chapters 5104., 115326
5107., and 5108. of the Revised Code and sections 5101.801, 115327
~~5101.802,~~ 5101.803, ~~and 5101.804~~ 5180.52, and 5180.71 of the 115328
Revised Code, any sums appropriated by the general assembly for 115329
the purpose of those chapters and sections and all sums paid to 115330
the state by the secretary of the treasury of the United States 115331
as authorized by Title IV-A of the "Social Security Act," 110 115332
Stat. 2113 (1996), 42 U.S.C. 601, as amended; 115333
- (8) Conduct investigations and audits as are necessary 115334
regarding Title IV-A programs; 115335
- (9) Enter into reciprocal agreements with other states 115336
relative to the provision of Ohio works first and prevention, 115337
retention, and contingency to residents and nonresidents; 115338
- (10) Contract with a private entity to conduct an 115339
independent on-going evaluation of the Ohio works first program 115340

and the prevention, retention, and contingency program. The 115341
contract must require the private entity to do all of the 115342
following: 115343

(a) Examine issues of process, practice, impact, and 115344
outcomes; 115345

(b) Study former participants of Ohio works first who have 115346
not participated in Ohio works first for at least one year to 115347
determine whether they are employed, the type of employment in 115348
which they are engaged, the amount of compensation they are 115349
receiving, whether their employer provides health insurance, 115350
whether and how often they have received benefits or services 115351
under the prevention, retention, and contingency program, and 115352
whether they are successfully self sufficient; 115353

(c) Provide the department with reports at times the 115354
department specifies. 115355

(11) Not later than the last day of each January and July, 115356
prepare a report containing information on the following: 115357

(a) Individuals exhausting the time limits for 115358
participation in Ohio works first set forth in section 5107.18 115359
of the Revised Code. 115360

(b) Individuals who have been exempted from the time 115361
limits set forth in section 5107.18 of the Revised Code and the 115362
reasons for the exemption. 115363

(D) The department shall provide copies of the reports it 115364
receives under division (C) (10) of this section and prepares 115365
under division (C) (11) of this section to the governor, the 115366
president and minority leader of the senate, and the speaker and 115367
minority leader of the house of representatives. The department 115368
shall provide copies of the reports to any private or government 115369

entity on request. 115370

(E) An authorized representative of the department or a 115371
county family services agency or state agency administering a 115372
Title IV-A program shall have access to all records and 115373
information bearing thereon for the purposes of investigations 115374
conducted pursuant to this section. An authorized representative 115375
of a government entity or private, not-for-profit entity 115376
administering a project funded in whole or in part with funds 115377
provided under the Title IV-A demonstration program shall have 115378
access to all records and information bearing on the project for 115379
the purpose of investigations conducted pursuant to this 115380
section. 115381

Sec. 5101.801. (A) Except as otherwise provided by the law 115382
enacted by the general assembly or executive order issued by the 115383
governor establishing the Title IV-A program, a Title IV-A 115384
program identified under division (A) (4) (c), (d), (e), (f), (g), 115385
or (h) of section 5101.80 of the Revised Code shall provide 115386
benefits and services that are not "assistance" as defined in 45 115387
C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 115388
260.31(b) excludes from the definition of assistance. 115389

(B) (1) Except as otherwise provided by the law enacted by 115390
the general assembly or executive order issued by the governor 115391
establishing the Title IV-A program, the department of job and 115392
family services or the department of children and youth, as 115393
appropriate, shall do either of the following regarding a Title 115394
IV-A program identified under division (A) (4) (c), (d), (e), (f), 115395
(g), or (h) of section 5101.80 of the Revised Code: 115396

(a) Administer the program or supervise a county family 115397
services agency's administration of the program; 115398

(b) Enter into an interagency agreement with a state 115399
agency for the state agency to administer the program under the 115400
department's supervision. 115401

(2) The department of job and family services and the 115402
department of children and youth may enter into an agreement 115403
with a government entity and, to the extent permitted by federal 115404
law, a private, not-for-profit entity for the entity to receive 115405
funding for a project under the Title IV-A demonstration program 115406
created under section 5101.803 of the Revised Code. 115407

(3) To the extent permitted by federal law, the department 115408
of children and youth may enter into an agreement with a 115409
private, not-for-profit entity for the entity to receive funds 115410
under the Ohio parenting and pregnancy program created under 115411
section ~~5101.804~~5180.71 of the Revised Code. 115412

(4) To the extent permitted by federal law, the department 115413
of children and youth may enter into an agreement with a 115414
private, not-for-profit entity for the entity to receive funds 115415
as recommended by the Ohio commission on fatherhood under 115416
section ~~5101.805~~5180.704 of the Revised Code. 115417

(C) The department of job and family services and the 115418
department of children and youth, may adopt rules governing 115419
Title IV-A programs identified under divisions (A) (4) (c), (d), 115420
(e), (f), (g), and (h) of section 5101.80 of the Revised Code. 115421
Rules governing financial and operational matters of either 115422
department or between either department and county family 115423
services agencies shall be adopted as internal management rules 115424
adopted in accordance with section 111.15 of the Revised Code. 115425
All other rules shall be adopted in accordance with Chapter 119. 115426
of the Revised Code. 115427

(D) If the department of job and family services or the 115428
department of children and youth, enters into an agreement 115429
regarding a Title IV-A program identified under division (A) (4) 115430
(c), (e), (f), (g), or (h) of section 5101.80 of the Revised 115431
Code pursuant to division (B) (1) (b) or (2) of this section, the 115432
agreement shall include at least all of the following: 115433

(1) A requirement that the state agency or entity comply 115434
with the requirements for the program or project, including all 115435
of the following requirements established by federal statutes 115436
and regulations, state statutes and rules, the United States 115437
office of management and budget, and the Title IV-A state plan 115438
prepared under section 5101.80 of the Revised Code: 115439

(a) Eligibility; 115440

(b) Reports; 115441

(c) Benefits and services; 115442

(d) Use of funds; 115443

(e) Appeals for applicants for, and recipients and former 115444
recipients of, the benefits and services; 115445

(f) Audits. 115446

(2) A complete description of all of the following: 115447

(a) The benefits and services that the program or project 115448
is to provide; 115449

(b) The methods of program or project administration; 115450

(c) The appeals process under section 5101.35 of the 115451
Revised Code for applicants for, and recipients and former 115452
recipients of, the program or project's benefits and services; 115453

(d) Other requirements that the department of job and 115454

family services or the department of children and youth, as 115455
applicable, requires be included. 115456

(3) Procedures for the department of job and family 115457
services or the department of children and youth, as applicable, 115458
to approve a policy, established by rule or otherwise, that the 115459
state agency or entity establishes for the program or project 115460
before the policy is established; 115461

(4) Provisions regarding how the department of job and 115462
family services or the department of children and youth, as 115463
applicable, is to reimburse the state agency or entity for 115464
allowable expenditures under the program or project that the 115465
applicable department approves, including all of the following: 115466

(a) Limitations on administrative costs; 115467

(b) The department of job and family services or the 115468
department of children and youth, as applicable, at its 115469
discretion, doing either of the following: 115470

(i) Withholding no more than five per cent of the funds 115471
that the department of job and family services or the department 115472
of children and youth, as applicable, would otherwise provide to 115473
the state agency or entity for the program or project; 115474

(ii) Charging the state agency or entity for the costs to 115475
the department of job and family services or the department of 115476
children and youth, as applicable, of performing, or contracting 115477
for the performance of, audits and other administrative 115478
functions associated with the program or project. 115479

(5) If the state agency or entity arranges by contract, 115480
grant, or other agreement for another entity to perform a 115481
function the state agency or entity would otherwise perform 115482
regarding the program or project, the state agency or entity's 115483

responsibilities for both of the following: 115484

(a) Ensuring that the other entity complies with the 115485
agreement between the state agency or entity and the department 115486
of job and family services or the department of children and 115487
youth, as applicable and federal statutes and regulations and 115488
state statutes and rules governing the use of funds for the 115489
program or project; 115490

(b) Auditing the other entity in accordance with 115491
requirements established by the United States office of 115492
management and budget. 115493

(6) The state agency or entity's responsibilities 115494
regarding the prompt payment, including any interest assessed, 115495
of any adverse audit finding, final disallowance of federal 115496
funds, or other sanction or penalty imposed by the federal 115497
government, auditor of state, department of job and family 115498
services or the department of children and youth, as applicable, 115499
a court, or other entity regarding funds for the program or 115500
project; 115501

(7) Provisions for the department of job and family 115502
services or the department of children and youth, as applicable, 115503
to terminate the agreement or withhold reimbursement from the 115504
state agency or entity if either of the following occur: 115505

(a) The federal government disapproves the program or 115506
project or reduces federal funds for the program or project; 115507

(b) The state agency or entity fails to comply with the 115508
terms of the agreement. 115509

(8) Provisions for both of the following: 115510

(a) The department of job and family services or the 115511

department of children and youth, as applicable, and state 115512
agency or entity determining the performance outcomes expected 115513
for the program or project; 115514

(b) An evaluation of the program or project to determine 115515
its success in achieving the performance outcomes determined 115516
under division (D)(8)(a) of this section. 115517

(E) To the extent consistent with the law enacted by the 115518
general assembly or executive order issued by the governor 115519
establishing the Title IV-A program and subject to the approval 115520
of the director of budget and management, the director of job 115521
and family services or the director of children and youth, as 115522
applicable, may terminate a Title IV-A program identified under 115523
division (A)(4)(c), (d), (e), (f), (g), or (h) of section 115524
5101.80 of the Revised Code or reduce funding for the program if 115525
the applicable director determines that federal or state funds 115526
are insufficient to fund the program. If the director of budget 115527
and management approves the termination or reduction in funding 115528
for such a program, the director of job and family services or 115529
the department of children and youth, as applicable, shall issue 115530
instructions for the termination or funding reduction. If a 115531
Title IV-A administrative agency is administering the program, 115532
the agency is bound by the termination or funding reduction and 115533
shall comply with the applicable director's instructions. 115534

(F) The director of job and family services and the 115535
director of children and youth may adopt internal management 115536
rules in accordance with section 111.15 of the Revised Code as 115537
necessary to implement this section. The rules are binding on 115538
each Title IV-A administrative agency. 115539

Sec. 5101.89. As used in sections 5101.89 to 5101.899 of 115540
the Revised Code: 115541

(A) "Youth" means a person who is any of the following: 115542

(1) Less than eighteen years of age; 115543

(2) An emancipated young adult; 115544

(3) Is in the temporary or permanent custody of a public 115545
children services agency, a planned permanent living 115546
arrangement, or in the Title-IV-E-eligible care and placement 115547
responsibility of a juvenile court or other governmental agency 115548
that provides Title IV-E reimbursable placement services. 115549

(B) "Emancipated young adult" has the same meaning as in 115550
section ~~5101.141~~5180.42 of the Revised Code. 115551

Sec. 5101.891. (A) There is created a youth and family 115552
~~ombudsman~~ombudsmen office under the department of job and 115553
family services consisting of the following: 115554

(1) A family ombudsman, who shall be appointed by the 115555
governor, to investigate complaints made by adults; 115556

(2) A youth ombudsman, who shall be appointed by the 115557
governor with advice from the overcoming hurdles in Ohio youth 115558
advisory board, to investigate complaints made by youth and to 115559
advocate for the best interests of children involved in concerns 115560
investigated by the office; 115561

(3) Not fewer than two regional ombudsmen; 115562

(4) Any necessary support staff. 115563

(B) The office shall investigate and resolve concerns made 115564
by or on behalf of children and families involved with public 115565
children services agencies, Title IV-E agencies, or private 115566
provider agencies that administer or oversee foster care or 115567
placement services for the children services system. The office 115568

shall ensure the independent and impartial review of youth, 115569
family, and community complaints or concerns. 115570

Sec. 5101.892. The youth and family ~~ombudsman~~ ombudsmen 115571
office shall perform all of the following duties: 115572

(A) Receive, investigate, and attempt to resolve 115573
complaints from citizens, including children in the custody of a 115574
public children services agency or in the care and placement of 115575
a Title IV-E agency, related to government services regarding 115576
child protective services, foster care, and adoption; 115577

(B) Establish procedures for receiving, investigating, and 115578
resolving complaints, consistent with state and federal law; 115579

(C) Provide an annual report to the governor, speaker of 115580
the house of representatives, president of the senate, minority 115581
leadership of the house of representatives and senate, the 115582
director of job and family services, the director of children 115583
and youth, and representatives of the overcoming hurdles in Ohio 115584
youth advisory board. 115585

Sec. 5101.893. Not later than sixty days after release of 115586
the annual report described under section 5101.892 of the 115587
Revised Code, the overcoming hurdles in Ohio youth advisory 115588
board shall provide an evaluation of the report to the governor 115589
and the youth ombudsman of the youth and family ~~ombudsman~~ 115590
ombudsmen office. 115591

Sec. 5101.894. To the extent permitted by state or federal 115592
law, a representative of the youth and family ~~ombudsman~~ 115593
ombudsmen office may report to an appropriate authority any 115594
suspected violation of state law discovered during the course of 115595
a complaint review. 115596

Sec. 5101.895. The department of job and family services 115597

shall be responsible for all administrative undertakings for the 115598
youth and family ~~ombudsman~~ ombudsmen office, including the 115599
provision of offices, equipment, and supplies, as necessary. 115600

Sec. 5101.897. (A) No employee of the youth and family 115601
~~ombudsman~~ ombudsmen office shall do any of the following: 115602

(1) Hold any office of trust or profit; 115603

(2) Engage in any occupation or business interfering or 115604
inconsistent with the duties of the office; 115605

(3) Serve on any committee of any political party; 115606

(4) Have any interest that is, or may be, in conflict with 115607
the interests and concerns of the office. 115608

(B) As used in this section, "office of trust or profit" 115609
means any of the following: 115610

(1) A federal or state elective office or an elective 115611
office of a political subdivision of the state; 115612

(2) A position on a board or commission of the state that 115613
is appointed by the governor; 115614

(3) An office set forth in section 121.03, 121.04, or 115615
121.05 of the Revised Code; 115616

(4) An office of the government of the United States that 115617
is appointed by the president of the United States. 115618

Sec. 5101.899. (A) The youth and family ~~ombudsman~~ 115619
ombudsmen office shall have access to ~~only~~ the records of the 115620
department of children and youth and the department of job and 115621
family services that are necessary for the administration of 115622
sections 5101.89 to 5101.899 of the Revised Code and in the 115623
performance of its official duties, including any records 115624

maintained in the uniform statewide automated child welfare 115625
information system under section ~~5101.13~~5180.40 of the Revised 115626
Code. The office has the right to request of the director of 115627
children and youth and the director of job and family services 115628
necessary information from any work unit of the department 115629
having information. The collection, compilation, analysis, and 115630
dissemination of information by the office shall be performed in 115631
a manner that protects complainants, individuals providing 115632
information about a complaint, public entities, and confidential 115633
records. 115634

(B) The office shall have access to any necessary records 115635
in the control of a public children services agency, a Title IV- 115636
E agency, or a private provider agency that administers or 115637
oversees foster care or placement services for the children 115638
services system. 115639

(C) Files of the office and any records contained in those 115640
files are not public records subject to inspection or copying 115641
under section 149.43 of the Revised Code. Information contained 115642
in investigative and other files maintained by the office shall 115643
be disclosed only at the discretion of the office or if 115644
disclosure is required by a court order. 115645

Sec. 5101.95. Not later than thirty days before submitting 115646
a waiver or state plan amendment relating to a public assistance 115647
benefit program to the appropriate federal entity, the director 115648
of job and family services shall submit a copy of the waiver or 115649
state plan amendment to the speaker of the house of 115650
representatives, the president of the senate, and the 115651
chairpersons of the relevant house of representatives and senate 115652
committees with jurisdiction over the subject matter of the 115653
waiver or state plan amendment. 115654

Sec. 5101.98. (A) Quarterly, the department of job and family services shall compile a report on public assistance programs in this state, including the following information:

(1) Regarding the supplemental nutrition assistance program, the number of:

(a) Accounts with high balances, as determined by the department;

(b) Out-of-state transactions;

(c) Transactions when the final amount processed was a whole dollar amount without additional cents.

(2) Regarding public assistance programs in this state, including ~~medicaid~~, the supplemental nutrition assistance program, temporary assistance for needy families, or cash assistance, the number of:

(a) Payments made in error, and the dollar amount of those payments;

(b) Work requirement exemptions issued;

(c) Confirmed cases of intentional program violation and fraud.

(B) The department shall submit the report to the president of the senate and the speaker of the house of representatives, who shall distribute the report to the chairs of any legislative committee with jurisdiction over public assistance.

Sec. 5101.99. (A) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree.

(B) Whoever violates ~~section 5101.133,~~ division (A) of 115682
section 5101.63~~7~~, or division (C) (2) of section 5101.631 of the 115683
Revised Code is guilty of a misdemeanor of the fourth degree. 115684

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of 115685
the Revised Code: 115686

(A) (1) "Association" or "institution" includes all of the 115687
following: 115688

(a) Any incorporated or unincorporated organization, 115689
society, association, or agency, public or private, that 115690
receives or cares for children for two or more consecutive 115691
weeks; 115692

(b) Any individual, including the operator of a foster 115693
home, who, for hire, gain, or reward, receives or cares for 115694
children for two or more consecutive weeks, unless the 115695
individual is related to them by blood or marriage; 115696

(c) Any individual not in the regular employ of a court, 115697
or of an institution or association certified in accordance with 115698
section 5103.03 of the Revised Code, who in any manner becomes a 115699
party to the placing of children in foster homes, unless the 115700
individual is related to such children by blood or marriage or 115701
is the appointed guardian of such children. 115702

(2) "Association" or "institution" does not include any of 115703
the following: 115704

(a) Any organization, society, association, school, 115705
agency, child guidance center, detention or rehabilitation 115706
facility, or children's clinic licensed, regulated, approved, 115707
operated under the direction of, or otherwise certified by the 115708
department of education and workforce, a local board of 115709
education, the department of youth services, the department of 115710

mental health and addiction services, or the department of 115711
developmental disabilities; 115712

(b) Any individual who provides care for only a single- 115713
family group, placed there by their parents or other relative 115714
having custody; 115715

(c) A private, nonprofit therapeutic wilderness camp; 115716

(d) A qualified organization as defined in section 2151.90 115717
of the Revised Code. 115718

(B) "Family foster home" means a foster home that is not a 115719
specialized foster home. 115720

(C) "Foster caregiver" means a person holding a valid 115721
foster home certificate issued under section 5103.03 of the 115722
Revised Code. 115723

(D) "Foster home" means a private residence in which 115724
children are received apart from their parents, guardian, or 115725
legal custodian, by an individual reimbursed for providing the 115726
children nonsecure care, supervision, or training twenty-four 115727
hours a day. "Foster home" does not include care provided for a 115728
child in the home of a person other than the child's parent, 115729
guardian, or legal custodian while the parent, guardian, or 115730
legal custodian is temporarily away. Family foster homes and 115731
specialized foster homes are types of foster homes. 115732

(E) "Kinship caregiver" has the same meaning as in section 115733
~~5101.85~~ 5180.50 of the Revised Code. 115734

(F) "Medically fragile foster home" means a foster home 115735
that provides specialized medical services designed to meet the 115736
needs of children with intensive health care needs who meet all 115737
of the following criteria: 115738

(1) Under rules adopted by the medicaid director governing 115739
medicaid payments for long-term care services, the children 115740
require a skilled level of care. 115741

(2) The children require the services of a doctor of 115742
medicine or osteopathic medicine at least once a week due to the 115743
instability of their medical conditions. 115744

(3) The children require the services of a registered 115745
nurse on a daily basis. 115746

(4) The children are at risk of institutionalization in a 115747
hospital, skilled nursing facility, or intermediate care 115748
facility for individuals with intellectual disabilities. 115749

(G) "Private, nonprofit therapeutic wilderness camp" means 115750
a structured, alternative residential setting for children who 115751
are experiencing emotional, behavioral, moral, social, or 115752
learning difficulties at home or school in which all of the 115753
following are the case: 115754

(1) The children spend the majority of their time, 115755
including overnight, either outdoors or in a primitive 115756
structure. 115757

(2) The children have been placed there by their parents 115758
or another relative having custody. 115759

(3) The camp accepts no public funds for use in its 115760
operations. 115761

(H) "Recommending agency" means a public children services 115762
agency, private child placing agency, or private noncustodial 115763
agency that recommends that the department of children and youth 115764
take any of the following actions under section 5103.03 of the 115765
Revised Code regarding a foster home: 115766

- (1) Issue a certificate; 115767
- (2) Deny a certificate; 115768
- (3) Revoke a certificate. 115769
- (I) "Resource caregiver" means a foster caregiver or a 115770
kinship caregiver. 115771
- (J) "Resource family" means a foster home or the kinship 115772
caregiver family. 115773
- (K) "Specialized foster home" means a medically fragile 115774
foster home or a treatment foster home. 115775
- (L) "Treatment foster home" means a foster home that 115776
incorporates special rehabilitative services designed to treat 115777
the specific needs of the children received in the foster home 115778
and that receives and cares for children who are emotionally or 115779
behaviorally disturbed, who are chemically dependent, who have 115780
developmental disabilities, or who otherwise have exceptional 115781
needs. 115782
- Sec. 5103.021.** (A) As used in this section, a "scholars 115783
residential center" is a center that meets all of the following: 115784
- (1) The center is a certified affiliate in good standing 115785
of a national organization with a mission to help underserved 115786
children in middle school and high school in a comprehensive 115787
manner that is academically focused and service-oriented and in 115788
a family-like setting. 115789
- (2) The center is private and not-for-profit. 115790
- (3) The center does not receive Title IV-E funding or any 115791
associated Title IV funds related to child welfare. 115792
- (4) The center only accepts children placed by their 115793

parents or legal custodian. 115794

(5) The center is voluntary and uses a competitive 115795
selection process. 115796

(B) The director of ~~job and family services~~ children and 115797
youth shall adopt rules in accordance with Chapter 119. of the 115798
Revised Code to implement standards regarding a scholars 115799
residential center. The rules shall be substantially similar, as 115800
determined by the director, to other similarly situated 115801
providers of residential care for children, including rules 115802
provided in Chapters 5101:2-5 and 5101:2-9 of the Administrative 115803
Code, except that the rules shall reflect all of the following: 115804

(1) A center is not subject to any policy that is not 115805
specific or relevant to the center. 115806

(2) A center is not required to provide discharge 115807
summaries. 115808

(3) A center is permitted to request agency waivers. 115809

(4) A center is not required to implement case plans or 115810
service plans. 115811

(5) Training requirements for center staff are limited to 115812
completion of all of the following: 115813

(a) Orientation training; 115814

(b) Current American red cross, American heart 115815
association, or equivalent first aid and cardiopulmonary 115816
resuscitation certification; 115817

(c) One hour of annual trauma training. 115818

(6) A center is not subject to existing rules regarding: 115819

(a) Recreation and leisure activity requirements, provided 115820

that the center has a recreation area available and permits 115821
children to swim if a person who has completed life-saving or 115822
water safety training is present; 115823

(b) Visiting and communications policies, provided that 115824
the center ensures that children have contact with their family; 115825

(c) Qualified residential treatment program requirements; 115826

(d) Treatment-focused requirements established for 115827
residential agencies. 115828

(7) A center shall provide notification and documentation 115829
of critical incidents to parents and legal custodians. 115830

(C) The director shall certify a scholars residential 115831
center that submits an application to the director, on a form 115832
prescribed by the director, that indicates to the director's 115833
satisfaction that the center meets the standards set forth in 115834
rules adopted under division (B) of this section. 115835

Sec. 5103.039. (A) The department of children and youth 115836
may suspend, without a prior hearing, the certificate of an 115837
institution or association, as defined in section 5103.02 of the 115838
Revised Code, which includes a foster caregiver, if any of the 115839
following occur: 115840

(1) A child dies or suffers a serious injury while placed 115841
or residing with the institution or association, including a 115842
foster home, as defined in section 5103.02 of the Revised Code. 115843

(2) A public children services agency receives a report 115844
pursuant to section 2151.421 of the Revised Code, and the person 115845
alleged to have inflicted abuse or neglect on the child who is 115846
the subject of the report is any of the following: 115847

(a) A principal of the institution or association; 115848

(b) An employee or volunteer of the institution or 115849
association who has not immediately been placed on 115850
administrative leave or released from employment; 115851

(c) Any person who resides in the foster home. 115852

(3) One of the following is charged by an indictment, 115853
information, or complaint with an offense relating to the death, 115854
injury, abuse, or neglect of a child: 115855

(a) A principal of the institution or association; 115856

(b) An employee or volunteer of the institution or 115857
association who has not immediately been placed on 115858
administrative leave or released from employment. 115859

(4) The department, the recommending agency, a public 115860
children services agency, or a county department of job and 115861
family services determines that a principal, employee, or 115862
volunteer of the institution or association, including a foster 115863
caregiver, or a person residing in the foster home, created a 115864
serious risk to the health or safety of a child placed therein 115865
that resulted in or could have resulted in a child's death or 115866
injury. 115867

(5) The department determines that the owner of the 115868
institution or association or the foster caregiver does not meet 115869
the requirements of section 2151.86, 5103.0310, or 5103.053 of 115870
the Revised Code. 115871

(B) In suspending a license under division (A) of this 115872
section, the department shall comply with section 119.07 of the 115873
Revised Code. A principal of an institution or association, 115874
including a foster caregiver, may request an adjudicatory 115875
hearing before the department pursuant to sections 119.06 and 115876
119.12 of the Revised Code. If a hearing is requested and the 115877

department does not issue its final adjudication order within 115878
one hundred twenty days after the suspension, the suspension is 115879
void on the one hundred twenty-first day after the suspension, 115880
unless the hearing on the suspension is continued on agreement 115881
by the parties or for good cause. 115882

(C) A summary suspension imposed under this section shall 115883
remain in effect until any of the following occurs: 115884

(1) The public children services agency completes its 115885
investigation of the report pursuant to section 2151.421 of the 115886
Revised Code and determines that all of the allegations are 115887
unsubstantiated. 115888

(2) All criminal charges are disposed of through dismissal 115889
or a finding of not guilty. 115890

(3) The department issues pursuant to Chapter 119. of the 115891
Revised Code a final order terminating the suspension. 115892

(D) An institution or association shall not have children 115893
placed in the institution or association while a summary 115894
suspension remains in effect. Upon the issuance of the order of 115895
suspension, the department shall place a hold on the certificate 115896
or indicate that the certificate is suspended in Ohio's 115897
statewide automated child welfare information system. 115898

(E) The director of children and youth may adopt rules in 115899
accordance with Chapter 119. of the Revised Code establishing 115900
standards and procedures for the summary suspension of 115901
certificates. 115902

(F) This section does not limit the authority of the 115903
department to revoke a certificate pursuant to section 5103.03 115904
of the Revised Code. 115905

(G) As used in this section, "principal" means any of the 115906
following: 115907

(1) The institution or association's administrator or 115908
director; 115909

(2) The institution or association's owners or partners; 115910

(3) Members of the institution or association's governing 115911
body; 115912

(4) A foster caregiver. 115913

Sec. 5103.0329. ~~(A)~~ A recommending agency may submit a 115914
request to the department of children and youth, on a case-by- 115915
case basis only, to waive any non-safety standards for a kinship 115916
caregiver seeking foster home certification. Non-safety 115917
standards include training hours and other requirements under 115918
sections 5103.031 and 5103.032 of the Revised Code and standards 115919
established by rules adopted under sections 5103.03 and 115920
5103.0316 of the Revised Code, in accordance with 42 U.S.C. 671 115921
(a)(10). 115922

~~(B) "Kinship caregiver" has the same meaning as in section~~ 115923
~~5101.85 of the Revised Code.~~ 115924

Sec. 5103.0520. (A) As used in this section, "group home" 115925
has the same meaning as "group home for children" in section 115926
5103.05 of the Revised Code. 115927

(B) Not later than two hundred seventy days after the 115928
effective date of this section, the director of children and 115929
youth shall adopt rules in accordance with Chapter 119. of the 115930
Revised Code to establish requirements regarding all of the 115931
following for group homes: 115932

(1) The use of the Ohio professional registry, as operated 115933

by the Ohio child care resource and referral association or its 115934
successor organization or entity, to complete background checks 115935
or criminal records checks pursuant to section 2151.86, 115936
5103.037, 5103.0310, or 5103.053 of the Revised Code for any 115937
owner, board president, administrator, officer, operator, staff, 115938
volunteer, intern, and subcontractor of a group home; 115939

(2) Training on behavioral intervention, including the use 115940
of de-escalation, for all new and existing individuals working 115941
at a group home; 115942

(3) The supervision of children, including a ratio of at 115943
least one staff person for every seven children or, if the group 115944
home accepts placement of fewer than seven children, one staff 115945
person for every six children. 115946

(C) The operator of a group home shall comply with the 115947
ratio requirements established in rules adopted under division 115948
(B) (3) of this section as a requirement for certification. 115949

(D) The director of children and youth may suspend or 115950
revoke the certificate of a group home in accordance with 115951
Chapter 119. of the Revised Code for any violation under this 115952
section or rules adopted under this section. 115953

Sec. 5103.09. (A) As used in this section, "Title IV-E 115954
agency" has the same meaning as in section 5101.132 of the 115955
Revised Code. 115956

(B) Upon receiving the care and placement of a child, a 115957
Title IV-E agency shall determine if the child is eligible for 115958
or receiving benefits administered by the United States social 115959
security administration, the United States department of 115960
veterans affairs, the Ohio public employee retirement system, 115961
the Ohio police and fire pension fund, the state teachers 115962

retirement system of Ohio, the school employees retirement 115963
system of Ohio, or the Ohio highway patrol retirement system. If 115964
the child is eligible for or receiving such benefits, the agency 115965
shall not use the child's benefits to pay for or reimburse the 115966
agency, county, or state for any cost of the child's care. 115967

(C) The director of children and youth may adopt rules in 115968
accordance with section 111.15 of the Revised Code to implement 115969
this section, including the establishment of new procedures 115970
necessary to assist a Title IV-E agency in complying with this 115971
section. 115972

Sec. 5103.15. (A) (1) The parents, guardian, or other 115973
persons having the custody of a child may enter into an 115974
agreement with any public children services agency or private 115975
child placing agency, whereby the child is placed without the 115976
approval of the juvenile court in the temporary custody of the 115977
agency for a period of time of up to thirty days, except that an 115978
agreement for temporary custody can be for a period of time of 115979
up to sixty days without court approval if the agreement is 115980
executed solely for the purpose of obtaining the adoption of a 115981
child who is less than six months of age on the date of the 115982
execution of the agreement. 115983

(2) Except as provided in division (A) (3) of this section 115984
for agreements entered into to obtain the adoption of a child 115985
under the age of six months, any public children services agency 115986
or private child placing agency that obtains, without court 115987
approval, temporary custody of a child pursuant to an agreement 115988
executed in accordance with this division may request the 115989
juvenile court of the county in which the child has a residence 115990
or legal settlement for an original thirty-day extension of the 115991
temporary custody agreement. Upon the filing of a request for 115992

the extension of the temporary custody agreement, the juvenile 115993
court shall determine whether the extension is in the best 115994
interest of the child and may extend the temporary custody 115995
agreement for a period of thirty days beyond the initial thirty- 115996
day period for which court approval is not required by this 115997
division. The agency requesting the original extension shall 115998
file a case plan, prepared pursuant to section 2151.412 of the 115999
Revised Code, with the court at the same time that it files its 116000
request for an extension. 116001

At the expiration of the original thirty-day extension 116002
period, the agency may request the juvenile court to grant an 116003
additional thirty-day extension of the temporary custody 116004
agreement. Upon the filing of the request for the additional 116005
extension, the juvenile court may extend the temporary custody 116006
agreement for a period of thirty days beyond the original 116007
thirty-day extension period if it determines that the additional 116008
extension is in the best interest of the child. The agency shall 116009
file an updated version of the child's case plan at the same 116010
time that it files its request for an additional extension. 116011

At the expiration of an additional thirty-day extension 116012
period and at the expiration of the original thirty-day 116013
extension period if the agency does not request an additional 116014
thirty-day extension, the agency shall either return the child 116015
to the child's parents, guardian, or other person having custody 116016
of the child or file a complaint with the court pursuant to 116017
section 2151.27 of the Revised Code requesting temporary or 116018
permanent custody of the child. The complaint shall be 116019
accompanied by a case plan prepared in accordance with section 116020
2151.412 of the Revised Code. 116021

(3) Any public children services agency or private child 116022

placing agency that obtains, without court approval and solely 116023
for the purpose of obtaining the adoption of the child, 116024
temporary custody of a child who is under the age of six months 116025
pursuant to an agreement executed in accordance with this 116026
division may request the juvenile court in the county in which 116027
the child has a residence or legal settlement to grant a thirty 116028
day extension of the temporary custody agreement. Upon the 116029
filing of the request, the court shall determine whether the 116030
extension is in the best interest of the child and may extend 116031
the temporary custody agreement for a period of thirty days 116032
beyond the sixty day period for which the court approval is not 116033
required by this division. The agency requesting the extension 116034
shall file a case plan, prepared pursuant to section 2151.412 of 116035
the Revised Code, with the court at the same time that it files 116036
its request for an extension. 116037

At the expiration of the thirty day extension, the agency 116038
shall either return the child to the parents, guardian, or other 116039
person having custody of the child or file a complaint with the 116040
court pursuant to section 2151.27 of the Revised Code requesting 116041
temporary or permanent custody of the child. The complaint shall 116042
be accompanied by a case plan prepared in accordance with 116043
section 2151.412 of the Revised Code. 116044

(B) (1) Subject to juvenile court approval, the following 116045
may enter into an agreement with a public children services 116046
agency or private child placing agency surrendering the child 116047
into the permanent custody of that agency: 116048

(a) The parents, guardian, or other persons having custody 116049
of the child; 116050

(b) The parents of a child who is in the temporary custody 116051
of a public children services agency or private child placing 116052

agency. 116053

(2) An agency that enters into an agreement under division 116054
(B) (1) of this section may take and care for the child or place 116055
the child in a family home. 116056

(3) A private child placing agency or public children 116057
services agency that seeks permanent custody of a child pursuant 116058
to division (B) (1) of this section shall file a request with the 116059
juvenile court of the county in which the child has a residence 116060
or legal settlement for approval of the agency's permanent 116061
surrender agreement with the parents, guardian, or other persons 116062
having custody of the child. Not later than fourteen business 116063
days after the request is filed, the juvenile court shall 116064
determine whether the permanent surrender agreement is in the 116065
best interest of the child. The court may approve the permanent 116066
surrender agreement if it determines that the agreement is in 116067
the best interest of the child and, in the case of an agreement 116068
between a parent and an agency, the requirements of section 116069
5103.151 of the Revised Code are met. The agency requesting the 116070
approval of the permanent surrender agreement shall file with 116071
the court an original or amended case plan, prepared pursuant to 116072
section 2151.412 of the Revised Code, at the same time that it 116073
files its request for the approval of the permanent surrender 116074
agreement. 116075

(4) Notwithstanding division (B) (1) of this section, the 116076
parents of a child less than six months of age may enter into an 116077
agreement with a private child placing agency surrendering the 116078
child into the permanent custody of the agency without juvenile 116079
court approval if the agreement is executed solely for the 116080
purpose of obtaining the adoption of the child. The agency 116081
shall, not later than two business days after entering into the 116082

agreement, notify the juvenile court. The agency also shall 116083
notify the court not later than two business days after the 116084
agency places the child for adoption. The court shall journalize 116085
the notices it receives under division (B) (4) of this section. 116086

(C) The agreements provided for in this section shall be 116087
in writing, on forms prescribed and furnished by the department_ 116088
of children and youth, and may contain any proper and legal 116089
stipulations for proper care of the child, and may authorize the 116090
public children services agency or private child placing agency 116091
when such agreements are for permanent care and custody to 116092
appear in any proceeding for the legal adoption of the child, 116093
and consent to the child's adoption, as provided in section 116094
3107.06 of the Revised Code. If an agreement for permanent care 116095
and custody of a child is executed, social and medical histories 116096
shall be completed in relation to the child in accordance with 116097
section 3107.09 of the Revised Code. The adoption order of the 116098
probate court judge made upon the consent shall be binding upon 116099
the child and the child's parents, guardian, or other person, as 116100
if those persons were personally in court and consented to the 116101
order, whether made party to the proceeding or not. 116102

(D) An agreement entered into under this section by a 116103
parent under age eighteen is as valid as an agreement entered 116104
into by a parent age eighteen or older. 116105

Sec. 5103.155. As used in this section, "children with 116106
special needs" has the same meaning as in rules adopted under 116107
section 5153.163 of the Revised Code. 116108

If the department of ~~job and family services~~ children and 116109
youth determines that money in the putative father registry fund 116110
created under section 2101.16 of the Revised Code is more than 116111
is needed to perform its duties related to the putative father 116112

registry, the department may ~~transfer~~ use surplus moneys in the 116113
fund to ~~the department of children and youth to promote~~ adoption 116114
of children with special needs. 116115

Sec. 5103.18. (A) (1) Prior to certification as a foster 116116
home under section 5103.03 of the Revised Code, a recommending 116117
agency shall obtain a summary report of a search of the uniform 116118
statewide automated child welfare information system, 116119
established under section ~~5101.13~~ 5180.40 of the Revised Code, 116120
from an entity listed in section ~~5101.132~~ 5180.402 of the 116121
Revised Code. 116122

(2) Whenever a prospective foster parent or any other 116123
person eighteen years of age or older who resides with a 116124
prospective foster parent has resided in another state within 116125
the five-year period immediately prior to the date on which a 116126
criminal records check is requested for the person under 116127
division (A) of section 2151.86 of the Revised Code, the 116128
recommending agency shall request a check of the central 116129
registry of abuse and neglect of this state from the department 116130
of children and youth regarding the prospective foster parent or 116131
the person eighteen years of age or older who resides with the 116132
prospective foster parent to enable the agency to check any 116133
child abuse and neglect registry maintained by that other state. 116134
The recommending agency shall make the request and shall review 116135
the results of the check before the prospective foster parent 116136
may be finally approved for placement of a child. Information 116137
received pursuant to such a request shall be considered for 116138
purposes of this chapter as if it were a summary report required 116139
under division (A) of this section. The department of children 116140
and youth shall comply with any request to check the central 116141
registry that is similar to the request described in this 116142
division and that is received from any other state. 116143

(B) (1) The summary report required under division (A) of this section shall contain, if applicable, a chronological list of abuse and neglect determinations or allegations of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency has done one of the following:

(a) Determined that abuse or neglect occurred;

(b) Initiated an investigation, and the investigation is ongoing;

(c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred.

(2) The summary report required under division (A) of this section shall not contain any of the following:

(a) An abuse and neglect determination of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency determined that abuse or neglect did not occur;

(b) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(c) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(C) (1) A foster home certification may be denied based on a summary report containing the information described under division (B) (1) (a) of this section, when considered within the totality of the circumstances.

(2) A foster home certification shall not be denied solely

based on a summary report containing the information described 116172
under division (B) (1) (b) or (c) of this section. 116173

(D) The director of children and youth shall adopt rules 116174
in accordance with Chapter 119. of the Revised Code necessary 116175
for the implementation and execution of this section. 116176

Sec. 5103.30. The Ohio child welfare training program is 116177
hereby established in the department of children and youth as a 116178
statewide program. The program shall provide all of the 116179
following: 116180

(A) The training that section 3107.014 of the Revised Code 116181
requires an assessor to complete; 116182

(B) The preplacement training that sections 5103.031 and 116183
5103.033 of the Revised Code require a prospective foster 116184
caregiver to complete; 116185

(C) The continuing training that sections 5103.032 and 116186
5103.033 of the Revised Code require a foster caregiver to 116187
complete; 116188

(D) The training that section 5153.122 of the Revised Code 116189
requires a PCSA caseworker to complete; 116190

(E) The training that section 5153.123 of the Revised Code 116191
requires a PCSA caseworker supervisor to complete; 116192

(F) The training required under section ~~5101.1414~~ 116193
5180.4211 of the Revised Code for a case manager and supervisor. 116194

Sec. 5103.32. (A) As used in this section: 116195

(1) "Title IV-B" means Title IV-B of the "Social Security 116196
Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 116197

(2) "Title IV-E" means Title IV-E of the "Social Security 116198

Act," 94 Stat. 501, 42 U.S.C. 670 (1980). 116199

(3) "Title XX" has the same meaning as in section 5101.46 116200
of the Revised Code. 116201

(B) For purposes of adequately funding the Ohio child 116202
welfare training program, the department of children and youth 116203
may use any of the following: 116204

(1) The federal financial participation funds withheld 116205
pursuant to division (E) of section ~~5101.141~~ 5180.42 of the 116206
Revised Code in an amount determined by the department; 116207

(2) Funds available under Title XX, Title IV-B, and Title 116208
IV-E to pay for training costs; 116209

(3) Other available state or federal funds; 116210

(4) Funds that a person, including a foundation, makes 116211
available for the program. 116212

Sec. 5103.41. The department of ~~job and family-~~ 116213
~~services~~ children and youth, in consultation with the Ohio child 116214
welfare training program steering committee, shall designate 116215
training regions in the state. The department ~~of children and~~ 116216
~~youth~~, at times it selects, shall review the composition of the 116217
training regions. The committee, at times it selects, shall also 116218
review the training regions' composition and provide the 116219
department recommendations on changes. The department ~~of~~ 116220
~~children and youth~~ may change the composition of the training 116221
regions as the department considers necessary. 116222

The department may make a grant to a public children 116223
services agency that establishes and maintains a regional 116224
training center under this section for the purpose of wholly or 116225
partially subsidizing the operation of the center. The 116226

department shall specify in the grant all of the center's 116227
duties, including the duties specified in section 5103.42 of the 116228
Revised Code. 116229

Sec. 5104.01. As used in this chapter: 116230

(A) "Administrator" means the person responsible for the 116231
daily operation of a center, type A home, or approved child day 116232
camp. The administrator and the owner may be the same person. 116233

(B) "Approved child day camp" means a child day camp 116234
approved pursuant to section 5104.22 of the Revised Code. 116235

(C) "Authorized representative" means an individual 116236
employed by a center, type A home, or approved child day camp 116237
that is owned by a person other than an individual and who is 116238
authorized by the owner to do all of the following: 116239

(1) Communicate on the owner's behalf; 116240

(2) Submit on the owner's behalf applications for 116241
licensure or approval; 116242

(3) Enter into on the owner's behalf provider agreements 116243
for publicly funded child care. 116244

(D) "Border state child care provider" means a child care 116245
provider that is located in a state bordering Ohio and that is 116246
licensed, certified, or otherwise approved by that state to 116247
provide child care funded by the child care block grant act. 116248

(E) "Career pathways model" means an alternative pathway 116249
to meeting the requirements to be a child care staff member or 116250
administrator that does both of the following: 116251

(1) Uses a framework approved by the director of children 116252
and youth to document formal education, training, experience, 116253

and specialized credentials and certifications; 116254

(2) Allows the child care staff member or administrator to 116255
achieve a designation as an early childhood professional level 116256
one, two, three, four, five, or six. 116257

(F) "Caretaker parent" means the father or mother of a 116258
child whose presence in the home is needed as the caretaker of 116259
the child, a person who has legal custody of a child and whose 116260
presence in the home is needed as the caretaker of the child, a 116261
guardian of a child whose presence in the home is needed as the 116262
caretaker of the child, and any other person who stands in loco 116263
parentis with respect to the child and whose presence in the 116264
home is needed as the caretaker of the child. 116265

(G) "Chartered nonpublic school" means a school that meets 116266
standards for nonpublic schools prescribed by the director of 116267
education and workforce for nonpublic schools pursuant to 116268
section 3301.07 of the Revised Code. 116269

(H) "Child" includes an infant, toddler, preschool-age 116270
child, or school-age child. 116271

(I) "Child care block grant act" means the "Child Care and 116272
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 116273
U.S.C. 9858, as amended. 116274

(J) "Child day camp" means a program in which only school- 116275
age children attend or participate, that operates for no more 116276
than twelve hours per day and no more than fifteen weeks during 116277
the summer. For purposes of this division, the maximum twelve 116278
hours of operation time does not include transportation time 116279
from a child's home to a child day camp and from a child day 116280
camp to a child's home. 116281

(K) "Child care" means all of the following: 116282

(1) Administering to the needs of infants, toddlers, 116283
preschool-age children, and school-age children outside of 116284
school hours; 116285

(2) By persons other than their parents, guardians, or 116286
custodians; 116287

(3) For part of the twenty-four-hour day; 116288

(4) In a place other than a child's own home, except that 116289
an in-home aide provides child care in the child's own home; 116290

(5) By a provider required by this chapter to be licensed 116291
or approved by the department of children and youth, certified 116292
by a county department of job and family services, or under 116293
contract with the department to provide publicly funded child 116294
care as described in section 5104.32 of the Revised Code. 116295

(L) "Child care center" and "center" mean any place that 116296
is not the permanent residence of the licensee or administrator 116297
in which child care or publicly funded child care is provided 116298
for seven or more children at one time. "Child care center" and 116299
"center" do not include any of the following: 116300

(1) A place located in and operated by a hospital, as 116301
defined in section 3727.01 of the Revised Code, in which the 116302
needs of children are administered to, if all the children whose 116303
needs are being administered to are monitored under the on-site 116304
supervision of a physician licensed under Chapter 4731. of the 116305
Revised Code or a registered nurse licensed under Chapter 4723. 116306
of the Revised Code, and the services are provided only for 116307
children who, in the opinion of the child's parent, guardian, or 116308
custodian, are exhibiting symptoms of a communicable disease or 116309
other illness or are injured; 116310

(2) A child day camp; 116311

- (3) A place that provides care, if all of the following
apply: 116312
116313
- (a) An organized religious body provides the care; 116314
- (b) A parent, custodian, or guardian of at least one child
receiving care is on the premises and readily accessible at all
times; 116315
116316
116317
- (c) The care is not provided for more than thirty days a
year; 116318
116319
- (d) The care is provided only for preschool-age and
school-age children. 116320
116321
- (M) "Child care resource and referral service
organization" means a community-based nonprofit organization
that provides child care resource and referral services but not
child care. 116322
116323
116324
116325
- (N) "Child care resource and referral services" means all
of the following services: 116326
116327
- (1) Maintenance of a uniform data base of all child care
providers in the community that are in compliance with this
chapter, including current occupancy and vacancy data; 116328
116329
116330
- (2) Provision of individualized consumer education to
families seeking child care; 116331
116332
- (3) Provision of timely referrals of available child care
providers to families seeking child care; 116333
116334
- (4) Recruitment of child care providers; 116335
- (5) Assistance in developing, conducting, and
disseminating training for child care professionals and
provision of technical assistance to current and potential child 116336
116337
116338

care providers, employers, and the community; 116339

(6) Collection and analysis of data on the supply of and 116340
demand for child care in the community; 116341

(7) Technical assistance concerning locally, state, and 116342
federally funded child care and early childhood education 116343
programs; 116344

(8) Stimulation of employer involvement in making child 116345
care more affordable, more available, safer, and of higher 116346
quality for their employees and for the community; 116347

(9) Provision of written educational materials to 116348
caretaker parents and informational resources to child care 116349
providers; 116350

(10) Coordination of services among child care resource 116351
and referral service organizations to assist in developing and 116352
maintaining a statewide system of child care resource and 116353
referral services if required by the department of children and 116354
youth; 116355

(11) Cooperation with the county department of job and 116356
family services in encouraging the establishment of parent 116357
cooperative child care centers and parent cooperative type A 116358
family child care homes. 116359

(O) "Child care staff member" means an employee of a child 116360
care center, type A family child care home, licensed type B 116361
family child care home, or approved child day camp who is 116362
primarily responsible for the care and supervision of children. 116363
The administrator, authorized representative, or owner may be a 116364
child care staff member when not involved in other duties. 116365

(P) "Drop-in child care center," "drop-in center," "drop- 116366

in type A family child care home," and "drop-in type A home" 116367
mean a center or type A home that provides child care or 116368
publicly funded child care for children on a temporary, 116369
irregular basis. 116370

(Q) "Early learning and development program" has the same 116371
meaning as "licensed child care program." 116372

(R) "Employee" means a person who either: 116373

(1) Receives compensation for duties performed in a child 116374
care center, type A family child care home, licensed type B 116375
family child care home, or approved child day camp; 116376

(2) Is assigned specific working hours or duties in a 116377
child care center, type A family child care home, licensed type 116378
B family child care home, or approved child day camp. 116379

~~(R)~~ (S) "Employer" means a person, firm, institution, 116380
organization, or agency that operates a child care center, type 116381
A family child care home, licensed type B family child care 116382
home, or approved child day camp subject to licensure or 116383
approval under this chapter. 116384

~~(S)~~ (T) "Federal poverty line" means the official poverty 116385
guideline as revised annually in accordance with section 673(2) 116386
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 116387
511, 42 U.S.C. 9902, as amended, for a family size equal to the 116388
size of the family of the person whose income is being 116389
determined. 116390

~~(T)~~ (U) "Head start program" means a school-readiness 116391
program that satisfies all of the following: 116392

(1) Is for children from birth to age five who are from 116393
low-income families; 116394

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended; 116395
116396
116397

(3) Is licensed as a child care program. 116398

~~(U)~~ (V) "Home education" has the same meaning as in section 3321.042 of the Revised Code. 116399
116400

~~(V)~~ (W) "Home education learning pod" means a voluntary association of parents who direct their children's education through home education and includes the following characteristics: 116401
116402
116403
116404

(1) The parents choose to group their children together in a home or other location at various times, which may include hours when home education is not provided. 116405
116406
116407

(2) The pod includes only the parents' children who are receiving home education, except that it also may include siblings of those children, or other children who are under the care of the parents, regardless of age. 116408
116409
116410
116411

(3) At least one parent of any of the children participating in the pod must be on the premises while the pod is meeting. 116412
116413
116414

~~(W)~~ (X) "Homeless child care" means child care provided to a child who satisfies any of the following: 116415
116416

(1) Is homeless as defined in 42 U.S.C. 11302; 116417

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a; 116418
116419

(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is 116420
116421

determined by a county department of job and family services to 116422
be homeless. 116423

~~(X)~~ (Y) "Income" means gross income, as defined in section 116424
5107.10 of the Revised Code, less any amounts required by 116425
federal statutes or regulations to be disregarded. 116426

~~(Y)~~ (Z) "Indicator checklist" means an inspection tool, 116427
used in conjunction with an instrument-based program monitoring 116428
information system, that contains selected licensing 116429
requirements that are statistically reliable indicators or 116430
predictors of a child care center's, type A family child care 116431
home's, or licensed type B family child care home's compliance 116432
with licensing requirements. 116433

~~(Z)~~ (AA) "Infant" means a child who is less than eighteen 116434
months of age. 116435

~~(AA)~~ (BB) "In-home aide" means a person who does not reside 116436
with the child but provides care in the child's home and is 116437
certified by a county director of job and family services 116438
pursuant to section 5104.12 of the Revised Code to provide 116439
publicly funded child care to a child in a child's own home 116440
pursuant to this chapter and any rules adopted under it. 116441

~~(BB)~~ (CC) "Instrument-based program monitoring information 116442
system" means a method to assess compliance with licensing 116443
requirements for child care centers, type A family child care 116444
homes, and licensed type B family child care homes in which each 116445
licensing requirement is assigned a weight indicative of the 116446
relative importance of the requirement to the health, growth, 116447
and safety of the children that is used to develop an indicator 116448
checklist. 116449

~~(CC)~~ (DD) "License capacity" means the maximum number in 116450

each age category of children who may be cared for in a child 116451
care center, type A family child care home, or licensed type B 116452
family child care home at one time as determined by the director 116453
of children and youth considering building occupancy limits 116454
established by the department of commerce, amount of available 116455
indoor floor space and outdoor play space, and amount of 116456
available play equipment, materials, and supplies. 116457

~~(DD)~~ (EE) "Licensed child care program" means any of the 116458
following: 116459

(1) A child care center licensed by the department of 116460
children and youth pursuant to this chapter; 116461

(2) A type A family child care home or type B family child 116462
care home licensed by the department of children and youth 116463
pursuant to this chapter; 116464

(3) A licensed preschool program or licensed school child 116465
program. 116466

~~(EE)~~ (FF) "Licensed preschool program" or "licensed school 116467
child program" means a preschool program or school child 116468
program, as defined in section 3301.52 of the Revised Code, that 116469
is licensed by the department of children and youth pursuant to 116470
sections 3301.52 to 3301.59 of the Revised Code. 116471

~~(FF)~~ (GG) "Licensed type B family child care home" and 116472
"licensed type B home" mean a type B family child care home for 116473
which there is a valid license issued by the director of 116474
children and youth pursuant to section 5104.03 of the Revised 116475
Code. 116476

~~(GG)~~ (HH) "Licensee" means the owner of a child care 116477
center, type A family child care home, or type B family child 116478
care home that is licensed pursuant to this chapter and who is 116479

responsible for ensuring compliance with this chapter and rules 116480
adopted pursuant to this chapter. 116481

~~(HH)~~ (II) "Operate a child day camp" means to operate, 116482
establish, manage, conduct, or maintain a child day camp. 116483

~~(II)~~ (JJ) "Owner" includes a person, as defined in section 116484
1.59 of the Revised Code, or government entity. 116485

~~(JJ)~~ (KK) "Parent cooperative child care center," "parent 116486
cooperative center," "parent cooperative type A family child 116487
care home," and "parent cooperative type A home" mean a 116488
corporation or association organized for providing educational 116489
services to the children of members of the corporation or 116490
association, without gain to the corporation or association as 116491
an entity, in which the services of the corporation or 116492
association are provided only to children of the members of the 116493
corporation or association, ownership and control of the 116494
corporation or association rests solely with the members of the 116495
corporation or association, and at least one parent-member of 116496
the corporation or association is on the premises of the center 116497
or type A home during its hours of operation. 116498

~~(KK)~~ (LL) "Part-time child care center," "part-time 116499
center," "part-time type A family child care home," and "part- 116500
time type A home" mean a center or type A home that provides 116501
child care or publicly funded child care for not more than four 116502
hours a day for any child or not more than fifteen consecutive 116503
weeks per year, regardless of the number of hours per day. 116504

~~(LL)~~ (MM) "Place of worship" means a building where 116505
activities of an organized religious group are conducted and 116506
includes the grounds and any other buildings on the grounds used 116507
for such activities. 116508

~~(MM)~~ (NN) "Preschool-age child" means a child who is three 116509
years old or older but is not a school-age child. 116510

~~(NN)~~ (OO) "Protective child care" means publicly funded 116511
child care for the direct care and protection of a child to whom 116512
all of the following apply: 116513

(1) A case plan has been prepared and maintained for the 116514
child pursuant to section 2151.412 of the Revised Code. 116515

(2) The case plan indicates a need for protective care. 116516

(3) The child resides with a parent, stepparent, guardian, 116517
or another person who stands in loco parentis as defined in 116518
rules adopted under section 5104.38 of the Revised Code. 116519

~~(OO)~~ (PP) "Publicly funded child care" means administering 116520
to the needs of infants, toddlers, preschool-age children, and 116521
school-age children under age thirteen during any part of the 116522
twenty-four-hour day by persons other than their caretaker 116523
parents for remuneration wholly or in part with federal or state 116524
funds, including funds available under the child care block 116525
grant act, Title IV-A, and Title XX, distributed by the 116526
department of children and youth. 116527

~~(PP)~~ (QQ) "Religious activities" means any of the 116528
following: worship or other religious services; religious 116529
instruction; Sunday school classes or other religious classes 116530
conducted during or prior to worship or other religious 116531
services; youth or adult fellowship activities; choir or other 116532
musical group practices or programs; meals; festivals; or 116533
meetings conducted by an organized religious group. 116534

~~(QQ)~~ (RR) "School-age child" means a child who is enrolled 116535
in or is eligible to be enrolled in a grade of kindergarten or 116536
above but is less than fifteen years old or, in the case of a 116537

child who is receiving special needs child care, is less than 116538
eighteen years old. 116539

~~(RR)~~(SS) "Serious risk noncompliance" means a licensure or 116540
certification rule violation that leads to a great risk of harm 116541
to, or death of, a child, and is observable, not inferable. 116542

~~(SS)~~(TT) "Special needs child care" means child care 116543
provided to a child who is less than eighteen years of age and 116544
either has one or more chronic health conditions or does not 116545
meet age appropriate expectations in one or more areas of 116546
development, including social, emotional, cognitive, 116547
communicative, perceptual, motor, physical, and behavioral 116548
development and that may include on a regular basis such 116549
services, adaptations, modifications, or adjustments needed to 116550
assist in the child's function or development. 116551

~~(TT)~~(UU) "Title IV-A" means Title IV-A of the "Social 116552
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 116553

~~(UU)~~(VV) "Title XX" means Title XX of the "Social Security 116554
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 116555

~~(VV)~~(WW) "Toddler" means a child who is at least eighteen 116556
months of age but less than three years of age. 116557

~~(WW)~~(XX) "Type A family child care home" and "type A home" 116558
mean the permanent residence of the administrator in which child 116559
care or publicly funded child care is provided for ~~seven-eight~~ 116560
to ~~twelve-fourteen~~ children at one time or a permanent residence 116561
of the administrator in which child care is provided for four to 116562
~~twelve-fourteen~~ children at one time if four or more children at 116563
one time are under two years of age, provided that if the number 116564
of children under the age of two years at one time is greater 116565
than three or the total number of children at one time is 116566

greater than seven, an additional adult shall be present. In 116567
counting children for the purposes of this division, any 116568
children under six years of age who are related to a licensee, 116569
administrator, or employee and who are on the premises of the 116570
type A home shall be counted. "Type A family child care home" 116571
and "type A home" do not include any child day camp. 116572

~~(XX)~~(YY) "Type B family child care home" and "type B home" 116573
mean a permanent residence of the provider in which care is 116574
provided for one to ~~six~~seven children at one time and in which 116575
no more than three children are under two years of age at one 116576
time. In counting children for the purposes of this division, 116577
any children under six years of age who are related to the 116578
provider and who are on the premises of the type B home shall be 116579
counted. "Type B family child care home" and "type B home" do 116580
not include any child day camp. 116581

Sec. 5104.12. (A) (1) A county director of job and family 116582
services may certify in-home aides to provide publicly funded 116583
child care pursuant to this chapter and any rules adopted under 116584
it. Any in-home aide who receives a certificate pursuant to this 116585
section to provide publicly funded child care is an independent 116586
contractor and is not an employee of the county department of 116587
job and family services that issues the certificate. 116588

(2) Every person desiring to receive certification as an 116589
in-home aide shall apply for certification to a county director 116590
of job and family services on such forms as the director of 116591
children and youth prescribes. A county director shall provide 116592
at no charge to each applicant a copy of rules for certifying 116593
in-home aides adopted pursuant to this chapter. 116594

(B) To be eligible for certification as an in-home aide, a 116595
person shall not be either of the following: 116596

(1) The owner of a center or home whose license was 116597
revoked pursuant to section 5104.04 of the Revised Code within 116598
the previous five years; 116599

(2) An in-home aide whose certificate was revoked under 116600
division (C) (2) of this section within the previous five years. 116601

(C) (1) If the county director of job and family services 116602
determines that the applicant complies with this chapter and any 116603
rules adopted under it, the county director shall certify the 116604
person as an in-home aide and issue the person a certificate to 116605
provide publicly funded child care ~~for twenty-four months~~. The 116606
county director shall furnish a copy of the certificate to the 116607
parent, custodian, or guardian. The certificate shall state the 116608
name and address of the in-home aide, ~~the expiration date of the~~
~~certification~~, and the name and telephone number of the county 116609
director who issued the certificate. 116610
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(2) The county director may revoke the certificate in 116612
either of the following circumstances: 116613

(a) The county director determines, pursuant to rules 116614
adopted under Chapter 119. of the Revised Code, that revocation 116615
is necessary; 116616

(b) The in-home aide does not comply with division (C) (2) 116617
of section 5104.32 of the Revised Code. 116618

(D) (1) The county director of job and family services 116619
shall inspect every home of a child who is receiving publicly 116620
funded child care in the child's own home while the in-home aide 116621
is providing the services. Inspections may be unannounced. Upon 116622
receipt of a complaint, the county director shall investigate 116623
the in-home aide, shall investigate the home of a child who is 116624
receiving publicly funded child care in the child's own home, 116625

and division (D)(2) of this section applies regarding the 116626
complaint. The caretaker parent shall permit the county director 116627
to inspect any part of the child's home. The county director 116628
shall prepare a written inspection report and furnish one copy 116629
each to the in-home aide and the caretaker parent within a 116630
reasonable time after the inspection. 116631

(2) Upon receipt of a complaint as described in division 116632
(D)(1) of this section, in addition to the investigations that 116633
are required under that division, both of the following apply: 116634

(a) If the complaint alleges that a child suffered 116635
physical harm while receiving publicly funded child care in the 116636
child's own home from an in-home aide or that the noncompliance 116637
with law or act alleged in the complaint involved, resulted in, 116638
or poses a substantial risk of physical harm to a child 116639
receiving publicly funded child care in the child's own home 116640
from an in-home aide, the county director shall inspect the home 116641
of the child. 116642

(b) If division (D)(2)(a) of this section does not apply 116643
regarding the complaint, the county director may inspect the 116644
home of the child. 116645

(3) Division (D)(2) of this section does not limit, 116646
restrict, or negate any duty of the county director to inspect a 116647
home of a child who is receiving publicly funded child care from 116648
an in-home aide that otherwise is imposed under this section, or 116649
any authority of the county director to inspect such a home that 116650
otherwise is granted under this section when the county director 116651
believes the inspection is necessary and it is permitted under 116652
the grant. 116653

Sec. 5104.29. (A) ~~As used in this section, "early learning~~ 116654

~~and development program" has the same meaning as "licensed child~~ 116655
~~care program" as defined in section 5104.01 of the Revised Code.~~ 116656

~~(B)~~ There is hereby created in the department of children 116657
and youth the step up to quality program, under which the 116658
department of children and youth, in cooperation with the 116659
department of education and workforce, shall develop a tiered 116660
quality rating and improvement system for all early learning and 116661
development programs in this state. The step up to quality 116662
program shall include all of the following components: 116663

(1) Quality program standards for early learning and 116664
development programs; 116665

(2) Accountability measures that include tiered ratings 116666
representing each program's level of quality; 116667

(3) Program and provider outreach and support to help 116668
programs meet higher standards and promote participation in the 116669
step up to quality program; 116670

(4) Financial incentives for early learning and 116671
development programs that provide publicly funded child care and 116672
are linked to achieving and maintaining quality standards; 116673

(5) Parent and consumer education to help parents learn 116674
about program quality and ratings so they can make informed 116675
choices on behalf of their children. 116676

~~(C)~~ (B) The step up to quality program shall have the 116677
following goals: 116678

(1) Increasing the number of low-income children, special 116679
needs children, and children with limited English proficiency 116680
participating in quality early learning and development 116681
programs; 116682

(2) Providing families with an easy-to-use tool for 116683
evaluating the quality of early learning and development 116684
programs; 116685

(3) Recognizing and supporting early learning and 116686
development programs that achieve higher levels of quality; 116687

(4) Providing incentives and supports to help early 116688
learning and development programs implement continuous quality 116689
improvement systems. 116690

~~(D)~~ (C) Under the step up to quality program, participating 116691
early learning and development programs may be eligible for 116692
grants, technical assistance, training, and other assistance. 116693
Programs that maintain a quality rating may be eligible for 116694
unrestricted monetary awards. 116695

~~(E)~~ (D) The tiered ratings developed pursuant to this 116696
section shall be based on an early learning and development 116697
program's performance in meeting program standards in the 116698
following four domains: 116699

(1) Learning and development; 116700

(2) Administration and leadership practices; 116701

(3) Staff quality and professional development; 116702

(4) Family and community partnerships. 116703

The ratings developed under this section shall not take 116704
into consideration whether an administrator or employee of an 116705
early learning and development program holds or obtains a 116706
bachelor's, master's, or doctoral degree. 116707

~~(F)~~ (E) The director of children and youth, in 116708
collaboration with the director of education and workforce, 116709

shall adopt rules in accordance with Chapter 119. of the Revised 116710
Code to implement the step up to quality program described in 116711
this section. 116712

Sec. 5104.30. (A) The department of children and youth is 116713
hereby designated as the state agency responsible for 116714
administration and coordination of federal and state funding for 116715
publicly funded child care in this state. Publicly funded child 116716
care shall be provided to the following: 116717

(1) Recipients of transitional child care as provided 116718
under section 5104.34 of the Revised Code; 116719

(2) Participants in the Ohio works first program 116720
established under Chapter 5107. of the Revised Code; 116721

(3) Individuals who would be participating in the Ohio 116722
works first program if not for a sanction under section 5107.16 116723
of the Revised Code and who continue to participate in a work 116724
activity, developmental activity, or alternative work activity 116725
pursuant to an assignment under section 5107.42 of the Revised 116726
Code; 116727

(4) A family receiving publicly funded child care on 116728
October 1, 1997, until the family's income reaches one hundred 116729
fifty per cent of the federal poverty line; 116730

(5) Subject to available funds, other individuals 116731
determined eligible in accordance with rules adopted under 116732
section 5104.38 of the Revised Code. 116733

The department shall apply to the United States department 116734
of health and human services for authority to operate a 116735
coordinated program for publicly funded child care, if the 116736
director of children and youth determines that the application 116737
is necessary. For purposes of this section, the department of 116738

children and youth may enter into agreements with other state 116739
agencies that are involved in regulation or funding of child 116740
care. The department shall consider the special needs of migrant 116741
workers when it administers and coordinates publicly funded 116742
child care and shall develop appropriate procedures for 116743
accommodating the needs of migrant workers for publicly funded 116744
child care. 116745

(B) The department of children and youth shall distribute 116746
state and federal funds for publicly funded child care, 116747
including appropriations of state funds for publicly funded 116748
child care and appropriations of federal funds available under 116749
the child care block grant act, Title IV-A, and Title XX. The 116750
department may use any state funds appropriated for publicly 116751
funded child care as the state share required to match any 116752
federal funds appropriated for publicly funded child care. 116753

(C) In the use of federal funds available under the child 116754
care block grant act, all of the following apply: 116755

(1) The department may use the federal funds to hire staff 116756
to prepare any rules required under this chapter and to 116757
administer and coordinate federal and state funding for publicly 116758
funded child care. 116759

(2) Not more than five per cent of the aggregate amount of 116760
the federal funds received for a fiscal year may be expended for 116761
administrative costs. 116762

(3) The department shall allocate and use at least four 116763
per cent of the federal funds for the following: 116764

(a) Activities designed to provide comprehensive consumer 116765
education to parents and the public; 116766

(b) Activities that increase parental choice; 116767

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 116768
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(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code. 116771
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(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 116773
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(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of children and youth may enter into interagency agreements with the department of education and workforce, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of children and youth to fulfill its duties and responsibilities under this chapter. 116781
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The department shall develop and maintain a registry of 116797

persons providing child care. The director shall adopt rules in 116798
accordance with Chapter 119. of the Revised Code establishing 116799
procedures and requirements for the registry's administration. 116800

(E) (1) The director shall adopt rules in accordance with 116801
Chapter 119. of the Revised Code establishing both of the 116802
following: 116803

(a) ~~Reimbursement~~ Payment rates for providers of publicly 116804
funded child care not later than the first day of July in each 116805
odd-numbered year; 116806

(b) A procedure for ~~reimbursing and~~ paying providers of 116807
publicly funded child care. 116808

(2) In establishing ~~reimbursement~~ payment rates under 116809
division (E) (1) (a) of this section, the director shall do all of 116810
the following: 116811

(a) Use the information obtained from the market rate 116812
survey developed and conducted in accordance with 45 C.F.R. 116813
98.45; 116814

(b) Establish an enhanced ~~reimbursement~~ payment rate for 116815
providers who ~~provide child care for~~ enroll children whose 116816
caretaker parents ~~who~~ work nontraditional hours; 116817

(c) With regard to the step up to quality program 116818
established pursuant to section 5104.29 of the Revised Code, 116819
establish enhanced ~~reimbursement~~ payment rates for child care 116820
providers that participate in the program. 116821

(3) In establishing ~~reimbursement~~ payment rates under 116822
division (E) (1) (a) of this section, the director may establish 116823
different ~~reimbursement~~ payment rates based on any of the 116824
following: 116825

(a) Geographic location of the provider;	116826
(b) Type of care provided;	116827
(c) Age of the child served;	116828
(d) Special needs of the child served;	116829
(e) Whether the expanded hours of service are provided;	116830
(f) Whether weekend service is provided;	116831
(g) Whether the provider has exceeded the minimum	116832
requirements of state statutes and rules governing child care;	116833
(h) Any other factors the director considers appropriate.	116834
<u>Sec. 5104.302.</u> In addition to establishing payment rates	116835
<u>for publicly funded child care providers in each odd-numbered</u>	116836
<u>year, as required by section 5104.30 of the Revised Code, the</u>	116837
<u>director of children and youth may contract with a third-party</u>	116838
<u>entity to analyze information regarding the prices charged for</u>	116839
<u>child care for the subsequent even-numbered year.</u>	116840
Sec. 5104.32. (A) All purchases of publicly funded child	116841
care shall be made under a contract entered into by a licensed	116842
child care center, licensed type A family child care home,	116843
licensed type B family child care home, certified in-home aide,	116844
approved child day camp, licensed preschool program, licensed	116845
school child program, or border state child care provider and	116846
the department of children and youth. All contracts for publicly	116847
funded child care shall be contingent upon the availability of	116848
state and federal funds. The department shall prescribe a	116849
standard form to be used for all contracts for the purchase of	116850
publicly funded child care, regardless of the source of public	116851
funds used to purchase the child care. To the extent permitted	116852
by federal law and notwithstanding any other provision of the	116853

Revised Code that regulates state contracts or contracts 116854
involving the expenditure of state or federal funds, all 116855
contracts for publicly funded child care shall be entered into 116856
in accordance with the provisions of this chapter and are exempt 116857
from any other provision of the Revised Code that regulates 116858
state contracts or contracts involving the expenditure of state 116859
or federal funds. 116860

(B) Each contract for publicly funded child care shall 116861
specify at least the following: 116862

(1) That the provider of publicly funded child care agrees 116863
to be paid ~~for rendering services at the lower of the rate~~ 116864
~~customarily charged by the provider for children enrolled for~~ 116865
~~child care or the reimbursement rate of payment established~~ 116866
pursuant to section 5104.30 of the Revised Code; 116867

(2) ~~That, if a provider provides child care to an~~ 116868
~~individual potentially eligible for publicly funded child care~~ 116869
~~who is subsequently determined to be eligible, the department~~ 116870
~~agrees to pay for all child care provided between the date the~~ 116871
~~county department of job and family services receives the~~ 116872
~~individual's completed application and the date the individual's~~ 116873
~~eligibility is determined;~~ 116874

~~(3) Whether the county department of job and family~~ 116875
services, the provider, or a child care resource and referral 116876
service organization will make eligibility determinations, 116877
whether the provider or a child care resource and referral 116878
service organization will be required to collect information to 116879
be used by the county department to make eligibility 116880
determinations, and the time period within which the provider or 116881
child care resource and referral service organization is 116882
required to complete required eligibility determinations or to 116883

transmit to the county department any information collected for 116884
the purpose of making eligibility determinations; 116885

~~(4)~~(3) That the provider, other than a border state child 116886
care provider, shall continue to be licensed, approved, or 116887
certified pursuant to this chapter and shall comply with all 116888
standards and other requirements in this chapter and in rules 116889
adopted pursuant to this chapter for maintaining the provider's 116890
license, approval, or certification; 116891

~~(5)~~(4) That, in the case of a border state child care 116892
provider, the provider shall continue to be licensed, certified, 116893
or otherwise approved by the state in which the provider is 116894
located and shall comply with all standards and other 116895
requirements established by that state for maintaining the 116896
provider's license, certificate, or other approval; 116897

~~(6)~~(5) Whether the provider will be paid by the 116898
department of children and youth or in some other manner as 116899
prescribed by rules adopted under section 5104.42 of the Revised 116900
Code; 116901

~~(7)~~(6) That the contract is subject to the availability 116902
of state and federal funds. 116903

(C) (1) The department shall establish an automated child 116904
care system to track child attendance and enrollment and 116905
calculate payments for publicly funded child care. Not later 116906
than July 5, 2026, and thereafter, the department shall 116907
calculate payments for publicly funded child care based on a 116908
child's enrollment, as described in 45 C.F.R. 98.45(m), rather 116909
than on a child's attendance. 116910

(2) Each eligible provider that provides publicly funded 116911
child care shall participate in the automated child care system. 116912

A provider participating in the system shall not do any of the following: 116913
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(a) Use or have possession of a personal identification number or password issued to a caretaker parent under the automated child care system; 116915
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(b) Falsify child attendance or enrollment records; 116918

(c) Knowingly seek or accept payment for publicly funded child care ~~that was not provided for a child not enrolled with the provider or for which the provider was not eligible~~; 116919
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(d) Knowingly seek or accept payment for child care ~~provided to~~ for a child who resides in the provider's own home. 116922
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(D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following: 116924
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(1) The terms of the contract entered into under this section; 116929
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(2) This chapter or any rules adopted under it. 116931

(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care. 116932
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(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment 116939
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determinations, and contract terminations is final and is not 116941
subject to appeal, hearing, or further review under Chapter 119. 116942
of the Revised Code. 116943

Sec. 5104.34. (A) (1) Each county department of job and 116944
family services shall implement procedures for making 116945
determinations of eligibility for publicly funded child care. 116946
Under those procedures, the eligibility determination for each 116947
applicant shall be made no later than thirty calendar days from 116948
the date the county department receives a completed application 116949
for publicly funded child care. Each applicant shall be notified 116950
promptly of the results of the eligibility determination. An 116951
applicant aggrieved by a decision or delay in making an 116952
eligibility determination may appeal the decision or delay to 116953
the department of children and youth in accordance with section 116954
5101.35 of the Revised Code. The due process rights of 116955
applicants shall be protected. 116956

To the extent permitted by federal law, the county 116957
department may make all determinations of eligibility for 116958
publicly funded child care, may contract with child care 116959
providers or child care resource and referral service 116960
organizations for the providers or resource and referral service 116961
organizations to make all or any part of the determinations, and 116962
may contract with child care providers or child care resource 116963
and referral service organizations for the providers or resource 116964
and referral service organizations to collect specified 116965
information for use by the county department in making 116966
determinations. If a county department contracts with a child 116967
care provider or a child care resource and referral service 116968
organization for eligibility determinations or for the 116969
collection of information, the contract shall require the 116970
provider or resource and referral service organization to make 116971

each eligibility determination no later than thirty calendar 116972
days from the date the provider or resource and referral 116973
organization receives a completed application that is the basis 116974
of the determination and to collect and transmit all necessary 116975
information to the county department within a period of time 116976
that enables the county department to make each eligibility 116977
determination no later than thirty days after the filing of the 116978
application that is the basis of the determination. 116979

The county department may station employees of the 116980
department in various locations throughout the county to collect 116981
information relevant to applications for publicly funded child 116982
care and to make eligibility determinations. The county 116983
department, child care provider, and child care resource and 116984
referral service organization shall make each determination of 116985
eligibility for publicly funded child care no later than thirty 116986
days after the filing of the application that is the basis of 116987
the determination, shall make each determination in accordance 116988
with any relevant rules adopted pursuant to section 5104.38 of 116989
the Revised Code, and shall notify promptly each applicant for 116990
publicly funded child care of the results of the determination 116991
of the applicant's eligibility. 116992

The director of children and youth shall adopt rules in 116993
accordance with Chapter 119. of the Revised Code for monitoring 116994
the eligibility determination process. In accordance with those 116995
rules, the state department shall monitor eligibility 116996
determinations made by county departments of job and family 116997
services and shall direct any entity that is not in compliance 116998
with this division or any rule adopted under this division to 116999
implement corrective action specified by the department. 117000

(2) (a) All eligibility determinations for publicly funded 117001

child care shall be made in accordance with rules adopted 117002
pursuant to division (A) of section 5104.38 of the Revised Code. 117003
Except as otherwise provided in this section, all of the 117004
following apply: 117005

(i) Publicly funded child care may be provided only to 117006
eligible infants, toddlers, preschool-age children, school-age 117007
children under age thirteen, or children receiving special needs 117008
child care. 117009

(ii) For an applicant to be eligible for publicly funded 117010
child care, the caretaker parent must be employed or 117011
participating in a program of education or training for an 117012
amount of time reasonably related to the time that the parent's 117013
children are receiving publicly funded child care. This 117014
restriction does not apply to families whose children are 117015
eligible for protective child care. 117016

(iii) The eligibility period for publicly funded child 117017
care shall be at least twelve months. 117018

~~(b) In accordance with rules adopted under division (B) of 117019
section 5104.38 of the Revised Code, an applicant may receive 117020
publicly funded child care while the county department 117021
determines eligibility. An applicant may receive publicly funded 117022
child care while a county department determines eligibility only 117023
once during a twelve-month period. If the county department 117024
determines that an applicant is not eligible for publicly funded 117025
child care, the child care provider shall be paid for providing 117026
publicly funded child care for up to five days after that 117027
determination if the county department received a completed 117028
application with all required documentation. A program may 117029
appeal a denial of payment under this division. 117030~~

~~(e)~~—If a caretaker parent who has been determined eligible 117031
to receive publicly funded child care no longer meets the 117032
requirements of division (A) (2) (a) (ii) of this section, the 117033
caretaker parent may continue to receive publicly funded child 117034
care for a period of at least three but not more than four 117035
months not to extend beyond the caretaker parent's eligibility 117036
period. 117037

~~(d)~~ (c) If a child turns thirteen, or if a child receiving 117038
special needs child care turns eighteen, during the eligibility 117039
period, the caretaker parent may continue to receive publicly 117040
funded child care until the end of that eligibility period. 117041

Subject to available funds, the department of children and 117042
youth shall allow a family to receive publicly funded child care 117043
unless the family's income exceeds the maximum income 117044
eligibility limit. Initial and continued eligibility for 117045
publicly funded child care is subject to available funds unless 117046
the family is receiving child care pursuant to division (A) (1), 117047
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 117048
department must limit eligibility due to lack of available 117049
funds, it shall give first priority for publicly funded child 117050
care to an assistance group whose income is not more than the 117051
maximum income eligibility limit that received transitional 117052
child care in the previous month but is no longer eligible 117053
because the eligibility period has expired. Such an assistance 117054
group shall continue to receive priority for publicly funded 117055
child care until its income exceeds the maximum income 117056
eligibility limit. 117057

(3) An assistance group that ceases to participate in the 117058
Ohio works first program established under Chapter 5107. of the 117059
Revised Code is eligible for transitional child care at any time 117060

during the immediately following twelve-month period that both 117061
of the following apply: 117062

(a) The assistance group requires child care due to 117063
employment; 117064

(b) The assistance group's income is not more than one 117065
hundred fifty per cent of the federal poverty line. 117066

An assistance group ineligible to participate in the Ohio 117067
works first program pursuant to section 5101.83 or section 117068
5107.16 of the Revised Code is not eligible for transitional 117069
child care. 117070

(B) To the extent permitted by federal law, the department 117071
of children and youth may require a caretaker parent determined 117072
to be eligible for publicly funded child care to pay a fee 117073
according to the schedule of fees established in rules adopted 117074
under section 5104.38 of the Revised Code. The department shall 117075
make protective child care services and homeless child care 117076
services available to children without regard to the income or 117077
assets of the caretaker parent of the child. 117078

(C) A caretaker parent receiving publicly funded child 117079
care shall report to the entity that determined eligibility any 117080
changes in status with respect to employment or participation in 117081
a program of education or training not later than ten calendar 117082
days after the change occurs. 117083

(D) If the department of children and youth determines 117084
that available resources are not sufficient to provide publicly 117085
funded child care to all eligible families who request it, the 117086
department may establish a waiting list. The department may 117087
establish separate waiting lists within the waiting list based 117088
on income. 117089

(E) A caretaker parent shall not receive publicly funded child care from more than one child care provider per child during a week, unless a county department grants the family an exemption for one of the following reasons:

(1) The child needs additional care during non-traditional hours;

(2) The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap;

(3) The child's provider is closed on scheduled school days off or on calamity days.

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

Sec. 5104.36. The licensee or administrator of a child care center, type A family child care home, or licensed type B family child care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child enrolled with the center, home, in-home aide, camp, or provider, to be made available to the county department of job and family services or the department of children and youth on request. The record shall include all of the following:

(A) The name and date of birth of the child;

(B) The name and address of the child's caretaker parent;

(C) The name and address of the caretaker parent's place of employment or program of education or training;

(D) The hours for which the child has been enrolled with 117118
the center, home, in-home aide, camp, or provider and the hours 117119
for which child care services have been provided for the child; 117120

(E) Any other information required by the county 117121
department of job and family services or the department of 117122
children and youth. 117123

Sec. 5104.37. (A) In addition to the duties described in 117124
division (D) of section 5104.30 of the Revised Code, the 117125
director of ~~job and family services~~ children and youth shall 117126
engage in activities to do the following: 117127

(1) Encourage the establishment and licensure of family 117128
~~day-care~~ child care homes in this state, especially in areas 117129
with the greatest need for child care; 117130

(2) Connect families and caretaker parents in need of 117131
child care with family ~~day-care~~ child care homes not meeting the 117132
license capacity specified on their licenses, as described in 117133
division (E) of section 5104.03 of the Revised Code. 117134

(B) The director may contract with one or more third-party 117135
entities to assist the director in performing the duties 117136
described in division (A) of this section. 117137

(C) Not later than May 30, 2023, and periodically 117138
thereafter, the director shall submit to the general assembly a 117139
report documenting any barriers that may prevent the 117140
establishment or licensure of family ~~day-care~~ child care homes. 117141
The director shall submit the required report in accordance with 117142
section 101.68 of the Revised Code. 117143

Sec. 5104.38. In addition to any other rules adopted under 117144
this chapter, the director of children and youth shall adopt 117145
rules in accordance with Chapter 119. of the Revised Code 117146

governing financial and administrative requirements for publicly 117147
funded child care and establishing all of the following: 117148

(A) Procedures and criteria to be used in making 117149
determinations of eligibility for publicly funded child care 117150
that give priority to children of families with lower incomes 117151
and procedures and criteria for eligibility for publicly funded 117152
protective child care or homeless child care. The rules shall 117153
specify the maximum amount of income a family may have for 117154
initial and continued eligibility. The maximum amount shall not 117155
exceed three hundred per cent of the federal poverty line. The 117156
rules may specify exceptions to the eligibility requirements in 117157
the case of a family that previously received publicly funded 117158
child care and is seeking to have the child care reinstated 117159
after the family's eligibility was terminated. 117160

~~(B) Procedures under which an applicant for publicly-~~ 117161
~~funded child care may receive publicly funded child care while-~~ 117162
~~the county department of job and family services determines-~~ 117163
~~eligibility and under which a child care provider may appeal a-~~ 117164
~~denial of payment under division (A) (2) (b) of section 5104.34 of~~ 117165
~~the Revised Code;~~ 117166

~~(C)~~ A schedule of fees requiring all eligible caretaker 117167
parents to pay a fee for publicly funded child care according to 117168
income and family size, which shall be uniform for all types of 117169
publicly funded child care, except as authorized by rule, and, 117170
to the extent permitted by federal law, shall permit the use of 117171
state and federal funds to pay the customary deposits and other 117172
advance payments that a provider charges all children who 117173
receive child care from that provider. 117174

~~(D)~~ (C) A formula for determining the amount of state and 117175
federal funds appropriated for publicly funded child care that 117176

may be allocated to a county department to use for 117177
administrative purposes; 117178

~~(E)~~ (D) Procedures to be followed by the department and 117179
county departments in recruiting individuals and groups to 117180
become providers of child care; 117181

~~(F)~~ (E) Procedures to be followed in establishing state or 117182
local programs designed to assist individuals who are eligible 117183
for publicly funded child care in identifying the resources 117184
available to them and to refer the individuals to appropriate 117185
sources to obtain child care; 117186

~~(G)~~ (F) Procedures to deal with fraud and abuse committed 117187
by either recipients or providers of publicly funded child care; 117188

~~(H)~~ (G) Procedures for establishing a child care grant or 117189
loan program in accordance with the child care block grant act; 117190

~~(I)~~ (H) Standards and procedures for applicants to apply 117191
for grants and loans, and for the department to make grants and 117192
loans; 117193

~~(J)~~ (I) A definition of "person who stands in loco 117194
parentis" for the purposes of division ~~(NN) (3)~~ (OO) (3) of section 117195
5104.01 of the Revised Code; 117196

~~(K)~~ (J) Procedures for a county department of job and 117197
family services to follow in making eligibility determinations 117198
and redeterminations for publicly funded child care available 117199
through telephone, computer, and other means at locations other 117200
than the county department; 117201

~~(L)~~ (K) If the director establishes a different 117202
~~reimbursement~~ payment rate under division (E) (3) (d) of section 117203
5104.30 of the Revised Code, standards and procedures for 117204

determining the amount of the higher payment that is to be 117205
issued to a child care provider based on the special needs of 117206
the child being served; 117207

~~(M)~~ (L) To the extent permitted by federal law, procedures 117208
for enrolling and paying for up to thirty days of child care for 117209
a child whose caretaker parent is seeking employment, taking 117210
part in employment orientation activities, or taking part in 117211
activities in anticipation of enrolling in or attending an 117212
education or training program or activity, if the employment or 117213
the education or training program or activity is expected to 117214
begin within the thirty-day period; 117215

~~(N)~~ (M) Any other rules necessary to carry out sections 117216
5104.30 to 5104.43 of the Revised Code. 117217

Sec. 5104.41. A child and the child's caretaker who are 117218
otherwise ineligible for publicly funded child care are eligible 117219
for homeless child care for ~~the lesser of the following:~~ 117220

~~(A) Not more than ninety days;~~ 117221

~~(B) The period of time they reside in a facility providing 117222
emergency shelter for homeless families or the period of time in 117223
which the county department determines they are homeless~~ twelve 117224
months. 117225

Sec. 5104.53. (A) As used in this section: 117226

(1) "IEP" has the same meaning as in section 3323.01 of 117227
the Revised Code. 117228

(2) "Resource caregiver" has the same meaning as in 117229
section 5103.02 of the Revised Code. 117230

(B) The early childhood education grant program is created 117231
in the department of children and youth. Subject to available 117232

funds, the program shall support and invest in early learning 117233
and development programs operating in this state by awarding 117234
grants to programs that meet the conditions of this section in 117235
an amount that corresponds to the number of eligible children 117236
served by the programs. 117237

(C) To be eligible for a grant under this section, an 117238
early learning and development program shall meet each of the 117239
following conditions: 117240

(1) The program is rated through the step up to quality 117241
program established under section 5104.29 of the Revised Code at 117242
the tiered rating specified by the department in rules adopted 117243
under this section. 117244

(2) The program provides early learning and development 117245
services to one or more preschool-age children described in 117246
division (D) of this section. 117247

(3) The program meets any other eligibility condition 117248
specified by the department in rules adopted under this section. 117249

(D) A preschool-age child who meets all of the following 117250
conditions, as determined by a county department of job and 117251
family services, is eligible to participate in the early 117252
childhood education grant program if a slot is available: 117253

(1) Either the amount of the child's family income does 117254
not exceed two hundred per cent of the federal poverty line or 117255
the child meets one of the following conditions: 117256

(a) An IEP has been developed for the child; 117257

(b) The child is placed with a resource caregiver as 117258
described in Chapter 5103. of the Revised Code, with such 117259
placement documented by either a family case plan or kinship 117260

permanency incentive payments; 117261

(c) The child is homeless as described in division (V) of 117262
section 5104.01 of the Revised Code. 117263

(2) The child is a citizen of the United States or a 117264
qualified alien. 117265

(3) The child meets any other eligibility condition 117266
specified by the department in rules adopted under this section. 117267

(E) Any funds appropriated to the department for purposes 117268
of the early childhood education grant program shall be used as 117269
follows: 117270

(1) In each fiscal year, not more than two per cent of 117271
appropriated funds shall be used for program support and 117272
technical assistance. 117273

(2) Appropriated funds other than those described in 117274
division (E) (1) of this section shall be distributed to grant 117275
recipients. 117276

(F) In accordance with Chapter 119. of the Revised Code, 117277
the director shall adopt rules to implement this section and 117278
administer the early childhood education grant program, 117279
including rules addressing all of the following topics: 117280

(1) Eligibility conditions and other requirements for 117281
participation in the grant program by early learning and 117282
development programs, including the tiered rating at which a 117283
program becomes eligible to participate; 117284

(2) Eligibility conditions for children participating in 117285
the early childhood education grant program if a slot is 117286
available; 117287

(3) Standards, procedures, and requirements to apply for 117288
and distribute funds to participating early learning and 117289
development programs; 117290

(4) In the event funds are distributed in error under the 117291
program, methods by which the department may recover those 117292
funds. 117293

Sec. 5104.54. (A) The child care cred program is created 117294
in the department of children and youth, under which the costs 117295
of child care are shared by participating employees, their 117296
employers, and, subject to available funds, the department. The 117297
distribution of the costs shall be as follows: employees are 117298
responsible for forty per cent; employers are responsible for 117299
forty per cent; and, subject to available funds, the department 117300
is responsible for twenty per cent. The program has all of the 117301
following goals: enabling employers to attract and retain 117302
talent; assisting employees with child care costs; and 117303
sustaining the businesses of child care providers. 117304

(B) To be eligible to participate in the program, all of 117305
the following apply: 117306

(1) In the case of an employee, the maximum amount of the 117307
family's income shall not exceed four hundred per cent of the 117308
federal poverty line and the employee shall reside in this state 117309
and have been selected for participation by the employee's 117310
employer. 117311

(2) In the case of an employer, the employer shall be 117312
located in this state and have selected one or more of its 117313
employees to participate in the program. 117314

(3) In the case of a child care provider, the provider 117315
shall either hold a license issued under this chapter or be 117316

certified by a county department of job and family services 117317
under section 5104.12 of the Revised Code. The department shall 117318
not require participation in the step up to quality program in 117319
order to be an eligible provider for this program. 117320

(C) Each employee and employer seeking to participate in 117321
the program shall together submit an application to the 117322
department in a manner prescribed by the department. The 117323
department shall review each application as soon as practicable 117324
after it is received and shall determine if the employee and 117325
employer are both eligible to participate. 117326

(D) After an employee and employer are both determined 117327
eligible and agree to participate in the program, all of the 117328
following apply: 117329

(1) The employee, with the assistance of the department, 117330
shall select a child care provider for the employee's child and 117331
shall enroll the child with the provider. An employee may opt to 117332
select the employee's existing child care provider so long as 117333
that provider is licensed or certified as described in this 117334
section. 117335

(2) In addition to the employer's share, the employer may 117336
agree to contribute some or all of an employee's share of child 117337
care costs. 117338

(3) As a condition of participation, the department may 117339
require the employee, employer, and child care provider to each 117340
sign a memorandum of understanding with the department. 117341

(4) The department is responsible for coordinating and 117342
performing all administrative activities associated with the 117343
sharing of child care costs and making payments to child care 117344
providers. 117345

(E) An eligibility determination made under division (C) of this section remains valid as long as the employee, employer, and child care provider continue to satisfy the eligibility conditions described in division (B) of this section.

(F) If the department finds that an employee or employer has committed fraud, misrepresentation, or deception in applying to participate, or in participating, in the program, the employee or employer is permanently ineligible to participate, or continue to participate, in the program.

(G) (1) The department may adopt rules as necessary to implement this section. Any rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (G) (1) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 5104.60. The director of children and youth shall contract with a third-party entity to develop a registry information system to provide, on an ongoing basis, training and professional development opportunities to the employees of early learning and development programs that receive funding under the child care block grant act. The registry information system shall be known as the Ohio professional registry.

In developing the registry information system, the third-party entity shall comply with requirements set forth in the child care block grant act and 45 C.F.R. Part 98.

Sec. 5104.99. (A) Whoever violates section 5104.02 of the Revised Code shall be punished as follows:

(1) For each offense, the offender shall be fined not less

than one hundred dollars nor more than five hundred dollars 117375
multiplied by the number of children receiving child care at the 117376
child care center or type A family child care home that either 117377
exceeds the number of children to which a type B family ~~day-care~~ 117378
child care home may provide child care or, if the offender is a 117379
licensed type A family child care home that is operating as a 117380
child care center without being licensed as a center, exceeds 117381
the license capacity of the type A home. 117382

(2) In addition to the fine specified in division (A) (1) 117383
of this section, all of the following apply: 117384

(a) Except as provided in divisions (A) (2) (b), (c), and 117385
(d) of this section, the court shall order the offender to 117386
reduce the number of children to which it provides child care to 117387
a number that does not exceed either the number of children to 117388
which a type B family child care home may provide child care or, 117389
if the offender is a licensed type A family child care home that 117390
is operating as a child care center without being licensed as a 117391
center, the license capacity of the type A home. 117392

(b) If the offender previously has been convicted of or 117393
pleaded guilty to one violation of section 5104.02 of the 117394
Revised Code, the court shall order the offender to cease the 117395
provision of child care to any person until it obtains a child 117396
care center license or a type A family child care home license, 117397
as appropriate, under section 5104.03 of the Revised Code. 117398

(c) If the offender previously has been convicted of or 117399
pleaded guilty to two violations of section 5104.02 of the 117400
Revised Code, the offender is guilty of a misdemeanor of the 117401
first degree, and the court shall order the offender to cease 117402
the provision of child care to any person until it obtains a 117403
child care center license or a type A family child care home 117404

license, as appropriate, under section 5104.03 of the Revised 117405
Code. The court shall impose the fine specified in division (A) 117406
(1) of this section and may impose an additional fine provided 117407
that the total amount of the fines so imposed does not exceed 117408
the maximum fine authorized for a misdemeanor of the first 117409
degree under section 2929.28 of the Revised Code. 117410

(d) If the offender previously has been convicted of or 117411
pleaded guilty to three or more violations of section 5104.02 of 117412
the Revised Code, the offender is guilty of a felony of the 117413
fifth degree, and the court shall order the offender to cease 117414
the provision of child care to any person until it obtains a 117415
child care center license or a type A family child care home 117416
license, as appropriate, under section 5104.03 of the Revised 117417
Code. The court shall impose the fine specified in division (A) 117418
(1) of this section and may impose an additional fine provided 117419
that the total amount of the fines so imposed does not exceed 117420
the maximum fine authorized for a felony of the fifth degree 117421
under section 2929.18 of the Revised Code. 117422

(B) Whoever violates section 5104.09 of the Revised Code 117423
is guilty of a misdemeanor of the third degree. 117424

Sec. 5117.07. (A) On or before the first day of October, 117425
the director of development shall review all applications 117426
submitted under division (C) of section 5117.03 of the Revised 117427
Code and shall determine the eligibility of each applicant to 117428
receive a credit or payment. The total income and current total 117429
income amounts set forth in division (A) of this section are 117430
subject to adjustment under section 5117.071 of the Revised 117431
Code. 117432

(1) An applicant is eligible for a credit of thirty per 117433
cent if the applicant is a head of household, has a total income 117434

of five thousand dollars or less or a current total income of 117435
two thousand five hundred dollars or less, owns and occupies or 117436
rents and occupies a household receiving the source of energy 117437
for its primary heating system from an energy company and such 117438
energy is separately metered, and is either of the following: 117439

(a) Sixty-five years of age or older; 117440

(b) Permanently and totally disabled. 117441

(2) An applicant is eligible for a credit of twenty-five 117442
per cent if the applicant is a head of household, has a total 117443
income of more than five thousand dollars but not more than nine 117444
thousand dollars or a current total income of more than two 117445
thousand five hundred dollars but not more than four thousand 117446
five hundred dollars, is sixty-five years of age or older or 117447
permanently and totally disabled, and owns and occupies or rents 117448
and occupies a household receiving the source of energy for its 117449
primary heating system from an energy company and such energy is 117450
separately metered. 117451

(3) An applicant is eligible for a payment if either of 117452
the following applies to the applicant: 117453

(a) The applicant would be eligible for the credit under 117454
division (A)(1) or (2) of this section but for the fact that the 117455
source of energy for the primary heating system of the 117456
applicant's household is not separately metered; 117457

(b) The applicant is a head of household, has a total 117458
income of no more than nine thousand dollars or a current total 117459
income of no more than four thousand five hundred dollars, is 117460
sixty-five years of age or older or permanently and totally 117461
disabled, and owns and occupies or rents and occupies a 117462
household receiving the source of energy for its primary heating 117463

system from an energy dealer. 117464

(4) In the case of a multiple unit dwelling for which 117465
separate metering for the source of energy for its primary 117466
heating system is not provided, more than one applicant 117467
occupying such dwelling may be determined eligible for a payment 117468
under division (A) (3) (a) of this section. 117469

(B) Notwithstanding division (A) of this section: 117470

(1) No head of household who resides in public housing or 117471
receives a rent subsidy from a government agency is eligible for 117472
a credit or payment unless the person's rent subsidy does not 117473
reflect the costs of that person's household receiving the 117474
source of energy for its primary heating system; 117475

(2) A resident of a nursing home, hospital, or other 117476
extended health care facility is not eligible for a credit or 117477
payment for the costs of providing the source of energy for the 117478
primary heating system of the facility. 117479

(C) The director shall establish a procedure whereby the 117480
~~director-commissioner~~ can verify total income and current total 117481
income for the calendar year in which an applicant is determined 117482
eligible for a payment or credit. If a person receives a credit 117483
or payment that the person is ineligible to receive under 117484
division (A) of this section as determined by the director, that 117485
person shall refund to the director the credit or payment, or 117486
excess portion of a credit or payment, that person received. The 117487
sum refunded shall be deposited in the state treasury to the 117488
credit of the ~~universal service~~ electric partnership plan fund 117489
created in section 4928.51 of the Revised Code. 117490

(D) The director may request an additional certification 117491
of permanent and total disability for any applicant claiming 117492

such status on an application renewal form submitted under 117493
section 5117.03 of the Revised Code. Such certification shall be 117494
requested from the person or agency named on the form pursuant 117495
to division (B) (1) of section 5117.03 of the Revised Code. If 117496
such additional certification is refused due to a conclusion by 117497
the person or agency that the applicant is not permanently and 117498
totally disabled, the director shall determine the applicant 117499
ineligible for any credit or payment. If such additional 117500
certification is unavailable or refused for any other reason, 117501
the director may determine the applicant to be eligible for a 117502
credit or payment provided the director~~-tax-commissioner~~ has good 117503
cause to believe the applicant is permanently and totally 117504
disabled. 117505

(E) On or before the first day of October, the director 117506
shall notify each applicant of the disposition of the 117507
applicant's application under divisions (A) and (B) of this 117508
section. At the same time, the director~~-tax-commissioner~~ shall 117509
notify the applicant, regardless of whether the applicant's 117510
application is approved or disapproved, that the applicant may 117511
be eligible to participate in a state or federal weatherization 117512
program and should contact the applicant's community action 117513
agency for further information. If an application is 117514
disapproved, the applicant may appeal to the director for a 117515
hearing on the matter. A notice of disapproval shall include a 117516
detailed explanation of the applicant's right of appeal under 117517
this chapter. Any such appeal shall be on an appeal form 117518
prescribed by the director and shall be filed with the director 117519
within twenty days of the receipt of the notice of disapproval. 117520

Sec. 5117.12. (A) On or before the thirty-first day of 117521
August of each year, each energy company shall file a written 117522
report with the director of development regarding the impact, if 117523

any, of the requirements of division (E) of section 5117.11 of 117524
the Revised Code on the number of uncollectible and past due 117525
residential accounts for the twelve-month period ending on the 117526
preceding thirty-first day of July. The report shall include 117527
such information as is prescribed by the director. The 117528
information shall be based on actual reviews of residential 117529
customer accounts and shall be presented in verifiable form. The 117530
director may consult with the public utilities commission and 117531
the consumers' counsel in prescribing the contents of such 117532
reports and complying with the requirements of division (C) (4) 117533
of this section. 117534

(B) Before the thirty-first day of January of each year, 117535
the director shall prepare a written report including a final 117536
review of the Ohio energy credit program for which applications 117537
were required to be mailed or provided by the fifteenth day of 117538
June of the second preceding calendar year pursuant to section 117539
5117.03 of the Revised Code and an interim review of the program 117540
for which applications were required to be mailed or provided by 117541
the fifteenth day of June of the preceding calendar year under 117542
such section. On or before the thirty-first day of January of 117543
each year, the director shall provide written copies of such 117544
report to the speaker of the house of representatives, president 117545
of the senate, minority leaders of the house of representatives 117546
and senate, chairpersons of the house finance and appropriations 117547
committee and senate finance committee, chairpersons of the 117548
committees of the house of representatives and senate 117549
customarily entrusted with matters concerning public utilities, 117550
clerk of the house of representatives, and clerk of the senate. 117551

(C) Each report prepared under division (B) of this 117552
section shall include a review of: 117553

(1) Program costs;	117554
(2) The number of persons receiving credits or payments under the program;	117555 117556
(3) Progress in the implementation of any changes in the program made by the general assembly within the period covered by the report;	117557 117558 117559
(4) The impact, if any, of the requirements of division (E) of section 5117.11 of the Revised Code on the number of uncollectible and past due residential accounts of energy companies for the twelve-month period ending on the preceding thirty-first day of July;	117560 117561 117562 117563 117564
(5) The impact of any federal energy assistance programs available to the same groups of people as are eligible for the energy credit program under sections 5117.01 to 5117.12 of the Revised Code, together with any recommendations on modifications that may, because of the federal programs, be needed in the energy credit program;	117565 117566 117567 117568 117569 117570
(6) Any suggestions for improving the program;	117571
(7) Any other matters considered appropriate by the director.	117572 117573
(D) The director shall consult with ~~the auditor of state,~~ energy companies, energy dealers, department of aging, and commission on Hispanic-Latino affairs in the preparation of any report under this section. The director may require information from such agencies for the purpose of preparing such report.	117574 117575 117576 117577 117578
Sec. 5119.01. (A) As used in this chapter:	117579
(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in	117580 117581

section 3719.011 of the Revised Code, or the use of gambling by 117582
an individual to the extent that the individual no longer can 117583
control the individual's use of alcohol, the individual becomes 117584
physically or psychologically dependent on the drug, the 117585
individual's use of alcohol or drugs endangers the health, 117586
safety, or welfare of the individual or others, or the 117587
individual's gambling causes psychological, financial, 117588
emotional, marital, legal, or other difficulties endangering the 117589
health, safety, or welfare of the individual or others. 117590

(2) "Addiction services" means services, including 117591
intervention, for the treatment of persons with alcohol, drug, 117592
or gambling addictions, and for the prevention of such 117593
addictions. 117594

(3) "Alcohol and drug addiction services" means services, 117595
including intervention, for the treatment of persons with 117596
alcohol use disorder or persons who abuse drugs of abuse and for 117597
the prevention of alcohol use disorder and drug addiction. 117598

(4) "Alcohol use disorder" means a medical condition 117599
characterized by an individual's impaired ability to stop or 117600
control the individual's alcohol use despite adverse social, 117601
occupational, or health consequences. An alcohol use disorder 117602
may be classified as mild, moderate, or severe. 117603

(5) "Certifiable services and supports" means all of the 117604
following: 117605

(a) Alcohol and drug addiction services; 117606

(b) Mental health services; 117607

(c) The types of recovery supports that are specified in 117608
rules adopted under section 5119.36 of the Revised Code as 117609
requiring certification under that section. 117610

(6) "Community addiction services provider" means an 117611
agency, association, corporation or other legal entity, 117612
individual, or program that provides one or more of the 117613
following: 117614

(a) Alcohol and drug addiction services that are certified 117615
by the director of ~~mental-behavioral health and addiction-~~ 117616
~~services~~ under section 5119.36 of the Revised Code; 117617

(b) Gambling addiction services; 117618

(c) Recovery supports that are related to alcohol and drug 117619
addiction services or gambling addiction services and paid for 117620
with federal, state, or local funds administered by the 117621
department of ~~mental-behavioral health and addiction services~~ or 117622
a board of alcohol, drug addiction, and mental health services. 117623

(7) "Community mental health services provider" means an 117624
agency, association, corporation, individual, or program that 117625
provides either of the following: 117626

(a) Mental health services that are certified by the 117627
director of ~~mental-behavioral health and addiction services~~ 117628
under section 5119.36 of the Revised Code; 117629

(b) Recovery supports that are related to mental health 117630
services and paid for with federal, state, or local funds 117631
administered by the department of ~~mental-behavioral health and~~ 117632
~~addiction services~~ or a board of alcohol, drug addiction, and 117633
mental health services. 117634

(8) "Drug addiction" means the use of a drug of abuse, as 117635
defined in section 3719.011 of the Revised Code, by an 117636
individual to the extent that the individual becomes physically 117637
or psychologically dependent on the drug or endangers the 117638
health, safety, or welfare of the individual or others. 117639

(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(11) "Hospital" means a hospital or inpatient unit licensed by the department of ~~mental-behavioral health and~~ ~~addiction services~~ under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under this chapter.

(12) "Included opioid and co-occurring drug addiction services and recovery supports" means the addiction services and recovery supports that, pursuant to section 340.033 of the Revised Code, are included in the array of services and recovery supports for all levels of opioid and co-occurring drug addiction required to be included in the community-based continuum of care established under section 340.032 of the Revised Code.

(13) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(14) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental

illness and for the prevention of mental illness. 117669

(16) "Opioid treatment program" has the same meaning as in 117670
42 C.F.R. 8.2. 117671

(17) "Recovery housing residence" means a residence for 117672
individuals recovering from alcohol use disorder or drug 117673
addiction that provides an alcohol-free and drug-free living 117674
environment, peer support, assistance with obtaining alcohol and 117675
drug addiction services, and other recovery assistance for 117676
alcohol use disorder and drug addiction. 117677

(18) "Recovery supports" means assistance that is intended 117678
to help an individual with alcohol use disorder, drug addiction, 117679
or mental illness, or a member of such an individual's family, 117680
initiate and sustain the individual's recovery from alcohol use 117681
disorder, drug addiction, or mental illness. "Recovery supports" 117682
does not mean alcohol and drug addiction services or mental 117683
health services. 117684

(19) (a) "Residence," except when referring to a recovery 117685
housing residence or the meaning of "residence" in section 117686
5119.90 of the Revised Code, means a person's physical presence 117687
in a county with intent to remain there, except in either of the 117688
following circumstances: 117689

(i) If a person is receiving a mental health treatment 117690
service at a facility that includes nighttime sleeping 117691
accommodations, "residence" means that county in which the 117692
person maintained the person's primary place of residence at the 117693
time the person entered the facility; 117694

(ii) If a person is committed pursuant to section 2945.38, 117695
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 117696
"residence" means the county where the criminal charges were 117697

filed. 117698

(b) When the residence of a person is disputed, the matter 117699
of residence shall be referred to the department of ~~mental~~ 117700
behavioral health and addiction services for investigation and 117701
determination. Residence shall not be a basis for a board of 117702
alcohol, drug addiction, and mental health services to deny 117703
services to any person present in the board's service district, 117704
and the board shall provide services for a person whose 117705
residence is in dispute while residence is being determined and 117706
for a person in an emergency situation. 117707

(B) Any reference in this chapter to a board of alcohol, 117708
drug addiction, and mental health services also refers to an 117709
alcohol and drug addiction services board or a community mental 117710
health board in a service district in which an alcohol and drug 117711
addiction services board or a community mental health board has 117712
been established under section 340.021 or former section 340.02 117713
of the Revised Code. 117714

Sec. 5119.011. (A) Whenever the term "~~department of mental~~ 117715
~~health," the term "Ohio department of mental health," the term~~ 117716
~~"department of alcohol and drug addiction services," or the term~~ 117717
~~"Ohio department of alcohol and drug addiction services"~~ 117718
"department of mental health and addiction services" is used, 117719
referred to, or designated in any statute, rule, contract, 117720
grant, or other document, the use, reference, or designation 117721
shall be construed to mean the department of ~~mental~~ behavioral 117722
~~health and addiction services.~~ 117723

(B) Whenever the term "~~director of mental health" or the~~ 117724
~~term "director of alcohol and drug addiction services"~~ "director 117725
of mental health and addiction services" is used, referred to, 117726
or designated in any statute, rule, contract, grant, or other 117727

document, the use, reference, or designation shall be construed 117728
to mean the director of ~~mental behavioral health and addiction~~ 117729
~~services~~. 117730

Sec. 5119.04. The department of ~~mental behavioral health~~ 117731
~~and addiction services~~ and any institutions under its 117732
supervision or jurisdiction shall, where applicable, be in 117733
substantial compliance with standards set forth for psychiatric 117734
facilities by the joint commission or medical assistance 117735
standards under Title XIX of the "Social Security Act," 49 Stat. 117736
620 (1935), 42 U.S.C. 301, as amended, or other applicable 117737
standards. 117738

The requirements of this section are in addition to any 117739
other requirements established by the Revised Code and nothing 117740
in this section shall be construed to limit any rights, 117741
privileges, protections, or immunities which may exist under the 117742
constitution and laws of the United States or this state. 117743

Sec. 5119.05. Subject to the rules of the director of 117744
~~mental behavioral health and addiction services~~, each 117745
institution under the jurisdiction of the department shall be 117746
under the management and control of a managing officer to be 117747
known as a chief executive officer or by another appropriate 117748
title. Such managing officer shall be appointed by the director 117749
of ~~mental behavioral health and addiction services~~, and shall be 117750
in the unclassified service and serve at the pleasure of the 117751
director. Each managing officer shall be of good moral character 117752
and have skill, ability, and experience in the managing 117753
officer's profession. 117754

The managing officer, under the director, shall serve as 117755
the appointing authority of the institution to which such 117756
managing officer is appointed. Subject to civil service rules, 117757

the managing officer shall have the power to appoint and remove 117758
employees of the institution. On behalf of the institution, the 117759
managing officer has the authority and responsibility for 117760
entering into contracts and other agreements for the efficient 117761
operations of the institution. 117762

Sec. 5119.051. The department of ~~mental~~-behavioral health 117763
~~and addiction services~~ shall keep in its office a proper and 117764
complete set of books and accounts with each institution, which 117765
shall clearly show the nature and amount of every expenditure 117766
authorized and made at such institution, and which shall contain 117767
an account of all appropriations made by the general assembly 117768
and of all other funds, together with the disposition of such 117769
funds. 117770

The department shall prescribe the form of vouchers, 117771
records, and methods of keeping accounts at each of the 117772
institutions, which shall be as nearly uniform as possible. The 117773
department may examine the records of each institution at any 117774
time. 117775

The department may authorize any of its bookkeepers, 117776
accountants, or employees to examine and check the records, 117777
accounts, and vouchers or take an inventory of the property of 117778
any institution, or do whatever is necessary, and pay the actual 117779
and reasonable expenses incurred in such service when an 117780
itemized account is filed and approved. 117781

Sec. 5119.06. The department of ~~mental~~-behavioral health 117782
~~and addiction services~~ shall keep in its office, accessible only 117783
to its employees, except by the consent of the department or the 117784
order of the judge of a court of record, a record showing the 117785
name, residence, sex, age, nativity, occupation, condition, and 117786
date of entrance or commitment of every patient in the 117787

institutions governed by it, the date, cause, and terms of 117788
discharge and the condition of such person at the time of 117789
leaving, and also a record of all transfers from one institution 117790
to another, and, if such person dies while in the care or 117791
custody of the department, the date and cause of death. These 117792
and such other facts as the department requires shall be 117793
furnished by the managing officer of each institution within 117794
twenty-four hours after the commitment, entrance, death, or 117795
discharge of a patient. 117796

In case of an accident or injury or peculiar death of a 117797
patient the managing officer shall make a special report to the 117798
department within twenty-four hours thereafter, giving the 117799
circumstances as fully as possible. 117800

Sec. 5119.07. A person, firm, or corporation may file a 117801
petition in the court of common pleas of the county in which a 117802
benevolent institution of the department of ~~mental~~ behavioral 117803
~~health and addiction services~~ is located, in which petition the 117804
desire to erect or carry on at a less distance than that 117805
prescribed in section 3767.19 of the Revised Code shall be set 117806
forth, the business prohibited, the precise point of its 117807
establishment, and the reasons and circumstances, in its 117808
opinion, why the erection or carrying on of the business would 117809
not annoy or endanger the health, convenience, or recovery of 117810
the patients of such institution. The petitioner shall give 117811
notice in a newspaper of general circulation in the county of 117812
the pendency and prayer of the petition for at least six 117813
consecutive weeks before the day set for hearing the petition 117814
and serve a written notice upon the managing officer of the 117815
institution at least thirty days before the day set for hearing 117816
the petition. 117817

If, upon the hearing of the petition, it appears that the
notice has been given as required and the court is of the
opinion that no good reason exists why such establishment may
not be erected or such business carried on and that by the
erection or carrying on of the business at the point named, the
institution will sustain no detriment, the court may issue an
order granting the prayer of the petitioner. Thereafter the
petitioner may locate such establishment or carry on such
business at the point named in the petition.

Sec. 5119.08. (A) As used in this section, "felony" has
the same meaning as in section 109.511 of the Revised Code.

(B) (1) Subject to division (C) of this section, upon the
recommendation of the director of ~~mental-behavioral health-and-~~
~~addiction services~~, the managing officer of an institution under
the jurisdiction of the department of ~~mental-behavioral health~~
~~and addiction services~~ may designate one or more employees to be
special police officers of the department. The special police
officers shall take an oath of office, wear the badge of office,
and give bond for the proper and faithful discharge of their
duties in an amount that the director requires.

(2) In accordance with section 109.77 of the Revised Code,
the special police officers shall be required to complete
successfully a peace officer basic training program approved by
the Ohio peace officer training commission and to be certified
by the commission. The cost of the training shall be paid by the
department of ~~mental-behavioral health-and-addiction services~~.

(3) Special police officers, on the premises of
institutions under the jurisdiction of the department of ~~mental-~~
~~behavioral health and addiction services~~ and subject to the
rules of the department, shall protect the property of the

institutions and the persons and property of patients in the 117848
institutions, suppress riots, disturbances, and breaches of the 117849
peace, and enforce the laws of the state and the rules of the 117850
department for the preservation of good order. They may arrest 117851
any person without a warrant and detain the person until a 117852
warrant can be obtained under the circumstances described in 117853
division (F) of section 2935.03 of the Revised Code. 117854

(C) (1) The managing officer of an institution under the 117855
jurisdiction of the department of ~~mental-behavioral health and~~ 117856
~~addiction services~~ shall not designate an employee as a special 117857
police officer of the department pursuant to division (B) (1) of 117858
this section on a permanent basis, on a temporary basis, for a 117859
probationary term, or on other than a permanent basis if the 117860
employee previously has been convicted of or has pleaded guilty 117861
to a felony. 117862

(2) (a) The managing officer of an institution under the 117863
jurisdiction of the department of ~~mental-behavioral health and~~ 117864
~~addiction services~~ shall terminate the employment as a special 117865
police officer of the department of an employee designated as a 117866
special police officer under division (B) (1) of this section if 117867
that employee does either of the following: 117868

(i) Pleads guilty to a felony; 117869

(ii) Pleads guilty to a misdemeanor pursuant to a 117870
negotiated plea agreement as provided in division (D) of section 117871
2929.43 of the Revised Code in which the employee agrees to 117872
surrender the certificate awarded to that employee under section 117873
109.77 of the Revised Code. 117874

(b) The managing officer shall suspend from employment as 117875
a special police officer of the department an employee 117876

designated as a special police officer under division (B) (1) of 117877
this section if that employee is convicted, after trial, of a 117878
felony. If the special police officer files an appeal from that 117879
conviction and the conviction is upheld by the highest court to 117880
which the appeal is taken or if the special police officer does 117881
not file a timely appeal, the managing officer shall terminate 117882
the employment of that special police officer. If the special 117883
police officer files an appeal that results in that special 117884
police officer's acquittal of the felony or conviction of a 117885
misdemeanor, or in the dismissal of the felony charge against 117886
that special police officer, the managing officer shall 117887
reinstate that special police officer. A special police officer 117888
of the department who is reinstated under division (C) (2) (b) of 117889
this section shall not receive any back pay unless that special 117890
police officer's conviction of the felony was reversed on 117891
appeal, or the felony charge was dismissed, because the court 117892
found insufficient evidence to convict the special police 117893
officer of the felony. 117894

(3) Division (C) of this section does not apply regarding 117895
an offense that was committed prior to January 1, 1997. 117896

(4) The suspension from employment, or the termination of 117897
the employment, of a special police officer under division (C) 117898
(2) of this section shall be in accordance with applicable 117899
collective bargaining agreements. 117900

Sec. 5119.091. The attorney general shall attend to all 117901
claims instituted on behalf of or against the department of 117902
~~mental-behavioral health and addiction services~~ or any 117903
institution under the jurisdiction of the department and the 117904
managing officer thereof, except such institutions as are 117905
privately owned or operated under a license from the department 117906

of ~~mental behavioral health and addiction services~~, and shall 117907
represent the public hospital in proceedings under section 117908
5122.15 of the Revised Code. The department of ~~mental behavioral~~ 117909
~~health and addiction services~~ shall reimburse the attorney 117910
general for the compensation of assistant attorneys general 117911
required to represent the public hospital in proceedings under 117912
section 5122.15 of the Revised ~~code~~Code and shall also pay the 117913
costs of litigation incurred by the attorney general under that 117914
section. 117915

If a writ of habeas corpus is applied for, the clerk of 117916
the court shall give notice of the time and place of hearing to 117917
the attorney general. 117918

Sec. 5119.10. (A) The director of ~~mental behavioral health~~ 117919
~~and addiction services~~ is the chief executive and appointing 117920
authority of the department of ~~mental behavioral health and~~ 117921
~~addiction services~~. The director may organize the department for 117922
its efficient operation, including creating divisions or offices 117923
as necessary. The director may establish procedures for the 117924
governance of the department, conduct of its employees and 117925
officers, performance of its business, and custody, use, and 117926
preservation of departmental records, papers, books, documents, 117927
and property. Whenever the Revised Code imposes a duty upon or 117928
requires an action of the department or any of its institutions, 117929
the director or the director's designee shall perform the action 117930
or duty in the name of the department, except that the medical 117931
director appointed pursuant to section 5119.11 of the Revised 117932
Code shall be responsible for decisions relating to medical 117933
diagnosis, treatment, rehabilitation, quality assurance, and the 117934
clinical aspects of the following: licensure of hospitals and 117935
residential facilities, research, community addiction and mental 117936
health plans, and certification and delivery of addiction 117937

services and mental health services. 117938

(B) The director shall: 117939

(1) Adopt rules for the proper execution of the powers and 117940
duties of the department with respect to the institutions under 117941
its control, and require the performance of additional duties by 117942
the officers of the institutions as necessary to fully meet the 117943
requirements, intents, and purposes of this chapter. In case of 117944
an apparent conflict between the powers conferred upon any 117945
managing officer and those conferred by such sections upon the 117946
department, the presumption shall be conclusive in favor of the 117947
department. 117948

(2) Adopt rules for the nonpartisan management of the 117949
institutions under the department's control. An officer or 117950
employee of the department or any officer or employee of any 117951
institution under its control who, by solicitation or otherwise, 117952
exerts influence directly or indirectly to induce any other 117953
officer or employee of the department or any of its institutions 117954
to adopt the exerting officer's or employee's political views or 117955
to favor any particular person, issue, or candidate for office 117956
shall be removed from the exerting officer's or employee's 117957
office or position, by the department in case of an officer or 117958
employee, and by the governor in case of the director. 117959

(3) Appoint such employees, including the medical 117960
director, as are necessary for the efficient conduct of the 117961
department, and prescribe their titles and duties; 117962

(4) Prescribe the forms of affidavits, applications, 117963
medical certificates, orders of hospitalization and release, and 117964
all other forms, reports, and records that are required in the 117965
hospitalization or admission and release of all persons to the 117966

institutions under the control of the department, or are 117967
otherwise required under this chapter or Chapter 5122. of the 117968
Revised Code; 117969

(5) Exercise the powers and perform the duties relating to 117970
addiction and mental health facilities, addiction services, 117971
mental health services, 9-8-8 suicide and crisis response, and 117972
recovery supports that are assigned to the director under this 117973
chapter and Chapter 340. of the Revised Code; 117974

(6) Develop and implement clinical evaluation and 117975
monitoring of services that are operated by the department; 117976

(7) Adopt rules establishing standards for the performance 117977
of evaluations by a forensic center or other psychiatric program 117978
or facility of the mental condition of defendants ordered by the 117979
court under section 2919.271, or 2945.371 of the Revised Code, 117980
and for the treatment of defendants who have been found 117981
incompetent to stand trial and ordered by the court under 117982
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 117983
Code to receive treatment in facilities; 117984

(8) On behalf of the department, have the authority and 117985
responsibility for entering into contracts and other agreements 117986
with providers, agencies, institutions, and other entities, both 117987
public and private, as necessary for the department to carry out 117988
its duties under this chapter and Chapters 340., 2919., 2945., 117989
and 5122. of the Revised Code. Chapter 125. of the Revised Code 117990
does not apply to contracts the director enters into under this 117991
section for addiction services, mental health services, or 117992
recovery supports provided to individuals who have an addiction 117993
or mental illness by providers, agencies, institutions, and 117994
other entities not owned or operated by the department. 117995

(9) Adopt rules in accordance with Chapter 119. of the 117996
Revised Code specifying the supplemental services that may be 117997
provided through a trust authorized by section 5815.28 of the 117998
Revised Code; 117999

(10) Adopt rules in accordance with Chapter 119. of the 118000
Revised Code establishing standards for the maintenance and 118001
distribution to a beneficiary of assets of a trust authorized by 118002
section 5815.28 of the Revised Code. 118003

(C) The director may contract with hospitals licensed by 118004
the department under section 5119.33 of the Revised Code for the 118005
care and treatment of patients with mental illnesses, or with 118006
persons, organizations, or agencies for the custody, evaluation, 118007
supervision, care, or treatment of persons with mental illnesses 118008
receiving services elsewhere than within the enclosure of a 118009
hospital operated under section 5119.14 of the Revised Code. 118010

Sec. 5119.11. (A) The director of ~~mental-behavioral~~ health 118011
~~and addiction services~~ shall appoint a medical director who is 118012
eligible or certified by the American board of psychiatry and 118013
neurology or the American osteopathic board of neurology and 118014
psychiatry, and has at least five years of clinical and two 118015
years of administrative experience. The medical director shall 118016
also have certification or substantial training and experience 118017
in the field of addiction medicine or addiction psychiatry. The 118018
medical director shall be responsible for decisions relating to 118019
medical diagnosis, treatment, prevention, rehabilitation, 118020
quality assurance, and the clinical aspects of addiction 118021
services and mental health services involving all of the 118022
following: 118023

(1) Licensure of hospitals, residential facilities, and 118024
outpatient facilities; 118025

- (2) Research; 118026
- (3) Community addiction and mental health plans; 118027
- (4) Certification and delivery of addiction and mental health services. 118028
118029

(B) The medical director shall also exercise clinical 118030
supervision of the chief clinical officers of hospitals and 118031
institutions under the jurisdiction of the department and shall 118032
review and approve decisions relating to the employment of the 118033
chief clinical officers. The medical director or the medical 118034
director's designee shall advise the director on matters 118035
relating to licensure, research, the certification and delivery 118036
of addiction services and mental health services, and community 118037
addiction and mental health plans. The medical director shall 118038
participate in the development of guidelines for community 118039
addiction and mental health plans. The director of ~~mental-~~ 118040
behavioral health ~~and addiction services~~ may establish other 118041
duties of the medical director. 118042

Sec. 5119.14. (A) The department of ~~mental-behavioral~~ 118043
health ~~and addiction services~~ shall maintain, operate, manage, 118044
and govern state institutions and other services for the care 118045
and treatment of persons with mental illnesses. 118046

(B) (1) The department of ~~mental-behavioral~~ health ~~and-~~ 118047
~~addiction services~~ may, with the approval of the governor, 118048
designate the name and purpose of any institutions under its 118049
jurisdiction and may change, with the approval of the governor, 118050
the designation and name when necessary. 118051

(2) The department shall divide the state into districts 118052
for the purpose of designating the institution in which persons 118053
with mental illnesses are hospitalized and may change the 118054

districts. 118055

~~(3)~~ (C) Subject to section 5139.08 and pursuant to Chapter 118056
5122. of the Revised Code and on the agreement of the 118057
~~departments department of mental behavioral health and addiction~~ 118058
~~services and department of youth services,~~ the department of 118059
~~mental behavioral health and addiction services~~ may receive from 118060
the department of youth services for psychiatric observation, 118061
diagnosis, or treatment any person eighteen years of age or 118062
older in the custody of the department of youth services. The 118063
departments may enter into a written agreement specifying the 118064
procedures necessary to implement this division. 118065

~~(C)~~ (D) The department of ~~mental behavioral health and~~ 118066
~~addiction services~~ shall designate hospitals, facilities, and 118067
community mental health services providers for the custody, 118068
care, and special treatment of, and authorize payment for such 118069
custody, care, and special treatment provided to, persons who 118070
are charged with a crime and who are found incompetent to stand 118071
trial or not guilty by reason of insanity. 118072

~~(D)~~ (E) The department of ~~mental behavioral health and~~ 118073
~~addiction services~~ may do any of the following: 118074

(1) Require reports from the managing officer of any 118075
institution under the department's jurisdiction, relating to the 118076
admission, examination, comprehensive evaluation, diagnosis, 118077
release, or discharge of any patient; 118078

(2) Visit each institution regularly to review its 118079
operations and to investigate complaints made by any patient or 118080
by any person on behalf of a patient, provided these duties may 118081
be performed by a person designated by the director. 118082

~~(E)~~ (F) The department of ~~mental behavioral health and~~ 118083

~~addiction services~~ may provide or contract to provide addiction 118084
services for offenders incarcerated in the state prison system. 118085

~~(F)~~ (G) In addition to the powers expressly conferred on 118086
the department of behavioral health, the department ~~of mental~~ 118087
~~health and addiction services~~ shall have all other powers and 118088
authority necessary for the full and efficient exercise of the 118089
executive, administrative, and fiscal supervision over the state 118090
institutions described in this section. 118091

Sec. 5119.141. ~~The~~ In addition to the powers and duties 118092
expressly conferred on the department of behavioral health, the 118093
~~department of mental health and addiction services has all the~~ 118094
~~authority may take any other action it considers necessary to~~ 118095
~~carry out its powers and duties under the purposes of this~~ 118096
chapter and Chapters 340., 2919., 2945., and 5122. of the 118097
Revised Code, ~~including~~ . Actions authorized by this section 118098
include the authority to adopt rules pursuant to Chapter 119. of 118099
the Revised Code that may be necessary to carry out the purposes 118100
of this chapter and Chapters 340., 2919., 2945., and 5122. of 118101
the Revised Code. 118102

Sec. 5119.15. The department of ~~mental~~ behavioral health 118103
~~and addiction services~~ may make such investigations as are 118104
necessary in the performance of its duties and to that end the 118105
director of ~~mental~~ behavioral health and addiction services 118106
shall have the same power as a judge of a county court to 118107
administer oaths and to enforce the attendance and testimony of 118108
witnesses and the production of books or papers. 118109

The department shall keep a record of such investigations 118110
stating the time, place, charges or subject, witnesses summoned 118111
and examined, and its conclusions. 118112

In matters involving the conduct of an officer, a 118113
stenographic report of the evidence shall be taken and a copy of 118114
such report, with all documents introduced, kept on file at the 118115
office of the department. 118116

The fees of witnesses for attendance and travel shall be 118117
the same as in the court of common pleas, but no officer or 118118
employee of the institution under investigation is entitled to 118119
such fees. 118120

Any judge of the probate court or of the court of common 118121
pleas, upon application of the department, may compel the 118122
attendance of witnesses, the production of books or papers, and 118123
the giving of testimony before the department, by a judgment for 118124
contempt or otherwise, in the same manner as in cases before 118125
such courts. 118126

The department of ~~mental-behavioral health and addiction-~~ 118127
~~services~~ may appoint and commission any competent agency or 118128
person, to serve without compensation, as a special agent, 118129
investigator, or representative to perform a designated duty for 118130
the department. Specific credentials shall be given by the 118131
department to each person so designated. Each credential shall 118132
state the: 118133

(A) Name of the agent, investigator, or representative; 118134

(B) Agency with which such person is connected; 118135

(C) Purpose of appointment; 118136

(D) Date of expiration of appointment; 118137

(E) Such information as the department considers proper. 118138

Sec. 5119.161. The department of ~~mental-behavioral health-~~ 118139
~~and addiction services~~, in conjunction with the department of 118140

job and family services, shall develop a joint state plan to 118141
improve the accessibility and timeliness of alcohol and drug 118142
addiction services for individuals identified by a public 118143
children services agency as in need of those services. The plan 118144
shall address the fact that Ohio works first participants may be 118145
among the persons receiving services under section 340.15 of the 118146
Revised Code and shall require the department of job and family 118147
services to seek federal funds available under Title IV-A of the 118148
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 118149
amended, for the provision of the services to Ohio works first 118150
participants who are receiving services under section 340.15 of 118151
the Revised Code. 118152

The departments shall review and amend the plan as 118153
necessary. 118154

Sec. 5119.17. (A) The department of ~~mental-behavioral~~ 118155
~~health-and-addiction services,~~ in accordance with division (B) 118156
of this section, shall give priority to developing, and promptly 118157
shall develop, with available public and private resources a 118158
program that does all of the following: 118159

(1) Provides a manner of identifying the aggregate number 118160
of pregnant women in this state who are addicted to a drug of 118161
abuse; 118162

(2) Provides for an effective means of intervention to 118163
eliminate the addiction of pregnant women to drugs of abuse 118164
prior to the birth of their children; 118165

(3) Gives priority to the treatment of pregnant women 118166
addicted to drugs of abuse, including by requiring community 118167
addiction services providers that receive public funds to give 118168
priority to pregnant women referred for treatment; 118169

(4) Provides for the continued monitoring of women who 118170
were addicted to a drug of abuse during their pregnancies, after 118171
the birth of their children, and for the availability of 118172
treatment and rehabilitation for those women; 118173

(5) Provides a manner of determining the aggregate number 118174
of children who are born in this state to women who are 118175
addicted, at the time of birth, to a drug of abuse, and of 118176
children who are born in this state with an addiction to or a 118177
dependency on a drug of abuse; 118178

(6) Provides for the continued monitoring of children who 118179
are born in this state to women who are addicted, at the time of 118180
birth, to a drug of abuse, or who are born in this state with an 118181
addiction to or dependency on a drug of abuse, after their 118182
birth; 118183

(7) Provides for the treatment and rehabilitation of any 118184
child who is born to a woman who is addicted, at the time of 118185
birth, to a drug of abuse, and of any child who is born with an 118186
addiction to or dependency on a drug of abuse. 118187

(B) In developing the program described in division (A) of 118188
this section, the department may obtain information from the 118189
department of health and the department of job and family 118190
services, and those departments shall cooperate with the 118191
department of ~~mental-behavioral health and addiction services~~ in 118192
its development and implementation of the program. 118193

(C) Immediately upon its development of the program 118194
described in division (A) of this section, the department shall 118195
implement the program. 118196

(D) Any record or information that is obtained or 118197
maintained by the department in connection with the program 118198

described in division (A) of this section and could enable the 118199
identification of any woman or child described in division (A) 118200
(1) or (5) of this section is not a public record subject to 118201
inspection or copying under section 149.43 of the Revised Code. 118202

(E) A community addiction services provider that receives 118203
public funds shall not refuse to treat a person solely because 118204
the person is pregnant if appropriate treatment is offered by 118205
the provider. 118206

Sec. 5119.18. An appointing authority may appoint a person 118207
who holds a certified or permanent position in the classified 118208
service within the department of ~~mental-behavioral health and~~ 118209
~~addiction services~~ to a position in the unclassified service 118210
within the department. A person appointed pursuant to this 118211
section to a position in the unclassified service shall retain 118212
the right to resume the position and status held by the person 118213
in the classified service immediately prior to the person's 118214
appointment to the position in the unclassified service, 118215
pursuant to division (D) of section 124.11 of the Revised Code. 118216

A person who holds a position in the classified service 118217
and who is appointed to a position in the unclassified service 118218
on or after January 1, 2016, shall have the right to resume a 118219
position in the classified service under this section only 118220
within five years after the effective date of the person's 118221
appointment in the unclassified service. 118222

Sec. 5119.181. (A) No appointing officer shall appoint a 118223
person to fill a position in either the classified or 118224
unclassified service of the department of ~~mental-behavioral~~ 118225
~~health and addiction services~~ if the person has been convicted 118226
of or pleaded guilty to a violation of the following: 118227

(1) Any felony contained in the Revised Code, if the 118228
felony bears a direct and substantial relationship to the 118229
position being filled; 118230

(2) Any crime contained in the Revised Code constituting a 118231
misdemeanor of the first degree on the first offense and a 118232
felony on subsequent offenses, if the crime bears a direct and 118233
substantial relationship to the position being filled; 118234

(3) An existing or former law of this state, any other 118235
state, or the United States, if the law violated is 118236
substantially equivalent to any of the offenses described in 118237
division (A) (1) or (2) of this section. 118238

(B) The director of ~~mental-behavioral health and addiction~~ 118239
~~services~~ shall adopt rules, in accordance with Chapter 119. of 118240
the Revised Code, to implement this section. 118241

(C) The director or an appointing officer shall request 118242
the bureau of criminal identification and investigation created 118243
by section 109.51 of the Revised Code or, at the director's or 118244
appointing officer's discretion, any other state or federal 118245
agency, to supply the director or appointing officer with a 118246
written report regarding the criminal records of any applicant. 118247
For each investigation undertaken at the department's request 118248
under this section, the department shall pay a reasonable fee to 118249
the bureau or other state or federal agency conducting the 118250
investigation. The amount of the fee shall be determined by the 118251
bureau or other state or federal agency conducting the 118252
investigation and shall be sufficient to cover the costs of 118253
conducting the investigation. The report made by the bureau or 118254
other state or federal agency is not a public record for 118255
purposes of section 149.43 of the Revised Code and shall not be 118256
made available to any person, except the applicant, the 118257

director, the appointing officer or the appointing officer's 118258
designees, or any hearing officer involved in a case denying 118259
employment. 118260

(D) As used in this section, "applicant" means a person 118261
who is under final consideration for appointment to a position 118262
in the classified or unclassified service of the department of 118263
~~mental-behavioral health-and-addiction services.~~ 118264

Sec. 5119.182. The department of ~~mental-behavioral health~~ 118265
~~and-addiction services~~ may require any of its employees and each 118266
officer and employee of every institution under its control who 118267
may be charged with custody or control of any money or property 118268
belonging to the state or who is required to give bond, to give 118269
a surety company bond, properly conditioned, in a sum to be 118270
fixed by the department which when approved by the department, 118271
shall be filed in the office of the secretary of state. The cost 118272
of such bonds, when approved by the department, shall be paid 118273
from funds available for the department. The bonds required or 118274
authorized by this section may, in the discretion of the 118275
director of ~~mental-behavioral health-and-addiction services~~, be 118276
individual, schedule, or blanket bonds. 118277

Sec. 5119.184. The department of ~~mental-behavioral health~~ 118278
~~and-addiction services~~ may provide educational grants or tuition 118279
reimbursements to upgrade the education, training, and 118280
professional achievement of its employees, whenever it 118281
determines that provision of such grants or reimbursements is 118282
essential to the achievement of its goals. The department may 118283
enter into agreements with its employees for the purposes of 118284
this section. The agreements may require, as a condition of each 118285
grant or reimbursement, that the employee continue employment 118286
with the department or with another federal, state, or local 118287

public agency designated by the department for a period of time 118288
stated in the agreement. If an employee does not fulfill the 118289
employment requirement stated in the agreement, the department 118290
may take action to recover the amount of all educational grants 118291
or tuition reimbursements paid to the employee under this 118292
section, plus interest at the rate of ten per cent per year 118293
calculated from the date of payment of each grant or 118294
reimbursement. 118295

Sec. 5119.185. (A) As used in this section: 118296

(1) "Advanced practice registered nurse" has the same 118297
meaning as in section 4723.01 of the Revised Code. 118298

(2) "Clinician" means any of the following: 118299

(a) An advanced practice registered nurse; 118300

(b) A physician; 118301

(c) A physician assistant. 118302

(3) "Physician" means an individual authorized under 118303
Chapter 4731. of the Revised Code to practice medicine and 118304
surgery or osteopathic medicine and surgery. 118305

(4) "Physician assistant" means an individual who holds a 118306
current, valid license to practice as a physician assistant 118307
issued under Chapter 4730. of the Revised Code. 118308

(B) The department of ~~mental-behavioral health and~~ 118309
~~addiction services~~ may establish a clinician recruitment program 118310
under which the department agrees to repay all or part of the 118311
principal and interest of a government or other educational loan 118312
incurred by a clinician who agrees to provide services to 118313
inpatients and outpatients of institutions under the 118314
department's administration. To be eligible to participate in 118315

the program, a clinician must have attended the following: 118316

(1) In the case of a physician, a school that was, at the 118317
time of attendance, a medical school or osteopathic medical 118318
school in this country accredited by the ~~liason~~ liaison 118319
committee on medical education or the American osteopathic 118320
association, or a medical school or osteopathic medical school 118321
located outside this country that was acknowledged by the world 118322
health organization and verified by a member state of that 118323
organization as operating within that state's jurisdiction; 118324

(2) In the case of a physician assistant, a school that 118325
was, at the time of attendance, accredited by the accreditation 118326
review commission on education for the physician assistant or a 118327
regional or specialized and professional accrediting agency 118328
recognized by the council for higher education accreditation; 118329

(3) In the case of an advanced practice registered nurse, 118330
a school that was, at the time of attendance, accredited by a 118331
national or regional accrediting organization. 118332

(C) The department shall enter into a contract with each 118333
clinician it recruits under this section. Each contract shall 118334
include at least the following terms: 118335

(1) The clinician agrees to provide a specified scope of 118336
health care services for a specified number of hours per week 118337
and a specified number of years to patients of one or more 118338
specified institutions administered by the department. 118339

(2) The department agrees to repay all or a specified 118340
portion of the principal and interest of a government or other 118341
educational loan taken by the clinician for the following 118342
expenses if the clinician meets the service obligation agreed to 118343
and the expenses were incurred while the clinician was enrolled 118344

in, for up to a maximum of four years, a school that qualifies 118345
the clinician to participate in the program: 118346

(a) Tuition; 118347

(b) Other educational expenses for specific purposes, 118348
including fees, books, and laboratory expenses, in amounts 118349
determined to be reasonable in accordance with rules adopted 118350
under division (D) of this section; 118351

(c) Room and board, in an amount determined to be 118352
reasonable in accordance with rules adopted under division (D) 118353
of this section. 118354

(3) The clinician agrees to pay the department a specified 118355
amount, which shall be not less than the amount already paid by 118356
the department pursuant to its agreement, as damages if the 118357
clinician fails to complete the service obligation agreed to or 118358
fails to comply with other specified terms of the contract. The 118359
contract may vary the amount of damages based on the portion of 118360
the clinician's service obligation that remains uncompleted as 118361
determined by the department. 118362

(4) Other terms agreed upon by the parties. 118363

(D) If the department elects to implement the clinician 118364
recruitment program, it shall adopt rules in accordance with 118365
Chapter 119. of the Revised Code that establish all of the 118366
following: 118367

(1) Criteria for designating institutions for which 118368
clinicians will be recruited; 118369

(2) Criteria for selecting clinicians for participation in 118370
the program; 118371

(3) Criteria for determining the portion of a clinician's 118372

loan that the department will agree to repay; 118373

(4) Criteria for determining reasonable amounts of the 118374
expenses described in divisions (C) (2) (b) and (c) of this 118375
section; 118376

(5) Procedures for monitoring compliance by clinicians 118377
with the terms of their contracts; 118378

(6) Any other criteria or procedures necessary to 118379
implement the program. 118380

Sec. 5119.186. (A) The director of ~~mental-behavioral~~ 118381
~~health and addiction services~~ or the managing officer of an 118382
institution of the department may enter into an agreement with 118383
boards of trustees or boards of directors of one or more 118384
institutions of higher education or hospitals licensed pursuant 118385
to section 5119.33 of the Revised Code to establish, manage, and 118386
conduct collaborative training efforts for students enrolled in 118387
courses of studies for occupations or professions that involve 118388
the care and treatment for persons receiving addiction or mental 118389
health services. 118390

(B) Such collaborative training efforts may include but 118391
are not limited to programs in psychiatry, psychology, nursing, 118392
social work, counseling professions, and others considered 118393
appropriate by the director of ~~mental-behavioral health-and-~~ 118394
~~addiction services~~. Any such program shall be approved or 118395
accredited by its respective professional organization or state 118396
board having jurisdiction over the profession. 118397

(1) The department shall require that the following be 118398
provided for in agreements between the department and 118399
institutions of higher education or hospitals licensed pursuant 118400
to section 5119.33 of the Revised Code: 118401

(a) Establishment of inter-disciplinary committees to 118402
advise persons responsible for training programs. Each committee 118403
shall have representation drawn from the geographical community 118404
the institution of higher education or hospital serves and shall 118405
include representatives of agencies, boards, targeted 118406
populations as determined by the department, racial and ethnic 118407
minority groups, and publicly funded programs; 118408

(b) Funding procedures; 118409

(c) Specific outcomes and accomplishments that are 118410
expected or required of a program under such agreement; 118411

(d) The types of services to be provided under such 118412
agreement. 118413

(2) The department may require that the following be 118414
provided for in agreements between the department and 118415
institutions of higher education or hospitals licensed pursuant 118416
to section 5119.33 of the Revised Code: 118417

(a) Special arrangements for individual residents or 118418
trainees to encourage their employment in publicly funded 118419
settings upon completion of their training; 118420

(b) Procedures for the selection of residents or trainees 118421
to promote the admission, retention, and graduation of women, 118422
minorities, and disabled persons; 118423

(c) Cross-cultural training and other subjects considered 118424
necessary to enhance training efforts and the care and treatment 118425
of patients and clients; 118426

(d) Funding of faculty positions oriented toward meeting 118427
the needs of publicly funded programs. 118428

Subject to appropriations by the general assembly, the 118429

director of ~~mental-behavioral health and addiction services~~ has 118430
final approval of the funding of these collaborative training 118431
efforts. 118432

Sec. 5119.187. The courses of study for the instruction 118433
and training of all persons in institutions under the control of 118434
the department of ~~mental-behavioral health and addiction~~ 118435
~~services~~ shall be subject to the approval of the superintendent 118436
of public instruction. 118437

All teachers employed in institutions under the control of 118438
the department of ~~mental-behavioral health and addiction~~ 118439
~~services~~ shall possess such educator licenses or have such 118440
qualifications and approval as the superintendent of public 118441
instruction, after consulting with the officers in charge of the 118442
institutions, prescribes for the various types of service in the 118443
institutions. 118444

Sec. 5119.188. (A) As used in this section, "state 118445
correctional institution" has the same meaning as in section 118446
2967.01 of the Revised Code. 118447

(B) The department of ~~mental-behavioral health and~~ 118448
~~addiction services~~ shall develop a program that is designed to 118449
educate and train the employees of each state correctional 118450
institution, the employees of each department of youth services 118451
institution, and other persons associated by contract or 118452
otherwise with each state correctional institution or each 118453
department of youth services institution, who will be 118454
responsible for the conduct of, or otherwise providing treatment 118455
or rehabilitation services pursuant to, a substance abuse 118456
treatment or rehabilitation program offered in the institution 118457
to adult prisoners or juvenile offenders. Upon the development 118458
of the educational and training program, the department of 118459

~~mental-behavioral health and addiction services~~ promptly shall 118460
commence its implementation. The department of ~~mental-behavioral~~ 118461
~~health and addiction services~~ may charge to the department of 118462
rehabilitation and correction and to the department of youth 118463
services a reasonable annual fee that reflects the expenses 118464
incurred by it during the immediately preceding calendar year in 118465
preparing and offering the educational and training program 118466
during that year to the respective employees and other 118467
associated persons described in this division. 118468

The director of rehabilitation and correction and the 118469
director of youth services shall require the respective 118470
employees and other associated persons described in this 118471
division to attend and successfully complete the educational and 118472
training program developed pursuant to this division as a 118473
condition of their continuing to have responsibility for the 118474
conduct of, or their continuing to provide treatment or 118475
rehabilitation services pursuant to, any treatment or 118476
rehabilitation program that is offered in a state correctional 118477
institution or in a department of youth services institution to 118478
adult prisoners or juvenile offenders. If the department of 118479
~~mental-behavioral health and addiction services~~ charges a 118480
reasonable annual fee as described in this division, the 118481
director involved shall cause that fee to be paid from any 118482
available funds of the department of rehabilitation and 118483
correction or any available funds of the department of youth 118484
services. 118485

(C) The department of rehabilitation and correction and 118486
the department of ~~mental-behavioral health and addiction~~ 118487
~~services~~ jointly shall develop program specifications for the 118488
alcohol and drug addiction treatment programs offered in state 118489
correctional institutions. 118490

Sec. 5119.19. (A) As used in this section: 118491

(1) "Community-based correctional facility" has the same 118492
meaning as in section 2929.01 of the Revised Code. 118493

(2) "Drug used in medication-assisted treatment" means a 118494
drug approved by the United States food and drug administration 118495
for use in medication-assisted treatment, regardless of the 118496
method the drug is administered or the form in which it is 118497
dispensed, including an oral drug, an injectable drug, or a 118498
long-acting or extended-release drug. "Drug used in medication- 118499
assisted treatment" includes all of the following: 118500

(a) A full agonist; 118501

(b) A partial agonist; 118502

(c) An antagonist. 118503

(3) "Drug used in withdrawal management or detoxification" 118504
means a drug approved by the United States food and drug 118505
administration for use in, or a drug in standard use for, 118506
mitigating opioid or alcohol withdrawal symptoms or assisting 118507
with detoxification, regardless of the method the drug is 118508
administered or the form in which it is dispensed, including an 118509
oral drug, an injectable drug, or a long-acting or extended- 118510
release drug. "Drug used in withdrawal management or 118511
detoxification" includes all of the following: 118512

(a) A full agonist; 118513

(b) A partial agonist; 118514

(c) An antagonist; 118515

(d) An alpha-2 adrenergic agonist. 118516

(4) "Medication-assisted treatment" has the same meaning 118517

as in section 340.01 of the Revised Code. 118518

(5) "Prescribed drug" has the same meaning as in section 118519
5164.01 of the Revised Code. 118520

(6) (a) "Psychotropic drug" means, except as provided in 118521
division (A) (6) (b) of this section, a drug that has the 118522
capability of changing or controlling mental functioning or 118523
behavior through direct pharmacological action. "Psychotropic 118524
drug" includes all of the following: 118525

(i) Antipsychotic medications, including those 118526
administered or dispensed in a long-acting injectable form; 118527

(ii) Antidepressant medications; 118528

(iii) Anti-anxiety medications; 118529

(iv) Mood stabilizing medications. 118530

(b) "Psychotropic drug" excludes a stimulant prescribed 118531
for the treatment of attention deficit hyperactivity disorder. 118532

(7) "Withdrawal management or detoxification" means a set 118533
of medical interventions aimed at managing the acute physical 118534
symptoms of intoxication and withdrawal. Withdrawal management 118535
seeks to minimize the physical harm caused by the intoxication 118536
and withdrawal from a substance of abuse. Detoxification denotes 118537
a clearing of toxins from the body of the patient who is acutely 118538
intoxicated, dependent on a substance of abuse, or both. 118539

(B) There is hereby created a program to be known as the 118540
behavioral health drug reimbursement ~~program. The program, which~~ 118541
shall be administered by the department of mental behavioral 118542
~~health and addiction services.~~ 118543

The purpose of the program is to provide state 118544

~~reimbursement~~ financial assistance to counties for the cost of 118545
the following drugs that are administered or dispensed to 118546
inmates of county jails in this state and individuals confined 118547
in community-based correctional facilities in this state: 118548
psychotropic drugs, drugs used in medication-assisted treatment, 118549
and drugs used in withdrawal management or detoxification. 118550

Each county shall ensure that inmates of county jails and 118551
individuals confined in community-based correctional facilities 118552
have access to all behavioral health drugs specified in this 118553
division that are prescribed drugs covered by the fee-for- 118554
service component of the medicaid program. 118555

(C) The department, based on factors it considers 118556
appropriate, shall allocate an amount to each county for 118557
~~reimbursement of drug costs~~ that have been or will be incurred 118558
by the county pursuant to this section. 118559

(D) The director of ~~mental behavioral health and addiction~~ 118560
~~services~~ may adopt rules as necessary to implement this section. 118561
The rules, if adopted, shall be adopted in accordance with 118562
Chapter 119. of the Revised Code. 118563

Sec. 5119.20. (A) As used in this section: 118564

"Electroencephalogram (EEG) combined transcranial magnetic 118565
stimulation" means treatment in which transcranial magnetic 118566
stimulation (TMS) frequency pulses are tuned to the patient's 118567
physiology and biometric data. 118568

"First responder" has the meaning defined in section 118569
2903.01 of the Revised Code. 118570

"Law enforcement officer" has the meaning defined in 118571
section 9.69 of the Revised Code. 118572

(B) The director of ~~mental-behavioral health and addiction~~
~~services~~ shall establish a program to make electroencephalogram
(EEG) combined transcranial magnetic stimulation available for
veterans, first responders, and law enforcement officers.
Eligible individuals must have substance use disorders, mental
illness, sleep disorders, traumatic brain injuries, sexual
trauma, post traumatic stress disorder and accompanying
comorbidities, concussions or other brain trauma, or other
issues identified by the individual's qualified medical
practitioner as issues that would warrant treatment under the
program. The program shall be operated in conjunction with a
supplier selected under this section.

(C) The director shall choose a location for the program
and for up to ten branch sites, and shall enter into a contract
for the purchase of services related to the program. Each branch
site may operate one or more portable units or EEG combined
neuromodulation portable units if the director determines that
portable units or EEG combined neuromodulation portable units
are necessary to expand access to care. The contract shall
include provisions requiring the supplier to create and conduct
a clinical trial, to establish and operate a clinical practice,
to evaluate outcomes of the clinical trial and the clinical
practice, to expend payments received from the state as needed
for purposes of the program, and to report quarterly regarding
the program to the president of the senate and to the standing
committee of the senate that generally considers legislation
regarding veterans affairs.

(D) There is the electroencephalogram (EEG) combined
transcranial magnetic stimulation fund in the state treasury. It
shall consist of moneys appropriated to it by the general
assembly. The director, with the approval of the controlling

board, may authorize a disbursement from the fund for services 118604
rendered under the contract. 118605

(E) The director shall adopt rules under Chapter 119. of 118606
the Revised Code as necessary to administer this section. 118607

(F) The supplier, in conducting the clinical trial and in 118608
operating the clinical practice, shall adhere to all of the 118609
following: 118610

(1) The United States food and drug administration 118611
regulations governing the conduct of clinical practice and 118612
clinical trials; 118613

(2) A peer-to-peer support network shall be made available 118614
by the supplier to any individual receiving treatment under the 118615
program. 118616

(3) The program protocol shall use adapted stimulation 118617
frequency and intensity modulation based on EEG and motor 118618
threshold testing as well as clinical symptoms and signs, and 118619
biometrics. 118620

(4) Each individual who receives treatment under the 118621
program also shall receive neurophysiological monitoring, 118622
monitoring for symptoms of substance use and mental health 118623
disorders, and access to counseling and wellness programming. 118624
Each individual also shall participate in the peer-to-peer 118625
support network established by the supplier. 118626

(5) Clinical protocols and outcomes of the clinical trial, 118627
and of any treatment provided by the clinical practice, shall be 118628
collected and reported quarterly in a report provided by the 118629
supplier to the director of mental-behavioral health and 118630
~~addiction services~~ and to the United States food and drug 118631
administration. 118632

(6) Any individual who receives treatment at the clinical
practice shall be eligible for a minimum of two
electroencephalograms, plus an additional electroencephalogram
for every ten treatments, during the course of the individual's
treatment.

(7) The report required by this section shall include a
thorough accounting of the use and expenditure of all funds
received from the state under this section.

(G) Contracts entered into under this section are subject
to section 9.231 and Chapter 125. of the Revised Code.

(H) Operation of the program established under this
section is contingent upon an appropriation by the general
assembly designated for that purpose.

Sec. 5119.201. (A) The director of ~~mental-behavioral~~
~~health and addiction services~~ may acquire by purchase, lease, or
otherwise such real and personal property rights in the name of
the state as are necessary for the purposes of the department.

(B) When it is necessary for a state institution under the
jurisdiction of the department to acquire any real estate,
right-of-way, or easement in real estate in order to accomplish
the purposes for which it was organized or is being conducted,
and the department is unable to agree with the owner of such
property upon the price to be paid for the property, such
property may be appropriated in the manner provided for the
appropriation of property for other state purposes.

(C) The director may work with the department of
administrative services to sell, lease, or exchange portions of
real and personal property of the department when the sale,
lease, or exchange is advantageous to the state. Money received

from such sales, leases, or exchanges shall be credited to the 118662
~~the department of mental-behavioral health and addiction-~~ 118663
~~services~~-trust fund, created in section 5119.46 of the Revised 118664
Code. 118665

(D) Any instrument by which real property is acquired 118666
pursuant to this section shall identify the agency of the state 118667
that has the use and benefit of the real property as specified 118668
in section 5301.012 of the Revised Code. 118669

Sec. 5119.21. (A) The department of ~~mental-behavioral~~ 118670
~~health and addiction services~~ shall: 118671

(1) To the extent the department has available resources 118672
and in consultation with boards of alcohol, drug addiction, and 118673
mental health services, support the community-based continuum of 118674
care that the boards are required by section 340.032 of the 118675
Revised Code to establish. The department shall provide the 118676
support on a district or multi-district basis. The department 118677
shall assist in identifying resources, and may prioritize 118678
support, for one or more of the elements of the community-based 118679
continuum of care. For the purpose of division (A) (10) of 118680
section 340.032 of the Revised Code and to the extent the 118681
department determines is necessary, the department shall define 118682
additional elements to be included in the community-based 118683
continuum of care. 118684

(2) Provide training, consultation, and technical 118685
assistance regarding addiction services, mental health services, 118686
recovery supports, and appropriate prevention, recovery, and 118687
mental health promotion activities, including those that are 118688
culturally competent, to employees of the department, community 118689
addiction services providers, community mental health services 118690
providers, and boards of alcohol, drug addiction, and mental 118691

health services; 118692

(3) To the extent the department has available resources, 118693
promote and support a full range of addiction services, mental 118694
health services, and recovery supports that are available and 118695
accessible to all residents of this state, especially for 118696
severely emotionally disturbed children and adolescents, adults 118697
with severe mental disabilities, pregnant women, parents, 118698
guardians or custodians of children at risk of abuse or neglect, 118699
and other special target populations, including racial and 118700
ethnic minorities, as determined by the department; 118701

(4) Develop standards and measures for both of the 118702
following: 118703

(a) Evaluating the effectiveness of addiction services, 118704
including opioid treatment programs, of mental health services, 118705
and of recovery supports; 118706

(b) Increasing the accountability of community addiction 118707
services providers and community mental health services 118708
providers. 118709

(5) Design and set criteria for the determination of 118710
priority populations; 118711

(6) Promote, direct, conduct, and coordinate scientific 118712
research, taking ethnic and racial differences into 118713
consideration, concerning all of the following: 118714

(a) The causes and prevention of mental illness and 118715
addiction; 118716

(b) Methods of providing effective addiction services, 118717
mental health services, and recovery supports; 118718

(c) Means of enhancing the mental health of and recovery 118719

from addiction of all residents of this state. 118720

(7) Foster the establishment and availability of 118721
vocational rehabilitation services and the creation of 118722
employment opportunities for individuals with addiction and 118723
mental health needs, including members of racial and ethnic 118724
minorities; 118725

(8) Establish a program to protect and promote the rights 118726
of persons receiving addiction services, mental health services, 118727
and recovery supports, including the issuance of guidelines on 118728
informed consent and other rights; 118729

(9) Promote the involvement of persons who are receiving 118730
or have received addiction services, mental health services, and 118731
recovery supports including families and other persons having a 118732
close relationship to a person receiving those services and 118733
supports, in the planning, evaluation, delivery, and operation 118734
of addiction services, mental health services, and recovery 118735
supports; 118736

(10) Notify and consult with the relevant constituencies 118737
that may be affected by rules, standards, and guidelines issued 118738
by the department of ~~mental-behavioral health-and-addiction-~~ 118739
~~services~~. These constituencies shall include consumers of 118740
addiction services, mental health services, and recovery 118741
supports and the families of such consumers. These 118742
constituencies may include public and private providers, 118743
employee organizations, and others when appropriate. Whenever 118744
the department proposes the adoption, amendment, or rescission 118745
of rules under Chapter 119. of the Revised Code, the 118746
notification and consultation required by this division shall 118747
occur prior to the commencement of proceedings under Chapter 118748
119. The department shall adopt rules under Chapter 119. of the 118749

Revised Code that establish procedures for the notification and 118750
consultation required by this division. 118751

(11) Provide consultation to the department of 118752
rehabilitation and correction concerning the delivery of 118753
addiction services and mental health services in state 118754
correctional institutions; 118755

(12) Promote and coordinate efforts in the provision of 118756
addiction services by other state agencies, as defined in 118757
section 1.60 of the Revised Code; courts; hospitals; clinics; 118758
physicians in private practice; public health authorities; 118759
boards of alcohol, drug addiction, and mental health services; 118760
community addiction services providers; law enforcement 118761
agencies; and related groups; 118762

(13) Provide to each court of record, and biennially 118763
update, a list of the treatment and education programs within 118764
that court's jurisdiction that the court may require an 118765
offender, sentenced pursuant to section 4511.19 of the Revised 118766
Code, to attend; 118767

(14) Make the warning sign described in sections 3313.752, 118768
3345.41, and 3707.50 of the Revised Code available on the 118769
department's internet web site; 118770

(15) Provide a program of gambling addiction services on 118771
behalf of the state lottery commission, pursuant to an agreement 118772
entered into with the director of the commission under division 118773
(K) of section 3770.02 of the Revised Code, and provide a 118774
program of gambling addiction services on behalf of the Ohio 118775
casino control commission, under an agreement entered into with 118776
the executive director of the commission under section 3772.062 118777
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio 118778

Constitution, the department may enter into agreements with 118779
boards of alcohol, drug addiction, and mental health services, 118780
including boards with districts in which a casino facility is 118781
not located, and nonprofit organizations to provide addiction 118782
services, and with state institutions of higher education or 118783
private nonprofit institutions that possess a certificate of 118784
authorization issued under Chapter 1713. of the Revised Code to 118785
perform related research. 118786

(B) The department may accept and administer grants from 118787
public or private sources for carrying out any of the duties 118788
enumerated in this section. 118789

(C) The department may adopt rules in accordance with 118790
Chapter 119. of the Revised Code as necessary to implement the 118791
requirements of this chapter. 118792

Sec. 5119.211. The department of behavioral health may 118793
establish a process and standards for the state certification of 118794
certified community behavioral health clinics. The process and 118795
standards may be based on the provisions of section 223 of the 118796
"Protecting Access to Medicare Act of 2014," 42 U.S.C. 1396a 118797
note. 118798

If the department establishes a process and standards for 118799
the state certification of certified community behavioral health 118800
clinics, the department may coordinate with local, state, and 118801
federal government entities for the development and 118802
establishment of the clinics. 118803

The director of behavioral health may adopt rules as the 118804
director considers necessary to implement this section. If the 118805
director adopts rules, the rules shall be adopted in accordance 118806
with Chapter 119. of the Revised Code. 118807

Sec. 5119.22. The director of ~~mental-behavioral health-and~~ 118808
~~addiction services,~~ with respect to all mental health and 118809
addiction facilities, addiction services, mental health 118810
services, and recovery supports established and operated or 118811
provided under Chapter 340. of the Revised Code, shall do all of 118812
the following: 118813

(A) Adopt rules pursuant to Chapter 119. of the Revised 118814
Code that may be necessary to carry out the purposes of this 118815
chapter and Chapters 340. and 5122. of the Revised Code. 118816

(B) Review and evaluate the community-based continuum of 118817
care required by section 340.032 of the Revised Code to be 118818
established in each service district, taking into account the 118819
findings and recommendations of the board of alcohol, drug 118820
addiction, and mental health services of the district submitted 118821
under division (A) (4) of section 340.03 of the Revised Code and 118822
the priorities and plans of the department of ~~mental-behavioral~~ 118823
~~health-and-addiction services,~~ including the needs of residents 118824
of the district currently receiving services in state-operated 118825
hospitals, and make recommendations for needed improvements to 118826
boards of alcohol, drug addiction, and mental health services; 118827

(C) At the director's discretion, provide to boards of 118828
alcohol, drug addiction, and mental health services state or 118829
federal funds, in addition to those allocated under section 118830
5119.23 of the Revised Code, for special programs or projects 118831
the director considers necessary but for which local funds are 118832
not available; 118833

(D) Establish criteria by which each board of alcohol, 118834
drug addiction, and mental health services reviews and evaluates 118835
the quality, effectiveness, and efficiency of the facility 118836
services, addiction services, mental health services, and 118837

recovery supports for which it contracts under section 340.036 118838
of the Revised Code. The criteria shall include requirements 118839
ensuring appropriate utilization of the services and supports. 118840
The department shall assess each board's evaluation of the 118841
services and supports and the compliance of each board with this 118842
section, Chapter 340. of the Revised Code, and other state or 118843
federal law and regulations. The department, in cooperation with 118844
the board, periodically shall review and evaluate the quality, 118845
effectiveness, and efficiency of the facility services, 118846
addiction services, mental health services, and recovery 118847
supports for which each board contracts under section 340.036 of 118848
the Revised Code and the facilities, addiction services, and 118849
mental health services that each board operates or provides 118850
under section 340.037 of the Revised Code. The department shall 118851
collect information that is necessary to perform these 118852
functions. 118853

(E) To the extent the director determines necessary and 118854
after consulting with boards of alcohol, drug addiction, and 118855
mental health services, community addiction services providers, 118856
and community mental health services providers, develop and 118857
operate, or contract for the operation of, a community 118858
behavioral health information system or systems. The department 118859
shall specify the information that must be provided by the 118860
boards and providers for inclusion in the system or systems. 118861

Boards of alcohol, drug addiction, and mental health 118862
services, community addiction services providers, and community 118863
mental health services providers shall submit information 118864
requested by the department in the form and manner and in 118865
accordance with time frames prescribed by the department. 118866
Information collected by the department may include all of the 118867
following: 118868

(1) Information on addiction services, mental health services, and recovery supports provided; 118869
118870

(2) Financial information regarding expenditures of federal, state, or local funds; 118871
118872

(3) Information about persons served. 118873

The department shall not collect any personal information from the boards or providers except as required or permitted by state or federal law for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight. 118874
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(F) In consultation with representatives of boards of alcohol, drug addiction, and mental health services and after consideration of recommendations made by the medical director appointed under section 5119.11 of the Revised Code, establish all of the following: 118879
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(1) Guidelines, including a timetable, for the boards' development and submission of proposed community addiction and mental health plans, budgets, and lists of addiction services, mental health services, and recovery supports under sections 340.03 and 340.08 of the Revised Code; 118884
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(2) Procedures, including a timetable, for the director's review and approval or disapproval of the plans, budgets, and lists; 118889
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(3) Procedures for corrective action regarding the plans, budgets, and lists, including submission of revised or new plans, budgets, and lists; 118892
118893
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(4) Procedures for the director to follow in offering technical assistance to boards to assist them in making the 118895
118896

plans, budgets, and lists acceptable or in making proposed 118897
amendments to approved plans, budgets, and lists meet criteria 118898
for approval; 118899

(5) Procedures for issuing time-limited waivers under 118900
section 5119.221 of the Revised Code. 118901

(G) Review each board's proposed community addiction and 118902
mental health plan, budget, and list of addiction services, 118903
mental health services, and recovery supports submitted pursuant 118904
to sections 340.03 and 340.08 of the Revised Code and approve or 118905
disapprove the plan, the budget, and the list in whole or in 118906
part. The director shall disapprove a board's proposed budget in 118907
whole or in part if the proposed budget would not make available 118908
in the board's service district the essential elements of the 118909
community-based continuum of care required by section 340.032 of 118910
the Revised Code, including, except as otherwise authorized by a 118911
time-limited waiver issued under section 5119.221 of the Revised 118912
Code, an array of addiction services and recovery supports for 118913
all levels of opioid and co-occurring drug addiction. 118914

Prior to a final decision to disapprove a plan, budget, or 118915
list in whole or in part, a representative of the director shall 118916
meet with the board and discuss the reason for the action the 118917
director proposes to take and any corrective action that should 118918
be taken to make the plan, budget, or list acceptable to the 118919
director. In addition, the director shall offer technical 118920
assistance to the board to assist it to make the plan, budget, 118921
or list acceptable. The director shall give the board a 118922
reasonable time in which to revise the plan, budget, or list. 118923
The board thereafter shall submit a revised plan, budget, or 118924
list or a new plan, budget, or list. 118925

(H) Approve or disapprove all or part of proposed 118926

amendments that a board of alcohol, drug addiction, or mental 118927
health services submits under section 340.03 or 340.08 of the 118928
Revised Code to an approved community addiction and mental 118929
health plan, budget, or list of addiction services, mental 118930
health services, and recovery supports. 118931

If the director disapproves of all or part of any proposed 118932
amendment, the director shall provide the board an opportunity 118933
to present its position. The director shall inform the board of 118934
the reasons for the disapproval and of the criteria that must be 118935
met before the proposed amendment may be approved. The director 118936
shall give the board a reasonable time within which to meet the 118937
criteria and shall offer technical assistance to the board to 118938
help it meet the criteria. 118939

Sec. 5119.221. (A) The director of ~~mental-behavioral~~ 118940
~~health-and-addiction-services~~, in accordance with procedures 118941
established under division (F) (5) of section 5119.22 of the 118942
Revised Code, may issue to a board of alcohol, drug addiction, 118943
and mental health services a time-limited waiver of the 118944
requirement of section 340.033 of the Revised Code that 118945
ambulatory detoxification and medication-assisted treatment be 118946
made available within the borders of the board's service 118947
district if the director determines that both of the following 118948
apply: 118949

(1) The board seeking the waiver has made reasonable 118950
efforts to make ambulatory detoxification and medication- 118951
assisted treatment available within the borders of the board's 118952
service district; 118953

(2) Ambulatory detoxification and medication-assisted 118954
treatment can be made available through one or more contracts 118955
between the board seeking the waiver and community addiction 118956

services providers that are located not more than thirty miles 118957
beyond the borders of the board's service district. 118958

(B) Each waiver issued under this section shall specify 118959
the amount of time for which it is in effect and whether it 118960
applies to ambulatory detoxification, medication-assisted 118961
treatment, or both. 118962

Sec. 5119.23. (A) The department of ~~mental~~-behavioral 118963
~~health and addiction services~~ shall establish a methodology for 118964
allocating to boards of alcohol, drug addiction, and mental 118965
health services the funds appropriated by the general assembly 118966
to the department for the purpose of the community-based 118967
continuum of care that each board establishes under section 118968
340.032 of the Revised Code. The department shall establish the 118969
methodology after notifying and consulting with relevant 118970
constituencies as required by division (A)(10) of section 118971
5119.21 of the Revised Code. The methodology may provide for the 118972
funds to be allocated to boards on a district or multi-district 118973
basis. 118974

(B) Subject to section 5119.25 of the Revised Code, and to 118975
required submissions and approvals under sections 340.08 and 118976
5119.22 of the Revised Code, the department shall allocate the 118977
funds to the boards in a manner consistent with the methodology, 118978
this section, other state and federal laws, rules, and 118979
regulations. 118980

(C) In consultation with boards, community addiction 118981
services providers, community mental health services providers, 118982
and persons receiving addiction services, mental health 118983
services, and recovery supports, the department shall establish 118984
guidelines for the use of funds allocated under this section. 118985

Sec. 5119.24. (A) As used in this section, "administrative function" means a function related to one or more of the following:

(1) Continuous quality improvement;

(2) Utilization review;

(3) Resource development;

(4) Fiscal administration;

(5) General administration;

(6) Any other function related to administration that is required by Chapter 340. of the Revised Code.

(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of ~~mental-behavioral health and addiction services~~ specifying how the board used funds allocated to the board under section 5119.23 of the Revised Code for administrative functions in the year preceding the report's submission. The director of ~~mental-behavioral health and addiction services~~ shall establish the date by which the report must be submitted each year.

Sec. 5119.25. (A) The director of ~~mental-behavioral health and addiction services~~ may withhold funds, in whole or in part, that otherwise are to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The board fails to comply with Chapter 340. or 5119. of the Revised Code or rules of the department of ~~mental-behavioral health and addiction services~~;

(2) The board denies available service on the basis of

race, color, religion, ancestry, military status, sex, age, 119013
national origin, disability as defined in section 4112.01 of the 119014
Revised Code, or developmental disability. 119015

(B) The director shall withhold funds, in whole or in 119016
part, that otherwise are to be allocated to a board under 119017
section 5119.23 of the Revised Code if either of the following 119018
circumstances apply: 119019

(1) The director, under division (G) of section 5119.22 of 119020
the Revised Code, disapproves all or part of the board's 119021
proposed community addiction and mental health plan, budget, or 119022
list of addiction services, mental health services, and recovery 119023
supports; 119024

(2) The board's use of state and federal funds fails to 119025
comply with the board's approved budget, including approved 119026
amendments to the budget. 119027

(C) The director shall issue a notice identifying the 119028
areas of noncompliance and the action necessary to achieve 119029
compliance. The director may offer technical assistance to the 119030
board to achieve compliance. The board shall have thirty days 119031
from receipt of the notice of noncompliance to present its 119032
position that it is in compliance or to submit to the director 119033
evidence of corrective action the board took to achieve 119034
compliance. Before withholding funds, the director or the 119035
director's designee shall hold a hearing within thirty days of 119036
receipt of the board's position or evidence to determine if 119037
there are continuing violations and that either assistance is 119038
rejected or the board is unable, or has failed, to achieve 119039
compliance. The director may appoint a representative from 119040
another board of alcohol, drug addiction, and mental health 119041
services to serve as a mentor for the board in developing and 119042

executing a plan of corrective action to achieve compliance. Any 119043
such representative shall be from a board that is in compliance 119044
with Chapter 340. of the Revised Code, this chapter, and the 119045
department's rules. Subsequent to the hearing process, if it is 119046
determined that compliance has not been achieved, the director 119047
may allocate all or part of the withheld funds to one or more 119048
community mental health services providers or community 119049
addiction services providers to provide the mental health 119050
service, addiction service, or recovery support for which the 119051
board is not in compliance until the time that there is 119052
compliance. 119053

(D) The director shall adopt rules in accordance with 119054
Chapter 119. of the Revised Code to implement this section. 119055

Sec. 5119.27. (A) As used in this section: 119056

(1) "Community control sanction" has the same meaning as 119057
in section 2929.01 of the Revised Code. 119058

(2) "Federally assisted," "program," and "substance use 119059
disorder" have the same meanings as in 42 C.F.R. 2.11 and as 119060
further described in 42 C.F.R. 2.12(b). 119061

(3) "Post-release control sanction" has the same meaning 119062
as in section 2967.01 of the Revised Code. 119063

(B) In accordance with 42 U.S.C. 290dd-2, records or 119064
information created or maintained by a federally assisted 119065
program for the treatment of substance use disorders shall be 119066
kept confidential and may be disclosed only for the purposes and 119067
under the circumstances expressly authorized under 42 C.F.R. 119068
Part 2. 119069

(C) When the person, with respect to whom any record or 119070
information referred to in division (B) of this section is 119071

maintained, gives consent in the form of a written release 119072
signed by the person, the content of the record or information 119073
may be disclosed if the written release conforms to all of the 119074
requirements set forth in 42 C.F.R. 2.31. 119075

(D) In accordance with 42 C.F.R. 2.35, a person who is 119076
subject to a community control sanction, a post-release control 119077
sanction, is on parole, or is ordered to intervention in lieu of 119078
conviction, and who has agreed to participate in a federally 119079
assisted program for the treatment of substance use disorders as 119080
a condition of the community control sanction, post-release 119081
control sanction, parole, or intervention order, shall consent 119082
to the release of records and information relating to the 119083
progress of treatment, frequency of treatment, adherence to 119084
treatment requirements, and probable outcome of treatment. 119085
Release of information and records under this division shall be 119086
limited to the court or governmental personnel having the 119087
responsibility for supervising the person's community control 119088
sanction, post-release control sanction, parole, or intervention 119089
order. A person, described in this division, who refuses to 119090
allow disclosure may be considered in violation of the 119091
conditions of the person's community control sanction, post- 119092
release control sanction, parole, or intervention order. 119093

(E) In accordance with 42 C.F.R. 2.52 and 2.53, disclosure 119094
of a person's record may be made without the person's consent to 119095
qualified personnel for the purpose of conducting scientific 119096
research, management, financial audits, or program evaluation, 119097
but these personnel may not identify, directly or indirectly, 119098
any particular person in any report of the research, audit, or 119099
evaluation, or otherwise disclose a person's identity in any 119100
manner. 119101

(F) In accordance with 42 C.F.R. 2.66, upon the request of 119102
a prosecuting attorney or the director of ~~mental-behavioral~~ 119103
~~health-and-addiction-services~~, a court of competent jurisdiction 119104
may order the disclosure of records or information referred to 119105
in division (B) of this section if the court has reason to 119106
believe that a federally assisted program for the treatment of 119107
substance use disorders is being operated or used in a manner 119108
contrary to law. The use of any information or record so 119109
disclosed shall be limited to the prosecution of persons who are 119110
or may be charged with any offense related to the illegal 119111
operation or use of the program, or to the decision to withdraw 119112
the authority of a the program to continue operation. For 119113
purposes of this division the court shall do all of the 119114
following: 119115

(1) Limit disclosure to those parts of the person's record 119116
considered essential to fulfill the objective for which the 119117
order was granted; 119118

(2) Require, where appropriate, that all information be 119119
disclosed in chambers; 119120

(3) Include any other appropriate measures to keep 119121
disclosure to a minimum, consistent with the protection of the 119122
persons seeking or receiving services, the provider-client 119123
relationship, and the administration of the program. 119124

Sec. 5119.28. (A) All records, and reports, other than 119125
court journal entries or court docket entries, identifying a 119126
person and pertaining to the person's mental health condition, 119127
assessment, provision of care, treatment, or recovery supports, 119128
or payment for assessment, care, treatment, or recovery supports 119129
that are maintained in connection with any services certified by 119130
the department of ~~mental-behavioral~~ health-and-addiction 119131

~~services~~, any recovery supports paid for with funds administered 119132
by the department or a board of alcohol, drug addiction, and 119133
mental health services, or any hospitals or facilities licensed 119134
or operated by the department, shall be kept confidential and 119135
shall not be disclosed by any person except: 119136

(1) If the person identified, or the person's legal 119137
guardian, if any, or if the person is a minor, the person's 119138
parent or legal guardian, consents; 119139

(2) When disclosure is provided for in this chapter or 119140
Chapter 340. or 5122. of the Revised Code or in accordance with 119141
other provisions of state or federal law authorizing such 119142
disclosure; 119143

(3) That hospitals, boards of alcohol, drug addiction, and 119144
mental health services, licensed facilities, and community 119145
mental health services providers may release necessary 119146
information to insurers and other third-party payers, including 119147
government entities responsible for processing and authorizing 119148
payment, to obtain payment for goods and services furnished to 119149
the person; 119150

(4) Pursuant to a court order signed by a judge; 119151

(5) That a person shall be granted access to the person's 119152
own psychiatric and medical records, unless access specifically 119153
is restricted in a person's treatment plan for clear treatment 119154
reasons; 119155

(6) That the department of ~~mental-behavioral~~ health and- 119156
~~addiction services~~ may exchange psychiatric records and other 119157
pertinent information with community mental health services 119158
providers and boards of alcohol, drug addiction, and mental 119159
health services relating to the person's care or services. 119160

Records and information that may be exchanged pursuant to this 119161
division shall be limited to medication history, physical health 119162
status and history, financial status, summary of course of 119163
treatment, summary of treatment needs, and a discharge summary, 119164
if any. 119165

(7) That the department of ~~mental-behavioral health-and-~~ 119166
~~addiction-services~~, hospitals and community providers operated 119167
by the department, hospitals licensed by the department under 119168
section 5119.33 of the Revised Code, and community mental health 119169
services providers may exchange psychiatric records and other 119170
pertinent information with payers and other providers of 119171
treatment and health services if the purpose of the exchange is 119172
to facilitate continuity of care for the person or for the 119173
emergency treatment of the person; 119174

(8) That the department of ~~mental-behavioral health and-~~ 119175
~~addiction-services~~ and community mental health services 119176
providers may exchange psychiatric records and other pertinent 119177
information with boards of alcohol, drug addiction, and mental 119178
health services for purposes of any board function set forth in 119179
Chapter 340. of the Revised Code. Boards of alcohol, drug 119180
addiction, and mental health services shall not access any 119181
personal information from the department or providers except as 119182
required or permitted by this section, or Chapter 340. or 5122. 119183
of the Revised Code for purposes related to payment, care 119184
coordination, health care operations, program and service 119185
evaluation, reporting activities, research, system 119186
administration, oversight, or other authorized purposes. 119187

(9) That a person's family member who is involved in the 119188
provision, planning, and monitoring of services to the person 119189
may receive medication information, a summary of the person's 119190

diagnosis and prognosis, and a list of the services and 119191
personnel available to assist the person and the person's 119192
family, if the person's treatment provider determines that the 119193
disclosure would be in the best interests of the person. No such 119194
disclosure shall be made unless the person is notified first and 119195
receives the information and does not object to the disclosure. 119196

(10) That community mental health services providers may 119197
exchange psychiatric records and certain other information with 119198
the board of alcohol, drug addiction, and mental health services 119199
and other providers in order to provide services to a person 119200
involuntarily committed to a board. Release of records under 119201
this division shall be limited to medication history, physical 119202
health status and history, financial status, summary of course 119203
of treatment, summary of treatment needs, and discharge summary, 119204
if any. 119205

(11) That information may be disclosed to the executor or 119206
the administrator of an estate of a deceased person when the 119207
information is necessary to administer the estate; 119208

(12) That information may be disclosed to staff members of 119209
the appropriate board or to staff members designated by the 119210
director of ~~mental-behavioral health and addiction services~~ for 119211
the purpose of evaluating the quality, effectiveness, and 119212
efficiency of mental health services and recovery supports and 119213
determining if the services and supports meet minimum standards. 119214
Information obtained during such evaluations shall not be 119215
retained with the name of any person. 119216

(13) That records pertaining to the person's diagnosis, 119217
course of treatment, treatment needs, and prognosis shall be 119218
disclosed and released to the appropriate prosecuting attorney 119219
if the person was committed pursuant to section 2945.38, 119220

2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 119221
to the attorney designated by the board for proceedings pursuant 119222
to involuntary commitment under Chapter 5122. of the Revised 119223
Code; 119224

(14) That the department of ~~mental-behavioral health and~~ 119225
~~addiction services~~ may exchange psychiatric hospitalization 119226
records, other mental health treatment records, and other 119227
pertinent information with the department of rehabilitation and 119228
correction and with the department of youth services to ensure 119229
continuity of care for inmates and offenders who are receiving 119230
mental health services in an institution of the department of 119231
rehabilitation and correction or the department of youth 119232
services and may exchange psychiatric hospitalization records, 119233
other mental health treatment records, and other pertinent 119234
information with boards of alcohol, drug addiction, and mental 119235
health services and community mental health services providers 119236
to ensure continuity of care for inmates or offenders who are 119237
receiving mental health services in an institution and are 119238
scheduled for release within six months. The release of records 119239
under this division is limited to records regarding an inmate's 119240
or offender's medication history, physical health status and 119241
history, summary of course of treatment, summary of treatment 119242
needs, and a discharge summary, if any. 119243

(15) That a community mental health services provider that 119244
ceases to operate may transfer to either a community mental 119245
health services provider that assumes its caseload or to the 119246
board of alcohol, drug addiction, and mental health services of 119247
the service district in which the person resided at the time 119248
mental health services or recovery supports were most recently 119249
provided any records concerning the services or supports that 119250
have not been transferred elsewhere at the person's request; 119251

(16) That records and reports relating to a person who has 119252
been deceased for fifty years or more are no longer considered 119253
confidential. 119254

(B) Before records are disclosed pursuant to divisions (A) 119255
(3), (6), and (10) of this section, the custodian of the records 119256
shall attempt to obtain the person's consent for the disclosure. 119257

(C) No person shall reveal the content of a medical record 119258
of a person that is confidential pursuant to this section, 119259
except as authorized by law. 119260

Sec. 5119.29. The department of ~~mental-behavioral health-~~ 119261
~~and addiction services,~~ in conjunction with boards of alcohol, 119262
drug addiction, and mental health services and community mental 119263
health boards, shall develop a coordinated system for tracking 119264
and monitoring persons found not guilty by reason of insanity 119265
and committed pursuant to section 2945.40 of the Revised Code 119266
who have been granted a conditional release and persons found 119267
incompetent to stand trial and committed pursuant to section 119268
2945.39 of the Revised Code who have been granted a conditional 119269
release. The system shall do all of the following: 119270

(A) Centralize responsibility for the tracking of those 119271
persons; 119272

(B) Develop uniformity in monitoring those persons; 119273

(C) Develop a mechanism to allow prompt rehospitalization, 119274
reinstitutionalization, or detention when a violation of the 119275
conditional release or decompensation occurs. 119276

Sec. 5119.30. The department of ~~mental-behavioral health~~ 119277
~~and addiction services~~ promptly shall develop and maintain a 119278
program that continually provides the courts of this state with 119279
relevant information pertaining to addiction services and 119280

programs available both within their jurisdictions and statewide 119281
in order to facilitate the ability of the courts to utilize 119282
treatment and rehabilitation alternatives in addition to or in 119283
lieu of imposing sentences of imprisonment upon appropriate 119284
offenders. 119285

Sec. 5119.31. The department of administrative services 119286
shall purchase all supplies needed for the proper support and 119287
maintenance of the institutions under the control of the 119288
department of ~~mental-behavioral health and addiction services~~ in 119289
accordance with the competitive selection procedures of Chapter 119290
125. of the Revised Code and such rules as the department of 119291
administrative services adopts. All bids shall be publicly 119292
opened on the day and hour and at the place specified in the 119293
advertisement. 119294

Preference shall be given to bidders in localities wherein 119295
the institution is located, if the price is fair and reasonable 119296
and not greater than the usual price; but bids not meeting the 119297
specifications shall be rejected. 119298

The department of administrative services may require such 119299
security as it considers proper to accompany the bids and shall 119300
fix the security to be given by the contractor. 119301

The department of administrative services may reject any 119302
or all bids and secure new bids, if for any reason it is deemed 119303
for the best interest of the state to do so, and it may 119304
authorize the managing officer of any institution to purchase 119305
perishable goods and supplies for use in cases of emergency, in 119306
which cases such managing officer shall certify such fact in 119307
writing and the department of administrative services shall 119308
record the reasons for such purchase. 119309

Sec. 5119.311. The department of ~~mental-behavioral health~~ 119310
~~and addiction services~~ may examine into, with or without expert 119311
assistance, the question of the mental and physical condition of 119312
any person committed to or involuntarily confined in any 119313
hospital for persons with mental illnesses, or restrained of 119314
liberty at any place within this state by reason of alleged 119315
mental illness and may order and compel the discharge of any 119316
such person who is not a person with a mental illness subject to 119317
court order as defined in division (B) of section 5122.01 of the 119318
Revised Code and direct what disposition shall be made of the 119319
person. The order of discharge shall be signed by the director 119320
of ~~mental-behavioral health and addiction services~~. Upon receipt 119321
of such order by the superintendent or other person in charge of 119322
the building in which the person named in such order is 119323
confined, such person shall forthwith be discharged or otherwise 119324
disposed of according to the terms of said order, and any 119325
further or other detention of such person is unlawful. No such 119326
order shall be made in favor of any person committed and held 119327
for trial on a criminal charge, in confinement by an order of a 119328
judge or court made in a criminal proceeding, or in any case 119329
unless notice is given to the superintendent or other person 119330
having charge of the building in which the alleged person with a 119331
mental illness is detained, and a reasonable opportunity is 119332
allowed the person in charge to justify further detention of the 119333
person confined. 119334

Sec. 5119.32. The department of ~~mental-behavioral health~~ 119335
~~and addiction services~~ is hereby designated as the state 119336
administrative agency for the substance abuse prevention 119337
treatment block grant and the community mental health services 119338
block grant authorized by the "Public Health Services Act," 95 119339
Stat. 357, 543, 42 U.S.C. 300x, as amended, and similar alcohol, 119340

drug abuse, or mental health programs that are specified in an 119341
appropriations act. 119342

Sec. 5119.33. ~~(A)(1)~~ (A) The department of mental 119343
behavioral health and addiction services shall inspect and 119344
license all hospitals that receive persons with mental 119345
illnesses, except those hospitals managed by the department. No 119346
hospital may receive for care or treatment, either at public or 119347
private expense, any person who is or appears to have a mental 119348
illness, whether or not so adjudicated, unless the hospital has 119349
received a license from the department authorizing it to receive 119350
for care or treatment persons with mental illnesses or the 119351
hospital is managed by the department. 119352

~~(2) No such license shall be granted to a hospital for the 119353
treatment of persons with mental illnesses unless both of the 119354
following are the case:— 119355~~

~~(a) The department is satisfied, after investigation, that 119356
the hospital is managed and operated by qualified persons, is— 119357
adequately staffed and equipped to operate, and has on its staff 119358
one or more qualified physicians responsible for the medical— 119359
care of the patients confined there. At least one such physician 119360
shall be a psychiatrist.— 119361~~

~~(b) The department has not been notified under section— 119362
5119.334 of the Revised Code or is not otherwise aware that the— 119363
hospital, or any owner, sponsor, medical director,— 119364
administrator, or principal of the hospital, has been the— 119365
subject of an adverse action, as defined in that section, taken— 119366
during the three-year period immediately preceding the date of— 119367
application. 119368~~

(B) The department shall adopt rules under Chapter 119. of 119369

the Revised Code prescribing minimum standards for the operation 119370
of hospitals for the care and treatment of persons with mental 119371
illnesses and establishing standards and procedures for the 119372
issuance, renewal, or revocation of full, probationary, and 119373
interim licenses. No license shall be granted to any hospital 119374
established or used for the care of persons with mental 119375
illnesses unless such hospital is operating in accordance with 119376
this section and rules adopted pursuant to this section. A full 119377
license shall expire one year after the date of issuance, a 119378
probationary license shall expire at the time prescribed by rule 119379
adopted pursuant to Chapter 119. of the Revised Code by the 119380
director of ~~mental-behavioral health-and-addiction services~~, and 119381
an interim license shall expire ninety days after the date of 119382
issuance. A full, probationary, or interim license may be 119383
renewed, except that an interim license may be renewed only 119384
twice. The department may fix reasonable fees for licenses and 119385
for license renewals. Such hospitals are subject to inspection 119386
and on-site review by the department. 119387

(C) Except as otherwise provided in Chapter 5122. of the 119388
Revised Code, neither the director of ~~mental-behavioral health-~~ 119389
~~and-addiction services~~; an employee of the department; a board 119390
of alcohol, drug addiction, and mental health services or 119391
employee of a community mental health services provider; nor any 119392
other public official shall hospitalize any person with a mental 119393
illness for care or treatment in any hospital that is not 119394
licensed in accordance with this section. 119395

(D) (1) The department may issue an order suspending the 119396
admission of patients with mental illnesses to a hospital for 119397
care or treatment if it finds either of the following: 119398

(a) The hospital is not in compliance with rules adopted 119399

by the director pursuant to this section. 119400

(b) The hospital has been cited for more than one 119401
violation of statutes or rules during any previous period of 119402
time during which the hospital is licensed pursuant to this 119403
section. 119404

(2) (a) Except as provided in division (D) (2) (b) of this 119405
section, proceedings initiated to suspend the admission of 119406
patients are governed by Chapter 119. of the Revised Code. 119407

(b) If a suspension of admissions is proposed because the 119408
director has determined that the licensee has demonstrated a 119409
pattern of serious noncompliance or that a violation creates a 119410
substantial risk to the health and safety of patients, the 119411
director may issue an order imposing the suspension of 119412
admissions before providing an opportunity for an adjudication 119413
under Chapter 119. of the Revised Code. The director shall lift 119414
the order for the suspension of admissions if the director 119415
determines that the violation that formed the basis for the 119416
order has been corrected. 119417

(3) Appeals from proceedings initiated to order the 119418
suspension of admissions shall be conducted in accordance with 119419
Chapter 119. of the Revised Code, unless the order was issued 119420
before providing an opportunity for an adjudication, in which 119421
case all of the following apply: 119422

(a) The licensee may request a hearing not later than ten 119423
days after being served in accordance with sections 119.05 and 119424
119.07 of the Revised Code. 119425

(b) If a timely request for a hearing that includes the 119426
licensee's current address is made, the hearing shall commence 119427
not later than thirty days after the department receives the 119428

request. 119429

(c) After commencing, the hearing shall continue 119430
uninterrupted, except for Saturdays, Sundays, and legal 119431
holidays, unless other interruptions are agreed to by the 119432
licensee and the director. 119433

(d) If the hearing is conducted by a hearing examiner, the 119434
hearing examiner shall file a report and recommendations with 119435
the department not later than ten days after the last of the 119436
following: 119437

(i) The close of the hearing; 119438

(ii) If a transcript of the proceedings is ordered, the 119439
hearing examiner receives the transcript; 119440

(iii) If post-hearing briefs are timely filed, the hearing 119441
examiner receives the briefs. 119442

(e) The hearing examiner shall send a written copy of the 119443
report and recommendations, by certified mail, to the licensee, 119444
or the licensee's attorney, if applicable, not later than five 119445
days after the report is filed with the department. 119446

(f) Not later than five days after receiving the report 119447
and recommendations, the licensee may file objections with the 119448
department. 119449

(g) Not later than fifteen days after the hearing examiner 119450
files the report and recommendations, the department shall issue 119451
an order approving, modifying, or disapproving the report and 119452
recommendations. 119453

(h) Notwithstanding the pendency of the hearing, the 119454
department shall lift the order for the suspension of admissions 119455
if the department determines the violation that formed the basis 119456

for the order has been corrected. 119457

(E) (1) ~~Any license issued by the department under this~~ 119458
~~section may be revoked or not renewed by the department~~ The 119459
department may deny, refuse to renew, or revoke a license for 119460
any of the following reasons: 119461

(a) The hospital is ~~no longer~~ not a suitable place for the 119462
care or treatment of persons with mental illnesses. 119463

(b) The hospital refuses to be subject to inspection or 119464
on-site review by the department. 119465

(c) The hospital ~~has failed~~ fails to furnish humane, kind, 119466
and adequate treatment and care. 119467

(d) The hospital fails to comply with the licensure rules 119468
of the department. 119469

(e) The department finds that the hospital is not managed 119470
and operated by qualified persons, is not adequately staffed and 119471
equipped to operate, or does not have on its staff one or more 119472
qualified physicians, including at least one psychiatrist, who 119473
is responsible for the care of the patients in the hospital. 119474

(f) The department has been notified under section 119475
5119.334 of the Revised Code or otherwise becomes aware that the 119476
hospital, any owner, sponsor, medical director, administrator, 119477
or principal of the hospital, or any subsidiary of the hospital, 119478
owner, or sponsor has been the subject of an adverse action, as 119479
defined in that section, taken during the three-year period 119480
immediately preceding the date of notification or date of 119481
becoming aware of the adverse action. 119482

(2) Proceedings initiated to deny applications for full or 119483
probationary licenses, to refuse to renew full or probationary 119484

licenses, or to revoke full or probationary licenses are 119485
governed by Chapter 119. of the Revised Code. If an order has 119486
been issued suspending the admission of patients, the order 119487
remains in effect during the pendency of those proceedings. 119488

(F) (1) In a proceeding initiated to suspend the admission 119489
of patients, to deny an application for a full or probationary 119490
license, to refuse to renew a full or probationary license, or 119491
to revoke a full or probationary license, the department may 119492
order the suspension, denial, refusal, or revocation regardless 119493
of whether some or all of the deficiencies that prompted the 119494
proceedings have been corrected at the time of the hearing. 119495

(2) When the department issues an order suspending the 119496
admission of patients, denies an application for a full or 119497
probationary license, refuses to renew a full or probationary 119498
license, or revokes a full or probationary license, the 119499
department shall not grant an opportunity for submitting a plan 119500
of correction. 119501

(G) The department may inspect, conduct an on-site review, 119502
and review the records of any hospital that the department has 119503
reason to believe is operating without a license. 119504

Sec. 5119.331. If the department of ~~mental-behavioral~~ 119505
~~health and addiction services~~ determines that a hospital not 119506
licensed by the department is receiving for care or treatment 119507
any person who is or appears to have a mental illness, the 119508
department may request in writing that the attorney general 119509
petition the court of common pleas in the county where the 119510
hospital is located to enjoin the hospital from continued 119511
operation in violation of section 5119.33 of the Revised Code. 119512

Sec. 5119.332. No third-party payer shall directly or 119513

indirectly reimburse, nor shall any person be obligated to pay 119514
any hospital for psychiatric services for which a license is 119515
required under section 5119.33 of the Revised Code unless the 119516
hospital is licensed by the department of ~~mental-behavioral~~ 119517
~~health-and-addiction services.~~ 119518

As used in this section, "third-party payer" means a 119519
health insuring corporation licensed under Chapter 1751. of the 119520
Revised Code, an insurance company that issues sickness and 119521
accident insurance in conformity with Chapter 3923. of the 119522
Revised Code, a state-financed health insurance program under 119523
Chapter 3701., 4123., or 5101. of the Revised Code, or any self- 119524
insurance plan. 119525

Sec. 5119.333. No person shall keep or maintain a hospital 119526
for the care or treatment of persons with mental illnesses 119527
unless it is licensed by the department of ~~mental-behavioral~~ 119528
~~health-and-addiction services,~~ as provided by section 5119.33 of 119529
the Revised Code. 119530

Sec. 5119.334. (A) As used in this section, "adverse 119531
action" means an action by a state, provincial, federal, or 119532
other licensing or regulatory authority other than the 119533
department of behavioral health to deny, revoke, suspend, place 119534
on probation, or otherwise restrict a license, certificate, or 119535
other approval to operate a hospital or practice a health care 119536
profession. 119537

(B) (1) When submitting an application for initial or 119538
renewed licensure of a hospital under section 5119.33 of the 119539
Revised Code, the applicant shall notify the department of 119540
~~mental-behavioral health and addiction services~~ of any adverse 119541
action taken against any of the following during the three-year 119542
period immediately preceding the date of application: 119543

(a) The hospital or the hospital's; 119544

(b) Any owner, sponsor, medical director, administrator, 119545
or any of its principals within principal of the three-year 119546
period immediately preceding the date of applicationhospital; 119547

(c) Any subsidiary of the hospital, owner, or sponsor. 119548

(2) Not later than seven days after receiving a notice of 119549
adverse action ~~from a licensing or regulatory authority that is~~ 119550
~~other than the department of mental health and addiction~~ 119551
~~services,~~ the holder of a hospital license issued under section 119552
5119.33 of the Revised Code shall notify the department of the 119553
action. 119554

(C) To notify the department as required by this section, 119555
a copy of the notice of adverse action shall be provided to the 119556
department. 119557

Sec. 5119.34. (A) As used in this section and sections 119558
5119.341 to ~~5119.343~~ 5119.344 of the Revised Code: 119559

(1) "Accommodations" means housing, daily meal 119560
preparation, laundry, housekeeping, arranging for 119561
transportation, social and recreational activities, maintenance, 119562
security, and other services that do not constitute personal 119563
care services or skilled nursing care. 119564

(2) "ADAMHS board" means a board of alcohol, drug 119565
addiction, and mental health services. 119566

(3) "Adult" means a person who is eighteen years of age or 119567
older, other than a person described in division (A) (4) of this 119568
section who is between eighteen and twenty-one years of age. 119569

(4) "Child" means a person who is under eighteen years of 119570
age or a person with a mental disability who is under twenty-one 119571

years of age. 119572

~~(5) "Community mental health services provider" means a~~ 119573
~~community mental health services provider as defined in section~~ 119574
~~5119.01 of the Revised Code.~~ 119575

~~(6) "Community mental health services" means any mental~~ 119576
~~health services certified by the department pursuant to section~~ 119577
~~5119.36 of the Revised Code.~~ 119578

~~(7)~~ "Operator" means the person or persons, firm, 119579
partnership, agency, governing body, association, corporation, 119580
or other entity that is responsible for the administration and 119581
management of a residential facility and that is the applicant 119582
for a residential facility license. 119583

~~(8)~~ (6) "Personal care services" means services including, 119584
but not limited to, the following: 119585

(a) Assisting residents with activities of daily living; 119586

(b) Assisting residents with self-administration of 119587
medication in accordance with rules adopted under this section; 119588

(c) Preparing special diets, other than complex 119589
therapeutic diets, for residents pursuant to the instructions of 119590
a physician or a licensed dietitian, in accordance with rules 119591
adopted under this section. 119592

"Personal care services" does not include "skilled nursing 119593
care" as defined in section 3721.01 of the Revised Code. A 119594
facility need not provide more than one of the services listed 119595
in division ~~(A)~~ ~~(8)~~ (A) (6) of this section to be considered to be 119596
providing personal care services. 119597

~~(9)~~ (7) "Room and board" means the provision of sleeping 119598
and living space, meals or meal preparation, laundry services, 119599

housekeeping services, or any combination thereof. 119600

~~(10)~~ (8) "Residential state supplement program" means the 119601
program established under section 5119.41 of the Revised Code. 119602

~~(11)~~ (9) "Supervision" means any of the following: 119603

(a) Observing a resident to ensure the resident's health, 119604
safety, and welfare while the resident engages in activities of 119605
daily living or other activities; 119606

(b) Reminding a resident to perform or complete an 119607
activity, such as reminding a resident to engage in personal 119608
hygiene or other self-care activities; 119609

(c) Assisting a resident in making or keeping an 119610
appointment. 119611

~~(12)~~ (10) "Unrelated" means that a resident is not related 119612
to the owner or operator of a residential facility or to the 119613
owner's or operator's spouse as a parent, grandparent, child, 119614
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 119615
uncle, or as the child of an aunt or uncle. 119616

(B) (1) A "residential facility" is a publicly or privately 119617
operated home or facility that falls into one of the following 119618
categories: 119619

(a) Class one facilities provide accommodations, 119620
supervision, personal care services, and mental health services 119621
for one or more unrelated adults with mental illness or one or 119622
more unrelated children or adolescents with severe emotional 119623
disturbances; 119624

(b) Class two facilities provide accommodations, 119625
supervision, and personal care services to any of the following: 119626

- (i) One or two unrelated persons with mental illness; 119627
- (ii) One or two unrelated adults who are receiving 119628
payments under the residential state supplement program; 119629
- (iii) Three to sixteen unrelated adults. 119630
- (c) Class three facilities provide room and board for five 119631
or more unrelated adults with mental illness. 119632
- (2) "Residential facility" does not include any of the 119633
following: 119634
- (a) A hospital subject to licensure under section 5119.33 119635
of the Revised Code or an institution maintained, operated, 119636
managed, and governed by the department of ~~mental-behavioral~~ 119637
~~health and addiction services~~ for the hospitalization of persons 119638
with mental illnesses pursuant to section 5119.14 of the Revised 119639
Code; 119640
- (b) A residential facility licensed under section 5123.19 119641
of the Revised Code or otherwise regulated by the department of 119642
developmental disabilities; 119643
- (c) An institution or association subject to certification 119644
under section 5103.03 of the Revised Code; 119645
- (d) A facility operated by a hospice care program licensed 119646
under section 3712.04 of the Revised Code that is used 119647
exclusively for care of hospice patients; 119648
- (e) A nursing home, residential care facility, or home for 119649
the aging as defined in section 3721.02 of the Revised Code; 119650
- (f) A facility licensed under section 5119.37 of the 119651
Revised Code to operate an opioid treatment program; 119652
- (g) Any facility that receives funding for operating costs 119653

from the department of development under any program established 119654
to provide emergency shelter housing or transitional housing for 119655
the homeless; 119656

(h) A terminal care facility for the homeless that has 119657
entered into an agreement with a hospice care program under 119658
section 3712.07 of the Revised Code; 119659

(i) A facility approved by the veterans administration 119660
under section 104(a) of the "Veterans Health Care Amendments of 119661
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used 119662
exclusively for the placement and care of veterans; 119663

(j) The residence of a relative or guardian of a person 119664
with mental illness. 119665

(C) Nothing in division (B) of this section shall be 119666
construed to permit personal care services to be imposed on a 119667
resident who is capable of performing the activity in question 119668
without assistance. 119669

(D) Except in the case of a residential facility described 119670
in division (B) (1) (a) of this section, members of the staff of a 119671
residential facility shall not administer medication to the 119672
facility's residents, but may do any of the following: 119673

(1) Remind a resident when to take medication and watch to 119674
ensure that the resident follows the directions on the 119675
container; 119676

(2) Assist a resident in the self-administration of 119677
medication by taking the medication from the locked area where 119678
it is stored, in accordance with rules adopted pursuant to this 119679
section, and handing it to the resident. If the resident is 119680
physically unable to open the container, a staff member may open 119681
the container for the resident. 119682

(3) Assist a resident who is physically impaired but 119683
mentally alert, such as a resident with arthritis, cerebral 119684
palsy, or Parkinson's disease, in removing oral or topical 119685
medication from containers and in consuming or applying the 119686
medication, upon request by or with the consent of the resident. 119687
If a resident is physically unable to place a dose of medicine 119688
to the resident's mouth without spilling it, a staff member may 119689
place the dose in a container and place the container to the 119690
mouth of the resident. 119691

(E) A person operating or seeking to operate a residential 119692
facility shall apply for licensure of the facility to the 119693
department of ~~mental-behavioral health-and-addiction services~~. 119694
The application shall be submitted by the operator. When 119695
applying for the license, the applicant shall pay to the 119696
department the application fee specified in rules adopted under 119697
division (N) of this section. The fee is nonrefundable. 119698

The department shall send a copy of an application to the 119699
ADAMHS board serving the county in which the person operates or 119700
seeks to operate the facility. The ADAMHS board shall review the 119701
application and provide to the department any information about 119702
the applicant or the facility that the board would like the 119703
department to consider in reviewing the application. 119704

(F) The department of ~~mental-behavioral health and-~~ 119705
~~addiction services~~ shall inspect and license the operation of 119706
residential facilities. ~~The department may issue a license to-~~ 119707
~~operate a residential facility only if all of the following are-~~ 119708
~~the case:-~~ 119709

~~(1) The department is satisfied, after investigation, that~~ 119710
~~the facility is managed and operated by qualified persons and is~~ 119711
~~adequately staffed and equipped to operate.-~~ 119712

~~(2) The department has not been notified under section 119713
5119.343 of the Revised Code or is not otherwise aware that the 119714
residential facility or any owner, operator, or manager of the 119715
residential facility has been the subject of an adverse action, 119716
as defined in that section, taken during the three-year period 119717
immediately preceding the date of application. 119718~~

~~(3) The department has not been notified or is not 119719
otherwise aware that the residential facility or any owner, 119720
operator, or manager of the facility has been the subject of an 119721
adverse action, as defined in that section, taken at any time 119722
based on an act or omission that violated the right of a 119723
residential facility resident to be free from abuse, neglect, or 119724
exploitation. 119725~~

The department may issue full, probationary, and interim 119726
licenses. A full license shall expire up to three years after 119727
the date of issuance, a probationary license shall expire in a 119728
shorter period of time as specified in rules adopted by the 119729
director of ~~mental behavioral health and addiction services~~ 119730
under division (N) of this section, and an interim license shall 119731
expire ninety days after the date of issuance. A license may be 119732
renewed in accordance with rules adopted by the director under 119733
division (N) of this section. The renewal application shall be 119734
submitted by the operator. When applying for renewal of a 119735
license, the applicant shall pay to the department the renewal 119736
fee specified in rules adopted under division (N) of this 119737
section. The fee is nonrefundable. 119738

(G) (1) If the department finds any of the following with 119739
respect to a residential facility, the department may issue an 119740
order suspending the admission of residents to the facility, 119741
refuse to issue or renew a license for the facility, or revoke 119742

the facility's license: 119743

(a) The facility is not in compliance with rules adopted 119744
by the director pursuant to division (N) of this section; 119745

(b) Any facility operated by the applicant or licensee has 119746
been cited for a pattern of serious noncompliance or repeated 119747
violations of statutes or rules during the period of current or 119748
previous licenses; 119749

(c) The applicant or licensee submits false or misleading 119750
information as part of a license application, renewal, or 119751
investigation. 119752

(d) The facility is not managed and operated by qualified 119753
persons or adequately staffed and equipped to operate. 119754

(e) The department has been notified under section 119755
5119.343 of the Revised Code or otherwise becomes aware that the 119756
facility, any owner, operator, or manager of the facility, or 119757
any subsidiary of the facility, owner, or operator has been the 119758
subject of an adverse action, as defined in that section, taken 119759
during the three-year period immediately preceding the date of 119760
notification or date of becoming aware of the adverse action. 119761

(f) The department has been notified under section 119762
5119.343 of the Revised Code or otherwise becomes aware that the 119763
facility, any owner, operator, or manager of the facility, or 119764
any subsidiary of the facility, owner, or operator has been the 119765
subject of an adverse action, as defined in that section, taken 119766
at any time based on an act or omission that violated the right 119767
of a residential facility resident to be free from abuse, 119768
neglect, or exploitation. 119769

(2) Proceedings initiated to deny applications for full or 119770
probationary licenses, to refuse to renew full or probationary 119771

licenses, or to revoke full or probationary licenses are 119772
governed by Chapter 119. of the Revised Code. If an order has 119773
been issued suspending the admission of residents to the 119774
facility, the order remains in effect during the pendency of 119775
those proceedings. 119776

Proceedings initiated to suspend the admission of 119777
residents to a facility are governed by Chapter 119. of the 119778
Revised Code, except as provided in division (H) of this 119779
section. 119780

(3) In a proceeding initiated to suspend the admission of 119781
residents to a facility, to deny an application for a full or 119782
probationary license, to refuse to renew a full or probationary 119783
license, or to revoke a full or probationary license, the 119784
department may order the suspension, denial, refusal, or 119785
revocation regardless of whether some or all of the deficiencies 119786
that prompted the proceedings have been corrected at the time of 119787
the hearing. 119788

(4) When the department issues an order suspending the 119789
admission of residents to a facility, denies an application for 119790
a full or probationary license, refuses to renew a full or 119791
probationary license, or revokes a full or probationary license, 119792
the department shall not grant an opportunity for submitting a 119793
plan of correction. 119794

(H) (1) If a suspension of admissions of residents to a 119795
facility is proposed because the director has determined that 119796
the licensee has demonstrated a pattern of serious noncompliance 119797
or that a violation creates a substantial risk to the health and 119798
safety of residents, the director may issue an order imposing 119799
the suspension of admissions before providing an opportunity for 119800
an adjudication under Chapter 119. of the Revised Code. The 119801

director shall lift the order for the suspension of admissions 119802
if the director determines that the violation that formed the 119803
basis for the order has been corrected. 119804

(2) Appeals from proceedings initiated to order the 119805
suspension of admissions to a facility shall be conducted in 119806
accordance with Chapter 119. of the Revised Code, unless the 119807
order was issued before providing an opportunity for an 119808
adjudication, in which case all of the following apply: 119809

(a) The licensee may request a hearing not later than ten 119810
days after being served in accordance with sections 119.05 and 119811
119.07 of the Revised Code. 119812

(b) If a timely request for a hearing that includes the 119813
licensee's current address is made, the hearing shall commence 119814
not later than thirty days after the department receives the 119815
request. 119816

(c) After commencing, the hearing shall continue 119817
uninterrupted, except for Saturdays, Sundays, and legal 119818
holidays, unless other interruptions are agreed to by the 119819
licensee and the director. 119820

(d) If the hearing is conducted by a hearing examiner, the 119821
hearing examiner shall file a report and recommendations with 119822
the department not later than ten days after the last of the 119823
following: 119824

(i) The close of the hearing; 119825

(ii) If a transcript of the proceedings is ordered, the 119826
hearing examiner receives the transcript; 119827

(iii) If post-hearing briefs are timely filed, the hearing 119828
examiner receives the briefs. 119829

(e) The hearing examiner shall send a written copy of the 119830
report and recommendations, by certified mail, to the licensee, 119831
or the licensee's attorney, if applicable, not later than five 119832
days after the report is filed with the department. 119833

(f) Not later than five days after receiving the report 119834
and recommendations, the licensee may file objections with the 119835
department. 119836

(g) Not later than fifteen days after the hearing examiner 119837
files the report and recommendations, the department shall issue 119838
an order approving, modifying, or disapproving the report and 119839
recommendations. 119840

(h) Notwithstanding the pendency of the hearing, the 119841
department shall lift the order for the suspension of admissions 119842
if the department determines the violation that formed the basis 119843
for the order has been corrected. 119844

(I) The department may issue an interim license to operate 119845
a residential facility if both of the following conditions are 119846
met: 119847

(1) The department determines that the closing of or the 119848
need to remove residents from another residential facility has 119849
created an emergency situation requiring immediate removal of 119850
residents and an insufficient number of licensed beds are 119851
available. 119852

(2) The residential facility applying for an interim 119853
license meets standards established for interim licenses in 119854
rules adopted by the director under division (N) of this 119855
section. 119856

An interim license shall be valid for ninety days and may 119857
be renewed by the director no more than twice. Proceedings 119858

initiated to deny applications for or to revoke interim licenses 119859
under this division are not subject to Chapter 119. of the 119860
Revised Code. 119861

(J) (1) The department of ~~mental behavioral health and~~ 119862
~~addiction services~~ may conduct an inspection of a residential 119863
facility as follows: 119864

(a) Prior to issuance of a license for the facility; 119865

(b) Prior to renewal of the license; 119866

(c) To determine whether the facility has completed a plan 119867
of correction required pursuant to division (J) (2) of this 119868
section and corrected deficiencies to the satisfaction of the 119869
department and in compliance with this section and rules adopted 119870
pursuant to it; 119871

(d) Upon complaint by any individual or agency; 119872

(e) At any time the director considers an inspection to be 119873
necessary in order to determine whether the facility is in 119874
compliance with this section and rules adopted pursuant to this 119875
section. 119876

(2) In conducting inspections the department may conduct 119877
an on-site examination and evaluation of the residential 119878
facility and its personnel, activities, and services. The 119879
department shall have access to examine and copy all records, 119880
accounts, and any other documents relating to the operation of 119881
the residential facility, including records pertaining to 119882
residents, and shall have access to the facility in order to 119883
conduct interviews with the operator, staff, and residents. 119884
Following each inspection and review, the department shall 119885
complete a report listing any deficiencies, and including, when 119886
appropriate, a time table within which the operator shall 119887

correct the deficiencies. The department may require the 119888
operator to submit a plan of correction describing how the 119889
deficiencies will be corrected. 119890

(K) No person shall do any of the following: 119891

(1) Operate a residential facility unless the facility 119892
holds a valid license; 119893

(2) Violate any of the conditions of licensure after 119894
having been granted a license; 119895

(3) Interfere with a state or local official's inspection 119896
or investigation of a residential facility; 119897

(4) Violate any of the provisions of this section or any 119898
rules adopted pursuant to this section. 119899

(L) The following may enter a residential facility at any 119900
time: 119901

(1) Employees designated by the director of ~~mental~~ 119902
behavioral health and addiction services; 119903

(2) Employees of an ADAMHS board under either of the 119904
following circumstances: 119905

(a) When a resident of the facility is receiving services 119906
from a community mental health services provider under contract 119907
with that ADAMHS board or another ADAMHS board; 119908

(b) When authorized by section 340.05 of the Revised Code. 119909

(3) Employees of a community mental health services 119910
provider under either of the following circumstances: 119911

(a) When the provider has a person receiving services 119912
residing in the facility; 119913

(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.

(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program.

The persons specified in division (L) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.

(M) Employees of the department of ~~mental~~-behavioral health and ~~addiction services~~ may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.

(N) The director of behavioral health shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:

(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;

(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities;

(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and

other non-resident occupants who may have direct access to 119943
facility residents; 119944

(4) The fee to be paid when applying for a new residential 119945
facility license or renewing the license; 119946

(5) Procedures for the operator of a residential facility 119947
to follow when notifying the ADAMHS board serving the county in 119948
which the facility is located when the facility is serving 119949
residents with mental illness or severe mental disability, 119950
including the circumstances under which the operator is required 119951
to make such a notification; 119952

(6) Procedures for the issuance and termination of orders 119953
of suspension of admission of residents to a residential 119954
facility; 119955

(7) Measures to be taken by residential facilities 119956
relative to residents' medication; 119957

(8) Requirements relating to preparation of special diets; 119958

(9) The maximum number of residents who may be served in a 119959
residential facility; 119960

(10) The rights of residents of residential facilities and 119961
procedures to protect such rights; 119962

(11) Standards and procedures under which the director may 119963
waive the requirements of any of the rules adopted. 119964

(0) (1) The department of behavioral health may withhold 119965
the source of any complaint reported as a violation of this 119966
section when the department determines that disclosure could be 119967
detrimental to the department's purposes or could jeopardize the 119968
investigation. The department may disclose the source of any 119969
complaint if the complainant agrees in writing to such 119970

disclosure and shall disclose the source upon order by a court 119971
of competent jurisdiction. 119972

(2) Any person who makes a complaint under division (O) (1) 119973
of this section, or any person who participates in an 119974
administrative or judicial proceeding resulting from such a 119975
complaint, is immune from civil liability and is not subject to 119976
criminal prosecution, other than for perjury, unless the person 119977
has acted in bad faith or with malicious purpose. 119978

(P) (1) The director of ~~mental behavioral~~ health and 119979
~~addiction services~~ may petition the court of common pleas of the 119980
county in which a residential facility is located for an order 119981
enjoining any person from operating a residential facility 119982
without a license or from operating a licensed facility when, in 119983
the director's judgment, there is a present danger to the health 119984
or safety of any of the occupants of the facility. The court 119985
shall have jurisdiction to grant such injunctive relief upon a 119986
showing that the respondent named in the petition is operating a 119987
facility without a license or there is a present danger to the 119988
health or safety of any residents of the facility. 119989

(2) When the court grants injunctive relief in the case of 119990
a facility operating without a license, the court shall issue, 119991
at a minimum, an order enjoining the facility from admitting new 119992
residents to the facility and an order requiring the facility to 119993
assist with the safe and orderly relocation of the facility's 119994
residents. 119995

(3) If injunctive relief is granted against a facility for 119996
operating without a license and the facility continues to 119997
operate without a license, the director shall refer the case to 119998
the attorney general for further action. 119999

(Q) The director of behavioral health may fine a person 120000
for violating division (K) of this section. The fine shall be 120001
five hundred dollars for a first offense; for each subsequent 120002
offense, the fine shall be one thousand dollars. The director's 120003
actions in imposing a fine shall be taken in accordance with 120004
Chapter 119. of the Revised Code. 120005

Sec. 5119.342. (A) Upon petition by the director of ~~mental~~ 120006
behavioral health and addiction services, the court of common 120007
pleas or the probate court may appoint a receiver to take 120008
possession of and operate a residential facility licensed 120009
pursuant to section 5119.34 of the Revised Code, when conditions 120010
existing at the residential facility present a substantial risk 120011
of physical or mental harm to residents and no other remedies at 120012
law are adequate to protect the health, safety, and welfare of 120013
the residents. 120014

Petitions filed pursuant to this section shall include: 120015

(1) A description of the specific conditions existing at 120016
the residential facility which present a substantial risk of 120017
physical or mental harm to residents; 120018

(2) A statement of the absence of other adequate remedies 120019
at law; 120020

(3) The number of individuals residing at the facility; 120021

(4) A statement that the facts have been brought to the 120022
attention of the owner or licensee and that conditions have not 120023
been remedied within a reasonable period of time or that the 120024
conditions, though remedied periodically, habitually exist at 120025
the residential facility as a pattern or practice; and 120026

(5) The name and address of the person holding the license 120027
for the residential facility. 120028

(B) A court in which a petition is filed pursuant to this 120029
section shall notify the person holding the license for the 120030
facility of the filing. The department shall send notice of the 120031
filing to the following, as appropriate: the Ohio protection and 120032
advocacy system as defined in section 5123.60 of the Revised 120033
Code; facility owner; facility operator; board of alcohol, drug 120034
addiction, and mental health services; board of health; 120035
department of developmental disabilities; department of job and 120036
family services; facility residents; and residents' families and 120037
guardians. The court shall provide a hearing on the petition 120038
within five court days of the time it was filed, except that the 120039
court may appoint a receiver prior to that time if it determines 120040
that the circumstances necessitate such action. 120041

Following a hearing on the petition, and upon a 120042
determination that the appointment of a receiver is warranted, 120043
the court shall appoint a receiver and notify the department of 120044
~~mental-behavioral health and addiction services~~ and appropriate 120045
persons of this action. 120046

In setting forth the powers of the receiver, the court may 120047
generally authorize the receiver to do all that is prudent and 120048
necessary to safely and efficiently operate the residential 120049
facility within the requirements of state and federal law, but 120050
shall require the receiver to obtain court approval prior to 120051
making any single expenditure of more than five thousand dollars 120052
to correct deficiencies in the structure or furnishings of a 120053
facility. The court shall closely review the conduct of the 120054
receiver and shall require regular and detailed reports. 120055

(C) A receivership established pursuant to this section 120056
shall be terminated, following notification of the appropriate 120057
parties and a hearing, if the court determines either of the 120058

following: 120059

(1) The residential facility has been closed and the 120060
former residents have been relocated to an appropriate facility; 120061

(2) Circumstances no longer exist at the residential 120062
facility which present a substantial risk of physical or mental 120063
harm to residents, and there is no deficiency in the residential 120064
facility that is likely to create a future risk of harm. 120065

Notwithstanding division (C) (2) of this section, the court 120066
shall not terminate a receivership for a residential facility 120067
that has previously operated under another receivership unless 120068
the responsibility for the operation of the facility is 120069
transferred to an operator approved by the court and the 120070
department of ~~mental-behavioral health-and-addiction services~~. 120071

(D) Except for the department of ~~mental-behavioral health~~ 120072
~~and-addiction services~~ or appropriate board of alcohol, drug 120073
addiction, and mental health services, no party or person 120074
interested in an action shall be appointed a receiver pursuant 120075
to this section. 120076

To assist the court in identifying persons qualified to be 120077
named as receivers, the director of ~~mental-behavioral health and~~ 120078
~~addiction services~~ shall maintain a list of the names of such 120079
persons. The department of ~~mental-behavioral health-and-~~ 120080
~~addiction services~~, the department of job and family services, 120081
and the department of health shall provide technical assistance 120082
to any receiver appointed pursuant to this section. 120083

Before entering upon the duties of receiver, the receiver 120084
must be sworn to perform the duties faithfully, and, with surety 120085
approved by the court, judge, or clerk, execute a bond to such 120086
person, and in such sum as the court or judge directs, to the 120087

effect that such receiver will faithfully discharge the duties 120088
of receiver in the action, and obey the orders of the court 120089
therein. 120090

(1) Under the control of the appointing court, a receiver 120091
may do the following: 120092

(a) Bring and defend actions in the appointee's name as 120093
receiver; 120094

(b) Take and keep possession of property. 120095

(2) The court shall authorize the receiver to do the 120096
following: 120097

(a) Collect payment for all goods and services provided to 120098
the residents or others during the period of the receivership at 120099
the same rate as was charged by the licensee at the time the 120100
petition for receivership was filed, unless a different rate is 120101
set by the court; 120102

(b) Honor all leases, mortgages, and secured transactions 120103
governing all buildings, goods, and fixtures of which the 120104
receiver has taken possession, but, in the case of a rental 120105
agreement only to the extent of payments that are for the use of 120106
the property during the period of the receivership, or, in the 120107
case of a purchase agreement, only to the extent that payments 120108
come due during the period of the receivership; 120109

(c) If transfer of residents is necessary, provide for the 120110
orderly transfer of residents by: 120111

(i) Cooperating with all appropriate state and local 120112
agencies in carrying out the transfer of residents to 120113
alternative community placements; 120114

(ii) Providing for the transportation of residents' 120115

belongings and records; 120116

(iii) Helping to locate alternative placements and develop 120117
plans for transfer; 120118

(iv) Encouraging residents or guardians to participate in 120119
transfer planning except when an emergency exists and immediate 120120
transfer is necessary. 120121

(d) Make periodic reports on the status of the residential 120122
facility to the court; the appropriate state agencies; and the 120123
board of alcohol, drug addiction, and mental health services. 120124
Each report shall be made available to residents, their 120125
guardians, and families. 120126

(e) Compromise demands or claims; and 120127

(f) Generally do such acts respecting the residential 120128
facility as the court authorizes. 120129

Notwithstanding any other provision of law, contracts 120130
which are necessary to carry out the powers and duties of the 120131
receiver need not be competitively bid. 120132

Sec. 5119.343. (A) As used in this section, "adverse 120133
action" means an action by a state, provincial, federal, or 120134
other licensing or regulatory authority other than the 120135
department of behavioral health to deny, revoke, suspend, place 120136
on probation, or otherwise restrict a license, certificate, or 120137
other approval to operate a residential facility or practice a 120138
health care profession. 120139

(B) (1) When submitting an application for initial or 120140
renewed licensure of a residential facility under section 120141
5119.34 of the Revised Code, the applicant shall notify the 120142
department of ~~mental-behavioral health and addiction services of~~ 120143

any adverse action taken against any of the following during the 120144
three-year period immediately preceding the date of application: 120145

(a) The residential facility or the facility's; 120146

(b) Any owner, operator, or manager within of the three- 120147
year period immediately preceding the date of 120148
application facility; 120149

(c) Any subsidiary of the facility, owner, or operator. 120150

(2) Not later than seven days after receiving a notice of 120151
adverse action ~~from a licensing or regulatory authority that is~~ 120152
~~other than the department of mental health and addiction-~~ 120153
~~services,~~ the holder of a residential facility license issued 120154
under section 5119.34 of the Revised Code shall notify the 120155
department of the action. 120156

(3) To notify the department as required by this section, 120157
a copy of the notice of adverse action shall be provided to the 120158
department. 120159

Sec. 5119.344. (A) As used in this section, "principal" 120160
means an owner, operator, or manager of a class one residential 120161
facility. 120162

(B) The department of mental health and addiction services 120163
may suspend, without a prior hearing, the license of a class one 120164
residential facility that serves children if any of the 120165
following occurs: 120166

(1) A child suffers a serious injury or dies while 120167
residing in the residential facility. 120168

(2) The department, a public children services agency, or 120169
a county department of job and family services determines that a 120170
principal, employee, volunteer, or nonresident occupant of the 120171

residential facility created a serious risk to the health or 120172
safety of a child residing in the facility that resulted in or 120173
could have resulted in a child's death or injury. 120174

(3) A principal, employee, resident, volunteer, or 120175
nonresident occupant of the facility was charged by an 120176
indictment, information, or complaint with an offense relating 120177
to the death, injury, or sexual assault of another person that 120178
occurred on the premises of the facility. 120179

(4) A principal, employee, volunteer, or nonresident 120180
occupant of the facility was charged by an indictment, 120181
information, or complaint with an offense relating to the death, 120182
injury, or sexual assault of a child residing in the facility. 120183

(5) A public children services agency receives a report 120184
pursuant to section 2151.421 of the Revised Code, and the person 120185
alleged to have inflicted abuse or neglect on the child, who is 120186
the subject of the report, is either of the following: 120187

(a) A principal of the residential facility; 120188

(b) An employee of the residential facility who has not 120189
been immediately placed on administrative leave or released from 120190
employment. 120191

(6) The residential facility is not in compliance with the 120192
rule, adopted under section 5119.34 of the Revised Code, 120193
pertaining to background investigations for owners, operators, 120194
employees, and other specified individuals. 120195

(C) In suspending a license under division (B) of this 120196
section, the department shall comply with section 119.07 of the 120197
Revised Code. The owner of a class one residential facility may 120198
request an adjudicatory hearing before the department pursuant 120199
to sections 119.06 and 119.12 of the Revised Code. If a hearing 120200

is requested and the department does not issue its final 120201
adjudication order within one hundred twenty days after the 120202
suspension, the suspension is void on the one hundred twenty- 120203
first day after the suspension, unless the hearing on the 120204
suspension is continued on agreement by the parties or for good 120205
cause. 120206

(D) Any summary suspension imposed under this section 120207
shall remain in effect until any of the following occurs: 120208

(1) The public children services agency completes its 120209
investigation of the report pursuant to section 2151.421 of the 120210
Revised Code and determines that all of the allegations are 120211
unsubstantiated. 120212

(2) All criminal charges are disposed of through dismissal 120213
or a finding of not guilty. 120214

(3) The department issues, pursuant to Chapter 119. of the 120215
Revised Code, a final order terminating the suspension. 120216

(E) A class one residential facility serving children 120217
shall not have children placed in the facility while a summary 120218
suspension remains in effect. Upon the issuance of the order of 120219
suspension, the department shall place a hold on the license or 120220
indicate that the license is suspended in Ohio's statewide 120221
automated child welfare information system. 120222

(F) The director of mental health and addiction services 120223
may adopt rules in accordance with Chapter 119. of the Revised 120224
Code establishing standards and procedures for the summary 120225
suspension of licenses. 120226

(G) This section does not limit the authority of the 120227
department to take other action, such as issuing an order 120228
suspending the admission of residents to a residential facility, 120229

refusing to issue or renew a license for a facility, or revoking 120230
a facility's license under section 5119.34 of the Revised Code. 120231

Sec. 5119.345. The department of behavioral health shall 120232
publish a directory of all residential facilities licensed under 120233
section 5119.34 of the Revised Code on the department's web 120234
site. For each facility, the directory shall include all of the 120235
following: 120236

(A) The name of the facility; 120237

(B) The facility's full address; 120238

(C) The facility's categorization as a class one, class 120239
two, or class three facility; 120240

(D) The services offered at the facility. 120241

Sec. 5119.35. (A) Except as provided in division (B) of 120242
this section, if a mental health service or alcohol and drug 120243
addiction service has been specified in rules adopted under this 120244
section as a service that is required to be certified, no person 120245
or government entity shall provide that service unless it has 120246
been certified under section 5119.36 of the Revised Code. 120247

(B) Division (A) of this section does not apply to either 120248
of the following: 120249

(1) An individual who holds a valid license, certificate, 120250
or registration issued by this state authorizing the practice of 120251
a health care profession that includes the performance of any 120252
service that is required to be certified as described in this 120253
section, regardless of whether the service is performed as part 120254
of a sole proprietorship, partnership, or group practice; 120255

(2) An individual who provides any service that is 120256
required to be certified as described in this section as part of 120257

an employment or contractual relationship with a hospital 120258
outpatient clinic that is accredited by an accreditation agency 120259
or organization approved by the director of ~~mental~~ behavioral 120260
~~health and addiction services.~~ 120261

(C) (1) If the director of ~~mental~~ behavioral ~~health and~~ 120262
~~addiction services~~ determines that a person or government entity 120263
is violating division (A) of this section, the director may 120264
request, in writing, that the attorney general petition the 120265
court of common pleas in the county where the person or 120266
government entity is located or providing the services to enjoin 120267
the person or government entity from engaging in the conduct 120268
that violates division (A) of this section. 120269

(2) No person or government entity that is subject to this 120270
section is eligible to receive, for a service that is subject to 120271
this section, any federal funds, state funds, or funds 120272
administered by a board of alcohol, drug addiction, and mental 120273
health services, unless that service has been certified under 120274
section 5119.36 of the Revised Code. This limitation is in 120275
addition to the injunction that may be sought under division (C) 120276
(1) of this section for a violation of division (A) of this 120277
section. 120278

(D) The director may adopt rules in accordance with 120279
Chapter 119. of the Revised Code to specify mental health 120280
services and alcohol and drug addiction services that are 120281
required to be certified under section 5119.36 of the Revised 120282
Code. 120283

Sec. 5119.36. (A) A person or government entity that seeks 120284
initial certification of one or more certifiable services and 120285
supports, or that seeks to renew certification of one or more 120286
certifiable services and supports, shall submit an application 120287

to the director of ~~mental-behavioral health-and-addiction-~~ 120288
~~services~~. On receipt of the application, the director shall 120289
determine whether the standards established by ~~divisions-~~ 120290
division (B) ~~and (C)~~ of this section and any rules adopted under 120291
this section are satisfied or continue to be satisfied by the 120292
applicant. As part of the determination the director may conduct 120293
an on-site review of the applicant. In doing so, the director 120294
may conduct the review in cooperation with a board of alcohol, 120295
drug addiction, and mental health services that seeks to 120296
contract or has a contract with the applicant under section 120297
340.036 of the Revised Code. 120298

Not later than fourteen days after receipt of an ~~initial-~~ 120299
~~or renewal~~ application for initial or renewed certification, the 120300
director shall inform the board of alcohol, drug addiction, and 120301
mental health services serving the alcohol, drug addiction, and 120302
mental health service district in which the applicant's 120303
certifiable services and supports will be provided of the 120304
receipt of the application. On the board's request, the director 120305
shall provide the board with a copy of the application. 120306

Not later than thirty days after a provider's 120307
certification ceases to be valid for any reason, including the 120308
provider's failure to renew the certification prior to 120309
expiration, the director's acceptance of the provider's 120310
surrender of the certification, or the issuance of a final order 120311
for disciplinary action under division ~~(G)~~ (F) or ~~(M)~~ (L) of this 120312
section, the director shall provide notice to the applicable 120313
board of alcohol, drug addiction, and mental health services of 120314
the reason the certification ceased to be valid and the date it 120315
became invalid. 120316

(B) (1) Except as provided in division (B) (4) of this 120317

section, beginning on ~~the effective date of this amendment~~ 120318
October 3, 2023, an applicant seeking initial certification of 120319
certifiable services and supports shall be accredited by one or 120320
more national accrediting organizations specified in division 120321
(B) (3) of this section for certifiable services and supports for 120322
which national accreditation exists for such services and 120323
supports or equivalent services and supports. 120324

(2) Except as provided in division (B) (4) of this section, 120325
beginning October 1, 2025, an applicant seeking to renew 120326
certification of certifiable services and supports shall be 120327
accredited by one or more national accrediting organizations 120328
specified in division (B) (3) of this section for certifiable 120329
services and supports for which national accreditation exists 120330
for such services and supports or equivalent services and 120331
supports. 120332

(3) For purposes of divisions (B) (1) and (2) of this 120333
section, the director shall accept appropriate accreditation of 120334
an applicant's certifiable services and supports from any of the 120335
following national accrediting organizations: 120336

(a) The joint commission; 120337

(b) The commission on accreditation of rehabilitation 120338
facilities; 120339

(c) The council on accreditation; 120340

(d) Any other national accrediting organization the 120341
director considers appropriate. 120342

(4) The accreditation requirements of divisions (B) (1) and 120343
(2) of this section do not apply to an applicant seeking an 120344
initial or renewed certification to provide prevention services, 120345
as that term is defined in rules adopted under this section. For 120346

such applicants, accreditation is optional.

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~~(C) In addition to meeting the accreditation standard set forth in division (B) of this section, an applicant seeking initial or renewed certification of one or more certifiable services and supports is eligible to receive the certification only if both of the following are the case, as determined by the director:—~~

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~~(1) The applicant has adequate staff and equipment to provide the certifiable services and supports;—~~

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~~(2) The department has not been notified under section 5119.367 of the Revised Code or is not otherwise aware that the applicant, or any owner or principal of the applicant, has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of application.—~~

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~~(D) (1) (C) (1)~~ Except as provided in division ~~(D) (2) (C) (2)~~ of this section, if the director determines that an applicant has paid any required certification fee, that the applicant's accreditation of certifiable services and supports is current and appropriate for the services and supports for which the applicant is seeking initial or renewed certification, ~~that the applicant meets the requirements of division (C) of this section,~~ and that the applicant meets any other requirements established by this section or rules adopted under it, the director shall certify the services and supports or renew the certification of the services and supports, as applicable. Except as provided in division ~~(J) (I)~~ of this section, the director shall issue or renew the certification without further evaluation of the services and supports.

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(2) Prior to October 1, 2025, if an applicant that seeks 120376
to renew certification of certifiable services and supports is 120377
not accredited to provide those services and supports by one or 120378
more national accrediting organizations specified in division 120379
(B) (3) of this section, the director shall conduct an evaluation 120380
of the applicant to determine whether the applicant's 120381
certifiable services and supports satisfy the standards for 120382
certification. The evaluation is in addition to any on-site 120383
review conducted under division (A) of this section and shall be 120384
performed in cooperation with a board of alcohol, drug 120385
addiction, and mental health services that seeks to contract or 120386
has a contract with the applicant under section 340.036 of the 120387
Revised Code. If the director determines that an applicant has 120388
paid any required certification fee, that the applicant's 120389
certifiable services and supports satisfy the standards for 120390
renewed certification, ~~that the applicant meets the requirements~~ 120391
~~of division (C) of this section,~~ and that the applicant meets 120392
any other requirements established by this section or the rules 120393
adopted under it, the director shall certify the certifiable 120394
services and supports. 120395

~~(E)~~ (D) For purposes of the accreditation requirements of 120396
this section, both of the following apply: 120397

(1) The director may review the accrediting organizations 120398
specified in division (B) (3) of this section to evaluate whether 120399
the accreditation standards and processes used by the 120400
organizations are consistent with service delivery models the 120401
director considers appropriate for mental health services, 120402
alcohol and drug addiction services, or physical health 120403
services. The director may communicate to an accrediting 120404
organization any identified concerns, trends, needs, and 120405
recommendations. 120406

(2) The director shall require a community mental health services provider and a community addiction services provider to notify the director not later than ten days after any change in the provider's accreditation status. The provider may notify the director by providing a copy of the relevant document the provider received from the accrediting organization.

~~(F)~~ (E) The director may require a community mental health services provider or a community addiction services provider to submit to the director cost reports pertaining to the provider.

~~(G)~~ (F) The director may refuse to certify certifiable services and supports, refuse to renew certification, or revoke certification if any of the following apply to an applicant for certification or the holder of the certification:

(1) The applicant or holder is not in compliance with rules adopted under this section.

(2) The applicant or holder has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the current certification period or any previous certification period.

(3) The applicant or holder has been found to be in violation of section 5119.396 of the Revised Code;

(4) The applicant or holder submits false or misleading information as part of a certification application, renewal, or investigation.

(5) The applicant does not have adequate staff and equipment to provide the certifiable services and supports.

(6) The department has been notified under section 5119.367 of the Revised Code or is otherwise aware that the

applicant, any owner or principal of the applicant, or any 120435
subsidiary of the applicant or owner has been the subject of an 120436
adverse action, as defined in that section, taken during the 120437
three-year period immediately preceding the date of notification 120438
or date of becoming aware of the adverse action. 120439

~~(H)~~ (G) Proceedings initiated to deny applications to 120440
certify certifiable services and supports, to refuse to renew 120441
certification, or to revoke certification are governed by 120442
Chapter 119. of the Revised Code. If an order has been issued 120443
suspending admissions to a community addiction services 120444
provider, as provided in division ~~(M)~~ (L) of this section, the 120445
order remains in effect during the pendency of those 120446
proceedings. 120447

~~(I)~~ (H) The director may conduct an on-site review or 120448
otherwise evaluate a community mental health services provider 120449
or a community addiction services provider at any time based on 120450
cause, including complaints made by or on behalf of persons 120451
receiving mental health services or alcohol and drug addiction 120452
services and confirmed or alleged deficiencies brought to the 120453
attention of the director. This authority does not affect the 120454
director's duty to conduct the inspections required by section 120455
5119.37 of the Revised Code. 120456

In conducting an on-site review under this division, the 120457
director may do so in cooperation with a board of alcohol, drug 120458
addiction, and mental health services that seeks to contract or 120459
has a contract with the applicant under section 340.036 of the 120460
Revised Code. In conducting any other evaluation under this 120461
division, the director shall do so in cooperation with such a 120462
board. 120463

~~(J)~~ (I) If the director proposes to take action under 120464

division ~~(G)~~(F) of this section, the director shall notify the 120465
board of alcohol, drug addiction, and mental health services 120466
serving the alcohol, drug addiction, and mental health service 120467
district in which the certifiable services and supports will be 120468
or were provided, and provide the board opportunity to respond 120469
as specified in division (A) of this section with respect to 120470
initial or renewal applications. 120471

When a final order is issued by the director under 120472
division ~~(G)~~(F) of this section, the director may request that 120473
the appropriate board of alcohol, drug addiction, and mental 120474
health services reallocate any funds for the certifiable 120475
services and supports the applicant was to provide to a 120476
community mental health services provider or community addiction 120477
services provider whose certifiable services and supports 120478
satisfy the standards. If the board does not reallocate such 120479
funds in a reasonable period of time, the director may withhold 120480
state and federal funds for the certifiable services and 120481
supports and allocate those funds directly to a community mental 120482
health services provider or community addiction services 120483
provider whose certifiable services and supports satisfy the 120484
standards. 120485

~~(K)~~(J) Each applicant seeking initial or renewed 120486
certification of its certifiable services and supports shall pay 120487
a fee for the certification required by this section, unless the 120488
applicant is exempt under rules adopted under this section. Fees 120489
shall be paid into the state treasury to the credit of the sale 120490
of goods and services fund created pursuant to section 5119.45 120491
of the Revised Code. 120492

~~(L)~~(K) The director shall adopt rules in accordance with 120493
Chapter 119. of the Revised Code to implement this section. The 120494

rules shall do all of the following: 120495

(1) Subject to section 340.034 of the Revised Code, 120496
specify the types of recovery supports that are required to be 120497
certified under this section; 120498

(2) Establish certification standards for certifiable 120499
services and supports that are consistent with nationally 120500
recognized applicable standards and facilitate participation in 120501
federal assistance programs. The rules shall include as 120502
certification standards only requirements that improve the 120503
quality of certifiable services and supports or the health and 120504
safety of persons receiving certifiable services and supports. 120505
The standards shall address at a minimum all of the following: 120506

(a) Reporting major unusual incidents to the director; 120507

(b) Procedures for applicants for and persons receiving 120508
certifiable services and supports to file grievances and 120509
complaints; 120510

(c) Seclusion; 120511

(d) Restraint; 120512

(e) Requirements regarding the physical facilities in 120513
which certifiable services and supports are provided; 120514

(f) Requirements with regard to health, safety, adequacy, 120515
and cultural specificity and sensitivity; 120516

(g) Standards for evaluating certifiable services and 120517
supports; 120518

(h) Standards and procedures for granting full, 120519
probationary, and interim certification of the certifiable 120520
services and supports of an applicant; 120521

- (i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;
- (j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;
- (k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:
- (i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;
- (ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;
- (iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;
- (iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.
- (l) Documentation that must be submitted as evidence of holding appropriate accreditation;
- (m) A process by which the director may review the

accreditation standards and process used by the national 120550
accrediting organizations specified in division (B) (3) of this 120551
section. 120552

(3) Establish the process for certification of certifiable 120553
services and supports; 120554

(4) Set the amount of initial and renewal certification 120555
fees and any reasons for which applicants may be exempt from the 120556
fees; 120557

(5) Specify the type of notice and hearing to be provided 120558
prior to a decision on whether to reallocate funds; 120559

(6) Establish a process by which the director, based on 120560
deficiencies identified as a result of conducting an on-site 120561
review or otherwise evaluating a community mental health 120562
services provider or community addiction services provider under 120563
division ~~(I)~~ (H) of this section, may take any range of 120564
correction actions, including revocation of the provider's 120565
certification. 120566

~~(M) (1)~~ (L) (1) The director may issue an order suspending 120567
admissions to a community addiction services provider that 120568
provides overnight accommodations if the director finds either 120569
of the following: 120570

(a) The provider's certifiable services and supports are 120571
not in compliance with rules adopted under this section; 120572

(b) The provider has been cited for more than one 120573
violation of statutes or rules during any previous certification 120574
period of the provider. 120575

(2) (a) Except as provided in division ~~(M) (2) (b)~~ (L) (2) (b) 120576
of this section, proceedings initiated to suspend admissions to 120577

a community addiction services provider that provides overnight accommodations are governed by Chapter 119. of the Revised Code. 120578
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(b) If a suspension of admissions is proposed because the director has determined that the provider has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order suspending admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected. 120580
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(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply: 120590
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(a) The provider may request a hearing not later than ten days after being served in accordance with sections 119.05 and 119.07 of the Revised Code. 120595
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(b) If a timely request for a hearing that includes the provider's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 120598
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(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the director. 120602
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(d) If the hearing is conducted by a hearing examiner, the 120606

hearing examiner shall file a report and recommendations with 120607
the department not later than ten days after the last of the 120608
following: 120609

(i) The close of the hearing; 120610

(ii) If a transcript of the proceedings is ordered, the 120611
hearing examiner receives the transcript; 120612

(iii) If post-hearing briefs are timely filed, the hearing 120613
examiner receives the briefs. 120614

(e) The hearing examiner shall send a written copy of the 120615
report and recommendations, by certified mail, to the provider, 120616
or the provider's attorney, if applicable, not later than five 120617
days after the report is filed with the department. 120618

(f) Not later than five days after receiving the report 120619
and recommendations, the provider may file objections with the 120620
department. 120621

(g) Not later than fifteen days after the hearing examiner 120622
files the report and recommendations, the department shall issue 120623
an order approving, modifying, or disapproving the report and 120624
recommendations. 120625

(h) Notwithstanding the pendency of the hearing, the 120626
department shall lift the order for the suspension of admissions 120627
if the department determines the violation that formed the basis 120628
for the order has been corrected. 120629

~~(N) (1)~~ (M) (1) In a proceeding initiated to suspend 120630
admissions to a community addiction services provider that 120631
provides overnight accommodations, to deny an application for 120632
certification of certifiable services and supports, to refuse to 120633
renew certification, or to revoke certification, the department 120634

may order the suspension, denial, refusal, or revocation 120635
regardless of whether some or all of the deficiencies that 120636
prompted the proceedings have been corrected at the time of the 120637
hearing. 120638

(2) When the department issues an order suspending 120639
admissions to a community addiction services provider that 120640
provides overnight accommodations, denies an application for 120641
certification of certifiable services and supports, refuses to 120642
renew certification, or revokes a certification, the department 120643
shall not grant an opportunity for submitting a plan of 120644
correction. 120645

~~(O)~~ (N) The department of ~~mental-behavioral~~ health and 120646
~~addiction services~~ shall maintain a current list of community 120647
addiction services providers and shall provide a copy of the 120648
list to a judge of a court of common pleas who requests a copy 120649
for the use of the judge under division (H) of section 2925.03 120650
of the Revised Code. The list shall identify each provider by 120651
its name, its address, and the county in which it is located. 120652

~~(P)~~ (O) No person shall represent in any manner that a 120653
community mental health services provider's or community 120654
addiction services provider's certifiable services and supports 120655
are certified by the director if the certifiable services and 120656
supports are not so certified at the time the representation is 120657
made. 120658

~~(O)~~ (P) If a board of alcohol, drug addiction, and mental 120659
health services requests the department of ~~mental-behavioral~~ 120660
health and ~~addiction services~~ to investigate a community mental 120661
health services provider or community addiction services 120662
provider pursuant to this section, the department shall initiate 120663
the investigation not later than ten business days after receipt 120664

of the request. If the department initiates an investigation of 120665
a community mental health services provider or community 120666
addiction services provider under this section for any other 120667
reason, the department shall notify the board of alcohol, drug 120668
addiction, and mental health services serving the applicable 120669
alcohol, drug addiction, and mental health service district of 120670
the investigation and the reason for the investigation not later 120671
than three business days after the investigation begins. On the 120672
board's request, the department shall provide the board with 120673
information specifying the status of the investigation and the 120674
final disposition of the investigation. 120675

Sec. 5119.362. (A) In accordance with rules adopted under 120676
section 5119.363 of the Revised Code, each community addiction 120677
services provider shall do all of the following: 120678

(1) Maintain a waiting list for the provider's included 120679
opioid and co-occurring drug addiction services and recovery 120680
supports; 120681

(2) Notify an individual included on the provider's 120682
waiting list when the provider has a slot available for the 120683
individual and, if the individual does not contact the provider 120684
about the slot within a period of time specified in the rules, 120685
contact the individual to determine why the individual did not 120686
contact the provider and to assess whether the individual still 120687
needs the included opioid and co-occurring drug addiction 120688
services and recovery supports; 120689

(3) Remove an individual from the waiting list if either 120690
of the following applies: 120691

(a) The individual withdraws the individual's request for 120692
included opioid and co-occurring drug addiction services and 120693

recovery supports; 120694

(b) When the provider notifies the individual about an 120695
available slot, the individual does not contact the provider 120696
about the slot within the period of time specified in the rules 120697
or otherwise vacates the slot before beginning to receive the 120698
services and supports. 120699

(4) As part of the process of maintaining the waiting 120700
list, determine both of the following: 120701

(a) For each individual who seeks from the provider 120702
included opioid and co-occurring drug addiction services and 120703
recovery supports, the number of days that starts with the day 120704
the individual first contacts the provider about accessing the 120705
services and supports and ends on the following day: 120706

(i) If the individual is required to be assessed for the 120707
individual's clinical need for the services and supports, the 120708
day of the assessment; 120709

(ii) If the individual is not required to be assessed for 120710
the individual's clinical need for the services and supports, 120711
the first day of the individual's access to the services and 120712
supports. 120713

(b) For each such individual who is required to be 120714
assessed for the individual's clinical need for the services and 120715
supports, the number of days that starts with the day of the 120716
assessment and ends with the first day of the individual's 120717
access to the services and supports. 120718

(5) Using information the provider acquires by maintaining 120719
the waiting list, determine whether included opioid and co- 120720
occurring drug addiction services and recovery supports are 120721
insufficient to meet the needs of individuals on the waiting 120722

list; 120723

(6) Subject to division (B) of this section, report all of 120724
the following information not later than the last day of each 120725
month to the department of ~~mental behavioral health and~~ 120726
~~addiction services:~~ 120727

(a) An unduplicated count of all individuals who were 120728
included on the provider's waiting list during the immediately 120729
preceding month and each type of included opioid and co- 120730
occurring drug addiction services and recovery supports for 120731
which they were waiting; 120732

(b) The total number of days each such individual had been 120733
on the provider's waiting list during the immediately preceding 120734
month; 120735

(c) The last known type of residential setting in which 120736
each such individual resided during the immediately preceding 120737
month; 120738

(d) The total number of individuals who did not contact 120739
the provider after receiving, during the immediately preceding 120740
month, the notices under division (A) (2) of this section about 120741
the provider having slots available for the individuals and, if 120742
known, the reasons the contacts were not made; 120743

(e) The total number of such individuals who withdrew, in 120744
the immediately preceding month, their requests for included 120745
opioid and co-occurring drug addiction services and recovery 120746
supports, each type of service and support that those 120747
individuals had requested or been assessed as having a clinical 120748
need for, and, if known, the reasons those individuals withdrew 120749
their requests; 120750

(f) An unduplicated count of all individuals who were 120751

referred to another community addiction services provider 120752
because the referring provider does not provide the type of 120753
included opioid and co-occurring drug addiction services and 120754
recovery supports that those individuals had requested or been 120755
assessed as having a clinical need for and each type of service 120756
and support for which those individuals were referred; 120757

(g) All other information specified in the rules. 120758

(B) Each report that a community addiction services 120759
provider provides to the department under this section shall do 120760
both of the following: 120761

(1) For the purposes of divisions (A)(6)(a) and (f) of 120762
this section, specify the counties of residence of the 120763
individuals in the unduplicated counts and include identifying 120764
information required by the rules adopted under section 5119.363 120765
of the Revised Code so that the department is able to identify 120766
any individuals who are inadvertently duplicated in the counts; 120767

(2) For the purpose of the information reported under 120768
division (A)(6)(c) of this section, identify the types of 120769
residential settings at least as either institutional or 120770
noninstitutional. 120771

Sec. 5119.363. The director of ~~mental-behavioral~~ health 120772
~~and addiction services~~ shall adopt rules governing the duties of 120773
community addiction services providers under section 5119.362 of 120774
the Revised Code. The rules shall be adopted in accordance with 120775
Chapter 119. of the Revised Code. 120776

The director shall adopt rules under this section that 120777
authorize the department of ~~mental-behavioral~~ health ~~and~~ 120778
~~addiction services~~ to determine an advanced practice registered 120779
nurse's, physician assistant's, or physician's compliance with 120780

section 3719.064 of the Revised Code if such practitioner works 120781
for a community addiction services provider. 120782

Sec. 5119.364. (A) The department of ~~mental behavioral~~ 120783
~~health and addiction services~~ shall do both of the following 120784
with the reports it receives from community addiction services 120785
providers under section 5119.362 of the Revised Code: 120786

(1) Subject to division (B) of this section, make the 120787
reports available on the department's internet web site; 120788

(2) Make the reports available in an electronic format to 120789
boards of alcohol, drug addiction, and mental health services in 120790
a manner that provides the information about an individual 120791
contained in a report to the board that serves the individual's 120792
county. 120793

(B) In making the reports available on the department's 120794
web site, the department shall present the information contained 120795
in the reports on both a statewide aggregate basis and county- 120796
level aggregate basis. The information on the web site shall be 120797
updated monthly after the community addiction services providers 120798
submit new reports to the department. 120799

Sec. 5119.365. The director of ~~mental behavioral~~ health 120800
~~and addiction services~~ shall adopt rules in accordance with 120801
Chapter 119. of the Revised Code to do both of the following: 120802

(A) Streamline the intake procedures used by a community 120803
addiction services provider accepting and beginning to serve a 120804
new individual, including procedures regarding intake forms and 120805
questionnaires; 120806

(B) Enable a community addiction services provider to 120807
retain an individual as an active patient even though the 120808
patient last received services from the provider more than 120809

thirty days before resumption of services so that the individual 120810
and provider do not have to repeat the intake procedures. 120811

Sec. 5119.366. The director of ~~mental-behavioral~~ health 120812
~~and addiction services~~ shall require that each board of alcohol, 120813
drug addiction, and mental health services ensure that each 120814
community mental health services provider and community 120815
addiction services provider with which it contracts under 120816
section 340.036 of the Revised Code to provide certifiable 120817
services and supports establish grievance procedures consistent 120818
with rules adopted under section 5119.36 of the Revised Code 120819
that are available to all persons seeking or receiving 120820
certifiable services and supports from a community mental health 120821
services provider or community addiction services provider. 120822

Sec. 5119.367. (A) As used in this section, "adverse 120823
action" means an action by a state, provincial, federal, or 120824
other licensing or regulatory authority other than the 120825
department of behavioral health to deny, revoke, suspend, place 120826
on probation, or otherwise restrict a license, certification, or 120827
other approval to provide certifiable services and supports or 120828
an equivalent to certifiable services and supports. 120829

(B) (1) When submitting an application for initial or 120830
renewed certification of one or more certifiable services and 120831
supports, the applicant shall notify the department of ~~mental-~~ 120832
~~behavioral~~ health ~~and addiction services~~ of any adverse action 120833
taken against the following during the three-year period 120834
immediately preceding the date of application: 120835

(a) The applicant-or-any; 120836

(b) Any owner or principal of the applicant-within; 120837

(c) Any subsidiary of the three-year period-immediately- 120838

~~preceding the date of application~~applicant or owner. 120839

(2) Not later than seven days after receiving a notice of 120840
~~adverse action from a licensing or regulatory authority that is~~ 120841
~~other than the department of mental health and addiction~~ 120842
~~services, an applicant for initial or renewed certification or~~ 120843
the holder of a certification issued under section 5119.36 of 120844
the Revised Code shall notify the department of the action. 120845

(C) To notify the department as required by this section, 120846
a copy of the notice of adverse action shall be provided to the 120847
department. 120848

Sec. 5119.368. (A) As used in this section, "telehealth 120849
services" has the same meaning as in section 4743.09 of the 120850
Revised Code. 120851

(B) Each community mental health services provider and 120852
community addiction services provider shall establish written 120853
policies and procedures describing how the provider will ensure 120854
that staff persons assisting clients with receiving telehealth 120855
services or providing telehealth services are fully trained in 120856
using equipment necessary for providing the services. 120857

(C) Prior to providing telehealth services to a client, a 120858
provider shall describe to the client the potential risks 120859
associated with receiving treatment through telehealth services 120860
and shall document that the client was provided with the risks 120861
and agreed to assume those risks. The risks communicated to a 120862
client shall address the following: 120863

(1) Clinical aspects of receiving treatment through 120864
telehealth services; 120865

(2) Security considerations when receiving treatment 120866
through telehealth services; 120867

(3) Confidentiality for individual and group counseling. 120868

(D) It is the responsibility of the provider, to the 120869
extent possible, to ensure contractually that any entity or 120870
individuals involved in the transmission of information through 120871
telehealth mechanisms guarantee that the confidentiality of the 120872
information is protected. 120873

(E) Every provider shall have a contingency plan for 120874
providing telehealth services to clients in the event that 120875
technical problems occur during the provision of those services. 120876

(F) Providers shall maintain, at a minimum, the following 120877
information pertaining to local resources: 120878

(1) The local suicide prevention telephone hotline, if 120879
available, or the national suicide prevention telephone hotline. 120880

(2) Contact information for the local police and fire 120881
departments. 120882

The provider shall provide the client written information 120883
on how to access assistance in a crisis, including one caused by 120884
equipment malfunction or failure. 120885

(G) It is the responsibility of the provider to ensure 120886
that equipment meets standards sufficient to do the following: 120887

(1) To the extent possible, ensure confidentiality of 120888
communication; 120889

(2) Provide for interactive communication between the 120890
provider and the client; 120891

(3) When providing telehealth services using synchronous 120892
technology, ensure that video or audio are sufficient to enable 120893
real-time interaction between the client and the provider and to 120894

ensure the quality of the service provided. 120895

(H) A mental health facility or unit that is serving as a 120896
client site shall be maintained in such a manner that 120897
appropriate staff persons are on hand at the facility or unit in 120898
the event of a malfunction with the equipment used to provide 120899
telehealth services. 120900

(I) (1) All telehealth services provided by interactive 120901
videoconferencing shall meet both of the following conditions: 120902

(a) Begin with the verification of the client through a 120903
name and password or personal identification number when 120904
treatment services are being provided; 120905

(b) Be provided in accordance with state and federal law. 120906

(2) When providing telehealth services in accordance with 120907
this section, a provider shall comply with all requirements 120908
under state and federal law regarding the protection of patient 120909
information. Each provider shall ensure that any username or 120910
password information and any electronic communications between 120911
the provider and a client are securely transmitted and stored. 120912

(J) The department of ~~mental-behavioral health and~~ 120913
~~addiction services~~ may adopt rules as it considers necessary to 120914
implement this section. The rules shall be adopted in accordance 120915
with Chapter 119. of the Revised Code. Any such rules adopted by 120916
the department are not subject to the requirements of division 120917
(F) of section 121.95 of the Revised Code. 120918

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) 120919
(1) (b) of this section, no person or government entity shall 120920
operate an opioid treatment program requiring certification, as 120921
certification is defined in 42 C.F.R. 8.2, unless the person or 120922
government entity is a community addiction services provider and 120923

the program is licensed under this section. 120924

(b) Division (A) (1) (a) of this section does not apply to a 120925
program operated by the United States department of veterans 120926
affairs. 120927

(2) No community addiction services provider licensed 120928
under this section shall operate an opioid treatment program in 120929
a manner inconsistent with this section and the rules adopted 120930
under it. 120931

(B) A community addiction services provider seeking a 120932
license to operate an opioid treatment program shall apply to 120933
the department of ~~mental-behavioral health-and-addiction-~~ 120934
~~services~~. The department shall review all applications received. 120935

(C) The department may issue a license to operate an 120936
opioid treatment program to a community addiction services 120937
provider only if all of the following apply: 120938

(1) During the three-year period immediately preceding the 120939
date of application, the provider ~~or any owner, sponsor, medical~~ 120940
~~director, administrator, or principal of the provider has and~~ 120941
each of the following, as the case may be, have been in good 120942
standing to operate an opioid treatment program in all other 120943
locations where the provider or such other person has been 120944
operating a similar program, ~~as~~: an owner, sponsor, medical 120945
director, administrator, or principal of the provider; a 120946
subsidiary of the provider; or a subsidiary of the provider's 120947
owner or sponsor. Good standing shall be evidenced by both of 120948
the following: 120949

(a) Not having been denied a license, certificate, or 120950
similar approval to operate an opioid treatment program by this 120951
state or another jurisdiction; 120952

(b) Not having been the subject of any of the following in 120953
this state or another jurisdiction: 120954

(i) An action that resulted in the suspension or 120955
revocation of the license, certificate, or similar approval of 120956
the provider or other person; 120957

(ii) A voluntary relinquishment, withdrawal, or other 120958
action taken by the provider or other person to avoid suspension 120959
or revocation of the license, certificate, or similar approval; 120960

(iii) A disciplinary action that was based, in whole or in 120961
part, on the provider or other person engaging in the 120962
inappropriate prescribing, dispensing, administering, personally 120963
furnishing, diverting, storing, supplying, compounding, or 120964
selling of a controlled substance or other dangerous drug. 120965

(2) It affirmatively appears to the department that the 120966
provider is adequately staffed and equipped to operate an opioid 120967
treatment program. 120968

(3) It affirmatively appears to the department that the 120969
provider will operate an opioid treatment program in strict 120970
compliance with all laws relating to drug abuse and the rules 120971
adopted by the department. 120972

(4) Except as provided in division (D) of this section and 120973
section 5119.371 of the Revised Code, if the provider is seeking 120974
an initial license for a particular location, the proposed 120975
opioid treatment program is not located on a parcel of real 120976
estate that is within a radius of five hundred linear feet of 120977
the boundaries of a parcel of real estate having situated on it 120978
a public or private school, child care center licensed under 120979
Chapter 5104. of the Revised Code, or child-serving agency 120980
regulated by the department under this chapter. 120981

(5) The provider meets any additional requirements 120982
established by the department in rules adopted under division 120983
(F) of this section. 120984

(D) The department may waive the requirement of division 120985
(C) (4) of this section if it receives, from each public or 120986
private school, child care center, or child-serving agency that 120987
is within the five hundred linear feet radius described in that 120988
division, a letter of support for the location. The department 120989
shall determine whether a letter of support is satisfactory for 120990
purposes of waiving the requirement. 120991

(E) (1) Except as provided in division (E) (2) of this 120992
section, a license to operate an opioid treatment program shall 120993
expire two years from the date of issuance. Licenses may be 120994
renewed. 120995

(2) In circumstances in which the director of ~~mental-~~ 120996
behavioral health and addiction services has concerns regarding 120997
compliance of a community addiction services provider licensed 120998
as an opioid treatment program, the department shall notify the 120999
provider of those concerns and stipulate that the provider's 121000
license expires annually on a date determined by the department. 121001

(F) The department shall establish procedures and adopt 121002
rules for licensing, inspection, and supervision of community 121003
addiction services providers that operate an opioid treatment 121004
program. The rules shall establish standards for the control, 121005
storage, furnishing, use, dispensing, and administering of 121006
medications used in medication-assisted treatment; prescribe 121007
minimum standards for the operation of the opioid treatment 121008
program component of the provider's operations; and comply with 121009
federal laws and regulations. 121010

All rules adopted under this division shall be adopted in 121011
accordance with Chapter 119. of the Revised Code. All actions 121012
taken by the department regarding the licensing of providers to 121013
operate opioid treatment programs shall be conducted in 121014
accordance with Chapter 119. of the Revised Code, except as 121015
provided in division (L) of this section. 121016

(G) (1) The department shall inspect all community 121017
addiction services providers licensed to operate an opioid 121018
treatment program. Inspections shall be conducted at least 121019
biennially and may be conducted more frequently. 121020

In addition, the department may inspect any provider or 121021
other person that it reasonably believes to be operating an 121022
opioid treatment program without a license issued under this 121023
section. 121024

(2) When conducting an inspection, the department may do 121025
both of the following: 121026

(a) Examine and copy all records, accounts, and other 121027
documents relating to the provider's or other person's 121028
operations, including records pertaining to patients or clients; 121029

(b) Conduct interviews with any individual employed by or 121030
contracted or otherwise associated with the provider or person, 121031
including an administrator, staff person, patient, or client. 121032

(3) No person or government entity shall interfere with a 121033
state or local government official acting on behalf of the 121034
department while conducting an inspection. 121035

(H) A community addiction services provider shall not 121036
administer or dispense methadone in a tablet, powder, or 121037
intravenous form. Methadone shall be administered or dispensed 121038
only in a liquid form intended for ingestion. 121039

A community addiction services provider shall not 121040
administer or dispense a medication used in medication-assisted 121041
treatment for pain or other medical reasons. 121042

(I) As used in this division, "program sponsor" means a 121043
person who assumes responsibility for the operation and 121044
employees of the opioid treatment program component of a 121045
community addiction services provider's operations. 121046

A provider shall not permit an individual to act as a 121047
program sponsor, medical director, or director of the provider 121048
if the individual is receiving a medication used in medication- 121049
assisted treatment from any community addiction services 121050
provider. 121051

(J) The department may issue orders to ensure compliance 121052
with all laws relating to drug abuse and the rules adopted under 121053
this section. Subject to section 5119.27 of the Revised Code, 121054
the department may hold hearings, require the production of 121055
relevant matter, compel testimony, issue subpoenas, and make 121056
adjudications. Upon failure of a person without lawful excuse to 121057
obey a subpoena or to produce relevant matter, the department 121058
may apply to a court of common pleas for an order compelling 121059
compliance. 121060

(K) The department may refuse to issue, or may withdraw or 121061
revoke, a license to operate an opioid treatment program. A 121062
license may be refused if a community addiction services 121063
provider does not meet the requirements of division (C) of this 121064
section. A license may be withdrawn at any time the department 121065
determines that the provider no longer meets the requirements 121066
for receiving the license. A license may be revoked in 121067
accordance with division (L) of this section. 121068

Once a license is issued under this section, the 121069
department shall not consider the requirement of division (C) (4) 121070
of this section in determining whether to renew, withdraw, or 121071
revoke the license or whether to reissue the license as a result 121072
of a change in ownership. 121073

(L) If the department finds reasonable cause to believe 121074
that a community addiction services provider licensed under this 121075
section is in violation of any state or federal law or rule 121076
relating to drug abuse, the department may issue an order 121077
immediately revoking the license, subject to division (M) of 121078
this section. The department shall set a date not more than 121079
fifteen days later than the date of the order of revocation for 121080
a hearing on the continuation or cancellation of the revocation. 121081
For good cause, the department may continue the hearing on 121082
application of any interested party. In conducting hearings, the 121083
department has all the authority and power set forth in division 121084
(J) of this section. Following the hearing, the department shall 121085
either confirm or cancel the revocation. The hearing shall be 121086
conducted in accordance with Chapter 119. of the Revised Code, 121087
except that the provider shall not be permitted to operate an 121088
opioid treatment program pending the hearing or pending any 121089
appeal from an adjudication made as a result of the hearing. 121090
Notwithstanding any provision of Chapter 119. of the Revised 121091
Code to the contrary, a court shall not stay or suspend any 121092
order of revocation issued by the department under this division 121093
pending judicial appeal. 121094

(M) The department shall not revoke a license to operate 121095
an opioid treatment program unless all clients receiving 121096
medication used in medication-assisted treatment from the 121097
community addiction services provider are provided adequate 121098
substitute medication or treatment. For purposes of this 121099

division, the department may transfer the clients to other 121100
providers licensed to operate opioid treatment programs or 121101
replace any or all of the administrators and staff of the 121102
provider with representatives of the department who shall 121103
continue on a provisional basis the opioid treatment component 121104
of the provider's operations. 121105

(N) Each time the department receives an application from 121106
a community addiction services provider for a license to operate 121107
an opioid treatment program, issues or refuses to issue a 121108
license, or withdraws or revokes a license, the department shall 121109
notify the board of alcohol, drug addiction, and mental health 121110
services of each alcohol, drug addiction, and mental health 121111
service district in which the provider operates. 121112

(O) Whenever it appears to the department from files, upon 121113
complaint, or otherwise, that a community addiction services 121114
provider has engaged in any practice declared to be illegal or 121115
prohibited by section 3719.61 of the Revised Code, or any other 121116
state or federal laws or regulations relating to drug abuse, or 121117
when the department believes it to be in the best interest of 121118
the public and necessary for the protection of the citizens of 121119
the state, the department may request criminal proceedings by 121120
laying before the prosecuting attorney of the proper county any 121121
evidence of criminality which may come to its knowledge. 121122

(P) The department shall maintain a current list of 121123
community addiction services providers licensed by the 121124
department under this section and shall provide a copy of the 121125
current list to a judge of a court of common pleas who requests 121126
a copy for the use of the judge under division (H) of section 121127
2925.03 of the Revised Code and to a board of alcohol, drug 121128
addiction, and mental health services that requests a copy for 121129

purposes of division (I) (3) of section 340.08 of the Revised 121130
Code. The list of licensed community addiction services 121131
providers shall identify each licensed provider by its name, its 121132
address, and the county in which it is located. 121133

Sec. 5119.371. (A) On application by a community addiction 121134
services provider that has purchased or leased real property to 121135
be used as the location of an opioid treatment program subject 121136
to licensure under section 5119.37 of the Revised Code, the 121137
department of ~~mental-behavioral health and addiction services~~ 121138
shall determine whether the location of the proposed program 121139
complies with the requirements of division (C) (4) of section 121140
5119.37 of the Revised Code by not being located on a parcel of 121141
real estate that is within a radius of five hundred linear feet 121142
of the boundaries of a parcel of real estate having situated on 121143
it a public or private school, child care center licensed under 121144
Chapter 5104. of the Revised Code, or child-serving agency 121145
regulated by the department under this chapter. 121146

If the department determines that the location is in 121147
compliance with division (C) (4) of section 5119.37 of the 121148
Revised Code, the department shall issue a declaration stating 121149
that the location is in compliance. The declaration is valid for 121150
two years from the date of issuance. 121151

The department shall provide to the provider either a copy 121152
of the declaration or a notice that the department has 121153
determined that the location is not in compliance with division 121154
(C) (4) of section 5119.37 of the Revised Code. 121155

If, before expiration of the declaration, a community 121156
addiction services provider applies for a license to operate an 121157
opioid treatment program, the department shall not consider the 121158
requirement of division (C) (4) of section 5119.37 of the Revised 121159

Code in determining whether to issue the license. 121160

(B) A community addiction services provider seeking to 121161
relocate an opioid treatment program licensed under section 121162
5119.37 of the Revised Code may apply for and be granted a 121163
declaration under division (A) of this section. If, before 121164
expiration of the declaration, the provider applies for issuance 121165
of a license due to relocation, the department shall not 121166
consider the requirement of division (C) (4) of section 5119.37 121167
of the Revised Code in determining whether to reissue the 121168
license due to relocation. 121169

Sec. 5119.38. A drivers' intervention program may be used 121170
as an alternative to a term of imprisonment for an offender 121171
sentenced pursuant to division (G) (1) (a) of section 4511.19 of 121172
the Revised Code, if it is certified by the director of ~~mental-~~ 121173
behavioral health and addiction services pursuant to this 121174
section. No drivers' intervention program shall be used as an 121175
alternative to a term of imprisonment that is imposed pursuant 121176
to division (G) (1) (b), (c), (d), or (e) of section 4511.19 of 121177
the Revised Code. 121178

To qualify for certification by the director and to 121179
receive funds from the statewide treatment and prevention fund 121180
created by section 4301.30 of the Revised Code in any amounts 121181
and at any times that the director determines are appropriate, a 121182
drivers' intervention program shall meet state minimum standards 121183
that the director shall establish by rule. The rules shall 121184
include, but are not limited to, standards governing program 121185
course hours and content, qualifications of program personnel, 121186
methods of identifying and testing participants to isolate 121187
participants with alcohol and drug abuse problems, referral of 121188
such persons to community addiction services providers, the 121189

prompt notification of courts by program operators of the 121190
completion of the programs by persons required by courts to 121191
attend them, and record keeping, including methods of tracking 121192
participants for a reasonable time after they have left the 121193
program. 121194

The director shall issue a certificate to any qualified 121195
drivers' intervention program. The certificate is valid for 121196
three years. 121197

Sec. 5119.39. (A) The department of ~~mental-behavioral~~ 121198
~~health and addiction services~~ shall monitor the operation of 121199
recovery housing in this state by doing either of the following: 121200

(1) Certifying recovery housing residences through a 121201
process established by the department; 121202

(2) Accepting accreditation, or its equivalent for 121203
recovery housing, from one or more of the following: 121204

(a) The Ohio affiliate of the national alliance for 121205
recovery residences; 121206

(b) Oxford house, inc.; 121207

(c) Any other organization that is designated by the 121208
department for purposes of this section. 121209

(B) If the department certifies recovery housing 121210
residences, the department shall, in rules adopted under section 121211
5119.397 of the Revised Code, establish requirements for initial 121212
certification and renewal certification, as well as grounds and 121213
procedures for disciplinary action against operators of recovery 121214
housing residences. 121215

Sec. 5119.391. (A) The department of ~~mental-behavioral~~ 121216
~~health and addiction services~~ shall monitor the establishment of 121217

recovery housing residences in this state. 121218

(B) For purposes of division (A) of this section, and 121219
within the timeframe specified in division (C) of this section, 121220
each person or government entity that will operate a recovery 121221
housing residence on or after ~~the effective date of this section~~ 121222
October 3, 2023, including any recovery housing that was 121223
established and in operation prior to ~~the effective date of this~~ 121224
~~section~~ October 3, 2023, shall file with the department, on a 121225
form prescribed by the department, all of the following 121226
information: 121227

(1) The name of the recovery housing residence and any 121228
other name under which the residence does business; 121229

(2) The address of the recovery housing residence; 121230

(3) The name of the person or government entity operating 121231
the residence; 121232

(4) The primary telephone number and electronic mail 121233
address for the recovery housing operator; 121234

(5) The date the recovery housing residence was first 121235
occupied, or will be occupied, by its first resident; 121236

(6) Information related to any existing accreditation or 121237
its equivalent that the recovery housing residence has obtained 121238
or is in the process of obtaining; 121239

(7) Any other information the department considers 121240
appropriate. 121241

(C) The form required by division (B) of this section 121242
shall be filed with the department as follows: 121243

(1) For a recovery housing residence that began operating 121244

before the effective date of this section, not later than thirty 121245
days after ~~the effective date of this section~~ October 3, 2023; 121246

(2) For a recovery housing residence that will begin 121247
operating on or after ~~the effective date of this section~~ October 121248
3, 2023, not later than thirty days after the first resident 121249
begins occupying the residence. 121250

(D) If the department accepts accreditation or its 121251
equivalent from an organization specified in section 5119.39 of 121252
the Revised Code, the department may provide copies of forms 121253
filed in accordance with this section to any such organization. 121254

Sec. 5119.392. (A) Beginning January 1, 2025, no person or 121255
government entity shall operate a recovery housing residence 121256
unless either of the following applies: 121257

(1) (a) If the department of ~~mental-behavioral~~ health and- 121258
~~addiction services~~ certifies recovery housing residences, the 121259
recovery housing residence is certified by the department. 121260

(b) If the department accepts accreditation or its 121261
equivalent from an organization specified in section 5119.39 of 121262
the Revised Code, the residence is accredited by such an 121263
organization. 121264

(2) The recovery housing residence has been operating for 121265
not more than eighteen months and is actively engaged in efforts 121266
to obtain certification or accreditation, as applicable. For 121267
purposes of identifying this eighteen-month timeframe, a 121268
recovery housing residence is considered to begin operating on 121269
the date that the first resident occupies the residence, as 121270
specified on the form filed in accordance with section 5119.391 121271
of the Revised Code. 121272

(B) If the director of ~~mental-behavioral~~ health and- 121273

~~addiction services~~ determines that a recovery housing residence 121274
is operating in violation of this section, the director may 121275
request, in writing, that the attorney general petition the 121276
court of common pleas of the county in which the recovery 121277
housing residence is located for an order enjoining operation of 121278
the recovery housing residence. 121279

Sec. 5119.393. (A) The department of ~~mental-behavioral~~ 121280
~~health and addiction services~~ shall establish a procedure to 121281
receive and investigate complaints from residents, staff, and 121282
the public regarding recovery housing residences. The department 121283
may contract with one or more of the organizations specified in 121284
section 5119.39 of the Revised Code to fulfill some or all of 121285
the functions associated with receiving and investigating 121286
complaints. 121287

(B) Any organization under contract with the department to 121288
receive and investigate complaints shall make reports to the 121289
department as follows: 121290

(1) Not less than monthly, the contractor shall report the 121291
status of each pending investigation and shall report the 121292
outcome of each investigation that has been completed since the 121293
last report was made; 121294

(2) As soon as practicable, but not later than ten days 121295
after making an adverse decision, if a contractor's 121296
accreditation or its equivalent is accepted by the department 121297
for purposes of section 5119.39 of the Revised Code, the 121298
contractor shall report that decision to the department in a 121299
manner prescribed by the department. 121300

(C) (1) With respect to complaints received by the 121301
department or a contractor of the department, information and 121302

records received, collected, or generated by the department or a 121303
contractor pursuant to an investigation, and reports that are 121304
made under division (B) of this section, all of the following 121305
apply to those items, subject to division (C) (2) of this 121306
section: 121307

(a) The items are confidential and not public records 121308
under section 149.43 of the Revised Code. 121309

(b) The items are exempt from the provisions of Chapter 121310
1347. of the Revised Code. 121311

(c) The items are not subject to discovery in any civil 121312
action. 121313

(2) (a) The items described in division (C) (1) of this 121314
section shall be disclosed if required by law. 121315

(b) The items described in division (C) (1) of this section 121316
may be disclosed to any federal, state, or local law 121317
enforcement, prosecutorial, or regulatory agency or its officers 121318
or agents. 121319

(c) The items described in division (C) (1) of this section 121320
may be admitted into evidence in a criminal trial in accordance 121321
with the Rules of Evidence, or in an administrative hearing 121322
conducted by an agency, but the court or agency shall require 121323
that appropriate measures be taken to ensure that 121324
confidentiality is maintained with respect to any part thereof 121325
that contains names or other identifying information about 121326
residents, complainants, or others whose confidentiality was 121327
protected by the department or its contractor when the items 121328
were in the possession of the department or contractor. Measures 121329
to ensure confidentiality that may be taken by the court or 121330
agency include sealing its records or redacting specific 121331

information from its records. 121332

(d) The items described in division (C) (1) of this section 121333
may be included in the registry established and maintained under 121334
section 5119.394 of the Revised Code, but the department shall 121335
make its best effort to do so in a manner that protects the 121336
confidentiality of complainants, individuals or organizations 121337
providing information about a complaint, and recovery housing 121338
residents. The department may refer to any of the foregoing in 121339
the registry as long as it removes personally identifying 121340
information or uses any other technique it considers appropriate 121341
to maintain confidentiality. 121342

Sec. 5119.394. (A) The department of ~~mental-behavioral~~ 121343
~~health and addiction services~~ shall establish and maintain a 121344
registry of recovery housing residences that meet the criteria 121345
described in division (A) (1) or (2) of section 5119.392 of the 121346
Revised Code. ~~For~~ 121347

(B) For each residence, the registry shall include all of 121348
the following, subject to the confidentiality requirements of 121349
division (C) of section 5119.393 of the Revised Code: 121350

(1) Any information from the form required by division (B) 121351
of section 5119.391 of the Revised Code that the department 121352
chooses to include in the registry; 121353

(2) If a complaint received under section 5119.393 of the 121354
Revised Code has been investigated and substantiated, a 121355
description of the complaint, the date the complaint was 121356
submitted to the department or its contractor, and the outcome 121357
of the investigation; 121358

(3) Any other information the department considers 121359
appropriate. 121360

~~(B)~~ (C) The department shall immediately remove from the 121361
registry a recovery housing residence that ceases to meet the 121362
criteria described in division (A) (1) or (2) of section 5119.392 121363
of the Revised Code, including if the criteria described in 121364
those divisions ceases to be met because the residence has had 121365
its certification or accreditation, as applicable, revoked or 121366
not renewed. 121367

~~(C)~~ (D) The department shall make the registry available to 121368
the public on the department's web site. 121369

Sec. 5119.395. (A) Beginning January 1, 2025, no person or 121370
government entity shall advertise or represent any residence or 121371
other building to be a recovery housing residence, sober living 121372
home, or any other alcohol and drug free housing for persons 121373
recovering from alcohol use disorder or drug addiction unless 121374
the residence or building meets either of the following 121375
conditions: 121376

(1) The residence or building is on the registry 121377
established and maintained under section 5119.394 of the Revised 121378
Code; 121379

(2) The residence or building is regulated by the 121380
department of rehabilitation and correction under section 121381
2967.14 of the Revised Code. 121382

(B) If the director of ~~mental~~ behavioral health and 121383
~~addiction services~~ determines that a person or government entity 121384
is violating division (A) of this section, the director may 121385
request, in writing, that the attorney general petition the 121386
court of common pleas of the county where the person or 121387
government entity is operating the residence or other building 121388
to enjoin that person or government entity from engaging in the 121389

conduct that violates division (A) of this section. 121390

Sec. 5119.397. The director of ~~mental-behavioral health~~ 121391
~~and addiction services~~ may adopt rules in accordance with 121392
Chapter 119. of the Revised Code to implement sections 5119.39 121393
to 5119.396 of the Revised Code. 121394

Sec. 5119.40. (A) As used in this section, "individual 121395
with a mental illness" and "specialized services" have the same 121396
meanings as in section 5165.03 of the Revised Code. 121397

(B) (1) Except as provided in division (B) (2) of this 121398
section and rules adopted under division (E) (3) of this section, 121399
for purposes of section 5165.03 of the Revised Code, the 121400
department of ~~mental-behavioral health and addiction services~~ 121401
shall determine in accordance with the "Social Security Act," 121402
section 1919(e) (7), 42 U.S.C. 1396r(e) (7), and regulations 121403
adopted under section 1919(f) (8) (A) of that act, 42 U.S.C. 121404
1396r(f) (8) (A), whether, because of the individual's physical 121405
and mental condition, an individual with a mental illness 121406
seeking admission to a nursing facility requires the level of 121407
services provided by a nursing facility and, if the individual 121408
requires that level of services, whether the individual requires 121409
specialized services for mental illness. The determination 121410
required by this division shall be based on an independent 121411
physical and mental evaluation performed by a person or entity 121412
other than the department. 121413

(2) Except as provided in division (B) (3) of this section, 121414
a determination under division (B) (1) of this section is not 121415
required for any of the following: 121416

(a) An individual seeking readmission to a nursing 121417
facility after having been transferred from a nursing facility 121418

to a hospital for care; 121419

(b) An individual who meets all of the following 121420
conditions: 121421

(i) The individual is admitted to the nursing facility 121422
directly from a hospital after receiving inpatient care at the 121423
hospital; 121424

(ii) The individual requires nursing facility services for 121425
the condition for which care in the hospital was received; 121426

(iii) The individual's attending physician has certified, 121427
before admission to the nursing facility, that the individual is 121428
likely to require less than thirty days of nursing facility 121429
services. 121430

(c) An individual transferred from one nursing facility to 121431
another nursing facility, with or without an intervening 121432
hospital stay. 121433

(3) A determination under division (B) (1) of this section 121434
is required for an individual described in division (B) (2) (a) or 121435
(b) of this section if the hospital from which the individual is 121436
transferred or directly admitted to a nursing facility is either 121437
of the following: 121438

(a) A hospital that the department maintains, operates, 121439
manages, and governs under section 5119.14 of the Revised Code 121440
for the care and treatment of persons with mental illnesses; 121441

(b) A free-standing hospital, or unit of a hospital, 121442
licensed by the department under section 5119.33 of the Revised 121443
Code. 121444

(C) Except as provided in rules adopted under division (E) 121445
(3) of this section, the department of ~~mental~~-behavioral health 121446

~~and addiction services~~ shall review and determine for each 121447
resident of a nursing facility who has a mental illness, whether 121448
the resident, because of the resident's physical and mental 121449
condition, requires the level of services provided by a nursing 121450
facility and whether the resident requires specialized services 121451
for mental illness. The review and determination shall be 121452
conducted in accordance with section 1919(e) (7) of the "Social 121453
Security Act" and the regulations adopted under section 1919(f) 121454
(8) (A) of the act and based on an independent physical and 121455
mental evaluation performed by a person or entity other than the 121456
department. The review and determination shall be completed 121457
promptly after a nursing facility has notified the department 121458
that there has been a significant change in the resident's 121459
mental or physical condition. 121460

(D) (1) In the case of a nursing facility resident who has 121461
continuously resided in a nursing facility for at least thirty 121462
months before the date of a review and determination under 121463
division (C) of this section, if the resident is determined not 121464
to require the level of services provided by a nursing facility, 121465
but is determined to require specialized services for mental 121466
illness, the department, in consultation with the resident's 121467
family or legal representative and care givers, shall do all of 121468
the following: 121469

(a) Inform the resident of the institutional and 121470
noninstitutional alternatives covered under the state plan for 121471
medical assistance; 121472

(b) Offer the resident the choice of remaining in the 121473
nursing facility or receiving covered services in an alternative 121474
institutional or noninstitutional setting; 121475

(c) Clarify the effect on eligibility for services under 121476

the state plan for medical assistance if the resident chooses to 121477
leave the facility, including its effect on readmission to the 121478
facility; 121479

(d) Provide for or arrange for the provision of 121480
specialized services for the resident's mental illness in the 121481
setting chosen by the resident. 121482

(2) In the case of a nursing facility resident who has 121483
continuously resided in a nursing facility for less than thirty 121484
months before the date of the review and determination under 121485
division (C) of this section, if the resident is determined not 121486
to require the level of services provided by a nursing facility, 121487
but is determined to require specialized services for mental 121488
illness, or if the resident is determined to require neither the 121489
level of services provided by a nursing facility nor specialized 121490
services for mental illness, the department shall act in 121491
accordance with its alternative disposition plan approved by the 121492
United States department of health and human services under 121493
section 1919(e) (7) (E) of the "Social Security Act." 121494

(3) In the case of an individual who is determined under 121495
division (B) or (C) of this section to require both the level of 121496
services provided by a nursing facility and specialized services 121497
for mental illness, the department of ~~mental-behavioral~~ health 121498
~~and addiction services~~ shall provide or arrange for the 121499
provision of the specialized services needed by the individual 121500
or resident while residing in a nursing facility. 121501

(E) The department of ~~mental-behavioral~~ health ~~and~~ 121502
~~addiction services~~ shall adopt rules in accordance with Chapter 121503
119. of the Revised Code that do all of the following: 121504

(1) Establish criteria to be used in making the 121505

determinations required by divisions (B) and (C) of this 121506
section. The criteria shall not exceed the criteria established 121507
by regulations adopted by the United States department of health 121508
and human services under section 1919(f)(8)(A) of the "Social 121509
Security Act." 121510

(2) Specify information to be provided by the individual 121511
or nursing facility resident being assessed; 121512

(3) Specify any circumstances, in addition to 121513
circumstances listed in division (B) of this section, under 121514
which determinations under divisions (B) and (C) of this section 121515
are not required to be made. 121516

Sec. 5119.41. (A) The department of ~~mental-behavioral~~ 121517
~~health and addiction services~~ shall implement the residential 121518
state supplement program under which the state supplements the 121519
amounts received by aged, blind, or disabled adults as 121520
supplemental security income payments under Title XVI of the 121521
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 121522
security benefits or social security disability insurance 121523
benefits under Title II of the "Social Security Act," 42 U.S.C. 121524
401 et seq. Residential state supplement payments shall be used 121525
for the provision of accommodations, supervision, and personal 121526
care services to recipients of supplemental security income 121527
payments, social security benefits, and social security 121528
disability insurance benefits who the department determines are 121529
at risk of needing institutional care. 121530

In implementing the program, the department may designate 121531
one or more entities to be responsible for providing 121532
administrative services regarding the program. The department 121533
may designate an entity either by entering into a contract with 121534
the entity to ~~provided~~ provide the services or by otherwise 121535

delegating to the entity the responsibility to provide the 121536
services. 121537

(B) To be eligible for residential state supplement 121538
payments, an individual must satisfy all eligibility 121539
requirements established by rules adopted under this section. 121540

(C) The director of ~~mental-behavioral~~ health and addiction 121541
~~services~~ and the medicaid director shall adopt rules as 121542
necessary to implement the residential state supplement program, 121543
including the requirements that an individual must satisfy to be 121544
eligible for payments under the program. The rules shall be 121545
adopted in accordance with Chapter 119. of the Revised Code. 121546

The rules adopted by the director of ~~mental-behavioral~~ 121547
health and addiction services may establish the method to be 121548
used to determine the payment an eligible individual will 121549
receive under the program. The amount the general assembly 121550
appropriates for the program may be a factor included in the 121551
method that director establishes. 121552

To the extent permitted by Title XVI of the "Social 121553
Security Act" and any other provision of federal law, the rules 121554
adopted by the medicaid director may establish standards for 121555
adjusting the eligibility requirements concerning the level of 121556
impairment an individual must have so that the amount 121557
appropriated for the program by the general assembly is adequate 121558
for the number of eligible individuals. The rules shall not 121559
limit the eligibility of individuals who are disabled solely on 121560
a basis classifying disabilities as physical or mental. 121561

(D) The county department of job and family services of 121562
the county in which an applicant for the residential state 121563
supplement program resides or the department of medicaid shall 121564

determine whether the applicant meets income and resource 121565
requirements for the program. 121566

The county department of job and family services or the 121567
department of medicaid shall notify each individual who is 121568
denied approval for payments under the program of the 121569
individual's right to a hearing. On request, the hearing shall 121570
be provided in accordance with section 5101.35 of the Revised 121571
Code. 121572

(E) An individual in a licensed or certified living 121573
arrangement receiving state supplementation on November 15, 121574
1990, under former section 5101.531 of the Revised Code shall 121575
not become ineligible for payments under this program solely by 121576
reason of the individual's living arrangement as long as the 121577
individual remains in the living arrangement in which the 121578
individual resided on November 15, 1990. 121579

Sec. 5119.42. (A) As used in this section, "private, 121580
nonprofit organization" means a private association, 121581
organization, corporation, or other entity that is tax exempt 121582
under section 501(a) and described in section 501(c) of the 121583
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 121584

(B) To the extent funds are available and on application 121585
by boards of alcohol, drug addiction, and mental health 121586
services, the director of ~~mental-behavioral health and addiction~~ 121587
~~services~~ may approve state reimbursement of, or state grants 121588
for, community construction programs including residential 121589
housing for persons with severe mental disabilities and persons 121590
with substance use disorders. The director may also approve an 121591
application for reimbursement or a grant for such programs 121592
submitted by other governmental entities or by private, 121593
nonprofit organizations, after the application has been reviewed 121594

and recommended for approval or disapproval by the board of 121595
alcohol, drug addiction, and mental health services for the 121596
district from which the application came, and the application is 121597
consistent with the board's approved community addiction and 121598
mental health plan submitted under division (A) of section 121599
340.03 of the Revised Code and the board's approved budget and 121600
list of addiction services, mental health services, and recovery 121601
supports submitted under divisions (A) and (B) of section 340.08 121602
of the Revised Code. 121603

(C) (1) The director of ~~mental behavioral health and~~ 121604
~~addiction services~~ shall adopt rules in accordance with Chapter 121605
119. of the Revised Code that specify procedures for applying 121606
for state reimbursement of and state grants for community 121607
construction programs, including residential housing for persons 121608
with severe mental disabilities and persons with substance use 121609
disorders and procedures and criteria for approval of such 121610
reimbursement and grants. 121611

(2) The director of ~~mental behavioral health and addiction~~ 121612
~~services~~ shall not approve state reimbursement or a state grant 121613
unless all of the following conditions are met: 121614

(a) The applicant includes with the application a plan 121615
specifying the services, in addition to housing, that will be 121616
provided to persons who will reside in the residential housing. 121617
Services specified may include any of the services described in 121618
section 340.09 of the Revised Code. 121619

(b) The director is satisfied that the residential housing 121620
for persons with severe mental disabilities will be developed to 121621
promote the maximum practical integration of persons with severe 121622
mental disabilities with persons at the same site who do not 121623
have severe mental disabilities. 121624

(c) The use of any funds distributed pursuant to the 121625
reimbursement or grant will not subject any obligation from 121626
which the funds are derived to federal income taxation. 121627

(3) The director may enter into an agreement establishing 121628
terms for any reimbursement or grant approved under this 121629
division with the organization, board, or other government 121630
entity that is the recipient of the reimbursement or grant. Any 121631
such agreement is subject to any covenant or agreement 121632
pertaining to any obligation issued to provide funds for the 121633
reimbursement or grant. 121634

Sec. 5119.421. (A) This section applies to a board of 121635
alcohol, drug addiction, and mental health services, another 121636
governmental entity, or a private, nonprofit organization that 121637
received a grant or reimbursement under section 5119.42 of the 121638
Revised Code for a facility on which the department of ~~mental-~~ 121639
behavioral health and addiction services holds a security 121640
interest. 121641

(B) A board of alcohol, drug addiction, and mental health 121642
services, another governmental entity, or a private, nonprofit 121643
organization to which this section applies may apply to the 121644
director of ~~mental-behavioral health and addiction services~~ for 121645
approval to sell its facility and acquire, construct, or 121646
renovate a replacement facility pursuant to this section. The 121647
director shall prescribe the form of the application. Before 121648
submitting an application to the director, a governmental entity 121649
or private, nonprofit organization must obtain approval of the 121650
application from the board of alcohol, drug addiction, and 121651
mental health services with jurisdiction over the service 121652
district in which the existing facility is located. The director 121653
shall approve an application for a replacement project upon 121654

determining that the project provides for the continuation of 121655
appropriate mental health and addiction services to the 121656
population served by the board, entity, or organization. 121657

(C) A board, entity, or organization that obtains approval 121658
for a project under division (B) of this section shall pay the 121659
proceeds of the sale of its facility to the director of ~~mental-~~ 121660
behavioral health ~~and addiction services~~. The director shall 121661
deposit the proceeds to the credit of the community capital 121662
replacement facilities fund. 121663

(D) When a board, entity, or organization that has sold 121664
its facility notifies the director of ~~mental-~~behavioral health 121665
~~and addiction services~~ that it is ready to acquire, construct, 121666
or renovate a replacement facility, the director shall do one of 121667
the following: 121668

(1) If the replacement facility is located in the same 121669
alcohol, drug addiction, and mental health service district as 121670
the original facility, and if the purposes for which the 121671
replacement facility will be used are the same as or similar to 121672
those for the original facility, the director shall pay to the 121673
board, entity, or organization from the community capital 121674
replacement facilities fund an amount equal to the lesser of an 121675
amount equal to the proceeds of the sale of the original 121676
facility or the amount of the state's agreed-upon participation 121677
(as a per cent of the total cost) in the cost of the replacement 121678
facility. If the amount of the state's agreed-upon participation 121679
in the cost of the replacement facility is less than the value 121680
of the state's security interest in the original facility, the 121681
difference between the state's agreed-upon participation in the 121682
cost of the replacement facility and the value of the state's 121683
security interest in the original facility shall be retained in 121684

the community capital replacement facilities fund, and any 121685
excess proceeds shall be paid to the board, entity, or 121686
organization. 121687

(2) If the replacement facility is located in a different 121688
alcohol, drug addiction, and mental health service district than 121689
the original facility, or if the purposes for which the 121690
replacement facility will be used are not the same as or similar 121691
to those for the original facility, the director shall request 121692
controlling board approval for release of funds for the project. 121693
If the controlling board so approves, the director shall pay to 121694
the board, entity, or organization from the community capital 121695
replacement facilities fund the lesser of an amount equal to the 121696
proceeds of the sale of the original facility or the amount of 121697
the state's agreed-upon participation (as a per cent of the 121698
total cost) in the cost of the replacement facility. If the 121699
amount of the state's agreed-upon participation in the cost of 121700
the replacement facility is less than the value of the state's 121701
security interest in the original facility, the difference 121702
between the state's agreed-upon participation in the cost of the 121703
replacement facility and the value of the state's security 121704
interest in the original facility shall be retained in the 121705
community capital replacement facilities fund, and any excess 121706
proceeds shall be paid to the board, entity, or organization. 121707

(E) The director of ~~mental-behavioral health and addiction~~ 121708
~~services~~ and a board, entity, or organization shall enter into 121709
an agreement specifying the terms of any payment made to the 121710
board, entity, or organization under division (D) of this 121711
section. The terms may include provision for the department of 121712
~~mental-behavioral health and addiction services~~ to hold a 121713
security interest in the facility. 121714

(F) (1) When approving an application under division (B) of this section, the director of ~~mental-behavioral health and addiction~~ services shall establish a deadline by which the board, entity, or organization must notify the director that it is ready to acquire, construct, or renovate a replacement facility. If the board, entity, or organization does not notify the director on or before the deadline, the director may cancel the project. Upon canceling the project, the director shall pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(2) Notwithstanding the deadline established under division (F) (1) of this section, if at any time a board, entity, or organization notifies the director that it does not intend to acquire, construct, or renovate a replacement facility under this section, the director shall cancel the replacement project and pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(G) If a replacement project is canceled after the sale of the original facility, the director of ~~mental-behavioral health and addiction services~~ shall use funds equal to the value of the state's security interest in the original facility for additional grants or reimbursements under section 5119.42 of the Revised Code. The director shall obtain the approval of the controlling board before releasing the additional grants or reimbursements.

(H) The community capital replacement facilities fund is hereby created in the state treasury. The director of ~~mental-behavioral health and addiction services~~ shall use the fund for the purposes of this section.

Sec. 5119.43. (A) The director of ~~mental-behavioral health and addiction services~~ may enter into agreements with any person, political subdivision, or state agency for the sale or lease of land or facilities under the jurisdiction of the director of ~~mental-behavioral health and addiction services~~ in the following manner:

(1) The director of ~~mental-behavioral health and addiction services~~ shall designate lands and facilities that are not needed by the department of ~~mental-behavioral health and addiction services~~ and are under the jurisdiction of the department.

(2) The director of ~~mental-behavioral health and addiction services~~ shall have a preliminary appraisal made of any lands or facilities designated under division (A)(1) of this section by a disinterested professional appraiser from the department of administrative services. The appraiser shall deliver to the director of ~~mental-behavioral health and addiction services~~ a signed certificate of the probable market value of the lands and facilities as determined from the preliminary appraisal.

(3) The director of ~~mental-behavioral health and addiction services~~ shall certify to the clerk of the house of representatives and to the clerk of the senate a list of all lands and facilities which may be sold or leased, and shall include with the list the results of the preliminary appraisals of the lands and facilities, a general description of the land and facilities, and a description of the current use of the land

and facilities. 121775

(4) Every list of lands and facilities certified by the 121776
director of ~~mental-behavioral health and addiction services~~ to 121777
the clerk of the house of representatives and to the clerk of 121778
the senate under division (A) (3) of this section, shall 121779
immediately be transmitted by the respective clerks to the 121780
committees in the house and the senate to which land conveyance 121781
bills are usually referred. If either committee files in its 121782
clerk's office, within sixty calendar days of the original 121783
certification of the lands and facilities by the director of 121784
~~mental-behavioral health and addiction services~~, a report 121785
disapproving the sale or lease of any lands or facilities, the 121786
sale or lease of the lands or facilities disapproved in the 121787
report shall not be made under this section. With respect to a 121788
sale or lease of lands and facilities that has not been 121789
disapproved under this division, the director of ~~mental-~~ 121790
~~behavioral health and addiction services~~ shall certify those 121791
lands and facilities to the director of administrative services. 121792

(5) After certification to the director of administrative 121793
services under division (A) (4) of this section, the director of 121794
~~mental-behavioral health and addiction services~~ shall have a 121795
formal appraisal made of the lands and facilities by a 121796
disinterested professional appraiser from the department of 121797
administrative services. The director of ~~mental-behavioral~~ 121798
~~health and addiction services~~ may accept the formal appraisal or 121799
may reject it and order a new formal appraisal by a 121800
disinterested professional appraiser who shall not be from the 121801
department of administrative services. The director of ~~mental-~~ 121802
~~behavioral health and addiction services~~ may then sell or lease 121803
the lands or facilities in accordance with this division and 121804
department of administrative services procedures as set forth in 121805

Chapter 123. of the Revised Code. Any such deed or lease shall 121806
be prepared and recorded pursuant to section 5301.13 of the 121807
Revised Code. The department of administrative services shall be 121808
the sole agent for the state and shall complete the sale or 121809
lease of the lands or facilities, up to and including the 121810
closing thereof, after the director of ~~mental-behavioral health~~ 121811
~~and addiction services~~ approves the sale price. The director of 121812
~~mental-behavioral health and addiction services~~ and the director 121813
of administrative services may, if it is determined to be in the 121814
best interests of the state, agree to sell surplus land for an 121815
amount less than the formal appraised value but shall not sell 121816
any land for less than two-thirds of the formal appraised value. 121817

(B) Coincident with the certification made under division 121818
(A) (3) of this section concerning lands which may be sold, the 121819
director of ~~mental-behavioral health and addiction services~~ 121820
shall give written notice of intention to sell the lands by 121821
certified mail to the executive officer of each county, 121822
township, municipal corporation, and school district within 121823
which the lands are situated. In each notice, the director of 121824
~~mental-behavioral health and addiction services~~ shall specify 121825
the conditions under which the lands shall be sold, including 121826
whether the lands will be sold as a single unit or sold in 121827
specific parcels that the director designates, and shall solicit 121828
from the subdivision offers to purchase the lands in accordance 121829
with the conditions the director of ~~mental-behavioral health and~~ 121830
~~addiction services~~ has specified and at a price equal to the 121831
preliminary appraised value determined pursuant to division (A) 121832
(2) of this section. If, within thirty days of having certified 121833
the lands to the director of administrative services under 121834
division (A) (4) of this section, the director of ~~mental-~~ 121835
~~behavioral health and addiction services~~ receives from the 121836

executive officer of a subdivision a written offer to purchase 121837
the lands at or above the price specified in the original notice 121838
from the director of ~~mental-behavioral health and addiction-~~ 121839
~~services~~ to the officer, provided such offer otherwise complies 121840
with the conditions of purchase specified in the original notice 121841
from the director of ~~mental-behavioral health and addiction-~~ 121842
~~services~~, the director of ~~mental-behavioral health and addiction~~ 121843
~~services~~ shall forthwith enter into an agreement to sell the 121844
lands to the subdivision. The agreement shall incorporate any 121845
and all terms that are acceptable to both parties and that are 121846
consistent with the terms specified in the original notice from 121847
the director of ~~mental-behavioral health and addiction services.~~ 121848
If no offer to purchase is received by the director of ~~mental-~~ 121849
~~behavioral health and addiction services~~ within the thirty-day 121850
period provided in this division, the original notice from the 121851
director of ~~mental-behavioral health and addiction services-~~ 121852
shall be considered withdrawn and the director of ~~mental-~~ 121853
~~behavioral health and addiction services~~ shall be under no 121854
obligation to sell any of the lands specified in the notice to 121855
the subdivision. If two or more offers to purchase the same 121856
parcels of land are received by the director of ~~mental-~~ 121857
~~behavioral health and addiction services~~ within the required 121858
time period from the executive officers of two or more 121859
subdivisions, the director of ~~mental-behavioral health and-~~ 121860
~~addiction services~~ shall accept the offer or offers to purchase 121861
that the director considers to be in the best interests of the 121862
state and of the department of ~~mental-behavioral health and-~~ 121863
~~addiction services~~ and shall proceed to enter into agreements of 121864
sale pursuant to this division. If all of the original notices 121865
from the director of ~~mental-behavioral health and addiction-~~ 121866
~~services~~ relating to a given parcel of land become withdrawn, 121867
the director of ~~mental-behavioral health and addiction services-~~ 121868

may thereupon proceed to sell the parcel as otherwise provided 121869
in this section. No subdivision may commence an action to 121870
enforce the provisions of this division, or to seek any other 121871
legal or equitable remedy relative to this division, with 121872
respect to any lands certified to the director of administrative 121873
services under division (A) (4) of this section, except within 121874
sixty days of the date on which the lands were so certified. 121875

(C) Any agreement under this section shall be at such 121876
terms as will be in the best interests of the state and the 121877
department of ~~mental-behavioral health-and-addiction services~~. 121878
However, the terms of any agreement for sale shall include a 121879
provision that the purchaser will abide by any comprehensive 121880
plan for the area that has been adopted by the local government 121881
in which the property is located before the parties enter into 121882
the agreement. No lease shall be of a duration greater than 121883
fifteen years. No agreement, except an agreement entered into 121884
under division (B) of this section, shall be entered into before 121885
the proposal to sell or lease the land or facilities has been 121886
advertised once each week for four weeks in a newspaper of 121887
general circulation in every county in which the lands or 121888
facilities are located and if the preliminary appraised value of 121889
the land to be sold or leased is more than one hundred thousand 121890
dollars, advertisement shall be made once each week for four 121891
weeks in at least two newspapers in the state having a daily 121892
circulation of one hundred thousand or more. If a city in this 121893
state is served by more than one newspaper having a circulation 121894
of one hundred thousand or more, advertisement may be made in 121895
only one of the newspapers serving the city. 121896

(D) Each deed or lease prepared and recorded pursuant to 121897
this section shall contain a recital stating that all provisions 121898
of this section have been complied with. The recital shall be 121899

considered binding and conclusive against all subdivisions of 121900
the state provided no action has been commenced pursuant to 121901
division (B) of this section. Any deed or lease containing such 121902
a recital shall be conclusively presumed to have been executed 121903
in compliance with this section insofar as title or other 121904
interest of any bona fide purchasers, lessees, or transferees of 121905
the property is concerned. 121906

(E) Nothing in this section shall be construed as 121907
establishing a precedent for the disposal of state lands and 121908
facilities by other departments of the state. 121909

Sec. 5119.431. When it is necessary for a state 121910
institution under the jurisdiction of the department of ~~mental-~~ 121911
behavioral health and addiction services to acquire any real 121912
estate, right of way, or easement in real estate in order to 121913
accomplish the purposes for which it was organized or is being 121914
conducted, and the department is unable to agree with the owner 121915
of such property upon the price to be paid therefor, such 121916
property may be appropriated in the manner provided for the 121917
appropriation of property for other state purposes. 121918

Any instrument by which real property is acquired pursuant 121919
to this section shall identify the agency of the state that has 121920
the use and benefit of the real property as specified in section 121921
5301.012 of the Revised Code. 121922

Sec. 5119.44. As used in this section, "free clinic" has 121923
the same meaning as in section 2305.2341 of the Revised Code. 121924

(A) The department of ~~mental-behavioral health and-~~ 121925
~~addiction services~~ may provide certain goods and services for 121926
the department of ~~mental-behavioral health and addiction-~~ 121927
~~services~~, the department of developmental disabilities, the 121928

department of rehabilitation and correction, the department of 121929
youth services, and other state, county, or municipal agencies 121930
requesting such goods and services when the department of ~~mental~~ 121931
behavioral health and addiction services determines that it is 121932
in the public interest, and considers it advisable, to provide 121933
these goods and services. The department of ~~mental~~ behavioral 121934
health and addiction services also may provide goods and 121935
services to agencies operated by the United States government 121936
and to public or private nonprofit agencies, other than free 121937
clinics, that are funded in whole or in part by the state if the 121938
public or private nonprofit agencies are designated for 121939
participation in this program by the director of ~~mental~~ 121940
behavioral health and addiction services for community addiction 121941
services providers and community mental health services 121942
providers, the director of developmental disabilities for 121943
community developmental disabilities agencies, the director of 121944
rehabilitation and correction for community rehabilitation and 121945
correction agencies, or the director of youth services for 121946
community youth services agencies. 121947

Designated community agencies or services providers shall 121948
receive goods and services through the department of ~~mental~~ 121949
behavioral health and addiction services only in those cases 121950
where the designating state agency certifies that providing such 121951
goods and services to the agency or services provider will 121952
conserve public resources to the benefit of the public and where 121953
the provision of such goods and services is considered feasible 121954
by the department of ~~mental~~ behavioral health and addiction 121955
services. 121956

(B) The department of ~~mental~~ behavioral health and 121957
addiction services may permit free clinics to purchase certain 121958
goods and services to the extent the purchases fall within the 121959

exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 121960
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 121961
amended. 121962

(C) The goods and services that may be provided by the 121963
department of ~~mental-behavioral health and addiction services~~ 121964
under divisions (A) and (B) of this section may include: 121965

(1) Procurement, storage, processing, and distribution of 121966
food and professional consultation on food operations; 121967

(2) Procurement, storage, and distribution of medical and 121968
laboratory supplies, dental supplies, medical records, forms, 121969
optical supplies, and sundries; 121970

(3) Procurement, storage, repackaging, distribution, and 121971
dispensing of drugs, the provision of professional pharmacy 121972
consultation, and drug information services; 121973

(4) Other goods and services. 121974

(D) The department of ~~mental-behavioral health and~~ 121975
~~addiction services~~ may provide the goods and services designated 121976
in division (C) of this section to its institutions and to 121977
state-operated community-based mental health or addiction 121978
services providers. 121979

(E) After consultation with and advice from the director 121980
of developmental disabilities, the director of rehabilitation 121981
and correction, and the director of youth services, the 121982
department of ~~mental-behavioral health and addiction services~~ 121983
may provide the goods and services designated in division (C) of 121984
this section to the department of developmental disabilities, 121985
the department of rehabilitation and correction, and the 121986
department of youth services. 121987

(F) The cost of administration of this section shall be 121988
determined by the department of ~~mental-behavioral health and~~ 121989
~~addiction services~~ and paid by the agencies, services providers, 121990
or free clinics receiving the goods and services to the 121991
department for deposit in the state treasury to the credit of 121992
the Ohio pharmacy services fund, which is hereby created. The 121993
fund shall be used to pay the cost of administration of this 121994
section to the department. 121995

(G) Whenever a state agency fails to make a payment for 121996
goods and services provided under this section within thirty-one 121997
days after the date the payment was due, the office of budget 121998
and management may transfer moneys from the state agency to the 121999
department of ~~mental-behavioral health and addiction services~~. 122000
The amount transferred shall not exceed the amount of overdue 122001
payments. Prior to making a transfer under this division, the 122002
office of budget and management shall apply any credits the 122003
state agency has accumulated in payments for goods and services 122004
provided under this section. 122005

(H) Purchases of goods and services under this section are 122006
not subject to section 307.86 of the Revised Code. 122007

Sec. 5119.45. Unless otherwise specifically provided by 122008
law, all moneys received by the department of ~~mental-behavioral~~ 122009
~~health and addiction services~~ from the sale of goods and 122010
services, including, but not limited to, shared service 122011
agreements with other governmental entities and nongovernmental 122012
entities, employee housing and cafeteria receipts, fees for 122013
copying services, and sales of other tangible personal property 122014
under the department's control, shall be paid into the state 122015
treasury to the credit of the sale of goods and services fund, 122016
which is hereby created. Moneys received by the department 122017

pursuant to section 5119.44 of the Revised Code shall not be 122018
paid into the fund. The department shall use the moneys in the 122019
fund for paying operating expenses of the department. 122020

Sec. 5119.46. There is hereby created in the state 122021
treasury the department of ~~mental behavioral~~ health and 122022
~~addiction services~~ trust fund. ~~Not later than the first day of~~ 122023
~~September of each year, the director of mental health and~~ 122024
~~addiction services shall certify to the director of budget and~~ 122025
~~management the amount of all of the unexpended, unencumbered~~ 122026
~~balances of general revenue fund appropriations made to the~~ 122027
~~department of mental health and addiction services for the~~ 122028
~~previous fiscal year, excluding funds appropriated for rental~~ 122029
~~payments to the Ohio public facilities commission. On receipt of~~ 122030
~~the certification, the director of budget and management shall~~ 122031
~~transfer cash to the trust fund in an amount up to, but not~~ 122032
~~exceeding, the total of the amounts certified by the director of~~ 122033
~~mental health and addiction services.~~ 122034

~~In addition, the~~ The trust fund shall receive all amounts, 122035
subject to any provisions in bond documents, received from the 122036
sale or lease of lands and facilities by the department. 122037

All moneys in the trust fund ~~shall be used by the~~ 122038
~~department of mental health and addiction services to pay for~~ 122039
~~expenditures the department incurs in performing any of its~~ 122040
~~duties under this chapter~~ are subject to appropriation by the 122041
general assembly or may be used with the approval of the 122042
controlling board. The use of moneys in the trust fund pursuant 122043
to this section does not represent an ongoing commitment to the 122044
continuation of the trust fund or to the use of moneys in the 122045
trust fund. 122046

Sec. 5119.47. The director of ~~mental behavioral~~ health and 122047

~~addiction services~~ shall administer the problem casino gambling 122048
and addictions fund. The director shall use the money in the 122049
fund to support gambling addiction services, alcohol and drug 122050
addiction services, other services that relate to gambling 122051
addiction and substance abuse, and research that relates to 122052
gambling addiction and substance abuse. Treatment and prevention 122053
services supported by money in the fund under this section shall 122054
be services that are certified by the department of ~~mental-~~ 122055
behavioral health ~~and addiction services~~. 122056

The director shall prepare an annual report describing the 122057
use of the fund for these purposes. The director shall submit 122058
the report to the Ohio casino control commission, the speaker 122059
and minority leader of the house of representatives, the 122060
president and minority leader of the senate, and the governor. 122061

Sec. 5119.48. (A) The department of ~~mental-behavioral~~ 122062
~~health and addiction services~~ shall create the all roads lead to 122063
home program. The program shall include all of the following 122064
initiatives: 122065

(1) A media campaign. As part of the campaign, the 122066
department shall develop public service announcements and shall 122067
make the announcements available to television and radio media 122068
outlets. The announcements shall be made available beginning on 122069
January 1, 2018, ~~and~~ Thereafter, the announcements shall be 122070
made at least twice annually, once between January and March of 122071
each year, and once in September of each year as part of 122072
national recovery month. 122073

(2) A web site ~~as~~ that meets the requirements described in 122074
division (C) of this section; 122075

(3) A twenty-four-hour hotline, that is operated by a call 122076

center, for the purpose of helping individuals access addiction 122077
services. 122078

(B) The media campaign described in division (A) (1) of 122079
this section shall do all of the following: 122080

(1) Include messages to reduce the stigma associated with 122081
seeking help for drug addiction; 122082

(2) Provide directions for people who are in need of drug 122083
addiction assistance to a web-based location that includes all 122084
of the following: 122085

(a) Information on where to find help for drug addiction; 122086

(b) Information on intervention and referral options; 122087

(c) Contact information for county board boards of 122088
alcohol, drug addiction assistance authorities, and mental 122089
health services. 122090

(3) Prioritize its efforts in media markets that have the 122091
highest rates of drug overdose deaths in this state; 122092

(4) Utilize television and radio public service 122093
announcements provided to media outlets, as well as internet 122094
advertising models such as low-cost social media outlets. 122095

(C) Before January 1, 2018, for purposes of division (A) 122096
(2) of this section, the department shall create a web site ~~as~~ 122097
~~described in division (A) (2) of this section~~ that is interactive 122098
and offers all of the following components: 122099

(1) If reasonably available for use, an evidence-based 122100
self-reporting screening tool approved by the department's 122101
medical director; 122102

(2) Community detoxification and withdrawal management 122103

options and community treatment options; 122104

(3) A searchable database of certified substance abuse 122105
providers organized by zip code; 122106

(4) Information on recovery supports, including recovery 122107
housing residences; 122108

(5) Clinical information regarding what a person may 122109
expect during detoxification, withdrawal, and treatment. 122110

(D) The department may contract with private vendors for 122111
the creation and maintenance of the ~~interactive~~ web site 122112
described in division (C) of this section. 122113

Sec. 5119.49. (A) The director of ~~mental-behavioral~~ health 122114
~~and addiction services~~ shall collaborate with the state board of 122115
pharmacy and attorney general in the establishment and 122116
administration of a drug take-back program, as provided under 122117
section 4729.69 of the Revised Code. 122118

(B) The department may accept grants, gifts, or donations 122119
for purposes of the program. Money received under this division 122120
shall be deposited into the drug take-back program fund 122121
established under section 109.90 of the Revised Code. 122122

Sec. 5119.50. The director of ~~mental-behavioral~~ health ~~and~~ 122123
~~addiction services~~ may accept, hold, and administer in trust on 122124
behalf of the state, if it is for the public interest, any 122125
grant, gift, devise, or bequest of money or property made to the 122126
state for the use or benefit of any institution described in 122127
section 5119.14 of the Revised Code or for the use and benefit 122128
of persons with mental illnesses under its control. If the trust 122129
so provides, the money or property may be used for any work 122130
which the department of ~~mental-behavioral~~ health ~~and addiction~~ 122131
~~services~~ is authorized to undertake. 122132

The department shall keep such gift, grant, devise, or 122133
bequest as a distinct property or fund and, if it is in money, 122134
shall invest it in the manner provided by law. The department 122135
may deposit in a proper trust company or savings bank any money 122136
left in trust during a specified life or lives and shall adopt 122137
rules governing the deposit, transfer, withdrawal, or investment 122138
of such money and the income thereof. 122139

The department shall, in the manner prescribed by the 122140
director of budget and management pursuant to section 126.21 of 122141
the Revised Code, account for all money or property received or 122142
expended under this section. The records, together with a 122143
statement certified by the depository showing the funds 122144
deposited there to the credit of the trust, shall be open to 122145
public inspection. The director of budget and management may 122146
require the department to file a report with the director on any 122147
particular portion, or the whole, of any trust property received 122148
or expended by it. 122149

The department shall, upon the expiration of any trust 122150
according to its terms, dispose of the funds or property held 122151
thereunder in the manner provided in the instrument creating the 122152
trust. If the instrument creating the trust failed to make any 122153
terms of disposition, or if no trust was in evidence, then the 122154
decedent patient's money, saving or commercial deposits, 122155
dividends or distributions, bonds, or any other interest-bearing 122156
debt certificate or stamp issued by the United States government 122157
shall escheat to the state. All such unclaimed intangible 122158
personal property of a former patient shall be retained by the 122159
managing officer in such institution for the period of one year, 122160
during which time every possible effort shall be made to find 122161
such former patient or the former patient's legal 122162
representative. 122163

If, after a period of one year from the time the patient 122164
has left the institution or has died, the managing officer has 122165
been unable to locate such person or the person's legal 122166
representative, then upon proper notice of such fact the 122167
director shall at that time formulate in writing a method of 122168
disposition on the minutes of the department authorizing the 122169
managing officer to convert such intangible personal property to 122170
cash to be paid into the state treasury to the credit of the 122171
general revenue fund. 122172

The department shall include in its annual report a 122173
statement of all money and property and the terms and conditions 122174
relating thereto. 122175

Sec. 5119.51. (A) As used in this section, "supplemental 122176
services" has the same meaning as in section 5815.28 of the 122177
Revised Code. 122178

(B) There is hereby created in the state treasury the 122179
services fund for individuals with mental illness. On the death 122180
of the beneficiary of a trust created pursuant to section 122181
5815.28 of the Revised Code, the portion of the remaining assets 122182
of the trust specified in the trust instrument shall be 122183
deposited to the credit of the fund. Money credited to the fund 122184
shall be used for individuals with mental illness. 122185

Supplemental services may be provided through the 122186
department or boards of alcohol, drug addiction, and mental 122187
health services. In accordance with Chapter 119. of the Revised 122188
Code, the department of ~~mental behavioral health and addiction~~ 122189
~~services~~ may adopt any rules necessary to implement this 122190
section. 122191

Sec. 5119.52. Each managing officer of an institution 122192

under the jurisdiction of the department of ~~mental~~ behavioral 122193
~~health and addiction services~~ as described in section 5119.14 of 122194
the Revised Code, with the approval of the director of ~~mental~~ 122195
behavioral ~~health and addiction services~~, may establish local 122196
institution funds designated as follows: 122197

(A) Industrial and entertainment fund created and 122198
maintained for the entertainment and welfare of the patients of 122199
the institution. The director shall establish rules for the 122200
operation of the industrial and entertainment fund. 122201

(B) Commissary fund created and maintained for the benefit 122202
of patients in the institution. Commissary revenue over and 122203
above operating costs and reserve shall be considered profits. 122204
All profits from the commissary fund operations shall be paid 122205
into the industrial and entertainment fund and used only for the 122206
entertainment and welfare of patients. The director shall 122207
establish rules for the operation of the commissary fund. 122208

Sec. 5119.54. The treasurer of state shall have charge of 122209
all funds under the jurisdiction of the department of ~~mental~~ 122210
behavioral ~~health and addiction services~~ and shall pay out the 122211
same only in accordance with this chapter. 122212

The department shall cause to be furnished a contract of 122213
indemnity to cover all funds received by it or by its managing 122214
officers, employees, or agents while the funds are in the 122215
possession of such managing officers, employees or agents. Such 122216
funds are designated as follows: 122217

(A) Funds which are due and payable to the treasurer of 122218
state as provided by Chapter 131. of the Revised Code; 122219

(B) Those funds which are held in trust by the managing 122220
officers, employees, or agents of the institution as local funds 122221

or accounts under the jurisdiction of the department. 122222

Such contract of indemnity shall be made payable to the 122223
state and the premium for such contract of indemnity may be paid 122224
from any of the moneys received for the use of the department 122225
under this chapter and Chapters 5121. and 5122. of the Revised 122226
Code. 122227

Funds collected from various sources, such as the sale of 122228
goods, and all miscellaneous articles, shall be transmitted on 122229
or before Monday of each week to the treasurer of state and a 122230
detailed statement of such collections shall be made to the 122231
department. 122232

Sec. 5119.55. The department of ~~mental-behavioral health~~ 122233
~~and addiction services~~ may pay an amount for personal use to 122234
each individual residing in a state institution as described in 122235
section 5119.14 of the Revised Code who would be eligible for 122236
supplemental security income benefits at the reduced rate 122237
established by Title XVI of the "Social Security Act," 42 U.S.C. 122238
1381 et seq., if the medicaid program covers services provided 122239
in such institutions. The amount paid by the department shall 122240
not exceed the reduced supplemental security income benefit rate 122241
established by Title XVI of the "Social Security Act." 122242

Sec. 5119.56. Money or property deposited with managing 122243
officers of institutions under the jurisdiction of the 122244
department of ~~mental-behavioral health and addiction services~~ by 122245
any patient under the department's control or by relatives, 122246
guardians, conservators, and others for the special benefit of 122247
such patient, as well as all other funds and all other income 122248
paid to the patient, the patient's estate, or on the patient's 122249
behalf, or paid to the managing officer or to the institution as 122250
representative payee or otherwise paid on the patient's behalf, 122251

shall remain in the hands of such officers in appropriate 122252
accounts for use accordingly. The managing officer shall keep 122253
itemized book accounts of the receipt and disposition of such 122254
money and property, which book shall be open at all times to the 122255
inspection of the department. The director of ~~mental~~ behavioral 122256
health ~~and addiction services~~ shall adopt rules governing the 122257
deposit, transfer, withdrawal, or investment of the funds and 122258
the income thereof, as well as rules under which such funds and 122259
income shall be paid by managing officers for the support of the 122260
patients pursuant to Chapter 5121. of the Revised Code, or for 122261
their other needs. 122262

Whenever any patient confined in any state institution 122263
subject to the jurisdiction of the department dies, escapes, or 122264
is discharged from such institution, and any personal funds of 122265
such person remain in the hands of the managing officer thereof 122266
and no demand for such funds is made upon such managing officer 122267
by the owner of the funds or the owner's legally appointed 122268
representative, the managing officer shall hold the funds in the 122269
personal deposit fund for a period of at least one year during 122270
which time the managing officer shall make every effort possible 122271
to locate the owner or the owner's legally appointed 122272
representative. 122273

If at the end of this period no demand has been made for 122274
the funds, the managing officer shall dispose of the funds as 122275
follows: 122276

(A) All money in a personal deposit fund in excess of ten 122277
dollars due for the support of a patient shall be paid in 122278
accordance with the provisions of Chapter 5121. of the Revised 122279
Code. 122280

(B) All money in a personal deposit fund in excess of ten 122281

dollars not due for the support of a patient shall be placed to 122282
the credit of the institution's local account designated as the 122283
"industrial and entertainment" fund. 122284

(C) The first ten dollars to the credit of a patient shall 122285
be placed to the credit of the institution's local account 122286
designated as the "industrial and entertainment" fund. 122287

Whenever any patient in any state institution subject to 122288
the jurisdiction of the department dies, escapes, or is 122289
discharged from such institution, and any personal effects of 122290
such person remain in the hands of the managing officer thereof, 122291
and no demand is made upon such managing officer by the owner of 122292
the property or the owner's legally appointed representative, 122293
the managing officer shall hold and dispose of such property in 122294
the following manner. 122295

All the miscellaneous personal effects shall be held for a 122296
period of at least one year, during which time the managing 122297
officer shall make every effort possible to locate the owner or 122298
the owner's legal representative. If at the end of this period, 122299
no demand has been made by the owner of the property or the 122300
owner's legal representative, the managing officer shall file 122301
with the county recorder of the county of commitment of such 122302
owner, all deeds, wills, contract mortgages, or assignments. The 122303
balance of the personal effects shall be sold at public auction 122304
after being duly advertised, and the funds turned over to the 122305
treasurer of state for credit to the general revenue fund. If 122306
any of the property is not of a type to be filed with the county 122307
recorder and is not salable at public auction, then the managing 122308
officer of the institution shall destroy such property. 122309

Sec. 5119.60. The department of ~~mental-behavioral~~ health 122310
~~and addiction services~~ shall submit an annual report to the 122311

governor that shall describe the services the department offers 122312
and how appropriated funds have been spent. The report shall 122313
include all of the following: 122314

(A) The utilization of state hospitals by each alcohol, 122315
drug addiction, and mental health service district; 122316

(B) The number of persons served by community addiction 122317
services providers that receive funds distributed by the 122318
department, with a breakdown into categories including age, sex, 122319
race, the type of drug to which the person is addicted, and any 122320
other categories the director of ~~mental-behavioral~~ health and 122321
~~addiction services~~ considers significant; 122322

(C) The number of persons with severe mental disabilities 122323
served in each district; 122324

(D) The number and types of addiction services, mental 122325
health services, and recovery supports provided to persons with 122326
severe mental disabilities through state-operated services, 122327
community addiction services providers, and community mental 122328
health services providers; 122329

(E) A report measuring the success of community addiction 122330
services providers, based on the measures for accountability 122331
developed by the department, including the percentage of persons 122332
served by such community addiction services providers who have 122333
not relapsed; 122334

(F) Any other information that the director considers 122335
significant or is requested by the governor. 122336

Sec. 5119.61. (A) The department of ~~mental-behavioral~~ 122337
~~health and addiction services~~ shall collect and compile 122338
statistics and other information on the care and treatment of 122339
persons with mental disabilities, and the care, treatment, and 122340

rehabilitation of persons with alcohol use disorder, persons 122341
with drug dependencies, persons in danger of drug dependence, 122342
and persons with or in danger of developing a gambling addiction 122343
in this state. The information shall include, without 122344
limitation, information on the number of such persons, the type 122345
of drug involved, if any, the type of care, treatment, or 122346
rehabilitation prescribed or undertaken, and the success or 122347
failure of the care, treatment, or rehabilitation. The 122348
department shall collect information about addiction services, 122349
mental health services, and recovery supports delivered and 122350
persons served as required for reporting and evaluation relating 122351
to state and federal funds expended for such purposes. 122352

(B) No community addiction services provider or community 122353
mental health services provider shall fail to supply statistics 122354
and other information within its knowledge and with respect to 122355
its addiction services, mental health services, and recovery 122356
supports upon request of the department. 122357

(C) Communications by a person seeking aid in good faith 122358
for alcohol use disorder or drug dependence are confidential, 122359
and this section does not require the collection or permit the 122360
disclosure of information which reveals or comprises the 122361
identity of any person seeking aid. 122362

(D) Based on the information collected and compiled under 122363
division (A) of this section, the department shall develop a 122364
project to assess the outcomes of persons served by community 122365
addiction services providers and community mental health 122366
services providers that receive funds distributed by the 122367
department. 122368

(E) The director of ~~mental-behavioral health and addiction~~ 122369
~~services~~ may fine a community addiction services provider or 122370

community mental health services provider for violating division 122371
(B) of this section. In determining whether to impose a fine, 122372
the director shall consider whether the provider has engaged in 122373
a pattern of noncompliance. If a fine is imposed, it shall be 122374
one thousand dollars for a first failure to comply with division 122375
(B) of this section and two thousand dollars for each subsequent 122376
failure. The director's actions in imposing a fine shall be 122377
taken in accordance with Chapter 119. of the Revised Code. 122378

All fines collected under this division shall be deposited 122379
in the state treasury to the credit of the department's 122380
statewide treatment and prevention fund created by section 122381
4301.30 of the Revised Code. 122382

Sec. 5119.71. Pursuant to Article X of the compact set 122383
forth in section 5119.70 of the Revised Code, the director of 122384
~~mental-behavioral health and addiction services~~ and the director 122385
of developmental disabilities each shall designate an officer 122386
who shall be the compact administrator for the department and 122387
who, acting jointly with like officers of other party states, 122388
shall adopt rules to carry out more effectively the terms of the 122389
compact. The compact administrators of each department shall 122390
serve subject to the pleasure of the governor and shall 122391
cooperate with all departments, agencies, and officers of and in 122392
the government of this state and its subdivisions in 122393
facilitating the proper administration of the compact or of any 122394
supplementary agreements entered into by this state thereunder. 122395

Sec. 5119.82. There is hereby established a 9-8-8 122396
administrator within the department of ~~mental-behavioral health~~ 122397
~~and addiction services~~ to oversee the administration of the 9-8- 122398
8 suicide prevention and mental health crisis hotline system 122399
statewide. 122400

Sec. 5119.85. (A) As used in this section, "telephone 122401
company" has the same meaning as in section 128.01 of the 122402
Revised Code. 122403

(B) Except for willful or wanton misconduct, a telephone 122404
company, a provider of interconnected voice over internet 122405
protocol service, and any other installer, maintainer, or 122406
provider, through the sale or otherwise, of customer premises 122407
equipment, or service used for or with the 9-8-8 hotline, and 122408
their respective officers, directors, employees, agents, 122409
suppliers, corporate parents, and affiliates are not liable in 122410
damages in a civil action for injuries, death or loss to persons 122411
or property incurred by any person resulting from such an 122412
entity's or its officers', directors', employees', agents', or 122413
suppliers' participation in or acts or omissions in connection 122414
with participating in or developing, maintaining, or operating 122415
the 9-8-8 hotline. 122416

Sec. 5119.89. The director of ~~mental-behavioral health and~~ 122417
~~addiction services~~ shall consult with the superintendent of 122418
insurance as required by section 3901.90 of the Revised Code to 122419
develop consumer and payer education on ~~mental-behavioral health~~ 122420
~~and addiction services~~ insurance parity and establish and 122421
promote a consumer hotline to collect information and help 122422
consumers understand and access their insurance benefits. 122423

The department of ~~mental-behavioral health and addiction-~~ 122424
~~services~~ and the department of insurance shall jointly report 122425
annually on the departments' efforts, which shall include 122426
information on consumer and payer outreach activities and 122427
identification of trends and barriers to access and coverage in 122428
this state. The departments shall submit the report to the 122429
general assembly, the joint medicaid oversight committee, and 122430

the governor, not later than the thirtieth day of January of 122431
each year. 122432

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of 122433
the Revised Code: 122434

(A) "Alcohol and other drug abuse" means alcohol use 122435
disorder or drug addiction. 122436

(B) "Another drug" means a controlled substance as defined 122437
in section 3719.01 of the Revised Code or a harmful intoxicant 122438
as defined in section 2925.01 of the Revised Code. 122439

(C) "Board of alcohol, drug addiction, and mental health 122440
services" means a board of alcohol, drug addiction, and mental 122441
health services established under section 340.02 or 340.021 of 122442
the Revised Code. 122443

(D) "Danger" or "threat of danger to self, family, or 122444
others" means substantial physical harm or threat of substantial 122445
physical harm upon self, family, or others. 122446

(E) "Hospital" has the same meaning as in section 3701.01 122447
or 3727.01 of the Revised Code but does not include either a 122448
hospital operated by the department of ~~mental-behavioral health~~ 122449
~~and addiction services~~ or an inpatient unit licensed by the 122450
department. 122451

(F) "Intoxicated" means being under the influence of 122452
alcohol, another drug, or both alcohol and another drug and, as 122453
a result, having a significantly impaired ability to function. 122454

(G) "Petitioner" means a person who institutes a 122455
proceeding under sections 5119.91 to 5119.98 of the Revised 122456
Code. 122457

(H) "Probate court" means the probate division of the 122458

court of common pleas. 122459

(I) "Qualified health professional" means a person that is 122460
properly credentialed or licensed to conduct a drug and alcohol 122461
assessment and diagnosis under Ohio law. 122462

(J) "Residence" means the legal residence of a person as 122463
determined by applicable principles governing conflicts of law. 122464

(K) "Respondent" means a person alleged in a petition 122465
filed or hearing under sections 5119.91 to 5119.98 of the 122466
Revised Code to be a person who is experiencing alcohol and 122467
other drug abuse and who may be ordered under those sections to 122468
undergo treatment. 122469

(L) "Treatment" means services and programs for the care 122470
and rehabilitation of intoxicated persons and persons 122471
experiencing alcohol and other drug abuse. "Treatment" includes 122472
residential treatment, a halfway house setting, and an intensive 122473
outpatient or outpatient level of care. 122474

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 122475
Revised Code is guilty of a misdemeanor of the first degree. 122476

(B) Whoever violates section 5119.27 or 5119.28, division 122477
~~(P)~~ (O) of section 5119.36, or division (A) (1) or (2) of section 122478
5119.37 of the Revised Code is guilty of a felony of the fifth 122479
degree. 122480

Sec. 5120.034. (A) (1) The department of rehabilitation and 122481
correction shall permit representatives of all nonprofit faith- 122482
based, business, professional, civic, educational, and community 122483
organizations that are registered with the department to enter 122484
institutions under the control of the department for the purpose 122485
of providing reentry services to inmates. Reentry services may 122486
include, but are not limited to, counseling, housing, job- 122487

placement, and money-management assistance. 122488

(2) The department shall adopt rules pursuant to Chapter 122489
119. of the Revised Code for the screening and registration of 122490
nonprofit faith-based, business, professional, civic, 122491
educational, and community organizations that apply to provide 122492
reentry services in institutions under the department's control. 122493

(B) (1) The department shall post a department telephone 122494
number on the department's official internet web site that 122495
nonprofit faith-based, business, professional, civic, 122496
educational, and community organizations that wish to provide 122497
reentry services to inmates may call to obtain information. The 122498
internet web site also shall list all of the nonprofit faith- 122499
based, business, professional, civic, educational, and community 122500
organizations that are registered with the department under this 122501
section. 122502

(2) The department shall actively recruit nonprofit faith- 122503
based, business, professional, civic, educational, and community 122504
organizations to provide reentry services in institutions under 122505
the department's control. The department shall recruit nonprofit 122506
organizations from all faiths and beliefs. 122507

(C) Annually, the department shall issue a written report 122508
on the department's progress in implementing the recommendations 122509
of the correctional faith-based initiatives task force. The 122510
department shall provide a copy of the written report to ~~each~~ 122511
~~member of the correctional institution inspection committee~~ 122512
~~created under section 103.71 of the Revised Code~~ the general 122513
assembly in accordance with section 101.68 of the Revised Code. 122514

(D) The department shall not endorse or sponsor any faith- 122515
based reentry program or endorse any specific religious message. 122516

The department may not require an inmate to participate in a faith-based program.

Sec. 5120.035. (A) As used in this section:

(1) "Community treatment provider" means a program that provides substance use disorder assessment and treatment for persons and that satisfies all of the following:

(a) It is located outside of a state correctional institution.

(b) It shall provide the assessment and treatment for qualified prisoners referred and transferred to it under this section in a suitable facility that is licensed pursuant to division ~~(C)~~ (D) of section 2967.14 of the Revised Code.

(c) All qualified prisoners referred and transferred to it under this section shall reside initially in the suitable facility specified in division (A) (1) (b) of this section while undergoing the assessment and treatment.

(2) "Electronic monitoring device" has the same meaning as in section 2929.01 of the Revised Code.

(3) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.

(4) "Qualified prisoner" means a person who satisfies all of the following:

(a) The person is confined in a state correctional institution under a prison term imposed for a felony of the third, fourth, or fifth degree that is not an offense of violence.

(b) The department of rehabilitation and correction

determines, using a standardized assessment tool, that the 122544
person has a substance use disorder. 122545

(c) The person has not more than twelve months remaining 122546
to be served under the prison term described in division (A) (4) 122547
(a) of this section. 122548

(d) The person is not serving any prison term other than 122549
the term described in division (A) (4) (a) of this section. 122550

(e) The person is eighteen years of age or older. 122551

(f) The person does not show signs of drug or alcohol 122552
withdrawal and does not require medical detoxification. 122553

(g) As determined by the department of rehabilitation and 122554
correction, the person is physically and mentally capable of 122555
uninterrupted participation in the substance use disorder 122556
treatment program established under division (B) of this 122557
section. 122558

(B) The department of rehabilitation and correction shall 122559
establish and operate a program for community-based substance 122560
use disorder treatment for qualified prisoners. The purpose of 122561
the program shall be to provide substance use disorder 122562
assessment and treatment through community treatment providers 122563
to help reduce substance use relapses and recidivism for 122564
qualified prisoners while preparing them for reentry into the 122565
community and improving public safety. 122566

(C) (1) The department shall determine which qualified 122567
prisoners in its custody should be placed in the substance use 122568
disorder treatment program established under division (B) of 122569
this section. The department has full discretion in making that 122570
determination. If the department determines that a qualified 122571
prisoner should be placed in the program, the department may 122572

refer the prisoner to a community treatment provider the 122573
department has approved under division (E) of this section for 122574
participation in the program and transfer the prisoner from the 122575
state correctional institution to the provider's approved and 122576
licensed facility. Except as otherwise provided in division (C) 122577
(3) of this section, no prisoner shall be placed under the 122578
program in any facility other than a facility of a community 122579
treatment provider that has been so approved. If the department 122580
places a prisoner in the program, the prisoner shall receive 122581
credit against the prisoner's prison term for all time served in 122582
the provider's approved and licensed facility and may earn days 122583
of credit under section 2967.193 or 2967.194 of the Revised 122584
Code, but otherwise neither the placement nor the prisoner's 122585
participation in or completion of the program shall result in 122586
any reduction of the prisoner's prison term. 122587

(2) If the department places a prisoner in the substance 122588
use disorder treatment program, the prisoner does not 122589
satisfactorily participate in the program, and the prisoner has 122590
not served the prisoner's entire prison term, the department may 122591
remove the prisoner from the program and return the prisoner to 122592
a state correctional institution. 122593

(3) If the department places a prisoner in the substance 122594
use disorder treatment program and the prisoner is 122595
satisfactorily participating in the program, the department may 122596
permit the prisoner to reside at a residence approved by the 122597
department if the department determines, with input from the 122598
community treatment provider, that residing at the approved 122599
residence will help the prisoner prepare for reentry into the 122600
community and will help reduce substance use relapses and 122601
recidivism for the prisoner. If a prisoner is permitted under 122602
this division to reside at a residence approved by the 122603

department, the prisoner shall be monitored during the period of 122604
that residence by an electronic monitoring device. 122605

(D) (1) When a prisoner has been placed in the substance 122606
use disorder treatment program established under division (B) of 122607
this section, before the prisoner is released from custody of 122608
the department upon completion of the prisoner's prison term, 122609
the department shall conduct and prepare an evaluation of the 122610
prisoner, the prisoner's participation in the program, and the 122611
prisoner's needs regarding substance use disorder treatment upon 122612
release. Before the prisoner is released from custody of the 122613
department upon completion of the prisoner's prison term, the 122614
parole board or the court acting pursuant to an agreement under 122615
section 2967.29 of the Revised Code shall consider the 122616
evaluation, in addition to all other information and materials 122617
considered, as follows: 122618

(a) If the prisoner is a prisoner for whom post-release 122619
control is mandatory under section 2967.28 of the Revised Code, 122620
the board or court shall consider it in determining which post- 122621
release control sanction or sanctions to impose upon the 122622
prisoner under that section. 122623

(b) If the prisoner is a prisoner for whom post-release 122624
control is not mandatory under section 2967.28 of the Revised 122625
Code, the board or court shall consider it in determining 122626
whether a post-release control sanction is necessary and, if so, 122627
which post-release control sanction or sanctions to impose upon 122628
the prisoner under that section. 122629

(2) If the department determines that a prisoner it placed 122630
in the substance use disorder treatment program successfully 122631
completed the program and successfully completed a term of post- 122632
release control, if applicable, and if the prisoner submits an 122633

application under section 2953.32 or the prosecutor in the case 122634
submits an application under section 2953.39 of the Revised Code 122635
for sealing or expungement of the record of the conviction, the 122636
director may issue a letter to the court in support of the 122637
application. 122638

(E) (1) The department shall accept applications from 122639
community treatment providers that satisfy the requirement 122640
specified in division (E) (2) of this section and that wish to 122641
participate in the substance use disorder treatment program 122642
established under division (B) of this section, and shall 122643
approve for participation in the program at least four and not 122644
more than eight of the providers that apply. To the extent 122645
feasible, the department shall approve one or more providers 122646
from each geographical quadrant of the state. 122647

(2) Each community treatment provider that applies under 122648
division (E) (1) of this section to participate in the program 122649
shall have the provider's alcohol and drug addiction services 122650
that provide substance use disorder treatment certified by the 122651
department of mental health and addiction services under section 122652
5119.36 of the Revised Code. A community treatment provider is 122653
not required to have the provider's halfway house or residential 122654
treatment certified by the department of mental health and 122655
addiction services. 122656

(F) The department of rehabilitation and correction shall 122657
adopt rules for the operation of the substance use disorder 122658
treatment program it establishes under division (B) of this 122659
section and shall operate the program in accordance with this 122660
section and those rules. The rules shall establish, at a 122661
minimum, all of the following: 122662

(1) Criteria that establish which qualified prisoners are 122663

eligible for the program; 122664

(2) Criteria that must be satisfied to transfer a 122665
qualified prisoner to a residence pursuant to division (C) (3) of 122666
this section; 122667

(3) Criteria for the removal of a prisoner from the 122668
program pursuant to division (C) (2) of this section; 122669

(4) Criteria for determining when an offender has 122670
successfully completed the program for purposes of division (D) 122671
(2) of this section; 122672

(5) Criteria for community treatment providers to provide 122673
assessment and treatment, including minimum standards for 122674
treatment. 122675

Sec. 5120.16. (A) Persons sentenced to any institution, 122676
division, or place under the control of the department of 122677
rehabilitation and correction are committed to the control, 122678
care, and custody of the department. Subject to division ~~(B)~~ (C) 122679
of this section, the director of rehabilitation and correction 122680
or the director's designee may direct that persons sentenced to 122681
the department, or to any institution or place within the 122682
department, shall be conveyed by the sheriff initially to an 122683
appropriate facility established and maintained by the 122684
department, or committed electronically in accordance with 122685
division (B) of this section, for reception, examination, 122686
observation, and classification of the persons so sentenced. 122687
Prior to removal of an individual on an out of jurisdiction 122688
detainer, the sheriff shall convey the sentenced person to the 122689
department of rehabilitation and correction or electronically 122690
commit the sentenced person in accordance with division (B) of 122691
this section. 122692

If a presentence investigation report was not prepared 122693
pursuant to section 2947.06 or 2951.03 of the Revised Code or 122694
Criminal Rule 32.2 regarding any person sentenced to the 122695
department or to any institution or place within the department, 122696
the director or the director's designee may order the 122697
department's field staff to conduct an offender background 122698
investigation and prepare an offender background investigation 122699
report regarding the person. The investigation and report shall 122700
be conducted in accordance with division (A) of section 2951.03 122701
of the Revised Code and the report shall contain the same 122702
information as a presentence investigation report prepared 122703
pursuant to that section. 122704

When the examination, observation, and classification of 122705
the person have been completed by the facility and a written 122706
report of the examination, observation, and classification is 122707
filed with the commitment papers, the director or the director's 122708
designee, subject to division (B) of this section, shall assign 122709
the person to a suitable state institution or place maintained 122710
by the state within the director's department or shall designate 122711
that the person is to be housed in a county, multicounty, 122712
municipal, municipal-county, or multicounty-municipal jail or 122713
workhouse, if authorized by section 5120.161 of the Revised 122714
Code, there to be confined, cared for, treated, trained, and 122715
rehabilitated until paroled, released in accordance with section 122716
2929.20, 2967.26, 2967.28, or 5120.036 of the Revised Code, or 122717
otherwise released under the order of the court that imposed the 122718
person's sentence. No person committed by a probate court, a 122719
trial court pursuant to section 2945.40, 2945.401, or 2945.402 122720
of the Revised Code subsequent to a finding of not guilty by 122721
reason of insanity, or a juvenile court shall be assigned to a 122722
state correctional institution. 122723

If a person is sentenced, committed, or assigned for the 122724
commission of a felony to any one of the institutions or places 122725
maintained by the department or to a county, multicounty, 122726
municipal, municipal-county, or multicounty-municipal jail or 122727
workhouse, the department, by order duly recorded and subject to 122728
division (B) of this section, may transfer the person to any 122729
other institution, or, if authorized by section 5120.161 of the 122730
Revised Code, to a county, multicounty, municipal, municipal- 122731
county, or multicounty-municipal jail or workhouse. 122732

(B) An agreement may be entered into between a court of 122733
common pleas and the department of rehabilitation and correction 122734
under which persons may be electronically committed to the 122735
department of rehabilitation and correction. 122736

(C) If the case of a child who is alleged to be a 122737
delinquent child is transferred for criminal prosecution to the 122738
appropriate court having jurisdiction of the offense pursuant to 122739
section 2152.12 of the Revised Code, if the child is convicted 122740
of or pleads guilty to a felony in that case, if the child is 122741
sentenced to a prison term, as defined in section 2901.01 of the 122742
Revised Code, and if the child is under eighteen years of age 122743
when delivered to the custody of the department of 122744
rehabilitation and correction, all of the following apply 122745
regarding the housing of the child: 122746

(1) Until the child attains eighteen years of age, subject 122747
to divisions ~~(B)~~~~(2)~~(C) (2), (3), and (4) of this section, the 122748
department shall house the child in a housing unit in a state 122749
correctional institution separate from inmates who are eighteen 122750
years of age or older. 122751

(2) The department is not required to house the child in 122752
the manner described in division ~~(B)~~~~(1)~~(C) (1) of this section if 122753

the child does not observe the rules and regulations of the 122754
institution or the child otherwise creates a security risk by 122755
being housed separately. 122756

(3) If the department receives too few inmates who are 122757
under eighteen years of age to fill a housing unit in a state 122758
correctional institution separate from inmates who are eighteen 122759
years of age or older, as described in division ~~(B) (1)~~ (C) (1) of 122760
this section, the department may house the child in a housing 122761
unit in a state correctional institution that includes both 122762
inmates who are under eighteen years of age and inmates who are 122763
eighteen years of age or older and under twenty-one years of 122764
age. 122765

(4) Upon the child's attainment of eighteen years of age, 122766
the department may house the child with the adult population of 122767
the state correctional institution. 122768

~~(C)~~ (D) The director or the director's designee shall 122769
develop a policy for dealing with problems related to infection 122770
with the human immunodeficiency virus. The policy shall include 122771
methods of identifying individuals committed to the custody of 122772
the department who are at high risk of infection with the virus 122773
and counseling those individuals. 122774

Arrangements for housing individuals diagnosed as having 122775
AIDS or an AIDS-related condition shall be made by the 122776
department based on security and medical considerations and in 122777
accordance with division ~~(B)~~ (C) of this section, if applicable. 122778

Sec. 5120.173. Any person who is required to report abuse 122779
or neglect of a child under eighteen years of age that is 122780
reasonably suspected or believed to have occurred or the threat 122781
of which is reasonably suspected or believed to exist pursuant 122782

to division (A) of section 2151.421 of the Revised Code, any 122783
person who is permitted to report or cause a report to be made 122784
of reasonably suspected abuse or neglect of a child under 122785
eighteen years of age pursuant to division (B) of that section, 122786
any person who is required to report suspected abuse or neglect 122787
of a person with a developmental disability pursuant to division 122788
(C) of section 5123.61 of the Revised Code, and any person who 122789
is permitted to report suspected abuse or neglect of a person 122790
with a developmental disability pursuant to division (F) of that 122791
section and who makes or causes the report to be made, shall 122792
direct that report to the state highway patrol if the child or 122793
the person with a developmental disability is an inmate in the 122794
custody of a state correctional institution. If the state 122795
highway patrol determines after receipt of the report that it is 122796
probable that abuse or neglect of the inmate occurred, the 122797
patrol shall report its findings to the department of 122798
rehabilitation and correction, to the court that sentenced the 122799
inmate for the offense for which the inmate is in the custody of 122800
the department, and to the ~~chairperson and vice-chairperson of~~ 122801
~~the correctional institution inspection committee established by~~ 122802
~~section 103.71 of the Revised Code~~attorney general. 122803

Sec. 5120.21. (A) The department of rehabilitation and 122804
correction shall keep in its office, accessible only to its 122805
employees, except by the consent of the department or the order 122806
of the judge of a court of record, and except as provided in 122807
division (C) of this section, a record showing the name, 122808
residence, sex, age, nativity, occupation, condition, and date 122809
of entrance or commitment of every inmate in the several 122810
institutions governed by it. The record also shall include the 122811
date, cause, and terms of discharge and the condition of such 122812
person at the time of leaving, a record of all transfers from 122813

one institution to another, and, if such inmate is dead, the 122814
date and cause of death. These and other facts that the 122815
department requires shall be furnished by the managing officer 122816
of each institution within ten days after the commitment, 122817
entrance, death, or discharge of an inmate. 122818

(B) In case of an accident or injury or peculiar death of 122819
an inmate, the managing officer shall make a special report to 122820
the department within twenty-four hours thereafter, giving the 122821
circumstances as fully as possible. 122822

(C) (1) As used in this division, "medical record" means 122823
any document or combination of documents that pertains to the 122824
medical history, diagnosis, prognosis, or medical condition of a 122825
patient and that is generated and maintained in the process of 122826
medical treatment. 122827

(2) A separate medical record of every inmate in an 122828
institution governed by the department shall be compiled, 122829
maintained, and kept apart from and independently of any other 122830
record pertaining to the inmate. Upon the signed written request 122831
of the inmate to whom the record pertains together with the 122832
written request of a person the inmate designates who is either 122833
a licensed attorney at law or a licensed physician, certified 122834
nurse-midwife, clinical nurse specialist, or certified nurse 122835
practitioner, the department shall make the inmate's medical 122836
record available to the designated attorney, physician, or 122837
nurse. The record may be inspected or copied by the inmate's 122838
designated attorney, physician, or nurse. The department may 122839
establish a reasonable fee for the copying of any medical 122840
record. If a physician, certified nurse-midwife, clinical nurse 122841
specialist, or certified nurse practitioner concludes that 122842
presentation of all or any part of the medical record directly 122843

to the inmate will result in serious medical harm to the inmate, 122844
the physician or nurse shall so indicate on the medical record. 122845
An inmate's medical record shall be made available to a 122846
physician, certified nurse-midwife, clinical nurse specialist, 122847
certified nurse practitioner, or attorney designated in writing 122848
by the inmate not more than once every twelve months. 122849

(D) ~~Except as otherwise provided by a~~ Notwithstanding any 122850
other law of this state or the United States to the contrary, 122851
the department and the officers of its institutions shall keep 122852
confidential and accessible only to its employees, except by the 122853
consent of the department or the order of a judge of a court of 122854
record, all of the following: 122855

(1) Architectural, engineering, or construction diagrams, 122856
drawings, or plans of a correctional institution; 122857

(2) Plans for hostage negotiation, for disturbance 122858
control, for the control and location of keys, and for dealing 122859
with escapes; 122860

(3) Statements made by inmate informants; 122861

(4) Records that are maintained by the department of youth 122862
services, that pertain to children in its custody, and that are 122863
released to the department of rehabilitation and correction by 122864
the department of youth services pursuant to section 5139.05 of 122865
the Revised Code; 122866

(5) Victim impact statements and information provided by 122867
victims of crimes that the department considers when determining 122868
the security level assignment, program participation, and 122869
release eligibility of inmates; 122870

(6) Information and data of any kind or medium pertaining 122871
to groups that pose a security threat; 122872

(7) Conversations recorded from the monitored inmate 122873
telephones that involve nonprivileged communications. 122874

~~(E)~~ (E) (1) Records regarding inmates committed to the 122875
department of rehabilitation and correction or records of 122876
persons under the supervision of the adult parole authority are 122877
not public records under section 149.43 of the Revised Code. 122878
Nothing in this division prohibits the disclosure of the 122879
following information related to inmates committed to the 122880
department of rehabilitation and correction: 122881

(a) Name; 122882

(b) Criminal convictions; 122883

(c) Photograph; 122884

(d) Supervision status, including current and past place 122885
of incarceration; 122886

(e) Disciplinary history. 122887

(2) Except as otherwise provided by a law of this state or 122888
the United States, the department of rehabilitation and 122889
correction may release inmate records to the department of youth 122890
services or a court of record, and the department of youth 122891
services or the court of record may use those records for the 122892
limited purpose of carrying out the duties of the department of 122893
youth services or the court of record. Inmate records released 122894
by the department of rehabilitation and correction to the 122895
department of youth services or a court of record shall remain 122896
confidential and shall not be considered public records as 122897
defined in section 149.43 of the Revised Code. 122898

~~(F) Except as otherwise provided in division (C) of this~~ 122899
~~section, records of inmates committed to the department of~~ 122900

~~rehabilitation and correction as well as records of persons~~ 122901
~~under the supervision of the adult parole authority shall not be~~ 122902
~~considered public records as defined in section 149.43 of the~~ 122903
~~Revised Code.~~ 122904

Sec. 5120.51. (A) (1) If the director of rehabilitation and 122905
correction determines that a bill introduced in the general 122906
assembly is likely to have ~~a significant~~ more than a de minimis 122907
impact on the population of, or the cost of operating, any or 122908
all state correctional institutions under the administration of 122909
the department of rehabilitation and correction, the department 122910
shall prepare a population and cost impact statement for the 122911
bill, in accordance with division (A) (2) of this section. 122912

(2) A population and cost impact statement required for a 122913
bill shall estimate the increase or decrease in the correctional 122914
institution population that likely would result if the bill were 122915
enacted, shall estimate, in dollars, the amount by which 122916
revenues or expenditures likely would increase or decrease if 122917
the bill were enacted, and briefly shall explain each of the 122918
estimates. 122919

A population and cost impact statement required for a bill 122920
initially shall be prepared after the bill is referred to a 122921
committee of the general assembly in the house of origination 122922
but before the meeting of the committee at which the committee 122923
is scheduled to vote on whether to recommend the bill for 122924
passage. A copy of the statement shall be distributed to each 122925
member of the committee that is considering the bill and to the 122926
member of the general assembly who introduced it. If the bill is 122927
recommended for passage by the committee, the department shall 122928
update the statement before the bill is taken up for final 122929
consideration by the house of origination. A copy of the updated 122930

statement shall be distributed to each member of that house and 122931
to the member of the general assembly who introduced the bill. 122932
If the bill is passed by the house of origination and is 122933
introduced in the second house, the provisions of this division 122934
concerning the preparation, updating, and distribution of the 122935
statement in the house of origination also apply in the second 122936
house. 122937

(B) The governor or any member of the general assembly, at 122938
any time, may request the department to prepare a population and 122939
cost impact statement for any bill introduced in the general 122940
assembly. Upon receipt of a request, the department promptly 122941
shall prepare a statement that includes the estimates and 122942
explanations described in division (A) (2) of this section and 122943
present a copy of it to the governor or member who made the 122944
request. 122945

(C) In the preparation of a population and cost impact 122946
statement required by division (A) or (B) of this section, the 122947
department shall use a technologically sophisticated system 122948
capable of estimating future state correctional institution 122949
populations. The system shall have the capability to adjust its 122950
estimates based on actual and proposed changes in sentencing 122951
laws and trends, sentence durations, parole rates, crime rates, 122952
and any other data that affect state correctional institution 122953
populations. The department, in conjunction with the advisory 122954
committee appointed under division (E) of this section, shall 122955
review and update the data used in the system, not less than 122956
once every six months, to improve the accuracy of the system. 122957

(D) At least once every six months, the department shall 122958
provide, to the ~~correctional institution inspection committee~~ 122959
chairperson of the committee in each house that primarily 122960

handles criminal justice matters, a copy of the estimates of 122961
state correctional institution populations obtained through use 122962
of the system described in division (C) of this section and a 122963
description of the assumptions regarding sentencing laws and 122964
trends, sentence durations, parole rates, crime rates, and other 122965
relevant data that were made by the department to obtain the 122966
estimates. Additionally, a copy of the estimates and a 122967
description of the assumptions made to obtain them shall be 122968
provided, upon reasonable request, to ~~other~~ legislative staff, 122969
including the staff of the legislative service commission, to 122970
the office of budget and management, and to the division of 122971
criminal justice services in the department of public safety. 122972

(E) The ~~correctional institution inspection committee~~ 122973
attorney general shall appoint an advisory committee to review 122974
the operation of the system for estimating future state 122975
correctional institution populations that is used by the 122976
department in the preparation of population cost impact 122977
statements pursuant to this section and to join with the 122978
department in its reviews and updating of the data used in the 122979
system under division (C) of this section. The advisory 122980
committee shall be comprised of at least one prosecuting 122981
attorney, at least one common pleas court judge, at least one 122982
public defender, ~~at least one person who is a member or staff~~ 122983
~~employee of the committee~~ the attorney general or a 122984
representative of the attorney general, and at least one 122985
representative of the division of criminal justice services in 122986
the department of public safety. 122987

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of 122988
the Revised Code: 122989

(A) "Countable assets" means all of the following: 122990

(1) Cash;	122991
(2) Bank deposits;	122992
(3) Securities;	122993
(4) Individual retirement accounts;	122994
(5) Qualified employer plans, including 401(k) and Keogh plans;	122995 122996
(6) Annuities;	122997
(7) Funds in a trust created under section 5815.28 of the Revised Code;	122998 122999
(8) Investment property and income;	123000
(9) The cash surrender values of life insurance policies;	123001
(10) Assets acquired by gift, bequest, devise, or inheritance;	123002 123003
(11) Any other asset determined by the department of mental health and addiction services to be equivalent to the assets enumerated in this division.	123004 123005 123006
(B) "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	123007 123008 123009 123010 123011 123012 123013
(C) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat.	123014 123015 123016 123017

511, 42 U.S.C. 9902, as amended, for a family size equal to the 123018
size of the family of the person whose income is being 123019
determined. 123020

(D) "Hospital" means an institution, hospital, or other 123021
place established, controlled, or supervised by the department 123022
of mental health and addiction services under Chapter 5119. of 123023
the Revised Code, except when otherwise described only as a 123024
hospital operated by the department. 123025

(E) "Liable relative" means all of the following: 123026

(1) A patient's spouse; 123027

(2) A patient's mother or father, or both, if the patient 123028
is under eighteen years of age; 123029

(3) A patient's guardian. 123030

(F) "Patient" means a person admitted to a hospital for 123031
inpatient care or treatment, including a person transferred to a 123032
hospital from a state correctional institution or a person under 123033
indictment or conviction who has been transferred to a hospital. 123034

Sec. 5121.32. On an annual basis, the department of mental 123035
health and addiction services shall determine both of the 123036
following using generally accepted governmental accounting 123037
principles: 123038

(A) The ~~applicable~~-per diem charge for each hospital 123039
operated by the department; 123040

(B) The ancillary per diem rate for each hospital operated 123041
by the department. 123042

In determining a hospital's ~~applicable~~-per diem charge and 123043
ancillary per diem rate, the department shall consider the 123044

average actual per diem cost of maintaining and treating a 123045
patient at the hospital or, at the department's discretion, the 123046
average actual per diem cost of maintaining and treating a 123047
patient in a unit of the hospital. 123048

Sec. 5121.33. (A) Except as provided in sections 5121.35, 123049
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 123050
Code, the department of mental health and addiction services 123051
shall, for each billing cycle, charge a patient, patient's 123052
estate, or liable relative ~~an amount equal to the sum of the~~ 123053
~~following:~~ 123054

~~(A) The applicable per diem charge multiplied the amount~~ 123055
~~calculated under division (B) of this section for care and~~ 123056
~~treatment the patient receives in a hospital operated by the~~ 123057
~~department.~~ 123058

(B) The amount to be charged under division (A) of this 123059
section shall be calculated by multiplying the hospital's per 123060
diem charge or ancillary per diem rate determined under section 123061
5121.32 of the Revised Code, whichever the department determines 123062
applies, by the number of days the patient was admitted to the 123063
hospital. 123064

~~(B) An amount that was previously billed but not paid~~ 123065
~~during the period that is covered by the billing cycle.~~ 123066

Sec. 5121.34. (A) A patient, patient's estate, and 123067
patient's liable relatives shall be jointly and severally liable 123068
for amounts charged by the department of mental health and 123069
addiction services in accordance with section 5121.33 or 5121.35 123070
of the Revised Code. In no case shall any of the foregoing 123071
persons be liable for more than one hundred per cent of the full 123072
~~sum~~ amount charged under section 5121.33 of the Revised Code. 123073

(B) Collections of support payments shall be made by the department and, subject to meeting prior requirements for payment and crediting of such collections and other available receipts, in accordance with the bond proceedings applicable to obligations issued pursuant to section 154.20 of the Revised Code. The collections and other available receipts designated by the director of mental health and addiction services for deposit in the special accounts, together with insurance contract payments provided for in section 5121.43 of the Revised Code, shall be remitted to the treasurer of state for deposit in the state treasury to the credit of the mental health operating fund, which is hereby created, to be used for the general purposes of the department. The department shall make refunds of overpayment of support charges from the mental health operating fund.

Sec. 5121.41. (A) If the assets of a patient, patient's estate, or liable relative do not exceed the countable asset limit in section 5121.40 of the Revised Code and the annual income of the patient, estate, or relative does not exceed four hundred per cent of the federal poverty level, the patient, estate, or relative shall be charged an amount discounted from the amount the department charges under section 5121.33 of the Revised Code for the first thirty days the patient is admitted as an inpatient in a hospital and for which the patient is liable for the cost of care. The amount of the discount shall be computed according to the following schedule:

Annual Gross Income

Expressed as a Percentage of FPL

1 2 3 4 5 6 7

A	Inpatient Days at	0 -	176 -	200 -	250 -	300 -	350 -
	a Hospital	175	199	249	299	349	400

Percentage discount from charged amount 123103
123104

	1	2	3	4	5	6	7
A	1 - 14	100	90	70	50	30	10
B	15 - 30	100	95	75	55	35	15

(B) A patient, estate, or relative who is charged a 123105
discounted amount for the first thirty days the patient is 123106
admitted as an inpatient and who has an annual income not 123107
greater than one hundred seventy-five per cent of the federal 123108
poverty level shall not be charged for the days the patient is 123109
admitted beyond the thirtieth day. 123110

(C) A patient, estate, or relative who is charged a 123111
discounted amount for the first thirty days the patient is 123112
admitted as an inpatient and who has an annual income greater 123113
than one hundred seventy-five per cent of the federal poverty 123114
level shall be charged an amount equal to the sum of the 123115
following for the days the patient is admitted beyond the 123116
thirtieth day: 123117

(1) The ancillary per diem rate that applies to the 123118
hospital, as determined under section 5121.32 of the Revised 123119
Code, multiplied by the number of days the patient was admitted 123120
to the hospital; 123121

(2) An amount that was previously charged but not paid. 123122

Sec. 5121.43. (A) If a patient is covered by an insurance 123123

policy or other contract that provides for payment of expenses 123124
for care and treatment for mental illness at or from a hospital 123125
~~under the jurisdiction of operated by the department of mental~~ 123126
health and addiction services, ~~sections 5121.33 to 5121.55 of~~ 123127
~~the Revised Code are inapplicable to the extent that the policy~~ 123128
~~or contract is in force. Any insurance carrier or other third~~ 123129
~~party payor providing coverage for such care and treatment shall~~ 123130
~~pay for the patient's support obligation in amounts equal to the~~ 123131
~~lesser of amounts charged by the department under section~~ 123132
~~5121.33 of the Revised Code or the benefits provided under the~~ 123133
~~policy or other contract. Whether or not an insured, owner of,~~ 123134
~~or other person having an interest in such policy or other~~ 123135
~~contract is liable for support payments, the all of the~~ 123136
following apply with respect to the amount owed to the 123137
department for such care and treatment: 123138

(1) The insured, policy owner, or other person having an 123139
interest in the policy or other contract shall assign payment 123140
directly to the department of all assignable benefits under the 123141
policy or other contract and shall pay to the department, within 123142
ten days of receipt, all insurance or other benefits received as 123143
reimbursement or payment for expenses incurred by the patient or 123144
for any other reason. ~~If the insured, policy owner, or other~~ 123145
~~person refuses to assign payment to the department or refuses to~~ 123146
~~pay received reimbursements or payments to the department within~~ 123147
~~ten days of receipt, the total liability of the insured, policy~~ 123148
~~owner, or other person for the services is an amount equal to~~ 123149
~~the per diem charge for the hospital where the patient was~~ 123150
~~admitted multiplied by the number of days the patient was~~ 123151
~~admitted.~~ 123152

(2) (a) Regardless of the coverage provided by the policy 123153
or other contract, the patient, patient's estate, or patient's 123154

liable relative is liable to the department for the actual cost 123155
of care and treatment calculated under section 5121.33 of the 123156
Revised Code. 123157

(b) If the amount the department receives through the 123158
assignment of benefits, as required by division (A) (1) of this 123159
section, is less than the actual cost of care and treatment that 123160
is calculated under section 5121.33 of the Revised Code, the 123161
department shall charge the patient, patient's estate, or liable 123162
relative the lesser of the following: 123163

(i) The amount calculated under section 5121.33 of the 123164
Revised Code that remains after subtracting the amount the 123165
department receives through the assignment of benefits; 123166

(ii) The amount calculated under section 5121.33 of the 123167
Revised Code that applies after the department takes into 123168
consideration the exceptions described in sections 5121.35, 123169
5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code. 123170

(3) In no event shall ~~this total~~ a patient, patient's 123171
estate, or liable relative have liability ~~exceed~~ under this 123172
section for an amount that exceeds either, as the case may be, 123173
the department's actual cost of providing care and treatment to 123174
a patient calculated under section 5121.33 of the Revised Code 123175
or the amount that is charged under division (A) (2) (b) of this 123176
section. 123177

(B) With respect to the requirements of division (A) (1) of 123178
this section, both of the following apply: 123179

(1) The department may disqualify patients and liable 123180
relatives who have failed to assign benefits in accordance with 123181
division (A) (1) of this section, and retained third party funds, 123182
from future discounts that otherwise may have been available. 123183

(2) The department may request that the attorney general 123184
petition a court of competent jurisdiction to compel ~~the~~ an 123185
insured, policy owner~~of~~, or other person having an interest in 123186
the policy or other contract to comply with the assignment 123187
requirements ~~in~~ of division (A) (1) of this section. 123188

Sec. 5122.01. As used in this chapter and Chapter 5119. of 123189
the Revised Code: 123190

(A) "Mental illness" means a substantial disorder of 123191
thought, mood, perception, orientation, or memory that grossly 123192
impairs judgment, behavior, capacity to recognize reality, or 123193
ability to meet the ordinary demands of life. 123194

(B) "Person with a mental illness subject to court order" 123195
means a person with a mental illness who, because of the 123196
person's illness: 123197

(1) Represents a substantial risk of physical harm to self 123198
as manifested by evidence of threats of, or attempts at, suicide 123199
or serious self-inflicted bodily harm; 123200

(2) Represents a substantial risk of physical harm to 123201
others as manifested by evidence of recent homicidal or other 123202
violent behavior, evidence of recent threats that place another 123203
in reasonable fear of violent behavior and serious physical 123204
harm, or other evidence of present dangerousness; 123205

(3) Represents a substantial and immediate risk of serious 123206
physical impairment or injury to self as manifested by evidence 123207
that the person is unable to provide for and is not providing 123208
for the person's basic physical needs because of the person's 123209
mental illness and that appropriate provision for those needs 123210
cannot be made immediately available in the community; 123211

(4) Would benefit from treatment for the person's mental 123212

illness and is in need of such treatment as manifested by 123213
evidence of behavior that creates a grave and imminent risk to 123214
substantial rights of others or the person; 123215

(5) (a) Would benefit from treatment as manifested by 123216
evidence of behavior that indicates all of the following: 123217

(i) The person is unlikely to survive safely in the 123218
community without supervision, based on a clinical 123219
determination. 123220

(ii) The person has a history of lack of compliance with 123221
treatment for mental illness and one of the following applies: 123222

(I) At least twice within the thirty-six months prior to 123223
the filing of an affidavit seeking court-ordered treatment of 123224
the person under section 5122.111 of the Revised Code, the lack 123225
of compliance has been a significant factor in necessitating 123226
hospitalization in a hospital or receipt of services in a 123227
forensic or other mental health unit of a correctional facility, 123228
provided that the thirty-six-month period shall be extended by 123229
the length of any hospitalization or incarceration of the person 123230
that occurred within the thirty-six-month period. 123231

(II) Within the forty-eight months prior to the filing of 123232
an affidavit seeking court-ordered treatment of the person under 123233
section 5122.111 of the Revised Code, the lack of compliance 123234
resulted in one or more acts of serious violent behavior toward 123235
self or others or threats of, or attempts at, serious physical 123236
harm to self or others, provided that the forty-eight-month 123237
period shall be extended by the length of any hospitalization or 123238
incarceration of the person that occurred within the forty- 123239
eight-month period. 123240

(iii) The person, as a result of the person's mental 123241

illness, is unlikely to voluntarily participate in necessary 123242
treatment. 123243

(iv) In view of the person's treatment history and current 123244
behavior, the person is in need of treatment in order to prevent 123245
a relapse or deterioration that would be likely to result in 123246
substantial risk of serious harm to the person or others. 123247

(b) An individual who meets only the criteria described in 123248
division (B) (5) (a) of this section is not subject to 123249
hospitalization. 123250

(C) (1) "Patient" means, subject to division (C) (2) of this 123251
section, a person who is admitted either voluntarily or 123252
involuntarily to a hospital or other place under section 123253
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 123254
subsequent to a finding of not guilty by reason of insanity or 123255
incompetence to stand trial or under this chapter, who is under 123256
observation or receiving treatment in such place. 123257

(2) "Patient" does not include a person admitted to a 123258
hospital or other place under section 2945.39, 2945.40, 123259
2945.401, or 2945.402 of the Revised Code to the extent that the 123260
reference in this chapter to patient, or the context in which 123261
the reference occurs, is in conflict with any provision of 123262
sections 2945.37 to 2945.402 of the Revised Code. 123263

(D) "Licensed physician" means a person licensed under the 123264
laws of this state to practice medicine or a medical officer of 123265
the government of the United States while in this state in the 123266
performance of the person's official duties. 123267

(E) "Psychiatrist" means a licensed physician who has 123268
satisfactorily completed a residency training program in 123269
psychiatry, as approved by the residency review committee of the 123270

American medical association, the committee on post-graduate 123271
education of the American osteopathic association, or the 123272
American osteopathic board of neurology and psychiatry, or who 123273
on July 1, 1989, has been recognized as a psychiatrist by the 123274
Ohio state medical association or the Ohio osteopathic 123275
association on the basis of formal training and five or more 123276
years of medical practice limited to psychiatry. 123277

(F) "Hospital" means a hospital or inpatient unit licensed 123278
by the department of ~~mental-behavioral health and addiction-~~ 123279
~~services~~ under section 5119.33 of the Revised Code, and any 123280
institution, hospital, or other place established, controlled, 123281
or supervised by the department under Chapter 5119. of the 123282
Revised Code. 123283

(G) "Public hospital" means a facility that is tax- 123284
supported and under the jurisdiction of the department of ~~mental~~ 123285
~~behavioral health-and-addiction-services.~~ 123286

(H) "Community mental health services provider" means an 123287
agency, association, corporation, individual, or program that 123288
provides community mental health services that are certified by 123289
the director of ~~mental-behavioral health and addiction-services-~~ 123290
under section 5119.36 of the Revised Code. 123291

(I) "Licensed clinical psychologist" means a person who 123292
holds a current, valid psychologist license issued under section 123293
4732.12 of the Revised Code, and in addition, meets the 123294
educational requirements set forth in division (B) of section 123295
4732.10 of the Revised Code and has a minimum of two years' 123296
full-time professional experience, or the equivalent as 123297
determined by rule of the state board of psychology, at least 123298
one year of which shall be a predoctoral internship, in clinical 123299
psychological work in a public or private hospital or clinic or 123300

in private practice, diagnosing and treating problems of mental 123301
illness or intellectual disability under the supervision of a 123302
psychologist who is licensed or who holds a diploma issued by 123303
the American board of professional psychology, or whose 123304
qualifications are substantially similar to those required for 123305
licensure by the state board of psychology when the supervision 123306
has occurred prior to enactment of laws governing the practice 123307
of psychology. 123308

(J) "Health officer" means any public health physician; 123309
public health nurse; or other person authorized or designated by 123310
a city or general health district or a board of alcohol, drug 123311
addiction, and mental health services to perform the duties of a 123312
health officer under this chapter. 123313

(K) "Chief clinical officer" means the medical director of 123314
a hospital, community mental health services provider, or board 123315
of alcohol, drug addiction, and mental health services, or, if 123316
there is no medical director, the licensed physician responsible 123317
for the treatment provided by a hospital or community mental 123318
health services provider. The chief clinical officer may 123319
delegate to the attending physician responsible for a patient's 123320
care the duties imposed on the chief clinical officer by this 123321
chapter. In the case of a community mental health services 123322
provider, the chief clinical officer shall be designated by the 123323
governing body of the services provider and shall be a licensed 123324
physician or licensed clinical psychologist who supervises 123325
diagnostic and treatment services. A licensed physician or 123326
licensed clinical psychologist designated by the chief clinical 123327
officer may perform the duties and accept the responsibilities 123328
of the chief clinical officer in the chief clinical officer's 123329
absence. 123330

(L) "Working day" or "court day" means Monday, Tuesday, 123331
Wednesday, Thursday, and Friday, except when such day is a 123332
holiday. 123333

(M) "Indigent" means unable without deprivation of 123334
satisfaction of basic needs to provide for the payment of an 123335
attorney and other necessary expenses of legal representation, 123336
including expert testimony. 123337

(N) "Respondent" means the person whose detention, 123338
commitment, hospitalization, continued hospitalization or 123339
commitment, or discharge is being sought in any proceeding under 123340
this chapter. 123341

(O) "Ohio protection and advocacy system" has the same 123342
meaning as in section 5123.60 of the Revised Code. 123343

(P) "Independent expert evaluation" means an evaluation 123344
conducted by a licensed clinical psychologist, psychiatrist, or 123345
licensed physician who has been selected by the respondent or 123346
the respondent's counsel and who consents to conducting the 123347
evaluation. 123348

(Q) "Court" means the probate division of the court of 123349
common pleas. 123350

(R) "Expunge" means: 123351

(1) The removal and destruction of court files and 123352
records, originals and copies, and the deletion of all index 123353
references; 123354

(2) The reporting to the person of the nature and extent 123355
of any information about the person transmitted to any other 123356
person by the court; 123357

(3) Otherwise insuring that any examination of court files 123358

and records in question shall show no record whatever with 123359
respect to the person; 123360

(4) That all rights and privileges are restored, and that 123361
the person, the court, and any other person may properly reply 123362
that no such record exists, as to any matter expunged. 123363

(S) "Residence" means a person's physical presence in a 123364
county with intent to remain there, except that: 123365

(1) If a person is receiving a mental health service at a 123366
facility that includes nighttime sleeping accommodations, 123367
residence means that county in which the person maintained the 123368
person's primary place of residence at the time the person 123369
entered the facility; 123370

(2) If a person is committed pursuant to section 2945.38, 123371
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 123372
residence means the county where the criminal charges were 123373
filed. 123374

When the residence of a person is disputed, the matter of 123375
residence shall be referred to the department of ~~mental~~ 123376
behavioral health and addiction services for investigation and 123377
determination. Residence shall not be a basis for a board of 123378
alcohol, drug addiction, and mental health services to deny 123379
services to any person present in the board's service district, 123380
and the board shall provide services for a person whose 123381
residence is in dispute while residence is being determined and 123382
for a person in an emergency situation. 123383

(T) "Admission" to a hospital or other place means that a 123384
patient is accepted for and stays at least one night at the 123385
hospital or other place. 123386

(U) "Prosecutor" means the prosecuting attorney, village 123387

solicitor, city director of law, or similar chief legal officer 123388
who prosecuted a criminal case in which a person was found not 123389
guilty by reason of insanity, who would have had the authority 123390
to prosecute a criminal case against a person if the person had 123391
not been found incompetent to stand trial, or who prosecuted a 123392
case in which a person was found guilty. 123393

(V) (1) "Treatment plan" means a written statement of 123394
reasonable objectives and goals for an individual established by 123395
the treatment team, with specific criteria to evaluate progress 123396
towards achieving those objectives. 123397

(2) The active participation of the patient in 123398
establishing the objectives and goals shall be documented. The 123399
treatment plan shall be based on patient needs and include 123400
services to be provided to the patient while the patient is 123401
hospitalized, after the patient is discharged, or in an 123402
outpatient setting. The treatment plan shall address services to 123403
be provided. In the establishment of the treatment plan, 123404
consideration should be given to the availability of services, 123405
which may include but are not limited to all of the following: 123406

- (a) Community psychiatric supportive treatment; 123407
- (b) Assertive community treatment; 123408
- (c) Medications; 123409
- (d) Individual or group therapy; 123410
- (e) Peer support services; 123411
- (f) Financial services; 123412
- (g) Housing or supervised living services; 123413
- (h) Alcohol or substance abuse treatment; 123414

(i) Any other services prescribed to treat the patient's 123415
mental illness and to either assist the patient in living and 123416
functioning in the community or to help prevent a relapse or a 123417
deterioration of the patient's current condition. 123418

(3) If the person subject to the treatment plan has 123419
executed an advance directive for mental health treatment, the 123420
treatment team shall consider any directions included in such 123421
advance directive in developing the treatment plan. 123422

(W) "Community control sanction" has the same meaning as 123423
in section 2929.01 of the Revised Code. 123424

(X) "Post-release control sanction" has the same meaning 123425
as in section 2967.01 of the Revised Code. 123426

(Y) "Local correctional facility" has the same meaning as 123427
in section 2903.13 of the Revised Code. 123428

(Z) "Clinical nurse specialist" and "certified nurse 123429
practitioner" have the same meanings as in section 4723.01 of 123430
the Revised Code. 123431

Sec. 5122.03. A patient admitted under section 5122.02 of 123432
the Revised Code who requests release in writing, or whose 123433
release is requested in writing by the patient's counsel, legal 123434
guardian, parent, spouse, or adult next of kin shall be released 123435
forthwith, except when any of the following is the case: 123436

(A) The patient was admitted on the patient's own 123437
application and the request for release is made by a person 123438
other than the patient, release may be conditional upon the 123439
agreement of the patient. 123440

(B) The patient was, within the past twelve months, a 123441
defendant described in division (B)(1)(a)(v)(I) of section 123442

2945.38 of the Revised Code and the chief clinical officer of 123443
the hospital decides not to file or cause to be filed an 123444
affidavit under section 5122.11 of the Revised Code as described 123445
in division (C) of this section. In that circumstance, the chief 123446
clinical officer shall immediately notify the trial court or 123447
prosecutor described in division (B)(1)(a)(v)(I) of section 123448
2945.38 of the Revised Code of the chief clinical officer's 123449
decision and intent to release the patient. Not later than three 123450
court days after being notified of the intent to release, the 123451
trial court or prosecutor may file or cause to be filed with the 123452
court of the county where the patient is hospitalized, or the 123453
court of the county where the patient resides, an affidavit 123454
under section 5122.11 of the Revised Code. If such an affidavit 123455
is filed, the patient's release must be postponed until a 123456
hearing under section 5122.141 of the Revised Code is held. 123457

(C) The chief clinical officer of the hospital, within 123458
three court days from the receipt of the request for release, 123459
files or causes to be filed with the court of the county where 123460
the patient is hospitalized or of the county where the patient 123461
is a resident, an affidavit under section 5122.11 of the Revised 123462
Code. Release may be postponed until the hearing held under 123463
section 5122.141 of the Revised Code. A telephone communication 123464
within three court days from the receipt of the request for 123465
release from the chief clinical officer to the court, indicating 123466
that the required affidavit has been mailed, is sufficient 123467
compliance with the time limit for filing such affidavit. 123468

Unless the patient is released within three days from the 123469
receipt of the request by the chief clinical officer, the 123470
request shall serve as a request for an initial hearing under 123471
section 5122.141 of the Revised Code. If the court finds that 123472
the patient is a person with a mental illness subject to court 123473

order, all provisions of this chapter with respect to 123474
involuntary hospitalization apply to such person. 123475

Judicial proceedings for hospitalization shall not be 123476
commenced with respect to a voluntary patient except pursuant to 123477
this section. 123478

Sections 5121.30 to 5121.56 of the Revised Code apply to 123479
persons received in a hospital operated by the department of 123480
~~mental behavioral health and addiction services~~ on a voluntary 123481
application. 123482

The chief clinical officer of the hospital shall provide 123483
reasonable means and arrangements for informing patients of 123484
their rights to release as provided in this section and for 123485
assisting them in making and presenting requests for release or 123486
for a hearing under section 5122.141 of the Revised Code. 123487

Before a patient is released from a public hospital, the 123488
chief clinical officer shall, when possible, ~~notify~~ provide 123489
notice of the patient's pending release to the board of alcohol, 123490
drug addiction, and mental health services serving the patient's 123491
county of residence of the patient's pending release after . 123492
Before the notice is given, the chief clinical officer ~~has~~ 123493
~~informed~~ shall inform the patient that the board will be so 123494
notified. 123495

Sec. 5122.10. (A) (1) Any of the following who has reason 123496
to believe that a person is a person with a mental illness 123497
subject to court order and represents a substantial risk of 123498
physical harm to self or others if allowed to remain at liberty 123499
pending examination may take the person into custody and may 123500
immediately transport the person to a hospital or, 123501
notwithstanding section 5119.33 of the Revised Code, to a 123502

general hospital not licensed by the department of ~~mental~~ 123503
behavioral health and addiction services where the person may be 123504
held for the period prescribed in this section: 123505

(a) A psychiatrist; 123506

(b) A licensed physician; 123507

(c) A licensed clinical psychologist; 123508

(d) A clinical nurse specialist who is certified as a 123509
psychiatric-mental health CNS by the American nurses 123510
credentialing center; 123511

(e) A certified nurse practitioner who is certified as a 123512
psychiatric-mental health NP by the American nurses 123513
credentialing center; 123514

(f) A health officer; 123515

(g) A parole officer; 123516

(h) A police officer; 123517

(i) A sheriff. 123518

(2) If the chief of the adult parole authority or a parole 123519
or probation officer with the approval of the chief of the 123520
authority has reason to believe that a parolee, an offender 123521
under a community control sanction or post-release control 123522
sanction, or an offender under transitional control is a person 123523
with a mental illness subject to court order and represents a 123524
substantial risk of physical harm to self or others if allowed 123525
to remain at liberty pending examination, the chief or officer 123526
may take the parolee or offender into custody and may 123527
immediately transport the parolee or offender to a hospital or, 123528
notwithstanding section 5119.33 of the Revised Code, to a 123529

general hospital not licensed by the department of ~~mental~~ 123530
behavioral health and addiction services where the parolee or 123531
offender may be held for the period prescribed in this section. 123532

(B) A written statement shall be given to the hospital by 123533
the individual authorized under division (A) (1) or (2) of this 123534
section to transport the person. The statement shall specify the 123535
circumstances under which such person was taken into custody and 123536
the reasons for the belief that the person is a person with a 123537
mental illness subject to court order and represents a 123538
substantial risk of physical harm to self or others if allowed 123539
to remain at liberty pending examination. This statement shall 123540
be made available to the respondent or the respondent's attorney 123541
upon request of either. 123542

(C) Every reasonable and appropriate effort shall be made 123543
to take persons into custody in the least conspicuous manner 123544
possible. A person taking the respondent into custody pursuant 123545
to this section shall explain to the respondent: the name and 123546
professional designation and affiliation of the person taking 123547
the respondent into custody; that the custody-taking is not a 123548
criminal arrest; and that the person is being taken for 123549
examination by mental health professionals at a specified mental 123550
health facility identified by name. 123551

(D) If a person taken into custody under this section is 123552
transported to a general hospital, the general hospital may 123553
admit the person, or provide care and treatment for the person, 123554
or both, notwithstanding section 5119.33 of the Revised Code, 123555
but by the end of twenty-four hours after arrival at the general 123556
hospital, the person shall be transferred to a hospital as 123557
defined in section 5122.01 of the Revised Code. 123558

(E) A person transported or transferred to a hospital or 123559

community mental health services provider under this section 123560
shall be examined by the staff of the hospital or services 123561
provider within twenty-four hours after arrival at the hospital 123562
or services provider. If to conduct the examination requires 123563
that the person remain overnight, the hospital or services 123564
provider shall admit the person in an unclassified status until 123565
making a disposition under this section. After the examination, 123566
if the chief clinical officer of the hospital or services 123567
provider believes that the person is not a person with a mental 123568
illness subject to court order, the chief clinical officer shall 123569
release or discharge the person immediately unless a court has 123570
issued a temporary order of detention applicable to the person 123571
under section 5122.11 of the Revised Code. After the 123572
examination, if the chief clinical officer believes that the 123573
person is a person with a mental illness subject to court order, 123574
the chief clinical officer may detain the person for not more 123575
than three court days following the day of the examination and 123576
during such period admit the person as a voluntary patient under 123577
section 5122.02 of the Revised Code or file an affidavit under 123578
section 5122.11 of the Revised Code. If neither action is taken 123579
and a court has not otherwise issued a temporary order of 123580
detention applicable to the person under section 5122.11 of the 123581
Revised Code, the chief clinical officer shall discharge the 123582
person at the end of the three-day period unless the person has 123583
been sentenced to the department of rehabilitation and 123584
correction and has not been released from the person's sentence, 123585
in which case the person shall be returned to that department. 123586

Sec. 5122.15. (A) Full hearings shall be conducted in a 123587
manner consistent with this chapter and with due process of law. 123588
The hearings shall be conducted by a judge of the probate court 123589
or a referee designated by a judge of the probate court and may 123590

be conducted in or out of the county in which the respondent is 123591
held. Any referee designated under this division shall be an 123592
attorney. 123593

(1) With the consent of the respondent, the following 123594
shall be made available to counsel for the respondent: 123595

(a) All relevant documents, information, and evidence in 123596
the custody or control of the state or prosecutor; 123597

(b) All relevant documents, information, and evidence in 123598
the custody or control of the hospital in which the respondent 123599
currently is held, or in which the respondent has been held 123600
pursuant to this chapter; 123601

(c) All relevant documents, information, and evidence in 123602
the custody or control of any hospital, facility, or person not 123603
included in division (A) (1) (a) or (b) of this section. 123604

(2) The respondent has the right to attend the hearing and 123605
to be represented by counsel of the respondent's choice. The 123606
right to attend the hearing may be waived only by the respondent 123607
or counsel for the respondent after consultation with the 123608
respondent. 123609

(3) If the respondent is not represented by counsel, is 123610
absent from the hearing, and has not validly waived the right to 123611
counsel, the court shall appoint counsel immediately to 123612
represent the respondent at the hearing, reserving the right to 123613
tax costs of appointed counsel to the respondent, unless it is 123614
shown that the respondent is indigent. If the court appoints 123615
counsel, or if the court determines that the evidence relevant 123616
to the respondent's absence does not justify the absence, the 123617
court shall continue the case. 123618

(4) The respondent shall be informed that the respondent 123619

may retain counsel and have independent expert evaluation. If 123620
the respondent is unable to obtain an attorney, the respondent 123621
shall be represented by court-appointed counsel. If the 123622
respondent is indigent, court-appointed counsel and independent 123623
expert evaluation shall be provided as an expense under section 123624
5122.43 of the Revised Code. 123625

(5) The hearing shall be closed to the public, unless 123626
counsel for the respondent, with the permission of the 123627
respondent, requests that the hearing be open to the public. 123628

(6) If the hearing is closed to the public, the court, for 123629
good cause shown, may admit persons who have a legitimate 123630
interest in the proceedings. If the respondent, the respondent's 123631
counsel, or the designee of the director or of the chief 123632
clinical officer objects to the admission of any person, the 123633
court shall hear the objection and any opposing argument and 123634
shall rule upon the admission of the person to the hearing. 123635

(7) The affiant under section 5122.11 of the Revised Code 123636
shall be subject to subpoena by either party. 123637

(8) The court shall examine the sufficiency of all 123638
documents filed and shall inform the respondent, if present, and 123639
the respondent's counsel of the nature and content of the 123640
documents and the reason for which the respondent is being 123641
detained, or for which the respondent's placement is being 123642
sought. 123643

(9) The court shall receive only reliable, competent, and 123644
material evidence. 123645

(10) Unless proceedings are initiated pursuant to section 123646
5120.17 or 5139.08 of the Revised Code, an attorney that the 123647
board designates shall present the case demonstrating that the 123648

respondent is a person with a mental illness subject to court 123649
order. The attorney shall offer evidence of the diagnosis, 123650
prognosis, record of treatment, if any, and less restrictive 123651
treatment plans, if any. In proceedings pursuant to section 123652
5120.17 or 5139.08 of the Revised Code, the attorney general 123653
shall designate an attorney who shall present the case 123654
demonstrating that the respondent is a person with a mental 123655
illness subject to court order. The attorney shall offer 123656
evidence of the diagnosis, prognosis, record of treatment, if 123657
any, and less restrictive treatment plans, if any. 123658

(11) The respondent or the respondent's counsel has the 123659
right to subpoena witnesses and documents and to examine and 123660
cross-examine witnesses. 123661

(12) The respondent has the right, but shall not be 123662
compelled, to testify, and shall be so advised by the court. 123663

(13) On motion of the respondent or the respondent's 123664
counsel for good cause shown, or on the court's own motion, the 123665
court may order a continuance of the hearing. 123666

(14) If the respondent is represented by counsel and the 123667
respondent's counsel requests a transcript and record, or if the 123668
respondent is not represented by counsel, the court shall make 123669
and maintain a full transcript and record of the proceeding. If 123670
the respondent is indigent and the transcript and record is 123671
made, a copy shall be provided to the respondent upon request 123672
and be treated as an expense under section 5122.43 of the 123673
Revised Code. 123674

(15) To the extent not inconsistent with this chapter, the 123675
Rules of Civil Procedure are applicable. 123676

(B) Unless, upon completion of the hearing the court finds 123677

by clear and convincing evidence that the respondent is a person 123678
with a mental illness subject to court order, it shall order the 123679
respondent's discharge immediately. 123680

(C) If, upon completion of the hearing, the court finds by 123681
clear and convincing evidence that the respondent is a person 123682
with a mental illness subject to court order, the court shall 123683
order the respondent for a period not to exceed ninety days to 123684
any of the following: 123685

(1) A hospital operated by the department of ~~mental~~ 123686
behavioral health and addiction services if the respondent is 123687
committed pursuant to section 5139.08 of the Revised Code; 123688

(2) A nonpublic hospital; 123689

(3) The veterans' administration or other agency of the 123690
United States government; 123691

(4) A board of alcohol, drug addiction, and mental health 123692
services or services provider the board designates; 123693

(5) Receive private psychiatric or psychological care and 123694
treatment; 123695

(6) Any other suitable facility or person consistent with 123696
the diagnosis, prognosis, and treatment needs of the respondent. 123697
A jail or other local correctional facility is not a suitable 123698
facility. 123699

(D) Any order made pursuant to division (C) (2), (3), (5), 123700
or (6) of this section shall be conditioned upon the receipt by 123701
the court of consent by the hospital, facility, agency, or 123702
person to accept the respondent and may include a requirement 123703
that a person or entity described in division (C) (2), (3), (5), 123704
or (6) of this section inform the board of alcohol, drug 123705

addiction, and mental health services or community mental health 123706
services provider the board designates about the progress of the 123707
respondent with the treatment plan. 123708

(E) In determining the entity or person to which the 123709
respondent is to be committed under division (C) of this 123710
section, the court shall consider all of the following: 123711

(1) The respondent's diagnosis and prognosis made by a 123712
psychiatrist, licensed clinical psychologist, clinical nurse 123713
specialist who is certified as a psychiatric-mental health 123714
clinical nurse specialist by the American nurses credentialing 123715
center, or certified nurse practitioner who is certified as a 123716
psychiatric-mental health nurse practitioner by the American 123717
nurses credentialing center; 123718

(2) The respondent's preferences; 123719

(3) The respondent's projected treatment plan. 123720

The court shall order the implementation of the least 123721
restrictive alternative available and consistent with treatment 123722
goals. If the court determines that the least restrictive 123723
alternative available that is consistent with treatment goals is 123724
inpatient hospitalization, the court's order shall so state. 123725

(F) During the ninety-day period the entity or person 123726
shall examine and treat the respondent. If the respondent is 123727
receiving treatment in an outpatient setting, or receives 123728
treatment in an outpatient setting during a subsequent period of 123729
continued commitment under division (H) of this section, the 123730
entity or person to whom the respondent is committed shall 123731
determine the appropriate outpatient treatment for the 123732
respondent. If, at any time prior to the expiration of the 123733
ninety-day period, it is determined by the entity or person that 123734

the respondent's treatment needs could be equally well met in an 123735
available and appropriate less restrictive setting, both of the 123736
following apply: 123737

(1) The respondent shall be released from the care of the 123738
entity or person immediately and shall be referred to the court 123739
together with a report of the findings and recommendations of 123740
the entity or person; 123741

(2) The entity or person shall notify the respondent's 123742
counsel or the attorney designated by a board of alcohol, drug 123743
addiction, and mental health services or, if the respondent was 123744
committed to a board or a services provider designated by the 123745
board, it shall place the respondent in the least restrictive 123746
setting available consistent with treatment goals and notify the 123747
court and the respondent's counsel of the placement. 123748

The court shall dismiss the case or order placement in the 123749
least restrictive setting. 123750

(G) (1) Except as provided in division (G) (2) of this 123751
section, any person for whom proceedings for treatment have been 123752
commenced pursuant to section 5122.11 of the Revised Code, may 123753
apply at any time for voluntary admission or treatment to the 123754
entity or person to which the person was committed. Upon 123755
admission as a voluntary patient the chief clinical officer of 123756
the entity or the person immediately shall notify the court, the 123757
patient's counsel, and the attorney designated by the board, if 123758
the attorney has entered the proceedings, in writing of that 123759
fact, and, upon receipt of the notice, the court shall dismiss 123760
the case. 123761

(2) A person who is found incompetent to stand trial or 123762
not guilty by reason of insanity and who is committed pursuant 123763

to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 123764
Revised Code shall not voluntarily commit the person pursuant to 123765
this section until after the final termination of the 123766
commitment, as described in division (J) of section 2945.401 of 123767
the Revised Code. 123768

(H) If, at the end of the first ninety-day period or any 123769
subsequent period of continued commitment, there has been no 123770
disposition of the case, either by discharge or voluntary 123771
admission or treatment, the entity or person shall discharge the 123772
patient immediately, unless at least ten days before the 123773
expiration of the period the attorney the board designates or 123774
the prosecutor files with the court an application for continued 123775
commitment. The application of the attorney or the prosecutor 123776
shall include a written report containing the diagnosis, 123777
prognosis, past treatment, a list of alternative treatment 123778
settings and plans, and identification of the treatment setting 123779
that is the least restrictive consistent with treatment needs. 123780
The attorney the board designates or the prosecutor shall file 123781
the written report at least three days prior to the full 123782
hearing. A copy of the application and written report shall be 123783
provided to the respondent's counsel immediately. 123784

The court shall hold a full hearing on applications for 123785
continued commitment at the expiration of the first ninety-day 123786
period and at least every two years after the expiration of the 123787
first ninety-day period. 123788

Hearings following any application for continued 123789
commitment are mandatory and may not be waived. 123790

For a respondent who is ordered to receive treatment in an 123791
outpatient setting, if at any time after the first ninety-day 123792
period the entity or person to whom the respondent was ordered 123793

determines that the respondent has demonstrated voluntary 123794
consent for treatment, that entity or person shall immediately 123795
notify the respondent, the respondent's counsel, the attorney 123796
designated by the board, and the court. The entity or person 123797
shall submit to the court a report of the findings and 123798
recommendations. The court may dismiss the case upon review of 123799
the facts. 123800

Upon request of a person who is involuntarily committed 123801
under this section, or the person's counsel, that is made more 123802
than one hundred eighty days after the person's last full 123803
hearing, mandatory or requested, the court shall hold a full 123804
hearing on the person's continued commitment. Upon the 123805
application of a person involuntarily committed under this 123806
section, supported by an affidavit of a psychiatrist or licensed 123807
clinical psychologist, alleging that the person no longer is a 123808
person with a mental illness subject to court order, the court 123809
for good cause shown may hold a full hearing on the person's 123810
continued commitment prior to the expiration of one hundred 123811
eighty days after the person's last full hearing. Section 123812
5122.12 of the Revised Code applies to all hearings on continued 123813
commitment. 123814

If the court, after a hearing for continued commitment 123815
finds by clear and convincing evidence that the respondent is a 123816
person with a mental illness subject to court order, the court 123817
may order continued commitment at places or to persons specified 123818
in division (C) of this section. 123819

(I) Unless the admission is pursuant to section 5120.17 or 123820
5139.08 of the Revised Code, the chief clinical officer of the 123821
entity admitting a respondent pursuant to a judicial proceeding, 123822
within ten working days of the admission, shall make a report of 123823

the admission to the board of alcohol, drug addiction, and 123824
mental health services serving the respondent's county of 123825
residence. 123826

(J) A referee appointed by the court may make all orders 123827
that a judge may make under this section and sections 5122.11 123828
and 5122.141 of the Revised Code, except an order of contempt of 123829
court. The orders of a referee take effect immediately. Within 123830
fourteen days of the making of an order by a referee, a party 123831
may file written objections to the order with the court. The 123832
filed objections shall be considered a motion, shall be 123833
specific, and shall state their grounds with particularity. 123834
Within ten days of the filing of the objections, a judge of the 123835
court shall hold a hearing on the objections and may hear and 123836
consider any testimony or other evidence relating to the 123837
respondent's mental condition. At the conclusion of the hearing, 123838
the judge may ratify, rescind, or modify the referee's order. 123839

(K) An order of the court under division (C), (H), or (J) 123840
of this section is a final order. 123841

(L) Before a board, or a services provider the board 123842
designates, may place an unconsenting respondent in an inpatient 123843
setting from a less restrictive placement, the board or services 123844
provider shall do all of the following: 123845

(1) Determine that the respondent is in immediate need of 123846
treatment in an inpatient setting because the respondent 123847
represents a substantial risk of physical harm to the respondent 123848
or others if allowed to remain in a less restrictive setting; 123849

(2) On the day of placement in the inpatient setting or on 123850
the next court day, file with the court a motion for transfer to 123851
an inpatient setting or communicate to the court by telephone 123852

that the required motion has been mailed; 123853

(3) Ensure that every reasonable and appropriate effort is 123854
made to take the respondent to the inpatient setting in the 123855
least conspicuous manner possible; 123856

(4) Immediately notify the board's designated attorney and 123857
the respondent's attorney. 123858

At the respondent's request, the court shall hold a 123859
hearing on the motion and make a determination pursuant to 123860
division (E) of this section within five days of the placement. 123861

(M) Before a board, or a services provider the board 123862
designates, may move a respondent from one residential placement 123863
to another, the board or services provider shall consult with 123864
the respondent about the placement. If the respondent objects to 123865
the placement, the proposed placement and the need for it shall 123866
be reviewed by a qualified mental health professional who 123867
otherwise is not involved in the treatment of the respondent. 123868

(N) The entity or person to whom the respondent was 123869
ordered for treatment in an outpatient setting may submit a 123870
report to the court indicating that the respondent has either 123871
failed to comply with the treatment plan or begun to demonstrate 123872
signs of decompensation that may be grounds for hospitalization. 123873
On receipt of the report, the court shall promptly schedule a 123874
hearing to review the case. The court shall conduct the hearing 123875
in a manner consistent with this chapter and due process of law. 123876
The board shall receive notice of the hearing and the board and 123877
entity or person treating the respondent shall submit a report 123878
to the court with a plan for appropriate alternative treatment, 123879
if any, or recommend that the court discontinue the court- 123880
ordered treatment. The court shall consider available and 123881

appropriate alternative placements but shall not impose criminal 123882
sanctions that result in confinement in a jail or other local 123883
correctional facility based on the respondent's failure to 123884
comply with the treatment plan. The court may not order the 123885
respondent to a more restrictive placement unless the criteria 123886
specified in division (L) of this section are met and may not 123887
order the respondent to an inpatient setting unless the court 123888
determines by clear and convincing evidence presented by the 123889
board that the respondent meets the criteria specified in 123890
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 123891
the Revised Code. 123892

Sec. 5122.20. The director of ~~mental-behavioral health and~~ 123893
~~addiction services~~ or the director's designee may transfer, or 123894
authorize the transfer of, an involuntary patient, or a 123895
consenting voluntary patient hospitalized pursuant to section 123896
5122.02 or sections 5122.11 to 5122.15 of the Revised Code, from 123897
one public hospital to another, or to a hospital, community 123898
mental health services provider, or other facility offering 123899
treatment or other services for mental illness, if the medical 123900
director of the department of ~~mental-behavioral health and~~ 123901
~~addiction services~~ determines that it would be consistent with 123902
the medical needs of the patient to do so. If such a transfer is 123903
made to a private facility, the transfer shall be conditioned 123904
upon the consent of the facility. 123905

Before an involuntary patient may be transferred to a more 123906
restrictive setting, the chief clinical officer shall file a 123907
motion with the court requesting the court to amend its order of 123908
placement issued under section 5122.15 of the Revised Code. At 123909
the patient's request, the court shall hold a hearing on the 123910
motion at which the patient has the same rights as at a full 123911
hearing under section 5122.15 of the Revised Code. The hearing 123912

shall be held within ten days after the date on which the 123913
respondent was transferred to the more restrictive setting or on 123914
which the motion was filed, whichever is earlier. On the motion 123915
of the respondent, the respondent's counsel, or the chief 123916
clinical officer, or on its own motion, and for good cause 123917
shown, the court may order a continuance of the hearing for up 123918
to ten days. 123919

Whenever an involuntary patient is transferred, written 123920
notice of the transfer shall be given to the patient's legal 123921
guardian, parents, spouse, and counsel, or, if none is known, to 123922
the patient's nearest known relative or friend. If the patient 123923
is a minor, the department, before making such a transfer, shall 123924
make a minute of the order for the transfer and the reason for 123925
it upon its record and shall send a certified copy at least 123926
seven days prior to the transfer to the person shown by its 123927
record to have had the care or custody of the minor immediately 123928
prior to the minor's commitment. Whenever a consenting voluntary 123929
patient is transferred, the notification shall be given only at 123930
the patient's request. The chief clinical officer shall advise a 123931
voluntary patient who is being transferred that the patient may 123932
decide if the notification shall be given. In all such 123933
transfers, due consideration shall be given to the wishes of the 123934
patient, and the relationship of the patient to the patient's 123935
family, legal guardian, or friends, so as to maintain the 123936
relationship and encourage visits beneficial to the patient. 123937

When a voluntary patient whose medical or psychological 123938
needs are found by the chief clinical officer to warrant a 123939
transfer refuses to be transferred to an alternate facility, the 123940
chief clinical officer may file an affidavit for a hearing under 123941
section 5122.11 of the Revised Code. 123942

Sec. 5122.21. (A) The chief clinical officer shall as 123943
frequently as practicable, and at least once every thirty days, 123944
examine or cause to be examined every patient, and, whenever the 123945
chief clinical officer determines that the conditions justifying 123946
involuntary hospitalization or commitment no longer obtain, 123947
shall discharge the patient not under indictment or conviction 123948
for crime and immediately make a report of the discharge to the 123949
department of ~~mental behavioral health and addiction services~~. 123950
The chief clinical officer may discharge a patient who is under 123951
an indictment, a sentence of imprisonment, a community control 123952
sanction, or a post-release control sanction or on parole ten 123953
days after written notice of intent to discharge the patient has 123954
been given by personal service or certified mail, return receipt 123955
requested, to the court having criminal jurisdiction over the 123956
patient. Except when the patient was found not guilty by reason 123957
of insanity and the defendant's commitment is pursuant to 123958
section 2945.40 of the Revised Code, the chief clinical officer 123959
has final authority to discharge a patient who is under an 123960
indictment, a sentence of imprisonment, a community control 123961
sanction, or a post-release control sanction or on parole. 123962

(B) After a finding pursuant to section 5122.15 of the 123963
Revised Code that a person is a person with a mental illness 123964
subject to court order, the chief clinical officer of the 123965
hospital or community mental health services provider to which 123966
the person is ordered or to which the person is transferred 123967
under section 5122.20 of the Revised Code, may grant a discharge 123968
without the consent or authorization of any court. 123969

Upon discharge, the chief clinical officer shall notify 123970
the court that caused the judicial hospitalization of the 123971
discharge from the hospital. 123972

Sec. 5122.23. The chief clinical officer of a public 123973
hospital shall immediately report to the department of ~~mental-~~ 123974
behavioral health and addiction services and the board of 123975
alcohol, drug addiction, and mental health services serving the 123976
patient's county of residence the removal, death, escape, 123977
discharge, or trial visit of any patient hospitalized under 123978
section 5122.15 of the Revised Code, or the return of such an 123979
escaped or visiting patient to the department, the probate judge 123980
of the county from which such patient was hospitalized, and the 123981
probate judge of the county of residence of such patient. In 123982
case of death, the chief clinical officer also shall notify one 123983
or more of the nearest relatives of the deceased patient, if 123984
known to the chief clinical officer, by letter, telegram, or 123985
telephone. If the place of residence of such relative is unknown 123986
to the chief clinical officer, immediately upon receiving 123987
notification the probate judge shall in the speediest manner 123988
possible notify such relatives, if known to the probate judge. 123989

The chief clinical officer of a public hospital, upon the 123990
request of the probate judge of the county from which a patient 123991
was hospitalized or the probate judge of the county of residence 123992
of such a patient, shall make a report to the judge of the 123993
condition of any patient under the care, treatment, custody, or 123994
control of the chief clinical officer. 123995

Sec. 5122.26. (A) If a patient is absent without leave, on 123996
a verbal or written order issued within five days of the time of 123997
the unauthorized absence by the department of ~~mental-~~behavioral 123998
~~health and addiction services~~, the chief clinical officer of the 123999
hospital from which the patient is absent without leave, or the 124000
court of either the county from which the patient was committed 124001
or in which the patient is found, any health or police officer 124002
or sheriff may take the patient into custody and transport the 124003

patient to the hospital in which the patient was hospitalized or 124004
to a place that is designated in the order. The officer 124005
immediately shall report such fact to the entity that issued the 124006
order. 124007

The chief clinical officer of a hospital may discharge a 124008
patient who is under an indictment, a sentence of imprisonment, 124009
a community control sanction, or a post-release control sanction 124010
or on parole and who has been absent without leave for more than 124011
thirty days but shall give written notice of the discharge to 124012
the court with criminal jurisdiction over the patient. The chief 124013
clinical officer of a hospital may discharge any other patient 124014
who has been absent without leave for more than fourteen days. 124015

The chief clinical officer shall take all proper measures 124016
for the apprehension of an escaped patient. The expense of the 124017
return of an escaped patient shall be borne by the hospital 124018
where the patient is hospitalized. 124019

(B) (1) Subject to division (B) (2) of this section, no 124020
patient hospitalized under Chapter 5122. of the Revised Code 124021
whose absence without leave was caused or contributed to by the 124022
patient's mental illness shall be subject to a charge of escape. 124023

(2) Division (B) (1) of this section does not apply to any 124024
person who was hospitalized, institutionalized, or confined in a 124025
facility under an order made pursuant to or under authority of 124026
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 124027
or 2945.402 of the Revised Code and who escapes from the 124028
facility, from confinement in a vehicle for transportation to or 124029
from the facility, or from supervision by an employee of the 124030
facility that is incidental to hospitalization, 124031
institutionalization, or confinement in the facility and that 124032
occurs outside the facility, in violation of section 2921.34 of 124033

the Revised Code. 124034

Sec. 5122.27. The chief clinical officer of the hospital 124035
or the chief clinical officer's designee shall assure that all 124036
patients hospitalized or committed pursuant to this chapter 124037
shall: 124038

(A) Receive, within twenty days of their admission 124039
sufficient professional care to assure that an evaluation of 124040
current status, differential diagnosis, probable prognosis, and 124041
description of the current treatment plan is stated on the 124042
official chart; 124043

(B) Have a written treatment plan consistent with the 124044
evaluation, diagnosis, prognosis, and goals which shall be 124045
provided, upon request of the patient or patient's counsel, to 124046
the patient's counsel and to any private physician or licensed 124047
clinical psychologist designated by the patient or the patient's 124048
counsel or to the Ohio protection and advocacy system; 124049

(C) Receive treatment consistent with the treatment plan. 124050
The department of ~~mental-behavioral health and addiction-~~ 124051
~~services~~ shall set standards for treatment provided to such 124052
patients, consistent wherever possible with standards set by the 124053
joint commission. 124054

(D) Receive periodic reevaluations of the treatment plan 124055
by the professional staff at intervals not to exceed ninety 124056
days; 124057

(E) Be provided with adequate medical treatment for 124058
physical disease or injury; 124059

(F) Receive humane care and treatment, including without 124060
limitation, the following: 124061

- (1) The least restrictive environment consistent with the treatment plan; 124062
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- (2) The necessary facilities and personnel required by the treatment plan; 124064
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- (3) A humane psychological and physical environment; 124066
- (4) The right to obtain current information concerning the patient's treatment program and expectations in terms that the patient can reasonably understand; 124067
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- (5) Participation in programs designed to afford the patient substantial opportunity to acquire skills to facilitate return to the community or to terminate an involuntary commitment; 124070
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- (6) The right to be free from unnecessary or excessive medication; 124074
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- (7) Freedom from restraints or isolation unless it is stated in a written order by the chief clinical officer or the chief clinical officer's designee, or the patient's individual physician or psychologist in a private or general hospital. 124076
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- If the chief clinical officer of the hospital is unable to provide the treatment required by divisions (C), (E), and (F) of this section for any patient hospitalized pursuant to Chapter 5122. of the Revised Code, the chief clinical officer shall immediately notify the patient, the court, the Ohio protection and advocacy system, the director of ~~mental-behavioral health-~~ ~~and addiction services~~, and the patient's counsel and legal guardian, if known. If within ten days after receipt of such notification by the director, the director is unable to effect a transfer of the patient, pursuant to section 5122.20 of the Revised Code, to a hospital, community mental health services 124080
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provider, or other medical facility where treatment is 124091
available, or has not received an order of the court to the 124092
contrary, the involuntary commitment of any patient hospitalized 124093
pursuant to Chapter 5122. of the Revised Code and defined as a 124094
person with a mental illness subject to court order under 124095
division (B)(4) of section 5122.01 of the Revised Code shall 124096
automatically be terminated. 124097

Sec. 5122.31. (A) All certificates, applications, records, 124098
and reports made for the purpose of this chapter and sections 124099
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 124100
Code, other than court journal entries or court docket entries, 124101
and directly or indirectly identifying a patient or former 124102
patient or person whose hospitalization or commitment has been 124103
sought under this chapter, shall be kept confidential and shall 124104
not be disclosed by any person except: 124105

(1) If the person identified, or the person's legal 124106
guardian, if any, or if the person is a minor, the person's 124107
parent or legal guardian, consents, and if the disclosure is in 124108
the best interests of the person, as may be determined by the 124109
court for judicial records and by the chief clinical officer for 124110
medical records; 124111

(2) When disclosure is provided for in this chapter or 124112
Chapters 340. or 5119. of the Revised Code or in accordance with 124113
other provisions of state or federal law authorizing such 124114
disclosure; 124115

(3) That hospitals, boards of alcohol, drug addiction, and 124116
mental health services, and community mental health services 124117
providers may release necessary medical information to insurers 124118
and other third-party payers, including government entities 124119
responsible for processing and authorizing payment, to obtain 124120

payment for goods and services furnished to the patient; 124121

(4) Pursuant to a court order signed by a judge; 124122

(5) That a patient shall be granted access to the 124123
patient's own psychiatric and medical records, unless access 124124
specifically is restricted in a patient's treatment plan for 124125
clear treatment reasons; 124126

(6) That hospitals and other institutions and facilities 124127
within the department of ~~mental-behavioral health and addiction-~~ 124128
~~services~~ may exchange psychiatric records and other pertinent 124129
information with other hospitals, institutions, and facilities 124130
of the department, and with community mental health services 124131
providers and boards of alcohol, drug addiction, and mental 124132
health services with which the department has a current 124133
agreement for patient care or services. Records and information 124134
that may be released pursuant to this division shall be limited 124135
to medication history, physical health status and history, 124136
financial status, summary of course of treatment in the 124137
hospital, summary of treatment needs, and a discharge summary, 124138
if any. 124139

(7) That hospitals within the department and other 124140
institutions and facilities within the department may exchange 124141
psychiatric records and other pertinent information with payers 124142
and other providers of treatment, health services, and recovery 124143
supports if the purpose of the exchange is to facilitate 124144
continuity of care for a patient or for the emergency treatment 124145
of an individual; 124146

(8) That a patient's family member who is involved in the 124147
provision, planning, and monitoring of services to the patient 124148
may receive medication information, a summary of the patient's 124149

diagnosis and prognosis, and a list of the services and 124150
personnel available to assist the patient and the patient's 124151
family, if the patient's treating physician determines that the 124152
disclosure would be in the best interests of the patient. No 124153
such disclosure shall be made unless the patient is notified 124154
first and receives the information and does not object to the 124155
disclosure. 124156

(9) That community mental health services providers may 124157
exchange psychiatric records and certain other information with 124158
the board of alcohol, drug addiction, and mental health services 124159
and other services providers in order to provide services to a 124160
person involuntarily committed to a board. Release of records 124161
under this division shall be limited to medication history, 124162
physical health status and history, financial status, summary of 124163
course of treatment, summary of treatment needs, and discharge 124164
summary, if any. 124165

(10) That information may be disclosed to the executor or 124166
the administrator of an estate of a deceased patient when the 124167
information is necessary to administer the estate; 124168

(11) That records in the possession of the Ohio history 124169
connection may be released to the closest living relative of a 124170
deceased patient upon request of that relative; 124171

(12) That records pertaining to the patient's diagnosis, 124172
course of treatment, treatment needs, and prognosis shall be 124173
disclosed and released to the appropriate prosecuting attorney 124174
if the patient was committed pursuant to section 2945.38, 124175
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 124176
to the attorney designated by the board for proceedings pursuant 124177
to involuntary commitment under this chapter. 124178

(13) That the department of ~~mental-behavioral health and~~ 124179
~~addiction services~~ may exchange psychiatric hospitalization 124180
records, other mental health treatment records, and other 124181
pertinent information with the department of rehabilitation and 124182
correction and with the department of youth services to ensure 124183
continuity of care for inmates or offenders who are receiving 124184
mental health services in an institution of the department of 124185
rehabilitation and correction or the department of youth 124186
services and may exchange psychiatric hospitalization records, 124187
other mental health treatment records, and other pertinent 124188
information with boards of alcohol, drug addiction, and mental 124189
health services and community mental health services providers 124190
to ensure continuity of care for inmates or offenders who are 124191
receiving mental health services in an institution and are 124192
scheduled for release within six months. The release of records 124193
under this division is limited to records regarding an inmate's 124194
or offender's medication history, physical health status and 124195
history, summary of course of treatment, summary of treatment 124196
needs, and a discharge summary, if any; 124197

(14) That records and reports relating to a person who has 124198
been deceased for fifty years or more are no longer considered 124199
confidential. 124200

(B) Before records are disclosed pursuant to divisions (A) 124201
(3), (6), and (9) of this section, the custodian of the records 124202
shall attempt to obtain the patient's consent for the 124203
disclosure. No person shall reveal the contents of a medical 124204
record of a patient except as authorized by law. 124205

(C) The managing officer of a hospital who releases 124206
necessary medical information under division (A) (3) of this 124207
section to allow an insurance carrier or other third party payor 124208

to comply with section 5121.43 of the Revised Code shall neither 124209
be subject to criminal nor civil liability. 124210

Sec. 5122.32. (A) As used in this section: 124211

(1) "Quality assurance committee" means a committee that 124212
is appointed in the central office of the department of ~~mental-~~ 124213
~~behavioral health and addiction services~~ by the director of 124214
~~mental-behavioral health and addiction services~~, a committee of 124215
a hospital or community setting program, or a duly authorized 124216
subcommittee of a committee of that nature and that is 124217
designated to carry out quality assurance program activities. 124218

(2) "Quality assurance program" means a comprehensive 124219
program within the department of ~~mental-behavioral health and-~~ 124220
~~addiction services~~ to systematically review and improve the 124221
quality of medical and mental health services within the 124222
department and its hospitals and community setting programs, the 124223
safety and security of persons receiving or administering 124224
medical and mental health services within the department and its 124225
hospitals and community setting programs, and the efficiency and 124226
effectiveness of the utilization of staff and resources in the 124227
delivery of medical and mental health services within the 124228
department and its hospitals and community setting programs. 124229
"Quality assurance program" includes the central office quality 124230
assurance committees, morbidity and mortality review committees, 124231
quality assurance programs of community setting programs, 124232
quality assurance committees of hospitals operated by the 124233
department of ~~mental-behavioral health and addiction services~~, 124234
and the office of licensure and certification of the department. 124235

(3) "Quality assurance program activities" include 124236
collecting or compiling information and reports required by a 124237
quality assurance committee, receiving, reviewing, or 124238

implementing the recommendations made by a quality assurance 124239
committee, and credentialing, privileging, infection control, 124240
tissue review, peer review, utilization review including access 124241
to patient care records, patient care assessment records, and 124242
medical and mental health records, medical and mental health 124243
resource management, mortality and morbidity review, and 124244
identification and prevention of medical or mental health 124245
incidents and risks, whether performed by a quality assurance 124246
committee or by persons who are directed by a quality assurance 124247
committee. 124248

(4) "Quality assurance records" means the proceedings, 124249
discussion, records, findings, recommendations, evaluations, 124250
opinions, minutes, reports, and other documents or actions that 124251
emanate from quality assurance committees, quality assurance 124252
programs, or quality assurance program activities. "Quality 124253
assurance records" does not include aggregate statistical 124254
information that does not disclose the identity of persons 124255
receiving or providing medical or mental health services in 124256
department of ~~mental-behavioral health and addiction services~~ 124257
hospitals or community setting programs. 124258

(B) (1) Except as provided in division (E) of this section, 124259
quality assurance records are confidential and are not public 124260
records under section 149.43 of the Revised Code, and shall be 124261
used only in the course of the proper functions of a quality 124262
assurance program. 124263

(2) Except as provided in division (E) of this section, no 124264
person who possesses or has access to quality assurance records 124265
and who knows that the records are quality assurance records 124266
shall willfully disclose the contents of the records to any 124267
person or entity. 124268

(C) (1) Except as provided in division (E) of this section, 124269
no quality assurance record shall be subject to discovery, and 124270
is not admissible in evidence, in any judicial or administrative 124271
proceeding. 124272

(2) Except as provided in division (E) of this section, no 124273
member of a quality assurance committee or a person who is 124274
performing a function that is part of a quality assurance 124275
program shall be permitted or required to testify in a judicial 124276
or administrative proceeding with respect to quality assurance 124277
records or with respect to any finding, recommendation, 124278
evaluation, opinion, or other action taken by the committee, 124279
member, or person. 124280

(3) Information, documents, or records otherwise available 124281
from original sources are not to be construed as being 124282
unavailable for discovery or admission in evidence in a judicial 124283
or administrative proceeding merely because they were presented 124284
to a quality assurance committee. No person testifying before a 124285
quality assurance committee or person who is a member of a 124286
quality assurance committee shall be prevented from testifying 124287
as to matters within the person's knowledge, but the witness 124288
cannot be asked about the witness' testimony before the quality 124289
assurance committee or about an opinion formed by the person as 124290
a result of the quality assurance committee proceedings. 124291

(D) (1) A person who, without malice and in the reasonable 124292
belief that the information is warranted by the facts known to 124293
the person, provides information to a person engaged in quality 124294
assurance program activities is not liable for damages in a 124295
civil action for injury, death, or loss to person or property to 124296
any person as a result of providing the information. 124297

(2) A member of a quality assurance committee, a person 124298

engaged in quality assurance program activities, and an employee 124299
of the department of ~~mental-behavioral health and addiction-~~ 124300
~~services~~ shall not be liable in damages in a civil action for 124301
injury, death, or loss to person or property to any person for 124302
any acts, omissions, decisions, or other conduct within the 124303
scope of the functions of the quality assurance program. 124304

(3) Nothing in this section shall relieve any institution 124305
or individual from liability arising from the treatment of a 124306
patient. 124307

(E) Quality assurance records may be disclosed, and 124308
testimony may be provided concerning quality assurance records, 124309
only to the following persons or entities: 124310

(1) Persons who are employed or retained by the department 124311
of ~~mental-behavioral health and addiction services~~ and who have 124312
authority to evaluate or implement the recommendations of a 124313
state-operated hospital, community setting program, or central 124314
office quality assurance committee; 124315

(2) Public or private agencies or organizations if needed 124316
to perform a licensing or accreditation function related to 124317
department of ~~mental-behavioral health and addiction services-~~ 124318
hospitals or community setting programs, or to perform 124319
monitoring of a hospital or program of that nature as required 124320
by law. 124321

(F) A disclosure of quality assurance records pursuant to 124322
division (E) of this section does not otherwise waive the 124323
confidential and privileged status of the disclosed quality 124324
assurance records. 124325

(G) Nothing in this section shall limit the access of the 124326
Ohio protection and advocacy system to records or personnel as 124327

required under section 5123.601 of the Revised Code. Nothing in 124328
this section shall limit the admissibility of documentary or 124329
testimonial evidence in an action brought by the Ohio protection 124330
and advocacy system in its own name or on behalf of a client. 124331

Sec. 5122.33. The department of ~~mental-behavioral~~ health 124332
~~and addiction services~~ may prescribe the form of applications, 124333
reports, records, and medical certificates provided for under 124334
this chapter, and the information required to be contained 124335
therein; require reports from the chief clinical officer of any 124336
public hospital relating to the admission, examination, 124337
diagnosis, release, or discharge of any patient; visit each such 124338
hospital regularly to review the admission procedures of all new 124339
patients admitted between visits; investigate by personal visit 124340
complaints made by any patient or by any person on behalf of a 124341
patient; and adopt such rules as are reasonably necessary to 124342
effectuate the provisions of this chapter. 124343

Sec. 5122.341. (A) As used in this section: 124344

(1) "Facility or provider" means, in the context of a 124345
person committed to the department of ~~mental-behavioral~~ health 124346
~~and addiction services~~ under sections 2945.37 to 2945.402 of the 124347
Revised Code, any entity in which the department of ~~mental-~~ 124348
~~behavioral~~ health ~~and addiction services~~ places such a person. 124349

(2) "Person committed to the department" means a person 124350
committed to the department of ~~mental-behavioral~~ health ~~and-~~ 124351
~~addiction services~~ under sections 2945.37 to 2945.402 of the 124352
Revised Code. 124353

(B) No member of a board of directors, or employee, of a 124354
facility or provider in which the department of ~~mental-~~ 124355
~~behavioral~~ health ~~and addiction services~~ places a person 124356

committed to the department is liable for injury or damages 124357
caused by any action or inaction taken within the scope of the 124358
board member's official duties or employee's employment relating 124359
to the commitment of, and services provided to, the person 124360
committed to the department, unless the action or inaction 124361
constitutes willful or wanton misconduct. A board member's or 124362
employee's action or inaction does not constitute willful or 124363
wanton misconduct if the board member or employee acted in good 124364
faith and reasonably under the circumstances and with the 124365
knowledge reasonably attributable to the board member or 124366
employee. 124367

The immunity from liability conferred by this section is 124368
in addition to and not in limitation of any immunity conferred 124369
by any other section of the Revised Code or by judicial 124370
precedent. 124371

Sec. 5122.36. If the legal residence of a person with a 124372
mental illness is in another county of the state, the necessary 124373
expense of the person's return is a proper charge against the 124374
county of legal residence. If an adjudication and order of 124375
hospitalization by the probate court of the county of temporary 124376
residence are required, the regular probate court fees and 124377
expenses incident to the order of hospitalization under this 124378
chapter and any other expense incurred on the person's behalf 124379
shall be charged to and paid by the county of the person's legal 124380
residence upon the approval and certification of the probate 124381
judge of the county of the person's legal residence. The 124382
ordering court shall send to the probate court of the person's 124383
county of legal residence a certified copy of the commitment 124384
order from the ordering court. The receiving court shall enter 124385
and record the commitment order. The certified commitment order 124386
is prima facie evidence of the residence of the person. When the 124387

residence of the person cannot be established as represented by 124388
the ordering court, the matter of residence shall be referred to 124389
the department of ~~mental-behavioral health and addiction-~~ 124390
~~services~~ for investigation and determination. 124391

Sec. 5122.44. As used in sections 5122.44 to 5122.47 of 124392
the Revised Code: 124393

(A) "Compilation" means a written list of the following 124394
information, as the department of ~~mental-behavioral health and-~~ 124395
~~addiction services~~ is able to reasonably ascertain, for every 124396
patient who was buried, entombed, or inurned prior to March 31, 124397
2005, in a cemetery located on the grounds of or adjacent to the 124398
grounds of a public hospital: 124399

(1) Name; 124400

(2) Date of birth; 124401

(3) Date of death or burial; 124402

(4) Specific physical location of the burial, entombment, 124403
or inurnment, including the plot or grave site number if 124404
available. 124405

(B) "Patient" means an individual who died while admitted 124406
to a public hospital that was under the control of the 124407
department of ~~mental-behavioral health-and-addiction services.~~ 124408

(C) "Record" has the same meaning as in section 149.011 of 124409
the Revised Code. 124410

(D) "State agency" means every organized body, office, or 124411
agency established by the laws of the state for the exercise of 124412
any function of state government. 124413

Sec. 5122.45. The department of ~~mental-behavioral health~~ 124414

~~and addiction services~~ shall create a separate compilation for 124415
each cemetery located on the grounds of or adjacent to the 124416
grounds of a public hospital that is under the control of the 124417
department on March 31, 2005. The compilation shall be created 124418
within a reasonable time not exceeding three years after March 124419
31, 2005. The department shall use its best efforts to create 124420
the most complete compilations possible using records in the 124421
department's possession and records obtained in accordance with 124422
section 5122.46 of the Revised Code. 124423

Sec. 5122.46. The Ohio history connection and each state 124424
agency shall, at the request of the department of ~~mental~~ 124425
behavioral health ~~and addiction services~~, provide the department 124426
access to records and information in the possession of the Ohio 124427
history connection or state agency for purposes of creating 124428
compilations. 124429

Sec. 5122.47. The department of ~~mental~~ behavioral health 124430
~~and addiction services~~ shall deposit a copy of each compilation 124431
with the Ohio history connection and the state library as soon 124432
as a compilation is completed. The department shall not disclose 124433
any record or information used to create a compilation except as 124434
provided in sections 149.43 and 5122.31 of the Revised Code. 124435

Sec. 5123.081. (A) As used in this section: 124436

(1) (a) "Applicant" means any of the following: 124437

(i) A person who is under final consideration for 124438
appointment to or employment with the department of 124439
developmental disabilities or a county board of developmental 124440
disabilities; 124441

(ii) A person who is being transferred to the department 124442
or a county board; 124443

- (iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff; 124444
124445
- (iv) A person under final consideration for a direct services position with a provider or subcontractor. 124446
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- (b) Neither of the following is an applicant: 124448
- (i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense; 124449
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- (ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person. 124456
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- (2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 124461
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- (3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities. 124463
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- (4) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code. 124467
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- (5) (a) "Employee" means either of the following: 124470
- (i) A person appointed to or employed by the department of 124471

developmental disabilities or a county board of developmental disabilities; 124472
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(ii) A person employed in a direct services position by a provider or subcontractor. 124474
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(b) "Employee" does not mean a person who provides only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who receives the respite care selected the person. 124476
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(6) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 124481
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(7) "Provider" means a person that provides specialized services to individuals with developmental disabilities and employs one or more persons in direct services positions. 124483
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(8) "Responsible entity" means the following: 124486

(a) The department of developmental disabilities in the case of either of the following: 124487
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(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff; 124489
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(ii) A person who is an employee because the person is appointed to or employed by the department. 124493
124494

(b) A county board of developmental disabilities in the case of either of the following: 124495
124496

(i) A person who is an applicant because the person is under final consideration for appointment to or employment with 124497
124498

the county board, being transferred to the county board, or 124499
being recalled to or reemployed by the county board after a 124500
layoff; 124501

(ii) A person who is an employee because the person is 124502
appointed to or employed by the county board. 124503

(c) A provider in the case of either of the following: 124504

(i) A person who is an applicant because the person is 124505
under final consideration for a direct services position with 124506
the provider; 124507

(ii) A person who is an employee because the person is 124508
employed in a direct services position by the provider. 124509

(d) A subcontractor in the case of either of the 124510
following: 124511

(i) A person who is an applicant because the person is 124512
under final consideration for a direct services position with 124513
the subcontractor; 124514

(ii) A person who is an employee because the person is 124515
employed in a direct services position by the subcontractor. 124516

(9) "Specialized services" means any program or service 124517
designed and operated to serve primarily individuals with 124518
developmental disabilities, including a program or service 124519
provided by an entity licensed or certified by the department of 124520
developmental disabilities. If there is a question as to whether 124521
a provider or subcontractor is providing specialized services, 124522
the provider or subcontractor may request that the director of 124523
developmental disabilities make a determination. The director's 124524
determination is final. 124525

(10) "Subcontractor" means a person to which both of the 124526

following apply: 124527

(a) The person has either of the following: 124528

(i) A subcontract with a provider to provide specialized 124529
services included in the contract between the provider and the 124530
department of developmental disabilities or a county board of 124531
developmental disabilities; 124532

(ii) A subcontract with another subcontractor to provide 124533
specialized services included in a subcontract between the other 124534
subcontractor and a provider or other subcontractor. 124535

(b) The person employs one or more persons in direct 124536
services positions. 124537

(B) A responsible entity shall not employ an applicant or 124538
continue to employ an employee if either of the following 124539
applies: 124540

(1) The applicant or employee fails to comply with 124541
division (D) (3) of this section. 124542

(2) Except as provided in rules adopted under this 124543
section, the applicant or employee is found by a criminal 124544
records check required by this section to have been convicted 124545
of, pleaded guilty to, or been found eligible for intervention 124546
in lieu of conviction for a disqualifying offense. 124547

(C) Before employing an applicant in a position for which 124548
a criminal records check is required by this section, a 124549
responsible entity shall require the applicant to submit a 124550
statement with the applicant's signature attesting that the 124551
applicant has not been convicted of, pleaded guilty to, or been 124552
found eligible for intervention in lieu of conviction for a 124553
disqualifying offense. The responsible entity also shall require 124554

the applicant to sign an agreement under which the applicant 124555
agrees to notify the responsible entity within fourteen calendar 124556
days if, while employed by the responsible entity, the applicant 124557
is formally charged with, is convicted of, pleads guilty to, or 124558
is found eligible for intervention in lieu of conviction for a 124559
disqualifying offense. The agreement shall provide that the 124560
applicant's failure to provide the notification may result in 124561
termination of the applicant's employment. 124562

(D) (1) As a condition of employing any applicant in a 124563
position for which a criminal records check is required by this 124564
section, a responsible entity shall request the superintendent 124565
of the bureau of criminal identification and investigation to 124566
conduct a criminal records check of the applicant. If rules 124567
adopted under this section require an employee to undergo a 124568
criminal records check, a responsible entity shall request the 124569
superintendent to conduct a criminal records check of the 124570
employee at times specified in the rules as a condition of the 124571
responsible entity's continuing to employ the employee in a 124572
position for which a criminal records check is required by this 124573
section. If an applicant or employee does not present proof that 124574
the applicant or employee has been a resident of this state for 124575
the five-year period immediately prior to the date upon which 124576
the criminal records check is requested, the responsible entity 124577
shall request that the superintendent obtain information from 124578
the federal bureau of investigation as a part of the criminal 124579
records check. If the applicant or employee presents proof that 124580
the applicant or employee has been a resident of this state for 124581
that five-year period, the responsible entity may request that 124582
the superintendent include information from the federal bureau 124583
of investigation in the criminal records check. For purposes of 124584
this division, an applicant or employee may provide proof of 124585

residency in this state by presenting, with a ~~notarized~~ 124586
statement asserting that the applicant or employee has been a 124587
resident of this state for that five-year period, a valid 124588
driver's license, notification of registration as an elector, a 124589
copy of an officially filed federal or state tax form 124590
identifying the applicant's or employee's permanent residence, 124591
or any other document the responsible entity considers 124592
acceptable. 124593

(2) A responsible entity shall do all of the following: 124594

(a) Provide to each applicant and employee for whom a 124595
criminal records check is required by this section a copy of the 124596
form prescribed pursuant to division (C)(1) of section 109.572 124597
of the Revised Code and a standard impression sheet to obtain 124598
fingerprint impressions prescribed pursuant to division (C)(2) 124599
of section 109.572 of the Revised Code; 124600

(b) Obtain the completed form and standard impression 124601
sheet from the applicant or employee; 124602

(c) Forward the completed form and standard impression 124603
sheet to the superintendent at the time the criminal records 124604
check is requested. 124605

(3) Any applicant or employee who receives pursuant to 124606
this division a copy of the form prescribed pursuant to division 124607
(C)(1) of section 109.572 of the Revised Code and a copy of the 124608
standard impression sheet prescribed pursuant to division (C)(2) 124609
of that section and who is requested to complete the form and 124610
provide a set of the applicant's or employee's fingerprint 124611
impressions shall complete the form or provide all the 124612
information necessary to complete the form and shall provide the 124613
standard impression sheet with the impressions of the 124614

applicant's or employee's fingerprints. 124615

(4) A responsible entity shall pay to the bureau of 124616
criminal identification and investigation the fee prescribed 124617
pursuant to division (C)(3) of section 109.572 of the Revised 124618
Code for each criminal records check requested and conducted 124619
pursuant to this section. 124620

(E) A responsible entity may request any other state or 124621
federal agency to supply the responsible entity with a written 124622
report regarding the criminal record of an applicant or 124623
employee. If an employee holds an occupational or professional 124624
license or other credentials, the responsible entity may request 124625
that the state or federal agency that regulates the employee's 124626
occupation or profession supply the responsible entity with a 124627
written report of any information pertaining to the employee's 124628
criminal record that the agency obtains in the course of 124629
conducting an investigation or in the process of renewing the 124630
employee's license or other credentials. The responsible entity 124631
may consider the reports when determining whether to employ the 124632
applicant or to continue to employ the employee. 124633

(F) As a condition of employing an applicant in a position 124634
for which a criminal records check is required by this section 124635
and that involves transporting individuals with developmental 124636
disabilities or operating a responsible entity's vehicles for 124637
any purpose, the responsible entity shall obtain the applicant's 124638
driving record from the bureau of motor vehicles. If rules 124639
adopted under this section require a responsible entity to 124640
obtain an employee's driving record, the responsible entity 124641
shall obtain the employee's driving record from the bureau at 124642
times specified in the rules as a condition of continuing to 124643
employ the employee. The responsible entity may consider the 124644

applicant's or employee's driving record when determining 124645
whether to employ the applicant or to continue to employ the 124646
employee. 124647

(G) A responsible entity may employ an applicant 124648
conditionally pending receipt of a report regarding the 124649
applicant requested under this section. The responsible entity 124650
shall request the report before employing the applicant 124651
conditionally. The responsible entity shall terminate the 124652
applicant's employment if it is determined from a report that 124653
the applicant failed to inform the responsible entity that the 124654
applicant had been convicted of, pleaded guilty to, or been 124655
found eligible for intervention in lieu of conviction for a 124656
disqualifying offense. 124657

(H) A responsible entity may charge an applicant a fee for 124658
costs the responsible entity incurs in obtaining a report 124659
regarding the applicant under this section if the responsible 124660
entity notifies the applicant of the amount of the fee at the 124661
time of the applicant's initial application for employment and 124662
that, unless the fee is paid, the responsible entity will not 124663
consider the applicant for employment. The fee shall not exceed 124664
the amount of the fee, if any, the responsible entity pays for 124665
the report. 124666

(I) (1) Any report obtained pursuant to this section is not 124667
a public record for purposes of section 149.43 of the Revised 124668
Code and shall not be made available to any person, other than 124669
the following: 124670

(a) The applicant or employee who is the subject of the 124671
report or the applicant's or employee's representative; 124672

(b) The responsible entity that requested the report or 124673

its representative; 124674

(c) The department if a county board, provider, or 124675
subcontractor is the responsible entity that requested the 124676
report and the department requests the responsible entity to 124677
provide a copy of the report to the department; 124678

(d) A county board if a provider or subcontractor is the 124679
responsible entity that requested the report and the county 124680
board requests the responsible entity to provide a copy of the 124681
report to the county board; 124682

(e) Any court, hearing officer, or other necessary 124683
individual involved in a case dealing with any of the following: 124684

(i) The denial of employment to the applicant or employee; 124685

(ii) The denial, suspension, or revocation of a 124686
certificate under section 5123.166 or 5123.45 of the Revised 124687
Code; 124688

(iii) A civil or criminal action regarding the medicaid 124689
program or a program the department administers. 124690

(2) An applicant or employee for whom the responsible 124691
entity has obtained reports under this section may submit a 124692
written request to the responsible entity to have copies of the 124693
reports sent to any state agency, entity of local government, or 124694
private entity. The applicant or employee shall specify in the 124695
request the agencies or entities to which the copies are to be 124696
sent. On receiving the request, the responsible entity shall 124697
send copies of the reports to the agencies or entities 124698
specified. 124699

(3) A responsible entity may request that a state agency, 124700
entity of local government, or private entity send copies to the 124701

responsible entity of any report regarding a records check or 124702
criminal records check that the agency or entity possesses, if 124703
the responsible entity obtains the written consent of the 124704
individual who is the subject of the report. 124705

(4) A responsible entity shall provide each applicant and 124706
employee with a copy of any report obtained about the applicant 124707
or employee under this section. 124708

(J) The director of developmental disabilities shall adopt 124709
rules in accordance with Chapter 119. of the Revised Code to 124710
implement this section. 124711

(1) The rules may do the following: 124712

(a) Require employees to undergo criminal records checks 124713
under this section; 124714

(b) Require responsible entities to obtain the driving 124715
records of employees under this section; 124716

(c) If the rules require employees to undergo criminal 124717
records checks, require responsible entities to obtain the 124718
driving records of employees, or both, exempt one or more 124719
classes of employees from the requirements. 124720

(2) The rules shall do all of the following: 124721

(a) If the rules require employees to undergo criminal 124722
records checks, require responsible entities to obtain the 124723
driving records of employees, or both, specify the times at 124724
which the criminal records checks are to be conducted and the 124725
driving records are to be obtained; 124726

(b) Specify circumstances under which a responsible entity 124727
may employ an applicant or employee who is found by a criminal 124728
records check required by this section to have been convicted 124729

of, pleaded guilty to, or been found eligible for intervention 124730
in lieu of conviction for a disqualifying offense but meets 124731
standards in regard to rehabilitation set by the director; 124732

(c) Require a responsible entity to request a criminal 124733
records check under this section before employing an applicant 124734
conditionally as permitted under division (G) of this section. 124735

Sec. 5123.16. (A) As used in sections 5123.16 to ~~5123.1611~~ 124736
5123.1613 of the Revised Code: 124737

(1) "Applicant" means any of the following: 124738

(a) The chief executive officer of a business that applies 124739
under section 5123.161 of the Revised Code for a certificate to 124740
provide supported living; 124741

(b) The chief executive officer of a business that seeks 124742
renewal of the business's supported living certificate under 124743
section 5123.164 of the Revised Code; 124744

(c) An individual who applies under section 5123.161 of 124745
the Revised Code for a certificate to provide supported living 124746
as an independent provider; 124747

(d) An independent provider who seeks renewal of the 124748
independent provider's supported living certificate under 124749
section 5123.164 of the Revised Code. 124750

(2) "Business" means an association, corporation, 124751
nonprofit organization, partnership, trust, or other group of 124752
persons. "Business" does not mean an independent provider. 124753

(3) "Criminal records check" has the same meaning as in 124754
section 109.572 of the Revised Code. 124755

(4) "Disqualifying offense" means any of the offenses 124756

listed or described in divisions (A)(3)(a) to (e) of section 124757
109.572 of the Revised Code. 124758

(5) "Independent provider" means a provider who provides 124759
supported living on a self-employed basis and does not employ, 124760
directly or through contract, another person to provide the 124761
supported living. 124762

(6) "Provider" means a person or government entity 124763
certified by the director of developmental disabilities to 124764
provide supported living. For the purpose of division (A)(8) of 124765
this section, "provider" includes a person or government entity 124766
that seeks or previously held a certificate to provide supported 124767
living. 124768

(7) "Minor drug possession offense" has the same meaning 124769
as in section 2925.01 of the Revised Code. 124770

(8) "Related party" means any of the following: 124771

(a) In the case of a provider who is an individual, any of 124772
the following: 124773

(i) The spouse of the provider; 124774

(ii) A parent or stepparent of the provider or provider's 124775
spouse; 124776

(iii) A child of the provider or provider's spouse; 124777

(iv) A sibling, half sibling, or stepsibling of the 124778
provider or provider's spouse; 124779

(v) A grandparent of the provider or provider's spouse; 124780

(vi) A grandchild of the provider or provider's spouse. 124781

(b) In the case of a provider that is a person other than 124782
an individual, any of the following: 124783

- (i) Any person or government entity that directly or 124784
indirectly controls the provider's day-to-day operations 124785
(including as a general manager, business manager, financial 124786
manager, administrator, or director), regardless of whether the 124787
person or government entity exercises the control pursuant to a 124788
contract or other arrangement and regardless of whether the 124789
person or government entity is required to file an Internal 124790
Revenue Code form W-2 for the provider; 124791
- (ii) An officer of the provider, including the chief 124792
executive officer, president, vice-president, secretary, and 124793
treasurer; 124794
- (iii) A member of the provider's board of directors or 124795
trustees; 124796
- (iv) A person owning a financial interest of five per cent 124797
or more in the provider, including a direct, indirect, security, 124798
or mortgage financial interest; 124799
- (v) The spouse, parent, stepparent, child, sibling, half 124800
sibling, stepsibling, grandparent, or grandchild of any of the 124801
persons specified in divisions (A) (8) (b) (i) to (iv) of this 124802
section; 124803
- (vi) A person over which the provider has control of the 124804
day-to-day operation; 124805
- (vii) A corporation that has a subsidiary relationship 124806
with the provider. 124807
- (c) In the case of a provider that is a government entity, 124808
any of the following: 124809
- (i) Any person or government entity that directly or 124810
indirectly controls the provider's day-to-day operations 124811

(including as a general manager, financial manager, 124812
administrator, or director), regardless of whether the person or 124813
government entity exercises the control pursuant to a contract 124814
or other arrangement; 124815

(ii) An officer of the provider; 124816

(iii) A member of the provider's governing board; 124817

(iv) A person or government entity over which the provider 124818
has control of the day-to-day operation. 124819

(B) No person or government entity may provide supported 124820
living without a valid supported living certificate issued by 124821
the director of developmental disabilities. 124822

(C) A county board of developmental disabilities may 124823
provide supported living only to the extent permitted by rules 124824
adopted under section 5123.1611 of the Revised Code. 124825

Sec. 5123.168. The director of developmental disabilities 124826
~~may issue an adjudication order in accordance with Chapter 119.~~ 124827
~~of the Revised Code to~~ shall terminate a supported living 124828
certificate if the certificate holder has not billed for 124829
supported living for ~~twelve~~ twenty-four consecutive months. To 124830
terminate a supported living certificate under this section, the 124831
director shall send a notice by certified mail to the 124832
certificate holder at the address on file with the department of 124833
developmental disabilities explaining why the certificate is 124834
terminated. 124835

Sec. 5123.169. (A) The director of developmental 124836
disabilities shall not issue a supported living certificate to 124837
an applicant or renew an applicant's supported living 124838
certificate if either of the following applies: 124839

(1) The applicant fails to comply with division (C) (2) of 124840
this section; 124841

(2) Except as provided in rules adopted under section 124842
5123.1611 of the Revised Code, the applicant is found by a 124843
criminal records check required by this section to have been 124844
convicted of, pleaded guilty to, or been found eligible for 124845
intervention in lieu of conviction for a disqualifying offense. 124846

(B) Before issuing a supported living certificate to an 124847
applicant or renewing an applicant's supported living 124848
certificate, the director shall require the applicant to submit 124849
a statement with the applicant's signature attesting that the 124850
applicant has not been convicted of, pleaded guilty to, or been 124851
found eligible for intervention in lieu of conviction for a 124852
disqualifying offense. The director also shall require the 124853
applicant to sign an agreement under which the applicant agrees 124854
to notify the director within fourteen calendar days if, while 124855
holding a supported living certificate, the applicant is 124856
formally charged with, is convicted of, pleads guilty to, or is 124857
found eligible for intervention in lieu of conviction for a 124858
disqualifying offense. The agreement shall provide that the 124859
applicant's failure to provide the notification may result in 124860
action being taken by the director against the applicant under 124861
section 5123.166 of the Revised Code. 124862

(C) (1) As a condition of receiving a supported living 124863
certificate or having a supported living certificate renewed, an 124864
applicant shall request the superintendent of the bureau of 124865
criminal identification and investigation to conduct a criminal 124866
records check of the applicant. If an applicant does not present 124867
proof to the director that the applicant has been a resident of 124868
this state for the five-year period immediately prior to the 124869

date that the applicant applies for issuance or renewal of the 124870
supported living certificate, the director shall require the 124871
applicant to request that the superintendent obtain information 124872
from the federal bureau of investigation as a part of the 124873
criminal records check. If the applicant presents proof to the 124874
director that the applicant has been a resident of this state 124875
for that five-year period, the director may require the 124876
applicant to request that the superintendent include information 124877
from the federal bureau of investigation in the criminal records 124878
check. For purposes of this division, an applicant may provide 124879
proof of residency in this state by presenting, with a ~~notarized~~ 124880
statement asserting that the applicant has been a resident of 124881
this state for that five-year period, a valid driver's license, 124882
notification of registration as an elector, a copy of an 124883
officially filed federal or state tax form identifying the 124884
applicant's permanent residence, or any other document the 124885
director considers acceptable. 124886

(2) Each applicant shall do all of the following: 124887

(a) Obtain a copy of the form prescribed pursuant to 124888
division (C)(1) of section 109.572 of the Revised Code and a 124889
standard impression sheet prescribed pursuant to division (C)(2) 124890
of section 109.572 of the Revised Code; 124891

(b) Complete the form and provide the applicant's 124892
fingerprint impressions on the standard impression sheet; 124893

(c) Forward the completed form and standard impression 124894
sheet to the superintendent at the time the criminal records 124895
check is requested; 124896

(d) Instruct the superintendent to submit the completed 124897
report of the criminal records check directly to the director; 124898

(e) Pay to the bureau of criminal identification and 124899
investigation the fee prescribed pursuant to division (C) (3) of 124900
section 109.572 of the Revised Code for each criminal records 124901
check of the applicant requested and conducted pursuant to this 124902
section. 124903

(D) The director may request any other state or federal 124904
agency to supply the director with a written report regarding 124905
the criminal record of an applicant. The director may consider 124906
the reports when determining whether to issue a supported living 124907
certificate to the applicant or to renew an applicant's 124908
supported living certificate. 124909

(E) An applicant who seeks to be an independent provider 124910
or is an independent provider seeking renewal of the applicant's 124911
supported living certificate shall obtain the applicant's 124912
driving record from the bureau of motor vehicles and provide a 124913
copy of the record to the director if the supported living that 124914
the applicant will provide involves transporting individuals 124915
with developmental disabilities. The director may consider the 124916
applicant's driving record when determining whether to issue the 124917
applicant a supported living certificate or to renew the 124918
applicant's supported living certificate. 124919

(F) (1) A report obtained pursuant to this section is not a 124920
public record for purposes of section 149.43 of the Revised Code 124921
and shall not be made available to any person, other than the 124922
following: 124923

(a) The applicant who is the subject of the report or the 124924
applicant's representative; 124925

(b) The director or the director's representative; 124926

(c) Any court, hearing officer, or other necessary 124927

individual involved in a case dealing with any of the following: 124928

(i) The denial of a supported living certificate or 124929
refusal to renew a supported living certificate; 124930

(ii) The denial, suspension, or revocation of a 124931
certificate under section 5123.45 of the Revised Code; 124932

(iii) A civil or criminal action regarding the medicaid 124933
program. 124934

(2) An applicant for whom the director has obtained 124935
reports under this section may submit a written request to the 124936
director to have copies of the reports sent to any person or 124937
state or local government entity. The applicant shall specify in 124938
the request the person or entities to which the copies are to be 124939
sent. On receiving the request, the director shall send copies 124940
of the reports to the persons or entities specified. 124941

(3) The director may request that a person or state or 124942
local government entity send copies to the director of any 124943
report regarding a records check or criminal records check that 124944
the person or entity possesses, if the director obtains the 124945
written consent of the individual who is the subject of the 124946
report. 124947

(4) The director shall provide each applicant with a copy 124948
of any report obtained about the applicant under this section. 124949

Sec. 5123.1613. (A) A person who has been granted 124950
guardianship of an individual with a developmental disability 124951
shall not provide supported living to that individual either as 124952
an independent provider or as an employee or contractor of a 124953
supported living certificate holder unless there is a 124954
relationship by blood, adoption, or marriage between the 124955
guardian and the individual. 124956

(B) A supported living certificate holder owned or 124957
operated by a guardian of an individual with a developmental 124958
disability shall not provide supported living to that individual 124959
unless there is a relationship by blood, adoption, or marriage 124960
between the guardian and the individual. 124961

Sec. 5123.191. (A) The court of common pleas or a judge 124962
thereof in the judge's county, or the probate court, may appoint 124963
a receiver to take possession of and operate a residential 124964
facility licensed by the department of developmental 124965
disabilities, in causes pending in such courts respectively, 124966
when conditions existing at the facility present a substantial 124967
risk of physical or mental harm to residents and no other 124968
remedies at law are adequate to protect the health, safety, and 124969
welfare of the residents. Conditions at the facility that may 124970
present such risk of harm include, but are not limited to, 124971
instances when any of the following occur: 124972

(1) The residential facility is in violation of state or 124973
federal law or regulations. 124974

(2) The facility has had its license revoked or procedures 124975
for revocation have been initiated, or the facility is closing 124976
or intends to cease operations. 124977

(3) Arrangements for relocating residents need to be made. 124978

(4) Insolvency of the operator, licensee, or landowner 124979
threatens the operation of the facility. 124980

(5) The facility or operator has demonstrated a pattern 124981
and practice of repeated violations of state or federal laws or 124982
regulations. 124983

(B) A court in which a petition is filed pursuant to this 124984
section shall notify the person holding the license for the 124985

facility and the department of developmental disabilities of the 124986
filing. The court shall order the department to notify the 124987
facility owner, facility operator, county board of developmental 124988
disabilities, facility residents, and residents' parents and 124989
guardians of the filing of the petition. 124990

The court shall provide a hearing on the petition within 124991
five court days of the time it was filed, except that the court 124992
may appoint a receiver prior to that time if it determines that 124993
the circumstances necessitate such action. Following a hearing 124994
on the petition, and upon a determination that the appointment 124995
of a receiver is warranted, the court shall appoint a receiver 124996
and notify the department of developmental disabilities and 124997
appropriate persons of this action. 124998

(C) A residential facility for which a receiver has been 124999
named is deemed to be in compliance with section 5123.19 and 125000
Chapter 3721. of the Revised Code for the duration of the 125001
receivership. 125002

(D) When the operating revenue of a residential facility 125003
in receivership is insufficient to meet its operating expenses, 125004
including the cost of bringing the facility into compliance with 125005
state or federal laws or regulations, the court may order the 125006
state to provide necessary funding, except as provided in 125007
division (K) of this section. The state shall provide such 125008
funding, subject to the approval of the controlling board. The 125009
court may also order the appropriate authorities to expedite all 125010
inspections necessary for the issuance of licenses or the 125011
certification of a facility, and order a facility to be closed 125012
if it determines that reasonable efforts cannot bring the 125013
facility into substantial compliance with the law. 125014

(E) In establishing a receivership, the court shall set 125015

forth the powers and duties of the receiver. The court may 125016
generally authorize the receiver to do all that is prudent and 125017
necessary to safely and efficiently operate the residential 125018
facility within the requirements of state and federal law, but 125019
shall require the receiver to obtain court approval prior to 125020
making any single expenditure of more than five thousand dollars 125021
to correct deficiencies in the structure or furnishings of a 125022
facility. The court shall closely review the conduct of the 125023
receiver it has appointed and shall require regular and detailed 125024
reports. The receivership shall be reviewed at least every sixty 125025
days. 125026

(F) A receivership established pursuant to this section 125027
shall be terminated, following notification of the appropriate 125028
parties and a hearing, if the court determines either of the 125029
following: 125030

(1) The residential facility has been closed and the 125031
former residents have been relocated to an appropriate facility. 125032

(2) Circumstances no longer exist at the facility that 125033
present a substantial risk of physical or mental harm to 125034
residents, and there is no deficiency in the facility that is 125035
likely to create a future risk of harm. 125036

Notwithstanding division (F)(2) of this section, the court 125037
shall not terminate a receivership for a residential facility 125038
that has previously operated under another receivership unless 125039
the responsibility for the operation of the facility is 125040
transferred to an operator approved by the court and the 125041
department of developmental disabilities. 125042

(G) The department of developmental disabilities may, upon 125043
its own initiative or at the request of an owner, operator, or 125044

resident of a residential facility, or at the request of a 125045
resident's guardian or relative or a county board of 125046
developmental disabilities, petition the court to appoint a 125047
receiver to take possession of and operate a residential 125048
facility. When the department has been requested to file a 125049
petition by any of the parties listed above, it shall, within 125050
forty-eight hours of such request, either file such a petition 125051
or notify the requesting party of its decision not to file. If 125052
the department refuses to file, the requesting party may file a 125053
petition with the court requesting the appointment of a receiver 125054
to take possession of and operate a residential facility. 125055

Petitions filed pursuant to this division shall include 125056
the following: 125057

(1) A description of the specific conditions existing at 125058
the facility which present a substantial risk of physical or 125059
mental harm to residents; 125060

(2) A statement of the absence of other adequate remedies 125061
at law; 125062

(3) The number of individuals residing at the facility; 125063

(4) A statement that the facts have been brought to the 125064
attention of the owner or licensee and that conditions have not 125065
been remedied within a reasonable period of time or that the 125066
conditions, though remedied periodically, habitually exist at 125067
the facility as a pattern or practice; 125068

(5) The name and address of the person holding the license 125069
for the facility and the address of the department of 125070
developmental disabilities. 125071

The court may award to an operator appropriate costs and 125072
expenses, including reasonable attorney's fees, if it determines 125073

that a petitioner has initiated a proceeding in bad faith or 125074
merely for the purpose of harassing or embarrassing the 125075
operator. 125076

(H) Except for the department of developmental 125077
disabilities or a county board of developmental disabilities, no 125078
party or person interested in an action shall be appointed a 125079
receiver pursuant to this section. 125080

To assist the court in identifying persons qualified to be 125081
named as receivers, the director of developmental disabilities 125082
shall maintain a list of the names of such persons. The director 125083
shall, in accordance with Chapter 119. of the Revised Code, 125084
establish standards for evaluating persons desiring to be 125085
included on such a list. 125086

(I) Before a receiver enters upon the duties of that 125087
person, the receiver must be sworn to perform the duties of 125088
receiver faithfully, and, with surety approved by the court, 125089
judge, or clerk, execute a bond to such person, and in such sum 125090
as the court or judge directs, to the effect that such receiver 125091
will faithfully discharge the duties of receiver in the action, 125092
and obey the orders of the court therein. 125093

(J) Under the control of the appointing court, a receiver 125094
may bring and defend actions in the receiver's own name as 125095
receiver and take and keep possession of property. 125096

The court shall authorize the receiver to do the 125097
following: 125098

(1) Collect payment for all goods and services provided to 125099
the residents or others during the period of the receivership at 125100
the same rate as was charged by the licensee at the time the 125101
petition for receivership was filed, unless a different rate is 125102

set by the court; 125103

(2) Honor all leases, mortgages, and secured transactions 125104
governing all buildings, goods, and fixtures of which the 125105
receiver has taken possession and continues to use, subject to 125106
the following conditions: 125107

(a) In the case of a rental agreement, only to the extent 125108
of payments that are for the use of the property during the 125109
period of the receivership; 125110

(b) In the case of a purchase agreement only to the extent 125111
of payments that come due during the period of the receivership. 125112

(3) If transfer of residents is necessary, provide for the 125113
orderly transfer of residents by doing the following: 125114

(a) Cooperating with all appropriate state and local 125115
agencies in carrying out the transfer of residents to 125116
alternative community placements; 125117

(b) Providing for the transportation of residents' 125118
belongings and records; 125119

(c) Helping to locate alternative placements and develop 125120
discharge plans; 125121

(d) Preparing residents for the trauma of discharge; 125122

(e) Permitting residents or guardians to participate in 125123
transfer or discharge planning except when an emergency exists 125124
and immediate transfer is necessary. 125125

(4) Make periodic reports on the status of the residential 125126
program to the appropriate state agency, county board of 125127
developmental disabilities, parents, guardians, and residents; 125128

(5) Compromise demands or claims; 125129

(6) Generally do such acts respecting the residential 125130
facility as the court authorizes. 125131

(K) Neither the receiver nor the department of 125132
developmental disabilities is liable for debts incurred by the 125133
owner or operator of a residential facility for which a receiver 125134
has been appointed. 125135

(L) The department of developmental disabilities may 125136
contract for the operation of a residential facility in 125137
receivership. The department shall establish the conditions of a 125138
contract. Notwithstanding any other provision of law, contracts 125139
that are necessary to carry out the powers and duties of the 125140
receiver need not be competitively bid. 125141

(M) The department of developmental disabilities, the 125142
department of ~~job and family services~~children and youth, and the 125143
department of health shall provide technical assistance to any 125144
receiver appointed pursuant to this section. 125145

Sec. 5123.41. As used in this section and sections 5123.42 125146
to 5123.47 of the Revised Code: 125147

(A) "Adult services" has the same meaning as in section 125148
5126.01 of the Revised Code. 125149

(B) "Certified supported living provider" means a person 125150
or government entity certified under section 5123.161 of the 125151
Revised Code. 125152

(C) "Drug" has the same meaning as in section 4729.01 of 125153
the Revised Code. 125154

(D) "Family member" means a parent, sibling, spouse, son, 125155
daughter, grandparent, aunt, uncle, cousin, or guardian of an 125156
individual with a developmental disability if the individual 125157

with a developmental disability lives with the person and is 125158
dependent on the person to the extent that, if the supports were 125159
withdrawn, another living arrangement would have to be found. 125160

(E) "Family support services" has the same meaning as in 125161
section 5126.01 of the Revised Code. 125162

~~(E)~~ (F) "Health-related activities" means the following: 125163

- (1) Taking vital signs; 125164
- (2) Application of clean dressings that do not require 125165
health assessment; 125166
- (3) Basic measurement of bodily intake and output; 125167
- (4) Oral suctioning; 125168
- (5) Use of glucometers; 125169
- (6) External urinary catheter cleaning; 125170
- (7) Emptying and replacing ostomy bags; 125171
- (8) Collection of specimens by noninvasive means; 125172
- (9) Pulse oximetry reading; 125173
- (10) Use of continuous positive airway pressure machines; 125174
- (11) Application of percussion vests; 125175
- (12) Use of cough assist devices and insufflators; 125176
- (13) Application of prescribed compression hosiery. 125177

~~(F)~~ (G) "Licensed health professional authorized to 125178
prescribe drugs" has the same meaning as in section 4729.01 of 125179
the Revised Code. 125180

~~(G)~~ (H) "Metered dose inhaled medication" means a 125181

premeasured medication administered by inhalation using a hand- 125182
held dispenser or aerosol nebulizer. 125183

~~(H)~~(I) "Developmental disabilities personnel" means the 125184
employees and the workers under contract who provide specialized 125185
services to individuals with developmental disabilities. 125186
"Developmental disabilities personnel" includes those who 125187
provide the services as follows: 125188

(1) Through direct employment with the department of 125189
developmental disabilities or a county board of developmental 125190
disabilities; 125191

(2) Through an entity under contract with the department 125192
of developmental disabilities or a county board of developmental 125193
disabilities; 125194

(3) Through direct employment or by being under contract 125195
with private entities, including private entities that operate 125196
residential facilities. 125197

~~(I)~~(J) "Nursing delegation" means the process established 125198
in rules adopted by the board of nursing pursuant to Chapter 125199
4723. of the Revised Code under which a registered nurse or 125200
licensed practical nurse acting at the direction of a registered 125201
nurse transfers the performance of a particular nursing activity 125202
or task to another person who is not otherwise authorized to 125203
perform the activity or task. 125204

~~(J)~~(K) "Over-the-counter medication" means a drug that may 125205
be sold and purchased without a prescription. 125206

~~(K)~~(L) "Prescribed medication" means a drug that is to be 125207
administered according to the instructions of a licensed health 125208
professional authorized to prescribe drugs. 125209

~~(I)~~ (M) "Residential facility" means a facility licensed 125210
under section 5123.19 of the Revised Code. 125211

~~(M)~~ (N) "Specialized services" has the same meaning as in 125212
section 5123.50 of the Revised Code. 125213

~~(N)~~ (O) "Topical over-the-counter musculoskeletal 125214
medication" means an over-the-counter medication that is applied 125215
topically or passes through the skin to provide relief from 125216
discomfort in the muscles, joints, or bones. 125217

Sec. 5123.42. (A) Developmental disabilities personnel who 125218
are not specifically authorized by other provisions of the 125219
Revised Code to administer medications or perform health-related 125220
activities may do so pursuant to this section as part of the 125221
specialized services the developmental disabilities personnel 125222
provide to individuals with developmental disabilities in the 125223
following categories: 125224

(1) Recipients of early intervention, preschool, and 125225
school-age services offered or provided pursuant to this chapter 125226
or Chapter 5126. of the Revised Code; 125227

(2) Recipients of adult services, if the services are 125228
received in a setting where seventeen or more individuals 125229
receive the services and the services are offered or provided 125230
pursuant to this chapter or Chapter 5126. of the Revised Code; 125231

(3) Recipients of adult services, if the services are 125232
received in a setting where not more than sixteen individuals 125233
receive the services and the services are offered or provided 125234
pursuant to this chapter or Chapter 5126. of the Revised Code; 125235

(4) Recipients of family support services offered or 125236
provided pursuant to this chapter or Chapter 5126. of the 125237
Revised Code; 125238

(5) Recipients of services from certified supported living providers, if the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(6) Recipients of residential support services from certified home and community-based services providers, if the services are received in a community living arrangement that includes not more than four individuals with developmental disabilities and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(7) Recipients of services not included in divisions (A) (1) to (6) of this section that are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(8) Residents of a residential facility with not more than five resident beds;

(9) Residents of a residential facility with at least six resident beds.

(B) (1) In the case of individuals described in divisions (A) (1) to (9) of this section, developmental disabilities personnel may do all of the following without nursing delegation and without a certificate issued under section 5123.45 of the Revised Code:

(a) Activate a ~~vagal~~-vagus nerve stimulator;

(b) ~~Use an epinephrine autoinjector to~~To treat anaphylaxis, administer prescribed epinephrine either by autoinjector or intranasally;

(c) Administer topical over-the-counter medications for the purpose of cleaning, protecting, or comforting the skin, hair, nails, teeth, or oral surfaces, but not for the purpose of

treating an open wound or a condition that requires a medical 125267
diagnosis, including a fungal infection. 125268

(2) The authority of developmental disabilities personnel 125269
~~to activate a vagal nerve stimulator, use an epinephrine~~ 125270
~~autoinjector, and perform the health-related activity or~~ 125271
~~administer topical over-the-counter the medications described in~~ 125272
~~division (B) (1) of this section~~ is subject to all of the 125273
following: 125274

(a) ~~To activate a vagal nerve stimulator or use an~~ 125275
~~epinephrine autoinjector, developmental~~ Developmental 125276
disabilities personnel shall successfully complete the training 125277
course or courses developed under section 5123.43 of the Revised 125278
Code for developmental disabilities personnel. Developmental 125279
disabilities personnel shall ~~activate a vagal nerve stimulator~~ 125280
~~or use an epinephrine autoinjector~~ perform the health-related 125281
activity or administer the medications described in division (B) 125282
(1) of this section only as authorized by the training 125283
completed. 125284

(b) The employer of developmental disabilities personnel 125285
shall ensure that the personnel have been trained specifically 125286
with respect to each individual for whom they ~~activate a vagal~~ 125287
~~nerve stimulator or use an epinephrine autoinjector~~ perform the 125288
health-related activity or administer the medications described 125289
in division (B) (1) of this section. Developmental disabilities 125290
personnel shall not ~~activate a vagal nerve stimulator or use an~~ 125291
~~epinephrine autoinjector~~ perform such an activity or administer 125292
such medications for any individual for whom they have not been 125293
specifically trained. 125294

(c) If the employer of developmental disabilities 125295
personnel believes that the personnel have not or will not 125296

~~safely activate a vagal nerve stimulator or use an epinephrine~~ 125297
~~autoinjector~~ perform the health-related activity or administer 125298
the medications described in division (B)(1) of this section, 125299
the employer shall prohibit the developmental disabilities 125300
personnel from continuing or commencing to do so. Developmental 125301
disabilities personnel shall not engage in the action or actions 125302
subject to an employer's prohibition. 125303

(d) Developmental disabilities personnel shall activate a 125304
~~vagal-vagus~~ nerve stimulator, use an administer prescribed 125305
epinephrine either by autoinjector or intranasally, or 125306
administer topical over-the-counter medications in accordance 125307
with the manufacturer's instructions. 125308

(C)(1) In the case of recipients of early intervention, 125309
preschool, and school-age services, as specified in division (A) 125310
(1) of this section, all of the following apply: 125311

(a) With nursing delegation, developmental disabilities 125312
personnel may perform health-related activities. 125313

(b) With nursing delegation, developmental disabilities 125314
personnel may administer oral and topical prescribed medications 125315
and topical over-the-counter musculoskeletal medications. 125316

(c) With nursing delegation, developmental disabilities 125317
personnel may administer oxygen and metered dose inhaled 125318
medications. 125319

(d) With nursing delegation, developmental disabilities 125320
personnel may administer prescribed medications through 125321
gastrostomy and jejunostomy tubes, if the tubes being used are 125322
stable and labeled. 125323

(e) With nursing delegation, developmental disabilities 125324
personnel may administer routine doses of insulin through 125325

subcutaneous injections, inhalation, and insulin pumps. 125326

(f) With nursing delegation, developmental disabilities 125327
personnel may administer prescribed medications for the 125328
treatment of metabolic glycemc disorders through subcutaneous 125329
injections. 125330

(2) In the case of individuals described in divisions (A) 125331
(2), (7), and (9) of this section, all of the following apply: 125332

(a) With nursing delegation, developmental disabilities 125333
personnel may perform health-related activities. 125334

(b) With nursing delegation, developmental disabilities 125335
personnel may administer oral and topical prescribed medications 125336
and topical over-the-counter musculoskeletal medications. 125337

(c) With nursing delegation, developmental disabilities 125338
personnel may administer oxygen and metered dose inhaled 125339
medications. 125340

(d) With nursing delegation, developmental disabilities 125341
personnel may administer prescribed medications through 125342
gastrostomy and jejunostomy tubes, if the tubes being used are 125343
stable and labeled. 125344

(e) With nursing delegation, developmental disabilities 125345
personnel may administer routine doses of insulin through 125346
subcutaneous injections, inhalation, and insulin pumps. 125347

(f) With nursing delegation, developmental disabilities 125348
personnel may administer prescribed medications for the 125349
treatment of metabolic glycemc disorders through subcutaneous 125350
injections. 125351

(3) In the case of individuals described in divisions (A) 125352
(3), (4), (5), (6), and (8) of this section, all of the 125353

following apply: 125354

(a) Without nursing delegation, developmental disabilities 125355
personnel may perform health-related activities. 125356

(b) Without nursing delegation, developmental disabilities 125357
personnel may administer oral and topical prescribed medications 125358
and topical over-the-counter musculoskeletal medications. 125359

(c) Without nursing delegation, developmental disabilities 125360
personnel may administer oxygen and metered dose inhaled 125361
medications. 125362

(d) With nursing delegation, developmental disabilities 125363
personnel may administer prescribed medications through 125364
gastrostomy and jejunostomy tubes, if the tubes being used are 125365
stable and labeled. 125366

(e) With nursing delegation, developmental disabilities 125367
personnel may administer routine doses of insulin through 125368
subcutaneous injections, inhalation, and insulin pumps. 125369

(f) With nursing delegation, developmental disabilities 125370
personnel may administer prescribed medications for the 125371
treatment of metabolic glyceimic disorders through subcutaneous 125372
injections. 125373

(D) The authority of developmental disabilities personnel 125374
to administer medications and perform health-related activities 125375
pursuant to division (C) of this section is subject to all of 125376
the following: 125377

(1) To administer medications or perform health-related 125378
activities for individuals in the categories specified under 125379
divisions (A) (1) to (9) of this section, developmental 125380
disabilities personnel shall obtain the certificate or 125381

certificates required by the department of developmental 125382
disabilities and issued under section 5123.45 of the Revised 125383
Code. Developmental disabilities personnel shall administer 125384
medications and perform health-related activities only as 125385
authorized by the certificate or certificates held. 125386

(2) If nursing delegation is required under division (C) 125387
of this section, developmental disabilities personnel shall not 125388
act without nursing delegation or in a manner that is 125389
inconsistent with the delegation. 125390

(3) The employer of developmental disabilities personnel 125391
shall ensure that the personnel have been trained specifically 125392
with respect to each individual for whom they administer 125393
medications or perform health-related activities. Developmental 125394
disabilities personnel shall not administer medications or 125395
perform health-related activities for any individual for whom 125396
they have not been specifically trained. 125397

(4) If the employer of developmental disabilities 125398
personnel believes that the developmental disabilities personnel 125399
have not or will not safely administer medications or perform 125400
health-related activities, the employer shall prohibit the ~~the~~ 125401
personnel from continuing or commencing to do so. Developmental 125402
disabilities personnel shall not engage in the action or actions 125403
subject to an employer's prohibition. 125404

(E) In accordance with section 5123.46 of the Revised 125405
Code, the department of developmental disabilities shall adopt 125406
rules governing its implementation of this section. The rules 125407
shall include the following: 125408

(1) Requirements for documentation of the administration 125409
of medications and performance of health-related activities by 125410

developmental disabilities personnel pursuant to the authority 125411
granted under this section; 125412

(2) Procedures for reporting errors that occur in the 125413
administration of medications and performance of health-related 125414
activities by developmental disabilities personnel pursuant to 125415
the authority granted under this section; 125416

(3) Other standards and procedures the department 125417
considers necessary for implementation of this section. 125418

Sec. 5123.423. A family member may administer medications 125419
or perform health-related activities as described in section 125420
5123.42 of the Revised Code without either of the following: 125421
nursing delegation or a certificate issued under section 5123.45 125422
of the Revised Code. 125423

Sec. 5123.47. (A) As used in this section: 125424

(1) "In-home care" means the supportive services provided 125425
within the home of an individual with a developmental disability 125426
who receives funding for the services through a county board of 125427
developmental disabilities, including any recipient of 125428
residential services funded as home and community-based 125429
services, family support services provided under section 5126.11 125430
of the Revised Code, or supported living provided in accordance 125431
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 125432
care" includes care that is provided outside an individual's 125433
home in places incidental to the home, and while traveling to 125434
places incidental to the home, except that "in-home care" does 125435
not include care provided in the facilities of a county board of 125436
developmental disabilities or care provided in schools. 125437

(2) "Parent" means either parent of a child, including an 125438
adoptive parent but not a foster parent. 125439

(3) "Unlicensed in-home care worker" means an individual 125440
who provides in-home care on a self-employed basis and does not 125441
employ, either directly or through contract, another person to 125442
provide the in-home care, but who is not a health care 125443
professional. 125444

(4) ~~"Family member" means a parent, sibling, spouse, son,~~ 125445
~~daughter, grandparent, aunt, uncle, cousin, or guardian of the~~ 125446
~~individual with a developmental disability if the individual~~ 125447
~~with a developmental disability lives with the person and is~~ 125448
~~dependent on the person to the extent that, if the supports were~~ 125449
~~withdrawn, another living arrangement would have to be found.~~ 125450

~~(5)~~ "Health care professional" means any of the following: 125451

(a) A dentist who holds a valid license issued under 125452
Chapter 4715. of the Revised Code; 125453

(b) A registered or licensed practical nurse who holds a 125454
valid license issued under Chapter 4723. of the Revised Code; 125455

(c) An optometrist who holds a valid license issued under 125456
Chapter 4725. of the Revised Code; 125457

(d) A pharmacist who holds a valid license issued under 125458
Chapter 4729. of the Revised Code; 125459

(e) A person who holds a valid license or certificate 125460
issued under Chapter 4731. of the Revised Code to practice 125461
medicine and surgery, osteopathic medicine and surgery, 125462
podiatric medicine and surgery, or a limited brand of medicine; 125463

(f) A physician assistant who holds a valid license issued 125464
under Chapter 4730. of the Revised Code; 125465

(g) An occupational therapist or occupational therapy 125466
assistant or a physical therapist or physical therapist 125467

assistant who holds a valid license issued under Chapter 4755. 125468
of the Revised Code; 125469

(h) A respiratory care professional who holds a valid 125470
license issued under Chapter 4761. of the Revised Code; 125471

(i) A certified mental health assistant who holds a valid 125472
license issued under Chapter 4772. of the Revised Code. 125473

~~(6)~~ (5) "Health care task" means a task that is prescribed, 125474
ordered, ~~delegated,~~ or otherwise directed by a health care 125475
professional acting within the scope of the professional's 125476
practice. "Health care task" includes the administration of ~~oral~~ 125477
~~and topical prescribed medications; administration of nutrition~~ 125478
~~and medications through gastrostomy and jejunostomy tubes that~~ 125479
~~are stable and labeled; administration of oxygen and metered~~ 125480
~~dose inhaled medications; administration of insulin through~~ 125481
~~subcutaneous injections, inhalation, and insulin pumps; and~~ 125482
~~administration of prescribed medications for the treatment of~~ 125483
~~metabolic glycemic disorders through subcutaneous injections.~~ 125484

(B) Except as provided in division ~~(E)~~ (F) of this section, 125485
a family member of an individual with a developmental disability 125486
may authorize an unlicensed in-home care worker to perform 125487
health care tasks as part of the in-home care the worker 125488
provides to the individual, if all of the following apply: 125489

(1) The family member is the primary supervisor of the 125490
care. 125491

(2) At the time the family member both authorizes the 125492
unlicensed in-home care worker to perform health care tasks and 125493
supervises the care provided to the individual, the family 125494
member is not acting as a paid provider for the individual. 125495

(3) The unlicensed in-home care worker has been selected 125496

by the family member or the individual receiving care and is 125497
under the direct supervision of the family member. 125498

~~(3) The unlicensed in-home care worker is providing the 125499
care through an employment or other arrangement entered into 125500
directly with the family member and is not otherwise employed by 125501
or under contract with a person or government entity to provide 125502
services to individuals with developmental disabilities. 125503~~

(4) The health care task is completed in accordance with 125504
standard, written instructions. 125505

(5) Performance of the health care task requires no 125506
judgment based on specialized health care knowledge or 125507
expertise. 125508

(6) The outcome of the health care task is reasonably 125509
predictable. 125510

(7) Performance of the health care task requires no 125511
complex observation of the individual receiving the care. 125512

(8) Improper performance of the health care task will 125513
result in only minimal complications that are not life- 125514
threatening. 125515

(C) A family member who authorizes an unlicensed in-home 125516
care worker to perform health care tasks under this section 125517
shall ~~obtain~~ do all of the following: 125518

(1) Obtain a prescription, if applicable, and written 125519
instructions from a health care professional for the care to be 125520
provided to the individual. The family member shall authorize; 125521

(2) Authorize the unlicensed in-home care worker to 125522
provide the care by preparing a written document granting the 125523
authority. The family member shall provide; 125524

(3) Provide the unlicensed in-home care worker with 125525
appropriate training and written instructions in accordance with 125526
the instructions obtained from the health care professional. ~~The~~ 125527
~~family member or a health care professional shall be;~~ 125528

(4) Be available to communicate with the unlicensed in- 125529
home care worker either in person or by telecommunication while 125530
the in-home care worker performs a health care task. 125531

(D) Before an unlicensed in-home care worker may perform 125532
the health care tasks authorized by a family member under this 125533
section, the worker shall accept the written document described 125534
in division (C) (2) of this section granting the worker that 125535
authority. 125536

(E) A family member who authorizes an unlicensed in-home 125537
care worker to ~~administer oral and topical prescribed~~ 125538
~~medications or perform other~~ health care tasks retains full 125539
responsibility for the health and safety of the individual 125540
receiving the care and for ensuring that the worker provides the 125541
care appropriately and safely. No entity that funds or monitors 125542
the provision of in-home care may be held liable for the results 125543
of the care provided under this section by an unlicensed in-home 125544
care worker, including such entities as the county board of 125545
developmental disabilities and the department of developmental 125546
disabilities. 125547

An unlicensed in-home care worker who is authorized under 125548
this section by a family member to provide care to an individual 125549
may not be held liable for any injury caused in providing the 125550
care, unless the worker provides the care in a manner that is 125551
not in accordance with the training and instructions received or 125552
the worker acts in a manner that constitutes willful or wanton 125553
misconduct. 125554

~~(E)~~ (F) A county board of developmental disabilities may
evaluate the authority granted by a family member under this
section to an unlicensed in-home care worker at any time it
considers necessary and shall evaluate the authority on receipt
of a complaint. ~~If~~ In evaluating the authority, the board shall
use appropriately licensed health care professionals.

If, after its evaluation, the board determines that a
family member has acted in a manner that is inappropriate for
the health and safety of the individual receiving the care, then
all of the following apply:

(1) The authorization granted by the family member to an
unlicensed in-home care worker is void, ~~and the~~.

(2) The family member may not authorize other unlicensed
in-home care workers to provide the care. ~~In making such a~~
~~determination, the~~

(3) The board shall use authorize appropriately licensed
~~health care professionals and or~~ certified providers to instead
perform the health care tasks.

(4) The board shall provide the family member an
opportunity to file a complaint under section 5126.06 of the
Revised Code.

Sec. 5124.15. (A) Except as otherwise provided by section
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of
the Revised Code, and division (B) of this section, the total
per medicaid day payment rate that the department of
developmental disabilities shall pay to an ICF/IID provider for
ICF/IID services the provider's ICF/IID provides during a fiscal
year shall equal the sum of all of the following:

(1) The per medicaid day capital component rate determined

for the ICF/IID under section 5124.17 of the Revised Code; 125584

(2) The per medicaid day direct care costs component rate 125585
determined for the ICF/IID under section 5124.19 of the Revised 125586
Code; 125587

(3) The per medicaid day indirect care costs component 125588
rate determined for the ICF/IID under section 5124.21 of the 125589
Revised Code; 125590

(4) The per medicaid day other protected costs component 125591
rate determined for the ICF/IID under section 5124.23 of the 125592
Revised Code; 125593

(5) The sum of the following: 125594

(a) The per medicaid day quality incentive payment 125595
determined for the ICF/IID under section 5124.24 of the Revised 125596
Code; 125597

(b) A direct support personnel payment equal to two and 125598
four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 125599
allowable, per medicaid day direct care costs from the 125600
applicable cost report year; 125601

(c) ~~A~~ For state fiscal year 2026, a professional workforce 125602
development payment equal to thirteen and fifty-five hundredths 125603
~~for state fiscal year 2024 and twenty and eighty-one hundredths~~ 125604
~~during fiscal year 2025~~ ten and four hundred five thousandths 125605
per cent of the ICF/IID's desk-reviewed, actual, allowable, per 125606
medicaid day direct care costs from the applicable cost report 125607
year. 125608

(B) The department shall adjust the total per medicaid day 125609
payment rate otherwise determined for an ICF/IID under this 125610
section as directed by the general assembly through the 125611

enactment of law governing medicaid payments to ICF/IID 125612
providers. 125613

(C) (1) In addition to paying an ICF/IID provider the total 125614
per medicaid day payment rate determined for the provider's 125615
ICF/IID under divisions (A) and (B) of this section for a fiscal 125616
year, the department may do either or both of the following: 125617

(a) In accordance with section 5124.25 of the Revised 125618
Code, pay the provider a rate add-on for ventilator-dependent 125619
outlier ICF/IID services if the rate add-on is to be paid under 125620
that section and the department approves the provider's 125621
application for the rate add-on; 125622

(b) In accordance with section 5124.26 of the Revised 125623
Code, pay the provider for outlier ICF/IID services the ICF/IID 125624
provides to residents identified as needing intensive behavioral 125625
health support services if the rate add-on is to be paid under 125626
that section and the department approves the provider's 125627
application for the rate add-on. 125628

(2) The rate add-ons are not to be part of the ICF/IID's 125629
total per medicaid day payment rate. 125630

Sec. 5126.222. (A) A superintendent of a county board of 125631
developmental disabilities shall ensure that a service and 125632
support administrator, a conditional status service and support 125633
administrator, and a service and support administration 125634
supervisor successfully completes a web-based training program 125635
established by the department of developmental disabilities not 125636
later than thirty days after being hired. The training shall 125637
include all of the following topics: 125638

(1) Empowering individuals serviced through the 125639
development of person-centered individual service plans; 125640

<u>(2) Coordinating services;</u>	125641
<u>(3) Enhancing team effectiveness;</u>	125642
<u>(4) Understanding medicaid;</u>	125643
<u>(5) An overview of ICFs/IID;</u>	125644
<u>(6) An overview of medicaid home and community-based</u>	125645
<u>services waivers administered by the department of developmental</u>	125646
<u>disabilities and county boards of developmental disabilities,</u>	125647
<u>including self-directed services, budget authority, and employer</u>	125648
<u>authority;</u>	125649
<u>(7) Targeted case management;</u>	125650
<u>(8) Employment navigation.</u>	125651
<u>(B) Before a superintendent of a county board of</u>	125652
<u>developmental disabilities renews the certification of a service</u>	125653
<u>and support administrator or service and support administration</u>	125654
<u>supervisor, the superintendent shall ensure that the renewal</u>	125655
<u>applicant has successfully completed the training program</u>	125656
<u>described in division (A) of this section.</u>	125657
Sec. 5139.05. (A) The juvenile court may commit any child	125658
to the department of youth services as authorized in Chapter	125659
2152. of the Revised Code, provided that any child so committed	125660
shall be at least ten years of age at the time of the child's	125661
delinquent act, and, if the child is ten or eleven years of age,	125662
the delinquent act is a violation of section 2909.03 of the	125663
Revised Code or would be aggravated murder, murder, or a first	125664
or second degree felony offense of violence if committed by an	125665
adult. Any order to commit a child to an institution under the	125666
control and management of the department shall have the effect	125667
of ordering that the child be committed to the department and	125668

assigned to an institution or placed in a community corrections 125669
facility in accordance with division (E) of section 5139.36 of 125670
the Revised Code as follows: 125671

(1) For an indefinite term consisting of the prescribed 125672
minimum period specified by the court under division (A)(1) of 125673
section 2152.16 of the Revised Code and a maximum period not to 125674
exceed the child's attainment of twenty-one years of age, if the 125675
child was committed pursuant to section 2152.16 of the Revised 125676
Code; 125677

(2) Until the child's attainment of twenty-one years of 125678
age, if the child was committed for aggravated murder or murder 125679
pursuant to section 2152.16 of the Revised Code; 125680

(3) For a period of commitment that shall be in addition 125681
to, and shall be served consecutively with and prior to, a 125682
period of commitment described in division (A)(1) or (2) of this 125683
section, if the child was committed pursuant to section 2152.17 125684
of the Revised Code; 125685

(4) If the child is ten or eleven years of age, to an 125686
institution, a residential care facility, a residential 125687
facility, or a facility licensed by the department of ~~job and~~ 125688
~~family services~~ children and youth that the department of youth 125689
services considers best designated for the training and 125690
rehabilitation of the child and protection of the public. The 125691
child shall be housed separately from children who are twelve 125692
years of age or older until the child is released or discharged 125693
or until the child attains twelve years of age, whichever occurs 125694
first. Upon the child's attainment of twelve years of age, if 125695
the child has not been released or discharged, the department is 125696
not required to house the child separately. 125697

(B) (1) Except as otherwise provided in section 5139.54 of 125698
the Revised Code, the release authority of the department of 125699
youth services, in accordance with section 5139.51 of the 125700
Revised Code and at any time after the end of the minimum period 125701
specified under division (A) (1) of section 2152.16 of the 125702
Revised Code, may grant the release from custody of any child 125703
committed to the department. 125704

The order committing a child to the department of youth 125705
services shall state that the child has been adjudicated a 125706
delinquent child and state the minimum period. The jurisdiction 125707
of the court terminates at the end of the minimum period except 125708
as follows: 125709

(a) In relation to judicial release procedures, 125710
supervision, and violations; 125711

(b) With respect to functions of the court related to the 125712
revocation of supervised release that are specified in sections 125713
5139.51 and 5139.52 of the Revised Code; 125714

(c) In relation to its duties relating to serious youthful 125715
offender dispositional sentences under sections 2152.13 and 125716
2152.14 of the Revised Code. 125717

(2) When a child has been committed to the department 125718
under section 2152.16 of the Revised Code, the department shall 125719
retain legal custody of the child until one of the following: 125720

(a) The department discharges the child to the exclusive 125721
management, control, and custody of the child's parent or the 125722
guardian of the child's person or, if the child is eighteen 125723
years of age or older, discharges the child. 125724

(b) The committing court, upon its own motion, upon 125725
petition of the parent, guardian of the person, or next friend 125726

of a child, or upon petition of the department, terminates the 125727
department's legal custody of the child. 125728

(c) The committing court grants the child a judicial 125729
release to court supervision under section 2152.22 of the 125730
Revised Code. 125731

(d) The department's legal custody of the child is 125732
terminated automatically by the child attaining twenty-one years 125733
of age. 125734

(e) If the child is subject to a serious youthful offender 125735
dispositional sentence, the adult portion of that dispositional 125736
sentence is imposed under section 2152.14 of the Revised Code. 125737

(C) When a child is committed to the department of youth 125738
services, the department may assign the child to a hospital for 125739
mental, physical, and other examination, inquiry, or treatment 125740
for the period of time that is necessary. The department may 125741
remove any child in its custody to a hospital for observation, 125742
and a complete report of every observation at the hospital shall 125743
be made in writing and shall include a record of observation, 125744
treatment, and medical history and a recommendation for future 125745
treatment, custody, and maintenance. The department shall 125746
thereupon order the placement and treatment that it determines 125747
to be most conducive to the purposes of Chapters 2151. and 5139. 125748
of the Revised Code. The committing court and all public 125749
authorities shall make available to the department all pertinent 125750
data in their possession with respect to the case. 125751

(D) Records maintained by the department of youth services 125752
pertaining to the children in its custody shall be accessible 125753
only to department employees, except by consent of the 125754
department, upon the order of the judge of a court of record, or 125755

as provided in divisions (D) (1) and (2) of this section. These 125756
records shall not be considered "public records," as defined in 125757
section 149.43 of the Revised Code. 125758

(1) Except as otherwise provided by a law of this state or 125759
the United States, the department of youth services may release 125760
records that are maintained by the department of youth services 125761
and that pertain to children in its custody to the department of 125762
rehabilitation and correction regarding persons who are under 125763
the jurisdiction of the department of rehabilitation and 125764
correction and who have previously been committed to the 125765
department of youth services. The department of rehabilitation 125766
and correction may use those records for the limited purpose of 125767
carrying out the duties of the department of rehabilitation and 125768
correction. Records released by the department of youth services 125769
to the department of rehabilitation and correction shall remain 125770
confidential and shall not be considered public records as 125771
defined in section 149.43 of the Revised Code. 125772

(2) The department of youth services shall provide to the 125773
superintendent of the school district in which a child 125774
discharged or released from the custody of the department is 125775
entitled to attend school under section 3313.64 or 3313.65 of 125776
the Revised Code the records described in divisions (D) (4) (a) to 125777
(d) of section 2152.18 of the Revised Code. Subject to the 125778
provisions of section 3319.321 of the Revised Code and the 125779
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 125780
amended, the records released to the superintendent shall remain 125781
confidential and shall not be considered public records as 125782
defined in section 149.43 of the Revised Code. 125783

(E) (1) When a child is committed to the department of 125784
youth services, the department, orally or in writing, shall 125785

notify the parent, guardian, or custodian of a child that the 125786
parent, guardian, or custodian may request at any time from the 125787
superintendent of the institution in which the child is located 125788
any of the information described in divisions (E) (1) (a), (b), 125789
(c), and (d) of this section. The parent, guardian, or custodian 125790
may provide the department with the name, address, and telephone 125791
number of the parent, guardian, or custodian, and, until the 125792
department is notified of a change of name, address, or 125793
telephone number, the department shall use the name, address, 125794
and telephone number provided by the parent, guardian, or 125795
custodian to provide notices or answer inquiries concerning the 125796
following information: 125797

(a) When the department of youth services makes a 125798
permanent assignment of the child to a facility, the department, 125799
orally or in writing and on or before the third business day 125800
after the day the permanent assignment is made, shall notify the 125801
parent, guardian, or custodian of the child of the name of the 125802
facility to which the child has been permanently assigned. 125803

If a parent, guardian, or custodian of a child who is 125804
committed to the department of youth services requests, orally 125805
or in writing, the department to provide the parent, guardian, 125806
or custodian with the name of the facility in which the child is 125807
currently located, the department, orally or in writing and on 125808
or before the next business day after the day on which the 125809
request is made, shall provide the name of that facility to the 125810
parent, guardian, or custodian. 125811

(b) If a parent, guardian, or custodian of a child who is 125812
committed to the department of youth services, orally or in 125813
writing, asks the superintendent of the institution in which the 125814
child is located whether the child is being disciplined by the 125815

personnel of the institution, what disciplinary measure the 125816
personnel of the institution are using for the child, or why the 125817
child is being disciplined, the superintendent or the 125818
superintendent's designee, on or before the next business day 125819
after the day on which the request is made, shall provide the 125820
parent, guardian, or custodian with written or oral responses to 125821
the questions. 125822

(c) If a parent, guardian, or custodian of a child who is 125823
committed to the department of youth services, orally or in 125824
writing, asks the superintendent of the institution in which the 125825
child is held whether the child is receiving any medication from 125826
personnel of the institution, what type of medication the child 125827
is receiving, or what condition of the child the medication is 125828
intended to treat, the superintendent or the superintendent's 125829
designee, on or before the next business day after the day on 125830
which the request is made, shall provide the parent, guardian, 125831
or custodian with oral or written responses to the questions. 125832

(d) When a major incident occurs with respect to a child 125833
who is committed to the department of youth services, the 125834
department, as soon as reasonably possible after the major 125835
incident occurs, shall notify the parent, guardian, or custodian 125836
of the child that a major incident has occurred with respect to 125837
the child and of all the details of that incident that the 125838
department has ascertained. 125839

(2) The failure of the department of youth services to 125840
provide any notification required by or answer any requests made 125841
pursuant to division (E) of this section does not create a cause 125842
of action against the state. 125843

(F) The department of youth services, as a means of 125844
punishment while the child is in its custody, shall not prohibit 125845

a child who is committed to the department from seeing that 125846
child's parent, guardian, or custodian during standard 125847
visitation periods allowed by the department of youth services 125848
unless the superintendent of the institution in which the child 125849
is held determines that permitting that child to visit with the 125850
child's parent, guardian, or custodian would create a safety 125851
risk to that child, that child's parents, guardian, or 125852
custodian, the personnel of the institution, or other children 125853
held in that institution. 125854

(G) As used in this section: 125855

(1) "Permanent assignment" means the assignment or 125856
transfer for an extended period of time of a child who is 125857
committed to the department of youth services to a facility in 125858
which the child will receive training or participate in 125859
activities that are directed toward the child's successful 125860
rehabilitation. "Permanent assignment" does not include the 125861
transfer of a child to a facility for judicial release hearings 125862
pursuant to section 2152.22 of the Revised Code or for any other 125863
temporary assignment or transfer to a facility. 125864

(2) "Major incident" means the escape or attempted escape 125865
of a child who has been committed to the department of youth 125866
services from the facility to which the child is assigned; the 125867
return to the custody of the department of a child who has 125868
escaped or otherwise fled the custody and control of the 125869
department without authorization; the allegation of any sexual 125870
activity with a child committed to the department; physical 125871
injury to a child committed to the department as a result of 125872
alleged abuse by department staff; an accident resulting in 125873
injury to a child committed to the department that requires 125874
medical care or treatment outside the institution in which the 125875

child is located; the discovery of a controlled substance upon 125876
the person or in the property of a child committed to the 125877
department; a suicide attempt by a child committed to the 125878
department; a suicide attempt by a child committed to the 125879
department that results in injury to the child requiring 125880
emergency medical services outside the institution in which the 125881
child is located; the death of a child committed to the 125882
department; an injury to a visitor at an institution under the 125883
control of the department that is caused by a child committed to 125884
the department; and the commission or suspected commission of an 125885
act by a child committed to the department that would be an 125886
offense if committed by an adult. 125887

(3) "Sexual activity" has the same meaning as in section 125888
2907.01 of the Revised Code. 125889

(4) "Controlled substance" has the same meaning as in 125890
section 3719.01 of the Revised Code. 125891

(5) "Residential care facility" and "residential facility" 125892
have the same meanings as in section 2151.011 of the Revised 125893
Code. 125894

Sec. 5139.08. The department of youth services may enter 125895
into an agreement with the director of rehabilitation and 125896
correction pursuant to which the department of youth services, 125897
in accordance with division (C) (2) of section 5139.06 and 125898
section 5120.162 of the Revised Code, may transfer to a 125899
correctional medical center established by the department of 125900
rehabilitation and correction, children who are within its 125901
custody for diagnosis or treatment of an illness, physical 125902
condition, or other medical problem. The department of youth 125903
services may enter into any other agreements with the director 125904
of children and youth, the director of job and family services, 125905

the director of mental health and addiction services, the 125906
director of developmental disabilities, the director of 125907
rehabilitation and correction, with the courts having probation 125908
officers or other public officials, and with private agencies or 125909
institutions for separate care or special treatment of children 125910
subject to the control of the department of youth services. The 125911
department of youth services may, upon the request of a juvenile 125912
court not having a regular probation officer, provide probation 125913
services for such court. 125914

Upon request by the department of youth services, any 125915
public agency or group care facility established or administered 125916
by the state for the care and treatment of children and youth 125917
shall, consistent with its functions, accept and care for any 125918
child whose custody is vested in the department in the same 125919
manner as it would be required to do if custody had been vested 125920
by a court in such agency or group care facility. If the 125921
department has reasonable grounds to believe that any child or 125922
youth whose custody is vested in it is mentally ill or has an 125923
intellectual disability, the department may file an affidavit 125924
under section 5122.11 or 5123.76 of the Revised Code. The 125925
department's affidavit for admission of a child or youth to such 125926
institution shall be filed with the probate court of the county 125927
from which the child was committed to the department. Such court 125928
may request the probate court of the county in which the child 125929
is held to conduct the hearing on the application, in which case 125930
the court making such request shall bear the expenses of the 125931
proceeding. If the department files such an affidavit, the child 125932
or youth may be kept in such institution until a final decision 125933
on the affidavit is made by the appropriate court. 125934

Sec. 5139.12. Any person who is required, pursuant to 125935
division (A) of section 2151.421 of the Revised Code, to report 125936

the person's knowledge of or reasonable cause to suspect abuse 125937
or neglect or threat of abuse or neglect of a child under 125938
eighteen years of age or a person with a developmental 125939
disability or physical impairment under twenty-one years of age, 125940
or any person who is permitted, pursuant to division (B) of that 125941
section, to report or cause such a report to be made and who 125942
makes or causes the report to be made, shall direct that report 125943
to the state highway patrol if the child is a delinquent child 125944
in the custody of an institution. If the state highway patrol 125945
determines after receipt of the report that there is probable 125946
cause that abuse or neglect or threat of abuse or neglect of the 125947
delinquent child occurred, the highway patrol shall report its 125948
findings to the department of youth services, to the court that 125949
ordered the disposition of the delinquent child for the act that 125950
would have been an offense if committed by an adult and for 125951
which the delinquent child is in the custody of the department, 125952
to the public children services agency in the county in which 125953
the child resides or in which the abuse or neglect or threat of 125954
abuse or neglect occurred, and to the ~~chairperson and vice-~~ 125955
~~chairperson of the correctional institution inspection committee~~ 125956
~~established by section 103.71 of the Revised Code~~attorney 125957
general. 125958

Sec. 5139.14. (A) (1) The department of youth services 125959
shall permit representatives of all nonprofit faith-based, 125960
business, professional, civic, educational, and community 125961
organizations that are registered with the department to enter 125962
institutions that are under the department's control and 125963
management for the purpose of providing reentry services to 125964
delinquent children in the department's custody. Reentry 125965
services may include, but are not limited to, counseling, 125966
housing, job-placement, and money-management assistance. 125967

(2) The department shall adopt rules pursuant to Chapter 125968
119. of the Revised Code for the screening and registration of 125969
nonprofit faith-based, business, professional, civic, 125970
educational, and community organizations that apply to provide 125971
reentry services to delinquent children in institutions under 125972
the department's control and management. 125973

(B) (1) The department shall post a department telephone 125974
number on the department's official internet web site that 125975
nonprofit faith-based, business, professional, civic, 125976
educational, and community organizations that wish to provide 125977
reentry services to delinquent children may call to obtain 125978
information. The internet web site also shall list all of the 125979
faith-based, business, professional, civic, educational, and 125980
community organizations that are registered with the department 125981
under this section. 125982

(2) The department shall actively recruit nonprofit faith- 125983
based, business, professional, civic, educational, and community 125984
organizations to provide reentry services in institutions under 125985
the department's control and management. The department shall 125986
recruit nonprofit organizations from all faiths and beliefs. 125987

(C) Annually, the department shall issue a written report 125988
on the department's progress in implementing the recommendations 125989
of the correctional faith-based initiatives task force. The 125990
department shall provide a copy of the written report to ~~each~~ 125991
~~member of the correctional institution inspection committee~~ 125992
~~created under section 103.71 of the Revised Code~~ the general 125993
assembly in accordance with section 101.68 of the Revised Code. 125994

(D) The department shall not endorse or sponsor any faith- 125995
based reentry program or endorse any specific religious message. 125996
The department may not require any child in its custody to 125997

participate in a faith-based program. 125998

Sec. 5139.34. (A) Funds may be appropriated to the 125999
department of youth services for the purpose of granting state 126000
subsidies to counties. A county or the juvenile court that 126001
serves a county shall use state subsidies granted to the county 126002
pursuant to this section only in accordance with divisions (B) 126003
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 126004
rules pertaining to the state subsidy funds that the department 126005
adopts pursuant to division (D) of section 5139.04 of the 126006
Revised Code. The department shall not grant financial 126007
assistance pursuant to this section for the provision of care 126008
and services for children in a placement facility unless the 126009
facility has been certified, licensed, or approved by a state or 126010
national agency with certification, licensure, or approval 126011
authority, including, but not limited to, the department of ~~job-~~ 126012
~~and family services~~ children and youth, department of education 126013
and workforce, department of mental health and addiction 126014
services, department of developmental disabilities, or American 126015
correctional association. For the purposes of this section, 126016
placement facilities do not include a state institution or a 126017
county or district children's home. 126018

The department of youth services also shall not grant 126019
financial assistance pursuant to this section for the provision 126020
of care and services for children, including, but not limited 126021
to, care and services in a detention facility, in another 126022
facility, or in out-of-home placement, unless the minimum 126023
standards applicable to the care and services that the 126024
department prescribes in rules adopted pursuant to division (D) 126025
of section 5139.04 of the Revised Code have been satisfied. 126026

(B) The department of youth services shall apply the 126027

following formula to determine the amount of the annual grant 126028
that each county is to receive pursuant to division (A) of this 126029
section, subject to the appropriation for this purpose to the 126030
department made by the general assembly: 126031

(1) Each county shall receive a basic annual grant of 126032
fifty thousand dollars. 126033

(2) The sum of the basic annual grants provided under 126034
division (B) (1) of this section shall be subtracted from the 126035
total amount of funds appropriated to the department of youth 126036
services for the purpose of making grants pursuant to division 126037
(A) of this section to determine the remaining portion of the 126038
funds appropriated. The remaining portion of the funds 126039
appropriated shall be distributed on a per capita basis to each 126040
county that has a population of more than twenty-five thousand 126041
for that portion of the population of the county that exceeds 126042
twenty-five thousand. 126043

(C) (1) Prior to a county's receipt of an annual grant 126044
pursuant to this section, the juvenile court that serves the 126045
county shall prepare, submit, and file in accordance with 126046
division (B) (3) (a) of section 5139.43 of the Revised Code an 126047
annual grant agreement and application for funding that is for 126048
the combined purposes of, and that satisfies the requirements 126049
of, this section and section 5139.43 of the Revised Code. In 126050
addition to the subject matters described in division (B) (3) (a) 126051
of section 5139.43 of the Revised Code or in the rules that the 126052
department adopts to implement that division, the annual grant 126053
agreement and application for funding shall address fiscal 126054
accountability and performance matters pertaining to the 126055
programs, care, and services that are specified in the agreement 126056
and application and for which state subsidy funds granted 126057

pursuant to this section will be used. 126058

(2) The county treasurer of each county that receives an 126059
annual grant pursuant to this section shall deposit the state 126060
subsidy funds so received into the county's felony delinquent 126061
care and custody fund created pursuant to division (B)(1) of 126062
section 5139.43 of the Revised Code. Subject to exceptions 126063
prescribed in section 5139.43 of the Revised Code that may apply 126064
to the disbursement, the department shall disburse the state 126065
subsidy funds to which a county is entitled in a lump sum 126066
payment that shall be made in July of each calendar year. 126067

(3) Upon an order of the juvenile court that serves a 126068
county and subject to appropriation by the board of county 126069
commissioners of that county, a county treasurer shall disburse 126070
from the county's felony delinquent care and custody fund the 126071
state subsidy funds granted to the county pursuant to this 126072
section for use only in accordance with this section, the 126073
applicable provisions of section 5139.43 of the Revised Code, 126074
and the county's approved annual grant agreement and application 126075
for funding. 126076

(4) The moneys in a county's felony delinquent care and 126077
custody fund that represent state subsidy funds granted pursuant 126078
to this section are subject to appropriation by the board of 126079
county commissioners of the county; shall be disbursed by the 126080
county treasurer as required by division (C)(3) of this section; 126081
shall be used in the manners referred to in division (C)(3) of 126082
this section; shall not revert to the county general fund at the 126083
end of any fiscal year; shall carry over in the felony 126084
delinquent care and custody fund from the end of any fiscal year 126085
to the next fiscal year; shall be in addition to, and shall not 126086
be used to reduce, any usual annual increase in county funding 126087

that the juvenile court is eligible to receive or the current 126088
level of county funding of the juvenile court and of any 126089
programs, care, or services for alleged or adjudicated 126090
delinquent children, unruly children, or juvenile traffic 126091
offenders or for children who are at risk of becoming delinquent 126092
children, unruly children, or juvenile traffic offenders; and 126093
shall not be used to pay for the care and custody of felony 126094
delinquents who are in the care and custody of an institution 126095
pursuant to a commitment, recommitment, or revocation of a 126096
release on parole by the juvenile court of that county or who 126097
are in the care and custody of a community corrections facility 126098
pursuant to a placement by the department as described in 126099
division (E) of section 5139.36 of the Revised Code. 126100

(5) As a condition of the continued receipt of state 126101
subsidy funds pursuant to this section, each county and the 126102
juvenile court that serves each county that receives an annual 126103
grant pursuant to this section shall comply with divisions (B) 126104
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 126105

Sec. 5145.162. (A) There is hereby created the office of 126106
enterprise development advisory board to advise and assist the 126107
department of rehabilitation and correction with the creation of 126108
training programs and jobs for inmates and releasees through 126109
partnerships with private sector businesses. The board shall 126110
consist of at least five appointed members~~and the staff~~ 126111
~~representative assigned by the correctional institution~~ 126112
~~inspection committee, who shall serve as an ex officio member.~~ 126113
Each member shall have experience in labor relations, marketing, 126114
business management, or business. The members and chairperson 126115
shall be appointed by the director of the department of 126116
rehabilitation and correction. 126117

(B) Each member of the advisory board shall receive no 126118
compensation but may be reimbursed for expenses actually and 126119
necessarily incurred in the performance of official duties of 126120
the board. Members of the board who are state employees shall be 126121
reimbursed for expenses pursuant to travel rules promulgated by 126122
the office of budget and management. 126123

(C) The advisory board shall adopt procedures for the 126124
conduct of the board's meetings. The board shall meet at least 126125
once every quarter, and otherwise shall meet at the call of the 126126
chairperson or the director of the department of rehabilitation 126127
and correction. Sixty per cent of the members shall constitute a 126128
quorum. No transaction of the board's business shall be taken 126129
without the concurrence of a quorum of the members. The board 126130
may have committees with persons who are not members of the 126131
board but whose experience and expertise is relevant and useful 126132
to the work of the committee. 126133

(D) The advisory board shall have the following duties: 126134

(1) Solicit business proposals offering job training, 126135
apprenticeship, education programs, and employment opportunities 126136
for inmates, releasees, and Ohio penal industries; 126137

(2) Provide information and input to the office of 126138
enterprise development to support the job training and 126139
employment program of inmates and releasees and any additional, 126140
related duties as requested by the director of the department of 126141
rehabilitation and correction; 126142

(3) Recommend to the office of enterprise development any 126143
legislation, administrative rule, or department policy change 126144
that the board believes is necessary to implement the 126145
department's program; 126146

(4) Promote public awareness of the office of enterprise	126147
development and the office's employment program;	126148
(5) Familiarize itself and the public with avenues to	126149
access the office of enterprise development on employment	126150
program concerns;	126151
(6) Advocate for the needs and concerns of the office of	126152
enterprise development in local communities, counties, and the	126153
state;	126154
(7) Play an active role in the office of enterprise	126155
development's efforts to reduce recidivism in the state by doing	126156
all of the following:	126157
(a) Providing input and making recommendations for the	126158
office's consideration in monitoring employment program	126159
compliance and effectiveness;	126160
(b) Making suggestions on the appropriate priorities for	126161
the office's grant award criteria;	126162
(c) Being a liaison between the office and constituents of	126163
the board's members;	126164
(d) Working to develop constituent groups interested in	126165
employment program issues;	126166
(8) Aid in the employment program development process by	126167
playing a leadership role in professional associations by	126168
discussing employment program issues.	126169
(E) The department of rehabilitation and correction shall	126170
initially screen each proposal obtained under division (D) (1) of	126171
this section to ensure that the proposal is a viable venture to	126172
pursue. If the department determines that a proposal is a viable	126173
venture to pursue, the department shall submit the proposal to	126174

the board for objective review against established guidelines. 126175
The board shall determine whether to recommend the 126176
implementation of the program to the department. 126177

Sec. 5145.32. Every officer or employee of a correctional 126178
institution under the control or supervision of the department 126179
of rehabilitation and correction, and every contractor, or 126180
employee of such contractor, upon entering the grounds of a 126181
state correctional institution, shall be subject to screening to 126182
prevent the conveyance of drugs of abuse into the institution. 126183

Sec. 5153.10. Each public children services agency shall 126184
designate an executive officer known as the "executive 126185
director," who shall not be in the classified civil service. The 126186
superintendent of the children's home, the county director of 126187
job and family services, or other individual may serve as the 126188
executive director. 126189

The agency shall, from time to time, inquire into 126190
community conditions affecting the welfare of children and study 126191
the work of the agency and its relation to the work of other 126192
organizations whose functions are related to child welfare. The 126193
agency may, after consultation with the executive director, 126194
adopt rules of general application, not inconsistent with law or 126195
with the rules adopted by the director of ~~job and family~~ 126196
~~services~~ children and youth. 126197

Sec. 5153.122. Each PCSA caseworker hired after January 1, 126198
2007, shall complete in-service training during the first year 126199
of the caseworker's continuous employment as a PCSA caseworker, 126200
except that the executive director of the public children 126201
services agency may waive the training requirement for a school 126202
of social work graduate who participated in the university 126203
partnership program described in division (E) of section 126204

~~5101.141~~ 5180.42 of the Revised Code and as provided in section 126205
5153.124 of the Revised Code. The training shall consist of 126206
courses in all of the following: 126207

(A) Recognizing, accepting reports of, and preventing 126208
child abuse, neglect, and dependency; 126209

(B) Assessing child safety; 126210

(C) Assessing risks; 126211

(D) Interviewing persons; 126212

(E) Investigating cases; 126213

(F) Intervening; 126214

(G) Providing services to children and their families; 126215

(H) The importance of and need for accurate data; 126216

(I) Preparation for court; 126217

(J) Maintenance of case record information; 126218

(K) The legal duties of PCSA caseworkers to protect the 126219
constitutional and statutory rights of children and families 126220
from the initial time of contact during investigation through 126221
treatment, including instruction regarding parents' rights and 126222
the limitations that the Fourth Amendment to the United States 126223
Constitution places upon caseworkers and their investigations; 126224

(L) Content on other topics relevant to child abuse, 126225
neglect, and dependency, including permanency strategies, 126226
concurrent planning, and adoption as an option for unintended 126227
pregnancies. 126228

After a PCSA caseworker's first year of continuous 126229
employment as a PCSA caseworker, the caseworker annually shall 126230

complete thirty-six hours of training in areas relevant to the 126231
caseworker's assigned duties. 126232

During the first two years of continuous employment as a 126233
PCSA caseworker, each PCSA caseworker shall complete training in 126234
recognizing the signs of domestic violence and its relationship 126235
to child abuse as established in rules the director of children 126236
and youth shall adopt pursuant to Chapter 119. of the Revised 126237
Code. 126238

Sec. 5153.16. (A) Except as provided in section 2151.422 126239
of the Revised Code, in accordance with rules adopted under 126240
section 5153.166 of the Revised Code, and on behalf of children 126241
in the county whom the public children services agency considers 126242
to be in need of public care or protective services, the public 126243
children services agency shall do all of the following: 126244

(1) Make an investigation concerning any child alleged to 126245
be an abused, neglected, or dependent child; 126246

(2) Enter into agreements with the parent, guardian, or 126247
other person having legal custody of any child, or with the 126248
department of children and youth, department of mental health 126249
and addiction services, department of developmental 126250
disabilities, other department, any certified organization 126251
within or outside the county, or any agency or institution 126252
outside the state, having legal custody of any child, with 126253
respect to the custody, care, or placement of any child, or with 126254
respect to any matter, in the interests of the child, provided 126255
the permanent custody of a child shall not be transferred by a 126256
parent to the public children services agency without the 126257
consent of the juvenile court; 126258

(3) Enter into a contract with an agency providing 126259

prevention services in an effort to prevent neglect or abuse, to 126260
enhance a child's welfare, and to preserve the family unit 126261
intact when referring a family for prevention services under 126262
division (J) of section 2151.421 of the Revised Code. 126263

(4) Accept custody of children committed to the public 126264
children services agency by a court exercising juvenile 126265
jurisdiction; 126266

(5) Provide such care as the public children services 126267
agency considers to be in the best interests of any child 126268
adjudicated to be an abused, neglected, or dependent child the 126269
agency finds to be in need of public care or service; 126270

(6) Provide social services to any unmarried girl 126271
adjudicated to be an abused, neglected, or dependent child who 126272
is pregnant with or has been delivered of a child; 126273

(7) Make available to the children with medical handicaps 126274
program of the department of health at its request any 126275
information concerning a child with a disability found to be in 126276
need of treatment under sections 3701.021 to 3701.028 of the 126277
Revised Code who is receiving services from the public children 126278
services agency; 126279

(8) Provide temporary emergency care for any child 126280
considered by the public children services agency to be in need 126281
of such care, without agreement or commitment; 126282

(9) Find certified foster homes, within or outside the 126283
county, for the care of children, including children with 126284
disabilities from other counties attending special schools in 126285
the county; 126286

(10) Subject to the approval of the board of county 126287
commissioners and the department of children and youth, 126288

establish and operate a training school or enter into an 126289
agreement with any municipal corporation or other political 126290
subdivision of the county respecting the operation, acquisition, 126291
or maintenance of any children's home, training school, or other 126292
institution for the care of children maintained by such 126293
municipal corporation or political subdivision; 126294

(11) Acquire and operate a county children's home, 126295
establish, maintain, and operate a receiving home for the 126296
temporary care of children, or procure certified foster homes 126297
for this purpose; 126298

(12) Enter into an agreement with the trustees of any 126299
district children's home, respecting the operation of the 126300
district children's home in cooperation with the other county 126301
boards in the district; 126302

(13) Cooperate with, make its services available to, and 126303
act as the agent of persons, courts, the department of children 126304
and youth, the department of health, and other organizations 126305
within and outside the state, in matters relating to the welfare 126306
of children, except that the public children services agency 126307
shall not be required to provide supervision of or other 126308
services related to the exercise of parenting time rights 126309
granted pursuant to section 3109.051 or 3109.12 of the Revised 126310
Code or companionship or visitation rights granted pursuant to 126311
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 126312
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 126313
or a common pleas court, pursuant to division (E) (6) of section 126314
3113.31 of the Revised Code, requires the provision of 126315
supervision or other services related to the exercise of the 126316
parenting time rights or companionship or visitation rights; 126317

(14) Make investigations at the request of any 126318

superintendent of schools in the county or the principal of any 126319
school concerning the application of any child adjudicated to be 126320
an abused, neglected, or dependent child for release from 126321
school, where such service is not provided through a school 126322
attendance department; 126323

(15) Administer funds provided under Title IV-E of the 126324
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 126325
amended, in accordance with rules adopted under section ~~5101.141~~ 126326
5180.42 of the Revised Code; 126327

(16) In addition to administering Title IV-E adoption 126328
assistance funds, enter into agreements to make adoption 126329
assistance payments under section 5153.163 of the Revised Code; 126330

(17) Implement a system of safety and risk assessment, in 126331
accordance with rules adopted by the director of children and 126332
youth, to assist the public children services agency in 126333
determining the risk of abuse or neglect to a child; 126334

(18) Enter into a plan of cooperation with the board of 126335
county commissioners under section 307.983 of the Revised Code 126336
and comply with each fiscal agreement the board enters into 126337
under section 307.98 of the Revised Code that include family 126338
services duties of public children services agencies and 126339
contracts the board enters into under sections 307.981 and 126340
307.982 of the Revised Code that affect the public children 126341
services agency; 126342

(19) Make reasonable efforts to prevent the removal of an 126343
alleged or adjudicated abused, neglected, or dependent child 126344
from the child's home, eliminate the continued removal of the 126345
child from the child's home, or make it possible for the child 126346
to return home safely, except that reasonable efforts of that 126347

nature are not required when a court has made a determination 126348
under division (A) (2) of section 2151.419 of the Revised Code; 126349

(20) Make reasonable efforts to place the child in a 126350
timely manner in accordance with the permanency plan approved 126351
under division (E) of section 2151.417 of the Revised Code and 126352
to complete whatever steps are necessary to finalize the 126353
permanent placement of the child; 126354

(21) Administer a Title IV-A program identified under 126355
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 126356
that the department of children and youth provides for the 126357
public children services agency to administer under the 126358
department's supervision pursuant to section 5101.801 of the 126359
Revised Code; 126360

(22) Administer the kinship permanency incentive program 126361
created under section ~~5101.802~~ 5180.52 of the Revised Code under 126362
the supervision of the director of children and youth; 126363

(23) Provide independent living services pursuant to 126364
sections 2151.81 to 2151.84 of the Revised Code; 126365

(24) File a missing child report with a local law 126366
enforcement agency upon becoming aware that a child in the 126367
custody of the public children services agency is or may be 126368
missing. 126369

(B) The public children services agency shall use the 126370
system implemented pursuant to division (A) (17) of this section 126371
in connection with an investigation undertaken pursuant to 126372
division (G) (1) of section 2151.421 of the Revised Code to 126373
assess both of the following: 126374

(1) The ongoing safety of the child; 126375

(2) The appropriateness of the intensity and duration of 126376
the services provided to meet child and family needs throughout 126377
the duration of a case. 126378

(C) Except as provided in section 2151.422 of the Revised 126379
Code, in accordance with rules of the director of children and 126380
youth, and on behalf of children in the county whom the public 126381
children services agency considers to be in need of public care 126382
or protective services, the public children services agency may 126383
do the following: 126384

(1) Provide or find, with other child serving systems, 126385
specialized foster care for the care of children in a 126386
specialized foster home, as defined in section 5103.02 of the 126387
Revised Code, certified under section 5103.03 of the Revised 126388
Code; 126389

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 126390
this section, contract with the following for the purpose of 126391
assisting the agency with its duties: 126392

(i) County departments of job and family services; 126393

(ii) Boards of alcohol, drug addiction, and mental health 126394
services; 126395

(iii) County boards of developmental disabilities; 126396

(iv) Regional councils of political subdivisions 126397
established under Chapter 167. of the Revised Code; 126398

(v) Private and government providers of services; 126399

(vi) Managed care organizations and prepaid health plans. 126400

(b) A public children services agency contract under 126401
division (C) (2) (a) of this section regarding the agency's duties 126402

under section 2151.421 of the Revised Code may not provide for 126403
the entity under contract with the agency to perform any service 126404
not authorized by the department's rules. 126405

(c) Only a county children services board appointed under 126406
section 5153.03 of the Revised Code that is a public children 126407
services agency may contract under division (C) (2) (a) of this 126408
section. If an entity specified in division (B) or (C) of 126409
section 5153.02 of the Revised Code is the public children 126410
services agency for a county, the board of county commissioners 126411
may enter into contracts pursuant to section 307.982 of the 126412
Revised Code regarding the agency's duties. 126413

Sec. 5153.163. (A) As used in this section: 126414

(1) "Adoptive parent" means, as the context requires, a 126415
prospective adoptive parent or an adoptive parent. 126416

(2) "Relative" has the same meaning as in section ~~5101.141~~ 126417
5180.42 of the Revised Code. 126418

(B) (1) Before a child's adoption is finalized, a public 126419
children services agency may enter into an agreement with the 126420
child's adoptive parent under which the agency, to the extent 126421
state funds are available, may make state adoption maintenance 126422
subsidy payments as needed on behalf of the child when all of 126423
the following apply: 126424

(a) The child is a child with special needs. 126425

(b) The child was placed in the adoptive home by a public 126426
children services agency or a private child placing agency and 126427
may legally be adopted. 126428

(c) The adoptive parent has the capability of providing 126429
the permanent family relationships needed by the child. 126430

(d) The needs of the child are beyond the economic 126431
resources of the adoptive parent. 126432

(e) Acceptance of the child as a member of the adoptive 126433
parent's family would not be in the child's best interest 126434
without payments on the child's behalf under this section. 126435

(f) The gross income of the adoptive parent's family does 126436
not exceed one hundred twenty per cent of the median income of a 126437
family of the same size, including the child, as most recently 126438
determined for this state by the secretary of health and human 126439
services under Title XX of the "Social Security Act," 88 Stat. 126440
2337, 42 U.S.C.A. 1397, as amended. 126441

(g) The child is not eligible for adoption assistance 126442
payments under Title IV-E of the "Social Security Act," 94 Stat. 126443
501 (1980), 42 U.S.C.A. 671, as amended. 126444

(2) State adoption maintenance subsidy payment agreements 126445
must be made by either the public children services agency that 126446
has permanent custody of the child or the public children 126447
services agency of the county in which the private child placing 126448
agency that has permanent custody of the child is located. 126449

(3) State adoption maintenance subsidy payments shall be 126450
made in accordance with the agreement between the public 126451
children services agency and the adoptive parent and are subject 126452
to an annual redetermination of need. 126453

(4) Payments under this division may begin either before 126454
or after issuance of the final adoption decree, except that 126455
payments made before issuance of the final adoption decree may 126456
be made only while the child is living in the adoptive parent's 126457
home. Preadoption payments may be made for not more than twelve 126458
months, unless the final adoption decree is not issued within 126459

that time because of a delay in court proceedings. Payments that 126460
begin before issuance of the final adoption decree may continue 126461
after its issuance. 126462

(C) (1) A public children services agency may enter into an 126463
agreement with a child's relative under which the agency, to the 126464
extent state funds are available, may provide state kinship 126465
guardianship assistance as needed on behalf of the child when 126466
all of the following apply: 126467

(a) The relative has cared for the eligible child as a 126468
foster caregiver as defined by section 5103.02 of the Revised 126469
Code for at least six consecutive months. 126470

(b) Both of the following apply: 126471

(i) A juvenile court issued an order granting legal 126472
custody of the child to the relative, or a probate court issued 126473
an order granting guardianship of the child to the relative, and 126474
the order is not a temporary court order. 126475

(ii) The relative has committed to care for the child on a 126476
permanent basis. 126477

(c) The relative signed a state kinship guardianship 126478
assistance agreement prior to assuming legal guardianship or 126479
legal custody of the child. 126480

(d) The child had been removed from home pursuant to a 126481
voluntary placement agreement or as a result of a judicial 126482
determination to the effect that continuation in the home would 126483
be contrary to the welfare of the child. 126484

(e) Returning the child home or adoption are not 126485
appropriate permanency options for the child. 126486

(f) The child demonstrates a strong attachment to the 126487

relative and the relative has a strong commitment to caring 126488
permanently for the child. 126489

(g) With respect to a child who has attained fourteen 126490
years of age, the child has been consulted regarding the state 126491
kinship guardianship assistance arrangement. 126492

(h) The child is not eligible for kinship guardianship 126493
assistance payments under Title IV-E of the "Social Security 126494
Act," 42 U.S.C. 673(d), as amended. 126495

(2) The public children services agency that had custody 126496
of a child immediately prior to a court granting legal custody 126497
or guardianship of the child to a relative of the child 126498
described in division (C) (1) of this section is authorized to 126499
enter into a state kinship guardianship assistance agreement 126500
with that relative. 126501

(3) State kinship guardianship assistance for a child 126502
shall be provided in accordance with a state kinship 126503
guardianship assistance agreement entered into between the 126504
public children services agency and relative of the child 126505
described in division (C) (1) of this section and is subject to 126506
an annual redetermination of need. 126507

~~(4) Not later than fifteen months after September 30,~~ 126508
~~2021, if the amended state plan submitted under Title IV-E to~~ 126509
~~implement 42 U.S.C. 673(d) as described in section 5101.1416 of~~ 126510
~~the Revised Code is approved, division (C) of this section shall~~ 126511
~~be implemented.~~ 126512

(D) No payment shall be made under division (B) or (C) of 126513
this section on behalf of any person eighteen years of age or 126514
older beyond the end of the school year during which the person 126515
attains the age of eighteen or on behalf of a person with a 126516

mental or physical disability twenty-one years of age or older. 126517

(E) The director of children and youth shall adopt rules 126518
in accordance with Chapter 119. of the Revised Code that are 126519
needed to implement this section. The rules shall establish all 126520
of the following: 126521

(1) The application process for all forms of assistance 126522
provided under this section; 126523

(2) The method to determine the amount of assistance 126524
payable under division (B) of this section; 126525

(3) The definition of "child with special needs" for this 126526
section; 126527

(4) The process whereby a child's continuing need for 126528
services provided under division (B) or (C) of this section is 126529
annually redetermined; 126530

(5) Any other rule, requirement, or procedure the 126531
department considers appropriate for the implementation of this 126532
section. 126533

(F) The state adoption special services subsidy program 126534
ceases to exist on July 1, 2004, except that, subject to the 126535
findings of the annual redetermination process established under 126536
division (E) of this section and the child's individual need for 126537
services, a public children services agency may continue to 126538
provide state adoption special services subsidy payments on 126539
behalf of a child for whom payments were being made prior to 126540
July 1, 2004. 126541

(G) Benefits and services provided under this section are 126542
inalienable whether by way of assignment, charge, or otherwise 126543
and exempt from execution, attachment, garnishment, and other 126544

like processes. 126545

Sec. 5160.37. (A) A medical assistance recipient's 126546
enrollment in a medical assistance program gives an automatic 126547
right of recovery to the department of medicaid and a county 126548
department of job and family services against the liability of a 126549
third party for the cost of medical assistance paid on behalf of 126550
the recipient. When an action or claim is brought against a 126551
third party by a medical assistance recipient, any payment, 126552
settlement or compromise of the action or claim, or any court 126553
award or judgment, is subject to the recovery right of the 126554
department of medicaid or county department. Except in the case 126555
of a medical assistance recipient who receives medical 126556
assistance through a medicaid managed care organization, the 126557
department's or county department's claim shall not exceed the 126558
amount of medical assistance paid by the department or county 126559
department on behalf of the recipient. A payment, settlement, 126560
compromise, judgment, or award that excludes the cost of medical 126561
assistance paid for by the department or county department shall 126562
not preclude a department from enforcing its rights under this 126563
section. 126564

(B) (1) In the case of a medical assistance recipient who 126565
receives medical assistance through a medicaid managed care 126566
organization that has a capitation agreement with a provider, 126567
the amount of the department's or county department's claim 126568
shall be the amount the medicaid managed care organization would 126569
have paid in the absence of a capitation agreement. 126570

(2) In the case of a medical assistance recipient who 126571
receives medical assistance through a medicaid managed care 126572
organization that does not have a capitation agreement with a 126573
provider, the amount of the department's or county department's 126574

claim shall be the amount the medicaid managed care organization 126575
pays for medical assistance rendered to the recipient, even if 126576
that amount is more than the amount the department or county 126577
department pays to the medicaid managed care organization for 126578
the recipient's medical assistance. 126579

(C) A medical assistance recipient, and the recipient's 126580
attorney, if any, shall cooperate with the departments. In 126581
furtherance of this requirement, the medical assistance 126582
recipient, or the recipient's attorney, if any, shall, not later 126583
than thirty days after initiating informal recovery activity or 126584
filing a legal recovery action against a third party, provide 126585
written notice of the activity or action to the department of 126586
medicaid or county department if it has paid for medical 126587
assistance under a medical assistance program. 126588

(D) The written notice that must be given under division 126589
(C) of this section shall disclose the identity and address of 126590
any third party against whom the medical assistance recipient 126591
has or may have a right of recovery. 126592

(E) No settlement, compromise, judgment, or award or any 126593
recovery in any action or claim by a medical assistance 126594
recipient where the department or county department has a right 126595
of recovery shall be made final without first giving the 126596
department or county department written notice as described in 126597
division (C) of this section and a reasonable opportunity to 126598
perfect its rights of recovery. If the department or county 126599
department is not given the appropriate written notice, the 126600
medical assistance recipient and, if there is one, the 126601
recipient's attorney, are liable to reimburse the department or 126602
county department for the recovery received to the extent of 126603
medical assistance payments made by the department or county 126604

department. 126605

(F) The department or county department shall be permitted 126606
to enforce its recovery rights against the third party even 126607
though it accepted prior payments in discharge of its rights 126608
under this section if, at the time the department or county 126609
department received such payments, it was not aware that 126610
additional medical expenses had been incurred but had not yet 126611
been paid by the department or county department. The third 126612
party becomes liable to the department or county department as 126613
soon as the third party is notified in writing of the valid 126614
claims for recovery under this section. 126615

(G) (1) Subject to division (G) (2) of this section, the 126616
right of recovery of the department or county department does 126617
not apply to that portion of any judgment, award, settlement, or 126618
compromise of a claim, to the extent of attorneys' fees, costs, 126619
or other expenses incurred by a medical assistance recipient in 126620
securing the judgment, award, settlement, or compromise, or to 126621
the extent of medical, surgical, and hospital expenses paid by 126622
such recipient from the recipient's own resources. 126623

(2) Reasonable attorneys' fees, not to exceed one-third of 126624
the total judgment, award, settlement, or compromise, plus costs 126625
and other expenses incurred by the medical assistance recipient 126626
in securing the judgment, award, settlement, or compromise, 126627
shall first be deducted from the total judgment, award, 126628
settlement, or compromise. After fees, costs, and other expenses 126629
are deducted from the total judgment, award, settlement, or 126630
compromise, there shall be a rebuttable presumption that the 126631
department of medicaid or county department shall receive no 126632
less than one-half of the remaining amount, or the actual amount 126633
of medical assistance paid, whichever is less. A party may rebut 126634

the presumption in accordance with division (L) (1) ~~or~~, (2), or
(3) of this section, as applicable.

(H) A right of recovery created by this section may be
enforced separately or jointly by the department of medicaid or
county department. To enforce its recovery rights, the
department or county department may do any of the following:

(1) Intervene or join in any action or proceeding brought
by the medical assistance recipient or on the recipient's behalf
against any third party who may be liable for the cost of
medical assistance paid;

(2) Institute and pursue legal proceedings against any
third party who may be liable for the cost of medical assistance
paid;

(3) Initiate legal proceedings in conjunction with any
injured, diseased, or disabled medical assistance recipient or
the recipient's attorney or representative.

(I) A medical assistance recipient shall not assess
attorney fees, costs, or other expenses against the department
of medicaid or a county department when the department or county
department enforces its right of recovery created by this
section.

(J) The right of recovery given to the department under
this section includes payments made by a third party under
contract with a person having a duty to support.

(K) The department of medicaid may assign to a medical
assistance provider the right of recovery given to the
department under this section with respect to any claim for
which the department has notified the provider that the
department intends to recoup the department's prior payment for

the claim. 126664

(L) (1) Prior to any payment to the department or a county 126665
department pursuant to the department's or county department's 126666
right of recovery under this section, a party that desires to 126667
rebut the presumption in division (G) of this section shall 126668
submit to the department or county department a request for a 126669
hearing in accordance with the procedure the department 126670
establishes in rules required by division (O) of this section. 126671
The amount sought by the department or county department shall 126672
be held in escrow or in an interest on lawyers' trust account 126673
until the hearing examiner renders a decision or the case is 126674
otherwise concluded. A party successfully rebuts the presumption 126675
by a showing of clear and convincing evidence that a different 126676
allocation is warranted. 126677

(2) A medical assistance recipient who has repaid money, 126678
on or after September 29, 2007, to the department or a county 126679
department pursuant to the department's or county department's 126680
right of recovery under this section, section 5160.38 of the 126681
Revised Code, or former section 5101.58 or 5101.59 of the 126682
Revised Code may request a hearing to rebut the presumption in 126683
division (G) of this section. The request shall be made in 126684
accordance with the procedure the department establishes for 126685
this purpose in rules required by division (O) of this section. 126686
It must be made not later than one hundred eighty days after 126687
September 29, 2015, or ninety days after the payment is made, 126688
whichever is later. A party successfully rebuts the presumption 126689
by a showing of clear and convincing evidence that a different 126690
allocation is warranted. 126691

(3) A medical assistance recipient who has repaid money, 126692
between April 6, 2007 and September 28, 2007, to the department 126693

or a county department pursuant to the department's or county 126694
department's right of recovery under this section, section 126695
5160.38 of the Revised Code, or former section 5101.58 or 126696
5101.59 of the Revised Code may request a hearing to rebut the 126697
presumption in division (G) of this section. The request shall 126698
be made not later than one hundred eighty days after the 126699
effective date of this amendment in accordance with the 126700
procedure the department establishes for this purpose in rules 126701
required by division (O) of this section. The presumption is 126702
successfully rebutted if the requestor demonstrates by clear and 126703
convincing evidence that a different allocation is warranted. 126704

(4) With respect to a hearing requested under division (L) 126705
(1) ~~or~~, (2), or (3) of this section, all of the following are 126706
the case: 126707

(a) The hearing examiner may consider, but is not bound by 126708
the allocation of, medical expenses specified in a settlement 126709
agreement between the medical assistance recipient and the 126710
relevant third party; 126711

(b) The department or county department may raise 126712
affirmative defenses during the hearing, including the existence 126713
of a prior settlement with the medical assistance recipient, the 126714
doctrine of accord and satisfaction, or the common law principle 126715
of res judicata; 126716

(c) If the parties agree, live testimony shall not be 126717
presented at the hearing; 126718

(d) The hearing may be governed by rules adopted under 126719
section 5160.02 of the Revised Code. If such rules are adopted, 126720
Chapter 119. of the Revised Code applies to the hearing only to 126721
the extent specified in those rules; 126722

(e) The hearing examiner's decision is binding on the department or county department and the medical assistance recipient unless the decision is reversed or modified on appeal to the medicaid director as described in division (M) of this section;

(f) A request for a hearing may be submitted by any of the following:

(i) The medical assistance recipient;

(ii) The medical assistance recipient's authorized representative;

(iii) The executor or administrator of a medical assistance recipient's estate authorized to make or pursue a request;

(iv) A court-appointed guardian;

(v) An attorney who has been directly retained by the medical assistance recipient, or the recipient's parent, legal guardian, or court-appointed guardian.

(M) (1) A medical assistance recipient who disagrees with a hearing examiner's decision under division (L) of this section may file an administrative appeal with the medicaid director in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. A hearing is not required during the administrative appeal, but the director or the director's designee shall review the hearing examiner's decision and any prior relevant administrative action. After the review, the director or the director's designee shall affirm, modify, remand, or reverse the hearing decision. A decision made under this division is final and binding on the department or county department and the medical

assistance recipient unless it is reversed or modified on appeal 126752
to a court of common pleas as described in division (N) of this 126753
section. 126754

(2) An administrative appeal may be governed by rules 126755
adopted under section 5160.02 of the Revised Code. If such rules 126756
are adopted, Chapter 119. of the Revised Code applies to an 126757
administrative appeal only to the extent specified in those 126758
rules. 126759

(N) A party to an administrative appeal described in 126760
division (M) of this section may file an appeal with a court of 126761
common pleas in accordance with section 119.12 of the Revised 126762
Code. 126763

(O) The medicaid director shall adopt rules under section 126764
5160.02 of the Revised Code as necessary to implement this 126765
section, including rules establishing procedures a party may use 126766
to request a hearing under division (L) (1) ~~or~~, (2), or (3) of 126767
this section or an administrative appeal under division (M) (1) 126768
of this section. The rules shall be adopted in accordance with 126769
Chapter 119. of the Revised Code. 126770

(P) Divisions (L) to (N) of this section are remedial in 126771
nature and shall be liberally construed by the courts of this 126772
state in accordance with section 1.11 of the Revised Code. Those 126773
divisions specify the sole remedy available to a party who 126774
claims the department or a county department has received or is 126775
to receive more money than entitled to receive under this 126776
section, section 5160.38 of the Revised Code, or former section 126777
5101.58 or 5101.59 of the Revised Code. 126778

Sec. 5162.08. (A) Notwithstanding any provision of law to 126779
the contrary, and in accordance with section 5166.03 of the 126780

Revised Code, the department of medicaid shall not seek or 126781
implement an amendment to the medicaid state plan or a medicaid 126782
waiver under section 1115 or 1915 of the "Social Security Act," 126783
42 U.S.C. 1315 and 42 U.S.C. 1396n, that would expand medicaid 126784
coverage to any additional individuals or class of individuals 126785
or increase any net costs to the state, without first providing 126786
notice to the legislative service commission and the standing 126787
committees in the house of representatives and the senate with 126788
jurisdiction over medicaid. 126789

(B) The department shall provide regular updates to those 126790
committees, on a schedule determined by the chairpersons of each 126791
committee, regarding the status of any amendment to the medicaid 126792
state plan or medicaid waiver described in division (A) of this 126793
section. 126794

Sec. 5162.13. (A) On or before the first day of January of 126795
each year, the department of medicaid shall complete a report on 126796
the effectiveness of the medicaid program in meeting the health 126797
care needs of low-income pregnant women, infants, and children. 126798
The report shall include all of the following, delineated by 126799
race and ethnic group: 126800

(1) The estimated number of pregnant women, infants, and 126801
children eligible for the program; 126802

(2) The actual number of eligible persons enrolled in the 126803
program; 126804

(3) The actual number of enrolled pregnant women 126805
categorized by estimated gestational age at time of enrollment; 126806

(4) The average number of days between the following 126807
events: 126808

(a) A pregnant woman's application for medicaid and 126809

enrollment in the fee-for-service component of medicaid; 126810

(b) A pregnant woman's application for enrollment in a 126811
medicaid managed care organization and enrollment in the managed 126812
care organization. 126813

The information described in divisions (A) (4) (a) and (b) 126814
of this section shall also be delineated by county and the urban 126815
and rural communities specified in rules adopted under section 126816
3701.142 of the Revised Code. 126817

(5) The number of prenatal, postpartum, and child health 126818
visits; 126819

(6) The estimated number of enrolled women of child- 126820
bearing age who use a tobacco product; 126821

(7) The estimated number of enrolled women of child- 126822
bearing age who participate in a tobacco cessation program or 126823
who use a tobacco cessation product; 126824

(8) The rates at which enrolled pregnant women receive 126825
addiction or mental health services, progesterone therapy, and 126826
any other service specified by the department; 126827

(9) A report on birth outcomes, including a comparison of 126828
low-birthweight births and infant mortality rates of medicaid 126829
recipients with the general female child-bearing and infant 126830
population in this state; 126831

(10) A comparison of the prenatal, delivery, and child 126832
health costs of the program with such costs of similar programs 126833
in other states, where available; 126834

(11) A report on performance data generated by the 126835
component of the state innovation model (SIM) grant pertaining 126836
to episode-based payments for perinatal care that was awarded to 126837

this state by the center for medicare and medicaid innovation in 126838
the United States centers for medicare and medicaid services; 126839

(12) A report on funds allocated for infant mortality 126840
reduction initiatives in the urban and rural communities 126841
specified in rules adopted under section 3701.142 of the Revised 126842
Code; 126843

(13) A report on the results of client responses to 126844
questions related to pregnancy services and healthcheck that are 126845
asked by the personnel of county departments of job and family 126846
services; 126847

(14) A comparison of the performance of the fee-for- 126848
service component of medicaid with the performance of each 126849
medicaid managed care organization on perinatal health metrics; 126850

(15) A report demonstrating cost savings resulting from 126851
program investments; 126852

(16) Beginning two years after ~~the effective date of this~~ 126853
~~amendment~~ April 30, 2024, a report on the medicaid coverage of 126854
doula services required by section 5164.071 of the Revised Code, 126855
including: 126856

(a) Outcomes related to maternal health and maternal 126857
morbidity; 126858

(b) Infant health outcomes; 126859

(c) The average costs of providing doula services to 126860
mothers and infants; 126861

(d) Estimated cost increases or savings as a result of 126862
providing doula coverage. 126863

(B) The department shall submit the report to the general 126864

assembly in accordance with section 101.68 of the Revised Code— 126865
~~and to the joint medicaid oversight committee.~~ The department 126866
also shall make the report available to the public. 126867

(C) The department shall provide to the ~~joint medicaid~~ 126868
~~oversight committee~~ legislative service commission a copy of the 126869
data used to calculate the information required in the report 126870
under division (A)(16) of this section. 126871

Sec. 5162.132. ~~Annually~~ (A) Not later than the thirty-first 126872
day of December of each year, the department of medicaid shall 126873
prepare a report on the department's efforts to minimize fraud, 126874
waste, and abuse in the medicaid program. The report shall 126875
include all of the following for the most recently concluded 126876
state fiscal year: 126877

(1) Improper medicaid payments and expenditures, including 126878
the individual and total dollar amounts for claims that were 126879
determined to be the result of fraud, waste, or abuse; 126880

(2) Federal and state recovered funds, including the 126881
dollar amounts per claim and the total dollar amounts concerning 126882
fraud, waste, and abuse in the medicaid program; 126883

(3) Aggregate data concerning improper payments and 126884
ineligible medicaid recipients who received medicaid services as 126885
a percentage of the claims investigated or reviewed; 126886

(4) The number of payments made in error, the dollar 126887
amount of those payments within the medicaid program, and the 126888
number of confirmed cases of intentional program violation and 126889
fraud. 126890

(B) Each report shall be made available on the 126891
department's web site. The department shall submit a copy of 126892
each report to the ~~governor, general assembly, and joint~~ 126893

~~medicaid oversight committee chairpersons and ranking members of~~ 126894
~~the committees of the house of representatives and senate with~~ 126895
~~jurisdiction over medicaid and the legislative service~~ 126896
~~commission. The copy to the general assembly shall be submitted~~ 126897
~~in accordance with section 101.68 of the Revised Code. Copies of~~ 126898
~~the report also shall be made available to the public on~~ 126899
~~request.~~ 126900

Sec. 5162.133. Not less than once each year, the medicaid 126901
director shall submit a report on the medicaid buy-in for 126902
workers with disabilities program to the governor, and the 126903
general assembly, ~~and joint medicaid oversight committee.~~ The 126904
copy to the general assembly shall be submitted in accordance 126905
with section 101.68 of the Revised Code. The report shall 126906
include all of the following information: 126907

(A) The number of individuals who participated in the 126908
medicaid buy-in for workers with disabilities program; 126909

(B) The cost of the program; 126910

~~(C) The amount of revenue generated by premiums that~~ 126911
~~participants pay under section 5163.094 of the Revised Code;~~ 126912

~~(D)~~ The average amount of earned income of participants' 126913
families; 126914

~~(E)~~ (D) The average amount of time participants have 126915
participated in the program; 126916

~~(F)~~ (E) The types of other health insurance participants 126917
have been able to obtain. 126918

Sec. 5162.134. Not later than the first day of each July, 126919
the medicaid director shall complete a report of the evaluation 126920
conducted under section 5164.911 of the Revised Code regarding 126921

the integrated care delivery system. The director shall provide 126922
a copy of the report to the general assembly ~~and joint medicaid~~ 126923
~~oversight committee. The copy to the general assembly shall be~~ 126924
~~provided~~ in accordance with section 101.68 of the Revised Code. 126925
The director also shall make the report available to the public. 126926

Sec. 5162.136. (A) The department of medicaid shall 126927
conduct periodic reviews to determine the barriers that medicaid 126928
recipients face in gaining full access to interventions intended 126929
to reduce tobacco use, prevent prematurity, and promote optimal 126930
birth spacing. The first review shall occur not later than sixty 126931
days after ~~the effective date of this section~~ April 6, 2017. 126932
Thereafter, reviews shall be conducted every six months. The 126933
department shall prepare a report that summarizes the results of 126934
each review, which must contain the information specified in 126935
division (C)(1) or (2) of this section, as applicable. Each 126936
report shall be submitted to the commission on infant mortality, ~~the joint medicaid oversight committee,~~ 126937
~~and the general~~ 126938
assembly. Submissions to the general assembly shall be made in 126939
accordance with section 101.68 of the Revised Code. 126940

(B) The department shall make a presentation on each 126941
report at the first meeting of the commission on infant 126942
mortality that follows the report's submission to the 126943
commission. 126944

(C)(1) All of the following shall be in the first report 126945
submitted in accordance with division (A) of this section: 126946

(a) Identification of the access barriers described in 126947
division (A) of this section, the individuals affected by the 126948
barriers, and whether the barriers result from policies 126949
implemented by the department, medicaid managed care 126950
organizations, providers, or others; 126951

(b) Recommendations for the expedient removal of the 126952
access barriers; 126953

(c) An analysis of the performance of the fee-for-service 126954
component of medicaid and the performance of each medicaid 126955
managed care organization on health metrics pertaining to 126956
tobacco cessation, prematurity prevention, and birth spacing; 126957

(d) Any other information the department considers 126958
pertinent to the report's topic. 126959

(2) All of the following shall be in each subsequent 126960
report submitted in accordance with division (A) of this 126961
section: 126962

(a) The progress that has been made on removing the access 126963
barriers described in division (A) of this section and the 126964
impact such progress has had on reducing the infant mortality 126965
rate in this state; 126966

(b) A performance analysis of the fee-for-service 126967
component of medicaid and each medicaid managed care 126968
organization on health metrics pertaining to tobacco cessation, 126969
prematurity prevention, and birth spacing; 126970

(c) Any other information the department considers 126971
pertinent. 126972

Sec. 5162.1310. (A) The department of medicaid shall 126973
periodically evaluate the success that members of the expansion 126974
eligibility group have with the following: 126975

(1) Obtaining employer-sponsored health insurance 126976
coverage; 126977

(2) Improving health conditions that would otherwise 126978
prevent or inhibit stable employment; 126979

(3) Improving the conditions of their employment, 126980
including duration and hours of employment. 126981

(B) For the purpose of aiding the department's evaluations 126982
under this section, medicaid managed care organizations shall 126983
collect and submit to the department relevant data about members 126984
of the expansion eligibility group who are enrolled in the 126985
organizations' medicaid MCO plans. The department may request 126986
that a medicaid managed care organization collect and submit to 126987
the department additional data the department needs for the 126988
evaluation. 126989

(C) The department shall complete a report for each 126990
evaluation conducted under this section. The director shall 126991
provide a copy of the report to the general assembly ~~and joint-~~ 126992
~~medicaid oversight committee. The copy to the general assembly~~ 126993
~~shall be provided~~ in accordance with section 101.68 of the 126994
Revised Code. 126995

Sec. 5162.14. (A) The medicaid director shall immediately 126996
provide notice in accordance with this section if the United 126997
States centers for medicare and medicaid services does any of 126998
the following related to a quarterly medicaid statement of 126999
expenditures for medical assistance programs form that is 127000
submitted by the department of medicaid: 127001

(1) Determines that the form has a variance of 127002
expenditures of eight per cent or greater; 127003

(2) Asks any questions related to the form; 127004

(3) Refuses to certify the information provided on the 127005
form; 127006

(4) Refuses to release any funds to the state. 127007

(B) When providing notice under this section, the director 127008
shall include any letter or information that is provided by the 127009
United States centers for medicare and medicaid services in its 127010
questioning or deciding not to certify the form, as well as any 127011
correspondences from the department in response. 127012

(C) The notice required under this section shall be 127013
provided to all of the following: 127014

(1) The speaker of the house of representatives and 127015
president of the senate; 127016

(2) The director of the legislative service commission; 127017

(3) The chairpersons of the relevant standing committees 127018
in both the house of representatives and the senate. 127019

Sec. 5162.25. (A) As used in this section: 127020

(1) "State directed payment program" means a payment 127021
program authorized by the United States centers for medicare and 127022
medicaid services under 42 C.F.R. 438.6(c). 127023

(2) "Preprint" means a form created by the United States 127024
centers for medicare and medicaid services to request approval 127025
of a state directed payment program, as required under 42 C.F.R. 127026
438.6(c). 127027

(B) (1) Except as provided in division (B) (2) or (3) of 127028
this section, the medicaid director shall comply with this 127029
section for all new and existing state directed payment 127030
programs. 127031

(2) The medicaid director shall not establish more than 127032
fifty state directed payment programs during a fiscal biennium. 127033

(3) This section does not apply to a state directed 127034

payment program that is funded by the department of medicaid or 127035
the hospital franchise permit fee program. 127036

(C) All of the following apply to a state directed payment 127037
program that is subject to this section: 127038

(1) The program shall comply with the requirements of 42 127039
C.F.R. 438.6(c), including all of the following: 127040

(a) The program shall be approved by the United States 127041
centers for medicare and medicaid services, and the director 127042
shall seek approval for the program in accordance with section 127043
5162.07 of the Revised Code. 127044

(b) Directed payments under the program shall not exceed 127045
the average commercial rate for all providers participating 127046
under a preprint unless exempted by a value-based purchasing 127047
agreement approved by the United States centers for medicare and 127048
medicaid services. 127049

(c) The program shall be subject to an evaluation plan, in 127050
accordance with 42 C.F.R. 438.6(c) (2) (ii) (D). 127051

(2) The program shall be for hospital providers and 127052
services or professional services provided by hospitals. 127053

(3) Unless otherwise determined by the medicaid director, 127054
only one state directed payment preprint may be approved for 127055
each of the following provider classes: 127056

(a) Inpatient and outpatient hospital services; 127057

(b) Physician services; 127058

(c) Children's hospitals participating in the outcomes 127059
acceleration for kids quality initiative. 127060

(D) A hospital provider participating in a state directed 127061

payment program shall do all of the following: 127062

(1) Enter into one or more contracts related to the state 127063
directed payment program as necessary, as determined by the 127064
department; 127065

(2) Comply with all average commercial rate reporting 127066
requirements established by the department, related to the 127067
requirements set forth in 42 C.F.R. 438.6(c) (2) (iii); 127068

(3) Comply with the department's state directed payment 127069
quality measure set, including the metrics and targets set by 127070
the department for the state directed payment program to advance 127071
the goals and objectives specified in the department's quality 127072
strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 127073
C.F.R. 438.340; 127074

(4) Cooperate with any evaluation or reporting 127075
requirements established by the department related to the 127076
requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F). 127077

(E) For any preprint effective for a rating period 127078
beginning on or after January 1, 2027, a hospital provider 127079
contract required under division (D) (1) of this section shall be 127080
executed not later than the first day of October preceding the 127081
first fiscal year of a biennium. A contract required under this 127082
section may be entered into in accordance with section 5162.32 127083
of the Revised Code. 127084

(F) The department shall enter into an agreement with the 127085
authorized representative of each entity participating in a 127086
state directed payment program established under this section. 127087
No agreement entered into under this section shall be valid and 127088
enforceable unless the director of budget and management first 127089
certifies that there is a balance in the appropriation used to 127090

support state directed payment programs that is not already 127091
obligated under existing directed payment programs, in an amount 127092
at least equal to the cost in the current fiscal year of the 127093
state directed payment program that is the subject of the 127094
agreement. 127095

(G) (1) All funds supporting a state directed payment 127096
program shall comply with the requirements specified in 42 127097
C.F.R. 433.51. No hospital provider may participate in a state 127098
directed payment program unless sufficient funds are obligated 127099
and appropriated. 127100

(2) The department shall not at any time provide general 127101
revenue funds or other state funds for a state directed payment 127102
program that is subject to this section. The director shall 127103
terminate or decline to establish any state directed payment 127104
program if either of the following is the case: 127105

(a) Local funding is not available or sufficient to 127106
sustain the program. 127107

(b) The federal government restricts or limits the 127108
availability of federal funds to support state directed payment 127109
programs or otherwise requires the state to utilize general 127110
revenue funds or other state funds as a condition of 127111
establishing or maintaining a state directed payment program. 127112

(H) The department shall not utilize more than two per 127113
cent of funds received to support a state directed payment 127114
program established under this section, including federal 127115
financial participation, for the administration of state 127116
directed payment programs. Additionally, the department shall 127117
not utilize more than two per cent of funds received to support 127118
a state directed payment program established under this section, 127119

including federal financial participation, for the 127120
administration of the department and the medicaid program. 127121

Sec. 5162.251. The department of medicaid shall prepare 127122
and submit quarterly reports to the legislative service 127123
commission and the chairpersons of the standing committees in 127124
the house of representatives and the senate with jurisdiction 127125
over medicaid regarding any new state directed payment programs 127126
established under section 5162.25 of the Revised Code. 127127

Sec. 5162.70. (A) As used in this section: 127128

(1) "CPI" means the consumer price index for all urban 127129
consumers as published by the United States bureau of labor 127130
statistics. 127131

(2) "CPI medical inflation rate" means the inflation rate 127132
for medical care, or the successor term for medical care, for 127133
the midwest region as specified in the CPI. 127134

(3) ~~"JMOC projected medical inflation rate" means the~~ 127135
~~following:—~~ 127136

~~(a) The projected medical inflation rate for a fiscal~~ 127137
~~biennium determined by the actuary with which the joint medicaid~~ 127138
~~oversight committee contracts under section 103.414 of the~~ 127139
~~Revised Code if the committee agrees with the actuary's~~ 127140
~~projected medical inflation rate for that fiscal biennium;—~~ 127141

~~(b) The different projected medical inflation rate for a~~ 127142
~~fiscal biennium determined by the joint medicaid oversight~~ 127143
~~committee under section 103.414 of the Revised Code if the~~ 127144
~~committee disagrees with the projected medical inflation rate~~ 127145
~~determined for that fiscal biennium by the actuary with which~~ 127146
~~the committee contracts under that section.—~~ 127147

~~(4)~~ "Successor term" means a term that the United States bureau of labor statistics uses in place of another term in revisions to the CPI.

(B) The medicaid director shall implement reforms to the medicaid program that do all of the following:

(1) Limit the growth in the per member per month cost of the medicaid program, as determined on an aggregate basis for all eligibility groups, for a fiscal biennium to not more than the lesser of the following:

(a) The average annual increase in the CPI medical inflation rate for the most recent three-year period for which the necessary data is available as of the first day of the fiscal biennium, weighted by the most recent year of the three years;

(b) The ~~JMOC~~ projected medical inflation rate for the fiscal biennium, as determined under section 103.412 of the Revised Code.

(2) Achieve the limit in the growth of the per member per month cost of the medicaid program under division (B) (1) of this section by doing all of the following:

(a) Improving the physical and mental health of medicaid recipients;

(b) Providing for medicaid recipients to receive medicaid services in the most cost-effective and sustainable manner;

(c) Removing barriers that impede medicaid recipients' ability to transfer to lower cost, and more appropriate, medicaid services, including home and community-based services;

(d) Establishing medicaid payment rates that encourage

value over volume and result in medicaid services being provided 127176
in the most efficient and effective manner possible; 127177

(e) Implementing fraud and abuse prevention and cost 127178
avoidance mechanisms to the fullest extent possible. 127179

(3) Reduce the prevalence of comorbid health conditions 127180
among, and the mortality rates of, medicaid recipients; 127181

(4) Reduce infant mortality rates among medicaid 127182
recipients. 127183

(C) When determining the growth in the per member per 127184
month cost of the medicaid program for purposes of the reforms 127185
required by this section, the medicaid director shall not 127186
exclude any medicaid eligibility group, provider wages, or 127187
service. The director may exclude one-time expenses or expenses 127188
that are not directly related to enrollees. 127189

(D) The medicaid director shall implement the reforms 127190
under this section in accordance with evidence-based strategies 127191
that include measurable goals. 127192

(E) By October first of each calendar year, the medicaid 127193
director shall submit to the ~~joint medicaid oversight committee~~ 127194
legislative service commission a report detailing the reforms 127195
implemented under this section. In even-numbered years, the 127196
report shall include the department's historical and projected 127197
medicaid program expenditure and utilization trend rates by 127198
medicaid program and service category for each year of the 127199
upcoming fiscal biennium and an explanation of how the trend 127200
rates were calculated. 127201

(F) The reforms implemented under this section shall, 127202
without making the medicaid program's eligibility requirements 127203
more restrictive, reduce the relative number of individuals 127204

enrolled in the medicaid program who have the greatest potential 127205
to obtain the income and resources that would enable them to 127206
cease enrollment in medicaid and instead obtain health care 127207
coverage through employer-sponsored health insurance or an 127208
exchange. 127209

Sec. 5162.82. Before making any payment rate increases 127210
greater than ten per cent under the medicaid program, the 127211
medicaid director shall notify the ~~joint medicaid oversight~~ 127212
~~committee~~ standing committees with oversight of the medicaid 127213
program as provided in section 103.41 of the Revised Code of the 127214
~~increase and be available to testify before the joint medicaid~~ 127215
~~oversight committee regarding the increase.~~ 127216

Sec. 5163.03. (A) ~~Subject to section 5163.05 of the~~ 127217
~~Revised Code, the~~ The medicaid program shall cover all mandatory 127218
eligibility groups. 127219

(B) The medicaid program shall cover all of the optional 127220
eligibility groups that state statutes require the medicaid 127221
program to cover. 127222

(C) The medicaid program may cover any of the optional 127223
eligibility groups to which either of the following applies: 127224

(1) State statutes expressly permit the medicaid program 127225
to cover the optional eligibility group. 127226

(2) The medicaid program covers the optional eligibility 127227
group ~~on the effective date of this amendment~~ November 22, 2017. 127228

(D) The medicaid program shall not cover an optional 127229
eligibility group to which either of the following applies: 127230

(1) State statutes prohibit the medicaid program from 127231
covering the optional eligibility group. 127232

(2) Except as provided in divisions (B) and (C) (1) of this section, the medicaid program does not cover the optional eligibility group on the effective date of this amendment, November 22, 2017.

Sec. 5163.04. (A) If the federal medical assistance percentage for medical assistance provided to members of the expansion eligibility group is set below ninety per cent, the department of medicaid shall do both of the following:

(1) Immediately discontinue all medical assistance for members of the group.

(2) Not later than fifteen business days after the change to the federal medical assistance percentage, certify to the director of budget and management, legislative service commission, the president of the senate, and the speaker of the house of representatives the state and federal shares of total actual expenditure for the expansion eligibility group for the most recently completed month prior to the change.

(B) (1) Except as provided in division (B) (2) of this section, the state share amount certified under division (A) (2) of this section shall be multiplied by the number of months remaining in the fiscal year. The amount calculated under this division shall remain in the general revenue fund until the end of the fiscal year, at which time the funds shall be transferred in accordance with section 131.44 of the Revised Code.

(2) If the change to the federal medical assistance percentage described in division (A) of this section occurs during the first year of a fiscal biennium, the state share amount certified under division (A) (2) of this section shall be multiplied by twelve for the second year of the fiscal biennium.

The amount calculated under this division shall remain in the 127262
general revenue fund until the end of the fiscal biennium, at 127263
which time the funds shall be transferred in accordance with 127264
section 131.44 of the Revised Code. 127265

Sec. 5163.091. Under the medicaid buy-in for workers with 127266
disabilities program, an individual who does ~~all~~ both of the 127267
following in accordance with rules authorized by section 127268
5163.098 of the Revised Code qualifies for the medicaid program: 127269

(A) Applies for the medicaid buy-in for workers with 127270
disabilities program; 127271

(B) Provides satisfactory evidence of all of the 127272
following: 127273

(1) That the individual is at least sixteen years of age 127274
and under sixty-five years of age; 127275

(2) Except as provided in section 5163.096 of the Revised 127276
Code, that one of the following applies to the individual: 127277

(a) The individual is considered disabled for the purpose 127278
of the supplemental security income program, regardless of 127279
whether the individual receives supplemental security income 127280
benefits, and the individual has earnings from employment. 127281

(b) The individual is an employed individual with a 127282
medically improved disability. 127283

(3) That the value of the individual's resources, less 127284
amounts disregarded pursuant to rules authorized by section 127285
5163.098 of the Revised Code, does not exceed the amount 127286
provided for by section 5163.092 of the Revised Code; 127287

(4) That the individual's income, less amounts disregarded 127288
pursuant to section 5163.093 of the Revised Code, does not 127289

exceed two hundred fifty per cent of the federal poverty line; 127290

(5) That the individual meets the additional eligibility 127291
requirements for the medicaid buy-in for workers with 127292
disabilities program established in rules authorized by section 127293
5163.098 of the Revised Code. 127294

~~(C) To the extent required by section 5163.094 of the~~ 127295
~~Revised Code, pays the premium established under that section.~~ 127296

Sec. 5163.093. For the purpose of determining whether an 127297
individual is within the income eligibility limit for the 127298
medicaid buy-in for workers with disabilities program, all of 127299
the following apply: 127300

(A) Twenty thousand dollars of the individual's earned 127301
income shall be disregarded. 127302

(B) No amount that the individual's employer pays to 127303
obtain health insurance for one or more members of the 127304
individual's family, ~~including any amount of a premium~~ 127305
~~established under section 5163.094 of the Revised Code that the~~ 127306
~~employer pays,~~ shall be treated as the individual's income. 127307

(C) Any other amounts, if any, specified in rules 127308
authorized by section 5163.098 of the Revised Code shall be 127309
disregarded from the individual's earned income, unearned 127310
income, or both. 127311

Sec. 5163.094. An individual ~~whose income exceeds one~~ 127312
~~hundred fifty per cent of the federal poverty line shall not be~~ 127313
required to pay an annual a premium as a condition of qualifying 127314
for the medicaid buy-in for workers with disabilities program. 127315
~~The amount of the premium shall be determined as follows:~~ 127316

~~(A) Subtract one hundred fifty per cent of the federal~~ 127317

~~poverty line, as applicable for a family size equal to the size~~ 127318
~~of the individual's family, from the amount of the income of the~~ 127319
~~individual's family;~~ 127320

~~(B) Subtract an amount specified in rules authorized by~~ 127321
~~section 5163.098 of the Revised Code from the difference~~ 127322
~~determined under division (A) of this section;~~ 127323

~~(C) Multiply the difference determined under division (B)~~ 127324
~~of this section by one tenth.~~ 127325

Sec. 5163.098. (A) The medicaid director shall adopt rules 127326
under section 5163.02 of the Revised Code as necessary to 127327
implement the medicaid buy-in for workers with disabilities 127328
program. The rules shall do all of the following: 127329

(1) Specify assets, asset values, and amounts to be 127330
disregarded in determining asset and income eligibility limits 127331
for the program; 127332

(2) Establish meanings for the terms "earned income," 127333
"health insurance," "resources," "spouse," and "unearned 127334
income"; 127335

(3) Establish additional eligibility requirements for the 127336
program that must be established for the United States secretary 127337
of health and human services to approve the program; 127338

~~(4) For the purpose of division (B) of section 5163.094 of~~ 127339
~~the Revised Code, specify an amount to be subtracted from the~~ 127340
~~difference determined under division (A) of that section.~~ 127341

(B) The director may adopt rules under section 5163.02 of 127342
the Revised Code to specify amounts to be disregarded from an 127343
individual's earned income, unearned income, or both under 127344
division (C) of section 5163.093 of the Revised Code for the 127345

purpose of determining whether the individual is within the 127346
income eligibility limit for the medicaid buy-in for workers 127347
with disabilities program. 127348

Sec. 5163.104. As used in this section, "presumptive 127349
eligibility error rate" has the same meaning as in section 127350
5163.103 of the Revised Code. 127351

Quarterly, the department of medicaid shall report to the 127352
general assembly the presumptive eligibility error rate for 127353
presumptive eligibility determinations made during the previous 127354
quarter. Reports made under this section shall be submitted to 127355
the general assembly in accordance with section 101.68 of the 127356
Revised Code. 127357

Sec. 5163.11. To the extent permissible under federal law, 127358
the department of medicaid shall redetermine the eligibility of 127359
members of the expansion eligibility group for medicaid benefits 127360
every six months. 127361

Sec. 5163.30. (A) As used in this section: 127362

(1) "Assets" include all of an individual's income and 127363
resources and those of the individual's spouse, including any 127364
income or resources the individual or spouse is entitled to but 127365
does not receive because of action by any of the following: 127366

(a) The individual or spouse; 127367

(b) A person or government entity, including a court or 127368
administrative agency, with legal authority to act in place of 127369
or on behalf of the individual or spouse; 127370

(c) A person or government entity, including a court or 127371
administrative agency, acting at the direction or on the request 127372
of the individual or spouse. 127373

(2) "Home and community-based services" means home and community-based services furnished under a medicaid waiver granted by the United States secretary of health and human services under the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 1396n(c) or (d). 127374
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(3) "Institutionalized individual" means a resident of a nursing facility, an inpatient in a medical institution for whom a payment is made based on a level of care provided in a nursing facility, or an individual described in the "Social Security Act," section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 127379
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(4) "Look-back date" means the date that is a number of months specified in rules adopted under section 5163.02 of the Revised Code immediately before either of the following: 127385
127386
127387

(a) The date an individual becomes an institutionalized individual if the individual is eligible for medicaid on that date; 127388
127389
127390

(b) The date an individual applies for medicaid while an institutionalized individual. 127391
127392

(5) "Nursing facility equivalent services" means services that are covered by the medicaid program, equivalent to nursing facility services, provided by an institution that provides the same level of care as a nursing facility, and provided to an inpatient of the institution who is a medicaid recipient eligible for medicaid-covered nursing facility equivalent services. 127393
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(6) "Undue hardship" means being deprived of either of the following: 127400
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(a) Medical care such that an individual's health or life 127402

is endangered; 127403

(b) Food, clothing, shelter, or other necessities of life. 127404

(B) Except as provided in division (C) of this section and 127405
rules adopted under section 5163.02 of the Revised Code, an 127406
institutionalized individual is ineligible for nursing facility 127407
services, nursing facility equivalent services, and home and 127408
community-based services if the individual or individual's 127409
spouse disposes of assets for less than fair market value on or 127410
after the look-back date. The institutionalized individual's 127411
ineligibility shall begin on a date determined in accordance 127412
with rules adopted under section 5163.02 of the Revised Code and 127413
shall continue for a number of months determined in accordance 127414
with such rules. 127415

(C) (1) An institutionalized individual may be granted a 127416
waiver of all or a portion of the period of ineligibility to 127417
which the individual would otherwise be subjected under division 127418
(B) of this section if the ineligibility would cause an undue 127419
hardship for the individual. 127420

(2) An institutionalized individual ~~shall~~may be granted a 127421
waiver of all or a portion of the period of ineligibility if the 127422
administrator of the nursing facility in which the individual 127423
resides has notified the individual of a proposed transfer or 127424
discharge under section 3721.16 of the Revised Code due to 127425
failure to pay for the care the nursing facility has provided to 127426
the individual, the individual or the individual's sponsor 127427
requests a hearing on the proposed transfer or discharge in 127428
accordance with section 3721.161 of the Revised Code, and the 127429
transfer or discharge is upheld by a final determination that is 127430
not subject to further appeal. 127431

(3) An institutionalized individual may be granted a 127432
waiver of all of the period of ineligibility if all of the 127433
assets that were disposed of for less than fair market value are 127434
returned to the individual or individual's spouse or if the 127435
individual or individual's spouse receives cash or other 127436
personal or real property that equals the difference between 127437
what the individual or individual's spouse received for the 127438
assets and the fair market value of the assets. Except as 127439
provided in division (C) (1) or (2) of this section, no waiver of 127440
any part of the period of ineligibility shall be granted if the 127441
amount the individual or individual's spouse receives is less 127442
than the difference between what the individual or individual's 127443
spouse received for the assets and the fair market value of the 127444
assets. 127445

(4) Waivers shall be granted in accordance with rules 127446
adopted under section 5163.02 of the Revised Code. 127447

(D) To secure compliance with this section, the medicaid 127448
director may require an individual, as a condition of initial or 127449
continued eligibility for medicaid, to provide documentation of 127450
the individual's assets up to five years before the date the 127451
individual becomes an institutionalized individual if the 127452
individual is eligible for medicaid on that date or the date the 127453
individual applies for medicaid while an institutionalized 127454
individual. Documentation may include tax returns, records from 127455
financial institutions, and real property records. 127456

Sec. 5163.33. (A) In determining the amount of income that 127457
a medicaid recipient must apply monthly toward payment of the 127458
cost of care in a nursing facility or ICF/IID, a county 127459
department of job and family services shall deduct from the 127460
recipient's monthly income a monthly personal needs allowance in 127461

accordance with the "Social Security Act," section 1902(q), 42 U.S.C. 1396a(q). 127462
127463

(B) In the case of a resident of a nursing facility, the 127464
monthly personal needs allowance shall be not less than ~~fifty-~~ 127465
~~seventy-five~~ dollars for an individual resident and not less 127466
than one hundred fifty dollars for a married couple if both 127467
spouses are residents of a nursing facility and their incomes 127468
are considered available to each other in determining 127469
eligibility. 127470

(C) In the case of a resident of an ICF/IID, the monthly 127471
personal needs allowance shall be as follows: 127472

(1) Prior to January 1, 2016, forty dollars unless the 127473
resident has earned income, in which case the monthly personal 127474
needs allowance shall be determined by the department of 127475
medicaid, or the department's designee, but shall not exceed one 127476
hundred five dollars; 127477

(2) For calendar year 2016 and each calendar year 127478
thereafter, not less than ~~fifty-seventy-five~~ dollars for an 127479
individual resident and not less than one hundred fifty dollars 127480
for a married couple if both spouses are residents of an ICF/IID 127481
and their incomes are considered available to each other in 127482
determining eligibility. 127483

Sec. 5163.50. (A) The department of medicaid shall issue 127484
one or more requests for information relating to medicaid 127485
eligibility data and operations to identify and assess systems 127486
and solutions that may be available to improve or augment the 127487
management, efficiency, frequency, and accuracy of medicaid 127488
eligibility determinations and processing. The requests for 127489
information shall include systems and data relating to all of 127490

the following: 127491

(1) Medicaid enrollee or applicant identity verification; 127492

(2) Medicaid enrollee death verification; 127493

(3) Employment and wages; 127494

(4) Lottery winnings; 127495

(5) Residency verification including residency relating to 127496
concurrent enrollment in medicaid programs in other states; 127497

(6) Household composition; 127498

(7) Medicaid enrollee incarceration status; 127499

(8) Third-party liability verification; 127500

(9) Asset verification; 127501

(10) Any other records or systems the department considers 127502
appropriate in order to strengthen program integrity, reduce 127503
costs, and reduce fraud, waste, and abuse in the medicaid 127504
program. 127505

(B) As part of the considerations under division (A) of 127506
this section, the department shall consider augmenting existing 127507
vendor arrangements relating to processing and managing medicaid 127508
eligibility cases. 127509

(C) The department may procure one or more vendors to 127510
implement any solutions identified as cost effective and 127511
feasible. Any vendor compensation under this section shall be 127512
performance-based. 127513

(D) The department shall prepare and submit a report to 127514
the chairpersons of the standing committees in the house of 127515
representatives and senate with jurisdiction over medicaid 127516

detailing its findings from the requests for information and 127517
considerations conducted under this section. 127518

Sec. 5164.093. (A) As used in this section, "rapid whole 127519
genome sequencing" means an investigation of the entire human 127520
genome, including coding and non-coding regions and 127521
mitochondrial deoxyribonucleic acid, to identify disease-causing 127522
genetic changes, and includes patient-only whole genome 127523
sequencing and duo and trio whole genome sequencing of the 127524
patient and biological parent or parents. 127525

(B) Beginning one year after the effective date of this 127526
section, and subject to approval from the centers for medicare 127527
and medicaid services, the medicaid program shall reimburse 127528
medicaid providers for rapid whole genome sequencing for 127529
patients who are Medicaid recipients and meet all of the 127530
following criteria: 127531

(1) The patient is under one year of age. 127532

(2) The patient has a complex or acute illness of unknown 127533
etiology that is not confirmed to be caused by an environmental 127534
exposure, toxic ingestion, infection with normal response to 127535
therapy, or trauma. 127536

(3) The patient is receiving hospital services in an 127537
intensive care unit or other high acuity care unit within a 127538
hospital. 127539

(C) A laboratory performing the rapid whole genome 127540
sequencing provided pursuant to this section shall return the 127541
preliminary positive results within seven days and final results 127542
within fifteen days from the date of receipt of the sample. 127543

(D) Payment provided pursuant to this section may be 127544
subject to any of the following evidence-based medical necessity 127545

<u>criteria:</u>	127546
<u>(1) The patient has symptoms that suggest a broad</u>	127547
<u>differential diagnosis that would require an evaluation by</u>	127548
<u>multiple genetic tests if rapid whole genome sequencing is not</u>	127549
<u>performed.</u>	127550
<u>(2) The patient's treating health care provider has</u>	127551
<u>determined that timely identification of a molecular diagnosis</u>	127552
<u>is necessary to guide clinical decision-making and testing</u>	127553
<u>results may guide the treatment or management of the patient's</u>	127554
<u>condition.</u>	127555
<u>(3) The patient has a family genetic history related to</u>	127556
<u>the patient's condition.</u>	127557
<u>(4) The patient has a complex or acute illness of unknown</u>	127558
<u>etiology including at least one of the following conditions:</u>	127559
<u>(a) Congenital anomalies involving at least two organ</u>	127560
<u>systems or complex or multiple congenital anomalies in one organ</u>	127561
<u>system;</u>	127562
<u>(b) Specific organ malformations highly suggestive of a</u>	127563
<u>genetic etiology;</u>	127564
<u>(c) Abnormal laboratory tests or abnormal chemistry</u>	127565
<u>profiles suggesting the presence of a genetic disease, complex</u>	127566
<u>metabolic disorder, or inborn error of metabolism;</u>	127567
<u>(d) Refractory or severe hypoglycemia or hyperglycemia;</u>	127568
<u>(e) Abnormal response to therapy related to an underlying</u>	127569
<u>medical condition affecting vital organs or bodily systems;</u>	127570
<u>(f) Severe muscle weakness, rigidity, or spasticity;</u>	127571
<u>(g) A high-risk stratification for a brief, resolved,</u>	127572

unexplained, and recurrent event that is any of the following: 127573

(i) An event without respiratory infection; 127574

(ii) A witnessed seizure-like event; 127575

(iii) A cardiopulmonary resuscitation event. 127576

(h) Refractory seizures; 127577

(i) Abnormal cardiac diagnostic testing results suggestive 127578
of possible channelopathies, arrhythmias, cardiomyopathies, 127579
myocarditis, or structural heart disease; 127580

(j) Abnormal diagnostic imaging studies suggestive of an 127581
underlying genetic condition; 127582

(k) Abnormal physiologic function studies suggestive of an 127583
underlying genetic etiology. 127584

(E) The director may add conditions to those specified in 127585
division (D) (4) of this section based on new medical evidence 127586
and may provide coverage for rapid whole genome sequencing or 127587
other next-generation sequencing and genetic testing in addition 127588
to the reimbursement required under this section. 127589

(F) (1) Except as provided in division (F) (2) of this 127590
section, genetic data generated as a result of performing rapid 127591
whole genome sequencing pursuant to this section shall have a 127592
primary use of assisting the ordering health care professional 127593
and treating care team to diagnose and treat the patient, and as 127594
protected health information it shall be subject to the 127595
requirements applicable to protected health information set 127596
forth in the "Health Insurance Portability and Accountability 127597
Act of 1996," 42 U.S.C. 1320d et seq., the "Health Information 127598
Technology for Economic and Clinical Health Act of 2009," 42 127599
U.S.C. 17921 et seq., and any other applicable law regarding 127600

protected health information. 127601

(2) Genetic data generated from rapid whole genome 127602
sequencing reimbursed under this section can be used in 127603
scientific research if consent for such use of the data has been 127604
expressly given by the patient's legal guardian. The patient, 127605
the patient's legal guardian, or the patient's health care 127606
provider with the patient or the patient's guardian's consent, 127607
may request access to the results of the testing for use in 127608
other clinical settings. A health care provider may only charge 127609
a fee to the patient based on the direct costs of producing the 127610
results in a format usable in other clinical settings. A patient 127611
or a patient's legal guardian shall have the right to rescind 127612
the original consent to the use of the data in scientific 127613
research at any time, and upon receipt of a written revocation 127614
of the consent the health care provider or other entity using 127615
the data shall cease use and expunge the data from any data 127616
repository where it is held. 127617

(G) The director shall take any actions necessary to 127618
implement the provisions of this section, including: 127619

(1) Adopting rules authorized by section 5166.02 of the 127620
Revised Code; 127621

(2) Any other administrative action determined to be 127622
necessary to implement the requirements of this section. 127623

Sec. 5165.19. (A) (1) Semiannually, except as provided in 127624
division (A) (2) of this section, the department of medicaid 127625
shall determine each nursing facility's per medicaid day payment 127626
rate for direct care costs by multiplying the facility's 127627
semiannual case-mix score determined under section 5165.192 of 127628
the Revised Code by the cost per case-mix unit determined under 127629

division (C) of this section for the facility's peer group. 127630

(2) Beginning January 1, 2024, during state fiscal years 127631
2024 and 2025, the department shall determine each nursing 127632
facility's per medicaid day payment rate for direct care costs 127633
by multiplying the cost per case-mix unit determined under 127634
division (C) of this section for the facility's peer group by 127635
the case-mix score specified in division (A) (2) (a) or (b) of 127636
this section, as selected by the nursing facility not later than 127637
October 1, 2023. If the nursing facility does not make a 127638
selection by October 1, 2023, the case-mix score specified in 127639
division (A) (2) (a) of this section shall apply. The case-mix 127640
score may be either of the following: 127641

(a) The semiannual case-mix score determined for the 127642
facility under division (A) (1) of this section; 127643

(b) The facility's quarterly case-mix score from March 31, 127644
2023, which shall apply to the facility's direct care rate from 127645
January 1, 2024, to June 30, 2025. 127646

(B) For the purpose of determining nursing facilities' 127647
rates for direct care costs, the department shall establish 127648
three peer groups. 127649

(1) Each nursing facility located in any of the following 127650
counties shall be placed in peer group one: Brown, Butler, 127651
Clermont, Clinton, Hamilton, and Warren. 127652

(2) Each nursing facility located in any of the following 127653
counties shall be placed in peer group two: Allen, Ashtabula, 127654
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 127655
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 127656
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 127657
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 127658

Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 127659

(3) Each nursing facility located in any of the following 127660
counties shall be placed in peer group three: Adams, Ashland, 127661
Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, 127662
Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, 127663
Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, 127664
Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, 127665
Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, 127666
Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and 127667
Wyandot. 127668

(C) (1) The Except as provided in division (C) (4) of this 127669
section, the department shall determine a cost per case-mix unit 127670
for each peer group established under division (B) of this 127671
section. The cost per case-mix unit determined under this 127672
division for a peer group shall be used for subsequent years 127673
until the department conducts a rebasing. To determine a peer 127674
group's cost per case-mix unit, the department shall do both of 127675
the following: 127676

(a) Determine the cost per case-mix unit for each nursing 127677
facility in the peer group for the applicable calendar year by 127678
dividing each facility's desk-reviewed, actual, allowable, per 127679
diem direct care costs for the applicable calendar year by the 127680
facility's annual average case-mix score determined under 127681
section 5165.192 of the Revised Code for the applicable calendar 127682
year; 127683

(b) Subject to division (C) (2) of this section, identify 127684
which nursing facility in the peer group is at the seventieth 127685
percentile of the cost per case-mix units determined under 127686
division (C) (1) (a) of this section. 127687

(2) In making the identification under division (C) (1) (b) 127688
of this section, the department shall exclude both of the 127689
following: 127690

(a) Nursing facilities that participated in the medicaid 127691
program under the same provider for less than twelve months in 127692
the applicable calendar year; 127693

(b) Nursing facilities whose cost per case-mix unit is 127694
more than one standard deviation from the mean cost per case-mix 127695
unit for all nursing facilities in the nursing facility's peer 127696
group for the applicable calendar year. 127697

(3) The department shall not redetermine a peer group's 127698
cost per case-mix unit under this division based on additional 127699
information that it receives after the peer group's per case-mix 127700
unit is determined. The department shall redetermine a peer 127701
group's cost per case-mix unit only if it made an error in 127702
determining the peer group's cost per case-mix unit based on 127703
information available to the department at the time of the 127704
original determination. 127705

(4) The department shall multiply each cost per case-mix 127706
unit determined under division (C) (1) of this section by the 127707
peer group average case-mix score in effect on December 31, 127708
2025, divided by the peer group average case-mix score 127709
determined under section 5165.192 of the Revised Code for the 127710
semiannual period beginning January 1, 2026. The product 127711
determined under this division for each nursing facility's peer 127712
group shall be the cost per case-mix unit used to determine the 127713
nursing facility's per medicaid day payment rate for direct care 127714
costs under division (A) (1) of this section for the period 127715
beginning January 1, 2026, and ending on the day before the 127716
department's next rebasing conducted after that date takes 127717

effect. 127718

Sec. 5165.192. (A) (1) Except as provided in division (B) 127719
of this section and in accordance with the process specified in 127720
rules authorized by this section, the department of medicaid 127721
shall do all of the following: 127722

(a) Every quarter, determine the following two case-mix 127723
scores for each nursing facility: 127724

(i) A quarterly case-mix score that includes each resident 127725
who is a medicaid recipient and is not a low case-mix resident; 127726

(ii) A quarterly case-mix score that includes each 127727
resident regardless of payment source. 127728

(b) Every six months, determine a semiannual average case- 127729
mix score for each nursing facility by using the quarterly case- 127730
mix scores determined for the nursing facility pursuant to 127731
division (A) (1) (a) (i) of this section; 127732

(c) After the end of each calendar year, determine an 127733
annual average case-mix score for each nursing facility by using 127734
the quarterly case-mix scores determined for the nursing 127735
facility pursuant to division (A) (1) (a) (ii) of this section. 127736

(2) When determining case-mix scores under division (A) (1) 127737
of this section, the department shall use all of the following: 127738

(a) Data from a resident assessment instrument specified 127739
in rules authorized by section 5165.191 of the Revised Code; 127740

(b) Except as provided in rules authorized by this 127741
section, the case-mix values established by the United States 127742
department of health and human services; 127743

(c) Except as modified in rules authorized by this 127744

section, the grouper methodology used on ~~June 30, 1999~~October 1, 127745
2019, for the patient driven payment model nursing index, by the 127746
United States department of health and human services for 127747
prospective payment of skilled nursing facilities under the 127748
medicare program. 127749

(B) (1) Subject to division (B) (2) of this section, the 127750
department, for one or more months of a calendar quarter, may 127751
assign to a nursing facility a case-mix score that is five per 127752
cent less than the nursing facility's case-mix score for the 127753
immediately preceding calendar quarter if any of the following 127754
apply: 127755

(a) The provider does not timely submit complete and 127756
accurate resident assessment data necessary to determine the 127757
nursing facility's case-mix score for the calendar quarter; 127758

(b) The nursing facility was subject to an exception 127759
review under section 5165.193 of the Revised Code for the 127760
immediately preceding calendar quarter; 127761

(c) The nursing facility was assigned a case-mix score for 127762
the immediately preceding calendar quarter. 127763

(2) Before assigning a case-mix score to a nursing 127764
facility due to the submission of incorrect resident assessment 127765
data, the department shall permit the provider to correct the 127766
data. The department may assign the case-mix score if the 127767
provider fails to submit the corrected resident assessment data 127768
not later than the earlier of the forty-fifth day after the end 127769
of the calendar quarter to which the data pertains or the 127770
deadline for submission of such corrections established by 127771
regulations adopted by the United States department of health 127772
and human services under Title XVIII and Title XIX. 127773

(3) If, for more than six months in a calendar year, a provider is paid a rate determined for a nursing facility using a case-mix score assigned to the nursing facility under division (B) (1) of this section, the department may assign the nursing facility a cost per case-mix unit that is five per cent less than the nursing facility's actual or assigned cost per case-mix unit for the immediately preceding calendar year. The department may use the assigned cost per case-mix unit, instead of determining the nursing facility's actual cost per case-mix unit in accordance with section 5165.19 of the Revised Code, to establish the nursing facility's rate for direct care costs for the fiscal year immediately following the calendar year for which the cost per case-mix unit is assigned.

(4) The department shall take action under division (B) (1), (2), or (3) of this section only in accordance with rules authorized by this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections 5165.41 and 5165.42 of the Revised Code.

(C) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to implement this section.

(1) The rules shall do all of the following:

(a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities;

~~(b) Adjust the case-mix values specified in division (A) (2) (b) of this section to reflect changes in relative wage differentials that are specific to this state;~~

~~(c) Express all of those case-mix values in numeric terms~~

~~that are different from the terms specified by the United States~~ 127803
~~department of health and human services but that do not alter~~ 127804
~~the relationship of the case-mix values to one another;~~ 127805

~~(d)~~ Modify the grouper methodology specified in division 127806
(A) (2) (c) of this section as follows: 127807

~~(i) Establish a different hierarchy for assigning~~ 127808
~~residents to case-mix categories under the methodology;~~ 127809

~~(ii) Allow the use of the index maximizer element of the~~ 127810
~~methodology;~~ 127811

~~(iii)~~ Incorporate ~~changes to the~~ grouper methodology for 127812
the patient driven payment model nursing index used by the 127813
United States department of health and human services ~~makes~~ 127814
~~after June 30, 1999~~ on October 1, 2019, for prospective payment 127815
of skilled nursing facilities under the medicare program; 127816

~~(iv)~~ (ii) Make other changes the department determines are 127817
necessary. 127818

~~(e)~~ (c) Establish procedures under which resident 127819
assessment data shall be reviewed for accuracy and providers 127820
shall be notified of any data that requires correction; 127821

~~(f)~~ (d) Establish procedures for providers to correct 127822
resident assessment data and specify a reasonable period of time 127823
by which providers shall submit the corrections. The procedures 127824
may limit the content of corrections in the manner required by 127825
regulations adopted by the United States department of health 127826
and human services under Title XVIII and Title XIX. 127827

~~(g)~~ (e) Specify when and how the department will assign 127828
case-mix scores or costs per case-mix unit to a nursing facility 127829
under division (B) of this section if information necessary to 127830

calculate the nursing facility's case-mix score is not provided 127831
or corrected in accordance with the procedures established by 127832
the rules. 127833

(2) Notwithstanding any other provision of this chapter, 127834
the rules may provide for the exclusion of case-mix scores 127835
assigned to a nursing facility under division (B) of this 127836
section from the determination of the nursing facility's 127837
semiannual or annual average case-mix score and the cost per 127838
case-mix unit for the nursing facility's peer group. 127839

Sec. 5165.26. (A) As used in this section: 127840

(1) "Base rate" means the portion of a nursing facility's 127841
total per medicaid day payment rate determined under divisions 127842
(A) and (B) of section 5165.15 of the Revised Code. 127843

(2) "CMS" means the United States centers for medicare and 127844
medicaid services. 127845

(3) "Long-stay resident" means an individual who has 127846
resided in a nursing facility for at least one hundred one days. 127847

(4) "Nursing facilities for which a quality score was 127848
determined" includes nursing facilities that are determined to 127849
have a quality score of zero. 127850

(5) "SFF list" means the list of nursing facilities that 127851
the United States department of health and human services 127852
creates under the special focus facility program. 127853

(6) "Special focus facility program" means the program 127854
conducted by the United States secretary of health and human 127855
services pursuant to section 1919(f)(10) of the "Social Security 127856
Act," 42 U.S.C. 1396r(f)(10). 127857

(B) Subject to divisions (D) and (E) and except as 127858

provided in division (F) of this section, the department of 127859
medicaid shall determine each nursing facility's per medicaid 127860
day quality incentive payment rate as follows: 127861

(1) Determine the sum of the quality scores determined 127862
under division (C) of this section for all nursing facilities. 127863

(2) Determine the average quality score by dividing the 127864
sum determined under division (B) (1) of this section by the 127865
number of nursing facilities for which a quality score was 127866
determined. 127867

(3) Determine the sum of the total number of medicaid days 127868
for all of the calendar year preceding the fiscal year for which 127869
the rate is determined for all nursing facilities for which a 127870
quality score was determined. 127871

(4) Multiply the average quality score determined under 127872
division (B) (2) of this section by the sum determined under 127873
division (B) (3) of this section. 127874

(5) Determine the value per quality point by determining 127875
the quotient of the following: 127876

(a) The sum determined under division (E) (2) of this 127877
section. 127878

(b) The product determined under division (B) (4) of this 127879
section. 127880

(6) Multiply the value per quality point determined under 127881
division (B) (5) of this section by the nursing facility's 127882
quality score determined under division (C) of this section. 127883

(C) (1) Except as provided in divisions (C) (2) and (3) of 127884
this section, a nursing facility's quality score for a state 127885
fiscal year shall be the sum of the following: 127886

(a) The total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, or CMS's successor metrics as described below, based on the most recent four-quarter average data, or the average data for fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:

(i) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;

(ii) The percentage of the nursing facility's long-stay residents who had a urinary tract infection;

(iii) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;

(iv) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder.

If CMS ceases to publish any of the metrics specified in division (C)(1)(a) of this section, the department shall use the nursing facility quality metrics on the same topics that CMS subsequently publishes.

(b) Seven and five-tenths points for fiscal year 2024 and three points for fiscal year 2025 and subsequent fiscal years if the nursing facility's occupancy rate is greater than seventy-five per cent. For purposes of this division, the department shall utilize the facility's occupancy rate for licensed beds reported on its cost report for the calendar year preceding the fiscal year for which the rate is determined or, if the facility

is not required to be licensed, the facility's occupancy rate 127916
for certified beds. If the facility surrenders licensed or 127917
certified beds before the first day of July of the calendar year 127918
in which the fiscal year begins, the department shall calculate 127919
a nursing facility's occupancy rate by dividing the inpatient 127920
days reported on the facility's cost report for the calendar 127921
year preceding the fiscal year for which the rate is determined 127922
by the product of the number of days in the calendar year and 127923
the facility's number of licensed, or if applicable, certified 127924
beds on the first day of July of the calendar year in which the 127925
fiscal year begins. 127926

(c) Beginning with state fiscal year 2025, the total 127927
number of points that CMS assigned to the nursing facility under 127928
CMS's nursing facility five-star quality rating system for the 127929
following quality metrics, or successor metrics designated by 127930
CMS, based on the most recent four-quarter average data 127931
available in the database maintained by CMS and known as nursing 127932
home compare in the most recent month of the calendar year 127933
during which the fiscal year for which the rate is determined 127934
begins: 127935

(i) The percentage of the nursing facility's long-stay 127936
residents whose need for help with daily activities has 127937
increased; 127938

(ii) The percentage of the nursing facility's long-stay 127939
residents experiencing one or more falls with major injury; 127940

(iii) The percentage of the nursing facility's long-stay 127941
residents who were administered an antipsychotic medication; 127942

(iv) Adjusted total nurse staffing hours per resident per 127943
day using quintiles instead of deciles by using the points 127944

assigned to the higher of the two deciles that constitute the 127945
quintile. 127946

If CMS ceases to publish any of the metrics specified in 127947
division (C) (1) (c) of this section, the department shall use the 127948
nursing facility quality metrics on the same topics CMS 127949
subsequently publishes. 127950

(2) In determining a nursing facility's quality score for 127951
a state fiscal year, the department shall make the following 127952
adjustment to the number of points that CMS assigned to the 127953
nursing facility for each of the quality metrics specified in 127954
divisions (C) (1) (a) and (c) of this section: 127955

(a) Unless division (C) (2) (b) or (c) of this section 127956
applies, divide the number of the nursing facility's points for 127957
the quality metric by twenty. 127958

(b) If CMS assigned the nursing facility to the lowest 127959
percentile for the quality metric, reduce the number of the 127960
nursing facility's points for the quality metric to zero. 127961

(c) If the nursing facility's total number of points 127962
calculated for or during a state fiscal year for all of the 127963
quality metrics specified in divisions (C) (1) (a), and if 127964
applicable, division (C) (1) (c) of this section is less than a 127965
number of points that is equal to the twenty-fifth percentile of 127966
all nursing facilities, calculated using the points for the July 127967
1 rate setting of that fiscal year reduce the nursing facility's 127968
points to zero until the next point calculation. If a facility's 127969
recalculated points under division (C) (3) of this section are 127970
below the number of points determined to be the twenty-fifth 127971
percentile for that fiscal year, the facility shall receive zero 127972
points for the remainder of that fiscal year. 127973

(3) A nursing facility's quality score shall be 127974
recalculated for the second half of the state fiscal year based 127975
on the most recent four quarter average data, or the average 127976
data for fewer quarters in the case of successor metrics, 127977
available in the database maintained by CMS and known as the 127978
care compare, in the most recent month of the calendar year 127979
during which the fiscal year for which the rate is determined 127980
begins. The metrics specified by division (C) (1) (b) of this 127981
section shall not be recalculated. In redetermining the quality 127982
payment for each facility based on the recalculated points, the 127983
department shall use the same per point value determined for the 127984
quality payment at the start of the fiscal year. 127985

(D) A nursing facility shall not receive a quality 127986
incentive payment if the Department of Health assigned the 127987
nursing facility to the SFF list under the special focus 127988
facility program and the nursing facility is listed in table A, 127989
on the first day of May of the calendar year for which the rate 127990
is being determined. 127991

(E) The total amount to be spent on quality incentive 127992
payments under division (B) of this section for a fiscal year 127993
shall be determined as follows: 127994

(1) Determine the following amount for each nursing 127995
facility: 127996

(a) The amount that is five and two-tenths per cent of the 127997
nursing facility's base rate for nursing facility services 127998
provided on the first day of the state fiscal year plus one 127999
dollar and seventy-nine cents plus sixty per cent of the per 128000
diem amount by which the nursing facility's rate for direct care 128001
costs determined for the fiscal year under section 5165.19 of 128002
the Revised Code changed as a result of the rebasing conducted 128003

under section 5165.36 of the Revised Code. 128004

(b) Multiply the amount determined under division (E) (1) 128005
(a) of this section by the number of the nursing facility's 128006
medicaid days for the calendar year preceding the fiscal year 128007
for which the rate is determined. 128008

(2) Determine the sum of the products determined under 128009
division (E) (1) (b) of this section for all nursing facilities 128010
for which the product was determined for the state fiscal year. 128011

(3) To the sum determined under division (E) (2) of this 128012
section, add one hundred twenty-five million dollars. 128013

(F) (1) Beginning July 1, 2023, a new nursing facility 128014
shall receive a quality incentive payment for the fiscal year in 128015
which the new facility obtains an initial provider agreement and 128016
the immediately following fiscal year equal to the median 128017
quality incentive payment determined for nursing facilities for 128018
the fiscal year. For the state fiscal year after the immediately 128019
following fiscal year and subsequent fiscal years, the quality 128020
incentive payment shall be determined under division (C) of this 128021
section. 128022

(2) A nursing facility that undergoes a change of operator 128023
with an effective date of July 1, ~~2023~~2025, or later shall not 128024
receive a quality incentive payment until the earlier of the 128025
first day of January or the first day of July that is at least 128026
six months after the effective date of the change of operator. 128027
Thereafter any quality incentive payment shall be determined 128028
under division (C) of this section. 128029

~~(3) A nursing facility that undergoes a change of owner~~ 128030
~~with an effective date of July 1, 2023, or later shall not~~ 128031
~~receive a quality incentive payment until the earlier of the~~ 128032

~~first day of January or the first day of July that is at least~~ 128033
~~six months after the effective date of the change of owner if,~~ 128034
~~within one year after the change of owner, there is an increase~~ 128035
~~in the lease payments or other financial obligations of the~~ 128036
~~operator to the owner above the payments or obligations~~ 128037
~~specified by the agreement between the previous owner and the~~ 128038
~~operator. Thereafter, any quality incentive payments for the~~ 128039
~~facility shall be determined under division (C) of this section.~~ 128040

Sec. 5166.03. The medicaid director may not submit a 128041
request to the United States secretary of health and human 128042
services for a medicaid waiver under the "Social Security Act," 128043
section 1115, 42 U.S.C. 1315, unless the director provides the 128044
speaker of the house of representatives and president of the 128045
senate written notice of the director's intent to submit the 128046
request at least ten days before the date the director submits 128047
the request to the United States secretary. The notice shall 128048
include a detailed explanation of the medicaid waiver the 128049
director proposes to seek and confirmation that the department 128050
of medicaid has complied with the requirements of section 128051
5162.08 of the Revised Code. 128052

Sec. 5166.50. (A) Within one year of the effective date of 128053
this section, the department of medicaid shall apply for a 128054
medicaid waiver component to provide reentry services to 128055
medicaid-eligible imprisoned individuals for ninety days before 128056
an imprisoned individual's expected release date. The benefits 128057
provided shall include: 128058

- (1) Mental health services; 128059
- (2) Behavioral health services; 128060
- (3) Substance use disorder treatment and related services; 128061

(4) A thirty-day supply of prescription medication at the 128062
time of release, including medication administered by injection. 128063

(B) The department shall implement the medicaid waiver 128064
component within one year after approval from the United States 128065
centers for medicare and medicaid services. 128066

(C) (1) If the department is unable to apply for the 128067
medicaid waiver component within the time frame specified in 128068
division (A) of this section, the department shall request an 128069
extension of up to thirty days from the speaker of the house of 128070
representatives and the president of the senate. 128071

(2) If the department is unable to implement the medicaid 128072
waiver component within the time frame specified in division (B) 128073
of this section, the department shall request an extension for 128074
the amount of time needed to implement the waiver component from 128075
the speaker of the house of representatives and the president of 128076
the senate. 128077

(D) If the medicaid waiver component is not approved by 128078
the United States centers for medicare and medicaid services, 128079
the department shall reapply for the waiver within four years 128080
after the effective date of this section. 128081

Sec. 5167.01. As used in this chapter: 128082

(A) "340B ~~covered entity~~grantee" means an entity described 128083
in section 340B(a) (4) (A)-(K) of the "Public Health Service Act," 128084
42 U.S.C. 256b(a) (4) (A)-(K) that is designated as an active (A)- 128085
(K) entity under the health resources and services 128086
administration covered entity daily report, and includes any 128087
pharmacy under contract with the entity to dispense drugs on 128088
behalf of the entity. 128089

(B) "Affiliated company" means an entity, including a 128090

third-party payer or specialty pharmacy, with common ownership, 128091
members of a board of directors, or managers, or that is a 128092
parent company, subsidiary company, jointly held company, or 128093
holding company with respect to the other entity. 128094

(C) "Care management system" means the system established 128095
under section 5167.03 of the Revised Code. 128096

(D) "Controlled substance" has the same meaning as in 128097
section 3719.01 of the Revised Code. 128098

(E) "Dual eligible individual" has the same meaning as in 128099
section 5160.01 of the Revised Code. 128100

(F) "Emergency services" has the same meaning as in the 128101
"Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b) 128102
(2). 128103

(G) "Enrollee" means a medicaid recipient who participates 128104
in the care management system and enrolls in a medicaid MCO 128105
plan. 128106

(H) "ICDS participant" ~~has and~~ "integrated care delivery 128107
system" ~~have the same meaning meanings~~ as in section 5164.01 of 128108
the Revised Code. 128109

(I) "ICDS successor program" means a fully integrated dual 128110
eligible special needs plan established in accordance with 42 128111
C.F.R. 422.107, that the department of medicaid utilizes as a 128112
replacement for the integrated care delivery system. 128113

(J) "Medicaid managed care organization" means a managed 128114
care organization under contract with the department of medicaid 128115
pursuant to section 5167.10 of the Revised Code. 128116

~~(J)~~ (K) "Medicaid MCO plan" means a plan that a medicaid 128117
managed care organization, pursuant to its contract with the 128118

department of medicaid under section 5167.10 of the Revised 128119
Code, makes available to medicaid recipients participating in 128120
the care management system. 128121

~~(K)~~ (L) "Medicaid waiver component" has the same meaning as 128122
in section 5166.01 of the Revised Code. 128123

~~(L)~~ (M) "Network provider" has the same meaning as in 42 128124
C.F.R. 438.2. 128125

~~(M)~~ (N) "Nursing facility services" has the same meaning as 128126
in section 5165.01 of the Revised Code. 128127

~~(N)~~ (O) "Part B drug" means a drug or biological described 128128
in section 1842(o) (1) (C) of the "Social Security Act," 42 U.S.C. 128129
1395u(o) (1) (C) . 128130

~~(O)~~ (P) "Pharmacy benefit manager" has the same meaning as 128131
in section 3959.01 of the Revised Code. 128132

~~(P)~~ (Q) "Practice of pharmacy" has the same meaning as in 128133
section 4729.01 of the Revised Code. 128134

~~(Q)~~ (R) "Prescribed drug" has the same meaning as in 128135
section 5164.01 of the Revised Code. 128136

~~(R)~~ (S) "Prior authorization requirement" has the same 128137
meaning as in section 5160.34 of the Revised Code. 128138

~~(S)~~ (T) "Provider" means any person or government entity 128139
that furnishes services to a medicaid recipient enrolled in a 128140
medicaid MCO plan, regardless of whether the person or entity 128141
has a provider agreement. 128142

~~(T)~~ (U) "Provider agreement" has the same meaning as in 128143
section 5164.01 of the Revised Code. 128144

~~(U)~~ (V) "State pharmacy benefit manager" means the pharmacy 128145

benefit manager selected by and under contract with the medicaid 128146
director under section 5167.24 of the Revised Code. 128147

~~(V)~~(W) "Third-party administrator" means any person who 128148
adjusts or settles claims on behalf of an insuring entity in 128149
connection with life, dental, health, prescription drugs, or 128150
disability insurance or self-insurance programs and includes a 128151
pharmacy benefit manager. 128152

Sec. 5167.03. (A) As part of the medicaid program, the 128153
department of medicaid shall establish a care management system. 128154
The department shall implement the system in some or all 128155
counties. 128156

(B) The department shall designate the medicaid recipients 128157
who are required or permitted to participate in the care 128158
management system. Those who shall be required to participate in 128159
the system include medicaid recipients who receive cognitive 128160
behavioral therapy as described in division (A) (2) of section 128161
5167.16 of the Revised Code. Except as provided in section 128162
5166.406 of the Revised Code, no medicaid recipient 128163
participating in the healthy Ohio program established under 128164
section 5166.40 of the Revised Code shall participate in the 128165
system. 128166

~~The~~ (C) Except as otherwise provided in this section, the 128167
general assembly's authorization through the enactment of 128168
legislation is needed before home and community-based services 128169
available under a medicaid waiver component or nursing facility 128170
services are included in the care management system, ~~except that~~ 128171
. ICDS participants, or participants in the ICDS successor 128172
program, may be required or permitted to obtain such services 128173
under the system. Medicaid recipients who receive such services 128174
may be designated for voluntary or mandatory participation in 128175

the system in order to receive other health care services 128176
included in the system. 128177

~~The~~ (D) Subject to division (E) of this section, the 128178
department may require or permit participants in the care 128179
management system to do either or both of the following: 128180

~~(A)~~ (1) Obtain health care services from providers 128181
designated by the department; 128182

~~(B)~~ (2) Enroll in a medicaid MCO plan. 128183

(E) (1) The department shall allow individuals 128184
participating in the care management system to enroll in the 128185
medicaid MCO plan of the individual's choosing. If an individual 128186
does not elect a medicaid MCO plan in which to enroll during the 128187
time period specified by the department, the department shall 128188
randomly assign the individual to a medicaid MCO plan. When 128189
assigning individuals to a medicaid MCO plan under this 128190
division, the department shall not give preference to any 128191
specific medicaid MCO plan or group of plans. 128192

(2) If the department is unable to satisfy the 128193
requirements established under division (E) (1) of this section, 128194
it shall notify the general assembly, the legislative service 128195
commission, and the auditor of state not later than thirty days 128196
after making such a determination. As part of the notice 128197
required under this division, the department shall provide an 128198
explanation as to why it is unable to satisfy the requirements. 128199

Sec. 5167.09. The department of medicaid shall include all 128200
of the following on the department's managed care financial 128201
dashboard: 128202

(A) Actuarial metrics for annual and quarterly cost 128203
reports, delineated by the following categories: 128204

<u>(1) Adults for whom financial eligibility for the medicaid</u>	128205
<u>program is determined by utilizing the modified adjusted gross</u>	128206
<u>income standard and who are not members of the expansion</u>	128207
<u>eligibility group;</u>	128208
<u>(2) Children for whom financial eligibility for the</u>	128209
<u>medicaid program is determined by utilizing the modified</u>	128210
<u>adjusted gross income standard;</u>	128211
<u>(3) Individuals in the aged, blind, and disabled</u>	128212
<u>eligibility group who are twenty-one years of age or older;</u>	128213
<u>(4) Individuals in the aged, blind, and disabled</u>	128214
<u>eligibility group who are twenty years of age or younger;</u>	128215
<u>(5) Individuals who are members of the expansion</u>	128216
<u>eligibility group;</u>	128217
<u>(6) Individuals who are members of the adoption and foster</u>	128218
<u>kids eligibility group;</u>	128219
<u>(7) All other individuals eligible for medicaid benefits</u>	128220
<u>who are not included in another category described in division</u>	128221
<u>(A) of this section.</u>	128222
<u>(B) Quarterly and annual composite per member per month</u>	128223
<u>category of service reports for each managed care organization</u>	128224
<u>providing services under the care management system, delineated</u>	128225
<u>into the following categories:</u>	128226
<u>(1) Inpatient services;</u>	128227
<u>(2) Outpatient facility services;</u>	128228
<u>(3) Professional services;</u>	128229
<u>(4) Radiology, pathology, and laboratory services;</u>	128230
<u>(5) Pharmacy services;</u>	128231

<u>(6) Behavioral health services;</u>	128232
<u>(7) All other services.</u>	128233
<u>(C) As used in this section, "expansion eligibility group"</u>	128234
<u>has the same meaning as in section 5163.01 of the Revised Code.</u>	128235
Sec. 5167.123. (A) No contract between a medicaid managed	128236
care organization, including a third-party administrator, and a	128237
340B ~~covered entity~~ <u>grantee</u> shall contain any of the following	128238
provisions:	128239
(1) A payment rate for a prescribed drug <u>provided by a</u>	128240
<u>340B grantee to an individual as a result of health care</u>	128241
<u>services provided by the grantee directly to the individual,</u>	128242
<u>that is less than the ~~national average drug acquisition cost~~</u>	128243
<u>~~rate for that drug as determined by the United States centers~~</u>	128244
<u>~~for medicare and medicaid services, measured at the time the~~</u>	128245
<u>~~drug is administered or dispensed, or, if no such rate is~~</u>	128246
<u>~~available at that time, a reimbursement rate that is less than~~</u>	128247
<u>~~the wholesale acquisition cost of the drug, as defined in 42~~</u>	128248
<u>~~U.S.C. 1395w-3a(e)(6)(B)~~ <u>payment rate applied to health care</u></u>	128249
<u>providers that are not 340B grantees;</u>	128250
(2) A fee that is not imposed on a health care provider	128251
that is not a 340B ~~covered entity~~ <u>grantee</u> ;	128252
(3) A fee amount that exceeds the amount for a health care	128253
provider that is not a 340B ~~covered entity~~ <u>grantee</u> .	128254
(B) The organization, or its contracted third-party	128255
administrators, shall not discriminate against a 340B ~~covered~~	128256
~~entity~~ <u>grantee</u> in a manner that prevents or interferes with a	128257
medicaid recipient's choice to receive a prescription drug from	128258
a 340B ~~covered entity or its contracted pharmacies~~ <u>grantee</u> .	128259

(C) Any provision of a contract entered into between the organization and a 340B ~~covered entity grantee~~ that is contrary to division (A) of this section is unenforceable and shall be replaced with the dispensing fee or payment rate that applies for health care providers that are not 340B ~~covered entities~~ grantees.

(D) A medicaid managed care organization or a third-party administrator shall provide a payment rate for all prescribed drugs obtained through the federal 340B drug pricing program by providers that are not 340B grantees that is equal to the payment rate for those prescribed drugs that is specified in the medicaid state plan.

(E) Any payment made pursuant to a payment rate described in this section is subject to audit by the department of medicaid under section 5160.20 of the Revised Code.

Sec. 5167.24. (A) If the department of medicaid includes prescribed drugs in the care management system as authorized under section 5167.05 of the Revised Code, the medicaid director, through a procurement process, shall select a third-party administrator to serve as the single pharmacy benefit manager used by medicaid managed care organizations under the care management system. The state pharmacy benefit manager shall be responsible for processing all pharmacy claims under the care management system. The department of medicaid is responsible for enforcing the contract after the procurement process.

(B) As part of the procurement process, the director shall do all of the following:

(1) Accept applications from entities seeking to become the state pharmacy benefit manager;

(2) Establish eligibility criteria an entity must meet in order to become the state pharmacy benefit manager; 128289
128290

(3) Select and contract with a single state pharmacy benefit manager; 128291
128292

(4) Develop a master contract to be used by the director when contracting with the state pharmacy benefit manager, which shall prohibit the state pharmacy benefit manager from requiring a medicaid recipient to obtain a specialty drug from a specialty pharmacy owned or otherwise associated with the state pharmacy benefit manager. 128293
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(C) A prospective state pharmacy benefit manager shall disclose to the director all of the following during the procurement process: 128299
128300
128301

(1) Any activity, policy, practice, contract, or arrangement of the state pharmacy benefit manager that may directly or indirectly present any conflict of interest with the pharmacy benefit manager's relationship with or obligation to the department or a medicaid managed care organization; 128302
128303
128304
128305
128306

(2) All common ownership, members of a board of directors, managers, or other control of the pharmacy benefit manager (or any of the pharmacy benefit manager's affiliated companies) with any of the following: 128307
128308
128309
128310

(a) A medicaid managed care organization and its affiliated companies; 128311
128312

(b) An entity that contracts on behalf of a pharmacy or any pharmacy services administration organization and its affiliated companies; 128313
128314
128315

(c) A drug wholesaler or distributor and its affiliated 128316

companies; 128317

(d) A third-party payer and its affiliated companies; 128318

(e) A pharmacy and its affiliated companies. 128319

(3) Any direct or indirect fees, charges, or any kind of 128320
assessments imposed by the pharmacy benefit manager on 128321
pharmacies licensed in this state with which the pharmacy 128322
benefit manager shares common ownership, management, or control; 128323
or that are owned, managed, or controlled by any of the pharmacy 128324
benefit manager's affiliated companies; 128325

(4) Any direct or indirect fees, charges, or any kind of 128326
assessments imposed by the pharmacy benefit manager on 128327
pharmacies licensed in this state; 128328

~~(6)~~ (5) Any financial terms and arrangements between the 128329
pharmacy benefit manager and a prescription drug manufacturer or 128330
labeler, including formulary management, drug substitution 128331
programs, educational support claims processing, or data sales 128332
fees. 128333

~~(D) The director shall select a provisional state pharmacy~~ 128334
~~benefit manager not later than July 1, 2020.~~ 128335

~~(1) Once a provisional state pharmacy benefit manager has~~ 128336
~~been selected, full implementation of the entity as the state~~ 128337
~~pharmacy benefit manager shall be subject to that entity's~~ 128338
~~demonstrated ability to fulfill the duties and obligations of~~ 128339
~~the state pharmacy benefit manager as illustrated through a~~ 128340
~~readiness review process established by the director. Any entity~~ 128341
~~failing to complete the readiness review process shall be deemed~~ 128342
~~as having not met the criteria of the review process. The~~ 128343
~~selected entity shall not enter into contracts with the~~ 128344
~~department or medicaid managed care organizations as the state~~ 128345

~~pharmacy benefit manager before the date on which the entity has~~ 128346
~~satisfactorily completed the readiness review process.~~ 128347

~~(2) If the director determines that, for reasons beyond~~ 128348
~~the director's control, selection of a provisional state~~ 128349
~~pharmacy benefit manager cannot occur before July 1, 2020, the~~ 128350
~~director shall notify the joint medicaid oversight committee of~~ 128351
~~the reasons for the delay and identify the steps the director is~~ 128352
~~taking to complete the selection as expeditiously as possible.~~ 128353

Sec. 5168.08. (A) Before or during each program year, the 128354
department of medicaid shall issue to each hospital the 128355
preliminary determination of the amount that the hospital is 128356
assessed under section 5168.06 of the Revised Code during the 128357
program year. The preliminary determination of a hospital's 128358
assessment shall be calculated for a cost-reporting period that 128359
is specified in rules adopted under section 5168.02 of the 128360
Revised Code. 128361

The department shall consult with hospitals each year when 128362
determining the date on which it will issue the preliminary 128363
determinations in order to minimize hospitals' cash flow 128364
difficulties. 128365

If no hospital submits a request for reconsideration under 128366
division (B) of this section, the preliminary determination 128367
constitutes the final reconciliation of each hospital's 128368
assessment under section 5168.06 of the Revised Code. The final 128369
reconciliation ~~is~~ constitutes an interim final order and may be 128370
subject to adjustments under made by the United States centers 128371
for medicare and medicaid services pursuant to division (D) of 128372
this section. 128373

(B) Not later than fourteen days after the preliminary 128374

determinations are issued, any hospital may submit to the 128375
department a written request to reconsider the preliminary 128376
determinations. The request shall be accompanied by written 128377
materials setting forth the basis for the reconsideration, which 128378
may be delivered to the department by regular mail, electronic 128379
mail, or in-person delivery. ~~If one or more hospitals submit a~~ 128380
~~request, the department shall hold a public hearing not later~~ 128381
~~than thirty days after the preliminary determinations are issued~~ 128382
~~to reconsider the preliminary determinations. The department~~ 128383
~~shall issue to each hospital a written notice of the date, time,~~ 128384
~~and place of the hearing at least ten days prior to the hearing.~~ 128385
On the basis of the evidence submitted to the department ~~or~~ 128386
~~presented at the public hearing,~~ the department shall reconsider 128387
and may adjust the preliminary determinations. The result of the 128388
reconsideration is the final reconciliation of the hospital's 128389
assessment under section 5168.06 of the Revised Code. The final 128390
reconciliation ~~is~~ constitutes an interim final order and may be 128391
subject to adjustments under by the United States centers for 128392
medicare and medicaid services pursuant to division (D) of this 128393
section. 128394

(C) The department shall issue to each hospital a written 128395
notice of its assessment for the program year under the final 128396
reconciliation. A hospital may appeal the final reconciliation 128397
of its assessment to the court of common pleas of Franklin 128398
county, pursuant to Chapter 2505. of the Revised Code. The 128399
complete record of the proceedings shall include all 128400
documentation considered by the department in issuing the final 128401
reconciliation. While a judicial appeal is pending, the hospital 128402
shall pay, in accordance with the schedules required by division 128403
(B) of section 5168.06 of the Revised Code, any amount of its 128404
assessment that is not in dispute into the hospital care 128405

assurance program fund created in section 5168.11 of the Revised Code. 128406
128407

(D) In the course of any program year, the department may 128408
adjust the assessment rate or rates established in rules 128409
pursuant to section 5168.06 of the Revised Code or adjust the 128410
amounts of intergovernmental transfers required under section 128411
5168.07 of the Revised Code and, as a result of the adjustment, 128412
adjust each hospital's assessment and intergovernmental 128413
transfer, to reflect refinements made by the United States 128414
centers for medicare and medicaid services during that program 128415
year to the limits it prescribed under the "Social Security 128416
Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the 128417
assessment rate or rates must comply with division (A) of 128418
section 5168.06 of the Revised Code. An adjusted 128419
intergovernmental transfer must comply with division (A) of 128420
section 5168.07 of the Revised Code. The department shall notify 128421
hospitals of adjustments made under this division and adjust for 128422
the remainder of the program year the installments paid by 128423
hospitals under sections 5168.06 and 5168.07 of the Revised Code 128424
in accordance with rules adopted under section 5168.02 of the 128425
Revised Code. 128426

Sec. 5168.11. (A) Except as provided in section 5162.52 of 128427
the Revised Code, all payments of assessments by hospitals under 128428
section 5168.06 of the Revised Code and all intergovernmental 128429
transfers under section 5168.07 of the Revised Code shall be 128430
deposited in the state treasury to the credit of the hospital 128431
care assurance program fund, hereby created. All investment 128432
earnings of the hospital care assurance program fund shall be 128433
credited to the fund. The department of medicaid shall maintain 128434
records that show the amount of money in the hospital care 128435
assurance program fund at any time that has been paid by each 128436

hospital and the amount of any investment earnings on that 128437
amount. All moneys credited to the hospital care assurance 128438
program fund shall be used solely to make payments to hospitals 128439
under division (D) of this section and section 5168.09 of the 128440
Revised Code. 128441

(B) All federal matching funds received as a result of the 128442
department distributing funds from the hospital care assurance 128443
program fund to hospitals under section 5168.09 of the Revised 128444
Code shall be credited to the health care - federal fund created 128445
under section 5162.50 of the Revised Code. 128446

(C) All distributions of funds to hospitals under section 128447
5168.09 of the Revised Code are conditional on: 128448

(1) Expiration of the time for appeals under section 128449
5168.08 of the Revised Code without the filing of an appeal, or 128450
on court determinations, in the event of appeals, that the 128451
hospital is entitled to the funds; 128452

(2) The sum of the following being sufficient to 128453
distribute the funds after the final determination of any 128454
appeals: 128455

(a) The available money in the hospital care assurance 128456
program fund; 128457

(b) The available portion of the money in the health care 128458
- federal fund that is credited to that fund pursuant to 128459
division (B) of this section. 128460

(3) The hospital's compliance with section 5168.14 of the 128461
Revised Code. 128462

(D) If an audit conducted by the department, pursuant to 128463
42 C.F.R. 455.304, of the amounts of payments made and funds 128464

received by hospitals under sections 5168.06, 5168.07, and 128465
5168.09 of the Revised Code identifies amounts that, due to 128466
errors by the department, a hospital should not have been 128467
required to pay but did pay, should have been required to pay 128468
but did not pay, should not have received but did receive, or 128469
should have received but did not receive, the department shall: 128470

(1) Make payments to any hospital that the audit reveals 128471
paid amounts it should not have been required to pay or did not 128472
receive amounts it should have received; 128473

(2) Take action to recover from a hospital any amounts 128474
that the audit reveals it should have been required to pay but 128475
did not pay or that it should not have received but did receive. 128476

Payments made under division (D) (1) of this section shall 128477
be made from the hospital care assurance program fund. Amounts 128478
recovered under division (D) (2) of this section shall be 128479
deposited to the credit of that fund. ~~Any hospital may appeal~~ 128480
~~the amount.~~ An action authorized under Chapter 2721. of the 128481
Revised Code and filed in Franklin county shall be the exclusive 128482
remedy for any hospital that disagrees with the amount that the 128483
hospital is to be paid under division (D) (1) or the amount that 128484
is to be recovered from the hospital under division (D) (2) of 128485
this section to the court of common pleas of Franklin county. 128486
While any judicial proceeding is pending under division (D) of 128487
this section, a hospital shall pay to the hospital care 128488
assurance program fund any amount identified pursuant to 128489
division (D) (2) of this section that is not in dispute. 128490

Sec. 5168.22. (A) Before or during each assessment program 128491
year, the department of medicaid shall issue to each hospital 128492
the preliminary determination of the amount that the hospital is 128493
assessed under section 5168.21 of the Revised Code for the 128494

assessment program year. Except as provided in division (B) of 128495
this section, the preliminary determination becomes the final 128496
determination for the assessment program year fifteen days after 128497
the preliminary determination is issued to the hospital. 128498

(B) A hospital may request that the department reconsider 128499
the preliminary determination issued to the hospital under 128500
division (A) of this section by submitting to the department a 128501
written request for a reconsideration not later than fourteen 128502
days after the hospital's preliminary determination is issued to 128503
the hospital. The request must be accompanied by written 128504
materials setting forth the basis for the reconsideration, which 128505
may be delivered to the department by regular mail, electronic 128506
mail, or in-person delivery. On receipt of the timely request, 128507
the department shall reconsider the preliminary determination 128508
and may adjust the preliminary determination on the basis of the 128509
written materials accompanying the request. The result of the 128510
reconsideration is the final determination of the hospital's 128511
assessment under section 5168.21 of the Revised Code for the 128512
assessment program year. 128513

(C) The department shall issue to each hospital a written 128514
notice of the final determination of its assessment for the 128515
assessment program year. A hospital may appeal the final 128516
determination to the court of common pleas of Franklin county, 128517
pursuant to Chapter 2505. of the Revised Code. The complete 128518
record of the proceedings shall include all documentation 128519
considered by the department in issuing the final determination. 128520
While a judicial appeal is pending, the hospital shall pay, in 128521
accordance with section 5168.23 of the Revised Code, any amount 128522
of its assessment that is not in dispute. 128523

Sec. 5168.25. There is hereby created in the state 128524

treasury the hospital assessment fund. All installment payments 128525
made by hospitals under section 5168.23 of the Revised Code and 128526
all recoveries the department of medicaid makes under section 128527
5168.24 of the Revised Code shall be deposited into the fund. 128528
~~All investment earnings of the fund shall be credited to the~~ 128529
~~fund.~~ The department shall use money in the fund to pay for the 128530
costs of the medicaid program, including the program's 128531
administrative costs. 128532

Sec. 5168.90. (A) At least quarterly, the medicaid 128533
director shall report to the ~~members of the joint medicaid~~ 128534
~~oversight committee and the executive director of the joint~~ 128535
~~medicaid oversight committee~~ legislative service commission both 128536
of the following: 128537

(1) The fee rates and the aggregate total of the fees 128538
assessed for each of the following: 128539

(a) The hospital assessment established under section 128540
5168.21 of the Revised Code; 128541

(b) The nursing home and hospital long-term care unit 128542
franchise permit fee under section 5168.41 of the Revised Code; 128543

(c) The ICF/IID franchise permit fee under section 5168.61 128544
of the Revised Code; 128545

(d) The health insuring corporation franchise fee under 128546
section 5168.76 of the Revised Code. 128547

(2) If there is a rate increase for any of the fee rates 128548
listed under division (A) (1) of this section pending before the 128549
centers for medicare and medicaid services. 128550

(B) The director may adopt rules under section 5162.02 of 128551
the Revised Code to compile and submit the reports required 128552

under this section, including rules, as authorized under section 128553
5162.021 of the Revised Code, that specify the information that 128554
must be submitted to the director by the department of 128555
developmental disabilities regarding the ICF/IID franchise 128556
permit fee. 128557

Sec. ~~5104.50~~ 5180.04. (A) The governor shall create the 128558
~~early childhood~~ children and youth advisory council in 128559
accordance with 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441 and 128560
shall appoint one of its members to serve as chairperson of the 128561
council with the director of children and youth serving as co- 128562
chairperson. ~~The~~ 128563

(B) (1) The council shall serve as both the state advisory 128564
council on early childhood education and care, as described in 128565
42 U.S.C. 9837b(b) (1), and the state interagency coordinating 128566
council, as described in 20 U.S.C. 1441. ~~In addition to the~~ 128567
~~duties specified in 42 U.S.C. 9837b(b) (1), the~~ 128568

(2) The council shall ~~promote~~ advise the governor on the 128569
availability, accessibility, affordability, and quality of 128570
services provided through the prenatal and child-serving 128571
systems. This includes fostering a continuum of care that 128572
promotes family-centered programs and services that acknowledge 128573
and support the social, emotional, cognitive, intellectual, and 128574
physical development of children and the vital role of families 128575
in ensuring the well-being and success of children. 128576

(3) The ~~early childhood advisory~~ council shall advise the 128577
director of children and youth on matters affecting the 128578
licensing of centers, type A homes, and type B homes and the 128579
certification of in-home aides. The council shall make an annual 128580
report to the director that addresses the availability, 128581
affordability, accessibility, and quality of child care and that 128582

summarizes the recommendations and plans of action that the 128583
council has proposed to the director during the preceding fiscal 128584
year. The director shall provide copies of the report to the 128585
governor, speaker and minority leader of the house of 128586
representatives, and the president and minority leader of the 128587
senate and, on request, shall make copies available to the 128588
public. 128589

(C) (1) The advisory council shall include up to twenty- 128590
five members appointed by the governor, including the following: 128591

(a) At least one representative of the department of 128592
children and youth; 128593

(b) At least one representative of the department of 128594
medicaid; 128595

(c) At least one representative of the department of job 128596
and family services; 128597

(d) At least one representative of the department of 128598
behavioral health ; 128599

(e) At least one representative of the department of 128600
education and workforce; 128601

(f) At least one representative of the department of 128602
health; 128603

(g) At least one representative of the department of 128604
developmental disabilities; 128605

(h) At least one representative of the department of youth 128606
services; 128607

(i) At least one representative from each of the following 128608
stakeholder groups, selected from multi-sized municipal 128609

<u>corporations and geographically diverse areas of the state,</u>	128610
<u>including rural, urban, and suburban areas:</u>	128611
<u>(i) Maternal and infant vitality;</u>	128612
<u>(ii) Early intervention;</u>	128613
<u>(iii) Home visiting;</u>	128614
<u>(iv) Early childhood education;</u>	128615
<u>(v) Child care centers providing publicly funded child</u>	128616
<u>care;</u>	128617
<u>(vi) Family child care homes providing publicly funded</u>	128618
<u>child care;</u>	128619
<u>(vii) School child programs;</u>	128620
<u>(viii) Preschool programs;</u>	128621
<u>(ix) Children's services.</u>	128622
<u>(2) In making appointments to the advisory council, the</u>	128623
<u>governor shall ensure that the membership of the council</u>	128624
<u>reasonably represents the population of the state.</u>	128625
<u>(D) (1) The advisory council shall create topic-specific</u>	128626
<u>advisory groups that address a continuum of services including</u>	128627
<u>the following:</u>	128628
<u>(a) Early childhood education and care;</u>	128629
<u>(b) Children services;</u>	128630
<u>(c) Maternal and infant vitality;</u>	128631
<u>(d) Early childhood mental health services and supports;</u>	128632
<u>(e) Early intervention services.</u>	128633

(2) No representative of the department of children and youth shall serve as a chairperson for a topic-specific advisory group. 128634
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(3) The governor shall appoint additional members as necessary to the early childhood education and care advisory group and the early intervention services advisory group to satisfy the requirements of 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441. 128637
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(4) The director of children and youth shall appoint each representative appointed pursuant to division (C) (1) (i) of this section to at least one topic-specific advisory group. 128642
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128644

Sec. 5180.14. (A) As used in this section and sections 5180.15, 5180.16, and 5180.17 of the Revised Code: 128645
128646

(1) "Child care center," "type A family child care home," and "licensed type B family child care home" have the same meanings as in section 5104.01 of the Revised Code. 128647
128648
128649

(2) "Child care facility" means a child care center, a type A family child care home, or a licensed type B family child care home. 128650
128651
128652

(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code. 128653
128654

(4) "Freestanding birthing center" has the same meaning as in section 3701.503 of the Revised Code. 128655
128656

(5) "Hospital" has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies: 128657
128658

(a) The hospital has a maternity unit. 128659

(b) The hospital receives for care infants who have been 128660

transferred to it from other facilities and who have never been 128661
discharged to their residences following birth. 128662

(6) "Infant" means a child who is less than one year of 128663
age. 128664

(7) "Maternity unit" means the distinct portion of a 128665
hospital in which maternity services are provided. 128666

(8) "Other person responsible for the infant" includes a 128667
foster caregiver. 128668

(9) "Parent" means either parent, unless the parents are 128669
separated or divorced or their marriage has been dissolved or 128670
annulled, in which case "parent" means the parent who is the 128671
residential parent and legal custodian of the child. "Parent" 128672
also means a prospective adoptive parent with whom a child is 128673
placed. 128674

(10) "Shaken baby syndrome" means signs and symptoms, 128675
including, but not limited to, retinal hemorrhages in one or 128676
both eyes, subdural hematoma, or brain swelling, resulting from 128677
the violent shaking or the shaking and impacting of the head of 128678
an infant or small child. 128679

(B) The director of children and youth shall establish the 128680
shaken baby syndrome education program by doing all of the 128681
following: 128682

(1) Developing educational materials that present readily 128683
comprehensible information on shaken baby syndrome; 128684

(2) Making available on the department of children and 128685
youth web site in an easily accessible format the educational 128686
materials developed under division (B) (1) of this section; 128687

(3) Annually assessing the effectiveness of the shaken 128688

baby syndrome education program by doing all of the following: 128689

(a) Evaluating the reports received pursuant to section 128690
~~5101.135~~ 5180.405 of the Revised Code; 128691

(b) Reviewing the content of the educational materials to 128692
determine if updates or improvements should be made; 128693

(c) Reviewing the manner in which the educational 128694
materials are distributed, as described in section 5180.15 of 128695
the Revised Code, to determine if modifications to that manner 128696
should be made. 128697

(C) In meeting the requirements under division (B) of this 128698
section, the director shall develop educational materials that, 128699
to the extent possible, minimize administrative or financial 128700
burdens on any of the entities or persons listed in section 128701
5180.15 of the Revised Code. 128702

Sec. 5180.17. (A) As used in this section: 128703

(1) "Contractor" means a person who provides personal 128704
services pursuant to a contract. 128705

(2) "Critical access hospital" means a facility designated 128706
as a critical access hospital by the director of health under 128707
section 3701.073 of the Revised Code. 128708

(3) "Crib" includes a portable play yard or other suitable 128709
sleeping place. 128710

(B) Each hospital and freestanding birthing center shall 128711
implement an infant safe sleep screening procedure. The purpose 128712
of the procedure is to determine whether there will be a safe 128713
crib for an infant to sleep in once the infant is discharged 128714
from the facility to the infant's residence following birth. The 128715
procedure shall consist of questions that facility staff or 128716

volunteers must ask the infant's parent, guardian, or other 128717
person responsible for the infant regarding the infant's 128718
intended sleeping place and environment. 128719

The director of children and youth shall develop questions 128720
that facilities may use when implementing the infant safe sleep 128721
screening procedure required by this division. The director may 128722
consult with persons and government entities that have expertise 128723
in infant safe sleep practices when developing the questions. 128724

(C) If, prior to an infant's discharge from a facility to 128725
the infant's residence following birth, a facility other than a 128726
critical access hospital or a facility identified under division 128727
(D) of this section determines through the procedure implemented 128728
under division (B) of this section that the infant is unlikely 128729
to have a safe crib at the infant's residence, the facility 128730
shall make a good faith effort to arrange for the parent, 128731
guardian, or other person responsible for the infant to obtain a 128732
safe crib at no charge to that individual. In meeting this 128733
requirement, the facility may do any of the following: 128734

(1) Obtain a safe crib with its own resources; 128735

(2) Collaborate with or obtain assistance from persons or 128736
government entities that are able to procure a safe crib or 128737
provide money to purchase a safe crib; 128738

(3) Refer the parent, guardian, or other person 128739
responsible for the infant to a person or government entity 128740
described in division (C) (2) of this section to obtain a safe 128741
crib free of charge from that source; 128742

(4) If funds are available for the cribs for kids program 128743
or a successor program administered by the department of 128744
children and youth, refer the parent, guardian, or other person 128745

responsible for the infant to a site, designated by the 128746
department for purposes of the program, at which a safe crib may 128747
be obtained at no charge. 128748

If a safe crib is procured as described in division (C) 128749
(1), (2), or (3) of this section, the facility shall ensure that 128750
the crib recipient receives safe sleep education and crib 128751
assembly instructions from the facility or another source. If a 128752
safe crib is procured as described in division (C) (4) of this 128753
section, the department of children and youth shall ensure that 128754
the cribs for kids program or a successor program administered 128755
by the department provides safe sleep education and crib 128756
assembly instructions to the recipient. 128757

(D) The director of children and youth shall identify the 128758
facilities in this state that are not critical access hospitals 128759
and are not served by a site described in division (C) (4) of 128760
this section. The director shall identify not less than annually 128761
the facilities that meet both criteria and notify those that do 128762
so. 128763

(E) When a facility that is a hospital registers with the 128764
department of health under section 3701.07 of the Revised Code 128765
or a facility that is a freestanding birthing center renews its 128766
license in accordance with rules adopted under section 3702.30 128767
of the Revised Code, the facility shall report the following 128768
information to the department of children and youth in a manner 128769
the department prescribes: 128770

(1) The number of safe cribs that the facility obtained 128771
and distributed by using its own resources as described in 128772
division (C) (1) of this section since the last time the facility 128773
reported this information to the department; 128774

(2) The number of safe cribs that the facility obtained 128775
and distributed by collaborating with or obtaining assistance 128776
from another person or government entity as described in 128777
division (C) (2) of this section since the last time the facility 128778
reported this information to the department; 128779

(3) The number of referrals that the facility made to a 128780
person or government entity as described in division (C) (3) of 128781
this section since the last time the facility reported this 128782
information to the department; 128783

(4) The number of referrals that the facility made to a 128784
site designated by the department as described in division (C) 128785
(4) of this section since the last time the facility reported 128786
this information to the department; 128787

(5) Demographic information specified by the director of 128788
children and youth regarding the individuals to whom safe cribs 128789
were distributed as described in division (E) (1) or (2) of this 128790
section or for whom a referral described in division (E) (3) or 128791
(4) of this section was made; 128792

(6) In the case of a critical access hospital or a 128793
facility identified under division (D) of this section, 128794
demographic information specified by the director of children 128795
and youth regarding each parent, guardian, or other person 128796
responsible for the infant determined to be unlikely to have a 128797
safe crib at the infant's residence pursuant to the procedure 128798
implemented under division (B) of this section; 128799

(7) Any other information collected by the facility 128800
regarding infant sleep environments and intended infant sleep 128801
environments that the director determines to be appropriate. 128802

(F) The director of children and youth shall prepare a 128803

written report that summarizes the information collected under 128804
division (E) of this section for the preceding twelve months, 128805
assesses whether at-risk families are sufficiently being served 128806
by the crib distribution and referral system established by this 128807
section, makes suggestions for system improvements, and provides 128808
any other information the director considers appropriate for 128809
inclusion in the report. On completion, the report shall be 128810
submitted to the general assembly with, and in the same manner 128811
as, the report that the department of medicaid submits to the 128812
general assembly ~~and joint medicaid oversight committee~~ pursuant 128813
to section 5162.13 of the Revised Code. A copy of the report 128814
also shall be submitted to the governor. 128815

(G) A facility, and any employee, contractor, or volunteer 128816
of a facility, that implements an infant safe sleep procedure in 128817
accordance with division (B) of this section is not liable for 128818
damages in a civil action for injury, death, or loss to person 128819
or property that allegedly arises from an act or omission 128820
associated with implementation of the procedure, unless the act 128821
or omission constitutes willful or wanton misconduct. 128822

A facility, and any employee, contractor, or volunteer of 128823
a facility, that implements an infant safe sleep screening 128824
procedure in accordance with division (B) of this section is not 128825
subject to criminal prosecution or, to the extent that a person 128826
is regulated under Title XLVII of the Revised Code, professional 128827
disciplinary action under that title, for an act or omission 128828
associated with implementation of the procedure. 128829

This division does not eliminate, limit, or reduce any 128830
other immunity or defense that a facility, or an employee, 128831
contractor, or volunteer of a facility, may be entitled to under 128832
Chapter 2744. of the Revised Code, or any other provision of the 128833

Revised Code, or the common law of this state. 128834

(H) A facility, and any employee, contractor, or volunteer 128835
of a facility, is neither liable for damages in a civil action, 128836
nor subject to criminal prosecution, for injury, death, or loss 128837
to person or property that allegedly arises from a crib obtained 128838
by a parent, guardian, or other person responsible for the 128839
infant as a result of any action the facility, employee, 128840
contractor, or volunteer takes to comply with division (C) of 128841
this section. 128842

The immunity provided by this division does not require 128843
compliance with division (D) of section 2305.37 of the Revised 128844
Code. 128845

Sec. 5180.20. (A) The director of children and youth shall 128846
identify each government program providing benefits, other than 128847
the help me grow program established by the department of 128848
children and youth pursuant to section 5180.21 of the Revised 128849
Code, that has the goal of reducing infant mortality and 128850
negative birth outcomes or the goal of reducing disparities 128851
among women who are pregnant or capable of becoming pregnant and 128852
who belong to a racial or ethnic minority. A program shall be 128853
identified only if it provides education, training, and support 128854
services related to those goals to program participants in their 128855
homes. The director may consult with the Ohio partnership to 128856
build stronger families for assistance with identifying the 128857
programs. 128858

(B) An administrator of a program identified under 128859
division (A) of this section shall report to the director data 128860
on program performance indicators that are used to assess 128861
progress toward achieving program goals. The administrator shall 128862
report the data in the format and within the time frames 128863

specified in rules adopted under division (C) of this section. 128864
Using the data reported under this division, the director shall 128865
prepare an annual report assessing the performance of each 128866
government program identified pursuant to division (A) of this 128867
section during the immediately preceding twelve-month period. In 128868
addition, the report shall summarize and provide an analysis of 128869
the information contained in the "information for medical and 128870
health use only" section of the birth records for individuals 128871
born during the prior twelve-month period. 128872

The director shall provide a copy of the report to the 128873
general assembly ~~and the joint medicaid oversight committee. The~~ 128874
~~copy to the general assembly shall be provided in~~ accordance 128875
with section 101.68 of the Revised Code. 128876

(C) The director shall adopt rules specifying program 128877
performance indicators on which data must be reported by the 128878
administrators described in division (B) of this section as well 128879
as the format and time frames in which the data must be 128880
reported. To the extent possible, the program performance 128881
indicators specified in the rules shall be consistent with 128882
federal reporting requirements for federally funded home 128883
visiting services. The rules shall be adopted in accordance with 128884
Chapter 119. of the Revised Code. 128885

Sec. 5180.21. (A) The department of children and youth 128886
shall establish the help me grow program as the state's 128887
evidence-based parent support program that encourages early 128888
prenatal and well-baby care, as well as provides parenting 128889
education to promote the comprehensive health and development of 128890
children. The program shall provide home visiting services to 128891
families with a pregnant woman or child under five years of age 128892
that meet the eligibility requirements established in rules 128893

adopted under this section. Home visiting services shall be 128894
provided through evidence-based home visiting models or 128895
innovative, promising home visiting models recommended by the 128896
~~Ohio home visiting consortium~~ children and youth advisory 128897
council created under section ~~5180.23~~ 5180.04 of the Revised 128898
Code. 128899

(B) Families shall be referred to the appropriate home 128900
visiting services through the central intake and referral system 128901
created under section 5180.22 of the Revised Code. 128902

(C) To the extent possible, the goals of the help me grow 128903
program shall be consistent with the goals of the federal home 128904
visiting program, as specified by the maternal and child health 128905
bureau of the health resources and services administration in 128906
the United States department of health and human services or its 128907
successor. 128908

(D) The director of children and youth shall enter into an 128909
interagency agreement with one or more state agencies, including 128910
the department of developmental disabilities, department of job 128911
and family services, department of medicaid, commission on 128912
minority health, Ohio fatherhood commission, and children's 128913
trust fund board, to implement the help me grow program, to 128914
ensure coordination of early childhood programs, and to maximize 128915
reimbursement for the help me grow program from any federal 128916
source. 128917

In addition to creating the central intake and referral 128918
system as described in section 5180.22 of the Revised Code, the 128919
department of children and youth shall ensure there is a 128920
consistent comprehensive screening and connection program to 128921
support the coordination of home visiting services across the 128922
state, including through the department of health, department of 128923

developmental disabilities, department of job and family 128924
services, department of medicaid, and commission on minority 128925
health. Following the program's establishment, the department of 128926
children and youth shall evaluate the program's effectiveness in 128927
coordinating home visiting services at least once annually. 128928

(E) The director may distribute help me grow program funds 128929
through contracts, grants, or subsidies to entities providing 128930
services under the program. 128931

(F) As a condition of receiving payments for home visiting 128932
services, providers shall report to the director data on the 128933
program performance indicators, specified in rules adopted under 128934
division (G) of this section, that are used to assess progress 128935
toward achieving all of the following: 128936

(1) The benchmark domains established for the federal home 128937
visiting program, including improvement in maternal and newborn 128938
health; reduction in child injuries, abuse, and neglect; 128939
improved school readiness and achievement; reduction in crime 128940
and domestic violence; and improved family economic self- 128941
sufficiency; 128942

(2) Improvement in birth outcomes and reduction in 128943
stillbirths, as that term is defined in section 5180.12 of the 128944
Revised Code; 128945

(3) Reduction in tobacco use by pregnant women, new 128946
parents, and others living in households with children. 128947

The providers shall report the data in the format and 128948
within the time frames specified in the rules. 128949

The director shall prepare an annual report on the data 128950
received from the providers. Each report shall include an 128951
evaluation addressing the number of families and children 128952

served, the number and type of services provided, health and 128953
developmental outcomes for participating families and children, 128954
and variation in outcomes between the types of home visiting 128955
programs specified in division (B) (3) of section 5180.22 of the 128956
Revised Code. The director shall submit the report to the 128957
general assembly in accordance with section 101.68 of the 128958
Revised Code and make the report available on the internet web 128959
site maintained by the department of children and youth. 128960

(G) Pursuant to Chapter 119. of the Revised Code, the 128961
director shall adopt rules that are necessary and proper to 128962
implement this section. The rules shall specify all of the 128963
following: 128964

(1) Subject to division (H) of this section, eligibility 128965
requirements for home visiting services; 128966

(2) Eligibility requirements for providers of home 128967
visiting services; 128968

(3) Standards and procedures for the provision of program 128969
services, including data collection, program monitoring, and 128970
program evaluation; 128971

(4) Procedures for appealing the denial of an application 128972
for program services or the termination of services; 128973

(5) Procedures for appealing the denial of an application 128974
to become a provider of program services or the termination of 128975
the department's approval of a provider; 128976

(6) Procedures for addressing complaints; 128977

(7) The program performance indicators on which data must 128978
be reported by providers of home visiting services under 128979
division (F) of this section, which, to the extent possible, 128980

shall be consistent with federal reporting requirements for 128981
federally funded home visiting services; 128982

(8) The format in which reports must be submitted under 128983
division (F) of this section and the time frames within which 128984
the reports must be submitted; 128985

(9) Criteria for payment of approved providers of program 128986
services; 128987

(10) Any other rules necessary to implement the program. 128988

(H) When adopting rules required by division (G) (1) of 128989
this section, the director shall specify that families residing 128990
in the urban and rural communities specified in rules adopted 128991
under section 3701.142 of the Revised Code and families in the 128992
child welfare system are to receive priority over other families 128993
for home visiting services. 128994

(I) The department, in collaboration with the departments 128995
of job and family services and medicaid, shall propose 128996
strategies to increase the workforce capacity of home visiting 128997
service providers and parenting support professionals, including 128998
efforts to incentivize and retain such providers and 128999
professionals in this state. 129000

Sec. 5180.22. (A) The department of children and youth 129001
shall create a central intake and referral system for all home 129002
visiting programs operating in this state. Through a competitive 129003
bidding process, the department of children and youth may select 129004
one or more persons or government entities to operate the 129005
system. In its oversight of the one or more system operators, 129006
the department shall streamline the system to ensure families 129007
and children receive services from home visiting programs as 129008
described in division (B) (3) of this section. 129009

(B) If the department of children and youth chooses to 129010
select one or more system operators as described in division (A) 129011
of this section, a contract with any system operator shall 129012
require that the system do all of the following: 129013

(1) Serve as a single point of entry for access, 129014
assessment, and referral of families and children to appropriate 129015
home visiting services based on each family's location of 129016
residence; 129017

(2) Use a standardized form or other mechanism to assess 129018
each family member's risk factors and social determinants of 129019
health; 129020

(3) Ensure that families and children are referred to and 129021
receive services from home visiting programs that are 129022
appropriate to their level of needs, including the following: 129023

(a) Programs using home visiting contractors that provide 129024
services within a pathways community HUB certified by the 129025
pathways community HUB institute; 129026

(b) Programs that provide services using the early head 129027
start home-based option. 129028

(C) The standardized form or other mechanism described in 129029
division (B) (2) of this section shall be agreed to by the ~~home-~~ 129030
~~visiting consortium~~ children and youth advisory council created 129031
under section ~~5180.23~~ 5180.04 of the Revised Code. 129032

(D) A contract entered into under division (B) of this 129033
section shall require a system operator to issue an annual 129034
report to the department of children and youth that includes 129035
data regarding referrals made by the central intake and referral 129036
system, costs associated with the referrals, and the quality of 129037
services received by families and children who were referred to 129038

services through the system. The report shall be distributed to 129039
the ~~home visiting consortium~~ children and youth advisory council 129040
created under section ~~5180.23~~ 5180.04 of the Revised Code. 129041

(E) Nothing in this section is intended to do any of the 129042
following: 129043

(1) Prohibit the department of children and youth from 129044
using alternative promotional materials or names for the central 129045
intake and referral system; 129046

(2) Require the use of help me grow program promotional 129047
materials or names; 129048

(3) Prohibit providers, central coordinators, the 129049
department of children and youth, or stakeholders from using the 129050
help me grow name for promotional materials for home visiting. 129051

Sec. ~~5101.76~~ 5180.26. (A) A residential camp, as defined 129052
in section 2151.011 of the Revised Code, a child day camp, as 129053
defined in section 5104.01 of the Revised Code, or a child day 129054
camp operated by any county, township, municipal corporation, 129055
township park district created under section 511.18 of the 129056
Revised Code, park district created under section 1545.04 of the 129057
Revised Code, or joint recreation district established under 129058
section 755.14 of the Revised Code may procure epinephrine 129059
autoinjectors for use in emergency situations identified under 129060
division (C) (5) of this section by doing one of the following: 129061

(1) Having a licensed health professional authorized to 129062
prescribe drugs, acting in accordance with section 4723.483, 129063
4730.433, or 4731.96 of the Revised Code, personally furnish the 129064
epinephrine autoinjectors to the camp or issue a prescription 129065
for them in the name of the camp; 129066

(2) Obtaining a prescriber-issued protocol that includes 129067

definitive orders for epinephrine autoinjectors and the dosages 129068
of epinephrine to be administered through them. 129069

A camp that elects to procure epinephrine autoinjectors 129070
under this section is encouraged to maintain at least two 129071
epinephrine autoinjectors at all times. 129072

(B) A camp that elects to procure epinephrine 129073
autoinjectors under this section shall adopt a policy governing 129074
their maintenance and use. Before adopting the policy, the camp 129075
shall consult with a licensed health professional authorized to 129076
prescribe drugs. 129077

(C) The policy adopted under division (B) of this section 129078
shall do all of the following: 129079

(1) Identify the one or more locations in which an 129080
epinephrine autoinjector must be stored; 129081

(2) Specify the conditions under which an epinephrine 129082
autoinjector must be stored, replaced, and disposed; 129083

(3) Specify the individuals employed by or under contract 129084
with the camp who may access and use an epinephrine autoinjector 129085
to provide a dosage of epinephrine to an individual in an 129086
emergency situation identified under division (C) (5) of this 129087
section; 129088

(4) Specify any training that employees or contractors 129089
specified under division (C) (3) of this section must complete 129090
before being authorized to access and use an epinephrine 129091
autoinjector; 129092

(5) Identify the emergency situations, including when an 129093
individual exhibits signs and symptoms of anaphylaxis, in which 129094
employees or contractors specified under division (C) (3) of this 129095

section may access and use an epinephrine autoinjector; 129096

(6) Specify that assistance from an emergency medical 129097
service provider must be requested immediately after an 129098
epinephrine autoinjector is used; 129099

(7) Specify the individuals to whom a dosage of 129100
epinephrine may be administered through an epinephrine 129101
autoinjector in an emergency situation specified under division 129102
(C) (5) of this section. 129103

(D) (1) The following are not liable in damages in a civil 129104
action for injury, death, or loss to person or property that 129105
allegedly arises from an act or omission associated with 129106
procuring, maintaining, accessing, or using an epinephrine 129107
autoinjector under this section, unless the act or omission 129108
constitutes willful or wanton misconduct: 129109

(a) A camp; 129110

(b) A camp employee or contractor; 129111

(c) A licensed health professional authorized to prescribe 129112
drugs who personally furnishes or prescribes epinephrine 129113
autoinjectors, provides a consultation, or issues a protocol 129114
pursuant to this section. 129115

(2) This section does not eliminate, limit, or reduce any 129116
other immunity or defense that a camp or camp employee or 129117
contractor or licensed health professional may be entitled to 129118
under Chapter 2744. or any other provision of the Revised Code 129119
or under the common law of this state. 129120

(E) A camp may accept donations of epinephrine 129121
autoinjectors from a wholesale distributor of dangerous drugs, 129122
as defined in section 4729.01 of the Revised Code, and may 129123

accept donations of money from any person to purchase 129124
epinephrine autoinjectors. 129125

(F) A camp that elects to procure epinephrine 129126
autoinjectors under this section shall report to the department 129127
of children and youth each procurement and occurrence in which 129128
an epinephrine autoinjector is used from a camp's supply of 129129
epinephrine autoinjectors. 129130

(G) As used in this section, "licensed health professional 129131
authorized to prescribe drugs" and "prescriber" have the same 129132
meanings as in section 4729.01 of the Revised Code. 129133

Sec. ~~5101.77~~ 5180.261. (A) As used in this section, 129134
"inhaler" means a device that delivers medication to alleviate 129135
asthmatic symptoms, is manufactured in the form of a metered 129136
dose inhaler or dry powdered inhaler, and may include a spacer, 129137
holding chamber, or other device that attaches to the inhaler 129138
and is used to improve the delivery of the medication. 129139

(B) A residential camp, as defined in section 2151.011 of 129140
the Revised Code, a child day camp, as defined in section 129141
5104.01 of the Revised Code, or a child day camp operated by any 129142
county, township, municipal corporation, township park district 129143
created under section 511.18 of the Revised Code, park district 129144
created under section 1545.04 of the Revised Code, or joint 129145
recreation district established under section 755.14 of the 129146
Revised Code may procure inhalers for use in emergency 129147
situations identified under division (D) (5) of this section. A 129148
camp that elects to procure inhalers under this section is 129149
encouraged to maintain at least two inhalers at all times. 129150

(C) A camp that elects to procure inhalers under this 129151
section shall adopt a policy governing their maintenance and 129152

use. Before adopting the policy, the camp shall consult with a 129153
licensed health professional authorized to prescribe drugs, as 129154
defined in section 4729.01 of the Revised Code. 129155

(D) A component of a policy adopted by a camp under 129156
division (C) of this section shall be a prescriber-issued 129157
protocol specifying definitive orders for inhalers, including 129158
the dosages of medication to be administered through them, the 129159
number of times that each inhaler may be used before disposal, 129160
and the methods of disposal. The policy also shall do all of the 129161
following: 129162

(1) Identify the one or more locations in which an inhaler 129163
must be stored; 129164

(2) Specify the conditions under which an inhaler must be 129165
stored, replaced, and disposed; 129166

(3) Specify the individuals employed by or under contract 129167
with the camp who may access and use an inhaler to provide a 129168
dosage of medication to an individual in an emergency situation 129169
identified under division (D) (5) of this section; 129170

(4) Specify any training that employees or contractors 129171
specified under division (D) (3) of this section must complete 129172
before being authorized to access and use an inhaler; 129173

(5) Identify the emergency situations, including when an 129174
individual exhibits signs and symptoms of asthma, in which 129175
employees or contractors specified under division (D) (3) of this 129176
section may access and use an inhaler; 129177

(6) Specify that assistance from an emergency medical 129178
service provider must be requested immediately after an employee 129179
or contractor, other than a licensed health professional, uses 129180
an inhaler; 129181

(7) Specify the individuals to whom a dosage of medication 129182
may be administered through an inhaler in an emergency situation 129183
specified under division (D) (5) of this section. 129184

(E) A camp or camp employee or contractor is not liable in 129185
damages in a civil action for injury, death, or loss to person 129186
or property that allegedly arises from an act or omission 129187
associated with procuring, maintaining, accessing, or using an 129188
inhaler under this section, unless the act or omission 129189
constitutes willful or wanton misconduct. 129190

This section does not eliminate, limit, or reduce any 129191
other immunity or defense that a camp or camp employee or 129192
contractor may be entitled to under Chapter 2744. or any other 129193
provision of the Revised Code or under the common law of this 129194
state. 129195

(F) A camp may accept donations of inhalers from a 129196
wholesale distributor of dangerous drugs, as defined in section 129197
4729.01 of the Revised Code, and may accept donations of money 129198
from any person to purchase inhalers. 129199

(G) A camp that elects to procure inhalers under this 129200
section shall report to the department of children and youth 129201
each procurement and occurrence in which an inhaler is used from 129202
a camp's supply of inhalers. 129203

Sec. ~~5101.78~~ 5180.262. (A) As used in this section, 129204
"licensed health professional authorized to prescribe drugs" and 129205
"prescriber" have the same meanings as in section 4729.01 of the 129206
Revised Code. 129207

(B) A residential camp, as defined in section 2151.011 of 129208
the Revised Code; a child day camp, as defined in section 129209
5104.01 of the Revised Code; or a child day camp operated by any 129210

county, township, municipal corporation, township park district 129211
created under section 511.18 of the Revised Code, park district 129212
created under section 1545.04 of the Revised Code, or joint 129213
recreation district established under section 755.14 of the 129214
Revised Code may procure injectable or nasally administered 129215
glucagon for use in emergency situations identified under 129216
division (D) (5) of this section by doing one of the following: 129217

(1) Having a licensed health professional authorized to 129218
prescribe drugs, acting in accordance with section 4723.4811, 129219
4730.437, or 4731.92 of the Revised Code, personally furnish the 129220
injectable or nasally administered glucagon to the camp or issue 129221
a prescription for the drug in the name of the camp; 129222

(2) Obtaining a prescriber-issued protocol that includes 129223
definitive orders for injectable or nasally administered 129224
glucagon and the dosages to be administered; 129225

A camp that elects to procure injectable or nasally 129226
administered glucagon under this section is encouraged to 129227
maintain at least two doses of the drug at all times. 129228

(C) A camp that elects to procure injectable or nasally 129229
administered glucagon under this section shall adopt a policy 129230
governing maintenance and use of the drug. Before adopting the 129231
policy, the camp shall consult with a licensed health 129232
professional authorized to prescribe drugs. 129233

(D) The policy adopted under division (C) of this section 129234
shall do all of the following: 129235

(1) Identify the one or more locations at the camp in 129236
which injectable or nasally administered glucagon must be 129237
stored; 129238

(2) Specify the conditions under which injectable or 129239

nasally administered glucagon must be stored, replaced, or 129240
disposed; 129241

(3) Specify the individuals employed by or under contract 129242
with the camp, or who volunteer at the camp, who may access and 129243
use injectable or nasally administered glucagon in an emergency 129244
situation identified under division (D) (5) of this section; 129245

(4) Specify any training that employees, contractors, or 129246
volunteers specified under division (D) (3) of this section must 129247
complete before being authorized to access and use injectable or 129248
nasally administered glucagon; 129249

(5) Identify the emergency situations, including when an 129250
individual exhibits signs and symptoms of severe hypoglycemia, 129251
in which employees, contractors, or volunteers specified under 129252
division (D) (3) of this section may access and use injectable or 129253
nasally administered glucagon; 129254

(6) Specify that assistance from an emergency medical 129255
service provider must be requested immediately after a dose of 129256
glucagon is administered; 129257

(7) Specify the individuals to whom a dose of glucagon may 129258
be administered in an emergency situation specified under 129259
division (D) (5) of this section. 129260

(E) (1) The following are not liable in damages in a civil 129261
action for injury, death, or loss to person or property that 129262
allegedly arises from an act or omission associated with 129263
procuring, maintaining, accessing, or using injectable or 129264
nasally administered glucagon under this section, unless the act 129265
or omission constitutes willful or wanton misconduct: 129266

(a) A camp; 129267

(b) A camp employee, contractor, or volunteer; 129268

(c) A licensed health professional authorized to prescribe 129269
drugs who personally furnishes or prescribes injectable or 129270
nasally administered glucagon, provides a consultation, or 129271
issues a protocol pursuant to this section; 129272

(2) This section does not eliminate, limit, or reduce any 129273
other immunity or defense that a camp; camp employee, 129274
contractor, or volunteer; or licensed health professional may be 129275
entitled to under Chapter 2744. or any other provision of the 129276
Revised Code or under the common law of this state. 129277

(F) A camp may accept donations of injectable or nasally 129278
administered glucagon from a wholesale distributor of dangerous 129279
drugs or manufacturer of dangerous drugs, as defined in section 129280
4729.01 of the Revised Code, and may accept donations of money 129281
from any person to purchase the drug. 129282

(G) A camp that elects to procure injectable or nasally 129283
administered glucagon under this section shall report to the 129284
department of children and youth each procurement and each 129285
occurrence in which a dose of the drug is used from the camp's 129286
supply. 129287

Sec. ~~3738.01~~ 5180.27. (A) As used in this section and 129288
sections ~~3738.02-5180.271~~ to ~~3738.09-5180.278~~ of the Revised 129289
Code, "pregnancy-associated death" means the death of a woman 129290
while pregnant or anytime within one year of pregnancy 129291
regardless of cause. 129292

(B) There is hereby established in the department of 129293
~~health-children and youth~~ a pregnancy-associated mortality 129294
review (PAMR) board to identify and review all pregnancy- 129295
associated deaths statewide for the purpose of reducing the 129296

incidence of those deaths. 129297

Sec. ~~3738.02~~ 5180.271. The PAMR board may not conduct a 129298
review of a pregnancy-associated death while an investigation of 129299
the death or prosecution of a person for causing the death is 129300
pending unless the prosecuting attorney agrees to allow the 129301
review. The law enforcement agency conducting the criminal 129302
investigation, on the conclusion of the investigation, and the 129303
prosecuting attorney prosecuting the case, on the conclusion of 129304
the prosecution, shall notify the chairperson of the PAMR board 129305
of the conclusion. 129306

Sec. ~~3738.03~~ 5180.272. All of the following apply with 129307
respect to the PAMR board: 129308

(A) The director of ~~health~~-children and youth shall 129309
appoint the board's members. In doing so, the director shall 129310
make a good faith effort to select members who represent all 129311
regions of the state and multiple areas of expertise and 129312
constituencies concerned with the care of pregnant and 129313
postpartum women. 129314

(B) The board, by a majority vote of a quorum of its 129315
members, shall select an individual to serve as its chairperson. 129316
The board may replace a chairperson in the same manner. 129317

(C) An appointed member shall hold office until a 129318
successor is appointed. The director of ~~health~~-children and 129319
youth shall fill a vacancy as soon as practicable. 129320

(D) A member shall not receive any compensation for, and 129321
shall not be paid for any expenses incurred pursuant to, 129322
fulfilling the member's duties on the board. 129323

(E) The board shall meet at the call of the board's 129324
chairperson as often as the chairperson determines necessary for 129325

timely completion of pregnancy-associated death reviews. The 129326
reviews shall be conducted in accordance with rules adopted 129327
under section ~~3738.09~~ 5180.278 of the Revised Code. 129328

(F) The department of ~~health~~ children and youth shall 129329
provide meeting space, staff services, and other technical 129330
assistance required by the board in carrying out its duties. 129331

Sec. ~~3738.04~~ 5180.273. The PAMR board shall seek to reduce 129332
the incidence of pregnancy-associated deaths in this state by 129333
doing all of the following: 129334

(A) Promoting cooperation, collaboration, and 129335
communication between all groups, professions, agencies, and 129336
entities that serve pregnant and postpartum women and families; 129337

(B) Recommending and developing plans for implementing 129338
service and program changes, as well as changes to the groups, 129339
professions, agencies, and entities that serve pregnant and 129340
postpartum women and families; 129341

(C) Providing the department of ~~health~~ children and youth 129342
with aggregate data, trends, and patterns regarding pregnancy- 129343
associated deaths using data and other relevant information 129344
specified in rules adopted under section ~~3738.09~~ 5180.278 of the 129345
Revised Code; 129346

(D) Developing effective interventions to reduce the 129347
mortality of pregnant and postpartum women. 129348

Sec. ~~3738.05~~ 5180.274. (A) Notwithstanding section 129349
3701.243 and any other section of the Revised Code pertaining to 129350
confidentiality, and except as provided in division (B) of this 129351
section, an individual, government entity, agency that provides 129352
services specifically to individuals or families, law 129353
enforcement agency, health care provider, or other public or 129354

private entity that provided services to a woman whose death is 129355
being reviewed by the PAMR board shall submit to the board a 129356
copy of any record it possesses that the board requests. In 129357
addition, such an individual or entity may make available to the 129358
board additional information, documents, or reports that could 129359
be useful to the board's investigation. 129360

(B) No person, government entity, law enforcement agency, 129361
or prosecuting attorney shall provide any information regarding 129362
a pregnancy-associated death while an investigation of the death 129363
or prosecution of a person for causing the death is pending 129364
unless the prosecuting attorney agrees to allow the review. 129365

(C) A family member of the deceased may decline to 129366
participate in an interview as part of the review process. In 129367
that case, the review shall continue without the family member's 129368
participation. 129369

Sec. ~~3738.06~~ 5180.275. (A) Any record, document, report, 129370
or other information presented to the PAMR board, as well as all 129371
statements made by board members during board meetings, all work 129372
products of the board, and data submitted to the department of 129373
~~health-children and youth~~ by the board, other than the biennial 129374
reports described in section ~~3738.08~~ 5180.277 of the Revised 129375
Code, are confidential and not a public record under section 129376
149.43 of the Revised Code. Such materials shall be used by the 129377
board and department only in the exercise of the proper 129378
functions of the board and department. 129379

(B) No person shall permit or encourage the unauthorized 129380
dissemination of confidential information described in division 129381
(A) of this section. 129382

~~(C) Whoever violates division (B) of this section is~~ 129383

~~guilty of a misdemeanor of the second degree.~~ 129384

Sec. ~~3738.07~~ 5180.276. (A) An individual or public or 129385
private entity providing records, documents, reports, or other 129386
information to the PAMR board is immune from any civil liability 129387
for injury, death, or loss to person or property that otherwise 129388
might be incurred or imposed as a result of providing the 129389
records, documents, reports, or information to the board. 129390

(B) Each board member is immune from any civil liability 129391
for injury, death, or loss to person or property that might 129392
otherwise be incurred or imposed as a result of the member's 129393
participation on the board. 129394

Sec. ~~3738.08~~ 5180.277. (A) The PAMR board shall prepare a 129395
biennial report that does all of the following: 129396

(1) Summarizes the board's findings from the reviews 129397
completed in the immediately preceding two calendar years, 129398
including any trends or patterns identified by the board; 129399

(2) Makes recommendations on how pregnancy-associated 129400
deaths may be prevented, including changes that should be made 129401
to policies and laws; 129402

(3) Includes any other information related to pregnancy- 129403
associated mortality the board considers useful. 129404

(B) A report shall not contain individually identifiable 129405
information regarding any woman whose death was reviewed by the 129406
board. 129407

(C) The board shall submit a copy of each report to the 129408
director of ~~health~~children and youth, the general assembly, and 129409
the governor. The copy to the general assembly shall be 129410
submitted in accordance with section 101.68 of the Revised Code. 129411

The initial report shall be submitted not later than March 1, 129412
2020, with subsequent reports submitted not later than March 1 129413
every two years thereafter. 129414

The director shall make a copy of each report available on 129415
the department of ~~health's~~ children and youth's web site. 129416

(D) Reports prepared under this section are public records 129417
under section 149.43 of the Revised Code. 129418

Sec. ~~3738.09~~ 5180.278. The director of ~~health~~ children and 129419
youth shall adopt rules that are necessary for the 129420
implementation of sections ~~3738.01~~ 5180.27 to ~~3738.08~~ 5180.277 129421
of the Revised Code, including rules that do all of the 129422
following: 129423

(A) Establish a procedure for the PAMR board to follow in 129424
conducting pregnancy-associated death reviews; 129425

(B) Specify the data and other relevant information the 129426
board must use when conducting pregnancy-associated death 129427
reviews; 129428

(C) Establish guidelines for the board to follow to 129429
prevent an unauthorized dissemination of confidential 129430
information in violation of division (B) of section ~~3738.06~~ 129431
5180.275 of the Revised Code. 129432

The rules shall be adopted in accordance with Chapter 119. 129433
of the Revised Code. 129434

Sec. ~~5101.13~~ 5180.40. (A) The department of children and 129435
youth shall establish and maintain a uniform statewide automated 129436
child welfare information system in accordance with the 129437
requirements of 42 ~~U.S.C.A.~~ U.S.C. 674(a)(3)(C) and related 129438
federal regulations and guidelines. The information system shall 129439

contain records regarding any of the following: 129440

(1) Investigations of children and families, and 129441
children's care in out-of-home care, in accordance with sections 129442
2151.421 and 5153.16 of the Revised Code; 129443

(2) Care and treatment provided to children and families; 129444

(3) Any other information related to children and families 129445
that state or federal law, regulation, or rule requires the 129446
department or a public children services agency to maintain. 129447

~~(B) The department shall plan implementation of the 129448
information system on a county-by-county basis and shall 129449
finalize statewide implementation by all public children 129450
services agencies as described in section 5153.02 of the Revised 129451
Code not later than January 1, 2008. 129452~~

~~(C) The department shall promptly notify all public 129453
children services agencies of the initiation and completion of 129454
statewide implementation of the statewide information system 129455
established under division (A) of this section. 129456~~

~~(D)~~ "Out-of-home care" has the same meaning as in section 129457
2151.011 of the Revised Code. 129458

Sec. ~~5101.131~~ 5180.401. Except as provided in section 129459
~~5101.132~~ 5180.402 of the Revised Code, information contained in 129460
or obtained from the information system established and 129461
maintained under section ~~5101.13~~ 5180.40 of the Revised Code is 129462
confidential and is not subject to disclosure pursuant to 129463
section 149.43 or 1347.08 of the Revised Code. 129464

Sec. ~~5101.132~~ 5180.402. (A) Information contained in the 129465
information system established and maintained under section 129466
~~5101.13~~ 5180.40 of the Revised Code may be accessed or entered 129467

only as follows: 129468

(1) The department of job and family services, the 129469
department of children and youth, a public children services 129470
agency, a title IV-E agency, a prosecuting attorney, a private 129471
child placing agency, and a private noncustodial agency may 129472
access or enter the information when either of the following is 129473
the case: 129474

(a) The access or entry is directly connected with 129475
assessment, investigation, or services regarding a child or 129476
family; 129477

(b) The access or entry is permitted by state or federal 129478
law, rule, or regulation. 129479

(2) A person may access or enter the information in a 129480
manner, to the extent, and for the purposes authorized by rules 129481
adopted by the department. 129482

(B) As used in this section, "title IV-E agency" means a 129483
public children services agency or a public entity with which 129484
the department of job and family services or department of 129485
children and youth has a title IV-E subgrant agreement in 129486
effect. 129487

Sec. ~~5101.133~~ 5180.403. No person shall access or use 129488
information contained in the information system established and 129489
maintained under section ~~5101.13~~ 5180.40 of the Revised Code 129490
other than in accordance with section ~~5101.132~~ 5180.402 of the 129491
Revised Code or rules authorized by that section. 129492

No person shall disclose information obtained from the 129493
information system established and maintained under section 129494
~~5101.13~~ 5180.40 of the Revised Code in a manner not specified by 129495
rules authorized by section ~~5101.134~~ 5180.404 of the Revised 129496

Code. 129497

Sec. ~~5101.134~~ 5180.404. (A) Notwithstanding any provision 129498
of the Revised Code that requires confidentiality of information 129499
that is contained in the uniform statewide automated child 129500
welfare information system established in section ~~5101.13~~ 129501
5180.40 of the Revised Code, the department of children and 129502
youth shall adopt rules in accordance with Chapter 119. of the 129503
Revised Code regarding a private child placing agency's or 129504
private noncustodial agency's access, data entry, and use of 129505
information in the uniform statewide automated child welfare 129506
information system. 129507

(B) (1) The department of children and youth may adopt 129508
rules in accordance with section 111.15 of the Revised Code, as 129509
if they were internal management rules, as necessary to carry 129510
out the purposes of sections ~~5101.13~~ 5180.40 to ~~5101.133~~ 129511
5180.403 of the Revised Code. 129512

(2) The department may adopt rules in accordance with 129513
Chapter 119. of the Revised Code as necessary to carry out the 129514
purposes of division (A) (2) of section ~~5101.132~~ 5180.402 of the 129515
Revised Code. 129516

(C) Public children services agencies shall implement and 129517
use the information system established pursuant to section 129518
~~5101.13~~ 5180.40 of the Revised Code in accordance with rules 129519
adopted by the department. 129520

Sec. ~~5101.135~~ 5180.405. (A) A public children services 129521
employee who is entering a report of an investigation of child 129522
abuse in the statewide automated child welfare information 129523
system, as required by section ~~5101.13~~ 5180.40 of the Revised 129524
Code, shall make a notation on each case of child abuse that 129525

indicates whether the child abuse arose from an act that caused 129526
the child to suffer from, or resulted in the child suffering 129527
from, shaken baby syndrome. 129528

(B) On the first day of March of each year, the department 129529
of children and youth shall report to the director of health the 129530
number of reports of child abuse that arose from an act that 129531
caused the child to suffer from, or resulted in the child 129532
suffering from, shaken baby syndrome and that arose during the 129533
calendar year immediately preceding the calendar year in which 129534
the report is made, as determined by an examination of the 129535
statewide automated child welfare information system established 129536
and maintained under section ~~5101.13~~5180.40 of the Revised 129537
Code. 129538

(C) As used in this section, "shaken baby syndrome" has 129539
the same meaning as in section 5180.14 of the Revised Code. 129540

Sec. ~~5101.136~~ 5180.406. If a person requests the 129541
department of ~~job and family services~~children and youth to 129542
conduct a search of whether that person's name has been placed 129543
or remains in the statewide automated child welfare information 129544
system as an alleged perpetrator of child abuse or neglect and a 129545
search reveals that a "substantiated" disposition exists, the 129546
department shall send a letter to the person who requested the 129547
search indicating a "match." 129548

Sec. ~~5101.137~~ 5180.407. The department of ~~job and family~~
~~services~~children and youth shall work with stakeholders to 129549
establish an expungement policy regarding dispositions of child 129550
abuse or neglect in Ohio's central registry on child abuse and 129551
neglect by March 1, 2024. 129552
129553

Sec. ~~5101.14~~ 5180.41. (A) As used in this section and 129554

section ~~5101.144~~5180.411 of the Revised Code, "children 129555
services" means services provided to children pursuant to 129556
Chapter 5153. of the Revised Code. 129557

(B) Within available funds, the department of children and 129558
youth shall distribute funds to the counties within thirty days 129559
after the beginning of each calendar quarter for a part of the 129560
counties' costs for children services. 129561

Funds provided to the county under this section shall be 129562
deposited into the children services fund created pursuant to 129563
section ~~5101.144~~5180.411 of the Revised Code. 129564

(C) In each fiscal year, the amount of funds available for 129565
distribution under this section shall be allocated to counties 129566
as follows: 129567

(1) If the amount is less than the amount initially 129568
appropriated for the immediately preceding fiscal year, each 129569
county shall receive an amount equal to the percentage of the 129570
funding it received in the immediately preceding fiscal year, 129571
exclusive of any releases from or additions to the allocation or 129572
any sanctions imposed under this section; 129573

(2) If the amount is equal to the amount initially 129574
appropriated for the immediately preceding fiscal year, each 129575
county shall receive an amount equal to the amount it received 129576
in the preceding fiscal year, exclusive of any releases from or 129577
additions to the allocation or any sanctions imposed under this 129578
section; 129579

(3) If the amount is greater than the amount initially 129580
appropriated for the immediately preceding fiscal year, each 129581
county shall receive the amount determined under division (C) (2) 129582
of this section as a base allocation, plus a percentage of the 129583

amount that exceeds the amount initially appropriated for the 129584
immediately preceding fiscal year. The amount exceeding the 129585
amount initially appropriated in the immediately preceding 129586
fiscal year shall be allocated to the counties as follows: 129587

(a) Twelve per cent divided equally among all counties; 129588

(b) Forty-eight per cent in the ratio that the number of 129589
residents of the county under the age of eighteen bears to the 129590
total number of such persons residing in this state; 129591

(c) Forty per cent in the ratio that the number of 129592
residents of the county with incomes under the federal poverty 129593
guideline bears to the total number of such persons in this 129594
state. 129595

As used in division (C) (3) (c) of this section, "federal 129596
poverty guideline" means the poverty guideline as defined by the 129597
United States office of management and budget and revised by the 129598
United States secretary of health and human services in 129599
accordance with section 673 of the "Community Services Block 129600
Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 129601

(D) Within ninety days after the end of each state fiscal 129602
biennium, each county shall return any unspent funds to the 129603
department. 129604

(E) The director of children and youth may adopt the 129605
following rules in accordance with section 111.15 of the Revised 129606
Code: 129607

(1) Rules that are necessary for the allocation of funds 129608
under this section; 129609

(2) Rules prescribing reports on expenditures to be 129610
submitted by the counties as necessary for the implementation of 129611

this section. 129612

Sec. ~~5101.144~~ 5180.411. Each county shall deposit all 129613
funds its public children services agency receives from 129614
appropriations made by the board of county commissioners or any 129615
other source for the purpose of providing children services into 129616
a special fund in the county treasury known as the children 129617
services fund. A county shall use money in the fund only for the 129618
purposes of meeting the expenses of providing children services. 129619

Sec. ~~5101.141~~ 5180.42. (A) As used in sections ~~5101.141~~ 129620
~~5180.42~~ to ~~5101.1417~~ 5180.4214 of the Revised Code: 129621

(1) "Adopted young adult" means a person: 129622

(a) Who was in the temporary or permanent custody of a 129623
public children services agency; 129624

(b) Who was adopted at the age of sixteen or seventeen and 129625
attained the age of sixteen before a Title IV-E adoption 129626
assistance agreement became effective; 129627

(c) Who has attained the age of eighteen; and 129628

(d) Who has not yet attained the age of twenty-one. 129629

(2) "Child" means any of the following: 129630

(a) A person who meets the requirements of division (B) (3) 129631
of section 5153.01 of the Revised Code; 129632

(b) An adopted young adult; 129633

(c) An emancipated young adult. 129634

(3) "Emancipated young adult" means a person: 129635

(a) Who was in the temporary or permanent custody of a 129636
public children services agency, a planned permanent living 129637

arrangement, or in the Title-IV-E-eligible care and placement 129638
responsibility of a juvenile court or other governmental agency 129639
that provides Title IV-E reimbursable placement services; 129640

(b) Whose custody, arrangement, or care and placement was 129641
terminated on or after the person's eighteenth birthday; and 129642

(c) Who has not yet attained the age of twenty-one. 129643

(4) "Kinship guardianship young adult" means an individual 129644
that meets the following criteria: 129645

(a) Was in the temporary or permanent custody of a public 129646
children services agency or a planned permanent living 129647
arrangement prior to the commitment described in division (A) (4) 129648
(b) of this section; 129649

(b) Was committed to the legal custody or legal 129650
guardianship of a kinship caregiver at the age of sixteen or 129651
seventeen and attained the age of sixteen before a Title IV-E 129652
kinship guardianship assistance agreement became effective; 129653

(c) Has attained the age of eighteen; 129654

(d) Has not yet attained the age of twenty-one. 129655

(5) "Relative" means, with respect to a child, any of the 129656
following who is eighteen years of age or older: 129657

(a) The following individuals related by blood or adoption 129658
to the child: 129659

(i) Grandparents, including grandparents with the prefix 129660
"great," "great-great," or "great-great-great"; 129661

(ii) Siblings; 129662

(iii) Aunts, uncles, nephews, and nieces, including such 129663
relatives with the prefix "great," "great-great," "grand," or 129664

"great-grand"; 129665

(iv) First cousins and first cousins once removed. 129666

(b) Stepparents and stepsiblings of the child; 129667

(c) Spouses and former spouses of individuals named in 129668
divisions (A) (5) (a) and (b) of this section; 129669

(d) A legal guardian of the child; 129670

(e) A legal custodian of the child; 129671

(f) Any nonrelative adult that has a familiar and long- 129672
standing relationship or bond with the child or the family, 129673
which relationship or bond will ensure the child's social ties. 129674

(6) "Representative" means a person with whom the 129675
department of children and youth has entered into a contract, 129676
pursuant to division (B) (2) (b) of this section. 129677

(7) "Title IV-E" means Title IV-E of the "Social Security 129678
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 129679

(B) (1) Except as provided in divisions (B) (2) ~~and~~ (3) ~~and~~ 129680
~~and (4)~~ of this section, the department of children and youth 129681
shall act as the single state agency to administer federal 129682
payments for foster care, kinship guardianship assistance, and 129683
adoption assistance made pursuant to Title IV-E. The director of 129684
children and youth shall adopt rules to implement this 129685
authority. Rules governing financial and administrative 129686
requirements applicable to public children services agencies and 129687
government entities that provide Title IV-E reimbursable 129688
placement services to children shall be adopted in accordance 129689
with section 111.15 of the Revised Code, as if they were 129690
internal management rules. Rules governing requirements 129691
applicable to private child placing agencies and private 129692

noncustodial agencies and rules establishing eligibility, 129693
program participation, and other requirements concerning Title 129694
IV-E shall be adopted in accordance with Chapter 119. of the 129695
Revised Code. A public children services agency to which the 129696
department distributes Title IV-E funds shall administer the 129697
funds in accordance with those rules. 129698

~~(2) If the~~ (2) (a) The department shall implement the state 129699
plan ~~is as~~ amended under ~~divisions (A) and (B) of section~~ 129700
~~5101.1411-5180.428~~ of the Revised Code, ~~both of the following~~ 129701
~~shall apply:—~~ 129702

~~(a) Implementation of the amendments to the plan shall~~ 129703
~~begin fifteen months after September 13, 2016, the effective~~ 129704
~~date of H.B. 50 of the 131st general assembly, if both of the~~ 129705
~~following apply:—~~ 129706

~~(i) The plan as amended is approved by the secretary of~~ 129707
~~health and human services;—~~ 129708

~~(ii) The~~ if the general assembly has appropriated 129709
sufficient funds to operate the program required under the plan 129710
as amended. 129711

(b) The department shall have, exercise, and perform all 129712
new duties required under the plan as amended. In doing so, the 129713
department may contract with another person to carry out those 129714
new duties, to the extent permitted under Title IV-E. 129715

~~(3) If the state plan is amended under division (C) of~~ 129716
~~section 5101.1411 of the Revised Code, both of the following~~ 129717
~~apply:—~~ 129718

~~(a) Implementation of the amendments to the plan shall~~ 129719
~~begin fifteen months after September 30, 2021, if both of the~~ 129720
~~following apply:—~~ 129721

~~(i) The plan as amended is approved by the secretary of health and human services.~~ 129722
129723

~~(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended.~~ 129724
129725

~~(b) The department shall perform all new duties required under the amended plan. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.~~ 129726
129727
129728
129729

~~(4) If The department shall implement the state plan is as amended under section ~~5101.1416~~ 5180.4213 of the Revised Code, and is approved by the secretary of health and human services, implementation of the amendments to the plan shall begin fifteen months after September 30, 2021.~~ 129730
129731
129732
129733
129734

(C) (1) Except with regard to the new duties imposed on the department or its contractor under ~~divisions~~ division (B) (2) (b) and ~~(B) (3) (b)~~ of this section that are not imposed on the county, the county, on behalf of each child eligible for foster care maintenance payments under Title IV-E, shall make payments to cover the cost of providing all of the following: 129735
129736
129737
129738
129739
129740

(a) The child's food, clothing, shelter, daily supervision, and school supplies; 129741
129742

(b) The child's personal incidentals; 129743

(c) Reasonable travel to the child's home for visitation. 129744

(2) In addition to payments made under division (C) (1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E, make payments to cover the cost of providing the following: 129745
129746
129747
129748

(a) Liability insurance with respect to the child; 129749

(b) If the county is participating in the demonstration 129750
project established under division (A) of section ~~5101.142~~ 129751
5180.421 of the Revised Code, services provided under the 129752
project. 129753

(3) With respect to a child who is in a child-care 129754
institution, including any type of group home designed for the 129755
care of children or any privately operated program consisting of 129756
two or more certified foster homes operated by a common 129757
administrative unit, the foster care maintenance payments made 129758
by the county on behalf of the child shall include the 129759
reasonable cost of the administration and operation of the 129760
institution, group home, or program, as necessary to provide the 129761
items described in divisions (C) (1) and (2) of this section. 129762

(D) To the extent that either foster care maintenance 129763
payments under division (C) of this section, Title IV-E kinship 129764
guardianship assistance, or Title IV-E adoption assistance 129765
payments for maintenance costs require the expenditure of county 129766
funds, the board of county commissioners shall report the nature 129767
and amount of each expenditure of county funds to the 129768
department. 129769

(E) The department shall distribute to public children 129770
services agencies that incur and report expenditures of the type 129771
described in division (D) of this section federal financial 129772
participation received for administrative and training costs 129773
incurred in the operation of foster care maintenance, kinship 129774
guardianship assistance, and adoption assistance programs. The 129775
department may withhold not more than three per cent of the 129776
federal financial participation received. The funds withheld may 129777
be used only to fund the following: 129778

(1) The Ohio child welfare training program established 129779

under section 5103.30 of the Revised Code; 129780

(2) The university partnership program for college and 129781
university students majoring in social work who have committed 129782
to work for a public children services agency upon graduation; 129783

(3) Efforts supporting organizational excellence, 129784
including voluntary activities to be accredited by a nationally 129785
recognized accreditation organization. 129786

The funds withheld shall be in addition to any 129787
administration and training cost for which the department is 129788
reimbursed through its own cost allocation plan. 129789

(F) All federal financial participation funds received by 129790
a county pursuant to this section shall be deposited into the 129791
county's children services fund created pursuant to section 129792
~~5101.144~~ 5180.411 of the Revised Code. 129793

~~(G)~~ (G) (1) The department shall periodically publish and 129794
distribute the maximum amounts that the department will 129795
reimburse public children services agencies for making payments 129796
on behalf of children eligible for foster care maintenance 129797
payments. 129798

(2) The department may issue a request for proposals to 129799
establish statewide rate cards for placement and care of 129800
children eligible for foster care maintenance payments. If a 129801
request for proposals is issued, the department shall review and 129802
accept the reasonable cost of providing the items described in 129803
division (C) of this section. Foster homes, as defined in 129804
section 5103.02 of the Revised Code, and kinship caregivers, as 129805
defined in section 5101.85 of the Revised Code, shall be exempt 129806
from the established statewide rates. 129807

(H) The department, by and through its director, is hereby 129808

authorized to develop, participate in the development of, 129809
negotiate, and enter into one or more interstate compacts on 129810
behalf of this state with agencies of any other states, for the 129811
provision of social services to children in relation to whom all 129812
of the following apply: 129813

(1) They have special needs. 129814

(2) This state or another state that is a party to the 129815
interstate compact is providing kinship guardianship assistance 129816
or adoption assistance on their behalf. 129817

(3) They move into this state from another state or move 129818
out of this state to another state. 129819

Sec. ~~5101.142~~ 5180.421. (A) The department of children and 129820
youth may apply to the United States secretary of health and 129821
human services for a waiver of requirements established under 129822
Title IV-E, or regulations adopted thereunder, to conduct a 129823
demonstration project expanding eligibility for and services 129824
provided under Title IV-E. The department may enter into 129825
agreements with the secretary necessary to implement the 129826
demonstration project, including agreements establishing the 129827
terms and conditions of the waiver authorizing the project. If a 129828
demonstration project is to be established, the department shall 129829
do all of the following: 129830

(1) Have the director of children and youth adopt rules in 129831
accordance with Chapter 119. of the Revised Code governing the 129832
project. The rules shall be consistent with the agreements the 129833
department enters into with the secretary. 129834

(2) Enter into agreements with public children services 129835
agencies that the department selects for participation in the 129836
project. The department shall not select an agency that objects 129837

to participation or refuses to be bound by the terms and 129838
conditions of the project. 129839

(3) Contract with persons or governmental agencies 129840
providing services under the project; 129841

(4) Amend the state plan required by section 471 of the 129842
"Social Security Act," 42 ~~U.S.C.A.~~U.S.C. 671, as amended, as 129843
needed to implement the project; 129844

(5) Conduct ongoing evaluations of the project; 129845

(6) Perform other administrative and operational 129846
activities required by the agreement with the secretary. 129847

(B) The department may apply to the United States 129848
secretary of health and human services for a waiver of the 129849
requirements established under Title IV-B of the "Social 129850
Security Act of 1967," ~~81 Stat. 821,~~ 42 ~~U.S.C.A.~~U.S.C. 620 or 129851
regulations adopted thereunder and established under any other 129852
federal law or regulations that affect the children services 129853
functions prescribed by Chapter 5153. of the Revised Code, to 129854
conduct demonstration projects or otherwise improve the 129855
effectiveness and efficiency of the children services function. 129856

Sec. ~~5101.145~~ 5180.422. (A) In adopting rules under 129857
section ~~5101.141~~5180.42 of the Revised Code regarding financial 129858
requirements applicable to public children services agencies, 129859
private child placing agencies, private noncustodial agencies, 129860
and government entities that provide Title IV-E reimbursable 129861
placement services to children, the department of children and 129862
youth ~~shall~~may establish both of the following: 129863

(1) A single form for the agencies or entities to report 129864
costs reimbursable under Title IV-E and costs reimbursable under 129865
medicaid; 129866

(2) Procedures to monitor cost reports submitted by the agencies or entities.

(B) The procedures established under division (A) (2) of this section shall ~~be implemented not later than October 1, 2003.~~ The procedures shall be used to do both of the following:

(1) Determine which of the costs are reimbursable under Title IV-E;

(2) Ensure that costs reimbursable under medicaid are excluded from determinations made under division (B) (1) of this section.

Sec. ~~5101.146~~ 5180.423. The department of children and youth shall establish the following penalties, which shall be enforced at the discretion of the department, for the failure of a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children to comply with procedures the department establishes to ensure fiscal accountability:

(A) For initial failure, the department and the agency or entity involved shall jointly develop and implement a corrective action plan according to a specific schedule. If requested by the agency or entity involved, the department shall provide technical assistance to the agency or entity to ensure the fiscal accountability procedures and goals of the plan are met.

(B) For subsequent failures or failure to achieve the goals of the plan described in division (A) of this section, one of the following:

(1) For public children services agencies, the department may take any action permitted under division (C) (2), (4), (5),

or (6) of section 5101.24 of the Revised Code. 129896

(2) For private child placing agencies or private 129897
noncustodial agencies, cancellation of any Title IV-E 129898
allowability rates for the agency involved pursuant to section 129899
~~5101.141~~ 5180.42 of the Revised Code or revocation pursuant to 129900
Chapter 119. of the Revised Code of that agency's certificate 129901
issued under section 5103.03 of the Revised Code; 129902

(3) For government entities, other than public children 129903
services agencies, that provide Title IV-E reimbursable 129904
placement services to children, cancellation of any Title IV-E 129905
allowability rates for the entity involved pursuant to section 129906
~~5101.141~~ 5180.42 of the Revised Code. 129907

Sec. ~~5101.147~~ 5180.424. If a public children services 129908
agency fails to comply with the fiscal accountability procedures 129909
established by the department of children and youth, the 129910
department shall notify the board of county commissioners of the 129911
county served by the agency. If a private child placing agency 129912
or private noncustodial agency fails to comply with the fiscal 129913
accountability procedures, the department shall notify the 129914
executive director of each public children services agency that 129915
has entered into a contract for services with the private child 129916
placing agency or private noncustodial agency. 129917

Sec. ~~5101.148~~ 5180.425. If the department of children and 129918
youth sanctions a public children services agency, private child 129919
placing agency, or private noncustodial agency, it shall take 129920
every possible precaution to ensure that any foster children 129921
that have been placed by the agency under sanction are not 129922
unnecessarily removed from the certified foster homes in which 129923
they reside. 129924

Sec. ~~5101.149~~ 5180.426. Money from the children services 129925
fund shall not be used to provide a personal loan to any 129926
individual. 129927

Sec. ~~5101.1410~~ 5180.427. In addition to the remedies 129928
available under sections ~~5101.146~~ and ~~5101.24~~ and 5180.423 of 129929
the Revised Code, the department of children and youth may 129930
certify a claim to the attorney general under section 131.02 of 129931
the Revised Code for the attorney general to take action under 129932
that section against a public children services agency, private 129933
child placing agency, private noncustodial agency, or government 129934
entity that provides Title IV-E reimbursable placement services 129935
to children if all of the following are the case: 129936

(A) The agency or entity files a cost report with the 129937
department pursuant to rules adopted under division (B) of 129938
section ~~5101.141~~ 5180.42 of the Revised Code. 129939

(B) The department receives and distributes federal Title 129940
IV-E reimbursement funds based on the cost report. 129941

(C) The agency's or entity's misstatement, 129942
misclassification, overstatement, understatement, or other 129943
inclusion or omission of any cost included in the cost report 129944
causes the United States department of health and human services 129945
to disallow all or part of the federal Title IV-E reimbursement 129946
funds the department received and distributed. 129947

(D) The agency's or entity's misstatement, 129948
misclassification, overstatement, understatement, or other 129949
inclusion or omission of any cost included in the cost report is 129950
not the direct result of a written directive concerning the 129951
agency or entity's cost report that the department issued to the 129952
agency or entity. 129953

Sec. ~~5101.1411~~ 5180.428. (A) (1) The director of ~~job and family services children and youth~~ shall, ~~not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly,~~ submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for foster care under Title IV-E directly to, or on behalf of, any emancipated young adult who meets the following requirements:

(a) The emancipated young adult signs a voluntary participation agreement.

(b) The emancipated young adult satisfies division (D) of this section.

(2) Any emancipated young adult who meets the requirements of division (A) (1) of this section may apply for foster care payments and make the appropriate application at any time.

(B) (1) The director of ~~job and family services children and youth~~ shall, ~~not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly,~~ submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements:

(a) The parent adopted a person who is an adopted young adult and the parent entered into an adoption assistance agreement under 42 U.S.C. 673 while the adopted person was age sixteen or seventeen.

(b) The parent maintains parental responsibility for the

adopted young adult. 129983

(c) The adopted young adult satisfies division (D) of this 129984
section. 129985

(2) Any parent who meets the requirements of division (B) 129986
(1) of this section that are applicable to a parent may request 129987
an extension of adoption assistance payments at any time before 129988
the adopted young adult reaches age twenty-one. 129989

(3) An adopted young adult who is eligible to receive 129990
adoption assistance payments is not considered an emancipated 129991
young adult and is therefore not eligible to receive payment 129992
under division (A) of this section. 129993

(C) (1) The director of ~~job and family services children~~ 129994
~~and youth shall, not later than nine months after September 30,~~ 129995
~~2021, submit an amendment to the state plan required by 42-~~ 129996
~~U.S.C. 671 to the United States secretary of health and human~~ 129997
~~services to~~ implement 42 U.S.C. 673(d) to provide kinship 129998
guardianship assistance under Title IV-E available to any 129999
relative who meets all of the following requirements: 130000

(a) Both of the following apply: 130001

(i) A juvenile court issued an order granting legal 130002
custody of a person who is a kinship guardianship young adult to 130003
the relative, or a probate court issued an order granting 130004
guardianship of a person who is a kinship guardianship young 130005
adult to the relative, and the order is not a temporary court 130006
order. 130007

(ii) The relative entered into a kinship guardianship 130008
assistance agreement under 42 U.S.C. 673(d) while the kinship 130009
guardianship young adult was age sixteen or seventeen. 130010

(b) The relative maintains parental responsibility for the	130011
kinship guardianship young adult.	130012
(c) The kinship guardianship young adult satisfies	130013
division (D) of this section.	130014
(2) Any person who meets the requirements of division (C)	130015
(1) of this section may request an extension of kinship	130016
guardianship assistance at any time before the kinship	130017
guardianship young adult reaches age twenty-one.	130018
(3) A kinship guardianship young adult who is eligible to	130019
receive kinship guardianship assistance is not considered an	130020
emancipated young adult and is therefore not eligible to receive	130021
assistance under division (A) of this section.	130022
(D) In addition to other requirements, an adopted, kinship	130023
guardianship, or emancipated young adult must meet at least one	130024
of the following criteria:	130025
(1) Is completing secondary education or a program leading	130026
to an equivalent credential;	130027
(2) Is enrolled in an institution that provides post-	130028
secondary or vocational education;	130029
(3) Is participating in a program or activity designed to	130030
promote, or remove barriers to, employment;	130031
(4) Is employed for at least eighty hours per month;	130032
(5) Is incapable of doing any of the activities described	130033
in divisions (D)(1) to (4) of this section due to a physical or	130034
mental condition, which incapacity is supported by regularly	130035
updated information in the person's case record or plan.	130036
(E) Any emancipated young adult described in division (A)	130037

(1) of this section who is directly receiving foster care 130038
payments, or on whose behalf such foster care payments are 130039
received, or any relative described in division (C) (1) of this 130040
section who is receiving kinship guardianship assistance, or any 130041
parent receiving adoption assistance payments, may refuse the 130042
payments at any time. 130043

(F) (1) An emancipated young adult described in division 130044
(A) (1) of this section who is directly receiving foster care 130045
payments, or on whose behalf such foster care payments are 130046
received, or any relative described in division (C) (1) of this 130047
section who is receiving kinship guardianship assistance and the 130048
kinship guardianship young adult, or a parent receiving adoption 130049
assistance payments and the adopted young adult shall be 130050
eligible for services set forth in the federal, "Fostering 130051
Connections to Success and Increasing Adoptions Act of 2008," 130052
P.L. 110-351, ~~122 Stat. 3949.~~ 130053

(2) An emancipated young adult described in division (A) 130054
(1) of this section who is directly receiving foster care 130055
payments, or on whose behalf such foster care payments are 130056
received, pursuant to this section, may be eligible to reside in 130057
a supervised independent living setting, including apartment 130058
living, room and board arrangements, college or university 130059
dormitories, host homes, and shared roommate settings. 130060

(G) Any determination by the department of ~~job and family~~ 130061
~~services or the department of children and youth~~ that denies or 130062
terminates foster care assistance, kinship guardianship 130063
assistance, ~~kinship support program payments,~~ or adoption 130064
assistance payments shall be subject to a state hearing pursuant 130065
to section 5101.35 of the Revised Code. 130066

Sec. ~~5101.1412~~ 5180.429. (A) Without the approval of a 130067

court, an emancipated young adult who receives payments, or on 130068
whose behalf payments are received, under division (A) of 130069
section ~~5101.1411~~ 5180.428 of the Revised Code, may enter into a 130070
voluntary participation agreement with the department of 130071
children and youth, or its representative, for the emancipated 130072
young adult's care and placement. The agreement shall stay in 130073
effect until one of the following occurs: 130074

(1) The emancipated young adult enrolled in the program 130075
notifies the department, or its representative, that they want 130076
to terminate the agreement. 130077

(2) The emancipated young adult becomes ineligible for the 130078
program. 130079

(B) In order to maintain Title IV-E eligibility for the 130080
emancipated young adult, both of the following apply: 130081

(1) Not later than one hundred eighty days after the 130082
effective date of the voluntary participation agreement, the 130083
department or its representative must petition the court for, 130084
and obtain, a judicial determination that the emancipated young 130085
adult's best interest is served by continuing the care and 130086
placement with the department or its representative. 130087

(2) Not later than twelve months after the effective date 130088
of the voluntary participation agreement, and at least once 130089
every twelve months thereafter, the department or its 130090
representative must petition the court for, and obtain, a 130091
judicial determination that the department or its representative 130092
has made reasonable efforts to finalize a permanency plan to 130093
prepare the emancipated young adult for independence. 130094

Sec. ~~5101.1413~~ 5180.4210. Notwithstanding section ~~5101.141~~ 130095
5180.42 of the Revised Code and any rules adopted thereunder, 130096

the department of children and youth shall pay the full 130097
nonfederal share of payments made pursuant to section ~~5101.1411-~~ 130098
5180.428 of the Revised Code. No public children services agency 130099
shall be responsible for the cost of any payments made pursuant 130100
to section ~~5101.1411-~~5180.428 of the Revised Code. 130101

Sec. ~~5101.1414~~ 5180.4211. (A) The department of children 130102
and youth shall adopt rules necessary to carry out the purposes 130103
of sections ~~5101.1411-~~5180.428 to ~~5101.1413-~~5180.4210 of the 130104
Revised Code, including rules that do all of the following: 130105

(1) Allow an emancipated young adult described in division 130106
(A) (1) of section ~~5101.1411-~~5180.428 of the Revised Code who is 130107
directly receiving foster care payments, or on whose behalf such 130108
foster care payments are received, or an adopted young adult 130109
whose adoptive parents are receiving adoption assistance 130110
payments, to maintain eligibility while transitioning into, or 130111
out of, qualified employment or educational activities; 130112

(2) Require that a thirty-day notice of termination be 130113
given by the department to an emancipated young adult described 130114
in division (A) (1) of section ~~5101.1411-~~5180.428 of the Revised 130115
Code who is receiving foster care payments, or on whose behalf 130116
such foster care payments are received, or to a parent receiving 130117
adoption assistance payments for an adopted young adult 130118
described in division (B) (1) of section ~~5101.1411-~~5180.428 of 130119
the Revised Code, who is determined to be ineligible for 130120
payments; 130121

(3) Establish the scope of practice and training necessary 130122
for case managers and supervisors who care for emancipated young 130123
adults described in division (A) (1) of section ~~5101.1411-~~ 130124
5180.428 of the Revised Code who are receiving foster care 130125
payments, or on whose behalf such foster care payments are 130126

received, under section ~~5101.1411~~ 5180.428 of the Revised Code. 130127

(B) The department of children and youth shall create an 130128
advisory council to evaluate and make recommendations for 130129
statewide implementation of sections ~~5101.1411~~ 5180.428 and 130130
~~5101.1412~~ 5180.429 of the Revised Code. 130131

Sec. ~~5101.1415~~ 5180.4212. The provisions of divisions (A) 130132
and (D) to (G) of section ~~5101.1411~~ 5180.428 of the Revised Code 130133
shall not apply if the person is eligible for temporary or 130134
permanent custody until age twenty-one pursuant to a 130135
dispositional order under sections 2151.353, 2151.414, and 130136
2151.415 of the Revised Code. 130137

Sec. ~~5101.1416~~ 5180.4213. (A) ~~Not later than nine months~~ 130138
~~after the effective date of this section , the~~ The director of 130139
~~job and family services children and youth shall submit an~~ 130140
~~amendment to the state plan required by 42 U.S.C. 671 to the~~ 130141
~~United States secretary of health and human services to~~ 130142
implement 42 U.S.C. 673(d) to provide kinship guardianship 130143
assistance under Title IV-E on behalf of a child to a relative 130144
who meets the following requirements: 130145

(1) The relative has cared for the eligible child pursuant 130146
to division (B) of this section as a foster caregiver as defined 130147
by section 5103.02 of the Revised Code for at least six 130148
consecutive months. 130149

(2) Both of the following apply: 130150

(a) A juvenile court issued an order granting legal 130151
custody of the child to the relative, or a probate court issued 130152
an order granting guardianship of the child to the relative, and 130153
the order is not a temporary court order. 130154

(b) The relative has committed to care for the child on a 130155

permanent basis. 130156

(3) The relative signs a kinship guardianship assistance 130157
agreement required by 42 U.S.C. 673. 130158

(B) A child is an eligible child for kinship guardianship 130159
assistance under this section if the following are met: 130160

(1) The child has been removed from his or her home 130161
pursuant to a voluntary placement agreement or as a result of a 130162
judicial determination to the effect that continuation in the 130163
home would be contrary to the welfare of the child. 130164

(2) The child has been eligible for foster care 130165
maintenance payments under section ~~5101.141~~5180.42 of the 130166
Revised Code while residing for at least six consecutive months 130167
in the home of a relative described in division (A) of this 130168
section. 130169

(3) Returning the child home or adoption of the child are 130170
not appropriate permanency options for the child. 130171

(4) The child demonstrates a strong attachment to the 130172
child's relative described in division (A) of this section and 130173
the relative has a strong commitment to caring permanently for 130174
the child. 130175

(5) With respect to a child who has attained fourteen 130176
years of age, the child has been consulted regarding the kinship 130177
guardianship arrangement. 130178

Sec. ~~5101.1417~~ 5180.4214. The department of children and 130179
youth shall adopt rules necessary to carry out the purposes of 130180
sections ~~5101.141~~5180.42, ~~5101.1411~~5180.428, and ~~5101.1416~~ 130181
5180.4213 of the Revised Code, and 42 U.S.C. 673(d) of the 130182
"Social Security Act," including rules that do all of the 130183

following: 130184

(A) Allow a kinship guardianship young adult described in 130185
division (C) of section ~~5101.1411~~ 5180.428 of the Revised Code 130186
on whose behalf kinship guardianship assistance is received, to 130187
maintain eligibility while transitioning into, or out of, 130188
qualified employment or educational activities; 130189

(B) Require that a thirty-day notice of termination be 130190
given by the department to a person receiving kinship 130191
guardianship assistance for a kinship guardianship young adult 130192
described in division (C) of section ~~5101.1411~~ 5180.428 of the 130193
Revised Code, who is determined to be ineligible for assistance. 130194

Sec. ~~5101.1418~~ 5180.43. (A) (1) If, after a child's 130195
adoption is finalized, the department of children and youth 130196
considers the child to be in need of public care or protective 130197
services, the department may, to the extent state funds are 130198
available for this purpose, enter into an agreement with the 130199
child's adoptive parent under which the department may make post 130200
adoption special services subsidy payments on behalf of the 130201
child as needed when both of the following apply: 130202

(a) The child has a physical or developmental disability 130203
or mental or emotional condition that either: 130204

(i) Existed before the adoption petition was filed; or 130205

(ii) Developed after the adoption petition was filed and 130206
can be directly attributed to factors in the child's preadoption 130207
background, medical history, or biological family's background 130208
or medical history. 130209

(b) The department determines the expenses necessitated by 130210
the child's disability or condition are beyond the adoptive 130211
parent's economic resources. 130212

(2) Services for which the department may make post 130213
adoption special services subsidy payments on behalf of a child 130214
under this section shall include medical, surgical, psychiatric, 130215
psychological, and counseling services, including residential 130216
treatment. 130217

(3) The department shall establish clinical standards to 130218
evaluate a child's physical or developmental disability or 130219
mental or emotional condition and assess the child's need for 130220
services. 130221

(4) The total dollar value of post adoption special 130222
services subsidy payments made on a child's behalf shall not 130223
exceed ten thousand dollars in any fiscal year, unless the 130224
department determines that extraordinary circumstances exist 130225
that necessitate further funding of services for the child. 130226
Under such extraordinary circumstances, the value of the 130227
payments made on the child's behalf shall not exceed fifteen 130228
thousand dollars in any fiscal year. 130229

(5) The adoptive parent or parents of a child who receives 130230
post adoption special services subsidy payments shall pay at 130231
least five per cent of the total cost of all services provided 130232
to the child; except that the department may waive this 130233
requirement if the gross annual income of the child's adoptive 130234
family is not more than two hundred per cent of the federal 130235
poverty guideline. 130236

(6) The department may use other sources of revenue to 130237
make post adoption special services subsidy payments, in 130238
addition to any state funds appropriated for that purpose. 130239

(7) The department may contract with another person to 130240
carry out any of the duties described in this section. 130241

(B) No payment shall be made on behalf of any person 130242
eighteen years of age or older beyond the end of the school year 130243
during which the person attains the age of eighteen or on behalf 130244
of a mentally or physically disabled person twenty-one years of 130245
age or older. 130246

(C) The director of children and youth shall adopt rules 130247
in accordance with Chapter 119. of the Revised Code necessary to 130248
implement this section. The rules shall establish all of the 130249
following: 130250

(1) The application process for all forms of assistance 130251
provided under this section; 130252

(2) Standards for determining the children who qualify to 130253
receive assistance provided under this section; 130254

(3) The method of determining the amount, duration, and 130255
scope of services provided to a child; 130256

(4) The method of transitioning the post adoption special 130257
services subsidy program from public children services agencies 130258
to the department; 130259

(5) Any other rule, requirement, or procedure the 130260
department considers appropriate for the implementation of this 130261
section. 130262

~~(D) The department shall implement this section not later~~ 130263
~~than July 1, 2022.~~ 130264

Sec. ~~5101.15~~ 5180.44. Within available funds the 130265
department of children and youth may reimburse counties in 130266
accordance with this section for a portion of the salaries paid 130267
to child welfare workers employed under section 5153.12 of the 130268
Revised Code. No county with a population of eighty thousand or 130269

less, according to the latest census accepted by the department 130270
as official, shall be entitled to reimbursement on the salaries 130271
of more than two child welfare workers, and no county with a 130272
population of more than eighty thousand, according to such 130273
census, shall be entitled to reimbursement on the salaries of 130274
more than two child welfare workers plus one additional child 130275
welfare worker for each one hundred thousand of population in 130276
excess of eighty thousand. 130277

The maximum reimbursement to which a county may be 130278
entitled on any child welfare worker shall be as follows: 130279

(A) Twenty-seven hundred dollars a year for a child 130280
welfare worker who is a graduate of an accredited high school, 130281
college, or university; 130282

(B) Thirty-three hundred dollars a year for a child 130283
welfare worker who has one year or more of graduate training in 130284
social work or a field which the department finds to be related 130285
to social work; 130286

(C) Thirty-nine hundred dollars a year for a child welfare 130287
worker who has completed two years of social work training. 130288

The salary of the executive director, designated in 130289
accordance with section 5153.10 of the Revised Code, shall be 130290
subject to reimbursement under this section, provided that the 130291
executive director qualifies under division (A), (B), or (C) of 130292
this section. No funds shall be allocated under this section 130293
until the director of children and youth has approved a plan of 130294
child welfare services for the county submitted by the public 130295
children services agency. 130296

Sec. ~~5101.19~~ 5180.45. As used in sections ~~5101.19~~ 5180.45 130297
to ~~5101.194~~ 5180.454 of the Revised Code: 130298

(A) "Adopted child" means a person who is less than 130299
eighteen years of age when the person becomes subject to a final 130300
order of adoption, an interlocutory order of adoption, or when 130301
the adoption is recognized by this state under section 3107.18 130302
of the Revised Code. 130303

(B) "Adoption" includes an adoption arranged by an 130304
attorney, a public children services agency, private child 130305
placing agency, or a private noncustodial agency, an interstate 130306
adoption, or an international or foreign adoption. 130307

(C) "Adoptive parent" means the person or persons who 130308
obtain parental rights and responsibilities over an adopted 130309
child pursuant to a final order of adoption, an interlocutory 130310
order of adoption, or an adoption recognized by this state under 130311
section 3107.18 of the Revised Code. 130312

(D) "Casework services" means services performed or 130313
arranged by a public children services agency, private child 130314
placing agency, private noncustodial agency, or public entity 130315
with whom the department of children and youth has a Title IV-E 130316
subgrant agreement in effect, to manage the progress, provide 130317
supervision and protection of the child and the child's parent, 130318
guardian, or custodian. 130319

(E) "Foster caregiver" has the same meaning as in section 130320
5103.02 of the Revised Code. 130321

(F) "Qualified professional" means an individual that is, 130322
but not limited to, any one of the following: 130323

(1) Audiologist; 130324

(2) Orthopedist; 130325

(3) Physician; 130326

(4) Certified nurse practitioner;	130327
(5) Physician assistant;	130328
(6) Psychiatrist;	130329
(7) Psychologist;	130330
(8) School psychologist;	130331
(9) Licensed marriage and family therapist;	130332
(10) Speech and language pathologist;	130333
(11) Licensed independent social worker;	130334
(12) Licensed professional clinical counselor;	130335
(13) Licensed social worker who is under the direct supervision of a licensed independent social worker;	130336 130337
(14) Licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.	130338 130339 130340
(G) "Special needs" means any of the following:	130341
(1) A developmental disability as defined in section 5123.01 of the Revised Code;	130342 130343
(2) A physical or mental impairment that substantially limits one or more of the major life activities;	130344 130345
(3) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems;	130346 130347 130348
(4) Any mental or psychological disorder;	130349
(5) A medical condition causing distress, pain, dysfunction, or social problems as diagnosed by a qualified	130350 130351

professional that results in ongoing medical treatment. 130352

Sec. ~~5101.191~~ 5180.451. (A) The director of children and 130353
youth shall establish and administer the Ohio adoption grant 130354
program in accordance with sections ~~5101.19~~ 5180.45 to ~~5101.194~~ 130355
5180.454 of the Revised Code. 130356

(B) The director shall provide ~~one, but not both,~~ either of 130357
the following one-time payments for an adopted child to the 130358
child's adoptive parent if the requirements of division (A) of 130359
section ~~5101.192~~ 5180.452 of the Revised Code, but not division 130360
(B) of that section, are satisfied regarding the child: 130361

(1) Ten thousand dollars; 130362

(2) Fifteen thousand dollars, if the parent was a foster 130363
caregiver who cared for the child prior to adoption. 130364

(C) The director shall provide a one-time payment for an 130365
adopted child of twenty thousand dollars to the child's adoptive 130366
parent if the requirements of divisions (A) and (B) of section 130367
~~5101.192~~ 5180.452 of the Revised Code are satisfied regarding 130368
the child. 130369

(D) The payment described in divisions (B) and (C) of this 130370
section shall be provided to all eligible applicants to the 130371
extent state funds are available for this purpose. 130372

Sec. ~~5101.192~~ 5180.452. (A) To receive a grant payment 130373
under division (B) of section ~~5101.191~~ 5180.451 of the Revised 130374
Code, all of the following must be satisfied: 130375

(1) The adoptive parent has not previously received a 130376
grant payment from the Ohio adoption grant program for the 130377
adopted child for whom the parent is seeking payment. 130378

(2) The adoptive parent does not also currently claim an 130379

adoption tax credit pursuant to former section 5747.37 of the 130380
Revised Code for the adopted child for whom the parent is 130381
seeking payment. 130382

(3) The adoptive parent applies for the grant not later 130383
than one year after the final adoption order, interlocutory 130384
order of adoption, or recognition of the adoption by this state 130385
under section 3107.18 of the Revised Code for the adopted child 130386
for whom the grant payment is sought. 130387

(4) The adoption was not by a parent whose spouse is a 130388
biological or adoptive parent of the child prior to the adoption 130389
for which the payment is sought. 130390

(5) The adoption is finalized on or after January 1, 2023. 130391

(6) The adoptive parent was a resident of Ohio at the time 130392
the adoption was finalized. 130393

(B) To receive a grant payment under division (C) of 130394
section ~~5101.191~~ 5180.451 of the Revised Code, both of the 130395
following must be satisfied: 130396

(1) The requirements of division (A) of this section must 130397
be satisfied. 130398

(2) A qualified professional who does not provide casework 130399
services to the adopted child diagnoses the child with one or 130400
more special needs in the professional's area of expertise prior 130401
to the final order of adoption, interlocutory order of adoption, 130402
or recognition of the adoption by this state under section 130403
3107.18 of the Revised Code. 130404

Sec. ~~5101.193~~ 5180.453. (A) The director of children and 130405
youth shall adopt rules to administer and implement the Ohio 130406
adoption grant program. The director, in consultation with the 130407

tax commissioner, shall also adopt rules authorizing the 130408
department to withhold and remit to the Internal Revenue Service 130409
federal income tax from grant payments under division (B) of 130410
section ~~5101.191~~5180.451 of the Revised Code, provided such 130411
withholding is authorized under federal law or approved by the 130412
Internal Revenue Service. 130413

(B) No application fee shall be charged for the grant 130414
program. 130415

(C) Notwithstanding any law to the contrary, the director 130416
may require, as necessary to administer the Ohio adoption grant 130417
program, either or both of the following: 130418

(1) ~~The submission~~Certified copies of any court or legal 130419
document necessary to prove a final order of adoption, an 130420
interlocutory order of adoption, or recognition of the adoption 130421
under section 3107.18 of the Revised Code; 130422

(2) Any department, agency, court, or division of the 130423
state, including the department of health, to provide any 130424
document related to the adoption. 130425

~~(D)~~(1) No person shall knowingly produce or submit any 130426
false or misleading documentation or information to the 130427
department of children and youth in an effort to qualify for or 130428
obtain a grant from the Ohio adoption grant program. 130429

(2) Whoever violates division (D) (1) of this section is 130430
guilty of falsification in accordance with section 2921.13 of 130431
the Revised Code. 130432

(E) Notwithstanding any provision of section 121.95 of the 130433
Revised Code to the contrary, a regulatory restriction contained 130434
in a rule adopted under section ~~5101.193~~5180.453 of the Revised 130435
Code is not subject to sections 121.95 to 121.953 of the Revised 130436

Code. 130437

Sec. ~~5101.194~~ 5180.454. Any document provided to the 130438
department of children and youth under division (C) of section 130439
~~5101.193~~ 5180.453 of the Revised Code remains-a-: 130440

(A) A public record under section 149.43 of the Revised 130441
Code if it was a public record under that section before being 130442
provided to the department; 130443

(B) Confidential if it was confidential under any state or 130444
federal law before being provided to the department. 130445

Sec. ~~5101.85~~ 5180.50. As used in sections ~~5101.851~~ 5180.51 130446
to ~~5101.856~~ 5180.514 of the Revised Code, "kinship caregiver" 130447
means any of the following who is eighteen years of age or older 130448
and is caring for a child in place of the child's parents: 130449

(A) The following individuals related by blood or adoption 130450
to the child: 130451

(1) Grandparents, including grandparents with the prefix 130452
"great," "great-great," or "great-great-great"; 130453

(2) Siblings; 130454

(3) Aunts, uncles, nephews, and nieces, including such 130455
relatives with the prefix "great," "great-great," "grand," or 130456
"great-grand"; 130457

(4) First cousins and first cousins once removed. 130458

(B) Stepparents and stepsiblings of the child; 130459

(C) Spouses and former spouses of individuals named in 130460
divisions (A) and (B) of this section; 130461

(D) A legal guardian of the child; 130462

- (E) A legal custodian of the child; 130463
- (F) Any nonrelative adult that has a familiar and long- 130464
standing relationship or bond with the child or the family, 130465
which relationship or bond will ensure the child's social ties. 130466
- Sec. ~~5101.851~~ 5180.51.** The department of children and 130467
youth shall establish a statewide kinship care navigator program 130468
to assist kinship caregivers who are seeking information 130469
regarding, or assistance obtaining, services and benefits 130470
available at the state and local level that address the needs of 130471
those caregivers residing in each county. The program shall 130472
provide to kinship caregivers information and referral services 130473
and assistance obtaining support services including the 130474
following: 130475
- (A) Publicly funded child care; 130476
- (B) Respite care; 130477
- (C) Training related to caring for special needs children; 130478
- (D) A toll-free telephone number that may be called to 130479
obtain basic information about the rights of, and services 130480
available to, kinship caregivers; 130481
- (E) Legal services. 130482
- Sec. ~~5101.853~~ 5180.511.** The director of children and youth 130483
shall divide the state into not less than five and not greater 130484
than twelve regions, for the kinship care navigator program 130485
under section ~~5101.851~~ 5180.51 of the Revised Code. The director 130486
shall take the following into consideration when establishing 130487
the regions: 130488
- (A) The population size; 130489

(B) The estimated number of kinship caregivers;	130490
(C) The expertise of kinship navigators;	130491
(D) Any other factor the director considers relevant.	130492
Sec. ~~5101.854~~ <u>5180.512</u>. The program in each kinship care	130493
navigator region established under section ~~5101.853~~ <u>5180.511</u> of	130494
the Revised Code shall provide information and referral services	130495
and assistance in obtaining support services for kinship	130496
caregivers within its region.	130497
Sec. ~~5101.855~~ <u>5180.513</u>. The department of children and	130498
youth shall adopt rules to implement the kinship care navigator	130499
program. The rules shall be adopted under Chapter 119. of the	130500
Revised Code, except that rules governing fiscal and	130501
administrative matters related to implementation of the program	130502
are internal management rules and shall be adopted under section	130503
111.15 of the Revised Code.	130504
Sec. ~~5101.856~~ <u>5180.514</u>. (A) (1) The kinship care navigator	130505
program shall be funded to the extent that general revenue funds	130506
have been appropriated by the general assembly for that purpose.	130507
(2) The director of children and youth shall take any	130508
action necessary to obtain funds available for the kinship care	130509
navigator program under Title IV-E of the "Social Security Act,"	130510
~~94 Stat. 501 (1980),~~ 42 U.S.C. 670, as amended.	130511
(B) The department shall pay the full nonfederal share for	130512
the kinship care navigator program. No county department of job	130513
and family services or public children services agency shall be	130514
responsible for the cost of the program.	130515
Sec. ~~5101.802~~ <u>5180.52</u>. (A) As used in this section:	130516
(1) "Custodian," "guardian," and "minor child" have the	130517

same meanings as in section 5107.02 of the Revised Code. 130518

(2) "Federal poverty guidelines" has the same meaning as 130519
in section 5101.46 of the Revised Code. 130520

(3) "Kinship caregiver" has the same meaning as in section 130521
~~5101.85~~ 5180.50 of the Revised Code. 130522

(B) Subject to division (E) of section 5101.801 of the 130523
Revised Code, there is hereby created the kinship permanency 130524
incentive program to promote permanency for a minor child in the 130525
legal and physical custody of a kinship caregiver. The program 130526
shall provide an initial one-time incentive payment to the 130527
kinship caregiver to defray the costs of initial placement of 130528
the minor child in the kinship caregiver's home. The program may 130529
provide additional permanency incentive payments for the minor 130530
child at six-month intervals, based on the availability of 130531
funds. An eligible caregiver may receive a maximum of eight 130532
incentive payments per minor child. 130533

(C) A kinship caregiver may participate in the program if 130534
all of the following requirements are met: 130535

(1) The kinship caregiver applies to a public children 130536
services agency in accordance with the application process 130537
established in rules authorized by division (E) of this section; 130538

(2) Not earlier than July 1, 2005, a juvenile court issues 130539
an order granting legal custody to the kinship caregiver, or a 130540
probate court grants guardianship to the kinship caregiver, 130541
except that a temporary court order is not sufficient to meet 130542
this requirement; 130543

(3) The kinship caregiver is either the minor child's 130544
custodian or guardian; 130545

(4) The minor child resides with the kinship caregiver 130546
pursuant to a placement approval process established in rules 130547
authorized by division (E) of this section; 130548

(5) Excluding any income excluded under rules adopted 130549
under division (E) of this section, the gross income of the 130550
kinship caregiver's family, including the minor child, does not 130551
exceed three hundred per cent of the federal poverty guidelines. 130552

(6) The kinship caregiver is not receiving kinship 130553
guardianship assistance under Title IV-E of the "Social Security 130554
Act," 42 U.S.C. 673(d), as amended, or the program described in 130555
section ~~5101.1411~~5180.428 of the Revised Code or the program 130556
described in section 5153.163 of the Revised Code. 130557

(D) Public children services agencies shall make initial 130558
and ongoing eligibility determinations for the kinship 130559
permanency incentive program in accordance with rules authorized 130560
by division (E) of this section. The director of children and 130561
youth shall supervise public children services agencies' duties 130562
under this section. 130563

(E) The director of children and youth shall adopt rules 130564
under division (C) of section 5101.801 of the Revised Code as 130565
necessary to implement the kinship permanency incentive program. 130566
The rules shall establish all of the following: 130567

(1) The application process for the program; 130568

(2) The placement approval process through which a minor 130569
child is placed with a kinship caregiver for the kinship 130570
caregiver to be eligible for the program; 130571

(3) The initial and ongoing eligibility determination 130572
process for the program, including the computation of income 130573
eligibility; 130574

(4) The amount of the incentive payments provided under the program; 130575
130576

(5) The method by which the incentive payments are provided to a kinship caregiver. 130577
130578

(F) The amendments made to this section by Am. Sub. H.B. 130579
119 of the 127th general assembly shall not affect the 130580
eligibility of any kinship caregiver whose eligibility was 130581
established before June 30, 2007. 130582

Sec. ~~5101.88~~ 5180.53. As used in sections ~~5101.881-~~ 130583
~~5180.531~~ to ~~5101.8811-~~5180.536 of the Revised Code: 130584

(A) "Cost-of-living adjustment" has the same meaning as in 130585
section 5107.04 of the Revised Code. 130586

(B) "Kinship caregiver" has the same meaning as in section 130587
~~5101.85-~~5180.50 of the Revised Code. 130588

Sec. ~~5101.881~~ 5180.531. There is hereby established the 130589
kinship support program. The department of children and youth 130590
shall coordinate and administer the program to the extent funds 130591
are appropriated and allocated for this purpose. 130592

Sec. ~~5101.884~~ 5180.532. The kinship support program shall 130593
provide financial payments to kinship caregivers who: 130594

(A) Receive placement of a child who is in the temporary 130595
or permanent custody of a public children services agency or 130596
under the Title IV-E agency with legal responsibility for the 130597
care and placement of the child; and 130598

(B) Do not have foster home certification under section 130599
5103.03 of the Revised Code. 130600

Sec. ~~5101.885~~ 5180.533. Kinship support program payments 130601

under section ~~5101.884~~ 5180.532 of the Revised Code shall be ten 130602
dollars and twenty cents per child, per day, to the extent funds 130603
are available. The department of children and youth shall 130604
increase the payment amount on January 1, 2022, and on the first 130605
day of each January thereafter by the cost-of-living adjustment 130606
made in the immediately preceding December. 130607

Sec. ~~5101.886~~ 5180.534. Kinship support program payments 130608
shall be made to kinship caregivers ~~as follows:~~ 130609

~~(A) For not more than nine months after the effective date 130610
of this section, if a child has been placed with the kinship 130611
caregiver as of the effective date of this section;~~ 130612

~~(B) For not more than than nine months after the placement 130613
of a child with the kinship caregiver, if the placement occurs 130614
during the nine-month period that begins on the effective date 130615
of this section;~~ 130616

~~(C) For for not more than six months after the date of 130617
placement of a child with the kinship caregiver, if the 130618
placement occurs after the nine-month period that began on the 130619
effective date of this section.~~ 130620

Sec. ~~5101.887~~ 5180.535. Kinship support program payments 130621
under section ~~5101.884~~ 5180.532 of the Revised Code shall cease 130622
when any of the following occur: 130623

(A) The kinship caregiver obtains foster home 130624
certification under section 5103.03 of the Revised Code. 130625

(B) In accordance with section ~~5101.886~~ 5180.534 of the 130626
Revised Code; 130627

(C) Placement with the kinship caregiver is terminated or 130628
otherwise ceases. 130629

Sec. ~~5101.8811~~ 5180.536. The director of children and 130630
youth may adopt rules for the administration of the kinship 130631
support program in accordance with section 111.15 of the Revised 130632
Code. 130633

Sec. ~~5101.8812~~ 5180.56. Benefits and services provided 130634
under the kinship guardianship assistance program, extended 130635
kinship guardianship assistance program, kinship support 130636
program, and kinship permanency incentive program are 130637
inalienable whether by way of assignment, charge, or otherwise 130638
and exempt from execution, attachment, ~~guardianship~~ garnishment, 130639
and other like processes. 130640

Sec. ~~5101.889~~ 5180.57. A kinship caregiver, on obtaining 130641
foster home certification under section 5103.03 of the Revised 130642
Code, shall receive foster care maintenance payments equal to 130643
the custodial agency rate as determined by the certifying 130644
agency, which is either the custodial agency, private child 130645
placing agency, or private non-custodial agency. 130646

Sec. ~~5101.34~~ 5180.70. (A) There is hereby created in the 130647
department of children and youth the Ohio commission on 130648
fatherhood. The commission shall consist of the following 130649
members: 130650

(1) (a) Four members of the house of representatives 130651
appointed by the speaker of the house, not more than two of whom 130652
are members of the same political party. Two of the members must 130653
be from legislative districts that include a county or part of a 130654
county that is among the one-third of counties in this state 130655
with the highest number per capita of households headed by 130656
females. 130657

(b) Two members of the senate appointed by the president 130658

of the senate, each from a different political party. One of the 130659
members must be from a legislative district that includes a 130660
county or part of a county that is among the one-third of 130661
counties in this state with the highest number per capita of 130662
households headed by females. 130663

(2) The governor, or the governor's designee; 130664

(3) One representative of the judicial branch of 130665
government appointed by the chief justice of the supreme court; 130666

(4) The directors of health, children and youth, 130667
rehabilitation and correction, mental health and addiction 130668
services, youth services, and education and workforce, or their 130669
designees; 130670

(5) One representative of the Ohio family and children 130671
first cabinet council created under section 121.37 of the 130672
Revised Code appointed by the chairperson of the council; 130673

(6) Five representatives of the general public appointed 130674
by the governor. These members shall have extensive experience 130675
in issues related to fatherhood. 130676

(B) Members appointed to the Ohio commission on fatherhood 130677
shall serve two-year terms. A member appointed pursuant to 130678
division (A)(1) of this section shall serve on the commission 130679
until the end of the general assembly from which the member was 130680
appointed or until the member ceases to serve in the chamber of 130681
the general assembly in which the member serves at the time of 130682
appointment, whichever occurs first. The governor or the 130683
governor's designee shall serve on the commission until the 130684
governor ceases to be governor. The directors or their designees 130685
shall serve on the commission until they cease, or the director 130686
a designee represents ceases, to be director. Each member shall 130687

serve on the commission from the date of appointment until the 130688
end of the term for which the member was appointed. Members may 130689
be reappointed. 130690

Vacancies shall be filled in the manner provided for 130691
original appointments. Any member appointed to fill a vacancy 130692
occurring prior to the expiration date of the term for which the 130693
member's predecessor was appointed shall serve on the commission 130694
for the remainder of that term. A member shall continue to serve 130695
on the commission subsequent to the expiration date of the 130696
member's term until the member's successor is appointed or until 130697
a period of sixty days has elapsed, whichever occurs first. 130698
Members shall serve without compensation but shall be reimbursed 130699
for necessary expenses. 130700

Sec. ~~5101.341~~ 5180.701. (A) The Ohio commission on 130701
fatherhood shall elect a chairperson from among its members in 130702
every odd-numbered year. 130703

(B) The governor shall appoint an individual to serve as 130704
the commission's executive director. The executive director 130705
shall serve at the pleasure of the governor and shall report to 130706
the director of children and youth or the director's designee. 130707

The governor shall fix the executive director's salary on 130708
the basis of the executive director's experience and the 130709
executive director's responsibilities and duties. The executive 130710
director shall be in the unclassified civil service. 130711

The department of children and youth shall provide staff 130712
and other support services as necessary for the commission to 130713
fulfill its duties. 130714

(C) The commission may accept gifts, grants, donations, 130715
contributions, benefits, and other funds from any public agency 130716

or private source to carry out any or all of the commission's 130717
duties. The funds shall be deposited into the Ohio commission on 130718
fatherhood fund, which is hereby created in the state treasury. 130719
All gifts, grants, donations, contributions, benefits, and other 130720
funds received by the commission pursuant to this division shall 130721
be used solely to support the operations of the commission. 130722

Sec. ~~5101.342~~ 5180.702. The Ohio commission on fatherhood 130723
shall do both of the following: 130724

(A) Organize a state summit on fatherhood every four 130725
years; 130726

(B) Prepare a report each year that does the following: 130727

(1) Identifies resources available to fund fatherhood- 130728
related programs and explores the creation of initiatives to do 130729
the following: 130730

(a) Build the parenting skills of fathers; 130731

(b) Provide employment-related services for low-income, 130732
noncustodial fathers; 130733

(c) Prevent premature fatherhood; 130734

(d) Provide services to fathers who are inmates in or have 130735
just been released from imprisonment in a state correctional 130736
institution, as defined in section 2967.01 of the Revised Code, 130737
or in any other detention facility, as defined in section 130738
2921.01 of the Revised Code, so that they are able to maintain 130739
or reestablish their relationships with their families; 130740

(e) Reconcile fathers with their families; 130741

(f) Increase public awareness of the critical role fathers 130742
play. 130743

(2) Describes the commission's expectations for the 130744
outcomes of fatherhood-related programs and initiatives and the 130745
methods the commission uses for conducting annual measures of 130746
those outcomes; 130747

(3) Evaluates the number of fathers and children served 130748
and the number and types of additional services provided as a 130749
result of the recommendations made to the director of job and 130750
family services pursuant to section ~~5101.805~~ 5180.704 of the 130751
Revised Code; 130752

(4) Evaluates the performance of the nonprofit community- 130753
based organizations that received grants under section 5180.706 130754
of the Revised Code. 130755

The commission shall submit each report to the general 130756
assembly in accordance with section 101.68 of the Revised Code. 130757

(C) Pursuant to section ~~5101.805~~ 5180.704 of the Revised 130758
Code, the commission may make recommendations to the director of 130759
~~job and family services~~ children and youth regarding funding, 130760
approval, and implementation of fatherhood programs in this 130761
state that meet at least one of the four purposes of the 130762
temporary assistance for needy families block grant, as 130763
specified in 42 U.S.C. 601. 130764

(D) The portion of the report prepared pursuant to 130765
~~division~~ divisions (B) (2) and (4) of this section shall be 130766
prepared by the commission in collaboration with the director of 130767
children and youth. 130768

(E) The commission shall submit each report prepared 130769
pursuant to division (B) of this section to the president and 130770
minority leader of the senate, speaker and minority leader of 130771
the house of representatives, governor, and chief justice of the 130772

supreme court. The first report is due not later than one year 130773
after the last of the initial appointments to the commission is 130774
made under section ~~5101.341~~ 5180.701 of the Revised Code. 130775

Sec. ~~5101.343~~ 5180.703. Sections 101.82 to 101.87 of the 130776
Revised Code do not apply to the Ohio commission on fatherhood. 130777

Sec. ~~5101.805~~ 5180.704. (A) Subject to division (E) of 130778
section 5101.801 of the Revised Code, the Ohio commission on 130779
fatherhood, created under section ~~5101.34~~ 5180.70 of the Revised 130780
Code, may make recommendations to the director of ~~job and family~~ 130781
~~services children and youth~~ concerning the funding, approval, 130782
and implementation of fatherhood programs in this state that 130783
meet at least one of the four purposes of the temporary 130784
assistance for needy families block grant, as specified in 42 130785
U.S.C. 601. 130786

(B) The department of ~~job and family services children and~~ 130787
~~youth~~ may provide funding under this section to government 130788
entities and, to the extent permitted by federal law, private, 130789
not-for-profit entities with which the department enters into 130790
agreements under division (B) (4) of section 5101.801 of the 130791
Revised Code. 130792

Sec. 5180.705. (A) The department of children and youth, 130793
through the Ohio commission on fatherhood, must contract for the 130794
development and implementation of the responsible fatherhood 130795
initiative (RFI). The initiative must provide an opportunity for 130796
every father in the state to obtain information and inspiration 130797
that will motivate and enable him to enhance his abilities as a 130798
father, recognizing that some fathers have greater challenges 130799
than others and would benefit from greater support. 130800

(B) The initiative must include the following: 130801

(1) A statewide media campaign that increases the 130802
awareness of the importance of fathers being involved in their 130803
children's lives. The media campaign may include print, 130804
television, digital, and social media elements and appearances 130805
by and involvement from public figures and influencers. 130806

(2) Resources and information for fathers and father 130807
figures to increase engagement and involvement in their 130808
children's lives. 130809

(C) (1) The department must contract for the development 130810
and implementation of the initiative with a nonprofit (RFI 130811
manager) organization that has both of the following: 130812

(a) A history of focusing on responsible fatherhood, 130813
including providing online resources to fathers, and engaging 130814
fathers, father figures, and children through community-based 130815
and school-based events to encourage responsible fatherhood; 130816

(b) The organizational capacity to manage a statewide 130817
initiative and successfully carry out the requirements of this 130818
section. 130819

(2) The organization must collaborate with other relevant 130820
government agencies and private organizations to develop and 130821
implement the initiative. Those agencies and organizations must 130822
collaborate with the contracted organization to carry out the 130823
initiative. 130824

(3) The RFI manager must be solely responsible for 130825
developing, collaborating, and managing the RFI media campaign 130826
and the resources, content, and information for fathers. 130827

Sec. 5180.706. (A) The department of children and youth, 130828
through the Ohio commission on fatherhood, must award grants to 130829
eligible nonprofit organizations, as described in section 130830

5180.705 of the Revised Code, to address the needs of fathers. 130831

The department must award the following types of grants: 130832

(1) Grants that comprehensively address the needs of 130833
fathers, such as assisting them in finding employment, managing 130834
child support obligations, transitioning from a period of 130835
incarceration, accessing health care, understanding child 130836
development, and enhancing parenting skills. Services provided 130837
must be tailored to the needs of the father being served. Case 130838
management services must be provided by the grant recipient, 130839
either directly or by subcontract, to the fathers who are served 130840
by the grants under this section. If the father receiving case 130841
management services through a grant awarded under this section 130842
has a child receiving services from a public children services 130843
agency because the child is the subject of an abuse, neglect, or 130844
dependency proceeding, the case management services may be 130845
coordinated. 130846

(2) Grants that provide evidence-based parenting education 130847
specifically for fathers. The grants under this section must not 130848
require case management services. 130849

(B) The department must prioritize applicants for a grant 130850
based on the following: 130851

(1) Need in a geographic area and the population to be 130852
served by the grant as indicated by the following: 130853

(a) Unemployment rates; 130854

(b) Incarceration rates; 130855

(c) Housing instability; 130856

(d) The number of single-parent households; 130857

(e) The number of public benefit recipients; 130858

<u>(f) Graduation rates;</u>	130859
<u>(g) Levels of academic achievement.</u>	130860
<u>(2) Whether an applicant has a primary mission of, or a</u>	130861
<u>history of a significant focus on and effective work towards,</u>	130862
<u>addressing the needs of men in their role as fathers;</u>	130863
<u>(3) Applicant current and historical involvement in the</u>	130864
<u>community being served;</u>	130865
<u>(4) Applicant commitment and capability to employ</u>	130866
<u>competent staff who can effectively engage with the fathers</u>	130867
<u>being served, including individuals who share similar</u>	130868
<u>backgrounds as the fathers being served;</u>	130869
<u>(5) The number of individuals the applicant plans to serve</u>	130870
<u>through the grant and the projected costs for the program;</u>	130871
<u>(6) Applicant organizational capacity to effectively meet</u>	130872
<u>the requirements of the grant and to deliver the programs</u>	130873
<u>proposed by the applicant. The department may offer technical</u>	130874
<u>assistance to applicants and grant recipients that have lower</u>	130875
<u>organizational capacity if they have, or their leadership has,</u>	130876
<u>significant experience serving fathers.</u>	130877
<u>(C) Grants are to be awarded for not more than three</u>	130878
<u>years, with subsequent funding contingent on compliance with</u>	130879
<u>grant requirements and adequate performance. Grant recipients</u>	130880
<u>must submit reports to the department in a format and at</u>	130881
<u>intervals, which must be at least annually, prescribed by the</u>	130882
<u>department. The RFI manager contracted with under section</u>	130883
<u>5180.705 of the Revised Code may be a recipient of grants under</u>	130884
<u>this section.</u>	130885
<u>Sec. 5180.707. (A) A nonprofit organization that receives</u>	130886

a grant under section 5180.706 of the Revised Code must address 130887
the unique needs of the fathers of children who are served by 130888
the organization. The organization must do all of the following: 130889

(1) Conduct an initial assessment of its engagement with 130890
those fathers and its provision of and referral to father- 130891
oriented services; 130892

(2) Create an action plan to address any gaps identified 130893
through the assessment and implement the action plan; 130894

(3) Engage with the Ohio commission on fatherhood to build 130895
relationships with fathers, help identify their needs, assist 130896
them in accessing services, and communicate with the 130897
organization about the challenges faced by these fathers and how 130898
to appropriately meet their unique needs. 130899

(B) The Ohio commission on fatherhood must annually review 130900
how all recipient organizations are meeting the needs of 130901
fathers, including how the organizations are helping fathers 130902
establish positive, stable relationships with their children and 130903
assisting fathers in receiving needed services. All recipient 130904
organizations must provide any relevant information on how they 130905
are meeting the needs of these fathers to the commission. The 130906
information must be included in the annual report required under 130907
section 5180.702 of the Revised Code. 130908

Sec. ~~5101.804~~ 5180.71. (A) Subject to division (E) of 130909
section 5101.801 of the Revised Code, there is hereby created 130910
the Ohio parenting and pregnancy program to provide services for 130911
pregnant women and parents or other relatives caring for 130912
children twelve months of age or younger that do both of the 130913
following: 130914

(1) Promote childbirth, parenting, and alternatives to 130915

abortion; 130916

(2) Meet one or more of the four purposes of the temporary 130917
assistance for needy families block grant as specified in 42 130918
U.S.C. 601. 130919

(B) To the extent permitted by federal law, the department 130920
of children and youth may provide funds under the program to 130921
entities with which the department enters into agreements under 130922
division (B) (3) of section 5101.801 of the Revised Code. In 130923
accordance with criteria the department develops, the department 130924
may solicit proposals from entities seeking to provide services 130925
under the program. The department may enter into an agreement 130926
with an entity only if it meets all of the following conditions: 130927

(1) Is a private, not-for-profit entity; 130928

(2) Is an entity whose primary purpose is to promote 130929
childbirth, rather than abortion, through counseling and other 130930
services, including parenting and adoption support; 130931

(3) Provides services to pregnant women and parents or 130932
other relatives caring for children twelve months of age or 130933
younger, including clothing, counseling, diapers, food, 130934
furniture, health care, parenting classes, postpartum recovery, 130935
shelter, and any other supportive services, programs, or related 130936
outreach; 130937

(4) Does not charge pregnant women and parents or other 130938
relatives caring for children twelve months of age or younger a 130939
fee for any services received; 130940

(5) Is not involved in or associated with any abortion 130941
activities, including providing abortion counseling or referrals 130942
to abortion clinics, performing abortion-related medical 130943
procedures, or engaging in pro-abortion advertising; 130944

(6) Does not discriminate in its provision of services on 130945
the basis of race, religion, color, age, marital status, 130946
national origin, disability, or gender. 130947

(C) An entity that has entered into an agreement with the 130948
department under division (B) (3) of section 5101.801 of the 130949
Revised Code may enter into a subcontract with another entity 130950
under which the other entity provides all or part of the 130951
services described in division (B) (3) of this section. A 130952
subcontract may be entered into with another entity only if that 130953
entity meets all of the following conditions: 130954

(1) Is a private, not-for-profit entity; 130955

(2) Is physically and financially separate from any 130956
entity, or component of an entity, that engages in abortion 130957
activities; 130958

(3) Is not involved in or associated with any abortion 130959
activities, including providing abortion counseling or referrals 130960
to abortion clinics, performing abortion-related medical 130961
procedures, or engaging in pro-abortion advertising. 130962

(D) The director of children and youth shall adopt rules 130963
under division (C) of section 5101.801 of the Revised Code as 130964
necessary to implement the Ohio parenting and pregnancy program. 130965

Sec. ~~3701.65~~ 5180.72. (A) There is hereby created in the 130966
state treasury the "choose life" fund. The fund shall consist of 130967
the contributions that are paid to the registrar of motor 130968
vehicles by applicants who voluntarily elect to obtain "choose 130969
life" license plates pursuant to section 4503.91 of the Revised 130970
Code and any money returned to the fund under division (E) (1) (d) 130971
of this section. All investment earnings of the fund shall be 130972
credited to the fund. 130973

(B) (1) At least annually, the director of ~~health-children~~
and youth shall distribute the money in the fund to any private,
nonprofit organization that is eligible to receive funds under
this section and that applies for funding under division (C) of
this section.

(2) The director shall allocate the funds to each county
in proportion to the number of "choose life" license plates
issued during the preceding year to vehicles registered in each
county. The director shall distribute funds allocated for a
county as follows:

(a) To one or more eligible organizations located within
the county;

(b) If no eligible organization located within the county
applies for funding, to one or more eligible organizations
located in contiguous counties;

(c) If no eligible organization located within the county
or a contiguous county applies for funding, to one or more
eligible organizations within any other county.

(3) The director shall ensure that any funds allocated for
a county are distributed equally among eligible organizations
that apply for funding within the county.

(C) Any organization seeking funds under this section
annually shall apply for distribution of the funds based on the
county in which the organization is located. An organization
also may apply for funding in a county in which it is not
located if it demonstrates that it provides services for
pregnant women residing in that county. The director shall
develop an application form and may determine the schedule and
procedures that an organization shall follow when annually

applying for funds. The application shall inform the applicant 131003
of the conditions for receiving and using funds under division 131004
(E) of this section. The application shall require evidence that 131005
the organization meets all of the following requirements: 131006

(1) Is a private, nonprofit organization; 131007

(2) Is committed to counseling pregnant women about the 131008
option of adoption; 131009

(3) Provides services within the state to pregnant women 131010
who are planning to place their children for adoption, including 131011
counseling and meeting the material needs of the women; 131012

(4) Does not charge women for any services received; 131013

(5) Is not involved or associated with any abortion 131014
activities, including counseling for or referrals to abortion 131015
clinics, providing medical abortion-related procedures, or pro- 131016
abortion advertising; 131017

(6) Does not discriminate in its provision of any services 131018
on the basis of race, religion, color, age, marital status, 131019
national origin, disability, gender, or age; 131020

(7) If the organization is applying for funding in a 131021
county in which it is not located, provides services for 131022
pregnant women residing in that county. 131023

(D) The director shall not distribute funds to an 131024
organization that does not provide verifiable evidence of the 131025
requirements specified in the application under division (C) of 131026
this section and shall not provide additional funds to any 131027
organization that fails to comply with division (E) of this 131028
section in regard to its previous receipt of funds under this 131029
section. 131030

(E) (1) An organization receiving funds under this section 131031
shall do all of the following: 131032

(a) Use not more than sixty per cent of the funds 131033
distributed to it for the material needs of pregnant women who 131034
are planning to place their children for adoption or for infants 131035
awaiting placement with adoptive parents, including clothing, 131036
housing, medical care, food, utilities, and transportation; 131037

(b) Use not more than forty per cent of the funds 131038
distributed to it for counseling, training, or advertising; 131039

(c) Not use any of the funds distributed to it for 131040
administrative expenses, legal expenses, or capital 131041
expenditures; 131042

(d) Annually return to the fund created under division (A) 131043
of this section any unused money that exceeds ten per cent of 131044
the money distributed to the organization. 131045

(2) The organization annually shall submit to the director 131046
an audited financial statement verifying its compliance with 131047
division (E) (1) of this section. 131048

(F) The director, in accordance with Chapter 119. of the 131049
Revised Code, shall adopt rules to implement this section. 131050

It is not the intent of the general assembly that the 131051
department create a new position within the department to 131052
implement and administer this section. It is the intent of the 131053
general assembly that the implementation and administration of 131054
this section be accomplished by existing department personnel. 131055

(G) If funds that have been allocated to a county for any 131056
previous year have not been distributed to one or more eligible 131057
organizations, the director may distribute those funds in 131058

accordance with this section. 131059

Sec. ~~5180.40~~ 5180.73. To increase participation in 131060
evidence-based parenting education programs, the department of 131061
children and youth shall ensure state departments, agencies, and 131062
boards have information to communicate with parents, caregivers, 131063
and child care providers about such programs to promote their 131064
benefits, including their parenting, caregiving, and educational 131065
resources. 131066

Sec. 5180.99. (A) Whoever violates division (B) of section 131067
5180.275 of the Revised Code is guilty of a misdemeanor of the 131068
second degree. 131069

(B) Whoever violates section 5180.403 of the Revised Code 131070
is guilty of a misdemeanor of the fourth degree. 131071

Sec. 5303.34. (A) As used in this section, "bad faith" 131072
means a trespass committed with either of the following: 131073

(1) Actual knowledge that the entry onto, and the 131074
extraction of minerals from, the property was unlawful; 131075

(2) Willful or wanton disregard for the lawful property or 131076
mineral rights of another person and with the intent of 131077
depriving the lawful owner of the owner's minerals. 131078

"Bad faith" shall not be presumed and does not include an 131079
entry onto property based on a reasonable belief that such 131080
entry, or the extraction occurring after such entry, was lawful. 131081

(B) In an action brought by a person who owns mineral 131082
rights against any person who trespasses on the land containing 131083
such minerals and unlawfully extracts, exploits, or otherwise 131084
converts the minerals, damages shall be equal to one of the 131085
following: 131086

(1) In the case of minerals, such as coal, stone, or ore, 131087
that are extracted by underground or surface mining methods, the 131088
revenue received from the sale of the minerals measured at the 131089
mouth of the mine, less the cost of extraction, less any sums 131090
previously paid; 131091

(2) In the case of minerals, such as hydrocarbons, in 131092
liquid or gaseous states that are extracted by drilling, the 131093
revenue received from the sale of such minerals measured at the 131094
wellhead, less the cost of extraction, less any sums previously 131095
paid. 131096

(C) When calculating damages under division (B) (1) or (2) 131097
of this section, if the person who trespassed is determined to 131098
have trespassed on the land in bad faith, no reduction for the 131099
cost of extraction shall be allowed, and the damaged party is 131100
entitled to the full revenue received from the sale of the 131101
minerals measured at the mouth of the mine or at the wellhead, 131102
as applicable, regardless of extraction method, less any sums 131103
previously paid. The damaged party is not entitled to punitive 131104
damages. 131105

Sec. 5310.06. All money received by the clerk of the 131106
probate court or the clerk of the court of common pleas under 131107
section 5310.05 of the Revised Code shall be paid at least once 131108
a month to the treasurer of state, who shall, ~~with the advice~~ 131109
~~and approval of the secretary of state and the auditor of state,~~ 131110
invest, reinvest, and keep invested such funds in bonds and 131111
securities of the United States, or of this state, or of any 131112
county, township, district, or municipal corporation of this 131113
state, or in approved mortgages on ~~income-producing income-~~ 131114
producing lands that are registered, provided that no loan shall 131115
be made by mortgage on any land which is not assessed, at the 131116

latest general assessment, for at least twice the amount of the 131117
loan, exclusive of improvements. 131118

Sec. 5310.47. Abolition of land registration in a county 131119
does not bar ~~either of the following:~~ 131120

~~(A) A~~ a person who is deprived of land, any interest 131121
therein, or any encumbrance thereon as the result of a decree 131122
obtained by fraud in a case relating to registered land or to 131123
the initial registration of land from filing a complaint to open 131124
up and review the case as provided in section 5309.23 or 5309.81 131125
of the Revised Code. 131126

~~(B) A person who has a cause of action under section~~ 131127
~~5310.07 of the Revised Code from commencing and prosecuting an~~ 131128
~~action as provided in that section, subject to the period of~~ 131129
~~limitation provided in section 5310.12 of the Revised Code. If~~ 131130
~~judgment is rendered for the plaintiff in such an action,~~ 131131
~~recovery shall be had as provided in sections 5310.09 to 5310.11~~ 131132
~~and 5310.13 of the Revised Code.~~ 131133

Sec. 5323.02. (A) An owner of residential rental property 131134
shall file with the county auditor of the county in which the 131135
property is located the following information: 131136

(1) The name, address, and telephone number of the owner; 131137

(2) If the residential rental property is owned by a 131138
trust, business trust, estate, partnership, limited partnership, 131139
limited liability company, association, corporation, or any 131140
other business entity, the name, address, and telephone number 131141
of the following: 131142

(a) A trustee, in the case of a trust or business trust; 131143

(b) The executor or administrator, in the case of an 131144

estate; 131145

(c) A general partner, in the case of a partnership or a 131146
limited partnership; 131147

(d) A member, manager, or officer, in the case of a 131148
limited liability company; 131149

(e) An associate, in the case of an association; 131150

(f) An officer, in the case of a corporation; 131151

(g) A member, manager, or officer, in the case of any 131152
other business entity. 131153

(3) The street address and permanent parcel number of the 131154
residential rental property. 131155

(B) The information required under division (A) of this 131156
section shall be filed and maintained on the tax list or the 131157
real property record. 131158

(C) An owner of residential rental property shall update 131159
the information required under division (A) of this section 131160
within sixty days after any change in the information occurs. 131161

(D) The county auditor shall provide an owner of 131162
residential rental property located in a county that has a 131163
population of more than two hundred thousand according to the 131164
most recent decennial census with notice pursuant to division 131165
(B) of section 323.131 of the Revised Code of the requirement to 131166
file the information required under division (A) of this section 131167
and the requirement to update that information under division 131168
(C) of this section. 131169

(E) The owner of residential real property shall comply 131170
with the requirements under divisions (A) and (C) of this 131171

section within sixty days after receiving the notice provided 131172
under division (D) of this section, division ~~(D)~~ (E) of section 131173
319.202, or division (B) of section 323.131 of the Revised Code. 131174

(F) Any agent designated by the owner to manage the 131175
property on the owner's behalf may file or update any 131176
information, or do anything otherwise required by this section, 131177
on the owner's behalf. 131178

Sec. 5501.91. (A) As used in this section, "port 131179
authority" means a port authority created under Chapter 4582. of 131180
the Revised Code. 131181

(B) There is hereby established the Ohio maritime 131182
assistance program, which the department of transportation shall 131183
administer. Under the program, a port authority may apply to the 131184
department for a grant to be used as prescribed in division (D) 131185
of this section. In order to be eligible for a grant under this 131186
section, a port authority is required to meet either of the 131187
following requirements: 131188

(1) At the time of application for a grant, the port 131189
authority owns or is the co-applicant with the owner of an 131190
active marine cargo terminal located on one of the following: 131191

(a) The shore of Lake Erie or the Ohio river~~or on~~; 131192

(b) On a Lake Erie tributary; 131193

(c) On an Ohio river tributary. 131194

(2) At the time of application for a grant, the port 131195
authority is located in, or has jurisdiction within, a federally 131196
qualified opportunity zone and the federally qualified 131197
opportunity zone has an active marine cargo terminal with a 131198
stevedoring operation that is located on the shore of Lake Erie 131199

or the Ohio river. 131200

(C) (1) Every applicant for a grant shall submit with its 131201
application a written business justification for the investment 131202
that indicates the operational and market need for the project 131203
in a form the director of transportation shall prescribe. 131204

(2) The department shall evaluate all grant applications 131205
according to the following criteria: 131206

(a) The degree to which the proposed project will increase 131207
the efficiency or capacity of maritime cargo terminal 131208
operations; 131209

(b) Whether the project will result in the handling of new 131210
types of cargo or an increase in cargo volume; 131211

(c) Whether the project will meet an identified supply 131212
chain need or benefit Ohio firms that export goods to foreign 131213
markets, or import goods to Ohio for use in manufacturing or for 131214
value-added distribution; 131215

(d) Any other criteria the director determines to be 131216
appropriate. 131217

(3) If a grant application does not meet the criteria 131218
specified in divisions (C) (2) (b) and (c) of this section, an 131219
applicant is not eligible for a grant under this section. 131220

(D) A port authority shall use a grant awarded under this 131221
section only for any of the following purposes: 131222

(1) Land acquisition and site development for marine cargo 131223
terminal and associated uses, including demolition and 131224
environmental remediation; 131225

(2) Construction of wharves, quay walls, bulkheads, 131226

jetties, revetments, breakwaters, shipping channels, dredge 131227
disposal facilities, projects for the beneficial use of dredge 131228
material, and other structures and improvements directly related 131229
to maritime commerce and harbor infrastructure; 131230

(3) Construction and repair of warehouses, transit sheds, 131231
railroad tracks, roadways, gates and gatehouses, fencing, 131232
bridges, offices, shipyards, and other improvements needed for 131233
marine cargo terminal and associated uses, including shipyards; 131234

(4) Acquisition of cargo handling equipment, including 131235
mobile shore cranes, stationary cranes, tow motors, fork lifts, 131236
yard tractors, craneways, conveyor and bulk material handling 131237
equipment, and all types of ship loading and unloading 131238
equipment; 131239

(5) Planning and design services and other services 131240
associated with construction. 131241

(E) A port authority shall pay a matching amount of at 131242
least one dollar for each grant dollar received for the proposed 131243
project. 131244

(F) The director of transportation shall govern the 131245
program established under this section, including the grant 131246
application, evaluation, award processes, and how the grant 131247
money may be spent by a port authority. 131248

Sec. 5502.262. (A) As used in this section: 131249

(1) "Administrator" means the superintendent, principal, 131250
chief administrative officer, or other person having supervisory 131251
authority of any of the following: 131252

(a) A city, exempted village, local, or joint vocational 131253
school district; 131254

(b) A community school established under Chapter 3314. of	131255
the Revised Code, as required through reference in division (A)	131256
(11) (d) of section 3314.03 of the Revised Code;	131257
(c) A STEM school established under Chapter 3326. of the	131258
Revised Code, as required through reference in section 3326.11	131259
of the Revised Code;	131260
(d) A college-preparatory boarding school established	131261
under Chapter 3328. of the Revised Code;	131262
(e) A district or school operating a career-technical	131263
education program approved by the department of education and	131264
workforce under section 3317.161 of the Revised Code;	131265
(f) A chartered nonpublic school;	131266
(g) An educational service center;	131267
(h) A preschool program or school-age child care program	131268
licensed by the department of education and workforce;	131269
(i) Any other facility that primarily provides educational	131270
services to children subject to regulation by the department of	131271
education and workforce.	131272
(2) "Emergency management test" means a regularly	131273
scheduled drill, exercise, or activity designed to assess and	131274
evaluate an emergency management plan under this section.	131275
(3) "Building" means any school, school building,	131276
facility, program, or center.	131277
(4) "Regional mobile training officer" means the regional	131278
mobile training officer appointed under section 5502.70 of the	131279
Revised Code for the region in which a district, school, center,	131280
program, or facility is located.	131281

(B) (1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator may involve the regional mobile training officer in the development of the plan. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B) (1) of this section all of the following:

(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators;

(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following:

(i) A floor plan that is unique to each floor of the building;

(ii) A site plan that includes all building property and

surrounding property; 131311

(iii) An emergency contact information sheet. 131312

(c) A threat assessment plan developed as prescribed in 131313
section 5502.263 of the Revised Code. A building may use the 131314
model plan developed by the department of public safety under 131315
that section; 131316

(d) A protocol for school threat assessment teams 131317
established under section 3313.669 of the Revised Code; 131318

(e) A protocol that addresses student use of cellular 131319
telephones during an active threat or emergency. 131320

(3) Each protocol described in division (B) of this 131321
section shall include procedures determined to be appropriate by 131322
the administrator for responding to threats and emergency 131323
events, respectively, including such things as notification of 131324
appropriate law enforcement personnel, calling upon specified 131325
emergency response personnel for assistance, and informing 131326
parents of affected students. 131327

Prior to the opening day of each school year, the 131328
administrator shall inform each student or child enrolled in the 131329
school and the student's or child's parent of the parental 131330
notification procedures included in the protocol. 131331

(4) Each administrator shall keep a copy of the emergency 131332
management plan adopted pursuant to this section in a secure 131333
place. 131334

(C) (1) The administrator shall submit to the director of 131335
public safety, in accordance with rules adopted pursuant to 131336
division (F) of this section, an electronic copy of the 131337
emergency management plan prescribed by division (B) of this 131338

section not less than once every three years, whenever a major
modification to the building requires changes in the procedures
outlined in the plan, and whenever information on the emergency
contact information sheet changes.

(2) The administrator also shall file a copy of the plan
with each law enforcement agency that has jurisdiction over the
school building and, upon request, to any of the following:

(a) The fire department that serves the political
subdivision in which the building is located;

(b) The emergency medical service organization that serves
the political subdivision in which the building is located;

(c) The county emergency management agency for the county
in which the building is located;

(d) The regional mobile training officer.

(3) Upon receipt of an emergency management plan, the
director shall post the information on the contact and
information management system and submit the information in
accordance with rules adopted pursuant to division (F) of this
section, to the attorney general, who shall post that
information on the Ohio law enforcement gateway or its
successor.

(4) Any department or entity to which copies of an
emergency management plan are filed under this section shall
keep the copies in a secure place.

(D) (1) Not later than the first day of September of each
year, each administrator shall review the emergency management
plan and certify to the director that the plan is current and
accurate.

(2) Anytime that an administrator updates the emergency management plan pursuant to division (C)(1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted pursuant to division (F) of this section, to the director and to any entity with which the administrator filed a copy under division (C)(2) of this section.

(E) Each administrator shall do both of the following:

(1) Prepare and conduct at least one annual emergency management test, as defined in division (A)(2) of this section, in accordance with rules adopted pursuant to division (F) of this section;

(2) Grant access to each building under the control of the administrator to law enforcement personnel and to entities described in division (C)(2) of this section, to enable the personnel and entities to hold training sessions for responding to threats and emergency events affecting the building, provided that the access occurs outside of student instructional hours and the administrator, or the administrator's designee, is present in the building during the training sessions.

(F) The director of public safety, in consultation with representatives from the education community and in accordance with Chapter 119. of the Revised Code, shall adopt rules regarding emergency management plans under this section, including the content of the plans and procedures for filing the plans. The rules shall specify that plans and information required under division (B) of this section be submitted on standardized forms developed by the director for such purpose. The rules shall also specify the requirements and procedures for emergency management tests conducted pursuant to division (E)(1)

of this section. Failure to comply with the rules may result in 131397
discipline pursuant to section 3319.31 of the Revised Code or 131398
any other action against the administrator as prescribed by 131399
rule. 131400

(G) Division (B) of section 3319.31 of the Revised Code 131401
applies to any administrator who is subject to the requirements 131402
of this section and is not exempt under division (H) of this 131403
section and who is an applicant for a license or holds a license 131404
from the state board of education pursuant to section 3319.22 of 131405
the Revised Code. 131406

(H) (1) The director may exempt any administrator from the 131407
requirements of this section, if the director determines that 131408
the requirements do not otherwise apply to a building or 131409
buildings under the control of that administrator. 131410

(2) The director shall exempt from the requirements of 131411
this section the administrator of an online learning school, 131412
established under section 3302.42 of the Revised Code, unless 131413
students of that school participate in in-person instruction or 131414
assessments at a location that is not covered by an existing 131415
emergency management plan, developed under this section as of 131416
December 14, 2021. 131417

(I) Copies of the emergency management plan, including all 131418
records related to the plan, emergency management tests, and 131419
information required under division (B) of this section are 131420
security records and are not public records pursuant to section 131421
149.433 of the Revised Code. In addition, the information posted 131422
to the contact and information management system, pursuant to 131423
division (C) (3) (b) of this section, is exempt from public 131424
disclosure or release in accordance with sections 149.43, 131425
149.433, and 5502.03 of the Revised Code. 131426

Notwithstanding section 149.433 of the Revised Code, a 131427
floor plan filed with the attorney general pursuant to this 131428
section is not a public record to the extent it is a record kept 131429
by the attorney general. 131430

Sec. 5502.29. (A) As used in this section, "political 131431
subdivision" has the same meaning as in section 5502.41 of the 131432
Revised Code. 131433

(B) Political subdivisions, in collaboration with other 131434
public and private agencies within this state, may develop 131435
mutual assistance or aid agreements for reciprocal emergency 131436
management assistance or aid for purposes of preparing for, 131437
responding to, and recovering from an incident, disaster, 131438
exercise, training activity, planned event, or emergency, any of 131439
which requires additional resources. In time of any incident, 131440
disaster, exercise, training activity, planned event, or 131441
emergency, any of which requires additional resources, each 131442
political subdivision may render assistance in accordance with 131443
such mutual assistance or aid agreements. Such mutual assistance 131444
or aid agreements shall not in any manner relieve the chief 131445
elected official of any political subdivision of the 131446
responsibility for providing emergency management. 131447

(C) Political subdivisions, in collaboration with 131448
political subdivisions in adjacent states, may develop 131449
agreements for mutual assistance or aid for purposes of 131450
preparing for, responding to, and recovering from an incident, 131451
disaster, exercise, training activity, planned event, or 131452
emergency, any of which requires additional resources. Each 131453
political subdivision may render assistance in accordance with 131454
the mutual assistance or aid agreements. A mutual assistance or 131455
aid agreement with political subdivisions in adjacent states 131456

shall be approved by the chief elected officials of the agreeing 131457
political subdivisions or their designees and shall be prepared 131458
in accordance with the laws, regulations, ordinances, and 131459
resolutions applicable to the agreeing political subdivisions. 131460

(D) When engaged in preparation for, response to, or 131461
recovery from an incident, disaster, exercise, training 131462
activity, planned event, or emergency, any of which requires 131463
additional resources, and in accordance with the applicable 131464
mutual assistance or aid agreement, personnel from political 131465
subdivisions outside this state shall be permitted to provide 131466
services within this state in accordance with this section and 131467
the terms of the mutual assistance or aid agreement. 131468

(E) Personnel of the responding political subdivision 131469
shall continue under their local command and control structure, 131470
but shall be under the operational control of the appropriate 131471
officials within the incident management system of the political 131472
subdivision receiving the assistance or aid. 131473

(F) Nothing in this section shall be construed to prohibit 131474
a private company or its employees from participating in the 131475
provision of mutual assistance or aid, if the responding 131476
political subdivision approves the participation and the 131477
contract between the political subdivision and the private 131478
company permits the participation. 131479

(G) Nothing in this section shall be construed to prohibit 131480
personnel of political subdivisions in this state from 131481
responding to a request for mutual assistance or aid resulting 131482
from an incident, disaster, exercise, training activity, planned 131483
event, or emergency, any of which requires additional resources, 131484
when the personnel are responding as part of a regional response 131485
team that is under the operational control of the incident 131486

command structure. 131487

(H) Whenever a person from outside this state who is 131488
subject to a mutual assistance or aid agreement authorized by 131489
this section holds a license, certificate, or other permit 131490
issued by any state evidencing qualification for professional, 131491
mechanical, or other skills, such license, certificate, or other 131492
permit shall be recognized by this state as authorizing the 131493
person to render assistance or aid in this state involving such 131494
skill to meet the request for assistance or aid, so long as the 131495
person is acting within the scope of the person's license, 131496
certificate, or other permit. 131497

(I) ~~Personnel~~—(1) Except as provided in division (I) (2) of 131498
this section, personnel rendering assistance or aid pursuant to 131499
a mutual assistance or aid agreement authorized by this section 131500
remain employees or agents of their respective political 131501
subdivisions, including for purposes of tort liability and 131502
immunity from tort liability, and nothing in this section or any 131503
mutual assistance or aid agreement entered into pursuant to this 131504
section creates an employment relationship between the political 131505
subdivision requesting aid and the employees or agents of the 131506
political subdivision rendering aid. 131507

(2) For purposes of Chapters 4121. and 4123. of the 131508
Revised Code, personnel rendering intrastate mutual assistance 131509
or aid outside their respective political subdivisions pursuant 131510
to a mutual assistance or aid agreement authorized by this 131511
section shall be considered employees of the emergency 131512
management agency established within the department of public 131513
safety while rendering such intrastate mutual assistance or aid. 131514

(J) Responding political subdivisions and the personnel of 131515
that political subdivision, while rendering assistance or aid 131516

under this section, or while in route to or from rendering 131517
assistance or aid under this section, in a political subdivision 131518
in an adjacent state under an agreement authorized by this 131519
section, shall be deemed to be exercising governmental functions 131520
as defined in section 2744.01 of the Revised Code, shall have 131521
the defenses to and immunities from civil liability provided in 131522
sections 2744.02 and 2744.03 of the Revised Code, and shall be 131523
entitled to all applicable limitations on recoverable damages 131524
under section 2744.05 of the Revised Code. 131525

(K) All pension, disability, death benefits, workers' 131526
compensation, and other benefits enjoyed by personnel rendering 131527
interstate or intrastate mutual assistance or aid shall extend 131528
to the services they perform outside their respective political 131529
subdivisions to the same extent as while acting within the 131530
boundaries of the political subdivisions, and, subject to 131531
division (I) (2) of this section, personnel are entitled to the 131532
rights and benefits of Chapter 4123. of the Revised Code to the 131533
same extent as while performing service within the boundaries of 131534
the political subdivisions. 131535

Sec. 5502.30. (A) The state, any political subdivision, 131536
any municipal agency, any emergency management volunteer, 131537
another state, or an emergency management agency thereof or of 131538
the federal government or of another country or province or 131539
subdivision thereof performing emergency management services in 131540
this state pursuant to an arrangement, agreement, or compact for 131541
mutual aid and assistance, or any agency, member, agent, or 131542
representative of any of them, or any individual, partnership, 131543
corporation, association, trustee, or receiver, or any of the 131544
agents thereof, in good faith carrying out, complying with, or 131545
attempting to comply with any state or federal law or any 131546
arrangement, agreement, or compact for mutual aid and 131547

assistance, or any order issued by federal or state military 131548
authorities relating to emergency management, is not liable for 131549
any injury to or death of persons or damage to property as the 131550
result thereof during training periods, test periods, practice 131551
periods, or other emergency management operations, or false 131552
alerts, as well as during any hazard, actual or imminent, and 131553
subsequent to the same except in cases of willful misconduct. As 131554
used in this division, "emergency management volunteer" means 131555
only an individual who is authorized to assist any agency 131556
performing emergency management during a hazard. 131557

(B) The state, any political subdivision, any individual, 131558
partnership, corporation, association, trustee, or receiver, or 131559
any agent, agency, representative, officer, or employee of any 131560
of them that owns, maintains, occupies, operates, or controls 131561
all or part of any building, structure, or premises shall not be 131562
liable for any injury or death sustained by any person or damage 131563
caused to any property while that person or property is in the 131564
building, structure, or premises for duty, training, or shelter 131565
purposes during a hazard, drill, test, or false warning, or is 131566
entering therein for such purposes or departing therefrom, or 131567
for any injury, death, or property damage as the result of any 131568
condition in or on the building, structure, or premises or of 131569
any act or omission with respect thereto, except a willful act 131570
intended to cause injury or damage. 131571

(C) Any person deployed by the emergency management agency 131572
to render aid in another state pursuant to section 5502.40 of 131573
the Revised Code, including a full-time or part-time paid 131574
employee of a political subdivision of this state or a nonprofit 131575
organization, a paid or unpaid volunteer of a for-profit or 131576
nonprofit organization, and a health care worker of a for-profit 131577
or nonprofit organization, that is rendering aid in another 131578

state is considered an officer or employee of the state for 131579
purposes of the immunity established under Article VI of the 131580
emergency management assistance compact enacted under section 131581
5502.40 of the Revised Code. Nothing in this division entitles 131582
~~an employee of a political subdivision~~ any person deployed 131583
pursuant to section 5502.40 of the Revised Code to any other 131584
right or benefit of a state officer or employee. 131585

(D) This section does not affect the right of any person 131586
to receive benefits to which the person may be entitled under 131587
Chapter 4123. of the Revised Code or any pension law, nor the 131588
rights of any person to receive any benefits or compensation 131589
under any act of congress or under any law of this state. 131590

Sec. 5502.41. (A) As used in this section: 131591

(1) "Chief executive of a participating political 131592
subdivision" means the elected chief executive of a 131593
participating political subdivision or, if the political 131594
subdivision does not have an elected chief executive, a member 131595
of the political subdivision's governing body or an employee of 131596
the political subdivision appointed by the governing body's 131597
members to be its representative for purposes of the intrastate 131598
mutual aid program created pursuant to this section. 131599

(2) "Countywide emergency management agency" means a 131600
countywide emergency management agency established under section 131601
5502.26 of the Revised Code. 131602

(3) "Emergency" means any period during which the congress 131603
of the United States, a chief executive as defined in section 131604
5502.21 of the Revised Code, or a chief executive of a 131605
participating political subdivision has declared or proclaimed 131606
that an emergency exists. 131607

(4) "Participating political subdivision" means each 131608
political subdivision in this state except a political 131609
subdivision that enacts or adopts, by appropriate legislation, 131610
ordinance, resolution, rule, bylaw, or regulation signed by its 131611
chief executive, a decision not to participate in the intrastate 131612
mutual aid program created by this section and that provides a 131613
copy of the legislation, ordinance, resolution, rule, bylaw, or 131614
regulation to the state emergency management agency and to the 131615
countywide emergency management agency, regional authority for 131616
emergency management, or program for emergency management within 131617
the political subdivision. 131618

(5) "Planned event" means a scheduled nonemergency 131619
activity as defined by the national incident management system 131620
adopted under section 5502.28 of the Revised Code as the state's 131621
standard procedure for incident management. "Planned event" 131622
includes, but is not limited to, a sporting event, concert, or 131623
parade. 131624

(6) "Political subdivision" or "subdivision" has the same 131625
meaning as in section 2744.01 of the Revised Code and also 131626
includes a health district established under Chapter 3709. of 131627
the Revised Code. 131628

(7) "Program for emergency management within a political 131629
subdivision" means a program for emergency management created by 131630
a political subdivision under section 5502.271 of the Revised 131631
Code. 131632

(8) "Regional authority for emergency management" means a 131633
regional authority for emergency management established under 131634
section 5502.27 of the Revised Code. 131635

(9) "Regional response team" means a group of persons from 131636

participating political subdivisions who provide mutual 131637
assistance or aid in preparation for, response to, or recovery 131638
from an incident, disaster, exercise, training activity, planned 131639
event, or emergency, any of which requires additional resources. 131640
"Regional response team" includes, but is not limited to, an 131641
incident management team, hazardous materials response team, 131642
water rescue team, bomb team, or search and rescue team. 131643

(B) There is hereby created the intrastate mutual aid 131644
program to be known as "the intrastate mutual aid compact" to 131645
complement existing mutual aid agreements. The program shall 131646
have two purposes: 131647

(1) Provide for mutual assistance or aid among the 131648
participating political subdivisions for purposes of preparing 131649
for, responding to, and recovering from an incident, disaster, 131650
exercise, training activity, planned event, or emergency, any of 131651
which requires additional resources; 131652

(2) Establish a method by which a participating political 131653
subdivision may seek assistance or aid that resolves many of the 131654
common issues facing political subdivisions before, during, and 131655
after an incident, disaster, exercise, training activity, 131656
planned event, or emergency, any of which requires additional 131657
resources, and that ensures, to the extent possible, eligibility 131658
for available state and federal disaster assistance or other 131659
funding. 131660

(C) Each countywide emergency management agency, regional 131661
authority for emergency management, and program for emergency 131662
management within a political subdivision, in coordination with 131663
all departments, divisions, boards, commissions, agencies, and 131664
other instrumentalities within that political subdivision, shall 131665
establish procedures or plans that, to the extent possible, 131666

accomplish both of the following: 131667

(1) Identify hazards that potentially could affect the 131668
participating political subdivisions served by that agency, 131669
authority, or program; 131670

(2) Identify and inventory the current services, 131671
equipment, supplies, personnel, and other resources related to 131672
the preparedness, response, and recovery activities of the 131673
participating political subdivisions served by that agency, 131674
authority, or program. 131675

(D) (1) The executive director of the state emergency 131676
management agency shall coordinate with the countywide emergency 131677
management agencies, regional authorities for emergency 131678
management, and programs for emergency management within a 131679
political subdivision in identifying and formulating appropriate 131680
procedures or plans to resolve resource shortfalls. 131681

(2) During and after the formulation of the procedures or 131682
plans to resolve resource shortfalls, there shall be ongoing 131683
consultation and coordination among the executive director of 131684
the state emergency management agency; the countywide emergency 131685
management agencies, regional authorities for emergency 131686
management, and programs for emergency management within a 131687
political subdivision; and all departments, divisions, boards, 131688
commissions, agencies, and other instrumentalities of, and 131689
having emergency response functions within, each participating 131690
political subdivision, regarding this section, local procedures 131691
and plans, and the resolution of the resource shortfalls. 131692

(E) (1) A participating political subdivision that is 131693
impacted by an incident, disaster, exercise, training activity, 131694
planned event, or emergency, any of which requires additional 131695

resources, may request mutual assistance or aid by doing either 131696
of the following: 131697

(a) Declaring a state of emergency and issuing a request 131698
for assistance or aid from any other participating political 131699
subdivision; 131700

(b) Issuing to another participating political subdivision 131701
a verbal or written request for assistance or aid. If the 131702
request is made verbally, a written confirmation of the request 131703
shall be made not later than seventy-two hours after the verbal 131704
request is made. 131705

(2) Requests for assistance or aid made under division (E) 131706
(1) of this section shall be made through the emergency 131707
management agency of a participating political subdivision or an 131708
official designated by the chief executive of the participating 131709
political subdivision from which the assistance or aid is 131710
requested and shall provide the following information: 131711

(a) A description of the incident, disaster, exercise, 131712
training activity, planned event, or emergency; 131713

(b) A description of the assistance or aid needed; 131714

(c) An estimate of the length of time the assistance or 131715
aid will be needed; 131716

(d) The specific place and time for staging of the 131717
assistance or aid and a point of contact at that location. 131718

(F) A participating political subdivision shall provide 131719
assistance or aid to another participating political subdivision 131720
that is impacted by an incident, disaster, exercise, training 131721
activity, planned event, or emergency, any of which requires 131722
additional resources. The provision of the assistance or aid is 131723

subject to the following conditions: 131724

(1) The responding political subdivision may withhold 131725
resources necessary to provide for its own protection. 131726

(2) Personnel of the responding political subdivision 131727
shall continue under their local command and control structure, 131728
but shall be under the operational control of the appropriate 131729
officials within the incident management system of the 131730
participating political subdivision receiving assistance or aid. 131731

(3) Responding law enforcement officers acting pursuant to 131732
this section have the same authority to enforce the law as when 131733
acting within the territory of their regular employment. 131734

(4) For purposes of Chapters 4121. and 4123. of the 131735
Revised Code, personnel of the responding political subdivision 131736
shall be considered employees of the emergency management agency 131737
established within the department of public safety while 131738
rendering mutual assistance or aid to the participating 131739
political subdivision. 131740

(G) (1) Nothing in this section shall do any of the 131741
following: 131742

(a) Alter the duties and responsibilities of emergency 131743
response personnel; 131744

(b) Prohibit a private company from participating in the 131745
provision of mutual assistance or aid pursuant to the compact 131746
created pursuant to this section if the participating political 131747
subdivision approves the participation and the contract with the 131748
private company allows for the participation; 131749

(c) Prohibit employees of participating political 131750
subdivisions from responding to a request for mutual assistance 131751

or aid precipitated by an incident, disaster, exercise, training 131752
activity, planned event, or emergency, any of which requires 131753
additional resources, when the employees are responding as part 131754
of a regional response team that is under the operational 131755
control of the incident command structure; 131756

(d) Authorize employees of participating political 131757
subdivisions to respond to an incident, disaster, exercise, 131758
training activity, planned event, or emergency, any of which 131759
requires additional resources, without a request from a 131760
participating political subdivision. 131761

(2) This section does not preclude a participating 131762
political subdivision from entering into a mutual aid or other 131763
agreement with another political subdivision, and does not 131764
affect any other agreement to which a participating political 131765
subdivision may be a party, or any request for assistance or aid 131766
that may be made, under any other section of the Revised Code, 131767
including, but not limited to, any mutual aid arrangement under 131768
this chapter, any fire protection or emergency medical services 131769
contract under section 9.60 of the Revised Code, sheriffs' 131770
requests for assistance to preserve the public peace and protect 131771
persons and property under section 311.07 of the Revised Code, 131772
any agreement for mutual assistance or aid in police protection 131773
under section 737.04 of the Revised Code, any agreement for law 131774
enforcement services between universities and colleges and 131775
political subdivisions under section 3345.041 or 3345.21 of the 131776
Revised Code, and mutual aid agreements among emergency planning 131777
districts for hazardous substances or chemicals response under 131778
sections 3750.02 and 3750.03 of the Revised Code. 131779

(H) (1) ~~Personnel~~ Subject to division (F) (4) of this 131780
section, personnel of a responding participating political 131781

subdivision who suffer injury or death in the course of, and 131782
arising out of, their employment while rendering assistance or 131783
aid under this section to another participating political 131784
subdivision are entitled to all applicable benefits under 131785
Chapters 4121. and 4123. of the Revised Code. 131786

(2) Personnel of a responding participating political 131787
subdivision shall be considered, while rendering assistance or 131788
aid under this section in another participating political 131789
subdivision, to be agents of the responding political 131790
subdivision for purposes of tort liability and immunity from 131791
tort liability under the law of this state. 131792

(3) (a) A responding participating political subdivision 131793
and the personnel of that political subdivision, while rendering 131794
assistance or aid under this section, or while in route to or 131795
from rendering assistance or aid under this section, in another 131796
participating political subdivision, shall be deemed to be 131797
exercising governmental functions as defined in section 2744.01 131798
of the Revised Code, shall have the defenses to and immunities 131799
from civil liability provided in sections 2744.02 and 2744.03 of 131800
the Revised Code, and shall be entitled to all applicable 131801
limitations on recoverable damages under section 2744.05 of the 131802
Revised Code. 131803

(b) A participating political subdivision requesting 131804
assistance or aid and the personnel of that political 131805
subdivision, while requesting or receiving assistance or aid 131806
under this section from any other participating political 131807
subdivision, shall be deemed to be exercising governmental 131808
functions as defined in section 2744.01 of the Revised Code, 131809
shall have the defenses to and immunities from civil liability 131810
provided in sections 2744.02 and 2744.03 of the Revised Code, 131811

and shall be entitled to all applicable limitations on 131812
recoverable damages under section 2744.05 of the Revised Code. 131813

(I) If a person holds a license, certificate, or other 131814
permit issued by a participating political subdivision 131815
evidencing qualification in a professional, mechanical, or other 131816
skill, and if the assistance or aid of that person is asked for 131817
under this section by a participating political subdivision, the 131818
person shall be deemed to be licensed or certified in or 131819
permitted by the participating political subdivision receiving 131820
the assistance or aid to render the assistance or aid, subject 131821
to any limitations and conditions the chief executive of the 131822
participating political subdivision receiving the assistance or 131823
aid may prescribe by executive order or otherwise. 131824

(J) (1) Subject to division (K) of this section and except 131825
as provided in division (J) (2) of this section, any 131826
participating political subdivision rendering assistance or aid 131827
under this section in another participating political 131828
subdivision shall be reimbursed by the participating political 131829
subdivision receiving the assistance or aid for any loss or 131830
damage to, or expense incurred in the operation of, any 131831
equipment used in rendering the assistance or aid, for any 131832
expense incurred in the provision of any service used in 131833
rendering the assistance or aid, and for all other costs 131834
incurred in responding to the request for assistance or aid. To 131835
avoid duplication of payments, insurance proceeds available to 131836
cover any loss or damage to equipment of a participating 131837
political subdivision rendering assistance or aid shall be 131838
considered in the reimbursement by the participating political 131839
subdivision receiving the assistance or aid. 131840

(2) A participating political subdivision rendering 131841

assistance or aid under this section to another participating 131842
political subdivision shall not be reimbursed for ~~either of the~~ 131843
~~following:~~ 131844

~~(a) The first eight hours of mutual assistance or aid it 131845~~
provides to the political subdivision receiving the assistance 131846
or aid; 131847

~~(b) Expenses the participating political subdivision 131848~~
~~incurs under division (H) (1) of this section. 131849~~

(K) A participating political subdivision rendering 131850
assistance or aid under this section may do any of the 131851
following: 131852

(1) Assume, in whole or in part, any loss, damage, 131853
expense, or cost the political subdivision incurs in rendering 131854
the assistance or aid; 131855

(2) Loan, without charge, any equipment, or donate any 131856
service, to the political subdivision receiving the assistance 131857
or aid; 131858

(3) Enter into agreements with one or more other 131859
participating political subdivisions to establish different 131860
allocations of losses, damages, expenses, or costs among such 131861
political subdivisions. 131862

Sec. 5503.02. (A) The state highway patrol shall enforce 131863
the laws of the state relating to the titling, registration, and 131864
licensing of motor vehicles; enforce on all roads and highways, 131865
notwithstanding section 4513.39 of the Revised Code, the laws 131866
relating to the operation and use of vehicles on the highways; 131867
enforce and prevent the violation of the laws relating to the 131868
size, weight, and speed of commercial motor vehicles and all 131869
laws designed for the protection of the highway pavements and 131870

structures on the highways; investigate and enforce rules and 131871
laws of the public utilities commission governing the 131872
transportation of persons and property by motor carriers and 131873
report violations of such rules and laws to the commission; 131874
enforce against any motor carrier as defined in section 4923.01 131875
of the Revised Code those rules and laws that, if violated, may 131876
result in a forfeiture as provided in section 4923.99 of the 131877
Revised Code; investigate and report violations of all laws 131878
relating to the collection of excise taxes on motor vehicle 131879
fuels; and regulate the movement of traffic on the roads and 131880
highways of the state, notwithstanding section 4513.39 of the 131881
Revised Code. 131882

The patrol, whenever possible, shall determine the 131883
identity of the persons who are causing or who are responsible 131884
for the breaking, damaging, or destruction of any improved 131885
surfaced roadway, structure, sign, marker, guardrail, or other 131886
appurtenance constructed or maintained by the department of 131887
transportation and shall arrest the persons who are responsible 131888
for the breaking, damaging, or destruction and bring them before 131889
the proper officials for prosecution. 131890

State highway patrol troopers shall investigate and report 131891
all motor vehicle accidents on all roads and highways outside of 131892
municipal corporations. The superintendent of the patrol or any 131893
state highway patrol trooper may arrest, without a warrant, any 131894
person, who is the driver of or a passenger in any vehicle 131895
operated or standing on a state highway, whom the superintendent 131896
or trooper has reasonable cause to believe is guilty of a 131897
felony, under the same circumstances and with the same power 131898
that any peace officer may make such an arrest. 131899

The superintendent or any state highway patrol trooper may 131900

enforce the criminal laws on all state properties and state 131901
institutions, owned or leased by the state, and, when so ordered 131902
by the governor in the event of riot, civil disorder, or 131903
insurrection, may, pursuant to sections 2935.03 to 2935.05 of 131904
the Revised Code, arrest offenders against the criminal laws 131905
wherever they may be found within the state if the violations 131906
occurred upon, or resulted in injury to person or property on, 131907
state properties or state institutions, or under the conditions 131908
described in division (B) of this section. This authority of the 131909
superintendent and any state highway patrol trooper to enforce 131910
the criminal laws shall extend to the Lake Erie Correctional 131911
Institution and the Northeast Ohio Correctional Center, to the 131912
same extent as if those prisons were owned by this state. 131913

(B) In the event of riot, civil disorder, or insurrection, 131914
or the reasonable threat of riot, civil disorder, or 131915
insurrection, and upon request, as provided in this section, of 131916
the sheriff of a county or the mayor or other chief executive of 131917
a municipal corporation, the governor may order the state 131918
highway patrol to enforce the criminal laws within the area 131919
threatened by riot, civil disorder, or insurrection, as 131920
designated by the governor, upon finding that law enforcement 131921
agencies within the counties involved will not be reasonably 131922
capable of controlling the riot, civil disorder, or insurrection 131923
and that additional assistance is necessary. In cities in which 131924
the sheriff is under contract to provide exclusive police 131925
services pursuant to section 311.29 of the Revised Code, in 131926
villages, and in the unincorporated areas of the county, the 131927
sheriff has exclusive authority to request the use of the 131928
patrol. In cities in which the sheriff does not exclusively 131929
provide police services, the mayor, or other chief executive 131930
performing the duties of mayor, has exclusive authority to 131931

request the use of the patrol. 131932

The superintendent or any state highway patrol trooper may 131933
enforce the criminal laws within the area designated by the 131934
governor during the emergency arising out of the riot, civil 131935
disorder, or insurrection until released by the governor upon 131936
consultation with the requesting authority. State highway patrol 131937
troopers shall never be used as peace officers in connection 131938
with any strike or labor dispute. 131939

When a request for the use of the patrol is made pursuant 131940
to this division, the requesting authority shall notify the law 131941
enforcement authorities in contiguous communities and the 131942
sheriff of each county within which the threatened area, or any 131943
part of the threatened area, lies of the request, but the 131944
failure to notify the authorities or a sheriff shall not affect 131945
the validity of the request. 131946

(C) Any person who is arrested by the superintendent or a 131947
state highway patrol trooper shall be taken before any court or 131948
magistrate having jurisdiction of the offense with which the 131949
person is charged. Any person who is arrested or apprehended 131950
within the limits of a municipal corporation shall be brought 131951
before the municipal court or other tribunal of the municipal 131952
corporation. 131953

(D) (1) State highway patrol troopers have the same right 131954
and power of search and seizure as other peace officers. 131955

No state official shall command, order, or direct any 131956
state highway patrol trooper to perform any duty or service that 131957
is not authorized by law. The powers and duties conferred on the 131958
patrol are supplementary to, and in no way a limitation on, the 131959
powers and duties of sheriffs or other peace officers of the 131960

state. 131961

(2) (a) A state highway patrol trooper, pursuant to the 131962
policy established by the superintendent of the state highway 131963
patrol under division (D) (2) (b) of this section, may render 131964
emergency assistance to any other peace officer who has arrest 131965
authority under section 2935.03 of the Revised Code, if both of 131966
the following apply: 131967

(i) There is a threat of imminent physical danger to the 131968
peace officer, a threat of physical harm to another person, or 131969
any other serious emergency situation; 131970

(ii) Either the peace officer requests emergency 131971
assistance, or it appears that the peace officer is unable to 131972
request emergency assistance and the circumstances observed by 131973
the state highway patrol trooper reasonably indicate that 131974
emergency assistance is appropriate, or the peace officer 131975
requests emergency assistance and in the request the peace 131976
officer specifies a particular location and the state highway 131977
patrol trooper arrives at that location prior to the time that 131978
the peace officer arrives at that location and the circumstances 131979
observed by the state highway patrol trooper reasonably indicate 131980
that emergency assistance is appropriate. 131981

(b) The superintendent of the state highway patrol shall 131982
establish, within sixty days of August 8, 1991, a policy that 131983
sets forth the manner and procedures by which a state highway 131984
patrol trooper may render emergency assistance to any other 131985
peace officer under division (D) (2) (a) of this section. The 131986
policy shall include a provision that a state highway patrol 131987
trooper never be used as a peace officer in connection with any 131988
strike or labor dispute. 131989

(3) (a) A state highway patrol trooper who renders 131990
emergency assistance to any other peace officer under the policy 131991
established by the superintendent pursuant to division (D) (2) (b) 131992
of this section shall be considered to be performing regular 131993
employment for the purposes of compensation, pension, indemnity 131994
fund rights, workers' compensation, and other rights or benefits 131995
to which the trooper may be entitled as incident to regular 131996
employment. 131997

(b) A state highway patrol trooper who renders emergency 131998
assistance to any other peace officer under the policy 131999
established by the superintendent pursuant to division (D) (2) (b) 132000
of this section retains personal immunity from liability as 132001
specified in section 9.86 of the Revised Code. 132002

(c) A state highway patrol trooper who renders emergency 132003
assistance under the policy established by the superintendent 132004
pursuant to division (D) (2) (b) of this section has the same 132005
authority as the peace officer for or with whom the state 132006
highway patrol trooper is providing emergency assistance. 132007

(E) (1) Subject to the availability of funds specifically 132008
appropriated by the general assembly for security detail 132009
purposes, the state highway patrol shall provide security as 132010
follows: 132011

(a) For the governor; 132012

(b) At the direction of the governor, for other officials 132013
of the state government of this state; officials of the state 132014
governments of other states who are visiting this state; 132015
officials of the United States government who are visiting this 132016
state; officials of the governments of foreign countries or 132017
their political subdivisions who are visiting this state; or 132018

other officials or dignitaries who are visiting this state, 132019
including, but not limited to, members of trade missions; 132020

(c) For the capitol square, as defined in section 105.41 132021
of the Revised Code; 132022

(d) For the Vern Riffe center and the James A. Rhodes 132023
state office tower, as directed by the department of public 132024
safety; 132025

(e) For other state property. 132026

(2) To carry out the security responsibilities of the 132027
patrol listed in division (E)(1) of this section, the 132028
superintendent may assign state highway patrol troopers to a 132029
separate unit that is responsible for security details. The 132030
number of troopers assigned to particular security details shall 132031
be determined by the superintendent. 132032

(3) The superintendent and any state highway patrol 132033
trooper, when providing security pursuant to division ~~(E)(1)(a)~~ 132034
~~or (b)~~ (E)(1) of this section, have the same arrest powers as 132035
other peace officers to apprehend offenders against the criminal 132036
laws who endanger or threaten the security of any person or 132037
state property being protected under division (E) of this 132038
section, no matter where the offense occurs. This arrest 132039
authority is concurrent with that of any other peace officer, as 132040
defined in section 2935.01 of the Revised Code, or any other law 132041
enforcement officer, as defined in section 2901.01 of the 132042
Revised Code, with jurisdiction at the respective location. 132043

The superintendent, any state highway patrol trooper, and 132044
any special police officer designated under section 5503.09 of 132045
the Revised Code, if providing security pursuant to division (E) 132046
(1)(c) of this section, shall enforce any rules governing 132047

capitol square adopted by the capitol square review and advisory board. 132048
132049

(F) The governor may order the state highway patrol to 132050
undertake major criminal investigations that involve state 132051
property interests. If an investigation undertaken pursuant to 132052
this division results in either the issuance of a no bill or the 132053
filing of an indictment, the superintendent shall file a 132054
complete and accurate report of the investigation with the 132055
president of the senate, the speaker of the house of 132056
representatives, the minority leader of the senate, and the 132057
minority leader of the house of representatives within fifteen 132058
days after the issuance of the no bill or the filing of an 132059
indictment. If the investigation does not have as its result any 132060
prosecutorial action, the superintendent shall, upon reporting 132061
this fact to the governor, file a complete and accurate report 132062
of the investigation with the president of the senate, the 132063
speaker of the house of representatives, the minority leader of 132064
the senate, and the minority leader of the house of 132065
representatives. 132066

(G) The superintendent may purchase or lease real property 132067
and buildings needed by the patrol, negotiate the sale of real 132068
property owned by the patrol, rent or lease real property owned 132069
or leased by the patrol, and make or cause to be made repairs to 132070
all property owned or under the control of the patrol. Any 132071
instrument by which real property is acquired pursuant to this 132072
division shall identify the agency of the state that has the use 132073
and benefit of the real property as specified in section 132074
5301.012 of the Revised Code. 132075

Sections 123.01 and 125.02 of the Revised Code do not 132076
limit the powers granted to the superintendent by this division. 132077

Sec. 5505.045. (A) No person shall knowingly fail to file 132078
a complete and accurate campaign finance statement or 132079
independent expenditure statement in accordance with section 132080
5505.044 of the Revised Code. 132081

(B) No person, during the course of a person seeking 132082
nomination for, and during any campaign for, election to the 132083
state highway patrol retirement board, shall knowingly and with 132084
intent to affect the nomination or the outcome of the campaign 132085
do any of the following by means of campaign materials, an 132086
advertisement on radio or television or in a newspaper or 132087
periodical, a public speech, press release, or otherwise: 132088

(1) With regard to a candidate, identify the candidate in 132089
a manner that implies that the candidate is a member of the 132090
board or use the term "re-elect" when the candidate is not 132091
currently a member of the board; 132092

(2) Make a false statement concerning the formal schooling 132093
or training completed or attempted by a candidate; a degree, 132094
diploma, certificate, scholarship, grant, award, prize, or honor 132095
received, earned, or held by a candidate; or the period of time 132096
during which a candidate attended any school, college, community 132097
technical school, or institution; 132098

(3) Make a false statement concerning the professional, 132099
occupational, or vocational licenses held by a candidate, or 132100
concerning any position the candidate held for which the 132101
candidate received a salary or wages; 132102

(4) Make a false statement that a candidate or board 132103
member has been indicted or convicted of a theft offense, 132104
extortion, or other crime involving financial corruption or 132105
moral turpitude; 132106

(5) Make a statement that a candidate has been indicted 132107
for any crime or has been the subject of a finding by the Ohio 132108
elections commission, the secretary of state, or the Ohio 132109
election integrity commission without disclosing the outcome of 132110
any legal proceedings resulting from the indictment or finding; 132111

(6) Make a false statement that a candidate or board 132112
member has a record of treatment or confinement for mental 132113
disorder; 132114

(7) Make a false statement that a candidate or board 132115
member has been subjected to military discipline for criminal 132116
misconduct or dishonorably discharged from the armed services; 132117

(8) Falsely identify the source of a statement, issue 132118
statements under the name of another person without 132119
authorization, or falsely state the endorsement of or opposition 132120
to a candidate by a person or publication; 132121

(9) Make a false statement concerning the voting record of 132122
a candidate or board member; 132123

(10) Post, publish, circulate, distribute, or otherwise 132124
disseminate a false statement concerning a candidate, either 132125
knowing the same to be false or with reckless disregard of 132126
whether it was false or not, if the statement is designed to 132127
promote the election, nomination, or defeat of the candidate. 132128

Sec. 5505.046. ~~The secretary of state, or any person~~ 132129
~~acting on personal knowledge and subject to the penalties of~~ 132130
~~perjury, may file a~~ A ~~complaint with the Ohio elections~~ 132131
~~commission~~ alleging a violation of section 5505.045 of the 132132
Revised Code may be filed in accordance with section 3517.16 of 132133
the Revised Code. ~~The complaint shall be made on a form~~ 132134
~~prescribed and provided by the commission.~~ 132135

~~On receipt of a complaint under this section, the~~ 132136
~~commission shall hold a hearing open to the public to determine~~ 132137
~~whether the violation alleged in the complaint has occurred. The~~ 132138
~~commission may administer oaths and issue subpoenas to any~~ 132139
~~person in the state compelling the attendance of witnesses and~~ 132140
~~the production of relevant papers, books, accounts, and reports.~~ 132141
~~On the refusal of any person to obey a subpoena or to be sworn~~ 132142
~~or to answer as a witness, the commission may apply to the court~~ 132143
~~of common pleas of Franklin county under section 2705.03 of the~~ 132144
~~Revised Code. The court shall hold contempt proceedings in~~ 132145
~~accordance with Chapter 2705. of the Revised Code.~~ 132146

~~The commission shall provide the person accused of the~~ 132147
~~violation at least seven days prior notice of the time, date,~~ 132148
~~and place of the hearing. The accused may be represented by an~~ 132149
~~attorney and shall have an opportunity to present evidence, call~~ 132150
~~witnesses, and cross-examine witnesses.~~ 132151

~~At the hearing, the commission shall determine whether the~~ 132152
~~violation alleged in the complaint has occurred. If the~~ 132153
~~commission determines that a violation of division (A) of~~ 132154
~~section 5505.045 of the Revised Code has occurred, the~~ 132155
~~commission shall either impose a fine under section 5505.99 of~~ 132156
~~the Revised Code or enter a finding that good cause has been~~ 132157
~~shown not to impose the fine. If the commission determines that~~ 132158
~~a violation of division (B) of section 5505.045 of the Revised~~ 132159
~~Code has occurred, the commission shall impose the fine~~ 132160
~~described in section 5505.99 of the Revised Code, refer the~~ 132161
~~matter to the appropriate prosecutor, or enter a finding that~~ 132162
~~good cause has been shown to not impose a fine or refer the~~ 132163
~~matter to the appropriate prosecutor.~~ 132164

Sec. 5505.99. (A) Whoever violates division (A) of section 132165

5505.045 of the Revised Code shall be fined not more than one 132166
hundred dollars for each day of the violation. 132167

(B) Whoever violates division (B) of section 5505.045 of 132168
the Revised Code shall be imprisoned for not more than six 132169
months or fined not more than five thousand dollars, or both. 132170

~~(C) Fines imposed by the Ohio elections commission under 132171
this section shall be paid into the Ohio elections commission 132172
fund created under section 3513.10 of the Revised Code. 132173~~

Sec. 5525.03. (A) All prospective bidders other than 132174
environmental remediators and specialty contractors for which 132175
there are no classes of work provided for in the rules adopted 132176
by the director of transportation shall apply for qualification 132177
on forms prescribed and furnished by the director. ~~The 132178
application shall be accompanied by a certificate of compliance 132179
with affirmative action programs issued pursuant to section 9.47 132180
of the Revised Code and dated no earlier than one hundred eighty 132181
days before the date fixed for the award of the contract for a 132182
particular project. 132183~~

(B) The director shall act upon an application for 132184
qualification within thirty days after it is presented to the 132185
director. Upon the receipt of any application for qualification, 132186
the director shall examine the application to determine whether 132187
the applicant is competent and responsible and possesses the 132188
financial resources required by section 5525.04 of the Revised 132189
Code. If the applicant is found to possess the qualifications 132190
prescribed by sections 5525.02 to 5525.09 of the Revised Code 132191
and by rules adopted by the director, ~~including a certificate of 132192
compliance with affirmative action programs,~~ a certificate of 132193
qualification shall be issued to the applicant, which shall be 132194
valid for the period of one year or such shorter period of time 132195

as the director prescribes, unless revoked by the director for 132196
cause as defined by rules adopted by the director under section 132197
5525.05 of the Revised Code. 132198

(C) The certificate of qualification shall contain a 132199
statement fixing the aggregate amount of work, for any or all 132200
owners, that the applicant may have under construction and 132201
uncompleted at any one time and may contain a statement limiting 132202
such bidder to the submission of bids upon a certain class of 132203
work. Subject to any restriction as to amount or class of work 132204
therein contained, the certificate of qualification shall 132205
authorize its holder to bid on all work on which bids are taken 132206
by the department of transportation during the period of time 132207
therein specified. 132208

(D) An applicant who has received a certificate of 132209
qualification and desires to amend the certificate by the dollar 132210
amount or by the classes of work may submit to the director such 132211
documentation as the director considers appropriate. The 132212
director shall review the documentation submitted by the 132213
applicant and, within fifteen days, shall either amend the 132214
certificate of qualification or deny the request. If the 132215
director denies the request to amend the certificate, the 132216
applicant may appeal that decision to the director's 132217
prequalification review board in accordance with section 5525.07 132218
of the Revised Code. Two or more persons, partnerships, or 132219
corporations may bid jointly on any one project, but only on 132220
condition that prior to the time bids are taken on the project 132221
the bidders make a joint application for qualification and 132222
obtain a joint certificate qualification. 132223

(E) The director may debar from participating in future 132224
contracts with the department any bidding company as well as any 132225

partner of a partnership, or the officers and directors of an 132226
association or corporation if the certificate of qualification 132227
of the company, partnership, association, or corporation is 132228
revoked or not renewed by the director. When the director 132229
reasonably believes that grounds for revocation and debarment 132230
exist, the director shall send the bidding company and any 132231
individual involved a notice of proposed revocation and 132232
debarment indicating the grounds for such action as established 132233
in rules adopted by the director under section 5525.05 of the 132234
Revised Code and the procedure for requesting a hearing. The 132235
notice and hearing shall be in accordance with Chapter 119. of 132236
the Revised Code. If the bidding company or individual does not 132237
respond with a request for a hearing in the manner specified in 132238
Chapter 119. of the Revised Code, the director shall revoke the 132239
certificate and issue the debarment decision without a hearing 132240
and shall notify the bidding company or individual of the 132241
decision by certified mail, return receipt requested. 132242

(F) The debarment period may be of any length determined 132243
by the director and the director may modify or rescind the 132244
debarment at any time. During the period of debarment, the 132245
director shall not issue a certificate of qualification for any 132246
company, partnership, association, or corporation affiliated 132247
with a debarred individual. After the debarment period expires, 132248
the bidding company or individual, and any partnership, 132249
association, or corporation affiliated with the individual may 132250
make an application for qualification if such entity or 132251
individual is not otherwise debarred. 132252

Sec. 5537.01. As used in this chapter: 132253

(A) "Commission" means the Ohio turnpike and 132254
infrastructure commission created by section 5537.02 of the 132255

Revised Code or, if that commission is abolished, the board, 132256
body, officer, or commission succeeding to the principal 132257
functions thereof or to which the powers given by this chapter 132258
to the commission are given by law. 132259

(B) "Turnpike project" means any express or limited access 132260
highway, super highway, or motorway constructed, operated, or 132261
improved, under the jurisdiction of the commission and pursuant 132262
to this chapter, ~~at a location or locations reviewed by the~~ 132263
~~turnpike legislative review committee~~ and approved by the 132264
governor, including all bridges, tunnels, overpasses, 132265
underpasses, interchanges, entrance plazas, approaches, those 132266
portions of connecting public roads that serve interchanges and 132267
are determined by the commission and the director of 132268
transportation to be necessary for the safe merging of traffic 132269
between the turnpike project and those public roads, toll 132270
booths, service facilities, and administration, storage, and 132271
other buildings, property, and facilities that the commission 132272
considers necessary for the operation or policing of the 132273
turnpike project, together with all property and rights which 132274
may be acquired by the commission for the construction, 132275
maintenance, or operation of the turnpike project, and includes 132276
any sections or extensions of a turnpike project designated by 132277
the commission as such for the particular purpose. Each turnpike 132278
project shall be separately designated, by name or number, and 132279
may be constructed, improved, or extended in such sections as 132280
the commission may from time to time determine. Construction 132281
includes the improvement and renovation of a previously 132282
constructed turnpike project, including additional interchanges, 132283
whether or not the turnpike project was initially constructed by 132284
the commission. 132285

(C) "Infrastructure project" means any public express or 132286

limited access highway, super highway, or motorway, including 132287
all bridges, tunnels, overpasses, underpasses, interchanges, 132288
entrance plazas, approaches, and those portions of connecting 132289
public roads that serve interchanges, that is constructed or 132290
improved, in whole or in part, with infrastructure funding 132291
approved pursuant to criteria established under section 5537.18 132292
of the Revised Code. 132293

(D) "Cost," as applied to construction of a turnpike 132294
project or an infrastructure project, includes the cost of 132295
construction, including bridges over or under existing highways 132296
and railroads, acquisition of all property acquired either by 132297
the commission or by the owner of the infrastructure project for 132298
the construction, demolishing or removing any buildings or 132299
structures on land so acquired, including the cost of acquiring 132300
any lands to which the buildings or structures may be moved, 132301
site clearance, improvement, and preparation, diverting public 132302
roads, interchanges with public roads, access roads to private 132303
property, including the cost of land or easements therefor, all 132304
machinery, furnishings, and equipment, communications 132305
facilities, financing expenses, interest prior to and during 132306
construction and for one year after completion of construction, 132307
traffic estimates, indemnity and surety bonds and premiums on 132308
insurance, title work and title commitments, insurance, and 132309
guarantees, engineering, feasibility studies, and legal 132310
expenses, plans, specifications, surveys, estimates of cost and 132311
revenues, other expenses necessary or incident to determining 132312
the feasibility or practicability of constructing or operating a 132313
turnpike project or an infrastructure project, administrative 132314
expenses, and any other expense that may be necessary or 132315
incident to the construction of the turnpike project or an 132316
infrastructure project, the financing of the construction, and 132317

the placing of the turnpike project or an infrastructure project 132318
in operation. Any obligation or expense incurred by the 132319
department of transportation with the approval of the commission 132320
for surveys, borings, preparation of plans and specifications, 132321
and other engineering services in connection with the 132322
construction of a turnpike project or an infrastructure project, 132323
or by the federal government with the approval of the commission 132324
for any public road projects which must be reimbursed as a 132325
condition to the exercise of any of the powers of the commission 132326
under this chapter, shall be regarded as a part of the cost of 132327
the turnpike project or an infrastructure project and shall be 132328
reimbursed to the state or the federal government, as the case 132329
may be, from revenues, state taxes, or the proceeds of bonds as 132330
authorized by this chapter. 132331

(E) "Owner" includes all persons having any title or 132332
interest in any property authorized to be acquired by the 132333
commission for turnpike projects under this chapter, or the 132334
public entity for whom an infrastructure project is funded, in 132335
whole or in part, by the commission under this chapter. 132336

(F) "Revenues" means all tolls, service revenues, 132337
investment income on special funds, rentals, gifts, grants, and 132338
all other moneys coming into the possession of or under the 132339
control of the commission by virtue of this chapter, except the 132340
proceeds from the sale of bonds. "Revenues" does not include 132341
state taxes. 132342

(G) "Public roads" means all public highways, roads, and 132343
streets in the state, whether maintained by a state agency or 132344
any other governmental agency. 132345

(H) "Public utility facilities" means tracks, pipes, 132346
mains, conduits, cables, wires, towers, poles, and other 132347

equipment and appliances of any public utility. 132348

(I) "Financing expenses" means all costs and expenses 132349
relating to the authorization, issuance, sale, delivery, 132350
authentication, deposit, custody, clearing, registration, 132351
transfer, exchange, fractionalization, replacement, payment, and 132352
servicing of bonds including, without limitation, costs and 132353
expenses for or relating to publication and printing, postage, 132354
delivery, preliminary and final official statements, offering 132355
circulars, and informational statements, travel and 132356
transportation, underwriters, placement agents, investment 132357
bankers, paying agents, registrars, authenticating agents, 132358
remarketing agents, custodians, clearing agencies or 132359
corporations, securities depositories, financial advisory 132360
services, certifications, audits, federal or state regulatory 132361
agencies, accounting and computation services, legal services 132362
and obtaining approving legal opinions and other legal opinions, 132363
credit ratings, redemption premiums, and credit enhancement 132364
facilities. 132365

(J) "Bond proceedings" means the resolutions, trust 132366
agreements, certifications, notices, sale proceedings, leases, 132367
lease-purchase agreements, assignments, credit enhancement 132368
facility agreements, and other agreements, instruments, and 132369
documents, as amended and supplemented, or any one or more or 132370
any combination thereof, authorizing, or authorizing or 132371
providing for the terms and conditions applicable to, or 132372
providing for the security or sale or award or liquidity of, 132373
bonds, and includes the provisions set forth or incorporated in 132374
those bonds and bond proceedings. 132375

(K) "Bond service charges" means principal, including any 132376
mandatory sinking fund or mandatory redemption requirements for 132377

the retirement of bonds, and interest and any redemption premium 132378
payable on bonds, as those payments come due and are payable to 132379
the bondholder or to a person making payment under a credit 132380
enhancement facility of those bond service charges to a 132381
bondholder. 132382

(L) "Bond service fund" means the applicable fund created 132383
by the bond proceedings for and pledged to the payment of bond 132384
service charges on bonds provided for by those proceedings, 132385
including all moneys and investments, and earnings from 132386
investments, credited and to be credited to that fund as 132387
provided in the bond proceedings. 132388

(M) "Bonds" means bonds, notes, including notes 132389
anticipating bonds or other notes, commercial paper, 132390
certificates of participation, or other evidences of obligation, 132391
including any interest coupons pertaining thereto, issued by the 132392
commission pursuant to this chapter. 132393

(N) "Infrastructure fund" means the applicable fund or 132394
funds created by the bond proceedings, which shall be used to 132395
pay or defray the cost of infrastructure projects recommended by 132396
the director of transportation and evaluated and approved by the 132397
commission. 132398

(O) "Net revenues" means revenues lawfully available to 132399
pay both current operating expenses of the commission and bond 132400
service charges in any fiscal year or other specified period, 132401
less current operating expenses of the commission and any amount 132402
necessary to maintain a working capital reserve for that period. 132403

(P) "Pledged revenues" means net revenues, moneys and 132404
investments, and earnings on those investments, in the 132405
applicable bond service fund and any other special funds, and 132406

the proceeds of any bonds issued for the purpose of refunding 132407
prior bonds, all as lawfully available and by resolution of the 132408
commission committed for application as pledged revenues to the 132409
payment of bond service charges on particular issues of bonds. 132410

(Q) "Service facilities" means service stations, 132411
restaurants, and other facilities for food service, roadside 132412
parks and rest areas, parking, camping, tenting, rest, and 132413
sleeping facilities, hotels or motels, and all similar and other 132414
facilities providing services to the traveling public in 132415
connection with the use of a turnpike project and owned, leased, 132416
licensed, or operated by the commission. 132417

(R) "Service revenues" means those revenues of the 132418
commission derived from its ownership, leasing, licensing, or 132419
operation of service facilities. 132420

(S) "Special funds" means the applicable bond service fund 132421
and any accounts and subaccounts in that fund, any other funds 132422
or accounts permitted by and established under, and identified 132423
as a "special fund" or "special account" in, the bond 132424
proceedings, including any special fund or account established 132425
for purposes of rebate or other requirements under federal 132426
income tax laws. 132427

(T) "State agencies" means the state, officers of the 132428
state, and boards, departments, branches, divisions, or other 132429
units or agencies of the state. 132430

(U) "State taxes" means receipts of the commission from 132431
the proceeds of state taxes or excises levied and collected, or 132432
appropriated by the general assembly to the commission, for the 132433
purposes and functions of the commission. State taxes do not 132434
include tolls, or investment earnings on state taxes except on 132435

those state taxes referred to in Section 5a of Article XII, Ohio 132436
Constitution. 132437

(V) "Tolls" means tolls, special fees or permit fees, or 132438
other charges by the commission to the owners, lessors, lessees, 132439
or operators of motor vehicles for the operation of or the right 132440
to operate those vehicles on a turnpike project. 132441

(W) "Credit enhancement facilities" means letters of 132442
credit, lines of credit, standby, contingent, or firm securities 132443
purchase agreements, insurance, or surety arrangements, 132444
guarantees, and other arrangements that provide for direct or 132445
contingent payment of bond service charges, for security or 132446
additional security in the event of nonpayment or default in 132447
respect of bonds, or for making payment of bond service charges 132448
and at the option and on demand of bondholders or at the option 132449
of the commission or upon certain conditions occurring under put 132450
or similar arrangements, or for otherwise supporting the credit 132451
or liquidity of the bonds, and includes credit, reimbursement, 132452
marketing, remarketing, indexing, carrying, interest rate hedge, 132453
and subrogation agreements, and other agreements and 132454
arrangements for payment and reimbursement of the person 132455
providing the credit enhancement facility and the security for 132456
that payment and reimbursement. 132457

(X) "Person" has the same meaning as in section 1.59 of 132458
the Revised Code and, unless the context otherwise provides, 132459
also includes any governmental agency and any combination of 132460
those persons. 132461

(Y) "Refund" means to fund and retire outstanding bonds, 132462
including advance refunding with or without payment or 132463
redemption prior to stated maturity. 132464

(Z) "Governmental agency" means any state agency, federal agency, political subdivision, or other local, interstate, or regional governmental agency, and any combination of those agencies.

(AA) "Property" has the same meaning as in section 1.59 of the Revised Code, and includes interests in property.

(BB) "Administrative agent," "agent," "commercial paper," "floating rate interest structure," "indexing agent," "interest rate hedge," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in section 9.98 of the Revised Code.

(CC) "Outstanding," as applied to bonds, means outstanding in accordance with the terms of the bonds and the applicable bond proceedings.

(DD) "Ohio turnpike system" or "system" means all existing and future turnpike projects constructed, operated, and maintained under the jurisdiction of the commission.

(EE) "Ohio turnpike and infrastructure system" means turnpike projects and infrastructure projects funded by the commission existing on and after July 1, 2013, that facilitate access to, use of, and egress from the Ohio turnpike system, and also facilitate access to and from areas of population, commerce, and industry that are connected to the Ohio turnpike system.

Sec. 5537.02. (A) There is hereby created a commission to be known on and after July 1, 2013, as the "Ohio turnpike and infrastructure commission." The commission is a body both corporate and politic, constituting an instrumentality of the state, and the exercise by it of the powers conferred by this

chapter in the construction, operation, and maintenance of the 132494
Ohio turnpike system, and also in entering into agreements with 132495
the department of transportation to pay the cost or a portion of 132496
the costs of infrastructure projects, are and shall be held to 132497
be essential governmental functions of the state. Chapter 2744. 132498
of the Revised Code applies to the commission and the commission 132499
is a political subdivision of the state for purposes of that 132500
chapter. The commission is subject to all provisions of law 132501
generally applicable to state agencies which do not conflict 132502
with this chapter. 132503

(B) (1) The commission shall consist of ten members as 132504
follows: 132505

(a) Six members appointed by the governor with the advice 132506
and consent of the senate, no more than three of whom shall be 132507
members of the same political party; 132508

(b) The director of transportation, or the director's 132509
designee, who shall be a voting member, and the director of 132510
budget and management, or the director's designee. The directors 132511
or their designees, as applicable, shall serve as ex officio 132512
members, without compensation; 132513

(c) One member of the senate, appointed by the president 132514
of the senate, ~~who shall represent either a district in which is~~ 132515
~~located or through which passes a portion of a turnpike project~~ 132516
~~that is part of the Ohio turnpike system or a district located~~ 132517
~~in the vicinity of a turnpike project that is part of the Ohio~~ 132518
~~turnpike system;~~ 132519

(d) One member of the house of representatives, appointed 132520
by the speaker of the house of representatives, ~~who shall~~ 132521
~~represent either a district in which is located or through which~~ 132522

~~passes a portion of a turnpike project that is part of the Ohio-~~ 132523
~~turnpike system or a district located in the vicinity of a~~ 132524
~~turnpike project that is part of the Ohio turnpike system.~~ 132525

(2) The members appointed by the governor shall be 132526
residents of the state, shall have been qualified electors 132527
therein for a period of at least five years next preceding their 132528
appointment. In making the appointments, the governor may 132529
appoint persons who reside in different geographic areas of the 132530
state, taking into consideration the various turnpike and 132531
infrastructure projects in the state. Members appointed to the 132532
commission prior to July 1, 2013, shall serve terms of eight 132533
years commencing on the first day of July and ending on the 132534
thirtieth day of June. Thereafter, members appointed by the 132535
governor shall serve terms of five years commencing on the first 132536
day of July and ending on the thirtieth day of June. Those 132537
members appointed by the president of the senate or the speaker 132538
of the house of representatives shall serve a term of the 132539
remainder of the general assembly during which the senator or 132540
representative is appointed. Each appointed member shall hold 132541
office from the date of appointment until the end of the term 132542
for which the member was appointed. If a commission member dies 132543
or resigns, or if a senator or representative who is a member of 132544
the commission ceases to be a senator or representative, or if 132545
an ex officio member ceases to hold the applicable office, the 132546
vacancy shall be filled in the same manner as provided in 132547
division (B)(1) of this section. Any member who fills a vacancy 132548
occurring prior to the end of the term for which the member's 132549
predecessor was appointed shall, if appointed by the governor, 132550
hold office for the remainder of such term or, if appointed by 132551
the president of the senate or the speaker of the house of 132552
representatives, shall hold office for the remainder of the term 132553

or for a shorter period of time as determined by the president 132554
or the speaker. Any member appointed by the governor shall 132555
continue in office subsequent to the expiration date of the 132556
member's term until the member's successor takes office, or 132557
until a period of sixty days has elapsed, whichever occurs 132558
first. A member of the commission is eligible for reappointment. 132559
Each member of the commission appointed by the governor, before 132560
entering upon the member's duties, shall take an oath as 132561
provided by Section 7 of Article XV, Ohio Constitution. The 132562
governor, the president of the senate, or the speaker of the 132563
house of representatives, may at any time remove their 132564
respective appointees to the commission for misfeasance, 132565
nonfeasance, or malfeasance in office. 132566

(3) (a) A member of the commission who is appointed by the 132567
president of the senate or the speaker of the house of 132568
representatives shall not participate in any vote of the 132569
commission. Serving as an appointed member of the commission 132570
under divisions (B) (1) (c), (1) (d), or (2) of this section does 132571
not constitute grounds for resignation from the senate or the 132572
house of representatives under section 101.26 of the Revised 132573
Code. 132574

(b) The director of budget and management shall not 132575
participate in any vote of the commission. 132576

(C) The voting members of the commission shall elect one 132577
of the voting members as chairperson and another as vice- 132578
chairperson, and shall appoint a secretary-treasurer who need 132579
not be a member of the commission. Four of the voting members of 132580
the commission constitute a quorum, and the affirmative vote of 132581
four voting members is necessary for any action taken by the 132582
commission. No vacancy in the membership of the commission 132583

impairs the rights of a quorum to exercise all the rights and 132584
perform all the duties of the commission. 132585

(D) Each member of the commission appointed by the 132586
governor shall give a surety bond to the commission in the penal 132587
sum of twenty-five thousand dollars and the secretary-treasurer 132588
shall give such a bond in at least the penal sum of fifty 132589
thousand dollars. The commission may require any of its officers 132590
or employees to file surety bonds including a blanket bond as 132591
provided in section 3.06 of the Revised Code. Each such bond 132592
shall be in favor of the commission and shall be conditioned 132593
upon the faithful performance of the duties of the office, 132594
executed by a surety company authorized to transact business in 132595
this state, approved by the governor, and filed in the office of 132596
the secretary of state. The costs of the surety bonds shall be 132597
paid or reimbursed by the commission from revenues. Each member 132598
of the commission appointed by the governor shall receive an 132599
annual salary of five thousand dollars, payable in monthly 132600
installments. Each member shall be reimbursed for the member's 132601
actual expenses necessarily incurred in the performance of the 132602
member's duties. All costs and expenses incurred by the 132603
commission in carrying out this chapter shall be payable solely 132604
from revenues and state taxes, and no liability or obligation 132605
shall be incurred by the commission beyond the extent to which 132606
revenues have been provided for pursuant to this chapter. 132607

Sec. 5537.03. In order to remove present and anticipated 132608
impediments and potential hazards on the congested highways in 132609
this state, to facilitate vehicular traffic throughout the 132610
state, to finance infrastructure projects that improve and 132611
enhance mobility in Ohio, and also to promote the agricultural, 132612
recreational, tourism, and commercial, industrial, and economic 132613
development of the state, and to provide for the general welfare 132614

by the construction, improvement, and maintenance of modern 132615
express highways embodying safety devices, including without 132616
limitation center divisions, ample shoulder widths, long sight 132617
distances, multiple lanes in each direction, and grade 132618
separations at intersections with other public roads and 132619
railroads, the Ohio turnpike and infrastructure commission may 132620
do the following: 132621

(A) Subject to section 5537.26 of the Revised Code, 132622
construct, maintain, repair, and operate a system of turnpike 132623
projects ~~at locations that are reviewed by the turnpike~~ 132624
~~legislative review committee and approved by the governor,~~ and 132625
in accordance with alignment and design standards that are 132626
approved by the director of transportation, and issue revenue 132627
bonds of this state, payable solely from pledged revenues, to 132628
pay the cost of those projects. The turnpikes and turnpike 132629
projects authorized by this chapter are hereby or shall be made 132630
part of the Ohio turnpike system. 132631

(B) Provide the infrastructure funds to pay the cost or a 132632
portion of the cost of infrastructure projects as recommended by 132633
the director of transportation pursuant to a determination made 132634
by the commission based on criteria set forth in rules adopted 132635
by the commission under section 5537.18 of the Revised Code. A 132636
determination by the commission to provide infrastructure funds 132637
for an infrastructure project shall be conclusive and 132638
incontestable. 132639

Sec. 5537.27. The Ohio turnpike and infrastructure 132640
commission, the director of transportation or the director's 132641
designee, and another person designated by the governor shall 132642
establish a procedure whereby a political subdivision or other 132643
government agency or agencies may submit a written application 132644

to the commission, requesting the commission to construct and 132645
operate a turnpike project within the boundaries of the 132646
subdivision, agency, or agencies making the request. The 132647
procedure shall include a requirement that the commission send a 132648
written reply to the subdivision, agency, or agencies, 132649
explaining the disposition of the request. The procedure 132650
established pursuant to this section shall not become effective 132651
unless it is approved by the commission and by the director or 132652
the director's designee and the designee of the governor, ~~and~~ 132653
~~shall require submission of the proposed turnpike project to the~~ 132654
~~turnpike legislative review committee if the project must be~~ 132655
~~approved by the governor.~~ 132656

Sec. 5540.02. (A) A transportation improvement district 132657
may be created by the board of county commissioners of a county. 132658
The board, by resolution, shall determine the structure of the 132659
board of trustees of the transportation improvement district it 132660
creates by adopting the structure contained either in division 132661
(C) (1) or (2) of this section. 132662

(B) A transportation improvement district is a body both 132663
corporate and politic, and the exercise by it of the powers 132664
conferred by this chapter in the financing, construction, 132665
maintenance, repair, and operation of a project are and shall be 132666
held to be essential governmental functions. 132667

(C) (1) If the board of county commissioners so elects, a 132668
transportation improvement district shall be governed by a board 132669
of trustees consisting of the following members: 132670

(a) Two members appointed by the board of county 132671
commissioners; 132672

(b) Three members appointed by the legislative authority 132673

of the most populous municipal corporation in the district; 132674

(c) Two members appointed by the legislative authority of 132675
the second most populous municipal corporation in the district; 132676

(d) Two members appointed by the board of township 132677
trustees of the township in the county that is most populous in 132678
its unincorporated area; 132679

(e) The county engineer; 132680

(f) One member appointed by the legislative authority of 132681
any township or municipal corporation that cannot otherwise 132682
appoint a member to the board pursuant to this section, and that 132683
is wholly or partially within the area of the transportation 132684
improvement district as the district was originally designated 132685
by the board of county commissioners; 132686

(g) If the area of a transportation improvement district 132687
is expanded by the board of county commissioners, the 132688
legislative authority of any township or municipal corporation 132689
that is wholly or partially within the area of expansion and 132690
that cannot otherwise appoint a member to the board pursuant to 132691
this section, with the consent of the board of trustees of the 132692
district, may appoint one member to the board; 132693

(h) One member appointed by the regional planning 132694
commission for the county, who shall be a nonvoting member of 132695
the board; 132696

~~(i) One member appointed at the discretion of the speaker 132697
of the house of representatives, who, if appointed, shall be a 132698
nonvoting member of the board and who may be a member of the 132699
house of representatives. 132700~~

One of each of the appointments made by the board of 132701

county commissioners, the legislative authority of a municipal 132702
corporation, and the board of township trustees under divisions 132703
(C) (1) (a), (b), (c), and (d) of this section, shall be members 132704
of the chamber of commerce for the respective political 132705
subdivision. 132706

Whenever the addition of members to the board of trustees 132707
of a transportation improvement district pursuant to division 132708
(C) (1) (f) or (g) of this section results in an even number of 132709
total voting members on the board, the board of trustees of the 132710
district may appoint an additional person to its membership to 132711
maintain an odd number of voting members. 132712

(2) As an alternative to the structure prescribed in 132713
division (C) (1) of this section, a board of county 132714
commissioners, by resolution, may elect that the transportation 132715
improvement district it creates be governed by a board of 132716
trustees consisting of ~~the following members:~~ 132717

~~(a) Five~~ five members appointed by the board of county 132718
commissioners. 132719

~~(b) One member appointed at the discretion of the speaker~~ 132720
~~of the house of representatives, who, if appointed, shall be a~~ 132721
~~nonvoting member of the board and who may be a member of the~~ 132722
~~house of representatives.~~ 132723

(D) Each appointed member of the board shall hold office 132724
for a term of two years but subject to removal at the pleasure 132725
of the authority that appointed the member. Members may be 132726
reappointed. Except as otherwise provided in this division, any 132727
vacancy on the board shall be filled in the same manner as the 132728
original appointment. Any vacancy on a board appointed under 132729
division (C) (1) of this section lasting longer than thirty days 132730

due to the failure of the legislative authority of a municipal 132731
corporation or a board of township trustees to make an 132732
appointment shall be filled by the board of trustees of the 132733
transportation improvement district. 132734

(E) The voting members of the board shall elect from the 132735
entire board membership a chairperson, vice-chairperson, and 132736
secretary-treasurer. A majority of the voting members of the 132737
board constitutes a quorum, the affirmative vote of which is 132738
necessary for any action of the district. No vacancy in the 132739
membership of the board impairs the right of a quorum to 132740
exercise all the rights and perform all duties of the district. 132741

(F) The board of county commissioners of any county, the 132742
legislative authority of any municipal corporation, and the 132743
board of township trustees of any township may make 132744
appropriations from moneys available to them and not otherwise 132745
appropriated to pay costs incurred by the district in the 132746
exercise of its functions under this chapter, provided those 132747
moneys are available to use for that purpose. 132748

(G) An organizational meeting of the board of trustees of 132749
a transportation improvement district created under this section 132750
shall be held at the time and place designated by the board 132751
member who has served the most years as a member of the board of 132752
county commissioners that created the transportation improvement 132753
district. 132754

Sec. 5595.02. (A) The boards of county commissioners of 132755
two or more counties may undertake a regional transportation 132756
improvement project for the purpose of completing transportation 132757
improvements within the territory of the counties. The project 132758
shall be administered by a governing board in accordance with a 132759
cooperative agreement. 132760

~~(B)~~ (B) (1) The cooperative agreement shall provide for the 132761
creation of a governing board consisting of ~~one~~ the following 132762
individuals: 132763

(a) One county commissioner from each county that is a 132764
party to the agreement or a designee appointed by the board of 132765
county commissioners of the county for the purpose of serving on 132766
the governing board, ~~and the~~ ; 132767

(b) The county engineer of each such county or a designee 132768
appointed by the county engineer for the purpose of serving on 132769
the governing board. 132770

(2) The cooperative agreement may authorize the chief 132771
executive officer of the JobsOhio network partner that covers 132772
the majority of the area encompassed by the regional 132773
transportation improvement project or a designee appointed by 132774
the chief executive officer to serve as an additional member of 132775
the governing board. ~~Membership~~ 132776

(3) Membership on the board is not a direct or indirect 132777
interest in a contract or expenditure of money by the county. 132778
The board is a public body for the purposes of section 121.22 of 132779
the Revised Code and a public office for the purposes of section 132780
149.43 of the Revised Code. Chapter 2744. of the Revised Code 132781
applies to the board. 132782

(C) The governing board of a regional transportation 132783
improvement project is a body both corporate and politic, and 132784
the exercise by it of the powers conferred by this chapter in 132785
the financing, construction, maintenance, repair, and operation 132786
of transportation improvements are essential governmental 132787
functions. 132788

(D) A board of county commissioners, in accordance with 132789

the cooperative agreement, may make appropriations to pay costs 132790
incurred by the governing board in the exercise of its functions 132791
under this chapter so long as such costs are approved by the 132792
director of transportation under section 5595.12 of the Revised 132793
Code. 132794

Sec. 5701.11. The effective date to which this section 132795
refers is the effective date of this section as amended by H.B. 132796
14 of the 136th general assembly. 132797

(A) (1) Except as provided under division (A) (2) or (B) of 132798
this section, any reference in Title LVII or section 149.311, 132799
3123.90, 3770.07, 3770.071, 3770.072, 3770.073, ~~or~~ 3772.37, or 132800
3775.16 of the Revised Code to the Internal Revenue Code, to the 132801
Internal Revenue Code "as amended," to other laws of the United 132802
States, or to other laws of the United States, "as amended," 132803
means the Internal Revenue Code or other laws of the United 132804
States as they exist on the effective date. 132805

(2) This section does not apply to any reference in Title 132806
LVII of the Revised Code to the Internal Revenue Code as of a 132807
date certain specifying the day, month, and year, or to other 132808
laws of the United States as of a date certain specifying the 132809
day, month, and year. 132810

(B) (1) For purposes of applying section 5733.04, 5745.01, 132811
or 5747.01 of the Revised Code to a taxpayer's taxable year 132812
ending after March 15, 2023, and before the effective date, a 132813
taxpayer may irrevocably elect to incorporate the provisions of 132814
the Internal Revenue Code or other laws of the United States 132815
that are in effect for federal income tax purposes for that 132816
taxable year if those provisions differ from the provisions 132817
that, under division (A) of this section, would otherwise apply. 132818
The filing by the taxpayer for that taxable year of a report or 132819

return that incorporates the provisions of the Internal Revenue 132820
Code or other laws of the United States applicable for federal 132821
income tax purposes for that taxable year, and that does not 132822
include any adjustments to reverse the effects of any 132823
differences between those provisions and the provisions that 132824
would otherwise apply, constitutes the making of an irrevocable 132825
election under this division for that taxable year. 132826

(2) Elections under prior versions of division (B) (1) of 132827
this section remain in effect for the taxable years to which 132828
they apply. 132829

Sec. 5703.052. (A) There is hereby created in the state 132830
treasury the tax refund fund, from which refunds shall be paid 132831
for amounts illegally or erroneously assessed or collected, or 132832
for any other reason overpaid, with respect to taxes levied by 132833
Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 132834
5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 5753. 132835
and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 132836
5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised 132837
Code. Refunds for fees levied under sections 3734.90 to 132838
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 132839
under section 128.40 of the Revised Code, next generation 9-1-1 132840
access fees imposed under sections 128.41 and 128.42 of the 132841
Revised Code, or any penalties assessed with respect to such 132842
fees or charges, that are illegally or erroneously assessed or 132843
collected, or for any other reason overpaid, also shall be paid 132844
from the fund. Refunds for amounts illegally or erroneously 132845
assessed or collected by the tax commissioner, or for any other 132846
reason overpaid, that are due under section 1509.50 of the 132847
Revised Code shall be paid from the fund. Refunds for amounts 132848
illegally or erroneously assessed or collected by the 132849
commissioner, or for any other reason overpaid to the 132850

commissioner, under sections 718.80 to 718.95 of the Revised 132851
Code shall be paid from the fund. However, refunds for amounts 132852
illegally or erroneously assessed or collected by the 132853
commissioner, or for any other reason overpaid to the 132854
commissioner, with respect to taxes levied under section 132855
5739.101 of the Revised Code shall not be paid from the tax 132856
refund fund, but shall be paid as provided in section 5739.104 132857
of the Revised Code. 132858

(B) (1) Upon certification by the tax commissioner to the 132859
treasurer of state of a tax refund, a wireless 9-1-1 charge 132860
refund, a next generation 9-1-1 access fee refund, or another 132861
amount refunded, or by the superintendent of insurance of a 132862
domestic or foreign insurance tax refund, the treasurer of state 132863
shall place the amount certified to the credit of the fund. The 132864
certified amount transferred shall be derived from the receipts 132865
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 132866
1-1 access fee, or other amount from which the refund arose. 132867

(2) When a refund is for a tax, fee, wireless 9-1-1 132868
charge, next generation 9-1-1 access fee, or other amount that 132869
is not levied by the state or that was illegally or erroneously 132870
distributed to a taxing jurisdiction, the tax commissioner shall 132871
recover the amount of that refund from the next distribution of 132872
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 132873
access fee, or other amount that otherwise would be made to the 132874
taxing jurisdiction. If the amount to be recovered would exceed 132875
twenty-five per cent of the next distribution of that tax, fee, 132876
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 132877
other amount, the commissioner may spread the recovery over more 132878
than one future distribution, taking into account the amount to 132879
be recovered and the amount of the anticipated future 132880
distributions. In no event may the commissioner spread the 132881

recovery over a period to exceed ~~thirty-six~~ seventy-two months. 132882

Sec. 5703.19. (A) To carry out the purposes of the laws 132883
that the tax commissioner is required to administer, the 132884
commissioner or any person employed by the commissioner for that 132885
purpose, upon demand, may inspect books, accounts, records, and 132886
memoranda of any person or public utility subject to those laws, 132887
and may examine under oath any officer, agent, or employee of 132888
that person or public utility. If such books, accounts, records, 132889
or memoranda are kept electronically or available in an 132890
electronic format, the person or public utility shall provide 132891
such records to the commissioner electronically or in an 132892
electronic format at the commissioner's request. Any person 132893
other than the commissioner who makes a demand pursuant to this 132894
section shall produce the person's authority to make the 132895
inspection. 132896

(B) If a person or public utility receives at least ten 132897
days' written notice of a demand made under division (A) of this 132898
section and refuses to comply with that demand, a penalty of 132899
five hundred dollars shall be imposed upon the person or public 132900
utility for each day the person or public utility refuses to 132901
comply with the demand. Penalties imposed under this division 132902
may be assessed and collected in the same manner as assessments 132903
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 132904
5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or 132905
sections 718.90, 3734.90 to 3734.9014, of the Revised Code. 132906

Sec. 5703.21. (A) Except as provided in divisions (B) and 132907
(C) of this section, no agent of the department of taxation, 132908
except in the agent's report to the department or when called on 132909
to testify in any court or proceeding, shall divulge any 132910
information acquired by the agent as to the transactions, 132911

property, or business of any person while acting or claiming to 132912
act under orders of the department. Whoever violates this 132913
provision shall thereafter be disqualified from acting as an 132914
officer or employee or in any other capacity under appointment 132915
or employment of the department. 132916

(B) (1) For purposes of an audit pursuant to section 117.15 132917
of the Revised Code, or an audit of the department pursuant to 132918
Chapter 117. of the Revised Code, or an audit, pursuant to that 132919
chapter, the objective of which is to express an opinion on a 132920
financial report or statement prepared or issued pursuant to 132921
division (A) (7) or (9) of section 126.21 of the Revised Code, 132922
the officers and employees of the auditor of state charged with 132923
conducting the audit shall have access to and the right to 132924
examine any state tax returns and state tax return information 132925
in the possession of the department to the extent that the 132926
access and examination are necessary for purposes of the audit. 132927
Any information acquired as the result of that access and 132928
examination shall not be divulged for any purpose other than as 132929
required for the audit or unless the officers and employees are 132930
required to testify in a court or proceeding under compulsion of 132931
legal process. Whoever violates this provision shall thereafter 132932
be disqualified from acting as an officer or employee or in any 132933
other capacity under appointment or employment of the auditor of 132934
state. 132935

(2) For purposes of an internal audit pursuant to section 132936
126.45 of the Revised Code, the officers and employees of the 132937
office of internal audit in the office of budget and management 132938
charged with directing the internal audit shall have access to 132939
and the right to examine any state tax returns and state tax 132940
return information in the possession of the department to the 132941
extent that the access and examination are necessary for 132942

purposes of the internal audit. Any information acquired as the 132943
result of that access and examination shall not be divulged for 132944
any purpose other than as required for the internal audit or 132945
unless the officers and employees are required to testify in a 132946
court or proceeding under compulsion of legal process. Whoever 132947
violates this provision shall thereafter be disqualified from 132948
acting as an officer or employee or in any other capacity under 132949
appointment or employment of the office of internal audit. 132950

(3) As provided by section 6103(d)(2) of the Internal 132951
Revenue Code, any federal tax returns or federal tax information 132952
that the department has acquired from the internal revenue 132953
service, through federal and state statutory authority, may be 132954
disclosed to the auditor of state or the office of internal 132955
audit solely for purposes of an audit of the department. 132956

(4) For purposes of Chapter 3739. of the Revised Code, an 132957
agent of the department of taxation may share information with 132958
the division of state fire marshal that the agent finds during 132959
the course of an investigation. 132960

(C) Division (A) of this section does not prohibit any of 132961
the following: 132962

(1) Divulging information contained in applications, 132963
complaints, and related documents filed with the department 132964
under section 5715.27 of the Revised Code or in applications 132965
filed with the department under section 5715.39 of the Revised 132966
Code; 132967

(2) Providing to the attorney general information the 132968
department obtains under division (J) of section 1346.01 of the 132969
Revised Code; 132970

(3) Permitting properly authorized officers, employees, or 132971

agents of a municipal corporation from inspecting reports or 132972
information pursuant to section 718.84 of the Revised Code or 132973
rules adopted under section 5745.16 of the Revised Code; 132974

(4) Providing information regarding the name, account 132975
number, or business address of a holder of a vendor's license 132976
issued pursuant to section 5739.17 of the Revised Code, a holder 132977
of a direct payment permit issued pursuant to section 5739.031 132978
of the Revised Code, or a seller having a use tax account 132979
maintained pursuant to section 5741.17 of the Revised Code, or 132980
information regarding the active or inactive status of a 132981
vendor's license, direct payment permit, or seller's use tax 132982
account; 132983

(5) Providing to a county auditor notices or documents 132984
concerning or affecting the taxable value of property in the 132985
county auditor's county. Unless authorized by law to disclose 132986
documents so provided, the county auditor shall not disclose 132987
such documents; 132988

(6) Providing to a county auditor a sales or use tax 132989
return or audit information under section 333.06 of the Revised 132990
Code; 132991

(7) Disclosing to a state or federal government agency, 132992
for use in the performance of that agency's official duties in 132993
this state, information in the possession of the tax 132994
commissioner necessary to verify compliance with any provision 132995
of the Revised Code or federal law relating to that agency. 132996
Unless disclosure is otherwise authorized by law, information 132997
provided to any state or federal government agency under this 132998
section remains confidential and is not subject to further 132999
disclosure; 133000

(8) Disclosing to a current or former employee, for use in 133001
preparation of the employee's income tax return, the account 133002
number issued by the tax commissioner to an employer for use in 133003
filing returns and making payments under section 5747.07 of the 133004
Revised Code. The commissioner may require the employee to 133005
provide evidence of current or past employment before such 133006
disclosure; 133007

(9) Publishing or disclosing the amount of revenue 133008
distributed to a county, municipal corporation, township, school 133009
district, or any other political subdivision from any tax or 133010
fund administered by the tax commissioner; 133011

(10) Disclosing to a county auditor information in or 133012
discovered pursuant to the property tax relief screening system 133013
created in section 5703.83 of the Revised Code. 133014

Sec. 5703.37. (A) (1) Except as provided in division (B) of 133015
this section, whenever service of a notice or order is required 133016
in the manner provided in this section, a copy of the notice or 133017
order shall be served upon the person affected thereby either by 133018
personal service, by certified mail, or by a delivery service 133019
authorized under section 5703.056 of the Revised Code that 133020
notifies the tax commissioner of the date of delivery. 133021

(2) In lieu of serving a copy of a notice or order through 133022
one of the means provided in division (A) (1) of this section, 133023
the commissioner may serve a notice or order upon the person 133024
affected thereby through alternative means as provided in this 133025
section, including, but not limited to, delivery by secure 133026
electronic mail as provided in division (F) of this section or 133027
by ordinary mail. Delivery by such means satisfies the 133028
requirements for delivery under this section. 133029

(B) (1) (a) If certified or ordinary mail is returned 133030
because of an undeliverable address, the commissioner shall 133031
first utilize reasonable means to ascertain a new last known 133032
address, including the use of a change of address service 133033
offered by the United States postal service or an authorized 133034
delivery service under section 5703.056 of the Revised Code. If, 133035
after using reasonable means, the commissioner is unable to 133036
ascertain a new last known address, the assessment is final for 133037
purposes of section 131.02 of the Revised Code sixty days after 133038
the notice or order ~~sent by certified mail~~ is first returned to 133039
the commissioner, and the commissioner shall certify the notice 133040
or order, if applicable, to the attorney general for collection 133041
under section 131.02 of the Revised Code. 133042

(b) Notwithstanding certification to the attorney general 133043
under division (B) (1) (a) of this section, once the commissioner 133044
or attorney general, or the designee of either, makes an initial 133045
contact with the person to whom the notice or order is directed, 133046
the person may protest an assessment by filing a petition for 133047
reassessment within sixty days after the initial contact. The 133048
certification of an assessment under division (B) (1) (a) of this 133049
section is prima-facie evidence that delivery is complete and 133050
that the notice or order is served. 133051

(2) If mailing of a notice or order by certified or 133052
ordinary mail is returned for some cause other than an 133053
undeliverable address or if a person does not access an 133054
electronic notice or order within the time provided in division 133055
(F) of this section, the commissioner shall resend the notice or 133056
order by ordinary mail. The notice or order shall show the date 133057
the commissioner sends the notice or order and include the 133058
following statement: 133059

"This notice or order is deemed to be served on the 133060
addressee under applicable law ten days from the date this 133061
notice or order was mailed by the commissioner as shown on the 133062
notice or order, and all periods within which an appeal may be 133063
filed apply from and after that date." 133064

Unless the mailing is returned because of an undeliverable 133065
address, the mailing of that information is prima-facie evidence 133066
that delivery of the notice or order was completed ten days 133067
after the commissioner ~~sent~~ resent the notice or order by 133068
ordinary mail and that the notice or order was served. 133069

If the ~~ordinary mail mailing~~ is subsequently returned 133070
because of an undeliverable address, the commissioner shall 133071
proceed under division (B) (1) (a) of this section. A person may 133072
challenge the presumption of delivery and service under this 133073
division in accordance with division (C) of this section. 133074

(C) (1) A person disputing the presumption of delivery and 133075
service under division (B) of this section bears the burden of 133076
proving by a preponderance of the evidence that the address to 133077
which the notice or order was sent was not an address with which 133078
the person was associated at the time the commissioner 133079
originally mailed the notice or order ~~by certified mail~~. For the 133080
purposes of this section, a person is associated with an address 133081
at the time the commissioner originally mailed the notice or 133082
order if, at that time, the person was residing, receiving legal 133083
documents, or conducting business at the address; or if, before 133084
that time, the person had conducted business at the address and, 133085
when the notice or order was mailed, the person's agent or the 133086
person's affiliate was conducting business at the address. For 133087
the purposes of this section, a person's affiliate is any other 133088
person that, at the time the notice or order was mailed, owned 133089

or controlled at least twenty per cent, as determined by voting 133090
rights, of the addressee's business. 133091

(2) If the person elects to protest an assessment 133092
certified to the attorney general for collection, the person 133093
must do so within sixty days after the attorney general's 133094
initial contact with the person. The attorney general may enter 133095
into a compromise with the person under sections 131.02 and 133096
5703.06 of the Revised Code if the person does not file a 133097
petition for reassessment with the commissioner. 133098

(D) Nothing in this section prohibits the commissioner or 133099
the commissioner's designee from delivering a notice or order by 133100
personal service. 133101

(E) Collection actions taken pursuant to section 131.02 of 133102
the Revised Code upon any assessment being challenged under 133103
division (B)(1)(b) of this section shall be stayed upon the 133104
pendency of an appeal under this section. If a petition for 133105
reassessment is filed pursuant to this section on a claim that 133106
has been certified to the attorney general for collection, the 133107
claim shall be uncertified. 133108

(F)(1) The commissioner may serve a notice or order upon 133109
the person affected by the notice or order or that person's 133110
authorized representative through secure electronic means 133111
associated with the person's or representative's last known 133112
address, but only with the person's consent. The commissioner 133113
must inform the recipient, electronically or by mail, that a 133114
notice or order is available for electronic review and provide 133115
instructions to access and print the notice or order. The types 133116
of electronic notification the commissioner may use include 133117
electronic mail, text message, or any other form of electronic 133118
communication. The recipient's electronic access of the notice 133119

or order satisfies the requirements for delivery under this 133120
section. If the recipient fails to access the notice or order 133121
electronically within ten business days, then the commissioner 133122
shall inform the recipient a second time, electronically or by 133123
mail, that a notice or order is available for electronic review 133124
and provide instructions to access and print the notice or 133125
order. If the recipient fails to access the notice or order 133126
electronically within ten business days of the second 133127
notification, the notice or order shall be served upon the 133128
person through the means provided in division (B) (2) of this 133129
section. 133130

(2) The tax commissioner shall establish a system to issue 133131
notification of assessments to taxpayers through secure 133132
electronic means. 133133

(G) As used in this section: 133134

(1) "Last known address" means the address the department 133135
has at the time the document is originally sent by certified or 133136
ordinary mail, or any address the department can ascertain using 133137
reasonable means such as the use of a change of address service 133138
offered by the United States postal service or an authorized 133139
delivery service under section 5703.056 of the Revised Code. For 133140
documents sent by secure electronic means, "last known address" 133141
means an electronic mode of communication that is identified on 133142
a form prescribed by the commissioner for such purpose or that 133143
is associated with the person or the authorized representative 133144
of the person as of the date the notification was sent on the 133145
Ohio business gateway, as defined in section 718.01 of the 133146
Revised Code, as of the date the notification was sent or another 133147
electronic filing or payment system prescribed by the 133148
commissioner. 133149

(2) "Undeliverable address" means an address to which the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code is not able to deliver a notice or order, except when the reason for nondelivery is because the addressee fails to acknowledge or accept the notice or order.

Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, ~~5739.071,~~ 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the amount claimed in the application, the commissioner shall give the applicant written notice electronically or by ordinary mail of the amount. ~~The~~ If sent by ordinary mail, the notice shall be sent to the address shown on the application unless the applicant notifies the commissioner of a different address. If sent electronically, the notice shall be sent to the person or the person's authorized representative through secure electronic means associated with the person's or representative's last known electronic mail address, but only with the person's consent. The applicant shall have sixty days from the date the commissioner electronically sends or mails the notice to provide additional information to the commissioner or request a hearing, or both.

(B) If the applicant neither requests a hearing nor provides additional information to the tax commissioner within the time prescribed by division (A) of this section, the

commissioner shall take no further action, and the refund or 133181
compensation amount denied becomes final. 133182

(C) (1) If the applicant requests a hearing within the time 133183
prescribed by division (A) of this section, the tax commissioner 133184
shall assign a time and place for the hearing and notify the 133185
applicant of such time and place, but the commissioner may 133186
continue the hearing from time to time, as necessary. After the 133187
hearing, the commissioner may make such adjustments to the 133188
refund or compensation as the commissioner finds proper, and 133189
shall issue a final determination thereon. 133190

(2) If the applicant does not request a hearing, but 133191
provides additional information, within the time prescribed by 133192
division (A) of this section, the commissioner shall review the 133193
information, make such adjustments to the refund or compensation 133194
as the commissioner finds proper, and issue a final 133195
determination thereon. The commissioner may review such 133196
information and make such adjustments as many times as the 133197
commissioner finds proper before the issuance of a final 133198
determination. 133199

(3) If the applicant requests a hearing and provides 133200
additional information within the time prescribed by division 133201
(A) of this section, the commissioner may review the information 133202
and make such adjustments to the refund or compensation as the 133203
commissioner finds proper. The commissioner may review such 133204
information and make such adjustments as many times as the 133205
commissioner finds proper before the issuance of a final 133206
determination. 133207

The commissioner shall assign a time and place for the 133208
hearing and notify the applicant of such time and place, but the 133209
commissioner may continue the hearing from time to time, as 133210

necessary. After the hearing, the commissioner may make any 133211
additional adjustments to the refund or compensation as the 133212
commissioner finds proper and shall issue a final determination 133213
thereon. 133214

(4) The commissioner shall serve a copy of the final 133215
determination made under division (C) (1), (2), or (3) of this 133216
section on the applicant in the manner provided in section 133217
5703.37 of the Revised Code, and the decision is final, subject 133218
to appeal under section 5717.02 of the Revised Code. 133219

(D) The tax commissioner shall certify to the director of 133220
budget and management and treasurer of state for payment from 133221
the tax refund fund created by section 5703.052 of the Revised 133222
Code, the amount of the refund to be refunded under division (B) 133223
or (C) of this section. The commissioner also shall certify to 133224
the director and treasurer of state for payment from the general 133225
revenue fund the amount of compensation to be paid under 133226
division (B) or (C) of this section. 133227

Sec. 5703.83. (A) The department of taxation shall 133228
establish policies, procedures, and internal controls, including 133229
implementing a property tax relief screening system to evaluate 133230
the eligibility of owners of real property and manufactured and 133231
mobile homes in this state that receive one or both of the 133232
following reductions in taxes: 133233

(1) The reduction authorized under division (B) of section 133234
323.152 of the Revised Code; 133235

(2) The reductions authorized under division (A) of 133236
section 323.152 and section 4503.065 of the Revised Code. 133237

(B) Each county auditor shall have access to the property 133238
tax relief screening system authorized under this section. If a 133239

county auditor discovers an error in the system relative to real 133240
property or a manufactured or mobile home, the auditor shall 133241
notify the department of taxation of the error. 133242

(C) If the department of taxation discovers through the 133243
property tax relief screening system that real property or a 133244
manufactured or mobile home was granted one or more of the 133245
reductions described in divisions (A) (1) and (2) of this section 133246
for one or more tax years in which the property or home was not 133247
eligible for the reduction, the department shall notify the 133248
county auditor of the county in which the property or 133249
manufactured or mobile home is located. 133250

(D) The tax commissioner, on or before the last day of 133251
each calendar year, beginning in 2026, shall annually submit to 133252
the general assembly a report in accordance with division (B) of 133253
section 101.68 of the Revised Code that lists the number, 133254
arranged by county, of parcels of real property or manufactured 133255
or mobile homes that were identified through the property tax 133256
relief screening system as not eligible for a reduction in taxes 133257
since the inception of the system, for the first report, or 133258
since the preceding report. 133259

Sec. 5705.01. As used in this chapter: 133260

(A) "Subdivision" means any county; municipal corporation; 133261
township; township police district; joint police district; 133262
township fire district; joint fire district; joint ambulance 133263
district; joint emergency medical services district; fire and 133264
ambulance district; joint recreation district; township waste 133265
disposal district; township road district; community college 133266
district; technical college district; detention facility 133267
district; a district organized under section 2151.65 of the 133268
Revised Code; a combined district organized under sections 133269

2152.41 and 2151.65 of the Revised Code; a joint-county alcohol, 133270
drug addiction, and mental health service district; a drainage 133271
improvement district created under section 6131.52 of the 133272
Revised Code; a lake facilities authority created under Chapter 133273
353. of the Revised Code; a union cemetery district; a county 133274
school financing district; a city, local, exempted village, 133275
cooperative education, joint vocational school district; a 133276
regional student education district created under section 133277
3313.83 of the Revised Code; or a career-technical cooperative 133278
education district created under section 3313.831 of the Revised 133279
Code. 133280

(B) "Municipal corporation" means all municipal 133281
corporations, including those that have adopted a charter under 133282
Article XVIII, Ohio Constitution. 133283

(C) "Taxing authority" or "bond issuing authority" means, ~~—~~ 133284
~~in~~ any of the following: 133285

(1) In the case of any county, the board of county 133286
commissioners; in the case of a municipal corporation, the 133287
council or other legislative authority of the municipal 133288
corporation; in the case of a city, local, exempted village, 133289
cooperative education, or joint vocational school district, the 133290
board of education; in the case of a community college district, 133291
the board of trustees of the district; in the case of a 133292
technical college district, the board of trustees of the 133293
district; in the case of a detention facility district, a 133294
district organized under section 2151.65 of the Revised Code, or 133295
a combined district organized under sections 2152.41 and 2151.65 133296
of the Revised Code, the joint board of county commissioners of 133297
the district; in the case of a township, the board of township 133298
trustees; in the case of a joint police district, the joint 133299

police district board; in the case of a joint fire district, the 133300
board of fire district trustees; in the case of a joint 133301
recreation district, the joint recreation district board of 133302
trustees; in the case of a joint-county alcohol, drug addiction, 133303
and mental health service district, the district's board of 133304
alcohol, drug addiction, and mental health services; in the case 133305
of a joint ambulance district or a fire and ambulance district, 133306
the board of trustees of the district; in the case of a union 133307
cemetery district, the legislative authority of the municipal 133308
corporation and the board of township trustees, acting jointly 133309
as described in section 759.341 of the Revised Code; in the case 133310
of a drainage improvement district, the board of county 133311
commissioners of the county in which the drainage district is 133312
located; in the case of a lake facilities authority, the board 133313
of directors; in the case of a joint emergency medical services 133314
district, the joint board of county commissioners of all 133315
counties in which all or any part of the district lies; and in 133316
the case of a township police district, a township fire 133317
district, a township road district, or a township waste disposal 133318
district, the board of township trustees of the township in 133319
which the district is located. ~~"Taxing authority" also means the~~ 133320

(2) The educational service center governing board that 133321
serves as the taxing authority of a county school financing 133322
district as provided in section 3311.50 of the Revised Code, the 133323
board of directors of a regional student education district 133324
created under section 3313.83 of the Revised Code, and the board 133325
of directors of a career-technical cooperative education 133326
district created under section 3313.831 of the Revised Code. 133327

(3) The governing body responsible for levying a tax for 133328
any taxing unit for which a taxing authority is not defined 133329
pursuant to division (C) (1) or (2) of this section. 133330

(D) "Fiscal officer" in the case of a county, means the 133331
county auditor; in the case of a municipal corporation, the city 133332
auditor or village clerk, or an officer who, by virtue of the 133333
charter, has the duties and functions of the city auditor or 133334
village clerk, except that in the case of a municipal university 133335
the board of directors of which have assumed, in the manner 133336
provided by law, the custody and control of the funds of the 133337
university, the chief accounting officer of the university shall 133338
perform, with respect to the funds, the duties vested in the 133339
fiscal officer of the subdivision by sections 5705.41 and 133340
5705.44 of the Revised Code; in the case of a school district, 133341
the treasurer of the board of education; in the case of a county 133342
school financing district, the treasurer of the educational 133343
service center governing board that serves as the taxing 133344
authority; in the case of a township, the township fiscal 133345
officer; in the case of a joint police district, the treasurer 133346
of the district; in the case of a joint fire district, the clerk 133347
of the board of fire district trustees; in the case of a joint 133348
ambulance district, the clerk of the board of trustees of the 133349
district; in the case of a joint emergency medical services 133350
district, the person appointed as fiscal officer pursuant to 133351
division (D) of section 307.053 of the Revised Code; in the case 133352
of a fire and ambulance district, the person appointed as fiscal 133353
officer pursuant to division (B) of section 505.375 of the 133354
Revised Code; in the case of a joint recreation district, the 133355
person designated pursuant to section 755.15 of the Revised 133356
Code; in the case of a union cemetery district, the clerk of the 133357
municipal corporation designated in section 759.34 of the 133358
Revised Code; in the case of a children's home district, 133359
educational service center, general health district, joint- 133360
county alcohol, drug addiction, and mental health service 133361
district, county library district, detention facility district, 133362

district organized under section 2151.65 of the Revised Code, a 133363
combined district organized under sections 2152.41 and 2151.65 133364
of the Revised Code, or a metropolitan park district for which 133365
no treasurer has been appointed pursuant to section 1545.07 of 133366
the Revised Code, the county auditor of the county designated by 133367
law to act as the auditor of the district; in the case of a 133368
metropolitan park district which has appointed a treasurer 133369
pursuant to section 1545.07 of the Revised Code, that treasurer; 133370
in the case of a drainage improvement district, the auditor of 133371
the county in which the drainage improvement district is 133372
located; in the case of a lake facilities authority, the fiscal 133373
officer designated under section 353.02 of the Revised Code; in 133374
the case of a regional student education district, the fiscal 133375
officer appointed pursuant to section 3313.83 of the Revised 133376
Code; in the case of a career-technical cooperative education 133377
district, the fiscal officer appointed pursuant to section 133378
3313.831 of the Revised Code; and in all other cases, the 133379
officer responsible for keeping the appropriation accounts and 133380
drawing warrants for the expenditure of the moneys of the 133381
district or taxing unit. 133382

(E) "Permanent improvement" or "improvement" means any 133383
property, asset, or improvement with an estimated life or 133384
usefulness of five years or more, including land and interests 133385
therein, and reconstructions, enlargements, and extensions 133386
thereof having an estimated life or usefulness of five years or 133387
more. 133388

(F) "Current operating expenses" and "current expenses" 133389
mean the lawful expenditures of a subdivision, except those for 133390
permanent improvements, and except payments for interest, 133391
sinking fund, and retirement of bonds, notes, and certificates 133392
of indebtedness of the subdivision. 133393

(G) "Debt charges" means interest, sinking fund, and 133394
retirement charges on bonds, notes, or certificates of 133395
indebtedness. 133396

(H) "Taxing unit" means any subdivision or other 133397
governmental district having authority to levy taxes on the 133398
property in the district or issue bonds that constitute a charge 133399
against the property of the district, including conservancy 133400
districts, metropolitan park districts, sanitary districts, road 133401
districts, and other districts. 133402

(I) "District authority" means any board of directors, 133403
trustees, commissioners, or other officers controlling a 133404
district institution or activity that derives its income or 133405
funds from two or more subdivisions, such as the educational 133406
service center, the trustees of district children's homes, the 133407
district board of health, a joint-county alcohol, drug 133408
addiction, and mental health service district's board of 133409
alcohol, drug addiction, and mental health services, detention 133410
facility districts, a joint recreation district board of 133411
trustees, districts organized under section 2151.65 of the 133412
Revised Code, combined districts organized under sections 133413
2152.41 and 2151.65 of the Revised Code, and other such boards. 133414

(J) "Tax list" and "tax duplicate" mean the general tax 133415
lists and duplicates prescribed by sections 319.28 and 319.29 of 133416
the Revised Code. 133417

(K) "Property" as applied to a tax levy means taxable 133418
property listed on general tax lists and duplicates. 133419

(L) "Association library district" means a territory, the 133420
boundaries of which are defined by the state library board 133421
pursuant to division (I) of section 3375.01 of the Revised Code, 133422

in which a library association or private corporation maintains 133423
a free public library. 133424

(M) "Library district" means a territory, the boundaries 133425
of which are defined by the state library board pursuant to 133426
section 3375.01 of the Revised Code, in which the board of 133427
trustees of a county, municipal corporation, school district, or 133428
township public library maintains a free public library. 133429

(N) "Qualifying library levy" means either of the 133430
following: 133431

(1) A levy for the support of a library association or 133432
private corporation that has an association library district 133433
with boundaries that are not identical to those of a 133434
subdivision; 133435

(2) A levy proposed under section 5705.23 of the Revised 133436
Code for the support of the board of trustees of a public 133437
library that has a library district with boundaries that are not 133438
identical to those of a subdivision. 133439

(O) "School library district" means a school district in 133440
which a free public library has been established that is under 133441
the control and management of a board of library trustees as 133442
provided in section 3375.15 of the Revised Code. 133443

(P) "The county auditor's ~~appraised~~ market value" means 133444
the true value in money of real property. 133445

(Q) (1) "Effective rate" means one of the following: 133446

(a) For a levy that is the renewal of an existing levy or 133447
an existing levy extended to additional territory, the effective 133448
tax rate of the levy on class one property, as most recently 133449
determined by the county auditor under section 323.08 of the 133450

Revised Code; 133451

(b) For a levy that is the increase of an existing levy, 133452
the effective tax rate of the portion of the levy equal to the 133453
rate of the existing levy on class one property, as most 133454
recently determined by the county auditor under section 323.08 133455
of the Revised Code, plus the rate of the additional portion of 133456
the levy; 133457

(c) For a levy that is the decrease of an existing levy, 133458
the effective tax rate of the levy on class one property, as 133459
most recently determined by the county auditor under section 133460
323.08 of the Revised Code, and as proportionately reduced to 133461
account for the decrease pursuant to rules adopted by the tax 133462
commissioner. 133463

(2) As used in division (Q) (1) of this section: 133464

(a) "Effective tax rate" has the same meaning in section 133465
323.08 of the Revised Code. 133466

(b) "Class one property" means real property classified as 133467
residential or agricultural under section 5713.041 of the 133468
Revised Code. 133469

(R) "Qualifying subdivision" means a taxing unit, created 133470
by one or more member authorities, with a taxing authority or 133471
any other governing authority the majority of the members of 133472
which are not required to be elected local officials. 133473

(S) "Elected local official" means a member of a board of 133474
township trustees, a board of county commissioners, a 133475
legislative authority of a municipal corporation, a board of 133476
education of a city, local, or exempted village school district, 133477
or an educational service center governing board, or any other 133478
township, county, or municipal official serving in an elected 133479

office. 133480

(T) "Member authority" means the board of commissioners of 133481
a county, the board of trustees of a township, the legislative 133482
authority of a municipal corporation, the board of education of 133483
a city, local, or exempted village school district, or the 133484
educational service center governing board that either created 133485
or joined a qualifying subdivision and remains a member thereof 133486
or has territory therein. 133487

Sec. 5705.03. (A) The taxing authority of each subdivision 133488
may levy taxes annually, subject to the limitations of sections 133489
5705.01 to 5705.47 of the Revised Code, on the real and personal 133490
property within the subdivision for the purpose of paying the 133491
current operating expenses of the subdivision and acquiring or 133492
constructing permanent improvements. The taxing authority of 133493
each subdivision and taxing unit shall, subject to the 133494
limitations of such sections, levy such taxes annually as are 133495
necessary to pay the interest and sinking fund on and retire at 133496
maturity the bonds, notes, and certificates of indebtedness of 133497
such subdivision and taxing unit, including levies in 133498
anticipation of which the subdivision or taxing unit has 133499
incurred indebtedness. 133500

(B) (1) When a taxing authority determines that it is 133501
necessary to levy a tax outside the ten-mill limitation for any 133502
purpose authorized by the Revised Code, the taxing authority 133503
shall certify to the county auditor a resolution or ordinance 133504
requesting that the county auditor certify to the taxing 133505
authority the amounts described in division (B) (2) of this 133506
section. The resolution or ordinance shall state all of the 133507
following: 133508

(a) The proposed rate of the tax, expressed in mills for 133509

each one dollar of taxable value, or the dollar amount of 133510
revenue to be generated by the proposed tax; 133511

(b) The purpose of the tax; 133512

(c) Whether the tax is an additional levy, a renewal ~~or a~~ 133513
~~replacement~~ of an existing tax, a renewal ~~or replacement~~ of an 133514
existing tax with an increase or a decrease, a reduction or 133515
decrease of an existing tax, or an extension of an existing tax 133516
to additional territory; 133517

(d) The section of the Revised Code authorizing submission 133518
of the question of the tax; 133519

(e) The term of years of the tax or if the tax is for a 133520
continuing period of time; 133521

(f) That the tax is to be levied upon the entire territory 133522
of the subdivision or, if authorized by the Revised Code, a 133523
description of the portion of the territory of the subdivision 133524
in which the tax is to be levied; 133525

(g) The date of the election at which the question of the 133526
tax shall appear on the ballot; 133527

(h) That the ballot measure shall be submitted to the 133528
entire territory of the subdivision or, if authorized by the 133529
Revised Code, a description of the portion of the territory of 133530
the subdivision to which the ballot measure shall be submitted; 133531

(i) The tax year in which the tax will first be levied and 133532
the calendar year in which the tax will first be collected; 133533

(j) Each such county in which the subdivision has 133534
territory. 133535

The board of education of a city, local, or exempted 133536

village school district may also designate, in a resolution 133537
adopted under division (B) (1) of this section, an amount of the 133538
district's carry-over balance from the proceeding fiscal year, 133539
based on the most recent certification made by the district 133540
under section 5705.36 of the Revised Code, as reserved for 133541
expenditure on current or future permanent improvements within 133542
the following three years. 133543

(2) Upon receipt of a resolution or ordinance certified 133544
under division (B) (1) of this section, the county auditor shall 133545
certify to the taxing authority each of the following, as 133546
applicable to that levy: 133547

(a) The total current tax valuation of the subdivision. 133548

(b) The number of mills for each one dollar of taxable 133549
value that is required to generate a specified amount of 133550
revenue. 133551

(c) Either of the following: 133552

(i) If the levy is to renew, renew and increase, renew and 133553
decrease, reduce or decrease, or extend to additional territory 133554
an existing levy that is subject to reduction under section 133555
319.301 of the Revised Code, the levy's effective rate, 133556
expressed in dollars, rounded to the nearest dollar, for each 133557
one hundred thousand dollars of the county auditor's ~~appraised-~~ 133558
market value; 133559

(ii) For all other levies, the levy's rate, described in 133560
division (B) (2) (b) or (d) of this section, expressed in dollars, 133561
rounded to the nearest dollar, for each one hundred thousand 133562
dollars of the county auditor's ~~appraised-~~market value. 133563

(d) The dollar amount of revenue, rounded to the nearest 133564
dollar, that would be generated by a specified number of mills 133565

for each one dollar of taxable value. 133566

(e) For any levy or portion of a levy except a levy or 133567
portion of a levy to pay debt charges, an estimate of the levy's 133568
annual collections, rounded to the nearest dollar, which shall 133569
be calculated assuming that the amount of the tax list of the 133570
taxing authority remains throughout the life of the levy the 133571
same as the amount of the tax list most recently certified by 133572
the auditor under division (A) of section 319.28 of the Revised 133573
Code. 133574

(f) If the purpose of the tax is for current expenses or 133575
current operating expenses and the resolution is certified by a 133576
city, local, or exempted village school district, the amount by 133577
which the carry-over balance in the district's general operating 133578
budget from the preceding fiscal year exceeds the district's 133579
general fund expenditures made in the preceding fiscal year, 133580
expressed both in dollars and as a percentage of those 133581
expenditures. This amount and percentage shall be determined on 133582
the basis of the most recent certification made by the district 133583
to the county budget commission under section 5705.36 of the 133584
Revised Code. The auditor shall exclude any amount designated 133585
under division (B)(1) of this section for current or future 133586
permanent improvements in determining the district's carry-over 133587
balance for the purpose of this computation. 133588

If a subdivision is located in more than one county, the 133589
county auditor shall obtain from the county auditor of each 133590
other county in which the subdivision is located the current tax 133591
valuation for the portion of the subdivision in that county. The 133592
county auditor shall issue the certification to the taxing 133593
authority within ten days after receiving the taxing authority's 133594
resolution or ordinance requesting it. 133595

(3) Upon receiving the certification from the county auditor under division (B) (2) of this section, unless the percentage certified under division (B) (2) (f) of this section is one hundred per cent or more, except in the case of a renewal levy, the taxing authority may adopt a resolution or ordinance stating the rate of the tax levy, expressed in mills for each one dollar of taxable value and the rate or effective rate, as applicable, in dollars for each one hundred thousand dollars of the county auditor's ~~appraised~~ market value, as estimated by the county auditor, and that the taxing authority will proceed with the submission of the question of the tax to electors. The taxing authority shall certify this resolution or ordinance, a copy of the county auditor's certifications, and the resolution or ordinance the taxing authority adopted under division (B) (1) of this section to the proper county board of elections in the manner and within the time prescribed by the section of the Revised Code governing submission of the question. The county board of elections shall not submit the question of the tax to electors unless a copy of the county auditor's certification accompanies the resolutions or ordinances the taxing authority certifies to the board. Before requesting a taxing authority to submit a tax levy, any agency or authority authorized to make that request shall first request the certification from the county auditor provided under this section.

(4) This division is supplemental to, and not in derogation of, any similar requirement governing the certification by the county auditor of the tax valuation of a subdivision or necessary tax rates for the purposes of the submission of the question of a tax in excess of the ten-mill limitation, including ~~sections~~ section 133.18 and ~~5705.195~~ of the Revised Code.

(C) All taxes levied on property shall be extended on the 133627
tax list and duplicate by the county auditor of the county in 133628
which the property is located, and shall be collected by the 133629
county treasurer of such county in the same manner and under the 133630
same laws and rules as are prescribed for the assessment and 133631
collection of county taxes. The proceeds of any tax levied by or 133632
for any subdivision when received by its fiscal officer shall be 133633
deposited in its treasury to the credit of the appropriate fund. 133634

Sec. 5705.12. In addition to the funds provided for by 133635
sections 5705.09, 5705.121, 5705.13, and 5705.131 of the Revised 133636
Code, the taxing authority of a subdivision may establish, with 133637
the approval of and in the manner prescribed by the auditor of 133638
state, such other funds as are desirable, and may provide by 133639
ordinance or resolution that money derived from specified 133640
sources other than the general property tax shall be paid 133641
directly into such funds. ~~The auditor of state shall consult~~ 133642
~~with the tax commissioner before approving such funds.~~ 133643

Sec. 5705.121. A municipal corporation may establish in 133644
the manner provided by law a sanitary police pension fund, an 133645
urban redevelopment tax increment equivalent fund, or a cemetery 133646
fund. 133647

A township may establish by law a cemetery fund. 133648

A subdivision that levies a tax for the purpose described 133649
in division (ZZ) or (AAA) of section 5705.19 of the Revised Code 133650
shall establish a general capital and infrastructure fund to 133651
which the proceeds from that levy shall be credited. By 133652
resolution or ordinance, the taxing authority may establish 133653
accounts within that fund for any of the several particular 133654
purposes for which such money may lawfully be spent, may 133655
eliminate such accounts when no longer necessary or desirable, 133656

and may transfer money between such accounts. Money in the fund 133657
may not be used to pay the compensation of officers or employees 133658
of the subdivision. 133659

The board of health of a city or general health district 133660
may establish the home health services fund referred to in 133661
section 3709.15 of the Revised Code. 133662

Sec. 5705.13. (A) A taxing authority of a subdivision, by 133663
resolution or ordinance, may establish reserve balance accounts 133664
to accumulate currently available resources for the following 133665
purposes: 133666

(1) To stabilize subdivision budgets against cyclical 133667
changes in revenues and expenditures; 133668

(2) Except as otherwise provided by this section, to 133669
provide for the payment of claims and deductibles under an 133670
individual or joint self-insurance program for the subdivision, 133671
if the subdivision is permitted by law to establish such a 133672
program; 133673

(3) To provide for the payment of claims, assessments, and 133674
deductibles under a self-insurance program, individual 133675
retrospective ratings plan, group rating plan, group 133676
retrospective rating plan, medical only program, deductible 133677
plan, or large deductible plan for workers' compensation. 133678

The ordinance or resolution establishing a reserve balance 133679
account shall state the purpose for which the account is 133680
established, the fund in which the account is to be established, 133681
and the total amount of money to be reserved in the account. 133682

Not more than one reserve balance account may be 133683
established for each of the purposes permitted under divisions 133684
(A) (2) and (3) of this section. Money to the credit of a reserve 133685

balance account may be expended only for the purpose for which 133686
the account was established. 133687

A reserve balance account established for the purpose 133688
described in division (A) (1) of this section may be established 133689
in the general fund or in one or more special funds for 133690
operating purposes of the subdivision. The amount of money to be 133691
reserved in such an account in any fiscal year shall not exceed 133692
five per cent of the revenue credited in the preceding fiscal 133693
year to the fund in which the account is established, or, in the 133694
case of a reserve balance account of a county or of a township, 133695
the greater of that amount or one-sixth of the expenditures 133696
during the preceding fiscal year from the fund in which the 133697
account is established. ~~Subject to division (F) of section-~~ 133698
~~5705.29 of the Revised Code, any reserve balance in an account-~~ 133699
~~established under division (A) (1) of this section shall not be-~~ 133700
~~considered part of the unencumbered balance or revenue of the-~~ 133701
~~subdivision under division (A) of section 5705.35 or division-~~ 133702
~~(A) (1) of section 5705.36 of the Revised Code.~~ 133703

At any time, a taxing authority of a subdivision, by 133704
resolution or ordinance, may reduce or eliminate the reserve 133705
balance in a reserve balance account established for the purpose 133706
described in division (A) (1) of this section. 133707

A reserve balance account established for the purpose 133708
described in division (A) (2) or (3) of this section shall be 133709
established in the general fund of the subdivision or by the 133710
establishment of a separate internal service fund established to 133711
account for the operation of an individual or joint self- 133712
insurance program described in division (A) (2) of this section 133713
or a workers' compensation program or plan described in division 133714
(A) (3) of this section, and shall be based on sound actuarial 133715

principles. The total amount of money in a reserve balance 133716
account for self-insurance may be expressed in dollars or as the 133717
amount determined to represent an adequate reserve according to 133718
sound actuarial principles. 133719

A taxing authority of a subdivision, by resolution or 133720
ordinance, may rescind a reserve balance account established 133721
under this division. If a reserve balance account is rescinded, 133722
money that has accumulated in the account shall be transferred 133723
to the fund or funds from which the money originally was 133724
transferred. 133725

(B) A taxing authority of a subdivision, by resolution or 133726
ordinance, may establish a special revenue fund for the purpose 133727
of accumulating resources for the payment of accumulated sick 133728
leave and vacation leave, and for payments in lieu of taking 133729
compensatory time off, upon the termination of employment or the 133730
retirement of officers and employees of the subdivision. The 133731
special revenue fund may also accumulate resources for payment 133732
of salaries during any fiscal year when the number of pay 133733
periods exceeds the usual and customary number of pay periods. 133734
Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 133735
Revised Code, the taxing authority, by resolution or ordinance, 133736
may transfer money to the special revenue fund from any other 133737
fund of the subdivision from which such payments may lawfully be 133738
made. The taxing authority, by resolution or ordinance, may 133739
rescind a special revenue fund established under this division. 133740
If a special revenue fund is rescinded, money that has 133741
accumulated in the fund shall be transferred to the fund or 133742
funds from which the money originally was transferred. 133743

(C) A taxing authority of a subdivision, by resolution or 133744
ordinance, may establish a capital projects fund for the purpose 133745

of accumulating resources for the acquisition, construction, or 133746
improvement of fixed assets of the subdivision. For the purposes 133747
of this section, "fixed assets" includes motor vehicles. More 133748
than one capital projects fund may be established and may exist 133749
at any time. The ordinance or resolution shall identify the 133750
source of the money to be used to acquire, construct, or improve 133751
the fixed assets identified in the resolution or ordinance, the 133752
amount of money to be accumulated for that purpose, the period 133753
of time over which that amount is to be accumulated, and the 133754
fixed assets that the taxing authority intends to acquire, 133755
construct, or improve with the money to be accumulated in the 133756
fund. 133757

A taxing authority of a subdivision shall not accumulate 133758
money in a capital projects fund for more than ten years after 133759
the resolution or ordinance establishing the fund is adopted. If 133760
the subdivision has not entered into a contract for the 133761
acquisition, construction, or improvement of fixed assets for 133762
which money was accumulated in such a fund before the end of 133763
that ten-year period, the fiscal officer of the subdivision 133764
shall transfer all money in the fund to the fund or funds from 133765
which that money originally was transferred or the fund that 133766
originally was intended to receive the money. 133767

A taxing authority of a subdivision, by resolution or 133768
ordinance, may rescind a capital projects fund. If a capital 133769
projects fund is rescinded, money that has accumulated in the 133770
fund shall be transferred to the fund or funds from which the 133771
money originally was transferred. 133772

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of 133773
the Revised Code, the taxing authority of a subdivision, by 133774
resolution or ordinance, may transfer money to the capital 133775

projects fund from any other fund of the subdivision that may 133776
lawfully be used for the purpose of acquiring, constructing, or 133777
improving the fixed assets identified in the resolution or 133778
ordinance. 133779

Sec. 5705.131. A taxing authority of a subdivision may 133780
establish a nonexpendable trust fund for the purpose of 133781
receiving donations or contributions that the donor or 133782
contributor requires to be maintained intact. The principal of 133783
such fund may be invested, and the investment earnings on the 133784
principal shall be credited to the fund. ~~The principal of the~~ 133785
~~fund, and any additions to principal arising from sources other~~ 133786
~~than the reinvestment of investment earnings arising from the~~ 133787
~~fund, shall not be considered part of the unencumbered balance~~ 133788
~~or revenue of the subdivision under division (A) of section~~ 133789
~~5705.35 or division (A) (1) of section 5705.36 of the Revised~~ 133790
~~Code. Only investment earnings arising from investment of the~~ 133791
~~principal or investment of such additions to principal may be~~ 133792
~~considered an unencumbered balance or revenue of the subdivision~~ 133793
~~under that division.~~ 133794

Sec. 5705.132. In addition to any reserve balance account 133795
established under section 5705.13 of the Revised Code, a board 133796
of township trustees, by resolution, may establish a reserve 133797
balance account to accumulate currently available resources for 133798
any purpose for which the board may lawfully expend money of the 133799
township other than for the purposes for which a reserve balance 133800
account may be established under section 5705.13 of the Revised 133801
Code. Money may be transferred to the reserve balance account 133802
from another fund or account of the township only if money in 133803
that fund or account may lawfully be expended for the purpose 133804
for which the reserve balance account is created. A reserve 133805
balance account created under this section may exist for not 133806

more than five fiscal years beginning with the first fiscal year 133807
in which money is credited to the account. The total amount of 133808
money to the credit of all reserve balance accounts established 133809
under this section at any time in any fiscal year shall not 133810
exceed five per cent of the total of the township's revenue from 133811
all sources for the preceding fiscal year and any unencumbered 133812
balances carried over to the current fiscal year from the 133813
preceding fiscal year. Money in a reserve balance account shall 133814
be expended only for the purpose for which the account is 133815
established. More than one reserve balance account may be 133816
established under this section. 133817

The resolution establishing a reserve balance account 133818
shall state the specific purpose for which the account is 133819
established, the fund within which the account is established, 133820
the fund or account from which money shall be transferred to the 133821
account, and the number of years the account will exist. The 133822
resolution shall specify the maximum total amount of money that 133823
may be credited to the account during its existence and the 133824
maximum amount of money to be credited to the account each 133825
fiscal year the account exists. The board, by subsequent 133826
resolution, may change the amount to be credited and the source 133827
from which money is transferred, subject to the limitations of 133828
this section. 133829

The board, by resolution, may rescind a reserve balance 133830
account established under this section before the expiration of 133831
the account. The board, by resolution, may extend the life of a 133832
reserve balance account, provided that the total number of years 133833
the fund exists shall not exceed five fiscal years beginning 133834
with the first fiscal year in which money is credited to the 133835
account. 133836

Upon the expiration or rescission of a reserve balance 133837
account established under this section, any unexpended balance 133838
in the account shall be transferred to the fund or account from 133839
which money in the account was originally transferred. If money 133840
in the account originally was transferred from more than one 133841
fund or account, a pro rata share of the unexpended balance 133842
shall be transferred to each such fund or account proportionate 133843
to the amount originally transferred from that fund or account. 133844

~~The balance to the credit of a reserve balance account 133845~~
~~shall not be considered part of the unencumbered balance or 133846~~
~~revenue of the township under division (A) of section 5705.35 or 133847~~
~~division (A) (1) of section 5705.36 of the Revised Code. 133848~~

Sec. 5705.14. No transfer shall be made from one fund of a 133849
subdivision to any other fund, by order of the court or 133850
otherwise, except as follows: 133851

(A) The unexpended balance in a bond fund that is no 133852
longer needed for the purpose for which such fund was created 133853
shall be transferred to the sinking fund or bond retirement fund 133854
from which such bonds are payable. 133855

(B) The unexpended balance in any specific permanent 133856
improvement fund, other than a bond fund, after the payment of 133857
all obligations incurred in the acquisition of such improvement, 133858
shall be transferred to the sinking fund or bond retirement fund 133859
of the subdivision; provided that if such money is not required 133860
to meet the obligations payable from such funds, it may be 133861
transferred to a special fund for the acquisition of permanent 133862
improvements, or, with the approval of the court of common pleas 133863
of the county in which such subdivision is located, to the 133864
general fund of the subdivision. 133865

(C) (1) Except as provided in division (C) (2) of this 133866
section, the unexpended balance in the sinking fund or bond 133867
retirement fund of a subdivision, after all indebtedness, 133868
interest, and other obligations for the payment of which such 133869
fund exists have been paid and retired, shall be transferred, in 133870
the case of the sinking fund, to the bond retirement fund, and 133871
in the case of the bond retirement fund, to the sinking fund; 133872
provided that if such transfer is impossible by reason of the 133873
nonexistence of the fund to receive the transfer, such 133874
unexpended balance, with the approval of the court of common 133875
pleas of the county in which such division is located, may be 133876
transferred to any other fund of the subdivision. 133877

(2) Money in a bond fund or bond retirement fund of a 133878
city, local, exempted village, cooperative education, or joint 133879
vocational school district may be transferred to a specific 133880
permanent improvement fund provided that the county budget 133881
commission of the county in which the school district is located 133882
approves the transfer upon its determination that the money 133883
transferred will not be required to meet the obligations payable 133884
from the bond fund or bond retirement fund. In arriving at such 133885
a determination, the county budget commission shall consider the 133886
balance of the bond fund or bond retirement fund, the 133887
outstanding obligations payable from the fund, and the sources 133888
and timing of the fund's revenue. 133889

(D) The unexpended balance in any special fund, other than 133890
an improvement fund, existing in accordance with division (D), 133891
(F), or (G) of section 5705.09 or section 5705.12 of the Revised 133892
Code, may be transferred to the general fund or to the sinking 133893
fund or bond retirement fund after the termination of the 133894
activity, service, or other undertaking for which such special 133895
fund existed, but only after the payment of all obligations 133896

incurred and payable from such special fund. 133897

(E) Money may be transferred from the general fund to any 133898
other fund of the subdivision. 133899

(F) Moneys retained or received by a county under section 133900
4501.04 or division (A) (2) of section 5735.27 of the Revised 133901
Code may be transferred from the fund into which they were 133902
deposited to the sinking fund or bond retirement fund from which 133903
any principal, interest, or charges for which such moneys may be 133904
used is payable. 133905

(G) Moneys retained or received by a municipal corporation 133906
under section 4501.04 or division (A) (1) of section 5735.27 of 133907
the Revised Code may be transferred from the fund into which 133908
they were deposited to the sinking fund or bond retirement fund 133909
from which any principal, interest, or charges for which such 133910
moneys may be used is payable. 133911

(H) (1) Money may be transferred from the county 133912
developmental disabilities general fund to the county 133913
developmental disabilities capital fund established under 133914
section 5705.091 of the Revised Code or to any other fund 133915
created for the purposes of the county board of developmental 133916
disabilities, so long as money in the fund to which the money is 133917
transferred can be spent for the particular purpose of the 133918
transferred money. The county board of developmental 133919
disabilities may request, by resolution, that the board of 133920
county commissioners make the transfer. The county board of 133921
developmental disabilities shall transmit a certified copy of 133922
the resolution to the board of county commissioners. Upon 133923
receiving the resolution, the board of county commissioners may 133924
make the transfer. Money transferred to a fund shall be credited 133925
to an account appropriate to its particular purpose. 133926

(2) An unexpended balance in an account in the county 133927
developmental disabilities capital fund or any other fund 133928
created for the purposes of the county board of developmental 133929
disabilities may be transferred back to the county developmental 133930
disabilities general fund. The transfer may be made if the 133931
unexpended balance is no longer needed for its particular 133932
purpose and all outstanding obligations have been paid. Money 133933
transferred back to the county developmental disabilities 133934
general fund shall be credited to an account for current 133935
expenses within that fund. The county board of developmental 133936
disabilities may request, by resolution, that the board of 133937
county commissioners make the transfer. The county board of 133938
developmental disabilities shall transmit a certified copy of 133939
the resolution to the board of county commissioners. Upon 133940
receiving the resolution, the board of county commissioners may 133941
make the transfer. 133942

(I) Money may be transferred from the public assistance 133943
fund established under section 5101.161 of the Revised Code to 133944
either of the following funds, so long as the money to be 133945
transferred from the public assistance fund may be spent for the 133946
purposes for which money in the receiving fund may be used: 133947

(1) The children services fund established under section 133948
~~5101.144~~ 5180.411 of the Revised Code; 133949

(2) The child support enforcement administrative fund 133950
established, as authorized under rules adopted by the director 133951
of job and family services, in the county treasury for use by 133952
any county family services agency. 133953

(J) Notwithstanding this section, money in any fund or 133954
account of a village dissolved in accordance with sections 133955
703.31 to 703.39 of the Revised Code may be transferred by the 133956

receiver-trustee to a special account for the purpose of paying 133957
the debts, obligations, and liabilities of the dissolved village 133958
or to the general fund of any township into which the territory 133959
of the village is dissolved for any purpose that directly or 133960
indirectly benefits the former territory of the dissolved 133961
village. 133962

(K) Except in the case of transfer pursuant to division 133963
(E) or (J) of this section, transfers authorized by this section 133964
shall only be made by resolution of the taxing authority passed 133965
with the affirmative vote of two-thirds of the members. 133966

Sec. 5705.17. (A) As used in this section: 133967

(1) "Qualifying levy" means any levy in excess of the ten- 133968
mill limitation for current expenses or current operating 133969
expenses. 133970

(2) "School district" means a city, local, or exempted 133971
village school district. 133972

(B) Notwithstanding anything in the Revised Code to the 133973
contrary, any election notice and ballot language for qualifying 133974
levy submitted to electors by a school district shall display 133975
the information certified by the county auditor in division (B) 133976
(2) (f) of section 5705.03 of the Revised Code. The secretary of 133977
state shall prescribe the form of the notice and ballot to 133978
incorporate this information. 133979

Sec. 5705.194. The board of education of any city, local, 133980
exempted village, cooperative education, or joint vocational 133981
school district at any time before the effective date of this 133982
amendment may declare by resolution that the revenue that will 133983
be raised by all tax levies which the district is authorized to 133984
impose, when combined with state and federal revenues, will be 133985

insufficient to provide for the emergency requirements of the 133986
school district or to avoid an operating deficit, and that it is 133987
therefore necessary to levy an additional tax in excess of the 133988
ten-mill limitation. The resolution shall be confined to a 133989
single purpose and shall specify that purpose. If the levy is 133990
proposed to renew all or a portion of the proceeds derived from 133991
one or more existing levies imposed pursuant to this section, it 133992
shall be called a renewal levy and shall be so designated on the 133993
ballot. If two or more existing levies are to be included in a 133994
single renewal levy but are not scheduled to expire in the same 133995
year, the resolution shall specify that the existing levies to 133996
be renewed shall not be levied after the year preceding the year 133997
in which the renewal levy is first imposed. Notwithstanding the 133998
original purpose of any one or more existing levies that are to 133999
be in any single renewal levy, the purpose of the renewal levy 134000
may be either to avoid an operating deficit or to provide for 134001
the emergency requirements of the school district. The 134002
resolution shall further specify the amount of money it is 134003
necessary to raise for the specified purpose for each calendar 134004
year the millage is to be imposed; if a renewal levy, whether 134005
the levy is to renew all, or a portion of, the proceeds derived 134006
from one or more existing levies; and the number of years in 134007
which the millage is to be in effect, which may include a levy 134008
upon the current year's tax list. The number of years may be any 134009
number not exceeding ten. 134010

The question shall be submitted at a special election on a 134011
date specified in the resolution. The date shall not be earlier 134012
than eighty days after the adoption and certification of the 134013
resolution to the county auditor and shall be consistent with 134014
the requirements of section 3501.01 of the Revised Code. A 134015
resolution for a renewal levy shall not be placed on the ballot 134016

unless the question is submitted on a date on which a special 134017
election may be held under division (D) of section 3501.01 of 134018
the Revised Code, except for the first Tuesday after the first 134019
Monday in August, during the last year the levy to be renewed 134020
may be extended on the real and public utility property tax list 134021
and duplicate, or at any election held in the ensuing year, 134022
except that if the resolution proposes renewing two or more 134023
existing levies, the question shall be submitted on the date of 134024
the general or primary election held during the last year at 134025
least one of the levies to be renewed may be extended on that 134026
list and duplicate, or at any election held during the ensuing 134027
year. For purposes of this section ~~and sections 5705.197 and~~ 134028
section 5705.199 of the Revised Code, a levy shall be considered 134029
to be an "existing levy" through the year following the last 134030
year it can be placed on the real and public utility property 134031
tax list and duplicate. 134032

The submission of questions to the electors under this 134033
section is subject to the limitation on the number of election 134034
dates established by section 5705.214 of the Revised Code. 134035

The resolution shall go into immediate effect upon its 134036
passage, and no publication of the resolution shall be necessary 134037
other than that provided for in the notice of election. A copy 134038
of the resolution shall immediately after its passing be 134039
certified to the county auditor of the proper county. ~~Section~~ 134040
~~5705.195 of the Revised Code shall govern the arrangements for~~ 134041
~~the submission of questions to the electors under this section~~ 134042
~~and other matters concerning the election.~~ Publication of notice 134043
of the election shall be made in one newspaper of general 134044
circulation in the county once a week for two consecutive weeks, 134045
or as provided in section 7.16 of the Revised Code, prior to the 134046
election. If the board of elections operates and maintains a web 134047

site, the board of elections shall post notice of the election 134048
on its web site for thirty days prior to the election. If a 134049
majority of the electors voting on the question submitted in an 134050
election vote in favor of the levy, the board of education of 134051
the school district may make the additional levy necessary to 134052
raise the amount specified in the resolution for the purpose 134053
stated in the resolution. The tax levy shall be included in the 134054
next tax budget that is certified to the county budget 134055
commission. 134056

After the approval of the levy and prior to the time when 134057
the first tax collection from the levy can be made, the board of 134058
education may anticipate a fraction of the proceeds of the levy 134059
and issue anticipation notes in an amount not exceeding the 134060
total estimated proceeds of the levy to be collected during the 134061
first year of the levy. 134062

The notes shall be issued as provided in section 133.24 of 134063
the Revised Code, shall have principal payments during each year 134064
after the year of their issuance over a period not to exceed 134065
five years, and may have principal payment in the year of their 134066
issuance. 134067

Sec. 5705.199. (A) At any time before the effective date 134068
of this amendment the board of education of a city, local, 134069
exempted village, cooperative education, or joint vocational 134070
school district, by a vote of two-thirds of all its members, may 134071
declare by resolution that the revenue that will be raised by 134072
all tax levies that the district is authorized to impose, when 134073
combined with state and federal revenues, will be insufficient 134074
to provide for the necessary requirements of the school 134075
district, and that it is therefore necessary to levy a tax in 134076
excess of the ten-mill limitation for the purpose of providing 134077

for the necessary requirements of the school district. Such a 134078
levy shall be proposed as a substitute for all or a portion of 134079
one or more existing levies imposed under ~~sections~~ section 134080
5705.194 ~~to 5705.197~~ of the Revised Code or under this section, 134081
by levying a tax as follows: 134082

(1) In the initial year the levy is in effect, the levy 134083
shall be in a specified amount of money equal to the aggregate 134084
annual dollar amount of proceeds derived from the levy or 134085
levies, or portion thereof, being substituted. 134086

(2) In each subsequent year the levy is in effect, the 134087
levy shall be in a specified amount of money equal to the sum of 134088
the following: 134089

(a) The dollar amount of the proceeds derived from the 134090
levy in the prior year; and 134091

(b) The dollar amount equal to the product of the total 134092
taxable value of all taxable real property in the school 134093
district in the then-current year, excluding carryover property 134094
as defined in section 319.301 of the Revised Code, multiplied by 134095
the annual levy, expressed in mills for each one dollar of 134096
taxable value, that was required to produce the annual dollar 134097
amount of the levy under this section in the prior year; 134098
provided, that the amount under division (A) (2) (b) of this 134099
section shall not be less than zero. 134100

~~(B) The resolution proposing the substitute levy shall 134101
specify the annual dollar amount the levy is to produce in its 134102
initial year; the first calendar year in which the levy will be 134103
due; and the term of the levy expressed in years, which may be 134104
any number not exceeding ten, or for a continuing period of 134105
time. The resolution shall specify the date of holding the 134106~~

~~election, which shall not be earlier than ninety days after~~ 134107
~~certification of the resolution to the board of elections, and~~ 134108
~~which shall be consistent with the requirements of section~~ 134109
~~3501.01 of the Revised Code. If two or more existing levies are~~ 134110
~~to be included in a single substitute levy, but are not~~ 134111
~~scheduled to expire in the same year, the resolution shall~~ 134112
~~specify that the existing levies to be substituted shall not be~~ 134113
~~levied after the year preceding the year in which the substitute~~ 134114
~~levy is first imposed.~~ 134115

~~The resolution shall go into immediate effect upon its~~ 134116
~~passage, and no publication of the resolution shall be necessary~~ 134117
~~other than that provided for in the notice of election. A copy~~ 134118
~~of the resolution shall immediately after its passage be~~ 134119
~~certified to the county auditor in the manner provided by~~ 134120
~~section 5705.195 of the Revised Code, and sections 5705.194 and~~ 134121
~~5705.196 of the Revised Code shall govern the arrangements for~~ 134122
~~the submission of the question and other matters concerning the~~ 134123
~~notice of election and the election, except as may be provided~~ 134124
~~otherwise in this section.~~ 134125

~~(C) The form of the ballot to be used at the election on~~ 134126
~~the question of a levy under this section shall be as follows:~~ 134127

~~"Shall a tax levy substituting for an existing levy be~~ 134128
~~imposed by the _____ (here insert name of school district)~~ 134129
~~for the purpose of providing for the necessary requirements of~~ 134130
~~the school district in the initial sum of \$_____ (here~~ 134131
~~insert the annual dollar amount the levy is to produce in its~~ 134132
~~initial year), and a levy of taxes be made outside of the ten-~~ 134133
~~mill limitation estimated by the county auditor to require~~ 134134
~~_____ mills for each \$1 of taxable value, which amounts to~~ 134135
~~\$_____ for each \$100,000 of the county auditor's appraised~~ 134136

~~value for the initial year of the tax, for a period of~~ 134137
~~_____ (here insert the number of years the levy is to be~~ 134138
~~imposed, or that it will be levied for a continuing period of~~ 134139
~~time), commencing in _____ (first year the tax is to be~~ 134140
~~levied), first due in calendar year _____ (first calendar~~ 134141
~~year in which the tax shall be due), with the sum of such tax to~~ 134142
~~increase only if and as new land or real property improvements~~ 134143
~~not previously taxed by the school district are added to its tax~~ 134144
~~list?~~ 134145
134146

	~~FOR THE TAX LEVY~~	
	~~AGAINST THE TAX LEVY~~	"

~~If the levy submitted is a proposal to substitute all or a~~ 134147
~~portion of more than one existing levy, the form of the ballot~~ 134148
~~may be changed so long as the ballot reflects the number of~~ 134149
~~levies to be substituted and that none of the existing levies to~~ 134150
~~be substituted will be levied after the year preceding the year~~ 134151
~~in which the substitute levy is first imposed. The form of the~~ 134152
~~ballot shall be modified by substituting the statement "Shall a~~ 134153
~~tax levy substituting for an existing levy" with "Shall a tax~~ 134154
~~levy substituting for existing levies" and adding the following~~ 134155
~~statement after "added to its tax list?" and before "For the Tax~~ 134156
~~Levy":~~ 134157

~~"If approved, any remaining tax years on any of the~~ 134158
~~_____ (here insert the number of existing levies) existing~~ 134159
~~levies will not be collected after _____ (here insert the~~ 134160
~~current tax year or, if not the current tax year, the applicable~~ 134161
~~tax year)."~~ 134162

~~(D) The submission of questions to the electors under this~~ 134163

~~section is subject to the limitation on the number of election-~~ 134164
~~dates established by section 5705.214 of the Revised Code.~~ 134165

~~(E)~~ If a majority of the electors voting on the question 134166
so submitted in an election vote in favor of the levy, the board 134167
of education may make the necessary levy within the school 134168
district at the rate and for the purpose stated in the 134169
resolution. The tax levy shall be included in the next tax 134170
budget that is certified to the county budget commission. 134171

~~(F)~~ (C) A levy for a continuing period of time may be 134172
decreased pursuant to section 5705.261 of the Revised Code. 134173

~~(G) A levy under this section substituting for all or a~~ 134174
~~portion of one or more existing levies imposed under sections~~ 134175
~~5705.194 to 5705.197 of the Revised Code or under this section~~ 134176
~~shall be treated as having renewed the levy or levies being~~ 134177
~~substituted for purposes of the payments made under sections~~ 134178
~~5751.20 to 5751.22 of the Revised Code.~~ 134179

~~(H)~~ (D) After the approval of a levy on the current tax 134180
list and duplicate, and prior to the time when the first tax 134181
collection from the levy can be made, the board of education may 134182
anticipate a fraction of the proceeds of the levy and issue 134183
anticipation notes in a principal amount not exceeding fifty per 134184
cent of the total estimated proceeds of the levy to be collected 134185
during the first year of the levy. The notes shall be issued as 134186
provided in section 133.24 of the Revised Code, shall have 134187
principal payments during each year after the year of their 134188
issuance over a period not to exceed five years, and may have a 134189
principal payment in the year of their issuance. 134190

Sec. 5705.21. (A) At any time, the board of education of 134191
any city, local, exempted village, cooperative education, or 134192

joint vocational school district, by a vote of two-thirds of all 134193
its members, may declare by resolution that the amount of taxes 134194
that may be raised within the ten-mill limitation by levies on 134195
the current tax list will be insufficient to provide an adequate 134196
amount for the necessary requirements of the school district, 134197
that it is necessary to levy a tax in excess of such limitation 134198
for one of the purposes specified in division (A), (D), (F), 134199
(H), or (DD) of section 5705.19 of the Revised Code, for general 134200
permanent improvements, for the purpose of operating a cultural 134201
center, for the purpose of providing for school safety and 134202
security, or for the purpose of providing education technology, 134203
and that the question of such additional tax levy shall be 134204
submitted to the electors of the school district at a special 134205
election on a day to be specified in the resolution. In the case 134206
of a qualifying library levy for the support of a library 134207
association or private corporation, the question shall be 134208
submitted to the electors of the association library district. 134209
If the resolution states that the levy is for the purpose of 134210
operating a cultural center, the ballot shall state that the 134211
levy is "for the purpose of operating the_____ (name of 134212
cultural center)." 134213

As used in this division, "cultural center" means a 134214
freestanding building, separate from a public school building, 134215
that is open to the public for educational, musical, artistic, 134216
and cultural purposes; "education technology" means, but is not 134217
limited to, computer hardware, equipment, materials, and 134218
accessories, equipment used for two-way audio or video, and 134219
software; "general permanent improvements" means permanent 134220
improvements without regard to the limitation of division (F) of 134221
section 5705.19 of the Revised Code that the improvements be a 134222
specific improvement or a class of improvements that may be 134223

included in a single bond issue; and "providing for school 134224
safety and security" includes but is not limited to providing 134225
for permanent improvements to provide or enhance security, 134226
employment of or contracting for the services of safety 134227
personnel, providing mental health services and counseling, or 134228
providing training in safety and security practices and 134229
responses. 134230

A resolution adopted under this division shall be confined 134231
to a single purpose and shall specify the amount of the increase 134232
in rate that it is necessary to levy, the purpose of the levy, 134233
and the number of years during which the increase in rate shall 134234
be in effect. The number of years may be any number not 134235
exceeding five or, if the levy is for current expenses of the 134236
district or for general permanent improvements, for a continuing 134237
period of time. 134238

(B) (1) The board of education of a qualifying school 134239
district, by resolution, may declare that it is necessary to 134240
levy a tax in excess of the ten-mill limitation for the purpose 134241
of paying the current expenses of partnering community schools 134242
and, if any of the levy proceeds are so allocated, of the 134243
district. A qualifying school district that is not a municipal 134244
school district may allocate all of the levy proceeds to 134245
partnering community schools. A municipal school district shall 134246
allocate a portion of the levy proceeds to the current expenses 134247
of the district. The resolution shall declare that the question 134248
of the additional tax levy shall be submitted to the electors of 134249
the school district at a special election on a day to be 134250
specified in the resolution. The resolution shall state the 134251
purpose of the levy, the rate of the tax expressed in mills for 134252
each one dollar of taxable value, the number of such mills to be 134253
levied for the current expenses of the partnering community 134254

schools and the number of such mills, if any, to be levied for 134255
the current expenses of the school district, the number of years 134256
the tax will be levied, and the first year the tax will be 134257
levied. The number of years the tax may be levied may be any 134258
number not exceeding ten years, or for a continuing period of 134259
time. 134260

The levy of a tax for the current expenses of a partnering 134261
community school under this section and the distribution of 134262
proceeds from the tax by a qualifying school district to 134263
partnering community schools is hereby determined to be a proper 134264
public purpose. 134265

(2) (a) If any portion of the levy proceeds are to be 134266
allocated to the current expenses of the qualifying school 134267
district, the form of the ballot at an election held pursuant to 134268
division (B) of this section shall be as follows: 134269

"Shall a levy be imposed by the_____ (insert the name 134270
of the qualifying school district) for the purpose of current 134271
expenses of the school district and of partnering community 134272
schools, that the county auditor estimates will collect \$_____ 134273
annually, at a rate not exceeding_____ mills for each \$1 of 134274
taxable value, of which_____ (insert the number of mills to be 134275
allocated to partnering community schools) mills is to be 134276
allocated to partnering community schools, which amounts to 134277
\$_____ for each \$100,000 of the county auditor's ~~appraised-~~ 134278
market value, for_____ (insert the number of years the levy is 134279
to be imposed, or that it will be levied for a continuing period 134280
of time), beginning_____ (insert first year the tax is to be 134281
levied), which will first be payable in calendar year_____ 134282
(insert the first calendar year in which the tax would be 134283
payable)? 134284

134285

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(b) If all of the levy proceeds are to be allocated to the
current expenses of partnering community schools, the form of
the ballot shall be as follows:

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134287

134288

"Shall a levy be imposed by the_____ (insert the name
of the qualifying school district) for the purpose of current
expenses of partnering community schools, that the county
auditor estimates will collect \$_____ annually, at a rate not
exceeding_____ mills for each \$1 of taxable value which amounts
to \$_____ for each \$100,000 of the county auditor's ~~appraised~~
market value, for_____ (insert the number of years the levy is
to be imposed, or that it will be levied for a continuing period
of time), beginning_____ (insert first year the tax is to be
levied), which will first be payable in calendar year_____
(insert the first calendar year in which the tax would be
payable)?

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	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(3) Upon each receipt of a tax distribution by the
qualifying school district, the board of education shall credit
the portion allocated to partnering community schools to the
partnering community schools fund. All income from the
investment of money in the partnering community schools fund
shall be credited to that fund.

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(a) If the qualifying school district is a municipal 134308
school district, the board of education shall distribute the 134309
partnering community schools amount among the then qualifying 134310
community schools not more than forty-five days after the school 134311
district receives and deposits each tax distribution. From each 134312
tax distribution, each such partnering community school shall 134313
receive a portion of the partnering community schools amount in 134314
the proportion that the number of its resident students bears to 134315
the aggregate number of resident students of all such partnering 134316
community schools as of the date of receipt and deposit of the 134317
tax distribution. 134318

(b) If the qualifying school district is not a municipal 134319
school district, the board of education may distribute all or a 134320
portion of the amount in the partnering community schools fund 134321
during a fiscal year to partnering community schools on or 134322
before the first day of June of the preceding fiscal year. Each 134323
such partnering community school shall receive a portion of the 134324
amount distributed by the board from the partnering community 134325
schools fund during the fiscal year in the proportion that the 134326
number of its resident students bears to the aggregate number of 134327
resident students of all such partnering community schools as of 134328
the date the school district received and deposited the most 134329
recent tax distribution. On or before the fifteenth day of June 134330
of each fiscal year, the board of education shall announce an 134331
estimated allocation to partnering community schools for the 134332
ensuing fiscal year. The board is not required to allocate to 134333
partnering community schools the entire partnering community 134334
schools amount in the fiscal year in which a tax distribution is 134335
received and deposited in the partnering community schools fund. 134336
The estimated allocation shall be published on the web site of 134337
the school district and expressed as a dollar amount per 134338

resident student. The actual allocation to community schools in 134339
a fiscal year need not conform to the estimate published by the 134340
school district so long if the estimate was made in good faith. 134341

Distributions by a school district under division (B) (3) 134342
(b) of this section shall be made in accordance with 134343
distribution agreements entered into by the board of education 134344
and each partnering community school eligible for distributions 134345
under this division. The distribution agreements shall be 134346
certified to the department of education each fiscal year before 134347
the thirtieth day of July. Each agreement shall provide for at 134348
least three distributions by the school district to the 134349
partnering community school during the fiscal year and shall 134350
require the initial distribution be made on or before the 134351
thirtieth day of July. 134352

(c) For the purposes of division (B) of this section, the 134353
number of resident students shall be the number of such students 134354
reported under section 3317.03 of the Revised Code and 134355
established by the department of education as of the date of 134356
receipt and deposit of the tax distribution. 134357

(4) To the extent an agreement whereby the qualifying 134358
school district and a community school endorse each other's 134359
programs is necessary for the community school to qualify as a 134360
partnering community school under division (B) (6) (b) of this 134361
section, the board of education of the school district shall 134362
certify to the department of education the agreement along with 134363
the determination that such agreement satisfies the requirements 134364
of that division. The board's determination is conclusive. 134365

(5) For the purposes of Chapter 3317. of the Revised Code 134366
or other laws referring to the "taxes charged and payable" for a 134367
school district, the taxes charged and payable for a qualifying 134368

school district that levies a tax under division (B) of this 134369
section includes only the taxes charged and payable under that 134370
levy for the current expenses of the school district, and does 134371
not include the taxes charged and payable for the current 134372
expenses of partnering community schools. The taxes charged and 134373
payable for the current expenses of partnering community schools 134374
shall not affect the calculation of "state education aid" as 134375
defined in section 5751.20 of the Revised Code. 134376

(6) As used in division (B) of this section: 134377

(a) "Qualifying school district" means a municipal school 134378
district, as defined in section 3311.71 of the Revised Code or a 134379
school district that contains within its territory a partnering 134380
community school. 134381

(b) "Partnering community school" means a community school 134382
established under Chapter 3314. of the Revised Code that is 134383
located within the territory of the qualifying school district 134384
and meets one of the following criteria: 134385

(i) If the qualifying school district is a municipal 134386
school district, the community school is sponsored by the 134387
district or is a party to an agreement with the district whereby 134388
the district and the community school endorse each other's 134389
programs; 134390

(ii) If the qualifying school district is not a municipal 134391
school district, the community school is sponsored by a sponsor 134392
that was rated as "exemplary" in the ratings most recently 134393
published under section 3314.016 of the Revised Code before the 134394
resolution proposing the levy is certified to the board of 134395
elections. 134396

(c) "Partnering community schools amount" means the 134397

product obtained, as of the receipt and deposit of the tax 134398
distribution, by multiplying the amount of a tax distribution by 134399
a fraction, the numerator of which is the number of mills per 134400
dollar of taxable value of the property tax to be allocated to 134401
partnering community schools, and the denominator of which is 134402
the total number of mills per dollar of taxable value authorized 134403
by the electors in the election held under division (B) of this 134404
section, each as set forth in the resolution levying the tax. If 134405
the resolution allocates all of the levy proceeds to partnering 134406
community schools, the "partnering schools amount" equals the 134407
amount of the tax distribution. 134408

(d) "Partnering community schools fund" means a separate 134409
fund established by the board of education of a qualifying 134410
school district for the deposit of partnering community school 134411
amounts under this section. 134412

(e) "Resident student" means a student enrolled in a 134413
partnering community school who is entitled to attend school in 134414
the qualifying school district under section 3313.64 or 3313.65 134415
of the Revised Code. 134416

(f) "Tax distribution" means a distribution of proceeds of 134417
the tax authorized by division (B) of this section under section 134418
321.24 of the Revised Code and distributions that are 134419
attributable to that tax under sections 323.156 and 4503.068 of 134420
the Revised Code or other applicable law. 134421

(C) A resolution adopted under this section shall specify 134422
the date of holding the election, which shall not be earlier 134423
than ninety days after the adoption and certification of the 134424
resolution and which shall be consistent with the requirements 134425
of section 3501.01 of the Revised Code. 134426

A resolution adopted under this section may propose to
renew one or more existing levies imposed under division (A) or
(B) of this section or to ~~increase or decrease~~ a single levy
imposed under either such division.

If the board of education imposes one or more existing
levies for the purpose specified in division (F) of section
5705.19 of the Revised Code, the resolution may propose to renew
one or more of those existing levies, or to ~~increase or decrease~~
a single such existing levy, for the purpose of general
permanent improvements.

If the resolution proposes to renew two or more existing
levies, the levies shall be levied for the same purpose. The
resolution shall identify those levies and the rates at which
they are levied. The resolution also shall specify that the
existing levies shall not be extended on the tax lists after the
year preceding the year in which the renewal levy is first
imposed, regardless of the years for which those levies
originally were authorized to be levied.

If the resolution proposes to renew an existing levy
imposed under division (B) of this section, the rates allocated
to the qualifying school district and to partnering community
schools each may be increased or decreased or remain the same,
and the total rate may be ~~increased, decreased,~~ or remain the
same. The resolution and notice of election shall specify the
number of the mills to be levied for the current expenses of the
partnering community schools and the number of the mills, if
any, to be levied for the current expenses of the qualifying
school district.

A resolution adopted under this section shall go into
immediate effect upon its passage, and no publication of the

resolution shall be necessary other than that provided for in 134457
the notice of election. A copy of the resolution shall 134458
immediately after its passing be certified, along with the 134459
county auditor's certification provided under section 5705.03 of 134460
the Revised Code, to the board of elections of the proper county 134461
in the manner provided by section 5705.25 of the Revised Code. 134462
That section shall govern the arrangements for the submission of 134463
such question and other matters concerning the election to which 134464
that section refers, including publication of notice of the 134465
election, except that the election shall be held on the date 134466
specified in the resolution. In the case of a resolution adopted 134467
under division (B) of this section, the publication of notice of 134468
that election shall state the number of the mills, if any, to be 134469
levied for the current expenses of partnering community schools 134470
and the number of the mills to be levied for the current 134471
expenses of the qualifying school district. If a majority of the 134472
electors voting on the question so submitted in an election vote 134473
in favor of the levy, the board of education may make the 134474
necessary levy within the school district or, in the case of a 134475
qualifying library levy for the support of a library association 134476
or private corporation, within the association library district, 134477
at the additional rate, or at any lesser rate in excess of the 134478
ten-mill limitation on the tax list, for the purpose stated in 134479
the resolution. A levy for a continuing period of time may be 134480
reduced pursuant to section 5705.261 of the Revised Code. The 134481
tax levy shall be included in the next tax budget that is 134482
certified to the county budget commission. 134483

(D) (1) After the approval of a levy on the current tax 134484
list and duplicate for current expenses, for recreational 134485
purposes, for community centers provided for in section 755.16 134486
of the Revised Code, or for a public library of the district 134487

under division (A) of this section, and prior to the time when 134488
the first tax collection from the levy can be made, the board of 134489
education may anticipate a fraction of the proceeds of the levy 134490
and issue anticipation notes in a principal amount not exceeding 134491
fifty per cent of the total estimated proceeds of the levy to be 134492
collected during the first year of the levy. 134493

(2) After the approval of a levy for general permanent 134494
improvements for a specified number of years or for permanent 134495
improvements having the purpose specified in division (F) of 134496
section 5705.19 of the Revised Code, the board of education may 134497
anticipate a fraction of the proceeds of the levy and issue 134498
anticipation notes in a principal amount not exceeding fifty per 134499
cent of the total estimated proceeds of the levy remaining to be 134500
collected in each year over a period of five years after the 134501
issuance of the notes. 134502

The notes shall be issued as provided in section 133.24 of 134503
the Revised Code, shall have principal payments during each year 134504
after the year of their issuance over a period not to exceed 134505
five years, and may have a principal payment in the year of 134506
their issuance. 134507

(3) After approval of a levy for general permanent 134508
improvements for a continuing period of time, the board of 134509
education may anticipate a fraction of the proceeds of the levy 134510
and issue anticipation notes in a principal amount not exceeding 134511
fifty per cent of the total estimated proceeds of the levy to be 134512
collected in each year over a specified period of years, not 134513
exceeding ten, after the issuance of the notes. 134514

The notes shall be issued as provided in section 133.24 of 134515
the Revised Code, shall have principal payments during each year 134516
after the year of their issuance over a period not to exceed ten 134517

years, and may have a principal payment in the year of their 134518
issuance. 134519

(4) After the approval of a levy on the current tax list 134520
and duplicate under division (B) of this section, and prior to 134521
the time when the first tax collection from the levy can be 134522
made, the board of education may anticipate a fraction of the 134523
proceeds of the levy for the current expenses of the school 134524
district and issue anticipation notes in a principal amount not 134525
exceeding fifty per cent of the estimated proceeds of the levy 134526
to be collected during the first year of the levy and allocated 134527
to the school district. The portion of the levy proceeds to be 134528
allocated to partnering community schools under that division 134529
shall not be included in the estimated proceeds anticipated 134530
under this division and shall not be used to pay debt charges on 134531
any anticipation notes. 134532

The notes shall be issued as provided in section 133.24 of 134533
the Revised Code, shall have principal payments during each year 134534
after the year of their issuance over a period not to exceed 134535
five years, and may have a principal payment in the year of 134536
their issuance. 134537

(E) The submission of questions to the electors under this 134538
section is subject to the limitation on the number of election 134539
dates established by section 5705.214 of the Revised Code. 134540

(F) The board of education of any school district that 134541
levies a tax under this section for the purpose of providing for 134542
school safety and security may report to the department of 134543
education how the district is using revenue from that tax. 134544

The board of education of any school district that 134545
proposes to levy a tax for the purpose of providing for school 134546

safety and security may share the proceeds of the tax with 134547
chartered nonpublic schools, as defined by section 3310.01 of 134548
the Revised Code, that are located in the territory of the 134549
school district as provided in this division. The resolution 134550
levying the tax and the form of the ballot shall state that 134551
proceeds from the levy are to be shared with chartered nonpublic 134552
schools and shall state the percentage of the proceeds that is 134553
to be shared with those schools. 134554

If a percentage of the proceeds of such a tax are to be 134555
shared with chartered nonpublic schools under this division, 134556
such proceeds shall be shared with all chartered nonpublic 134557
schools located in the territory of the school district. Of the 134558
percentage of the proceeds to be shared with chartered nonpublic 134559
schools, each such school shall receive an amount that bears the 134560
same proportion of that percentage that the number of resident 134561
students attending that school bears to the total number of 134562
resident students attending all such schools in the territory of 134563
the school district. For the purposes of this section, a 134564
resident student is a student enrolled in a chartered nonpublic 134565
school located in the territory of the school district who is 134566
entitled to attend school in the school district under section 134567
3313.64 or 3313.65 of the Revised Code. 134568

All proceeds of the levy shall be credited to a fund of 134569
the school district created for that purpose, and the board of 134570
education shall pay each chartered nonpublic school its share of 134571
the proceeds from that fund not less frequently than once after 134572
each settlement of taxes under divisions (A) and (C) of section 134573
321.24 of the Revised Code. Any chartered nonpublic school 134574
receiving payments under this section shall use all of such 134575
payments only for providing for school safety and security. 134576

Sec. 5705.212. (A) (1) The board of education of any school district, at any time and by a vote of two-thirds of all of its members, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district, that it is necessary to levy not more than five taxes in excess of that limitation for current expenses, and that each of the proposed taxes first will be levied in a different year, over a specified period of time. The board shall identify the taxes proposed under this section as follows: the first tax to be levied shall be called the "original tax." Each tax subsequently levied shall be called an "incremental tax." The rate of each incremental tax shall be identical, but the rates of such incremental taxes need not be the same as the rate of the original tax. The resolution also shall state that the question of these additional taxes shall be submitted to the electors of the school district at a special election. The resolution shall specify separately for each tax proposed: the amount of the increase in rate that it is necessary to levy, expressed separately for the original tax and each incremental tax; that the purpose of the levy is for current expenses; the number of years during which the original tax shall be in effect; a specification that the last year in which the original tax is in effect shall also be the last year in which each incremental tax shall be in effect; and the year in which each tax first is proposed to be levied. The original tax may be levied for any number of years not exceeding ten, or for a continuing period of time. The resolution shall specify the date of holding the special election, which shall not be earlier than ninety days after the adoption and certification of the resolution and shall be consistent with the requirements of section 3501.01 of the Revised Code.

(2) The board of education, by a vote of two-thirds of all 134609
of its members, may adopt a resolution proposing to renew taxes 134610
levied other than for a continuing period of time under division 134611
(A) (1) of this section. Such a resolution shall provide for 134612
levying a tax and specify all of the following: 134613

(a) That the tax shall be called and designated on the 134614
ballot as a renewal levy; 134615

(b) The rate of the renewal tax, which shall be a single 134616
rate that combines the rate of the original tax and each 134617
incremental tax into a single rate. The rate of the renewal tax 134618
shall not exceed the aggregate rate of the original and 134619
incremental taxes. 134620

(c) The number of years, not to exceed ten, that the 134621
renewal tax will be levied, or that it will be levied for a 134622
continuing period of time; 134623

(d) That the purpose of the renewal levy is for current 134624
expenses; 134625

(e) Subject to the certification and notification 134626
requirements of section 5705.251 of the Revised Code, that the 134627
question of the renewal levy shall be submitted to the electors 134628
of the school district at the general election held during the 134629
last year the original tax may be extended on the real and 134630
public utility property tax list and duplicate or at a special 134631
election held during the ensuing year. 134632

(3) A resolution adopted under division (A) (1) or (2) of 134633
this section shall go into immediate effect upon its adoption 134634
and no publication of the resolution is necessary other than 134635
that provided for in the notice of election. Immediately after 134636
its adoption, a copy of the resolution shall be certified to the 134637

board of elections of the proper county in the manner provided 134638
by division (A) of section 5705.251 of the Revised Code, and 134639
that division shall govern the arrangements for the submission 134640
of the question and other matters concerning the election to 134641
which that section refers. The election shall be held on the 134642
date specified in the resolution. If a majority of the electors 134643
voting on the question so submitted in an election vote in favor 134644
of the taxes or a renewal tax, the board of education, if the 134645
original or a renewal tax is authorized to be levied for the 134646
current year, immediately may make the necessary levy within the 134647
school district at the authorized rate, or at any lesser rate in 134648
excess of the ten-mill limitation, for the purpose stated in the 134649
resolution. No tax shall be imposed prior to the year specified 134650
in the resolution as the year in which it is first proposed to 134651
be levied. The rate of the original tax and the rate of each 134652
incremental tax shall be cumulative, so that the aggregate rate 134653
levied in any year is the sum of the rates of both the original 134654
tax and all incremental taxes levied in or prior to that year 134655
under the same proposal. A tax levied for a continuing period of 134656
time under this section may be reduced pursuant to section 134657
5705.261 of the Revised Code. 134658

(B) Notwithstanding section 133.30 of the Revised Code, 134659
after the approval of a tax to be levied in the current or the 134660
succeeding year and prior to the time when the first tax 134661
collection from that levy can be made, the board of education 134662
may anticipate a fraction of the proceeds of the levy and issue 134663
anticipation notes in an amount not to exceed fifty per cent of 134664
the total estimated proceeds of the levy to be collected during 134665
the first year of the levy. The notes shall be sold as provided 134666
in Chapter 133. of the Revised Code. If anticipation notes are 134667
issued, they shall mature serially and in substantially equal 134668

amounts during each year over a period not to exceed five years; 134669
and the amount necessary to pay the interest and principal as 134670
the anticipation notes mature shall be deemed appropriated for 134671
those purposes from the levy, and appropriations from the levy 134672
by the board of education shall be limited each fiscal year to 134673
the balance available in excess of that amount. 134674

If the auditor of state has certified a deficit pursuant 134675
to section 3313.483 of the Revised Code, the notes authorized 134676
under this section may be sold in accordance with Chapter 133. 134677
of the Revised Code, except that the board may sell the notes 134678
after providing a reasonable opportunity for competitive 134679
bidding. 134680

(C) (1) The board of education of a qualifying school 134681
district, at any time and by a vote of two-thirds of all its 134682
members, may declare by resolution that it is necessary to levy 134683
not more than five taxes in excess of the ten-mill limitation 134684
for the current expenses of partnering community schools and, if 134685
any of the levy proceeds are so allocated, of the school 134686
district, and that each of the proposed taxes first will be 134687
levied in a different year, over a specified period of time. A 134688
qualifying school district that is not a municipal school 134689
district may allocate all of the levy proceeds to partnering 134690
community schools. A municipal school district shall allocate a 134691
portion of the levy proceeds to the current expenses of the 134692
district. The board shall identify the taxes proposed under this 134693
division in the same manner as in division (A) (1) of this 134694
section. The rate of each incremental tax shall be identical, 134695
but the rates of such incremental taxes need not be the same as 134696
the rate of the original tax. In addition to the specifications 134697
required of the resolution in division (A) of this section, the 134698
resolution shall state the number of the mills to be levied each 134699

year for the current expenses of the partnering community 134700
schools and the number of the mills, if any, to be levied each 134701
year for the current expenses of the school district. The number 134702
of mills for the current expenses of partnering community 134703
schools shall be the same for each of the incremental taxes, and 134704
the number of mills for the current expenses of the qualifying 134705
school district shall be the same for each of the incremental 134706
taxes. 134707

The levy of taxes for the current expenses of a partnering 134708
community school under division (C) of this section and the 134709
distribution of proceeds from the tax by a qualifying school 134710
district to partnering community schools is hereby determined to 134711
be a proper public purpose. 134712

(2) The board of education, by a vote of two-thirds of all 134713
of its members, may adopt a resolution proposing to renew taxes 134714
levied other than for a continuing period of time under division 134715
(C)(1) of this section. In such a renewal levy, the rates 134716
allocated to the qualifying school district and to partnering 134717
community schools each may be increased or decreased or remain 134718
the same, and the total rate may be ~~increased, decreased,~~ or 134719
remain the same. In addition to the requirements of division (A) 134720
(2) of this section, the resolution shall state the number of 134721
the mills to be levied for the current expenses of the 134722
partnering community schools and the number of the mills to be 134723
levied for the current expenses of the school district. 134724

(3) A resolution adopted under division (C)(1) or (2) of 134725
this section is subject to the rules and procedures prescribed 134726
by division (A)(3) of this section. 134727

(4) The proceeds of each tax levied under division (C)(1) 134728
or (2) of this section shall be credited and distributed in the 134729

manner prescribed by division (B) (3) of section 5705.21 of the Revised Code, and divisions (B) (4), (5), and (6) of that section apply to taxes levied under division (C) of this section.

(5) Notwithstanding section 133.30 of the Revised Code, after the approval of a tax to be levied under division (C) (1) or (2) of this section, in the current or succeeding year and prior to the time when the first tax collection from that levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the qualifying school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of levy proceeds to be allocated to partnering community schools shall not be included in the estimated proceeds anticipated under this division and shall not be used to pay debt charges on any anticipation notes.

The notes shall be sold as provided in Chapter 133. of the Revised Code. If anticipation notes are issued, they shall mature serially and in substantially equal amounts during each year over a period not to exceed five years. The amount necessary to pay the interest and principal as the anticipation notes mature shall be deemed appropriated for those purposes from the levy, and appropriations from the levy by the board of education shall be limited each fiscal year to the balance available in excess of that amount.

If the auditor of state has certified a deficit pursuant to section 3313.483 of the Revised Code, the notes authorized under this section may be sold in accordance with Chapter 133. of the Revised Code, except that the board may sell the notes

after providing a reasonable opportunity for competitive 134760
bidding. 134761

As used in division (C) of this section, "qualifying 134762
school district" and "partnering community schools" have the 134763
same meanings as in section 5705.21 of the Revised Code. 134764

(D) The submission of questions to the electors under this 134765
section is subject to the limitation on the number of election 134766
dates established by section 5705.214 of the Revised Code. 134767

(E) When a school board certifies a resolution to the 134768
county auditor under division (B) (1) of section 5705.03 of the 134769
Revised Code proposing to levy a tax under division (A) (1) or 134770
(C) (1) of this section, the county auditor shall certify, in 134771
addition to the other information the auditor is required to 134772
certify under that section, an estimate of both the levy's 134773
annual collections for the tax year for which the original tax 134774
applies and the levies' aggregate annual collections for the tax 134775
year for which the final incremental tax applies, in both cases 134776
rounded to the nearest dollar, which shall be calculated 134777
assuming that the amount of the tax list of the taxing authority 134778
remains throughout the life of the levy the same as the amount 134779
of the tax list most recently certified by the county auditor 134780
under division (A) of section 319.28 of the Revised Code. If a 134781
school district is located in more than one county, the county 134782
auditor shall obtain from the county auditor of each other 134783
county in which the district is located the current tax 134784
valuation for the portion of the district in that county. 134785

Sec. 5705.213. (A) (1) The board of education of any school 134786
district, at any time and by a vote of two-thirds of all of its 134787
members, may declare by resolution that the amount of taxes that 134788
may be raised within the ten-mill limitation will be 134789

insufficient to provide an adequate amount for the present and 134790
future requirements of the school district and that it is 134791
necessary to levy a tax in excess of that limitation for current 134792
expenses. The resolution also shall state that the question of 134793
the additional tax shall be submitted to the electors of the 134794
school district at a special election. The resolution shall 134795
specify, for each year the levy is in effect, the amount of 134796
money that the levy is proposed to raise, which may, for years 134797
after the first year the levy is made, be expressed in terms of 134798
a dollar or percentage increase over the prior year's amount. 134799
The resolution also shall specify that the purpose of the levy 134800
is for current expenses, the number of years during which the 134801
tax shall be in effect which may be for any number of years not 134802
exceeding ten, and the year in which the tax first is proposed 134803
to be levied. The resolution shall specify the date of holding 134804
the special election, which shall not be earlier than ninety- 134805
five days after the adoption and certification of the resolution 134806
to the county auditor and not earlier than ninety days after 134807
certification to the board of elections. The date of the 134808
election shall be consistent with the requirements of section 134809
3501.01 of the Revised Code. 134810

(2) The board of education, by a vote of two-thirds of all 134811
of its members, may adopt a resolution proposing to renew a tax 134812
levied under division (A) (1) of this section. Such a resolution 134813
shall provide for levying a tax and specify all of the 134814
following: 134815

(a) That the tax shall be called and designated on the 134816
ballot as a renewal levy; 134817

(b) The amount of the renewal tax, which shall be no more 134818
than the amount of tax levied during the last year the tax being 134819

renewed is authorized to be in effect; 134820

(c) The number of years, not to exceed ten, that the 134821
renewal tax will be levied, or that it will be levied for a 134822
continuing period of time; 134823

(d) That the purpose of the renewal levy is for current 134824
expenses; 134825

(e) Subject to the certification and notification 134826
requirements of section 5705.251 of the Revised Code, that the 134827
question of the renewal levy shall be submitted to the electors 134828
of the school district at the general election held during the 134829
last year the tax being renewed may be extended on the real and 134830
public utility property tax list and duplicate or at a special 134831
election held during the ensuing year. 134832

(3) A resolution adopted under division (A) (1) or (2) of 134833
this section shall go into immediate effect upon its adoption 134834
and no publication of the resolution is necessary other than 134835
that provided for in the notice of election. Immediately after 134836
its adoption, a copy of the resolution shall be certified to the 134837
county auditor of the proper county, who shall, within ten days, 134838
calculate and certify to the board of education the estimated 134839
levy, for the first year, and for each subsequent year for which 134840
the tax is proposed to be in effect. The estimates shall be made 134841
both in mills for each one dollar of taxable value and in 134842
dollars for each one hundred thousand dollars of the county 134843
auditor's ~~appraised~~ market value. In making the estimates, the 134844
auditor shall assume that the amount of the tax list remains 134845
throughout the life of the levy, the same as the tax list most 134846
recently certified by the county auditor under division (A) of 134847
section 319.28 of the Revised Code. 134848

If the board desires to proceed with the submission of the 134849
question, it shall certify its resolution, with the estimated 134850
tax levy expressed in mills for each one dollar of taxable value 134851
and dollars for each one hundred thousand dollars of the county 134852
auditor's ~~appraised~~ market value for each year that the tax is 134853
proposed to be in effect, to the board of elections of the 134854
proper county in the manner provided by division (A) of section 134855
5705.251 of the Revised Code. Section 5705.251 of the Revised 134856
Code shall govern the arrangements for the submission of the 134857
question and other matters concerning the election to which that 134858
section refers. The election shall be held on the date specified 134859
in the resolution. If a majority of the electors voting on the 134860
question so submitted in an election vote in favor of the tax, 134861
and if the tax is authorized to be levied for the current year, 134862
the board of education immediately may make the additional levy 134863
necessary to raise the amount specified in the resolution or a 134864
lesser amount for the purpose stated in the resolution. 134865

(4) The submission of questions to the electors under this 134866
section is subject to the limitation on the number of election 134867
dates established by section 5705.214 of the Revised Code. 134868

(B) Notwithstanding section 133.30 of the Revised Code, 134869
after the approval of a tax to be levied in the current or the 134870
succeeding year and prior to the time when the first tax 134871
collection from that levy can be made, the board of education 134872
may anticipate a fraction of the proceeds of the levy and issue 134873
anticipation notes in an amount not to exceed fifty per cent of 134874
the total estimated proceeds of the levy to be collected during 134875
the first year of the levy. The notes shall be sold as provided 134876
in Chapter 133. of the Revised Code. If anticipation notes are 134877
issued, they shall mature serially and in substantially equal 134878
amounts during each year over a period not to exceed five years; 134879

and the amount necessary to pay the interest and principal as 134880
the anticipation notes mature shall be deemed appropriated for 134881
those purposes from the levy, and appropriations from the levy 134882
by the board of education shall be limited each fiscal year to 134883
the balance available in excess of that amount. 134884

If the auditor of state has certified a deficit pursuant 134885
to section 3313.483 of the Revised Code, the notes authorized 134886
under this section may be sold in accordance with Chapter 133. 134887
of the Revised Code, except that the board may sell the notes 134888
after providing a reasonable opportunity for competitive 134889
bidding. 134890

Sec. 5705.215. (A) The governing board of an educational 134891
service center that is the taxing authority of a county school 134892
financing district, upon receipt of identical resolutions 134893
adopted within a sixty-day period by a majority of the members 134894
of the board of education of each school district that is within 134895
the territory of the county school financing district, may 134896
submit a tax levy to the electors of the territory in the same 134897
manner as a school board may submit a levy under division (C) of 134898
section 5705.21 of the Revised Code, except that: 134899

(1) The levy may be for a period not to exceed ten years, 134900
or, if the levy is solely for the purpose or purposes described 134901
in division (A) (2) (a), (c), or (f) of this section, for a 134902
continuing period of time. 134903

(2) The purpose of the levy shall be one or more of the 134904
following: 134905

(a) For current expenses for the provision of special 134906
education and related services within the territory of the 134907
district; 134908

(b) For permanent improvements within the territory of the 134909
district for special education and related services; 134910

(c) For current expenses for specified educational 134911
programs within the territory of the district; 134912

(d) For permanent improvements within the territory of the 134913
district for specified educational programs; 134914

(e) For permanent improvements within the territory of the 134915
district; 134916

(f) For current expenses for school safety and security 134917
and mental health services, including training and employment of 134918
or contracting for the services of safety personnel, mental 134919
health personnel, social workers, and counselors. 134920

(B) If the levy provides for but is not limited to current 134921
expenses, the resolutions shall apportion the annual rate of the 134922
levy between current expenses and the other purposes. The 134923
apportionment need not be the same for each year of the levy, 134924
but the respective portions of the rate actually levied each 134925
year for current expenses and the other purposes shall be 134926
limited by that apportionment. 134927

(C) Prior to the application of section 319.301 of the 134928
Revised Code, the rate of a levy that is limited to, or to the 134929
extent that it is apportioned to, purposes other than current 134930
expenses shall be reduced in the same proportion in which the 134931
district's total valuation increases during the life of the levy 134932
because of additions to such valuation that have resulted from 134933
improvements added to the tax list and duplicate. 134934

(D) After the approval of a county school financing 134935
district levy under this section, the taxing authority may 134936
anticipate a fraction of the proceeds of such levy and may from 134937

time to time during the life of such levy, but in any given year 134938
prior to the time when the tax collection from such levy can be 134939
made for that year, issue anticipation notes in an amount not 134940
exceeding fifty per cent of the estimated proceeds of the levy 134941
to be collected in each year up to a period of five years after 134942
the date of the issuance of such notes, less an amount equal to 134943
the proceeds of such levy obligated for each year by the 134944
issuance of anticipation notes, provided that the total amount 134945
maturing in any one year shall not exceed fifty per cent of the 134946
anticipated proceeds of the levy for that year. Each issue of 134947
notes shall be sold as provided in Chapter 133. of the Revised 134948
Code, and shall, except for the limitation that the total amount 134949
of such notes maturing in any one year shall not exceed fifty 134950
per cent of the anticipated proceeds of such levy for that year, 134951
mature serially in substantially equal installments during each 134952
year over a period not to exceed five years after their 134953
issuance. 134954

(E) (1) In a resolution to be submitted to the taxing 134955
authority of a county school financing district under division 134956
(A) of this section calling for a ballot issue on the question 134957
of the levying of a tax for a continuing period of time by the 134958
taxing authority, the board of education of a school district 134959
that is part of the territory of the county school financing 134960
district also may propose to reduce the rate of one or more of 134961
that school district's property taxes levied for a continuing 134962
period of time in excess of the ten-mill limitation. The 134963
reduction in the rate of a property tax may be any amount, not 134964
exceeding the rate at which the tax is authorized to be levied. 134965
The reduction in the rate of a tax shall first take effect in 134966
the same year that the county school financing district tax 134967
takes effect, and shall continue for each year that the county 134968

school financing district tax is in effect. A board of 134969
education's resolution proposing to reduce the rate of one or 134970
more of its school district property taxes shall, in addition to 134971
including information required for a resolution under division 134972
(B) (1) of section 5705.03 of the Revised Code, specifically 134973
identify each such tax and shall state for each tax the maximum 134974
rate at which it currently may be levied and the maximum rate at 134975
which it could be levied after the proposed reduction, expressed 134976
in mills for each one dollar of taxable value. 134977

Before submitting the resolution to the taxing authority 134978
of the county school financing district, the board of education 134979
of the school district shall certify a copy of it to the tax 134980
commissioner and the county auditor. The county auditor shall 134981
certify to the board all information required under division (B) 134982
(2) of section 5705.03 of the Revised Code, in the manner 134983
required under that division, and both of the following: 134984

(a) An estimate of the levy's annual collections beginning 134985
for the first year for which the reduction applies, rounded to 134986
the nearest dollar, which shall be calculated assuming that the 134987
amount of the tax list of the taxing authority remains 134988
throughout the life of the reduced levy the same as the amount 134989
of the tax list most recently certified by the county auditor 134990
under division (A) of section 319.28 of the Revised Code. 134991

If a school district is located in more than one county, 134992
the county auditor shall obtain from the county auditor of each 134993
other county in which the district is located the current tax 134994
valuation for the portion of the district in that county. 134995

(b) The effective rate of the levy for the last year 134996
before the proposed reduction and the first year that the 134997
reduction applies, both expressed in dollars for each one 134998

hundred thousand dollars of the county auditor's ~~appraised-~~ 134999
market value. 135000

The tax commissioner, within ten days of receiving the 135001
resolution, shall certify to the board the reduction in the 135002
school district's total effective tax rate for each class of 135003
property that would have resulted if the proposed reduction in 135004
the rate or rates had been in effect the previous year. As used 135005
in this paragraph, "effective tax rate" has the same meaning as 135006
in section 323.08 of the Revised Code. 135007

After receiving these certifications from the commissioner 135008
and the auditor, the board may amend its resolution to change 135009
the proposed property tax rate reduction before submitting the 135010
resolution to the financing district taxing authority, provided 135011
the board certifies a copy of the amended resolution to the 135012
county auditor with a request to provide the information 135013
required under divisions (E)(1)(a) and (b) of this section and 135014
the auditor transmits that information to the taxing authority. 135015

If the board of education of a school district that is 135016
part of the territory of a county school financing district 135017
adopts a resolution proposing to reduce the rate of one or more 135018
of its property taxes in conjunction with the levying of a tax 135019
by the financing district, the resolution submitted by the board 135020
to the taxing authority of the financing district under division 135021
(A) of this section does not have to be identical in this 135022
respect to the resolutions submitted by the boards of education 135023
of the other school districts that are part of the territory of 135024
the county school financing district. 135025

(2) Each school district that is part of the territory of 135026
a county school financing district may tailor to its own 135027
situation a proposed reduction in one or more property tax rates 135028

in conjunction with the proposed levying of a tax by the county 135029
school financing district; if one such school district proposes 135030
a reduction in one or more tax rates, another school district 135031
may propose a reduction of a different size or may propose no 135032
reduction. Within each school district that is part of the 135033
territory of the county school financing district, the electors 135034
shall vote on one ballot issue combining the question of the 135035
levying of the tax by the taxing authority of the county school 135036
financing district with, if any such reduction is proposed, the 135037
question of the reduction in the rate of one or more taxes of 135038
the school district. If a majority of the electors of the county 135039
school financing district voting on the question of the proposed 135040
levying of a tax by the taxing authority of the financing 135041
district vote to approve the question, any tax reductions 135042
proposed by school districts that are part of the territory of 135043
the financing district also are approved. 135044

(3) The form of the ballot for an issue proposing to levy 135045
a county school financing district tax in conjunction with the 135046
reduction of the rate of one or more school district taxes shall 135047
be as follows: 135048

"Shall the _____ (name of the county school financing 135049
district) be authorized to levy an additional tax for _____ 135050
(purpose stated in the resolutions), that the county auditor 135051
estimates will collect \$_____ annually, at a rate not exceeding 135052
_____ mills for each \$1 of taxable value, which amounts to 135053
\$_____ for each \$100,000 of the county auditor's ~~appraised~~ 135054
market value, for a continuing period of time? If the county 135055
school financing district tax is approved, the rate of an 135056
existing tax currently levied by the _____ (name of the school 135057
district of which the elector is a resident) at the rate of 135058
_____ mills shall be reduced to _____ mills for each \$1 of 135059

taxable value, which amounts to a reduction from \$_____ 135060
(effective rate) to \$_____ (effective rate) for each \$100,000 135061
of the county auditor's ~~appraised~~ market value, that the county 135062
auditor estimates will collect \$_____ annually, until any such 135063
time as the county school financing district tax is decreased or 135064
repealed. 135065
135066

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

If the board of education of the school district proposes 135067
to reduce the rate of more than one of its existing taxes, the 135068
second sentence of the ballot language shall be modified for 135069
residents of that district to express the rates and effective 135070
rates at which those taxes currently are levied and the rates 135071
and effective rates to which they would be reduced as well as 135072
each levy's estimated annual collections, as provided by the 135073
county auditor under division (E) (1) (a) of this section. If the 135074
board of education of the school district does not propose to 135075
reduce the rate of any of its taxes, the second sentence of the 135076
ballot language shall not be used for residents of that 135077
district. In any case, the first sentence of the ballot language 135078
shall be the same for all the electors in the county school 135079
financing district, but the second sentence shall be different 135080
in each school district depending on whether and in what amount 135081
the board of education of the school district proposes to reduce 135082
the rate of one or more of its property taxes. 135083

(4) If the rate of a school district property tax is 135084
reduced pursuant to this division, the tax commissioner shall 135085
compute the percentage required to be computed for that tax 135086

under division (D) of section 319.301 of the Revised Code each 135087
year the rate is reduced as if the tax had been levied in the 135088
preceding year at the rate to which it has been reduced. If the 135089
reduced rate of a tax is increased under division (E) (5) of this 135090
section, the commissioner shall compute the percentage required 135091
to be computed for that tax under division (D) of section 135092
319.301 of the Revised Code each year the rate is increased as 135093
if the tax had been levied in the preceding year at the rate to 135094
which it has been increased. 135095

(5) After the levying of a county school financing 135096
district tax in conjunction with the reduction of the rate of 135097
one or more school district taxes is approved by the electors 135098
under this division, if the rate of the county school financing 135099
district tax is decreased pursuant to an election under section 135100
5705.261 of the Revised Code, the rate of each school district 135101
tax that had been reduced shall be increased by the number of 135102
mills obtained by multiplying the number of mills of the 135103
original reduction by the same percentage that the financing 135104
district tax rate is decreased. If the county school financing 135105
district tax is repealed pursuant to an election under section 135106
5705.261 of the Revised Code, each school district may resume 135107
levying the property taxes that had been reduced at the full 135108
rate originally approved by the electors. A reduction in the 135109
rate of a school district property tax under this division is a 135110
reduction in the rate at which the board of education may levy 135111
that tax only for the period during which the county school 135112
financing district tax is levied prior to any decrease or repeal 135113
under section 5705.261 of the Revised Code. The resumption of 135114
the authority of the board of education to levy an increased or 135115
the full rate of tax does not constitute the levying of a new 135116
tax in excess of the ten-mill limitation. 135117

(F) If a county school financing district has a tax in 135118
effect under this section, the territory of a city, local, or 135119
exempted village school district that is not a part of the 135120
county school financing district shall not become a part of the 135121
county school financing district unless approved by the electors 135122
of the city, local, or exempted village school district in 135123
accordance with division (C) of section 3311.50 of the Revised 135124
Code. 135125

Sec. 5705.217. (A) The board of education of a city, 135126
local, or exempted village school district, at any time by a 135127
vote of two-thirds of all its members, may declare by resolution 135128
that the amount of taxes that can be raised within the ten-mill 135129
limitation will be insufficient to provide an adequate amount 135130
for the present and future requirements of the school district; 135131
that it is necessary to levy an additional tax in excess of that 135132
limitation for the purposes of providing funds for current 135133
operating expenses and for general permanent improvements as 135134
defined in section 5705.21 of the Revised Code; and that the 135135
question of the tax shall be submitted to the electors of the 135136
district at a special election. The tax may be levied for a 135137
specified number of years not exceeding five or for a continuing 135138
period of time. The resolution shall specify the proposed tax 135139
rate, the first year the tax will be levied, and the number of 135140
years it will be levied, or that it will be levied for a 135141
continuing period of time. The resolution shall apportion the 135142
annual rate of the tax between current operating expenses and 135143
permanent improvements. The apportionment may but need not be 135144
the same for each year of the tax, but the respective portions 135145
of the rate actually levied each year for current operating 135146
expenses and permanent improvements shall be limited by the 135147
apportionment. 135148

The resolution shall specify the date of holding the special election, which shall not be earlier than ninety days after certification of the resolution to the board of elections and shall be consistent with the requirements of section 3501.01 of the Revised Code. The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution to the board of elections immediately after its adoption. Section 5705.25 of the Revised Code governs the arrangements and form of the ballot for the submission of the question to the electors.

If a majority of the electors voting on the question vote in favor of the tax, the board of education may make the levy at the additional rate, or at any lesser rate in excess of the ten-mill limitation. If the tax is for a continuing period of time, it may be decreased in accordance with section 5705.261 of the Revised Code.

A board of education may adopt a resolution to renew one or more existing levies imposed under this section, or to ~~increase or~~ decrease the rate of a tax levied under this section, for the purpose of providing funds for either current expenses and general permanent improvements or solely for general permanent improvements.

(B) (1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy.

(2) After the approval of a tax for general permanent 135179
improvements levied under this section for a specified number of 135180
years, the board of education may anticipate a fraction of the 135181
proceeds of such tax and issue anticipation notes in a principal 135182
amount not exceeding fifty per cent of the total estimated 135183
proceeds of the tax remaining to be collected in each year over 135184
a specified period of years, not exceeding the number of years 135185
for which the tax was levied, after issuance of the notes. 135186

(3) After the approval of a tax for general permanent 135187
improvements levied under this section for a continuing period 135188
of time, the board of education may anticipate a fraction of the 135189
proceeds of such tax and issue anticipation notes in a principal 135190
amount not exceeding fifty per cent of the total estimated 135191
proceeds of the tax to be collected in each year over a 135192
specified period of years, not exceeding ten, after issuance of 135193
the notes. 135194

Anticipation notes under this section shall be issued as 135195
provided in section 133.24 of the Revised Code. Notes issued 135196
under division (B) (1) or (2) of this section shall have 135197
principal payments during each year after the year of their 135198
issuance over a period not to exceed five years, and may have a 135199
principal payment in the year of their issuance. Notes issued 135200
under division (B) (3) of this section shall have principal 135201
payments during each year after the year of their issuance over 135202
a period not to exceed ten years, and may have a principal 135203
payment in the year of their issuance. 135204

(C) The submission of a question to the electors under 135205
this section is subject to the limitation on the number of 135206
elections that can be held in a year under section 5705.214 of 135207
the Revised Code. 135208

Sec. 5705.218. (A) The board of education of a city, 135209
local, or exempted village school district, at any time by a 135210
vote of two-thirds of all its members, may declare by resolution 135211
that it may be necessary for the school district to issue 135212
general obligation bonds for permanent improvements. The 135213
resolution shall state all of the following: 135214

(1) The necessity and purpose of the bond issue; 135215

(2) The date of the special election at which the question 135216
shall be submitted to the electors; 135217

(3) The amount, approximate date, estimated rate of 135218
interest, and maximum number of years over which the principal 135219
of the bonds may be paid; 135220

(4) The necessity of levying a tax outside the ten-mill 135221
limitation to pay debt charges on the bonds and any anticipatory 135222
securities. 135223

On adoption of the resolution, the board shall certify a 135224
copy of it to the county auditor. The county auditor promptly 135225
shall estimate and certify to the board the average annual 135226
property tax rate, expressed in mills for each one dollar of 135227
taxable value and in dollars for each one hundred thousand 135228
dollars of the county auditor's ~~appraised~~-market value, required 135229
throughout the stated maturity of the bonds to pay debt charges 135230
on the bonds in the same manner as under division (C) of section 135231
133.18 of the Revised Code. 135232

(B) After receiving the county auditor's certification 135233
under division (A) of this section, the board of education of 135234
the city, local, or exempted village school district, by a vote 135235
of two-thirds of all its members, may declare by resolution that 135236
the amount of taxes that can be raised within the ten-mill 135237

limitation will be insufficient to provide an adequate amount 135238
for the present and future requirements of the school district; 135239
that it is necessary to issue general obligation bonds of the 135240
school district for permanent improvements and to levy an 135241
additional tax in excess of the ten-mill limitation to pay debt 135242
charges on the bonds and any anticipatory securities; that it is 135243
necessary for a specified number of years or for a continuing 135244
period of time to levy additional taxes in excess of the ten- 135245
mill limitation to provide funds for the acquisition, 135246
construction, enlargement, renovation, and financing of 135247
permanent improvements or to pay for current operating expenses, 135248
or both; and that the question of the bonds and taxes shall be 135249
submitted to the electors of the school district at a special 135250
election, which shall not be earlier than ninety days after 135251
certification of the resolution to the board of elections, and 135252
the date of which shall be consistent with section 3501.01 of 135253
the Revised Code. The resolution shall specify all of the 135254
following: 135255

(1) The county auditor's estimate of the average annual 135256
property tax rate required throughout the stated maturity of the 135257
bonds to pay debt charges on the bonds; 135258

(2) The proposed rate of the tax, if any, for current 135259
operating expenses expressed in mills for each one dollar of 135260
taxable value and in dollars for each one hundred thousand 135261
dollars of the county auditor's ~~appraised~~ market value, the 135262
first year the tax will be levied, and the number of years it 135263
will be levied, or that it will be levied for a continuing 135264
period of time; 135265

(3) The proposed rate of the tax, if any, for permanent 135266
improvements expressed in mills for each one dollar of taxable 135267

value and in dollars for each one hundred thousand dollars of 135268
the county auditor's ~~appraised~~ market value, the first year the 135269
tax will be levied, and the number of years it will be levied, 135270
or that it will be levied for a continuing period of time. 135271

The resolution shall apportion the annual rate of the tax 135272
between current operating expenses and permanent improvements, 135273
if both taxes are proposed. The apportionment may but need not 135274
be the same for each year of the tax, but the respective 135275
portions of the rate actually levied each year for current 135276
operating expenses and permanent improvements shall be limited 135277
by the apportionment. The resolution shall go into immediate 135278
effect upon its passage, and no publication of it is necessary 135279
other than that provided in the notice of election. The board of 135280
education shall certify a copy of the resolution, along with 135281
copies of the auditor's estimates and its resolution under 135282
division (A) of this section, to the board of elections 135283
immediately after its adoption. 135284

(C) The board of elections shall make the arrangements for 135285
the submission to the electors of the school district of the 135286
question proposed under division (B) or (J) of this section, and 135287
the election shall be conducted, canvassed, and certified in the 135288
same manner as regular elections in the district for the 135289
election of county officers. The resolution shall be put before 135290
the electors as one ballot question, with a favorable vote 135291
indicating approval of the bond issue, the levy to pay debt 135292
charges on the bonds and any anticipatory securities, the 135293
current operating expenses levy, the permanent improvements 135294
levy, and the levy for the current expenses of a qualifying 135295
school district and of partnering community schools, as those 135296
levies may be proposed. The board of elections shall publish 135297
notice of the election in a newspaper of general circulation in 135298

the school district once a week for two consecutive weeks, or as 135299
provided in section 7.16 of the Revised Code, prior to the 135300
election. If a board of elections operates and maintains a web 135301
site, that board also shall post notice of the election on its 135302
web site for thirty days prior to the election. The notice of 135303
election shall state all of the following: 135304

(1) The principal amount of the proposed bond issue; 135305

(2) The permanent improvements for which the bonds are to 135306
be issued; 135307

(3) The maximum number of years over which the principal 135308
of the bonds may be paid; 135309

(4) The estimated additional average annual property tax 135310
rate to pay the debt charges on the bonds, as certified by the 135311
county auditor and expressed in mills for each one dollar of 135312
taxable value and in dollars for each one hundred thousand 135313
dollars of the county auditor's ~~appraised~~-market value; 135314

(5) The proposed rate of the additional tax, if any, for 135315
current operating expenses expressed in mills for each one 135316
dollar of taxable value and in dollars for each one hundred 135317
thousand dollars of the county auditor's ~~appraised~~-market value 135318
and, if the question is proposed under division (J) of this 135319
section, the portion of the rate to be allocated to the school 135320
district and the portion to be allocated to partnering community 135321
schools; 135322

(6) The number of years the current operating expenses tax 135323
will be in effect, or that it will be in effect for a continuing 135324
period of time; 135325

(7) The proposed rate of the additional tax, if any, for 135326
permanent improvements expressed in mills for each one dollar of 135327

taxable value and in dollars for each one hundred thousand 135328
dollars of the county auditor's ~~appraised~~-market value; 135329

(8) The number of years the permanent improvements tax 135330
will be in effect, or that it will be in effect for a continuing 135331
period of time; 135332

(9) The annual estimated collections, if applicable, of 135333
the current operating expenses levy and permanent improvements 135334
levy, as certified by the county auditor; 135335

(10) The time and place of the special election. 135336

(D) The form of the ballot for an election under this 135337
section is as follows: 135338

"Shall the _____ school district be authorized to do 135339
the following: 135340

(1) Issue bonds for the purpose of _____ in the 135341
principal amount of \$_____, to be repaid annually over a 135342
maximum period of _____ years, and levy a property tax outside 135343
the ten-mill limitation, estimated by the county auditor to 135344
average over the bond repayment period _____ mills for each \$1 135345
of taxable value, which amounts to \$_____ for each \$100,000 of 135346
the county auditor's ~~appraised~~-market value, to pay the annual 135347
debt charges on the bonds, and to pay debt charges on any notes 135348
issued in anticipation of those bonds?" 135349

If either a levy for permanent improvements or a levy for 135350
current operating expenses is proposed, or both are proposed, 135351
the ballot also shall contain the following language, as 135352
appropriate: 135353

"(2) Levy an additional property tax to provide funds for 135354
the acquisition, construction, enlargement, renovation, and 135355

financing of permanent improvements, that the county auditor 135356
estimates will collect \$_____ annually, at a rate not exceeding 135357
_____ mills for each \$1 of taxable value, which amounts to 135358
\$_____ for each \$100,000 of the county auditor's ~~appraised-~~ 135359
market value, for _____ (number of years of the levy, or a 135360
continuing period of time)? 135361

(3) Levy an additional property tax to pay current 135362
operating expenses, that the county auditor estimates will 135363
collect \$_____ annually, at a rate not exceeding _____ mills 135364
for each \$1 of taxable value, which amounts to \$_____ for each 135365
\$100,000 of the county auditor's ~~appraised-market~~ value, for 135366
_____ (number of years of the levy, or a continuing period of 135367
time)? 135368
135369

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

If the question is proposed under division (J) of this 135370
section, the form of the ballot shall be modified as prescribed 135371
by division (J) (4) of this section. 135372

(E) The board of elections promptly shall certify the 135373
results of the election to the tax commissioner and the county 135374
auditor of the county in which the school district is located. 135375
If a majority of the electors voting on the question vote for 135376
it, the board of education may proceed with issuance of the 135377
bonds and with the levy and collection of the property tax or 135378
taxes at the additional rate or any lesser rate in excess of the 135379
ten-mill limitation. Any securities issued by the board of 135380
education under this section are Chapter 133. securities, as 135381
that term is defined in section 133.01 of the Revised Code. 135382

(F) (1) After the approval of a tax for current operating 135383
expenses under this section and prior to the time the first 135384
collection and distribution from the levy can be made, the board 135385
of education may anticipate a fraction of the proceeds of such 135386
levy and issue anticipation notes in a principal amount not 135387
exceeding fifty per cent of the total estimated proceeds of the 135388
tax to be collected during the first year of the levy. 135389

(2) After the approval of a tax under this section for 135390
permanent improvements having a specific purpose, the board of 135391
education may anticipate a fraction of the proceeds of such tax 135392
and issue anticipation notes in a principal amount not exceeding 135393
fifty per cent of the total estimated proceeds of the tax 135394
remaining to be collected in each year over a period of five 135395
years after issuance of the notes. 135396

(3) After the approval of a tax under this section for 135397
general permanent improvements as defined under section 5705.21 135398
of the Revised Code, the board of education may anticipate a 135399
fraction of the proceeds of such tax and issue anticipation 135400
notes in a principal amount not exceeding fifty per cent of the 135401
total estimated proceeds of the tax to be collected in each year 135402
over a specified period of years, not exceeding ten, after 135403
issuance of the notes. 135404

Anticipation notes under this section shall be issued as 135405
provided in section 133.24 of the Revised Code. Notes issued 135406
under division (F) (1) or (2) of this section shall have 135407
principal payments during each year after the year of their 135408
issuance over a period not to exceed five years, and may have a 135409
principal payment in the year of their issuance. Notes issued 135410
under division (F) (3) of this section shall have principal 135411
payments during each year after the year of their issuance over 135412

a period not to exceed ten years, and may have a principal 135413
payment in the year of their issuance. 135414

(G) A tax for current operating expenses or for permanent 135415
improvements levied under this section for a specified number of 135416
years may be renewed ~~or replaced~~ in the same manner as a tax for 135417
current operating expenses or for permanent improvements levied 135418
under section 5705.21 of the Revised Code. A tax for current 135419
operating expenses or for permanent improvements levied under 135420
this section for a continuing period of time may be decreased in 135421
accordance with section 5705.261 of the Revised Code. 135422

(H) The submission of a question to the electors under 135423
this section is subject to the limitation on the number of 135424
elections that can be held in a year under section 5705.214 of 135425
the Revised Code. 135426

(I) A school district board of education proposing a 135427
ballot measure under this section to generate local resources 135428
for a project under the school building assistance expedited 135429
local partnership program under section 3318.36 of the Revised 135430
Code may combine the questions under division (D) of this 135431
section with a question for the levy of a property tax to 135432
generate moneys for maintenance of the classroom facilities 135433
acquired under that project as prescribed in section 3318.361 of 135434
the Revised Code. 135435

(J) (1) After receiving the county auditor's certifications 135436
under division (A) of this section, the board of education of a 135437
qualifying school district, by a vote of two-thirds of all its 135438
members, may declare by resolution that it is necessary to levy 135439
a tax in excess of the ten-mill limitation for the purpose of 135440
paying the current expenses of the school district and of 135441
partnering community schools, as defined in section 5705.21 of 135442

the Revised Code; that it is necessary to issue general 135443
obligation bonds of the school district for permanent 135444
improvements of the district and to levy an additional tax in 135445
excess of the ten-mill limitation to pay debt charges on the 135446
bonds and any anticipatory securities; and that the question of 135447
the bonds and taxes shall be submitted to the electors of the 135448
school district at a special election, which shall not be 135449
earlier than ninety days after certification of the resolution 135450
to the board of elections, and the date of which shall be 135451
consistent with section 3505.01 of the Revised Code. 135452

The levy of taxes for the current expenses of a partnering 135453
community school under division (J) of this section and the 135454
distribution of proceeds from the tax by a qualifying school 135455
district to partnering community schools is hereby determined to 135456
be a proper public purpose. 135457

(2) The tax for the current expenses of the school 135458
district and of partnering community schools is subject to the 135459
requirements of divisions (B)(3), (4), and (5) of section 135460
5705.21 of the Revised Code. 135461

(3) In addition to the required specifications of the 135462
resolution under division (B) of this section, the resolution 135463
shall express the rate of the tax in mills for each one dollar 135464
of taxable value and in dollars for each one hundred thousand 135465
dollars of the county auditor's ~~appraised~~ market value, state 135466
the number of the mills to be levied for the current expenses of 135467
the partnering community schools and the number of the mills to 135468
be levied for the current expenses of the school district, 135469
specify the number of years (not exceeding ten) the tax will be 135470
levied or that it will be levied for a continuing period of 135471
time, and state the first year the tax will be levied. 135472

The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections immediately after its adoption.

(4) The form of the ballot shall be modified by replacing the ballot form set forth in division (D) (3) of this section with the following:

"Levy an additional property tax for the purpose of the current expenses of the school district and of partnering community schools, that the county auditor estimates will collect \$_____ annually, at a rate not exceeding _____ mills for each \$1 of taxable value (of which _____ (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to \$_____ for each \$100,000 of the county auditor's ~~appraised market~~ value, for _____ (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time)?

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

(5) After the approval of a tax for the current expenses of the school district and of partnering community schools under division (J) of this section, and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of the

levy for the current expenses of the school district and issue 135500
anticipation notes in a principal amount not exceeding fifty per 135501
cent of the estimated proceeds of the levy to be collected 135502
during the first year of the levy and allocated to the school 135503
district. The portion of levy proceeds to be allocated to 135504
partnering community schools shall not be included in the 135505
estimated proceeds anticipated under this division and shall not 135506
be used to pay debt charges on any anticipation notes. 135507

The notes shall be issued as provided in section 133.24 of 135508
the Revised Code, shall have principal payments during each year 135509
after the year of their issuance over a period not to exceed 135510
five years, and may have a principal payment in the year of 135511
their issuance. 135512

(6) A tax for the current expenses of the school district 135513
and of partnering community schools levied under division (J) of 135514
this section for a specified number of years may be renewed ~~or~~ 135515
~~replaced~~ in the same manner as a tax for the current expenses of 135516
a school district and of partnering community schools levied 135517
under division (B) of section 5705.21 of the Revised Code. A tax 135518
for the current expenses of the school district and of 135519
partnering community schools levied under this division for a 135520
continuing period of time may be decreased in accordance with 135521
section 5705.261 of the Revised Code. 135522

(7) The proceeds from the issuance of the general 135523
obligation bonds under division (J) of this section shall be 135524
used solely to pay for permanent improvements of the school 135525
district and not for permanent improvements of partnering 135526
community schools. 135527

Sec. 5705.219. (A) As used in this section: 135528

(1) "Eligible school district" means a city, local, or 135529
exempted village school district in which the taxes charged and 135530
payable for current expenses on residential/agricultural real 135531
property in the tax year preceding the year in which the levy 135532
authorized by this section will be submitted for elector 135533
approval or rejection are greater than two per cent of the 135534
taxable value of the residential/agricultural real property. 135535

(2) "Residential/agricultural real property" and 135536
"nonresidential/agricultural real property" means the property 135537
classified as such under section 5713.041 of the Revised Code. 135538

(3) "Effective tax rate" and "taxes charged and payable" 135539
have the same meanings as in division (B) of section 319.301 of 135540
the Revised Code. 135541

(B) On or after January 1, 2010, but before January 1, 135542
2015, the board of education of an eligible school district, by 135543
a vote of two-thirds of all its members, may adopt a resolution 135544
proposing to convert existing levies imposed for the purpose of 135545
current expenses into a levy raising a specified amount of tax 135546
money by repealing all or a portion of one or more of those 135547
existing levies and imposing a levy in excess of the ten-mill 135548
limitation that will raise a specified amount of money for 135549
current expenses of the district. 135550

The board of education shall certify a copy of the 135551
resolution to the tax commissioner not later than one hundred 135552
five days before the election upon which the repeal and levy 135553
authorized by this section will be proposed to the electors. 135554
Within ten days after receiving the copy of the resolution, the 135555
tax commissioner shall determine each of the following and 135556
certify the determinations to the board of education: 135557

- (1) The dollar amount to be raised by the proposed levy, 135558
which shall be the product of: 135559
- (a) The difference between the aggregate effective tax 135560
rate for residential/agricultural real property for the tax year 135561
preceding the year in which the repeal and levy will be proposed 135562
to the electors and twenty mills for each one dollar of taxable 135563
value; 135564
- (b) The total taxable value of all property on the tax 135565
list of real and public utility property for the tax year 135566
preceding the year in which the repeal and levy will be proposed 135567
to the electors. 135568
- (2) The estimated tax rate of the proposed levy. 135569
- (3) The existing levies and any portion of an existing 135570
levy to be repealed upon approval of the question. Levies shall 135571
be repealed in reverse chronological order from most recently 135572
imposed to least recently imposed until the sum of the effective 135573
tax rates repealed for residential/agricultural real property is 135574
equal to the difference calculated in division (B) (1) (a) of this 135575
section. 135576
- (4) The sum of the following: 135577
- (a) The total taxable value of nonresidential/agricultural 135578
real property for the tax year preceding the year in which the 135579
repeal and levy will be proposed to the electors multiplied by 135580
the difference between (i) the aggregate effective tax rate for 135581
nonresidential/agricultural real property for the existing 135582
levies and any portion of an existing levy to be repealed and 135583
(ii) the amount determined under division (B) (1) (a) of this 135584
section, but not less than zero; 135585
- (b) The total taxable value of public utility tangible 135586

personal property for the tax year preceding the year in which 135587
the repeal and levy will be proposed to the electors multiplied 135588
by the difference between (i) the aggregate voted tax rate for 135589
the existing levies and any portion of an existing levy to be 135590
repealed and (ii) the amount determined under division (B) (1) (a) 135591
of this section, but not less than zero. 135592

(C) Upon receipt of the certification from the tax 135593
commissioner under division (B) of this section, a majority of 135594
the members of the board of education may adopt a resolution 135595
proposing the repeal of the existing levies as identified in the 135596
certification and the imposition of a levy in excess of the ten- 135597
mill limitation that will raise annually the amount certified by 135598
the commissioner. If the board determines that the tax should be 135599
for an amount less than that certified by the commissioner, the 135600
board may request that the commissioner redetermine the rate 135601
under division (B) (2) of this section on the basis of the lesser 135602
amount the levy is to raise as specified by the board. The 135603
amount certified under division (B) (4) and the levies to be 135604
repealed as certified under division (B) (3) of this section 135605
shall not be redetermined. Within ten days after receiving a 135606
timely request specifying the lesser amount to be raised by the 135607
levy, the commissioner shall redetermine the rate and recertify 135608
it to the board as otherwise provided in division (B) of this 135609
section. Only one such request may be made by the board of 135610
education of an eligible school district. 135611

The resolution shall state the first calendar year in 135612
which the levy will be due; the existing levies and any portion 135613
of an existing levy that will be repealed, as certified by the 135614
commissioner; the term of the levy expressed in years, which may 135615
be any number not exceeding ten, or that it will be levied for a 135616
continuing period of time; and the date of the election, which 135617

shall be the date of a primary or general election. 135618

Immediately upon its passage, the resolution shall go into 135619
effect and shall be certified by the board of education to the 135620
county auditor of the proper county. The county auditor and the 135621
board of education shall proceed as required under section 135622
5705.195 of the Revised Code, as that section existed before the 135623
effective date of its repeal by this act. No publication of the 135624
resolution is necessary other than that provided for in the 135625
notice of election. Section 5705.196 of the Revised Code, as 135626
that section existed before the effective date of its repeal by 135627
this act, shall govern the matters concerning the election. The 135628
submission of a question to the electors under this section is 135629
subject to the limitation on the number of election dates 135630
established by section 5705.214 of the Revised Code. 135631

(D) The form of the ballot to be used at the election 135632
provided for in this section shall be as follows: 135633

"Shall the existing levy of _____ (insert the voted 135634
millage rate of the levy to be repealed), currently being 135635
charged against residential and agricultural property by the 135636
_____ (insert the name of school district) at a rate of 135637
_____ (insert the residential/agricultural real property 135638
effective tax rate of the levy being repealed) for the purpose 135639
of _____ (insert the purpose of the existing levy) be 135640
repealed, and shall a levy be imposed by the _____ (insert 135641
the name of school district) in excess of the ten-mill 135642
limitation for the necessary requirements of the school district 135643
in the sum of _____ (insert the annual amount the levy is 135644
to produce), estimated by the tax commissioner to require 135645
_____ (insert the number of mills) mills for each one 135646
dollar of valuation, which amounts to _____ (insert the 135647

rate expressed in dollars and cents) for each one hundred 135648
dollars of valuation for the initial year of the tax, for a 135649
period of _____ (insert the number of years the levy is to 135650
be imposed, or that it will be levied for a continuing period of 135651
time), commencing in _____ (insert the first year the tax 135652
is to be levied), first due in calendar year _____ (insert 135653
the first calendar year in which the tax shall be due)? 135654
135655

	FOR THE RENEWAL OF THE TAX LEVY
	AGAINST THE RENEWAL OF THE TAX LEVY

"

135656

	FOR THE REPEAL AND TAX
	AGAINST THE REPEAL AND TAX

"

If the question submitted is a proposal to repeal all or a 135657
portion of more than one existing levy, the form of the ballot 135658
shall be modified by substituting the statement "shall the 135659
existing levy of" with "shall existing levies of" and inserting 135660
the aggregate voted and aggregate effective tax rates to be 135661
repealed. 135662

(E) If a majority of the electors voting on the question 135663
submitted in an election vote in favor of the repeal and levy, 135664
the result shall be certified immediately after the canvass by 135665
the board of elections to the board of education. The board of 135666
education may make the levy necessary to raise the amount 135667
specified in the resolution for the purpose stated in the 135668
resolution and shall certify it to the county auditor, who shall 135669
extend it on the current year tax lists for collection. After 135670
the first year, the levy shall be included in the annual tax 135671

budget that is certified to the county budget commission. 135672

(F) A levy imposed under this section for a continuing 135673
period of time may be decreased or repealed pursuant to section 135674
5705.261 of the Revised Code. If a levy imposed under this 135675
section is decreased, the amount calculated under division (B) 135676
(4) of this section and paid under section 5705.2110 of the 135677
Revised Code shall be decreased by the same proportion as the 135678
levy is decreased. If the levy is repealed, no further payments 135679
shall be made to the district under that section. 135680

(G) At any time, the board of education, by a vote of two- 135681
thirds of all of its members, may adopt a resolution to renew a 135682
tax levied under this section. The resolution shall provide for 135683
levying the tax and specifically all of the following: 135684

(1) That the tax shall be called, and designated on the 135685
ballot as, a renewal levy; 135686

(2) The amount of the renewal tax, which shall be no more 135687
than the amount of tax previously collected; 135688

(3) The number of years, not to exceed ten, that the 135689
renewal tax will be levied, or that it will be levied for a 135690
continuing period of time; 135691

(4) That the purpose of the renewal tax is for current 135692
expenses. 135693

The board shall certify a copy of the resolution to the 135694
board of elections not later than ninety days before the date of 135695
the election at which the question is to be submitted, which 135696
shall be the date of a primary or general election. 135697

(H) The form of the ballot to be used at the election on 135698
the question of renewing a levy under this section shall be as 135699

follows:

"Shall a tax levy renewing an existing levy of _____
(insert the annual dollar amount the levy is to produce each
year), estimated to require _____ (insert the number of
mills) mills for each \$1 of taxable value, which amounts to
\$_____ for each \$100,000 of the county auditor's ~~appraised~~
market value, be imposed by the _____ (insert the name of
school district) for the purpose of current expenses for a
period of _____ (insert the number of years the levy is to
be imposed, or that it will be levied for a continuing period of
time), commencing in _____ (insert the first year the tax
is to be levied), first due in calendar year _____ (insert
the first calendar year in which the tax shall be due)?

	FOR THE RENEWAL OF THE TAX LEVY
	AGAINST THE RENEWAL OF THE TAX LEVY

"

If the levy submitted is to be for less than the amount of
money previously collected, the form of the ballot shall be
modified to add "and reducing" after "renewing" and to add
before "estimated to require" the statement "be approved at a
tax rate necessary to produce \$_____ (insert the lower
annual dollar amount the levy is to produce each year)."

Sec. 5705.2111. (A) If the board of directors of a
regional student education district created under section
3313.83 of the Revised Code desires to levy a tax in excess of
the ten-mill limitation throughout the district for the purpose
of funding the services to be provided by the district to
students enrolled in the school districts of which the district
is composed and their immediate family members, the board shall

propose the levy to each of the boards of education of those 135727
school districts. The proposal shall specify the rate or amount 135728
of the tax, the number of years the tax will be levied or that 135729
it will be levied for a continuing period of time, and that the 135730
aggregate rate of the tax shall not exceed three mills per 135731
dollar of taxable value in the regional student education 135732
district. 135733

(B) (1) If a majority of the boards of education of the 135734
school districts of which the regional student education 135735
district is composed approves the proposal for the tax levy, the 135736
board of directors of the regional student education district 135737
may adopt a resolution approved by a majority of the board's 135738
full membership declaring the necessity of levying the proposed 135739
tax in excess of the ten-mill limitation throughout the district 135740
for the purpose of funding the services to be provided by the 135741
district to students enrolled in the school districts of which 135742
the district is composed and their immediate family members. The 135743
resolution shall provide for the question of the tax to be 135744
submitted to the electors of the district at a general, primary, 135745
or special election on a day to be specified in the resolution 135746
that is consistent with the requirements of section 3501.01 of 135747
the Revised Code and that occurs at least ninety days after the 135748
resolution is certified to the board of elections. The 135749
resolution shall specify the rate or amount of the tax and the 135750
number of years the tax will be levied or that the tax will be 135751
levied for a continuing period of time. The aggregate rate of 135752
tax levied by a regional student education district under this 135753
section at any time shall not exceed three mills per dollar of 135754
taxable value in the district. A tax levied under this section 135755
may be renewed, subject to section 5705.25 of the Revised Code, ~~or~~ 135756
~~or replaced as provided in section 5705.192 of the Revised Code.~~ 135757

(2) The resolution shall take effect immediately upon 135758
passage, and no publication of the resolution is necessary other 135759
than that provided in the notice of election. The resolution 135760
shall be certified and submitted in the manner provided under 135761
section 5705.25 of the Revised Code, and that section governs 135762
the arrangements governing submission of the question and other 135763
matters concerning the election. 135764

Sec. 5705.2114. (A) If the board of directors of a career- 135765
technical cooperative education district created under section 135766
3313.831 of the Revised Code desires to levy a tax in excess of 135767
the ten-mill limitation throughout the district for the purpose 135768
of funding the services to be provided by the district to 135769
students enrolled in the school districts of which the district 135770
is composed, the board shall propose the levy to each of the 135771
boards of education of those school districts. The proposal 135772
shall specify the rate or amount of the tax, the number of years 135773
the tax will be levied or that it will be levied for a 135774
continuing period of time, and that the aggregate rate of the 135775
tax shall not exceed three mills per dollar of taxable value in 135776
the career-technical cooperative education district. 135777

(B) (1) If a majority of the boards of education of the 135778
school districts of which the career-technical cooperative 135779
education district is composed approves the proposal for the tax 135780
levy, the board of directors of the career-technical cooperative 135781
education district may adopt a resolution approved by a majority 135782
of the board's full membership declaring the necessity of 135783
levying the proposed tax in excess of the ten-mill limitation 135784
throughout the district for the purpose of funding the services 135785
to be provided by the district to students enrolled in the 135786
school districts of which the district is composed. The 135787
resolution shall provide for the question of the tax to be 135788

submitted to the electors of the district at a general, primary, 135789
or special election on a day to be specified in the resolution 135790
that is consistent with the requirements of section 3501.01 of 135791
the Revised Code and that occurs at least ninety days after the 135792
resolution is certified to the board of elections. The 135793
resolution shall specify the rate or amount of the tax and the 135794
number of years the tax will be levied or that the tax will be 135795
levied for a continuing period of time. The aggregate rate of 135796
tax levied by a career-technical cooperative education district 135797
under this section at any time shall not exceed three mills per 135798
dollar of taxable value in the district. A tax levied under this 135799
section may be renewed, subject to section 5705.25 of the 135800
Revised Code, except that the tax may not be renewed and 135801
increased. 135802

(2) The resolution shall take effect immediately upon 135803
passage, and no publication of the resolution is necessary other 135804
than that provided in the notice of election. The resolution 135805
shall be certified and submitted in the manner provided under 135806
section 5705.25 of the Revised Code, and that section governs 135807
the arrangements governing submission of the question and other 135808
matters concerning the election. 135809

Sec. 5705.221. (A) At any time, the board of county 135810
commissioners of any county by a majority vote of the full 135811
membership may declare by resolution and certify to the board of 135812
elections of the county that the amount of taxes which may be 135813
raised within the ten-mill limitation by levies on the current 135814
tax duplicate will be insufficient to provide the necessary 135815
requirements of the county's alcohol, drug addiction, and mental 135816
health service district established pursuant to Chapter 340. of 135817
the Revised Code, or the county's contribution to a joint-county 135818
district of which the county is a part, and that it is necessary 135819

to levy a tax in excess of such limitation for the operation of 135820
community addiction services providers and community mental 135821
health services providers and the acquisition, construction, 135822
renovation, financing, maintenance, and operation of alcohol and 135823
drug addiction facilities and mental health facilities. 135824

Such resolution shall conform to section 5705.19 of the 135825
Revised Code, except that the increased rate may be in effect 135826
for any number of years not exceeding ten. 135827

The resolution shall be certified and submitted in the 135828
manner provided in section 5705.25 of the Revised Code, except 135829
that it may be placed on the ballot in any election, and except 135830
as otherwise provided in division (G) of this section. The 135831
resolution shall be certified to the board of elections not less 135832
than ninety days before the election at which it will be voted 135833
upon. 135834

If the majority of the electors voting on a levy to 135835
supplement general fund appropriations for the support of the 135836
comprehensive community addiction and mental health services 135837
providers vote in favor of the levy, the board may levy a tax 135838
within the county at the additional rate outside the ten-mill 135839
limitation during the specified period, for the purpose stated 135840
in the resolution. 135841

(B) When electors have approved a tax levy under this 135842
section, the board of county commissioners may anticipate a 135843
fraction of the proceeds of the levy and, from time to time, 135844
issue anticipation notes in accordance with section 5705.191 or 135845
5705.193 of the Revised Code. 135846

(C) The county auditor who is the fiscal officer of the 135847
alcohol, drug addiction, and mental health service district, 135848

upon receipt of a resolution from the board of alcohol, drug 135849
addiction, and mental health services, shall establish for the 135850
district a capital improvements account or a reserve balance 135851
account, or both, as specified in the resolution. The capital 135852
improvements account shall be a contingency fund for the 135853
necessary acquisition, replacement, renovation, or construction 135854
of facilities and movable and fixed equipment. Upon the request 135855
of the board, funds not needed to pay for current expenses may 135856
be appropriated to the capital improvements account, in amounts 135857
such that the account does not exceed twenty-five per cent of 135858
the replacement value of all capital facilities and equipment 135859
currently used by the board for programs and services. Other 135860
funds which are available for current capital expenses from 135861
federal, state, or local sources may also be appropriated to 135862
this account. 135863

The reserve balance account shall contain those funds that 135864
are not needed to pay for current operating expenses and not 135865
deposited in the capital improvements account but that will be 135866
needed to pay for operating expenses in the future. Upon the 135867
request of a board, such funds shall be appropriated to the 135868
reserve balance account. Payments from the capital improvements 135869
account and the reserve balance account shall be made by the 135870
county treasurer who is the custodian of funds for the district 135871
upon warrants issued by the county auditor who is the fiscal 135872
officer of the district pursuant to orders of the board. 135873

(D) If a board of county commissioners levies a tax under 135874
this section for the county's contribution to a joint-county 135875
district of which the county is a part, revenue from the tax 135876
shall only be expended for the benefit of the residents of the 135877
county. 135878

(E) If a board of county commissioners levies a tax under 135879
this section for the county's contribution to a joint-county 135880
district of which the county is a part and that district expands 135881
or contracts due to the addition or withdrawal of another 135882
county, the board, provided that county remains a part of the 135883
newly expanded or contracted joint-county district, shall 135884
continue to levy and collect that tax, pursuant to the terms 135885
originally approved by electors, for the county's contribution 135886
to the newly expanded or contracted joint-county district of 135887
which the county is a part. Notwithstanding ~~sections 5705.192-~~ 135888
~~and section~~ 5705.25 of the Revised Code, the election notice and 135889
ballot language of a renewal ~~or replacement~~ of such a levy shall 135890
identify the name of the newly expanded or contracted joint- 135891
county district. 135892

(F) If a board of county commissioners levies a tax under 135893
this section for the county's contribution to a joint-county 135894
district of which the county is a part and the county withdraws 135895
from the district, the board shall continue to levy and collect 135896
that tax, pursuant to the terms originally approved by electors, 135897
for one of the following purposes, if either situation applies: 135898

(1) For the county's contribution to a newly joined joint- 135899
county district, if the county joins such a joint-county 135900
district in the tax year after the year in which the county 135901
withdraws from the other joint-county district; 135902

(2) To provide the necessary requirements of the county's 135903
alcohol, drug addiction, and mental health service district, if 135904
the county establishes such a district under Chapter 340. of the 135905
Revised Code in the tax year after the year in which the county 135906
withdraws from the joint-county district. 135907

Notwithstanding ~~sections 5705.192 and section~~ 5705.25 of 135908

the Revised Code, the election notice and ballot language of a 135909
renewal ~~or replacement~~ of such a levy shall identify the name of 135910
the newly established district or newly joined joint-county 135911
district. 135912

(G) Division (G) of this section applies only if all of 135913
the following apply: 135914

(1) The county withdraws from a joint-county district. 135915

(2) The board of alcohol, drug addiction, and mental 135916
health services of that joint-county district levies a tax under 135917
section 5705.19 of the Revised Code in the tax year for which 135918
the county withdraws from the joint-county district. 135919

(3) The board of county commissioners of the withdrawing 135920
county adopts a resolution under division (A) of this section 135921
proposing a tax under this section that specifies that the first 135922
tax year the tax is to be levied by the board is the tax year 135923
after the year the tax described in division (G) (2) of this 135924
section expires or is renewed ~~or replaced~~, as authorized under 135925
division (B) of section 340.01 of the Revised Code. 135926

The proposed tax described in division (G) (3) of this 135927
section may be a renewal, renewal and decrease, or renewal and 135928
increase of the tax described in division (G) (2) of this 135929
section, except that, notwithstanding section 5705.25 of the 135930
Revised Code, the election notice and ballot language of a 135931
renewal of such a levy shall identify the county as the 135932
subdivision within which the tax will be levied and not the 135933
joint-county district from which the county withdrew. 135934

~~Alternatively, the tax described in division (G) (3) of~~ 135935
~~this section may be a replacement, replacement and decrease, or~~ 135936
~~replacement and increase of the tax described in division (G) (2)~~ 135937

~~of this section, as authorized under section 5705.192 of the~~ 135938
~~Revised Code, except that, notwithstanding that section, the~~ 135939
~~election notice and ballot language of a replacement of such a~~ 135940
~~levy shall identify the county as the subdivision within which~~ 135941
~~the tax will be levied and not the joint-county district from~~ 135942
~~which the county withdrew.~~ 135943

Sec. 5705.222. (A) At any time the board of county 135944
commissioners of any county by a majority vote of the full 135945
membership may declare by resolution and certify to the board of 135946
elections of the county that the amount of taxes which may be 135947
raised within the ten-mill limitation by levies on the current 135948
tax duplicate will be insufficient to provide the necessary 135949
requirements of the county board of developmental disabilities 135950
established pursuant to Chapter 5126. of the Revised Code and 135951
that it is necessary to levy a tax in excess of such limitation 135952
for the operation of community programs and services authorized 135953
by county boards of developmental disabilities, for the 135954
acquisition, construction, renovation, financing, maintenance, 135955
and operation of developmental disabilities facilities, or for 135956
both of such purposes. 135957

The resolution shall conform to section 5705.19 of the 135958
Revised Code, except that the increased rate may be in effect 135959
for any number of years not exceeding ten or for a continuing 135960
period of time. 135961

The resolution shall be certified and submitted in the 135962
manner provided in section 5705.25 of the Revised Code, except 135963
that it may be placed on the ballot in any election, and shall 135964
be certified to the board of elections not less than ninety days 135965
before the election at which it will be voted upon. 135966

If the majority of the electors voting on a levy for the 135967

support of the programs and services of the county board of 135968
developmental disabilities vote in favor of the levy, the board 135969
of county commissioners may levy a tax within the county at the 135970
additional rate outside the ten-mill limitation during the 135971
specified or continuing period, for the purpose stated in the 135972
resolution. 135973

The county board of developmental disabilities, within its 135974
budget and with the approval of the board of county 135975
commissioners through annual appropriations, shall use the 135976
proceeds of a levy approved under this section or division (L) 135977
of section 5705.19 of the Revised Code solely for the purposes 135978
authorized by that section or division. 135979

A board of county commissioners that levies a tax under 135980
this section or for the purpose authorized by division (L) of 135981
section 5705.19 of the Revised Code, by a majority vote of the 135982
full membership, may adopt a resolution to renew such a levy, or 135983
renew two or more such levies as a single ballot question, in 135984
the manner provided by section 5705.25 of the Revised Code for 135985
the renewal of existing levies. The purpose of the renewal levy 135986
may be for any of the purposes authorized for a levy imposed 135987
under this section or division (L) of section 5705.19 of the 135988
Revised Code. The term of the renewal levy may be for any number 135989
of years not exceeding ten or for a continuing period of time. 135990

(B) When electors have approved a tax levy under this 135991
section, the county commissioners may anticipate a fraction of 135992
the proceeds of the levy and issue anticipation notes in 135993
accordance with section 5705.191 or 5705.193 of the Revised 135994
Code. 135995

(C) The county auditor, upon receipt of a resolution from 135996
the county board of developmental disabilities, shall establish 135997

a capital improvements account or a reserve balance account, or 135998
both, as specified in the resolution. The capital improvements 135999
account shall be a contingency account for the necessary 136000
acquisition, replacement, renovation, or construction of 136001
facilities and movable and fixed equipment. Upon the request of 136002
the county board of developmental disabilities, moneys not 136003
needed to pay for current expenses may be appropriated to this 136004
account, in amounts such that this account does not exceed 136005
twenty-five per cent of the replacement value of all capital 136006
facilities and equipment currently used by the county board of 136007
developmental disabilities for developmental disabilities 136008
programs and services. Other moneys available for current 136009
capital expenses from federal, state, or local sources may also 136010
be appropriated to this account. 136011

The reserve balance account shall contain those moneys 136012
that are not needed to pay for current operating expenses and 136013
not deposited in the capital improvements account but that will 136014
be needed to pay for operating expenses in the future. Upon the 136015
request of a county board of developmental disabilities, the 136016
board of county commissioners may appropriate county funds, 136017
including funds from federal and state sources, to the reserve 136018
balance account. 136019

The total balance in a reserve balance account shall not 136020
exceed forty per cent of the county board of developmental 136021
disabilities' expenditures for all services in the preceding 136022
calendar year. 136023

~~Amounts in a capital improvements account or reserve~~ 136024
~~balance account that are not in excess of the limitations~~ 136025
~~prescribed in this division shall be considered reasonable and~~ 136026
~~shall not be taken into consideration by the county budget~~ 136027

~~commission when determining whether to reduce the taxing~~ 136028
~~authority of a county under section 5705.32 of the Revised Code.~~ 136029

Sec. 5705.233. (A) As used in this section, "criminal 136030
justice facility" means any facility located within the county 136031
in which a tax is levied under this section and for which the 136032
board of commissioners of such county may make an appropriation 136033
under section 307.45 of the Revised Code. 136034

(B) The board of county commissioners of any county, at 136035
any time, may declare by resolution that it may be necessary for 136036
the county to issue general obligation bonds for permanent 136037
improvements to a criminal justice facility, including the 136038
acquisition, construction, enlargement, renovation, or 136039
maintenance of such a facility. The resolution shall state all 136040
of the following: 136041

(1) The necessity and purpose of the bond issue; 136042

(2) The date of the general or special election at which 136043
the question shall be submitted to the electors; 136044

(3) The amount, approximate date, estimated rate of 136045
interest, and maximum number of years over which the principal 136046
of the bonds may be paid; 136047

(4) The necessity of levying a tax outside the ten-mill 136048
limitation to pay debt charges on the bonds and any anticipatory 136049
securities. 136050

On adoption of the resolution, the board of county 136051
commissioners shall certify a copy of it to the county auditor. 136052
The county auditor promptly shall estimate and certify to the 136053
board the average annual property tax rate, expressed in mills 136054
for each one dollar of taxable value and in dollars for each one 136055
hundred thousand dollars of the county auditor's ~~appraised~~ 136056

market value, required throughout the stated maturity of the 136057
bonds to pay debt charges on the bonds, in the same manner as 136058
under division (C) of section 133.18 of the Revised Code. Except 136059
as provided in division (C) of this section, division (B) of 136060
section 5705.03 of the Revised Code does not apply to tax levy 136061
proceedings initiated under this section. 136062

(C) After receiving the county auditor's certification 136063
under division (B) of this section and, if applicable, section 136064
5705.03 of the Revised Code, the board of county commissioners 136065
may declare by resolution that the amount of taxes that can be 136066
raised within the ten-mill limitation will be insufficient to 136067
provide an adequate amount for the present and future criminal 136068
justice requirements of the county; that it is necessary to 136069
issue general obligation bonds of the county for permanent 136070
improvements to a criminal justice facility and to levy an 136071
additional tax in excess of the ten-mill limitation to pay debt 136072
charges on the bonds and any anticipatory securities; that it is 136073
necessary for a specified number of years or for a continuing 136074
period of time to levy additional taxes in excess of the ten- 136075
mill limitation to provide funds for the acquisition, 136076
construction, enlargement, renovation, maintenance, and 136077
financing of permanent improvements to such a criminal justice 136078
facility or to pay for operating expenses of the facility and 136079
other criminal justice services for which the board may make an 136080
appropriation under section 307.45 of the Revised Code, or both; 136081
and that the question of the bonds and taxes shall be submitted 136082
to the electors of the county at a general or special election, 136083
which shall not be earlier than ninety days after certification 136084
of the resolution to the board of elections, and the date of 136085
which shall be consistent with section 3501.01 of the Revised 136086
Code. The resolution shall specify all of the following: 136087

(1) The county auditor's estimate of the average annual 136088
property tax rate required throughout the stated maturity of the 136089
bonds to pay debt charges on the bonds; 136090

(2) The proposed rate of the tax, if any, for operating 136091
expenses and criminal justice services, the first year the tax 136092
will be levied, and the number of years it will be levied, or 136093
that it will be levied for a continuing period of time; 136094

(3) The proposed rate of the tax, if any, for permanent 136095
improvements to a criminal justice facility, the first year the 136096
tax will be levied, and the number of years it will be levied, 136097
or that it will be levied for a continuing period of time. 136098

The resolution shall go into immediate effect upon its 136099
passage, and no publication of it is necessary other than that 136100
provided in the notice of election, except that division (B) of 136101
section 5705.03 of the Revised Code applies if the resolution 136102
proposes an additional tax for operating expenses and criminal 136103
justice services or permanent improvements. The board of county 136104
commissioners shall certify, immediately after its adoption, a 136105
copy of the resolution, along with copies of the auditor's 136106
certifications under division (B) of this section or section 136107
5705.03 of the Revised Code, if applicable, and the board's 136108
resolution under division (B) of this section, to the board of 136109
elections. 136110

(D) The board of elections shall make the arrangements for 136111
the submission of the question proposed under division (C) of 136112
this section to the electors of the county, and the election 136113
shall be conducted, canvassed, and certified in the same manner 136114
as regular elections in the county for the election of county 136115
officers. The resolution shall be put before the electors as one 136116
ballot question, with a favorable vote indicating approval of 136117

the bond issue, the levy to pay debt charges on the bonds and 136118
any anticipatory securities, the operating expenses and criminal 136119
justice services levy, and the permanent improvements levy, as 136120
those levies may be proposed. The board of elections shall 136121
publish notice of the election in a newspaper of general 136122
circulation in the county once a week for two consecutive weeks, 136123
or as provided in section 7.16 of the Revised Code, before the 136124
election. If a board of elections operates and maintains a web 136125
site, that board also shall post notice of the election on its 136126
web site for thirty days before the election. The notice of 136127
election shall state all of the following: 136128

(1) The principal amount of the proposed bond issue; 136129

(2) The permanent improvements for which the bonds are to 136130
be issued; 136131

(3) The maximum number of years over which the principal 136132
of the bonds may be paid; 136133

(4) The estimated additional average annual property tax 136134
rate, expressed in mills for each one dollar of taxable value 136135
and in dollars for each one hundred thousand dollars of the 136136
county auditor's ~~appraised~~ market value, to pay the debt charges 136137
on the bonds, as certified by the county auditor; 136138

(5) The proposed rate of the additional tax, if any, for 136139
operating expenses and criminal justice services; 136140

(6) The number of years the operating expenses or criminal 136141
justice services tax will be in effect, or that it will be in 136142
effect for a continuing period of time; 136143

(7) The proposed rate of the additional tax, if any, for 136144
permanent improvements; 136145

(8) The number of years the permanent improvements tax 136146
will be in effect, or that it will be in effect for a continuing 136147
period of time; 136148

(9) The estimated annual collections, if applicable, of 136149
the current operating expenses or criminal justice services levy 136150
and permanent improvements levy, as certified by the county 136151
auditor; 136152

(10) The time and place of the election. 136153

(E) The form of the ballot for an election under this 136154
section is as follows: 136155

"Shall _____ be authorized to do the following: 136156

(1) Issue bonds for the purpose of _____ in the 136157
principal amount of \$_____, to be repaid annually over a 136158
maximum period of _____ years, and levy a property tax outside 136159
the ten-mill limitation, estimated by the county auditor to 136160
average over the bond repayment period _____ mills for each \$1 136161
of taxable value, which amounts to \$_____ for each \$100,000 of 136162
the county auditor's ~~appraised~~ market value, to pay the annual 136163
debt charges on the bonds, and to pay debt charges on any notes 136164
issued in anticipation of those bonds?" 136165

If either a levy for permanent improvements or a levy for 136166
operating expenses and criminal justice services is proposed, or 136167
both are proposed, the ballot also shall contain the following 136168
language, as appropriate: 136169

"(2) Levy an additional property tax to provide funds for 136170
the acquisition, construction, enlargement, renovation, 136171
maintenance, and financing of permanent improvements to a 136172
criminal justice facility, that the county auditor estimates 136173
will collect \$_____ annually, at a rate not exceeding _____ 136174

mills for each \$1 of taxable value, which amounts to \$_____ 136175
for each \$100,000 of the county auditor's ~~appraised~~ market 136176
value, for _____ (number of years of the levy, or a continuing 136177
period of time)? 136178

(3) Levy an additional property tax to pay operating 136179
expenses of a criminal justice facility and provide other 136180
criminal justice services, that the county auditor estimates 136181
will collect \$_____ annually, at a rate not exceeding _____ 136182
mills for each \$1 of taxable value, which amounts to \$_____ 136183
for each \$100,000 of the county auditor's ~~appraised~~ market 136184
value, for _____ (number of years of the levy, or a continuing 136185
period of time)? 136186

FOR THE BOND ISSUE AND LEVY (OR LEVIES) 136187

AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)" 136188

(F) The board of elections promptly shall certify the 136189
results of the election to the tax commissioner and the county 136190
auditor. If a majority of the electors voting on the question 136191
vote for it, the board of county commissioners may proceed with 136192
issuance of the bonds and the levy and collection of the 136193
property tax for the debt service on the bonds and any 136194
anticipatory securities in the same manner and subject to the 136195
same limitations as for securities issued under section 133.18 136196
of the Revised Code, and with the levy and collection of the 136197
property tax or taxes for operating expenses and criminal 136198
justice services and for permanent improvements at the 136199
additional rate or any lesser rate in excess of the ten-mill 136200
limitation. Any securities issued by the board of commissioners 136201
under this section are Chapter 133. securities, as that term is 136202
defined in section 133.01 of the Revised Code. 136203

(G) (1) After the approval of a tax for operating expenses 136204
and criminal justice services under this section and before the 136205
time the first collection and distribution from the levy can be 136206
made, the board of county commissioners may anticipate a 136207
fraction of the proceeds of the levy and issue anticipation 136208
notes in a principal amount not exceeding fifty per cent of the 136209
total estimated proceeds of the tax to be collected during the 136210
first year of the levy. 136211

(2) After the approval of a tax under this section for 136212
permanent improvements to a criminal justice facility, the board 136213
of county commissioners may anticipate a fraction of the 136214
proceeds of the tax and issue anticipation notes in a principal 136215
amount not exceeding fifty per cent of the total estimated 136216
proceeds of the tax remaining to be collected in each year over 136217
a period of five years after issuance of the notes. 136218

Anticipation notes under this section shall be issued as 136219
provided in section 133.24 of the Revised Code. Notes issued 136220
under division (G) of this section shall have principal payments 136221
during each year after the year of their issuance over a period 136222
not to exceed five years, and may have a principal payment in 136223
the year of their issuance. 136224

(H) A tax for operating expenses and criminal justice 136225
services or for permanent improvements levied under this section 136226
for a specified number of years may be renewed ~~or replaced~~ in 136227
the same manner as a tax for current operating expenses or 136228
permanent improvements levied under section 5705.19 of the 136229
Revised Code. A tax levied under this section for a continuing 136230
period of time may be decreased in accordance with section 136231
5705.261 of the Revised Code. 136232

Sec. 5705.25. (A) (1) A copy of any resolution adopted as 136233

provided in section 5705.19 or 5705.2111 of the Revised Code 136234
shall be certified by the taxing authority to the board of 136235
elections of the proper county not less than ninety days before 136236
the general election in any year, and the board shall submit the 136237
proposal to the electors of the subdivision at the succeeding 136238
November election. In the case of a qualifying library levy, the 136239
board shall submit the question to the electors of the library 136240
district or association library district. 136241

(2) Except as otherwise provided in this division, a 136242
resolution to renew or to renew and increase or renew and 136243
decrease an existing levy, regardless of the section of the 136244
Revised Code under which the tax was imposed, shall not be 136245
placed on the ballot unless the question is submitted at the 136246
general election held during the last year the tax to be renewed 136247
may be extended on the real and public utility property tax list 136248
and duplicate, or at any election held in the ensuing year. The 136249
limitation of the foregoing sentence does not apply to a 136250
resolution to renew and increase or to renew and decrease an 136251
existing levy that was imposed under section 5705.191 of the 136252
Revised Code to supplement the general fund for the purpose of 136253
making appropriations for one or more of the following purposes: 136254
for public assistance, human or social services, relief, 136255
welfare, hospitalization, health, and support of general 136256
hospitals. The limitation of the second preceding sentence also 136257
does not apply to a resolution that proposes to renew two or 136258
more existing levies imposed under section 5705.222 or division 136259
(L) of section 5705.19 of the Revised Code, or under section 136260
5705.21 or 5705.217 of the Revised Code, in which case the 136261
question shall be submitted on the date of the general or 136262
primary election held during the last year at least one of the 136263
levies to be renewed may be extended on the real and public 136264

utility property tax list and duplicate, or at any election held 136265
during the ensuing year. A resolution proposing to renew or 136266
renew and increase or decrease an existing levy may specify that 136267
the renewal, increase, or decrease of the existing levy shall be 136268
extended on the tax list for the tax year specified in the 136269
resolution, which may be the last year the existing levy may be 136270
extended on the list or the ensuing year. If the renewal, 136271
increase, or decrease is to be extended on the tax list for the 136272
last tax year the existing levy would otherwise be extended, the 136273
existing levy shall not be extended on the tax list for that 136274
last year unless the question of the renewal, increase, or 136275
decrease is not approved by a majority of electors voting on the 136276
question, in which case the existing levy shall be extended on 136277
the tax list for that last year. 136278

For purposes of this section, a levy shall be considered 136279
to be an "existing levy" through the year following the last 136280
year it can be placed on the tax list and duplicate. 136281

(3) The board of elections shall make the necessary 136282
arrangements for the submission of such questions to the 136283
electors of such subdivision, library district, or association 136284
library district, and the election shall be conducted, 136285
canvassed, and certified in the same manner as regular elections 136286
in such subdivision, library district, or association library 136287
district for the election of county officers. Notice of the 136288
election shall be published in a newspaper of general 136289
circulation in the subdivision, library district, or association 136290
library district once a week for two consecutive weeks, or as 136291
provided in section 7.16 of the Revised Code, prior to the 136292
election. If the board of elections operates and maintains a web 136293
site, the board of elections shall post notice of the election 136294
on its web site for thirty days prior to the election. The 136295

notice shall state the purpose, the levy's estimated annual
collections if the levy is not to pay debt charges, the proposed
increase in rate, expressed in mills for each one dollar of
taxable value, either that rate or the effective rate, as
applicable, expressed in dollars for each one hundred thousand
dollars of the county auditor's ~~appraised~~ market value, the
number of years during which the increase will be in effect, the
first month and year in which the tax will be levied, and the
time and place of the election.

(B) The form of the ballots cast at an election held
pursuant to division (A) of this section shall be as follows:

"An additional tax for the benefit of (name of subdivision
or public library) _____ for the purpose of (purpose stated
in the resolution) _____, that the county auditor estimates
will collect \$_____ annually, at a rate not exceeding _____
mills for each \$1 of taxable value, which amounts to
\$_____ for each \$100,000 of the county auditor's
~~appraised~~ market value, for _____ (life of indebtedness or
number of years the levy is to run).

	For the Tax Levy
	Against the Tax Levy

"

(C) If the levy is to be in effect for a continuing period
of time, the notice of election and the form of ballot shall so
state instead of setting forth a specified number of years for
the levy.

If the additional tax or the renewal, increase, or
decrease of an existing levy is to be placed on the current tax

list, the form of the ballot shall be modified by adding, after 136322
the statement of the number of years the levy is to run, the 136323
phrase ", commencing in _____ (first year the tax is to be 136324
levied), first due in calendar year _____ (first calendar 136325
year in which the tax shall be due).". 136326

If the levy submitted is a proposal to renew, increase, or 136327
decrease an existing levy, the form of the ballot specified in 136328
division (B) of this section must be changed by substituting for 136329
the words "An additional" at the beginning of the form, the 136330
words "A renewal of a" in case of a proposal to renew an 136331
existing levy in the same amount; the words "A renewal of 136332
_____ mills and an increase of _____ mills for each \$1 of 136333
taxable value to constitute a" in the case of an increase; or 136334
the words "A renewal of part of an existing levy, being a 136335
reduction of _____ mills for each \$1 of taxable value, to 136336
constitute a" in the case of a decrease in the proposed levy. 136337
Additionally, the effective rate, in lieu of the rate, shall be 136338
expressed for each one hundred thousand dollars of the county 136339
auditor's ~~appraised~~ market value. 136340

If the levy submitted is a proposal to renew two or more 136341
existing levies imposed under section 5705.222 or division (L) 136342
of section 5705.19 of the Revised Code, or under section 5705.21 136343
or 5705.217 of the Revised Code, the form of the ballot 136344
specified in division (B) of this section shall be modified by 136345
substituting for the words "an additional tax" the words "a 136346
renewal of ____ (insert the number of levies to be renewed) 136347
existing taxes.". 136348

If the levy submitted is a levy under section 5705.72 of 136349
the Revised Code or a proposal to renew, increase, or decrease 136350
an existing levy imposed under that section, the name of the 136351

subdivision shall be "the unincorporated area of _____ 136352
(name of township)." 136353

If the levy is for the payment of debt charges, the form 136354
of the ballot shall be modified by omitting the phrase ", that 136355
the county auditor estimates will collect \$_____ annually." 136356

The question covered by a resolution adopted under this 136357
section shall be submitted as a separate proposition but may be 136358
printed on the same ballot with any other proposition submitted 136359
at the same election, other than the election of officers. More 136360
than one such question may be submitted at the same election. 136361

(D) A levy voted in excess of the ten-mill limitation 136362
under this section shall be certified to the tax commissioner. 136363
In the first year of the levy, it shall be extended on the tax 136364
lists after the February settlement succeeding the election. If 136365
the additional tax is to be placed upon the tax list of the 136366
current year, as specified in the resolution providing for its 136367
submission, the result of the election shall be certified 136368
immediately after the canvass by the board of elections to the 136369
taxing authority, who shall make the necessary levy and certify 136370
it to the county auditor, who shall extend it on the tax lists 136371
for collection. After the first year, the tax levy shall be 136372
included in the annual tax budget that is certified to the 136373
county budget commission. 136374

(E) A tax levied under section 5705.2111 of the Revised 136375
Code shall not be renewed and increased. 136376

Sec. 5705.251. (A) A copy of a resolution adopted under 136377
section 5705.212 or 5705.213 of the Revised Code shall be 136378
certified by the board of education to the board of elections of 136379
the proper county not less than ninety days before the date of 136380

the election specified in the resolution, and the board of 136381
elections shall submit the proposal to the electors of the 136382
school district at a special election to be held on that date. 136383
The board of elections shall make the necessary arrangements for 136384
the submission of the question or questions to the electors of 136385
the school district, and the election shall be conducted, 136386
canvassed, and certified in the same manner as regular elections 136387
in the school district for the election of county officers. 136388
Notice of the election shall be published in a newspaper of 136389
general circulation in the subdivision once a week for two 136390
consecutive weeks, or as provided in section 7.16 of the Revised 136391
Code, prior to the election. If the board of elections operates 136392
and maintains a web site, the board of elections shall post 136393
notice of the election on its web site for thirty days prior to 136394
the election. 136395

(1) In the case of a resolution adopted under section 136396
5705.212 of the Revised Code, the notice shall state separately, 136397
for each tax being proposed, the purpose; the proposed increase 136398
in rate, expressed in dollars for each one hundred thousand 136399
dollars of the county auditor's ~~appraised-market~~ value as well 136400
as in mills for each one dollar of taxable value; the number of 136401
years during which the increase will be in effect; and the first 136402
calendar year in which the tax will be due. The notice shall 136403
also state the original tax's estimated annual collections and 136404
the estimated aggregate annual collections of all such taxes. 136405
For an election on the question of a renewal levy, the notice 136406
shall state the purpose; the levy's estimated annual 136407
collections; the proposed rate, expressed in mills for each one 136408
dollar of taxable value; the effective rate, expressed in 136409
dollars for each one hundred thousand dollars of the county 136410
auditor's ~~appraised-market~~ value; and the number of years the 136411

tax will be in effect. If the resolution is adopted under 136412
division (C) of that section, the rate of each tax being 136413
proposed shall be expressed as both the total rate and the 136414
portion of the total rate to be allocated to the qualifying 136415
school district and the portion to be allocated to partnering 136416
community schools. 136417

(2) In the case of a resolution adopted under section 136418
5705.213 of the Revised Code, the notice shall state the 136419
purpose; the amount proposed to be raised by the tax in the 136420
first year it is levied; the estimated average additional tax 136421
rate for the first year it is proposed to be levied, expressed 136422
in mills for each one dollar of taxable value and in dollars for 136423
each one hundred thousand dollars of the county auditor's 136424
~~appraised-market~~ value; the number of years during which the 136425
increase will be in effect; and the first calendar year in which 136426
the tax will be due. The notice also shall state the amount by 136427
which the amount to be raised by the tax may be increased in 136428
each year after the first year. The amount of the allowable 136429
increase may be expressed in terms of a dollar increase over, or 136430
a percentage of, the amount raised by the tax in the immediately 136431
preceding year. For an election on the question of a renewal 136432
levy, the notice shall state the purpose; the amount proposed to 136433
be raised by the tax; the estimated tax rate, expressed in mills 136434
for each one dollar of taxable value and in dollars for each one 136435
hundred thousand dollars of the county auditor's ~~appraised-~~ 136436
market value; and the number of years the tax will be in effect. 136437

In any case, the notice also shall state the time and 136438
place of the election. 136439

(B) (1) The form of the ballot in an election on taxes 136440
proposed under section 5705.212 of the Revised Code shall be as 136441

follows:

"Shall the _____ school district be authorized to
levy taxes for current expenses, the aggregate rate of which may
increase in _____ (number) increment(s) of not more than _____
mill(s) for each \$1 of taxable value, from an original rate of
_____ mill(s) for each \$1 of taxable value, which amounts to
\$_____ for each \$100,000 of the county auditor's ~~appraised-~~
market value, that the county auditor estimates will collect
\$_____ annually, to a maximum rate of _____ mill(s) for each \$1
of taxable value, which amounts to \$_____ for each \$100,000 of
the county auditor's ~~appraised-~~market value, that the county
auditor estimates will collect \$_____ annually? The original tax
is first proposed to be levied in _____ (the first year of the
tax), and the incremental tax in _____ (the first year of the
increment) (if more than one incremental tax is proposed in the
resolution, the first year that each incremental tax is proposed
to be levied shall be stated in the preceding format, and the
increments shall be referred to as the first, second, third, or
fourth increment, depending on their number). The aggregate rate
of tax so authorized will _____ (insert either, "expire
with the original rate of tax which shall be in effect for
_____ years" or "be in effect for a continuing period of
time").

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

If the tax is proposed by a qualifying school district
under division (C) (1) of section 5705.212 of the Revised Code,
the form of the ballot shall be modified by adding, after the

phrase "each \$1 of taxable value," the following: "(of which _____ mills is to be allocated to partnering community schools)."

(2) The form of the ballot in an election on the question of a renewal levy under section 5705.212 of the Revised Code shall be as follows:

"Shall the _____ school district be authorized to renew a tax for current expenses, that the county auditor estimates will collect \$_____ annually, at a rate not exceeding _____ mills for each \$1 of taxable value, which amounts to \$_____ (effective rate) for each \$100,000 of the county auditor's ~~appraised~~ market value, for _____ (number of years the levy shall be in effect, or a continuing period of time)?

	FOR THE TAX LEVIES	
	AGAINST THE TAX LEVIES	"

If the tax is proposed by a qualifying school district under division (C) (2) of section 5705.212 of the Revised Code and the total rate and the rates allocated to the school district and partnering community schools are to remain the same as those of the levy being renewed, the form of the ballot shall be modified by adding, after the phrase "each \$1 of taxable value," the following: "(of which _____ mills is to be allocated to partnering community schools)." If the total rate is to be increased, the form of the ballot shall state that the proposal is to renew the existing tax with an increase in rate and shall state the increase in rate, the total rate resulting from the increase, and, of that rate, the portion of the rate to

be allocated to partnering community schools. If the total rate 136496
is to be decreased, the form of the ballot shall state that the 136497
proposal is to renew a part of the existing tax and shall state 136498
the reduction in rate, the total rate resulting from the 136499
decrease, and, of that rate, the portion of the rate to be 136500
allocated to partnering community schools. 136501

(3) If a tax proposed by a ballot form prescribed in 136502
division (B) (1) or (2) of this section is to be placed on the 136503
current tax list, the form of the ballot shall be modified by 136504
adding, after the statement of the number of years the levy is 136505
to be in effect, the phrase ", commencing in _____ (first 136506
year the tax is to be levied), first due in calendar year 136507
_____ (first calendar year in which the tax shall be due)." 136508

(C) The form of the ballot in an election on a tax 136509
proposed under section 5705.213 of the Revised Code shall be as 136510
follows: 136511

"Shall the _____ school district be authorized to levy 136512
the following tax for current expenses? The tax will first be 136513
levied in _____ (year) to raise \$_____. In the _____ (number 136514
of years) following years, the tax will increase by not more 136515
than _____ (per cent or dollar amount of increase) each year, 136516
so that, during _____ (last year of the tax), the tax will 136517
raise approximately _____ (dollars). The county auditor 136518
estimates that the rate will be _____ mill(s) for each \$1 of 136519
taxable value, which amounts to \$_____ for each \$100,000 of the 136520
county auditor's ~~appraised-market~~ value, both during _____ 136521
(first year of the tax) and _____ mill(s) for each \$1 of 136522
taxable value, which amounts to \$_____ for each \$100,000 of the 136523
county auditor's ~~appraised-market~~ value, during _____ (last 136524
year of the tax). The tax will not be levied after _____ 136525

(year) .

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	FOR THE TAX LEVIES	"
	AGAINST THE TAX LEVIES	

The form of the ballot in an election on the question of a
renewal levy under section 5705.213 of the Revised Code shall be
as follows:

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"Shall the _____ school district be authorized to
renew a tax for current expenses which will raise \$_____,
estimated by the county auditor to be _____ mills for each
\$1 of taxable value, which amounts to \$_____ for each
\$100,000 of the county auditor's ~~appraised market~~ value? The tax
shall be in effect for _____ (the number of years the levy
shall be in effect, or a continuing period of time).

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	FOR THE TAX LEVIES	"
	AGAINST THE TAX LEVIES	

If the tax is to be placed on the current tax list, the
form of the ballot shall be modified by adding, after the
statement of the number of years the levy is to be in effect,
the phrase ", commencing in _____ (first year the tax is to
be levied), first due in calendar year _____ (first
calendar year in which the tax shall be due)."

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(D) The question covered by a resolution adopted under
section 5705.212 or 5705.213 of the Revised Code shall be
submitted as a separate question, but may be printed on the same
ballot with any other question submitted at the same election,

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other than the election of officers. More than one question may 136549
be submitted at the same election. 136550

(E) Taxes voted in excess of the ten-mill limitation under 136551
division (B) or (C) of this section shall be certified to the 136552
tax commissioner. If an additional tax is to be placed upon the 136553
tax list of the current year, as specified in the resolution 136554
providing for its submission, the result of the election shall 136555
be certified immediately after the canvass by the board of 136556
elections to the board of education. The board of education 136557
immediately shall make the necessary levy and certify it to the 136558
county auditor, who shall extend it on the tax list for 136559
collection. After the first year, the levy shall be included in 136560
the annual tax budget that is certified to the county budget 136561
commission. 136562

Sec. 5705.261. (A) The question of decrease of an 136563
increased rate of levy approved for a continuing period of time 136564
by the voters of a subdivision or, in the case of a qualifying 136565
library levy, the voters of the library district or association 136566
library district, may be initiated by the filing of a petition 136567
with the board of elections of the proper county not less than 136568
ninety days before the general election in any year requesting 136569
that an election be held on such question. Such petition shall 136570
state the amount of the proposed decrease in the rate of levy 136571
and shall be signed by qualified electors residing in the 136572
subdivision, library district, or association library district 136573
equal in number to at least ten per cent of the total number of 136574
votes cast in the subdivision, library district, or association 136575
library district for the office of governor at the most recent 136576
general election for that office. Only one such petition may be 136577
filed during each five-year period following the election at 136578
which the voters approved the increased rate for a continuing 136579

period of time. 136580

After determination by it that such petition is valid, the 136581
board of elections shall do both of the following: 136582

(1) Request that the county auditor certify to the board, 136583
in the same manner as required for a tax levy under section 136584
5705.03 of the Revised Code, an estimate of the levy's annual 136585
collections and the levy's effective rate in both the last year 136586
before the proposed decrease and the first year that the 136587
decrease applies, stated in dollars, rounded to the nearest 136588
dollar, for each one hundred thousand dollars of the county 136589
auditor's ~~appraised~~-market value. If the subdivision, library 136590
district, or association library district is located in more 136591
than one county, the county auditor shall obtain from the county 136592
auditor of each other county in which the subdivision or 136593
district is located the tax valuation applicable to the portion 136594
of the subdivision or district in that county. 136595

The county auditor shall certify such information to the 136596
board of elections within ten days after receiving the board's 136597
request. 136598

(2) Submit the question to the electors of the 136599
subdivision, library district, or association library district 136600
at the succeeding general election pursuant to division (B) of 136601
this section. 136602

(B) The election shall be conducted, canvassed, and 136603
certified in the same manner as regular elections in such 136604
subdivision, library district, or association library district 136605
for county offices. Notice of the election shall be published in 136606
a newspaper of general circulation in the district once a week 136607
for two consecutive weeks, or as provided in section 7.16 of the 136608

Revised Code, prior to the election. If the board of elections 136609
operates and maintains a web site, the board of elections shall 136610
post notice of the election on its web site for thirty days 136611
prior to the election. The notice shall state the purpose, the 136612
levy's estimated annual collections, the amount of the proposed 136613
decrease in rate, expressed in mills for each one dollar of 136614
taxable value, the effective rate of the levy in the year before 136615
the proposed decrease and the first year that the decrease 136616
applies, both expressed in dollars for each one hundred thousand 136617
dollars of the county auditor's ~~appraised~~-market value, and the 136618
time and place of the election. The form of the ballot cast at 136619
such election shall be prescribed by the secretary of state but 136620
must include all information required to be included in the 136621
notice. The question covered by the petition shall be submitted 136622
as a separate proposition but it may be printed on the same 136623
ballot with any other propositions submitted at the same 136624
election other than the election of officers. If a majority of 136625
the qualified electors voting on the question of a decrease at 136626
such election approve the proposed decrease in rate, the result 136627
of the election shall be certified immediately after the canvass 136628
by the board of elections to the appropriate taxing authority, 136629
which shall thereupon, after the current year, cease to levy 136630
such increased rate or levy such tax at such reduced rate upon 136631
the tax list of the subdivision, library district, or 136632
association library district. If notes have been issued in 136633
anticipation of the collection of such levy, the taxing 136634
authority shall continue to levy and collect under authority of 136635
the election authorizing the original levy such amounts as will 136636
be sufficient to pay the principal of and interest on such 136637
anticipation notes as the same fall due. 136638

In the case of a levy for the current expenses of a 136639

qualifying school district and of partnering community schools 136640
imposed under section 5705.192, as it existed before the 136641
effective date of this amendment, division (B) of section 136642
5705.21, division (C) of section 5705.212, or division (J) of 136643
section 5705.218 of the Revised Code for a continuing period of 136644
time, the rate allocated to the school district and to 136645
partnering community schools shall each be decreased by a number 136646
of mills per dollar that is proportionate to the decrease in the 136647
rate of the levy in proportion to the rate at which the levy was 136648
imposed before the decrease. 136649

Sec. 5705.27. There is hereby created in each county a 136650
county budget commission consisting of the county auditor, the 136651
county treasurer, and the prosecuting attorney. The prosecuting 136652
attorney may recuse the prosecuting attorney, in which case a 136653
member of the board of county commissioners selected by the 136654
board of county commissioners shall serve in lieu of the 136655
prosecuting attorney. Upon petition filed with the board of 136656
elections, signed by the number of electors of the county equal 136657
in amount to three per cent of the total number of votes cast 136658
for governor at the most recent election therefor, there shall 136659
be submitted to the electors of the county at the next general 136660
election occurring not sooner than ninety days after the filing 136661
of the petition, the question "Shall the county budget 136662
commission consist of two additional members to be elected from 136663
the county?" Provision shall be made on the ballot for the 136664
election from the county at large of two additional members of 136665
the county budget commission who shall be electors of the county 136666
if a majority of the electors voting on the question shall have 136667
voted in the affirmative. In such counties, where the electors 136668
have voted in the affirmative, the county budget commission 136669
shall consist of such two elected members in addition to the 136670

county auditor, the county treasurer and the prosecuting 136671
attorney or commissioner as applicable. Such members, who shall 136672
not hold any other public office, shall serve for a term of four 136673
years. ~~The~~ 136674

The commission shall meet at the office of the county 136675
auditor in each county on the first Monday in February and on 136676
the first Monday in August, annually, and shall complete its 136677
work on or before the first day of September, annually, unless 136678
for good cause the tax commissioner extends the time for 136679
completing the work. The commission shall offer, during at least 136680
one public meeting annually, testimony from a member of the 136681
commission or an invited speaker describing the concept and 136682
function of taxes levied within the ten-mill limitation, how 136683
such taxes are allocated to various jurisdictions in the county, 136684
and the fiscal impact of such taxes in light of its exemption 136685
from the reduction authorized under section 319.301 of the 136686
Revised Code. A majority of members shall constitute a quorum, 136687
provided that no action of the commission shall be valid unless 136688
agreed to by a majority of the members of the commission. The 136689
auditor shall be the secretary of the commission and shall keep 136690
a full and accurate record of all proceedings. The auditor shall 136691
appoint such messengers and clerks as the commission deems 136692
necessary, and the budget commissioners shall be allowed their 136693
actual and necessary expenses. The elected members of the 136694
commission shall also receive twenty dollars for each day in 136695
attendance at commission meetings and in discharge of official 136696
duties. Any vacancy among such elected members shall be filled 136697
by the presiding judge of the court of common pleas. In 136698
adjusting the rates of taxation and fixing the amount of taxes 136699
to be levied each year, the commissioners shall be governed by 136700
the amount of the taxable property shown on the auditor's tax 136701

list for the current year; provided that if the auditor's tax 136702
list has not been completed, the auditor shall estimate, as 136703
nearly as practicable, the amount of the taxable property for 136704
such year, and such officers shall be governed by such estimate. 136705

In any county in which two members of the commission are 136706
elected, upon petition filed with the board of elections, signed 136707
by the number of electors of the county equal in amount to three 136708
per cent of the votes cast for governor at the most recent 136709
election therefor, there shall be submitted to the electors of 136710
the county at the next general election occurring not sooner 136711
than ninety days after the filing of the petition, the question 136712
"Shall the elected members be eliminated from the county budget 136713
commission?" If the majority of the electors voting thereon 136714
shall have voted in the affirmative, the county budget 136715
commission shall consist solely of the county auditor, the 136716
county treasurer, and the prosecuting attorney or commissioner 136717
as applicable. 136718

Sec. 5705.28. (A) Except as provided in division (B) (1) or 136719
(2) of this section or in section 5705.281 of the Revised Code, 136720
the taxing authority of each subdivision or other taxing unit 136721
shall adopt a tax budget for the next succeeding fiscal year: 136722

(1) On or before the fifteenth day of January in the case 136723
of school districts and the city of Cincinnati; 136724

(2) On or before the fifteenth day of July in the case of 136725
all other subdivisions and taxing units. 136726

(B) (1) Before the first day of June in each year, the 136727
board of trustees of a school library district entitled to 136728
participate in any appropriation or revenue of a school district 136729
or to have a tax proposed by the board of education of a school 136730

district shall file with the board of education of the school 136731
district a tax budget for the ensuing fiscal year. On or before 136732
the fifteenth day of July in each year, the board of education 136733
of a school district to which a school library district tax 136734
budget was submitted under this division shall adopt such tax 136735
budget on behalf of the library district, but such budget shall 136736
not be part of the school district's tax budget. 136737

(2) (a) The taxing authority of a taxing unit that does not 136738
levy a tax is not required to adopt a tax budget pursuant to 136739
division (A) of this section. Instead, on or before the 136740
fifteenth day of July each year, such taxing authority shall 136741
adopt an operating budget for the taxing unit for the ensuing 136742
fiscal year. The operating budget shall include an estimate of 136743
receipts from all sources, a statement of all taxing unit 136744
expenses that are anticipated to occur, and the amount required 136745
for debt charges during the fiscal year. The operating budget is 136746
not required to be filed with the county auditor or the county 136747
budget commission. 136748

(b) Except for this section and sections 5705.36, 5705.38, 136749
5705.40, 5705.41, 5705.43, 5705.44, and 5705.45 of the Revised 136750
Code, a taxing unit that does not levy a tax is not a taxing 136751
unit for purposes of Chapter 5705. of the Revised Code. 136752
Documents prepared in accordance with such sections are not 136753
required to be filed with the county auditor or county budget 136754
commission. 136755

(c) The total appropriations from each fund of a taxing 136756
unit that does not levy a tax shall not exceed the total 136757
estimated revenue available for expenditures from the fund, and 136758
appropriations shall be made from each fund only for the 136759
purposes for which the fund is established. 136760

(C) (1) To assist in the preparation of the tax budget, the head of each department, board, commission, and district authority entitled to participate in any appropriation or revenue of a subdivision shall file with the taxing authority, or in the case of a municipal corporation, with its chief executive officer, before the forty-fifth day prior to the date on which the budget must be adopted, an estimate of contemplated revenue and expenditures for the ensuing fiscal year, in such form as is prescribed by the taxing authority of the subdivision ~~or by the auditor of state~~. The taxing authority shall include in its budget of expenditures the full amounts requested by district authorities, not to exceed the amount authorized by law, if such authorities may fix the amount of revenue they are to receive from the subdivision. In a municipal corporation in which a special levy for a municipal university has been authorized to be levied in excess of the ten-mill limitation, or is required by the charter of the municipal corporation, the taxing authority shall include an amount not less than the estimated yield of such levy, if such amount is requested by the board of directors of the municipal university.

(2) A county board of developmental disabilities may include within its estimate of contemplated revenue and expenditures a reserve balance account in the community developmental disabilities residential services fund. The account shall contain money that is not needed to pay for current expenses for residential services and supported living but will be needed to pay for expenses for such services in the future or may be needed for unanticipated emergency expenses. On the request of the county board of developmental disabilities, the board of county commissioners shall include such an account in its budget of expenditures and appropriate money to the

account from residential service moneys for the county board. 136792

(D) The board of trustees of any public library desiring 136793
to participate in the distribution of the county public library 136794
fund shall adopt appropriate rules extending the benefits of the 136795
library service of such library to all the inhabitants of the 136796
county on equal terms, unless such library service is by law 136797
available to all such inhabitants, and shall certify a copy of 136798
such rules to the taxing authority with its estimate of 136799
contemplated revenue and expenditures. Where such rules have 136800
been so certified or where the adoption of such rules is not 136801
required, the taxing authority shall include in its budget of 136802
receipts such amounts as are specified by such board as 136803
contemplated revenue from the county public library fund, and in 136804
its budget of expenditures the full amounts requested therefrom 136805
by such board. No library association, incorporated or 136806
unincorporated, is entitled to participate in the proceeds of 136807
the county public library fund unless such association both was 136808
organized and operating prior to January 1, 1968, and 136809
participated in the distribution of the proceeds of the county 136810
public library fund prior to December 31, 2005. 136811

(E) Any health district created under Chapter 3709. of the 136812
Revised Code that does not file an estimate of contemplated 136813
revenue and expenditures for the ensuing fiscal year pursuant to 136814
division (C) of this section shall adopt a tax budget on its own 136815
behalf pursuant to division (A) of this section. 136816

Sec. 5705.29. This section does not apply to a subdivision 136817
or taxing unit for which the county budget commission has waived 136818
the requirement to adopt a tax budget pursuant to section 136819
5705.281 of the Revised Code. The tax budget shall present the 136820
following information ~~in such detail as is prescribed by the~~ 136821

~~auditor of state:~~ 136822

(A) (1) A statement of the necessary current operating 136823
expenses for the ensuing fiscal year for each department and 136824
division of the subdivision, classified as to personal services 136825
and other expenses, and the fund from which such expenditures 136826
are to be made. Except in the case of a school district, this 136827
estimate may include a contingent expense not designated for any 136828
particular purpose, and not to exceed three per cent of the 136829
total amount of appropriations for current expenses. In the case 136830
of a school district, this estimate may include a contingent 136831
expense not designated for any particular purpose and not to 136832
exceed thirteen per cent of the total amount of appropriations 136833
for current expenses. 136834

(2) A statement of the expenditures for the ensuing fiscal 136835
year necessary for permanent improvements, exclusive of any 136836
expense to be paid from bond issues, classified as to the 136837
improvements contemplated by the subdivision and the fund from 136838
which such expenditures are to be made; 136839

(3) The amounts required for the payment of final 136840
judgments; 136841

(4) A statement of expenditures for the ensuing fiscal 136842
year necessary for any purpose for which a special levy is 136843
authorized, and the fund from which such expenditures are to be 136844
made; 136845

(5) Comparative statements, so far as possible, in 136846
parallel columns of corresponding items of expenditures for the 136847
current fiscal year, including a statement of estimated expenses 136848
to the end of that fiscal year, and the two preceding fiscal 136849
years. 136850

(B) (1) An estimate of receipts from other sources than the 136851
general property tax during the ensuing fiscal year, which shall 136852
include an estimate of unencumbered balances at the end of the 136853
current fiscal year, and the funds to which such estimated 136854
receipts are credited; 136855

(2) The amount each fund requires from the general 136856
property tax, which shall be the difference between the 136857
contemplated expenditure from the fund and the estimated 136858
receipts, as provided in this section. The section of the 136859
Revised Code under which the tax is authorized shall be set 136860
forth. 136861

(3) Comparative statements, so far as possible, in 136862
parallel columns of taxes and other revenues for the current 136863
fiscal year and the two preceding fiscal years; 136864

(4) Comparative statements, so far as possible, in 136865
parallel columns of all funds in control of the subdivision for 136866
the current fiscal year and the two preceding fiscal years not 136867
already included in the tax budget pursuant to divisions (B) (1) 136868
to (3) of this section. 136869

(C) (1) The amount required for debt charges; 136870

(2) The estimated receipts from sources other than the tax 136871
levy for payment of such debt charges, including the proceeds of 136872
refunding bonds to be issued to refund bonds maturing in the 136873
next succeeding fiscal year; 136874

(3) The net amount for which a tax levy shall be made, 136875
classified as to bonds authorized and issued prior to January 1, 136876
1922, and those authorized and issued subsequent to such date, 136877
and as to what portion of the levy will be within and what in 136878
excess of the ten-mill limitation. 136879

(D) An estimate of amounts from taxes authorized to be 136880
levied in excess of the ten-mill limitation on the tax rate, and 136881
the fund to which such amounts will be credited, together with 136882
the sections of the Revised Code under which each such tax is 136883
exempted from all limitations on the tax rate. 136884

~~(E) (1)~~ (E) If the taxing unit estimates that it will 136885
collect more revenue in the succeeding fiscal year than in the 136886
current fiscal year from any tax levied within the ten-mill 136887
limitation or due to the operation of division (E) of section 136888
319.301 of the Revised Code, a declaration of the taxing unit's 136889
intent to collect the additional revenue or to forgo all or a 136890
portion of the additional revenue. 136891

(F) (1) A board of education may include in its budget for 136892
the fiscal year in which a levy proposed under section 5705.194, 136893
5705.199, 5705.21, 5705.213, or 5705.219, a property tax levy 136894
proposed under section 5748.09, or the original levy under 136895
section 5705.212 of the Revised Code is first extended on the 136896
tax list and duplicate an estimate of expenditures to be known 136897
as a voluntary contingency reserve balance, which shall not be 136898
greater than twenty-five per cent of the total amount of the 136899
levy estimated to be available for appropriation in such year. 136900

(2) A board of education may include in its budget for the 136901
fiscal year following the year in which a levy proposed under 136902
section 5705.194, 5705.199, 5705.21, 5705.213, or 5705.219, a 136903
property tax levy proposed under section 5748.09, or the 136904
original levy under section 5705.212 of the Revised Code is 136905
first extended on the tax list and duplicate an estimate of 136906
expenditures to be known as a voluntary contingency reserve 136907
balance, which shall not be greater than twenty per cent of the 136908
amount of the levy estimated to be available for appropriation 136909

in such year. 136910

(3) Except as provided in division ~~(E)~~ (F) (4) of this 136911
section, the full amount of any reserve balance the board 136912
includes in its budget shall be retained by the county auditor 136913
and county treasurer out of the first semiannual settlement of 136914
taxes until the beginning of the next succeeding fiscal year, 136915
and thereupon, with the depository interest apportioned thereto, 136916
it shall be turned over to the board of education, to be used 136917
for the purposes of such fiscal year. 136918

(4) A board of education, by a two-thirds vote of all 136919
members of the board, may appropriate any amount withheld as a 136920
voluntary contingency reserve balance during the fiscal year for 136921
any lawful purpose, provided that prior to such appropriation 136922
the board of education has authorized the expenditure of all 136923
amounts appropriated for contingencies under section 5705.40 of 136924
the Revised Code. Upon request by the board of education, the 136925
county auditor shall draw a warrant on the district's account in 136926
the county treasury payable to the district in the amount 136927
requested. 136928

~~(F) Except as otherwise provided in this division, the~~ 136929
~~county budget commission shall not reduce the taxing authority~~ 136930
~~of a subdivision as a result of the creation of a reserve~~ 136931
~~balance account. Except as otherwise provided in this division,~~ 136932
~~the county budget commission shall not consider the amount in a~~ 136933
~~reserve balance account of a township, county, or municipal~~ 136934
~~corporation as an unencumbered balance or as revenue for the~~ 136935
~~purposes of division (E) (3) or (4) of section 5747.51 of the~~ 136936
~~Revised Code. The county budget commission may require~~ 136937
~~documentation of the reasonableness of the reserve balance held~~ 136938
~~in any reserve balance account. The commission shall consider~~ 136939

~~any amount in a reserve balance account that it determines to be~~ 136940
~~unreasonable as unencumbered and as revenue for the purposes of~~ 136941
~~section 5747.51 of the Revised Code and may take such amounts~~ 136942
~~into consideration when determining whether to reduce the taxing~~ 136943
~~authority of a subdivision.~~ 136944

Sec. 5705.30. This section does not apply to a subdivision 136945
for which the county budget commission has waived the 136946
requirement to adopt a tax budget under section 5705.281 of the 136947
Revised Code. 136948

~~In addition to the information required by section 5705.29~~ 136949
~~of the Revised Code, the budget of each subdivision and school~~ 136950
~~library district shall include such other information as is~~ 136951
~~prescribed by the auditor of state.~~ At least two copies of the 136952
budget shall be filed in the office of the fiscal officer of the 136953
subdivision for public inspection not less than ten days before 136954
its adoption by the taxing authority, and such taxing authority 136955
shall hold at least one public hearing thereon, of which public 136956
notice shall be given by at least one publication not less than 136957
ten days prior to the date of hearing in the official 136958
publication of such subdivision, or in a newspaper having 136959
general circulation in the subdivision. The budget, after 136960
adoption, shall be submitted to the county auditor on or before 136961
the twentieth day of July, or in the case of a school district 136962
or the city of Cincinnati, by the twentieth day of January. The 136963
tax commissioner may prescribe a later date for the submission 136964
of a subdivision's tax budget. Any subdivision that fails to 136965
submit its budget to the county auditor on or before the date 136966
prescribed by this section or a later date prescribed by the 136967
commissioner shall not receive an apportionment from the 136968
undivided local government fund distribution for the ensuing 136969
calendar year unless the commissioner determines that the budget 136970

was adopted by the subdivision on or before the fifth day before 136971
the date prescribed by this section for submitting the budget, 136972
but was not submitted by the date so prescribed or the later 136973
time prescribed by the commissioner because of ministerial error 136974
by the subdivision or its officers, employees, or other 136975
representatives. 136976

Sec. 5705.31. The county auditor shall present to the 136977
county budget commission the annual tax budgets submitted under 136978
sections 5705.01 to 5705.47 of the Revised Code, together with 136979
an estimate prepared by the auditor of the amount of any state 136980
levy, the rate of any school tax levy as previously determined, 136981
the tax commissioner's estimate of the amount to be received in 136982
the county public library fund, the tax rates provided under 136983
section 5705.281 of the Revised Code if adoption of the tax 136984
budget was waived under that section, and such other information 136985
as the commission requests or the tax commissioner prescribes. 136986
~~The~~ 136987

The budget commission shall examine such budget and, if 136988
the taxing authority is a board of education that has elected to 136989
include projections pursuant to division (E) of section 5705.391 136990
of the Revised Code, shall examine such projections. Using the 136991
budget and, if applicable, included projections, the budget 136992
commission shall ascertain the total amount proposed to be 136993
raised in the county for the purposes of each subdivision and 136994
other taxing units in the county and the need for those amounts. 136995
Except as otherwise provided in this section, the county budget 136996
commission may reduce the amount to be raised by any levy 136997
pursuant to section 5705.32 of the Revised Code. 136998

The commission shall ascertain that the following levies 136999
have been properly authorized and, if so authorized, shall 137000

approve them without modification: 137001

(A) All levies in excess of the ten-mill limitation, in 137002
the first year they are levied, unless the levy is the renewal 137003
of an existing tax or the subdivision or taxing unit requests an 137004
amount requiring a lower rate for the succeeding fiscal year. 137005
Such a request for an amount requiring a lower rate applies only 137006
to the succeeding fiscal year unless the subdivision or taxing 137007
unit expressly states that the request is permanent. 137008

(B) All levies for unsatisfied debt charges ~~not provided~~ 137009
~~for by levies in excess of the ten-mill limitation,~~ including 137010
levies that remain necessary to pay notes issued for emergency 137011
purposes; 137012

(C) The levies prescribed by division (B) of sections 137013
742.33 and 742.34 of the Revised Code; 137014

(D) Except as otherwise provided in this division, a 137015
minimum levy within the ten-mill limitation for the current 137016
expense and debt service of each subdivision or taxing unit, 137017
which shall equal two-thirds of the average levy for current 137018
expenses and debt service allotted within the fifteen-mill 137019
limitation to such subdivision or taxing unit during the last 137020
five years the fifteen-mill limitation was in effect unless such 137021
subdivision or taxing unit requests an amount requiring a lower 137022
rate. ~~Except~~ for the succeeding fiscal year, or if it expressed 137023
its intent to forgo collections from such a levy under division 137024
(E) of section 5705.29 of the Revised Code. Such a request for 137025
an amount requiring a lower rate applies only to the succeeding 137026
fiscal year unless the subdivision or taxing unit expressly 137027
states that the request is permanent. 137028

Except as provided in section 5705.312 of the Revised 137029

Code, if the levies required in divisions (B) and (C) of this 137030
section for the subdivision or taxing unit equal or exceed the 137031
entire minimum levy of the subdivision as fixed, the minimum 137032
levies of the other subdivisions or taxing units shall be 137033
reduced by the commission to provide for the levies and an 137034
operating levy for the subdivision. Such additional levy shall 137035
be deducted from the minimum levies of each of the other 137036
subdivisions or taxing units, but the operating levy for a 137037
school district shall not be reduced below a figure equivalent 137038
to forty-five per cent of the millage available within the ten- 137039
mill limitation after all the levies in divisions (B) and (C) of 137040
this section have been provided for. 137041

If a municipal corporation and a township have entered 137042
into an annexation agreement under section 709.192 of the 137043
Revised Code in which they agree to reallocate their shares of 137044
the minimum levies established under this division and if that 137045
annexation agreement is submitted along with the annual tax 137046
budget of both the township and the municipal corporation, then, 137047
when determining the minimum levy under this division, the 137048
auditor shall allocate, to the extent possible, the minimum levy 137049
for that municipal corporation and township in accordance with 137050
their annexation agreement. 137051

~~(E) The levies prescribed by section 3709.29 of the~~ 137052
~~Revised Code.~~ 137053

Divisions (A) to ~~(E)~~ (D) of this section are mandatory, and 137054
commissions shall be without discretion to reduce such minimum 137055
levies except as provided in ~~such divisions~~ section 5705.316 of 137056
the Revised Code. 137057

If any debt charge is omitted from the budget, the 137058
commission shall include it therein. 137059

Sec. 5705.314. (A) If the board of education of a city, 137060
local, or exempted village school district proposes to change 137061
its levy within the ten-mill limitation in a manner that will 137062
result in an increase in the amount of real property taxes 137063
levied by the board in the tax year the change takes effect, the 137064
board shall hold a public hearing solely on the proposal and 137065
obtain approval from the county budget commission of each county 137066
in which the district has territory before adopting a resolution 137067
to implement the proposal. 137068

~~The~~ (B) Before holding the board of education hearing 137069
required by division (A) of this section, the board shall 137070
publish notice of the hearing in a newspaper of general 137071
circulation in the school district once a week for two 137072
consecutive weeks or as provided in section 7.16 of the Revised 137073
Code. The second publication shall be not less than ten nor more 137074
than thirty days before the date of the hearing, and the notice 137075
shall include the date, time, place, and subject of the hearing, 137076
and a statement that the change proposed by the board may result 137077
in an increase in the amount of real property taxes levied by 137078
the board. At the time the board submits the notice for 137079
publication, the board shall send a copy of the notice to the 137080
auditor of the county where the school district is located or, 137081
if the school district is located in more than one county, to 137082
the auditor of each of those counties. Upon receipt of the 137083
notice, the county auditor shall certify a copy of the notice to 137084
the county budget commission. 137085

(C) Upon certification of a notice to a county budget 137086
commission pursuant to division (B) of this section, the county 137087
budget commission shall schedule a hearing for a date that is 137088
not less than ten and not more than thirty days after the date 137089
of certification. 137090

The hearing shall not be held on the same day as the 137091
hearing required by division (A) of this section, and if more 137092
than one county budget commission is required under this 137093
division to hold a hearing on the proposed levy, the county 137094
budget commission hearings shall not be held on the same day. 137095
Each commission shall publish the date, time, location, and 137096
purpose of the meeting on the county auditor's web site. The 137097
school district shall publish that information on the school's 137098
web site. 137099

During the hearing before each commission, the school 137100
district shall present evidence demonstrating the need to change 137101
the levy to the county budget commission. The district shall not 137102
change the levy unless, by majority vote, the county budget 137103
commission approves the need to change the levy. 137104

Sec. 5705.316. (A) A board of education of a city, local, 137105
or exempted village school district shall make the certification 137106
required under section 5705.36 of the Revised Code to the county 137107
auditor of each county in which the district is located on or 137108
before the fifteenth day of July. A district that has designated 137109
funds for permanent improvements as provided in division (B) of 137110
this section shall, at the same time, certify to each such 137111
county auditor an accounting of the amount of such designation, 137112
the amount spent towards permanent improvements, and the amount 137113
remaining of the designation. 137114

(B) The county budget commission or, if applicable, joint 137115
budget commission shall convene on or before the fifteenth day 137116
of August to review the certifications from each such school 137117
district to determine if the amount of carry-over balance in the 137118
district's general operating budget from the preceding fiscal 137119
year exceeds forty per cent of the district's general fund 137120

expenditures made in the preceding fiscal year. A board may, by 137121
resolution, designate an amount of the district's carry-over 137122
balance as reserved for expenditure on current or future 137123
permanent improvements within the following three years. Upon 137124
certification of the resolution to the commission on or before 137125
the fifteenth day of July, the commission shall not consider the 137126
designated amount in determining whether the district's carry- 137127
over balance exceeded the threshold for those three years. If 137128
such funds are not expended as designated within those three 137129
years, the commission shall consider them as a part of the 137130
carry-over balance in all subsequent years. 137131

(C) If a district's carry-over balance exceeds the 137132
threshold, the commission shall reduce the rate of, or the 137133
annual amount of money to be raised by, any or all of the 137134
current expense taxes levied by the district for the current tax 137135
year so as to reduce the district's collections by the amount by 137136
which the district's general operating budget carry-over balance 137137
exceeded the threshold multiplied by a percentage as provided in 137138
the following table relative to the amount of the carry-over 137139
balance: 137140
137141

1

2

A	<u>Carry-over balance less than \$2 million</u>	<u>0%</u>
B	<u>Carry-over balance is \$2 million or more but</u> <u>less than \$4 million</u>	<u>25%</u>
C	<u>Carry-over balance is \$4 million or more but</u> <u>less than \$6 million</u>	<u>50%</u>
D	<u>Carry-over balance is \$6 million or more but</u>	<u>75%</u>

less than \$10 million

E Carry-over balance \$10 million or more 100%

.These reductions apply only for the current tax year and 137142
shall be made without regard to maintaining the reduction limit 137143
imposed under division (E) (2) of section 319.301 of the Revised 137144
Code. The tax commissioner shall treat such a reduction as a 137145
reduction in the rate at which the tax is authorized to be 137146
levied. 137147

(D) Nothing in this section prohibits a county budget 137148
commission from reducing the rate of a current levy as otherwise 137149
authorized by law. This section does not apply to any of the 137150
following: 137151

(1) A school district with a current operating expenditure 137152
per equivalent pupil that is less than eighty per cent of the 137153
state average, as determined under section 3302.21 of the 137154
Revised Code, unless the district's carry-over balance exceeds 137155
fifty per cent of the preceding year's expenditures as otherwise 137156
determined under division (B) of this section. 137157

(2) An island school district. 137158

(3) A joint state school district. 137159

Sec. 5705.32. (A) The county budget commission shall 137160
adjust the estimated amounts required from the general property 137161
tax for each fund, as shown by the tax budgets or other 137162
information required to be provided under section 5705.281 of 137163
the Revised Code, so as to bring the tax levies required 137164
therefor within the limitations specified in sections 5705.01 to 137165
5705.47 of the Revised Code, for such levies, ~~but no levy shall~~ 137166
~~be reduced below a minimum fixed by law.~~ The commission may 137167

revise and adjust the estimate of balances and receipts from all 137168
sources for each fund and shall determine the total 137169
appropriations that may be made therefrom. 137170

If a taxing unit declared its intent to forgo all or a 137171
portion of collections under division (E) of section 5705.29 of 137172
the Revised Code, the commission shall adjust the rate of each 137173
levy as required to result in that reduction in collections. 137174

(B) Except as otherwise provided in section 5705.31 of the 137175
Revised Code, the county budget commission may adjust the 137176
estimated amounts required from the general property tax for 137177
each fund, as shown by the tax budgets or other information 137178
required to be provided under section 5705.281 of the Revised 137179
Code, so as to bring the tax levies required therefor within 137180
levels the commission finds reasonable and prudent to avoid 137181
unnecessary, excessive, or unneeded collections. If the county 137182
budget commission adjusts amounts from any tax levied by a 137183
taxing unit other than a qualifying subdivision, the adjustment 137184
shall be subject to both of the following: 137185

(1) Except as authorized by section 5705.316 of the 137186
Revised Code, no levy shall be reduced below the level that 137187
would cause it to collect less than what the levy collected in 137188
the preceding year, unless funds are available from reserve 137189
balance accounts, nonexpendable trust funds, or carryover 137190
amounts to offset a reduction below that level, and the budget 137191
commission shall consider reserve balance accounts, 137192
nonexpendable trust funds, and carryover amounts for that 137193
purpose; 137194

(2) Except as authorized by division (A) of this section 137195
or section 5705.316 of the Revised Code, no levy may be reduced 137196
to a level that would cause a school district subject to 137197

division (A) of section 3317.01 of the Revised Code to levy less 137198
than twenty mills for current operating expenses as required by 137199
that division. 137200

(C) The commission shall fix the amount of the county 137201
public library fund to be distributed to each board of public 137202
library trustees that has qualified under section 5705.28 of the 137203
Revised Code for participation in the proceeds of such fund. The 137204
amount paid to all libraries in the county from such fund shall 137205
never be a smaller per cent of the fund than the average of the 137206
percentages of the county's classified taxes that were 137207
distributed to libraries in 1982, 1983, and 1984, as determined 137208
by the county auditor. The commission shall base the amount for 137209
distribution on the needs of such library for the construction 137210
of new library buildings, parts of buildings, improvements, 137211
operation, maintenance, or other expenses. In determining the 137212
needs of each library board of trustees, and in calculating the 137213
amount to be distributed to any library board of trustees on the 137214
basis of its needs, the commission shall make no reduction in 137215
its allocation from the fund on account of additional revenues 137216
realized by a library from increased taxes or service charges 137217
voted by its electorate, from revenues received through federal 137218
or state grants, projects, or programs, or from grants from 137219
private sources. 137220

~~(C)~~ (D) Notwithstanding the fact that alternative methods 137221
of financing such needs are available, after fixing the amount 137222
to be distributed to libraries, the commission shall fix the 137223
amount, if any, of the county public library fund to be 137224
distributed to each board of township park commissioners, the 137225
county, and each municipal corporation in accordance with the 137226
following: 137227

(1) Each municipal corporation in the county shall receive 137228
a per cent of the remainder that equals the per cent that the 137229
county auditor determines the classified property taxes 137230
originating in such municipal corporation in 1984 were of the 137231
total of all of the county's classified property taxes in 1984. 137232
The commission may deduct from this amount any amount that the 137233
budget commission allows to the board of township park 137234
commissioners of a township park district, the boundaries of 137235
which are coextensive with or contained within the boundaries of 137236
the municipal corporation. 137237

(2) The county shall receive a per cent of the remainder 137238
that equals the per cent that the county auditor determines the 137239
classified property taxes originating outside of the boundaries 137240
of municipal corporations in the county in 1984 were of the 137241
total of all of the county's classified property taxes in 1984. 137242
The commission may deduct from this amount any amount that the 137243
budget commission allows to the board of township park 137244
commissioners of a township park district, the boundaries of 137245
which are not coextensive with or contained within those of any 137246
municipal corporation in the county. 137247

~~(D)~~ (E) The commission shall separately set forth the 137248
amounts fixed and determined under divisions ~~(B)~~ (C) and ~~(C)~~ (D) 137249
of this section in the "official certificate of estimated 137250
resources," as provided in section 5705.35 of the Revised Code, 137251
and separately certify such amount to the county auditor who 137252
shall be guided thereby in the distribution of the county public 137253
library fund for and during the fiscal year. In determining such 137254
amounts, the commission shall be guided by the estimate 137255
certified by the tax commissioner and presented by the auditor 137256
under section 5705.31 of the Revised Code, as to the total 137257
amount of revenue to be received in the county public library 137258

fund during such fiscal year. 137259

~~(E)~~ (F) (1) At least five days before the date of any 137260
meeting at which the budget commission plans to discuss the 137261
distribution of the county public library fund, it shall notify 137262
each legislative authority and board of public library trustees, 137263
county commissioners, and township park commissioners eligible 137264
to participate in the distribution of the fund of the date, 137265
time, place, and agenda for the meeting. Any legislative 137266
authority or board entitled to notice under this division may 137267
designate an officer or employee of such legislative authority 137268
or board to whom the commission shall deliver the notice. 137269

(2) Before the final determination of the amount to be 137270
allotted to each subdivision from any source, the commission 137271
shall permit representatives of each subdivision and of each 137272
board of public library trustees to appear before it to explain 137273
its financial needs. 137274

~~(F)~~ (G) If any public library receives and expends any 137275
funds allocated to it under this section for the construction of 137276
new library buildings or parts of buildings, such library shall 137277
be free and open to the inhabitants of the county in which it is 137278
located. Any board of library trustees that receives funds under 137279
this section and section 5747.48 of the Revised Code shall have 137280
its financial records open for public inspection at all 137281
reasonable times. 137282

Sec. 5705.321. (A) As used in this section: 137283

(1) "City, located wholly or partially in the county, with 137284
the greatest population" means the city, located wholly or 137285
partially in the county, with the greatest population residing 137286
in the county; however, if the county budget commission on or 137287

before January 1, 1998, adopted an alternative method of 137288
apportionment that was approved by the city, located partially 137289
in the county, with the greatest population but not the greatest 137290
population residing in the county, "city, located wholly or 137291
partially in the county, with the greatest population" means the 137292
city, located wholly or partially in the county, with the 137293
greatest population whether residing in the county or not, if 137294
this alternative meaning is adopted by action of the board of 137295
county commissioners and a majority of the boards of township 137296
trustees and legislative authorities of municipal corporations 137297
located wholly or partially in the county. 137298

(2) "Participating political subdivision" means a 137299
municipal corporation or township that satisfies all of the 137300
following: 137301

(a) It is located wholly or partially in the county. 137302

(b) It is not the city, located wholly or partially in the 137303
county, with the greatest population. 137304

(c) Public library fund moneys are apportioned to it under 137305
the county's alternative method or formula of apportionment in 137306
the current calendar year. 137307

(B) In lieu of the method of apportionment of the county 137308
public library fund provided by division ~~(C)~~ (D) of section 137309
5705.32 of the Revised Code, the county budget commission may 137310
provide for the apportionment of the fund under an alternative 137311
method or on a formula basis as authorized by this section. 137312

Except as otherwise provided in division (C) of this 137313
section, the alternative method of apportionment shall have 137314
first been approved by all of the following governmental units: 137315
the board of county commissioners; the legislative authority of 137316

the city, located wholly or partially in the county, with the
greatest population; and a majority of the boards of township
trustees and legislative authorities of municipal corporations,
located wholly or partially in the county, excluding the
legislative authority of the city, located wholly or partially
in the county, with the greatest population. In granting or
denying approval for an alternative method of apportionment, the
board of county commissioners, boards of township trustees, and
legislative authorities of municipal corporations shall act by
motion. A motion to approve shall be passed upon a majority vote
of the members of a board of county commissioners, board of
township trustees, or legislative authority of a municipal
corporation, shall take effect immediately, and need not be
published.

Any alternative method of apportionment adopted and
approved under this division may be revised, amended, or
repealed in the same manner as it may be adopted and approved.
If an alternative method of apportionment adopted and approved
under this division is repealed, the county public library fund
shall be apportioned among the subdivisions eligible to
participate in the fund, commencing in the ensuing calendar
year, under the apportionment provided in divisions ~~(B)~~(C) and
~~(C)~~(D) of section 5705.32 of the Revised Code, unless the repeal
occurs by operation of division (C) of this section or a new
method for apportionment of the fund is provided in the action
of repeal.

(C) This division applies only in counties in which the
city, located wholly or partially in the county, with the
greatest population has a population of twenty thousand or less
and a population that is less than fifteen per cent of the total
population of the county. In such a county, the legislative

authorities or boards of township trustees of two or more 137348
participating political subdivisions, which together have a 137349
population residing in the county that is a majority of the 137350
total population of the county, each may adopt a resolution to 137351
exclude the approval otherwise required of the legislative 137352
authority of the city, located wholly or partially in the 137353
county, with the greatest population. All of the resolutions to 137354
exclude that approval shall be adopted not later than the first 137355
Monday of August of the year preceding the calendar year in 137356
which distributions are to be made under an alternative method 137357
of apportionment. 137358

A motion granting or denying approval of an alternative 137359
method of apportionment under this division shall be adopted by 137360
a majority vote of the members of the board of county 137361
commissioners and by a majority vote of a majority of the boards 137362
of township trustees and legislative authorities of the 137363
municipal corporations located wholly or partially in the 137364
county, other than the city, located wholly or partially in the 137365
county, with the greatest population, shall take effect 137366
immediately, and need not be published. The alternative method 137367
of apportionment under this division shall be adopted and 137368
approved annually, not later than the first Monday of August of 137369
the year preceding the calendar year in which distributions are 137370
to be made under it. A motion granting approval of an 137371
alternative method of apportionment under this division repeals 137372
any existing alternative method of apportionment, effective with 137373
distributions to be made from the fund in the ensuing calendar 137374
year. An alternative method of apportionment under this division 137375
shall not be revised or amended after the first Monday of August 137376
of the year preceding the calendar year in which distributions 137377
are to be made under it. 137378

(D) In determining an alternative method of apportionment 137379
authorized by this section, the county budget commission may 137380
include in the method any factor considered to be appropriate 137381
and reliable, in the sole discretion of the county budget 137382
commission. 137383

(E) On the basis of any alternative method of 137384
apportionment adopted and approved as authorized by this 137385
section, as certified by the auditor to the county treasurer, 137386
the county treasurer shall make distribution of the money in the 137387
county public library fund to each subdivision eligible to 137388
participate in the fund, and the auditor, when the amount of 137389
those shares is in the custody of the treasurer in the amounts 137390
so computed to be due the respective subdivisions, shall at the 137391
same time certify to the tax commissioner the percentage share 137392
of the county as a subdivision. All money received into the 137393
treasury of a subdivision from the county public library fund in 137394
a county treasury shall be paid into the general fund and used 137395
for the current operating expenses of the subdivision. 137396

(F) The actions of the county budget commission taken 137397
pursuant to this section are final and may not be appealed to 137398
the board of tax appeals, except on the issues of abuse of 137399
discretion and failure to comply with the formula. 137400

Sec. 5705.35. (A) The certification of the budget 137401
commission to the taxing authority of each subdivision or taxing 137402
unit, as set forth in section 5705.34 of the Revised Code, shall 137403
show the various funds of such subdivisions other than funds to 137404
be created by transfer and shall be filed by the county budget 137405
commission with such taxing authority on or before the first day 137406
of March in the case of school districts and the city of 137407
Cincinnati and on or before the first day of September in each 137408

year in the case of all other taxing authorities. There shall be 137409
set forth on the credit side of each fund the estimated 137410
unencumbered balances and receipts, and if a tax is to be levied 137411
for such fund, the estimated revenue to be derived therefrom, 137412
the rate of the levy, and what portion thereof is within, and 137413
what in excess of, the ten-mill tax limitation, and on the debit 137414
side, the total appropriations that may be made therefrom. 137415
~~Subject to division (F) of section 5705.29 of the Revised Code,~~ 137416
~~any reserve balance in an account established under section~~ 137417
~~5705.13 of the Revised Code for the purpose described in~~ 137418
~~division (A) (1) of that section, and the principal of a~~ 137419
~~nonexpendable trust fund established under section 5705.131 of~~ 137420
~~the Revised Code and any additions to principal arising from~~ 137421
~~sources other than the reinvestment of investment earnings~~ 137422
~~arising from that fund, are not unencumbered balances for the~~ 137423
~~purposes of this section. The balance in a reserve balance~~ 137424
~~account established under section 5705.132 of the Revised Code~~ 137425
~~is not an unencumbered balance for the purposes of this~~ 137426
~~division.~~ 137427

There shall be attached to the certification a summary, 137428
which shall be known as the "official certificate of estimated 137429
resources," that shall state the total estimated resources of 137430
each fund of the subdivision that are available for 137431
appropriation in the fiscal year, other than funds to be created 137432
by transfer, and a statement of the amount of the total tax 137433
duplicate of the school district to be used in the collection of 137434
taxes for the following calendar year. Before the end of the 137435
fiscal year, the taxing authority of each subdivision and other 137436
taxing unit shall revise its tax budget, if one was adopted, so 137437
that the total contemplated expenditures from any fund during 137438
the ensuing fiscal year will not exceed the total appropriations 137439

that may be made from such fund, as determined by the budget 137440
commission in its certification; and such revised budget shall 137441
be the basis of the annual appropriation measure. 137442

(B) Revenue from real property taxes scheduled to be 137443
settled on or before the tenth day of August and the fifteenth 137444
day of February of a fiscal year under divisions (A) and (C) of 137445
section 321.24 of the Revised Code shall not be available for 137446
appropriation by a board of education prior to the fiscal year 137447
in which such latest scheduled settlement date occurs, except 137448
that moneys advanced to the treasurer of a board of education 137449
under division (A) (2) (b) of section 321.34 of the Revised Code 137450
shall be available for appropriation in the fiscal year in which 137451
they are paid to the treasurer under such section. If the date 137452
for any settlement of taxes is extended under division (E) of 137453
section 321.24 of the Revised Code, the latest date set forth in 137454
divisions (A) to (D) of that section shall be used to determine 137455
in which fiscal year the revenues are first available for 137456
appropriation. 137457

Sec. 5705.36. (A) (1) On or about the first day of each 137458
fiscal year, the fiscal officer of each subdivision and other 137459
taxing unit shall certify to the county auditor the total amount 137460
from all sources available for expenditures from each fund set 137461
up in the tax budget or, if adoption of a tax budget was waived 137462
under section 5705.281 of the Revised Code, from each fund 137463
created by or on behalf of the taxing authority. The amount 137464
certified shall include any unencumbered balances that existed 137465
at the end of the preceding year, ~~excluding any of the~~ 137466
~~following:~~ 137467

~~(a) Subject to division (F) of section 5705.29 of the~~ 137468
~~Revised Code, any reserve balance in an account established~~ 137469

~~under section 5705.13 of the Revised Code for the purpose~~ 137470
~~described in division (A) (1) of that section;~~ 137471

~~(b) The principal of a nonexpendable trust fund~~ 137472
~~established under section 5705.131 of the Revised Code and any~~ 137473
~~additions to principal arising from sources other than the~~ 137474
~~reinvestment of investment earnings arising from that fund;~~ 137475

~~(c) The balance in a reserve balance account established~~ 137476
~~under section 5705.132 of the Revised Code.~~ 137477

A school district's certification shall separately show 137478
the amount of any notes and unpaid and outstanding expenses on 137479
the preceding thirtieth day of June that are to be paid from 137480
property taxes that are to be settled during the current fiscal 137481
year under divisions (C) and (D) of section 321.24 of the 137482
Revised Code. The budget commission, taking into consideration 137483
the balances and revenues to be derived from taxation and other 137484
sources, shall revise its estimate of the amounts that will be 137485
credited to each fund from such sources, and shall certify to 137486
the taxing authority of each subdivision an amended official 137487
certificate of estimated resources. 137488

(2) Subject to divisions (A) (3) and (4) of this section, 137489
upon a determination by the fiscal officer of a subdivision that 137490
the revenue to be collected by the subdivision will be greater 137491
or less than the amount included in an official certificate, the 137492
fiscal officer may certify the amount of the deficiency or 137493
excess to the commission, and if the commission determines that 137494
the fiscal officer's certification is reasonable, the commission 137495
shall certify an amended official certificate reflecting the 137496
deficiency or excess. 137497

(3) Upon a determination by the fiscal officer of a 137498

subdivision that the revenue to be collected by the subdivision 137499
will be greater than the amount included in an official 137500
certificate and the legislative authority intends to appropriate 137501
and expend the excess revenue, the fiscal officer shall certify 137502
the amount of the excess to the commission, and if the 137503
commission determines that the fiscal officer's certification is 137504
reasonable, the commission shall certify an amended official 137505
certificate reflecting the excess. 137506

(4) Upon a determination by the fiscal officer of a 137507
subdivision that the revenue to be collected by the subdivision 137508
will be less than the amount included in an official certificate 137509
and that the amount of the deficiency will reduce available 137510
resources below the level of current appropriations, the fiscal 137511
officer shall certify the amount of the deficiency to the 137512
commission, and the commission shall certify an amended 137513
certificate reflecting the deficiency. 137514

(5) The total appropriations made during the fiscal year 137515
from any fund shall not exceed the amount set forth as available 137516
for expenditure from such fund in the official certificate of 137517
estimated resources, or any amendment thereof, certified prior 137518
to the making of the appropriation or supplemental 137519
appropriation. 137520

(B) At the time of settlement of taxes against which notes 137521
have been issued under division (D) of section 133.10 of the 137522
Revised Code and at the time a tax duplicate is delivered 137523
pursuant to section 319.28 or 319.29 of the Revised Code, the 137524
county auditor shall determine whether the total amount to be 137525
distributed to each school district from such settlement or 137526
duplicate, when combined with the amounts to be distributed from 137527
any subsequent settlement, will increase or decrease the amount 137528

available for appropriation during the current fiscal year from 137529
any fund. The county auditor shall certify this finding to the 137530
budget commission, which shall certify an amended official 137531
certificate reflecting the finding or certify to the school 137532
district that no amended certificate needs to be issued. 137533

Sec. 5705.37. The taxing authority of any subdivision, or 137534
the board of trustees of any public library, nonprofit 137535
corporation, or library association maintaining a free public 137536
library that has adopted and certified rules under section 137537
5705.28 of the Revised Code, that is dissatisfied with any 137538
action of the county budget commission may, through its fiscal 137539
officer, appeal to the board of tax appeals within thirty days 137540
after the receipt by the subdivision of the official certificate 137541
or notice of the commission's action. In like manner, but 137542
through its clerk, any park district may appeal to the board of 137543
tax appeals. An appeal under this section shall be taken by the 137544
filing of a notice of appeal, either in person or by certified 137545
mail, express mail, or authorized delivery service as provided 137546
in section 5703.056 of the Revised Code, with the board and with 137547
the commission. If notice of appeal is filed by certified mail, 137548
express mail, or authorized delivery service, date of the United 137549
States postmark placed on the sender's receipt by the postal 137550
service or the date of receipt recorded by the authorized 137551
delivery service shall be treated as the date of filing. Upon 137552
receipt of the notice of appeal, the commission, by certified 137553
mail, shall notify all persons who were parties to the 137554
proceeding before the commission of the filing of the notice of 137555
appeal and shall file proof of notice with the board of tax 137556
appeals. The secretary of the commission shall forthwith certify 137557
to the board a transcript of the full and accurate record of all 137558
proceedings before the commission, together with all evidence 137559

presented in the proceedings or considered by the commission, 137560
pertaining to the action from which the appeal is taken. The 137561
secretary of the commission also shall certify to the board any 137562
additional information that the board may request. 137563

The board of tax appeals, in a de novo proceeding, shall 137564
forthwith consider the matter presented to the commission, and 137565
may modify any action of the commission with reference to the 137566
budget, the estimate of revenues and balances, the allocation of 137567
the public library fund, or the fixing of tax rates. ~~The~~ If the 137568
appeal is taken in response to the fixing of tax rates through a 137569
reduction made by the county budget commission, the burden of 137570
proof is on the appellant to show the need for a different rate 137571
or amount to meet expenses in the ensuing fiscal year. 137572

The finding of the board of tax appeals shall be 137573
substituted for the findings of the commission, and shall be 137574
sent to the tax commissioner, the county auditor, and the taxing 137575
authority of the subdivision affected, or to the board of public 137576
library trustees affected, as the action of the commission under 137577
sections 5705.01 to 5705.47 of the Revised Code. At the request 137578
of the taxing authority, board of trustees, or park district 137579
that appealed an action of the county budget commission under 137580
this section, the findings of the board of tax appeals shall be 137581
sent by certified mail at the requestor's expense. 137582

This section does not give the board of tax appeals any 137583
authority to place any tax levy authorized by law within the 137584
ten-mill limitation outside of that limitation, or to reduce any 137585
levy below any minimum fixed by law. 137586

Sec. 5705.38. (A) This division does not apply to school 137587
district appropriation measures. On or about the first day of 137588
each fiscal year, the taxing authority of each subdivision or 137589

other taxing unit shall pass an appropriation measure, and 137590
thereafter during the year it may pass any supplemental 137591
appropriation measures as it finds necessary, based on the 137592
revised tax budget or the official certificate of estimated 137593
resources or amendments of the certificate. If it desires to 137594
postpone the passage of the annual appropriation measure until 137595
an amended certificate is received based on the actual balances, 137596
it may pass a temporary appropriation measure for meeting the 137597
ordinary expenses of the taxing unit until no later than the 137598
first day of April or, in the case of the city of Cincinnati, 137599
the first day of October, of the current year, and the 137600
appropriations made in the temporary measure shall be chargeable 137601
to the appropriations in the annual appropriation measure for 137602
that fiscal year when passed. 137603

(B) A board of education shall pass its annual 137604
appropriation measure by the first day of October. If, by the 137605
first day of October, a board has not received either the 137606
amended certificates of estimated resources required by division 137607
(B) of section 5705.36 of the Revised Code or certifications 137608
that no amended certificates need be issued, the adoption of the 137609
annual appropriation measure shall be delayed until the amended 137610
certificates or certifications are received. Prior to the 137611
passage of the annual appropriation measure, the board may pass 137612
a temporary appropriation measure for meeting the ordinary 137613
expenses of the district until it passes an annual appropriation 137614
measure, and appropriations made in the temporary measure shall 137615
be chargeable to the appropriations in the annual appropriation 137616
measure for that fiscal year when passed. During the fiscal year 137617
and after the passage of the annual appropriation measure, a 137618
district may pass any supplemental appropriation measures as it 137619
finds necessary, based on the revised tax budget or the official 137620

certificate of estimated resources or amendments of the 137621
certificate. ~~School district appropriation measures shall be in~~ 137622
~~the form as the auditor of state, after consultation with the~~ 137623
~~tax commissioner, prescribes.~~ 137624

(C) Appropriation measures shall be classified so as to 137625
set forth separately the amounts appropriated for each office, 137626
department, and division, and, within each, the amount 137627
appropriated for personal services. In the case of a municipal 137628
university, the board of directors of which have assumed, in the 137629
manner provided by law, custody and control of the funds of the 137630
university, funds shall be appropriated as a lump sum for the 137631
use of the university. 137632

Sec. 5705.391. (A) Not later than the thirty-first day of 137633
August of each fiscal year, each school district board of 137634
education shall submit to the department of education and 137635
workforce appropriations, revenue, and fund balance assumptions 137636
contained in the budget adopted by the board for that fiscal 137637
year and projections of expenditures, revenues, and fund balance 137638
for the three succeeding fiscal years. 137639

Not later than the last day of February of each fiscal 137640
year, each school district board of education shall submit 137641
updated appropriations, revenue, and fund balance information 137642
for the budget adopted for the fiscal year and updated 137643
projections of expenditures, revenues, and fund balance for the 137644
three succeeding fiscal years. 137645

The department of education and workforce and the auditor 137646
of state shall jointly adopt rules ~~requiring boards of education~~ 137647
~~to submit five-year~~ governing the submission of current budget 137648
information and three-year projections of operational revenues 137649
and expenditures by boards of education. The rules shall specify 137650

the information required for current budget information and 137651
three-year forecast submissions and any additional school 137652
district financial and operating information necessary for the 137653
audits and analyses conducted by the auditor of state or the 137654
department, including special and federal funds expenditures, 137655
revenues, and balances. The rules shall provide for the auditor 137656
of state or the department to examine the ~~five-year current~~ 137657
budget information and three-year projections and to determine 137658
whether any further fiscal analysis is needed to ascertain 137659
whether a district has the potential to incur a deficit during 137660
the first ~~three~~ two years of the ~~five-year~~ three-year period. 137661

The auditor of state or the department may conduct any 137662
further audits or analyses necessary to assess any district's 137663
fiscal condition. If further audits or analyses are conducted by 137664
the auditor of state, the auditor of state shall notify the 137665
department of the district's fiscal condition, and the 137666
department shall immediately notify the district of any 137667
potential to incur a deficit in the current fiscal year or of 137668
any strong indications that a deficit will be incurred in either 137669
of the ensuing two years. If such audits or analyses are 137670
conducted by the department, the department shall immediately 137671
notify the district and the auditor of state of such potential 137672
deficit or strong indications thereof. 137673

A district notified under this section shall take 137674
immediate steps to eliminate any deficit in the current fiscal 137675
year and shall begin to plan to avoid the projected future 137676
deficits. 137677

(B) The state board of education, in accordance with 137678
sections 3319.31 and 3319.311 of the Revised Code, may limit, 137679
suspend, or revoke a license as defined under section 3319.31 of 137680

the Revised Code that has been issued to any school employee 137681
found to have willfully contributed erroneous, inaccurate, or 137682
incomplete data required for the submission of the ~~five-~~ 137683
~~year~~ current budget information and three-year projection 137684
required by this section. 137685

~~(C) The department and the auditor of state, in their 137686
joint adoption of rules under division (A) of this section, 137687
shall not require a board of education to submit its five-year 137688
projection of operational revenues and expenditures prior to the 137689
thirtieth day of November of any fiscal year. 137690~~

~~(D) Beginning with submissions required in for fiscal year 137691
2024-2026 and for each fiscal year in which a submission is 137692
required under this section thereafter, the department and the 137693
auditor shall label the projections regarding property tax 137694
allocation in the projection as "state share of local property 137695
taxes, state reimbursement for property tax credits. 137696~~

(D) A school district may submit to the county budget 137697
commission the most recent projection prepared pursuant to this 137698
section with its tax budget as required by section 5705.28 of 137699
the Revised Code or other information as allowed by section 137700
5705.281 of the Revised Code. 137701

Sec. 5705.40. Any appropriation ordinance or measure may 137702
be amended or supplemented, provided that such amendment or 137703
supplement shall comply with all provisions of law governing the 137704
taxing authority in making an original appropriation and that no 137705
appropriation for any purpose shall be reduced below an amount 137706
sufficient to cover all unliquidated and outstanding contracts 137707
or obligations certified from or against the appropriation. 137708
Transfers may be made by resolution or ordinance from one 137709
appropriation item to another, except that a board of county 137710

commissioners shall, at the request of the county board of 137711
elections, adopt a resolution to transfer funds from one 137712
appropriation item of the board of elections to another 137713
appropriation item of the board of elections unless the board of 137714
county commissioners determines that the transfer is sought for 137715
the purpose of providing employee bonuses or salary increases 137716
other than increases necessary to reimburse employees for 137717
overtime worked. At the close of each fiscal year, the 137718
unencumbered balance of each appropriation shall revert to the 137719
respective fund from which it was appropriated and shall be 137720
subject to future appropriations, provided that funds unexpended 137721
at the end of such fiscal year previously appropriated for the 137722
payment of obligations unliquidated and outstanding, or 137723
previously appropriated pursuant to section 321.261 of the 137724
Revised Code for the collection of delinquent taxes, need not be 137725
reappropriated, ~~but such unexpended funds shall not be included~~ 137726
~~by any budget-making body or board or any county budget~~ 137727
~~commission in estimating the balance available for the purposes~~ 137728
~~of the next or any succeeding fiscal year.~~ 137729

The annual appropriation measure, or an amendment or 137730
supplement thereto, may contain an appropriation for 137731
contingencies not to exceed the amount authorized by section 137732
5705.29 of the Revised Code and in the case of a school district 137733
may also include a voluntary contingency reserve balance in the 137734
amount authorized by such section. By a two-thirds vote of all 137735
members of the taxing authority of a subdivision or taxing unit, 137736
expenditures may be authorized in pursuance of such contingency 137737
appropriation or voluntary contingency reserve balance for any 137738
lawful purpose for which public funds may be expended, if such 137739
purpose could not have reasonably been foreseen at the time of 137740
the adoption of the appropriation measure or, in the case of a 137741

voluntary contingency reserve balance, if the board of education 137742
requests payment of any portion of such balance. 137743

Sec. 5705.412. (A) As used in this section, "qualifying 137744
contract" means any agreement for the expenditure of money under 137745
which aggregate payments from the funds included in the school 137746
district's ~~five-year~~ three-year forecast under section 5705.391 137747
of the Revised Code will exceed the lesser of the following 137748
amounts: 137749

(1) Five hundred thousand dollars; 137750

(2) One per cent of the total revenue to be credited in 137751
the current fiscal year to the district's general fund, as 137752
specified in the district's most recent certificate of estimated 137753
resources certified under section 5705.36 of the Revised Code. 137754

(B) (1) Notwithstanding section 5705.41 of the Revised 137755
Code, no school district shall adopt any appropriation measure, 137756
make any qualifying contract, or increase during any school year 137757
any wage or salary schedule unless there is attached thereto a 137758
certificate, signed as required by this section, that the school 137759
district has in effect the authorization to levy taxes including 137760
the renewal ~~or replacement~~ of existing levies which, when 137761
combined with the estimated revenue from all other sources 137762
available to the district at the time of certification, are 137763
sufficient to provide the operating revenues necessary to enable 137764
the district to maintain all personnel and programs for all the 137765
days set forth in its adopted school calendars for the current 137766
fiscal year and for a number of days in succeeding fiscal years 137767
equal to the number of days instruction was held or is scheduled 137768
for the current fiscal year, as follows: 137769

(a) A certificate attached to an appropriation measure 137770

under this section shall cover only the fiscal year in which the 137771
appropriation measure is effective and shall not consider the 137772
renewal ~~or replacement~~ of an existing levy as the authority to 137773
levy taxes that are subject to appropriation in the current 137774
fiscal year unless the renewal ~~or replacement~~ levy has been 137775
approved by the electors and is subject to appropriation in the 137776
current fiscal year. 137777

(b) A certificate attached, in accordance with this 137778
section, to any qualifying contract shall cover the term of the 137779
contract. 137780

(c) A certificate attached under this section to a wage or 137781
salary schedule shall cover the term of the schedule. 137782

If the board of education has not adopted a school 137783
calendar for the school year beginning on the first day of the 137784
fiscal year in which a certificate is required, the certificate 137785
attached to an appropriation measure shall include the number of 137786
days on which instruction was held in the preceding fiscal year 137787
and other certificates required under this section shall include 137788
that number of days for the fiscal year in which the certificate 137789
is required and any succeeding fiscal years that the certificate 137790
must cover. 137791

The certificate shall be signed by the treasurer and 137792
president of the board of education and the superintendent of 137793
the school district, unless the district is in a state of fiscal 137794
emergency declared under Chapter 3316. of the Revised Code. In 137795
that case, the certificate shall be signed by a member of the 137796
district's financial planning and supervision commission who is 137797
designated by the commission for this purpose. 137798

(2) In lieu of the certificate required under division (B) 137799

of this section, an alternative certificate stating the 137800
following may be attached: 137801

(a) The contract is a multi-year contract for materials, 137802
equipment, or nonpayroll services essential to the education 137803
program of the district; 137804

(b) The multi-year contract demonstrates savings over the 137805
duration of the contract as compared to costs that otherwise 137806
would have been demonstrated in a single year contract, and the 137807
terms will allow the district to reduce the deficit it is 137808
currently facing in future years as demonstrated in its ~~five-~~ 137809
year-three-year forecast adopted in accordance with section 137810
5705.391 of the Revised Code. 137811

The certificate shall be signed by the treasurer and 137812
president of the board of education and the superintendent of 137813
the school district, unless the district is in a state of fiscal 137814
emergency declared under Chapter 3316. of the Revised Code. In 137815
that case, the certificate shall be signed by a member of the 137816
district's financial planning and supervision commission who is 137817
designated by the commission for this purpose. 137818

(C) Every qualifying contract made or wage or salary 137819
schedule adopted or put into effect without such a certificate 137820
shall be void, and no payment of any amount due thereon shall be 137821
made. 137822

(D) The department of education and workforce and the 137823
auditor of state jointly shall adopt rules governing the methods 137824
by which treasurers, presidents of boards of education, 137825
superintendents, and members of financial planning and 137826
supervision commissions shall estimate revenue and determine 137827
whether such revenue is sufficient to provide necessary 137828

operating revenue for the purpose of making certifications 137829
required by this section. 137830

(E) The auditor of state shall be responsible for 137831
determining whether school districts are in compliance with this 137832
section. At the time a school district is audited pursuant to 137833
section 117.11 of the Revised Code, the auditor of state shall 137834
review each certificate issued under this section since the 137835
district's last audit, and the appropriation measure, contract, 137836
or wage and salary schedule to which such certificate was 137837
attached. If the auditor of state determines that a school 137838
district has not complied with this section with respect to any 137839
qualifying contract or wage or salary schedule, the auditor of 137840
state shall notify the prosecuting attorney for the county, the 137841
city director of law, or other chief law officer of the school 137842
district. That officer may file a civil action in any court of 137843
appropriate jurisdiction to seek a declaration that the contract 137844
or wage or salary schedule is void, to recover for the school 137845
district from the payee the amount of payments already made 137846
under it, or both, except that the officer shall not seek to 137847
recover payments made under any collective bargaining agreement 137848
entered into under Chapter 4117. of the Revised Code. If the 137849
officer does not file such an action within one hundred twenty 137850
days after receiving notice of noncompliance from the auditor of 137851
state, any taxpayer may institute the action in the taxpayer's 137852
own name on behalf of the school district. 137853

(F) This section does not apply to any contract or 137854
increase in any wage or salary schedule that is necessary in 137855
order to enable a board of education to comply with division (B) 137856
of section 3317.13 of the Revised Code, provided the contract or 137857
increase does not exceed the amount required to be paid to be in 137858
compliance with such division. 137859

(G) Any officer, employee, or other person who expends or 137860
authorizes the expenditure of any public funds or authorizes or 137861
executes any contract or schedule contrary to this section, 137862
expends or authorizes the expenditure of any public funds on the 137863
void contract or schedule, or issues a certificate under this 137864
section which contains any false statements is liable to the 137865
school district for the full amount paid from the district's 137866
funds on the contract or schedule. The officer, employee, or 137867
other person is jointly and severally liable in person and upon 137868
any official bond that the officer, employee, or other person 137869
has given to the school district to the extent of any payments 137870
on the void claim, not to exceed ten thousand dollars. However, 137871
no officer, employee, or other person shall be liable for a 137872
mistaken estimate of available resources made in good faith and 137873
based upon reasonable grounds. If an officer, employee, or other 137874
person is found to have complied with rules jointly adopted by 137875
the department of education and workforce and the auditor of 137876
state under this section governing methods by which revenue 137877
shall be estimated and determined sufficient to provide 137878
necessary operating revenue for the purpose of making 137879
certifications required by this section, the officer, employee, 137880
or other person shall not be liable under this section if the 137881
estimates and determinations made according to those rules do 137882
not, in fact, conform with actual revenue. The prosecuting 137883
attorney of the county, the city director of law, or other chief 137884
law officer of the district shall enforce this liability by 137885
civil action brought in any court of appropriate jurisdiction in 137886
the name of and on behalf of the school district. If the 137887
prosecuting attorney, city director of law, or other chief law 137888
officer of the district fails, upon the written request of any 137889
taxpayer, to institute action for the enforcement of the 137890
liability, the attorney general, or the taxpayer in the 137891

taxpayer's own name, may institute the action on behalf of the 137892
subdivision. 137893

(H) This section does not require the attachment of an 137894
additional certificate beyond that required by section 5705.41 137895
of the Revised Code for current payrolls of, or contracts of 137896
employment with, any employees or officers of the school 137897
district. 137898

This section does not require the attachment of a 137899
certificate to a temporary appropriation measure if all of the 137900
following apply: 137901

(1) The amount appropriated does not exceed twenty-five 137902
per cent of the total amount from all sources available for 137903
expenditure from any fund during the preceding fiscal year; 137904

(2) The measure will not be in effect on or after the 137905
thirtieth day following the earliest date on which the district 137906
may pass an annual appropriation measure; 137907

(3) An amended official certificate of estimated resources 137908
for the current year, if required, has not been certified to the 137909
board of education under division (B) of section 5705.36 of the 137910
Revised Code. 137911

Sec. 5705.55. (A) The board of directors of a lake 137912
facilities authority, by a vote of two-thirds of all its 137913
members, may at any time declare by resolution that the amount 137914
of taxes which may be raised within the ten-mill limitation by 137915
levies on the current tax duplicate will be insufficient to 137916
provide an adequate amount for the necessary requirements of the 137917
authority, that it is necessary to levy a tax in excess of such 137918
limitation for any of the purposes specified in divisions (A), 137919
(B), (F), and (H) of section 5705.19 of the Revised Code, and 137920

that the question of such additional tax levy shall be submitted 137921
by the board to the electors residing within the boundaries of 137922
the impacted lake district on the day of a primary or general 137923
election. The resolution shall conform to section 5705.19 of the 137924
Revised Code, except that the tax levy may be in effect for no 137925
more than five years, as set forth in the resolution, unless the 137926
levy is for the payment of debt charges, and the total number of 137927
mills levied for each dollar of taxable valuation that may be 137928
levied under this section for any tax year shall not exceed one 137929
mill. If the levy is for the payment of debt charges, the levy 137930
shall be for the life of the bond indebtedness. 137931

The resolution shall specify the date of holding the 137932
election, which shall not be earlier than ninety days after the 137933
adoption and certification of the resolution to the board of 137934
elections. The resolution shall not include a levy on the 137935
current tax list and duplicate unless the election is to be held 137936
at or prior to the first Tuesday after the first Monday in 137937
November of the current tax year. 137938

The resolution shall be certified to the board of 137939
elections of the proper county or counties not less than ninety 137940
days before the date of the election. The resolution shall go 137941
into immediate effect upon its passage, and no publication of 137942
the resolution shall be necessary other than that provided in 137943
the notice of election. Section 5705.25 of the Revised Code 137944
shall govern the arrangements for the submission of such 137945
question and other matters concerning the election, to which 137946
that section refers, except that the election shall be held on 137947
the date specified in the resolution. If a majority of the 137948
electors voting on the question so submitted in an election vote 137949
in favor of the levy, the board of directors may forthwith make 137950
the necessary levy within the boundaries of the impacted lake 137951

district at the additional rate in excess of the ten-mill 137952
limitation on the tax list, for the purpose stated in the 137953
resolution. The tax levy shall be included in the next annual 137954
tax budget that is certified to the county budget commission. 137955

(B) The form of the ballot in an election held on the 137956
question of levying a tax proposed pursuant to this section 137957
shall be as follows or in any other form acceptable to the 137958
secretary of state: 137959

"A tax for the benefit of (name of lake facilities 137960
authority) _____ for the purpose of _____, that the 137961
county auditor estimates will collect \$_____ annually, at a rate 137962
not exceeding _____ mills for each \$1 of taxable value, 137963
which amounts to \$_____ for each \$100,000 of the county 137964
auditor's ~~appraised-market~~ value, for _____ (life of 137965
indebtedness or number of years the levy is to run). 137966

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

If the levy is for the payment of debt charges, the form 137968
of the ballot shall be modified by omitting the phrase ", that 137969
the county auditor estimates will collect \$_____ annually." 137970

(C) On approval of the levy, notes may be issued in 137971
anticipation of the collection of the proceeds of the tax levy, 137972
other than the proceeds to be received for the payment of bond 137973
debt charges, in the amount and manner and at the times as are 137974
provided in section 5705.193 of the Revised Code, for the 137975
issuance of notes by a county in anticipation of the proceeds of 137976
a tax levy. The lake facilities authority may borrow money in 137977

anticipation of the collection of current revenues as provided 137978
in section 133.10 of the Revised Code. 137979

(D) If a tax is levied under this section in a tax year, 137980
no other taxing authority of a subdivision or taxing unit, 137981
including a port authority, may levy a tax on property in the 137982
impacted lake district in the same tax year if the purpose of 137983
the levy is substantially the same as the purpose for which the 137984
lake facilities authority of the impacted lake district was 137985
created. 137986

Sec. 5705.60. (A) As used in this section, "qualifying 137987
fixed-sum levy" means a tax levied on property at whatever rate 137988
is required to produce a specified amount of tax money, 137989
including a tax levied under section 5705.199 of the Revised 137990
Code, but not including a tax levied in excess of the ten-mill 137991
limitation to pay debt charges. 137992

(B) Each year, the tax commissioner shall determine by 137993
what amount, if any, the rate of a qualifying fixed sum levy 137994
must be changed for the levy to produce the levy's specified 137995
amount of money for the current tax year. The tax commissioner 137996
shall certify the amount determined for each fixed-sum levy to 137997
the appropriate county auditor by the first day of September. 137998

(C) Unless a different rate is required by section 5705.34 137999
of the Revised Code, each county auditor to whom a rate change 138000
is certified under division (B) of this section shall apply the 138001
adjusted rate for the current tax year. 138002

Sec. 5709.081. (A) Real and tangible personal property 138003
owned by a political subdivision that is a public recreational 138004
facility for athletic events shall be exempt from taxation if 138005
all of the following apply: 138006

(1) The property is controlled and managed by a political 138007
subdivision or a county-related corporation or by a similar 138008
corporation under the direct control of a political subdivision 138009
and whose members and trustees are chosen or appointed by the 138010
subdivision; 138011

(2) All revenues and receipts derived by the subdivision 138012
or corporation that controls and manages the property, after 138013
deducting amounts needed to pay necessary expenses for the 138014
operation and management of the property, accrue to the 138015
political subdivision owning the property; 138016

(3) The property is not occupied and used for more than 138017
seven days in any calendar month by any private entity for 138018
profit or for more than a total of fifteen days in any calendar 138019
month by all such private entities for profit; 138020

(4) The property is under the direction and control of the 138021
political subdivision or managing corporation whenever it is 138022
being used by a private entity for profit; 138023

(5) The primary user or users of the property, if such a 138024
primary user exists, are controlled and managed by the political 138025
subdivision or corporation that controls and manages the 138026
property. 138027

(B) Tangible personal property, and all buildings, 138028
structures, fixtures, and improvements of any kind to the land, 138029
that are constructed or, in the case of personal property, 138030
acquired after March 2, 1992, and are part of or used in a 138031
public recreational facility used by a major league professional 138032
athletic team or a class A to class AAA minor league affiliate 138033
of a major league baseball team for a significant portion of its 138034
home schedule, and land acquired by a political subdivision in 138035

1999 for such purposes or originally leased from a political
subdivision, such political subdivision qualifying as such
pursuant to division (H) of this section, in 1998 for such
purposes, are declared to be public property used for a public
purpose and are exempt from taxation, if all of the following
apply:

(1) Such property, or the land upon which such property is
located if such land was originally leased in 1998 from a
political subdivision that qualifies as such pursuant to
division (H) of this section, is owned by ~~one~~ either of the
following:

(a) One or more political subdivisions ~~or by a~~, which may
include a new community authority as defined in section 349.01
of the Revised Code;

(b) A corporation controlled by such a subdivision or
subdivisions ~~+~~.

(2) Such property was or is any of the following:

(a) Constructed or, in the case of personal property,
acquired pursuant to an agreement with a municipal corporation
to implement a development, redevelopment, or renewal plan for
an area declared by the municipal corporation to be a slum or
blighted area, as those terms are defined in section 725.01 of
the Revised Code;

(b) Financed in whole or in part with public obligations
as defined in section 5709.76 of the Revised Code or otherwise
paid for in whole or in part by one or more political
subdivisions;

(c) An improvement or addition to property defined in
division (B) (2) (a) or (b) of this section.

(3) Such property is controlled and managed by either of 138065
the following: 138066

(a) One or more of the political subdivisions or the 138067
corporation that owns it; 138068

(b) A designee, tenant, or agent of such political 138069
subdivision or subdivisions or corporation pursuant to a 138070
management, lease, or similar written agreement. 138071

(4) The primary user or users of such property, if a 138072
primary user or primary users exist, either: 138073

(a) Are controlled and managed by one or more of the 138074
political subdivisions or the corporation that owns the 138075
property; or 138076

(b) Operate under leases, licenses, management agreements, 138077
or similar arrangements with, and providing for the payment of 138078
rents, revenues, or other remuneration to, one or more of the 138079
political subdivisions or the corporation that owns the 138080
property. 138081

(5) Any residual cash accrues to the political subdivision 138082
or subdivisions that own the property or that control the 138083
corporation that owns the property, and is used for the public 138084
purposes of the subdivision or subdivisions. As used in division 138085
(B) (5) of this section, "residual cash" means any revenue and 138086
receipts derived from the property by the political subdivision 138087
or subdivisions or corporation that owns the property and that 138088
are available for unencumbered use by the political subdivision 138089
or subdivisions or corporation, after deducting amounts needed 138090
to make necessary expenditures, pay debt service, and provide 138091
for working capital related to the ownership, management, 138092
operation, and use of the property, including payments of taxes 138093

on the taxable part of the public recreational facility, 138094
contractually obligated payments or deposits into reserves or 138095
otherwise, and service payments under section 307.699 of the 138096
Revised Code. 138097

(C) The exemption provided in division (B) of this section 138098
also applies to both of the following: 138099

(1) The property during its construction or, in the case 138100
of tangible personal property, acquisition during the 138101
construction period, if the owner meets the condition of 138102
division (B)(1) of this section and has agreements that provide 138103
for the satisfaction of all other conditions of division (B) of 138104
this section upon the completion of the construction; 138105

(2) Any improvement or addition made after March 2, 1992, 138106
to a public recreational facility that was constructed before 138107
March 2, 1992, as long as all other conditions in division (B) 138108
of this section are met. 138109

(D) A corporation that owns property exempt from taxation 138110
under division (B) of this section is a public body for the 138111
purposes of section 121.22 of the Revised Code. The 138112
corporation's records are public records for the purposes of 138113
section 149.43 of the Revised Code, except records related to 138114
matters set forth in division (G) of section 121.22 of the 138115
Revised Code and records related to negotiations that are not 138116
yet completed for financing, leases, or other agreements. 138117

(E) The exemption under division (B) of this section 138118
applies to property that is owned by the political subdivision 138119
or subdivisions or the corporation that owns the public 138120
recreational facility. Tangible personal property owned by 138121
users, managers, or lessees of the facility is taxable when used 138122

in the public recreational facility. 138123

(F) All real property constituting a public recreational 138124
facility, including the land on which the facility is situated, 138125
that is owned by a municipal corporation and used primarily by 138126
an independent professional minor league baseball team for a 138127
significant portion of its home schedule is declared to be 138128
public property used for a public purpose, and is exempt from 138129
taxation, if the facility is constructed in 2008 or thereafter, 138130
the team operates at the facility under a lease, license, 138131
management agreement, or similar arrangement with the municipal 138132
corporation that requires the team to pay rent, revenue, or 138133
other remuneration to the municipal corporation, and any 138134
residual cash, as defined in division (B)(5) of this section, 138135
that accrues to the municipal corporation is used for the public 138136
purposes of the municipal corporation. 138137

For the purposes of this division, an independent 138138
professional minor league baseball team is a baseball team that 138139
employs professional players and that is a member of an 138140
established league composed of teams that are not affiliated 138141
with a constituent member club of the association known as major 138142
league baseball. 138143

(G) Nothing in this section or in any other section of the 138144
Revised Code prohibits or otherwise precludes an agreement 138145
between a political subdivision, or a corporation controlled by 138146
a political subdivision, that owns or operates a public 138147
recreational facility that is exempted from taxation under 138148
division (A), (B), or (F) of this section and the board of 138149
education of a school district or the legislative authority of a 138150
municipal corporation, or both, in which all or a part of that 138151
facility is located, providing for payments to the school 138152

district or municipal corporation, or both, in lieu of taxes 138153
that otherwise would be charged against real and tangible 138154
personal property exempted from taxation under this section, for 138155
a period of time and under such terms and conditions as the 138156
legislative authority of the political subdivision and the board 138157
of education or municipal legislative authority, or both, may 138158
agree, which agreements are hereby specifically authorized. 138159

(H) As used in this section, "political subdivision" 138160
includes the state or an agency of the state if the city, local, 138161
or exempted village school district in which the property is 138162
situated expressly consents to exempting the property from 138163
taxation. 138164

Sec. 5709.212. (A) With-Except for applications filed for 138165
an industrial water pollution control facility, with every 138166
application for an exempt facility certificate filed pursuant to 138167
section 5709.21 of the Revised Code, the applicant shall pay a 138168
fee equal to one-half of one per cent of the total exempt 138169
facility project cost, not to exceed two thousand dollars. If 138170
the director of environmental protection is required to provide 138171
the opinion for an application for an air pollution control 138172
facility or noise pollution control facility, the fee shall be 138173
credited to the non-Title V clean air fund created in section 138174
3704.035 of the Revised Code for use in administering section 138175
5709.211 of the Revised Code, ~~unless the application is for an~~ 138176
~~industrial water pollution control facility. In such a case, the~~ 138177
~~fee shall be credited to the surface water protection fund~~ 138178
~~created in section 6111.038 of the Revised Code for use in~~ 138179
~~administering section 5709.211 of the Revised Code.~~ If the 138180
director of development or director of natural resources is 138181
required to provide the opinion for an application, the fee for 138182
each exempt facility application shall be credited to the exempt 138183

facility inspection fund, which is hereby created in the state 138184
treasury, for appropriation to the department of development 138185
~~services agency~~ or department of natural resources, as 138186
applicable, for use in administering section 5709.211 of the 138187
Revised Code. 138188

An applicant is not entitled to any tax exemption under 138189
section 5709.25 of the Revised Code until the fee required by 138190
this section is paid. The fee required by this section is not 138191
refundable, and is due with the application for an exempt 138192
facility certificate even if an exempt facility certificate 138193
ultimately is not issued or is withdrawn. Any application 138194
submitted without payment of the fee shall be deemed incomplete 138195
until the fee is paid. 138196

(B) The application fee imposed under division (A) of this 138197
section for a jointly owned facility shall be equal to one-half 138198
of one per cent of the total exempt facility project cost, not 138199
to exceed two thousand dollars for each facility that is the 138200
subject of the application. 138201

Sec. 5709.89. (A) As used in this section: 138202

(1) "Indebted subdivision" means a county, township, or 138203
municipal corporation that has accepted a residential 138204
development loan. 138205

(2) "Residential development loan" means a loan authorized 138206
under section 122.98 of the Revised Code. 138207

(B) The legislative authority of an indebted subdivision 138208
shall adopt a resolution or ordinance exempting from real 138209
property taxation improvements to each parcel of real property 138210
whose construction commenced as the result of infrastructure 138211
whose development, repair, or upgrade was funded by a 138212

residential development loan accepted by the subdivision. The 138213
resolution or ordinance shall be adopted and begin to apply in 138214
the same tax year in which such infrastructure is developed, 138215
repaired, or upgraded. 138216

The resolution or ordinance shall require the owner of the 138217
improvements exempted from taxation to make annual service 138218
payments in lieu of taxes to the county treasurer on or before 138219
the final dates for payment of real property taxes. Service 138220
payments in lieu of taxes required by a resolution or ordinance 138221
adopted under this section shall be charged and collected in the 138222
same manner and in the same amount as the real property taxes 138223
that would have been charged and payable against the 138224
improvements if not for the exemption. 138225

Service payment receipts shall be distributed at the same 138226
time and in the same manner as real property tax payments. The 138227
entire amount, however, shall be paid to the indebted 138228
subdivision. The county treasurer shall maintain a record of the 138229
service payments in lieu of taxes made from property in each 138230
indebted subdivision. 138231

The indebted subdivision shall use the payments solely to 138232
repay the residential development loan associated with the 138233
exempted improvements. An exemption from taxation under this 138234
section and the obligation to make service payments ends 138235
beginning for the tax year after the applicable residential 138236
development loan is fully repaid, including any applicable 138237
interest. The indebted subdivision shall notify the parcel's 138238
owner, the county auditor, and the county treasurer immediately 138239
after the loan is fully repaid of the tax year in which the 138240
exemption and payments are to end. 138241

Sec. 5709.92. (A) As used in this section: 138242

(1) "School district" means a city, local, or exempted village school district. 138243
138244

(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code. 138245
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(3) "Total resources" means the sum of the amounts described in divisions (A) (3) (a) to (g) of this section less any reduction required under division (C) (3) (a) of this section. 138251
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138253

(a) The state education aid for fiscal year 2015; 138254

(b) The sum of the payments received in fiscal year 2015 for current expense levy losses under division (C) (3) of section 5727.85 and division (C) (12) of section 5751.21 of the Revised Code, as they existed at that time, excluding the portion of such payments attributable to levies for joint vocational school district purposes; 138255
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(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F) (1) of section 5727.85 and division (E) (1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges; 138261
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(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under ~~sections~~ section 5705.194 ~~to 5705.197~~ of the Revised Code, 138267
138268
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138271

excluding taxes levied for joint vocational school district 138272
purposes or levied under section 5705.23 of the Revised Code; 138273

(e) The amount certified for fiscal year 2015 under 138274
division (A) (2) of section 3317.08 of the Revised Code; 138275

(f) Distributions received during calendar year 2014 from 138276
taxes levied under section 718.09 of the Revised Code; 138277

(g) Distributions received during fiscal year 2015 from 138278
the gross casino revenue county student fund. 138279

(4) (a) "State education aid" for a school district means 138280
the sum of state amounts computed for the district under 138281
sections 3317.022 and 3317.0212 of the Revised Code after any 138282
amounts are added or subtracted under Section 263.240 of Am. 138283
Sub. H.B. 59 of the 130th general assembly, entitled 138284
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 138285
DISTRICTS." 138286

(b) "State education aid" for a joint vocational district 138287
means the amount computed for the district under section 3317.16 138288
of the Revised Code after any amounts are added or subtracted 138289
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general 138290
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 138291
DISTRICTS." 138292

(5) "Taxes charged and payable" means taxes charged and 138293
payable after the reduction required by section 319.301 of the 138294
Revised Code but before the reductions required by sections 138295
319.302 and 323.152 of the Revised Code. 138296

(6) "Capacity quintile" means the capacity measure 138297
quintiles determined under division (B) of this section. 138298

(7) "Threshold per cent" means the following: 138299

(a) For a school district in the lowest capacity quintile, 138300
one per cent for fiscal year 2016 and two per cent for fiscal 138301
year 2017. 138302

(b) For a school district in the second lowest capacity 138303
quintile, one and one-fourth per cent for fiscal year 2016 and 138304
two and one-half per cent for fiscal year 2017. 138305

(c) For a school district in the third lowest capacity 138306
quintile, one and one-half per cent for fiscal year 2016 and 138307
three per cent for fiscal year 2017. 138308

(d) For a school district in the second highest capacity 138309
quintile, one and three-fourths per cent for fiscal year 2016 138310
and three and one-half per cent for fiscal year 2017. 138311

(e) For a school district in the highest capacity 138312
quintile, two per cent for fiscal year 2016 and four per cent 138313
for fiscal year 2017. 138314

(f) For a joint vocational school district, two per cent 138315
for fiscal year 2016 and four per cent for fiscal year 2017. 138316

(8) "Current expense allocation" means the sum of the 138317
payments received by a school district or joint vocational 138318
school district in fiscal year 2015 for current expense levy 138319
losses under division (C) (3) of section 5727.85 and division (C) 138320
(12) of section 5751.21 of the Revised Code as they existed at 138321
that time, less any reduction required under division (C) (3) (b) 138322
of this section. 138323

(9) "Non-current expense allocation" means the sum of the 138324
payments received by a school district or joint vocational 138325
school district in fiscal year 2015 for levy losses under 138326
division (C) (3) (c) of section 5727.85 and division (C) (12) (c) of 138327
section 5751.21 of the Revised Code, as they existed at that 138328

time, and levy losses in fiscal year 2015 under division (H) of 138329
section 5727.84 of the Revised Code as that section existed at 138330
that time attributable to levies for and payments received for 138331
losses on levies intended to generate money for maintenance of 138332
classroom facilities. 138333

(10) "Operating TPP fixed-sum levy losses" means the sum 138334
of payments received by a school district in fiscal year 2015 138335
for levy losses under division (E) of section 5751.21 of the 138336
Revised Code, excluding levy losses for debt purposes. 138337

(11) "Operating S.B. 3 fixed-sum levy losses" means the 138338
sum of payments received by the school district in fiscal year 138339
2015 for levy losses under division (H) of section 5727.84 of 138340
the Revised Code, excluding levy losses for debt purposes. 138341

(12) "TPP fixed-sum debt levy losses" means the sum of 138342
payments received by a school district in fiscal year 2015 for 138343
levy losses under division (E) of section 5751.21 of the Revised 138344
Code for debt purposes. 138345

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 138346
payments received by the school district in fiscal year 2015 for 138347
levy losses under division (H) of section 5727.84 of the Revised 138348
Code for debt purposes. 138349

(14) "Qualifying levies" means qualifying levies described 138350
in section 5751.20 of the Revised Code as that section was in 138351
effect before July 1, 2015. 138352

(15) "Total taxable value" has the same meaning as in 138353
section 3317.02 of the Revised Code. 138354

(B) The department of education and workforce shall rank 138355
all school districts in the order of districts' capacity 138356
measures determined under former section 3317.018 of the Revised 138357

Code from lowest to highest, and divide such ranking into 138358
quintiles, with the first quintile containing the twenty per 138359
cent of school districts having the lowest capacity measure and 138360
the fifth quintile containing the twenty per cent of school 138361
districts having the highest capacity measure. This calculation 138362
and ranking shall be performed once, in fiscal year 2016. 138363

(C) (1) In fiscal year 2016, payments shall be made to 138364
school districts and joint vocational school districts equal to 138365
the sum of the amounts described in divisions (C) (1) (a) or (b) 138366
and (C) (1) (c) of this section. In fiscal year 2017, payments 138367
shall be made to school districts and joint vocational school 138368
districts equal to the amount described in division (C) (1) (a) or 138369
(b) of this section. 138370

(a) If the ratio of the current expense allocation to 138371
total resources is equal to or less than the district's 138372
threshold percent, zero; 138373

(b) If the ratio of the current expense allocation to 138374
total resources is greater than the district's threshold per 138375
cent, the difference between the current expense allocation and 138376
the product of the threshold percentage and total resources; 138377

(c) For fiscal year 2016, the product of the non-current 138378
expense allocation multiplied by fifty per cent. 138379

(2) In fiscal year 2018 and subsequent fiscal years, 138380
payments shall be made to school districts and joint vocational 138381
school districts equal to the difference obtained by subtracting 138382
the amount described in division (C) (2) (b) of this section from 138383
the amount described in division (C) (2) (a) of this section, 138384
provided that such amount is greater than zero. 138385

(a) The sum of the payments received by the district under 138386

division (C) (1) (b) or (C) (2) of this section for the immediately preceding fiscal year; 138387
138388

(b) One-sixteenth of one per cent of the average of the total taxable value of the district for tax years 2014, 2015, and 2016. 138389
138390
138391

(3) (a) "Total resources" used to compute payments under division (C) (1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014. 138392
138393
138394
138395

(b) "Current expense allocation" used to compute payments under division (C) (1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014. 138396
138397
138398
138399
138400

(4) The department of education and workforce shall report to each school district and joint vocational school district the apportionment of the payments under division (C) (1) of this section among the district's funds based on qualifying levies. 138401
138402
138403
138404

(D) (1) Payments in the following amounts shall be made to school districts and joint vocational school districts in tax years 2016 through 2021: 138405
138406
138407

(a) In tax year 2016, the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 138408
138409
138410

(b) In tax year 2017, the sum of the district's operating TPP fixed-sum levy losses and eighty per cent of operating S.B. 3 fixed-sum levy losses. 138411
138412
138413

(c) In tax year 2018, the sum of eighty per cent of the 138414

district's operating TPP fixed-sum levy losses and sixty per 138415
cent of its operating S.B. 3 fixed-sum levy losses. 138416

(d) In tax year 2019, the sum of sixty per cent of the 138417
district's operating TPP fixed-sum levy losses and forty per 138418
cent of its operating S.B. 3 fixed-sum levy losses. 138419

(e) In tax year 2020, the sum of forty per cent of the 138420
district's operating TPP fixed-sum levy losses and twenty per 138421
cent of its operating S.B. 3 fixed-sum levy losses. 138422

(f) In tax year 2021, twenty per cent of the district's 138423
operating TPP fixed-sum levy losses. 138424

No payment shall be made under division (D) (1) of this 138425
section after tax year 2021. 138426

(2) Amounts are payable under division (D) of this section 138427
for fixed-sum levy losses only to the extent of such losses for 138428
qualifying levies that remain in effect for the current tax 138429
year. For this purpose, a qualifying levy levied under section 138430
5705.194 or 5705.213 of the Revised Code remains in effect for 138431
the current tax year only if a tax levied under either of those 138432
sections is charged and payable for the current tax year for an 138433
annual sum at least equal to the annual sum levied by the board 138434
of education for tax year 2004 under those sections less the 138435
amount of the payment under this division. 138436

(E) (1) For fixed-sum levies for debt purposes, payments 138437
shall be made to school districts and joint vocational school 138438
districts equal to one hundred per cent of the district's fixed- 138439
sum levy loss determined under division (E) of section 5751.20 138440
and division (H) of section 5727.84 of the Revised Code as in 138441
effect before July 1, 2015, and paid in tax year 2014. No 138442
payment shall be made for qualifying levies that are no longer 138443

charged and payable. 138444

(2) Beginning in 2016, by the thirty-first day of January 138445
of each year, the tax commissioner shall review the calculation 138446
of fixed-sum levy loss for debt purposes determined under 138447
division (E) of section 5751.20 and division (H) of section 138448
5727.84 of the Revised Code as in effect before July 1, 2015. If 138449
the commissioner determines that a fixed-sum levy that had been 138450
scheduled to be reimbursed in the current year is no longer 138451
charged and payable, a revised calculation for that year and all 138452
subsequent years shall be made. 138453

(F) (1) For taxes levied within the ten-mill limitation for 138454
debt purposes in tax year 1998 in the case of electric company 138455
tax value losses, and in tax year 1999 in the case of natural 138456
gas company tax value losses, payments shall be made to school 138457
districts and joint vocational school districts equal to one 138458
hundred per cent of the loss computed under division (D) of 138459
section 5727.85 of the Revised Code as in effect before July 1, 138460
2015, as if the tax were a fixed-rate levy, but those payments 138461
shall extend through fiscal year 2016. 138462

(2) For taxes levied within the ten-mill limitation for 138463
debt purposes in tax year 2005, payments shall be made to school 138464
districts and joint vocational school districts equal to one 138465
hundred per cent of the loss computed under division (D) of 138466
section 5751.21 of the Revised Code as in effect before July 1, 138467
2015, as if the tax were a fixed-rate levy, but those payments 138468
shall extend through fiscal year 2018. 138469

(G) If all the territory of a school district or joint 138470
vocational school district is merged with another district, or 138471
if a part of the territory of a school district or joint 138472
vocational school district is transferred to an existing or 138473

newly created district, the department of education and 138474
workforce, in consultation with the tax commissioner, shall 138475
adjust the payments made under this section as follows: 138476

(1) For a merger of two or more districts, fixed-sum levy 138477
losses, total resources, current expense allocation, and non- 138478
current expense allocation of the successor district shall be 138479
the sum of such items for each of the districts involved in the 138480
merger. 138481

(2) If property is transferred from one district to a 138482
previously existing district, the amount of the total resources, 138483
current expense allocation, and non-current expense allocation 138484
that shall be transferred to the recipient district shall be an 138485
amount equal to the total resources, current expense allocation, 138486
and non-current expense allocation of the transferor district 138487
times a fraction, the numerator of which is the number of pupils 138488
being transferred to the recipient district, measured, in the 138489
case of a school district, by formula ADM as defined in section 138490
3317.02 of the Revised Code or, in the case of a joint vocational 138491
school district, by formula ADM as defined for a joint 138492
vocational school district in that section, and the denominator 138493
of which is the formula ADM of the transferor district. 138494

(3) After December 31, 2010, if property is transferred 138495
from one or more districts to a district that is newly created 138496
out of the transferred property, the newly created district 138497
shall be deemed not to have any total resources, current expense 138498
allocation, total allocation, or non-current expense allocation. 138499

(4) If the recipient district under division (G) (2) of 138500
this section or the newly created district under division (G) (3) 138501
of this section is assuming debt from one or more of the 138502
districts from which the property was transferred and any of the 138503

districts losing the property had fixed-sum levy losses, the 138504
department of education and workforce, in consultation with the 138505
tax commissioner, shall make an equitable division of the 138506
reimbursements for those losses. 138507

(H) The payments required by divisions (C), (D), (E), (F), 138508
and (I) of this section shall be distributed periodically to 138509
each school and joint vocational school district by the 138510
department of education and workforce unless otherwise provided 138511
for. Except as provided in division (D) of this section, if a 138512
levy that is a qualifying levy is not charged and payable in any 138513
year after 2014, payments to the school district or joint 138514
vocational school district shall be reduced to the extent that 138515
the payments distributed in fiscal year 2015 were attributable 138516
to the levy loss of that levy. 138517

(I) For fiscal years 2022 through 2026, if the total 138518
amount to be received under divisions (C) and (E) of this 138519
section by any school district that has a nuclear power plant 138520
located within its territory is less than the amount the 138521
district received under this section in fiscal year 2017, the 138522
district shall receive a supplemental payment equal to the 138523
difference between the amount to be received under those 138524
divisions for the fiscal year and the amount received under this 138525
section in fiscal year 2017. 138526

Sec. 5709.93. (A) As used in this section: 138527

(1) "Taxes charged and payable" means taxes charged and 138528
payable after the reduction required by section 319.301 of the 138529
Revised Code but before the reductions required by sections 138530
319.302 and 323.152 of the Revised Code. 138531

(2) "Threshold per cent" means two per cent for fiscal 138532

year 2016; and, for fiscal year 2017 and thereafter, the sum of 138533
the prior year's threshold per cent plus two percentage points. 138534

(3) "Public library" means a county, municipal, school 138535
district, or township public library that receives the proceeds 138536
of a tax levied under section 5705.23 of the Revised Code. 138537

(4) "Local taxing unit" means a subdivision or taxing 138538
unit, as defined in section 5705.01 of the Revised Code, a park 138539
district created under Chapter 1545. of the Revised Code, or a 138540
township park district established under section 511.23 of the 138541
Revised Code, but excludes school districts and joint vocational 138542
school districts. 138543

(5) "Municipal current expense allocation" means the sum 138544
of the payments received by a municipal corporation in calendar 138545
year 2014 for current expense levy losses under division (A)(1) 138546
(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 138547
5751.22 of the Revised Code as they existed at that time. 138548

(6) "Current expense allocation" means the sum of the 138549
payments received by a local taxing unit or public library in 138550
calendar year 2014 for current expense levy losses under 138551
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) 138552
of section 5751.22 of the Revised Code as they existed at that 138553
time, less any reduction required under division (B)(2) of this 138554
section. 138555

(7) "TPP inside millage debt levy loss" means payments 138556
made to local taxing units in calendar year 2014 under division 138557
(A)(3) of section 5751.22 of the Revised Code as that section 138558
existed at that time. 138559

(8) "S.B. 3 inside millage debt levy loss" means payments 138560
made to local taxing units in calendar year 2014 under section 138561

(A) (4) of section 5727.86 of the Revised Code as that section
existed at that time.

(9) "Qualifying levy" means a levy for which payment was
made in calendar year 2014 under division (A) (1) of section
5727.86 and divisions (A) (1) and (2) of section 5751.22 of the
Revised Code as they existed at that time.

(10) "Total resources," in the case of county mental
health and disability related functions, means the sum of the
amounts in divisions (A) (10) (a) and (b) of this section less any
reduction required under division (B) (1) of this section.

(a) The sum of the payments received by the county for
mental health and developmental disability related functions in
calendar year 2014 under division (A) (1) of section 5727.86 and
division (A) (1) of section 5751.22 of the Revised Code as they
existed at that time;

(b) With respect to taxes levied by the county for mental
health and developmental disability related purposes, the taxes
charged and payable for such purposes against all property on
the tax list of real and public utility property for tax year
2014.

(11) "Total resources," in the case of county senior
services related functions, means the sum of the amounts in
divisions (A) (11) (a) and (b) of this section less any reduction
required under division (B) (1) of this section.

(a) The sum of the payments received by the county for
senior services related functions in calendar year 2014 under
division (A) (1) of section 5727.86 and division (A) (1) of
section 5751.22 of the Revised Code as they existed at that
time;

(b) With respect to taxes levied by the county for senior 138591
services related purposes, the taxes charged and payable for 138592
such purposes against all property on the tax list of real and 138593
public utility property for tax year 2014. 138594

(12) "Total resources," in the case of county children's 138595
services related functions, means the sum of the amounts in 138596
divisions (A) (12) (a) and (b) of this section less any reduction 138597
required under division (B) (1) of this section. 138598

(a) The sum of the payments received by the county for 138599
children's services related functions in calendar year 2014 138600
under division (A) (1) of section 5727.86 and division (A) (1) of 138601
section 5751.22 of the Revised Code as they existed at that 138602
time; 138603

(b) With respect to taxes levied by the county for 138604
children's services related purposes, the taxes charged and 138605
payable for such purposes against all property on the tax list 138606
of real and public utility property for tax year 2014. 138607

(13) "Total resources," in the case of county public 138608
health related functions, means the sum of the amounts in 138609
divisions (A) (13) (a) and (b) of this section less any reduction 138610
required under division (B) (1) of this section. 138611

(a) The sum of the payments received by the county for 138612
public health related functions in calendar year 2014 under 138613
division (A) (1) of section 5727.86 and division (A) (1) of 138614
section 5751.22 of the Revised Code as they existed at that 138615
time; 138616

(b) With respect to taxes levied by the county for public 138617
health related purposes, the taxes charged and payable for such 138618
purposes against all property on the tax list of real and public 138619

utility property for tax year 2014. 138620

(14) "Total resources," in the case of all county 138621
functions not included in divisions (A) (10) to (13) of this 138622
section, means the sum of the amounts in divisions (A) (14) (a) to 138623
(e) of this section less any reduction required under division 138624
(B) (1) or (2) of this section. 138625

(a) The sum of the payments received by the county for all 138626
other purposes in calendar year 2014 under division (A) (1) of 138627
section 5727.86 and division (A) (1) of section 5751.22 of the 138628
Revised Code as they existed at that time; 138629

(b) The county's percentage share of county undivided 138630
local government fund allocations as certified to the tax 138631
commissioner for calendar year 2015 by the county auditor under 138632
division (J) of section 5747.51 of the Revised Code or division 138633
(F) of section 5747.53 of the Revised Code multiplied by the 138634
total amount actually distributed in calendar year 2014 from the 138635
county undivided local government fund; 138636

(c) With respect to taxes levied by the county for all 138637
other purposes, the taxes charged and payable for such purposes 138638
against all property on the tax list of real and public utility 138639
property for tax year 2014, excluding taxes charged and payable 138640
for the purpose of paying debt charges; 138641

(d) The sum of the amounts distributed to the county in 138642
calendar year 2014 for the taxes levied pursuant to sections 138643
5739.021 and 5741.021 of the Revised Code; 138644

(e) The sum of amounts distributed to the county from the 138645
gross casino revenue county fund from July 2014 through April 138646
2015. 138647

(15) "Total resources," in the case of a municipal 138648

corporation, means the sum of the amounts in divisions (A) (15) 138649
(a) to (h) of this section less any reduction required under 138650
division (B) (1) or (2) of this section. 138651

(a) The sum of the payments received by the municipal 138652
corporation in calendar year 2014 for current expense levy 138653
losses under division (A) (1) of section 5727.86 and division (A) 138654
(1) of section 5751.22 of the Revised Code as they existed at 138655
that time; 138656

(b) The municipal corporation's percentage share of county 138657
undivided local government fund allocations as certified to the 138658
tax commissioner for calendar year 2015 by the county auditor 138659
under division (J) of section 5747.51 of the Revised Code or 138660
division (F) of section 5747.53 of the Revised Code multiplied 138661
by the total amount actually distributed in calendar year 2014 138662
from the county undivided local government fund; 138663

(c) The sum of the amounts distributed to the municipal 138664
corporation in calendar year 2014 pursuant to section 5747.50 of 138665
the Revised Code; 138666

(d) With respect to taxes levied by the municipal 138667
corporation, the taxes charged and payable against all property 138668
on the tax list of real and public utility property for 138669
municipal current expenses for tax year 2014; 138670

(e) The amount of admissions tax collected by the 138671
municipal corporation in calendar year 2013, or if such 138672
information has not yet been reported to the tax commissioner, 138673
in the most recent year before 2013 for which the municipal 138674
corporation has reported data to the commissioner; 138675

(f) The amount of income taxes collected by the municipal 138676
corporation in calendar year 2013 as certified to the tax 138677

commissioner under section 5747.50 of the Revised Code in 2013, 138678
or if such information has not yet been reported to the 138679
commissioner, in the most recent year before 2014 for which the 138680
municipal corporation has reported such data to the 138681
commissioner; 138682

(g) The sum of the amounts distributed to the municipal 138683
corporation from the gross casino revenue host city fund from 138684
July 2014 through April 2015; 138685

(h) The sum of the amounts distributed to the municipal 138686
corporation from the gross casino revenue county fund from July 138687
2014 through April 2015. 138688

(16) "Total resources," in the case of a township, means 138689
the sum of the amounts in divisions (A) (16) (a) to (c) of this 138690
section less any reduction required under division (B) (1) or (2) 138691
of this section. 138692

(a) The sum of the payments received by the township in 138693
calendar year 2014 pursuant to division (A) (1) of section 138694
5727.86 of the Revised Code and division (A) (1) of section 138695
5751.22 of the Revised Code as they existed at that time, 138696
excluding payments received for debt purposes; 138697

(b) The township's percentage share of county undivided 138698
local government fund allocations as certified to the tax 138699
commissioner for calendar year 2015 by the county auditor under 138700
division (J) of section 5747.51 of the Revised Code or division 138701
(F) of section 5747.53 of the Revised Code multiplied by the 138702
total amount actually distributed in calendar year 2014 from the 138703
county undivided local government fund; 138704

(c) With respect to taxes levied by the township, the 138705
taxes charged and payable against all property on the tax list 138706

of real and public utility property for tax year 2014 excluding 138707
taxes charged and payable for the purpose of paying debt charges 138708
or from levies imposed under section 5705.23 of the Revised 138709
Code. 138710

(17) "Total resources," in the case of a local taxing unit 138711
that is not a county, municipal corporation, township, or public 138712
library means the sum of the amounts in divisions (A) (17) (a) to 138713
(e) of this section less any reduction required under division 138714
(B) (1) of this section. 138715

(a) The sum of the payments received by the local taxing 138716
unit in calendar year 2014 pursuant to division (A) (1) of 138717
section 5727.86 of the Revised Code and division (A) (1) of 138718
section 5751.22 of the Revised Code as they existed at that 138719
time; 138720

(b) The local taxing unit's percentage share of county 138721
undivided local government fund allocations as certified to the 138722
tax commissioner for calendar year 2015 by the county auditor 138723
under division (J) of section 5747.51 of the Revised Code or 138724
division (F) of section 5747.53 of the Revised Code multiplied 138725
by the total amount actually distributed in calendar year 2014 138726
from the county undivided local government fund; 138727

(c) With respect to taxes levied by the local taxing unit, 138728
the taxes charged and payable against all property on the tax 138729
list of real and public utility property for tax year 2014 138730
excluding taxes charged and payable for the purpose of paying 138731
debt charges or from a levy imposed under section 5705.23 of the 138732
Revised Code; 138733

(d) The amount received from the tax commissioner during 138734
calendar year 2014 for sales or use taxes authorized under 138735

sections 5739.023 and 5741.022 of the Revised Code; 138736

(e) For institutions of higher education receiving tax 138737
revenue from a local levy, as identified in section 3358.02 of 138738
the Revised Code, the final state share of instruction 138739
allocation for fiscal year 2014 as calculated by the chancellor 138740
of higher education and reported to the state controlling board. 138741

(18) "Total resources," in the case of a county, municipal 138742
corporation, school district, or township public library that 138743
receives the proceeds of a tax levied under section 5705.23 of 138744
the Revised Code, means the sum of the amounts in divisions (A) 138745
(18) (a) to (d) of this section less any reduction required under 138746
division (B) (1) of this section. 138747

(a) The sum of the payments received by the county, 138748
municipal corporation, school district, or township public 138749
library in calendar year 2014 pursuant to sections 5727.86 and 138750
5751.22 of the Revised Code, as they existed at that time, for 138751
fixed-rate levy losses attributable to a tax levied under 138752
section 5705.23 of the Revised Code for the benefit of the 138753
public library; 138754

(b) The public library's percentage share of county 138755
undivided local government fund allocations as certified to the 138756
tax commissioner for calendar year 2015 by the county auditor 138757
under division (J) of section 5747.51 of the Revised Code or 138758
division (F) of section 5747.53 of the Revised Code multiplied 138759
by the total amount actually distributed in calendar year 2014 138760
from the county undivided local government fund; 138761

(c) With respect to a tax levied pursuant to section 138762
5705.23 of the Revised Code for the benefit of the public 138763
library, the amount of such tax that is charged and payable 138764

against all property on the tax list of real and public utility 138765
property for tax year 2014 excluding any tax that is charged and 138766
payable for the purpose of paying debt charges; 138767

(d) The sum of the amounts distributed to the library 138768
district from the county public library fund in calendar year 138769
2014, as reported to the tax commissioner by the county auditor. 138770

(19) "Municipal current expense property tax levies" means 138771
all property tax levies of a municipality, except those with the 138772
following levy names: library; airport resurfacing; bond or any 138773
levy name including the word "bond"; capital improvement or any 138774
levy name including the word "capital"; debt or any levy name 138775
including the word "debt"; equipment or any levy name including 138776
the word "equipment," unless the levy is for combined operating 138777
and equipment; employee termination fund; fire pension or any 138778
levy containing the word "pension," including police pensions; 138779
fireman's fund or any practically similar name; sinking fund; 138780
road improvements or any levy containing the word "road"; fire 138781
truck or apparatus; flood or any levy containing the word 138782
"flood"; conservancy district; county health; note retirement; 138783
sewage, or any levy containing the words "sewage" or "sewer"; 138784
park improvement; parkland acquisition; storm drain; street or 138785
any levy name containing the word "street"; lighting, or any 138786
levy name containing the word "lighting"; and water. 138787

(20) "Operating fixed-rate levy loss" means, in the case 138788
of local taxing units other than municipal corporations, fixed- 138789
rate levy losses of levies imposed for purposes other than 138790
paying debt charges or, in the case of municipal corporations, 138791
fixed-rate levy losses of municipal current expense property tax 138792
levies. 138793

(21) (a) "Qualifying municipal corporation" means a 138794

municipal corporation in the territory of which a qualifying end user is located. 138795
138796

(b) "Qualifying end user" means an end user of at least 138797
seven million qualifying kilowatt hours of electricity annually. 138798

(c) "Qualifying kilowatt hours" means kilowatt hours of 138799
electricity generated by a renewable energy resource, as defined 138800
in section 5727.01 of the Revised Code, using wind energy and 138801
the distribution of which is subject to the tax levied under 138802
section 5727.81 of the Revised Code for any measurement period 138803
beginning after June 30, 2015. 138804

(22) Any term used in this section has the same meaning as 138805
in section 5727.84 or 5751.20 of the Revised Code unless 138806
otherwise defined by this section. 138807

(B) (1) "Total resources" used to compute payments to be 138808
made under division (C) of this section shall be reduced to the 138809
extent that payments distributed in calendar year 2014 were 138810
attributable to levies no longer charged and payable. 138811

(2) "Current expense allocation" used to compute payments 138812
to be made under division (C) of this section shall be reduced 138813
to the extent that payments distributed in calendar year 2014 138814
were attributable to levies no longer charged and payable. 138815

(C) (1) Except as provided in division (D) of this section, 138816
the tax commissioner shall compute payments for operating fixed- 138817
rate levy losses of local taxing units and public libraries for 138818
fiscal year 2016 and each year thereafter as prescribed in 138819
divisions (C) (1) (a) and (b) of this section: 138820

(a) For public libraries and local taxing units other than 138821
municipal corporations: 138822

(i) If the ratio of current expense allocation to total 138823
resources is equal to or less than the threshold per cent, zero; 138824

(ii) If the ratio of current expense allocation to total 138825
resources is greater than the threshold per cent, the current 138826
expense allocation minus the product of total resources 138827
multiplied by the threshold per cent. 138828

(b) For municipal corporations: 138829

(i) If the ratio of the municipal current expense 138830
allocation to total resources is equal to or less than the 138831
threshold per cent, zero; 138832

(ii) If the ratio of the municipal current expense 138833
allocation to total resources is greater than the threshold per 138834
cent, the municipal current expense allocation minus the product 138835
of total resources multiplied by the threshold per cent. 138836

(2) For any local taxing unit or public library with 138837
operating fixed-rate levy losses greater than zero, the 138838
operating fixed-rate levy loss shall be allocated among all 138839
qualifying operating fixed-rate levies in proportion to each 138840
such levy's share of the payments received in tax year 2014. In 138841
fiscal year 2016 and thereafter, if a levy to which operating 138842
fixed-rate levy loss is allocated is no longer charged and 138843
payable, the payment to the local taxing unit or public library 138844
shall be reduced by the amount allocated to the levy that is no 138845
longer charged and payable. 138846

(D) (1) Except as provided in division (D) (2) of this 138847
section, the tax commissioner shall make payments to local 138848
taxing units equal to the sum of TPP inside millage debt levy 138849
loss and S.B. 3 inside millage debt levy loss. No payment shall 138850
be made if the levy for which the levy loss is computed is not 138851

charged and payable for debt purposes in fiscal year 2016 or any 138852
year thereafter. 138853

(2) No payment shall be made for TPP inside millage debt 138854
levy loss in calendar year 2018 or thereafter. No payment shall 138855
be made for S.B.3 inside millage debt levy loss in calendar year 138856
2017 or thereafter. 138857

(E) For a qualifying municipal corporation, the tax 138858
commissioner shall compute payments for fiscal year 2016 and 138859
each ensuing fiscal year in an amount equal to the amount of tax 138860
imposed under section 5727.81 of the Revised Code and paid on 138861
the basis of qualifying kilowatt hours of electricity 138862
distributed through the meter of a qualifying end user located 138863
in the municipal corporation for measurement periods ending in 138864
the preceding calendar year. The payment shall be computed 138865
regardless of whether the qualifying municipal corporation 138866
qualifies for a payment under any other division of this section 138867
for the fiscal year in which the payment is computed under this 138868
division. For the purposes of this division, the commissioner 138869
may require an electric distribution company distributing 138870
qualifying kilowatt hours or, if the end user is a self- 138871
assessing purchaser, the end user, to report to the commissioner 138872
the number of qualifying kilowatt hours distributed through the 138873
meter of the qualifying end user. 138874

(F) (1) The payments required to be made under divisions 138875
(C), (D), and (H) of this section shall be paid from the ~~local-~~ 138876
~~government tangible property tax replacement~~ general revenue 138877
fund to the county undivided income tax fund in the proper 138878
county treasury. Beginning in August 2015, one-half of the 138879
amount determined under each of those divisions shall be paid on 138880
or before the last day of August each year, and one-half shall 138881

be paid on or before the last day of February each year. Within 138882
thirty days after receipt of such payments, the county treasurer 138883
shall distribute amounts determined under this section to the 138884
proper local taxing unit or public library as if they had been 138885
levied and collected as taxes, and the local taxing unit or 138886
public library shall allocate the amounts so received among its 138887
funds in the same proportions as if those amounts had been 138888
levied and collected as taxes. 138889

(2) On or before the last day of August and of February of 138890
each fiscal year that follows a calendar year in which taxes are 138891
paid on the basis of qualifying kilowatt hours of electricity 138892
distributed through the meter of a qualifying end user located 138893
in a qualifying municipal corporation, one-half of the payment 138894
computed under division (E) of this section shall be paid from 138895
the ~~local government tangible personal property tax replacement~~ 138896
general revenue fund directly to the qualifying municipal 138897
corporation. The municipal corporation shall credit the payments 138898
to a special fund created for the purpose of providing grants or 138899
other financial assistance to the qualifying end user or to 138900
compensate the municipal corporation for municipal income tax or 138901
other tax credits or reductions as the legislative authority may 138902
grant to the qualifying end user. Such grants or other financial 138903
assistance may be provided for by ordinance or resolution of the 138904
legislative authority of the qualifying municipal corporation 138905
and may continue for as long as is provided by the ordinance or 138906
resolution. 138907

(G) If all or a part of the territories of two or more 138908
local taxing units are merged, or unincorporated territory of a 138909
township is annexed by a municipal corporation, the tax 138910
commissioner shall adjust the payments made under this section 138911
to each of the local taxing units in proportion to the square 138912

mileage of the merged or annexed territory as a percentage of 138913
the total square mileage of the jurisdiction from which the 138914
territory originated, or as otherwise provided by a written 138915
agreement between the legislative authorities of the local 138916
taxing units certified to the commissioner not later than the 138917
first day of June of the calendar year in which the payment is 138918
to be made. 138919

(H) For fiscal years 2022 through 2026, if the total 138920
amount to be received under division (C) of this section by a 138921
joint fire district that has a nuclear power plant located 138922
within its territory is less than the amount the district 138923
received under this section in fiscal year 2017, the district 138924
shall receive a supplemental payment equal to the difference 138925
between the amount to be received under that division for the 138926
fiscal year and the amount received under this section in fiscal 138927
year 2017. 138928

Sec. 5715.19. (A) As used in this section: 138929

"Member" has the same meaning as in section 1706.01 of the 138930
Revised Code. 138931

"Internet identifier of record" has the same meaning as in 138932
section 9.312 of the Revised Code. 138933

"Interim period" means, for each county, the tax year to 138934
which section 5715.24 of the Revised Code applies and each 138935
subsequent tax year until the tax year in which that section 138936
applies again. 138937

"Legislative authority" means a board of county 138938
commissioners, a board of township trustees of any township with 138939
territory in the county, the board of education of any school 138940
district with territory in the county, or the legislative 138941

authority of a municipal corporation with territory in the 138942
county. 138943

"Original complaint" means a complaint filed under 138944
division (A) of this section. 138945

"Counter-complaint" means a complaint filed under division 138946
(B) of this section in response to an original complaint. 138947

"Third party complainant" means a complainant other than 138948
the property owner, the owner's spouse, a tenant authorized to 138949
file an original complaint, or any person acting on behalf of a 138950
property owner. "Third party complainant" does not include a 138951
legislative authority or a mayor of a municipal corporation, but 138952
does include the prosecuting attorney or treasurer of a county_ 138953
or any person acting on behalf of a legislative authority or 138954
mayor. 138955

For purposes of this section, a person is considered to be 138956
acting on behalf of a legislative authority or mayor if the 138957
person is an official or employee of the political subdivision 138958
or has been hired, contracted, or directed by such an official 138959
or employee to file a complaint or counter-complaint under this 138960
section on behalf of the political subdivision. 138961

(1) Subject to division (A) (2) of this section, a 138962
complaint against any of the following determinations for the 138963
current tax year shall be filed with the county auditor on or 138964
before the thirty-first day of March of the ensuing tax year or 138965
the date of closing of the collection for the first half of real 138966
and public utility property taxes for the current tax year, 138967
whichever is later: 138968

(a) Any classification made under section 5713.041 of the 138969
Revised Code; 138970

(b) Any determination made under section 5713.32 or 5713.35 of the Revised Code; 138971
138972

(c) Any recoupment charge levied under section 5713.35 of the Revised Code; 138973
138974

(d) The determination of the total valuation or assessment of any parcel that appears on the tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 138975
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(e) The determination of the total valuation of any parcel that appears on the agricultural land tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 138979
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(f) Any determination made under division (A) of section 319.302 of the Revised Code. 138983
138984

If such a complaint is filed by mail or certified mail, the date of the United States postmark placed on the envelope or sender's receipt by the postal service shall be treated as the date of filing. A private meter postmark on an envelope is not a valid postmark for purposes of establishing whether a complaint has been timely filed. 138985
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Subject to division (A) (6) of this section, any person owning taxable real property in the county or in a taxing district with territory in the county; such a person's spouse; a tenant of the property owner, if the property is classified as to use for tax purposes as commercial or industrial, the lease requires the tenant to pay the entire amount of taxes charged against the property, and the lease allows, or the property owner otherwise authorizes, the tenant to file such a complaint with respect to the property; an individual who is retained by 138991
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such a person or tenant and who holds a designation from a 139000
professional assessment organization, such as the institute for 139001
professionals in taxation, the national council of property 139002
taxation, or the international association of assessing 139003
officers; a public accountant who holds a permit under section 139004
4701.10 of the Revised Code, a general or residential real 139005
estate appraiser licensed or certified under Chapter 4763. of 139006
the Revised Code, or a real estate broker licensed under Chapter 139007
4735. of the Revised Code, who is retained by such a person or 139008
tenant; if the person or tenant is a firm, company, association, 139009
partnership, limited liability company, or corporation, an 139010
officer, a salaried employee, a partner, or a member of that 139011
person or tenant; if the person or tenant is a trust, a trustee 139012
of the trust; the prosecuting attorney or treasurer of the 139013
county; or the legislative authority of a subdivision or the 139014
mayor of a municipal corporation may file such a complaint 139015
regarding any such determination affecting any real property in 139016
the county, except that a person owning taxable real property in 139017
another county may file such a complaint only with regard to any 139018
such determination affecting real property in the county that is 139019
located in the same taxing district as that person's real 139020
property is located. The county auditor shall present to the 139021
county board of revision all complaints filed with the auditor. 139022

(2) No person, legislative authority, or officer shall 139023
file a complaint against the valuation or assessment of any 139024
parcel that appears on the tax list if it filed a complaint 139025
against the valuation or assessment of that parcel for any prior 139026
tax year in the same interim period, unless the person, 139027
legislative authority, or officer alleges that the valuation or 139028
assessment should be changed due to one or more of the following 139029
circumstances that occurred after the tax lien date for the tax 139030

year for which the prior complaint was filed and that the 139031
circumstances were not taken into consideration with respect to 139032
the prior complaint: 139033

(a) The property was sold in an arm's length transaction, 139034
as described in section 5713.03 of the Revised Code; 139035

(b) The property lost value due to some casualty; 139036

(c) Substantial improvement was added to the property; 139037

(d) An increase or decrease of at least fifteen per cent 139038
in the property's occupancy has had a substantial economic 139039
impact on the property. 139040

(3) If a county board of revision, the board of tax 139041
appeals, or any court dismisses a complaint filed under this 139042
section or section 5715.13 of the Revised Code for the reason 139043
that the act of filing the complaint was the unauthorized 139044
practice of law or the person filing the complaint was engaged 139045
in the unauthorized practice of law, the party affected by a 139046
decrease in valuation or the party's agent, or the person owning 139047
taxable real property in the county or in a taxing district with 139048
territory in the county, may refile the complaint, 139049
notwithstanding division (A) (2) of this section. 139050

(4) (a) No complaint filed under this section or section 139051
5715.13 of the Revised Code shall be dismissed for the reason 139052
that the complaint fails to accurately identify the owner of the 139053
property that is the subject of the complaint. 139054

(b) If a complaint fails to accurately identify the owner 139055
of the property that is the subject of the complaint, the board 139056
of revision shall exercise due diligence to ensure the correct 139057
property owner is notified as required by divisions (B) and (C) 139058
of this section. 139059

(5) Notwithstanding division (A) (2) of this section, a person, legislative authority, or officer may file a complaint against the valuation or assessment of any parcel that appears on the tax list if it filed a complaint against the valuation or assessment of that parcel for any prior tax year in the same interim period if the person, legislative authority, or officer withdrew the complaint before the complaint was heard by the board.

(6) The legislative authority of a subdivision, the mayor of a municipal corporation, or a third party complainant shall not file an original complaint with respect to property the subdivision or complainant does not own or lease unless both of the following conditions are met:

(a) If the complaint is based on a determination described in division (A) (1) (d) or (e) of this section, ~~the property was~~ (i) sold all of the following requirements are met:

(i) The complaint seeks an increase in the valuation of the property based upon the sale of the property in an arm's length transaction, as described in section 5713.03 of the Revised Code, ~~before, but not after,~~

(ii) Either of the following conditions apply to that sale during the two years preceding the tax lien date for the tax year for which the complaint is to be filed, ~~and (ii) the~~:

(I) The sale is evidenced by a conveyance fee statement, attached to the complaint, that declares the value of the property conveyed pursuant to section 319.202 of the Revised Code and that was filed during those two years.

(II) The sale is otherwise recorded in the office of the county recorder or similar government office during those two

years. 139089

(iii) That sale price exceeds the true value of the 139090
property appearing on the tax list for that tax year by both ten 139091
per cent and the amount of the filing threshold determined under 139092
division (J) of this section~~+~~. 139093

(b) If the complaint is filed by a legislative authority- 139094
~~or, mayor, or third party complainant acting on behalf of a~~ 139095
legislative authority or mayor, the legislative authority or, in 139096
the case of a mayor, the legislative authority of the municipal 139097
corporation, first adopts a resolution authorizing the filing of 139098
the original complaint at a public meeting of the legislative 139099
authority. 139100

(7) A resolution adopted under division (A) (6) (b) of this 139101
section shall include all of the following information: 139102

(a) Identification of the parcel or parcels that are the 139103
subject of the original complaint by street address, if 139104
available from online records of the county auditor, and by 139105
permanent parcel number; 139106

(b) The name of at least one of the record owners of the 139107
parcel or parcels; 139108

(c) The basis for the complaint under divisions (A) (1) (a) 139109
to (f) of this section relative to each parcel identified in the 139110
resolution; 139111

(d) The tax year for which the complaint will be filed, 139112
which shall be a year for which a complaint may be timely filed 139113
under this section at the time of the resolution's adoption. 139114

A legislative authority shall not adopt a resolution 139115
required under division (A) (6) (b) of this section that 139116

identifies more than one parcel under division (A) (7) (a) of this 139117
section, except that a single resolution may identify more than 139118
one parcel under that division if each parcel has the same 139119
record owner or the same record owners, as applicable. A 139120
legislative authority may adopt multiple resolutions required 139121
under division (A) (6) (b) of this section by a single vote, 139122
provided that the vote is separate from the question of whether 139123
to adopt any resolution that is not adopted under division (A) 139124
(6) (b) of this section. 139125

Before adopting a resolution required by division (A) (6) 139126
(b) of this section, the legislative authority shall mail a 139127
written notice to at least one of the record owners of the 139128
parcel or parcels identified in the resolution stating the 139129
intent of the legislative authority in adopting the resolution, 139130
the proposed date of adoption, and the basis for the complaint 139131
under divisions (A) (1) (a) to (f) of this section relative to 139132
each parcel identified in the resolution. The notice shall be 139133
sent by certified mail to the last known tax-mailing address of 139134
at least one of the record owners and, if different from that 139135
tax-mailing address, to the street address of the parcel or 139136
parcels identified in the resolution. Alternatively, if the 139137
legislative authority has record of an internet identifier of 139138
record associated with at least one of the record owners, the 139139
legislative authority may send the notice by ordinary mail and 139140
by that internet identifier of record. The notice shall be 139141
postmarked or, if sent by internet identifier of record, sent at 139142
least seven calendar days before the legislative authority 139143
adopts the resolution. 139144

A board of revision has jurisdiction to consider a 139145
complaint filed pursuant to a resolution adopted under division 139146
(A) (6) (b) of this section only if the legislative authority 139147

notifies the board of revision of the resolution in the manner 139148
prescribed in division ~~(A) (8)~~ (A) (8) (a) of this section. The 139149
failure to accurately identify the street address or the name of 139150
the record owners of the parcel in the resolution does not 139151
invalidate the resolution nor is it a cause for dismissal of the 139152
complaint. 139153

~~(8)~~ (8) (a) A complaint form prescribed by a board of 139154
revision or the tax commissioner for the purpose of this section 139155
shall include a box that must be checked, when a legislative 139156
authority, mayor, or third party complainant acting on behalf of 139157
either files an original complaint, to indicate that a 139158
resolution authorizing the complaint was adopted in accordance 139159
with divisions (A) (6) (b) and (7) of this section and that notice 139160
was mailed or sent in accordance with division (A) (7) of this 139161
section before adoption of the resolution to at least one of the 139162
record owners of the property that is the subject of the 139163
complaint. 139164

(b) Any third party complainant shall submit, with the 139165
complaint, a sworn affidavit stating whether the third party 139166
complainant is or is not acting on behalf of a legislative 139167
authority or mayor. 139168

~~(B)~~ (B) (1) Within thirty days after the last date such 139169
complaints may be filed, the auditor shall give notice of each 139170
complaint in which the stated amount of overvaluation, 139171
undervaluation, discriminatory valuation, illegal valuation, or 139172
incorrect determination is at least seventeen thousand five 139173
hundred dollars in taxable value to each property owner whose 139174
property is the subject of the complaint, if the complaint was 139175
not filed by the owner or the owner's spouse. A board of 139176
education, subject to this division; a property owner; the 139177

owner's spouse; a tenant of the owner, if that tenant would be 139178
eligible to file a complaint under division (A) of this section 139179
with respect to the property; an individual who is retained by 139180
such an owner or tenant and who holds a designation from a 139181
professional assessment organization, such as the institute for 139182
professionals in taxation, the national council of property 139183
taxation, or the international association of assessing 139184
officers; a public accountant who holds a permit under section 139185
4701.10 of the Revised Code, a general or residential real 139186
estate appraiser licensed or certified under Chapter 4763. of 139187
the Revised Code, or a real estate broker licensed under Chapter 139188
4735. of the Revised Code, who is retained by such an owner or 139189
tenant; or, if the owner or tenant is a firm, company, 139190
association, partnership, limited liability company, 139191
corporation, or trust, an officer, a salaried employee, a 139192
partner, a member, or trustee of that owner or tenant, may file 139193
a counter-complaint in support of or objecting to the amount of 139194
alleged overvaluation, undervaluation, discriminatory valuation, 139195
illegal valuation, or incorrect determination stated in a 139196
previously filed original complaint or objecting to the current 139197
valuation. 139198

(2) A board of education may file a counter-complaint only 139199
if the original complaint (a) was filed by the owner of the 139200
property that is the subject of the complaint, a tenant of that 139201
property owner, or any person acting on behalf of such owner or 139202
tenant, and (b) states an amount of overvaluation, 139203
undervaluation, discriminatory valuation, illegal valuation, or 139204
incorrect determination of at least seventeen thousand five 139205
hundred dollars in taxable value. 139206

The board shall file the counter-complaint within thirty 139207
days after the original complaint is filed or after the last day 139208

such complaints may be filed, whichever is later, and any other 139209
person shall file the counter-complaint within thirty days after 139210
receiving the notice required under this division. 139211

(3) Upon the filing of a counter-complaint, the board of 139212
education, property owner, or tenant shall be made a party to 139213
the action. 139214

(C) Each board of revision shall notify any complainant 139215
and counter-complainant, and also the property owner, if the 139216
property owner's address is known, and the complaint is filed by 139217
one other than the property owner, not less than ten days prior 139218
to the hearing, either by certified mail or, if the board has 139219
record of an internet identifier of record associated with the 139220
owner, by ordinary mail and by that internet identifier of 139221
record of the time and place the same will be heard. The board 139222
of revision shall hear and render its decision on an original 139223
complaint within one hundred eighty days after the last day such 139224
a complaint may be filed with the board under division (A) (1) of 139225
this section or, if a counter-complaint is filed, within one 139226
hundred eighty days after such filing. If the original complaint 139227
is filed by the legislative authority of a subdivision, the 139228
mayor of a municipal corporation with territory in the county, 139229
or a third party complainant, and if the board of revision has 139230
not rendered its decision on the complaint within one year after 139231
the date the complaint was filed, the board may dismiss the 139232
complaint. 139233

(D) The determination of any such original complaint or 139234
counter-complaint shall relate back to the date when the lien 139235
for taxes or recoupment charges for the current year attached or 139236
the date as of which liability for such year was determined. 139237
Liability for taxes and recoupment charges for such year and 139238

each succeeding year until the complaint is finally determined 139239
and for any penalty and interest for nonpayment thereof within 139240
the time required by law shall be based upon the determination, 139241
valuation, or assessment as finally determined. Each complaint 139242
shall state the amount of overvaluation, undervaluation, 139243
discriminatory valuation, illegal valuation, or incorrect 139244
classification or determination upon which the complaint is 139245
based. The treasurer shall accept any amount tendered as taxes 139246
or recoupment charge upon property concerning which a complaint 139247
is then pending, computed upon the claimed valuation as set 139248
forth in the complaint. Unless dismissal is required under 139249
division (C) of this section, if an original complaint or 139250
counter-complaint filed for the current year is not determined 139251
by the board within the time prescribed for such determination, 139252
the complaint and any proceedings in relation thereto shall be 139253
continued by the board as a valid complaint for any ensuing year 139254
until that original complaint or counter-complaint is finally 139255
determined by the board or upon any appeal from a decision of 139256
the board. In such case, the original complaint and counter- 139257
complaint shall continue in effect without further filing by the 139258
original taxpayer, the original taxpayer's assignee, or any 139259
other person or entity authorized to file a complaint under this 139260
section. 139261

(E) If a taxpayer files a complaint as to the 139262
classification, valuation, assessment, or any determination 139263
affecting the taxpayer's own property and tenders less than the 139264
full amount of taxes or recoupment charges as finally 139265
determined, an interest charge shall accrue as follows: 139266

(1) If the amount finally determined is less than the 139267
amount billed but more than the amount tendered, the taxpayer 139268
shall pay interest at the rate per annum prescribed by section 139269

5703.47 of the Revised Code, computed from the date that the 139270
taxes were due on the difference between the amount finally 139271
determined and the amount tendered. This interest charge shall 139272
be in lieu of any penalty or interest charge under section 139273
323.121 of the Revised Code unless the taxpayer failed to file a 139274
complaint and tender an amount as taxes or recoupment charges 139275
within the time required by this section, in which case section 139276
323.121 of the Revised Code applies. 139277

(2) If the amount of taxes finally determined is equal to 139278
or greater than the amount billed and more than the amount 139279
tendered, the taxpayer shall pay interest at the rate prescribed 139280
by section 5703.47 of the Revised Code from the date the taxes 139281
were due on the difference between the amount finally determined 139282
and the amount tendered, such interest to be in lieu of any 139283
interest charge but in addition to any penalty prescribed by 139284
section 323.121 of the Revised Code. 139285

(F) Upon request of a complainant, the tax commissioner 139286
shall determine the common level of assessment of real property 139287
in the county for the year stated in the request that is not 139288
valued under section 5713.31 of the Revised Code, which common 139289
level of assessment shall be expressed as a percentage of true 139290
value and the common level of assessment of lands valued under 139291
such section, which common level of assessment shall also be 139292
expressed as a percentage of the current agricultural use value 139293
of such lands. Such determination shall be made on the basis of 139294
the most recent available sales ratio studies of the 139295
commissioner and such other factual data as the commissioner 139296
deems pertinent. 139297

(G) A complainant shall provide to the board of revision 139298
all information or evidence within the complainant's knowledge 139299

or possession that affects the real property that is the subject 139300
of the complaint. A complainant who fails to provide such 139301
information or evidence is precluded from introducing it on 139302
appeal to the board of tax appeals or the court of common pleas, 139303
except that the board of tax appeals or court may admit and 139304
consider the evidence if the complainant shows good cause for 139305
the complainant's failure to provide the information or evidence 139306
to the board of revision. 139307

(H) In case of the pendency of any proceeding in court 139308
based upon an alleged excessive, discriminatory, or illegal 139309
valuation or incorrect classification or determination, the 139310
taxpayer may tender to the treasurer an amount as taxes upon 139311
property computed upon the claimed valuation as set forth in the 139312
complaint to the court. The treasurer may accept the tender. If 139313
the tender is not accepted, no penalty shall be assessed because 139314
of the nonpayment of the full taxes assessed. 139315

(I) A legislative authority, or any person acting on 139316
behalf of a legislative authority, may not enter into a private 139317
payment agreement with respect to any complaint filed or 139318
contemplated under this section or section 5715.13 of the 139319
Revised Code, and any such agreement is void and unenforceable. 139320
As used in this division, "private payment agreement" means any 139321
type of agreement in which a property owner, a tenant authorized 139322
to file a complaint under division (A) of this section, or any 139323
person acting on behalf of a property owner or such a tenant 139324
agrees to make one or more payments to a subdivision in exchange 139325
for the legislative authority of that subdivision, or any person 139326
acting on behalf of that subdivision, doing any of the 139327
following: 139328

(1) Refraining from filing a complaint or counter- 139329

complaint under this section; 139330

(2) Dismissing a complaint or counter-complaint filed 139331
under this section by the legislative authority ~~under this~~ 139332
~~section~~ or any person acting on behalf of the legislative 139333
authority; 139334

(3) Resolving a claim under this section by settlement 139335
agreement. 139336

A "private payment agreement" does not include any 139337
agreement to resolve a claim under this section pursuant to 139338
which an agreed-upon valuation for the property that is the 139339
subject of the claim is approved by the county auditor and 139340
reflected on the tax list, provided that agreement does not 139341
require any payments described in this division. 139342

(J) For the purpose of division (A) (6) (a) of this section, 139343
the filing threshold for tax year 2022 equals five hundred 139344
thousand dollars. For tax year 2023 and each tax year 139345
thereafter, the tax commissioner shall adjust the filing 139346
threshold used in that division by completing the following 139347
calculations in September of each year: 139348

(1) Determine the percentage increase in the gross 139349
domestic product deflator determined by the bureau of economic 139350
analysis of the United States department of commerce from the 139351
first day of January of the preceding year to the last day of 139352
December of the preceding year; 139353

(2) Multiply that percentage increase by the filing 139354
threshold for the current year; 139355

(3) Add the resulting product to the filing threshold for 139356
the current year; 139357

(4) Round the resulting sum to the nearest multiple of one 139358
thousand dollars. 139359

The commissioner shall certify the amount resulting from 139360
the adjustment to each county auditor not later than the first 139361
day of October each year. The certified amount applies to 139362
complaints filed for the tax year in which the amount is 139363
certified. The commissioner shall not make the adjustment for 139364
any tax year in which the amount resulting from the adjustment 139365
would be less than the filing threshold for the current tax 139366
year. 139367

(K) Any person who knowingly makes a false statement in an 139368
affidavit furnished under division (A) (8) (b) of this section is 139369
guilty of falsification under division (A) (11) of section 139370
2921.13 of the Revised Code. 139371

Sec. 5717.01. An appeal from a decision of a county board 139372
of revision may be taken to the board of tax appeals within 139373
thirty days after notice of the decision of the county board of 139374
revision is mailed as provided in division (A) of section 139375
5715.20 of the Revised Code. Such an appeal may be taken by the 139376
county auditor, the tax commissioner, or any board, legislative 139377
authority, public official, or taxpayer authorized by section 139378
5715.19 of the Revised Code to file complaints against 139379
valuations or assessments with the auditor, except that a 139380
subdivision ~~that files an original complaint or counter-~~ 139381
~~complaint under that section with respect to property the~~ 139382
~~subdivision does not own or lease may not appeal the decision of~~ 139383
~~the board of revision with respect to that original complaint or~~ 139384
~~counter-complaint~~ or the legislative authority or mayor of a 139385
subdivision may file such an appeal only if the subdivision owns 139386
or leases the property that is the subject of the board of 139387

revision's decision, and except that no such appeal may be taken 139388
by a third party complainant, as defined in that section. Such 139389
appeal shall be taken by the filing of a notice of appeal, in 139390
person or by certified mail, express mail, facsimile 139391
transmission, electronic transmission, or by authorized delivery 139392
service, with the board of tax appeals and with the county board 139393
of revision. If notice of appeal is filed by certified mail, 139394
express mail, or authorized delivery service as provided in 139395
section 5703.056 of the Revised Code, the date of the United 139396
States postmark placed on the sender's receipt by the postal 139397
service or the date of receipt recorded by the authorized 139398
delivery service shall be treated as the date of filing. If 139399
notice of appeal is filed by facsimile transmission or 139400
electronic transmission, the date and time the notice is 139401
received by the board shall be the date and time reflected on a 139402
timestamp provided by the board's electronic system, and the 139403
appeal shall be considered filed with the board on the date 139404
reflected on that timestamp. Any timestamp provided by another 139405
computer system or electronic submission device shall not affect 139406
the time and date the notice is received by the board. Upon 139407
receipt of such notice of appeal such county board of revision 139408
shall notify all persons thereof who were parties to the 139409
proceeding before such county board of revision by either 139410
certified mail or, if the board has record of an internet 139411
identifier of record associated with such a person, by ordinary 139412
mail and by that internet identifier of record, and shall file 139413
proof of such notice or, in the case of ordinary mail, an 139414
affidavit attesting that the board sent the notice with the 139415
board of tax appeals. The county board of revision shall 139416
thereupon certify to the board of tax appeals a transcript of 139417
the record of the proceedings of the county board of revision 139418
pertaining to the original complaint, and all evidence offered 139419

in connection therewith. Such appeal may be heard by the board 139420
of tax appeals at its offices in Columbus or in the county where 139421
the property is listed for taxation, or the board of tax appeals 139422
may cause its examiners to conduct such hearing and to report to 139423
it their findings for affirmation or rejection. An appeal may 139424
proceed pursuant to section 5703.021 of the Revised Code on the 139425
small claims docket if the appeal qualifies under that section. 139426

The board of tax appeals may order the appeal to be heard 139427
on the record and the evidence certified to it by the county 139428
board of revision, or it may order the hearing of additional 139429
evidence, and it may make such investigation concerning the 139430
appeal as it deems proper. 139431

As used in this section, "internet identifier of record" 139432
has the same meaning as in section 9.312 of the Revised Code. 139433

Sec. 5725.01. As used in sections 5725.01 to 5725.26 of 139434
the Revised Code: 139435

(A) "Financial institution" means: 139436

(1) A national bank organized and existing as a national 139437
bank association pursuant to the "National Bank Act," 12 U.S.C. 139438
21; 139439

(2) A federal savings association or federal savings bank 139440
that is chartered under 12 U.S.C. 1464; 139441

(3) A bank, banking association, trust company, savings 139442
and loan association, savings bank, or other banking institution 139443
that is incorporated or organized under the laws of any state; 139444

(4) Any corporation organized under 12 U.S.C. 611 to 631; 139445

(5) Any agency or branch of a foreign depository as 139446
defined in 12 U.S.C. 3101; 139447

(6) A company licensed as a small business investment 139448
company under the "Small Business Investment Act of 1958," 72 139449
Stat. 689, 15 U.S.C. 661, as amended; or 139450

(7) A company chartered under the "Farm Credit Act of 139451
1933," 48 Stat. 257, 12 U.S.C. 1131(d), as amended. 139452

Corporations or institutions organized under the "Federal 139453
Farm Loan Act" and amendments thereto, insurance companies, and 139454
credit unions shall not be considered financial institutions or 139455
dealers in intangibles within the meaning of such sections. 139456

~~(B)~~ ~~(1)~~ (B) "Dealer in intangibles" includes every person 139457
who keeps an office or other place of business in this state and 139458
engages at such office or other place in a business that 139459
consists primarily of lending money, or discounting, buying, or 139460
selling bills of exchange, drafts, acceptances, notes, 139461
mortgages, or other evidences of indebtedness, or of buying or 139462
selling bonds, stocks, or other investment securities, whether 139463
on the person's own account with a view to profit, or as agent 139464
or broker for others, with a view to profit or personal 139465
earnings. Dealer in intangibles excludes institutions used 139466
exclusively for charitable purposes, insurance companies, and 139467
financial institutions. The investment of funds as personal 139468
accumulations or as business reserves or working capital does 139469
not constitute engaging in a business within the meaning of this 139470
division; but a person who, having engaged in a business that 139471
consists primarily of lending money, or discounting, buying, or 139472
selling bills of exchange, drafts, acceptances, notes, 139473
mortgages, or other evidences of indebtedness on the person's 139474
own account, remains in business primarily for the purpose of 139475
realizing upon the assets of the business is deemed a dealer in 139476
intangibles, though not presently engaged in a business that 139477

consists primarily of lending money or discounting or buying 139478
such securities. 139479

~~(2) The tax commissioner shall adopt a rule defining 139480~~
~~"primarily" as that term is used in division (B) (1) of this 139481~~
~~section. 139482~~

(C) "Insurance company" includes every corporation, 139483
association, and society engaged in the business of insurance of 139484
any character, or engaged in the business of entering into 139485
contracts substantially amounting to insurance of any character, 139486
or of indemnifying or guaranteeing against loss or damage, or 139487
acting as surety on bonds or undertakings. "Insurance company" 139488
also includes any health insuring corporation as defined in 139489
section 1751.01 of the Revised Code. 139490

(D) "Domestic insurance company" includes every insurance 139491
company organized and existing under the laws of this state, and 139492
every unincorporated association and society formed under the 139493
laws of this state for the purpose of engaging in said business, 139494
except a company, association, or society that is an insurance 139495
holding company affiliate controlled by a nonresident affiliate 139496
and has risks in this state formerly written by its foreign 139497
affiliates in a total amount exceeding the risks outstanding on 139498
the taxpayer's latest annual report that arise from business 139499
initially written by it in this state; and excludes every 139500
foreign insurance company. As used in this division, terms 139501
defined in section 3901.32 of the Revised Code have the same 139502
meanings given to them in that section. 139503

(E) "Foreign insurance company" includes every insurance 139504
company organized or existing under the laws of any other state, 139505
territory, country, or the United States and every insurance 139506
holding company affiliate excepted under division (D) of this 139507

section. 139508

(F) "Credit union" means a nonprofit cooperative financial 139509
institution organized or chartered under the laws of this state, 139510
of another state, or of the United States. 139511

Sec. 5725.23. Taxes, interest, and penalties may be 139512
recovered from a delinquent domestic insurance company or person 139513
in an action brought in the name of the state in the court of 139514
common pleas of Franklin county or any county in which such 139515
company or person has an office or place of business, and such 139516
court shall have jurisdiction of such action regardless of the 139517
amount involved. The attorney general, on request of the 139518
superintendent of insurance or tax commissioner, shall institute 139519
such action in the court of common pleas of Franklin county or 139520
any other county the superintendent or commissioner directs. In 139521
any such action, it shall be sufficient to allege that the tax, 139522
interest, and penalty sought to be recovered stand charged on 139523
the tax list of domestic insurance company franchise taxes ~~or~~ 139524
~~intangible property taxes~~ in the office of the treasurer of 139525
state and have been unpaid for a period of forty-five days after 139526
having been placed thereon. Sums recovered in any such action 139527
shall be paid into the state treasury and distributed as 139528
provided in section 5725.24 of the Revised Code. 139529

Sec. 5725.35. There is allowed a credit against the tax 139530
imposed by section 5725.18 of the Revised Code for an insurance 139531
company subject to that tax that holds the rights to a tax 139532
credit certificate issued under section 122.09 of the Revised 139533
Code. The credit shall equal the dollar amount indicated on the 139534
certificate. The credit shall be claimed in the calendar year 139535
specified in the certificate or the ensuing calendar year and in 139536
the order required under section 5725.98 of the Revised Code. If 139537

the credit exceeds the amount of tax otherwise due in that year, 139538
the company may carry forward the excess for not more than five 139539
ensuing years, but the amount of the excess credit claimed 139540
against the tax for any year shall be deducted from the balance 139541
carried forward to the next year. 139542

No credit shall be claimed under this section to the 139543
extent the certificate was used to claim a credit under section 139544
5726.62, 5729.18, or 5747.87 of the Revised Code. 139545

Sec. 5725.38. Terms used in this section have the same 139546
meanings as in section 122.84 of the Revised Code. 139547

There is allowed a nonrefundable credit against the tax 139548
imposed by section 5725.18 of the Revised Code for a domestic 139549
insurance company that is issued, or to which is transferred, a 139550
tax credit certificate under section 122.84 of the Revised Code. 139551
The credit equals the amount stated on the certificate and may 139552
be claimed for the calendar year that includes the investment 139553
period that was the subject of the application for the 139554
certificate under that section or for the ensuing calendar year. 139555
For a credit issued during the July application round each year, 139556
the credit may also be claimed for the preceding calendar year. 139557
A taxpayer applying a credit for the preceding calendar year 139558
shall file an amended return or apply that amendment on the 139559
taxpayer's original return, for that year. 139560

The credit authorized in this section shall be claimed in 139561
the order required under section 5725.98 of the Revised Code. If 139562
the amount of a credit exceeds the tax otherwise due under 139563
section 5725.18 of the Revised Code after deducting all other 139564
credits preceding the credit in that order, the excess may be 139565
carried forward for not more than five ensuing calendar years. 139566
The amount of the excess credit claimed in any such year shall 139567

be deducted from the balance carried forward to the next 139568
calendar year. 139569

No credit shall be claimed under this section to the 139570
extent the credit was claimed under section 5726.61, 5729.21, or 139571
5747.86 of the Revised Code. 139572

Sec. 5726.03. (A) (1) Annually, on or before the fifteenth 139573
day of October, the reporting person for each taxpayer shall 139574
make a report in writing to the tax commissioner, in such form 139575
as the commissioner prescribes, and shall remit to the 139576
commissioner the amount of tax shown to be due on the report. 139577
The remittance shall be made payable to the treasurer of state. 139578
~~The commissioner shall make available, on the official internet-~~ 139579
~~web site of the department of taxation, copies of the forms-~~ 139580
~~prescribed by the commissioner for the purpose of making the-~~ 139581
~~annual report.~~ 139582

(2) An annual report shall be signed by the president, 139583
vice-president, secretary, treasurer, general manager, 139584
superintendent, or managing agent in this state of the reporting 139585
person. 139586

(3) An annual report shall contain the facts, figures, 139587
computations, and attachments that result in the determination 139588
of the amount of tax due from a taxpayer under this chapter. 139589

(B) (1) In the case of a financial institution described in 139590
division (H) (1) of section 5726.01 of the Revised Code, the 139591
annual report filed for a taxable year shall list, and include 139592
information related to, each person includable in an FR Y-9 139593
filed by the reporting person for that taxable year. 139594

(2) In the case of a financial institution described in 139595
division (H) (2) or (3) of section 5726.01 of the Revised Code, 139596

the annual report for a taxable year shall list, and include 139597
information related to, each person includable in a call report 139598
filed by the reporting person for that taxable year. 139599

(C) (1) The reporting person for a taxpayer shall remit 139600
each tax payment and, if required by the commissioner, file each 139601
annual or estimated tax report electronically. The commissioner 139602
may require reporting persons to use the Ohio business gateway 139603
as defined in section 718.01 of the Revised Code to file reports 139604
and remit the tax, or may provide another means for reporting 139605
persons to file and remit the tax electronically. 139606

(2) The payment of taxes as provided in division (C) of 139607
this section shall not affect a taxpayer's obligation to file an 139608
annual report required under division (A) of this section. 139609

(3) The reporting person for a taxpayer that is required 139610
to remit tax payments electronically under this section may 139611
apply to the tax commissioner, in the manner prescribed by the 139612
commissioner, to be excused from that requirement. The 139613
commissioner may excuse the taxpayer from the requirements of 139614
division (C) of this section for good cause. 139615

(4) If the reporting person for a taxpayer that is 139616
required to remit tax payments or file reports electronically 139617
under this section fails to do so, the commissioner may impose a 139618
penalty not to exceed the following: 139619

(a) For either of the first two reports the person so 139620
fails, five per cent of the amount of the payment that was 139621
required to be remitted; 139622

(b) For the third and any subsequent reports the person so 139623
fails, ten per cent of the amount of the payment that was 139624
required to be remitted. 139625

The penalty imposed under this section is in addition to 139626
any other penalty or charge imposed under this chapter and shall 139627
be considered as revenue arising from the tax levied under this 139628
chapter. A penalty may be collected by assessment in the manner 139629
prescribed by section 5726.20 of the Revised Code. The tax 139630
commissioner may abate all or a portion of such a penalty and 139631
may adopt rules governing such abatements. 139632

Sec. 5726.20. (A) The tax commissioner may make an 139633
assessment, based on any information in the commissioner's 139634
possession, against any person that fails to file a return or 139635
report or pay any tax as required by this chapter. The reporting 139636
person for a taxpayer shall file the annual report required 139637
under section 5726.03 of the Revised Code and remit the tax 139638
imposed by this chapter. Each person included in the annual 139639
report of the taxpayer is jointly and severally liable for the 139640
tax imposed by this chapter and any penalties and interest 139641
thereon. If the reporting person fails, for any reason, to file 139642
and remit any tax, the amount due may be collected by assessment 139643
against the reporting person and against any or all other 139644
persons required to be included in the annual report of the 139645
taxpayer as provided in section 5703.90 of the Revised Code. The 139646
commissioner shall make the assessment in the manner provided in 139647
this section. The commissioner shall give the person assessed 139648
written notice of the assessment as provided in section 5703.37 139649
of the Revised Code. With the notice, the commissioner shall 139650
provide instructions on the manner in which to petition for 139651
reassessment and request a hearing with respect to the petition. 139652

(B) No assessment shall be made or issued against a person 139653
under this section more than four years after the later of the 139654
final date the report subject to assessment was required to be 139655
filed or the date such report was filed. Such time limit may be 139656

extended if both the person and the commissioner consent in 139657
writing to the extension or if an agreement waiving or extending 139658
the time limit has been entered into pursuant to section 122.171 139659
of the Revised Code. Any such extension shall extend the four- 139660
year time limit prescribed in division (A) of section 5726.30 of 139661
the Revised Code for the same period of time. There shall be no 139662
bar or limit to an assessment against a person that fails to 139663
file a report subject to assessment as required by this chapter, 139664
or that files a fraudulent report. 139665

(C) Unless the person assessed, within sixty days after 139666
service of the notice of assessment, files with the tax 139667
commissioner, ~~either in person or by certified mail,~~ a written 139668
petition for reassessment signed by the person or the person's 139669
authorized agent having knowledge of the facts, the assessment 139670
shall become final, and the amount of the assessment is due and 139671
payable from the person assessed to the treasurer of state. A 139672
petition shall indicate the objections of the person assessed, 139673
but additional objections may be raised in writing if received 139674
by the commissioner prior to the date shown on the final 139675
determination. If a petition for reassessment has been properly 139676
filed, the commissioner shall proceed under section 5703.60 of 139677
the Revised Code. 139678

(D) (1) After an assessment becomes final, if any portion 139679
of the assessment, including any accrued interest, remains 139680
unpaid, a certified copy of the tax commissioner's entry making 139681
the assessment final may be filed in the office of the clerk of 139682
the court of common pleas in the county in which the person 139683
resides or has its principal place of business in this state, or 139684
in the office of the clerk of court of common pleas of Franklin 139685
county. 139686

(2) Immediately upon the filing of the entry, the clerk 139687
shall enter judgment for the state against the person assessed 139688
in the amount shown on the entry. The judgment may be filed by 139689
the clerk in a loose-leaf book entitled, "special judgments for 139690
the financial institution tax" and shall have the same effect as 139691
other judgments. Execution shall issue upon the judgment at the 139692
request of the tax commissioner, and all laws applicable to 139693
sales on execution shall apply to sales made under the judgment. 139694

(3) If the assessment is not paid in its entirety within 139695
sixty days after the day the assessment was issued, the portion 139696
of the assessment consisting of tax due shall bear interest at 139697
the rate per annum prescribed by section 5703.47 of the Revised 139698
Code from the date the tax commissioner issues the assessment 139699
until the date the assessment is paid or until it is certified 139700
to the attorney general for collection under section 131.02 of 139701
the Revised Code, whichever comes first. If the unpaid portion 139702
of the assessment is certified to the attorney general for 139703
collection, the entire unpaid portion of the assessment shall 139704
bear interest at the rate per annum prescribed by section 139705
5703.47 of the Revised Code from the date of certification until 139706
the date it is paid in its entirety. Interest shall be paid in 139707
the same manner as the tax and may be collected by the issuance 139708
of an assessment under this section. 139709

(E) If the tax commissioner believes that collection of 139710
the tax imposed by this chapter will be jeopardized unless 139711
proceedings to collect or secure collection of the tax are 139712
instituted without delay, the commissioner may issue a jeopardy 139713
assessment against the person liable for the tax. Immediately 139714
upon the issuance of the jeopardy assessment, the commissioner 139715
shall file an entry with the clerk of the court of common pleas 139716
in the manner prescribed by division (D) of this section. Notice 139717

of the jeopardy assessment shall be served on the person 139718
assessed or the person's authorized agent in the manner provided 139719
in section 5703.37 of the Revised Code within five days of the 139720
filing of the entry with the clerk. The total amount assessed 139721
shall be immediately due and payable, unless the person assessed 139722
files a petition for reassessment in accordance with division 139723
(C) of this section and provides security in a form satisfactory 139724
to the commissioner and in an amount sufficient to satisfy the 139725
unpaid balance of the assessment. Full or partial payment of the 139726
assessment shall not prejudice the commissioner's consideration 139727
of the petition for reassessment. 139728

(F) The tax commissioner shall immediately forward to the 139729
treasurer of state all amounts the commissioner receives under 139730
this section. Such amounts shall be considered as revenue 139731
arising from the tax imposed by this chapter. 139732

(G) If the tax commissioner possesses information 139733
indicating that the amount of tax a taxpayer is required to pay 139734
under this chapter exceeds the amount the reporting person for 139735
the taxpayer paid, the tax commissioner may audit a sample of 139736
the taxpayer's gross receipts over a representative period of 139737
time to ascertain the amount of tax due, and may issue an 139738
assessment based on the audit. The tax commissioner shall make a 139739
good faith effort to reach agreement with the taxpayer in 139740
selecting a representative sample. The tax commissioner may 139741
apply a sampling method only if the commissioner has prescribed 139742
the method by rule. 139743

(H) If the whereabouts of a person subject to this chapter 139744
is not known to the tax commissioner, the secretary of state is 139745
hereby deemed to be that person's agent for purposes of service 139746
of process or notice of any assessment, action, or proceedings 139747

instituted in this state against the person under this chapter. 139748
Such process or notice shall be served on such person by the 139749
commissioner or by an agent of the commissioner by leaving a 139750
true and attested copy of the process or notice at the office of 139751
the secretary of state at least fifteen days before the return 139752
day of such process or notice, and by sending a copy of the 139753
process or notice to such person by ordinary mail, with an 139754
endorsement thereon of the service upon the secretary of state, 139755
addressed to such person at the person's last known address. 139756

Sec. 5726.61. Terms used in this section have the same 139757
meanings as in section 122.84 of the Revised Code. 139758

A taxpayer may claim a nonrefundable credit against the 139759
tax imposed under section 5726.02 of the Revised Code for each 139760
person included in the annual report of the taxpayer to whom a 139761
certificate is issued under section 122.84 of the Revised Code 139762
or is transferred pursuant to that section. The credit equals 139763
the amount stated on the certificate and may be claimed for the 139764
taxable year that aligns with the calendar year that includes 139765
the investment period that was the subject of the application 139766
for the certificate under that section or for the ensuing 139767
calendar year. For a credit issued during the July application 139768
round each year, the credit may also be claimed for the 139769
preceding taxable year. A taxpayer applying a credit for the 139770
preceding taxable year shall file an amended report or apply 139771
that amendment on the taxpayer's original report, for that year. 139772

The credit authorized in this section shall be claimed in 139773
the order required under section 5726.98 of the Revised Code. If 139774
the amount of a credit exceeds the tax otherwise due under 139775
section 5726.02 of the Revised Code after deducting all other 139776
credits preceding the credit in that order, the excess may be 139777

carried forward for not more than five ensuing taxable years. 139778
The amount of the excess credit claimed in any such year shall 139779
be deducted from the balance carried forward to the next taxable 139780
year. 139781

No credit shall be claimed under this section to the 139782
extent the credit was claimed under section 5725.38, 5729.21, or 139783
5747.86 of the Revised Code. 139784

Sec. 5726.62. A taxpayer may claim a nonrefundable credit 139785
against the tax imposed under this chapter for each person 139786
included in the annual report of the taxpayer that holds the 139787
rights to a tax credit certificate that is issued on or after 139788
the effective date of this section under section 122.09 of the 139789
Revised Code. The credit shall equal the dollar amount indicated 139790
on the certificate and may be claimed for the taxable year that 139791
aligns with the calendar year specified in the certificate or 139792
with the ensuing calendar year and in the order required under 139793
section 5726.98 of the Revised Code. If the credit amount 139794
exceeds the tax otherwise due under section 5726.02 of the 139795
Revised Code after deducting all other credits preceding the 139796
credit in the order prescribed in section 5726.98 of the Revised 139797
Code, the excess may be carried forward for not more than five 139798
ensuing taxable years, but the amount of the excess credit 139799
claimed against the tax for any year shall be deducted from the 139800
balance carried forward to the next year. 139801

No credit shall be claimed under this section to the 139802
extent the certificate was used to claim a credit under section 139803
5725.35, 5729.18, or 5747.87 of the Revised Code. 139804

Sec. 5726.98. (A) To provide a uniform procedure for 139805
calculating the amount of tax due under section 5726.02 of the 139806
Revised Code, a taxpayer shall claim any credits to which the 139807

taxpayer is entitled under this chapter in the following order:	139808
The nonrefundable job retention credit under division (B)	139809
of section 5726.50 of the Revised Code;	139810
The nonrefundable credit for purchases of qualified low-	139811
income community investments under section 5726.54 of the	139812
Revised Code;	139813
<u>The nonrefundable credit for transformational mixed use</u>	139814
<u>development tax credit certificate holders under section 5726.62</u>	139815
<u>of the Revised Code;</u>	139816
The nonrefundable credit for qualified research expenses	139817
under section 5726.56 of the Revised Code;	139818
The nonrefundable credit for qualifying dealer in	139819
intangibles taxes under section 5726.57 of the Revised Code;	139820
The nonrefundable Ohio low-income housing tax credit under	139821
section 5726.58 of the Revised Code;	139822
The nonrefundable affordable single-family home credit	139823
under section 5726.60 of the Revised Code;	139824
The nonrefundable welcome home Ohio (WHO) program credit	139825
under section 122.633 of the Revised Code;	139826
The nonrefundable opportunity zone investment credit under	139827
section 5726.61 of the Revised Code;	139828
The refundable credit for rehabilitating an historic	139829
building under section 5726.52 of the Revised Code;	139830
The refundable job retention or job creation credit under	139831
division (A) of section 5726.50 of the Revised Code;	139832
The refundable credit under section 5726.53 of the Revised	139833
Code for losses on loans made under the Ohio venture capital	139834

program under sections 150.01 to 150.10 of the Revised Code; 139835

The refundable motion picture and Broadway theatrical 139836
production credit under section 5726.55 of the Revised Code;— 139837

~~The refundable credit for film and theater capital~~ 139838
~~improvement projects under section 5726.59 of the Revised Code.~~ 139839

(B) For any credit except the refundable credits 139840
enumerated in this section, the amount of the credit for a 139841
taxable year shall not exceed the tax due after allowing for any 139842
other credit that precedes it in the order required under this 139843
section. Any excess amount of a particular credit may be carried 139844
forward if authorized under the section creating that credit. 139845
Nothing in this chapter shall be construed to allow a taxpayer 139846
to claim, directly or indirectly, a credit more than once for a 139847
taxable year. 139848

Sec. 5727.111. As used in this section, "convert" means to 139849
switch fuel input from one energy source to another and 139850
"repower" means to replace enough of the original taxable 139851
production equipment to make an original production facility 139852
equivalent to a new facility, such that at least eighty per cent 139853
of the true value of the taxable production equipment is derived 139854
from new taxable production equipment installed as part of the 139855
replacement project. The taxable property of each public 139856
utility, except a railroad company, and of each interexchange 139857
telecommunications company shall be assessed at the following 139858
percentages of true value: 139859

(A) In the case of a rural electric company, one of the 139860
following: 139861

(1) Fifty per cent in the case of its taxable transmission 139862
and distribution property or energy conversion equipment first 139863

subject to taxation in this state before tax year 2027; 139864

(2) Seven per cent in the case of its taxable production 139865
~~or and~~ energy conversion equipment first subject to taxation in 139866
this state for tax year 2027 and thereafter or any other taxable 139867
production equipment that is either converted or repowered; 139868

(3) Twenty-five per cent in the case of all its other 139869
taxable property. 139870

(B) In the case of a telephone or telegraph company, 139871
twenty-five per cent for taxable property first subject to 139872
taxation in this state for tax year 1995 or thereafter for tax 139873
years before tax year 2007, and pursuant to division (H) of 139874
section 5711.22 of the Revised Code for tax year 2007 and 139875
thereafter, and the following for all other taxable property: 139876

(1) For tax years prior to 2005, eighty-eight per cent; 139877

(2) For tax year 2005, sixty-seven per cent; 139878

(3) For tax year 2006, forty-six per cent; 139879

(4) For tax year 2007 and thereafter, pursuant to division 139880
(H) of section 5711.22 of the Revised Code. 139881

(C) Twenty-five per cent in the case of (1) a natural gas 139882
company or (2) a water-works company for taxable property first 139883
subject to taxation in this state for tax year 2017 and 139884
thereafter. 139885

(D) Eighty-eight per cent in the case of a water-works 139886
company for taxable property first subject to taxation in this 139887
state before tax year 2017, or a heating company. 139888

(E) In the case of an electric company, one of the 139889
following: 139890

(1) Eighty-five per cent in the case of its taxable	139891
transmission and distribution property and energy conversion	139892
equipment first subject to taxation in this state before tax	139893
year 2027;	139894
(2) Twenty-five per cent in the case of its other taxable	139895
transmission and distribution property;	139896
(3) Seven per cent in the case of its taxable production	139897
and energy conversion equipment first subject to taxation in	139898
this state for tax year 2027 and thereafter or any other taxable	139899
production equipment that is either converted or repowered;	139900
(4) Twenty-four per cent in the case of all its other	139901
taxable property.	139902
(F) (1) Twenty-five per cent in the case of an	139903
interexchange telecommunications company for tax years before	139904
tax year 2007;	139905
(2) Pursuant to division (H) of section 5711.22 of the	139906
Revised Code for tax year 2007 and thereafter.	139907
(G) Twenty-five per cent in the case of a water	139908
transportation company.	139909
(H) In the case of an energy company, one of the	139910
following:	139911
(1) Eighty-five per cent in the case of its taxable	139912
transmission and distribution property first subject to taxation	139913
in this state before tax year 2027;	139914
(2) Twenty-five per cent in the case of its other taxable	139915
transmission and distribution property;	139916
(3) Seven per cent in the case of its taxable production	139917

~~or~~ and energy conversion equipment first subject to taxation in 139918
this state for tax year 2027 and thereafter or any other taxable 139919
production equipment that is either converted or repowered; 139920

(4) Twenty-four per cent in the case of its other taxable 139921
production equipment; 139922

(5) Eighty-five per cent in the case of all its other 139923
taxable property. 139924

(I) In the case of a pipeline company, one of the 139925
following: 139926

(1) Eighty-eight per cent of its taxable property first 139927
subject to taxation in this state before tax year 2027; 139928

(2) Twenty-five per cent in the case of all its other 139929
taxable property. 139930

Sec. 5727.26. (A) The tax commissioner may make an 139931
assessment, based on any information in the commissioner's 139932
possession, against any natural gas company or combined company 139933
that fails to file a return or pay any tax, interest, or 139934
additional charge as required by sections 5727.24 to 5727.29 of 139935
the Revised Code. The commissioner shall give the company 139936
assessed written notice of the assessment as provided in section 139937
5703.37 of the Revised Code. With the notice, the commissioner 139938
shall provide instructions on how to petition for reassessment 139939
and request a hearing on the petition. A penalty of up to 139940
fifteen per cent may be added to all amounts assessed under this 139941
section. The tax commissioner may adopt rules providing for the 139942
imposition and remission of the penalty. 139943

(B) Unless the company assessed, within sixty days after 139944
service of the notice of assessment, files with the tax 139945
commissioner, ~~either personally or by certified mail,~~ a written 139946

petition signed by the company's authorized agent having 139947
knowledge of the facts, the assessment becomes final, and the 139948
amount of the assessment is due and payable from the company 139949
assessed to the commissioner. The petition shall indicate the 139950
objections of the company assessed, but additional objections 139951
may be raised in writing if received by the commissioner prior 139952
to the date shown on the final determination. 139953

If a petition for reassessment has been properly filed, 139954
the commissioner shall proceed under section 5703.60 of the 139955
Revised Code. 139956

(C) After an assessment becomes final, if any portion of 139957
the assessment, including accrued interest, remains unpaid, a 139958
certified copy of the tax commissioner's entry making the 139959
assessment final may be filed in the office of the clerk of the 139960
court of common pleas in the county in which the natural gas 139961
company's or combined company's principal place of business is 139962
located, or in the office of the clerk of court of common pleas 139963
of Franklin county. 139964

Immediately on the filing of the entry, the clerk shall 139965
enter judgment for the state against the company assessed in the 139966
amount shown on the entry. The judgment may be filed by the 139967
clerk in a loose-leaf book entitled, "special judgments for the 139968
public utility excise tax on natural gas and combined 139969
companies," and shall have the same effect as other judgments. 139970
Execution shall issue upon the judgment at the request of the 139971
tax commissioner, and all laws applicable to sales on execution 139972
shall apply to sales made under the judgment. 139973

If the assessment is not paid in its entirety within sixty 139974
days after the day the assessment was issued, the portion of the 139975
assessment consisting of tax due shall bear interest at the rate 139976

per annum prescribed by section 5703.47 of the Revised Code from 139977
the day the tax commissioner issues the assessment until it is 139978
paid or until it is certified to the attorney general for 139979
collection under section 131.02 of the Revised Code, whichever 139980
comes first. If the unpaid portion of the assessment is 139981
certified to the attorney general for collection, the entire 139982
unpaid portion of the assessment shall bear interest at the rate 139983
per annum prescribed by section 5703.47 of the Revised Code from 139984
the date of certification until the date it is paid in its 139985
entirety. Interest shall be paid in the same manner as the tax 139986
and may be collected by the issuance of an assessment under this 139987
section. 139988

(D) If the tax commissioner believes that collection of 139989
the tax will be jeopardized unless proceedings to collect or 139990
secure collection of the tax are instituted without delay, the 139991
commissioner may issue a jeopardy assessment against the company 139992
liable for the tax. Immediately upon the issuance of the 139993
jeopardy assessment, the commissioner shall file an entry with 139994
the clerk of the court of common pleas in the manner prescribed 139995
by division (C) of this section. Notice of the jeopardy 139996
assessment shall be served on the company assessed or the 139997
company's authorized agent in the manner provided in section 139998
5703.37 of the Revised Code within five days of the filing of 139999
the entry with the clerk. The total amount assessed is 140000
immediately due and payable, unless the company assessed files a 140001
petition for reassessment in accordance with division (B) of 140002
this section and provides security in a form satisfactory to the 140003
commissioner and in an amount sufficient to satisfy the unpaid 140004
balance of the assessment. Full or partial payment of the 140005
assessment does not prejudice the commissioner's consideration 140006
of the petition for reassessment. 140007

(E) The tax commissioner shall immediately forward to the 140008
treasurer of state all amounts that the tax commissioner 140009
receives under this section, and such amounts shall be 140010
considered revenue arising from the tax imposed by section 140011
5727.24 of the Revised Code. 140012

(F) No assessment shall be made or issued against a 140013
natural gas company or combined company for the tax imposed by 140014
section 5727.24 of the Revised Code more than four years after 140015
the return date for the period in which the tax was reported, or 140016
more than four years after the return for the period was filed, 140017
whichever is later. 140018

Sec. 5727.38. On or before the first Monday of November, 140019
annually, the tax commissioner may assess an excise tax against 140020
a public utility subject to the excise tax under section 5727.30 140021
of the Revised Code. The tax shall be computed by multiplying 140022
the taxable gross receipts as determined by the commissioner 140023
under section 5727.33 of the Revised Code by six and three- 140024
fourths per cent in the case of pipe-line companies, and four 140025
and three-fourths per cent in the case of all other companies. 140026
The minimum tax for any such company for owning property or 140027
doing business in this state shall be fifty dollars. The 140028
assessment shall be ~~mailed to the taxpayer~~ served on the public 140029
utility in the manner prescribed by section 5703.37 of the 140030
Revised Code. 140031

Sec. 5727.42. (A) The tax commissioner shall collect the 140032
excise tax imposed by section 5727.30 of the Revised Code and 140033
the taxpayer shall pay all taxes and any penalties thereon. 140034
Payments of the tax may be made by mail, in person, 140035
electronically if required to do so by section 5727.311 of the 140036
Revised Code, or by any other means authorized by the 140037

commissioner. The commissioner may adopt rules concerning the 140038
methods and timeliness of payment. 140039

(B) Each tax assessment issued pursuant to this section 140040
shall separately reflect the taxes and any penalty due, and any 140041
other information considered necessary. ~~The commissioner shall~~ 140042
~~mail the assessment to the taxpayer, and the mailing of it shall~~ 140043
~~be prima facie evidence of receipt thereof by the taxpayer.~~ 140044
The assessment shall be served on the taxpayer in the manner 140045
prescribed by section 5703.37 of the Revised Code. 140046

(C) The commissioner shall refund taxes levied and 140047
payments made for the tax imposed by section 5727.30 of the 140048
Revised Code as provided in this section, ~~but no refund shall be~~ 140049
~~made to a taxpayer having a delinquent claim certified pursuant~~ 140050
~~to this section that remains unpaid. The commissioner may~~ 140051
~~consult the attorney general regarding such claims.~~ 140052

(D) After receiving any excise tax annual statement for 140053
the tax imposed by section 5727.30 of the Revised Code, the 140054
commissioner shall: 140055

(1) Ascertain the difference between the total taxes owed 140056
and the sum of all payments made for that year. 140057

(2) If the difference is a deficiency, the commissioner 140058
shall issue an assessment. 140059

(3) If the difference is an excess, the commissioner shall 140060
issue a refund of that amount to the taxpayer. If the amount of 140061
the refund is less than that claimed by the taxpayer, the 140062
taxpayer, within sixty days of the issuance of the refund, may 140063
provide to the commissioner additional information to support 140064
the claim or may request a hearing. Upon receiving such 140065
information or request within that time, the commissioner shall 140066

follow the same procedures set forth in divisions (C) and (D) of 140067
section 5703.70 of the Revised Code for the determination of 140068
refund applications. 140069

If the taxpayer has a deficiency for one tax year and an 140070
excess for another tax year, or any combination thereof for more 140071
than two years, the commissioner may determine the net result 140072
and, depending on such result, proceed to issue an assessment or 140073
certify a refund. 140074

(E) If a taxpayer fails to pay the amount of taxes 140075
required to be paid, or fails to make an estimated payment on or 140076
before the due date prescribed in division (B) of section 140077
5727.31 of the Revised Code, the commissioner shall impose a 140078
penalty in the amount of fifteen per cent of the unpaid amount, 140079
and the commissioner shall issue an assessment for the unpaid 140080
amount and penalty. Unless a timely petition for reassessment is 140081
filed under section 5727.47 of the Revised Code, the attorney 140082
general shall proceed to collect the delinquent taxes and 140083
penalties thereon in the manner prescribed by law and notify the 140084
commissioner of all collections. 140085

(F) If a taxpayer entitled to a refund under this section 140086
is indebted to the state for any tax or fee administered by the 140087
tax commissioner, or any charge, penalty, or interest arising 140088
from such a tax or fee, the amount refundable may be applied in 140089
satisfaction of that debt. If the amount refundable is less than 140090
the amount of the debt, it may be applied in partial 140091
satisfaction of the debt. If the amount refundable is greater 140092
than the amount of the debt, the amount remaining after 140093
satisfaction of the debt shall be refunded. 140094

Sec. 5727.47. (A) Notice of each assessment certified or 140095
issued pursuant to section 5727.23 or 5727.38 of the Revised 140096

Code shall be ~~mailed to the public utility, and its mailing~~ 140097
~~shall be prima-facie evidence of its receipt by the public~~ 140098
~~utility to which it is addressed~~served on the public utility or 140099
public utility property lessor in the manner prescribed by 140100
section 5703.37 of the Revised Code. With the notice, the tax 140101
commissioner shall provide instructions on how to petition for 140102
reassessment and request a hearing on the petition. If a public 140103
utility objects to such an assessment, it may file with the 140104
commissioner,~~either personally or by certified mail,~~ within 140105
sixty days after the mailing of the notice of assessment a 140106
written petition for reassessment signed by the utility's 140107
authorized agent having knowledge of the facts. The date the 140108
commissioner receives the petition shall be considered the date 140109
of filing. The petition shall indicate the utility's objections, 140110
but additional objections may be raised in writing if received 140111
by the commissioner prior to the date shown on the final 140112
determination. 140113

In the case of a petition seeking a reduction in taxable 140114
value filed with respect to an assessment certified under 140115
section 5727.23 of the Revised Code, the petitioner shall state 140116
in the petition the total amount of reduction in taxable value 140117
sought by the petitioner. If the petitioner objects to the 140118
percentage of true value at which taxable property is assessed 140119
by the commissioner, the petitioner shall state in the petition 140120
the total amount of reduction in taxable value sought both with 140121
and without regard to the objection pertaining to the percentage 140122
of true value at which its taxable property is assessed. If a 140123
petitioner objects to the commissioner's apportionment of the 140124
taxable value of the petitioner's taxable property, the 140125
petitioner shall distinctly state in the petition that the 140126
petitioner objects to the commissioner's apportionment, and, 140127

within forty-five days after filing the petition for 140128
reassessment, shall submit the petitioner's proposed 140129
apportionment of the taxable value of its taxable property among 140130
taxing districts. If a petitioner that objects to the 140131
commissioner's apportionment fails to state its objections to 140132
that apportionment in its petition for reassessment or fails to 140133
submit its proposed apportionment within forty-five days after 140134
filing the petition for reassessment, the commissioner shall 140135
dismiss the petitioner's objection to the commissioner's 140136
apportionment, and the taxable value of the petitioner's taxable 140137
property, subject to any adjustment to taxable value pursuant to 140138
the petition or appeal, shall be apportioned in the manner used 140139
by the commissioner in the preliminary or amended preliminary 140140
assessment certified under section 5727.23 of the Revised Code. 140141

If an additional objection seeking a reduction in taxable 140142
value in excess of the reduction stated in the original petition 140143
is properly and timely raised with respect to an assessment 140144
issued under section 5727.23 of the Revised Code, the petitioner 140145
shall state the total amount of the reduction in taxable value 140146
sought in the additional objection both with and without regard 140147
to any reduction in taxable value pertaining to the percentage 140148
of true value at which taxable property is assessed. If a 140149
petitioner fails to state the reduction in taxable value sought 140150
in the original petition or in additional objections properly 140151
raised after the petition is filed, the commissioner shall 140152
notify the petitioner of the failure in the manner provided in 140153
section 5703.37 of the Revised Code. If the petitioner fails to 140154
notify the commissioner in writing of the reduction in taxable 140155
value sought in the petition or in an additional objection 140156
within thirty days after receiving the commissioner's notice, 140157
the commissioner shall dismiss the petition or the additional 140158

objection in which that reduction is sought. 140159

(B) (1) Subject to divisions (B) (2) and (3) of this 140160
section, a public utility filing a petition for reassessment 140161
regarding an assessment certified or issued under section 140162
5727.23 or 5727.38 of the Revised Code shall pay the tax with 140163
respect to the assessment objected to as required by law. The 140164
acceptance of any tax payment by the tax commissioner or any 140165
county treasurer shall not prejudice any claim for taxes on 140166
final determination by the commissioner or final decision by the 140167
board of tax appeals or any court. 140168

(2) If a public utility properly and timely files a 140169
petition for reassessment regarding an assessment certified 140170
under section 5727.23 of the Revised Code, the petitioner shall 140171
pay the tax as prescribed by divisions (B) (2) (a), (b), and (c) 140172
of this section: 140173

(a) If the petitioner does not object to the 140174
commissioner's apportionment of the taxable value of the 140175
petitioner's taxable property, the petitioner is not required to 140176
pay the part of the tax otherwise due on the taxable value that 140177
the petitioner seeks to have reduced, subject to division (B) (2) 140178
(c) of this section. 140179

(b) If the petitioner objects to the commissioner's 140180
apportionment of the taxable value of the petitioner's taxable 140181
property, the petitioner is not required to pay the tax 140182
otherwise due on the part of the taxable value apportioned to 140183
any taxing district that the petitioner objects to, subject to 140184
division (B) (2) (c) of this section. If, pursuant to division (A) 140185
of this section, the petitioner has, in a proper and timely 140186
manner, apportioned taxable value to a taxing district to which 140187
the commissioner did not apportion the petitioner's taxable 140188

value, the petitioner shall pay the tax due on the taxable value 140189
that the petitioner has apportioned to the taxing district, 140190
subject to division (B) (2) (c) of this section. 140191

(c) If a petitioner objects to the percentage of true 140192
value at which taxable property is assessed by the commissioner, 140193
the petitioner shall pay the tax due on the basis of the 140194
percentage of true value at which the public utility's taxable 140195
property is assessed by the commissioner. In any case, the 140196
petitioner's payment of tax shall not be less than the amount of 140197
tax due based on the taxable value reflected on the last appeal 140198
notice issued by the commissioner under division (C) of this 140199
section. Until the county auditor receives notification under 140200
division (E) of this section and proceeds under section 5727.471 140201
of the Revised Code to issue any refund that is found to be due, 140202
the county auditor shall not issue a refund for any increase in 140203
the reduction in taxable value that is sought by a petitioner 140204
later than forty-five days after the petitioner files the 140205
original petition as required under division (A) of this 140206
section. 140207

(3) Any part of the tax that, under division (B) (2) (a) or 140208
(b) of this section, is not paid shall be collected upon receipt 140209
of the notification as provided in section 5727.471 of the 140210
Revised Code with interest thereon computed in the same manner 140211
as interest is computed under division (E) of section 5715.19 of 140212
the Revised Code, subject to any correction of the assessment by 140213
the commissioner under division (E) of this section or the final 140214
judgment of the board of tax appeals or a court to which the 140215
board's final judgment is appealed. The penalty imposed under 140216
section 323.121 of the Revised Code shall apply only to the 140217
unpaid portion of the tax if the petitioner's tax payment is 140218
less than the amount of tax due based on the taxable value 140219

reflected on the last appeal notice issued by the commissioner 140220
under division (C) of this section. 140221

(C) Upon receipt of a properly filed petition for 140222
reassessment with respect to an assessment certified under 140223
section 5727.23 of the Revised Code, the tax commissioner shall 140224
notify the treasurer of state or the auditor of each county to 140225
which the assessment objected to has been certified. In the case 140226
of a petition with respect to an assessment certified under 140227
section 5727.23 of the Revised Code, the commissioner shall 140228
issue an appeal notice within thirty days after receiving the 140229
amount of the taxable value reduction and apportionment changes 140230
sought by the petitioner in the original petition or in any 140231
additional objections properly and timely raised by the 140232
petitioner. The appeal notice shall indicate the amount of the 140233
reduction in taxable value sought in the petition or in the 140234
additional objections and the extent to which the reduction in 140235
taxable value and any change in apportionment requested by the 140236
petitioner would affect the commissioner's apportionment of the 140237
taxable value among taxing districts in the county as shown in 140238
the assessment. If a petitioner is seeking a reduction in 140239
taxable value on the basis of a lower percentage of true value 140240
than the percentage at which the commissioner assessed the 140241
petitioner's taxable property, the appeal notice shall indicate 140242
the reduction in taxable value sought by the petitioner without 140243
regard to the reduction sought on the basis of the lower 140244
percentage and shall indicate that the petitioner is required to 140245
pay tax on the reduced taxable value determined without regard 140246
to the reduction sought on the basis of a lower percentage of 140247
true value, as provided under division (B)(2)(c) of this 140248
section. The appeal notice shall include a statement that the 140249
reduced taxable value and the apportionment indicated in the 140250

notice are not final and are subject to adjustment by the 140251
commissioner or by the board of tax appeals or a court on 140252
appeal. If the commissioner finds an error in the appeal notice, 140253
the commissioner may amend the notice, but the notice is only 140254
for informational and tax payment purposes; the notice is not 140255
subject to appeal by any person. The commissioner also shall 140256
~~mail~~provide a copy of the appeal notice to the petitioner. Upon 140257
the request of a taxing authority, the county auditor may 140258
disclose to the taxing authority the extent to which a reduction 140259
in taxable value sought by a petitioner would affect the 140260
apportionment of taxable value to the taxing district or 140261
districts under the taxing authority's jurisdiction, but such a 140262
disclosure does not constitute a notice required by law to be 140263
given for the purpose of section 5717.02 of the Revised Code. 140264

(D) If the petitioner requests a hearing on the petition, 140265
the tax commissioner shall assign a time and place for the 140266
hearing on the petition and notify the petitioner of such time 140267
and place, but the commissioner may continue the hearing from 140268
time to time as necessary. 140269

(E) The tax commissioner may make corrections to the 140270
assessment as the commissioner finds proper. The commissioner 140271
shall serve a copy of the commissioner's final determination on 140272
the petitioner in the manner provided in section 5703.37 of the 140273
Revised Code. The commissioner's decision in the matter shall be 140274
final, subject to appeal under section 5717.02 of the Revised 140275
Code. With respect to a final determination issued for an 140276
assessment certified under section 5727.23 of the Revised Code, 140277
the commissioner also shall transmit a copy of the final 140278
determination to the applicable county auditor. In the absence 140279
of any further appeal, or when a decision of the board of tax 140280
appeals or of any court to which the decision has been appealed 140281

becomes final, the commissioner shall notify the public utility 140282
and, as appropriate, shall proceed under section 5727.42 of the 140283
Revised Code, or notify the applicable county auditor, who shall 140284
proceed under section 5727.471 of the Revised Code. 140285

The notification made under this division is not subject 140286
to further appeal. 140287

(F) On appeal, no adjustment shall be made in the tax 140288
commissioner's assessment certified under section 5727.23 of the 140289
Revised Code that reduces the taxable value of a petitioner's 140290
taxable property by an amount that exceeds the reduction sought 140291
by the petitioner in its petition for reassessment or in any 140292
additional objections properly and timely raised after the 140293
petition is filed with the commissioner. 140294

Sec. 5727.48. The tax commissioner, ~~on application by a~~ 140295
~~public utility,~~ may extend to ~~the a~~ public utility a further 140296
specified time, not to exceed thirty days, within which to file 140297
any report or statement required by this chapter to be filed 140298
with the commissioner, except reports required by sections 140299
5727.24 to 5727.29 of the Revised Code. A public utility ~~must~~ 140300
~~file such an application, in writing, with the commissioner~~ 140301
shall request this extension, in the form and manner prescribed 140302
by the commissioner, on or before the date that the report or 140303
statement is otherwise required to be filed. 140304

Sec. 5727.89. (A) The tax commissioner may make an 140305
assessment, based on any information in the commissioner's 140306
possession, against any natural gas distribution company, 140307
electric distribution company, self-assessing purchaser, or 140308
qualified end user that fails to file a return or pay any tax, 140309
interest, or additional charge as required by sections 5727.80 140310
to 5727.95 of the Revised Code. 140311

When information in the possession of the tax commissioner 140312
indicates that a person liable for the tax imposed by section 140313
5727.81 or 5727.811 of the Revised Code has not paid the full 140314
amount of tax due, the commissioner may audit a representative 140315
sample of the person's business and may issue an assessment 140316
based on the audit. The commissioner shall give the person 140317
assessed written notice of the assessment in the manner provided 140318
in section 5703.37 of the Revised Code. With the notice, the 140319
commissioner shall provide instructions on how to petition for 140320
reassessment and request a hearing on the petition. 140321

The tax commissioner may issue an assessment for which the 140322
tax imposed by section 5727.81 or 5727.811 of the Revised Code 140323
was due and unpaid on the date the person was informed by an 140324
agent of the tax commissioner of an investigation or audit of 140325
the person. Any payment of the tax for the period covered by the 140326
assessment, after the person is so informed, shall be credited 140327
against the assessment. 140328

A penalty of up to fifteen per cent may be added to all 140329
amounts assessed under this section. The commissioner may adopt 140330
rules providing for the imposition and remission of penalties. 140331

(B) Unless the party assessed files with the tax 140332
commissioner within sixty days after service of the notice of 140333
assessment, ~~either personally or by certified mail,~~ a written 140334
petition for reassessment signed by the party assessed or that 140335
party's authorized agent having knowledge of the facts, the 140336
assessment becomes final and the amount of the assessment is due 140337
and payable from the party assessed to the treasurer of state. 140338
The petition shall indicate the objections of the party 140339
assessed, but additional objections may be raised in writing if 140340
received by the commissioner prior to the date shown on the 140341

final determination. If the petition has been properly filed, 140342
the commissioner shall proceed under section 5703.60 of the 140343
Revised Code. 140344

(C) After an assessment becomes final, if any portion of 140345
the assessment, including accrued interest, remains unpaid, a 140346
certified copy of the tax commissioner's entry making the 140347
assessment final may be filed in the office of the clerk of the 140348
court of common pleas in the county in which the party assessed 140349
resides or in which the party's business is conducted. If the 140350
party assessed maintains no place of business in this state and 140351
is not a resident of this state, the certified copy of the entry 140352
may be filed in the office of the clerk of the court of common 140353
pleas of Franklin county. 140354

Immediately upon the filing of the entry, the clerk shall 140355
enter a judgment for the state against the person assessed in 140356
the amount shown on the entry. The judgment may be filed by the 140357
clerk in a loose-leaf book entitled "special judgments for the 140358
distribution excise taxes," and shall have the same effect as 140359
other judgments. Execution shall issue upon the judgment at the 140360
request of the tax commissioner, and all laws applicable to 140361
sales on execution shall apply to sales made under the judgment. 140362

If the assessment is not paid in its entirety within sixty 140363
days after the day the assessment was issued, the portion of the 140364
assessment consisting of tax due shall bear interest at the rate 140365
per annum prescribed by section 5703.47 of the Revised Code from 140366
the day the tax commissioner issues the assessment until the day 140367
the assessment is paid or until it is certified to the attorney 140368
general for collection under section 131.02 of the Revised Code, 140369
whichever comes first. If the unpaid portion of the assessment 140370
is certified to the attorney general for collection, the entire 140371

unpaid portion of the assessment shall bear interest at the rate 140372
per annum prescribed by section 5703.47 of the Revised Code from 140373
the date of certification until the date it is paid in its 140374
entirety. Interest shall be paid in the same manner as the tax 140375
and may be collected by the issuance of an assessment under this 140376
section. 140377

(D) If the tax commissioner believes that collection of 140378
the tax imposed by section 5727.81 or 5727.811 of the Revised 140379
Code will be jeopardized unless proceedings to collect or secure 140380
collection of the tax are instituted without delay, the 140381
commissioner may issue a jeopardy assessment against the person 140382
liable for the tax. Immediately upon the issuance of the 140383
jeopardy assessment, the commissioner shall file an entry with 140384
the clerk of the court of common pleas in the manner prescribed 140385
by division (C) of this section. Notice of the jeopardy 140386
assessment shall be served on the party assessed or the party's 140387
legal representative within five days of the filing of the entry 140388
with the clerk. The total amount assessed is immediately due and 140389
payable, unless the party assessed files a petition for 140390
reassessment in accordance with division (B) of this section and 140391
provides security in a form satisfactory to the commissioner and 140392
in an amount sufficient to satisfy the unpaid balance of the 140393
assessment. Full or partial payment of the assessment does not 140394
prejudice the commissioner's consideration of the petition for 140395
reassessment. 140396

(E) All money collected by the tax commissioner under this 140397
section shall be paid to the treasurer of state, and when paid 140398
shall be considered as revenue arising from the taxes imposed by 140399
sections 5727.81 and 5727.811 of the Revised Code. 140400

Sec. 5728.10. (A) If any person required to file a fuel 140401

use tax return by sections 5728.01 to 5728.14 of the Revised 140402
Code, fails to file the return within the time prescribed by 140403
those sections, files an incomplete return, files an incorrect 140404
return, or fails to remit the full amount of the tax due for the 140405
period covered by the return, the tax commissioner may make an 140406
assessment against the person, based upon any information in the 140407
commissioner's possession, for the period for which the tax was 140408
due. 140409

No assessment shall be made against any person for any tax 140410
imposed by this chapter more than four years after the return 140411
date for the period for which the tax was due or more than four 140412
years after the return for the period was filed, whichever is 140413
later. This section does not bar an assessment against any 140414
person who fails to file a fuel use tax return as required by 140415
this chapter, or who files a fraudulent fuel use tax return. 140416

A penalty of up to fifteen per cent may be added to the 140417
amount of every assessment made pursuant to this section. The 140418
commissioner may adopt rules providing for the imposition and 140419
remission of penalties added to assessments made under this 140420
section. 140421

The commissioner shall give the party assessed written 140422
notice of the assessment in the manner provided in section 140423
5703.37 of the Revised Code. With the notice, the commissioner 140424
shall provide instructions on how to petition for reassessment 140425
and request a hearing on the petition. 140426

(B) Unless the party assessed files with the tax 140427
commissioner within sixty days after service of the notice of 140428
assessment, ~~either personally or by certified mail,~~ a written 140429
petition for reassessment, signed by the party assessed, or by 140430
the party's authorized agent having knowledge of the facts, the 140431

assessment becomes final and the amount of the assessment is due 140432
and payable from the party assessed to the treasurer of state. 140433
The petition shall indicate the objections of the party 140434
assessed, but additional objections may be raised in writing if 140435
received by the commissioner prior to the date shown on the 140436
final determination. If the petition has been properly filed, 140437
the commissioner shall proceed under section 5703.60 of the 140438
Revised Code. 140439

(C) After an assessment becomes final, if any portion of 140440
the assessment remains unpaid, including accrued interest, a 140441
certified copy of the tax commissioner's entry making the 140442
assessment final may be filed in the office of the clerk of the 140443
court of common pleas in the county in which the party's place 140444
of business is located or the county in which the party assessed 140445
resides. If the party maintains no office in this state and is 140446
not a resident of this state, the certified copy of the entry 140447
may be filed in the office of the clerk of the court of common 140448
pleas of Franklin county. 140449

Immediately upon the filing of the entry, the clerk shall 140450
enter a judgment for the state of Ohio against the party 140451
assessed in the amount shown on the entry. The judgment may be 140452
filed by the clerk in a loose-leaf book entitled "special 140453
judgments for state fuel use tax," and shall have the same 140454
effect as other judgments. Execution shall issue upon the 140455
judgment upon the request of the commissioner, and all laws 140456
applicable to sales on execution shall apply to sales made under 140457
the judgment. 140458

If the assessment is not paid within sixty days after the 140459
day the assessment was issued, the portion of the assessment 140460
consisting of tax due shall bear interest at the rate per annum 140461

prescribed by section 5703.47 of the Revised Code from the day 140462
the commissioner issues the assessment until it is paid or until 140463
it is certified to the attorney general for collection under 140464
section 131.02 of the Revised Code, whichever comes first. If 140465
the unpaid portion of the assessment is certified to the 140466
attorney general for collection, the entire unpaid portion of 140467
the assessment shall bear interest at the rate per annum 140468
prescribed by section 5703.47 of the Revised Code from the date 140469
of certification until the date it is paid in its entirety. 140470
Interest shall be paid in the same manner as the tax and may be 140471
collected by the issuance of an assessment under this section. 140472

(D) All money collected by the tax commissioner under this 140473
section shall be paid into the state treasury in the same manner 140474
as the revenues deriving from the taxes imposed by section 140475
5728.06 of the Revised Code. 140476

Sec. 5729.10. If a company fails to pay the tax levied by 140477
section 5729.03 of the Revised Code, or to make any partial 140478
payment thereof as required by law after a statement thereof has 140479
been made and mailed to it, or if the annual statement required 140480
by law to be made by it is false or incorrect, the 140481
superintendent of insurance may revoke the license of such 140482
company doing business in this state. Upon failure to pay the 140483
tax or to make partial payment thereof according to law, the 140484
~~superintendent~~ treasurer of state shall certify that fact to the 140485
attorney general, who shall thereupon begin an action against 140486
the company in the court of common pleas of Franklin county, or 140487
any other county ~~he~~ the attorney general elects, to recover the 140488
amount of the tax. If such company ceases to do business in this 140489
state, it shall thereupon make a report to the superintendent of 140490
the gross amount of premiums not theretofore reported as 140491
provided in section 5729.02 or 5729.04 of the Revised Code 140492

received by it from policies covering risks within this state 140493
prior to such discontinuance of business, after deducting return 140494
premiums and considerations received for reinsurance not 140495
theretofore so reported, and shall forthwith pay to the 140496
~~superintendent~~treasurer of state a like per cent of tax 140497
thereon. 140498

Sec. 5729.18. There is allowed a credit against the tax 140499
imposed by section 5729.03 of the Revised Code for an insurance 140500
company subject to that tax that holds the rights to a tax 140501
credit certificate issued under section 122.09 of the Revised 140502
Code. The credit shall equal the dollar amount indicated on the 140503
certificate or the ensuing calendar year. The credit shall be 140504
claimed in the calendar year specified in the certificate and in 140505
the order required under section 5729.98 of the Revised Code. If 140506
the credit exceeds the amount of tax otherwise due in that year, 140507
the company may carry forward the excess for not more than five 140508
ensuing years, but the amount of the excess credit claimed 140509
against the tax for any year shall be deducted from the balance 140510
carried forward to the next year. 140511

No credit shall be claimed under this section to the 140512
extent the certificate was used to claim a credit under section 140513
5725.35, 5726.62, or 5747.87 of the Revised Code. 140514

Sec. 5729.21. Terms used in this section have the same 140515
meanings as in section 122.84 of the Revised Code. 140516

There is allowed a ~~non-refundable~~nonrefundable credit 140517
against the tax imposed by section 5729.03 of the Revised Code 140518
for a foreign insurance company that is issued, or to which is 140519
transferred, a tax credit certificate under section 122.84 of 140520
the Revised Code. The credit equals the amount stated on the 140521
certificate and may be claimed for the calendar year that 140522

includes the investment period that was the subject of the 140523
application for the certificate under that section or for the 140524
ensuing calendar year. For a credit issued during the July 140525
application round each year, the credit may also be claimed for 140526
the preceding calendar year. A taxpayer applying a credit for 140527
the preceding calendar year shall file an amended return or 140528
apply that amendment on the taxpayer's original return, for that 140529
year. 140530

The credit authorized in this section shall be claimed in 140531
the order required under section 5729.98 of the Revised Code. If 140532
the amount of a credit exceeds the tax otherwise due under 140533
section 5729.03 of the Revised Code after deducting all other 140534
credits preceding the credit in that order, the excess may be 140535
carried forward for not more than five ensuing calendar years. 140536
The amount of the excess credit claimed in any such year shall 140537
be deducted from the balance carried forward to the next 140538
calendar year. 140539

No credit shall be claimed under this section to the 140540
extent the credit was claimed under section 5725.38, 5726.61, or 140541
5747.86 of the Revised Code. 140542

A foreign insurance company shall not be required to pay 140543
any additional tax levied under section 5729.06 of the Revised 140544
Code as a result of claiming the tax credit authorized by this 140545
section. 140546

Sec. 5735.12. (A) Any person required by this chapter to 140547
file reports or pay the tax levied by this chapter who fails to 140548
do so within the time prescribed may be liable for an additional 140549
charge not exceeding the greater of ten per cent of the person's 140550
tax liability for that month or fifty dollars. The tax 140551
commissioner may remit all or a portion of the additional charge 140552

and may adopt rules relating to the remission of all or a 140553
portion of the charge. 140554

If any person required by this chapter to file reports or 140555
pay the taxes, interest, or additional charge levied by this 140556
chapter fails to file the report, files an incomplete or 140557
incorrect report, or fails to remit the full amount of the tax, 140558
interest, or additional charge due for the period covered by the 140559
report, the commissioner may make an assessment against the 140560
person based upon any information in the commissioner's 140561
possession. 140562

No assessment shall be made against any motor fuel dealer 140563
for taxes imposed by this chapter more than four years after the 140564
date on which the report on which the assessment was based was 140565
due or was filed, whichever is later. This section does not bar 140566
an assessment against any motor fuel dealer who fails to file a 140567
report required by section 5735.06 of the Revised Code, or who 140568
files a fraudulent motor fuel tax report. 140569

A penalty of up to fifteen per cent may be added to the 140570
amount of every assessment made under this section. The 140571
commissioner may adopt rules providing for the imposition and 140572
remission of penalties added to assessments made under this 140573
section. 140574

The commissioner shall give the party assessed written 140575
notice of the assessment in the manner provided in section 140576
5703.37 of the Revised Code. With the notice, the commissioner 140577
shall provide instructions on how to petition for reassessment 140578
and request a hearing on the petition. 140579

(B) Unless the party assessed files with the tax 140580
commissioner within sixty days after service of the notice of 140581

assessment, ~~either personally or by certified mail~~, a written 140582
petition for reassessment in writing, signed by the party 140583
assessed or that party's authorized agent having knowledge of 140584
the facts, the assessment becomes final and the amount of the 140585
assessment is due and payable from the party assessed to the 140586
treasurer of state. The petition shall indicate the objections 140587
of the party assessed, but additional objections may be raised 140588
in writing if received by the commissioner prior to the date 140589
shown on the final determination. If the petition has been 140590
properly filed, the commissioner shall proceed under section 140591
5703.60 of the Revised Code. 140592

(C) After an assessment becomes final, if any portion of 140593
the assessment remains unpaid, including accrued interest, a 140594
certified copy of the tax commissioner's entry making the 140595
assessment final may be filed in the office of the clerk of the 140596
court of common pleas in the county in which the party assessed 140597
resides or in which the business of the party assessed is 140598
conducted. If the party assessed maintains no place of business 140599
in this state and is not a resident of this state, the certified 140600
copy of the entry may be filed in the office of the clerk of the 140601
court of common pleas of Franklin county. 140602

Immediately upon the filing of the entry, the clerk shall 140603
enter a judgment for the state against the party assessed in the 140604
amount shown on the entry. The judgment may be filed by the 140605
clerk in a loose-leaf book entitled "special judgments for state 140606
motor fuel tax," and shall have the same effect as other 140607
judgments. Execution shall issue upon the judgment upon the 140608
request of the tax commissioner, and all laws applicable to 140609
sales on execution shall apply to sales made under the judgment. 140610

If the assessment is not paid in its entirety within sixty 140611

days after the day the assessment was issued, the portion of the 140612
assessment consisting of tax due shall bear interest at the rate 140613
per annum prescribed by section 5703.47 of the Revised Code from 140614
the day the commissioner issues the assessment until it is paid 140615
or until it is certified to the attorney general for collection 140616
under section 131.02 of the Revised Code, whichever comes first. 140617
If the unpaid portion of the assessment is certified to the 140618
attorney general for collection, the entire unpaid portion of 140619
the assessment shall bear interest at the rate per annum 140620
prescribed by section 5703.47 of the Revised Code from the date 140621
of certification until the date it is paid in its entirety. 140622
Interest shall be paid in the same manner as the tax and may be 140623
collected by the issuance of an assessment under this section. 140624

(D) All money collected by the tax commissioner under this 140625
section shall be paid to the treasurer of state, and when paid 140626
shall be considered as revenue arising from the tax imposed by 140627
this chapter. 140628

(E) If the tax commissioner determines that the 140629
commissioner has erroneously refunded motor fuel tax to any 140630
person, the commissioner may make an assessment against the 140631
person for recovery of the erroneously refunded tax. 140632

Sec. 5736.09. (A) The tax commissioner may make an 140633
assessment, based on any information in the commissioner's 140634
possession, against any person that fails to file a return or 140635
pay any ~~tax~~amounts as required by this chapter. The 140636
commissioner shall give the person assessed written notice of 140637
the assessment as provided in section 5703.37 of the Revised 140638
Code. With the notice, the commissioner shall provide 140639
instructions on the manner in which to petition for reassessment 140640
and request a hearing with respect to the petition. 140641

(B) Unless the person assessed, within sixty days after
service of the notice of assessment, files with the
commissioner, ~~either personally or by certified mail,~~ a written
petition signed by the person or the person's authorized agent
having knowledge of the facts, the assessment becomes final, and
the amount of the assessment is due and payable from the person
assessed to the treasurer of state. The petition shall indicate
the objections of the person assessed, but additional objections
may be raised in writing if received by the commissioner prior
to the date shown on the final determination.

If a petition for reassessment has been properly filed,
the commissioner shall proceed under section 5703.60 of the
Revised Code.

(C) (1) After an assessment becomes final, if any portion
of the assessment, including accrued interest, remains unpaid, a
certified copy of the commissioner's entry making the assessment
final may be filed in the office of the clerk of the court of
common pleas in the county in which the person resides or has
its principal place of business in this state, or in the office
of the clerk of court of common pleas of Franklin county.

(2) Immediately upon the filing of the entry, the clerk
shall enter judgment for the state against the person assessed
in the amount shown on the entry. The judgment may be filed by
the clerk in a loose-leaf book entitled, "special judgments for
the petroleum activity tax" and shall have the same effect as
other judgments. Execution shall issue upon the judgment at the
request of the commissioner, and all laws applicable to sales on
execution shall apply to sales made under the judgment.

(3) If the assessment is not paid in its entirety within
sixty days after the day the assessment was issued, the portion

of the assessment consisting of tax due shall bear interest at 140672
the rate per annum prescribed by section 5703.47 of the Revised 140673
Code from the day the commissioner issues the assessment until 140674
it is paid or until it is certified to the attorney general for 140675
collection under section 131.02 of the Revised Code, whichever 140676
comes first. If the unpaid portion of the assessment is 140677
certified to the attorney general for collection, the entire 140678
unpaid portion of the assessment shall bear interest at the rate 140679
per annum prescribed by section 5703.47 of the Revised Code from 140680
the date of certification until the date it is paid in its 140681
entirety. Interest shall be paid in the same manner as the tax 140682
and may be collected by the issuance of an assessment under this 140683
section. 140684

(D) If the commissioner believes that collection of the 140685
tax will be jeopardized unless proceedings to collect or secure 140686
collection of the tax are instituted without delay, the 140687
commissioner may issue a jeopardy assessment against the person 140688
liable for the tax. Immediately upon the issuance of the 140689
jeopardy assessment, the commissioner shall file an entry with 140690
the clerk of the court of common pleas in the manner prescribed 140691
by division (C) of this section. Notice of the jeopardy 140692
assessment shall be served on the person assessed or the 140693
person's authorized agent in the manner provided in section 140694
5703.37 of the Revised Code within five days of the filing of 140695
the entry with the clerk. The total amount assessed is 140696
immediately due and payable, unless the person assessed files a 140697
petition for reassessment in accordance with division (B) of 140698
this section and provides security in a form satisfactory to the 140699
commissioner and in an amount sufficient to satisfy the unpaid 140700
balance of the assessment. Full or partial payment of the 140701
assessment does not prejudice the commissioner's consideration 140702

of the petition for reassessment. 140703

(E) The commissioner shall immediately forward to the 140704
treasurer of state all amounts the commissioner receives under 140705
this section, and such amounts shall be considered as revenue 140706
arising from the tax imposed under this chapter. 140707

(F) Except as otherwise provided in this division, no 140708
assessment shall be made or issued against a taxpayer for ~~the~~ 140709
~~tax amounts~~ imposed under this chapter more than four years 140710
after the due date for the filing of the return or application 140711
for the tax period for which the ~~tax amount~~ was reported, or 140712
more than four years after the return or application for the tax 140713
period was filed, whichever is later. The time limit may be 140714
extended if both the taxpayer and the commissioner consent in 140715
writing to the extension or enter into an agreement waiving or 140716
extending the time limit. Any such extension shall extend the 140717
four-year time limit in division (A) of section 5736.08 of the 140718
Revised Code for the same period of time. Nothing in this 140719
division bars an assessment against a taxpayer that fails to 140720
file a return required by this chapter or that files a 140721
fraudulent return. 140722

(G) If the commissioner possesses information that 140723
indicates that the amount of tax a taxpayer is required to pay 140724
under this chapter exceeds the amount the taxpayer paid, the 140725
commissioner may audit a sample of the taxpayer's calculated 140726
gross receipts over a representative period of time to ascertain 140727
the amount of tax due, and may issue an assessment based on the 140728
audit. The commissioner shall make a good faith effort to reach 140729
agreement with the taxpayer in selecting a representative 140730
sample. The commissioner may apply a sampling method only if the 140731
commissioner has prescribed the method by rule. 140732

(H) If the whereabouts of a person subject to this chapter 140733
is not known to the commissioner, the commissioner shall follow 140734
the procedures under section 5703.37 of the Revised Code. 140735

Sec. 5739.01. As used in this chapter: 140736

(A) "Person" includes individuals, receivers, assignees, 140737
trustees in bankruptcy, estates, firms, partnerships, 140738
associations, joint-stock companies, joint ventures, clubs, 140739
societies, corporations, the state and its political 140740
subdivisions, and combinations of individuals of any form. 140741

(B) "Sale" and "selling" include all of the following 140742
transactions for a consideration in any manner, whether 140743
absolutely or conditionally, whether for a price or rental, in 140744
money or by exchange, and by any means whatsoever: 140745

(1) All transactions by which title or possession, or 140746
both, of tangible personal property, is or is to be transferred, 140747
or a license to use or consume tangible personal property is or 140748
is to be granted; 140749

(2) All transactions by which lodging by a hotel is or is 140750
to be furnished to transient guests; 140751

(3) All transactions by which: 140752

(a) An item of tangible personal property is or is to be 140753
repaired, except property, the purchase of which would not be 140754
subject to the tax imposed by section 5739.02 of the Revised 140755
Code; 140756

(b) An item of tangible personal property is or is to be 140757
installed, except property, the purchase of which would not be 140758
subject to the tax imposed by section 5739.02 of the Revised 140759
Code or property that is or is to be incorporated into and will 140760

become a part of a production, transmission, transportation, or 140761
distribution system for the delivery of a public utility 140762
service; 140763

(c) The service of washing, cleaning, waxing, polishing, 140764
or painting a motor vehicle is or is to be furnished; 140765

(d) Laundry and dry cleaning services are or are to be 140766
provided; 140767

(e) Automatic data processing, computer services, or 140768
electronic information services are or are to be provided for 140769
use in business when the true object of the transaction is the 140770
receipt by the consumer of automatic data processing, computer 140771
services, or electronic information services rather than the 140772
receipt of personal or professional services to which automatic 140773
data processing, computer services, or electronic information 140774
services are incidental or supplemental. Notwithstanding any 140775
other provision of this chapter, such transactions that occur 140776
between members of an affiliated group are not sales. An 140777
"affiliated group" means two or more persons related in such a 140778
way that one person owns or controls the business operation of 140779
another member of the group. In the case of corporations with 140780
stock, one corporation owns or controls another if it owns more 140781
than fifty per cent of the other corporation's common stock with 140782
voting rights. 140783

(f) Telecommunications service, including prepaid calling 140784
service, prepaid wireless calling service, or ancillary service, 140785
is or is to be provided, but not including coin-operated 140786
telephone service; 140787

(g) Landscaping and lawn care service is or is to be 140788
provided; 140789

(h) Private investigation and security service is or is to	140790
be provided;	140791
(i) Information services or tangible personal property is	140792
provided or ordered by means of a nine hundred telephone call;	140793
(j) Building maintenance and janitorial service is or is	140794
to be provided;	140795
(k) Exterminating service is or is to be provided;	140796
(l) Physical fitness facility service is or is to be	140797
provided;	140798
(m) Recreation and sports club service is or is to be	140799
provided;	140800
(n) Satellite broadcasting service is or is to be	140801
provided;	140802
(o) Personal care service is or is to be provided to an	140803
individual. As used in this division, "personal care service"	140804
includes skin care, the application of cosmetics, manicuring,	140805
pedicuring, hair removal, tattooing, body piercing, tanning,	140806
massage, and other similar services. "Personal care service"	140807
does not include a service provided by or on the order of a	140808
licensed physician, certified nurse-midwife, clinical nurse	140809
specialist, certified nurse practitioner, or chiropractor, or	140810
the cutting, coloring, or styling of an individual's hair.	140811
(p) The transportation of persons by motor vehicle or	140812
aircraft is or is to be provided, when the transportation is	140813
entirely within this state, except for transportation provided	140814
by an ambulance service, by a transit bus, as defined in section	140815
5735.01 of the Revised Code, and transportation provided by a	140816
citizen of the United States holding a certificate of public	140817

convenience and necessity issued under 49 U.S.C. 41102; 140818

(q) Motor vehicle towing service is or is to be provided. 140819
As used in this division, "motor vehicle towing service" means 140820
the towing or conveyance of a wrecked, disabled, or illegally 140821
parked motor vehicle. 140822

(r) Snow removal service is or is to be provided. As used 140823
in this division, "snow removal service" means the removal of 140824
snow by any mechanized means, but does not include the providing 140825
of such service by a person that has less than five thousand 140826
dollars in sales of such service during the calendar year. 140827

(s) Electronic publishing service is or is to be provided 140828
to a consumer for use in business, except that such transactions 140829
occurring between members of an affiliated group, as defined in 140830
division (B) (3) (e) of this section, are not sales. 140831

(4) All transactions by which printed, imprinted, 140832
overprinted, lithographic, multilithic, blueprinted, 140833
photostatic, or other productions or reproductions of written or 140834
graphic matter are or are to be furnished or transferred; 140835

(5) The production or fabrication of tangible personal 140836
property for a consideration for consumers who furnish either 140837
directly or indirectly the materials used in the production of 140838
fabrication work; and include the furnishing, preparing, or 140839
serving for a consideration of any tangible personal property 140840
consumed on the premises of the person furnishing, preparing, or 140841
serving such tangible personal property. Except as provided in 140842
section 5739.03 of the Revised Code, a construction contract 140843
pursuant to which tangible personal property is or is to be 140844
incorporated into a structure or improvement on and becoming a 140845
part of real property is not a sale of such tangible personal 140846

property. The construction contractor is the consumer of such 140847
tangible personal property, provided that the sale and 140848
installation of carpeting, the sale and installation of 140849
agricultural land tile, the sale and erection or installation of 140850
portable grain bins, or the provision of landscaping and lawn 140851
care service and the transfer of property as part of such 140852
service is never a construction contract. 140853

As used in division (B) (5) of this section: 140854

(a) "Agricultural land tile" means fired clay or concrete 140855
tile, or flexible or rigid perforated plastic pipe or tubing, 140856
incorporated or to be incorporated into a subsurface drainage 140857
system appurtenant to land used or to be used primarily in 140858
production by farming, agriculture, horticulture, or 140859
floriculture. The term does not include such materials when they 140860
are or are to be incorporated into a drainage system appurtenant 140861
to a building or structure even if the building or structure is 140862
used or to be used in such production. 140863

(b) "Portable grain bin" means a structure that is used or 140864
to be used by a person engaged in farming or agriculture to 140865
shelter the person's grain and that is designed to be 140866
disassembled without significant damage to its component parts. 140867

(6) All transactions in which all of the shares of stock 140868
of a closely held corporation are transferred, or an ownership 140869
interest in a pass-through entity, as defined in section 5733.04 140870
of the Revised Code, is transferred, if the corporation or pass- 140871
through entity is not engaging in business and its entire assets 140872
consist of boats, planes, motor vehicles, or other tangible 140873
personal property operated primarily for the use and enjoyment 140874
of the shareholders or owners; 140875

(7) All transactions in which a warranty, maintenance or 140876
service contract, or similar agreement by which the vendor of 140877
the warranty, contract, or agreement agrees to repair or 140878
maintain the tangible personal property of the consumer is or is 140879
to be provided; 140880

(8) The transfer of copyrighted motion picture films—used— 140881
~~solely for advertising purposes, except that the transfer of—~~ 140882
~~such films for exhibition purposes is not a sale;~~ 140883

(9) All transactions by which tangible personal property 140884
is or is to be stored, except such property that the consumer of 140885
the storage holds for sale in the regular course of business; 140886

(10) All transactions in which "guaranteed auto 140887
protection" is provided whereby a person promises to pay to the 140888
consumer the difference between the amount the consumer receives 140889
from motor vehicle insurance and the amount the consumer owes to 140890
a person holding title to or a lien on the consumer's motor 140891
vehicle in the event the consumer's motor vehicle suffers a 140892
total loss under the terms of the motor vehicle insurance policy 140893
or is stolen and not recovered, if the protection and its price 140894
are included in the purchase or lease agreement; 140895

(11) (a) Except as provided in division (B) (11) (b) of this 140896
section, all transactions by which health care services are paid 140897
for, reimbursed, provided, delivered, arranged for, or otherwise 140898
made available by a medicaid health insuring corporation 140899
pursuant to the corporation's contract with the state. 140900

(b) If the centers for medicare and medicaid services of 140901
the United States department of health and human services 140902
determines that the taxation of transactions described in 140903
division (B) (11) (a) of this section constitutes an impermissible 140904

health care-related tax under the "Social Security Act," section 140905
1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, 140906
the medicaid director shall notify the tax commissioner of that 140907
determination. Beginning with the first day of the month 140908
following that notification, the transactions described in 140909
division (B)(11)(a) of this section are not sales for the 140910
purposes of this chapter or Chapter 5741. of the Revised Code. 140911
The tax commissioner shall order that the collection of taxes 140912
under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 140913
5741.021, 5741.022, and 5741.023 of the Revised Code shall cease 140914
for transactions occurring on or after that date. 140915

(12) All transactions by which a specified digital product 140916
is provided for permanent use or less than permanent use, 140917
regardless of whether continued payment is required. 140918

(13) All transactions by a delivery network company for 140919
the company's delivery network services, provided the company 140920
has a waiver issued under section 5741.072 of the Revised Code. 140921

Except as provided in this section, "sale" and "selling" 140922
do not include transfers of interest in leased property where 140923
the original lessee and the terms of the original lease 140924
agreement remain unchanged, or professional, insurance, or 140925
personal service transactions that involve the transfer of 140926
tangible personal property as an inconsequential element, for 140927
which no separate charges are made. 140928

(C) "Vendor" means the person providing the service or by 140929
whom the transfer effected or license given by a sale is or is 140930
to be made or given and, for sales described in division (B)(3) 140931
(i) of this section, the telecommunications service vendor that 140932
provides the nine hundred telephone service; if two or more 140933
persons are engaged in business at the same place of business 140934

under a single trade name in which all collections on account of 140935
sales by each are made, such persons shall constitute a single 140936
vendor. 140937

Physicians, certified nurse-midwives, clinical nurse 140938
specialists, certified nurse practitioners, dentists, hospitals, 140939
and veterinarians who are engaged in selling tangible personal 140940
property as received from others, such as eyeglasses, 140941
mouthwashes, dentifrices, or similar articles, are vendors. 140942
Veterinarians who are engaged in transferring to others for a 140943
consideration drugs, the dispensing of which does not require an 140944
order of a licensed veterinarian, physician, certified nurse- 140945
midwife, clinical nurse specialist, or certified nurse 140946
practitioner under federal law, are vendors. 140947

The operator of any peer-to-peer car sharing program shall 140948
be considered to be the vendor. 140949

(D) (1) "Consumer" means the person for whom the service is 140950
provided, to whom the transfer effected or license given by a 140951
sale is or is to be made or given, to whom the service described 140952
in division (B) (3) (f) or (i) of this section is charged, or to 140953
whom the admission is granted. 140954

(2) Physicians, certified nurse-midwives, clinical nurse 140955
specialists, certified nurse practitioners, dentists, hospitals, 140956
and blood banks operated by nonprofit institutions and persons 140957
licensed to practice veterinary medicine, surgery, and dentistry 140958
are consumers of all tangible personal property and services 140959
purchased by them in connection with the practice of medicine, 140960
dentistry, the rendition of hospital or blood bank service, or 140961
the practice of veterinary medicine, surgery, and dentistry. In 140962
addition to being consumers of drugs administered by them or by 140963
their assistants according to their direction, veterinarians 140964

also are consumers of drugs that under federal law may be 140965
dispensed only by or upon the order of a licensed veterinarian, 140966
physician, certified nurse-midwife, clinical nurse specialist, 140967
or certified nurse practitioner, when transferred by them to 140968
others for a consideration to provide treatment to animals as 140969
directed by the veterinarian. 140970

(3) A person who performs a facility management, or 140971
similar service contract for a contractee is a consumer of all 140972
tangible personal property and services purchased for use in 140973
connection with the performance of such contract, regardless of 140974
whether title to any such property vests in the contractee. The 140975
purchase of such property and services is not subject to the 140976
exception for resale under division (E) of this section. 140977

(4) (a) In the case of a person who purchases printed 140978
matter for the purpose of distributing it or having it 140979
distributed to the public or to a designated segment of the 140980
public, free of charge, that person is the consumer of that 140981
printed matter, and the purchase of that printed matter for that 140982
purpose is a sale. 140983

(b) In the case of a person who produces, rather than 140984
purchases, printed matter for the purpose of distributing it or 140985
having it distributed to the public or to a designated segment 140986
of the public, free of charge, that person is the consumer of 140987
all tangible personal property and services purchased for use or 140988
consumption in the production of that printed matter. ~~That~~ 140989
~~person is not entitled to claim exemption under division (B) (42)~~ 140990
~~(f) of section 5739.02 of the Revised Code for any material~~ 140991
~~incorporated into the printed matter or any equipment, supplies,~~ 140992
~~or services primarily used to produce the printed matter.~~ 140993

(c) The distribution of printed matter to the public or to 140994

a designated segment of the public, free of charge, is not a 140995
sale to the members of the public to whom the printed matter is 140996
distributed or to any persons who purchase space in the printed 140997
matter for advertising or other purposes. 140998

(5) A person who makes sales of any of the services listed 140999
in division (B) (3) of this section is the consumer of any 141000
tangible personal property used in performing the service. The 141001
purchase of that property is not subject to the resale exception 141002
under division (E) of this section. 141003

(6) A person who engages in highway transportation for 141004
hire is the consumer of all packaging materials purchased by 141005
that person and used in performing the service, except for 141006
packaging materials sold by such person in a transaction 141007
separate from the service. 141008

(7) In the case of a transaction for health care services 141009
under division (B) (11) of this section, a medicaid health 141010
insuring corporation is the consumer of such services. The 141011
purchase of such services by a medicaid health insuring 141012
corporation is not subject to the exception for resale under 141013
division (E) of this section or to the exemptions provided under 141014
divisions (B) (12), (18), (19), and (22) of section 5739.02 of 141015
the Revised Code. 141016

(E) "Retail sale" and "sales at retail" include all sales, 141017
except those in which the purpose of the consumer is to resell 141018
the thing transferred or benefit of the service provided, by a 141019
person engaging in business, in the form in which the same is, 141020
or is to be, received by the person. 141021

(F) "Business" includes any activity engaged in by any 141022
person with the object of gain, benefit, or advantage, either 141023

direct or indirect. "Business" does not include the activity of 141024
a person in managing and investing the person's own funds. 141025

(G) "Engaging in business" means commencing, conducting, 141026
or continuing in business, and liquidating a business when the 141027
liquidator thereof holds itself out to the public as conducting 141028
such business. Making a casual sale is not engaging in business. 141029

(H) (1) (a) "Price," except as provided in divisions (H) (2), 141030
(3), and (4) of this section, means the total amount of 141031
consideration, including cash, credit, property, and services, 141032
for which tangible personal property or services are sold, 141033
leased, or rented, valued in money, whether received in money or 141034
otherwise, without any deduction for any of the following: 141035

(i) The vendor's cost of the property sold; 141036

(ii) The cost of materials used, labor or service costs, 141037
interest, losses, all costs of transportation to the vendor, all 141038
taxes imposed on the vendor, including the tax imposed under 141039
Chapter 5751. of the Revised Code, and any other expense of the 141040
vendor; 141041

(iii) Charges by the vendor for any services necessary to 141042
complete the sale; 141043

(iv) Delivery charges. As used in this division, "delivery 141044
charges" means charges by the vendor for preparation and 141045
delivery to a location designated by the consumer of tangible 141046
personal property or a service, including transportation, 141047
shipping, postage, handling, crating, and packing. 141048

(v) Installation charges; 141049

(vi) Credit for any trade-in. 141050

(b) "Price" includes consideration received by the vendor 141051

from a third party, if the vendor actually receives the 141052
consideration from a party other than the consumer, and the 141053
consideration is directly related to a price reduction or 141054
discount on the sale; the vendor has an obligation to pass the 141055
price reduction or discount through to the consumer; the amount 141056
of the consideration attributable to the sale is fixed and 141057
determinable by the vendor at the time of the sale of the item 141058
to the consumer; and one of the following criteria is met: 141059

(i) The consumer presents a coupon, certificate, or other 141060
document to the vendor to claim a price reduction or discount 141061
where the coupon, certificate, or document is authorized, 141062
distributed, or granted by a third party with the understanding 141063
that the third party will reimburse any vendor to whom the 141064
coupon, certificate, or document is presented; 141065

(ii) The consumer identifies the consumer's self to the 141066
seller as a member of a group or organization entitled to a 141067
price reduction or discount. A preferred customer card that is 141068
available to any patron does not constitute membership in such a 141069
group or organization. 141070

(iii) The price reduction or discount is identified as a 141071
third party price reduction or discount on the invoice received 141072
by the consumer, or on a coupon, certificate, or other document 141073
presented by the consumer. 141074

(c) "Price" does not include any of the following: 141075

(i) Discounts, including cash, term, or coupons that are 141076
not reimbursed by a third party that are allowed by a vendor and 141077
taken by a consumer on a sale; 141078

(ii) Interest, financing, and carrying charges from credit 141079
extended on the sale of tangible personal property or services, 141080

if the amount is separately stated on the invoice, bill of sale, 141081
or similar document given to the purchaser; 141082

(iii) Any taxes legally imposed directly on the consumer 141083
that are separately stated on the invoice, bill of sale, or 141084
similar document given to the consumer. For the purpose of this 141085
division, the tax imposed under Chapter 5751. of the Revised 141086
Code is not a tax directly on the consumer, even if the tax or a 141087
portion thereof is separately stated. 141088

(iv) Notwithstanding divisions (H) (1) (b) (i) to (iii) of 141089
this section, any discount allowed by an automobile manufacturer 141090
to its employee, or to the employee of a supplier, on the 141091
purchase of a new motor vehicle from a new motor vehicle dealer 141092
in this state. 141093

(v) The dollar value of a gift card that is not sold by a 141094
vendor or purchased by a consumer and that is redeemed by the 141095
consumer in purchasing tangible personal property or services if 141096
the vendor is not reimbursed and does not receive compensation 141097
from a third party to cover all or part of the gift card value. 141098
For the purposes of this division, a gift card is not sold by a 141099
vendor or purchased by a consumer if it is distributed pursuant 141100
to an awards, loyalty, or promotional program. Past and present 141101
purchases of tangible personal property or services by the 141102
consumer shall not be treated as consideration exchanged for a 141103
gift card. 141104

(2) In the case of a sale of any new motor vehicle by a 141105
new motor vehicle dealer, as defined in section 4517.01 of the 141106
Revised Code, in which another motor vehicle is accepted by the 141107
dealer as part of the consideration received, "price" has the 141108
same meaning as in division (H) (1) of this section, reduced by 141109
the credit afforded the consumer by the dealer for the motor 141110

vehicle received in trade. 141111

(3) In the case of a sale of any watercraft or outboard 141112
motor by a watercraft dealer licensed in accordance with section 141113
1547.543 of the Revised Code, in which another watercraft, 141114
watercraft and trailer, or outboard motor is accepted by the 141115
dealer as part of the consideration received, "price" has the 141116
same meaning as in division (H)(1) of this section, reduced by 141117
the credit afforded the consumer by the dealer for the 141118
watercraft, watercraft and trailer, or outboard motor received 141119
in trade. As used in this division, "watercraft" includes an 141120
outdrive unit attached to the watercraft. 141121

(4) In the case of transactions for health care services 141122
under division (B)(11) of this section, "price" means the amount 141123
of managed care premiums received each month by a medicaid 141124
health insuring corporation. 141125

(I) "Receipts" means the total amount of the prices of the 141126
sales of vendors, provided that the dollar value of gift cards 141127
distributed pursuant to an awards, loyalty, or promotional 141128
program, and cash discounts allowed and taken on sales at the 141129
time they are consummated are not included, minus any amount 141130
deducted as a bad debt pursuant to section 5739.121 of the 141131
Revised Code. "Receipts" does not include the sale price of 141132
property returned or services rejected by consumers when the 141133
full sale price and tax are refunded either in cash or by 141134
credit. 141135

(J) "Place of business" means any location at which a 141136
person engages in business. 141137

(K) "Premises" includes any real property or portion 141138
thereof upon which any person engages in selling tangible 141139

personal property at retail or making retail sales and also 141140
includes any real property or portion thereof designated for, or 141141
devoted to, use in conjunction with the business engaged in by 141142
such person. 141143

(L) "Casual sale" means a sale of an item of tangible 141144
personal property, in person or online, that was obtained by the 141145
person making the sale, through purchase or otherwise, for the 141146
person's own use and was previously subject to any state's 141147
taxing jurisdiction on its sale or use, and includes such items 141148
acquired for the seller's use that are sold by an auctioneer 141149
employed directly by the person for such purpose, provided the 141150
location of such sales is not the auctioneer's physical 141151
permanent place of business. As used in this division, 141152
"permanent place of business" includes any physical location 141153
where such auctioneer has conducted more than two auctions 141154
during the year. 141155

(M) "Hotel" means every establishment kept, used, 141156
maintained, advertised, or held out to the public to be a place 141157
where sleeping accommodations are offered to guests, in which 141158
five or more rooms are used for the accommodation of such 141159
guests, whether the rooms are in one or several structures, 141160
except as otherwise provided in section 5739.091 of the Revised 141161
Code. 141162

(N) "Transient guests" means persons occupying a room or 141163
rooms for sleeping accommodations for less than thirty 141164
consecutive days. 141165

(O) "Making retail sales" means the effecting of 141166
transactions wherein one party is obligated to pay the price and 141167
the other party is obligated to provide a service or to transfer 141168
title to or possession of the item sold. "Making retail sales" 141169

does not include the preliminary acts of promoting or soliciting 141170
the retail sales, other than the distribution of printed matter 141171
which displays or describes and prices the item offered for 141172
sale, nor does it include delivery of a predetermined quantity 141173
of tangible personal property or transportation of property or 141174
personnel to or from a place where a service is performed. 141175

(P) "Used directly in the rendition of a public utility 141176
service" means that property that is to be incorporated into and 141177
will become a part of the consumer's production, transmission, 141178
transportation, or distribution system and that retains its 141179
classification as tangible personal property after such 141180
incorporation; fuel or power used in the production, 141181
transmission, transportation, or distribution system; and 141182
tangible personal property used in the repair and maintenance of 141183
the production, transmission, transportation, or distribution 141184
system, including only such motor vehicles as are specially 141185
designed and equipped for such use. Tangible personal property 141186
and services used primarily in providing highway transportation 141187
for hire are not used directly in the rendition of a public 141188
utility service. In this definition, "public utility" includes a 141189
citizen of the United States holding, and required to hold, a 141190
certificate of public convenience and necessity issued under 49 141191
U.S.C. 41102. 141192

(Q) "Refining" means removing or separating a desirable 141193
product from raw or contaminated materials by distillation or 141194
physical, mechanical, or chemical processes. 141195

(R) "Assembly" and "assembling" mean attaching or fitting 141196
together parts to form a product, but do not include packaging a 141197
product. 141198

(S) "Manufacturing operation" means a process in which 141199

materials are changed, converted, or transformed into a 141200
different state or form from which they previously existed and 141201
includes refining materials, assembling parts, and preparing raw 141202
materials and parts by mixing, measuring, blending, or otherwise 141203
committing such materials or parts to the manufacturing process. 141204
"Manufacturing operation" does not include packaging. 141205

(T) "Fiscal officer" means, with respect to a regional 141206
transit authority, the secretary-treasurer thereof, and with 141207
respect to a county that is a transit authority, the fiscal 141208
officer of the county transit board if one is appointed pursuant 141209
to section 306.03 of the Revised Code or the county auditor if 141210
the board of county commissioners operates the county transit 141211
system. 141212

(U) "Transit authority" means a regional transit authority 141213
created pursuant to section 306.31 of the Revised Code or a 141214
county in which a county transit system is created pursuant to 141215
section 306.01 of the Revised Code. For the purposes of this 141216
chapter, a transit authority must extend to at least the entire 141217
area of a single county. A transit authority that includes 141218
territory in more than one county must include all the area of 141219
the most populous county that is a part of such transit 141220
authority. County population shall be measured by the most 141221
recent census taken by the United States census bureau. 141222

(V) "Legislative authority" means, with respect to a 141223
regional transit authority, the board of trustees thereof, and 141224
with respect to a county that is a transit authority, the board 141225
of county commissioners. 141226

(W) "Territory of the transit authority" means all of the 141227
area included within the territorial boundaries of a transit 141228
authority as they from time to time exist. Such territorial 141229

boundaries must at all times include all the area of a single 141230
county or all the area of the most populous county that is a 141231
part of such transit authority. County population shall be 141232
measured by the most recent census taken by the United States 141233
census bureau. 141234

(X) "Providing a service" means providing or furnishing 141235
anything described in division (B) (3) of this section for 141236
consideration. 141237

(Y) (1) (a) "Automatic data processing" means processing of 141238
others' data, including keypunching or similar data entry 141239
services together with verification thereof, or providing access 141240
to computer equipment for the purpose of processing data. 141241

(b) "Computer services" means providing services 141242
consisting of specifying computer hardware configurations and 141243
evaluating technical processing characteristics, computer 141244
programming, and training of computer programmers and operators, 141245
provided in conjunction with and to support the sale, lease, or 141246
operation of taxable computer equipment or systems. 141247

(c) "Electronic information services" means providing 141248
access to computer equipment by means of telecommunications 141249
equipment for the purpose of either of the following: 141250

(i) Examining or acquiring data stored in or accessible to 141251
the computer equipment; 141252

(ii) Placing data into the computer equipment to be 141253
retrieved by designated recipients with access to the computer 141254
equipment. 141255

"Electronic information services" does not include 141256
electronic publishing. 141257

(d) "Automatic data processing, computer services, or 141258
electronic information services" shall not include personal or 141259
professional services. 141260

(2) As used in divisions (B) (3) (e) and (Y) (1) of this 141261
section, "personal and professional services" means all services 141262
other than automatic data processing, computer services, or 141263
electronic information services, including but not limited to: 141264

(a) Accounting and legal services such as advice on tax 141265
matters, asset management, budgetary matters, quality control, 141266
information security, and auditing and any other situation where 141267
the service provider receives data or information and studies, 141268
alters, analyzes, interprets, or adjusts such material; 141269

(b) Analyzing business policies and procedures; 141270

(c) Identifying management information needs; 141271

(d) Feasibility studies, including economic and technical 141272
analysis of existing or potential computer hardware or software 141273
needs and alternatives; 141274

(e) Designing policies, procedures, and custom software 141275
for collecting business information, and determining how data 141276
should be summarized, sequenced, formatted, processed, 141277
controlled, and reported so that it will be meaningful to 141278
management; 141279

(f) Developing policies and procedures that document how 141280
business events and transactions are to be authorized, executed, 141281
and controlled; 141282

(g) Testing of business procedures; 141283

(h) Training personnel in business procedure applications; 141284

(i) Providing credit information to users of such 141285
information by a consumer reporting agency, as defined in the 141286
"Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 141287
U.S.C. 1681a(f), or as hereafter amended, including but not 141288
limited to gathering, organizing, analyzing, recording, and 141289
furnishing such information by any oral, written, graphic, or 141290
electronic medium; 141291

(j) Providing debt collection services by any oral, 141292
written, graphic, or electronic means; 141293

(k) Providing digital advertising services; 141294

(l) Providing services to electronically file any federal, 141295
state, or local individual income tax return, report, or other 141296
related document or schedule with a federal, state, or local 141297
government entity or to electronically remit a payment of any 141298
such individual income tax to such an entity. For the purpose of 141299
this division, "individual income tax" does not include federal, 141300
state, or local taxes withheld by an employer from an employee's 141301
compensation. 141302

The services listed in divisions (Y) (2) (a) to (l) of this 141303
section are not automatic data processing or computer services. 141304

(Z) "Highway transportation for hire" means the 141305
transportation of personal property belonging to others for 141306
consideration by any of the following: 141307

(1) The holder of a permit or certificate issued by this 141308
state or the United States authorizing the holder to engage in 141309
transportation of personal property belonging to others for 141310
consideration over or on highways, roadways, streets, or any 141311
similar public thoroughfare; 141312

(2) A person who engages in the transportation of personal 141313

property belonging to others for consideration over or on 141314
highways, roadways, streets, or any similar public thoroughfare 141315
but who could not have engaged in such transportation on 141316
December 11, 1985, unless the person was the holder of a permit 141317
or certificate of the types described in division (Z) (1) of this 141318
section; 141319

(3) A person who leases a motor vehicle to and operates it 141320
for a person described by division (Z) (1) or (2) of this 141321
section. 141322

"Highway transportation for hire" does not include 141323
delivery network services. 141324

(AA) (1) "Telecommunications service" means the electronic 141325
transmission, conveyance, or routing of voice, data, audio, 141326
video, or any other information or signals to a point, or 141327
between or among points. "Telecommunications service" includes 141328
such transmission, conveyance, or routing in which computer 141329
processing applications are used to act on the form, code, or 141330
protocol of the content for purposes of transmission, 141331
conveyance, or routing without regard to whether the service is 141332
referred to as voice-over internet protocol service or is 141333
classified by the federal communications commission as enhanced 141334
or value-added. "Telecommunications service" does not include 141335
any of the following: 141336

(a) Data processing and information services that allow 141337
data to be generated, acquired, stored, processed, or retrieved 141338
and delivered by an electronic transmission to a consumer where 141339
the consumer's primary purpose for the underlying transaction is 141340
the processed data or information; 141341

(b) Installation or maintenance of wiring or equipment on 141342

a customer's premises; 141343

(c) Tangible personal property; 141344

(d) Advertising, including directory advertising; 141345

(e) Billing and collection services provided to third parties; 141346
141347

(f) Internet access service; 141348

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3; 141349
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(h) Ancillary service; 141357

(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones. 141358
141359

(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division: 141360
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(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. 141366
141367
141368
"Conference bridging service" does not include 141369
telecommunications services used to reach the conference bridge. 141370

(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(c) "Directory assistance" means an ancillary service of providing telephone number or address information.

(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or

electronically dialed, and that is sold in predetermined units 141400
or dollars of which the number declines with use in a known 141401
amount. 141402

(5) "Prepaid wireless calling service" means a 141403
telecommunications service that provides the right to utilize 141404
mobile telecommunications service as well as other non- 141405
telecommunications services, including the download of digital 141406
products delivered electronically, and content and ancillary 141407
services, that must be paid for in advance and that is sold in 141408
predetermined units or dollars of which the number declines with 141409
use in a known amount. 141410

(6) "Value-added non-voice data service" means a 141411
telecommunications service in which computer processing 141412
applications are used to act on the form, content, code, or 141413
protocol of the information or data primarily for a purpose 141414
other than transmission, conveyance, or routing. 141415

(7) "Coin-operated telephone service" means a 141416
telecommunications service paid for by inserting money into a 141417
telephone accepting direct deposits of money to operate. 141418

(8) "Customer" has the same meaning as in section 5739.034 141419
of the Revised Code. 141420

(BB) "Laundry and dry cleaning services" means removing 141421
soil or dirt from towels, linens, articles of clothing, or other 141422
fabric items that belong to others and supplying towels, linens, 141423
articles of clothing, or other fabric items. "Laundry and dry 141424
cleaning services" does not include the provision of self- 141425
service facilities for use by consumers to remove soil or dirt 141426
from towels, linens, articles of clothing, or other fabric 141427
items. 141428

(CC) "Magazines distributed as controlled circulation publications" means magazines containing at least twenty-four pages, at least twenty-five per cent editorial content, issued at regular intervals four or more times a year, and circulated without charge to the recipient, provided that such magazines are not owned or controlled by individuals or business concerns which conduct such publications as an auxiliary to, and essentially for the advancement of the main business or calling of, those who own or control them.

(DD) "Landscaping and lawn care service" means the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose. However, "landscaping and lawn care service" does not include the providing of such services by a person who has less than five thousand dollars in sales of such services during the calendar year.

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services

provided by off-duty police officers, deputy sheriffs, and other 141460
peace officers regularly employed by the state or a political 141461
subdivision. 141462

(FF) "Information services" means providing conversation, 141463
giving consultation or advice, playing or making a voice or 141464
other recording, making or keeping a record of the number of 141465
callers, and any other service provided to a consumer by means 141466
of a nine hundred telephone call, except when the nine hundred 141467
telephone call is the means by which the consumer makes a 141468
contribution to a recognized charity. 141469

(GG) "Research and development" means designing, creating, 141470
or formulating new or enhanced products, equipment, or 141471
manufacturing processes, and also means conducting scientific or 141472
technological inquiry and experimentation in the physical 141473
sciences with the goal of increasing scientific knowledge which 141474
may reveal the bases for new or enhanced products, equipment, or 141475
manufacturing processes. 141476

(HH) "Qualified research and development equipment" means 141477
either of the following: 141478

(1) Capitalized tangible personal property, and leased 141479
personal property that would be capitalized if purchased, used 141480
by a person primarily to perform research and development; 141481

(2) Any tangible personal property used by a megaproject 141482
operator primarily to perform research and development at the 141483
site of a megaproject that satisfies the criteria described in 141484
division (A) (11) (a) (ii) of section 122.17 of the Revised Code 141485
during the period that the megaproject operator has an agreement 141486
for such megaproject with the tax credit authority under 141487
division (D) of that section that remains in effect and has not 141488

expired or been terminated. 141489

"Qualified research and development equipment" does not 141490
include tangible personal property primarily used in testing, as 141491
defined in division (A) (4) of section 5739.011 of the Revised 141492
Code, or used for recording or storing test results, unless such 141493
property is primarily used by the consumer in testing the 141494
product, equipment, or manufacturing process being created, 141495
designed, or formulated by the consumer in the research and 141496
development activity or in recording or storing such test 141497
results. 141498

(II) "Building maintenance and janitorial service" means 141499
cleaning the interior or exterior of a building and any tangible 141500
personal property located therein or thereon, including any 141501
services incidental to such cleaning for which no separate 141502
charge is made. However, "building maintenance and janitorial 141503
service" does not include the providing of such service by a 141504
person who has less than five thousand dollars in sales of such 141505
service during the calendar year. As used in this division, 141506
"cleaning" does not include sanitation services necessary for an 141507
establishment described in 21 U.S.C. 608 to comply with rules 141508
and regulations adopted pursuant to that section. 141509

(JJ) "Exterminating service" means eradicating or 141510
attempting to eradicate vermin infestations from a building or 141511
structure, or the area surrounding a building or structure, and 141512
includes activities to inspect, detect, or prevent vermin 141513
infestation of a building or structure. 141514

(KK) "Physical fitness facility service" means all 141515
transactions by which a membership is granted, maintained, or 141516
renewed, including initiation fees, membership dues, renewal 141517
fees, monthly minimum fees, and other similar fees and dues, by 141518

a physical fitness facility such as an athletic club, health 141519
spa, or gymnasium, which entitles the member to use the facility 141520
for physical exercise. 141521

(LL) "Recreation and sports club service" means all 141522
transactions by which a membership is granted, maintained, or 141523
renewed, including initiation fees, membership dues, renewal 141524
fees, monthly minimum fees, and other similar fees and dues, by 141525
a recreation and sports club, which entitles the member to use 141526
the facilities of the organization. "Recreation and sports club" 141527
means an organization that has ownership of, or controls or 141528
leases on a continuing, long-term basis, the facilities used by 141529
its members and includes an aviation club, gun or shooting club, 141530
yacht club, card club, swimming club, tennis club, golf club, 141531
country club, riding club, amateur sports club, or similar 141532
organization. 141533

(MM) "Livestock" means farm animals commonly raised for 141534
food, food production, or other agricultural purposes, 141535
including, but not limited to, cattle, sheep, goats, swine, 141536
poultry, and captive deer. "Livestock" does not include 141537
invertebrates, amphibians, reptiles, domestic pets, animals for 141538
use in laboratories or for exhibition, or other animals not 141539
commonly raised for food or food production. 141540

(NN) "Livestock structure" means a building or structure 141541
used exclusively for the housing, raising, feeding, or 141542
sheltering of livestock, and includes feed storage or handling 141543
structures and structures for livestock waste handling. 141544

(OO) "Horticulture" means the growing, cultivation, and 141545
production of flowers, fruits, herbs, vegetables, sod, 141546
mushrooms, and nursery stock. As used in this division, "nursery 141547
stock" has the same meaning as in section 927.51 of the Revised 141548

Code. 141549

(PP) "Horticulture structure" means a building or 141550
structure used exclusively for the commercial growing, raising, 141551
or overwintering of horticultural products, and includes the 141552
area used for stocking, storing, and packing horticultural 141553
products when done in conjunction with the production of those 141554
products. 141555

(QQ) "Newspaper" means an unbound publication bearing a 141556
title or name that is regularly published, at least as 141557
frequently as biweekly, and distributed from a fixed place of 141558
business to the public in a specific geographic area, and that 141559
contains a substantial amount of news matter of international, 141560
national, or local events of interest to the general public. 141561

(RR) (1) "Feminine hygiene products" means tampons, panty 141562
liners, menstrual cups, sanitary napkins, and other similar 141563
tangible personal property designed for feminine hygiene in 141564
connection with the human menstrual cycle, but does not include 141565
grooming and hygiene products. 141566

(2) "Grooming and hygiene products" means soaps and 141567
cleaning solutions, shampoo, toothpaste, mouthwash, 141568
antiperspirants, and sun tan lotions and screens, regardless of 141569
whether any of these products are over-the-counter drugs. 141570

(3) "Over-the-counter drugs" means a drug that contains a 141571
label that identifies the product as a drug as required by 21 141572
C.F.R. 201.66, which label includes a drug facts panel or a 141573
statement of the active ingredients with a list of those 141574
ingredients contained in the compound, substance, or 141575
preparation. 141576

(SS) (1) "Lease" or "rental" means any transfer of the 141577

possession or control of tangible personal property for a fixed 141578
or indefinite term, for consideration. "Lease" or "rental" 141579
includes future options to purchase or extend, and agreements 141580
described in 26 U.S.C. 7701(h) (1) covering motor vehicles and 141581
trailers where the amount of consideration may be increased or 141582
decreased by reference to the amount realized upon the sale or 141583
disposition of the property. "Lease" or "rental" does not 141584
include: 141585

(a) A transfer of possession or control of tangible 141586
personal property under a security agreement or a deferred 141587
payment plan that requires the transfer of title upon completion 141588
of the required payments; 141589

(b) A transfer of possession or control of tangible 141590
personal property under an agreement that requires the transfer 141591
of title upon completion of required payments and payment of an 141592
option price that does not exceed the greater of one hundred 141593
dollars or one per cent of the total required payments; 141594

(c) Providing tangible personal property along with an 141595
operator for a fixed or indefinite period of time, if the 141596
operator is necessary for the property to perform as designed. 141597
For purposes of this division, the operator must do more than 141598
maintain, inspect, or set up the tangible personal property. 141599

(2) "Lease" and "rental," as defined in division (SS) of 141600
this section, shall not apply to leases or rentals that exist 141601
before June 26, 2003. 141602

(3) "Lease" and "rental" have the same meaning as in 141603
division (SS) (1) of this section regardless of whether a 141604
transaction is characterized as a lease or rental under 141605
generally accepted accounting principles, the Internal Revenue 141606

Code, Title XIII of the Revised Code, or other federal, state, 141607
or local laws. 141608

(TT) "Mobile telecommunications service" has the same 141609
meaning as in the "Mobile Telecommunications Sourcing Act," Pub. 141610
L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as 141611
amended, and, on and after August 1, 2003, includes related fees 141612
and ancillary services, including universal service fees, 141613
detailed billing service, directory assistance, service 141614
initiation, voice mail service, and vertical services, such as 141615
caller ID and three-way calling. 141616

(UU) "Certified service provider" has the same meaning as 141617
in section 5740.01 of the Revised Code. 141618

(VV) "Satellite broadcasting service" means the 141619
distribution or broadcasting of programming or services by 141620
satellite directly to the subscriber's receiving equipment 141621
without the use of ground receiving or distribution equipment, 141622
except the subscriber's receiving equipment or equipment used in 141623
the uplink process to the satellite, and includes all service 141624
and rental charges, premium channels or other special services, 141625
installation and repair service charges, and any other charges 141626
having any connection with the provision of the satellite 141627
broadcasting service. 141628

(WW) "Tangible personal property" means personal property 141629
that can be seen, weighed, measured, felt, or touched, or that 141630
is in any other manner perceptible to the senses. For purposes 141631
of this chapter and Chapter 5741. of the Revised Code, "tangible 141632
personal property" includes motor vehicles, electricity, water, 141633
gas, steam, and prewritten computer software. 141634

(XX) "Municipal gas utility" means a municipal corporation 141635

that owns or operates a system for the distribution of natural 141636
gas. 141637

(YY) "Computer" means an electronic device that accepts 141638
information in digital or similar form and manipulates it for a 141639
result based on a sequence of instructions. 141640

(ZZ) "Computer software" means a set of coded instructions 141641
designed to cause a computer or automatic data processing 141642
equipment to perform a task. 141643

(AAA) "Delivered electronically" means delivery of 141644
computer software from the seller to the purchaser by means 141645
other than tangible storage media. 141646

(BBB) "Prewritten computer software" means computer 141647
software, including prewritten upgrades, that is not designed 141648
and developed by the author or other creator to the 141649
specifications of a specific purchaser. The combining of two or 141650
more prewritten computer software programs or prewritten 141651
portions thereof does not cause the combination to be other than 141652
prewritten computer software. "Prewritten computer software" 141653
includes software designed and developed by the author or other 141654
creator to the specifications of a specific purchaser when it is 141655
sold to a person other than the purchaser. If a person modifies 141656
or enhances computer software of which the person is not the 141657
author or creator, the person shall be deemed to be the author 141658
or creator only of such person's modifications or enhancements. 141659
Prewritten computer software or a prewritten portion thereof 141660
that is modified or enhanced to any degree, where such 141661
modification or enhancement is designed and developed to the 141662
specifications of a specific purchaser, remains prewritten 141663
computer software; provided, however, that where there is a 141664
reasonable, separately stated charge or an invoice or other 141665

statement of the price given to the purchaser for the 141666
modification or enhancement, the modification or enhancement 141667
shall not constitute prewritten computer software. 141668

(CCC) (1) "Food" means substances, whether in liquid, 141669
concentrated, solid, frozen, dried, or dehydrated form, that are 141670
sold for ingestion or chewing by humans and are consumed for 141671
their taste or nutritional value. "Food" does not include 141672
alcoholic beverages, dietary supplements, soft drinks, or 141673
tobacco. 141674

(2) As used in division (CCC) (1) of this section: 141675

(a) "Dietary supplements" means any product, other than 141676
tobacco, that is intended to supplement the diet and that is 141677
intended for ingestion in tablet, capsule, powder, softgel, 141678
gelcap, or liquid form, or, if not intended for ingestion in 141679
such a form, is not represented as conventional food for use as 141680
a sole item of a meal or of the diet; that is required to be 141681
labeled as a dietary supplement, identifiable by the "supplement 141682
facts" box found on the label, as required by 21 C.F.R. 101.36; 141683
and that contains one or more of the following dietary 141684
ingredients: 141685

(i) A vitamin; 141686

(ii) A mineral; 141687

(iii) An herb or other botanical; 141688

(iv) An amino acid; 141689

(v) A dietary substance for use by humans to supplement 141690
the diet by increasing the total dietary intake; 141691

(vi) A concentrate, metabolite, constituent, extract, or 141692
combination of any ingredient described in divisions (CCC) (2) (a) 141693

(i) to (v) of this section. 141694

(b) "Soft drinks" means nonalcoholic beverages that 141695
contain natural or artificial sweeteners. "Soft drinks" does not 141696
include beverages that contain milk or milk products, soy, rice, 141697
or similar milk substitutes, or that contains greater than fifty 141698
per cent vegetable or fruit juice by volume. 141699

(DDD) "Drug" means a compound, substance, or preparation, 141700
and any component of a compound, substance, or preparation, 141701
other than food, dietary supplements, or alcoholic beverages 141702
that is recognized in the official United States pharmacopoeia, 141703
official homeopathic pharmacopoeia of the United States, or 141704
official national formulary, and supplements to them; is 141705
intended for use in the diagnosis, cure, mitigation, treatment, 141706
or prevention of disease; or is intended to affect the structure 141707
or any function of the body. 141708

(EEE) "Prescription" means an order, formula, or recipe 141709
issued in any form of oral, written, electronic, or other means 141710
of transmission by a duly licensed practitioner authorized by 141711
the laws of this state to issue a prescription. 141712

(FFF) "Durable medical equipment" means equipment, 141713
including repair and replacement parts for such equipment, that 141714
can withstand repeated use, is primarily and customarily used to 141715
serve a medical purpose, generally is not useful to a person in 141716
the absence of illness or injury, and is not worn in or on the 141717
body. "Durable medical equipment" does not include mobility 141718
enhancing equipment. 141719

(GGG) "Mobility enhancing equipment" means equipment, 141720
including repair and replacement parts for such equipment, that 141721
is primarily and customarily used to provide or increase the 141722

ability to move from one place to another and is appropriate for 141723
use either in a home or a motor vehicle, that is not generally 141724
used by persons with normal mobility, and that does not include 141725
any motor vehicle or equipment on a motor vehicle normally 141726
provided by a motor vehicle manufacturer. "Mobility enhancing 141727
equipment" does not include durable medical equipment. 141728

(HHH) "Prosthetic device" means a replacement, corrective, 141729
or supportive device, including repair and replacement parts for 141730
the device, worn on or in the human body to artificially replace 141731
a missing portion of the body, prevent or correct physical 141732
deformity or malfunction, or support a weak or deformed portion 141733
of the body. As used in this division, before July 1, 2019, 141734
"prosthetic device" does not include corrective eyeglasses, 141735
contact lenses, or dental prosthesis. On or after July 1, 2019, 141736
"prosthetic device" does not include dental prosthesis but does 141737
include corrective eyeglasses or contact lenses. 141738

(III) (1) "Fractional aircraft ownership program" means a 141739
program in which persons within an affiliated group sell and 141740
manage fractional ownership program aircraft, provided that at 141741
least one hundred airworthy aircraft are operated in the program 141742
and the program meets all of the following criteria: 141743

(a) Management services are provided by at least one 141744
program manager within an affiliated group on behalf of the 141745
fractional owners. 141746

(b) Each program aircraft is owned or possessed by at 141747
least one fractional owner. 141748

(c) Each fractional owner owns or possesses at least a 141749
one-sixteenth interest in at least one fixed-wing program 141750
aircraft. 141751

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.

(2) As used in division (III)(1) of this section:

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (III)(1)(e) of this section.

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (III)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (III)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the

fractional owner; the satisfaction of record-keeping 141781
requirements; and the development and use of an operations 141782
manual and a maintenance manual for the fractional aircraft 141783
ownership program. 141784

(e) "Program manager" means the person that offers 141785
management services to fractional owners pursuant to a 141786
management services agreement under division (III) (1) (e) of this 141787
section. 141788

(JJJ) "Electronic publishing" means providing access to 141789
one or more of the following primarily for business customers, 141790
including the federal government or a state government or a 141791
political subdivision thereof, to conduct research: news; 141792
business, financial, legal, consumer, or credit materials; 141793
editorials, columns, reader commentary, or features; photos or 141794
images; archival or research material; legal notices, identity 141795
verification, or public records; scientific, educational, 141796
instructional, technical, professional, trade, or other literary 141797
materials; or other similar information which has been gathered 141798
and made available by the provider to the consumer in an 141799
electronic format. Providing electronic publishing includes the 141800
functions necessary for the acquisition, formatting, editing, 141801
storage, and dissemination of data or information that is the 141802
subject of a sale. 141803

(KKK) "Medicaid health insuring corporation" means a 141804
health insuring corporation that holds a certificate of 141805
authority under Chapter 1751. of the Revised Code and is under 141806
contract with the department of medicaid pursuant to section 141807
5167.10 of the Revised Code. 141808

(LLL) "Managed care premium" means any premium, 141809
capitation, or other payment a medicaid health insuring 141810

corporation receives for providing or arranging for the 141811
provision of health care services to its members or enrollees 141812
residing in this state. 141813

(MMM) "Captive deer" means deer and other cervidae that 141814
have been legally acquired, or their offspring, that are 141815
privately owned for agricultural or farming purposes. 141816

(NNN) "Gift card" means a document, card, certificate, or 141817
other record, whether tangible or intangible, that may be 141818
redeemed by a consumer for a dollar value when making a purchase 141819
of tangible personal property or services. 141820

(OOO) "Specified digital product" means an electronically 141821
transferred digital audiovisual work, digital audio work, or 141822
digital book. 141823

As used in division (OOO) of this section: 141824

(1) "Digital audiovisual work" means a series of related 141825
images that, when shown in succession, impart an impression of 141826
motion, together with accompanying sounds, if any. 141827

(2) "Digital audio work" means a work that results from 141828
the fixation of a series of musical, spoken, or other sounds, 141829
including digitized sound files that are downloaded onto a 141830
device and that may be used to alert the customer with respect 141831
to a communication. 141832

(3) "Digital book" means a work that is generally 141833
recognized in the ordinary and usual sense as a book. 141834

(4) "Electronically transferred" means obtained by the 141835
purchaser by means other than tangible storage media. 141836

(PPP) "Digital advertising services" means providing 141837
access, by means of telecommunications equipment, to computer 141838

equipment that is used to enter, upload, download, review, 141839
manipulate, store, add, or delete data for the purpose of 141840
electronically displaying, delivering, placing, or transferring 141841
promotional advertisements to potential customers about products 141842
or services or about industry or business brands. 141843

(QQQ) "Peer-to-peer car sharing program" has the same 141844
meaning as in section 4516.01 of the Revised Code. 141845

(RRR) "Megaproject" and "megaproject operator" have the 141846
same meanings as in section 122.17 of the Revised Code. 141847

(SSS) (1) "Diaper" means an absorbent garment worn by 141848
humans who are incapable of, or have difficulty, controlling 141849
their bladder or bowel movements. 141850

(2) "Children's diaper" means a diaper marketed to be worn 141851
by children. 141852

(3) "Adult diaper" means a diaper other than a children's 141853
diaper. 141854

(TTT) "Sales tax holiday" means three or more dates on 141855
which sales of all eligible tangible personal property are 141856
exempt from the taxes levied under sections 5739.02, 5739.021, 141857
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of 141858
the Revised Code. 141859

(UUU) "Eligible tangible personal property" means any item 141860
of tangible personal property that meets both of the following 141861
requirements: 141862

(1) The price of the item does not exceed five hundred 141863
dollars; 141864

(2) The item is not a watercraft or outboard motor 141865
required to be titled pursuant to Chapter 1548. of the Revised 141866

Code, a motor vehicle, an alcoholic beverage, tobacco, a vapor 141867
product as defined in section 5743.01 of the Revised Code, or an 141868
item that contains marijuana as defined in section 3796.01 of 141869
the Revised Code. 141870

(VVV) "Alcoholic beverages" means beverages that are 141871
suitable for human consumption and contain one-half of one per 141872
cent or more of alcohol by volume. 141873

(WWW) "Tobacco" means cigarettes, cigars, chewing or pipe 141874
tobacco, or any other item that contains tobacco. 141875

(XXX) (1) "Delivery network company" means a person that 141876
operates a business platform, including a web site or mobile 141877
application, to facilitate delivery network services. 141878

(2) "Delivery network courier" means an individual 141879
connected to a consumer through a delivery network company and 141880
who provides delivery network services to that consumer. 141881

(3) "Delivery network services" means both of the 141882
following when performed as part of a single transaction: 141883

(a) Pickup of a local product by a delivery network 141884
courier from a local merchant that is not under common ownership 141885
or control of the delivery network company through which the 141886
transaction was initiated, and which may include selection, 141887
collection, and purchase of the local product; 141888

(b) Delivery by the delivery network courier of that local 141889
product to a location designated by the consumer that is not 141890
more than seventy-five miles from the local merchant's place of 141891
business where the pickup described in division (XXX) (3) (a) of 141892
this section occurs. 141893

(4) "Local merchant" means a person engaged in selling 141894

local products from a temporary or fixed place of business in 141895
this state, including a kitchen, restaurant, grocery store, 141896
retail store, or convenience store. 141897

(5) "Local product" means any tangible personal property, 141898
including food, but excluding freight, mail, or a package to 141899
which postage is affixed. 141900

Sec. 5739.011. (A) As used in this section: 141901

(1) "Manufacturer" means a person who is engaged in 141902
manufacturing, processing, assembling, or refining a product for 141903
sale and, solely for the purposes of division (B) (12) of this 141904
section, a person who meets all the qualifications of that 141905
division. 141906

(2) "Manufacturing facility" means a single location where 141907
a manufacturing operation is conducted, including locations 141908
consisting of one or more buildings or structures in a 141909
contiguous area owned or controlled by the manufacturer. 141910

(3) "Materials handling" means the movement of the product 141911
being or to be manufactured, during which movement the product 141912
is not undergoing any substantial change or alteration in its 141913
state or form. 141914

(4) "Testing" means a process or procedure to identify the 141915
properties or assure the quality of a material or product. 141916

(5) "Completed product" means a manufactured item that is 141917
in the form and condition as it will be sold by the 141918
manufacturer. An item is completed when all processes that 141919
change or alter its state or form or enhance its value are 141920
finished, even though the item subsequently will be tested to 141921
ensure its quality or be packaged for storage or shipment. 141922

(6) "Continuous manufacturing operation" means the process 141923
in which raw materials or components are moved through the steps 141924
whereby manufacturing occurs. Materials handling of raw 141925
materials or parts from the point of receipt or preproduction 141926
storage or of a completed product, to or from storage, to or 141927
from packaging, or to the place from which the completed product 141928
will be shipped, is not a part of a continuous manufacturing 141929
operation. 141930

(7) "Food" has the same meaning as in section 3717.01 of 141931
the Revised Code. 141932

(B) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 141933
section 5739.02 of the Revised Code, the "thing transferred" 141934
includes, but is not limited to, any of the following: 141935

(1) Production machinery and equipment that act upon the 141936
product or machinery and equipment that treat the materials or 141937
parts in preparation for the manufacturing operation; 141938

(2) Materials handling equipment that moves the product 141939
through a continuous manufacturing operation; equipment that 141940
temporarily stores the product during the manufacturing 141941
operation; or, excluding motor vehicles licensed to operate on 141942
public highways, equipment used in intraplant or interplant 141943
transfers of work in process where the plant or plants between 141944
which such transfers occur are manufacturing facilities operated 141945
by the same person; 141946

(3) Catalysts, solvents, water, acids, oil, and similar 141947
consumables that interact with the product and that are an 141948
integral part of the manufacturing operation; 141949

(4) Machinery, equipment, and other tangible personal 141950
property used during the manufacturing operation that control, 141951

physically support, produce power for, lubricate, or are 141952
otherwise necessary for the functioning of production machinery 141953
and equipment and the continuation of the manufacturing 141954
operation; 141955

(5) Machinery, equipment, fuel, power, material, parts, 141956
and other tangible personal property used to manufacture 141957
machinery, equipment, or other tangible personal property used 141958
in manufacturing a product for sale; 141959

(6) Machinery, equipment, and other tangible personal 141960
property used by a manufacturer to test raw materials, the 141961
product being manufactured, or the completed product; 141962

(7) Machinery and equipment used to handle or temporarily 141963
store scrap that is intended to be reused in the manufacturing 141964
operation at the same manufacturing facility; 141965

(8) Coke, gas, water, steam, and similar substances used 141966
in the manufacturing operation; machinery and equipment used 141967
for, and fuel consumed in, producing or extracting those 141968
substances; machinery, equipment, and other tangible personal 141969
property used to treat, filter, pump, or otherwise make the 141970
substance suitable for use in the manufacturing operation; and 141971
machinery and equipment used for, and fuel consumed in, 141972
producing electricity for use in the manufacturing operation; 141973

(9) Machinery, equipment, and other tangible personal 141974
property used to transport or transmit electricity, coke, gas, 141975
water, steam, or similar substances used in the manufacturing 141976
operation from the point of generation, if produced by the 141977
manufacturer, or from the point where the substance enters the 141978
manufacturing facility, if purchased by the manufacturer, to the 141979
manufacturing operation; 141980

(10) Machinery, equipment, and other tangible personal 141981
property that treats, filters, cools, refines, or otherwise 141982
renders water, steam, acid, oil, solvents, or similar substances 141983
used in the manufacturing operation reusable, provided that the 141984
substances are intended for reuse and not for disposal, sale, or 141985
transportation from the manufacturing facility; 141986

(11) Parts, components, and repair and installation 141987
services for items described in division (B) of this section; 141988

(12) Machinery and equipment, detergents, supplies, 141989
solvents, and any other tangible personal property located at a 141990
manufacturing facility that are used in the process of removing 141991
soil, dirt, or other contaminants from, or otherwise preparing 141992
in a suitable condition for use, towels, linens, articles of 141993
clothing, floor mats, mop heads, or other similar items, to be 141994
supplied to a consumer as part of laundry and dry cleaning 141995
services, only when the towels, linens, articles of clothing, 141996
floor mats, mop heads, or other similar items belong to the 141997
provider of the services; 141998

(13) Equipment and supplies used to clean processing 141999
equipment that is part of a continuous manufacturing operation 142000
to produce food for human consumption. 142001

(C) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 142002
section 5739.02 of the Revised Code, the "thing transferred" 142003
does not include any of the following: 142004

(1) Tangible personal property used in administrative, 142005
personnel, security, inventory control, record-keeping, 142006
ordering, billing, or similar functions; 142007

(2) Tangible personal property used in storing raw 142008
materials or parts prior to the commencement of the 142009

manufacturing operation or used to handle or store a completed	142010
product, including storage that actively maintains a completed	142011
product in a marketable state or form;	142012
(3) Tangible personal property used to handle or store	142013
scrap or waste intended for disposal, sale, or other	142014
disposition, other than reuse in the manufacturing operation at	142015
the same manufacturing facility;	142016
(4) Tangible personal property that is or is to be	142017
incorporated into realty;	142018
(5) Machinery, equipment, and other tangible personal	142019
property used for ventilation, dust or gas collection, humidity	142020
or temperature regulation, or similar environmental control,	142021
except machinery, equipment, and other tangible personal	142022
property that totally regulates the environment in a special and	142023
limited area of the manufacturing facility where the regulation	142024
is essential for production to occur;	142025
(6) Tangible personal property used for the protection and	142026
safety of workers, unless the property is attached to or	142027
incorporated into machinery and equipment used in a continuous	142028
manufacturing operation;	142029
(7) Tangible personal property used to store fuel, water,	142030
solvents, acid, oil, or similar items consumed in the	142031
manufacturing operation;	142032
(8) Except as provided in division (B) (13) of this	142033
section, machinery, equipment, and other tangible personal	142034
property used to clean, repair, or maintain real or personal	142035
property in the manufacturing facility;	142036
(9) Motor vehicles registered for operation on public	142037
highways.	142038

(D) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 142039
section 5739.02 of the Revised Code, if the "thing transferred" 142040
is a machine used by a manufacturer in both a taxable and an 142041
exempt manner, it shall be totally taxable or totally exempt 142042
from taxation based upon its quantified primary use. If the 142043
"things transferred" are fungibles, they shall be taxed based 142044
upon the proportion of the fungibles used in a taxable manner. 142045

Sec. 5739.02. For the purpose of providing revenue with 142046
which to meet the needs of the state, for the use of the general 142047
revenue fund of the state, for the purpose of securing a 142048
thorough and efficient system of common schools throughout the 142049
state, for the purpose of affording revenues, in addition to 142050
those from general property taxes, permitted under 142051
constitutional limitations, and from other sources, for the 142052
support of local governmental functions, and for the purpose of 142053
reimbursing the state for the expense of administering this 142054
chapter, an excise tax is hereby levied on each retail sale made 142055
in this state. 142056

(A) (1) The tax shall be collected as provided in section 142057
5739.025 of the Revised Code. The rate of the tax shall be five 142058
and three-fourths per cent. The tax applies and is collectible 142059
when the sale is made, regardless of the time when the price is 142060
paid or delivered. 142061

(2) In the case of the lease or rental, with a fixed term 142062
of more than thirty days or an indefinite term with a minimum 142063
period of more than thirty days, of any motor vehicles designed 142064
by the manufacturer to carry a load of not more than one ton, 142065
watercraft, outboard motor, or aircraft, or of any tangible 142066
personal property, other than motor vehicles designed by the 142067
manufacturer to carry a load of more than one ton, to be used by 142068

the lessee or renter primarily for business purposes, the tax 142069
shall be collected by the vendor at the time the lease or rental 142070
is consummated and shall be calculated by the vendor on the 142071
basis of the total amount to be paid by the lessee or renter 142072
under the lease agreement. If the total amount of the 142073
consideration for the lease or rental includes amounts that are 142074
not calculated at the time the lease or rental is executed, the 142075
tax shall be calculated and collected by the vendor at the time 142076
such amounts are billed to the lessee or renter. In the case of 142077
an open-end lease or rental, the tax shall be calculated by the 142078
vendor on the basis of the total amount to be paid during the 142079
initial fixed term of the lease or rental, and for each 142080
subsequent renewal period as it comes due. As used in this 142081
division, "motor vehicle" has the same meaning as in section 142082
4501.01 of the Revised Code, and "watercraft" includes an 142083
outdrive unit attached to the watercraft. 142084

A lease with a renewal clause and a termination penalty or 142085
similar provision that applies if the renewal clause is not 142086
exercised is presumed to be a sham transaction. In such a case, 142087
the tax shall be calculated and paid on the basis of the entire 142088
length of the lease period, including any renewal periods, until 142089
the termination penalty or similar provision no longer applies. 142090
The taxpayer shall bear the burden, by a preponderance of the 142091
evidence, that the transaction or series of transactions is not 142092
a sham transaction. 142093

(3) Except as provided in division (A) (2) of this section, 142094
in the case of a sale, the price of which consists in whole or 142095
in part of the lease or rental of tangible personal property, 142096
the tax shall be measured by the installments of that lease or 142097
rental. 142098

(4) In the case of a sale of a physical fitness facility 142099
service or recreation and sports club service, the price of 142100
which consists in whole or in part of a membership for the 142101
receipt of the benefit of the service, the tax applicable to the 142102
sale shall be measured by the installments thereof. 142103

(B) The tax does not apply to the following: 142104

(1) Sales to the state or any of its political 142105
subdivisions, or to any other state or its political 142106
subdivisions if the laws of that state exempt from taxation 142107
sales made to this state and its political subdivisions 142108
including either of the following: 142109

(a) Sales or rentals of tangible personal property by 142110
construction contractors or subcontractors to provide temporary 142111
traffic control or temporary structures, including material and 142112
equipment used to comply with the Ohio manual of uniform traffic 142113
control devices adopted pursuant to section 4511.09 of the 142114
Revised Code, whereby the state or any of its political 142115
subdivisions take title to, or permanent or temporary possession 142116
of, such tangible personal property for use by the state or any 142117
of its political subdivisions, including for use by the general 142118
public thereof; 142119

(b) Sales of services by construction contractors or 142120
subcontractors to provide temporary traffic control or 142121
structures, including labor used to comply with the Ohio manual 142122
of uniform traffic control devices adopted pursuant to section 142123
4511.09 of the Revised Code, whereby the state or any of its 142124
political subdivisions, including the general public thereof, 142125
receive the benefit of such services. 142126

As used in divisions (B) (1) (a) and (b) of this section, 142127

"temporary structures" include temporary roads, bridges, drains, 142128
and pavement. 142129

(2) Sales of food for human consumption off the premises 142130
where sold; 142131

(3) Sales of food sold to students only in a cafeteria, 142132
dormitory, fraternity, or sorority maintained in a private, 142133
public, or parochial school, college, or university; 142134

(4) Sales of ~~newspapers and sales or transfers of~~ 142135
magazines distributed as controlled circulation publications; 142136

(5) The furnishing, preparing, or serving of meals without 142137
charge by an employer to an employee provided the employer 142138
records the meals as part compensation for services performed or 142139
work done; 142140

(6) (a) Sales of motor fuel upon receipt, use, 142141
distribution, or sale of which in this state a tax is imposed by 142142
the law of this state, but this exemption shall not apply to the 142143
sale of motor fuel on which a refund of the tax is allowable 142144
under division (A) of section 5735.14 of the Revised Code; and 142145
the tax commissioner may deduct the amount of tax levied by this 142146
section applicable to the price of motor fuel when granting a 142147
refund of motor fuel tax pursuant to division (A) of section 142148
5735.14 of the Revised Code and shall cause the amount deducted 142149
to be paid into the general revenue fund of this state; 142150

(b) Sales of motor fuel other than that described in 142151
division (B) (6) (a) of this section and used for powering a 142152
refrigeration unit on a vehicle other than one used primarily to 142153
provide comfort to the operator or occupants of the vehicle. 142154

(7) Sales of natural gas by a natural gas company or 142155
municipal gas utility, of water by a water-works company, or of 142156

steam by a heating company, if in each case the thing sold is 142157
delivered to consumers through pipes or conduits, and all sales 142158
of communications services by a telegraph company, all terms as 142159
defined in section 5727.01 of the Revised Code, and sales of 142160
electricity delivered through wires; 142161

(8) Casual sales by a person, or auctioneer employed 142162
directly by the person to conduct such sales, except as to such 142163
sales of motor vehicles, watercraft or outboard motors required 142164
to be titled under section 1548.06 of the Revised Code, 142165
watercraft documented with the United States coast guard, 142166
snowmobiles, and all-purpose vehicles as defined in section 142167
4519.01 of the Revised Code; 142168

(9) (a) Sales of services or tangible personal property, 142169
other than motor vehicles, mobile homes, and manufactured homes, 142170
by churches, organizations exempt from taxation under section 142171
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 142172
organizations operated exclusively for charitable purposes as 142173
defined in division (B) (12) of this section, provided that the 142174
number of days on which such tangible personal property or 142175
services, other than items never subject to the tax, are sold 142176
does not exceed six in any calendar year, except as otherwise 142177
provided in division (B) (9) (b) of this section. If the number of 142178
days on which such sales are made exceeds six in any calendar 142179
year, the church or organization shall be considered to be 142180
engaged in business and all subsequent sales by it shall be 142181
subject to the tax. In counting the number of days, all sales by 142182
groups within a church or within an organization shall be 142183
considered to be sales of that church or organization. 142184

(b) The limitation on the number of days on which tax- 142185
exempt sales may be made by a church or organization under 142186

division (B) (9) (a) of this section does not apply to sales made 142187
by student clubs and other groups of students of a primary or 142188
secondary school, or a parent-teacher association, booster 142189
group, or similar organization that raises money to support or 142190
fund curricular or extracurricular activities of a primary or 142191
secondary school. 142192

(c) Divisions (B) (9) (a) and (b) of this section do not 142193
apply to sales by a noncommercial educational radio or 142194
television broadcasting station. 142195

(10) Sales not within the taxing power of this state under 142196
the Constitution or laws of the United States or the 142197
Constitution of this state including either of the following: 142198

(a) Sales or rentals of tangible personal property by 142199
construction contractors or subcontractors to provide temporary 142200
traffic control or temporary structures, including material and 142201
equipment used to comply with the Ohio manual of uniform traffic 142202
control devices adopted pursuant to section 4511.09 of the 142203
Revised Code, whereby the United States takes title to, or 142204
permanent or temporary possession of, such tangible personal 142205
property for use by the United States including for use by the 142206
general public thereof; 142207

(b) Sales of services by construction contractors or 142208
subcontractors to provide temporary traffic control or 142209
structures, including labor used to comply with the Ohio manual 142210
of uniform traffic control devices adopted pursuant to section 142211
4511.09 of the Revised Code, whereby the United States, 142212
including the general public thereof, receives the benefit of 142213
such services. 142214

As used in divisions (B) (10) (a) and (b) of this section, 142215

"temporary structures" include temporary roads, bridges, drains, 142216
and pavement. 142217

(11) Except for transactions that are sales under division 142218
(B) (3) (p) of section 5739.01 of the Revised Code, the 142219
transportation of persons or property, unless the transportation 142220
is by a private investigation and security service; 142221

(12) Sales of tangible personal property or services to 142222
churches, to organizations exempt from taxation under section 142223
501(c) (3) of the Internal Revenue Code of 1986, and to any other 142224
nonprofit organizations operated exclusively for charitable 142225
purposes in this state, no part of the net income of which 142226
inures to the benefit of any private shareholder or individual, 142227
and no substantial part of the activities of which consists of 142228
carrying on propaganda or otherwise attempting to influence 142229
legislation; sales to offices administering one or more homes 142230
for the aged or one or more hospital facilities exempt under 142231
section 140.08 of the Revised Code; and sales to organizations 142232
described in division (D) of section 5709.12 of the Revised 142233
Code. 142234

"Charitable purposes" means the relief of poverty; the 142235
improvement of health through the alleviation of illness, 142236
disease, or injury; the operation of an organization exclusively 142237
for the provision of professional, laundry, printing, and 142238
purchasing services to hospitals or charitable institutions; the 142239
operation of a home for the aged, as defined in section 5701.13 142240
of the Revised Code; the operation of a radio or television 142241
broadcasting station that is licensed by the federal 142242
communications commission as a noncommercial educational radio 142243
or television station; the operation of a nonprofit animal 142244
adoption service or a county humane society; the promotion of 142245

education by an institution of learning that maintains a faculty 142246
of qualified instructors, teaches regular continuous courses of 142247
study, and confers a recognized diploma upon completion of a 142248
specific curriculum; the operation of a parent-teacher 142249
association, booster group, or similar organization primarily 142250
engaged in the promotion and support of the curricular or 142251
extracurricular activities of a primary or secondary school; the 142252
operation of a community or area center in which presentations 142253
in music, dramatics, the arts, and related fields are made in 142254
order to foster public interest and education therein; the 142255
production of performances in music, dramatics, and the arts; or 142256
the promotion of education by an organization engaged in 142257
carrying on research in, or the dissemination of, scientific and 142258
technological knowledge and information primarily for the 142259
public. 142260

Nothing in this division shall be deemed to exempt sales 142261
to any organization for use in the operation or carrying on of a 142262
trade or business, or sales to a home for the aged for use in 142263
the operation of independent living facilities as defined in 142264
division (A) of section 5709.12 of the Revised Code. 142265

(13) Building and construction materials and services sold 142266
to construction contractors for incorporation into a structure 142267
or improvement to real property under a construction contract 142268
with this state or a political subdivision of this state, or 142269
with the United States government or any of its agencies; 142270
building and construction materials and services sold to 142271
construction contractors for incorporation into a structure or 142272
improvement to real property that are accepted for ownership by 142273
this state or any of its political subdivisions, or by the 142274
United States government or any of its agencies at the time of 142275
completion of the structures or improvements; building and 142276

construction materials sold to construction contractors for	142277
incorporation into a horticulture structure or livestock	142278
structure for a person engaged in the business of horticulture	142279
or producing livestock; building materials and services sold to	142280
a construction contractor for incorporation into a house of	142281
public worship or religious education, or a building used	142282
exclusively for charitable purposes under a construction	142283
contract with an organization whose purpose is as described in	142284
division (B) (12) of this section; building materials and	142285
services sold to a construction contractor for incorporation	142286
into a building under a construction contract with an	142287
organization exempt from taxation under section 501(c) (3) of the	142288
Internal Revenue Code of 1986 when the building is to be used	142289
exclusively for the organization's exempt purposes; tangible	142290
personal property sold for incorporation into the construction	142291
of a sports facility under section 307.696 of the Revised Code;	142292
building and construction materials and services sold to a	142293
construction contractor for incorporation into real property	142294
outside this state if such materials and services, when sold to	142295
a construction contractor in the state in which the real	142296
property is located for incorporation into real property in that	142297
state, would be exempt from a tax on sales levied by that state;	142298
building and construction materials for incorporation into a	142299
transportation facility pursuant to a public-private agreement	142300
entered into under sections 5501.70 to 5501.83 of the Revised	142301
Code; until one calendar year after the construction of a	142302
convention center that qualifies for property tax exemption	142303
under section 5709.084 of the Revised Code is completed,	142304
building and construction materials and services sold to a	142305
construction contractor for incorporation into the real property	142306
comprising that convention center; and building and construction	142307
materials sold for incorporation into a structure or improvement	142308

to real property that is used primarily as, or primarily in support of, a manufacturing facility or research and development facility and that is to be owned by a megaproject operator upon completion and located at the site of a megaproject that satisfies the criteria described in division (A) (11) (a) (ii) of section 122.17 of the Revised Code, provided that the sale occurs during the period that the megaproject operator has an agreement for such megaproject with the tax credit authority under division (D) of section 122.17 of the Revised Code that remains in effect and has not expired or been terminated.

This division does not apply to building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with a port authority if the contract is subject to section 4582.72 of the Revised Code but approval from the appropriate board of county commissioners, as required by that section, has not been obtained.

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons primarily engaged in any of the activities mentioned in division (B) (42) (a), ~~(g)~~ (f), or ~~(h)~~ (g) of this section, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale,

including any machinery, equipment, and supplies used to make 142339
labels or packages, to prepare packages or products for 142340
labeling, or to label packages or products, by or on the order 142341
of the person doing the packaging, or sold at retail. "Packages" 142342
includes bags, baskets, cartons, crates, boxes, cans, bottles, 142343
bindings, wrappings, and other similar devices and containers, 142344
but does not include motor vehicles or bulk tanks, trailers, or 142345
similar devices attached to motor vehicles. "Packaging" means 142346
placing in a package. Division (B) (15) of this section does not 142347
apply to persons engaged in highway transportation for hire. 142348

(16) Sales of food to persons using supplemental nutrition 142349
assistance program benefits to purchase the food. As used in 142350
this division, "food" has the same meaning as in 7 U.S.C. 2012 142351
and federal regulations adopted pursuant to the Food and 142352
Nutrition Act of 2008. 142353

(17) Sales to persons engaged in farming, agriculture, 142354
horticulture, or floriculture, of tangible personal property for 142355
use or consumption primarily in the production by farming, 142356
agriculture, horticulture, or floriculture of other tangible 142357
personal property for use or consumption primarily in the 142358
production of tangible personal property for sale by farming, 142359
agriculture, horticulture, or floriculture; or material and 142360
parts for incorporation into any such tangible personal property 142361
for use or consumption in production; and of tangible personal 142362
property for such use or consumption in the conditioning or 142363
holding of products produced by and for such use, consumption, 142364
or sale by persons engaged in farming, agriculture, 142365
horticulture, or floriculture, except where such property is 142366
incorporated into real property; 142367

(18) Sales of drugs for a human being that may be 142368

dispensed only pursuant to a prescription; insulin as recognized 142369
in the official United States pharmacopoeia; urine and blood 142370
testing materials when used by diabetics or persons with 142371
hypoglycemia to test for glucose or acetone; hypodermic syringes 142372
and needles when used by diabetics for insulin injections; 142373
epoetin alfa when purchased for use in the treatment of persons 142374
with medical disease; hospital beds when purchased by hospitals, 142375
nursing homes, or other medical facilities; and medical oxygen 142376
and medical oxygen-dispensing equipment when purchased by 142377
hospitals, nursing homes, or other medical facilities; 142378

(19) Sales of prosthetic devices, durable medical 142379
equipment for home use, or mobility enhancing equipment, when 142380
made pursuant to a prescription and when such devices or 142381
equipment are for use by a human being. 142382

(20) Sales of emergency and fire protection vehicles and 142383
equipment to nonprofit organizations for use solely in providing 142384
fire protection and emergency services, including trauma care 142385
and emergency medical services, for political subdivisions of 142386
the state; 142387

(21) Sales of tangible personal property manufactured in 142388
this state, if sold by the manufacturer in this state to a 142389
retailer for use in the retail business of the retailer outside 142390
of this state and if possession is taken from the manufacturer 142391
by the purchaser within this state for the sole purpose of 142392
immediately removing the same from this state in a vehicle owned 142393
by the purchaser; 142394

(22) Sales of services provided by the state or any of its 142395
political subdivisions, agencies, instrumentalities, 142396
institutions, or authorities, or by governmental entities of the 142397
state or any of its political subdivisions, agencies, 142398

instrumentalities, institutions, or authorities;	142399
(23) Sales of motor vehicles to nonresidents of this state	142400
under the circumstances described in division (B) of section	142401
5739.029 of the Revised Code;	142402
(24) Sales to persons engaged in the preparation of eggs	142403
for sale of tangible personal property used or consumed directly	142404
in such preparation, including such tangible personal property	142405
used for cleaning, sanitizing, preserving, grading, sorting, and	142406
classifying by size; packages, including material and parts for	142407
packages, and machinery, equipment, and material for use in	142408
packaging eggs for sale; and handling and transportation	142409
equipment and parts therefor, except motor vehicles licensed to	142410
operate on public highways, used in intraplant or interplant	142411
transfers or shipment of eggs in the process of preparation for	142412
sale, when the plant or plants within or between which such	142413
transfers or shipments occur are operated by the same person.	142414
"Packages" includes containers, cases, baskets, flats, fillers,	142415
filler flats, cartons, closure materials, labels, and labeling	142416
materials, and "packaging" means placing therein.	142417
(25) (a) Sales of water to a consumer for residential use;	142418
(b) Sales of water by a nonprofit corporation engaged	142419
exclusively in the treatment, distribution, and sale of water to	142420
consumers, if such water is delivered to consumers through pipes	142421
or tubing.	142422
(26) Fees charged for inspection or reinspection of motor	142423
vehicles under section 3704.14 of the Revised Code;	142424
(27) Sales to persons licensed to conduct a food service	142425
operation pursuant to section 3717.43 of the Revised Code, of	142426
tangible personal property primarily used directly for the	142427

following:	142428
(a) To prepare food for human consumption for sale;	142429
(b) To preserve food that has been or will be prepared for	142430
human consumption for sale by the food service operator, not	142431
including tangible personal property used to display food for	142432
selection by the consumer;	142433
(c) To clean tangible personal property used to prepare or	142434
serve food for human consumption for sale.	142435
(28) Sales of animals by nonprofit animal adoption	142436
services or county humane societies;	142437
(29) Sales of services to a corporation described in	142438
division (A) of section 5709.72 of the Revised Code, and sales	142439
of tangible personal property that qualifies for exemption from	142440
taxation under section 5709.72 of the Revised Code;	142441
(30) Sales and installation of agricultural land tile, as	142442
defined in division (B) (5) (a) of section 5739.01 of the Revised	142443
Code;	142444
(31) Sales and erection or installation of portable grain	142445
bins, as defined in division (B) (5) (b) of section 5739.01 of the	142446
Revised Code;	142447
(32) The sale, lease, repair, and maintenance of, parts	142448
for, or items attached to or incorporated in, motor vehicles	142449
that are primarily used for transporting tangible personal	142450
property belonging to others by a person engaged in highway	142451
transportation for hire, except for packages and packaging used	142452
for the transportation of tangible personal property;	142453
(33) Sales to the state headquarters of any veterans'	142454
organization in this state that is either incorporated and	142455

issued a charter by the congress of the United States or is 142456
recognized by the United States veterans administration, for use 142457
by the headquarters; 142458

(34) Sales to a telecommunications service vendor, mobile 142459
telecommunications service vendor, or satellite broadcasting 142460
service vendor of tangible personal property and services used 142461
directly and primarily in transmitting, receiving, switching, or 142462
recording any interactive, one- or two-way electromagnetic 142463
communications, including voice, image, data, and information, 142464
through the use of any medium, including, but not limited to, 142465
poles, wires, cables, switching equipment, computers, and record 142466
storage devices and media, and component parts for the tangible 142467
personal property. The exemption provided in this division shall 142468
be in lieu of all other exemptions under division (B) (42) (a) or 142469
(n) of this section to which the vendor may otherwise be 142470
entitled, based upon the use of the thing purchased in providing 142471
the telecommunications, mobile telecommunications, or satellite 142472
broadcasting service. 142473

~~(35) (a) Sales where the purpose of the consumer is to use 142474~~
~~or consume the things transferred in making retail sales and 142475~~
~~consisting of newspaper inserts, catalogues, coupons, flyers, 142476~~
~~gift certificates, or other advertising material that prices and 142477~~
~~describes tangible personal property offered for retail sale. 142478~~

~~(b) Sales to direct marketing vendors of preliminary 142479~~
~~materials such as photographs, artwork, and typesetting that 142480~~
~~will be used in printing advertising material; and of printed 142481~~
~~matter that offers free merchandise or chances to win sweepstake 142482~~
~~prizes and that is mailed to potential customers with 142483~~
~~advertising material described in division (B) (35) (a) of this 142484~~
~~section; 142485~~

~~(c) Sales of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.~~

~~(d) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer.~~

~~For purposes of division (B) (35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.~~
(35) Sales of strollers meant for transporting children from infancy to about thirty-six months of age that meet the United States consumer product safety commission safety standard for carriages and strollers under 16 C.F.R. 1227.2.

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(38) Sales of tangible personal property that is not

required to be registered or licensed under the laws of this 142515
state to a citizen of a foreign nation that is not a citizen of 142516
the United States, provided the property is delivered to a 142517
person in this state that is not a related member of the 142518
purchaser, is physically present in this state for the sole 142519
purpose of temporary storage and package consolidation, and is 142520
subsequently delivered to the purchaser at a delivery address in 142521
a foreign nation. As used in division (B) (38) of this section, 142522
"related member" has the same meaning as in section 5733.042 of 142523
the Revised Code, and "temporary storage" means the storage of 142524
tangible personal property for a period of not more than sixty 142525
days. 142526

(39) Sales of used manufactured homes and used mobile 142527
homes, as defined in section 5739.0210 of the Revised Code, made 142528
on or after January 1, 2000; 142529

(40) Sales of tangible personal property and services to a 142530
provider of electricity used or consumed directly and primarily 142531
in generating, transmitting, or distributing electricity for use 142532
by others, including property that is or is to be incorporated 142533
into and will become a part of the consumer's production, 142534
transmission, or distribution system and that retains its 142535
classification as tangible personal property after 142536
incorporation; fuel or power used in the production, 142537
transmission, or distribution of electricity; energy conversion 142538
equipment as defined in section 5727.01 of the Revised Code; and 142539
tangible personal property and services used in the repair and 142540
maintenance of the production, transmission, or distribution 142541
system, including only those motor vehicles as are specially 142542
designed and equipped for such use. The exemption provided in 142543
this division shall be in lieu of all other exemptions in 142544
division (B) (42) (a) or ~~(n)~~ (m) of this section to which a 142545

provider of electricity may otherwise be entitled based on the 142546
use of the tangible personal property or service purchased in 142547
generating, transmitting, or distributing electricity. 142548

(41) Sales to a person providing services under division 142549
(B) (3) (p) of section 5739.01 of the Revised Code of tangible 142550
personal property and services used directly and primarily in 142551
providing taxable services under that section. 142552

(42) Sales where the purpose of the purchaser is to do any 142553
of the following: 142554

(a) To incorporate the thing transferred as a material or 142555
a part into tangible personal property to be produced for sale 142556
by manufacturing, assembling, processing, or refining; or to use 142557
or consume the thing transferred directly in producing tangible 142558
personal property for sale by mining, including, without 142559
limitation, the extraction from the earth of all substances that 142560
are classed geologically as minerals, or directly in the 142561
rendition of a public utility service, except that the sales tax 142562
levied by this section shall be collected upon all meals, 142563
drinks, and food for human consumption sold when transporting 142564
persons. This paragraph does not exempt from "retail sale" or 142565
"sales at retail" the sale of tangible personal property that is 142566
to be incorporated into a structure or improvement to real 142567
property. 142568

(b) To hold the thing transferred as security for the 142569
performance of an obligation of the vendor; 142570

(c) To resell, hold, use, or consume the thing transferred 142571
as evidence of a contract of insurance; 142572

(d) To use or consume the thing directly in commercial 142573
fishing; 142574

(e) To incorporate the thing transferred as a material or 142575
a part into, or to use or consume the thing transferred directly 142576
in the production of, magazines distributed as controlled 142577
circulation publications; 142578

~~(f) To use or consume the thing transferred in the 142579
production and preparation in suitable condition for market and 142580
sale of printed, imprinted, overprinted, lithographic, 142581
multilithic, blueprinted, photostatic, or other productions or 142582
reproductions of written or graphic matter; 142583~~

~~(g)~~ To use the thing transferred, as described in section 142584
5739.011 of the Revised Code, primarily in a manufacturing 142585
operation to produce tangible personal property for sale; 142586

~~(h)~~ (g) To use the benefit of a warranty, maintenance or 142587
service contract, or similar agreement, as described in division 142588
(B) (7) of section 5739.01 of the Revised Code, to repair or 142589
maintain tangible personal property, if all of the property that 142590
is the subject of the warranty, contract, or agreement would not 142591
be subject to the tax imposed by this section; 142592

~~(i)~~ (h) To use the thing transferred as qualified research 142593
and development equipment; 142594

~~(j)~~ (i) To use or consume the thing transferred primarily 142595
in storing, transporting, mailing, or otherwise handling 142596
purchased sales inventory in a warehouse, distribution center, 142597
or similar facility when the inventory is primarily distributed 142598
outside this state to retail stores of the person who owns or 142599
controls the warehouse, distribution center, or similar 142600
facility, to retail stores of an affiliated group of which that 142601
person is a member, or by means of direct marketing. This 142602
division does not apply to motor vehicles registered for 142603

operation on the public highways. As used in this division, 142604
"affiliated group" has the same meaning as in division (B) (3) (e) 142605
of section 5739.01 of the Revised Code and "direct marketing" 142606
~~has the same meaning as in division (B) (35) of this section~~ means 142607
the method of selling where consumers order tangible personal 142608
property by United States mail, delivery service, or 142609
telecommunication and the vendor delivers or ships the tangible 142610
personal property sold to the consumer from a warehouse, 142611
catalogue distribution center, or similar fulfillment facility 142612
by means of the United States mail, delivery service, or common 142613
carrier. 142614

~~(k)~~ (j) To use or consume the thing transferred to fulfill 142615
a contractual obligation incurred by a warrantor pursuant to a 142616
warranty provided as a part of the price of the tangible 142617
personal property sold or by a vendor of a warranty, maintenance 142618
or service contract, or similar agreement the provision of which 142619
is defined as a sale under division (B) (7) of section 5739.01 of 142620
the Revised Code; 142621

~~(l)~~ (k) To use or consume the thing transferred in the 142622
production of a newspaper for distribution to the public; 142623

~~(m)~~ (l) To use tangible personal property to perform a 142624
service listed in division (B) (3) of section 5739.01 of the 142625
Revised Code, if the property is or is to be permanently 142626
transferred to the consumer of the service as an integral part 142627
of the performance of the service; 142628

~~(n)~~ (m) To use or consume the thing transferred primarily 142629
in producing tangible personal property for sale by farming, 142630
agriculture, horticulture, or floriculture. Persons engaged in 142631
rendering farming, agriculture, horticulture, or floriculture 142632
services for others are deemed engaged primarily in farming, 142633

agriculture, horticulture, or floriculture. This paragraph does 142634
not exempt from "retail sale" or "sales at retail" the sale of 142635
tangible personal property that is to be incorporated into a 142636
structure or improvement to real property. 142637

~~(e) To use or consume the thing transferred in acquiring, 142638
formatting, editing, storing, and disseminating data or 142639
information by electronic publishing; 142640~~

~~(p) To provide the thing transferred to the owner or 142641
lessee of a motor vehicle that is being repaired or serviced, if 142642
the thing transferred is a rented motor vehicle and the 142643
purchaser is reimbursed for the cost of the rented motor vehicle 142644
by a manufacturer, warrantor, or provider of a maintenance, 142645
service, or other similar contract or agreement, with respect to 142646
the motor vehicle that is being repaired or serviced; 142647~~

~~(q)~~ (n) To use or consume the thing transferred directly 142648
in production of crude oil and natural gas for sale. Persons 142649
engaged in rendering production services for others are deemed 142650
engaged in production. 142651

As used in division ~~(B) (42) (q)~~ (B) (42) (n) of this section, 142652
"production" means operations and tangible personal property 142653
directly used to expose and evaluate an underground reservoir 142654
that may contain hydrocarbon resources, prepare the wellbore for 142655
production, and lift and control all substances yielded by the 142656
reservoir to the surface of the earth. 142657

(i) For the purposes of division ~~(B) (42) (q)~~ (B) (42) (n) of 142658
this section, the "thing transferred" includes, but is not 142659
limited to, any of the following: 142660

(I) Services provided in the construction of permanent 142661
access roads, services provided in the construction of the well 142662

site, and services provided in the construction of temporary	142663
impoundments;	142664
(II) Equipment and rigging used for the specific purpose	142665
of creating with integrity a wellbore pathway to underground	142666
reservoirs;	142667
(III) Drilling and workover services used to work within a	142668
subsurface wellbore, and tangible personal property directly	142669
used in providing such services;	142670
(IV) Casing, tubulars, and float and centralizing	142671
equipment;	142672
(V) Trailers to which production equipment is attached;	142673
(VI) Well completion services, including cementing of	142674
casing, and tangible personal property directly used in	142675
providing such services;	142676
(VII) Wireline evaluation, mud logging, and perforation	142677
services, and tangible personal property directly used in	142678
providing such services;	142679
(VIII) Reservoir stimulation, hydraulic fracturing, and	142680
acidizing services, and tangible personal property directly used	142681
in providing such services, including all material pumped	142682
downhole;	142683
(IX) Pressure pumping equipment;	142684
(X) Artificial lift systems equipment;	142685
(XI) Wellhead equipment and well site equipment used to	142686
separate, stabilize, and control hydrocarbon phases and produced	142687
water;	142688
(XII) Tangible personal property directly used to control	142689

production equipment. 142690

(ii) For the purposes of division ~~(B) (42) (g)~~ (B) (42) (n) of 142691
this section, the "thing transferred" does not include any of 142692
the following: 142693

(I) Tangible personal property used primarily in the 142694
exploration and production of any mineral resource regulated 142695
under Chapter 1509. of the Revised Code other than oil or gas; 142696

(II) Tangible personal property used primarily in storing, 142697
holding, or delivering solutions or chemicals used in well 142698
stimulation as defined in section 1509.01 of the Revised Code; 142699

(III) Tangible personal property used primarily in 142700
preparing, installing, or reclaiming foundations for drilling or 142701
pumping equipment or well stimulation material tanks; 142702

(IV) Tangible personal property used primarily in 142703
transporting, delivering, or removing equipment to or from the 142704
well site or storing such equipment before its use at the well 142705
site; 142706

(V) Tangible personal property used primarily in gathering 142707
operations occurring off the well site, including gathering 142708
pipelines transporting hydrocarbon gas or liquids away from a 142709
crude oil or natural gas production facility; 142710

(VI) Tangible personal property that is to be incorporated 142711
into a structure or improvement to real property; 142712

(VII) Well site fencing, lighting, or security systems; 142713

(VIII) Communication devices or services; 142714

(IX) Office supplies; 142715

(X) Trailers used as offices or lodging; 142716

(XI) Motor vehicles of any kind; 142717

(XII) Tangible personal property used primarily for the 142718
storage of drilling byproducts and fuel not used for production; 142719

(XIII) Tangible personal property used primarily as a 142720
safety device; 142721

(XIV) Data collection or monitoring devices; 142722

(XV) Access ladders, stairs, or platforms attached to 142723
storage tanks. 142724

The enumeration of tangible personal property in division 142725
~~(B) (42) (q) (ii)~~ (B) (42) (n) (ii) of this section is not intended to 142726
be exhaustive, and any tangible personal property not so 142727
enumerated shall not necessarily be construed to be a "thing 142728
transferred" for the purposes of division ~~(B) (42) (q)~~ (B) (42) (n) 142729
of this section. 142730

The commissioner shall adopt and promulgate rules under 142731
sections 119.01 to 119.13 of the Revised Code that the 142732
commissioner deems necessary to administer division ~~(B) (42) (q)~~ 142733
(B) (42) (n) of this section. 142734

As used in division (B) (42) of this section, "thing" 142735
includes all transactions included in divisions (B) (3) (a), (b), 142736
and (e) of section 5739.01 of the Revised Code. 142737

(43) Sales conducted through a coin operated device that 142738
activates vacuum equipment or equipment that dispenses water, 142739
whether or not in combination with soap or other cleaning agents 142740
or wax, to the consumer for the consumer's use on the premises 142741
in washing, cleaning, or waxing a motor vehicle, provided no 142742
other personal property or personal service is provided as part 142743
of the transaction. 142744

(44) Sales of replacement and modification parts for 142745
engines, airframes, instruments, and interiors in, and paint 142746
for, aircraft used primarily in a fractional aircraft ownership 142747
program, and sales of services for the repair, modification, and 142748
maintenance of such aircraft, and machinery, equipment, and 142749
supplies primarily used to provide those services. 142750

~~(45) Sales of telecommunications service that is used 142751
directly and primarily to perform the functions of a call 142752
center. As used in this division, "call center" means any 142753
physical location where telephone calls are placed or received 142754
in high volume for the purpose of making sales, marketing, 142755
customer service, technical support, or other specialized 142756
business activity, and that employs at least fifty individuals 142757
that engage in call center activities on a full-time basis, or 142758
sufficient individuals to fill fifty full-time equivalent 142759
positions.~~
The fee imposed by section 3743.22 of the Revised Code, 142760
if it is separately stated on the invoice, bill of sale, or 142761
similar document given by the vendor to the consumer for a 142762
retail sale made in this state. 142763

(46) Sales by a telecommunications service vendor of 900 142764
service to a subscriber. This division does not apply to 142765
information services. 142766

(47) Sales of value-added non-voice data service. This 142767
division does not apply to any similar service that is not 142768
otherwise a telecommunications service. 142769

(48) Sales of feminine hygiene products. 142770

(49) Sales of materials, parts, equipment, or engines used 142771
in the repair or maintenance of aircraft or avionics systems of 142772
such aircraft, and sales of repair, remodeling, replacement, or 142773

maintenance services in this state performed on aircraft or on 142774
an aircraft's avionics, engine, or component materials or parts. 142775
As used in division (B) (49) of this section, "aircraft" means 142776
aircraft of more than six thousand pounds maximum certified 142777
takeoff weight or used exclusively in general aviation. 142778

(50) Sales of full flight simulators that are used for 142779
pilot or flight-crew training, sales of repair or replacement 142780
parts or components, and sales of repair or maintenance services 142781
for such full flight simulators. "Full flight simulator" means a 142782
replica of a specific type, or make, model, and series of 142783
aircraft cockpit. It includes the assemblage of equipment and 142784
computer programs necessary to represent aircraft operations in 142785
ground and flight conditions, a visual system providing an out- 142786
of-the-cockpit view, and a system that provides cues at least 142787
equivalent to those of a three-degree-of-freedom motion system, 142788
and has the full range of capabilities of the systems installed 142789
in the device as described in appendices A and B of part 60 of 142790
chapter 1 of title 14 of the Code of Federal Regulations. 142791

(51) Any transfer or lease of tangible personal property 142792
between the state and JobsOhio in accordance with section 142793
4313.02 of the Revised Code. 142794

(52) (a) Sales to a qualifying corporation. 142795

(b) As used in division (B) (52) of this section: 142796

(i) "Qualifying corporation" means a nonprofit corporation 142797
organized in this state that leases from an eligible county 142798
land, buildings, structures, fixtures, and improvements to the 142799
land that are part of or used in a public recreational facility 142800
used by a major league professional athletic team or a class A 142801
to class AAA minor league affiliate of a major league 142802

professional athletic team for a significant portion of the 142803
team's home schedule, provided the following apply: 142804

(I) The facility is leased from the eligible county 142805
pursuant to a lease that requires substantially all of the 142806
revenue from the operation of the business or activity conducted 142807
by the nonprofit corporation at the facility in excess of 142808
operating costs, capital expenditures, and reserves to be paid 142809
to the eligible county at least once per calendar year. 142810

(II) Upon dissolution and liquidation of the nonprofit 142811
corporation, all of its net assets are distributable to the 142812
board of commissioners of the eligible county from which the 142813
corporation leases the facility. 142814

(ii) "Eligible county" has the same meaning as in section 142815
307.695 of the Revised Code. 142816

(53) Sales to or by a cable service provider, video 142817
service provider, or radio or television broadcast station 142818
regulated by the federal government of cable service or 142819
programming, video service or programming, audio service or 142820
programming, or electronically transferred digital audiovisual 142821
or audio work. As used in division (B) (53) of this section, 142822
"cable service" and "cable service provider" have the same 142823
meanings as in section 1332.01 of the Revised Code, and "video 142824
service," "video service provider," and "video programming" have 142825
the same meanings as in section 1332.21 of the Revised Code. 142826

(54) Sales of a digital audio work electronically 142827
transferred for delivery through use of a machine, such as a 142828
juke box, that does all of the following: 142829

(a) Accepts direct payments to operate; 142830

(b) Automatically plays a selected digital audio work for 142831

a single play upon receipt of a payment described in division 142832
(B) (54) (a) of this section; 142833

(c) Operates exclusively for the purpose of playing 142834
digital audio works in a commercial establishment. 142835

(55) (a) Sales of the following occurring on the first 142836
Friday of August and the following Saturday and Sunday of any 142837
year, except in 2024 or any subsequent year in which a sales tax 142838
holiday is held pursuant to section 5739.41 of the Revised Code: 142839

(i) An item of clothing, the price of which is seventy- 142840
five dollars or less; 142841

(ii) An item of school supplies, the price of which is 142842
twenty dollars or less; 142843

(iii) An item of school instructional material, the price 142844
of which is twenty dollars or less. 142845

(b) As used in division (B) (55) of this section: 142846

(i) "Clothing" means all human wearing apparel suitable 142847
for general use. "Clothing" includes, but is not limited to, 142848
aprons, household and shop; athletic supporters; baby receiving 142849
blankets; bathing suits and caps; beach capes and coats; belts 142850
and suspenders; boots; coats and jackets; costumes; diapers, 142851
children and adult, including disposable diapers; earmuffs; 142852
footlets; formal wear; garters and garter belts; girdles; gloves 142853
and mittens for general use; hats and caps; hosiery; insoles for 142854
shoes; lab coats; neckties; overshoes; pantyhose; rainwear; 142855
rubber pants; sandals; scarves; shoes and shoe laces; slippers; 142856
sneakers; socks and stockings; steel-toed shoes; underwear; 142857
uniforms, athletic and nonathletic; and wedding apparel. 142858
"Clothing" does not include items purchased for use in a trade 142859
or business; clothing accessories or equipment; protective 142860

equipment; sports or recreational equipment; belt buckles sold 142861
separately; costume masks sold separately; patches and emblems 142862
sold separately; sewing equipment and supplies including, but 142863
not limited to, knitting needles, patterns, pins, scissors, 142864
sewing machines, sewing needles, tape measures, and thimbles; 142865
and sewing materials that become part of "clothing" including, 142866
but not limited to, buttons, fabric, lace, thread, yarn, and 142867
zippers. 142868

(ii) "School supplies" means items commonly used by a 142869
student in a course of study. "School supplies" includes only 142870
the following items: binders; book bags; calculators; cellophane 142871
tape; blackboard chalk; compasses; composition books; crayons; 142872
erasers; folders, expandable, pocket, plastic, and manila; glue, 142873
paste, and paste sticks; highlighters; index cards; index card 142874
boxes; legal pads; lunch boxes; markers; notebooks; paper, 142875
loose-leaf ruled notebook paper, copy paper, graph paper, 142876
tracing paper, manila paper, colored paper, poster board, and 142877
construction paper; pencil boxes and other school supply boxes; 142878
pencil sharpeners; pencils; pens; protractors; rulers; scissors; 142879
and writing tablets. "School supplies" does not include any item 142880
purchased for use in a trade or business. 142881

(iii) "School instructional material" means written 142882
material commonly used by a student in a course of study as a 142883
reference and to learn the subject being taught. "School 142884
instructional material" includes only the following items: 142885
reference books, reference maps and globes, textbooks, and 142886
workbooks. "School instructional material" does not include any 142887
material purchased for use in a trade or business. 142888

(56) (a) Sales of adult diapers or incontinence underpads 142889
sold pursuant to a prescription, for the benefit of a medicaid 142890

recipient with a diagnosis of incontinence, and by a medicaid 142891
provider that maintains a valid provider agreement under section 142892
5164.30 of the Revised Code with the department of medicaid, 142893
provided that the medicaid program covers diapers or 142894
incontinence underpads as an incontinence garment. 142895

(b) As used in division (B) (56) (a) of this section, 142896
"incontinence underpad" means an absorbent product, not worn on 142897
the body, designed to protect furniture or other tangible 142898
personal property from soiling or damage due to human 142899
incontinence. 142900

(57) Sales of investment metal bullion and investment 142901
coins. "Investment metal bullion" means any bullion described in 142902
section 408(m) (3) (B) of the Internal Revenue Code, regardless of 142903
whether that bullion is in the physical possession of a trustee. 142904
"Investment coin" means any coin composed primarily of gold, 142905
silver, platinum, or palladium. 142906

(58) Sales of tangible personal property used primarily 142907
for any of the following purposes by a megaproject operator at 142908
the site of a megaproject that satisfies the criteria described 142909
in division (A) (11) (a) (ii) of section 122.17 of the Revised 142910
Code, provided that the sale occurs during the period that the 142911
megaproject operator has an agreement for such megaproject with 142912
the tax credit authority under division (D) of section 122.17 of 142913
the Revised Code that remains in effect and has not expired or 142914
been terminated: 142915

(a) To store, transmit, convey, distribute, recycle, 142916
circulate, or clean water, steam, or other gases used in or 142917
produced as a result of manufacturing activity, including items 142918
that support or aid in the operation of such property; 142919

(b) To clean or prepare inventory, at any stage of storage 142920
or production, or equipment used in a manufacturing activity, 142921
including chemicals, solvents, catalysts, soaps, and other items 142922
that support or aid in the operation of property; 142923

(c) To regulate, treat, filter, condition, improve, clean, 142924
maintain, or monitor environmental conditions within areas where 142925
manufacturing activities take place; 142926

(d) To handle, transport, or convey inventory during 142927
production or manufacturing. 142928

(59) Documentary services charges imposed pursuant to 142929
section 4517.261 or 4781.24 of the Revised Code. 142930

(60) Sales of children's diapers. 142931

(61) Sales of therapeutic or preventative creams and wipes 142932
marketed primarily for use on the skin of children. 142933

(62) Sales of a child restraint device or booster seat 142934
that meets the national highway traffic safety administration 142935
standard for child restraint systems under 49 C.F.R. 571.213. 142936

(63) Sales of cribs intended to provide sleeping 142937
accommodations for children that comply with the United States 142938
consumer product safety commission's safety standard for full- 142939
size baby cribs under 16 C.F.R. 1219 or the commission's safety 142940
standard for non-full-size baby cribs under 16 C.F.R. 1220. 142941

~~(64) Sales of strollers meant for transporting children 142942~~
~~from infancy to about thirty-six months of age that meet the 142943~~
~~United States consumer product safety commission safety standard 142944~~
~~for carriages and strollers under 16 C.F.R. 1227.2. 142945~~

~~(65) The fee imposed by section 3743.22 of the Revised 142946~~
~~Code, if it is separately stated on the invoice, bill of sale, 142947~~

~~or similar document given by the vendor to the consumer for a~~ 142948
~~retail sale made in this state.~~ 142949

~~(66)~~ Sales of eligible tangible personal property 142950
occurring during the period of a sales tax holiday held pursuant 142951
to section 5739.41 of the Revised Code. 142952

(C) For the purpose of the proper administration of this 142953
chapter, and to prevent the evasion of the tax, it is presumed 142954
that all sales made in this state are subject to the tax until 142955
the contrary is established. 142956

(D) The tax collected by the vendor from the consumer 142957
under this chapter is not part of the price, but is a tax 142958
collection for the benefit of the state, and of counties levying 142959
an additional sales tax pursuant to section 5739.021 or 5739.026 142960
of the Revised Code and of transit authorities levying an 142961
additional sales tax pursuant to section 5739.023 of the Revised 142962
Code. Except for the discount authorized under section 5739.12 142963
of the Revised Code and the effects of any rounding pursuant to 142964
section 5703.055 of the Revised Code, no person other than the 142965
state or such a county or transit authority shall derive any 142966
benefit from the collection or payment of the tax levied by this 142967
section or section 5739.021, 5739.023, or 5739.026 of the 142968
Revised Code. 142969

Sec. 5739.03. (A) Except as provided in section 5739.05 or 142970
section 5739.051 of the Revised Code, the tax imposed by or 142971
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 142972
the Revised Code shall be paid by the consumer to the vendor, 142973
and each vendor shall collect from the consumer, as a trustee 142974
for the state of Ohio, the full and exact amount of the tax 142975
payable on each taxable sale, in the manner and at the times 142976
provided as follows: 142977

(1) If the price is, at or prior to the provision of the 142978
service or the delivery of possession of the thing sold to the 142979
consumer, paid in currency passed from hand to hand by the 142980
consumer or the consumer's agent to the vendor or the vendor's 142981
agent, the vendor or the vendor's agent shall collect the tax 142982
with and at the same time as the price; 142983

(2) If the price is otherwise paid or to be paid, the 142984
vendor or the vendor's agent shall, at or prior to the provision 142985
of the service or the delivery of possession of the thing sold 142986
to the consumer, charge the tax imposed by or pursuant to 142987
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 142988
Code to the account of the consumer, which amount shall be 142989
collected by the vendor from the consumer in addition to the 142990
price. Such sale shall be reported on and the amount of the tax 142991
applicable thereto shall be remitted with the return for the 142992
period in which the sale is made, and the amount of the tax 142993
shall become a legal charge in favor of the vendor and against 142994
the consumer. 142995

(B) (1) (a) If any sale is claimed to be exempt under 142996
division (E) of section 5739.01 of the Revised Code or under 142997
section 5739.02 of the Revised Code, with the exception of 142998
divisions (B) (1) to (11), (28), (48), (55), (59), or ~~(66)~~ (62) of 142999
section 5739.02 of the Revised Code, the consumer must provide 143000
to the vendor, and the vendor must obtain from the consumer, a 143001
certificate specifying the reason that the sale is not legally 143002
subject to the tax. The certificate shall be in such form, and 143003
shall be provided either in a hard copy form or electronic form, 143004
as the tax commissioner prescribes. 143005

(b) A vendor that obtains a fully completed exemption 143006
certificate from a consumer is relieved of liability for 143007

collecting and remitting tax on any sale covered by that 143008
certificate. If it is determined the exemption was improperly 143009
claimed, the consumer shall be liable for any tax due on that 143010
sale under section 5739.02, 5739.021, 5739.023, or 5739.026 or 143011
Chapter 5741. of the Revised Code. Relief under this division 143012
from liability does not apply to any of the following: 143013

(i) A vendor that fraudulently fails to collect tax; 143014

(ii) A vendor that solicits consumers to participate in 143015
the unlawful claim of an exemption; 143016

(iii) A vendor that accepts an exemption certificate from 143017
a consumer that claims an exemption based on who purchases or 143018
who sells property or a service, when the subject of the 143019
transaction sought to be covered by the exemption certificate is 143020
actually received by the consumer at a location operated by the 143021
vendor in this state, and this state has posted to its web site 143022
an exemption certificate form that clearly and affirmatively 143023
indicates that the claimed exemption is not available in this 143024
state; 143025

(iv) A vendor that accepts an exemption certificate from a 143026
consumer who claims a multiple points of use exemption under 143027
division (D) of section 5739.033 of the Revised Code, if the 143028
item purchased is tangible personal property, other than 143029
prewritten computer software. 143030

(2) The vendor shall maintain records, including exemption 143031
certificates, of all sales on which a consumer has claimed an 143032
exemption, and provide them to the tax commissioner on request. 143033

(3) The tax commissioner may establish an identification 143034
system whereby the commissioner issues an identification number 143035
to a consumer that is exempt from payment of the tax. The 143036

consumer must present the number to the vendor, if any sale is 143037
claimed to be exempt as provided in this section. 143038

(4) If no certificate is provided or obtained within 143039
ninety days after the date on which such sale is consummated, it 143040
shall be presumed that the tax applies. Failure to have so 143041
provided or obtained a certificate shall not preclude a vendor, 143042
within one hundred twenty days after the tax commissioner gives 143043
written notice of intent to levy an assessment, from either 143044
establishing that the sale is not subject to the tax, or 143045
obtaining, in good faith, a fully completed exemption 143046
certificate. 143047

(5) Certificates need not be obtained nor provided where 143048
the identity of the consumer is such that the transaction is 143049
never subject to the tax imposed or where the item of tangible 143050
personal property sold or the service provided is never subject 143051
to the tax imposed, regardless of use, or when the sale is in 143052
interstate commerce. 143053

(6) If a transaction is claimed to be exempt under 143054
division (B)(13) of section 5739.02 of the Revised Code, the 143055
contractor shall obtain certification of the claimed exemption 143056
from the contractee. This certification shall be in addition to 143057
an exemption certificate provided by the contractor to the 143058
vendor. A contractee that provides a certification under this 143059
division shall be deemed to be the consumer of all items 143060
purchased by the contractor under the claim of exemption, if it 143061
is subsequently determined that the exemption is not properly 143062
claimed. The certification shall be in such form as the tax 143063
commissioner prescribes. 143064

(7) If a transaction is claimed to be exempt under 143065
division (B)(13) of section 5739.02 of the Revised Code, the 143066

person that leases a sports facility, as defined in section 143067
307.696 of the Revised Code, wholly owned by a county may 143068
provide and sign, on behalf of the county, an exemption 143069
certificate required under this section for that exemption. 143070

(C) As used in this division, "contractee" means a person 143071
who seeks to enter or enters into a contract or agreement with a 143072
contractor or vendor for the construction of real property or 143073
for the sale and installation onto real property of tangible 143074
personal property. 143075

Any contractor or vendor may request from any contractee a 143076
certification of what portion of the property to be transferred 143077
under such contract or agreement is to be incorporated into the 143078
realty and what portion will retain its status as tangible 143079
personal property after installation is completed. The 143080
contractor or vendor shall request the certification by 143081
certified mail delivered to the contractee, return receipt 143082
requested. Upon receipt of such request and prior to entering 143083
into the contract or agreement, the contractee shall provide to 143084
the contractor or vendor a certification sufficiently detailed 143085
to enable the contractor or vendor to ascertain the resulting 143086
classification of all materials purchased or fabricated by the 143087
contractor or vendor and transferred to the contractee. This 143088
requirement applies to a contractee regardless of whether the 143089
contractee holds a direct payment permit under section 5739.031 143090
of the Revised Code or provides to the contractor or vendor an 143091
exemption certificate as provided under this section. 143092

For the purposes of the taxes levied by this chapter and 143093
Chapter 5741. of the Revised Code, the contractor or vendor may 143094
in good faith rely on the contractee's certification. 143095
Notwithstanding division (B) of section 5739.01 of the Revised 143096

Code, if the tax commissioner determines that certain property 143097
certified by the contractee as tangible personal property 143098
pursuant to this division is, in fact, real property, the 143099
contractee shall be considered to be the consumer of all 143100
materials so incorporated into that real property and shall be 143101
liable for the applicable tax, and the contractor or vendor 143102
shall be excused from any liability on those materials. 143103

If a contractee fails to provide such certification upon 143104
the request of the contractor or vendor, the contractor or 143105
vendor shall comply with the provisions of this chapter and 143106
Chapter 5741. of the Revised Code without the certification. If 143107
the tax commissioner determines that such compliance has been 143108
performed in good faith and that certain property treated as 143109
tangible personal property by the contractor or vendor is, in 143110
fact, real property, the contractee shall be considered to be 143111
the consumer of all materials so incorporated into that real 143112
property and shall be liable for the applicable tax, and the 143113
construction contractor or vendor shall be excused from any 143114
liability on those materials. 143115

This division does not apply to any contract or agreement 143116
where the tax commissioner determines as a fact that a 143117
certification under this division was made solely on the 143118
decision or advice of the contractor or vendor. 143119

(D) Notwithstanding division (B) of section 5739.01 of the 143120
Revised Code, whenever the total rate of tax imposed under this 143121
chapter is increased after the date after a construction 143122
contract is entered into, the contractee shall reimburse the 143123
construction contractor for any additional tax paid on tangible 143124
property consumed or services received pursuant to the contract. 143125

(E) A vendor who files a petition for reassessment 143126

contesting the assessment of tax on sales for which the vendor 143127
obtained no valid exemption certificates and for which the 143128
vendor failed to establish that the sales were properly not 143129
subject to the tax during the one-hundred-twenty-day period 143130
allowed under division (B) of this section, may present to the 143131
tax commissioner additional evidence to prove that the sales 143132
were properly subject to a claim of exception or exemption. The 143133
vendor shall file such evidence within ninety days of the 143134
receipt by the vendor of the notice of assessment, except that, 143135
upon application and for reasonable cause, the period for 143136
submitting such evidence shall be extended thirty days. 143137

The commissioner shall consider such additional evidence 143138
in reaching the final determination on the assessment and 143139
petition for reassessment. 143140

(F) Whenever a vendor refunds the price, minus any 143141
separately stated delivery charge, of an item of tangible 143142
personal property on which the tax imposed under this chapter 143143
has been paid, the vendor shall also refund the amount of tax 143144
paid, minus the amount of tax attributable to the delivery 143145
charge. 143146

Sec. 5739.07. (A) When, pursuant to this chapter, a vendor 143147
has paid taxes to the tax commissioner or the commissioner's 143148
agent, the commissioner shall refund to the vendor the amount of 143149
taxes paid, and any penalties assessed with respect to such 143150
taxes, if the vendor has refunded to the consumer the full 143151
amount of taxes the consumer paid illegally or erroneously or if 143152
the vendor has illegally or erroneously billed the consumer but 143153
has not collected the taxes from the consumer. 143154

(B) When, pursuant to this chapter, a consumer has paid 143155
taxes directly to the tax commissioner or the commissioner's 143156

agent, and the payment or assessment was illegal or erroneous, 143157
the commissioner shall refund to the consumer the full amount of 143158
illegal or erroneous taxes paid and any penalties assessed with 143159
respect to such taxes. 143160

(C) The commissioner shall refund to the consumer amounts 143161
paid illegally or erroneously to a vendor only if: 143162

(1) The commissioner has not refunded the tax to the 143163
vendor and the vendor has not refunded the tax to the consumer; 143164
or 143165

(2) The consumer has received a refund from a manufacturer 143166
or other person, other than the vendor, of the full purchase 143167
price, but not the tax, paid to the vendor in settlement of a 143168
complaint by the consumer about the property or service 143169
purchased. 143170

The commissioner may require the consumer to obtain or the 143171
vendor to provide a written statement confirming that the vendor 143172
has not refunded the tax to the consumer and has not filed an 143173
application for refund of the tax with the commissioner. 143174

(D) Subject to division (E) of this section, an 143175
application for refund shall be filed with the tax commissioner 143176
on the form prescribed by the commissioner within four years 143177
from the date of the illegal or erroneous payment, unless the 143178
vendor or consumer waives the time limitation under division (A) 143179
(3) of section 5739.16 of the Revised Code. If the time 143180
limitation is waived, the refund application period shall be 143181
extended for the same period as the waiver. 143182

(E) An application for refund shall be filed in accordance 143183
with division (D) of this section unless a person is subject to 143184
an assessment that is subject to the time limit of division (B) 143185

of section 5703.58 of the Revised Code for amounts not reported 143186
and paid between the four-year time limit described in division 143187
(D) of this section and the seven-year limit described in 143188
division (B) of section 5703.58 of the Revised Code, in which 143189
case the person may file an application within six months after 143190
the date the assessment is issued. Any refund allowed under this 143191
division shall not exceed the amount of the assessment due for 143192
the same period. 143193

(F) On the filing of an application for a refund, the 143194
commissioner shall determine the amount of refund to which the 143195
applicant is entitled. If the amount is not less than that 143196
claimed, the commissioner shall certify that amount to the 143197
director of budget and management and the treasurer of state for 143198
payment from the tax refund fund created by section 5703.052 of 143199
the Revised Code. If the amount is less than that claimed, the 143200
commissioner shall proceed in accordance with section 5703.70 of 143201
the Revised Code. 143202

(G) When a refund is granted under this section, it shall 143203
include interest thereon as provided by section 5739.132 of the 143204
Revised Code, except that no such interest shall be granted when 143205
a refund is granted for illegal or erroneous payments made 143206
pursuant to a direct payment permit issued under section 143207
5739.031 of the Revised Code or division (I) of section 122.175 143208
of the Revised Code. 143209

Sec. 5739.09. (A) (1) A board of county commissioners may, 143210
by resolution adopted by a majority of the members of the board, 143211
levy an excise tax not to exceed three per cent on transactions 143212
by which lodging by a hotel is or is to be furnished to 143213
transient guests. The board shall establish all regulations 143214
necessary to provide for the administration and allocation of 143215

the tax. The regulations may prescribe the time for payment of 143216
the tax, and may provide for the imposition of a penalty or 143217
interest, or both, for late payments, provided that the penalty 143218
does not exceed ten per cent of the amount of tax due, and the 143219
rate at which interest accrues does not exceed the rate per 143220
annum prescribed pursuant to section 5703.47 of the Revised 143221
Code. Except as otherwise provided in this section, the 143222
regulations shall provide, after deducting the real and actual 143223
costs of administering the tax, for the return to each municipal 143224
corporation or township that does not levy an excise tax on the 143225
transactions, a uniform percentage of the tax collected in the 143226
municipal corporation or in the unincorporated portion of the 143227
township from each transaction, not to exceed thirty-three and 143228
one-third per cent. Except as provided in this section, the 143229
remainder of the revenue arising from the tax shall be deposited 143230
in a separate fund and shall be spent either (a) to make 143231
contributions to the convention and visitors' bureau operating 143232
within the county, including a pledge and contribution of any 143233
portion of the remainder pursuant to an agreement authorized by 143234
section 307.678 or 307.695 of the Revised Code or (b) to pay, if 143235
authorized in the regulations, for public safety services in a 143236
resort area designated under section 5739.101 of the Revised 143237
Code. 143238

(2) If the board of county commissioners of an eligible 143239
county as defined in section 307.678 or 307.695 of the Revised 143240
Code adopts a resolution amending a resolution levying a tax 143241
under division (A) of this section to provide that revenue from 143242
the tax shall be used by the board as described in either 143243
division (D) of section 307.678 or division (H) of section 143244
307.695 of the Revised Code, the remainder of the revenue shall 143245
be used as described in the resolution making that amendment. 143246

(3) Except as provided in division (B), (C), (D), (E), 143247
(F), (G), (H), (I), (J), (K), or (Q) of this section, on and 143248
after May 10, 1994, a board of county commissioners may not levy 143249
an excise tax pursuant to division (A) of this section in any 143250
municipal corporation or township located wholly or partly 143251
within the county that has in effect an ordinance or resolution 143252
levying an excise tax pursuant to division (B) of section 143253
5739.08 of the Revised Code. 143254

(4) The board of a county that has levied a tax under 143255
division (M) of this section may, by resolution adopted within 143256
ninety days after July 15, 1985, by a majority of the members of 143257
the board, amend the resolution levying a tax under division (A) 143258
of this section to provide for a portion of that tax to be 143259
pledged and contributed in accordance with an agreement entered 143260
into under section 307.695 of the Revised Code. A tax, any 143261
revenue from which is pledged pursuant to such an agreement, 143262
shall remain in effect at the rate at which it is imposed for 143263
the duration of the period for which the revenue from the tax 143264
has been so pledged. 143265

(5) The board of county commissioners of an eligible 143266
county as defined in section 307.695 of the Revised Code may, by 143267
resolution adopted by a majority of the members of the board, 143268
amend a resolution levying a tax under division (A) of this 143269
section to provide that the revenue from the tax shall be used 143270
by the board as described in division (H) of section 307.695 of 143271
the Revised Code, in which case the tax shall remain in effect 143272
at the rate at which it was imposed for the duration of any 143273
agreement entered into by the board under section 307.695 of the 143274
Revised Code, the duration during which any securities issued by 143275
the board under that section are outstanding, or the duration of 143276
the period during which the board owns a project as defined in 143277

section 307.695 of the Revised Code, whichever duration is 143278
longest. 143279

(6) The board of county commissioners of an eligible 143280
county as defined in section 307.678 of the Revised Code may, by 143281
resolution, amend a resolution levying a tax under division (A) 143282
of this section to provide that revenue from the tax, not to 143283
exceed five hundred thousand dollars each year, may be used as 143284
described in division (E) of section 307.678 of the Revised 143285
Code. 143286

(7) Notwithstanding division (A) of this section, the 143287
board of county commissioners of a county described in division 143288
(H) (1) of this section may, by resolution, amend a resolution 143289
levying a tax under division (A) of this section to provide that 143290
all or a portion of the revenue from the tax, including any 143291
revenue otherwise required to be returned to townships or 143292
municipal corporations under that division, may be used or 143293
pledged for the payment of debt service on securities issued to 143294
pay the costs of constructing, operating, and maintaining sports 143295
facilities described in division (H) (2) of this section. 143296

(8) The board of county commissioners of a county 143297
described in division (I) of this section may, by resolution, 143298
amend a resolution levying a tax under division (A) of this 143299
section to provide that all or a portion of the revenue from the 143300
tax may be used for the purposes described in section 307.679 of 143301
the Revised Code. 143302

(B) A board of county commissioners that levies an excise 143303
tax under division (A) of this section on June 30, 1997, at a 143304
rate of three per cent, and that has pledged revenue from the 143305
tax to an agreement entered into under section 307.695 of the 143306
Revised Code or, in the case of the board of county 143307

commissioners of an eligible county as defined in section 143308
307.695 of the Revised Code, has amended a resolution levying a 143309
tax under division (M) of this section to provide that proceeds 143310
from the tax shall be used by the board as described in division 143311
(H) of section 307.695 of the Revised Code, may, at any time by 143312
a resolution adopted by a majority of the members of the board, 143313
amend the resolution levying a tax under division (A) of this 143314
section to provide for an increase in the rate of that tax up to 143315
seven per cent on each transaction; to provide that revenue from 143316
the increase in the rate shall be used as described in division 143317
(H) of section 307.695 of the Revised Code or be spent solely to 143318
make contributions to the convention and visitors' bureau 143319
operating within the county to be used specifically for 143320
promotion, advertising, and marketing of the region in which the 143321
county is located; and to provide that the rate in excess of the 143322
three per cent levied under division (A) of this section shall 143323
remain in effect at the rate at which it is imposed for the 143324
duration of the period during which any agreement is in effect 143325
that was entered into under section 307.695 of the Revised Code 143326
by the board of county commissioners levying a tax under 143327
division (A) of this section, the duration of the period during 143328
which any securities issued by the board under division (I) of 143329
section 307.695 of the Revised Code are outstanding, or the 143330
duration of the period during which the board owns a project as 143331
defined in section 307.695 of the Revised Code, whichever 143332
duration is longest. The amendment also shall provide that no 143333
portion of that revenue need be returned to townships or 143334
municipal corporations as would otherwise be required under 143335
division (A) of this section. 143336

(C) (1) As used in division (C) of this section, "cost" and 143337
"facility" have the same meanings as in section 351.01 of the 143338

Revised Code, and "convention center" has the same meaning as in 143339
section 307.695 of the Revised Code. 143340

(2) A board of county commissioners that levies a tax 143341
under division (A) of this section on March 18, 1999, at a rate 143342
of three per cent may, by resolution adopted not later than 143343
forty-five days after March 18, 1999, amend the resolution 143344
levying the tax to provide for all of the following: 143345

(a) That the rate of the tax shall be increased by not 143346
more than an additional four per cent on each transaction; 143347

(b) That all of the revenue from the increase in the rate 143348
shall be pledged and contributed to a convention facilities 143349
authority established by the board of county commissioners under 143350
Chapter 351. of the Revised Code on or before November 15, 1998, 143351
and used to pay costs of constructing, maintaining, operating, 143352
and promoting a facility in the county, including paying bonds, 143353
or notes issued in anticipation of bonds, as provided by that 143354
chapter; 143355

(c) That no portion of the revenue arising from the 143356
increase in rate need be returned to municipal corporations or 143357
townships as otherwise required under division (A) of this 143358
section; 143359

(d) That the increase in rate shall not be subject to 143360
diminution by initiative or referendum or by law while any 143361
bonds, or notes in anticipation of bonds, issued by the 143362
authority under Chapter 351. of the Revised Code to which the 143363
revenue is pledged, remain outstanding in accordance with their 143364
terms, unless provision is made by law or by the board of county 143365
commissioners for an adequate substitute therefor that is 143366
satisfactory to the trustee if a trust agreement secures the 143367

bonds. 143368

(3) Division (C) of this section does not apply to the 143369
board of county commissioners of any county in which a 143370
convention center or facility exists or is being constructed on 143371
November 15, 1998, or of any county in which a convention 143372
facilities authority levies a tax pursuant to section 351.021 of 143373
the Revised Code on that date. 143374

(D) (1) As used in division (D) of this section, "cost" has 143375
the same meaning as in section 351.01 of the Revised Code, and 143376
"convention center" has the same meaning as in section 307.695 143377
of the Revised Code. 143378

(2) A board of county commissioners that levies a tax 143379
under division (A) of this section on June 30, 2002, at a rate 143380
of three per cent may, by resolution adopted not later than 143381
September 30, 2002, amend the resolution levying the tax to 143382
provide for all of the following: 143383

(a) That the rate of the tax shall be increased by not 143384
more than an additional three and one-half per cent on each 143385
transaction; 143386

(b) That all of the revenue from the increase in rate 143387
shall be pledged and contributed to a convention facilities 143388
authority established by the board of county commissioners under 143389
Chapter 351. of the Revised Code on or before May 15, 2002, and 143390
be used to pay costs of constructing, expanding, maintaining, 143391
operating, or promoting a convention center in the county, 143392
including paying bonds, or notes issued in anticipation of 143393
bonds, as provided by that chapter; 143394

(c) That no portion of the revenue arising from the 143395
increase in rate need be returned to municipal corporations or 143396

townships as otherwise required under division (A) of this 143397
section; 143398

(d) That the increase in rate shall not be subject to 143399
diminution by initiative or referendum or by law while any 143400
bonds, or notes in anticipation of bonds, issued by the 143401
authority under Chapter 351. of the Revised Code to which the 143402
revenue is pledged, remain outstanding in accordance with their 143403
terms, unless provision is made by law or by the board of county 143404
commissioners for an adequate substitute therefor that is 143405
satisfactory to the trustee if a trust agreement secures the 143406
bonds. 143407

(3) Any board of county commissioners that, pursuant to 143408
division (D) (2) of this section, has amended a resolution 143409
levying the tax authorized by division (A) of this section may 143410
further amend the resolution to provide that the revenue 143411
referred to in division (D) (2) (b) of this section shall be 143412
pledged and contributed both to a convention facilities 143413
authority to pay the costs of constructing, expanding, 143414
maintaining, or operating one or more convention centers in the 143415
county, including paying bonds, or notes issued in anticipation 143416
of bonds, as provided in Chapter 351. of the Revised Code, and 143417
to a convention and visitors' bureau to pay the costs of 143418
promoting one or more convention centers in the county. 143419

(4) A county having a population of seven hundred thousand 143420
or less may not levy the increased rate described in division 143421
(D) (2) of this section on or after the first day of the first 143422
month beginning after the effective date of this amendment. 143423

(E) (1) As used in division (E) of this section: 143424

(a) "Port authority" means a port authority created under 143425

Chapter 4582. of the Revised Code. 143426

(b) "Port authority military-use facility" means port 143427
authority facilities on which or adjacent to which is located an 143428
installation of the armed forces of the United States, a reserve 143429
component thereof, or the national guard and at least part of 143430
which is made available for use, for consideration, by the armed 143431
forces of the United States, a reserve component thereof, or the 143432
national guard. 143433

(2) For the purpose of contributing revenue to pay 143434
operating expenses of a port authority that operates a port 143435
authority military-use facility, the board of county 143436
commissioners of a county that created, participated in the 143437
creation of, or has joined such a port authority may do one or 143438
both of the following: 143439

(a) Amend a resolution previously adopted under division 143440
(A) of this section to designate some or all of the revenue from 143441
the tax levied under the resolution to be used for that purpose, 143442
notwithstanding that division; 143443

(b) Amend a resolution previously adopted under division 143444
(A) of this section to increase the rate of the tax by not more 143445
than an additional two per cent and use the revenue from the 143446
increase exclusively for that purpose. 143447

(3) If a board of county commissioners amends a resolution 143448
to increase the rate of a tax as authorized in division (E) (2) 143449
(b) of this section, the board also may amend the resolution to 143450
specify that the increase in rate of the tax does not apply to 143451
"hotels," as otherwise defined in section 5739.01 of the Revised 143452
Code, having fewer rooms used for the accommodation of guests 143453
than a number of rooms specified by the board. 143454

(F) (1) A board of county commissioners of a county 143455
organized under a county charter adopted pursuant to Article X, 143456
Section 3, Ohio Constitution, and that levies an excise tax 143457
under division (A) of this section at a rate of three per cent 143458
and levies an additional excise tax under division (O) of this 143459
section at a rate of one and one-half per cent may, by 143460
resolution adopted not later than January 1, 2008, by a majority 143461
of the members of the board, amend the resolution levying a tax 143462
under division (A) of this section to provide for an increase in 143463
the rate of that tax by not more than an additional one per cent 143464
on transactions by which lodging by a hotel is or is to be 143465
furnished to transient guests. Notwithstanding divisions (A) and 143466
(O) of this section, the resolution shall provide that all of 143467
the revenue from the increase in rate, after deducting the real 143468
and actual costs of administering the tax, shall be used to pay 143469
the costs of improving, expanding, equipping, financing, or 143470
operating a convention center by a convention and visitors' 143471
bureau in the county. 143472

(2) The increase in rate shall remain in effect for the 143473
period specified in the resolution, not to exceed ten years, and 143474
may be extended for an additional period of time not to exceed 143475
ten years thereafter by a resolution adopted by a majority of 143476
the members of the board. 143477

(3) The increase in rate shall be subject to the 143478
regulations adopted under division (A) of this section, except 143479
that the resolution may provide that no portion of the revenue 143480
from the increase in the rate shall be returned to townships or 143481
municipal corporations as would otherwise be required under that 143482
division. 143483

(G) (1) Division (G) of this section applies only to a 143484

county with a population greater than sixty-five thousand and 143485
less than seventy thousand according to the most recent federal 143486
decennial census and in which, on December 31, 2006, an excise 143487
tax is levied under division (A) of this section at a rate not 143488
less than and not greater than three per cent, and in which the 143489
most recent increase in the rate of that tax was enacted or took 143490
effect in November 1984. 143491

(2) The board of county commissioners of a county to which 143492
division (G) of this section applies, by resolution adopted by a 143493
majority of the members of the board, may increase the rate of 143494
the tax by not more than one per cent on transactions by which 143495
lodging by a hotel is or is to be furnished to transient guests. 143496
The increase in rate shall be for the purpose of paying expenses 143497
deemed necessary by the convention and visitors' bureau 143498
operating in the county to promote travel and tourism. 143499

(3) The increase in rate shall remain in effect for the 143500
period specified in the resolution, not to exceed twenty years, 143501
provided that the increase in rate may not continue beyond the 143502
time when the purpose for which the increase is levied ceases to 143503
exist. If revenue from the increase in rate is pledged to the 143504
payment of debt charges on securities, the increase in rate is 143505
not subject to diminution by initiative or referendum or by law 143506
for so long as the securities are outstanding, unless provision 143507
is made by law or by the board of county commissioners for an 143508
adequate substitute for that revenue that is satisfactory to the 143509
trustee if a trust agreement secures payment of the debt 143510
charges. 143511

(4) The increase in rate shall be subject to the 143512
regulations adopted under division (A) of this section, except 143513
that the resolution may provide that no portion of the revenue 143514

from the increase in the rate shall be returned to townships or 143515
municipal corporations as would otherwise be required under 143516
division (A) of this section. 143517

(5) A resolution adopted under division (G) of this 143518
section is subject to referendum under sections 305.31 to 305.99 143519
of the Revised Code. 143520

(H) (1) Division (H) of this section applies only to a 143521
county satisfying all of the following: 143522

(a) The population of the county is greater than one 143523
hundred seventy-five thousand and less than two hundred twenty- 143524
five thousand according to the most recent federal decennial 143525
census. 143526

(b) An amusement park with an average yearly attendance in 143527
excess of two million guests is located in the county. 143528

(c) On December 31, 2014, an excise tax was levied in the 143529
county under division (A) of this section at a rate of three per 143530
cent. 143531

(2) The board of county commissioners of a county to which 143532
division (H) of this section applies, by resolution adopted by a 143533
majority of the members of the board, may increase the rate of 143534
the tax by not more than one per cent on transactions by which 143535
lodging by a hotel is or is to be furnished to transient guests. 143536
The increase in rate shall be used to pay the costs of 143537
constructing and maintaining facilities owned by the county or 143538
by a port authority created under Chapter 4582. of the Revised 143539
Code, and designed to host sporting events and expenses deemed 143540
necessary by the convention and visitors' bureau operating in 143541
the county to promote travel and tourism with reference to the 143542
sports facilities, and to pay or pledge to the payment of debt 143543

service on securities issued to pay the costs of constructing, 143544
operating, and maintaining the sports facilities. 143545

(3) The increase in rate shall remain in effect for the 143546
period specified in the resolution. If revenue from the increase 143547
in rate is pledged to the payment of debt charges on securities, 143548
the increase in rate is not subject to diminution by initiative 143549
or referendum or by law for so long as the securities are 143550
outstanding, unless provision is made by law or by the board of 143551
county commissioners for an adequate substitute for that revenue 143552
that is satisfactory to the trustee if a trust agreement secures 143553
payment of the debt charges. 143554

(4) The increase in rate shall be subject to the 143555
regulations adopted under division (A) of this section, except 143556
that the resolution may provide that no portion of the revenue 143557
from the increase in the rate shall be returned to townships or 143558
municipal corporations as would otherwise be required under 143559
division (A) of this section. 143560

(I) (1) The board of county commissioners of a county with 143561
a population greater than seventy-five thousand and less than 143562
seventy-eight thousand, by resolution adopted by a majority of 143563
the members of the board not later than October 15, 2015, may 143564
increase the rate of the tax by not more than one per cent on 143565
transactions by which lodging by a hotel is or is to be 143566
furnished to transient guests. The increase in rate shall be for 143567
the purposes described in section 307.679 of the Revised Code or 143568
for the promotion of travel and tourism in the county, including 143569
travel and tourism to sports facilities. 143570

(2) The increase in rate shall remain in effect for the 143571
period specified in the resolution and as necessary to fulfill 143572
the county's obligations under a cooperative agreement entered 143573

into under section 307.679 of the Revised Code. If the 143574
resolution is adopted by the board before September 29, 2015, 143575
but after that enactment becomes law, the increase in rate shall 143576
become effective beginning on September 29, 2015. If revenue 143577
from the increase in rate is pledged to the payment of debt 143578
charges on securities, or to substitute for other revenues 143579
pledged to the payment of such debt, the increase in rate is not 143580
subject to diminution by initiative or referendum or by law for 143581
so long as the securities are outstanding, unless provision is 143582
made by law or by the board of county commissioners for an 143583
adequate substitute for that revenue that is satisfactory to the 143584
trustee if a trust agreement secures payment of the debt 143585
charges. 143586

(3) The increase in rate shall be subject to the 143587
regulations adopted under division (A) of this section, except 143588
that no portion of the revenue from the increase in the rate 143589
shall be returned to townships or municipal corporations as 143590
would otherwise be required under division (A) of this section. 143591

(J) (1) Division (J) of this section applies only to 143592
counties satisfying either of the following: 143593

(a) A county that, on July 1, 2015, does not levy an 143594
excise tax under division (A) of this section and that has a 143595
population of at least thirty-nine thousand but not more than 143596
forty thousand according to the 2010 federal decennial census; 143597

(b) A county that, on July 1, 2015, levies an excise tax 143598
under division (A) of this section at a rate of three per cent 143599
and that has a population of at least seventy-one thousand but 143600
not more than seventy-five thousand according to 2010 federal 143601
decennial census. 143602

(2) The board of county commissioners of a county to which 143603
division (J) of this section applies, by resolution adopted by a 143604
majority of the members of the board, may levy an excise tax at 143605
a rate not to exceed three per cent on transactions by which 143606
lodging by a hotel is or is to be furnished to transient guests 143607
for the purpose of acquiring, constructing, equipping, or 143608
repairing permanent improvements, as defined in section 133.01 143609
of the Revised Code. 143610

(3) If the board does not levy a tax under division (A) of 143611
this section, the board shall establish regulations necessary to 143612
provide for the administration of the tax, which may prescribe 143613
the time for payment of the tax and the imposition of penalty or 143614
interest subject to the limitations on penalty and interest 143615
provided in division (A) of this section. No portion of the 143616
revenue shall be returned to townships or municipal corporations 143617
in the county unless otherwise provided by resolution of the 143618
board. 143619

(4) The tax shall apply throughout the territory of the 143620
county, including in any township or municipal corporation 143621
levying an excise tax under division (A) or (B) of section 143622
5739.08 of the Revised Code. The levy of the tax is subject to 143623
referendum as provided under section 305.31 of the Revised Code. 143624

(5) The tax shall remain in effect for the period 143625
specified in the resolution. If revenue from the increase in 143626
rate is pledged to the payment of debt charges on securities, 143627
the increase in rate is not subject to diminution by initiative 143628
or referendum or by law for so long as the securities are 143629
outstanding unless provision is made by law or by the board for 143630
an adequate substitute for that revenue that is satisfactory to 143631
the trustee if a trust agreement secures payment of the debt 143632

charges. 143633

(K) (1) The board of county commissioners of an eligible 143634
county, as defined in section 307.678 of the Revised Code, that 143635
levies an excise tax under division (A) of this section on July 143636
1, 2017, at a rate of three per cent may, by resolution adopted 143637
by a majority of the members of the board, amend the resolution 143638
levying the tax to increase the rate of the tax by not more than 143639
an additional three per cent on each transaction. 143640

(2) No portion of the revenue shall be returned to 143641
townships or municipal corporations in the county unless 143642
otherwise provided by resolution of the board. Otherwise, the 143643
revenue from the increase in the rate shall be distributed and 143644
used in the same manner described under division (A) of this 143645
section or distributed or used to provide credit enhancement 143646
facilities as authorized under section 307.678 of the Revised 143647
Code. 143648

(3) The increase in rate shall remain in effect for the 143649
period specified in the resolution. If revenue from the increase 143650
in rate is pledged to the payment of debt charges on securities, 143651
the increase in rate is not subject to diminution by initiative 143652
or referendum or by law for so long as the securities are 143653
outstanding unless provision is made by law or by the board for 143654
an adequate substitute for that revenue that is satisfactory to 143655
the trustee if a trust agreement secures payment of the debt 143656
charges. 143657

(L) (1) As used in division (L) of this section: 143658

(a) "Eligible county" means a county that has a population 143659
greater than one hundred ninety thousand and less than two 143660
hundred thousand according to the 2010 federal decennial census 143661

and that levies an excise tax under division (A) of this section 143662
at a rate of three per cent. 143663

(b) "Professional sports facility" means a sports facility 143664
that is intended to house major or minor league professional 143665
athletic teams, including a stadium, together with all parking 143666
facilities, walkways, and other auxiliary facilities, real and 143667
personal property, property rights, easements, and interests 143668
that may be appropriate for, or used in connection with, the 143669
operation of the facility. 143670

(2) Subject to division (L)(3) of this section, the board 143671
of county commissioners of an eligible county, by resolution 143672
adopted by a majority of the members of the board, may increase 143673
the rate of the tax by not more than one per cent on 143674
transactions by which lodging by a hotel is or is to be 143675
furnished to transient guests. Revenue from the increase in rate 143676
shall be used for the purposes of paying the costs of 143677
constructing, improving, and maintaining a professional sports 143678
facility in the county and paying expenses considered necessary 143679
by the convention and visitors' bureau operating in the county 143680
to promote travel and tourism with respect to that professional 143681
sports facility. The tax shall take effect only after the 143682
convention and visitors' bureau enters into a contract for the 143683
construction, improvement, or maintenance of a professional 143684
sports facility that is or will be located on property acquired, 143685
in whole or in part, with revenue from the increased rate, and 143686
thereafter shall remain in effect for the period specified in 143687
the resolution. If revenue from the increase in rate is pledged 143688
to the payment of debt charges on securities, the increase in 143689
rate is not subject to diminution by initiative or referendum or 143690
by law for so long as the securities are outstanding, unless a 143691
provision is made by law or by the board of county commissioners 143692

for an adequate substitute for that revenue that is satisfactory 143693
to the trustee if a trust agreement secures payment of the debt 143694
charges. The increase in rate shall be subject to the 143695
regulations adopted under division (A) of this section, except 143696
that the resolution may provide that no portion of the revenue 143697
from the increase in the rate shall be returned to townships or 143698
municipal corporations as would otherwise be required under 143699
division (A) of this section. 143700

(3) If, on December 31, 2019, the convention and visitors' 143701
bureau has not entered into a contract for the construction, 143702
improvement, or maintenance of a professional sports facility 143703
that is or will be located on property acquired, in whole or in 143704
part, with revenue from the increased rate, the authority to 143705
levy the tax under division (L) (2) of this section is hereby 143706
repealed on that date. 143707

(M) (1) For the purposes described in section 307.695 of 143708
the Revised Code and to cover the costs of administering the 143709
tax, a board of county commissioners of a county where a tax 143710
imposed under division (A) of this section is in effect may, by 143711
resolution adopted within ninety days after July 15, 1985, by a 143712
majority of the members of the board, levy an additional excise 143713
tax not to exceed three per cent on transactions by which 143714
lodging by a hotel is or is to be furnished to transient guests. 143715
The tax authorized by division (M) of this section shall be in 143716
addition to any tax that is levied pursuant to divisions (A) to 143717
(L) of this section, but it shall not apply to transactions 143718
subject to a tax levied by a municipal corporation or township 143719
pursuant to section 5739.08 of the Revised Code. 143720

(2) The board shall establish all regulations necessary to 143721
provide for the administration and allocation of the tax. The 143722

regulations may prescribe the time for payment of the tax, and 143723
may provide for the imposition of a penalty or interest, or 143724
both, for late payments, provided that the penalty does not 143725
exceed ten per cent of the amount of tax due, and the rate at 143726
which interest accrues does not exceed the rate per annum 143727
prescribed pursuant to section 5703.47 of the Revised Code. 143728

(3) All revenues arising from the tax shall be expended in 143729
accordance with section 307.695 of the Revised Code. The board 143730
of county commissioners of an eligible county as defined in 143731
section 307.695 of the Revised Code may, by resolution adopted 143732
by a majority of the members of the board, amend the resolution 143733
levying a tax under this division to provide that the revenue 143734
from the tax shall be used by the board as described in division 143735
(H) of section 307.695 of the Revised Code. 143736

(4) A tax imposed under this division shall remain in 143737
effect at the rate at which it is imposed for the duration of 143738
the period during which any agreement entered into by the board 143739
under section 307.695 of the Revised Code is in effect, the 143740
duration of the period during which any securities issued by the 143741
board under division (I) of section 307.695 of the Revised Code 143742
are outstanding, or the duration of the period during which the 143743
board owns a project as defined in section 307.695 of the 143744
Revised Code, whichever duration is longest. 143745

(N) (1) For the purpose of providing contributions under 143746
division (B) (1) of section 307.671 of the Revised Code to enable 143747
the acquisition, construction, and equipping of a port authority 143748
educational and cultural facility in the county and, to the 143749
extent provided for in the cooperative agreement authorized by 143750
that section, for the purpose of paying debt service charges on 143751
bonds, or notes in anticipation of bonds, described in division 143752

(B) (1) (b) of that section, a board of county commissioners, by 143753
resolution adopted within ninety days after December 22, 1992, 143754
by a majority of the members of the board, may levy an 143755
additional excise tax not to exceed one and one-half per cent on 143756
transactions by which lodging by a hotel is or is to be 143757
furnished to transient guests. The excise tax authorized by 143758
division (N) of this section shall be in addition to any tax 143759
that is levied pursuant to divisions (A) to (M) of this section, 143760
to any excise tax levied pursuant to section 5739.08 of the 143761
Revised Code, and to any excise tax levied pursuant to section 143762
351.021 of the Revised Code. 143763

(2) The board of county commissioners shall establish all 143764
regulations necessary to provide for the administration and 143765
allocation of the tax that are not inconsistent with this 143766
section or section 307.671 of the Revised Code. The regulations 143767
may prescribe the time for payment of the tax, and may provide 143768
for the imposition of a penalty or interest, or both, for late 143769
payments, provided that the penalty does not exceed ten per cent 143770
of the amount of tax due, and the rate at which interest accrues 143771
does not exceed the rate per annum prescribed pursuant to 143772
section 5703.47 of the Revised Code. 143773

(3) All revenues arising from the tax shall be expended in 143774
accordance with section 307.671 of the Revised Code and division 143775
(N) of this section. The levy of a tax imposed under division 143776
(N) of this section may not commence prior to the first day of 143777
the month next following the execution of the cooperative 143778
agreement authorized by section 307.671 of the Revised Code by 143779
all parties to that agreement. 143780

(4) The tax shall remain in effect at the rate at which it 143781
is imposed for the period of time described in division (C) of 143782

section 307.671 of the Revised Code for which the revenue from 143783
the tax has been pledged by the county to the corporation 143784
pursuant to that section, but, to any extent provided for in the 143785
cooperative agreement, for no lesser period than the period of 143786
time required for payment of the debt service charges on bonds, 143787
or notes in anticipation of bonds, described in division (B)(1) 143788
(b) of that section. 143789

(O) (1) For the purpose of paying the costs of acquiring, 143790
constructing, equipping, and improving a municipal educational 143791
and cultural facility, including debt service charges on bonds 143792
provided for in division (B) of section 307.672 of the Revised 143793
Code, and for any additional purposes determined by the county 143794
in the resolution levying the tax or amendments to the 143795
resolution, including subsequent amendments providing for paying 143796
costs of acquiring, constructing, renovating, rehabilitating, 143797
equipping, and improving a port authority educational and 143798
cultural performing arts facility, as defined in section 307.674 143799
of the Revised Code, and including debt service charges on bonds 143800
provided for in division (B) of section 307.674 of the Revised 143801
Code, the legislative authority of a county, by resolution 143802
adopted within ninety days after June 30, 1993, by a majority of 143803
the members of the legislative authority, may levy an additional 143804
excise tax not to exceed one and one-half per cent on 143805
transactions by which lodging by a hotel is or is to be 143806
furnished to transient guests. The excise tax authorized by 143807
division (O) of this section shall be in addition to any tax 143808
that is levied pursuant to divisions (A) to (N) of this section, 143809
to any excise tax levied pursuant to section 5739.08 of the 143810
Revised Code, and to any excise tax levied pursuant to section 143811
351.021 of the Revised Code. 143812

(2) The legislative authority of the county shall 143813

establish all regulations necessary to provide for the 143814
administration and allocation of the tax. The regulations may 143815
prescribe the time for payment of the tax, and may provide for 143816
the imposition of a penalty or interest, or both, for late 143817
payments, provided that the penalty does not exceed ten per cent 143818
of the amount of tax due, and the rate at which interest accrues 143819
does not exceed the rate per annum prescribed pursuant to 143820
section 5703.47 of the Revised Code. 143821

(3) All revenues arising from the tax shall be expended in 143822
accordance with section 307.672 of the Revised Code and this 143823
division. The levy of a tax imposed under this division shall 143824
not commence prior to the first day of the month next following 143825
the execution of the cooperative agreement authorized by section 143826
307.672 of the Revised Code by all parties to that agreement. 143827
The tax shall remain in effect at the rate at which it is 143828
imposed for the period of time determined by the legislative 143829
authority of the county. That period of time shall not exceed 143830
fifteen years, except that the legislative authority of a county 143831
with a population of less than two hundred fifty thousand 143832
according to the most recent federal decennial census, by 143833
resolution adopted by a majority of its members before the 143834
original tax or any extension thereof expires, may extend the 143835
duration of the tax for an additional period of time. The 143836
additional period of time by which a legislative authority 143837
extends a tax levied under division (O) of this section shall 143838
not exceed fifteen years. 143839

(P) (1) The legislative authority of a county that has 143840
levied a tax under division (O) of this section may, by 143841
resolution adopted within one hundred eighty days after January 143842
4, 2001, by a majority of the members of the legislative 143843
authority, amend the resolution levying a tax under that 143844

division to provide for the use of the proceeds of that tax, to 143845
the extent that it is no longer needed for its original purpose 143846
as determined by the parties to a cooperative agreement 143847
amendment pursuant to division (D) of section 307.672 of the 143848
Revised Code, to pay costs of acquiring, constructing, 143849
renovating, rehabilitating, equipping, and improving a port 143850
authority educational and cultural performing arts facility, 143851
including debt service charges on bonds provided for in division 143852
(B) of section 307.674 of the Revised Code, and to pay all 143853
obligations under any guaranty agreements, reimbursement 143854
agreements, or other credit enhancement agreements described in 143855
division (C) of section 307.674 of the Revised Code. 143856

(2) The resolution may also provide for the extension of 143857
the tax at the same rate for the longer of the period of time 143858
determined by the legislative authority of the county, but not 143859
to exceed an additional twenty-five years, or the period of time 143860
required to pay all debt service charges on bonds provided for 143861
in division (B) of section 307.672 of the Revised Code and on 143862
port authority revenue bonds provided for in division (B) of 143863
section 307.674 of the Revised Code. 143864

(3) All revenues arising from the amendment and extension 143865
of the tax shall be expended in accordance with section 307.674 143866
of the Revised Code and divisions (O) and (P) of this section. 143867

(Q) (1) As used in division (Q) of this section: 143868

(a) "Convention facilities authority" has the same meaning 143869
as in section 351.01 of the Revised Code. 143870

(b) "Convention center" has the same meaning as in section 143871
307.695 of the Revised Code. 143872

(2) Notwithstanding any contrary provision of division (N) 143873

of this section, the legislative authority of a county with a 143874
population of one million or more according to the most recent 143875
federal decennial census that has levied a tax under division 143876
(N) of this section may, by resolution adopted by a majority of 143877
the members of the legislative authority, provide for the 143878
extension of such levy and may provide that the proceeds of that 143879
tax, to the extent that they are no longer needed for their 143880
original purpose as defined by a cooperative agreement entered 143881
into under section 307.671 of the Revised Code, shall be 143882
deposited into the county general revenue fund. The resolution 143883
shall provide for the extension of the tax at a rate not to 143884
exceed the rate specified in division (N) of this section for a 143885
period of time determined by the legislative authority of the 143886
county, but not to exceed an additional forty years. 143887

(3) The legislative authority of a county with a 143888
population of one million or more that has levied a tax under 143889
division (A) of this section may, by resolution adopted by a 143890
majority of the members of the legislative authority, increase 143891
the rate of the tax levied by such county under division (A) of 143892
this section to a rate not to exceed five per cent on 143893
transactions by which lodging by a hotel is or is to be 143894
furnished to transient guests. Notwithstanding any contrary 143895
provision of division (A) of this section, the resolution may 143896
provide that all collections resulting from the rate levied in 143897
excess of three per cent, after deducting the real and actual 143898
costs of administering the tax, shall be deposited in the county 143899
general fund. 143900

(4) The legislative authority of a county with a 143901
population of one million or more that has levied a tax under 143902
division (A) of this section may, by resolution adopted on or 143903
before August 30, 2004, by a majority of the members of the 143904

legislative authority, provide that all or a portion of the 143905
proceeds of the tax levied under division (A) of this section, 143906
after deducting the real and actual costs of administering the 143907
tax and the amounts required to be returned to townships and 143908
municipal corporations with respect to the first three per cent 143909
levied under division (A) of this section, shall be deposited in 143910
the county general fund, provided that such proceeds shall be 143911
used to satisfy any pledges made in connection with an agreement 143912
entered into under section 307.695 of the Revised Code. 143913

(5) No amount collected from a tax levied, extended, or 143914
required to be deposited in the county general fund under 143915
division (Q) of this section shall be contributed to a 143916
convention facilities authority, corporation, or other entity 143917
created after July 1, 2003, for the principal purpose of 143918
constructing, improving, expanding, equipping, financing, or 143919
operating a convention center unless the mayor of the municipal 143920
corporation in which the convention center is to be operated by 143921
that convention facilities authority, corporation, or other 143922
entity has consented to the creation of that convention 143923
facilities authority, corporation, or entity. Notwithstanding 143924
any contrary provision of section 351.04 of the Revised Code, if 143925
a tax is levied by a county under division (Q) of this section, 143926
the board of county commissioners of that county may determine 143927
the manner of selection, the qualifications, the number, and 143928
terms of office of the members of the board of directors of any 143929
convention facilities authority, corporation, or other entity 143930
described in division (Q) (5) of this section. 143931

(6) (a) No amount collected from a tax levied, extended, or 143932
required to be deposited in the county general fund under 143933
division (Q) of this section may be used for any purpose other 143934
than paying the direct and indirect costs of constructing, 143935

improving, expanding, equipping, financing, or operating a 143936
convention center and for the real and actual costs of 143937
administering the tax, unless, prior to the adoption of the 143938
resolution of the legislative authority of the county 143939
authorizing the levy, extension, increase, or deposit, the 143940
county and the mayor of the most populous municipal corporation 143941
in that county have entered into an agreement as to the use of 143942
such amounts, provided that such agreement has been approved by 143943
a majority of the mayors of the other municipal corporations in 143944
that county. The agreement shall provide that the amounts to be 143945
used for purposes other than paying the convention center or 143946
administrative costs described in division (Q) (6) (a) of this 143947
section be used only for the direct and indirect costs of 143948
capital improvements, including the financing of capital 143949
improvements, except that the agreement may subsequently be 143950
amended by the parties that have entered into that agreement to 143951
authorize such amounts to instead be used for any costs related 143952
to the promotion or support of tourism or tourism-related 143953
programs. 143954

(b) If the county in which the tax is levied has an 143955
association of mayors and city managers, the approval of that 143956
association of an agreement described in division (Q) (6) (a) of 143957
this section shall be considered to be the approval of the 143958
majority of the mayors of the other municipal corporations for 143959
purposes of that division. 143960

(7) Each year, the auditor of state shall conduct an audit 143961
of the uses of any amounts collected from taxes levied, 143962
extended, or deposited under division (Q) of this section and 143963
shall prepare a report of the auditor of state's findings. The 143964
auditor of state shall submit the report to the legislative 143965
authority of the county that has levied, extended, or deposited 143966

the tax, the speaker of the house of representatives, the 143967
president of the senate, and the leaders of the minority parties 143968
of the house of representatives and the senate. 143969

(R) (1) As used in division (R) of this section: 143970

(a) "Convention facilities authority" has the same meaning 143971
as in section 351.01 of the Revised Code. 143972

(b) "Convention center" has the same meaning as in section 143973
307.695 of the Revised Code. 143974

(2) Notwithstanding any contrary provision of division (N) 143975
of this section, the legislative authority of a county with a 143976
population of one million two hundred thousand or more according 143977
to the most recent federal decennial census or the most recent 143978
annual population estimate published or released by the United 143979
States census bureau at the time the resolution is adopted 143980
placing the levy on the ballot, that has levied a tax under 143981
division (N) of this section may, by resolution adopted by a 143982
majority of the members of the legislative authority, provide 143983
for the extension of such levy and may provide that the proceeds 143984
of that tax, to the extent that the proceeds are no longer 143985
needed for their original purpose as defined by a cooperative 143986
agreement entered into under section 307.671 of the Revised Code 143987
and after deducting the real and actual costs of administering 143988
the tax, shall be used for paying the direct and indirect costs 143989
of constructing, improving, expanding, equipping, financing, or 143990
operating a convention center. The resolution shall provide for 143991
the extension of the tax at a rate not to exceed the rate 143992
specified in division (N) of this section for a period of time 143993
determined by the legislative authority of the county, but not 143994
to exceed an additional forty years. 143995

(3) The legislative authority of a county with a 143996
population of one million two hundred thousand or more that has 143997
levied a tax under division (A) of this section may, by 143998
resolution adopted by a majority of the members of the 143999
legislative authority, increase the rate of the tax levied by 144000
such county under division (A) of this section to a rate not to 144001
exceed five per cent on transactions by which lodging by a hotel 144002
is or is to be furnished to transient guests. Notwithstanding 144003
any contrary provision of division (A) of this section, the 144004
resolution shall provide that all collections resulting from the 144005
rate levied in excess of three per cent, after deducting the 144006
real and actual costs of administering the tax, shall be used 144007
for paying the direct and indirect costs of constructing, 144008
improving, expanding, equipping, financing, or operating a 144009
convention center. 144010

(4) The legislative authority of a county with a 144011
population of one million two hundred thousand or more that has 144012
levied a tax under division (A) of this section may, by 144013
resolution adopted on or before July 1, 2008, by a majority of 144014
the members of the legislative authority, provide that all or a 144015
portion of the proceeds of the tax levied under division (A) of 144016
this section, after deducting the real and actual costs of 144017
administering the tax and the amounts required to be returned to 144018
townships and municipal corporations with respect to the first 144019
three per cent levied under division (A) of this section, shall 144020
be used to satisfy any pledges made in connection with an 144021
agreement entered into under section 307.695 of the Revised Code 144022
or shall otherwise be used for paying the direct and indirect 144023
costs of constructing, improving, expanding, equipping, 144024
financing, or operating a convention center. 144025

(5) Any amount collected from a tax levied or extended 144026

under division (R) of this section may be contributed to a 144027
convention facilities authority created before July 1, 2005, but 144028
no amount collected from a tax levied or extended under division 144029
(R) of this section may be contributed to a convention 144030
facilities authority, corporation, or other entity created after 144031
July 1, 2005, unless the mayor of the municipal corporation in 144032
which the convention center is to be operated by that convention 144033
facilities authority, corporation, or other entity has consented 144034
to the creation of that convention facilities authority, 144035
corporation, or entity. 144036

(S) As used in division (S) of this section, "soldiers' 144037
memorial" means a memorial constructed and funded under Chapter 144038
345. of the Revised Code. 144039

The board of county commissioners of a county with a 144040
population between one hundred three thousand and one hundred 144041
seven thousand according to the most recent federal decennial 144042
census, by resolution adopted by a majority of the members of 144043
the board within six months after September 15, 2014, may levy a 144044
tax not to exceed three per cent on transactions by which a 144045
hotel is or is to be furnished to transient guests. The purpose 144046
of the tax shall be to pay the costs of expanding, maintaining, 144047
or operating a soldiers' memorial and the costs of administering 144048
the tax. All revenue arising from the tax shall be credited to 144049
one or more special funds in the county treasury and shall be 144050
spent solely for the purposes of paying those costs. 144051

The board of county commissioners shall adopt all rules 144052
necessary to provide for the administration of the tax subject 144053
to the same limitations on imposing penalty or interest under 144054
division (A) of this section. 144055

(T) As used in division (T) of this section: 144056

(1) "Eligible county" means a county in which a county 144057
agricultural society or independent agricultural society is 144058
organized under section 1711.01 or 1711.02 of the Revised Code, 144059
provided the agricultural society owns a facility or site in the 144060
county at which an annual harness horse race is conducted where 144061
one-day attendance equals at least forty thousand attendees. 144062

(2) "Permanent improvements," "debt charges," and 144063
"financing costs" have the same meanings as in section 133.01 of 144064
the Revised Code. 144065

(3) "Costs of permanent improvements" include all costs 144066
allowed in section 133.15 of the Revised Code. 144067

A board of county commissioners of an eligible county, by 144068
resolution adopted by a majority of the members of the board, 144069
may levy an excise tax at the rate of up to three per cent on 144070
transactions by which lodging by a hotel is or is to be 144071
furnished to transient guests for the purpose of paying the 144072
costs of permanent improvements at sites at which one or more 144073
agricultural societies conduct fairs or exhibits, including 144074
paying financing costs and debt charges on bonds, or notes in 144075
anticipation of bonds, paying the costs of maintaining or 144076
operating such permanent improvements, and paying the costs of 144077
administering the tax. 144078

A resolution adopted under division (T) of this section, 144079
other than a resolution that only extends the period of time for 144080
which the tax is levied, shall direct the board of elections to 144081
submit the question of the proposed lodging tax to the electors 144082
of the county at a special election held on the date specified 144083
by the board in the resolution, provided that the election 144084
occurs not less than ninety days after a certified copy of the 144085
resolution is transmitted to the board of elections. A 144086

resolution submitted to the electors under division (T) of this 144087
section shall not go into effect unless it is approved by a 144088
majority of those voting upon it. The resolution takes effect on 144089
the date the board of county commissioners receives notification 144090
from the board of elections of an affirmative vote. 144091

The tax shall remain in effect for the period specified in 144092
the resolution, not to exceed five years, and may be extended 144093
for an additional period of years that is at least the number of 144094
years required for payment of the debt charges on bonds or notes 144095
in anticipation of bonds authorized under this division but not 144096
in excess of fifteen years thereafter by a resolution adopted by 144097
a majority of the members of the board. A resolution extending 144098
the period of time for which the tax is in effect is not subject 144099
to approval of the electors of the county, but is subject to 144100
referendum under sections 305.31 to 305.99 of the Revised Code. 144101
All revenue arising from the tax shall be credited to one or 144102
more special funds in the county treasury and shall be spent 144103
solely for the purposes of paying the costs of such permanent 144104
improvements, including paying financing costs and debt charges 144105
on bonds, or notes in anticipation of bonds, and maintaining or 144106
operating the improvements. Revenue allocated for the use of a 144107
county agricultural society may be credited to the county 144108
agricultural society fund created in section 1711.16 of the 144109
Revised Code upon appropriation by the board. If revenue is 144110
credited to that fund, it shall be expended only as provided in 144111
that section. 144112

The board of county commissioners shall adopt all rules 144113
necessary to provide for the administration of the tax. The 144114
rules may prescribe the time for payment of the tax, and may 144115
provide for the imposition or penalty or interest, or both, for 144116
late payments, provided that the penalty does not exceed ten per 144117

cent of the amount of tax due, and the rate at which interest 144118
accrues does not exceed the rate per annum prescribed in section 144119
5703.47 of the Revised Code. 144120

The board of county commissioners may issue bonds, or 144121
notes in anticipation thereof, pursuant to Chapter 133. of the 144122
Revised Code, for the purpose of paying the costs of permanent 144123
improvements as authorized in this division and pledge the 144124
revenue arising from the tax for that purpose. The board of 144125
county commissioners may pledge or contribute the revenue 144126
arising from the tax levied under this division to a port 144127
authority created under Chapter 4582. of the Revised Code, and 144128
the port authority may issue bonds, or notes in anticipation 144129
thereof, pursuant to that chapter, for the purpose of paying the 144130
costs of permanent improvements as authorized in this division. 144131

(U) As used in division (U) of this section, "eligible 144132
county" means a county in which a tax is levied under division 144133
(A) of this section at a rate of three per cent and whose 144134
territory includes a part of Lake Erie the shoreline of which 144135
represents at least fifty per cent of the linear length of the 144136
county's border with other counties of this state. 144137

The board of county commissioners of an eligible county 144138
that has entered into an agreement with a port authority in the 144139
county under section 4582.56 of the Revised Code may levy an 144140
additional lodging tax on transactions by which lodging by a 144141
hotel is or is to be furnished to transient guests for the 144142
purpose of financing lakeshore improvement projects constructed 144143
or financed by the port authority under that section. The 144144
resolution levying the tax shall specify the purpose of the tax, 144145
the rate of the tax, which shall not exceed two per cent, and 144146
the number of years the tax will be levied or that it will be 144147

levied for a continuing period of time. The tax shall be 144148
administered pursuant to the regulations adopted by the board 144149
under division (A) of this section, except that all the proceeds 144150
of the tax levied under this division shall be pledged to the 144151
payment of the costs, including debt charges, of lakeshore 144152
improvements undertaken by a port authority pursuant to the 144153
agreement under section 4582.56 of the Revised Code. No revenue 144154
from the tax may be used to pay the current expenses of the port 144155
authority. 144156

A resolution levying a tax under division (U) of this 144157
section is subject to referendum under sections 305.31 to 305.41 144158
and 305.99 of the Revised Code. 144159

(V) (1) As used in division (V) of this section: 144160

(a) "Tourism development district" means a district 144161
designated by a municipal corporation under section 715.014 of 144162
the Revised Code or by a township under section 503.56 of the 144163
Revised Code. 144164

(b) "Lodging tax" means a tax levied pursuant to this 144165
section or section 5739.08 of the Revised Code. 144166

(c) "Tourism development district lodging tax proceeds" 144167
means all proceeds of a lodging tax derived from transactions by 144168
which lodging by a hotel located in a tourism development 144169
district is or is to be provided to transient guests. 144170

(d) "Eligible county" has the same meaning as in section 144171
307.678 of the Revised Code. 144172

(2) (a) Notwithstanding division (A) of this section, the 144173
board of county commissioners, board of township trustees, or 144174
legislative authority of any county, township, or municipal 144175
corporation that levies a lodging tax on September 29, 2017, and 144176

in which any part of a tourism development district is located 144177
on or after that date shall amend the ordinance or resolution 144178
levying the tax to require either of the following: 144179

(i) In the case of a tax levied by a county, that all 144180
tourism development district lodging tax proceeds from that tax 144181
be used exclusively to foster and develop tourism in the tourism 144182
development district; 144183

(ii) In the case of a tax levied by a township or 144184
municipal corporation, that all tourism development district 144185
lodging tax proceeds from that tax be used exclusively to foster 144186
and develop tourism in the tourism development district. 144187

(b) Notwithstanding division (A) of this section, any 144188
ordinance or resolution levying a lodging tax adopted on or 144189
after September 29, 2017, by a county, township, or municipal 144190
corporation in which any part of a tourism development district 144191
is located on or after that date shall require that all tourism 144192
development district lodging tax proceeds from that tax be used 144193
exclusively to foster and develop tourism in the tourism 144194
development district. 144195

(c) A county shall not use any of the proceeds described 144196
in division (V) (2) (a) (i) or (V) (2) (b) of this section unless the 144197
convention and visitors' bureau operating within the county 144198
approves the manner in which such proceeds are used to foster 144199
and develop tourism in the tourism development district. Upon 144200
obtaining such approval, the county may pay such proceeds to the 144201
bureau to use for the agreed-upon purpose. 144202

A municipal corporation or township shall not use any of 144203
the proceeds described in division (V) (2) (a) (ii) or (V) (2) (b) of 144204
this section unless the convention and visitors' bureau 144205

operating within the municipal corporation or township approves 144206
the manner in which such proceeds are used to foster and develop 144207
tourism in the tourism development district. Upon obtaining such 144208
approval, the municipal corporation or township may pay such 144209
proceeds to the bureau to use for the agreed-upon purpose. 144210

(3) (a) Notwithstanding division (A) of this section, the 144211
board of county commissioners of an eligible county that levies 144212
a lodging tax on March 23, 2018, may amend the resolution 144213
levying that tax to require that all or a portion of the 144214
proceeds of that tax otherwise required to be spent solely to 144215
make contributions to the convention and visitors' bureau 144216
operating within the county shall be used to foster and develop 144217
tourism in a tourism development district. 144218

(b) Notwithstanding division (A) of this section, the 144219
board of county commissioners of an eligible county that adopts 144220
a resolution levying a lodging tax on or after March 23, 2018, 144221
may require that all or a portion of the proceeds of that tax 144222
otherwise required to be spent solely to make contributions to 144223
the convention and visitors' bureau operating within the county 144224
pursuant to division (A) of this section shall be used to foster 144225
and develop tourism in a tourism development district. 144226

(c) A county shall not use any of the proceeds in the 144227
manner described in division (V) (3) (a) or (b) of this section 144228
unless the convention and visitors' bureau operating within the 144229
county approves the manner in which such proceeds are used to 144230
foster and develop tourism in the tourism development district. 144231
Upon obtaining such approval, the county may pay such proceeds 144232
to the bureau to use for the agreed upon purpose. 144233

(W) (1) As used in division (W) of this section: 144234

(a) "Eligible county" means a county with a population 144235
greater than three hundred thousand and less than three hundred 144236
fifty thousand that levies a tax under division (A) of this 144237
section at a rate of three per cent; 144238

(b) "Cost" and "facility" have the same meanings as in 144239
section 351.01 of the Revised Code. 144240

(2) A board of county commissioners of an eligible county, 144241
by resolution adopted by a majority of the members of the board, 144242
may levy an excise tax at the rate of up to three per cent on 144243
transactions by which lodging by a hotel is or is to be 144244
furnished to transient guests. All of the revenue from the tax 144245
shall be used to pay the costs of administering the tax or 144246
pledged and contributed to a convention facilities authority 144247
established by the board of county commissioners under Chapter 144248
351. of the Revised Code and used by the authority to pay the 144249
cost of constructing a facility in the county, including paying 144250
bonds, or notes issued in anticipation of bonds, as provided by 144251
that chapter, or paying the expenses of maintaining, operating, 144252
or promoting such a facility. No portion of the revenue arising 144253
from the tax need be returned to municipal corporations or 144254
townships as required for taxes levied under division (A) of 144255
this section. 144256

(3) A resolution adopted under division (W) of this 144257
section shall direct the board of elections to submit the 144258
question of the proposed lodging tax to the electors of the 144259
county at a special election held on the date specified by the 144260
board in the resolution, provided that the election occurs not 144261
less than ninety days after a certified copy of the resolution 144262
is transmitted to the board of elections. A resolution submitted 144263
to the electors under division (W) of this section shall not go 144264

into effect unless it is approved by a majority of those voting 144265
upon it. The resolution takes effect on the date the board of 144266
county commissioners receives notification from the board of 144267
elections of an affirmative vote. 144268

(4) Once the tax is approved by the electors of the county 144269
pursuant to division (W) (3) of this section, it shall not be 144270
subject to diminution by initiative or referendum or by law 144271
while any bonds, or notes in anticipation of bonds, issued by 144272
the authority under Chapter 351. of the Revised Code to which 144273
the revenue is pledged, remain outstanding in accordance with 144274
their terms, unless provision is made by law or by the board of 144275
county commissioners for an adequate substitute therefore that 144276
is satisfactory to the trustee if a trust agreement secures the 144277
bonds. 144278

(5) The tax authorized by division (W) of this section 144279
shall be in addition to any other tax that is levied pursuant to 144280
this section. 144281

(X) (1) As used in division (X) of this section: 144282

(a) "Convention facilities authority," "cost," and 144283
"facility" have the same meanings as in section 351.01 of the 144284
Revised Code, except that "facility" does not include a "sports 144285
facility," as that term is defined in that section, other than a 144286
facility intended to house a major league soccer team. 144287

(b) "Eligible county" means a county with a population 144288
greater than eight hundred thousand but less than one million 144289
that levies a tax under division (A) of this section. 144290

(c) "Port authority" means a port authority created under 144291
Chapter 4582. of the Revised Code. 144292

(2) A board of county commissioners or the legislative 144293

authority of an eligible county may, by resolution adopted by a 144294
majority of the members of the board or legislative authority, 144295
levy an excise tax at a rate not to exceed one per cent on 144296
transactions by which lodging by a hotel is or is to be 144297
furnished to transient guests. All revenue arising from the tax 144298
shall be used to pay the costs of administering the tax or 144299
pledged and contributed to the convention and visitors' bureau 144300
operating within the applicable eligible county, a convention 144301
facilities authority within the applicable eligible county, or a 144302
port authority and used by the convention and visitors' bureau, 144303
the convention facilities authority, or the port authority to 144304
pay the cost of acquiring, constructing, renovating, expanding, 144305
maintaining, or operating one or more facilities in the county, 144306
including paying bonds, or notes issued in anticipation of 144307
bonds, or paying the expenses of maintaining, operating, or 144308
promoting one or more facilities. No portion of the revenue 144309
arising from the tax need be returned to municipal corporations 144310
or townships as required for taxes levied under division (A) of 144311
this section. 144312

(3) The tax authorized by division (X) of this section 144313
shall be in addition to any other tax that is levied pursuant to 144314
this section. 144315

(4) Any board of county commissioners of an eligible 144316
county that, pursuant to division (D) (2) of this section, has 144317
amended a resolution levying the tax authorized by division (A) 144318
of this section may further amend the resolution to provide that 144319
all or a portion of the revenue referred to in division (D) (2) 144320
(b) of this section and division (A) of this section may be 144321
pledged and contributed to pay the costs of acquiring, 144322
constructing, renovating, expanding, maintaining, or operating 144323
one or more facilities in the county, including paying bonds, or 144324

notes issued in anticipation of bonds, or paying the expenses of
maintaining, operating, or promoting one or more facilities.

(Y) For the purpose of contributing revenue to pay for
public safety services in a resort area designated under section
5739.101 of the Revised Code, a board of county commissioners
may amend a resolution adopted under division (A) of this
section to increase the rate of the tax by not more than an
additional one per cent, so long as the total tax rate levied
under this section by that county does not exceed five per cent.
The revenue from that increase shall be used exclusively to pay
for public safety services in the resort area.

Sec. 5739.092. (A) Except as provided in division (B) or
(C) of this section, money collected by a county and distributed
under section 5739.09 of the Revised Code to a convention and
visitors' bureau in existence as of June 30, 2013, except for
any such money pledged, as of that date, to the payment of debt
service charges on bonds, notes, securities, or lease
agreements, shall be used solely for tourism sales, marketing
and promotion, and their associated costs, including operational
and administrative costs of the bureau, sales and marketing, and
maintenance of the physical bureau structure.

(B) A convention and visitors' bureau that has entered
into an agreement under section 307.678 of the Revised Code may
use revenue it receives from a tax levied under division (A) of
section 5739.09 of the Revised Code as described in division (E)
of section 307.678 of the Revised Code.

(C) The convention and visitors' bureau of a county with a
population of less than one hundred thousand and annual receipts
from one or more taxes levied pursuant to section 5739.09 of the
Revised Code in excess of five hundred thousand dollars, may, in

addition to the purposes specified in division (A) of this 144355
section, spend revenue from a tax levied under section 5739.09 144356
of the Revised Code to pay the costs of public safety services, 144357
an economic development project, or an infrastructure project, 144358
provided the services or project impact tourism. 144359

Sec. 5739.101. (A) The legislative authority of a 144360
municipal corporation, by ordinance or resolution, or of a 144361
township, by resolution, may declare the municipal corporation 144362
or township to be a resort area for the purposes of this 144363
section, if all of the following criteria are met: 144364

(1) According to statistics published by the federal 144365
government based on data compiled during the most recent 144366
decennial census of the United States, at least sixty-two per 144367
cent of total housing units in the municipal corporation or 144368
township are classified as "for seasonal, recreational, or 144369
occasional use"; 144370

(2) Entertainment and recreation facilities are provided 144371
within the municipal corporation or township that are primarily 144372
intended to provide seasonal leisure time activities for persons 144373
other than permanent residents of the municipal corporation or 144374
township; 144375

(3) The municipal corporation or township experiences 144376
seasonal peaks of employment and demand for government services 144377
as a direct result of the seasonal population increase. 144378

(B) For the purpose of providing revenue for its general 144379
fund, the legislative authority of a municipal corporation or 144380
township, in its ordinance or resolution declaring itself a 144381
resort area under this section, may levy a tax on the privilege 144382
of engaging in the business of either of the following: 144383

(1) Making sales in the municipal corporation or township, 144384
whether wholesale or retail, but including sales of food only to 144385
the extent such sales are subject to the tax levied under 144386
section 5739.02 of the Revised Code; 144387

(2) Intrastate transportation of passengers or property 144388
primarily to or from the municipal corporation or township by a 144389
railroad, watercraft, or motor vehicle subject to regulation by 144390
the public utilities commission, except not including 144391
transportation of passengers as part of a tour or cruise in 144392
which the passengers will stay in the municipal corporation or 144393
township for no more than one hour. 144394

The tax is imposed upon and shall be paid by the person 144395
making the sales or transporting the passengers or property. The 144396
Except as provided in division (G) of this section, the rate of 144397
the tax shall be one-half, one, or one and one-half per cent of 144398
the person's gross receipts derived from making the sales or 144399
transporting the passengers or property to or from the municipal 144400
corporation or township. 144401

(C) For the purpose of fostering and developing tourism in 144402
a tourism development district designated under section 503.56 144403
or 715.014 of the Revised Code, the legislative authority of a 144404
municipal corporation or township, by ordinance or resolution 144405
adopted on or before December 31, 2020, may levy a tax on the 144406
privilege of engaging in the business of making sales in the 144407
tourism development district, whether wholesale or retail, but 144408
including sales of food only to the extent such sales are 144409
subject to the tax levied under section 5739.02 of the Revised 144410
Code. 144411

The tax is imposed upon and shall be paid by the person 144412
making the sales. The rate of the tax shall be one-half, one, 144413

one and one-half, or two per cent of the person's gross receipts 144414
derived from making the sales in the tourism development 144415
district. 144416

(D) A tax levied under division (B) or (C) of this section 144417
shall take effect on the first day of the month that begins at 144418
least sixty days after the effective date of the ordinance or 144419
resolution by which it is levied. The legislative authority 144420
shall certify copies of the ordinance or resolution to the tax 144421
commissioner and treasurer of state within five days after its 144422
adoption. In addition, one time each week during the two weeks 144423
following the adoption of the ordinance or resolution, the 144424
legislative authority shall cause to be published in a newspaper 144425
of general circulation in the municipal corporation or township, 144426
or as provided in section 7.16 of the Revised Code, a notice 144427
explaining the tax and stating the rate of the tax, the date it 144428
will take effect, and that persons subject to the tax must 144429
register with the tax commissioner under section 5739.103 of the 144430
Revised Code. 144431

(E) No more than once a year, and subject to the rates 144432
prescribed in division (B) or (C) of this section, the 144433
legislative authority of the municipal corporation or township, 144434
by ordinance or resolution, may increase or decrease the rate of 144435
a tax levied under this section. The legislative authority, by 144436
ordinance or resolution, at any time may repeal such a tax. The 144437
legislative authority shall certify to the tax commissioner and 144438
treasurer of state copies of the ordinance or resolution 144439
repealing or changing the rate of the tax within five days after 144440
its adoption. In addition, one time each week during the two 144441
weeks following the adoption of the ordinance or resolution, the 144442
legislative authority shall cause to be published in a newspaper 144443
of general circulation in the municipal corporation or township, 144444

or as provided in section 7.16 of the Revised Code, notice of 144445
the repeal or change. 144446

(F) A person may separately or proportionately bill or 144447
invoice a tax levied pursuant to division (B) or (C) of this 144448
section to another person. 144449

(G) The legislative authority of a municipal corporation, 144450
by ordinance or resolution, or of a township, by resolution, may 144451
increase the rate of the tax levied under division (B) of this 144452
section to two or two and one-half per cent with the approval of 144453
a majority of the electors of the municipal corporation or 144454
township voting on the question at a general or special 144455
election. The municipal corporation or township shall certify a 144456
copy of the ordinance or resolution to the tax commissioner 144457
within five days after its adoption. In addition, one time each 144458
week during the two weeks following the adoption of the 144459
ordinance or resolution, the legislative authority shall cause 144460
to be published in a newspaper of general circulation in the 144461
municipal corporation or township, or as provided in section 144462
7.16 of the Revised Code, a notice explaining the tax and 144463
stating the current rate of the tax, what the rate would be if 144464
subject to the proposed increase, and the date it will take 144465
effect, if approved by electors. 144466

The legislative authority of the municipal corporation or 144467
township shall file with the board of elections at least ninety 144468
days before the day of the election a copy of the ordinance or 144469
resolution, which shall specify the date the election is to be 144470
held and directs the board of elections to conduct the election. 144471
The ballot shall be in the following form: "Shall the rate of a 144472
resort area tax levied by _____ (name of municipal corporation or 144473
township) from _____ % to _____ % be passed? 144474

144475

<u>For the resort area tax increase</u>	
<u>Against the resort area tax increase</u>	" —

A tax levied under division (G) of this section takes effect on the first day of the calendar quarter that begins at least sixty-five days after the date the tax commissioner receives notice of the affirmative vote.

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Sec. 5739.12. (A) (1) Each person who has or is required to have a vendor's license, on or before the twenty-third day of each month, shall make and file a return for the preceding month in the form prescribed by the tax commissioner, and shall pay the tax shown on the return to be due. The return shall be filed electronically using the Ohio business gateway, as defined in section 718.01 of the Revised Code, the Ohio telefile system, or any other electronic means prescribed by the commissioner.

Payment of the tax shown on the return to be due shall be made electronically in a manner approved by the commissioner. The commissioner may require a vendor that operates from multiple locations or has multiple vendor's licenses to report all tax liabilities on one consolidated return. The return shall show the amount of tax due from the vendor to the state for the period covered by the return and such other information as the commissioner deems necessary for the proper administration of this chapter. The commissioner may extend the time for making and filing returns and paying the tax, and may require that the return for the last month of any annual or semiannual period, as determined by the commissioner, be a reconciliation return

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detailing the vendor's sales activity for the preceding annual 144500
or semiannual period. The reconciliation return shall be filed 144501
by the last day of the month following the last month of the 144502
annual or semiannual period. The commissioner may remit all or 144503
any part of amounts or penalties that may become due under this 144504
chapter and may adopt rules relating thereto. Such return shall 144505
be filed electronically as directed by the tax commissioner, and 144506
payment of the amount of tax shown to be due thereon, after 144507
deduction of any discount provided for under this section, shall 144508
be made electronically in a manner approved by the tax 144509
commissioner. 144510

(2) Any person required to file returns and make payments 144511
electronically under division (A)(1) of this section may apply 144512
to the tax commissioner on a form prescribed by the commissioner 144513
to be excused from that requirement. For good cause shown, the 144514
commissioner may excuse the person from that requirement and may 144515
permit the person to file the returns and make the payments 144516
required by this section by nonelectronic means. 144517

(B)(1) If the return is filed and the amount of tax shown 144518
thereon to be due is paid on or before the date such return is 144519
required to be filed, the vendor shall be entitled to a discount 144520
of three-fourths of one per cent of the amount shown to be due 144521
on the return. The amount of the discount on the basis of sales 144522
other than the sales, including leases, of motor vehicles shall 144523
not exceed seven hundred fifty dollars per vendor's license for 144524
each month covered by the return. 144525

(2) A vendor that has selected a certified service 144526
provider as its agent shall not be entitled to the discount if 144527
the certified service provider receives a monetary allowance 144528
pursuant to section 5739.06 of the Revised Code for performing 144529

the vendor's sales and use tax functions in this state. Amounts 144530
paid to the clerk of courts pursuant to section 4505.06 of the 144531
Revised Code shall be subject to the applicable discount. The 144532
discount shall be in consideration for prompt payment to the 144533
clerk of courts and for other services performed by the vendor 144534
in the collection of the tax. 144535

(C) (1) Upon application to the tax commissioner, a vendor 144536
who is required to file monthly returns may be relieved of the 144537
requirement to report and pay the actual tax due, provided that 144538
the vendor agrees to remit to the commissioner payment of not 144539
less than an amount determined by the commissioner to be the 144540
average monthly tax liability of the vendor, based upon a review 144541
of the returns or other information pertaining to such vendor 144542
for a period of not less than six months nor more than two years 144543
immediately preceding the filing of the application. Vendors who 144544
agree to the above conditions shall make and file an annual or 144545
semiannual reconciliation return, as prescribed by the 144546
commissioner. The reconciliation return shall be filed 144547
electronically as directed by the tax commissioner, and payment 144548
of the amount of tax shown to be due thereon, after deduction of 144549
any discount provided in this section, shall be made 144550
electronically in a manner approved by the commissioner. Failure 144551
of a vendor to comply with any of the above conditions may 144552
result in immediate reinstatement of the requirement of 144553
reporting and paying the actual tax liability on each monthly 144554
return, and the commissioner may at the commissioner's 144555
discretion deny the vendor the right to report and pay based 144556
upon the average monthly liability for a period not to exceed 144557
two years. The amount ascertained by the commissioner to be the 144558
average monthly tax liability of a vendor may be adjusted, based 144559
upon a review of the returns or other information pertaining to 144560

the vendor for a period of not less than six months nor more 144561
than two years preceding such adjustment. 144562

(2) The commissioner may authorize vendors whose tax 144563
liability is not such as to merit monthly returns, as 144564
ascertained by the commissioner upon the basis of administrative 144565
costs to the state, to make and file returns at less frequent 144566
intervals. When returns are filed at less frequent intervals in 144567
accordance with such authorization, the vendor shall be allowed 144568
the discount provided in this section in consideration for 144569
prompt payment with the return, provided the return is filed and 144570
payment is made of the amount of tax shown to be due thereon, at 144571
the time specified by the commissioner, but a vendor that has 144572
selected a certified service provider as its agent shall not be 144573
entitled to the discount. 144574

(D) Any vendor who fails to file a return or to pay the 144575
full amount of the tax shown on the return to be due in the 144576
manner prescribed under this section and the rules of the 144577
commissioner may, for each such return, be required to forfeit 144578
and pay into the state treasury an additional charge not 144579
exceeding fifty dollars or ten per cent of the tax required to 144580
be paid for the reporting period, whichever is greater, as 144581
revenue arising from the tax imposed by this chapter, and such 144582
sum may be collected by assessment in the manner provided in 144583
section 5739.13 of the Revised Code. The commissioner may remit 144584
all or a portion of the additional charge and may adopt rules 144585
relating to the imposition and remission of the additional 144586
charge. 144587

(E) If the amount required to be collected by a vendor 144588
from consumers is in excess of the applicable percentage of the 144589
vendor's receipts from sales that are taxable under section 144590

5739.02 of the Revised Code, or in the case of sales subject to 144591
a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 144592
of the Revised Code, in excess of the percentage equal to the 144593
aggregate rate of such taxes and the tax levied by section 144594
5739.02 of the Revised Code, such excess shall be remitted along 144595
with the remittance of the amount of tax due under section 144596
5739.10 of the Revised Code. 144597

(F) The commissioner, if the commissioner deems it 144598
necessary in order to insure the payment of the tax imposed by 144599
this chapter, may require returns and payments to be made for 144600
other than monthly periods. 144601

(G) Any vendor required to file a return and pay the tax 144602
under this section whose total payment for a year equals or 144603
exceeds the amount shown in division (A) of section 5739.122 of 144604
the Revised Code is subject to the accelerated tax payment 144605
requirements in divisions (B) and (C) of that section. For a 144606
vendor that operates from multiple locations or has multiple 144607
vendor's licenses, in determining whether the vendor's total 144608
payment equals or exceeds the amount shown in division (A) of 144609
that section, the vendor's total payment amount shall be the 144610
amount of the vendor's total tax liability for the previous 144611
calendar year for all of the vendor's locations or licenses. 144612

Sec. 5739.13. (A) If any vendor collects the tax imposed 144613
by or pursuant to section 5739.02, 5739.021, 5739.023, or 144614
5739.026 of the Revised Code, and fails to remit the tax to the 144615
state as prescribed, or on the sale of a motor vehicle, 144616
watercraft, or outboard motor required to be titled, fails to 144617
remit payment to a clerk of a court of common pleas as provided 144618
in section 1548.06 or 4505.06 of the Revised Code, the vendor 144619
shall be personally liable for any tax collected and not 144620

remitted. The tax commissioner may make an assessment against 144621
such vendor based upon any information in the commissioner's 144622
possession. 144623

If any vendor fails to collect the tax or any consumer 144624
fails to pay the tax imposed by or pursuant to section 5739.02, 144625
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 144626
transaction subject to the tax, the vendor or consumer shall be 144627
personally liable for the amount of the tax applicable to the 144628
transaction. The commissioner may make an assessment against 144629
either the vendor or consumer, as the facts may require, based 144630
upon any information in the commissioner's possession. 144631

An assessment against a vendor when the tax imposed by or 144632
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 144633
the Revised Code has not been collected or paid, shall not 144634
discharge the purchaser's or consumer's liability to reimburse 144635
the vendor for the tax applicable to such transaction. 144636

An assessment issued against either, pursuant to this 144637
section, shall not be considered an election of remedies, nor a 144638
bar to an assessment against the other for the tax applicable to 144639
the same transaction, provided that no assessment shall be 144640
issued against any person for the tax due on a particular 144641
transaction if the tax on that transaction actually has been 144642
paid by another. 144643

The commissioner may make an assessment against any vendor 144644
who fails to file a return or remit the proper amount of tax 144645
required by this chapter, or against any consumer who fails to 144646
pay the proper amount of tax required by this chapter. When 144647
information in the possession of the commissioner indicates that 144648
the amount required to be collected or paid under this chapter 144649
is greater than the amount remitted by the vendor or paid by the 144650

consumer, the commissioner may audit a sample of the vendor's 144651
sales or the consumer's purchases for a representative period, 144652
to ascertain the per cent of exempt or taxable transactions or 144653
the effective tax rate and may issue an assessment based on the 144654
audit. The commissioner shall make a good faith effort to reach 144655
agreement with the vendor or consumer in selecting a 144656
representative sample. 144657

The commissioner may make an assessment, based on any 144658
information in the commissioner's possession, against any person 144659
who fails to file a return or remit the proper amount of tax 144660
required by section 5739.102 of the Revised Code. 144661

The commissioner may issue an assessment on any 144662
transaction for which any tax imposed under this chapter or 144663
Chapter 5741. of the Revised Code was due and unpaid on the date 144664
the vendor or consumer was informed by an agent of the tax 144665
commissioner of an investigation or audit. If the vendor or 144666
consumer remits any payment of the tax for the period covered by 144667
the assessment after the vendor or consumer was informed of the 144668
investigation or audit, the payment shall be credited against 144669
the amount of the assessment. 144670

The commissioner shall give the party assessed written 144671
notice of the assessment in the manner provided in section 144672
5703.37 of the Revised Code. With the notice, the commissioner 144673
shall provide instructions on how to petition for reassessment 144674
and request a hearing on the petition. 144675

(B) Unless the party assessed files with the commissioner 144676
within sixty days after service of the notice of assessment,— 144677
~~either personally or by certified mail,~~ a written petition for 144678
reassessment, signed by the party assessed or that party's 144679
authorized agent having knowledge of the facts, the assessment 144680

becomes final and the amount of the assessment is due from the 144681
party assessed and payable to the treasurer of state and 144682
remitted to the tax commissioner. The petition shall indicate 144683
the objections of the party assessed, but additional objections 144684
may be raised in writing if received by the commissioner prior 144685
to the date shown on the final determination. If the petition 144686
has been properly filed, the commissioner shall proceed under 144687
section 5703.60 of the Revised Code. 144688

(C) After an assessment becomes final, if any portion of 144689
the assessment remains unpaid, including accrued interest, a 144690
certified copy of the commissioner's entry making the assessment 144691
final may be filed in the office of the clerk of the court of 144692
common pleas in the county in which the place of business of the 144693
party assessed is located or the county in which the party 144694
assessed resides. If the party assessed maintains no place of 144695
business in this state and is not a resident of this state, the 144696
certified copy of the entry may be filed in the office of the 144697
clerk of the court of common pleas of Franklin county. 144698

Immediately upon the filing of the entry, the clerk shall 144699
enter a judgment for the state against the party assessed in the 144700
amount shown on the entry. The judgment may be filed by the 144701
clerk in a loose-leaf book entitled "special judgments for 144702
state, county, and transit authority retail sales tax" or, if 144703
appropriate, "special judgments for resort area excise tax," and 144704
shall have the same effect as other judgments. Execution shall 144705
issue upon the judgment upon the request of the tax 144706
commissioner, and all laws applicable to sales on execution 144707
shall apply to sales made under the judgment except as otherwise 144708
provided in this chapter. 144709

If the assessment is not paid in its entirety within sixty 144710

days after the date the assessment was issued, the portion of 144711
the assessment consisting of tax due shall bear interest at the 144712
rate per annum prescribed by section 5703.47 of the Revised Code 144713
from the day the tax commissioner issues the assessment until 144714
the assessment is paid or until it is certified to the attorney 144715
general for collection under section 131.02 of the Revised Code, 144716
whichever comes first. If the unpaid portion of the assessment 144717
is certified to the attorney general for collection, the entire 144718
unpaid portion of the assessment shall bear interest at the rate 144719
per annum prescribed by section 5703.47 of the Revised Code from 144720
the date of certification until the date it is paid in its 144721
entirety. Interest shall be paid in the same manner as the tax 144722
and may be collected by issuing an assessment under this 144723
section. 144724

(D) All money collected by the tax commissioner under this 144725
section shall be paid to the treasurer of state, and when paid 144726
shall be considered as revenue arising from the taxes imposed by 144727
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 144728

Sec. 5739.132. (A) If a tax, fee, or charge due under this 144729
chapter or Chapter 128. or 5741. of the Revised Code is not paid 144730
on or before the day the payment is required to be paid, 144731
interest shall accrue on the unpaid tax, fee, or charge at the 144732
rate per annum prescribed by section 5703.47 of the Revised Code 144733
from the day the tax, fee, or charge was required to be paid 144734
until the tax, fee, or charge is paid or until the day an 144735
assessment is issued under section 5739.13 or 5739.15 of the 144736
Revised Code, whichever occurs first. Interest shall be paid in 144737
the same manner as the tax, fee, or charge, and may be collected 144738
by assessment. 144739

~~(B) Interest~~ (B) (1) Except as provided in division (B) (2) 144740

of this section, interest shall be allowed and paid on any 144741
refund granted pursuant to section 128.47, 5739.07, or 5741.10 144742
of the Revised Code from the date of the overpayment. The 144743
interest shall be computed at the rate per annum prescribed by 144744
section 5703.47 of the Revised Code. 144745

(2) No interest shall be allowed or paid on a refund of a 144746
tax levied pursuant to section 5739.021, 5739.026, 5741.021, or 144747
5741.023 of the Revised Code. 144748

Sec. 5739.31. (A) (1) No person shall engage in the 144749
business of selling at retail or sell at retail incidental to 144750
any other regularly conducted business without having a license 144751
therefor, as required by sections 5739.01 to 5739.31 of the 144752
Revised Code. 144753

(2) No person shall engage in the business of selling at 144754
retail as a transient vendor, as defined in section 5739.17 of 144755
the Revised Code, without first having obtained a license as 144756
required by that section. 144757

(B) No person shall continue to engage in the business of 144758
selling at retail or sell at retail incidental to any other 144759
regularly conducted business after the license issued to that 144760
person pursuant to section 5739.17 of the Revised Code has been 144761
suspended by the tax commissioner under division (B) (2) of 144762
section 5739.30 of the Revised Code, nor shall any person obtain 144763
a new license from ~~the~~ any county auditor or the tax 144764
commissioner while such suspension is in effect. If a 144765
corporation's license has been suspended, none of its officers, 144766
or employees having control or supervision of or charged with 144767
the responsibility of filing returns and making payments of tax 144768
due, shall obtain a license from ~~the~~ any county auditor or the 144769
tax commissioner during the period of such suspension. The tax 144770

commissioner may cancel any licenses granted while the 144771
suspension is in effect. 144772

Sec. 5743.021. (A) As used in this section, "qualifying 144773
regional arts and cultural district" means a regional arts and 144774
cultural district created under section 3381.04 of the Revised 144775
Code in a county ~~having that either has a population of one-~~ 144776
~~million two hundred thousand or more according to the 2000-~~ 144777
~~federal decennial census~~ at least eight hundred thousand or has 144778
adopted a charter under Ohio Constitution, Article X, Section 3. 144779

(B) For one or more of the purposes for which a tax may be 144780
levied under section 3381.16 of the Revised Code and for the 144781
purposes of paying the expenses of administering the tax and the 144782
expenses charged by a board of elections to hold an election on 144783
a question submitted under this section, the board of county 144784
commissioners of a county that has within its territorial 144785
boundaries a qualifying regional arts and cultural district may 144786
levy a tax on the sale of cigarettes sold for resale at retail 144787
in the county composing the district computed on each cigarette 144788
sold. The rate of the tax, when added to the rate of any other 144789
tax concurrently levied by the board under this section, shall 144790
equal one of the following: 144791

(1) If the tax begins to apply before May 1, 2023, up to 144792
fifteen mills per cigarette; 144793

(2) If the tax begins to apply on or after ~~the first day-~~ 144794
~~of the first month after the effective date of this amendment~~ May 144795
1, 2023, the rate, in mills per cigarette, specified in the 144796
resolution levying the tax. 144797

Only one sale of the same article shall be used in 144798
computing the amount of tax due. The tax may be levied for any 144799

number of years not exceeding ten years. 144800

The tax shall be levied pursuant to a resolution of the 144801
board of county commissioners approved by a majority of the 144802
electors in the county voting on the question of levying the 144803
tax. The resolution shall specify the rate of the tax, the 144804
number of years the tax will be levied, and the purposes for 144805
which the tax is levied. The election may be held on the date of 144806
a general, primary, or special election held not sooner than 144807
ninety days after the date the board certifies its resolution to 144808
the board of elections. If approved by the electors, the tax 144809
shall take effect on the first day of the month specified in the 144810
resolution but not sooner than the first day of the month that 144811
is at least sixty days after the certification of the election 144812
results by the board of elections. A copy of the resolution 144813
levying the tax shall be certified to the tax commissioner at 144814
least sixty days prior to the date on which the tax is to become 144815
effective. 144816

A board of county commissioners may adopt a resolution 144817
under this division proposing to replace a tax levied under 144818
division (B) (1) of this section with a tax levied under division 144819
(B) (2) of this section. Such a resolution shall state, in 144820
addition to other information required under this division, that 144821
the existing levy or levies terminate upon the passage of the 144822
replacement levy. The failure of the electors to approve a 144823
replacement levy does not terminate the existing levy or levies. 144824

(C) (1) The form of the ballot in an election held to 144825
propose a tax under division (B) (1) of this section shall be as 144826
follows, or in any other form acceptable to the secretary of 144827
state: 144828

"For the purpose of _____ (insert the purpose or 144829

purposes of the tax), shall an excise tax be levied throughout 144830
_____ County for the benefit of the _____ (name of 144831
the qualifying regional arts and cultural district) on the sale 144832
of cigarettes at wholesale at the rate of ____ mills per 144833
cigarette for ____ years? 144834

144835

	For the tax
	Against the tax

"

(2) The form of the ballot in an election held to propose 144836
a tax under division (B) (2) of this section shall be as follows, 144837
or in any other form acceptable to the secretary of state: 144838

"For the purpose of _____ (insert the purpose or 144839
purposes of the tax), shall an excise tax be levied throughout 144840
_____ County for the benefit of the _____ (name of 144841
the qualifying regional arts and cultural district) on the sale 144842
of cigarettes at wholesale at the rate of ____ mills per 144843
cigarette for ____ years? 144844

144845

	For the tax
	Against the tax

"

" 144846

If the resolution of the board of county commissioners 144847
provides that an existing levy or levies will be terminated upon 144848
the passage of a replacement levy, the ballot must, for each 144849
levy that will be terminated, include a statement that: "An 144850
existing tax of ____ mills (stating the millage of the existing 144851
tax) per cigarette, having ____ years remaining, will be 144852

terminated and replaced upon the passage of this tax." 144853

(D) All money arising from taxes levied on behalf of each 144854
district under this section and section 5743.321 of the Revised 144855
Code shall be credited as follows: 144856

(1) To the tax refund fund created by section 5703.052 of 144857
the Revised Code, amounts equal to the refunds from each tax 144858
levied under this section and section 5743.321 of the Revised 144859
Code and certified by the tax commissioner pursuant to section 144860
5743.05 of the Revised Code; 144861

(2) Following the crediting of amounts pursuant to 144862
division (D) (1) of this section: 144863

(a) To the permissive tax distribution fund created under 144864
section 4301.423 of the Revised Code, an amount equal to ninety- 144865
eight per cent of the remainder collected; 144866

(b) To the local excise tax administrative fund, which is 144867
hereby created in the state treasury, an amount equal to two per 144868
cent of such remainder, for use by the tax commissioner in 144869
defraying costs incurred in administering the tax. 144870

On or before the tenth day of each month, the tax 144871
commissioner shall distribute the amount credited to the 144872
permissive tax distribution fund during the preceding month by 144873
providing for payment of the appropriate amount to the county 144874
treasurer of the county in which the tax is levied. 144875

(E) No tax shall be levied under divisions (B) (1) and (2) 144876
of this section during the same month. 144877

Sec. 5743.024. (A) For the purposes of section 307.696 of 144878
the Revised Code, to pay the expenses of administering the tax, 144879
and to pay any or all of the charge the board of elections makes 144880

against the county to hold the election on the question of 144881
levying the tax, or for such purposes and to provide revenues to 144882
the county for permanent improvements, the board of county 144883
commissioners may levy a tax on sales of cigarettes sold for 144884
resale at retail in the county. The tax shall not exceed two and 144885
twenty-five hundredths of a mill per cigarette, and shall be 144886
computed on each cigarette sold. The tax may be levied for any 144887
number of years not exceeding twenty. Only one sale of the same 144888
article shall be used in computing the amount of tax due. 144889

The tax shall be levied pursuant to a resolution of the 144890
county commissioners approved by a majority of the electors in 144891
the county voting on the question of levying the tax. The 144892
resolution shall specify the rate of the tax, the number of 144893
years the tax will be levied, and the purposes for which the tax 144894
is levied. Such election may be held on the date of a general or 144895
special election held not sooner than ninety days after the date 144896
the board certifies its resolution to the board of elections. If 144897
approved by the electors, the tax shall take effect on the first 144898
day of the month specified in the resolution but not sooner than 144899
the first day of the month that is at least sixty days after the 144900
certification of the election results by the board of elections. 144901
A copy of the resolution levying the tax shall be certified to 144902
the tax commissioner at least sixty days prior to the date on 144903
which the tax is to become effective. 144904

A resolution under this section may be joined on the 144905
ballot as a single question with a resolution adopted under 144906
section 307.697 or 4301.421 of the Revised Code to levy a tax 144907
for the same purposes and for the purpose of paying the expenses 144908
of administering the tax. The form of the ballot in an election 144909
held pursuant to this section shall be as prescribed in section 144910
307.697 of the Revised Code. 144911

(B) All money arising from each county's taxes levied 144912
under this section and section 5743.323 of the Revised Code 144913
shall be credited as follows: 144914

(1) To the tax refund fund created by section 5703.052 of 144915
the Revised Code, amounts equal to the refunds from each tax 144916
levied under this section certified by the tax commissioner 144917
pursuant to section 5743.05 of the Revised Code; 144918

(2) Following the crediting of amounts pursuant to 144919
division (B)(1) of this section: 144920

(a) To the permissive tax distribution fund created by 144921
division (B)(1) of section 4301.423 of the Revised Code, an 144922
amount equal to ninety-eight per cent of the remainder 144923
collected; 144924

(b) To the local excise tax administrative fund, which is 144925
hereby created in the state treasury, an amount equal to two per 144926
cent of such remainder, for use by the tax commissioner in 144927
defraying costs incurred in administering the tax. 144928

On or before the tenth day of each month, the tax 144929
commissioner shall distribute the amount credited to the 144930
permissive tax distribution fund during the preceding month by 144931
providing for payment of the appropriate amount to the county 144932
treasurer of each county levying the tax. 144933

(C) The board of county commissioners of a county in which 144934
a tax is imposed under this section on the effective date of the 144935
amendment of this section by H.B. 59 of the 130th general 144936
assembly, September 29, 2013, may levy a tax for the purpose of 144937
section 307.673 of the Revised Code regardless of whether or not 144938
the cooperative agreement authorized under that section has been 144939
entered into prior to the day the resolution adopted under 144940

division (C) (1) or (2) of this section is adopted, for the 144941
purpose of reimbursing a county for costs incurred in the 144942
construction of a sports facility pursuant to an agreement 144943
entered into by the county under section 307.696 of the Revised 144944
Code, or for the purpose of paying the costs of capital repairs 144945
of and improvements to a sports facility. The tax shall be 144946
levied and approved in one of the manners prescribed by division 144947
(C) (1) or (2) of this section. 144948

(1) The tax may be levied pursuant to a resolution adopted 144949
by a majority of the members of the board of county 144950
commissioners not later than forty-five days after July 19, 144951
1995. A board of county commissioners approving a tax under 144952
division (C) (1) of this section may approve a tax under division 144953
(D) (1) of section 307.697 or division (B) (1) of section 4301.421 144954
of the Revised Code at the same time. Subject to the resolution 144955
being submitted to a referendum under sections 305.31 to 305.41 144956
of the Revised Code, the resolution shall take effect 144957
immediately, but the tax levied pursuant to the resolution shall 144958
not be levied prior to the day following the last day that any 144959
tax previously levied pursuant to this division may be levied. 144960

(2) The tax may be levied pursuant to a resolution adopted 144961
by a majority of the members of the board of county 144962
commissioners not later than September 1, 2015, and approved by 144963
a majority of the electors of the county voting on the question 144964
of levying the tax. The board of county commissioners shall 144965
certify a copy of the resolution to the board of elections 144966
immediately upon adopting a resolution under division (C) (2) of 144967
this section. The election may be held on the date of a general 144968
or special election held not sooner than ninety days after the 144969
date the board certifies its resolution to the board of 144970
elections. The form of the ballot shall be as prescribed by 144971

division (C) of section 307.697 of the Revised Code, except that 144972
the phrase "paying not more than one-half of the costs of 144973
providing a sports facility together with related redevelopment 144974
and economic development projects" shall be replaced by the 144975
phrase "paying the costs of constructing, renovating, improving, 144976
or repairing a sports facility and reimbursing a county for 144977
costs incurred by the county in the construction of a sports 144978
facility," and the phrase ", beginning _____ (here insert 144979
the earliest date the tax would take effect)" shall be appended 144980
after "years." A board of county commissioners submitting the 144981
question of a tax under division (C) (2) of this section may 144982
submit the question of a tax under division (D) (2) of section 144983
307.697 or division (B) (2) of section 4301.421 of the Revised 144984
Code as a single question, and the form of the ballot shall 144985
include each of the proposed taxes. 144986

If approved by a majority of electors voting on the 144987
question, the tax shall take effect on the day specified on the 144988
ballot, which shall not be earlier than the day following the 144989
last day that any tax previously levied pursuant to this 144990
division may be levied. 144991

The rate of a tax levied pursuant to division (C) (1) or 144992
(2) of this section shall not exceed the rate specified in 144993
division (A) of this section. A tax levied pursuant to division 144994
(C) (1) or (2) of this section may be levied for any number of 144995
years not exceeding twenty. 144996

A board of county commissioners adopting a resolution 144997
under this division shall certify a copy of the resolution to 144998
the tax commissioner immediately upon adoption of the 144999
resolution. 145000

(D) The board of county commissioners of a county whose 145001

population is greater than one million one hundred thousand but 145002
less than one million three hundred thousand may levy a tax 145003
under this division for the purpose of section 307.673 of the 145004
Revised Code regardless of whether or not the cooperative 145005
agreement authorized under that section has been entered into 145006
prior to the day the resolution adopted under division (D) of 145007
this section is adopted, for the purpose of reimbursing a county 145008
for costs incurred in the construction of a sports facility 145009
pursuant to an agreement entered into by the county under 145010
section 307.696 of the Revised Code, or for the purpose of 145011
paying the costs of constructing, equipping, furnishing, 145012
maintaining, renovating, improving, or repairing a sports 145013
facility. The tax may be levied for any number of years or for a 145014
continuing period of time. 145015

The tax may be levied pursuant to a resolution adopted by 145016
the board of county commissioners and approved by a majority of 145017
the electors of the county voting on the question of levying the 145018
tax. The board of county commissioners shall certify a copy of 145019
the resolution to the board of elections immediately upon 145020
adopting a resolution under division (D) of this section. The 145021
election may be held on the date of a general or special 145022
election held not sooner than ninety days after the date the 145023
board certifies its resolution to the board of elections. The 145024
form of the ballot shall be as follows: 145025

"For the purpose of _____ (state the purpose or 145026
purposes), shall an excise tax be levied by _____ county at 145027
the rate of _____ mills per cigarette on the sale of cigarettes 145028
at wholesale in the county for _____ (number of years or a 145029
continuing period of time), the tax beginning on _____ (the 145030
earliest date the tax would take effect)? 145031

145032

	<u>Yes</u>	
	<u>No</u>	"

A board of county commissioners submitting the question of 145033
a tax under division (D) of this section may submit the question 145034
of a tax under section 5743.511, division (E) of section 145035
307.697, or division (C) of section 4301.421 of the Revised 145036
Code, or all, as a single question, provided that each tax is 145037
for the same purpose and period of time and the form of the 145038
ballot states the rate of each of the proposed taxes. 145039

If approved by a majority of electors voting on the 145040
question, the tax shall take effect on the date specified in the 145041
resolution but not sooner than the first day of the month that 145042
is at least sixty days after the certification of the election 145043
results by the board of elections. The tax levied under division 145044
(D) of this section may be approved and take effect before the 145045
expiration of the tax levied under division (C) of this section. 145046
The tax levied under division (D) of this section shall 145047
supersede and replace any tax levied under division (C) of this 145048
section, and the tax levied under division (C) of this section 145049
shall no longer be levied once the tax levied under division (D) 145050
of this section takes effect. 145051

The rate of tax levied pursuant to division (D) shall be 145052
imposed at a rate not to exceed four and one-half mills per each 145053
cigarette sold for resale at retail in the county. The tax 145054
levied pursuant to division (D) of this section shall be in 145055
addition to the tax imposed by section 5743.02 of the Revised 145056
Code. 145057

Only one sale of the same article shall be used in 145058

computing, reporting, and paying the amount of tax due. 145059

A board of county commissioners adopting a resolution 145060
under division (D) of this section shall certify a copy of the 145061
resolution to the tax commissioner immediately upon adoption of 145062
the resolution. 145063

(E) No tax shall be levied under division (A) of this 145064
section on or after September 23, 2008. This division does not 145065
apply to a tax levied under division (C) or (D) of this section, 145066
and does not prevent the collection of any tax levied under this 145067
section before September 23, 2008, so long as that tax remains 145068
effective. 145069

Sec. 5743.081. (A) If any wholesale dealer or retail 145070
dealer fails to pay the tax levied under section 5743.02, 145071
5743.021, 5743.024, or 5743.026 of the Revised Code as required 145072
by sections 5743.01 to 5743.20 of the Revised Code, and by the 145073
rules of the tax commissioner, or fails to collect the tax from 145074
the purchaser or consumer, the commissioner may make an 145075
assessment against the wholesale or retail dealer based upon any 145076
information in the commissioner's possession. 145077

The commissioner may make an assessment against any 145078
wholesale or retail dealer who fails to file a return required 145079
by section 5743.03 or 5743.025 of the Revised Code. 145080

No assessment shall be made against any wholesale or 145081
retail dealer for any taxes imposed under section 5743.02, 145082
5743.021, 5743.024, or 5743.026 of the Revised Code more than 145083
three years after the last day of the calendar month that 145084
immediately follows the monthly period prescribed in section 145085
5743.03 of the Revised Code in which the sale was made, or more 145086
than three years after the return for the month in which the 145087

sale was made is filed, whichever is later. This section does 145088
not bar an assessment against any wholesale or retail dealer who 145089
fails to file a return as required by section 5743.025 or 145090
5743.03 of the Revised Code, or who files a fraudulent return. 145091

A penalty of up to thirty per cent may be added to the 145092
amount of every assessment made under this section. The 145093
commissioner may adopt rules providing for the imposition and 145094
remission of penalties added to assessments made under this 145095
section. 145096

The commissioner shall give the party assessed written 145097
notice of the assessment in the manner provided in section 145098
5703.37 of the Revised Code. The notice shall specify separately 145099
any portion of the assessment that represents a county tax. With 145100
the notice, the commissioner shall provide instructions on how 145101
to petition for reassessment and request a hearing on the 145102
petition. 145103

(B) Unless the party assessed files with the tax 145104
commissioner within sixty days after service of the notice of 145105
assessment, ~~either personally or by certified mail,~~ a written 145106
petition for reassessment signed by the party assessed or that 145107
party's authorized agent having knowledge of the facts, the 145108
assessment becomes final and the amount of the assessment is due 145109
and payable from the party assessed to the treasurer of state. 145110
The petition shall indicate the objections of the party 145111
assessed, but additional objections may be raised in writing if 145112
received by the commissioner prior to the date shown on the 145113
final determination. If the petition has been properly filed, 145114
the commissioner shall proceed under section 5703.60 of the 145115
Revised Code. 145116

(C) After an assessment becomes final, if any portion of 145117

the assessment remains unpaid, including accrued interest, a 145118
certified copy of the tax commissioner's entry making the 145119
assessment final may be filed in the office of the clerk of the 145120
court of common pleas in the county in which the wholesale or 145121
retail dealer's place of business is located or the county in 145122
which the party assessed resides. If the party assessed 145123
maintains no place of business in this state and is not a 145124
resident of this state, the certified copy of the entry may be 145125
filed in the office of the clerk of the court of common pleas of 145126
Franklin county. 145127

Immediately upon the filing of the commissioner's entry, 145128
the clerk shall enter a judgment for the state against the party 145129
assessed in the amount shown on the entry. The judgment may be 145130
filed by the clerk in a loose-leaf book entitled "special 145131
judgments for state cigarette sales tax," and shall have the 145132
same effect as other judgments. Execution shall issue upon the 145133
judgment upon the request of the tax commissioner, and all laws 145134
applicable to sales on execution shall apply to sales made under 145135
the judgment, except as otherwise provided in sections 5743.01 145136
to 5743.20 of the Revised Code. 145137

If the assessment is not paid in its entirety within sixty 145138
days after the assessment was issued, the portion of the 145139
assessment consisting of tax due shall bear interest at the rate 145140
per annum prescribed by section 5703.47 of the Revised Code from 145141
the day the commissioner issues the assessment until it is paid 145142
or until it is certified to the attorney general for collection 145143
under section 131.02 of the Revised Code, whichever comes first. 145144
If the unpaid portion of the assessment is certified to the 145145
attorney general for collection, the entire unpaid portion of 145146
the assessment shall bear interest at the rate per annum 145147
prescribed by section 5703.47 of the Revised Code from the date 145148

of certification until the date it is paid in its entirety. 145149
Interest shall be paid in the same manner as the tax and may be 145150
collected by the issuance of an assessment under this section. 145151

(D) All money collected by the tax commissioner under this 145152
section shall be paid to the treasurer of state, and when paid 145153
shall be considered as revenue arising from the taxes imposed by 145154
sections 5743.01 to 5743.20 of the Revised Code. 145155

Sec. 5743.323. (A) For the purposes of section 307.696 of 145156
the Revised Code and to pay the expenses of levying the tax or 145157
for such purposes and to provide revenues to the county for 145158
permanent improvements, the board of county commissioners of a 145159
county that levies a tax under division (A) of section 5743.024 145160
of the Revised Code shall by resolution adopted by a majority of 145161
the board levy a tax at the same rate on the use, consumption, 145162
or storage for consumption of cigarettes by consumers in the 145163
county, provided that the tax shall not apply if the tax levied 145164
by division (A) of section 5743.024 of the Revised Code has been 145165
paid. The tax shall take effect on the date that a tax levied 145166
under division (A) of section 5743.024 of the Revised Code takes 145167
effect, and shall remain in effect as long as the tax levied 145168
under such division remains effective. 145169

No tax shall be levied under division (A) of this section 145170
on or after September 23, 2008. This paragraph does not prevent 145171
the collection of any tax levied under this section before that 145172
date so long as that tax remains effective. 145173

(B) For the purposes of section 307.696 of the Revised 145174
Code and to pay the expenses of levying the tax or for such 145175
purposes and to provide revenues to the county for permanent 145176
improvements, the board of county commissioners of a county that 145177
levies a tax under division (C) of section 5743.024 of the 145178

Revised Code shall by resolution adopted by a majority of the 145179
board levy a tax at the same rate on the use, consumption, or 145180
storage for consumption of cigarettes by consumers in the 145181
county, provided that the tax shall not apply if the tax levied 145182
by division (C) of section 5743.024 of the Revised Code has been 145183
paid. The tax shall take effect on the date that a tax levied 145184
under division (C) of section 5743.024 of the Revised Code takes 145185
effect, and shall remain in effect as long as the tax levied 145186
under such division remains effective. 145187

(C) For the purposes set forth in division (D) of section 145188
5743.024 of the Revised Code and to pay the expenses of levying 145189
the tax or for such purposes and to provide revenues to the 145190
county for permanent improvements, the board of county 145191
commissioners of a county that levies a tax under division (D) 145192
of section 5743.024 of the Revised Code shall adopt a resolution 145193
levying a tax at the same rate, on the use, consumption, or 145194
storage for consumption of cigarettes by consumers in the 145195
county, provided that the tax shall not apply if the tax levied 145196
by division (D) of section 5743.024 of the Revised Code has been 145197
paid. The tax levied by division (C) of this section shall take 145198
effect on the date that a tax levied under division (D) of 145199
section 5743.024 of the Revised Code takes effect, and shall 145200
remain in effect as long as the tax levied under division (D) of 145201
section 5743.024 of the Revised Code remains effective. The tax 145202
levied under division (C) of this section shall be in addition 145203
to the tax levied under section 5743.32 of the Revised Code. 145204

Sec. 5743.511. The board of county commissioners of a 145205
county whose population is greater than one million one hundred 145206
thousand but less than one million three hundred thousand may 145207
levy a tax under this section for the purpose of section 307.673 145208
of the Revised Code regardless of whether or not the cooperative 145209

agreement authorized under that section has been entered into 145210
prior to the day the resolution adopted under this section is 145211
adopted, for the purpose of reimbursing a county for costs 145212
incurred in the construction of a sports facility pursuant to an 145213
agreement entered into by the county under section 307.696 of 145214
the Revised Code, or for the purpose of paying the costs of 145215
constructing, equipping, furnishing, maintaining, renovating, 145216
improving, or repairing a sports facility. The tax may be levied 145217
for any number of years or for a continuing period of time. 145218

The tax may be levied pursuant to a resolution adopted by 145219
the board of county commissioners and approved by a majority of 145220
the electors of the county voting on the question of levying the 145221
tax. The board of county commissioners shall certify a copy of 145222
the resolution to the board of elections immediately upon 145223
adopting a resolution under this section. The election may be 145224
held on the date of a general or special election held not 145225
sooner than ninety days after the date the board certifies its 145226
resolution to the board of elections. The form of the ballot 145227
shall be as follows: 145228

"For the purpose of (state the purpose or 145229
purposes), shall an excise tax be levied by county at 145230
the rate of per cent of the price of other tobacco 145231
products (aside from little cigars) sold at wholesale in the 145232
county, per cent of the price of little cigars sold at 145233
wholesale in the county, and cents per vapor volume of 145234
vapor products sold at wholesale in the county, for (number 145235
of years or a continuing period of time), the tax beginning on 145236
(the earliest date the tax would take effect)? 145237
145238

	<u>Yes</u>

	<u>No</u>	"

A board of county commissioners submitting the question of 145239
a tax under this section may submit the question of a tax under 145240
division (E) of section 307.697, division (C) of section 145241
4301.421, or division (D) of section 5743.024 of the Revised 145242
Code, or all, as a single question, provided that each tax is 145243
for the same purpose and period of time and the form of the 145244
ballot states the rate of each of the proposed taxes. 145245

If approved by a majority of electors voting on the 145246
question, the tax shall take effect on the date specified in the 145247
resolution but not sooner than the first day of the month that 145248
is at least sixty days after the certification of the election 145249
results by the board of elections. 145250

The rate of tax levied pursuant to this section shall be 145251
imposed as follows: 145252

(A) At a rate not to exceed eighty-five hundredths per 145253
cent of the wholesale price of other tobacco products, aside 145254
from little cigars, received by a distributor in the county, 145255
sold by a manufacturer to a retail dealer located in the county, 145256
or delivered to a consumer in the county for storage, use, or 145257
other consumption; 145258

(B) At a rate not to exceed one and eighty-five hundredths 145259
per cent of the wholesale price of little cigars received by a 145260
distributor in the county, sold by a manufacturer to a retail 145261
dealer located in the county, or delivered to a consumer in the 145262
county for storage, use, or other consumption; 145263

(C) At a rate not to exceed one-twentieth of one cent 145264
multiplied by the vapor volume of vapor products the first time 145265

such products are received by a vapor distributor in the county 145266
or when vapor products are delivered to a consumer in the county 145267
for storage, use, or other consumption. 145268

Only one sale of the same article shall be used in 145269
computing, reporting, and paying the amount of tax due. The tax 145270
levied under this section shall be in addition to the tax levied 145271
under section 5743.51 of the Revised Code. 145272

A board of county commissioners adopting a resolution 145273
under this section shall certify a copy of the resolution to the 145274
tax commissioner immediately upon adoption of the resolution. 145275

Sec. 5743.52. (A) Each distributor of tobacco products or 145276
vapor distributor subject to the tax levied by section 5743.51 145277
or 5743.511 of the Revised Code, on or before the twenty-third 145278
day of each month, shall file with the tax commissioner a return 145279
for the preceding month showing any information the tax 145280
commissioner finds necessary for the proper administration of 145281
this chapter, together with remittance of the tax due. The 145282
return and payment of the tax required by this section shall be 145283
filed and made electronically on or before the twenty-third day 145284
of the month following the reporting period. If the return is 145285
filed and the amount of tax shown on the return to be due is 145286
paid on or before the date the return is required to be filed, 145287
the distributor or vapor distributor is entitled to a discount 145288
equal to two and five-tenths per cent of the amount shown on the 145289
return to be due. 145290

(B) Any person who fails to timely file the return and 145291
make payment of taxes as required under this section, section 145292
5743.62, or section 5743.63 of the Revised Code may be required 145293
to pay an additional charge not exceeding the greater of fifty 145294
dollars or ten per cent of the tax due. Any additional charge 145295

imposed under this section may be collected by assessment as 145296
provided in section 5743.56 of the Revised Code. 145297

(C) If any tax due is not paid timely in accordance with 145298
this section or section 5743.62 or 5743.63 of the Revised Code, 145299
the person liable for the tax shall pay interest, calculated at 145300
the rate per annum as prescribed by section 5703.47 of the 145301
Revised Code, from the date the tax payment was due to the date 145302
of payment or to the date an assessment is issued under section 145303
5743.56 of the Revised Code, whichever occurs first. The 145304
commissioner may collect such interest by assessment pursuant to 145305
section 5743.56 of the Revised Code. 145306

(D) The commissioner may authorize the filing of returns 145307
and the payment of the tax required by this section, section 145308
5743.62, or section 5743.63 of the Revised Code for periods 145309
longer than a calendar month. 145310

(E) The commissioner may order any taxpayer to file with 145311
the commissioner security to the satisfaction of the 145312
commissioner conditioned upon filing the return and paying the 145313
taxes required under this section, section 5743.62, or section 145314
5743.63 of the Revised Code if the commissioner believes that 145315
the collection of the tax may be in jeopardy. 145316

Sec. 5743.521. In addition to the return required by 145317
section 5743.52 of the Revised Code, each retail dealer of 145318
tobacco products or vapor products in a county in which a tax is 145319
levied under section 5743.511 of the Revised Code shall, within 145320
thirty days after the date on which the tax takes effect, make 145321
and file a return, on a form prescribed by the tax commissioner, 145322
showing the total number of tobacco products or vapor products 145323
which such retail dealer had on hand as of the beginning of 145324
business on the date on which the tax takes effect and such 145325

other information as the commissioner deems necessary for the 145326
administration of that section. Each such retail dealer shall 145327
deliver the return together with a remittance of the additional 145328
amount of tax due on the tobacco products or the vapor products 145329
shown on such return to the commissioner. Any retail dealer of 145330
tobacco products or vapor products who fails to file a return 145331
under this section shall, for each day the retail dealer so 145332
fails, forfeit and pay into the state treasury the sum of one 145333
dollar as revenue arising from the tax imposed by section 145334
5743.511 of the Revised Code, and such sum may be collected by 145335
assessment in the manner provided in section 5743.56 of the 145336
Revised Code. For thirty days after the effective date of a tax 145337
imposed by section 5743.511 of the Revised Code, a retail dealer 145338
may possess for sale or sell in the county in which the tax is 145339
levied tobacco products or vapor products if the tax has or will 145340
be paid. 145341

Sec. 5743.54. (A) Each distributor of tobacco products and 145342
each vapor distributor of vapor products shall maintain complete 145343
and accurate records of all purchases and sales of tobacco 145344
products or vapor products, and shall procure and retain all 145345
invoices, bills of lading, and other documents relating to the 145346
purchases and sales of those products. The distributor or vapor 145347
distributor shall keep open records and documents during 145348
business hours for the inspection of the tax commissioner, and 145349
shall preserve them for a period of three years from the date 145350
the return was due or was filed, whichever is later, unless the 145351
commissioner, in writing, consents to their destruction within 145352
that period, or orders that they be kept for a longer period of 145353
time. 145354

(B) (1) Each distributor of tobacco products and each vapor 145355
distributor of vapor products subject to the tax levied by 145356

section 5743.51 or 5743.511 of the Revised Code shall mark on 145357
the invoices of tobacco products or vapor products sold that the 145358
tax levied by that section has been paid and shall indicate the 145359
distributor's or vapor distributor's account number as assigned 145360
by the commissioner. 145361

(2) Each vapor distributor subject to the tax imposed by 145362
section 5743.51 of the Revised Code shall mark on all invoices 145363
the total weight of the vapor product, rounded to the nearest 145364
one-tenth of one gram, if the vapor product is not sold in 145365
liquid form. If the vapor product is sold in liquid form, the 145366
invoice shall instead indicate the total volume of the vapor 145367
product, rounded to the nearest one-tenth of one milliliter. 145368

(C) No person shall make a false entry upon any invoice or 145369
record upon which an entry is required by this section and no 145370
person shall present any false entry for the inspection of the 145371
commissioner with the intent to evade the tax levied under 145372
section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 5743.63, or 145373
5743.631 of the Revised Code. 145374

Sec. 5743.55. Whenever the tax commissioner discovers any 145375
tobacco products or vapor products, subject to the tax levied 145376
under section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 5743.63, 145377
or 5743.631 of the Revised Code upon which the tax has not been 145378
paid or the commissioner has reason to believe the tax is being 145379
avoided, the commissioner may seize and take possession of the 145380
tobacco products or vapor products, which, upon seizure, shall 145381
be forfeited to the state. Within a reasonable time after 145382
seizure, the commissioner may sell the forfeited products. From 145383
the proceeds of this sale, the commissioner shall pay the costs 145384
incurred in the seizure and sale, and any proceeds remaining 145385
after the sale shall be considered as revenue arising from the 145386

tax. The seizure and sale shall not relieve any person from the 145387
fine or imprisonment provided for violation of sections 5743.51 145388
to 5743.66 of the Revised Code. The commissioner shall make the 145389
sale where it is most convenient and economical, but may order 145390
the destruction of the forfeited products if the quantity or 145391
quality is not sufficient to warrant their sale. 145392

Sec. 5743.56. (A) Any person required to pay the tax 145393
imposed by section 5743.51, 5743.511, 5743.62, ~~or~~ 5743.621, 145394
5743.63, or 5743.631 of the Revised Code is personally liable 145395
for the tax. The tax commissioner may make an assessment, based 145396
upon any information in the commissioner's possession, against 145397
any person who fails to file a return or pay any tax, interest, 145398
or additional charge as required by this chapter. The 145399
commissioner shall give the person assessed written notice of 145400
such assessment in the manner provided in section 5703.37 of the 145401
Revised Code. With the notice, the commissioner shall provide 145402
instructions on how to petition for reassessment and request a 145403
hearing on the petition. 145404

(B) When the information in the possession of the tax 145405
commissioner indicates that a person liable for the tax imposed 145406
by section 5743.51, 5743.511, 5743.62, ~~or~~ 5743.621, 5743.63, or 145407
5743.631 of the Revised Code has not paid the full amount of tax 145408
due, the commissioner may audit a representative sample of the 145409
person's business and may issue an assessment based on such 145410
audit. 145411

(C) A penalty of up to fifteen per cent may be added to 145412
all amounts assessed under this section. The tax commissioner 145413
may adopt rules providing for the imposition and remission of 145414
such penalties. 145415

(D) Unless the person assessed files with the tax 145416

commissioner within sixty days after service of the notice of 145417
assessment, ~~either personally or by certified mail,~~ a written 145418
petition for reassessment signed by the person assessed or that 145419
person's authorized agent having knowledge of the facts, the 145420
assessment becomes final and the amount of the assessment is due 145421
and payable from the person assessed to the treasurer of state. 145422
A petition shall indicate the objections of the person assessed, 145423
but additional objections may be raised in writing if received 145424
by the commissioner prior to the date shown on the final 145425
determination. If the petition has been properly filed, the 145426
commissioner shall proceed under section 5703.60 of the Revised 145427
Code. 145428

(E) After an assessment becomes final, if any portion of 145429
the assessment, including accrued interest, remains unpaid, a 145430
certified copy of the tax commissioner's entry making the 145431
assessment final may be filed in the office of the clerk of the 145432
court of common pleas in the county in which the person assessed 145433
resides or in which the person assessed conducts business. If 145434
the person assessed maintains no place of business in this state 145435
and is not a resident of this state, the certified copy of the 145436
entry may be filed in the office of the clerk of the court of 145437
common pleas of Franklin county. 145438

Immediately upon the filing of the entry, the clerk shall 145439
enter a judgment for the state against the person assessed in 145440
the amount shown on the entry. The judgment may be filed by the 145441
clerk in a loose-leaf book entitled "special judgments for state 145442
tobacco products tax," and shall have the same effect as other 145443
judgments. Execution shall issue upon the judgment upon the 145444
request of the commissioner, and all laws applicable to sales on 145445
execution shall apply to sales made under the judgment. 145446

If the assessment is not paid in its entirety within sixty 145447
days after the day the assessment is issued, the portion of the 145448
assessment consisting of tax due shall bear interest at the rate 145449
per annum prescribed by section 5703.47 of the Revised Code from 145450
the day the commissioner issues the assessment until the 145451
assessment is paid or until it is certified to the attorney 145452
general for collection under section 131.02 of the Revised Code, 145453
whichever comes first. If the unpaid portion of the assessment 145454
is certified to the attorney general for collection, the entire 145455
unpaid portion of the assessment shall bear interest at the rate 145456
per annum prescribed by section 5703.47 of the Revised Code from 145457
the date of certification until the date it is paid in its 145458
entirety. Interest shall be paid in the same manner as the tax 145459
and may be collected by issuing an assessment under this 145460
section. 145461

(F) If the tax commissioner believes that collection of 145462
the tax will be jeopardized unless proceedings to collect or 145463
secure collection of the tax are instituted without delay, the 145464
commissioner may issue a jeopardy assessment against the person 145465
liable for the tax. Immediately upon the issuance of the 145466
jeopardy assessment, the commissioner shall file an entry with 145467
the clerk of the court of common pleas in the manner prescribed 145468
by division (E) of this section. Notice of the jeopardy 145469
assessment shall be served on the person assessed or the legal 145470
representative of the person assessed, as provided in section 145471
5703.37 of the Revised Code, within five days of the filing of 145472
the entry with the clerk. The total amount assessed is 145473
immediately due and payable, unless the person assessed files a 145474
petition for reassessment in accordance with division (D) of 145475
this section and provides security in a form satisfactory to the 145476
commissioner and in an amount sufficient to satisfy the unpaid 145477

balance of the assessment. Full or partial payment of the 145478
assessment does not prejudice the commissioner's consideration 145479
of the petition for reassessment. 145480

(G) All money collected by the tax commissioner under this 145481
section shall be paid to the treasurer of state as revenue 145482
arising from the tax imposed by sections 5743.51, 5743.62, and 145483
5743.63 of the Revised Code. 145484

Sec. 5743.57. (A) If any corporation, limited liability 145485
company, or business trust required to file returns pursuant to 145486
section 5743.52, 5743.62, or 5743.63 of the Revised Code fails 145487
to remit to the state any tax due under section 5743.51, 145488
5743.511, 5743.62, or 5743.621, 5743.63, or 5743.631 of the 145489
Revised Code, any of its employees having control or supervision 145490
of or charged with the responsibility of filing returns and 145491
making payments, and any of its officers, members, managers, 145492
trustees, or other persons who are responsible for the execution 145493
of the corporation's, limited liability company's, or business 145494
trust's fiscal responsibilities, is personally liable for the 145495
failure to remit the tax. The dissolution, termination, or 145496
bankruptcy of the corporation, limited liability company, or 145497
business trust does not discharge a responsible person's 145498
liability for the corporation's, limited liability company's, or 145499
business trust's failure to remit the tax due. The tax 145500
commissioner may assess a responsible person under section 145501
5743.56 of the Revised Code. 145502

(B) Except for assessments against responsible persons 145503
under division (A) of this section, no assessment of the tax 145504
imposed by section 5743.51, 5743.511, 5743.62, or 5743.621, 145505
5743.63, or 5743.631 of the Revised Code shall be made by the 145506
tax commissioner more than three years after the date on which 145507

the return for the period assessed was due or was filed, 145508
whichever date is later. This section does not bar an assessment 145509
when any of the following occurs: 145510

(1) The person assessed failed to file a return required 145511
by section 5743.52, 5743.62, or 5743.63 of the Revised Code; 145512

(2) The person assessed knowingly filed a false or 145513
fraudulent return; 145514

(3) The person assessed and the tax commissioner have 145515
waived in writing the time limitation. 145516

Sec. 5743.59. (A) No retail dealer of tobacco products or 145517
vapor products shall have in the retail dealer's possession 145518
tobacco products or vapor products on which the tax imposed by 145519
section 5743.51 and, if applicable, section 5743.511 of the 145520
Revised Code has not been paid unless the retail dealer is 145521
licensed under section 5743.61 of the Revised Code. Payment may 145522
be evidenced by invoices from distributors or vapor distributors 145523
stating the tax has been paid. 145524

(B) The tax commissioner may inspect any place where 145525
tobacco products or vapor products subject to the tax levied 145526
under section 5743.51 or 5743.511 of the Revised Code are sold 145527
or stored. 145528

(C) No person shall prevent or hinder the commissioner 145529
from making a full inspection of any place where tobacco 145530
products or vapor products subject to the tax imposed by section 145531
5743.51 or 5743.511 of the Revised Code are sold or stored, or 145532
prevent or hinder the full inspection of invoices, books, or 145533
records required to be kept by section 5743.54 of the Revised 145534
Code. 145535

Sec. 5743.60. No person shall prepare for shipment, ship, 145536

transport, deliver, prepare for distribution, or distribute 145537
tobacco products or vapor products, or otherwise engage or 145538
participate in the business of distributing tobacco products or 145539
vapor products, with the intent to avoid payment of the tax 145540
levied by section 5743.51, 5743.511, 5743.62, or 5743.621, 145541
5743.63, or 5743.631 of the Revised Code, when the wholesale 145542
price of the tobacco products or, in the case of a tax levied 145543
under section 5743.511, 5743.621, or 5743.631 of the Revised 145544
Code, the vapor products exceeds three hundred dollars, or when 145545
the vapor volume of the vapor products exceeds five hundred 145546
milliliters or five hundred grams, as applicable, during any 145547
twelve-month period. 145548

Sec. 5743.62. (A) To provide revenue for the general 145549
revenue fund of the state, an excise tax is hereby levied on the 145550
seller of tobacco products or vapor products in this state at 145551
one of the following rates: 145552

(1) For tobacco products other than little cigars or 145553
premium cigars, seventeen per cent of the wholesale price of the 145554
tobacco product whenever the tobacco product is delivered to a 145555
consumer in this state for the storage, use, or other 145556
consumption of such tobacco products. 145557

(2) For little cigars, thirty-seven per cent of the 145558
wholesale price of the little cigars whenever the little cigars 145559
are delivered to a consumer in this state for the storage, use, 145560
or other consumption of the little cigars. 145561

(3) For premium cigars, whenever the premium cigars are 145562
delivered to a consumer in this state for the storage, use, or 145563
other consumption of the premium cigars, the lesser of seventeen 145564
per cent of the wholesale price of such premium cigars or the 145565
maximum tax amount per each such premium cigar. 145566

(4) For vapor products, one cent multiplied by the vapor 145567
volume of vapor products when the vapor products are delivered 145568
to a consumer in this state for the storage, use, or other 145569
consumption of the vapor products. 145570

The tax imposed by this section applies only to sellers 145571
having substantial nexus with this state, as defined in section 145572
5741.01 of the Revised Code. 145573

(B) A seller of tobacco products or vapor products who has 145574
substantial nexus with this state as defined in section 5741.01 145575
of the Revised Code shall register with the tax commissioner and 145576
supply any information concerning the seller's contacts with 145577
this state as may be required by the tax commissioner. A seller 145578
who does not have substantial nexus with this state may 145579
voluntarily register with the tax commissioner. A seller who 145580
voluntarily registers with the tax commissioner is entitled to 145581
the same benefits and is subject to the same duties and 145582
requirements as a seller required to be registered with the tax 145583
commissioner under this division. 145584

(C) Each seller of tobacco products or vapor products 145585
subject to the tax levied by this section or section 5743.621 of 145586
the Revised Code, on or before the twenty-third day of each 145587
month, shall file with the tax commissioner a return for the 145588
preceding month showing any information the tax commissioner 145589
finds necessary for the proper administration of sections 145590
5743.51 to 5743.66 of the Revised Code, together with remittance 145591
of the tax due, payable to the treasurer of state. The return 145592
and payment of the tax required by this section shall be filed 145593
in such a manner that it is received by the tax commissioner on 145594
or before the twenty-third day of the month following the 145595
reporting period. If the return is filed and the amount of the 145596

tax shown on the return to be due is paid on or before the date 145597
the return is required to be filed, the seller is entitled to a 145598
discount equal to two and five-tenths per cent of the amount 145599
shown on the return to be due. 145600

(D) The tax commissioner shall immediately forward to the 145601
treasurer of state all money received from the tax levied by 145602
this section, and the treasurer shall credit the amount to the 145603
general revenue fund. 145604

(E) Each seller of tobacco products or vapor products 145605
subject to the tax levied by this section or section 5743.621 of 145606
the Revised Code shall mark on the invoices of tobacco products 145607
or vapor products sold that the tax levied by that section has 145608
been paid and shall indicate the seller's account number as 145609
assigned by the tax commissioner. 145610

Sec. 5743.621. For the same purposes for which it levies a 145611
tax under section 5743.511 of the Revised Code, the board of 145612
county commissioners of a county that levies a tax under that 145613
section shall adopt a resolution levying a tax at the same rate 145614
on the sellers of tobacco products or vapor products, as 145615
applicable, whenever the tobacco product or vapor product is 145616
delivered to a consumer in the county in which that tax is 145617
levied for the storage, use, or other consumption of such 145618
product. The tax shall take effect on the date that the tax 145619
levied under section 5743.511 of the Revised Code takes effect, 145620
and shall remain in effect as long as the tax levied under that 145621
section remains in effect. The tax imposed by this section 145622
applies only to sellers having substantial nexus with this 145623
state, as defined in section 5741.01 of the Revised Code. The 145624
tax levied under this section shall be in addition to the tax 145625
levied under section 5743.62 of the Revised Code. 145626

Sec. 5743.63. (A) To provide revenue for the general 145627
revenue fund of the state, an excise tax is hereby levied on the 145628
storage, use, or other consumption of tobacco products or vapor 145629
products at one of the following rates: 145630

(1) For tobacco products other than little cigars or 145631
premium cigars, seventeen per cent of the wholesale price of the 145632
tobacco product. 145633

(2) For little cigars, thirty-seven per cent of the 145634
wholesale price of the little cigars. 145635

(3) For premium cigars, the lesser of seventeen per cent 145636
of the wholesale price of the premium cigars or the maximum tax 145637
amount per each premium cigar. 145638

(4) For vapor products, one cent multiplied by the vapor 145639
volume of the vapor products. 145640

The tax levied under division (A) of this section is 145641
imposed only if the tax has not been paid by the seller as 145642
provided in section 5743.62 of the Revised Code, or by the 145643
distributor or vapor distributor as provided in section 5743.51 145644
of the Revised Code. 145645

(B) Each person subject to the tax levied by this section_ 145646
or section 5743.631 of the Revised Code, on or before the 145647
twenty-third day of each month, shall file with the tax 145648
commissioner a return for the preceding month showing any 145649
information the commissioner finds necessary for the proper 145650
administration of sections 5743.51 to 5743.66 of the Revised 145651
Code, together with remittance of the tax due, payable to the 145652
treasurer of state. The return and payment of the tax required 145653
by this section shall be filed in such a manner that it is 145654
received by the commissioner on or before the twenty-third day 145655

of the month following the reporting period.

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(C) The tax commissioner shall immediately forward to the treasurer of state all money received from the tax levied by this section, and the treasurer shall credit the amount to the general revenue fund.

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Sec. 5743.631. For the same purposes for which it levies a tax under section 5743.511 of the Revised Code, the board of county commissioners of a county that levies a tax under that section shall adopt a resolution levying a tax at the same rate on the use, consumption, or storage for consumption of tobacco products or vapor products, as applicable, by consumers in the county in which that tax is levied. The tax shall take effect on the date that the tax levied under section 5743.511 of the Revised Code takes effect and shall remain in effect as long as the tax levied under that section remains effective. The tax levied under this section is imposed only if the tax has not been paid by the seller as provided in section 5743.621 of the Revised Code, or by the distributor or vapor distributor as provided in section 5743.511 of the Revised Code. The tax levied under this section shall be in addition to the tax levied under section 5743.63 of the Revised Code.

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Sec. 5743.64. No person shall transport within this state tobacco products that have a wholesale value in excess of three hundred dollars, or vapor products with a vapor volume in excess of five hundred milliliters or five hundred grams, as applicable, unless the person has obtained consent to transport the tobacco products or vapor products from the tax commissioner prior to transportation. The consent is not required if the applicable tax levied under section 5743.51, 5743.511, 5743.62, ~~or~~ 5743.621, 5743.63, or 5743.631 of the Revised Code has been

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paid or will be paid by the distributor, vapor distributor, or 145686
seller. Application for the consent shall be in the form 145687
prescribed by the commissioner. 145688

Every person transporting tobacco products or vapor 145689
products with the department's consent shall have the consent 145690
with the person while transporting or possessing the tobacco 145691
products or vapor products within this state and shall produce 145692
the consent upon request of any law enforcement officer or 145693
authorized agent of the tax commissioner. 145694

Any person transporting tobacco products or vapor products 145695
without the consent required by this section shall be subject to 145696
the provisions of sections 5743.51 to 5743.66 of the Revised 145697
Code, including the tax imposed by section 5743.51, 5743.511, 145698
5743.62, or 5743.621, 5743.63, or 5743.631 of the Revised Code. 145699

Sec. 5745.03. (A) For each taxable year, each taxpayer 145700
shall file an annual report with the tax commissioner not later 145701
than the fifteenth day of the fourth month after the end of the 145702
taxpayer's taxable year, and shall remit with that report the 145703
amount of tax due as shown on the report less the amount paid 145704
for the year under section 5745.04 of the Revised Code. The 145705
~~remittance shall be made in the form prescribed by the~~ 145706
~~commissioner. If the amount payable with the report exceeds one~~ 145707
~~thousand dollars, the taxpayer shall remit the any amount due~~ 145708
with the report electronically in a manner prescribed by the 145709
commissioner. The commissioner shall credit ninety-eight and 145710
one-half per cent of such remittances to the municipal income 145711
tax fund, which is hereby created in the state treasury, and 145712
credit the remainder to the municipal income tax administrative 145713
fund, which is hereby created in the state treasury. 145714

(B) Any taxpayer that has been granted an extension for 145715

filing a federal income tax return ~~may request shall~~ 145716
automatically receive an extension for filing the return 145717
~~required under this section by filing with the tax commissioner~~ 145718
~~a copy of the taxpayer's request for the federal filing~~ 145719
~~extension. The request shall be filed not later than the last~~ 145720
~~day for filing the return as required under division (A) of this~~ 145721
~~section. If such a request is properly and timely filed, and the~~ 145722
commissioner shall extend the last day for filing the return 145723
required under this section ~~for the same period for which the~~ 145724
~~federal filing extension was granted. The commissioner may deny~~ 145725
~~the filing extension request only if the taxpayer fails to~~ 145726
~~timely file the request, fails to file a copy of the federal~~ 145727
~~extension request, owes past due taxes, interest, or penalty~~ 145728
~~under this chapter, or has failed to file a required report or~~ 145729
~~other document for a prior taxable year~~ to the fifteenth day of 145730
the eleventh month after the last day of the taxable year to 145731
which the return relates. The granting of an extension under 145732
this section does not extend the last day for paying taxes 145733
without penalty pursuant to this chapter unless the commissioner 145734
extends the payment date. 145735

(C) A taxpayer that has not requested or received an 145736
extension for filing the taxpayer's federal income tax return 145737
may request that the commissioner grant the taxpayer a seven- 145738
month extension of the date for filing the taxpayer's tax 145739
return. If the commissioner receives the request on or before 145740
the date the tax return is due, the commissioner shall grant the 145741
taxpayer's extension request. 145742

(D) The annual report shall include statements of the 145743
following facts as of the last day of the taxpayer's taxable 145744
year: 145745

(1) The name of the taxpayer; 145746

~~(2) The name of the state or country under the laws of~~ 145747
~~which it is incorporated;—~~ 145748

~~(3) The location of its principal office in this state~~ 145749
~~and, in the case of a taxpayer organized under the laws of~~ 145750
~~another state, the principal place of business in this state and~~ 145751
~~the name and address of the officer or agent of the taxpayer in~~ 145752
~~charge of the business conducted in this state;—~~ 145753

~~(4) The names of the president, secretary, treasurer, and~~ 145754
~~statutory agent in this state, with the post office address of~~ 145755
~~each;—~~ 145756

~~(5)~~ (2) The date on which the taxpayer's taxable year 145757
begins and ends; 145758

~~(6)~~ (3) The taxpayer's federal taxable income during the 145759
taxpayer's taxable year; 145760

~~(7)~~ (4) Any other information the tax commissioner requires 145761
for the proper administration of this chapter. 145762

~~(D)~~ (E) The tax commissioner may require any reports 145763
required under this chapter to be filed in an electronic format. 145764

~~(E)~~ (F) A municipal corporation may not require a taxpayer 145765
required to file a report under this section to file a report of 145766
the taxpayer's income, but a municipal corporation may require a 145767
taxpayer to report to the municipal corporation the value of the 145768
taxpayer's real and tangible personal property situated in the 145769
municipal corporation, compensation paid by the taxpayer to its 145770
employees in the municipal corporation, and sales made in the 145771
municipal corporation by the taxpayer, to the extent necessary 145772
for the municipal corporation to compute the taxpayer's 145773

municipal property, payroll, and sales factors for the municipal 145774
corporation. 145775

~~(F)~~ (G) On or before the thirty-first day of January each 145776
year, each municipal corporation imposing a tax on income shall 145777
certify to the tax commissioner the rate of the tax in effect on 145778
the first day of January of that year. If any municipal 145779
corporation fails to certify its income tax rate as required by 145780
this division, the commissioner shall notify the director of 145781
budget and management, who, upon receiving such notification, 145782
shall withhold from each payment made to the municipal 145783
corporation under section 5745.05 of the Revised Code fifty per 145784
cent of the amount of the payment otherwise due the municipal 145785
corporation under that section as computed on the basis of the 145786
tax rate most recently certified until the municipal corporation 145787
certifies the tax rate in effect on the first day of January of 145788
that year. 145789

The tax rate used to determine the tax payable to a 145790
municipal corporation under this section for a taxpayer's 145791
taxable year shall be the tax rate in effect in a municipal 145792
corporation on the first day of January in that taxable year. If 145793
a taxpayer's taxable year is for a period less than twelve 145794
months that does not include the first day of January, the tax 145795
rate used to determine the tax payable to a municipal 145796
corporation under this section for the taxpayer's taxable year 145797
shall be the tax rate in effect in a municipal corporation on 145798
the first day of January in the preceding taxable year. 145799

Sec. 5745.04. (A) As used in this section, "combined tax 145800
liability" means the total of a taxpayer's income tax 145801
liabilities to all municipal corporations in this state for a 145802
taxable year. 145803

(B) Each taxpayer shall file a declaration of estimated tax report with, and remit estimated taxes to, the tax commissioner, payable to the treasurer of state, at the times and in the amounts prescribed in divisions (B) (1) to (4) of this section. The first taxable year a taxpayer is subject to this chapter, the estimated taxes the taxpayer is required to remit under this section shall be based solely on the current taxable year and not on the liability for the preceding taxable year.

(1) Not less than twenty-five per cent of the combined tax liability for the preceding taxable year or twenty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the fourth month after the end of the preceding taxable year.

(2) Not less than fifty per cent of the combined tax liability for the preceding taxable year or forty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the sixth month after the end of the preceding taxable year.

(3) Not less than seventy-five per cent of the combined tax liability for the preceding taxable year or sixty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the ninth month after the end of the preceding taxable year.

(4) Not less than one hundred per cent of the combined tax liability for the preceding taxable year or eighty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the twelfth month after the end of the preceding taxable year.

(C) Each taxpayer shall report on the declaration of

estimated tax report the portion of the remittance that the 145833
taxpayer estimates that it owes to each municipal corporation 145834
for the taxable year. 145835

(D) Upon receiving a declaration of estimated tax report 145836
and remittance of estimated taxes under this section, the tax 145837
commissioner shall credit ninety-eight and one-half per cent of 145838
the remittance to the municipal income tax fund and credit the 145839
remainder to the municipal income tax administrative fund. 145840

(E) ~~If any remittance of estimated taxes is for one~~ 145841
~~thousand dollars or more, the~~ The taxpayer shall make the 145842
remittance of estimated taxes electronically as prescribed by 145843
section 5745.041 of the Revised Code. 145844

(F) Notwithstanding section 5745.08 or 5745.09 of the 145845
Revised Code, no penalty or interest shall be imposed on a 145846
taxpayer if the declaration of estimated tax report is properly 145847
filed, and the estimated tax is paid, within the time prescribed 145848
by division (B) of this section. 145849

Sec. 5745.09. (A) In case of any underpayment of the 145850
estimated tax under section 5745.04 of the Revised Code, ~~there~~ 145851
~~shall be added~~ the tax commissioner may add to the tax an amount 145852
determined at the rate per annum prescribed by section 5703.47 145853
of the Revised Code upon the amount of underpayment for the 145854
period of underpayment. 145855

(B) The amount of the underpayment shall be the excess of 145856
division (B) (1) over division (B) (2) of this section: 145857

(1) The amount of the estimated tax payment that would be 145858
required to be paid for the taxable year if the total estimated 145859
tax were equal to the total tax shown to be due on the annual 145860
report, or if no report was filed, the tax for such year; 145861

(2) The amount, if any, of the estimated tax paid on or 145862
before the last day prescribed for such payment. 145863

(C) The period of the underpayment shall run from the date 145864
the estimated tax payment was required to be made to the date on 145865
which such payment is made. For purposes of this section, a 145866
payment of estimated tax on any payment date shall be considered 145867
a payment of any previous underpayment only to the extent such 145868
payment exceeds the amount of the payment presently due. 145869

(D) All amounts collected under this section shall be 145870
considered as taxes collected under this chapter and shall be 145871
credited and distributed to municipal corporations in the same 145872
proportions as the taxpayer's taxes are distributed for the 145873
reporting period under section 5745.05 of the Revised Code or, 145874
if the taxpayer has filed the annual report for the year under 145875
section 5745.03 of the Revised Code, in the amounts found to be 145876
due to such municipal corporations on the basis of the annual 145877
report. 145878

Sec. 5745.12. (A) If any taxpayer required to file a 145879
report under this chapter fails to file the report within the 145880
time prescribed, files an incorrect report, or fails to remit 145881
the full amount of the tax due for the period covered by the 145882
report, the tax commissioner may make an assessment against the 145883
taxpayer for any deficiency for the period for which the report 145884
or tax is due, based upon any information in the commissioner's 145885
possession. 145886

The tax commissioner shall not make or issue an assessment 145887
against a taxpayer more than three years after the later of the 145888
final date the report subject to assessment was required to be 145889
filed or the date the report was filed. Such time limit may be 145890
extended if both the taxpayer and the commissioner consent in 145891

writing to the extension. Any such extension shall extend the 145892
three-year time limit in section 5745.11 of the Revised Code for 145893
the same period of time. There shall be no bar or limit to an 145894
assessment against a taxpayer that fails to file a report 145895
subject to assessment as required by this chapter, or that files 145896
a fraudulent report. The commissioner shall give the taxpayer 145897
assessed written notice of the assessment as provided in section 145898
5703.37 of the Revised Code. With the notice, the commissioner 145899
shall provide instructions on how to petition for reassessment 145900
and request a hearing on the petition. 145901

(B) Unless the taxpayer assessed files with the tax 145902
commissioner within sixty days after service of the notice of 145903
assessment, ~~either personally or by certified mail,~~ a written 145904
petition for reassessment signed by the authorized agent of the 145905
taxpayer assessed having knowledge of the facts, the assessment 145906
becomes final, and the amount of the assessment is due and 145907
payable from the taxpayer to the treasurer of state. The 145908
petition shall indicate the taxpayer's objections, but 145909
additional objections may be raised in writing if received by 145910
the commissioner prior to the date shown on the final 145911
determination. If the petition has been properly filed, the 145912
commissioner shall proceed under section 5703.60 of the Revised 145913
Code. 145914

(C) After an assessment becomes final, if any portion of 145915
the assessment remains unpaid, including accrued interest, a 145916
certified copy of the tax commissioner's entry making the 145917
assessment final may be filed in the office of the clerk of the 145918
court of common pleas in the county in which the taxpayer has an 145919
office or place of business in this state, the county in which 145920
the taxpayer's statutory agent is located, or Franklin county. 145921

Immediately upon the filing of the entry, the clerk shall 145922
enter a judgment against the taxpayer assessed in the amount 145923
shown on the entry. The judgment may be filed by the clerk in a 145924
loose-leaf book entitled "special judgments for municipal income 145925
taxes," and shall have the same effect as other judgments. 145926
Execution shall issue upon the judgment upon the request of the 145927
tax commissioner, and all laws applicable to sales on execution 145928
shall apply to sales made under the judgment. 145929

If the assessment is not paid in its entirety within sixty 145930
days after the day the assessment was issued, the portion of the 145931
assessment consisting of tax due shall bear interest at the rate 145932
per annum prescribed by section 5703.47 of the Revised Code from 145933
the day the commissioner issues the assessment until the 145934
assessment is paid or until it is certified to the attorney 145935
general for collection under section 131.02 of the Revised Code, 145936
whichever comes first. If the unpaid portion of the assessment 145937
is certified to the attorney general for collection, the entire 145938
unpaid portion of the assessment shall bear interest at the rate 145939
per annum prescribed by section 5703.47 of the Revised Code from 145940
the date of certification until the date it is paid in its 145941
entirety. Interest shall be paid in the same manner as the tax 145942
and may be collected by issuing an assessment under this 145943
section. 145944

(D) All money collected under this section shall be 145945
credited and distributed to the municipal corporation to which 145946
the money is owed based on the assessment issued under this 145947
section. 145948

(E) If the tax commissioner believes that collection of 145949
the tax imposed by this chapter will be jeopardized unless 145950
proceedings to collect or secure collection of the tax are 145951

instituted without delay, the commissioner may issue a jeopardy 145952
assessment against the taxpayer liable for the tax. Immediately 145953
upon the issuance of the jeopardy assessment, the commissioner 145954
shall file an entry with the clerk of the court of common pleas 145955
in the manner prescribed by division (C) of this section. Notice 145956
of the jeopardy assessment shall be served on the taxpayer 145957
assessed or the taxpayer's legal representative in the manner 145958
provided in section 5703.37 of the Revised Code within five days 145959
of the filing of the entry with the clerk. The total amount 145960
assessed is immediately due and payable, unless the taxpayer 145961
assessed files a petition for reassessment in accordance with 145962
division (B) of this section and provides security in a form 145963
satisfactory to the commissioner and in an amount sufficient to 145964
satisfy the unpaid balance of the assessment. Full or partial 145965
payment of the assessment does not prejudice the commissioner's 145966
consideration of the petition for reassessment. 145967

(F) Notwithstanding the fact that a petition for 145968
reassessment is pending, the taxpayer may pay all or a portion 145969
of the assessment that is the subject of the petition. The 145970
acceptance of a payment by the treasurer of state does not 145971
prejudice any claim for refund upon final determination of the 145972
petition. 145973

If upon final determination of the petition an error in 145974
the assessment is corrected by the tax commissioner, upon 145975
petition so filed or pursuant to a decision of the board of tax 145976
appeals or any court to which the determination or decision has 145977
been appealed, so that the amount due from the taxpayer under 145978
the corrected assessment is less than the portion paid, there 145979
shall be issued to the taxpayer, its assigns, or legal 145980
representative a refund in the amount of the overpayment as 145981
provided by section 5745.11 of the Revised Code, with interest 145982

on that amount as provided by section 5745.11 of the Revised 145983
Code. 145984

Sec. 5747.01. Except as otherwise expressly provided or 145985
clearly appearing from the context, any term used in this 145986
chapter that is not otherwise defined in this section has the 145987
same meaning as when used in a comparable context in the laws of 145988
the United States relating to federal income taxes or if not 145989
used in a comparable context in those laws, has the same meaning 145990
as in section 5733.40 of the Revised Code. Any reference in this 145991
chapter to the Internal Revenue Code includes other laws of the 145992
United States relating to federal income taxes. 145993

As used in this chapter: 145994

(A) "Adjusted gross income" or "Ohio adjusted gross 145995
income" means federal adjusted gross income, as defined and used 145996
in the Internal Revenue Code, adjusted as provided in this 145997
section: 145998

(1) Add interest or dividends on obligations or securities 145999
of any state or of any political subdivision or authority of any 146000
state, other than this state and its subdivisions and 146001
authorities. 146002

(2) Add interest or dividends on obligations of any 146003
authority, commission, instrumentality, territory, or possession 146004
of the United States to the extent that the interest or 146005
dividends are exempt from federal income taxes but not from 146006
state income taxes. 146007

(3) Deduct interest or dividends on obligations of the 146008
United States and its territories and possessions or of any 146009
authority, commission, or instrumentality of the United States 146010
to the extent that the interest or dividends are included in 146011

federal adjusted gross income but exempt from state income taxes	146012
under the laws of the United States.	146013
(4) Deduct disability and survivor's benefits to the	146014
extent included in federal adjusted gross income.	146015
(5) Deduct the following, to the extent not otherwise	146016
deducted or excluded in computing federal or Ohio adjusted gross	146017
income:	146018
(a) Benefits under Title II of the Social Security Act and	146019
tier 1 railroad retirement;	146020
(b) Railroad retirement benefits, other than tier 1	146021
railroad retirement benefits, to the extent such amounts are	146022
exempt from state taxation under federal law.	146023
(6) Deduct the amount of wages and salaries, if any, not	146024
otherwise allowable as a deduction but that would have been	146025
allowable as a deduction in computing federal adjusted gross	146026
income for the taxable year, had the work opportunity tax credit	146027
allowed and determined under sections 38, 51, and 52 of the	146028
Internal Revenue Code not been in effect.	146029
(7) Deduct any interest or interest equivalent on public	146030
obligations and purchase obligations to the extent that the	146031
interest or interest equivalent is included in federal adjusted	146032
gross income.	146033
(8) Add any loss or deduct any gain resulting from the	146034
sale, exchange, or other disposition of public obligations to	146035
the extent that the loss has been deducted or the gain has been	146036
included in computing federal adjusted gross income.	146037
(9) Deduct or add amounts, as provided under section	146038
5747.70 of the Revised Code, related to contributions made to or	146039

tuition units purchased under a qualified tuition program 146040
established pursuant to section 529 of the Internal Revenue 146041
Code. 146042

(10) (a) Deduct, to the extent not otherwise allowable as a 146043
deduction or exclusion in computing federal or Ohio adjusted 146044
gross income for the taxable year, the amount the taxpayer paid 146045
during the taxable year for medical care insurance and qualified 146046
long-term care insurance for the taxpayer, the taxpayer's 146047
spouse, and dependents. No deduction for medical care insurance 146048
under division (A) (10) (a) of this section shall be allowed 146049
either to any taxpayer who is eligible to participate in any 146050
subsidized health plan maintained by any employer of the 146051
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 146052
entitled to, or on application would be entitled to, benefits 146053
under part A of Title XVIII of the "Social Security Act," 49 146054
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 146055
division (A) (10) (a) of this section, "subsidized health plan" 146056
means a health plan for which the employer pays any portion of 146057
the plan's cost. The deduction allowed under division (A) (10) (a) 146058
of this section shall be the net of any related premium refunds, 146059
related premium reimbursements, or related insurance premium 146060
dividends received during the taxable year. 146061

(b) Deduct, to the extent not otherwise deducted or 146062
excluded in computing federal or Ohio adjusted gross income 146063
during the taxable year, the amount the taxpayer paid during the 146064
taxable year, not compensated for by any insurance or otherwise, 146065
for medical care of the taxpayer, the taxpayer's spouse, and 146066
dependents, to the extent the expenses exceed seven and one-half 146067
per cent of the taxpayer's federal adjusted gross income. 146068

(c) For purposes of division (A) (10) of this section, 146069

"medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of division (A)(10)(a) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(11)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(11)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(12) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was 146100
included in the taxpayer's adjusted gross income for a prior 146101
taxable year and did not qualify for a credit under division (A) 146102
or (B) of section 5747.05 of the Revised Code for that year; 146103

(b) It does not otherwise reduce the taxpayer's adjusted 146104
gross income for the current or any other taxable year. 146105

(13) Deduct an amount equal to the deposits made to, and 146106
net investment earnings of, a medical savings account during the 146107
taxable year, in accordance with section 3924.66 of the Revised 146108
Code. The deduction allowed by division (A) (13) of this section 146109
does not apply to medical savings account deposits and earnings 146110
otherwise deducted or excluded for the current or any other 146111
taxable year from the taxpayer's federal adjusted gross income. 146112

(14) (a) Add an amount equal to the funds withdrawn from a 146113
medical savings account during the taxable year, and the net 146114
investment earnings on those funds, when the funds withdrawn 146115
were used for any purpose other than to reimburse an account 146116
holder for, or to pay, eligible medical expenses, in accordance 146117
with section 3924.66 of the Revised Code; 146118

(b) Add the amounts distributed from a medical savings 146119
account under division (A) (2) of section 3924.68 of the Revised 146120
Code during the taxable year. 146121

(15) Add any amount claimed as a credit under section 146122
5747.059 of the Revised Code to the extent that such amount 146123
satisfies either of the following: 146124

(a) The amount was deducted or excluded from the 146125
computation of the taxpayer's federal adjusted gross income as 146126
required to be reported for the taxpayer's taxable year under 146127
the Internal Revenue Code; 146128

(b) The amount resulted in a reduction of the taxpayer's 146129
federal adjusted gross income as required to be reported for any 146130
of the taxpayer's taxable years under the Internal Revenue Code. 146131

(16) Deduct the amount contributed by the taxpayer to an 146132
individual development account program established by a county 146133
department of job and family services pursuant to sections 146134
329.11 to 329.14 of the Revised Code for the purpose of matching 146135
funds deposited by program participants. On request of the tax 146136
commissioner, the taxpayer shall provide any information that, 146137
in the tax commissioner's opinion, is necessary to establish the 146138
amount deducted under division (A) (16) of this section. 146139

(17) (a) (i) Subject to divisions (A) (17) (a) (iii), (iv), and 146140
(v) of this section, add five-sixths of the amount of 146141
depreciation expense allowed by subsection (k) of section 168 of 146142
the Internal Revenue Code, including the taxpayer's 146143
proportionate or distributive share of the amount of 146144
depreciation expense allowed by that subsection to a pass- 146145
through entity in which the taxpayer has a direct or indirect 146146
ownership interest. 146147

(ii) Subject to divisions (A) (17) (a) (iii), (iv), and (v) 146148
of this section, add five-sixths of the amount of qualifying 146149
section 179 depreciation expense, including the taxpayer's 146150
proportionate or distributive share of the amount of qualifying 146151
section 179 depreciation expense allowed to any pass-through 146152
entity in which the taxpayer has a direct or indirect ownership 146153
interest. 146154

(iii) Subject to division (A) (17) (a) (v) of this section, 146155
for taxable years beginning in 2012 or thereafter, if the 146156
increase in income taxes withheld by the taxpayer is equal to or 146157
greater than ten per cent of income taxes withheld by the 146158

taxpayer during the taxpayer's immediately preceding taxable 146159
year, "two-thirds" shall be substituted for "five-sixths" for 146160
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 146161

(iv) Subject to division (A) (17) (a) (v) of this section, 146162
for taxable years beginning in 2012 or thereafter, a taxpayer is 146163
not required to add an amount under division (A) (17) of this 146164
section if the increase in income taxes withheld by the taxpayer 146165
and by any pass-through entity in which the taxpayer has a 146166
direct or indirect ownership interest is equal to or greater 146167
than the sum of (I) the amount of qualifying section 179 146168
depreciation expense and (II) the amount of depreciation expense 146169
allowed to the taxpayer by subsection (k) of section 168 of the 146170
Internal Revenue Code, and including the taxpayer's 146171
proportionate or distributive shares of such amounts allowed to 146172
any such pass-through entities. 146173

(v) If a taxpayer directly or indirectly incurs a net 146174
operating loss for the taxable year for federal income tax 146175
purposes, to the extent such loss resulted from depreciation 146176
expense allowed by subsection (k) of section 168 of the Internal 146177
Revenue Code and by qualifying section 179 depreciation expense, 146178
"the entire" shall be substituted for "five-sixths of the" for 146179
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 146180

The tax commissioner, under procedures established by the 146181
commissioner, may waive the add-backs related to a pass-through 146182
entity if the taxpayer owns, directly or indirectly, less than 146183
five per cent of the pass-through entity. 146184

(b) Nothing in division (A) (17) of this section shall be 146185
construed to adjust or modify the adjusted basis of any asset. 146186

(c) To the extent the add-back required under division (A) 146187

(17) (a) of this section is attributable to property generating 146188
nonbusiness income or loss allocated under section 5747.20 of 146189
the Revised Code, the add-back shall be situated to the same 146190
location as the nonbusiness income or loss generated by the 146191
property for the purpose of determining the credit under 146192
division (A) of section 5747.05 of the Revised Code. Otherwise, 146193
the add-back shall be apportioned, subject to one or more of the 146194
four alternative methods of apportionment enumerated in section 146195
5747.21 of the Revised Code. 146196

(d) For the purposes of division (A) (17) (a) (v) of this 146197
section, net operating loss carryback and carryforward shall not 146198
include the allowance of any net operating loss deduction 146199
carryback or carryforward to the taxable year to the extent such 146200
loss resulted from depreciation allowed by section 168(k) of the 146201
Internal Revenue Code and by the qualifying section 179 146202
depreciation expense amount. 146203

(e) For the purposes of divisions (A) (17) and (18) of this 146204
section: 146205

(i) "Income taxes withheld" means the total amount 146206
withheld and remitted under sections 5747.06 and 5747.07 of the 146207
Revised Code by an employer during the employer's taxable year. 146208

(ii) "Increase in income taxes withheld" means the amount 146209
by which the amount of income taxes withheld by an employer 146210
during the employer's current taxable year exceeds the amount of 146211
income taxes withheld by that employer during the employer's 146212
immediately preceding taxable year. 146213

(iii) "Qualifying section 179 depreciation expense" means 146214
the difference between (I) the amount of depreciation expense 146215
directly or indirectly allowed to a taxpayer under section 179 146216

of the Internal Revised Code, and (II) the amount of 146217
depreciation expense directly or indirectly allowed to the 146218
taxpayer under section 179 of the Internal Revenue Code as that 146219
section existed on December 31, 2002. 146220

(18) (a) If the taxpayer was required to add an amount 146221
under division (A) (17) (a) of this section for a taxable year, 146222
deduct one of the following: 146223

(i) One-fifth of the amount so added for each of the five 146224
succeeding taxable years if the amount so added was five-sixths 146225
of qualifying section 179 depreciation expense or depreciation 146226
expense allowed by subsection (k) of section 168 of the Internal 146227
Revenue Code; 146228

(ii) One-half of the amount so added for each of the two 146229
succeeding taxable years if the amount so added was two-thirds 146230
of such depreciation expense; 146231

(iii) One-sixth of the amount so added for each of the six 146232
succeeding taxable years if the entire amount of such 146233
depreciation expense was so added. 146234

(b) If the amount deducted under division (A) (18) (a) of 146235
this section is attributable to an add-back allocated under 146236
division (A) (17) (c) of this section, the amount deducted shall 146237
be situated to the same location. Otherwise, the ~~add-back~~ 146238
deduction shall be apportioned using the apportionment factors 146239
for the taxable year in which the deduction is taken, subject to 146240
one or more of the four alternative methods of apportionment 146241
enumerated in section 5747.21 of the Revised Code. 146242

(c) No deduction is available under division (A) (18) (a) of 146243
this section with regard to any depreciation allowed by section 146244
168(k) of the Internal Revenue Code and by the qualifying 146245

section 179 depreciation expense amount to the extent that such 146246
depreciation results in or increases a federal net operating 146247
loss carryback or carryforward. If no such deduction is 146248
available for a taxable year, the taxpayer may carry forward the 146249
amount not deducted in such taxable year to the next taxable 146250
year and add that amount to any deduction otherwise available 146251
under division (A) (18) (a) of this section for that next taxable 146252
year. The carryforward of amounts not so deducted shall continue 146253
until the entire addition required by division (A) (17) (a) of 146254
this section has been deducted. 146255

(19) Deduct, to the extent not otherwise deducted or 146256
excluded in computing federal or Ohio adjusted gross income for 146257
the taxable year, the amount the taxpayer received during the 146258
taxable year as reimbursement for life insurance premiums under 146259
section 5919.31 of the Revised Code. 146260

(20) Deduct, to the extent not otherwise deducted or 146261
excluded in computing federal or Ohio adjusted gross income for 146262
the taxable year, the amount the taxpayer received during the 146263
taxable year as a death benefit paid by the adjutant general 146264
under section 5919.33 of the Revised Code. 146265

(21) Deduct, to the extent included in federal adjusted 146266
gross income and not otherwise allowable as a deduction or 146267
exclusion in computing federal or Ohio adjusted gross income for 146268
the taxable year, military pay and allowances received by the 146269
taxpayer during the taxable year for active duty service in the 146270
~~United States army, air force, navy, marine corps, or coast-~~ 146271
~~guard-armed services of the United States, as defined in section~~ 146272
5907.01 of the Revised Code, or reserve components thereof or 146273
the national guard. The deduction may not be claimed for 146274
military pay and allowances received by the taxpayer while the 146275

taxpayer is stationed in this state. 146276

(22) Deduct, to the extent not otherwise allowable as a 146277
deduction or exclusion in computing federal or Ohio adjusted 146278
gross income for the taxable year and not otherwise compensated 146279
for by any other source, the amount of qualified organ donation 146280
expenses incurred by the taxpayer during the taxable year, not 146281
to exceed ten thousand dollars. A taxpayer may deduct qualified 146282
organ donation expenses only once for all taxable years 146283
beginning with taxable years beginning in 2007. 146284

For the purposes of division (A) (22) of this section: 146285

(a) "Human organ" means all or any portion of a human 146286
liver, pancreas, kidney, intestine, or lung, and any portion of 146287
human bone marrow. 146288

(b) "Qualified organ donation expenses" means travel 146289
expenses, lodging expenses, and wages and salary forgone by a 146290
taxpayer in connection with the taxpayer's donation, while 146291
living, of one or more of the taxpayer's human organs to another 146292
human being. 146293

(23) Deduct, to the extent not otherwise deducted or 146294
excluded in computing federal or Ohio adjusted gross income for 146295
the taxable year, amounts received by the taxpayer as retired 146296
personnel pay for service in the uniformed services or reserve 146297
components thereof, or the national guard, or received by the 146298
surviving spouse or former spouse of such a taxpayer under the 146299
survivor benefit plan on account of such a taxpayer's death. If 146300
the taxpayer receives income on account of retirement paid under 146301
the federal civil service retirement system or federal employees 146302
retirement system, or under any successor retirement program 146303
enacted by the congress of the United States that is established 146304

and maintained for retired employees of the United States 146305
government, and such retirement income is based, in whole or in 146306
part, on credit for the taxpayer's uniformed service, the 146307
deduction allowed under this division shall include only that 146308
portion of such retirement income that is attributable to the 146309
taxpayer's uniformed service, to the extent that portion of such 146310
retirement income is otherwise included in federal adjusted 146311
gross income and is not otherwise deducted under this section. 146312
Any amount deducted under division (A) (23) of this section is 146313
not included in a taxpayer's adjusted gross income for the 146314
purposes of section 5747.055 of the Revised Code. No amount may 146315
be deducted under division (A) (23) of this section on the basis 146316
of which a credit was claimed under section 5747.055 of the 146317
Revised Code. 146318

(24) Deduct, to the extent not otherwise deducted or 146319
excluded in computing federal or Ohio adjusted gross income for 146320
the taxable year, the amount the taxpayer received during the 146321
taxable year from the military injury relief fund created in 146322
section 5902.05 of the Revised Code. 146323

(25) Deduct, to the extent not otherwise deducted or 146324
excluded in computing federal or Ohio adjusted gross income for 146325
the taxable year, the amount the taxpayer received as a veterans 146326
bonus during the taxable year from the Ohio department of 146327
veterans services as authorized by Section 2r of Article VIII, 146328
Ohio Constitution. 146329

(26) Deduct, to the extent not otherwise deducted or 146330
excluded in computing federal or Ohio adjusted gross income for 146331
the taxable year, any income derived from a transfer agreement 146332
or from the enterprise transferred under that agreement under 146333
section 4313.02 of the Revised Code. 146334

(27) Deduct, to the extent not otherwise deducted or 146335
excluded in computing federal or Ohio adjusted gross income for 146336
the taxable year, Ohio college opportunity or federal Pell grant 146337
amounts received by the taxpayer or the taxpayer's spouse or 146338
dependent pursuant to section 3333.122 of the Revised Code or 20 146339
U.S.C. 1070a, et seq., and used to pay room or board furnished 146340
by the educational institution for which the grant was awarded 146341
at the institution's facilities, including meal plans 146342
administered by the institution. For the purposes of this 146343
division, receipt of a grant includes the distribution of a 146344
grant directly to an educational institution and the crediting 146345
of the grant to the enrollee's account with the institution. 146346

(28) Deduct from the portion of an individual's federal 146347
adjusted gross income that is business income, to the extent not 146348
otherwise deducted or excluded in computing federal adjusted 146349
gross income for the taxable year, one hundred twenty-five 146350
thousand dollars for each spouse if spouses file separate 146351
returns under section 5747.08 of the Revised Code or two hundred 146352
fifty thousand dollars for all other individuals. 146353

(29) Deduct, as provided under section 5747.78 of the 146354
Revised Code, contributions to ABLE savings accounts made in 146355
accordance with sections 113.50 to 113.56 of the Revised Code. 146356

(30) (a) Deduct, to the extent not otherwise deducted or 146357
excluded in computing federal or Ohio adjusted gross income 146358
during the taxable year, all of the following: 146359

(i) Compensation paid to a qualifying employee described 146360
in division (A) (14) (a) of section 5703.94 of the Revised Code to 146361
the extent such compensation is for disaster work conducted in 146362
this state during a disaster response period pursuant to a 146363
qualifying solicitation received by the employee's employer; 146364

(ii) Compensation paid to a qualifying employee described 146365
in division (A) (14) (b) of section 5703.94 of the Revised Code to 146366
the extent such compensation is for disaster work conducted in 146367
this state by the employee during the disaster response period 146368
on critical infrastructure owned or used by the employee's 146369
employer; 146370

(iii) Income received by an out-of-state disaster business 146371
for disaster work conducted in this state during a disaster 146372
response period, or, if the out-of-state disaster business is a 146373
pass-through entity, a taxpayer's distributive share of the 146374
pass-through entity's income from the business conducting 146375
disaster work in this state during a disaster response period, 146376
if, in either case, the disaster work is conducted pursuant to a 146377
qualifying solicitation received by the business. 146378

(b) All terms used in division (A) (30) of this section 146379
have the same meanings as in section 5703.94 of the Revised 146380
Code. 146381

(31) For a taxpayer who is a qualifying Ohio educator, 146382
deduct, to the extent not otherwise deducted or excluded in 146383
computing federal or Ohio adjusted gross income for the taxable 146384
year, the lesser of ~~two~~three hundred ~~fifty~~ dollars or the 146385
amount of expenses described in subsections (a) (2) (D) (i) and 146386
(ii) of section 62 of the Internal Revenue Code paid or incurred 146387
by the taxpayer during the taxpayer's taxable year in excess of 146388
the amount the taxpayer is authorized to deduct for that taxable 146389
year under subsection (a) (2) (D) of that section. 146390

(32) Deduct, to the extent not otherwise deducted or 146391
excluded in computing federal or Ohio adjusted gross income for 146392
the taxable year, amounts received by the taxpayer as a 146393
disability severance payment, computed under 10 U.S.C. 1212, 146394

following discharge or release under honorable conditions from 146395
the armed forces of the United States, as defined in section 146396
5907.01 of the Revised Code. 146397

(33) Deduct, to the extent not otherwise deducted or 146398
excluded in computing federal adjusted gross income or Ohio 146399
adjusted gross income, amounts not subject to tax due to an 146400
agreement entered into under division (A) (2) of section 5747.05 146401
of the Revised Code. 146402

(34) Deduct amounts as provided under section 5747.79 of 146403
the Revised Code related to the taxpayer's qualifying capital 146404
gains and deductible payroll. 146405

To the extent a qualifying capital gain described under 146406
division (A) (34) of this section is business income, the 146407
taxpayer shall deduct those gains under this division before 146408
deducting any such gains under division (A) (28) of this section. 146409

(35) (a) For taxable years beginning in or after 2026, 146410
deduct, to the extent not otherwise deducted or excluded in 146411
computing federal or Ohio adjusted gross income for the taxable 146412
year: 146413

(i) One hundred per cent of the capital gain received by 146414
the taxpayer in the taxable year from a qualifying interest in 146415
an Ohio venture capital operating company attributable to the 146416
company's investments in Ohio businesses during the period for 146417
which the company was an Ohio venture operating company; and 146418

(ii) Fifty per cent of the capital gain received by the 146419
taxpayer in the taxable year from a qualifying interest in an 146420
Ohio venture capital operating company attributable to the 146421
company's investments in all other businesses during the period 146422
for which the company was an Ohio venture operating company. 146423

(b) Add amounts previously deducted by the taxpayer under 146424
division (A) (35) (a) of this section if the director of 146425
development certifies to the tax commissioner that the 146426
requirements for the deduction were not met. 146427

(c) All terms used in division (A) (35) of this section 146428
have the same meanings as in section 122.851 of the Revised 146429
Code. 146430

(d) To the extent a capital gain described in division (A) 146431
(35) (a) of this section is business income, the taxpayer shall 146432
apply that division before applying division (A) (28) of this 146433
section. 146434

(36) Add, to the extent not otherwise included in 146435
computing federal or Ohio adjusted gross income for any taxable 146436
year, the taxpayer's proportionate share of the amount of the 146437
tax levied under section 5747.38 of the Revised Code and paid by 146438
an electing pass-through entity for the taxable year. 146439

Notwithstanding any provision of the Revised Code to the 146440
contrary, the portion of the addition required by division (A) 146441
(36) of this section related to the apportioned business income 146442
of the pass-through entity shall be considered business income 146443
under division (B) of this section. Such addition is eligible 146444
for the deduction in division (A) (28) of this section, subject 146445
to the applicable dollar limitations, and the tax rate 146446
prescribed by division (A) (4) (a) of section 5747.02 of the 146447
Revised Code. The taxpayer shall provide, upon request of the 146448
tax commissioner, any documentation necessary to verify the 146449
portion of the addition that is business income under this 146450
division. 146451

(37) Deduct, to the extent not otherwise deducted or 146452

excluded in computing federal or Ohio adjusted gross income for 146453
the taxable year, amounts delivered to a qualifying institution 146454
pursuant to section 3333.128 of the Revised Code for the benefit 146455
of the taxpayer or the taxpayer's spouse or dependent. 146456

(38) Deduct, to the extent not otherwise deducted or 146457
excluded in computing federal or Ohio adjusted gross income for 146458
the taxable year, amounts received under the Ohio adoption grant 146459
program pursuant to section ~~5101.191~~ 5180.451 of the Revised 146460
Code. 146461

(39) Deduct, to the extent included in federal adjusted 146462
gross income, income attributable to amounts provided to a 146463
taxpayer for any of the purposes for which an exclusion would 146464
have been authorized under section 139 of the Internal Revenue 146465
Code if the train derailment near the city of East Palestine on 146466
February 3, 2023, had been a qualified disaster pursuant to that 146467
section, or to compensate for lost business resulting from that 146468
derailment, if such amounts are provided by any of the 146469
following: 146470

(a) A federal, state, or local government agency; 146471

(b) A railroad company, as that term is defined in section 146472
5727.01 of the Revised Code; 146473

(c) Any subsidiary, insurer, or agent of a railroad 146474
company or any related person. 146475

Notwithstanding any provision to the contrary, the 146476
derailment is not required to meet the definition of a 146477
"qualified disaster" pursuant to section 139 of the Internal 146478
Revenue Code to qualify for the deduction under this section. 146479

(40) Deduct, to the extent included in federal adjusted 146480
gross income, income attributable to loan repayments on behalf 146481

of the taxpayer under the rural practice incentive program under 146482
section 3333.135 of the Revised Code. 146483

(41) Add any income taxes deducted in computing federal or 146484
Ohio adjusted gross income to the extent the income taxes were 146485
derived from income subject to a tax levied in another state or 146486
the District of Columbia when such tax was enacted for purposes 146487
of complying with internal revenue service notice 2020-75. 146488

Notwithstanding any provision of the Revised Code to the 146489
contrary, the portion of the addition required by division (A) 146490
(41) of this section related to the apportioned business income 146491
of the pass-through entity shall be considered business income 146492
under division (B) of this section. Such addition is eligible 146493
for the deduction in division (A) (28) of this section, subject 146494
to the applicable dollar limitations, and the tax rate 146495
prescribed by division (A) (4) (a) of section 5747.02 of the 146496
Revised Code. The taxpayer shall provide, upon request of the 146497
tax commissioner, any documentation necessary to verify the 146498
portion of the addition that is business income under this 146499
division. 146500

(42) Deduct amounts contributed to a homeownership savings 146501
account and calculated pursuant to divisions (B) and (C) of 146502
section 5747.85 of the Revised Code. 146503

(43) If the taxpayer is the account owner, ~~add the amount~~ 146504
~~of funds withdrawn from a homeownership savings account not used~~ 146505
~~for eligible expenses, regardless of who deposited those funds~~ 146506
of a homeownership savings account, upon withdrawal or transfer 146507
of funds from the account, or closure of the account containing 146508
funds that are not used for eligible expenses, add the amount of 146509
such funds not used for an eligible expense. The addition 146510
required under this division shall not exceed the sum of the 146511

amounts deducted by the taxpayer for such account under division 146512
(A) (42) of this section in any taxable year and the amount of 146513
any funds deposited in the account by a contributor other than 146514
the account owner. As used in division (A) (43) of this section, 146515
"homeownership savings account," "contributor," "account owner," 146516
and "eligible expenses" have the same meanings as in section 146517
5747.85 of the Revised Code. 146518

(44) Deduct, to the extent not otherwise deducted or 146519
excluded in computing federal or Ohio adjusted gross income 146520
during the taxable year, up to seven hundred fifty dollars of 146521
contributions the taxpayer makes to a pregnancy resource center 146522
that meets the criteria in division (B) of section 5101.804 of 146523
the Revised Code. 146524

(B) "Business income" means income, including gain or 146525
loss, arising from transactions, activities, and sources in the 146526
regular course of a trade or business and includes income, gain, 146527
or loss from real property, tangible property, and intangible 146528
property if the acquisition, rental, management, and disposition 146529
of the property constitute integral parts of the regular course 146530
of a trade or business operation. "Business income" includes 146531
income, including gain or loss, from a partial or complete 146532
liquidation of a business, including, but not limited to, gain 146533
or loss from the sale or other disposition of goodwill or the 146534
sale of an equity or ownership interest in a business. 146535

As used in this division, the "sale of an equity or 146536
ownership interest in a business" means sales to which either or 146537
both of the following apply: 146538

(1) The sale is treated for federal income tax purposes as 146539
the sale of assets. 146540

(2) The seller materially participated, as described in 26 146541
C.F.R. 1.469-5T, in the activities of the business during the 146542
taxable year in which the sale occurs or during any of the five 146543
preceding taxable years. 146544

(C) "Nonbusiness income" means all income other than 146545
business income and may include, but is not limited to, 146546
compensation, rents and royalties from real or tangible personal 146547
property, capital gains, interest, dividends and distributions, 146548
patent or copyright royalties, or lottery winnings, prizes, and 146549
awards. 146550

(D) "Compensation" means any form of remuneration paid to 146551
an employee for personal services. 146552

(E) "Fiduciary" means a guardian, trustee, executor, 146553
administrator, receiver, conservator, or any other person acting 146554
in any fiduciary capacity for any individual, trust, or estate. 146555

(F) "Fiscal year" means an accounting period of twelve 146556
months ending on the last day of any month other than December. 146557

(G) "Individual" means any natural person. 146558

(H) "Internal Revenue Code" means the "Internal Revenue 146559
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 146560

(I) "Resident" means any of the following: 146561

(1) An individual who is domiciled in this state, subject 146562
to section 5747.24 of the Revised Code; 146563

(2) The estate of a decedent who at the time of death was 146564
domiciled in this state. The domicile tests of section 5747.24 146565
of the Revised Code are not controlling for purposes of division 146566
(I) (2) of this section. 146567

(3) A trust that, in whole or part, resides in this state. 146568
If only part of a trust resides in this state, the trust is a 146569
resident only with respect to that part. 146570

For the purposes of division (I)(3) of this section: 146571

(a) A trust resides in this state for the trust's current 146572
taxable year to the extent, as described in division (I)(3)(d) 146573
of this section, that the trust consists directly or indirectly, 146574
in whole or in part, of assets, net of any related liabilities, 146575
that were transferred, or caused to be transferred, directly or 146576
indirectly, to the trust by any of the following: 146577

(i) A person, a court, or a governmental entity or 146578
instrumentality on account of the death of a decedent, but only 146579
if the trust is described in division (I)(3)(e)(i) or (ii) of 146580
this section; 146581

(ii) A person who was domiciled in this state for the 146582
purposes of this chapter when the person directly or indirectly 146583
transferred assets to an irrevocable trust, but only if at least 146584
one of the trust's qualifying beneficiaries is domiciled in this 146585
state for the purposes of this chapter during all or some 146586
portion of the trust's current taxable year; 146587

(iii) A person who was domiciled in this state for the 146588
purposes of this chapter when the trust document or instrument 146589
or part of the trust document or instrument became irrevocable, 146590
but only if at least one of the trust's qualifying beneficiaries 146591
is a resident domiciled in this state for the purposes of this 146592
chapter during all or some portion of the trust's current 146593
taxable year. If a trust document or instrument became 146594
irrevocable upon the death of a person who at the time of death 146595
was domiciled in this state for purposes of this chapter, that 146596

person is a person described in division (I) (3) (a) (iii) of this section. 146597
146598

(b) A trust is irrevocable to the extent that the 146599
transferor is not considered to be the owner of the net assets 146600
of the trust under sections 671 to 678 of the Internal Revenue 146601
Code. 146602

(c) With respect to a trust other than a charitable lead 146603
trust, "qualifying beneficiary" has the same meaning as 146604
"potential current beneficiary" as defined in section 1361(e) (2) 146605
of the Internal Revenue Code, and with respect to a charitable 146606
lead trust "qualifying beneficiary" is any current, future, or 146607
contingent beneficiary, but with respect to any trust 146608
"qualifying beneficiary" excludes a person or a governmental 146609
entity or instrumentality to any of which a contribution would 146610
qualify for the charitable deduction under section 170 of the 146611
Internal Revenue Code. 146612

(d) For the purposes of division (I) (3) (a) of this 146613
section, the extent to which a trust consists directly or 146614
indirectly, in whole or in part, of assets, net of any related 146615
liabilities, that were transferred directly or indirectly, in 146616
whole or part, to the trust by any of the sources enumerated in 146617
that division shall be ascertained by multiplying the fair 146618
market value of the trust's assets, net of related liabilities, 146619
by the qualifying ratio, which shall be computed as follows: 146620

(i) The first time the trust receives assets, the 146621
numerator of the qualifying ratio is the fair market value of 146622
those assets at that time, net of any related liabilities, from 146623
sources enumerated in division (I) (3) (a) of this section. The 146624
denominator of the qualifying ratio is the fair market value of 146625
all the trust's assets at that time, net of any related 146626

liabilities. 146627

(ii) Each subsequent time the trust receives assets, a 146628
revised qualifying ratio shall be computed. The numerator of the 146629
revised qualifying ratio is the sum of (1) the fair market value 146630
of the trust's assets immediately prior to the subsequent 146631
transfer, net of any related liabilities, multiplied by the 146632
qualifying ratio last computed without regard to the subsequent 146633
transfer, and (2) the fair market value of the subsequently 146634
transferred assets at the time transferred, net of any related 146635
liabilities, from sources enumerated in division (I) (3) (a) of 146636
this section. The denominator of the revised qualifying ratio is 146637
the fair market value of all the trust's assets immediately 146638
after the subsequent transfer, net of any related liabilities. 146639

(iii) Whether a transfer to the trust is by or from any of 146640
the sources enumerated in division (I) (3) (a) of this section 146641
shall be ascertained without regard to the domicile of the 146642
trust's beneficiaries. 146643

(e) For the purposes of division (I) (3) (a) (i) of this 146644
section: 146645

(i) A trust is described in division (I) (3) (e) (i) of this 146646
section if the trust is a testamentary trust and the testator of 146647
that testamentary trust was domiciled in this state at the time 146648
of the testator's death for purposes of the taxes levied under 146649
Chapter 5731. of the Revised Code. 146650

(ii) A trust is described in division (I) (3) (e) (ii) of 146651
this section if the transfer is a qualifying transfer described 146652
in any of divisions (I) (3) (f) (i) to (vi) of this section, the 146653
trust is an irrevocable inter vivos trust, and at least one of 146654
the trust's qualifying beneficiaries is domiciled in this state 146655

for purposes of this chapter during all or some portion of the 146656
trust's current taxable year. 146657

(f) For the purposes of division (I)(3)(e)(ii) of this 146658
section, a "qualifying transfer" is a transfer of assets, net of 146659
any related liabilities, directly or indirectly to a trust, if 146660
the transfer is described in any of the following: 146661

(i) The transfer is made to a trust, created by the 146662
decedent before the decedent's death and while the decedent was 146663
domiciled in this state for the purposes of this chapter, and, 146664
prior to the death of the decedent, the trust became irrevocable 146665
while the decedent was domiciled in this state for the purposes 146666
of this chapter. 146667

(ii) The transfer is made to a trust to which the 146668
decedent, prior to the decedent's death, had directly or 146669
indirectly transferred assets, net of any related liabilities, 146670
while the decedent was domiciled in this state for the purposes 146671
of this chapter, and prior to the death of the decedent the 146672
trust became irrevocable while the decedent was domiciled in 146673
this state for the purposes of this chapter. 146674

(iii) The transfer is made on account of a contractual 146675
relationship existing directly or indirectly between the 146676
transferor and either the decedent or the estate of the decedent 146677
at any time prior to the date of the decedent's death, and the 146678
decedent was domiciled in this state at the time of death for 146679
purposes of the taxes levied under Chapter 5731. of the Revised 146680
Code. 146681

(iv) The transfer is made to a trust on account of a 146682
contractual relationship existing directly or indirectly between 146683
the transferor and another person who at the time of the 146684

decedent's death was domiciled in this state for purposes of 146685
this chapter. 146686

(v) The transfer is made to a trust on account of the will 146687
of a testator who was domiciled in this state at the time of the 146688
testator's death for purposes of the taxes levied under Chapter 146689
5731. of the Revised Code. 146690

(vi) The transfer is made to a trust created by or caused 146691
to be created by a court, and the trust was directly or 146692
indirectly created in connection with or as a result of the 146693
death of an individual who, for purposes of the taxes levied 146694
under Chapter 5731. of the Revised Code, was domiciled in this 146695
state at the time of the individual's death. 146696

(g) The tax commissioner may adopt rules to ascertain the 146697
part of a trust residing in this state. 146698

(J) "Nonresident" means an individual or estate that is 146699
not a resident. An individual who is a resident for only part of 146700
a taxable year is a nonresident for the remainder of that 146701
taxable year. 146702

(K) "Pass-through entity" has the same meaning as in 146703
section 5733.04 of the Revised Code. 146704

(L) "Return" means the notifications and reports required 146705
to be filed pursuant to this chapter for the purpose of 146706
reporting the tax due and includes declarations of estimated tax 146707
when so required. 146708

(M) "Taxable year" means the calendar year or the 146709
taxpayer's fiscal year ending during the calendar year, or 146710
fractional part thereof, upon which the adjusted gross income is 146711
calculated pursuant to this chapter. 146712

(N) "Taxpayer" means any person subject to the tax imposed 146713
by section 5747.02 of the Revised Code or any pass-through 146714
entity that makes the election under division (D) of section 146715
5747.08 of the Revised Code. 146716

(O) "Dependents" means one of the following: 146717

(1) For taxable years beginning on or after January 1, 146718
2018, and before January 1, 2026, dependents as defined in the 146719
Internal Revenue Code; 146720

(2) For all other taxable years, dependents as defined in 146721
the Internal Revenue Code and as claimed in the taxpayer's 146722
federal income tax return for the taxable year or which the 146723
taxpayer would have been permitted to claim had the taxpayer 146724
filed a federal income tax return. 146725

(P) "Principal county of employment" means, in the case of 146726
a nonresident, the county within the state in which a taxpayer 146727
performs services for an employer or, if those services are 146728
performed in more than one county, the county in which the major 146729
portion of the services are performed. 146730

(Q) As used in sections 5747.50 to 5747.55 of the Revised 146731
Code: 146732

(1) "Subdivision" means any county, municipal corporation, 146733
park district, or township. 146734

(2) "Essential local government purposes" includes all 146735
functions that any subdivision is required by general law to 146736
exercise, including like functions that are exercised under a 146737
charter adopted pursuant to the Ohio Constitution. 146738

(R) "Overpayment" means any amount already paid that 146739
exceeds the figure determined to be the correct amount of the 146740

tax. 146741

(S) "Taxable income" or "Ohio taxable income" applies only 146742
to estates and trusts, and means federal taxable income, as 146743
defined and used in the Internal Revenue Code, adjusted as 146744
follows: 146745

(1) Add interest or dividends, net of ordinary, necessary, 146746
and reasonable expenses not deducted in computing federal 146747
taxable income, on obligations or securities of any state or of 146748
any political subdivision or authority of any state, other than 146749
this state and its subdivisions and authorities, but only to the 146750
extent that such net amount is not otherwise includible in Ohio 146751
taxable income and is described in either division (S) (1) (a) or 146752
(b) of this section: 146753

(a) The net amount is not attributable to the S portion of 146754
an electing small business trust and has not been distributed to 146755
beneficiaries for the taxable year; 146756

(b) The net amount is attributable to the S portion of an 146757
electing small business trust for the taxable year. 146758

(2) Add interest or dividends, net of ordinary, necessary, 146759
and reasonable expenses not deducted in computing federal 146760
taxable income, on obligations of any authority, commission, 146761
instrumentality, territory, or possession of the United States 146762
to the extent that the interest or dividends are exempt from 146763
federal income taxes but not from state income taxes, but only 146764
to the extent that such net amount is not otherwise includible 146765
in Ohio taxable income and is described in either division (S) 146766
(1) (a) or (b) of this section; 146767

(3) Add the amount of personal exemption allowed to the 146768
estate pursuant to section 642(b) of the Internal Revenue Code; 146769

(4) Deduct interest or dividends, net of related expenses 146770
deducted in computing federal taxable income, on obligations of 146771
the United States and its territories and possessions or of any 146772
authority, commission, or instrumentality of the United States 146773
to the extent that the interest or dividends are exempt from 146774
state taxes under the laws of the United States, but only to the 146775
extent that such amount is included in federal taxable income 146776
and is described in either division (S) (1) (a) or (b) of this 146777
section; 146778

(5) Deduct the amount of wages and salaries, if any, not 146779
otherwise allowable as a deduction but that would have been 146780
allowable as a deduction in computing federal taxable income for 146781
the taxable year, had the work opportunity tax credit allowed 146782
under sections 38, 51, and 52 of the Internal Revenue Code not 146783
been in effect, but only to the extent such amount relates 146784
either to income included in federal taxable income for the 146785
taxable year or to income of the S portion of an electing small 146786
business trust for the taxable year; 146787

(6) Deduct any interest or interest equivalent, net of 146788
related expenses deducted in computing federal taxable income, 146789
on public obligations and purchase obligations, but only to the 146790
extent that such net amount relates either to income included in 146791
federal taxable income for the taxable year or to income of the 146792
S portion of an electing small business trust for the taxable 146793
year; 146794

(7) Add any loss or deduct any gain resulting from sale, 146795
exchange, or other disposition of public obligations to the 146796
extent that such loss has been deducted or such gain has been 146797
included in computing either federal taxable income or income of 146798
the S portion of an electing small business trust for the 146799

taxable year; 146800

(8) Except in the case of the final return of an estate, 146801
add any amount deducted by the taxpayer on both its Ohio estate 146802
tax return pursuant to section 5731.14 of the Revised Code, and 146803
on its federal income tax return in determining federal taxable 146804
income; 146805

(9) (a) Deduct any amount included in federal taxable 146806
income solely because the amount represents a reimbursement or 146807
refund of expenses that in a previous year the decedent had 146808
deducted as an itemized deduction pursuant to section 63 of the 146809
Internal Revenue Code and applicable treasury regulations. The 146810
deduction otherwise allowed under division (S) (9) (a) of this 146811
section shall be reduced to the extent the reimbursement is 146812
attributable to an amount the taxpayer or decedent deducted 146813
under this section in any taxable year. 146814

(b) Add any amount not otherwise included in Ohio taxable 146815
income for any taxable year to the extent that the amount is 146816
attributable to the recovery during the taxable year of any 146817
amount deducted or excluded in computing federal or Ohio taxable 146818
income in any taxable year, but only to the extent such amount 146819
has not been distributed to beneficiaries for the taxable year. 146820

(10) Deduct any portion of the deduction described in 146821
section 1341(a) (2) of the Internal Revenue Code, for repaying 146822
previously reported income received under a claim of right, that 146823
meets both of the following requirements: 146824

(a) It is allowable for repayment of an item that was 146825
included in the taxpayer's taxable income or the decedent's 146826
adjusted gross income for a prior taxable year and did not 146827
qualify for a credit under division (A) or (B) of section 146828

5747.05 of the Revised Code for that year. 146829

(b) It does not otherwise reduce the taxpayer's taxable 146830
income or the decedent's adjusted gross income for the current 146831
or any other taxable year. 146832

(11) Add any amount claimed as a credit under section 146833
5747.059 of the Revised Code to the extent that the amount 146834
satisfies either of the following: 146835

(a) The amount was deducted or excluded from the 146836
computation of the taxpayer's federal taxable income as required 146837
to be reported for the taxpayer's taxable year under the 146838
Internal Revenue Code; 146839

(b) The amount resulted in a reduction in the taxpayer's 146840
federal taxable income as required to be reported for any of the 146841
taxpayer's taxable years under the Internal Revenue Code. 146842

(12) Deduct any amount, net of related expenses deducted 146843
in computing federal taxable income, that a trust is required to 146844
report as farm income on its federal income tax return, but only 146845
if the assets of the trust include at least ten acres of land 146846
satisfying the definition of "land devoted exclusively to 146847
agricultural use" under section 5713.30 of the Revised Code, 146848
regardless of whether the land is valued for tax purposes as 146849
such land under sections 5713.30 to 5713.38 of the Revised Code. 146850
If the trust is a pass-through entity investor, section 5747.231 146851
of the Revised Code applies in ascertaining if the trust is 146852
eligible to claim the deduction provided by division (S)(12) of 146853
this section in connection with the pass-through entity's farm 146854
income. 146855

Except for farm income attributable to the S portion of an 146856
electing small business trust, the deduction provided by 146857

division (S) (12) of this section is allowed only to the extent 146858
that the trust has not distributed such farm income. 146859

(13) Add the net amount of income described in section 146860
641(c) of the Internal Revenue Code to the extent that amount is 146861
not included in federal taxable income. 146862

(14) ~~Deduct~~ Add or deduct the amount the taxpayer would be 146863
required to add or deduct under division ~~(A) (18)~~ (A) (17) or (18) 146864
of this section if the taxpayer's Ohio taxable income ~~were~~ was 146865
computed in the same manner as an individual's Ohio adjusted 146866
gross income is computed under this section. 146867

(15) Add, to the extent not otherwise included in 146868
computing taxable income or Ohio taxable income for any taxable 146869
year, the taxpayer's proportionate share of the amount of the 146870
tax levied under section 5747.38 of the Revised Code and paid by 146871
an electing pass-through entity for the taxable year. 146872

(16) Add any income taxes deducted in computing federal 146873
taxable income or Ohio taxable income to the extent the income 146874
taxes were derived from income subject to a tax levied in 146875
another state or the District of Columbia when such tax was 146876
enacted for purposes of complying with internal revenue service 146877
notice 2020-75. 146878

(T) "School district income" and "school district income 146879
tax" have the same meanings as in section 5748.01 of the Revised 146880
Code. 146881

(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) 146882
(7) of this section, "public obligations," "purchase 146883
obligations," and "interest or interest equivalent" have the 146884
same meanings as in section 5709.76 of the Revised Code. 146885

(V) "Limited liability company" means any limited 146886

liability company formed under former Chapter 1705. of the 146887
Revised Code as that chapter existed prior to February 11, 2022, 146888
Chapter 1706. of the Revised Code, or the laws of any other 146889
state. 146890

(W) "Pass-through entity investor" means any person who, 146891
during any portion of a taxable year of a pass-through entity, 146892
is a partner, member, shareholder, or equity investor in that 146893
pass-through entity. 146894

(X) "Banking day" has the same meaning as in section 146895
1304.01 of the Revised Code. 146896

(Y) "Month" means a calendar month. 146897

(Z) "Quarter" means the first three months, the second 146898
three months, the third three months, or the last three months 146899
of the taxpayer's taxable year. 146900

(AA) (1) "Modified business income" means the business 146901
income included in a trust's Ohio taxable income after such 146902
taxable income is first reduced by the qualifying trust amount, 146903
if any. 146904

(2) "Qualifying trust amount" of a trust means capital 146905
gains and losses from the sale, exchange, or other disposition 146906
of equity or ownership interests in, or debt obligations of, a 146907
qualifying investee to the extent included in the trust's Ohio 146908
taxable income, but only if the following requirements are 146909
satisfied: 146910

(a) The book value of the qualifying investee's physical 146911
assets in this state and everywhere, as of the last day of the 146912
qualifying investee's fiscal or calendar year ending immediately 146913
prior to the date on which the trust recognizes the gain or 146914
loss, is available to the trust. 146915

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.

Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.

(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust amount, and other than qualifying investment income, as defined in section 5747.012 of the Revised Code, to the extent such qualifying investment income is not otherwise part of modified business income.

(4) "Modified Ohio taxable income" applies only to trusts, and means the sum of the amounts described in divisions (AA) (4) (a) to (c) of this section:

(a) The fraction, calculated under section 5747.013, and applying section 5747.231 of the Revised Code, multiplied by the sum of the following amounts:

(i) The trust's modified business income;

(ii) The trust's qualifying investment income, as defined in section 5747.012 of the Revised Code, but only to the extent the qualifying investment income does not otherwise constitute modified business income and does not otherwise constitute a qualifying trust amount.

(b) The qualifying trust amount multiplied by a fraction, the numerator of which is the sum of the book value of the qualifying investee's physical assets in this state on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the

qualifying trust amount, and the denominator of which is the sum 146945
of the book value of the qualifying investee's total physical 146946
assets everywhere on the last day of the qualifying investee's 146947
fiscal or calendar year ending immediately prior to the day on 146948
which the trust recognizes the qualifying trust amount. If, for 146949
a taxable year, the trust recognizes a qualifying trust amount 146950
with respect to more than one qualifying investee, the amount 146951
described in division (AA) (4) (b) of this section shall equal the 146952
sum of the products so computed for each such qualifying 146953
investee. 146954

(c) (i) With respect to a trust or portion of a trust that 146955
is a resident as ascertained in accordance with division (I) (3) 146956
(d) of this section, its modified nonbusiness income. 146957

(ii) With respect to a trust or portion of a trust that is 146958
not a resident as ascertained in accordance with division (I) (3) 146959
(d) of this section, the amount of its modified nonbusiness 146960
income satisfying the descriptions in divisions (B) (2) to (5) of 146961
section 5747.20 of the Revised Code, except as otherwise 146962
provided in division (AA) (4) (c) (ii) of this section. With 146963
respect to a trust or portion of a trust that is not a resident 146964
as ascertained in accordance with division (I) (3) (d) of this 146965
section, the trust's portion of modified nonbusiness income 146966
recognized from the sale, exchange, or other disposition of a 146967
debt interest in or equity interest in a section 5747.212 146968
entity, as defined in section 5747.212 of the Revised Code, 146969
without regard to division (A) of that section, shall not be 146970
allocated to this state in accordance with section 5747.20 of 146971
the Revised Code but shall be apportioned to this state in 146972
accordance with division (B) of section 5747.212 of the Revised 146973
Code without regard to division (A) of that section. 146974

If the allocation and apportionment of a trust's income 146975
under divisions (AA) (4) (a) and (c) of this section do not fairly 146976
represent the modified Ohio taxable income of the trust in this 146977
state, the alternative methods described in division (C) of 146978
section 5747.21 of the Revised Code may be applied in the manner 146979
and to the same extent provided in that section. 146980

(5) (a) Except as set forth in division (AA) (5) (b) of this 146981
section, "qualifying investee" means a person in which a trust 146982
has an equity or ownership interest, or a person or unit of 146983
government the debt obligations of either of which are owned by 146984
a trust. For the purposes of division (AA) (2) (a) of this section 146985
and for the purpose of computing the fraction described in 146986
division (AA) (4) (b) of this section, all of the following apply: 146987

(i) If the qualifying investee is a member of a qualifying 146988
controlled group on the last day of the qualifying investee's 146989
fiscal or calendar year ending immediately prior to the date on 146990
which the trust recognizes the gain or loss, then "qualifying 146991
investee" includes all persons in the qualifying controlled 146992
group on such last day. 146993

(ii) If the qualifying investee, or if the qualifying 146994
investee and any members of the qualifying controlled group of 146995
which the qualifying investee is a member on the last day of the 146996
qualifying investee's fiscal or calendar year ending immediately 146997
prior to the date on which the trust recognizes the gain or 146998
loss, separately or cumulatively own, directly or indirectly, on 146999
the last day of the qualifying investee's fiscal or calendar 147000
year ending immediately prior to the date on which the trust 147001
recognizes the qualifying trust amount, more than fifty per cent 147002
of the equity of a pass-through entity, then the qualifying 147003
investee and the other members are deemed to own the 147004

proportionate share of the pass-through entity's physical assets 147005
which the pass-through entity directly or indirectly owns on the 147006
last day of the pass-through entity's calendar or fiscal year 147007
ending within or with the last day of the qualifying investee's 147008
fiscal or calendar year ending immediately prior to the date on 147009
which the trust recognizes the qualifying trust amount. 147010

(iii) For the purposes of division (AA) (5) (a) (iii) of this 147011
section, "upper level pass-through entity" means a pass-through 147012
entity directly or indirectly owning any equity of another pass- 147013
through entity, and "lower level pass-through entity" means that 147014
other pass-through entity. 147015

An upper level pass-through entity, whether or not it is 147016
also a qualifying investee, is deemed to own, on the last day of 147017
the upper level pass-through entity's calendar or fiscal year, 147018
the proportionate share of the lower level pass-through entity's 147019
physical assets that the lower level pass-through entity 147020
directly or indirectly owns on the last day of the lower level 147021
pass-through entity's calendar or fiscal year ending within or 147022
with the last day of the upper level pass-through entity's 147023
fiscal or calendar year. If the upper level pass-through entity 147024
directly and indirectly owns less than fifty per cent of the 147025
equity of the lower level pass-through entity on each day of the 147026
upper level pass-through entity's calendar or fiscal year in 147027
which or with which ends the calendar or fiscal year of the 147028
lower level pass-through entity and if, based upon clear and 147029
convincing evidence, complete information about the location and 147030
cost of the physical assets of the lower pass-through entity is 147031
not available to the upper level pass-through entity, then 147032
solely for purposes of ascertaining if a gain or loss 147033
constitutes a qualifying trust amount, the upper level pass- 147034
through entity shall be deemed as owning no equity of the lower 147035

level pass-through entity for each day during the upper level 147036
pass-through entity's calendar or fiscal year in which or with 147037
which ends the lower level pass-through entity's calendar or 147038
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 147039
shall be construed to provide for any deduction or exclusion in 147040
computing any trust's Ohio taxable income. 147041

(b) With respect to a trust that is not a resident for the 147042
taxable year and with respect to a part of a trust that is not a 147043
resident for the taxable year, "qualifying investee" for that 147044
taxable year does not include a C corporation if both of the 147045
following apply: 147046

(i) During the taxable year the trust or part of the trust 147047
recognizes a gain or loss from the sale, exchange, or other 147048
disposition of equity or ownership interests in, or debt 147049
obligations of, the C corporation. 147050

(ii) Such gain or loss constitutes nonbusiness income. 147051

(6) "Available" means information is such that a person is 147052
able to learn of the information by the due date plus 147053
extensions, if any, for filing the return for the taxable year 147054
in which the trust recognizes the gain or loss. 147055

(BB) "Qualifying controlled group" has the same meaning as 147056
in section 5733.04 of the Revised Code. 147057

(CC) "Related member" has the same meaning as in section 147058
5733.042 of the Revised Code. 147059

(DD) (1) For the purposes of division (DD) of this section: 147060

(a) "Qualifying person" means any person other than a 147061
qualifying corporation. 147062

(b) "Qualifying corporation" means any person classified 147063

for federal income tax purposes as an association taxable as a 147064
corporation, except either of the following: 147065

(i) A corporation that has made an election under 147066
subchapter S, chapter one, subtitle A, of the Internal Revenue 147067
Code for its taxable year ending within, or on the last day of, 147068
the investor's taxable year; 147069

(ii) A subsidiary that is wholly owned by any corporation 147070
that has made an election under subchapter S, chapter one, 147071
subtitle A of the Internal Revenue Code for its taxable year 147072
ending within, or on the last day of, the investor's taxable 147073
year. 147074

(2) For the purposes of this chapter, unless expressly 147075
stated otherwise, no qualifying person indirectly owns any asset 147076
directly or indirectly owned by any qualifying corporation. 147077

(EE) For purposes of this chapter and Chapter 5751. of the 147078
Revised Code: 147079

(1) "Trust" does not include a qualified pre-income tax 147080
trust. 147081

(2) A "qualified pre-income tax trust" is any pre-income 147082
tax trust that makes a qualifying pre-income tax trust election 147083
as described in division (EE) (3) of this section. 147084

(3) A "qualifying pre-income tax trust election" is an 147085
election by a pre-income tax trust to subject to the tax imposed 147086
by section 5751.02 of the Revised Code the pre-income tax trust 147087
and all pass-through entities of which the trust owns or 147088
controls, directly, indirectly, or constructively through 147089
related interests, five per cent or more of the ownership or 147090
equity interests. The trustee shall notify the tax commissioner 147091
in writing of the election on or before April 15, 2006. The 147092

election, if timely made, shall be effective on and after 147093
January 1, 2006, and shall apply for all tax periods and tax 147094
years until revoked by the trustee of the trust. 147095

(4) A "pre-income tax trust" is a trust that satisfies all 147096
of the following requirements: 147097

(a) The document or instrument creating the trust was 147098
executed by the grantor before January 1, 1972; 147099

(b) The trust became irrevocable upon the creation of the 147100
trust; and 147101

(c) The grantor was domiciled in this state at the time 147102
the trust was created. 147103

(FF) "Uniformed services" means all of the following: 147104

(1) "Armed forces of the United States" as defined in 147105
section 5907.01 of the Revised Code; 147106

(2) The commissioned corps of the national oceanic and 147107
atmospheric administration; 147108

(3) The commissioned corps of the public health service. 147109

(GG) "Taxable business income" means the amount by which 147110
an individual's business income that is included in federal 147111
adjusted gross income exceeds the amount of business income the 147112
individual is authorized to deduct under division (A) (28) of 147113
this section for the taxable year. 147114

(HH) "Employer" does not include a franchisor with respect 147115
to the franchisor's relationship with a franchisee or an 147116
employee of a franchisee, unless the franchisor agrees to assume 147117
that role in writing or a court of competent jurisdiction 147118
determines that the franchisor exercises a type or degree of 147119

control over the franchisee or the franchisee's employees that 147120
is not customarily exercised by a franchisor for the purpose of 147121
protecting the franchisor's trademark, brand, or both. For 147122
purposes of this division, "franchisor" and "franchisee" have 147123
the same meanings as in 16 C.F.R. 436.1. 147124

(II) "Modified adjusted gross income" means Ohio adjusted 147125
gross income plus any amount deducted under divisions (A) (28) 147126
and (34) of this section for the taxable year. 147127

(JJ) "Qualifying Ohio educator" means an individual who, 147128
for a taxable year, qualifies as an eligible educator, as that 147129
term is defined in section 62 of the Internal Revenue Code, and 147130
who holds a certificate, license, or permit described in Chapter 147131
3319. or section 3301.071 of the Revised Code. 147132

(KK) "Professional employer organization," "professional 147133
employer organization agreement," and "professional employer 147134
organization reporting entity" have the same meanings as in 147135
section 4125.01 of the Revised Code. 147136

(LL) "Alternate employer organization" and "alternate 147137
employer organization agreement" have the same meanings as in 147138
section 4133.01 of the Revised Code. 147139

(MM) "Casino gaming" has the same meaning as in section 147140
3772.01 of the Revised Code, "lottery sports gaming" has the 147141
same meaning as in section 3770.23 of the Revised Code, "sports 147142
gaming" has the same meaning as in section 3775.01 of the 147143
Revised Code, and "video lottery terminal" has the same meaning 147144
as in section 3770.21 of the Revised Code. 147145

Sec. 5747.02. (A) For the purpose of providing revenue for 147146
the support of schools and local government functions, to 147147
provide relief to property taxpayers, to provide revenue for the 147148

general revenue fund, and to meet the expenses of administering 147149
the tax levied by this chapter, there is hereby levied on every 147150
individual, trust, and estate residing in or earning or 147151
receiving income in this state, on every individual, trust, and 147152
estate earning or receiving lottery winnings, prizes, or awards 147153
pursuant to Chapter 3770. of the Revised Code, on every 147154
individual, trust, and estate earning or receiving winnings on 147155
casino or sports gaming, and on every individual, trust, and 147156
estate otherwise having nexus with or in this state under the 147157
Constitution of the United States, an annual tax measured as 147158
prescribed in divisions (A) (1) to (4) of this section. 147159

(1) In the case of trusts, the tax imposed by this section 147160
shall be measured by modified Ohio taxable income under division 147161
~~(D)~~ (C) of this section and levied in the same amount as the tax 147162
is imposed on estates as prescribed in division (A) (2) of this 147163
section. 147164

(2) In the case of estates, the tax imposed by this 147165
section shall be measured by Ohio taxable income. ~~The~~ If the 147166
estate has not more than twenty-six thousand fifty dollars of 147167
such income, the tax shall be levied on such income at the rate 147168
of 1.38462% for the first twenty-six thousand fifty dollars of 147169
such income and, for taxable years beginning in 2024, 1.31287% 147170
for taxable years beginning in 2025, and 1.27448% for taxable 147171
years beginning in 2026 and thereafter. If the estate has income 147172
in excess of that amount, the tax shall be levied at the same 147173
rates prescribed in division (A) (3) of this section for 147174
individuals. 147175

(3) In the case of individuals, the tax imposed by this 147176
section on income other than taxable business income shall be 147177
measured by Ohio adjusted gross income, less taxable business 147178

income and less an exemption for the taxpayer, the taxpayer's 147179
spouse, and each dependent as provided in section 5747.025 of 147180
the Revised Code. If the balance thus obtained is equal to or 147181
less than twenty-six thousand fifty dollars, no tax shall be 147182
imposed on that balance. If the balance thus obtained is greater 147183
than twenty-six thousand fifty dollars, the tax is hereby levied 147184
as follows: 147185

(a) ~~For taxable years beginning in 2023:~~ 147186
147187

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A ~~OHIO ADJUSTED GROSS INCOME LESS TAX~~
~~TAXABLE BUSINESS INCOME AND EXEMPTIONS~~
~~(INDIVIDUALS) OR MODIFIED OHIO TAXABLE~~
~~INCOME (TRUSTS) OR OHIO TAXABLE INCOME~~
~~(ESTATES)~~

B ~~More than \$26,050 but not more than \$360.69 plus 2.75% of the~~
~~\$100,000 amount in excess of \$26,050~~

C ~~More than \$100,000 but not more than \$2,394.32 plus 3.688% of the~~
~~\$115,300 amount in excess of \$100,000~~

D ~~More than \$115,300 \$2,958.58 plus 3.75% of the~~
~~amount in excess of \$115,300~~

~~(b) For taxable years beginning in 2024 and thereafter:~~ 147188
147189
147190

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A OHIO ADJUSTED GROSS INCOME LESS TAXABLE TAX

BUSINESS INCOME AND EXEMPTIONS
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE
INCOME (TRUSTS) OR OHIO TAXABLE INCOME
(ESTATES)

B More than \$26,050 but not more than \$100,000 \$360.69 plus 2.75% of the amount in excess of \$26,050

C More than \$100,000 \$2,394.32 plus 3.5% of the amount in excess of \$100,000

(b) For taxable years beginning in 2025: 147191
147192

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A OHIO ADJUSTED GROSS INCOME LESS TAXABLE TAX
BUSINESS INCOME AND EXEMPTIONS
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE
INCOME (TRUSTS) OR OHIO TAXABLE INCOME
(ESTATES)

B More than \$26,050 but not more than \$342.00 plus 2.75% of the
\$100,000 amount in excess of
\$26,050

C More than \$100,000 \$2,394.32 plus 3.125% of
the amount in excess of
\$100,000

(c) For taxable years beginning in 2026 and thereafter, 147193
\$332.00 plus 2.75% of the amount in excess of \$26,050. 147194

(4) (a) In the case of individuals, the tax imposed by this 147195
section on taxable business income shall equal three per cent of 147196
the result obtained by subtracting any amount allowed under 147197
division (A) (4) (b) of this section from the individual's taxable 147198
business income. 147199

(b) If the exemptions allowed to an individual under 147200
division (A) (3) of this section exceed the taxpayer's Ohio 147201
adjusted gross income less taxable business income, the excess 147202
shall be deducted from taxable business income before computing 147203
the tax under division (A) (4) (a) of this section. 147204

(5) Except as otherwise provided in this division, in 147205
August of each year, the tax commissioner shall make a new 147206
adjustment to the income amounts prescribed in divisions (A) (2) 147207
and (3) of this section by multiplying the percentage increase 147208
in the gross domestic product deflator computed that year under 147209
section 5747.025 of the Revised Code by each of the income 147210
amounts resulting from the adjustment under this division in the 147211
preceding year, adding the resulting product to the 147212
corresponding income amount resulting from the adjustment in the 147213
preceding year, and rounding the resulting sum to the nearest 147214
multiple of fifty dollars. The tax commissioner also shall 147215
recompute each of the tax dollar amounts to the extent necessary 147216
to reflect the new adjustment of the income amounts. To 147217
recompute the tax dollar amount corresponding to the lowest tax 147218
rate in division (A) (3) of this section, the commissioner shall 147219
multiply the tax rate prescribed in division (A) (2) of this 147220
section by the income amount specified in that division and as 147221
adjusted according to this paragraph. The rates of taxation 147222
shall not be adjusted. 147223

The adjusted amounts apply to taxable years beginning in 147224

the calendar year in which the adjustments are made and to 147225
taxable years beginning in each ensuing calendar year until a 147226
calendar year in which a new adjustment is made pursuant to this 147227
division. The tax commissioner shall not make a new adjustment 147228
in any year in which the amount resulting from the adjustment 147229
would be less than the amount resulting from the adjustment in 147230
the preceding year. 147231

~~(B) If the director of budget and management makes a 147232~~
~~certification to the tax commissioner under division (B) of 147233~~
~~section 131.44 of the Revised Code, the amount of tax as 147234~~
~~determined under divisions (A) (1) to (3) of this section shall 147235~~
~~be reduced by the percentage prescribed in that certification 147236~~
~~for taxable years beginning in the calendar year in which that 147237~~
~~certification is made. 147238~~

~~(C) (1)~~ (B) (1) The tax imposed by this section on a trust 147239
shall be computed by multiplying the Ohio modified taxable 147240
income of the trust by the rates prescribed by division (A) of 147241
this section. 147242

(2) A resident trust may claim a credit against the tax 147243
computed under division ~~(C)~~ (B) of this section equal to the 147244
lesser of (a) the tax paid to another state or the District of 147245
Columbia on the resident trust's modified nonbusiness income, 147246
other than the portion of the resident trust's nonbusiness 147247
income that is qualifying investment income as defined in 147248
section 5747.012 of the Revised Code, or (b) the effective tax 147249
rate, based on modified Ohio taxable income, multiplied by the 147250
resident trust's modified nonbusiness income other than the 147251
portion of the resident trust's nonbusiness income that is 147252
qualifying investment income. The credit applies before any 147253
other applicable credits. 147254

(3) Any credit authorized against the tax imposed by this 147255
section applies to a trust subject to division ~~(C)~~ (B) of this 147256
section only if the trust otherwise qualifies for the credit. To 147257
the extent that the trust distributes income for the taxable 147258
year for which a credit is available to the trust, the credit 147259
shall be shared by the trust and its beneficiaries. The tax 147260
commissioner and the trust shall be guided by applicable 147261
regulations of the United States treasury regarding the sharing 147262
of credits. 147263

~~(D)~~ (C) For the purposes of this section, "trust" means any 147264
trust described in Subchapter J of Chapter 1 of the Internal 147265
Revenue Code, excluding trusts that are not irrevocable as 147266
defined in division (I) (3) (b) of section 5747.01 of the Revised 147267
Code and that have no modified Ohio taxable income for the 147268
taxable year, charitable remainder trusts, qualified funeral 147269
trusts and preneed funeral contract trusts established pursuant 147270
to sections 4717.31 to 4717.38 of the Revised Code that are not 147271
qualified funeral trusts, endowment and perpetual care trusts, 147272
qualified settlement trusts and funds, designated settlement 147273
trusts and funds, and trusts exempted from taxation under 147274
section 501(a) of the Internal Revenue Code. 147275

~~(E)~~ (D) Nothing in division (A) (3) of this section shall 147276
prohibit an individual with an Ohio adjusted gross income, less 147277
taxable business income and exemptions, of twenty-six thousand 147278
fifty dollars or less from filing a return under this chapter to 147279
receive a refund of taxes withheld or to claim any refundable 147280
credit allowed under this chapter. 147281

Sec. 5747.021. In addition to the tax levied under section 147282
5747.02 of the Revised Code, the tax commissioner shall charge 147283
the tax imposed on the school district income of an individual 147284

~~or estate~~ by a school district under Chapter 5748. of the 147285
Revised Code by multiplying the rate certified to be charged 147286
under such chapter by the taxpayer's school district income with 147287
respect to that district. 147288

Sec. 5747.025. (A) The personal exemption for the 147289
taxpayer, the taxpayer's spouse, and each dependent shall be one 147290
of the following amounts, provided the taxpayer's modified 147291
adjusted gross income is less than seven hundred fifty thousand 147292
dollars for taxable years beginning in 2025 or five hundred 147293
thousand dollars for taxable years beginning in 2026 or 147294
thereafter: 147295

(1) Two thousand three hundred fifty dollars if the 147296
taxpayer's modified adjusted gross income for the taxable year 147297
as shown on an individual or joint annual return is less than or 147298
equal to forty thousand dollars; 147299

(2) Two thousand one hundred dollars if the taxpayer's 147300
modified adjusted gross income for the taxable year as shown on 147301
an individual or joint annual return is greater than forty 147302
thousand dollars but less than or equal to eighty thousand 147303
dollars; 147304

(3) One thousand eight hundred fifty dollars if the 147305
taxpayer's modified adjusted gross income for the taxable year 147306
as shown on an individual or joint annual return is greater than 147307
eighty thousand dollars. 147308

(B) For taxable years beginning in 2020 and thereafter, 147309
the personal exemption amounts prescribed in division (A) of 147310
this section shall be adjusted each year in the manner 147311
prescribed in division (C) of this section. In the case of an 147312
individual with respect to whom an exemption under section 147313

5747.02 of the Revised Code is allowable to another taxpayer for 147314
a taxable year beginning in the calendar year in which the 147315
individual's taxable year begins, the exemption amount 147316
applicable to such individual for such individual's taxable year 147317
shall be zero. 147318

(C) Except as otherwise provided in this division, in 147319
August of each year, the tax commissioner shall determine the 147320
percentage increase in the gross domestic product deflator 147321
determined by the bureau of economic analysis of the United 147322
States department of commerce from the first day of January of 147323
the preceding calendar year to the last day of December of the 147324
preceding year, and make a new adjustment to the personal 147325
exemption amount for taxable years beginning in the current 147326
calendar year by multiplying that amount by the percentage 147327
increase in the gross domestic product deflator for that period; 147328
adding the resulting product to the personal exemption amount 147329
for taxable years beginning in the preceding calendar year; and 147330
rounding the resulting sum upward to the nearest multiple of 147331
fifty dollars. The adjusted amount applies to taxable years 147332
beginning in the calendar year in which the adjustment is made 147333
and to taxable years beginning in each ensuing calendar year 147334
until a calendar year in which a new adjustment is made pursuant 147335
to this division. The commissioner shall not make a new 147336
adjustment in any calendar year in which the amount resulting 147337
from the adjustment would be less than the amount resulting from 147338
the adjustment in the preceding calendar year. 147339

Sec. 5747.05. As used in this section, "income tax" 147340
includes both a tax on net income and a tax measured by net 147341
income. 147342

The following credits shall be allowed against the 147343

aggregate income tax liability imposed by section 5747.02 of the 147344
Revised Code on individuals and estates: 147345

(A) (1) The amount of tax otherwise due under section 147346
5747.02 of the Revised Code on such portion of the combined 147347
adjusted gross income and taxable business income of any 147348
nonresident taxpayer that is not allocable or apportionable to 147349
this state pursuant to sections 5747.20 to 5747.23 of the 147350
Revised Code. The credit provided under this division shall not 147351
exceed the total tax due under section 5747.02 of the Revised 147352
Code. 147353

(2) The tax commissioner may enter into an agreement with 147354
the taxing authorities of any state or of the District of 147355
Columbia that imposes an income tax to provide that compensation 147356
paid in this state to a nonresident taxpayer shall not be 147357
subject to the tax levied in section 5747.02 of the Revised Code 147358
so long as compensation paid in such other state or in the 147359
District of Columbia to a resident taxpayer shall likewise not 147360
be subject to the income tax of such other state or of the 147361
District of Columbia. 147362

(B) The lesser of division (B) (1) or (2) of this section: 147363

(1) The aggregate amount of tax otherwise due under 147364
section 5747.02 of the Revised Code on such portion of the 147365
combined adjusted gross income and taxable business income of a 147366
resident taxpayer that in another state or in the District of 147367
Columbia is subjected to an income tax. The credit provided 147368
under division (B) (1) of this section shall not exceed the total 147369
tax due under section 5747.02 of the Revised Code. 147370

(2) The amount of income tax liability to another state or 147371
the District of Columbia on the portion of the combined adjusted 147372

gross income and taxable business income of a resident taxpayer 147373
that in another state or in the District of Columbia is 147374
subjected to an income tax. The credit provided under division 147375
(B) (2) of this section shall not exceed the total amount of tax 147376
otherwise due under section 5747.02 of the Revised Code. 147377

(3) For the purpose of divisions (B) (1) and (2) of this 147378
section, a resident taxpayer's combined adjusted gross income 147379
and taxable business income that is subject to an income tax 147380
levied in another state or in the District of Columbia includes 147381
income that is subject to either (a) a tax similar to the tax 147382
imposed by division (D) (1) (a) of section 5747.08 of the Revised 147383
Code or (b) a tax enacted for purposes of complying with 147384
internal revenue service notice 2020-75. In computing a resident 147385
taxpayer's income tax paid or accrued to another state or the 147386
District of Columbia, the deduction authorized by division (A) 147387
(28) of section 5747.01 of the Revised Code shall first be 147388
deducted against business income apportioned to this state. 147389

(4) If the credit provided under division (B) of this 147390
section is affected by a change in either the portion of the 147391
combined adjusted gross income and taxable business income of a 147392
resident taxpayer subjected to an income tax in another state or 147393
the District of Columbia or the amount of income tax liability 147394
that has been paid to another state or the District of Columbia, 147395
the taxpayer shall report the change to the tax commissioner 147396
within ninety days of the change in such form as the 147397
commissioner requires. 147398

(a) In the case of an underpayment, the report shall be 147399
accompanied by payment of any additional tax due as a result of 147400
the reduction in credit together with interest on the additional 147401
tax and is a return subject to assessment under section 5747.13 147402

of the Revised Code solely for the purpose of assessing any 147403
additional tax due under this division, together with any 147404
applicable penalty and interest. It shall not reopen the 147405
computation of the taxpayer's tax liability under this chapter 147406
from a previously filed return no longer subject to assessment 147407
except to the extent that such liability is affected by an 147408
adjustment to the credit allowed by division (B) of this 147409
section. 147410

(b) In the case of an overpayment, an application for 147411
refund may be filed under this division within the ninety-day 147412
period prescribed for filing the report even if it is beyond the 147413
period prescribed in section 5747.11 of the Revised Code if it 147414
otherwise conforms to the requirements of such section. An 147415
application filed under this division shall only claim refund of 147416
overpayments resulting from an adjustment to the credit allowed 147417
by division (B) of this section unless it is also filed within 147418
the time prescribed in section 5747.11 of the Revised Code. It 147419
shall not reopen the computation of the taxpayer's tax liability 147420
except to the extent that such liability is affected by an 147421
adjustment to the credit allowed by division (B) of this 147422
section. 147423

(5) No credit shall be allowed under division (B) of this 147424
section: 147425

(a) For income tax paid or accrued to another state or to 147426
the District of Columbia if the taxpayer, when computing federal 147427
adjusted gross income, has directly or indirectly deducted, or 147428
was required to directly or indirectly deduct, the amount of 147429
that income tax; 147430

Division (B) (5) (a) of this section does not apply to 147431
income taxes included in the computation of Ohio adjusted gross 147432

income under division (A) (41) of section 5747.01 of the Revised 147433
Code and not deducted from Ohio adjusted gross income under 147434
division (A) (28) of that section or to income taxes included in 147435
Ohio taxable income under division (S) (16) of section 5747.01 of 147436
the Revised Code. 147437

(b) For compensation that is not subject to the income tax 147438
of another state or the District of Columbia as the result of an 147439
agreement entered into by the tax commissioner under division 147440
(A) (3) of this section; or 147441

(c) For income tax paid or accrued to another state or the 147442
District of Columbia if the taxpayer fails to furnish such proof 147443
as the tax commissioner shall require that such income tax 147444
liability has been paid. 147445

(C) An individual who is a resident for part of a taxable 147446
year and a nonresident for the remainder of the taxable year is 147447
allowed the credits under divisions (A) and (B) of this section 147448
in accordance with rules prescribed by the tax commissioner. In 147449
no event shall the same income be subject to both credits. 147450

(D) The credit allowed under division (A) of this section 147451
shall be calculated based upon the amount of tax due under 147452
section 5747.02 of the Revised Code after subtracting any other 147453
credits that precede the credit under that division in the order 147454
required under section 5747.98 of the Revised Code. The credit 147455
allowed under division (B) of this section shall be calculated 147456
based upon the amount of tax due under section 5747.02 of the 147457
Revised Code after subtracting any other credits that precede 147458
the credit under that division in the order required under 147459
section 5747.98 of the Revised Code. 147460

(E) (1) On a joint return filed by a husband and wife, each 147461

of whom had adjusted gross income of at least five hundred 147462
dollars, exclusive of interest, dividends and distributions, 147463
royalties, rent, and capital gains, a credit equal to the lesser 147464
of six hundred fifty dollars or the percentage shown in column B 147465
that corresponds with the taxpayer's modified adjusted gross 147466
income, less exemptions for the taxable year, of the total 147467
amount of tax due after allowing for any other credit that 147468
precedes this credit as required under section 5747.98 of the 147469
Revised Code, subject to division (E) (2) of this section: 147470
147471

	1	2
A	A.	B.
B	IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:
C	\$25,000 or less	20%
D	More than \$25,000 but not more than \$50,000	15%
E	More than \$50,000 but not more than \$75,000	10%
F	More than \$75,000	5%

(2) The credit shall be claimed in the order required 147472
under section 5747.98 of the Revised Code.—No taxpayer shall 147473
claim this credit unless the taxpayer's modified adjusted gross 147474
income is less than seven hundred fifty thousand dollars for 147475
taxable years beginning in 2025 or less than five hundred 147476

thousand dollars for taxable years beginning in 2026 or 147477
thereafter. 147478

(F) No claim for credit under this section shall be 147479
allowed unless the claimant furnishes such supporting 147480
information as the tax commissioner prescribes by rules. 147481

Sec. 5747.062. As used in this section, ~~"transferee"~~: 147482

"Transferee" has the same meaning as in section 3770.10 of 147483
the Revised Code, ~~and "recipient"~~. 147484

"Recipient" includes a transferee. 147485

"Lottery prize award" does not include a prize award from 147486
a video lottery terminal and does not include winnings from 147487
lottery sports gaming, except that "lottery prize award" 147488
includes winnings from lottery sports gaming wagers placed 147489
through a terminal described in division (B) (3) of section 147490
3770.24 of the Revised Code. 147491

(A) (1) Before making any other deduction required by 147492
Chapter 3770. of the Revised Code, the state lottery commission 147493
shall deduct and withhold an amount equal to ~~four~~ three and one- 147494
eighth per cent for calendar year 2025, after the effective date 147495
of this amendment, and two and three-quarters per cent for 147496
calendar year 2026 and thereafter of the payment from each 147497
lottery prize award payment that is of an amount for which 147498
reporting to the internal revenue service of the amount is 147499
required by section 6041 of the Internal Revenue Code, as 147500
amended. 147501

(2) On or before the tenth day of each month, the state 147502
lottery commission, and each transferee required to deduct and 147503
withhold amounts pursuant to section 3770.072 of the Revised 147504
Code, shall file a return and remit to the tax commissioner all 147505

amounts deducted and withheld pursuant to this section during 147506
the preceding month. 147507

(3) On or before the thirty-first day of January of each 147508
year, the state lottery commission, and each transferee required 147509
to deduct and withhold amounts pursuant to section 3770.072 of 147510
the Revised Code, shall file with the commissioner an annual 147511
return, in the form prescribed by the tax commissioner, 147512
indicating the total amount deducted and withheld pursuant to 147513
this section or section 3770.072 of the Revised Code during the 147514
preceding calendar year. At the time of filing that return, the 147515
state lottery commission or transferee shall remit any amount 147516
deducted and withheld during the preceding calendar year that 147517
was not previously remitted. 147518

(4) The state lottery commission, and each transferee 147519
required to deduct and withhold amounts pursuant to section 147520
3770.072 of the Revised Code, shall issue to each person with 147521
respect to whom tax has been deducted and withheld by the 147522
commission or transferee pursuant to this section or section 147523
3770.072 of the Revised Code during the preceding calendar year, 147524
an information return in the form prescribed by the 147525
commissioner. 147526

(B) (1) Division (B) (1) of this section does not apply to 147527
persons classified for federal income tax purposes as 147528
associations taxable as corporations. 147529

Amounts withheld pursuant to this section or section 147530
3770.072 of the Revised Code shall be allowed as a credit 147531
against payment of the tax imposed pursuant to section 5747.02 147532
of the Revised Code upon the lottery prize award recipient, upon 147533
a beneficiary of such a recipient, or upon any investor in such 147534
a recipient if the recipient is a pass-through entity or 147535

disregarded entity, and shall be treated as taxes paid by the 147536
recipient, beneficiary, or investor for purposes of section 147537
5747.09 of the Revised Code. The credit is available to the 147538
recipient, beneficiary, or investor even if the commission or 147539
transferee does not remit to the tax commissioner the amount 147540
withheld. 147541

(2) Division (B)(2) of this section applies only to 147542
persons classified for federal income tax purposes as 147543
associations taxable as corporations. 147544

Amounts withheld pursuant to this section or section 147545
3770.072 of the Revised Code shall be treated as a credit 147546
against the tax imposed pursuant to section 5733.06 of the 147547
Revised Code for the tax year immediately following the date on 147548
which those amounts are deducted and withheld, upon the lottery 147549
prize award recipient, upon a beneficiary of such a recipient, 147550
or upon an investor in such a recipient if the recipient is a 147551
pass-through entity or disregarded entity, and shall be treated 147552
as paid by the recipient, beneficiary, or investor on the date 147553
on which those amounts are deducted and withheld. The credit is 147554
a refundable credit and shall be claimed in the order required 147555
under section 5733.98 of the Revised Code. The credit is 147556
available to the recipient, beneficiary, or investor even if the 147557
commission or transferee does not remit to the tax commissioner 147558
the amount withheld. 147559

(3) Nothing in division (B)(1) or (2) of this section 147560
shall be construed to allow more than one person to claim the 147561
credit for any portion of each amount deducted and withheld. 147562

(C) Failure of the commission or any transferee to deduct 147563
and withhold the required amounts from lottery prize awards or 147564
to remit amounts withheld as required by this section and 147565

section 3770.072 of the Revised Code shall not relieve a 147566
taxpayer described in division (B) of this section from 147567
liability for the tax imposed by section 5733.06 or 5747.02 of 147568
the Revised Code. 147569

Sec. 5747.063. The requirements imposed under this section 147570
are in addition to the municipal income tax withholding 147571
requirements under section 718.031 of the Revised Code. As used 147572
in this section, "sports gaming proprietor" and "sports gaming 147573
facility" have the same meanings as in section 3775.01 of the 147574
Revised Code. 147575

(A) (1) If Subject to division (F) of this section, if a 147576
person's winnings from casino gaming or from sports gaming are 147577
an amount for which reporting to the internal revenue service of 147578
the amount is required by section 6041 of the Internal Revenue 147579
Code, as amended, a casino operator or sports gaming proprietor 147580
shall deduct and withhold Ohio income tax from the person's 147581
winnings at a rate of four-three and one-eighth per cent for 147582
calendar year 2025, after the effective date of this amendment, 147583
and two and three-quarters per cent for calendar year 2026 and 147584
thereafter of the amount won. A person's amount of winnings from 147585
casino gaming shall be determined each time the person exchanges 147586
amounts won in tokens, chips, casino credit, or other prepaid 147587
representations of value for cash or a cash equivalent. The 147588
casino operator or sports gaming proprietor shall issue, to a 147589
person from whose winnings an amount has been deducted and 147590
withheld, a receipt for the amount deducted and withheld, and 147591
also shall obtain from the person additional information that 147592
will be necessary for the casino operator or sports gaming 147593
proprietor to prepare the returns required by this section. 147594

(2) If a person's winnings from casino gaming or sports 147595

gaming require reporting to the internal revenue service under 147596
division (A) (1) of this section, the casino operator or sports 147597
gaming proprietor also shall require the person to state in 147598
writing, under penalty of falsification, whether the person is 147599
in default under a support order. 147600

(B) Amounts deducted and withheld by a casino operator or 147601
sports gaming proprietor are held in trust for the benefit of 147602
the state. 147603

(1) On or before the tenth day of each month, the casino 147604
operator or sports gaming proprietor shall file a return 147605
electronically with the tax commissioner identifying the persons 147606
from whose winnings amounts were deducted and withheld, the 147607
amount of each such deduction and withholding during the 147608
preceding calendar month, the amount of the winnings from which 147609
each such amount was withheld, the type of casino gaming or 147610
sports gaming that resulted in such winnings, and any other 147611
information required by the tax commissioner. With the return, 147612
the casino operator or sports gaming proprietor shall remit 147613
electronically to the commissioner all the amounts deducted and 147614
withheld during the preceding month. 147615

(2) (a) A casino operator or sports gaming proprietor shall 147616
maintain a record of each written statement provided under 147617
division (A) (2) of this section in which a person admits to 147618
being in default under a support order. The casino operator or 147619
sports gaming proprietor shall make these records available to 147620
the director of job and family services upon request. 147621

(b) A casino operator or sports gaming proprietor shall 147622
maintain copies of receipts issued under division (A) (1) of this 147623
section and of written statements provided under division (A) (2) 147624
of this section and shall make these copies available to the tax 147625

commissioner upon request. 147626

(c) A casino operator or sports gaming proprietor shall 147627
maintain the information described in divisions (B) (2) (a) and 147628
(b) of this section in accordance with section 5747.17 of the 147629
Revised Code and any rules adopted pursuant thereto. 147630

(3) Annually, on or before the thirty-first day of 147631
January, a casino operator or sports gaming proprietor shall 147632
file an annual return electronically with the tax commissioner 147633
indicating the total amount deducted and withheld during the 147634
preceding calendar year. The casino operator or sports gaming 147635
proprietor shall remit electronically with the annual return any 147636
amount that was deducted and withheld and that was not 147637
previously remitted. If the identity of a person and the amount 147638
deducted and withheld with respect to that person were omitted 147639
on a monthly return, that information shall be indicated on the 147640
annual return. 147641

(4) (a) A casino operator or sports gaming proprietor who 147642
fails to file a return and remit the amounts deducted and 147643
withheld is personally liable for the amount deducted and 147644
withheld and not remitted. The commissioner may impose a penalty 147645
up to one thousand dollars if a return is filed late, if amounts 147646
deducted and withheld are remitted late, if a return is not 147647
filed, or if amounts deducted and withheld are not remitted. 147648
Interest accrues on past due amounts deducted and withheld at 147649
the rate prescribed in section 5703.47 of the Revised Code. The 147650
commissioner may collect past due amounts deducted and withheld 147651
and penalties and interest thereon by assessment under section 147652
5747.13 of the Revised Code as if they were income taxes 147653
collected by an employer. 147654

(b) If a casino operator or sports gaming proprietor sells 147655

the casino facility or sports gaming facility, or otherwise 147656
quits the casino or sports gaming business, the amounts deducted 147657
and withheld and any penalties and interest thereon are 147658
immediately due and payable. The successor shall withhold an 147659
amount of the purchase money that is sufficient to cover the 147660
amounts deducted and withheld and penalties and interest thereon 147661
until the predecessor casino operator or sports gaming 147662
proprietor produces either a receipt from the commissioner 147663
showing that the amounts deducted and withheld and penalties and 147664
interest thereon have been paid or a certificate from the 147665
commissioner indicating that no amounts deducted and withheld or 147666
penalties and interest thereon are due. If the successor fails 147667
to withhold purchase money, the successor is personally liable 147668
for payment of the amounts deducted and withheld and penalties 147669
and interest thereon, up to the amount of the purchase money. 147670

~~(C) (1)~~ (C) Annually, on or before the thirty-first day of 147671
January, a casino operator or sports gaming proprietor shall 147672
issue an information return to each person with respect to whom 147673
an amount has been deducted and withheld during the preceding 147674
calendar year. The information return shall show the total 147675
amount deducted from the person's winnings by the casino 147676
operator or sports gaming proprietor during the preceding 147677
calendar year. 147678

~~(2) Annually, on or before the thirty-first day of~~ 147679
~~January, a casino operator or sports gaming proprietor shall~~ 147680
~~provide to the commissioner a copy of each information return~~ 147681
~~issued under division (C) (1) of this section for the preceding~~ 147682
~~calendar year. The commissioner may require that the copies be~~ 147683
~~transmitted electronically.~~ 147684

(D) Amounts deducted and withheld shall be allowed as a 147685

credit against payment of the tax imposed by section 5747.02 of 147686
the Revised Code and shall be treated as taxes paid for purposes 147687
of section 5747.09 of the Revised Code. This division applies 147688
only to the person for whom the amount is deducted and withheld. 147689

(E) The failure of a casino operator or sports gaming 147690
proprietor to deduct and withhold the required amount from a 147691
person's winnings does not relieve the person from liability for 147692
the tax imposed by section 5747.02 of the Revised Code with 147693
respect to those winnings. And compliance with this section does 147694
not relieve a casino operator or sports gaming proprietor or a 147695
person who has winnings from casino gaming or sports gaming from 147696
compliance with relevant provisions of federal tax laws. 147697

(F) A sports gaming proprietor that offers lottery sports 147698
gaming through a terminal described in division (B) (3) of 147699
section 3770.24 of the Revised Code shall not withhold amounts 147700
under this section from winnings from wagers placed through that 147701
terminal. The state lottery commission shall withhold amounts 147702
from those winnings under section 5747.062 of the Revised Code. 147703

(G) The commissioner shall prescribe the form of the 147704
receipt and returns required by this section. The director of 147705
job and family services shall prescribe the form of the 147706
statement required by this section. 147707

~~(G)~~ (H) The commissioner may adopt rules that are necessary 147708
to administer this section. 147709

Sec. 5747.064. The requirements imposed under this section 147710
are in addition to the municipal income tax withholding 147711
requirements under section 718.031 of the Revised Code. 147712

(A) As used in this section: 147713

~~(1) "Video lottery terminal", "video lottery sales agent"~~ 147714

has the same meaning as in section ~~3770.21~~3770.10 of the 147715
Revised Code. 147716

~~(2) "Lottery sports gaming" has the same meaning as in~~ 147717
~~section 3770.23 of the Revised Code.~~ 147718

(B) If a person's prize award from a video lottery 147719
terminal ~~or from lottery sports gaming offered in a video~~ 147720
~~lottery terminal facility~~ is an amount for which reporting to 147721
the internal revenue service of the amount is required by 147722
section 6041 of the Internal Revenue Code, as amended, the video 147723
lottery sales agent shall deduct and withhold Ohio income tax 147724
from the person's prize award at a rate of ~~four~~three and one- 147725
eighth per cent for calendar year 2025, after the effective date 147726
of this amendment, and two and three-quarters per cent for 147727
calendar year 2026 and thereafter of the amount won. The video 147728
lottery sales agent shall issue, to a person from whose prize 147729
award an amount has been deducted or withheld, a receipt for the 147730
amount deducted and withheld, and also shall obtain from the 147731
person additional information that will be necessary for the 147732
video lottery sales agent to prepare the returns required by 147733
this section. 147734

(C) Amounts deducted and withheld by a video lottery sales 147735
agent are held in trust for the benefit of the state. 147736

(1) On or before the tenth day of each month, the video 147737
lottery sales agent shall file a return electronically with the 147738
tax commissioner identifying the persons from whose prize awards 147739
amounts were deducted and withheld, the amount of each such 147740
deduction and withholding during the preceding month, the amount 147741
of the prize award from which each such amount was withheld, and 147742
any other information required by the commissioner. With the 147743
return, the video lottery sales agent shall remit electronically 147744

to the commissioner all the amounts deducted and withheld during 147745
the preceding month. 147746

(2) A video lottery sales agent shall maintain a record of 147747
all receipts issued under division (B) of this section and shall 147748
make those records available to the commissioner upon request. 147749
Such records shall be maintained in accordance with section 147750
5747.17 of the Revised Code and any rules adopted pursuant 147751
thereto. 147752

(3) Annually, on or before the thirty-first day of 147753
January, a video lottery sales agent shall file an annual return 147754
electronically with the tax commissioner indicating the total 147755
amount deducted and withheld during the preceding calendar year. 147756
The video lottery sales agent shall remit electronically with 147757
the annual return any amount that was deducted and withheld and 147758
that was not previously remitted. If the identity of a person 147759
and the amount deducted and withheld with respect to that person 147760
were omitted on a monthly return, that information shall be 147761
indicated on the annual return. 147762

(4) (a) A video lottery sales agent who fails to file a 147763
return and remit the amounts deducted and withheld is personally 147764
liable for the amount deducted and withheld and not remitted. 147765
The commissioner may impose a penalty of up to one thousand 147766
dollars if a return is filed late, if amounts deducted and 147767
withheld are remitted late, if a return is not filed, or if 147768
amounts deducted and withheld are not remitted. Interest accrues 147769
on past due amounts deducted and withheld at the rate prescribed 147770
in section 5703.47 of the Revised Code. The commissioner may 147771
collect past due amounts deducted and withheld and penalties and 147772
interest thereon by assessment under section 5747.13 of the 147773
Revised Code as if they were income taxes collected by an 147774

employer. 147775

(b) If a video lottery sales agent ceases to operate video 147776
lottery terminals, the amounts deducted and withheld and any 147777
penalties and interest thereon are immediately due and payable. 147778
A successor of the video lottery sales agent that purchases the 147779
video lottery terminals from the agent shall withhold an amount 147780
of the purchase money that is sufficient to cover the amounts 147781
deducted and withheld and penalties and interest thereon until 147782
the predecessor video lottery sales agent produces either a 147783
receipt from the tax commissioner showing that the amounts 147784
deducted and withheld and penalties and interest thereon have 147785
been paid or a certificate from the commissioner indicating that 147786
no amounts deducted and withheld or penalties and interest 147787
thereon are due. If the successor fails to withhold purchase 147788
money, the successor is personally liable for payment of the 147789
amounts deducted and withheld and penalties and interest 147790
thereon, up to the amount of the purchase money. 147791

~~(D) (1)~~ (D) Annually, on or before the thirty-first day of 147792
January, a video lottery sales agent shall issue an information 147793
return to each person with respect to whom an amount has been 147794
deducted and withheld during the preceding calendar year. The 147795
information return shall show the total amount deducted from the 147796
person's prize award by the video lottery sales agent during the 147797
preceding year. 147798

~~(2) Annually, on or before the thirty-first day of~~ 147799
~~January, a lottery sales agent shall provide to the tax~~ 147800
~~commissioner a copy of each information return issued under~~ 147801
~~division (D) (1) of this section for the preceding calendar year.~~ 147802
~~The commissioner may require that such copies be transmitted~~ 147803
~~electronically.~~ 147804

(E) Amounts deducted and withheld shall be allowed as a credit against payment of the tax imposed by section 5747.02 of the Revised Code and shall be treated as taxes paid for purposes of section 5747.09 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.

(F) The failure of a video lottery sales agent to deduct and withhold the required amount from a person's prize award does not relieve the person from liability for the tax imposed by section 5747.02 of the Revised Code with respect to that income. Compliance with this section does not relieve a video lottery sales agent or a person who has a prize award from compliance with relevant provisions of federal tax laws.

(G) The commissioner shall prescribe the form of the receipt and returns required by this section and may promulgate any rules necessary to administer the section.

Sec. 5747.07. (A) As used in this section:

(1) "Partial weekly withholding period" means a period during which an employer directly, indirectly, or constructively pays compensation to, or credits compensation to the benefit of, an employee, and that consists of a consecutive Saturday, Sunday, Monday, and Tuesday or a consecutive Wednesday, Thursday, and Friday. There are two partial weekly withholding periods each week, except that a partial weekly withholding period cannot extend from one calendar year into the next calendar year; if the first day of January falls on a day other than Saturday or Wednesday, the partial weekly withholding period ends on the thirty-first day of December and there are three partial weekly withholding periods during that week.

(2) "Undeposited taxes" means the taxes an employer is

required to deduct and withhold from an employee's compensation 147834
pursuant to section 5747.06 of the Revised Code that have not 147835
been remitted to the tax commissioner pursuant to this section 147836
or section 5747.072 of the Revised Code. 147837

(3) A "week" begins on Saturday and concludes at the end 147838
of the following Friday. 147839

~~(4) "Professional employer organization," "professional 147840
employer organization agreement," and "professional employer 147841
organization reporting entity" have the same meanings as in 147842
section 4125.01 of the Revised Code. 147843~~

~~(5) "Alternate employer organization" and "alternate 147844
employer organization agreement" have the same meanings as in 147845
section 4133.01 of the Revised Code. 147846~~

~~(6) "Client employer" has the same meaning as in section 147847
4125.01 of the Revised Code in the context of a professional 147848
employer organization or a professional employer organization 147849
reporting entity, or the same meaning as in section 4133.01 of 147850
the Revised Code in the context of an alternate employer 147851
organization. 147852~~

(B) Except as provided in divisions (C) and (D) of this 147853
section and in division (A) of section 5747.072 of the Revised 147854
Code, every employer required to deduct and withhold any amount 147855
under section 5747.06 of the Revised Code shall file a return 147856
and shall pay the amount required by law as follows: 147857

(1) An employer who accumulates or is required to 147858
accumulate undeposited taxes of one hundred thousand dollars or 147859
more during a partial weekly withholding period shall make the 147860
payment of the undeposited taxes by the close of the first 147861
banking day after the day on which the accumulation reaches one 147862

hundred thousand dollars. If required under division (I) of this section, the payment shall be made electronically under section 5747.072 of the Revised Code.

(2) Except as required by division (B)(1) of this section, an employer whose actual or required payments under this section were at least eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year shall make the payment of undeposited taxes within three banking days after the close of a partial weekly withholding period during which the employer was required to deduct and withhold any amount under this chapter. If required under division (I) of this section, the payment shall be made electronically under section 5747.072 of the Revised Code.

(3) Except as required by divisions (B)(1) and (2) of this section, if an employer's actual or required payments were more than two thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year, the employer shall make the payment of undeposited taxes for each month during which they were required to be withheld no later than fifteen days following the last day of that month. The employer shall file the return prescribed by the tax commissioner with the payment.

(4) Except as required by divisions (B)(1), (2), and (3) of this section, an employer shall make the payment of undeposited taxes for each calendar quarter during which they were required to be withheld no later than the last day of the month following the last day of March, June, September, and December each year. The employer shall file the return prescribed by the tax commissioner with the payment.

(C) The return and payment schedules prescribed by 147893
divisions (B) (1) and (2) of this section do not apply to the 147894
return and payment of undeposited school district income taxes 147895
arising from taxes levied pursuant to Chapter 5748. of the 147896
Revised Code. Undeposited school district income taxes shall be 147897
returned and paid pursuant to divisions (B) (3) and (4) of this 147898
section, as applicable. 147899

(D) (1) The requirements of division (B) of this section 147900
are met if the amount paid is not less than ninety-five per cent 147901
of the actual tax withheld or required to be withheld for the 147902
prior quarterly, monthly, or partial weekly withholding period, 147903
and the underpayment is not due to willful neglect. Any 147904
underpayment of withheld tax shall be paid within thirty days of 147905
the date on which the withheld tax was due without regard to 147906
division (D) (1) of this section. An employer described in 147907
division (B) (1) or (2) of this section shall make the payment 147908
electronically under section 5747.072 of the Revised Code. 147909

(2) If the tax commissioner believes that quarterly or 147910
monthly payments would result in a delay that might jeopardize 147911
the remittance of withholding payments, the commissioner may 147912
order that the payments be made weekly, or more frequently if 147913
necessary, and the payments shall be made no later than three 147914
banking days following the close of the period for which the 147915
jeopardy order is made. An order requiring weekly or more 147916
frequent payments shall be delivered to the employer in the 147917
manner provided in section 5703.37 of the Revised Code and 147918
remains in effect until the commissioner notifies the employer 147919
to the contrary. 147920

(3) If compelling circumstances exist concerning the 147921
remittance of undeposited taxes, the commissioner may order the 147922

employer to make payments under any of the payment schedules 147923
under division (B) of this section. The order shall be delivered 147924
to the employer in the manner provided in section 5703.37 of the 147925
Revised Code and shall remain in effect until the commissioner 147926
notifies the employer to the contrary. For purposes of division 147927
(D) (3) of this section, "compelling circumstances" exist if 147928
either or both of the following are true: 147929

(a) Based upon annualization of payments made or required 147930
to be made during the preceding calendar year and during the 147931
current calendar year, the employer would be required for the 147932
next calendar year to make payments under division (B) (2) of 147933
this section. 147934

(b) Based upon annualization of payments made or required 147935
to be made during the current calendar year, the employer would 147936
be required for the next calendar year to make payments under 147937
division (B) (2) of this section. 147938

(E) (1) In addition to other returns required to be filed 147939
and payments required to be made under this section, every 147940
employer required to deduct and withhold taxes shall file, not 147941
later than the thirty-first day of January of each year, an 147942
annual return covering, but not limited to, both the aggregate 147943
amount deducted and withheld and the aggregate amount required 147944
to be deducted and withheld during the entire preceding year for 147945
the tax imposed under section 5747.02 of the Revised Code and 147946
for each tax imposed under Chapter 5748. of the Revised Code. At 147947
the time of filing that return, the employer shall pay over any 147948
amounts of undeposited taxes for the preceding year, whether 147949
actually deducted and withheld or required to be deducted and 147950
withheld, that have not been previously paid. The employer shall 147951
make the annual report, to each employee and to the tax 147952

commissioner, of the compensation paid and each tax withheld, as 147953
the commissioner by rule may prescribe. 147954

(2) Each employer required to deduct and withhold any tax 147955
is liable for the payment of that amount required to be deducted 147956
and withheld, whether or not the tax has in fact been withheld, 147957
unless the failure to withhold was based upon the employer's 147958
good faith in reliance upon the statement of the employee as to 147959
liability, and the amount shall be deemed to be a special fund 147960
in trust for the general revenue fund. 147961

(F) Each employer shall file with the employer's annual 147962
return the following items of information on employees for whom 147963
withholding is required under section 5747.06 of the Revised 147964
Code: 147965

(1) The full name of each employee, the employee's 147966
address, the employee's school district of residence, and in the 147967
case of a nonresident employee, the employee's principal county 147968
of employment; 147969

(2) The social security number of each employee; 147970

(3) The total amount of compensation paid before any 147971
deductions to each employee for the period for which the annual 147972
return is made; 147973

(4) The amount of the tax imposed by section 5747.02 of 147974
the Revised Code and the amount of each tax imposed under 147975
Chapter 5748. of the Revised Code withheld from the compensation 147976
of the employee for the period for which the annual return is 147977
made. The commissioner may extend upon good cause the period for 147978
filing any notice or return required to be filed under this 147979
section and may adopt rules relating to extensions of time. If 147980
the extension results in an extension of time for the payment of 147981

the amounts withheld with respect to which the return is filed, 147982
the employer shall pay, at the time the amount withheld is paid, 147983
an amount of interest computed at the rate per annum prescribed 147984
by section 5703.47 of the Revised Code on that amount withheld, 147985
from the day that amount was originally required to be paid to 147986
the day of actual payment or to the day an assessment is issued 147987
under section 5747.13 of the Revised Code, whichever occurs 147988
first. 147989

(5) In addition to all other interest charges and 147990
penalties imposed, all amounts of taxes withheld or required to 147991
be withheld and remaining unpaid after the day the amounts are 147992
required to be paid shall bear interest from the date prescribed 147993
for payment at the rate per annum prescribed by section 5703.47 147994
of the Revised Code on the amount unpaid, in addition to the 147995
amount withheld, until paid or until the day an assessment is 147996
issued under section 5747.13 of the Revised Code, whichever 147997
occurs first. 147998

(G) An employee of a corporation, limited liability 147999
company, or business trust having control or supervision of or 148000
charged with the responsibility of filing the report and making 148001
payment, or an officer, member, manager, or trustee of a 148002
corporation, limited liability company, or business trust who is 148003
responsible for the execution of the corporation's, limited 148004
liability company's, or business trust's fiscal 148005
responsibilities, shall be personally liable for failure to file 148006
the report or pay the tax due as required by this section. The 148007
dissolution, termination, or bankruptcy of a corporation, 148008
limited liability company, or business trust does not discharge 148009
a responsible officer's, member's, manager's, employee's, or 148010
trustee's liability for a failure of the corporation, limited 148011
liability company, or business trust to file returns or pay tax 148012

due. 148013

(H) If an employer required to deduct and withhold income 148014
tax from compensation and to pay that tax to the state under 148015
sections 5747.06 and 5747.07 of the Revised Code sells the 148016
employer's business or stock of merchandise or quits the 148017
employer's business, the taxes required to be deducted and 148018
withheld and paid to the state pursuant to those sections prior 148019
to that time, together with any interest and penalties imposed 148020
on those taxes, become due and payable immediately, and that 148021
person shall make a final return within fifteen days after the 148022
date of selling or quitting business. The employer's successor 148023
shall withhold a sufficient amount of the purchase money to 148024
cover the amount of the taxes, interest, and penalties due and 148025
unpaid, until the former owner produces a receipt from the tax 148026
commissioner showing that the taxes, interest, and penalties 148027
have been paid or a certificate indicating that no such taxes 148028
are due. If the purchaser of the business or stock of 148029
merchandise fails to withhold purchase money, the purchaser 148030
shall be personally liable for the payment of the taxes, 148031
interest, and penalties accrued and unpaid during the operation 148032
of the business by the former owner. If the amount of taxes, 148033
interest, and penalties outstanding at the time of the purchase 148034
exceeds the total purchase money, the tax commissioner in the 148035
commissioner's discretion may adjust the liability of the seller 148036
or the responsibility of the purchaser to pay that liability to 148037
maximize the collection of withholding tax revenue. 148038

(I) An employer whose actual or required payments under 148039
this section exceeded eighty-four thousand dollars during the 148040
twelve-month period ending on the thirtieth day of June of the 148041
preceding calendar year shall make all payments required by this 148042
section for the year electronically under section 5747.072 of 148043

the Revised Code. 148044

(J) (1) Every professional employer organization, 148045
professional employer organization reporting entity, and 148046
alternate employer organization shall file a report with the tax 148047
commissioner within thirty days after commencing business in 148048
this state that includes all of the following information: 148049

(a) The name, address, number the employer receives from 148050
the secretary of state to do business in this state, if 148051
applicable, and federal employer identification number of each 148052
client employer of the organization or entity; 148053

(b) The date that each client employer became a client of 148054
the organization or entity; 148055

(c) The names and mailing addresses of the chief executive 148056
officer and the chief financial officer of each client employer 148057
for taxation of the client employer. 148058

(2) Beginning with the calendar quarter ending after a 148059
professional employer organization, professional employer 148060
organization reporting entity, or alternate employer 148061
organization files the report required under division (J) (1) of 148062
this section, and every calendar quarter thereafter, the 148063
organization or entity shall file an updated report with the tax 148064
commissioner. The organization or entity shall file the updated 148065
report not later than the last day of the month following the 148066
end of the calendar quarter and shall include all of the 148067
following information in the report: 148068

(a) If an entity became a client employer of the 148069
professional employer organization, professional employer 148070
organization reporting entity, or alternate employer 148071
organization at any time during the calendar quarter, all of the 148072

information required under division (J)(1) of this section for 148073
each new client employer; 148074

(b) If an entity terminated the professional employer 148075
organization agreement or the alternate employer organization 148076
agreement between the entity and the professional employer 148077
organization, professional employer organization reporting 148078
entity, or alternate employer organization, as applicable, at 148079
any time during the calendar quarter, the information described 148080
in division (J)(1)(a) of this section for that entity, the date 148081
during the calendar quarter that the entity ceased being a 148082
client of the organization or reporting entity, if applicable, 148083
or the date the entity ceased business operations in this state, 148084
if applicable; 148085

(c) If the name or mailing address of the chief executive 148086
officer or the chief financial officer of a client employer has 148087
changed since the professional employer organization, 148088
professional employer organization reporting entity, or 148089
alternate employer organization previously submitted a report 148090
under division (J)(1) or (2) of this section, the updated name 148091
or mailing address, or both, of the chief executive officer or 148092
the chief financial officer, as applicable; 148093

(d) If none of the events described in divisions (J)(2)(a) 148094
to (c) of this section occurred during the calendar quarter, a 148095
statement of that fact. 148096

Sec. 5747.071. (A) As used in this section: 148097

(1) "Retirement system" means the public employees 148098
retirement system, state teachers retirement system, school 148099
employees retirement system, Ohio police and fire pension fund, 148100
state highway patrol retirement system, and any municipal 148101

retirement system. 148102

(2) "Retirement plan" means a person, other than a 148103
retirement system, that manages a group or individual retirement 148104
account, fund, or plan. 148105

(3) "Benefits" means all annuities, allowances, pensions, 148106
and other benefits paid by a retirement system or retirement 148107
plan. 148108

~~(3)~~(4) "Recipient" means any person receiving benefits 148109
from a retirement system or retirement plan. 148110

(B) Any recipient may request the recipient's retirement 148111
system or retirement plan to deduct and withhold from the 148112
recipient's benefits an amount during the calendar year 148113
reasonably estimated to be equal to the tax due from the 148114
recipient under this chapter and Chapter 5748. of the Revised 148115
Code for the year with respect to the recipient's benefits from 148116
the retirement system or retirement plan that are included in 148117
the recipient's adjusted gross income. The request shall be made 148118
pursuant to an application filed with the retirement system or 148119
retirement plan, on a form the system or plan shall supply, and 148120
shall include ~~the an~~ estimate ~~of from~~ the recipient of the 148121
amount of state income taxes that will be due in the ensuing 148122
calendar year with respect to the benefits from the retirement 148123
system or retirement plan. 148124

(C) A retirement system or retirement plan with which an 148125
application is filed under this section, commencing with the 148126
calendar year following the year in which the application is 148127
filed, shall withhold from the benefits of the recipient an 148128
amount that equals for the calendar year, the amount of taxes 148129
that the recipient estimated would be due for the year. The 148130

amount to be withheld for a calendar year shall be apportioned 148131
throughout the calendar year. 148132

(D) A recipient may submit an amended application to 148133
increase or decrease the amount that will be withheld by the 148134
retirement system or retirement plan in an ensuing year. 148135

(E) A retirement system or retirement plan that withholds 148136
a portion of the benefits of a recipient under this section 148137
shall file returns and pay the amounts withheld in accordance 148138
with the requirements of section 5747.07 of the Revised Code. 148139
The tax commissioner may collect from a retirement plan past due 148140
amounts deducted and withheld and penalties and interest thereon 148141
by assessment under section 5747.13 of the Revised Code as if 148142
those amounts were income taxes collected by an employer. 148143

(F) Every retirement system or retirement plan required to 148144
deduct and withhold tax from benefits pursuant to this section 148145
shall furnish to the recipient, with respect to the benefits 148146
paid to the recipient during the calendar year, on or before the 148147
thirty-first day of January of the succeeding year, a written 148148
statement showing the amount of benefits deducted and withheld 148149
as state income tax, any amount deducted and withheld as school 148150
district income tax for each applicable school district, and 148151
such other information as the tax commissioner requires. 148152

(G) A retirement system or, in the case of a retirement 148153
plan, the tax commissioner may adopt rules governing withholding 148154
under this section. 148155

Sec. 5747.073. (A) As used in this section: 148156

(1) "Bulk filer" means a payroll service provider or 148157
similar entity that is registered with the tax commissioner to 148158
submit employer withholding tax returns in accordance with this 148159

section. 148160

(2) "Payroll service provider" means a third party that 148161
assists an employer with payroll administration and state 148162
employer withholding tax obligations. A payroll service provider 148163
may include a professional employer organization or alternate 148164
employer organization. 148165

(3) "Client company" means an employer on whose behalf a 148166
bulk filer agrees to submit employer withholding returns in 148167
accordance with this section. 148168

(B) (1) An employer may elect to use a bulk filer to comply 148169
with its state and school district income tax withholding 148170
obligations under this chapter. 148171

(2) (a) Within five days after becoming a client company, 148172
the employer shall notify the tax commissioner, in a format 148173
prescribed by the commissioner, of the name of the approved bulk 148174
filer it is electing to use and the taxes the bulk filer will be 148175
remitting on its behalf. 148176

(b) When using a bulk filer, the client company shall 148177
maintain all registrations required by the tax commissioner 148178
related to electronic filing and payment of the amounts 148179
described in divisions (A) and (E) of section 5747.06 of the 148180
Revised Code. 148181

(C) (1) The tax commissioner shall approve each bulk filer 148182
before the bulk filer can file withholding tax returns on behalf 148183
of client companies. The commissioner shall prescribe guidelines 148184
and conditions of participation in the bulk file program that 148185
include standards of conduct, software tests, and file formats. 148186

(2) The commissioner shall maintain a list of approved 148187
bulk filers on the department of taxation's official web site. 148188

Such information is not prohibited from disclosure under section 148189
5703.21 of the Revised Code. 148190

(3) Each bulk filer shall comply with all requirements of 148191
law pertaining to employers maintaining an office or transacting 148192
business in this state and paying compensation to an employee 148193
who is a taxpayer. 148194

(4) A bulk filer that is not a professional employer 148195
organization, professional employer organization reporting 148196
entity, or alternate employer organization shall file a report 148197
in the same manner and frequency as required of a professional 148198
employer organization, professional employer organization 148199
reporting entity, or alternate employer organization under 148200
division (J) of section 5747.07 of the Revised Code. For 148201
purposes of this division, "client company" shall be substituted 148202
for "client employer" wherever "client employer" appears in that 148203
division. 148204

(D) All returns, reports, and payments filed or remitted 148205
by a bulk filer shall be made through an electronic means as 148206
prescribed by the tax commissioner, regardless of the bulk 148207
filer's number of client companies, or the number of returns, 148208
reports, or payments being filed or remitted. The bulk filer 148209
shall register for and maintain all accounts needed to 148210
electronically make such filings and payments. 148211

(E) (1) A bulk filer's authorization under this section is 148212
valid until either of the following events occurs: 148213

(a) The bulk filer dissolves, loses its existence as the 148214
result of a merger, or otherwise ceases business; 148215

(b) The authorization is rescinded or suspended by the tax 148216
commissioner for failure to meet the guidelines and conditions 148217

of participation in the bulk file program, including any 148218
guidelines or conditions established or modified after the bulk 148219
filer receives its authorization. 148220

(2) A bulk filer shall notify its client companies within 148221
five days after the bulk filer's authorization is rescinded, 148222
suspended, or is otherwise no longer valid or active. If an 148223
entity no longer meets the requirements to be a bulk filer, the 148224
client companies of the former bulk filer shall immediately 148225
resume their state and school district withholding filing and 148226
payment obligations under this chapter. 148227

(F) (1) The tax commissioner may collect past due amounts 148228
from a bulk filer, including penalties and interest thereon, by 148229
assessment under section 5747.13 of the Revised Code as if the 148230
amounts were taxes collected by an employer. 148231

(2) A bulk filer is subject to all applicable penalties 148232
under Title LVII of the Revised Code as if the bulk filer were 148233
the client company. 148234

(3) Notwithstanding the commissioner's authority under 148235
division (F) (1) of this section, a client company remains 148236
subject to assessment if its bulk filer fails to timely file all 148237
returns or reports, or to timely remit any payment, on the 148238
client company's behalf. The use of a bulk filer does not 148239
abrogate the ability of the commissioner to hold employees, 148240
officers, members, managers, or trustees of the client company 148241
personally liable under division (G) of section 5747.07 of the 148242
Revised Code. 148243

(4) Any liability assessed against both a bulk filer and a 148244
client company shall be joint and several. 148245

(5) A client company is not responsible for filings or 148246

amounts that a bulk filer fails to make or remit on behalf of 148247
another client company. 148248

(6) A bulk filer is subject to division (H) of section 148249
5747.07 of the Revised Code as if it were an employer subject to 148250
that section. 148251

(G) A bulk filer may file a refund application pursuant to 148252
section 5747.11 of the Revised Code on behalf of one or more of 148253
its client companies. 148254

Sec. 5747.08. An annual return with respect to the tax 148255
imposed by section 5747.02 of the Revised Code and each tax 148256
imposed under Chapter 5748. of the Revised Code shall be made by 148257
every taxpayer for any taxable year for which the taxpayer is 148258
liable for the tax imposed by that section or under that 148259
chapter, unless the total credits allowed under division (E) of 148260
section 5747.05 and divisions (F) and (G) of section 5747.055 of 148261
the Revised Code for the year are equal to or exceed the tax 148262
imposed by section 5747.02 of the Revised Code, in which case no 148263
return shall be required unless the taxpayer is liable for a tax 148264
imposed pursuant to Chapter 5748. of the Revised Code. 148265

(A) If an individual is deceased, any return or notice 148266
required of that individual under this chapter shall be made and 148267
filed by that decedent's executor, administrator, or other 148268
person charged with the property of that decedent. 148269

(B) If an individual is unable to make a return or notice 148270
required by this chapter, the return or notice required of that 148271
individual shall be made and filed by the individual's duly 148272
authorized agent, guardian, conservator, fiduciary, or other 148273
person charged with the care of the person or property of that 148274
individual. 148275

(C) Returns or notices required of an estate or a trust 148276
shall be made and filed by the fiduciary of the estate or trust. 148277

(D) (1) (a) Except as otherwise provided in division (D) (1) 148278
(b) of this section, any pass-through entity may file a single 148279
return on behalf of one or more of the entity's investors other 148280
than an investor that is a person subject to the tax imposed 148281
under section 5733.06 of the Revised Code. The single return 148282
shall set forth the name, address, and social security number or 148283
other identifying number of each of those pass-through entity 148284
investors and shall indicate the distributive share of each of 148285
those pass-through entity investor's income taxable in this 148286
state in accordance with sections 5747.20 to 5747.231 of the 148287
Revised Code. Such pass-through entity investors for whom the 148288
pass-through entity elects to file a single return are not 148289
entitled to the exemption or credit provided for by sections 148290
5747.02 and 5747.022 of the Revised Code; shall calculate the 148291
tax before business credits at the highest rate of tax set forth 148292
in section 5747.02 of the Revised Code for the taxable year for 148293
which the return is filed; and are entitled to only their 148294
distributive share of the business credits as defined in 148295
division (D) (2) of this section. A single check drawn by the 148296
pass-through entity shall accompany the return in full payment 148297
of the tax due, as shown on the single return, for such 148298
investors, other than investors who are persons subject to the 148299
tax imposed under section 5733.06 of the Revised Code. 148300

(b) (i) A pass-through entity shall not include in such a 148301
single return any investor that is a trust to the extent that 148302
any direct or indirect current, future, or contingent 148303
beneficiary of the trust is a person subject to the tax imposed 148304
under section 5733.06 of the Revised Code. 148305

(ii) A pass-through entity shall not include in such a 148306
single return any investor that is itself a pass-through entity 148307
to the extent that any direct or indirect investor in the second 148308
pass-through entity is a person subject to the tax imposed under 148309
section 5733.06 of the Revised Code. 148310

(c) Except as provided by division (L) of this section, 148311
nothing in division (D) of this section precludes the tax 148312
commissioner from requiring such investors to file the return 148313
and make the payment of taxes and related interest, penalty, and 148314
interest penalty required by this section or section 5747.02, 148315
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 148316
of this section precludes such an investor from filing the 148317
annual return under this section, utilizing the refundable 148318
credit equal to the investor's proportionate share of the tax 148319
paid by the pass-through entity on behalf of the investor under 148320
division (I) of this section, and making the payment of taxes 148321
imposed under section 5747.02 of the Revised Code. Nothing in 148322
division (D) of this section shall be construed to provide to 148323
such an investor or pass-through entity any additional deduction 148324
or credit, other than the credit provided by division (I) of 148325
this section, solely on account of the entity's filing a return 148326
in accordance with this section. Such a pass-through entity also 148327
shall make the filing and payment of estimated taxes on behalf 148328
of the pass-through entity investors other than an investor that 148329
is a person subject to the tax imposed under section 5733.06 of 148330
the Revised Code. 148331

(2) For the purposes of this section, "business credits" 148332
means the credits listed in section 5747.98 of the Revised Code 148333
excluding the following credits: 148334

(a) The retirement income credit under division (B) of 148335

section 5747.055 of the Revised Code;	148336
(b) The senior citizen credit under division (F) of	148337
section 5747.055 of the Revised Code;	148338
(c) The lump sum distribution credit under division (G) of	148339
section 5747.055 of the Revised Code;	148340
(d) The dependent care credit under section 5747.054 of	148341
the Revised Code;	148342
(e) The lump sum retirement income credit under division	148343
(C) of section 5747.055 of the Revised Code;	148344
(f) The lump sum retirement income credit under division	148345
(D) of section 5747.055 of the Revised Code;	148346
(g) The lump sum retirement income credit under division	148347
(E) of section 5747.055 of the Revised Code;	148348
(h) The credit for displaced workers who pay for job	148349
training under section 5747.27 of the Revised Code;	148350
(i) The twenty-dollar personal exemption credit under	148351
section 5747.022 of the Revised Code;	148352
(j) The joint filing credit under division (E) of section	148353
5747.05 of the Revised Code;	148354
(k) The nonresident credit under division (A) of section	148355
5747.05 of the Revised Code;	148356
(l) The credit for a resident's out-of-state income under	148357
division (B) of section 5747.05 of the Revised Code;	148358
(m) The earned income tax credit under section 5747.71 of	148359
the Revised Code;	148360
(n) The lead abatement credit under section 5747.26 of the	148361

Revised Code; 148362

(o) The credit for education expenses under section 148363
5747.72 of the Revised Code;— 148364

~~(p) The credit for tuition paid to a nonchartered~~ 148365
~~nonpublic school under section 5747.75 of the Revised Code.~~ 148366

(3) The election provided for under division (D) of this 148367
section applies only to the taxable year for which the election 148368
is made by the pass-through entity. Unless the tax commissioner 148369
provides otherwise, this election, once made, is binding and 148370
irrevocable for the taxable year for which the election is made. 148371
Nothing in this division shall be construed to provide for any 148372
deduction or credit that would not be allowable if a nonresident 148373
pass-through entity investor were to file an annual return. 148374

(4) If a pass-through entity makes the election provided 148375
for under division (D) of this section, the pass-through entity 148376
shall be liable for any additional taxes, interest, interest 148377
penalty, or penalties imposed by this chapter if the tax 148378
commissioner finds that the single return does not reflect the 148379
correct tax due by the pass-through entity investors covered by 148380
that return. Nothing in this division shall be construed to 148381
limit or alter the liability, if any, imposed on pass-through 148382
entity investors for unpaid or underpaid taxes, interest, 148383
interest penalty, or penalties as a result of the pass-through 148384
entity's making the election provided for under division (D) of 148385
this section. For the purposes of division (D) of this section, 148386
"correct tax due" means the tax that would have been paid by the 148387
pass-through entity had the single return been filed in a manner 148388
reflecting the commissioner's findings. Nothing in division (D) 148389
of this section shall be construed to make or hold a pass- 148390
through entity liable for tax attributable to a pass-through 148391

entity investor's income from a source other than the pass- 148392
through entity electing to file the single return. 148393

(E) If a husband and wife file a joint federal income tax 148394
return for a taxable year, they shall file a joint return under 148395
this section for that taxable year, and their liabilities are 148396
joint and several, but, if the federal income tax liability of 148397
either spouse is determined on a separate federal income tax 148398
return, they shall file separate returns under this section. 148399

If either spouse is not required to file a federal income 148400
tax return and either or both are required to file a return 148401
pursuant to this chapter, they may elect to file separate or 148402
joint returns, and, pursuant to that election, their liabilities 148403
are separate or joint and several. If a husband and wife file 148404
separate returns pursuant to this chapter, each must claim the 148405
taxpayer's own exemption, but not both, as authorized under 148406
section 5747.02 of the Revised Code on the taxpayer's own 148407
return. 148408

(F) Each return or notice required to be filed under this 148409
section shall contain the signature of the taxpayer or the 148410
taxpayer's duly authorized agent and of the person who prepared 148411
the return for the taxpayer, and shall include the taxpayer's 148412
social security number. Each return shall be verified by a 148413
declaration under the penalties of perjury. The tax commissioner 148414
shall prescribe the form that the signature and declaration 148415
shall take. 148416

(G) Each return or notice required to be filed under this 148417
section shall be made and filed as required by section 5747.04 148418
of the Revised Code, on or before the fifteenth day of April of 148419
each year, on forms that the tax commissioner shall prescribe, 148420
together with remittance made payable to the treasurer of state 148421

in the combined amount of the state and all school district 148422
income taxes shown to be due on the form. 148423

Upon good cause shown, the commissioner may extend the 148424
period for filing any notice or return required to be filed 148425
under this section and may adopt rules relating to extensions. 148426
If the extension results in an extension of time for the payment 148427
of any state or school district income tax liability with 148428
respect to which the return is filed, the taxpayer shall pay at 148429
the time the tax liability is paid an amount of interest 148430
computed at the rate per annum prescribed by section 5703.47 of 148431
the Revised Code on that liability from the time that payment is 148432
due without extension to the time of actual payment. Except as 148433
provided in section 5747.132 of the Revised Code, in addition to 148434
all other interest charges and penalties, all taxes imposed 148435
under this chapter or Chapter 5748. of the Revised Code and 148436
remaining unpaid after they become due, except combined amounts 148437
due of one dollar or less, bear interest at the rate per annum 148438
prescribed by section 5703.47 of the Revised Code until paid or 148439
until the day an assessment is issued under section 5747.13 of 148440
the Revised Code, whichever occurs first. 148441

If the commissioner considers it necessary in order to 148442
ensure the payment of the tax imposed by section 5747.02 of the 148443
Revised Code or any tax imposed under Chapter 5748. of the 148444
Revised Code, the commissioner may require returns and payments 148445
to be made otherwise than as provided in this section. 148446

To the extent that any provision in this division 148447
conflicts with any provision in section 5747.026 of the Revised 148448
Code, the provision in that section prevails. 148449

(H) The amounts withheld pursuant to section 5747.06, 148450
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 148451

Revised Code shall be allowed to the ultimate recipient of the 148452
income as credits against payment of the appropriate taxes 148453
imposed on the ultimate recipient by section 5747.02 and under 148454
Chapter 5748. of the Revised Code. As used in this division, 148455
"ultimate recipient" means the person who is required to report 148456
income from which amounts are withheld pursuant to section 148457
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 148458
the Revised Code on the annual return required to be filed under 148459
this section. 148460

(I) If a pass-through entity elects to file a single 148461
return under division (D) of this section and if any investor is 148462
required to file the annual return and make the payment of taxes 148463
required by this chapter on account of the investor's other 148464
income that is not included in a single return filed by a pass- 148465
through entity or any other investor elects to file the annual 148466
return, the investor is entitled to a refundable credit equal to 148467
the investor's proportionate share of the lesser of the tax due 148468
or the tax paid by the pass-through entity on behalf of the 148469
investor. The investor shall claim the credit for the investor's 148470
taxable year in which or with which ends the taxable year of the 148471
pass-through entity. Nothing in this chapter shall be construed 148472
to allow any credit provided in this chapter to be claimed more 148473
than once. For the purpose of computing any interest, penalty, 148474
or interest penalty, the investor shall be deemed to have paid 148475
the refundable credit provided by this division on the day that 148476
the pass-through entity paid the estimated tax or the tax giving 148477
rise to the credit. 148478

(J) The tax commissioner shall ensure that each return 148479
required to be filed under this section includes a box that the 148480
taxpayer may check to authorize a paid tax preparer who prepared 148481
the return to communicate with the department of taxation about 148482

matters pertaining to the return. The return or instructions 148483
accompanying the return shall indicate that by checking the box 148484
the taxpayer authorizes the department of taxation to contact 148485
the preparer concerning questions that arise during the 148486
processing of the return and authorizes the preparer only to 148487
provide the department with information that is missing from the 148488
return, to contact the department for information about the 148489
processing of the return or the status of the taxpayer's refund 148490
or payments, and to respond to notices about mathematical 148491
errors, offsets, or return preparation that the taxpayer has 148492
received from the department and has shown to the preparer. 148493

(K) The tax commissioner shall permit individual taxpayers 148494
to instruct the department of taxation to cause any refund of 148495
overpaid taxes to be deposited directly into a checking account, 148496
savings account, or an individual retirement account or 148497
individual retirement annuity, or preexisting college savings 148498
plan or program account offered by the Ohio tuition trust 148499
authority under Chapter 3334. of the Revised Code, as designated 148500
by the taxpayer, when the taxpayer files the annual return 148501
required by this section electronically. 148502

(L) If, for the taxable year, a nonresident or trust that 148503
is the owner of an electing pass-through entity, as defined in 148504
section 5747.38 of the Revised Code, does not have Ohio adjusted 148505
gross income or, in the case of a trust, modified Ohio taxable 148506
income other than from one or more electing pass-through 148507
entities, the nonresident or trust shall not be required to file 148508
an annual return under this section. Nothing in this division 148509
precludes such an owner from filing the annual return under this 148510
section, utilizing the refundable credit under section 5747.39 148511
of the Revised Code equal to the owner's proportionate share of 148512
the tax levied under section 5747.38 of the Revised Code and 148513

paid by the electing pass-through entity, and making the payment 148514
of taxes imposed under section 5747.02 of the Revised Code. 148515

(M) The tax commissioner may adopt rules to administer 148516
this section. 148517

Sec. 5747.09. (A) As used in this section: 148518

(1) "Estimated taxes" means the amount that the taxpayer 148519
estimates to be the taxpayer's combined tax liability under this 148520
chapter and Chapter 5748. of the Revised Code for the current 148521
taxable year. 148522

(2) "Tax liability" means the total taxes due for the 148523
taxable year, after allowing any credit to which the taxpayer is 148524
entitled, but prior to applying any estimated tax payment, 148525
withholding payment, or refund from another tax year. 148526

(3) "Taxes paid" include payments of estimated taxes made 148527
under division (C) of this section, taxes withheld from the 148528
taxpayer's compensation, and tax refunds applied by the taxpayer 148529
in payment of estimated taxes. 148530

(4) "Required installment" means a payment equal to 148531
twenty-five per cent of the lesser of the following: 148532

(a) Ninety per cent of the tax liability for the taxable 148533
year; 148534

(b) One hundred per cent of the tax liability shown on the 148535
return of a taxpayer for the preceding taxable year. 148536

Division (A) (4) (b) of this section applies only if the 148537
taxpayer filed a return under section 5747.08 of the Revised 148538
Code for the preceding taxable year and if the preceding taxable 148539
year was a twelve-month taxable year. 148540

(B) Every taxpayer shall make declaration of estimated 148541
taxes for the current taxable year, in the form that the tax 148542
commissioner shall prescribe, if the amount payable as estimated 148543
taxes, less the amount to be withheld from the taxpayer's 148544
compensation, is more than five hundred dollars. For purposes of 148545
this section, taxes withheld from compensation shall be 148546
considered as paid in equal amounts on each payment date unless 148547
the taxpayer establishes the dates on which all amounts were 148548
actually withheld, in which case the amounts withheld shall be 148549
considered as paid on the dates on which the amounts were 148550
actually withheld. Taxpayers filing joint returns pursuant to 148551
section 5747.08 of the Revised Code shall file joint 148552
declarations of estimated taxes. A taxpayer may amend a 148553
declaration under rules prescribed by the commissioner. A 148554
taxpayer having a taxable year of less than twelve months shall 148555
make a declaration under rules prescribed by the commissioner. 148556
The declaration of estimated taxes for an individual under a 148557
disability shall be made and filed by the person who is required 148558
to file the income tax return. 148559

The declaration of estimated taxes shall be filed on or 148560
before the fifteenth day of April of each year or on or before 148561
the fifteenth day of the fourth month after the taxpayer becomes 148562
subject to tax for the first time. 148563

Taxpayers reporting on a fiscal year basis shall file a 148564
declaration on or before the fifteenth day of the fourth month 148565
after the beginning of each fiscal year or period. 148566

The declaration shall be filed upon a form prescribed by 148567
the commissioner and furnished by or obtainable from the 148568
commissioner. 148569

The original declaration or any subsequent amendment may 148570

be increased or decreased on or before any subsequent quarterly
payment day as provided in this section.

(C) The required portion of the tax liability for the
taxable year that shall be paid through estimated taxes made
payable to the treasurer of state, including the application of
tax refunds to estimated taxes, and withholding on or before the
applicable payment date shall be as follows:

(1) On or before the fifteenth day of the fourth month
after the beginning of the taxable year, twenty-two and one-half
per cent of the tax liability for the taxable year;

(2) On or before the fifteenth day of the sixth month
after the beginning of the taxable year, forty-five per cent of
the tax liability for the taxable year;

(3) On or before the fifteenth day of the ninth month
after the beginning of the taxable year, sixty-seven and one-
half per cent of the tax liability for the taxable year;

(4) On or before the fifteenth day of the first month of
the following taxable year, ninety per cent of the tax liability
for the taxable year.

When an amended return has been filed, the unpaid balance
shown due on the amended return shall be paid in equal
installments on or before the remaining payment dates.

On or before the fifteenth day of the fourth month of the
year following that for which the declaration or amended
declaration was filed, an annual return shall be filed and any
balance which may be due shall be paid with the return in
accordance with section 5747.08 of the Revised Code.

(D) In the case of any underpayment of estimated taxes, an

interest penalty ~~shall~~may be added to the taxes for the tax 148599
year at the rate per annum prescribed by section 5703.47 of the 148600
Revised Code upon the amount of underpayment for the period of 148601
underpayment, unless the underpayment is due to reasonable cause 148602
as described in division (E) of this section. The amount of the 148603
underpayment shall be determined as follows: 148604

(1) For the first payment of estimated taxes each year, 148605
the required installment less the amount of taxes paid by the 148606
date prescribed for that payment; 148607

(2) For the second payment of estimated taxes each year, 148608
the required installment less the amount of taxes paid by the 148609
date prescribed for that payment; 148610

(3) For the third payment of estimated taxes each year, 148611
the required installment less the amount of taxes paid by the 148612
date prescribed for that payment; 148613

(4) For the fourth payment of estimated taxes each year, 148614
the required installment less the amount of taxes paid by the 148615
date prescribed for that payment. 148616

The period of the underpayment shall run from the day the 148617
estimated payment was required to be made to the date on which 148618
the payment is made. For purposes of this section, a payment of 148619
estimated taxes on or before any payment date shall be 148620
considered a payment of any previous underpayment only to the 148621
extent the payment of estimated taxes exceeds the amount of the 148622
payment presently required to be paid to avoid any penalty. 148623

The tax commissioner may abate, in whole or in part, the 148624
interest penalty imposed under division (D) of this section. Any 148625
such penalty imposed shall be in lieu of any other interest 148626
charge or penalty imposed for failure to file an estimated 148627

return and make estimated payments as required by this section. 148628

(E) An underpayment of estimated taxes determined under 148629
division (D) of this section shall be due to reasonable cause 148630
and the interest penalty imposed by this section shall not be 148631
added to the taxes for the tax year if either of the following 148632
apply: 148633

(1) The amount of tax that was paid equals at least ninety 148634
per cent of the tax liability for the current taxable year, 148635
determined by annualizing the income received during the year up 148636
to the end of the month immediately preceding the month in which 148637
the payment is due; 148638

(2) The amount of tax that was paid equals at least one 148639
hundred per cent of the tax liability shown on the return of the 148640
taxpayer for the preceding taxable year, provided that the 148641
immediately preceding taxable year reflected a period of twelve 148642
months and the taxpayer filed a return under section 5747.08 of 148643
the Revised Code for that year. 148644

The tax commissioner may waive the requirement for filing 148645
a declaration of estimated taxes for any class of taxpayers 148646
after finding that the waiver is reasonable and proper in view 148647
of administrative costs and other factors. 148648

Sec. 5747.10. (A) As used in this section: 148649

(1) "Audited partnership" means a partnership subject to 148650
an examination by the internal revenue service pursuant to 148651
subchapter C, chapter 63, subtitle F of the Internal Revenue 148652
Code resulting in a federal adjustment. 148653

(2) (a) "Direct investor" means a partner or other investor 148654
that holds a direct interest in a pass-through entity. 148655

(b) "Indirect investor" means a partner or other investor
that holds an interest in a pass-through entity that itself
holds an interest, directly or through another indirect partner
or other investor, in a pass-through entity.

(3) "Exempt partner" means a partner that is neither a
pass-through entity nor a person subject to the tax imposed by
section 5747.02 of the Revised Code.

(4) "Federal adjustment" means a change to an item or
amount required to be determined under the Internal Revenue Code
that directly or indirectly affects a taxpayer's aggregate tax
liability under section 5747.02 or Chapter 5748. of the Revised
Code and that results from an action or examination by the
internal revenue service, or from the filing of an amended
federal tax return, a claim for a federal tax refund, or an
administrative adjustment request filed by a partnership under
section 6227 of the Internal Revenue Code.

(5) "Federal adjustments return" means the form or other
document prescribed by the tax commissioner for use by a
taxpayer in reporting final federal adjustments.

(6) "State partnership representative" means either of the
following:

(a) The person who served as the partnership's
representative for federal income tax purposes, pursuant to
section 6223(a) of the Internal Revenue Code, during the
corresponding federal partnership audit;

(b) The person designated, on a form prescribed by the tax
commissioner, to serve as the partnership's representative
during the state partnership audit. The commissioner may
establish reasonable qualifications and procedures for a person

to be designated as a state partnership representative under 148685
this division. 148686

(7) A federal adjustment is "final" or "agreed to or 148687
finally determined for federal income tax purposes" on any of 148688
the following: 148689

(a) The day after which the period for appeal of a federal 148690
assessment has expired; 148691

(b) The date on a refund check issued by the internal 148692
revenue service; or 148693

(c) For agreements required to be signed by the internal 148694
revenue service and the taxpayer or audited partnership, the 148695
date on which the last party signed the agreement. 148696

(B) (1) If any of the facts, figures, computations, or 148697
attachments required in a taxpayer's annual return to determine 148698
the tax charged by this chapter or Chapter 5748. of the Revised 148699
Code must be altered as the result of a final federal 148700
adjustment, and the federal adjustment is not required to be 148701
reported under division (C) of this section, the taxpayer shall 148702
file an amended return with the tax commissioner in such form as 148703
the commissioner requires. The amended return shall be filed not 148704
later than ninety days after the federal adjustment has been 148705
agreed to or finally determined for federal income tax purposes. 148706

(2) "One hundred eighty" shall be substituted for "ninety" 148707
in divisions (B) (1) and (E) (1) of this section if, for any 148708
taxable year, the final federal adjustment results from taxes 148709
paid by the taxpayer on an amount described in division (A) (32) 148710
of section 5747.01 of the Revised Code. 148711

(C) Except for adjustments required to be reported for 148712
federal purposes pursuant to section 6225(a) (2) of the Internal 148713

Revenue Code and adjustments that are taken into account on a 148714
federal amended return or similar report filed pursuant to 148715
section 6225(c)(2) of the Internal Revenue Code, partnerships 148716
and partners shall report final federal adjustments and make 148717
payments as required under division (C) of this section. 148718

(1) With respect to an action required or permitted to be 148719
taken by a partnership under this section, and any petition for 148720
reassessment or appeal to the board of tax appeals or any court 148721
with respect to such an action, the state partnership 148722
representative shall have the sole authority to act on behalf of 148723
the audited partnership, and the partnership's direct and 148724
indirect investors shall be bound by those actions. 148725

(2) Unless an audited partnership makes the election under 148726
division (C)(3) of this section: 148727

(a) The audited partnership, through its state partnership 148728
representative, shall do all of the following within ninety days 148729
after the federal adjustment is final: 148730

(i) File a federal adjustments return with the tax 148731
commissioner, including a copy of the notifications provided 148732
under division (C)(2)(a)(ii) of this section; 148733

(ii) Notify each of its direct investors, on a form 148734
prescribed by the commissioner, of the investor's distributive 148735
share of the final federal adjustments; 148736

(iii) File an amended tax return on behalf of its 148737
nonresident direct investors and pay any additional tax that 148738
would have been due under sections 5733.41 and 5747.41, or 148739
division (D) of section 5747.08, of the Revised Code with 148740
respect to those direct investors had the final federal 148741
adjustments been reported properly on the original filing. 148742

(b) Each direct investor that is subject to the tax 148743
imposed by section 5747.02 of the Revised Code shall file an 148744
original or amended tax return to include the investor's 148745
distributive share of the adjustments reported to the direct 148746
investor under division (C)(2)(a) of this section, and pay any 148747
additional tax due, within ninety days after the audited 148748
partnership files its federal adjustments return with the 148749
commissioner. 148750

(c)(i) Each direct and indirect investor of an audited 148751
partnership that is a pass-through entity and all investors in 148752
such a pass-through entity that are subject to the filing and 148753
payment requirements of Chapters 5733. and 5747. of the Revised 148754
Code are subject to the reporting and payment requirements of 148755
division (C)(2) or, upon a timely election, division (C)(3) of 148756
this section. 148757

(ii) Such direct and indirect investors shall make the 148758
required returns and payments within ninety days after the 148759
deadline for filing and furnishing statements under section 148760
6226(b)(4) of the Internal Revenue Code and applicable treasury 148761
regulations. 148762

(3) If an audited partnership makes the election under 148763
this division, the audited partnership, through its state 148764
partnership representative, shall do all of the following within 148765
ninety days after all federal adjustments are final: 148766

(a) File a federal adjustments return with the tax 148767
commissioner indicating the partnership has made the election 148768
under division (C)(3) of this section; 148769

(b) Pay the amount of combined additional tax due under 148770
division (D)(2) of this section, calculated by multiplying the 148771

highest rate of tax set forth in section 5747.02 of the Revised Code by the sum of the following:

(i) The distributive shares of the final federal adjustments that are allocable or apportionable to this state of each investor who is a nonresident taxpayer or pass-through entity;

(ii) The distributive share of the final federal adjustments for each investor who is a resident taxpayer.

(c) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments and the amount paid on their behalf pursuant to division (C) (3) (b) of this section.

(4) (a) A direct investor of an audited partnership is not required to file an amended return or pay tax otherwise due under section 5747.02 of the Revised Code if the audited partnership properly reports and pays the tax under division (C) (3) of this section.

(b) (i) Nothing in division (C) of this section precludes a direct or indirect investor in the audited partnership from filing a return to report the investor's share of the final federal adjustments. Such an investor who files a return and reports the income related to the final federal adjustments is entitled to a refundable credit for taxes paid by the audited partnership under division (C) (3) (b) of this section. The credit shall be computed and claimed in the same manner as the credit allowed under division (I) of section 5747.08 of the Revised Code.

(ii) Notwithstanding division (C) (4) (b) (i) of this section, an exempt partner, whether a direct or indirect

investor, may file an application for refund of its 148801
proportionate share of the amounts erroneously paid by the 148802
audited partnership pursuant to division (C) (3) (b) of this 148803
section on the exempt partner's behalf. 148804

(5) Upon request by an audited partnership, the tax 148805
commissioner may agree, in writing, to allow an alternative 148806
method of reporting and payment than required by division (C) (2) 148807
or (3) of this section. The request must be submitted to the 148808
commissioner in writing before the applicable deadline for 148809
filing a return under division (C) (2) (a) or (3) of this section. 148810
The commissioner's decision on whether to enter into an 148811
agreement under this division is not subject to further 148812
administrative review or appeal. 148813

(6) Nothing in division (C) of this section precludes 148814
either of the following: 148815

(a) A resident taxpayer from filing a return to claim the 148816
credit under division (B) of section 5747.05 or division ~~(D) (2)~~ 148817
(B) (2) of section 5747.02 of the Revised Code based upon any 148818
amounts paid by the audited partnership on such investor's 148819
behalf to another state. 148820

(b) The tax commissioner from issuing an assessment under 148821
this chapter against any direct or indirect investor for taxes 148822
due from the investor if an audited partnership, or direct and 148823
indirect investor of an audited partnership that is a pass- 148824
through entity, fails to timely file any return or remit any 148825
payment required by this section or underreports income or 148826
underpays tax on behalf of an indirect investor who is a 148827
resident taxpayer. 148828

(D) In the case of an underpayment, and unless otherwise 148829

agreed to in writing by the tax commissioner: 148830

(1) The taxpayer's amended return shall be accompanied by 148831
payment of any combined additional tax due together with 148832
interest thereon. An amended return required by this section is 148833
a return subject to assessment under section 5747.13 of the 148834
Revised Code for the purpose of assessing any additional tax due 148835
under this section, together with any applicable penalty and 148836
interest. It shall not reopen those facts, figures, 148837
computations, or attachments from a previously filed return no 148838
longer subject to assessment that are not affected, either 148839
directly or indirectly, by the final federal adjustment to the 148840
taxpayer's federal income tax return. 148841

(2) The audited partnership's federal adjustments return 148842
shall be accompanied by payment of any combined additional tax 148843
due together with interest thereon. The federal adjustments 148844
return required by this section is a return subject to 148845
assessment under section 5747.13 of the Revised Code for the 148846
purpose of assessing any additional tax due under this section, 148847
together with any applicable penalty and interest. It shall not 148848
reopen those facts, figures, computations, or attachments from a 148849
previously filed return no longer subject to assessment that are 148850
not affected, either directly or indirectly, by the final 148851
federal adjustment. 148852

(3) The tax commissioner may accept estimated payments of 148853
the tax arising from pending federal adjustments before the date 148854
for filing a federal adjustments return. The commissioner may 148855
adopt rules for the payment of such estimated taxes. 148856

(E) In the case of an overpayment, and unless otherwise 148857
agreed to in writing by the tax commissioner: 148858

(1) A taxpayer may file an application for refund under 148859
this division within the ninety-day period prescribed for filing 148860
the amended return even if it is filed beyond the period 148861
prescribed in section 5747.11 of the Revised Code if it 148862
otherwise conforms to the requirements of such section. An 148863
application filed under this division shall claim refund of 148864
overpayments resulting from alterations to only those facts, 148865
figures, computations, or attachments required in the taxpayer's 148866
annual return that are affected, either directly or indirectly, 148867
by the final federal adjustment to the taxpayer's federal income 148868
tax return unless it is also filed within the time prescribed in 148869
section 5747.11 of the Revised Code. It shall not reopen those 148870
facts, figures, computations, or attachments that are not 148871
affected, either directly or indirectly, by the adjustment to 148872
the taxpayer's federal income tax return. 148873

(2) (a) Except as otherwise provided in division (E) (2) (b) 148874
of this section, an audited partnership may file an application 148875
for a refund under this division within the ninety-day period 148876
prescribed for filing the federal adjustments return, even if it 148877
is filed beyond the period prescribed by section 5747.11 of the 148878
Revised Code, if it otherwise conforms to the requirements of 148879
that section. An application filed under this division may claim 148880
a refund of overpayments resulting only from final federal 148881
adjustments unless it is also filed within the time prescribed 148882
by section 5747.11 of the Revised Code. It shall not reopen 148883
those facts, figures, computations, or attachments that are not 148884
affected, either directly or indirectly, by the federal 148885
adjustment. 148886

(b) An audited partnership may not file an application for 148887
refund under division (E) of this section based on final federal 148888
adjustments described in section 6225(a) (2) of the Internal 148889

Revenue Code. 148890

(3) Any refund granted to a pass-through entity filing an 148891
application for refund under division (E) of this section shall 148892
be reduced by amounts previously claimed as a credit under 148893
section 5747.059 or division (I) of section 5747.08 of the 148894
Revised Code by the pass-through entity's direct or indirect 148895
investors. 148896

(F) Excluding the deadline in division (C) (2) (c) (ii) of 148897
this section, an audited partnership, or a direct or indirect 148898
investor of an audited partnership that is a pass-through 148899
entity, may automatically extend the deadline for reporting, 148900
payments, and refunds under this section by sixty days if the 148901
entity has ten thousand or more direct investors and notifies 148902
the commissioner of such extension, in writing, before the 148903
unextended deadline. 148904

Sec. 5747.124. (A) As used in this section, "judgment 148905
creditor" excludes all state and federal agencies, 148906
instrumentalities, and political subdivisions. 148907

(B) If a person entitled to a refund under this chapter is 148908
a judgment debtor indebted to a judgment creditor, as defined in 148909
section 2716.01 of the Revised Code, the amount refundable shall 148910
be subject to an order of garnishment of property, other than 148911
personal earnings, issued under sections 2716.11 and 2716.13 of 148912
the Revised Code. Upon receipt of such an order, the tax 148913
commissioner shall pay the amount of the refund not already paid 148914
to the person entitled to the refund to the clerk of court that 148915
issued the order, unless otherwise payable in accordance with 148916
section 5747.12, 5747.121, 5747.122, or 5747.123 of the Revised 148917
Code, provided all of the following are true: 148918

(1) The judgment creditor has made reasonable efforts to 148919
collect the debt before submitting the garnishment order to the 148920
tax commissioners; 148921

(2) The principal balance of the judgment, excluding 148922
interest and post-judgment fees, is greater than two hundred 148923
fifty dollars; 148924

(3) The judgment underlying the garnishment order was 148925
issued not less than one and not more than seven years before it 148926
is submitted to the tax commissioner. 148927

(C) Any order of garnishment submitted under this section 148928
shall be satisfied after overdue child support subject to 148929
section 5747.121 of the Revised Code and debts described in 148930
division (A) of section 5747.12 of the Revised Code. 148931

(D) If the amount refundable is less than the amount 148932
stated on the order of garnishment, it may be applied in partial 148933
satisfaction of that amount. If the amount refundable is greater 148934
than the amount stated on the order, the amount remaining after 148935
satisfaction of the order shall be refunded. 148936

(E) The tax commissioner shall charge each respective 148937
judgment creditor a fee of fifteen dollars for the 148938
commissioner's cost in applying refunds to satisfy an order of 148939
garnishment. 148940

(F) If the tax commissioner receives multiple orders of 148941
garnishment of property, other than personal earnings for 148942
amounts owed by the same person, the commissioner shall satisfy 148943
the orders in the sequence they were received. 148944

(G) The tax commissioner may adopt rules to implement this 148945
section, including rules to apportion the amount of a tax return 148946
available to satisfy an order of garnishment in the case of 148947

persons filing a joint return who do not jointly owe the debt or 148948
certified claim. 148949

Sec. 5747.13. (A) If any employer collects the tax imposed 148950
by section 5747.02 or under Chapter 5748. of the Revised Code 148951
and fails to remit the tax as required by law, or fails to 148952
collect the tax, the employer is personally liable for any 148953
amount collected that the employer fails to remit, or any amount 148954
that the employer fails to collect. If any taxpayer fails to 148955
file a return or fails to pay the tax imposed by section 5747.02 148956
or under Chapter 5748. of the Revised Code, the taxpayer is 148957
personally liable for the amount of the tax. 148958

If any employer, taxpayer, qualifying entity, or electing 148959
pass-through entity required to file a return under this chapter 148960
fails to file the return within the time prescribed, files an 148961
incorrect return, fails to remit the full amount of the taxes 148962
due for the period covered by the return, or fails to remit any 148963
additional tax due as a result of a reduction in the amount of 148964
the credit allowed under division (B) of section 5747.05 of the 148965
Revised Code together with interest on the additional tax within 148966
the time prescribed by that division, the tax commissioner may 148967
make an assessment against any person liable for any deficiency 148968
for the period for which the return is or taxes are due, based 148969
upon any information in the commissioner's possession. 148970

An assessment issued against either the employer or the 148971
taxpayer pursuant to this section shall not be considered an 148972
election of remedies or a bar to an assessment against the other 148973
for failure to report or pay the same tax. No assessment shall 148974
be issued against any person if the tax actually has been paid 148975
by another. 148976

No assessment shall be made or issued against an employer, 148977

a taxpayer, a qualifying entity, or an electing pass-through 148978
entity more than four years after the final date the return 148979
subject to assessment was required to be filed or the date the 148980
return was filed, whichever is later. However, the commissioner 148981
may assess any balance due as the result of a reduction in the 148982
credit allowed under division (B) of section 5747.05 of the 148983
Revised Code, including applicable penalty and interest, within 148984
four years of the date on which the taxpayer reports a change in 148985
either the portion of the taxpayer's adjusted gross income 148986
subjected to an income tax or tax measured by income in another 148987
state or the District of Columbia, or the amount of liability 148988
for an income tax or tax measured by income to another state or 148989
the District of Columbia, as required by division (B) (4) of 148990
section 5747.05 of the Revised Code. Such time limits may be 148991
extended if both the employer, taxpayer, qualifying entity, or 148992
electing pass-through entity and the commissioner consent in 148993
writing to the extension or if an agreement waiving or extending 148994
the time limits has been entered into pursuant to section 148995
122.171 of the Revised Code. Any such extension shall extend the 148996
four-year time limit in division (B) of section 5747.11 of the 148997
Revised Code for the same period of time. There shall be no bar 148998
or limit to an assessment against an employer for taxes withheld 148999
from employees and not remitted to the state, against an 149000
employer, a taxpayer, a qualifying entity, or an electing pass- 149001
through entity that fails to file a return subject to assessment 149002
as required by this chapter, or against an employer, a taxpayer, 149003
a qualifying entity, or an electing pass-through entity that 149004
files a fraudulent return. 149005

The commissioner shall give the party assessed written 149006
notice of the assessment in the manner provided in section 149007
5703.37 of the Revised Code. With the notice, the commissioner 149008

shall provide instructions on how to petition for reassessment 149009
and request a hearing on the petition. 149010

(B) Unless the party assessed files with the tax 149011
commissioner within sixty days after service of the notice of 149012
assessment, ~~either personally or by certified mail,~~ a written 149013
petition for reassessment, signed by the party assessed or that 149014
party's authorized agent having knowledge of the facts, the 149015
assessment becomes final, and the amount of the assessment is 149016
due and payable from the party assessed to the commissioner with 149017
remittance made payable to the treasurer of state. The petition 149018
shall indicate the objections of the party assessed, but 149019
additional objections may be raised in writing if received by 149020
the commissioner prior to the date shown on the final 149021
determination. If the petition has been properly filed, the 149022
commissioner shall proceed under section 5703.60 of the Revised 149023
Code. 149024

(C) After an assessment becomes final, if any portion of 149025
the assessment remains unpaid, including accrued interest, a 149026
certified copy of the tax commissioner's entry making the 149027
assessment final may be filed in the office of the clerk of the 149028
court of common pleas in the county in which the employer's, 149029
taxpayer's, qualifying entity's, or electing pass-through 149030
entity's place of business is located or the county in which the 149031
party assessed resides. If the party assessed is not a resident 149032
of this state, the certified copy of the entry may be filed in 149033
the office of the clerk of the court of common pleas of Franklin 149034
county. 149035

Immediately upon the filing of the entry, the clerk shall 149036
enter a judgment against the party assessed in the amount shown 149037
on the entry. The judgment shall be filed by the clerk in one of 149038

two loose-leaf books, one entitled "special judgments for state 149039
and school district income taxes," and the other entitled 149040
"special judgments for qualifying entity and electing pass- 149041
through entity taxes." The judgment shall have the same effect 149042
as other judgments. Execution shall issue upon the judgment upon 149043
the request of the tax commissioner, and all laws applicable to 149044
sales on execution shall apply to sales made under the judgment. 149045

If the assessment is not paid in its entirety within sixty 149046
days after the assessment was issued, the portion of the 149047
assessment consisting of tax due shall bear interest at the rate 149048
per annum prescribed by section 5703.47 of the Revised Code from 149049
the day the tax commissioner issues the assessment until it is 149050
paid or until it is certified to the attorney general for 149051
collection under section 131.02 of the Revised Code, whichever 149052
comes first. If the unpaid portion of the assessment is 149053
certified to the attorney general for collection, the entire 149054
unpaid portion of the assessment shall bear interest at the rate 149055
per annum prescribed by section 5703.47 of the Revised Code from 149056
the date of certification until the date it is paid in its 149057
entirety. Interest shall be paid in the same manner as the tax 149058
and may be collected by the issuance of an assessment under this 149059
section. 149060

(D) All money collected under this section shall be 149061
considered as revenue arising from the taxes imposed by this 149062
chapter or Chapter 5733. or 5748. of the Revised Code, as 149063
appropriate. 149064

(E) If the party assessed files a petition for 149065
reassessment under division (B) of this section, the person, on 149066
or before the last day the petition may be filed, shall pay the 149067
assessed amount, including assessed interest and assessed 149068

penalties, if any of the following conditions exists: 149069

(1) The person files a tax return reporting Ohio adjusted 149070
gross income, less the exemptions allowed by section 5747.025 of 149071
the Revised Code, in an amount less than one cent, and the 149072
reported amount is not based on the computations required under 149073
division (A) of section 5747.01 or section 5747.025 of the 149074
Revised Code. 149075

(2) The person files a tax return that the tax 149076
commissioner determines to be incomplete, false, fraudulent, or 149077
frivolous. 149078

(3) The person fails to file a tax return, and the basis 149079
for this failure is not either of the following: 149080

(a) An assertion that the person has no nexus with this 149081
state; 149082

(b) The computations required under division (A) of 149083
section 5747.01 of the Revised Code or the application of 149084
credits allowed under this chapter has the result that the 149085
person's tax liability is less than one dollar and one cent. 149086

(F) Notwithstanding the fact that a petition for 149087
reassessment is pending, the petitioner may pay all or a portion 149088
of the assessment that is the subject of the petition. The 149089
acceptance of a payment by the treasurer of state does not 149090
prejudice any claim for refund upon final determination of the 149091
petition. 149092

If upon final determination of the petition an error in 149093
the assessment is corrected by the tax commissioner, upon 149094
petition so filed or pursuant to a decision of the board of tax 149095
appeals or any court to which the determination or decision has 149096
been appealed, so that the amount due from the party assessed 149097

under the corrected assessment is less than the portion paid, 149098
there shall be issued to the petitioner or to the petitioner's 149099
assigns or legal representative a refund in the amount of the 149100
overpayment as provided by section 5747.11 of the Revised Code, 149101
with interest on that amount as provided by such section, 149102
subject to section 5747.12 of the Revised Code. 149103

Sec. 5747.38. (A) As used in this section and section 149104
5747.39 of the Revised Code and in other sections of Chapter 149105
5747. of the Revised Code in the context of the tax imposed 149106
under this section: 149107

(1) "Electing pass-through entity" means a qualifying 149108
pass-through entity that elects to be subject to the tax levied 149109
under this section for a taxable year pursuant to division (C) 149110
of this section. 149111

(2) "Owner" means a person that is a partner, member, 149112
shareholder, or investor in an electing pass-through entity for 149113
any portion of the taxable year. 149114

(3) "Income" means the sum of owners' distributive shares 149115
of the income, gain, expense, or loss of an electing pass- 149116
through entity for the taxable year, as reported for federal 149117
income tax purposes. 149118

(4) "Qualifying taxable income" means the sum of the 149119
following: 149120

(a) The portion of an electing pass-through entity's 149121
income that is business income, subject to the applicable 149122
adjustments in divisions (A) (2) to (7) of section 5733.40 of the 149123
Revised Code, multiplied by the fraction described in division 149124
(B) (1) of that section; 149125

(b) The portion of the electing pass-through entity's 149126

income that is nonbusiness income allocated to this state under 149127
section 5747.20 of the Revised Code. 149128

(B) For the same purposes for which the tax is levied 149129
under section 5747.02 of the Revised Code, a tax is hereby 149130
levied on each electing pass-through entity on the entity's 149131
qualifying taxable income for the taxable year, at the following 149132
rates: 149133

(1) For an electing pass-through entity's taxable year 149134
that begins in 2022, five per cent; 149135

(2) For an electing pass-through entity's taxable year 149136
that begins in 2023 and in any year thereafter, the rate equal 149137
to the tax rate imposed on taxable business income under 149138
division (A) (4) (a) of section 5747.02 of the Revised Code 149139
applicable to that taxable year. 149140

(C) A pass-through entity that is not a disregarded 149141
entity, as defined in section 5733.01 of the Revised Code, may 149142
elect to be subject to the tax levied under this section by 149143
filing with the tax commissioner a form prescribed by the 149144
commissioner making such election on or before the deadline to 149145
file the return under section 5747.42 of the Revised Code for 149146
the taxable year. Such election applies only to the taxable year 149147
for which the election is made and is, once made, irrevocable 149148
for that year. 149149

(D) The Except as otherwise provided in this division, the 149150
tax levied under this section shall be calculated without regard 149151
to any deductions or credits otherwise permitted to be claimed 149152
by an owner of the electing pass-through entity in computing the 149153
owner's aggregate tax liability under section 5747.02 of the 149154
Revised Code. In calculating its tax due under this section, an 149155

electing pass-through entity may claim the refundable credits 149156
authorized under section 5747.059 or 5747.39 of the Revised Code 149157
or division (I) of section 5747.08 of the Revised Code if that 149158
credit is available to one or more of the entity's owners as if 149159
the entity were the owner or owners. 149160

(E) The tax levied under this section is intended to 149161
comply with the provisions of internal revenue service notice 149162
2020-75 in which such tax paid by an electing pass-through 149163
entity is deductible to the entity for federal income tax 149164
purposes. 149165

(F) The tax commissioner shall adopt rules to administer 149166
the tax levied under this section. Such rules shall include a 149167
description of how the adjustments to income under divisions (A) 149168
(36) and (S) (15) of section 5747.01 of the Revised Code and the 149169
credit under section 5747.39 of the Revised Code apply to direct 149170
or indirect owners of an electing pass-through entity based on 149171
various ownership structures. Any rule adopted under this 149172
section is not a regulatory restriction for the purpose of 149173
section 121.95 of the Revised Code. 149174

Sec. 5747.39. There is hereby allowed a refundable credit 149175
against a taxpayer's aggregate tax liability under section 149176
5747.02 of the Revised Code for a taxpayer who is an owner of an 149177
electing pass-through entity. The credit shall equal the owner's 149178
proportionate share of the lesser of the tax levied due or paid 149179
under section 5747.38 of the Revised Code ~~remitted by the~~ 149180
~~owner's~~ for the taxable year of the electing pass-through entity 149181
~~for that ends in the~~ the taxable year of the taxpayer. 149182

The credit shall be claimed for the taxpayer's taxable 149183
year that includes the last day of the electing pass-through 149184
entity's taxable year for which the tax levied under that 149185

section was paid and in the order required under section 5747.98 149186
of the Revised Code. If the credit exceeds the aggregate amount 149187
of tax otherwise due, the excess shall be refunded to the 149188
taxpayer. 149189

The tax commissioner may request that a taxpayer claiming 149190
a credit under this section furnish information as is necessary 149191
to support the claim for the credit under this section, and no 149192
credit shall be allowed unless the requested information is 149193
provided. 149194

Sec. 5747.40. Any term used in sections 5747.40 to 5747.43 149195
of the Revised Code has the same meaning as defined in section 149196
5733.40 of the Revised Code. 149197

The purpose of sections 5747.40 to 5747.43 of the Revised 149198
Code is to complement and to reinforce the tax levied under 149199
section 5747.02 of the Revised Code. Those sections do not apply 149200
to a pass-through entity if all of the investors of the pass- 149201
through entity are resident taxpayers for the purposes of this 149202
chapter for the entire qualifying taxable year of the pass- 149203
through entity, or to a trust if all of the beneficiaries of the 149204
trust are resident taxpayers for the purposes of this chapter 149205
for the entire qualifying taxable year of the trust, except that 149206
sections 5747.42 and 5747.43 of the Revised Code apply to all 149207
pass-through entities that elect to be subject to the tax levied 149208
under section 5747.38 of the Revised Code. 149209

Sec. 5747.43. (A) As used in this section: 149210

(1) "Estimated taxes" means the amount that a qualifying 149211
entity or electing pass-through entity estimates to be the sum 149212
of its liability under sections 5733.41 and 5747.41 or section 149213
5747.38 of the Revised Code for its current qualifying taxable 149214

year or taxable year, as applicable. 149215

(2) "Tax liability" means the total of the taxes and 149216
withholding taxes due under sections 5733.41 and 5747.41 of the 149217
Revised Code or the tax due under section 5747.38 of the Revised 149218
Code for the applicable taxable year prior to applying any 149219
estimated tax payment or refund from another year. 149220

(3) "Taxes paid" includes payments of estimated taxes made 149221
under division (C) of this section and tax refunds applied by 149222
the qualifying entity or electing pass-through entity in payment 149223
of estimated taxes. 149224

(4) "Required installment" means a payment equal to 149225
twenty-five per cent of the lesser of the following: 149226

(a) Ninety per cent of the tax liability for the 149227
qualifying taxable year; 149228

(b) One hundred per cent of the tax liability shown on the 149229
return of a qualifying entity or an electing pass-through entity 149230
for the preceding taxable year. 149231

Division (A) (4) (b) of this section applies only if the 149232
entity filed a return under section 5747.42 of the Revised Code 149233
for the preceding taxable year and if the preceding taxable year 149234
was a twelve-month taxable year. 149235

(B) In addition to the return required to be filed 149236
pursuant to section 5747.42 of the Revised Code, each qualifying 149237
entity or electing pass-through entity that is subject to the 149238
tax imposed under section 5733.41 and to the withholding tax 149239
imposed by section 5747.41 of the Revised Code or that is 149240
subject to the tax imposed under section 5747.38 of the Revised 149241
Code shall file an estimated tax return and pay a portion of the 149242
entity's tax liability for its taxable year. The portion of 149243

those taxes required to be paid, and the last day prescribed for 149244
payment thereof, shall be as prescribed by divisions (B) (1), 149245
(2), (3), and (4) of this section: 149246

(1) On or before the fifteenth day of the fourth month 149247
~~following after the last day of the first quarter of beginning~~ 149248
of the entity's taxable year, twenty-two and one-half per cent 149249
of the entity's estimated tax liability for that taxable year; 149250

(2) On or before the fifteenth day of the sixth month 149251
~~following after the last day of the second quarter of beginning~~ 149252
of the entity's taxable year, forty-five per cent of the 149253
entity's estimated tax liability for that taxable year; 149254

(3) On or before the fifteenth day of the ninth month 149255
~~following after the last day of the third quarter of beginning~~ 149256
of the entity's taxable year, sixty-seven and one-half per cent 149257
of the entity's estimated tax liability for that taxable year; 149258

(4) On or before the fifteenth day of the first month 149259
~~following of the last day of the fourth quarter of the entity's~~ 149260
following taxable year, ninety per cent of the entity's 149261
estimated tax liability for that taxable year. 149262

Payments of estimated taxes shall be made payable to the 149263
treasurer of state. 149264

(C) If a payment of estimated taxes is not paid in the 149265
full amount required under division (B) of this section, a 149266
penalty ~~shall~~ may be added to the taxes charged for the 149267
qualifying taxable year or taxable year, as applicable, unless 149268
the underpayment is due to reasonable cause as described in 149269
division (D) of this section. The penalty shall accrue at the 149270
rate per annum prescribed by section 5703.47 of the Revised Code 149271
upon the amount of underpayment from the day the estimated 149272

payment was required to be made to the day the payment is made. 149273

The amount of the underpayment upon which the penalty 149274
shall accrue shall be determined as follows: 149275

(1) For the first payment of estimated taxes each year, 149276
the required installment less the amount of taxes paid by the 149277
date prescribed for that payment; 149278

(2) For the second payment of estimated taxes each year, 149279
the required installment less the amount of taxes paid by the 149280
date prescribed for that payment; 149281

(3) For the third payment of estimated taxes each year, 149282
the required installment less the amount of taxes paid by the 149283
date prescribed for that payment; 149284

(4) For the fourth payment of estimated taxes each year, 149285
the required installment less the amount of taxes paid by the 149286
date prescribed for that payment. 149287

For the purposes of this section, a payment of estimated 149288
taxes on or before any payment date shall be considered a 149289
payment of a previous underpayment only to the extent the 149290
payment of estimated taxes exceeds the amount of the payment 149291
presently required to be paid to avoid any penalty. 149292

The tax commissioner may abate, in whole or in part, the 149293
penalty imposed under division (C) of this section. Any such 149294
penalty is in lieu of any other interest charge or penalty 149295
imposed for failure to file a declaration of estimated tax 149296
report and make estimated payments as required by this section. 149297

(D) An underpayment of estimated taxes determined under 149298
division (C) of this section is due to reasonable cause if any 149299
of the following apply: 149300

(1) The amount of tax that was paid equals at least ninety 149301
per cent of the tax liability for the current taxable year, 149302
determined by annualizing the income received during that year 149303
up to the end of the month immediately preceding the month in 149304
which the payment is due; 149305

(2) The amount of tax liability that was paid equals at 149306
least ninety per cent of the tax liability for the current 149307
taxable year; 149308

(3) The amount of tax liability that was paid equals at 149309
least one hundred per cent of the tax liability shown on the 149310
return of the entity for the preceding taxable year, provided 149311
that the immediately preceding taxable year reflected a period 149312
of twelve months and the entity filed a return under section 149313
5747.42 of the Revised Code for that year. 149314

(E) (1) Divisions (B) and (C) of this section do not apply 149315
for a taxable year if either of the following applies to the 149316
entity: 149317

(a) For the immediately preceding taxable year, the entity 149318
computes in good faith and in a reasonable manner that the sum 149319
of its adjusted qualifying amounts or its qualifying taxable 149320
income, as applicable, is ten thousand dollars or less. 149321

(b) For the taxable year the entity computes in good faith 149322
and in a reasonable manner that the sum of its adjusted 149323
qualifying amounts or its qualifying taxable income, as 149324
applicable, is ten thousand dollars or less. 149325

(2) Notwithstanding any other provision of Title LVII of 149326
the Revised Code to the contrary, the entity shall establish by 149327
a preponderance of the evidence that its computation of the 149328
adjusted qualifying amounts or qualifying taxable income, as 149329

applicable, for the immediately preceding taxable year and the 149330
taxable year was, in fact, made in good faith and in a 149331
reasonable manner. 149332

(F) The tax commissioner may waive the requirement for 149333
filing a declaration of estimated taxes for any class of 149334
qualifying entities if the commissioner finds the waiver is 149335
reasonable and proper in view of administrative costs and other 149336
factors. 149337

(G) Estimated taxes paid by a qualifying entity or an 149338
electing pass-through entity may be applied to satisfy the 149339
entity's tax liability under section 5733.41, 5747.38, or 149340
5747.41 of the Revised Code. Nothing in this section authorizes 149341
such an entity to apply estimated taxes paid against more than 149342
one tax. 149343

Sec. 5747.502. (A) As used in this section: 149344

(1) "Traffic law photo-monitoring device" has the same 149345
meaning as in section 4511.092 of the Revised Code. 149346

(2) "School zone" has the same meaning as in section 149347
4511.21 of the Revised Code. 149348

(3) "Transportation district" means a territorial district 149349
established by the director of transportation under section 149350
5501.14 of the Revised Code. 149351

(4) "District deputy director" means the person appointed 149352
and assigned by the director of transportation under section 149353
5501.14 of the Revised Code to administer the activities of a 149354
transportation district. 149355

(5) "Gross amount" means the entire amount of traffic 149356
camera fines and fees paid by a driver. 149357

- (6) "Local government fund adjustment" or "LGF adjustment" 149358
means the sum of: 149359
- (a) The gross amount of all traffic camera fines collected 149360
by a local authority during the preceding fiscal year, as 149361
reported under division (B) (1) of this section, if such a report 149362
is required; plus 149363
- (b) The residual adjustment computed for the local 149364
authority under division (B) (4) of this section, if such an 149365
adjustment applies. 149366
- (7) "Local government fund payments" or "LGF payments" 149367
means the payments a local authority would receive under 149368
sections 5747.503, 5747.51, and 5747.53, and division (C) of 149369
section 5747.50 of the Revised Code, as applicable, if not for 149370
the reductions required by divisions (C) and (D) of this 149371
section. 149372
- (8) "Residual adjustment" means the most recent LGF 149373
adjustment computed for a local authority under division (B) (2) 149374
or (3) of this section minus the sum of the reductions applied 149375
after that computation under division (C) of this section to the 149376
local authority's LGF payments. 149377
- (9) "Traffic camera fines" means civil fines for any 149378
violation of any local ordinance or resolution that are based 149379
upon evidence recorded by a traffic law photo-monitoring device. 149380
- (10) "Qualifying village" has the same meaning as in 149381
section 5747.503 of the Revised Code. 149382
- (11) "Local authority" means a municipal corporation, 149383
county, or township. 149384
- (B) (1) Annually, on or before the thirty-first day of 149385

July, any local authority that directly or indirectly collected 149386
traffic camera fines during the preceding fiscal year shall file 149387
a report with the tax commissioner that includes a detailed 149388
statement of the gross amount of all traffic camera fines the 149389
local authority collected during that period and the gross 149390
amount of such fines that the local authority collected for 149391
violations that occurred within a school zone. 149392

(2) Annually, on or before the tenth day of August, and 149393
except as otherwise provided in this division, the commissioner 149394
shall compute a local government fund adjustment for each local 149395
authority that files a report under division (B)(1) of this 149396
section or with respect to which a residual adjustment applies. 149397
Subject to division (B)(3) of this section, the LGF adjustment 149398
shall be used by the commissioner to determine the amount of the 149399
reductions required under division (C) of this section for each 149400
of the next twelve months, starting with the month in which the 149401
LGF adjustment is computed. After those twelve months, the LGF 149402
adjustment ceases to apply and, if an LGF adjustment continues 149403
to be required, the amount of the reductions required under 149404
division (C) of this section shall be determined based on an 149405
updated LGF adjustment computed under this division. 149406

After the effective date of this amendment, no LGF 149407
adjustment shall be calculated for a county or township 149408
prohibited from operating a traffic law photo-monitoring device 149409
by section 4511.093 of the Revised Code. An LGF adjustment that 149410
applies to a county or township on the effective date of this 149411
amendment ceases to apply as of that date. 149412

(3) Upon receipt of a report described by division (B)(1) 149413
of this section that is not timely filed, the commissioner shall 149414
do both of the following: 149415

(a) If one or more payments to the local authority has 149416
been withheld under division (D) of this section because of the 149417
local authority's failure to file the report, notify the county 149418
auditor and county treasurer of the appropriate county that the 149419
report has been received and that, subject to division (C) of 149420
this section, payments to the local authority from the undivided 149421
local government fund are to resume. 149422

(b) Compute the local authority's LGF adjustment using the 149423
information in the report. An LGF adjustment computed under this 149424
division shall be used by the commissioner to determine the 149425
amount of the reductions required under division (C) of this 149426
section starting with the next required reduction. The LGF 149427
adjustment ceases to apply on the thirty-first day of the 149428
ensuing July, following which, if an LGF adjustment continues to 149429
be required, the amount of the reductions required under 149430
division (C) of this section shall be determined based on an 149431
updated LGF adjustment computed under division (B) (2) of this 149432
section. 149433

(4) Annually, on or before the tenth day of August, the 149434
commissioner shall compute a residual adjustment for each local 149435
authority whose LGF adjustment for the preceding year exceeds 149436
the amount by which the local authority's LGF payments were 149437
reduced during that year under division (C) of this section. The 149438
residual adjustment shall be used to compute the LGF adjustment 149439
for the ensuing year under division (B) (2) of this section. 149440

(C) The commissioner shall do the following, as 149441
applicable, respecting any local authority to which an LGF 149442
adjustment computed under division (B) of this section applies: 149443

(1) If the local authority is a municipal corporation with 149444
a population of one thousand or more, reduce payments to the 149445

municipal corporation under division (C) of section 5747.50 of 149446
the Revised Code by one-twelfth of the LGF adjustment. If one- 149447
twelfth of the LGF adjustment exceeds the amount of money the 149448
municipal corporation would otherwise receive under division (C) 149449
of section 5747.50 of the Revised Code, the commissioner also 149450
shall reduce payments to the appropriate county undivided local 149451
government fund under division (B) of section 5747.50 of the 149452
Revised Code by an amount equal to the lesser of (a) one-twelfth 149453
of the excess, or (b) the amount of the payment the municipal 149454
corporation would otherwise receive from the fund under section 149455
5747.51 or 5747.53 of the Revised Code. 149456

(2) If the local authority is a township or qualifying 149457
village, reduce the supplemental payments to the appropriate 149458
county undivided local government fund under section 5747.503 of 149459
the Revised Code by the lesser of one-twelfth of the LGF 149460
adjustment, or the amount of money the township or qualifying 149461
village would otherwise receive under that section. If one- 149462
twelfth of the LGF adjustment exceeds the amount of money the 149463
township or qualifying village would otherwise receive under 149464
section 5747.503 of the Revised Code, the commissioner also 149465
shall reduce payments to the appropriate county undivided local 149466
government fund under division (B) of section 5747.50 of the 149467
Revised Code by an amount equal to the lesser of (a) one-twelfth 149468
of the excess, or (b) the amount of the payment the township or 149469
qualifying village would otherwise receive from the fund under 149470
section 5747.51 or 5747.53 of the Revised Code. 149471

(3) If the local authority is a county, reduce payments to 149472
the appropriate county undivided local government fund under 149473
division (B) of section 5747.50 of the Revised Code by an amount 149474
equal to the lesser of (a) one-twelfth of the LGF adjustment, or 149475
(b) the amount of the payment the county would otherwise receive 149476

from the fund under section 5747.51 or 5747.53 of the Revised 149477
Code. 149478

(4) For any local authority, on or before the tenth day of 149479
each month a reduction is made under division (C) (1), (2), or 149480
(3) of this section, make a payment to the local authority in an 149481
amount equal to the lesser of (a) one-twelfth of the gross 149482
amount of traffic camera fines the local authority collected in 149483
the preceding fiscal year for violations that occurred within a 149484
school zone, as indicated on the report filed by the local 149485
authority pursuant to division (B) (1) of this section, or (b) 149486
the amount by which the local authority's LGF payments were 149487
reduced that month pursuant to division (C) (1), (2), or (3) of 149488
this section. Payments received by a local authority under this 149489
division shall be used by the local authority for school safety 149490
purposes. 149491

(D) Upon discovery, based on information in the 149492
commissioner's possession, that a local authority required to 149493
file a report under division (B) (1) of this section has failed 149494
to do so, the commissioner shall do the following, as 149495
applicable: 149496

(1) If the local authority is a municipal corporation with 149497
a population of one thousand or more, cease providing for 149498
payments to the municipal corporation under section 5747.50 of 149499
the Revised Code beginning with the next required payment and 149500
until such time as the report is received by the commissioner; 149501

(2) If the local authority is a township or qualifying 149502
village, reduce the supplemental payments to the appropriate 149503
county undivided local government fund under section 5747.503 of 149504
the Revised Code by an amount equal to the amount of such 149505
payments the local authority would otherwise receive under that 149506

section, beginning with the next required payment and until such 149507
time as the report is received by the commissioner; 149508

(3) For any local authority, reduce payments to the 149509
appropriate county undivided local government fund under 149510
division (B) of section 5747.50 of the Revised Code by an amount 149511
equal to the amount of such payments the local authority would 149512
otherwise receive under section 5747.51 or 5747.53 of the 149513
Revised Code, beginning with the next required payment and until 149514
such time as the report is received by the commissioner; 149515

(4) For any local authority, notify the county auditor and 149516
county treasurer that such payments are to cease until the 149517
commissioner notifies the auditor and treasurer under division 149518
(E) of this section that the payments are to resume. 149519

(E) The commissioner shall notify the county auditor and 149520
county treasurer on or before the day the commissioner first 149521
reduces a county undivided local government fund payment to that 149522
county under division (C) of this section. The notice shall 149523
include the full amount of the reduction, a list of the local 149524
authorities to which the reduction applies, and the amount of 149525
reduction attributed to each such local authority. The 149526
commissioner shall send an updated notice to the county auditor 149527
and county treasurer any time the amount the reduction 149528
attributed to any local authority changes. 149529

A county treasurer that receives a notice from the 149530
commissioner under this division or division (B) (3) (a) or (D) (4) 149531
of this section shall reduce, cease, or resume payments from the 149532
undivided local government fund to the local authority that is 149533
the subject of the notice as specified by the commissioner in 149534
the notice. Unless otherwise specified in the notice, the 149535
payments shall be reduced, ceased, or resumed beginning with the 149536

next required payment. 149537

~~(F)~~ (F) (1) There is hereby created in the state treasury 149538
the Ohio highway and transportation safety fund. On or before 149539
the tenth day of each month, the commissioner shall deposit in 149540
the fund an amount equal to the total amount by which payments 149541
to local authorities were reduced or ceased under division (C) 149542
or (D) of this section minus the total amount of payments made 149543
under division (C) (4) of this section. The Except as provided in 149544
division (F) (2) of this section, the amount deposited with 149545
respect to a local authority shall be credited to an account to 149546
be created in the fund for the transportation district in which 149547
that local authority is located. If the local authority is 149548
located within more than one transportation district, the amount 149549
credited to the account of each such transportation district 149550
shall be prorated on the basis of the number of centerline miles 149551
of public roads and highways in both the local authority and the 149552
respective districts. Amounts credited to a transportation 149553
district's account shall be used by the department of 149554
transportation and the district deputy director exclusively to 149555
enhance public safety on public roads and highways within that 149556
transportation district. 149557

(2) Notwithstanding division (F) (1) of this section, in 149558
fiscal year 2026, six million dollars of the amount in the Ohio 149559
highway and transportation safety fund, including any account 149560
thereof, shall be used for rail development infrastructure 149561
projects pursuant to an appropriation made by the general 149562
assembly. The amounts credited to each account of a 149563
transportation district pursuant to division (F) (1) of this 149564
section shall be reduced in the same proportion that the amount 149565
deposited in each account is of the total fund balance. 149566

Sec. 5747.51. (A) On or before the twenty-fifth day of 149567
July of each year, the tax commissioner shall make and certify 149568
to the county auditor of each county an estimate of the amount 149569
of the local government fund to be allocated to the undivided 149570
local government fund of each county for the ensuing calendar 149571
year, adjusting the total as required to account for 149572
subdivisions receiving local government funds under section 149573
5747.502 of the Revised Code. 149574

(B) At each annual regular session of the county budget 149575
commission convened pursuant to section 5705.27 of the Revised 149576
Code, each auditor shall present to the commission the 149577
certificate of the commissioner, the annual tax budget and 149578
estimates, and the records showing the action of the commission 149579
in its last preceding regular session. The commission, after 149580
extending to the representatives of each subdivision an 149581
opportunity to be heard, under oath administered by any member 149582
of the commission, and considering all the facts and information 149583
presented to it by the auditor, shall determine the amount of 149584
the undivided local government fund needed by and to be 149585
apportioned to each subdivision for current operating expenses, 149586
as shown in the tax budget of the subdivision. This 149587
determination shall be made pursuant to divisions (C) to (I) of 149588
this section, unless the commission has provided for a formula 149589
pursuant to section 5747.53 of the Revised Code. The 149590
commissioner shall reduce the amount of funds from the undivided 149591
local government fund to a subdivision required to receive 149592
reduced funds under section 5747.502 of the Revised Code. 149593

Nothing in this section prevents the budget commission, 149594
for the purpose of apportioning the undivided local government 149595
fund, from inquiring into the claimed needs of any subdivision 149596
as stated in its tax budget, or from adjusting claimed needs to 149597

reflect actual needs. For the purposes of this section, "current 149598
operating expenses" means the lawful expenditures of a 149599
subdivision, except those for permanent improvements and except 149600
payments for interest, sinking fund, and retirement of bonds, 149601
notes, and certificates of indebtedness of the subdivision. 149602

(C) The commission shall determine the combined total of 149603
the estimated expenditures, including transfers, from the 149604
general fund and any special funds other than special funds 149605
established for road and bridge; street construction, 149606
maintenance, and repair; state highway improvement; and gas, 149607
water, sewer, and electric public utilities operated by a 149608
subdivision, as shown in the subdivision's tax budget for the 149609
ensuing calendar year. 149610

(D) From the combined total of expenditures calculated 149611
pursuant to division (C) of this section, the commission shall 149612
deduct the following expenditures, if included in these funds in 149613
the tax budget: 149614

(1) Expenditures for permanent improvements as defined in 149615
division (E) of section 5705.01 of the Revised Code; 149616

(2) In the case of counties and townships, transfers to 149617
the road and bridge fund, and in the case of municipalities, 149618
transfers to the street construction, maintenance, and repair 149619
fund and the state highway improvement fund; 149620

(3) Expenditures for the payment of debt charges; 149621

(4) Expenditures for the payment of judgments. 149622

(E) In addition to the deductions made pursuant to 149623
division (D) of this section, revenues accruing to the general 149624
fund and any special fund considered under division (C) of this 149625
section from the following sources shall be deducted from the 149626

combined total of expenditures calculated pursuant to division 149627
(C) of this section: 149628

(1) Taxes levied within the ten-mill limitation, as 149629
defined in section 5705.02 of the Revised Code; 149630

(2) The budget commission allocation of estimated county 149631
public library fund revenues to be distributed pursuant to 149632
section 5747.48 of the Revised Code; 149633

(3) Estimated unencumbered balances as shown on the tax 149634
budget as of the thirty-first day of December of the current 149635
year in the general fund, but not any estimated balance in any 149636
special fund considered in division (C) of this section; 149637

(4) Revenue, including transfers, shown in the general 149638
fund and any special funds other than special funds established 149639
for road and bridge; street construction, maintenance, and 149640
repair; state highway improvement; and gas, water, sewer, and 149641
electric public utilities, from all other sources except those 149642
that a subdivision receives from an additional tax or service 149643
charge voted by its electorate or receives from special 149644
assessment or revenue bond collection. For the purposes of this 149645
division, where the charter of a municipal corporation prohibits 149646
the levy of an income tax, an income tax levied by the 149647
legislative authority of such municipal corporation pursuant to 149648
an amendment of the charter of that municipal corporation to 149649
authorize such a levy represents an additional tax voted by the 149650
electorate of that municipal corporation. For the purposes of 149651
this division, any measure adopted by a board of county 149652
commissioners pursuant to section 322.02, 4504.02, or 5739.021 149653
of the Revised Code, including those measures upheld by the 149654
electorate in a referendum conducted pursuant to section 149655
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 149656

considered an additional tax voted by the electorate. 149657

~~Subject to division (F) of section 5705.29 of the Revised~~ 149658
~~Code, money~~ Money in a reserve balance account established by a 149659
county, township, or municipal corporation under section 5705.13 149660
of the Revised Code shall not be considered an unencumbered 149661
balance or revenue under division (E) (3) or (4) of this section. 149662
Money in a reserve balance account established by a township 149663
under section 5705.132 of the Revised Code shall not be 149664
considered an unencumbered balance or revenue under division (E) 149665
(3) or (4) of this section. 149666

If a county, township, or municipal corporation has 149667
created and maintains a nonexpendable trust fund under section 149668
5705.131 of the Revised Code, the principal of the fund, and any 149669
additions to the principal arising from sources other than the 149670
reinvestment of investment earnings arising from such a fund, 149671
shall not be considered an unencumbered balance or revenue under 149672
division (E) (3) or (4) of this section. Only investment earnings 149673
arising from investment of the principal or investment of such 149674
additions to principal may be considered an unencumbered balance 149675
or revenue under those divisions. 149676

(F) The total expenditures calculated pursuant to division 149677
(C) of this section, less the deductions authorized in divisions 149678
(D) and (E) of this section, shall be known as the "relative 149679
need" of the subdivision, for the purposes of this section. 149680

(G) The budget commission shall total the relative need of 149681
all participating subdivisions in the county, and shall compute 149682
a relative need factor by dividing the total estimate of the 149683
undivided local government fund by the total relative need of 149684
all participating subdivisions. 149685

(H) The relative need of each subdivision shall be 149686
multiplied by the relative need factor to determine the 149687
proportionate share of the subdivision in the undivided local 149688
government fund of the county; provided, that the maximum 149689
proportionate share of a county shall not exceed the following 149690
maximum percentages of the total estimate of the undivided local 149691
government fund governed by the relationship of the percentage 149692
of the population of the county that resides within municipal 149693
corporations within the county to the total population of the 149694
county as reported in the reports on population in Ohio by the 149695
department of development as of the twentieth day of July of the 149696
year in which the tax budget is filed with the budget 149697
commission: 149698
149699

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A	Percentage of municipal population within the county:	Percentage share of the county shall not exceed:
B	Less than forty-one per cent	Sixty per cent
C	Forty-one per cent or more but less than eighty-one per cent	Fifty per cent
D	Eighty-one per cent or more	Thirty per cent

Where the proportionate share of the county exceeds the 149700
limitations established in this division, the budget commission 149701
shall adjust the proportionate shares determined pursuant to 149702
this division so that the proportionate share of the county does 149703
not exceed these limitations, and it shall increase the 149704
proportionate shares of all other subdivisions on a pro rata 149705
basis. In counties having a population of less than one hundred 149706

thousand, not less than ten per cent shall be distributed to the 149707
townships therein. 149708

(I) The proportionate share of each subdivision in the 149709
undivided local government fund determined pursuant to division 149710
(H) of this section for any calendar year shall not be less than 149711
the product of the average of the percentages of the undivided 149712
local government fund of the county as apportioned to that 149713
subdivision for the calendar years 1968, 1969, and 1970, 149714
multiplied by the total amount of the undivided local government 149715
fund of the county apportioned pursuant to former section 149716
5739.23 of the Revised Code for the calendar year 1970. For the 149717
purposes of this division, the total apportioned amount for the 149718
calendar year 1970 shall be the amount actually allocated to the 149719
county in 1970 from the state collected intangible tax as levied 149720
by section 5707.03 of the Revised Code and distributed pursuant 149721
to section 5725.24 of the Revised Code, plus the amount received 149722
by the county in the calendar year 1970 pursuant to division (B) 149723
(1) of former section 5739.21 of the Revised Code, and 149724
distributed pursuant to former section 5739.22 of the Revised 149725
Code. If the total amount of the undivided local government fund 149726
for any calendar year is less than the amount of the undivided 149727
local government fund apportioned pursuant to former section 149728
5739.23 of the Revised Code for the calendar year 1970, the 149729
minimum amount guaranteed to each subdivision for that calendar 149730
year pursuant to this division shall be reduced on a basis 149731
proportionate to the amount by which the amount of the undivided 149732
local government fund for that calendar year is less than the 149733
amount of the undivided local government fund apportioned for 149734
the calendar year 1970. 149735

(J) On the basis of such apportionment, the county auditor 149736
shall compute the percentage share of each such subdivision in 149737

the undivided local government fund and shall at the same time 149738
certify to the tax commissioner the percentage share of the 149739
county as a subdivision. No payment shall be made from the 149740
undivided local government fund, except in accordance with such 149741
percentage shares. 149742

Within ten days after the budget commission has made its 149743
apportionment, whether conducted pursuant to section 5747.51 or 149744
5747.53 of the Revised Code, the auditor shall publish a list of 149745
the subdivisions and the amount each is to receive from the 149746
undivided local government fund and the percentage share of each 149747
subdivision, in a newspaper or newspapers of countywide 149748
circulation, and send a copy of such allocation to the tax 149749
commissioner. 149750

The county auditor shall also send a copy of such 149751
allocation by ordinary or electronic mail to the fiscal officer 149752
of each subdivision entitled to participate in the allocation of 149753
the undivided local government fund of the county. This copy 149754
shall constitute the official notice of the commission action 149755
referred to in section 5705.37 of the Revised Code. 149756

All money received into the treasury of a subdivision from 149757
the undivided local government fund in a county treasury shall 149758
be paid into the general fund and used for the current operating 149759
expenses of the subdivision. 149760

If a municipal corporation maintains a municipal 149761
university, such municipal university, when the board of 149762
trustees so requests the legislative authority of the municipal 149763
corporation, shall participate in the money apportioned to such 149764
municipal corporation from the total local government fund, 149765
however created and constituted, in such amount as requested by 149766
the board of trustees, provided such sum does not exceed nine 149767

per cent of the total amount paid to the municipal corporation. 149768

If any public official fails to maintain the records 149769
required by sections 5747.50 to 5747.55 of the Revised Code or 149770
by the rules issued by the tax commissioner, the auditor of 149771
state, or the treasurer of state pursuant to such sections, or 149772
fails to comply with any law relating to the enforcement of such 149773
sections, the local government fund money allocated to the 149774
county may be withheld until such time as the public official 149775
has complied with such sections or such law or the rules issued 149776
pursuant thereto. 149777

Sec. 5747.72. (A) As used in this section: 149778

(1) "Qualifying taxpayer" means a taxpayer that is an 149779
individual with a dependent who is a qualifying student. 149780

(2) "Qualifying student" means a student who is exempt 149781
from the compulsory attendance law for the purpose of home 149782
education under section 3321.042 of the Revised Code for the 149783
school year. 149784

(3) "Education expenses" means expenses or fees for any of 149785
the following items used directly for home education of a 149786
qualifying student: books, supplementary materials, supplies, 149787
computer software, applications, or subscriptions. "Education 149788
expenses" does not include expenses or fees for computers or 149789
similar electronic devices or accessories thereto. "Education 149790
expenses" does not include any expenses paid from a scholarship 149791
account authorized by section 3310.24 of the Revised Code. 149792

(B) There is hereby allowed a nonrefundable credit against 149793
a qualifying taxpayer's aggregate tax liability under section 149794
5747.02 of the Revised Code equal to the lesser of two hundred 149795
fifty dollars multiplied by the number of the taxpayer's 149796

qualifying students or the amount of education expenses incurred 149797
by the taxpayer in the taxable year for the benefit of one or 149798
more of the taxpayer's qualifying students. The credit shall be 149799
claimed in the order required under section 5747.98 of the 149800
Revised Code. 149801

The tax commissioner may request that a qualifying 149802
taxpayer claiming a credit under this section furnish 149803
information as is necessary to support the claim for the credit 149804
under this section, and no credit shall be allowed unless the 149805
requested information is provided. 149806

Sec. 5747.85. (A) As used in this section: 149807

(1) "Homeownership savings account" and "program period" 149808
have the same meanings as in section 135.70 of the Revised Code. 149809

(2) "Account owner" means "eligible participant" as 149810
defined by section 135.70 of the Revised Code. 149811

(3) "Contributor" means the account owner or a parent, 149812
spouse, sibling, stepparent, or grandparent of the account owner 149813
who deposits funds into the homeownership savings account. 149814

(4) "Lifetime contribution limit" means twenty-five 149815
thousand dollars of contributions per contributor per 149816
homeownership savings account. If an account owner opens one or 149817
more additional homeownership savings accounts, a contributor's 149818
lifetime contribution limit for the additional accounts shall be 149819
reduced by any contributions previously made by the contributor 149820
to an account owned by that account owner. 149821

(5) "Eligible expenses" means unreimbursed expenses paid 149822
by the account owner for home purchase costs for the account 149823
owner's primary residence and account fees imposed on the 149824
account owner. 149825

(6) "Primary residence" means a homestead located in this state that is or will be the account owner's principal place of residence at the time the eligible expenses are incurred and for which the account owner receives or will receive a reduction in real property taxes or manufactured home taxes under division ~~(B)~~ (B) (2) of section 323.152 of the Revised Code.

(7) "Homestead" means a homestead, as defined in section 323.151 of the Revised Code, or a manufactured or mobile home that is owned and occupied as a home by an individual whose domicile is in this state and upon which the manufactured home tax is assessed pursuant to division (D) (2) of section 4503.06 of the Revised Code.

(8) "Home purchase costs" means "eligible home costs" as defined in section 135.70 of the Revised Code.

(9) "Employer contribution" means the amount an employer contributes to a homeownership savings account.

(B) In computing Ohio adjusted gross income, a deduction from federal adjusted gross income is allowed to a contributor for amounts contributed to a homeownership savings account to the extent that the amounts contributed have not already been deducted in computing the contributor's federal or Ohio adjusted gross income for the taxable year. The deduction shall equal the amount of contributions made by the taxpayer and, if filing a joint return, the taxpayer's spouse, except that the deduction shall not exceed, for any taxable year, ten thousand dollars for spouses filing a joint return or five thousand dollars for all other taxpayers for each homeownership savings account to which contributions are made. If a taxpayer files a joint return, the deduction amount attributable to contributions made by each spouse shall not exceed five thousand dollars for each

homeownership savings account to which contributions are made. A 149856
contributor is not entitled to a deduction under this section to 149857
the extent the deduction causes the contributor to exceed the 149858
lifetime contribution limit. No deduction is allowed under this 149859
section for the transfer of funds from one homeownership savings 149860
account to another homeownership savings account. 149861

(C) In computing Ohio adjusted gross income, a deduction 149862
from federal adjusted gross income is allowed to an account 149863
owner for the following items: 149864

(1) Interest earned on a homeownership savings account to 149865
the extent the interest has not been otherwise deducted or 149866
excluded in computing an account owner's federal or Ohio 149867
adjusted gross income. 149868

(2) Employer contributions made by an employer to an 149869
account owner's homeownership savings account to the extent the 149870
employer contributions have not been otherwise deducted or 149871
excluded in computing an account owner's federal or Ohio 149872
adjusted gross income. 149873

(D) The tax commissioner may request that a taxpayer 149874
claiming a deduction calculated under division (B) or (C) of 149875
this section furnish information necessary to support the claim 149876
for the deduction under this section, and no deduction shall be 149877
allowed unless the requested information is provided. 149878

(E) No deduction is permitted under division (B) or (C) of 149879
this section for contributions made or interest earned after the 149880
conclusion of a homeownership savings account's program period. 149881

(F) The commissioner may adopt rules necessary to 149882
administer this section. 149883

Sec. 5747.86. Terms used in this section have the same 149884

meanings as in section 122.84 of the Revised Code. 149885

There is hereby allowed a nonrefundable credit against a 149886
taxpayer's aggregate tax liability under section 5747.02 of the 149887
Revised Code for a taxpayer who is issued, or to whom is 149888
transferred, a tax credit certificate under section 122.84 of 149889
the Revised Code. The credit equals the amount stated on the 149890
certificate and may be claimed for the taxable year that 149891
includes the first day of the investment period that was the 149892
subject of the application for the certificate under that 149893
section or for the ensuing taxable year. For a credit issued 149894
during the July application round each year, the credit may also 149895
be claimed for the preceding taxable year. A taxpayer applying a 149896
credit for the preceding taxable year shall file an amended 149897
return or apply that amendment on the taxpayer's original 149898
return, for that year. 149899

If the certificate is held by a pass-through entity, any 149900
taxpayer that is a direct or indirect investor in the pass- 149901
through entity on the last day of the entity's qualifying 149902
taxable year may claim the taxpayer's proportionate or 149903
distributive share of the credit against the taxpayer's 149904
aggregate amount of tax levied under section 5747.02 of the 149905
Revised Code. 149906

The credit shall be claimed in the order required under 149907
section 5747.98 of the Revised Code. If the credit exceeds the 149908
taxpayer's aggregate tax due under section 5747.02 of the 149909
Revised Code for that taxable year after allowing for credits 149910
that precede the credit under this section in that order, such 149911
excess shall be allowed as a credit in each of the ensuing five 149912
taxable years, but the amount of any excess credit allowed in 149913
any such taxable year shall be deducted from the balance carried 149914

forward to the ensuing taxable year. 149915

No credit shall be claimed under this section to the 149916
extent the credit was claimed under section 5725.38, 5726.61, or 149917
5729.21 of the Revised Code. 149918

Sec. 5747.87. There is allowed a nonrefundable credit 149919
against a taxpayer's aggregate tax liability under section 149920
5747.02 of the Revised Code for a taxpayer who holds the rights 149921
to a tax credit certificate that is issued on or after the 149922
effective date of this section under section 122.09 of the 149923
Revised Code. The credit equals the amount stated on the 149924
certificate and may be claimed for the taxable year ending in 149925
the calendar year specified in the certificate or in the ensuing 149926
calendar year. The credit shall be claimed in the order required 149927
under section 5747.98 of the Revised Code. If the credit exceeds 149928
the taxpayer's aggregate tax due under section 5747.02 of the 149929
Revised Code for that taxable year after allowing for credits 149930
that precede the credit under this section in that order, the 149931
excess may be carried forward for five ensuing taxable years, 149932
but the amount of any excess credit allowed in any such taxable 149933
year shall be deducted from the balance carried forward to the 149934
ensuing taxable year. Nothing in this section limits or 149935
disallows pass-through treatment of the credit if the person 149936
holding the rights to a tax credit certificate is a pass-through 149937
entity. 149938

No credit shall be claimed under this section to the 149939
extent the certificate was used to claim a credit under section 149940
5725.35, 5726.62, or 5729.18 of the Revised Code. 149941

Sec. 5747.98. (A) To provide a uniform procedure for 149942
calculating a taxpayer's aggregate tax liability under section 149943
5747.02 of the Revised Code, a taxpayer shall claim any credits 149944

to which the taxpayer is entitled in the following order: 149945

Either the retirement income credit under division (B) of 149946
section 5747.055 of the Revised Code or the lump sum retirement 149947
income credits under divisions (C), (D), and (E) of that 149948
section; 149949

Either the senior citizen credit under division (F) of 149950
section 5747.055 of the Revised Code or the lump sum 149951
distribution credit under division (G) of that section; 149952

The dependent care credit under section 5747.054 of the 149953
Revised Code; 149954

The credit for displaced workers who pay for job training 149955
under section 5747.27 of the Revised Code; 149956

~~The campaign contribution credit under section 5747.29 of~~ 149957
~~the Revised Code;~~ 149958

The twenty-dollar personal exemption credit under section 149959
5747.022 of the Revised Code; 149960

The joint filing credit under division ~~(G)~~ (E) of section 149961
5747.05 of the Revised Code; 149962

The earned income credit under section 5747.71 of the 149963
Revised Code; 149964

The nonrefundable credit for education expenses under 149965
section 5747.72 of the Revised Code; 149966

The nonrefundable credit for donations to scholarship 149967
granting organizations under section 5747.73 of the Revised 149968
Code; 149969

~~The nonrefundable credit for tuition paid to a~~ 149970
~~nonchartered nonpublic school under section 5747.75 of the~~ 149971

~~Revised Code;~~	149972
The nonrefundable vocational job credit under section	149973
5747.057 of the Revised Code;	149974
The nonrefundable job retention credit under division (B)	149975
of section 5747.058 of the Revised Code;	149976
The enterprise zone credit under section 5709.66 of the	149977
Revised Code;	149978
The credit for beginning farmers who participate in a	149979
financial management program under division (B) of section	149980
5747.77 of the Revised Code;	149981
The credit for commercial vehicle operator training	149982
expenses under section 5747.82 of the Revised Code;	149983
The nonrefundable welcome home Ohio (WHO) program credit	149984
under section 122.633 of the Revised Code;	149985
<u>The nonrefundable credit for transformational mixed use</u>	149986
<u>development tax credit certificate holders under section 5747.87</u>	149987
<u>of the Revised Code;</u>	149988
The credit for selling or renting agricultural assets to	149989
beginning farmers under division (A) of section 5747.77 of the	149990
Revised Code;	149991
The credit for purchases of qualifying grape production	149992
property under section 5747.28 of the Revised Code;	149993
The small business investment credit under section 5747.81	149994
of the Revised Code;	149995
The nonrefundable lead abatement credit under section	149996
5747.26 of the Revised Code;	149997
The opportunity zone investment credit under section	149998

5747.86 of the Revised Code;	149999
The enterprise zone credits under section 5709.65 of the Revised Code;	150000 150001
The research and development credit under section 5747.331 of the Revised Code;	150002 150003
The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	150004 150005
The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;	150006 150007
The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;	150008 150009
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	150010 150011
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	150012 150013
The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;	150014 150015
~~The refundable credit for film and theater capital improvement projects under section 5747.67 of the Revised Code;~~	150016 150017
The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	150018 150019 150020
The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	150021 150022
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	150023 150024 150025

The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

The refundable credit under section 5747.39 of the Revised Code for taxes levied under section 5747.38 of the Revised Code paid by an electing pass-through entity.

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5748.01. As used in this chapter:

(A) "School district income tax" means an income tax adopted under one of the following:

(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;

(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;

(3) Section 5748.08 of the Revised Code as enacted in

Amended Substitute Senate Bill No. 17 of the 122nd general assembly; 150054
150055

(4) Section 5748.021 of the Revised Code; 150056

(5) Section 5748.081 of the Revised Code; 150057

(6) Section 5748.09 of the Revised Code. 150058

(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code. 150059
150060

(C) ~~"Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.~~ "The county auditor's market" and "estimated effective rate" have the same meanings as in section 5705.01 of the Revised Code. 150061
150062
150063
150064

(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code. 150065
150066

(E) "Taxable income" means÷ 150067

~~(1) In the case of an individual,~~ one of the following, as specified in the resolution imposing the tax: 150068
150069

~~(a)~~ (1) Modified adjusted gross income for the taxable year, as defined in section 5747.01 of the Revised Code, less the exemptions provided by section 5747.025 of the Revised Code; 150070
150071
150072

~~(b)~~ (2) Wages, salaries, tips, and other employee compensation to the extent included in modified adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in modified adjusted gross income. 150073
150074
150075
150076
150077
150078

~~(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of~~ 150079
150080

~~the Revised Code.~~ 150081

(F) "Resident" of the school district means: 150082

~~(1) An~~ an individual who is a resident of this state as 150083
defined in division (I) of section 5747.01 of the Revised Code 150084
during all or a portion of the taxable year and who, during all 150085
or a portion of such period of state residency, is domiciled in 150086
the school district or lives in and maintains a permanent place 150087
of abode in the school district; 150088

~~(2) An estate of a decedent who, at the time of death, was~~ 150089
~~domiciled in the school district.~~ 150090

(G) "School district income" means: 150091

~~(1) With respect to an individual,~~ the portion of the 150092
taxable income of an individual that is received by the 150093
individual during the portion of the taxable year that the 150094
individual is a resident of the school district and the school 150095
district income tax is in effect in that school district. An 150096
individual may have school district income with respect to more 150097
than one school district. 150098

~~(2) With respect to an estate, the taxable income of the~~ 150099
~~estate for the portion of the taxable year that the school~~ 150100
~~district income tax is in effect in that school district.~~ 150101

(H) "Taxpayer" means an individual ~~or estate~~ having school 150102
district income upon which a school district income tax is 150103
imposed. 150104

(I) "School district purposes" means any of the purposes 150105
for which a tax may be levied pursuant to division (A) of 150106
section 5705.21 of the Revised Code, including the combined 150107
purposes authorized by section 5705.217 of the Revised Code. 150108

~~(J) "The county auditor's appraised value" and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.~~ 150109
150110
150111

Sec. 5748.02. (A) The board of education of any school 150112
district, except a joint vocational school district, may 150113
declare, by resolution, the necessity of raising annually a 150114
specified amount of money for school district purposes. The 150115
resolution shall specify whether the income that is to be 150116
subject to the tax is taxable income ~~of individuals and estates~~ 150117
as defined in ~~divisions (E) (1) (a) and~~ division (E) (1) or (2) of 150118
section 5748.01 of the Revised Code ~~or taxable income of~~ 150119
~~individuals as defined in division (E) (1) (b) of that section.~~ A 150120
copy of the resolution shall be certified to the tax 150121
commissioner no later than one hundred days prior to the date of 150122
the election at which the board intends to propose a levy under 150123
this section. Upon receipt of the copy of the resolution, the 150124
tax commissioner shall estimate both of the following: 150125

(1) The property tax rate that would have to be imposed in 150126
the current year by the district to produce an equivalent amount 150127
of money; 150128

(2) The income tax rate that would have had to have been 150129
in effect for the current year to produce an equivalent amount 150130
of money from a school district income tax. 150131

Within ten days of receiving the copy of the board's 150132
resolution, the commissioner shall prepare these estimates and 150133
certify them to the board. Upon receipt of the certification, 150134
the board may adopt a resolution proposing an income tax under 150135
division (B) of this section at the estimated rate contained in 150136
the certification rounded to the nearest one-fourth of one per 150137
cent. The commissioner's certification applies only to the 150138

board's proposal to levy an income tax at the election for which 150139
the board requested the certification. If the board intends to 150140
submit a proposal to levy an income tax at any other election, 150141
it shall request another certification for that election in the 150142
manner prescribed in this division. 150143

(B) (1) Upon the receipt of a certification from the tax 150144
commissioner under division (A) of this section, a majority of 150145
the members of a board of education may adopt a resolution 150146
proposing the levy of an annual tax for school district purposes 150147
on school district income. The proposed levy may be for a 150148
continuing period of time or for a specified number of years. 150149
The resolution shall set forth the purpose for which the tax is 150150
to be imposed, the rate of the tax, which shall be the rate set 150151
forth in the commissioner's certification rounded to the nearest 150152
one-fourth of one per cent, the number of years the tax will be 150153
levied or that it will be levied for a continuing period of 150154
time, the date on which the tax shall take effect, which shall 150155
be the first day of January of any year following the year in 150156
which the question is submitted, and the date of the election at 150157
which the proposal shall be submitted to the electors of the 150158
district, which shall be on the date of a primary, general, or 150159
special election the date of which is consistent with section 150160
3501.01 of the Revised Code. The resolution shall specify 150161
whether the income that is to be subject to the tax is taxable 150162
~~income of individuals and estates as defined in divisions (E) (1)~~ 150163
~~(a) and division (E) (1) or (2) of section 5748.01 of the Revised~~ 150164
~~Code or taxable income of individuals as defined in division (E)~~ 150165
~~(1) (b) of that section.~~ The specification shall be the same as 150166
the specification in the resolution adopted and certified under 150167
division (A) of this section. 150168

If the tax is to be levied for current expenses and 150169

permanent improvements, the resolution shall apportion the 150170
annual rate of the tax. The apportionment may be the same or 150171
different for each year the tax is levied, but the respective 150172
portions of the rate actually levied each year for current 150173
expenses and for permanent improvements shall be limited by the 150174
apportionment. 150175

If the board of education currently imposes an income tax 150176
pursuant to this chapter that is due to expire and a question is 150177
submitted under this section for a proposed income tax to take 150178
effect upon the expiration of the existing tax, the board may 150179
specify in the resolution that the proposed tax renews the 150180
expiring tax. Two or more expiring income taxes may be renewed 150181
under this paragraph if the taxes are due to expire on the same 150182
date. If the tax rate being proposed is no higher than the total 150183
tax rate imposed by the expiring tax or taxes, the resolution 150184
may state that the proposed tax is not an additional income tax. 150185

(2) A board of education adopting a resolution under 150186
division (B)(1) of this section proposing a school district 150187
income tax for a continuing period of time and limited to the 150188
purpose of current expenses may propose in that resolution to 150189
reduce the rate or rates of one or more of the school district's 150190
property taxes levied for a continuing period of time in excess 150191
of the ten-mill limitation for the purpose of current expenses. 150192
The reduction in the rate of a property tax may be any amount, 150193
not exceeding the rate at which the tax is authorized to be 150194
levied. The reduction in the rate of a tax shall first take 150195
effect for the tax year that includes the day on which the 150196
school district income tax first takes effect, and shall 150197
continue for each tax year that both the school district income 150198
tax and the property tax levy are in effect. 150199

In addition to the matters required to be set forth in the
resolution under division (B) (1) of this section, a resolution
containing a proposal to reduce the rate of one or more property
taxes shall state for each such tax the maximum rate at which it
currently may be levied and the maximum rate at which the tax
could be levied after the proposed reduction, expressed in mills
for each one dollar of taxable value, and that the tax is levied
for a continuing period of time.

A board proposing to reduce the rate of one or more
property taxes under division (B) (2) of this section shall
comply with division (B) of section 5705.03 of the Revised Code.
In addition to the amounts required in division (B) (2) of that
section, the county auditor shall certify to the board the
levy's effective rate for both the last year before the levy's
proposed reduction and the first year that the reduction
applies, both expressed in dollars for each one hundred thousand
dollars of the county auditor's ~~appraised~~ market value.

If a board of education proposes to reduce the rate of one
or more property taxes under division (B) (2) of this section,
the board, when it makes the certification required under
division (A) of this section, shall designate the specific levy
or levies to be reduced, the maximum rate at which each levy
currently is authorized to be levied, and the rate by which each
levy is proposed to be reduced. The tax commissioner, when
making the certification to the board under division (A) of this
section, also shall certify the reduction in the total effective
tax rate for current expenses for each class of property that
would have resulted if the proposed reduction in the rate or
rates had been in effect the previous tax year. As used in this
paragraph, "effective tax rate" has the same meaning as in
section 323.08 of the Revised Code.

(C) A resolution adopted under division (B) of this 150231
section shall go into immediate effect upon its passage, and no 150232
publication of the resolution shall be necessary other than that 150233
provided for in the notice of election. Immediately after its 150234
adoption and at least ninety days prior to the election at which 150235
the question will appear on the ballot, a copy of the resolution 150236
and, if applicable, the county auditor's certifications under 150237
section 5705.03 of the Revised Code shall be certified to the 150238
board of elections of the proper county, which shall submit the 150239
proposal to the electors on the date specified in the 150240
resolution. The board of education shall send to the tax 150241
commissioner a copy of the resolution certified to the board of 150242
elections. The form of the ballot shall be as provided in 150243
section 5748.03 of the Revised Code. Publication of notice of 150244
the election shall be made in a newspaper of general circulation 150245
in the county once a week for two consecutive weeks, or as 150246
provided in section 7.16 of the Revised Code, prior to the 150247
election. If the board of elections operates and maintains a web 150248
site, the board of elections shall post notice of the election 150249
on its web site for thirty days prior to the election. The 150250
notice shall contain the time and place of the election and the 150251
question to be submitted to the electors. The question covered 150252
by the resolution shall be submitted as a separate proposition, 150253
but may be printed on the same ballot with any other proposition 150254
submitted at the same election, other than the election of 150255
officers. 150256

(D) No board of education shall submit the question of a 150257
tax on school district income to the electors of the district 150258
more than twice in any calendar year. If a board submits the 150259
question twice in any calendar year, one of the elections on the 150260
question shall be held on the date of the general election. 150261

(E) (1) No board of education may submit to the electors of 150262
the district the question of a tax on school district income on 150263
~~the taxable income of individuals as defined in division (E) (1)~~ 150264
~~(b) (E) (2)~~ of section 5748.01 of the Revised Code if that tax 150265
would be in addition to an existing tax on ~~the taxable income of~~ 150266
~~individuals and estates as defined in divisions (E) (1) (a) and~~ 150267
~~(2) division (E) (1)~~ of that section. 150268

(2) No board of education may submit to the electors of 150269
the district the question of a tax on school district income on 150270
~~the taxable income of individuals and estates as defined in~~ 150271
~~divisions (E) (1) (a) and (2) division (E) (1)~~ of section 5748.01 150272
of the Revised Code if that tax would be in addition to an 150273
existing tax on ~~the taxable income of individuals as defined in~~ 150274
division ~~(E) (1) (b) (E) (2)~~ of that section. 150275

Sec. 5748.021. A board of education that levies a tax 150276
under section 5748.02 of the Revised Code on the school district 150277
income of individuals ~~and estates as defined in divisions (G)~~ 150278
and ~~(E) (1) (a) and (2) (E) (1)~~ of section 5748.01 of the Revised 150279
Code may declare, at any time, by a resolution adopted by a 150280
majority of its members, the necessity of raising annually a 150281
specified amount of money for school district purposes by 150282
replacing the existing tax with a tax on ~~the school district~~ 150283
income ~~of individuals as defined in divisions (G) (1) (G) and (E)~~ 150284
~~(1) (b) (E) (2)~~ of section 5748.01 of the Revised Code. The 150285
specified amount of money to be raised annually may be the same 150286
as, or more or less than, the amount of money raised annually by 150287
the existing tax. 150288

The board shall certify a copy of the resolution to the 150289
tax commissioner not later than the eighty-fifth day before the 150290
date of the election at which the board intends to propose the 150291

replacement to the electors of the school district. Not later 150292
than the tenth day after receiving the resolution, the tax 150293
commissioner shall estimate the tax rate that would be required 150294
in the school district annually to raise the amount of money 150295
specified in the resolution. The tax commissioner shall certify 150296
the estimate to the board. 150297

Upon receipt of the tax commissioner's estimate, the board 150298
may propose, by a resolution adopted by a majority of its 150299
members, to replace the existing tax on ~~the~~ school district 150300
income ~~of individuals and estates~~ as defined in divisions (G) 150301
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 150302
Code with the levy of an annual tax on ~~the~~ school district 150303
income ~~of individuals~~ as defined in divisions ~~(G) (1)~~ (G) and ~~(E)~~ 150304
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. In the 150305
resolution, the board shall specify the rate of the replacement 150306
tax, whether the replacement tax is to be levied for a specified 150307
number of years or for a continuing time, the specific school 150308
district purposes for which the replacement tax is to be levied, 150309
the date on which the replacement tax will begin to be levied, 150310
the date of the election at which the question of the 150311
replacement is to be submitted to the electors of the school 150312
district, that the existing tax will cease to be levied and the 150313
replacement tax will begin to be levied if the replacement is 150314
approved by a majority of the electors voting on the 150315
replacement, and that if the replacement is not approved by a 150316
majority of the electors voting on the replacement the existing 150317
tax will remain in effect under its original authority for the 150318
remainder of its previously approved term. The resolution goes 150319
into immediate effect upon its adoption. Publication of the 150320
resolution is not necessary, and the information that will be 150321
provided in the notice of election is sufficient notice. At 150322

least seventy-five days before the date of the election at which 150323
the question of the replacement will be submitted to the 150324
electors of the school district, the board shall certify a copy 150325
of the resolution to the board of elections. The board of 150326
education shall send to the tax commissioner a copy of the 150327
resolution certified to the board of elections. 150328

The replacement tax shall have the same specific school 150329
district purposes as the existing tax, and its rate shall be the 150330
same as the tax commissioner's estimate rounded to the nearest 150331
one-fourth of one per cent. The replacement tax shall begin to 150332
be levied on the first day of January of the year following the 150333
year in which the question of the replacement is submitted to 150334
and approved by the electors of the school district or on the 150335
first day of January of a later year, as specified in the 150336
resolution. The date of the election shall be the date of an 150337
otherwise scheduled primary, general, or special election. 150338

The board of elections shall make arrangements to submit 150339
the question of the replacement to the electors of the school 150340
district on the date specified in the resolution. The board of 150341
elections shall publish notice of the election on the question 150342
of the replacement in one newspaper of general circulation in 150343
the school district once a week for four consecutive weeks or as 150344
provided in section 7.16 of the Revised Code. The notice shall 150345
set forth the question to be submitted to the electors and the 150346
time and place of the election thereon. 150347

The question shall be submitted to the electors of the 150348
school district as a separate proposition, but may be printed on 150349
the same ballot with other propositions that are submitted at 150350
the same election, other than the election of officers. The form 150351
of the ballot shall be substantially as follows: 150352

"Shall the existing tax of _____ (state the rate) on the school district income of individuals ~~and estates~~ imposed by _____ (state the name of the school district) be replaced by a tax of _____ (state the rate) on the earned income of individuals residing in the school district for _____ (state the number of years the tax is to be in effect or that it will be in effect for a continuing time), beginning _____ (state the date the new tax will take effect), for the purpose of _____ (state the specific school district purposes of the tax)? If the new tax is not approved, the existing tax will remain in effect under its original authority, for the remainder of its previously approved term.

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

The board of elections shall conduct and canvass the election in the same manner as regular elections in the school district for the election of county officers. The board shall certify the results of the election to the board of education and to the tax commissioner. If a majority of the electors voting on the question vote in favor of the replacement, the existing tax shall cease to be levied, and the replacement tax shall begin to be levied, on the date specified in the ballot question. If a majority of the electors voting on the question vote against the replacement, the existing tax shall continue to be levied under its original authority, for the remainder of its previously approved term.

A board of education may not submit the question of replacing a tax more than twice in a calendar year. If a board

submits the question more than once, one of the elections at 150380
which the question is submitted shall be on the date of a 150381
general election. 150382

If a board of education later intends to renew a 150383
replacement tax levied under this section, it shall repeat the 150384
procedure outlined in this section to do so, the replacement tax 150385
then being levied being the "existing tax" and the renewed 150386
replacement tax being the "replacement tax." 150387

Sec. 5748.03. (A) The form of the ballot on a question 150388
submitted to the electors under section 5748.02 of the Revised 150389
Code shall be as follows: 150390

"Shall an annual income tax of _____ (state the proposed 150391
rate of tax) on the school district income of individuals ~~and of~~ 150392
~~estates~~ be imposed by _____ (state the name of the school 150393
district), for _____ (state the number of years the tax would 150394
be levied, or that it would be levied for a continuing period of 150395
time), beginning _____ (state the date the tax would first 150396
take effect), for the purpose of _____ (state the purpose of 150397
the tax)? 150398

	FOR THE TAX	"
	AGAINST THE TAX	

(B) (1) If the question submitted to electors proposes a 150400
school district income tax only on ~~the taxable income of~~ 150401
~~individuals~~ as defined in division ~~(E) (1) (b)~~ (E) (2) of section 150402
5748.01 of the Revised Code, the form of the ballot shall be 150403
modified by stating that the tax is to be levied on the "earned 150404
income of individuals residing in the school district" in lieu 150405

of the "school district income of individuals~~and of estates~~." 150406

(2) If the question submitted to electors proposes to 150407
renew one or more expiring income tax levies, the ballot shall 150408
be modified by adding the following language immediately after 150409
the name of the school district that would impose the tax: "to 150410
renew an income tax (or income taxes) expiring at the end of 150411
_____ (state the last year the existing income tax or taxes 150412
may be levied)." 150413

(3) If the question includes a proposal under division (B) 150414
(2) of section 5748.02 of the Revised Code to reduce the rate of 150415
one or more school district property taxes, the ballot shall 150416
state that the purpose of the school district income tax is for 150417
current expenses, and the form of the ballot shall be modified 150418
by adding the following language immediately after the statement 150419
of the purpose of the proposed income tax: ", and shall the rate 150420
of an existing tax on property, currently levied for the purpose 150421
of current expenses at the rate of _____ mills, be REDUCED to 150422
_____ mills for each \$1 of taxable value, which amounts to a 150423
reduction from \$_____ (effective rate) to \$_____ (effective 150424
rate) for each \$100,000 of the county auditor's ~~appraised-market~~ 150425
value, that the county auditor estimates will collect \$_____ 150426
annually, the reduction continuing until any such time as the 150427
income tax is repealed." In lieu of "for the tax" and "against 150428
the tax," the phrases "for the issue" and "against the issue," 150429
respectively, shall be used. If a board of education proposes a 150430
reduction in the rates of more than one tax, the ballot language 150431
shall be modified accordingly to express the rates at which 150432
those taxes currently are levied and the rates to which the 150433
taxes will be reduced. 150434

(C) The board of elections shall certify the results of 150435

the election to the board of education and to the tax 150436
commissioner. If a majority of the electors voting on the 150437
question vote in favor of it, the income tax, the applicable 150438
provisions of Chapter 5747. of the Revised Code, and the 150439
reduction in the rate or rates of existing property taxes if the 150440
question included such a reduction shall take effect on the date 150441
specified in the resolution. If the question approved by the 150442
voters includes a reduction in the rate of a school district 150443
property tax, the board of education shall not levy the tax at a 150444
rate greater than the rate to which the tax is reduced, unless 150445
the school district income tax is repealed in an election under 150446
section 5748.04 of the Revised Code. 150447

(D) If the rate at which a property tax is levied and 150448
collected is reduced pursuant to a question approved under this 150449
section, the tax commissioner shall compute the percentage 150450
required to be computed for that tax under division (D) of 150451
section 319.301 of the Revised Code each year the rate is 150452
reduced as if the tax had been levied in the preceding year at 150453
the rate at which it has been reduced. If the rate of a property 150454
tax increases due to the repeal of the school district income 150455
tax pursuant to section 5748.04 of the Revised Code, the tax 150456
commissioner, for the first year for which the rate increases, 150457
shall compute the percentage as if the tax in the preceding year 150458
had been levied at the rate at which the tax was authorized to 150459
be levied prior to any rate reduction. 150460

Sec. 5748.04. (A) The question of the repeal of a school 150461
district income tax levied for more than five years may be 150462
initiated not more than once in any five-year period by filing 150463
with the board of elections of the appropriate counties not 150464
later than ninety days before the general election in any year 150465
after the year in which it is approved by the electors a 150466

petition requesting that an election be held on the question. 150467
The petition shall be signed by qualified electors residing in 150468
the school district levying the income tax equal in number to 150469
ten per cent of those voting for governor at the most recent 150470
gubernatorial election. 150471

The board of elections shall determine whether the 150472
petition is valid, and if it so determines, it shall do ~~both~~ all 150473
of the following: 150474

(1) Submit the question to the electors of the district at 150475
the next general election; 150476

(2) Send a copy of the petition to the tax commissioner; 150477

(3) If the rate of one or more property tax levies was 150478
reduced for the duration of the income tax levy pursuant to 150479
division (B) (2) of section 5748.02 of the Revised Code, request 150480
that the county auditor certify to the board, in the same manner 150481
as required for a tax levy under section 5705.03 of the Revised 150482
Code, an estimate of the levies' annual collections for the 150483
first year in which the levies are increased, rounded to the 150484
nearest dollar, and the levies' effective rates for the year 150485
before the proposed increase and the levies' effective rates for 150486
the first year that the increase applies, both of which shall be 150487
expressed in dollars, rounded to the nearest dollar, for each 150488
one hundred thousand dollars of ~~the county auditor's appraised~~ 150489
market value. 150490

The county auditor shall certify such information to the 150491
board of elections within ten days after receiving the board's 150492
request. If a school district is located in more than one 150493
county, the county auditor shall obtain from the county auditor 150494
of each other county in which the district is located the tax 150495

valuation applicable to the portion of the district in that 150496
county. 150497

The election shall be conducted, canvassed, and certified 150498
in the same manner as regular elections for county offices in 150499
the county. Notice of the election shall be published in a 150500
newspaper of general circulation in the district once a week for 150501
two consecutive weeks, or as provided in section 7.16 of the 150502
Revised Code, prior to the election. If the board of elections 150503
operates and maintains a web site, the board of elections shall 150504
post notice of the election on its web site for thirty days 150505
prior to the election. The notice shall state the time and place 150506
of the election and the question to be submitted to the 150507
electors. The form of the ballot cast at the election shall be 150508
as follows: 150509

"Shall the annual income tax of _____ per cent, currently 150510
levied on the school district income of individuals ~~and estates~~ 150511
by _____ (state the name of the school district) for the 150512
purpose of _____ (state purpose of the tax), be repealed? 150513
150514

	For repeal of the income tax
	Against repeal of the income tax

"

(B) (1) If the tax is imposed on taxable income as defined 150515
in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 150516
Code, the form of the ballot shall be modified by stating that 150517
the tax currently is levied on the "earned income of individuals 150518
residing in the school district" in lieu of the "school district 150519
income of individuals ~~and estates~~." 150520

(2) If the rate of one or more property tax levies was 150521

reduced for the duration of the income tax levy pursuant to 150522
division (B) (2) of section 5748.02 of the Revised Code, the form 150523
of the ballot shall be modified by adding the following language 150524
immediately after "repealed": ", and shall the rate of an 150525
existing tax on property for the purpose of current expenses, 150526
which rate was reduced for the duration of the income tax, be 150527
INCREASED from _____ mills to _____ mills for each \$1 of taxable 150528
value which amounts to an increase from \$_____ (effective rate) 150529
to \$_____ (effective rate) for each \$100,000 of ~~the county~~ 150530
~~auditor's appraised market~~ value, that the county auditor 150531
estimates will collect \$_____ annually, beginning in _____ 150532
(state the first year for which the rate of the property tax 150533
will increase)." In lieu of "for repeal of the income tax" and 150534
"against repeal of the income tax," the phrases "for the issue" 150535
and "against the issue," respectively, shall be substituted. 150536

(3) If the rate of more than one property tax was reduced 150537
for the duration of the income tax, the ballot language shall be 150538
modified accordingly to express the rates at which those taxes 150539
currently are levied and the rates to which the taxes would be 150540
increased. 150541

(C) The question covered by the petition shall be 150542
submitted as a separate proposition, but it may be printed on 150543
the same ballot with any other proposition submitted at the same 150544
election other than the election of officers. If a majority of 150545
the qualified electors voting on the question vote in favor of 150546
it, the result shall be certified immediately after the canvass 150547
by the board of elections to the board of education of the 150548
school district and the tax commissioner, who shall thereupon, 150549
after the current year, cease to levy the tax, except that if 150550
notes have been issued pursuant to section 5748.05 of the 150551
Revised Code the tax commissioner shall continue to levy and 150552

collect under authority of the election authorizing the levy an 150553
annual amount, rounded upward to the nearest one-fourth of one 150554
per cent, as will be sufficient to pay the debt charges on the 150555
notes as they fall due. 150556

(D) If a school district income tax repealed pursuant to 150557
this section was approved in conjunction with a reduction in the 150558
rate of one or more school district property taxes as provided 150559
in division (B) (2) of section 5748.02 of the Revised Code, then 150560
each such property tax may be levied after the current year at 150561
the rate at which it could be levied prior to the reduction, 150562
subject to any adjustments required by the county budget 150563
commission pursuant to Chapter 5705. of the Revised Code. Upon 150564
the repeal of a school district income tax under this section, 150565
the board of education may resume levying a property tax, the 150566
rate of which has been reduced pursuant to a question approved 150567
under section 5748.02 of the Revised Code, at the rate the board 150568
originally was authorized to levy the tax. A reduction in the 150569
rate of a property tax under section 5748.02 of the Revised Code 150570
is a reduction in the rate at which a board of education may 150571
levy that tax only for the period during which a school district 150572
income tax is levied prior to any repeal pursuant to this 150573
section. The resumption of the authority to levy the tax upon 150574
such a repeal does not constitute a tax levied in excess of the 150575
one per cent limitation prescribed by Section 2 of Article XII, 150576
Ohio Constitution, or in excess of the ten-mill limitation. 150577

(E) This section does not apply to school district income 150578
tax levies that are levied for five or fewer years. 150579

Sec. 5748.08. (A) The board of education of a city, local, 150580
or exempted village school district, at any time by a vote of 150581
two-thirds of all its members, may declare by resolution that it 150582

may be necessary for the school district to do all of the 150583
following: 150584

(1) Raise a specified amount of money for school district 150585
purposes by levying an annual tax on school district income; 150586

(2) Issue general obligation bonds for permanent 150587
improvements, stating in the resolution the necessity and 150588
purpose of the bond issue and the amount, approximate date, 150589
estimated rate of interest, and maximum number of years over 150590
which the principal of the bonds may be paid; 150591

(3) Levy a tax outside the ten-mill limitation to pay debt 150592
charges on the bonds and any anticipatory securities; 150593

(4) Submit the question of the school district income tax 150594
and bond issue to the electors of the district at a special 150595
election. 150596

The resolution shall specify whether the income that is to 150597
be subject to the tax is taxable income ~~of individuals and~~ 150598
~~estates as defined in divisions (E) (1) (a) and division (E) (1) or~~ 150599
(2) of section 5748.01 of the Revised Code ~~or taxable income of~~ 150600
~~individuals as defined in division (E) (1) (b) of that section.~~ 150601

On adoption of the resolution, the board shall certify a 150602
copy of it to the tax commissioner and the county auditor no 150603
later than one hundred five days prior to the date of the 150604
special election at which the board intends to propose the 150605
income tax and bond issue. Not later than ten days of receipt of 150606
the resolution, the tax commissioner, in the same manner as 150607
required by division (A) of section 5748.02 of the Revised Code, 150608
shall estimate the rates designated in divisions (A) (1) and (2) 150609
of that section and certify them to the board. Not later than 150610
ten days of receipt of the resolution, the county auditor shall 150611

estimate and certify to the board the average annual property 150612
tax rate required throughout the stated maturity of the bonds to 150613
pay debt charges on the bonds, in the same manner as under 150614
division (C) of section 133.18 of the Revised Code. 150615

(B) On receipt of the tax commissioner's and county 150616
auditor's certifications prepared under division (A) of this 150617
section, the board of education of the city, local, or exempted 150618
village school district, by a vote of two-thirds of all its 150619
members, may adopt a resolution proposing for a specified number 150620
of years or for a continuing period of time the levy of an 150621
annual tax for school district purposes on school district 150622
income and declaring that the amount of taxes that can be raised 150623
within the ten-mill limitation will be insufficient to provide 150624
an adequate amount for the present and future requirements of 150625
the school district; that it is necessary to issue general 150626
obligation bonds of the school district for specified permanent 150627
improvements and to levy an additional tax in excess of the ten- 150628
mill limitation to pay the debt charges on the bonds and any 150629
anticipatory securities; and that the question of the bonds and 150630
taxes shall be submitted to the electors of the school district 150631
at a special election, which shall not be earlier than ninety 150632
days after certification of the resolution to the board of 150633
elections, and the date of which shall be consistent with 150634
section 3501.01 of the Revised Code. The resolution shall 150635
specify all of the following: 150636

(1) The purpose for which the school district income tax 150637
is to be imposed and the rate of the tax, which shall be the 150638
rate set forth in the tax commissioner's certification rounded 150639
to the nearest one-fourth of one per cent; 150640

(2) Whether the income that is to be subject to the tax is 150641

taxable income ~~of individuals and estates as defined in~~ 150642
~~divisions (E) (1) (a) and division (E) (1) or (2) of section~~ 150643
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 150644
~~defined in division (E) (1) (b) of that section.~~ The specification 150645
shall be the same as the specification in the resolution adopted 150646
and certified under division (A) of this section. 150647

(3) The number of years the tax will be levied, or that it 150648
will be levied for a continuing period of time; 150649

(4) The date on which the tax shall take effect, which 150650
shall be the first day of January of any year following the year 150651
in which the question is submitted; 150652

(5) The amount of the estimated average annual property 150653
tax levy, expressed in mills for each one dollar of taxable 150654
value and dollars for each one hundred thousand dollars of the 150655
county auditor's ~~appraised~~ market value, as certified by the 150656
county auditor under division (A) of this section. 150657

(C) A resolution adopted under division (B) of this 150658
section shall go into immediate effect upon its passage, and no 150659
publication of the resolution shall be necessary other than that 150660
provided for in the notice of election. Immediately after its 150661
adoption and at least ninety days prior to the election at which 150662
the question will appear on the ballot, the board of education 150663
shall certify a copy of the resolution, along with copies of the 150664
auditor's estimate and its resolution under division (A) of this 150665
section, to the board of elections of the proper county. The 150666
board of education shall send to the tax commissioner a copy of 150667
the resolution adopted under division (B) of this section and 150668
certified to the board of elections. The board of elections 150669
shall make the arrangements for the submission of the question 150670
to the electors of the school district, and the election shall 150671

be conducted, canvassed, and certified in the same manner as 150672
regular elections in the district for the election of county 150673
officers. 150674

The resolution shall be put before the electors as one 150675
ballot question, with a majority vote indicating approval of the 150676
school district income tax, the bond issue, and the levy to pay 150677
debt charges on the bonds and any anticipatory securities. The 150678
board of elections shall publish the notice of the election in a 150679
newspaper of general circulation in the school district once a 150680
week for two consecutive weeks, or as provided in section 7.16 150681
of the Revised Code, prior to the election. If the board of 150682
elections operates and maintains a web site, it also shall post 150683
notice of the election on its web site for thirty days prior to 150684
the election. The notice of election shall state all of the 150685
following: 150686

- (1) The questions to be submitted to the electors; 150687
- (2) The rate of the school district income tax; 150688
- (3) The principal amount of the proposed bond issue; 150689
- (4) The permanent improvements for which the bonds are to 150690
be issued; 150691
- (5) The maximum number of years over which the principal 150692
of the bonds may be paid; 150693
- (6) The estimated additional average annual property tax 150694
rate to pay the debt charges on the bonds, as certified by the 150695
county auditor, and expressed in mills for each one dollar of 150696
taxable value and in dollars for each one hundred thousand 150697
dollars of the county auditor's appraised market value; 150698
- (7) The time and place of the special election. 150699

(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:

"Shall the _____ school district be authorized to do both of the following:

(1) Impose an annual income tax of _____ (state the proposed rate of tax) on the school district income of individuals ~~and of estates~~, for _____ (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning _____ (state the date the tax would first take effect), for the purpose of _____ (state the purpose of the tax)?

(2) Issue bonds for the purpose of _____ in the principal amount of \$_____, to be repaid annually over a maximum period of _____ years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period _____ mills for each \$1 of taxable value, which amounts to \$_____ for each \$100,000 of the county auditor's ~~appraised~~ market value, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

	FOR THE INCOME TAX AND BOND ISSUE	"
	AGAINST THE INCOME TAX AND BOND ISSUE	

(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E)(1)(b)~~ (E)(2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned

income of individuals residing in the school district" in lieu 150726
of the "school district income of individuals ~~and of estates.~~" 150727

(F) The board of elections promptly shall certify the 150728
results of the election to the tax commissioner and the county 150729
auditor of the county in which the school district is located. 150730
If a majority of the electors voting on the question vote in 150731
favor of it, the income tax and the applicable provisions of 150732
Chapter 5747. of the Revised Code shall take effect on the date 150733
specified in the resolution, and the board of education may 150734
proceed with issuance of the bonds and with the levy and 150735
collection of the property taxes to pay debt charges on the 150736
bonds, at the additional rate or any lesser rate in excess of 150737
the ten-mill limitation. Any securities issued by the board of 150738
education under this section are Chapter 133. securities, as 150739
that term is defined in section 133.01 of the Revised Code. 150740

(G) After approval of a question under this section, the 150741
board of education may anticipate a fraction of the proceeds of 150742
the school district income tax in accordance with section 150743
5748.05 of the Revised Code. Any anticipation notes under this 150744
division shall be issued as provided in section 133.24 of the 150745
Revised Code, shall have principal payments during each year 150746
after the year of their issuance over a period not to exceed 150747
five years, and may have a principal payment in the year of 150748
their issuance. 150749

(H) The question of repeal of a school district income tax 150750
levied for more than five years may be initiated and submitted 150751
in accordance with section 5748.04 of the Revised Code. 150752

(I) No board of education shall submit a question under 150753
this section to the electors of the school district more than 150754
twice in any calendar year. If a board submits the question 150755

twice in any calendar year, one of the elections on the question 150756
shall be held on the date of the general election. 150757

Sec. 5748.081. A board of education of a school district 150758
that, under divisions (A) (1), (D) (1), and (E) of section 5748.08 150759
or under section 5748.09 of the Revised Code, levies a tax on 150760
the school district income of individuals ~~and estates~~ as defined 150761
in divisions (G) and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 150762
of the Revised Code may replace that tax with a tax on ~~the~~ 150763
school district income ~~of individuals~~ as defined in divisions 150764
~~(G) (1)~~ (G) and ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 150765
Code by following the procedure outlined in, and subject to the 150766
conditions specified in, section 5748.021 of the Revised Code, 150767
as if the existing tax levied under section 5748.08 or 5748.09 150768
were levied under section 5748.02 of the Revised Code. The tax 150769
commissioner and the board of elections shall perform duties in 150770
response to the actions of the board of education under this 150771
section as directed in section 5748.021 of the Revised Code. 150772

Sec. 5748.09. (A) The board of education of a city, local, 150773
or exempted village school district, at any time before the 150774
effective date of this amendment by a vote of two-thirds of all 150775
its members, may declare by resolution that it may be necessary 150776
for the school district to do all of the following: 150777

(1) Raise a specified amount of money for school district 150778
purposes by levying an annual tax on school district income; 150779

(2) Levy an additional property tax in excess of the ten- 150780
mill limitation for the purpose of providing for the necessary 150781
requirements of the district, stating in the resolution the 150782
amount of money to be raised each year for such purpose; 150783

(3) Submit the question of the school district income tax 150784

and property tax to the electors of the district at a special 150785
election. 150786

The resolution shall specify whether the income that is to 150787
be subject to the tax is taxable income ~~of individuals and~~ 150788
~~estates as defined in divisions (E)(1)(a) and~~ division (E)(1) or 150789
(2) of section 5748.01 of the Revised Code ~~or taxable income of~~ 150790
~~individuals as defined in division (E)(1)(b) of that section.~~ 150791

On adoption of the resolution, the board shall certify a 150792
copy of it to the tax commissioner and the county auditor not 150793
later than one hundred days prior to the date of the special 150794
election at which the board intends to propose the income tax 150795
and property tax. Not later than ten days after receipt of the 150796
resolution, the tax commissioner, in the same manner as required 150797
by division (A) of section 5748.02 of the Revised Code, shall 150798
estimate the rates designated in divisions (A)(1) and (2) of 150799
that section and certify them to the board. Not later than ten 150800
days after receipt of the resolution, the county auditor, ~~in the~~ 150801
~~same manner as required by section 5705.195 of the Revised Code,~~ 150802
shall make the calculation specified in that section and certify 150803
it to the board. 150804

(B) On receipt of the tax commissioner's and county 150805
auditor's certifications prepared under division (A) of this 150806
section, the board of education of the city, local, or exempted 150807
village school district, by a vote of two-thirds of all its 150808
members, may adopt a resolution declaring that the amount of 150809
taxes that can be raised by all tax levies the district is 150810
authorized to impose, when combined with state and federal 150811
revenues, will be insufficient to provide an adequate amount for 150812
the present and future requirements of the school district, and 150813
that it is therefore necessary to levy, for a specified number 150814

of years or for a continuing period of time, an annual tax for 150815
school district purposes on school district income, and to levy, 150816
for a specified number of years not exceeding ten or for a 150817
continuing period of time, an additional property tax in excess 150818
of the ten-mill limitation for the purpose of providing for the 150819
necessary requirements of the district, and declaring that the 150820
question of the school district income tax and property tax 150821
shall be submitted to the electors of the school district at a 150822
special election, which shall not be earlier than ninety days 150823
after certification of the resolution to the board of elections, 150824
and the date of which shall be consistent with section 3501.01 150825
of the Revised Code. The resolution shall specify all of the 150826
following: 150827

(1) The purpose for which the school district income tax 150828
is to be imposed and the rate of the tax, which shall be the 150829
rate set forth in the tax commissioner's certification rounded 150830
to the nearest one-fourth of one per cent; 150831

(2) Whether the income that is to be subject to the tax is 150832
taxable income ~~of individuals and estates as defined in~~ 150833
~~divisions (E) (1) (a) and division (E) (1) or (2) of section~~ 150834
~~5748.01 of the Revised Code or taxable income of individuals as~~ 150835
~~defined in division (E) (1) (b) of that section.~~ The specification 150836
shall be the same as the specification in the resolution adopted 150837
and certified under division (A) of this section. 150838

(3) The number of years the school district income tax 150839
will be levied, or that it will be levied for a continuing 150840
period of time; 150841

(4) The date on which the school district income tax shall 150842
take effect, which shall be the first day of January of any year 150843
following the year in which the question is submitted; 150844

(5) The amount of money it is necessary to raise for the 150845
purpose of providing for the necessary requirements of the 150846
district for each year the property tax is to be imposed; 150847

(6) The number of years the property tax will be levied, 150848
or that it will be levied for a continuing period of time; 150849

(7) The tax list upon which the property tax shall be 150850
first levied, which may be the current year's tax list; 150851

(8) The amount of the average tax levy, expressed in 150852
dollars for each one hundred thousand dollars of the county 150853
auditor's ~~appraised~~ market value as well as in mills for each 150854
one dollar of taxable value, estimated by the county auditor 150855
under division (A) of this section. 150856

(C) A resolution adopted under division (B) of this 150857
section shall go into immediate effect upon its passage, and no 150858
publication of the resolution shall be necessary other than that 150859
provided for in the notice of election. Immediately after its 150860
adoption and at least ninety days prior to the election at which 150861
the question will appear on the ballot, the board of education 150862
shall certify a copy of the resolution, along with copies of the 150863
county auditor's certification and the resolution under division 150864
(A) of this section, to the board of elections of the proper 150865
county. The board of education shall send to the tax 150866
commissioner a copy of the resolution adopted under division (B) 150867
of this section and certified to the board of elections. The 150868
board of education shall make the arrangements for the 150869
submission of the question to the electors of the school 150870
district, and the election shall be conducted, canvassed, and 150871
certified in the same manner as regular elections in the 150872
district for the election of county officers. 150873

The resolution shall be put before the electors as one 150874
ballot question, with a majority vote indicating approval of the 150875
school district income tax and the property tax. The board of 150876
elections shall publish the notice of the election in a 150877
newspaper of general circulation in the school district once a 150878
week for two consecutive weeks, or as provided in section 7.16 150879
of the Revised Code, prior to the election. If the board of 150880
elections operates and maintains a web site, ~~also the board~~ 150881
shall also post the notice of the election on its web site for 150882
thirty days prior to the election. The notice of the election 150883
shall state all of the following: 150884

(1) The questions to be submitted to the electors as a 150885
single ballot question; 150886

(2) The rate of the school district income tax; 150887

(3) The number of years the school district income tax 150888
will be levied or that it will be levied for a continuing period 150889
of time; 150890

(4) The annual proceeds of the proposed property tax levy 150891
for the purpose of providing for the necessary requirements of 150892
the district; 150893

(5) The number of years during which the property tax levy 150894
shall be levied, or that it shall be levied for a continuing 150895
period of time; 150896

(6) The estimated average additional tax rate of the 150897
property tax, expressed in dollars for each one hundred thousand 150898
dollars of the county auditor's ~~appraised~~ market value as well 150899
as in mills for each one dollar of taxable value, outside the 150900
limitation imposed by Section 2 of Article XII, Ohio 150901
Constitution, as certified by the county auditor; 150902

(7) The time and place of the special election. 150903

(D) The form of the ballot on a question submitted to the 150904
electors under this section shall be as follows: 150905

"Shall the _____ school district be authorized to do both 150906
of the following: 150907

(1) Impose an annual income tax of _____ (state the 150908
proposed rate of tax) on the school district income of 150909
individuals~~and of estates~~, for _____ (state the number of 150910
years the tax would be levied, or that it would be levied for a 150911
continuing period of time), beginning _____ (state the date 150912
the tax would first take effect), for the purpose of _____ 150913
(state the purpose of the tax)? 150914

(2) Impose a property tax levy outside of the ten-mill 150915
limitation for the purpose of providing for the necessary 150916
requirements of the district in the sum of \$_____ 150917
(here insert annual amount the levy is to produce), estimated by 150918
the county auditor to average _____ mills for each \$1 150919
of taxable value, which amounts to \$_____ for each 150920
\$100,000 of the county auditor's ~~appraised market~~ value, for 150921
_____ (state the number of years the tax is to be 150922
imposed or that it will be imposed for a continuing period of 150923
time), commencing in _____ (first year the tax is to be 150924
levied), first due in calendar year _____ (first calendar 150925
year in which the tax shall be due)? 150926
150927

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

If the question submitted to electors proposes a school 150928

district income tax only on the taxable income of individuals as 150929
defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the 150930
Revised Code, the form of the ballot shall be modified by 150931
stating that the tax is to be levied on the "earned income of 150932
individuals residing in the school district" in lieu of the 150933
"school district income of individuals ~~and of estates.~~" 150934

(E) The board of elections promptly shall certify the 150935
results of the election to the tax commissioner and the county 150936
auditor of the county in which the school district is located. 150937
If a majority of the electors voting on the question vote in 150938
favor of it: 150939

(1) The income tax and the applicable provisions of 150940
Chapter 5747. of the Revised Code shall take effect on the date 150941
specified in the resolution. 150942

(2) The board of education of the school district may make 150943
the additional property tax levy necessary to raise the amount 150944
specified on the ballot for the purpose of providing for the 150945
necessary requirements of the district. The property tax levy 150946
shall be included in the next tax budget that is certified to 150947
the county budget commission. 150948

(F) (1) After approval of a question under this section, 150949
the board of education may anticipate a fraction of the proceeds 150950
of the school district income tax in accordance with section 150951
5748.05 of the Revised Code. Any anticipation notes under this 150952
division shall be issued as provided in section 133.24 of the 150953
Revised Code, shall have principal payments during each year 150954
after the year of their issuance over a period not to exceed 150955
five years, and may have a principal payment in the year of 150956
their issuance. 150957

(2) After the approval of a question under this section 150958
and prior to the time when the first tax collection from the 150959
property tax levy can be made, the board of education may 150960
anticipate a fraction of the proceeds of the levy and issue 150961
anticipation notes in an amount not exceeding the total 150962
estimated proceeds of the levy to be collected during the first 150963
year of the levy. Any anticipation notes under this division 150964
shall be issued as provided in section 133.24 of the Revised 150965
Code, shall have principal payments during each year after the 150966
year of their issuance over a period not to exceed five years, 150967
and may have a principal payment in the year of their issuance. 150968

(G) (1) The question of repeal of a school district income 150969
tax levied for more than five years may be initiated and 150970
submitted in accordance with section 5748.04 of the Revised 150971
Code. 150972

(2) A property tax levy for a continuing period of time 150973
may be reduced in the manner provided under section 5705.261 of 150974
the Revised Code. 150975

(H) No board of education shall submit a question under 150976
this section to the electors of the school district more than 150977
twice in any calendar year. If a board submits the question 150978
twice in any calendar year, one of the elections on the question 150979
shall be held on the date of the general election. 150980

(I) If the electors of the school district approve a 150981
question under this section, and if the last calendar year the 150982
school district income tax is in effect and the last calendar 150983
year of collection of the property tax are the same, the board 150984
of education of the school district may propose, before the 150985
effective date of this amendment, to submit under this section 150986
the combined question of a school district income tax to take 150987

effect upon the expiration of the existing income tax and a 150988
property tax to be first collected in the calendar year after 150989
the calendar year of last collection of the existing property 150990
tax, and specify in the resolutions adopted under this section 150991
that the proposed taxes would renew the existing taxes. The form 150992
of the ballot on a question submitted to the electors under 150993
division (I) of this section shall be as follows: 150994

"Shall the _____ school district be authorized to do 150995
both of the following: 150996

(1) Impose an annual income tax of _____ (state the 150997
proposed rate of tax) on the school district income of 150998
individuals ~~and of estates~~ to renew an income tax expiring at 150999
the end of _____ (state the last year the existing income tax 151000
may be levied) for _____ (state the number of years the tax 151001
would be levied, or that it would be levied for a continuing 151002
period of time), beginning _____ (state the date the tax would 151003
first take effect), for the purpose of _____ (state the 151004
purpose of the tax)? 151005

(2) Impose a property tax levy renewing an existing levy 151006
outside of the ten-mill limitation for the purpose of providing 151007
for the necessary requirements of the district in the sum of 151008
\$_____ (here insert annual amount the levy is to 151009
produce), estimated by the county auditor to average 151010
_____ mills for each \$1 of taxable value, which 151011
amounts to \$_____ for each \$100,000 of the county 151012
auditor's ~~appraised market~~ value, for _____ (state the 151013
number of years the tax is to be imposed or that it will be 151014
imposed for a continuing period of time), commencing in 151015
_____ (first year the tax is to be levied), first due in 151016
calendar year _____ (first calendar year in which the tax 151017

shall be due)?

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151019

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates.~~"

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(J) (1) If the electors of the school district approve a question under this section, and if the last calendar year the school district income tax is in effect and the last calendar year in which the property tax is collected are the same, the board of education of the school district may propose, before the effective date of this amendment, to submit under this section the combined question of all of the following:

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(a) The renewal of the school district income tax levied under this section, to take effect upon the expiration of the existing income tax;

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(b) The renewal of the property tax levied under this section, to be levied beginning in the tax year after the tax year in which the existing property tax expires;

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(c) The renewal of a property tax levied under section 5705.194 of the Revised Code, regardless of the year it expires, to be levied beginning in the same tax year that the tax described in division (J) (1) (b) of this section is first levied.

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If the combined question is approved, the existing tax 151044
levied under section 5705.194 of the Revised Code may not be 151045
levied for the first tax year the renewal tax is levied or any 151046
following tax year. 151047

(2) In its resolution to be submitted to the tax 151048
commissioner and county auditor, the board of education shall 151049
include, in addition to the applicable requirements of division 151050
(A) of this section, a declaration of the necessity for the 151051
renewal of the property tax levied under section 5705.194 of the 151052
Revised Code, the purpose of the tax as specified under that 151053
section, and the necessity of the submission of the question of 151054
the renewal of the school district income tax and both property 151055
taxes to the electors of the district at a special election. Not 151056
later than ten days after receipt of the resolution, the county 151057
auditor shall make a separate calculation and certification with 151058
respect to the renewal tax described in division (J) (1) (c) of 151059
~~this section in the same manner as required by section 5705.195~~ 151060
~~of the Revised Code.~~ 151061

In its resolution adopted upon receipt of the 151062
commissioner's and county auditor's certifications, the board of 151063
education shall include, in addition to the applicable 151064
requirements of division (B) of this section, a declaration that 151065
the amount of taxes that can be raised by all tax levies the 151066
district is authorized to impose, when combined with state and 151067
federal revenues, will be insufficient to provide an adequate 151068
amount for the present and future requirements of the school 151069
district, and that it is therefore necessary to renew the 151070
existing property tax being levied in excess of the ten-mill 151071
limitation under section 5705.194 of the Revised Code for the 151072
purpose as specified in that section, for a specified number of 151073
years not exceeding ten or for a continuing period of time, and 151074

that the question of the renewal of the school district income 151075
tax and of both property taxes shall be submitted to the 151076
electors of the school district at a special election as 151077
described in division (B) of this section. With respect to the 151078
renewal tax described in division (J) (1) (c) of this section, the 151079
resolution shall specify the amount of money it is necessary to 151080
raise for the specified purpose for each calendar year the 151081
millage is to be imposed, the tax year that tax is to be first 151082
levied, and the estimated rate of that tax, expressed in dollars 151083
for each one hundred thousand dollars of the county auditor's 151084
~~appraised~~ market value as well as in mills for each one dollar 151085
of taxable value, as certified by the county auditor. 151086

(3) In addition to the requirements of division (C) of 151087
this section, the notice of election shall separately state, 151088
with respect to the renewal tax described in division (J) (1) (c) 151089
of this section, the annual proceeds of the proposed levy for 151090
the specified purpose; the number of years the proposed tax will 151091
be levied, or that it shall be levied for a continuing period of 151092
time; and the estimated rate of the proposed levy, expressed in 151093
dollars for each one hundred thousand dollars of the county 151094
auditor's ~~appraised~~ market value as well as in mills for each 151095
one dollar of taxable value, as certified by the county auditor. 151096

(4) The form of the ballot on a question submitted to the 151097
electors under division (J) of this section shall be identical 151098
to the form of the ballot prescribed in division (I) of this 151099
section, except that the following shall be added after the 151100
third paragraph and in place of the voting box: "(3) Impose a 151101
property tax levy renewing an existing levy outside of the ten- 151102
mill limitation for the purpose of _____ (here insert 151103
purpose of levy as specified in section 5705.194 of the Revised 151104
Code and determined by the board of education) in the sum of \$ 151105

_____ (here insert annual amount the levy is to produce), 151106
estimated by the county auditor to average _____ mills for 151107
each \$1 of taxable value, which amounts to \$_____ for each 151108
\$100,000 of the county auditor's ~~appraised~~ market value, for 151109
_____ (state the number of years the tax is to be imposed 151110
or that it will be imposed for a continuing period of time), 151111
commencing in _____ (first year the tax is to be levied), 151112
first due in calendar year _____ (first calendar year in 151113
which the tax shall be due)? 151114
151115

	FOR THE INCOME TAX AND PROPERTY TAXES	
	AGAINST THE INCOME TAX AND PROPERTY TAXES	"

If the existing property tax being levied under section 151116
5705.194 of the Revised Code is scheduled to expire in a tax 151117
year different from that of the existing property tax being 151118
levied under this section, the form of the ballot shall be 151119
modified by adding the following statement at the end of the 151120
paragraph prescribed in this division: "If approved, any 151121
remaining tax years on the existing levy will not be levied 151122
after tax year _____ (last tax year the tax will be levied), 151123
last due in _____ (last calendar year in which the tax shall 151124
be due)." 151125

(5) If a majority of the electors voting on the question 151126
submitted under division (J) of this section vote in favor of 151127
it, the board of education of the school district may, in 151128
addition to any other authorization in the Revised Code and 151129
prior to the time when the first tax collection from the renewal 151130
tax levy can be made, anticipate a fraction of the proceeds of 151131
the renewal levy described in division (J)(1)(c) of this section 151132

and issue anticipation notes in an amount not exceeding the 151133
total estimated proceeds of the levy to be collected during the 151134
first year of the levy. Any such anticipation notes shall be 151135
issued as provided in section 133.24 of the Revised Code, shall 151136
have principal payments during each year after the year of their 151137
issuance over a period not to exceed five years, and may have a 151138
principal payment in the year of their issuance. 151139

(K) The question of a renewal levy under division (I) or 151140
(J) of this section shall not be placed on the ballot unless the 151141
question is submitted on a date on which a special election may 151142
be held under section 3501.01 of the Revised Code, except for 151143
the first Tuesday after the first Monday in August, during the 151144
last year the existing property tax levy described in division 151145
(J) (1) (b) of this section may be extended on the real and public 151146
utility property tax list and duplicate, or at any election held 151147
in the ensuing year. 151148

The failure by the electors to approve the question of a 151149
renewal levy under division (I) or (J) of this section does not 151150
terminate the authority previously granted by the electors to 151151
levy the taxes proposed to be renewed for their previously 151152
approved duration. 151153

(L) If the electors of the school district approve a 151154
question under this section, the board of education of the 151155
school district may propose to renew any of the existing taxes 151156
as individual ballot questions in accordance with section 151157
5748.02 of the Revised Code, for the school district income tax, 151158
or section 5705.194 of the Revised Code, for the property tax or 151159
taxes. 151160

Sec. 5749.02. (A) For the purpose of providing revenue to 151161
administer the state's coal mining and reclamation regulatory 151162

program, to meet the environmental and resource management needs 151163
of this state, and to reclaim land affected by mining, an excise 151164
tax is hereby levied on the privilege of engaging in the 151165
severance of natural resources from the soil or water of this 151166
state. The tax shall be imposed upon the severer at the rates 151167
prescribed by this section: 151168

- (1) ~~Ten~~Eight cents per ton of coal; 151169
- (2) Four cents per ton of salt; 151170
- (3) Two cents per ton of limestone or dolomite; 151171
- (4) Two cents per ton of sand and gravel; 151172
- (5) Ten cents per barrel of oil; 151173
- (6) Two and one-half cents per thousand cubic feet of 151174
natural gas; 151175

- (7) One cent per ton of clay, sandstone or conglomerate, 151176
shale, gypsum, or quartzite; 151177

- (8) Except as otherwise provided in this division or in 151178
rules adopted by the reclamation forfeiture fund advisory board 151179
under section 1513.182 of the Revised Code, an additional 151180
fourteen cents per ton of coal produced from an area under a 151181
coal mining and reclamation permit issued under Chapter 1513. of 151182
the Revised Code for which the performance security is provided 151183
under division (C) (2) of section 1513.08 of the Revised Code. 151184
Beginning July 1, 2007, if at the end of a fiscal biennium the 151185
balance of the reclamation forfeiture fund created in section 151186
1513.18 of the Revised Code is equal to or greater than ten 151187
million dollars, the rate levied shall be twelve cents per ton. 151188
Beginning July 1, 2007, if at the end of a fiscal biennium the 151189
balance of the fund is at least five million dollars, but less 151190

than ten million dollars, the rate levied shall be fourteen 151191
cents per ton. Beginning July 1, 2007, if at the end of a fiscal 151192
biennium the balance of the fund is less than five million 151193
dollars, the rate levied shall be sixteen cents per ton. 151194
Beginning July 1, 2009, not later than thirty days after the 151195
close of a fiscal biennium, the chief of the division of mineral 151196
resources management shall certify to the tax commissioner the 151197
amount of the balance of the reclamation forfeiture fund as of 151198
the close of the fiscal biennium. Any necessary adjustment of 151199
the rate levied shall take effect on the first day of the 151200
following January and shall remain in effect during the calendar 151201
biennium that begins on that date. 151202

(9) An additional one and two-tenths cents per ton of coal 151203
mined by surface mining methods. 151204

(B) After the director of budget and management transfers 151205
money from the severance tax receipts fund as required in 151206
division (H) of section 5749.06 of the Revised Code, money 151207
remaining in the severance tax receipts fund, except for money 151208
in the fund from the amounts due under section 1509.50 of the 151209
Revised Code, shall be credited as follows: 151210

(1) All of the moneys in the fund from the tax levied in 151211
division (A) (1) of this section shall be credited to the mining 151212
regulation and safety fund created in section 1513.30 of the 151213
Revised Code. 151214

(2) The money in the fund from the tax levied in division 151215
(A) (2) of this section shall be credited to the mining 151216
regulation and safety fund. 151217

(3) Of the moneys in the fund from the tax levied in 151218
divisions (A) (3) and (4) of this section, seven and five-tenths 151219

per cent shall be credited to the geological mapping fund and 151220
the remainder shall be credited to the mining regulation and 151221
safety fund created in section 1513.30 of the Revised Code. 151222

(4) Of the moneys in the fund from the tax levied in 151223
divisions (A) (5) and (6) of this section, ninety per cent shall 151224
be credited to the oil and gas well fund and ten per cent shall 151225
be credited to the geological mapping fund. 151226

(5) All of the moneys in the fund from the tax levied in 151227
division (A) (7) of this section shall be credited to the mining 151228
regulation and safety fund. 151229

(6) All of the moneys in the fund from the tax levied in 151230
division (A) (8) of this section shall be credited to the 151231
reclamation forfeiture fund. 151232

(7) All of the moneys in the fund from the tax levied in 151233
division (A) (9) of this section shall be credited to the mining 151234
regulation and safety fund. 151235

(C) When, at the close of any fiscal year, the chief finds 151236
that the balance of the reclamation forfeiture fund, plus the 151237
estimated revenues from the tax levied by division (A) (8) of 151238
this section for the remainder of the calendar year that 151239
includes the close of the fiscal year, are sufficient to 151240
complete the reclamation of all lands for which the performance 151241
security has been provided under division (C) (2) of section 151242
1513.08 of the Revised Code, the purposes for which the tax 151243
under division (A) (8) of this section is levied shall be deemed 151244
accomplished at the end of that calendar year. The chief, within 151245
thirty days after the close of the fiscal year, shall certify 151246
those findings to the tax commissioner, and the tax levied under 151247
division (A) (8) of this section shall cease to be imposed for 151248

the subsequent calendar year after the last day of that calendar 151249
year on coal produced under a coal mining and reclamation permit 151250
issued under Chapter 1513. of the Revised Code if the permittee 151251
has made tax payments under division (A)(8) of this section 151252
during each of the preceding five full calendar years. Not later 151253
than thirty days after the close of a fiscal year, the chief 151254
shall certify to the tax commissioner the identity of any 151255
permittees who accordingly no longer are required to pay the tax 151256
levied under division (A)(8) of this section for the subsequent 151257
calendar year. 151258

Sec. 5749.07. (A) If any severer required by this chapter 151259
to make and file returns and pay the tax levied by section 151260
5749.02 of the Revised Code, or any severer or owner liable for 151261
the amounts due under section 1509.50 of the Revised Code, fails 151262
to make such return or pay such tax or amounts, the tax 151263
commissioner may make an assessment against the severer or owner 151264
based upon any information in the commissioner's possession. 151265

No assessment shall be made or issued against any severer 151266
for any tax imposed by section 5749.02 of the Revised Code or 151267
against any severer or owner for any amount due under section 151268
1509.50 of the Revised Code more than four years after the 151269
return was due or was filed, whichever is later. This section 151270
does not bar an assessment against a severer or owner who fails 151271
to file a return as required by this chapter, or who files a 151272
fraudulent return. 151273

The commissioner shall give the party assessed written 151274
notice of such assessment in the manner provided in section 151275
5703.37 of the Revised Code. With the notice, the commissioner 151276
shall provide instructions on how to petition for reassessment 151277
and request a hearing on the petition. 151278

(B) Unless the party assessed files with the commissioner 151279
within sixty days after service of the notice of assessment, 151280
~~either personally or by certified mail,~~ a written petition for 151281
reassessment signed by the party assessed or that party's 151282
authorized agent having knowledge of the facts, the assessment 151283
becomes final and the amount of the assessment is due and 151284
payable from the party assessed to the treasurer of state. The 151285
petition shall indicate the objections of the party assessed, 151286
but additional objections may be raised in writing if received 151287
by the commissioner prior to the date shown on the final 151288
determination. If the petition has been properly filed, the 151289
commissioner shall proceed under section 5703.60 of the Revised 151290
Code. 151291

(C) After an assessment becomes final, if any portion of 151292
the assessment remains unpaid, including accrued interest, a 151293
certified copy of the commissioner's entry making the assessment 151294
final may be filed in the office of the clerk of the court of 151295
common pleas in the county in which the party assessed resides 151296
or in which the party's business is conducted. If the party 151297
assessed maintains no place of business in this state and is not 151298
a resident of this state, the certified copy of the entry may be 151299
filed in the office of the clerk of the court of common pleas of 151300
Franklin county. 151301

Immediately upon the filing of such entry, the clerk shall 151302
enter a judgment for the state against the party assessed in the 151303
amount shown on the entry. The judgment may be filed by the 151304
clerk in a loose-leaf book entitled "special judgments for state 151305
severance tax," and shall have the same effect as other 151306
judgments. Execution shall issue upon the judgment upon the 151307
request of the commissioner, and all laws applicable to sales on 151308
execution shall apply to sales made under the judgment. 151309

If the assessment is not paid in its entirety within sixty 151310
days after the day the assessment is issued, the portion of the 151311
assessment consisting of tax due or amounts due under section 151312
1509.50 of the Revised Code shall bear interest at the rate per 151313
annum prescribed by section 5703.47 of the Revised Code from the 151314
day the commissioner issues the assessment until it is paid or 151315
until it is certified to the attorney general for collection 151316
under section 131.02 of the Revised Code, whichever comes first. 151317
If the unpaid portion of the assessment is certified to the 151318
attorney general for collection, the entire unpaid portion of 151319
the assessment shall bear interest at the rate per annum 151320
prescribed by section 5703.47 of the Revised Code from the date 151321
of certification until the date it is paid in its entirety. 151322
Interest shall be paid in the same manner as the tax and may be 151323
collected by the issuance of an assessment under this section. 151324

(D) All money collected by the commissioner under this 151325
section shall be paid to the treasurer of state, and when paid 151326
shall be considered as revenue arising from the tax imposed by 151327
section 5749.02 of the Revised Code and the amount due under 151328
section 1509.50 of the Revised Code, as applicable. 151329

Sec. 5751.02. (A) For the purpose of funding the needs of 151330
this state and its local governments, there is hereby levied a 151331
commercial activity tax on each person with taxable gross 151332
receipts for the privilege of doing business in this state. For 151333
the purposes of this chapter, "doing business" means engaging in 151334
any activity, whether legal or illegal, that is conducted for, 151335
or results in, gain, profit, or income, at any time during a 151336
calendar year. Persons on which the commercial activity tax is 151337
levied include, but are not limited to, persons with substantial 151338
nexus with this state. The tax imposed under this section is not 151339
a transactional tax and is not subject to Public Law No. 86-272, 151340

73 Stat. 555. The tax imposed under this section is in addition 151341
to any other taxes or fees imposed under the Revised Code. The 151342
tax levied under this section is imposed on the person receiving 151343
the gross receipts and is not a tax imposed directly on a 151344
purchaser. The tax imposed by this section is an annual 151345
privilege tax for the calendar year that contains all tax 151346
periods in the calendar year. A taxpayer is subject to the 151347
annual privilege tax for doing business during any portion of 151348
such calendar year. 151349

(B) The tax imposed by this section is a tax on the 151350
taxpayer and shall not be billed or invoiced to another person. 151351
Even if the tax or any portion thereof is billed or invoiced and 151352
separately stated, such amounts remain part of the price for 151353
purposes of the sales and use taxes levied under Chapters 5739. 151354
and 5741. of the Revised Code. Nothing in division (B) of this 151355
section prohibits: 151356

(1) A person from including in the price charged for a 151357
good or service an amount sufficient to recover the tax imposed 151358
by this section; or 151359

(2) A lessor from including an amount sufficient to 151360
recover the tax imposed by this section in a lease payment 151361
charged, or from including such an amount on a billing or 151362
invoice pursuant to the terms of a written lease agreement 151363
providing for the recovery of the lessor's tax costs. The 151364
recovery of such costs shall be based on an estimate of the 151365
total tax cost of the lessor during the tax period, as the tax 151366
liability of the lessor cannot be calculated until the end of 151367
that period. 151368

(C) (1) The commercial activities tax receipts fund is 151369
hereby created in the state treasury and shall consist of money 151370

arising from the tax imposed under this chapter. Sixty-five one- 151371
hundredths of one per cent of the money credited to that fund 151372
shall be credited to the revenue enhancement fund and shall be 151373
used to defray the costs incurred by the department of taxation 151374
in administering the tax imposed by this chapter and in 151375
implementing tax reform measures. The remainder of the money in 151376
the commercial activities tax receipts fund shall first be 151377
credited to the ~~funds~~ fund described in division (C) (2) of this 151378
section, as provided in that division, and the remainder shall 151379
be credited to the general revenue fund. 151380

(2) Not later than the twentieth day of February, May, 151381
August, and November of each year, the commissioner shall 151382
provide for payment ~~of the following amounts from the commercial~~ 151383
~~activities tax receipts fund:—~~ 151384

~~(a) To~~ to the commercial activity tax motor fuel receipts 151385
fund, of an amount that bears the same ratio to the balance in 151386
the commercial activities tax receipts fund that (a) the taxable 151387
gross receipts attributed to motor fuel used for propelling 151388
vehicles on public highways as indicated by returns filed by the 151389
tenth day of that month for a liability that is due and payable 151390
on or after July 1, 2013, for a tax period ending before July 1, 151391
2014, bears to (b) all taxable gross receipts as indicated by 151392
those returns for such liabilities. 151393

~~(b) To the school district tangible property tax~~ 151394
~~replacement fund, which is hereby created in the state treasury~~ 151395
~~for the purpose of making the payments described in section~~ 151396
~~5709.92 of the Revised Code, an amount necessary to make those~~ 151397
~~payments;—~~ 151398

~~(c) To the local government tangible property tax~~ 151399
~~replacement fund, which is hereby created in the state treasury~~ 151400

~~for the purpose of making the payments described in section 151401~~
~~5709.93 of the Revised Code, an amount necessary to make those 151402~~
~~payments. 151403~~

~~(D) (1) On or after the first day of June of each year, the 151404~~
~~director of budget and management may transfer any balance in 151405~~
~~the school district tangible property tax replacement fund to 151406~~
~~the general revenue fund. 151407~~

~~(2) On or after the first day of June of each year, the 151408~~
~~director of budget and management may transfer any balance in 151409~~
~~the local government tangible property tax replacement fund to 151410~~
~~the general revenue fund. 151411~~

~~(E) (1)~~ (D) (1) There is hereby created in the state treasury 151412
the commercial activity tax motor fuel receipts fund. 151413

(2) On or before the fifteenth day of June of each fiscal 151414
year beginning with fiscal year 2015, the director of the Ohio 151415
public works commission shall certify to the director of budget 151416
and management the amount of debt service paid from the general 151417
revenue fund in the current fiscal year on bonds issued to 151418
finance or assist in the financing of the cost of local 151419
subdivision public infrastructure capital improvement projects, 151420
as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, 151421
Ohio Constitution, that are attributable to costs for 151422
construction, reconstruction, maintenance, or repair of public 151423
highways and bridges and other statutory highway purposes. That 151424
certification shall allocate the total amount of debt service 151425
paid from the general revenue fund and attributable to those 151426
costs in the current fiscal year according to the applicable 151427
section of the Ohio Constitution under which the bonds were 151428
originally issued. 151429

(3) On or before the thirtieth day of June of each fiscal year beginning with fiscal year 2015, the director of budget and management shall determine an amount up to but not exceeding the amount certified under division ~~(E) (2)~~ (D) (2) of this section and shall reserve that amount from the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund in excess of the amount so reserved to the highway operating fund on or before the thirtieth day of June of the current fiscal year.

Sec. 5751.09. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any person that fails to file a return or pay any tax as required by this chapter. The commissioner shall give the person assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on the manner in which to petition for reassessment and request a hearing with respect to the petition. The commissioner shall send any assessments against consolidated elected taxpayer and combined taxpayer groups under section 5751.011 or 5751.012 of the Revised Code to the taxpayer's reporting person. The reporting person shall notify all members of the group of the assessment and all outstanding taxes, interest, and penalties for which the assessment is issued.

(B) Unless the person assessed, within sixty days after service of the notice of assessment, files with the tax commissioner, ~~either personally or by certified mail,~~ a written

petition signed by the person or the person's authorized agent 151461
having knowledge of the facts, the assessment becomes final, and 151462
the amount of the assessment is due and payable from the person 151463
assessed to the treasurer of state. The petition shall indicate 151464
the objections of the person assessed, but additional objections 151465
may be raised in writing if received by the commissioner prior 151466
to the date shown on the final determination. 151467

If a petition for reassessment has been properly filed, 151468
the commissioner shall proceed under section 5703.60 of the 151469
Revised Code. 151470

(C) (1) After an assessment becomes final, if any portion 151471
of the assessment, including accrued interest, remains unpaid, a 151472
certified copy of the tax commissioner's entry making the 151473
assessment final may be filed in the office of the clerk of the 151474
court of common pleas in the county in which the person resides 151475
or has its principal place of business in this state, or in the 151476
office of the clerk of court of common pleas of Franklin county. 151477

(2) Immediately upon the filing of the entry, the clerk 151478
shall enter judgment for the state against the person assessed 151479
in the amount shown on the entry. The judgment may be filed by 151480
the clerk in a loose-leaf book entitled, "special judgments for 151481
the commercial activity tax" and shall have the same effect as 151482
other judgments. Execution shall issue upon the judgment at the 151483
request of the tax commissioner, and all laws applicable to 151484
sales on execution shall apply to sales made under the judgment. 151485

(3) If the assessment is not paid in its entirety within 151486
sixty days after the day the assessment was issued, the portion 151487
of the assessment consisting of tax due shall bear interest at 151488
the rate per annum prescribed by section 5703.47 of the Revised 151489
Code from the day the tax commissioner issues the assessment 151490

until it is paid or until it is certified to the attorney 151491
general for collection under section 131.02 of the Revised Code, 151492
whichever comes first. If the unpaid portion of the assessment 151493
is certified to the attorney general for collection, the entire 151494
unpaid portion of the assessment shall bear interest at the rate 151495
per annum prescribed by section 5703.47 of the Revised Code from 151496
the date of certification until the date it is paid in its 151497
entirety. Interest shall be paid in the same manner as the tax 151498
and may be collected by the issuance of an assessment under this 151499
section. 151500

(D) If the tax commissioner believes that collection of 151501
the tax will be jeopardized unless proceedings to collect or 151502
secure collection of the tax are instituted without delay, the 151503
commissioner may issue a jeopardy assessment against the person 151504
liable for the tax. Immediately upon the issuance of the 151505
jeopardy assessment, the commissioner shall file an entry with 151506
the clerk of the court of common pleas in the manner prescribed 151507
by division (C) of this section. Notice of the jeopardy 151508
assessment shall be served on the person assessed or the 151509
person's authorized agent in the manner provided in section 151510
5703.37 of the Revised Code within five days of the filing of 151511
the entry with the clerk. The total amount assessed is 151512
immediately due and payable, unless the person assessed files a 151513
petition for reassessment in accordance with division (B) of 151514
this section and provides security in a form satisfactory to the 151515
commissioner and in an amount sufficient to satisfy the unpaid 151516
balance of the assessment. Full or partial payment of the 151517
assessment does not prejudice the commissioner's consideration 151518
of the petition for reassessment. 151519

(E) The tax commissioner shall immediately forward to the 151520
treasurer of state all amounts the commissioner receives under 151521

this section, and such amounts shall be considered as revenue 151522
arising from the tax imposed under this chapter. 151523

(F) Except as otherwise provided in this division, no 151524
assessment shall be made or issued against a taxpayer for the 151525
tax imposed under this chapter more than four years after the 151526
due date for the filing of the return for the tax period for 151527
which the tax was reported, or more than four years after the 151528
return for the tax period was filed, whichever is later. The 151529
time limit may be extended if both the taxpayer and the 151530
commissioner consent in writing to the extension or enter into 151531
an agreement waiving or extending the time limit. Any such 151532
extension shall extend the four-year time limit in division (A) 151533
of section 5751.08 of the Revised Code for the same period of 151534
time. Nothing in this division bars an assessment against a 151535
taxpayer that fails to file a return required by this chapter or 151536
that files a fraudulent return. 151537

(G) If the tax commissioner possesses information that 151538
indicates that the amount of tax a taxpayer is required to pay 151539
under this chapter exceeds the amount the taxpayer paid, the tax 151540
commissioner may audit a sample of the taxpayer's gross receipts 151541
over a representative period of time to ascertain the amount of 151542
tax due, and may issue an assessment based on the audit. The tax 151543
commissioner shall make a good faith effort to reach agreement 151544
with the taxpayer in selecting a representative sample. The tax 151545
commissioner may apply a sampling method only if the 151546
commissioner has prescribed the method by rule. 151547

(H) If the whereabouts of a person subject to this chapter 151548
is not known to the tax commissioner, the commissioner shall 151549
follow the procedures under section 5703.37 of the Revised Code. 151550

Sec. 5751.53. (A) As used in this section: 151551

- (1) "Net income" and "taxable year" have the same meanings
as in section 5733.04 of the Revised Code.
- (2) "Franchise tax year" means "tax year" as defined in
section 5733.04 of the Revised Code.
- (3) "Deductible temporary differences" and "taxable
temporary differences" have the same meanings as those terms
have for purposes of paragraph 13 of the statement of financial
accounting standards, number 109.
- (4) "Qualifying taxpayer" means a taxpayer under this
chapter that has a qualifying Ohio net operating loss
carryforward equal to or greater than the qualifying amount.
- (5) "Qualifying Ohio net operating loss carryforward"
means an Ohio net operating loss carryforward that the taxpayer
could deduct in whole or in part for franchise tax year 2006
under section 5733.04 of the Revised Code but for the
application of division (H) of this section. A qualifying Ohio
net operating loss carryforward shall not exceed the amount of
loss carryforward from franchise tax year 2005 as reported by
the taxpayer either on a franchise tax report for franchise tax
year 2005 pursuant to section 5733.02 of the Revised Code or on
an amended franchise tax report prepared in good faith for such
year and filed before July 1, 2006.
- (6) "Disallowed Ohio net operating loss carryforward"
means the lesser of the amounts described in division (A) (6) (a)
or (b) of this section, but the amounts described in divisions
(A) (6) (a) and (b) of this section shall each be reduced by the
qualifying amount.
- (a) The qualifying taxpayer's qualifying Ohio net
operating loss carryforward;

(b) The Ohio net operating loss carryforward amount that 151581
the qualifying taxpayer used to compute the related deferred tax 151582
asset reflected on its books and records on the last day of its 151583
taxable year ending in 2004, adjusted for return to accrual, but 151584
this amount shall be reduced by the qualifying related valuation 151585
allowance amount. For the purposes of this section, the 151586
"qualifying related valuation allowance amount" is the amount of 151587
Ohio net operating loss reflected in the qualifying taxpayer's 151588
computation of the valuation allowance account, as shown on its 151589
books and records on the last day of its taxable year ending in 151590
2004, with respect to the deferred tax asset relating to its 151591
Ohio net operating loss carryforward amount. 151592

(7) "Other net deferred tax items apportioned to this 151593
state" is the product of (a) the amount of other net deferred 151594
tax items and (b) the fraction described in division (B)(2) of 151595
section 5733.05 for the qualifying taxpayer's franchise tax year 151596
2005. 151597

(8) (a) Subject to divisions (A)(8)(b) to (d) of this 151598
section, the "amount of other net deferred tax items" is the 151599
difference between (i) the qualifying taxpayer's deductible 151600
temporary differences, net of related valuation allowance 151601
amounts, shown on the qualifying taxpayer's books and records on 151602
the last day of its taxable year ending in 2004, and (ii) the 151603
qualifying taxpayer's taxable temporary differences as shown on 151604
those books and records on that date. The amount of other net 151605
deferred tax items may be less than zero. 151606

(b) For the purposes of computing the amount of the 151607
qualifying taxpayer's other net deferred tax items described in 151608
division (A)(8)(a) of this section, any credit carryforward 151609
allowed under Chapter 5733. of the Revised Code shall be 151610

excluded from the amount of deductible temporary differences to 151611
the extent such credit carryforward amount, net of any related 151612
valuation allowance amount, is otherwise included in the 151613
qualifying taxpayer's deductible temporary differences, net of 151614
related valuation allowance amounts, shown on the qualifying 151615
taxpayer's books and records on the last day of the qualifying 151616
taxpayer's taxable year ending in 2004. 151617

(c) No portion of the disallowed Ohio net operating loss 151618
carryforward shall be included in the computation of the amount 151619
of the qualifying taxpayer's other net deferred tax items 151620
described in division (A) (8) (a) of this section. 151621

(d) In no event shall the amount of other net deferred tax 151622
items apportioned to this state exceed twenty-five per cent of 151623
the qualifying Ohio net operating loss carryforward. 151624

(9) "Amortizable amount" means: 151625

(a) If the qualifying taxpayer's other net deferred tax 151626
items apportioned to this state is equal to or greater than 151627
zero, eight per cent of the sum of the qualifying taxpayer's 151628
disallowed Ohio net operating loss carryforward and the 151629
qualifying taxpayer's other net deferred tax items apportioned 151630
to this state; 151631

(b) If the amount of the qualifying taxpayer's other net 151632
deferred tax items apportioned to this state is less than zero 151633
and if the absolute value of the amount of qualifying taxpayer's 151634
other net deferred tax items apportioned to this state is less 151635
than the qualifying taxpayer's disallowed net operating loss, 151636
eight per cent of the difference between the qualifying 151637
taxpayer's disallowed net operating loss carryforward and the 151638
absolute value of the qualifying taxpayer's other net deferred 151639

tax items apportioned to this state; 151640

(c) If the amount of the qualifying taxpayer's other net 151641
deferred tax items apportioned to this state is less than zero 151642
and if the absolute value of the amount of qualifying taxpayer's 151643
other net deferred tax items apportioned to this state is equal 151644
to or greater than the qualifying taxpayer's disallowed net 151645
operating loss, zero. 151646

(10) "Books and records" means the qualifying taxpayer's 151647
books, records, and all other information, all of which the 151648
qualifying taxpayer maintains and uses to prepare and issue its 151649
financial statements in accordance with generally accepted 151650
accounting principles. 151651

(11) (a) Except as modified by division (A) (11) (b) of this 151652
section, "qualifying amount" means fifty million dollars per 151653
person. 151654

(b) If for franchise tax year 2005 the person was a member 151655
of a combined franchise tax report, as provided by section 151656
5733.052 of the Revised Code, the "qualifying amount" is, in the 151657
aggregate, fifty million dollars for all members of that 151658
combined franchise tax report, and for purposes of divisions (A) 151659
(6) (a) and (b) of this section, those members shall allocate to 151660
each member any portion of the fifty million dollar amount. The 151661
total amount allocated to the members who are qualifying 151662
taxpayers shall equal fifty million dollars. 151663

(B) For each calendar period beginning prior to January 1, 151664
2030, there is hereby allowed a nonrefundable tax credit against 151665
the tax levied each year by this chapter on each qualifying 151666
taxpayer, on each consolidated elected taxpayer having one or 151667
more qualifying taxpayers as a member, and on each combined 151668

taxpayer having one or more qualifying taxpayers as a member. 151669
The credit shall be claimed in the order specified in section 151670
5751.98 of the Revised Code and is allowed only to reduce the 151671
first one-half of any tax remaining after allowance of the 151672
credits that precede it in section 5751.98 of the Revised Code. 151673
No credit under division (B) of this section shall be allowed 151674
against the second one-half of such remaining tax. 151675

Except as otherwise limited by divisions (C) and (D) of 151676
this section, the maximum amount of the nonrefundable credit 151677
that may be used against the first one-half of the remaining tax 151678
for each calendar year is as follows: 151679

(1) For calendar year 2010, ten per cent of the 151680
amortizable amount; 151681

(2) For calendar year 2011, twenty per cent of the 151682
amortizable amount, less all amounts previously used; 151683

(3) For calendar year 2012, thirty per cent of the 151684
amortizable amount, less all amounts previously used; 151685

(4) For calendar year 2013, forty per cent of the 151686
amortizable amount, less all amounts previously used; 151687

(5) For calendar year 2014, fifty per cent of the 151688
amortizable amount, less all amounts previously used; 151689

(6) For calendar year 2015, sixty per cent of the 151690
amortizable amount, less all amounts previously used; 151691

(7) For calendar year 2016, seventy per cent of the 151692
amortizable amount, less all amounts previously used; 151693

(8) For calendar year 2017, eighty per cent of the 151694
amortizable amount, less all amounts previously used; 151695

(9) For calendar year 2018, ninety per cent of the 151696
amortizable amount, less all amounts previously used; 151697

(10) For each of calendar years 2019 through 2029, one 151698
hundred per cent of the amortizable amount, less all amounts 151699
used in all previous years. 151700

In no event shall the cumulative credit ~~used for calendar~~ 151701
~~years 2010 through 2029~~ claimed under this section exceed one 151702
hundred per cent of the amortizable amount. 151703

~~(C) (1) Except as otherwise set forth in division (C) (2) of~~ 151704
~~this section~~ (C) For tax periods beginning January 1, 2030, and 151705
thereafter, a refundable-nonrefundable credit is allowed in 151706
~~calendar year 2030~~ for any portion of the qualifying taxpayer's 151707
amortizable amount that is not used in accordance with division 151708
(B) of this section against the tax levied by this chapter on 151709
all taxpayers. The credit shall be claimed in the order 151710
prescribed in section 5751.98 of the Revised Code and shall not 151711
exceed the tax due after allowance of any other credits that 151712
precede it in that order. The balance of the qualifying 151713
taxpayer's amortizable amount may be carried forward until fully 151714
used, provided that the amount of the credit claimed against the 151715
tax for any tax period shall be deducted from the balance 151716
carried forward to the next period. 151717

~~(2) Division (C) (1) of this section shall not apply and no~~ 151718
~~refundable credit shall be available to any person if during any~~ 151719
~~portion of the calendar year 2030 the person is not subject to~~ 151720
~~the tax imposed by this chapter.~~ 151721

(D) Not later than June 30, 2006, each qualifying 151722
taxpayer, consolidated elected taxpayer, or combined taxpayer 151723
that will claim for any year the credit allowed in divisions (B) 151724

and (C) of this section shall file with the tax commissioner a 151725
report setting forth the amortizable amount available to such 151726
taxpayer and all other related information that the 151727
commissioner, by rule, requires. If the taxpayer does not timely 151728
file the report or fails to provide timely all information 151729
required by this division, the taxpayer is precluded from 151730
claiming any credit amounts described in divisions (B) and (C) 151731
of this section. Unless extended by mutual consent, the tax 151732
commissioner may, until June 30, 2010, audit the accuracy of the 151733
amortizable amount available to each taxpayer that will claim 151734
the credit, and adjust the amortizable amount or, if 151735
appropriate, issue any assessment or final determination, as 151736
applicable, necessary to correct any errors found upon audit. 151737

(E) For the purpose of calculating the amortizable amount, 151738
if the tax commissioner ascertains that any portion of that 151739
amount is the result of a sham transaction as described in 151740
section 5703.56 of the Revised Code, the commissioner shall 151741
reduce the amortizable amount by two times the adjustment. 151742

(F) If one entity transfers all or a portion of its assets 151743
and equity to another entity as part of an entity organization 151744
or reorganization or subsequent entity organization or 151745
reorganization for which no gain or loss is recognized in whole 151746
or in part for federal income tax purposes under the Internal 151747
Revenue Code, the credits allowed by this section shall be 151748
computed in a manner consistent with that used to compute the 151749
portion, if any, of federal net operating losses allowed to the 151750
respective entities under the Internal Revenue Code. The tax 151751
commissioner may prescribe forms or rules for making the 151752
computations required by this division. 151753

(G) (1) Except as provided in division (F) of this section, 151754

no person shall pledge, collateralize, hypothecate, assign, 151755
convey, sell, exchange, or otherwise dispose of any or all tax 151756
credits, or any portion of any or all tax credits allowed under 151757
this section. 151758

(2) No credit allowed under this section is subject to 151759
execution, attachment, lien, levy, or other judicial proceeding. 151760

(H) (1) (a) Except as set forth in division (H) (1) (b) of 151761
this section and notwithstanding division (I) (1) of section 151762
5733.04 of the Revised Code to the contrary, each person timely 151763
and fully complying with the reporting requirements set forth in 151764
division (D) of this section shall not claim, and shall not be 151765
entitled to claim, any deduction or adjustment for any Ohio net 151766
operating loss carried forward to any one or more franchise tax 151767
years after franchise tax year 2005. 151768

(b) Division (H) (1) (a) of this section applies only to the 151769
portion of the Ohio net operating loss represented by the 151770
disallowed Ohio net operating loss carryforward. 151771

(2) Notwithstanding division (I) of section 5733.04 of the 151772
Revised Code to the contrary, with respect to all franchise tax 151773
years after franchise tax year 2005, each person timely and 151774
fully complying with the reporting requirements set forth in 151775
division (D) of this section shall not claim, and shall not be 151776
entitled to claim, any deduction, exclusion, or adjustment with 151777
respect to deductible temporary differences reflected on the 151778
person's books and records on the last day of its taxable year 151779
ending in 2004. 151780

(3) (a) Except as set forth in division (H) (3) (b) of this 151781
section and notwithstanding division (I) of section 5733.04 of 151782
the Revised Code to the contrary, with respect to all franchise 151783

tax years after franchise tax year 2005, each person timely and 151784
fully complying with the reporting requirements set forth in 151785
division (D) of this section shall exclude from Ohio net income 151786
all taxable temporary differences reflected on the person's 151787
books and records on the last day of its taxable year ending in 151788
2004. 151789

(b) In no event shall the exclusion provided by division 151790
(H) (3) (a) of this section for any franchise tax year exceed the 151791
amount of the taxable temporary differences otherwise included 151792
in Ohio net income for that year. 151793

(4) Divisions (H) (2) and (3) of this section shall apply 151794
only to the extent such items were used in the calculations of 151795
the credit provided by this section. 151796

Sec. 5751.98. (A) To provide a uniform procedure for 151797
calculating the amount of tax due under this chapter, a taxpayer 151798
shall claim any credits to which it is entitled in the following 151799
order: 151800

The nonrefundable jobs retention credit under division (B) 151801
of section 5751.50 of the Revised Code; 151802

The nonrefundable credit for qualified research expenses 151803
under division (B) of section 5751.51 of the Revised Code; 151804

The nonrefundable credit for a borrower's qualified 151805
research and development loan payments under division (B) of 151806
section 5751.52 of the Revised Code; 151807

The nonrefundable credit for ~~calendar years 2010 to 2029~~ 151808
~~for~~ unused net operating losses under ~~division (B) of~~ section 151809
5751.53 of the Revised Code; 151810

The refundable motion picture and Broadway theatrical 151811

production credit under section 5751.54 of the Revised Code; 151812

~~The refundable credit for film and theater capital~~ 151813
~~improvement projects under section 5751.55 of the Revised Code;~~ 151814

The refundable jobs creation credit or job retention 151815
credit under division (A) of section 5751.50 of the Revised 151816
Code;— 151817

~~The refundable credit for calendar year 2030 for unused~~ 151818
~~net operating losses under division (C) of section 5751.53 of~~ 151819
~~the Revised Code.~~ 151820

(B) For any credit except the refundable credits 151821
enumerated in this section, the amount of the credit for a tax 151822
period shall not exceed the tax due after allowing for any other 151823
credit that precedes it in the order required under this 151824
section. Any excess amount of a particular credit may be carried 151825
forward if authorized under the section creating the credit. 151826

Sec. 5753.031. (A) For the purpose of receiving and 151827
distributing, and accounting for, revenue received from the tax 151828
levied by section 5753.021 of the Revised Code and from fines 151829
imposed under Chapter 3775. of the Revised Code, the following 151830
funds are created in the state treasury: 151831

(1) The sports gaming revenue fund; 151832

(2) The sports gaming tax administration fund, which the 151833
tax commissioner shall use to defray the costs incurred in 151834
administering the tax levied by section 5753.021 of the Revised 151835
Code; 151836

(3) The sports gaming profits education fund, which shall 151837
be used for the support of public and nonpublic education for 151838
students in grades kindergarten through twelve as determined in 151839

appropriations made by the general assembly. 151840

(4) The problem sports gaming fund. 151841

(B) (1) All of the following shall be deposited into the 151842
sports gaming revenue fund: 151843

(a) All money collected from the tax levied under section 151844
5753.021 of the Revised Code; 151845

(b) The remainder of the fees described in division (G) (2) 151846
of section 3775.02 of the Revised Code, after the Ohio casino 151847
control commission deposits the required amount in the sports 151848
gaming profits veterans fund under that division; 151849

(c) Unclaimed winnings collected under division (F) of 151850
section 3775.10 of the Revised Code; 151851

(d) Any fines collected under Chapter 3775. of the Revised 151852
Code. 151853

(2) All other fees collected under Chapter 3775. of the 151854
Revised Code shall be deposited into the casino control 151855
commission fund created under section 5753.03 of the Revised 151856
Code. 151857

(C) (1) From the sports gaming revenue fund, the director 151858
of budget and management shall transfer as needed to the tax 151859
refund fund amounts equal to the refunds certified by the tax 151860
commissioner under section 5753.06 of the Revised Code and 151861
attributable to the tax levied under section 5753.021 of the 151862
Revised Code. 151863

(2) Not later than the fifteenth day of each month, the 151864
director of budget and management shall transfer from the sports 151865
gaming revenue fund to the sports gaming tax administration fund 151866
the amount necessary to reimburse the department of taxation's 151867

actual expenses incurred in administering the tax levied under 151868
section 5753.021 of the Revised Code. 151869

(3) Of the amount in the sports gaming revenue fund 151870
remaining after making the transfers required by divisions (C) 151871
(1) and (2) of this section, the director of budget and 151872
management shall transfer, on or before the fifteenth day of the 151873
month following the end of each calendar quarter, amounts to 151874
each fund as follows: 151875

(a) Ninety-eight per cent to the sports gaming profits 151876
education fund; 151877

(b) Two per cent to the problem sports gaming fund. 151878

(D) ~~All interest~~ Interest generated by the following funds 151879
created under this section shall be credited back to them: 151880

(1) The sports gaming revenue fund; 151881

(2) The sports gaming tax administration fund; 151882

(3) The problem sports gaming fund. 151883

Sec. 5753.07. (A) (1) The tax commissioner may issue an 151884
assessment, based on any information in the tax commissioner's 151885
possession, against a taxpayer who fails to pay the tax levied 151886
under section 5753.02 or 5753.021 of the Revised Code or to file 151887
a return under section 5753.04 of the Revised Code. The tax 151888
commissioner shall give the taxpayer written notice of the 151889
assessment under section 5703.37 of the Revised Code. With the 151890
notice, the tax commissioner shall include instructions on how 151891
to petition for reassessment and on how to request a hearing 151892
with respect to the petition. 151893

(2) Unless the taxpayer, within sixty days after service 151894
of the notice of assessment, files with the tax commissioner, 151895

~~either personally or by certified mail,~~ a written petition 151896
signed by the taxpayer, or by the taxpayer's authorized agent 151897
who has knowledge of the facts, the assessment becomes final, 151898
and the amount of the assessment is due and payable from the 151899
taxpayer to the treasurer of state. The petition shall indicate 151900
the taxpayer's objections to the assessment. Additional 151901
objections may be raised in writing if they are received by the 151902
tax commissioner before the date shown on the final 151903
determination. 151904

(3) If a petition for reassessment has been properly 151905
filed, the tax commissioner shall proceed under section 5703.60 151906
of the Revised Code. 151907

(4) After an assessment becomes final, if any portion of 151908
the assessment, including penalties and accrued interest, 151909
remains unpaid, the tax commissioner may file a certified copy 151910
of the entry making the assessment final in the office of the 151911
clerk of the court of common pleas of Franklin county or in the 151912
office of the clerk of the court of common pleas of the county 151913
in which the taxpayer resides, the taxpayer's casino facility or 151914
sports gaming facility is located, or the taxpayer's principal 151915
place of business in this state is located. Immediately upon the 151916
filing of the entry, the clerk shall enter a judgment for the 151917
state against the taxpayer assessed in the amount shown on the 151918
entry. The judgment may be filed by the clerk in a loose-leaf 151919
book entitled, "special judgments for the gross casino revenue 151920
tax and sports gaming receipts tax." The judgment has the same 151921
effect as other judgments. Execution shall issue upon the 151922
judgment at the request of the tax commissioner, and all laws 151923
applicable to sales on execution apply to sales made under the 151924
judgment. 151925

(5) If the assessment is not paid in its entirety within 151926
sixty days after the day the assessment was issued, the portion 151927
of the assessment consisting of tax due shall bear interest at 151928
the rate per annum prescribed by section 5703.47 of the Revised 151929
Code from the day the tax commissioner issued the assessment 151930
until the assessment is paid or until it is certified to the 151931
attorney general for collection under section 131.02 of the 151932
Revised Code, whichever comes first. If the unpaid portion of 151933
the assessment is certified to the attorney general for 151934
collection, the entire unpaid portion of the assessment shall 151935
bear interest at the rate per annum prescribed by section 151936
5703.47 of the Revised Code from the date of certification until 151937
the date it is paid in its entirety. Interest shall be paid in 151938
the same manner as the tax levied under section 5753.02 or 151939
5753.021 of the Revised Code, as applicable, and may be 151940
collected by the issuance of an assessment under this section. 151941

(B) If the tax commissioner believes that collection of 151942
the tax levied under section 5753.02 or 5753.021 of the Revised 151943
Code will be jeopardized unless proceedings to collect or secure 151944
collection of the tax are instituted without delay, the 151945
commissioner may issue a jeopardy assessment against the 151946
taxpayer that is liable for the tax. Immediately upon the 151947
issuance of a jeopardy assessment, the tax commissioner shall 151948
file an entry with the clerk of the court of common pleas in the 151949
manner prescribed by division (A)(4) of this section, and the 151950
clerk shall proceed as directed in that division. Notice of the 151951
jeopardy assessment shall be served on the taxpayer or the 151952
taxpayer's authorized agent under section 5703.37 of the Revised 151953
Code within five days after the filing of the entry with the 151954
clerk. The total amount assessed is immediately due and payable, 151955
unless the taxpayer assessed files a petition for reassessment 151956

under division (A) (2) of this section and provides security in a 151957
form satisfactory to the tax commissioner that is in an amount 151958
sufficient to satisfy the unpaid balance of the assessment. If a 151959
petition for reassessment has been filed, and if satisfactory 151960
security has been provided, the tax commissioner shall proceed 151961
under division (A) (3) of this section. Full or partial payment 151962
of the assessment does not prejudice the tax commissioner's 151963
consideration of the petition for reassessment. 151964

(C) The tax commissioner shall immediately forward to the 151965
treasurer of state all amounts the tax commissioner receives 151966
under this section, and the amounts forwarded shall be treated 151967
as if they were revenue arising from the tax levied under 151968
section 5753.02 or 5753.021 of the Revised Code, as applicable. 151969

(D) Except as otherwise provided in this division, no 151970
assessment shall be issued against a taxpayer for the tax levied 151971
under section 5753.02 or 5753.021 of the Revised Code more than 151972
four years after the due date for filing the return for the tax 151973
period for which the tax was reported, or more than four years 151974
after the return for the tax period was filed, whichever is 151975
later. This division does not bar an assessment against a 151976
taxpayer who fails to file a return as required by section 151977
5753.04 of the Revised Code or who files a fraudulent return, or 151978
when the taxpayer and the tax commissioner waive in writing the 151979
time limitation. 151980

(E) If the tax commissioner possesses information that 151981
indicates that the amount of tax a taxpayer is liable to pay 151982
under section 5753.02 or 5753.021 of the Revised Code exceeds 151983
the amount the taxpayer paid, the tax commissioner may audit a 151984
sample of the taxpayer's gross casino revenue or sports gaming 151985
receipts, as applicable, over a representative period of time to 151986

ascertain the amount of tax due, and may issue an assessment 151987
based on the audit. The tax commissioner shall make a good faith 151988
effort to reach agreement with the taxpayer in selecting a 151989
representative sample. The tax commissioner may apply a sampling 151990
method only if the tax commissioner has prescribed the method by 151991
rule. 151992

(F) If the whereabouts of a taxpayer who is liable for the 151993
tax levied under section 5753.02 or 5753.021 of the Revised Code 151994
are unknown to the tax commissioner, the tax commissioner shall 151995
proceed under section 5703.37 of the Revised Code. 151996

Sec. 5907.11. ~~(A)~~ The superintendent of the Ohio veterans' 151997
homes, with the approval of the director of veterans services, 151998
may establish a local fund for each veterans' home to be used 151999
for the entertainment and welfare of the residents of the home. 152000
Each fund shall be designated as the residents' benefit fund and 152001
shall be operated for the exclusive benefit of the residents of 152002
the associated home. Each fund shall receive all revenue from 152003
the sale of commissary items at the associated home and shall 152004
receive all moneys received as donations by the associated home 152005
from any source. 152006

~~(B) The superintendent, subject to the approval of the~~ 152007
~~director, shall establish rules for the operation of the~~ 152008
~~residents' benefit funds.~~ 152009

Sec. 5907.17. (A) As used in this section, 152010
~~"physician" "clinician" means an individual authorized under~~ 152011
~~Chapter 4731. of the Revised Code to practice medicine and~~ 152012
~~surgery or osteopathic medicine and surgery~~ any of the following: 152013

(1) An advanced practice registered nurse, licensed 152014
practical nurse, physician, physician's assistant, or registered 152015

nurse as defined in section 4723.01 of the Revised Code; 152016

(2) An individual registered in the state nurse aide 152017
registry pursuant to section 3721.32 of the Revised Code; 152018

(3) Any Ohio veterans' home employee who is a licensed 152019
medical professional in this state and is not exempt from a 152020
student loan repayment program under a union contract or other 152021
law. 152022

(B) The department of veterans services may establish a 152023
~~physician-clinician~~ recruitment program under which the 152024
department agrees to repay all or part of the principal and 152025
interest of a governmental or other educational loan incurred by 152026
a ~~physician-clinician~~ who agrees to provide services to 152027
institutions under the department's administration. 152028

(C) A ~~physician-clinician~~ is eligible to participate in 152029
the recruitment program if the ~~physician attended a medical or~~ 152030
~~osteopathic medical school that was, at the time of attendance,~~ 152031
~~either located in the United States and accredited by the~~ 152032
~~liaison committee on medical education or the American~~ 152033
~~osteopathic association or located outside the United States and~~ 152034
~~acknowledged by the world health organization and verified by a~~ 152035
~~member state of that organization as operating within that~~ 152036
~~state's jurisdiction~~clinician meets all of the following 152037
requirements: 152038

(1) The clinician is licensed in this state by the 152039
appropriate licensing authority and works in that discipline at 152040
an Ohio veterans' home; 152041

(2) The clinician has worked at an Ohio veterans' home for 152042
at least one year; 152043

(3) The clinician has not been subject to formal 152044

discipline while employed by an Ohio veterans' home; 152045

(4) The clinician provides evidence sufficient for the 152046
director of veterans services, or the director's designee, to 152047
determine that the clinician attended a school or medical 152048
program accredited by a national or regional accrediting 152049
organization; 152050

(5) The clinician agrees to the contract terms subject to 152051
division (D) of this section and any rules adopted under 152052
division (E) of this section. 152053

(D) The department and each ~~physician-clinician~~ it 152054
recruits shall enter into a contract that includes all of the 152055
following terms: 152056

(1) The ~~physician-clinician~~ agrees to maintain appropriate 152057
licensure and provide a specified scope of ~~medical or~~ 152058
~~osteopathic medical health care~~ services for a specified number 152059
of hours per week and for a specified number of years of one or 152060
more years to ~~patients-residents of one or more specified~~ 152061
~~institutions administered by the department~~the Ohio veterans' 152062
homes. 152063

(2) The department agrees to repay all or a specified 152064
portion of the principal and interest of a governmental or other 152065
educational loan taken by the ~~physician-clinician~~ for the 152066
following expenses if the ~~physician-clinician~~ meets the service 152067
obligation agreed to and the expenses were incurred while the 152068
~~physician-clinician~~ was enrolled in, for up to a maximum of four 152069
years, a school or medical program accredited by a national or 152070
regional accrediting organization~~that qualifies the physician to~~ 152071
~~participate in the program:~~ 152072

(a) Tuition; 152073

(b) Other educational expenses for specific purposes, 152074
including fees, books, and laboratory expenses, in amounts 152075
determined to be reasonable in accordance with rules adopted 152076
under division (E) of this section; 152077

(c) Room and board, in an amount determined to be 152078
reasonable in accordance with rules adopted under division (E) 152079
of this section. 152080

(3) The ~~physician-clinician~~ agrees to pay the department a 152081
specified amount, which shall be not less than the amount 152082
already paid by the department pursuant to its agreement, as 152083
damages if the ~~physician-clinician~~ fails to complete the service 152084
obligation agreed to or fails to comply with other specified 152085
terms of the contract. The contract may vary the amount of 152086
damages based on the portion of the ~~physician's-clinician's~~ 152087
service obligation that remains uncompleted as determined by the 152088
department. 152089

(4) Other terms agreed upon by the parties. 152090

(E) The department shall adopt rules under Chapter 119. of 152091
the Revised Code that establish all of the following: 152092

(1) Criteria for designating institutions for which 152093
~~physicians-clinicians~~ will be recruited; 152094

(2) Criteria for selecting ~~physicians-clinicians~~ for 152095
participation in the program; 152096

(3) Criteria for determining the portion of a ~~physician's-~~ 152097
clinician's loan that the department will agree to repay; 152098

(4) Criteria for determining reasonable amounts of the 152099
expenses described in divisions (D) (2) (b) and (c) of this 152100
section; 152101

(5) Procedures for monitoring compliance by ~~physicians~~
clinicians with the terms of their contracts; and

(6) Any other criteria or procedures necessary to
implement the program.

(F) The director or the director's designee may allocate
funds among clinicians recruited under the program for any
purpose the director or director's designee considers necessary
to best serve clinician staffing needs, including department
eligibility for benefits from incentive programs from federal or
other entities, in consideration of maximizing the overall
benefit to the Ohio veterans' homes.

Sec. 5923.30. Whenever it is ascertained by the adjutant
general ~~or the auditor of state~~ that any officer of the
organized militia is unable to properly account for the property
or moneys in ~~his~~ the officer's possession ~~he~~, the adjutant
general shall give immediate notice thereof to the attorney
general for action against such officer and ~~his bondsmen~~ the
officer's bonder, and the attorney general shall bring such
action.

Sec. 6101.53. To maintain, operate, and preserve the
reservoirs, ditches, drains, dams, levies, canals, sewers,
pumping stations, treatment and disposal works, or other
properties or improvements acquired or made pursuant to this
chapter, to strengthen, repair, and restore the same, when
needed, and to defray the current expenses of the conservancy
district, the board of directors of the district may, upon the
substantial completion of the improvements and on or before the
thirtieth day of September in each year thereafter, levy an
assessment upon each tract or parcel of land and upon each
public corporation within the district, subject to assessments

under this chapter, to be known as a conservancy maintenance 152132
assessment. No assessment shall be made with respect to works 152133
and improvements acquired or constructed for the purpose of 152134
providing a water supply for domestic, industrial, and public 152135
use within the district, when the water supply can be metered or 152136
measured when furnished to persons or public corporations. If 152137
the district, for the benefit of one or more persons or 152138
political subdivisions, provides a water supply that recharges 152139
underground aquifers and thereby replenishes wells or provides a 152140
source of water for new wells, or increases the natural low flow 152141
of a stream used for water supply, or creates an impoundment, in 152142
such a way that the augmented use of water cannot be metered or 152143
measured for individual or public consumption, the board may 152144
make a maintenance assessment against benefited property and 152145
public corporations in the same manner provided in this section 152146
for maintenance of other properties or improvements. 152147

The maintenance assessment shall be apportioned upon the 152148
basis of the total appraisal of benefits accruing for original 152149
and subsequent construction, shall not exceed one per cent of 152150
the total appraisal of benefits in any one year unless the court 152151
by its order authorizes an assessment of a larger percentage, 152152
~~shall not be less than two dollars,~~ and shall be certified to 152153
the county auditor of each county in which lands of the district 152154
are located in the conservancy assessment record but in a 152155
separate column in like manner and at the same time as the 152156
annual installment of the assessment levied under section 152157
6101.48 of the Revised Code is certified, under the heading 152158
maintenance assessment. The auditor shall certify the same to 152159
the county treasurer of the county at the same time that the 152160
auditor certifies the annual installment of the assessments 152161
levied under that section, and the sum of the levies for any 152162

tract or public corporation may be certified as a single item. 152163
The treasurer shall demand and collect the maintenance 152164
assessment and make return of it, and shall be liable for the 152165
same penalties for failure to do so as are provided for the 152166
annual installment of the assessment levied under section 152167
6101.48 of the Revised Code. 152168

The amount of the maintenance assessment paid by any 152169
parcel of land or public corporation shall not be credited 152170
against the benefits assessed against the parcel of land or 152171
public corporation, but the maintenance assessment shall be in 152172
addition to any assessment that has been or can be levied under 152173
section 6101.48 of the Revised Code. 152174

To maintain, operate, and preserve the works and 152175
improvements of the district acquired or constructed for the 152176
purpose of providing a water supply, to strengthen, repair, and 152177
restore the same, and to defray the current expenses of the 152178
district for this purpose, the board may impose rates for the 152179
sale of water to public corporations and persons within the 152180
district. The rates to be charged for the water shall be fixed 152181
and adjusted by the board at intervals of not less than one 152182
year, so that the income thus produced will be adequate to 152183
provide a maintenance fund for the purpose of water supply. 152184
Contracts for supplying water to public corporations and persons 152185
shall be entered into before the service is rendered by the 152186
district. Contracts shall specify the maximum quantity of water 152187
to be furnished to the public corporation or person, and the 152188
quantity shall be fixed so as equitably to distribute the 152189
supply. Preference shall be given to water supply furnished to 152190
public corporations for domestic and public uses. Bills for 152191
water supplied to public corporations shall be rendered at 152192
regular intervals and shall be payable from the waterworks fund 152193

of the public corporation or, if it is not sufficient, from the 152194
general fund. 152195

For tax years 2020 to 2024, qualifying real property, as 152196
defined in section 727.031 of the Revised Code, is exempt from 152197
special assessments levied under this section, provided no 152198
delinquent special assessments and related interest and 152199
penalties are levied or assessed against any property owned by 152200
the owner and operator of the qualifying real property for that 152201
tax year. 152202

Sec. 6101.54. Whenever the owners or representatives of 152203
twenty-five per cent or more of the acreage or value of the 152204
lands in a conservancy district or the board of directors of a 152205
conservancy district file a petition with the clerk of the court 152206
having jurisdiction in the original case, stating that there has 152207
been a material change in the values of the property in the 152208
district or additional benefits are being derived from the works 152209
and the improvements of the district since the last previous 152210
appraisal of benefits, and praying for a readjustment of the 152211
appraisal of benefits for the purpose of making a more equitable 152212
basis for the levy of the maintenance assessment under section 152213
6101.53 of the Revised Code, the clerk shall give notice of the 152214
filing and of a hearing of the petition by publication. 152215

Upon hearing of the petition, if the court finds there has 152216
been a material change in the values of property in the 152217
district, or that additional benefits are derived from the works 152218
and improvements of the district, or both, since the last 152219
previous appraisal of benefits, the court shall order that there 152220
be a readjustment of the appraisal of benefits for the purpose 152221
of providing a basis upon which to levy the maintenance 152222
assessment of the district. The court then shall direct the 152223

board of appraisers of the conservancy district to make the 152224
readjustment in the manner provided in this chapter, and the 152225
board shall make its report. The same proceedings shall be had 152226
on it, as nearly as may be, as are provided in this chapter for 152227
the appraisal of benefits accruing for original construction. In 152228
making the readjustment of the appraisal of benefits, the 152229
readjusted appraisal shall not be limited to the aggregate 152230
amount of or to the benefits or properties or persons listed in 152231
the original or any previous appraisal of benefits, and, after 152232
the making of the readjustment, the limitation of the annual 152233
maintenance assessment to one per cent of the total appraised 152234
benefits, ~~but not less than two dollars,~~ shall apply to the 152235
amount of the benefits as readjusted. There shall be no 152236
readjustment of benefits more often than once in six years. 152237

Sec. 6101.55. The board of directors of a conservancy 152238
district shall each year after the original assessment has been 152239
levied determine, order, and levy the annual levy, which shall 152240
include all assessments, or installments of assessments, 152241
together with interest, levied under this chapter, which become 152242
due in the ensuing year. The annual levy shall be due and be 152243
collected at the same time that state and county taxes are due 152244
and collected. After bonds have been sold, in the determination 152245
of an annual levy, the rate of interest upon the unpaid 152246
installments of an assessment shall be the rate borne by the 152247
bonds that have been issued and sold pursuant to the assessment. 152248
The annual levy shall be recorded in the conservancy assessment 152249
record, shall be signed and certified by the president of the 152250
board and by the secretary of the conservancy district not later 152251
than the thirtieth day of September each year, and shall 152252
thereafter become a permanent record in the office of the 152253
district. 152254

The certificate of the annual levy shall be substantially 152255
as set forth in section 6101.84 of the Revised Code. Then shall 152256
follow both of the following: 152257

(A) The descriptions of the property opposite the names of 152258
the owners; 152259

(B) The total amount of the annual levy on each piece of 152260
property and on each public corporation for the account of all 152261
funds and the amount of each item making up the total. 152262

The form of the annual levy portion of the conservancy 152263
assessment record as prescribed in this section may be modified 152264
with the approval of the ~~auditor of state~~court. The certificate 152265
of the annual levy and the annual levy portion of the 152266
conservancy assessment record shall be named " Assessment Record 152267
of _____ District, _____ County, Ohio." 152268

One copy of that part of the assessment record affecting 152269
lands and public corporations in any county shall be forwarded 152270
to the county auditor of that county. The auditor of each county 152271
shall set up as a charge upon the county treasurer the total 152272
amount of assessments levied as shown by the assessment record, 152273
and shall certify the record as other tax records to the county 152274
treasurer of the county. The treasurer shall collect the amount 152275
according to law. The assessment record shall be the treasurer's 152276
warrant and authority to demand and receive the assessments due 152277
in the county as found in the record. 152278

In the event of any failure of the board to determine and 152279
order an annual levy for the purpose of paying the interest and 152280
principal of any bonds pursuant to this chapter, the auditor of 152281
the county in which the lands and public corporations subject to 152282
the assessments are situated shall make and complete a levy of 152283

the special assessments necessary for the purpose against the 152284
lands and public corporations in the district, and each piece of 152285
property in that county against which benefits have been 152286
appraised. Any assessment so made and completed by the auditor 152287
shall be made and completed by the auditor in the manner 152288
provided for the making and completion of an assessment by the 152289
board, and shall have the same effect as a levy of assessments 152290
determined and ordered by the board. 152291

Sec. 6111.01. As used in this chapter: 152292

(A) "Pollution" means the placing of any sewage, sludge, 152293
sludge materials, industrial waste, or other wastes in any 152294
waters of the state. 152295

(B) "Sewage" means any liquid waste containing sludge, 152296
sludge materials, or animal or vegetable matter in suspension or 152297
solution, and may include household wastes as commonly 152298
discharged from residences and from commercial, institutional, 152299
or similar facilities. 152300

(C) "Industrial waste" means any liquid, gaseous, or solid 152301
waste substance resulting from any process of industry, 152302
manufacture, trade, or business, or from the development, 152303
processing, or recovery of any natural resource, together with 152304
such sewage as is present. 152305

(D) "Other wastes" means garbage, refuse, decayed wood, 152306
sawdust, shavings, bark, and other wood debris, lime, sand, 152307
ashes, offal, night soil, oil, tar, coal dust, dredged or fill 152308
material, or silt, other substances that are not sewage, sludge, 152309
sludge materials, or industrial waste, and any other 152310
"pollutants" or "toxic pollutants" as defined in the Federal 152311
Water Pollution Control Act that are not sewage, sludge, sludge 152312

materials, or industrial waste. 152313

(E) "Sewerage system" means pipelines or conduits, pumping 152314
stations, and force mains, and all other constructions, devices, 152315
appurtenances, and facilities used for collecting or conducting 152316
water-borne sewage, industrial waste, or other wastes to a point 152317
of disposal or treatment, but does not include plumbing 152318
fixtures, building drains and subdrains, building sewers, and 152319
building storm sewers. 152320

(F) "Treatment works" means any plant, disposal field, 152321
lagoon, dam, pumping station, building sewer connected directly 152322
to treatment works, incinerator, or other works used for the 152323
purpose of treating, stabilizing, blending, composting, or 152324
holding sewage, sludge, sludge materials, industrial waste, or 152325
other wastes, except as otherwise defined. 152326

(G) "Disposal system" means a system for disposing of 152327
sewage, sludge, sludge materials, industrial waste, or other 152328
wastes and includes sewerage systems and treatment works. 152329

(H) "Waters of the state" means all streams, lakes, ponds, 152330
marshes, watercourses, waterways, wells, springs, irrigation 152331
systems, drainage systems, and other bodies or accumulations of 152332
water, surface and underground, natural or artificial, 152333
regardless of the depth of the strata in which underground water 152334
is located, that are situated wholly or partly within, or border 152335
upon, this state, or are within its jurisdiction, except those 152336
private waters that do not combine or effect a junction with 152337
natural surface or underground waters. "Waters of the state" 152338
does not include an ephemeral feature for which the United 152339
States army corps of engineers lacks the authority to issue a 152340
permit under 33 U.S.C. 1344. 152341

(I) "Person" means the state, any municipal corporation, 152342
any other political subdivision of the state, any person as 152343
defined in section 1.59 of the Revised Code, any interstate body 152344
created by compact, or the federal government or any department, 152345
agency, or instrumentality thereof. 152346

(J) "Industrial water pollution control facility" means 152347
any disposal system or any treatment works, pretreatment works, 152348
appliance, equipment, machinery, pipeline or conduit, pumping 152349
station, force main, or installation constructed, used, or 152350
placed in operation primarily for the purpose of collecting or 152351
conducting industrial waste to a point of disposal or treatment; 152352
reducing, controlling, or eliminating water pollution caused by 152353
industrial waste; or reducing, controlling, or eliminating the 152354
discharge into a disposal system of industrial waste or what 152355
would be industrial waste if discharged into the waters of the 152356
state. 152357

(K) "Schedule of compliance" means a schedule of remedial 152358
measures including an enforceable sequence of actions or 152359
operations leading to compliance with standards and rules 152360
adopted under sections 6111.041 and 6111.042 of the Revised Code 152361
or compliance with terms and conditions of permits set under 152362
division (J) of section 6111.03 of the Revised Code. 152363

(L) "Federal Water Pollution Control Act" means the 152364
"Federal Water Pollution Control Act Amendments of 1972," 86 152365
Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act 152366
of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, and all other 152367
amendments to that act. 152368

(M) "Historically channelized watercourse" means the 152369
portion of a watercourse on which an improvement, as defined in 152370
divisions (C) (2) to (4) of section 6131.01 of the Revised Code, 152371

was constructed pursuant to Chapter 940., 6131., or 6133. of the Revised Code or a similar state law that preceded any of those chapters and authorized such an improvement.

(N) "Sludge" means sewage sludge and a solid, semi-solid, or liquid residue that is generated from an industrial wastewater treatment process and that is applied to land for agronomic benefit. "Sludge" does not include ash generated during the firing of sludge in a sludge incinerator, grit and screening generated during preliminary treatment of sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(O) "Sludge materials" means solid, semi-solid, or liquid materials derived from sludge and includes products from a treatment works that result from the treatment, blending, or composting of sludge.

(P) "Storage of sludge" means the placement of sludge on land on which the sludge remains for not longer than two years, but does not include the placement of sludge on land for treatment.

(Q) "Sludge disposal program" means any program used by an entity that begins with the generation of sludge and includes treatment or disposal of the sludge, as "treatment" and "disposal" are defined in division ~~(Y)~~(X) of section 3745.11 of the Revised Code.

(R) "Agronomic benefit" means any process that promotes or enhances plant growth and includes, but is not limited to, a process that increases soil fertility and moisture retention.

(S) "Sludge management" means the use, storage, treatment, or disposal of, and management practices related to, sludge and

sludge materials. 152401

(T) "Sludge management permit" means a permit for sludge 152402
management that is issued under division (J) of section 6111.03 152403
of the Revised Code. 152404

(U) "Sewage sludge" has the same meaning as in division 152405
~~(Y)~~ (X) of section 3745.11 of the Revised Code. 152406

(V) "Ephemeral feature" means surface water flowing or 152407
pooling only in direct response to precipitation, such as rain 152408
or snow. "Ephemeral feature" does not include a wetland, as 152409
defined in section 6111.02 of the Revised Code. 152410

Sec. 6111.04. (A) Both of the following apply except as 152411
otherwise provided in division (A) or (F) of this section: 152412

(1) No person shall cause pollution or place or cause to 152413
be placed any sewage, sludge, sludge materials, industrial 152414
waste, or other wastes in a location where they cause pollution 152415
of any waters of the state. 152416

(2) Such an action prohibited under division (A) (1) of 152417
this section is hereby declared to be a public nuisance. 152418

Divisions (A) (1) and (2) of this section do not apply if 152419
the person causing pollution or placing or causing to be placed 152420
wastes in a location in which they cause pollution of any waters 152421
of the state holds a valid, unexpired permit, or renewal of a 152422
permit, governing the causing or placement as provided in 152423
sections 6111.01 to 6111.08 of the Revised Code or if the 152424
person's application for renewal of such a permit is pending. 152425

(B) If the director of environmental protection 152426
administers a sludge management program pursuant to division (R) 152427
of section 6111.03 of the Revised Code, both of the following 152428

apply except as otherwise provided in division (B) or (F) of 152429
this section: 152430

(1) No person, in the course of sludge management, shall 152431
place on land located in the state or release into the air of 152432
the state any sludge or sludge materials. 152433

(2) An action prohibited under division (B) (1) of this 152434
section is hereby declared to be a public nuisance. 152435

Divisions (B) (1) and (2) of this section do not apply if 152436
the person placing or releasing the sludge or sludge materials 152437
holds a valid, unexpired permit, or renewal of a permit, 152438
governing the placement or release as provided in sections 152439
6111.01 to 6111.08 of the Revised Code or if the person's 152440
application for renewal of such a permit is pending. 152441

(C) No person to whom a permit has been issued shall place 152442
or discharge, or cause to be placed or discharged, in any waters 152443
of the state any sewage, sludge, sludge materials, industrial 152444
waste, or other wastes in excess of the permissive discharges 152445
specified under an existing permit without first receiving a 152446
permit from the director to do so. 152447

(D) No person to whom a sludge management permit has been 152448
issued shall place on the land or release into the air of the 152449
state any sludge or sludge materials in excess of the permissive 152450
amounts specified under the existing sludge management permit 152451
without first receiving a modification of the existing sludge 152452
management permit or a new sludge management permit to do so 152453
from the director. 152454

(E) The director may require the submission of plans, 152455
specifications, and other information that the director 152456
considers relevant in connection with the issuance of permits. 152457

(F) This section does not apply to any of the following: 152458

(1) Waters used in washing sand, gravel, other aggregates, 152459
or mineral products when the washing and the ultimate disposal 152460
of the water used in the washing, including any sewage, 152461
industrial waste, or other wastes contained in the waters, are 152462
entirely confined to the land under the control of the person 152463
engaged in the recovery and processing of the sand, gravel, 152464
other aggregates, or mineral products and do not result in the 152465
pollution of waters of the state; 152466

(2) Water, gas, or other material injected into a well to 152467
facilitate, or that is incidental to, the production of oil, 152468
gas, artificial brine, or water derived in association with oil 152469
or gas production and disposed of in a well, in compliance with 152470
a permit issued under Chapter 1509. of the Revised Code, or 152471
sewage, industrial waste, or other wastes injected into a well 152472
in compliance with an injection well operating permit. Division 152473
(F) (2) of this section does not authorize, without a permit, any 152474
discharge that is prohibited by, or for which a permit is 152475
required by, regulation of the United States environmental 152476
protection agency. 152477

(3) Application of any materials to land for agricultural 152478
purposes or runoff of the materials from that application or 152479
pollution by residual farm products, manure, or soil sediment, 152480
including attached substances, resulting from farming, 152481
silvicultural, or earthmoving activities regulated by Chapter 152482
307. or 939. of the Revised Code. Division (F) (3) of this 152483
section does not authorize, without a permit, any discharge that 152484
is prohibited by, or for which a permit is required by, the 152485
Federal Water Pollution Control Act or regulations adopted under 152486
it. As used in division (F) (3) of this section, "residual farm 152487

products" and "manure" have the same meanings as in section 152488
939.01 of the Revised Code. 152489

(4) The excrement of domestic and farm animals defecated 152490
on land or runoff therefrom into any waters of the state. 152491
Division (F)(4) of this section does not authorize, without a 152492
permit, any discharge that is prohibited by, or for which a 152493
permit is required by, the Federal Water Pollution Control Act 152494
or regulations adopted under it. 152495

(5) On and after the date on which the United States 152496
environmental protection agency approves the NPDES program 152497
submitted by the director of agriculture under section 903.08 of 152498
the Revised Code, any discharge that is within the scope of the 152499
approved NPDES program submitted by the director of agriculture; 152500

(6) The discharge of sewage, industrial waste, or other 152501
wastes into a sewerage system tributary to a treatment works. 152502
Division (F)(6) of this section does not authorize any discharge 152503
into a publicly owned treatment works in violation of a 152504
pretreatment program applicable to the publicly owned treatment 152505
works or any discharge to a privately owned treatment works in 152506
violation of any permit conditions established in accordance 152507
with 40 C.F.R. 122.44(m). 152508

(7) A household sewage treatment system or a small flow 152509
on-site sewage treatment system, as applicable, as defined in 152510
section 3718.01 of the Revised Code that is installed in 152511
compliance with Chapter 3718. of the Revised Code and rules 152512
adopted under it. Division (F)(7) of this section does not 152513
authorize, without a permit, any discharge that is prohibited 152514
by, or for which a permit is required by, regulation of the 152515
United States environmental protection agency. 152516

(8) Exceptional quality sludge generated outside of this 152517
state and contained in bags or other containers not greater than 152518
one hundred pounds in capacity. As used in division (F) (8) of 152519
this section, "exceptional quality sludge" has the same meaning 152520
as in division ~~(Y)~~(X) of section 3745.11 of the Revised Code. 152521

(G) The holder of a permit issued under section 402 (a) of 152522
the Federal Water Pollution Control Act need not obtain a permit 152523
for a discharge authorized by the permit until its expiration 152524
date. Except as otherwise provided in this division, the 152525
director of environmental protection shall administer and 152526
enforce those permits within this state and may modify their 152527
terms and conditions in accordance with division (J) of section 152528
6111.03 of the Revised Code. On and after the date on which the 152529
United States environmental protection agency approves the NPDES 152530
program submitted by the director of agriculture under section 152531
903.08 of the Revised Code, the director of agriculture shall 152532
administer and enforce those permits within this state that are 152533
issued for any discharge that is within the scope of the 152534
approved NPDES program submitted by the director of agriculture. 152535

Section 101.02. That existing sections 3.15, 9.03, 9.07, 152536
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5751.98, 5753.031, 5753.07, 5907.11, 5907.17, 5923.30, 6101.53, 152750
6101.54, 6101.55, 6111.01, and 6111.04 of the Revised Code are 152751
hereby repealed. 152752

Section 105.01. That sections 9.47, 101.38, 103.053, 152753
103.054, 103.24, 103.41, 103.411, 103.413, 103.415, 103.71, 152754
103.72, 103.74, 103.75, 103.76, 103.77, 103.78, 103.79, 113.06, 152755
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5705.197, 5726.59, 5747.67, 5751.55, 5902.06, and 5902.20 of the 152770

Revised Code are hereby repealed. 152771

Section 105.05. That sections 103.60, 107.034, 113.78, 152772
3313.902, 3314.38, 3317.036, 3317.23, 3317.231, 3317.24, 152773
3345.86, 5705.192, 5739.071, 5747.29, and 5747.75 of the Revised 152774
Code are hereby repealed, as of the dates specified below in the 152775
sections prefixed with number 105. 152776

Section 105.20. That section 107.034 of the Revised Code 152777
is hereby repealed, effective July 1, 2026. 152778

Section 105.30. That section 113.78 of the Revised Code is 152779
hereby repealed, effective July 1, 2026. 152780

Section 105.40. That section 103.60 of the Revised Code is 152781
hereby repealed, effective December 31, 2025. 152782

Section 105.50. That section 5739.071 of the Revised Code 152783
is hereby repealed, effective January 1, 2026. 152784

Section 105.60. That section 5747.29 of the Revised Code 152785
is hereby repealed, effective January 1, 2026. 152786

Section 105.70. That section 5705.192 of the Revised Code 152787
is hereby repealed, effective January 1, 2026. 152788

Section 105.80. That sections 3313.902, 3314.38, 3317.036, 152789
3317.23, 3317.231, 3317.24, and 3345.86 are hereby repealed, 152790
effective July 1, 2026. 152791

Section 105.90. That section 5747.75 of the Revised Code 152792
is hereby repealed, effective January 1, 2026. 152793

Section 107.10. That Section 733.61 of H.B. 166 of the 152794
133rd General Assembly (as amended by H.B. 33 of the 135th 152795
General Assembly) be amended to codify it as section 3313.6033 152796
of the Revised Code to read as follows: 152797

Sec. ~~733.61~~ 3313.6033. (A) Notwithstanding section 152798
3319.236 of the Revised Code, ~~for the 2019-2020 school year~~ 152799
~~through the 2024-2025 school year only,~~ a school district, 152800
community school established under Chapter 3314. of the Revised 152801
Code, or science, technology, engineering, and mathematics 152802
school established under Chapter 3326. of the Revised Code may 152803
permit an individual who holds a valid educator license in any 152804
of grades kindergarten through twelve to teach a computer 152805
science course if, ~~prior to teaching the course~~ in the last five 152806
years, the individual ~~completes~~ has completed a professional 152807
development program approved by the district superintendent or 152808
school principal that provides content knowledge specific to the 152809
course the individual will teach. To continue teaching computer 152810
science under this section, an individual shall complete the 152811
professional development program every five years in accordance 152812
with the educator licensure recertification process. The 152813
superintendent or principal shall approve any professional 152814
development program endorsed by the organization that creates 152815
and administers the national ~~Advanced Placement~~ advanced 152816
placement examinations as appropriate for the course the 152817
individual will teach. 152818

(B) Nothing in this section shall permit an individual 152819
described in division (A) of this section to teach a computer 152820
science course in a school district or school other than the 152821
school district or school that employed the individual at the 152822
time the individual completed the professional development 152823
program required by that division. 152824

(C) ~~Beginning July 1, 2025, a school district or public~~ 152825
~~school shall permit an individual to teach a computer science~~ 152826
~~course only in accordance with section 3319.236 of the Revised~~ 152827
~~Code.~~ 152828

~~(D)~~Notwithstanding section 3301.012 of the Revised Code, 152829
as used in this section, "computer science course" means any 152830
course that is reported in the education management information 152831
system established under section 3301.0714 of the Revised Code 152832
as a computer science course. 152833

Section 107.11. That existing Section 733.61 of H.B. 166 152834
of the 133rd General Assembly (as amended by H.B. 33 of the 152835
135th General Assembly) is hereby repealed. 152836

Section 125.10. The amendment by this act of section 152837
4785.041 of the Revised Code does not supersede the repeal of 152838
that section on April 3, 2033, as prescribed by Sections 4 and 5 152839
of H.B. 107 of the 134th General Assembly. 152840

Section 201.10. APPROPRIATIONS 152841

Except as otherwise provided in this act, all 152842
appropriation items in this act are appropriated out of any 152843
moneys in the state treasury to the credit of the designated 152844
fund that are not otherwise appropriated. For all appropriations 152845
made in this act, the amounts in the first column are for fiscal 152846
year 2026 and the amounts in the second column are for fiscal 152847
year 2027. 152848

Section 203.10. 152849

152850

1	2	3	4	5
A	ACC ACCOUNTANCY BOARD OF OHIO			
B	Dedicated Purpose Fund Group			
C	4J80 889601 CPA Education Assistance		\$260,000	\$275,000

D	4K90 889609 Operating Expenses	\$1,359,075	\$1,400,531
E	Dedicated Purpose Fund Group Total	\$1,619,075	\$1,675,531
F	TOTAL ALL BUDGET FUND GROUPS	\$1,619,075	\$1,675,531

Section 205.10.

152851

152852

	1	2	3	4	5
A	ADJ ADJUTANT GENERAL				
B	General Revenue Fund				
C	GRF	745401 Ohio Military Reserve	\$56,162	\$56,162	
D	GRF	745404 Air National Guard	\$2,406,436	\$2,689,830	
E	GRF	745407 National Guard Benefits	\$174,000	\$174,000	
F	GRF	745409 Central Administration	\$3,585,342	\$3,684,085	
G	GRF	745499 Army National Guard	\$5,402,863	\$6,082,457	
H	GRF	745503 Ohio Cyber Reserve	\$1,151,000	\$1,151,000	
I	GRF	745504 Ohio Cyber Range	\$2,650,000	\$2,650,000	
J	GRF	745505 State Active Duty	\$70,000	\$70,000	
K	General Revenue Fund Total		\$15,495,803	\$16,557,534	
L	Dedicated Purpose Fund Group				
M	5340	745612 Property Operations	\$682,195	\$682,292	

		Management		
N	5360 745620	Camp Perry and Buckeye Inn Operations	\$1,064,057	\$1,074,431
O	5370 745604	Ohio National Guard Facilities Maintenance	\$60,131	\$60,131
P	5U80 745613	Community Match Armories	\$349,965	\$349,965
Q		Dedicated Purpose Fund Group Total	\$2,156,348	\$2,166,819
R		Federal Fund Group		
S	3420 745616	Army National Guard Service Agreement	\$24,076,820	\$24,316,615
T	3E80 745628	Air National Guard Operations and Maintenance	\$18,934,892	\$19,380,313
U	3R80 745603	Counter Drug Operations	\$26,606	\$26,606
V		Federal Fund Group Total	\$43,038,318	\$43,723,534
W		TOTAL ALL BUDGET FUND GROUPS	\$60,690,469	\$62,447,887

Section 205.20. NATIONAL GUARD BENEFITS 152853

The foregoing appropriation item 745407, National Guard 152854
Benefits, shall be used for purposes of sections 5919.31 and 152855
5919.33 of the Revised Code, and for administrative costs of the 152856
associated programs. 152857

If necessary, in order to pay benefits in a timely manner 152858

pursuant to sections 5919.31 and 5919.33 of the Revised Code, 152859
the Adjutant General may request that the Director of Budget and 152860
Management transfer appropriation from any appropriation item 152861
used by the Adjutant General to appropriation item 745407, 152862
National Guard Benefits. Such amounts are hereby appropriated. 152863
The Adjutant General may subsequently seek Controlling Board 152864
approval to restore the appropriation in the appropriation item 152865
from which such a transfer was made. 152866

For active duty members of the Ohio National Guard who 152867
died after October 7, 2001, while performing active duty, the 152868
death benefit, pursuant to section 5919.33 of the Revised Code, 152869
shall be paid to the beneficiary or beneficiaries designated on 152870
the member's Service members' Group Life Insurance Policy. 152871

OHIO CYBER RESERVE 152872

The foregoing appropriation item 745503, Ohio Cyber 152873
Reserve, shall be used for purposes of providing support for the 152874
administration of the Ohio Cyber Reserve, a civilian cyber 152875
reserve force that is part of the Ohio organized militia, 152876
capable of being expanded and trained to educate and protect all 152877
levels of state government, critical infrastructure, and the 152878
citizens of this state from cyber attacks and incidences under 152879
sections 5922.01, 5922.02, and 5922.08 of the Revised Code, as 152880
well as for the purpose of paying expenses related to cyber 152881
state active duty of members of the Ohio Cyber Reserve, in 152882
accordance with a proclamation or order of the Governor. 152883
Expenses include, but are not limited to, the cost of equipment, 152884
supplies, and services, as determined by the Adjutant General. 152885

OHIO CYBER RANGE 152886

The foregoing appropriation item 745504, Ohio Cyber Range, 152887

shall be used by the Adjutant General's Department to establish 152888
and maintain the cyber range for purposes of providing cyber 152889
training and education to K-12 students, higher education 152890
students, members of the Ohio National Guard, federal employees, 152891
and state and local government employees, and provide for 152892
emergency preparedness exercises and trainings. 152893

The Adjutant General's Department, in conjunction and 152894
collaboration with the Department of Administrative Services, 152895
the Department of Public Safety, the Department of Higher 152896
Education, and the Department of Education and Workforce shall 152897
establish and maintain a cyber range. The Adjutant General's 152898
Department may work with federal agencies to assist in 152899
accomplishing this objective. The state agencies identified in 152900
this paragraph may procure any necessary goods and services 152901
including, but not limited to, contracted services, hardware, 152902
networking services, maintenance costs, and the training and 152903
management costs of a cyber range. These state agencies shall 152904
determine the amount of funds each agency will contribute from 152905
available funds and appropriations enacted herein in order to 152906
establish and maintain a cyber range. 152907

STATE ACTIVE DUTY 152908

The foregoing appropriation item 745505, State Active 152909
Duty, shall be used for the purpose of paying expenses related 152910
to state active duty of members of the Ohio organized militia, 152911
not including the civilian cyber security reserve forces, in 152912
accordance with a proclamation or order of the Governor. 152913
Expenses include, but are not limited to, cost of equipment, 152914
supplies, and services, as determined by the Adjutant General. 152915

Section 207.10. 152916

152917

	1	2	3	4	5
A			DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		
B			General Revenue Fund		
C	GRF	100413	EDCS Lease Rental Payments	\$9,300,000	\$9,300,000
D	GRF	100414	MARCS Lease Rental Payments	\$6,450,000	\$6,450,000
E	GRF	100415	OAKS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF	100416	STARS Lease Rental Payments	\$1,100,000	\$1,100,000
G	GRF	100447	Administrative Buildings Lease Rental Bond Payments	\$45,500,000	\$60,500,000
H	GRF	100456	State IT Services	\$978,412	\$1,512,297
I	GRF	100459	Ohio Business Gateway	\$14,325,421	\$14,368,107
J	GRF	100469	Aronoff Center Building Maintenance	\$222,000	\$222,000
K	GRF	130321	State Agency Support Services	\$28,000,000	\$28,000,000
L			General Revenue Fund Total	\$108,325,833	\$123,902,404
M			Dedicated Purpose Fund Group		

N	4K90	100673	Ohio Professionals Licensing System	\$7,175,727	\$7,439,069
O	5AB1	100674	Next Generation 9-1-1	\$3,500,000	\$0
P	5L70	100610	Professional Development	\$2,013,841	\$2,014,854
Q	5NM0	100663	9-1-1 Program	\$956,663	\$980,078
R	5V60	100619	Employee Educational Development	\$1,234,461	\$1,268,484
S	7093	100675	Next Generation 9-1-1	\$13,469,622	\$14,804,264
T			Dedicated Purpose Fund Group Total	\$28,350,314	\$26,506,749
U			Internal Service Activity Fund Group		
V	1120	100616	DAS Administration	\$14,683,912	\$15,113,177
W	1170	100644	General Services Division - Operating	\$23,091,398	\$22,574,348
X	1220	100637	Fleet Management	\$25,449,633	\$22,866,905
Y	1250	100622	Human Resources Division - Operating	\$26,081,909	\$26,319,177
Z	1250	100657	Benefits Communication	\$620,036	\$628,275
AA	1300	100606	Risk Management Reserve	\$24,015,458	\$24,051,115
AB	1320	100631	DAS Building Management	\$53,101,399	\$54,715,341
AC	1330	100607	IT Services Delivery	\$194,935,390	\$197,374,206

AD 2100 100612 State Printing	\$31,450,162	\$32,512,922
AE 2290 100630 IT Governance	\$40,176,321	\$40,741,507
AF 2290 100640 Consolidated IT Purchases	\$28,265,838	\$28,265,838
AG 4270 100602 Investment Recovery	\$1,835,187	\$1,891,267
AH 4N60 100617 Major IT Purchases	\$3,984,131	\$3,984,131
AI 5C20 100605 MARCS Administration	\$35,336,608	\$35,689,974
AJ 5EB0 100635 OAKS Support Organization	\$101,832,561	\$104,303,226
AK 5EB0 100656 OAKS Updates and Developments	\$11,427,405	\$11,403,567
AL 5KZ0 100659 Building Improvement	\$2,276,705	\$2,777,458
AM 5LJ0 100661 IT Development	\$12,839,922	\$12,839,922
AN 5PC0 100665 Enterprise Applications	\$14,160,852	\$14,244,654
AO 5WU0 100672 Ohio Benefits	\$151,980,462	\$0
AP Internal Service Activity Fund Group Total	\$797,545,289	\$652,297,010
AQ Fiduciary Fund Group		
AR 5UH0 100670 Enterprise Transactions	\$1,590,000	\$1,640,000
AS Fiduciary Fund Group Total	\$1,590,000	\$1,640,000
AT TOTAL ALL BUDGET FUND GROUPS	\$935,811,436	\$804,346,163

Section 207.20. EDCS LEASE RENTAL PAYMENTS 152918

The foregoing appropriation item 100413, EDCS Lease Rental 152919
Payments, shall be used to make payments during the period from 152920
July 1, 2025, through June 30, 2027, pursuant to leases and 152921
agreements entered into under Chapter 125. of the Revised Code, 152922
as supplemented by Section 701.10 of H.B. 529 of the 132nd 152923
General Assembly, as amended by Section 601.10 of H.B. 166 of 152924
the 133rd General Assembly, and other prior acts of the General 152925
Assembly, with respect to financing the costs associated with 152926
the acquisition, development, implementation, and integration of 152927
the Enterprise Data Center Solutions (EDCS) information 152928
technology initiative. 152929

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL 152930
PAYMENTS 152931

The foregoing appropriation item 100414, MARCS Lease 152932
Rental Payments, shall be used to make payments during the 152933
period from July 1, 2025, through June 30, 2027, pursuant to 152934
leases and agreements entered into under Chapter 125. of the 152935
Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 152936
of the 130th General Assembly and other prior acts of the 152937
General Assembly, with respect to financing the costs associated 152938
with the acquisition, development, implementation, and 152939
integration of the Multi-Agency Radio Communications System 152940
(MARCS) upgrade. 152941

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 152942

The foregoing appropriation item 100415, OAKS Lease Rental 152943
Payments, shall be used to make payments during the period from 152944
July 1, 2025, through June 30, 2027, pursuant to leases and 152945
agreements entered into under Chapter 125. of the Revised Code, 152946

as supplemented by Section 701.10 of H.B. 529 of the 132nd 152947
General Assembly and other prior acts of the General Assembly, 152948
with respect to financing the costs associated with the 152949
acquisition, development, implementation, and integration of the 152950
Ohio Administrative Knowledge System (OAKS). 152951

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 152952
PAYMENTS 152953

The foregoing appropriation item 100416, STARS Lease 152954
Rental Payments, shall be used to make payments during the 152955
period from July 1, 2025, through June 30, 2027, pursuant to 152956
leases and agreements entered into under Chapter 125. of the 152957
Revised Code, as supplemented by Section 701.30 of H.B. 529 of 152958
the 132nd General Assembly and other prior acts of the General 152959
Assembly, with respect to financing the costs associated with 152960
the acquisition, development, implementation, and integration of 152961
the State Taxation Accounting and Revenue System (STARS). 152962

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 152963

The foregoing appropriation item 100447, Administrative 152964
Buildings Lease Rental Bond Payments, shall be used to meet all 152965
payments during the period from July 1, 2025, through June 30, 152966
2027, by the Department of Administrative Services pursuant to 152967
leases and agreements under Chapters 152. and 154. of the 152968
Revised Code. These appropriations are the source of funds 152969
pledged for bond service charges on related obligations issued 152970
under Chapters 152. and 154. of the Revised Code. 152971

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 152972
FUND 152973

The foregoing appropriation item 130321, State Agency 152974
Support Services, may be used to provide funding for the cost of 152975

property appraisals or building studies that the Department of 152976
Administrative Services may be required to obtain for property 152977
that is being sold by the state or property under consideration 152978
to be renovated or purchased by the state. 152979

Notwithstanding section 125.28 of the Revised Code, the 152980
foregoing appropriation item 130321, State Agency Support 152981
Services, also may be used to pay the operating expenses of 152982
state facilities maintained by the Department of Administrative 152983
Services that are not billed to building tenants, other costs 152984
associated with the Voinovich Center in Youngstown, Ohio, or 152985
costs of repairing vehicles donated pursuant to section 125.13 152986
of the Revised Code. These expenses may include, but are not 152987
limited to, the costs for vacant space and space undergoing 152988
renovation, and the rent expenses of tenants that are relocated 152989
because of building renovations. These payments may be processed 152990
by the Department of Administrative Services through intrastate 152991
transfer vouchers and placed into the Building Management Fund 152992
(Fund 1320). 152993

At least once per year, the portion of appropriation item 152994
130321, State Agency Support Services, that is not used for the 152995
regular expenses of the appropriation item may be processed by 152996
the Department of Administrative Services through intrastate 152997
transfer voucher and placed in the Building Improvement Fund 152998
(Fund 5KZ0). 152999

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 153000

Of the foregoing appropriation item 100610, Professional 153001
Development, up to \$1,400,000 in each fiscal year shall be used 153002
to make payments from the Professional Development Fund (Fund 153003
5L70) under section 124.182 of the Revised Code. 153004

Of the foregoing appropriation item 100610, Professional 153005
Development, up to \$1,200,000 during the FY 2026-FY 2027 153006
biennium may be used by the Director of Administrative Services 153007
for the creation, staffing, and administration of the Ohio 153008
Digital Academy. The Ohio Digital Academy shall exist to 153009
generate high-tech workforce capacity and serve the state of 153010
Ohio in advanced technology and cybersecurity needs. The goals 153011
of the Ohio Digital Academy shall be to educate, train, and 153012
subsequently employ analysts in completing boot camps, 153013
certifications, or degree programs in cybersecurity, coding, 153014
software engineering, user experience designers, and related 153015
fields. 153016

In consultation with CyberOhio, the Department of 153017
Administrative Services shall have full authority to select 153018
qualified candidates for the Ohio Digital Academy. Candidates 153019
shall be subject to all applicable background checks and if 153020
selected, shall be required to commit to three years of service 153021
with the state of Ohio. Ohio Digital Academy candidates may be 153022
placed in an unclassified, administrative staff position 153023
pursuant to division (A) (30) of section 124.11 of the Revised 153024
Code for which the Director of Administrative Services is hereby 153025
given specific authority to set compensation, or with other 153026
public or private employers identified by the Department with 153027
which a partnership agreement has been established. 153028
Notwithstanding any provision of law to the contrary, the 153029
Department may use the foregoing appropriation to reimburse 153030
selected students' tuition expenses for coursework, 153031
certification achieved, or other necessary expenses, prior to 153032
acceptance in the program, which is directly attributable to the 153033
targeted skills of the program if completed within one year 153034
prior to the effective date of this section. Upon hiring, 153035

candidates shall also be eligible for reimbursement of costs for 153036
continuing education or certification at the discretion of the 153037
Director to support the development of specialized skills in the 153038
areas of information technology and cybersecurity. Each 153039
candidate shall be responsible for any tax implications 153040
associated with the tuition. The Department reserves the right 153041
to recover all or a portion of funds provided to an Ohio Digital 153042
Academy participant who fails to complete the agreed upon three 153043
years of service commitment to the state. 153044

On July 1, 2025, or as soon as possible thereafter, the 153045
Department of Administrative Services may select and enter into 153046
a subgrant agreement with a regionally accredited Ohio 153047
institution of higher education with demonstrated significant 153048
coursework and programming in cybersecurity to serve as a 153049
Digital Analyst Training Academy (D.A.T.A.) Center. The Center 153050
shall be responsible for paying for costs associated with the 153051
work of the Ohio Digital Academy as designated by the Department 153052
of Administrative Services. On behalf of the Center, the 153053
selected institution shall do all the following: 153054

(A) Provide necessary educational coursework or training 153055
for the selected students' successful completion of a 153056
certificate or degree program as prescribed by the Department of 153057
Administrative Services at no cost to the selected students; 153058

(B) Administer weekly professional development programs 153059
for students in an academic setting; 153060

(C) Prepare analysts for summer mandatory recruit training 153061
as prescribed by the Department of Administrative Services; 153062

(D) Coordinate and manage summer scenarios; 153063

(E) Submit a quarterly report to the Department of 153064

Administrative Services that contains detailed information on 153065
the amount of grant funds expended for the aforementioned 153066
purposes; 153067

(F) Submit an annual report to the Department of 153068
Administrative Services of all achievements, including a status 153069
report of all expenditures, number of students enrolled by 153070
program area, number of students graduated or certifications 153071
achieved by program area, program expansion opportunities, and 153072
projected costs to continue operating the Center. 153073

Additional Centers may be added over the biennium subject 153074
to the approval of the Director of Administrative Services. 153075

9-1-1 PROGRAM 153076

The foregoing appropriation item 100663, 9-1-1 Program, 153077
shall be used by the Department of Administrative Services to 153078
pay the administrative and educational costs of the Statewide 153079
Emergency Services Internet Protocol Network program. 153080

EMPLOYEE EDUCATIONAL DEVELOPMENT 153081

The foregoing appropriation item 100619, Employee 153082
Educational Development, shall be used to make payments from the 153083
Employee Educational Development Fund (Fund 5V60) under section 153084
124.86 of the Revised Code. The fund shall be used to pay the 153085
costs of administering educational programs under existing 153086
collective bargaining agreements with District 1199, the Health 153087
Care and Social Service Union, Service Employees International 153088
Union; State Council of Professional Educators; Ohio Education 153089
Association and National Education Association; the Fraternal 153090
Order of Police State of Ohio, Unit 2 Association; and the Ohio 153091
State Troopers Association, Units 1 and 15. 153092

If it is determined by the Director of Budget and 153093

Management that additional amounts are necessary, the amounts 153094
are hereby appropriated. 153095

Section 207.40. GENERAL SERVICE CHARGES 153096

The Department of Administrative Services, with the 153097
approval of the Director of Budget and Management, shall 153098
establish charges for recovering the costs of administering the 153099
programs funded by the General Services Fund (Fund 1170) and the 153100
State Printing Fund (Fund 2100). 153101

COLLECTIVE BARGAINING ARBITRATION EXPENSES 153102

The Department of Administrative Services may seek 153103
reimbursement from state agencies for the actual costs and 153104
expenses the Department incurs in the collective bargaining 153105
arbitration process. The reimbursements shall be processed 153106
through intrastate transfer vouchers and credited to the Human 153107
Resources Services Fund (Fund 1250). 153108

RISK MANAGEMENT RESERVE 153109

The foregoing appropriation item 100606, Risk Management 153110
Reserve, shall be used to make payments from the Risk Management 153111
Reserve Fund (Fund 1300) pursuant to section 9.823 of the 153112
Revised Code. 153113

CONSOLIDATED IT PURCHASES 153114

The foregoing appropriation item 100640, Consolidated IT 153115
Purchases, shall be used by the Department of Administrative 153116
Services acting as the purchasing agent for one or more 153117
government entities under the authority of division (G) of 153118
section 125.18 of the Revised Code to make information 153119
technology purchases at a lower aggregate cost than each 153120
individual government entity could have obtained independently 153121

for that information technology purchase. 153122

INVESTMENT RECOVERY FUND 153123

Notwithstanding division (B) of section 125.14 of the 153124
Revised Code, cash balances in the Investment Recovery Fund 153125
(Fund 4270) may be used to support the operating expenses of the 153126
Federal Surplus Operating Program created in sections 125.84 to 153127
125.90 of the Revised Code. 153128

MAJOR IT PURCHASES CHARGES 153129

Upon the request of the Director of Administrative 153130
Services, the Director of Budget and Management may transfer up 153131
to \$2,000,000 cash in each fiscal year of the amount collected 153132
for statewide indirect costs attributable to debt service paid 153133
for the enterprise data center solutions project from the 153134
General Revenue Fund to the Major Information Technology 153135
Purchases Fund (Fund 4N60). 153136

MARCS ADMINISTRATION 153137

Of the foregoing appropriation item 100605, MARCS 153138
Administration, \$10,500,000 in each fiscal year shall be used to 153139
reduce MARCS subscriber fees paid by villages, municipal 153140
corporations, townships, counties, and regional public safety 153141
and first response agencies. 153142

PROFESSIONS LICENSING SYSTEM 153143

The foregoing appropriation item, 100673, Ohio 153144
Professionals Licensing System, shall be used to purchase the 153145
equipment, products, and services necessary to update and 153146
maintain an automated licensing system for the professional 153147
licensing boards. 153148

The Department of Administrative Services shall establish 153149

charges for recovering the costs of ongoing maintenance of the 153150
system that are not otherwise recovered under section 125.18 of 153151
the Revised Code. The charges shall be proportionate to each 153152
benefiting state agency, board, or commission's use of the 153153
system. For agencies, boards, or commissions whose operations 153154
are not funded by appropriations from the Occupational Licensing 153155
and Regulatory Fund (Fund 4K90), the Director of Administrative 153156
Services shall certify to the Director of Budget and Management 153157
these entities' proportionate charges for use of the state's 153158
enterprise electronic licensing system. The Director of Budget 153159
and Management shall transfer cash equaling thecertified 153160
amounts from these entities' respective operating funds into the 153161
Occupational Licensing and Regulatory Fund (Fund 4K90). 153162

On July 1, 2025, or as soon as possible thereafter, the 153163
State Board of Education shall consult with the Department of 153164
Administrative Services on the utilization of the Ohio 153165
Professional Licensing System. As part of this consultation, the 153166
State Board of Education shall consider opportunities to reduce 153167
the number of license and certification types. 153168

Section 207.45. BUILDING IMPROVEMENT FUND 153169

The foregoing appropriation item 100659, Building 153170
Improvement, shall be used to make payments from the Building 153171
Improvement Fund (Fund 5KZ0) for major maintenance or 153172
improvements required in facilities maintained by the Department 153173
of Administrative Services. The Department of Administrative 153174
Services shall conduct or contract for regular assessments of 153175
these buildings and may maintain a cash balance in Fund 5KZ0 153176
equal to the cost of the repairs and improvements that are 153177
recommended to occur within the next five years, with the 153178
following exception described below. 153179

Upon request of the Director of Administrative Services, 153180
the Director of Budget and Management may transfer cash from 153181
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay 153182
costs of operating and maintaining facilities managed by the 153183
Department of Administrative Services that are not charged to 153184
tenants during the same fiscal year. 153185

Should the cash balance in Fund 1320 be determined to be 153186
sufficient, the Director of Administrative Services may request 153187
that the Director of Budget and Management transfer cash from 153188
Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash 153189
transfer made under this section. 153190

INFORMATION TECHNOLOGY DEVELOPMENT 153191

The foregoing appropriation item 100661, IT Development, 153192
shall be used by the Department of Administrative Services to 153193
pay the costs of modernizing the state's information technology 153194
management and investment practices away from a limited, agency- 153195
specific focus in favor of a statewide methodology supporting 153196
development of enterprise solutions. This appropriation item may 153197
be used to pay the costs of enterprise information technology 153198
initiatives affecting state agencies or their customers. 153199

Notwithstanding any provision of law to the contrary, the 153200
Department of Administrative Services, with the approval of the 153201
Director of Budget and Management, may charge state agencies an 153202
information technology development assessment based on state 153203
agencies' information technology expenditures or other 153204
methodology and may assess fees or charges to entities that are 153205
not state agencies to offset the cost of specific technology 153206
events or services. The revenue from these assessments, fees, or 153207
charges shall be deposited into the Information Technology 153208
Development Fund (Fund 5LJ0), which is hereby created. 153209

ENTERPRISE APPLICATIONS 153210

The foregoing appropriation item 100665, Enterprise 153211
Applications, shall be used for the operation and management of 153212
information technology applications that support state agencies' 153213
objectives. Charges billed to benefiting agencies shall be 153214
deposited to the credit of the Enterprise Applications Fund 153215
(Fund 5PC0). 153216

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 153217

The Director of Administrative Services shall determine 153218
and implement strategies that benefit the enterprise by 153219
improving efficiency, reducing costs, or enhancing capacity of 153220
information technology (IT) services. Such improvements and 153221
efficiencies may result in the consolidation and transfer of 153222
such services. As determined to be necessary for successful 153223
implementation of this section and notwithstanding any provision 153224
of law to the contrary, the Director of Administrative Services 153225
may request the Director of Budget and Management to consolidate 153226
or transfer IT-specific budget authority between agencies or 153227
within an agency as necessary to implement enterprise IT cost 153228
containment strategies and related efficiencies. Once the 153229
Director of Budget and Management is satisfied that the proposed 153230
initiative is cost advantageous to the enterprise, the Director 153231
of Budget and Management may request Controlling Board approval 153232
to transfer appropriations, funds, and cash to implement the 153233
proposed initiative. The establishment of any new fund or 153234
additional appropriation as a result of this section shall also 153235
be subject to Controlling Board approval. 153236

The Director of Budget and Management and the Director of 153237
Administrative Services may transfer any employees, assets, and 153238
liabilities, including, but not limited to, records, contracts, 153239

and agreements in order to facilitate the improvements 153240
determined in accordance with this section. 153241

Section 209.10.

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1	2	3	4	5
A	AGE DEPARTMENT OF AGING			
B	General Revenue Fund			
C	GRF	490321 Operating Expenses	\$1,944,405	\$2,033,308
D	GRF	490410 Long-Term Care Ombudsman	\$3,117,148	\$3,122,195
E	GRF	490411 Senior Community Services	\$11,257,903	\$11,295,146
F	GRF	490414 Alzheimer's and Other Dementia Respite	\$4,300,000	\$4,300,000
G	GRF	490510 Community Projects	\$485,000	\$0
H	GRF	656423 Long-Term Care Budget - State	\$5,222,431	\$5,339,477
I	General Revenue Fund Total		\$26,326,887	\$26,090,126
J	Dedicated Purpose Fund Group			
K	4800	490606 Senior Community Outreach and Education	\$150,000	\$150,000
L	4C40	490609 Regional Long-Term Care Ombudsman Program	\$1,000,000	\$1,000,000

M	5BA0	490620	Long-Term Care Quality Initiatives	\$12,417,919	\$12,417,919
N	5K90	490613	Long-Term Care Consumers Guide	\$1,770,000	\$1,780,000
O	5MT0	490627	Board of Executives of Long-Term Services and Supports	\$850,000	\$875,000
P	5T40	656625	Health Care Grants - State	\$695,940	\$695,939
Q	5W10	490616	Resident Services Coordinator Program	\$262,500	\$262,500
R			Dedicated Purpose Fund Group Total	\$17,146,359	\$17,181,358
S			Federal Fund Group		
T	3220	490618	Federal Aging Grants	\$10,500,000	\$10,500,000
U	3C40	656623	Long-Term Care Budget - Federal	\$7,462,626	\$7,979,625
V	3M40	490612	Federal Independence Services	\$66,495,000	\$69,820,000
W			Federal Fund Group Total	\$84,457,626	\$88,299,625
X			TOTAL ALL BUDGET FUND GROUPS	\$127,930,872	\$131,571,109

Section 209.20. LONG-TERM CARE 153244

Pursuant to an interagency agreement, the Department of 153245

Medicaid may designate the Department of Aging to perform 153246
assessments under section 5165.04 of the Revised Code. The 153247
Department of Aging shall provide long-term care consultations 153248
under section 173.42 of the Revised Code to assist individuals 153249
in planning for their long-term health care needs. 153250

The Department of Aging shall administer the Medicaid 153251
waiver-funded PASSPORT Home Care Program, the Assisted Living 153252
Program, and PACE as delegated by the Department of Medicaid in 153253
an interagency agreement. 153254

PERFORMANCE-BASED REIMBURSEMENT 153255

In order to improve health outcomes among populations 153256
served by PASSPORT administrative agencies, the Department of 153257
Aging, through rules adopted in accordance with Chapter 119. of 153258
the Revised Code, may design and utilize a payment method for 153259
PASSPORT administrative agency operations that includes a pay- 153260
for-performance incentive component that is earned by a PASSPORT 153261
administrative agency when defined consumer and policy outcomes 153262
are achieved. Prior to filing with the Joint Committee on Agency 153263
Rule Review, as provided in section 119.03 of the Revised Code, 153264
a proposed rule related to a payment method that includes a pay- 153265
for-performance incentive component, the Department shall submit 153266
a report to the Legislative Service Commission outlining the 153267
payment method. 153268

Section 209.30. MYCARE OHIO 153269

The authority of the Office of the State Long-Term Care 153270
Ombudsman as described in sections 173.14 to 173.28 of the 153271
Revised Code extends to MyCare Ohio during the period of the 153272
federal financial alignment demonstration program. 153273

SENIOR COMMUNITY SERVICES 153274

Of the foregoing appropriation item 490411, Senior 153275
Community Services, \$150,000 in each fiscal year shall be used 153276
to support the Iconnect Program, administered by the 153277
Neighborhood Centers Association in Richland, Medina, Lorain, 153278
and Cuyahoga Counties. 153279

The remainder of appropriation item 490411, Senior 153280
Community Services, may be used for programs, services, and 153281
activities designated by the Department of Aging, including, but 153282
not limited to, home-delivered meals, congregate dining, 153283
transportation, personal care, respite, adult day services, home 153284
maintenance and chores, minor home modification, case 153285
management, evidence-based disease prevention and health 153286
promotion, and information assistance. Funds may also be used to 153287
provide grants to community organizations to support and expand 153288
older adult programming. Services priority shall be given to 153289
low-income, high-need persons, and/or persons with a cognitive 153290
impairment who are sixty years of age or over. The Department 153291
shall not use any of these funds for administrative expenses. 153292

COMMUNITY PROJECTS 153293

Of the foregoing appropriation item 490510, Community 153294
Projects, \$285,000 in fiscal year 2026 shall be distributed to 153295
Jewish Family Services to support Ohio's Holocaust survivors. 153296

Of the foregoing appropriation item 490510, Community 153297
Projects, \$200,000 in fiscal year 2026 shall be distributed to 153298
the Benjamin Rose Institute on Aging. These funds shall be used 153299
to provide services to disadvantaged seniors that address food 153300
insecurity, mental health, and financial literacy. 153301

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 153302

The foregoing appropriation item 490627, Board of 153303

Executives of Long-Term Services and Supports, may be used by 153304
the Board of Executives of Long-Term Services and Supports to 153305
administer and enforce Chapter 4751. of the Revised Code and 153306
rules adopted under it. 153307

Section 211.10.

153308

153309

1	2	3	4	5
A	AGR DEPARTMENT OF AGRICULTURE			
B	General Revenue Fund			
C	GRF	700401 Animal Health Programs	\$8,683,000	\$8,893,400
D	GRF	700403 Dairy Division	\$1,569,000	\$1,613,000
E	GRF	700406 Consumer Protection Lab	\$1,880,000	\$1,906,000
F	GRF	700407 Food Safety	\$1,705,000	\$1,752,000
G	GRF	700410 Plant Industry	\$542,000	\$594,000
H	GRF	700412 Weights and Measures	\$825,000	\$849,000
I	GRF	700415 Poultry Inspection	\$1,597,500	\$1,619,500
J	GRF	700418 Livestock Regulation Program	\$1,600,000	\$1,649,000
K	GRF	700424 Livestock Testing and Inspections	\$135,000	\$138,000
L	GRF	700426 Dangerous Animals and Emergency Management	\$708,000	\$716,000

M	GRF	700427	High Volume Breeder Kennel Control	\$1,545,000	\$1,553,000
N	GRF	700428	Soil and Water Division	\$4,679,000	\$4,857,000
O	GRF	700499	Meat Inspection Program - State Share	\$8,080,000	\$8,304,000
P	GRF	700501	County Agricultural Societies	\$1,130,000	\$630,000
Q	GRF	700509	Soil and Water District Support	\$12,527,000	\$12,533,000
R	GRF	700511	Ride Inspection	\$779,000	\$801,000
S	GRF	700674	Plant Testing	\$247,000	\$218,000
T			General Revenue Fund Total	\$48,231,500	\$48,625,900
U			Dedicated Purpose Fund Group		
V	4900	700651	License Plates - Sustainable Agriculture	\$16,800	\$16,800
W	4940	700612	Agricultural Commodity Marketing Program	\$125,000	\$125,000
X	4960	700626	Ohio Grape Industries	\$1,200,000	\$1,200,000
Y	4970	700627	Grain Warehouse Program	\$500,000	\$500,000
Z	4C90	700605	Commercial Feed and Seed	\$2,273,000	\$2,329,000
AA	4D20	700609	Auction Education	\$53,000	\$54,000

AB 4E40	700606	Utility Radiological Safety	\$136,000	\$142,000
AC 4P70	700610	Food Safety Inspection	\$1,353,000	\$1,396,000
AD 4R00	700636	Ohio Proud Marketing	\$25,000	\$25,000
AE 4R20	700637	Dairy Industry Inspection	\$1,751,000	\$1,787,000
AF 4T60	700611	Poultry and Meat Inspection	\$113,500	\$117,000
AG 5780	700620	Ride Inspection	\$1,245,000	\$1,273,000
AH 5B80	700629	Auctioneers	\$230,000	\$236,000
AI 5BV0	700660	Heidelberg Water Quality Lab	\$275,000	\$275,000
AJ 5BV0	700661	Soil and Water Districts	\$10,507,000	\$10,509,000
AK 5FC0	700648	Plant Pest Program	\$1,200,000	\$1,200,000
AL 5H20	700608	Metrology Lab and Scale Certification	\$1,194,000	\$1,240,000
AM 5L80	700604	Livestock Management Program	\$186,800	\$189,800
AN 5MR0	700658	Commercial Dog Breeding	\$450,000	\$465,000
AO 5MS0	700659	Animal and Consumer Protection	\$8,400	\$8,400
AP 5QW0	700653	Watershed Assistance	\$857,000	\$832,000

AQ 5WJ0 700671 Hemp Program	\$367,000	\$375,000
AR 6520 700634 Animal, Consumer, and ATL Labs	\$8,483,900	\$8,328,800
AS 6690 700635 Pesticide, Fertilizer, and Lime Inspection Program	\$4,533,000	\$4,649,000
AT 6H20 700670 H2Ohio	\$53,600,000	\$53,600,000
AU Dedicated Purpose Fund Group Total	\$90,683,400	\$90,872,800
AV Internal Service Activity Fund Group		
AW 5DA0 700644 Laboratory Administration Support	\$1,300,000	\$1,339,000
AX 5GH0 700655 Administrative Support	\$7,614,000	\$7,990,000
AY Internal Service Activity Fund Group Total	\$8,914,000	\$9,329,000
AZ Capital Projects Fund Group		
BA 7057 700632 Clean Ohio Agricultural Easement Operating	\$512,000	\$515,000
BB Capital Projects Fund Group Total	\$512,000	\$515,000
BC Federal Fund Group		
BD 3260 700618 Meat Inspection Program - Federal Share	\$5,891,000	\$6,133,000

BE 3360 700617 Ohio Farm Loan - Revolving	\$317,000	\$200,000
BF 3820 700601 Federal Cooperative Contracts	\$11,612,000	\$9,669,000
BG 3J40 700607 Federal Administrative Programs	\$2,000,000	\$2,055,000
BH 3R20 700614 Federal Plant Industry	\$6,843,000	\$7,189,000
BI Federal Fund Group Total	\$26,663,000	\$25,246,000
BJ TOTAL ALL BUDGET FUND GROUPS	\$175,003,900	\$174,588,700

Section 211.20. 153310

COUNTY AGRICULTURAL SOCIETIES 153311

Of the foregoing appropriation item 700501, County 153312
Agricultural Societies, up to \$380,000 in each fiscal year shall 153313
be used to reimburse county and independent agricultural 153314
societies for expenses related to Junior Fair activities. 153315

Of the foregoing appropriation item 700501, County 153316
Agricultural Societies, up to \$250,000 in each fiscal year shall 153317
be used to support the Future Farmers of America, urban 153318
agriculture, and agriculture literacy programs around the state. 153319

Of the foregoing appropriation item 700501, County 153320
Agricultural Societies, \$500,000 in fiscal year 2026 shall be 153321
used to support the construction of the Mercer County 153322
Fairgrounds Grand Events Center. 153323

SUPPORT FOR SOIL AND WATER DISTRICTS 153324

Of the foregoing appropriation item 700509, Soil and Water District Support, \$4,200,000 in each fiscal year shall be used to support county soil and water conservation districts in priority regions as defined by the director of Agriculture, for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and H2Ohio Program support.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.15 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

H2OHIO FUND

The Department of Agriculture shall establish programs to assist in reducing total phosphorus, dissolved reactive phosphorus, sediment, and other nutrients in the Western Lake Erie Basin and other critical regions in the state as defined by the Director of Agriculture.

The foregoing appropriation item 700670, H2Ohio, shall be used to support the programs described above, which may include,

but not be limited to, the following: (1) equipment for 153354
subsurface placement of nutrients into the soil; (2) equipment 153355
for nutrient placement based on geographic information system 153356
data; (3) soil testing; (4) implementation of variable rate 153357
technology; (5) equipment implementing manure transformation and 153358
manure conversion technologies; (6) tributary monitoring; (7) 153359
best management practices recognized to reduce nutrients; (8) a 153360
revolving loan program; and (9) matching funds for the 153361
Conservation Reserve Enhancement Program. 153362

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 153363

The foregoing appropriation item 700632, Clean Ohio 153364
Agricultural Easement Operating, shall be used by the Department 153365
of Agriculture in administering Clean Ohio Agricultural Easement 153366
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, 153367
and 5301.67 to 5301.70 of the Revised Code. 153368

Section 213.10. 153369

153370

	1	2	3	4	5
A	AIR AIR QUALITY DEVELOPMENT AUTHORITY				
B	Dedicated Purpose Fund Group				
C	4Z90	898602	Small Business Ombudsman	\$246,000	\$248,000
D	5700	898601	Operating Expenses	\$3,600,000	\$4,300,000
E	5A00	898603	Small Business Assistance	\$150,000	\$225,000
F	Dedicated Purpose Fund Group Total			\$3,996,000	\$4,773,000
G	TOTAL ALL BUDGET FUND GROUPS			\$3,996,000	\$4,773,000

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 153371
AUTHORITY TRUST ACCOUNT 153372

Notwithstanding any other provision of law to the 153373
contrary, the Air Quality Development Authority may reimburse 153374
the Air Quality Development Authority trust account established 153375
under section 3706.10 of the Revised Code from all operating 153376
funds of the agency for expenses pertaining to the 153377
administration and shared costs incurred by the Air Quality 153378
Development Authority in the execution of responsibilities as 153379
prescribed in Chapter 3706. of the Revised Code. The 153380
reimbursement shall occur in accordance with an administrative 153381
cost recovery plan approved by the Air Quality Development 153382
Authority Board. 153383

Section 215.10. 153384
153385

	1	2	3	4	5
A			ARC ARCHITECTS BOARDS		
B			Dedicated Purpose Fund Group		
C	4K90	891609	Operating	\$674,000	\$690,001
D			Dedicated Purpose Fund Group Total	\$674,000	\$690,001
E			TOTAL ALL BUDGET FUND GROUPS	\$674,000	\$690,001

Section 217.10. 153386
153387

	1	2	3	4	5
A			ART OHIO ARTS COUNCIL		

B	General Revenue Fund		
C	GRF 370321 Operating Expenses	\$3,172,595	\$3,243,201
D	GRF 370502 State Program Subsidies	\$23,538,000	\$23,538,000
E	General Revenue Fund Total	\$26,710,595	\$26,781,201
F	Dedicated Purpose Fund Group		
G	4600 370602 Arts Council Program Support	\$345,000	\$345,000
H	4B70 370603 Percent For Art Acquisitions	\$165,000	\$0
I	Dedicated Purpose Fund Group Total	\$510,000	\$345,000
J	Federal Fund Group		
K	3140 370601 Federal Support	\$1,350,000	\$1,350,000
L	Federal Fund Group Total	\$1,350,000	\$1,350,000
M	TOTAL ALL BUDGET FUND GROUPS	\$28,570,595	\$28,476,201

Section 217.20. FEDERAL SUPPORT 153388

Notwithstanding any provision of law to the contrary, the 153389
foregoing appropriation item 370601, Federal Support, shall be 153390
used by the Ohio Arts Council for subsidies only, and not for 153391
its administrative costs, unless the Council is required to use 153392
a portion of the funds for administrative costs under conditions 153393
of the federal grant. 153394

Section 219.10. 153395

153396

	1	2	3	4	5
A			ATH ATHLETIC COMMISSION		
B			Dedicated Purpose Fund Group		
C	4K90	175609	Operating Expenses	\$367,022	\$371,995
D			Dedicated Purpose Fund Group Total	\$367,022	\$371,995
E			TOTAL ALL BUDGET FUND GROUPS	\$367,022	\$371,995

Section 221.10.

153397

153398

	1	2	3	4	5
A			AGO ATTORNEY GENERAL		
B			General Revenue Fund		
C	GRF	055321	Operating Expenses	\$97,290,225	\$97,290,225
D	GRF	055405	Law-Related Education	\$68,000	\$68,000
E	GRF	055406	BCIRS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF	055411	County Sheriffs' Pay Supplement	\$1,111,257	\$1,130,685
G	GRF	055415	County Prosecutors' Pay Supplement	\$1,476,937	\$1,502,753
H	GRF	055431	Drug Abuse Response Team	\$0	\$1,500,000

		Grants		
I	GRF	055432 Drug Testing Equipment	\$964,000	\$964,000
J	GRF	055434 Internet Crimes Against Children Task Force	\$500,000	\$500,000
K	GRF	055441 Victims of Crime	\$6,700,000	\$5,700,000
L	GRF	055446 Cyber Crime Division	\$1,000,000	\$1,000,000
M	GRF	055501 Rape Crisis Centers	\$15,300,000	\$15,300,000
N	GRF	055502 School Safety Training Grants	\$10,000,000	\$10,000,000
O	GRF	055504 Domestic Violence Programs	\$10,000,000	\$10,000,000
P	GRF	055505 Pike County Capital Case	\$600,000	\$0
Q	GRF	055509 Law Enforcement Training	\$30,000,000	\$35,000,000
R		General Revenue Fund Total	\$177,460,419	\$182,405,663
S		Dedicated Purpose Fund Group		
T	1060	055612 Attorney General Operating	\$63,216,225	\$64,034,683
U	4020	055616 Victims of Crime	\$11,500,000	\$12,000,000
V	4170	055621 Domestic Violence Shelter	\$25,000	\$25,000
W	4180	055615 Charitable Foundations	\$11,500,000	\$11,000,000

X	4190	055623	Claims Section	\$77,520,063	\$86,393,854
Y	4190	055668	Collections System Lease Rental Payments	\$4,165,000	\$4,165,000
Z	4200	055603	Attorney General Antitrust	\$1,500,000	\$0
AA	4210	055617	Police Officers' Training Academy Fee	\$3,555,387	\$3,528,018
AB	4L60	055606	DARE Programs	\$2,308,099	\$2,310,841
AC	4Y70	055608	Title Defect Recision	\$1,032,267	\$1,038,534
AD	4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$2,000,000	\$2,000,000
AE	5900	055633	Peace Officer Private Security Training	\$101,306	\$103,330
AF	5A90	055618	Telemarketing Fraud Enforcement	\$10,000	\$10,000
AG	5LR0	055655	Peace Officer Training - Casino	\$7,726,217	\$8,183,287
AH	5TL0	055659	Organized Crime Law Enforcement Trust	\$100,000	\$100,000
AI	5TZ0	055610	Drug Abuse Response Team Grants	\$1,800,000	\$0
AJ	5TZ0	055614	Narcotics Task Forces	\$500,000	\$500,000

AK 5VL0 055435	Stop Bullying License Plate	\$2,500	\$2,500
AL 6310 055637	Consumer Protection Enforcement	\$10,500,000	\$11,000,000
AM 6590 055641	Solid and Hazardous Waste Background Investigations	\$359,895	\$367,319
AN U087 055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$2,500,000	\$2,500,000
AO	Dedicated Purpose Fund Group Total	\$201,921,959	\$209,262,366
AP	Internal Service Activity Fund Group		
AQ 1950 055660	Workers' Compensation Section	\$9,570,750	\$9,905,726
AR	Internal Service Activity Fund Group Total	\$9,570,750	\$9,905,726
AS	Holding Account Fund Group		
AT 5BY1 055674	Charitable Law Distributions	\$750,000	\$750,000
AU R004 055631	General Holding Account	\$1,000,000	\$1,000,000
AV R005 055632	Antitrust Settlements	\$1,000,000	\$1,000,000
AW R018 055630	Consumer Frauds	\$1,000,000	\$1,000,000

AX R042 055601 Organized Crime	\$750,000	\$750,000
Commission Distributions		
AY R054 055650 Collection Payment	\$4,500,000	\$4,500,000
Redistribution		
AZ Holding Account Fund Group Total	\$9,000,000	\$9,000,000
BA Federal Fund Group		
BB 3060 055620 Medicaid Fraud Control	\$17,059,070	\$17,887,905
BC 3830 055634 Crime Victims Assistance	\$40,000,000	\$40,000,000
BD 3E50 055638 Attorney General Pass- Through Funds	\$8,020,999	\$8,020,999
BE 3FV0 055656 Crime Victim Compensation	\$7,200,000	\$7,400,000
BF 3R60 055613 Attorney General Federal Funds	\$5,500,000	\$5,500,000
BG Federal Fund Group Total	\$77,780,069	\$78,808,904
BH TOTAL ALL BUDGET FUND GROUPS	\$475,733,197	\$489,382,659

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC	153399
SCIENCE	153400

Of the foregoing appropriation item 055321, Operating	153401
Expenses, \$650,000 in each fiscal year shall be used for the	153402
Ohio Center for the Future of Forensic Science at Bowling Green	153403
State University. The purpose of the Center shall be to foster	153404
forensic science research techniques (BCI Eminent Scholar) and	153405
to create professional training opportunities to students (BCI	153406

Scholars) in the forensic science fields. 153407

DOMESTIC VIOLENCE PROGRAM 153408

Of the foregoing appropriation item 055321, Operating 153409
Expenses, \$100,000 in each fiscal year may be used by the 153410
Attorney General for the purpose of providing funding to 153411
domestic violence programs as defined in section 109.46 of the 153412
Revised Code. 153413

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) 153414
LEASE RENTAL PAYMENTS 153415

The foregoing appropriation item 055406, BCIRS Lease 153416
Rental Payments, shall be used for payments during the period 153417
from July 1, 2025, through June 30, 2027, pursuant to leases and 153418
agreements entered into pursuant to Section 701.40 of S.B. 310 153419
of the 131st General Assembly and other prior acts of the 153420
General Assembly, with respect to financing the costs associated 153421
with the acquisition, development, implementation, and 153422
integration of the BCIRS. 153423

COUNTY SHERIFFS' PAY SUPPLEMENT 153424

The foregoing appropriation item 055411, County Sheriffs' 153425
Pay Supplement, shall be used for the purpose of supplementing 153426
the annual compensation of county sheriffs as required by 153427
section 325.06 of the Revised Code. 153428

At the request of the Attorney General, the Director of 153429
Budget and Management may transfer appropriation from 153430
appropriation item 055321, Operating Expenses, to appropriation 153431
item 055411, County Sheriffs' Pay Supplement. Any appropriation 153432
so transferred shall be used to supplement the annual 153433
compensation of county sheriffs as required by section 325.06 of 153434
the Revised Code. 153435

COUNTY PROSECUTORS' PAY SUPPLEMENT	153436
The foregoing appropriation item 055415, County	153437
Prosecutors' Pay Supplement, shall be used for the purpose of	153438
supplementing the annual compensation of certain county	153439
prosecutors as required by section 325.111 of the Revised Code.	153440
At the request of the Attorney General, the Director of	153441
Budget and Management may transfer appropriation from	153442
appropriation item 055321, Operating Expenses, to appropriation	153443
item 055415, County Prosecutors' Pay Supplement. Any	153444
appropriation so transferred shall be used to supplement the	153445
annual compensation of county prosecutors as required by section	153446
325.111 of the Revised Code.	153447
DRUG ABUSE RESPONSE TEAM GRANT PROGRAM	153448
The Attorney General shall maintain the Drug Abuse	153449
Response Team Grant Program for the purpose of replicating or	153450
expanding successful law enforcement programs that address the	153451
opioid epidemic similar to the Drug Abuse Response Team	153452
established by the Lucas County Sheriff's Department, and the	153453
Quick Response Teams established in Colerain Township's	153454
Department of Public Safety in Hamilton County and Summit	153455
County. Any grants awarded by this grant program may include	153456
requirements for private or nonprofit matching support.	153457
The foregoing appropriation items 055431, Drug Abuse	153458
Response Team Grants, and 055610, Drug Abuse Response Team	153459
Grants, shall be used by the Attorney General to fund grants to	153460
law enforcement or other government agencies; the primary	153461
purpose of the grants shall be to replicate or expand successful	153462
law enforcement programs that address the opioid epidemic	153463
similar to the Drug Abuse Response Team established by the Lucas	153464

County Sheriff's Department and the Quick Response Teams 153465
established in Colerain Township's Department of Public Safety 153466
in Hamilton County and Summit County. 153467

Each recipient of a grant under this program shall, within 153468
six months of the end date of the grant, submit a written report 153469
describing the outcomes that resulted from the grant to the 153470
Governor, the President of the Senate, the Speaker of the House 153471
of Representatives, the Minority Leader of the Senate, and the 153472
Minority Leader of the House of Representatives. 153473

DRUG TESTING EQUIPMENT 153474

The foregoing appropriation item 055432, Drug Testing 153475
Equipment, shall be used to purchase, operate, and maintain drug 153476
testing equipment for the Bureau of Criminal Identification and 153477
Investigation. 153478

INTERNET CRIMES AGAINST CHILDREN TASK FORCE 153479

The foregoing appropriation item 055434, Internet Crimes 153480
Against Children Task Force, shall be used by the Attorney 153481
General in support of the Ohio Internet Crimes Against Children 153482
Task Force for the purposes described in section 195.02 of the 153483
Revised Code. 153484

VICTIMS OF CRIME 153485

The foregoing appropriation item 055441, Victims of Crime, 153486
shall be allocated to the Crime Victim Services Section. Prior 153487
to using the funds from this appropriation item, the Attorney 153488
General shall, to the extent possible, first use funds related 153489
to the federal Victims of Crime Act. 153490

CLEVELAND RAPE CRISIS CENTER 153491

Of the foregoing appropriation item 055501, Rape Crisis 153492

Centers, \$300,000 in each fiscal year shall be distributed to 153493
the Cleveland Rape Crisis Center to provide services for at-risk 153494
youth through the Cleveland Rape Crisis Center Human Trafficking 153495
Drop-in Center. 153496

SCHOOL SAFETY TRAINING GRANTS 153497

(A) The foregoing appropriation item 055502, School Safety 153498
Training Grants, shall be used by the Attorney General, in 153499
consultation with the Director of Education and Workforce and 153500
the Director of Behavioral Health, solely to make grants to 153501
public and chartered nonpublic schools, educational service 153502
centers, local law enforcement agencies, and schools operated by 153503
county boards of developmental disabilities administering 153504
special education services programs pursuant to section 5126.05 153505
of the Revised Code for school safety and school climate 153506
programs and training. 153507

(B) The use of the grants includes, but is not limited to, 153508
all of the following: 153509

(1) The support of school resource officer certification 153510
training; 153511

(2) Any type of active shooter and school safety training 153512
or equipment; 153513

(3) All grade level type educational resources; 153514

(4) Training to identify and assist students with mental 153515
health issues; 153516

(5) School supplies or equipment related to school safety 153517
or for implementing the school's safety plan; 153518

(6) Any other training, supplies, services, or equipment 153519
related to school safety. 153520

(C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B) (1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency, or to a nonprofit or charitable law enforcement training organization on the law enforcement agency's behalf, shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency.

(D) The Attorney General is authorized to make payments directly to school or law enforcement nonprofit or charitable training organizations on behalf of any public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services.

(E) As used in this section, "public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.

DOMESTIC VIOLENCE PROGRAMS

The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM

Of the foregoing appropriation item 055504, Domestic

Violence Programs, \$300,000 in each fiscal year shall be 153550
distributed to the Battered Women's Shelter of Summit and Medina 153551
counties for expenses related to the creation and implementation 153552
of a pilot program called "Finding my Childhood Again." 153553

BATTERED WOMEN'S SHELTER 153554

Of the foregoing appropriation item 055504, Domestic 153555
Violence Programs, \$50,000 in each fiscal year shall be 153556
distributed to the Battered Women's Shelter of Summit and Medina 153557
counties for the cost of operating the commercial kitchen 153558
located at its Market Street Facility, and \$50,000 in each 153559
fiscal year shall be distributed to the Battered Women's Shelter 153560
of Portage County. 153561

TRANSPORTATION GRANTS 153562

Of the foregoing appropriation item 055504, Domestic 153563
Violence Programs, \$25,000 in fiscal year 2026 shall be provided 153564
as grants to Ohio domestic violence shelters to buy 153565
transportation vouchers, ridesharing credits, or gas cards for 153566
eligible clients. The Attorney General shall adopt any rules 153567
necessary for the administration of the grant program. 153568

PIKE COUNTY CAPITAL CASE 153569

An amount equal to the unexpended, unencumbered balance of 153570
appropriation item 055505, Pike County Capital Case, at the end 153571
of fiscal year 2025 is hereby reappropriated to the same 153572
appropriation item for the same purpose in fiscal year 2026. 153573

An amount equal to the unexpended, unencumbered balance of 153574
appropriation item 055505, Pike County Capital Case, at the end 153575
of fiscal year 2026 is hereby reappropriated to the same 153576
appropriation item for the same purpose in fiscal year 2027. 153577

LAW ENFORCEMENT TRAINING	153578
The foregoing appropriation item 055509, Law Enforcement Training, shall be used by the Attorney General for state funding of the training of peace officers and troopers that is required under section 109.803 of the Revised Code.	153579 153580 153581 153582
Of the foregoing appropriation item 055509, Law Enforcement Training, the Attorney General may use up to \$150,000 in each fiscal year for administrative expenses associated with the program, including curriculum development.	153583 153584 153585 153586
ATTORNEY GENERAL COLLECTIONS SYSTEM LEASE RENTAL PAYMENTS	153587
The foregoing appropriation item 055668, Collections System Lease Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Section 701.10 of S.B. 310 of the 133rd General Assembly or Section 709.01 of H.B. 687 of the 134th General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Attorney General New Collection System.	153588 153589 153590 153591 153592 153593 153594 153595 153596
NARCOTICS TASK FORCES	153597
The foregoing appropriation item 055614, Narcotics Task Forces, shall be used to support narcotics task forces funded by the Attorney General.	153598 153599 153600
WORKERS' COMPENSATION SECTION	153601
The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the	153602 153603 153604 153605

Ohio Industrial Commission during the fiscal year. 153606

In addition, the Bureau of Workers' Compensation shall 153607
transfer payments for the support of the Workers' Compensation 153608
Fraud Unit. 153609

All amounts shall be mutually agreed upon by the Attorney 153610
General, the Bureau of Workers' Compensation, and the Ohio 153611
Industrial Commission. 153612

GENERAL HOLDING ACCOUNT 153613

The foregoing appropriation item 055631, General Holding 153614
Account, shall be used to distribute moneys under the terms of 153615
relevant court orders or other settlements received in a variety 153616
of cases involving the Office of the Attorney General. If it is 153617
determined that additional amounts are necessary for this 153618
purpose, the amounts are hereby appropriated. 153619

ANTITRUST SETTLEMENTS 153620

The foregoing appropriation item 055632, Antitrust 153621
Settlements, shall be used to distribute moneys under the terms 153622
of relevant court orders or other out-of-court settlements in 153623
antitrust cases or antitrust matters involving the Office of the 153624
Attorney General. If it is determined that additional amounts 153625
are necessary for this purpose, the amounts are hereby 153626
appropriated. 153627

CHARITABLE SETTLEMENT HOLDING ACCOUNT 153628

The foregoing appropriation item 055674, Charitable 153629
Settlement Holding Account, shall be used to distribute money in 153630
the Charitable Settlements Holding Account Fund (Fund 5BY1), 153631
which is created in the state treasury, under the terms of 153632
relevant court orders or other settlements received in the 153633

charitable law cases involving the Office of the Attorney 153634
General. If it is determined that additional amounts are 153635
necessary for this purpose, the amounts are hereby appropriated. 153636

On July 1, 2025, or as soon as possible thereafter, the 153637
Attorney General shall certify to the Director of Budget and 153638
Management the amount of cash receipts related to settlements 153639
received in charitable law cases and credited to the General 153640
Holding Account (Fund R004). The Director of Budget and 153641
Management shall transfer the amounts certified to the 153642
Charitable Settlements Holding Account Fund (Fund 5BY1). 153643

CONSUMER FRAUDS 153644

The foregoing appropriation item 055630, Consumer Frauds, 153645
shall be used for distribution of moneys from court-ordered 153646
judgments against sellers in actions brought by the Office of 153647
the Attorney General under sections 1334.08 and 4549.48 and 153648
division (B) of section 1345.07 of the Revised Code. These 153649
moneys shall be used to provide restitution to consumers 153650
victimized by the fraud that generated the court-ordered 153651
judgments. If it is determined that additional amounts are 153652
necessary for this purpose, the amounts are hereby appropriated. 153653

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 153654

The foregoing appropriation item 055601, Organized Crime 153655
Commission Distributions, shall be used by the Organized Crime 153656
Investigations Commission, as provided by section 177.011 of the 153657
Revised Code, to reimburse political subdivisions for the 153658
expenses the political subdivisions incur when their law 153659
enforcement officers participate in an organized crime task 153660
force and to support the operations of the retail theft task 153661
force. If it is determined that additional amounts are necessary 153662

for this purpose, the amounts are hereby appropriated. 153663

COLLECTION PAYMENT REDISTRIBUTION 153664

The foregoing appropriation item 055650, Collection 153665
Payment Redistribution, shall be used for the purpose of 153666
allocating the revenue where debtors mistakenly paid the client 153667
agencies instead of the Attorney General's Collections 153668
Enforcement Section. If it is determined that additional amounts 153669
are necessary for this purpose, the amounts are hereby 153670
appropriated. 153671

Section 221.30. On January 15, 2027, or as soon as 153672
possible thereafter, the Attorney General shall certify and 153673
remit to the Director of Budget and Management the balance of 153674
all proceeds received by the state under the settlement 153675
agreement in State of Ohio v. McKesson Corp., Case No. 153676
CVH20180055 (C.P. Madison Co., settlement agreement of October 153677
7, 2021). Upon certification, the Director of Budget and 153678
Management shall remit the amounts certified to the Targeted 153679
Addiction Assistance Fund (Fund 5TZ0), created in section 126.67 153680
of the Revised Code. 153681

Section 221.40. OHIO COURTS NETWORK 153682

Of the foregoing appropriation item 055321, Operating 153683
Expenses, \$4,505,000 in each fiscal year shall be used to fund 153684
an initiative by the Attorney General to facilitate the exchange 153685
of information and warehousing of data by and between Ohio 153686
courts and other justice system partners through the maintenance 153687
of an Ohio Courts Network. Courts and the clerks of the court of 153688
common pleas, whether elected or appointed, located in counties 153689
with a population of not more than 125,000 according to the most 153690
recent federal decennial census, are eligible for funding under 153691

the initiative. 153692

On July 1, 2025, or as soon as possible thereafter, the 153693
Director of Budget and Management shall cancel any existing 153694
encumbrances against appropriation item 005409, Ohio Courts 153695
Technology Initiative, used by the Supreme Court of Ohio, and 153696
reestablish them against appropriation item 055321, Operating 153697
Expenses. The reestablished encumbrance amounts are hereby 153698
appropriated. 153699

On July 1, 2025, or as soon as possible thereafter, the 153700
Administrative Director of the Supreme Court of Ohio and the 153701
Attorney General, or their designees, shall facilitate the 153702
transfer of management and administration of any outstanding 153703
grants and all necessary program records or files from the 153704
Supreme Court to the Attorney General. 153705

Section 223.10. 153706
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1	2	3	4	5
A	AUD AUDITOR OF STATE			
B	General Revenue Fund			
C	GRF	070401 Audit Management and Services	\$20,067,887	\$16,035,566
D	GRF	070402 Performance Audits	\$3,505,464	\$3,257,092
E	GRF	070403 Fiscal Distress Technical Assistance	\$650,000	\$650,000
F	GRF	070404 Fraud/Corruption Audits and Investigations	\$4,915,927	\$5,534,546

G	GRF	070412	Local Government Audit Support	\$21,000,000	\$23,250,000
H			General Revenue Fund Total	\$50,139,278	\$48,727,204
I			Dedicated Purpose Fund Group		
J	1090	070601	Public Audit Expense - Intrastate	\$13,737,026	\$13,914,164
K	4220	070602	Public Audit Expense - Local Government	\$33,000,000	\$33,000,000
L	5840	070603	Training Program	\$250,000	\$250,000
M	5JZ0	070606	Auditor's Innovation Fund	\$300,000	\$300,000
N	5VP0	070611	Local Government Audit Support Fund	\$21,000,000	\$23,250,000
O	6750	070605	Uniform Accounting Network	\$7,306,872	\$6,804,086
P			Dedicated Purpose Fund Group Total	\$75,593,898	\$77,518,250
Q			TOTAL ALL BUDGET FUND GROUPS	\$125,733,176	\$126,245,454

Section 223.20. AUDIT MANAGEMENT AND SERVICES 153708

The foregoing appropriation item 070401, Audit Management 153709
and Services, shall be used pursuant to section 117.13 of the 153710
Revised Code to support costs of the Auditor of State that are 153711
not recovered through charges to local governments and state 153712
entities, including costs that cannot be recovered from audit 153713
clients under federal indirect cost allocation guidelines. This 153714

appropriation item also shall be used to cover costs of the 153715
Local Government Services Section that are not charged to 153716
clients. 153717

Of the foregoing appropriation item 070401, Audit 153718
Management and Services, \$5,000,000 in fiscal year 2026 shall be 153719
used to conduct an audit in accordance with Section 751.170 of 153720
this act. 153721

PERFORMANCE AUDITS 153722

The foregoing appropriation item 070402, Performance 153723
Audits, shall be used pursuant to section 117.13 of the Revised 153724
Code to support costs of the Auditor of State related to the 153725
provision of performance audits for local governments, school 153726
districts, state agencies, and colleges and universities that 153727
are not recovered through charges to those entities, including 153728
costs that cannot be recovered from audit clients under federal 153729
indirect cost allocation guidelines. 153730

Of the foregoing appropriation item 070402, Performance 153731
Audits, up to \$500,000 in fiscal year 2026 shall be used to 153732
conduct a performance audit of indigent defense services within 153733
Ohio. The performance audit shall review the challenges of the 153734
delivery of indigent defense services, including, but not 153735
limited to, the costs, accounting, and payment processes of the 153736
Office of the Public Defender and at least five counties that 153737
represent each of the various indigent defense delivery methods 153738
in the state. The audit shall be completed and a report 153739
submitted to the President and Minority Leader of the Senate and 153740
to the Speaker and Minority Leader of the House of 153741
Representatives by January 1, 2027. 153742

FISCAL DISTRESS TECHNICAL ASSISTANCE 153743

The foregoing appropriation item 070403, Fiscal Distress
Technical Assistance, shall be used to support costs of the
Auditor of State responsibilities under Chapters 118., 3316.,
and 3345. of the Revised Code to provide services to local
governments, schools, or colleges and universities in, or at
risk of entering, a state of fiscal caution, watch, or
emergency.

LOCAL GOVERNMENT AUDIT SUPPORT

The foregoing appropriation item 070412, Local Government
Audit Support, shall be used pursuant to section 117.13 of the
Revised Code to support costs of the Auditor of State that are
not recovered through charges to local governments, including
costs that cannot be recovered from audit clients under federal
indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND

The foregoing appropriation item 070611, Local Government
Audit Support Fund, shall be used pursuant to section 117.131 of
the Revised Code to offset costs of audits that would otherwise
be charged to local public offices in the absence of the fund.

Section 229.10.

1	2	3	4	5
A	OBM OFFICE OF BUDGET AND MANAGEMENT			
B	General Revenue Fund			
C	GRF	042321 Operating Expenses	\$4,400,000	\$4,592,000
D	GRF	042435 Gubernatorial Transition	\$0	\$250,000

E	General Revenue Fund Total	\$4,400,000	\$4,842,000
F	Dedicated Purpose Fund Group		
G	5AY1 042509 One Time Strategic Community Investments	\$2,000,000	\$0
H	Dedicated Purpose Fund Group Total	\$2,000,000	\$0
I	Internal Service Activity Fund Group		
J	1050 042603 Financial Management	\$27,744,976	\$28,843,309
K	Internal Service Activity Fund Group Total	\$27,744,976	\$28,843,309
L	Fiduciary Fund Group		
M	5EH0 042604 Forgery Recovery	\$30,000	\$30,000
N	Fiduciary Fund Group Total	\$30,000	\$30,000
O	TOTAL ALL BUDGET FUND GROUPS	\$34,174,976	\$33,715,309

Section 229.30. ONE TIME STRATEGIC COMMUNITY INVESTMENTS 153765

The foregoing appropriation item 042509, One Time 153766
Strategic Community Investments, shall be used by the Office of 153767
Budget and Management to provide grants for the projects listed 153768
in this section in the amounts listed. Prior to disbursing a 153769
grant to a recipient, the Office of Budget and Management shall 153770
enter into a grant agreement with the recipient. As part of the 153771
grant agreement, the recipient shall agree to complete a final 153772
report, in a form and manner to be prescribed by the Office of 153773
Budget and Management, detailing how the recipient used the 153774

grant and submit the report to the Office of Budget and Management. 153775
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An amount equal to the unexpended, unencumbered balance of 153777
the foregoing appropriation item 042509, One Time Strategic 153778
Community Investments, at the end of fiscal year 2026 is hereby 153779
reappropriated for the same purpose in fiscal year 2027. 153780
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A	Project	Amount
B	Say Yes Cleveland	\$750,000
C	University Circle	\$250,000
D	Cleveland Neighborhood Progress for the Middle Neighborhood Investment Project	\$500,000
E	Great Lakes Science Center	\$500,000

AUDIT COSTS 153782

All centralized audit costs associated with either Single 153783
Audit Schedules or financial statements prepared in conformance 153784
with generally accepted accounting principles for the state 153785
shall be paid from the foregoing appropriation item 042603, 153786
Financial Management. 153787

Costs associated with the audit of the Auditor of State 153788
shall be paid from the foregoing appropriation item 042321, 153789
Operating Expenses. 153790

SHARED SERVICES CENTER 153791

The foregoing appropriation item 042603, Financial 153792

Management, shall be used by the Director of Budget and 153793
Management to support the Shared Services program pursuant to 153794
division (D) of section 126.21 of the Revised Code. 153795

The Director of Budget and Management shall include the 153796
recovery of costs to operate the Shared Services program in the 153797
accounting and budgeting services payroll rate and through 153798
direct charges using intrastate transfer vouchers billed to 153799
agencies for services rendered using a methodology determined by 153800
the Director of Budget and Management. Such cost recovery 153801
revenues shall be deposited to the credit of the Accounting and 153802
Budgeting Fund (Fund 1050). 153803

INTERNAL AUDIT 153804

The Director of Budget and Management shall include the 153805
recovery of costs to operate the Internal Audit Program pursuant 153806
to section 126.45 of the Revised Code in the accounting and 153807
budgeting services payroll rate using a methodology determined 153808
by the Director of Budget and Management. Such cost recovery 153809
revenues shall be deposited to the credit of Fund 1050. 153810

FORGERY RECOVERY 153811

The foregoing appropriation item 042604, Forgery Recovery, 153812
shall be used to reissue warrants that have been certified as 153813
forgeries by the rightful recipient as determined by the Bureau 153814
of Criminal Identification and Investigation and the Treasurer 153815
of State. Upon receipt of funds to cover the reissuance of the 153816
warrant, the Director of Budget and Management shall reissue a 153817
state warrant of the same amount. Any additional amounts needed 153818
to reissue warrants backed by the receipt of funds are hereby 153819
appropriated. 153820

Section 229.40. CULTURAL, SPORTS, AND MAJOR SPORTS 153821

FACILITIES PERFORMANCE GRANTS 153822

On January 1, 2026, or as soon as possible thereafter, of 153823
the unclaimed funds and interest that escheat to the state under 153824
division (I) of section 169.08 of the Revised Code, the Director 153825
of Commerce shall remit \$1,000,000,000 to the state treasury for 153826
deposit into the Ohio Cultural and Sports Facility Performance 153827
Grant Fund (Fund 5CY1). Notwithstanding section 123.282 or 153828
division (I)(4) of section 169.08 of the Revised Code, the 153829
remaining portion of the unclaimed funds and interest that 153830
escheat to the state on January 1, 2026, shall be deposited into 153831
the Ohio Escheatment Fund, which is hereby created in the state 153832
treasury. After January 1, 2026, unclaimed funds and interest 153833
that escheat to the state shall be deposited into the Ohio 153834
Cultural and Sports Facility Performance Grant Fund (Fund 5CY1) 153835
in accordance with section 123.282 and division (I)(4) of 153836
section 169.08 of the Revised Code. 153837

There is hereby appropriated \$1,000,000,000 in fiscal year 153838
2026 to appropriation item 042428, Cultural, Sports, and Major 153839
Sports Facilities Performance Grants, from revenues received in 153840
the Ohio Cultural and Sports Facility Performance Grant Fund 153841
(Fund 5CY1). The Office of Budget and Management shall use 153842
\$600,000,000 from appropriation item 042428, Cultural, Sports, 153843
and Major Sports Facilities Performance Grants, to support 153844
construction of a transformational major sports facility mixed- 153845
use project pursuant to section 123.281 of the Revised Code that 153846
is associated with a Brook Park economic development project, 153847
except that no performance grants from appropriation item 153848
042428, Cultural, Sports, and Major Sports Facilities 153849
Performance Grants, shall be disbursed prior to February 1, 153850
2026. 153851

Given that the Brook Park economic development project, 153852
which is to be located in the territorial boundary of a 153853
transformational major sports facility mixed-use project 153854
district, will be under construction in calendar years 2026, 153855
2027, and 2028, the General Assembly establishes, in accordance 153856
with section 123.28 of the Revised Code, that the base 153857
professional sports franchise state tax revenues will be 153858
realized and offset by the actual revenues generated each of 153859
those years through the continuing economic activity and state 153860
taxes levied and realized under Chapters 5739., 5741., 5747., 153861
and 5751. of the Revised Code at the stadium in Cleveland. As a 153862
result, the simultaneous economic activity and state tax 153863
revenues levied and realized under Chapters 5739., 5741., 5747., 153864
and 5751. of the Revised Code in the district each of those 153865
three years will exceed the base professional sports franchise 153866
state tax revenues. Thus, for that three-year period only, the 153867
General Assembly establishes, in accordance with section 123.28 153868
of the Revised Code, that the incremental major sports facility 153869
mixed-use project district state tax revenues generated during 153870
each of those years equal the state taxes levied and realized 153871
under Chapters 5739., 5741., 5747., and 5751. of the Revised 153872
Code for the construction of, and the purchasing of or leasing 153873
of materials and items used in the construction of, the project. 153874
For calendar year 2029 and beyond, the base professional sports 153875
franchise state tax revenues and the incremental major sports 153876
facility mixed-use project district state tax revenues shall be 153877
determined as provided in section 123.28 of the Revised Code. 153878
Further, nothing in this section modifies, changes, or otherwise 153879
alters the four-year target amounts described under division (H) 153880
(5) (a) of section 123.281 of the Revised Code. 153881

The Office of Budget and Management shall use \$400,000,000 153882

from appropriation item 042428, Cultural, Sports, and Major 153883
Sports Facilities Performance Grants, to support construction or 153884
renovation of an Ohio cultural or sports facility under section 153885
123.283 of the Revised Code. 153886

An amount equal to the unexpended, unencumbered balance of 153887
the foregoing appropriation item 042428, Cultural, Sports, and 153888
Major Sports Facilities Performance Grants, at the end of fiscal 153889
year 2026 is hereby reappropriated to the same appropriation 153890
item in fiscal year 2027. 153891

Section 231.10. 153892
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	1	2	3	4	5
A	CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD				
B	General Revenue Fund				
C	GRF	874321	Operating Expenses	\$7,003,530	\$7,212,135
D	GRF	874400	Statehouse Facility Improvements	\$6,000,000	\$0
E	General Revenue Fund Total			\$13,003,530	\$7,212,135
F	Dedicated Purpose Fund Group				
G	2080	874601	Underground Parking Garage Operations	\$4,245,906	\$4,245,906
H	4G50	874603	Capitol Square Education Center and Arts	\$6,000	\$6,000
I	5AN1	874608	Capitol Square	\$1,927,921	\$0

Improvements

J	Dedicated Purpose Fund Group Total	\$6,179,827	\$4,251,906
K	Internal Service Activity Fund Group		
L	4S70 874602 Statehouse Gift	\$1,000,000	\$1,000,000
	Shop/Events		
M	Internal Service Activity Fund Group	\$1,000,000	\$1,000,000
	Total		
N	TOTAL ALL BUDGET FUND GROUPS	\$20,183,357	\$12,464,041

Section 231.20. OPERATING EXPENSES

153894

Of the foregoing appropriation item 874321, Operating
Expenses, up to \$50,000 in each fiscal year shall be used to
display inside the Statehouse borrowed or purchased United
States, Ohio, or Ohio military flags that have historical
significance to the state of Ohio.

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On July 1, 2025, or as soon as possible thereafter, the
Executive Director of the Capitol Square Review and Advisory
Board may certify to the Director of Budget and Management an
amount up to the unexpended, unencumbered balance of the
foregoing appropriation item 874321, Operating Expenses, at the
end of fiscal year 2025 to be reappropriated for fiscal year
2026. The amount certified is hereby reappropriated to the same
appropriation item 874321, Operating Expenses, for fiscal year
2026.

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On July 1, 2026, or as soon as possible thereafter, the
Executive Director of the Capitol Square Review and Advisory
Board may certify to the Director of Budget and Management an

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amount up to the unexpended, unencumbered balance of the 153912
foregoing appropriation item 874321, Operating Expenses, at the 153913
end of fiscal year 2026 to be reappropriated for fiscal year 153914
2027. The amount certified is hereby reappropriated to the same 153915
appropriation item 874321, Operating Expenses, for fiscal year 153916
2027. 153917

STATEHOUSE FACILITY IMPROVEMENTS 153918

On July 1, 2026, or as soon as possible thereafter, the 153919
Executive Director of the Capitol Square Review and Advisory 153920
Board may certify to the Director of Budget and Management an 153921
amount up to the unexpended, unencumbered balance of the 153922
foregoing appropriation item 874400, Statehouse Facility 153923
Improvements, at the end of fiscal year 2026 to be 153924
reappropriated for fiscal year 2027. The amount certified is 153925
hereby reappropriated to the same appropriation item 874400, 153926
Statehouse Facility Improvements, for fiscal year 2027. 153927

CAPITOL SQUARE IMPROVEMENTS 153928

On July 1, 2025, or as soon as possible thereafter, the 153929
Executive Director of the Capitol Square Review and Advisory 153930
Board may certify to the Director of Budget and Management an 153931
amount up to the unexpended, unencumbered balance of the 153932
foregoing appropriation item 874608, Capitol Square 153933
Improvements, at the end of fiscal year 2025 to be 153934
reappropriated for fiscal year 2026. The amount certified is 153935
hereby appropriated to the same appropriation item 874608, 153936
Capitol Square Improvements, for fiscal year 2026. 153937

On July 1, 2026, or as soon as possible thereafter, the 153938
Executive Director of the Capitol Square Review and Advisory 153939
Board may certify to the Director of Budget and Management an 153940

amount up to the unexpended, unencumbered balance of the 153941
foregoing appropriation item 874608, Capitol Square 153942
Improvements, at the end of fiscal year 2026 to be 153943
reappropriated for fiscal year 2027. The amount certified is 153944
hereby appropriated to the same appropriation item 874608, 153945
Capitol Square Improvements, for fiscal year 2027. 153946

UNDERGROUND PARKING GARAGE FUND 153947

Notwithstanding division (G) of section 105.41 of the 153948
Revised Code and any other provision to the contrary, moneys in 153949
the Underground Parking Garage Fund (Fund 2080) may be used for 153950
personnel and operating costs related to the operations of the 153951
Statehouse and the Statehouse Underground Parking Garage. 153952

HOUSE AND SENATE PARKING REIMBURSEMENT 153953

On July 1 of each fiscal year, or as soon as possible 153954
thereafter, the Director of Budget and Management shall transfer 153955
\$500,000 cash from the General Revenue Fund to the Underground 153956
Parking Garage Fund (Fund 2080). The amounts transferred under 153957
this section shall be used to reimburse the Capitol Square 153958
Review and Advisory Board for legislative parking costs. 153959

UNDERGROUND PARKING GARAGE FUND TRANSFER 153960

On July 1, 2025, or as soon as possible thereafter, the 153961
Director of Budget and Management shall transfer \$1,000,000 cash 153962
from the Underground Parking Garage Fund (Fund 2080) to the 153963
Statehouse Gift Shop/Events Fund (Fund 4S70). The amount 153964
transferred under this section shall be used for personnel and 153965
operating costs related to the operations of the Statehouse Gift 153966
Shop and events. 153967

Section 233.10. 153968

153969

	1	2	3	4	5
A	SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS				
B	Dedicated Purpose Fund Group				
C	4K90	233601	Operating Expenses	\$581,189	\$593,979
D	Dedicated Purpose Fund Group Total			\$581,189	\$593,979
E	TOTAL ALL BUDGET FUND GROUPS			\$581,189	\$593,979

Section 235.10.

153970
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	1	2	3	4	5
A	CAC CASINO CONTROL COMMISSION				
B	Dedicated Purpose Fund Group				
C	5HS0	955321	Operating Expenses	\$17,855,928	\$18,849,195
D	5NU0	955601	Casino Commission Enforcement	\$156,680	\$200,547
E	5YR0	955602	Problem Sports Gaming	\$3,500,000	\$3,500,000
F	Dedicated Purpose Fund Group Total			\$21,512,608	\$22,549,742
G	TOTAL ALL BUDGET FUND GROUPS			\$21,512,608	\$22,549,742

Section 237.10.

153972
153973

	1	2	3	4	5

A	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 930609 Operating Expenses	\$1,337,144	\$1,487,262
D	5CF1 930600 Peer Support Program	\$292,500	\$30,000
E	Dedicated Purpose Fund Group Total	\$1,629,644	\$1,517,262
F	TOTAL ALL BUDGET FUND GROUPS	\$1,629,644	\$1,517,262

Section 239.10.

153974

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A	CHR STATE CHIROPRACTIC BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 878609 Operating Expenses	\$625,713	\$639,017
D	Dedicated Purpose Fund Group Total	\$625,713	\$639,017
E	TOTAL ALL BUDGET FUND GROUPS	\$625,713	\$639,017

Section 241.10.

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1	2	3	4	5

A	CIV OHIO CIVIL RIGHTS COMMISSION		
B	General Revenue Fund		
C	GRF 876321 Operating Expenses	\$7,464,880	\$7,763,235

D	General Revenue Fund Total	\$7,464,880	\$7,763,235
E	Dedicated Purpose Fund Group		
F	2170 876604 Operations Support	\$5,000	\$5,000
G	Dedicated Purpose Fund Group Total	\$5,000	\$5,000
H	Federal Fund Group		
I	3340 876601 Federal Programs	\$3,614,239	\$3,676,006
J	Federal Fund Group Total	\$3,614,239	\$3,676,006
K	TOTAL ALL BUDGET FUND GROUPS	\$11,084,119	\$11,444,241

Section 243.10.

153978

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	1	2	3	4	5
A	COM DEPARTMENT OF COMMERCE				
B	Dedicated Purpose Fund Group				
C	4B20	800631	Real Estate Appraisal Recovery	\$35,000	\$35,000
D	4H90	800608	Cemeteries	\$326,349	\$332,990
E	4X20	800619	Financial Institutions	\$2,129,695	\$2,138,176
F	5430	800602	Unclaimed Funds - Operating	\$17,777,906	\$17,249,752
G	5430	800625	Unclaimed Funds - Claims	\$90,000,000	\$90,000,000

H	5440	800612	Banks	\$11,467,455	\$11,775,392
I	5460	800610	Fire Marshal	\$30,366,505	\$31,171,353
J	5460	800639	Fire Department Grants	\$15,515,000	\$7,515,000
K	5480	800611	Real Estate Recovery	\$50,000	\$50,000
L	5490	800614	Real Estate	\$7,808,917	\$8,014,934
M	5500	800617	Securities	\$9,782,453	\$10,204,710
N	5520	800604	Credit Union	\$5,194,284	\$4,831,282
O	5530	800607	Consumer Finance	\$6,440,712	\$7,215,971
P	5560	800615	Industrial Compliance	\$33,508,390	\$33,692,610
Q	5BG1	800659	Fireworks Fee Firefighter Training	\$3,000,000	\$3,000,000
R	5F10	800635	Small Government Fire Departments	\$600,000	\$600,000
S	5FW0	800616	Financial Literacy Education	\$150,000	\$150,000
T	5GK0	800609	Securities Investor Education/Enforcement	\$742,863	\$542,863
U	5HV0	800641	Cigarette Enforcement	\$27,324	\$27,324
V	5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$200,000	\$200,000

W	5LNO	800645	Liquor Operating Services	\$18,105,130	\$18,371,853
X	5LP0	800646	Liquor Regulatory Operating Expenses	\$17,782,397	\$17,681,629
Y	5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$50,000	\$50,000
Z	5SY0	800650	Medical Marijuana Control Program	\$21,339,688	\$21,180,201
AA	5TZ0	800661	Drug Addiction Partnership	\$10,000,000	\$10,000,000
AB	5VD0	800653	Real Estate Home Inspector Recovery	\$10,000	\$10,000
AC	5X60	800623	Video Service	\$429,981	\$441,076
AD	5XK0	800657	Ohio Investor Recovery	\$2,500,000	\$2,500,000
AE	6530	800629	UST Registration/Permit Fee	\$2,813,369	\$2,824,398
AF	Dedicated Purpose Fund Group Total			\$308,153,418	\$301,806,514
AG	Internal Service Activity Fund Group				
AH	1630	800620	Division of Administration	\$11,532,983	\$11,239,902
AI	1630	800637	Information Technology	\$12,728,427	\$13,134,526
AJ	Internal Service Activity Fund Group Total			\$24,261,410	\$24,374,428

AK Federal Fund Group

AL 3480 800622 Underground Storage Tanks	\$779,620	\$779,620
AM 3480 800624 Leaking Underground Storage Tanks	\$1,899,016	\$1,899,016
AN Federal Fund Group Total	\$2,678,636	\$2,678,636
AO TOTAL ALL BUDGET FUND GROUPS	\$335,093,464	\$328,859,578

Section 243.20. UNCLAIMED FUNDS - OPERATING 153980

Of the foregoing appropriation item 800602, Unclaimed 153981
Funds - Operating, \$1,000,000 in each fiscal year shall be used 153982
by the Division of Unclaimed Funds to use technologies, 153983
outreach, advertising, and other direct or indirect methods to 153984
locate and notify owners of unclaimed funds, or persons with an 153985
established right to ownership of unclaimed funds, and assist 153986
them with filing claims to those unclaimed funds. 153987

UNCLAIMED FUNDS PAYMENTS 153988

The foregoing appropriation item 800625, Unclaimed Funds- 153989
Claims, shall be used to pay claims under section 169.08 of the 153990
Revised Code. If it is determined by the Director of Commerce 153991
that additional appropriation amounts are necessary to make such 153992
payments, the Director of Commerce may request that the Director 153993
of Budget and Management approve such increases. Any approved 153994
increases are hereby appropriated. 153995

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 153996

The foregoing appropriation item 800631, Real Estate 153997
Appraisal Recovery, shall be used to pay settlements, judgments, 153998

and court orders under section 4763.16 of the Revised Code. If 153999
it is determined by the Director of Commerce that additional 154000
appropriation amounts are necessary to make such payments, the 154001
Director of Commerce may request that the Director of Budget and 154002
Management approve such increases. Any approved increases are 154003
hereby appropriated. 154004

The foregoing appropriation item 800611, Real Estate 154005
Recovery, shall be used to pay settlements, judgments, and court 154006
orders under section 4735.12 of the Revised Code. If it is 154007
determined by the Director of Commerce that additional 154008
appropriation amounts are necessary to make such payments, the 154009
Director of Commerce may request that the Director of Budget and 154010
Management approve such increases. Any approved increases are 154011
hereby appropriated. 154012

The foregoing appropriation item 800653, Real Estate Home 154013
Inspector Recovery, shall be used to pay settlements, judgments, 154014
and court orders under section 4764.21 of the Revised Code. If 154015
it is determined by the Director of Commerce that additional 154016
appropriation amounts are necessary to make such payments, the 154017
Director of Commerce may request that the Director of Budget and 154018
Management approve such increases. Any approved increases are 154019
hereby appropriated. 154020

FIRE DEPARTMENT GRANTS 154021

(A) The foregoing appropriation item 800639, Fire 154022
Department Grants, shall be used to make annual grants to the 154023
following eligible recipients: volunteer fire departments, fire 154024
departments that serve one or more small municipalities or small 154025
townships, joint fire districts comprised of fire departments 154026
that primarily serve small municipalities or small townships, 154027
local units of government responsible for such fire departments, 154028

and local units of government responsible for the provision of 154029
fire protection services for small municipalities or small 154030
townships. For the purposes of these grants, a private fire 154031
company, as that phrase is defined in section 9.60 of the 154032
Revised Code, that is providing fire protection services under a 154033
contract to a political subdivision of the state, is an 154034
additional eligible recipient for a training grant. 154035

Eligible recipients that consist of small municipalities 154036
or small townships that all intend to contract with the same 154037
fire department or private fire company for fire protection 154038
services may jointly apply and be considered for a grant. If a 154039
joint applicant is awarded a grant, the State Fire Marshal 154040
shall, if feasible, proportionately award the grant and any 154041
equipment purchased with grant funds to each of the joint 154042
applicants based upon each applicant's contribution to and 154043
demonstrated need for fire protection services. For the purpose 154044
of this grant program, an eligible recipient or any firefighting 154045
entity that is contracted to serve an eligible recipient may 154046
only file, be listed as joint applicant, or be designated as a 154047
service provider on one grant application per fiscal year. 154048

If the grant awarded to joint applicants is an equipment 154049
grant and the equipment to be purchased cannot be readily 154050
distributed or possessed by multiple recipients, each of the 154051
joint applicants shall be awarded by the State Fire Marshal an 154052
ownership interest in the equipment so purchased in proportion 154053
to each applicant's contribution to and demonstrated need for 154054
fire protection services. The joint applicants shall then 154055
mutually agree on how the equipment is to be maintained, 154056
operated, stored, or disposed of. If, for any reason, the joint 154057
applicants cannot agree as to how jointly owned equipment is to 154058
be maintained, operated, stored, or disposed of or any of the 154059

joint applicants no longer maintain a contract with the same 154060
fire protection service provider as the other applicants, then 154061
the joint applicants shall, with the assistance of the State 154062
Fire Marshal, mutually agree as to how the jointly owned 154063
equipment is to be maintained, operated, stored, disposed of, or 154064
owned. If the joint applicants cannot agree how the grant 154065
equipment is to be maintained, operated, stored, disposed of, or 154066
owned, the State Fire Marshal may, in its discretion, require 154067
all of the equipment acquired by the joint applicants with grant 154068
funds to be returned to the State Fire Marshal. The State Fire 154069
Marshal may then award the returned equipment to any eligible 154070
recipients. For this paragraph only, an "equipment grant" also 154071
includes a MARCS Grant. 154072

(B) Except as otherwise provided in this section, the 154073
grants shall be used by recipients to purchase firefighting or 154074
rescue equipment or gear or similar items, to provide full or 154075
partial reimbursement for the documented costs of firefighter 154076
training, or, at the discretion of the State Fire Marshal, to 154077
cover fire department costs for providing fire protection 154078
services in that grant recipient's jurisdiction. 154079

(1) Of the foregoing appropriation item 800639, Fire 154080
Department Grants, up to \$1,300,000 per fiscal year may be used 154081
to pay for the State Fire Marshal's costs of providing 154082
firefighter I certification classes or other firefighter classes 154083
approved by the State Fire Marshal at no cost to selected 154084
students attending the Ohio Fire Academy or other class 154085
providers approved by the State Fire Marshal. The State Fire 154086
Marshal may establish the qualifications and selection processes 154087
for students to attend such classes by written policy, and such 154088
students shall be considered eligible recipients of fire 154089
department grants for the purposes of this portion of the grant 154090

program. 154091

(2) Of the foregoing appropriation item 800639, Fire 154092
Department Grants, up to \$4,000,000 in each fiscal year may be 154093
used for MARCS Grants. MARCS Grants may be used for the payment 154094
of user access fees by the eligible recipient to cover costs for 154095
accessing MARCS. 154096

(3) Of the foregoing appropriation item 800639, Fire 154097
Department Grants, \$30,000 in fiscal year 2026 shall be used to 154098
support volunteer firefighter training programs at the 154099
Northwestern Ohio Volunteer Firemen's Association Fire School. 154100

For purposes of this section, a MARCS Grant is a grant for 154101
systems, equipment, or services that are a part of, integrated 154102
into, or otherwise interoperable with the Multi-Agency Radio 154103
Communication System (MARCS) operated by the state. 154104

MARCS Grant awards may be up to \$50,000 in each fiscal 154105
year per eligible recipient. Each eligible recipient may apply, 154106
as a separate entity or as a part of a joint application, for 154107
only one MARCS Grant per fiscal year. The State Fire Marshal may 154108
give a preference to MARCS Grants that will enhance the overall 154109
interoperability and effectiveness of emergency communication 154110
networks in the geographic region that includes and that is 154111
adjacent to the applicant. 154112

Eligible recipients that are or were awarded fire 154113
department grants that are not MARCS Grants may also apply for 154114
and receive MARCS Grants in accordance with criteria for the 154115
awarding of grant funds established by the State Fire Marshal. 154116

(4) Grant awards for firefighting or rescue equipment or 154117
gear or for fire department costs of providing fire protection 154118
services shall be up to \$15,000 per fiscal year, or up to 154119

\$25,000 per fiscal year if an eligible entity serves a 154120
jurisdiction in which the Governor declared a natural disaster 154121
during the preceding or current fiscal year in which the grant 154122
was awarded. In addition to any grant funds awarded for rescue 154123
equipment or gear, or for fire department costs associated with 154124
the provision of fire protection services, an eligible entity 154125
may receive a grant for up to \$15,000 per fiscal year for full 154126
or partial reimbursement of the documented costs of firefighter 154127
training. For each fiscal year, the State Fire Marshal shall 154128
determine the total amounts to be allocated for each eligible 154129
purpose. 154130

(5) Of the foregoing appropriation item 800639, Fire 154131
Department Grants, \$8,000,000 in fiscal year 2026 shall be used 154132
to issue grants to small county volunteer fire departments 154133
located within counties having a total population that is 70,000 154134
or lower as of the most recent decennial census. 154135

Small county volunteer fire department grants may be up to 154136
\$50,000per recipient. Grant awards are to be used for 154137
firefighting or rescue equipment or gear, or for fire department 154138
costs associated with the provision of fire protection services. 154139

(C) The grants shall be administered by the State Fire 154140
Marshal in accordance with rules the State Fire Marshal adopts 154141
as part of the state fire code adopted pursuant to section 154142
3737.82 of the Revised Code that are necessary for the 154143
administration and operation of the grant program. The rules may 154144
further define the entities eligible to receive grants and 154145
establish criteria for the awarding and expenditure of grant 154146
funds, including methods the State Fire Marshal may use to 154147
verify the proper use of grant funds or to obtain reimbursement 154148
for or the return of equipment for improperly used grant funds. 154149

To the extent consistent with this section and until the rules 154150
are updated, the existing rules in the state fire code adopted 154151
pursuant to section 3737.82 of the Revised Code for fire 154152
department grants under this section apply to MARCS Grants. Any 154153
amounts in appropriation item 800639, Fire Department Grants, in 154154
excess of the amount allocated for these grants may be used for 154155
the administration of the grant program. 154156

CASH TRANSFER FROM THE OHIO HIGHWAY AND TRANSPORTATION 154157
SAFETY FUND TO THE STATE FIRE MARSHAL FUND 154158

On July 1, 2025 or as soon as possible thereafter, the 154159
Director of Budget and Management shall transfer \$8,000,000 cash 154160
from the Ohio Highway and Transportation Safety Fund (Fund 5XI0) 154161
to the State Fire Marshal Fund (Fund 5460). 154162

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 154163
OPERATING FUND 154164

If the Real Estate Recovery Fund (Fund 5480) cash balance 154165
exceeds \$250,000 during the biennium ending June 30, 2027, the 154166
Director of Budget and Management, upon the written request of 154167
the Director of Commerce, and subject to Controlling Board 154168
approval, may transfer cash from Fund 5480 to the Division of 154169
Real Estate Operating Fund (Fund 5490), such that the amount 154170
available in Fund 5480 is not less than \$250,000. 154171

If the Real Estate Appraiser Recovery Fund (Fund 4B20) 154172
cash balance exceeds \$200,000 during the biennium ending June 154173
30, 2027, the Director of Budget and Management, upon the 154174
written request of the Director of Commerce, and subject to 154175
Controlling Board approval, may transfer cash from Fund 4B20 to 154176
the Division of Real Estate Operating Fund (Fund 5490), such 154177
that the amount available in Fund 4B20 is not less than 154178

\$200,000. 154179

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT 154180
SERVICES REVOLVING LOAN FUND 154181

Upon the written request of the Director of Commerce, the 154182
Director of Budget and Management, subject to Controlling Board 154183
approval, may transfer up to \$600,000 in cash from the State 154184
Fire Marshal Fund (Fund 5460) to the Small Government Fire 154185
Department Services Revolving Loan Fund (Fund 5F10) during the 154186
biennium ending June 30, 2027. 154187

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 154188

Upon the written request of the Director of Commerce, the 154189
Director of Budget and Management may transfer up to \$2,500,000 154190
in each fiscal year from the Division of Securities Fund (Fund 154191
5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the 154192
biennium ending June 30, 2027. The Director of Commerce may 154193
request the transfer of cash in addition to the \$2,500,000, and 154194
the Director of Budget and Management may transfer additional 154195
cash in an amount agreed upon with the Director of Commerce, if 154196
sufficient cash is available in Fund 5500. An amount equal to 154197
the additional cash transferred under this section is hereby 154198
appropriated to appropriation item 800657, Ohio Investor 154199
Recovery. 154200

The foregoing appropriation item 800657, Ohio Investor 154201
Recovery, shall be used by the Department of Commerce pursuant 154202
to section 1707.47 of the Revised Code to provide restitution 154203
assistance to victims who: (1) are identified in a final 154204
administrative order issued by the Division of Securities or a 154205
final court order in a civil or criminal proceeding initiated by 154206
the Division as a purchaser damaged by a sale or contract for 154207

sale made in violation of Chapter 1707. of the Revised Code; and 154208
(2) have not received the full amount of any restitution ordered 154209
in a final order before the application for restitution 154210
assistance is due. 154211

CASH TRANSFERS TO THE OHIO FINANCIAL LITERACY EDUCATION 154212
FUND 154213

Upon the written request of the Director of Commerce, the 154214
Director of Budget and Management, at least once every three 154215
months, may transfer cash equal to five per cent of all charges, 154216
penalties, and forfeitures received into the Consumer Finance 154217
Fund (Fund 5530) to the Financial Literacy Education Fund (Fund 154218
5FW0) created under section 121.085 of the Revised Code. 154219

MEDICAL MARIJUANA CONTROL PROGRAM 154220

Of the foregoing appropriation item 800650, Medical 154221
Marijuana Control Program, at least \$5,000,000 in each fiscal 154222
year shall be used by the Division of Cannabis Control to 154223
regulate adult-use marijuana. 154224

DRUG ADDICTION PARTNERSHIP 154225

The foregoing appropriation item 800661, Drug Addiction 154226
Partnership, shall be used to establish a public-private 154227
partnership with a statewide nonprofit corporation to develop 154228
and implement cannabis and related drug misuse prevention, 154229
education, and public awareness initiatives in accordance with 154230
section 3780.37 of the Revised Code. The Division of Cannabis 154231
Control shall submit an annual report to the General Assembly 154232
detailing program activities, use of funds, and measurable 154233
outcomes resulting from the public-private partnership. 154234

CLAIMING UNCLAIMED FUNDS FOR THE STATE OF OHIO AND 154235
POLITICAL SUBDIVISIONS OF THE STATE 154236

(A) Notwithstanding Chapter 169. of the Revised Code, or 154237
any law to the contrary, the Treasurer of State, in consultation 154238
with the Director of Commerce and Director of Budget and 154239
Management, may claim unclaimed funds in the name of the state 154240
and not otherwise attributable to an administrative department 154241
as defined in section 121.02 of the Revised Code. All unclaimed 154242
funds pursuant to this division shall be credited to the General 154243
Revenue Fund. 154244

(B) Notwithstanding Chapter 169. of the Revised Code or 154245
any law to the contrary, the treasurer of any political 154246
subdivision within the state, in consultation with the Director 154247
of Commerce and Director of Budget and Management, may claim 154248
unclaimed funds in the name of the political subdivision or 154249
otherwise attributable to the political subdivision. All 154250
unclaimed funds claimed pursuant to this division shall be 154251
credited to the appropriate fund of the political subdivision. 154252

(C) Notwithstanding divisions (A) and (B) of this section, 154253
any person claiming a property interest in the unclaimed funds 154254
may file a claim with the Director of Commerce. Upon providing 154255
sufficient proof of the validity of the person's claim, the 154256
Director may, in the Director's discretion, pay the claim less 154257
any expenses and costs incurred by the state or political 154258
subdivision in securing full ownership of the unclaimed funds. 154259
If payment has been made to a claim, no action thereafter may be 154260
maintained by any other claimant against the state or political 154261
subdivision of or on account of the payment of the claim. 154262

Section 245.10. 154263
154264

A	OCC OFFICE OF CONSUMERS' COUNSEL		
B	Dedicated Purpose Fund Group		
C	5F50 053601 Consumers' Counsel Operating	\$6,720,220	\$6,972,030
D	Dedicated Purpose Fund Group Total	\$6,720,220	\$6,972,030
E	TOTAL ALL BUDGET FUND GROUPS	\$6,720,220	\$6,972,030

Section 247.10.

154265

154266

1	2	3	4	5

A	CEB CONTROLLING BOARD		
B	Internal Service Activity Fund Group		
C	5KM0 911614 Controlling Board Emergency Purposes/Contingencies	\$10,000,000	\$10,000,000
D	Internal Service Activity Fund Group Total	\$10,000,000	\$10,000,000
E	TOTAL ALL BUDGET FUND GROUPS	\$10,000,000	\$10,000,000

Section 247.20. FEDERAL SHARE

154267

In transferring appropriations to or from appropriation	154268
items that have federal shares identified in this act, the	154269
Controlling Board shall add or subtract corresponding amounts of	154270
federal matching funds at the percentages indicated by the state	154271
and federal division of the appropriations in this act. Such	154272

changes are hereby appropriated. 154273

Section 249.10. 154274

154275

1	2	3	4	5
A		COS COSMETOLOGY AND BARBER BOARD		
B		Dedicated Purpose Fund Group		
C	4K90 879609	Operating Expenses	\$5,523,412	\$5,841,066
D		Dedicated Purpose Fund Group Total	\$5,523,412	\$5,841,066
E		TOTAL ALL BUDGET FUND GROUPS	\$5,523,412	\$5,841,066

Section 251.10. 154276

154277

1	2	3	4	5
A		CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD		
B		Dedicated Purpose Fund Group		
C	4K90 899609	Operating Expenses	\$2,161,054	\$2,291,375
D		Dedicated Purpose Fund Group Total	\$2,161,054	\$2,291,375
E		TOTAL ALL BUDGET FUND GROUPS	\$2,161,054	\$2,291,375

Section 253.10. 154278

154279

1	2	3	4	5
A		CLA COURT OF CLAIMS		

B	General Revenue Fund		
C	GRF 015321 Operating Expenses	\$3,318,213	\$3,468,684
D	GRF 015403 Public Records Adjudication	\$1,145,161	\$1,199,582
E	General Revenue Fund Total	\$4,463,374	\$4,668,266
F	Dedicated Purpose Fund Group		
G	5K20 015603 CLA Victims of Crime	\$622,100	\$649,822
H	5TE0 015604 Public Records	\$2,800	\$2,800
I	Dedicated Purpose Fund Group Total	\$624,900	\$652,622
J	TOTAL ALL BUDGET FUND GROUPS	\$5,088,274	\$5,320,888

Section 255.10.

154280

154281

1	2	3	4	5

A DEN STATE DENTAL BOARD

B Dedicated Purpose Fund Group

C	4K90 880609 Operating Expenses	\$2,281,030	\$2,372,258
D	Dedicated Purpose Fund Group Total	\$2,281,030	\$2,372,258
E	TOTAL ALL BUDGET FUND GROUPS	\$2,281,030	\$2,372,258

Section 257.10.

154282

154283

1	2	3	4	5
A	BDP BOARD OF DEPOSIT			
B	Dedicated Purpose Fund Group			
C	4M20 974601 Board of Deposit		\$1,688,400	\$1,688,400
D	Dedicated Purpose Fund Group Total		\$1,688,400	\$1,688,400
E	TOTAL ALL BUDGET FUND GROUPS		\$1,688,400	\$1,688,400

Section 257.20. BOARD OF DEPOSIT EXPENSE FUND 154284

Upon receiving certification of expenses from the 154285
Treasurer of State, the Director of Budget and Management shall 154286
transfer cash from the Investment Earnings Redistribution Fund 154287
(Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). 154288
The latter fund shall be used pursuant to section 135.02 of the 154289
Revised Code to pay for any and all necessary expenses of the 154290
Board of Deposit or for banking charges and fees required for 154291
the operation of the State of Ohio Regular Account. 154292

Section 259.10. 154293

154294

1	2	3	4	5
A	DEV DEPARTMENT OF DEVELOPMENT			
B	General Revenue Fund			
C	GRF 195402 Coal Research and Development Program		\$175,000	\$175,000
D	GRF 195405 Minority Business		\$7,500,000	\$8,500,000

Development

E	GRF	195406	Helping Ohioans Stay in Their Homes	\$4,000,000	\$4,000,000
F	GRF	195415	Business Development Services	\$3,864,894	\$3,807,217
G	GRF	195426	Redevelopment Assistance	\$1,125,000	\$1,141,982
H	GRF	195453	Technology Programs and Grants	\$859,360	\$868,648
I	GRF	195454	Small Business and Export Assistance	\$3,537,643	\$3,807,014
J	GRF	195455	Appalachia Assistance	\$12,680,362	\$12,682,630
K	GRF	195497	CDBG Operating Match	\$1,445,867	\$1,473,181
L	GRF	195499	BSD Federal Programs Match	\$13,441,064	\$13,499,251
M	GRF	1954A7	Residential Economic Development District Program	\$10,000,000	\$15,000,000
N	GRF	195503	Local Development Projects	\$2,405,000	\$1,250,000
O	GRF	195537	Ohio-Israel Agricultural Initiative	\$500,000	\$500,000
P	GRF	195553	Industry Sector Partnerships	\$5,000,000	\$5,000,000
Q	GRF	195556	TechCred Program	\$23,205,470	\$24,207,322

R	GRF	195595	Workforce Development Grants	\$400,000	\$400,000
S	GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$4,050,000	\$2,525,000
T	GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$45,000,000	\$45,000,000
U			General Revenue Fund Total	\$139,189,660	\$143,837,245
V			Dedicated Purpose Fund Group		
W	4500	195624	Minority Business Bonding Program Administration	\$9,875	\$9,875
X	4510	195649	Business Assistance Programs	\$3,000,000	\$3,000,000
Y	4F20	195639	State Special Projects	\$500,000	\$500,000
Z	4F20	195655	Workforce Development Programs	\$188,100	\$188,100
AA	4F20	195699	Utility Community Assistance	\$686,947	\$0
AB	4F20	1956B7	One-Time Emergency Projects	\$500,000	\$0

AC	4W10	195646	Minority Business Enterprise Loan	\$2,000,000	\$2,000,000
AD	5AI1	1956G9	Broadband Pole Replacement and Undergrounding Program	\$31,361,299	\$0
AE	5A00	1956H2	Priority Projects	\$17,000,000	\$15,800,000
AF	5AP1	1956H3	Welcome Home Ohio Program	\$45,625,000	\$45,625,000
AG	5CT1	1956B8	Residential Development Revolving Loan Program	\$100,000,000	\$0
AH	5GT0	195550	Broadband Development Grants	\$2,800,000	\$2,800,000
AI	5JR0	195635	Tax Incentives Operating	\$1,200,000	\$1,200,000
AJ	5KP0	195645	Historic Rehabilitation Operating	\$1,800,000	\$1,800,000
AK	5M40	195659	Low Income Energy Assistance (USF)	\$336,627,830	\$0
AL	5M50	195660	Advanced Energy Loan Programs	\$8,932,168	\$8,940,462
AM	5MH0	195644	SiteOhio Administration	\$5,000	\$5,000
AN	5MJ0	195683	TourismOhio Administration	\$11,000,000	\$11,000,000
AO	5UL0	195627	Brownfields Revolving Loan Program	\$1,750,000	\$1,750,000
AP	5UY0	195496	Sports Events Grants	\$3,000,000	\$3,000,000

AQ	5W60	195691	International Trade Cooperative Projects	\$50,000	\$50,000
AR	5XH0	195632	Women Owned Business Loans	\$5,000,000	\$5,000,000
AS	5XH0	195694	Micro-Loan	\$2,500,000	\$2,500,000
AT	5XH0	1956I1	Minority Business Development Loan Administration	\$2,000,000	\$2,000,000
AU	5YE0	1956A2	Brownfield Remediation	\$100,000,000	\$100,000,000
AV	5YF0	1956A3	Demolition and Site Revitalization	\$21,500,000	\$21,500,000
AW	6170	195654	Volume Cap Administration	\$40,000	\$40,000
AX	6460	195638	Low- and Moderate-Income Housing Programs	\$64,402,825	\$64,435,386
AY	Dedicated Purpose Fund Group Total			\$763,479,044	\$293,143,823
AZ	Internal Service Activity Fund Group				
BA	1350	195684	Development Operations	\$15,263,246	\$15,609,260
BB	6850	195636	Development Services Reimbursable Expenditures	\$250,000	\$250,000
BC	Internal Service Activity Fund Group Total			\$15,513,246	\$15,859,260
BD	Facilities Establishment Fund Group				

BE 4Z60 195647 Rural Industrial Park Loan	\$5,000,000	\$5,000,000
BF 5S90 195628 Capital Access Loan Program	\$1,000,000	\$1,000,000
BG 7009 195664 Innovation Ohio	\$17,426,036	\$0
BH 7010 195665 Research and Development	\$36,032,990	\$0
BI 7037 195615 Facilities Establishment	\$10,000,000	\$10,000,000
BJ Facilities Establishment Fund Group Total	\$69,459,026	\$16,000,000
BK Bond Research and Development Fund Group		
BL 7011 195686 Third Frontier Tax Exempt - Operating	\$1,000,000	\$1,000,000
BM 7011 195687 Third Frontier Research and Development Projects	\$1,000,000	\$1,000,000
BN 7014 195620 Third Frontier Taxable - Operating	\$2,710,000	\$2,710,000
BO 7014 195692 Research and Development Taxable Bond Projects	\$100,000,000	\$20,000,000
BP Bond Research and Development Fund Group Total	\$104,710,000	\$24,710,000
BQ Federal Fund Group		
BR 3080 195581 Energy Efficiency Revolving Loan Fund	\$2,500,000	\$2,500,000

		Capitalization Grant		
BS	3080	195602	Appalachian Regional Commission	\$7,500,000 \$7,500,000
BT	3080	195603	Housing Assistance Programs	\$12,571,729 \$12,576,756
BU	3080	195609	Small Business Administration Grants	\$5,550,000 \$5,550,000
BV	3080	195618	Energy Grants	\$11,650,326 \$11,661,160
BW	3080	195670	Home Weatherization Program	\$86,079,636 \$0
BX	3080	195672	Manufacturing Extension Partnership	\$6,600,000 \$6,600,000
BY	3080	195675	Procurement Technical Assistance	\$1,500,000 \$1,500,000
BZ	3080	195696	State Trade and Export Promotion	\$500,000 \$500,000
CA	3350	195610	Energy Programs	\$350,000 \$350,000
CB	3AE0	195643	Workforce Development Initiatives	\$2,000,000 \$2,000,000
CC	3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$2,000,000 \$2,000,000

CD	3IC0	1956D9	Growth Capital Fund	\$3,250,000	\$3,250,000
CE	3IC0	1956E1	Early-Stage Focus Fund	\$1,500,000	\$1,500,000
CF	3IC0	1956E2	Community Development Financial Institution Loan Participation	\$10,000,000	\$10,000,000
CG	3IC0	1956E3	Collateral Enhancement Program	\$6,000,000	\$6,000,000
CH	3IC0	1956H5	State Small Business Credit Initiative Technical Assistance	\$1,500,000	\$1,500,000
CI	3IF0	1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$793,000,000	\$0
CJ	3IF0	1956E5	Broadband Digital Equity Acts Program	\$23,800,000	\$476,000
CK	3IM0	195582	Home-Owner Managing Energy Savings Rebate Program	\$15,000,000	\$15,000,000
CL	3IM0	195583	High-Efficiency Electric Home Rebate Program	\$15,000,000	\$15,000,000
CM	3K80	195613	Community Development Block Grant	\$57,500,000	\$57,500,000
CN	3K90	195611	Home Energy Assistance Block Grant	\$180,000,000	\$0

CO 3K90 195614 HEAP Weatherization	\$44,000,000	\$0
CP 3L00 195612 Community Services Block Grant	\$32,000,000	\$0
CQ 3V10 195601 HOME Program	\$53,750,000	\$53,750,000
CR Federal Fund Group Total	\$1,375,101,691	\$216,713,916
CS TOTAL ALL BUDGET FUND GROUPS	\$2,467,452,667	\$710,264,244

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 154295

The foregoing appropriation item 195402, Coal Research and 154296
Development Program, shall be used for the operating expenses of 154297
the Community Services Division in support of the Ohio Coal 154298
Development Office. 154299

MINORITY BUSINESS DEVELOPMENT 154300

The foregoing appropriation item 195405, Minority Business 154301
Development, shall be used to support the activities of the 154302
Minority Business Development Division, including providing 154303
grants to local nonprofit organizations to support economic 154304
development activities that promote minority business 154305
development, in conjunction with local organizations funded 154306
through appropriation item 195454, Small Business and Export 154307
Assistance. 154308

HELPING OHIOANS STAY IN THEIR HOMES 154309

The foregoing appropriation item 195406, Helping Ohioans 154310
Stay in their Homes, shall be granted to People Working 154311
Cooperatively for the Safe and Healthy at Home Initiative. 154312

BUSINESS DEVELOPMENT SERVICES 154313

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices.

Of the foregoing appropriation item 195415, Business Development Services, \$1,550,000 in fiscal year 2026 and \$1,450,000 in fiscal year 2027 shall be allocated to Development Projects, Inc., for economic development programs and the creation of new jobs to leverage and support mission gains at Department of Defense and related facilities in Ohio by working with future base realignment and closure activities and ongoing Department of Defense efficiency and partnership initiatives, assisting efforts to secure Department of Defense support contracts for Ohio companies, assessing and supporting regional job and workforce development needs generated by the Department of Defense and the Ohio aerospace industry, promoting technology transfer to Ohio businesses, and for expanding job training and economic development programs in human performance and cyber security-related initiatives.

REDEVELOPMENT ASSISTANCE

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may be implemented, and may be used to match federal grant funding.

TECHNOLOGY PROGRAMS AND GRANTS

The foregoing appropriation item 195453, Technology Programs and Grants, shall be used for operating expenses incurred in administering the Ohio Third Frontier Programs and

other technology focused programs that may be implemented. 154343

SMALL BUSINESS AND EXPORT ASSISTANCE 154344

The foregoing appropriation item 195454, Small Business 154345
and Export Assistance, may be used to provide a range of 154346
business assistance, including grants to local organizations to 154347
support economic development activities that promote small 154348
business development, entrepreneurship, and exports of Ohio's 154349
goods and services, in conjunction with local organizations 154350
funded through appropriation item 195405, Minority Business 154351
Development. The foregoing appropriation item shall also be used 154352
as matching funds for grants from the United States Small 154353
Business Administration and other federal agencies, pursuant to 154354
Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and 154355
regulations and policy guidelines for the programs pursuant 154356
thereto. 154357

APPALACHIA ASSISTANCE 154358

The foregoing appropriation item 195455, Appalachia 154359
Assistance, may be used for the administrative costs of planning 154360
and liaison activities for the Governor's Office of Appalachia, 154361
to provide financial assistance to projects in Ohio's 154362
Appalachian counties, to support four local development 154363
districts, and to pay dues for the Appalachian Regional 154364
Commission. These funds may be used to match federal funds from 154365
the Appalachian Regional Commission. Programs funded through the 154366
appropriation item shall be identified and recommended by the 154367
local development districts and approved by the Governor's 154368
Office of Appalachia. The Department of Development shall 154369
conduct compliance and regulatory review of the programs 154370
recommended by the local development districts. Moneys allocated 154371
under the appropriation item may be used to fund projects 154372

including, but not limited to, those designated by the local 154373
development districts as community investment and rapid response 154374
projects. 154375

Of the foregoing appropriation item 195455, Appalachia 154376
Assistance, in each fiscal year, \$210,000 shall be allocated to 154377
the Ohio Valley Regional Development Commission, \$210,000 shall 154378
be allocated to the Ohio Mid-Eastern Government Association, 154379
\$210,000 shall be allocated to the Buckeye Hills Regional 154380
Council, and \$210,000 shall be allocated to the Eastgate 154381
Regional Council of Governments. Local development districts 154382
receiving funding under this section shall use the funds for the 154383
implementation and administration of programs and duties under 154384
section 107.21 of the Revised Code. 154385

Of the foregoing appropriation item 195455, Appalachia 154386
Assistance, in each fiscal year, \$1,000,000 shall be allocated 154387
to Ohio University's Voinovich School of Leadership and Public 154388
Service to work on behalf of the Mayor's Partnership for 154389
Progress. 154390

Of the foregoing appropriation item 195455, Appalachia 154391
Assistance, \$500,000 in each fiscal year shall be allocated to 154392
Shawnee State University to support its Civic and Culture 154393
Program for Appalachia. 154394

Of the foregoing appropriation item 195455, Appalachia 154395
Assistance, \$375,000 in fiscal year 2026 shall be used in 154396
coordination with the Ohio History Connection to celebrate and 154397
recognize the Northwest Ordinance Commemoration. 154398

Of the foregoing appropriation item 195455, Appalachia 154399
Assistance, \$500,000 in fiscal year 2026 and \$875,000 in fiscal 154400
year 2027 shall be used to support the Veterans and First 154401

Responders Appalachian Assistance Program. The Director of the 154402
Department of Development, in coordination with the Director of 154403
the Department of Veterans Services, shall set criteria for 154404
distributing funding under the Veterans and First Responders 154405
Appalachian Assistance Program. 154406

Of the foregoing appropriation item 195455, Appalachia 154407
Assistance, \$1,500,000 in each fiscal year shall be allocated to 154408
the Appalachian Ohio Manufacturers Coalition, to create a pilot 154409
program in Meigs, Athens, Morgan, Noble, Monroe, and Washington 154410
counties to reduce barriers of workforce reentry for individuals 154411
who have graduated from behavioral health recovery programs. The 154412
program shall be jointly developed and administered with the 154413
Appalachian Children Coalition, in consultation with the 154414
Director of the Ohio Department of Mental Health and Addiction 154415
Services. 154416

Of the foregoing appropriation item 195455, Appalachia 154417
Assistance, \$750,000 in each fiscal year shall be allocated to 154418
the Outdoor Recreation Council of Appalachia. 154419

Of the foregoing appropriation item 195455, Appalachia 154420
Assistance, \$375,000 in each fiscal year shall be allocated to 154421
FosterHub in Hocking County. 154422

Of the foregoing appropriation item 195455, Appalachia 154423
Assistance, in each fiscal year, \$250,000 shall be allocated to 154424
Integrated Services for Behavioral Health to support a 154425
behavioral health emergency pilot program. 154426

Of the foregoing appropriation item 195455, Appalachia 154427
Assistance, in each fiscal year, \$100,000 shall be allocated to 154428
the Tuscarawas County Commissioners for the Tuscarawas County 154429
Growth Initiative. 154430

Of the foregoing appropriation item 195455, Appalachia Assistance, in each fiscal year, \$150,000 shall be allocated to the City of Athens for a southeast Ohio regional agricultural initiative.

CDBG OPERATING MATCH 154435

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

BSD FEDERAL PROGRAMS MATCH 154442

The foregoing appropriation item 195499, BSD Federal Programs Match, shall be used as matching funds for grants from the U.S. Department of Commerce, National Institute of Standards and Technology Manufacturing Extension Partnership Program and Department of Defense APEX Accelerator Program, and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto. The appropriation item shall also be used for operating expenses of the Business Services Division.

RESIDENTIAL ECONOMIC DEVELOPMENT DISTRICT PROGRAM 154453

The foregoing appropriation item 1954A7, Residential Economic Development District Program , shall be used to issue grants to support workforce housing development under section 122.636 of the Revised Code.

An amount equal to the unexpended, unencumbered balance of appropriation item 1954A7, Residential Economic Development

District Program, at the end of fiscal year 2026 is hereby 154460
reappropriated to the same appropriation item for the same 154461
purpose in fiscal year 2027. 154462

LOCAL DEVELOPMENT PROJECTS 154463

Of the foregoing appropriation item 195503, Local 154464
Development Projects, \$500,000 in each fiscal year shall be 154465
granted to Baldwin Wallace University to expand the Northeast 154466
Ohio Flight Information Exchange (NEOFIX) and support 154467
development of flight information exchanges in other communities 154468
in Ohio. 154469

Of the foregoing appropriation item 195503, Local 154470
Development Projects, \$500,000 in fiscal year 2026 shall be 154471
granted to the Mahoning Valley Scrappers for stadium maintenance 154472
and improvements. 154473

Of the foregoing appropriation item 195503, Local 154474
Development Projects, \$500,000 in fiscal year 2026 shall be 154475
granted to NewBridge Cleveland Center for Arts and Technology to 154476
support at-risk adult learner healthcare professional 154477
certification and job placement. 154478

Of the foregoing appropriation item 195503, Local 154479
Development Projects, \$250,000 in each fiscal year shall be 154480
granted to Neighborhood Alliance to support the homeless shelter 154481
in Lorain County. 154482

Of the foregoing appropriation item 195503, Local 154483
Development Projects, \$250,000 in each fiscal year shall be 154484
granted to the city of Coshocton to design and construct a water 154485
line extension to serve the village of Warsaw and the River View 154486
School. 154487

Of the foregoing appropriation item 195503, Local 154488

Development Projects, \$250,000 in each fiscal year shall be 154489
granted to Freedom a la Cart to support workforce initiatives 154490
and programs for human trafficking survivors. 154491

Of the foregoing appropriation item 195503, Local 154492
Development Projects, \$85,000 in fiscal year 2026 shall be 154493
granted to the Stark County Minority Business Association to 154494
support the development and operation of the Kirk Schuring 154495
Business Development Center and Innovation Hub. 154496

Of the foregoing appropriation item 195503, Local 154497
Development Projects, \$45,000 in fiscal year 2026 shall be used 154498
for the installation of baby boxes at local fire departments. 154499
Under this program, the Director of Development shall select one 154500
local fire department in each of Geauga, Lake, and Portage 154501
counties to grant \$15,000 for the installation of baby boxes. 154502

Of the foregoing appropriation item 195503, Local 154503
Development Projects, \$15,000 in fiscal year 2026 shall be 154504
granted to the Village of Grand River for sidewalk improvements 154505
and repairs. 154506

Of the foregoing appropriation item 195503, Local 154507
Development Projects, \$10,000 in fiscal year 2026 shall be 154508
granted to the Salem Worlds War Memorial Building Association to 154509
support the development of a job training center. 154510

OHIO-ISRAEL AGRICULTURAL INITIATIVE 154511

The foregoing appropriation item 195537, Ohio-Israel 154512
Agricultural Initiative, shall be used for the Ohio-Israel 154513
Agricultural Initiative. The appropriation shall not be used for 154514
travel and entertainment expenses incurred under the initiative. 154515

SECTOR PARTNERSHIP NETWORKS 154516

The foregoing appropriation item 195553, Industry Sector Partnerships, shall be used for the grant program described in section 122.179 of the Revised Code.

TECHCRED PROGRAM

The foregoing appropriation item 195556, TechCred Program, shall be used for the programs described under sections 122.178, 122.1710, 122.1712, and 122.1713 of the Revised Code.

WORKFORCE DEVELOPMENT GRANTS

Of the foregoing appropriation item 195595, Workforce Development Grants, \$133,333 in each fiscal year shall be granted to Apollo Career and Technical Center to support the Ohio Oil and Gas Career Jumpstart Program.

Of the foregoing appropriation item 195595, Workforce Development Grants, \$133,333 in each fiscal year shall be granted to Mahoning Career and Technical Center to support the Ohio Oil and Gas Career Jumpstart Program.

Of the foregoing appropriation item 195595, Workforce Development Grants, \$133,333 in each fiscal year shall be granted to Washington County Career Center to support the Ohio Oil and Gas Career Jumpstart Program.

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.07 of the Revised Code.

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 154545
BOND DEBT SERVICE 154546

The foregoing appropriation item 195905, Third Frontier 154547
Research and Development General Obligation Bond Debt Service, 154548
shall be used to pay all debt service and related financing 154549
costs during the period from July 1, 2025, through June 30, 154550
2027, on obligations issued under sections 151.01 and 151.10 of 154551
the Revised Code. 154552

Section 259.30. BUSINESS ASSISTANCE PROGRAMS 154553

The foregoing appropriation item 195649, Business 154554
Assistance Programs, shall be used for administrative expenses 154555
associated with the operation of loan incentives. 154556

STATE SPECIAL PROJECTS 154557

The State Special Projects Fund (Fund 4F20), may be used 154558
for the deposit of private-sector funds from utility companies 154559
and for the deposit of other miscellaneous state funds. State 154560
moneys so deposited may also be used to match federal funding 154561
and to support programs of the Community Service Division and 154562
Business Services Division. 154563

ONE-TIME EMERGENCY PROJECTS 154564

The foregoing appropriation item 1956B7, One-Time 154565
Emergency Projects, shall be granted to Boardman Township to 154566
provide matching funds for the flood mitigation assistance grant 154567
awarded to the township by the Federal Emergency Management 154568
Agency. 154569

CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY 154570
PURPOSES/CONTINGENCIES FUND TO THE STATE SPECIAL PROJECTS FUND 154571

On July 1 2025, or as soon as possible thereafter, the 154572

Director of Budget and Management shall transfer up to \$500,000 154573
cash from the Controlling Board Emergency Purposes/Contingencies 154574
Fund (Fund 5KM0) to the State Special Projects Fund (Fund 4F20). 154575

MINORITY BUSINESS ENTERPRISE LOAN 154576

The foregoing appropriation item 195646, Minority Business 154577
Enterprise Loan, shall be used for awards under the Minority 154578
Business Enterprise Loan Program and to cover operating expenses 154579
of the Minority Business Development Division. All repayments 154580
from the Minority Development Financing Advisory Board Loan 154581
Program shall be deposited in the state treasury to the credit 154582
of the Minority Business Enterprise Loan Fund (Fund 4W10). 154583

BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM 154584

The foregoing appropriation item 1956G9, Broadband Pole 154585
Replacement and Undergrounding Program, shall be used by the 154586
Department of Development to support the Broadband Pole 154587
Replacement and Undergrounding Program under section 191.27 of 154588
the Revised Code. 154589

TRANSFER FROM THE BROADBAND POLE REPLACEMENT FUND TO THE 154590
OHIO RESIDENTIAL BROADBAND EXPANSION GRANT PROGRAM FUND 154591

On July 1, 2025, or as soon as possible thereafter, the 154592
Director of Budget and Management shall transfer \$3,600,000 cash 154593
from the Broadband Pole Replacement and Undergrounding Program 154594
Fund (Fund 5AI1) to the Ohio Residential Broadband Expansion 154595
Grant Program Fund (Fund 5GT0). 154596

PRIORITY PROJECTS 154597

(A) Of the foregoing appropriation item 1956H2, Priority 154598
Projects, \$750,000 in each fiscal year shall be allocated to the 154599
Center on Appalachian Innovation at Marietta College. 154600

(B) Of the foregoing appropriation item 1956H2, Priority 154601
Projects, \$625,000 in each fiscal year shall be allocated to the 154602
Excellence Training Center at Youngstown State University. 154603

(C) Of the foregoing appropriation item 1956H2, Priority 154604
Projects, \$500,000 in each fiscal year shall be used to continue 154605
support and expansion of the Clark County unmanned and general 154606
aviation STEM pilot programs in all Ohio counties. 154607

(D) Of the foregoing appropriation item 1956H2, Priority 154608
Projects, \$500,000 in each fiscal year shall be used to support 154609
the Ohio Aerospace Institute's Space Grant Consortium. 154610

(E) Of the foregoing appropriation item 1956H2, Priority 154611
Projects, \$400,000 in fiscal year 2026 shall be distributed to 154612
the Showers Family Foundation to support the high school 154613
education of students with multiple disabilities, including 154614
Autism and Down Syndrome, provided that a local match in the 154615
same amount is provided. 154616

(F) Of the foregoing appropriation item 1956H2, Priority 154617
Projects, \$250,000 in each fiscal year shall be used to support 154618
the U.S. Route 30 expansion in Carroll, Stark, and Columbiana 154619
counties. 154620

(G) Of the foregoing appropriation item 1956H2, Priority 154621
Projects, \$350,000 in each fiscal year shall be distributed to 154622
the Fairfield County Workforce Center to support pre- 154623
apprenticeship program costs, including those for instructors, 154624
certification exams, books, software licenses, and tools needed 154625
for students. 154626

(H) Of the foregoing appropriation item 1956H2, Priority 154627
Projects, \$100,000 in each fiscal year shall be distributed to 154628
S.U.C.C.E.S.S. for Autism to expand an interprofessional pilot 154629

program for the purpose of training professionals in The 154630
S.U.C.C.E.S.S. Approach, a comprehensive neurodevelopmental 154631
learning model for all students. 154632

(I) Of the foregoing appropriation item 1956H2, Priority 154633
Projects, \$250,000 in fiscal year 2026 shall be granted to the 154634
Eastgate Regional Council of Governments to support the study 154635
and construction of an oil and natural gas pipeline within 154636
Ashtabula, Columbiana, Mahoning, and Trumbull counties. 154637

(J) Of the foregoing appropriation item 1956H2, Priority 154638
Projects, \$175,000 in each fiscal year shall be granted to the 154639
Buckeye Lake Region Corporation to support community 154640
development. 154641

(K) Of the foregoing appropriation item 1956H2, Priority 154642
Projects, \$200,000 in fiscal year 2026 and \$250,000 in fiscal 154643
year 2027 shall be distributed to the Mid-East Career and 154644
Technology Centers for the purchase of CDL training simulators. 154645

(L) Of the foregoing appropriation item 1956H2, Priority 154646
Projects, \$1,000,000 in each fiscal year shall be granted to the 154647
Ohio Life Sciences Foundation for workforce development 154648
projects. 154649

(M) Of the foregoing appropriation item 1956H2, Priority 154650
Projects, \$1,000,000 in fiscal year 2026 and \$1,500,000 in 154651
fiscal year 2027 shall be distributed to Southern State 154652
Community College for the Ohio Code-Scholar Program under 154653
section 3313.905 of the Revised Code, as reenacted by this act. 154654

(N) Of the foregoing appropriation item 1956H2, Priority 154655
Projects, up to \$200,000 in fiscal year 2026 shall be used to 154656
provide public safety services at the Voices of America Country 154657
Music Festival in West Chester Township on the condition that a 154658

local match in the same amount is provided. 154659

(O) Of the foregoing appropriation item 1956H2, Priority 154660
Projects, \$250,000 in each fiscal year shall be used to support 154661
The Ohio State University East Side Dental Clinic. 154662

(P) Of the foregoing appropriation item 1956H2, Priority 154663
Projects, \$10,450,000 in fiscal year 2026 and \$9,550,000 in 154664
fiscal year 2027 shall be used for the U.S. Route 30 OARnet 154665
Broadband Extension project. This project shall include 154666
construction of a wholesale middle-mile network along Route 30 154667
consisting of two sections from the preexisting OARnet backbone 154668
network and points-of-presence, one from the Canton area and the 154669
other from the Lima area, which will connect in Mansfield. 154670

An amount equal to the unexpended, unencumbered portion of 154671
appropriation item 1956H2, Priority Projects, allocated for the 154672
U.S. Route 30 OARnet Broadband Extension project at the end of 154673
fiscal year 2026 is hereby reappropriated to the same 154674
appropriation item for the same purpose in fiscal year 2027. 154675

WELCOME HOME OHIO PROGRAM 154676

The foregoing appropriation item 1956H3, Welcome Home Ohio 154677
Program, shall be used for grants under the Welcome Home Ohio 154678
Program established in sections 122.631 through 122.633 of the 154679
Revised Code. Of the foregoing appropriation item 1956H3, 154680
Welcome Home Ohio Program, \$22,812,500 in each fiscal year shall 154681
be used to distribute grants to purchase residential property at 154682
foreclosure sales under section 122.631 of the Revised Code. Of 154683
the foregoing appropriation item 1956H3, Welcome Home Ohio 154684
Program, \$22,812,500 in each fiscal year shall be used to 154685
distribute grants to rehabilitate or construct residential 154686
property for income-restricted owners under section 122.632 of 154687

the Revised Code. 154688

On July 1, 2025, or as soon as possible thereafter, the 154689
Director of Budget and Management shall transfer \$50,000,000 154690
cash from the Local Government Tangible Property Tax Replacement 154691
Fund (Fund 7081) to the Welcome Home Ohio Fund (Fund 5AP1). 154692

ADVANCED ENERGY LOAN PROGRAMS 154693

The foregoing appropriation item 195660, Advanced Energy 154694
Loan Programs, shall be used to provide financial assistance to 154695
customers for eligible advanced energy projects for residential, 154696
commercial, and industrial business, local government, 154697
educational institution, nonprofit, and agriculture customers. 154698
The appropriation item may be used to match federal grant 154699
funding and to pay for the program's administrative costs as 154700
provided in sections 4928.61 to 4928.63 of the Revised Code and 154701
rules adopted by the Director of Development. 154702

SPORTS EVENTS GRANTS 154703

The foregoing appropriation item 195496, Sports Events 154704
Grants, shall be used for grants as described in sections 122.12 154705
and 122.121 of the Revised Code. 154706

WOMEN OWNED BUSINESS LOAN 154707

The foregoing appropriation item 195632, Women Owned 154708
Business Loan, shall be used to operate the Women Owned Business 154709
Loan Program. 154710

MINORITY BUSINESS MICRO-LOAN 154711

The foregoing appropriation item 195694, Micro-Loan, shall 154712
be used to operate the Minority Business Micro-Loan Program. 154713

MBD LOAN ADMINISTRATION 154714

The foregoing appropriation item 1956I1, MBD Loan Administration, shall be used to operate the Women Owned Loan and Minority Business Micro-Loan Programs.

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE FUND TO THE MBD FINANCIAL ASSISTANCE FUND

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management may transfer \$4,000,000 cash from the State Small Business Credit Initiative Fund (Fund 3FJ0) to the MBD Financial Assistance Fund (Fund 5XH0). All repayments of loans issued under Fund 5XH0 shall be credited to the fund.

Upon the completion of the original Collateral Enhancement Program, the Director of Development shall certify to the Director of Budget and Management the remaining cash balance in the State Small Business Credit Initiative Fund (Fund 3FJ0). The Director of Budget and Management may transfer the certified amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund 5XH0).

ALL OHIO FUTURE FUND

The foregoing appropriation item 195576, All Ohio Future Fund, shall be used for the purposes enumerated in section 126.62 of the Revised Code.

BROWNFIELD REMEDIATION

The foregoing appropriation item 1956A2, Brownfield Remediation, shall be used to award grants under the Brownfield Remediation Program as described in section 122.6511 of the Revised Code. Of the foregoing appropriation item 1956A2, Brownfield Remediation, up to two and one-half percent in each fiscal year may be used to pay the administrative costs of the program.

On July 1, 2025, or as soon as possible thereafter, the 154744
Director of Budget and Management shall transfer \$200,000,000 154745
cash from the All Ohio Future Fund (Fund 5XM0) to the Brownfield 154746
Remediation Fund (Fund 5YE0). 154747

DEMOLITION AND SITE REVITALIZATION 154748

The appropriation item 1956A3, Demolition and Site 154749
Revitalization, shall be used to award grants and to pay 154750
associated administrative costs under the Building Demolition 154751
and Site Revitalization Program as described in section 122.6512 154752
of the Revised Code. 154753

An amount equal to the unexpended, unencumbered balance of 154754
appropriation item 1956A3, Demolition and Site Revitalization, 154755
at the end of fiscal year 2026 is hereby reappropriated to the 154756
same appropriation item for the same purpose in fiscal year 154757
2027. 154758

On July 1 of each fiscal year, or as soon as possible 154759
thereafter, the Director of Budget and Management shall transfer 154760
\$20,000,000 cash from the Local Government Tangible Property Tax 154761
Replacement Fund (Fund 7081) to the Building Demolition and Site 154762
Revitalization Fund (Fund 5YF0). 154763

VOLUME CAP ADMINISTRATION 154764

The foregoing appropriation item 195654, Volume Cap 154765
Administration, shall be used for expenses related to the 154766
administration of the Volume Cap Program. Revenues received by 154767
the Volume Cap Administration Fund (Fund 6170) shall consist of 154768
application fees, forfeited deposits, and interest earned from 154769
the custodial account held by the Treasurer of State. 154770

RESIDENTIAL DEVELOPMENT REVOLVING LOAN PROGRAM 154771

The foregoing appropriation item 1956B8, Residential Development Revolving Loan Program, shall be used to award loans under the Residential Development Loan Program as described in sections 122.98 and 122.981 of the Revised Code.

The unexpended, unencumbered balance of appropriation item 1956B8, Residential Development Revolving Loan Program, at the end of fiscal year 2026 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2027.

Section 259.40. DEVELOPMENT OPERATIONS

The Director of Development may assess offices of the department for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher.

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).

Section 259.50. RURAL INDUSTRIAL PARK LOAN

The foregoing appropriation item 195647, Rural Industrial Park Loan, shall be used to award loans under the Rural Industrial Park Loan Program established in section 122.24 of the Revised Code. Rural Industrial Park Loans awarded under the appropriation item shall not exceed \$4,000,000.

TRANSFER FROM THE RESEARCH AND DEVELOPMENT LOAN FUND TO	154801
THE BUSINESS ASSISTANCE FUND	154802
Notwithstanding Chapter 166. of the Revised Code, the	154803
Director of Budget and Management may transfer up to \$3,000,000	154804
cash in each fiscal year from the Research and Development Loan	154805
Fund (Fund 7010) to the Business Assistance Fund (Fund 4510),	154806
subject to Controlling Board approval.	154807
CAPITAL ACCESS LOAN PROGRAM	154808
The foregoing appropriation item 195628, Capital Access	154809
Loan Program, shall be used for operating, program, and	154810
administrative expenses of the program. Capital Access Loan	154811
Program funds shall be used in accordance with section 122.603	154812
of the Revised Code to assist participating financial	154813
institutions in making program loans to eligible businesses that	154814
face barriers in accessing working capital and obtaining fixed-	154815
asset financing.	154816
The Director of Budget and Management may transfer an	154817
amount not to exceed \$1,000,000 cash in each fiscal year between	154818
the Minority Business Enterprise Loan Fund (Fund 4W10) and the	154819
Capital Access Loan Fund (Fund 5S90), subject to Controlling	154820
Board approval.	154821
FACILITIES ESTABLISHMENT	154822
The foregoing appropriation item 195615, Facilities	154823
Establishment, shall be used for the purposes of the Facilities	154824
Establishment Fund (Fund 7037) under Chapter 166. of the Revised	154825
Code.	154826
In the biennium ending June 30, 2027, notwithstanding	154827
section 127.14 and division (B) of section 131.35 of the Revised	154828
Code, the Controlling Board may authorize expenditures, in	154829

excess of the amount appropriated, but not to exceed the 154830
limitation set in division (E) of section 131.35 of the Revised 154831
Code, using the Facilities Establishment Fund (Fund 7037) for 154832
purposes consistent with Chapter 166. of the Revised Code. The 154833
amounts authorized by the Controlling Board are hereby 154834
appropriated. 154835

Section 259.60. THIRD FRONTIER OPERATING COSTS 154836

The foregoing appropriation items 195686, Third Frontier 154837
Tax Exempt Operating, and 195620, Third Frontier Taxable - 154838
Operating, shall be used for operating expenses incurred in 154839
administering projects pursuant to sections 184.10 to 184.20 of 154840
the Revised Code. Operating expenses paid from appropriation 154841
item 195686 shall be limited to the administration of projects 154842
funded from the Third Frontier Research and Development Fund 154843
(Fund 7011), and operating expenses paid from appropriation item 154844
195620 shall be limited to the administration of projects funded 154845
from the Third Frontier Research and Development Taxable Bond 154846
Project Fund (Fund 7014). 154847

THIRD FRONTIER RESEARCH AND DEVELOPMENT TAXABLE AND TAX 154848
EXEMPT PROJECTS 154849

The foregoing appropriation items 195687, Third Frontier 154850
Research and Development Projects, and 195692, Research and 154851
Development Taxable Bond Projects, shall be used to fund 154852
selected projects, which may include internship programs. 154853
Eligible costs are those costs of research and development 154854
projects to which the proceeds of Fund 7011 and Fund 7014 are to 154855
be applied. 154856

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 154857

The Director of Budget and Management may approve written 154858

requests from the Director of Development for the transfer of 154859
appropriations between appropriation items 195687, Third 154860
Frontier Research and Development Projects, and 195692, Research 154861
and Development Taxable Bond Projects, based upon awards 154862
recommended by the Third Frontier Commission. 154863

In fiscal year 2026, the Director of Development may 154864
request that the Director of Budget and Management reappropriate 154865
any unexpended, unencumbered balances of the prior fiscal year's 154866
appropriation to the foregoing appropriation items 195687, Third 154867
Frontier Research and Development Projects, and 195692, Research 154868
and Development Taxable Bond Projects, for fiscal year 2026. The 154869
Director of Budget and Management may request additional 154870
information necessary for evaluating these requests, and the 154871
Director of Development shall provide the requested information 154872
to the Director of Budget and Management. Based on the 154873
information provided by the Director of Development, the 154874
Director of Budget and Management shall determine the amounts to 154875
be reappropriated, and those amounts are hereby reappropriated 154876
for fiscal year 2026. 154877

Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT 154878
PROGRAM (BEAD) 154879

The foregoing appropriation item 1956E4, Broadband Equity, 154880
Access, and Deployment Program (BEAD), shall be used to build 154881
infrastructure that supports the adoption of high-speed 154882
internet. 154883

HEAP WEATHERIZATION 154884

Up to twenty-five per cent of the federal funds deposited 154885
to the credit of the Home Energy Assistance Block Grant Fund 154886
(Fund 3K90) may be expended from appropriation item 195614, HEAP 154887

Weatherization, to provide home weatherization services in the 154888
state as determined by the Director of Development. 154889

Section 261.10.

154890

154891

	1	2	3	4	5
A	DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES				
B	General Revenue Fund				
C	GRF	320411	Special Olympics	\$250,000	\$250,000
D	GRF	320412	Protective Services	\$3,200,000	\$3,200,000
E	GRF	320415	Developmental Disabilities Facilities Lease Rental Bond Payments	\$27,500,000	\$24,200,000
F	GRF	322422	Multi System Youth	\$5,000,000	\$5,000,000
G	GRF	322423	Technology First	\$2,700,000	\$2,700,000
H	GRF	322508	Employment First Initiative	\$2,700,000	\$2,700,000
I	GRF	322509	Community Supports and Rental Assistance	\$1,265,000	\$944,000
J	GRF	322510	Best Buddies Ohio	\$100,000	\$100,000
K	GRF	653321	Medicaid Program Support - State	\$8,163,217	\$8,300,000

L	GRF	653407	Medicaid Services	\$1,127,127,000	\$1,140,627,000
M			General Revenue Fund Total	\$1,178,005,217	\$1,188,021,000
N			Dedicated Purpose Fund Group		
O	2210	322620	Supplement Service Trust	\$500,000	\$500,000
P	4890	653632	Developmental Centers Direct Care Services	\$7,000,000	\$7,000,000
Q	5DK0	322629	Capital Replacement Facilities	\$750,000	\$750,000
R	5EV0	653627	Medicaid Program Support	\$2,540,000	\$2,540,000
S	5GE0	320606	Central Office Operating Expenses	\$20,914,384	\$21,180,026
T	5GE0	653606	ICF/IID and Waiver Match	\$60,000,000	\$60,000,000
U	5H00	322619	Medicaid Repayment	\$900,000	\$900,000
V	5S20	653622	Medicaid Administration and Oversight	\$36,000,000	\$36,000,000
W	5Z10	653624	County Board Waiver Match	\$688,000,000	\$752,000,000
X			Dedicated Purpose Fund Group Total	\$816,604,384	\$880,870,026
Y			Internal Service Activity Fund Group		
Z	1520	653609	DC and Residential Facilities Operating Services	\$20,000,000	\$20,000,000

AA Internal Service Activity Fund Group	\$20,000,000	\$20,000,000
Total		
AB Federal Fund Group		
AC 3250 322612 Community Social Service	\$15,075,000	\$15,075,000
Programs		
AD 3A40 653654 Medicaid Services	\$3,385,530,510	\$3,545,767,920
AE 3A40 653655 Medicaid Support	\$92,000,000	\$97,000,000
AF 3A50 320613 Developmental	\$3,369,230	\$3,408,234
Disabilities Council		
AG Federal Fund Group Total	\$3,495,974,740	\$3,661,251,154
AH TOTAL ALL BUDGET FUND GROUPS	\$5,510,584,341	\$5,750,142,180

Section 261.20. SPECIAL OLYMPICS 154892

The foregoing appropriation item 320411, Special Olympics, 154893
shall be distributed by the Ohio Department of Developmental 154894
Disabilities to the Special Olympics of Ohio in support of the 154895
Ohio Special Olympics Summer Games. 154896

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES 154897
LEASE-RENTAL BOND PAYMENTS 154898

The foregoing appropriation item 320415, Developmental 154899
Disabilities Facilities Lease Rental Bond Payments, shall be 154900
used to meet all payments during the period from July 1, 2025, 154901
through June 30, 2027, by the Department of Developmental 154902
Disabilities pursuant to leases and agreements made under 154903
section 154.20 of the Revised Code. These appropriations are the 154904

source of funds pledged for bond service charges on related 154905
obligations issued under Chapter 154. of the Revised Code. 154906

Section 261.40. MULTI-SYSTEM YOUTH 154907

Of the foregoing appropriation item 322422, Multi-System 154908
Youth, a portion may be used to provide a subsidy to eligible 154909
county boards of developmental disabilities for the provision of 154910
respite services and other services and supports for youth with 154911
complex or multi-system needs to enable them to remain in their 154912
homes with their families or in their communities. The Director 154913
of Developmental Disabilities shall establish the total amount 154914
available for the subsidy, a formula for distributing the 154915
subsidy to eligible county boards, and the eligibility 154916
requirements county boards must satisfy to receive the subsidy. 154917

Section 261.50. TECHNOLOGY FIRST 154918

Of the foregoing appropriation item 322423, Technology 154919
First, a portion may be used to increase access and utilization 154920
of innovative technology for people with developmental 154921
disabilities in accordance with the Technology First Policy 154922
established in section 5123.025 of the Revised Code. 154923

Section 261.60. EMPLOYMENT FIRST INITIATIVE 154924

The foregoing appropriation item 322508, Employment First 154925
Initiative, shall be used to increase employment opportunities 154926
for individuals with developmental disabilities through the 154927
Employment First Initiative in accordance with section 5123.022 154928
of the Revised Code. 154929

Of the foregoing appropriation item, 322508, Employment 154930
First Initiative, the Director of Developmental Disabilities 154931
shall transfer, in each fiscal year, to the Opportunities for 154932
Ohioans with Disabilities Agency an amount agreed upon by the 154933

Director of Developmental Disabilities and the Executive 154934
Director of the Opportunities for Ohioans with Disabilities 154935
Agency. The transfer shall be made via an intrastate transfer 154936
voucher. The transferred funds shall be used to support the 154937
Employment First Initiative. The Opportunities for Ohioans with 154938
Disabilities Agency shall use the funds transferred as state 154939
matching funds to obtain available federal grant dollars for 154940
vocational rehabilitation services. Any federal match dollars 154941
received by the Opportunities for Ohioans with Disabilities 154942
Agency shall be used for the initiative. The Director of 154943
Developmental Disabilities and the Executive Director of the 154944
Opportunities for Ohioans with Disabilities Agency shall enter 154945
into an interagency agreement in accordance with section 154946
3304.181 of the Revised Code that will specify the 154947
responsibilities of each agency under the initiative. Under the 154948
interagency agreement, the Opportunities for Ohioans with 154949
Disabilities Agency shall retain responsibility for eligibility 154950
determination, order of selection, plan approval, plan 154951
amendment, and release of vendor payments. 154952

The remainder of appropriation item 322508, Employment 154953
First Initiative, shall be used to develop a long-term, 154954
sustainable system that places individuals with developmental 154955
disabilities in community employment, as defined in section 154956
5123.022 of the Revised Code. 154957

Section 261.61. ACHIEVEMENT CENTERS FOR CHILDREN 154958

Of the foregoing appropriation item 322509, Community 154959
Supports and Rental Assistance, \$190,000 in each fiscal year 154960
shall be distributed to the Achievement Centers for Children to 154961
provide family support services and respite care for children 154962
with disabilities and their families. 154963

Section 261.62. HUDSON COMMUNITY LIVING 154964

Of the foregoing appropriation item 322509, Community 154965
Supports and Rental Assistance, \$225,000 in fiscal year 2026 and 154966
\$54,000 in fiscal year 2027 shall be distributed to Hudson 154967
Community Living to support maintenance and operations in 154968
serving adults with developmental disabilities. 154969

Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 154970

The foregoing appropriation item 322509, Community 154971
Supports and Rental Assistance, may be used by the Director of 154972
Developmental Disabilities to provide funding to county boards 154973
of developmental disabilities for rental assistance to 154974
individuals with developmental disabilities receiving home and 154975
community-based services as defined in section 5123.01 of the 154976
Revised Code pursuant to section 5124.60 of the Revised Code or 154977
section 5124.69 of the Revised Code and individuals with 154978
developmental disabilities who enroll in a Medicaid waiver 154979
component providing home and community-based services after 154980
receiving preadmission counseling pursuant to section 5124.68 of 154981
the Revised Code. The Director shall establish the methodology 154982
for determining the amount and distribution of such funding. 154983

Section 261.72. FRIENDSHIP CIRCLE OF CLEVELAND 154984

Of the foregoing appropriation item 322509, Community 154985
Supports and Rental Assistance, \$150,000 in fiscal year 2026 154986
shall be distributed to the Friendship Circle of Cleveland to 154987
provide family support services and respite care for children 154988
with disabilities and their families. 154989

Section 261.73. BEST BUDDIES OHIO 154990

The foregoing appropriation item 322510, Best Buddies 154991
Ohio, shall be provided to the Best Buddies Ohio program to 154992

support the delivery and expansion of skills-building services 154993
throughout Ohio schools and communities. 154994

Section 261.80. MEDICAID SERVICES 154995

(A) As used in this section: 154996

(1) "Home and community-based services" has the same 154997
meaning as in section 5123.01 of the Revised Code. 154998

(2) "ICF/IID services" has the same meaning as in section 154999
5124.01 of the Revised Code. 155000

(B) Except as provided in section 5123.0416 of the Revised 155001
Code, the purposes for which the foregoing appropriation item 155002
653407, Medicaid Services, shall be used include the following: 155003

(1) Home and community-based services; 155004

(2) ICF/IID services; and 155005

(3) Other programs as identified by the Director of 155006
Developmental Disabilities. 155007

Section 261.90. CENTRAL OFFICE OPERATING EXPENSES 155008

Of the foregoing appropriation item 320606, Central Office 155009
Operating Expenses, \$100,000 in each fiscal year shall be 155010
provided to the Ohio Center for Autism and Low Incidence to 155011
establish a lifespan autism hub to support families and 155012
professionals. 155013

Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES 155014

As used in this section, "home and community-based 155015
services" has the same meaning as in section 5123.01 of the 155016
Revised Code. 155017

The Director of Developmental Disabilities shall establish 155018

a methodology to be used in fiscal year 2026 and fiscal year 155019
2027 to estimate the quarterly amount each county board of 155020
developmental disabilities is to pay of the nonfederal share of 155021
home and community-based services that section 5126.0510 of the 155022
Revised Code requires county boards to pay. Each quarter, the 155023
Director shall submit to a county board written notice of the 155024
amount the county board is to pay for that quarter. The notice 155025
shall specify when the payment is due. 155026

Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 155027

If a county board of developmental disabilities does not 155028
fully pay any amount owed to the Department of Developmental 155029
Disabilities by the due date established by the Department, the 155030
Director of Developmental Disabilities may withhold the amount 155031
the county board did not pay from any amounts due to the county 155032
board. The Director may use any appropriation item or fund used 155033
by the Department to transfer cash to any other fund used by the 155034
Department in an amount equal to the amount owed the Department 155035
that the county board did not pay. Transfers under this section 155036
shall be made using an intrastate transfer voucher. 155037

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS 155038

(A) In fiscal year 2026 and fiscal year 2027, the Director 155039
of Developmental Disabilities may authorize the continuation or 155040
implementation of one or more innovative pilot projects that, in 155041
the judgment of the Director, are likely to assist in promoting 155042
the objectives of Chapter 5123. or 5126. of the Revised Code. 155043
Subject to division (B) of this section and notwithstanding any 155044
provision of Chapters 5123. and 5126. of the Revised Code and 155045
any rule adopted under either chapter, a pilot project 155046
authorized by the Director may be continued or implemented in a 155047
manner inconsistent with one or more provisions of either 155048

chapter or one or more rules adopted under either chapter. 155049
Before authorizing a pilot program, the Director shall consult 155050
with entities interested in the issue of developmental 155051
disabilities, including the Ohio Provider Resource Association, 155052
Ohio Association of County Boards of Developmental Disabilities, 155053
Ohio Health Care Association/Ohio Centers for Intellectual 155054
Disabilities, the Values and Faith Alliance, and ARC of Ohio. 155055

(B) The Director may not authorize a pilot project to be 155056
implemented in a manner that would cause the state to be out of 155057
compliance with any requirements for a program funded in whole 155058
or in part with federal funds. 155059

Section 261.130. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 155060
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 155061

(A) As used in this section: 155062

(1) "Converted facility" means an ICF/IID, or former 155063
ICF/IID, that converted some or all of its beds to providing 155064
home and community-based services under the IO Waiver pursuant 155065
to section 5124.60 of the Revised Code. 155066

(2) "Developmental center" and "ICF/IID" have the same 155067
meanings as in section 5124.01 of the Revised Code. 155068

(3) "IO Waiver" means the Medicaid waiver component, as 155069
defined in section 5166.01 of the Revised Code, known as 155070
Individual Options. 155071

(4) "Medicaid provider" has the same meaning as in section 155072
5164.01 of the Revised Code. 155073

(5) "Public hospital" has the same meaning as in section 155074
5122.01 of the Revised Code. 155075

(6) "Qualifying IO enrollee" means an IO Waiver enrollee 155076

to whom all of the following apply: 155077

(a) The enrollee resided in a developmental center, 155078
converted facility, or public hospital immediately before 155079
enrolling in the IO Wavier. 155080

(b) The enrollee did not receive before July 1, 2011, 155081
routine homemaker/personal care services from the Medicaid 155082
provider that is to be paid the Medicaid rate authorized by this 155083
section for providing such services to the enrollee during the 155084
period specified in division (C) of this section. 155085

(c) The Director of Developmental Disabilities has 155086
determined that the enrollee's special circumstances (including 155087
the enrollee's diagnosis, service needs, or length of stay at 155088
the developmental center, converted facility, or public 155089
hospital) warrants paying the Medicaid rate authorized by this 155090
section. 155091

(B) The total Medicaid payment rate for each fifteen 155092
minutes of routine homemaker/personal care services that a 155093
Medicaid provider provides to a qualifying IO enrollee during 155094
the period specified in division (C) of this section shall be 155095
fifty-two cents higher than the Medicaid payment rate in effect 155096
on the day the services are provided for each fifteen minutes of 155097
routine homemaker/personal care services that a Medicaid 155098
provider provides to an IO enrollee who is not a qualifying IO 155099
enrollee. 155100

(C) Division (B) of this section applies to the first 155101
twelve months, consecutive or otherwise, that a Medicaid 155102
provider, during the period beginning July 1, 2025, and ending 155103
July 1, 2027, provides routine homemaker/personal care services 155104
to a qualifying IO enrollee. 155105

(D) Of the foregoing appropriation items 653407, Medicaid 155106
Services, and 653654, Medicaid Services, portions shall be used 155107
to pay the Medicaid payment rate determined in accordance with 155108
this section for routine homemaker/personal care services 155109
provided to qualifying IO enrollees. 155110

Section 261.140. ICF WORKFORCE DEVELOPMENT PAYMENTS 155111

Of the foregoing appropriation items 653407, Medicaid 155112
Services, and 653654, Medicaid Services, a portion of each 155113
appropriation item shall be used in fiscal year 2026 in 155114
accordance with this section and section 5124.15 of the Revised 155115
Code. The funds shall be used to maintain rates supporting the 155116
professional workforce development payment, as provided in 155117
division (A) (5) (c) of section 5124.15 of the Revised Code. 155118

Section 263.10. 155119

155120

1	2	3	4	5
A	SBE STATE BOARD OF EDUCATION			
B	Dedicated Purpose Fund Group			
C	4K90 210602 Operating Expenses		\$15,010,991	\$15,519,872
D	Dedicated Purpose Fund Group Total		\$15,010,991	\$15,519,872
E	Federal Fund Group			
F	3ISO 210601 Title II A/Supporting Effective Instruction		\$1,355,000	\$1,355,000
G	Federal Fund Group Total		\$1,355,000	\$1,355,000

H	TOTAL ALL BUDGET FUND GROUPS	\$16,365,991	\$16,874,872

Section 263.20.	CASH TRANSFER FROM THE STATE BOARD OF	155121
	EDUCATION LICENSURE FUND TO THE OCCUPATIONAL LICENSING AND	155122
	REGULATORY FUND	155123

On July 1, 2025, or as soon as possible thereafter, the	155124
Director of Budget and Management shall transfer the cash	155125
balance in the State Board of Education Licensure Fund (Fund	155126
4L20) to the Occupational Licensing and Regulatory Fund (Fund	155127
4K90). Upon completion of the transfer, Fund 4L20 is hereby	155128
abolished. The Director shall cancel any existing encumbrances	155129
against appropriation item 210600, Operating Expenses, and	155130
reestablish them against appropriation item 210602, Operating	155131
Expenses. The reestablished encumbrance amounts are hereby	155132
appropriated.	155133

Section 265.10.	155134
	155135

1	2	3	4	5

A	EDU DEPARTMENT OF EDUCATION AND WORKFORCE

B	General Revenue Fund

C	GRF	200321	Operating Expenses	\$14,474,898	\$15,054,312

D	GRF	200416	Career Technical	\$2,500,000	\$2,500,000
			Education		

E	GRF	200420	Information Technology	\$4,231,479	\$4,316,527
			Development and Support		

F	GRF	200422	School Management	\$2,800,000	\$2,800,000

Assistance

G	GRF	200424	Policy Analysis	\$500,000	\$516,419
H	GRF	200426	Ohio Educational Computer Network	\$18,994,000	\$18,994,000
I	GRF	200427	Academic Standards	\$5,535,410	\$5,429,033
J	GRF	200437	Student Assessment	\$50,609,125	\$50,882,346
K	GRF	200439	Accountability/Report Cards	\$7,369,440	\$7,437,742
L	GRF	200446	Education Management Information System	\$9,958,226	\$10,325,278
M	GRF	200448	Educator and Principal Preparation	\$2,663,493	\$2,676,754
N	GRF	200455	Community Schools and Choice Programs	\$4,370,165	\$4,446,705
O	GRF	200457	STEM Initiatives	\$500,000	\$500,000
P	GRF	200465	Education Technology Resources	\$2,893,949	\$2,906,346
Q	GRF	200478	Industry-Recognized Credentials High School Students	\$16,000,000	\$16,000,000
R	GRF	200502	Pupil Transportation	\$882,035,414	\$959,429,701
S	GRF	200505	School Meal Programs	\$13,163,000	\$13,163,000

T	GRF	200511	Auxiliary Services	\$170,292,963	\$172,262,613
U	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$76,935,110	\$77,824,960
V	GRF	200540	Special Education Enhancements	\$193,272,426	\$193,272,426
W	GRF	200545	Career-Technical Education Enhancements	\$13,413,000	\$13,413,000
X	GRF	200550	Foundation Funding - All Students	\$8,457,598,772	\$8,733,217,991
Y	GRF	200566	Literacy Improvement	\$2,472,674	\$2,500,000
Z	GRF	200572	Adult Education Programs	\$9,348,399	\$15,688,404
AA	GRF	200574	Half-Mill Maintenance Equalization	\$6,420,640	\$6,152,450
AB	GRF	200576	Adaptive Sports Program	\$400,000	\$400,000
AC	GRF	200597	Program and Project Support	\$2,850,000	\$2,750,000
AD	General Revenue Fund Total			\$9,971,602,583	\$10,334,860,007
AE	Dedicated Purpose Fund Group				
AF	4520	200638	Charges and Reimbursements	\$1,500,000	\$1,500,000
AG	5980	200659	Auxiliary Services Reimbursement	\$650,000	\$650,000

AH 5H30 200687	School District Solvency Assistance	\$2,000,000	\$2,000,000
AI 5KX0 200691	Ohio School Sponsorship Program	\$1,900,000	\$1,900,000
AJ 5MM0 200677	Child Nutrition Refunds	\$550,000	\$550,000
AK 5U20 200685	National Education Statistics	\$185,000	\$185,000
AL 5VS0 200604	Foundation Funding - All Students	\$600,000,000	\$600,000,000
AM 5Y00 200491	Public and Nonpublic Education Support	\$171,200,000	\$171,200,000
AN 6200 200615	Educational Improvement Grants	\$600,000	\$600,000
AO	Dedicated Purpose Fund Group Total	\$778,585,000	\$778,585,000
AP	Internal Service Activity Fund Group		
AQ 1380 200606	Information Technology Development and Support	\$18,394,387	\$18,597,721
AR 4R70 200695	Indirect Operational Support	\$9,944,311	\$10,166,435
AS 4V70 200633	Interagency Program Support	\$3,000,000	\$3,000,000
AT	Internal Service Activity Fund Group	\$31,338,698	\$31,764,156

Total

AU State Lottery Fund Group

AV 7017 200413 School Bus Safety	\$10,000,000	\$0

AW 7017 200612 Foundation Funding - All Students	\$1,436,583,202	\$1,398,174,884

AX 7017 200614 Accelerate Great Schools	\$1,500,000	\$1,500,000

AY 7017 200631 Quality Community and Independent STEM Schools Support	\$115,000,000	\$125,000,000

AZ 7017 200684 Community School Facilities	\$90,155,000	\$90,155,000

BA 7017 2006A7 Literacy Coaches	\$12,000,000	\$12,000,000

BB State Lottery Fund Group Total	\$1,665,238,202	\$1,626,829,884

BC Federal Fund Group

BD 3120 2006A9 Aspire - Federal	\$0	\$18,996,799

BE 3670 200607 School Food Services	\$13,379,350	\$13,379,350

BF 3700 200624 Education of Exceptional Children	\$1,750,000	\$1,750,000

BG 3AF0 657601 Schools Medicaid Administrative Claims	\$150,000	\$150,000

BH 3EH0 200620 Migrant Education	\$1,700,000	\$1,700,000

BI	3EJ0	200622	Homeless Children Education	\$4,823,000	\$5,112,380
BJ	3GE0	200674	Summer Food Service Program	\$23,000,000	\$23,000,000
BK	3GG0	200676	Fresh Fruit and Vegetable Program	\$5,500,000	\$6,000,000
BL	3HF0	200649	Federal Education Grants	\$5,000,000	\$5,000,000
BM	3HI0	200634	Student Support and Academic Enrichment	\$54,131,000	\$50,604,930
BN	3HL0	200678	Comprehensive Literacy State Development Program	\$14,630,000	\$14,630,000
BO	3L60	200617	Federal School Lunch	\$565,999,000	\$595,000,000
BP	3L70	200618	Federal School Breakfast	\$195,000,000	\$205,000,000
BQ	3L80	200619	Child/Adult Food Programs	\$116,000,000	\$118,000,000
BR	3L90	200621	Career-Technical Education Basic Grant	\$56,680,000	\$58,947,200
BS	3M00	200623	ESEA Title 1A	\$677,740,000	\$698,072,200
BT	3M20	200680	Individuals with Disabilities Education Act	\$530,400,000	\$541,008,000
BU	3Y20	200688	21st Century Community Learning Centers	\$47,940,000	\$48,898,800

BV 3Y60 200635	Improving Teacher Quality	\$77,157,900	\$78,701,058
BW 3Y70 200689	English Language Acquisition	\$13,728,000	\$14,277,120
BX 3Y80 200639	Rural and Low Income Technical Assistance	\$3,300,000	\$3,300,000
BY 3Z20 200690	State Assessments	\$11,500,000	\$11,500,000
BZ 3Z30 200645	Consolidated Federal Grant Administration	\$15,000,000	\$15,000,000
CA	Federal Fund Group Total	\$2,434,508,250	\$2,528,027,837
CB	TOTAL ALL BUDGET FUND GROUPS	\$14,881,272,733	\$15,300,066,884

Section 265.20. CAREER-TECHNICAL EDUCATION 155136

A portion of the foregoing appropriation item 200416, 155137
Career-Technical Education, shall be used by the Department of 155138
Education and Workforce to provide matching funds related to 155139
career-technical education under 20 U.S.C. 2321. 155140

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 155141
SUPPORT 155142

The foregoing appropriation item 200420, Information 155143
Technology Development and Support, shall be used to support the 155144
development and implementation of information technology 155145
solutions designed to improve the performance and services of 155146
the Department of Education and Workforce. Funds may be used for 155147
personnel, maintenance, and equipment costs related to the 155148
development and implementation of these technical system 155149
projects. Implementation of these systems shall allow the 155150

Department to provide greater levels of assistance to school 155151
districts and to provide more timely information to the public, 155152
including school districts, administrators, and legislators. 155153
Funds may also be used to support data-driven decision-making 155154
and differentiated instruction, as well as to communicate 155155
academic content standards and curriculum models to schools 155156
through web-based applications. 155157

Section 265.40. SCHOOL MANAGEMENT ASSISTANCE 155158

The foregoing appropriation item 200422, School Management 155159
Assistance, shall be used by the Department of Education and 155160
Workforce to provide fiscal technical assistance and inservice 155161
education for school district management personnel and to 155162
administer, monitor, and implement the fiscal caution, fiscal 155163
watch, and fiscal emergency provisions under Chapter 3316. of 155164
the Revised Code. 155165

Section 265.50. POLICY ANALYSIS 155166

The foregoing appropriation item 200424, Policy Analysis, 155167
shall be used by the Department of Education and Workforce to 155168
support a system of administrative and statistical education 155169
information to be used for policy analysis. Staff supported by 155170
this appropriation shall administer the development of reports, 155171
analyses, and briefings regarding current trends in education 155172
practice, efficient and effective use of resources, and 155173
evaluation of programs to improve education results. A portion 155174
of these funds shall be used to maintain a longitudinal database 155175
to support the assessment of the impact of policies and programs 155176
on Ohio's education and workforce development systems. The 155177
research efforts supported by this appropriation item shall be 155178
used to supply information and analysis of data to and in 155179
consultation with the General Assembly and other state 155180

policymakers, including the Office of Budget and Management and 155181
the Legislative Service Commission. 155182

Section 265.60. OHIO EDUCATIONAL COMPUTER NETWORK 155183

The foregoing appropriation item 200426, Ohio Educational 155184
Computer Network, shall be used by the Department of Education 155185
and Workforce to maintain a system of information technology 155186
throughout Ohio and to provide technical assistance for such a 155187
system. 155188

Of the foregoing appropriation item 200426, Ohio 155189
Educational Computer Network, up to \$8,425,500 in each fiscal 155190
year shall be used by the Department to support connection of 155191
all public school buildings and participating chartered 155192
nonpublic schools to the state's education network, to each 155193
other, and to the Internet. In each fiscal year, the Department 155194
shall use these funds to assist information technology centers 155195
or school districts with the operational costs associated with 155196
this connectivity. The Department shall develop a formula and 155197
guidelines for the distribution of these funds to information 155198
technology centers or individual school districts. As used in 155199
this section, "public school building" means a school building 155200
of any city, local, exempted village, or joint vocational school 155201
district, any community school established under Chapter 3314. 155202
of the Revised Code, any college preparatory boarding school 155203
established under Chapter 3328. of the Revised Code, any STEM 155204
school established under Chapter 3326. of the Revised Code, any 155205
educational service center building used for instructional 155206
purposes, the Ohio School for the Deaf and the Ohio State School 155207
for the Blind, high schools chartered by the Ohio Department of 155208
Youth Services, or high schools operated by Ohio Department of 155209
Rehabilitation and Corrections' Ohio Central School System. 155210

Of the foregoing appropriation item 200426, Ohio 155211
Educational Computer Network, up to \$6,305,000 in each fiscal 155212
year shall be used, through a formula and guidelines devised by 155213
the Department, to support the activities of designated 155214
information technology centers, as defined by Department of 155215
Education and Workforce rules, to provide school districts and 155216
chartered nonpublic schools with computer-based student and 155217
teacher instructional and administrative information services, 155218
including approved computerized financial accounting, to ensure 155219
the effective operation of local automated administrative and 155220
instructional systems, and to monitor and support the quality of 155221
data submitted to the Department. 155222

Of the foregoing appropriation item 200426, Ohio 155223
Educational Computer Network, up to \$1,650,000 in each fiscal 155224
year shall be used by the Department to support cybersecurity 155225
initiatives led by the Management Council of the Ohio Computer 155226
Education Network in public and nonpublic schools. Efforts may 155227
include, but shall not be limited to, vulnerability management, 155228
security awareness training, multifactor authentication, and 155229
endpoint detection and response capabilities. In determining the 155230
specific cybersecurity programs and initiatives the foregoing 155231
appropriation item will support, the Department shall consult 155232
with the Governor's Cybersecurity Strategic Advisor. 155233

The remainder of appropriation item 200426, Ohio 155234
Educational Computer Network, shall be used to support the work 155235
of the development, maintenance, and operation of a network of 155236
uniform and compatible computer-based information systems as 155237
well as the teacher student linkage/roster verification process 155238
and systems to support electronic sharing of student records and 155239
transcripts between entities. This technical assistance shall 155240
include, but not be restricted to, development and maintenance 155241

of adequate computer software systems to support network 155242
activities. In order to improve the efficiency of network 155243
activities, the Department and information technology centers 155244
may jointly purchase equipment, materials, and services from 155245
funds provided under this appropriation for use by the network 155246
and, when considered practical by the Department, may utilize 155247
the services of appropriate state purchasing agencies. 155248

Section 265.70. ACADEMIC STANDARDS 155249

Of the foregoing appropriation item 200427, Academic 155250
Standards, up to \$500,000 in fiscal year 2026 shall be used to 155251
contract with experts in civics education and social studies to 155252
develop an integrated model curriculum that includes English 155253
language arts, social studies, and civics education. The model 155254
curriculum shall include support for content, instruction, and 155255
assessment. 155256

The remainder of the foregoing appropriation item 200427, 155257
Academic Standards, shall be used by the Department of Education 155258
and Workforce to develop and communicate to school districts 155259
academic content standards and curriculum models and to develop 155260
professional development programs and other tools on the new 155261
content standards and model curricula. 155262

Section 265.80. STUDENT ASSESSMENT 155263

Of the foregoing appropriation item 200437, Student 155264
Assessment, up to \$622,713 in each fiscal year shall be used to 155265
reimburse a portion of the costs associated with Advanced 155266
Placement and College-Level Examination Program tests for low- 155267
income students, as determined by the Department. If the funds 155268
provided by the Department through this set-aside and federal 155269
funds are not sufficient to cover the costs of Advanced 155270

Placement, College-Level Examination, and International 155271
Baccalaureate tests for low-income students, school districts 155272
and other public schools shall pay the remainder of the costs 155273
using other funds. 155274

The remainder of appropriation item 200437, Student 155275
Assessment, shall be used to develop, field test, print, 155276
distribute, score, report results, and support other associated 155277
costs for the tests required under sections 3301.0710, 155278
3301.0711, and 3301.0712 of the Revised Code and for similar 155279
purposes as required by section 3301.27 of the Revised Code. The 155280
funds may also be used to update and develop diagnostic 155281
assessments administered under sections 3301.079, 3301.0715, and 155282
3313.608 of the Revised Code and to support readiness 155283
assessments for students in grades three and higher that assist 155284
districts and schools with identifying and benchmarking student 155285
progress. 155286

DEPARTMENT OF EDUCATION AND WORKFORCE APPROPRIATION 155287
TRANSFERS FOR STUDENT ASSESSMENT 155288

In fiscal year 2026 and fiscal year 2027, if the Director 155289
of Education and Workforce determines that additional funds are 155290
needed to fully fund the requirements of sections 3301.0710, 155291
3301.0711, 3301.0712, and 3301.27 of the Revised Code and this 155292
act for assessments of student performance, the Director may 155293
recommend to the Director of Budget and Management the 155294
reallocation of unexpended and unencumbered General Revenue Fund 155295
appropriations within the Department of Education and Workforce 155296
to appropriation item 200437, Student Assessment. If the 155297
Director of Budget and Management determines that such a 155298
reallocation is required, the Director, subject to Controlling 155299
Board approval, may transfer unexpended and unencumbered 155300

appropriations within the Department of Education and Workforce 155301
as necessary to appropriation item 200437, Student Assessment. 155302

Section 265.90. ACCOUNTABILITY/REPORT CARDS 155303

Of the foregoing appropriation item 200439, 155304
Accountability/Report Cards, a portion in each fiscal year shall 155305
be used to train district and regional specialists and district 155306
educators in the use of the value-added progress dimension and 155307
in the use of data as it relates to improving student 155308
achievement. This training may include teacher and administrator 155309
professional development in the use of data to improve 155310
instruction and student learning, and teacher and administrator 155311
training in understanding teacher value-added reports and how 155312
they can be used as a component in measuring teacher and 155313
administrator effectiveness. 155314

The remainder of appropriation item 200439, 155315
Accountability/Report Cards, shall be used by the Department of 155316
Education and Workforce to incorporate a statewide value-added 155317
progress dimension into performance ratings for school districts 155318
and for the development of an accountability system that 155319
includes the preparation and distribution of school report 155320
cards, funding and expenditure accountability reports under 155321
sections 3302.03 and 3302.031 of the Revised Code, the 155322
development and maintenance of teacher value-added reports, the 155323
teacher student linkage/roster verification process, and the 155324
performance management section of the Department's web site 155325
required by section 3302.26 of the Revised Code. 155326

Section 265.100. EDUCATION MANAGEMENT INFORMATION SYSTEM 155327

The foregoing appropriation item 200446, Education 155328
Management Information System, shall be used by the Department 155329

of Education and Workforce to maintain and improve the Education 155330
Management Information System (EMIS). 155331

Of the foregoing appropriation item 200446, Education 155332
Management Information System, up to \$405,000 in each fiscal 155333
year shall be used to support grants to information technology 155334
centers to provide professional development opportunities to 155335
district and school personnel related to the EMIS, with a focus 155336
placed on data submission and data quality. 155337

Of the foregoing appropriation item 200446, Education 155338
Management Information System, up to \$950,000 in each fiscal 155339
year shall be distributed to designated information technology 155340
centers for costs relating to processing, storing, and 155341
transferring data for the effective operation of the EMIS. These 155342
costs may include, but are not limited to, personnel, hardware, 155343
software development, communications connectivity, professional 155344
development, and support services. 155345

The remainder of appropriation item 200446, Education 155346
Management Information System, shall be used to develop and 155347
support the data definitions and standards outlined in the EMIS 155348
guidelines adopted under section 3301.0714 of the Revised Code, 155349
to implement recommendations of the EMIS Advisory Council and 155350
the Director of Education and Workforce, to enhance data quality 155351
assurance practices, and to support responsibilities related to 155352
the school report cards prescribed by section 3302.03 of the 155353
Revised Code and value-added progress dimension calculations. 155354

Section 265.110. EDUCATOR AND PRINCIPAL PREPARATION 155355

(A) Of the foregoing appropriation item 200448, Educator 155356
and Principal Preparation, up to \$1,612,500 in each fiscal year 155357
shall be used, in consultation with the Department of Veterans 155358

Services, to support the Ohio Military Veteran Educators 155359
Program, which may do all of the following: 155360

(1) Administer a grant program for institutions of higher 155361
education to provide financial incentives and assistance for 155362
eligible military individuals, as defined in section 3319.285 of 155363
the Revised Code, to enroll in and complete an educator 155364
preparation program approved under section 3333.048 of the 155365
Revised Code; 155366

(2) Subsidize the costs for eligible military individuals 155367
associated with completing college coursework or professional 155368
development in pedagogy for the purpose of obtaining an 155369
alternative military educator license pursuant to section 155370
3319.285 of the Revised Code or advancing to the professional 155371
license pursuant to section 3319.22 of the Revised Code; 155372

(3) Provide funds to public schools, educational service 155373
centers, and county boards of developmental disabilities to 155374
support activities to recruit eligible military individuals to 155375
work in public schools and support bonuses to public schools 155376
that hire eligible military individuals; 155377

(4) Reimburse public schools, educational service centers, 155378
and county boards of developmental disabilities that pay 155379
financial bonuses to eligible military individuals who complete 155380
at least one year of employment with the school; 155381

(5) In consultation with the Department of Veterans 155382
Services, establish and support the Governor's Ohio Military 155383
Veteran Educators Fellowship Pilot Program to recruit and train 155384
eligible military individuals to become licensed to teach in 155385
low-performing public schools. 155386

(B) Of the foregoing appropriation item 200448, Educator 155387

and Principal Preparation, up to \$350,993 in fiscal year 2026 155388
and up to \$364,254 in fiscal year 2027 may be used by the 155389
Department of Education and Workforce to monitor and support 155390
Ohio's State System of Support, as defined by the Every Student 155391
Succeeds Act. 155392

(C) Of the foregoing appropriation item 200448, Educator 155393
and Principal Preparation, up to \$500,000 in each fiscal year 155394
shall be used to support the SmartOhio Financial Literacy 155395
Program at the University of Cincinnati. 155396

(D) Of the foregoing appropriation item 200448, Educator 155397
and Principal Preparation, \$200,000 in each fiscal year shall be 155398
used to support selected school staff through the FASTER Saves 155399
Lives Program for the purpose of stopping active shooters and 155400
treating casualties. 155401

(E) Notwithstanding any provision of law to the contrary, 155402
awards under this section may be used by recipients for award- 155403
related expenses incurred for a period not to exceed two years 155404
from the date of the award. 155405

Section 265.120. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 155406

The foregoing appropriation item 200455, Community Schools 155407
and Choice Programs, may be used by the Department of Education 155408
and Workforce for the oversight and support of community schools 155409
established under Chapter 3314. of the Revised Code, community 155410
school sponsors, and nonpublic schools; and the administration 155411
of school choice programs. The funds may be used to support the 155412
sponsor evaluation system in accordance with section 3314.016 of 155413
the Revised Code. 155414

Section 265.125. STEM INITIATIVES 155415

The foregoing appropriation item 200457, STEM Initiatives, 155416

shall be distributed to the Alliance for Working Together 155417
Foundation to support the expansion of STEAM to Career 155418
programming for youth and adult students. 155419

Section 265.130. EDUCATION TECHNOLOGY RESOURCES 155420

Of the foregoing appropriation item 200465, Education 155421
Technology Resources, up to \$2,500,000 in each fiscal year shall 155422
be used for the Union Catalog and InfOhio Network and to support 155423
the provision of electronic resources with priority given to 155424
resources that support the teaching of state academic content 155425
standards in all public schools and resources in support of 155426
Ohio's Plan to Raise Literacy Achievement. The Department of 155427
Education and Workforce shall consider coordinating the 155428
allocation of these moneys with the efforts of Libraries Connect 155429
Ohio, whose members include OhioLINK, the Ohio Public 155430
Information Network, and the State Library of Ohio. 155431

Section 265.140. INDUSTRY-RECOGNIZED CREDENTIALS HIGH 155432
SCHOOL STUDENTS 155433

City, local, and exempted village school districts, 155434
community schools, STEM schools, and joint vocational school 155435
districts shall inform students enrolled in career-technical 155436
education courses that lead to an industry-recognized credential 155437
about the opportunity to earn these credentials. The educating 155438
entity shall pay for the cost of the credential. 155439

The foregoing appropriation item 200478, Industry- 155440
Recognized Credentials High School Students, shall be used by 155441
the Department of Education and Workforce and the Governor's 155442
Office of Workforce Transformation to operate the Innovative 155443
Workforce Incentive Program. The Office of Workforce 155444
Transformation shall maintain a list of credentials that qualify 155445

for the program. The Department of Education and Workforce shall 155446
pay each city, local, and exempted village school district, 155447
community school, STEM school, and joint vocational school 155448
district an amount equal to \$725 for each qualifying credential 155449
a student attending the district or school earned in the school 155450
year preceding the fiscal year in which the funds are 155451
appropriated. If the amount appropriated is not sufficient, the 155452
Department shall prorate the amounts so that the aggregate 155453
amount appropriated is not exceeded. 155454

Section 265.150. PUPIL TRANSPORTATION 155455

Of the foregoing appropriation item 200502, Pupil 155456
Transportation, up to \$1,088,930 in each fiscal year may be used 155457
by the Department of Education and Workforce for training 155458
prospective and experienced school bus drivers in accordance 155459
with training programs prescribed by the Department. A portion 155460
of these funds may also be used to pay for costs associated with 155461
the enrollment of bus drivers in the retained applicant 155462
fingerprint database. 155463

Of the foregoing appropriation item 200502, Pupil 155464
Transportation, up to \$176,897,678 in fiscal year 2026 and up to 155465
\$194,820,866 in fiscal year 2027 may be used by the Department 155466
for special education transportation reimbursements to school 155467
districts, educational service centers, and county boards of 155468
developmental disabilities for transportation operating costs as 155469
provided in divisions (C) and (F) of section 3317.024 of the 155470
Revised Code. 155471

Of the foregoing appropriation item 200502, Pupil 155472
Transportation, up to \$450,000 in each fiscal year shall be used 155473
to provide rural transportation grants pursuant to the section 155474
of this act entitled "RURAL TRANSPORTATION GRANT PROGRAM." 155475

Of the foregoing appropriation item 200502, Pupil 155476
Transportation, up to \$250,000 in each fiscal year shall be used 155477
to support the Montgomery County Pupil Transportation Pilot 155478
Program established in Section 265.550 of H.B. 33 of the 135th 155479
General Assembly, as amended by this act. 155480

The remainder of the foregoing appropriation item 200502, 155481
Pupil Transportation, shall be used to distribute the amounts 155482
calculated for transportation aid under division (A) (2) of 155483
section 3317.019 and divisions (E), (F), (G), (H), and (I) of 155484
section 3317.0212 of the Revised Code. 155485

PAYMENTS IN LIEU OF TRANSPORTATION 155486

For purposes of division (D) of section 3327.02 of the 155487
Revised Code, if a parent, guardian, or other person in charge 155488
of a pupil accepts an offer from a school district of payment in 155489
lieu of providing transportation for the pupil, the school 155490
district shall pay that parent, guardian, or other person an 155491
amount not less than fifty per cent and not more than the amount 155492
determined by the Department under division (C) of section 155493
3317.0212 of the Revised Code for the most recent school year 155494
for which data is available. Payment may be prorated if the time 155495
period involved is only a part of the school year. 155496

Section 265.160. SCHOOL MEAL PROGRAMS 155497

(A) The foregoing appropriation item 200505, School Meal 155498
Programs, shall be used to support the reimbursements required 155499
by section 3301.91 of the Revised Code and provide matching 155500
funds to obtain federal funds for the school lunch program. 155501

(B) Any remaining appropriation after providing matching 155502
funds for the school lunch program may be used to do the 155503
following: 155504

(1) Partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department;

(2) Support the Summer EBT Program in coordination with the Department of Job and Family Services.

Section 265.170. AUXILIARY SERVICES

Of the foregoing appropriation item 200511, Auxiliary Services, up to \$2,600,000 in each fiscal year may be used for payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education and Workforce shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of the Revised Code.

The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department to make payments under division (E) of section 3317.024 of the Revised Code to implement sections 3317.06 and 3317.062 of the Revised Code. Notwithstanding any provision of law to the contrary, for fiscal year 2026, school districts or chartered nonpublic schools may use the auxiliary services funding provided under division (E) of section 3317.024 of the Revised Code to provide diagnostic or therapeutic mental health services to students enrolled in chartered nonpublic schools at any time during the fiscal year.

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT

The foregoing appropriation item 200532, Nonpublic

Administrative Cost Reimbursement, shall be used by the 155534
Department of Education and Workforce for the purpose of 155535
implementing section 3317.063 of the Revised Code. Payments made 155536
by the Department for this purpose shall not exceed four hundred 155537
seventy-five dollars per student for each school year. 155538

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 155539

Of the foregoing appropriation item 200540, Special 155540
Education Enhancements, up to \$33,945,594 in each fiscal year 155541
shall be used to fund special education and related services at 155542
county boards of developmental disabilities for eligible 155543
students under section 3317.20 of the Revised Code and at 155544
institutions for eligible students under section 3317.201 of the 155545
Revised Code. If necessary, the Department of Education and 155546
Workforce shall proportionately reduce the amount calculated for 155547
each county board of developmental disabilities and institution 155548
so as not to exceed the amount appropriated in each fiscal year. 155549

Of the foregoing appropriation item 200540, Special 155550
Education Enhancements, up to \$1,350,000 in each fiscal year 155551
shall be used for parent mentoring programs. 155552

Of the foregoing appropriation item 200540, Special 155553
Education Enhancements, up to \$3,000,000 in each fiscal year may 155554
be used for school psychology interns. 155555

Of the foregoing appropriation item 200540, Special 155556
Education Enhancements, up to \$1,000,000 in each fiscal year 155557
shall be used by the Department of Education and Workforce to 155558
build capacity to deliver a regional system of training, 155559
support, coordination, and direct service for secondary 155560
transition services for students with disabilities beginning at 155561
fourteen years of age. These special education enhancements 155562

shall support all students with disabilities, regardless of 155563
partner agency eligibility requirements, to provide stand-alone 155564
direct secondary transition services by school districts. 155565
Secondary transition services shall include, but not be limited 155566
to, job exploration counseling, work-based learning experiences, 155567
counseling on opportunities for enrollment in comprehensive 155568
transition or post-secondary educational programs at 155569
institutions of higher education, workplace readiness training 155570
to develop occupational skills, social skills and independent 155571
living skills, and instruction in self-advocacy. Regional 155572
training shall support the expansion of transition to work 155573
endorsement opportunities for middle school and secondary level 155574
special education intervention specialists in order to develop 155575
the necessary skills and competencies to meet the secondary 155576
transition needs of students with disabilities beginning at 155577
fourteen years of age. 155578

The remainder of appropriation item 200540, Special 155579
Education Enhancements, shall be distributed by the Department 155580
of Education and Workforce to school districts and institutions, 155581
as defined in section 3323.091 of the Revised Code, for 155582
preschool special education funding under section 3317.0213 of 155583
the Revised Code. 155584

The Department may reimburse school districts and 155585
institutions for services provided by instructional assistants, 155586
related services, as defined in rule 3301-51-11 of the 155587
Administrative Code, physical therapy services provided by a 155588
licensed physical therapist or physical therapist assistant 155589
under the supervision of a licensed physical therapist, as 155590
required under Chapter 4755. of the Revised Code and Chapter 155591
4755-27 of the Administrative Code, and occupational therapy 155592
services provided by a licensed occupational therapist or 155593

occupational therapy assistant under the supervision of a 155594
licensed occupational therapist, as required under Chapter 4755. 155595
of the Revised Code and Chapter 4755-7 of the Administrative 155596
Code. Nothing in this section authorizes occupational therapy 155597
assistants or physical therapist assistants to generate or 155598
manage their own caseloads. 155599

The Department shall require school districts that serve 155600
preschool special education students and either receive funds 155601
under the Early Childhood Education Grant Program established 155602
pursuant to section 5104.53 of the Revised Code or provide 155603
publicly funded child care as defined in section 5104.01 of the 155604
Revised Code, educational service centers, county boards of 155605
developmental disabilities, and institutions serving preschool 155606
children with disabilities to adhere to the Step Up to Quality 155607
Program established pursuant to section 5104.29 of the Revised 155608
Code. 155609

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 155610

Of the foregoing appropriation item 200545, Career- 155611
Technical Education Enhancements, up to \$5,000,000 in each 155612
fiscal year shall be used to pay career awareness and 155613
exploration funds pursuant to division (E) of section 3317.014 155614
of the Revised Code. If the amount appropriated is not 155615
sufficient, the Department of Education and Workforce shall 155616
prorate the amounts so that the aggregate amount appropriated is 155617
not exceeded. 155618

Of the foregoing appropriation item 200545, Career- 155619
Technical Education Enhancements, up to \$2,563,000 in each 155620
fiscal year shall be used to fund secondary career-technical 155621
education at institutions and Ohio Deaf and Blind Education 155622
Services using a grant-based methodology, notwithstanding 155623

section 3317.05 of the Revised Code. 155624

Of the foregoing appropriation item 200545, Career- 155625
Technical Education Enhancements, up to \$4,000,000 in each 155626
fiscal year shall be used by the Department to fund competitive 155627
grants to an entity in each of the JobsOhio regions to expand 155628
the number of students with access to career-technical 155629
education, to support and provide technical assistance to 155630
schools and districts in the provision and expansion of career- 155631
technical education, to provide mentoring and career planning 155632
and advising to students attending public and chartered 155633
nonpublic schools, and to support adults who have a high school 155634
diploma but have never enrolled in post-secondary education. 155635
Notwithstanding any provision of law to the contrary, awards 155636
under this paragraph may be used by recipients for award-related 155637
expenses according to guidelines established by the Department 155638
of Education and Workforce for a period not to exceed two years 155639
from the date of the award. 155640

Of the foregoing appropriation item 200545, Career- 155641
Technical Education Enhancements, up to \$600,000 in each fiscal 155642
year shall be used by the Department to enable students in 155643
agricultural programs to enroll in a fifth quarter of 155644
instruction based on the agricultural education model of 155645
delivering work-based learning through supervised agricultural 155646
experience. The Department shall determine eligibility criteria 155647
and the reporting process for the Agriculture 5th Quarter 155648
Project and shall fund as many programs as possible given the 155649
set-aside. The eligibility criteria developed by the Department 155650
shall allow these funds to support supervised agricultural 155651
experience that occurs anytime outside of the regular school 155652
day. 155653

Of the foregoing appropriation item 200545, Career- 155654
Technical Education Enhancements, up to \$650,000 in each fiscal 155655
year may be used to support career planning and reporting 155656
through the OhioMeansJobs web site. 155657

Of the foregoing appropriation item 200545, Career- 155658
Technical Education Enhancements, \$250,000 in each fiscal year 155659
shall be used to prepare students for careers in culinary arts 155660
and restaurant management under the Ohio ProStart school 155661
restaurant program. 155662

Of the foregoing appropriation item 200545, Career- 155663
Technical Education Enhancements, \$100,000 in each fiscal year 155664
shall be distributed to Tech Corps to support career-connected 155665
rural computer science programming. 155666

Of the foregoing appropriation item 200545, Career- 155667
Technical Education Enhancements, \$250,000 in each fiscal year 155668
shall be used by the Department of Education and Workforce in 155669
partnership with the Department of Higher Education to fund 155670
early childhood to post-secondary regional partnerships. The 155671
Department of Education and Workforce shall distribute grants to 155672
qualifying partnerships to support regional collaboration 155673
programs among early learning, primary and secondary school, 155674
post-secondary institution, and workforce partners that align 155675
educational resources with regional in-demand jobs and workforce 155676
skills. Grants shall be awarded using a formula to be determined 155677
by the Department of Education and Workforce. 155678

Section 265.210. FOUNDATION FUNDING - ALL STUDENTS 155679

Of the portion of the formula aid distributed to city, 155680
local, and exempted village school districts, joint vocational 155681
school districts, community schools, and STEM schools under this 155682

section, an amount in each fiscal year, as calculated by the 155683
Department of Education and Workforce, shall be used for the 155684
purposes of division (B) of section 3317.0215 of the Revised 155685
Code. 155686

Of the foregoing appropriation item 200550, Foundation 155687
Funding - All Students, an amount in each fiscal year shall be 155688
used to make additional aid payments to city, local, and 155689
exempted village school districts pursuant to the section of 155690
this act entitled "PERFORMANCE SUPPLEMENT." 155691

Of the foregoing appropriation item 200550, Foundation 155692
Funding - All Students, up to \$5,733,404 in each fiscal year 155693
shall be used to fund gifted education at educational service 155694
centers. The Department shall distribute the funding through the 155695
unit-based funding methodology in place under division (L) of 155696
section 3317.024, division (E) of section 3317.05, and divisions 155697
(A), (B), and (C) of section 3317.053 of the Revised Code as 155698
they existed prior to fiscal year 2010. 155699

Of the foregoing appropriation item 200550, Foundation 155700
Funding - All Students, up to \$49,152,105 in fiscal year 2026 155701
and up to \$51,023,465 in fiscal year 2027 shall be reserved to 155702
fund the state reimbursement of educational service centers 155703
under section 3317.11 of the Revised Code. 155704

Of the foregoing appropriation item 200550, Foundation 155705
Funding - All Students, up to \$3,500,000 in each fiscal year 155706
shall be distributed to educational service centers for school 155707
improvement initiatives and for the provision of technical 155708
assistance to schools and districts consistent with requirements 155709
of section 3312.01 of the Revised Code. The Department may 155710
distribute these funds through a competitive grant process. 155711

Of the foregoing appropriation item 200550, Foundation 155712
Funding - All Students, up to \$7,000,000 in each fiscal year 155713
shall be reserved for payments under the section of this act 155714
entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is 155715
not sufficient, the Director of Education and Workforce may 155716
reallocate excess funds for other purposes supported by this 155717
appropriation item in order to fully pay the amounts required by 155718
that section, provided that the aggregate amount appropriated in 155719
appropriation item 200550, Foundation Funding - All Students, is 155720
not exceeded. 155721

Of the foregoing appropriation item 200550, Foundation 155722
Funding - All Students, up to \$10,400,000 in fiscal year 2026 155723
and up to \$10,800,000 in fiscal year 2027 shall be used to 155724
support the administration of state scholarship programs. 155725

Of the foregoing appropriation item 200550, Foundation 155726
Funding - All Students, up to \$1,000,000 in each fiscal year 155727
shall be distributed to the Cleveland Municipal School District 155728
to provide tutorial assistance as provided in division (B) of 155729
section 3313.979 of the Revised Code. The Cleveland Municipal 155730
School District shall report the use of these funds in the 155731
district's three-year continuous improvement plan as described 155732
in section 3302.04 of the Revised Code in a manner approved by 155733
the Department. 155734

Of the foregoing appropriation item 200550, Foundation 155735
Funding - All Students, up to \$3,500,000 in each fiscal year may 155736
be used for payment of the College Credit Plus Program for 155737
students instructed at home pursuant to section 3321.04 of the 155738
Revised Code. 155739

Of the foregoing appropriation item 200550, Foundation 155740
Funding - All Students, an amount shall be available in each 155741

fiscal year to be paid to joint vocational school districts in 155742
accordance with sections 3317.16 and 3317.162 of the Revised 155743
Code and the section of this act entitled "FORMULA TRANSITION 155744
SUPPLEMENT." 155745

Of the foregoing appropriation item 200550, Foundation 155746
Funding - All Students, up to \$700,000 in each fiscal year shall 155747
be used by the Department for a program to pay for educational 155748
services for youth who have been assigned by a juvenile court or 155749
other authorized agency to any of the facilities described in 155750
division (A) of the section of this act entitled "PRIVATE 155751
TREATMENT FACILITY PROJECT." 155752

Of the foregoing appropriation item 200550, Foundation 155753
Funding - All Students, a portion may be used to pay college- 155754
preparatory boarding schools the per pupil boarding amount 155755
pursuant to section 3328.34 of the Revised Code. 155756

Of the foregoing appropriation item 200550, Foundation 155757
Funding - All Students, up to \$1,500,000 in each fiscal year 155758
shall be distributed to the Ohio STEM Learning Network to 155759
support the expansion of free STEM programming aligned to Ohio's 155760
STEM priorities, to create regional STEM supports targeting 155761
underserved student populations, and to support the Ohio STEM 155762
Committee's STEM school designation process. 155763

Of the foregoing appropriation item 200550, Foundation 155764
Funding - All Students, up to \$1,500,000 in each fiscal year 155765
shall be used by the Department to support the Stay in the Game! 155766
Network and efforts to reduce chronic absenteeism. 155767

Of the foregoing appropriation item 200550, Foundation 155768
Funding - All Students, up to \$750,000 in fiscal year 2026 shall 155769
be used to make payments pursuant to the section of this act 155770

entitled "AIM HIGHER PILOT PROGRAM." 155771

The remainder of the foregoing appropriation item 200550, 155772
Foundation Funding - All Students, shall be used to distribute 155773
the amounts calculated for formula aid under division (A)(1) of 155774
section 3317.019 of the Revised Code, sections 3317.022 and 155775
3317.22 of the Revised Code, and the sections of this act 155776
entitled "FORMULA TRANSITION SUPPLEMENT" and "FUNDING 155777
SUPPLEMENTS." 155778

Appropriation items 200502, Pupil Transportation, and 155779
200550, Foundation Funding - All Students, other than specific 155780
set-asides, are collectively used in each fiscal year to pay 155781
state formula aid obligations for school districts, community 155782
schools, STEM schools, college preparatory boarding schools, 155783
joint vocational school districts, and state scholarship 155784
programs under this act. The first priority of these 155785
appropriation items, with the exception of specific set-asides, 155786
is to fund state formula aid obligations. It may be necessary to 155787
reallocate funds among these appropriation items or use excess 155788
funds from other General Revenue Fund appropriation items in the 155789
Department of Education and Workforce's budget, including 155790
appropriation item 200903, Property Tax Reimbursement - 155791
Education, in each fiscal year in order to meet state formula 155792
aid obligations. If it is determined that it is necessary to 155793
transfer funds among these appropriation items or to transfer 155794
funds from other General Revenue Fund appropriations in the 155795
Department's budget to meet state formula aid obligations, the 155796
Director of Education and Workforce shall seek approval from the 155797
Director of Budget and Management to transfer funds as needed. 155798

The Director of Education and Workforce shall make 155799
payments, transfers, and deductions, as authorized by Title 155800

XXXIII of the Revised Code in amounts substantially equal to 155801
those made in the prior year, or otherwise, at the discretion of 155802
the Director, until at least the effective date of the 155803
amendments and enactments made to Title XXXIII of the Revised 155804
Code by this act. Any funds paid to districts or schools under 155805
this section shall be credited toward the annual funds 155806
calculated for the district or school after the changes made to 155807
Title XXXIII of the Revised Code in this act are effective. Upon 155808
the effective date of changes made to Title XXXIII of the 155809
Revised Code in this act, funds shall be calculated as an annual 155810
amount. 155811

Section 265.211. During fiscal year 2027, if the Treasurer 155812
of State certifies to the Director of Budget and Management 155813
amounts transferred to the General Revenue Fund pursuant to 155814
division (I) of section 3310.24 of the Revised Code, such 155815
amounts are hereby appropriated for fiscal year 2027 in 155816
appropriation item 200550, Foundation Funding - All Students. 155817

Section 265.215. ECONOMICALLY DISADVANTAGED STUDENT 155818
AVERAGE DAILY MEMBERSHIP 155819

(A) As used in this section: 155820

(1) "Directly certified ADM" means the average daily 155821
membership of students enrolled in a district or school for a 155822
fiscal year who are certified as categorically eligible for free 155823
meals as described in 7 C.F.R. 245.6 or successor regulations, 155824
as determined by the Department of Education and Workforce. 155825

(2) "Qualifying public school" means any of the following: 155826

(a) A city, local, or exempted village school district; 155827

(b) A joint vocational school district; 155828

(c) A community school established under Chapter 3314. of 155829
the Revised Code that is not a newly opened community school; 155830

(d) A STEM school established under Chapter 3326. of the 155831
Revised Code. 155832

(3) "Newly opened community school" means a community 155833
school that opens for the first time in fiscal year 2026 or 155834
2027. 155835

(C) Notwithstanding anything in the Revised Code to the 155836
contrary, for fiscal years 2026 and 2027, the average daily 155837
membership of economically disadvantaged students for a 155838
qualifying public school is the average daily membership of 155839
economically disadvantaged students certified or reported to the 155840
Department for fiscal year 2025 under section 3314.08, 3317.03, 155841
or 3326.32 of the Revised Code. The Department shall calculate 155842
disadvantaged pupil impact aid for each qualifying public school 155843
under section 3317.022, 3317.026, or 3317.16 of the Revised Code 155844
for fiscal years 2026 and 2027, as follows: 155845

(The qualifying public school's average daily membership of 155846
economically disadvantaged students X 0.75 for fiscal year 2026 155847
or 0.65 for fiscal year 2027) + (The qualifying public school's 155848
directly certified ADM for the fiscal year X 0.25 for fiscal 155849
year 2026 or 0.35 for fiscal year 2027) 155850

(D) Notwithstanding anything in the Revised Code to the 155851
contrary, for fiscal years 2026 and 2027, the Department shall 155852
calculate disadvantaged pupil impact aid for each newly opened 155853
community school under sections 3317.022 and 3317.026 of the 155854
Revised Code using the school's directly certified ADM for the 155855
fiscal year. 155856

Section 265.220. PHASE-IN PERCENTAGES 155857

For purposes of division (X) (1) of section 3317.02 of the
Revised Code, the General Assembly has determined that the
general phase-in percentage for fiscal year 2026 shall be 83.33
per cent and the general phase-in percentage for fiscal year
2027 shall be 100 per cent.

For purposes of division (X) (2) of section 3317.02 of the
Revised Code, the General Assembly has determined that the
phase-in percentage for disadvantaged pupil impact aid for
fiscal year 2026 shall be 83.33 per cent and the phase-in
percentage for disadvantaged pupil impact aid for fiscal year
2027 shall be 100 per cent.

Section 265.230. FORMULA TRANSITION SUPPLEMENT

(A) (1) For fiscal years 2026 and 2027, the Department of
Education and Workforce shall pay a formula transition
supplement to each city, local, and exempted village school
district according to the following formula:

(The district's funding base for fiscal year 2021) - (the
district's payments for the fiscal year for which the supplement
is calculated under sections 3317.019, 3317.022, and 3317.0212
of the Revised Code)

If the computation made under division (A) (1) of this
section for a fiscal year results in a negative number, the
district's formula transition supplement for that fiscal year
shall be zero.

(2) For purposes of division (A) (1) of this section, a
city, local, or exempted village school district's "funding base
for fiscal year 2021" means the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 155886
2021 under division (A) (1) of Section 265.220 of H.B. 166 of the 155887
133rd General Assembly after any adjustments required under 155888
Section 265.227 of H.B. 166 of the 133rd General Assembly and 155889
before any funding reductions authorized by Executive Order 155890
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 155891
issued on January 22, 2021; 155892

(ii) The amount calculated for the district for fiscal 155893
year 2021 under division (A) (2) of Section 265.220 of H.B. 166 155894
of the 133rd General Assembly before any funding reductions 155895
authorized by Executive Order 2020-19D, issued on May 7, 2020, 155896
and Executive Order 2021-01D, issued on January 22, 2021; 155897

(iii) The amount calculated for the district for fiscal 155898
year 2021 under division (B) of Section 265.220 of H.B. 166 of 155899
the 133rd General Assembly; 155900

(iv) The district's payments for fiscal year 2021 under 155901
divisions (C) (1), (2), (3), and (4) of section 3313.981 of the 155902
Revised Code as those divisions existed for payments for fiscal 155903
year 2021; 155904

(v) The district's payments for fiscal year 2021 under 155905
section 3317.0219 of the Revised Code as that section existed 155906
for payments for fiscal year 2021 and under Section 20 of S.B. 155907
310 of the 133rd General Assembly. 155908

(b) Subtract from the amount calculated in division (A) (2) 155909
(a) of this section the sum of the following: 155910

(i) The payments deducted from the district and paid to a 155911
community school established under Chapter 3314. of the Revised 155912
Code for fiscal year 2021 under divisions (C) (1) (a), (b), (c), 155913
(d), (e), (f), and (g) of section 3314.08 of the Revised Code 155914

and division (D) of section 3314.091 of the Revised Code, as 155915
those divisions existed for deductions and payments for fiscal 155916
year 2021, in accordance with division (A) of Section 265.230 of 155917
H.B. 166 of the 133rd General Assembly, before any funding 155918
reductions authorized by Executive Order 2020-19D, issued on May 155919
7, 2020, and Executive Order 2021-01D, issued on January 22, 155920
2021; 155921

(ii) The payments deducted from the district and paid to a 155922
science, technology, engineering, and mathematics school 155923
established under Chapter 3326. of the Revised Code for fiscal 155924
year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) 155925
of section 3326.33 of the Revised Code as those divisions 155926
existed for deductions and payments for fiscal year 2021, in 155927
accordance with division (A) of Section 265.235 of H.B. 166 of 155928
the 133rd General Assembly, before any funding reductions 155929
authorized by Executive Order 2020-19D, issued on May 7, 2020, 155930
and Executive Order 2021-01D, issued on January 22, 2021; 155931

(iii) The payments deducted from the district for fiscal 155932
year 2021 under division (C) of section 3310.08 of the Revised 155933
Code as that division existed for deductions for fiscal year 155934
2021, division (C)(2) of section 3310.41 of the Revised Code, as 155935
that division existed for deductions for fiscal year 2021, and 155936
section 3310.55 of the Revised Code as that section existed for 155937
deductions for fiscal year 2021 and, in the case of a pilot 155938
project school district as defined in section 3313.975 of the 155939
Revised Code, the funds deducted from the district for fiscal 155940
year 2021 under Section 265.210 of H.B. 166 of the 133rd General 155941
Assembly to operate the pilot project scholarship program for 155942
fiscal year 2021 under sections 3313.974 to 3313.979 of the 155943
Revised Code; 155944

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B) (1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B) (1) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay a formula transition supplement to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2021) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.16 and 3317.162 of the Revised Code)

If the computation made under division (B) (1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (B) (1) of this section, a joint vocational district's "funding base for fiscal year 2021" means the sum of the following:

(a) The district's payments for fiscal year 2021 under Section 265.225 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly;

(b) The district's payments for fiscal year 2021 under divisions (D) (1) and (2) of section 3313.981 of the Revised Code, as those divisions existed for payments for fiscal year 2021;

(c) The district's payments for fiscal year 2021 under section 3317.163 of the Revised Code as that section existed for

payments for fiscal year 2021 and under Section 20 of S.B. 310 155974
of the 133rd General Assembly. 155975

(C) (1) For fiscal years 2026 and 2027, the Department of 155976
Education and Workforce shall pay a formula transition 155977
supplement to each community school established under Chapter 155978
3314. of the Revised Code according to the following formula: 155979

[(The school's funding base for fiscal year 2021 / the number of 155980
students enrolled in the school for fiscal year 2021) - (the sum 155981
of the school's payments under sections 3317.022 and 3317.0212 155982
of the Revised Code for the fiscal year for which the supplement 155983
is calculated / the number of students enrolled in the school 155984
for the fiscal year for which the supplement is calculated)] X 155985
the number of students enrolled in the school for the fiscal 155986
year for which the supplement is calculated. 155987

If the computation made under division (C) (1) of this 155988
section for a fiscal year results in a negative number, the 155989
school's formula transition supplement for that fiscal year 155990
shall be zero. 155991

(2) For purposes of division (C) (1) of this section, a 155992
community school's "funding base for fiscal year 2021" means the 155993
sum of the following: 155994

(a) The amount calculated for the school for fiscal year 155995
2021 under division (C) (1) of section 3314.08 of the Revised 155996
Code as that section existed for payments for fiscal year 2021, 155997
before any funding reductions authorized by Executive Order 155998
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 155999
issued on January 22, 2021; 156000

(b) The amount calculated for the school for fiscal year 156001
2021 under section 3314.085 of the Revised Code as that section 156002

existed for payments for fiscal year 2021; 156003

(c) The amount calculated for the school for fiscal year 156004
2021 under division (D)(1) of section 3314.091 of the Revised 156005
Code as that division existed for payments for fiscal year 2021; 156006

(d) The amount calculated for the school for fiscal year 156007
2021 under section 3314.088 of the Revised Code as that section 156008
existed for payments for fiscal year 2021 and under Section 20 156009
of S.B. 310 of the 133rd General Assembly. 156010

(D)(1) For fiscal years 2026 and 2027, the Department of 156011
Education and Workforce shall pay a formula transition 156012
supplement to each science, technology, engineering, and 156013
mathematics school established under Chapter 3326. of the 156014
Revised Code according to the following formula: 156015

[(The school's funding base for fiscal year 2021 / the number of 156016
students enrolled in the school for fiscal year 2021) - (the 156017
school's payments for the fiscal year for which the supplement 156018
is calculated under section 3317.022 of the Revised Code / the 156019
number of students enrolled in the school for the fiscal year 156020
for which the supplement is calculated)] X the number of 156021
students enrolled in the school for the fiscal year for which 156022
the supplement is calculated. 156023

If the computation made under division (D)(1) of this 156024
section for a fiscal year results in a negative number, the 156025
school's formula transition supplement for that fiscal year 156026
shall be zero. 156027

(2) For purposes of division (D)(1) of this section, a 156028
science, technology, engineering, and mathematics school's 156029
"funding base for fiscal year 2021" means the sum of the 156030
following: 156031

(a) The amount calculated for the school for fiscal year 156032
2021 under section 3326.33 of the Revised Code as that section 156033
existed for payments for fiscal year 2021, before any funding 156034
reductions authorized by Executive Order 2020-19D, issued on May 156035
7, 2020, and Executive Order 2021-01D, issued on January 22, 156036
2021; 156037

(b) The amount calculated for the school for fiscal year 156038
2021 under section 3326.41 of the Revised Code as that section 156039
existed for payments for fiscal year 2021; 156040

(c) The amount calculated for the school for fiscal year 156041
2021 under section 3326.42 of the Revised Code as that section 156042
existed for payments for fiscal year 2021 and under Section 20 156043
of S.B. 310 of the 133rd General Assembly. 156044

Section 265.237. FUNDING SUPPLEMENTS 156045

(A) As used in this section, "traditional school district" 156046
means a city, local, or exempted village school district. 156047

(B) For fiscal years 2026 and 2027, the Department of 156048
Education and Workforce shall pay each traditional school 156049
district an enrollment growth supplement, as follows: 156050

(1) The Department shall calculate an enrollment change 156051
percentage for the district for the fiscal year, as follows: 156052

(a) For fiscal year 2026, the percentage is calculated 156053
according to the following formula: 156054

(The district's enrolled ADM for fiscal year 2025 - the 156055
district's enrolled ADM for fiscal year 2022) / the district's 156056
enrolled ADM for fiscal year 2022 X 100% 156057

(b) For fiscal year 2027, the percentage is calculated 156058
according to the following formula: 156059

(The district's enrolled ADM for fiscal year 2026 - the 156060
district's enrolled ADM for fiscal year 2023) / the district's 156061
enrolled ADM for fiscal year 2023 X 100% 156062

(2) For fiscal year 2026, for a district that has an 156063
enrollment change percentage that is five per cent or higher for 156064
the fiscal year, the Department shall pay the district an amount 156065
equal to the product of the district's enrolled ADM for the 156066
fiscal year multiplied by \$225. The Department shall not make a 156067
payment for fiscal year 2026 to a district that has an 156068
enrollment change percentage for the fiscal year that is less 156069
than five per cent. 156070

(3) For fiscal year 2027, for a district that has an 156071
enrollment change percentage that is three per cent or higher 156072
for the fiscal year, the Department shall pay the district an 156073
amount equal to the product of the district's enrolled ADM for 156074
the fiscal year multiplied by \$250. The Department shall not 156075
make a payment for fiscal year 2027 to a district that has an 156076
enrollment change percentage for the fiscal year that is less 156077
than three per cent. 156078

(C) For fiscal years 2026 and 2027, the Department shall 156079
pay each traditional and joint vocational school district, 156080
community school established under Chapter 3314. of the Revised 156081
Code, and STEM school established under Chapter 3326. of the 156082
Revised Code a base funding supplement that is equal to the 156083
product of the district's or school's enrolled ADM for the 156084
fiscal year multiplied by either of the following: 156085

(1) For fiscal year 2026, \$27; 156086

(2) For fiscal year 2027, \$40. 156087

Section 265.239. PERFORMANCE SUPPLEMENT 156088

(A) As used in this section, "traditional school district" 156089
means a city, local, or exempted village school district. 156090

(B) For fiscal years 2026 and 2027, the Department of 156091
Education and Workforce shall pay each traditional school 156092
district a per-pupil performance supplement, as follows: 156093

(1) The Department shall determine whether a district is 156094
eligible for the supplement based on whether the district 156095
received any of the following on the state report card issued 156096
under section 3302.03 of the Revised Code for the 2024-2025 156097
school year for fiscal year 2026, or the 2025-2026 school year 156098
for fiscal year 2027: 156099

(a) An overall performance rating of four or more stars; 156100

(b) A performance rating of three or more stars for the 156101
Progress component; 156102

(c) A higher performance rating on the Progress component 156103
than the district received for that component on the state 156104
report card issued for the 2023-2024 school year for fiscal year 156105
2026, or the 2024-2025 school year for fiscal year 2027. 156106

(2) The Department shall calculate and pay the supplement 156107
to an eligible district for a fiscal year, as follows: 156108

The district's enrolled ADM for the fiscal year X \$13 X the 156109
greater of the number of stars the district received for either 156110
the overall performance rating or the performance rating for the 156111
Progress component on the state report card for the 2024-2025 156112
school year for fiscal year 2026, or the 2025-2026 school year 156113
for fiscal year 2027 156114

Section 265.240. POWER PLANT VALUATION ADJUSTMENT 156115

(A) (1) On or before May 15, 2026, the Tax Commissioner 156116

shall determine all of the following for each city, local, 156117
exempted village, and joint vocational school district that has 156118
at least one power plant located within its territory: 156119

(a) Whether the taxable value of all utility tangible 156120
personal property subject to taxation by the district in tax 156121
year 2025 was less than the taxable value of such property 156122
during tax year 2017; 156123

(b) Whether the taxable value of all utility tangible 156124
personal property subject to taxation by the district in tax 156125
year 2025 was less than the taxable value of such property 156126
during tax year 2024. 156127

(2) If the decrease determined under division (A) (1) (a) or 156128
(b) of this section exceeds ten per cent and the overall change 156129
in utility tangible personal property subject to taxation is 156130
negative, the Tax Commissioner shall certify all of the 156131
following to the Department of Education and Workforce and the 156132
Office of Budget and Management: 156133

(a) The district's total taxable value for tax year 2025; 156134

(b) The change in taxes charged and payable on the 156135
district's total taxable value for tax year 2017 and tax year 156136
2025; 156137

(c) The taxable value of the utility tangible personal 156138
property decrease, which shall be considered a change in 156139
valuation; 156140

(d) The change in taxes charged and payable on such change 156141
in taxable value calculated in the same manner as in division 156142
(A) (3) of section 3317.021 of the Revised Code. 156143

(3) Upon receipt of a certification under division (A) (2) 156144

of this section, the Department of Education and Workforce shall 156145
replace the three-year average valuations that were used in 156146
computing the district's state education aid for fiscal year 156147
2019 with the taxable value certified under division (A) (2) (a) 156148
of this section and shall recompute the district's state 156149
education aid for fiscal year 2019 without applying any funding 156150
limitations enacted by the General Assembly to the computation. 156151
The Department shall pay to the district an amount equal to the 156152
greater of the following: 156153

(a) The lesser of the following: 156154

(i) The positive difference between the district's state 156155
education aid for fiscal year 2019 prior to the recomputation 156156
under division (A) (3) of this section and the district's 156157
recomputed state education aid for fiscal year 2019; 156158

(ii) The absolute value of the amount certified under 156159
division (A) (2) (b) of this section. 156160

(b) The absolute value of the amount certified under 156161
division (A) (2) (b) of this section X 0.50. 156162

(B) (1) On or before May 15, 2027, the Tax Commissioner 156163
shall determine for each city, local, exempted village, and 156164
joint vocational school district that has at least one power 156165
plant located within its territory: 156166

(a) Whether the taxable value of all utility tangible 156167
personal property subject to taxation by the district in tax 156168
year 2026 was less than the taxable value of such property 156169
during tax year 2017; 156170

(b) Whether the taxable value of all utility tangible 156171
personal property subject to taxation by the district in tax 156172
year 2026 was less than the taxable value of such property 156173

during tax year 2025. 156174

(2) If the decrease determined under division (B) (1) (a) or 156175
(b) of this section exceeds ten per cent and the overall change 156176
in utility tangible personal property subject to taxation is 156177
negative, the Tax Commissioner shall certify all of the 156178
following to the Department of Education and Workforce and the 156179
Office of Budget and Management: 156180

(a) The district's total taxable value for tax year 2026; 156181

(b) The change in taxes charged and payable on the 156182
district's total taxable value for tax year 2017 and tax year 156183
2026; 156184

(c) The taxable value of the utility tangible personal 156185
property decrease, which shall be considered a change in 156186
valuation; 156187

(d) The change in taxes charged and payable on such change 156188
in taxable value calculated in the same manner as in division 156189
(A) (3) of section 3317.021 of the Revised Code. 156190

(3) Upon receipt of a certification under division (B) (2) 156191
of this section, the Department of Education and Workforce shall 156192
replace the three-year average valuations that were used in 156193
computing the district's state education aid for fiscal year 156194
2019 with the taxable value certified under division (B) (2) (a) 156195
of this section and shall recompute the district's state 156196
education aid for fiscal year 2019 without applying any funding 156197
limitations enacted by the General Assembly to the computation. 156198
The Department shall pay to the district an amount equal to the 156199
greater of the following: 156200

(a) The lesser of the following: 156201

(i) The positive difference between the district's state 156202
education aid for fiscal year 2019 prior to the recomputation 156203
under division (B) (3) of this section and the district's 156204
recomputed state education aid for fiscal year 2019; 156205

(ii) The absolute value of the amount certified under 156206
division (B) (2) (b) of this section. 156207

(b) The absolute value of the amount certified under 156208
division (B) (2) (b) of this section X 0.50. 156209

(C) The Department of Education and Workforce shall make 156210
payments under division (A) (3) of this section between June 1, 156211
2026, and June 30, 2026, and the Department shall make payments 156212
under division (B) (3) of this section between June 1, 2027, and 156213
June 30, 2027. The Department shall not calculate or make 156214
payments under section 3317.028 of the Revised Code for fiscal 156215
years 2026 and 2027. 156216

Section 265.250. LITERACY IMPROVEMENT 156217

The foregoing appropriation item 200566, Literacy 156218
Improvement, shall be used by the Department of Education and 156219
Workforce to support literacy activities to align state, local, 156220
and federal efforts in order to bolster all students' reading 156221
success. Funds may be distributed to educational service centers 156222
to establish and support regional literacy professional 156223
development teams consistent with section 3312.01 of the Revised 156224
Code. A portion of the funds may be used by the Department for 156225
program administration, monitoring, technical assistance, 156226
support, research, and evaluation. 156227

LITERACY COACHES 156228

The foregoing appropriation item 2006A7, Literacy Coaches, 156229
shall be used for coaches to provide literacy supports to school 156230

districts, community schools, and STEM schools with the lowest 156231
rates of proficiency in literacy based on their performance on 156232
the English language arts assessments prescribed under section 156233
3301.0710 of the Revised Code. The coaches shall have training 156234
in the science of reading and evidence-based strategies for 156235
effective literacy instruction and intervention and shall 156236
implement Ohio's Coaching Model, as described in Ohio's Plan to 156237
Raise Literacy Achievement. The coaches shall be under the 156238
direction of the Department but shall not be employed by the 156239
Department. 156240

Section 265.260. ADULT EDUCATION PROGRAMS 156241

A portion of the foregoing appropriation item 200572, 156242
Adult Education Programs, shall be used to make payments in 156243
fiscal year 2027 under sections 3313.902, 3314.38, and 3345.86 156244
of the Revised Code, as reenacted by this act effective July 1, 156245
2026. 156246

Each career-technical planning district shall reimburse 156247
individuals taking a nationally recognized high school 156248
equivalency examination approved by the Department of Education 156249
and Workforce for the first time for application fees, 156250
examination fees, or both, in excess of \$40, up to a maximum 156251
reimbursement per individual of \$80. Each career-technical 156252
planning district shall designate a site or sites where 156253
individuals may register and take an approved examination. For 156254
each individual who registers for an approved examination, the 156255
career-technical planning district shall make available and 156256
offer career counseling services, including information on adult 156257
education programs that are available. A portion of the 156258
foregoing appropriation item 200572, Adult Education Programs, 156259
may be used to reimburse the Department of Youth Services and 156260

the Department of Rehabilitation and Correction for individuals 156261
in these facilities who have taken an approved examination for 156262
the first time. The amounts reimbursed shall not exceed the per- 156263
individual amounts reimbursed to other individuals under this 156264
section for an approved examination. 156265

Of the foregoing appropriation item 200572, Adult 156266
Education Programs, \$6,322,267 shall be used to support the 156267
Aspire program in fiscal year 2027. The supported programs shall 156268
satisfy the state match and maintenance of effort requirements 156269
for the state-administered grant program. The funds may be used 156270
to support students that speak English as their second language. 156271

A portion of the foregoing appropriation item 200572, 156272
Adult Education Programs, may be used for program 156273
administration, technical assistance, support, research, and 156274
evaluation of adult education programs, including high school 156275
equivalency examinations approved by the Department of Education 156276
and Workforce. 156277

Section 265.270. HALF-MILL MAINTENANCE EQUALIZATION 156278

The foregoing appropriation item 200574, Half-Mill 156279
Maintenance Equalization, shall be used to make payments 156280
pursuant to section 3318.18 of the Revised Code. If the amount 156281
appropriated is not sufficient, the Department of Education and 156282
Workforce shall prorate the amounts so that the aggregate amount 156283
appropriated is not exceeded. 156284

ADAPTIVE SPORTS PROGRAM 156285

The foregoing appropriation item 200576, Adaptive Sports 156286
Program, shall be used by the Department of Education and 156287
Workforce, in collaboration with the Adaptive Sports Program of 156288
Ohio, to fund adaptive sports programs in school districts 156289

across the state for students with disabilities. 156290

Section 265.275. PROGRAM AND PROJECT SUPPORT 156291

Of the foregoing appropriation item 200597, Program and 156292
Project Support, \$1,250,000 in each fiscal year shall be used 156293
for purposes of the section of this act entitled "FINANCIAL 156294
LITERACY AND WORKFORCE READINESS PROGRAMMING INITIATIVE." 156295

Of the foregoing appropriation item 200597, Program and 156296
Project Support, \$400,000 in each fiscal year shall be 156297
distributed to the Girl Scout Councils of Ohio to support the 156298
Trailblazers in Training: Preparing Girls for Tomorrow's 156299
Workforce program. 156300

Of the foregoing appropriation item 200597, Program and 156301
Project Support, \$250,000 in each fiscal year shall be 156302
distributed to the National Inventors Hall of Fame to expand 156303
STEM summer learning opportunities for students in grades 156304
kindergarten through six. Funds shall be used to support the 156305
enrollment of economically disadvantaged students at Camp 156306
Invention sites. 156307

Of the foregoing appropriation item 200597, Program and 156308
Project Support, \$250,000 in each fiscal year shall be 156309
distributed to the Stark Education Partnership to support the 156310
Stark County Career Connected Learning program. These funds 156311
shall be used to assist participating Stark County schools in 156312
providing career counselors or career champions for all students 156313
and for the purchase and implementation of YouScience career 156314
assessments. 156315

Of the foregoing appropriation item 200597, Program and 156316
Project Support, \$350,000 in fiscal year 2026 and \$250,000 in 156317
fiscal year 2027 shall be distributed to the Ohio Valley Youth 156318

Network to support its Sycamore Youth Center Education 156319
Enrichment and Life Skills After Schools Program. 156320

Of the foregoing appropriation item 200597, Program and 156321
Project Support, \$50,000 in each fiscal year shall be 156322
distributed to Shoes 4 the Shoeless to provide shoes and socks 156323
to children in need. 156324

Of the foregoing appropriation item 200597, Program and 156325
Project Support, \$50,000 in each fiscal year shall be 156326
distributed to The Legacy Project of Stark to support personnel, 156327
materials, and program expansion costs associated with its 156328
school-based mentoring program. 156329

Of the foregoing appropriation item 200597, Program and 156330
Project Support, \$250,000 in each fiscal year shall be 156331
distributed to The Music Settlement to support the Center for 156332
Music Initiative. 156333

Section 265.290. SCHOOL DISTRICT SOLVENCY ASSISTANCE 156334

(A) The foregoing appropriation item 200687, School 156335
District Solvency Assistance, shall be allocated to the School 156336
District Shared Resource Account and the Catastrophic 156337
Expenditures Account in amounts determined by the Director of 156338
Education and Workforce. These funds shall be used to provide 156339
assistance and grants to school districts to enable them to 156340
remain solvent under section 3316.20 of the Revised Code. 156341
Assistance and grants shall be subject to approval by the 156342
Controlling Board. Except as provided under division (C) of this 156343
section, any required reimbursements from school districts for 156344
solvency assistance shall be made to the appropriate account in 156345
the School District Solvency Assistance Fund (Fund 5H30). 156346

(B) Notwithstanding any provision of law to the contrary, 156347

upon the request of the Director of Education and Workforce and 156348
the approval of the Controlling Board, the Director of Budget 156349
and Management may make transfers to the School District 156350
Solvency Assistance Fund (Fund 5H30) from any fund used by the 156351
Department of Education and Workforce, the Lottery Profits 156352
Education Reserve Fund (Fund 7018), or the General Revenue Fund 156353
to maintain sufficient cash balances in Fund 5H30 in fiscal 156354
years 2026 and 2027. Any cash transferred is hereby 156355
appropriated. The transferred cash may be used by the Department 156356
to provide assistance and grants to school districts to enable 156357
them to remain solvent and to pay unforeseeable expenses of a 156358
temporary or emergency nature that the school district is unable 156359
to pay from existing resources. 156360

Section 265.300. FOUNDATION FUNDING - ALL STUDENTS 156361

The foregoing appropriation item 200604, Foundation 156362
Funding - All Students, shall be used in conjunction with 156363
appropriation items 200550, Foundation Funding - All Students, 156364
and 200612, Foundation Funding - All Students, to distribute the 156365
amounts calculated for disadvantaged pupil impact aid under 156366
sections 3317.022 and 3317.16 of the Revised Code and the 156367
portions of the state share of the base cost calculated under 156368
those sections that are attributable to the staffing cost for 156369
the student wellness and success component of the base cost, as 156370
determined by the Department of Education and Workforce. 156371

Section 265.310. PUBLIC AND NONPUBLIC EDUCATION SUPPORT 156372

The foregoing appropriation item 200491, Public and 156373
Nonpublic Education Support, shall be used in conjunction with 156374
appropriation item 200550, Foundation Funding - All Students, to 156375
distribute the amounts calculated for formula aid under section 156376
3317.022 of the Revised Code. 156377

Section 265.320. SCHOOL BUS SAFETY 156378

(A) The foregoing appropriation item 200413, School Bus 156379
Safety, shall be used to support a school bus safety grant 156380
program, as recommended by the Governor's School Bus Safety 156381
Working Group, and in accordance with guidelines established by 156382
the Department of Education and Workforce. The specific safety 156383
features shall be informed by the Governor's School Bus Safety 156384
Working Group report and in consultation with the Department of 156385
Public Safety. 156386

(B) The Department shall create an application for 156387
eligible applicants. Eligible applicants may apply for funds in 156388
a manner prescribed by the Department. The Department shall 156389
collect information with respect to the total amount of funding 156390
requested, the number of school buses impacted, and the specific 156391
safety enhancements for which each eligible applicant seeks 156392
funds. In determining grant allocations, the Department shall 156393
apply a measure of local capacity. The Department may also apply 156394
minimum or maximum funding amounts. 156395

(C) Eligible applicants shall use school bus safety grant 156396
funds only for repair, replacement, or addition of school bus 156397
safety features to school buses in active service or for safety 156398
enhancements to the purchase of a new school bus. Eligible 156399
applicants shall not use funds to enhance buses not owned by the 156400
eligible applicant. 156401

(D) As used in this section, "eligible applicant" means 156402
any of the following that provides transportation services: 156403

(1) A city, local, exempted village, or joint vocational 156404
school district; 156405

(2) A community school established under Chapter 3314. of 156406

the Revised Code; 156407

(3) A STEM school established under Chapter 3326. of the 156408
Revised Code; 156409

(4) A county board of developmental disabilities; 156410

(5) A chartered nonpublic school; 156411

(6) An educational service center. 156412

Section 265.330. LOTTERY PROFITS EDUCATION FUND 156413

The foregoing appropriation item 200612, Foundation 156414
Funding - All Students, shall be used in conjunction with 156415
appropriation item 200550, Foundation Funding - All Students, to 156416
distribute the amounts calculated for formula aid under section 156417
3317.022 of the Revised Code. 156418

The Department of Education and Workforce, with the 156419
approval of the Director of Budget and Management, shall 156420
determine the monthly distribution schedules of appropriation 156421
item 200550, Foundation Funding - All Students, and 156422
appropriation item 200612, Foundation Funding - All Students. If 156423
adjustments to the monthly distribution schedule are necessary, 156424
the Department shall make such adjustments with the approval of 156425
the Director. 156426

Section 265.340. ACCELERATE GREAT SCHOOLS 156427

The foregoing appropriation item 200614, Accelerate Great 156428
Schools, shall be used by the Department of Education and 156429
Workforce to support the Accelerate Great Schools public-private 156430
partnership. 156431

Section 265.350. QUALITY COMMUNITY AND INDEPENDENT STEM 156432
SCHOOLS SUPPORT 156433

The foregoing appropriation item 200631, Quality Community
and Independent STEM Schools Support, shall be used to
distribute the amounts calculated under sections 3317.27 and
3317.29 of the Revised Code for the Quality Community School
Support and the Quality Independent STEM School Support
programs. If the amount appropriated is not sufficient, the
Department shall prorate the amounts so that the aggregate
amount appropriated is not exceeded.

Section 265.360. COMMUNITY SCHOOL FACILITIES

The foregoing appropriation item 200684, Community School
Facilities, shall be used to distribute the amounts calculated
under section 3317.31 of the Revised Code for assistance with
the cost associated with facilities. If the amount appropriated
is not sufficient, the Department shall prorate the amounts so
that the aggregate amount appropriated is not exceeded.

Section 265.370. LOTTERY PROFITS EDUCATION RESERVE FUND

(A) There is hereby created the Lottery Profits Education
Reserve Fund (Fund 7018) in the State Treasury. Investment
earnings of the Lottery Profits Education Reserve Fund shall be
credited to the fund.

(B) Notwithstanding any other provision of law to the
contrary, the Director of Budget and Management may transfer
cash from Fund 7018 to the Lottery Profits Education Fund (Fund
7017) in fiscal year 2026 and fiscal year 2027.

(C) On July 15, 2025, or as soon as possible thereafter,
the Director of the Ohio Lottery Commission shall certify to the
Director of Budget and Management the amount by which lottery
profit transfers received by Fund 7017 exceeded \$1,440,000,000
in fiscal year 2025.

(D) On July 15, 2026, or as soon as possible thereafter, 156463
the Director of the Ohio Lottery Commission shall certify to the 156464
Director of Budget and Management the amount by which lottery 156465
profit transfers received by Fund 7017 exceeded \$1,465,138,202 156466
in fiscal year 2026. 156467

(E) Notwithstanding any provision of law to the contrary, 156468
in fiscal year 2026 and fiscal year 2027, the Director of Budget 156469
and Management may transfer cash in excess of the amounts 156470
necessary to support appropriations in Fund 7017 from that fund 156471
to Fund 7018. 156472

Section 265.375. STUDENT SUPPORT AND ACADEMIC ENRICHMENT 156473

The foregoing appropriation item 200634, Student Support 156474
and Academic Enrichment, may be used by school districts, in 156475
accordance with state objectives and applicable federal grant 156476
requirements, to do the following: 156477

(A) Provide a well-rounded education, including emphasis 156478
on numeracy and the science of reading; 156479

(B) Provide a safe and drug-free learning environment and 156480
healthy students through use of the "Success Sequence." 156481

(C) Promote the effective use of technology through use of 156482
the "Success Sequence." 156483

Section 265.380. Notwithstanding division (C) of Section 156484
265.355 of H.B. 110 of the 134th General Assembly and any other 156485
provision of law to the contrary, the Department of Education 156486
and Workforce shall use the funds authorized under Title II, 156487
Sec. 2001(f)(1) and (4) of the federal "American Rescue Plan Act 156488
of 2021," Pub. L. No. 117-2, as necessary to support the After 156489
school Child Enrichment (ACE) Educational Savings Account 156490
Program pursuant to section 3310.70 of the Revised Code in 156491

fiscal year 2026. Notwithstanding division (C)(1) of section 156492
3310.70 of the Revised Code, the Department may extend the 156493
contract with the vendor administering the program as of the 156494
effective date of this amendment through fiscal year 2026 and 156495
may pay the vendor more than three per cent of the amount 156496
appropriated for the program for fiscal year 2026. 156497

Section 265.390. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 156498
ASSESSMENT OF EDUCATIONAL PROGRESS 156499

The General Assembly intends for the Director of Education 156500
and Workforce to provide for school district participation in 156501
the administration of the National Assessment of Educational 156502
Progress in accordance with section 3301.27 of the Revised Code. 156503
Each school and school district selected for participation by 156504
the Director shall participate. 156505

Section 265.400. EARMARK ACCOUNTABILITY 156506

At the request of the Director of Education and Workforce, 156507
any entity that receives a budget earmark under the Department 156508
of Education and Workforce shall submit annually to the 156509
Department a report that includes a description of the services 156510
supported by the funds, a description of the results achieved by 156511
those services, an analysis of the effectiveness of the program, 156512
and an opinion as to the program's applicability to other school 156513
districts. For an earmarked entity that received state funds 156514
from an earmark in the prior fiscal year, no funds shall be 156515
provided by the Department to an earmarked entity for a fiscal 156516
year until its report for the prior fiscal year has been 156517
submitted. 156518

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 156519

A community school established under Chapter 3314. of the 156520

Revised Code that was open for operation as a community school 156521
as of May 1, 2005, may operate from or in any home, as defined 156522
in section 3313.64 of the Revised Code, located in the state, 156523
regardless of when the community school's operations from or in 156524
a particular home began. 156525

Section 265.420. USE OF VOLUNTEERS 156526

The Department of Education and Workforce may utilize the 156527
services of volunteers to accomplish any of the purposes of the 156528
Department. The Director of Education and Workforce shall 156529
approve for what purposes volunteers may be used and for these 156530
purposes may recruit, train, and oversee the services of 156531
volunteers. The Director may reimburse volunteers for necessary 156532
and appropriate expenses in accordance with state guidelines and 156533
may designate volunteers as state employees for the purpose of 156534
motor vehicle accident liability insurance under section 9.83 of 156535
the Revised Code, for immunity under section 9.86 of the Revised 156536
Code, and for indemnification from liability incurred in the 156537
performance of their duties under section 9.87 of the Revised 156538
Code. 156539

Section 265.430. FLEXIBLE FUNDING FOR FAMILIES AND 156540
CHILDREN 156541

In collaboration with the County Family and Children First 156542
Council, a city, local, or exempted village school district, 156543
community school, STEM school, joint vocational school district, 156544
educational service center, or county board of developmental 156545
disabilities that receives allocations from the Department of 156546
Education and Workforce from appropriation item 200550, 156547
Foundation Funding - All Students, or appropriation item 200540, 156548
Special Education Enhancements, may transfer portions of those 156549
allocations to a flexible funding pool authorized by the section 156550

of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.

Section 265.440. PRIVATE TREATMENT FACILITY PROJECT

(A) As used in this section:

(1) The following are "participating residential treatment centers":

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2026 or fiscal year 2027 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) F.I.R.S.T., in Mansfield.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school

district required to pay that tuition. 156578

(5) "Residential child" means a child who resides in a 156579
participating residential treatment center and who is receiving 156580
an educational program under division (B) of this section. 156581

(B) A youth who is a resident of the state and has been 156582
assigned by a juvenile court or other authorized agency to a 156583
residential treatment facility specified in division (A) of this 156584
section shall be enrolled in an approved educational program 156585
located in or near the facility. Approval of the educational 156586
program shall be contingent upon compliance with the criteria 156587
established for such programs by the Department of Education and 156588
Workforce. The educational program shall be provided by a school 156589
district or educational service center, or by the residential 156590
facility itself. Maximum flexibility shall be given to the 156591
residential treatment facility to determine the provider. In the 156592
event that a voluntary agreement cannot be reached and the 156593
residential facility does not choose to provide the educational 156594
program, the educational service center in the county in which 156595
the facility is located shall provide the educational program at 156596
the treatment center to children under twenty-two years of age 156597
residing in the treatment center. 156598

(C) Any school district responsible for tuition for a 156599
residential child shall, notwithstanding any conflicting 156600
provision of the Revised Code regarding tuition payment, pay 156601
tuition for the child for fiscal year 2026 and fiscal year 2027 156602
to the education program provider and in the amount specified in 156603
this division. If there is no school district responsible for 156604
tuition for a residential child and if the participating 156605
residential treatment center to which the child is assigned is 156606
located in the city, exempted village, or local school district 156607

that, if the child were not a resident of that treatment center, 156608
would be the school district where the child is entitled to 156609
attend school under sections 3313.64 and 3313.65 of the Revised 156610
Code, that school district, notwithstanding any conflicting 156611
provision of the Revised Code, shall pay tuition for the child 156612
for fiscal year 2026 and fiscal year 2027 under this division 156613
unless that school district is providing the educational program 156614
to the child under division (B) of this section. 156615

A tuition payment under this division shall be made to the 156616
school district, educational service center, or residential 156617
treatment facility providing the educational program to the 156618
child. 156619

The amount of tuition paid shall be: 156620

(1) The amount of tuition determined for the district 156621
under division (A) of section 3317.08 of the Revised Code; 156622

(2) In addition, for any student receiving special 156623
education pursuant to an individualized education program as 156624
defined in section 3323.01 of the Revised Code, a payment for 156625
excess costs. This payment shall equal the actual cost to the 156626
school district, educational service center, or residential 156627
treatment facility of providing special education and related 156628
services to the student pursuant to the student's individualized 156629
education program, minus the tuition paid for the child under 156630
division (C) (1) of this section. 156631

A school district paying tuition under this division shall 156632
not include the child for whom tuition is paid in the district's 156633
average daily membership certified under division (A) of section 156634
3317.03 of the Revised Code. 156635

(D) In each of fiscal years 2026 and 2027, the Department 156636

of Education and Workforce shall reimburse, from appropriations 156637
made for the purpose, a school district, educational service 156638
center, or residential treatment facility, whichever is 156639
providing the service, that has demonstrated that it is in 156640
compliance with the funding criteria for each served child for 156641
whom a school district must pay tuition under division (C) of 156642
this section. The amount of the reimbursement shall be the 156643
amount appropriated for this purpose divided by the full-time 156644
equivalent number of children for whom reimbursement is to be 156645
made. 156646

(E) Funds provided to a school district, educational 156647
service center, or residential treatment facility under this 156648
section shall be used to supplement, not supplant, funds from 156649
other public sources for which the school district, service 156650
center, or residential treatment facility is entitled or 156651
eligible. 156652

(F) The Department of Education and Workforce shall track 156653
the utilization of funds provided to school districts, 156654
educational service centers, and residential treatment 156655
facilities under this section and monitor the effect of the 156656
funding on the educational programs they provide in 156657
participating residential treatment facilities. The Department 156658
shall monitor the programs for educational accountability. 156659

Section 265.450. Notwithstanding anything to the contrary 156660
in section 3317.011 of the Revised Code, for fiscal years 2026 156661
and 2027, the Department of Education and Workforce shall do all 156662
of the following: 156663

(A) Calculate a school district's academic co-curricular 156664
activities cost under division (E) (4) of that section using the 156665
sum of the enrolled ADM of every school district that reported 156666

the data specified in division (E) (4) (a) of that section; 156667

(B) Calculate a district's supplies and academic content 156668
cost under division (E) (6) of that section using the sum of the 156669
enrolled ADM of every school district that reported the data 156670
specified in division (E) (6) (a) of that section; 156671

(C) Calculate a district's athletic co-curricular 156672
activities base cost under division (H) of that section using 156673
the sum of the enrolled ADM of every school district that 156674
reported the data specified in division (H) (2) of that section; 156675

(D) Calculate a district's building operations cost under 156676
division (G) (3) of that section using the sum of the enrolled 156677
ADM of every city, local, and exempted village school district 156678
that reported the data specified in divisions (G) (3) (a) (i) and 156679
(ii) of that section. 156680

Section 265.560. AIM HIGHER PILOT PROGRAM 156681

(A) The Department of Education and Workforce shall 156682
establish a pilot program to provide additional funding to each 156683
joint vocational school district that operates a dropout 156684
prevention and recovery program in fiscal year 2026. Such a 156685
district may choose to participate in the program by notifying 156686
the Department of its intent to participate in a form and manner 156687
and by a date determined by the Department. 156688

(B) The Department shall pay a participating district a 156689
sum equal to the following for each student newly enrolled in 156690
the district's dropout prevention and recovery program in fiscal 156691
year 2026 or fiscal year 2027: 156692

(1) \$500 X the number of credits earned by the student in 156693
fiscal year 2026; 156694

(2) \$2,500 if the student obtains an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code in fiscal year 2026 that meet the criteria established under that section to help the student qualify for a high school diploma, as determined by the Department.

(C) The Department shall make a one-time grant payment of \$250,000 in fiscal year 2026 to any participating district that has a dropout prevention and recovery program in its first three years of operation and requests a payment under this division. The participating district shall designate \$175,000 of the grant for career-technical education equipment and \$75,000 of the grant for building renovation.

(D) A participating district shall spend the balance of any payments made under this section prior to July 1, 2027.

(E) The Department shall adopt guidelines and procedures to operate the pilot program."

Section 265.600. RURAL TRANSPORTATION GRANT PROGRAM

(A) (1) The Rural Transportation Grant Program is created for fiscal years 2026 and 2027. The Department of Education and Workforce shall award rural transportation grants each fiscal year to dropout prevention and recovery community schools that meet both of the following requirements:

(a) More than seventy-five per cent of the school's students are economically disadvantaged, as determined by the department;

(b) The school's territory is located in three counties and contains more than twelve school districts.

(2) The Department shall determine the amount of each 156723
grant awarded, but no grant shall exceed four hundred fifty 156724
thousand dollars for any fiscal year. 156725

(B) Schools shall use grants awarded under this section to 156726
transport students." 156727

Section 265.650. FINANCIAL LITERACY AND WORKFORCE 156728
READINESS PROGRAMMING INITIATIVE 156729

(A) The Financial Literacy and Workforce Readiness 156730
Programming Initiative is established within the Department of 156731
Education and Workforce. The Programming Initiative shall 156732
operate in fiscal years 2026 and 2027. The purpose of the 156733
Programming Initiative is to ensure the next generation's 156734
preparedness in financial literacy, workforce or career 156735
readiness, entrepreneurship, and other relevant skills to enter 156736
and be competitive in Ohio's future workforce economy. 156737

(B) (1) The Department shall distribute appropriated funds 156738
to the following organizations as part of the Programming 156739
Initiative: 156740

(a) Junior Achievement of North Central Ohio; 156741

(b) Junior Achievement of Greater Cleveland; 156742

(c) Junior Achievement of Eastern Ohio; 156743

(d) Junior Achievement of Northwestern Ohio; 156744

(e) Junior Achievement of OKI Partners; 156745

(f) Junior Achievement of Central Ohio. 156746

(2) The participating organizations listed under division 156747
(B) (1) of this section shall collaborate with local schools, 156748
institutions of higher education, local, regional, and statewide 156749

employers and businesses, subject matter experts, community- 156750
based organizations, and other public-private entities or 156751
agencies to implement the Programming Initiative. 156752

(C) The Programming Initiative shall do all of the 156753
following: 156754

(1) Place specific emphasis on engagement with students, 156755
teachers, and schools primarily located in underserved 156756
communities, under-resourced rural areas, or those with 156757
populations considered economically disadvantaged; 156758

(2) Increase capacity and resources that expand each of 156759
the participating organizations' collective ability to offer 156760
more financial literacy, workforce readiness and 156761
entrepreneurship, or related programming such as work-based 156762
learning experiences designed to engage more students in the 156763
geographic areas to which the participating organizations 156764
provide services; 156765

(3) Increase the number of students measurably impacted 156766
by the participating organizations' services and increase the 156767
number of counties where services are offered; 156768

(4) Assist students enrolled in any of grades nine through 156769
twelve with direct entry into the workforce, access to higher 156770
education, or in-demand job training; 156771

(5) Assist participating students in creating and 156772
implementing career pathways; 156773

(6) Strengthen each participating organization's capacity 156774
and resources to collectively provide up to ten student-focused 156775
engagement events involving students and teachers from multiple 156776
schools and communities in northeast and central portions of the 156777
state. The engagement events shall do both of the following: 156778

(a) Enhance and deepen participating students' ability to 156779
demonstrate mastery of financial literacy, workforce or career 156780
readiness, entrepreneurship, or related skills and knowledge 156781
vital to equipping and preparing students with the requisite 156782
skills, competencies, and knowledge to be competitive for in- 156783
demand jobs within the state and global workforce economy, 156784
particularly those that are considered high-growth jobs in the 156785
state of Ohio; 156786

(b) Be offered to all partnering schools and respective 156787
students; however, the emphasis shall remain on the engagement 156788
of students and schools that meet the conditions prescribed 156789
under division (C) (1) of this section." 156790

Section 265.660. For fiscal year 2026, each school 156791
district board of education shall make the initial submission of 156792
current budget information and three-year projections required 156793
under division (A) of section 5705.391 of the Revised Code not 156794
later than October 15, 2025. Each board shall submit the 156795
required information in accordance with the joint rules of the 156796
Department of Education and Workforce and the Auditor of State 156797
existing as of the effective date of this section. 156798

Section 265.670. Notwithstanding anything to the contrary 156799
in the Revised Code, the Department of Education and Workforce 156800
shall accept applications and award scholarships under sections 156801
3310.41 and 3310.52 of the Revised Code for the 2025-2026 school 156802
year for any child who meets all of the following: 156803

(A) The child is at least eighteen years of age and less 156804
than twenty-two years of age. 156805

(B) The child is enrolled in a chartered or nonchartered 156806
nonpublic school, is home educated in accordance with section 156807

3321.042 of the Revised Code, or is a student older than 156808
compulsory school age and less than twenty-two years of age and 156809
received a home education in accordance with section 3321.042 of 156810
the Revised Code and has not received a diploma under section 156811
3313.6110 of the Revised Code. 156812

(C) The child is still eligible to receive transition 156813
services under the child's individualized education program 156814
developed under Chapter 3323. of the Revised Code. 156815

(D) If the child is participating in, or applying to 156816
participate in, the autism scholarship program established under 156817
section 3310.41 of the Revised Code, the child's individualized 156818
education program includes services related to autism. 156819

Section 267.10. 156820
156821

	1	2	3	4	5
A			ELC OHIO ELECTIONS COMMISSION		
B			General Revenue Fund		
C	GRF	051321	Operating Expenses	\$214,400	\$0
D			General Revenue Fund Total	\$214,400	\$0
E			Dedicated Purpose Fund Group		
F	4P20	051601	Operating Support	\$225,600	\$0
G			Dedicated Purpose Fund Group Total	\$225,600	\$0
H			TOTAL ALL BUDGET FUND GROUPS	\$440,000	\$0

Section 269.10. 156822

156823

	1	2	3	4	5
A	FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS				
B	General Revenue Fund				
C	GRF	881500	Indigent Burial and Cremation Support	\$250,000	\$250,000
D	General Revenue Fund Total			\$250,000	\$250,000
E	Dedicated Purpose Fund Group				
F	4K90	881609	Operating Expenses	\$1,156,000	\$1,213,000
G	Dedicated Purpose Fund Group Total			\$1,156,000	\$1,213,000
H	TOTAL ALL BUDGET FUND GROUPS			\$1,406,000	\$1,463,000

Section 271.10.

156824

156825

	1	2	3	4	5
A	PAY EMPLOYEE BENEFITS FUNDS				
B	Fiduciary Fund Group				
C	1240	995673	Payroll Deductions	\$1,017,970,800	\$1,048,509,924
D	8050	995675	Commuter Benefits	\$1,845,860	\$1,967,540
E	8060	995666	Accrued Leave Fund	\$128,408,784	\$132,260,611
F	8070	995667	Disability Fund	\$27,805,294	\$28,337,915

G	8080	995668	State Employee Health Benefit Fund	\$1,068,647,159	\$1,132,765,988
H	8090	995669	Dependent Care Spending Account	\$2,996,802	\$3,196,895
I	8100	995670	Life Insurance Investment Fund	\$2,644,330	\$2,723,060
J	8110	995671	Parental Leave Benefit Fund	\$18,601,000	\$19,159,030
K	8130	995672	Health Care Spending Account	\$19,690,922	\$20,694,694
L			Fiduciary Fund Group Total	\$2,288,610,951	\$2,389,615,657
M			TOTAL ALL BUDGET FUND GROUPS	\$2,288,610,951	\$2,389,615,657

Section 271.20. PAYROLL DEDUCTION FUND 156826

The foregoing appropriation item 995673, Payroll 156827
Deductions, shall be used to make payments from the Payroll 156828
Deduction Fund (Fund 1240) pursuant to section 125.21 of the 156829
Revised Code. If it is determined by the Director of Budget and 156830
Management that additional amounts are necessary, the amounts 156831
are hereby appropriated. 156832

ACCRUED LEAVE LIABILITY FUND 156833

The foregoing appropriation item 995666, Accrued Leave 156834
Fund, shall be used to make payments from the Accrued Leave 156835
Liability Fund (Fund 8060) pursuant to section 125.211 of the 156836
Revised Code. If it is determined by the Director of Budget and 156837
Management that additional amounts are necessary, the amounts 156838

are hereby appropriated. 156839

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 156840

The foregoing appropriation item 995667, Disability Fund, 156841
shall be used to make payments from the State Employee 156842
Disability Leave Benefit Fund (Fund 8070) pursuant to section 156843
124.83 of the Revised Code. If it is determined by the Director 156844
of Budget and Management that additional amounts are necessary, 156845
the amounts are hereby appropriated. 156846

STATE EMPLOYEE HEALTH BENEFIT FUND 156847

The foregoing appropriation item 995668, State Employee 156848
Health Benefit Fund, shall be used to make payments from the 156849
State Employee Health Benefit Fund (Fund 8080) pursuant to 156850
section 124.87 of the Revised Code. If it is determined by the 156851
Director of Budget and Management that additional amounts are 156852
necessary, the amounts are hereby appropriated. 156853

DEPENDENT CARE SPENDING FUND 156854

The foregoing appropriation item 995669, Dependent Care 156855
Spending Account, shall be used to make payments from the 156856
Dependent Care Spending Fund (Fund 8090) to employees eligible 156857
for dependent care expenses pursuant to section 124.822 of the 156858
Revised Code. If it is determined by the Director of Budget and 156859
Management that additional amounts are necessary, the amounts 156860
are hereby appropriated. 156861

LIFE INSURANCE INVESTMENT FUND 156862

The foregoing appropriation item 995670, Life Insurance 156863
Investment Fund, shall be used to make payments from the Life 156864
Insurance Investment Fund (Fund 8100) for the costs and expenses 156865
of the state's life insurance benefit program pursuant to 156866

section 125.212 of the Revised Code. If it is determined by the 156867
Director of Budget and Management that additional amounts are 156868
necessary, the amounts are hereby appropriated. 156869

PARENTAL LEAVE BENEFIT FUND 156870

The foregoing appropriation item 995671, Parental Leave 156871
Benefit Fund, shall be used to make payments from the Parental 156872
Leave Benefit Fund (Fund 8110) to employees eligible for 156873
parental leave benefits pursuant to sections 124.136 and 124.137 156874
of the Revised Code. If it is determined by the Director of 156875
Budget and Management that additional amounts are necessary, the 156876
amounts are hereby appropriated. 156877

HEALTH CARE SPENDING ACCOUNT FUND 156878

The foregoing appropriation item 995672, Health Care 156879
Spending Account, shall be used to make payments from the Health 156880
Care Spending Account Fund (Fund 8130) for payments pursuant to 156881
state employees' participation in a flexible spending account 156882
for nonreimbursed health care expenses and section 124.821 of 156883
the Revised Code. If it is determined by the Director of Budget 156884
and Management that additional amounts are necessary, the 156885
amounts are hereby appropriated. 156886

COMMUTER BENEFITS 156887

The foregoing appropriation item 995675, Commuter 156888
Benefits, shall be used to make payments from the Commuter 156889
Benefits Fund (Fund 8050) for employees who elect to participate 156890
in the Commuter Benefits Program. If the Director of Budget and 156891
Management determines that additional amounts are necessary, the 156892
amounts are hereby appropriated. 156893

Section 273.10. 156894

156895

	1	2	3	4	5
A			ERB STATE EMPLOYMENT RELATIONS BOARD		
B			General Revenue Fund		
C	GRF	125321	Operating Expenses	\$4,533,029	\$4,655,023
D			General Revenue Fund Total	\$4,533,029	\$4,655,023
E			Dedicated Purpose Fund Group		
F	5720	125603	Training and Publications	\$138,000	\$138,972
G			Dedicated Purpose Fund Group Total	\$138,000	\$138,972
H			TOTAL ALL BUDGET FUND GROUPS	\$4,671,029	\$4,793,995

Section 275.10.

156896

156897

	1	2	3	4	5
A			ENG STATE BOARD OF ENGINEERS AND SURVEYORS		
B			Dedicated Purpose Fund Group		
C	4K90	892609	Operating Expenses	\$1,378,866	\$1,465,930
D			Dedicated Purpose Fund Group Total	\$1,378,866	\$1,465,930
E			TOTAL ALL BUDGET FUND GROUPS	\$1,378,866	\$1,465,930

Section 277.10.

156898

156899

	1	2	3	4	5

A	EPA ENVIRONMENTAL PROTECTION AGENCY		
B	General Revenue Fund		
C	GRF 715502 Auto Emissions E-Check Program	\$13,232,534	\$13,265,775
D	General Revenue Fund Total	\$13,232,534	\$13,265,775
E	Dedicated Purpose Fund Group		
F	4D50 715618 Recycled State Materials	\$11,500	\$11,500
G	4J00 715638 Underground Injection Control	\$514,242	\$530,276
H	4K20 715648 Clean Air - Non Title V	\$4,516,349	\$4,593,901
I	4K30 715649 Solid Waste	\$14,791,311	\$15,098,763
J	4K40 715650 Surface Water Protection	\$11,864,197	\$12,101,940
K	4K50 715651 Drinking Water Protection	\$8,774,797	\$9,027,993
L	4P50 715654 Cozart Landfill	\$7,500	\$7,500
M	4R50 715656 Scrap Tire Management	\$3,558,044	\$3,581,336
N	4R90 715658 Voluntary Action Program	\$1,188,026	\$1,217,345
O	4T30 715659 Clean Air - Title V Permit Program	\$10,942,818	\$11,148,464
P	5000 715608 Immediate Removal Special Account	\$747,051	\$769,463

Q	5030	715621	Hazardous Waste Facility Management	\$2,788,523	\$2,842,749
R	5050	715623	Hazardous Waste Cleanup	\$9,334,680	\$9,559,074
S	5050	715698	Response and Investigations	\$3,822,060	\$4,211,500
T	5320	715646	Recycling and Litter Control	\$4,888,354	\$5,146,276
U	5410	715670	Site Specific Cleanup	\$17,744,091	\$17,746,631
V	5420	715671	Risk Management Reporting	\$144,047	\$147,307
W	5860	715637	Scrap Tire Market Development	\$1,000,000	\$1,000,000
X	5BC0	715622	Local Air Pollution Control	\$2,100,000	\$2,100,000
Y	5BC0	715624	Surface Water	\$6,936,269	\$6,936,269
Z	5BC0	715672	Air Pollution Control	\$9,354,059	\$9,354,059
AA	5BC0	715673	Drinking and Ground Water	\$4,024,215	\$4,133,956
AB	5BC0	715676	Assistance and Prevention	\$4,204,000	\$4,359,000
AC	5BC0	715677	Laboratory	\$4,235,216	\$4,360,265
AD	5BC0	715678	Corrective Actions	\$1,271,429	\$1,271,429
AE	5BC0	715687	Areawide Planning Agencies	\$450,000	\$450,000

AF	5BC0	715692	Administration	\$19,684,900	\$20,654,900
AG	5BC0	715694	Environmental Resource Coordination	\$814,339	\$832,027
AH	5BT0	715679	C&DD Groundwater Monitoring	\$50,000	\$50,000
AI	5PZ0	715696	Drinking Water Loan Fee	\$4,109,640	\$4,388,600
AJ	5Y30	715685	Surface Water Improvement	\$520,000	\$520,000
AK	5YY0	715405	National Priorities List Remedial Support Fund	\$1,500,000	\$1,000,000
AL	6440	715631	Emergency Response Radiological Safety	\$274,997	\$280,510
AM	6760	715642	Water Pollution Control Loan Administration	\$5,120,000	\$5,282,500
AN	6760	715699	Water Quality Administration	\$5,123,741	\$5,250,489
AO	6790	715636	Emergency Planning	\$2,917,000	\$2,917,000
AP	6960	715643	Air Pollution Control Administration	\$150,000	\$150,000
AQ	6990	715644	Water Pollution Control Administration	\$307,859	\$307,858
AR	6A10	715645	Environmental Education	\$550,316	\$550,427
AS	6H20	715695	H2Ohio	\$7,500,000	\$7,500,000

AT Dedicated Purpose Fund Group Total	\$177,835,570	\$181,391,307
AU Internal Service Activity Fund Group		
AV 1990 715602 Laboratory Services	\$500,000	\$500,000
AW 2190 715604 Central Support Indirect	\$10,657,300	\$10,657,300
AX 4A10 715640 Operating Expenses	\$1,092,000	\$1,117,000
AY Internal Service Activity Fund Group Total	\$12,249,300	\$12,274,300
AZ Federal Fund Group		
BA 3530 715612 Public Water Supply	\$2,564,882	\$2,626,504
BB 3570 715619 Air Pollution Control - Federal	\$6,806,147	\$6,929,318
BC 3620 715605 Underground Injection Control - Federal	\$165,382	\$169,516
BD 3BU0 715684 Water Quality Protection	\$16,230,503	\$16,230,503
BE 3CS0 715688 Federal NRD Settlements	\$1,500,000	\$1,500,000
BF 3F30 715632 Federally Supported Cleanup and Response	\$13,779,323	\$14,061,350
BG 3HE0 715697 Volkswagen Clean Air Act Settlement	\$6,827,000	\$6,841,000
BH 3T30 715669 Drinking Water State Revolving Fund	\$3,054,165	\$3,145,894

BI 3V70 715606 Agencywide Grants	\$746,900	\$746,900
BJ Federal Fund Group Total	\$51,674,302	\$52,250,985
BK TOTAL ALL BUDGET FUND GROUPS	\$254,991,706	\$259,182,367

Section 277.20. AREAWIDE PLANNING AGENCIES 156900

The Director of Environmental Protection may award grants 156901
from appropriation item 715687, Areawide Planning Agencies, to 156902
areawide planning agencies engaged in areawide water quality 156903
management and planning activities in accordance with Section 156904
208 of the "Federal Clean Water Act," 33 U.S.C. 1288. 156905

AUTOMOBILE EMISSION TESTING PROGRAM 156906

The foregoing appropriation item GRF 715502, Auto 156907
Emissions E-Check Program, shall be used by the Environmental 156908
Protection Agency to support the automobile emission testing 156909
program. On July 1, 2025, or as soon as possible thereafter, the 156910
Director of Environmental Protection may request that the 156911
Director of Administrative Services extend the contract with the 156912
vendor operating in accordance with division (A)(1) of section 156913
3704.14 of the Revised Code for not longer than twelve months. 156914
The Director of Administrative Services may enter into a 156915
contract extension provided that the contract contains the same 156916
terms and no funds are paid for incomplete work, utilizing 156917
appropriation item GRF 715502, Auto Emissions E-Check Program, 156918
in the event that the contractor selected in accordance with 156919
division (A)(2) of section 3704.14 of the Revised Code cannot 156920
complete the required work prior to July 1, 2025. 156921

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE 156922
SCRAP TIRE MANAGEMENT FUND 156923

The Director of Budget and Management, at the request of 156924
the Director of Environmental Protection, and upon approval by 156925
the Controlling Board, may transfer up to \$1,400,000 cash in 156926
each fiscal year from the Scrap Tire Management Fund (Fund 4R50) 156927
to the Auto Emissions Test Fund (Fund 5BY0). 156928

Section 279.10.

156929

156930

	1	2	3	4	5
A			EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION		
B			General Revenue Fund		
C	GRF	172321	Operating Expenses	\$730,000	\$765,000
D			General Revenue Fund Total	\$730,000	\$765,000
E			TOTAL ALL BUDGET FUND GROUPS	\$730,000	\$765,000

Section 281.10.

156931

156932

	1	2	3	4	5
A			ETC BROADCAST EDUCATIONAL MEDIA COMMISSION		
B			General Revenue Fund		
C	GRF	935401	Statehouse News Bureau	\$402,000	\$402,000
D	GRF	935402	Ohio Government Telecommunications Services	\$2,344,400	\$2,344,400
E	GRF	935410	Content Development,	\$3,409,000	\$2,909,000

	Acquisition, and Distribution		
F	GRF 935430 Broadcast Education Operating	\$4,108,706	\$4,008,569
G	General Revenue Fund Total	\$10,264,106	\$9,663,969
H	Dedicated Purpose Fund Group		
I	5FK0 935608 Media Services	\$50,000	\$50,000
J	5VB0 935650 Facility Rental	\$10,000	\$10,000
K	Dedicated Purpose Fund Group Total	\$60,000	\$60,000
L	Internal Service Activity Fund Group		
M	4F30 935603 Affiliate Services	\$4,200	\$4,200
N	4T20 935605 Government Television/ Telecommunications Operating	\$55,459	\$0
O	Internal Service Activity Fund Group Total	\$59,659	\$4,200
P	TOTAL ALL BUDGET FUND GROUPS	\$10,383,765	\$9,728,169

Section 281.20. STATEHOUSE NEWS BUREAU 156933

The foregoing appropriation item 935401, Statehouse News 156934
Bureau, shall be used solely to support the operations of the 156935
Ohio Statehouse News Bureau. 156936

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 156937

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions.

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$841,567 in fiscal year 2026 and \$718,134 in fiscal year 2027 shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$2,311,039 in fiscal year 2026 and \$1,972,077 in fiscal year 2027 shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified public educational television stations and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Broadcast Educational Media Commission in consultation with Ohio's qualified public educational television stations and educational radio stations.

Of the foregoing appropriation item 935410, Content 156968
Development, Acquisition, and Distribution, up to \$256,394 in 156969
fiscal year 2026 and \$218,789 in fiscal year 2027 shall be 156970
distributed by the Broadcast Educational Media Commission to 156971
Ohio's qualified radio reading services to support their 156972
operations. The funds shall be distributed pursuant to an 156973
allocation formula used by the Broadcast Educational Media 156974
Commission in consultation with Ohio's qualified radio reading 156975
services. 156976

Section 283.10.

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	1	2	3	4	5
A	ETH OHIO ETHICS COMMISSION				
B	General Revenue Fund				
C	GRF	146321	Operating Expenses	\$2,480,744	\$2,603,142
D	General Revenue Fund Total			\$2,480,744	\$2,603,142
E	Dedicated Purpose Fund Group				
F	4M60	146601	Operating Support	\$649,781	\$670,793
G	Dedicated Purpose Fund Group Total			\$649,781	\$670,793
H	TOTAL ALL BUDGET FUND GROUPS			\$3,130,525	\$3,273,935

Section 285.10.

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A	EXP OHIO EXPOSITIONS COMMISSION		
B	General Revenue Fund		
C	GRF 723403 Junior Fair Subsidy	\$380,000	\$380,000
D	General Revenue Fund Total	\$380,000	\$380,000
E	Dedicated Purpose Fund Group		
F	4N20 723602 Ohio State Fair Harness Racing	\$350,000	\$350,000
G	5060 723601 Operating Expenses	\$20,000,000	\$20,000,000
H	5060 723604 Grounds Maintenance and Repairs	\$300,000	\$300,000
I	Dedicated Purpose Fund Group Total	\$20,650,000	\$20,650,000
J	TOTAL ALL BUDGET FUND GROUPS	\$21,030,000	\$21,030,000

Section 285.20. STATE FAIR RESERVE 156981

The General Manager of the Expositions Commission, in 156982
consultation with the Director of Budget and Management, may 156983
submit a request to the Controlling Board to use available 156984
amounts in the State Fair Reserve Fund (Fund 6400) if revenues 156985
from either the 2025 or the 2026 Ohio State Fair are 156986
unexpectedly low. 156987

On July 1 of each fiscal year, or as soon as possible 156988
thereafter, the Director of Budget and Management, in 156989
consultation with the General Manager of the Expositions 156990
Commission, may determine that the Ohio Expositions Fund (Fund 156991

5060) has a cash balance in excess of the anticipated operating 156992
costs of the Exposition Commission in that fiscal year. 156993
Notwithstanding section 991.04 of the Revised Code, the Director 156994
of Budget and Management may transfer an amount up to the excess 156995
cash from Fund 5060 to Fund 6400 in each fiscal year. 156996

Section 287.10.

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	1	2	3	4	5
A	FCC OHIO FACILITIES CONSTRUCTION COMMISSION				
B	General Revenue Fund				
C	GRF	230321	Operating Expenses	\$10,750,000	\$10,750,000
D	GRF	230401	Cultural Facilities Lease	\$37,500,000	\$37,500,000
			Rental Bond Payments		
E	GRF	230908	Common Schools General	\$255,000,000	\$230,000,000
			Obligation Bond Debt		
			Service		
F	General Revenue Fund Total			\$303,250,000	\$278,250,000
G	Internal Service Activity Fund Group				
H	1310	230639	State Construction	\$9,590,355	\$10,233,822
			Management Operations		
I	Internal Service Activity Fund Group			\$9,590,355	\$10,233,822
	Total				
J	Revenue Distribution Fund Group				

K	7047 230647 Project Support	\$20,000,000	\$0
L	Revenue Distribution Fund Group Total	\$20,000,000	\$0
M	TOTAL ALL BUDGET FUND GROUPS	\$332,840,355	\$288,483,822

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 156999
PAYMENTS 157000

The foregoing appropriation item 230401, Cultural 157001
Facilities Lease Rental Bond Payments, shall be used to meet all 157002
payments during the period from July 1, 2025, through June 30, 157003
2027, by the Ohio Facilities Construction Commission pursuant to 157004
leases and agreements for cultural and sports facilities made 157005
under section 154.23 of the Revised Code. These appropriations 157006
are the source of funds pledged for bond service charges on 157007
related obligations issued under Chapter 154. of the Revised 157008
Code. 157009

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 157010

The foregoing appropriation item 230908, Common Schools 157011
General Obligation Bond Debt Service, shall be used to pay all 157012
debt service and related financing costs during the period from 157013
July 1, 2025, through June 30, 2027, on obligations issued under 157014
sections 151.01 and 151.03 of the Revised Code. 157015

PROJECT SUPPORT 157016

(A) Notwithstanding section 5751.02 of the Revised Code, 157017
the forgoing appropriation item 230647, Project Support, shall 157018
be used by the Ohio Facilities Construction Commission to 157019
support the construction or renovation of a school building 157020
pursuant to division (B) of this section. 157021

An amount equal to the unexpended, unencumbered balance of 157022
the foregoing appropriation item 230647, Project Support, at the 157023
end of fiscal year 2026 is hereby reappropriated for the same 157024
purpose in fiscal year 2027. 157025

(B) Upon application from a qualifying district, the Ohio 157026
Facilities Construction Commission shall provide funding to the 157027
district for a special facilities project to renovate or 157028
construct a school building. In calculating the amount of the 157029
funding, the Commission shall use the district's most recent 157030
percentile ranking under section 3318.011 of the Revised Code to 157031
determine the state's share of the project cost, provided that 157032
the state's share shall not be less than ninety per cent of the 157033
cost of the project or exceed the amount of the appropriation. 157034

If necessary, the Commission shall proportionately reduce 157035
the amount of funding for each qualifying district that applies 157036
so as not to exceed the amount appropriated for the purposes of 157037
this section. 157038

A qualifying district shall apply to participate in the 157039
program not later than December 31, 2025, and in a form and 157040
manner prescribed by the Commission. 157041

For the purposes of this section, "qualifying district" 157042
means a school district to which all of the following apply: 157043

(1) The district operates at least one school building in 157044
a county with a population of more than one hundred thousand 157045
people and at least one school building in another county with a 157046
population of less than fifty thousand people. 157047

(2) The district's classroom facilities project was 157048
deferred or lapsed. 157049

(3) The existing building included in the special 157050

facilities project for which the district applies for funding 157051
was originally constructed prior to June 30, 1925. 157052

Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND 157053
REAPPROPRIATION 157054

At the request of the Executive Director of the Ohio 157055
Facilities Construction Commission, the Director of Budget and 157056
Management may cancel encumbrances for school district projects 157057
from a previous biennium if the district has not raised its 157058
local share of project costs within sixteen months of receiving 157059
Controlling Board approval under section 3318.05 or 3318.41 of 157060
the Revised Code. The Executive Director of the Ohio Facilities 157061
Construction Commission shall certify the amounts of the 157062
canceled encumbrances to the Director of Budget and Management 157063
on a quarterly basis. The amounts of the canceled encumbrances 157064
are hereby appropriated. 157065

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 157066
APPROPRIATIONS 157067

On July 1, 2025, or as soon as possible thereafter, the 157068
Executive Director of the Ohio Facilities Construction 157069
Commission shall certify to the Director of Budget and 157070
Management the amount of cash receipts and related investment 157071
income, irrevocable letters of credit from a bank, or 157072
certification of the availability of funds that have been 157073
received from a county or a municipal corporation for deposit 157074
into the Capital Donations Fund (Fund 5A10) and that are related 157075
to an anticipated project. These amounts are hereby appropriated 157076
to appropriation item C230E2, Capital Donations. Prior to 157077
certifying these amounts to the Director, the Executive Director 157078
shall make a written agreement with the participating entity on 157079
the necessary cash flows required for the anticipated 157080

construction or equipment acquisition project. 157081

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 157082
MAINTENANCE LEVY 157083

The Ohio Facilities Construction Commission shall amend 157084
the project agreement between the Commission and a school 157085
district that is participating in the Accelerated Urban School 157086
Building Assistance Program as of September 29, 2018, if the 157087
Commission determines that it is necessary to do so in order to 157088
comply with division (B) (3) (c) of section 3318.38 of the Revised 157089
Code. 157090

Section 287.60. Notwithstanding any other provision of law 157091
to the contrary, the Ohio Facilities Construction Commission may 157092
determine the amount of funding available for disbursement in a 157093
given fiscal year for any project approved under sections 157094
3318.01 to 3318.20 of the Revised Code in order to keep 157095
aggregate state capital spending within approved limits and may 157096
take actions including, but not limited to, determining the 157097
schedule for design or bidding of approved projects, to ensure 157098
appropriate and supportable cash flow. 157099

Section 287.70. RETURNED OR RECOVERED FUNDS 157100

Notwithstanding any provision of law to the contrary, any 157101
moneys a school district transfers to the Ohio Facilities 157102
Construction Commission under division (C) (2) or (3) of section 157103
3318.12 of the Revised Code as well as any moneys recovered from 157104
settlements with or judgments against parties relating to their 157105
involvement in a classroom facilities project shall be deposited 157106
into the fund from which the capital appropriation for the 157107
project was made. In any fiscal year in which the Commission has 157108
made a deposit under this section, the Executive Director of the 157109

Ohio Facilities Construction Commission may seek Controlling 157110
Board approval to increase appropriations from those funds and 157111
specified appropriation items in an amount equal to the amount 157112
of the funds deposited under this section. The additional 157113
amounts, if approved, shall be used in accordance with the 157114
purposes of Chapter 3318. of the Revised Code for projects 157115
pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 157116
3318.45 of the Revised Code. Upon approval of the Controlling 157117
Board, the additional amounts are hereby appropriated. 157118

Section 289.10.

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	1	2	3	4	5
A			GOV OFFICE OF THE GOVERNOR		
B			General Revenue Fund		
C	GRF	040321	Operating Expenses	\$3,481,221	\$3,580,624
D			General Revenue Fund Total	\$3,481,221	\$3,580,624
E			Internal Service Activity Fund Group		
F	5AK0	040607	Government Relations	\$715,600	\$734,442
G			Internal Service Activity Fund Group	\$715,600	\$734,442
			Total		
H			TOTAL ALL BUDGET FUND GROUPS	\$4,196,821	\$4,315,066

Section 289.20. OPERATING EXPENSES

157121

On July 1, 2025, or as soon as possible thereafter, the 157122
Governor or the Governor's designee may certify to the Director 157123

of Budget and Management an amount up to the unexpended, 157124
unencumbered balance of the foregoing appropriation item 040321, 157125
Operating Expenses, at the end of fiscal year 2025 to be 157126
reappropriated for fiscal year 2026. The amount certified is 157127
hereby reappropriated to the same appropriation item for fiscal 157128
year 2026. 157129

On July 1, 2026, or as soon as possible thereafter, the 157130
Governor or the Governor's designee may certify to the Director 157131
of Budget and Management an amount up to the unexpended, 157132
unencumbered balance of the foregoing appropriation item 040321, 157133
Operating Expenses, at the end of fiscal year 2026 to be 157134
reappropriated for fiscal year 2027. The amount certified is 157135
hereby reappropriated to the same appropriation item for fiscal 157136
year 2027. 157137

GOVERNMENT RELATIONS 157138

The Office of the Governor may issue an intrastate 157139
transfer voucher to charge any state agency of the executive 157140
branch such amounts necessary to represent the interests of Ohio 157141
to federal, state, and local government units and to cover the 157142
costs or membership dues related to Ohio's participation in 157143
national and regional associations. Amounts collected shall be 157144
deposited in the Government Relations Fund (Fund 5AK0). 157145

Section 291.10. 157146
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1 2 3 4 5

A DOH DEPARTMENT OF HEALTH

B General Revenue Fund

C	GRF	440413	Local Health Department Support	\$2,379,000	\$2,379,000
D	GRF	440416	Mothers and Children Safety Net Services	\$4,639,763	\$4,690,570
E	GRF	440431	Free Clinic Safety Net Services	\$1,755,837	\$1,758,067
F	GRF	440438	Breast and Cervical Cancer Screening	\$1,190,549	\$1,199,779
G	GRF	440444	AIDS Prevention	\$3,610,779	\$3,623,351
H	GRF	440451	Public Health Laboratory	\$8,893,355	\$8,926,237
I	GRF	440452	Child and Family Health Services Match	\$667,650	\$683,513
J	GRF	440453	Health Care Quality Assurance	\$6,868,538	\$7,023,632
K	GRF	440454	Environmental Health/Radiation Protection	\$5,241,349	\$5,241,615
L	GRF	440465	FQHC Primary Care Workforce Initiative	\$2,695,268	\$2,698,697
M	GRF	440472	Alcohol Testing	\$1,313,349	\$1,338,992
N	GRF	440482	Chronic Disease, Injury Prevention, and Drug Overdose	\$2,218,750	\$2,195,097

O	GRF	440483	Infectious Disease Prevention and Control	\$4,924,753	\$4,988,016
P	GRF	440484	Public Health Technology Innovation	\$909,147	\$929,959
Q	GRF	440485	Health Program Support	\$14,737,500	\$14,187,500
R	GRF	440495	Toxicology Screenings	\$1,000,000	\$1,000,000
S	GRF	440496	Children's Vision Services	\$5,000,000	\$5,000,000
T	GRF	440505	Children and Youth with Special Health Care Needs	\$13,115,000	\$12,615,000
U	GRF	440507	Targeted Healthcare Services - Over 21	\$2,000,000	\$2,000,000
V	GRF	440527	Lead Abatement	\$250,000	\$250,000
W	GRF	440672	Youth Homelessness	\$2,754,474	\$2,755,903
X	GRF	654453	Medicaid - State Health Program Support	\$4,478,896	\$4,581,836
Y	General Revenue Fund Total			\$90,643,957	\$90,066,764
Z	Highway Safety Fund Group				
AA	4T40	440603	Child Highway Safety	\$200,000	\$200,000
AB	Highway Safety Fund Group Total			\$200,000	\$200,000
AC	Dedicated Purpose Fund Group				

AD 4700	440605	Emergency Preparation and Response	\$2,500,000	\$2,500,000
AE 4700	440647	Fee Supported Programs	\$32,650,000	\$33,629,000
AF 4710	440619	Certificate of Need	\$408,045	\$408,045
AG 4730	440622	Lab Operating Expenses	\$8,985,000	\$9,254,001
AH 4770	440627	Children and Youth with Special Health Care Needs Audit	\$4,942,318	\$4,973,075
AI 4D60	440608	Genetics Services	\$3,316,583	\$3,416,000
AJ 4F90	440610	Sickle Cell Disease Control	\$850,000	\$850,000
AK 4G00	440636	Heirloom Birth Certificate	\$15,000	\$15,000
AL 4G00	440637	Birth Certificate Surcharge	\$15,000	\$15,000
AM 4L30	440609	HIV Care and Miscellaneous Expenses	\$52,697,000	\$52,697,000
AN 4P40	440628	Ohio Physician Loan Repayment	\$1,000,000	\$1,000,000
AO 4V60	440641	Save Our Sight	\$2,505,000	\$2,580,000
AP 5B50	440616	Quality, Monitoring, and Inspection	\$5,753,000	\$5,925,000

AQ	5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$6,000,000	\$6,000,000
AR	5D60	440620	Second Chance Trust	\$1,892,541	\$1,892,541
AS	5ED0	440651	Smoke Free Indoor Air	\$280,000	\$280,000
AT	5G40	440639	Adoption Services	\$100,000	\$100,000
AU	5PE0	440659	Breast and Cervical Cancer Services	\$500,000	\$500,000
AV	5QJ0	440662	Dental Hygienist Loan Repayments	\$100,000	\$100,000
AW	5SH0	440520	Children's Wish Grant Program	\$275,000	\$275,000
AX	5YS0	440491	Chiropractic Loan Repayment	\$30,000	\$30,000
AY	5Z70	440624	Ohio Dentist Loan Repayment	\$275,000	\$275,000
AZ	6100	440626	Radiation Emergency Response	\$1,551,682	\$1,598,000
BA	6660	440607	Children and Youth with Special Health Care Needs - County Assessments	\$24,060,000	\$24,060,001
BB	6980	440634	Nurse Aide Training	\$126,600	\$126,600

BC Dedicated Purpose Fund Group Total	\$150,827,769	\$152,499,263
BD Internal Service Activity Fund Group		
BE 1420 440646 Agency Health Services	\$11,575,000	\$11,575,000
BF 2110 440613 Central Support Indirect Costs	\$39,575,839	\$40,763,000
BG Internal Service Activity Fund Group Total	\$51,150,839	\$52,338,000
BH Holding Account Fund Group		
BI R014 440631 Vital Statistics	\$155,000	\$155,000
BJ R048 440625 Refunds, Grants Reconciliation, and Audit Settlements	\$20,000	\$20,000
BK Holding Account Fund Group Total	\$175,000	\$175,000
BL Federal Fund Group		
BM 3200 440601 Maternal Child Health Block Grant	\$25,000,000	\$25,750,000
BN 3870 440602 Preventive Health Block Grant	\$11,800,000	\$12,154,000
BO 3890 440604 Women, Infants, and Children	\$250,000,000	\$250,000,001
BP 3910 440606 Medicare Survey and Certification	\$21,800,000	\$22,454,000

BQ 3920 440618	Federal Public Health Programs	\$149,503,000	\$153,988,000
BR 3GD0 654601	Medicaid Program Support	\$41,186,077	\$41,508,003
BS 3GN0 440660	Public Health Emergency Preparedness	\$75,825,000	\$78,099,000
BT 3HP0 440673	Public Health Emergency Response	\$100,500,000	\$100,500,000
BU 3HP0 440686	ELC Strengthening HAI/AR Grant	\$10,000,000	\$10,000,000
BV	Federal Fund Group Total	\$685,614,077	\$694,453,004
BW	TOTAL ALL BUDGET FUND GROUPS	\$978,611,642	\$989,732,031

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 157148

Of the foregoing appropriation item 440416, Mothers and 157149
Children Safety Net Services, up to \$200,000 in each fiscal year 157150
may be used to assist families with children who have hearing 157151
loss or hearing disorders under twenty-six years of age in 157152
purchasing hearing aids and hearing assistive technology. The 157153
Director of Health shall adopt rules governing the distribution 157154
of these funds, including rules that do both of the following: 157155
(1) establish eligibility criteria to include families with 157156
incomes at or below four hundred per cent of the federal poverty 157157
guidelines as defined in section 5101.46 of the Revised Code and 157158
(2) develop a sliding scale of disbursements under this section 157159
based on family income. The Director may adopt other rules as 157160
necessary to implement this section. Rules adopted under this 157161
section shall be adopted in accordance with Chapter 119. of the 157162

Revised Code. 157163

FREE CLINIC SAFETY NET SERVICES 157164

The foregoing appropriation item 440431, Free Clinic 157165
Safety Net Services, shall be provided to the Charitable 157166
Healthcare Network. Funds may be used to reimburse free clinics 157167
for health care services provided, as well as for administrative 157168
services, information technology costs, infrastructure repair, 157169
or other clinic necessities. Additionally, the Director of 157170
Health may designate up to five per cent of the appropriation in 157171
each fiscal year to pay the administrative costs the Department 157172
of Health incurs for operating the program. 157173

AIDS PREVENTION 157174

The foregoing appropriation item 440444, AIDS Prevention, 157175
shall be used to administer educational and other prevention 157176
initiatives. 157177

FQHC PRIMARY CARE WORKFORCE INITIATIVE 157178

The foregoing appropriation item 440465, FQHC Primary Care 157179
Workforce Initiative, shall be provided to the Ohio Association 157180
of Community Health Centers to administer the FQHC Primary Care 157181
Workforce Initiative. The Initiative shall provide medical, 157182
dental, behavioral health, physician assistant, and advanced 157183
practice nursing students with clinical rotations through 157184
federally qualified health centers. Additionally, the Director 157185
of Health may designate up to five per cent of the appropriation 157186
in each fiscal year to pay the administrative costs the 157187
Department of Health incurs for operating the program. 157188

CHRONIC DISEASE, INJURY PREVENTION, AND DRUG OVERDOSE 157189

Of the foregoing appropriation item 440482, Chronic 157190

Disease, Injury Prevention, and Drug Overdose, \$1,200,000 in 157191
fiscal year 2026 and \$200,000 in fiscal year 2027 shall be used 157192
to administer the Parkinson's disease registry, in accordance 157193
with section 3701.25 of the Revised Code, and the stroke 157194
registry database, in accordance with section 3727.131 of the 157195
Revised Code. The Department of Health shall develop the 157196
Parkinson's disease registry utilizing an existing public health 157197
population system managed under the Department. 157198

Of the foregoing appropriation item 440482, Chronic 157199
Disease, Injury Prevention, and Drug Overdose, \$250,000 in 157200
fiscal year 2026 shall be used to support the YMCA's Safety 157201
Around Water drowning prevention program. Funds shall be 157202
distributed as grants to nonprofit and community organizations 157203
to provide swim lessons to at-risk youth and water safety 157204
education to at-risk youth and adults. 157205

The remainder of appropriation item 440482, Chronic 157206
Disease, Injury Prevention, and Drug Overdose, shall be used to 157207
support the Department of Health's ongoing health improvement 157208
and wellness efforts, health promotion, and related activities. 157209

HEALTH PROGRAM SUPPORT 157210

Of the forgoing appropriation item 440485, Health Program 157211
Support, \$10,000,000 in each fiscal year shall be used by the 157212
Department of Health, in consultation with the Department of 157213
Education and Workforce, to support school-based health centers 157214
in high-need counties, as determined by the departments. Prior 157215
to establishing a patient-provider relationship with a minor, a 157216
school-based health center shall obtain general consent to treat 157217
the child from the child's parent, legal guardian, grandparent 157218
acting under section 3109.65 of the Revised Code, or other 157219
person authorized under Ohio law to consent to the child's 157220

medical care . This does not apply in emergency situations, 157221
first aid, other unanticipated minor health care services, or 157222
health care services provided pursuant to a student's IEP or a 157223
school district's obligation under section 504 of the 157224
"Rehabilitation Act of 1973," 29 U.S.C. 794. 157225

Of the foregoing appropriation item 440485, Health Program 157226
Support, \$1,000,000 in each fiscal year shall be distributed to 157227
Ohio organizations currently providing all of the following 157228
services: wraparound care, including multidisciplinary clinical 157229
care; local case management services by health care 157230
professionals; durable medical and augmentative communication 157231
devices; state and federal advocacy; and support groups and 157232
patient grants for those diagnosed with amyotrophic lateral 157233
sclerosis (ALS). The distribution of funds shall be based on 157234
each awarded organization's identified Ohio county coverage and 157235
by the prevalence rate of persons living with ALS using the most 157236
recent population estimates available from the United States 157237
Census Bureau. Funds shall be used to support persons living 157238
with ALS, including any of the following: wraparound care, case 157239
management, purchase and distribution of durable medical 157240
equipment and augmentative communication devices, and patient 157241
grants for disease-related expenses. Funding is required to be 157242
designated in service to Ohioans and shall not be used for 157243
persons living outside of the state of Ohio. 157244

Of the foregoing appropriation item 440485, Health Program 157245
Support, \$125,000 in each fiscal year shall be provided to Ohio 157246
Adolescent Health Centers to support sexual risk avoidance 157247
programs in schools. 157248

Of the foregoing appropriation item 440485, Health Program 157249
Support, \$300,000 in fiscal year 2026 shall be distributed to 157250

the Transplant House of Cleveland to support organ transplant 157251
recipients and caregivers. 157252

Of the foregoing appropriation item 440485, Health Program 157253
Support, \$1,000,000 in each fiscal year shall be distributed to 157254
hospitals and used to support graduate medical education 157255
residency slots for residents placed in family medicine or 157256
psychiatry fields. The Department shall establish requirements 157257
regarding the distribution of funds, including the requirement 157258
that funds are used to support residents placed in family 157259
medicine or psychiatry slots. 157260

Of the foregoing appropriation item 440485, Health Program 157261
Support, \$62,500 in each fiscal year shall be provided to the 157262
Domestic Violence Project, Inc. to support the addition of a 157263
Community Educator position. 157264

Of the foregoing appropriation item 440485, Health Program 157265
Support, \$1,000,000 in each fiscal year shall be provided to 157266
Memorial Hospital for the Mid-Ohio Cardiovascular Health 157267
Improvement Initiative. 157268

Of the foregoing appropriation item 440485, Health Program 157269
Support, \$250,000 in fiscal year 2026 shall be used to provide 157270
fellowship stipends to Dayton Children's Hospital for pediatric 157271
therapy students interested in prioritized regional needs, as 157272
identified by the hospital. 157273

TOXICOLOGY SCREENINGS 157274

The foregoing appropriation item 440495, Toxicology 157275
Screenings, shall be used to reimburse county coroners in 157276
counties in which the coroner has performed toxicology 157277
screenings on victims of a drug overdose. The Director of Health 157278
shall transfer the funds to the counties in proportion to the 157279

numbers of toxicology screenings performed per county. 157280

CHILDREN'S VISION SERVICES 157281

The foregoing appropriation item 440496, Children's Vision 157282
Services, shall be used to support the provision of vision care 157283
services as described in Section 291.30 of this act. 157284

TARGETED HEALTH CARE SERVICES-OVER 21 157285

The foregoing appropriation item 440507, Targeted Health 157286
Care Services-Over 21, shall be used to administer the Cystic 157287
Fibrosis Program and to implement the Hemophilia Insurance 157288
Premium Payment Program. The Department of Health shall expend 157289
up to \$100,000 in each fiscal year to implement the Hemophilia 157290
Insurance Premium Payment Program. 157291

The foregoing appropriation item 440507, Targeted Health 157292
Care Services-Over 21, shall also be used to do the following: 157293
cover services provided to adults over the age of twenty-one 157294
with Cystic Fibrosis who are eligible for treatment under the 157295
Cystic Fibrosis Program; provide essential medications; and pay 157296
the copayments for drugs approved by the Department of Health 157297
and covered by Medicare Part D that are dispensed to Program for 157298
Children and Youth with Special Health Care Needs participants 157299
for the Cystic Fibrosis Program. 157300

LEAD ABATEMENT 157301

The foregoing appropriation item 440527, Lead Abatement, 157302
shall be used by the Department of Health to distribute funds to 157303
local governments for projects that include, but are not limited 157304
to, lead hazard control and housing rehabilitation initiatives 157305
that expand the Department's lead hazard control and prevention 157306
efforts. 157307

YOUTH HOMELESSNESS	157308
Of the foregoing appropriation item 440672, Youth	157309
Homelessness, \$250,000 in each fiscal year shall be distributed	157310
to the Star House for its Drop-In Centers and its Carol Stewart	157311
Village, or its other expansion projects, to provide services to	157312
homeless youth.	157313
Of the foregoing appropriation item 440672, Youth	157314
Homelessness, shall be used to address homelessness in youth and	157315
pregnant women by providing assertive outreach to provide stable	157316
housing, including recovery housing. No funds shall be	157317
distributed to youth shelters that promote or affirm social	157318
gender transition, in which an individual goes from identifying	157319
with and living as a gender that corresponds to the individual's	157320
biological sex to identifying with and living as a gender	157321
different from the individual's biological sex.	157322
EMERGENCY PREPARATION AND RESPONSE	157323
The foregoing appropriation item 440605, Emergency	157324
Preparation and Response, shall be used to support public health	157325
emergency preparedness and response efforts. This appropriation	157326
may also be used to support data infrastructure projects and	157327
other data analysis and analytics work.	157328
CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY	157329
PURPOSES/CONTINGENCIES FUND TO THE GENERAL OPERATIONS FUND	157330
On July 1 of each fiscal year, or as soon as possible	157331
thereafter, the Director of Budget and Management shall transfer	157332
up to \$2,500,000 cash from the Controlling Board Emergency	157333
Purposes/Contingencies Fund (Fund 5KM0) to the General	157334
Operations Fund (Fund 4700).	157335
FEE SUPPORTED PROGRAMS	157336

Of the foregoing appropriation item 440647, Fee Supported 157337
Programs, \$2,160,000 in each fiscal year shall be used to 157338
distribute subsidies, on a per capita basis, to local health 157339
departments accredited through the Public Health Accreditation 157340
Board, or local health departments that are in the process of 157341
earning accreditation. 157342

Of the foregoing appropriation item 440647, Fee Supported 157343
Programs, \$1,840,000 in each fiscal year shall be used to 157344
distribute subsidies to local health departments accredited 157345
through the Public Health Accreditation Board on a per capita 157346
basis. 157347

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT 157348

The Children and Youth with Special Health Care Needs 157349
Audit Fund (Fund 4770) shall receive revenue from audits of 157350
hospitals and recoveries from third-party payers. Moneys may be 157351
expended for payment of audit settlements and for costs directly 157352
related to obtaining recoveries from third-party payers and for 157353
encouraging Program for Children and Youth with Special Health 157354
Care Needs recipients to apply for third-party benefits. Moneys 157355
also may be expended for payments for diagnostic and treatment 157356
services on behalf of children and youth with special health 157357
care needs, as defined in division (A) of section 3701.022 of 157358
the Revised Code, and Ohio residents who are twenty-one or more 157359
years of age and who are suffering from cystic fibrosis or 157360
hemophilia. Moneys may also be expended for administrative 157361
expenses incurred in operating the Program for Children and 157362
Youth with Special Health Care Needs. 157363

GENETICS SERVICES 157364

The foregoing appropriation item 440608, Genetics 157365

Services, shall be used by the Department of Health to 157366
administer programs authorized by sections 3701.501 and 3701.502 157367
of the Revised Code. None of these funds shall be used to 157368
counsel or refer for abortion. 157369

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 157370

Of the foregoing appropriation item 440656, Tobacco Use 157371
Prevention, Cessation, and Enforcement, \$1,000,000 in each 157372
fiscal year shall be used by the Director of Health, in 157373
consultation with the Director of Children and Youth, to award 157374
funds to private, nonprofit, or government entities. The 157375
Directors shall determine how the funds are to be distributed, 157376
but shall prioritize awards to entities that serve women who 157377
reside in communities that have the highest infant mortality 157378
rates in this state, as identified under section 3701.142 of the 157379
Revised Code. Recognizing the significant health risks posed to 157380
women and their children by tobacco use during and after 157381
pregnancy, the Department of Health shall award grants to 157382
private, nonprofit, or government entities that demonstrate the 157383
ability to deliver evidence-based tobacco cessation 157384
interventions to women. 157385

The remainder of appropriation item 440656, Tobacco Use 157386
Prevention, Cessation, and Enforcement, shall be used to 157387
administer tobacco use prevention and cessation activities and 157388
programs, to administer compliance checks, retailer education, 157389
and programs related to legal age restrictions, and to enforce 157390
the Ohio Smoke-Free Workplace Act. 157391

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY 157392
ASSESSMENTS 157393

The foregoing appropriation item 440607, Children and 157394

Youth with Special Health Care Needs - County Assessments, shall 157395
be used to make payments under division (E) of section 3701.023 157396
of the Revised Code. 157397

FEDERAL PUBLIC HEALTH PROGRAMS 157398

Of the foregoing appropriation item 440618, Federal Public 157399
Health Programs, \$7,800,000 in each fiscal year shall be 157400
provided to Ohio Adolescent Health Centers. 157401

Section 291.30. OHIO STUDENT EYE EXAM PROGRAM 157402

(A) The Department of Health shall establish and 157403
administer the Ohio Student Eye Exam Program, to be known as the 157404
OhioSEE Program. Under the program, vision care services, 157405
including vision screenings, eye examinations, and glasses, may 157406
be provided to Ohio students, kindergarten through third grade, 157407
who fail vision screenings and lack access to follow-up care. 157408

(B) In administering the program, the Department shall 157409
focus on improving the percentage of vision care referrals 157410
completed, increasing student access to eye examinations, and 157411
providing necessary eyewear to eligible students. 157412

Section 293.10. 157413
157414

1	2	3	4	5
A	HEF HIGHER EDUCATIONAL FACILITY COMMISSION			
B	Dedicated Purpose Fund Group			
C	4610 372601 Operating Expenses	\$15,513	\$15,513	
D	Dedicated Purpose Fund Group Total	\$15,513	\$15,513	

E	TOTAL ALL BUDGET FUND GROUPS	\$15,513	\$15,513

Section 295.10.

157415

157416

1	2	3	4	5

A	SPA COMMISSION ON HISPANIC/LATINO AFFAIRS		

B	General Revenue Fund		

C	GRF 148321 Operating Expenses	\$466,248	\$483,670

D	General Revenue Fund Total	\$466,248	\$483,670

E	Dedicated Purpose Fund Group		

F	6010 148602 Special Initiatives	\$50,000	\$50,000

G	Dedicated Purpose Fund Group Total	\$50,000	\$50,000

H	TOTAL ALL BUDGET FUND GROUPS	\$516,248	\$533,670

Section 297.10.

157417

157418

1	2	3	4	5

A	OHS OHIO HISTORY CONNECTION		

B	General Revenue Fund		

C	GRF 360400 Holocaust and Genocide Memorial and Education Commission	\$1,110,000	\$1,110,000

D	GRF 360401 Ohio Commission for the	\$8,750,000	\$2,000,000

U.S. Semiquincentennial				
E	GRF	360402	UNESCO World Heritage Sites	\$2,000,000 \$2,500,000
F	GRF	360501	Education and Collections	\$6,139,320 \$6,147,040
G	GRF	360502	Site and Museum Operations	\$8,752,200 \$8,752,200
H	GRF	360504	Ohio Preservation Office	\$965,287 \$965,287
I	GRF	360505	National Afro-American Museum	\$811,000 \$811,000
J	GRF	360506	Hayes Presidential Center	\$750,000 \$750,000
K	GRF	360508	State Historical Grants	\$850,000 \$700,000
L	General Revenue Fund Total			\$30,127,807 \$23,735,527
M	Dedicated Purpose Fund Group			
N	5KL0	360602	Ohio History Tax Check-off	\$150,000 \$150,000
O	5PD0	360603	Ohio History License Plate	\$10,000 \$10,000
P	Dedicated Purpose Fund Group Total			\$160,000 \$160,000
Q	TOTAL ALL BUDGET FUND GROUPS			\$30,287,807 \$23,895,527

Section 297.20. SUBSIDY APPROPRIATION

157419

Upon approval by the Director of Budget and Management,

157420

the foregoing appropriation items shall be released to the Ohio
History Connection in quarterly amounts that in total do not
exceed the annual appropriations. The funds and fiscal records
of the Ohio History Connection for fiscal year 2026 and fiscal
year 2027 shall be examined by independent certified public
accountants approved by the Auditor of State, and a copy of the
audited financial statements shall be filed with the Office of
Budget and Management.

The foregoing appropriations shall be considered to be the
contractual consideration provided by the state to support the
state's offer to contract with the Ohio History Connection under
section 149.30 of the Revised Code.

HOLOCAUST AND GENOCIDE MEMORIAL COMMISSION 157433

Of the foregoing appropriation item 360400, Holocaust and
Genocide Memorial and Education Commission, \$125,000 in each
fiscal year shall be used for The Nancy and David Wolf Holocaust
and Humanity Center.

OHIO COMMISSION FOR THE U.S. SEMIQUINCENTENNIAL 157438

The foregoing appropriation item 360401, Ohio Commission
for the U.S. Semiquincentennial, shall be used for grants across
the state in support of the U.S. Semiquincentennial.

Of the foregoing appropriation item 360401, Ohio
Commission for the U.S. Semiquincentennial, \$250,000 in fiscal
year 2026 shall be used for marketing and event operations for
the America's River Roots Festival.

UNESCO WORLD HERITAGE SITES 157446

The foregoing appropriation item 360402, UNESCO World
Heritage Sites, shall be used for operating costs for approved

United Nations Educational, Scientific and Cultural Organization	157449
(UNESCO) World Heritage sites in Ohio.	157450
STATE HISTORICAL GRANTS	157451
Of the foregoing appropriation item 360508, State	157452
Historical Grants, \$350,000 in each fiscal year shall be used	157453
for the Western Reserve Historical Society, and \$350,000 in each	157454
fiscal year shall be used for the Cincinnati Museum Center.	157455
Of the foregoing appropriation item 360508, State	157456
Historical Grants, \$150,000 in fiscal year 2026 shall be used	157457
for the Wadsworth Area Historical Society and the preservation	157458
of St. Mark's Episcopal Church located in Wadsworth, Ohio.	157459
Section 299.10.	157460
	157461

1	2	3	4	5
A	REP OHIO HOUSE OF REPRESENTATIVES			
B	General Revenue Fund			
C	GRF 025321 Operating Expenses		\$35,100,000	\$36,210,000
D	General Revenue Fund Total		\$35,100,000	\$36,210,000
E	Internal Service Activity Fund Group			
F	1030 025601 House of Representatives		\$1,433,664	\$1,433,664
	Reimbursement			
G	4A40 025602 Miscellaneous Sales		\$50,000	\$50,000
H	Internal Service Activity Fund Group		\$1,483,664	\$1,483,664
	Total			

I TOTAL ALL BUDGET FUND GROUPS \$36,583,664 \$37,693,664

Section 299.20. OPERATING EXPENSES 157462

On July 1, 2025, or as soon as possible thereafter, the 157463
Chief Administrative Officer of the House of Representatives may 157464
certify to the Director of Budget and Management an amount up to 157465
the unexpended, unencumbered balance of the foregoing 157466
appropriation item 025321, Operating Expenses, at the end of 157467
fiscal year 2025 to be reappropriated to fiscal year 2026. The 157468
amount certified is hereby reappropriated to the same 157469
appropriation item for fiscal year 2026. 157470

On July 1, 2026, or as soon as possible thereafter, the 157471
Chief Administrative Officer of the House of Representatives may 157472
certify to the Director of Budget and Management an amount up to 157473
the unexpended, unencumbered balance of the foregoing 157474
appropriation item 025321, Operating Expenses, at the end of 157475
fiscal year 2026 to be reappropriated to fiscal year 2027. The 157476
amount certified is hereby reappropriated to the same 157477
appropriation item for fiscal year 2027. 157478

HOUSE REIMBURSEMENT 157479

If it is determined by the Chief Administrative Officer of 157480
the House of Representatives that additional appropriations are 157481
necessary for the foregoing appropriation item 025601, House of 157482
Representatives Reimbursement, the amounts are hereby 157483
appropriated. 157484

Section 301.10. 157485

157486

A	HFA OHIO HOUSING FINANCE AGENCY		
B	Dedicated Purpose Fund Group		
C	5AZ0 997601 Housing Finance Agency	\$19,760,000	\$20,485,000
	Personal Services		
D	Dedicated Purpose Fund Group Total	\$19,760,000	\$20,485,000
E	TOTAL ALL BUDGET FUND GROUPS	\$19,760,000	\$20,485,000

Section 303.10.

157487

157488

1	2	3	4	5
A	IGO OFFICE OF THE INSPECTOR GENERAL			
B	General Revenue Fund			
C	GRF 965321 Operating Expenses	\$2,079,000	\$2,158,000	
D	General Revenue Fund Total	\$2,079,000	\$2,158,000	
E	Internal Service Activity Fund Group			
F	5FA0 965603 Deputy Inspector General	\$400,000	\$400,000	
	for ODOT			
G	5FT0 965604 Deputy Inspector General	\$425,000	\$425,000	
	for BWC/OIC			
H	Internal Service Activity Fund Group	\$825,000	\$825,000	
	Total			
I	TOTAL ALL BUDGET FUND GROUPS	\$2,904,000	\$2,983,000	

Section 305.10.					157489
					157490
1	2	3	4	5	
A	INS DEPARTMENT OF INSURANCE				
B	Dedicated Purpose Fund Group				
C	5540	820401 Examination	\$11,242,604	\$11,690,798	
D	5540	820601 Operating Expenses - OSHIIP	\$400,670	\$414,002	
E	5540	820606 Operating Expenses	\$36,479,179	\$37,595,513	
F	Dedicated Purpose Fund Group Total		\$48,122,453	\$49,700,313	
G	Federal Fund Group				
H	3U50	820602 OSHIIP Operating Grant	\$3,050,000	\$3,050,000	
I	Federal Fund Group Total		\$3,050,000	\$3,050,000	
J	TOTAL ALL BUDGET FUND GROUPS		\$51,172,453	\$52,750,313	
Section 305.20. MARKET CONDUCT EXAMINATION					157491
When conducting a market conduct examination of any					157492
insurer doing business in this state, the Superintendent of					157493
Insurance may assess the costs of the examination against the					157494
insurer. The Superintendent may enter into consent agreements to					157495
impose administrative assessments or fines for conduct					157496
discovered that may be violations of statutes or rules					157497
administered by the Superintendent. All costs, assessments, or					157498
fines collected shall be deposited to the credit of the					157499

Department of Insurance Operating Fund (Fund 5540). 157500

Section 307.10. 157501

157502

	1	2	3	4	5
A	JFS DEPARTMENT OF JOB AND FAMILY SERVICES				
B	General Revenue Fund				
C	GRF	600410	TANF State Maintenance of Effort	\$147,169,083	\$147,169,083
D	GRF	600450	Program Operations	\$155,325,446	\$156,655,581
E	GRF	600502	Child Support - Local	\$26,400,000	\$26,400,000
F	GRF	600521	Family Assistance - Local	\$50,000,000	\$50,000,000
G	GRF	600533	Child, Family, and Community Protection Services	\$13,500,000	\$13,500,000
H	GRF	600534	Adult Protective Services	\$9,720,000	\$9,720,000
I	GRF	655425	Medicaid Program Support	\$15,779,739	\$16,393,535
J	GRF	655522	Medicaid Program Support - Local	\$44,000,000	\$44,000,000
K	GRF	655523	Medicaid Program Support - Local Transportation	\$43,530,000	\$43,530,000
L	General Revenue Fund Total			\$505,424,268	\$507,368,199

M	Dedicated Purpose Fund Group				
N	4A80	600658	Public Assistance Activities	\$21,400,000	\$21,400,000
O	4A90	600607	Unemployment Compensation Administration Fund	\$45,180,000	\$36,670,000
P	5CI1	6006B6	Utility Community Assistance	\$0	\$686,947
Q	5ES0	600630	Food Bank Assistance	\$500,000	\$500,000
R	5M40	6006B2	Low Income Energy Assistance	\$0	\$176,222,102
S	5RY0	600698	Human Services Project	\$10,000,000	\$10,000,000
T	Dedicated Purpose Fund Group Total			\$77,080,000	\$245,479,049
U	Internal Service Activity Fund Group				
V	5HL0	600602	State and County Shared Services	\$2,000,000	\$2,000,000
W	5WU0	6006C2	Ohio Benefits	\$0	\$169,005,914
X	Internal Service Activity Fund Group Total			\$2,000,000	\$171,005,914
Y	Fiduciary Fund Group				
Z	1920	600646	Child Support Intercept- Federal	\$100,000,000	\$100,000,000

AA 5830 600642 Child Support Intercept- State	\$13,000,000	\$13,000,000
AB 5B60 600601 Food Assistance Intercept	\$9,000,000	\$9,000,000
AC Fiduciary Fund Group Total	\$122,000,000	\$122,000,000
AD Holding Account Fund Group		
AE R012 600643 Refunds and Audit Settlements	\$500,000	\$500,000
AF Holding Account Fund Group Total	\$500,000	\$500,000
AG Federal Fund Group		
AH 3310 600615 Veterans Programs	\$9,729,693	\$10,046,576
AI 3310 600624 Employment Services	\$33,757,412	\$33,361,820
AJ 3310 600686 Workforce Programs	\$3,726,601	\$3,831,863
AK 3840 600610 Food Assistance Programs	\$353,577,548	\$355,477,007
AL 3850 600614 Refugee Services	\$43,221,914	\$47,817,949
AM 3950 600616 Federal Discretionary Grants	\$4,500,000	\$4,500,000
AN 3960 600620 Social Services Block Grant	\$38,100,747	\$38,339,506
AO 3970 600626 Child Support - Federal	\$206,615,245	\$206,484,306
AP 3F01 655624 Medicaid Program Support	\$221,532,699	\$222,146,496

- Federal

AQ	3FI0	6006B4	Home Weatherization Program	\$0	\$45,000,000
AR	3K90	6006B3	Home Energy Assistance Block Grant	\$0	\$180,000,000
AS	3K90	6006B7	HEAP Weatherization	\$0	\$44,000,000
AT	3L00	6006B8	Community Services Block Grant	\$0	\$32,000,000
AU	3S50	600622	Child Support Projects	\$539,000	\$539,000
AV	3V00	600688	Workforce Innovation and Opportunity Act Programs	\$165,467,651	\$172,078,185
AW	3V40	600632	Trade Programs	\$3,001,000	\$3,001,000
AX	3V40	600678	Federal Unemployment Programs	\$122,666,388	\$125,686,620
AY	3V40	600679	Unemployment Compensation Review Commission-Federal	\$6,068,609	\$6,249,573
AZ	3V60	600689	TANF Block Grant	\$561,481,981	\$561,481,981
BA	Federal Fund Group Total			\$1,773,986,488	\$2,092,041,882
BB	TOTAL ALL BUDGET FUND GROUPS			\$2,480,990,756	\$3,138,395,044

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 157503

(A) Of the foregoing appropriation item 600521, Family 157504

Assistance - Local, up to \$46,000,000 in each fiscal year shall 157505
be provided to county departments of job and family services to 157506
administer food assistance and disability assistance programs. 157507

(B) Of the foregoing appropriation item 600521, Family 157508
Assistance -Local, an additional \$2,500,000 in each fiscal year 157509
shall be provided to assist county departments that submit an 157510
approved plan on increasing fraud prevention, early detection of 157511
fraud, and investigations on potential fraud that may be 157512
occurring in public assistance programs. 157513

(C) The foregoing appropriation item 655522, Medicaid 157514
Program Support - Local, shall be provided to county departments 157515
of job and family services to administer the Medicaid program 157516
and the State Children's Health Insurance program. 157517

(D) At the request of the Director of Job and Family 157518
Services, the Director of Budget and Management may transfer 157519
appropriations between the following appropriation items to 157520
ensure county administrative funds are expended from the proper 157521
appropriation item: 157522

(1) Appropriation item 600521, Family Assistance - Local, 157523
and appropriation item 655522, Medicaid Program Support - Local; 157524
and 157525

(2) Appropriation item 655523, Medicaid Program Support - 157526
Local Transportation, and appropriation item 655522, Medicaid 157527
Program Support - Local. 157528

Section 307.30. NAME OF FOOD STAMP PROGRAM 157529

The Director of Job and Family Services is not required to 157530
amend rules regarding the Food Stamp Program to change the name 157531
of the program to the Supplemental Nutrition Assistance Program. 157532
The Director may refer to the program as the Food Stamp Program, 157533

the Supplemental Nutrition Assistance Program, or the Food 157534
Assistance Program in rules and documents of the Department of 157535
Job and Family Services. 157536

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 157537

Of the foregoing appropriation items 600410, TANF State 157538
Maintenance of Effort, 600658, Public Assistance Activities, and 157539
600689, TANF Block Grant, a total of up to \$22,050,000 in each 157540
fiscal year shall be used to provide funds to the Ohio 157541
Association of Food Banks to purchase and distribute food 157542
products, support Innovative Summer Meals programs for children, 157543
provide SNAP outreach and free tax filing services, and provide 157544
capacity building equipment for food pantries and soup kitchens. 157545

Notwithstanding section 5101.46 of the Revised Code and 157546
any other provision in this act, the Director of Job and Family 157547
Services shall provide assistance from eligible funds to the 157548
Ohio Association of Food Banks in an amount up to \$24,550,000 in 157549
each fiscal year. This amount includes the funds designated to 157550
the Ohio Association of Food Banks in the first paragraph of 157551
this section. 157552

Eligible nonfederal expenditures made by member food banks 157553
of the Association shall be counted by the Department of Job and 157554
Family Services toward the TANF maintenance of effort 157555
requirements of 42 U.S.C. 609(a)(7). The Director of Job and 157556
Family Services shall enter into an agreement with the Ohio 157557
Association of Food Banks, in accordance with sections 5101.80 157558
and 5101.801 of the Revised Code, to carry out the requirements 157559
under this section. 157560

Section 307.50. OHIO ASSOCIATION OF FOODBANKS SUBGRANT 157561

The Department of Job and Family Services shall enter into 157562

a subgrant agreement with the Ohio Association of Foodbanks to 157563
enable the Association to provide food distribution to low- 157564
income families and individuals via the statewide charitable 157565
emergency food provider network and to support transportation of 157566
meals for the Governor's Office of Faith-Based and Community 157567
Initiatives Innovative Summer Meals programs for children and 157568
provide capacity building equipment for food pantries and soup 157569
kitchens. 157570

The Ohio Association of Foodbanks shall do all of the 157571
following: 157572

(A) Purchase food for the Agriculture Clearance and Ohio 157573
Food Programs. Information regarding the food purchase shall be 157574
reflected in the plan for statewide distribution of food 157575
products to local food distribution agencies. 157576

(B) Support the Capacity Building Grant program and 157577
purchase equipment for partner agencies that is needed to 157578
increase their capacity to serve more families eligible under 157579
the Temporary Assistance for Needy Families program with 157580
perishable foods, fruits, and vegetables. This equipment 157581
purchase shall include, but is not limited to, shelving, pallet 157582
jacks, commercial refrigerators, and commercial freezers. 157583

(C) Submit a quarterly report to the Department of Job and 157584
Family Services not later than sixty days after the close of the 157585
quarter to which the report pertains. The quarterly report shall 157586
include all of the following: 157587

(1) A summary of the allocation and expenditure of grant 157588
funds; 157589

(2) Product type and pounds distributed by foodbank 157590
service region and county; 157591

(3) The number of households, households with children, a 157592
breakdown of individuals served by age, including those over the 157593
age of sixty, those between the ages of nineteen and fifty-nine, 157594
and those up to the age of eighteen, and the number of meals 157595
served. 157596

(D) Submit an annual report to the Agreement Manager at 157597
the Department of Job and Family Services not later than one 157598
hundred twenty days after the end of the fiscal year. The annual 157599
report shall include the following: 157600

(1) A summary of the allocation and expenditure of grant 157601
funds; 157602

(2) The number of households, households with children, a 157603
breakdown of individuals served by age, including those over the 157604
age of sixty, those between the ages of nineteen and fifty-nine, 157605
and those up to the age of eighteen, and the number of meals 157606
served. 157607

(3) The quantity and type of food distributed and the 157608
total per pound cost of the food purchased; 157609

(4) Information on the cost of storage, transportation, 157610
and processing; 157611

(5) An evaluation of the success in achieving expected 157612
performance outcomes. 157613

Section 307.60. FOOD STAMPS TRANSFER 157614

On July 1, 2025, or as soon as possible thereafter, and 157615
upon request of the Director of Job and Family Services, the 157616
Director of Budget and Management may transfer up to \$1,000,000 157617
cash from the Food Stamp Offset Fund (Fund 5B60), to the Food 157618
Assistance Fund (Fund 5ES0). 157619

Section 307.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 157620

The foregoing appropriation item 600658, Public Assistance 157621
Activities, shall be used by the Department of Job and Family 157622
Services to meet the TANF maintenance of effort requirements of 157623
42 U.S.C. 609(a)(7). When the state is assured that it will meet 157624
the maintenance of effort requirement, the Department of Job and 157625
Family Services may use funds from appropriation item 600658, 157626
Public Assistance Activities, to support public assistance 157627
activities. 157628

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES 157629
FUNDS 157630

(A) Of the foregoing appropriation items 600410, TANF 157631
State Maintenance of Effort, and 600689, TANF Block Grant, up to 157632
\$13,410,000 in each fiscal year shall be used, in accordance 157633
with sections 5101.80 and 5101.801 of the Revised Code, to 157634
provide support to programs or organizations that provide 157635
services that align with the mission and goals of the Governor's 157636
Office of Faith-Based and Community Initiatives, as outlined in 157637
section 107.12 of the Revised Code, and that further at least 157638
one of the four purposes of the TANF program, as specified in 42 157639
U.S.C. 601. 157640

(B) Of the foregoing appropriation items 600410, TANF 157641
State Maintenance of Effort, and 600689, TANF Block Grant, 157642
\$8,500,000 in each fiscal year shall be provided, in accordance 157643
with sections 5101.80 and 5101.801 of the Revised Code, to the 157644
Ohio Alliance of Boys and Girls Clubs to provide after-school 157645
and summer programs that protect at-risk children and enable 157646
youth to become responsible adults. 157647

(C) Of the foregoing appropriation item 600689, TANF Block 157648

Grant, \$3,000,000 in fiscal year 2026 and \$2,500,000 in fiscal 157649
year 2027 shall be provided, in accordance with sections 5101.80 157650
and 5101.801 of the Revised Code, to the Children's Hunger 157651
Alliance to assist with meal sponsorship, early child care 157652
programs, child care, consultations and nutrition education, 157653
school district nutrition programs, after school nutrition 157654
programs, and summer nutrition programs. 157655

(D) Of the foregoing appropriation item 600689, TANF Block 157656
Grant, \$250,000 in each fiscal year shall be provided to the 157657
Toledo Seagate Foodbank, in accordance with sections 5101.80 and 157658
5101.801 of the Revised Code. 157659

(E) Of the foregoing appropriation item 600689, TANF Block 157660
Grant, \$1,500,000 in each fiscal year shall be provided, in 157661
accordance with sections 5101.80 and 5101.801 of the Revised 157662
Code, to Open Doors Academy. 157663

(F) Of the foregoing appropriation item 600689, TANF Block 157664
Grant, \$1,000,000 in each fiscal year shall be provided, in 157665
accordance with sections 5101.80 and 5101.801 of the Revised 157666
Code, to Produce Perks. 157667

(G) Of the foregoing appropriation item 600689, TANF Block 157668
Grant, \$100,000 in each fiscal year shall be provided, in 157669
accordance with sections 5101.80 and 5101.801 of the Revised 157670
Code, to the Ohio YMCA to support day camps and before and after 157671
school programs to help students remove barriers to their 157672
learning. 157673

(H) Of the foregoing appropriation item 600689, TANF Block 157674
Grant, \$100,000 in each fiscal year shall be provided, in 157675
accordance with sections 5101.80 and 5101.801 of the Revised 157676
Code, to the Country Neighbor Program. 157677

(I) Of the foregoing appropriation item 600689, TANF Block 157678
Grant, \$400,000 in each fiscal year shall be provided, in 157679
accordance with sections 5101.80 and 5101.801 of the Revised 157680
Code, to the Southside Life Station Food Pantry in Toledo. 157681

(J) Of the foregoing appropriation item 600689, TANF Block 157682
Grant, \$400,000 in each fiscal year shall be provided, in 157683
accordance with sections 5101.80 and 5101.801 of the Revised 157684
Code, to the Simon Kenton Council for the administration of the 157685
ScoutReach program. Funding shall be used for the following: to 157686
expand access to scouting in under-resourced communities; to 157687
provide financial assistance for participating families; to hire 157688
two additional program coordinators, a risk manager, and a 157689
social worker; to purchase program supplies; and to provide 157690
marketing resources to enhance outreach and engagement. Funds 157691
shall be distributed in accordance with guidelines established 157692
for nonprofit educational and youth development programs. The 157693
Simon Kenton Council shall submit an annual report to the 157694
Department of Job and Family Services detailing the program's 157695
expansion, impact, and financial expenditures. 157696

(K) Of the foregoing appropriation item 600689, TANF Block 157697
Grant, \$1,500,000 in each fiscal year shall be provided, in 157698
accordance with sections 5101.80 and 5101.801 of the Revised 157699
Code, to La Soupe to support and expand its core food security 157700
programs across Ohio. 157701

(L) Of the foregoing appropriation item 600689, TANF Block 157702
Grant, \$600,000 in fiscal year 2026 shall be provided, in 157703
accordance with sections 5101.80 and 5101.801 of the Revised 157704
Code, to The Foundry Row, Sail, Dream Program. 157705

(M) Of the foregoing appropriation item 600689, TANF Block 157706
Grant, \$500,000 in each fiscal year shall be distributed, in 157707

accordance with sections 5101.80 and 5101.801 of the Revised 157708
Code, to the African American Male Wellness Agency for the 157709
Uplift Her initiative. 157710

(N) Of the foregoing appropriation item 600689, TANF Block 157711
Grant, \$150,000 in each fiscal year shall be provided, in 157712
accordance with sections 5101.80 and 5101.801 of the Revised 157713
Code, to Dads2Be. 157714

(O) Of the foregoing appropriation item 600689, TANF Block 157715
Grant, \$500,000 in each fiscal year shall be provided, in 157716
accordance with sections 5101.80 and 5101.801 of the Revised 157717
Code, to Child Focus. 157718

(P) Of the foregoing appropriation item 600689, TANF Block 157719
Grant, \$250,000 in each fiscal year shall be provided, in 157720
accordance with sections 5101.80 and 5101.801 of the Revised 157721
Code, to Ohio Guidestone. 157722

Section 307.90. PROGRAM OPERATIONS 157723

Of the foregoing appropriation item 600450, Program 157724
Operations, \$10,000,000 in each fiscal year shall be allocated 157725
for the GRIT program to be administered by the Department of Job 157726
and Family Services, in coordination with the Governor's Office 157727
of Appalachia and the Department of Development. The program 157728
shall expand the qualified worker pipeline, remove barriers to 157729
fill local and remote jobs, and promote entrepreneurial 157730
endeavors in economically distressed and at-risk areas within 157731
the Appalachian region of Ohio, as defined in section 107.21 of 157732
the Revised Code, and other like counties within the state. The 157733
amount set aside for the GRIT program under this section shall 157734
be used for the following: 157735

(A) To establish, in collaboration with private businesses 157736

and public sector partners, virtual workforce development 157737
centers and supportive resources and to place unemployed and 157738
underemployed youth and adults into jobs; 157739

(B) To support assessment, coaching, wraparound services, 157740
and other career development and training activities for both 157741
high school youth and adults. 157742

The amount set aside for the GRIT program under this 157743
section may be used for operating costs. 157744

Section 307.100. CHILD, FAMILY, AND COMMUNITY PROTECTION 157745
SERVICES 157746

(A) The foregoing appropriation item 600533, Child, 157747
Family, and Community Protection Services, shall be distributed 157748
to county departments of job and family services. County 157749
departments shall use the funds distributed to them under this 157750
section as follows, in accordance with the written plan of 157751
cooperation entered into under section 307.983 of the Revised 157752
Code: 157753

(1) To assist individuals in achieving or maintaining 157754
self-sufficiency, including by reducing or preventing dependency 157755
among individuals with family income not exceeding two hundred 157756
per cent of the federal poverty guidelines; 157757

(2) Subject to division (B) of this section, to respond to 157758
reports of abuse, neglect, or exploitation of children and 157759
adults, including through the differential response approach 157760
program; 157761

(3) To provide outreach and referral services regarding 157762
home and community-based services to individuals at risk of 157763
placement in a group home or institution, regardless of the 157764
individuals' family income and without need for a written 157765

application; 157766

(4) To provide outreach, referral, application assistance, 157767
and other services to assist individuals to receive assistance, 157768
benefits, or services under Medicaid; Title IV-A programs, as 157769
defined in section 5101.80 of the Revised Code; the Supplemental 157770
Nutrition Assistance Program; and other public assistance 157771
programs. 157772

(B) Protective services may be provided to a child or 157773
adult as part of a response, under division (A)(2) of this 157774
section, to a report of abuse, neglect, or exploitation without 157775
regard to a child or adult's family income and without need for 157776
a written application. The protective services may be provided 157777
if the case record documents circumstances of actual or 157778
potential abuse, neglect, or exploitation. 157779

Section 307.110. ADULT PROTECTIVE SERVICES 157780

Of the foregoing appropriation item 600534, Adult 157781
Protective Services, \$7,040,000 in each fiscal year shall be 157782
used to provide an initial allocation of \$80,000 to each county. 157783
The remainder of appropriation item 600534 shall be provided to 157784
counties in accordance with the formula established in section 157785
5101.612 of the Revised Code. 157786

Section 307.117. UNEMPLOYMENT COMPENSATION FUND 157787

A portion of the foregoing appropriation item 600607, 157788
Unemployment Compensation Administration Fund, in each fiscal 157789
year shall be used to make payments pursuant to leases and 157790
agreements entered into under Chapter 125. of the Revised Code, 157791
as supplemented by Section 701.40 of H.B. 529 of the 132nd 157792
General Assembly, with respect to financing the costs associated 157793
with the acquisition, development, implementation, and 157794

integration of the Unemployment Insurance System. 157795

Section 307.119. TEMPORARY TRANSFER TO UNEMPLOYMENT 157796
COMPENSATION SPECIAL ADMINISTRATIVE FUND 157797

On July 1, 2025, or as soon as possible thereafter, the 157798
Director of Budget and Management may transfer up to \$15,000,000 157799
cash from any fund used by the Department of Job and Family 157800
Services, except General Revenue Funds, to the Unemployment 157801
Compensation Special Administrative Fund (Fund 4A90) to pay the 157802
costs of building and developing a new unemployment insurance 157803
information technology system. 157804

Not later than June 30, 2027, the Director of Budget and 157805
Management, upon the request of the Director of Job and Family 157806
Services, shall transfer cash equal to the amount previously 157807
transferred to Fund 4A90 from the fund selected above in fiscal 157808
year 2026, from Fund 4A90 back into the selected fund. 157809

Section 307.120. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 157810

The Fiduciary Fund Group and Holding Account Fund Group 157811
shall be used to hold revenues until the appropriate fund is 157812
determined or until the revenues are directed to the appropriate 157813
governmental agency other than the Department of Job and Family 157814
Services. Any Department of Job and Family Services refunds or 157815
reconciliations received or held by the Department of Medicaid 157816
shall be transferred or credited to the Refunds and Audit 157817
Settlement Fund (Fund R012). If receipts credited to the Support 157818
Intercept - Federal Fund (Fund 1920), the Support Intercept - 157819
State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), 157820
or the Refunds and Audit Settlements Fund (Fund R012) exceed the 157821
amounts appropriated from the fund, the Director of Job and 157822
Family Services may request the Director of Budget and 157823

Management to authorize expenditures from the fund in excess of 157824
the amounts appropriated. Upon the approval of the Director of 157825
Budget and Management, the additional amounts are hereby 157826
appropriated. 157827

Section 307.130. HEAP WEATHERIZATION 157828

Up to twenty-five per cent of the federal funds deposited 157829
to the credit of the Home Energy Assistance Block Grant (Fund 157830
3K90) may be expended from appropriation item 6006B7, HEAP 157831
Weatherization, to provide home weatherization services in the 157832
state as determined by the Director of Job and Family Services. 157833

Section 307.140. SUMMER ELECTRONIC BENEFITS TRANSFER FOR 157834
CHILDREN FUND 157835

(A) The Summer Electronic Benefits Transfer for Children 157836
Fund is created, which shall be in the custody of the Treasurer 157837
of State but shall not be part of the state treasury. The fund 157838
shall consist of all money awarded by the United States 157839
Department of Agriculture as benefits under 42 U.S.C. 1762. All 157840
money in the fund shall be used by the Director of Job and 157841
Family Services solely for the purpose of paying eligible 157842
charges incurred by children and families eligible for, and 157843
participating in, the Summer Electronic Benefits Transfer for 157844
Children Program. 157845

(B) On or before August 1 of each fiscal year, the 157846
Director shall submit to the Governor, the Director of Budget 157847
and Management, the President of the Senate, the Speaker of the 157848
House of Representatives, the Minority Leader of the Senate, and 157849
the Minority Leader of the House of Representatives information 157850
regarding the Summer Electronic Benefits Transfer for Children 157851
Program created under 42 U.S.C. 1762, including the amount of 157852

federal funding received for the program in the previous fiscal 157853
year. 157854

Section 307.150. WORK REQUIREMENTS 157855

The Director of Job and Family Services may refer Ohio 157856
Works First and Supplemental Nutrition Assistance Program 157857
participants who have indicated that they have a mental or 157858
physical illness or impairment to the agency for vocational 157859
rehabilitation assessment and support services. Such 157860
participants must continue with vocational rehabilitation 157861
services pursuant to this section in order to meet Ohio Works 157862
First and Supplemental Nutrition Assistance Program work 157863
requirements, unless they are determined unable to work by the 157864
Opportunities for Ohioans with Disabilities agency, or otherwise 157865
meet minimum program work requirements. Participants who are not 157866
determined unable to work by the Opportunities for Ohioans with 157867
Disabilities agency and who do not participate with vocational 157868
rehabilitation services pursuant to this section or otherwise 157869
meet minimum program work requirements will have benefits 157870
terminated in accordance with federal regulations. 157871

Section 309.10. 157872

157873

1	2	3	4	5
A	JCR JOINT COMMITTEE ON AGENCY RULE REVIEW			
B	General Revenue Fund			
C	GRF 029321 Operating Expenses		\$570,000	\$570,000
D	General Revenue Fund Total		\$570,000	\$570,000

A JMO JOINT MEDICAID OVERSIGHT COMMITTEE

B General Revenue Fund

C	GRF 048321 Operating Expenses	\$133,000	\$0

D	General Revenue Fund Total	\$133,000	\$0

E	TOTAL ALL BUDGET FUND GROUPS	\$133,000	\$0

Section 313.20. OPERATING EXPENSES 157898

The foregoing appropriation item 048321, Operating 157899
Expenses, shall be used to support expenses related to the Joint 157900
Medicaid Oversight Committee created by section 103.41 of the 157901
Revised Code. 157902

Section 315.10. 157903

157904

1	2	3	4	5

A JCO JUDICIAL CONFERENCE OF OHIO

B General Revenue Fund

C	GRF 018321 Operating Expenses	\$1,398,265	\$1,475,131

D	General Revenue Fund Total	\$1,398,265	\$1,475,131

E Dedicated Purpose Fund Group

F	4030 018601 Ohio Jury Instructions	\$746,000	\$814,899

G	Dedicated Purpose Fund Group Total	\$746,000	\$814,899

H	TOTAL ALL BUDGET FUND GROUPS	\$2,144,265	\$2,290,030

Section 315.20. STATE COUNCIL OF UNIFORM STATE LAWS 157905

Notwithstanding section 105.26 of the Revised Code, of the 157906
foregoing appropriation item 018321, Operating Expenses, up to 157907
\$103,315 in fiscal year 2026 and up to \$108,481 in fiscal year 157908
2027 shall be used to pay the expenses of the State Council of 157909
Uniform State Laws, including membership dues to the National 157910
Conference of Commissioners on Uniform State Laws. 157911

OHIO JURY INSTRUCTIONS FUND 157912

The Ohio Jury Instructions Fund (Fund 4030) shall consist 157913
of grants, royalties, dues, conference fees, bequests, devises, 157914
and other gifts received for the purpose of supporting costs 157915
incurred by the Judicial Conference of Ohio in its activities as 157916
a part of the judicial system of the state as determined by the 157917
Judicial Conference Executive Committee. Fund 4030 shall be used 157918
by the Judicial Conference of Ohio to pay expenses incurred in 157919
its activities as a part of the judicial system of the state as 157920
determined by the Judicial Conference Executive Committee. All 157921
moneys accruing to Fund 4030 in excess of the amount 157922
appropriated for the current fiscal year are hereby appropriated 157923
for the purposes authorized. No money in Fund 4030 shall be 157924
transferred to any other fund by the Director of Budget and 157925
Management or the Controlling Board. 157926

Section 317.10. 157927
157928

1	2	3	4	5
A	JSC THE JUDICIARY/SUPREME COURT			
B	General Revenue Fund			
C	GRF 005321 Operating Expenses -	\$218,911,023	\$230,757,735	
	Judiciary/Supreme Court			

D	GRF	005401	State Criminal Sentencing Commission	\$1,506,142	\$1,601,731
E	GRF	005406	Law-Related Education	\$250,000	\$250,000
F	General Revenue Fund Total			\$220,667,165	\$232,609,466
G	Dedicated Purpose Fund Group				
H	4C80	005605	Attorney Services	\$10,718,083	\$10,721,022
I	5HT0	005617	Court Interpreter Certification	\$9,000	\$9,000
J	5SP0	005626	Civil Justice Grant Program	\$425,000	\$425,000
K	5T80	005609	Grants and Awards	\$1,000	\$1,000
L	6720	005601	Continuing Judicial Education	\$37,500	\$37,500
M	Dedicated Purpose Fund Group Total			\$11,190,583	\$11,193,522
N	Fiduciary Fund Group				
O	5JY0	005620	County Law Library Resources Boards	\$313,800	\$318,500
P	Fiduciary Fund Group Total			\$313,800	\$318,500
Q	Federal Fund Group				
R	3J00	005603	Federal Grants	\$1,810,907	\$1,157,600

S	Federal Fund Group Total	\$1,810,907	\$1,157,600
T	TOTAL ALL BUDGET FUND GROUPS	\$233,982,455	\$245,279,088

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 157929

The foregoing appropriation item 005401, State Criminal 157930
Sentencing Commission, shall be used for the operation of the 157931
State Criminal Sentencing Commission established by section 157932
181.21 of the Revised Code. 157933

LAW-RELATED EDUCATION 157934

Of the foregoing appropriation item 005406, Law-Related 157935
Education, \$250,000 in each fiscal year shall be distributed 157936
directly to the Ohio Center for Law-Related Education for the 157937
purposes of providing continuing citizenship education 157938
activities to primary and secondary students, expanding 157939
delinquency prevention programs, increasing activities for at- 157940
risk youth, and accessing additional public and private money 157941
for new programs. 157942

ATTORNEY SERVICES 157943

The Attorney Registration Fund (Fund 4C80) shall consist 157944
of money received by the Supreme Court (The Judiciary) pursuant 157945
to the Rules for the Government of the Bar of Ohio. In addition 157946
to funding other activities considered appropriate by the 157947
Supreme Court, the foregoing appropriation item 005605, Attorney 157948
Services, may be used to compensate employees and to fund 157949
appropriate activities of the following offices established by 157950
the Supreme Court: the Office of Disciplinary Counsel, the Board 157951
of Commissioners on Grievances and Discipline, the Clients' 157952
Security Fund, and the Attorney Services Division which include 157953
the Office of Bar Admissions. If it is determined by the 157954

Administrative Director of the Supreme Court that changes to the 157955
appropriation are necessary, the amounts are hereby 157956
appropriated. 157957

No money in Fund 4C80 shall be transferred to any other 157958
fund by the Director of Budget and Management or the Controlling 157959
Board. Interest earned on money in Fund 4C80 shall be credited 157960
to the fund. 157961

COURT INTERPRETER CERTIFICATION 157962

The Court Interpreter Certification Fund (Fund 5HT0) shall 157963
consist of money received by the Supreme Court (The Judiciary) 157964
pursuant to Rules 80 through 87 of the Rules of Superintendence 157965
for the Courts of Ohio. The foregoing appropriation item 005617, 157966
Court Interpreter Certification, shall be used to provide 157967
training, to provide the written examination, and to pay 157968
language experts to rate, or grade, the oral examinations of 157969
those applying to become certified court interpreters. If it is 157970
determined by the Administrative Director of the Supreme Court 157971
that changes to the appropriation are necessary, the amounts are 157972
hereby appropriated. 157973

No money in Fund 5HT0 shall be transferred to any other 157974
fund by the Director of Budget and Management or the Controlling 157975
Board. Interest earned on money in Fund 5HT0 shall be credited 157976
to the fund. 157977

CIVIL JUSTICE GRANT PROGRAM 157978

The Civil Justice Program Fund (Fund 5SP0) shall consist 157979
of (1) \$50 voluntary donations made as part of the biennium 157980
attorney registration process and (2) \$150 of the pro hac vice 157981
fees for out-of-state attorneys pursuant to Government of the 157982
Bar Rule amendments. The foregoing appropriation item 005626, 157983

Civil Justice Grant Program, shall be used by the Supreme Court 157984
of Ohio for grants to not-for-profit organizations and agencies 157985
dedicated to providing civil legal aid to underserved 157986
populations, to fund innovative programs directed at this 157987
purpose, and to increase access to judicial service to that 157988
population. If it is determined by the Administrative Director 157989
of the Supreme Court that changes to the appropriation are 157990
necessary, the amounts are hereby appropriated. 157991

No money in Fund 5SP0 shall be transferred to any other 157992
fund by the Director of Budget and Management or the Controlling 157993
Board. Interest earned on money in Fund 5SP0 shall be credited 157994
to the fund. 157995

GRANTS AND AWARDS 157996

The Grants and Awards Fund (Fund 5T80) shall consist of 157997
grants and other money awarded to the Supreme Court (The 157998
Judiciary) by the State Justice Institute, the Division of 157999
Criminal Justice Services, or other entities. The foregoing 158000
appropriation item 005609, Grants and Awards, shall be used in a 158001
manner consistent with the purpose of the grant or award. If it 158002
is determined by the Administrative Director of the Supreme 158003
Court that changes to the appropriation are necessary, the 158004
amounts are hereby appropriated. 158005

No money in Fund 5T80 shall be transferred to any other 158006
fund by the Director of Budget and Management or the Controlling 158007
Board. Interest earned on money in Fund 5T80 shall be credited 158008
or transferred to the General Revenue Fund. 158009

JUDICIARY/SUPREME COURT EDUCATION 158010

The Judiciary/Supreme Court Education Fund (Fund 6720) 158011
shall consist of fees paid for attending judicial and public 158012

education on the law, reimbursement of costs for judicial and 158013
public education on the law, and other gifts and grants received 158014
for the purpose of judicial and public education on the law. The 158015
foregoing appropriation item 005601, Continuing Judicial 158016
Education, shall be used to pay expenses for judicial education 158017
courses for judges, court personnel, and those who serve the 158018
courts, and for public education on the law. If it is determined 158019
by the Administrative Director of the Supreme Court that changes 158020
to the appropriation are necessary, the amounts are hereby 158021
appropriated. 158022

No money in Fund 6720 shall be transferred to any other 158023
fund by the Director of Budget and Management or the Controlling 158024
Board. Interest earned on money in Fund 6720 shall be credited 158025
to the fund. 158026

COUNTY LAW LIBRARY RESOURCES BOARDS 158027

The Statewide Consortium of County Law Library Resources 158028
Boards Fund (Fund 5JY0) shall consist of moneys deposited 158029
pursuant to section 307.515 of the Revised Code into a county's 158030
law library resources fund and forwarded by that county's 158031
treasurer for deposit in the state treasury pursuant to division 158032
(E) (1) of section 3375.481 of the Revised Code. The foregoing 158033
appropriation item 005620, County Law Library Resources Boards, 158034
shall be used for the operation of the Statewide Consortium of 158035
County Law Library Resources Boards. If it is determined by the 158036
Administrative Director of the Supreme Court that changes to the 158037
appropriation are necessary, the amounts are hereby 158038
appropriated. 158039

No money in Fund 5JY0 shall be transferred to any other 158040
fund by the Director of Budget and Management or the Controlling 158041
Board. Interest earned on money in Fund 5JY0 shall be credited 158042

to the fund. 158043

FEDERAL GRANTS 158044

The Federal Grants Fund (Fund 3J00) shall consist of 158045
grants and other moneys awarded to the Supreme Court (The 158046
Judiciary) by the United States Government or other entities 158047
that receive the moneys directly from the United States 158048
Government and distribute those moneys to the Supreme Court (The 158049
Judiciary). The foregoing appropriation item 005603, Federal 158050
Grants, shall be used in a manner consistent with the purpose of 158051
the grant or award. If it is determined by the Administrative 158052
Director of the Supreme Court that changes to the appropriation 158053
are necessary, the amounts are hereby appropriated. 158054

No money in Fund 3J00 shall be transferred to any other 158055
fund by the Director of Budget and Management or the Controlling 158056
Board. However, interest earned on money in Fund 3J00 shall be 158057
credited or transferred to the General Revenue Fund. 158058

Section 319.10. 158059
158060

1	2	3	4	5
A	LEC LAKE ERIE COMMISSION			
B	Dedicated Purpose Fund Group			
C	4C00 780601 Lake Erie Protection		\$900,000	\$940,000
D	6H20 780604 H2Ohio		\$132,000	\$132,000
E	Dedicated Purpose Fund Group Total		\$1,032,000	\$1,072,000
F	Federal Fund Group			

G	3EP0 780603 LEC Federal Grants	\$1,140,000	\$1,140,000
H	Federal Fund Group Total	\$1,140,000	\$1,140,000
I	TOTAL ALL BUDGET FUND GROUPS	\$2,172,000	\$2,212,000

Section 319.20.	CASH TRANSFERS TO THE LAKE ERIE PROTECTION	158061
FUND		158062

On July 1 of each fiscal year, or as soon as possible	158063
thereafter, the Director of Budget and Management may transfer	158064
cash from the funds specified below, up to the amounts specified	158065
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00	158066
may accept contributions and transfers made to the fund.	158067
	158068

	1	2	3	4	5
A	Fund	Fund Name	User	FY 2026	FY 2027
B	5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000
C	6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000
D	4700	General Operations	Department of Health	\$25,000	\$25,000
E	1570	Program Support	Department of Natural Resources	\$25,000	\$25,000
F	1350	Supportive Services	Department of Development	\$25,000	\$25,000

Section 321.10.					158069
					158070
1	2	3	4	5	
A	JLE JOINT LEGISLATIVE ETHICS COMMITTEE				
B	General Revenue Fund				
C	GRF	028321	Legislative Ethics Committee	\$713,000	\$713,000
D	General Revenue Fund Total			\$713,000	\$713,000
E	Dedicated Purpose Fund Group				
F	4G70	028601	Joint Legislative Ethics Committee	\$150,000	\$150,000
G	5HN0	028602	Investigations and Financial Disclosure	\$10,000	\$10,000
H	Dedicated Purpose Fund Group Total			\$160,000	\$160,000
I	TOTAL ALL BUDGET FUND GROUPS			\$873,000	\$873,000
Section 321.20. LEGISLATIVE ETHICS COMMITTEE					158071
On July 1, 2025, or as soon as possible thereafter, the					158072
Legislative Inspector General of the Joint Legislative Ethics					158073
Committee may certify to the Director of Budget and Management					158074
an amount up to the unexpended, unencumbered balance of the					158075
foregoing appropriation item 028321, Legislative Ethics					158076
Committee, at the end of fiscal year 2025 to be reappropriated					158077
to fiscal year 2026. The amount certified is hereby					158078
reappropriated to the same appropriation item for fiscal year					158079

2026. 158080

On July 1, 2026, or as soon as possible thereafter, the 158081
Legislative Inspector General of the Joint Legislative Ethics 158082
Committee may certify to the Director of Budget and Management 158083
an amount up to the unexpended, unencumbered balance of the 158084
foregoing appropriation item 028321, Legislative Ethics 158085
Committee, at the end of fiscal year 2026 to be reappropriated 158086
to fiscal year 2027. The amount certified is hereby 158087
reappropriated to the same appropriation item for fiscal year 158088
2027. 158089

Section 323.10. 158090
158091

1	2	3	4	5
A	LSC LEGISLATIVE SERVICE COMMISSION			
B	General Revenue Fund			
C	GRF	035321 Operating Expenses	\$24,800,000	\$24,800,000
D	GRF	035402 Legislative Fellows	\$1,200,000	\$1,200,000
E	GRF	035405 Correctional Institution Inspection Committee	\$125,000	\$0
F	GRF	035407 Legislative Task Force on Redistricting	\$100,000	\$0
G	GRF	035409 National Associations	\$712,000	\$712,000
H	GRF	035410 Legislative Information Systems	\$15,000,000	\$15,000,000

I	GRF 035501 Litigation	\$1,000,000	\$1,000,000
J	General Revenue Fund Total	\$42,937,000	\$42,712,000
K	TOTAL ALL BUDGET FUND GROUPS	\$42,937,000	\$42,712,000

Section 323.20. OPERATING EXPENSES 158092

On July 1, 2025, or as soon as possible thereafter, the 158093
Director of the Legislative Service Commission may certify to 158094
the Director of Budget and Management an amount up to the 158095
unexpended, unencumbered balance of the foregoing appropriation 158096
item 035321, Operating Expenses, at the end of fiscal year 2025 158097
to be reappropriated to fiscal year 2026. The amount certified 158098
is hereby reappropriated to the same appropriation item for 158099
fiscal year 2026. 158100

On July 1, 2026, or as soon as possible thereafter, the 158101
Director of the Legislative Service Commission may certify to 158102
the Director of Budget and Management an amount up to the 158103
unexpended, unencumbered balance of the foregoing appropriation 158104
item 035321, Operating Expenses, at the end of fiscal year 2026 158105
to be reappropriated to fiscal year 2027. The amount certified 158106
is hereby reappropriated to the same appropriation item for 158107
fiscal year 2027. 158108

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 158109

The foregoing appropriation item 035405, Correctional 158110
Institution Inspection Committee, shall be used for Correctional 158111
Institution Inspection Committee operations until the date the 158112
Committee is abolished. 158113

LEGISLATIVE TASK FORCE ON REDISTRICTING 158114

An amount equal to the unexpended, unencumbered balance of 158115
the foregoing appropriation item 035407, Legislative Task Force 158116
on Redistricting, at the end of fiscal year 2025 is hereby 158117
reappropriated to the Legislative Service Commission for the 158118
same purpose for fiscal year 2026. 158119

An amount equal to the unexpended, unencumbered balance of 158120
the foregoing appropriation item 035407, Legislative Task Force 158121
on Redistricting, at the end of fiscal year 2026 is hereby 158122
reappropriated to the Legislative Service Commission for the 158123
same purpose for fiscal year 2027. 158124

LEGISLATIVE INFORMATION SYSTEMS 158125

On July 1, 2025, or as soon as possible thereafter, the 158126
Director of the Legislative Service Commission may certify to 158127
the Director of Budget and Management an amount up to the 158128
unexpended, unencumbered balance of the foregoing appropriation 158129
item 035410, Legislative Information Systems, at the end of 158130
fiscal year 2025 to be reappropriated to fiscal year 2026. The 158131
amount certified is hereby reappropriated to the same 158132
appropriation item for fiscal year 2026. 158133

On July 1, 2026, or as soon as possible thereafter, the 158134
Director of the Legislative Service Commission may certify to 158135
the Director of Budget and Management an amount up to the 158136
unexpended, unencumbered balance of the foregoing appropriation 158137
item 035410, Legislative Information Systems, at the end of 158138
fiscal year 2026 to be reappropriated to fiscal year 2027. The 158139
amount certified is hereby reappropriated to the same 158140
appropriation item for fiscal year 2027. 158141

LITIGATION 158142

The foregoing appropriation item 035501, Litigation, shall 158143

be used for any lawsuit in which the General Assembly, or either 158144
house of the General Assembly, is made a party. The chairperson 158145
and vice-chairperson of the Legislative Service Commission shall 158146
both approve the use of the appropriated moneys. 158147

An amount equal to the unexpended, unencumbered balance of 158148
the foregoing appropriation item 035501, Litigation, at the end 158149
of fiscal year 2025 is hereby reappropriated to the Legislative 158150
Service Commission for the same purpose for fiscal year 2026. 158151

An amount equal to the unexpended, unencumbered balance of 158152
the foregoing appropriation item 035501, Litigation, at the end 158153
of fiscal year 2026 is hereby reappropriated to the Legislative 158154
Service Commission for the same purpose for fiscal year 2027. 158155

Section 325.10. 158156
158157

1	2	3	4	5
A	LIB STATE LIBRARY BOARD			
B	Dedicated Purpose Fund Group			
C	4590	350603	Services for Libraries	\$6,748,455 \$6,783,244
D	4S40	350604	Ohio Public Library Information Network	\$5,567,715 \$5,587,432
E	5CW1	350608	Ohioana Library Association	\$310,516 \$310,516
F	5CX1	350609	Regional Library Systems	\$494,000 \$494,000
G	5CZ1	350607	Operating Expenses	\$4,527,036 \$4,527,474

H	5GB0 350605 Library for the Blind	\$1,274,194	\$1,274,194
I	Dedicated Purpose Fund Group Total	\$18,921,916	\$18,976,860
J	Internal Service Activity Fund Group		
K	1390 350602 Services for State Agencies	\$8,000	\$8,000
L	Internal Service Activity Fund Group Total	\$8,000	\$8,000
M	Federal Fund Group		
N	3130 350601 LSTA Federal	\$5,554,767	\$5,609,015
O	Federal Fund Group Total	\$5,554,767	\$5,609,015
P	TOTAL ALL BUDGET FUND GROUPS	\$24,484,683	\$24,593,875

Section 325.20. OHIOANA LIBRARY ASSOCIATION 158158

Of the foregoing appropriation item 350608, Ohioana 158159
Library Association, \$191,000 in each fiscal year shall be used 158160
to support the operating expenses of the Martha Kinney Cooper 158161
Ohioana Library Association under section 3375.61 of the Revised 158162
Code. 158163

The remainder of the foregoing appropriation item 350608, 158164
Ohioana Library Association, shall be used to pay the rental 158165
expenses of the Martha Kinney Cooper Ohioana Library Association 158166
under section 3375.61 of the Revised Code. 158167

REGIONAL LIBRARY SYSTEMS 158168

The foregoing appropriation item 350609, Regional Library 158169

Systems, shall be used to support regional library systems 158170
eligible for funding under sections 3375.83 and 3375.90 of the 158171
Revised Code. 158172

OHIO PUBLIC LIBRARY INFORMATION NETWORK 158173

(A) The foregoing appropriation item 350604, Ohio Public 158174
Library Information Network, shall be used for an information 158175
telecommunications network linking public libraries in the state 158176
and such others as may participate in the Ohio Public Library 158177
Information Network (OPLIN). 158178

The Ohio Public Library Information Network Board of 158179
Trustees created under section 3375.65 of the Revised Code may 158180
make decisions regarding use of the foregoing appropriation item 158181
350604, Ohio Public Library Information Network. 158182

(B) The OPLIN Board shall research and assist or advise 158183
local libraries with regard to emerging technologies and methods 158184
that may be effective means to control access to obscene and 158185
illegal materials. The OPLIN Director shall provide written 158186
reports upon request within ten days to the Governor, the 158187
Speaker and Minority Leader of the House of Representatives, and 158188
the President and Minority Leader of the Senate on any steps 158189
being taken by OPLIN and public libraries in the state to limit 158190
and control such improper usage as well as information on 158191
technological, legal, and law enforcement trends nationally and 158192
internationally affecting this area of public access and 158193
service. 158194

(C) The Ohio Public Library Information Network, INFOhio, 158195
and OhioLINK shall, to the extent feasible, coordinate and 158196
cooperate in their purchase or other acquisition of the use of 158197
electronic databases for their respective users and shall 158198

contribute funds in an equitable manner to such effort.	158199
 LIBRARY FOR THE BLIND	 158200
 The foregoing appropriation item 350605, Library for the	 158201
Blind, shall be used for the statewide Talking Book Program to	158202
assist the blind and disabled.	158203
 TRANSFER TO OPLIN TECHNOLOGY FUND	 158204
 Notwithstanding sections 5747.03 and 5747.47 of the	 158205
Revised Code and any other provision of law to the contrary, in	158206
accordance with a schedule established by the Director of Budget	158207
and Management, the Director of Budget and Management shall	158208
transfer \$3,689,788 cash in each fiscal year from the Public	158209
Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund	158210
4S40) .	158211
 TRANSFER TO LIBRARY FOR THE BLIND FUND	 158212
 Notwithstanding sections 5747.03 and 5747.47 of the	 158213
Revised Code and any other provision of law to the contrary, in	158214
accordance with a schedule established by the Director of Budget	158215
and Management, the Director of Budget and Management shall	158216
transfer \$1,274,194 cash in each fiscal year from the Public	158217
Library Fund (Fund 7065) to the Library for the Blind Fund (Fund	158218
5GB0) .	158219
 TRANSFER TO STATE LIBRARY OPERATING EXPENSES FUND	 158220
 Notwithstanding sections 5747.03 and 5747.47 of the	 158221
Revised Code and any other provision of law to the contrary, in	158222
accordance with a schedule established by the Director of Budget	158223
and Management, the Director of Budget and Management shall	158224
transfer \$4,527,036 cash in fiscal year 2026 and \$4,527,474 cash	158225
in fiscal year 2027 from the Public Library Fund (Fund 7065) to	158226

the State Library Operating Expenses Fund (Fund 5CZ1), which is 158227
hereby created in the state treasury. 158228

TRANSFER TO THE OHIOANA LIBRARY ASSOCIATION FUND 158229

Notwithstanding sections 5747.03 and 5747.47 of the 158230
Revised Code and any other provision of law to the contrary, in 158231
accordance with a schedule established by the Director of Budget 158232
and Management, the Director of Budget and Management shall 158233
transfer \$310,516 cash in each fiscal year from the Public 158234
Library Fund (Fund 7065) to the Ohioana Library Association Fund 158235
(Fund 5CW1), which is hereby created in the state treasury. 158236

TRANSFER TO REGIONAL LIBRARY SYSTEMS FUND 158237

Notwithstanding sections 5747.03 and 5747.47 of the 158238
Revised Code and any other provision of law to the contrary, in 158239
accordance with a schedule established by the Director of Budget 158240
and Management, the Director of Budget and Management shall 158241
transfer \$494,000 cash in each fiscal year from the Public 158242
Library Fund (Fund 7065) to the Regional Library Systems Fund 158243
(Fund 5CX1), which is hereby created in the state treasury. 158244

Section 327.10. 158245
158246

1	2	3	4	5
A	LCO LIQUOR CONTROL COMMISSION			
B	Dedicated Purpose Fund Group			
C	5LP0 970601 Commission Operating		\$1,177,114	\$1,241,735
	Expenses			
D	Dedicated Purpose Fund Group Total		\$1,177,114	\$1,241,735

E	TOTAL ALL BUDGET FUND GROUPS	\$1,177,114	\$1,241,735

Section 329.10.

158247

158248

1	2	3	4	5

A LOT STATE LOTTERY COMMISSION

B State Lottery Fund Group

C	7044 950321 Operating Expenses	\$70,000,000	\$71,000,000

D	7044 950402 Advertising Contracts	\$30,811,375	\$30,811,375

E	7044 950403 Gaming Contracts	\$123,355,327	\$128,639,066

F	7044 950601 Direct Prize Payments	\$183,030,000	\$183,282,000

G	7044 950605 Responsible Gambling	\$5,000,000	\$5,000,000

H	8710 950602 Annuity Prizes	\$35,637,000	\$34,737,000

I	State Lottery Fund Group Total	\$447,833,702	\$453,469,441

J	TOTAL ALL BUDGET FUND GROUPS	\$447,833,702	\$453,469,441

Section 329.20. OPERATING EXPENSES

158249

Notwithstanding sections 127.14 and 131.35 of the Revised	158250
Code, the Controlling Board may, at the request of the State	158251
Lottery Commission, authorize expenditures from the State	158252
Lottery Fund in excess of the amount appropriated in each fiscal	158253
year, up to a maximum of 10 per cent of the amount appropriated	158254
that fiscal year in the foregoing appropriation item 950321,	158255
Operating Expenses. Upon the approval of the Controlling Board,	158256

the additional amounts are hereby appropriated. 158257

DIRECT PRIZE PAYMENTS 158258

Any amounts, in addition to the amounts appropriated in 158259
appropriation item 950601, Direct Prize Payments, that the 158260
Director of the State Lottery Commission determines to be 158261
necessary to fund prizes are hereby appropriated. 158262

ANNUITY PRIZES 158263

Upon request of the State Lottery Commission, the Director 158264
of Budget and Management may transfer cash from the State 158265
Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 158266
8710) in an amount sufficient to fund deferred prizes. The 158267
Treasurer of State, from time to time, shall credit the Deferred 158268
Prizes Trust Fund (Fund 8710) the pro rata share of interest 158269
earned by the Treasurer of State on invested balances. 158270

Any amounts, in addition to the amounts appropriated in 158271
appropriation item 950602, Annuity Prizes, that the Director of 158272
the State Lottery Commission determines to be necessary to fund 158273
deferred prizes and interest are hereby appropriated. 158274

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 158275

Estimated transfers from the State Lottery Fund (Fund 158276
7044) to the Lottery Profits Education Fund (Fund 7017) are to 158277
be \$1,465,138,202 in fiscal year 2026 and \$1,471,729,884 in 158278
fiscal year 2027. Transfers by the Director of Budget and 158279
Management to the Lottery Profits Education Fund shall be 158280
administered as the statutes direct. 158281

Section 333.10. 158282

158283

A	MCD DEPARTMENT OF MEDICAID		
B	General Revenue Fund		
C	GRF 651425	Medicaid Program Support - State	\$164,527,244 \$158,222,590
D	GRF 651525	Medicaid Health Care Services - Total	\$20,192,404,766 \$21,200,705,831
E		Medicaid Health Care Services - State	\$5,613,156,377 \$5,839,046,648
F		Medicaid Health Care Services - Federal	\$14,579,248,389 \$15,361,659,183
G	GRF 651526	Medicare Part D	\$696,563,080 \$760,700,223
H	General Revenue Fund Total		\$21,053,495,090 \$22,119,628,644
I	Dedicated Purpose Fund Group		
J	4E30 651605	Resident Protection Fund	\$7,000,000 \$7,000,000
K	5AN0 651686	State Directed Payment Program	\$50,000,000 \$50,000,000
L	5DL0 651639	Medicaid Services - Recoveries	\$938,907,575 \$896,537,969
M	5DL0 651685	Medicaid Recoveries - Program Support	\$89,560,719 \$91,388,371
N	5DL0 651690	Multi-system Youth Custody Relinquishment	\$20,000,000 \$20,000,000

O	5FX0	651638	Medicaid Services - Payment Withholding	\$12,000,000	\$12,000,000
P	5GF0	651656	Medicaid Services - Hospital Franchise Fee	\$2,632,211,017	\$3,030,014,270
Q	5R20	651608	Medicaid Services-Long Term	\$451,000,000	\$451,000,000
R	5TN0	651684	Medicaid Services-HIC Fee	\$879,876,850	\$869,039,656
S	6510	651649	Medicaid Services- Hospital Care Assurance Program	\$320,543,800	\$168,455,600
T	Dedicated Purpose Fund Group Total			\$5,401,099,961	\$5,595,435,866
U	Holding Account Fund Group				
V	R055	651644	Refunds and Reconciliation	\$14,001,665	\$14,001,665
W	Holding Account Fund Group Total			\$14,001,665	\$14,001,665
X	Federal Fund Group				
Y	3F00	651623	Medicaid Services - Federal	\$12,572,748,083	\$13,394,507,208
Z	3F00	651624	Medicaid Program Support - Federal	\$499,974,494	\$495,333,992
AA	3FA0	651680	Health Care Grants - Federal	\$7,000,000	\$7,000,000

AB 3G50 651655 Medicaid Interagency Pass	\$264,653,075	\$264,644,638
Through		
AC Federal Fund Group Total	\$13,344,375,652	\$14,161,485,838
AD TOTAL ALL BUDGET FUND GROUPS	\$39,812,972,368	\$41,890,552,013

Section 333.12. DIVERSITY EQUITY AND INCLUSION 158284

To the extent permitted by federal law, no funds 158285
appropriated in Section 333.10 shall be used for diversity, 158286
equity, and inclusion initiatives. This section does not apply 158287
to funds appropriated to provide services that support access to 158288
the community for Medicaid recipients with intellectual and 158289
developmental disabilities. 158290

Section 333.13. SOCIAL GENDER TRANSITION 158291

To the extent permitted by federal law, no funds 158292
appropriated in Section 333.10 of this act shall be distributed 158293
for mental health services that promote or affirm social gender 158294
transition, in which an individual goes from identifying with 158295
and living as a gender that corresponds to the individual's 158296
biological sex to identifying with and living as a gender 158297
different from the individual's biological sex. 158298

Section 333.15. MEDICAID IN SCHOOLS PROGRAM 158299

Of the foregoing appropriation items 651425, Medicaid 158300
Program Support - State, and 651624, Medicaid Program Support - 158301
Federal, \$349,925 in each line item in fiscal year 2026 and 158302
\$358,362 in each line item in fiscal year 2027 shall be used by 158303
the Department of Medicaid to support the Medicaid in Schools 158304
Program. 158305

Section 333.30. LODGING FOR FAMILIES 158306

Of the foregoing appropriation item 651525, Medicaid 158307
Health Care Services, \$2,500,000 in each fiscal year shall be 158308
used by the Medicaid Director to work with the Centers for 158309
Medicare and Medicaid Services to continue lodging as an 158310
administrative service affiliated with Ohio children's hospitals 158311
available for families with children who have special health 158312
care needs. 158313

Section 333.40. PERSONAL NEEDS ALLOWANCE SUPPORT 158314

Upon the request of the Medicaid Director, the Director of 158315
Budget and Management may transfer up to \$2,200,000 158316
appropriation in fiscal year 2026 and \$4,400,000 appropriation 158317
in fiscal year 2027 from appropriation item 651525, Medicaid 158318
Health Care Services, to appropriation items in the Department 158319
of Developmental Disabilities. This funding shall be used to 158320
support an increase in the personal needs allowance for 158321
individuals residing in an intermediate care facility for 158322
individuals with intellectual disabilities. The Medicaid 158323
Director may transfer federal funds as the state's single state 158324
agency for Medicaid reimbursements, as drawn for these 158325
transactions. Any amounts transferred are hereby appropriated. 158326

Section 333.50. MEDICARE PART D 158327

The foregoing appropriation item 651526, Medicare Part D, 158328
may be used by the Department of Medicaid for the implementation 158329
and operation of the Medicare Part D requirements contained in 158330
the "Medicare Prescription Drug, Improvement, and Modernization 158331
Act of 2003," Pub. L. No. 108-173, as amended. Upon the request 158332
of the Medicaid Director, the Director of Budget and Management 158333
may transfer the state share of appropriations between 158334

appropriation item 651525, Medicaid Health Care Services, and 158335
appropriation item 651526, Medicare Part D. If the state share 158336
of appropriation item 651525, Medicaid Health Care Services, is 158337
adjusted, the Director of Budget and Management shall adjust the 158338
federal share accordingly. The Department of Medicaid shall 158339
provide notification to the Controlling Board of any transfers 158340
at the next scheduled Controlling Board meeting. 158341

Section 333.70. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 158342
COSTS 158343

Upon the request of the Medicaid Director, the Director of 158344
Budget and Management may transfer state share appropriations in 158345
each fiscal year between appropriation item 651525, Medicaid 158346
Health Care Services, within the Department of Medicaid, and 158347
655522, Medicaid Program Support - Local, within the Department 158348
of Job and Family Services. If such a transfer occurs, the 158349
Director of Budget and Management shall adjust, using the 158350
federal reimbursement rate, the federal share appropriations of 158351
appropriation item 651525, Medicaid Health Care Services, within 158352
the Department of Medicaid, and appropriation item 655624, 158353
Medicaid Program Support - Federal, within the Department of Job 158354
and Family Services. Any increase in funding shall be provided 158355
to county departments of job and family services and shall only 158356
be used for costs related to processing cases for work 158357
requirements for the expansion eligibility group that are 158358
established under the medicaid waiver component required under 158359
section 5166.37 of the Revised Code, and as prescribed by the 158360
Medicaid Director. These funds shall not be used for existing 158361
and ongoing operating expenses. The Medicaid Director shall 158362
establish criteria for distributing these funds and for county 158363
departments of job and family services to submit allowable 158364
expenses. 158365

Section 333.80. DEPOSITS TO THE HEALTH CARE/MEDICAID 158366
SUPPORT AND RECOVERIES FUND FOR PROGRAM SUPPORT 158367

Of the amount received by the Department of Medicaid 158368
during fiscal year 2026 and fiscal year 2027 from the 158369
intergovernmental transfers paid under any directed payment 158370
program as authorized under 42 CFR 438.6(c), the Medicaid 158371
Director shall deposit a portion of the payments into the state 158372
treasury to the credit of the Health Care/Medicaid Support and 158373
Recoveries Fund (Fund 5DL0). The Director of Budget and 158374
Management may adjust appropriations in line item 651685, 158375
Medicaid Recoveries - Program Support, along with the 158376
corresponding federal share in line item 651624, Medicaid 158377
Program Support - Federal, based on the amount of the deposits 158378
to Fund 5DL0 made under this section. Any adjusted amounts are 158379
hereby appropriated. 158380

Section 333.85. DEPOSITS TO THE STATE DIRECTED PAYMENT 158381
PROGRAM FUND 158382

(A) Transfers made for the Hospital Directed Payment 158383
Program under section 5162.25 of the Revised Code shall be 158384
deposited into the State Directed Payment Program Fund (Fund 158385
5AN0). The state share of the program shall be derived from 158386
deposits attributable to the intergovernmental transfers 158387
received for the Hospital Directed Payment Program, and the 158388
corresponding federal share in appropriation item 651623, 158389
Medicaid Services - Federal, shall be used for the Hospital 158390
Directed Payment Program. Except for deposits under Section 158391
333.80 of this act, the Director of Budget and Management may 158392
transfer any remaining cash in Fund 5DL0 at the end of the 158393
fiscal year 2025 attributable to the Hospital Directed Payment 158394
Program to Fund 5AN0 to the credit of the Hospital Directed 158395

Payment Program. 158396

(B) If the Medicaid Director determines additional amounts 158397
are needed to support any authorized State Directed Payment 158398
Programs, the Director may certify the amount to the Director of 158399
Budget and Management. Upon certification from the Medicaid 158400
Director, the Director of Budget and Management shall increase 158401
appropriation item 651686, State Directed Payment Program, 158402
provided total expenditures from this appropriation item do not 158403
exceed \$850,000,000 in each fiscal year. The Director of Budget 158404
and Management shall also increase the corresponding federal 158405
share in appropriation item 651623, Medicaid Services - Federal. 158406
Any adjusted amounts are hereby appropriated. 158407

(C) Subject to divisions (B) and (D) of this section, 158408
\$16,000,000 in fiscal year 2026 and \$32,000,000 in fiscal year 158409
2027 from appropriation item 651686, State Directed Payment 158410
Program, as well as the corresponding federal shares in 158411
appropriation item 651623, Medicaid Services - Federal, shall be 158412
distributed for a directed payment program to support Bon 158413
Secours Mercy Health health system locations in the state of 158414
Ohio. 158415

(D) The Medicaid Director shall terminate the Hospital 158416
Directed Payment Program if funds deposited are insufficient to 158417
operate the program. 158418

Section 333.90. DEPOSITS TO THE HEALTH CARE/MEDICAID 158419
SUPPORT AND RECOVERIES FUND 158420

Of the amount received by the Department of Medicaid 158421
during fiscal year 2026 and fiscal year 2027 from the first 158422
installment of assessments paid under section 5168.06 of the 158423
Revised Code and intergovernmental transfers made under section 158424

5168.07 of the Revised Code, the Medicaid Director shall deposit 158425
\$2,500,000 cash in each fiscal year into the state treasury to 158426
the credit of the Health Care/Medicaid Support and Recoveries 158427
Fund (Fund 5DL0). 158428

Section 333.100. CASH TRANSFERS FROM THE HEALTH 158429
CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE BEHAVIORAL 158430
HEALTH CARE FUND 158431

Upon the request of the Medicaid Director, the Director of 158432
Budget and Management may transfer up to \$2,200,000 cash in each 158433
fiscal year from the Health Care/Medicaid Support and Recoveries 158434
Fund (Fund 5DL0) to the Behavioral Health Care Fund (Fund 5AU0), 158435
used by the Department of Behavioral Health. Any transferred 158436
funds shall be used to support Centers of Excellence and related 158437
activities. Any transferred amounts are hereby appropriated. 158438

Section 333.110. HOSPITAL FRANCHISE FEE PROGRAM 158439

The Director of Budget and Management may authorize 158440
additional expenditures from appropriation item 651623, Medicaid 158441
Services - Federal, appropriation item 651525, Medicaid Health 158442
Care Services, and appropriation item 651656, Medicaid Services 158443
- Hospital Franchise Fee, in order to implement the programs 158444
authorized by sections 5168.20 through 5168.28 of the Revised 158445
Code. Any amounts authorized are hereby appropriated. 158446

Section 333.120. HEALTH INSURING CORPORATION CLASS 158447
FRANCHISE FEE 158448

If receipts credited to the Health Insuring Corporation 158449
Class Franchise Fee Fund (Fund 5TN0) exceed the amounts 158450
appropriated from the fund, the Medicaid Director may request 158451
the Director of Budget and Management to authorize expenditures 158452
from the fund in excess of the amounts appropriated. If any 158453

additional amounts are authorized, the Director of Budget and 158454
Management shall adjust, using the federal reimbursement rate, 158455
the federal appropriation item identified by the Medicaid 158456
Director accordingly. Any authorized amounts and any 158457
corresponding federal adjustments are hereby appropriated. 158458

Section 333.130. HOSPITAL CARE ASSURANCE MATCH 158459

If receipts credited to the Health Care Federal Fund (Fund 158460
3F00) exceed the amounts appropriated from the fund for making 158461
the hospital care assurance program distribution, the Medicaid 158462
Director may request the Director of Budget and Management to 158463
authorize expenditures from the fund in excess of the amounts 158464
appropriated. Upon the approval of the Director of Budget and 158465
Management, the additional amounts are hereby appropriated. 158466

The foregoing appropriation item 651649, Medicaid Services 158467
- Health Care Assurance Program, shall be used by the Department 158468
of Medicaid for distributing the state share of all hospital 158469
care assurance program funds to hospitals under section 5168.09 158470
of the Revised Code. If receipts credited to the Hospital Care 158471
Assurance Program Fund (Fund 6510) exceed the amounts 158472
appropriated from the fund for making the hospital care 158473
assurance program distribution, the Medicaid Director may 158474
request the Director of Budget and Management to authorize 158475
expenditures from the fund in excess of the amounts 158476
appropriated. Upon the approval of the Director of Budget and 158477
Management, the additional amounts are hereby appropriated. 158478

Section 333.140. HOSPITAL ADDITIONAL PAYMENTS PROGRAM 158479

The Hospital Additional Payment Program is created. The 158480
program shall be a state directed payment program for inpatient 158481
and outpatient hospital services provided to Medicaid care 158482

management system enrollees receiving care at in-state 158483
hospitals. Participating hospitals or hospital industry 158484
representatives shall work collaboratively with the Department 158485
of Medicaid to establish quality improvement initiatives that 158486
are approved by the Medicaid Director and that align with and 158487
advance the goals of the Department of Medicaid's quality 158488
strategy required under 42. C.F.R. 438.340. Participating 158489
hospitals shall receive payments directly for services provided 158490
under the program. 158491

The non-federal share of services under the program shall 158492
be funded through the hospital franchise fee. Hospital franchise 158493
fees made for this program shall be deposited into the Medicaid 158494
Hospital Fund (Fund 5GF0). The state share of this program shall 158495
be derived from deposits attributable to the incremental 158496
franchise fee for the program, and the corresponding federal 158497
share in appropriation item 651623, Medicaid Services - Federal, 158498
shall be used for the HAP Program. The Medicaid Director shall 158499
seek approval from the Centers for Medicare and Medicaid 158500
Services for the program in accordance with section 5162.07 of 158501
the Revised Code. 158502

Section 333.150. REFUNDS AND RECONCILIATION FUND 158503

If estimated receipts to the Refunds and Reconciliation 158504
Fund (Fund R055) exceed the amounts appropriated from the fund, 158505
the Medicaid Director may request the Director of Budget and 158506
Management to authorize expenditures from the fund in excess of 158507
the amounts appropriated. Upon approval of the Director of 158508
Budget and Management, the additional amounts are hereby 158509
appropriated. 158510

Section 333.160. NON-EMERGENCY MEDICAL TRANSPORTATION 158511

In order to ensure access to a non-emergency medical 158512
transportation brokerage program established pursuant to section 158513
1902(a) (70) of the "Social Security Act," 42 U.S.C. 1396a(a) 158514
(70), upon the request of the Medicaid Director, the Director of 158515
Budget and Management may transfer the state share 158516
appropriations between General Revenue Fund appropriation item 158517
651525, Medicaid Health Care Services, within the Department of 158518
Medicaid and 655523, Medicaid Program Support - Local 158519
Transportation, within the Department of Job and Family 158520
Services. If such a transfer occurs, the Director of Budget and 158521
Management shall adjust, using the federal reimbursement rate, 158522
the federal share appropriations of appropriation item 651525, 158523
Medicaid Health Care Services, within the Department of 158524
Medicaid, and appropriation item 655624, Medicaid Program 158525
Support - Federal, within the Department of Job and Family 158526
Services. The Medicaid Director may transfer federal funds as 158527
the state's single state agency for Medicaid reimbursements, as 158528
drawn for these transactions. Any amounts transferred are hereby 158529
appropriated. 158530

Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY 158531
REDETERMINATIONS 158532

Up to \$5,000,000 in each fiscal year of funds within 158533
appropriation item 655522, Medicaid Program Support - Local, may 158534
be distributed based on performance criteria established by the 158535
Ohio Department of Medicaid. Performance based amounts and 158536
criteria, and criteria for transfer approval may include but are 158537
not limited to timeliness and accuracy of application and 158538
renewal processing. 158539

Section 333.210. CASH TRANSFERS FROM FRANCHISE PERMIT FEE 158540
FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING 158541

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$5,000,000 cash in each fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20) to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used by the Department of Health. Also, upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$9,300,000 cash in each fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20) to the Ombudsman Support Fund (Fund 5BA0), used by the Department of Aging. All transferred funds shall be utilized in accordance with section 5168.54 of the Revised Code. At the end of each fiscal year, the Department of Health and the Department of Aging shall report on spending activities to the Office of Budget and Management.

Section 333.230. MEDICAID INTERAGENCY PASS-THROUGH

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651655, Medicaid Interagency Pass-Through. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.240. MEDICAID SERVICES RECOVERIES

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651639, Medicaid Services Recoveries. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.250. MYCARE OHIO EXPANSION

(A) As required by H.B. 33 of the 135th General Assembly, the Medicaid Director shall continue, during fiscal years 2026 and 2027, to expand the Integrated Care Delivery System, as that phrase is defined in section 5164.01 of the Revised Code, or if

the Director terminates the Integrated Care Delivery System, the 158571
successor program developed by the Director and approved by the 158572
United States Centers for Medicare and Medicaid Services, to all 158573
counties of this state. 158574

(B) The entities selected for the expanded Integrated Care 158575
Delivery System shall be selected by the Department. 158576

(C) The Department shall establish requirements for care 158577
management and coordination of waiver services in the expanded 158578
Integrated Care Delivery System, subject to all of the 158579
following: 158580

(1) The entities selected pursuant to division (B) of this 158581
section shall employ the applicable area agency on aging to be 158582
coordinators of home and community-based services available 158583
under a Medicaid waiver component available for eligible 158584
individuals over the age of fifty-nine; 158585

(2) The entities may delegate to the applicable area 158586
agency on aging full care coordination function for home and 158587
community-based services and other health care services received 158588
by those eligible individuals; 158589

(3) Individuals enrolled in an entity's plan or plans may 158590
choose the entity or its designee as the care coordinator as an 158591
alternative to the area agency on aging; 158592

(4) The Department may specify an alternative approach to 158593
care management and coordination of waiver services if the 158594
performance of the area agency on aging does not meet the 158595
requirements of the Integrated Care Delivery System or if the 158596
Department determines that the needs of a defined group of 158597
individuals requires an alternative approach. 158598

Section 333.260. INCREASING CHILDREN'S ACCESS TO VISION 158599

AND DENTAL SERVICES 158600

Upon the request of the Medicaid Director, the Director of 158601
Budget and Management may transfer up to \$4,660,000 in 158602
appropriations in fiscal year 2026 and \$4,295,000 in 158603
appropriations in fiscal year 2027 from appropriation item 158604
651525, Medicaid Health Care Services, to appropriation items in 158605
the Department of Health. This funding shall be used to support 158606
public health programs or the provision of certain services, 158607
including preventive care and other interventions, to improve 158608
the health of low-income children. 158609

Of the transferred funds, up to \$2,660,000 in fiscal year 158610
2026 and \$2,295,000 in fiscal year 2027 shall be used to 158611
increase children's access to vision care, and up to \$2,000,000 158612
in each fiscal year shall be used to increase children's access 158613
to dental care. The Director of Medicaid may transfer federal 158614
funds as the state's single state agency for Medicaid 158615
reimbursements, as drawn for these transactions. Any transferred 158616
amounts are hereby appropriated. 158617

Section 333.263. MEDICAID ADD-ON PAYMENT FOR NURSING 158618
FACILITY DIALYSIS SERVICES 158619

For fiscal year 2026 and fiscal year 2027, the Department 158620
of Medicaid shall pay a rate add-on of one hundred ten dollars 158621
per treatment for dialysis services provided in a nursing 158622
facility, as defined in section 5165.01 of the Revised Code, to 158623
a resident enrolled in the Medicaid program. 158624

Section 333.270. HCBS DIRECT CARE WORKER WAGES 158625

The Department of Medicaid, jointly, with the Department 158626
of Aging and the Department of Developmental Disabilities, shall 158627
collect data from providers regarding the wages paid to direct 158628

care workers providing direct care services under the Medicaid 158629
home and community-based waiver components administered by those 158630
agencies. Not later than the last day in December of each fiscal 158631
year of the biennium, the Department of Medicaid shall compile a 158632
report and submit the report to the Governor, the President and 158633
Minority Leader of the Senate, the Speaker and Minority Leader 158634
of the House of Representatives, and the chairperson of the 158635
standing committees handling Medicaid matters in both the House 158636
of Representatives and the Senate. 158637

Section 333.280. GRADUAL IMPLEMENTATION OF PDPM TO 158638
CALCULATE NURSING FACILITY DIRECT CARE RATES 158639

(A) For the period beginning July 1, 2025, and ending 158640
December 31, 2025, the Department of Medicaid shall determine 158641
each nursing facility's per medicaid day payment rate for direct 158642
care costs by multiplying the cost per case-mix unit determined 158643
under division (C) of section 5165.19 of the Revised Code for 158644
the facility's peer group by the following case-mix score: 158645

(1) If the facility's case-mix score during fiscal year 158646
2025 is the case-mix score specified in division (A)(2)(b) of 158647
section 5165.19 of the Revised Code, that case-mix score; 158648

(2) If the facility's case-mix score during fiscal year 158649
2025 is the semiannual case-mix score determined for the 158650
facility under division (A)(1) of section 5165.19 of the Revised 158651
Code, the semiannual case-mix score determined under that 158652
division for the semiannual period beginning July 1, 2025. 158653
Beginning January 1, 2026, the increase or decrease in a nursing 158654
facility's direct care rate shall be one-third of the difference 158655
between the direct care rate on January 1, 2025, and the direct 158656
care rate determined utilizing case mix scores calculated in 158657
accordance with section 5165.192 of the Revised Code. 158658

In fiscal year 2027, the increase or decrease to a nursing facility's direct care rate shall be two-thirds of the difference between the direct care rate on January 1, 2025, and the direct care rate determined utilizing case mix scores calculated in accordance with section 5165.192 of the Revised Code. Thereafter, a nursing facility's direct care rate shall be determined utilizing case mix scores calculated in accordance with section 5165.192 of the Revised Code.

(B) Beginning October 1, 2025, quarterly during fiscal year 2026 and fiscal year 2027, the Department of Medicaid shall report to the General Assembly on the progress of its transition to using the patient driven patient model to calculate nursing facility per Medicaid day payment rates. The report shall cover the progress during the previous quarter. The report shall be submitted to the chairperson and the ranking member of the standing committees in both the House of Representatives and in the Senate overseeing Medicaid matters.

(C) The implementation of this section for nursing facility direct care costs and per Medicaid day payment rates is intended to be budget neutral during fiscal years 2026 and 2027 and to not increase nursing facility payment rates during the fiscal biennium.

Section 333.290. RURAL OHIO HOSPITAL TAX PILOT PROGRAM

(A) As used in this section:

(1) "Critical access hospital" means a hospital located in a county that has a hospital tax assessment and is certified as a critical access hospital by the United States Centers for Medicare and Medicaid Services and designated as a critical access hospital by the department of health pursuant to section

3701.073 of the Revised Code. 158688

(2) "Hospital tax assessment" means an assessment imposed 158689
under Section 333.300 of this act to fund the nonfederal share 158690
of the Rural Ohio Hospital Tax Pilot Program. 158691

(3) "Preprint" means a form created by the United States 158692
Centers for Medicare and Medicaid Services to request approval 158693
of a state directed payment program as required under 42 C.F.R. 158694
438.6(c). 158695

(4) "Rural hospital" means a hospital located in a county 158696
that has a hospital tax assessment and is not classified into 158697
core based statistical areas as designated in the inpatient 158698
prospective payment system case-mix and wage index table 158699
published by the United States Centers for Medicare and Medicaid 158700
Services. "Rural hospital" includes any hospital located in the 158701
following counties: Fayette, Greene, Highland, Hocking, 158702
Muskingum, Perry, Pike, Ross, Scioto, or Washington. 158703

(B) The Rural Ohio Hospital Tax Pilot Program Fund (Fund 158704
5CM1) is created. Investment earnings of the Rural Ohio Hospital 158705
Tax Pilot Program Fund shall be credited to the fund. 158706

(C) The Medicaid Director may create a Rural Ohio Hospital 158707
Tax Pilot Program for directed payments to rural Ohio hospitals, 158708
and their related health systems, that meet the following 158709
criteria: 158710

(1) The hospital is a rural hospital or a critical access 158711
hospital. 158712

(2) The hospital is enrolled as a provider in the Medicaid 158713
program. 158714

(D) The Rural Ohio Hospital Tax Pilot Program established 158715

pursuant to this section shall comply with the requirements of 158716
42 C.F.R. 438.6(c), including all of the following: 158717

(1) The program shall be approved by the United States 158718
Centers for Medicare and Medicaid Services, and the Medicaid 158719
Director shall seek approval for the program in accordance with 158720
section 5162.07 of the Revised Code. 158721

(2) Directed payments under the program shall not exceed 158722
the average commercial rate under a preprint as approved by the 158723
United States Centers for Medicare and Medicaid Services. 158724

(3) The program shall be subject to an evaluation plan, in 158725
accordance with 42 C.F.R. 438.6(c) (2) (ii) (D) . 158726

(E) Hospital providers participating in the Rural Ohio 158727
Hospital Tax Pilot Program shall do all of the following: 158728

(1) Enter into one or more contracts related to the 158729
program as necessary, as determined by the Department of 158730
Medicaid; 158731

(2) Comply with average commercial rate reporting 158732
requirements established by the Department, related to the 158733
requirements set forth in 42 C.F.R. 438.6(c) (2) (iii); 158734

(3) Comply with the Department's quality measure set, 158735
including the metrics and targets set by the Department to 158736
advance the goals and objectives in the Department's quality 158737
strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 158738
C.F.R. 438.340; 158739

(4) Cooperate with any evaluation or reporting 158740
requirements established by the Department related to the 158741
requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F) . 158742

(F) Any hospital provider contracts required under 158743

division (E) (1) of this section shall be executed not later than 158744
the first day of October preceding the first fiscal year of a 158745
biennium. A contract required under this section may be entered 158746
into in accordance with section 5162.32 of the Revised Code. 158747

(G) All funds supporting the Rural Ohio Tax Pilot Program 158748
shall comply with the requirements specified in 42 C.F.R. Part 158749
433. No hospital provider may participate in the Rural Ohio 158750
Hospital Tax Pilot Program unless sufficient tax funds are 158751
assessed, collected, obligated, and appropriated. 158752

(H) The Director may terminate or decline to establish the 158753
Rural Ohio Hospital Tax Pilot Program if federal or local tax 158754
funding is not available or sufficient to sustain the program. 158755
The Department shall not at any time be required to provide 158756
funding for the Rural Ohio Hospital Tax Pilot Program. The 158757
requirements of this section apply only as long as the United 158758
States Centers for Medicare and Medicaid Services determines 158759
that the assessment imposed under Section 333.300 of this act is 158760
a permissible health care-related tax pursuant to the "Social 158761
Security Act," section 1903(w), 42 U.S.C. 1396b(w). If the 158762
Department is informed that the assessment is an impermissible 158763
health care related tax, the Department shall promptly refund to 158764
each hospital the amount of money currently in the Rural Ohio 158765
Hospital Tax Pilot Program Fund (Fund 5CM1) that has been paid 158766
by the hospital under Section 333.300 of this act, plus any 158767
investment earnings on that amount. 158768

(I) The nonfederal share of the directed payments shall be 158769
funded exclusively by a hospital tax assessment pursuant to 158770
Section 333.300 of this act and must be remitted to the 158771
Department through intergovernmental transfer from a county or 158772
multi-county funding district, as specified in that section. 158773

(J) Transfers made for the program shall be deposited into 158774
the Rural Ohio Hospital Tax Pilot Program Fund (Fund 5CM1). The 158775
state share of this program shall be derived from deposits 158776
attributable to the intergovernmental transfers received for the 158777
Rural Ohio Hospital Tax Pilot Program, and the corresponding 158778
federal share in appropriation item 651623, Medicaid Services - 158779
Federal, shall be used for the Rural Ohio Hospital Tax Pilot 158780
Program. 158781

Section 333.300. RURAL OHIO HOSPITAL PILOT PROGRAM 158782
ASSESSMENTS 158783

(A) (1) As used in this section, "county" means a county 158784
that contains a rural hospital or critical access hospital as 158785
defined in Section 333.290 of this act. 158786

(2) For purposes of this section, one or more contiguous 158787
counties may create a multi-county funding district. Only 158788
counties with two or fewer rural hospitals may participate in a 158789
multi-county funding district. The boundary of any multi-county 158790
funding district shall be coextensive with the combined 158791
boundaries of the counties contained in the multi-county funding 158792
district. 158793

(B) In establishing a multi-county funding district, all 158794
of the following apply: 158795

(1) A multi-county funding district is a governmental 158796
entity. 158797

(2) The board of county commissioners of each county 158798
within the boundaries of a proposed multi-county funding 158799
district shall pass a resolution or ordinance establishing the 158800
county's participation in the multi-county funding district and 158801
appointing one county commissioner to serve on the district's 158802

governing board. Upon the adoption of a resolution or ordinance 158803
by each board of county commissioners, the multi-county funding 158804
district is created. Following the creation of a multi-county 158805
funding district, each resolution or ordinance required to 158806
establish the district shall be amended before a new county may 158807
join the district. 158808

(3) The governing board of a multi-county funding district 158809
shall be comprised solely of the county commissioners appointed 158810
by each county within the boundaries of the district. A county 158811
may replace its appointment to the governing board by resolution 158812
or ordinance. 158813

(4) The governing board of a multi-county funding district 158814
shall delegate the operational and administrative burdens of the 158815
districts to the counties that comprise the district. Within 158816
sixty days of the establishment of a multi-county funding 158817
district, the governing board shall designate at least one 158818
county to serve as the operational and administrative lead for 158819
the district. The governing board may change this designation at 158820
any time. 158821

(C) A county or multi-county funding district may 158822
establish a local hospital assessment to provide the nonfederal 158823
share for Medicaid payments under division (G) of Section 158824
333.290 of this act. Any local assessment established under this 158825
section shall comply with all of the requirements applicable to 158826
provider assessments, as specified in 42 U.S.C. 1396b(w) and 42 158827
C.F.R. 433.68. 158828

(1) Each county or multi-county funding district shall set 158829
the annual rate of the local hospital assessment. 158830

(2) An assessment established under this section shall 158831

apply uniformly to all non-public hospitals within the 158832
jurisdiction of the county or multi-county funding district. A 158833
county or multi-county funding district may apply the assessment 158834
to public hospitals. 158835

(3) A county or multi-county funding district shall set 158836
the rate of the assessment such that, in the aggregate, the 158837
assessment will generate sufficient revenue to cover both of the 158838
following: 158839

(a) The nonfederal share of Medicaid payments that benefit 158840
hospitals in the county or multi-county funding district; 158841

(b) The administrative expenses of the county or multi- 158842
county funding district in administering the local hospital 158843
assessment, except that administrative expenses shall not exceed 158844
one hundred fifty thousand dollars annually. 158845

(4) Implementation of an assessment established under this 158846
section shall further the state's evolving quality goals, 158847
including improving mental health, substance abuse prevention, 158848
and advancing maternal health. 158849

(5) A county or multi-county funding district may impose 158850
penalties upon a hospital that is subject to an assessment that 158851
fails to pay the assessment in a timely manner. 158852

Section 333.360. GROUP VIII TRANSITION PLAN 158853

As used in this section, "expansion eligibility group" has 158854
the same meaning as in section 5163.01 of the Revised Code. 158855

If, during fiscal year 2026 or fiscal year 2027, the 158856
federal medical assistance percentage for the Medicaid expansion 158857
eligibility group is set below ninety percent, and individuals 158858
enrolled in Medicaid on the basis of being enrolled in the 158859

expansion eligibility group are no longer eligible to be 158860
enrolled in the Medicaid program in accordance with section 158861
5163.04 of the Revised Code, the Department of Medicaid shall 158862
implement a phased transition plan to assist those individuals 158863
by redirecting them to private insurance subsidies or charity 158864
care programs that provide medical assistance. 158865

Section 333.415. TRANSFERS FROM THE HEALTH AND HUMAN 158866
SERVICES RESERVE FUND TO THE GENERAL REVENUE FUND 158867

During fiscal years 2026 and 2027, if the Director of 158868
Budget and Management determines that the Department of Medicaid 158869
will exhaust the funds provided under GRF appropriation item 158870
651525, Medicaid Health Care Services, and other relevant non- 158871
GRF Medicaid appropriation items for a given fiscal year, and 158872
also determines that it is necessary to increase the 158873
corresponding state and federal shares of GRF appropriation item 158874
651525 to fully pay the state's Medicaid program obligations, 158875
the Director of Budget and Management may seek Controlling Board 158876
approval to transfer cash from the Health and Human Services 158877
Reserve Fund (Fund 5SA4) to the General Revenue Fund to fund the 158878
needed increase to the state share of GRF appropriation item 158879
651525. 158880

If the Director of Budget and Management receives 158881
Controlling Board approval and makes such a transfer, they shall 158882
also adjust the federal share of GRF appropriation line item 158883
651525 correspondingly. Any such Controlling Board approved 158884
transfers and adjustments made by the Director of Budget and 158885
Management are hereby appropriated. 158886

Notwithstanding any provision of law to the contrary, the 158887
total amount of the cash transfer from the Health and Human 158888
Services Reserve Fund (Fund 5SA4) to the General Revenue Fund 158889

shall not exceed \$250,000,000 in either fiscal year 2026 or 158890
fiscal year 2027. 158891

During fiscal years 2026 and 2027, the Ohio Department of 158892
Medicaid shall make every effort to achieve administrative cost 158893
savings, programmatic cost savings, and implement agency 158894
administration efficiency projects, reductions in contracting 158895
and vendor costs, and policies focusing on healthier outcomes. 158896
The Ohio Department of Medicaid shall also endeavor to ensure 158897
Medicaid benefits are received only by eligible recipients. 158898
Should the Director of Budget and Management seek Controlling 158899
Board approval to make the transfers permitted by this section, 158900
the Medicaid Director shall report to the Controlling Board on 158901
the Ohio Department of Medicaid's progress on these savings and 158902
efficiency endeavors. 158903

Section 335.10. 158904
158905

1	2	3	4	5
A	MED STATE MEDICAL BOARD			
B	Dedicated Purpose Fund Group			
C	5C60 883609 Operating Expenses		\$14,315,005	\$14,891,225
D	Dedicated Purpose Fund Group Total		\$14,315,005	\$14,891,225
E	TOTAL ALL BUDGET FUND GROUPS		\$14,315,005	\$14,891,225

Section 337.10. 158906
158907

1	2	3	4	5

A	MHA DEPARTMENT OF BEHAVIORAL HEALTH		
B	General Revenue Fund		
C	GRF	336321 Program Support and Operations	\$56,671,000 \$56,671,000
D	GRF	336402 Resident Trainees	\$380,000 \$380,000
E	GRF	336406 Prevention and Wellness	\$5,500,000 \$5,500,000
F	GRF	336407 Crisis Services and Stablization	\$17,000,000 \$22,000,000
G	GRF	336412 Hospital Services	\$326,500,000 \$335,000,000
H	GRF	336415 Mental Health Facilities Lease Rental Bond Payments	\$27,500,000 \$24,200,000
I	GRF	336421 Continuum of Care Services	\$104,080,000 \$104,080,000
J	GRF	336422 Criminal Justice Services	\$28,500,000 \$28,500,000
K	GRF	336425 Specialized Docket Support	\$11,282,469 \$11,287,028
L	GRF	336504 Community Innovations	\$8,500,000 \$8,500,000
M	GRF	336510 Residential State Supplement	\$24,000,000 \$24,000,000
N	GRF	336516 Appalachian Children Coalition	\$2,500,000 \$2,500,000

O	GRF	336519	Community Projects	\$5,125,000	\$4,325,000
P	GRF	336522	9-8-8 Suicide Crisis	\$25,500,000	\$23,000,000
Q	GRF	652321	Medicaid Support	\$478,055	\$492,396
R			General Revenue Fund Total	\$643,516,524	\$650,435,424
S			Dedicated Purpose Fund Group		
T	4750	336623	Statewide Treatment and Prevention	\$24,000,000	\$24,000,000
U	4850	336632	Mental Health Operating	\$19,000,000	\$24,200,000
V	5AU0	336615	Behavioral Health Care	\$11,000,000	\$11,000,000
W	5JL0	336629	Problem Gambling and Casino Addiction	\$9,000,000	\$7,750,000
X	5T90	336641	Problem Gambling Services	\$3,200,000	\$3,200,000
Y	5VV0	336645	Transcranial Magnetic Stimulation Program	\$5,000,000	\$5,000,000
Z	6320	336616	Community Capital Replacement	\$350,000	\$350,000
AA	6890	336640	Education and Conferences	\$200,000	\$200,000
AB			Dedicated Purpose Fund Group Total	\$71,750,000	\$75,700,000
AC			Internal Service Activity Fund Group		
AD	1490	336609	Hospital Operating	\$16,000,000	\$16,000,000

Expenses

AE 1490 336610	Operating Expenses	\$7,350,000	\$7,350,000
AF 1510 336601	Ohio Pharmacy Services	\$124,937,150	\$146,503,708
AG 4P90 336604	Community Mental Health Projects	\$250,000	\$250,000
AH Internal Service Activity Fund Group Total		\$148,537,150	\$170,103,708
AI Federal Fund Group			
AJ 3240 336605	Medicaid/Medicare	\$18,000,000	\$18,000,000
AK 3A70 336612	Social Services Block Grant	\$8,500,000	\$8,500,000
AL 3A80 336613	Federal Grants	\$8,600,000	\$8,600,000
AM 3A90 336614	Mental Health Block Grant	\$52,000,000	\$46,000,000
AN 3B10 652636	Community Medicaid Legacy Support	\$1,600,000	\$1,600,000
AO 3G40 336618	Substance Abuse Block Grant	\$87,000,000	\$86,000,000
AP 3H80 336606	Demonstration Grants	\$16,000,000	\$16,000,000
AQ 3HB1 336644	State Opioid Response	\$170,000,000	\$170,000,000
AR 3N80 336639	Administrative Reimbursement	\$1,000,000	\$1,000,000

AS Federal Fund Group Total	\$362,700,000	\$355,700,000
AT TOTAL ALL BUDGET FUND GROUPS	\$1,226,503,674	\$1,251,939,132

Section 337.20. STATE BLOCK GRANTS 158908

(A) As used in this section: 158909

(1) "Drug used in withdrawal management or detoxification" 158910
means a drug approved by the United States Food and Drug 158911
Administration for use in, or a drug in standard use for, 158912
mitigating alcohol or opioid withdrawal symptoms or assisting 158913
with detoxification. 158914

(2) "Jail" has the same meaning as in section 2929.01 of 158915
the Revised Code. 158916

(3) "Medication-assisted treatment" has the same meaning 158917
as in section 340.01 of the Revised Code. 158918

(4) "Medication-assisted treatment drug court program" 158919
means a session of any of the following that holds initial or 158920
final certification from the Supreme Court of Ohio as a 158921
specialized docket program for drugs and that uses medication- 158922
assisted treatment as part of its specialized docket program: a 158923
common pleas court, municipal court, or county court, or a 158924
division of any of those courts. 158925

(5) "Alcohol and drug addiction services," "mental health 158926
services," "recovery housing residence," and "recovery supports" 158927
have the same meanings as in section 5119.01 of the Revised 158928
Code. 158929

(B) In fiscal years 2026 and 2027, the Department of 158930
Behavioral Health may allocate General Revenue Funds described 158931
in this section, as well as any other General Revenue Funds and 158932

Dedicated Purpose Funds determined by the Department, to boards 158933
of alcohol, drug addiction, and mental health services through 158934
state block grants. These state block grants shall serve to 158935
provide flexibility within established allowable uses for the 158936
boards to disburse funds to behavioral health providers to 158937
provide harm reduction, prevention, substance use disorder 158938
treatment, mental health treatment, recovery supports, and 158939
crisis services in local communities. The Director of Behavioral 158940
Health shall adopt guidelines on the eligible uses of these 158941
block grants. 158942

(C) The Director of Behavioral Health shall create a 158943
uniform reporting structure related to the expenditures, uses, 158944
and outcomes of the state block grants described in this 158945
section, including how expenditures, uses, and outcomes relate 158946
to the community addiction and mental health plans that boards 158947
of alcohol, drug addiction, and mental health services are 158948
required to submit to the Department in accordance with section 158949
340.03 of the Revised Code. The reporting structure shall ensure 158950
that thorough and accurate data is reported with a focus on 158951
transparency, accountability, process improvement, outcomes, and 158952
return on investment. Data points to be collected include, but 158953
are not limited to: 158954

(1) The type of service provided and number of individuals 158955
served; 158956

(2) The amount spent for each state block grant broken 158957
down by primary, secondary, tertiary, and targeted expenditures; 158958

(3) Data regarding provider determination and monitoring 158959
activities; 158960

(4) Key performance indicators and outcomes achieved. 158961

This data shall be made available in accordance with state 158962
of Ohio data governance best practices and federal and state 158963
security and privacy laws, regulations, and standards. 158964

(D) The Department of Behavioral Health shall disburse the 158965
state block grant funds to boards of alcohol, drug addiction, 158966
and mental health services in accordance with distribution 158967
methodologies determined by the Director of Behavioral Health. 158968
In determining the methodologies, the Director shall consider, 158969
at a minimum, all of the following factors: population 158970
indicators, poverty rates, health workforce shortage statistics, 158971
relevant emerging behavioral health trends, and the amounts of 158972
fiscal year 2025 awards made to each board of alcohol, drug 158973
addiction, and mental health services for related programs that 158974
are eligible uses of the state block grant funds. 158975

(E) A portion of the foregoing appropriation item 336406, 158976
Prevention and Wellness, shall be used to create a Prevention 158977
State Block Grant that boards of alcohol, drug addiction, and 158978
mental health services shall use to fund the provision of 158979
evidence-based or evidence-informed early intervention, suicide 158980
prevention, and other prevention services. 158981

The Director of Behavioral Health shall establish 158982
allowable uses for the Prevention State Block Grant that 158983
include, but are not limited to, all of the following: 158984

- (1) Prevention across the lifespan; 158985
- (2) Suicide prevention across the lifespan; 158986
- (3) Early intervention; 158987
- (4) Cross-system collaborative effort to address 158988
prevention needs in the community. 158989

(F) A portion of the foregoing appropriation item 336407, 158990
Crisis Services and Stabilization, shall be used to create a 158991
Crisis Services State Block Grant that shall be used by boards 158992
of alcohol, drug addiction, and mental health services to fund 158993
the provision of crisis services and supports. 158994

The Director of Behavioral Health shall establish 158995
allowable uses for the Crisis Services State Block Grant that 158996
include, but are not limited to, all of the following: 158997

(1) Substance use and mental health crisis stabilization 158998
centers; 158999

(2) Crisis stabilization and crisis prevention services 159000
and supports; 159001

(3) Cross-systems collaborative efforts to address crisis 159002
services needs in the community. 159003

(G) A portion of the foregoing appropriation item 336421, 159004
Continuum of Care Services, shall be used to create a Mental 159005
Health State Block Grant that shall be used by boards of 159006
alcohol, drug addiction, and mental health services to fund the 159007
provision of mental health services and recovery supports. 159008

The Director of Behavioral Health shall establish 159009
allowable uses for the Mental Health State Block Grant that 159010
include, but are not limited to, all of the following: 159011

(1) Mental health services, including the treatment of 159012
indigent mentally ill persons subject to court order in 159013
hospitals or inpatient units licensed by the Department of 159014
Behavioral Health under section 5119.33 of the Revised Code; 159015

(2) Cross-system collaborative efforts to serve adults 159016
with serious mental illness who are involved in multiple human 159017

services or criminal justice systems; 159018

(3) Other initiatives designed to address mental health 159019
needs. 159020

(H) A portion of the foregoing appropriation item 336421, 159021
Continuum of Care Services, shall be used to create a Substance 159022
Use Disorder State Block Grant that shall be used by boards of 159023
alcohol, drug addiction, and mental health services to fund the 159024
provision of alcohol and drug addiction services and recovery 159025
supports. 159026

The Director of Behavioral Health shall establish 159027
allowable uses for the Substance Use Disorder State Block Grant 159028
that include, but are not limited to, all of the following: 159029

(1) Initiatives concerning alcohol and drug addiction 159030
services; 159031

(2) Substance use stabilization centers; 159032

(3) Cross-system collaborative efforts to address 159033
substance use disorder needs in the community. 159034

(I) A portion of the foregoing appropriation item 336421, 159035
Continuum of Care Services, shall be used to create a Recovery 159036
Supports State Block Grant that shall be used by boards of 159037
alcohol, drug addiction, and mental health services to fund the 159038
provision of recovery supports. 159039

The Director of Behavioral Health shall establish 159040
allowable uses for the Recovery Supports State Block Grant that 159041
include, but are not limited to, all of the following: 159042

(1) Subsidized support for psychotropic and substance use 159043
disorder treatment medication needs of indigent citizens in the 159044
community to reduce unnecessary hospitalization due to lack of 159045

medication; 159046

(2) Peer support; 159047

(3) Operational expenses and minor facility improvements 159048
to class two and class three residential facilities licensed 159049
under section 5119.34 of the Revised Code and recovery housing 159050
residences; 159051

(4) Community reintegration supports; 159052

(5) Cross-system collaborative efforts to address recovery 159053
support needs in the community. 159054

(J) A portion of the foregoing appropriation item 336422, 159055
Criminal Justice Services, shall be used to create a Criminal 159056
Justice State Block Grant that shall be used by boards of 159057
alcohol, drug addiction, and mental health services to fund the 159058
provision of services and supports to incarcerated individuals 159059
and individuals being discharged from prisons and jails. 159060

The Director of Behavioral Health shall establish 159061
allowable uses for the Criminal Justice State Block Grant that 159062
include, but are not limited to, all of the following: 159063

(1) Medication-assisted treatment and treatment involving 159064
drugs used in withdrawal management or detoxification; 159065

(2) Community reintegration supports; 159066

(3) Substance use disorder treatment and mental health 159067
treatment, including the provision of such treatment as an 159068
alternative to incarceration, as well as recovery supports; 159069

(4) Forensic monitoring and tracking of individuals on 159070
conditional release; 159071

(5) Forensic and crisis response training; 159072

(6) Projects that assist courts and law enforcement in 159073
identifying and developing appropriate alternative services to 159074
incarceration for nonviolent offenders with mental illness; 159075

(7) The provision of services to incarcerated individuals 159076
in jails with a substance use disorder, severe mental illness, 159077
or both, including screening and clinically appropriate 159078
treatment; 159079

(8) Linkages to, and the provision of, substance use 159080
disorder treatment, mental health treatment, recovery supports, 159081
and specialized re-entry services for incarcerated individuals 159082
leaving prisons and jails; 159083

(9) The support of specialized dockets, including the 159084
expansion of existing medication-assisted treatment drug court 159085
programs, the creation of new medication-assisted treatment drug 159086
court programs, and assistance with the administrative expenses 159087
of participating courts, community addiction services providers, 159088
and community mental health services providers; 159089

(10) Cross-system collaborative efforts to address the 159090
needs of individuals involved in the criminal justice system. 159091

Section 337.30. PREVENTION AND WELLNESS 159092

The foregoing appropriation item 336406, Prevention and 159093
Wellness, shall be used as follows: 159094

(A) Up to \$3,000,000 in each fiscal year shall be 159095
allocated to boards of alcohol, drug addiction, and mental 159096
health services through the Prevention State Block Grant 159097
established in division (E) of Section 337.20 of this act. 159098

(B) Up to \$2,500,000 in each fiscal year shall be used to 159099
support suicide prevention efforts. 159100

Section 337.50. HOSPITAL SERVICES 159101

The foregoing appropriation item 336412, Hospital 159102
Services, may be used for any of the following purposes: 159103

(A) Supporting all operations related to the hospitals 159104
established, controlled, or supervised by the Department of 159105
Behavioral Health under Chapter 5119. of the Revised Code; 159106

(B) Supporting physical environments that are designed for 159107
patients to receive assessment, evaluation, and stabilization 159108
interventions within general hospitals; 159109

(C) Providing jails and associated health care providers 159110
with access to telehealth consultations with psychiatric 159111
specialists, such as psychiatrists and psychiatric nurse 159112
practitioners. 159113

Section 337.60. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 159114
PAYMENTS 159115

The foregoing appropriation item 336415, Mental Health 159116
Facilities Lease Rental Bond Payments, shall be used to meet all 159117
payments during the period from July 1, 2025, through June 30, 159118
2027, by the Department of Behavioral Health pursuant to leases 159119
and agreements made under section 154.20 of the Revised Code. 159120
These appropriations are the source of funds pledged for bond 159121
service charges on obligations issued pursuant to Chapter 154. 159122
of the Revised Code. 159123

Section 337.70. CONTINUUM OF CARE SERVICES 159124

The foregoing appropriation item 336421, Continuum of Care 159125
Services, shall be used as follows: 159126

(A) Up to \$69,500,000 in each fiscal year shall be 159127
allocated to boards of alcohol, drug addiction, and mental 159128

health services through the Mental Health State Block Grant	159129
established in division (G) of Section 337.20 of this act;	159130
(B) Up to \$9,500,000 in each fiscal year shall be	159131
allocated to boards of alcohol, drug addiction, and mental	159132
health services through the Substance Use Disorder State Block	159133
Grant established in division (H) of Section 337.20 of this act;	159134
(C) Up to \$19,500,000 in each fiscal year shall be	159135
allocated to boards of alcohol, drug addiction, and mental	159136
health services through the Recovery Supports State Block Grant	159137
established in division (I) of Section 337.20 of this act;	159138
(D) Up to \$4,000,000 in each fiscal year shall be used to	159139
expand statewide access to rapid mobile response and	159140
stabilization services provided to youth experiencing an	159141
emotional or behavioral health crisis and their families;	159142
(E) Up to \$455,000 in each fiscal year shall be used to	159143
implement sections 5119.39 to 5119.397 of the Revised Code;	159144
(F) Up to \$400,000 in each fiscal year shall be used to	159145
provide funding for community projects across the state that	159146
focus on support for families, assisting families in avoiding	159147
crisis, and crisis intervention;	159148
(G) \$225,000 in each fiscal year shall be allocated to	159149
LifeTown Columbus to provide additional support for facility	159150
renovations and operations, including professional development,	159151
curriculum development, education materials, equipment,	159152
marketing, and recruitment; and	159153
(H) \$250,000 in each fiscal year shall be allocated to	159154
Flying Horse Farms.	159155
(I) \$250,000 in each fiscal year shall be allocated to The	159156

Freedom Collective to provide outreach, education, and support 159157
services to victims of commercial sexual exploitation. 159158

Section 337.80. CRIMINAL JUSTICE SERVICES 159159

(A) Of the foregoing appropriation item 336422, Criminal 159160
Justice Services, up to \$5,115,483 in fiscal year 2026 and 159161
\$5,077,378 in fiscal year 2027 shall be allocated to boards of 159162
alcohol, drug addiction, and mental health services through the 159163
Criminal Justice State Block Grant established in division (J) 159164
of Section 337.20 of this act. 159165

(B) Of the foregoing appropriation item 336422, Criminal 159166
Justice Services, up to \$6,500,000 in each fiscal year shall be 159167
allocated to the Behavioral Health Drug Reimbursement Program 159168
established in section 5119.19 of the Revised Code. 159169

(C) Of the foregoing appropriation item 336422, Criminal 159170
Justice Services, \$1,250,000 in each fiscal year shall be used 159171
to support the Addiction Treatment Program. 159172

(D) The remainder of appropriation item 336422, Criminal 159173
Justice Services, shall be used for all of the following: 159174

(1) The provision of forensic psychiatric evaluations to 159175
courts of common pleas; 159176

(2) The completion of evaluations of patients of forensic 159177
status in facilities operated or designated by the Department of 159178
Behavioral Health prior to each patient's conditional release to 159179
the community; 159180

(3) Workforce, training, and technological initiatives 159181
that support the items specified in divisions (D)(1) and (2) of 159182
this section; 159183

(4) Support therapeutic communities; 159184

- (5) Provide forensic and crisis response training; 159185
- (6) Establish and administer outpatient and jail-based 159186
competency restoration services; 159187
- (7) Establish and administer pre-trial diversion programs; 159188
- (8) Support assisted outpatient treatment programs; 159189
- (9) Link and provide behavioral health treatment and 159190
recovery supports, including housing assistance, to incarcerated 159191
individuals with a substance use disorder, severe mental 159192
illness, or both, upon their release from jail or prison; 159193
- (10) Support jail-based treatment and symptom management; 159194
- (11) Support specialized dockets, including the expansion 159195
of existing medication-assisted treatment drug court programs, 159196
the creation of new medication-assisted treatment drug court 159197
programs, and assistance with the administrative expenses of 159198
participating courts and community addiction services providers 159199
and community mental health services providers; 159200
- (12) Establish and administer outpatient competency 159201
restoration services. The services shall be provided by forensic 159202
centers described in section 5119.10 of the Revised Code or, to 159203
the extent a forensic center in a community does not provide 159204
outpatient competency restoration services, a psychiatric 159205
program or facility selected by a board of alcohol, drug 159206
addiction, and mental health services to provide such services. 159207

Section 337.90. SPECIALIZED DOCKET SUPPORT 159208

- (A) Except as otherwise provided in this section, the 159209
foregoing appropriation item 336425, Specialized Docket Support, 159210
shall be used to defray a portion of the annual payroll costs 159211
associated with the specialized docket of a common pleas court, 159212

municipal court, county court, juvenile court, or family court 159213
that meets all of the eligibility requirements in division (B) 159214
of this section, including a family dependency treatment docket. 159215
The foregoing appropriation item 336425, Specialized Docket 159216
Support, may also be used to defray costs associated with 159217
treatment services and recovery supports for participants. 159218

(B) To be eligible, the specialized docket must have 159219
received Supreme Court of Ohio initial or final certification 159220
and include participants with behavioral health needs in its 159221
target population. 159222

(C) Of the foregoing appropriation item 336425, 159223
Specialized Docket Support, the Department of Behavioral Health 159224
shall use up to one per cent of the funds appropriated in each 159225
fiscal year to pay the cost it incurs in administering the 159226
duties established in this section. 159227

(D) The Department, in consultation with the Supreme Court 159228
of Ohio, may adopt funding distribution methodology, guidelines, 159229
and procedures as necessary to carry out the purposes of this 159230
section. 159231

Section 337.100. COMMUNITY INNOVATIONS 159232

The foregoing appropriation item 336504, Community 159233
Innovations, may be used by the Department of Behavioral Health 159234
to make targeted investments in programs, projects, or systems 159235
operated by or under the authority of other state agencies, 159236
governmental entities, or private not-for-profit agencies that 159237
impact, or are impacted by, the operations and functions of the 159238
Department, with the goal of achieving a net reduction in 159239
expenditure of state general revenue funds and/or improved 159240
outcomes for Ohio citizens without a net increase in state 159241

general revenue fund spending. 159242

The Director shall identify and evaluate programs, 159243
projects, or systems proposed or operated, in whole or in part, 159244
outside of the authority of the Department, where targeted 159245
investment of these funds in the program, project, or system is 159246
expected to decrease demand for the Department or other 159247
resources funded with state general revenue funds, and/or to 159248
measurably improve outcomes for Ohio citizens with mental 159249
illness or with alcohol, drug, or gambling addictions. The 159250
Director shall have discretion to provide funds from this 159251
appropriation item to private not-for-profit entities in 159252
amounts, and subject to conditions, that the Director determines 159253
most likely to achieve state savings and/or improved outcomes. 159254
Distribution of funds from this appropriation item shall not be 159255
subject to sections 9.23 to 9.239 or Chapter 125. of the Revised 159256
Code. 159257

The Department shall enter into an agreement with each 159258
recipient of community innovation funds, identifying the 159259
following: allowable expenditure of the funds; other commitment 159260
of funds or other resources to the program, project, or system; 159261
expected state savings and/or improved outcomes and proposed 159262
mechanisms for measurement of such savings or outcomes; and 159263
required reporting regarding expenditure of funds and savings or 159264
outcomes achieved. 159265

Of the foregoing appropriation item 336504, Community 159266
Innovations, up to \$3,000,000 in each fiscal year shall be used 159267
to support workforce development initiatives. 159268

Of the foregoing appropriation item 336504, Community 159269
Innovations, up to \$1,500,000 in each fiscal year shall be used 159270
to provide behavioral health access and opportunities. 159271

Of the foregoing appropriation item 336504, Community
Innovations, up to \$3,000,000 in each fiscal year shall be used
to support the creation and expansion of programs established by
peer-run organizations in this state for the purpose of offering
individuals with a mental illness, or a mental illness and co-
occurring substance use disorder, opportunities for employment,
housing, education, and access to medical and psychiatric
services. Programs and facilities shall be operated in
accordance with model standards and benchmarks selected by the
Department of Behavioral Health.

Of the foregoing appropriation item 336504, Community
Innovations, \$125,000 in each fiscal year shall be used to
support the Pilot Grant Program for Doctoral Psychology
Internships. The funds shall be awarded to doctoral psychology
internship programs accredited by the American Psychological
Association that offer clinical rotations in non-residential or
community mental health and health care systems. Grant funds
awarded shall be used to augment stipends for doctoral-level
psychology students that come to Ohio internship sites.

Section 337.110. RESIDENTIAL STATE SUPPLEMENT

The foregoing appropriation item 336510, Residential State
Supplement, may be used by the Department of Behavioral Health
to implement and operate the Residential State Supplement (RSS)
Program required by section 5119.41 of the Revised Code.

Section 337.115. APPALACHIAN CHILDREN COALITION

The foregoing appropriation item 336516, Appalachian
Children Coalition, shall be provided to the Appalachian
Children Coalition to address systemic challenges children face
in Appalachian Ohio.

Section 337.117. COMMUNITY PROJECTS 159301

Of the foregoing appropriation item 336519, Community 159302
Projects, \$700,000 in each fiscal year shall be allocated to the 159303
Social Advocates for Youth (S.A.Y.) Program at the Bellefaire 159304
Jewish Children's Bureau. These funds shall be used to support 159305
the expansion of school-based prevention and crises intervention 159306
services for youth including community crisis and trauma 159307
services, school-based counselors, behavioral health-trained 159308
teachers and intervention specialists, and a dedicated 159309
researcher to document outcomes. 159310

Of the foregoing appropriation item 336519, Community 159311
Projects, \$150,000 in each fiscal year shall be distributed to 159312
Challenge Ministries. 159313

Of the foregoing appropriation item 336519, Community 159314
Projects, \$250,000 in each fiscal year shall be distributed to 159315
The Refuge to support existing programming and services. 159316

Of the foregoing appropriation item 336519, Community 159317
Projects, \$175,000 in each fiscal year shall be distributed to 159318
the 1N5 Foundation to provide suicide prevention in schools. 159319

Of the foregoing appropriation item 336519, Community 159320
Projects, \$300,000 in each fiscal year shall be used in 159321
accordance with the section of this act entitled "HIGH-THC 159322
CANNABIS IMPACT RESEARCH STUDY. 159323

Of the foregoing appropriation item 336519, Community 159324
Projects, \$2,000,000 in each fiscal year shall be distributed to 159325
the Values-In-Action Foundation for the Kindland initiative. 159326

Of the foregoing appropriation item 336519, Community 159327
Projects, \$50,000 in fiscal year 2026 shall be provided to Ohio 159328
Special Initiatives by Brothers and Sisters, or OHIO SIBS, for 159329

sustaining programs and to support those with a sibling with a 159330
developmental disability to empower them to take an active role 159331
in the life of the developmentally disabled sibling. 159332

Of the foregoing appropriation item 336519, Community 159333
Projects, \$750,000 in each fiscal year shall be distributed to 159334
Cornerstone of Hope to launch and expand the Ohio Traumatic Loss 159335
Response Team. 159336

Of the foregoing appropriation item 336519, Community 159337
Projects, \$750,000 in fiscal year 2026 shall be distributed to 159338
Empowering to Elevate Academy and used to enhance security and 159339
improve facilities at the former Mohican Young Star Academy in 159340
Ashland County. 159341

Section 337.120. MEDICAID SUPPORT 159342

The foregoing appropriation item 652321, Medicaid Support, 159343
shall be used to fund specified Medicaid Services as delegated 159344
by the state's single agency responsible for the Medicaid 159345
Program. 159346

Section 337.130. 9-8-8 LIFELINE 159347

(A) As used in this section, "9-8-8 Suicide and Crisis 159348
Lifeline" means the 9-8-8 universal telephone number designated 159349
for use within the United States under section 251(e) of the 159350
"Communications Act of 1934," 47 U.S.C. 251(e), as amended by 159351
the "National Suicide Hotline Designation Act of 2020," Pub. L. 159352
No. 116-172, for the purpose of the national suicide prevention 159353
and mental health crisis hotline system. 159354

(B) The foregoing appropriation item 336522, 9-8-8 Suicide 159355
Crisis, shall be used to support statewide operations and 159356
related activities of the 9-8-8 Suicide and Crisis Lifeline and 159357
mental health treatment and response. 159358

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 159359

A portion of appropriation item 336629, Problem Gambling 159360
and Casino Addiction, shall be allocated to boards of alcohol, 159361
drug addiction, and mental health services in accordance with a 159362
distribution methodology determined by the Director of 159363
Behavioral Health. 159364

Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 159365

The foregoing appropriation item 336645, Transcranial 159366
Magnetic Stimulation Program, shall be used for the 159367
Electroencephalogram (EEG) Combined Transcranial Magnetic 159368
Stimulation Program as described in section 5119.20 of the 159369
Revised Code. 159370

Section 337.165. STATE OPIOID RESPONSE 159371

Of the foregoing appropriation item 336644, State Opioid 159372
Response, \$1,500,000 in each fiscal year shall be distributed to 159373
Cordata Healthcare Innovations, Inc., for case management 159374
programming, enhanced assessment, and evaluation of Ohio's law 159375
enforcement deflection sites and quick response teams. 159376

Section 337.170. ACCESS SUCCESS II PROGRAM 159377

To the extent cash is available, the Director of Budget 159378
and Management may transfer cash from a fund designated by the 159379
Medicaid Director, to the Sale of Goods and Services Fund (Fund 159380
1490), used by the Department of Behavioral Health. The 159381
transferred cash is hereby appropriated. 159382

The Department of Behavioral Health shall use the 159383
transferred funds to administer the Access Success II Program to 159384
help non-Medicaid patients in any hospital established, 159385
controlled, or supervised by the Department under Chapter 5119. 159386

of the Revised Code to transition from inpatient status to a 159387
community setting. 159388

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS 159389
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 159390
FUND 159391

On a schedule determined by the Director of Budget and 159392
Management, the Director of Behavioral Health shall certify to 159393
the Director of Budget and Management the amount of excess 159394
license reinstatement fees that are available pursuant to 159395
division (F)(2)(c) of section 4511.191 of the Revised Code to be 159396
transferred from the Indigent Drivers Alcohol Treatment Fund 159397
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 159398
4750). Upon certification, the Director of Budget and Management 159399
may transfer cash from the Indigent Drivers Alcohol Treatment 159400
Fund to the Statewide Treatment and Prevention Fund. 159401

Section 337.185. CASH TRANSFER FROM THE 9-8-8 SUICIDE AND 159402
CRISIS RESPONSE FUND TO THE GENERAL REVENUE FUND 159403

On July 1, 2025, or as soon as possible thereafter, the 159404
Director of Budget and Management shall transfer the cash 159405
balance in the 9-8-8 Suicide and Crisis Response Fund (Fund 159406
5AA1) to the General Revenue Fund. Upon completion of the 159407
transfer, Fund 5AA1 is hereby abolished. The Director shall 159408
cancel any existing encumbrances against appropriation item 159409
336661, 9-8-8 Suicide and Crisis Response, and reestablish them 159410
against appropriation item 336522, 9-8-8 Suicide Crisis. The 159411
reestablished encumbrance amounts are hereby appropriated. 159412

Section 337.190. STATEWIDE MOBILE CRISIS SYSTEM 159413

(A) The Department of Behavioral Health, in coordination 159414
with local, state, and federal government entities, shall assist 159415

with the development and implementation of a statewide system of 159416
mobile crisis services for adults and children. 159417

(B) The development of a statewide mobile crisis system is 159418
contingent on the availability of state and federal funding. 159419
Should state and federal funding be insufficient for the 159420
development of a full system or limit the extent to which the 159421
system can be developed, the Department shall determine whether 159422
and to what extent pilot projects or other initiatives for the 159423
provision of mobile crisis services could be implemented. 159424

Section 337.200. COMMUNITY BEHAVIORAL HEALTH CLINICS 159425

The ability of the Department of Behavioral Health to 159426
establish a process and standards for the state certification of 159427
certified community behavioral health clinics under section 159428
5119.211 of the Revised Code is contingent on the availability 159429
of state and federal funding. Should state or federal funding be 159430
insufficient for the state certification of certified community 159431
behavioral health clinics, the Department shall determine 159432
whether and to what extent pilot projects or other initiatives 159433
to support an integrated care approach for the provision of 159434
substance use disorder treatment and mental health treatment 159435
could be implemented. 159436

Section 339.10. 159437

159438

1 2 3 4 5

A MIH COMMISSION ON MINORITY HEALTH

B General Revenue Fund

C GRF 149321 Operating Expenses \$844,088 \$855,455

D	GRF	149501	Demonstration Grants	\$1,352,000	\$1,352,000
E	GRF	149502	Lupus Program	\$118,000	\$118,000
F	GRF	149503	Infant Mortality Health Grants	\$4,970,489	\$4,974,489
G	General Revenue Fund Total			\$7,284,577	\$7,299,944
H	Dedicated Purpose Fund Group				
I	4C20	149601	Minority Health Conference	\$35,000	\$35,000
J	Dedicated Purpose Fund Group Total			\$35,000	\$35,000
K	Federal Fund Group				
L	3J90	149405	Healthier Communities	\$1,000,000	\$1,000,000
M	Federal Fund Group Total			\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS			\$8,319,577	\$8,334,944

Section 341.10.

159439

159440

	1	2	3	4	5
A	CRB MOTOR VEHICLE REPAIR BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	865601	Operating Expenses	\$781,067	\$821,804
D	Dedicated Purpose Fund Group Total			\$781,067	\$821,804

E	TOTAL ALL BUDGET FUND GROUPS	\$781,067	\$821,804

Section 343.10.

159441

159442

	1	2	3	4	5
A	DNR DEPARTMENT OF NATURAL RESOURCES				
B	General Revenue Fund				
C	GRF	725401	Division of Wildlife - Operating Subsidy	\$1,700,000	\$1,700,000
D	GRF	725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$57,500,000	\$76,500,000
E	GRF	725456	Canal Lands	\$118,000	\$118,000
F	GRF	725459	Buckeye State Tree Nursery	\$1,134,650	\$1,134,650
G	GRF	725460	LWCF Recreation Lands	\$262,646	\$266,995
H	GRF	725505	Healthy Lake Erie Program	\$450,000	\$0
I	GRF	725507	Coal and Mine Safety Programs	\$3,222,147	\$3,297,340
J	GRF	725520	Special Projects	\$350,000	\$350,000
K	GRF	725903	Natural Resources General Obligation Bond Debt Service	\$14,300,000	\$14,300,000

L	GRF	727321	Division of Forestry	\$10,000,000	\$10,000,000
M	GRF	729321	Office of Information Technology	\$526,055	\$526,337
N	GRF	730321	Parks and Recreation	\$27,650,000	\$47,650,000
O	GRF	736321	Division of Engineering	\$2,431,760	\$2,476,358
P	GRF	737321	Division of Water Resources	\$2,402,230	\$2,403,759
Q	GRF	738321	Office of Real Estate and Land Management	\$1,038,539	\$1,060,089
R	GRF	741321	Division of Natural Areas and Preserves	\$5,104,211	\$5,205,199
S			General Revenue Fund Total	\$128,190,238	\$166,988,727
T			Dedicated Purpose Fund Group		
U	2270	725406	Parks Projects Personnel	\$4,831,529	\$4,976,475
V	4300	725671	Canal Lands	\$479,012	\$479,012
W	4S90	725622	NatureWorks Personnel	\$317,806	\$327,341
X	4U60	725668	Scenic Rivers Protection	\$58,860	\$58,860
Y	5090	725602	State Forest	\$10,852,951	\$11,010,594
Z	5110	725646	Ohio Geological Mapping	\$6,123,647	\$6,323,883
AA	5120	725605	State Parks Operations	\$43,122,931	\$43,358,465

AB 5140	725606	Lake Erie Shoreline	\$1,694,771	\$1,732,863
AC 5160	725620	Water Management	\$3,256,522	\$3,562,000
AD 5180	725643	Oil and Gas Regulation and Safety	\$31,230,432	\$31,784,411
AE 5180	725677	Oil and Gas Well Plugging	\$47,734,902	\$48,022,027
AF 5210	725627	Off-Road Vehicle Trails	\$1,781,723	\$286,068
AG 5220	725656	Natural Areas and Preserves	\$585,191	\$600,500
AH 5290	725639	Mining Regulation and Safety	\$4,004,552	\$4,090,096
AI 5310	725648	Reclamation Forfeiture	\$195,573	\$195,579
AJ 5BJ1	7256A6	Parks and Recreation	\$27,500,000	\$7,500,000
AK 5BJ1	7256A7	Wildlife Area Land Royalties	\$3,000,000	\$0
AL 5EL0	725612	Wildlife Law Enforcement	\$11,826	\$11,826
AM 5HK0	725625	Ohio Nature Preserves	\$9,239	\$9,239
AN 5LD0	725458	Oil and Gas Leasing Commission	\$10,000	\$10,000
AO 5P20	725634	Wildlife Boater Angler Administration	\$5,968,330	\$5,968,330
AP 5TD0	725514	Park Maintenance	\$1,540,331	\$1,540,331

AQ 6150 725661	Dam Safety	\$5,673,950	\$6,473,950
AR 6970 725670	Submerged Lands	\$667,210	\$679,080
AS 6H20 725681	H2Ohio	\$21,200,000	\$21,200,000
AT 7015 740401	Division of Wildlife Conservation	\$84,946,128	\$87,919,242
AU 7086 725414	Waterways Improvement	\$5,782,184	\$5,880,807
AV 7086 739401	Watercraft Operations	\$28,432,898	\$28,922,532
AW 8150 725636	Cooperative Management Projects	\$625,271	\$625,271
AX 8160 725649	Wetlands Habitat	\$659,691	\$659,691
AY 8170 725655	Wildlife Conservation Checkoff	\$1,923,060	\$1,923,060
AZ 8180 725629	Cooperative Fisheries Research	\$1,500,000	\$1,500,000
BA 8190 725685	Ohio River Management	\$43,786	\$43,786
BB 81B0 725688	Wildlife Habitats	\$1,359,102	\$1,359,102
BC	Dedicated Purpose Fund Group Total	\$347,123,408	\$329,034,421
BD	Internal Service Activity Fund Group		
BE 1550 725601	Departmental Projects	\$1,566,470	\$1,586,980
BF 1570 725651	Program Support	\$26,713,040	\$27,292,005

BG 5100 725631 Maintenance - State-owned Residences	\$43,713	\$43,713
BH Internal Service Activity Fund Group Total	\$28,323,223	\$28,922,698
BI Capital Projects Fund Group		
BJ 7061 725405 Clean Ohio Trail Operating	\$267,307	\$273,030
BK Capital Projects Fund Group Total	\$267,307	\$273,030
BL Fiduciary Fund Group		
BM 5ZT0 7256A2 State Park Lodges Maintenance and Repair	\$11,950,641	\$11,950,641
BN Fiduciary Fund Group Total	\$11,950,641	\$11,950,641
BO Holding Account Fund Group		
BP R017 725659 Performance Cash Bond Refunds	\$450,999	\$450,999
BQ R043 725624 Forestry	\$2,104,919	\$2,104,919
BR Holding Account Fund Group Total	\$2,555,918	\$2,555,918
BS Federal Fund Group		
BT 3320 725669 Federal Mine Safety Grant	\$306,979	\$316,189
BU 3B30 725640 Federal Forest Pass-Thru	\$419,535	\$419,535

BV 3B40	725641	Federal Flood Pass-Thru	\$106,648	\$106,648
BW 3B50	725645	Federal Abandoned Mine Lands	\$69,114,806	\$69,268,735
BX 3B60	725653	Federal Land and Water Conservation Grants	\$10,800,000	\$25,800,000
BY 3B70	725654	Reclamation - Regulatory	\$1,311,309	\$1,340,625
BZ 3IR0	7256A5	Long Term Abandoned Mine Land Reclamation	\$100,000	\$100,000
CA 3P10	725632	Geological Survey - Federal	\$805,102	\$786,700
CB 3P20	725642	Oil and Gas - Federal	\$20,109,957	\$20,115,008
CC 3P20	725698	Oil And Gas - Federal Orphan Well Plug	\$22,363,120	\$22,363,120
CD 3P30	725650	Coastal Management - Federal	\$3,953,487	\$4,013,587
CE 3P40	725660	Federal - Soil and Water Resources	\$416,420	\$422,292
CF 3R50	725673	Acid Mine Drainage Abatement/Treatment	\$860,489	\$860,489
CG 3Z50	725657	Federal Recreation and Trails	\$1,122,594	\$1,127,603
CH	Federal Fund Group Total		\$131,790,446	\$147,040,531

Section 343.20. PROGRAM SUPPORT FUND 159443

DIVISION OF WILDLIFE-OPERATING SUBSIDY 159452

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND	159456

PAYMENTS	159457

HEALTHY LAKE ERIE PROGRAM 159466

The foregoing appropriation item 725505, Healthy Lake Erie	159467
Program, shall be used by the Director of Natural Resources, in	159468

support of the following: (1) conservation measures in the 159469
Western Lake Erie Basin as determined by the Director; (2) 159470
funding assistance for soil testing, winter cover crops, edge of 159471
field testing, tributary monitoring, and animal waste abatement; 159472
and (3) any additional efforts to reduce nutrient runoff as the 159473
Director may decide. The Director shall give priority to 159474
recommendations that encourage farmers to adopt agricultural 159475
production guidelines commonly known as 4R nutrient stewardship 159476
practices. 159477

SPECIAL PROJECTS 159478

Of the foregoing appropriation item 725520, Special 159479
Projects, \$100,000 in each fiscal year shall be used to support 159480
Ohio Education Programs at Aullwood Audubon Center and Farm and 159481
Grange Insurance Audubon Center. 159482

Of the foregoing appropriation item 725520, Special 159483
Projects, \$250,000 in each fiscal year shall be used for 159484
improvements at Mosquito Lake State Park. 159485

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 159486

The foregoing appropriation item 725903, Natural Resources 159487
General Obligation Bond Debt Service, shall be used to pay all 159488
debt service and related financing costs during the period July 159489
1, 2025, through June 30, 2027, on obligations issued under 159490
sections 151.01 and 151.05 of the Revised Code. 159491

PARKS AND RECREATION 159492

The Director of Natural Resources shall consult with the 159493
Loramie Watershed Association to identify portions of Lake 159494
Loramie that are negatively affected by hard pan sediment and 159495
hard clay debris. Of the foregoing appropriation item 730321, 159496
Parks and Recreation, \$250,000 in each fiscal year shall be used 159497

to contract with a third-party vendor for channel excavation and 159498
the removal of hard pan sediment and hard clay debris at Lake 159499
Loramie. 159500

Of the foregoing appropriation item 730321, Parks and 159501
Recreation, \$172,000 in fiscal year 2026 shall be used for 159502
channel excavation and removal of sediment at Grand Lake St. 159503
Marys. 159504

Of the foregoing appropriation item 730321, Parks and 159505
Recreation, \$250,000 in fiscal year 2026 shall be used to 159506
support the Indian Lake Watershed Project. 159507

Of the foregoing appropriation item 730321, Parks and 159508
Recreation, \$150,000 in each fiscal year shall be provided to 159509
Canalway Partners to support the 2027 bicentennial recognition 159510
of the Ohio & Erie Canal. 159511

Section 343.30. WELL LOG FILING FEES 159512

The Chief of the Division of Water Resources shall deposit 159513
fees forwarded to the Division pursuant to section 1521.05 of 159514
the Revised Code into the Water Management Fund (Fund 5160) for 159515
the purposes described in that section. 159516

PARKS CAPITAL EXPENSES FUND 159517

The Director of Natural Resources shall submit to the 159518
Director of Budget and Management the estimated design, 159519
engineering, and planning costs of capital-related work to be 159520
done by Department of Natural Resources staff for parks projects 159521
within the Ohio Parks and Recreation Improvement Fund (Fund 159522
7035). If the Director of Budget and Management approves the 159523
estimated costs, the Director may release appropriations from 159524
Fund 7035 appropriation item C725E6, Project Planning, for those 159525
purposes. Upon release of the appropriations, the Department of 159526

Natural Resources shall pay for these expenses from the Parks
Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270
shall be reimbursed by Fund 7035 using an intrastate transfer
voucher.

NATUREWORKS CAPITAL EXPENSES FUND 159531

The Department of Natural Resources shall submit to the
Director of Budget and Management the estimated design,
planning, and engineering costs of capital-related work to be
done by Department of Natural Resources staff for each capital
improvement project within the Ohio Parks and Natural Resources
Fund (Fund 7031). If the Director of Budget and Management
approves the estimated costs, the Director may release
appropriations from Fund 7031 appropriation item C725E5, Project
Planning, for those purposes. Upon release of the
appropriations, the Department of Natural Resources shall pay
for these expenses from the Capital Expenses Fund (Fund 4S90).
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031
using an intrastate transfer voucher.

PARKS AND RECREATION 159545

The foregoing appropriation item 7256A6, Parks and
Recreation, shall be used in conjunction with appropriation item
730321, Parks and Recreation, to support the Division of Parks
and Watercraft.

PARK MAINTENANCE 159550

The foregoing appropriation item 725514, Park Maintenance,
shall be used by the Department of Natural Resources to pay the
costs of projects supported by the State Park Maintenance Fund
(Fund 5TD0) under section 1501.08 of the Revised Code.

On July 1 of each fiscal year or as soon as possible 159555

thereafter, the Director of Natural Resources shall certify the 159556
amount of five percent of the average of the previous five years 159557
of deposits in the State Park Fund (Fund 5120) to the Director 159558
of Budget and Management. The Director of Budget and Management 159559
may transfer up to \$2,200,000 from Fund 5120 to the State Park 159560
Maintenance Fund (Fund 5TD0). 159561

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 159562

The foregoing appropriation item 725405, Clean Ohio Trail 159563
Operating, shall be used by the Department of Natural Resources 159564
in administering Clean Ohio Trail Fund (Fund 7061) projects 159565
pursuant to section 1519.05 of the Revised Code. 159566

Section 343.60. (A) As used in this section: 159567

(1) "Locally administer" means to supervise the design and 159568
construction of, and make contracts for the construction, 159569
reconstruction, improvement, enlargement, alteration, repair, or 159570
decoration of a capital facility project without the assistance 159571
of the Ohio Facilities Construction Commission. 159572

(2) "Capital facility project" means any activities, 159573
projects, or improvements described in division (B)(1) of 159574
section 1501.011 of the Revised Code. "Capital facility project" 159575
does not include the construction of a new facility, structure, 159576
or lodge. 159577

(B) Notwithstanding section 123.21 of the Revised Code or 159578
any other provision of law to the contrary, for fiscal years 159579
2026 and 2027, the Department of Natural Resources may locally 159580
administer any capital facility project commenced within those 159581
fiscal years, regardless of estimated cost. 159582

(C) The Department shall do both of the following 159583
regarding a capital facility project that is locally 159584

administered: 159585

(1) Comply with the applicable procedures and guidelines 159586
established in Chapter 153. of the Revised Code; 159587

(2) Track all project information in the Ohio 159588
Administrative Knowledge System capital improvements application 159589
pursuant to Ohio Facilities Construction Commission guidelines 159590
as though the Department is administering the project pursuant 159591
to section 123.211 of the Revised Code and all generally 159592
applicable laws. 159593

(D) Nothing in this section interferes with the powers of 159594
the Department of Natural Resources authorized in Chapter 1501. 159595
of the Revised Code. 159596

Section 345.10. 159597
159598

	1	2	3	4	5
A	NUR STATE BOARD OF NURSING				
B	Dedicated Purpose Fund Group				
C	4K90	884609	Operating Expenses	\$13,033,034	\$13,491,425
D	5AC0	884602	Nurse Education Grant Program	\$1,350,000	\$1,350,000
E	Dedicated Purpose Fund Group Total			\$14,383,034	\$14,841,425
F	TOTAL ALL BUDGET FUND GROUPS			\$14,383,034	\$14,841,425

Section 347.10. 159599
159600

	1	2	3	4	5
A	PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	890609	Operating Expenses	\$1,352,852	\$1,434,859
D	Dedicated Purpose Fund Group Total			\$1,352,852	\$1,434,859
E	TOTAL ALL BUDGET FUND GROUPS			\$1,352,852	\$1,434,859

Section 353.10.

159601

159602

	1	2	3	4	5
A	OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY				
B	General Revenue Fund				
C	GRF	415402	Independent Living Council	\$252,000	\$252,000
D	GRF	415406	Assistive Technology	\$26,000	\$26,000
E	GRF	415431	Brain Injury	\$800,000	\$800,000
F	GRF	415506	Services for Individuals with Disabilities	\$39,015,000	\$39,015,000
G	GRF	415508	Services for the Deaf	\$527,000	\$527,000
H	GRF	415511	Centers for Independent Living	\$1,500,000	\$1,500,000

I	GRF	415512	Visually Impaired Reading Services	\$50,000	\$50,000
J	GRF	415513	Accessible Ohio	\$1,000,000	\$1,000,000
K	GRF	415515	DeafBlind Fund	\$200,000	\$200,000
L	General Revenue Fund Total			\$43,370,000	\$43,370,000
M	Dedicated Purpose Fund Group				
N	4670	415609	Business Enterprise Operating Expenses	\$913,127	\$918,806
O	4680	415618	Third Party Services Funding	\$3,725,233	\$3,725,233
P	4L10	415619	Services for Rehabilitation	\$2,000,000	\$2,000,000
Q	Dedicated Purpose Fund Group Total			\$6,638,360	\$6,644,039
R	Internal Service Activity Fund Group				
S	4W50	415606	Program Management	\$17,083,462	\$17,539,339
T	Internal Service Activity Fund Group Total			\$17,083,462	\$17,539,339
U	Federal Fund Group				
V	3170	415620	Disability Determination	\$88,981,907	\$90,733,204
W	3790	415616	Federal-Vocational Rehabilitation	\$170,000,000	\$175,100,000

X	3GH0	415602	Personal Care Assistance	\$3,995,399	\$4,017,337
Y	3GH0	415604	Community Centers for the Deaf	\$772,420	\$772,420
Z	3GH0	415613	Independent Living	\$2,737,411	\$2,737,411
AA	3GH0	415627	Independent Living Projects	\$100,000	\$100,000
AB	3IL0	415629	Works4Me Disability Innovation Fund Grant	\$2,300,000	\$2,300,000
AC	3L40	415615	Federal-Supported Employment	\$1,200,000	\$1,200,000
AD	3L40	415617	Independent Living Older Blind	\$2,567,746	\$2,908,622
AE	Federal Fund Group Total			\$272,654,883	\$279,868,994
AF	TOTAL ALL BUDGET FUND GROUPS			\$339,746,705	\$347,422,372

Section 353.20. INDEPENDENT LIVING 159603

The foregoing appropriation item 415402, Independent 159604
Living Council, shall be provided to the Ohio Statewide 159605
Independent Living Council to support its operations under the 159606
State Plan for Independent Living. 159607

Of the foregoing appropriation item 415511, Centers for 159608
Independent Living, the amount needed in each fiscal year for 159609
state matching funds for the Federal Independent Living Grant 159610
shall be provided to support the state independent living 159611
programs and centers under Title VII of the federal 159612

"Rehabilitation Act of 1973," 29 U.S.C. 701, et seq., as amended 159613
by the Rehabilitation Act Amendments of 1992 and known as the 159614
federal Independent Living Services and Centers for Independent 159615
Living. 159616

Of the foregoing appropriation item 415511, Centers for 159617
Independent Living, up to \$1,355,608 in each fiscal year may be 159618
used as state matching funds to provide vocational 159619
rehabilitation services to Ohioans with disabilities. 159620

Of the foregoing appropriation item 415511, Centers for 159621
Independent Living, \$74,124 in each fiscal year shall be used as 159622
state matching funds for vocational rehabilitation innovation 159623
and expansion activities. 159624

The foregoing appropriation item 415613, Independent 159625
Living, shall be used to support the operations of the Centers 159626
for Independent Living in accordance with the State Plan for 159627
Independent Living. 159628

ASSISTIVE TECHNOLOGY 159629

The foregoing appropriation item 415406, Assistive 159630
Technology, shall be provided to Assistive Technology of Ohio to 159631
provide grants and assistive technology services for people with 159632
disabilities in the state of Ohio. 159633

BRAIN INJURY 159634

Of the foregoing appropriation item 415431, Brain Injury, 159635
\$450,000 in each fiscal year shall be provided to The Ohio State 159636
University College of Medicine to support the Brain Injury 159637
Program established under section 3335.60 of the Revised Code. 159638

The remainder of appropriation item 415431, Brain Injury, 159639
shall be provided to the Brain Injury Association of Ohio for 159640

direct services and supports for brain injury survivors and 159641
caregivers. 159642

SERVICES FOR THE DEAF 159643

The foregoing appropriation item 415508, Services for the 159644
Deaf, shall be used to support community centers for the deaf. 159645

VISUALLY IMPAIRED READING SERVICES 159646

The foregoing appropriation item 415512, Visually Impaired 159647
Reading Services, shall be used to support VOICEcorps Reading 159648
Services to provide reading services for blind individuals. 159649

DEAFBLIND FUND 159650

The foregoing appropriation item 415515, DeafBlind Fund, 159651
shall be distributed to the Columbus Speech and Hearing Center 159652
for the recruitment and training of support service providers 159653
and to connect support service providers with DeafBlind 159654
individuals. 159655

SIGHT CENTERS 159656

Of the foregoing appropriation item 415617, Independent 159657
Living Older Blind, \$30,000 in each fiscal year shall be used to 159658
contract in equal amounts with the Cleveland Sight Center, the 159659
Cincinnati Association for the Blind and Visually Impaired, and 159660
the Sight Center of Northwest Ohio to provide outreach to the 159661
community of individuals with blindness or low vision. 159662

Section 361.10. 159663

159664

1 2 3 4 5

A

PEN PENSION SUBSIDIES

B	General Revenue Fund		
C	GRF 090524 Police and Fire	\$300	\$300
	Disability Pension Fund		
D	GRF 090534 Police and Fire Ad Hoc	\$14,000	\$14,000
	Cost of Living		
E	GRF 090554 Police and Fire Survivor	\$138,000	\$138,000
	Benefits		
F	GRF 090575 Police and Fire Death	\$40,000,000	\$40,000,000
	Benefits		
G	General Revenue Fund Total	\$40,152,300	\$40,152,300
H	TOTAL ALL BUDGET FUND GROUPS	\$40,152,300	\$40,152,300

Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND 159665

The foregoing appropriation item 090575, Police and Fire 159666
Death Benefits, shall be disbursed quarterly by the Treasurer of 159667
State at the beginning of each quarter of each fiscal year to 159668
the Board of Trustees of the Ohio Police and Fire Pension Fund, 159669
which serves as trustees of the Ohio Public Safety Officers 159670
Death Benefit Fund pursuant to section 742.62 of the Revised 159671
Code. The Treasurer of State shall certify such amounts 159672
quarterly to the Director of Budget and Management. By the 159673
twentieth day of June of each fiscal year, the Board of Trustees 159674
shall certify to the Treasurer of State the amount disbursed in 159675
the current fiscal year to make the payments required by 159676
sections 124.824 and 742.63 of the Revised Code and shall return 159677
to the Treasurer of State moneys received from this 159678
appropriation item but not disbursed. 159679

Notwithstanding any provision of section 124.824 of the Revised Code to the contrary, for each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under section 124.824 of the Revised Code, the Board of Trustees of the Ohio Police and Fire Pension Fund shall forward as a pass-through from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits, the percentage of the cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits. The Board of Trustees shall also withhold from the benefits paid to a death benefit fund recipient under section 742.63 of the Revised Code the percentage of the cost for such benefits that would be paid by a state employee, and forward the withheld amounts to the Department of Administrative Services from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2026 or 2027, if it is determined by the Director of Administrative Services, in consultation with the Chairperson of the Board of Trustees of the Ohio Police and Fire Pension Fund, or designee, that additional amounts are necessary to pay the cost of providing benefits under section 124.824 or 742.63 of the Revised Code, the Director of Administrative Services may certify the additional amount necessary to the Director of Budget and Management. The amount certified is hereby appropriated.

Section 363.10.

	1	2	3	4	5
A	UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD				
B	Dedicated Purpose Fund Group				
C	6910	810632	Petroleum Underground Storage Tank Release Compensation Board - Operating	\$1,778,594	\$1,910,092
D	Dedicated Purpose Fund Group Total			\$1,778,594	\$1,910,092
E	TOTAL ALL BUDGET FUND GROUPS			\$1,778,594	\$1,910,092

Section 367.10.

159710

159711

	1	2	3	4	5
A	PRX STATE BOARD OF PHARMACY				
B	Dedicated Purpose Fund Group				
C	4A50	887605	Drug Law Enforcement	\$50,000	\$50,000
D	4K90	658605	OARRS Integration - State	\$207,657	\$208,860
E	4K90	887609	Operating Expenses	\$13,773,784	\$14,491,459
F	5SG0	887612	Drug Database	\$2,826,000	\$2,865,000
G	Dedicated Purpose Fund Group Total			\$16,857,441	\$17,615,319
H	Federal Fund Group				

I	3HD0 887614 Pharmacy Federal Grants	\$2,094,643	\$2,111,622
J	3HH0 658601 OARRS Integration - Federal	\$642,117	\$645,729
K	Federal Fund Group Total	\$2,736,760	\$2,757,351
L	TOTAL ALL BUDGET FUND GROUPS	\$19,594,201	\$20,372,670

Section 367.20. CASH TRANSFER FROM THE MEDICAL MARIJUANA 159712
CONTROL PROGRAM FUND TO THE DRUG DATABASE FUND 159713

Upon the request of the Executive Director of the State 159714
Board of Pharmacy, the Director of Budget and Management may 159715
transfer up to \$2,745,500 in cash in each fiscal year from the 159716
Medical Marijuana Control Program Fund (Fund 5SY0), used by the 159717
Department of Commerce, to the Drug Database Fund (Fund 5SG0), 159718
used by the State Board of Pharmacy. 159719

Section 369.10. 159720
159721

	1	2	3	4	5
A			PSY STATE BOARD OF PSYCHOLOGY		
B			Dedicated Purpose Fund Group		
C	4K90 882609 Operating Expenses		\$975,010	\$1,011,722	
D	Dedicated Purpose Fund Group Total		\$975,010	\$1,011,722	
E	TOTAL ALL BUDGET FUND GROUPS		\$975,010	\$1,011,722	

Section 371.10. 159722
159723

	1	2	3	4	5
A			PUB OHIO PUBLIC DEFENDER COMMISSION		
B			General Revenue Fund		
C	GRF	019401	State Legal Defense Services	\$13,227,100	\$13,467,000
D	GRF	019406	Northwest Regional Hub Support	\$3,350,000	\$3,350,000
E	GRF	019501	County Reimbursement	\$173,719,360	\$178,930,940
F			General Revenue Fund Total	\$190,296,460	\$195,747,940
G			Dedicated Purpose Fund Group		
H	1010	019607	Juvenile Legal Assistance	\$217,456	\$223,980
I	4060	019603	Training and Publications	\$75,000	\$75,000
J	4070	019604	County Representation	\$375,000	\$375,000
K	4080	019605	Client Payments	\$800,000	\$800,000
L	4C70	019601	Multi-County: County Share	\$594,900	\$624,300
M	4N90	019613	Gifts and Grants	\$13,400	\$13,400
N	5740	019606	Civil Legal Aid	\$37,000,000	\$33,000,000
O	5CX0	019617	Civil Case Filing Fee	\$620,000	\$620,000
P	5DY0	019618	Indigent Defense Support	\$22,908,000	\$22,908,000

	- County Share		
Q	5DY0 019619 Indigent Defense Support	\$4,692,000	\$4,692,000
	- State Office		
R	Dedicated Purpose Fund Group Total	\$67,295,756	\$63,331,680
S	Federal Fund Group		
T	3IQ0 019626 Reforming Reentry Program	\$350,000	\$85,321
U	3S80 019608 Federal Representation	\$38,300	\$38,300
V	Federal Fund Group Total	\$388,300	\$123,621
W	TOTAL ALL BUDGET FUND GROUPS	\$257,980,516	\$259,203,241

Section 371.20. STATE LEGAL DEFENSE SERVICES 159724

Of the foregoing appropriation item 019401, State Legal 159725
 Defense Services, up to \$50,000 in each fiscal year shall be 159726
 used by the Ohio Public Defender to provide legal training 159727
 programs at no cost for private appointed counsel who represent 159728
 at least one indigent defendant at no cost and for state and 159729
 county public defenders and attorneys who contract with the Ohio 159730
 Public Defender to provide indigent defense services. 159731

INDIGENT DEFENSE SUPPORT 159732

The foregoing appropriation item 019501, County 159733
 Reimbursement, shall be used to reimburse counties for the costs 159734
 of operating county public defender offices, joint county public 159735
 defender offices and county appointed counsel systems, the 159736
 counties' costs and expenses of conducting the defense in 159737
 capital cases, the counties' costs and expenses of appointed 159738

counsel covered by section 2941.51 of the Revised Code, and the 159739
costs and expenses of contracting with the state public defender 159740
or with any nonprofit organization to provide legal 159741
representation to indigent persons. 159742

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL 159743
AID FUND 159744

On July 1 of each fiscal year, or as soon as possible 159745
thereafter, the Director of Budget and Management shall transfer 159746
\$1,000,000 cash from the General Revenue Fund to the Legal Aid 159747
Fund (Fund 5740). The transferred cash shall be distributed by 159748
the Ohio Access to Justice Foundation to Ohio's civil legal aid 159749
societies as follows: \$500,000 in each fiscal year for the sole 159750
purpose of providing legal services for economically 159751
disadvantaged individuals and families seeking assistance with 159752
legal issues arising as a result of substance abuse disorders, 159753
and \$250,000 in each fiscal year for the sole purpose of 159754
providing legal services for veterans. None of the funds shall 159755
be used for administrative costs, including, but not limited to, 159756
salaries, benefits, or travel reimbursements. 159757

FEDERAL REPRESENTATION 159758

The foregoing appropriation item 019608, Federal 159759
Representation, shall be used to support representation provided 159760
by the Ohio Public Defender in federal court cases. 159761

COUNTY INDIGENT DEFENSE BUDGETS 159762

Not later than July 31, 2026, each county through its 159763
county commission shall submit a biannual indigent defense cost 159764
projection report to the Ohio Public Defender. The report shall 159765
contain data on the most current projected costs of the indigent 159766
defense services in the county for the next two upcoming state 159767

fiscal years at the time of submission. 159768

Section 371.30. NORTHWEST REGIONAL HUB 159769

(A) In fiscal year 2026 and fiscal year 2027, the Ohio 159770
Public Defender shall create the Northwest Regional Hub pilot 159771
program to provide indigent defense services in the counties 159772
that elect to join, in lieu of managing those services directly 159773
and applying for reimbursement. 159774

(B) The following counties may elect to participate in the 159775
Northwest Regional Hub, and no other counties are permitted to 159776
participate: 159777

(1) Allen County; 159778

(2) Hardin County; 159779

(3) Putnam County. 159780

(C) On or after the effective date of this section, any 159781
county listed in division (B) of this section may elect, by 159782
resolution, to become part of the Northwest Regional Hub and 159783
thereby transfer administration of the county's indigent defense 159784
system to the Ohio Public Defender for the period of the pilot 159785
program. 159786

(D) If a county elects to become part of the Northwest 159787
Regional Hub and transfer indigent defense services to the Ohio 159788
Public Defender pursuant to this section, the Ohio Public 159789
Defender shall assume responsibility for representation of 159790
indigent persons in the proceedings set forth in division (A) of 159791
section 120.16 of the Revised Code, to the extent that 159792
representation is not provided by outside counsel in accordance 159793
with section 120.33 of the Revised Code. 159794

(E) (1) The Ohio Public Defender shall consult with the 159795

county commissioners, judiciary, and local attorneys in counties 159796
that have opted to participate in the Northwest Regional Hub to 159797
determine the number of indigent defense cases the public 159798
defender will handle directly. 159799

(2) Except as provided in division (E) (4) of this section, 159800
in a county that elects to participate in the Northwest Regional 159801
Hub, the Ohio Public Defender shall provide direct 159802
representation to indigent defendants in not more than eighty 159803
per cent of indigent defense cases. 159804

(3) In cases where the Ohio Public Defender does not 159805
provide direct representation, the court shall appoint counsel 159806
in accordance with section 120.33 of the Revised Code. 159807

(4) If the Ohio Public Defender, in consultation with the 159808
county commissioners, judiciary, and local attorneys, determines 159809
that there is insufficient local counsel available to fill an 159810
appointment under division (E) (3) of this section, the Ohio 159811
Public Defender shall provide direct representation in the case. 159812

(F) A county that wishes to withdraw from the Northwest 159813
Regional Hub and resume responsibility for the delivery of 159814
indigent defense services shall do all of the following: 159815

(1) Hold a public meeting regarding the withdrawal and 159816
provide notice to all of the following, seven or more days 159817
before the meeting: 159818

(a) The local bar association; 159819

(b) Every judge serving in the county; 159820

(c) The county prosecutor; 159821

(d) The county public defender; 159822

(e) Every attorney who is on the court's roster for 159823
appointment to provide indigent defense in accordance with 159824
section 120.33 of the Revised Code. 159825

(2) Provide the Ohio Public Defender with a copy of the 159826
resolution electing to withdraw. 159827

(G) When a county transfers indigent defense services to 159828
the Ohio Public Defender pursuant to this section, and the 159829
transferring county operates a county public defender office at 159830
the time of the transfer, the employees of the transferring 159831
county public defender may be appointed as employees of the Ohio 159832
Public Defender as the Ohio Public Defender determines to be 159833
necessary for successful implementation of this section. 159834

(H) Notwithstanding any provision of law to the contrary, 159835
the Ohio Public Defender may, in consultation with the Director 159836
of Administrative Services, do either of the following: 159837

(1) Assign any employee of the transferring county to a 159838
classification that is not subject to Chapter 4117. of the 159839
Revised Code and do both of the following for such an employee: 159840

(a) Assign the employee to the appropriate compensation, 159841
classification, step placement, and step advancement; 159842

(b) Determine appropriate service credit for purposes of 159843
vacation and longevity. 159844

(2) Assign any employee of the transferring county to a 159845
bargaining unit classification that is subject to Chapter 4117. 159846
of the Revised Code if the Ohio Public Defender and the 159847
Department of Administrative Services determine that the 159848
bargaining unit classification is the proper classification for 159849
that employee. 159850

(I) Notwithstanding any provision of law to the contrary, 159851
employees of a transferring county may be eligible for any state 159852
benefit plan administered by the Department of Administrative 159853
Services with coverage commencing as determined by the Director 159854
of Administrative Services. 159855

(J) Actions taken by the Ohio Public Defender and the 159856
Director of Administrative Services pursuant to this section are 159857
not subject to appeal to the State Personnel Board of Review. 159858

NORTHWEST REGIONAL HUB SUPPORT 159859

The foregoing appropriation item 019406, Northwest 159860
Regional Hub Support, shall be used by the Ohio Public Defender 159861
to pay for all the costs of providing indigent defense services 159862
in counties that have transferred administration of those 159863
services pursuant to this section. Expenses may include the cost 159864
of operating public defender offices, reimbursement of expenses 159865
of court appointed counsel, and other associated costs of 159866
providing legal representation to indigent persons as covered by 159867
section 120.04 of the Revised Code. 159868

Section 373.10. 159869

159870

1 2 3 4 5

A DPS DEPARTMENT OF PUBLIC SAFETY

B General Revenue Fund

C GRF 761403 Recovery Ohio Law \$0 \$3,250,000
Enforcement

D GRF 761411 Ohio Narcotics \$0 \$7,050,000
Intelligence Center

E	GRF	763403	EMA Operating	\$8,931,000	\$9,102,000
F	GRF	763513	Security Grants	\$8,500,000	\$8,500,000
G	GRF	765401	Emergency Medical Services Operating	\$5,572,851	\$5,843,030
H	GRF	767420	Investigative Unit Operating	\$16,554,073	\$14,718,860
I	GRF	768425	Justice Program Services	\$19,695,430	\$19,875,918
J	GRF	768435	Community Police Relations	\$2,445,800	\$2,607,939
K	GRF	769406	Homeland Security - Operating	\$4,946,000	\$5,046,000
L	GRF	769407	Driver Safety	\$6,425,545	\$6,458,591
M	GRF	769412	Ohio School Safety Center	\$8,963,284	\$9,367,524
N			General Revenue Fund Total	\$82,033,983	\$91,819,862
O			Highway Safety Fund Group		
P	5TM0	762321	Operating Expense - BMV	\$128,500,000	\$129,645,783
Q	5TM0	762637	Local Immobilization Reimbursement	\$87,000	\$90,000
R	5TM0	764321	Operating Expense - Highway Patrol	\$404,019,560	\$416,140,146
S	5TM0	764605	Motor Carrier Enforcement	\$709,000	\$730,000

Expenses

T	5TM0	769636	Administrative Expenses - Highway Purposes	\$56,062,283	\$58,959,468
U	8370	764602	Turnpike Policing	\$13,652,000	\$14,117,000
V	83C0	764630	Contraband, Forfeiture, and Other	\$500,000	\$500,000
W	83F0	764657	Law Enforcement Automated Data System	\$6,216,213	\$6,380,428
X	83G0	764633	OMVI Enforcement/Education	\$156,727	\$157,703
Y	83M0	765640	EMS Grants	\$2,900,000	\$2,900,000
Z	8400	764607	State Fair Security	\$1,788,386	\$1,842,038
AA	8400	764617	Security and Investigations	\$14,376,926	\$14,808,233
AB	8400	764626	State Fairgrounds Police Force	\$1,031,556	\$1,062,502
AC	8460	761625	Motorcycle Safety Education	\$4,215,000	\$4,220,000
AD	8490	762627	Automated Title Processing Board	\$11,000,000	\$10,950,000
AE	8490	762630	Electronic Liens and Titles	\$2,008,000	\$2,008,000

AF Highway Safety Fund Group Total	\$647,222,651	\$664,511,301
AG Dedicated Purpose Fund Group		
AH 4P60 768601 Justice Program Services	\$95,000	\$100,000
AI 4V30 763662 EMA Service and Reimbursements	\$559,000	\$562,000
AJ 5330 763601 State Disaster Relief	\$1,000,000	\$1,000,000
AK 5390 762614 Motor Vehicle Dealers Board	\$140,000	\$140,000
AL 5AZ1 761680 eWarrant Local Integration	\$1,390,000	\$1,405,000
AM 5B90 766632 Private Investigator and Security Guard Provider	\$2,134,000	\$2,203,000
AN 5BC1 769638 Ohio School Safety and Security Center Training Fees	\$100,000	\$100,000
AO 5BK0 768687 Criminal Justice Services - Operating	\$770,000	\$795,000
AP 5BK0 768689 Family Violence Shelter Programs	\$1,550,000	\$1,550,000
AQ 5ET0 768625 Drug Law Enforcement	\$3,750,000	\$3,750,000
AR 5FF0 762621 Indigent Interlock and Alcohol Monitoring	\$1,400,000	\$1,400,000

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AS 5LM0 768698	Criminal Justice Services Law Enforcement Support	\$850,000	\$850,000
AT 5ML0 769635	Infrastructure Protection	\$89,000	\$91,000
AU 5RH0 767697	OIU Special Projects	\$750,000	\$750,000
AV 5TZ0 761682	Recovery Ohio Law Enforcement	\$6,500,000	\$3,250,000
AW 5TZ0 761683	Ohio Narcotics Intelligence Center	\$13,200,000	\$6,750,000
AX 5Y10 764695	State Highway Patrol Continuing Professional Training	\$148,000	\$148,000
AY 5Y10 767696	Ohio Investigative Unit Continuing Professional Training	\$10,000	\$10,000
AZ 6220 767615	Investigative, Contraband, and Forfeiture	\$61,000	\$61,000
BA 6570 763652	Utility Radiological Safety	\$1,420,000	\$1,467,000
BB 6810 763653	SARA Title III Hazmat Planning	\$400,000	\$331,000
BC	Dedicated Purpose Fund Group Total	\$36,316,000	\$26,713,000
BD	Fiduciary Fund Group		

BE 5J90 761678 Federal Salvage/GSA	\$600,000	\$600,000
BF 5V10 762682 License Plate Contributions	\$2,900,000	\$3,000,000
BG Fiduciary Fund Group Total	\$3,500,000	\$3,600,000
BH Holding Account Fund Group		
BI R024 762619 Unidentified Motor Vehicle Receipts	\$1,641,000	\$1,641,000
BJ R052 762623 Security Deposits	\$50,000	\$50,000
BK Holding Account Fund Group Total	\$1,691,000	\$1,691,000
BL Federal Fund Group		
BM 3370 763515 COVID Relief - Federal	\$150,000,000	\$150,000,000
BN 3370 763609 Federal Disaster Relief	\$73,500,000	\$73,500,000
BO 3FP0 767620 Ohio Investigative Unit Justice Contraband	\$10,000	\$10,000
BP 3GL0 768619 Justice Assistance Grants	\$10,000,000	\$10,000,000
BQ 3GR0 764693 Highway Patrol Justice Contraband	\$227,000	\$227,000
BR 3GS0 764694 Highway Patrol Treasury Contraband	\$80,000	\$80,000
BS 3GT0 767691 Investigative Unit Federal Equity Share	\$100,000	\$100,000

BT 3GU0 761610	Information and Education Grant	\$435,000	\$435,000
BU 3GU0 764608	Fatality Analysis Report System Grant	\$175,000	\$175,000
BV 3GU0 764610	Highway Safety Programs Grant	\$5,226,000	\$5,333,000
BW 3GU0 764659	Motor Carrier Safety Assistance Program Grant	\$11,242,000	\$11,582,000
BX 3GU0 769610	Investigations Grants - Food Stamps, Liquor, and Tobacco Laws	\$1,000,000	\$1,000,000
BY 3GU0 769631	Homeland Security Disaster Grants	\$1,500,000	\$1,500,000
BZ 3GV0 761612	Traffic Safety Action Plan Grant	\$31,625,000	\$31,685,000
CA 3L50 768604	Justice Program	\$25,000,000	\$25,000,000
CB	Federal Fund Group Total	\$310,120,000	\$310,627,000
CC	TOTAL ALL BUDGET FUND GROUPS	\$1,080,883,634	\$1,098,962,163

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 159871

The foregoing appropriation item 761682, Recovery Ohio Law	159872
Enforcement, shall be used in conjunction with appropriation	159873
item 761403, Recovery Ohio Law Enforcement, to support the	159874
RecoveryOhio Initiative.	159875

Of the foregoing appropriation items 761682, Recovery Ohio 159876
Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 159877
total of up to \$3,400,000 in each fiscal year may be used by the 159878
Office of Criminal Justice Services to support local law 159879
enforcement narcotics task forces that focus on cartel 159880
trafficking interdiction. The interdiction task forces shall be 159881
designated Ohio Organized Crime Commission task forces subject 159882
to approval and supervision of the Commission. This earmarked 159883
amount may also be used to provide funding to local law 159884
enforcement agencies, the Commission for task force-related 159885
equipment purchases, and for operating expenses of the Office of 159886
Criminal Justice Services related to the narcotics interdiction 159887
task force program. 159888

Of the foregoing appropriation items 761682, Recovery Ohio 159889
Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 159890
total of up to \$2,500,000 in each fiscal year may be used by the 159891
Office of Criminal Justice Services for Ohio's narcotics task 159892
forces in order to build new and strengthen existing 159893
partnerships with local law enforcement. This earmarked amount 159894
may also be used to provide funding to local law enforcement 159895
agencies and for operating expenses of the Office of Criminal 159896
Justice Services related to the Ohio narcotics task force 159897
program. 159898

Of the foregoing appropriation items 761682, Recovery Ohio 159899
Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 159900
total of up to \$600,000 in each fiscal year may be used to 159901
partner with the Office of Information Technology in the 159902
Department of Administrative Services to enhance and maintain a 159903
uniform records management and data intelligence system, and 159904
provide case management, collaboration, data sharing, and data 159905
analytics tools for Ohio narcotics task forces and law 159906

enforcement agencies. 159907

OHIO NARCOTICS INTELLIGENCE CENTER 159908

The foregoing appropriation item 761683, Ohio Narcotics 159909
Intelligence Center, shall be used in conjunction with 159910
appropriation item 761411, Ohio Narcotics Intelligence Center, 159911
to support the Ohio Narcotics Intelligence Center. 159912

EMERGENCY MEDICAL SERVICES OPERATING 159913

Of the foregoing appropriation item 765401, Emergency 159914
Medical Services Operating, \$75,000 in each fiscal year shall be 159915
distributed to the Ohio Mortuary Operational Response Team 159916
headquarters in Montgomery County for maintenance and training. 159917

Section 373.30. SECURITY GRANTS 159918

(A) The foregoing appropriation item 763513, Security 159919
Grants, may be used to make competitive grants to be used over a 159920
two-year period of up to \$125,000 to nonprofit organizations, 159921
houses of worship, chartered nonpublic schools, and licensed 159922
preschools for all of the following purposes: 159923

(1) Eligible security improvements that assist the 159924
organization in preventing, preparing for, or responding to acts 159925
of terrorism, including services performed by the Ohio 159926
Department of Transportation related to line of sight security 159927
needs; 159928

(2) Acquiring or retaining the services of a resource 159929
officer, special duty police officer, or licensed armed security 159930
guards, including the training, licensing, or certification of 159931
resource officers, and training or recommissioning of retired 159932
officers and military service members who are transitioning to a 159933
civilian career; 159934

(3) The lease or purchase of qualified equipment, 159935
including equipment for emergency and crisis communication, 159936
crisis management, or trauma and crisis response to assist in 159937
preventing, preparing for, or responding to acts of terrorism; 159938

(4) Placing the qualified equipment at alternative 159939
locations that are off the premises belonging to the grantee, 159940
provided that the grantee receives prior permission from any 159941
appropriate county, municipal corporation, local law enforcement 159942
agency, local emergency management agency, or local 159943
transportation agency, as applicable; 159944

(5) Funding coordinated training between law enforcement, 159945
counterterrorism agencies, and emergency responders on either 159946
the premises of a nonprofit corporation or through community- 159947
wide training efforts; 159948

(6) Continuing coverage of costs that were authorized and 159949
paid for by a grant issued previously to the grantee in 159950
accordance with this section in previous bienniums under the 159951
program. 159952

(B) (1) In addition to the purposes listed in division (A) 159953
of this section, a nonprofit organization that serves a broad 159954
community or geographic area may apply for and receive grants to 159955
provide antiterrorism related services for its serviced 159956
community or area, including providing armed security personnel. 159957
Prior to receiving a grant under division (B) of this section, 159958
the nonprofit organization shall provide the Emergency 159959
Management Agency with any appropriate compliance documentation. 159960
The Agency shall establish what compliance documentation is 159961
required prior to issuing grants under this division. 159962

(2) If more than one nonprofit organization is located at 159963

the same address listed on the application, each nonprofit 159964
organization may apply for the full amount of a grant issued 159965
under this section. Each nonprofit organization shall explain in 159966
its application how it will use the grant money to address a 159967
different vulnerability than the other applicant nonprofit 159968
organizations that are located at the same address. 159969

(C) The Emergency Management Agency shall administer and 159970
award the grants described in division (B) of this section. The 159971
Agency shall establish procedures and forms by which applicants 159972
may apply for a grant, a competitive process for ranking 159973
applicants and awarding the grants, and procedures for 159974
distributing grants to recipients. The procedures shall require 159975
each applicant to do all of the following: 159976

(1) Identify and substantiate prior threats or attacks by 159977
a terrorist organization, network, or cell against the nonprofit 159978
organization, house of worship, chartered nonpublic school, or 159979
licensed preschool; 159980

(2) Indicate the symbolic or strategic value of one or 159981
more sites that renders the site a possible target of terrorism; 159982

(3) Discuss potential consequences to the organization if 159983
the site is damaged, destroyed, or disrupted by a terrorist; 159984

(4) Describe how the grant will be used to integrate 159985
organizational preparedness with broader state and local 159986
preparedness efforts; 159987

(5) Submit either a vulnerability assessment conducted by 159988
experienced security, law enforcement, or military personnel, or 159989
a credible intelligence and threat analysis from one or more 159990
qualified homeland security, counterintelligence, or anti- 159991
terrorism experts, and a description of how the grant will be 159992

used to address the vulnerabilities identified in the 159993
assessment. 159994

The Agency shall consider all of the above factors in 159995
evaluating grant applications. The grantee shall have twenty- 159996
four months from the date of the first disbursement to meet 159997
program requirements. The Agency shall include information about 159998
the grants and the application process on its web site. 159999

(6) The Emergency Management Agency may prioritize a 160000
portion of funding, but not more than \$1,000,000 in each fiscal 160001
year, for innovative community-public safety partnerships 160002
addressing counterterrorism prevention, provided the grantee is 160003
eligible to receive the grant as a nonprofit organization that 160004
is at risk of terror attack. 160005

(D) The Emergency Management Agency may use up to 160006
\$1,000,000 in each fiscal year for community police partnerships 160007
that focus on collaboration, increased efficiencies, or 160008
otherwise assisting both a nonprofit organization and one or 160009
more law enforcement, emergency management, or homeland security 160010
agencies to serve and protect at-risk nonprofit organizations. 160011

(E) Any grant submission described in division (I) of 160012
section 3313.536 of the Revised Code or section 149.433 of the 160013
Revised Code is not a public record under section 149.43 of the 160014
Revised Code and is not subject to mandatory release or 160015
disclosure under that section. 160016

(F) The Emergency Management Agency may use up to two and 160017
one-half per cent of the total amount appropriated to administer 160018
the program, a portion of which may be used to pay costs 160019
incurred by the Department of Public Safety to provide security- 160020
related or specialized assistance in reviewing vulnerability 160021

assessments and prioritizing grant applications. 160022

(G) As used in this section: 160023

(1) "Eligible security improvements" means any of the 160024
following: 160025

(a) Physical security enhancement equipment or inspection 160026
and screening equipment included on the Authorized Equipment 160027
List published by the United States Department of Homeland 160028
Security; 160029

(b) Attendance fees and associated materials, supplies, 160030
and equipment costs for security-related training courses and 160031
programs regarding the protection of critical infrastructure and 160032
key resources, physical and cyber security, target hardening, or 160033
terrorism awareness or preparedness. Personnel and travel costs 160034
associated with training shall not be considered an eligible 160035
expense of the grant; 160036

(c) The purchase, upgrade, or maintenance of high-speed 160037
internet for those utilizing it for security purposes. 160038

(2) "Nonprofit organization" means a corporation, 160039
association, group, institution, society, or other organization 160040
that is exempt from federal income taxation under section 501(c) 160041
(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(c) (3), 160042
as amended. 160043

(3) "Resource officer" means any law enforcement officer 160044
of an accredited local law enforcement agency providing special 160045
duty services in a school setting to create or maintain a safe, 160046
secure, and orderly environment. A resource officer may include 160047
a special duty police officer, off-duty police officer, deputy 160048
sheriff, or other peace officer of the applicable local law 160049
enforcement agency in which the chartered nonpublic school or 160050

licensed preschool is located or qualifying personnel of an 160051
accredited local law enforcement agency for any jurisdiction in 160052
this state. 160053

(4) "Terrorism" means any act taken by a group or 160054
individual used to intimidate or coerce a nonprofit 160055
organization, house of worship, chartered nonpublic school, or 160056
licensed preschool, its employees, and anyone who is or in the 160057
future may be associated with it, as well as their families; to 160058
influence the policy of the nonprofit organization, house of 160059
worship, chartered nonpublic school, or licensed preschool; and 160060
to affect the conduct of the nonprofit organization, house of 160061
worship, chartered nonpublic school, or licensed preschool. 160062

(H) Notwithstanding division (A) of this section, of the 160063
foregoing appropriation item 763513, Security Grants, \$300,000 160064
in fiscal year 2026 shall be used to award competitive grants to 160065
chartered nonpublic schools for school resource officer or 160066
special duty officer programs. The grant period shall last for 160067
two years and preference shall be given to those institutions 160068
that can show a high risk of terror attack. 160069

JUSTICE PROGRAM SERVICES 160070

Of the foregoing appropriation item 768425, Justice 160071
Program Services, up to \$5,000,000 in each fiscal year shall be 160072
used by the Office of Criminal Justice Services to administer 160073
and distribute grants to state and local law enforcement 160074
agencies to implement or enhance body-worn camera programs. 160075

Of the foregoing appropriation item 768425, Justice 160076
Program Services, up to \$4,531,000 in each fiscal year shall be 160077
used by the Office of Criminal Justice Services to support anti- 160078
human trafficking efforts in the areas of prosecution, victim 160079

services to specifically include assistance for child victims, 160080
and prevention and policy to implement the priorities of the 160081
Governor's Ohio Human Trafficking Task Force. 160082

Of the foregoing appropriation item 768425, Justice 160083
Program Services, up to \$4,000,000 in each fiscal year shall be 160084
used by the Office of Criminal Justice Services to administer 160085
and distribute grants to state and local law enforcement 160086
agencies to assist local communities in reducing and preventing 160087
crime through the use of promising or proven crime reduction 160088
strategies. The use of the grants includes, but is not limited 160089
to, overtime, equipment, technical assistance, and analytical 160090
support to implement crime reduction strategies. 160091

Of the foregoing appropriation item 768425, Justice 160092
Program Services, up to \$2,200,000 in each fiscal year shall be 160093
used to support state and local law enforcement agencies in the 160094
recruitment, hiring, and training of qualified individuals to 160095
serve as peace officers; to support state and local first 160096
responder agencies in mental, physical, and emotional wellness; 160097
and to administer and distribute grants to state and local first 160098
responder agencies to assist in recruitment, retention, and 160099
wellness of their workforce. Of these funds, \$1,200,000 in each 160100
fiscal year shall be distributed as follows: 160101

(A) \$500,000 in each fiscal year to First Responders' 160102
Bridge to pay for their programs supporting first responders 160103
suffering from Post Traumatic Stress Disorder, depression, 160104
anxiety, and other mental health conditions; 160105

(B) \$500,000 in each fiscal year to Save A Warrior 160106
Foundation to pay for their programs supporting first responders 160107
suffering from Post Traumatic Stress Disorder, depression, 160108
anxiety, and other mental health conditions; and 160109

(C) \$200,000 in each fiscal year to Tri-State Peer Support 160110
Team to pay the administrative costs of providing peer support 160111
and mental health services for first responders and related 160112
program development. 160113

Of the foregoing appropriation item 768425, Justice 160114
Program Services, up to \$1,000,000 in each fiscal year shall be 160115
used by the Office of Criminal Justice Services to distribute 160116
grants to state and/or local law enforcement to conduct 160117
investigations on sexual assault kit testing results and related 160118
expenses. 160119

Of the foregoing appropriation item 768425, Justice 160120
Program Services, up to \$1,000,000 in each fiscal year shall be 160121
used by the Office of Criminal Justice Services to competitively 160122
procure, directly from the manufacturer, a commercial off-the- 160123
shelf, completely in canal hearing protection product with a 160124
minimum noise reduction rating of 25 decibels and a maximum 160125
output of 80 decibels. The hearing protection shall be made 160126
available to any law enforcement agency in the state on a first- 160127
come, first-served basis as part of the Law Enforcement Hearing 160128
Protection Program. 160129

Of the foregoing appropriation item 768425, Justice 160130
Program Services, up to \$200,000 in each fiscal year shall be 160131
used by the Office of Criminal Justice Services to implement 160132
recommendations of the Governor's Warrant Task Force. 160133

Section 373.40. MOTOR VEHICLE REGISTRATION 160134

The Director of Public Safety may deposit revenues to meet 160135
the cash needs of the Public Safety - Highway Purposes Fund 160136
(Fund 5TM0) established in section 4501.06 of the Revised Code, 160137
obtained under section 4503.02 of the Revised Code, less all 160138

other available cash. Revenue deposited pursuant to this 160139
paragraph shall support in part appropriations for the 160140
administration and enforcement of laws relative to the operation 160141
and registration of motor vehicles, for payment of highway 160142
obligations and other statutory highway purposes. 160143
Notwithstanding section 4501.03 of the Revised Code, the 160144
revenues shall be paid into Fund 5TM0 before any revenues 160145
obtained pursuant to section 4503.02 of the Revised Code are 160146
paid into any other fund. The deposit of revenues to meet the 160147
aforementioned cash needs shall be in approximately equal 160148
amounts on a monthly basis or as otherwise approved by the 160149
Director of Budget and Management. Prior to July 1 of each 160150
fiscal year, the Director of Public Safety shall submit a plan 160151
to the Director of Budget and Management requesting approval of 160152
the anticipated revenue amounts to be deposited into Fund 5TM0 160153
pursuant to this paragraph. If during the fiscal year changes to 160154
the plan as approved by the Director of Budget and Management 160155
are necessary, the Director of Public Safety shall submit a 160156
revised plan to the Director of Budget and Management for 160157
approval prior to any change in the deposit of revenues. 160158

VALIDATION STICKER REQUIREMENTS 160159

Validation stickers are required for the annual 160160
registration of passenger, commercial, motorcycle, and other 160161
vehicles and are produced in accordance with section 4503.191 of 160162
the Revised Code. Notwithstanding section 4503.191 of the 160163
Revised Code, the Registrar of Motor Vehicles may adopt rules 160164
authorizing validation stickers to be produced at any location. 160165

OPERATING EXPENSE - HIGHWAY PATROL 160166

Any new revenue derived from an increase of the Highway 160167
Safety fee as prescribed in section 4503.10 of the Revised Code 160168

that becomes effective with any application for registration or 160169
registration renewal received on or after January 1, 2026, shall 160170
be used exclusively for the State Highway Patrol. 160171

Section 373.50. CASH BALANCE FUND REVIEW 160172

The Director of Public Safety shall review the cash 160173
balances for each fund in the State Highway Safety Fund Group, 160174
and may submit a request in writing to the Director of Budget 160175
and Management to transfer amounts from any fund in the State 160176
Highway Safety Fund Group to the credit of the Public Safety - 160177
Highway Purposes Fund (Fund 5TM0), as appropriate. Upon receipt 160178
of such a request, and subject to the approval of the 160179
Controlling Board, the Director of Budget and Management may 160180
make appropriate transfers as requested by the Director of 160181
Public Safety or as otherwise determined by the Director of 160182
Budget and Management. 160183

**CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND 160184
POLICING FUND** 160185

Notwithstanding any other provision of law to the 160186
contrary, the Director of Budget and Management, upon written 160187
request of the Director of Public Safety and approval of the 160188
Controlling Board, may approve the transfer of cash from the 160189
State Highway Patrol Contraband, Forfeiture, and Other Fund 160190
(Fund 83C0) to the Security, Investigations and Policing Fund 160191
(Fund 8400). 160192

**TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY 160193
MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND** 160194

On July 1 of each fiscal year, or as soon as possible 160195
thereafter, the Director of Budget and Management shall transfer 160196
\$450,000 cash from the State Fire Marshal Fund (Fund 5460) to 160197

the Emergency Management Agency Service and Reimbursement Fund 160198
(Fund 4V30). 160199

Of the foregoing appropriation item 763662, EMA Service 160200
and Reimbursements, \$250,000 in each fiscal year shall be 160201
distributed to the Ohio Task Force One - Urban Search and Rescue 160202
Unit to pay for its operating expenses and developing new 160203
programs. 160204

Of the foregoing appropriation item 763662, EMA Service 160205
and Reimbursements, \$200,000 in each fiscal year shall be 160206
distributed to the Ohio Task Force One - Urban Search and Rescue 160207
Unit, other similar urban search and rescue units around the 160208
state, and for maintenance of the statewide fire emergency 160209
response plan by an entity recognized by the Ohio Emergency 160210
Management Agency. 160211

TRANSFER FROM CONTROLLING BOARD EMERGENCY 160212
PURPOSES/CONTINGENCIES FUND TO STATE DISASTER RELIEF FUND 160213

On July 1 of each fiscal year, or as soon as possible 160214
thereafter, the Director of Budget and Management shall transfer 160215
\$1,000,000 cash from the Controlling Board Emergency 160216
Purposes/Contingencies Fund (Fund 5KM0) to the State Disaster 160217
Relief Fund (Fund 5330). 160218

STATE DISASTER RELIEF 160219

The State Disaster Relief Fund (Fund 5330) may accept 160220
transfers of cash or appropriations from Controlling Board 160221
appropriation items for the Ohio Emergency Management Agency 160222
disaster response costs and disaster program management costs, 160223
and may also be used for the following purposes: 160224

(A) To accept transfers of cash or appropriations from 160225
Controlling Board appropriation items for Ohio Emergency 160226

Management Agency recovery and mitigation program match costs to 160227
reimburse eligible local governments and private nonprofit 160228
organizations for costs related to disasters; 160229

(B) To accept transfers of cash or appropriations from 160230
Controlling Board appropriation items to cover costs incurred 160231
and to reimburse government entities for Emergency Management 160232
Assistance Compact (EMAC) missions; 160233

(C) To accept disaster related reimbursement from federal, 160234
state, and local governments. The Director of Budget and 160235
Management may transfer cash from reimbursements received by 160236
this fund to other funds of the state from which transfers were 160237
originally approved by the Controlling Board. 160238

(D) To accept transfers of cash or appropriations from 160239
Controlling Board appropriation items to fund the State Disaster 160240
Relief Program, for disasters that qualify for the program by 160241
written authorization of the Governor, and the State Individual 160242
Assistance Program for disasters that have been declared by the 160243
federal Small Business Administration and that qualify for the 160244
program by written authorization from the Governor. 160245

(E) The State Disaster Relief Fund (Fund 5330) may accept, 160246
hold, administer, and expend any cash received from a gift, 160247
donation, bequest, devise, or contribution. 160248

DRUG LAW ENFORCEMENT FUND 160249

Notwithstanding division (D) of section 5502.68 of the 160250
Revised Code, in each of fiscal years 2026 and 2027, the 160251
cumulative amount of funding provided to any single drug task 160252
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 160253
exceed \$500,000 in any calendar year. 160254

SARA TITLE III HAZMAT PLANNING 160255

The SARA Title III Hazmat Planning Fund (Fund 6810) is 160256
entitled to receive grant funds from the Emergency Response 160257
Commission to implement the Emergency Management Agency's 160258
responsibilities under Chapter 3750. of the Revised Code. 160259

Section 373.60. COLLECTIVE BARGAINING INCREASES 160260

Notwithstanding division (D) of section 127.14 and 160261
division (B) of section 131.35 of the Revised Code, except for 160262
the General Revenue Fund, the Controlling Board may, upon the 160263
request of either the Director of Budget and Management, or the 160264
Department of Public Safety with the approval of the Director of 160265
Budget and Management, authorize expenditures in excess of 160266
appropriations and transfer appropriations, as necessary, for 160267
any fund used by the Department of Public Safety, to assist in 160268
paying the costs of increases in employee compensation that have 160269
occurred pursuant to collective bargaining agreements under 160270
Chapter 4117. of the Revised Code and, for exempt employees, 160271
under section 124.152 of the Revised Code. Any money approved 160272
for expenditure under this paragraph is hereby appropriated. 160273

Section 375.10. 160274

160275

1	2	3	4	5
A	PUC PUBLIC UTILITIES COMMISSION OF OHIO			
B	Dedicated Purpose Fund Group			
C	4A30 870614	Grade Crossing Protection Devices - State	\$1,200,000	\$1,200,000
D	4L80 870617	Pipeline Safety - State	\$350,000	\$360,000

E	5610	870606	Power Siting Board	\$1,100,000	\$1,100,000
F	5F60	870622	Utility and Railroad Regulation	\$45,851,137	\$47,757,281
G	5F60	870624	NARUC/NRRI Subsidy	\$45,340	\$45,340
H	5LT0	870640	Intrastate Registration	\$230,298	\$237,207
I	5LT0	870641	Unified Carrier Registration	\$451,794	\$465,348
J	5LT0	870643	Non-Hazardous Materials Civil Forfeiture	\$278,202	\$286,548
K	5LT0	870644	Hazardous Materials Civil Forfeiture	\$1,167,567	\$1,178,594
L	5LT0	870645	Motor Carrier Enforcement	\$5,680,962	\$5,786,733
M	5Q50	870626	Telecommunications Relay Service	\$1,020,000	\$1,020,000
N	5QR0	870646	Underground Facilities Protection	\$20,000	\$20,000
O	5QS0	870647	Underground Facilities Administration	\$239,729	\$246,776
P			Dedicated Purpose Fund Group Total	\$57,635,029	\$59,703,827
Q			Federal Fund Group		
R	3330	870601	Gas Pipeline Safety	\$1,683,226	\$1,733,723

S	3500	870608	Motor Carrier Safety	\$16,103,547	\$16,288,415
T	3500	870648	Motor Carrier Administration High Priority Activities Grants and Cooperative Agreements	\$750,000	\$750,000
U	3ID0	870649	Department of Energy Grid Resiliency	\$7,122,706	\$7,122,706
V	3IE0	870650	Hazardous Material Commercial Vehicle Inspection Grants	\$300,000	\$300,000
W	Federal Fund Group Total			\$25,959,479	\$26,194,844
X	TOTAL ALL BUDGET FUND GROUPS			\$83,594,508	\$85,898,671

Section 377.10.

160276

160277

	1	2	3	4	5
A	PWC PUBLIC WORKS COMMISSION				
B	General Revenue Fund				
C	GRF	150904	Conservation General Obligation Bond Debt Service	\$46,500,000	\$39,000,000
D	GRF	150907	Infrastructure Improvement General Obligation Bond Debt	\$225,000,000	\$240,000,000

Service

E	General Revenue Fund Total	\$271,500,000	\$279,000,000
F	Capital Projects Fund Group		
G	7038 150321 State Capital	\$974,304	\$991,125
	Improvements Program -		
	Operating Expenses		
H	7056 150403 Clean Ohio Conservation	\$324,768	\$330,375
	Operating		
I	Capital Projects Fund Group Total	\$1,299,072	\$1,321,500
J	TOTAL ALL BUDGET FUND GROUPS	\$272,799,072	\$280,321,500

Section 377.20.	CONSERVATION GENERAL OBLIGATION BOND DEBT	160278
SERVICE		160279

The foregoing appropriation item 150904, Conservation	160280
General Obligation Bond Debt Service, shall be used to pay all	160281
debt service and related financing costs during the period from	160282
July 1, 2025, through June 30, 2027, on obligations issued under	160283
sections 151.01 and 151.09 of the Revised Code.	160284

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT	160285
SERVICE	160286

The foregoing appropriation item 150907, Infrastructure	160287
Improvement General Obligation Bond Debt Service, shall be used	160288
to pay all debt service and related financing costs during the	160289
period from July 1, 2025, through June 30, 2027, on obligations	160290
issued under sections 151.01 and 151.08 of the Revised Code.	160291

CLEAN OHIO CONSERVATION OPERATING	160292
The foregoing appropriation item 150403, Clean Ohio	160293
Conservation Operating, shall be used by the Ohio Public Works	160294
Commission in administering Clean Ohio Conservation Fund (Fund	160295
7056) projects pursuant to sections 164.20 to 164.27 of the	160296
Revised Code.	160297
STATE CAPITAL IMPROVEMENT PROGRAM - OPERATING EXPENSES	160298
The foregoing appropriation item 150321, State Capital	160299
Improvements Program - Operating Expenses, shall be used by the	160300
Ohio Public Works Commission to administer the State Capital	160301
Improvement Program under sections 164.01 to 164.16 of the	160302
Revised Code.	160303
DISTRICT ADMINISTRATION COSTS	160304
The Director of the Public Works Commission is authorized	160305
to create a District Administration Costs Program from proceeds	160306
of the Capital Improvements Fund and Local Transportation	160307
Improvement Program Fund. The program shall be used to provide	160308
for the direct costs of district administration of the nineteen	160309
public works districts. Districts choosing to participate in the	160310
program shall only expend State Capital Improvements Fund moneys	160311
for State Capital Improvements Fund costs and Local	160312
Transportation Improvement Program Fund moneys for Local	160313
Transportation Improvement Program Fund costs. The District	160314
Administration Costs Program account shall not exceed \$1,235,000	160315
per fiscal year. Each public works district may be eligible for	160316
up to \$65,000 per fiscal year from its district allocation as	160317
provided in sections 164.08 and 164.14 of the Revised Code.	160318
The Director, by rule, shall define allowable and non-	160319
allowable costs for the purpose of the District Administration	160320

Costs Program. Non-allowable costs include indirect costs, 160321
elected official salaries and benefits, and project-specific 160322
costs. No district public works committee may participate in the 160323
District Administration Costs Program without the approval of 160324
those costs by the district public works committee under section 160325
164.04 of the Revised Code. 160326

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 160327

The Director of the Public Works Commission is authorized 160328
to create a District Administration Costs Program for districts 160329
represented by natural resource assistance councils. The program 160330
shall be funded from proceeds of the Clean Ohio Conservation 160331
Fund. The program shall be used by natural resource assistance 160332
councils to provide for administration costs of the nineteen 160333
natural resource assistance councils for the direct costs of 160334
council administration. Councils choosing to participate in this 160335
program may be eligible for up to \$15,000 per fiscal year from 160336
their district allocation as provided in section 164.27 of the 160337
Revised Code. 160338

The Director, by rule, shall define allowable and non- 160339
allowable costs for the purpose of the District Administration 160340
Costs Program. Non-allowable costs include indirect costs, 160341
elected official salaries and benefits, and project specific 160342
costs. 160343

Section 379.10. 160344

160345

1 2 3 4 5

A RAC STATE RACING COMMISSION

B Dedicated Purpose Fund Group

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160346

160347

A BOR DEPARTMENT OF HIGHER EDUCATION

B General Revenue Fund

C	GRF	235321	Operating Expenses	\$8,750,000	\$9,250,000
D	GRF	235402	Sea Grants	\$308,000	\$308,000
E	GRF	235406	Articulation and Transfer	\$2,269,500	\$2,314,890
F	GRF	235408	Midwest Higher Education Compact	\$115,000	\$115,000
G	GRF	235413	Computer Science	\$4,004,863	\$4,006,508
H	GRF	235414	Grants and Scholarship Administration	\$922,538	\$985,378
I	GRF	235417	Technology Maintenance and Operations	\$4,520,396	\$4,528,397
J	GRF	235425	Ohio Work Ready Grant	\$10,500,000	\$10,500,000
K	GRF	235428	Appalachian New Economy Workforce Partnership	\$3,955,000	\$3,955,000
L	GRF	235438	Choose Ohio First Scholarship	\$32,000,000	\$32,000,000
M	GRF	235443	Aspire - State	\$6,322,267	\$0
N	GRF	235444	Ohio Technical Centers	\$22,138,000	\$22,138,000
O	GRF	235450	Military and Veterans Offices	\$1,144,000	\$1,144,000
P	GRF	235474	Area Health Education	\$1,899,000	\$1,899,000

			Centers Program Support		
Q	GRF	235475	Campus Security Support Program	\$4,000,000	\$0
R	GRF	235476	Campus Student Safety Grant Program	\$1,000,000	\$1,000,000
S	GRF	235492	Campus Safety and Training	\$200,000	\$200,000
T	GRF	235501	State Share of Instruction	\$2,156,383,406	\$2,177,772,240
U	GRF	235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$25,000,000	\$30,000,000
V	GRF	235507	OhioLINK	\$6,447,000	\$6,447,000
W	GRF	235508	Air Force Institute of Technology	\$2,000,000	\$2,000,000
X	GRF	235510	Ohio Supercomputer Center	\$5,086,000	\$5,086,000
Y	GRF	235511	The Ohio State University Extension Service	\$25,504,000	\$25,504,000
Z	GRF	235514	Central State Supplement	\$12,768,910	\$13,151,977
AA	GRF	235515	Case Western Reserve University School of Medicine	\$2,100,000	\$2,100,000

AB	GRF	235519	Family Practice	\$3,098,000	\$3,098,000
AC	GRF	235520	Shawnee State Supplement	\$12,000,000	\$12,000,000
AD	GRF	235525	Geriatric Medicine	\$511,000	\$511,000
AE	GRF	235526	Primary Care Residencies	\$1,468,000	\$1,468,000
AF	GRF	235530	Governor's Merit Scholarship	\$47,000,000	\$70,000,000
AG	GRF	235533	Program and Project Support	\$9,435,000	\$1,050,000
AH	GRF	235535	Ohio State Agricultural Research	\$37,169,000	\$37,169,000
AI	GRF	235536	The Ohio State University Clinical Teaching	\$9,461,000	\$9,461,000
AJ	GRF	235537	University of Cincinnati Clinical Teaching	\$8,085,000	\$8,085,000
AK	GRF	235538	University of Toledo Clinical Teaching	\$6,065,000	\$6,065,000
AL	GRF	235539	Wright State University Clinical Teaching	\$4,447,000	\$4,447,000
AM	GRF	235540	Ohio University Clinical Teaching	\$2,849,000	\$2,849,000
AN	GRF	235541	Northeast Ohio Medical University Clinical	\$2,930,000	\$2,930,000

Teaching

AO	GRF	235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$500,000	\$500,000
AP	GRF	235546	Central State Agricultural Research and Development	\$5,828,000	\$5,828,000
AQ	GRF	235548	Central State Cooperative Extension Services	\$5,168,000	\$5,168,000
AR	GRF	235552	Capital Component	\$1,236,561	\$1,236,561
AS	GRF	235555	Library Depositories	\$700,000	\$500,000
AT	GRF	235556	Ohio Academic Resources Network	\$3,568,000	\$3,568,000
AU	GRF	235558	Long-term Care Research	\$318,000	\$318,000
AV	GRF	235563	Ohio College Opportunity Grant	\$220,600,000	\$207,400,000
AW	GRF	235569	The Ohio State University College of Veterinary Medicine Supplement	\$15,000,000	\$15,000,000
AX	GRF	235572	The Ohio State University Clinic Support	\$750,000	\$750,000
AY	GRF	235578	Federal Research Network	\$5,099,000	\$5,099,000

AZ	GRF	235585	Educator Preparation Programs	\$600,000	\$600,000
BA	GRF	235591	Co-Op Internship Program	\$1,065,000	\$1,065,000
BB	GRF	235595	Commercial Truck Driver Student Aid Program	\$3,000,000	\$3,000,000
BC	GRF	235599	National Guard Scholarship Program	\$18,399,750	\$18,399,750
BD	GRF	2355A4	Ohio Higher Education Public Policy Research Consortium	\$500,000	\$500,000
BE	GRF	235909	Higher Education General Obligation Bond Debt Service	\$250,000,000	\$210,000,000
BF	General Revenue Fund Total			\$3,016,188,191	\$2,994,470,701
BG	Dedicated Purpose Fund Group				
BH	2200	235614	Program Approval and Reauthorization	\$769,126	\$789,679
BI	4560	235603	Sales and Services	\$129,725	\$133,017
BJ	4E80	235602	Higher Educational Facility Commission Administration	\$69,839	\$73,807
BK	5AH1	235688	Super RAPIDS	\$10,000,000	\$0

BL 5CJ1 2356A2	Strategic Square Footage Reduction	\$82,650,000	\$0
BM 5D40 235675	Conference/Special Purposes	\$125,000	\$125,000
BN 5FR0 235650	State and Non-Federal Grants and Awards	\$1,405,944	\$1,412,670
BO 5P30 235663	Variable Savings Plan	\$8,522,034	\$8,522,034
BP 5YD0 235494	Second Chance Grant Program	\$2,000,000	\$2,000,000
BQ 5ZD0 235426	Rural Practice Incentive Program	\$1,500,000	\$1,500,000
BR 5ZY0 235592	Grow Your Own Teacher Program	\$2,500,000	\$2,500,000
BS 6450 235664	Guaranteed Savings Plan	\$1,110,131	\$1,110,132
BT 6820 235606	Nursing Loan Program	\$1,203,730	\$1,210,344
BU	Dedicated Purpose Fund Group Total	\$111,985,529	\$19,376,683
BV	Bond Research and Development Fund Group		
BW 7014 235639	Research Incentive Third Frontier - Tax	\$8,000,000	\$8,000,000
BX	Bond Research and Development Fund Group Total	\$8,000,000	\$8,000,000
BY	Federal Fund Group		

BZ 3120 235611	Gear-up Grant	\$2,956,000	\$2,956,000
CA 3120 235612	Carl D. Perkins Grant/Plan Administration	\$1,371,939	\$1,388,525
CB 3120 235641	Aspire - Federal	\$18,996,799	\$0
CC 3120 235669	Industry Credential Transfer Assurance Guides Initiative	\$300,000	\$300,000
CD 3BG0 235651	Gear Up Grant Scholarships	\$3,100,000	\$3,100,000
CE 3N60 235658	John R. Justice Student Loan Repayment Program	\$128,000	\$128,000
CF	Federal Fund Group Total	\$26,852,738	\$7,872,525
CG	TOTAL ALL BUDGET FUND GROUPS	\$3,163,026,458	\$3,029,719,909

Section 381.20. OPERATING EXPENSES

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(A) Of the foregoing appropriation item 235321, Operating
Expenses, up to \$1,200,000 in each fiscal year shall be used by
the Chancellor of Higher Education, in consultation with OH-
TECH, to enhance security operations and services.

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(B) Enhanced security operations and services shall
benefit all members of OH-TECH and may include, but shall not be
limited to:

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(1) Establishing an enterprise security operations center;

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(2) Configuration management in the area of data loss
prevention;

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(3) Endpoint patch and compliance; 160359
(4) Log aggregation; 160360
(5) Web application firewall; 160361
(6) Vulnerability management across the consortium; 160362
(7) Other critical security enhancement services as 160363
determined appropriate by the Chancellor. 160364

(C) The Ohio Academic Resource Network (OARnet) and the 160365
Ohio Supercomputer Center may use a portion of these funds to 160366
enhance their respective network security operations to better 160367
serve clients who store sensitive data that is subject to the 160368
highest data privacy standards imposed by federal regulations 160369
and national research organizations, including, but not limited 160370
to, the National Institutes of Health, the National Science 160371
Foundation, and the Department of Defense. 160372

SEA GRANTS 160373

The foregoing appropriation item 235402, Sea Grants, shall 160374
be used to match federal dollars and leverage additional support 160375
by The Ohio State University's Sea Grant program, including 160376
Stone Laboratory, for research, education, and outreach to 160377
enhance the economic value, public utilization, and responsible 160378
management of Lake Erie and Ohio's coastal resources. 160379

Section 381.30. ARTICULATION AND TRANSFER 160380

The foregoing appropriation item 235406, Articulation and 160381
Transfer, shall be used by the Chancellor of Higher Education to 160382
maintain and expand the work of the Articulation and Transfer 160383
Network Advisory Council to develop a system of transfer 160384
policies to ensure that students at state institutions of higher 160385
education can transfer and have coursework apply to their majors 160386

and degrees at any other state institution of higher education 160387
without unnecessary duplication or institutional barriers under 160388
sections 3333.16, 3333.161, 3333.162, and 3333.164 of the 160389
Revised Code. 160390

Section 381.40. MIDWEST HIGHER EDUCATION AND WORKFORCE 160391
COMPACT 160392

The foregoing appropriation item 235408, Midwest Higher 160393
Education Compact, shall be distributed by the Chancellor of 160394
Higher Education under section 3333.40 of the Revised Code. 160395

Section 381.80. COMPUTER SCIENCE 160396

The foregoing appropriation item 235413, Computer Science, 160397
shall be used to administer and award grants under the Teach CS 160398
Grant Program established in section 3333.129 of the Revised 160399
Code. 160400

Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION 160401

The foregoing appropriation item 235414, Grants and 160402
Scholarship Administration, shall be used by the Chancellor of 160403
Higher Education to manage and administer student financial aid 160404
programs created by the General Assembly and grants for which 160405
the Department of Higher Education is responsible. The 160406
appropriation item also shall be used to support all state 160407
financial aid audits and student financial aid programs created 160408
by Congress, and to provide fiscal and administrative services 160409
for the Ohio National Guard Scholarship Program. 160410

Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS 160411

The foregoing appropriation item 235417, Technology 160412
Maintenance and Operations, shall be used by the Chancellor of 160413
Higher Education to support the development and implementation 160414

of information technology solutions designed to improve the 160415
performance and capacity of the Department of Higher Education. 160416
The information technology solutions may be provided by the Ohio 160417
Technology Consortium (OH-TECH). 160418

Of the foregoing appropriation item 235417, Technology 160419
Maintenance and Operations, a portion in each fiscal year may be 160420
used by the Chancellor to support the continued implementation 160421
of eStudent Services, a consortium organized under division (T) 160422
of section 3333.04 of the Revised Code to expand access to dual 160423
enrollment opportunities for high school students, continue the 160424
support of the statewide eTutoring program, and for any other 160425
strategic priorities of the Chancellor. 160426

Of the foregoing appropriation item 235417, Technology 160427
Maintenance and Operations, a portion in each fiscal year shall 160428
be used by the Chancellor to implement a high priority data 160429
warehouse, advanced analytics, and visualization integration 160430
services associated with the Higher Education Information (HEI) 160431
system. The services may be facilitated by OH-TECH. 160432

Of the foregoing appropriation item 235417, Technology 160433
Maintenance and Operations, \$150,000 in each fiscal year shall 160434
be used to support Ohio Reach to provide mentoring and support 160435
services to former foster youth attending college. 160436

Section 381.160. OHIO WORK READY GRANT 160437

(A) Of the foregoing appropriation item 235425, Ohio Work 160438
Ready Grant, \$500,000 in each fiscal year shall be used by the 160439
Chancellor of Higher Education to award grants according to the 160440
section of this act entitled "AI INTEGRATION IN COMMUNITY 160441
COLLEGES GRANT PROGRAM." 160442

(B) The remainder of the foregoing appropriation item 160443

235425, Ohio Work Ready Grant, shall be used by the Chancellor 160444
of Higher Education to establish and operate the Ohio Work Ready 160445
Grant Program pursuant to section 3333.24 of the Revised Code. 160446

Section 381.165. AI INTEGRATION IN COMMUNITY COLLEGES 160447
GRANT PROGRAM 160448

(A) The Chancellor of Higher Education shall create the 160449
Artificial Intelligence Integration in Community Colleges Pilot 160450
Grant Program to provide financial assistance to community 160451
colleges to implement artificial intelligence initiatives. 160452

(B) The Chancellor shall award five competitive grants of 160453
\$100,000 each in each fiscal year to community colleges, as 160454
defined in section 3333.168 of the Revised Code. 160455

(C) The Chancellor shall establish procedures and criteria 160456
for awarding the grants and shall give preference to community 160457
colleges that show a strong commitment and track record to 160458
integrating artificial intelligence into education, workforce 160459
development, and industry alignment. 160460

(D) Eligible uses of the grant funds include all of the 160461
following: 160462

(1) Integrating artificial intelligence curriculum into 160463
credential programs; 160464

(2) Establishing artificial intelligence-based College 160465
Credit Plus Program offerings; 160466

(3) Training faculty and staff on the uses of artificial 160467
intelligence technologies relevant to local industry or state 160468
needs; 160469

(4) Supporting students with practical artificial 160470
intelligence skills through certifications and project-based 160471

learning; 160472

(5) Purchasing artificial intelligence hardware and 160473
software; 160474

(6) Utilizing artificial intelligence in streamlining 160475
administrative functions and student services; 160476

(7) Contracting with a vendor to provide any or all of the 160477
services described in this division. 160478

(E) The Chancellor shall monitor the performance of each 160479
grant recipient in meeting the objectives of the program. 160480

(F) Upon completion of the program, the Chancellor shall 160481
submit a report with legislative recommendations for further 160482
development of the program to the General Assembly in accordance 160483
with section 101.68 of the Revised Code. 160484

Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE 160485
PARTNERSHIP 160486

The foregoing appropriation item 235428, Appalachian New 160487
Economy Workforce Partnership, shall be distributed to Ohio 160488
University's Voinovich School to continue a multi-campus and 160489
multi-agency coordinated effort to link Appalachia to the new 160490
economy. Ohio University shall use these funds to provide 160491
leadership in the development and implementation of initiatives 160492
in the areas of entrepreneurship, management, education, and 160493
technology. 160494

Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP 160495

The foregoing appropriation item 235438, Choose Ohio First 160496
Scholarship, shall be used to operate the program prescribed in 160497
sections 3333.60 to 3333.69 of the Revised Code. 160498

During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).

Section 381.200. ASPIRE

The foregoing appropriation item 235443, Aspire - State, shall be used to support the Aspire program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program in fiscal year 2026. The funds may be used to support students that speak English as their second language.

Section 381.210. OHIO TECHNICAL CENTERS FUNDING

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education and secondary students enrolling in Ohio Technical Center programs pursuant to section 3313.901 of the Revised Code. The Chancellor shall provide coordination for Ohio Technical Centers through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers.

(A) (1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI)

system's files, to the Chancellor. 160528

(a) In defining the number of full-time equivalent 160529
students for state subsidy purposes, the Chancellor shall 160530
exclude all students who are not residents of Ohio. 160531

(b) A full-time equivalent student shall be defined as a 160532
student who completes 450 hours. Those students that complete 160533
some portion of 450 hours shall be counted as a partial full- 160534
time equivalent for funding purposes, while students that 160535
complete more than 450 hours shall be counted as proportionally 160536
greater than one full-time equivalent. 160537

(c) In calculating each Ohio Technical Center's full-time 160538
equivalent students, the Chancellor shall use a three-year 160539
average. 160540

(d) Ohio Technical Centers shall operate with, or be an 160541
active candidate for, accreditation by an accreditor authorized 160542
by the United States Department of Education to be eligible to 160543
receive subsidies from the foregoing appropriation item 235444, 160544
Ohio Technical Centers. 160545

(2) In each fiscal year, 25 per cent of the allocation for 160546
Ohio Technical Centers shall be distributed based on the 160547
proportion of each Center's full-time equivalent students to the 160548
total full-time equivalent students who complete a post- 160549
secondary technical workforce training program approved by the 160550
Chancellor with a grade of C or better or a grade of pass if the 160551
program is evaluated on a pass/fail basis. 160552

(3) In each fiscal year, 20 per cent of the allocation for 160553
Ohio Technical Centers shall be distributed based on the 160554
proportion of each Center's full-time equivalent students to the 160555
total full-time equivalent students who complete 50 per cent of 160556

a program of study as a measure of student retention. 160557

(4) In each fiscal year, 50 per cent of the allocation for 160558
Ohio Technical Centers shall be distributed based on the 160559
proportion of each Center's full-time equivalent students to the 160560
total full-time equivalent students who have found employment, 160561
entered military service, or enrolled in additional post- 160562
secondary education and training in accordance with the 160563
placement definitions of the Strengthening Career and Technical 160564
Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). 160565
The calculation for eligible full-time equivalent students shall 160566
be based on the per cent of Perkins placements for students who 160567
have completed at least 50 per cent of a program of study. 160568

(5) In each fiscal year, five per cent of the allocation 160569
for Ohio Technical Centers shall be distributed based on the 160570
proportion of each Center's full-time equivalent students to the 160571
total full-time equivalent students who have earned a credential 160572
from an industry-recognized third party. 160573

(B) Of the foregoing appropriation item 235444, Ohio 160574
Technical Centers, up to 2.38 per cent in each fiscal year may 160575
be distributed by the Chancellor to the Ohio Central School 160576
System, up to \$48,000 in each fiscal year may be utilized for 160577
assistance for Ohio Technical Centers, and up to \$2,000,000 in 160578
each fiscal year may be distributed by the Chancellor to Ohio 160579
Technical Centers that provide customized training and business 160580
consultation services with matching local dollars, with 160581
preference to industries on the in-demand jobs list created 160582
under section 6301.11 of the Revised Code, industries in 160583
regionally emerging fields, or local businesses and industries. 160584
Each center meeting this requirement shall receive at least 160585
\$25,000 but not more than a maximum amount determined by the 160586

Chancellor. 160587

(C) The remainder of the foregoing appropriation item 160588
235444, Ohio Technical Centers, in each fiscal year shall be 160589
distributed in accordance with division (A) of this section. 160590

Section 381.215. MILITARY AND VETERANS OFFICES 160591

(A) The foregoing appropriation item 235450, Military and 160592
Veterans Offices, shall be used by the Chancellor of Higher 160593
Education to support higher education institutions that are 160594
members of the Ohio Veterans Education Council. The Chancellor 160595
may consult with the Director of Veterans Services as needed. 160596

(B) Of the foregoing appropriation item 235450, Military 160597
and Veterans Offices, up to \$213,750 in each fiscal year shall 160598
be used by the Chancellor to provide awards of \$2,500 per 160599
student to up to six students serving as a Military Community 160600
Advocate at an Ohio Veterans Education Council-member public 160601
university and up to three students serving as a Military 160602
Community Advocate at an Ohio Veterans Education Council-member 160603
public community college or private nonprofit university or 160604
college. 160605

(C) Of the foregoing appropriation item 235450, Military 160606
and Veterans Offices, \$255,000 in each fiscal year shall be used 160607
for grants for military and veterans offices at institutions of 160608
higher education to support growth in private philanthropy, in 160609
collaboration with the National Veterans Leadership Foundation. 160610

(D) Of the foregoing appropriation item 235450, Military 160611
and Veterans Offices, \$91,800 in each fiscal year shall be used 160612
to sponsor staff from military and veterans offices at 160613
institutions of higher education to attend the National Veterans 160614
Leadership Foundation's Advancement Institute. 160615

(E) The remainder of the foregoing appropriation item 160616
235450, Military and Veterans Offices, shall be used to do all 160617
of the following: 160618

(1) Support the administrative costs of the National 160619
Veterans Leadership Foundation; 160620

(2) Create a web site to connect veterans to programs and 160621
offerings at all Ohio Veterans Education Council-member colleges 160622
and universities; 160623

(3) Administer membership and Ohio Purple Star status; 160624

(4) Facilitate information sharing; 160625

(5) Support any other expenses as determined appropriate 160626
by the Chancellor, in consultation with the National Veterans 160627
Leadership Foundation. 160628

Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM 160629
SUPPORT 160630

(A) Of the foregoing appropriation item 235474, Area 160631
Health Education Centers Program Support, \$1,000,000 in each 160632
fiscal year shall be allocated to the Ohio Council for Home Care 160633
and Hospice to establish and administer the Home Care and 160634
Hospice Workforce Program to enhance the nursing workforce 160635
across the state. Of these funds: 160636

(1) \$500,000 in each fiscal year shall be used to provide 160637
competitive scholarships to nursing students who are in their 160638
last year of study. The scholarship amounts for each student 160639
shall be \$20,000 for registered nurse (RN) and Bachelor of 160640
Science in Nursing (BSN) students, \$10,000 for licensed 160641
practical nurse (LPN) to RN bridge students, and \$6,000 for LPN 160642
students. The Council, in collaboration with the Chancellor of 160643

Higher Education, shall develop guidelines for the scholarships 160644
and procedures for making an award. 160645

(2) \$400,000 in each fiscal year shall be used to provide 160646
competitive grants to home care agencies to mentor recent 160647
nursing graduates. Grant amounts shall be \$20,000 for each nurse 160648
that receives training and mentoring during the first three 160649
months of employment. The Council, in collaboration with the 160650
Chancellor, shall develop guidelines for the grants and 160651
procedures for making an award. 160652

(3) \$100,000 in each fiscal year shall be used to 160653
administer the program. 160654

(B) The remainder of the foregoing appropriation item 160655
235474, Area Health Education Centers Program Support, shall be 160656
used by the Chancellor of Higher Education to support the 160657
medical school regional area health education centers' 160658
educational programs for the continued support of medical and 160659
other health professions education and for support of the Area 160660
Health Education Center Program. 160661

CAMPUS SECURITY SUPPORT PROGRAM 160662

The foregoing appropriation item 235475, Campus Security 160663
Support Program, shall be distributed by the Chancellor of 160664
Higher Education to institutionally sanctioned student 160665
organizations, located on or off campus, affiliated with 160666
communities that are at risk for increased threats of violent 160667
crime, terror attacks, hate crimes, or harassment to enhance 160668
security measures and increase student safety at institutions of 160669
higher education throughout the state. A portion of the 160670
foregoing appropriation item 235475, Campus Security Support 160671
Program, may be used by the Chancellor to administer the 160672

program. 160673

CAMPUS STUDENT SAFETY GRANT PROGRAM 160674

The foregoing appropriation item 235476, Campus Student 160675
Safety Grant Program, shall be used by the Chancellor of Higher 160676
Education to support the Campus Student Safety Grant Program 160677
pursuant to section 3333.80 of the Revised Code. 160678

CAMPUS SECURITY SUPPORT AND STUDENT SAFETY GRANT REPORTS 160679

Not later than July 1, 2026, the Chancellor of Higher 160680
Education shall submit reports regarding the programs funded 160681
under the foregoing appropriation items 235475, Campus Security 160682
Support Program, and 235476, Campus Student Safety Grant 160683
Program, to the chairpersons of the committees of each house 160684
that considers higher education legislation. Each report shall 160685
include, but not be limited to, information about the number of 160686
award recipients and how the funds have been spent under each 160687
program. 160688

Section 381.230. CAMPUS SAFETY AND TRAINING 160689

The foregoing appropriation item 235492, Campus Safety and 160690
Training, shall be used by the Chancellor of Higher Education 160691
for the purpose of developing model best practices for 160692
preventing and responding to sexual violence on campus. The 160693
Chancellor, in consultation with state institutions of higher 160694
education as defined in section 3345.011 of the Revised Code and 160695
private nonprofit institutions of higher education holding 160696
certificates of authorization under Chapter 1713. of the Revised 160697
Code, shall continue to develop model best practices in line 160698
with emerging trends, research, and evidence-based training for 160699
preventing and responding to sexual violence and protecting 160700
students and staff who are victims of sexual violence on campus. 160701

The Chancellor shall convene state institutions of higher 160702
education and private nonprofit institutions of higher education 160703
in the training and implementation of best practices regarding 160704
campus sexual violence. 160705

Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS 160706

The Chancellor of Higher Education shall establish 160707
procedures to allocate the foregoing appropriation item 235501, 160708
State Share of Instruction, based on the formulas detailed in 160709
this section that utilize the enrollment, course completion, 160710
degree attainment, and student achievement factors reported 160711
annually by each state institution of higher education 160712
participating in the Higher Education Information (HEI) system. 160713
A state institution that does not report data for a full 160714
academic year for any of the years included in the three-year 160715
reporting period for a fiscal year's state share of instruction 160716
allocations shall not receive an allocation for that fiscal year 160717
unless the Chancellor determines that exceptional circumstances 160718
warrant the institution receiving a full or partial allocation. 160719

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 160720
COMPLETIONS 160721

(1) As soon as possible during each fiscal year of the 160722
biennium ending June 30, 2027, in accordance with instructions 160723
of the Department of Higher Education, each state institution of 160724
higher education shall report its actual data, consistent with 160725
the definitions in the Higher Education Information (HEI) 160726
system's enrollment files, to the Chancellor. 160727

(2) In defining the number of full-time equivalent 160728
students for state subsidy instructional cost purposes, the 160729
Chancellor shall exclude all undergraduate students who are not 160730

residents of Ohio or who do not meet the definition of residency 160731
for state subsidy and tuition surcharge purposes, except those 160732
charged in-state fees in accordance with reciprocity agreements 160733
made under section 3333.17 of the Revised Code or employer 160734
contracts entered into under section 3333.32 of the Revised 160735
Code. 160736

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 160737

For purposes of calculating state share of instruction 160738
allocations, the total instructional costs per full-time 160739
equivalent student shall be: 160740

160741

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	\$12,218	\$12,710
C	ARTS AND HUMANITIES 2	\$16,282	\$16,938
D	ARTS AND HUMANITIES 3	\$20,250	\$21,066
E	ARTS AND HUMANITIES 4	\$28,250	\$29,388
F	ARTS AND HUMANITIES 5	\$45,031	\$46,846
G	ARTS AND HUMANITIES 6	\$41,346	\$43,013
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$12,297	\$12,793
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$12,723	\$13,235

J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$15,491	\$16,116
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$16,941	\$17,623
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,293	\$24,232
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$28,346	\$29,488
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,425	\$35,812
O	DOCTORAL 1	\$52,586	\$54,705
P	DOCTORAL 2	\$57,637	\$59,960
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$12,059	\$12,545
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$15,367	\$15,986
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$17,403	\$18,105
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$19,364	\$20,144

U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$24,715	\$25,711
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,736	\$22,612
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$28,839	\$30,001
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$42,767	\$44,491
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$60,542	\$62,982

Doctoral I and Doctoral II models shall be allocated in 160742
accordance with division (D) (2) of this section. 160743

Medical I and Medical II models shall be allocated in 160744
accordance with divisions (D) (3) and (D) (4) of this section. 160745

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, 160746
MEDICAL, AND GRADUATE WEIGHTS 160747

For the purpose of implementing the recommendations of the 160748
2006 State Share of Instruction Consultation and the Higher 160749
Education Funding Study Council that priority be given to 160750
maintaining state support for science, technology, engineering, 160751
mathematics, medicine, and graduate programs, the costs in 160752

division (B) of this section shall be weighted by the amounts 160753
provided below: 160754
160755

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	1.0000	1.0000
C	ARTS AND HUMANITIES 2	1.0000	1.0000
D	ARTS AND HUMANITIES 3	1.0000	1.0000
E	ARTS AND HUMANITIES 4	1.0000	1.0000
F	ARTS AND HUMANITIES 5	1.0425	1.0425
G	ARTS AND HUMANITIES 6	1.0425	1.0425
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425
M	BUSINESS, EDUCATION &	1.0425	1.0425

	SOCIAL SCIENCES 6		
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425
O	DOCTORAL 1	1.0000	1.0000
P	DOCTORAL 2	1.0000	1.0000
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798
W	SCIENCE, TECHNOLOGY,	1.4380	1.4380

	ENGINEERING, MATHEMATICS, MEDICINE 7		
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361
	(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES		160756 160757
	(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for universities, as established in division (B) (1) (b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of associate, baccalaureate, master's, and professional level degree attainment.		160758 160759 160760 160761 160762 160763 160764
	The degree attainment funding shall be allocated to universities in proportion to each campus's share of the total statewide degrees granted, weighted by the cost of the degree programs. The degree cost calculations shall include the model cost weights for the science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.		160765 160766 160767 160768 160769 160770 160771
	For degrees including credits earned at multiple institutions, degree attainment funding shall be allocated to universities in proportion to each campus's share of the student-specific cost of earned credits for the degree. Each		160772 160773 160774 160775

institution shall receive its prorated share of degree funding 160776
for credits earned at that institution. Cost of credits not 160777
earned at a university main or regional campus shall be credited 160778
to the degree-granting institution for the first degree earned 160779
by a student at each degree level. The cost credited to the 160780
degree-granting institution shall not be eligible for at-risk 160781
weights and shall be limited to 12.5 per cent of the student- 160782
specific degree costs. However, the 12.5 per cent limitation 160783
shall not apply if the student transferred 12 or fewer credits 160784
into the degree granting institution. 160785

In calculating the subsidy entitlements for degree 160786
attainment for universities, the Chancellor shall use the 160787
following count of degrees and degree costs: 160788

(a) The subsidy eligible undergraduate degrees shall be 160789
defined as follows: 160790

(i) The subsidy eligible degrees conferred to students 160791
identified as residents of the state of Ohio in any term of 160792
their studies, as reported through the Higher Education 160793
Information (HEI) system student enrollment file, shall be 160794
weighted by a factor of 1. 160795

(ii) The subsidy eligible degrees conferred to students 160796
identified as out-of-state residents during all terms of their 160797
studies, as reported through the Higher Education Information 160798
(HEI) system student enrollment file, who remain in the state of 160799
Ohio at least one year after graduation, as calculated based on 160800
the three-year average in-state residency rate using the 160801
Unemployment Wage data for out-of-state graduates at each 160802
institution, shall be weighted by a factor of 50 per cent. 160803

(iii) Subsidy eligible associate degrees are defined as 160804

those earned by students attending any state-supported 160805
university main or regional campus. 160806

(b) In calculating each campus's count of degrees, the 160807
Chancellor shall use the three-year average associate, 160808
baccalaureate, master's, and professional degrees awarded for 160809
the most recent completed three-year period that is practicable 160810
as agreed to by the Inter-University Council and the Chancellor. 160811

(i) If a student is awarded an associate degree and, 160812
subsequently, is awarded a baccalaureate degree, the amount 160813
funded for the baccalaureate degree shall be limited to either 160814
the difference in cost between the cost of the baccalaureate 160815
degree and the cost of the associate degree paid previously, or 160816
if the associate degree has a higher cost than the baccalaureate 160817
degree, the cost of the credits earned by the student after the 160818
associate degree was awarded. 160819

(ii) If a student earns an associate degree then, 160820
subsequently, earns a baccalaureate degree, the associate degree 160821
granting institution shall only receive the prorated share of 160822
the baccalaureate degree funding for the credits earned at that 160823
institution after the associate degree is awarded. 160824

(iii) If a student earns more than one degree at the same 160825
institution at the same degree level in the same fiscal year, 160826
the funding for the highest cost degree shall be prorated among 160827
institutions based on where the credits were earned and 160828
additional degrees shall be funded at 25 per cent of the cost of 160829
the degrees. 160830

(c) Associate degrees and baccalaureate degrees earned by 160831
a student defined as at-risk based on academic under- 160832
preparation, age, minority status, financial status, or first 160833

generation post-secondary status based on neither parent 160834
completing any education beyond high school, shall be defined as 160835
degrees earned by an at-risk student and shall be weighted by 160836
the following: 160837

A student-specific degree completion weight, where the 160838
weight is calculated based on the at-risk factors of the 160839
individual student, determined by calculating the difference 160840
between the percentage of students with each risk factor who 160841
earned a degree and the percentage of non-at-risk students who 160842
earned a degree. 160843

(2) Of the foregoing appropriation item 235501, State 160844
Share of Instruction, up to 11.78 per cent of the appropriation 160845
for universities, as established in division (B) (1) (b) of the 160846
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 160847
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 160848
reserved for support of doctoral programs to implement the 160849
funding recommendations made by representatives of the 160850
universities. The amount so reserved shall be referred to as the 160851
doctoral set-aside. 160852

In each fiscal year, the doctoral set-aside funding 160853
allocation shall be allocated to universities as follows: 160854

(a) 25 per cent of the doctoral set-aside shall be 160855
allocated to universities in proportion to their share of the 160856
statewide total earnings of each state institution's three-year 160857
average course completions. The subsidy eligible enrollments by 160858
model shall equal only those FTE students who successfully 160859
complete the course as defined and reported through the Higher 160860
Education Information (HEI) system course enrollment file. 160861
Course completion earnings shall be determined by multiplying 160862
the amounts listed above in divisions (B) and (C) of this 160863

section by the subsidy-eligible FTEs for the most recent 160864
completed three-year period that is practicable as agreed to by 160865
the Inter-University Council and the Chancellor for all doctoral 160866
enrollments in graduate-level models. 160867

(b) 50 per cent of the doctoral set-aside shall be 160868
allocated to universities in proportion to each campus's share 160869
of the total statewide doctoral degrees, weighted by the cost of 160870
the doctoral discipline. In calculating each campus's doctoral 160871
degrees the Chancellor shall use the three-year average doctoral 160872
degrees awarded for the most recent completed three-year period 160873
that is practicable as agreed to by the Inter-University Council 160874
and the Chancellor. 160875

(c) 25 per cent of the doctoral set-aside shall be 160876
allocated to universities in proportion to their share of 160877
research grant activity. Funding for this component shall be 160878
allocated to eligible universities in proportion to their share 160879
of research grant activity published by the National Science 160880
Foundation. Grant awards from the Department of Health and Human 160881
Services shall be weighted at 50 per cent. 160882

(3) Of the foregoing appropriation item 235501, State 160883
Share of Instruction, 6.41 per cent of the appropriation for 160884
universities, as established in division (B)(1)(b) of the 160885
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 160886
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 160887
reserved for support of Medical II FTEs. The amount so reserved 160888
shall be referred to as the medical II set-aside. 160889

The medical II set-aside shall be allocated to 160890
universities in proportion to their share of the statewide total 160891
of each state institution's three-year average Medical II FTEs 160892
as calculated in division (A) of this section. 160893

In calculating the core subsidy entitlements for Medical
II models only, students repeating terms may be no more than
five per cent of current year enrollment.

(4) Of the foregoing appropriation item 235501, State
Share of Instruction, 1.69 per cent of the appropriation for
universities, as established in division (B) (1) (b) of the
section of this act entitled "STATE SHARE OF INSTRUCTION FOR
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be
reserved for support of Medical I FTEs. The amount so reserved
shall be referred to as the medical I set-aside.

In each fiscal year, the medical I set-aside shall be
allocated to universities as follows:

(a) 12.34 per cent of the medical I set-aside shall be
allocated to universities in proportion to their share of the
statewide total of each state institution's three-year average
Medical I FTEs, as calculated in division (A) of this section,
enrolled in public colleges of podiatric medicine.

(b) 87.66 per cent of the medical I set-aside shall be
allocated to universities in proportion to their share of the
statewide total of each state institution's three-year average
Medical I FTEs, as calculated in division (A) of this section,
enrolled in public colleges of dentistry and veterinary
medicine.

(5) Of the foregoing appropriation item 235501, State
Share of Instruction, five per cent of the appropriation for
universities, as established in division (B) (1) (b) of the
section of this act entitled "STATE SHARE OF INSTRUCTION FOR
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be
reserved for support of College Credit Plus pathways and

accelerated ninety-hour degree programs as described in section 160923
3345.89 of the Revised Code. The College Credit Plus pathways 160924
and accelerated ninety-hour degree programs funding shall be 160925
allocated to universities in proportion to each campus's share 160926
of the total statewide enrollment in College Credit Plus 160927
pathways and accelerated ninety-hour degree programs. 160928

In calculating the subsidy entitlements for enrollment in 160929
College Credit Plus pathways and accelerated ninety-hour degree 160930
programs, the Chancellor shall use the following: 160931

(a) The subsidy for College Credit Plus pathways and 160932
accelerated ninety-hour degree programs shall be distributed as 160933
follows: 160934

(i) The subsidy enrollment in College Credit Plus pathways 160935
and accelerated ninety-hour degree programs for students 160936
identified as residents of this state in any term of their 160937
studies, as reported through the Higher Education Information 160938
(HEI) system student enrollment file, shall be weighted by a 160939
factor of 1. 160940

(ii) The subsidy enrollment in College Credit Plus 160941
pathways and accelerated ninety-hour degree programs for 160942
students identified as out-of-state residents during all terms 160943
of their studies, as reported through the Higher Education 160944
Information (HEI) system student enrollment file, who remain in 160945
the state of Ohio at least one year after graduation, as 160946
calculated based on the three-year average in-state residency 160947
rate using unemployment wage data for out-of-state graduates at 160948
each institution, shall be weighted by a factor of 50 per cent. 160949

(b) In calculating each campus's enrollment in College 160950
Credit Plus pathways and accelerated ninety-hour degree 160951

programs, the Chancellor shall use the three-year average 160952
enrollment for the most recent completed three-year period that 160953
is practicable as agreed to by the Inter-University Council and 160954
the Chancellor. 160955

(6) In calculating the course completion funding for 160956
universities, the Chancellor shall use the following count of 160957
FTE students: 160958

(a) The subsidy eligible enrollments by model shall equal 160959
only those FTE students who successfully complete the course as 160960
defined and reported through the Higher Education Information 160961
(HEI) system course enrollment file; 160962

(b) Those undergraduate FTE students with successful 160963
course completions, identified in division (D) (6) (a) of this 160964
section, that are defined as at-risk based on academic under- 160965
preparation or financial status shall have their eligible 160966
completions weighted by the following: 160967

(i) Institution-specific course completion indexes, where 160968
the indexes are calculated based upon the number of at-risk 160969
students enrolled during the prior three calendar years; and 160970

(ii) A statewide average at-risk course completion weight 160971
determined for each subsidy model. The statewide average at-risk 160972
course completion weight shall be determined by calculating the 160973
difference between the percentage of traditional students who 160974
complete a course and the percentage of at-risk students who 160975
complete the same course. 160976

(c) The course completion earnings shall be determined by 160977
multiplying the amounts listed above in divisions (B) and (C) of 160978
this section by the subsidy-eligible FTEs for the most recent 160979
completed three-year period that is practicable as agreed to by 160980

the Inter-University Council and the Chancellor for all models 160981
except Medical I and Medical II. 160982

(d) For universities, the Chancellor shall compute the 160983
course completion earnings by dividing the appropriation for 160984
universities, established in division (B)(1)(b) of the section 160985
of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 160986
YEARS 2026 AND 2027," less the degree attainment funding as 160987
calculated in division (D)(1) of this section, less the doctoral 160988
set-aside, less the medical I set-aside, less the medical II 160989
set-aside,, and less the College Credit Plus pathways and 160990
accelerated ninety-hour degree programs funding as calculated in 160991
division (D)(5) of this section, by the sum of all campuses' 160992
instructional costs as calculated in division (D)(6) of this 160993
section. 160994

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 160995
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 160996

(1) Of the foregoing appropriation item 235501, State 160997
Share of Instruction, 50 per cent of the appropriation for 160998
state-supported community colleges, state community colleges, 160999
and technical colleges as established in division (B)(1)(a) of 161000
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 161001
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 161002
reserved for course completion FTEs as aggregated by the subsidy 161003
models defined in division (B) of this section. 161004

The course completion funding shall be allocated to 161005
campuses in proportion to each campus's share of the total 161006
sector's course completions, weighted by the instructional cost 161007
of the subsidy models. 161008

To calculate the subsidy entitlements for course 161009

completions at community colleges, state community colleges, and 161010
technical colleges, the Chancellor shall use the following 161011
calculations: 161012

(a) In calculating each campus's count of FTE course 161013
completions, the Chancellor shall use a three-year average for 161014
course completions for the three-year period ending in the prior 161015
year for students identified as residents of the state of Ohio 161016
in any term of their studies, as reported through the Higher 161017
Education Information (HEI) system student enrollment file. 161018

(b) The subsidy eligible enrollments by model shall equal 161019
only those FTE students who successfully complete the course as 161020
defined and reported through the Higher Education Information 161021
(HEI) system course enrollment file. 161022

(c) Those students with successful course completions, 161023
that are defined as access students based on financial status, 161024
minority status, age, or academic under-preparation shall have 161025
their eligible course completions weighted by a statewide access 161026
weight. The weight given to any student that meets any access 161027
factor shall be 15 per cent for all course completions. 161028

(d) The model costs as used in the calculation shall be 161029
augmented by the model weights for science, technology, 161030
engineering, mathematics, and medicine models as established in 161031
division (C) of this section. 161032

(2) Of the foregoing appropriation item 235501, State 161033
Share of Instruction, 25 per cent of the appropriation for 161034
state-supported community colleges, state community colleges, 161035
and technical colleges as established in division (B) (1) (a) of 161036
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 161037
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 161038

reserved for colleges in proportion to their share of college 161039
student success factors. 161040

Student success factors shall be awarded at the 161041
institutional level for each subsidy-eligible student that 161042
successfully: 161043

(a) Completes a college-level math course within the first 161044
30 hours of completed coursework. 161045

(b) Completes a college-level English course within the 161046
first 30 hours of completed coursework. 161047

(c) Completes 12 semester credit hours of college-level 161048
coursework. 161049

(d) Completes 24 semester credit hours of college-level 161050
coursework. 161051

(e) Completes 36 semester credit hours of college-level 161052
coursework. 161053

(3) Of the foregoing appropriation item 235501, State 161054
Share of Instruction, 25 per cent of the appropriation for 161055
state-supported community colleges, state community colleges, 161056
and technical colleges as established in division (B) (1) (a) of 161057
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 161058
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 161059
reserved for completion milestones. 161060

Completion milestones shall include baccalaureate degrees, 161061
associate degrees, technical certificates over 30 credit hours 161062
as designated by the Department of Higher Education, and 161063
students transferring to any four-year institution with at least 161064
12 credit hours of college-level coursework earned at that 161065
community college, state community college, or technical 161066

college. 161067

The completion milestone funding shall be allocated to 161068
colleges in proportion to each institution's share of the 161069
sector's total completion milestones, weighted by the 161070
instructional cost of the degree, certificate, or transfer 161071
models. Costs for technical certificates over 30 hours shall be 161072
weighted at one-half of the associate degree model costs and 161073
transfers with at least 12 credit hours of college-level 161074
coursework shall be weighted at one-fourth of the average cost 161075
for all associate degree model costs. 161076

(4) To calculate the subsidy entitlements for completions 161077
at community colleges, state community colleges, and technical 161078
colleges, the Chancellor shall use the following calculations: 161079

(a) In calculating each campus's count of completions, the 161080
Chancellor shall use a three-year average for completion 161081
milestones awarded to students identified as subsidy eligible in 161082
any term of their studies, as reported through the Higher 161083
Education Information (HEI) system student enrollment file. 161084

(b) The subsidy eligible completion milestones by model 161085
shall equal only those students who successfully complete a 161086
baccalaureate or an associate degree, or technical certificate 161087
over 30 credit hours, or transfer to any four-year institution 161088
with at least 12 credit hours of college-level coursework as 161089
defined and reported in the Higher Education Information (HEI) 161090
system. Student completions reported in HEI shall have an 161091
accompanying course enrollment record in order to be subsidy 161092
eligible. 161093

(c) Those students with successful completions for 161094
baccalaureate or associate degrees, technical certificates over 161095

30 credit hours, or transfer to any four-year institution with 161096
at least 12 credit hours of college-level coursework, identified 161097
in division (E) (3) of this section, that are defined as access 161098
students based on financial status, minority status, age, or 161099
academic under-preparation shall have their eligible completions 161100
weighted by a statewide access weight. The weight shall be 25 161101
per cent for students with one access factor, 66 per cent for 161102
students with two access factors, 150 per cent for students with 161103
three access factors, and 200 per cent for students with four 161104
access factors. 161105

(d) For those students who complete more than one 161106
completion milestone, funding for each additional degree or 161107
technical certificate over 30 credit hours designated as such by 161108
the Department of Higher Education shall be funded at 50 per 161109
cent of the model costs as defined in division (E) (3) of this 161110
section. 161111

(5) For purposes of the calculations made in division (E) 161112
of this section, the Chancellor shall only include subsidy- 161113
eligible students identified as residents of the state of Ohio 161114
in any term of their studies, as reported through the Higher 161115
Education Information (HEI) system student enrollment file. The 161116
Chancellor shall be prohibited from including nonresident 161117
students as subsidy-eligible except for those students otherwise 161118
identified as subsidy-eligible in division (A) (2) of this 161119
section. 161120

(F) CAPITAL COMPONENT DEDUCTION 161121

After all other adjustments have been made, state share of 161122
instruction earnings shall be reduced for each campus by the 161123
amount, if any, by which debt service charged in H.B. 16 of the 161124
126th General Assembly, H.B. 699 of the 126th General Assembly, 161125

H.B. 496 of the 127th General Assembly, and H.B. 562 of the 161126
127th General Assembly for that campus exceeds that campus's 161127
capital component earnings. The sum of the amounts deducted 161128
shall be transferred to appropriation item 235552, Capital 161129
Component, in each fiscal year. 161130

(G) EXCEPTIONAL CIRCUMSTANCES 161131

Adjustments may be made to the state share of instruction 161132
payments and other subsidies distributed by the Chancellor to 161133
state colleges and universities for exceptional circumstances. 161134
No adjustments for exceptional circumstances may be made without 161135
the recommendation of the Chancellor and the approval of the 161136
Controlling Board. 161137

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 161138
INSTRUCTION 161139

The standard provisions of the state share of instruction 161140
calculation as described in the preceding sections of temporary 161141
law shall apply to any reductions made to appropriation item 161142
235501, State Share of Instruction, before the Chancellor has 161143
formally approved the final allocation of the state share of 161144
instruction funds for any fiscal year. 161145

Any reductions made to appropriation item 235501, State 161146
Share of Instruction, after the Chancellor has formally approved 161147
the final allocation of the state share of instruction funds for 161148
any fiscal year, shall be uniformly applied to each campus in 161149
proportion to its share of the final allocation. 161150

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 161151

The state share of instruction payments to the 161152
institutions shall be in substantially equal monthly amounts 161153
during the fiscal year, unless otherwise determined by the 161154

Director of Budget and Management pursuant to section 126.09 of 161155
the Revised Code. Payments during the first six months of the 161156
fiscal year may be based upon the state share of instruction 161157
appropriation estimates made for the various institutions of 161158
higher education, and payments during the last six months of the 161159
fiscal year may be based on the final data from the Chancellor. 161160
If agreed to by the Chancellor and the Inter-University Council, 161161
payments to universities in each month of a fiscal year shall be 161162
based on final data in the higher education information system 161163
for the selected three-year period that is acceptable to both 161164
parties. 161165

Section 381.250. STATE SHARE OF INSTRUCTION FOR FISCAL 161166
YEARS 2026 AND 2027 161167

(A) (1) Of the foregoing appropriation item 235501, State 161168
Share of Instruction, up to \$100,000,000 in each fiscal year 161169
shall be distributed according to a formula devised by the 161170
Chancellor of Higher Education based on the following order of 161171
priority, using data from the United States Census Post- 161172
Secondary Employment Outcomes project: 161173

(a) Retention-rate outcomes based on factors, including, 161174
but not limited to, the number of graduates employed by an Ohio- 161175
based employer and employment outcomes of the graduates of each 161176
college and university. In counting students under division (A) 161177
(1) (a) of this section, graduates who are residents of this 161178
state under rules adopted under section 3333.31 of the Revised 161179
Code and are employed by an Ohio-based employer shall be 161180
weighted the highest, followed by graduates who are employed by 161181
an Ohio-based employer but are not residents of this state; 161182

(b) Employment outcomes of the graduates of each college 161183
and university. In counting students under division (A) (1) (b) of 161184

this section, the Chancellor shall use as a factor employment by 161185
the graduates of each institution, measured at the 2-digit level 161186
of the Classification of Instructional Programs codes published 161187
by the National Center for Education Statistics. 161188

(2) Of the foregoing appropriation item 235501, State 161189
Share of Instruction, up to \$10,000,000 in each fiscal year 161190
shall be distributed according to a formula devised by the 161191
Chancellor that provides funding bonuses of \$10,000 per graduate 161192
for technician-aligned associate degrees, as determined by the 161193
Governor's Office of Workforce Transformation, that are produced 161194
above a historical baseline of institutional production, as 161195
calculated by the Chancellor. In developing a formula under 161196
division (A) (2) of this section, the Chancellor shall give 161197
priority to retention-based outcomes, as specified in division 161198
(A) (1) (a) of this section, and count only graduates that are 161199
employed by an Ohio-based employer. 161200

(3) Of the amount set aside in division (A) (1) of this 161201
section for each fiscal year, 76.8 per cent shall be distributed 161202
to state-supported university main and regional campuses and 161203
23.2 per cent shall be distributed to state-supported community 161204
colleges, state community colleges, and technical colleges. 161205

(4) Of the foregoing appropriation item 235501, State 161206
Share of Instruction, \$8,500,000 in each fiscal year shall be 161207
distributed to The Ohio State University to support the Salmon 161208
P. Chase Center for Civics, Culture, and Society established 161209
under section 3335.39 of the Revised Code. 161210

(5) Of the foregoing appropriation item 235501, State 161211
Share of Instruction, \$3,000,000 in each fiscal year shall be 161212
distributed to the University of Toledo to support the Institute 161213
of American Constitutional Thought and Leadership established 161214

under section 3364.07 of the Revised Code. 161215

(6) Of the foregoing appropriation item 235501, State 161216
Share of Instruction, \$2,000,000 in each fiscal year shall be 161217
distributed to Miami University to support the center for 161218
civics, culture, and society established under section 3339.06 161219
of the Revised Code. 161220

(7) Of the foregoing appropriation item 235501, State 161221
Share of Instruction, \$2,000,000 in each fiscal year shall be 161222
distributed to Cleveland State University to support the center 161223
for civics, culture, and society established under section 161224
3344.07 of the Revised Code. 161225

(8) Of the foregoing appropriation item 235501, State 161226
Share of Instruction, \$2,000,000 in each fiscal year shall be 161227
distributed to Wright State University to support the center for 161228
civics, culture, and workforce development established under 161229
section 3352.16 of the Revised Code. 161230

(B) (1) The remainder of the foregoing appropriation item 161231
235501, State Share of Instruction, shall be distributed 161232
according to the section of this act entitled "STATE SHARE OF 161233
INSTRUCTION FORMULAS." Of these funds: 161234

(a) 23.2 per cent in each fiscal year shall be distributed 161235
to state-supported community colleges, state community colleges, 161236
and technical colleges, except that the amount calculated for 161237
Eastern Gateway Community College shall be distributed as 161238
follows: 161239

(i) Up to \$2,900,000 in fiscal year 2026 for final close 161240
out costs of the college; 161241

(ii) Up to \$2,500,000 in fiscal year 2026 to reimburse the 161242
Controlling Board Emergency Purposes/Contingencies Fund (Fund 161243

5KM0) ; 161244

(iii) The remainder in each fiscal year shall remain in 161245
the General Revenue Fund. 161246

(b) 76.8 per cent in each fiscal year shall be distributed 161247
to state-supported university main and regional campuses; 161248

(c) Of the amounts distributed under division (B) (1) (b) of 161249
this section, \$75,000,000 in fiscal year 2027 shall be 161250
distributed according to a formula devised by the Chancellor 161251
based on the per cent share of funds calculated in division (B) 161252
(1) (b) of this section. No state university shall receive funds 161253
from the amount set aside in division (B) (1) (c) of this section 161254
for fiscal year 2027 unless the standing committees of the House 161255
of Representatives and the Senate that consider higher education 161256
legislation determine that the state university has fully 161257
complied with sections 3333.045, 3345.029, 3345.0216, 3345.0217, 161258
3345.382, 3345.451, 3345.453, and 3345.591 of the Revised Code 161259
for the previous fiscal year. To make this determination, each 161260
state university shall, not later than March 1, 2026, submit a 161261
report to the committee chairs, in a form and manner determined 161262
by the committees, that demonstrates the state university's 161263
compliance with those sections. Not later than March 31, 2026, 161264
each committee shall determine whether each state university has 161265
fully complied with those sections for the previous fiscal year 161266
and report that determination to the Office of Budget and 161267
Management. The Controlling Board shall consider the release of 161268
funds from the amount set aside in division (B) (1) (c) of this 161269
section for fiscal year 2027 only for compliant universities. 161270
The release of funds shall be subject to Controlling Board 161271
approval. Payments for fiscal year 2027 shall be issued to 161272
compliant universities in monthly payments in the manner 161273

provided in division (I) of the section of this act entitled 161274
"STATE SHARE OF INSTRUCTION FORMULAS." For any university 161275
determined noncompliant, the Chancellor shall reduce payments 161276
for that university by an amount equal to that university's per 161277
cent share of the total funds calculated pursuant to division 161278
(B) (1) (b) of this section. 161279

(2) Any increases in the amount distributed to an 161280
institution from the funds set aside in division (B) of this 161281
section that are above the prior year may be used by the 161282
institution to provide need-based aid and to provide counseling, 161283
support services, and workforce preparation services to 161284
students. 161285

Section 381.260. RESTRICTION ON FEE INCREASES 161286

(A) In fiscal years 2026 and 2027, the boards of trustees 161287
of state institutions of higher education shall restrain 161288
increases in in-state undergraduate instructional and general 161289
fees. 161290

(1) For the 2025-2026 and 2026-2027 academic years, each 161291
community college established under Chapter 3354., state 161292
community college established under Chapter 3358., or technical 161293
college established under Chapter 3357. of the Revised Code may 161294
increase its in-state undergraduate instructional and general 161295
fees by not more than ten dollars per credit hour over what the 161296
institution charged for the previous academic year. 161297

(2) The limitations under division (A) (1) of this section 161298
do not apply to student health insurance, fees for auxiliary 161299
goods or services provided to students at the cost incurred to 161300
the institution, fees assessed to students as a pass-through for 161301
licensure and certification examinations, fees in elective 161302

courses associated with travel experiences, elective service 161303
charges, fines, and voluntary sales transactions. 161304

(B) The limitations under this section shall not apply to 161305
increases required to comply with institutional covenants 161306
related to their obligations or to meet unfunded legal mandates 161307
or legally binding obligations incurred or commitments made 161308
prior to the effective date of this section with respect to 161309
which the institution had identified such fee increases as the 161310
source of funds. Any increase required by such covenants and any 161311
such mandates, obligations, or commitments shall be reported by 161312
the Chancellor of Higher Education to the Controlling Board. 161313
These limitations may also be modified by the Chancellor, with 161314
the approval of the Controlling Board, to respond to exceptional 161315
circumstances as identified by the Chancellor. 161316

(C) Institutions offering an undergraduate tuition 161317
guarantee pursuant to section 3345.48 of the Revised Code may 161318
increase instructional and general fees pursuant to that 161319
section. 161320

Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES 161321

(A) Funds appropriated for instructional subsidies at 161322
colleges and universities may be used to provide such branch or 161323
other off-campus undergraduate courses of study and such 161324
master's degree courses of study as may be approved by the 161325
Chancellor of Higher Education. 161326

(B) In providing instructional and other services to 161327
students, boards of trustees of state institutions of higher 161328
education shall supplement state subsidies with income from 161329
charges to students. Except as otherwise provided in this act, 161330
each board shall establish the fees to be charged to all 161331

students, including an instructional fee for educational and 161332
associated operational support of the institution and a general 161333
fee for noninstructional services, including locally financed 161334
student services facilities used for the benefit of enrolled 161335
students. The instructional fee and the general fee shall 161336
encompass all charges for services assessed uniformly to all 161337
enrolled students. Each board may also establish special purpose 161338
fees, service charges, and fines as required; such special 161339
purpose fees and service charges shall be for services or 161340
benefits furnished individual students or specific categories of 161341
students and shall not be applied uniformly to all enrolled 161342
students. A tuition surcharge shall be paid by all students who 161343
are not residents of Ohio. 161344

The board of trustees of a state institution of higher 161345
education shall not authorize a waiver or nonpayment of 161346
instructional fees or general fees for any particular student or 161347
any class of students other than waivers specifically authorized 161348
by law or approved by the Chancellor. This prohibition is not 161349
intended to limit the authority of boards of trustees to provide 161350
for payments to students for services rendered the institution, 161351
nor to prohibit the budgeting of income for staff benefits or 161352
for student assistance in the form of payment of such 161353
instructional and general fees. 161354

Each board may authorize a lower differential tuition rate 161355
of instructional or general fees equal to the default rate 161356
options provided under the College Credit Plus Program pursuant 161357
to Chapter 3365. of the Revised Code or equal to rates 161358
established pursuant to an agreement for an alternative payment 161359
structure pursuant to section 3365.07 of the Revised Code for 161360
nonpublic and home schooled students participating in that 161361
program that are not publicly funded. Each board may establish a 161362

lower differential tuition rate for in-state undergraduate 161363
instructional fees or general fees for students enrolled 161364
exclusively in online courses, as well as a lower differential 161365
tuition rate for the surcharge for nonresidents enrolled 161366
exclusively in online courses, provided a surcharge is still 161367
assessed. 161368

Each board may authorize a lower tuition rate for courses 161369
taken by high school students that do not qualify for funding 161370
under the College Credit Plus program under section 3365.07 of 161371
the Revised Code. These tuition rates must align with the 161372
institution's tuition rates charged for courses eligible for 161373
funding under the College Credit Plus Program. 161374

Each state institution of higher education in its 161375
statement of charges to students shall separately identify the 161376
instructional fee, the general fee, the tuition charge, and the 161377
tuition surcharge. Fee charges to students for instruction shall 161378
not be considered to be a price of service but shall be 161379
considered to be an integral part of the state government 161380
financing program in support of higher educational opportunity 161381
for students. 161382

(C) The boards of trustees of state institutions of higher 161383
education shall ensure that faculty members devote a proper and 161384
judicious part of their work week to the actual instruction of 161385
students. Total class credit hours of production per academic 161386
term per full-time faculty member is expected to meet the 161387
standards set forth in the budget data submitted by the 161388
Chancellor. 161389

(D) The authority of government vested by law in the 161390
boards of trustees of state institutions of higher education 161391
shall in fact be exercised by those boards. Boards of trustees 161392

may consult extensively with appropriate student and faculty 161393
groups. Administrative decisions about the utilization of 161394
available resources, about organizational structure, about 161395
disciplinary procedure, about the operation and staffing of all 161396
auxiliary facilities, and about administrative personnel shall 161397
be the exclusive prerogative of boards of trustees. Any 161398
delegation of authority by a board of trustees in other areas of 161399
responsibility shall be accompanied by appropriate standards of 161400
guidance concerning expected objectives in the exercise of such 161401
delegated authority and shall be accompanied by periodic review 161402
of the exercise of this delegated authority to the end that the 161403
public interest, in contrast to any institutional or special 161404
interest, shall be served. 161405

Section 381.280. WAR ORPHANS AND SEVERELY DISABLED 161406
VETERANS' CHILDREN SCHOLARSHIPS 161407

The foregoing appropriation item 235504, War Orphans and 161408
Severely Disabled Veterans' Children Scholarships, shall be used 161409
to reimburse state institutions of higher education for waivers 161410
of instructional fees and general fees provided by them, to 161411
provide grants to institutions that have received a certificate 161412
of authorization from the Chancellor of Higher Education under 161413
Chapter 1713. of the Revised Code, in accordance with the 161414
provisions of section 5910.04 of the Revised Code, and to fund 161415
additional scholarship benefits provided by section 5910.032 of 161416
the Revised Code. 161417

During each fiscal year, the Chancellor, as soon as 161418
possible after cancellation, may certify to the Director of 161419
Budget and Management the amount of canceled prior-year 161420
encumbrances in appropriation item 235504, War Orphans and 161421
Severely Disabled Veterans' Children Scholarships. Upon receipt 161422

of the certification, the Director of Budget and Management may 161423
transfer cash, up to the certified amount, from the General 161424
Revenue Fund to the War Orphans and Severely Disabled Veterans' 161425
Children Scholarship Reserve Fund (Fund 5PW0). 161426

Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION 161427

By the first day of September in each fiscal year, or as 161428
soon as possible thereafter, the Chancellor of Higher Education 161429
shall certify to the Director of Budget and Management the 161430
amount necessary to pay any outstanding prior-year obligations 161431
to higher education institutions under the State Share of 161432
Instruction formulas, as determined by the Chancellor. 161433
Notwithstanding any provisions of law to the contrary, the 161434
Director of Budget and Management, upon the request of the 161435
Chancellor, may transfer cash in an amount up to the amounts 161436
certified for State Share of Instruction reconciliation from the 161437
State Financial Aid Reconciliation Fund (Fund 5Y50) to the 161438
General Revenue Fund. The amounts certified for State Share of 161439
Instruction reconciliation are hereby appropriated to 161440
appropriation item 235505, State Share of Instruction 161441
Reconciliation. 161442

Section 381.300. OHIOLINK 161443

The foregoing appropriation item 235507, OhioLINK, shall 161444
be used by the Chancellor of Higher Education to support 161445
OhioLINK, a consortium organized under division (T) of section 161446
3333.04 of the Revised Code to serve as the state's electronic 161447
library information and retrieval system, which provides access 161448
statewide to an extensive set of electronic databases and 161449
resources, the library holdings of Ohio's public and 161450
participating private nonprofit colleges and universities, and 161451
the State Library of Ohio. 161452

Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY 161453

(A) Of the foregoing appropriation item 235508, Air Force 161454
Institute of Technology, \$75,000 in each fiscal year shall be 161455
allocated to the Aerospace Professional Development Center in 161456
Dayton for statewide workforce development services in the 161457
aerospace industry. 161458

(B) The remainder of the foregoing appropriation item 161459
235508, Air Force Institute of Technology, shall be used to do 161460
both of the following: 161461

(1) Strengthen the research and educational linkages 161462
between the Wright Patterson Air Force Base and institutions of 161463
higher education in Ohio; and 161464

(2) Support the Defense Associated Graduate Student 161465
Innovators, an engineering graduate consortium of Wright State 161466
University, the University of Dayton, and the Air Force 161467
Institute of Technology, with the participation of the 161468
University of Cincinnati and The Ohio State University. 161469

Section 381.320. OHIO SUPERCOMPUTER CENTER 161470

The foregoing appropriation item 235510, Ohio 161471
Supercomputer Center, shall be used by the Chancellor of Higher 161472
Education to support the operation of the Ohio Supercomputer 161473
Center, a consortium organized under division (T) of section 161474
3333.04 of the Revised Code, located at The Ohio State 161475
University. The Ohio Supercomputer Center is a statewide 161476
resource available to Ohio research universities both public and 161477
private. It is also intended that the center be made accessible 161478
to private industry as appropriate. 161479

The Ohio Supercomputer Center's services shall support 161480
Ohio's colleges, universities, and businesses to make Ohio a 161481

leader in using computational science, modeling, and simulation 161482
to promote higher education, research, and economic 161483
competitiveness. 161484

Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION 161485
SERVICE 161486

The foregoing appropriation item 235511, The Ohio State 161487
University Extension Service, shall be disbursed through the 161488
Chancellor of Higher Education to The Ohio State University in 161489
monthly payments, unless otherwise determined by the Director of 161490
Budget and Management under section 126.09 of the Revised Code. 161491

Section 381.340. CENTRAL STATE SUPPLEMENT 161492

The foregoing appropriation item 235514, Central State 161493
Supplement, shall be disbursed by the Chancellor of Higher 161494
Education to Central State University. Funds shall be used in a 161495
manner consistent with the goals of increasing enrollment, 161496
improving course completion, and increasing the number of 161497
degrees conferred. 161498

Section 381.350. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 161499
MEDICINE 161500

The foregoing appropriation item 235515, Case Western 161501
Reserve University School of Medicine, shall be disbursed to 161502
Case Western Reserve University through the Chancellor of Higher 161503
Education in accordance with agreements entered into under 161504
section 3333.10 of the Revised Code, provided that the state 161505
support per full-time medical student shall not exceed that 161506
provided to full-time medical students at state universities. 161507

Section 381.360. FAMILY PRACTICE 161508

The foregoing appropriation item 235519, Family Practice, 161509

shall be distributed in each fiscal year, based on each medical 161510
school's share of residents placed in a family practice and 161511
graduates practicing in a family practice. 161512

Section 381.370. SHAWNEE STATE SUPPLEMENT 161513

The foregoing appropriation item 235520, Shawnee State 161514
Supplement, shall be disbursed by the Chancellor of Higher 161515
Education to Shawnee State University. Funds shall be used in a 161516
manner consistent with the goals of improving course completion, 161517
increasing the number of degrees conferred, and furthering the 161518
university's mission of service to the Appalachian region. 161519

Section 381.380. GERIATRIC MEDICINE 161520

The Chancellor of Higher Education shall distribute 161521
appropriation item 235525, Geriatric Medicine, consistent with 161522
existing criteria and guidelines. 161523

Section 381.390. PRIMARY CARE RESIDENCIES 161524

The foregoing appropriation item 235526, Primary Care 161525
Residencies, shall be distributed in each fiscal year, based on 161526
each medical school's share of residents placed in a primary 161527
care field and graduates practicing in a primary care field. 161528

Section 381.400. GOVERNOR'S MERIT SCHOLARSHIP 161529

(A) The foregoing appropriation item 235530, Governor's 161530
Merit Scholarship, shall be used by the Chancellor of Higher 161531
Education to administer the Governor's Merit Scholarship Program 161532
and to award merit-based aid to qualifying institutions on 161533
behalf of eligible students. Funds awarded under this section 161534
shall be used in a manner consistent with the goal of allowing 161535
high-achieving high school graduates to remain in Ohio to pursue 161536
their post-secondary studies and contribute to Ohio's expanding 161537

economic opportunities. 161538

(B) In awarding funds under this section, and to the 161539
extent that funds are sufficient to do so, the Chancellor shall 161540
provide per-student awards of \$5,000 per academic year to 161541
eligible students determined to be in the top five per cent of 161542
their public or nonpublic high school graduating class at the 161543
end of their junior year, as determined by their public or 161544
nonpublic high school using criteria established by the 161545
Chancellor in consultation with the Director of Education and 161546
Workforce. School districts and nonpublic high schools shall 161547
provide the information as requested by the Chancellor to 161548
determine scholarship eligibility. Eligible students shall 161549
receive an award for up to the equivalent of four academic years 161550
of instruction at a qualifying institution, contingent on 161551
satisfactory academic progress. 161552

(C) The Chancellor, in consultation with the Director, 161553
shall determine eligibility for graduating high school students 161554
who were home schooled to provide a level of access to the 161555
program described in this section that is reasonably 161556
commensurate with the merit-based criteria used to determine 161557
eligibility for students graduating from a public or nonpublic 161558
high school. 161559

(D) The Governor's Merit Scholarship shall be used to pay 161560
eligible expenses, as determined by the Chancellor, included 161561
within the published cost of attendance at a qualifying 161562
institution. 161563

(E) A qualifying institution shall not make changes to 161564
scholarship or financial aid programs offered by that 161565
institution that have the goal or net effect of shifting the 161566
cost burden of those programs to the program described in this 161567

section. Institutions of higher education that enroll students 161568
receiving merit-based financial aid grants under this section 161569
shall maintain the same level of merit-based financial aid the 161570
institution provided in the most recent academic year in the 161571
aggregate to all students or on a per-student basis. 161572

(F) Notwithstanding any provision of law to the contrary, 161573
the Chancellor may establish guidelines for the purpose of 161574
implementing this section, except that the Chancellor shall not 161575
place limits on the number of students receiving an award under 161576
this section that enroll at a qualifying institution. 161577

(G) As used in this section, "qualifying institution" 161578
means any of the following: 161579

(1) A state institution of higher education, as defined in 161580
section 3345.011 of the Revised Code; 161581

(2) A private nonprofit institution of higher education 161582
holding a certificate of authorization under Chapter 1713. of 161583
the Revised Code. 161584

Section 381.410. PROGRAM AND PROJECT SUPPORT 161585

Of the foregoing appropriation item 235533, Program and 161586
Project Support, \$7,000,000 in fiscal year 2026 shall be 161587
distributed to Miami University to establish the Ohio Institute 161588
for Quantum Computing Research, Talent, and Commercialization 161589
and an urban bridge to Cleveland. 161590

Of the foregoing appropriation item 235533, Program and 161591
Project Support, \$200,000 in each fiscal year shall be used to 161592
support the University of Dayton Statehouse Civic Scholars 161593
Program. 161594

Of the foregoing appropriation item 235533, Program and 161595

Project Support, \$935,000 in fiscal year 2026 shall be allocated 161596
to support Ashland University's Military and Veterans Services 161597
program. 161598

Of the foregoing appropriation item 235533, Program and 161599
Project Support, \$250,000 in each fiscal year shall be allocated 161600
to Kent State University to support its women's wrestling 161601
program. 161602

Of the foregoing appropriation item 235533, Program and 161603
Project Support, \$350,000 in fiscal year 2026 shall be 161604
distributed to Sinclair Community College for the purchase of 161605
equipment for manufacturing education in Ohio's correctional 161606
institutions that will support training leading to industry 161607
credentials valued by manufacturing employers, as determined by 161608
support of a regional manufacturing industry sector partnership 161609
endorsed by the Ohio Manufacturer's Association. 161610

Of the foregoing appropriation item 235533, Program and 161611
Project Support, \$500,000 in each fiscal year shall be 161612
distributed to the Strategic Ohio Council on Higher Education to 161613
support the Ohio Intern Academy program. 161614

Of the foregoing appropriation item 235533, Program and 161615
Project Support, \$100,000 in fiscal year 2026 shall be allocated 161616
to support Ashland University's Ashbrook Center civics education 161617
K-12 teacher training and student learning initiative. 161618

Of the foregoing appropriation item 235533, Program and 161619
Project Support, \$100,000 in each fiscal year shall be allocated 161620
to support the Kent State University Rising Scholars Program. 161621

Section 381.420. OHIO STATE AGRICULTURAL RESEARCH 161622

The foregoing appropriation item 235535, Ohio State 161623
Agricultural Research, shall be disbursed through the Chancellor 161624

of Higher Education to The Ohio State University in monthly 161625
payments, unless otherwise determined by the Director of Budget 161626
and Management under section 126.09 of the Revised Code. 161627

The Ohio Agricultural Research and Development Center, an 161628
entity of the College of Food, Agricultural, and Environmental 161629
Sciences of The Ohio State University, shall further its mission 161630
of enhancing Ohio's economic development and job creation by 161631
continuing to internally allocate on a competitive basis 161632
appropriated funding of programs based on demonstrated 161633
performance. Academic units, faculty, and faculty-driven 161634
programs shall be evaluated and rewarded consistent with agreed- 161635
upon performance expectations as called for in the College's 161636
Expectations and Criteria for Performance Assessment. 161637

Section 381.430. STATE UNIVERSITY CLINICAL TEACHING 161638

The foregoing appropriation items 235536, The Ohio State 161639
University Clinical Teaching; 235537, University of Cincinnati 161640
Clinical Teaching; 235538, University of Toledo Clinical 161641
Teaching; 235539, Wright State University Clinical Teaching; 161642
235540, Ohio University Clinical Teaching; and 235541, Northeast 161643
Ohio Medical University Clinical Teaching, shall be distributed 161644
through the Chancellor of Higher Education. 161645

Of the foregoing appropriation item 235539, Wright State 161646
University Clinical Teaching, \$1,500,000 in each fiscal year 161647
shall be used to support the Aerospace Medicine and Human 161648
Performance Center at Wright State University. 161649

Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND 161650
DEVELOPMENT 161651

The foregoing appropriation item 235546, Central State 161652
Agricultural Research and Development, shall be used in 161653

conjunction with appropriation item 235548, Central State 161654
Cooperative Extension Services, by Central State University for 161655
its state match requirement as an 1890 land grant university. 161656

Section 381.450. CAPITAL COMPONENT 161657

The foregoing appropriation item 235552, Capital 161658
Component, shall be used by the Chancellor of Higher Education 161659
to provide funding for prior commitments made pursuant to the 161660
state's former capital funding policy for state colleges and 161661
universities that was originally established in H.B. 748 of the 161662
121st General Assembly. 161663

Appropriations from this item shall be distributed to all 161664
campuses for which the estimated campus debt service 161665
attributable to qualifying capital projects was less than the 161666
campus's formula-determined capital component allocation. Campus 161667
allocations shall be determined by subtracting the estimated 161668
campus debt service attributable to qualifying capital projects 161669
from the campus's formula-determined capital component 161670
allocation. Moneys distributed from this appropriation item 161671
shall be restricted to capital-related purposes. 161672

Any campus for which the estimated campus debt service 161673
attributable to qualifying capital projects is greater than the 161674
campus's formula-determined capital component allocation shall 161675
have the difference subtracted from its State Share of 161676
Instruction allocation in each fiscal year. Appropriation equal 161677
to the sum of all such amounts shall be transferred from 161678
appropriation item 235501, State Share of Instruction, to 161679
appropriation item 235552, Capital Component. 161680

Section 381.460. LIBRARY DEPOSITORIES 161681

The foregoing appropriation item 235555, Library 161682

Depositories, shall be distributed to the state's five regional 161683
depository libraries for the cost-effective storage of and 161684
access to lesser-used materials in university library 161685
collections. The depositories shall be administrated by the 161686
Chancellor of Higher Education, or by OhioLINK at the discretion 161687
of the Chancellor. 161688

Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 161689

The foregoing appropriation item 235556, Ohio Academic 161690
Resources Network, shall be used by the Chancellor of Higher 161691
Education to support the operations of the Ohio Academic 161692
Resources Network, a consortium organized under division (T) of 161693
section 3333.04 of the Revised Code, which shall include support 161694
for Ohio's colleges and universities in maintaining and 161695
enhancing network connections, using new network technologies to 161696
improve research, education, and economic development programs, 161697
and sharing information technology services. To the extent 161698
network capacity is available, OARnet shall support allocating 161699
bandwidth to eligible programs directly supporting Ohio's 161700
economic development. 161701

Section 381.480. LONG-TERM CARE RESEARCH 161702

The foregoing appropriation item 235558, Long-term Care 161703
Research, shall be disbursed to Miami University for long-term 161704
care research. 161705

Section 381.490. OHIO COLLEGE OPPORTUNITY GRANT 161706

(A) (1) As used in this section: 161707

(a) "Eligible institution" means any institution described 161708
in divisions(B) (2) (a) to (c) of section 3333.122 of the Revised 161709
Code. 161710

(b) The three "sectors" of institutions of higher education consist of the following:

(i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;

(ii) Eligible private nonprofit institutions of higher education;

(iii) Eligible private for-profit career colleges and schools.

(2) (a) Awards under section 3333.122 of the Revised Code shall be as follows for fiscal year 2026 and fiscal year 2027:

(i) \$4,000 per student at a state institution of higher education;

(ii) \$5,000 per student at an eligible nonprofit institution of higher education;

(iii) \$2,000 per student at a private for-profit career college or school.

(b) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.

(3) Notwithstanding anything to the contrary in section 3333.122 of the Revised Code, the Chancellor of Higher Education shall make awards under that section in fiscal year 2026 and fiscal year 2027 to students with a student aid index, or any federal successor, of three thousand seven hundred fifty or less.

(4) If the Chancellor determines that the amounts

appropriated for support of the Ohio College Opportunity Grant 161738
program are inadequate to provide grants to all eligible 161739
students as specified under division (D) of section 3333.122 of 161740
the Revised Code, the Chancellor may follow methods established 161741
in division (C)(1)(a) or (b) of section 3333.122 of the Revised 161742
Code. If the Chancellor determines that reductions in award 161743
amounts are necessary, the Chancellor shall reduce the award 161744
amounts proportionally among the sectors of institutions 161745
specified in division (A)(1) of this section in a manner 161746
determined by the Chancellor. The Chancellor shall notify the 161747
Controlling Board of the distribution method. Any formula 161748
calculated under this division shall be complete and established 161749
to coincide with the start of each academic year. 161750

(B) Prior to determining the amount of funds available to 161751
award under this section and section 3333.122 of the Revised 161752
Code, the Chancellor shall use the foregoing appropriation item 161753
235563, Ohio College Opportunity Grant, to pay for waivers of 161754
tuition and student fees for eligible students under the Ohio 161755
Safety Officer's College Memorial Fund Program under section 161756
3333.26 of the Revised Code and for grants to qualifying 161757
institutions on behalf of eligible students under the adoption 161758
grant program established under section 3333.128 of the Revised 161759
Code. 161760

In each fiscal year, with the exception of sections 161761
3333.121 and 3333.124 of the Revised Code and the section of 161762
this act entitled "STATE FINANCIAL AID RECONCILIATION," the 161763
Chancellor shall not distribute or obligate or commit to be 161764
distributed an amount greater than what is appropriated under 161765
the foregoing appropriation item 235563, Ohio College 161766
Opportunity Grant. 161767

(C) The Chancellor shall establish, and post on the 161768
Department of Higher Education's web site, award tables based on 161769
the amounts specified under division (A) of this section. The 161770
Chancellor shall notify students and institutions of any 161771
reductions in awards. 161772

(D) Notwithstanding section 3333.122 of the Revised Code, 161773
no student shall be eligible to receive an Ohio College 161774
Opportunity Grant for more than ten semesters, fifteen quarters, 161775
or the equivalent of five academic years, less the number of 161776
semesters or quarters in which the student received an Ohio 161777
Instructional Grant. 161778

(E) During each fiscal year, the Chancellor, as soon as 161779
possible after cancellation, may certify to the Director of 161780
Budget and Management the amount of canceled prior-year 161781
encumbrances in appropriation item 235563, Ohio College 161782
Opportunity Grant. Upon receipt of the certification, the 161783
Director of Budget and Management may transfer cash, up to the 161784
certified amount, from the General Revenue Fund to the Ohio 161785
College Opportunity Grant Program Reserve Fund (Fund 5PU0). 161786

(F) No eligible institution that enrolls Ohio College 161787
Opportunity Grant recipients shall make any change to its 161788
scholarship or financial aid programs with the goal or net 161789
effect of shifting the cost burden of those programs to the Ohio 161790
College Opportunity Grant program. 161791

Each eligible institution that enrolls Ohio College 161792
Opportunity Grant recipients shall provide at least the same 161793
level of needs-based financial aid to its students as it 161794
provided in the immediately prior academic year in terms of 161795
either the aggregate aid to all students or on a per student 161796
basis. The Chancellor may grant an eligible institution a 161797

temporary waiver from that requirement if the Chancellor 161798
determines exceptional circumstances make it necessary. The 161799
Chancellor shall determine the terms of the waiver. 161800

Section 381.500. THE OHIO STATE UNIVERSITY COLLEGE OF 161801
VETERINARY MEDICINE SUPPLEMENT 161802

The foregoing appropriation item 235569, The Ohio State 161803
University College of Veterinary Medicine Supplement, shall be 161804
distributed through the Chancellor of Higher Education to The 161805
Ohio State University College of Veterinary Medicine in order to 161806
increase enrollment of Ohio students, with the goal that seventy 161807
per cent of the students entering the college in the 2026-2027 161808
academic year be Ohio students. 161809

Section 381.510. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 161810

The foregoing appropriation item 235572, The Ohio State 161811
University Clinic Support, shall be distributed through the 161812
Chancellor of Higher Education to The Ohio State University for 161813
support of dental and veterinary medicine clinics. 161814

Section 381.520. FEDERAL RESEARCH NETWORK 161815

The foregoing appropriation item 235578, Federal Research 161816
Network, shall be allocated to The Ohio State University to 161817
collaborate with federal installations in Ohio, state 161818
institutions of higher education as defined in section 3345.011 161819
of the Revised Code, private nonprofit institutions of higher 161820
education holding certificates of authorization under Chapter 161821
1713. of the Revised Code, and the private sector to align the 161822
state's research assets with emerging missions and job growth 161823
opportunities emanating from federal installations, strengthen 161824
related workforce development and technology commercialization 161825
programs, and better position the state's university system to 161826

directly impact new job creation in Ohio. A portion of the 161827
foregoing appropriation item 235578, Federal Research Network, 161828
shall be used to support the growth of small business federal 161829
contractors in the state and to expand the participation of Ohio 161830
businesses in the federal Small Business Innovation Research 161831
Program and related federal programs. 161832

Section 381.525. EDUCATOR PREPARATION PROGRAMS 161833

The foregoing appropriation item 235585, Educator 161834
Preparation Programs, shall be used by the Chancellor of Higher 161835
Education to implement and administer sections 3333.048, 161836
3333.049, 3333.0411, and 3333.0419 of the Revised Code or other 161837
educator preparation programs, such as the Ohio Teacher 161838
Apprenticeship Program, as determined by the Chancellor. 161839

Notwithstanding any provision of law to the contrary, 161840
beginning with the first full academic year following the 161841
adoption of new standards, each educator preparation program at 161842
an institution of higher education shall include in its 161843
curriculum standards for social studies that align with the 161844
standards adopted by the Department of Education and Workforce 161845
to ensure that educators and other school personnel are 161846
adequately prepared and trained in social studies. 161847

Within six months of the beginning of the first full 161848
academic year in which the new standards are used, the 161849
Chancellor shall complete a review and evaluation process to 161850
assess the degree to which every educator preparation program at 161851
an institution of higher education is teaching social studies in 161852
alignment with the standards. 161853

Section 381.530. CO-OP INTERNSHIP PROGRAM 161854

Of the foregoing appropriation item 235591, Co-Op 161855

Internship Program, \$165,000 in each fiscal year shall be used 161856
to support the operations of Ohio University's Voinovich School. 161857

Of the foregoing appropriation item 235591, Co-Op 161858
Internship Program, \$75,000 in each fiscal year shall be used to 161859
support the Model United Nations Program at Wright State 161860
University. 161861

Of the foregoing appropriation item 235591, Co-Op 161862
Internship Program, \$75,000 in each fiscal year shall be used to 161863
support the operations of The Ohio State University's John Glenn 161864
College of Public Affairs. 161865

Of the foregoing appropriation item 235591, Co-Op 161866
Internship Program, \$75,000 in each fiscal year shall be used to 161867
support the Bliss Institute of Applied Politics at the 161868
University of Akron. 161869

Of the foregoing appropriation item 235591, Co-Op 161870
Internship Program, \$75,000 in each fiscal year shall be used to 161871
support the Center for Public Management and Regional Affairs at 161872
Miami University. 161873

Of the foregoing appropriation item 235591, Co-Op 161874
Internship Program, \$75,000 in each fiscal year shall be used to 161875
support the Student Mentoring and Career Development Program at 161876
the Levin College Advancing Public Service Professionals at 161877
Cleveland State University. 161878

Of the foregoing appropriation item 235591, Co-Op 161879
Internship Program, \$75,000 in each fiscal year shall be used to 161880
support the University of Cincinnati Internship Program. 161881

Of the foregoing appropriation item 235591, Co-Op 161882
Internship Program, \$75,000 in each fiscal year shall be used to 161883
support the Kent State University Washington Program in National 161884

Issues. 161885

Of the foregoing appropriation item 235591, Co-Op 161886
Internship Program, \$75,000 in each fiscal year shall be used to 161887
support the Kent State University Columbus Program. 161888

Of the foregoing appropriation item 235591, Co-Op 161889
Internship Program, \$75,000 in each fiscal year shall be used to 161890
support the University of Toledo Urban Affairs Center. 161891

Of the foregoing appropriation item 235591, Co-Op 161892
Internship Program, \$75,000 in each fiscal year shall be used to 161893
support the Shawnee State University Institute for Appalachian 161894
Public Policy. 161895

Of the foregoing appropriation item 235591, Co-Op 161896
Internship Program, \$75,000 in each fiscal year shall be used to 161897
support the Center for Regional Development at Bowling Green 161898
State University. 161899

Of the foregoing appropriation item 235591, Co-Op 161900
Internship Program, \$75,000 in each fiscal year shall be used to 161901
support the Initiative for Community and Regional Development at 161902
Youngstown State University. 161903

Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID 161904
PROGRAM 161905

The foregoing appropriation item 235595, Commercial Truck 161906
Driver Student Aid Program, shall be used by the Chancellor of 161907
Higher Education to administer and provide grants and loans 161908
under the Commercial Truck Driver Student Aid Program 161909
established in section 3333.125 of the Revised Code. 161910

Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM 161911

The Chancellor of Higher Education shall disburse funds 161912

from appropriation item 235599, National Guard Scholarship 161913
Program. During each fiscal year, the Chancellor, as soon as 161914
possible after cancellation, may certify to the Director of 161915
Budget and Management the amount of canceled prior-year 161916
encumbrances in appropriation item 235599, National Guard 161917
Scholarship Program. Upon receipt of the certification, the 161918
Director of Budget and Management may transfer cash, up to the 161919
certified amount, from the General Revenue Fund to the National 161920
Guard Scholarship Reserve Fund (Fund 5BM0). A portion of the 161921
foregoing appropriation item 235599, National Guard Scholarship 161922
Program, may be used to administer the program with the 161923
concurrence of the Adjutant General. 161924

Section 381.565. OHIO HIGHER EDUCATION PUBLIC POLICY 161925
RESEARCH CONSORTIUM 161926

Of the foregoing appropriation item 2355A4, Ohio Higher 161927
Education Public Policy Research Consortium, \$75,000 in each 161928
fiscal year may be used by the Chancellor of Higher Education to 161929
establish and administer the Ohio Higher Education Public Policy 161930
Research Consortium pursuant to section 3333.952 of the Revised 161931
Code. 161932

The remainder of the foregoing appropriation item 2355A4, 161933
Ohio Higher Education Public Policy Research Consortium, shall 161934
be used by the Chancellor to award competitive research grants 161935
pursuant to division (B) of section 3333.952 of the Revised 161936
Code. 161937

Section 381.570. PLEDGE OF FEES 161938

Any new pledge of fees, or new agreement for adjustment of 161939
fees, made in the biennium ending June 30, 2027, to secure bonds 161940
or notes of a state institution of higher education for a 161941

project for which bonds or notes were not outstanding on the 161942
effective date of this section, to secure a refund of prior debt 161943
that is anticipated to increase the total cost of retiring the 161944
original debt, or to extend the period in which that full debt 161945
is retired shall be effective only after approval by the 161946
Chancellor of Higher Education, unless approved in a previous 161947
biennium. 161948

Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND 161949
DEBT SERVICE 161950

The foregoing appropriation item 235909, Higher Education 161951
General Obligation Bond Debt Service, shall be used to pay all 161952
debt service and related financing costs during the period from 161953
July 1, 2025, through June 30, 2027, for obligations issued 161954
under sections 151.01 and 151.04 of the Revised Code. 161955

Section 381.590. SALES AND SERVICES 161956

The Chancellor of Higher Education is authorized to charge 161957
and accept payment for the provision of goods and services. Such 161958
charges shall be reasonably related to the cost of producing the 161959
goods and services. Except as otherwise provided by law, no 161960
charges may be levied for goods or services that are produced as 161961
part of the routine responsibilities or duties of the 161962
Chancellor. All revenues received by the Chancellor shall be 161963
deposited into Fund 4560 and may be used by the Chancellor to 161964
pay for the costs of producing the goods and services. 161965

Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION 161966
ADMINISTRATION 161967

The foregoing appropriation item 235602, Higher 161968
Educational Facility Commission Administration, shall be used by 161969
the Chancellor of Higher Education for operating expenses 161970

related to the Chancellor's support of the activities of the 161971
Ohio Higher Educational Facility Commission. Upon the request of 161972
the Chancellor, the Director of Budget and Management may 161973
transfer cash in an amount up to the amount appropriated from 161974
the foregoing appropriation item 235602, Higher Educational 161975
Facility Commission Administration, in each fiscal year from the 161976
HEFC Operating Expenses Fund (Fund 4610) to the HEFC 161977
Administration Fund (Fund 4E80). 161978

Section 381.635. SUPER RAPIDS 161979

(A) Of the foregoing appropriation item 235688, Super 161980
RAPIDS, up to \$2,500,000 in fiscal year 2026 shall be 161981
distributed to Youngstown State University for assistance with 161982
enrolling new students and taking over building operations from 161983
Eastern Gateway Community College. 161984

(B) (1) The remainder of the foregoing appropriation item 161985
235688, Super RAPIDS, shall be used by the Governor's Office of 161986
Workforce Transformation and the Chancellor of Higher Education 161987
to support collaborative projects among qualifying institutions 161988
to strengthen education and training opportunities that maximize 161989
workforce development efforts in defined areas of the state. 161990
These funds shall be used to support efforts that build 161991
capacity, remove employment and training barriers for 161992
prospective and unemployed workers, develop and strengthen 161993
business-led strategies in the impacted industries, and provide 161994
local guided solutions to employment for communities in economic 161995
transition. Under the program, the Chancellor shall distribute 161996
funds to Ohio regions or subsets of regions, as defined by the 161997
Governor's Office of Workforce Transformation. 161998

Of these funds, a portion in each fiscal year may be used 161999
by the Governor's Office of Workforce Transformation to meet 162000

urgent workforce development and job creation needs throughout 162001
the state. 162002

(2) The Governor's Office of Workforce Transformation 162003
shall consult with the Department of Development, the 162004
Chancellor, and other stakeholders as determined to be 162005
appropriate, when defining regions and awarding funds under this 162006
division. 162007

(3) The Chancellor and the Governor's Office of Workforce 162008
Transformation shall develop and use a proposal and review 162009
process to award funds under the program. In reviewing proposals 162010
and making awards, priority shall be given to proposals that 162011
demonstrate all of the following: 162012

(a) Clear compliance with all applicable state and federal 162013
rules and regulations; 162014

(b) Collaboration between and among state institutions of 162015
higher education, as defined in section 3345.011 of the Revised 162016
Code, Ohio Technical Centers, and other education and workforce- 162017
related entities as determined to be appropriate by the 162018
Governor's Office of Workforce Transformation and the Department 162019
of Higher Education; 162020

(c) Evidence of meaningful business support and 162021
engagement; 162022

(d) Identification of targeted occupations and industries 162023
supported by data, which sources shall include the Governor's 162024
Office of Workforce Transformation, OhioMeansJobs, labor market 162025
information from the Department of Job and Family Services, and 162026
lists of in-demand occupations; 162027

(e) Sustainability beyond the grant period with the 162028
opportunity to provide continued value and impact to the region; 162029

(f) Evidence of a strong commitment to invest in one or more of the following areas:	162030 162031
(i) Broadband/5G;	162032
(ii) Cybersecurity;	162033
(iii) Healthcare;	162034
(iv) Transportation;	162035
(v) Advanced manufacturing;	162036
(vi) Trades.	162037
(4) As used in division (B) of this section:	162038
"Qualifying institution" means any of the following:	162039
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	162040 162041
(b) An Ohio Technical Center, as defined in section 3333.94 of the Revised Code;	162042 162043
(c) Other secondary and postsecondary education and workforce-related entities, as determined by the Chancellor.	162044 162045
Section 381.640. STATE FINANCIAL AID RECONCILIATION	162046
By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Financial Aid Reconciliation, from revenues received in the State Financial Aid Reconciliation Fund (Fund 5Y50).	162047 162048 162049 162050 162051 162052 162053 162054 162055

Section 381.650. SECOND CHANCE GRANT PROGRAM 162056

The foregoing appropriation item 235494, Second Chance 162057
Grant Program, shall be distributed by the Chancellor of Higher 162058
Education to qualifying institutions of higher education and 162059
Ohio Technical Centers to provide grants to eligible students 162060
under the Second Chance Grant Program established in section 162061
3333.127 of the Revised Code. 162062

RURAL PRACTICE INCENTIVE PROGRAM 162063

The foregoing appropriation item 235426, Rural Practice 162064
Incentive Program, shall be used to provide loan repayments on 162065
behalf of certain attorneys as described in section 3333.131 of 162066
the Revised Code. 162067

Section 381.655. GROW YOUR OWN TEACHER PROGRAM 162068

The foregoing appropriation item 235592, Grow Your Own 162069
Teacher Program, shall be used by the Chancellor of Higher 162070
Education to implement and administer the Grow Your Own Teacher 162071
Program pursuant to sections 3333.393 and 3333.394 of the 162072
Revised Code and the Ohio Teacher Apprenticeship Program. 162073

Section 381.660. NURSING LOAN PROGRAM 162074

The foregoing appropriation item 235606, Nursing Loan 162075
Program, shall be used to administer the nurse education 162076
assistance program. 162077

Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX 162078

(A) The foregoing appropriation item 235639, Research 162079
Incentive Third Frontier - Tax, shall be used by the Chancellor 162080
of Higher Education to advance collaborative research at 162081
institutions of higher education. Of the foregoing appropriation 162082
item 235639, Research Incentive Third Frontier - Tax, a portion 162083

in each fiscal year shall be used by the Chancellor to support 162084
and promote research that is intended to be commercialized. 162085
Research funded under division (A) of this section shall include 162086
a condition that the discoveries, inventions, or patents 162087
developed therein be retained by the researcher, unless all or a 162088
portion of the interests therein are specifically granted to the 162089
state college or university at which the researcher is employed. 162090
In reviewing proposals and making awards under division (A) of 162091
this section, the Chancellor may enlist the assistance of the 162092
Ohio Technology Transfer Officer's Council. 162093

(B) Of the foregoing appropriation item 235639, Research 162094
Incentive Third Frontier - Tax, up to \$2,000,000 in each fiscal 162095
year may be allocated toward research regarding the improvement 162096
of water quality, up to \$750,000 in each fiscal year may be 162097
allocated for spinal cord research, up to \$750,000 in each 162098
fiscal year may be allocated toward research regarding cyber 162099
security initiatives, up to \$300,000 in each fiscal year may be 162100
allocated toward the I-Corps@Ohio program, and up to \$200,000 in 162101
each fiscal year may be allocated toward the Ohio Innovation 162102
Exchange program. 162103

Section 381.680. VETERANS PREFERENCES 162104

The Chancellor of Higher Education shall work with the 162105
Department of Veterans Services to develop specific veterans 162106
preference guidelines for higher education institutions. These 162107
guidelines shall ensure that the institutions' hiring practices 162108
are in accordance with the intent of Ohio's veterans' preference 162109
laws. 162110

Section 381.690. (A) As used in this section: 162111

(1) "Board of trustees" includes the managing authority of 162112

a university branch district. 162113

(2) "State institution of higher education" has the same 162114
meaning as in section 3345.011 of the Revised Code. 162115

(B) The board of trustees of any state institution of 162116
higher education, notwithstanding any rule of the institution to 162117
the contrary, may adopt a policy providing for mandatory 162118
furloughs of employees, including faculty, to achieve spending 162119
reductions necessitated by institutional budget deficits. 162120

Section 381.700. EFFICIENCY REPORTS 162121

In each fiscal year, the board of trustees of each public 162122
institution of higher education shall approve the institution's 162123
efficiency report submitted to the Chancellor of Higher 162124
Education under section 3333.95 of the Revised Code. 162125

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 162126

For each fiscal year, each institution of higher education 162127
that receives funds from the foregoing appropriation items 162128
235515, Case Western Reserve University School of Medicine, 162129
235519, Family Practice, 235525, Geriatric Medicine, 235526, 162130
Primary Care Residencies, 235536, The Ohio State University 162131
Clinical Teaching, 235537, University of Cincinnati Clinical 162132
Teaching, 235538, University of Toledo Clinical Teaching, 162133
235539, Wright State University Clinical Teaching, 235540, Ohio 162134
University Clinical Teaching, 235541, Northeast Ohio Medical 162135
University Clinical Teaching, 235543, Kent State University 162136
College of Podiatric Medicine Clinic Subsidy, 235558, Long-term 162137
Care Research, and 235572, The Ohio State University Clinic 162138
Support, shall report to the Chancellor of Higher Education the 162139
residency status of graduates from the respective programs 162140
receiving support from those appropriation items one year and 162141

five years after graduating. 162142

Section 381.710. The Chancellor of Higher Education shall 162143
support the continued development of the Ohio Innovation 162144
Exchange for the purpose of showcasing the research expertise of 162145
Ohio's university and college faculty in a variety of fields, 162146
including, but not limited to, engineering, biomedicine, and 162147
information technology, and to identify institutional research 162148
equipment available in the state. 162149

Section 381.730. EASTERN GATEWAY COMMUNITY COLLEGE 162150

The Chancellor of Higher Education, in consultation with 162151
postsecondary educational institutions and other stakeholders as 162152
determined to be appropriate, shall monitor and evaluate the 162153
ongoing availability of postsecondary educational offerings 162154
within the four-county service district formerly served by 162155
Eastern Gateway Community College. To the extent practicable, 162156
the Chancellor shall seek to ensure a strong continuity of 162157
postsecondary educational access to residents of the region, 162158
with a particular focus on access to programs aligned with 162159
regional workforce priorities. If determined to be necessary, 162160
the Chancellor may seek to achieve favorable outcomes by 162161
engaging with other postsecondary educational institutions to 162162
encourage uninterrupted access to educational opportunities. 162163
This may include, but not be limited to, outcomes associated 162164
with academic program offerings, program-related equipment, or 162165
physical facilities. 162166

Section 381.740. CREDENTIAL AND WORK EXPERIENCE 162167
CONSIDERATION 162168

Prior to admitting any students applying for enrollment 162169
after July 1, 2025, each state institution of higher education, 162170

as defined in section 3345.011 of the Revised Code, shall 162171
consider an applicant's work experience and credentials earned 162172
as part of the admissions process. An applicant's work 162173
experience or credential does not need to align to the program 162174
or discipline the applicant is seeking to pursue to be 162175
considered by the state institution as a positive reason to 162176
accept the applicant as a student at the institution. 162177

At the time of the student's acceptance, an institution 162178
shall either grant credit for prior learning or experience or 162179
detail the potential opportunities and required documentation 162180
needed to grant such credit based on the review of the student's 162181
specific information provided in the application. 162182

Section 381.750. GENERAL EDUCATION REQUIREMENTS 162183

(A) Not later than December 31, 2026, the board of 162184
trustees of each state institution of higher education, as 162185
defined in section 3345.011 of the Revised Code, shall formally 162186
review and evaluate the components of the state institution's 162187
general education curriculum and adopt a resolution 162188
acknowledging the board's completion of that review. Each board 162189
shall submit a copy of its resolution to the Chancellor of 162190
Higher Education. 162191

(B) Not later than March 31, 2027, the board of trustees 162192
of each state institution of higher education shall formally 162193
evaluate the state institution's general education curriculum to 162194
enhance content that furthers the state's post-secondary 162195
education attainment and workforce goals. In conducting the 162196
evaluation, the board shall consider adjusting the general 162197
education curriculum in the following areas: 162198

(1) Civics, culture, and society, including United States 162199

and Ohio history, the foundations of American representative government, how to disagree in a civil manner, and the principles of civil discourse;

(2) Artificial intelligence, STEM, and computational thinking;

(3) Entrepreneurship and the principles of innovation;

(4) Workforce readiness, including fundamental skills necessary for Ohio's graduates to gain employment in in-demand occupations.

(C) Not later than June 30, 2027, the board of trustees of each state institution of higher education shall adopt a resolution summarizing changes to the state institution's general education curriculum resulting from the evaluation process and submit a copy of the resolution to the Chancellor.

(D) The Chancellor shall provide a copy of each resolution submitted under this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(E) Adjustments made to a state institution of higher education's general education curriculum pursuant to this section are not exempt from the requirements of the Chancellor's program approval process.

Section 381.770. DIRECT ADMISSIONS

(A) As used in this section:

(1) "Academic record" includes grade point average, high school and college transcript information, standardized assessment scores, scores on the end-of-course examinations prescribed under section 3301.0712 of the Revised Code, and any other measure of postsecondary readiness determined appropriate

by the Chancellor of Higher Education. 162228

(2) "Postsecondary institution" means any of the 162229
following: 162230

(a) A state institution of higher education, as defined in 162231
section 3345.011 of the Revised Code; 162232

(b) A private nonprofit institution of higher education 162233
that holds a certificate of authorization under Chapter 1713. of 162234
the Revised Code; 162235

(c) An Ohio technical center, as defined in section 162236
3333.94 of the Revised Code. 162237

(3) "School governing body" means the board of education 162238
of a city, local, exempted village, or joint vocational school 162239
district, the governing authority of a chartered nonpublic 162240
school, the governing authority of a community school 162241
established under Chapter 3314. of the Revised Code, or the 162242
governing body of a STEM school established under Chapter 3326. 162243
of the Revised Code. 162244

(B) The Chancellor of Higher Education, in consultation 162245
with the Director of Education and Workforce, shall establish a 162246
direct admissions pilot program to notify students enrolled at 162247
participating high schools about whether they meet the 162248
admissions criteria for participating postsecondary 162249
institutions. 162250

Under the pilot program, the Chancellor shall establish a 162251
process that uses a student's academic record to determine 162252
whether the student meets the admissions requirements. To the 162253
extent practicable, and in accordance with applicable law, the 162254
Chancellor shall use existing primary, secondary, and higher 162255
education student information systems to automate the process 162256

and use information held by a participating student's high 162257
school to minimize the need for the student to provide any 162258
additional information. 162259

The Chancellor shall endeavor to implement the pilot 162260
program so that students graduating in the 2026-2027 school year 162261
may participate in the program. 162262

(C) The Chancellor may do any of the following: 162263

(1) Establish eligibility requirements for students, 162264
school governing bodies, and postsecondary institutions who 162265
elect to participate in the pilot program; 162266

(2) Consult with stakeholders and form advisory councils 162267
as necessary to design and operate the pilot program; 162268

(3) Terminate the pilot program if the Chancellor 162269
determines its operation is impracticable. 162270

(D) A school governing body or postsecondary institution 162271
shall apply to participate in the pilot program in a form and 162272
manner prescribed by the Chancellor. 162273

A participating school governing body may adopt a written 162274
policy authorizing any high school it operates to participate in 162275
the pilot program. Not later than ninety days after the adoption 162276
of the policy, the school governing body shall transmit an 162277
electronic copy of the policy to the Chancellor and the Director 162278
of Education and Workforce. 162279

A participating school governing body shall develop a 162280
procedure to determine whether a student who wants to 162281
participate in the pilot program meets any eligibility 162282
requirements established under division (C) of this section. 162283

(E) At least once each school year, the Chancellor, in 162284

consultation with the Director of Education and Workforce, shall 162285
issue a report on the pilot program. The Chancellor shall set a 162286
deadline for the report's issuance. The report shall include 162287
information about the number of students who participate in the 162288
program. The report also shall evaluate, to the extent 162289
practicable, the impact of the program on postsecondary outcomes 162290
for students from populations traditionally underserved in 162291
higher education. 162292

The Chancellor shall submit the report to the Governor, 162293
the President of the Senate, the Speaker of the House of 162294
Representatives, the Director of Education and Workforce, the 162295
Director of Budget and Management, and the Governor's Office of 162296
Workforce Transformation. 162297

(F) No student, school governing body, or postsecondary 162298
institution shall be required to participate in the pilot 162299
program. 162300

Section 383.10. 162301
162302

1	2	3	4	5
A	DRC DEPARTMENT OF REHABILITATION AND CORRECTION			
B	General Revenue Fund			
C	GRF	501321 Institutional Operations	\$1,487,713,893	\$1,559,983,411
D	GRF	501405 Reentry, Housing, and Support Services	\$87,812,700	\$90,670,600
E	GRF	501406 Adult Correctional Facilities Lease Rental	\$42,000,000	\$60,000,000

Bond Payments

F	GRF	501407	Community Nonresidential Programs	\$71,472,947	\$74,153,531
G	GRF	501408	Community Misdemeanor Programs	\$10,101,000	\$10,555,545
H	GRF	501411	Probation Improvement and Incentive Grants	\$5,512,500	\$5,760,562
I	GRF	501501	Community Residential Programs - Community Based Correctional Facilities	\$99,715,600	\$100,161,800
J	GRF	503321	Parole and Community Operations	\$135,000,000	\$135,000,000
K	GRF	504321	Administrative Operations	\$29,927,970	\$31,394,440
L	GRF	505321	Institution Medical Services	\$374,507,269	\$397,184,187
M	GRF	506321	Institution Education Services	\$51,496,437	\$55,665,093
N	General Revenue Fund Total			\$2,395,260,316	\$2,520,529,169
O	Dedicated Purpose Fund Group				
P	4B00	501601	Sewer Treatment Services	\$600,000	\$600,000
Q	4D40	501603	Prisoner Programs	\$400,000	\$400,000

R	4L40	501604	Transitional Control	\$2,450,000	\$2,450,000
S	4S50	501608	Education Services	\$4,660,000	\$4,660,000
T	5AF0	501609	State and Non-Federal Awards	\$1,300,000	\$1,300,000
U	5H80	501617	Offender Financial Responsibility	\$1,860,000	\$1,860,000
V	5ZQ0	501505	Local Jail Grants	\$75,000,000	\$0
W			Dedicated Purpose Fund Group Total	\$86,270,000	\$11,270,000
X			Internal Service Activity Fund Group		
Y	1480	501602	Institutional Services	\$3,500,000	\$3,500,000
Z	2000	501607	Ohio Penal Industries	\$46,515,000	\$46,515,000
AA	4830	501605	Leased Property Maintenance and Operating	\$7,500,000	\$7,500,000
AB	5710	501606	Corrections Training Maintenance and Operating	\$940,000	\$940,000
AC	5L60	501611	Information Technology Services	\$500,000	\$500,000
AD			Internal Service Activity Fund Group Total	\$58,955,000	\$58,955,000
AE			Federal Fund Group		
AF	3230	501619	Federal Grants	\$4,500,000	\$4,500,000

AG 3CW0 501622 Federal Equitable Sharing	\$300,000	\$300,000
AH Federal Fund Group Total	\$4,800,000	\$4,800,000
AI TOTAL ALL BUDGET FUND GROUPS	\$2,545,285,316	\$2,595,554,169

Section 383.20. ANALYTICS PLATFORM PILOT 162303

Of the foregoing appropriation item 501321, Institutional 162304
Operations, \$1,000,000 in fiscal year 2026 shall be used by the 162305
Department of Rehabilitation and Correction to procure a 162306
software analytics platform to establish a pilot program to 162307
transcribe and analyze all inmate phone calls to increase the 162308
security and safety of Department of Rehabilitation and 162309
Correction facilities. The procured analytics platform shall be 162310
accessible to all law enforcement agencies in this state to 162311
support criminal investigations. The Attorney General shall 162312
approve the location of the pilot program. The Department shall 162313
submit a report of its findings from the pilot program to the 162314
Attorney General by December 31, 2026. 162315

EXPEDITED PARDON INITIATIVE 162316

Of the foregoing appropriation item 501321, Institutional 162317
Operations, up to \$500,000 in each fiscal year may be used by 162318
the Department of Rehabilitation and Correction to support 162319
projects connecting rehabilitated citizens with community 162320
partners to advance the expedited pardon initiative and help 162321
eligible individuals navigate the process and access clemency. 162322

FELONY OFFENSE COST REIMBURSEMENTS 162323

Of the foregoing appropriation item 501321, Institutional 162324
Operations, the Department of Rehabilitation and Correction 162325
shall allocate an amount not to exceed \$250,000 in each fiscal 162326

year to reimburse counties for their costs incurred in the 162327
prosecution of felonies that occur on the grounds of state 162328
correctional institutions operated by the Department. Eligible 162329
reimbursement costs include those incurred by the prosecuting 162330
attorney, indigent defense counsel, the court of common pleas, 162331
the clerk of the court of common pleas, and the sheriff. 162332

OSU MEDICAL CHARGES 162333

Notwithstanding section 341.192 of the Revised Code, at 162334
the request of the Department of Rehabilitation and Correction, 162335
the Ohio State University Medical Center, including the Arthur 162336
G. James Cancer Hospital and Richard J. Solove Research 162337
Institute and the Richard M. Ross Heart Hospital, shall provide 162338
necessary care to persons who are confined in state adult 162339
correctional facilities. The provision of necessary inpatient 162340
care billed to the Department shall be reimbursed at a rate not 162341
to exceed the authorized reimbursement rate for the same service 162342
established by the Department of Medicaid under the Medicaid 162343
Program. 162344

TRANSITIONAL HOUSING FUNDING 162345

Of the foregoing appropriation item 501405, Reentry, 162346
Housing, and Support Services, priority shall be given to 162347
residential providers that accept and place individuals released 162348
from institutions operated by the Department of Rehabilitation 162349
and Correction to the supervision of the Adult Parole Authority 162350
who were previously rejected by all other residential providers. 162351

RELINK 162352

Of the foregoing appropriation item 501405, Reentry, 162353
Housing, and Support Services, \$112,500 in each fiscal year 162354
shall be distributed to Relink to connect individuals to local 162355

resources related to addiction recovery, anti-human trafficking, 162356
and incarceration reentry services. 162357

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 162358

The foregoing appropriation item 501406, Adult 162359
Correctional Facilities Lease Rental Bond Payments, shall be 162360
used to meet all payments during the period from July 1, 2025, 162361
through June 30, 2027, by the Department of Rehabilitation and 162362
Correction pursuant to leases and agreements for facilities made 162363
under Chapters 152. and 154. of the Revised Code. These 162364
appropriations are the source of funds pledged for bond service 162365
charges on related obligations issued under Chapters 152. and 162366
154. of the Revised Code. 162367

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 162368

The foregoing appropriation item 501411, Probation 162369
Improvement and Incentive Grants, shall be allocated by the 162370
Department of Rehabilitation and Correction to municipalities as 162371
Probation Improvement and Incentive Grants with an emphasis on: 162372
(1) providing services to those addicted to opiates and other 162373
illegal substances, and (2) supplementing the programs and 162374
services funded by grants distributed from the foregoing 162375
appropriation item 501407, Community Nonresidential Programs. 162376

FREDERICK DOUGLASS PROJECT FOR JUSTICE 162377

Of the foregoing appropriation item 506321, Institution 162378
Education Services, \$350,000 in fiscal year 2026 and \$150,000 in 162379
fiscal year 2027 shall be distributed directly to the Frederick 162380
Douglass Project for Justice to operate in all prisons. 162381

Section 383.30. LOCAL JAIL GRANTS 162382

The foregoing appropriation item 501505, Local Jail 162383

Grants, shall be used for the construction and renovation of county jails. The Department of Rehabilitation and Correction shall designate the projects involving the construction and renovation of county jails.

The Department of Rehabilitation and Correction may review and approve the renovation and construction of projects for which funds are provided. The proceeds of any obligations authorized under this section shall not be applied to any such facilities that are not designated and approved by the Department of Rehabilitation and Correction.

The Department of Rehabilitation and Correction shall adopt guidelines to accept and review applications and designate projects. The guidelines shall require the county or counties to justify the need for the project and to comply with timelines for the submission of documentation pertaining to the project and project location.

In reviewing applications and designating projects, the Department of Rehabilitation and Correction shall prioritize applications and projects that do all of the following:

(1) Target county jails that the Department of Rehabilitation and Correction determines to have the greatest need for construction or renovation work;

(2) Improve substantially the condition, safety, and operational ability of the jail;

(3) Benefit jails that are, or will be, used by multiple counties.

The Department of Rehabilitation and Correction shall award the funds to selected counties not later than July 1, 2027.

Section 387.10.

162413

162414

1	2	3	4	5
A	RDF STATE REVENUE DISTRIBUTIONS			
B	General Revenue Fund			
C	GRF	110403	Personal Property Tax	\$3,770,000
			Replacement Phase Out -	\$3,170,000
			Local Government	
D	GRF	110908	Property Tax	\$687,764,172
			Reimbursement - Local	\$698,816,877
			Government	
E	GRF	200417	Personal Property Tax	\$46,478,241
			Replacement Phase Out -	\$42,618,185
			School District	
F	GRF	200903	Property Tax	\$1,291,917,108
			Reimbursement - Education	\$1,312,678,846
G	General Revenue Fund Total		\$2,029,929,521	\$2,057,283,908
H	Revenue Distribution Fund Group			
I	5JG0	110633	Gross Casino Revenue	\$168,320,000
			Payments - County	\$166,460,000
J	5JH0	110634	Gross Casino Revenue	\$112,210,000
			Payments - School	\$110,970,000
			Districts	

K	5JJ0	110636	Gross Casino Revenue - Host City	\$16,530,000	\$16,400,000
L	7049	336900	Indigent Drivers Alcohol Treatment	\$1,800,000	\$1,800,000
M	7050	762900	International Registration Plan Distribution	\$26,000,000	\$26,000,000
N	7051	762901	Auto Registration Distribution	\$379,000,000	\$391,000,000
O	7065	110965	Public Library Fund	\$490,000,000	\$500,000,000
P	7066	800966	Undivided Liquor Permits	\$14,600,000	\$14,600,000
Q	7069	110969	Local Government Fund	\$530,900,000	\$541,200,000
R	7082	110982	Horse Racing Tax	\$31,200	\$31,200
S	7083	700900	Ohio Fairs Fund	\$471,000	\$471,000
T			Revenue Distribution Fund Group Total	\$1,739,862,200	\$1,768,932,200
U			Fiduciary Fund Group		
V	4P80	001698	Cash Management Improvement Fund	\$1,000,000	\$1,000,000
W	5VR0	110902	Municipal Net Profit Tax	\$241,330,000	\$253,400,000
X	6080	001699	Investment Earnings	\$1,050,000,000	\$975,000,000
Y	7001	110996	Horse Racing Tax Local	\$120,000	\$120,000

		Government Payments		
Z	7062	110962 Resort Area Excise Tax Distribution	\$2,540,000	\$2,650,000
AA	7063	110963 Permissive Sales Tax Distribution	\$3,706,800,000	\$3,788,700,000
AB	7067	110967 School District Income Tax Distribution	\$748,610,000	\$778,170,000
AC	7085	800985 Volunteer Firemen's Dependents Fund	\$300,000	\$300,000
AD	7094	110641 Wireless 9-1-1 Government Assistance	\$35,500,000	\$31,300,000
AE	7095	110995 Municipal Income Tax	\$8,100,000	\$8,100,000
AF	7099	762902 Permissive Tax Distribution - Auto Registration	\$262,000,000	\$270,000,000
AG		Fiduciary Fund Group Total	\$6,056,300,000	\$6,108,740,000
AH		Holding Account Fund Group		
AI	R045	110617 International Fuel Tax Distribution	\$101,700,000	\$108,200,000
AJ		Holding Account Fund Group Total	\$101,700,000	\$108,200,000
AK		TOTAL ALL BUDGET FUND GROUPS	\$9,927,791,721	\$10,043,156,108

Appropriation items in Section 387.10 of this act shall be 162416
used for the purpose of administering and distributing the 162417
designated revenue distribution funds according to the Revised 162418
Code. If it is determined that additional appropriations are 162419
necessary for this purpose in any appropriation items in Section 162420
387.10 of this act, such amounts are hereby appropriated. 162421

TANGIBLE PROPERTY TAX REPLACEMENT PAYMENTS 162422

The foregoing appropriation items 200417, Personal 162423
Property Tax Replacement Phase Out-School District, and 110403, 162424
Personal Property Tax Replacement Phase Out - Local Government, 162425
shall be used to make reimbursement payments to school districts 162426
and other local taxing units under sections 5709.92 and 5709.93 162427
of the Revised Code. If it is determined that additional 162428
appropriations are needed to make those reimbursement payments 162429
in full, such amounts are hereby appropriated. 162430

Notwithstanding division (I) of section 5709.92 of the 162431
Revised Code, any school district that has a nuclear power plant 162432
located within its territory shall receive no less under this 162433
section in fiscal year 2027 than paid in fiscal year 2026. 162434

PROPERTY TAX REIMBURSEMENT - EDUCATION 162435

The foregoing appropriation item 200903, Property Tax 162436
Reimbursement - Education, is appropriated to pay for the 162437
state's costs incurred because of the homestead exemption, the 162438
property tax rollback, and payments required under division (C) 162439
of section 5705.2110 of the Revised Code. In cooperation with 162440
the Department of Taxation, the Department of Education and 162441
Workforce shall distribute these funds directly to the 162442
appropriate school districts of the state, notwithstanding 162443
sections 321.24 and 323.156 of the Revised Code, which provide 162444

for payment of the homestead exemption and property tax rollback 162445
by the Tax Commissioner to the appropriate county treasurer and 162446
the subsequent redistribution of these funds to the appropriate 162447
local taxing districts by the county auditor. 162448

Upon receipt of these amounts, each school district shall 162449
distribute the amount among the proper funds as if it had been 162450
paid as real or tangible personal property taxes. Payments for 162451
the costs of administration shall continue to be paid to the 162452
county treasurer and county auditor as provided for in sections 162453
319.54, 321.26, and 323.156 of the Revised Code. 162454

Any sums, in addition to the amount specifically 162455
appropriated in appropriation item 200903, Property Tax 162456
Reimbursement - Education, for the homestead exemption and the 162457
property tax rollback payments, and payments required under 162458
division (C) of section 5705.2110 of the Revised Code, which are 162459
determined to be necessary for these purposes, are hereby 162460
appropriated. 162461

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 162462

The foregoing appropriation item 110908, Property Tax 162463
Reimbursement-Local Government, is hereby appropriated to pay 162464
for the state's costs incurred due to the Homestead Exemption, 162465
the Manufactured Home Property Tax Rollback, and the Property 162466
Tax Rollback. The Tax Commissioner shall distribute these funds 162467
directly to the appropriate local taxing districts, except for 162468
school districts, notwithstanding the provisions in sections 162469
321.24 and 323.156 of the Revised Code, which provide for 162470
payment of the Homestead Exemption, the Manufactured Home 162471
Property Tax Rollback, and Property Tax Rollback by the Tax 162472
Commissioner to the appropriate county treasurer and the 162473
subsequent redistribution of these funds to the appropriate 162474

local taxing districts by the county auditor. 162475

Upon receipt of these amounts, each local taxing district 162476
shall distribute the amount among the proper funds as if it had 162477
been paid as real property taxes. Payments for the costs of 162478
administration shall continue to be paid to the county treasurer 162479
and county auditor as provided for in sections 319.54, 321.26, 162480
and 323.156 of the Revised Code. 162481

Any sums, in addition to the amounts specifically 162482
appropriated in appropriation item 110908, Property Tax 162483
Allocation - Local Government, for the Homestead Exemption, the 162484
Manufactured Home Property Tax Rollback, and the Property Tax 162485
Rollback payments, which are determined to be necessary for 162486
these purposes, are hereby appropriated. 162487

MUNICIPAL INCOME TAX 162488

The foregoing appropriation item 110995, Municipal Income 162489
Tax, shall be used to make payments to municipal corporations 162490
under section 5745.05 of the Revised Code. If it is determined 162491
that additional appropriations are necessary to make such 162492
payments, such amounts are hereby appropriated. 162493

MUNICIPAL NET PROFIT TAX 162494

The foregoing appropriation item 110902, Municipal Net 162495
Profit Tax, shall be used to make payments to municipal 162496
corporations under section 718.83 of the Revised Code. If it is 162497
determined that additional amounts are necessary to make such 162498
payments, such amounts are hereby appropriated. 162499

During fiscal year 2026 and fiscal year 2027, if the Tax 162500
Commissioner determines that there is insufficient cash in the 162501
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 162502
distribution obligations under section 718.83 of the Revised 162503

Code, the Tax Commissioner shall certify to the Director of 162504
Budget and Management the amount of additional cash necessary to 162505
satisfy those obligations. In addition, the Commissioner shall 162506
submit a plan to the Director requesting the necessary cash be 162507
transferred from one or a combination of the following funds: 162508
the Municipal Income Tax Administrative Fund, the Local Sales 162509
Tax Administrative Fund, the General School District Income Tax 162510
Administrative Fund, the Motor Fuel Tax Administrative Fund, the 162511
Property Tax Administrative Fund, or the General Revenue Fund. 162512
This plan shall include a proposed repayment schedule to 162513
reimburse those funds for any cash transferred in accordance 162514
with this section. After receiving the certification and funding 162515
plan from the Tax Commissioner and if the Director determines 162516
that sufficient cash is available, the Director may transfer the 162517
cash to the Municipal Net Profit Tax Fund in accordance with the 162518
plan submitted by the Tax Commissioner or as otherwise 162519
determined by the Director of Budget and Management. The 162520
Director of Budget and Management may transfer cash from the 162521
Municipal Net Profit Tax Fund to reimburse the funds from which 162522
cash was transferred for the purpose outlined in this section. 162523

LOCAL GOVERNMENT FUND 162524

Notwithstanding the requirement in division (A) of section 162525
131.51 of the Revised Code that the Director of Budget and 162526
Management credit to the Local Government Fund one and seven- 162527
tenths per cent of the total tax revenue credited to the General 162528
Revenue Fund during the preceding month, the Director shall 162529
instead calculate these amounts during fiscal year 2026 and 162530
fiscal year 2027 using one and seventy-five one-hundredths as 162531
the percentage. 162532

HOST COMMUNITY CANNABIS FUND 162533

On July 1, 2025, or as soon as possible thereafter, the 162534
Director of Budget and Management shall transfer the remaining 162535
cash balance of the Adult Use Tax Fund (Fund QG18) at the end of 162536
fiscal year 2025 after transferring cash to the General Revenue 162537
Fund under Section 509.10 of this act, to the Host Community 162538
Cannabis Fund (Fund 7106). 162539

Section 391.10.

162540

162541

1	2	3	4	5
A	OSB DEAF AND BLIND EDUCATION SERVICES			
B	General Revenue Fund			
C	GRF 226321 Operations		\$32,700,258	\$33,454,668
D	General Revenue Fund Total		\$32,700,258	\$33,454,668
E	Dedicated Purpose Fund Group			
F	4H80 226602 Blind School State Grants		\$350,000	\$350,000
G	4M00 226400 Deaf School Educational Program Expenses		\$250,000	\$250,000
H	4M10 226401 Deaf School State Grants		\$25,000	\$25,000
I	4M50 226601 Blind School Educational Program Expenses		\$330,000	\$340,000
J	5H60 226402 Early Childhood Education		\$65,000	\$65,000
K	5NJ0 226622 Employee Food Service Charges		\$22,467	\$23,141

L	Dedicated Purpose Fund Group Total	\$1,042,467	\$1,053,141
M	Federal Fund Group		
N	3100 226626 Blind School Federal Grants	\$1,099,000	\$1,099,000
O	3110 226403 Deaf School Federal Grants	\$574,000	\$574,000
P	3DT0 226621 Ohio Transition Collaborative	\$230,000	\$230,000
Q	3P50 226643 Medicaid Professional Services Reimbursement	\$459,500	\$459,500
R	Federal Fund Group Total	\$2,362,500	\$2,362,500
S	TOTAL ALL BUDGET FUND GROUPS	\$36,105,225	\$36,870,309

Section 395.10.

162542

162543

	1	2	3	4	5
A	SOS SECRETARY OF STATE				
B	General Revenue Fund				
C	GRF	050321	Operating Expenses	\$3,505,147	\$3,510,274
D	GRF	050407	Poll Workers Training	\$0	\$500,000
E	GRF	050509	County Voting Systems Lease Rental Payments	\$12,200,000	\$12,200,000

F	General Revenue Fund Total	\$15,705,147	\$16,210,274
G	Dedicated Purpose Fund Group		
H	4120 050609 Notary Commission	\$541,455	\$555,487
I	4S80 050610 Board of Voting Machine Examiners	\$14,400	\$14,400
J	5990 050603 Business Services Operating Expenses	\$28,686,668	\$29,281,310
K	5990 050629 Statewide Voter Registration Database	\$705,000	\$730,000
L	5990 050630 Elections Support Supplement	\$4,458,687	\$4,545,000
M	5990 050631 Precinct Election Officials Training	\$0	\$500,000
N	5990 050636 County Election Officials Training	\$240,000	\$240,000
O	5CS1 050604 Ohio Election Integrity Commission	\$250,000	\$0
P	5SN0 050626 Address Confidentiality	\$375,000	\$400,000
Q	Dedicated Purpose Fund Group Total	\$35,271,210	\$36,266,197
R	Holding Account Fund Group		
S	R002 050606 Corporate/Business Filing Refunds	\$85,000	\$85,000

T	Holding Account Fund Group Total	\$85,000	\$85,000
U	Federal Fund Group		
V	3AS0 050616 Help America Vote Act (HAVA)	\$100,000	\$100,000
W	Federal Fund Group Total	\$100,000	\$100,000
X	TOTAL ALL BUDGET FUND GROUPS	\$51,161,357	\$52,661,471

Section 395.20. POLL WORKERS TRAINING 162544

The foregoing appropriation item 050407, Poll Workers
Training, shall be used to provide funding to county boards of
elections for precinct election official (PEO) training pursuant
to section 3501.27 of the Revised Code. 162545
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COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 162549

The foregoing appropriation item 050509, County Voting
Systems Lease Rental Payments, shall be used to make payments
during the period from July 1, 2025, through June 30, 2027,
pursuant to leases and agreements entered into under Section 4
of S.B. 135 of the 132nd General Assembly with respect to
financing the costs associated with the acquisition,
development, installation, and implementation of county voting
systems. 162550
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BOARD OF VOTING SYSTEMS EXAMINERS 162558

The foregoing appropriation item 050610, Board of Voting
Systems Examiners, shall be used to pay for the services and
expenses of the members of the Board of Voting Systems
Examiners, and for other expenses that are authorized to be paid 162559
162560
162561
162562

from the Board of Voting Systems Examiners Fund (Fund 4S80) 162563
created in section 3506.05 of the Revised Code. Moneys not used 162564
shall be returned to the person or entity submitting equipment 162565
for examination. If it is determined by the Secretary of State 162566
that additional appropriation amounts are necessary, the 162567
Secretary of State may request that the Director of Budget and 162568
Management approve such amounts. Upon approval of the Director 162569
of Budget and Management, such amounts are hereby appropriated. 162570

BALLOT ADVERTISING COSTS 162571

Notwithstanding division (G) of section 3501.17 of the 162572
Revised Code, upon requests submitted by the Secretary of State, 162573
the Controlling Board may approve cash and appropriation 162574
transfers from the Controlling Board Emergency 162575
Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot 162576
Advertising Fund (Fund 5FH0) in order to pay for the cost of 162577
public notices associated with statewide ballot initiatives. 162578

ABSENT VOTER'S BALLOT APPLICATION MAILING 162579

Notwithstanding division (B) of section 111.31 of the 162580
Revised Code, upon the request of the Secretary of State, the 162581
Controlling Board may approve cash and appropriation transfers 162582
from the Controlling Board Emergency Purposes/Contingencies Fund 162583
(Fund 5KM0) to the Absent Voter's Ballot Application Mailing 162584
Fund (Fund 5RG0) to be used by the Secretary of State to pay the 162585
costs of printing and mailing unsolicited applications for 162586
absent voters' ballots for the general election to be held in 162587
November 2026. 162588

ADDRESS CONFIDENTIALITY PROGRAM 162589

Upon the request of the Secretary of State, the Director 162590
of Budget and Management may transfer up to \$400,000 per fiscal 162591

year in cash from the Business Services Operating Expenses Fund 162592
(Fund 5990) to the Address Confidentiality Program Fund (Fund 162593
5SN0) . 162594

CORPORATE/BUSINESS FILING REFUNDS 162595

The foregoing appropriation item 050606, 162596
Corporate/Business Filing Refunds, shall be used to hold 162597
revenues until they are directed to the appropriate accounts or 162598
until they are refunded. If it is determined by the Secretary of 162599
State that additional appropriation amounts are necessary, the 162600
Secretary of State may request that the Director of Budget and 162601
Management approve such amounts. Upon approval of the Director 162602
of Budget and Management, such amounts are hereby appropriated. 162603

HAVA FUNDS 162604

An amount equal to the unexpended, unencumbered portion of 162605
appropriation item 050616, Help America Vote Act (HAVA), at the 162606
end of fiscal year 2025 is hereby reappropriated for the same 162607
purpose in fiscal year 2026. 162608

An amount equal to the unexpended, unencumbered portion of 162609
appropriation item 050616, Help America Vote Act (HAVA), at the 162610
end of fiscal year 2026 is hereby reappropriated for the same 162611
purpose in fiscal year 2027. 162612

Section 395.30. ELECTRONIC POLLBOOKS 162613

The appropriation item 050638, Electronic Pollbooks, shall 162614
be used by the Secretary of State to pay eighty-five per cent of 162615
the calculated allocation cost of acquiring electronic 162616
pollbooks, as defined in section 3506.05 of the Revised Code, 162617
and ancillary equipment, for county boards of elections in 162618
accordance with this section. 162619

An amount equal to the unexpended, unencumbered portion of 162620
the appropriation item 050638, Electronic Pollbooks, at the end 162621
of fiscal year 2025 is hereby reappropriated to the Secretary of 162622
State for the same purpose in fiscal year 2026. 162623

When required, pursuant to state purchasing requirements 162624
and at the request of the Secretary of State, the Office of 162625
Procurement Services within the Department of Administrative 162626
Services shall initiate a competitive solicitation for the 162627
purpose of identifying and securing contracts with qualified 162628
vendors that can provide electronic pollbooks, as defined in 162629
section 3506.05 of the Revised Code, and ancillary equipment. 162630
The Department shall maintain such contracts for use by county 162631
boards of elections in accordance with this section. 162632

The Secretary of State shall calculate the portion of 162633
appropriation item 050638, Electronic Pollbooks, to be allocated 162634
to each county board of elections in proportion to the number of 162635
registered voters in each county as recorded in the statewide 162636
voter registration database as of July 1, 2022. The Secretary of 162637
State, in conjunction with the Office of Procurement Services 162638
within the Department of Administrative Services, shall use the 162639
funding allocated to each county board of elections to reimburse 162640
them for the cost of acquiring electronic pollbooks and 162641
ancillary equipment as follows: 162642

(A) For electronic pollbooks and ancillary equipment to be 162643
acquired from vendors identified through competitive 162644
solicitation by the Office of Procurement Services within the 162645
Department of Administrative Services after the effective date 162646
of this section, upon request by a county board of elections, 162647
the Secretary of State shall provide a list of the vendors and 162648
electronic pollbooks certified in accordance with section 162649

3506.05 of the Revised Code. The board of elections shall select
electronic pollbooks from this list, notify the Secretary of
State of its selection, and shall acquire the selected
electronic pollbooks and any other necessary equipment. The
board of elections shall enter into a memorandum of
understanding with the applicable board of county commissioners
and the Secretary of State concerning those acquisitions. The
Secretary of State shall reimburse the board of elections for
the lesser amount of either eighty-five per cent of the cost of
those acquisitions, or the amount of the allocation as
determined by the Secretary of State under this section.

(B) If, between December 31, 2019 and July 1, 2023, a
board of elections acquired electronic pollbooks or ancillary
equipment and is otherwise in compliance with all applicable
directives and statutes, the Secretary of State shall reimburse
the board of elections for the lesser amount of either eighty-
five per cent of the cost of that acquisition, or the amount of
the allocation as determined by the Secretary of State under
this section. Reimbursement shall be paid to the county board of
elections.

Section 397.10.

1	2	3	4	5
A	SEN THE OHIO SENATE			
B	General Revenue Fund			
C	GRF 020321 Operating Expenses		\$23,000,000	\$23,000,000
D	General Revenue Fund Total		\$23,000,000	\$23,000,000

E	Internal Service Activity Fund Group		
F	1020 020602 Senate Reimbursement	\$425,800	\$425,800
G	4090 020601 Miscellaneous Sales	\$34,497	\$34,497
H	Internal Service Activity Fund Group	\$460,297	\$460,297
	Total		
I	TOTAL ALL BUDGET FUND GROUPS	\$23,460,297	\$23,460,297

Section 397.20. OPERATING EXPENSES 162672

On July 1, 2025, or as soon as possible thereafter, the 162673
Clerk of the Senate may certify to the Director of Budget and 162674
Management an amount up to the unexpended, unencumbered balance 162675
of the foregoing appropriation item 020321, Operating Expenses, 162676
at the end of fiscal year 2025 to be reappropriated to fiscal 162677
year 2026. The amount certified is hereby reappropriated to the 162678
same appropriation item for fiscal year 2026. 162679

On July 1, 2026, or as soon as possible thereafter, the 162680
Clerk of the Senate may certify to the Director of Budget and 162681
Management an amount up to the unexpended, unencumbered balance 162682
of the foregoing appropriation item 020321, Operating Expenses, 162683
at the end of fiscal year 2026 to be reappropriated to fiscal 162684
year 2027. The amount certified is hereby reappropriated to the 162685
same appropriation item for fiscal year 2027. 162686

Section 399.10. 162687

162688

1 2 3 4 5

B	General Revenue Fund		
C	GRF 866321 CSV Operations	\$694,000	\$694,000
D	General Revenue Fund Total	\$694,000	\$694,000
E	Dedicated Purpose Fund Group		
F	5GN0 866605 Serve Ohio Support	\$10,000	\$2,103
G	Dedicated Purpose Fund Group Total	\$10,000	\$2,103
H	Federal Fund Group		
I	3R70 866617 AmeriCorps Programs	\$13,923,794	\$13,956,503
J	Federal Fund Group Total	\$13,923,794	\$13,956,503
K	TOTAL ALL BUDGET FUND GROUPS	\$14,627,794	\$14,652,606

Section 401.10.

162689

162690

1	2	3	4	5
A	CSF COMMISSIONERS OF THE SINKING FUND			
B	Debt Service Fund Group			
C	7070 155905 Third Frontier Research and Development Bond Retirement Fund	\$45,000,000	\$45,000,000	
D	7072 155902 Highway Capital Improvement Bond Retirement Fund	\$118,500,000	\$131,500,000	

E	7073	155903	Natural Resources Bond Retirement Fund	\$14,300,000	\$14,300,000
F	7074	155904	Conservation Projects Bond Retirement Fund	\$46,500,000	\$39,000,000
G	7076	155906	Coal Research and Development Bond Retirement Fund	\$4,050,000	\$2,525,000
H	7077	155907	State Capital Improvement Bond Retirement Fund	\$225,000,000	\$240,000,000
I	7078	155908	Common Schools Bond Retirement Fund	\$255,000,000	\$230,000,000
J	7079	155909	Higher Education Bond Retirement Fund	\$250,000,000	\$210,000,000
K	7080	155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	\$975,000	\$0
L	Debt Service Fund Group Total			\$959,325,000	\$912,325,000
M	TOTAL ALL BUDGET FUND GROUPS			\$959,325,000	\$912,325,000

Section 401.20. ADDITIONAL APPROPRIATIONS 162691

Appropriation items in this section are for the purpose of 162692
paying debt service and financing costs during the period from 162693
July 1, 2025, through June 30, 2027, on bonds or notes of the 162694
state issued under the Ohio Constitution, Revised Code, and acts 162695

of the General Assembly. If it is determined that additional 162696
amounts are necessary for this purpose, such amounts are hereby 162697
appropriated. 162698

Section 404.10.

162699

162700

	1	2	3	4	5
A					
B					
C	4K90	123609	Operating Expenses	\$649,200	\$665,400
D			Dedicated Purpose Fund Group Total	\$649,200	\$665,400
E			TOTAL ALL BUDGET FUND GROUPS	\$649,200	\$665,400

Section 407.10.

162701

162702

	1	2	3	4	5
A					
B					
C	GRF	116321	Operating Expenses	\$2,110,000	\$2,160,000
D			General Revenue Fund Total	\$2,110,000	\$2,160,000
E			TOTAL ALL BUDGET FUND GROUPS	\$2,110,000	\$2,160,000

Section 409.10.

162703

162704

	1	2	3	4	5

A	TAX DEPARTMENT OF TAXATION		
B	General Revenue Fund		
C	GRF 110321	Operating Expenses	\$63,000,000 \$67,000,000
D	GRF 110404	Tobacco Settlement Enforcement	\$163,000 \$166,271
E	General Revenue Fund Total		\$63,163,000 \$67,166,271
F	Dedicated Purpose Fund Group		
G	2280 110628	CAT Administration	\$13,368,132 \$13,072,718
H	4350 110607	Local Tax Administration	\$38,632,001 \$39,008,489
I	4360 110608	Motor Vehicle Audit Administration	\$1,282,300 \$1,282,300
J	4380 110609	School District Income Tax Administration	\$9,651,710 \$9,732,886
K	4C60 110616	International Registration Plan Administration	\$697,635 \$706,187
L	4R60 110610	Tire Tax Administration	\$138,123 \$138,123
M	5BP0 110639	Wireless 9-1-1 Administration	\$251,418 \$251,418
N	5JM0 110637	Casino Tax Administration	\$101,000 \$101,000
O	5N50 110605	Municipal Income Tax	\$115,848 \$115,848

		Administration		
P	5N60	110618 Kilowatt Hour Tax	\$63,415	\$63,415
		Administration		
Q	5NY0	110643 Petroleum Activity Tax	\$1,114,260	\$1,114,260
		Administration		
R	5V70	110622 Motor Fuel Tax	\$6,713,625	\$6,871,008
		Administration		
S	5V80	110623 Property Tax	\$5,477,332	\$5,509,569
		Administration		
T	5YQ0	110651 Sports Gaming Tax	\$5,000	\$5,000
		Administration Operating		
		Expenses		
U	5ZA0	110650 Ohio Tax System Operating	\$7,000,000	\$8,000,000
		Expenses		
V	6390	110614 Cigarette Tax Enforcement	\$1,087,029	\$1,114,117
W	6880	110615 Local Excise Tax	\$391,778	\$392,536
		Administration		
X		Dedicated Purpose Fund Group Total	\$86,090,606	\$87,478,874
Y		Fiduciary Fund Group		
Z	4250	110635 Tax Refunds	\$3,082,044,000	\$3,082,044,000
AA	5CZ0	110631 Vendor's License	\$575,000	\$575,000
		Application		

AB Fiduciary Fund Group Total	\$3,082,619,000	\$3,082,619,000
AC Holding Account Fund Group		
AD R010 110611 Tax Distributions	\$25,000	\$25,000
AE R011 110612 Miscellaneous Tax Receipts	\$500	\$500
AF Holding Account Fund Group Total	\$25,500	\$25,500
AG TOTAL ALL BUDGET FUND GROUPS	\$3,231,898,106	\$3,237,289,645

Section 409.20. TAX REFUNDS 162705

The foregoing appropriation item 110635, Tax Refunds, 162706
shall be used to pay refunds under section 5703.052 of the 162707
Revised Code. If it is determined that additional appropriations 162708
are necessary for this purpose, such amounts are hereby 162709
appropriated. 162710

VENDOR'S LICENSE PAYMENTS 162711

The foregoing appropriation item 110631, Vendor's License 162712
Application, shall be used to make payments to county auditors 162713
under section 5739.17 of the Revised Code. If it is determined 162714
that additional appropriations are necessary to make such 162715
payments, such amounts are hereby appropriated. 162716

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 162717

The foregoing appropriation item 110616, International 162718
Registration Plan Administration, shall be used under section 162719
5703.12 of the Revised Code for audits of persons with vehicles 162720
registered under the International Registration Plan. 162721

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 162722

Of the foregoing appropriation item 110607, Local Tax 162723
Administration, the Tax Commissioner may disburse funds, if 162724
available, for the purposes of paying travel expenses incurred 162725
by members of Ohio's delegation to the Streamlined Sales Tax 162726
Project, as appointed under section 5740.02 of the Revised Code. 162727
Any travel expense reimbursement paid for by the Department of 162728
Taxation shall be done in accordance with applicable state laws 162729
and guidelines. 162730

TOBACCO SETTLEMENT ENFORCEMENT 162731

The foregoing appropriation item 110404, Tobacco 162732
Settlement Enforcement, shall be used by the Tax Commissioner to 162733
pay costs incurred in the enforcement of divisions (F) and (G) 162734
of section 5743.03 of the Revised Code. 162735

OHIO TAX SYSTEM SUPPORT FUND 162736

The foregoing appropriation item 110650, Ohio Tax System 162737
Operating Expenses, shall be used to pay costs incurred in the 162738
maintenance and support of the department's Ohio Tax System. The 162739
Tax Commissioner shall submit a plan to the Director of Budget 162740
and Management requesting the necessary cash be transferred to 162741
the Ohio Tax System Support Fund (Fund 5ZA0) which is hereby 162742
created in the state treasury. Cash shall be transferred from 162743
any fund used by the Department of Taxation that is otherwise 162744
allowable under state or federal law, except the General Revenue 162745
Fund. This plan shall include a schedule of cash transfers. 162746
After receiving the funding plan from the Tax Commissioner and 162747
if the Director determines that sufficient cash is available, 162748
the Director may transfer the cash to the Ohio Tax System 162749
Support Fund with the plan submitted by the Tax Commissioner or 162750

as otherwise determined by the Director of Budget and 162751
Management. The transfers of cash to the Ohio Tax System Support 162752
Fund shall not exceed \$15,000,000 in the fiscal year 2026-2027 162753
biennium. 162754

MISCELLANEOUS TAX RECEIPTS 162755

The foregoing appropriation item 110612, Miscellaneous Tax 162756
Receipts, shall be used to hold miscellaneous tax payments 162757
received by the Tax Commissioner until the appropriate account 162758
or fund is identified and the money can be transferred for the 162759
identified purpose. If the Director of Budget and Management 162760
determines that additional amounts are necessary for this 162761
purpose, such amounts are hereby appropriated. 162762

Section 411.10. 162763

162764

1	2	3	4	5
A	DOT DEPARTMENT OF TRANSPORTATION			
B	General Revenue Fund			
C	GRF	772456 Unmanned Aerial Systems Center	\$3,000,000	\$500,000
D	GRF	775470 Public Transportation - State	\$37,014,636	\$37,014,636
E	GRF	776465 Rail Development	\$3,000,000	\$3,000,000
F	GRF	777471 Airport Improvements - State	\$21,650,000	\$19,650,000
G	General Revenue Fund Total		\$64,664,636	\$60,164,636

H	Dedicated Purpose Fund Group		
I	5QT0 776670 Ohio Maritime Assistance Program	\$5,000,000	\$5,000,000
J	5XI0 772504 Ohio Highway Transportation Safety	\$6,000,000	\$0
K	Dedicated Purpose Fund Group Total	\$11,000,000	\$5,000,000
L	TOTAL ALL BUDGET FUND GROUPS	\$75,664,636	\$65,164,636

Section 411.20. DRONES FOR FIRST RESPONDERS PILOT PROGRAM 162765

Of the foregoing appropriation item 772456, Unmanned 162766
Aerial Systems Center, \$2,500,000 in fiscal year 2026 shall be 162767
used to fund the Drones for First Responders pilot program, 162768
created under Section 755.20 of this act. 162769

An amount equal to the unexpended, unencumbered balance of 162770
the foregoing appropriation item 772456, Unmanned Aerial Systems 162771
Center, at the end of fiscal year 2026 is hereby reappropriated 162772
to the same appropriation item in fiscal year 2027. 162773

OHIO MARITIME ASSISTANCE PROGRAM 162774

Of the foregoing appropriation item 776670, Ohio Maritime 162775
Assistance Program, not less than ten per cent in each fiscal 162776
year shall be used by the Ohio River Commission within the 162777
Department of Development to develop and promote economic 162778
activity, marine cargo terminal operations, and travel and 162779
tourism on the Ohio River and its tributaries. 162780

The remainder of appropriation item 776670, Ohio Maritime 162781
Assistance Program, shall be used to provide grants under the 162782

Ohio Maritime Assistance Program established under section 162783
5501.91 of the Revised Code. 162784

An amount equal to the unexpended, unencumbered balance of 162785
the foregoing appropriation item 776670, Ohio Maritime 162786
Assistance Program, at the end of fiscal year 2026 is hereby 162787
reappropriated to the same appropriation item in fiscal year 162788
2027. 162789

OHIO HIGHWAY TRANSPORTATION SAFETY 162790

The foregoing appropriation item 772504, Ohio Highway 162791
Transportation Safety, shall be used in conjunction with the 162792
Ohio Rail Commission to identify and fund short-line rail 162793
development infrastructure projects that enhance capacity and 162794
improve safety. 162795

Section 411.30. OHIO AIRPORT IMPROVEMENT PROGRAM 162796

Of the foregoing appropriation item 777471, Airport 162797
Improvements - State, \$4,650,000 in each fiscal year shall be 162798
used to administer the Ohio Airport Improvement Program 162799
established in section 4561.03 of the Revised Code. 162800

An amount equal to the unexpended, unencumbered balance of 162801
the amount from appropriation item 777471, Airport Improvements 162802
- State, earmarked for the Ohio Airport Improvement Program at 162803
the end of fiscal year 2026 is hereby reappropriated to the same 162804
appropriation item for fiscal year 2027. 162805

AIRPORT IMPROVEMENTS - STATE 162806

Of the foregoing appropriation item 777471 Airport 162807
Improvements - State, \$5,000,000 in each fiscal year shall be 162808
used by the Office of Aviation to provide matching funds for 162809
eligible airports awarded Airport Infrastructure Grant funding 162810

through the Infrastructure Investment and Jobs Act. Any matching 162811
funds provided to airports that are returned to the Office of 162812
Aviation due to lower than estimated project costs shall be 162813
reallocated to other eligible projects. The reallocated amounts 162814
are hereby appropriated. 162815

Of the foregoing appropriation item 777471 Airport 162816
Improvements - State, \$2,000,000 in fiscal year 2026 shall be 162817
used by the Eastern Ohio Military Affairs Commission to support 162818
construction and repair projects at the Youngstown Air Reserve 162819
Station, the Youngstown-Warren Regional Airport, and the Camp 162820
James A. Garfield Joint Military Training Center. 162821

Section 413.10. 162822
162823

1	2	3	4	5
A	TOS TREASURER OF STATE			
B	General Revenue Fund			
C	GRF	090321 Operating Expenses	\$5,432,000	\$5,432,000
D	General Revenue Fund Total		\$5,432,000	\$5,432,000
E	Dedicated Purpose Fund Group			
F	4E90	090603 Securities Lending Income	\$12,972,444	\$13,408,214
G	4E90	090639 STABLE Maintenance Fee Subsidy	\$900,000	\$900,000
H	4X90	090614 Political Subdivision Obligation	\$38,332	\$39,460

I	5770	090605	Investment Pool Reimbursement	\$1,838,291	\$1,885,100
J	5BD1	090576	County Recorder Electronic Record Supplement	\$1,750,000	\$0
K	5BE1	090638	Ohio Treasurer of State Information Technology Reserve	\$1,459,000	\$1,459,000
L	5C50	090602	County Treasurer Education	\$250,000	\$250,000
M	6050	090609	Treasurer of State Administrative Fund	\$1,820,361	\$1,827,252
N	Dedicated Purpose Fund Group Total			\$21,028,428	\$19,769,026
O	Fiduciary Fund Group				
P	4250	090635	Tax Refunds	\$12,000,000	\$12,000,000
Q	Fiduciary Fund Group Total			\$12,000,000	\$12,000,000
R	TOTAL ALL BUDGET FUND GROUPS			\$38,460,428	\$37,201,026

Section 413.20.	COUNTY RECORDER ELECTRONIC RECORD	162824
	MODERNIZATION PROGRAM	162825

An amount equal to the unexpended, unencumbered balance of	162826
appropriation item 090409, County Recorder Electronic	162827
Modernization Program, at the end of fiscal year 2025 is hereby	162828
reappropriated to the same appropriation item for the same	162829
purpose in fiscal year 2026.	162830

TAX REFUNDS 162831

The foregoing appropriation item 090635, Tax Refunds, 162832
shall be used to pay refunds under section 5703.052 of the 162833
Revised Code. If the Director of Budget and Management 162834
determines that additional amounts are necessary for this 162835
purpose, such amounts are hereby appropriated. 162836

Section 413.40. STABLE MAINTENANCE FEE SUBSIDY 162837

The foregoing appropriation item 090639, STABLE 162838
Maintenance Fee Subsidy, shall be used to subsidize costs of 162839
monthly fees incurred by STABLE account holders for eligible 162840
individuals with disabilities. 162841

Section 413.50. COUNTY RECORDER ELECTRONIC RECORD 162842
MODERNIZATION FUND 162843

The County Recorder Electronic Modernization Fund (Fund 162844
5BD1) is created in the state treasury. Money in the fund shall 162845
be used to distribute funds to reimburse counties under the 162846
County Recorder Electronic Record Modernization Program, for use 162847
by county recorder's offices to implement the requirements set 162848
forth in divisions (E) and (F) of section 317.13 of the Revised 162849
Code. The Treasurer of State shall reimburse counties on a 162850
rolling basis until the appropriation is expended. Counties that 162851
met the requirements set forth in divisions (E) and (F) of 162852
section 317.13 of the Revised Code on October 24, 2024, are 162853
ineligible for funds under the Program. To be eligible for 162854
reimbursement under the Program, an expense must be incurred on 162855
or after October 24, 2024; expenses incurred before that date 162856
are not eligible for reimbursement. A county that receives funds 162857
under the Program shall credit those funds to the Recorder's 162858
Technology Fund at least to the extent necessary to reimburse 162859

the fund for money the county recorder spent to implement the 162860
requirements set forth in divisions (E) and (F) of section 162861
317.13 of the Revised Code. 162862

On July 1, 2025, or as soon as possible thereafter, the 162863
Treasurer of State shall transfer the cash balance including 162864
accrued interest and investment earnings from the Torrens Law 162865
Assurance Fund in the custody of the Treasurer of State, to the 162866
County Recorder Electronic Modernization Fund (Fund 5BD1). Upon 162867
completion of the transfer and on the effective date of its 162868
repeal by this act, the Torrens Law Assurance Fund is hereby 162869
abolished. 162870

Section 414.10. 162871
162872

1	2	3	4	5
A	VTO VETERANS' ORGANIZATIONS			
B	General Revenue Fund			
C	GRF	743501 American Ex-Prisoners of War	\$45,000	\$45,000
D	GRF	746501 Army and Navy Union, USA, Inc.	\$85,000	\$85,000
E	GRF	747501 Korean War Veterans	\$85,000	\$85,000
F	GRF	748501 Jewish War Veterans	\$62,000	\$62,000
G	GRF	749501 Catholic War Veterans	\$85,000	\$85,000
H	GRF	750501 Military Order of the Purple Heart	\$85,000	\$85,000

I	GRF	751501	Vietnam Veterans of America	\$310,000	\$310,000
J	GRF	752501	American Legion of Ohio	\$450,000	\$450,000
K	GRF	753501	AMVETS	\$450,000	\$450,000
L	GRF	754501	Disabled American Veterans	\$450,000	\$450,000
M	GRF	756501	Marine Corps League	\$214,000	\$214,000
N	GRF	757501	37th Division Veterans' Association	\$17,000	\$17,000
O	GRF	758501	Veterans of Foreign Wars	\$450,000	\$450,000
P	General Revenue Fund Total			\$2,788,000	\$2,788,000
Q	TOTAL ALL BUDGET FUND GROUPS			\$2,788,000	\$2,788,000

Section 415.10.

162873

162874

	1	2	3	4	5
A	DVS DEPARTMENT OF VETERANS SERVICES				
B	General Revenue Fund				
C	GRF	900321	Veterans' Homes	\$51,956,758	\$52,999,692
D	GRF	900402	Hall of Fame	\$74,317	\$75,966
E	GRF	900408	Department of Veterans Services	\$5,327,924	\$5,428,649

F	GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$1,559,990	\$1,559,990
G	GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$975,000	\$0
H	General Revenue Fund Total			\$59,893,989	\$60,064,297
I	Dedicated Purpose Fund Group				
J	4840	900603	Veterans' Homes Services	\$680,004	\$700,000
K	4E20	900602	Veterans' Homes Operating	\$14,000,000	\$14,000,000
L	5DB0	900643	Military Injury Relief Program	\$97,000	\$97,000
M	5YP0	900650	Sports Gaming - Veterans	\$75,000	\$75,000
N	Dedicated Purpose Fund Group Total			\$14,852,004	\$14,872,000
O	Federal Fund Group				
P	3680	900614	Veterans Training	\$980,404	\$1,021,705
Q	3BX0	900609	Medicare Services	\$1,000,000	\$2,059,273
R	3L20	900601	Veterans' Homes Operations - Federal	\$31,500,000	\$31,500,000
S	Federal Fund Group Total			\$33,480,404	\$34,580,978
T	TOTAL ALL BUDGET FUND GROUPS			\$108,226,397	\$109,517,275

Section 415.20. VETERANS ORGANIZATIONS' RENT 162875

The foregoing appropriation item 900408, Department of 162876
Veterans Services, shall be used to pay veterans organizations' 162877
rent in buildings managed by the Department of Administrative 162878
Services. 162879

USA CARES - OHIO 162880

Of the foregoing appropriation item 900408, Department of 162881
Veterans Services, \$250,000 in each fiscal year shall be 162882
distributed to USA Cares - Ohio. 162883

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 162884

The foregoing appropriation item 900901, Veterans 162885
Compensation General Obligation Bond Debt Service, shall be used 162886
to pay all debt service and related financing costs during the 162887
period from July 1, 2025, through June 30, 2027, on obligations 162888
issued under Section 2r of Article VIII, Ohio Constitution. 162889

VETERANS HOME MODERNIZATION 162890

An amount equal to the unexpended and unencumbered 162891
portions of appropriation item 900411, Veterans Homes 162892
Modernization, under the Veterans Homes Modernization Fund (Fund 162893
5Z00) plus an amount equal to cash previously expended but 162894
returned to the fund at the end of fiscal year 2025 are hereby 162895
reappropriated for the same purpose in fiscal year 2026. 162896

An amount equal to the unexpended and unencumbered 162897
portions of appropriation item 900411, Veterans Homes 162898
Modernization, under the Veterans Homes Modernization Fund (Fund 162899
5Z00) plus an amount equal to cash previously expended but 162900
returned to the fund at the end of fiscal year 2026 are hereby 162901
reappropriated for the same purpose in fiscal year 2027. 162902

Section 417.10.

162903

162904

	1	2	3	4	5
A			DVM STATE VETERINARY MEDICAL LICENSING BOARD		
B			Dedicated Purpose Fund Group		
C	4K90	888609	Operating Expenses	\$532,551	\$554,811
D	5YG0	888603	Veterinarian Student Debt Assistance Program	\$100,000	\$100,000
E			Dedicated Purpose Fund Group Total	\$632,551	\$654,811
F			Internal Service Activity Fund Group		
G	5BU0	888602	Veterinary Student Loan Program	\$20,000	\$20,000
H			Internal Service Activity Fund Group Total	\$20,000	\$20,000
I			TOTAL ALL BUDGET FUND GROUPS	\$652,551	\$674,811

Section 419.10.

162905

162906

	1	2	3	4	5
A			VPB STATE VISION PROFESSIONALS BOARD		
B			Dedicated Purpose Fund Group		
C	4K90	129609	Operating Expenses	\$609,659	\$668,146

D	Dedicated Purpose Fund Group Total	\$609,659	\$668,146
E	TOTAL ALL BUDGET FUND GROUPS	\$609,659	\$668,146

Section 421.10.

162907

162908

1	2	3	4	5
A	DYS DEPARTMENT OF YOUTH SERVICES			
B	General Revenue Fund			
C	GRF 470401 RECLAIM Ohio		\$207,000,000	\$218,000,000
D	GRF 470412 Juvenile Correctional Facilities Lease Rental Bond Payments		\$17,500,000	\$17,500,000
E	GRF 470510 Youth Services		\$16,702,000	\$16,702,000
F	GRF 472321 Parole Operations		\$11,547,202	\$11,926,365
G	GRF 477321 Administrative Operations		\$17,177,391	\$18,017,753
H	General Revenue Fund Total		\$269,926,593	\$282,146,118
I	Dedicated Purpose Fund Group			
J	1470 470612 Vocational Education		\$1,436,125	\$1,494,968
K	1750 470613 Education Services		\$4,140,884	\$4,317,416
L	4790 470609 Employee Food Service		\$30,300	\$30,300
M	4A20 470602 Child Support		\$95,000	\$95,000

N	4G60	470605	Juvenile Special Revenue	\$115,000	\$115,000
			- Non-Federal		
O	5BN0	470629	E-Rate Program	\$71,000	\$71,000
P			Dedicated Purpose Fund Group Total	\$5,888,309	\$6,123,684
Q			Federal Fund Group		
R	3210	470601	Education	\$1,899,343	\$1,956,154
S	3210	470603	Juvenile Justice	\$2,473,806	\$2,481,942
			Prevention		
T	3210	470606	Nutrition	\$1,551,000	\$1,551,000
U	3210	470614	Title IV-E Reimbursements	\$1,521,776	\$1,529,243
V	3V50	470604	Juvenile	\$1,657,737	\$1,731,824
			Justice/Delinquency		
			Prevention		
W			Federal Fund Group Total	\$9,103,662	\$9,250,163
X			TOTAL ALL BUDGET FUND GROUPS	\$284,918,564	\$297,519,965

Section 421.20. COMMUNITY PROGRAMS 162909

For purposes of implementing juvenile sentencing reforms, 162910
and notwithstanding any provision of law to the contrary, the 162911
Department of Youth Services may use up to \$1,375,000 of the 162912
unexpended, unencumbered balance of the portion of appropriation 162913
item 470401, RECLAIM Ohio, that is allocated to juvenile 162914
correctional facilities in each fiscal year to expand Targeted 162915
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 162916

other evidence-based community programs. 162917

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND 162918

PAYMENTS 162919

The foregoing appropriation item 470412, Juvenile 162920
Correctional Facilities Lease Rental Bond Payments, shall be 162921
used to meet all payments during the period from July 1, 2025, 162922
through June 30, 2027, by the Department of Youth Services under 162923
the leases and agreements for facilities made under Chapters 162924
152. and 154. of the Revised Code. These appropriations are the 162925
source of funds pledged for bond service charges on related 162926
obligations issued under Chapters 152. and 154. of the Revised 162927
Code. 162928

EDUCATION SERVICES 162929

The foregoing appropriation item 470613, Education 162930
Services, shall be used to fund the operating expenses of 162931
providing educational services to youth supervised by the 162932
Department of Youth Services. Operating expenses include, but 162933
are not limited to, teachers' salaries, maintenance costs, and 162934
educational equipment. 162935

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 162936

In collaboration with the county family and children first 162937
council, the juvenile court of that county that receives 162938
allocations from one or both of the foregoing appropriation 162939
items 470401, RECLAIM Ohio, and 470510, Youth Services, may 162940
transfer portions of those allocations to a flexible funding 162941
pool as authorized by the section of this act titled "FAMILY AND 162942
CHILDREN FIRST FLEXIBLE FUNDING POOL." 162943

Section 423.10. 162944

162945

	1	2	3	4	5
A	KID DEPARTMENT OF CHILDREN AND YOUTH				
B	General Revenue Fund				
C	GRF	650400	Medicaid Program Support - State	\$1,393,000	\$1,393,000
D	GRF	830321	Children and Youth Program Management	\$55,000,000	\$55,500,000
E	GRF	830400	Child Care State/Maintenance of Effort	\$93,636,000	\$93,636,000
F	GRF	830402	Maternal and Infant Housing Assistance	\$500,000	\$500,000
G	GRF	830403	Help Me Grow	\$60,000,000	\$63,000,000
H	GRF	830404	Infant Vitality	\$18,000,000	\$18,000,000
I	GRF	830405	Part C Early Intervention	\$30,000,000	\$32,000,000
J	GRF	830406	Strong Families Strong Communities	\$7,500,000	\$2,500,000
K	GRF	830407	Early Childhood Education	\$130,319,450	\$130,320,617
L	GRF	830409	Early Care and Education Learning Standards	\$6,052,091	\$6,150,959
M	GRF	830410	Family and Children First	\$2,706,000	\$2,706,000

N	GRF	830411	Imagination Library	\$8,250,000	\$8,250,000
O	GRF	830414	Child Care Cred Program	\$10,000,000	\$0
P	GRF	830415	Parenting and Pregnancy Program	\$10,000,000	\$10,000,000
Q	GRF	830416	Adoption Grant Program	\$34,000,000	\$34,000,000
R	GRF	830418	Child Care Provider Recruitment	\$1,000,000	\$1,850,000
S	GRF	830419	Children's Crisis Care	\$1,350,000	\$1,350,000
T	GRF	830420	Community Projects and Assistance	\$3,100,000	\$2,600,000
U	GRF	830421	Responsible Fatherhood Initiative Grant Program	\$5,000,000	\$15,000,000
V	GRF	830500	Early Care and Education	\$141,285,000	\$141,285,000
W	GRF	830501	Kinship Permanency Incentive Program	\$1,000,000	\$1,000,000
X	GRF	830502	Court Appointed Special Advocates	\$1,000,000	\$1,000,000
Y	GRF	830503	Adoption Services	\$23,992,000	\$23,992,000
Z	GRF	830505	Infant and Early Childhood Mental Health (ECMH)	\$4,100,000	\$4,100,000
AA	GRF	830506	Family and Children	\$291,759,990	\$296,409,990

Services

AB General Revenue Fund Total	\$940,943,531	\$946,543,566
AC Dedicated Purpose Fund Group		
AD 1980 830600 Children's Trust Fund	\$5,770,407	\$5,800,246
AE 2320 830613 Family and Children First	\$2,485,214	\$2,514,051
AF 4E70 830615 Family and Children Services Collections	\$650,000	\$650,000
AG 4F10 830607 Family and Children Activities	\$655,000	\$655,000
AH 5BN1 830618 Child Welfare Training Support	\$7,387,465	\$7,387,465
AI 5B01 830620 Children and Youth Community Initiatives	\$20,000,000	\$10,000,000
AJ 5BP1 830621 Agency Oversight and Support	\$9,000,000	\$9,000,000
AK 5CN0 830617 Choose Life	\$80,000	\$80,000
AL 5U60 830619 Family and Children Support	\$400,000	\$400,000
AM Dedicated Purpose Fund Group Total	\$46,428,086	\$36,486,762
AN Federal Fund Group		
AO 3201 830608 Maternal and Child Health	\$5,000,000	\$5,000,000

Block Grant

AP 3270	830601	Child Welfare	\$31,024,665	\$31,147,396
AQ 3980	830612	Adoption Program	\$215,000,000	\$215,000,000
AR 3A91	830622	Mental Health Block Grant	\$1,698,892	\$1,698,892
AS 3C50	830610	Preschool Special Education	\$16,026,864	\$16,026,864
AT 3D30	830602	Children's Trust Fund	\$7,030,643	\$7,048,243
AU 3F02	650600	Medicaid Program Support - Federal	\$1,393,000	\$1,393,000
AV 3H70	830604	Child Care	\$646,049,427	\$591,221,224
AW 3IT0	830609	Community Social Service Programs	\$22,803,908	\$22,803,908
AX 3IU0	830623	Federal Children and Youth Grants	\$52,000,000	\$52,000,000
AY 3N00	830603	Foster Care Program	\$337,778,385	\$338,091,973
AZ 3V62	830605	TANF Block Grant	\$327,850,000	\$327,850,000
BA	Federal Fund Group Total		\$1,663,655,784	\$1,609,281,500
BB	TOTAL ALL BUDGET FUND GROUPS		\$2,651,027,401	\$2,592,311,828

Section 423.20. MATERNAL AND INFANT HOUSING ASSISTANCE 162946

Of the foregoing appropriation item 830402, Maternal and	162947
Infant Housing Assistance, up to \$500,000 in each fiscal year	162948

shall be used to support stable housing initiatives for pregnant 162949
mothers and their families to improve maternal and infant health 162950
outcomes. 162951

Section 423.30. INFANT VITALITY GRANTS AND PROGRAMS 162952

Of the foregoing appropriation item, 830404, Infant 162953
Vitality, up to \$5,000,000 in each fiscal year shall be used to 162954
support programming by community and local faith-based service 162955
providers that invests in maternal health programs, provides 162956
services and support to pregnant mothers, and improves both 162957
maternal and infant health outcomes. 162958

Of the foregoing appropriation item 830404, Infant 162959
Vitality, up to \$1,000,000 in each fiscal year shall be used to 162960
support the per diem nonmedical services provided by residential 162961
infant care centers. 162962

The remainder of appropriation item 830404, Infant 162963
Vitality, shall be used to fund a multi-pronged population 162964
health approach to address infant mortality. This approach may 162965
include the following: increasing awareness; supporting data 162966
collection; analysis and interpretation to inform decision- 162967
making and ensure accountability; targeting resources where the 162968
need is greatest; and implementing quality improvement science 162969
and programming that is evidence-based or based on emerging 162970
practices. Measurable interventions may include activities 162971
related to safe sleep, community engagement, group prenatal 162972
care, preconception education, continuous support for women 162973
during pregnancy and childbirth, patient navigators, community 162974
health workers, early childhood home visiting, safe birth 162975
spacing, gestational diabetes, smoking cessation tailored for 162976
pregnant women, breastfeeding, care coordination, and 162977
progesterone. 162978

Section 423.40. PART C EARLY INTERVENTION 162979

Of the foregoing appropriation item 830405, Part C Early 162980
Intervention, up to \$7,000,000 in fiscal year 2026 and up to 162981
\$9,000,000 in fiscal year 2027 may be used by the Department of 162982
Children and Youth to subgrant or contract with county boards of 162983
developmental disabilities for the provision of early 162984
intervention evaluations, assessments, and service coordination. 162985
County boards of developmental disabilities that accept these 162986
funds shall maintain the level of local funding for early 162987
intervention at the same funding level as the prior fiscal year. 162988

Of the foregoing appropriation item 830405, Part C Early 162989
Intervention, \$1,000,000 in total in each fiscal year shall be 162990
used to contract with the Cleveland Sight Center, the Cincinnati 162991
Association for the Blind and Visually Impaired, and the Sight 162992
Center of Northwest Ohio to provide early intervention special 162993
instruction services and family support to children under the 162994
age of three with blindness or low vision. 162995

Section 423.50. CHILDREN'S MENTAL HEALTH 162996

Of the foregoing appropriation item 830406, Strong 162997
Families Strong Communities, up to \$2,000,000 in each fiscal 162998
year shall be used to provide funding for community projects 162999
across the state that focus on support for families, assisting 163000
families in avoiding crisis, and crisis intervention. 163001

Of the foregoing appropriation item 830406, Strong 163002
Families Strong Communities, \$500,000 in each fiscal year shall 163003
be provided to Riveon Mental Health and Recovery to support 163004
primary care integration. 163005

Of the foregoing appropriation item 830505, Infant and 163006
Early Childhood Mental Health, \$100,000 in each fiscal year 163007

shall be provided to St. Vincent Family Services to support 163008
their Early Childhood Mental Health Consultation Program. 163009

The remainder of appropriation item 830505, Infant and 163010
Early Childhood Mental Health, shall be used to promote 163011
identification and intervention for early childhood mental 163012
health and to enhance healthy social emotional development in 163013
order to reduce preschool expulsions and promote kindergarten 163014
readiness. Funds shall be used by the Department of Children and 163015
Youth, in coordination with Department of Behavioral Health, to 163016
support infant and early childhood mental health credentialed 163017
professionals and consultation services, as well as 163018
administration, workforce development for the program, and 163019
program evaluation. 163020

Section 423.60. PEDIATRIC CANCER RESEARCH 163021

Of the foregoing appropriation item 830406, Strong 163022
Families Strong Communities, up to \$5,000,000 in fiscal year 163023
2026 shall be used to provide funding to qualified entities in 163024
Ohio to support any of the following: 163025

(A) Research into causes, diagnoses, prevention, and 163026
treatment of pediatric cancer; 163027

(B) The study of new and novel approaches to researching 163028
and treating pediatric cancer, as well as the side effects of 163029
cancer treatment, including discovering and developing new 163030
drugs, clinical trials, neurosurgery, and other surgical 163031
interventions, diagnostics, care management, and learning 163032
disabilities. 163033

Section 423.70. EARLY CHILDHOOD EDUCATION 163034

The foregoing appropriation item 830407, Early Childhood 163035
Education, shall be used to pay the costs of the Early Childhood 163036

Education Grant Program to provide quality preschool instruction 163037
to improve kindergarten readiness. The Department shall 163038
distribute such funds directly to qualifying providers as 163039
specified in section 5104.53 of the Revised Code. 163040

Section 423.80. EARLY CARE AND EDUCATION LEARNING 163041
STANDARDS 163042

The foregoing appropriation item 830409, Early Care and 163043
Education Learning Standards, shall be used to support the 163044
state's early learning assessment work, the assessments required 163045
under section 3301.0715 of the Revised Code, and the 163046
implementation of curricula, assessments, and learning 163047
activities that are aligned with the science of reading and the 163048
early learning and development standards. 163049

Section 423.85. CHILD CARE CRED PROGRAM 163050

The foregoing appropriation item 830414, Child Care Cred 163051
Program, shall be used for the Child Care Cred Program 163052
established in section 5104.54 of the Revised Code. 163053

Section 423.90. PARENTING AND PREGNANCY PROGRAM 163054

The foregoing appropriation item 830415, Parenting and 163055
Pregnancy Program, shall be used, in accordance with section 163056
5180.71 of the Revised Code, to support the Ohio Parenting and 163057
Pregnancy Program. 163058

An amount equal to the unexpended, unencumbered balance of 163059
appropriation item 830415, Parenting and Pregnancy Program, at 163060
the end of fiscal year 2026 is hereby reappropriated to the same 163061
appropriation item for the same purpose in fiscal year 2027. 163062

Section 423.100. ADOPTION GRANT PROGRAM 163063

The foregoing appropriation item 830416, Adoption Grant 163064

Program, shall be used to administer grants to adoptive parents 163065
through the Adoption Grant Program, in accordance with sections 163066
5180.451 and 5180.452 of the Revised Code. 163067

Section 423.103. CHILD CARE PROVIDER RECRUITMENT 163068

The foregoing appropriation item 830418, Child Care 163069
Provider Recruitment, shall be used for the Child Care Provider 163070
Recruitment and Mentorship Grant Program established in Section 163071
751.30 of this act. 163072

Section 423.105. COMMUNITY PROJECTS AND ASSISTANCE 163073

Of the foregoing appropriation item 830420, Community 163074
Projects and Assistance, \$500,000 in fiscal year 2026 shall be 163075
distributed to Birthing Beautiful Communities to provide 163076
perinatal support services for at-risk mothers and children in 163077
Cuyahoga and Summit counties. 163078

Of the foregoing appropriation item 830420, Community 163079
Projects and Assistance, \$100,000 in each fiscal year shall be 163080
provided to Applewood Centers, Inc., to expand its foster care 163081
program. 163082

Section 423.106. DIAGNOSTIC ULTRASOUND MACHINE PROGRAM 163083

The Director of Children and Youth shall create a grant 163084
program through which entities may apply to receive diagnostic 163085
ultrasound machines purchased in accordance with this section. 163086
The Director shall establish the grant application and 163087
administration process. To be eligible to receive a diagnostic 163088
ultrasound machine through the grant program, all of the 163089
following must apply to an entity: 163090

(A) The entity must meet all conditions set forth in 163091
division (B) of section 5180.71 of the Revised Code, including 163092

that the entity does not charge a fee for diagnostic ultrasound 163093
services provided to pregnant women and women who suspect they 163094
may be pregnant and does not promote abortion, perform abortion- 163095
related medical procedures, or make referrals for abortions. 163096

(B) The entity is physically located in Ohio. 163097

(C) The entity is not a hospital, federally qualified 163098
health center, or ambulatory surgical facility. 163099

Of the foregoing appropriation item 830420, Community 163100
Projects and Assistance, \$2,500,000 in each fiscal year shall be 163101
used by the Director of Children and Youth to competitively bid 163102
for the purchase of new three-dimensional diagnostic ultrasound 163103
machines. 163104

Section 423.108. RESPONSIBLE FATHERHOOD INITIATIVE GRANTS 163105

The foregoing appropriation item 830421, Responsible 163106
Fatherhood Initiative Grants, shall be used to award grants 163107
under the Responsible Fatherhood Initiative Grant Program, in 163108
accordance with section 5180.706 of the Revised Code. Of this 163109
amount, not more than two per cent in each fiscal year shall be 163110
used for administrative purposes. 163111

On June 30 of each fiscal year, the Department of Children 163112
and Youth shall encumber an amount equal to any unexpended funds 163113
in appropriation item 830421, Responsible Fatherhood Initiative 163114
Grants. Funds encumbered shall be used for the same purposes in 163115
the following fiscal year. 163116

Section 423.110. COURT APPOINTED SPECIAL ADVOCATES 163117

Of the foregoing appropriation item 830502, Court 163118
Appointed Special Advocates, up to \$333,333 in each fiscal year 163119
shall be used to support administrative costs associated with 163120

existing court-appointed special advocate programs. 163121

Of the foregoing appropriation item 830502, Court 163122
Appointed Special Advocates, up to \$666,667 in each fiscal year 163123
shall be used to establish court-appointed special advocate 163124
programs in areas of the state that are not served by an 163125
existing program and to support existing programs. 163126

Section 423.120. FAMILY AND CHILDREN SERVICES AND 163127
ACTIVITIES 163128

Of the foregoing appropriation item 830506, Family and 163129
Children Services, up to \$25,000,000 in each fiscal year shall 163130
be provided to assist with the expense of providing services to 163131
youth requiring support from multiple systems. These funds may 163132
be used for youth currently in the custody of a public children 163133
services agency or to prevent children from entering into the 163134
custody of a public children services agency by custody 163135
relinquishment or another mechanism. The Director of Children 163136
and Youth shall adopt rules in accordance with section 111.15 of 163137
the Revised Code to administer the funding. 163138

Of the foregoing appropriation item 830506, Family and 163139
Children Services, up to \$7,500,000 in each fiscal year may be 163140
used to incentivize best practices. The Director of Children and 163141
Youth shall adopt rules in accordance with section 111.15 of the 163142
Revised Code to administer the funding. 163143

Of the foregoing appropriation item 830506, Family and 163144
Children Services, \$100,000 in each fiscal year shall be 163145
distributed to Cleveland State University for the Sullivan- 163146
Deckard Scholarship Opportunity Program and the Helen Packer 163147
Scholarship Program to provide tuition and wrap-around services 163148
to young adults who have aged out of foster care. 163149

Of the foregoing appropriation item, 830506, Family and Children Services, up to \$180,000,000 in fiscal year 2026 and up to \$185,000,000 in fiscal year 2027 shall be provided by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5180.41 of the Revised Code.

If the funds available for distribution under section 5180.41 of the Revised Code in fiscal year 2026 and fiscal year 2027 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5180.411 of the Revised Code.

The Director of Children and Youth, in consultation and coordination with the Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must contribute to the children services fund based on past contributions. Rules must include a hardship provision identifying circumstances in which the county contribution may be waived or reduced.

Of the foregoing appropriation item 830506, Family and Children Services, up to \$35,309,990 in each fiscal year shall be used to support activities associated with the delivery of children services activities, including recruiting and retaining foster parents, identifying and supporting kinship providers, family preservation, prevention, direct services, and best

practices. 163180

Of the foregoing appropriation item 830506, Family and 163181
Children Services, \$10,000,000 in each fiscal year shall be used 163182
to assist with the establishment of regional child wellness 163183
campuses. The Department of Children and Youth shall provide 163184
one-time funding to establish regional child wellness campuses 163185
across the state to serve children and youth who are, or have 163186
been determined by a public children services agency to be at 163187
risk of being, in the custody of a public children services 163188
agency and who are not placed in a licensed residential setting 163189
and are otherwise spending one or more nights in an unlicensed 163190
setting. Regional child wellness campuses shall support children 163191
in crisis in or near the communities in which the children 163192
reside and create additional capacity for short-term treatment. 163193
The Department of Children and Youth shall select entities 163194
applying to establish regional child wellness campuses through a 163195
competitive process. An entity shall provide proof of local 163196
funding commitments that fulfill all necessary start-up costs 163197
and ongoing community commitments to ensure timely and 163198
appropriate delivery of service to meet the needs of the child, 163199
family, and community. 163200

Of the foregoing appropriation item 830506, Family and 163201
Children Services, \$350,000 in fiscal year 2026 shall be used 163202
for the Providence House Every Child Ohio Feasibility Study to 163203
identify the most viable Ohio communities with the capacity to 163204
sustainably operate a children's crisis care facility, as 163205
defined in section 5103.13 of the Revised Code. The results and 163206
recommendations of the study shall be submitted in a report to 163207
the Governor, the President of the Senate, the Speaker of the 163208
House of Representatives, and the Director of Children and Youth 163209
by September 30, 2026. 163210

Of the foregoing appropriation item 830506, Family and 163211
Children Services, up to \$17,000,000 in each fiscal year shall 163212
be used for federal match requirements for Title IV-B and Title 163213
IV-E of the "Social Security Act," 42 U.S.C. 601-687 funding. 163214

Of the foregoing appropriation item 830506, Family and 163215
Children Services, up to \$3,000,000 in each fiscal year shall be 163216
provided to the Ohio Network of Children's Advocacy Centers to 163217
administer and distribute grants to Child Advocacy Centers to 163218
coordinate statewide access to investigation, prosecution, and 163219
treatment of child sexual abuse, while helping children heal. 163220

The foregoing appropriation item 830607, Family and 163221
Children Activities, shall be used to expend miscellaneous 163222
foundation funds and grants to support family and children 163223
services activities. 163224

Section 423.130. KINSHIP CARE NAVIGATOR PROGRAM 163225

Of the foregoing appropriation item 830506, Family and 163226
Children Services, up to \$8,500,000 in each fiscal year shall be 163227
used to support the Kinship Care Navigator Program, and may be 163228
used to match eligible federal Title IV-E of the "Social 163229
Security Act," 42 U.S.C. 601-687 funds. 163230

Section 423.140. WENDY'S WONDERFUL KIDS 163231

Of the foregoing appropriation items 830506, Family and 163232
Children Services, 830601, Child Welfare, and 830612, Adoption 163233
Program, a total of up to \$10,000,000 in each fiscal year may be 163234
used to provide funds to the Dave Thomas Foundation for Adoption 163235
to implement statewide the Wendy's Wonderful Kids program of 163236
professional recruiters who use a child-focused model to find 163237
permanent homes for children in Ohio foster care. 163238

Section 423.150. FAMILY AND CHILDREN FIRST FLEXIBLE 163239

FUNDING POOL 163240

A county family and children first council may establish 163241
and operate a flexible funding pool in order to assure access to 163242
needed services by families, children, and older adults in need 163243
of protective services. The operation of the flexible funding 163244
pools is subject to the following restrictions: 163245

(A) The county council shall establish and operate the 163246
flexible funding pool in accordance with formal guidance issued 163247
by the Family and Children First Cabinet Council; 163248

(B) The county council shall produce an annual report on 163249
its use of the pooled funds. The annual report shall conform to 163250
a format prescribed in the formal guidance issued by the Family 163251
and Children First Cabinet Council; 163252

(C) Unless otherwise restricted, funds transferred to the 163253
flexible funding pool may include state general revenues 163254
allocated to local entities to support the provision of services 163255
to families and children; 163256

(D) The amounts transferred to the flexible funding pool 163257
shall be limited to amounts that can be redirected without 163258
impairing the achievement of the objectives for which the 163259
initial allocation is designated; and 163260

(E) Each amount transferred to the flexible funding pool 163261
from a specific allocation shall be approved for transfer by the 163262
director of the local agency that was the original recipient of 163263
the allocation. 163264

In collaboration with the county family and children first 163265
council, a county department of job and family services or 163266
public children services agency that receives an allocation from 163267
the Department of Children and Youth, in consultation and 163268

coordination with the Department of Job and Family Services, 163269
from the foregoing appropriation item 830506, Family and 163270
Children Services, or 830502, Court Appointed Special Advocates, 163271
may transfer a portion of either or both allocations to a 163272
flexible funding pool as authorized by this section. 163273

Section 423.160. CHILDRENS CRISIS CARE 163274

The foregoing appropriation item 830419, Childrens Crisis 163275
Care, shall be allocated by the Department of Children and Youth 163276
in each fiscal year to children's crisis care facilities as 163277
defined in section 5103.13 of the Revised Code. The Director of 163278
Children and Youth shall calculate funds semi-annually and 163279
allocate funds quarterly based on the total number of days of 163280
care for each child residing in the facility, which is 163281
determined by calculating the total days each child resides at 163282
the crisis care facility, including the date of admission, but 163283
not the day of discharge. A children's crisis care facility may 163284
decline to receive funds provided under this section. A 163285
children's crisis care facility that accepts funds provided 163286
under this section shall use the funds in accordance with 163287
section 5103.13 of the Revised Code and any rules adopted under 163288
that section. 163289

Section 423.170. MATERNAL AND CHILD HEALTH BLOCK GRANT 163290

Of the foregoing appropriation item 830608, Maternal and 163291
Child Health Block Grant, up to \$5,000,000 in each fiscal year 163292
shall be used to implement Title V Maternal and Child Health 163293
Services Block Grant activities in the prenatal, maternal, 163294
perinatal, and infant domains. 163295

Section 423.180. MENTAL HEALTH BLOCK GRANT 163296

The foregoing appropriation item 830622, Mental Health 163297

Block Grant, shall be used for infant and early childhood mental 163298
health activities. 163299

Section 423.190. CHILD CARE CHOICE VOUCHER PROGRAM 163300

(A) Of the foregoing appropriation item, 830604, Child 163301
Care, a portion in each fiscal year, along with \$50,000,000 in 163302
each fiscal year in appropriation item 830605, TANF Block Grant, 163303
shall be used by the Department of Children and Youth to 163304
establish and administer the Child Care Choice Voucher Program. 163305
Subject to available funds, the program shall provide support, 163306
in the form of vouchers, to families to assist them with child 163307
care costs. To be eligible to participate in the program, a 163308
family must meet all of the following conditions: 163309

(1) The caretaker parent is employed or participating in a 163310
program of education or training for an amount of time 163311
reasonably related to the time that the parent's children are 163312
receiving child care. 163313

(2) The family does not meet the income conditions for 163314
initial eligibility under the Publicly Funded Child Care Program 163315
administered by the Department as described in section 5104.30 163316
of the Revised Code, but the maximum amount of the family's 163317
income does not exceed two hundred percent of the federal 163318
poverty line. 163319

(3) The family meets any other condition established by 163320
the Department. 163321

(B) In providing vouchers under this section, both of the 163322
following apply: 163323

(1) The program shall utilize, not later than November 1, 163324
2026, the publicly funded child care payment rates established 163325
in section 5104.30 of the Revised Code, except that such payment 163326

rates shall not be enhanced payment rates as described in 163327
division (E) (2) (c) of that section. 163328

(2) If a participating family uses its voucher at a type A 163329
family child care home or licensed type B family child care 163330
home, the program shall not require the family child care home 163331
to be rated through the Step Up to Quality Program administered 163332
by the Department as described in section 5104.29 of the Revised 163333
Code. 163334

Section 423.200. COMMUNITY SOCIAL SERVICE PROGRAMS 163335

A portion of the foregoing appropriation item 830609, 163336
Community Social Service Programs, may be used by the Early 163337
Intervention Services Advisory Council for the following 163338
purposes: 163339

(A) In addition to other necessary and allowed uses of 163340
funds and in accordance with 20 U.S.C. 1441(d), the Early 163341
Intervention Services Advisory Council established pursuant to 163342
section 5123.0422 of the Revised Code, may, in its discretion, 163343
use budgeted funds to do all of the following: 163344

(1) Conduct forums and hearings; 163345

(2) Reimburse council members for reasonable and necessary 163346
expenses, including child care expenses for parent 163347
representatives, for attending council meetings and performing 163348
council duties; 163349

(3) Pay compensation to a council member if the member is 163350
not employed or must forfeit wages from other employment when 163351
performing official council business; 163352

(4) Hire staff; 163353

(5) Obtain the services of professional, technical, and 163354

clerical personnel as necessary to carry out the performance of 163355
its lawful functions. 163356

(B) Except as provided in division (A) of this section, 163357
council members shall serve without compensation or 163358
reimbursement. 163359

Section 423.210. FEDERAL CHILDREN AND YOUTH GRANTS 163360

Of the foregoing appropriation item 830623, Federal 163361
Children and Youth Grants, up to \$195,000 in each fiscal year 163362
shall be used for the training of guardians ad litem and court- 163363
appointed special advocates as well as to conduct a study to 163364
demonstrate the impact of court-appointed special advocate 163365
volunteers on outcomes for children who are in child welfare 163366
custody as a result of abuse, neglect, or dependency. 163367

Section 423.220. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES 163368
BLOCK GRANT 163369

Of the foregoing appropriation item 830605, TANF Block 163370
Grant, up to \$5,000,000 in each fiscal year shall be used for 163371
the Kinship Permanency Incentive Program established under 163372
section 5180.52 of the Revised Code to promote a permanent 163373
commitment by kinship caregivers through becoming guardians and 163374
custodians over minor children who would otherwise be unsafe or 163375
at risk of harm if they remained in their own homes. 163376

Of the foregoing appropriation item 830605, TANF Block 163377
Grant, up to \$2,500,000 in each fiscal year shall be provided, 163378
in accordance with sections 5101.80 and 5101.801 of the Revised 163379
Code, to the Ohio Commission on Fatherhood. 163380

Of the foregoing appropriation item 830605, TANF Block 163381
Grant, up to \$1,000,000 in each fiscal year shall be provided, 163382
in accordance with sections 5101.80 and 5101.801 of the Revised 163383

Code, to the Ohio Children's Trust Fund. 163384

Section 423.230. PUBLICLY FUNDED CHILD CARE ELIGIBILITY 163385

Beginning on the effective date of this section and 163386
through June 30, 2027, all of the following apply to a family's 163387
eligibility for publicly funded child care as described in 163388
division (A) of section 5104.38 of the Revised Code: 163389

(A) Except as provided in division (B) of this section, 163390
the maximum amount of income that a family may have for initial 163391
eligibility shall not exceed one hundred forty-five per cent of 163392
the federal poverty line; 163393

(B) For special needs child care, as defined in section 163394
5104.01 of the Revised Code, the maximum amount of income that 163395
the family may have for initial eligibility shall not exceed one 163396
hundred fifty per cent of the federal poverty line; 163397

(C) The maximum amount of income that a family may have 163398
for continued eligibility shall not exceed three hundred per 163399
cent of the federal poverty line. 163400

Section 423.240. MULTI-SYSTEM YOUTH 163401

(A) As used in this section: 163402

(1) "Multi-system youth" are children and adolescents who 163403
are receiving services from two or more of the following 163404
systems: child protective services, behavioral health services, 163405
developmental disabilities services, juvenile court, and 163406
medicaid. 163407

(2) "Licensed care" means detention facilities, shelter 163408
facilities, certified children's crisis care facilities, 163409
certified foster homes, placement in a prospective adoptive home 163410
prior to the issuance of a final decree of adoption, 163411

organizations, certified organizations, group home providers, 163412
group homes, institutions, state institutions, residential 163413
facilities, or residential care facilities. 163414

(B) The following departments must collaborate to identify 163415
and take appropriate action with available resources to meet the 163416
needs of multi-system youth more effectively: 163417

(1) The Department of Job and Family Services; 163418

(2) The Department of Children and Youth; 163419

(3) The Department of Behavioral Health; 163420

(4) The Department of Developmental Disabilities; 163421

(5) The Department of Youth Services; 163422

(6) The Department of Medicaid. 163423

(C) Not later than one year after the effective date of 163424
this section, the departments described in division (B) of this 163425
section must jointly submit to the General Assembly a report 163426
with policy recommendations and the following information: 163427

(1) Data on the number of multi-system youth; 163428

(2) Data on the number of multi-system youth who are 163429
placed in licensed care; 163430

(3) Information on how the departments described in 163431
division (B) of this section track multi-system youth; 163432

(4) A summary of actions taken by the departments to 163433
better serve multi-system youth." 163434

Section 423.250. (A) Not later than December 31, 2025, and 163435
through June 30, 2027, both of the following apply to the 163436
administration of publicly funded child care as described in 163437

section 5104.30 of the Revised Code: 163438

(1) The Department of Children and Youth shall establish 163439
the following payment categories and time increments for the 163440
number of hours per week that a child is authorized for publicly 163441
funded child care: 163442

(a) The hourly category, for hours of care totaling fewer 163443
than ten hours per week; 163444

(b) The part-time category, for hours of care totaling ten 163445
hours to fewer than thirty-three hours per week; 163446

(c) The full-time category, for hours of care totaling 163447
thirty-three or more hours per week. 163448

The department shall not establish categories other than 163449
those described in this division that pertain to the number of 163450
hours a child is authorized for publicly funded child care. 163451

(2) In establishing payment rates under the publicly 163452
funded child care program for type A family child care homes, 163453
the Department of Children and Youth shall not align those rates 163454
with rates for child care centers. The Department shall instead 163455
align type A family child care home rates with rates for type B 163456
family child care homes. 163457

When aligning type A and type B family child care home 163458
payment rates, the Department shall pay the rates established 163459
pursuant to section 5104.30 of the Revised Code. 163460

Section 425.10. 163461
163462

1 2 3 4 5

B General Revenue Fund

C GRF 061501 Operating Expenses	\$250,000	\$250,000

D General Revenue Fund Total	\$250,000	\$250,000

E TOTAL ALL BUDGET FUND GROUPS	\$250,000	\$250,000

Section 503.10. PERSONAL SERVICE EXPENSES 163463

Unless otherwise prohibited by law, any appropriation from 163464
which personal service expenses are paid shall bear the 163465
employer's share of public employees' retirement, workers' 163466
compensation, disabled workers' relief, and insurance programs; 163467
the costs of centralized financial services, centralized payroll 163468
processing, and related reports and services; centralized human 163469
resources services, including affirmative action and equal 163470
employment opportunity programs; the Office of Collective 163471
Bargaining; centralized information technology management 163472
services; administering the enterprise resource planning system; 163473
and administering the state employee merit system as required by 163474
section 124.07 of the Revised Code. These costs shall be 163475
determined in conformity with the appropriate sections of law 163476
and paid in accordance with procedures specified by the Office 163477
of Budget and Management. Expenditures from appropriation item 163478
070601, Public Audit Expense - Intra-State, may be exempted from 163479
the requirements of this section. 163480

Section 503.15. APPROPRIATIONS FOR EMPLOYEE COMPENSATION 163481
CHANGES 163482

Notwithstanding any provision of law to the contrary, 163483
beginning with the pay period that includes July 1, 2025, each 163484
state appointing authority is authorized to make expenditures 163485

from current state operating appropriations contained in this 163486
act or any other act necessary to provide for the changes to 163487
compensation provisions pursuant to approved collective 163488
bargaining agreements between employee organizations and State 163489
of Ohio public employers and pursuant to provisions of law, as 163490
amended by this act, for employees exempt from collective 163491
bargaining to allow parity for those employees. 163492

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 163493
AGAINST THE STATE 163494

Except as otherwise provided in this section, an 163495
appropriation in this act may be used for the purpose of 163496
satisfying judgments, settlements, or administrative awards 163497
ordered or approved by the Court of Claims or by any other court 163498
of competent jurisdiction in connection with civil actions 163499
against the state. This authorization does not apply to 163500
appropriations to be applied to or used for payment of 163501
guarantees by or on behalf of the state, or for payments under 163502
lease agreements relating to, or debt service on, bonds, notes, 163503
or other obligations of the state. Notwithstanding any other 163504
statute to the contrary, this authorization includes 163505
appropriations from funds into which proceeds of direct 163506
obligations of the state are deposited only to the extent that 163507
the judgment, settlement, or administrative award is for, or 163508
represents, capital costs for which the appropriation may 163509
otherwise be used and is consistent with the purpose for which 163510
any related obligations were issued or entered into. Nothing 163511
contained in this section is intended to subject the state to 163512
suit in any forum in which it is not otherwise subject to suit, 163513
and is not intended to waive or compromise any defense or right 163514
available to the state in any suit against it. 163515

Section 503.30. CAPITAL PROJECT SETTLEMENTS 163516

This section specifies an additional and supplemental 163517
procedure to provide for payments of judgments and settlements 163518
if the Director of Budget and Management determines, pursuant to 163519
division (C) (4) of section 2743.19 of the Revised Code, that 163520
sufficient unencumbered moneys do not exist in the fund to 163521
support a particular appropriation to pay the amount of a final 163522
judgment rendered against the state or a state agency, including 163523
the settlement of a claim approved by a court, in an action upon 163524
and arising out of a contractual obligation for the construction 163525
or improvement of a capital facility if the costs under the 163526
contract were payable in whole or in part from a state capital 163527
projects appropriation. In such a case, the Director may either 163528
proceed pursuant to division (C) (4) of section 2743.19 of the 163529
Revised Code or apply to the Controlling Board to increase an 163530
appropriation or create an appropriation out of any unencumbered 163531
moneys in the state treasury to the credit of the capital 163532
projects fund from which the initial state appropriation was 163533
made. The amount of an increase in appropriation or new 163534
appropriation approved by the Controlling Board is hereby 163535
appropriated from the applicable capital projects fund and made 163536
available for the payment of the judgment or settlement. 163537

If the Director does not make the application authorized 163538
by this section or the Controlling Board disapproves the 163539
application, and the Director does not make application under 163540
division (C) (4) of section 2743.19 of the Revised Code, the 163541
Director shall for the purpose of making that payment make a 163542
request to the General Assembly as provided for in division (C) 163543
(5) of that section. 163544

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 163545

In order to provide funds for the reissuance of voided warrants under section 126.37 of the Revised Code, there is hereby appropriated, out of moneys in the state treasury from the fund credited as provided in section 126.37 of the Revised Code, that amount sufficient to pay such warrants when approved by the Office of Budget and Management.

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES OF OPERATING APPROPRIATIONS

(A) Notwithstanding the original year of appropriation or encumbrance, the unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to the close of fiscal year 2025 or fiscal year 2026 is hereby reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the period of time listed in this section and shall remain available only for the purpose of discharging the encumbrance:

(1) For an encumbrance for personal services, maintenance, equipment, or items for resale not otherwise identified in this section, for a period of not more than five months from the end of the fiscal year;

(2) For an encumbrance for an item of special order manufacture not available on state contract or an item not available in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation

is expended; 163575

(4) For an encumbrance for any other type of expense not 163576
otherwise identified in division (A) (1), (2), or (3) of this 163577
section, for such period as the Director approves, provided such 163578
period does not extend beyond the FY 2026 - FY 2027 biennium. 163579

(B) Any operating appropriations for which unexpended 163580
balances are reappropriated in fiscal year 2026 or fiscal year 163581
2027 pursuant to division (A) (2) of this section shall be 163582
reported to the Controlling Board by the Director of Budget and 163583
Management by the thirty-first day of December of each year. The 163584
report shall include the item, the cost of the item, and the 163585
name of the vendor. The report shall be updated on a quarterly 163586
basis for encumbrances remaining open. 163587

(C) Upon the expiration of the reappropriation period set 163588
out in division (A) of this section, a reappropriation made by 163589
this section lapses and the Director of Budget and Management 163590
shall cancel the encumbrance of the unexpended reappropriation 163591
not later than the end of the weekend following the expiration 163592
of the reappropriation period. 163593

(D) If the Controlling Board approved a purchase, that 163594
approval remains in effect so long as the appropriation used to 163595
make that purchase remains encumbered. 163596

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 163597

(A) The Director of Budget and Management may correct 163598
accounting errors committed by the staff of the Office of Budget 163599
and Management, such as reestablishing encumbrances or 163600
appropriations canceled in error, during the cancellation of 163601
operating encumbrances in November and of non-operating 163602
encumbrances in December. 163603

(B) The Director of Budget and Management may at any time 163604
correct accounting errors committed by staff or a state agency 163605
or state institution of higher education, as defined in section 163606
3345.011 of the Revised Code, such as reestablishing prior year 163607
non-operating encumbrances canceled or modified in error. The 163608
reestablished encumbrance amounts are hereby appropriated. 163609

Section 503.70. TEMPORARY REVENUE HOLDING 163610

The Director of Budget and Management may create funds in 163611
the state treasury solely for the purpose of temporarily holding 163612
revenue required to be credited to a fund in the state treasury, 163613
whose disposition is not immediately known at the time of 163614
receipt. Once identified, the Director shall credit the revenue 163615
to the appropriate fund in the state treasury. 163616

Notwithstanding section 153.63 of the Revised Code or any 163617
other provision of law to the contrary, upon certification by a 163618
director or head of a state agency, in lieu of banks, buildings 163619
and loan associations, or other institutions, the Director of 163620
Budget and Management may create funds in the state treasury on 163621
behalf of an agency when the agency is required by law to detain 163622
funds in escrow. All investment earnings of the fund shall be 163623
credited to the fund while the detained amounts remain in 163624
escrow. The Director of Budget and Management may transfer cash 163625
between funds within the state treasury to satisfy escrow 163626
requirements. 163627

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS 163628
AND RE-ESTABLISHMENT OF ENCUMBRANCES 163629

Any cash transferred by the Director of Budget and 163630
Management under section 126.15 of the Revised Code is hereby 163631
appropriated. Any amounts necessary to re-establish 163632

appropriations or encumbrances under section 126.15 of the 163633
Revised Code are hereby appropriated. 163634

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 163635

The Director of Budget and Management may transfer 163636
appropriations between the Third Frontier Research and 163637
Development Fund (Fund 7011) and the Third Frontier Research and 163638
Development Taxable Bond Fund (Fund 7014) as necessary to 163639
maintain the exclusion from the calculation of gross income for 163640
federal income taxation purposes under the Internal Revenue Code 163641
with respect to obligations issued to fund projects appropriated 163642
from the Third Frontier Research and Development Fund (Fund 163643
7011). 163644

The Director may also create new appropriation items 163645
within the Third Frontier Research and Development Taxable Bond 163646
Fund (Fund 7014) and make transfers of appropriations to them 163647
for projects originally funded from appropriations made from the 163648
Third Frontier Research and Development Fund (Fund 7011). 163649

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 163650

There are hereby appropriated out of any moneys in the 163651
state treasury to the credit of the General Revenue Fund, which 163652
are not otherwise appropriated, funds sufficient to make any 163653
payment required by division (B) (2) of section 5747.03 of the 163654
Revised Code. 163655

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 163656
APPROVED BY THE CONTROLLING BOARD 163657

Any money that the Controlling Board approves for 163658
expenditure or any increase in appropriation that the 163659
Controlling Board approves under sections 127.14, 131.35, and 163660
131.39 of the Revised Code or any other provision of law is 163661

hereby appropriated for the period ending June 30, 2027. 163662

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 163663
RESIDENCE 163664

If the Governor's Residence Fund (Fund 4H20) receives 163665
payment for use of the residence pursuant to section 107.40 of 163666
the Revised Code, the amounts so received are hereby 163667
appropriated to appropriation item 100604, Governor's Residence 163668
Gift. 163669

Section 503.140. FUND INVESTMENT EARNINGS 163670

Not later than July 15, 2025, the Office of Budget and 163671
Management shall redirect the investment earnings of the 163672
following funds to the General Revenue Fund from that date 163673
forward: 163674

(A) The Capitol Square Improvement Fund (Fund 5AN1); 163675

(B) The Health Care/Medicaid Support and Recoveries Fund 163676
(Fund 5DL0); 163677

(C) The Ohio Workforce Incumbent Job Training Fund (Fund 163678
5NH0). 163679

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 163680

Certain appropriations are in this act for the purpose of 163681
paying debt service and financing costs on general obligation 163682
bonds or notes of the state issued pursuant to the Ohio 163683
Constitution, Revised Code, and acts of the General Assembly. If 163684
it is determined that additional appropriations are necessary 163685
for this purpose, such amounts are hereby appropriated. 163686

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 163687

Certain appropriations are in this act for the purpose of 163688

making lease rental payments pursuant to leases and agreements 163689
relating to bonds, notes, or other obligations issued by or on 163690
behalf of the state pursuant to the Ohio Constitution, Revised 163691
Code, and acts of the General Assembly. If it is determined that 163692
additional appropriations are necessary for this purpose, such 163693
amounts are hereby appropriated. 163694

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND 163695
OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 163696

The Office of Budget and Management shall process payments 163697
from general obligation and lease rental payment appropriation 163698
items during the period from July 1, 2025, through June 30, 163699
2027, relating to bonds, notes, or other obligations issued by 163700
or on behalf of the state pursuant to the Ohio Constitution, 163701
Revised Code, and acts of the General Assembly. Payments shall 163702
be made upon certification by the Treasurer of State of the 163703
dates and the amounts due on those dates. 163704

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 163705

If it is determined that a payment is necessary in the 163706
amount computed at the time to represent the portion of 163707
investment income to be rebated or amounts in lieu of or in 163708
addition to any rebate amount to be paid to the federal 163709
government in order to maintain the exclusion from gross income 163710
for federal income tax purposes of interest on those state 163711
obligations under section 148(f) of the Internal Revenue Code, 163712
such an amount is hereby appropriated from those funds 163713
designated by or pursuant to the applicable proceedings 163714
authorizing the issuance of state obligations. 163715

Payments for this purpose shall be approved and vouchered 163716
by the Office of Budget and Management. 163717

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 163718

Whenever the Director of Budget and Management determines 163719
that an appropriation made to a state agency from a fund of the 163720
state is insufficient to provide for the recovery of statewide 163721
indirect costs under section 126.12 of the Revised Code, the 163722
amount required for such purpose is hereby appropriated from the 163723
available receipts of such fund. 163724

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE 163725
INDIRECT COST ALLOCATION PLAN 163726

The total transfers made from the General Revenue Fund by 163727
the Director of Budget and Management under this section shall 163728
not exceed the amounts transferred into the General Revenue Fund 163729
under section 126.12 of the Revised Code. 163730

The director of an agency may certify to the Director of 163731
Budget and Management the amount of expenses not allowed to be 163732
included in the Statewide Indirect Cost Allocation Plan under 163733
federal regulations, from any fund included in the Statewide 163734
Indirect Cost Allocation Plan, prepared as required by section 163735
126.12 of the Revised Code. 163736

Upon determining that no alternative source of funding is 163737
available to pay for such expenses, the Director of Budget and 163738
Management may transfer cash from the General Revenue Fund into 163739
the fund for which the certification is made, up to the amount 163740
of the certification. The director of the agency receiving such 163741
funds shall include, as part of the next budget submission 163742
prepared under section 126.02 of the Revised Code, a request for 163743
funding for such activities from an alternative source such that 163744
further federal disallowances would not be required. 163745

The director of an agency may certify to the Director of 163746

Budget and Management the amount of expenses paid in error from 163747
a fund included in the Statewide Indirect Cost Allocation Plan. 163748
The Director of Budget and Management may transfer cash from the 163749
fund from which the expenditure should have been made into the 163750
fund from which the expenses were erroneously paid, up to the 163751
amount of the certification. 163752

The director of an agency may certify to the Director of 163753
Budget and Management the amount of expenses or revenues not 163754
allowed to be included in the Statewide Indirect Cost Allocation 163755
Plan under federal regulations, for any fund included in the 163756
Statewide Indirect Cost Allocation Plan, for which the federal 163757
government requires payment. If the Director of Budget and 163758
Management determines that an appropriation made to a state 163759
agency from a fund of the state is insufficient to pay the 163760
amount required by the federal government, the amount required 163761
for such purpose is hereby appropriated from the available 163762
receipts of such fund, up to the amount of the certification. 163763

Section 505.35. TRANSFERS TO OAKS SUPPORT ORGANIZATION 163764
FUND 163765

Transfers from the General Revenue Fund to the OAKS 163766
Support Organization Fund (Fund 5EB0) under division (A) (2) (b) 163767
of section 126.12 of the Revised Code shall not exceed 163768
\$1,250,000 cash in each fiscal year of the biennium ending June 163769
30, 2027. 163770

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 163771

Notwithstanding any provision of law to the contrary, on 163772
or before the first day of September of each fiscal year, the 163773
Director of Budget and Management, in order to reduce the 163774
payment of adjustments to the federal government, as determined 163775

by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS

Notwithstanding section 113.09 of the Revised Code, the Director of Budget and Management may designate any fund within the state treasury that receives federal revenue to be credited with investment earnings to comply with federal law.

Section 505.70. REPAYMENT OF FEDERAL FUNDS

Any unexpended federal revenue received into the state treasury remaining at the end of its applicable period for expenditure which must be returned in compliance with federal law, is hereby appropriated to the fund in which it was received, for that purpose.

Section 505.75. STATE FISCAL RECOVERY FUND

An amount equal to the unexpended and unencumbered portions of appropriation items under the State Fiscal Recovery Fund (Fund 5CV3) plus an amount equal to cash previously expended but returned to the fund at the end of fiscal year 2025 are hereby reappropriated for the same purpose in fiscal year

2026. An amount equal to the unexpended and unencumbered 163804
portions of appropriation items under Fund 5CV3 plus an amount 163805
equal to cash previously expended but returned to the fund at 163806
the end of fiscal year 2026 are hereby reappropriated for the 163807
same purpose in fiscal year 2027. 163808

The Director of Budget and Management may create new 163809
appropriation items under Fund 5CV3. In each fiscal year, the 163810
Director may transfer appropriation among newly created or 163811
existing appropriation items under Fund 5CV3. The Director shall 163812
report appropriation transfers made under this section to the 163813
Controlling Board no later than January 30, 2027. 163814

Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF 163815
FUNDS 163816

Amounts equal to the unexpended portions of appropriation 163817
items under the following recovery and relief funds, at the end 163818
of fiscal year 2025 are hereby reappropriated to the same 163819
appropriation items and shall be used for the same purposes in 163820
fiscal year 2026: CARES Act School Relief Fund (Fund 3HS0), 163821
Governor's Emergency Education Relief Fund (Fund 3HQ0), 163822
Emergency Rental Assistance Fund (5CV2), ARPA Capital Projects 163823
Fund (5CV5), ARPA Home and Community Based Services - Federal 163824
Fund (Fund 3HC8), and ARPA Home and Community Based Services 163825
Fund (Fund 5HC8). 163826

Amounts equal to the unexpended portions of appropriation 163827
items under the following recovery and relief funds, at the end 163828
of fiscal year 2026, are hereby reappropriated to the same 163829
appropriation items and shall be used for the same purposes in 163830
fiscal year 2027: ARPA Home and Community Based Services - 163831
Federal Fund (Fund 3HC8), Governor's Emergency Education Relief 163832
Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), 163833

Emergency Rental Assistance Fund (Fund 5CV2), ARPA Capital 163834
Projects Fund (Fund 5CV5), and ARPA Home and Community Based 163835
Services Fund (Fund 5HC8). 163836

Section 506.10. ONE TIME STRATEGIC COMMUNITY INVESTMENTS 163837

Notwithstanding Section 200.30 of H.B. 2 of the 135th 163838
General Assembly, the Office of Budget and Management shall not 163839
provide a grant from appropriation item 042509, One Time 163840
Strategic Community Investments, to the Chardon High School 163841
Athletic Boosters for the Chardon Memorial Stadium Restroom and 163842
Concession Project. If any amount has been released prior to the 163843
effective date of this section, Chardon High School Athletic 163844
Boosters shall promptly return the unexpended portion of that 163845
amount, as of the effective date of this section, to the state 163846
treasury to the credit of the One Time Strategic Community 163847
Investments Fund (Fund 5AY1). The Office of Budget and 163848
Management shall distribute the amount returned by Chardon High 163849
School Athletic Boosters, if any, as follows: forty per cent to 163850
South Ridge Christian Academy for school building and roof 163851
renovations and sixty per cent to Agricultural Career Education 163852
Academy for DOPR career-technical program and infrastructure 163853
projects. This amount is hereby appropriated. 163854

Section 509.10. TRANSFERS INTO GENERAL REVENUE FUND 163855

INTEREST EARNED 163856

Notwithstanding any provision of law to the contrary, the 163857
Director of Budget and Management, through June 30, 2027, may 163858
transfer interest earned by any state fund to the General 163859
Revenue Fund. This section does not apply to funds whose source 163860
of revenue is restricted or protected by the Ohio Constitution, 163861
federal tax law, or the "Cash Management Improvement Act of 163862

1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as 163863
amended. 163864

NON-GRF FUNDS 163865

Notwithstanding any provision of law to the contrary, the 163866
Director of Budget and Management may transfer up to 163867
\$200,000,000 cash during the biennium ending June 30, 2027, from 163868
non-General Revenue Funds that are not constitutionally 163869
restricted to the General Revenue Fund. The Director shall 163870
report any such transfers to the Controlling Board within thirty 163871
days of making the transfer. 163872

TANGIBLE PROPERTY TAX REPLACEMENT FUNDS 163873

During the biennium ending June 30, 2027, the Director of 163874
Budget and Management may transfer cash as necessary from the 163875
School District Tangible Property Tax Replacement Fund (Fund 163876
7047) and the Local Government Tangible Property Tax Replacement 163877
Fund (Fund 7081) to the General Revenue Fund. 163878

ALL OHIO FUTURE FUND 163879

On July 1, 2025, or as soon as possible thereafter, the 163880
Director of Budget and Management shall transfer \$250,000,000 163881
cash from the All Ohio Future Fund (Fund 5XM0) to the General 163882
Revenue Fund. 163883

SUPER RAPIDS FUND 163884

On July 1, 2025, or as soon as possible thereafter, the 163885
Director of Budget and Management shall transfer up to 163886
\$10,000,000 cash from the Super RAPIDS Fund (Fund 5AH1) to the 163887
General Revenue Fund. 163888

ADULT USE TAX FUND 163889

On July 1, 2025, or as soon as possible thereafter, the 163890
Director of Budget and Management shall transfer \$35,000,000 163891
cash from the Adult Use Tax Fund (Fund QG18) to the General 163892
Revenue Fund. 163893

GROW YOUR OWN TEACHER PROGRAM FUND 163894

On July 1, 2025, or as soon as possible thereafter, the 163895
Director of Budget and Management shall transfer up to 163896
\$9,000,000 cash from the Grow Your Own Teacher Program Fund 163897
(Fund 5ZY0) to the General Revenue Fund. 163898

AUDIT SETTLEMENTS AND CONTINGENCY FUND 163899

On July 1, 2025, or as soon as possible thereafter, the 163900
Director of Budget and Management shall transfer \$4,000,000 cash 163901
from the Audit Settlements and Contingency Fund (Fund 5BP1) to 163902
the General Revenue Fund. 163903

PRE-SECURITIZATION TOBACCO PAYMENTS FUND 163904

On July 1, 2025, or as soon as possible thereafter, the 163905
Director of Budget and Management shall transfer \$20,000,000 163906
cash from the Pre-Securitization Tobacco Payments Fund (Fund 163907
5LS0) to the General Revenue Fund. 163908

LITERACY IMPROVEMENT FUND 163909

On July 1, 2025, or as soon as possible thereafter, the 163910
Director of Budget and Management shall transfer up to 163911
\$10,000,000 cash from the Literacy Improvement Fund (Fund 5AQ1) 163912
to the General Revenue Fund. 163913

INFORMATION TECHNOLOGY DEVELOPMENT FUND 163914

On July 1 of each fiscal year, or as soon as possible 163915
thereafter, the Director of Budget and Management shall transfer 163916

\$2,500,000 cash from the Information Technology Development Fund	163917
(Fund 5LJ0) to the General Revenue Fund.	163918
 HUMAN SERVICES PROJECT FUND	 163919
On July 1 of each fiscal year, or as soon as possible	163920
thereafter, the Director of Budget and Management shall transfer	163921
\$5,000,000 cash from the Human Services Projects Fund (Fund	163922
5RY0) to the General Revenue Fund.	163923
 BROADBAND POLE REPLACEMENT FUND	 163924
On July 1, 2025, or as soon as possible thereafter, the	163925
Director of Budget and Management shall transfer \$15,000,000	163926
cash from the Broadband Pole Replacement Fund (Fund 5AI1) to the	163927
General Revenue Fund.	163928
 WORKFORCE DEVELOPMENT PROJECTS FUND	 163929
Notwithstanding section 6301.19 of the Revised Code, on	163930
July 1, 2025, or as soon as possible thereafter, the Director of	163931
Budget and Management shall transfer \$1,000,000 cash from the	163932
Workforce Development Projects Fund (Fund 5RX0) to the General	163933
Revenue Fund.	163934
 RAIL SAFETY CROSSING FUND	 163935
On July 1, 2025, or as soon as possible thereafter, the	163936
Director of Budget and Management shall transfer \$15,000,000	163937
cash from the Rail Safety Crossing Fund (Fund 5ZP0) to the	163938
General Revenue Fund.	163939
 ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND	 163940
Notwithstanding section 5101.073 of the Revised Code, on	163941
July 1 of each fiscal year, or as soon as possible thereafter,	163942
the Director of Budget and Management shall transfer \$4,000,000	163943

cash from the ODJFS Audit Settlements and Contingency Fund (Fund	163944
5DM0) to the General Revenue Fund.	163945
Section 512.10. TRANSFERS OUT OF GENERAL REVENUE FUND	163946
STATE MARKETING OFFICE FUND	163947
On July 1, 2025, or as soon as possible thereafter, the	163948
Director of Budget and Management shall transfer up to	163949
\$22,000,000 cash from the General Revenue Fund to the State	163950
Marketing Office Fund (Fund 5MJ0).	163951
FOUNDATION FUNDING - ALL STUDENTS FUND	163952
Notwithstanding any provision of law to the contrary, the	163953
Director of Budget and Management may transfer up to	163954
\$600,000,000 cash, in each fiscal year, from the General Revenue	163955
Fund to the Foundation Funding - All Students Fund (Fund 5VS0).	163956
SECOND CHANCE GRANT PROGRAM FUND	163957
On July 1, 2025, or as soon as possible thereafter, the	163958
Director of Budget and Management shall transfer up to	163959
\$4,000,000 cash from the General Revenue Fund to the Second	163960
Chance Grant Program Fund (Fund 5YD0).	163961
MARCS ADMINISTRATION FUND	163962
On July 1 of each fiscal year, or as soon as possible	163963
thereafter, the Director of Budget and Management may transfer	163964
up to \$10,500,000 cash from the General Revenue Fund to the	163965
MARCS Administration Fund (Fund 5C20).	163966
WILDLIFE FUND	163967
On July 1 of each fiscal year, or as soon as possible	163968
thereafter, the Director of Budget and Management may transfer	163969
\$500,000 cash from the General Revenue Fund to the Wildlife Fund	163970

(Fund 7015). 163971

TRANSCRANIAL MAGNETIC STIMULATION FUND 163972

On July 1 of each fiscal year, or as soon as possible 163973
thereafter, the Director of Budget and Management may transfer 163974
\$5,000,000 cash from the General Revenue Fund to the 163975
Transcranial Magnetic Stimulation Fund (Fund 5VV0). 163976

H2OHIO FUND 163977

On July 1, 2025, or as soon as possible thereafter, the 163978
Director of Budget and Management may transfer \$165,000,000 from 163979
the General Revenue Fund to the H2Ohio Fund (Fund 6H20). 163980

OHIO MARITIME ASSISTANCE PROGRAM 163981

On July 1, 2025, or as soon as possible thereafter, the 163982
Director of Budget and Management shall transfer \$10,000,000 163983
cash from the General Revenue Fund to the Ohio Maritime 163984
Assistance Fund (Fund 5QT0). 163985

RESIDENTIAL DEVELOPMENT REVOLVING LOAN 163986

On July 1, 2025, or as soon as possible thereafter, the 163987
Director of Budget and Management shall transfer \$100,000,000 163988
cash from the General Revenue Fund to the Residential 163989
Development Revolving Loan Fund (Fund 5CT1). 163990

RURAL PRACTICE INCENTIVE FUND 163991

On July 1, 2025, or as soon as possible thereafter, the 163992
Director of Budget and Management shall transfer \$3,000,000 cash 163993
from the General Revenue Fund to the Rural Practice Incentive 163994
Fund (Fund 5ZD0). 163995

EWARRANT LOCAL INTEGRATION FUND 163996

On July 1, 2025, or as soon as possible thereafter, the 163997

Director of Budget and Management may transfer \$750,000 cash 163998
from the General Revenue Fund to the eWarrant Local Integration 163999
Fund (Fund 5AZ1). 164000

TARGETED ADDICTION PROGRAM FUND 164001

On July 1, 2025, or as soon as possible thereafter, the 164002
Director of Budget and Management shall transfer \$12,500,000 164003
cash from the General Revenue Fund to the Targeted Addiction 164004
Program Fund (Fund 5TZ0). 164005

On July 1, 2025, or as soon as possible thereafter, the 164006
Director of Budget and Management shall transfer \$10,000,000 164007
cash from the General Revenue Fund to the Medical Marijuana 164008
Control Fund (Fund 5SY0). 164009

Section 513.10. FISCAL YEARS 2025 AND 2026 GENERAL REVENUE 164010
FUND ENDING BALANCE 164011

Notwithstanding section 131.44 of the Revised Code and 164012
except as provided in section 5163.04 of the Revised Code, the 164013
cash balance of the General Revenue Fund on June 30, 2025, and 164014
on June 30, 2026, shall remain in the General Revenue Fund. 164015

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD 164016
ASSESSMENTS 164017

Unless the agency and nuclear electric utility mutually 164018
agree to a higher amount by contract, the maximum amounts that 164019
may be assessed against nuclear electric utilities under 164020
division (B) (2) of section 4937.05 of the Revised Code and 164021
deposited into the specified funds are as follows: 164022
164023

A	Fund	User	FY 2026	FY 2027
B	Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$136,000	\$142,000
C	Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$1,551,682	\$1,598,000
D	ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$274,997	\$280,510
E	Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,420,000	\$1,467,000

Section 515.40. EMPLOYEE BENEFITS FUNDS CASH TRANSFERS 164024

Notwithstanding any provision of law to the contrary, upon 164025
request of the Director of Administrative Services, the Director 164026
of Budget and Management may make temporary cash transfers 164027
between the Accrued Leave Liability Fund (Fund 8060), the State 164028
Employee Health Benefit Fund (Fund 8080), the Dependent Care 164029
Spending Fund (Fund 8090), the Life Insurance Investment Fund 164030
(Fund 8100), the Parental Leave Benefit Fund (Fund 8110), and 164031
the Health Care Spending Account Fund (Fund 8130) to ensure 164032
appropriate and supportable cash flow. 164033

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 164034

(A) On July 1, 2025, or as soon as possible thereafter, 164035
the Director of Budget and Management may transfer the cash 164036
balance from each of the funds as indicated in the table below 164037
to the fund also indicated in the table below. Upon completion 164038

of each transfer and on the effective date of its repeal by this 164039
act, where applicable, the fund from which the cash balance was 164040
transferred is hereby abolished. 164041
164042

	1	2	3	4	5
A		Transfer from:		Transfer to:	
B	User	Fund	Fund Name	Fund	Fund Name
	Agency				
C	AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund
D	AGR	5MA0	Dangerous and Restricted Animal Fund	5MS0	Animal and Consumer Protection Fund
E	AGR	5PL0	Pet Store License Fund	5MR0	Commercial Dog Breeding Fund
F	DAS	5MV0	Theatre Equipment Maintenance Fund	GRF	General Revenue Fund
G	DAS	1280	Collective Bargaining Fund	1250	Human Resources Services Fund
H	MHA	3A60	Federal- Miscellaneous Fund	5AU0	Behavioral Health Care Fund
I	DPS	3HT0	Justice Emergency Supplemental Funding Fund	GRF	General Revenue Fund

J	DPS	5RS0	Community Police Relations Fund	5AZ1	eWarrant Local Integration Fund
K	MCD	5XY0	Hospital Directed Payment Fund	5AN0	State Directed Payments Fund
L	OOD	3L10	Social Security Reimbursement Fund	3790	Consolidated Federal Fund
M	TOS	7090	Job Ready Site Development Bond Retirement Fund	GRF	General Revenue Fund
N	LSC	4100	Sale of Publications Fund	GRF	General Revenue Fund
O	LSC	4F60	Legislative Budget Services Fund	GRF	General Revenue Fund
P	LSC	5EF0	Legislative Agency Telephone Usage Fund	GRF	General Revenue Fund
Q	BOR	5RA0	Workforce and Higher Education Programs Fund	GRF	General Revenue Fund
R	DOH	5UA0	Emergency Preparation and Response Fund	GRF	General Revenue Fund

(B) The following funds are hereby abolished on the	164043
effective date of their repeal by this act:	164044
	164045

	1	2	3
A	User Agency	Fund	Fund Name
B	AGR	5HP0	Ohio Livestock Care Standards Fund
C	DDD	4U40	Developmental Disabilities Trust Fund
D	MCD	3ER0	Health Information Technology Fund
E	OBM	5AT1	Statewide Children's Vision Initiative Fund
F	OBM	5CV1	Coronavirus Relief Fund
G	PRX	3DV0	Enhancing Ohio's PMP Fund
H	PRX	3BC0	Dangerous Drug Database Fund
I	PRX	3EB0	NASPER Fund
J	PRX	3EY0	Administration of PMIX HUB Fund
K	PRX	3EZ0	NASPER 10 Fund
L	PRX	3CT0	2008 Developing/Enhancing PMP Fund

(C) On July 1, 2025, or as soon as possible thereafter, 164046
the Director of Budget and Management shall transfer the cash 164047
balance from each of the funds as indicated in the table below 164048
to the fund also indicated in the table below. Upon completion 164049
of each transfer and on the effective date of its repeal by this 164050
act, where applicable, the fund from which the cash balance was 164051
transferred is hereby abolished. 164052
164053

A	Transfer from:			Transfer to:	
B	User	Fund	Fund Name	Fund	Fund Name
	Agency				
C	DEV	5KN0	Local Government Innovation Fund	GRF	General Revenue Fund

(D) On July 1, 2025, or as soon as possible thereafter, 164054
the Director of Budget and Management may transfer the cash 164055
balance from each of the funds as indicated in the table below 164056
to the fund also indicated in the table below after any 164057
encumbrances in these funds are fully discharged. Upon 164058
completion of each transfer and on the effective date of its 164059
repeal by this act, where applicable, the fund from which the 164060
cash balance was transferred is hereby abolished. 164061
164062

	1	2	3	4	5
A	Transfer from:			Transfer to:	
B	User	Fund	Fund Name	Fund	Fund Name
	Agency				
C	EDU	5VU0	School Bus Purchase Fund	GRF	General Revenue Fund

Section 516.30. CASH TRANSFERS TO PRIORITY PROJECTS FUND 164063

On July 1 of each fiscal year, or as soon as possible 164064
thereafter, the Director of Budget and Management shall transfer 164065
cash as indicated in the table below from each of the funds also 164066
as indicated in the table below to the Priority Projects Fund 164067
(Fund 5A00). 164068

164069

	1	2	3
A	<u>Fund</u>	<u>FY 2026</u>	<u>FY 2027</u>
B	State Small Business Credit Initiative Fund (Fund 3FJ0)	\$500,000	\$500,000
C	Business Assistance Fund (Fund 4510)	\$500,000	\$500,000
D	Minority Business Enterprise Loan Fund (Fund 4W10)	\$1,000,000	\$1,000,000
E	Rural Industrial Park Loan Fund (Fund 4Z60)	\$2,500,000	\$2,500,000
F	State Fire Marshal Fund (Fund 5460)	\$2,000,000	\$2,000,000
G	Industrial Compliance Operating Fund (Fund 5560)	\$1,500,000	\$1,500,000
H	Securities Investor Education/Enforcement Fund (Fund 5GK0)	\$500,000	\$500,000
I	Capital Access Loan Fund (Fund 5S90)	\$1,000,000	\$1,000,000
J	Innovation Ohio Loan Fund (Fund 7009)	\$2,500,000	\$2,500,000
K	Research and Development Loan Fund (Fund 7010)	\$2,000,000	\$2,000,000
L	Facilities Establishment Fund (Fund	\$3,000,000	\$3,000,000

7037)

Section 518.10. OHIO STATE SMALL BUSINESS CREDIT 164070
INITIATIVE VENTURE CAPITAL PROGRAM FUND 164071

The Ohio State Small Business Credit Initiative Venture 164072
Capital Program Fund (Fund 3IC0) is hereby created in the state 164073
treasury. Money in the fund shall be used to pay the expenses of 164074
the Ohio Department of Development for the Ohio Growth Capital, 164075
Ohio Early-Stage Focus, Certified Development Financial 164076
Institution Loan, and Collateral Enhancement programs, including 164077
administrative expenses. All federal funds received from the 164078
State Small Business Credit Initiative of the United States 164079
Department of the Treasury shall be credited to the fund. All 164080
investment earnings of the fund shall be credited to the fund. 164081

Section 525.10. (A) As used in this section, "Ohio 164082
Benefits Program" means the integrated enterprise solution 164083
administered by the Department of Administrative Services that 164084
assists individuals in verifying eligibility for, and applying 164085
for, benefits offered through various programs administered by 164086
the Department of Job and Family Services and the Department of 164087
Medicaid, including the Medicaid program, Supplemental Nutrition 164088
Assistance Program, and Temporary Assistance for Needy Families. 164089

(B) Not later than July 1, 2026, the Director of 164090
Administrative Services and the Director of Job and Family 164091
Services shall develop a detailed organizational plan and enter 164092
into a memorandum of understanding to transfer administration of 164093
the Ohio Benefits Program from the Department of Administrative 164094
Services to the Department of Job and Family Services. 164095

(C) Not later than July 1, 2027, the Director of 164096
Administrative Services may transfer the Director's 164097

responsibility for administering the Ohio Benefits Program to 164098
the Director of Job and Family Services. If the Director of 164099
Administrative Services transfers the program, all of the 164100
following apply: 164101

(1) All contracts, records, documents, files, equipment, 164102
assets, materials, and staff resources that relate to the Ohio 164103
Benefits Program shall be transferred to the Director of Job and 164104
Family Services. 164105

(2) Any business commenced, but not completed, by July 1, 164106
2027, by the Director of Administrative Services with respect to 164107
the Ohio Benefits Program shall be completed by the Director of 164108
Job and Family Services in the same manner, and with the same 164109
effect, as if completed by the Director of Administrative 164110
Services. 164111

(3) No validation, cure, right, privilege, remedy, 164112
obligation, or liability is lost or impaired by reason of the 164113
transfer of the Ohio Benefits Program. 164114

(D) If the Director of Administrative Services transfers 164115
the program, no action or proceeding pending on the date of the 164116
transfer is affected by the transfer, and any such action or 164117
proceeding shall be prosecuted or defended in the name of the 164118
Director of Job and Family Services or Department of Job and 164119
Family Services. In all such actions or proceedings, the 164120
Director or Department, on application to the court, shall be 164121
substituted as a party. 164122

(E) If the Director of Administrative Services transfers 164123
the program, all rules, orders, and determinations issued with 164124
respect to the Ohio Benefits Program continue in effect as if 164125
issued by the Director of Job and Family Services until modified 164126

or rescinded by the Director. Pursuant to section 103.05 of the 164127
Revised Code and at the request of the Director of Job and 164128
Family Services, the Director of the Legislative Service 164129
Commission may renumber any rules related to the Ohio Benefits 164130
Program to reflect its transfer. 164131

(F) If the Director of Administrative Services transfers 164132
the program, the Director of Administrative Services and the 164133
Director of Job and Family Services, jointly or separately, may 164134
enter into a contract with a public or private entity for staff 164135
training and development to facilitate the transfer of the Ohio 164136
Benefits Program. Division (B) of section 127.16 of the Revised 164137
Code does not apply to a contract entered into under this 164138
division. 164139

(G) Subject to the layoff provisions of sections 124.321 164140
to 124.328 of the Revised Code, if the Director of 164141
Administrative Services transfers the program, all of the 164142
Director of Administrative Service's employees, as identified by 164143
the Director, whose primary responsibilities include 164144
administering the Ohio Benefits Program are transferred to the 164145
Department of Job and Family Services. Except as provided in 164146
division (H) of this section, employees transferred under this 164147
division retain their positions and all of the benefits accruing 164148
thereto. Any changes to an employee's position or benefits that 164149
occur after the employee is transferred to the Department under 164150
this division are subject to Chapter 124. of the Revised Code. 164151
Any actions taken under this division are not appealable to the 164152
State Personnel Board of Review. 164153

(H) If the Director of Administrative Services transfers 164154
the program, the Director of Job and Family Services may do all 164155
of the following: 164156

(1) Establish, change, or abolish positions within the Department of Job and Family Services;

(2) Assign, reassign, classify, reclassify, transfer, reduce, promote, or demote employees of the Department who are not subject to Chapter 4117. of the Revised Code;

(3) Assign or reassign an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit for purposes of Chapter 4117. of the Revised Code if the Director determines the bargaining unit is the appropriate bargaining unit with respect to that exempt employee.

(I) If, in accordance with division (H) of this section, the Director of Job and Family Services assigns, reassigns, classifies, reclassifies, transfers, reduces, or demotes an employee paid in accordance with schedule E-1 of section 124.152 of the Revised Code to a position in a lower classification, both of the following apply:

(1) The Director of Job and Family Services, or if the employee is transferred outside of the Department of Job and Family Services, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in pay step X.

(2) The employee shall not receive an increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(J) If the Director of Administrative Services transfers the program, the Director of Job and Family Services, with the approval of the Director of Budget and Management, may establish a retirement incentive plan for employees transferred to the Department of Job and Family Services under division (G) of this

section. Notwithstanding any provision to the contrary in 164186
section 145.297 of the Revised Code, if the Director establishes 164187
such a plan under this division, it shall remain in effect until 164188
December 31, 2027. 164189

(K) Notwithstanding any provision to the contrary in 164190
sections 4117.08 and 4117.10 of the Revised Code, the transfer 164191
of the Ohio Benefits Program and the transfer of employees 164192
described under division (J) of this section, and the 164193
reassignment of administering the Ohio Benefits Program, are not 164194
appropriate subjects for collective bargaining under Chapter 164195
4117. of the Revised Code. 164196

(L) Notwithstanding any provision of law to the contrary, 164197
if the Director of Administrative Services transfers the 164198
program, the Director of Budget and Management shall make budget 164199
and accounting changes to implement the transfer. The Director 164200
may rename funds, create new funds, transfer funds, consolidate 164201
funds, or make other administrative changes. If necessary, the 164202
Director may cancel or establish encumbrances or parts of 164203
encumbrances in the appropriate funds and appropriation items 164204
for the same purposes and for payments to the same vendor. Such 164205
encumbrances are hereby appropriated. If necessary for the 164206
continued efficient administration of the Ohio Benefits Program, 164207
the Director may transfer appropriations between the Department 164208
of Job and Family Services and the Department of Administrative 164209
Services to continue levels of program services and efficiently 164210
deliver funding to the program as appropriated under this 164211
division. Such changes are hereby appropriated. 164212

Section 525.20. PROGRAM TRANSFERS 164213

(A) Notwithstanding any provision of law to the contrary, 164214
before July 1, 2027, the Department of Development shall 164215

transfer the entirety of its responsibility of managing the 164216
following programs to the Ohio Department of Job and Family 164217
Services: 164218

(1) Low-income customer assistance programs; 164219

(2) Consumer Education Program; 164220

(3) Community Services Block Grant; 164221

(4) Electric Partnership Plan Fund. 164222

(B) Any business commenced but not completed by July 1, 164223
2027, within the Department of Development that is planned to be 164224
transferred pursuant to this section shall be completed by the 164225
Department of Job and Family Services in the same manner and 164226
with the same effect as if completed by the Department of 164227
Development. 164228

(C) By July 1, 2026, the Director of Job and Family 164229
Services and the Director of Development, or their designees, 164230
shall develop a detailed organizational plan to implement the 164231
transfer of duties and functions of the programs listed in this 164232
section from the Department of Development to the Department of 164233
Job and Family Services. Pursuant to this plan, the directors of 164234
the respective departments shall enter into a memorandum of 164235
understanding to implement the transfer of duties and functions 164236
of the programs listed in this section from the Department of 164237
Development to the Department of Job and Family Services. 164238

(D) The Director of Job and Family Services and the 164239
Director of Development may jointly or separately enter into one 164240
or more contracts with public or private entities for staff 164241
training and development to facilitate the transfer of duties 164242
and functions of the programs listed in this section from the 164243
Department of Development to the Department of Job and Family 164244

Services. Division (B) of section 127.16 of the Revised Code 164245
does not apply to contracts entered into under this section. 164246

(E) All Department of Development employees and resources 164247
identified by the Director of Development to be associated with 164248
the work of the programs listed in this section are transferred 164249
to the Department of Job and Family Services on July 1, 2027, or 164250
an earlier date identified by the respective directors. Subject 164251
to the layoff provisions of sections 124.321 to 124.381 of the 164252
Revised Code, employees who are transferred retain their same 164253
positions and all benefits accruing thereto. Once transferred to 164254
the Department of Job and Family Services, changes to positions 164255
or benefits for employees shall be controlled by Chapter 124. of 164256
the Revised Code, or other applicable Revised Code or 164257
Administrative Code sections. Actions taken under this section 164258
are not subject to appeal to the State Personnel Board of 164259
Review. 164260

(1) Notwithstanding division (E) of this section, the 164261
Director of Job and Family Services has the authority to 164262
establish, change, and abolish positions for the Department of 164263
Job and Family Services, and to assign, reassign, classify, 164264
reclassify, transfer, reduce, promote, or demote all employees 164265
of the Department of Job and Family Services who are not subject 164266
to Chapter 4117. of the Revised Code. 164267

(2) The authority granted under division (E)(1) of this 164268
section includes assigning or reassigning an exempt employee, as 164269
defined in section 124.152 of the Revised Code, to a bargaining 164270
unit classification if the Director of Job and Family Services 164271
determines that the bargaining unit classification is the proper 164272
classification for that employee. If an employee in the E-1 pay 164273
range is to be assigned, reassigned, classified, reclassified, 164274

transferred, reduced, or demoted to a position in a lower 164275
classification, the Director of Job and Family Services, or in 164276
the case of a position transferred outside of the Department, 164277
the Director of Development, shall assign the employee to the 164278
appropriate classification and place the employee in Step X. The 164279
employee shall not receive any increase in compensation until 164280
the maximum rate of pay for that classification exceeds the 164281
employee's compensation. 164282

(3) Notwithstanding any provision to the contrary in 164283
sections 4117.08 and 4117.10 of the Revised Code, the transfer 164284
of programs and employees under this section, and the 164285
reassignment of certain functions and duties, are not 164286
appropriate subjects for collective bargaining under Chapter 164287
4117. of the Revised Code. 164288

(4) The Director of Job and Family Services may, with the 164289
approval of the Office of Budget and Management, establish a 164290
retirement incentive plan for eligible employees of those 164291
agencies who are members of the Public Employee Retirement 164292
System whose job duties will be transferred to the Department of 164293
Job and Family Services. Notwithstanding any provision of 164294
section 145.297 of the Revised Code to the contrary, a 164295
retirement incentive plan established pursuant to this section 164296
shall remain in effect until December 31, 2027. 164297

(F) No validation, cure, right, privilege, remedy, 164298
obligation, or liability is lost or impaired by reason of the 164299
transfer required by this section but shall be administered by 164300
the Department of Job and Family Services. No action or 164301
proceeding pending on the effective date of the transfer of 164302
duties, functions, and programs to the Department of Job and 164303
Family Services is affected by the transfer and shall be 164304

prosecuted or defended in the name of the Department or 164305
Director, as appropriate. In all such actions for those 164306
transferred duties, functions, and programs, the Department or 164307
Director shall be substituted as a party. 164308

(G) Effective July 1, 2027, or on an earlier date 164309
determined by the directors identified in this division, all 164310
contracts, records, documents, files, equipment, assets, and 164311
other materials of the programs and staff resources transferred 164312
under this section are to be transferred to the Department of 164313
Job and Family Services. 164314

(H) All rules, orders, and determinations made or 164315
undertaken related to programs listed in this section shall 164316
continue in effect as rules, orders, and determinations of the 164317
Department of Job and Family Services until modified or 164318
rescinded by the Department of Job and Family Services. If 164319
necessary to ensure the integrity of the numbering of the 164320
Administrative Code and at the request of the Director of Job 164321
and Family Services, the Director of the Legislative Service 164322
Commission may renumber the rules related to the programs listed 164323
in this section to reflect this transfer. 164324

(I) Notwithstanding any provision of law to the contrary, 164325
the Director of Budget and Management shall make budget and 164326
accounting changes to implement the transfer of duties, 164327
functions, and program of the programs listed in this section to 164328
the Department of Job and Family Services as described in this 164329
section, including administrative organization, renaming of 164330
funds, creation of new funds, transfer of state funds, and 164331
consolidation of funds. The Director of Budget and Management 164332
may, if necessary, cancel or establish encumbrances or parts of 164333
encumbrances in the appropriate funds and appropriation items 164334

for the same purposes and for payment to the same vendor. Such 164335
encumbrances are hereby appropriated. If necessary for the 164336
continued efficient administration of programs listed in this 164337
section, the Director of Budget and Management may transfer 164338
appropriations between the Department of Job and Family Services 164339
and the Department of Development to continue levels of program 164340
services and efficiently deliver state funding to those programs 164341
as appropriated herein. Such changes are hereby appropriated. 164342

Section 525.40. On the effective date of this section, the 164343
Ohio Public Employees Deferred Compensation Board is abolished. 164344
All records, assets, and liabilities of the Ohio Public 164345
Employees Deferred Compensation Board shall be transferred to 164346
the Public Employees Retirement Board. The Public Employees 164347
Retirement Board is successor to, and assumes the obligations 164348
of, the Ohio Public Employees Deferred Compensation Board. 164349

Any business commenced, but not completed by, the Ohio 164350
Public Employees Deferred Compensation Board or the Executive 164351
Director of that Board on the effective date of this section 164352
shall be completed by the Public Employees Retirement Board or 164353
the Executive Director of the Public Employees Retirement System 164354
in the same manner, and with the same effect, as if completed by 164355
the Ohio Public Employees Deferred Compensation Board or the 164356
Executive Director of that Board. No validation, cure, right, 164357
privilege, remedy, obligation, or liability is lost or impaired 164358
by reason of the transfer required by this section. 164359

All employees of the Ohio Public Employees Deferred 164360
Compensation Board are transferred to the Public Employees 164361
Retirement System and retain their positions and all of the 164362
benefits accruing thereto. 164363

No action or proceeding pending on the effective date of 164364

this section is affected by the transfer, and any such action or proceeding shall be prosecuted or defended in the name of the Public Employees Retirement Board or the Executive Director of the Public Employees Retirement System. In all such actions and proceedings, the Public Employees Retirement Board or the Executive Director of the Public Employees Retirement System, on application to the court, shall be substituted as a party.

Section 525.50. (A) Notwithstanding any contrary provision of sections 109.02, 145.054, 145.055, 145.99, 742.043, 742.044, 742.99, 3307.073, 3307.074, 3307.99, 3309.073, 3309.074, 3309.99, 3501.05, 3513.10, 3517.01, 3517.08, 3517.081, 3517.102, 3517.109, 3517.11, 3517.121, 3517.152, 3517.153, 3517.154, 3517.155, 3517.157, 3517.20, 3517.21, 3517.22, 3517.23, 3517.992, 3517.993, 5505.045, 5505.046, and 5505.99 of the Revised Code as amended by this act, sections 3517.152 (3517.14), 3517.153 (3517.15), 3517.154 (3517.16), 3517.155 (3517.17), 3517.157 (3517.18), 3517.992 (3517.99), and 3517.993 (3517.171) of the Revised Code as renumbered by this act, or new section 3517.991 and section 111.29 of the Revised Code as enacted by this act, and notwithstanding the repeal of sections 3517.14, 3517.151, 3517.156, 3517.99, and 3517.991 of the Revised Code by this act, the provisions of those sections that were in effect immediately before the effective date of this section continue to apply to the Ohio Elections Commission until the Commission is abolished on January 1, 2026. The Commission shall continue to hear and issue decisions concerning complaints filed with the Commission before January 1, 2026, in accordance with those provisions.

(B) (1) The Ohio Elections Commission is abolished on January 1, 2026.

(2) On January 1, 2026, any complaint pending before the 164395
Ohio Elections Commission, is transferred to the Ohio Election 164396
Integrity Commission for hearing and disposition in accordance 164397
with division (A) of section 3517.155(3517.17) of the Revised 164398
Code, as amended and renumbered by this act, provided that 164399
divisions (A) (4) and (5) of that section do not apply to a 164400
complaint transferred under this division. The Ohio Elections 164401
Commission shall provide all records regarding the complaint to 164402
the Ohio Election Integrity Commission. 164403

(3) All other records of the Ohio Elections Commission and 164404
all of its other assets and liabilities shall be transferred to 164405
the Ohio Election Integrity Commission. The Ohio Election 164406
Integrity Commission is successor to, and assumes the 164407
obligations of, the Ohio Elections Commission. 164408

(C) Except for the disposition of a complaint pending 164409
before the Ohio Elections Commission, any business commenced but 164410
not completed by the Ohio Elections Commission or its Executive 164411
Director on January 1, 2026, shall be completed by the Ohio 164412
Election Integrity Commission in the same manner, and with the 164413
same effect, as if completed by the Ohio Elections Commission or 164414
by its Executive Director. No validation, cure, right, 164415
privilege, remedy, obligation, or liability is lost or impaired 164416
by reason of the transfer required by this section. 164417

(D) Subject to the lay-off provisions of sections 124.321 164418
to 124.328 of the Revised Code, all of the Ohio Elections 164419
Commission's employees are transferred to the Secretary of State 164420
and retain their positions and all of the benefits accruing 164421
thereto. 164422

(E) On January 1, 2026, or as soon as possible thereafter, 164423
the Director of Budget and Management shall transfer the cash 164424

balance of the Ohio Elections Commission Fund (Fund 4P20) to the 164425
Ohio Election Integrity Commission Fund (Fund 5CS1). Upon 164426
completion of the transfer, Fund 4P20 is abolished. The Director 164427
shall cancel any existing encumbrances against appropriation 164428
item 051601, Operating Support, and reestablish them against 164429
appropriation item 050604, Ohio Election Integrity Commission. 164430
The reestablished encumbrance amounts are hereby appropriated. 164431

(F) Whenever the Ohio Elections Commission or its 164432
Executive Director is referred to in any law, contract, or other 164433
document, the reference shall be deemed to refer to the Ohio 164434
Election Integrity Commission. 164435

(G) Except for the disposition of a complaint pending 164436
before the Ohio Elections Commission, no action or proceeding 164437
pending on January 1, 2026, is affected by the transfer, and any 164438
such action or proceeding shall be prosecuted or defended in the 164439
name of the Ohio Election Integrity Commission. In all such 164440
actions and proceedings, the Ohio Election Integrity Commission, 164441
on application to the court, shall be substituted as a party. 164442

Section 525.60. (A) Not later than July 1, 2026, the 164443
administration of the Aspire Program shall transfer from the 164444
Department of Higher Education to the Department of Education 164445
and Workforce. Not later than July 1, 2026, the Director of 164446
Education and Workforce and the Chancellor of Higher Education 164447
shall identify the duties, functions, and staff resources within 164448
the Department of Higher Education that pertain to the Aspire 164449
Program. The Director and Chancellor may enter into a memorandum 164450
of understanding to implement the transfer of those duties, 164451
functions, and staff resources and the transfer of any 164452
responsibilities required to obtain federal grant funds to 164453
support the Aspire Program. Whenever the Chancellor of Higher 164454

Education or the Department of Higher Education is referred to 164455
in any law, contract, or other document pertaining to the Aspire 164456
Program, including contracts sourced by the Director of 164457
Administrative Services or the Department of Administrative 164458
Services, the reference shall be deemed to refer to the Director 164459
of Education and Workforce or the Department of Education and 164460
Workforce, whichever is appropriate. 164461

(B) (1) All employees whose primary responsibilities 164462
include administering the Aspire Program and staff resources 164463
used to administer the program shall be transferred to the 164464
Department of Education and Workforce, as determined by the 164465
Director of Education and Workforce. Subject to the lay-off 164466
provisions of sections 124.321 to 124.328 of the Revised Code, 164467
employees who are transferred shall be assigned job 164468
classifications in accordance with division (B) (2) or (3) of 164469
this section. Once transferred to the Department of Education 164470
and Workforce, changes to positions or benefits for employees 164471
not subject to Chapter 4117. of the Revised Code are subject to 164472
Chapter 124. of the Revised Code. Employees transferred under 164473
this division retain all of their accrued benefits. 164474

(2) Notwithstanding division (B) (1) of this section, the 164475
Director of Education and Workforce may establish, change, and 164476
abolish positions whose primary responsibilities include 164477
administering the Aspire Program and may assign, reassign, 164478
classify, reclassify, transfer, reduce, promote, or demote all 164479
such employees of the Department of Education and Workforce who 164480
are not subject to Chapter 4117. of the Revised Code. 164481

(3) The Director of Education and Workforce may assign or 164482
reassign an exempt employee, as defined in section 124.152 of 164483
the Revised Code, to a bargaining unit for purposes of Chapter 164484

4117. of the Revised Code if the Director determines the 164485
bargaining unit is the appropriate bargaining unit for that 164486
employee. If an employee in the E-1 pay range is assigned, 164487
reassigned, classified, reclassified, transferred, reduced, or 164488
demoted to a position in a lower classification, the Director of 164489
Education and Workforce, or if the employee is transferred 164490
outside of the Department of Education and Workforce, the 164491
Director of Administrative Services, shall assign the employee 164492
to the appropriate classification and place the employee in pay 164493
step X. The employee shall not receive any increase in 164494
compensation until the maximum rate of pay for that 164495
classification exceeds the employee's compensation. 164496

(4) Actions taken under divisions (B)(1) to (3) of this 164497
section are not subject to appeal to the State Personnel Board 164498
of Review. 164499

(C) No validation, cure, right, privilege, remedy, 164500
obligation, or liability is lost or impaired by reason of the 164501
transfer under this section, but instead shall be administered 164502
by the Department of Education and Workforce. No action or 164503
proceeding pending on the effective date of the transfer is 164504
affected by the transfer, and any such action or proceeding 164505
shall be prosecuted or defended in the name of the Department of 164506
Education and Workforce or the Director of Education and 164507
Workforce. In all such actions and proceedings, the Department 164508
or Director, on application to the court, shall be substituted 164509
as a party. 164510

(D) Not later than July 1, 2026, all records, data, 164511
documents, files, materials, and staff resources pertaining to 164512
the Aspire Program are transferred to the Department of 164513
Education and Workforce. 164514

(E) All rules, orders, and determinations issued with
respect to the Aspire Program continue in effect as if issued by
the Director of Education and Workforce until modified or
rescinded by the Director.

(F) Pursuant to section 126.15 of the Revised Code, the
Director of Budget and Management shall make budget and
accounting changes to implement the transfer. The Director may
rename funds, create new funds, transfer funds, consolidate
funds, or make other administrative changes. The Director may,
if necessary, cancel or establish encumbrances or parts of
encumbrances in fiscal year 2027 in the appropriate funds and
appropriation items for the same purposes and for payment to the
same vendors. Such encumbrances are hereby appropriated. If
necessary for the continued efficient administration of the
Aspire Program, the Director may transfer appropriations between
the Department of Higher Education and the Department of
Education and Workforce to continue levels of program services
and efficiently deliver funding to the program as appropriated
under this division.

Section 525.70. (A) Effective on the ninety-first day
after this section takes effect, the Joint Medicaid Oversight
Committee is abolished. All records of the Committee shall be
transferred to the Legislative Service Commission, and all of
its other assets and liabilities shall be transferred to the
Commission. The Commission is successor to, and assumes the
obligations of, the Committee.

(B) Any business commenced, but not completed by the
Committee on the effective date of this section shall be
completed by the Commission in the same manner, and with the
same effect, as if completed by the Committee. No validation,

cure, right, privilege, remedy, obligation, or liability is lost 164545
or impaired by reason of the transfer required by this section. 164546

(C) Wherever the Committee Executive Director or the 164547
Committee is referred to in any law, contract, or other 164548
document, the reference shall be deemed to refer to the 164549
Commission Director or the Commission, whichever is appropriate. 164550

(D) No action or proceeding pending on the effective date 164551
of this section is affected by the transfer, and any such action 164552
or proceeding shall be prosecuted or defended in the name of the 164553
Commission. In all such actions and proceedings, the Commission, 164554
on application to the court, shall be substituted as a party. 164555

Section 525.80. (A) Effective on the ninety-first day 164556
after this section takes effect, the Correctional Institutional 164557
Inspection Committee is abolished. All records of the Committee 164558
shall be transferred to the Attorney General, and all of its 164559
other assets and liabilities shall be transferred to the 164560
Attorney General. The Attorney General is successor to, and 164561
assumes the obligations of, the Committee. 164562

(B) Any business commenced, but not completed by the 164563
Committee on that date shall be completed by the Attorney 164564
General in the same manner, and with the same effect, as if 164565
completed by the Committee. No validation, cure, right, 164566
privilege, remedy, obligation, or liability is lost or impaired 164567
by reason of the transfer required by this section. 164568

(C) Wherever the Committee is referred to in any law, 164569
contract, or other document, the reference shall be deemed to 164570
refer to the Attorney General. 164571

(D) No action or proceeding pending on that date is 164572
affected by the transfer, and any such action or proceeding 164573

shall be prosecuted or defended in the name of the Attorney 164574
General. In all such actions and proceedings, the Attorney 164575
General, on application to the court, shall be substituted as a 164576
party. 164577

Section 610.10. That Sections 125.10 (as amended by H.B. 164578
33 of the 135th General Assembly) and 125.11 (as amended by H.B. 164579
33 of the 135th General Assembly) of H.B. 59 of the 130th 164580
General Assembly are hereby repealed. 164581

Section 610.20. That Section 755.60 of H.B. 54 of the 164582
136th General Assembly be amended to read as follows: 164583

Sec. 755.60. (A) The Department of Transportation and the 164584
Ohio Turnpike and Infrastructure Commission shall work together 164585
to create a joint plan regarding the feasibility of connecting 164586
U.S. Route 23 to Interstate Route 71 ~~by doing through~~ one of the 164587
following options: 164588

(1) Expanding State Route 229 in northern Delaware County; 164589

(2) Expanding another similar state route or other highway 164590
in northern Delaware County; 164591

(3) Creating a new freeway between U.S. Route 23 and 164592
Interstate Route 71 in northern Delaware County; 164593

(4) Creating a toll road between U.S. Route 23 and 164594
Interstate Route 71 in northern Delaware County; 164595

(5) Creating a new freeway, which may be a toll road, in 164596
the region between State Route 529 and Waldo, Ohio heading 164597
eastward toward Interstate Route 71 north of Marengo, Ohio in 164598
Marion County and Morrow County; 164599

(6) Any other alignment considered appropriate by the 164600
Department and the Commission. 164601

~~(B) As part of the plan, related to the options specified in divisions (A) (3) and (4) of this section, the~~ 164602
~~Not later than~~ 164603
~~October 1, 2025, the Department and Commission shall prepare a~~ 164604
~~preliminary engineering submit an interim report that determines~~ 164605
~~the most feasible routes for the new freeway or toll road. As~~ 164606
~~part of the report, the Department and Commission shall~~ 164607
~~determine five potential alignments for the freeway or toll road~~ 164608
~~and specify which alignment is the preferred route~~ 164609
includes both 164610
of the following:

(1) An identification and evaluation of conceptual 164611
corridor alternatives related to the options and alignments 164612
specified in division (A) of this section; 164613

(2) A preliminary assessment of the toll feasibility, 164614
including whether the Commission's statutory authority is 164615
sufficient to make the project a turnpike project. 164616

~~(C) The plan shall be completed not later than three~~ 164617
~~months after the effective date of this section.~~ 164618

~~(D) As part of the plan, the Department and the Commission~~ 164619
~~shall determine whether construction~~ 164620
Not later than October 1, 164621
2026, the Department and Commission shall submit a final joint 164622
plan that includes all of the following:

(1) Identification of a preferred route connecting U.S. 164623
Route 23 to Interstate Route 71; 164624

(2) Completion of preliminary engineering assessments, 164625
including the preliminary design of the preferred route 164626
specified in division (C) (1) of this section, the cost estimates 164627
of construction, and the right-of-way and environmental impacts; 164628

(3) A recommendation regarding whether implementation 164629
would be best conducted by the Department or the Commission. If 164630

~~construction implementation~~ is best conducted by the Commission, 164631
the plan also shall include an evaluation of whether the 164632
Commission's statutory authority is sufficient to make the 164633
project a turnpike project. 164634

~~(E)~~ (D) The Department and Commission shall submit ~~their~~ 164635
both the interim report and the final joint plan specified under 164636
divisions (B) and (C) of this section to the President of the 164637
Senate, the Speaker of the House of Representatives, the 164638
Minority Leaders of both the Senate and the House of 164639
Representatives, and the chairpersons of the respective 164640
committees of the House of Representatives and Senate 164641
responsible for transportation related matters. 164642

Section 610.21. That existing Section 755.60 of H.B. 54 of 164643
the 136th General Assembly is hereby repealed. 164644

Section 620.10. That Section 265.550 of H.B. 33 of the 164645
135th General Assembly (as amended by H.B. 250 of the 135th 164646
General Assembly) be amended to read as follows: 164647

Sec. 265.550. PUPIL TRANSPORTATION PILOT ~~PROGRAM~~ PROGRAMS 164648

(A) The Department of Education and Workforce shall 164649
establish two pilot programs under which two educational service 164650
centers shall provide transportation to students in lieu of the 164651
students receiving transportation from their resident school 164652
district. Not later than October 15, 2023, the Department shall 164653
select both of the following to participate in a pilot program 164654
under this section: 164655

(1) One service center that is in a county located in 164656
central Ohio with a population of 1,323,807, according to the 164657
2020 United States census; 164658

(2) One service center that is in a county located in 164659

southwest Ohio with a population of 537,309, according to the 164660
2020 United States census. 164661

(B) (1) The service center selected under division (A) (1) 164662
of this section shall identify students who are struggling with 164663
transportation issues, as determined by their resident school 164664
district, and are served by the service center, community 164665
schools, or chartered nonpublic schools that enroll students 164666
from the district or districts for whom the service center will 164667
provide transportation during the 2024-2025 school year. 164668

(2) The service center selected under division (A) (2) of 164669
this section shall provide transportation during the 2024-2025, 164670
2025-2026, and 2026-2027 school-year-years to any student whom 164671
the district and the educational service center determine is 164672
struggling with transportation issues that meets either of the 164673
following criteria: 164674

(a) The student attends a school different from the one to 164675
which the student would be assigned in the student's resident 164676
school district. 164677

(b) The student is a child with a disability for whom the 164678
student's resident school district is required to provide 164679
transportation as a related service. 164680

(3) Both service centers shall report to the Department, 164681
in the manner prescribed by the Department, students who are 164682
transported by the service center. 164683

(C) No community school or chartered nonpublic school 164684
shall be required to participate in either pilot program. 164685

~~(D) Each~~ (D) Each participating educational service center 164686
shall do all of the following for ~~the 2024-2025~~ each applicable 164687
school year: 164688

(1) Arrange for the use of a sufficient number of school buses or other approved vehicles designed to transport not more than nine passengers, not including the driver, and bus drivers or other individuals authorized to transport students in other approved vehicles, to transport students from participating schools who qualify for transportation under section 3327.01 of the Revised Code and the school district's transportation policy. However, nothing shall preclude the service center from providing transportation to other students enrolled in the schools.

(2) Collaborate with participating schools to designate daily start and end times for ~~the 2024-2025~~ each applicable school year that will enable timely and efficient transportation of the schools' students;

(3) On behalf of participating schools, notify the school district ~~that those of the students that they~~ will not require transportation for the ~~2024-2025~~ applicable school year.

(E) (1) Except as described in division (E) (2) of this section, the Department shall deduct from the school district's transportation payment under section 3317.0212 of the Revised Code and pay to the educational service center the statewide average cost per student for the qualifying ridership, under section 3317.0212 of the Revised Code, for each student transported by the service center in compliance with this section.

(2) In the case of a student described in division (C) (1) of section 3317.024 of the Revised Code, the service center shall not receive a payment under division (E) (1) of this section. Instead, the department shall make a payment to the service center for such student in the manner prescribed under

division (C) of section 3317.024 of the Revised Code. 164719

(F) The educational service centers and the school 164720
districts shall not be subject to section 3327.021 of the 164721
Revised Code during ~~the 2024-2025~~ each school year in which the 164722
pilot program they participate in operates with regard to 164723
students enrolled in participating schools. Notwithstanding 164724
section 3314.46 of the Revised Code, the service centers may 164725
provide transportation to any participating community school 164726
they sponsor. 164727

(G) The educational service centers shall comply with all 164728
transportation requirements for students with disabilities as 164729
specified in the individualized education programs developed for 164730
the students pursuant to Chapter 3323. of the Revised Code 164731

(H) The Department shall evaluate ~~each~~ the pilot program 164732
in which the service center selected under division (A) (1) of 164733
this section participates and issue a report of its findings not 164734
later than September 15, 2025. The Department shall evaluate the 164735
pilot program in which the service center selected under 164736
division (A) (2) of this section participates and issue a report 164737
of its findings not later than September 15, 2027. The 164738
educational service centers and participating schools shall 164739
submit data and other information to the Department, in a manner 164740
determined by the Department, for the purpose of conducting the 164741
evaluation. 164742

Section 620.11. That existing Section 265.550 of H.B. 33 164743
of the 135th General Assembly (as amended by H.B. 250 of the 164744
135th General Assembly) is hereby repealed. 164745

Section 620.20. That Sections 200.30 (as amended by H.B. 164746
54 of the 136th General Assembly), 207.37, 221.15 (as amended by 164747

S.B. 54 of the 135th General Assembly), 243.10 (as amended by 164748
H.B. 54 of the 136th General Assembly), 363.10, 371.20 (as 164749
amended by S.B. 54 of the 135th General Assembly), and 373.15 164750
(as amended by S.B. 54 of the 135th General Assembly) of H.B. 2 164751
of the 135th General Assembly be amended to read as follows: 164752

Sec. 200.30. ONE TIME STRATEGIC COMMUNITY INVESTMENTS 164753

On June 28, 2024, or as soon as possible thereafter, the 164754
Director of Budget and Management shall transfer \$17,800,000 164755
cash from the General Revenue Fund to the One Time Strategic 164756
Community Investments Fund (Fund 5AY1). 164757

The foregoing appropriation item 042509, One Time 164758
Strategic Community Investments, shall be used by the Office of 164759
Budget and Management to provide grants for the projects listed 164760
in this section in the amounts listed. Prior to disbursing a 164761
grant to a recipient, the Office of Budget and Management shall 164762
enter into a grant agreement with the recipient. As part of the 164763
grant agreement, the recipient shall agree to complete a final 164764
report, in a form and manner to be prescribed by the Office of 164765
Budget and Management, detailing how the recipient used the 164766
grant and submit the report to the Office of Budget and 164767
Management. 164768

An amount equal to the unexpended, unencumbered balance of 164769
the foregoing appropriation item 042509, One Time Strategic 164770
Community Investments, at the end of fiscal year 2025 is hereby 164771
reappropriated for the same purpose in fiscal year 2026. 164772
164773

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A Project

Amount

B	Adams County Fairgrounds Improvements	\$400,000
C	Adams County Welcome Center	\$350,000
D	Adams County Community Foundation	\$200,000
E	West Union Wastewater Plant Improvements	\$200,000
F	Lima Veterans Memorial Hall Improvements	\$10,000,000
G	Allen County Airport Fuel Farm	\$1,000,000
H	Rhodes State Advanced Manufacturing Equipment and Lab	\$440,000
I	Allen County Child Support Enforcement Agency Facility	\$375,000
J	Heir Force Community School Land Acquisition	\$250,000
K	Temple Christian School Building Expansion	\$250,000
L	Boys and Girls Club of Lima	\$100,000
M	Ashland County Fair	\$1,100,000
N	Cinnamon Lake Sewer District Lift Station	\$1,000,000
O	Charles Mill Marina Houseboat and Path Renovation	\$910,000
P	Hugo Young Theatre	\$248,554
Q	Davy McClure Outdoor Education Shelter	\$200,000

R	Ashland County Fire Training Facility	\$200,000
S	Hickory Street Sanitary Sewer Lift Station	\$76,000
T	Rowsburg Community Center	\$30,000
U	Hayesville Pedestrian Walkway	\$25,000
V	SPIRE Institute	\$1,000,000
W	Ashtabula Juvenile Court Improvements	\$800,000
X	Boys and Girls Club of Ashtabula	\$132,274
Y	Country Neighbor Program	\$101,600
Z	VFW Roof Repairs Geneva Post 6846	\$99,037
AA	Ashtabula Arts Center Restroom Project	\$45,000
AB	Athens Regional Training Center	\$2,500,000
AC	The Appalachian Center for Economic Networks Food Sector Accelerator Project	\$700,000
AD	Nelsonville-York Elementary School (NYES) Playground Renovation	\$250,000
AE	York Township VFD Project	\$250,000
AF	City of Nelsonville Dog Park	\$139,731
AG	Boys and Girls Club of Athens	\$100,000
AH	Buchtel Village Park Project	\$100,000

AI	Edna Brooks Domestic Violence Shelter	\$36,800
AJ	Village of Waynesfield Veteran's Park Enhancement	\$352,950
AK	Saint Mary's Reservoir Mill	\$250,000
AL	New Bremen Public Library Renovation	\$200,000
AM	YMCA Auglaize-Mercer Recreation Complex	\$200,000
AN	Barton VFD Station	\$1,000,000
AO	Belmont Volunteer Fire Department New Station	\$1,000,000
AP	The Sargus Center Revitalization and Sustainability Initiative	\$500,000
AQ	Mead Township Hall and Garage Project	\$300,000
AR	VFW Roof Repairs Powhatan Point Post 5565	\$24,900
AS	Future Plans Sanctuary	\$3,000,000
AT	Brown County Junior Fair Covered Horse Arena	\$400,000
AU	Water Infrastructure Bramel Mobile Home Park	\$400,000
AV	Millikin Interchange Improvements	\$8,500,000
AW	Madison Township Firehouse Improvements	\$1,750,000
AX	BCRTA Outdoor Workforce Training	\$1,000,000
AY	Riversedge Amphitheater Expansion	\$1,000,000

AZ	Shuler Benninghofen Mixed-Use Project	\$1,000,000
BA	VOA MetroPark Museum Grand Entrance	\$1,000,000
BB	Oxford Student Safety Project	\$800,000
BC	Liberty Playground Replacement Project	\$500,000
BD	Madison Township Park Revitalization	\$500,000
BE	Welding Lab Program Expansion in Fairfield Township	\$450,000
BF	Monroe Plaza South Project	\$400,000
BG	Hamilton YWCA Domestic Violence Project	\$400,000
BH	World Class Clubs: Repairing Community Gymnasium	\$225,000
BI	Boys and Girls Club of West Chester/Liberty	\$218,796
BJ	VFW Roof Repairs West Chester Post 7696	\$15,560
BK	Carroll County Annex Building Rehab	\$500,000
BL	Seven Ranges Scout Reservation Facility Upgrades	\$500,000
BM	Dellroy Village Storm Drain and Street Repair	\$250,000
BN	Carroll County Agricultural Service Center	\$200,000
BO	Minerva Downtown Revitalization Project	\$200,000

BP	Dellroy Village Offices/Garage Renovations	\$195,250
BQ	Champaign Aviation Museum Improvements	\$20,000
BR	Champion City Sports and Wellness Center	\$4,000,000
BS	A.B. Graham Memorial	\$750,000
BT	Champion Center Arena Improvements	\$250,000
BU	Goshen Fire Department Station 18 Rebuild	\$2,500,000
BV	Felicity Veterans Village Housing Project	\$1,000,000
BW	Milford Five Points Landing	\$400,000
BX	Union Township Community Splash Pad	\$268,125
BY	Nisbet Park Amphitheater	\$250,000
BZ	Moscow Ohio River Stabilization, Phase III	\$240,000
CA	Williamsburg Township Emergency Services Upgrades	\$150,000
CB	Owensville Historical Society Museum	\$132,000
CC	Williamsburg Community Park Trail Extension	\$86,770
CD	VFW Roof Repairs Loveland Post 5354	\$28,505
CE	VFW Roof Repairs New Richmond Post 6770	\$20,894
CF	Boys and Girls Club of Clermont	\$18,921
CG	Wilmington Runway Reopening and Improvements	\$3,500,000

CH	Doan-Walnut-Short Street Water Main	\$500,000
CI	Columbiana County Annex/Drug Task Force Building	\$2,900,000
CJ	Utica Shale Academy Improvements	\$2,500,000
CK	East Palestine Village Safety Complex	\$1,000,000
CL	Hanover Township Fire and Emergency Medical Services Expansion Initiative	\$250,000
CM	Lepper Restoration Project	\$175,000
CN	City of Coshocton Fire Training Tower	\$1,000,000
CO	Coshocton Skip's Landing and Downtown Revitalization	\$750,000
CP	City of Coshocton Roscoe Cemetery Improvements	\$460,000
CQ	City of Coshocton Pickleball Court Upgrades	\$300,000
CR	City of Coshocton Water Plant Electrical Upgrades	\$300,000
CS	City of Coshocton Town Hall Roof Project	\$240,000
CT	City of Coshocton Emergency Generator Project	\$200,000
CU	Coshocton County Library Masonry Project	\$48,000
CV	Maplecrest Community Center	\$500,000

CW	The Galion Depot Canopy Restoration Project	\$200,000
CX	The New Washington Veteran's Memorial Park Project	\$34,460
CY	Cuyahoga County Northcoast Connector	\$20,000,000
CZ	Bedrock Riverfront Development	\$8,000,000
DA	Rock and Roll Hall of Fame Museum Expansion and Renovation Project	\$7,000,000
DB	Cleveland Port Bulk Terminal Modernization	\$5,000,000
DC	West Side Market in Cleveland	\$2,400,000
DD	Cahoon Park	\$2,000,000
DE	Cleveland Zoo Primate Forest	\$2,000,000
DF	Irishtown Bend Park	\$2,000,000
DG	Valor Acres Brecksville Veterans Affairs Hospital Site Redevelopment	\$2,000,000
DH	Blue Abyss	\$1,800,000
DI	Two Foundation Building Purchase and Renovation	\$1,625,000
DJ	Park Synagogue	\$1,500,000
DK	The Music Settlement - Gries House Redevelopment	\$1,500,000

DL	Brook Park Community Center Restoration	\$1,000,000
DM	Cleveland Women's Soccer Stadium	\$1,000,000
DN	Electric Building Renovation	\$1,000,000
DO	Independence Selig Drive Emergency Access	\$1,000,000
DP	Shaker Heights Doan Brook Park	\$1,000,000
DQ	YMCA of Greater Cleveland - New Facility Construction	\$1,000,000
DR	Argonaut Project - Advancing Aviation and Maritime Pipeline	\$800,000
DS	Birthing Beautiful Communities Birth Center	\$800,000
DT	Connecting the Circle	\$800,000
DU	Glenville YMCA	\$800,000
DV	Saint Edwards High School Sustainable Urban Agriculture	\$800,000
DW	Cleveland Public Square Improvements	\$750,000
DX	University Heights Municipal Sewer Project	\$700,000
DY	University Hospitals Breast Center - Parma	\$700,000
DZ	Cleveland Habitat Building Project	\$507,500
EA	Cleveland Airport NEOFIX	\$500,000

EB	Euclid Public Library Green Branch Improvements	\$500,000
EC	Hospice of the Western Reserve Center for Community Engagement and Hospice Care	\$500,000
ED	JumpStart Northern Ohio Operations	\$500,000
EE	Ohio Aerospace Institute Sensitive Information Research Facility	\$500,000
EF	Rocky River Fire Station Improvements	\$500,000
EG	Saint Casimir Parish Improvements	\$500,000
EH	Seven Hills Fire Department	\$500,000
EI	Vocational Guidance Services Renovation Cleveland Facility	\$500,000
EJ	YWCA of Greater Cleveland	\$500,000
EK	Boys and Girls Club of Broadway in Cuyahoga County	\$485,005
EL	Maltz Museum of Jewish Heritage	\$480,000
EM	Richmond Heights Salt Bin	\$450,000
EN	Magnolia Clubhouse	\$400,000
EO	Middleburg Heights Central Park Phase 1	\$400,000
EP	Cleveland Institute of Art - Interactive Media Lab	\$365,000

EQ	Greenstone Lifeline Connection Improvements	\$327,867
ER	Chagrin Valley Volunteer Fire Station	\$300,000
ES	Berea City Hall and Police Station Upgrades	\$250,000
ET	Jenning's Center for Older Adults	\$250,000
EU	Journey Center for Safety and Healing/Domestic Violence Shelter	\$200,000
EV	Lyndhurst Community Center Audio Visual Project	\$200,000
EW	MetroHealth Emergency Department Refresh	\$200,000
EX	Northeast Ohio Music Arts Development Hub	\$200,000
EY	Olmsted Falls Visibility Project	\$200,000
EZ	Camp Cheerful Reimagined	\$175,000
FA	VFW Roof Repairs Solon Post 1863	\$88,787
FB	VFW Roof Repairs Parma Post 1974	\$28,633
FC	VFW Roof Repairs Cleveland Post 2533	\$17,208
FD	Western Ohio Regional Fire Training Facility	\$750,000
FE	Eldora Speedway Public Safety Upgrades	\$400,000
FF	Historic Bear's Mill Infrastructure Restoration	\$275,000

FG	The Darke County Fish and Game Association	\$120,000
FH	Ney/Washington Township Fire Department Building	\$300,000
FI	Veterans Memorial Park at Latty's Grove Rehabilitation Project	\$200,000
FJ	Little Brown Jug Grandstand Renovation	\$2,500,000
FK	Sunbury Ohio-to-Erie Trail Expansion	\$1,250,000
FL	Boardman Arts Park Improvements Whimsy Venue	\$1,000,000
FM	Stockhands Horses for Healing, Capital Improvement Project	\$908,000
FN	Dempsey Wildlife and Education Renovation	\$600,000
FO	Delaware County Bicentennial Barn Renovation	\$500,000
FP	Powell Adventure Park Expansion	\$480,000
FQ	"Smuirfield" Golf Project	\$225,000
FR	Ohio Fallen Heroes Memorial	\$70,000
FS	VFW Roof Repairs Sunbury Post 8736	\$58,440
FT	Worenstaff Memorial Public Library Renovation	\$34,000
FU	The Landing in Erie County	\$3,000,000
FV	Battery Park Coastal Improvements	\$1,000,000

FW	NW Ohio Water Quality Improvements/Cold Creek Foundation	\$800,000
FX	Camp Timberlane Infrastructure Improvements	\$600,000
FY	Kelley's Island East Lakeshore Shoreline Protection	\$400,000
FZ	Erie County Fairgrounds Infrastructure Improvements	\$250,000
GA	Erie County Jail Surveillance Upgrades	\$200,000
GB	Huron Boat Basin and Amphitheater Capital Improvement Project	\$200,000
GC	Sawmill Creek Wastewater Treatment Plant Expansion	\$200,000
GD	Violet Township Event Center	\$2,100,000
GE	Gateway Mixed Use District	\$2,000,000
GF	Government Services Building Acquisition and Renovation	\$2,000,000
GG	Wendel Pool Dehumidification System Replacement	\$550,000
GH	Walnut Township Flood Mitigation	\$500,000
GI	Pickerington Covered Bridge Rehabilitation	\$350,000
GJ	Pickerington Connects	\$234,410

GK	Elmwood Playground	\$225,000
GL	Expanding Horizons - Meals on Wheels Senior Services Center	\$200,000
GM	Historic Lancaster Bell and Clock Tower	\$150,000
GN	Sycamore Creek Park Pond Restoration	\$125,000
GO	Wagnalls Memorial Window Project	\$50,000
GP	American Legion Post 283 Improvements	\$20,000
GQ	Rushville Union Lions Club Accessible Parking	\$5,500
GR	Jeffersonville Rattlesnake Water System Improvements	\$1,000,000
GS	Wayne Township Firehouse Community Shelter	\$175,000
GT	The Ohio Center for Advanced Technologies	\$20,000,000
GU	Columbus Symphony Orchestra - Music for All	\$18,500,000
GV	Downtown Columbus Capital Line	\$10,000,000
GW	Heritage Trail Expansion	\$8,000,000
GX	John Glenn International Airport Improvements	\$7,500,000
GY	OP Chaney Grain Elevator Restoration	\$2,800,000
GZ	Downtown Security Command Center	\$1,500,000
HA	Unverferth House Revitalization and Expansion	\$1,500,000

	Campaign	
HB	Historic Dublin Riverfront Revitalization	\$1,230,000
HC	Heartland Music Incubator	\$1,000,000
HD	Norwich Township Fire Department Station 84	\$1,000,000
HE	Westland Mall Renovations	\$1,000,000
HF	Hilliard First Responders Park	\$800,500
HG	Green Lawn Cemetery Chapel	\$750,000
HH	Heinzerling Facility Improvements	\$750,000
HI	Whitehall Police Department Emergency Facility	\$605,220
HJ	Knoll View Place	\$600,000
HK	Tolles Cybersecurity Lab Renovation	\$600,000
HL	Edison Welding Institute Renovations	\$500,000
HM	Elevate Northland	\$500,000
HN	LifeTown Kindness Center	\$500,000
HO	National Center for Urban Solutions Facility	\$500,000
HP	Scioto Rise Place	\$500,000
HQ	Dublin Brand Road Pedestrian Tunnel Flood Mitigation	\$468,000

HR	OZEM Gardner House Rehabilitation	\$375,000
HS	Somali Community Link Center	\$350,000
HT	The Refuge	\$250,000
HU	Grandview Heights Fire EMS Police Facility	\$200,000
HV	Grandview Heights McKinley Field Park	\$200,000
HW	Tawnya Salyer Memorial Statue	\$200,000
HX	Columbus Urban League Career Connect Hub	\$150,000
HY	Boys and Girls Club of J. Ashburn	\$138,585
HZ	VFW Roof Repairs Reynoldsburg Post 9473	\$32,695
IA	Building the Future of 4-H Camp Palmer	\$1,825,000
IB	Community Event and Recreational Facility Renovation in Wauseon	\$500,000
IC	Fulton County Fairgrounds Arts and Craft Building	\$80,000
ID	Gallia County Council on Aging New Facility	\$2,500,000
IE	Reservoir Enhancement Project	\$2,250,000
IF	Gallia County Sheriff Office Renovation	\$225,000
IG	Hambden Fire Station Project	\$2,000,000
IH	Montville Fire Station Construction	\$1,250,000

II	Chardon Fire Department Equipment Project	\$1,000,000
IJ	Burton Berkshire Local Schools Career Pathways Program	\$915,037
IK	Geauga County Fair	\$500,000
IL	Russell Township Community Building	\$370,905
IM	Chester Township Police Department Building Renovation	\$348,875
IN	Chardon Memorial Stadium Restroom and Concession Project	\$250,000
IO	Geauga County Safety Center Parking Lot	\$250,000
IP	Salt Dome Structural Repairs	\$155,000
IQ	St. Mary School Playground Enhancements	\$4,000
IR	Cedarville Opera House	\$12,000,000
IS	Clifton Union School Improvements	\$3,900,000
IT	Future Development of Wright-Patterson	\$3,500,000
IU	Clifton Opera House	\$1,900,000
IV	Skyway SCIF Center	\$1,000,000
IW	Spring House Park: Phase One	\$1,000,000
IX	WSU: Archive Facility Upgrades	\$500,000

IY	OhioMeansJobs Greene County Improving Accessibility Project	\$175,000
IZ	Ohio Veterans' Children's Home Expansion and Upgrade, Phase 1	\$150,000
JA	Cambridge YMCA	\$3,000,000
JB	Route 40 East Sewer Extension	\$1,000,000
JC	Cambridge Fire Department Renovations	\$560,000
JD	Old Washington Community VFD Station	\$250,000
JE	Hamilton County Convention Center District Development	\$46,000,000
JF	University of Cincinnati Health	\$16,750,000
JG	Xavier University College of Osteopathic Medicine	\$9,750,000
JH	Riverbend 2.0	\$8,000,000
JI	Blue Line Foundation HQ and Regional Training Center	\$1,000,000
JJ	605 Plum Convention Center Garage Renovation	\$945,771
JK	Boys and Girls Club of Taft	\$300,978
JL	Boys and Girls Club of East Hamilton	\$194,722
JM	Boys and Girls Club of Sheakley	\$58,529

JN	Findlay YMCA	\$1,250,000
JO	Hancock County Fair	\$500,000
JP	Hancock County Park District	\$250,000
JQ	Owens State Community College CDL Facilities	\$250,000
JR	Ada War Memorial Park	\$500,000
JS	Hardin County Fair	\$500,000
JT	Kenton Fire Department	\$500,000
JU	Ohio Northern University HealthWise Mobile Health Clinic	\$500,000
JV	Pump House Funding - Rodney Hensel	\$200,000
JW	Hardin County Veterans Memorial Park District	\$50,000
JX	Alger Baseball Field	\$40,000
JY	Harrison County Fairground Replacement and Enhancement	\$720,000
JZ	Regional Safety Center at Tappan Lake	\$650,000
KA	Jewett Fire and Emergency Equipment Storage Building	\$325,000
KB	Village of Bowerston VFD	\$205,000
KC	Village of Bowerston Maintenance Building	\$100,000

KD	Napoleon Public Library Improvements	\$1,000,000
KE	The Henry County Community Event Center Office Addition	\$1,000,000
KF	Corn City Regional Fire District New Fire Station	\$500,000
KG	Napoleon Water Tower Upgrades	\$135,000
KH	Core Networking Equipment at The Center for Child and Family Advocacy (CCFA) in Henry County	\$72,000
KI	Malinta Community Historical Society Site Project	\$45,000
KJ	Highland County Engineer Truck Barn	\$1,000,000
KK	Camp Wyandot Historic Camper Cabin Project	\$50,000
KL	Union Furnace / Starr Township Improvements	\$35,000
KM	Agricultural Society Millersburg Expo	\$750,000
KN	Safe Harbor Ohio	\$500,000
KO	Winesburg Park Improvements	\$250,000
KP	West Holmes Local Schools Robotics Program	\$22,000
KQ	Norwalk Theater Restoration	\$2,000,000
KR	Norwalk Public Library Rehab	\$400,000

KS	Feichtner Memorial Building Improvements	\$250,000
KT	Huron County Transfer Station Scale Replacement	\$202,000
KU	Jackson County Memorial Building Renovation	\$2,500,000
KV	City of Jackson Park and Trail Revitalization	\$1,000,000
KW	Jackson County Courthouse Building and Grounds Renovation	\$600,000
KX	Blamer Park Renovation	\$392,038
KY	Wellston Food Pantry Turn-Key Renovation	\$200,000
KZ	Wellston Fire Department Training Academy	\$175,000
LA	Jefferson County Agricultural Society Small Animal Barn	\$35,000
LB	Mount Vernon Police Station	\$2,000,000
LC	Fredericktown Water Infrastructure Improvements	\$750,000
LD	Family Fun Grounds in Knox County	\$125,000
LE	Willoughby Osborne Park Shoreline Protection	\$2,000,000
LF	Uptown Mentor Revitalization	\$1,500,000
LG	ISTEM Painesville Township Haden Facility and Crowns Project	\$1,000,000

LH	Mentor Fire Station	\$1,000,000
LI	University Hospitals TriPoint Breast Center - Painesville	\$938,750
LJ	Concord Township Waterline Extension Project	\$500,000
LK	Lake Erie College Center for Health Sciences	\$500,000
LL	Lake Metro Parks Lakefront Trail	\$500,000
LM	Kirtland Public Library Roof Project	\$340,625
LN	Mentor on the Lake - Lake Overlook	\$300,000
LO	Rabbit Run Theater Improvements	\$100,000
LP	VFW Roof Repairs Mentor Post 9295	\$35,478
LQ	Resources for Restoring Lives and Providing Safety and Security	\$15,328
LR	Wayne National Forest Welcome Center	\$5,000,000
LS	Coal Grove Village Riverfront Park	\$1,250,000
LT	Lawrence County School Communications	\$750,000
LU	Necco Center Improvements	\$375,000
LV	Boys and Girls Club of Portsmouth	\$100,000
LW	Buckeye Lake North Shore Park and Pier	\$8,500,000
LX	Memorial Health Systems Education and Event	\$3,000,000

	Center	
LY	Johnstown - Mink Street Water Infrastructure	\$500,000
LZ	Newark Towne Center Project	\$1,854,000
MA	Buckeye Valley Family YMCA Pataskala Childcare Center	\$200,000
MB	Mary Ann Township Fire Department	\$66,000
MC	Hanover Hains Hill Drive Drainage Improvements	\$52,000
MD	Junior Achievement - Regional Satellite Learning Center	\$50,000
ME	Boys and Girls Club of Newark	\$46,195
MF	Indian Lake Advocacy Group	\$5,000,000
MG	Logan County Sewer District Flat Branch Upgrades	\$1,500,000
MH	Bellefontaine Calvary Christian School	\$250,000
MI	Indian Lake Pickleball	\$150,000
MJ	Lorain County Community College Desich Entrepreneurship Center 3rd Floor Microelectronics Training Hub	\$2,500,000
MK	Lorain County Fairs	\$2,500,000
ML	Boys and Girls Club of Elyria South	\$1,000,000

MM	Lorain County PACE Site Modifications	\$1,000,000
MN	The Nord Center Capital Improvement Project	\$1,000,000
MO	French Creek Sports Complex	\$925,000
MP	Lorain County ~~Administrative Building~~ <u>Justice Center</u>	\$750,000
MQ	North Ridgeville Cypress Avenue Project	\$700,000
MR	Sheffield Lake Field House Rec Complex	\$600,000
MS	Black River Landing Amphitheater	\$500,000
MT	Haven Center Emergency Shelter / Neighborhood Alliance	\$500,000
MU	Vocational Guidance Services (VGS) Project - Lorain	\$500,000
MV	Lorain County Health and Dental Facility	\$375,000
MW	Elyria Public Library West River Branch	\$300,000
MX	Lorain Hispanic Veterans Memorial	\$300,000
MY	Lorain County Kennel Project	\$250,000
MZ	El Centro Facility Improvements	\$200,000
NA	Good Knights Bed Building Center	\$150,000
NB	Sheffield Village Colorado Avenue Side Path	\$150,000

NC	Carlisle Township Hall Project	\$100,000
ND	VFW Roof Repairs Wellington Post 6941	\$12,276
NE	Lucas County Seawall and River Edge Reconstruction Project	\$3,000,000
NF	Toledo Innovation Center	\$3,000,000
NG	Inclusive Multigenerational Community and Recreation Center (IMCRC)	\$2,900,000
NH	Virginia Stranahan Trail and Senior Affordable Housing/Senior Center Development	\$2,700,000
NI	Eugene F. Kranz Toledo Express Airport Terminal Renovation Project	\$2,000,000
NJ	Toledo YWCA Domestic Shelter Project	\$2,000,000
NK	Toledo Zoo Reptile House	\$1,740,000
NL	Toledo Fire and Rescue Department Facility Repairs	\$1,600,000
NM	Ottawa Park Revitalization Phase 1	\$950,000
NN	Imagination Station; Toledo Science Center World of Discovery Exhibit	\$750,000
NO	Homer Hanham Boys and Girls Club Renovation	\$650,000
NP	Toledo Seagate Food Bank	\$650,000
NQ	Pre-Medical and Health Science Academy at	\$500,000

	Mercy College	
NR	Toledo School for the Performing Arts Replacement Windows	\$500,000
NS	Sylvania Township Safety Training and Grounds Improvement	\$485,000
NT	Toledo Safe Haven Ronald McDonald Facility	\$300,000
NU	Whitney Manor	\$300,000
NV	Toledo Hensville Entertainment District	\$250,000
NW	Ottawa Hills Walk Path Project	\$175,000
NX	Glass City Mural Wall Lighting (Toledo)	\$100,000
NY	Lucas County Sheriff Substation Renovation	\$100,000
NZ	Toledo Broadway Commercial Redevelopment Project	\$100,000
OA	Madison County Airport Improvements	\$35,938
OB	Animal Charity of Ohio Infrastructure Expansion	\$1,500,000
OC	Community Learning Center	\$1,000,000
OD	West Branch Regional Community Education and Wellness Training Center in Mahoning County	\$875,000
OE	Mahoning Valley Historical Society Expansion and Improvement	\$750,000

OF	Campbell Access and Safety Project	\$660,000
OG	Mahoning County Veterans Center	\$650,000
OH	Salem Airpark Improvements	\$600,000
OI	Youngstown Area Jewish Federation Building Expansion	\$501,389
OJ	Mahoning Valley Regional Multi-Jurisdictional Infrastructure Initiative	\$450,000
OK	Boys and Girls Club of Youngstown	\$300,000
OL	Youngstown Playhouse Roof	\$238,000
OM	~~Sheridan Road Multi-Use Trail~~ <u>Village of Poland</u>	\$185,000
ON	Boys and Girls Club of Oak Hill	\$159,131
OO	City of Struthers Mauthe Park Splash Pad	\$103,150
OP	Rich Center for Autism Building for Tomorrow Phase 2	\$100,000
OQ	OCCHA Renovado Capital Campaign	\$93,500
OR	Canfield Police Department Drone Program	\$60,000
OS	War Vet Museum Facility and Program Improvement Project	\$60,000
OT	Austintown 9-11 Memorial Park	\$50,000

OU	VFW Roof Repairs Ellsworth Post 9571	\$14,480
OV	Marion Harding Performing Arts Center	~~\$500,000~~
		<u>\$347,000</u>
OW	<u>Magnetic Springs Community Park</u>	<u>\$153,000</u>
OX	Marion Soldiers and Sailors Memorial Chapel	\$450,000
OY	George W. King Mansion - Etowah	\$300,000
OZ	Boys and Girls Club of Oak Street	\$277,170
PA	Terradise Nature Center Interpretive Center	\$200,000
PB	Women's History Resource Center Phase II	\$185,000
PC	City of Wadsworth Brickyard Athletic Complex and Fixler Reservation	\$2,500,000
PD	Lake Medina	\$1,500,000
PE	Akron Childrens Medina Health Center	\$1,400,000
PF	Medina County Career Center Modular Fire Training Tower	\$1,000,000
PG	Oenslager Nature Center	\$500,000
PH	City of Medina Multi-Use Uptown Loop Phase 1	\$396,000
PI	Medina County Radio System - Seville Tower	\$450,000
PJ	Medina County Sheriff Office Jail Safety Enhancement	\$200,000

PK	Equine Assisted Mental Health Community Campus	\$200,000
PL	Majestic Equine Connections	\$200,000
PM	Main Street Medina Facade Improvement	\$150,000
PN	Medina County Achievement Center Renovation and Innovative Vocational Training Building	\$100,000
PO	Serenite Restaurant and Culinary Institute Roof/Gutter Repair	\$65,000
PP	Main Street Medina South Town Gateway	\$62,000
PQ	VFW Roof Repairs Medina Post 5137	\$60,898
PR	Homer Township Tornado Siren Project	\$36,834
PS	Chippewa Lake Area Emergency Siren	\$35,000
PT	Ohio University Airport Improvements	\$2,500,000
PU	Meigs County Transportation Hub	\$1,500,000
PV	Racine Entertainment District	\$1,500,000
PW	1872 Hall Complex	\$250,000
PX	Meigs County Fair	\$250,000
PY	Fort Recovery Water Tower	\$600,000
PZ	Troy Great Miami River Recreation Connectivity Project	\$2,000,000

QA	Troy-Miami County Public Library Improvements	\$500,000
QB	Bethel Township VFD Improvements	\$400,000
QC	Graysville and Community VFD Improvements	\$250,000
QD	Bethel Community Center Improvements	\$183,000
QE	Woodsfield Government and Community Center	\$100,000
QF	Midway Community and Senior Citizens	\$70,000
QG	Laings Community Center	\$23,000
QH	VFW Roof Repairs Sardis Post 9930	\$19,836
QI	Miami Chapel Inspire Zone Youth Workforce Development Center - Boys & Girls Club	\$3,000,000
QJ	Dayton Aviation Heritage Site (Wright Factory)	\$2,000,000
QK	Dayton International Airport Concourse B	\$2,000,000
QL	Future Development of Wright-Patterson	\$1,500,000
QM	Healthy Family Market / Dayton Children's Pediatric Center	\$1,500,000
QN	Tri-Cities North Regional Wastewater Authority	\$1,500,000
QO	Kettering Business Park	\$1,250,000
QP	West Carrollton River District and Whitewater	\$500,000

	Park	
QQ	Countryside Park Revitalization	\$1,000,000
QR	Ronald McDonald House of Dayton	\$1,000,000
QS	Schuster Center	\$1,000,000
QT	Union Ring Road Completion Project - Phase II	\$1,000,000
QU	Uptown Centerville Connectivity and Development Improvements	\$1,000,000
QV	Harrison Township Police Headquarters Renovation	\$950,000
QW	Saint Vincent de Paul Community Donation Intake Facility	\$800,000
QX	Saint Vincent de Paul Social Services Emergency Shelter for Men	\$500,000
QY	Homefull Housing, Food and Jobs Center	\$750,000
QZ	Jefferson Township Community Improvements	\$600,000
RA	BOLT Innovation Center	\$500,000
RB	Centerville Schools Safety Access	\$500,000
RC	Dayton Dream Center Transitional Housing	\$500,000
RD	East End Whole Family Services Hub Facility Expansion and Renovation in Dayton	\$500,000

RE	Union Ring Road Completion Project - Phase III	\$500,000
RF	Robinette Park	\$400,000
RG	Homefull's Healthy Start Child Care & Early Learning Center West Dayton	\$350,000
RH	Dayton Airshow	\$300,000
RI	Germantown Covered Bridge	\$275,000
RJ	Dayton Clothes that Work! Facility Improvements	\$250,000
RK	Flyghtwood Sports Life and Leadership Campus	\$250,000
RL	Grant Park Accessibility Improvements	\$250,000
RM	K-12 Gallery and TEJAS Acquisition Project	\$250,000
RN	Miami Township Public Works	\$250,000
RO	Old North Dayton Park Expansion Project	\$250,000
RP	Catholic Social Services Supervised Visitation Center	\$200,000
RQ	Dayton Alvis, Inc.	\$195,149
RR	Boys and Girls Club of Dayton	\$154,851
RS	Preservation of Dayton Woman's Club Historic Mansion	\$100,000

RT	West Memory Gardens Flood Mitigation Project	\$75,000
RU	German Township Channel Maintenance	\$60,000
RV	Miamisburg Historical Society Improvements	\$40,000
RW	Pennsville Volunteer Fire Department - New Building Construction	\$1,500,000
RX	Historic Preservation, Job Creation, and Healthcare Expansion at the Stanbery Building (McConnelsville)	\$500,000
RY	Malta/McConnelsville Equipment Project	\$325,000
RZ	Chesterhill VFD Station	\$250,000
SA	Morgan County Emergency Communications Center	\$250,000
SB	Morgan County Fair	\$250,000
SC	Reinersville Volunteer Fire Department	\$50,000
SD	Flying Horse Farms Renovation and Updates to Facilities	\$350,000
SE	Morrow County Engineers Facility	\$250,000
SF	Morrow County Health Department Renovations	\$250,000
SG	Water Filter Installation for Legacy Phosphorus Fields	\$500,000
SH	The Wilds Giraffe Barn and Innovative Guest Lodging	\$2,500,000

SI	Avondale Youth Center HVAC Upgrade	\$450,000
SJ	The Tribe Athletic Complex Track	\$1,000,000
SK	Ottawa County Workforce Hub and Center for Career Advancement	\$1,250,000
SL	Skills Academy in Ottawa County	\$250,000
SM	Ottawa County Fairgrounds Upgrades	\$200,000
SN	Put-In-Bay Downtown Promenade Renovation	\$200,000
SO	Genoa Civic Theatre Improvements	\$100,000
SP	Paulding County Agricultural Society Racetrack Lighting Improvement	\$41,000
SQ	Antwerp Rotary Basketball Court	\$40,000
SR	Perry County Community Access and Workforce Training	\$500,000
SS	Reading Township Volunteer Fire Department	\$1,250,000
ST	Thornville AMVETS 51	\$80,000
SU	South Bloomfield Corridor Improvements	\$1,500,000
SV	Ohio Christian University for Science	\$500,000
SW	Pickaway County Library	\$250,000
SX	Memorial Hall Window Replacement Project	\$200,000

SY	Pike Emergency Operations Backup Power Project	\$750,000
SZ	Ravenna Health Center	\$1,500,000
TA	Serenity House Residential Facility	\$700,000
TB	Happy Trails Farm Animal Sanctuary Welcome Center	\$500,000
TC	Kent Safety Town	\$250,000
TD	Shalersville Park	\$225,000
TE	Freedom Township Historical Society Historical Museum	\$105,000
TF	Buchert Park Improvements	\$51,000
TG	Portage County Children's Advantage HVAC	\$40,000
TH	Windham Historical Society	\$27,950
TI	Preble County Fairgrounds Stall Barns	\$700,000
TJ	Preble Gratis Well Reconstruction	\$50,000
TK	Fort Jennings Park Pedestrian Bridge and Park Improvements	\$350,000
TL	The Ottoville Park Community Wellness and Recreation Enhancement Project	\$213,000
TM	Womens Policy and Resource Center	\$100,000

TN	Buckeye Park Improvements	\$40,000
TO	Mansfield Christian School Improvements	\$1,500,000
TP	Avita Comprehensive Cancer Center	\$1,150,000
TQ	Plymouth Fire Department Building Replacement	\$600,000
TR	Mansfield Theater "Road to 100" Renovation	\$500,000
TS	YMCA-North Central Ohio Sports Complex	\$500,000
TT	Main Street Plaza Improvement Project	\$250,000
TU	Richland County Agricultural Society	\$100,000
TV	VFW Roof Repairs Mansfield Post 3494	\$27,964
TW	Ohio Genealogical Society Archives Security	\$10,000
TX	Hopewell Regional Visitor Center	\$5,000,000
TY	Union Township Fire Department Project	\$175,000
TZ	Fremont Downtown Revitalization	\$1,350,000
UA	Hayes Presidential Library Improvements	\$300,000
UB	Fremont Water Access Emergency Response	\$150,000
UC	Shawnee State University College of Health and Human Services	\$5,000,000
UD	Appalachian Youth Behavioral Health Services Expansion	\$2,000,000

UE	Scioto County Safety Operations Center	\$696,000
UF	Scioto County Fairgrounds	\$600,000
UG	Green Township Garage	\$500,000
UH	Installer Technician Registered Apprenticeship in Scioto County	\$323,150
UI	Portsmouth Courtroom Renovations	\$240,000
UJ	Bloom-Vernon Local Schools Lighting	\$51,600
UK	Seneca County Agricultural Center	\$370,000
UL	Fostoria Learning Center Security	\$352,000
UM	Seneca County Museum Interior Revitalization	\$190,000
UN	Bettsville Emergency Medical Services Renovation	\$150,000
UO	Attica-Venice Township Joint Cemetery Mausoleum	\$93,742
UP	Court Street Streetscape Project	\$50,000
UQ	Ritz Theatre Marquee Renovation	\$30,000
UR	Fort Loramie Industrial Park	\$724,000
US	Midwest Regional ESC Resilient Heights Improvements	\$600,000
UT	Shelby County Community Workforce Training	\$500,000

	Center	
UU	Boys and Girls Club of Massillon	\$193,904
UV	VFW Roof Repairs Louisville Post 7490	\$42,970
UW	Hall of Fame Village	\$9,763,126
UX	Pro Football Hall of Fame Modernization	\$7,000,000
UY	Stark County Juvenile Detention System Demolition	\$64,200
UZ	Cascade Plaza	\$5,000,000
VA	New Franklin Sewer Project	\$3,800,000
VB	Akron-Canton Airport West Side Development for Aeronautic Activity	\$3,200,000
VC	Cuyahoga Falls Regional Fire Training Complex	\$3,000,000
VD	Akron Art Museum - Center for Digital Discovery	\$2,000,000
VE	Akron Zoo Veterinary Hospital	\$1,750,000
VF	Akron Community Health Center Addiction One Campus Expansion	\$1,250,000
VG	Barberton City Hall and Justice Center	\$1,000,000
VH	Summit County Mobile Medical Project	\$1,000,000
VI	Boston Heights Safety Center	\$986,831

VJ	Middle School Trades Education Center in Summit County	\$750,000
VK	Hudson Inclusive Playground	\$680,000
VL	Summit County Fairgrounds New Agriculture Center	\$600,000
VM	Macedonia Service Center	\$500,000
VN	Child Guidance and Family Solutions - Multi- Campus	\$450,000
VO	Boys and Girls Club - Steve Wise	\$440,913
VP	Akron Urban League Building Improvements	\$400,000
VQ	Legacy Building Project Improvements	\$400,000
VR	Bath North Fork Preserve Improvements	\$170,000
VS	Copley Road Trail East	\$150,000
VT	G.A.R. Hall Rehabilitation	\$150,000
VU	Stark State Oil and Natural Gas Job Training Equipment	\$100,000
VV	Stow First Responders Memorial	\$95,863
VW	Special Education Cornerstone Community School	\$76,393
VX	Boston Township Hall ADA Upgrades	\$50,000

VY	Cortland Safety Service Complex / Training Facility	\$2,150,000
VZ	West Warren Industrial Park Traffic and Fire Suppression Improvements	\$1,500,000
WA	Holy Trinity Orthodox Christian Academy and Preschool	\$1,000,000
WB	Eastwood Field Renovations	\$500,000
WC	Trumbull County Fairgrounds Grandstand Renovation	\$500,000
WD	Cortland's Outdoor Education & Event Space	\$350,000
WE	Bloomfield Regional Emergency Medical Services Renovation Project	\$345,000
WF	Mosquito Lake State Park Water Improvements	\$330,350
WG	Camp Sugarbush Infrastructure Improvements	\$300,000
WH	John F. Kennedy Renovation Project	\$300,000
WI	Hubbard Outpost Sanitary Sewer Project	\$175,000
WJ	Liberty Township Fencing Project	\$100,000
WK	Victory Christian School Renovation	\$100,000
WL	Tuscarawas County Facilities Investments in Health, Safety, and Election Security	\$2,500,000
WM	Tuscarawas County Engineer Building	\$1,350,000

WN	Cleveland Clinic Union Hospital Cancer Center	\$1,000,000
WO	Fire, EMT, Law Enforcement Burn Building	\$500,000
WP	Norma Johnson Center Improvements (Red Barn and Brandywine)	\$250,000
WQ	Dover Public Library Roof Replacement Project	\$85,731
WR	Transportation Research Center, Inc. Impact Lab Upgrades	\$24,000,000
WS	Richwood Pickleball	\$218,000
WT	Leesburg Township Walking Trail and Playground Project	\$162,545
WU	The Village of Richwood Fairgrounds	\$49,849
WV	Northwest State Community College Van Wert Campus Renovation	\$1,000,000
WW	Van Wert Regional Airport Runway Project	\$600,000
WX	VFW Roof Repairs Van Wert Post 5803	\$41,754
WY	Middle Point Memorial Park	\$25,000
WZ	Moser Park Concession Stand Replacement	\$19,860
XA	Wilkesville Township Outdoor Warning Siren	\$35,000
XB	Cincinnati Open Tennis Tournament	\$27,500,000
XC	Warren County Ion Exchange Project	\$200,000

XD	Waynesville and Maineville Girl Scout Camp Improvements	\$200,000
XE	VFW Roof Repairs Mason Post 9622	\$9,969
XF	Mid Ohio Valley Aquatic Center	\$750,000
XG	Decatur Township Building Construction	\$350,000
XH	Boys and Girls Club of Marietta	\$213,909
XI	Marietta Saint Mary of the Assumption Roof Project	\$150,000
XJ	Betsy Mills Drainage Project	\$79,000
XK	Marietta College Womens Softball Complex	\$50,000
XL	VFW Roof Repairs New Matamoras Post 6387	\$13,740
XM	Shreve Wastewater Treatment Plant System Improvements	\$1,750,000
XN	Wooster Community Hospital Improvements	\$1,000,000
XO	Wayne County Agricultural Society, Inc.	\$415,000
XP	Wayne County Airport Hangar Construction Project	\$350,000
XQ	Wayne County Emergency Vehicle Drivers Training Course	\$300,000
XR	Boys and Girls Club of Orrville	\$280,318

XS	Boys and Girls Club of Edgewood	\$186,771
XT	Foodsphere Commercial Kitchen/Food Marketplace	\$100,000
XU	Edgerton Community Center	\$425,000
XV	Installation of Elevator to North Annex Building in Williams County	\$187,076
XW	Wabash Cannonball Trail: Design Engineering	\$153,500
XX	Wood County Engineer Garage and Maintenance Facility (Bowling Green)	\$1,000,000
XY	Wood County Educational Service Center	\$750,000
XZ	Positive Community Connections Center Project (Bowling Green)	\$600,000
YA	Wood County Committee on Aging	\$500,000
YB	City of Perrysburg	\$200,000
YC	North Baltimore Public Library Emergency Repairs	\$100,000
YD	Wood County Public Library Heating Project	\$100,000
YE	Upper Sandusky Midway Industrial Park	\$400,000
YF	VFW Roof Repairs Carey Post 3759	\$20,712

Sec. 207.37.

164774

164775

1	2	3
A	YSU YOUNGSTOWN STATE UNIVERSITY	
B	Higher Education Improvement Fund (Fund 7034)	
C	<u>C34500 Basic Renovations</u>	<u>\$700,000</u>
D	C34565 IT Infrastructure Upgrades	\$952,498
E	C34586 Kilcawley Center Renovations	\$9,753,000
F	~~C34591 Penguin City Brewing Company Upgrade Project~~	~~\$700,000~~
G	C34592 Rich Center for Autism Building for Tomorrow	\$450,000
H	C34593 YNG Aviation Education Center	\$350,000
I	C34594 Regional Workforce Training and Community Wellness Center	\$250,000
J	C34595 Eastern Ohio Biztown Financial Literacy & Entrepreneurship Center	\$250,000
K	Higher Education Improvement Fund (Fund 7034) Total	\$12,705,498
L	TOTAL ALL FUNDS	\$12,705,498

Sec. 221.15. COMMUNITY SUPPORT 164776

The foregoing appropriation item C58050, Community 164777
Support, shall be used to support the projects listed in this 164778
section. 164779
164780

A	Cleveland Christian Home - Child Wellness Campus	\$1,500,000
B	Boys & Girls Club of Greater Cincinnati	\$1,400,000
C	Lindner Center	\$1,000,000
D	The Buckeye Ranch	\$1,000,000
E	Bellefaire Child and Youth Services Center	\$750,000
F	LADD Forever Home	\$720,000
G	Best Point West Cincinnati Early Childhood and Mental Health Center Construction	\$650,000
H	St. Vincent de Paul Child and Family Advocacy Center	\$600,000
I	Clark County Family Justice Center	\$500,000
J	Horses on the Hill	\$500,000
K	Netcare Facility Improvements	\$500,000
L	New Main Office for Community Counseling Center of Ashtabula County	\$500,000
M	Ravenwood Health Renovation	\$500,000
N	Toledo YWCA Domestic Shelter Project	\$500,000
O	Tri-County Response Center Project	\$500,000
P	Vista Village	\$500,000
Q	The Crossroads Center New Recovery Treatment Center	\$430,000

R	Applewood Centers Inc.	\$425,000
S	Harcum House	\$400,000
T	Maryhaven Residential Treatment Facility Improvements	\$400,000
U	May Dugan Center Renovation	\$400,000
V	YWCA of Greater Cincinnati Domestic Violence Shelter	\$400,000
W	Integrated Community Solutions Community Center	\$350,000
X	Shelby Health & Wellness Renovation Project	\$350,000
Y	Journey Center for Safety and Healing	\$300,000
Z	Alliance Area Domestic Violence Shelter	\$250,000
AA	Alliance YWCA Headquarters Improvements	\$250,000
AB	Ashtabula County Transitional Housing for Homeless Youth	\$250,000
AC	CommQuest Reception Project	\$250,000
AD	Lower Lights Christian Health Center	\$250,000
AE	Paint Creek Youth Center - Multipurpose Community Building	\$250,000
AF	St. Vincent Behavioral Health Project	\$250,000
AG	The Refuge - New Building	\$250,000
AH	Tobacco Treatment Center of Ohio	\$250,000

AI	Wayfinders Ohio Emergency Homeless Shelter	\$250,000
AJ	Addiction Services Council Facility Expansion	\$230,000
AK	Richland County Shelter Renovation Project	\$217,235
AL	Cincinnati Children's Hospital Youth Mental Health Facility	\$210,000
AM	Child Guidance & Family Solutions (CGFS) - Akron Project	\$200,000
AN	Child Guidance & Family Solutions (CGFS) - Stow Buildout	\$200,000
AO	Hancock County ADAMH Board	\$200,000
AP	Sanctuary Night - Expanding to Meet the Need	\$200,000
AQ	Canton Domestic Violence Shelter	\$175,000
AR	OhioGuidestone Youth and Family Resiliency Center	\$150,000
AS	Lorain County Safe Harbor	\$115,000
AT	Foundations Community Childcare, Inc. (FCC)	\$101,129
AU	Shelby Mercy Mission House Renovations	\$101,000
AV	Beyond the Walls	\$100,000
AW	Blue Line Foundation HQ & Regional Training Center	\$100,000
AX	Haven Home Renovations	\$100,000

AY	Livingston Avenue Community New Direction Project	\$100,000
AZ	Mansfield Domestic Violence Shelter Child Advocacy Center Renovation	\$100,000
BA	The Cocoon Project for Survivors of Domestic and Sexual Violence	\$100,000
BB	Toledo Lutheran Social Services Expansion Project	\$100,000
BC	Muskingum Behavioral Health Improvements	\$57,000
BD	Veterans Resource Center Project	\$50,000

<u>The Department of Behavioral Health shall distribute the</u>	164781
<u>foregoing earmark to Vista Village notwithstanding sections</u>	164782
<u>153.06 and 153.07 of the Revised Code.</u>	164783

Sec. 243.10.	164784
	164785

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A	PWC PUBLIC WORKS COMMISSION	
B	State Capital Improvements Fund (Fund 7038)	
C	C15000 Local Public Infrastructure	\$415,000,000
D	State Capital Improvements Fund (Fund 7038) Total	\$415,000,000
E	State Capital Improvements Revolving Loan Fund (Fund 7040)	
F	C15030 Revolving Loan	\$100,000,000
G	State Capital Improvements Revolving Loan Fund (Fund	\$100,000,000

7040) Total

H Clean Ohio Conservation Fund (Fund 7056)

I C15060 Clean Ohio Conservation \$75,300,000

J Clean Ohio Conservation Fund (Fund 7056) Total \$75,300,000

K TOTAL ALL FUNDS \$590,300,000

LOCAL PUBLIC INFRASTRUCTURE 164786

Capital appropriations in H.B. 2 of the 135th General 164787
Assembly made from the State Capital Improvements Fund (Fund 164788
7038) shall be used in accordance with sections 164.01 to 164.12 164789
of the Revised Code. The Director of the Public Works Commission 164790
may certify to the Director of Budget and Management that a need 164791
exists to appropriate investment earnings to be used in 164792
accordance with sections 164.01 to 164.12 of the Revised Code. 164793
If the Director of Budget and Management determines pursuant to 164794
division (D) of section 164.08 and section 164.12 of the Revised 164795
Code that investment earnings are available to support 164796
additional appropriations, such amounts are hereby appropriated. 164797

If the Public Works Commission receives refunds due to 164798
project overpayments that are discovered during a post-project 164799
audit, the Director of the Public Works Commission may certify 164800
to the Director of Budget and Management that refunds have been 164801
received. In certifying the refunds, the Director of the Public 164802
Works Commission shall provide the Director of Budget and 164803
Management information on the project refunds. The certification 164804
shall detail by project the source and amount of project 164805
overpayments received and include any supporting documentation 164806
required or requested by the Director of Budget and Management. 164807

Upon receipt of the certification, the Director of Budget and 164808
Management shall determine if the project refunds are necessary 164809
to support existing appropriations. If the project refunds are 164810
available to support additional appropriations, these amounts 164811
are hereby appropriated to appropriation item C15000, Local 164812
Public Infrastructure/State CIP. 164813

Of the foregoing appropriation item C15000, Local Public 164814
Infrastructure, \$15,000,000 under the Emergency Program shall be 164815
used to provide grants to communities to assist with road-slip 164816
emergency projects on nonstate roads or locally maintained 164817
routes and portions of interstates. 164818

STATE CAPITAL IMPROVEMENT PROGRAM - SMALL GOVERNMENTS 164819

Up to \$10,000,000 in fiscal year 2026 shall be used for 164820
State Capital Improvement Program (SCIP) projects, in accordance 164821
with division (B)(1) of section 164.08 of the Revised Code, in 164822
townships with populations of less than five thousand persons 164823
within their unincorporated areas. 164824

REVOLVING LOAN 164825

Capital appropriations in H.B. 2 of the 135th General 164826
Assembly made from the State Capital Improvements Revolving Loan 164827
Fund (Fund 7040) shall be used in accordance with sections 164828
164.01 to 164.12 of the Revised Code. 164829

If the Public Works Commission receives refunds due to 164830
project overpayments that are discovered during a post-project 164831
audit, the Director of the Public Works Commission may certify 164832
to the Director of Budget and Management that refunds have been 164833
received. In certifying the refunds, the Director of the Public 164834
Works Commission shall provide the Director of Budget and 164835
Management information on the project refunds. The certification 164836

shall detail by project the source and amount of project 164837
overpayments received and include any supporting documentation 164838
required or requested by the Director of Budget and Management. 164839
Upon receipt of the certification, the Director of Budget and 164840
Management shall determine if the project refunds are necessary 164841
to support existing appropriations. If the project refunds are 164842
available to support additional appropriations, these amounts 164843
are hereby appropriated to appropriation item C15030, Revolving 164844
Loan. 164845

CLEAN OHIO CONSERVATION GRANT REPAYMENTS 164846

Capital appropriations in H.B. 2 of the 135th General 164847
Assembly made from the Clean Ohio Conservation Fund (Fund 7056) 164848
shall be used in accordance with sections 164.20 to 164.27 of 164849
the Revised Code. 164850

Any amount in grant repayments received by the Public 164851
Works Commission and deposited into the Clean Ohio Conservation 164852
Fund pursuant to section 164.261 of the Revised Code is hereby 164853
appropriated through the foregoing appropriation item C15060, 164854
Clean Ohio Conservation. 164855

Sec. 363.10. 164856
164857

1 2 3

A DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

B Reappropriations

C Building Improvement Fund (Fund 5KZ0)

D C10035 Building Improvement \$210,942

E	TOTAL Building Improvement Fund	\$210,942
F	Administrative Building Taxable Bond Fund (Fund 7016)	
G	C10041 MARCS - Taxable	\$5,045,730
H	C10044 Lorain County MARCS Tower/Sheffield Lake	\$250,000
I	C10052 Symmes Valley Tower Project in Lawrence County	\$1,000
J	C10055 Highland County MARCS Tower	\$1,000
K	TOTAL Administrative Building Taxable Bond Fund	\$5,297,730
L	Administrative Building Fund (Fund 7026)	
M	C10000 Governor's Residence	\$2,536,996
N	C10010 Office Services Building Renovations	\$64,539
O	C10015 SOCC Renovations	\$622,172
P	C10019 25 S. Front Street Renovations	\$11,801
Q	C10020 North High Building Complex Renovations	\$400,000
R	C10021 Office Space Planning	\$5,000,000
S	C10034 Aronoff Center Systems Replacements and Upgrades	\$1,150,000
T	C10038 Riffe Renovations	\$710,702

U	C10042	IT Projects	\$4,000,000
V	C10051	Fleet Sustainability	\$250,000
W	TOTAL Administrative Building Fund		\$14,746,210
X	Capital IT Projects Fund (Fund 7091)		
Y	C10054	Statewide IT Projects	\$10,000,000
Z	TOTAL Capital IT Projects Fund		\$10,000,000
AA	TOTAL ALL FUNDS		\$30,254,882

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS	164858
SYSTEM	164859

~~(A) There is hereby continued a Multi-Agency Radio~~	164860
~~Communications System (MARCS) Steering Committee consisting of~~	164861
~~the following members:~~	164862

~~(1) The directors, or designees thereof, of Administrative~~	164863
~~Services, Public Safety, Natural Resources, Transportation,~~	164864
~~Rehabilitation and Correction, and Budget and Management, and~~	164865
~~the State Fire Marshal or the State Fire Marshal's designee,~~	164866

~~(2) The following members appointed by the Governor:~~	164867

~~(a) One representative of the Ohio Chapter of the~~	164868
~~Association of Public Safety Communications Officials or its~~	164869
~~successor organization;~~	164870

~~(b) One representative of the Buckeye State Sheriff's~~	164871
~~Association or its successor organization;~~	164872

~~(c) One representative of the Ohio Association of Chiefs~~	164873
~~of Police or its successor organization;~~	164874

~~(d) One representative of the Ohio Fire Chiefs' Association or its successor organization.~~ 164875
164876

~~(3) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one from the majority party and one from the minority party;~~ 164877
164878
164879

~~(4) Two members of the Senate appointed by the President of the Senate, one from the majority party and one from the minority party.~~ 164880
164881
164882

~~(B) The Director of Administrative Services or the Director's designee shall chair the Committee.~~ 164883
164884

~~(C) The Committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of MARCS as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the Directors on the progress of MARCS implementation and the development of policies related to the system.~~ 164885
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~~(D) The Committee shall establish a subcommittee to represent MARCS users on the local government level. The chairperson of the subcommittee shall serve as a member of the MARCS Steering Committee.~~ 164893
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164896

~~(E) The foregoing appropriation item C10041, MARCS - Taxable, shall be used to purchase or construct the components of MARCS that are not specific to any one agency. The equipment may include, but is not limited to, computer and telecommunications equipment used for the functioning and integration of the system, communications towers, tower sites, tower equipment, and linkages among towers. The Director of~~ 164897
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164900
164901
164902
164903

Administrative Services shall, ~~with the concurrence of the MARCS~~ 164904
~~Steering Committee~~, determine the specific use of funds. 164905
Expenditures from this appropriation shall not be subject to 164906
Chapters 123. and 153. of the Revised Code. 164907

MEDINA COUNTY RADIO SYSTEM-SEVILLE TOWER 164908

The amount reappropriated for the foregoing appropriation 164909
item C10057, Medina County Radio System-Seville Tower, is the 164910
unencumbered balance as of June 30, 2024, in appropriation items 164911
C230FM, Cultural and Sports Facilities Projects, earmarked for 164912
Westfield Center Community Center ADA Improvement Project and 164913
the Medina County and Brunswick Historical Societies 164914
Project/Wadsworth Historical Society, and C58001, Community 164915
Assistance Projects, earmarked for Westfield Center 164916
Improvements. 164917

BUILDING IMPROVEMENT 164918

The amount reappropriated for the foregoing appropriation 164919
item C10035, Building Improvement, is the unencumbered balance 164920
as of June 30, 2024, in appropriation item C10035, Building 164921
Improvement, plus up to \$293,343. Prior to the expenditure of 164922
this additional appropriation, the Department of Administrative 164923
Services shall certify to the Director of Budget and Management 164924
canceled encumbrances up to \$293,343 from appropriation item 164925
C10035, Building Improvement. 164926

MARCS - TAXABLE 164927

The amount reappropriated for the foregoing appropriation 164928
item C10041, MARCS - Taxable, is the unencumbered balance as of 164929
June 30, 2024, in appropriation item C10041, MARCS - Taxable, 164930
plus up to \$45,731. Prior to the expenditure of this additional 164931
appropriation, the Department of Administrative Services shall 164932

certify to the Director of Budget and Management canceled 164933
encumbrances up to \$45,731 from appropriation item C10041, MARCS 164934
- Taxable. 164935

LORAIN COUNTY MARCS TOWER/SHEFFIELD LAKE 164936

The amount reappropriated for the foregoing appropriation 164937
item C10044, Lorain County MARCS Tower/Sheffield Lake, is the 164938
unencumbered balance as of June 30, 2024, in appropriation item 164939
C10044, Lorain County MARCS Tower/Sheffield Lake, plus the 164940
unencumbered balance as of June 30, 2024, in appropriation item 164941
C10048, Williams County MARCS Tower. 164942

OFFICE SERVICES BUILDING RENOVATIONS 164943

The amount reappropriated for the foregoing appropriation 164944
item C10010, Office Services Building Renovations, is the 164945
unencumbered balance as of June 30, 2024, in appropriation item 164946
C10010, Office Services Building Renovations, plus up to 164947
\$64,539. Prior to the expenditure of this additional 164948
appropriation, the Department of Administrative Services shall 164949
certify to the Director of Budget and Management canceled 164950
encumbrances up to \$64,539 from appropriation item C10010, 164951
Office Services Building Renovations. 164952

SOCC RENOVATIONS 164953

The amount reappropriated for the foregoing appropriation 164954
item C10015, SOCC Renovations, is the unencumbered balance as of 164955
June 30, 2024, in appropriation item C10015, SOCC Renovations, 164956
plus up to \$873,760. Prior to the expenditure of this additional 164957
appropriation, the Department of Administrative Services shall 164958
certify to the Director of Budget and Management canceled 164959
encumbrances up to \$873,760 from appropriation item C10015, SOCC 164960
Renovations. 164961

25 S. FRONT STREET RENOVATIONS 164962

The amount reappropriated for the foregoing appropriation 164963
item C10019, 25 S. Front Street Renovations, is the unencumbered 164964
balance as of June 30, 2024, in appropriation item C10019, 25 S. 164965
Front Street Renovations, plus up to \$28,717. Prior to the 164966
expenditure of this additional appropriation, the Department of 164967
Administrative Services shall certify to the Director of Budget 164968
and Management canceled encumbrances up to \$28,717 from 164969
appropriation item C10019, 25 S. Front Street Renovations. 164970

ARONOFF CENTER SYSTEMS REPLACEMENTS AND UPGRADES 164971

The amount reappropriated for the foregoing appropriation 164972
item C10034, Aronoff Center Systems Replacements and Upgrades, 164973
is the unencumbered balance as of June 30, 2024, in 164974
appropriation item C10034, Aronoff Center Systems Replacements 164975
and Upgrades, plus up to \$385,580. Prior to the expenditure of 164976
this additional appropriation, the Department of Administrative 164977
Services shall certify to the Director of Budget and Management 164978
canceled encumbrances up to \$385,580 from appropriation item 164979
C10034, Aronoff Center Systems Replacements and Upgrades. 164980

RIFFE RENOVATIONS 164981

The amount reappropriated for the foregoing appropriation 164982
item C10038, Riffe Renovations, is the unencumbered balance as 164983
of June 30, 2024, in appropriation item C10038, Riffe 164984
Renovations, plus up to \$11,514. Prior to the expenditure of 164985
this additional appropriation, the Department of Administrative 164986
Services shall certify to the Director of Budget and Management 164987
canceled encumbrances up to \$11,514 from appropriation item 164988
C10038, Riffe Renovations. 164989

Sec. 371.20. COMMUNITY SUPPORT 164990

The foregoing appropriation item C58050, Community Support, shall be equal to the amount of all projects specified in this section, unless the amounts are released prior to June 30, 2024, plus any unexpended amounts in appropriation item C58001, Community Assistance Projects, for projects that are not specified in this section, if the Director of Budget and Management determines that such amounts are needed to complete the projects for which they were appropriated.

The amount reappropriated for the foregoing appropriation item C58050, Community Support, is the unencumbered balance as of June 30, 2024, in appropriation item C58050, Community Support, plus the unencumbered balance as of June 30, 2024, in appropriation items C25537, YMCA Dayton - Huber Heights Campus, minus \$250,000, C58033, Transforming Vital Services, C58044, Women Community Reentry Project, and C58046, Seek Inc., plus a portion of the unencumbered balance as of June 30, 2024, in appropriation item C58001, Community Assistance Projects, needed to complete the projects specified in this section.

The amount reappropriated for the foregoing appropriation item C58050, Community Support, earmarked for Dayton Boys and Girls Club (Miami Chapel Inspire Zone), is the unencumbered balance as of June 30, 2024, in appropriation item C37755, Comprehensive Outpatient Program Expansion (COPE).

The amount reappropriated for the foregoing appropriation item C58050, Community Support, earmarked for Faith Mission Life Safety and Critical Improvements, is the unencumbered balance as of June 30, 2024, in appropriation items C315HS, Charitable Pharmacy and Market, C315IT, Culture Markets, C315JC, Negev Foundation - Smart Water Stations, C58001, Community Assistance Projects, earmarked for Save a Warrior Project and YWCA Family

Center - Columbus, and C725E2, Local Parks, Recreation, and	165021
Conservation Projects, earmarked for Harrisburg Baseball	165022
Complex.	165023
	165024

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A	Project List	
B	Gracehaven-Multipurpose Building	\$2,500,000
C	Dayton Boys and Girls Club (Miami Chapel Inspire Zone)	\$1,000,000
D	Cuyahoga County Mental Health Diversion Center	\$1,700,000
E	Bellefaire Jewish Children's Bureau Child and Youth Service Center	\$1,000,000
F	Greater Dayton Regional Hospital Association	\$800,000
G	Cleveland Clinic Akron General	\$700,000
H	Cleveland Christian Home	\$700,000
I	Providence House East Side Campus Community Hub	\$700,000
J	Faith Mission Life Safety and Critical Improvements	\$560,000
K	Neighborhood Alliance YMCA Renovation	\$500,000
L	~~Unison Health Poe Road Crisis Residential~~	\$500,000

	~~Center~~ <u>Whitney Manor</u>	
M	Lorain County Health and Dentistry	\$500,000
N	Tri-County Board of Recovery and Mental Health Services	\$450,000
O	Medina County Emergency Housing Shelter	\$450,000
P	Providence House	\$400,000
Q	Ashtabula City - Samaritan House	\$400,000
R	May Dugan Building Renovation and Expansion	\$350,000
S	Western Reserve Area on Aging	\$300,000
T	Alvis House	\$300,000
U	Tiffin Community Kitchen	\$300,000
V	House of Hope-Friends of the Homeless	\$300,000
W	Saint Vincent de Paul Social Services Emergency Shelter for Men	\$250,000
X	Adams County	\$250,000
Y	Cedar Hills Transformation Camp	\$250,000
Z	YWCA Greater Cincinnati Domestic Violence Shelter East	\$250,000
AA	Sisters of Charity Health System and	\$250,000

	Sisters of Charity Foundation of Cleveland	
AB	Center for Addiction Treatment Recovery House	\$250,000
AC	TCH Outpatient Community Behavioral Health (Best Point) Building	\$250,000
AD	Toledo YWCA Domestic Violence Shelter	\$250,000
AE	CHC Addiction Services	\$250,000
AF	West Dayton Community Services Center (Easter Seals Miami Valley)	\$200,000
AG	CommQuest Recovery Campus Improvements	\$200,000
AH	Star House	\$200,000
AI	Union Miles Development Corp (Walt Collins Veterans Housing Facility)	\$200,000
AJ	Washington County Boys and Girls Club	\$175,000
AK	City of Franklin	\$150,000
AL	Y-Haven YMCA of Greater Cleveland	\$150,000
AM	Pathways for Women	\$150,000
AN	Square One Meigs	\$150,000
AO	Maryhaven	\$125,000
AP	Uptown Smiles Clinical Renovations	\$125,000

AQ	Forbes House Domestic Violence Project	\$120,000
AR	Henry County	\$110,000
AS	Seven Hills Trauma Recovery Center	\$105,000
AT	CommQuest	\$100,000
AU	Comprehensive Health Care at the Centers, Gordon Square	\$100,000
AV	Y-Haven YWCA of Greater Cleveland	\$100,000
AW	Women's Resource Center of Hancock County	\$100,000
AX	YMCA Competitive Sports Training Facility	\$75,000
AY	Grace House Akron, Inc.	\$50,000
AZ	Cadence Care Network Family and Community Resource Center	\$50,000
BA	Cornerstone of Hope	\$50,000
BB	Harbor Crisis Stabilization Unit	\$50,000
BC	Homesafe - Ashtabula	\$40,000
BD	The Commons at Springfield	\$25,000
BE	Women's Recovery Center	\$13,000

Sec. 373.15. The foregoing appropriation item C725E2,	165025
Local Parks, Recreation, and Conservation Projects, shall be	165026
equal to the amount of all unreleased local parks projects and	165027

allowable administrative costs specified in this section, unless 165028
amounts are released prior to June 30, 2024. 165029

Of the foregoing appropriation item C725E2, Local Parks, 165030
Recreation, and Conservation Projects, an amount equal to two 165031
per cent of the projects listed may be used by the Department of 165032
Natural Resources for the administration of local projects. 165033

The amount reappropriated for the foregoing appropriation 165034
item C725E2, Local Parks, Recreation, and Conservation Projects, 165035
earmarked for Mandel Jewish Community Center Preston's H.O.P.E. 165036
Playground, is the unencumbered balance as of June 30, 2024, in 165037
appropriation item C26086, Mandel Jewish Community Center. 165038

The amount reappropriated for the foregoing appropriation 165039
item C725E2, Local Parks, Recreation, and Conservation Projects, 165040
earmarked for Geller Park Pickleball Court Complex, is the 165041
unencumbered balance as of June 30, 2024, in appropriation item 165042
C315GR, Heath Port Authority Primary Standards Lab, minus 165043
\$41,000. 165044

The amount reappropriated for the foregoing appropriation 165045
item C725E2, Local Parks, Recreation, and Conservation Projects, 165046
earmarked for Lake Erie Council - Boys Scouts of America 165047
Beaumont Scout Camp, is the unencumbered balance as of June 30, 165048
2024, in appropriation item C38335, Lake Erie Council - Boys 165049
Scouts of America Beaumont Scout Camp. 165050

The amount reappropriated for the foregoing appropriation 165051
item C725E2, Local Parks, Recreation, and Conservation Projects, 165052
earmarked for Lima Simmons Field Sports Complex, is the 165053
unencumbered balance as of June 30, 2024, in appropriation item 165054
C38124, Allen County Airport Communications. 165055

The amount reappropriated for the foregoing appropriation 165056

item C725E2, Local Parks, Recreation, and Conservation Projects, 165057
earmarked for Beverly Island Park Bridge and Mid-Ohio Aquatic 165058
Center, is the unencumbered balance as of June 30, 2024, in 165059
appropriation item C230FM, Cultural and Sports Facilities 165060
Projects, earmarked for the Carnes Center. 165061

The amount reappropriated for the foregoing appropriation 165062
item C725E2, Local Parks, Recreation, and Conservation Projects, 165063
earmarked for Rootstown TWP Community Park Improvements Project, 165064
is the unencumbered balance as of June 30, 2024, in 165065
appropriation item C23062, Village of Edinburg Veterans 165066
Memorial. 165067

The amount reappropriated for the foregoing appropriation 165068
item C725E2, Local Parks, Recreation, and Conservation Projects, 165069
earmarked for Lagore Memorial Dog Park at Caesar Creek, is the 165070
unencumbered balance as of June 30, 2024, in appropriation item 165071
C230FM, Cultural and Sports Facilities Projects, earmarked for 165072
Warren County Community Services. 165073

The amount reappropriated for the foregoing appropriation 165074
item C725E2, Local Parks, Recreation, and Conservation Projects, 165075
earmarked for Versailles Heritage Park, is the unencumbered 165076
balance as of June 30, 2024, in appropriation item C230J7, 165077
Cardinal Center. 165078

The amount reappropriated for the foregoing appropriation 165079
item C725E2, Local Parks, Recreation, and Conservation Projects, 165080
earmarked for GRIT Chesapeake Community Center, is the 165081
unencumbered balance as of June 30, 2024, in appropriation item 165082
C32231, GRIT Chesapeake Community Center. 165083

The amount reappropriated for the foregoing appropriation 165084
item C725E2, Local Parks, Recreation, and Conservation Projects, 165085

earmarked for Vienna Air Heritage Park, is the unencumbered 165086
balance as of June 30, 2024, in appropriation item C34567, 165087
Western Reserve Port Authority. 165088
165089

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A	Project List	
B	Downtown Cleveland Lakefront Access Project	\$5,000,000
C	Mentor Erosion Mitigation	\$3,000,000
D	Heritage Trail Extension	\$2,500,000
E	Cleveland Tower City and Bedrock Development Activities	\$2,000,000
F	Smale Riverfront Park	\$1,700,000
G	Cincinnati Findlay Community and Recreation Center	\$1,200,000
H	Gateway to Freedom Park	\$1,200,000
I	Akron Area YMCA Camp Y-Noah Capital Improvement	\$1,000,000
J	South Point Community Pool	\$1,000,000
K	Cincinnati Zoo and Botanical Garden Pedestrian Bridge	\$900,000
L	The Wilds RV Park and Campground	\$900,000
M	Conneaut Marina Improvement	\$850,000

N	Irishtown Bend and Canal Basin Park	\$850,000
O	Auglaize Mercer Recreational Complex	\$750,000
P	Copley Ridgewood Trail	\$750,000
Q	Delhi Towne Square	\$750,000
R	Environmental Education Pavilion at Forest Lawn Stormwater Park	\$750,000
S	Glen Helen Nature Preserve Accessibility Improvements	\$750,000
T	Sandusky Bay Pathway/Landing Park	\$750,000
U	~~Seranton Trail Project~~ <u>Detroit Shoreway Project</u>	\$750,000
V	GRIT Chesapeake Community Center	\$750,000
W	Dublin Bridge Park and Greenways Project	\$650,000
X	Kurt Tunnell Memorial Trail	\$500,000
Y	Massillon Park Splash Pad	\$500,000
Z	North Ridgeville Mills Creek	\$500,000
AA	Oak Harbor Waterfront	\$500,000
AB	Sidney Feeder Canal Bike Trail	\$500,000
AC	The Foundry	\$500,000
AD	Geneva Township Park - Old Lake Road Shoreline	\$450,000

	Restoration	
AE	Hamilton-Clover Groff Trail Project	\$450,000
AF	McCord Park Renovations	\$450,000
AG	Mentor Marsh Observation Tower	\$450,000
AH	Wadsworth Memorial Park Improvements	\$420,000
AI	Mosquito Creek Lake Park Improvements	\$404,000
AJ	Buckeye Lake Feeder Channel Restoration	\$400,000
AK	Chagrin Meadows Preserve	\$400,000
AL	Kelleys Island East Lakeshore Shoreline Protection	\$400,000
AM	Lake Metroparks Lake Erie Shoreline Trail and Revetment Wall	\$400,000
AN	McDonald Commons Renovation and Construction	\$400,000
AO	Solon to Chagrin Falls Multi- Purpose Trail	\$400,000
AP	Lake Erie Council - Boys Scouts of America Beaumont Scout Camp	\$350,000
AQ	Dover Riverfront ~~Trail Connector~~ <u>Park Improvements</u>	\$350,000
AR	Alum Creek Pedestrian/Bike Bridge - Bexley	\$350,000
AS	Boeckling Building Pier	\$350,000

AT	Elyria Intergenerational Community Center	\$350,000
AU	Fairport Harbor Marina Boat Launch	\$350,000
AV	Gateway Regional Sports Complex	\$350,000
AW	Wauseon Community Social and Recreational Center	\$350,000
AX	Sheffield Village French Creek Project	\$325,000
AY	Lima Simmons Field Sports Complex	\$300,000
AZ	Camp Joy	\$300,000
BA	Canal Fulton Community Park	\$300,000
BB	Chagrin River Trail	\$300,000
BC	Creston Community Park Renovations	\$300,000
BD	Glenford Earthworks Phase III	\$300,000
BE	Kalida St. Michael Holy Name Ballpark	\$300,000
BF	Magic Mile Trail	\$300,000
BG	Massillon Park Splash Pad	\$300,000
BH	Mayerson JCC Expansion	\$300,000
BI	Niles Bike Path Bridge Improvements	\$300,000
BJ	North Canton Price Park Recreation and Accessibility Improvements	\$300,000
BK	Plain Township Diamond Park Historic Barn	\$300,000

BL	Portage Lakes Drive Community Park	\$300,000
BM	Reservoir Connector Trail Phase 2	\$300,000
BN	Solon-Chagrin Falls Multi-purpose Trail	\$300,000
BO	Wadsworth City Park	\$300,000
BP	Grailville Park Improvements	\$260,000
BQ	Cave Lake Center for Community Leadership	\$250,000
BR	Coke Oven Community Civic Center Park	\$250,000
BS	Rotary Lodge at River Cliff Park Renovation	\$250,000
BT	Covington - Schoolhouse Park	\$250,000
BU	Heights to Hudson Trail	\$250,000
BV	J. Babe Stern Ball Field	\$250,000
BW	Johnstown Splash Pad	\$250,000
BX	Lockington Trail Bridge	\$250,000
BY	SPIRE Institute and Academy	\$250,000
BZ	Timken Gatehouse Renovation	\$250,000
CA	West Carrollton Whitewater Park	\$250,000
CB	Wooster Barnes Preserve	\$250,000
CC	Beverly Island Park Bridge	\$250,000

CD	Mid-Ohio Aquatic Center	\$250,000
CE	Vienna Air Heritage Park	\$250,000
CF	Valleyview Park	\$240,000
CG	Cave Lake Dam	\$225,000
CH	Dan Beard Scout Camp Flooding and Erosion Mitigation	\$223,000
CI	Chillicothe Paint Creek Recreational Trail	\$215,000
CJ	Lawrence County Union Rome Trails and Walkways	\$214,000
CK	Mandel Jewish Community Center Preston's H.O.P.E Playground	\$210,000
CL	Geller Park Pickleball Court Complex	\$210,000
CM	Bradstreet's Landing Pier, Lakefront Access and Resiliency Improvements	\$200,000
CN	Camp Oty'Okwa Capital Improvements	\$200,000
CO	Center Gateway Improvement Project - Rocky River	\$200,000
CP	Centerville Benham's Grove	\$200,000
CQ	City of Monroe Lookout Point	\$200,000
CR	Franklin Furnace Park	\$200,000
CS	Great Miami River Trail - Middletown to Monroe Segment Construction Project	\$200,000

CT	Home Road Trail Extension	\$200,000
CU	Lorain County Metro Park Connector	\$200,000
CV	Mayerson JCC Improvements	\$200,000
CW	Mount Aloysius Community Recreational Center	\$200,000
CX	Munson Springs Nature Preserve and Historical Site	\$200,000
CY	Portage Bike and Hike Trail - Mill Race Segment	\$200,000
CZ	Shared Use Path Connector (Goosepond Road-Licking Health Department)	\$200,000
DA	Sheffield Village Trails	\$200,000
DB	Union and Rome Township Trails Project	\$200,000
DC	Shawnee West Buckeye Trail	\$195,000
DD	Jim Terrell Park Canoe/Kayak Launch	\$190,000
DE	Darke County Art Trail	\$180,000
DF	Bryn Du Barn	\$175,000
DG	Norton Bicentennial Park	\$175,000
DH	Antrim Community Center	\$150,000
DI	Brown County Board of Developmental Disabilities Resource and Community Center	\$150,000

DJ	Buckeye Lake Boat Ramps and Pier Enabling Project	\$150,000
DK	Findlay Playground/Grant Park/Over-the-Rhine Recreation Center	\$150,000
DL	Forest Park Central Park Improvements	\$150,000
DM	Lancaster All Accessible Sports Complex and Park	\$150,000
DN	Mansfield B&O Trail Connector	\$150,000
DO	Mansfield Central Park	\$150,000
DP	Medina County Rocky River Trail West Branch	\$150,000
DQ	Mill Creek Valley Conservancy District Corridor Revitalization	\$150,000
DR	Mount Gilead Park Site Preparations	\$150,000
DS	North Kingsville Village - Community Park	\$150,000
DT	North Olmsted Community Park Improvements	\$150,000
DU	Pickerington Soccer Association Facility Improvements	\$150,000
DV	Restore Rockefeller	\$150,000
DW	Rio Grande Reservoir and Park Improvements	\$150,000
DX	Swanton Railroad Park	\$150,000
DY	Wellsville Marina Dredging	\$150,000

DZ	West Union SR 41 Shared Use Path Phase II	\$140,000
EA	Bellefontaine Blue Jacket Park	\$135,000
EB	Wadsworth Durling Park Improvements	\$135,000
EC	Carey Splash Pad	\$125,000
ED	Fairlawn Gully Water Quality Basins	\$125,000
EE	Flight Line: East Dayton Rails-to-Trails	\$125,000
EF	Friedt Park	\$125,000
EG	Old Murray City School Building Demolition	\$125,000
EH	Willard Park Improvements	\$110,000
EI	Lodi's Richman Field Splash Pad	\$105,000
EJ	Avon Lake Weiss Field Park Pavilion Replacement Project	\$100,000
EK	Brunswick Hills Township Park	\$100,000
EL	Sylvania Plummer Pool	\$100,000
EM	Cobblestone Park - Medina	\$100,000
EN	Columbia Township Wooster Pike Bike Trail	\$100,000
EO	Fairfax Ziegler Park Improvements	\$100,000
EP	Holden Arboretum All-Season Trails	\$100,000
EQ	Mansfield Sterkel Park	\$100,000

ER	Mecca Township Recreation Center	\$100,000
ES	Miracle Field Complex	\$100,000
ET	Mitchell Park Trail Connector	\$100,000
EU	Ottawa Memorial Pool Splash Pad	\$100,000
EV	Outdoor Theater and Performing Arts Community Park - Hillsboro	\$100,000
EW	Pickleball Courts at Patricia Allyn Park	\$100,000
EX	Plain City Heritage Trail	\$100,000
EY	The Pony Wagon Trail	\$100,000
EZ	The Wilds Shade and Shelter Improvements	\$100,000
FA	Veterans Memorial at Rose Run Park	\$100,000
FB	Village of Bellville Historic Bandstand Renovations	\$100,000
FC	Weatherstone Park - Wadsworth	\$100,000
FD	Whitehall Community Park Revitalization	\$100,000
FE	Acres of Adventure Learning Center	\$90,000
FF	Byesville Patriot Park	\$90,000
FG	Lagore Memorial Dog Park at Caesar Creek	\$75,000
FH	4-H Camp Piedmont Upgrades	\$75,000

FI	Brook Park Central Park	\$75,000
FJ	Buckeye Lake Crystal Lagoon	\$75,000
FK	Fairborn Memorial Park	\$75,000
FL	Geneva-on-the-Lake Shoreline Protection Project	\$75,000
FM	Independence Pool Facility Improvements	\$75,000
FN	Leipsic Buckeye Park	\$75,000
FO	Little Miami River Access and Park Development	\$75,000
FP	McConnelsville Community Recreational Building	\$75,000
FQ	Middleport-Pomeroy Walking Path Project Phase IV	\$75,000
FR	Mt. Sterling Mason Park	\$75,000
FS	New Concord Swimming Pool	\$75,000
FT	Outdoor Sports Court Revitalization - Springdale	\$75,000
FU	Sharon Nature Preserve Trails Phase I	\$75,000
FV	Summit Lake Vision Plan	\$75,000
FW	Hiestand Woods Park and Preserve	\$75,000
FX	Versailles Heritage Park	\$75,000
FY	Wadsworth Safety Town Park	\$75,000
FZ	Western Reserve Greenway Bike Trail	\$75,000

GA	Voice of America MetroPark Tylersville Road Entrance	\$70,000
GB	Ellsworth Hills Learning Lab	\$65,000
GC	Buckeye Trail East Fork Wildlife Area	\$57,000
GD	Avon Lake Veterans Park Gazebo	\$50,000
GE	Bellaire Walking Trail	\$50,000
GF	Big Walnut Trail Extension and Park	\$50,000
GG	Big Walnut Trail SE Columbus - Eastland Area	\$50,000
GH	Brunswick Lake ADA Canoe/Kayak Launch	\$50,000
GI	Buckeye Lake Crystal Lagoon and Public Park	\$50,000
GJ	Caldwell Race Track Upgrades	\$50,000
GK	Camp Sherman Park	\$50,000
GL	Center Ice Foundation	\$50,000
GM	Cleveland Botanical Garden Public Accessible Garden Path	\$50,000
GN	Drews Trak Memorial Pump Track Expansion	\$50,000
GO	Greenwich Reservoir Park	\$50,000
GP	Harmar Pedestrian Bridge Restoration Projects	\$50,000
GQ	Jeromesville Square Park	\$50,000

GR	Keener Park Renovations/Pickleball Courts	\$50,000
GS	Kelley Nature Preserve Boat Ramp	\$50,000
GT	Levitt Pavilion Dayton	\$50,000
GU	Madison Village Dana's Park	\$50,000
GV	Madison Village Wetland Trail	\$50,000
GW	Milford Center Rail Depot	\$50,000
GX	Millersport Lions Park	\$50,000
GY	P&G MLB Cincinnati Reds Youth Academy	\$50,000
GZ	Pomeroy Multimodal Path	\$50,000
HA	Prairie Trail/Stitt Park Improvements	\$50,000
HB	Richmond Heights Community Park Gazebo	\$50,000
HC	Salt Fork State Park	\$50,000
HD	Shade Community Center Upgrades	\$50,000
HE	Village of Bloomdale Reservoir Project	\$50,000
HF	West Union Pedestrian Bike Path	\$50,000
HG	Bruce L. Chapin Bridge- Northcoast Inland Trail	\$45,000
HH	Selby Building Revitalization	\$45,000
HI	Village of Dunkirk Splash Pad and Storage Building	\$45,000

HJ	Burr Oak State Park	\$44,000
HK	Chippewa Falls Rail Trail Parking Lot	\$40,000
HL	Chippewa Park Shelter House	\$40,000
HM	Monroe Community Park Activity Center	\$40,000
HN	Nimisila Park Excavating	\$40,000
HO	Rittman Splash Pad	\$40,000
HP	Waverly Canal Park	\$40,000
HQ	Rootstown TWP Community Park Improvements	\$35,000
HR	Jeromesville Community Garden	\$35,000
HS	Village of Highland Hills Gazebo	\$35,000
HT	Monroeville Clark Park - North Coast Inland Trail Connection	\$33,000
HU	Camp McKinley Improvements	\$30,000
HV	Keener Park Sledding Hill	\$30,000
HW	Perry Township Community Recreation Center	\$30,000
HX	Village of Weston Community Splash Pad	\$30,000
HY	Aurora Kayak Launch Platform	\$26,000
HZ	Blue Heron Park Trail Phase II	\$25,000
IA	Charlement Reservation Stable	\$25,000

IB	East Liverpool Park Improvements	\$25,000
IC	Gloria Glens Southwest Park Grading	\$25,000
ID	YMCA Auglaize-Mercer Recreation Complex	\$25,000
IE	Rayland Friendship Park Restroom Project	\$25,000
IF	Willshire Ballpark Enhancements	\$25,000
IG	Oakwood Community Park	\$22,610
IH	Blue Heron Park Flood Mitigation	\$20,000
II	Clifton to Yellow Springs Bike Trail	\$20,000
IJ	Hardin County Veterans Memorial Park	\$20,000
IK	Moser Park Concession Stand Replacement	\$20,000
IL	Zuck Riparian Preserve Trail	\$18,000
IM	Wakeman Trail Connector	\$17,000
IN	Sardinia Veteran's Community Park Revitalization	\$15,000
IO	Seville Memorial Park Public Restroom Facilities	\$15,000
IP	Kokosing Gap Trail	\$14,000
IQ	Village of Albany Bike Paths	\$10,000
IR	Paulding County Trails Project	\$7,500
IS	Buckeye Trail Boesel Easement Bridge	\$2,800

Section 620.21. That existing Sections 200.30 (as amended 165090
by H.B. 54 of the 136th General Assembly), 207.37, 221.15 (as 165091
amended by S.B. 54 of the 135th General Assembly), 243.10 (as 165092
amended by H.B. 54 of the 136th General Assembly), 363.10, 165093
371.20 (as amended by S.B. 54 of the 135th General Assembly), 165094
and 373.15 (as amended by S.B. 54 of the 135th General Assembly) 165095
of H.B. 2 of the 135th General Assembly are hereby repealed. 165096

Section 620.30. That Sections 335.20 and 757.60 of H.B. 33 165097
of the 135th General Assembly are hereby repealed. 165098

Section 620.40. That Section 14 of H.B. 238 of the 135th 165099
General Assembly be amended to read as follows: 165100

Sec. 14. ~~(A)~~ (A) (1) The Ohio Medical Quality Foundation, 165101
described in section 3701.89 of the Revised Code, is retained 165102
under division (E) of section 101.83 of the Revised Code and 165103
expires as a statutory entity at the end of December 31, 2025. 165104

~~(B)~~ (2) It is the intent of the General Assembly, through 165105
the repeal by ~~this act~~ H.B. 238 of the 135th General Assembly of 165106
section 3701.89 of the Revised Code, to abolish the Ohio Medical 165107
Quality Foundation as a statutory entity on January 1, 2026. 165108

~~(C)~~ (3) As soon as practicable ~~after the effective date of~~ 165109
~~this section but not later than April 1, 2025,~~ the Foundation, 165110
through its corporate trustee, shall transfer all of its 165111
remaining unencumbered funds, to the extent possible under law 165112
and contract, to the Medical Quality Assurance Fund established 165113
under section 113.78 of the Revised Code. 165114

~~(D)~~ (4) As soon as practicable after the transfer described 165115
in division ~~(C)~~ (A) (3) of this section, the trustees of the 165116
Foundation shall prepare a written report identifying the 165117
following: 165118

~~(1)~~ (a) Any encumbered funds unable to be transferred to 165119
the Medical Quality Assurance Fund, including the amounts still 165120
to be distributed pursuant to contracts in effect at the time of 165121
the report's preparation; 165122

~~(2)~~ (b) The duration of any contracts in effect at the time 165123
of the report's preparation; 165124

~~(3)~~ (c) The dates on which any remaining funds will be 165125
considered unencumbered. 165126

The trustees shall submit the report to the Treasurer of 165127
State, Governor, Senate President, and Speaker of the House of 165128
Representatives. 165129

~~(E) Following the repeal of section 3701.89 of the Revised 165130
Code on January 1, 2026, the Treasurer of State shall assume the 165131
contractual duties of the Foundation, its trustees, and its 165132
corporate trustee, as identified under any contracts in effect 165133
on that date. If any payments owed by the Foundation remain in 165134
arrears on or after January 1, 2026, the Treasurer of State may 165135
make the payments on behalf of the Foundation. 165136~~

(5) For the purposes specified in this division divisions 165137
(A) (1) to (4) of this section and any others that the Treasurer 165138
of State considers necessary in winding down the affairs of the 165139
Foundation, the Treasurer of State shall be given access to the 165140
Foundation's records. 165141

(B) (1) Not later than thirty days after the Treasurer of 165142
State receives notice under section 4731.256 of the Revised Code 165143
that the foundation described in that section has been created, 165144
the Treasurer of State shall transfer all unencumbered money 165145
remaining in the Medical Quality Assurance Fund to the 165146
monitoring organization under contract with the State Medical 165147

Board pursuant to section 4731.25 of the Revised Code. 165148

(2) Not later than thirty days after the monitoring 165149
organization receives the money transferred under division (B) 165150
(1) of this section, the monitoring organization shall submit 165151
the money to the foundation's governing board described in 165152
section 4731.256 of the Revised Code. 165153

(3) On January 1, 2026, or the thirtieth day after the 165154
foundation's governing board receives the money submitted 165155
division (B) (2) of this section, whichever is later, the 165156
governing board shall complete its initial disbursement of funds 165157
in accordance with section 4731.256 of the Revised Code. 165158

Section 620.41. That existing Section 14 of H.B. 238 of 165159
the 135th General Assembly is hereby repealed. 165160

Section 630.10. That Section 6 of H.B. 150 of the 134th 165161
General Assembly is hereby repealed. 165162

Section 630.20. That Section 5 of S.B. 202 of the 134th 165163
General Assembly is hereby repealed. 165164

Section 630.30. That Section 5 of H.B. 554 of the 134th 165165
General Assembly (as amended by H.B. 101 of the 135th General 165166
Assembly) be amended to read as follows: 165167

Sec. 5. (A) This section applies to a community school 165168
described in Section 16 of H.B. 583 of the 134th General 165169
Assembly and to any other community school that is operated by a 165170
management company that operates a community school subject to 165171
that section. 165172

(B) Notwithstanding division (H) of section 3314.08 of the 165173
Revised Code, a community school established under Chapter 3314. 165174
of the Revised Code and to which this section applies may report 165175

to the Department of Education and Workforce the number of 165176
students enrolled in the community school on a full-time 165177
equivalent basis for the 2022-2023, 2023-2024, ~~and 2024-2025,~~ 165178
and 2025-2026 school years using the lesser of the following: 165179

(1) The maximum full-time equivalency for the portion of 165180
the school year for which the student is enrolled in the school; 165181

(2) The sum of one-sixth of the full-time equivalency 165182
based on attendance for the portion of the school year for which 165183
the student is enrolled in the school and one-sixth the full- 165184
time equivalency based on each credit of instruction earned 165185
during the enrollment period, not to exceed five credits. 165186

(C) (1) The Department of Education and Workforce shall 165187
complete a review of each community school that reports the 165188
full-time equivalency of students under division (B) of this 165189
section in accordance with division (K) of section 3314.08 of 165190
the Revised Code. 165191

(2) If the Department determines a school has been 165192
overpaid based on a review completed under division (C) (1) of 165193
this section, it shall require a repayment of the overpaid funds 165194
and may require the school to establish a plan to improve the 165195
reporting of enrollment. 165196

(D) Notwithstanding any provision to the contrary in the 165197
Revised Code or the Administrative Code, for purposes of 165198
reporting attendance and meeting minimum school year 165199
requirements under sections 3313.48 and 3314.03 of the Revised 165200
Code, a community school to which this section applies may 165201
report attendance to the Department of Education and Workforce 165202
consistent with the attendance policy approved by the governing 165203
authority of the school. 165204

Section 630.31. That existing Section 5 of H.B. 554 of the 165205
134th General Assembly (as amended by H.B. 101 of the 135th 165206
General Assembly) is hereby repealed. 165207

Section 630.40. That Section 270.14 of H.B. 45 of the 165208
134th General Assembly (as amended by H.B. 101 of the 135th 165209
General Assembly) be amended to read as follows: 165210

Sec. 270.14. In FY 2023, \$15,000,000 of the enhanced 165211
federal medical assistance percentage, enacted as a result of 165212
the COVID-19 pandemic, in Section 6008 of the "Families First 165213
Coronavirus Response Act," Pub. L. No. 116-127, shall be used to 165214
fund the one-time payment to each freestanding dialysis center, 165215
from GRF appropriation item 651525, Medicaid Health Care 165216
Services, in the manner in which the one-time payment is 165217
established in Section 751.20 of ~~this act~~ H.B. 45 of the 134th 165218
General Assembly. 165219

An amount equal to the unexpended, unencumbered balance of 165220
the amount allocated in this section, at the end of fiscal year 165221
2023, is hereby reappropriated to the Department of Medicaid for 165222
the same purpose in fiscal year 2024. 165223

An amount equal to the unexpended, unencumbered balance of 165224
the amount allocated in this section, at the end of fiscal year 165225
2024, is hereby reappropriated to the Department of Medicaid for 165226
the same purpose in fiscal year 2025. 165227

An amount equal to the unexpended, unencumbered balance of 165228
the amount allocated in this section, at the end of fiscal year 165229
2025, is hereby reappropriated to the Department of Medicaid for 165230
the same purpose in fiscal year 2026. 165231

Section 630.41. That existing Section 270.14 of H.B. 45 of 165232
the 134th General Assembly (as amended by H.B. 101 of the 135th 165233

General Assembly) is hereby repealed. 165234

Section 701.40. (A) The Governor may execute a Governor's 165235
Deed in the name of the State conveying to Madison County 165236
("grantee"), and its successors and assigns, to be determined in 165237
the manner provided in division (C) of this section, all of the 165238
State's right, title, and interest in the following described 165239
real estate: 165240

Situated in the State of Ohio, Madison County, Deer Creek 165241
Township, VMS 6246, being part of a 579.44 original acre tract 165242
(Deer Creek Township Parcel 05-00542.000) as conveyed to the 165243
State of Ohio Madison Correctional Prison by Deed Book 134 page 165244
347, and being more particularly described as: 165245

Beginning at a mag nail set in the centerline of State 165246
Route 38, in the line between VMS 6246 and VMS 6169, in the line 165247
between Deer Creek Township and the City of London, being the 165248
Southeast corner of a 1.000 acre tract conveyed to Tom Farms Inc 165249
by Deed Book 278 page 889 and a corner to said 579.44 original 165250
acre tract, said mag nail bears North 15°36'05" West a distance 165251
of 5646.35 feet from Madison County Monument 02-004, said mag 165252
nail bears North 04° 15' 00" East a distance of 1079.10 feet 165253
from the intersection of the centerline of State Route 38 with 165254
the line between Deer Creek Township and Union Township; 165255

Thence, with the centerline of State Route 38, said VMS 165256
line and said Corp. line, South 04° 15' 00" a distance of 616.00 165257
feet to a mag nail set; 165258

Thence, across said 579.44 original acre tract with the 165259
following two new courses: 165260

1) South 81° 53' 47" West, passing an iron pin and cap set 165261
at 35.00 feet, a total distance of 728.66 feet to an iron pin 165262

and cap set; 165263

2) North 10° 12' 38" West a distance of 569.69 feet to an 165264
iron pin and cap set in the South line of a 100 original acre 165265
tract conveyed to Tom Farms Inc by Deed Book 268 page 770; 165266

Thence, with the South line of said 100 original acre 165267
tract, North 79° 47' 22" East, passing a 1/2 inch diameter iron 165268
pipe found at the Southwest corner of said Tom Farms Inc's 1.000 165269
acre tract at 591.70 feet, passing a 5 inch diameter steel post 165270
in concrete found at 849.53 feet, a total distance of 881.99 165271
feet returning to the Point of Beginning, containing 10.8003 165272
Acres more or less. 165273

Bearings are based on the centerline of State Route 38 165274
(North 04° 15' 00" East) as described in Official Record 307 165275
page 2131. 165276

Subject to and with the benefit of all legal highways, 165277
restrictions, easements, limitations, and reservations, of 165278
record, if any and to zoning restrictions which have been 165279
imposed thereon, if any. 165280

All iron pins are 5/8-inch diameter rebar with yellow 165281
plastic cap stamped "Cotrill Surveying." 165282

The foregoing legal description may be corrected or 165283
modified by the Department of Administrative Services to a final 165284
form if such corrections or modifications are needed to 165285
facilitate recordation of the deed. 165286

(B) (1) The conveyance includes improvements and chattels 165287
situated on the real estate, and is subject to all easements, 165288
covenants, conditions, leases, and restrictions of record: all 165289
legal highways and public rights-of-way; zoning, building, and 165290
other laws, ordinances, restrictions, and regulations; and real 165291

estate taxes and assessments not yet due and payable. The real 165292
estate shall be conveyed in an "as-is, where-is, with all 165293
faults" condition. 165294

(2) The deed for conveyance of the real estate may contain 165295
restrictions, exceptions, reservations, reversionary interests, 165296
and other terms and conditions the Director of Administrative 165297
Services determines to be in the best interest of the state. 165298

(3) Subsequent to the conveyance, any restrictions, 165299
exceptions, reservations, reversionary interests, or other terms 165300
and conditions contained in the deed may be released by the 165301
state or the Department of Administrative Services without the 165302
necessity of further legislation. 165303

(C) The Director of Administrative Services shall offer 165304
the real estate to the grantee to be determined through a real 165305
estate purchase agreement. Consideration for the conveyance of 165306
the real estate described in division (A) of this section shall 165307
be at a price acceptable to the Director of Administrative 165308
Services. If the grantee to be determined does not complete the 165309
purchase of the real estate within the time period provided in 165310
the real estate purchase agreement, the Director of 165311
Administrative Services may use any reasonable method of sale to 165312
determine an alternate grantee willing to complete the purchase 165313
within three years after the effective date of this section. The 165314
Department of Administrative Services shall pay all advertising 165315
costs, additional fees, and other costs incident to the sale of 165316
the real estate to an alternate grantee. 165317

(D) The real estate described in division (A) of this 165318
section shall be sold as an entire tract and not in parcels. 165319

(E) Except as otherwise specified above, the grantee shall 165320

pay all costs associated with the purchase, closing and 165321
conveyance, including surveys, title evidence, title insurance, 165322
transfer costs and fees, recording costs and fees, taxes, and 165323
any other fees, assessments, and costs that may be imposed. 165324

The proceeds of the sale shall be deposited into the state 165325
treasury to the credit of the General Revenue Fund. 165326

(F) Upon execution of the real estate purchase agreement, 165327
the Director of Administrative Services, with the assistance of 165328
the Attorney General, shall prepare a Governor's Deed to the 165329
real estate described in division (A) of this section. The 165330
Governor's Deed shall state the consideration and shall be 165331
executed by the Governor in the name of the state, countersigned 165332
by the Secretary of State, sealed with the Great Seal of the 165333
State, presented in the Department of Administrative Services 165334
for recording, and delivered to the grantee. The grantee shall 165335
present the Governor's Deed for recording in the Office of the 165336
Franklin County Recorder. 165337

Section 701.50. Sections 122.1712 and 122.1713 of the 165338
Revised Code, as enacted by this act, shall be known as the 165339
Platinum Provider Act. 165340

Section 701.60. When calculating the state appropriation 165341
limitation for fiscal year 2028, the Governor shall determine 165342
the limitation taking into account the amendments to or 165343
enactments of sections 107.032 to 107.034 of the Revised Code 165344
contained in Section 101.01 of this act. 165345

Section 701.70. All public officers whose compensation 165346
cannot be changed during the officer's term under Ohio 165347
Constitution, Article II, Section 20, shall continue receiving 165348
for the remainder of the officer's term the amount the official 165349

is entitled to under section 325.18, 505.24, or 507.09 of the
Revised Code before the effective date of the amendments to
those sections made by this act until the officer begins a new
term and may constitutionally receive the changed compensation
amount.

Section 701.90. The Auditor of State shall conduct a
performance audit of the Public Utilities Commission of Ohio,
which shall include a review of the Ohio Power Siting Board, in
accordance with sections 117.46 to 117.463 of the Revised Code.
The Auditor of State shall release the audit not later than May
1, 2027.

Section 701.100. The Rare Disease Advisory Council shall
prepare and submit a final report to the General Assembly, in
accordance with division (B) of section 101.68 of the Revised
Code, not later than December 31, 2025.

Section 701.110. (A) Each agency to which section 121.93
of the Revised Code applies shall review its operations to
identify principles of law or policy that have not been stated
in a rule and that the agency is relying upon in conducting
adjudications or other determinations of rights and liabilities
or in issuing writings and other materials, such as
instructions, directives, policy statements, guidelines,
handbooks, manuals, advisories, notices, circulars,
advertisements, forms, letters, and opinions. An agency is not
required to identify principles of law or policy relied upon in
issuing internal management rules as defined in section 111.15
of the Revised Code.

Not later than November 30, 2025, each agency to which
section 121.93 of the Revised Code applies shall electronically
transmit a report to the Joint Committee on Agency Rule Review

containing all of the following: 165380

(1) A statement that the agency has completed the review 165381
required by this section; 165382

(2) The principles of law or policies identified under 165383
this division; 165384

(3) The agency's considerations regarding the identified 165385
principles of law or policies under division (C) of this 165386
section; 165387

(4) Any principles of law or policies for which the agency 165388
determines rulemaking is indicated or for which the agency has 165389
commenced the rule-making process under division (C) of this 165390
section. 165391

(B) The Joint Committee on Agency Rule Review shall make 165392
the reports available on its web site. 165393

(C) Each agency to which section 121.93 of the Revised 165394
Code applies shall determine whether a principle of law or 165395
policy identified in a review required under this section has a 165396
general and uniform operation and establishes a legal regulation 165397
or standard that would not exist in its absence. If the 165398
principle of law or policy has these characteristics, the agency 165399
shall evaluate the principle or policy using the standards in 165400
division (B) of section 121.93 of the Revised Code, as amended 165401
by this act, to determine whether the principle of law or policy 165402
should be supplanted by its restatement in a rule. If the agency 165403
determines, in light of the standards, that rulemaking is 165404
indicated, the agency shall commence the rule-making process in 165405
accordance with divisions (C) and (D) of section 121.93 of the 165406
Revised Code, as amended by this act. 165407

Section 701.130. (A) As used in this section, "state 165408

agency" and "state employee" have the same meanings as in 165409
section 124.184 of the Revised Code, as enacted by this act. 165410

(B) Not later than December 31, 2026, each state agency 165411
required to develop a plan under section 124.184 of the Revised 165412
Code regarding the work location of the agency's state employees 165413
shall submit an implementation report to the Director of 165414
Administrative Services during the period established by the 165415
Director that describes the agency's compliance with that plan. 165416
The agency shall include both of the following in the report: 165417

(1) The number of the agency's state employees who report 165418
to the agency's worksite or another location designated by the 165419
agency under that section; 165420

(2) The wages and job classification of the agency's state 165421
employees. 165422

Section 701.140. (A) The Auditor of State shall conduct a 165423
performance audit and a financial audit of the Ohio Judicial 165424
Conference in accordance with the applicable provisions of 165425
Chapter 117. of the Revised Code. 165426

(B) The Auditor of State shall submit the audit results to 165427
the Speaker of the House of Representatives and President of the 165428
Senate not later than December 31, 2026. 165429

Section 709.10. Of the two additional members appointed to 165430
the Ohio Grape Industries Committee under section 924.51 of the 165431
Revised Code as amended by this act, the initial term of office 165432
of one member shall be for a term of one year and the initial 165433
term of office of one member shall be for a term of two years. 165434
Thereafter, terms of those members shall be for three years as 165435
provided in that section. 165436

Section 731.10. A county prevention specialist who is 165437

serving an existing term on a child abuse and child neglect 165438
regional prevention council in accordance with section 3109.172 165439
of the Revised Code as of the effective date of this section may 165440
complete the council member's term of office. 165441

Section 733.20. (A) Notwithstanding the repeal and 165442
reenactment by this act of sections 3313.902, 3314.38, and 165443
3345.86 of the Revised Code and the repeal by this act of 165444
sections 3317.23, 3317.231, and 3317.24 of the Revised Code 165445
effective July 1, 2026, any individual enrolled in a program 165446
established under one of those sections may do either of the 165447
following: 165448

(1) Complete the program in accordance with the applicable 165449
section, as it existed prior to the section's repeal or repeal 165450
and reenactment by this act, provided the individual completes 165451
the program not later than June 30, 2027; 165452

(2) Complete a program described in section 3313.902, 165453
3314.38, or 3345.86 of the Revised Code in accordance with the 165454
applicable section, as enacted by this act. 165455

(B) The Department of Education and Workforce shall pay an 165456
eligible institution or eligible provider as required by the 165457
section under which the individual completes the program. 165458

Section 733.30. Notwithstanding anything to the contrary 165459
in division (D) of section 3301.079 and section 3301.0715 of the 165460
Revised Code, as amended by this act, for the 2025-2026 school 165461
year, school districts, community schools established under 165462
Chapter 3314., and STEM schools established under Chapter 3326. 165463
of the Revised Code shall administer each diagnostic assessment 165464
in accordance with those sections as they existed prior to the 165465
effective date of their amendment by this act. 165466

Section 733.40. Notwithstanding anything to the contrary 165467
in Revised Code, nothing prohibits any other community college, 165468
as defined in section 3333.168 of the Revised Code, from serving 165469
the counties previously served by Eastern Gateway Community 165470
College under section 3354.24 of the Revised Code. 165471

Nothing in this section exempts a community college from 165472
academic program approval by the Chancellor of Higher Education 165473
under section 3333.04 of the Revised Code or from seeking 165474
approval under rules adopted by the Chancellor. 165475

Section 733.70. (A) The Department of Education and 165476
Workforce shall evaluate each sponsor of a community school 165477
pursuant to section 3314.016 of the Revised Code for the 2025- 165478
2026 school year. Each sponsor's rating for that school year 165479
shall determine the sponsor's evaluation cycle under division 165480
(B) (6) (b) of that section. 165481

(B) As the Office of Ohio School Sponsorship established 165482
under section 3314.029 of the Revised Code assumes sponsorship 165483
of Alternative Education Academy, also known as OHDELA, pursuant 165484
to a settlement agreement with the community school effective 165485
July 1, 2025, the Department shall not include the school when 165486
calculating the academic component of the Office's sponsor 165487
evaluation for the 2025-2026 and 2026-2027 school years. If the 165488
Office continues to sponsor the school after the 2026-2027 165489
school year, the Department shall include the school when 165490
calculating the academic component of the Office's evaluation. 165491

Section 733.80. (A) The Director of Education and 165492
Workforce shall establish a workgroup on student transportation. 165493
The workgroup shall consist of members selected by the Director 165494
and shall include representatives from each of the following: 165495

(1) The chairpersons of the standing committees of the 165496
House of Representatives and the Senate that consider primary 165497
and secondary education legislation; 165498

(2) The ranking members of the standing committees of the 165499
House of Representatives and the Senate that consider primary 165500
and secondary education legislation; 165501

(3) School districts, including districts from rural, 165502
small town, suburban, and urban typologies; 165503

(4) Career-technical education centers; 165504

(5) Educational service centers; 165505

(6) Community schools established under Chapter 3314. of 165506
the Revised Code; 165507

(7) Chartered nonpublic schools; 165508

(8) The Ohio Association for Pupil Transportation. 165509

(B) The workgroup shall do both of the following: 165510

(1) Monitor and review the student transportation system 165511
during the 2025-2026 school year and develop recommendations for 165512
changes to better meet the transportation needs of Ohio 165513
students; 165514

(2) Conduct a study of and develop recommendations 165515
regarding the feasibility of each school district board of 165516
education providing transportation to students enrolled in a 165517
community school or nonpublic school on days that the community 165518
school or nonpublic school is open for operation with students 165519
in attendance but the school district is not open for operation 165520
with students in attendance on that day. 165521

(C) Not later than June 30, 2026, the workgroup shall 165522

submit to the Governor and the General Assembly, in accordance 165523
with section 101.68 of the Revised Code, a report on its 165524
findings and recommendations. Upon submission of the report, the 165525
workgroup shall cease to exist. 165526

Section 733.90. (A) The amendment by this act of section 165527
3307.05 of the Revised Code does not affect the terms of the 165528
members of the State Teachers Retirement Board serving on the 165529
effective date of this section. Division (B) of section 3307.05 165530
of the Revised Code does not apply to appointed members of the 165531
Board serving on the effective date of this section. 165532

(B) Pursuant to section 3307.05 of the Revised Code, as 165533
amended by this act, as soon as practicable after the effective 165534
date of this section, all of the following apply: 165535

(1) The Chancellor of Higher Education shall take office 165536
on the Board or designate an individual to serve on the Board as 165537
the Chancellor's designee. 165538

(2) The Treasurer of State shall appoint to the Board the 165539
Treasurer of State's investment designee. 165540

(3) The Speaker of the House of Representatives and the 165541
President of the Senate each shall appoint one investment expert 165542
member to the Board. 165543

(C) (1) The office of the contributing member of the Board 165544
described under former division (D) of section 3307.05 of the 165545
Revised Code whose term expires on August 31, 2026, is abolished 165546
on that date. 165547

(2) The office of the contributing member of the Board 165548
described under former division (D) of section 3307.05 of the 165549
Revised Code whose term expires on August 31, 2027, is abolished 165550
on that date. 165551

(3) The office of the contributing member of the Board 165552
described under former division (D) of section 3307.05 of the 165553
Revised Code whose term expires on August 31, 2028, is abolished 165554
on that date. 165555

(D) The office of the retired teacher member of the Board 165556
described under former division (E) of section 3307.05 of the 165557
Revised Code whose term expires on August 31, 2026, is abolished 165558
on that date. 165559

Section 735.10. This act first applies to the nomination 165560
of candidates for the office of member of a board of education, 165561
and the election of those nominees at the following general 165562
election, beginning with the next primary election held in an 165563
even-numbered year that is held at least one hundred twenty days 165564
after the effective date of this section. 165565

Section 737.10. (A) The Director of Environmental 165566
Protection shall conduct a review to assess the motor vehicle 165567
inspection and maintenance program that is implemented in 165568
accordance with section 3704.14 of the Revised Code. The 165569
Director shall include all of the following in the review: 165570

(1) A determination of the necessity of the program; 165571

(2) An evaluation of whether each county that is subject 165572
to the program during the prior calendar year has achieved, and 165573
has the ability to maintain, compliance with federal ozone 165574
standards without implementation of the program in that county. 165575
The evaluation shall include the most recent air quality 165576
monitoring data and predictive modeling of future compliance. 165577

(3) An analysis of whether a revision to Ohio's state 165578
implementation plan could be submitted to the United States 165579
Environmental Protection Agency to discontinue the program while 165580

maintaining compliance with national ambient air quality 165581
standards. If the Director's analysis finds that compliance may 165582
be achieved without participation in the program, the Director 165583
shall formally submit a request to the United States 165584
Environmental Protection Agency for reconsideration of the 165585
program's implementation in affected regions. 165586

(4) After proper monitoring, an analysis of weather 165587
patterns over northeast Ohio and the entire great lakes region 165588
with respect to how those patterns impact ozone levels, air 165589
circulation, and overall emissions. The analysis shall include a 165590
review of temperature inversions, seasonal variations, and other 165591
meteorological factors that could contribute to emissions 165592
buildup or dispersion. The analysis also shall evaluate current 165593
ozone levels and how such weather patterns affect compliance 165594
status with the national ambient air quality standards. 165595

(5) Any potential alternative measures for maintaining air 165596
quality if the program is altered or discontinued. 165597

(B) Not later than eighteen months after the effective 165598
date of this section, the Director shall compile the findings of 165599
the review into a report. The Director shall submit the report 165600
to the General Assembly and make the report available to the 165601
public on the Environmental Protection Agency's web site. 165602

Section 737.30. Not later than ninety days after the 165603
effective date of this section, the Director of Health shall 165604
adopt rules in accordance with Chapter 119. of the Revised Code 165605
to implement division (A) (22) of section 3718.02 of the Revised 165606
Code. 165607

Section 739.20. PRIVATE INSURANCE OUTREACH PROGRAM 165608

During fiscal year 2027, the Department of Insurance shall 165609

create and administer an outreach program to provide 165610
information, awareness, and assistance to Medicaid recipients to 165611
help them transition from Medicaid to private insurance. 165612

Section 741.10. (A) As used in this section, 165613
"contributions," "contributory employer," "payments in lieu of 165614
contributions," and "wages" have the same meanings as in section 165615
4141.01 of the Revised Code. 165616

(B) Except as provided in division (E) of this section, 165617
the Director of Job and Family Services shall, in accordance 165618
with division (C) of this section, collect a technology and 165619
customer service fee from all contributory employers and all 165620
nonprofit organizations, or groups of such organizations, that 165621
elect to become liable for payments in lieu of contributions 165622
under section 4141.241 of the Revised Code. 165623

(C) (1) The Director shall collect a technology and 165624
customer service fee of not more than fifteen-hundredths of one 165625
per cent of wages per employee subject to this chapter from each 165626
contributory employer. The Director shall collect any fee due 165627
under this section from a contributory employer at the same time 165628
and in the same manner as contributions due under section 165629
4141.25 of the Revised Code. 165630

(2) At the time a nonprofit organization, or group of such 165631
organizations, that elects to become liable for payments in lieu 165632
of contributions files or renews a surety bond with the Director 165633
in accordance with division (C) of section 4141.241 of the 165634
Revised Code, the Director shall collect a technology and 165635
customer service fee of not more than thirteen dollars and fifty 165636
cents from the organization or group of organizations. 165637

(D) Technology and customer service fees collected under 165638

this section shall be paid into the Unemployment Compensation 165639
Special Administrative Fund established in section 4141.11 of 165640
the Revised Code. 165641

(E) The technology and customer service fee required under 165642
this section applies only to the period beginning December 31, 165643
2025, and ending December 31, 2027. 165644

Section 745.10. (A) As used in this section: 165645

(1) "Classic motor vehicle" has the same meaning as in 165646
section 4517.021 of the Revised Code. 165647

(2) "Absolute auction" has the same meaning as in section 165648
4707.01 of the Revised Code. 165649

(3) "Auction firm" and "auction services" have the same 165650
meanings as in section 4707.01 of the Revised Code. 165651

(4) "Collector's motor vehicle" means a motor vehicle that 165652
has all of the following characteristics: 165653

(a) It is of special interest. 165654

(b) It has a fair market value of not less than one 165655
hundred dollars, regardless of whether the motor vehicle is 165656
operable. 165657

(c) It is owned, operated, collected, preserved, restored, 165658
maintained, or used primarily as a collector's item, leisure 165659
pursuit, or investment rather than as the owner's primary means 165660
of transportation. 165661

(5) "Owner" includes any person or entity that has title 165662
to a motor vehicle. 165663

(B) Beginning on the effective date of this section 165664
through August 1, 2026, a person auctioning classic motor 165665

vehicles and collector's motor vehicles is exempt from the 165666
vehicle auction-related requirements and prohibitions of Chapter 165667
4517. of the Revised Code, provided all of the following apply: 165668

(1) All of the vehicles that will be auctioned are either 165669
classic motor vehicles or collector's motor vehicles; 165670

(2) One or more of the vehicles will be auctioned on 165671
behalf of a nonprofit organization that is exempt from federal 165672
income taxation under section 501(c)(3) of the Internal Revenue 165673
Code and that is located in Ohio; 165674

(3) Not less than three-fourths of the vehicles will be 165675
auctioned through the style of an absolute auction; 165676

(4) The auction will last not more than three days; 165677

(5) The auction will be held at an exposition center in 165678
the largest city by population in Ohio, according to the most 165679
recent federal decennial census; 165680

(6) The person will only hold one auction of classic motor 165681
vehicles and collector's motor vehicles between the effective 165682
date of this section and August 1, 2026; 165683

(7) The person requests and receives permission for the 165684
auction from the Registrar of Motor Vehicles in accordance with 165685
division (C) of this section. 165686

(C)(1) Not less than thirty days prior to the proposed 165687
date of the auction, the person intending to host an auction in 165688
accordance with division (B) of this section shall file an 165689
application requesting approval for the auction with the 165690
Registrar that contains all of the following: 165691

(a) The person's name and business address; 165692

- (b) The location of the auction; 165693
- (c) Evidence, sufficient to satisfy the Registrar, that 165694
the person does not exclusively sell motor vehicles; 165695
- (d) Any necessary, reasonable, and relevant information 165696
that the Registrar may require to verify compliance with this 165697
section. 165698
- (2) The application shall be signed and sworn to by the 165699
applicant. 165700
- (D) The person hosting an auction in accordance with 165701
division (B) of this section shall do all of the following: 165702
- (1) Auction any classic motor vehicle or collector's motor 165703
vehicle to the general public for the legal owner of the 165704
vehicle, of which ownership must be evidenced at the time of the 165705
auction by a valid certificate of title; 165706
- (2) Keep a record of the following information for each 165707
classic motor vehicle and collector's motor vehicle offered for 165708
sale at the auction, in a manner prescribed by the Registrar: 165709
- (a) The certificate of title number, county, and state of 165710
registration; 165711
- (b) The year, make, model, and vehicle identification 165712
number; 165713
- (c) The name and address of the person offering the 165714
vehicle for sale; 165715
- (d) The name and address of any vehicle purchaser; 165716
- (e) The date the vehicle is offered for sale; 165717
- (f) Any purchase price; 165718

(g) The odometer reading at the time of the auction and an 165719
odometer statement from the person offering the vehicle for sale 165720
at auction that complies with 49 U.S.C. 32705. 165721

(3) Allow reasonable inspection by the Registrar of the 165722
person's records relating to each classic motor vehicle and 165723
collector's motor vehicle auctioned. 165724

(E) Any person who auctions classic motor vehicles and 165725
collector's motor vehicle under this section shall use the 165726
auction services of an auction firm to conduct the auction. 165727

(F) The Registrar may refuse permission to hold an auction 165728
if the Registrar finds that the parameters of the auction do not 165729
comply with division (B) of this section or that the applicant 165730
made a false statement of a material fact in the application 165731
filed under division (C) of this section. 165732

(G) The Registrar shall not authorize a person licensed 165733
under section 4707.072 of the Revised Code to offer auction 165734
services or act as an auctioneer in regard to an auction of 165735
classic motor vehicles and collector's motor vehicle pursuant to 165736
this section. 165737

(H) Nothing in this section shall be interpreted as 165738
modifying or conflicting with the requirements of Chapter 4707. 165739
of the Revised Code. 165740

Section 751.20. (A) The Department of Medicaid shall 165741
conduct a comprehensive study on the feasibility, legality, and 165742
potential cost savings of establishing a Medicaid waiver 165743
component that establishes work requirements for Medicaid 165744
recipients and includes additional supplemental workforce 165745
development requirements. 165746

(B) As part of the study required under this section, the 165747

Department shall evaluate the impact of requiring Medicaid 165748
recipients who maintain eligibility by satisfying work 165749
requirements for twelve consecutive months to enroll in a 165750
workforce development program that satisfies either of the 165751
following: 165752

(1) The program is a state-sponsored workforce development 165753
program that can be completed within twelve months. 165754

(2) The program is one that is offered through a private 165755
or public training facility, community college, or university 165756
that can be completed within twelve months. 165757

(C) The study required under this section shall assess all 165758
of the following: 165759

(1) The legal feasibility of implementing the requirements 165760
described in division (B) of this section; 165761

(2) The workforce development training capacity within 165762
this state; 165763

(3) The potential cost savings associated with 165764
implementing the requirements described in division (B) of this 165765
section; 165766

(4) The projected impact on Medicaid enrollment in this 165767
state if the requirements described in division (B) of this 165768
section were to be implemented. 165769

(D) Not later than September 1, 2026, the Medicaid 165770
Director shall prepare a report detailing the Department's 165771
findings of the study conducted under this section, including 165772
any policy recommendations. The report shall be submitted to the 165773
Governor, the Speaker of the House of Representatives, the 165774
President of the Senate, and the chairperson of the finance 165775

committee of both the House of Representatives and Senate. 165776

Section 751.30. (A) (1) The Child Care Provider Recruitment 165777
and Mentorship Grant Program is created in the Department of 165778
Children and Youth. Under the program, the Department shall 165779
award grants to eligible organizations for the following 165780
purposes: 165781

(a) To increase, through recruitment efforts, Ohio's 165782
supply of licensed child care providers, including at least one 165783
hundred twenty new family child care homes, especially in areas 165784
or communities of the state most in need of such care; 165785

(b) To assist entities and individuals recruited under the 165786
program in establishing and operating child care businesses and 165787
adopting business practices to best serve the needs of Ohio's 165788
families. 165789

(2) The Department shall operate the program described in 165790
division (A) (1) of this section until July 1, 2027. 165791

(3) Each grant recipient shall do all of the following 165792
over the course of the recipient's grant period: 165793

(a) With the assistance of the Department and relevant 165794
stakeholders, identify and recruit entities and individuals 165795
interested in operating family child care homes, in particular, 165796
in areas and communities with limited access to such homes; 165797

(b) Partner with prospective child care providers to 165798
assist them in developing and implementing child care business 165799
models; 165800

(c) Assist prospective child care providers in obtaining 165801
licensure under Chapter 5104. of the Revised Code; 165802

(d) Mentor licensed child care providers in such topics as 165803

operating, maintaining, and expanding child care businesses. 165804

(B) An organization seeking a program grant shall apply to 165805
the Department in the manner prescribed by the Department. To be 165806
eligible for a program grant, an applicant shall demonstrate 165807
that it is able to do all of the following: 165808

(1) In collaboration with the Department and relevant 165809
stakeholders, plan, staff, and hold events, either in-person or 165810
virtually, to identify and recruit prospective child care 165811
providers; 165812

(2) Develop informational materials to assist licensed 165813
child care providers with marketing, advertising, and outreach; 165814

(3) Establish a software platform, with a customizable 165815
dashboard, that may be accessed by licensed child care providers 165816
to assist them with tasks such as marketing their businesses, 165817
enrolling children, communicating with families, billing for 165818
services, and reporting expenses; 165819

(4) Offer and provide coaching and training to child care 165820
staff employed by licensed child care providers, which may 165821
include in-person, group training sessions, on-site coaching 165822
visits, community forums, and other events; 165823

(5) Perform any other activity the Department considers 165824
relevant. 165825

The Department shall review each application it receives 165826
under this section. After receiving an application it considers 165827
complete, the Department shall determine whether the applicant 165828
meets the eligibility conditions described in this division. If 165829
the eligibility conditions are met, and subject to available 165830
funds, the Department shall award a grant to the recipient. Each 165831
grant shall expire at the close of fiscal year 2027. 165832

(C) The Department shall require each grant recipient, as 165833
a condition of continued funding, to submit to the Department on 165834
a periodic basis reports describing the recipient's progress in 165835
partnering with, assisting, and mentoring prospective and 165836
licensed child care providers, in particular the number and 165837
content of trainings offered by the recipient, the types of 165838
software or web site platforms the recipient makes available to 165839
child care providers, and any other information the Department 165840
considers necessary. The reports shall be completed and 165841
submitted in the manner and at the intervals prescribed by the 165842
Department. 165843

Section 751.40. (A) The Ibogaine Treatment Study Committee 165844
is established to study and evaluate the use of ibogaine for the 165845
care and treatment of individuals with substance use disorders 165846
and veterans with post-traumatic stress disorder, depression, 165847
and mild traumatic brain injuries. In conducting its study and 165848
evaluation, the committee shall consider the following topics: 165849

(1) The needs of individuals with substance use disorders; 165850

(2) The needs of veterans with post-traumatic stress 165851
disorder, depression, and mild traumatic brain injuries; 165852

(3) The efficacy of using ibogaine for the care and 165853
treatment of the individuals specified in divisions (A) (1) and 165854
(2) of this section, including a review of available scientific 165855
literature; 165856

(4) State and federal law regarding ibogaine; 165857

(5) Any other topics the committee considers relevant. 165858

(B) The committee consists of the following six members: 165859

(1) Four members of the General Assembly, two appointed by 165860

the Speaker of the House of Representatives and two appointed by 165861
the Senate President; 165862

(2) The Director of Behavioral Health or the Director's 165863
designee; 165864

(3) The Director of Veterans Services or the Director's 165865
designee. 165866

The members shall be appointed not later than thirty days 165867
after the effective date of this section. Vacancies, including 165868
any vacancy due to the expiration of a member of the General 165869
Assembly's term of office, shall be filled not later than thirty 165870
days after the vacancy occurs in the same manner as the original 165871
appointment. The members shall select a chairperson from among 165872
the committee's membership and shall meet as necessary to 165873
satisfy the requirements of this section. 165874

(C) Not later than December 31, 2027, the committee shall 165875
prepare and submit to the General Assembly a report of its 165876
recommendations for legislation addressing use of ibogaine for 165877
the care and treatment of individuals with substance use 165878
disorders and veterans with post-traumatic stress disorder, 165879
depression, and mild traumatic brain injuries. The report shall 165880
be submitted in accordance with section 101.68 of the Revised 165881
Code. The Ohio Department of Behavioral Health shall provide to 165882
the committee the administrative support necessary to execute 165883
its duties. 165884

(D) The committee ceases to exist on the submission of the 165885
report described in division (C) of this section. 165886

Section 751.70. Not later than December 31, 2027, the 165887
Auditor of State shall conduct a performance and fiscal audit of 165888
the Department of Medicaid's next generation system. The Auditor 165889

of State shall submit a copy of the audit report to the the 165890
standing committees of the House of Representatives and the 165891
Senate that primarily consider legislation governing the 165892
Medicaid program and the Legislative Service Commission. 165893

In conducting the audit under this section, the Auditor of 165894
State may examine any of the following components of the system: 165895

- (A) The Provider Network Management; 165896
- (B) The Ohio Medicaid Enterprise System; 165897
- (C) The Ohio Resilience Through Integrated Systems and 165898
Excellence (OhioRISE) Program; 165899
- (D) The Electronic Data Interchange; 165900
- (E) The Medicaid state pharmacy benefit manager that was 165901
selected in accordance with section 5167.24 of the Revised Code; 165902
- (F) Centralized Provider Credentialing; 165903
- (G) Prior authorization requirements; 165904
- (H) Issues with late payments to Medicaid providers; 165905
- (I) Any other aspects of the system that the Auditor of 165906
State considers relevant. 165907

Section 751.80. PRIVATE INSURANCE OUTREACH PROGRAM 165908

During Fiscal Year 2027, the Department of Medicaid shall 165909
create and administer an outreach program to provide 165910
information, awareness, and assistance to Medicaid recipients to 165911
help them transition from Medicaid to private insurance. 165912

Section 751.90. HIGH-THC CANNABIS IMPACT RESEARCH STUDY 165913

(A) As used in this section, "cannabis" and "THC" have the 165914
same meanings as in section 3780.01 of the Revised Code. 165915

(B) The Department of Behavioral Health, in collaboration 165916
with the Department of Commerce, shall conduct a study in 165917
partnership with a qualified Ohio public university, public 165918
safety agency, or research consortium selected by the Department 165919
of Behavioral Health to assess the potential health risks and 165920
benefits of cannabis and hemp-derived product use and to review 165921
state-level program evaluations from other states and peer- 165922
reviewed research regarding the following: 165923

(1) Physical, behavioral, cognitive, and 165924
neurodevelopmental effects of chronic or early use of high- 165925
potency THC cannabis products, particularly among individuals 165926
under the age of twenty-five; 165927

(2) Cannabis-induced psychosis and schizophrenia; 165928

(3) Cannabis hyperemesis syndrome; 165929

(4) The relationship between cannabis use and depression, 165930
anxiety, suicidal ideation, completed suicides, and cannabis use 165931
disorder; 165932

(5) The relationship between cannabis use and cognitive 165933
and neurodevelopmental impairments such as decline in memory and 165934
executive functioning; 165935

(6) Disproportionate impacts of cannabis use on vulnerable 165936
populations, including youth, pregnant women, unborn children, 165937
and individuals with a history of trauma or mental illness; 165938

(7) The relationship between cannabis use and IQ loss; 165939

(8) Health benefits of cannabis and hemp-derived products, 165940
including potential therapeutic uses and recommended guidelines 165941
for potency and usage. 165942

(C) The Department of Behavioral Health shall submit two 165943

reports to the Governor and the General Assembly in accordance 165944
with section 101.68 of the Revised Code and shall publish a copy 165945
of each report on the Department's web site. The initial report 165946
shall be submitted by June 30, 2026, and the final report shall 165947
be submitted by June 30, 2027. Each report shall include the 165948
following: 165949

(1) A comparative analysis of THC regulations, potency 165950
limits, and health outcomes from other states' cannabis 165951
programs; 165952

(2) A synthesis of peer-reviewed research and reputable 165953
state program data; 165954

(3) Recommendations for cannabis regulation, prevention 165955
education, public education campaigns, and outreach efforts for 165956
stakeholders such as the General Assembly, state agencies, 165957
employers, educators, and the general public. 165958

(D) The Department of Behavioral Health shall seek the 165959
input of the following as necessary to complete the report 165960
required by division (C) of this section: 165961

(1) The Department of Health; 165962

(2) RecoveryOhio; 165963

(3) The Bureau of Workers' Compensation; 165964

(4) The Department of Public Safety; 165965

(5) The Attorney General; 165966

(6) The State Medical Board; 165967

(7) The Ohio High Intensity Drug Trafficking Area; 165968

(8) Prevention consultants certified by the Chemical 165969
Dependency Professionals Board; 165970

(9) Children's hospitals.	165971
Section 751.100. PLACEMENT OF CHILDREN IN GROUP HOMES	165972
(A) As used in this section, "group home" has the same meaning as "group home for children" in section 5103.05 of the Revised Code.	165973 165974 165975
(B) The operator of a group home shall not displace a child who is placed in the group home as of the effective date of this section in order to comply with the ratio requirements established in rules adopted under division (B) (3) of section 5103.0520 of the Revised Code. The operator shall not accept the placement of additional children until the group home has complied with the ratio requirements.	165976 165977 165978 165979 165980 165981 165982
Section 751.120. The Department of Medicaid shall conduct a request for information to study the feasibility of requiring Medicaid managed care organizations to conduct internal data cross checks.	165983 165984 165985 165986
Section 751.150. The Department of Rehabilitation and Correction shall create a pilot program in the Ross Correctional Institution to ensure that no private entity provides food service within the institution and instead utilizes state employees to oversee meals and food service to the extent such a program does not conflict with existing contracts.	165987 165988 165989 165990 165991 165992
Section 751.160. (A) As used in this section:	165993
(1) "Electronic visit verification system" has the same meaning as in 42 U.S.C. 1396b.	165994 165995
(2) "Integrated care delivery system" means the demonstration project implemented as described in section 5164.91 of the Revised Code.	165996 165997 165998

(3) "Medicaid managed care organization" includes a managed care organization participating in the integrated care delivery system.

(B) Beginning on the effective date of this section and through June 30, 2027, if the Medicaid Director establishes an electronic visit verification system in rules adopted under section 5164.02 of the Revised Code, then all of the following apply:

(1) The electronic visit verification system shall not exceed the minimum requirements specified in 42 U.S.C. 1396b.

(2) The Department of Medicaid and the Department of Developmental Disabilities shall provide education and technical assistance to Medicaid providers subject to the electronic visit verification system to aid them in complying with the system.

(3) When a Medicaid provider described in division (B) (2) of this section submits a claim to the Department of Medicaid, the Department of Developmental Disabilities, a Medicaid managed care organization, or any other entity authorized to pay a Medicaid claim subject to the electronic visit verification system and the claim is not supported by information in the system, all of the following apply:

(a) The department, organization, or entity shall not deny the claim.

(b) The department, organization, or entity shall notify the Medicaid provider that the claim is not supported by information in the system.

(c) The department, organization, or entity shall offer the Medicaid provider the opportunity to review and correct both the claim and data in the system.

(4) The Department of Medicaid, the Department of Developmental Disabilities, a Medicaid managed care organization, or any other entity authorized to conduct a post-payment audit or review may consider information in the electronic visit verification system as part of its audit or review protocol, but shall not conduct an audit or review based solely on information in the system.

Section 751.170. AUDIT AND CORRECTIVE ACTION PLAN FOR THE AGED, BLIND, AND DISABLED MEDICAID ELIGIBILITY GROUP

(A) The Auditor of State shall conduct an audit of the Medicaid program to determine whether any individuals enrolled in the Medicaid program on the basis of being a member of the aged, blind, and disabled eligibility group are ineligible to participate in the Medicaid program. The audit shall specifically examine whether individuals who are members of the aged, blind, and disabled eligibility group have countable assets that exceed the limits specified in 20 C.F.R. 416.1205.

(B) Upon the conclusion of the audit conducted under this section, the Department of Medicaid shall initiate a corrective action plan, designed to reduce spending in the Medicaid program for individuals in the aged, blind, and disabled eligibility group, that does all of the following:

(1) Addresses individuals who are determined by the audit to be ineligible for continued participation in the Medicaid program;

(2) Establishes and implements an electronic asset verification system for all applicants and enrollees in the aged, blind, and disabled eligibility group;

(3) Undertakes other initiatives designed to reduce

spending in the Medicaid program for individuals in the aged, 166057
blind, and disabled eligibility group. 166058

(C) The Department of Medicaid shall submit a copy of the 166059
corrective action plan to the Legislative Service Commission and 166060
the chairpersons of the standing committees in both the House of 166061
Representatives and the Senate that primarily consider 166062
legislation governing the Medicaid program. 166063

Section 755.20. (A) As used in this section: 166064

(1) "First responder" means a law enforcement agency, fire 166065
department, or emergency medical services organization. 166066

(2) "Unmanned aerial vehicle system" has the same meaning 166067
as in section 4561.50 of the Revised Code. 166068

(B) The Director of Transportation shall establish a 166069
Drones for First Responders pilot program to be administered by 166070
the Department of Transportation. 166071

(C) The program shall be designed to focus on the 166072
following goals: 166073

(1) Acquiring unmanned aerial vehicle system assets for 166074
first responders within municipal corporations; 166075

(2) Providing training on the operation of unmanned aerial 166076
vehicle systems to the operators of those systems; 166077

(3) Obtaining approval from the Federal Aviation 166078
Administration for beyond visual line of sight operations for 166079
purposes of the pilot program and the operation of unmanned 166080
aerial vehicle systems within the program; 166081

(4) Integrating existing Ohio unmanned aerial vehicle 166082
system infrastructure for purposes of conducting beyond visual 166083

line of sight operations within the program; 166084

(5) Collecting metrics for cost-benefit analyses related 166085
to advanced unmanned aerial vehicle system operations; 166086

(6) Developing a comprehensive approach for community 166087
acceptance and integration of unmanned aerial vehicle system 166088
operations; 166089

(7) Standardizing an approval process with the Federal 166090
Aviation Administration for unmanned aerial vehicle system 166091
operators across the state. 166092

(D) (1) The Director shall establish a process to award 166093
money available under the program to the legislative authority 166094
of municipal corporations that are willing to participate in the 166095
program and meet any guidelines established by the Director for 166096
meeting the program's goals. The money awarded shall be 166097
allocated towards the purchase of unmanned aerial vehicle 166098
systems for first responders within the municipal corporations, 166099
for training support, for assisting in navigating federal 166100
processes and approvals, and for supporting the integration of 166101
statewide operations. 166102

(2) Any unmanned aerial vehicle system purchased through 166103
the program shall comply with the federal laws and regulations 166104
for such systems, including those in the national security 166105
interests of the United States. As such, no system, including 166106
any components, services, or maintenance of that system, shall 166107
originate from a country or other entity that has been deemed a 166108
national security risk by the United States Secretary of State 166109
in accordance with 22 U.S.C. 2780 and 50 U.S.C. 4813. 166110
Additionally, any system shall comply with the "Support Anti- 166111
terrorism by Fostering Effective Technologies Act of 2002," 6 166112

U.S.C. 441, et seq., and any applicable conditions of national 166113
defense spending. 166114

(E) The Director shall establish any procedures and 166115
requirements necessary to administer this section, including 166116
award processes, and any conditions for the expenditure of 166117
funding awarded under the program. 166118

(F) (1) Not later than two years after the effective date 166119
of this section, the Director shall submit a report regarding 166120
the program to the Governor, the Speaker of the House of 166121
Representatives, the President of the Senate, the Minority 166122
Leaders of the House of Representatives and Senate, and the 166123
chairs of any committee of the House of Representatives and 166124
Senate related to transportation issues. 166125

(2) The report shall detail how funds were expended 166126
through the program, the success of the program in meeting its 166127
goals, the cost-benefit analysis created through the program, 166128
and any recommendations for additional integration of unmanned 166129
aerial vehicle system operations by first responders. 166130

Section 757.10. The amendment by this act of section 166131
5747.05 of the Revised Code is intended to clarify the meaning 166132
of that section as it existed before the effective date of this 166133
section and is not intended to change the meaning in any way. 166134

Section 757.20. The amendment by this act of section 166135
5747.40 of the Revised Code is intended to clarify the meaning 166136
of that section as it existed prior to the effective date of 166137
this section. It is not intended to change the meaning of 166138
section 5747.40 of the Revised Code in any way. 166139

Section 757.30. The Tax Commissioner may issue assessments 166140
pursuant to the amendment by this act of section 5736.09 of the 166141

Revised Code on or after the effective date of that amendment, 166142
subject to the four-year time limitation prescribed in division 166143
(F) of that section. 166144

Section 757.40. BUSINESS INCENTIVE TAX CREDITS 166145

In order to facilitate an understanding of business 166146
incentive tax credits, as defined in section 107.036 of the 166147
Revised Code, the following table provides an estimate of the 166148
amount of credits that may be authorized in each fiscal year of 166149
the 2026-2027 biennium, an estimate of the credits expected to 166150
be claimed in each fiscal year of that biennium, and an estimate 166151
of the amount of credits authorized that will remain outstanding 166152
at the end of that biennium. In totality, this table provides an 166153
estimate of the state revenue forgone due to business incentive 166154
tax credits in the 2026-2027 biennium and future bienniums. 166155
166156

	1	2	3	4	5	6
A	Biennial Business Incentive Tax Credit Estimates					
	(All Figures in Thousands of Dollars)					
B		Estimate of total value of tax credits authorized		Estimate of tax credits issued/claimed		Expected Out- standing Credits
C	Tax Credit	FY 2026	FY 2027	FY 2026	FY 2027	End of Biennium
D	Job Creation	\$170,000	\$175,000	\$139,200	\$145,000	\$705,000
E	Job Retention	\$0	\$0	\$15,300	\$10,710	\$23,000

F	Historic Preservation	\$60,000	\$60,000	\$122,300	\$86,100	\$372,000
G	Film	\$50,000	\$50,000	\$40,000	\$35,000	\$100,000
H	Film and Theatre	\$25,000	\$25,000	\$15,000	\$25,000	\$70,000
I	New Markets	\$10,000	\$10,000	\$7,500	\$7,500	\$46,000
J	R&D Loan	\$0	\$0	\$0	\$0	\$5,000
K	InvestOhio Program	\$5,000	\$5,000	\$3,750	\$3,750	\$7,500
L	Ohio Rural Business Growth	\$0	\$0	\$18,750	\$18,750	\$7,500
M	Ohio Opportunity Zone	\$25,000	\$25,000	\$25,000	\$25,000	\$0
N	Transformational Mixed-Use Development	\$0	\$0	\$136,200	\$110,600	\$237,500

Section 757.60. The amendment by this act of division (I) 166157
of section 5747.08 of the Revised Code and section 5747.39 of 166158
the Revised Code is intended to clarify the meaning of those 166159
sections as they existed before the effective date of this 166160
section and is not intended to change their meaning in any way. 166161

Section 757.70. (A) As used in this section, "qualified 166162
property" means property that satisfies the qualifications for 166163
tax exemption under section 5709.07 of the Revised Code, or any 166164
other section of the Revised Code that provides a tax exemption 166165
for property owned or used by a church, and that was acquired by 166166

a church which recorded the deed for the property between May 1, 166167
2022, and May 31, 2022. 166168

(B) Notwithstanding sections 5713.08, 5713.081, and 166169
5715.27 of the Revised Code, and without regard to any time or 166170
payment limitations under any section of the Revised Code, the 166171
owner of qualified property at any time within twelve months 166172
after the effective date of this section may file an application 166173
with the Tax Commissioner requesting that the qualified property 166174
be placed on the exempt list and that all unpaid taxes, 166175
penalties, and interest on the property be abated, including 166176
taxes, penalties, and interest that have become a lien prior to 166177
the date of acquisition of title to the property by the 166178
qualified property's owner. 166179

(C) The application shall be made on the form prescribed 166180
by the Tax Commissioner under section 5715.27 of the Revised 166181
Code and shall list the name of the county in which the property 166182
is located; the property's legal description, taxable value, and 166183
the amount, in dollars, of the unpaid taxes, penalties, and 166184
interest; the date of acquisition of title to the property; the 166185
use of the property during any time that the unpaid taxes 166186
accrued; and any other information required by the Commissioner. 166187
The county auditor shall supply the required information upon 166188
request of the applicant. 166189

(D) Upon request of the applicant, the county treasurer 166190
shall determine if all taxes, penalties, and interest that 166191
became a lien on the qualified property before it was first used 166192
by the property's owner or a prior owner for an exempt purpose 166193
have been paid in full. If so, the county treasurer shall issue 166194
a certificate to the applicant stating that all such taxes, 166195
penalties, and interest have been paid in full. The applicant 166196

shall attach the county treasurer's certificate to the 166197
application filed with the Tax Commissioner under this section. 166198

(E) Upon receipt of an application, the Tax Commissioner 166199
shall determine if the qualified property meets the 166200
qualifications set forth in this section and if so shall issue 166201
an order directing that the property be placed on the exempt 166202
list of the county in which it is located and that all unpaid 166203
taxes, penalties, and interest for each year that the property 166204
met the qualifications for exemption described in section 166205
5709.07 or another section of the Revised Code be abated. If the 166206
Commissioner finds that the property is or previously was being 166207
used for a purpose that would disqualify it for such exemption, 166208
the Tax Commissioner shall issue an order denying the 166209
application with respect to such tax years where the 166210
Commissioner finds that disqualifying use. 166211

(F) If the Tax Commissioner finds that the property is not 166212
entitled to the tax exemption and abatement of unpaid taxes, 166213
penalties, and interest for any of the years for which the 166214
applicant claims an exemption or abatement, the Commissioner 166215
shall order the county treasurer of the county in which the 166216
property is located to collect all taxes, penalties, and 166217
interest on the property for those years as required by law. 166218

Section 757.80. (A) As used in this section, "qualified 166219
property" means real property that is owned by a municipal 166220
corporation or township and satisfies the qualifications for tax 166221
exemption under the terms of section 5709.08 of the Revised 166222
Code. 166223

(B) Notwithstanding sections 5713.08, 5713.081, and 166224
5715.27 of the Revised Code, and without regard to any time or 166225
payment limitations under any section of the Revised Code, the 166226

owner of qualified property at any time within twelve months 166227
after the effective date of this section may file an application 166228
with the Tax Commissioner requesting that the qualified property 166229
be placed on the exempt list and that all unpaid taxes, 166230
penalties, and interest on the property be abated, including 166231
taxes, penalties, and interest that have become a lien prior to 166232
the date of acquisition of title to the property by the 166233
qualified property's owner. 166234

(C) The application shall be made on the form prescribed 166235
by the Tax Commissioner under section 5715.27 of the Revised 166236
Code and shall list the name of the county in which the property 166237
is located; the property's legal description, taxable value, and 166238
the amount, in dollars, of the unpaid taxes, penalties, and 166239
interest; the date of acquisition of title to the property; the 166240
use of the property during any time that the unpaid taxes 166241
accrued; and any other information required by the Commissioner. 166242
The county auditor shall supply the required information upon 166243
request of the applicant. 166244

(D) Upon request of the applicant, the county treasurer 166245
shall determine if all taxes, penalties, and interest that 166246
became a lien on the qualified property before it was first used 166247
by the property's owner or a prior owner for an exempt purpose 166248
have been paid in full. If so, the county treasurer shall issue 166249
a certificate to the applicant stating that all such taxes, 166250
penalties, and interest have been paid in full. The applicant 166251
shall attach the county treasurer's certificate to the 166252
application filed with the Tax Commissioner under this section. 166253

(E) Upon receipt of an application, the Tax Commissioner 166254
shall determine if the qualified property meets the 166255
qualifications set forth in this section and if so shall issue 166256

an order directing that the property be placed on the exempt 166257
list of the county in which it is located and that all unpaid 166258
taxes, penalties, and interest for each year that the property 166259
met the qualifications for exemption described in section 166260
5709.08 or another section of the Revised Code be abated. If the 166261
Commissioner finds that the property is or previously was being 166262
used for a purpose that would disqualify it for such exemption, 166263
the Tax Commissioner shall issue an order denying the 166264
application with respect to such tax years where the 166265
Commissioner finds that disqualifying use. 166266

(F) If the Tax Commissioner finds that the property is not 166267
entitled to the tax exemption and abatement of unpaid taxes, 166268
penalties, and interest for any of the years for which the 166269
applicant claims an exemption or abatement, the Commissioner 166270
shall order the county treasurer of the county in which the 166271
property is located to collect all taxes, penalties, and 166272
interest on the property for those years as required by law. 166273

Section 757.90. (A) (1) The amendment by this act of 166274
division (A) of section 5715.19 of the Revised Code is intended 166275
to be a remedial measure and applies to original complaints 166276
filed on or after the effective date of this section. 166277

(2) The amendment by this act of division (B) of section 166278
5715.19 of the Revised Code is intended to be a remedial measure 166279
and applies to tax year 2022 and after. 166280

(3) The amendment or enactment by this act of division (I) 166281
of section 5715.19 of the Revised Code applies to agreements 166282
entered into on or after the effective date of this section. 166283

(4) The enactment by this act of division (K) of section 166284
5715.19 of the Revised Code applies to original complaints filed 166285

on or after the effective date of this section. 166286

(B) The amendment by this act of section 5717.01 of the 166287
Revised Code is intended to be a remedial measure and applies to 166288
any appeal taken from a decision of a board of revision rendered 166289
on or after July 21, 2022, except that the amendment of that 166290
section prohibiting an appeal by a third party complainant, as 166291
defined in section 5715.19 of the Revised Code, applies to any 166292
appeal taken from a board of revision decision rendered on or 166293
after the effective date of this section. 166294

Section 757.110. Notwithstanding section 5705.316 of the 166295
Revised Code, each county budget commission or, if applicable, 166296
joint budget commission, shall convene not later than October 166297
31, 2025, to proceed as described in that section. At that 166298
meeting, the commission shall review the certification required 166299
for fiscal year 2025 under section 5705.36 of the Revised Code 166300
for each city, local, or exempted village school district in the 166301
county. If the carry-over balance in a district's general 166302
operating budget exceeds the applicable percentage of the 166303
district's general fund expenditures made in that fiscal year, 166304
the commission shall reduce the rate of, or the annual amount of 166305
money to be raised by, any or all of the current expense taxes 166306
levied by the district for tax year 2025 to the extent described 166307
in section 5705.316 of the Revised Code. A board may, by 166308
resolution certified to the commission on or before October 1, 166309
2025, designate an amount of the district's carry-over balance 166310
as reserved for current or future permanent improvements 166311
expenditures, and the commission shall not consider the 166312
designated amount as described in that section. If such funds 166313
are not expended as designated within those three years, the 166314
commission shall consider them as a part of the carry-over 166315
balance in all subsequent years. 166316

This section does not apply to a school district to which 166317
section 5705.316 of the Revised Code does not apply. 166318

Section 757.120. (A) The Tax Commissioner shall not make 166319
adjustments in 2025 or 2026 to the income amounts in divisions 166320
(A) (2) and (3) of section 5747.02 of the Revised Code, as 166321
otherwise required by division (A) (5) of that section, or make 166322
adjustments in 2025 or 2026 to the personal exemption amounts 166323
prescribed in division (A) of section 5747.025 of the Revised 166324
Code, as otherwise required by divisions (B) and (C) of that 166325
section. 166326

(B) Notwithstanding any rule adopted pursuant to section 166327
5747.06 of the Revised Code, the Tax Commissioner shall adjust 166328
the income tax withholding rate tables published pursuant to 166329
those rules to reflect all amendments to the income tax rates 166330
prescribed in section 5747.02 of the Revised Code, as amended by 166331
this act, such that not more than one hundred million dollars in 166332
General Revenue Fund revenue is forgone in fiscal year 2026 and 166333
not more than two hundred fifteen million dollars in General 166334
Revenue Fund revenue is forgone in fiscal year 2027 as the 166335
result of such adjustments. 166336

Section 757.140. The owner of a tax credit certificate 166337
issued under section 122.852 of the Revised Code, as it existed 166338
prior to that section's repeal by this act, may claim the credit 166339
in the manner prescribed in that section and sections 5726.59, 166340
5747.67, and 5751.55 of the Revised Code, as those sections 166341
existed prior to their repeal by this act. 166342

Section 757.150. (A) For the first year in which the 166343
property tax relief screening system established under section 166344
5703.83 of the Revised Code is operational, notwithstanding 166345
division (C) (3) of section 323.153 or division (B) (2) of section 166346

4503.066 of the Revised Code, no charges, penalties, or interest 166347
shall be imposed against a parcel of real property or a 166348
manufactured or mobile home based on a determination under the 166349
property tax relief screening system that the parcel or home 166350
received one or more reductions for which the parcel or home was 166351
not eligible, except if the county auditor determines that the 166352
parcel or home's reduction was procured through fraud, a false 166353
statement, or a knowing omission as described in divisions (D), 166354
(E), or (F) of section 323.153 or divisions (C), (D), or (E) of 166355
section 4503.066 of the Revised Code. The county auditor and 166356
county treasurer shall disqualify such ineligible parcels and 166357
homes from receiving the reduction or reductions beginning with 166358
the tax year in which the county auditor makes a final 166359
determination that the parcel or home is not eligible for such 166360
reduction or reductions. 166361

(B) A county treasurer shall ensure that any tax bill 166362
issued under section 323.13 or 4503.06 of the Revised Code in 166363
that year for a parcel receiving the reduction in taxes 166364
authorized under division (A) or (B) of section 323.152 or 166365
section 4503.065 of the Revised Code, as applicable to the 166366
parcel, clearly informs the owner of the eligibility 166367
requirements for that applicable reduction and notifies the 166368
owner of the one-year amnesty for self-reporting improper 166369
receipt of the reduction provided under division (A) of this 166370
section. 166371

Section 757.160. Notwithstanding division (B) (3) of 166372
section 323.152 of the Revised Code, as enacted by this act, if 166373
a board of county commissioners adopts a resolution under that 166374
section on or before October 31, 2025, the partial exemption 166375
shall first apply, in the case of real property taxes, to tax 166376
year 2025 or, in the case of manufactured home taxes, to tax 166377

year 2026. 166378

Section 757.170. Notwithstanding section 319.304 of the 166379
Revised Code, as enacted by this act, if a board of county 166380
commissioners adopts a resolution under that section on or 166381
before October 31, 2025, the reduction shall first apply, in the 166382
case of real property taxes, to tax year 2025 or, in the case of 166383
manufactured home taxes, to tax year 2026. 166384

Section 759.10. The Director of Veterans Services shall 166385
investigate potential sites for the construction of a state 166386
veterans home in or near the Columbus metropolitan area and 166387
issue a report on the Director's findings to the General 166388
Assembly in accordance with section 101.68 of the Revised Code 166389
and to the Governor no later than September 30, 2026. 166390

The report shall include an evaluation of all relevant 166391
grant approval criteria for priority-one grant funding under the 166392
State Veterans Home Construction Grant Program operated by the 166393
United States Department of Veterans Affairs and authorized 166394
under 38 U.S.C. 8131 to 8137 and regulated under 38 C.F.R. part 166395
59. The report also shall include an estimate of the state's 166396
share of facility construction and land acquisition costs under 166397
the grant program for each site. 166398

Section 801.10. Section 4141.29 of the Revised Code, as 166399
amended by this act, applies to valid applications for 166400
determination of benefit rights filed on or after the effective 166401
date of this section. 166402

Section 801.20. (A) The amendment by this act of division 166403
(A) (18) of section 5747.01 of the Revised Code is intended to 166404
clarify the meaning of that division as it existed before the 166405
effective date of this section and is not intended to change its 166406

meaning in any way. 166407

(B) The amendment by this act of division (S) (14) of 166408
section 5747.01 of the Revised Code applies to taxable years 166409
beginning on and after January 1, 2025. 166410

(C) The amendment by this act of divisions (A) (21) and 166411
(31) of section 5747.01 of the Revised Code applies to taxable 166412
years ending on or after the effective date of this section. 166413

(D) The enactment by this act of division (A) (44) of 166414
section 5747.01 of the Revised Code applies contributions 166415
described in that division made on and after the effective date 166416
of this section. 166417

Section 801.40. The amendment by this act of section 166418
5747.09 and division (C) of section 5747.43 of the Revised Code 166419
applies to taxable years beginning on or after January 1, 2025. 166420

Section 801.60. The repeal and reenactment by this act of 166421
section 3780.22 of the Revised Code applies on and after July 1, 166422
2025. 166423

Section 801.70. The amendment by this act of sections 166424
5748.02, 5748.021, 5748.04, 5748.08, and 5748.09 of the Revised 166425
Code involving notice to the tax commissioner applies to 166426
resolutions adopted under sections 5748.02, 5748.021, 5748.08, 166427
and 5748.09 and petitions filed under section 5748.04 of the 166428
Revised Code on or after the effective date of those amendments. 166429

Section 801.90. The amendment by this act of division (B) 166430
of section 5747.43 of the Revised Code applies to taxable years 166431
beginning on or after January 1, 2026. 166432

Section 801.100. The amendment by this act of sections 166433
5747.021, 5748.01, 5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 166434

5748.081, and 5748.09 of the Revised Code involving eliminating 166435
school district income taxes on estates applies to any school 166436
district income tax, as defined in section 5748.01 of the 166437
Revised Code, in effect, levied, or renewed on or after January 166438
1, 2026. The amendments do not invalidate or modify any portions 166439
of a properly enacted tax in effect on that date, other than 166440
those applicable to estates. For any school district income tax 166441
in effect on that date, the school district is not required to 166442
adopt a new resolution or obtain voter approval for the tax in 166443
order to effectuate those amendments. 166444

Section 801.110. The amendment by this act of section 166445
3734.904 of the Revised Code takes effect on January 1, 2026. 166446

Section 801.120. The amendment by this act of every 166447
portion except the changes to the withholding rate under 166448
sections 5747.062, 5747.063, and 5747.064 and sections 718.031, 166449
3123.89, 3123.90, 3770.071, 3770.072, 3770.073, 3770.10, 166450
3770.25, and 3775.16 of the Revised Code and the enactment by 166451
this act of sections 3770.074 and 3770.075 of the Revised Code 166452
apply to amounts deducted and withheld on or after January 1, 166453
2026. 166454

Section 801.130. The amendment by this act of section 166455
5747.071 of the Revised Code applies to withholding requests 166456
made under that section on or after January 1, 2027. 166457

Section 801.150. The enactment by this act of section 166458
5747.073 of the Revised Code applies to income tax withholding 166459
returns, reports, or payments filed or remitted on or after 166460
January 1, 2026. 166461

Section 801.160. The amendment by this act of section 166462
5739.07 of the Revised Code applies to refunds made pursuant to 166463

applications that are filed on or after the effective date of 166464
this section. 166465

Section 801.170. The amendment by this act of section 166466
5739.132 of the Revised Code applies to refunds allowed on and 166467
after the effective date of that amendment. 166468

Section 801.180. The amendment by this act of section 166469
5747.38 of the Revised Code applies to taxable years ending on 166470
or after January 1, 2025. 166471

Section 801.190. The amendment by this act of section 166472
718.01 of the Revised Code applies to taxable years ending on or 166473
after the effective date of this section. 166474

Section 801.210. The amendment by this act of division (A) 166475
(1) of section 5749.02 of the Revised Code applies to calendar 166476
quarters ending on or after the effective date of this section. 166477

Section 801.220. The amendment by this act of section 166478
3735.67 of the Revised Code applies to all agreements entered 166479
into under section 3735.671 of the Revised Code on or after 166480
January 1, 2025. The amendment by this act of section 3735.671 166481
of the Revised Code applies to agreements entered into under 166482
that section before, on, or after the effective date of this 166483
section. 166484

Section 801.240. The amendment by this act of division (B) 166485
(1) of section 5739.12 of the Revised Code applies to returns 166486
required to be filed on and after January 1, 2026. 166487

Section 801.260. The amendment by this act of section 166488
5739.02 of the Revised Code, except division (B) (13) of that 166489
section, applies on and after January 1, 2026. 166490

Section 801.270. The amendment by this act of division (B) 166491

(8) of section 5739.01 of the Revised Code applies on and after 166492
January 1, 2026. 166493

Section 801.280. The amendment by this act of division (E) 166494
(1) of section 319.301 of the Revised Code applies to tax years 166495
beginning on or after the effective date of this section. 166496

Section 801.310. (A) Except as otherwise provided in 166497
Sections 801.70 and 801.100 of this act, the amendment by this 166498
act of sections 133.18, 306.32, 306.322, 345.01, 345.03, 345.04, 166499
505.37, 505.48, 505.481, 511.28, 511.34, 513.18, 755.181, 166500
1545.041, 1545.21, 1711.30, 3311.50, 3318.01, 3318.06, 3318.061, 166501
3318.062, 3318.063, 3318.361, 3318.45, 3381.03, 4582.024, 166502
4582.26, 5705.01, 5705.03, 5705.17, 5705.21, 5705.212, 5705.213, 166503
5705.215, 5705.217, 5705.218, 5705.219, 5705.2111, 5705.2114, 166504
5705.233, 5705.25, 5705.251, 5705.261, 5705.55, 5748.01, 166505
5748.02, 5748.03, 5748.08, and 5748.09 of the Revised Code 166506
applies to elections held on or after January 1, 2026, except as 166507
otherwise provided in those amendments. 166508

(B) As used in this division, "former section 5705.192 of 166509
the Revised Code" means section 5705.192 of the Revised Code as 166510
it existed before the effective date of its repeal by this act. 166511

If a taxing authority, as defined in former section 166512
5705.192 of the Revised Code, acts under that section prior to 166513
its repeal by this act to replace an existing levy and submit 166514
the question to electors at an election held before January 1, 166515
2026, then a board of elections shall proceed to submit that 166516
question in accordance with that former section, notwithstanding 166517
the effective date of its repeal by this act. No replacement of 166518
a tax proposed under former section 5705.192 of the Revised Code 166519
shall be submitted to electors at an election held on or after 166520
January 1, 2026. 166521

Section 801.320. The amendment or enactment by this act of 166522
sections 307.696, 307.697, 4301.421, 5743.024, 5743.323, 166523
5743.511, 5743.621, and 5743.631 of the Revised Code applies to 166524
any proceedings commenced after the effective date of this 166525
section, and, so far as their provisions support the actions 166526
taken, also apply to proceedings that on that effective date are 166527
pending, in progress, or completed, notwithstanding the 166528
applicable law previously in effect or any provision to the 166529
contrary in a prior resolution, ordinance, order, advertisement, 166530
notice, or other proceeding. Any proceedings pending or in 166531
progress on that effective date of that amendment or enactment 166532
shall be deemed to have been taken in conformity with the 166533
amendment or enactment. 166534

Section 801.330. The amendment by this act of division (A) 166535
(43) of section 5747.01 of the Revised Code is remedial in 166536
nature and applies to taxable years beginning on or after 166537
January 1, 2024, including any petition for reassessment or 166538
appeal thereof pending on or after the effective date of this 166539
section. A taxpayer who previously added amounts under division 166540
(A) (43) of section 5747.01 of the Revised Code, as that division 166541
existed before the effective date of this section, may file an 166542
amended return to revise the addition consistent with the 166543
amendment by this act. Such amended returns must be filed within 166544
one year after the effective date of this section. 166545

Section 801.340. The amendment by this act of sections 166546
718.05 and 718.85 of the Revised Code applies to returns 166547
required to be filed on or after January 1, 2026. 166548

Section 801.350. The amendment by this act of division (L) 166549
of section 5739.01 of the Revised Code applies beginning the 166550
first day of the first month after the effective date of this 166551

section. 166552

Section 801.360. The amendment by this act of section 166553
3307.27 of the Revised Code applies to an employment contract 166554
with a superintendent or principal under section 3319.08 of the 166555
Revised Code entered into on and after the effective date of 166556
this section. The amendment by this act of section 3309.47 of 166557
the Revised Code applies to an employment contract with a 166558
treasurer under section 3313.22 of the Revised Code entered into 166559
on and after the effective date of this section. 166560

Section 805.10. SEVERABILITY 166561

The items of law contained in this act, and their 166562
applications, are severable. If any item of law contained in 166563
this act, or if any application of any item of law contained in 166564
this act, is held invalid, the invalidity does not affect other 166565
items of law contained in this act and their applications that 166566
can be given effect without the invalid item of law or 166567
application. 166568

Section 810.10. NO EFFECT AFTER END OF BIENNIUM 166569

An item of law, other than an amending, enacting, or 166570
repealing clause, that composes the whole or part of an 166571
uncodified section contained in this act has no effect after 166572
June 30, 2027, unless its context clearly indicates otherwise. 166573

Section 820.10. Sections of this act prefixed with numbers 166574
in the 200s, 300s, 400s, and 500s of this act are exempt from 166575
the referendum under Ohio Constitution, Article II, Section 1d, 166576
and therefore take immediate effect when this act becomes law. 166577

Section 820.20. The amendment, enactment, or repeal by 166578
this act of the sections listed below is exempt from the 166579
referendum under Ohio Constitution, Article II, section 1d and 166580

section 1.471 of the Revised Code and therefore takes effect 166581
immediately when this act becomes law or, if a later effective 166582
date is specified below, on that date. 166583

Sections 131.51, 3302.03, 3319.51, 3780.02, 3780.03, 166584
3780.10, 3780.18, 3780.19, 3780.22, 3780.23, 3780.26, 3780.30, 166585
4743.05, 4927.01, 4927.22, 5119.211, 5124.15, 5709.93, and 166586
5751.02 of the Revised Code. 166587

Section 820.30. SUBJECT TO REFERENDUM 166588

Except as otherwise provided in this act, the amendment, 166589
enactment, or repeal by this act of a section is subject to the 166590
referendum under Ohio Constitution, Article II, section 1c and 166591
therefore takes effect on the ninety-first day after this act is 166592
filed with the Secretary of State or, if a later effective date 166593
is specified below, on that date. 166594

Section 820.70. Section 1547.54 of the Revised Code, as 166595
amended by this act, takes effect January 1, 2027. 166596

Section 820.80. Sections 127.13, 4505.09, and 4519.59 of 166597
the Revised Code as amended by this act take effect on January 166598
1, 2026. 166599

Section 820.90. Section 2303.201 of the Revised Code as 166600
amended by this act takes effect six months after the effective 166601
date of this section. 166602

Section 820.100. Sections 3305.05 and 3305.053 of the 166603
Revised Code, as amended by this act, take effect one year after 166604
the effective date of this section. 166605

Section 820.110. Sections 107.032 to 107.034 of the 166606
Revised Code, as amended or enacted by Section 101.01 of this 166607
act, take effect July 1, 2026. 166608

Section 820.120. The enactment by this act of sections 166609
3313.902, 3314.38, and 3345.86 of the Revised Code takes effect 166610
July 1, 2026. 166611

Section 820.130. Section 117.56 of the Revised Code as 166612
presented in this act takes effect on the later of October 1, 166613
2025, or the effective date of this section. October 1, 2025, is 166614
the effective date of the enactment of that section by H.B. 54 166615
of the 136th General Assembly. 166616

Section 830.10. The General Assembly, applying the 166617
principle stated in division (B) of section 1.52 of the Revised 166618
Code that amendments are to be harmonized if reasonably capable 166619
of simultaneous operation, finds that the following sections, 166620
presented in this act as composites of the sections as amended 166621
by the acts indicated, are the resulting versions of the 166622
sections in effect prior to the effective date of the sections 166623
as presented in this act: 166624

Section 123.28 of the Revised Code as amended by both H.B. 166625
64 and H.B. 141 of the 131st General Assembly. 166626

Section 124.385 of the Revised Code as amended by both 166627
H.B. 1 and H.B. 16 of the 128th General Assembly. 166628

Section 149.43 of the Revised Code as amended by H.B. 265, 166629
H.B. 315, S.B. 29, and S.B. 109, all of the 135th General 166630
Assembly. 166631

Section 173.38 of the Revised Code as amended by both H.B. 166632
110 and S.B. 217 of the 134th General Assembly. 166633

Section 173.381 of the Revised Code as amended by both 166634
H.B. 110 and S.B. 217 of the 134th General Assembly. 166635

Section 323.152 of the Revised Code as amended by both 166636

H.B. 33 and S.B. 43 of the 135th General Assembly.	166637
Section 505.37 of the Revised Code as amended by both H.B.	166638
315 and H.B. 496 of the 135th General Assembly.	166639
Section 2925.14 of the Revised Code as amended by both	166640
H.B. 29 and S.B. 95 of the 135th General Assembly.	166641
Section 2929.12 of the Revised Code as amended by both	166642
H.B. 234 and H.B. 531 of the 135th General Assembly.	166643
Section 2929.15 of the Revised Code as amended by H.B.	166644
110, H.B. 281, and S.B. 288, all of the 134th General Assembly.	166645
Section 2967.18 of the Revised Code as amended by both	166646
H.B. 180 and H.B. 445 of the 121st General Assembly.	166647
Section 3302.03 of the Revised Code as amended by both	166648
S.B. 104 and S.B. 168 of the 135th General Assembly.	166649
Section 3314.03 of the Revised Code as amended by H.B. 8,	166650
H.B. 214, H.B. 250, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	166651
all of the 135th General Assembly.	166652
Section 3326.11 of the Revised Code as amended by H.B. 8,	166653
H.B. 47, H.B. 214, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	166654
all of the 135th General Assembly.	166655
Section 3328.24 of the Revised Code as amended by both	166656
S.B. 208 and S.B. 234 of the 135th General Assembly.	166657
Section 3517.11 of the Revised Code as amended by both	166658
H.B. 166 and S.B. 107 of the 133rd General Assembly.	166659
Section 3701.79 of the Revised Code as amended by both	166660
H.B. 281 and S.B. 157 of the 134th General Assembly.	166661
Section 4141.29 of the Revised Code as amended by both	166662
H.B. 49 and H.B. 158 of the 132nd General Assembly.	166663

Section 4501.21 of the Revised Code as amended by both	166664
H.B. 315 and S.B. 163 of the 135th General Assembly.	166665
Section 4517.01 of the Revised Code as amended by both	166666
H.B. 33 and H.B. 195 of the 135th General Assembly.	166667
Section 4725.48 of the Revised Code as amended by both	166668
H.B. 509 and S.B. 131 of the 134th General Assembly.	166669
Section 4731.22 of the Revised Code as amended by both	166670
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